



Joint Submission by the Foundation for Fundamental Rights and the Defence of Human Rights and Public Service trust on Enforced Disappearances in Pakistan

UPR Working Group – 4th Cycle for UPR in Pakistan

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The Foundation for Fundamental Rights is an organisation of attorneys and socially active individuals working towards the advancement, protection and enforcement of fundamental human rights. We represent those who have been denied their rights to due process due to drone strikes in Waziristan, forced disappearances in the cities of Pakistan, and the excesses of the Pakistani state and foreign governments.

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Defence of Human Rights and Public Service trust, is an independent non-governmental, non-profit organization that was born out of the personal experience of deprivation of human rights of the victims of enforced disappearance, which is a form of torture not only for the victims but for the families of the victims as well.

Our prime work involves striving for freedom, democracy and the rule of law through a strategy i.e. campaign & lobbying, research & documentation, litigation & direct assistance (such as providing legal, psychosocial, and economic support) for the victims of enforced disappearance and torture.

So far since DHR came into existence, we have provided psychosocial support to 200 family members of disappeared, filled habeas corpus petitions of 30+ cases in different High Courts of Pakistan, published 1 research book, 2 story books highlighting the stories of the disappeared, held 2000+ campaign and lobbying activities throughout Pakistan & with the International community. Documented 2800 cases of enforced disappearance, and provided 8 families of enforced disappearance with livelihood support seed money. There are a total of 2890 cases of enforced disappearance registered by DHR to date, out of which 900+ have been resolved despite the meagre resources of the organisation. The remaining cases are still ongoing and are a victim of enforced disappearance.

I. Pakistan's Universal Periodic Review Report

1. This report concerns itself with the vast number of enforced disappearances in Pakistan that occurred from the early 2000s. This was when the country found itself at the epicenter of the global war on terror. However, the practice was not entirely unknown prior to this, the United Nations Working Group on Enforced or Involuntary Disappearances (UNWGEID) reported 60 known cases of enforced disappearance between 1980 and 1997. It is important to note that there is no singular or reliable national, regional or international register of disappearances maintained in Pakistan.
2. It is necessary to compile and retain a public record of such acts as we move towards an incorporation into domestic laws of greater protections and more meaningful redress for victims.¹ For the purposes of this report, the Foundation for Fundamental Rights (FFR) has sought to record all reported cases over the past years through various public sources as will be discussed in Section III.
3. This report shall commence with a background of enforced disappearances following with the Commission of Inquiry on Enforced Disappearances (COIOED) in Section III. Sections VI and VII shall further analyze the shortcomings of Pakistan's legal mechanism and will provide recommendations.

II. Background of Enforced Disappearances

4. The practice of enforced disappearances in Pakistan has been in existence since at least the 1970s, but the significant increase in this criminal practice increased in the early 2000s, perhaps as a fallout of the US-led 'war on terror'. Since then, numerous cases of abduction for terrorist-related offences have arisen particularly from Khyber Pakhtunkhwa, which is the North-West region of Pakistan. Cases of large numbers have also been reported in Baluchistan where political activists or people sympathetic to nationalistic or separatist movement have been abducted, as well as Sindh, where political activists have been the primary target.
5. Recent years have noticed a trend of 'short-term enforced disappearances', which targets bloggers, activists, journalists, and others who are seen to be critical of the state. Such people are kept in detention for weeks or months whilst being subjected to torture and other forms of ill treatment, they are then released without being charged for any offence.
6. The surge in complaints regarding the involvement of the state and its instrumentalities in the abduction of its citizens led the Supreme Court of Pakistan to direct the Federal Government to constitute a commission. Thereof, in March 2011, Pakistan's Federal Government constituted a Commission of Inquiry on Enforced Disappearances (COIOED). The mandate of the COIOED was, among other things, to 'trace the whereabouts of allegedly enforced disappeared persons' and 'fix responsibility on individuals or organizations responsible'.
7. However, even with the enactment of the COIOED, the practice of enforced disappearances has not in any way been curtailed in Pakistan, according to the latest report of the COIOED, there have been 8661 cases till April 2022², however, these are only the official reported numbers, numerous families throughout the country have not reported their cases either out of fear or

¹ This is also a requirement under Article 17 (3) of the International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED)

² <http://coioed.pk/>

due to the fact that the police does not register them as the State of Pakistan has been trying divert responsibility from this issue in various manners³.

III. Commission of Inquiry on Enforced Disappearances (COIOED)

8. The COIOED was first established in March 2010, it only lasted till December 2010. Then, by the order of the Supreme Court, another COIOED was formed in 2011, it was formed to conduct the day to day hearings and inquiry of the cases of enforced disappearances in Pakistan. It has proved to be a toothless institution which is unable to work according to its mandate which was to give recommendations to the Government to put an end to this heinous crime. It was in the mandate of the COIOED to charge the perpetrators of this crime. However, they failed to charge a single perpetrator. In a briefing given to the Standing Committee on Human Rights by the President of this Commission Justice retired Javed Iqbal, stated that there were 153 names of the perpetrators which were found during the hearings of the cases of the disappeared. However not a single one out of the list was charged for this crime⁴.
9. The COIOED had to trace and release the enforced disappearance, out of 8661 cases they claim to have disposed of around 6458 cases whereas 2238 are still cases of Disappeared pending before the COIOED. There are around 550 cases for which the COIOED has issued the production order and after that closed their file without any relief. Over the last 6 years the COIOED has recorded the largest number of Disappearances in 2021 which are 1460 complaints of families of the Disappeared. Whereas the number of interned prisoners in the Army Camps are 989, unfortunately⁵. In Pakistan, the closest official authorization for the gathering of a public record confers responsibility to the COIOED. However, it is generally believed that the COIOED acknowledges a far fewer number of enforced disappearance than have occurred.
10. The attitude of the COIOED with the victim families is unconcerned, they do not provide them with any single piece of orders regarding their cases. The victim families are not facilitated in any way accommodative, English is the primary method of language, which creates a barrier for a majority of families trying to register their complaint. Hence, renowned Jurists of ICJ published a research report in 2020 on the working of this Commission of Inquiry, suggesting that no extension should be given to this failed COIOED⁶.
11. Further, DHR⁷ recommended in the four national and provincial level Consultations organized in 2021, with the stakeholders of this issue that the COIED should be abolished and instead the cases of the disappeared should be heard in the Supreme and High Courts of the country. DHR also recommended a truth and reconciliation commission so as to provide truth, justice, closure and compensation upon international standards. It was also suggested that The Government should own this issue and bring it in dialogue with the stakeholders & different state agencies

³ <https://www.dawn.com/news/1697120/state-apathy>

⁴ <https://www.icj.org/wp-content/uploads/2020/09/Pakistan-Commission-of-Inquiry-Advocacy-Analysis-Brief-2020-ENG.pdf>

⁵ Report of The Defence of Human Rights - Enforced Disappearance Country Update in Pakistan

⁶ <https://www.icj.org/wp-content/uploads/2020/09/Pakistan-Commission-of-Inquiry-Advocacy-Analysis-Brief-2020-ENG.pdf>

⁷ Defence of Human rights, a Non-Governmental Organization strictly working on the matter of Enforced Disappearances since 2005

which are involved in the disappearances of the citizens. Thus, providing immediate relief to the victims by stopping the list & tracing all the disappeared in Pakistan. Also, compensation must be made available as per international standards to the victims and their families⁸.

12. The panelist of the consultations across Pakistan, lawyers, politicians and human rights defenders recommended that the Government should look at this issue with a compassionate and humanitarian angle. The victim families that are left behind should be given psychosocial counseling, medical and education facilities as well as financial compensation for the loss of their breadwinner.
13. These demands from the Government from various stakeholders unfortunately have yet to bear fruit, the Government has barely taken any steps which hint towards the eradication of this heinous crime from the society of Pakistan. The simple case of Mahera Sajid⁹ is an example of this, which shall be elaborated upon further below. This is the only case in which the courts have ordered compensation to the family of the victim, however, despite the orders of the Islamabad High Court in 2018, no compensation has been released¹⁰ to the victim's family till day.

IV. Data on enforced disappearances in Pakistan

14. Collating data on enforced disappearances in Pakistan has proven to be quite difficult. In the absence of a single, independent national registry, figures from the COIOED are considered. However, these are widely known to be underreported. For the current report, an independent exercise has been undertaken to trace cases collected by the activist organizations, media reports and public bodies.
15. In the province of Balochistan, some early documentation was undertaken by Amnesty International, which suggested that "several members of the Balochistan Student Organization (BSO) "disappeared during 2005."¹¹ By the end of 2006, the Human Rights Commission of Pakistan (HRCP)¹² registered 99 cases of disappearances, 73 were from Balochistan.¹³ The brutality of detentions and torture undertaken against Baloch nationalists was recounted in an HRCP report of 2012 which cited a growing practice of dumping of bodies bearing marks of torture of people forcibly disappeared prior to that.¹⁴

⁸ Report of The Defence of Human Rights - Enforced Disappearance Country Update in Pakistan

⁹ 2018 CLC 1858

¹⁰ The Advocate for the petitioners of the case, Advocate Umar Ijaz Gillani had affirmed this.

¹¹ Amnesty International Report 2006 - Pakistan, 23 May 2006, available at:

<https://www.refworld.org/docid/447ff7b411.html>; BSO Chairman Dr Imdad Baloch was arrested on 25 March along with five others in Karachi. He and three others were released on bail two months later facing politically motivated criminal charges. He reported that they had been tortured and held blindfolded, in iron shackles and threatened with death if they did not give up politics.

¹² The Human Rights Commission of Pakistan is an independent, democratic non-profit organization founded in 1987.

¹³ Reportedly those who were rounded up were 'suspected rebels':

<https://www.theguardian.com/world/2007/mar/16/algaida.pakistan>

¹⁴ <http://hrnp-web.org/hrnpweb/wp-content/pdf/ff/12.pdf>

¹⁵ Report generated by the Baloch Human Rights Organization (BHRO), a non-profit NGO based in Balochistan which works to highlight human rights violations taking place due to the counter-insurgency policies of Pakistan.

16. The Bi-Annual Report 2018 of Balochistan¹⁵ reported that 144 persons became victims of enforced disappearance, all within the first six months of 2018. From March 1, 2011 to March 1, 2020, only 483 cases were reported till May 31, 2020. It is said 334 cases have been disposed of and that only 164 are pending, however the COIOED's reckons that 2,130 cases are still pending¹⁶. With a marked underreporting in numbers, even the COIOED itself reported receiving 350 cases from the province of Balochistan between March 2011 and June 2018.
17. Due to the nonchalant response by the legal system, DHR had decided to initiate various protests to bring into attention the matter of enforced disappearances. The first protest camp was organized in November 2009, this was right after the legal order was set back in Pakistan after the doctoral rule of Pervez Musharraf. The families of the disappeared protested in front of the Supreme Court and spent 3 days in a camp, this led to the Supreme Court to take up pending cases after 3 years.
18. The largest protest organized by DHR was from a period of roughly 2.5 months, commencing from 15th February 2012 and lasting till April 2012. More than 200 families spent their day and night protesting outside the Parliament of Pakistan, Parliamentarians also participated to show solidarity, due to the pressure, the State had decided to trace and release 150 people.
19. Constituting a distinct and additional category of victims of enforced disappearance are journalists, human rights workers as well as vocal critics of the armed forces and the practice of enforced disappearances in Pakistan. This includes the journalist¹⁷ Zeenat Shahzadi who is thought to be the first female disappeared.¹⁸ Shahzadi disappeared in August 2015 and reportedly resurfaced for a short while on 20th October 2017¹⁹, and went missing again in November 2017.²⁰ However, her whereabouts or safety since that time have not been independently corroborated.
20. Furthermore, Amnesty International's condemnation of the killing of at least 8 journalists in the year 2014 in direct consequence of their work was indicative of the greater state suppression of independent voices of criticism.²¹ Early on in 2017, 5 social media bloggers and human rights workers from across Pakistan were abducted within the span of few days. The blatancy of the entire operation attracted significant protest domestically, as well as heavy censure from the international community. 4 of the 5 activists quietly resurfaced within a few months.²²
21. UN human rights experts have also directly called upon the Government of Pakistan to release Idris Khattak, a human rights activist who was working on a number of reports on enforced disappearances in Pakistan's Federally Administrative Tribal Areas. His abduction was

¹⁵ Report generated by the Baloch Human Rights Organization (BHRO), a non-profit NGO based in Balochistan which works to highlight human rights violations taking place due to the counter-insurgency policies of Pakistan.

¹⁶ <https://www.dawn.com/news/1561160>

¹⁷ <https://www.bbc.com/news/world-asia-36149315>

¹⁸ Before she was abducted, she had been reporting on the case of Hamid Ansari, an Indian national who had gone missing in 2012 <https://www.dawn.com/news/1365073>

¹⁹ <https://tribune.com.pk/story/1536720/1-missing-lahore-journalist-zeenat-shehzadi-recovered-two-years/>

²⁰ <https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/>

²¹ www.amnesty.org/en/library/info/ASA33/005/2014/en

²² <https://www.frontlinedefenders.org/en/case/disappearance-ahmed-raza-naseer>

acknowledged by the Government of Pakistan after 7 months of his disappearance, this was strongly condemned by Geneva²³. Furthermore, the UN Working Group on Enforced Disappearances (UNWGEID) on its first session on Asia-Pacific reported 32 cases of enforced disappearances since February 11, 2022. These cases were taken up on an urgent action procedure²⁴.

22. The need to seriously address the issue of disappearances is clear. For years, the UN Working Group on Enforced or Involuntary Disappearances has been calling upon the government to reconstitute the present commission, increase its financial and human resources, and declare enforced disappearance a criminal offence²⁵.

23. The following timeline of disappearances can at best be a snapshot of publicly available information about the numbers of disappearances, gathered in a piecemeal fashion, often only reflecting the experience in a particular region of the country:

V. Pakistani courts' reaction to the practice

24. In 2005, a case²⁶ was brought before the Supreme Court of Pakistan by the Human Rights Commission of Pakistan (HRCP) and DHR. DHR and HRCP had collectively filed the case on behalf

²³ <https://www.ohchr.org/en/press-releases/2020/09/un-experts-pakistan-must-end-enforced-disappearance-human-rights-defender>

²⁴ The concerned countries were Egypt, Pakistan, Russian Federation and Saudi Arabia:
<https://www.ohchr.org/en/statements/2022/05/working-group-enforced-or-involuntary-disappearances-concludes-its-127th-session>

²⁵ <https://www.dawn.com/news/1561160>

²⁶ https://www.supremecourt.gov.pk/HR_Cases/1stfinal/965of2005_.pdf

of 749 petitioners. Upon examination of the investigative record, it unfolded that firstly in many of the cases the police refused to register a First Investigation Report (FIR) for the crime, and secondly, where the FIR was registered the report did not mention the alleged perpetrators. Even in the cases where the witnesses identified the responsible state agencies and provided the police with evidence of their involvement.

25. In the same matter, the Supreme Court had stated in its order that there had been no material progress in the matter and the pace of progress was quite negligible, the Supreme Court also stated that the police was unable to fulfill its duty by probing into the matter as certain state agencies were involved, evidence against those agencies had also been admitted yet no action could be taken against them²⁷.
26. Another matter of the “Adiala 11”²⁸ had taken the news by storm as well. A group of 11 men originally subjected to enforced disappearance between the years of 2007-2008, they were detained from different parts of Punjab and KP. As a result of habeas petitions, it was revealed that the men were being held at Adiala Prison without any charge. Upon further investigation, the security agencies that had detained these men revealed that the men were being tried for terrorism charges. Albeit the men were acquitted of all charges by the Anti-Terrorism Court Rawalpindi on April 8, 2010, the Government refused to release them, they were consistently held for preventive detention. When the family members filed writ petitions challenging the orders of the Government, the men were finally released as the Lahore High Court declared the detention orders to be unlawful.
27. Upon their release, the men were once again abducted from outside Adiala Jail by armed men. Their families once again took their case the Supreme Court. Relevant authorities initially denied having any knowledge of these men. However, on 9 December 2010 the Judge Advocate General of the Armed Forces finally admitted that all 11 were in the State’s custody and were being tried under the Army Act²⁹. As the persons had been ‘traced’, a standard newly operationalized since the formation of the COIOED, the Court disposed of the appeal and also directed that the families may be allowed to meet the detainees. The authorities only submitted formal charges against the men in April 2011. Hence, the Court turned a blind eye to the conduct of the law enforcing agencies, and thereby abdicated an opportunity to demand strict compliance with the law and the dictates of fundamental rights by the agencies.
28. A mother of three sons who together were part of the Adiala 11 group was denied opportunity of meeting them and thereby filed another petition before the Supreme Court under Article 184(3). In the interim, media reports had claimed that four of the ‘Adiala 11’ had died in uncertain circumstances between August 2011 and January 2012³⁰. Three of them over the course of treatment at a hospital in Peshawar. This was later confirmed at the hearings under questioning by the Court. After concerted pressure from the Supreme Court, on 26 January 2012 the provincial government of Khyber Pakhtunkhwa disclosed that the remaining members of the

²⁷ Ibid page 15 & 16

²⁸ <https://www.dawn.com/news/696615/the-adiala-11>

²⁹ Pakistan Army Act (“PAA”), 1952

³⁰ <https://www.dawn.com/news/689750/ghq-isi-camp-attacks-fourth-detainee-found-dead>

Adiala 11 were being held in Frontier Corps Fort Parachinar³¹. After constant demands by the Supreme Court, seven men were brought to the Supreme Court in Islamabad on 13 February 2012 in a visibly poor physical state^{32,33}. Two days later, the lawyer for the Ministry of Defence acknowledged that it did not have the jurisdiction to try these civilians under the Army Act. However, he formally invoked the AACPR (Actions in Aid of Civil Power Regulation, 2011), claiming the regulations provided the Armed Forces with a lawful basis for continued detention of the seven surviving men³⁴. Eventually, these men were tried and sentenced under provisions of the Frontier Crimes Regulation, 1901. Therefore, once again, while recognizing the subsequent legal cover provided to the acts of armed forces, the apex Court also sanctioned/ignored the ancillary infringements by the armed forces.

29. In a parallel set of cases at the Peshawar High Court stemming from habeas writs filed there, the court was less accommodative of the expanse of powers conferred by the AACPR regime. Representatives of the security agencies were summoned by the court to answer for their deficiency in compliance with the AACPR and for failing to meet deadlines set by the court for reporting on detainees being investigated as missing persons. Asserting its jurisdiction by suggesting that the security agencies were operating beyond the scope of authority conferred by the law, in June 2012 the Court ordered release of 1,035 detainees against whom no evidence had been found. Under the Court's supervision, a substantial number of detainees were released from internment centers³⁵. The Court also ordered that a further 895 detainees, who were considered to be possible or definite members of the Taliban or other armed groups, be promptly charged and their cases brought to trial³⁶. In November 2012, the Peshawar High Court also ordered the authorities to provide a full and final list of all remaining detainees. The Peshawar High Court also ordered the interning authorities acting under the AACPR to facilitate meetings between relatives and detainees, noting that this mandatory requirement should not be violated in any manner³⁷.

30. The Islamabad High Court has also been cognizant of the matter of Enforced Disappearances. In a case filed by Mahera Sajid³⁸, a resident of Islamabad whose husband was abducted by "State Forces", the High Court took strict notice of this.

31. The High Court ruled that is the duty and obligation of the State to take effective and prompt action when 'enforced disappearance' has been alleged. The Chief Commissioner, vested with powers of a Provincial Government and the Inspector General of Police, responsible for command of the Police force, are and shall be accountable for the lack of response of the

³¹ <https://www.dawn.com/news/741861>

³² <https://tribune.com.pk/story/335737/adiala-prisoners-case-seven-prisoners-presented-to-the-court>

³³ <https://www.dawn.com/news/695874/moving-scenes-at-funeral-of-missing-brothers-mother>

³⁴ Regulation 11 of the AACPR reads: "*The Power to intern shall be valid from the day when this regulation deemed to have come into force, or the date the order of the interment is issued, whichever is earlier, till the continuation of action in aid of civil power*". The Regulations were deemed to have come into force retrospectively from 1st February, 2008. Moreover, Regulation 26 also extends legal sanction generally to all actions taken by the Armed Forces, on and after the date of commencement of the Regulations.

³⁵ <https://tribune.com.pk/story/461893/missing-persons-case-phc-gives-ultimatum-to-agencies-federal-k-p-govt/>

³⁶ <https://www.refworld.org/pdfid/50d057cd2.pdf>

³⁷ WP No. 3305/2009 before the Peshawar High Court

³⁸ 2018 CLC 1858

criminal justice system according to the required standards in general and in cases alleging acts of 'enforced disappearance' in particular.

32. In a recent order of 2022 the Islamabad High Court took a strong stance and stated that The Federal Government shall issue and serve notices on General (ret'd) Pervez Musharraf and all other successors Chief Executives i.e. the former Prime Ministers, including the incumbent holder of the office. They were ordered to submit their respective affidavits providing an explanation onto why the Court may not order proceedings against them for alleged subversion of the Constitution under the context of the undeclared approval of the policy regarding enforced disappearances, and therefore putting national security at risk by allowing the involvement of law enforcing agencies, particularly the Armed Forces. The Court put the onus on each Chief Executive to rebut the presumption and to explain why they may not be tried for the offence of high treason.³⁹
33. In the same case, the Islamabad High Court expressed dissatisfaction on how the matter of enforced disappearance was not a priority of the Federal Cabinet and how the state had portrayed lack of empathy and neglect of their constitutional obligations⁴⁰. The Islamabad High Court had also expressly stated on how the conduct and response of the executive regarding these matters has been disturbing and contrary to their Constitutional duties. The High Court also revealed that General Musharraf who had ruled the country for almost a decade had professed in his memoir 'In the line of Fire' that enforced disappearance was an undeclared policy of the State⁴¹. Further, the High Court went on to criticize the COIOED, stating that the COIOED has become a forum which contributes towards making the agony and pain of the victims more profound, and that its proceedings are nothing but a mere formality⁴². The COIOED also admitted to the Islamabad High Court on 23rd June 2022 that they had produced 600 production orders⁴³, yet they were of no avail as those disappeared have still not been traced or produced before the court.
34. This has been one of the very rare occasions where the court has directly hit the nail on the head and called out those directly responsible to curb the menace of enforced disappearances. Unfortunately, despite these rulings the menace of enforced disappearances has not been completely eradicated from the society of Pakistan. The legal system has been criticized for not actively playing its role of ensuring the fundamental rights of the citizens, as these cases are dragged on for several years or up to a decade. Although the stance of Peshawar High Court and the Islamabad High Court clearly demonstrate that the legal mechanism can prove to be quite effective if it chooses to be.

VI. Pakistan's proposed legal Amendments qua Enforced Disappearances

35. On June 8th, 2021, the Pakistani Minister for Human Rights Shireen Mazari introduced a Bill In the National Assembly of Pakistan which proposed to amend the Pakistan Penal Code of 1860

³⁹ <https://www.geo.tv/latest/419673-ihc-directs-govt-to-issue-notices-to-musharraf-succeeding-pms-in-missing-persons-case>

⁴⁰ Writ Petition No. 696/2021 (W.P. No.696/2021) of Islamabad High Court, page 6

⁴¹ Ibid page 7

⁴² Ibid

⁴³ Writ Petition No. 1655/2022 Habeas Corpus (SB) Before Islamabad High Court

and the Code of Criminal Procedure 1898. The Amendments propose to criminalize enforced disappearance as an autonomous crime.

36. The tabled Bill stated that a new section 52-B (enforced disappearance) should be inserted into Pakistan Penal Code of 1860. The bill proposes that any form of illegal deprivation which relate to the arrest, detention, abduction or any form of deprivation of liberty by agent of the State or those acting on behalf of the state be classified as enforced disappearance. Controversially, the bill had also included an amendment which sought to fine and imprison anyone lodging a false complain with regards to enforced disappearance. United Nations experts called upon the Senate to carefully examine this clause of the Bill, terming it as imposing a climate of “self-censorship” upon the victims and their families⁴⁴.
37. Albeit the Bill was finally seen as a positive step towards the criminalization of enforced disappearances. However, the bill had gone ‘missing’ itself after being passed by the National Assembly⁴⁵. Reportedly, the law on enforced disappearances is receiving quite some resistance from some fractions of the State and lawmakers, as the Bill would require the identification and prosecution of perpetrators of the crime⁴⁶, a task which the State is attempting to evade responsibility from.

VII. Observations and Recommendations

38. The menace of enforced disappearance is a grave crime against humanity and has been ongoing for decades in Pakistan, yet the legal systems and the cry of victims seems to be of no effect. Various non-governmental organizations have highlighted the need for action to resolve this matter⁴⁷ in their previous UPR submissions. Despite this, the State of Pakistan has failed to take any concrete steps to criminalise the practice and implement measures to curb it.
39. FFR and DHR call on UN member states to make the following recommendations during the 4th cycle of UPR of Pakistan:
 - i. Sign and ratify the UN Convention for the Protection of All Persons from Enforced Disappearances (ICPPED) and act upon recommendations to made to Pakistan in respect of enforced disappearance by 15 countries in the 3rd UPR cycle⁴⁸.
 - ii. Make enforced disappearance a distinct and autonomous crime under local/domestic law and to terminate all forms of Impunity in dealing with this crime. The Government of Pakistan should repeal all forms of legislations which provide legal cover to enforced disappearance, such as the AACPR regime.

⁴⁴ <https://www.ohchr.org/en/press-releases/2022/01/pakistan-victims-enforced-disappearance-should-not-be-discouraged-lodging>

⁴⁵ <https://www.dawn.com/news/1667443>

⁴⁶ Ibid

⁴⁷ World Sindhi Congress (WSC) and Asian Legal Resource Centre (ALRC)- Universal Periodic Review – 28th Session, 6th – 17th November 2017

International Commission of Jurists - 28th Session of the Working Group on the Universal Periodic Review
6 – 17 November 2017

Human Rights Watch – UPR submission of April 2012

⁴⁸ https://www.upr-info.org/sites/default/files/documents/2017-10/a_hrc_wg.6_pak_3_e.pdf

- iii. Implement recommendations of UN Working Group on Enforced or Involuntary Disappearances (WGEID) report which was presented to Pakistan in 2012⁴⁹. Invite the Working Group for a follow up visit. Take concrete steps to clarify and resolve all outstanding cases submitted to UN WGEID, including the cases transmitted to Pakistan.
- iv. Take action to address the legal uncertainty created by the absence of the disappeared person. Create a mechanism of inheritance for the families of disappeared persons in Pakistani Law. Meanwhile, the Government should pay subsistence allowance to the victim families as well as reparations as reaffirmed by the Islamabad High Court in the Mahera Sajid case. The families of the victim of enforced disappeared are equal victims of torture, and therefore they should be provided with psychosocial support, legal aid & compensation for their loss by the State of Pakistan.
- v. The State of Pakistan must respect the fundamental rights of citizens as enshrined in the Constitution of Pakistan, including the right to life and liberty, the right to be treated in accordance with the law, the right to enjoy constitutional safeguards in relation to detention and torture, and the right to a fair trial and due process. It must immediately release all persons who have been subjected to enforced disappearance and have been kept in illegal detention⁵⁰.
- vi. Abolish the COIOED as it has failed to fulfill its mandate and end the impunity of the perpetrators of enforced disappearances in Pakistan. Establish a Truth and Reconciliation Commission which should be free from the interference of Law Enforcement Agencies and composed of Upright Former Judges /Human Rights Defenders/ Representatives of the families of the Disappeared.
- vii. The federal and provincial governments must implement the recent landmark verdicts passed by various High Courts in relation to the abolition of illegal detention centers⁵¹, the provision of compensation to the families of disappeared persons and the imposition of fines on those responsible for ineffective investigation in cases of enforced disappearances. Furthermore, the relevant governments should withdraw their appeals filed against the said verdicts⁵².

⁴⁹ <https://www.ohchr.org/en/statements/2012/09/working-group-enforced-or-involuntary-disappearances-concludes-its-official>

⁵⁰ Fundamental rights covered in Chapter 1 of the Constitution of Pakistan

⁵¹ WP No. 3305/2009 before the Peshawar High Court

⁵² The WP No. 3305/2009 is currently challenged before the Supreme Court of Pakistan by the State of Pakistan