



LIVING GHOSTS

THE DEVASTATING IMPACT OF ENFORCED DISAPPEARANCES
IN PAKISTAN

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INTRODUCTION

“When someone you love gets taken away from you, it catches you by surprise on some days – and on others, it is all you can think of. I believed Papa would be home in three days. Days turned into weeks. Weeks turned into months. Like so many others who have been taken away from their families, you never lose count of the days. You hope every morning when you wake up that that is the day when you finally stop counting. I look at pictures of Papa, and only dream of him walking into the room to be with us again. Like thousands of other families in Pakistan.”

Talia Khattak, daughter of human rights defender Idris Khattak, 14 May 2020



Enforced disappearances have been plaguing the people of Pakistan since as far back as at least the mid-1980s.¹ People are wrenched away from their loved ones by state officials, or others acting on their behalf, placing them outside the protection of the law. The authorities deny the person is in their custody or refuse to say where they are. Families of the disappeared are plunged into a state of anguish, trying to keep the flame of hope alive while fearing the worst. Many have been in this limbo for years. Among the families that Amnesty International spoke with, the victims of enforced disappearance were doctors, tailors, students, a book publisher, and a law clerk.²

The disappeared are at risk of torture and even death. If they are released, the physical and psychological scars endure; if they are killed, the family may not even find out about their death and will never recover from their loss. Disappearances are a tool of terror that strikes not just individuals and families, but entire societies. This is why enforced disappearances are a crime under international law and, if committed as part of a systematic attack against a civilian population, they constitute a crime against humanity.³

 ↑ *Photo by Defence of Human Rights Pakistan. Illustrations by Ema Anis*

¹ UN, Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Pakistan, 26 February 2013, UN Doc, A/HRC/22/45/Add.2, undocs.org/A/HRC/22/45/Add.2

² Interviews by voice call with families of victims, 5 August - 14 September 2021

³ Rome Statute of the International Criminal Court, Article 7(1)(I)

Enforced disappearances violate several human rights, including the right to recognition as a person before the law; the right to liberty and security of the person; the right not to be subjected to torture and other ill-treatment; the right to life, when a disappeared person is killed; the right to identity; the right to a fair trial; the right to an effective remedy; and the right to know the truth regarding the circumstances of disappearance.⁴ They also violate Pakistan's constitutional guarantee of the right to liberty (Article 4) and that "no person shall be deprived of life or liberty save in accordance with law" (Article 9). Enforced disappearances are also a "continuous violation", with the violation continuing until the disappeared person is found.⁵

Enforced disappearances are also a violation of the rights of families. Most people reported as having disappeared in Pakistan, which could be verified by Amnesty International, are men and often the sole breadwinners of their families. Disappearances violate the family's economic and social rights, including the right to protection and assistance to the family; the right to an adequate standard of living; the right to health; and the right to education, where children are unable to continue their schooling after the disappearance of a loved one.⁶

Families are often forced to start taking part in public activism as part of their desperate campaigns to be reunited with their loved ones. They must learn the workings of a complex criminal justice system, which does not offer them much legal recourse because enforced disappearances are still not criminalized in Pakistan.

The United Nations (UN) Working Group on Enforced or Involuntary Disappearances (WGEID) also recognizes that "women and girls are victims of enforced disappearance as disappeared persons, as relatives of someone who has disappeared or as any other person suffering harm as a result of an enforced disappearances are lived and faced in different ways by women and girls due to gender roles, which are deeply embedded in history, tradition, religion and culture".⁷

METHODOLOGY

For the purposes of this campaign digest, Amnesty International remotely conducted 10 interviews between 5 August and 14 September 2021, using secure voice calls due to travel restrictions resulting from the Covid-19 pandemic. Six of the interviewees were female and four were male. All of the interviewees were from a major ethnic group in Pakistan; five of the interviewees were Pashtun, three were Baloch and two were Sindhi. Due to time constraints, and inability to conduct research on the ground, all the people Amnesty International spoke to were Muslim, therefore this digest does not encompass the experiences of religious minorities in Pakistan who have historically been marginalized and discriminated against by both state and non-state actors. Some names have been changed to protect the identity and security of the interviewees.

This digest also draws from previous materials published by Amnesty International on this issue, as well as referring to media, reports by other civil society groups and international non-governmental organizations and government websites.

⁴ See, for example: Office of the UN High Commissioner for Human Rights, "Enforced or Involuntary Disappearances", July 2009, [ohchr.org/Documents/Publications/FactSheet6Rev3.pdf](https://www.ohchr.org/Documents/Publications/FactSheet6Rev3.pdf)

⁵ International Convention for the Protection of All Persons from Enforced Disappearance, Article 8(1)(b)

⁶ International Covenant on Economic, Social and Cultural Rights, Articles 10, 11, 12 and 13

⁷ WGEID, General comment on women affected by enforced disappearances / adopted by the Working Group on Enforced or Involuntary Disappearances at its 98th session, 9 November 2021, digitallibrary.un.org/record/768006?ln=en, p. 3

THE LEGAL STATUS OF ENFORCED DISAPPEARANCES IN PAKISTAN

“The family and friends of disappeared persons experience slow mental torture, not knowing whether the victim is still alive and, if so, where he or she is being held, under what conditions, and in what state of health.”

Anetro Castillo Pezo et al v. Peru



Enforced disappearances violate fundamental rights to due process, a fair trial, the right to be free from torture, and the right to dignity, life and liberty and the privacy of the home enshrined in international human rights law and the Constitution of Pakistan, which are applicable to all people.⁸ They are, however, yet to be expressly criminalized in Pakistan.

Pakistan signed the International Covenant on Civil and Political Rights (ICCPR) on 17 April 2008 and ratified it on 23 June 2010.⁹ Pakistan is thereby bound by the ICCPR, in particular Articles 7, 9, and 17, which prohibit torture, protect the right to liberty and security and protect from arbitrary arrest or detention, and prohibit arbitrary or unlawful interference with privacy, family or home.¹⁰ Furthermore, on 17 April 2008, Pakistan signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), subsequently ratifying it on 23 June 2010.¹¹ As a result, the State must prevent and protect all people from torture or other cruel, inhuman or degrading treatment, without exception. As such, enforced disappearances and the documented torture and ill treatment of disappeared people are a direct contravention of Pakistan's obligations under international law.

 ↑ *Photo by Defence of Human Rights Pakistan. Illustrations by Ema Anis*

⁸ The Constitution of the Islamic Republic of Pakistan, 1973, na.gov.pk/uploads/documents/1333523681_951.pdf

⁹ UN Treaty Body Database, tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=131&Lang=EN (accessed on 12 October 2021)

¹⁰ International Covenant on Civil and Political Rights, Articles 7, 9 and 17

¹¹ UN Treaty Body Database, tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=131&Lang=EN (accessed on 12 October 2021)

Pakistan is yet to accede to the Convention for the Protection of All Persons from Enforced Disappearances (CPED), despite the Minister of Human Rights, Shireen Mazari, stating that the government wants to sign the convention.¹² Such progress was undermined, however, by the abduction of political activist Seengar Noonari on 26 June 2021, only weeks after the reform was presented.¹³

In 1981, the WGEID concluded that families of disappeared people are also victims because the disappearances violate their economic, social and cultural rights.¹⁴ For example, families' rights to family life, healthcare, education and standard of living may all be affected by their loved ones' disappearance.¹⁵

Articles 4, 9, and 14 of the Constitution of Pakistan protect the right to be dealt with in accordance with law, the right to life and liberty, and the dignity of man and privacy of home.¹⁶ It is, however, Articles 10 and 10A that are particularly relevant to enforced disappearances. Article 10 sets out specific safeguards relating to arrest and detention, such as the right to be informed of the reason of the arrest, and the fact that every person arrested must be brought before a magistrate within 24 hours of their arrest.¹⁷ Article 10A of the Constitution safeguards the right to a fair trial and due process. Many of the families of disappeared people who spoke to Amnesty International asked why their missing loved one had not been brought before a court if there was evidence of wrongdoing.

It has been reported that some victims of enforced disappearance have been subjected to torture during their unlawful detention,¹⁸ which is a violation of Article 14 (2) of the Constitution prohibiting torture for the purpose of extracting evidence and several sections of the Penal Code: 339 which prohibits wrongful restraint, 340 which prohibits wrongful confinement, 349 which defines force, and 350 which prohibits the use of force without the person's consent.¹⁹ It must be noted, however, that these domestic safeguards neither expressly criminalize torture, nor meet the standards set out in international human rights law, particularly the CAT.²⁰ Pakistan has taken steps to criminalize torture with the Senate passing the Prevention of Torture and Custodial Death Bill on 12 July 2021;²¹ however, at the time of writing, the National Assembly was yet to pass the bill into law.

The Penal Code of Pakistan does not criminalize enforced disappearances specifically, but arguably some elements of enforced disappearance are criminalized as ordinary offences in the Penal Code, such as kidnapping, abduction and specifically kidnapping or abducting with intent to secretly and wrongfully confine a person.²² These offences under domestic legislation fail, however, to encompass key aspects of enforced disappearance, which is a crime under international law, or to acknowledge the gravity and continuous nature of the crime. They are, therefore, insufficient to protect against the crime of enforced disappearance.

¹² Amnesty International, "Pakistan: Enduring Enforced Disappearances", 27 March 2019, www.amnesty.org/en/latest/press-release/2019/03/pakistan-enduring-enforced-disappearances/

¹³ Amnesty International, "Human Rights Defender abducted without trace" (Index: ASA 33/4451/2021), 13 July 2021, www.amnesty.org/en/documents/asa33/4451/2021/en/

¹⁴ UN Commission on Human Rights, Report of the Working Group on Enforced or Involuntary Disappearances, 31 December 1981, UN Doc: E/CN.4/1492, digitallibrary.un.org/record/29896?ln=en

¹⁵ UN Commission on Human Rights, Report of the Working Group on Enforced or Involuntary Disappearances, 31 December 1981, UN Doc: E/CN.4/1492, digitallibrary.un.org/record/29896?ln=en

¹⁶ The Constitution of the Islamic Republic of Pakistan (previously cited), Articles 4 and 14

¹⁷ The Constitution of the Islamic Republic of Pakistan (previously cited), Article 10

¹⁸ Interview by video call with Inaam Ullah Abbasi, 7 September 2021; BBC, "Pakistan blogger Aasim Saeed says he was tortured", 25 October 2017, bbc.co.uk/news/world-asia-41662595

¹⁹ Penal Code of Pakistan (XLV OF 1860), <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/64050/88951/F1412088581/PAK64050%202017.pdf>

²⁰ UN Treaty Body Database, tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=131&Lang=EN (accessed on 12 October 2021)

²¹ Amnesty International South Asia, Twitter post, 12 July 2021, twitter.com/amnestysasia/status/1414581575908397056: "PAKISTAN: The Senate has unanimously passed the Prevention of Torture and Custodial Death Bill, an overdue and encouraging step towards the longstanding campaign to #CriminalizeTorture."

²² Penal Code of Pakistan (previously cited), Sections 359, 362 and 365

PROPOSED AMENDMENT TO THE PENAL CODE

On 7 June 2021, a proposed amendment to the Penal Code was presented before parliament by the Ministry of Human Rights.²³ This amendment proposed the inclusion of the crime of enforced disappearance into the Penal Code; however, Amnesty International found that the proposed amendment, although a positive step, is deeply flawed and does not meet the standards of international human rights law.²⁴

Amnesty International has identified four key concerns with the amendment proposed by the bill. The first relates to the requirement of an “illegal or unlawful deprivation of liberty”.²⁵ The legality of the deprivation of liberty is irrelevant to the crime because a person who was once legally detained or arrested could be subject to disappearance if the deprivation of liberty satisfies the other criterion of the crime. Secondly, the punishment for the crime of enforced disappearance appears to apply only to “any person from Pakistan or within Pakistan”, which is not in accordance with international law.²⁶ If this amendment is passed, the law will not apply to Pakistani nationals who are suspected of criminal responsibility for an enforced disappearance committed abroad or to non-nationals found in any territory subject to Pakistan’s jurisdiction unlike in international law. Furthermore, the amendment sets out that the crime is a non-bailable offence. This is a violation of a persons’ right to liberty and presumption of innocence, particularly as the recourse to bail is a fundamental aspect of the latter.

Three months after receiving the draft bill, the Senate Standing Committee on Interior amended the proposed legislation to enable enforced disappearances to continue lawfully under circumstances defined by state officials.²⁷ These amendments also set out criminal charges against anyone deemed to have made “false allegations”, punishable by up to five years’ imprisonment and a penalty of PKR100,000 (approximately US\$570).²⁸ These amendments provide loopholes for authorities to continue forcibly disappearing people and would discourage families of victims from reporting cases of disappearance.²⁹ On 7 November 2021, the Minister of Human Rights, Dr Shireen Mazari tweeted that the National Assembly had passed the proposed legislation.³⁰ According to her tweet, one of the controversial sections in the proposed amendment, which sought to protect state officials, department heads or heads of institutions from being held accountable for disappearances had been removed. The legislation still remains a contravention of international human rights law and standards.

In a correspondence to the Government of Pakistan on 13 October 2021, WGEID noted with alarm that these changes would “run contrary to the spirit and objectives of a law the purpose of which is to criminalize enforced disappearances”.³¹ WGEID further noted that these amendments would

²³ Amnesty International, “Pakistan: Authorities must deliver on pledge to end cruelty of enforced disappearances”, 29 August 2021, [amnesty.org/en/latest/news/2021/08/pakistan-authorities-must-deliver-on-pledge-to-end-cruelty-of-enforced-disappearances/](https://www.amnesty.org/en/latest/news/2021/08/pakistan-authorities-must-deliver-on-pledge-to-end-cruelty-of-enforced-disappearances/)

²⁴ Amnesty International, “Pakistan: Authorities must deliver on pledge to end cruelty of enforced disappearances”, 29 August 2021, [amnesty.org/en/latest/news/2021/08/pakistan-authorities-must-deliver-on-pledge-to-end-cruelty-of-enforced-disappearances/](https://www.amnesty.org/en/latest/news/2021/08/pakistan-authorities-must-deliver-on-pledge-to-end-cruelty-of-enforced-disappearances/)

²⁵ Proposed amendment to the Penal Code of Pakistan which Amnesty International has seen

²⁶ Proposed amendment to the Penal Code of Pakistan which Amnesty International has seen

²⁷ Amnesty International, “Pakistan: Amendments to enforced disappearance bill a backward step on promised reform”, 7 October 2021, [amnesty.org/en/latest/news/2021/10/pakistan-amendments-to-enforced-disappearance-bill-a-backward-step-on-promised-reform/](https://www.amnesty.org/en/latest/news/2021/10/pakistan-amendments-to-enforced-disappearance-bill-a-backward-step-on-promised-reform/)

²⁸ Amnesty International, “Pakistan: Amendments to enforced disappearance bill a backward step on promised reform” (previously cited)

²⁹ Amnesty International, “Pakistan: Amendments to enforced disappearance bill a backward step on promised reform” (previously cited)

³⁰ Shireen Mazari, Twitter post, 8 November 2021, twitter.com/ShireenMazari1/status/1457770098609950727?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Etweet

³¹ UN, Mandate of the Working Group on Enforced or Involuntary Disappearances, 13 October 2021, UN Doc: OL PAK 11/2021

discourage relatives and others from reporting disappearances and that any attempt to shift the burden of proof to the victims or next of kin contravenes international law standards.³²

It must also be highlighted that activists, civil society groups, and families whose loved ones have been forcibly disappeared have not been consulted at any point of the deliberation on this bill, including at the drafting stage.³³

RIGHT TO A FAIR TRIAL AND DUE PROCESS

Most of the families of forcibly disappeared people who spoke to Amnesty International said that not only were they unable to use the legal system to locate their loved ones, despite the constitutional safeguards and the applications of the Penal Code as a protection against enforced disappearances, but that they had considerable difficulties even filing a First Information Report (FIR) with the police.³⁴ The FIR is an official document written by the police to register an incident or criminal offence. Eight of the 10 interviewees told Amnesty International that they had difficulties in registering an FIR with the police when their loved one was disappeared.³⁵ They described reluctance and deliberate delays from the police to register the reports, and two out of the eight interviewees had to file writ petitions with the Supreme Court of Pakistan just to get an FIR registered.³⁶ The difficulty in registering an FIR may be a violation of the right to fair trial and due process.

Some families of forcibly disappeared people also reported the police refusing to name or implicate intelligence agencies or military forces in the FIR. Sammi Baloch, whose father Deen Mohammad disappeared on 28 June 2009, described having to compromise when the police eventually agreed to file an FIR.³⁷ The police only agreed to file the FIR against “unidentified people”, despite eyewitnesses seeing men in Frontier Corps³⁸ uniforms assaulting and then abducting Deen Mohammad.³⁹ Shabana Majeed, whose brother Zakir Majeed was forcibly disappeared on 8 June 2009, told Amnesty International that, in spite of eyewitness accounts of her brother being assaulted and abducted by a group of men, including men in Frontier Corps uniforms, the police refused to file an FIR against intelligence agencies.⁴⁰ The police finally registered the FIR in January 2010, seven months after Zakir Majeed was disappeared.⁴¹ Families of the disappeared have the right to effective remedy and for their complaints to be investigated expeditiously and impartially.

Families of disappeared people reported that their efforts to compel authorities to return their loved ones through the courts were unsuccessful. Ali Imtiaz said that when summoned by the court, no one from the intelligence agencies or authorities appeared in court.⁴² In cases when the authorities did appear in court, they would still not provide answers for the families. Sammi Baloch recounted that when the authorities appeared before the court, they claimed her father had travelled to Afghanistan to train as a separatist, but they could not show any evidence to substantiate these claims.⁴³ Unfortunately, these allegations and unsubstantiated claims are not limited to the

³² UN, Mandate of the Working Group on Enforced or Involuntary Disappearances, 13 October 2021, UN Doc: OL PAK 11/2021

³³ According to conversations Amnesty International has had with civil society groups and activists working on enforced disappearances in Pakistan

³⁴ Interviews by voice call with families of the disappeared, 5 August 2021, 8 September 2021, 9 September 2021, and 14 September 2021

³⁵ Interviews by voice call with families of the disappeared, 5 August 2021, 8 September 2021, 9 September 2021, and 14 September 2021

³⁶ Interview by voice call with Zahida Sherriff, 5 August 2021; Interview by voice call with Ali Imtiaz*, 8 September 2021 (name changed to protect identity)

³⁷ Interview by voice call with Sammi Baloch, 8 September 2021

³⁸ A military group

³⁹ Interview by voice call with Sammi Baloch, 8 September 2021

⁴⁰ Interview by voice call with Shabana Majeed, 9 September 2021

⁴¹ Interview by voice call with Shabana Majeed, 9 September 2021

⁴² Interview by voice call with Ali Imtiaz, 8 September 2021 (name changed to protect identity)

⁴³ Interview by voice call with Sammi Baloch, 8 September 2021

authorities: two people Amnesty International spoke to described facing such unsubstantiated claims and allegations from the judges hearing their cases. One person reported that the judge suggested her husband had run away and not disappeared.⁴⁴ Shabana Majeed described a scene where she was in a court hearing with other families of the disappeared, begging a judge for answers and justice about their missing loved ones, and the judge responded by shouting and berating the families with harsh language.⁴⁵ People who access the justice system must be treated in a free, fair and impartial manner; the conduct of the judge in this instance is a violation of this right. The lack of progress in these cases, where families of the disappeared are treated without empathy or humanity, is indicative of the difficulties surrounding cases of enforced disappearances and the struggles of families who are fighting for information and justice for their missing loved ones.

COMMISSION OF INQUIRY ON ENFORCED DISAPPEARANCES (COIED)

In 2011, on the orders of the Supreme Court, the Ministry of Interior set up the Commission of Inquiry on Enforced Disappearances (COIED). The mandate of this commission is to trace the location of a 'disappeared' person, find out who is responsible (whether State, individual or institution), ensure an FIR is registered and recommend standard operating procedures to law enforcement and intelligence agencies.⁴⁶

According to the COIED's monthly report for September 2021, it has received 8,122 cases since its inception, of which 2,274 remain unresolved.⁴⁷ In September 2021, the Commission disposed of 27 cases, where 24 people had been traced, 13 returned home, six were confined in internment centres, five were confined in jail and three were deemed not to be cases of enforced disappearance.⁴⁸

Civil society and families of the disappeared, who have no representation on the COIED, have criticized the commission for not using the powers vested in it to investigate cases of enforced disappearances or bring those suspected of criminal responsibility to justice.⁴⁹ In 2020, the International Commission of Jurists stated that in nine years of operation the COIED had not held a single perpetrator of an enforced disappearance accountable for the crime.⁵⁰ Families of the disappeared who spoke to Amnesty International reported that after multiple hearings, those whose cases were before the COIED have received no answers or justice. All of the families whose cases were before the COIED and who spoke to Amnesty International are still waiting for any information about their loved ones, in some instances years after proceedings were instigated through the COIED.⁵¹

⁴⁴ Interview by voice call with Sarah Ahmad, 15 September 2021 (name changed to protect identity)

⁴⁵ Interview by voice call with Shabana Majeed, 9 September 2021

⁴⁶ Ministry of Interior, "Statutory notification by the Ministry of Interior", 1 March 2011

⁴⁷ COIED, Monthly Progress on Cases of Alleged Enforced Disappearances – September 2021, 2 October 2021, coied.pk/

⁴⁸ COIED, Monthly Progress on Cases of Alleged Enforced Disappearances – September 2021, 2 October 2021, coied.pk/

⁴⁹ Amnesty International, "Pakistan: Enduring enforced disappearances", 27 March 2019, [amnesty.org/en/latest/press-release/2019/03/pakistan-enduring-enforced-disappearances/](https://www.amnesty.org/en/latest/press-release/2019/03/pakistan-enduring-enforced-disappearances/)

⁵⁰ International Commission of Jurists, "Pakistan: Commission of Inquiry on Enforced Disappearances has failed in providing justice to victims", 8 September 2020, www.icj.org/pakistan-commission-of-inquiry-on-enforced-disappearances-has-failed-in-providing-justice-to-victims/

⁵¹ Interviews by voice call with families of the disappeared, 5 August 2021 - 14 September 2021

FINANCIAL IMPACT ON FAMILIES OF THE DISAPPEARED

“People related to the missing are suffering because there is no one to take care of them.”

Aqsa Dayo, whose sister was forcibly disappeared in 2017



One of the most prevalent impacts of an enforced disappearance is the financial hardship the families of the disappeared person face. Often the disappeared person was the sole breadwinner of the family, in some cases providing for young children and paying for essential hospital treatment. Their disappearance and the resulting lack of a vital source of income affect the entire family.

Sammi Baloch, whose father Dr. Deen Mohammed was forcibly disappeared in June 2009, described how financial difficulties resulting from the absence of the family’s primary breadwinner had forced her 26-year-old brother to go to the United Arab Emirates as a manual labourer to support them.⁵² Mohamed Kamr and his two brothers have had to provide for the family of their brother Mohamed Bashir, who was forcibly disappeared on 24 June 2020.⁵³ The financial burden of supporting their brothers’ wife and four young children has, however, been too hard to bear for the three brothers, who work as manual labourers, and they were forced to send their brother’s youngest children, both under three years, to live with their maternal grandparents.⁵⁴

“Eid, weddings, birthdays – every happy occasion is now just another moment that the person we love is not with us.”

Ali Imtiaz, whose father was forcibly disappeared in 2001⁵⁵

 ↑ *Photo by Defence of Human Rights Pakistan. Illustrations by Ema Anis*

⁵² Interview by voice call with Sammi Baloch, 8 September 2021

⁵³ Interview by voice call with Mohamed Kamr and Tasleem Jan, 14 September 2021

⁵⁴ Interview by voice call with Mohamed Kamr and Tasleem Jan, 14 September 2021

⁵⁵ Interview by voice call with Ali Imtiaz, 8 September 2021 (name changed to protect identity)

The financial difficulties faced by families of forcibly disappeared people are especially hard where the family members are predominantly women or where there is no male to act as the breadwinner. Furthermore, due to social and cultural factors, women face additional obstacles when providing financially for their families. Aqsa Dayo's brother Insaf Dayo was forcibly disappeared on 29 May 2017 from the district of Larkana in the Sindh province, where he worked in a tailor shop.⁵⁶ Her brother was the sole breadwinner of the family and provided for Aqsa, another sister and their mother.⁵⁷ Since their brother's disappearance, Aqsa and her sister have had to take on more sewing and embroidery work to support the household and to pay for their mother's hospital bills.⁵⁸

“The family’s distress is frequently compounded by the material consequences resulting from the disappearance. The missing person is often the mainstay of the family’s finances. He or she may be the only member of the family able to cultivate the crops or run the family business. The emotional upheaval is thus exacerbated by material deprivation, made more acute by the costs incurred should they decide to undertake a search. Furthermore, they do not know when – if ever – their loved one is going to return, which makes it difficult for them to adapt to the new situation. In some cases, national legislation may make it impossible to receive pensions or other means of support in the absence of a certificate of death. Economic and social marginalization is frequently the result.”

Anetro Castillo Pezo et al v. Peru

Two women with forcibly disappeared family members told Amnesty International that they felt people were attempting to exploit them financially because of the lack of men in their household. Zahida Sherriff, whose husband Abid Sheriff has been missing for 16 years, stated that she is in a legal battle with her brother-in-law who claims that he paid for the house that she and her child live in, which she says is her husband's house.⁵⁹ Her brother-in-law filed a fraud case against her, which is ongoing.⁶⁰ Shabana Majeed, whose brother Zakir Majeed was forcibly disappeared in June 2009, told Amnesty International she believes their shop and house tenants have stopped paying rent because there is no male in the family to enforce rent payments.⁶¹ She spoke similarly about tenant farmers who do not give the family their share of the crop yield for the same reason.⁶²

⁵⁶ Interview by voice call with Aqsa Dayo, 7 September 2021

⁵⁷ Interview by voice call with Aqsa Dayo, 7 September 2021

⁵⁸ Interview by voice call with Aqsa Dayo, 7 September 2021

⁵⁹ Interview by voice call with Zahida Sheriff, 5 August 2021

⁶⁰ Interview by voice call with Zahida Sheriff, 5 August 2021

⁶¹ Interview by voice call with Shabana Majeed, 9 September 2021

⁶² Interview by voice call with Shabana Majeed, 9 September 2021

Despite the numerous hardships that these families have to overcome, many of them are activists fighting for answers about the whereabouts of their missing loved ones. They attend protests and are part of a civil society movement seeking an end to enforced disappearances in Pakistan, and campaigning for truth, justice and reparation for families whose loved ones have been forcibly disappeared. This is in addition to pursuing every legal and advocacy avenue to find their missing loved ones. These actions are an additional financial burden for these families, who are already struggling financially. Families must bear the cost of travel to court houses, commissions, ministries, government officials, meetings, sit-ins, campaigns or any action that they feel would bring them closer to locating their loved one.⁶³ Most of the time, these journeys bear no fruit.

“The Working Group ... considers that both the disappeared person and those who have suffered harm as a result of the disappearance are to be considered victims of the enforced disappearance and are therefore entitled to obtain reparation.”

Working Group on Enforced and Involuntary Disappearances (WGEID)⁶⁴

ACCESS TO EDUCATION

Enforced disappearance is a continuous crime until the State acknowledges the detention or releases information of the fate or location of the disappeared person.⁶⁵ The consequences of an enforced disappearance are also ongoing, such as the impact on the education of family members. In four of the 10 families interviewed by Amnesty International, the education of at least one person in the family had been disrupted because of an enforced disappearance, either because they had had to give up their education to provide for their family financially or because the family was financially unable to continue their education.⁶⁶ In either case, the consequence of disrupted education will have a lifelong impact on the person or child in question.

Ali Imtiaz described how his four younger brothers and two younger sisters had been forced to drop out of school due to financial constraints.⁶⁷ His brothers, who were between 15 and 16 years at the time, started working after they had left school to ease the family's financial hardships.⁶⁸ Mohamed Kamr's brother, Mohamed Bashir, had four young children at the time of his disappearance in June 2020, all aged five years or under.⁶⁹ Mohamed Kamr and his three other brothers, all manual labourers, tried to continue the education of the school-age children while providing financially for their brother's family, but the financial burden was too much and six or seven months after their father's disappearance, the children had to stop going to school.⁷⁰ The right to education is a fundamental right guaranteed by the Constitution of Pakistan⁷¹ and Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Pakistan ratified on 17 April

⁶³ Interviews by voice call with families of the disappeared on 7-8 September 2021

⁶⁴ WGEID, Report of the Working Group on Enforced or Involuntary Disappearances, 28 January 2013, UN Doc, A/HRC/22/45, undocs.org/A/HRC/22/45

⁶⁵ WGEID, General comment on enforced disappearance as a continuous crime, 26 January 2011, UN Doc. A/HRC/16/48, undocs.org/A/HRC/16/48

⁶⁶ Interviews by voice call with families of the disappeared, 5 August 2021 - 14 September 2021

⁶⁷ Interview by voice call with Ali Imtiaz, 8 September 2021 (name changed to protect identity)

⁶⁸ Interview by voice call with Ali Imtiaz, 8 September 2021 (name changed to protect identity)

⁶⁹ Interview by video call with Mohamed Kamr and Tasleem Jan, 14 September 2021

⁷⁰ Interview by voice call with Mohamed Kamr and Tasleem Jan, 14 September 2021

⁷¹ The Constitution of the Islamic Republic of Pakistan (previously cited), Article 25A

2008.⁷² The disrupted education of the children in these two cases will have serious impacts on their futures.

The education of family members of forcibly disappeared people was also disrupted, or threatened, as a result of their activism. Shabana Majeed told Amnesty International that when she was politically active and attending protests against enforced disappearance, she received threatening messages saying she was “anti-state”⁷³ and that she would be stopped from completing her medical degree.⁷⁴ The younger sister of Sammi Baloch was prevented from sitting exams at a college in Balochistan managed by the army once the college officials became aware that she was related to Sammi Baloch, who is a prominent activist against enforced disappearances.⁷⁵ These threats and attempts to disrupt the education of families whose loved ones have been forcibly disappeared is a violation of the right to education and yet another cruel obstacle that these families must face.

⁷² UN Treaty Body Database, tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=131&Lang=EN (accessed on 12 October 2021), “Ratification status for Pakistan”

⁷³ Interview by voice call with Shabana Majeed, 9 September 2021

⁷⁴ Interview by voice call with Shabana Majeed, 9 September 2021

⁷⁵ Interview by voice call with Sammi Baloch, 8 September 2021

HEALTH IMPLICATIONS FOR FAMILIES OF THE DISAPPEARED

“For the first two months, I just couldn’t sleep.”

Sarah Ahmad, whose husband was forcibly disappeared in 2015



The extreme stress of not knowing the fate or whereabouts of a forcibly disappeared loved one has a profound impact on families. This manifests as both physical and mental health problems, and is exacerbated by the strenuous work of navigating the country’s justice system. Resource-strapped families have the additional burden of medical bills for treatment for stress-induced ailments such as high blood pressure, cardiac conditions and stomach-related illnesses, many of which started after the disappearance of their loved ones. Families also told Amnesty International that anxiety, fear and stress dominate their mental state, impeding their ability to lead a normal life.

“Whenever there is a knock on the door, I flinch. I think, they’ve come to take me away again.”

Inaam Abbasi, who was forcibly disappeared in 2017⁷⁶

↑ Photo by Defence of Human Rights Pakistan. Illustrations by Ema Anis

⁷⁶ Interview by voice call with Inaam Abbasi, 7 September 2021

Sarah Ahmad told Amnesty International that upon hearing the news of her husband's disappearance, her father-in-law suffered a heart attack despite never previously having any heart-related issues. She herself was diagnosed with depression and is taking medication for her depression and anxiety, which has caused her to gain an unhealthy amount of weight. "For the first two months, I just couldn't sleep," said Sarah, adding that she also struggled with breastfeeding her son, who was an infant when her husband disappeared. Now aged 5, he misses the presence of a father, she adds.⁷⁷

Zahida Sheriff was pregnant when her husband Abid was disappeared in 2004 and the mental anguish nearly caused her to miscarry. She takes anti-depressants to this day.⁷⁸ Shabana Majeed and her mother also depend on medication to help them process their grief, and her sister struggles to communicate with them due to mental health issues.⁷⁹

Sammi Baloch considers herself fortunate to be able to access therapy to address the mental health issues resulting from her campaign to secure her father's return. She was 12 when her father disappeared and her entire adolescence has been overtaken by his disappearance. Her mother now suffers from a heart condition. Aqsa Dayo reports that both her and her sister struggle with high blood pressure, a condition only developed after the disappearance took place. Their mental health issues hang heavy over them, as Aqsa explains, "How can one live their life if a member of their family has been taken away?"⁸⁰

Mohamed Kamr told Amnesty International that both his parents became gravely unwell after his brother was abducted.⁸¹ His father suffered a brain haemorrhage, while her mother, Tasleem, developed a heart condition and suffers from debilitating insomnia.⁸² Sultan Mehmood said that he has lost 12kg since his brother was abducted.⁸³

Inaam Abbasi, who was forcibly disappeared on 4 August 2017 and released 10 months later, has developed chronic conditions, including joint pain. Because of the severe physical torture he was subjected to, he suffers from stomach pain and high blood pressure. He has all the symptoms of post-traumatic stress disorder, which can be triggered by ordinary events such as the doorbell ringing. "I believe that someone has come to take me away again," he added.⁸⁴

Triggers are a common occurrence. Ali Imtiaz said that whenever he sees law enforcement officials he panics believing that they have come to abduct him and the remaining members of his family.⁸⁵ Sania Hasan, whose husband was taken away in the middle of the night by at least 10 men, flinches whenever she hears a knock on the door.⁸⁶

Sadaf Naru, the wife of missing journalist Mudassar Naru, died of a heart attack at the age of 42. There was no response from the authorities despite a vigorous online campaign calling for the disclosure of his fate and whereabouts. It is not known whether he knows about her death or if he is even alive. Sadaf's death is a grim reminder of the toll of enforced disappearances and the lack of justice or closure on families. She spent the last years of her life campaigning for authorities to disclose Mudassar's whereabouts and died without knowing what had happened to him.

⁷⁷ Interview by voice call with Sarah Ahmad, 15 September 2021 (name changed to protect identity)

⁷⁸ Interview by voice call with Zahida Sheriff, 5 August 2021

⁷⁹ Interview by voice call with Shabana Majeed, 9 September 2021

⁸⁰ Interview by voice call with Aqsa Dayo, 7 September 2021

⁸¹ Interview by voice call with Mohamed Kamr and Tasleem Jan, 14 September 2021

⁸² Interview by voice call with Mohamed Kamr and Tasleem Jan, 14 September 2021

⁸³ Interview by voice call with Sultan Mehmood, 9 September 2021

⁸⁴ Interview by voice call with Inaam Abbasi, 7 September 2021

⁸⁵ Interview by voice call with Ali Imtiaz, 8 September 2021 (name changed to protect identity)

⁸⁶ Interview by voice call with Sania Hasan, 15 September 2021 (name changed to protect identity)

“The family and friends of disappeared persons experience slow mental torture, not knowing whether the victim is still alive and, if so, where he or she is being held, under what conditions, and in what state of health. Aware, furthermore, that they too are threatened; that they may suffer the same fate themselves, and that to search for the truth may expose them to even greater danger.”

Anetro Castillo Pezo et al v. Peru⁸⁷

⁸⁷ Inter-American Commission on Human Rights, *Anetro Castillo Pezo et al v. Peru*, Report No° 51/99, 13 April 1999

FEAR AND INTIMIDATION

“[They tell us] if we don’t relent, we’ll pay the price. But what can they possibly take from us that they haven’t already?”

Sultan Mehmood, whose brothers were forcibly disappeared in 2014 and 2021 respectively



Families of forcibly disappeared people are often given the impossible choice between staying silent in the aftermath of an abduction or risking the loss of their loved one forever. The intimidation follows them years after the disappearance has taken place and can sometimes continue after the person is returned. This can be in the form of heavy-handed surveillance, threatening calls from blocked numbers and even phishing attacks on personal devices.

In some cases, families are given false hope that if they stay silent their loved one will return. This has been reported by the family of Idris Khattak, who was abducted on 19 November 2019. For the first six months, the family was told to endure his disappearance quietly and, if they did, he would be returned; however, there was no movement on his case until his daughter Talia began publicly campaigning for his return.⁸⁸ The attention resulted in a rare admission from the Ministry of Defence, who admitted they had him in his custody.⁸⁹

Sammi Baloch recalled the harrowing experience of the “long march” organized in 2014, when cars would drive right past her and other participants, hurling insults at them and even once threatening to run them over.⁹⁰ Since then, the threats have continued to pour in from unknown telephone numbers and online attacks. Two of her uncles and a cousin were detained and tortured, and told to stop Sammi Baloch’s activism if they wanted their ill treatment to stop. In 2019, she received a message on WhatsApp from a person who said they worked for an international human rights organization, saying they wanted information on her father to help locate him. She responded and was sent a link to a form. As soon as she clicked on it, her phone seemed to have been accessed remotely and all her data, including photos, videos, and messages, were erased.

 ↑ *Photo by Defence of Human Rights Pakistan. Illustrations by Ema Anis*

⁸⁸ Interviews by voice call with Talia Khattak, 28 April 2020

⁸⁹ See *Pakistan authorities admit they have missing HRD*, <https://www.amnesty.org.uk/urgent-actions/pakistan-authorities-admit-they-have-missing-hrd> 16 June 2020

⁹⁰ Interview by voice call with Sammi Baloch, 8 September 2021

Shabana Majeed's brother, Zakir Majeed, who worked for the Baloch Students Federation, was abducted on 8 June 2009 in the presence of two friends. They are hesitant to give more details for fear that they too will be abducted.⁹¹ Shabana received text messages from her brother's number for days following his abduction, threatening her with the same fate as her brother if she did not stay silent. Law enforcement personnel have come to her hostel at medical college in Bolan, asking for her when she was not there. Another brother was watering plants at their home in Khuzdar when he saw three men carrying rifles making their way towards him. He panicked and locked the door, at which they kept knocking until his family members returned, after which they scattered.⁹²

One of Sultan Mehmood's brothers Zahid was abducted in 2014. Seven years later, Sultan was contacted by someone who claimed to be from the Special Branch Unit asking for more information about his brother to process the case. Sultan immediately agreed to meet him at a nearby restaurant on 22 February 2021. He was surprised when the man asked him for information on his 22-year-old brother Sadiq instead of Zahid, but he still supplied the information, desperate to believe that this rare contact with the authorities was a result of his advocacy. On 9 March 2021, however, a group of men, including the man he had met, arrived at his house at 12:30am, some in police uniforms and others in plain clothes. They took his younger brother Sadiq. Sultan told Amnesty International that he received a message through a family member from law enforcement agencies warning him not to speak up, to stop attending protests and to take down all his posts on social media trying to draw attention to the abduction of his brothers. "If they don't relent, then they'll pay the price," he was told. "But what else can they possibly take from us that they haven't already?"⁹³

Warnings not to appear at protests against enforced disappearances are common. Inaam Abbasi's family was told not to, as were the daughters of Hidayatullah Lohar, a teacher and activist who was abducted in 2017 and returned in late 2019. Sarah Ahmad was advised by family members connected to law enforcement agencies to stop engaging with other families of forcibly disappeared people and attending protests.

The families of the disappeared are fearful of the repercussions their campaigning activities might have for their remaining family or the person who has been abducted. Aqsa Dayo told Amnesty International that she is terrified that her other brother will be disappeared as a reprisal for her attending protests and raising her disappeared brother's case wherever she can.⁹⁴ Sarah Ahmad* with whom Amnesty International spoke described how they avoid being out of the house after sunset and they fear for the security of the remaining men in their lives.⁹⁵ Shabana Majeed left her hometown of Khuzdar as a protective measure in response to the threats she and her family had been receiving.⁹⁶

⁹¹ Interview by voice call with Shabana Majeed, 9 September 2021

⁹² Interview by voice call with Shabana Majeed, 9 September 2021

⁹³ Interview by voice call with Sultan Mehmood, 9 September 2021

⁹⁴ Interview by voice call with Aqsa Dayo, 7 September 2021

⁹⁵ Interview by voice call with Sarah Ahmad, 15 September 2021 (name changed to protect identity),

⁹⁶ Interview by voice call with Shabana Majeed, 9 September 2021

STIGMA AND SOCIAL ISOLATION

“When the school found out that his father was a missing person, they denied him admission. Now we just tell his teachers he works abroad.”

Sarah Ahmad, whose husband was forcibly disappeared in 2015



On top of the devastating consequences of enforced disappearance, families of forcibly disappeared people have to grapple with the stigma that surrounds a disappearance. Six of the nine families Amnesty International spoke to described facing stigma from their wider family, friends and relatives after their loved one was disappeared.⁹⁷ Of these six, two families explained how the people around them, including their own parents, alleged that the disappeared person had done something wrong to cause their disappearance.⁹⁸ This perception, which was described as extremely hurtful by the families, is not uncommon, but was dismissed by the families, who rightly said that in the event that their loved one had done something wrong, they should be charged in a court of law for a recognized crime, and not forcibly disappeared.⁹⁹

One person, whose husband was disappeared on 28 June 2015, told Amnesty International that when her three-year-old son's school found out that his father had been disappeared, they cancelled his admission.¹⁰⁰ She recalled the school calling to inform her that they no longer had space for her son.¹⁰¹ When she applied to a different school a year later, she told them that her husband was working overseas to avoid her son facing the stigma of having a disappeared father.¹⁰²

 ↑ Photo by Defence of Human Rights Pakistan. Illustrations by Ema Anis

⁹⁷ Interviews by voice call with families of the disappeared, 5 August - 15 September 2021
⁹⁸ Interviews by voice call with families of the disappeared, 5 August - 15 September
⁹⁹ Interviews by voice call with families of the disappeared, 5 August - 7 September
¹⁰⁰ Interview by voice call with Sarah Ahmad, 15 September 2021 (name changed to protect identity)
¹⁰¹ Interview by voice call with Sarah Ahmad, 15 September 2021 (name changed to protect identity)
¹⁰² Interview by voice call with Sarah Ahmad, 15 September 2021 (name changed to protect identity)

Four families of disappeared people told Amnesty International that the social isolation resulting from the disappearance of their loved one is related to security concerns.¹⁰³ Relatives, friends and neighbours all distanced themselves from the families of the disappeared person out of fear that they too would be disappeared for associating with that family.¹⁰⁴ Close relatives and family members stopped contacting or visiting them, isolating grieving families who were already enduring hardships due to their loved one's disappearance.

The stigma that accompanies an enforced disappearance isolates and marginalizes families already struggling to cope with the disappearance of a loved one.

¹⁰³ Interviews by voice call with families of the disappeared, 8, 9 and 15 September

¹⁰⁴ Interviews by voice call with families of the disappeared, 8, 9 and 15 September



CONCLUSION

Enforced disappearance is an especially cruel crime due to the circumstances and consequences that disappeared people and their loved ones must face, in addition to its continuous nature. It is a crime under international law and a violation of domestic legislation. There is no justification for enforced disappearance and its perpetration must come to an end.

AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF PAKISTAN TO UNDERTAKE THE FOLLOWING ACTIONS:

- End the practice of enforced disappearance and secret and arbitrary detentions.
- Immediately and unconditionally disclose the fate and/or whereabouts of forcibly disappeared people to their families.
- Immediately release disappeared people or promptly bring them before a judge in a civilian court of law to rule on the lawfulness of their arrest or detention and whether they should be released.

 ↑ Photo by Defence of Human Rights Pakistan. Illustrations by Ema Anis

- Promptly accede to the International Convention for Protection of All Persons from Enforced Disappearance (CPED) without making any reservation and fully implement its provisions into national law.
- Recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other parties to the CPED.
- Accede to the Rome Statute of the International Criminal Court and implement it into domestic law.

CRIMINAL JUSTICE SYSTEM

- If people continue to be detained, charge them with an internationally recognizable offence and ensure their rights, including to a fair trial and due process, are upheld.
- Ensure all allegations of enforced disappearance are promptly, thoroughly, effectively, independently, and impartially investigated.
- Order the police to record all allegations of enforced disappearance promptly and without bias in a First Incidence Report.
- Where sufficient evidence exists, prosecute all those suspected of criminal conduct, regardless of their status or rank, through fair and impartial trials before ordinary civilian courts and without recourse to the death penalty.
- Take steps to ensure families of disappeared people and civil society are not harassed, discriminated against, or attacked for their work on enforced disappearances.

PROTECTION AND REPARATIONS

- Provide effective and prompt means of protection and/or redress for families of the disappeared and civil society against threats, intimidation, or other reprisals.
- Ensure victims and families of disappeared people are given full and effective reparations to address any hardships they have endured, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition.

LEGISLATION

- Ensure the current amendment bill to the Penal Code of Pakistan and any legislation on enforced disappearance conforms to international human rights law, standards and best practice, and hold meaningful consultations with activists, civil society, and families of the disappeared on the proposed legal amendments to the draft bill on enforced disappearances.

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LIVING GHOSTS

THE DEVASTATING IMPACT OF ENFORCED DISAPPEARANCES IN PAKISTAN

Living Ghosts, documents how enforced disappearance – in which state agents deny holding an individual or refuse to provide information on their fate or whereabouts – impacts affected families' mental and physical health, financial status, and security, as well as leading to stigma and social isolation. Amnesty International spoke to the family members of 10 people whose fate remains unknown after they were abducted by Pakistan's security services.