



**Organizations Name: Defence of Human Rights - DHR**

**Country : Pakistan**

**Contribution to project of joint statement on the notion of short-term enforced disappearance**

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### **Introduction to Short-term Disappearances in Pakistan**

Short-term disappearances, also known as enforced disappearances, have become a grave and widespread issue in Pakistan. This distressing phenomenon involves the abduction or detention of individuals by state authorities or their agents, often without any legal basis or due process. It is a blatant violation of human rights and has caused immense suffering for countless families across the country. The alarming rise in such cases has drawn international attention and condemnation.

Nowadays, it has been noted that, “short-term disappearances have proliferated”, where victims are placed outside the protection of the law in secret detention before being released weeks or months later, sometimes after having been tortured and without having been brought in front of a judge.

Victims of the practice of “short-term enforced disappearance” include human rights activists, civil society members, journalists and others who are critical of the state or even an ordinary person. After apparently being interrogated in secret detention for weeks or months and reportedly being subjected to torture and other forms of ill treatment, they are released without being charged with any offence. Defense of Human Rights has a total of 3047 cases of Enforced Disappearance registered, out of which around 100 cases are of short term disappearance. In recent times we have seen a rather growing trend of short term disappearances in Pakistan. The

recent examples of such a trend can range from some ordinary people to professional journalists like Sami Ibrahim, lawyer Jibran Nasir and the list goes on. Most of the people who were subjected to enforced disappearance in the month of May 2023 were later recovered after short durations lasting from hours to a few days.

An incident of short-term disappearance took place on 24 May 2022, when a group of 10 men and eight women, including Baloch protesters and academic Nida Kirmani, 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 the police recorded the names and numbers of the protesters, and confiscated their phones. The group were later reported to have been released with no charges against them.

Considering the circumstances, courts usually respond to allegations of enforced disappearances by directing concerned authorities to “trace” the whereabouts of “enforced disappeared” and produce them before court. While they have had a minor success on this front, they too unfortunately have, failed in bringing perpetrators of the crime of enforced disappearance to account.

Moreover it is clear that, under Pakistani law, such practice is clearly unlawful; “fundamental rights” protected by the Constitution, the country’s criminal laws and procedures, and jurisprudence of the courts all underscore that people suspected of an offense must be promptly brought before a magistrate, informed of the charges against them and be detained only in authorized places where they have the right to meet their family members and consult with lawyers. However due process is never adopted in the short-term disappearances of citizens.

But this alone is not enough; the law must be strengthened to better address the particular phenomenon of enforced disappearance, regardless of the duration.

It is becoming increasingly clear that impunity for serious human rights violations is endemic, entrenched and institutionalized in Pakistan. It has resulted in concealing the truth, denying victims the right to effective remedy and reparation, and emboldening perpetrators of human rights violations. It is also essential in understanding why the practice of enforced disappearances

has persisted and is spreading — both in terms of geographical reach and the categories of people being targeted.

### **Background of Short-term Disappearances in Pakistan**

The practice of enforced disappearances in Pakistan can be traced back to the country's troubled history, marred by political instability, security challenges, and the rise of extremism. The roots of this issue can be found during the military dictatorships of the past, where individuals were routinely detained without charges, without legal representation, or access to fair trials. Although Pakistan transitioned to a civilian government, the problem of short-term disappearances has persisted, with numerous reports implicating security agencies and intelligence services.

While there are reports that the practice of enforced disappearance has existed in Pakistan since at least the 1970s, such cases have been recorded in significant numbers in the early 2000s, beginning with Pakistan's involvement in the US-led "War on Terror" in late 2001. Since then, hundreds of people accused of terrorism-related offenses have reportedly "disappeared" after being abducted by security agencies and detained in secret facilities, particularly in Khyber Pakhtunkhwa, the North-Western region of Pakistan.

Some of the victims, once placed in secret detention, died after being subjected to torture or were summarily executed. In Pakistan, victims of enforced disappearances would "reappear" years or even decades later but that's not the case in other countries.

Cases of enforced disappearances are also reported in large numbers in Balochistan, Sindh, Punjab and KPK; basically from all over Pakistan, where this practice is commonly used to curb the freedom voices.

In recent years, there have also been a number of "short-term enforced disappearances", where the victims could be anyone irrespective of their gender, caste, creed, age or profession others who are seen to be critical of the state. After apparently being interrogated in secret detention for weeks or months and reportedly being subjected to torture and other forms of ill treatment, they are released without being charged with any offence.

The UN Working Group on Enforced and Involuntary Disappearances (WGEID), established by the UN Human Rights Council, undertook a country visit to Pakistan in 2012 and issued a report in 2013. The report expressed concern at the continuing practice of enforced disappearances in Pakistan and made a series of recommendations to the Government. In its follow up in 2016, the WGEID regretted that “most of the recommendations contained in its country visit report have not been implemented” and that the Working Group is still “gravely concerned about the reported widespread practice of enforced disappearances in Pakistan”. The WGEID has received 1144 cases of allegations of enforced disappearances from Pakistan between 1980 and 2019, with a particularly large number in 2015-16, of which some 731 remained unclarified as of the end of 2019.

### **Current Trends in Pakistan**

Short-term disappearances continue to be a grave concern in Pakistan, with the number of reported cases showing a troubling upward trend. Activists, journalists, human rights defenders, political workers and members of marginalized communities are particularly targeted in these incidents. The motives behind these disappearances often revolve around political dissent, activism, or expressing opinions contrary to the state narrative. According to the latest report of the Commission of Inquiry on Enforced Disappearance (CoIoED) in Pakistan the total number of cases of enforced disappearance received from 2011 to 2023 are 9707, out of which 504 are from last month of May 2023. Pakistan has one of the highest rates of enforced disappearances in the world, with thousands of unresolved cases to date. Such trends have garnered widespread criticism and calls for urgent action to address this human rights crisis.

The case of Colonel Inam -ur- Raheem is one of the prominent advocates who disappeared, among the list of forcibly disappeared persons. Colonel Inam-ur-Raheem, a lawyer who had fought cases of the Disappeared citizens and coordinator for the Rawalpindi Bar Association’s Human Rights Committee, was himself forcibly disappeared by security forces on 19th December 2022.

He was picked up by unknown men in white clothes from his home in Rawalpindi during the late hours of night. But after 3 weeks of being in a completely dark and obnoxious situation he was

released. while the detention of retired colonel Inam ur Raheem, Justice Mirza Waqas Rauf remarked during the hearing of the case that the disappearance has no legal grounds whatsoever.”

Another case of short term disappearance happened on 2nd June 2023 when Jibran Nasir, a prominent Pakistani human rights activist and lawyer was abducted during the middle of night on the way home from dinner when a white vigo intercepted and almost 15 armed men took Nasir forcibly. His wife registered an FIR against his abduction but fortunately without any legal proceedings, Nasir was released after 22 hours of disappearance.

Sami Ibrahim, well-known TV anchor/journalist was abducted by unknown men from Islamabad. Ibrahim’s brother Ali Raza told that senior journalist was intercepted by four cars near Sixth Avenue, Sector G-6, Islamabad at around 9 pm on 25th May 2023, after he left his office to head home with his driver. According to the complainant, Ibrahim was forcibly taken by eight to 10 unidentified men, who also took three mobile phones belonging to the driver and the car keys. He came back after six days and was admitted in the hospital due to high blood pressure & ill treatment in detention.

## **Case studies**

In the shadows of uncertainty and anguish, countless lives have been torn apart by the haunting phenomenon of enforced disappearances. A few harrowing case studies have been discussed that shed light on this grave violation of human rights, where individuals have vanished without a trace, leaving behind anguished families desperate for answers.

### **1. *Farmanullah***

Farmanullah, a 27-year-old resident of Khani Khel, District Lakki Marwat, Pakistan, became a victim of enforced disappearance on April 25, 2023. Around 5 am, he was forcibly abducted by individuals dressed in police uniforms. In response to Farmanullah's disappearance, his family promptly registered a First Information Report (FIR) with the local police station, detailing the circumstances surrounding his abduction.

They also engaged legal representation and initiated a series of legal proceedings to secure Farmanullah's release. This included filing petitions and seeking the intervention of the higher judiciary to expedite the investigation.

Following weeks of uncertainty and distress, Farmanullah was set free on May 27, 2023. The specific details regarding his release, including the identities of those responsible for his abduction and the motives behind it, were not revealed. Nonetheless, his safe return provided a sense of relief to both his family and the community. However, the traumatic experience unquestionably left a lasting impact on Farmanullah's life.

## 2. *Abdul Hameed*

Abdul Hameed, a 30-year-old resident of Lakki Marwat, Pakistan, was forcefully abducted on March 13, 2023, while playing cricket with his friends. The abductors arrived in five cars but did not provide any reasons or allegations against him. Distressed, Abdul Hameed's family reported the incident, filed an FIR, and initiated legal proceedings to secure his release. They filed petitions in the High Court, seeking his recovery and a thorough investigation into the abduction. After 23 days, on April 12, 2023, Abdul Hameed was finally returned home, although the details of his release, the abductors' identities, and motives remained unknown. Nonetheless, his safe return brought relief to his family and the community.

## 3. *Omar Awab*

Omar Awab, a 53-year-old Director of Riphah International and Senior doctor at Railway Hospital Rawalpindi, Islamabad, was forcibly abducted on June 7, 2022, at around 3:30 pm near the vicinity of the hospital. Two individuals in civilian attire were responsible for his abduction. Omar's wife promptly filed a First Information Report (FIR) and initiated the necessary legal proceedings.

It was suspected by Omar's wife that the involvement of an intelligence agency was likely, as he had been receiving calls from unknown individuals prior to his disappearance, requesting in-person meetings which he had consistently declined. This refusal may have led to his abduction. On August 4, 2022, Omar was released and safely returned home.

#### **4. *Muhammad Shahid***

Muhammad Shahid along with his brother was going to Muzaffargarh from Rahim Yar Khan on 5th July 2023. Police officials of Police station Alipur Saddar forcefully abducted Muhammad Shahid from Muzaffargarh . After some time, Muhammad Shahid's father reached the police station and asked SHO Javed Iqbal the reason for arresting Mohammad Shahid. So he said that he will release him after doing some basic investigations. Later he did not release him and said that Muhammad Shahid is not with us any more. After a week of Disappearance Mohammad Shahid was released on 12th July 2023. He spent seven days in custody and is yet marked another case of short term disappearance.

#### **Recommendations:**

1. An end to the continuous ongoing practice of Enforced Disappearance both long & short term in Pakistan. The easy tool of oppression being the short term disappearance, should be dealt with equal importance.
2. The state must end the heinous practice of maintaining secret detention centers and safe houses where the disappeared persons are illegally detained after their abduction. Furthermore, the Government of Pakistan must investigate allegations of torture and killing of disappeared persons in these secret detention centers and must hold accountable those who are responsible for such heinous crimes against the citizens of Pakistan.
3. The Government of Pakistan must provide the families of disappeared with reparations. Furthermore, the families of disappeared persons and human rights defenders working for ending enforced disappearances should be provided with security and protection.
4. The Government of Pakistan should, without any further delay, sign and ratify the United Nations Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).
5. The Parliament must enact a comprehensive domestic law for addressing the issue of enforced disappearances both short term & long term in Pakistan whereby the practice of enforced disappearance should be criminalized and mechanisms should be provided for prosecuting and punishing the

perpetrators of enforced disappearances, regardless of their status or the state agency they are associated with.

## **Conclusion**

The issue of short-term disappearances in Pakistan demands immediate attention and robust measures to safeguard human rights. It is essential for the government to address this problem, hold those responsible accountable, and ensure justice for the victims and their families. The international community also plays a crucial role in raising awareness and pressuring the Pakistani authorities to take meaningful action. Upholding the principles of human rights, due process, and the rule of law is paramount in combating this egregious violation and creating a just and equitable society for all.

In addition to governmental action and international pressure, civil society organizations and human rights defenders have a vital role to play in addressing the issue of short-term disappearances in Pakistan. These organizations tirelessly advocate for the rights of the victims, document cases, and provide support to affected families. They play a crucial role in raising awareness about the issue, organizing protests, and pressuring the government to take necessary steps to address these disappearances.

Their tireless efforts contribute to fostering a culture of accountability, transparency, and respect for human rights within the country. It is essential to support and empower these organizations to continue their vital work and ensure that their voices are heard at both national and international levels. Together, through collaborative efforts, we can strive to put an end to these disappearances and establish a society that values and protects the rights of all its citizens.



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