



BRAVING THE STORM

ENFORCED DISAPPEARANCES AND THE RIGHT TO PROTEST IN PAKISTAN

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INTRODUCTION

The cruelty of enforced disappearances in Pakistan has been documented extensively. By being placed outside of the protection of the law, people who have been forcibly disappeared are put at risk of torture, other ill-treatment or even death. Their families are left to search for answers, most often in an environment in which the state denies that the disappearances have even happened.¹ Having exhausted all avenues to find the whereabouts or fate of their loved ones, families of the disappeared and activists are forced to publicly campaign for truth and justice. However, the state and intelligence agencies who are responsible for these disappearances have also carried out violently crackdowns, intimidating and harassing families of the disappeared and activists in their fight for justice.

This digest details incidents of the state's attempts to, at times violently, stifle peaceful protests by families of the disappeared, which are often the only avenue families of the disappeared have left to demand truth and justice for their missing loved ones.

METHODOLOGY

This digest explores how the right to protest of families of the disappeared and activists campaigning against enforced disappearances are repressed by the state, a practice that is longstanding and that continues to date. Families and activists have described being harassed, arbitrarily arrested and detained, and subject to violence for simply exercising their right to peaceful protest - a right protected by international human rights law and domestic law.

This digest draws on previous research on the issue of enforced disappearances carried out by Amnesty International and additional desk research. Desk research includes a review of documents published by UN agencies, media articles, data from government websites, judgments by Pakistani courts and Twitter.

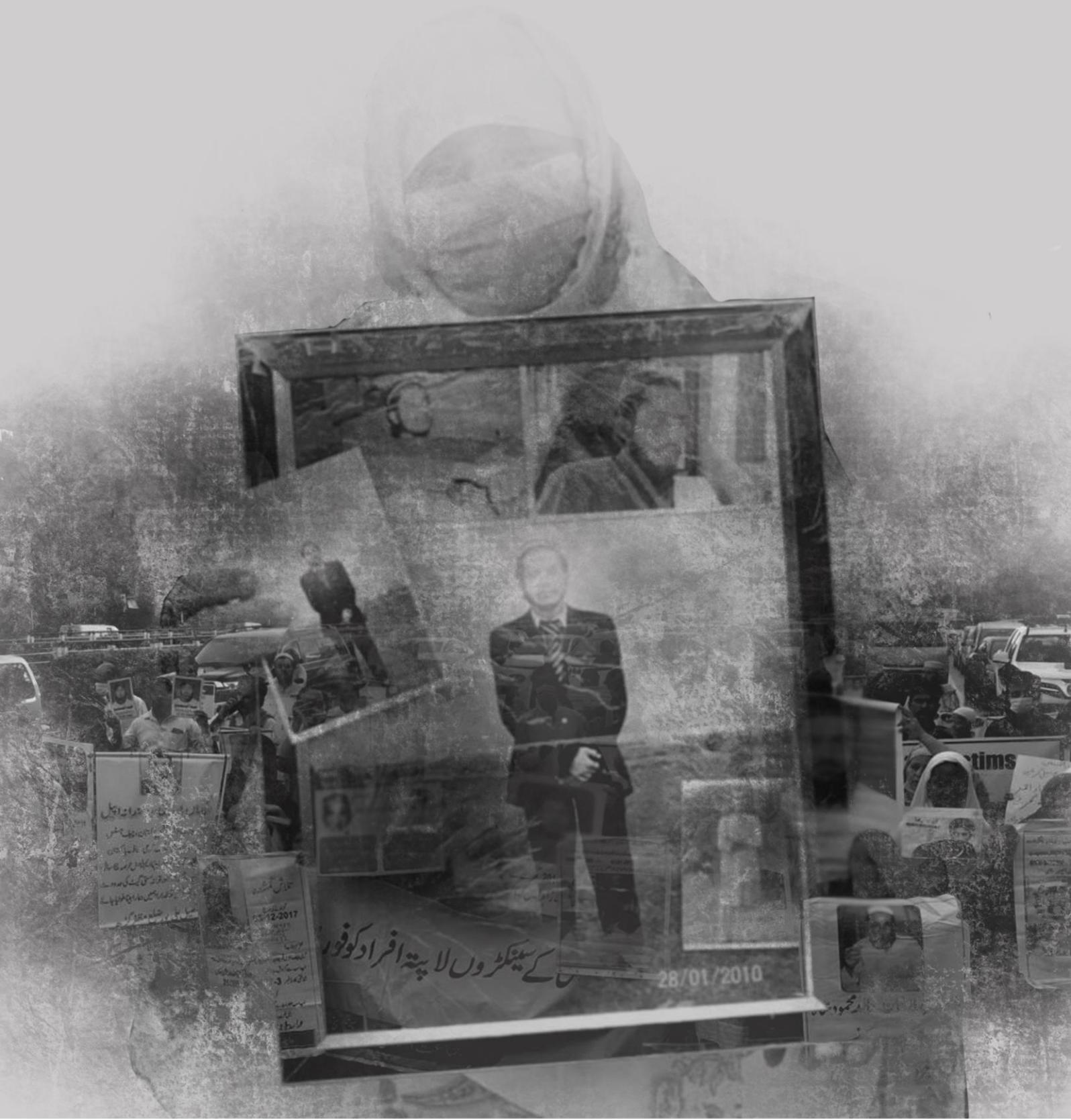
Amnesty International carried out seven remote interviews using secure communications for this digest. Five of these interviews were with families of the disappeared and activists, and two were with journalists. Three interviews were with women, and four were with men. Some names have been anonymised to protect the identity and security of the interviewee.

Amnesty International would like to acknowledge and thank all those who bravely consented to speak with us in spite of the crackdowns on families and activists campaigning against disappearances.

¹ Amnesty International, *Living Ghosts: The Devastating Impact of Enforced Disappearances in Pakistan*, 22 November 2021, Index Number: ASA 33/4992/2021, www.amnesty.org/en/documents/asa33/4992/2021/en/

“What is the use of life when we don't have our loved ones with us.”

Gul Naaz



NO LEAF UNTURNED: WHY FAMILIES ARE FORCED TO PROTEST

Enforced disappearance is a violation of international human rights law and a crime under international law. It also violates the fundamental rights enshrined in the Constitution of Pakistan. It is the “arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”² Enforced disappearance violates a number of human rights, including:

- the right to security and dignity of the person;
- the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- the right to life; and
- the right to family life.

Additionally, having ratified the International Covenant on Civil and Political Rights (ICCPR) on 23 June 2010,³ Pakistan is bound by the covenant to protect the right to liberty and security of person; protect people from arbitrary arrest or detention (which includes the deprivations of liberty of persons for exercising their right to freedom of assembly); prohibit arbitrary or unlawful interference with privacy, family or home; and prevent and eradicate the commission of torture and other ill-treatment in all circumstances.⁴

Despite assurances from multiple governments that Pakistan will accede to International Convention for the Protection of All Persons from Enforced Disappearance (CED) since 2008⁵ and as recently as 2019,⁶ this has still not happened.

An attempt by the Ministry of Human Rights to criminalize the practice by way of an amendment to the Penal Code, did not conform with international human rights law and best practices.⁷ This amendment has now lapsed as it was not tabled in the National Assembly within the stipulated period.

It is essential that enforced disappearances are criminalized and that any legislation on this issue is in accordance with international human rights law and standards and developed in consultation with victim groups and civil society. Pakistan must also accede to the CED.

Successive governments have pledged to end the practice of enforced disappearances,⁸ however the practice continued during their tenures. Former Prime Minister Imran Khan, who lost a vote of no confidence held against him on 9 April 2022, had even campaigned with families of the disappeared prior to becoming prime minister.⁹ Similarly, Maryam Nawaz, vice-president of the political party Pakistan Muslim

Cover Photo: Photos by Defence of Human Rights Pakistan. Illustrations by Ema Anis

² International Convention for the Protection of All Persons from Enforced Disappearance, Article 2.

³ UN Treaty Body Database, *Ratification Status for Pakistan*,

tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=131&Lang=EN

⁴ International Covenant on Civil and Political Rights, Articles 7, 9 and 17

⁵ Amnesty International, *Denying The Undeniable: Enforced Disappearances In Pakistan*, 23 July 2008, Index Number: ASA 33/018/2008, www.amnesty.org/en/documents/asa33/018/2008/en/

⁶ Amnesty International, “Pakistan: Enduring Enforced Disappearances”, 27 March 2019, www.amnesty.org/en/latest/press-release/2019/03/pakistan-enduring-enforced-disappearances/

⁷ After input from the Senate Standing Committee on Interior, the amendments included criminalizing “false allegations” of an enforced disappearance, which could result in five years imprisonment in addition to a PKR 100,000 (approx. USD \$500) fine, which may have prevented families of the disappeared from reporting a disappearance. Read more: Amnesty International, *Pakistan: Amendments to enforced disappearance bill a backward step on promised reform*, 7 October 2021, www.amnesty.org/en/latest/news/2021/10/pakistan-amendments-to-enforced-disappearance-bill-a-backward-step-on-promised-reform/

⁸ The Diplomat, *How Imran Khan Betrayed Pakistan’s Missing Persons*, 22 April 2022, thediplomat.com/2022/04/how-imran-khan-betrayed-pakistans-missing-persons/

The Print, *Pak PM Sharif pledges to raise Baloch missing persons issue with ‘powerful quarters’* 23 April 2022, theprint.in/world/pak-pm-sharif-pledges-to-raise-baloch-missing-persons-issue-with-powerful-quarters/928331/

⁹ The Washington Post, *Imran Khan used to criticize enforced disappearances. Why is he silent now?*, 30 June 2021, www.washingtonpost.com/opinions/2021/06/30/imran-khan-silent-on-enforced-disappearances/

League (Nawaz) which is currently in power, had previously campaigned with families of the disappeared and called for the end of the practice.¹⁰ However, enforced disappearances continue.

COURTS AND THE COMMISSION OF INQUIRY ON ENFORCED DISAPPEARANCES

Families of the disappeared have sought the intervention of the justice system for truth about the whereabouts of their loved ones, however these have largely been unsuccessful. Amnesty International has previously documented cases where despite summons being served on intelligence agencies, no representatives appeared before courts.¹¹ In some cases, when authorities did appear before courts, they would still not provide any information to the families.¹²

Many cases of enforced disappearances have now been referred by the courts to the Commission of Inquiry on Enforced Disappearances (COIED), a domestic body tasked with “registration, inquiry, hearing and investigation”¹³ of cases of enforced disappearances. The COIED, which has faced heavy criticism from civil society and victims who argue that the COIED does not have any representation of victim groups, nor has it used its powers to effectively investigate cases of enforced disappearance.¹⁴ To date, the COIED is yet to direct any perpetrator to be held accountable for an enforced disappearance.

Most recently, on 29 May 2022, the Islamabad High Court, hearing a case of six enforced disappearances, issued an order to serve notice on former president Retired Gen. Pervez Musharraf and all other former and incumbent prime ministers, including former Prime Minister Imran Khan and current Prime Minister Shehbaz Sharif. The High Court ordered them to submit affidavits explaining why they should not be tried for breaching the Constitution for their “undeclared tacit approval of the policy regarding enforced disappearances”.¹⁵ With reference to the COIED, the High Court stated that it is “a forum which contributes towards making the agony and pain of the victims more profound”¹⁶, referring to it as “no more than a bureaucratic post office.”¹⁷

In response to the order of the High Court, on 30 May 2022, the federal government set up a committee to “deliberate a policy relating to enforced disappearances.”¹⁸ The committee is comprised of seven government Ministers, and according to a notification issued by the Ministry of Interior, will be led by the Minister of Law and Justice.¹⁹ In response to the establishment of this committee, Defence of Human Rights Pakistan (DHR), a leading civil society organization which works on enforced disappearances, released a statement criticizing the lack of civil society representation on the committee.²⁰ In their statement they highlighted the importance of consultations with civil society groups and victims and families of the forcibly disappeared in any policy formulated on enforced disappearances.²¹ Amina Masood Janjua, Chairperson of DHR, was invited to the committee meeting on 14 July 2022.²²

¹⁰ Naya Daur, *How PDM Quetta Jalsa Brought Together Ethnic Majority And Alienated Minorities*, 27 October 2020, nayadaur.tv/2020/10/how-pdm-quetta-jalsa-brought-together-ethnic-majority-and-alienated-minorities/

¹¹ Amnesty International, *Living Ghosts: The Devastating Impact of Enforced Disappearances in Pakistan*, 22 November 2021, Index Number: ASA 33/4992/2021, www.amnesty.org/en/documents/asa33/4992/2021/en/, p. 12

¹² Amnesty International, *Living Ghosts: The Devastating Impact of Enforced Disappearances in Pakistan*, 22 November 2021, Index Number: ASA 33/4992/2021, www.amnesty.org/en/documents/asa33/4992/2021/en/, p. 12

¹³ Notification 2, Commission of Inquiry on Enforced Disappearances, 13 March 2011, coied.pk/notification2/

¹⁴ Amnesty International, *Pakistan: Enduring Enforced Disappearances*, 27 March 2019, www.amnesty.org/en/latest/news/2019/03/pakistan-enduring-enforced-disappearances/

¹⁵ *Rana Muhammad Akram v. Federation of Pakistan, etc.* Islamabad High Court (2022), para 5

¹⁶ *Rana Muhammad Akram v. Federation of Pakistan, etc.* Islamabad High Court (2022), para 6

¹⁷ *Rana Muhammad Akram v. Federation of Pakistan, etc.* Islamabad High Court (2022), para 6

¹⁸ Ministry of Interior, *Notification F.No.3/4/2021-Lit-I*, 30 May 2022

¹⁹ Dawn, *Govt forms committee to 'deliberate policy' on enforced disappearances*, 30 May 2022, www.dawn.com/news/1692270

²⁰ Twitter, Defence of Human Rights Pakistan, 1 June 2022,

twitter.com/dohrp/status/1531910354611097601?s=20&t=__1rOhpgUdg2tqkULncDVQ

²¹ Twitter, Defence of Human Rights Pakistan, 1 June 2022,

twitter.com/dohrp/status/1531910354611097601?s=20&t=__1rOhpgUdg2tqkULncDVQ

²² As confirmed Amnesty International by DHR

THE “NEW WAVE” OF DISAPPEARANCES

On 9 June 2022, DHR stated that a “new wave of disappearances”²³ is taking place, with five cases being reported to them in two days.²⁴ This reported increase in the frequency of enforced disappearances may be linked to a suicide attack in front of the Confucius Institute at the University of Karachi on 26 April 2022.²⁵ The attack, which killed four people, was carried out by Shari Baloch, a Baloch woman, and claimed by the Balochistan Liberation Army, an armed group.²⁶ Shortly after the attacks, Baloch activists told the media that the state was using the attacks as an excuse to target Baloch women, activists, and protesters.²⁷ The media report stated that three Baloch female activists had allegedly been abducted within a span of week.²⁸

Despite the landmark order from the Islamabad High Court and the establishment of another committee, enforced disappearances have continued to occur. For example, on 7 June, Doda and Gamshad Baloch, both Baloch students at the University of Karachi, were forcibly disappeared from their homes in Karachi.²⁹ They were later released on 14 June 2022 at 3 am, eight days after their enforced disappearance, and after four days of continuous peaceful protests, which were violently dispersed, outside of the Karachi Press Club calling for their release.³⁰

Doda and Ghamshad, students of the University of Karachi, were forcibly disappeared on 9 June 2022 from their home.³¹ On 10 June, their family members and civil society began protesting for their release outside of the Karachi Press Club, and on 12 June, the protesters marched to the Sindh Assembly, followed by a sit-in outside the Assembly’s main gate.³² According to media reports, the police asked protesters to leave as a budget session was to be held at the Assembly on 13 June 2022.³³ On 13 June, the police used unnecessary and unlawful force to disperse the protesters; one video of the incident shows uniformed police officers, some holding sticks, approaching sitting protesters, and violently grabbing, and dragging both men and women on the ground, before some protesters were thrown or forced into police vehicles.³⁴ Fawad Hasan, a journalist who was covering the protest told Amnesty International that he witnessed police slapping female protesters and beating male protesters with batons and sticks, and a pregnant woman being kicked in the stomach.³⁵ Hasan said that after he tried to help a protester who had collapsed, the police began kicking him as well, even after he identified himself as a journalist.³⁶

According to media reports, 28 protesters, 19 men and nine women, were arrested. Senior Superintendent of Police Asad Raza claimed that they were detained for attempting to enter the Assembly.³⁷ According to Hasan, who was also arrested, the protesters were taken to the police station at 8pm, where the police confiscated the phones of all the protesters, and recorded their biometrics, Computerized National Identity Card (CNIC) numbers and their fathers’ names.³⁸ Hasan told Amnesty International that the people who were arrested were eventually released at around midnight, after being in custody for four hours.³⁹ He

²³ Twitter, Defence of Human Rights Pakistan, 9 June 2022,

twitter.com/dohrpk/status/1534618501905793025?s=20&t=__1rOhpgUdg2tqkULncDVQ

²⁴ Twitter, Defence of Human Rights Pakistan, 9 June 2022,

twitter.com/dohrpk/status/1534618501905793025?s=20&t=__1rOhpgUdg2tqkULncDVQ

²⁵ The Guardian, *Baloch women fear crackdown after Karachi suicide attack*, 19 May 2022,

www.theguardian.com/world/2022/may/19/baloch-women-fear-crackdown-after-karachi-suicide-attack

²⁶ Dawn, *3 Chinese nationals among 4 dead in suicide attack at Karachi University*, 26 April 2022, www.dawn.com/news/1686920/3-chinese-nationals-among-4-dead-in-suicide-attack-at-karachi-university

²⁷ The Guardian, *Baloch women fear crackdown after Karachi suicide attack*, 19 May 2022,

www.theguardian.com/world/2022/may/19/baloch-women-fear-crackdown-after-karachi-suicide-attack

²⁸ The Guardian, *Baloch women fear crackdown after Karachi suicide attack*, 19 May 2022,

www.theguardian.com/world/2022/may/19/baloch-women-fear-crackdown-after-karachi-suicide-attack

²⁹ Dawn, *Police arrest 28 protesters demonstrating against ‘missing’ Baloch students outside Sindh Assembly*, 14 June 2022, www.dawn.com/news/amp/1694624

³⁰ Dawn, *‘Missing’ Baloch students Doda Ellahi and Ghamshad return home: activist*, 14 June 2022, www.dawn.com/news/1694772

³¹ Dawn, *Police arrest 28 protesters demonstrating against ‘missing’ Baloch students outside Sindh Assembly*, 14 June 2022, www.dawn.com/news/amp/1694624

³² Dawn, *Protest outside Sindh Assembly in Karachi against ‘missing’ Baloch students*, 12 June 2022,

www.dawn.com/news/1694446/protest-outside-sindh-assembly-in-karachi-against-missing-baloch-students

³³ Dawn, *Police arrest 28 protesters demonstrating against ‘missing’ Baloch students outside Sindh Assembly*, 14 June 2022, www.dawn.com/news/amp/1694624

³⁴ Instagram, Dawn.today, 14 June 2022, www.instagram.com/tv/CewZ2iJpP3/?utm_source=ig_web_copy_link

³⁵ Amnesty International interview with Fawad Hasan on 17 June 2022 via secure communications

³⁶ Amnesty International interview with Fawad Hasan on 17 June 2022 via secure communications

³⁷ Dawn, *Police arrest 28 protesters demonstrating against ‘missing’ Baloch students outside Sindh Assembly*, 14 June 2022, www.dawn.com/news/amp/1694624

³⁸ Amnesty International interview with Fawad Hasan on 17 June 2022 via secure communications

³⁹ Amnesty International interview with Fawad Hasan on 17 June 2022 via secured communications

noted that some protesters were only released after the police made them sign an affidavit saying they would not protest near the “red zone”,⁴⁰ or Sindh Assembly area.⁴¹ Reacting to the incident, Amnesty International condemned the use of force and the violent crackdown on families of the disappeared and activists.⁴² The police should not disperse any protest simply for being in the vicinity of the Assembly; they should, rather, facilitate protests within “sight and sound” of their target.

The unlawful response of the police, particularly to protests by Baloch people, was also demonstrated on 24 May 2022, when a group of 10 men and eight women, including Baloch protesters and academic Nida Kirmani,⁴³ were arbitrarily detained by the Sindh police in Karachi during a peaceful rally in front of the Karachi Press Club. The protesters were taken to the Artillery Maidan station where, according to Kirmani, the police recorded the names and numbers of the protesters, and confiscated most of their phones.⁴⁴ A journalist, Veengas J., reported that while she was attempting to cover the protest, the police, who reportedly did not “allow anyone to stay”,⁴⁵ asked to see her credentials, and questioned why she was covering the event.⁴⁶ Speaking to the media, the South Senior Superintendent of Police, Asad Raza, said that they were “forced”⁴⁷ to take such measures due to international cricketers being in the area.⁴⁸ In a tweet, Kirmani said that this explanation was also given to her at the police station.⁴⁹ This hypothetical risk is clearly insufficient to justify the prohibition of the peaceful protest and actions taken were grossly disproportionate to the potential threat to public safety. Detaining people solely for the exercise of their right to peaceful protest is unlawful; no one should be subjected to arbitrary arrest or detention.

The group were later reported to have been released with no charges against them. However, according to Kirmani the police recorded all of the detainees’ information, and took photos of the detained Baloch men.⁵⁰ She also described the stark difference between how the police treated her versus their treatment of Baloch protesters.⁵¹ She relayed how she was the only one who received an explanation as to their detention from the police, and how they allowed her to keep a phone which was in her possession despite confiscating the phones of other protesters.⁵² It must be noted that in general there is a stark difference between how the state responds to protests held by Baloch families of the disappeared, activists and students, in comparison to non-Baloch protests, which constitutes discriminatory practices. The violence which Baloch protesters endure at the hands of the state for attempting to exercise their right to peaceful assembly will be explored further in subsequent sections.

Enforced disappearance is a serious human rights violation and a crime under international law, that commonly results in other human rights violations. The UN Working Group on Enforced or Involuntary Disappearance has criticized the use of enforced disappearance by states “with the false and pernicious belief that they are a useful tool to preserve national security and combat terrorism or organized crime. Any counter-terror measures must be lawful, necessary and proportionate, and carried out in accordance with international human rights laws and standards. The state must immediately end the use of enforced disappearances and other practices which violate human rights and standards and urgently carry out robust, independent criminal investigations into all cases of suspected enforced disappearance, bringing those responsible to justice in fair trials without recourse to the death penalty.

There appears to be a disconnect between successive governments stated commitments to prohibit the practice of enforced disappearance and the reality faced by activists on the ground. In 2021, activist

⁴⁰ Amnesty International interview with Fawad Hasan on 17 June 2022 via secured communications

⁴¹ Amnesty International interview with Fawad Hasan on 17 June 2022 via secured communications

⁴² Twitter, Amnesty International South Asia, 14 June 2022, twitter.com/amnestysasia/status/1536578265938378752?s=20&t=VrZVytAztgc283BkZRH34Q

⁴³ Dawn, *Nida Kirmani, others released after brief detention in Karachi for protest over Baloch abductions*, 24 May 2022, www.dawn.com/news/1691298

⁴⁴ Twitter, Nida Kirmani, 26 May 2022, twitter.com/nidakirmani/status/1529776904106123265?s=21

⁴⁵ Twitter, Veengas, 24 May 2022, twitter.com/VeengasJ/status/1529065687322345474?s=20&t=pNfyA6oo7M2FdAQaM6Scng

⁴⁶ Twitter, Veengas, 24 May 2022, twitter.com/VeengasJ/status/1529065687322345474?s=20&t=pNfyA6oo7M2FdAQaM6Scng

⁴⁷ Dawn, *Nida Kirmani, others released after brief detention in Karachi for protest over Baloch abductions*, 24 May 2022, www.dawn.com/news/1691298

⁴⁸ Dawn, *Nida Kirmani, others released after brief detention in Karachi for protest over Baloch abductions*, 24 May 2022, www.dawn.com/news/1691298

⁴⁹ Twitter, Nida Kirmani, 26 May 2022, twitter.com/nidakirmani/status/1529776904106123265?s=21

⁵⁰ Twitter, Nida Kirmani, 24 May 2022, twitter.com/NidaKirmani/status/1529130034736336897?s=20&t=pNfyA6oo7M2FdAQaM6Scng

⁵¹ Twitter, Nida Kirmani, 26 May 2022, twitter.com/nidakirmani/status/1529776904106123265?s=21

⁵² Twitter, Nida Kirmani, 26 May 2022, twitter.com/nidakirmani/status/1529776904106123265?s=21

Seengar Noonari was abducted in the same month as the then Minister of Human Rights Dr Shireen Mazari first tabled the legislation to criminalize enforced disappearances.⁵³

Families of the disappeared, most having exhausted all avenues of redress through the justice system, with no answers about their loved ones whereabouts or fate, turn to public protests in a bid to pressure authorities to release their loved ones, or for information about them. Enforced disappearances has been referred to by the Islamabad High Court as a cruel and inhuman act,⁵⁴ and families enduring not knowing the fate of their missing loved ones regularly take to the streets for answers. But when they do, they are met with harassment, intimidation, and even violence at the hands of the very state that stands accused of having forcibly disappeared their loved ones.

⁵³ Amnesty International, *Living Ghosts: The Devastating Impact of Enforced Disappearances in Pakistan*, 22 November 2021, www.amnesty.org/en/documents/asa33/4992/2021/en/

⁵⁴ *Mahera Sajid v. Station House Officer, Police Station Shalimar & 6 others*, Islamabad High Court (2016) para 31 (i) Inter-American Commission on Human Rights, *Annual Report of the Inter-American Commission on Human Rights 1977*, 20 April 1978, as referred to in International Commission of Jurists, *Enforced Disappearance and Extrajudicial Execution: Investigation and Sanction: A Practitioners Guide*, 2015, www.icj.org/wp-content/uploads/2015/12/Universal-Enforced-Disappearance-and-Extrajudicial-Execution-PGNo9-Publications-Practitioners-guide-series-2015-ENG.pdf

“They don’t want protests on the streets, they don’t want camps and they don’t want us to speak inside hotels. All this is because they don’t want us to speak about enforced disappearances.”

Amina Masood Janjua



COMPOUNDED CRUELTY: HOW PEACEFUL PROTESTERS ARE INTIMIDATED, HARASSED AND ATTACKED

The Government of Pakistan has a duty to respect, protect and fulfil the right to peaceful assembly, without any type of discrimination under international human rights law, as recognized by Article 21 of the ICCPR.⁵⁵ Assemblies include meetings, processions, rallies and sit-ins.⁵⁶ Furthermore, Article 16 of the Constitution of Pakistan enshrines the freedom of peaceful assembly as a fundamental right.⁵⁷ Any restrictions on the right to peaceful assembly must be in conformity with clearly defined law, necessary and proportionate - i.e. there must be a legitimate, pressing concern related to the interests of national security; public safety; public order; the protection of public health or morals; or the protection of the rights and freedoms of others. The authorities have not demonstrated that these are considerations in any of the incidents documented below and therefore these restrictions of peaceful protests by the state were not lawful, necessary or proportionate.

Despite these safeguards and guarantees, the state continues to crackdown on families of the disappeared who exercise their right to peaceful protest. Families who spoke to Amnesty International described the intimidation, harassment and violence they faced for simply exercising their right to peaceful assembly. This section will detail some incidents faced by families of the disappeared and activists.



“What we are doing [protesting] is completely legal and ethical. We want those who are stopping us to stand by us to support us.”

Gul Naaz

← Mothers of the disappeared protesting for the release of their disappeared family members. Photo by Defence of Human Rights Pakistan. Illustrations by Ema Anis

Cover Photo: Photos by Defence of Human Rights Pakistan. Illustrations by Ema Anis

⁵⁵ International Covenant on Civil and Political Rights, Article 21

⁵⁶ According to General Comment 37 on the right of peaceful assembly (Article 21), Article 21 applies to peaceful assemblies outdoors, indoors, online, public or private spaces or a combination. This protection applies to stationary (pickets) or moving (ex. marches or processions) assemblies.

⁵⁷ The Constitution of the Islamic Republic of Pakistan, Article 16

INTIMIDATION

Families of the disappeared who have taken part in peaceful protests told Amnesty International that they not only faced intimidation during the protests, but also before and after the protests, simply for exercising their right to peaceful assembly. These incidents of intimidation are often centred around their participation or organization of peaceful protests and are an attempt to strike fear into families of the disappeared and dissuade them from publicly campaigning against enforced disappearances. Some incidents of intimidation faced by families of the disappeared and activists are documented below.

According to his younger sister Gul Naaz, Falak Naaz was forcibly disappeared on 16 September 2009, in the city of Mingora, in the Swat district of Pakistan.⁵⁸ Falak Naaz, an 18 year-old student at the time of his disappearance, was apparently stopped by police at a check-point and taken to a police station.⁵⁹ According to Gul Naaz, the police later told her father that Falak Naaz was handed over to an army checkpoint.⁶⁰ In 2013, after four years of unfruitfully filing complaints against check-points, Gul Naaz and her family began publicly campaigning for her brother's release.⁶¹

Gul Naaz told Amnesty International that in 2017, when she had gone to Islamabad with other women to attend a protest against enforced disappearances, her father and 18 to 20 other men were called to the Kanju Police Station, in the village of Kanju, in the Swat district.⁶²

“When we go for protests, the police station near my house would call the males in the family and tell them to stop the women from going for protests, or else they will take all the men and no one can question us and we are not accountable to anyone.”⁶³

Gul Naaz

She said her father was pressured into verbally agreeing to stop Gul Naaz and the other women from attending protests.⁶⁴ He, however, did not attempt to stop them despite the threats by the police.

Between 2019 and 2020, Gul Naaz said the Kanju Police had visited her house while she was away at a protest.⁶⁵ She said they had asked her younger brother, who had answered the door, why Gul Naaz went for a protest even though they told her not to go.⁶⁶ “The police said we told them not to go, why did they go anyway? We are not going to release any disappeared and no protest is going to help you.”⁶⁷

Similarly, another person who spoke to Amnesty International on condition of anonymity, said that they too had been threatened by the police.⁶⁸ They said that they attended a peaceful protest against enforced disappearances in Peshawar in 2021, where around 150 people, including children and elderly people, had been walking and chanting slogans.⁶⁹ During this protest, approximately 40 to 50 police officers approached the protesters and asked them to leave, or that “they would do something to them that they would always remember”.⁷⁰

⁵⁸ Amnesty International interview with Gul Naaz on 10 May 2022 via secure communications

⁵⁹ Amnesty International interview with Gul Naaz on 10 May 2022 via secure communications

⁶⁰ Amnesty International interview with Gul Naaz on 10 May 2022 via secure communications

⁶¹ Amnesty International interview with Gul Naaz on 10 May 2022 via secured communications

⁶² Amnesty International interview with Gul Naaz on 10 May 2022 via secured communications

⁶³ Amnesty International interview with Gul Naaz on 10 May 2022 via secured communications

⁶⁴ Amnesty International interview with Gul Naaz on 10 May 2022 via secured communications

⁶⁵ Amnesty International interview with Gul Naaz on 10 May 2022 via secured communications

⁶⁶ Amnesty International interview with Gul Naaz on 10 May 2022 via secured communications

⁶⁷ Amnesty International interview with Gul Naaz on 10 May 2022 via secured communications

⁶⁸ Amnesty International interview with an anonymous person on 19 May 2022 via secured communications

⁶⁹ Amnesty International interview with an anonymous person on 19 May 2022 via secured communications

⁷⁰ Amnesty International interview with an anonymous person on 19 May 2022 via secured communications

“They [the police] started warning us and threatening to beat and kill us and said we will take you and your families won’t be able to ever find you. People got scared and left.”⁷¹

Anonymous family member of the disappeared

Sammi Baloch’s father, Dr. Deen Mohamed Baloch, was forcibly disappeared on 28 June 2009, while he was on duty as a medical officer in the town of Ornach, in the district of Khuzdar.⁷² She says that her family began publicly campaigning for his release the day after his disappearance and that intelligence agencies used different methods to intimidate them and stop their activities.⁷³ For example, she said that during press conferences people from intelligence agencies take photos and videos of attendees and speakers.⁷⁴

Sammi also narrated another incident of intimidation that took place in December 2019, while she was a student in the city of Karachi. Sammi says that a man, who identified himself as a military officer, visited her house.

“The man said he was an officer and said if you want to continue your studies and supporting your family then stop the struggle. He said we have come to your house and we can go to your university so you better stop this activism.”⁷⁵

Sammi Deen Baloch

According to Sammi, given the military involvement in her university, she was worried that her admission would be cancelled and therefore stopped publicly campaigning against enforced disappearances in 2020, for a year.⁷⁶ In 2021, when she resumed her activism to mark 11 years since her father’s enforced disappearance, she did not take part in protests in Karachi, but only protested in the city of Quetta, the capital of the province of Balochistan.⁷⁷

Sammi also told Amnesty International that she has received at least two threatening phone calls from unidentified Pakistani numbers.

⁷¹ Amnesty International interview with an anonymous person on 19 May 2022 via secured communications

⁷² Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

⁷³ Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

⁷⁴ Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

⁷⁵ Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

⁷⁶ Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

⁷⁷ Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

“I would get calls saying you should stop protesting and pursuing the cause because if you are abducted, who will take care of your mother and younger sister? They said if you don’t stop, we will do the same [to you] as we did to your father. They said if you are abducted, it would affect your honour so you should stay at home and not participate in protests.”⁷⁸

Sammi Deen Baloch

This is similar to what Amina Masood Janjua told Amnesty International when speaking about the intimidation she has faced.⁷⁹ Amina, a well-known human rights activist and chairperson of DHR, has been campaigning against enforced disappearances after her husband, Masood Ahmed Janjua, was forcibly disappeared on 30 July 2005, on his way to Peshawar for a three-day business trip.⁸⁰ Amina told Amnesty International that she too received threatening phone calls from unidentified numbers.

“I got calls saying your funeral is ready, you are going to be killed. When I asked why am I going to be killed they said, because of your campaigning.”⁸¹

Amina Masood Janjua

The right to freedom of peaceful assembly is not subject to the permission of the government authorities and the authorities must not prevent or attempt to prevent participation in peaceful protests. The intimidation faced by families and activists has a chilling effect, violating the right to peaceful assembly, and Pakistan’s obligations both in relation to international human rights law and its own Constitution.

⁷⁸ Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

⁷⁹ Amnesty International interview with Amina Masood Janjua on 11 May 2022 via secured communications

⁸⁰ Amnesty International interview with Amina Masood Janjua on 11 May 2022 via secured communications

⁸¹ Amnesty International interview with Amina Masood Janjua on 11 May 2022 via secured communications

“If it was their daughter instead of me, what would she have done? She would have definitely been discouraged or disappointed by the laws of the country and come on the streets eventually. Regardless of everything we have been through, they don’t even want us to ask for our rights.”

Sammi Deen Baloch



UNLAWFUL ARRESTS AND DETENTION

The harassment faced by families of the disappeared and activists is also a tool of the state to unlawfully restrict peaceful protest. In doing so, the state seeks to discourage and frighten peaceful protesters from taking part in said protests. Another tactic used by the state is to target and harass people associating with families and activists who take part in and/or are at the forefront of these protests. This isolates families of the disappeared further and shrinks the space they need to exercise their right to peaceful protest. The following are some incidents of harassment faced by families of the disappeared and activists.

Harassment often takes the form of arbitrary arrest and/or detention. A family member of the disappeared who spoke to Amnesty International said that after he attended a protest against enforced disappearance in 2021, the police registered a First Information Report (FIR)⁸² against them and five to six others who also attended the protest, for 'blocking the road'.⁸³ The registration of the FIR caused an uproar in the community, leading to friends and community members protesting against it.⁸⁴

“The police said if you stop protesting, then we will drop the case.”⁸⁵

Anonymous family member of the disappeared

After the group was released on bail, Amnesty International was told that they did not take part in any protests until the FIR was dismissed.⁸⁶ So far, there has been no action taken after they began attending protests again.⁸⁷ It is however, clear that the group was arrested in connection with the protest they had attended previously given that the police used the case to pressure the group to stop protesting, and that their arrest on the grounds of obstructing traffic is an unlawful restriction of their right to peaceful assembly.

Similarly, Sammi Baloch told Amnesty International that after a protest on 8 June 2021 to mark the 12-year anniversary of the enforced disappearance of Zakir Majeed Baloch, the police filed FIRs against 36 people who attend the peaceful march.⁸⁸ Sammi says that they were charged with disobeying the law, despite it being a peaceful protest march which the police attempted to disrupt by pushing and dragging protesters.⁸⁹ Amnesty International is not aware of the current status of the cases filed against these 36 peaceful protesters. However, peaceful protest is a right; it is not a crime and should never be treated as such. Any actions by the authorities to file criminal charges against peaceful protesters are themselves unlawful.

Gul Naaz also told Amnesty International that the police had harassed her on multiple occasions in the lead up to peaceful protests.⁹⁰ Gul Naaz, who would organize and lead the women of her village to protests against enforced disappearances, said that on at least five occasions, when the group of women attempted to cross the Mingora bypass checkpoint, the Mingora police would stop them.⁹¹

Cover Photo: Photos by Defence of Human Rights Pakistan. Illustrations by Erna Anis

⁸² A document filed by the police when they are initially notified of an offence

⁸³ Amnesty International interview with an anonymous person on 19 May 2022 via secure communications

⁸⁴ Amnesty International interview with an anonymous person on 19 May 2022 via secure communications

⁸⁵ Amnesty International interview with an anonymous person on 19 May 2022 via secured communications

⁸⁶ Amnesty International interview with an anonymous person on 19 May 2022 via secure communications

⁸⁷ Amnesty International interview with an anonymous person on 19 May 2022 via secure communications

⁸⁸ Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

⁸⁹ Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

⁹⁰ Amnesty International interview with Gul Naaz on 10 May 2022 via secured communications

⁹¹ Amnesty International interview with Gul Naaz on 10 May 2022 via secured communications

“The police knew that I was actively protesting against enforced disappearances. They said that it [protests] would give Pakistan a bad image in other countries and Pakistan would become infamous. They would stop the vehicles and tell us not to go [to the protest]. If we still insisted on going, they would call the lady police [female police officers] and forcefully take us out [of the vehicles] and not let us go. To avoid this we started going in two or more vehicles so the police wouldn’t be suspicious.”⁹²

Gul Naaz

Gul Naaz says that in the event the smaller groups were stopped, they lied and told the police that they were not going for a protest to avoid being stopped.⁹³ The smaller groups would then apparently join each other after passing the checkpoint and then attend the protests together.⁹⁴ Any restrictions of peaceful protests by the police must be clearly defined in law, necessary and proportionate. In this incident, the attempts to deter this group of women from attending the protest was neither necessary nor proportionate and was an unlawful use of power by the police. This is, however, not the only incident where Gul Naaz was harassed by the police for attempting to exercise her right to peaceful assembly.

On 16 March 2022 Gul Naaz says she organized and lead a group of 20-25 women from her village to attend a public *jalsa*, or meeting, in Swat, a district in Khyber Pakhtunkhwa, attended by then Prime Minister Imran Khan.

“Initially 20 to 25 ladies tried entering the ground where the jalsa took place. They were asked why they were coming to the jalsa. A few ladies said they wanted to ask the Prime Minister about disappearances and the police took them straight to a government building for displaced people. They kept us here for two hours and then moved us to the Kanju police station at 1pm.”⁹⁵

Gul Naaz

While they were at the police station, Gul Naaz alleges that the police, who had taken her phone, read through her Whatsapp messages, and didn’t allow her to answer any calls she was receiving.⁹⁶ According to Gul Naaz, it was only after significant pressure from Amina Janjua, who posted details of their arrest on social media, that the group of women were allowed to leave the police station at 3:00pm.⁹⁷ They were arbitrarily detained by the police for five hours, and Gul Naaz says that no reason was given for their detention.⁹⁸

⁹² Amnesty International interview with Amina Masood Janjua on 11 May 2022 via secured communications

⁹³ Amnesty International interview with Gul Naaz on 10 May 2022 via secured communications

⁹⁴ Amnesty International interview with Gul Naaz on 10 May 2022 via secured communications

⁹⁵ Amnesty International interview with Gul Naaz on 10 May 2022 via secured communications

⁹⁶ Amnesty International interview with Gul Naaz on 10 May 2022 via secured communications

⁹⁷ Amnesty International interview with Gul Naaz on 10 May 2022 via secured communications

⁹⁸ Amnesty International interview with Gul Naaz on 10 May 2022 via secured communications

“The police asked us why we are protesting and coming out of our homes. They said men who were abducted [disappeared] by the army were men of dignity and high esteem. Why are you going out in public like this to fight for their freedom?”⁹⁹

Gul Naaz

The group of women were unable to meet the then Prime Minister Imran Khan to publicly inquire into the fate and whereabouts of disappeared people due to their detention.¹⁰⁰ The arbitrary detention of the group of women solely for attempting to peacefully exercise their right to freedom of assembly, is a violation of both their right to freedom of peaceful assembly and their right to freedom from arbitrary detention, as protected by Articles 9 and 21 of the ICCPR.¹⁰¹

Peaceful assembly is a legitimate use of public space and the authorities must refrain from preventing people from exercising this right – indeed they must actively facilitate this right and protect the participants. The harassment documented in this section is a snapshot of a vast array of intimidation faced by the families of the disappeared. This intimidation is unlawful and violates the right to peaceful protest. The authorities must stop further harassment of families of the disappeared, thoroughly investigate all past incidents, and hold those responsible for acts of intimidation accountable.

⁹⁹ Amnesty International interview with Gul Naaz on 10 May 2022 via secured communications

¹⁰⁰ Amnesty International interview with Gul Naaz on 10 May 2022 via secured communications

¹⁰¹ International Covenant on Civil and Political Rights, Article 9

“We were just women and old people. What harm would we do the GHQ [General Headquarters of the Army]. We just wanted to hand over the letter and come back. For just a little thing we were given such a lesson.”

Amina Masood Janjua



VIOLENCE

The descriptions of the intimidation and harassment faced by families of the disappeared attempting to exercise their right to peaceful protest demonstrates the unwillingness of the state to allow peaceful protests on enforced disappearances to take place. In the event they do take place, apart from the tactics of harassment and intimidation employed by the state, some peaceful protests are violently dispersed and peaceful protesters are attacked by the police and intelligence agents. Any decision to disperse a protest should only be taken as a last resort and be in line with the principles of necessity and proportionality. Many of the following accounts of peaceful protests being violently dispersed by the police and intelligence agents demonstrate that the use of force by the police is unnecessary and unlawful in these incidents.

Amina Janjua told Amnesty International about one such incident which occurred on 28 December 2006 in Rawalpindi, the capital city of the Punjab province.¹⁰²

“100 families of the disappeared were going to march towards GHQ [General Headquarters of the Army] and we had written a letter to the Assistant Director of GHQ saying that our loved ones are disappeared and Eid is coming so please release them... the letter was in our hands and there were children, women and old people in the front with banners. We took one step and we were surrounded by uniformed men in black and plainclothes and police uniforms. All the children were taken away from us. My sons who were 15 and 14 years old were beaten in front of my eyes. My daughter who was 8 years old was begging them [assailants] saying please stop, you have taken my father, please don't take my brothers. She then fainted.”¹⁰³

Amina Masood Janjua

Amina identified the assailants as being from the Punjab police, and the Elite Force, a counter-terror unit of the police.¹⁰⁴

Amina says all the other women were then forced into a bus which sped off to an undisclosed location.¹⁰⁵ They were reportedly dropped five to ten kilometres away from the protest site, which Amina thinks was an attempt to break up the protest.¹⁰⁶ Amina was left alone with her 8-year-old daughter to watch her sons being taken into police custody.¹⁰⁷ Her father-in-law collected Amina's two children from the police station later that day.¹⁰⁸

International laws and standards on the use of force must be strictly followed by police officers in all circumstances. The violent abuse of children, women and older people participating in a peaceful assembly

Cover Photo: Photos by Defence of Human Rights Pakistan. Illustrations by Ema Anis

¹⁰² Amnesty International interview with Amina Masood Janjua on 11 May 2022 via secured communications

¹⁰³ Amnesty International interview with Amina Masood Janjua on 11 May 2022 via secured communications

¹⁰⁴ Amnesty International interview with Amina Masood Janjua on 11 May 2022 via secured communications

¹⁰⁵ Amnesty International interview with Amina Masood Janjua on 11 May 2022 via secured communications

¹⁰⁶ Amnesty International interview with Amina Masood Janjua on 11 May 2022 via secured communications

¹⁰⁷ Amnesty International interview with Amina Masood Janjua on 11 May 2022 via secured communications

¹⁰⁸ New York Times, *Kin and Rights Groups Search for Pakistan's Missing*, 14 January 2007,

www.nytimes.com/2007/01/14/world/asia/14pakistan.html

Amnesty International interview with Amina Masood Janjua on 11 May 2022 via secured communications

is a blatant violation of these laws and standards. Unfortunately, this was not the only incident where Amina faced and witnessed such violence.

On 28 April 2014, approximately 700 people,¹⁰⁹ from families of the disappeared across Pakistan, gathered in front of D.Chowk, a large town square, to march towards the Parliament in Islamabad, to protest against enforced disappearances.¹¹⁰ According to Amina, the group was seated on the greenbelt, listening the speeches, when they were attacked by the police.¹¹¹ According to multiple media reports and Amina, the police baton-charged and fired tear gas at these protesters.¹¹²

“Afthab from Swat was lying on the floor. 3 to 4 policemen were beating him. The police said teach him a lesson, he was the one chanting slogans. Afthab was chanting “we will keep on fighting until you release our loved ones” and the police were annoyed with him because of this” ¹¹³

Amina Masood Janjua

Amina recalls being repeatedly punched by female police officers before being thrown into a police vehicle.¹¹⁴ Amina described the police beating two older women, both over 70 years old, with sticks.¹¹⁵ Speaking to the media, 79-year-old Sobia Begum said that policemen and female police officers punched and kicked her.¹¹⁶

¹⁰⁹ Amnesty International interview with Amina Masood Janjua on 11 May 2022 via secured communications

¹¹⁰ Dawn, *Relatives of missing persons take to street again*, 28 March 2014, www.dawn.com/news/1096123

¹¹¹ Amnesty International interview with Amina Masood Janjua on 11 May 2022 via secured communications

¹¹² Yahoo News, *Teargas fired in Pakistan protest over enforced disappearances*, 29 April 2014, ph.news.yahoo.com/teargas-fired-pakistan-protest-over-enforced-disappearances-203300229.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xLmNvbS8&guce_referrer_sig=AQAAAFtZoQJuF_MsJSNxC5hkz_b-5TuQSToE2vo52ttS6HWgPclezTcgn1KULD2dmTVkQjTjauMBW0i2kDJXiXAWYKT31uu5nlzy7_q0PxQ5_UgTNWKO-dcNzlh2kaykqIQ-fQNpm4MclsFbloblpjaQJfMG0qCmsDtjy7KrTLTizJx_

The Hindu, *Protest for missing persons turns ugly in Islamabad*, 29 April 2014, www.thehindu.com/news/international/south-asia/protest-for-missing-persons-turns-ugly-in-islamabad/article5957326.ece?homepage=true

Geo News, *Islamabad police baton charge, tear gas missing persons protest*, 28 April 2014, www.geo.tv/latest/71388-islamabad-police-baton-charge-tear-gas-missing-persons-protest

¹¹³ Yahoo News, *Teargas fired in Pakistan protest over enforced disappearances*, 29 April 2014, ph.news.yahoo.com/teargas-fired-pakistan-protest-over-enforced-disappearances-203300229.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xLmNvbS8&guce_referrer_sig=AQAAAFtZoQJuF_MsJSNxC5hkz_b-5TuQSToE2vo52ttS6HWgPclezTcgn1KULD2dmTVkQjTjauMBW0i2kDJXiXAWYKT31uu5nlzy7_q0PxQ5_UgTNWKO-dcNzlh2kaykqIQ-fQNpm4MclsFbloblpjaQJfMG0qCmsDtjy7KrTLTizJx_

The Hindu, *Protest for missing persons turns ugly in Islamabad*, 29 April 2014, www.thehindu.com/news/international/south-asia/protest-for-missing-persons-turns-ugly-in-islamabad/article5957326.ece?homepage=true

Geo News, *Islamabad police baton charge, tear gas missing persons protest*, 28 April 2014, www.geo.tv/latest/71388-islamabad-police-baton-charge-tear-gas-missing-persons-protest

¹¹⁴ Amnesty International interview with Amina Masood Janjua on 11 May 2022 via secured communications

Geo News, *Islamabad police baton charge, tear gas missing persons protest*, 28 April 2014, www.geo.tv/latest/71388-islamabad-police-baton-charge-tear-gas-missing-persons-protest

¹¹⁵ Amnesty International interview with Amina Masood Janjua on 11 May 2022 via secured communications

¹¹⁶ Yahoo News, *Teargas fired in Pakistan protest over enforced disappearances*, 29 April 2014, ph.news.yahoo.com/teargas-fired-pakistan-protest-over-enforced-disappearances-203300229.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xLmNvbS8&guce_referrer_sig=AQAAAFtZoQJuF_MsJSNxC5hkz_b-5TuQSToE2vo52ttS6HWgPclezTcgn1KULD2dmTVkQjTjauMBW0i2kDJXiXAWYKT31uu5nlzy7_q0PxQ5_UgTNWKO-dcNzlh2kaykqIQ-fQNpm4MclsFbloblpjaQJfMG0qCmsDtjy7KrTLTizJx_



←  Amina Masood Janjua being carried away by police officers after the police broke up a peaceful protest on 28 April 2014 in Islamabad. Photo by Defence of Human Rights Pakistan

Amina says that the police arrested 43 people in total, 2 women, herself included, and 41 young children and old men.¹¹⁷ According to her, she was in police custody for two hours,¹¹⁸ until the then Prime Minister Nawaz Sharif publicly gave orders for the protesters' release.¹¹⁹

Speaking to the media, the Islamabad Police Assistant Inspector General (AIG), Sultan Azam Taimuri, stated that the protesters attempted to cross into the 'red zone', or high security zone of the city and were therefore stopped.¹²⁰ A similar justification for unnecessary use of force against peaceful protesters was used more recently during protests held on 13 June 2022 which was explored earlier.

Where possible police should avoid using force when policing a public assembly. Even if an assembly is considered unlawful under domestic law, police should not resort to the use of force just because of the fact of its unlawfulness. The fact that the protest crossed a "high security zone" does not justify dispersal, and the use of force by the police in the dispersal was unnecessary and unlawful.

The use of tear gas to disperse a peaceful protest, as described above, is not an isolated incident. Previously, in 2014, Sammi recounts an incident where peaceful Baloch protesters were tear-gassed.¹²¹ According to Sammi, a hunger strike was held in front of the Karachi Press Club to call for the release of Zahid Baloch, who was forcibly disappeared in Balochistan.¹²²

“One week after the start of the strike uniformed police came and asked us to stop the strike but we didn't listen. The next morning we woke up to the camp being surrounded by the police and they asked us to stop again. When we didn't, at 8am, they fired teargas to disperse the rally.”¹²³

Sammi Deen Baloch

¹¹⁷ Amnesty International interview with Amina Masood Janjua on 11 May 2022 via secure communications

¹¹⁸ Amnesty International interview with Amina Masood Janjua on 11 May 2022 via secure communications

¹¹⁹ Amnesty International interview with Amina Masood Janjua on 11 May 2022 via secure communications

The Hindu, *Protest for missing persons turns ugly in Islamabad*, 29 April 2014, www.thehindu.com/news/international/south-asia/protest-for-missing-persons-turns-ugly-in-islamabad/article5957326.ece?homepage=true

¹²⁰ Geo News, *Islamabad police baton charge, tear gas missing persons protest*, 28 April 2014, www.geo.tv/latest/71388-islamabad-police-baton-charge-tear-gas-missing-persons-protest

¹²¹ Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

¹²² Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

¹²³ Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

Sammi said the police left after firing tear gas and that some protesters had to be taken to the hospital as they were unable to breathe due to the tear gas.¹²⁴ Despite being tear-gassed, Sammi says the group continued with the strike.¹²⁵

Tear gas may only be used in situations of more generalized violence for the purpose of dispersing a crowd, and only when all other means have failed to contain the violence, people have been warned and have the opportunity to disperse. In the incidents documented above, the use of tear gas on peaceful protesters was unnecessary and unlawful.

The unnecessary or excessive use of force on the part of the police was also described by Sammi, who was beaten and tear-gassed in Islamabad during a protest in February 2021.¹²⁶ After a five day sit-in in front of the Islamabad Press Club, protesters calling for the release of Baloch disappeared people, were going to march from the Press Club to D Chowk.¹²⁷ Sammi said that the group of between 300-400 people, was largely comprised of 15 families of the disappeared, non-Baloch activists and Baloch students.¹²⁸ Sammi explains that as soon as the march began, uniformed police officers surrounded the group, formed a human chain, and told them that they could not proceed.¹²⁹ According to Sammi, after the protesters told the police that they could not stop a peaceful protest, the police, who apparently outnumbered the group of protesters, began beating them.¹³⁰ Sammi describes how the police officers dragged, punched and beat people with batons. The next day Sammi told Amnesty International that 20 young people who organized lodging and food for the protesters were arrested.¹³¹ According to Sammi, after Baloch groups protested against their arrest, the young people were released.¹³² States have a duty to enable peaceful protests to be carried out without the protesters fearing violence. In these documented incidents, however, the police's heavy-handed use of force is unnecessary, unlawful and violates the rights of peaceful protesters.

The policing of protests must be strictly in line with human rights law and standards. However the incidents described to Amnesty International demonstrate the opposite; that the human rights of peaceful protesters were repeatedly violated and that the police and intelligence agents used unnecessary force to disperse peaceful protesters that they should have been facilitating.

¹²⁴ Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

¹²⁵ Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

¹²⁶ Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

¹²⁷ Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

The Diplomat, *How Imran Khan Betrayed Pakistan's Missing Persons*, 22 April 2022, thediplomat.com/2022/04/how-imran-khan-betrayed-pakistans-missing-persons/

¹²⁸ Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

¹²⁹ Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

¹³⁰ Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

¹³¹ Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

¹³² Amnesty International interview with Sammi Deen Baloch on 18 May 2022 via secured communications

CONCLUSION

The right to freedom of peaceful assembly is a fundamental right, guaranteed and protected by international human rights law and the Constitution of Pakistan. However, the incidents documented by Amnesty International point to an alarming trend of this right being undermined and violated in the case of families of the disappeared and activists, by successive governments. Families of the disappeared told Amnesty International that they believed the state was cracking down on their protests in an attempt to keep the people of Pakistan, and the international community from understanding the gravity of the issue of enforced disappearances in the country.¹³³

The incidents described above took place across various governments, with intolerance of peaceful protests by families of the disappeared and activists continuing. Political actors have continued to make promises related to the practice of enforced disappearances, such as the former Prime Minister Imran Khan, who prior to becoming Prime Minister criticized the practice,¹³⁴ and current Prime Minister Shehbaz Sharif who vowed to raise the issue of enforced disappearances in “powerful quarters”.¹³⁵ Despite these assurances, enforced disappearances continue to be used as a tool of repression in Pakistan.

The multiple human rights violations faced by families of the disappeared and activists - not only as victims of the disappearance of their loved ones, but as a group who are unable to publicly campaign and protest without fear of reprisal - is a cruel and callous response from the authorities. The crackdown on the right to peaceful protest of families of the disappeared and activists must end. The right to peaceful protest is a hallmark of a healthy, human rights-respecting society and no one should be intimidated, harassed or face violence for exercising their right to peaceful protest.

¹³³ Amnesty International interviews with families of the disappeared on 10, 11, 18 May 2022

¹³⁴ Dawn, *Imran visits missing persons' camp*, 28 April 2012, www.dawn.com/news/714186/imran-visits-missing-persons-camp-2

¹³⁵ Dawn, *Will raise issue of Balochistan missing persons with powerful quarters: PM Shehbaz*, 23 April 2022, www.dawn.com/news/1686432/will-raise-issue-of-balochistan-missing-persons-with-powerful-quarters-pm-shehbaz

RECOMMENDATIONS

Amnesty International calls on the government of Pakistan to:

ON RIGHT TO PEACEFUL ASSEMBLY:

- Ensure the overall approach in policing assemblies is to facilitate and guarantee the right to freedom of peaceful assembly of protesters without discrimination.
- End the use of arbitrary detention, the registration of FIRs against peaceful protesters, and arrest of people for simply exercising their right to peacefully protest.
- Effectively, impartially and expeditiously investigate all allegations of intimidation by state actors, including but not limited to unwarranted surveillance, threatening phone calls and messages and visiting places of residence, and hold perpetrators accountable in fair proceedings.
- Stop the unnecessary and unlawful use of force against peaceful protesters and ensure that any use of force by law enforcement or other security forces is strictly in line with the principles of legality, legitimate aim, necessity and proportionality.
- Ensure prompt, independent, impartial and effective investigations into the use of force, including chemical irritants, by officers against peaceful protesters, and provide effective remedies and reparation for victims of unlawful use of force, including compensation, rehabilitation and guarantee of non-repetition.
- Ensure that law enforcement officials who are found to have used unnecessary or excessive force against peaceful protesters are held accountable in fair proceedings without recourse to the death penalty.

ON ENFORCED DISAPPEARANCES:

- End the practice of enforced disappearance and arbitrary detentions.
- Immediately and unconditionally disclose the fate and/or whereabouts of forcibly disappeared people to their families.
- Immediately release forcibly 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.
- Prohibit secret and/or incommunicado detention and ensure detainees are held in recognized civilian places of detention.
- Immediately inform all detainees of the reasons for their arrest or detention and provide them with full information about their rights, including prompt access to a lawyer of their own choosing and an effective opportunity to challenge the legality of their detention before a court that has the power to order his or her release.
- Ensure that prompt, thorough, independent and impartial criminal investigations are conducted into all allegations of enforced disappearances. Where sufficient admissible evidence exists, prosecute those suspected of criminal responsibility before civilian courts in proceedings that conform to international fair trial standards and do not involve seeking or imposing the death penalty. Any independent and impartial investigation would preclude state agencies accused of involvement in alleged violations from investigating their own personnel or affiliates.
- Ensure that investigations, and any prosecutions, are not limited to direct perpetrators but also address the criminal liability of those suspected of ordering, soliciting, planning, instigating, conspiring to commit, aiding or abetting, or otherwise assisting or facilitating the commission of such crimes, as well as superiors who knew or should have known that a subordinate was committing or about to commit a crime but did not take all the reasonable and necessary measures within their power to prevent, repress or punish the crime.

- Establish a vetting system to ensure that, pending investigation, public officials and employees who are suspected of committing enforced disappearances, in particular those involved in the security, police, intelligence and judicial sectors, do not remain, or are not placed, in positions where they could repeat such violations.
- Ensure that victims and their families are provided with full and effective reparation in accordance with international standards to address the harm they have suffered, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.
- Promptly accede to the International Convention for Protection of All Persons from Enforced Disappearance (CPED) without making any reservation and fully implement its provisions in domestic 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 fully into domestic law.

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BRAVING THE STORM

ENFORCED DISAPPEARANCES AND THE RIGHT TO PROTEST

After exhausting all avenues, families of the disappeared and activists are forced to publicly campaign and peacefully protest against enforced disappearances. These peaceful protests are at times met with violence by the state, and families and activists are intimidated and arbitrarily detained and arrested solely for exercising their right to peaceful assembly. This campaign digest describes some of the ways in which this right has been violated, in contravention of international human rights law and domestic laws.