

AMNESTY INTERNATIONAL WEB FEATURE

Date: 13 November 2007
AI Index: ASA 33/035/2007

Hopes dashed for Pakistan's disappeared

"The desolate families of the missing persons ... were counting each day for the return of their loved ones. Once again their high hopes are shattered."

– **Amina Janjua, wife of Masood Janjua, who was disappeared in 2005**

On Tuesday 13 November 2007, Pakistan's Supreme Court was due to hear the cases of 485 individuals – all victims of enforced disappearance over the past six years. Some had been labelled terrorists or threats to national security.

Following the proclamation of the state of emergency in Pakistan on 3 November, the hearing is no longer taking place. The Supreme Court is in disarray after the dismissal of the former Chief Justice and other senior judges – meaning justice remains denied to the 485 disappeared. The hopes of these people, as well as their families and human rights organizations who have been campaigning for justice for years, have been shattered.

The Supreme Court had been taking a tough stance on alleged disappearances, calling on the government and state security services to bring detainees to court. It warned that those responsible for human rights violations will be held to account.

Pakistan's involvement in the US-led "war on terror" has been characterized by widespread violations of human rights. Mass arrests of terror suspects – often for bounties of thousands of dollars – has led to detainees being taken away to the US detention facility at Guantánamo Bay in Cuba, transferred to secret CIA detention centres, unlawfully transferred to other countries or held in arbitrary or secret detention in Pakistan itself. Many – if not most – of these individuals have been tortured or otherwise ill-treated.

Enforced disappearance rarely occurred in Pakistan before to 2001. Since then, while primarily used against alleged terror suspects, the practice has also been used against other perceived political opponents, including Baloch and Sindh nationalists and journalists.

General Pervez Musharraf blamed militant violence in the country when he imposed emergency rule. He also accused members of the judiciary of "working at cross purposes with the executive and legislature in the fight against terrorism and extremism".

The dismissed Chief Justice Iftikhar Choudhry was instrumental in ensuring that previous cases of disappeared persons were heard in the Supreme Court. Under the state of emergency, many Supreme and Provincial High Court Justices who were involved in those hearings, remain under house arrest.

Worryingly, the impunity with which the Pakistani authorities have operated for the last six years threatens to become entrenched with the amendment on 11 November of the 1952 Army Act. The amended Act now also gives military courts the power to try civilians that are suspected of a range of alleged offences including terrorist activities, treason or sedition, for cases dating back to 2003.

The rule of law and human rights cannot be ignored under the pretext of the "war on terror" or the state of emergency. The fate of the disappeared individuals and the torment of their families must be addressed.

All those accused of terrorist or other offences must be given a fair trial and released from secret detention where they are at risk of torture or other ill-treatment.