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Pakistan: Government must provide information on disappearance cases to the courts

The Pakistani government should comply with recent judicial orders to resolve the country's crisis of enforced disappearances, Amnesty International said today.

During a hearing on 28 January, the Supreme Court gave Attorney General Shah Khawar two weeks to trace Masood Janjua, a businessman from Rawalpindi, who disappeared with Faisal Faraz during a bus journey to Peshawar on 30 July 2005, and Atiq-ur Rehman, who was apprehended in Abbotabad, North West Frontier Province (NWFP) on his wedding day on 25 June 2004.

The Supreme Court, responding to a petition by the independent Human Rights Commission of Pakistan, also ordered the government to provide information on Pakistani citizens handed over into US custody during the the tenure of President Musharraf.

In a separate development on 2 February the Peshawar High Court gave the Interior Ministry two weeks to provide information on cases of enforced disappearances pending before the court. The Deputy Attorney General Iqbal Mohammad said that he would provide the court with a list of missing persons held in the custody of the intelligence agencies and security forces.

Amnesty International urges the Pakistani government to meet the deadlines established by the Supreme Court and Peshawar High Court and to provide details of where hundreds of missing people, the victims of enforced disappearances, are being held, investigate all cases and hold to account those responsible – including the country's security and intelligence agencies.

Despite several pledges to resolve the country's crisis of 'disappearances', Pakistan's civilian government has not revealed the findings of its investigations into cases of the hundreds of people believed to be held secretly by the government as part of the so-called "war on terror", or in response to internal opposition, for instance in Baluchistan. It has also failed to fulfil its promise made in May 2008 that it would accede to the International Convention for the Protection of All Persons from Enforced Disappearance.

Enforced disappearances are characterized by an official shroud of secrecy so it is difficult to determine how many people the Pakistani government has subjected to enforced disappearance over the years. According to the Defence of Human Rights, a Pakistani organization that campaigns on behalf of the relatives of the disappeared, out of 416 enforced disappearances cases filed in the Supreme Court since 2005, 195 cases remain pending since 3 November 2007. The government claims that as of 2008 an estimated 1,600 people have disappeared, while other groups claim that tens of thousands of Pakistanis have disappeared.

During the Supreme Court hearing the Attorney General submitted a report on behalf of the Defence Secretary and Interior Secretary, claiming that Masood Janjua was not being held by the Military Intelligence (MI) or Inter-Service Intelligence (ISI). The court criticized the response as vague and noted that evidence garnered by Amina Janjua about her husband's disappearance had not been taken into consideration. The court also warned that it would summon the Defence Secretary and Interior Secretary if a factual report was not submitted.

Amnesty International urges the Pakistani government to immediately resolve all acts of enforced disappearance; to ensure the immediate release of all persons held in secret detention unless they are transferred to official places of detention, charged with a recognizably criminal offence and remanded by an independent court; and to bring to justice officials found responsible. Victims, including families of those disappeared, should be granted reparations in accordance with international standards.

Background:

Amnesty International has on several occasions called the government to account on enforced disappearances. In 2008, the organization used official court records and affidavits of victims and witnesses of enforced disappearances to show how government officials, especially from the country's security and intelligences agencies, were resorting to a variety of tactics to conceal enforced disappearance. These include: denying detention takes place and denying all knowledge of the fate and whereabouts of disappeared persons; refusing to obey judicial orders; concealing the identity of the detaining authorities, for example by transferring the disappeared to other secret locations, threatening harm or re-disappearance and levelling spurious criminal charges to conceal enforced disappearances. For further information on enforced disappearances in Pakistan, see:

Denying the Undeniable: Enforced Disappearances in Pakistan (Report, July 2008)
<http://www.amnesty.org/en/library/info/ASA33/018/2008/en>.

Pakistan: Amnesty International welcomes Supreme Court move to hear disappearances cases (Public Statement, 20 November 2009)
<http://www.amnesty.org/en/library/info/ASA33/011/2009/en>

Pakistan: Resolve hundreds of Baluch 'disappearances' (Public Statement, 25 February 2009)
<http://www.amnesty.org/en/library/info/ASA33/001/2009/en>

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