

## HUMAN RIGHTS WATCH

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HUMAN  
RIGHTS  
WATCH

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Baroness Catherine Ashton  
High Representative of the Union for  
Foreign Affairs and Security Policy  
Vice-President of the European Commission  
European Union

*Via facsimile: +32 2 299 60 87*

Dear High Representative Ashton,

We are writing in regard to your visit to Pakistan this week. In a public statement on June 4, you emphasized that your visit to Pakistan is “an expression of the EU’s support for the consolidation of democracy in the country.” The EU-Pakistan five-year Engagement Plan requires the EU and Pakistan to “use their institutional contacts to strengthen cooperation and exchange expertise on the functioning of civilian democratic bodies and safeguarding fundamental human rights and opposing extremist intolerance.”

In light of the engagement plans and the stated aims of your visit, Human Rights Watch urges you in your exchanges with the Pakistani government to raise the following human rights concerns.

### Extrajudicial Killings and Enforced Disappearances

Across Balochistan province since January 2011, at least 300 people have been abducted, killed, and their bodies left on roadsides, in acts commonly referred to in Pakistan as “kill and dump” operations. Balochistan has also seen an increase in targeted killings of opposition leaders and activists. While Baloch nationalist leaders and activists have long been targeted by the Pakistani security forces, since the beginning of 2011 human rights activists and academics critical of the military have also been killed. The surge in unlawful killings of suspected militants and opposition figures in Balochistan has taken human rights violations in the province to an unprecedented level.

Research by Human Rights Watch suggests that Pakistani security forces are responsible for most of these killings. Human Rights Watch has documented how Pakistan’s security forces, particularly its intelligence agencies, have often targeted for enforced disappearance ethnic Baloch suspected of involvement in the Baloch

nationalist movement. Abductions are carried out in broad daylight, often in busy public areas, and in the presence of multiple witnesses. Victims are taken away from shops and hotels, public buses, university campuses, homes, and places of work.

In all the cases Human Rights Watch documented, even evident members of the security forces did not identify themselves or explain the basis for arrest or where they were taking those apprehended. Often instead they beat the victims and dragged them handcuffed and blindfolded into their vehicles.

Many of the victims, especially senior political activists, have been “disappeared” more than once. They have been abducted, held in unacknowledged detention for weeks or even months, released, and then abducted again. And sometimes enforced disappearances occur after the security forces have made several unsuccessful attempts at abducting a person before finally apprehending and disappearing the victim.

The southern port city of Karachi in Sindh province has also experienced an exceptionally high level of violence during the year, with some 800 persons killed. The killings were perpetrated by armed groups patronized by all political parties with a presence in the city.

In 2008, Pakistan decided to accede to the International Convention for the Protection of All Persons from Enforced Disappearance, but has yet to ratify this important treaty. Pakistan also agreed to implement international human rights obligations within Federally Administered Tribal Areas and refrain from detention that contravenes international standards of due process. Instead, Pakistan enacted the “Action in Aid of Civil Power Ordinance, 2011,” which retrospectively provides legal cover to detentions by the military since 2008. This regulation, which deprives citizens of a fair trial and an impartial tribunal and effectively legalizes detention without trial by intelligence agencies, violates both international human rights law and Pakistan’s constitution.

**Regarding extrajudicial killings and enforced disappearances, the EU should urge the Pakistan government to:**

- Take all necessary measures to end enforced disappearances, extrajudicial killings, and arbitrary detentions, and fully investigate and prosecute as appropriate all persons, regardless of position or rank, who order or carry out such abuses.
- Make public the names and whereabouts of detainees.
- Provide immediate access by the International Committee of the Red Cross to all detainees the organization seeks to visit.

- Charge detainees with a recognizable criminal offense and promptly bring them to trial before a court that meets international fair trial standards or release them.
- Allow detainees access to lawyers and to communicate with family members.
- Communicate publicly and formally with the agencies responsible for disappearances, extrajudicial executions, and other abuses, including the army, Inter Services Intelligence (ISI), Military Intelligence (MI), Intelligence Bureau (IB), Frontier Corps, police, and other law enforcement and intelligence agencies, ordering an end to abuses and facilitate criminal inquires to hold perpetrators accountable.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.
- Invite the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Pakistan.

### **Freedom of religion**

Since 2008, religious minorities such as the Shia have faced increasingly high levels of insecurity and persecution. Pakistan's elected government, however, has failed to provide protection to those threatened by extremists, or to hold those who commit serious crimes against religious minorities accountable.

Sunni militant groups, such as Lashkar-e Jhangvi, operate with impunity even in areas where state authority is well established, such as in Punjab province and Karachi. For instance, in 2010 Islamist militant groups murdered senior figures over their public support for amending the country's often abused blasphemy laws. In September 2011, gunmen killed 26 members of the Hazara Shia community travelling by bus to Iran to visit Shia holy sites near the town of Mastung. Three others were killed as they took the injured to a hospital. Lashkar-e-Jhangvi claimed responsibility. On October 4, 2011, gunmen killed 13 and wounded 6 on a bus carrying mostly Hazara Shia who were headed to work at a vegetable market on the outskirts of Quetta in Balochistan. In 2012, the killings of Hazara Shia have continued unabated with over 30 killed in the month of April alone and over 350 Hazaras killed since 2008.

Members of the Ahmadi religious community also continue to be a major target for blasphemy prosecutions and are subjected to specific anti-Ahmadi laws across Pakistan. On May 28, 2010, Islamist militants attacked two Ahmadiyya mosques in the city of Lahore with guns, grenades, and suicide bombs, killing 94 people and wounding well over 100. Two men were captured during the attack, but the government has failed to make progress on their trial, seeking repeated adjournments from the court. Since the May 2010 attacks, there has been an intensification of a public hate campaign against Ahmadis.

## **Regarding freedom of religion, the EU should urge the Pakistan government to:**

- Investigate alleged human rights abuses by the Lashkar-e-Jhangvi and other militant groups and hold those responsible to account, particularly those that have committed multiple killings of Shia community members in Balochistan.
- Take urgent measures to protect members of the Shia community and other vulnerable groups from militant groups in Balochistan and across Pakistan.
- Repeal laws that discriminate against minorities including section 295(C) of the Penal Code (the Blasphemy Law) and section 298, which targets the Ahmadiyya community specifically.
- Hold accountable individuals and groups responsible for inciting violence against Muslim and non-Muslim minorities.
- Implement its 2008 commitment that “the statutes that could lead to discrimination against religious minorities would be reviewed.”
- Invite the UN Special Rapporteur on freedom of religion and belief to visit Pakistan.

## **Freedom of Expression**

The right to freedom of expression and information is under persistent pressure by militant groups, the judiciary, and by the Pakistan military and its intelligence agencies in the face of government inaction. Pakistan is widely considered to be one of the most dangerous countries in the world for journalists. At least six journalists were killed in Pakistan during 2012.

Even where the government has instituted accountability processes under public pressure, the results have not been encouraging. For instance, journalist Saleem Shahzad, a reporter for the Hong Kong-based Asia Times Online and the Italian news agency Adnkronos International, was tortured and killed after receiving repeated and direct threats from the military’s dreaded ISI agency. Following an international and domestic furor caused by the murder, a judicial commission was formed within days to probe allegations of ISI complicity. The commission concluded in its January 10, 2012 report to the government that the police failed to question military intelligence officials in its criminal investigation. However, the commission failed to meet the terms of its mandate by its inability to identify or hold accountable the perpetrators.

A climate of fear impedes media coverage of military and militant groups. Journalists rarely report on human rights abuses by the military in counterterrorism operations, and the Taliban and other armed groups regularly threaten media outlets over their coverage. Security forces have physically attacked media offices and are known to torture, kidnap, arbitrarily detain, beat, and coerce reporters working for local, regional, and national media.

Chief Justice Iftikhar Chaudhry and the provincial high courts effectively muzzled media criticism of the judiciary in 2011 through threats of contempt of court proceedings, as has been the case since Pakistan's independent judiciary was restored to office in 2009.

**Regarding freedom of expression, the EU should urge the Pakistan government to:**

- End the harassment, intimidation, use of coercion, violence, and other abuses against members of the media by state security forces.
- Speak out against the judiciary's use of "contempt of court" and "suo moto" proceedings to muzzle legitimate criticism and public debate on judicial conduct.
- Investigate and prosecute as appropriate government officials implicated in abuses against members of the media.
- Implement the following recommendations by the Saleem Shahzad Inquiry Commission through legislation:
  - All intelligence agencies should be made accountable through "parliamentary oversight."
  - Document through institutional mechanisms, the intelligence agencies' "interaction with the media."

**Death Penalty**

Human Rights Watch, like the EU, opposes the death penalty in all circumstances as an inherently irreversible, inhumane punishment. A majority of countries in the world have abolished the practice. In June 2008, Human Rights Watch wrote to Prime Minister Yusuf Raza Gilani urging action to abolish the death penalty and to impose a moratorium pending abolition. In a meeting with Human Rights Watch the following month, Gilani agreed to enforce a moratorium on executions and to commute to life imprisonment the sentences of thousands of prisoners in Pakistan facing capital punishment. Soon after military ruler Gen. Pervez Musharraf was ousted from office in 2008, Pakistan imposed a widely hailed de facto moratorium on judicial executions.

However, the courts continue to hand down death sentences and Pakistan has still not commuted the death sentences of thousands of prisoners on death row as promised in 2008.

**Regarding the Death Penalty, the EU should urge the Pakistan government to:**

- Immediately declare an official moratorium on judicial executions pending abolition of the death penalty.
- Commute all death sentences to life imprisonment.

Thank you for your consideration. We would be pleased to discuss these issues with you at a later date.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Lotte Leicht', written in a cursive style.

Lotte Leicht  
EU Director

A handwritten signature in black ink, appearing to read 'Ali Dayan Hasan', written in a cursive style.

Ali Dayan Hasan  
Pakistan Director