



PAKISTAN

# “We Can Torture, Kill, or Keep You for Years”

Enforced Disappearances by Pakistan Security Forces in Balochistan

HUMAN  
RIGHTS  
WATCH



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**Enforced Disappearances by Pakistan  
Security Forces in Balochistan**

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## **Enforced Disappearances by Pakistan Security Forces in Balochistan**

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# Map of Balochistan





## Summary

“Even if the president or chief justice tells us to release you, we won’t. We can torture you, or kill you, or keep you for years at our will. It is only the Army chief and the [intelligence] chief that we obey.”

– *Pakistani official to Bashir Azeem, the 76-year-old secretary-general of the Baloch Republican Party, during his unacknowledged detention, April 2010*

“Disappearances of people of Balochistan are the most burning issue in the country. Due to this issue, the situation in Balochistan is at its worst.”

– *Supreme Court Justice Javed Iqbal, commenting on the establishment of the Commission of Inquiry for Missing Persons on May 4, 2010.*

“One of them pointed his gun at Abdul Nasir and shouted, ‘Get up!’ As soon as Abdul Nasir got off the ground the man walked him to their car. Since that time I have not seen Abdul.”

– *Witness to enforced disappearance of Abdul Nasir, June 2010*

On December 11, 2009, a 39-year-old Baloch nationalist activist, Abdul Ghaffar Lango, and his wife were leaving a hospital in Pakistan’s southern city of Karachi after her discharge from surgery when two white Toyota pickup trucks suddenly stopped at the main gate. Lango’s wife said that about 10 men in plain clothes approached the couple and one started beating Lango with the butt of an AK-47 assault rifle until he lost consciousness. The men then dragged him into one of the pickups and drove away. When the family went to register the abduction with the police, the police informed them that Lango had been detained because of his political activities, yet refused to provide further information on his whereabouts or specific charges against him.

On July 1, 2011, Lango’s corpse was found in an abandoned hotel near Lakbado area of Gadani town in the Lasbela district of Balochistan. The local police represented by the Station House Officer (SHO) of Gadani Police Station told the local media that “the body bore multiple marks of brutal torture.”

Lango’s case illustrates a disturbingly regular feature of the ongoing conflict in Pakistan’s western province of Balochistan: the practice of enforced disappearances, in which the authorities or their agents take people into custody and then deny all responsibility or



knowledge of their fate or whereabouts. Enforced disappearances inflict unbearable cruelty not just on the victims, but on family members, who often wait years or decades to learn of their fate. Many cases result in the extrajudicial killing of the victims. Under international law, “disappearances” are considered a continuing offense, one that is ongoing so long as the state conceals the fate or the whereabouts of the victim.

The problem of disappearances in Pakistan is widespread and is not limited to Balochistan province. This report, however, focuses specifically on “disappearances” in Balochistan, as they are a distinctive feature of the conflict there between government security forces and armed militants that has devastated the province over many years. These disappearances take place in a province in which armed militants, particularly Baloch nationalist armed groups, have attacked security forces and military bases throughout the province. These groups have been responsible for many targeted killings, including the killing of numerous teachers and other educators. In recent years they have increasingly attacked non-Baloch civilians and their businesses, as well as major gas installations and infrastructure. Human Rights Watch documented abuses by militants in its 2010 report, *“Their Future Is at Stake”: Attacks on Teachers and Schools in Pakistan’s Balochistan Province*.

For this report, Human Rights Watch interviewed over 100 individuals in Pakistan, including family members of disappeared individuals, persons who had been held in unacknowledged detention and then released, local human rights activists, lawyers, and witnesses.

The first appendix to this report contains detailed descriptions of 45 cases of alleged enforced disappearances, the majority of which were reported in 2009-2010. These cases show that Pakistan’s security forces, particularly its intelligence agencies, targeted for enforced disappearance ethnic Baloch suspected of involvement in the Baloch nationalist movement. Evidence of a broader campaign by the authorities includes detailed accounts of the released detainees and their relatives, witness accounts describing the circumstances of abductions and the identity of the perpetrators, and admissions by government officials. In a few cases representatives of the intelligence agencies admitted responsibility to the families, or during court hearings. None of the victims, their relatives or eyewitnesses to the alleged disappearances interviewed by Human Rights Watch blamed armed Baloch groups. Most blamed Pakistan’s intelligence agencies or the paramilitary Frontier Corps.

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

The victims of enforced disappearances in the cases documented were predominantly men in their mid-20s to mid-40s. Three of the disappeared were children, the youngest of whom was 12 years old at the time of the abduction. In three cases, the victims were over 60 years old. Most victims appear to have been targeted because of alleged participation in Baloch nationalist parties and movements, including the Baloch Republican Party (BRP), Baloch National Front (BNF), Baloch National Movement (BNM) and Balochistan National Party (BNP), as well as the Baloch Student Organization (Azad) (BSO-Azad). In several cases, people appeared to have been targeted because of their tribal affiliation, especially when a particular tribe, such as the Bugti or Mengal, was involved in fighting with Pakistan's armed forces.

Witnesses frequently described the perpetrators as armed men in civilian clothes, usually arriving in one or more four-door pickup trucks. The witnesses typically referred to these assailants as representatives of the "agencies," a term commonly used to describe the intelligence agencies, including the Directorate for Inter-Services Intelligence (ISI), Military Intelligence (MI), and the Intelligence Bureau (IB). Other information obtained by Human Rights Watch in many cases corroborates these claims.

In 16 cases documented by Human Rights Watch, the abductions were carried out by, in the presence of, or with the assistance of uniformed personnel of the Frontier Corps (FC), an Interior Ministry paramilitary force. In a number of cases, police assisted by being present at the scene or securing an area while plainclothes intelligence officers abducted individuals who later "disappeared."

In all the cases Human Rights Watch documented, even evident members of the security forces did not identify themselves, explain the basis for arrest or where they were taking those apprehended. Often instead they beat the victims and dragged them handcuffed and blindfolded into their vehicles. For example, on July 1, 2010, Shams Baloch, the 49-year-old former mayor of Khuzdar town in Balochistan, was abducted from an ambulance while accompanying his sick mother to a hospital in Quetta, Balochistan's capital. About an hour after they left Khuzdar, men in Frontier Corps uniforms stopped the ambulance at a checkpoint and ordered Baloch to get out. They proceeded to beat him, while holding others at gunpoint. Four armed men in plain clothes arrived a short time afterwards and took Baloch with them. The police refused to investigate.

Another feature of enforced disappearances in Balochistan is that many of the victims, especially senior political activists, have been "disappeared" more than once. They have been abducted, held in unacknowledged detention for weeks or even months, released, and then abducted again. And sometimes "disappearances" occur after the security forces

have made several unsuccessful attempts at abducting a person before finally apprehending and disappearing the victim.

Information on the fate of persons subjected to enforced disappearances in Pakistan is scarce. Some of the alleged disappeared are being held in unacknowledged detention in facilities run by the Frontier Corps and the intelligence agencies, such as at the Kuli army cantonment, a military base in Quetta.

Those whom the security forces eventually release are frequently reluctant to talk about their experiences for fear of being disappeared again or facing other repercussions. Many have been threatened with retaliation if they discuss who abducted them or reveal that they were tortured in custody. Without exception in the cases Human Rights Watch investigated, released detainees and relatives who were able to obtain information about the disappeared person's treatment in custody reported torture and ill-treatment. Methods of torture included prolonged beatings, often with sticks or leather belts, hanging detainees upside down, and food and sleep deprivation.

In seven cases documented by Human Rights Watch, Pakistani authorities attempted to legitimize disappearances by bringing criminal charges against the missing persons. In some cases, the detainees were then transferred into police custody and brought to trial. In other cases, such as that of Dr. Din Mohammad Baloch, the families found out about the charges from the media, yet were still unable to locate or meet with their missing relative.

There is increasing evidence to substantiate the fears of many families that disappeared relatives who have been missing for months or years have been killed in custody. According to media reports, more than 70 bodies of previously disappeared persons have been discovered between July 2010 and February 2011.

While the problem is widespread, the exact number of enforced disappearances perpetrated in recent years by Pakistan's security forces remains unknown. Anti-government Baloch nationalists claim thousands of cases. Official numbers of disappeared persons are wildly contradictory. In 2008, Pakistan's interior minister, Rehman Malik, admitted at least 1,100 victims. In January 2011 Balochistan's home minister, Mir Zafullah Zehri, told provincial legislators that only 55 persons were considered missing. The minister provided no explanation for these figures, which are inconsistent with those of credible sources.

Some of the disappeared have been traced by various institutions. The Balochistan home minister claimed in January 2011 that 32 people had been traced. According to separate investigations by the federal Interior Ministry and provincial Home Ministry, 23 victims of disappearances have been traced. The Commission of Inquiry for Missing Persons, established by the Supreme Court of Pakistan, has traced a total of 134 persons throughout Pakistan, of which 23 have so far been released. However, this list is not publicly available and it is not known if disappeared persons from Balochistan are on this list.

Since President Asif Ali Zardari took office in 2008, his government has taken significant steps to address Baloch grievances. It offered a public apology to the people of Balochistan for human rights violations perpetrated by the state under military rule, including large-scale disappearances. In December 2009 the government, seeking political reconciliation in Balochistan, passed the Aghaz-e-Haqooq-e-Balochistan (“Beginning of Rights in Balochistan”) package of constitutional, political, administrative, and economic reforms. It noted the province’s “sense of deprivation in the political and economic structures of the federation” and past failure to implement provisions of the 1973 Pakistan Constitution that sought to empower the provinces.

Yet the government has not kept its promises to address the crisis of enforced disappearances in Balochistan. Those responsible for enforced disappearances in the cases documented in this report have not been held accountable. The security forces have continued to behave with the same impunity they enjoyed under the military government of President Gen. Pervez Musharraf. This impunity seems to penetrate the system at all levels: police who refuse to register and investigate disappearance cases, courts that appear unwilling or unable to fully enforce the law against the security forces, intelligence agencies that continue to blatantly ignore court orders, and high-level government officials who talk of the need for accountability yet are unwilling or unable to rein in the security forces. The reality is that security forces controlled by the military, including intelligence agencies and the Frontier Corps, continue to act outside all formal mechanisms of civilian oversight.

In the vast majority of cases we documented, relatives of the disappeared reported the cases to the local police. In most cases the police eventually, often after an order from the Supreme Court, registered the cases. Yet that is where official activity usually ended, as no investigations followed. Police often explicitly told the families that they had no powers to investigate disappearances allegedly committed by the intelligence agencies or Frontier Corps personnel.

The right to habeas corpus continues to be largely undermined both by the failure of the courts to meaningfully uphold it and by security agency defiance. In 27 disappearance cases documented in this report, the families of the victims or lawyers acting on their behalf filed petitions with the Balochistan High Court. In none of those cases did the court establish the whereabouts of the disappeared.

The Supreme Court has been more active. In 2009, it reopened the inquiry into disappearance cases across Pakistan that it began during the Musharraf period and that had led to a confrontation resulting in Musharraf's dismissal of the chief justice. In May 2010 the Supreme Court formed the Commission of Inquiry for Missing Persons, with a mandate to investigate enforced disappearances and provide recommendations for eliminating this practice. A new Commission of Inquiry for Missing Persons was established by the federal Ministry of Interior on March 1, 2011. While some of the disappeared were traced by the first commission, no perpetrators were brought to account, possibly because of fears within the courts about confronting Pakistan's powerful intelligence and security agencies.

The inability of law enforcement agencies and the criminal justice system to tackle the problem of disappearances is exacerbated by the continuing failure of Pakistani authorities at the national and provincial level to exert the political will to address the issue of disappearances in Balochistan. The authorities have failed so far to send a strong message to the security forces and intelligence agencies and to implement a set of concrete measures that would put an end to the practice of enforced disappearances.

This failure remains one of the key factors contributing to the persistent cycle of abuse and impunity in the region, which takes a heavy toll on the Baloch community. It not only affects the victims whose lives are brutalized and lost, but also their families who live in the anguish that they may never learn the fate of their loved ones. It also deeply undermines the efforts of the Pakistani government to win the trust of the Baloch people and achieve reconciliation in the province.

## **Key Recommendations**

### **To the Government of Pakistan and the Provincial Government of Balochistan:**

- Investigate all allegations of enforced disappearances, including those documented in this report, until the fate of each victim is clearly and publicly established. Investigate all related allegations of torture, extrajudicial killings, or other abuses.

- Account for every person detained by all authorities in Balochistan, and in particular those accused of involvement in attacks by Baloch armed groups or arrested in military operations in Balochistan.
- Instruct the police to register all cases of abductions and unlawful arrests, even if the alleged perpetrators include the personnel of the intelligence agencies, the Frontier Corps, or other security forces.
- Ensure that the police and Commission of Inquiry for Missing Persons (CIMP) have the necessary authority and resources to vigorously investigate cases of disappearance, including those perpetrated by the intelligence agencies and paramilitary forces.
- Authorize the police and the CIMP to obtain information from any state agencies, including the military and intelligence agencies, about the whereabouts and status of the disappeared. Provide the police and the CIMP with investigative powers to make unannounced and unaccompanied searches of security force facilities and records.
- Dismiss from service and prosecute as appropriate all officials, regardless of rank, found responsible for committing or ordering disappearances or related abuses. Hold superior officers, whether civilian or military, criminally accountable if they knew, or should have known, that forces under their command had committed or were about to commit criminal acts, and they did not take reasonable steps to prevent such acts or punish those responsible.
- Require arresting officers to identify themselves and present official identification.
- Inform detainees immediately of the reasons for arrest and any charges against them. Inform the family promptly of the arrest and location of the detainee. Allow direct contact with family and unhindered access to legal counsel as soon as possible, but in all cases within 24 hours.
- Bring detainees promptly before a judge and inform them of the reasons for arrest and any charges.
- Ensure that all persons detained by security forces are held at recognized places of detention.
- Order the military, intelligence agencies, the Frontier Corps, the police, and all other security and intelligence agencies to promptly respond to inquiries and comply with all habeas corpus orders issued by the courts.
- Release accurate information on all those formally arrested or otherwise taken into custody, detained, and released in Balochistan and elsewhere in Pakistan.
- Introduce legislation making enforced disappearances a criminal offense punishable by sanctions commensurate with the gravity of the crime.

- Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and enact national legislation that gives force to its provisions.
- Repeal or revise all laws that allow arrest and detention on vaguely defined charges and grant sweeping immunity to the security forces. These laws include Maintenance of Public Order Ordinance (1960), the Anti-Terrorism Act, 1997, the “Sedition Law” Section 124-A of the Pakistan Penal Code, and the Security of Pakistan Act, 1952.

**To Pakistan’s International Partners, in particular those such as the United States and United Kingdom that have relationships with Pakistan’s security and intelligence agencies:**

- Demand the government of Pakistan make it a priority to end the practice of disappearances and arbitrary detentions and that it hold all persons who order or carry out disappearances accountable.
- Communicate directly to the agencies responsible for disappearances, including the army, ISI, IB, Frontier Corps, police and other law enforcement and intelligence agencies they have relationships with, and demand an end to disappearances. Make it clear that continued disappearances will result in conditions on or an end to relationships with those agencies.
- Suspend police and military assistance and cooperation programs with Frontier Corps , police and Pakistan Army units based in Balochistan until military and civilian authorities fully investigate and take appropriate action regarding allegations of disappearance and other abuses by their forces
- Ensure that adequate mechanisms are in place to ensure that no security unit funded and trained by external forces is responsible for human rights violations and that adequate vetting and oversight mechanisms are in place to help deter abuse in the future.
- The US should fully implement the Leahy Law which prohibits the provision of military assistance to any unit of the security forces or a foreign country where there is credible evidence that such unit has committed gross violations of human rights.

## Methodology

This report is based on information collected by Human Rights Watch researchers in Pakistan in 2010 and 2011. During our research on enforced disappearances in Balochistan, Human Rights Watch interviewed more than 100 individuals, including family members of “disappeared” individuals, persons who were in unacknowledged detention and later released, local human rights activists, lawyers, and witnesses. The interviews were conducted in English and in Urdu, and, where necessary, with the help of Baloch interpreters.

Human Rights Watch encountered serious difficulties in meeting Baloch witnesses, as many were reluctant to travel and meet with Human Rights Watch researchers out of fear for their safety from government security forces. Many witnesses interviewed by Human Rights Watch were visibly scared and expressed serious concerns about repercussions they may face for speaking about disappearances in the province. We have used pseudonyms for several witnesses and victims, as expressly indicated at relevant points in the text and footnotes, to protect them from possible retaliation.

The cases documented in this report include those where there is still no information about the fate and whereabouts of the disappeared individuals; cases where the victims’ bodies were recovered following the disappearance, suggesting that the person had been subjected to an extrajudicial execution; and cases where individuals were subjected to weeks- or months-long disappearance before being either released or transferred into acknowledged detention and then usually charged with criminal offenses.

Appendix 1 to this report contains detailed descriptions of 45 alleged cases of enforced disappearances, the majority of which occurred in 2009-2010. Human Rights Watch has transmitted all these cases to the United Nations Working Group on Enforced and Involuntary Disappearances.

While all efforts were made to ensure that information in Appendix 1 is up to date, given the challenge of obtaining information from Balochistan, especially in the northern part of the province, new developments may have occurred in some of the cases before the report went to print.



# I. Background: Conflict and Abuses in Balochistan

Balochistan, Pakistan's western-most province, borders eastern Iran and southern Afghanistan. It is the largest of the country's four provinces in terms of area (44 percent of the country's land area), but the smallest in terms of population (5 percent of the country's total). According to the last national census, in 1998, over two-thirds of its population of nearly eight million people live in rural areas.<sup>1</sup> The population comprises those whose first language—an important marker of ethnic distinction in Pakistan—is Balochi (55 percent), Pashto (30 percent), Sindhi (5.6 percent), Seraki (2.6 percent), Punjabi (2.5 percent), and Urdu (1 percent).<sup>2</sup>

There are three distinct geographic regions of Balochistan. The belt comprising Hub, Lasbella, and Khizdar in the east is heavily influenced by the city of Karachi, Pakistan's sprawling economic center in Sindh province. The coastal belt comprising Makran is dominated by Gwadar port. Eastern Balochistan is the most remote part of the province. This sparsely populated region is home to the richest, though largely untapped, deposits of natural resources in Pakistan, including oil, gas, copper, and gold. Significantly, it is the area where the struggle for power between the Pakistani state and local tribal elites has been most apparent.<sup>3</sup>

Balochistan is both economically and strategically important. The province borders Iran and Afghanistan, hosts a diverse ethnic mix of residents, has the second largest supply route for international forces in Afghanistan, and is allegedly home to the so-called Quetta Shura of the Taliban in the provincial capital, Quetta.<sup>4</sup> The situation is further complicated by the large number of foreign states with an economic or political stake in the mineral-rich province, including the United States, China, Iran, India, and the United Arab Emirates.<sup>5</sup>

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<sup>1</sup> Census of Pakistan 1998, Balochistan Provincial Report; and World Bank, Balochistan Economic Report: From Periphery To Core, Volume II, 2008.

<sup>2</sup> Census of Pakistan 1998, Balochistan Provincial Report.

<sup>3</sup> Robert G. Wirsing, "Baloch Nationalism And The Geopolitics Of Energy Resources: The Changing Context Of Separatism In Pakistan," United States Army War College, Strategic Studies Institute, April 2008, <http://www.strategicstudiesinstitute.army.mil/pdffiles/pub853.pdf> (accessed November 22, 2010).

<sup>4</sup> Ibid. The Quetta Shura is a militant organization composed of the top leadership of the Afghan Taliban. It formed after US-led forces attacked the Taliban in Afghanistan in November 2001 and its senior leadership escaped into Pakistan.

<sup>5</sup> Ibid. See also Maha Atal "China's Pakistan Corridor," Forbes Asia, May 10, 2010, <http://www.forbes.com/global/2010/0510/companies-pakistan-oil-gas-balochistan-china-pak-corridor.html> (accessed November 22, 2010).

Balochistan has historically had a tense relationship with Pakistan's national government, in large part due to issues of provincial autonomy, control of mineral resources and exploration, and a consequent sense of deprivation. Under President Gen. Pervez Musharraf, Pakistan's military ruler from 1999 until 2008, the situation deteriorated markedly.<sup>6</sup> Two assassination attempts on Musharraf in 2005 and 2006 during visits to Balochistan resulted in a crackdown on Baloch nationalists by the armed forces and Military Intelligence (MI), its lead intelligence agency in the province. These operations ultimately led to the killing in August 2006 of influential tribal chieftain Nawab Akbar Bugti and 35 of his close followers.

Since 2005, Pakistani human rights organizations have recorded numerous serious human rights violations by security forces, including extrajudicial executions, torture, enforced disappearances, forced displacement, and excessive use of force.<sup>7</sup>

Armed militant groups in Balochistan are responsible for many targeted killings and destroying private property. In the past several years, they have increasingly targeted non-Baloch civilians and their businesses, as well as major gas installations and infrastructure.<sup>8</sup> Baloch armed groups have also claimed responsibility for a series of attacks on gas pipelines and other infrastructure in the first three months of 2011. These attacks have created an acute shortage of fuel for cooking and heating during one of the coldest periods of the year.<sup>9</sup> They have also struck police and security forces and military bases throughout the province.<sup>10</sup>

Militancy in Balochistan has been fuelled by ethnic Baloch anger over the Pakistani government's efforts to harness local mineral and fossil fuel resources, maintain large numbers of troops in the province, and construct the Gwadar deep-sea port at the mouth

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<sup>6</sup> See Ahmed Rashid, *Descent Into Chaos* (New York: Viking, 2008), pp. 283-287.

<sup>7</sup> Human Rights Commission of Pakistan, "Human Rights Violations: Conflict In Balochistan," August 2006, <http://hrqp-web.org/pdf/Conflict%20in%20balochistan--%20Complete.pdf> (accessed November 22, 2010). According to the Geneva-based Internal Displacement Monitoring Center, violence in 2005 around Dera Bugti district alone displaced around 6,000 people and killed scores. The total number of people displaced from all districts remains unknown, with estimates ranging from tens to hundreds of thousands.

<sup>8</sup> "Pakistan Fails to Curb Violence in Balochistan," *Sify*, July 6, 2010, <http://sify.com/news/pakistan-fails-to-curtail-violence-in-balochistan-news-international-khgqOpbaide.html> (accessed November 22, 2010).

<sup>9</sup> Madiha Sattar, "Balochistan: Pakistan's other war," *The AfPak Channel: Foreign Policy*, February 15, 2011, [http://afpak.foreignpolicy.com/posts/2011/02/15/Balochistan\\_pakistans\\_other\\_war](http://afpak.foreignpolicy.com/posts/2011/02/15/Balochistan_pakistans_other_war) (accessed March 28, 2011).

<sup>10</sup> Syed Talat Hussain, "Regime of Fear," *Newsline*, April 21, 2010, <http://www.newslinemagazine.com/2010/04/regime-of-fear> (accessed November 22, 2010).

of the Persian Gulf with non-Baloch workers. The Pakistani military claims that Baloch militants receive arms and financial support from India.<sup>11</sup>

In December 2009 Pakistan's newly elected civilian government, in an effort to bring about political reconciliation in the province, passed the Aghaz-e-Haqooq-e-Balochistan ("Beginning of Rights in Balochistan") package of constitutional, political, administrative, and economic reforms. It noted the province's "sense of deprivation in the political and economic structures of the federation" and past failure to implement provisions of the 1973 Pakistan Constitution that sought to empower the provinces.<sup>12</sup>

The package aims, among other things, to delegate a range of powers to the Balochistan government, and requires federal authorities to obtain provincial government consent with respect to major projects. It seeks to redress the province's poor socio-economic indicators, the worst in the country, by increasing Baloch employment in the civil service, giving provincial and local government authorities a greater share of resource industry revenues, and compensating communities displaced by violence. It also calls for military cantonments under construction in the resource-rich Sui and Kohlu regions to be temporarily halted and for the military to be replaced there by the Frontier Corps, a paramilitary force that answers to the civilian Federal Ministry of the Interior. Under the package, the Balochistan chief minister is to have control over the Frontier Corps' law and order operations. The package also calls for an investigation of targeted killings and other murders, missing persons, and for all persons detained without charge to be released.<sup>13</sup>

As a result of the package, the Pakistan federal government in 2010 released Rs 12 billion (US\$140 million) to the Balochistan government in outstanding debts owed to it with respect to natural gas revenues and announced a Rs 152 billion (US\$1.77 billion) budget

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<sup>11</sup> Salman Masood, "Pakistan Spy Chief to Visit India," *New York Times*, November 28, 2008, <http://www.nytimes.com/2008/11/29/world/asia/29pstan.html> (accessed November 22, 2010). While India consistently denies these allegations, Pakistani officials say that India's role in stoking unrest in Balochistan is illustrated by the scale and sophistication of recent attacks on Pakistan interests, alleged confessions of captured militants, and past evidence of support by "foreign" powers for separatist elements. See "What's the Problem with Pakistan?" *Foreign Affairs*, March 31, 2009, <http://www.foreignaffairs.com/discussions/roundtables/whats-the-problem-with-pakistan> (accessed November 22, 2010).

<sup>12</sup> Aghaz-e-Haqooq-e-Balochistan, December 9, 2009, preamble.

<sup>13</sup> Aghaz-e-Haqooq-e-Balochistan, December 9, 2009, Section C, Articles 11-14.

for the province, double that of 2009.<sup>14</sup> The package also establishes a judicial inquiry into the killing of Nawab Akbar Bugti and other Baloch political leaders.<sup>15</sup>

These reforms notwithstanding, doubts persist within Baloch society about the Pakistan government's intentions. Significant Baloch nationalist parties and leaders have rejected the package, claiming it does not adequately address core grievances or genuinely enable greater provincial autonomy.<sup>16</sup> Many have continued to call for complete separation from Pakistan.<sup>17</sup> However, Baloch nationalists are highly splintered and it is unclear how much influence Baloch political leaders now exert over militant groups.<sup>18</sup>

Divisions among Baloch nationalists have exacerbated lawlessness and violence in the province. In 2010, militants escalated sectarian and ethnically motivated targeted killings, especially in Quetta.<sup>19</sup> In addition, they have continued to target gas pipelines, railway lines, electricity networks, and government buildings, including schools.<sup>20</sup>

Three distinct groups are responsible for violence against civilians in the province: militant Baloch nationalist groups seeking separation or autonomy for Balochistan that target Punjabis and other minorities; militant Sunni Muslim groups that attack members of the Shia community; and armed Islamist groups that have most recently attacked those who act contrary to their interpretation of Islam.<sup>21</sup>

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<sup>14</sup> Nasir Jamal and Saleem Shahid, "Rs152 billion budget for Balochistan," *Dawn*, June 22, 2010, <http://news.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/front-page/rs152-billion-budget-for-balochistan-260> (accessed November 30, 2010).

<sup>15</sup> Raja Asghar, "Govt offers olive branch to Balochistan," *Dawn*, November 25, 2009, <http://news.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/04-balochistanpackage-q5-10> (accessed November 30, 2010).

<sup>16</sup> Murtaza Ali Shah, "Baloch nationalists reject package," *The News International*, November 25, 2009.

<sup>17</sup> Sajid Hussain, "18th Amendment Fails To Appease Most Of Baloch Nationalists," *The News On Sunday*, April 11, 2010; Syed Talat Hussain, "Regime of Fear," *Newsline*, April 21, 2010.

<sup>18</sup> Syed Talat Hussain, "Regime of Fear," *Newsline*.

<sup>19</sup> *Ibid.*

<sup>20</sup> "Pakistan Fails To Curb Violence In Balochistan," *Sify*, July 6, 2010.

<sup>21</sup> A large proportion of the population of urban dwellers comprises people who settled there in the 1930s or at the time of independence in 1947. Those committing the recent violence make no distinction between these "settlers" and more recent migrants to the province. Older urban areas (Quetta, Loralai, Zhob, Sibi) were largely inhabited by Pashtun settlers (and the Hazara community in Quetta), while the Baloch remained largely in the rural villages or small rural towns. Punjabis constitute the bulk of so-called settlers since independence.

Militant nationalist groups such as the Baloch Liberation Army (BLA) and the Baloch Liberation United Front (BLUF) have claimed responsibility for most killings of non-Baloch civilians, including teachers and other education personnel.<sup>22</sup> They attempt to justify these attacks as a nationalist Baloch response to grievances against the state, and retaliation against abuses that state security forces have committed against Baloch community members.

Amidst the violence, longstanding failures of governance and the stand-off between the Pakistani military and Baloch militants have deepened a general perception in the province of neglect, discrimination, and denial of rights. These are exacerbated by the continuing tribal system and its archaic social structures, the influence of the tribal chief on the justice system and police, and the consequent denial of citizens' fundamental rights.

The poor and marginalized, particularly women, are adversely affected by traditional forms of dispute resolution and lack of access to other redress mechanisms. They lack assets and opportunities, have no social safety net, and are bound by practices that affect their welfare.<sup>23</sup> There are frequent reports of both state law enforcement agencies and local power-brokers committing abuses against marginalized populations. Labor conditions are abysmal, and there is no single system of justice despite a uniform civil and criminal code. The widespread use of tribal *jirgas* (councils) and other informal forums of justice increase the difficulty of seeking redress and obtaining justice, devaluing its quality.

Finally, the violence has further stretched what was already thin police coverage in the province. Organized police services cover only a fraction of the province's territory (about 4 percent of the land area), while the rest is covered by tribal recruits in quasi-police forces known as levies.<sup>24</sup>

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<sup>22</sup> For further information see: Human Rights Watch, *"Their Future is at Stake:" Attacks on Teachers and Schools in Pakistan's Balochistan Province*, December 13, 2010, <http://www.hrw.org/en/reports/2010/12/13/their-future-stake>.

<sup>23</sup> Violence against women and girls, including rape, domestic violence, and forced marriage, remains a serious problem. In one case in 2008, five women were shot and buried alive by members of their own tribe after three of them refused to get married as their families had demanded. Israrullah Zehri, a senator from Balochistan province, publicly defended the killings as "tribal custom." Another legislator, Hazar Khan Bijrani, stands accused of presiding over a tribal *jirga* (council) that in 2006 ordered the handing-over of five girls, aged six and younger, as "compensation" in a dispute. Human Rights Watch, *World Report 2009* (New York: Human Rights Watch, 2009), Pakistan chapter, <http://www.hrw.org/en/world-report/2009/pakistan>.

<sup>24</sup> Asian Development Bank, *Report and Recommendation to the President on the Pakistan - Balochistan Resource Management Program*, 2004. The Pakistani state recruits men from local communities into the Levies, the Frontier Constabulary, and the Frontier Corps. The Frontier Corps is a federal paramilitary force consisting

As the violence in Balochistan has intensified, atrocities have mounted. While the Pakistani military and Baloch militants readily exploit the misery of civilians for their own political purposes, they have failed to address these grievances or to accept responsibility for them.

## Enforced Disappearances in Pakistan

While Pakistan's civilian law enforcement authorities and the military intelligence agencies have long perpetrated human rights violations against individuals, the proliferation of enforced disappearances by the security forces has been a relatively recent development.

Pakistan supported the US-led invasion of Afghanistan following the September 11, 2001 attacks on the United States. Pakistani authorities implemented a policy of rounding up suspected members of al Qaeda and the Taliban. During the administration of US President George W. Bush, several hundred Pakistanis and foreign nationals living in Pakistan were simply taken into custody and handed over to the US without any due process. Many were then held at Bagram Airbase in Afghanistan or transferred to the US military detention center at Guantanamo Bay in Cuba.

Pakistan's former military ruler Gen. Pervez Musharraf explained in his 2006 autobiography, *In the Line of Fire*: "We have captured 689 and handed over 369 to the United States. We have earned bounties totaling millions of dollars. Those who habitually accuse the U.S. of not doing enough in the war on terror should simply ask the CIA how much prize money it has paid to the Government of Pakistan."<sup>25</sup>

Since 2001, thousands of terrorism suspects, including Pakistanis and foreign nationals, have been arbitrarily detained, held in secret detention without due legal process, and denied access to lawyers and their families. International and Pakistani human rights groups, such as the highly regarded nongovernmental Human Rights Commission of Pakistan, have reported extensively on these arbitrary detentions and enforced disappearances.<sup>26</sup>

Most of these abuses have been perpetrated by Pakistan's military and its intelligence agencies. However, civilian government agencies, including the police, Frontier Corps, and Interior Ministry-run Intelligence Bureau have taken part, assisted, or in other ways been

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almost entirely of ethnic Pashtuns from the province's northern regions. Although the force is part of the civilian federal Interior Ministry, its forces are commanded by officers of the Pakistan Army.

<sup>25</sup> Pervez Musharraf, *In the Line of Fire: A Memoir*, (Simon & Schuster, 2006).

<sup>26</sup> See Human Rights Commission of Pakistan annual reports 2001-2010.

complicit in such abuses. Along with the many instances of “disappearances” in this report involving the police and the Frontier Corps in Balochistan, these authorities as well as the Intelligence Bureau have been implicated in “disappearances” throughout Pakistan since 2001.<sup>27</sup> Allegations of extrajudicial killings, enforced disappearance, torture, and collective punishment have also been leveled against the Frontier Corps in relation to operations against the Taliban in the northwest of the country.<sup>28</sup>

Pakistan’s international counterterrorism partners, principally the United States and the United Kingdom, urged, ignored, or were complicit in serious abuses against terrorist suspects. Research by Human Rights Watch and others documenting the experience of those who have emerged from enforced disappearance in Pakistan and were released from custody suggests that many of these were visited and interrogated by intelligence agents of other countries, who cannot reasonably claim not to have known that these persons were arbitrarily detained, in secret places of detention and without access to lawyers or family and that most were subjected to torture or other ill-treatment.<sup>29</sup>

Far from using their influence to demand an end to such practices, US and UK complicity in such abuses provided Pakistan’s security forces what they viewed as *carte blanche* to expand the scope and ambit of such abuses far beyond what was sought by their Western allies to cover political opponents of the military, including ethnic minority groups, particularly in Balochistan. Many of the individuals targeted, deprived of legal protections, have been or remain victims of enforced disappearance.

Attempts by Pakistan’s judiciary to address the issue of enforced disappearances have had mixed results. Pakistan’s Constitution gives the Supreme Court significant powers, including the power to act on its own initiative (*suo moto* action) and to pass enforceable orders on “a question of public importance with reference to the enforcement of any of the Fundamental Rights.”<sup>30</sup> The Supreme Court has used this power to order the police and the provincial courts to launch investigations into disappearance cases.

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<sup>27</sup> Ibid.

<sup>28</sup> Amnesty International, “Pakistan: ‘As if Hell fell on me’: The human rights crisis in northwest Pakistan,” ASA 33/004/2010, <http://www.amnesty.org/en/library/info/ASA33/004/2010/en> (accessed April 27, 2011).

<sup>29</sup> Human Rights Watch documented British complicity in the illegal detention and torture of terrorism suspects in a November 2009 report; Human Rights Watch, *Cruel Britannia: British Complicity in the Torture and Ill-Treatment of Terror Suspects in Pakistan*, November 24, 2009, <http://www.hrw.org/en/reports/2009/11/24/cruel-britannia-o>.

<sup>30</sup> Constitution of the Islamic Republic of Pakistan (1973), art. 184. Other high courts have similar powers subject to article 199.

Beginning in December 2005, the Supreme Court began to seek explanations from the Musharraf government about the fate and whereabouts of “disappeared” persons. Over the course of 2006 and 2007, Pakistan’s judiciary made a concerted attempt to address serious human rights abuses including enforced disappearances. Government officials, particularly representatives of the military and intelligence agencies, summoned by the courts sought to deny allegations of disappearances. Often, they simply denied any knowledge of the whereabouts of disappeared persons or revealing who the detaining authority was. The Musharraf government also retaliated by seeking to pressure the judiciary to drop such investigations through sundry illegal means including attempted blackmail of judges.<sup>31</sup>

Pakistani law recognizes the right to habeas corpus, which is the right to be brought before a court and challenge the legality of one’s detention. This is a crucial procedural guarantee against enforced disappearances and unacknowledged detention. In cases of alleged abductions or unlawful detention by the security forces, a provincial High Court has the power to compel the detaining authority to produce the detainee before the court in order to verify the legality of arrest, no matter who detained the person.<sup>32</sup>

In practice, however, the right to habeas corpus has been largely undermined both by the unwillingness of lower courts to meaningfully uphold it and by the defiance of the security agencies. For years, Pakistan’s intelligence agencies and government bodies that are supposed to exercise institutional control over them have been blatantly defying and misleading the courts in habeas corpus hearings. In 2006, the Defense Ministry stated that it had only administrative, but not operational, control over the intelligence agencies, and thus could not enforce their compliance with court orders. Yet at Supreme Court hearings in 2007, Defense Ministry representatives first stated that the ISI and MI were answerable to the Interior and Defense Ministries, “apart from the operational command channel,” and later reiterated that they were under the administrative control of the Defense Ministry.<sup>33</sup> Efforts by the courts to require the government and Supreme Court to clarify under what authority and what legislation the intelligence agencies take custody of people have so far proved futile.<sup>34</sup> The courts have not required sworn affidavits from the agencies or held the

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<sup>31</sup> For more information see; Human Rights Watch, *Destroying Legality: Pakistan’s Crackdown on Lawyers and Judges*, December 18, 2007, <http://www.hrw.org/en/reports/2007/12/18/destroying-legality-o>.

<sup>32</sup> Constitution of the Islamic Republic of Pakistan (1973), art. 199.

<sup>33</sup> For more information, see Amnesty International, “Pakistan: Denying the Undeniable: Enforced Disappearances in Pakistan,” ASA33/018/2008, <http://www.amnesty.org/en/library/asset/ASA33/018/2008/en/ode43038-57dd-11dd-be62-3f7ba2157024/asa330182008eng.pdf> (accessed February 7, 2011).

<sup>34</sup> Ibid.



agencies who refuse to obey the habeas corpus writs in contempt of court. Yet on other subjects, the Supreme Court has not hesitated to use its contempt powers.<sup>35</sup>

One reason for judicial caution was the reaction of Pakistan's military. In March 2007, Musharraf effectively ousted Supreme Court Chief Justice Iftikhar Chaudhry, in part over his efforts to address disappearances. Musharraf's move triggered a country-wide crisis and has come to be seen as the moment when the military ruler started losing his grip on power.<sup>36</sup> In July 2007, Chaudhry was reinstated by the Supreme Court and hearings into enforced disappearances resumed.

While some of the missing were traced as a consequence of the Supreme Court's actions, the effort received a major setback on November 3, 2007, when Musharraf suspended the constitution and illegally deposed much of Pakistan's judiciary, including Chief Justice Chaudhry. The courts' attempts to summon intelligence agencies' officials certainly played a role in the ouster of the judiciary.<sup>37</sup>

Since general elections in February 2008, Pakistan's civilian government has promised to address the crisis of disappeared persons across the country, including in Balochistan. However, none of its initiatives, including the Aghaz-e-Haqooq-e-Balochistan reform package, have had a demonstrable impact in the province. Allegations of disappearances have continued to be made in other parts of Pakistan, particularly in the northwest, where military operations against the Taliban are ongoing.<sup>38</sup>

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<sup>35</sup> The Supreme Court has frequently invoked contempt laws against the media in order to prevent adverse coverage of judicial conduct. See Human Rights Watch *World Report 2011* (New York: Human Rights Watch, 2011), Pakistan chapter, <http://www.hrw.org/en/world-report-2011/pakistan>.

<sup>36</sup> "Pakistan: Release Chief Justice of Supreme Court," Human Rights Watch press release, March 13, 2007 <http://www.hrw.org/en/news/2007/03/12/pakistan-release-chief-justice-supreme-court>.

<sup>37</sup> Human Rights Watch documented Musharraf's suspension of the constitution and his crackdown on the judiciary in a December 2007 report; Human Rights Watch, *Destroying Legality*.

<sup>38</sup> For further information see Chapter 6, "State response to enforced disappearances in Balochistan." See also Amnesty International, "Pakistan: 'As if Hell fell on me': The human rights crisis in northwest Pakistan," ASA 33/004/2010, <http://www.amnesty.org/en/library/info/ASA33/004/2010/en> (accessed April 27, 2011).

## II. Enforced Disappearances under International and Domestic Law

### International Law

Enforced disappearances are defined under international law as “the arrest, detention or abduction of an individual by state authorities or their agents followed by a refusal to acknowledge the deprivation of liberty or by concealing the fate or whereabouts of the person, which places the person outside the protection of the law.”<sup>39</sup>

Enforced disappearances are not the violation of merely one right, but constitute “a multiple human rights violation.”<sup>40</sup> Among the rights an enforced disappearance violates are the right to liberty and security of the person, including protection from torture and other ill-treatment; the right to recognition as a person before the law; and the right to a prompt, fair, and public trial. Enforced disappearances also often constitute a grave threat to the right to life. These rights are protected by the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“Convention against Torture”). Pakistan ratified both treaties in 2010, one of the notable human rights achievements of the current Pakistan government.<sup>41</sup>

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<sup>39</sup> Under the International Convention for the Protection of All Persons from Enforced Disappearance (“Convention against Enforced Disappearance”), an enforced disappearance is defined as 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.” Convention against Enforced Disappearance, adopted September 23, 2005, E/CN.4/2005/WG.22/WP.1/Rev.4 (2005), art. 2. The convention took effect on December 23, 2010. Pakistan is not yet a party to the convention. See also United Nations Declaration on the Protection of All Persons from Enforced Disappearances (Declaration against Enforced Disappearances), adopted December 18, 1992, G.A. res. 47/133, 47 U.N. GAOR Supp. (No. 49) at 207, U.N. Doc. A/47/49 (1992), preamble.

<sup>40</sup> United Nations Commission on Human Rights, “Report submitted January 8, 2002, by Mr. Manfred Nowak, independent expert charged with examining the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearance, pursuant to paragraph 11 of Commission Resolution 2001/46” (New York: United Nations, 2002), E/CN.4/2002/71, 36.

<sup>41</sup> International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), U.N. Doc. A/6316 (1966), entered into force March 23, 1976. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), G.A. Res. 39/46, U.N. Doc. A/39/51, entered into force June 26, 1987. Pakistan ratified the Convention against Torture in 2010. Pakistan signed the ICCPR in 2008 and ratified it in 2010.

The United Nations Declaration on Enforced Disappearances contains numerous specific injunctions on preventing “disappearances,” including that a state must detain individuals in officially recognized places of detention, of which their families must be promptly informed; that they must have access to a lawyer; and that each detention facility must maintain an official up-to-date register of all persons deprived of their liberty.<sup>42</sup>

The practice of enforced disappearances is often directly linked to the practice of arbitrary arrests. In this respect, the ICCPR requires that a state specify the legal basis on which individuals may be deprived of their liberty and the procedures to be used for arrests and detentions.<sup>43</sup> Only arrests and detentions conducted in accordance with such rules are considered lawful, thus restricting the discretion of individual arresting officers. The prohibition against arbitrary arrest or detention also means that deprivation of liberty, even if provided for by law, must be necessary and reasonable, predictable, and proportional to the reasons for arrest.

The ICCPR also requires an arresting authority to promptly communicate to detainees any charges against them. Those detained on suspicion of a crime must be charged within a reasonable time. In addition, international law grants a detainee the right to challenge the lawfulness of their detention (the writ of habeas corpus) by petitioning a judicial authority to determine whether the detention is lawful, reasonable, and necessary.

An enforced disappearance committed as part of a widespread or systematic attack on a population constitutes a crime against humanity. Crimes against humanity are acts which, by their scale or nature, outrage the conscience of humankind.<sup>44</sup>

The Convention on the Rights of the Child, to which Pakistan is a party, contains further safeguards with respect to the deprivation of liberty of anyone under the age of 18,

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<sup>42</sup> Declaration against Enforced Disappearances, art. 10. These provisions are reinforced in article 17 of the Convention against Enforced Disappearance. The responsibility of the competent authorities to inform families of the whereabouts of those detained and provide for communication of the detainee with a counsel is further emphasized by the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment—an authoritative United Nations standard summarizing international human rights principles in relation to detention. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles), adopted December 9, 1988, G.A. Res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988), principle 16(1).

<sup>43</sup> ICCPR, art. 6.

<sup>44</sup> This has been recognized under the Declaration against Enforced Disappearances, preamble; the Convention against Enforced Disappearance, art. 5; and the Rome Statute of the International Criminal Court, U.N. Doc. No. A/CONF. 183/9 (July 17, 1998), 37 I.L.M. 999, art. 7(1). Pakistan is not a party to the Rome Statute, but many of the definitions of crimes contained in the ICC are considered reflective of customary international law.

including the right to prompt access to legal and other appropriate assistance as well as the obligation of the authorities to provide family members with essential information on the child's whereabouts and well-being.<sup>45</sup>

## Pakistani Law

In addition to Pakistan's obligations under international human rights law, the practice of enforced disappearances directly violates Pakistani domestic law.

The Pakistan Constitution protects the liberty of persons and prohibits arbitrary detention.<sup>46</sup> The Constitution allows preventive detention as a preemptive law enforcement measure, but provides that such detention must comply with specific legislation required for the purpose.<sup>47</sup> Various pieces of legislation on preventive detention have been enacted at the federal and provincial levels in Pakistan, and all set forth detailed procedural safeguards.<sup>48</sup> These safeguards include requirements that the detaining authority inform the detainee the grounds on which the detention order was made, explain their right to contest the order, and provide them the earliest opportunity to do so.

The rights of criminal defendants and suspects and the corresponding obligations of law enforcement agencies, as well as the responsibilities of law enforcement agencies and courts to investigate the violations, are further specified in the Criminal Procedure Code.<sup>49</sup> In enforced disappearance cases documented in this report, none of these procedures for arrest or preventive detention had been followed.

Although Pakistani law does not contain a definition or explicit prohibition of enforced disappearance as such, it does criminalize abductions,<sup>50</sup> kidnappings,<sup>51</sup> wrongful restraint and confinement,<sup>52</sup> and unlawful detention.<sup>53</sup>

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<sup>45</sup> Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, arts. 9 and 37. Pakistan ratified the CRC on December 12, 1990.

<sup>46</sup> Constitution of the Islamic Republic of Pakistan (1973), art. 9.

<sup>47</sup> Ibid. art. 10.

<sup>48</sup> For detailed analysis of these legislations, see Tariq Hassan, "Supreme Court of Pakistan: The Case of Missing Persons," *Asia-Pacific Journal on Human Rights and the Law*, vol. 10 no. 2 (2009), pp. 4-6, <https://lawlib.wlu.edu/lexopus/works/67-1.pdf> (accessed December 15, 2010).

<sup>49</sup> Criminal Procedure Code (1898), Chapters V-VIII, XIII, XIV, XIX.

<sup>50</sup> Pakistan Penal Code (1860), Chapter XVI.

The right to habeas corpus is guaranteed by the Constitution.<sup>54</sup> Yet constitutional protections against unlawful detention continue to be largely undermined by the Anti-Terrorism Act (ATA) of 1997, which allows long-term detention without trial. The ATA is frequently used to authorize the detention of alleged members of Baloch armed groups and political organizations. On September 8, 2010, Federal Interior Minister Rehman Malik announced that five Baloch political groups would be banned and their assets frozen under the ATA. The five political groups are the Baloch Republican Army, Baloch Liberation Army, the Baloch Liberation Front, Lashkar-i-Balochistan, and the Baloch Musallah Difa Organisation.<sup>55</sup>

A person can also be criminally charged with terrorist offenses under the ATA.<sup>56</sup> Higher courts on several occasions have identified specific criteria that need to be met for the detention under ATA to be considered lawful.<sup>57</sup>

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<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> Under the Police Order Act (2002), Section 156(c), police officers who “vexatiously and unnecessarily” detain, search or arrest any person may be imprisoned for up to five years and fined.

<sup>54</sup> The high courts are empowered to make an order “that a person in custody within the territorial jurisdiction of the Court be brought before it so that the Court may satisfy itself that he is not being held in custody without lawful authority or *in an unlawful manner*” [emphasis added]. Constitution of the Islamic Republic of Pakistan (1973), art. 199. The Supreme Court of Pakistan has stated that the use of words “in an unlawful manner” in this constitutional provision implies that the court may examine whether a particular detention was carried out appropriately even where there is statutory authority for the detention. Thus, the court can examine the *mala fides* of the action taken. See *Government of West Pakistan v. Begum Agha Abdul Karim Shorish Kashmiri*, A.P.L.D. 1969 S.C. 14. In another leading case, the Supreme Court stated that in exercising constitutional jurisdiction relating to a detention, the court was under an unconditional duty to satisfy itself with regard to the lawfulness of authority of detention and the manner of detention. Once the attention of the court is properly drawn to a case of detention, the onus immediately shifts to the detaining authority to show the lawfulness of its authority in detaining the detainee. The duties, therefore, are specifically that of the court and the detaining authority. See *Muhammad Azam Malik v. A.C. Karachi*, A.P.L.D. 1989 S.C. 266.

<sup>55</sup> “Five Baloch militant outfits banned,” *Dawn*, September 9, 2010, <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/front-page/5-baloch-militant-outfits-banned-990> (accessed October 20, 2010).

<sup>56</sup> Under the ATA, terrorism suspects can be held for up to one year without trial if their name is listed as belonging to a banned group and the government is satisfied that “it is necessary so to do.” Yet the act still requires the authorities to give notice to a detainee of such detention and provide grounds which the detainee can challenge. For a detailed analysis of the ATA, which has been amended several times since it was passed in 1997, see Amnesty International, “Pakistan: Legalizing the impermissible: The new anti-terrorism law,” ASA 33/034/1997, <http://www.amnesty.org/en/library/info/ASA33/034/1997/en> (accessed March 14, 2011).

In July 2010 the Pakistani government tabled new amendments to the ATA in the Senate. If adopted, they would further undermine procedural safeguards and the constitutionally guaranteed rights of detainees. On expiry of the constitutionally mandated period of 90 days for adoption, the proposed bill has now lapsed and will have to be re-tabled in parliament.<sup>58</sup>

The Pakistan Constitution prohibits torture for the purpose of extracting evidence. The Criminal Procedure Code of Pakistan prohibits the use of statements obtained through torture or ill-treatment in any proceedings. The Penal Code criminalizes causing “hurt for the purpose of extorting... any confession or any information which may lead to the detection of any offence or misconduct.” However, torture is not defined in Pakistan law and there is no specific crime of torture. These legal gaps contribute to the impunity enjoyed by the military and intelligence agencies.

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<sup>57</sup> The Lahore High Court ruled accordingly September 1, 2006 when assessing the lawfulness of the detention of Hafiz Mohammad Saeed. (Dawn, 2 September 2006.) All High Court decisions are subject to appeal in the Supreme Court of Pakistan.

<sup>58</sup> Provisions proposed under the amendments included preventive detention for a period of 90 days without benefit of judicial review and the admissibility of confessions made before the police or military as evidence at trial. As of the time of writing, the amendments have not been enacted into law.

### III. Enforced Disappearances and Related Abuses

The practice of enforced disappearances by state security forces has become a distinctive feature of the conflict in Balochistan. It continues unabated to the present.

The exact number of new “disappearances” perpetrated in recent years by Pakistan’s security forces in the province remains unknown. Baloch nationalists claim “thousands” of cases. Balochistan provincial authorities on several occasions have cited the figure of about 1,000 enforced disappearances.<sup>59</sup> Pakistan’s Interior Ministry has said that 1,102 Baloch were forcibly disappeared during General Musharraf’s rule, which ended in August 2008.<sup>60</sup> Many cases remain unreported as families and witnesses often prefer not to report cases to the authorities or human rights organizations because of fear of retaliation by the authorities. The Human Rights Commission of Pakistan, a nongovernmental organization, has verified 169 disappearance cases in Balochistan from 2005 to January 2011. Of these, 33 people have been released or traced.<sup>61</sup>

During its research since 2010, Human Rights Watch documented 49 cases of enforced disappearances in Balochistan, 36 of which originated in 2009-2010. These are described in detail in Appendix 1 of this report.

The disappearances documented in this report predominantly occurred in Balochistan’s capital, Quetta, and the regions of Tump, Mastung, and Thali. According to local human rights groups, a large number of disappearances have also been perpetrated in regions such as Dera Bugti, where the extremely hazardous security situation made it impossible for Human Rights Watch to travel.

While cases documented by Human Rights Watch constitute only a portion of the overall number of cases reported from Balochistan, they show a persistent pattern of enforced

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<sup>59</sup> “Pushed to the wall: Report of the HRCF fact-finding mission to Balochistan,” Human Rights Commission of Pakistan, October 5-11, 2009, <http://www.hrcf-web.org/pdf/Pushed%20to%20the%20wall.pdf> (accessed September 30, 2010); “Missing persons issue biggest hurdle to peace in Balochistan,” Daily Times, January 14, 2010, [http://www.dailytimes.com.pk/default.asp?page=2010\01\14\story\\_14-1-2010\\_pg7\\_26](http://www.dailytimes.com.pk/default.asp?page=2010\01\14\story_14-1-2010_pg7_26) (accessed October 2, 2010).

<sup>60</sup> “Over 1,100 people missing in Balochistan, says Malik,” Dawn, August 28, 2008, <http://archives.dawn.com/2008/08/28/top10.htm> (accessed February 1, 2011); Human Rights Watch, World Report 2009, Pakistan chapter, <http://www.hrw.org/en/world-report/2009/pakistan>.

<sup>61</sup> Data provided to Human Rights Watch by the Human Rights Commission of Pakistan.

disappearances perpetrated by Pakistan's security forces against ethnic Baloch suspected of involvement in the Baloch nationalist movement.

## Perpetrators

Human Rights Watch has collected information on “disappearances” that repeatedly implicates Pakistan's intelligence agencies and Frontier Corps, often acting in conjunction with local police. The Human Rights Commission of Pakistan reached the same conclusion in its 2009 report on the situation in Balochistan: “HRCP has ample evidence to support the allegations of victims' families that the perpetrators of enforced disappearances are intelligence agencies and security forces.”<sup>62</sup>

Human Rights Watch research includes detailed accounts from released detainees and their relatives, and witness descriptions of abductions that indicate the identity of the perpetrators. In some cases government officials have admitted state responsibility; in a few cases, representatives of the intelligence agencies have admitted responsibility to families or during court hearings.

The government agencies that Human Rights Watch found to be most involved in enforced disappearances in Balochistan are Military Intelligence (MI),<sup>63</sup> the Frontier Corps (FC)<sup>64</sup> and, to a lesser extent, the Directorate for Inter-Services Intelligence (ISI)<sup>65</sup> and the Intelligence Bureau (IB).<sup>66</sup> The Frontier Corps is mandated to assist local law enforcement in the maintenance of law and order and to carry out border patrol and anti-smuggling operations. Pakistan's intelligence agencies have long operated without any basis in law supporting

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<sup>62</sup>“Pushed to the wall: Report of the HRCP fact-finding mission to Balochistan,” Human Rights Commission of Pakistan, October 5-11, 2009, <http://www.hrcp-web.org/pdf/Pushed%20to%20the%20wall.pdf> (accessed September 30, 2010), p. 5.

<sup>63</sup> Military Intelligence (MI) is comprised of the intelligence wings of all three of Pakistan's armed forces—the navy, air force, and army. In practice, the MI is part of the army and reports directly to the Chief of Army Staff.

<sup>64</sup> The Frontier Corps (FC) is a federally controlled paramilitary force recruited mostly from the tribal areas but led by Pakistan army officers. FC Balochistan is one of the three major subdivisions of the FC. Subdivisions are headed by a deputed inspector general, who is an army officer, usually of major-general rank, although the force is notionally under Interior Ministry jurisdiction.

<sup>65</sup> The Directorate for Inter-Services Intelligence (ISI) is Pakistan's most powerful intelligence agency. It operates under the effective command of a director-general reporting to the army chief, though formally it reports to the prime minister.

<sup>66</sup> The Intelligence Bureau (IB) is Pakistan's principal internal intelligence agency. It is civilian controlled and operates under the control of the interior ministry reporting to the prime minister.



their creation or functioning; the country's highest legal officer, Attorney General Maulvi Anwarul Haq, informed the Supreme Court in November 2010 that no such legal instrument exists.<sup>67</sup> The ISI enjoys no formal powers of arrest. Yet the agencies invoke laws such as the Security of Pakistan Act 1952, Pakistan Army Act 1952, Defence of Pakistan Act and Prevention of Anti-National Activities Act 1972 to justify their actions. However, these laws do not give the intelligence agencies any powers.

In 31 of the cases documented by Human Rights Watch, witnesses described the perpetrators as armed men in civilian clothes, typically arriving in one or more four-door pickup trucks. The witnesses usually referred to these perpetrators as members of the "agencies" because of the circumstances of the abductions—often perpetrated openly in broad daylight, with the assistance of the police or FC personnel, in areas only readily accessible by security personnel. These suspicions of state responsibility were often then corroborated by information about their relatives' whereabouts they managed to obtain after the disappearance.

In one case, on November 8, 2009, five men in plain clothes and armed with military assault rifles entered the courtyard of the Agha Syed Mohammad Hotel in Quetta. In front of multiple witnesses, they took away two men, Mir Sohrab Marri and Shah Mohammad Zarkoon, and threatened to shoot anyone who tried to intervene. The men's families concluded that perpetrators were from the intelligence agencies because the incident took place in an area with multiple FC checkpoints and the Frontiers Corps would have otherwise stopped armed men transporting abduction victims. After making inquiries, the families a month later received confirmation from MI that the two men were in their custody.<sup>68</sup>

On December 11, 2009, Abdul Ghaffar Lango, a 39-year-old Quetta-based Baloch nationalist activist was abducted by men in civilian clothes. Ten armed men approached Lango and his wife as they were leaving a hospital in Karachi. The assailants beat Lango unconscious with an AK-47 assault rifle, dragged him into one of two pickup trucks and drove away. When the family went to register the abduction with the police, the police informed them that Lango had been detained because of his activities as BNP leader, yet refused to provide further information on his whereabouts or specific charges against

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<sup>67</sup> "Spy agencies not above the law," *The Express Tribune*, November 26, 2010, <http://tribune.com.pk/story/81677/intelligence-agencies-are-not-above-the-law-cj/> (accessed July 7, 2011).

<sup>68</sup> Human Rights Watch interviews with the relatives of Mir Sohrab Marri and Shah Mohammad Zarkoon, June 24, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Mir Sohrab Marri and Shah Mohammad Zarkoon (Cases 19 and 20).

him.<sup>69</sup> On July 1, 2011 Abdul Ghaffar Lango's corpse was found in an abandoned hotel near Lakbado area of Gadani town in the Lasbela district of Balochistan. The local police represented by the Station House Officer (SHO) of Gadani Police Station told the local media that "the body bore multiple marks of brutal torture. Cause of death is stated to be a severe wound in the head, caused by a hard rod or some other hard or sharp object."<sup>70</sup>

In six cases documented by Human Rights Watch, the abductions were carried out either by, in the presence of, or with the assistance of uniformed FC personnel. For example, on July 1, 2010, uniformed FC personnel at a checkpoint in Mian Ghundi stopped the ambulance in which Shams Baloch, the 49-year-old former mayor of Khuzdar town, was accompanying his sick mother to a hospital in Quetta. A witness told Human Rights Watch that shortly after the ambulance was stopped, four armed men in plain clothes arrived at the checkpoint and took Baloch with them.<sup>71</sup> The police refused to file a report or investigate the case, and his whereabouts remain unknown.

In another case, a family member reported that on October 22, 2009, a group of about 20 uniformed FC personnel accompanied by three plainclothes officers raided the house of Najeebullah Qambrani, 27, in Quetta and took him away.<sup>72</sup> The government has refused to provide information on his case. Qambrani's whereabouts remain unknown.

In some cases, FC personnel carried out an arrest and then appear to have handed over the detainee to the intelligence agencies. For example, on September 1, 2009, FC personnel arrested Abdul Mujeeb, 24, at the Balochistan University campus in Quetta. The police refused to file a report. The family had no information on his whereabouts following the arrest, yet 25 days later Mujeeb called his brother on his mobile phone. The brother told Human Rights Watch that they only managed to speak for several

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<sup>69</sup> Human Rights Watch interview with a relative of Abdul Ghaffar Lango, June 23, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Abdul Ghaffar Lango (Case 14).

<sup>70</sup> "Corpse of Baloch missing person found near Gadani," Daily Times, July 2, 2011, [http://www.dailytimes.com.pk/default.asp?page=2011%5Co7%5Co2%5Cstory\\_2-7-2011\\_pg7\\_4](http://www.dailytimes.com.pk/default.asp?page=2011%5Co7%5Co2%5Cstory_2-7-2011_pg7_4), (accessed July 12, 2011)

<sup>71</sup> Human Rights Watch interview with a relative of Shams Baloch, July 3, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Shams Baloch (Case 1).

<sup>72</sup> Human Rights Watch interview with a relative of Najeebullah Qambrani, June 23, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Najeebullah Qambrani (Case 21).

minutes, yet Mujeeb told him that he was in custody of the MI.<sup>73</sup> Mujeeb's whereabouts remain unknown.

In another case, uniformed FC personnel together with plainclothes intelligence agents arrested Jallil Akham Riki as he was leaving the mosque in Chulam Jhan village in Quetta on February 13, 2009. Riki has been unaccounted for ever since, but, according to Riki's family, when local human rights activists raised his case with the chief minister of Balochistan, he said Riki had been in ISI detention on suspicion of involvement in various anti-government activities.<sup>74</sup> Human Rights Watch wrote to Chief Minister Raisani asking him to clarify his position on Riki's case but has not received any response.<sup>75</sup>

In at least 10 cases documented by Human Rights Watch, FC personnel were directly involved in the arrests that resulted in enforced disappearances without the evident participation of intelligence agencies. On May 17, 2009, an FC vehicle stopped a truck that was carrying passengers from Tump district to the city of Turbat. According to a witness, uniformed FC soldiers told all passengers to get out of the truck and lined them up, asking for their names. As soon as they heard the name of Mohammad Tariq, a 25-year-old university student, they put him into their car, ordered the rest of the passengers to reboard the truck, and drove Tariq away.<sup>76</sup> The FC commander denied that Tariq was in their custody and his whereabouts remain unknown.

On January 31, 2009, FC personnel at a major checkpoint in Sultankot, stopped the bus that Abdul Ghani, 18, was travelling on from Sibi district to his home district of Thali. A relative of Ghani told Human Rights Watch that according to a passenger on the bus, FC soldiers stopped the bus and ordered all the men out. The men, about 30 to 35 in total,

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<sup>73</sup> Human Rights Watch interview with a relative of Abdul Mujeeb, June 23, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Abdul Mujeeb (Case 26).

<sup>74</sup> Human Rights Watch interview with a relative of Jallil Akham Riki, April 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Jallil Akham Riki (Case 34). Human Rights Watch did not encounter any other specific cases where Chief Minister Raisani is alleged to have admitted to ISI or other state involvement in disappearances. However, in September 2010 Raisani called on security forces to bring to trial anyone abducted on suspicion of involvement in Baloch armed groups. His comments on that occasion remain one of the most prominent examples of official admission that Pakistan security forces are involved in disappearances in Balochistan. "Raisani demands recovery of missing persons," *Balochhal*, September 30, 2010, <http://www.thebalochhal.com/2010/09/raisani-demands-recovery-of-missing-persons/> (accessed April 16, 2011).

<sup>75</sup> The letter to Raisani is provided in Appendix II.

<sup>76</sup> Human Rights Watch interview with a relative of Mohammad Tariq, July 2, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Mohammad Tariq (Case 30).

were told to stand in two separate lines with their backs to each other. They threatened to shoot anyone who looked up, and when two men lifted their heads when Abdul Ghani's name was mentioned, the soldiers hit them in the face. The two identified Abdul Ghani, and the soldiers then grabbed and hooded him and took him away.<sup>77</sup> The police refused to register a case, saying they "do not take FC cases." Abdul Ghani remains unaccounted for.

Human Rights Watch documented several cases in which local police assisted intelligence agencies in carrying out arrests that resulted in enforced disappearances. For example, on April 2, 2010, two police cars and two Toyota Hilux cars stopped a public bus in which Mehboob Wadela, 32, was travelling to Karachi from Gwadar. According to a relative, a group of men in civilian clothes took Wadela from the bus and drove him away in one of the Toyotas while the police waited outside in their vehicles.<sup>78</sup> The police refused to file a report, and his family has learned nothing about his fate or whereabouts.

In one of the cases documented by Human Rights Watch, the perpetrators were known soldiers in the Pakistan army. On April 24, 2010, uniformed soldiers were seen picking up two men, one of whom was detained for over a month and another who is still missing, during a large military sweep operation in a village in Thali district. Although the released man saw the other in detention, the authorities have provided no information.<sup>79</sup>

## Victims

In most of the cases we documented, the victims of enforced disappearances were men in their mid-20s to mid-40s. Three of the disappeared were children, the youngest of whom was 12 years old at the time of the abduction. In three cases, the victims were over 60 years old. The oldest victim was 76 at the time of his arrest.

All of the victims were ethnic Baloch, from Quetta and other districts of Balochistan.

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<sup>77</sup> Human Rights Watch interview with a relative of Abdul Ghani, June 29, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Abdul Ghani (Case 37).

<sup>78</sup> Human Rights Watch interview with a relative of Mehboob Wadela, April 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Mehboob Wadela (Case 6).

<sup>79</sup> Human Rights Watch interview with "Ahmad A." (not his real name), June 29, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Rindhan and six-week -long enforced disappearance of "Ahmad A." (Cases 4 and 5).

Most victims appeared to be targeted because of their affiliation with Baloch nationalist political parties and movements, including the Baloch Republican Party (BRP),<sup>80</sup> Baloch National Front (BNF),<sup>81</sup> Baloch National Movement (BNM),<sup>82</sup> and Balochistan National Party (BNP).<sup>83</sup> Among the disappeared were senior leaders of Baloch nationalist parties, such as members of the BRP central committee Sangat-Sana Baloch and Mir Abdul Waheed Resani Baloch, and BRP secretary general, Bashir Azeem.

The security forces have also targeted students involved in political activities, particularly members of the Baloch Student Organisation-Azad (BSO-Azad).<sup>84</sup> Many of the student leaders and their supporters have been arrested at university campuses and subsequently disappeared. For example, on September 3, 2009, FC personnel detained Chakkar Khan Marri, 24, and six other students at Balochistan University in Quetta. The students had just

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<sup>80</sup> The Baloch Republican Party is an ethnic Baloch political party that calls for the complete separation of Balochistan province from the Pakistan state. It does not contest parliamentary or local elections in Pakistan. It is the political arm of the Baloch Republican Army (BRA), an armed group dominated by the Bugti tribe from the northwest Dera Bugti region of Balochistan. Members of the BRP and BRA are considered enemies of the state by Pakistan authorities. On September 8, 2010, Federal Interior Minister Rehman Malik announced that the BRP and BRA and four other Baloch political groups would be banned and their assets frozen. The other four political groups are the Baloch Liberation Army, the Baloch Liberation Front, Lashkar-i-Balochistan, and the Baloch Musallah Difa Organisation. "Five Baloch militant outfits banned," *Dawn*, September 9, 2010, <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/front-page/5-baloch-militant-outfits-banned-990> (accessed October 20, 2010).

<sup>81</sup> The Baloch National Front is a political alliance of several ethnic Baloch political parties and social organizations including the Baloch Bar Association, the Baloch Women Panel, the BRP, and BSOA. Although the different groups that are part of the BNF have varied social and political perspectives they generally advocate for an independent state of Balochistan.

<sup>82</sup> The Baloch National Movement is an ethnic Baloch political organization that calls for the separation of Balochistan province from Pakistan. On November 20, 2010, the body of BNM president Lala Hameed Baloch was found in the Hiruk region of Turbat, Balochistan. Muhammad Zafar," *Daily Times*, November 20, 2010, [http://www.dailytimes.com.pk/default.asp?page=2010\11\20\story\\_20-11-2010\\_pg1\\_6](http://www.dailytimes.com.pk/default.asp?page=2010\11\20\story_20-11-2010_pg1_6) (accessed July 7, 2011).

<sup>83</sup> The Balochistan National Party is an ethnic Baloch political party that calls for increased social and economic autonomy for the province of Balochistan. It has not contested elections in Pakistan since the government it formed in the province after victory in the 1997 elections was dismissed by the federal government of then Prime Minister Nawaz Sharif in 1998. However, a few BNP members contested general elections held in 2002 as independent candidates and four won seats—one each in the national senate and assembly, two in the provincial assembly. However, all four representatives and a number of local government representatives resigned in protest at the killing of Nawab Akbar Bugti by Pakistan forces in 2006.

<sup>84</sup> The Baloch Students Organisation (BSO) was founded in 1967 as a Marxist-Leninist separatist group in Balochistan and participated in the 1973-1977 insurgency. Today the group is divided into several fractions, of which the BSO (Mohiuddin), led by Mohiuddin Jan Baluch, takes the hardest line on national liberation; it supports the BNP and seeks no compromise with the state less than independence.

finished meeting with the university's vice chancellor to lobby for the reopening of the university, which had been closed for three months due to violence in Quetta. Other students were subsequently released, but Marri's fate and whereabouts remain unknown.<sup>85</sup>

Mir Abdul Mujeeb (mentioned above) was taken into custody by the Frontier Corps on September 1, 2009, outside the Arts Faculty of Balochistan University in Quetta. He seems to have been targeted because of his role as a Unit Secretary of the BSO-Azad and convener of the Tulwar Advisory Council, a body that resolves disputes between different student organizations.<sup>86</sup> The police refused to file a complaint. Mujeeb remains missing.

Another student leader, BSO-Azad vice-chair Zakir Majeed Baloch, and two friends were abducted on June 8, 2009 while driving in Nushki district by a group of armed men in plain clothes. The captors put his friends into a separate car and later released them. Baloch's family tried several times to have his case registered by the police and the court, and he remains missing at this writing.<sup>87</sup>

From information provided by released detainees to Human Rights Watch, individuals seem to have been targeted because authorities believed them to be involved in the Baloch nationalist movement (though often without basis). For example, on May 25, 2010, a group of FC personnel and plainclothes agents arrested "Rahim," (not his real name) 25, Dr. Naseem Baloch, 32, and Ilyas Karim, 31. Rahim said he was subjected to intense questioning about his activities and the purpose of his visit to Quetta, but his interrogators were not satisfied with his answers. He told Human Rights Watch:

I explained that I was a farmer in Awaran [district of Balochistan], and they also asked about my family, and about Dr. Naseem and Ilyas. When I told them that they were my friends, they screamed, "You are lying to us! Dr. Naseem is a separatist. Tell us what Naseem is doing. Why is he involved in separatism?"<sup>88</sup>

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<sup>85</sup> Human Rights Watch interviews with the relatives of Chakkar Khan Marri and detained student "Salman S." (not his real name), June 23, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Chakkar Khan Marri and "Salman" (Cases 23 and 24).

<sup>86</sup> Human Rights Watch interview with a relative of Abdul Mujeeb, June 23, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Abdul Mujeeb (Case 26).

<sup>87</sup> Human Rights Watch interview with a friend of Zakir Majeed Baloch, July 1, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Zakir Majeed Baloch (Case 29).

<sup>88</sup> Human Rights Watch interview with "Rahim," June 29, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Naseem Baloch and Ilyas Karim (Cases 2 and 3).

The interrogators tortured Rahim trying to force him into a confession, but then released him. The fate and whereabouts of the other two men remain unknown at this writing.

In several cases, security forces appeared to have targeted individuals because of their tribal affiliation, especially when a particular tribe was involved in armed hostilities with Pakistan's military forces. For example, in 2007 a large group of security forces, some of whom were in civilian clothes and some in uniform, abducted a senior member of the Marri tribe, 64-year-old Tawakal Khan. Khan's family, who feared going to the authorities until 2009, said that he was not involved in politics and believe he was targeted because the Pakistan army was then engaged in military operations against the Marri tribe.<sup>89</sup> Tawakal Khan's whereabouts remain unknown.

Relatives of Mohammad Iqbal, 30, told Human Rights Watch that FC personnel arrested him and three of his friends, Nawaz Ahmed, Jasum Ali, and Zahid Ali, on March 14, 2007, because all four men belonged to the Rindt tribe, which at that time was involved in armed clashes with Pakistan security forces in the Ziarat Kalig region. Iqbal's family received contradictory information from the authorities, but no clear information on his whereabouts. Nawaz Ahmed, Jasum Ali, and Zahid Ali were released after 11-months' forcible disappearance, while Iqbal remains missing.<sup>90</sup>

## Modus Operandi

In most of the enforced disappearance cases we documented, the perpetrators acted openly and did not seem worried by the presence of witnesses, highlighting the impunity with which Pakistani security forces and intelligence agencies operate in Balochistan.

In the majority of cases, the perpetrators carried out the abductions in broad daylight, often in busy public areas, and in the presence of multiple witnesses. For example, the above-mentioned Naseem Baloch, Ilyas Karim, and Rahim were abducted by a large group of uniformed FC soldiers and agents in plainclothes at 1:30 p.m. in a busy downtown district of Quetta in the presence of multiple witnesses.<sup>91</sup> In another case, motorcycle trader Abdul Nasir,

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<sup>89</sup> Human Rights Watch interview with a relative of Tawakal Khan, June 29, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Tawakal Khan (Case 40).

<sup>90</sup> Human Rights Watch interview with a relative of Mohammad Iqbal, June 24, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Mohammad Iqbal and 11-month-long enforced disappearance of Nawaz Ahmed, Jasum Ali, and Zahid Ali (Cases 41, 42, 43, and 44).

<sup>91</sup> Human Rights Watch interview with Rahim, June 29, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Naseem Baloch and Ilyas Karim (Cases 2 and 3).

27, was repairing a motorcycle in his friend's roadside shop in a busy part of Quetta on October 14, 2009. At around 11:30 a.m., a double-door pickup truck stopped outside the entrance. Four men in plainclothes stepped out of the truck and entered the shop, which had several customers in it. A witness to the incident told Human Rights Watch:

The first one to enter the shop shouted, "Don't look at us, look at the ground!" All four of them were carrying pistols. One of them pointed his gun at Abdul Nasir and shouted, "Get up!" As soon as Abdul Nasir got off the ground the man walked him to their car. Since that time I have not seen Abdul.<sup>92</sup>

The police would not register a complaint. Nasir's whereabouts remain unknown.

There were multiple witnesses to the abduction of two children, 14-year-old Nasibullah Langao and 12-year-old Abdul Waheed. A group of uniformed FC personnel apprehended them in the street of their village of Ismail in Hudda, Quetta, in March 2010. A friend of the boys' families told Human Rights Watch that he believes the security forces targeted the two children because they were trying to obtain information about the killing five days earlier of Langao's uncle by FC personnel. The families have not been able to obtain any information about the boys' fate or whereabouts from the authorities.<sup>93</sup>

On February 13, 2009, Jallil Akham Riki, a BRP activist from Chulam Jhan village in Quetta was leaving a local mosque after prayers when four cars surrounded him. Uniformed FC soldiers together with men in civilian clothes ordered him into one of the cars, blindfolded him and drove him away in front of many other men who were leaving the mosque at the same time.<sup>94</sup> The security forces did not respond to a habeas corpus petition filed by the family. Riki was last reported to be held at the Kuli Camp in Quetta by fellow detainees but his current whereabouts are unknown.

In a number of the cases documented here, the security forces took students away from university campuses.

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<sup>92</sup> Human Rights Watch interview with a witness to the disappearance of Abdul Nasir, June 23, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Abdul Nasir (Case 22).

<sup>93</sup> Human Rights Watch interview with a family friend of Langao, April 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Nasibullah Langao and Abdul Waheed (Cases 7 and 8).

<sup>94</sup> Human Rights Watch interview with a relative of Jallil Akham Riki, April, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Jallil Akham Riki (Case 34).



In 13 cases, the individuals were taken into custody while travelling in public buses, trucks, or private vehicles. In some cases, the cars were stopped at official checkpoints by police or FC personnel. In other cases, security forces followed and overtook vehicles or created ad hoc road blocks to stop them. For example, on March 15, 2010, Abdul Wahab Baloch, a 14-year-old school boy from Tump district, was on his way to meet a friend. He was travelling in a car with another youth, “Mahmoud” (not his real name). At around 10 p.m., three FC trucks and two unmarked jeeps stopped Mahmoud’s car. According to a witness, uniformed FC personnel opened the doors of Mahmoud’s car and immediately pulled Baloch out of his passenger seat. The soldiers put Baloch, handcuffed, into one of the army trucks and told Mahmoud to leave right away, which he did.<sup>95</sup> The police denied nothing anything about the arrest. Abdul Wahab Baloch’s whereabouts remain unknown.

On December 7, 2009, one police car and two civilian vehicles stopped a truck carrying BRP central committee member Sangat-Sana Baloch and two other passengers at a roadblock located at Bolan Pass on the Quetta-Sindh highway. One of the passengers, who was later released, told Baloch’s family that several men in civilian clothes opened the doors of the truck, immediately started beating all three, and forced them into one of their vehicles. The passenger said the men, who he believed were members of the intelligence agencies, then brought all three men into a building where they again beat them. Once the assailants realized that one passenger was not involved in any political activity, they handed him over to the police, who released him the same day. The man does not know what happened to Baloch and the other man, whose fate and whereabouts remain unknown.<sup>96</sup>

In other cases, security forces, usually a joint group of FC personnel and intelligence agents in plain clothes, abducted individuals from their homes or places of work where other family members or employees could witness what occurred. In one case, at around midnight on October 22, 2009, security forces came to the house of Najeebullah Qambrani, 27, on Kamrani road in Quetta. His brother described the incident to Human Rights Watch:

I was woken up by what sounded like people jumping over the walls of our house. Then I heard a loud “bang” and I realized someone was trying to smash down our [metal] front gate. Then someone from behind the gate shouted, “Open the door!” I immediately opened the gate and stepped well

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<sup>95</sup> Human Rights Watch interview with a relative of Abdul Wahab Baloch, April 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Abdul Wahab Baloch (Case 10).

<sup>96</sup> Human Rights Watch interview with a relative of Sangat-Sana Baloch, April and June 26, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Sangat-Sana Baloch and Kambar Baloch (Cases 15 and 16).

behind for fear of being hit. Approximately 20 men in camouflage uniforms with FC badges accompanied by three men in plainclothes entered the house. I was told to wait outside while the soldiers searched the house.

As I stepped outside the broken front gate to see what was happening, I noticed about six cars. All of them were black four-door Toyota Vigo pickups. Then I saw Najeebullah being dragged away by some of the soldiers. He was not resisting. I tried to approach him, but one of the FC soldiers made a threatening gesture with his fist and I turned back and returned to the house.<sup>97</sup>

On June 29, 2009, Din Mohammad Baloch, a 40-year-old doctor, was on a night shift in his small clinic in the Ornach area of Khuzdar district. At around 2:30 a.m. seven men entered the clinic, tied up his assistant, and burst into his office. His assistant later told Baloch's family that he could hear the sounds of a scuffle. He then saw the men dragging Baloch out of the clinic. Baloch has not been heard from since. According to a relative of Baloch, in August 2009, Chief Minister Raisani of Balochistan told Baloch's family that he was in custody of the intelligence agencies, but did not provide them with further details.<sup>98</sup> Human Rights Watch wrote to Chief Minister Raisani asking him to clarify his position on this case but has not received any response.<sup>99</sup>

In none of those cases did the perpetrators identify themselves. Nor did they explain why the persons were being detained or where they were taking them. In the majority of cases, including those involving unknown perpetrators in plain clothes, victims, eyewitnesses, and relatives blamed Pakistan's intelligence agencies for the disappearances. This was on account of the similarities in abduction methods and the fact that so many of the victims were taken in front of or in the vicinity of police or the Frontier Corps, or in public places where only members of the security forces would be able to move freely. The decades-old history of intelligence agency involvement in disappearances in Balochistan also likely contributed to the perception that intelligence agencies were involved.<sup>100</sup>

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<sup>97</sup> Human Rights Watch interview with a relative of Najeebullah Qambrani, June 23, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Najeebullah Qambrani (Case 21).

<sup>98</sup> Human Rights Watch interview with a relative of Din Mohammad Baloch, April 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Din Mohammad Baloch (Case 27).

<sup>99</sup> The letter is provided in Appendix II.

<sup>100</sup> For more on security force and intelligence agency involvement in "disappearances" and other abuses in Balochistan see Chapter I "Background: Conflict and Abuses in Balochistan."

In at least 10 cases documented by Human Rights Watch, the security forces beat the victims during the arrest and forcibly dragged them into their vehicles, often handcuffed and blindfolded. An eyewitness to the abduction of Mazar Khan, 21, and Abdul Rasool, 26, told Human Rights Watch that on December 19, 2009, at around 10 p.m., seven men in civilian clothes, their faces covered with scarves, broke down the gate to Khan's house where both men were staying. They burst in, firing their pistols in the air. The eyewitness said Rasool resisted and one of the men hit him on the temple with his pistol butt. Khan did not resist. The assailants tied the two men's wrists and ankles and blindfolded them. Then they dragged them outside, put them into one of their three pickup trucks, and drove away.<sup>101</sup>

"Sheraz" (not his real name), a young man who was abducted on June 8, 2009, together with Zakir Majeed Baloch and a third man, said the captors did not even attempt to give their actions a veneer of legality. Sheraz told Human Rights Watch:

Five or six men, all in plainclothes, came out of the pickups and pointed their guns at us. We thought straight away that they were from the [intelligence] agencies. When I saw they had guns I knew we had to listen to them. As soon as we got out of our van they started beating us with their fists and gun butts. It felt like an eternity but they hit us for probably no longer than five to ten minutes. Then they blindfolded us and chained our wrists behind our backs. They put Zakir in one of the cars and the two of us in the other one.

Inside the car, as it was driving away, the men kept hitting us, asking where we were going, where we were coming from, and what we were doing in the region. We told them we were students from Nushki. Some 40 minutes later the car stopped, and they took the chains off our wrists and pushed us out, still blindfolded. After the car left, we managed to get a ride back to Mastung. But we still don't know what happened to Zakir.<sup>102</sup>

At least five victims in cases documented by Human Rights Watch were forcibly disappeared after being in police custody or court premises and, in one case, shortly after

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<sup>101</sup> Human Rights Watch interview with a witness to the abduction of Mazhar Khan and Abdul Rasool, June 23, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Mazhar Khan and two-month-long enforced disappearance of Abdul Rasool (Case 12 and 13).

<sup>102</sup> Human Rights Watch interview with a friend of Zakir Mujeed Baloch, July 1, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Zakir Mujeed Baloch (Case 29).

being released from custody. In a highly publicized case of enforced disappearance and extrajudicial killing, three Baloch activists—Sher Mohammed Baloch, Ghulam Mohammed Baloch, and Lala Munir—were in their lawyer’s office in a local courthouse in Turbat on April 3, 2009 when a group of about five or six people in civilian clothes burst in and started smashing things. Sher managed to dial a friend from his mobile phone, saying they were being taken away by the “agencies,” but did not manage to say anything else. Witnesses at the courthouse told relatives that because of numerous witnesses and the FC personnel who were securing the court grounds, they believe it was intelligence agents who handcuffed and hooded the three men and put them in their cars.<sup>103</sup>

On April 9, 2009, three bodies were found in Pedarak town, near Turbat city. The families identified the victims as Sher Mohammed Baloch, Ghulam Mohammed Baloch, and Lala Munir. The relatives said that there were multiple bullet holes on the bodies. The victims’ hands were tied and they were still hooded. The relatives said they saw what they believed to be signs of torture on the bodies, including burn marks and bruises on chests and backs.

In another case, a senior member of the BRP central committee, Mir Abdul Waheed Resani Baloch, was forcibly disappeared after being detained at the Mastung police station on January 2, 2010. On that day, a court in Khozdar released Baloch after his 10-month detention in Khozdar central jail. However, within minutes of his release, the police picked him again in the street, in front of multiple witnesses. The police took him to Mastung police station. Because he was a prominent politician in the Baloch community, the police allowed him to hold a brief press conference. One of Baloch’s relatives told Human Rights Watch that a senior police officer interrupted the press conference and said he would like to “talk to Baloch in private,” and took him to another room:

We waited for about 10 minutes and then asked about him. The officer came back and said, “Sorry, we had to transfer him somewhere and we cannot tell you where, so you should all leave.” We waited for about six hours, and then left.<sup>104</sup>

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<sup>103</sup> Human Rights Watch interview with relatives of the three men, April 2010, Karachi. For more information, see Appendix I, Enforced disappearance and extrajudicial killing of Sher Mohammed Baloch, Ghulam Mohammed Baloch, and Lala Munir (Cases 31, 32, and 33).

<sup>104</sup> Human Rights Watch interview with a relative of Mir Abdul Waheed Resani Baloch, April 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Mir Abdul Waheed Resani Baloch (Case 11).

Since then, the family has had no information about Baloch's fate or whereabouts despite their efforts to locate him.

Another characteristic feature of enforced disappearances in Balochistan is that many of the victims, especially senior political activists, have been disappeared more than once—abducted, held in unacknowledged detention for weeks or even months, released, and then abducted again. In some cases documented here, the security forces also made several unsuccessful attempts at abduction before finally apprehending and disappearing the victim. For example, Bashir Azeem, the 76-year-old secretary-general of the BRP, has been subjected to an enforced disappearance three times, in 2005, 2006, and 2009, in which the authorities provided no information on his whereabouts in custody.<sup>105</sup> The third arrest took place on February 6, 2009. On that day, Azeem was in a car on his way to a press club in Quetta when his vehicle was blocked by three cars, and a group of fully armed men in civilian clothes took both Azeem and Qumbrani out of their car, blindfolded them, and put them into a jeep. Azeem was held in detention and severely tortured for the first week of his detention. The torture included beatings, whipping, being hung upside down, and the insertion of pins under his fingernails. Azeem was released after nearly two months, on March 31, 2009.

Abdul Ghaffar Lango, a Baloch nationalist activist, was first abducted in Mastung on June 27, 2007. He was held until February 13, 2008, after which he was released to police. He remained in police custody until May 2009 when he was released. However, security forces abducted him again on December 11, 2009. A police officer admitted that Lango had been detained but the police refused to file a complaint or provide more information. On July 1, 2011 Abdul Ghaffar Lango's corpse was found in an abandoned hotel near Lakbado area of Gadani town in the Lasbela district of Balochistan. The local police represented by the Station House Officer (SHO) of Gadani Police Station told the local media that "the body bore multiple marks of brutal torture. Cause of death is stated to be a severe wound in the head, caused by a hard rod or some other hard or sharp object."<sup>106</sup>

A leading member of the BSO-Azad, Naseem Baloch was first forcibly disappeared in 2005 along with two other men. He was kept for three months by the authorities in unacknowledged

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<sup>105</sup> Human Rights Watch interview with Bashir Azeem, April 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Bashir Azeem (Case 35).

<sup>106</sup> Human Rights Watch interview with a relative of Abdul Ghaffar Lango, June 23, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Abdul Ghaffar Lango (Case 14).

detention in Karachi and Quetta. He was then released. No charges were brought against him. Yet on May 25, 2010, security forces abducted him again. He remains missing to date.<sup>107</sup>

In another case, security forces made two attempts at abducting BRP central committee member Sangat-Sana Baloch before they finally captured and “disappeared” him in 2009. Two years before the disappearance, security forces tried to abduct Sangat-Sana’s brother Obaid, having mistaken him for Sangat-Sana, on the national highway between Quetta and Mastung. But resistance from residents of a nearby village helped to prevent the abduction. In another incident, about a month-and-a-half before the disappearance, Sangat-Sana Baloch noticed two cars following as he was returning from Mastung. Baloch managed to elude them by leaving his car and hiding in the nearby village.<sup>108</sup> On December 7, 2009, authorities finally apprehended him but have not acknowledged his whereabouts or fate.

## Secret Detention Facilities

The Pakistani military and its intelligence agencies have long maintained secret detention facilities across Pakistan. Because they exist outside Pakistani law they violate international law protections against arbitrary detention.<sup>109</sup> The ISI—which by all accounts runs the greatest number of secret prisons—and other state agencies are not deterred by an individual’s high social standing or public profile from holding them in secret detention if they deem it in the interest of “national security.” The relative anonymity of a victim only simplifies matters for the responsible authorities. Detention in secret facilities has long been used to obtain confessions or information against political and ideological opponents. The scope and duration of such secret detentions appears to have undergone a marked increase since the al Qaeda attacks on the United States on September 11, 2001. As documented by Human Rights Watch, US, and British complicity in the abduction, enforced disappearance, and torture and ill-treatment of Taliban and al Qaeda suspects in secret detention centers in Pakistan has provided the Pakistani military an opportunity to extend its illegal detention infrastructure without fear of censure and often with the covert support of its Western allies.<sup>110</sup>

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<sup>107</sup> Human Rights Watch interview with Rahim, June 29, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Naseem Baloch and Ilyas Karim (Cases 2 and 3).

<sup>108</sup> Human Rights Watch interview with a relative of Sangat-Sana Baloch, April and June 26, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Sangat-Sana Baloch and Kambar Baloch (Case 15 and 16).

<sup>109</sup> See ICCPR, art. 9 (“No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”).

<sup>110</sup> A detailed examination of British complicity in the illegal detention and torture of terrorism suspects was documented by Human Rights Watch; Human Rights Watch, *Cruel Britannia*; Human Rights Watch also

As the scope of counterterrorism operations has expanded to include Balochistan, the Federally Administered Tribal Areas, and the Swat Valley, so have secret detention centers maintained in these regions and major Pakistani urban centers, the Swat Valley, and the tribal areas. Detainees are subject to serious abuses including torture and upon release are warned that if they speak, a further abduction and abuse will follow.

As detailed below, we found significant evidence that Pakistan's intelligence agencies and the Frontier Corps run a number of secret detention facilities in Balochistan.

Most former detainees we spoke with did not know the exact location of the detention facilities where they were held: they were blindfolded when brought in and when released and in some cases were blindfolded for nearly the entire time they were detained. A few were told the name or location of the facility from other detainees, however, and some found out from relatives who managed to locate them, usually through personal contacts in the security forces.

The most commonly mentioned facility was the Kuli camp within the large army cantonment (base) in Quetta, a detention facility run by the army.<sup>111</sup> Allegations of torture by secret intelligence agencies at Kuli camp have been made by the Baloch community for several decades.<sup>112</sup> Like the army cantonment generally, Kuli camp is off limits to civilian authorities and, as far as Human Rights Watch is aware, no army personnel have ever been investigated for alleged involvement in torture there.

Twenty-two-year-old Asad (not his real name) was subjected to a three-month enforced disappearance in 2006 and then released. He told Human Rights Watch that he spent six weeks in Kuli camp. He said that for the first four days he was in solitary confinement and did not know where he was. He then was transferred to another cell where he could communicate with other detainees, who told him that they were detained in Kuli camp. He

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documented secret CIA detention centers in Pakistan in a 2007 report: Human Rights Watch, *Ghost Prisoner: Two Years in Secret CIA Detention*, February 26, 2007, <http://www.hrw.org/en/reports/2007/02/26/ghost-prisoner-0>; US complicity in the nine-month-long secret detention of two US citizens, Zain and Kashan Afzal was documented in 2005 by Human Rights Watch; "Pakistan: Two US Citizens 'Disappeared,'" Human Rights Watch news release, March 9, 2005, <http://www.hrw.org/en/news/2005/03/08/pakistan-two-us-citizens-disappeared>.

<sup>111</sup> "Pakistan: Army officers acknowledged that a disappeared person was in their custody but the courts failed to recover him," Asian Human Rights Commission, January 25, 2011, <http://www.ahrchk.net/statements/mainfile.php/2011statements/3051/> (accessed February 7, 2011).

<sup>112</sup> Mir Mohammad Ali Talpur "Anti-Baloch clique? — II" *The Balochhal*, February 1, 2010, (accessed February 7, 2011).

was then transferred to another facility which he believed was also in Quetta, about a one hour's drive from the Kuli camp. His captors later handed him over to the police.<sup>113</sup>

After the disappearance of Abdul Mujeeb on September 1, 2009, five people released from the Kuli camp at different times told his family that they had seen Mujeeb in detention there. All five told the family that they were kept in solitary confinement most of the time, although they occasionally shared a cell with others, including Mujeeb. Although the detainees were hooded, at night they would remove the hoods after the guards had left and were able to see Mujeeb.<sup>114</sup> Police initially refused to file a complaint and Mujeeb remains missing.

In another case, five months after the abduction of Chakkar Khan Marri, 24, his family met with a youth who told them that he had been in detention in Kuli camp and had spoken to Marri there.<sup>115</sup> The police took three months to register a claim, which mentioned "Pakistan's security agencies." Marri remains unaccounted for.

The family of Jallil Akham Riki, who had disappeared on February 13, 2009, also found out from one of the released detainees that Riki had been held in Kuli camp in Quetta for at least eight months. The detainee, who was released in November 2009, told the family that he and Riki had been cellmates since Riki's arrest in February 2009.<sup>116</sup> As of the time of writing, Riki's whereabouts remain unknown.

The Kuli camp detention facility apparently has been used by intelligence agencies as a secret detention place for many years. In one of the earlier disappearance cases documented by Human Rights Watch, two detainees were held there in unacknowledged detention in late 2001. Ali Ashgar Bangulzai, then 38, was first detained on June 1, 2001. For two weeks his family had no information on his whereabouts. After his release, Bangulzai told his family that he had been in detention in the Kuli camp in custody of MI. Four months later, intelligence agents again detained Bangulzai, this time together with his friend,

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<sup>113</sup> Human Rights Watch interview with Asad, April 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Asad (Case 45).

<sup>114</sup> Human Rights Watch interview with a relative of Abdul Mujeeb, June 23, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Abdul Mujeeb (Case 26).

<sup>115</sup> Human Rights Watch interviews with the relatives of Chakkar Khan Marri and "Salman S." (not his real name), June 23, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Chakkar Khan Marri and "Salman" (Case 23 and 24).

<sup>116</sup> Human Rights Watch interview with a relative of Jallil Akham Riki, April 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Jallil Akham Riki (Case 34).



Mohammad Iqbal. Iqbal, who was released after 22 days in detention, told Bangulzai's family that both men were held in the basement in the Kuli camp. They were in separate cells, yet Iqbal could hear Bangulzai. Bangulzai's whereabouts and fate remain unknown.<sup>117</sup>

Another facility mentioned by former detainees was the FC camp in Turbat city. Mohammad Iqbal and three of his friends detained by FC personnel in March 2007 were initially held in the FC camp in Turbat. They were then transferred to a detention facility in the army cantonment in Quetta, possibly at the Kuli camp. Iqbal's brother told Human Rights Watch that when he went to the Frontier Corps' Turbat camp on the day of the arrest, the camp commander told him that Iqbal and the other three men had been "detained for questioning and would be released in a matter of hours." When Iqbal's brother next inquired about his whereabouts on April 25, 2007, another FC officer from the same camp at Turbat, Maj. Abdul Rehman, told him that all four men had been transferred to Quetta. Ahmed, Jasum Ali, and Zahid Ali confirmed this information to the family. They said that together with Iqbal they were first held in Turbat in an open-air FC prison and then transferred to a jail in Quetta's army cantonment.<sup>118</sup>

Another former detainee, Bashir Azeem, who has been forcibly disappeared three times in the past six years, told Human Rights Watch that during his first arrest in 2005 the security forces held him for a week in unacknowledged detention in the cantonment area in Hanna Utak Valley in Quetta. In the second case, in 2006, he was held in what he believed to be an FC facility as he could see many men in FC uniforms. When the security forces arrested him in 2009, they held him in what he described as an "underground" cell located inside a big compound. He did not know what the facility was but said there were many other detainees there, held in six separate cells. Azeem also said that from there his captors took him to a different location which he described as a "three-story building with a torture cellar."<sup>119</sup>

## Fate of the "Disappeared"

While enforced disappearances themselves constitute a serious and continuing violation of human rights, they also greatly increase the risk of extrajudicial killings, torture, and ill-treatment of persons in custody. The practice of holding people incommunicado in

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<sup>117</sup> Human Rights Watch interview with a relative of Ali Ashgar Bangulzai, April 2010, Karachi.

<sup>118</sup> Human Rights Watch interview with a relative of Mohammad Iqbal, June 24, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Mohammad Iqbal and 11-month-long enforced disappearance of Nawaz Ahmed, Jasum Ali, and Zahid Ali (Cases 41, 42, 43, and 44).

<sup>119</sup> Human Rights Watch interview with Bashir Azeem, April 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Bashir Azeem (Case 35).

unacknowledged detention in unofficial facilities, maintaining no public records of arrest and detention, and refusing to grant relatives and lawyers access to detainees, creates ample opportunity for further abuses.

Information on the fate of persons subjected to enforced disappearances in Pakistan is scarce. Those whom the security forces eventually release are frequently reluctant to talk about their experiences for fear of being disappeared again or facing other repercussions.

### *Torture and Ill-Treatment*

Torture and ill-treatment are rampant in Pakistan, in violation of the Pakistani Constitution and Pakistan's obligations under international law. Without exception in the cases investigated by Human Rights Watch, released detainees and relatives who were able to obtain information about the disappeared person's treatment in custody reported that they were subjected to torture and ill-treatment by interrogators.

The methods of torture included prolonged beatings, often with sticks or leather belts, hanging the detainees upside down, and food and sleep deprivation.

Asad, whom the intelligence agents brought to Kuli camp in December 2006, described being tortured during the first days of his detention. He told Human Rights Watch:

I was naked, chained by the ankles to the ceiling, my hands tied behind my back. I still had a hood on my head and couldn't see anyone, but soon five or six men (judging by the voices) came in, and started beating me with sticks—all over my body. They spoke Urdu with a Punjabi accent and kept asking the same questions about why I wanted independence and whether I knew some Baloch leaders. They accused me of killing soldiers and agencies' people. It lasted for about three hours, with constant beatings. I fainted twice. When they finally released the chains, I crashed on the ground, blood streaming all over my body.<sup>120</sup>

Bashir Azeem (see above on page 35) said that intelligence agents subjected him to severe torture, particularly during his last unacknowledged detention in 2009. He said that an intelligence officer interrogated him in a room. Three times during these interrogations he

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<sup>120</sup> Human Rights Watch interview with Asad (not his real name), April 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Asad (Case 45).

was sent to a cellar where other officers beat him with a leather strap, saying this would continue until he started cooperating. Then, he was transferred to another facility:

There was no floor in the cell, just the dirt ground, and a plastic bottle for urinating. They soon brought me for another interrogation. They hung me upside down by the feet, and kept asking who was financing us, and where the militants were. The following days they continued torturing me in various ways. They pushed pins under my nails, put a chair on my back and sat on top of it, and put me for 48 hours into a room where I could only stand but not move. When they took me out, my legs were so swollen that I collapsed on the floor and fainted. They had to take me to a hospital, but three days later they returned me to my cell.<sup>121</sup>

Rahim, who was detained together with Naseem Baloch and Ilyas Kareem, both of whom subsequently were forcibly disappeared, said that during his two days in detention interrogators subjected him to constant beatings during questioning. He told Human Rights Watch:

First, they bound my arms behind my back, and then they threw me on the ground face down and someone sat on my back. Whenever they asked me a question, the interrogators pulled my head back by grabbing my hair and kept asking, “Who are you? Why have you come here to Quetta?” They beat me all over my body with their fists and feet and on the soles of my feet. They hit me for around one to two hours continuous in the morning, then again in the evening. At night they would not let me sleep or lie down, I was forced to stand. If I started to fall asleep they would hit me on the back and shoulders to keep me awake.<sup>122</sup>

A number of families interviewed by Human Rights Watch also received information about mistreatment of their disappeared relatives from the released detainees. For example, Bohir Khan, 26, was taken into custody on March 31, 2010. A member of his family spoke to a detainee released from a secret detention facility in Quetta who said that he had seen Khan there in June 2010. The released man said he regularly communicated with Khan,

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<sup>121</sup> Human Rights Watch interview with Bashir Azeem, April 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Bashir Azeem (Case 35).

<sup>122</sup> Human Rights Watch interview with Rahim, June 29, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Naseem Baloch and Ilyas Karim (Cases 2 and 3).

particularly at night when the guards would leave, because their cells were close to each other. He said Khan was subjected to food and sleep deprivation and was frequently beaten. The former prisoner said he could often hear him screaming. At the time of the former detainee's release, Khan was still imprisoned.<sup>123</sup>

A relative of Jallil Akham Riki, who was reportedly held in Kuli camp in 2009, told Human Rights Watch that a former detainee who was in detention with Riki could hear Riki being tortured and said he had serious health problems. He said Riki was so weak that he had to help him wash his clothes and look after himself.<sup>124</sup>

Rahim said that although he did not see in detention the two men who were abducted together with him, Naseem Baloch and Ilyas Kareem, he could sporadically hear whom he believed was Baloch screaming "day and night" from an adjoining "torture cell."<sup>125</sup>

Other families found out about the torture their disappeared relatives had been subjected to after the victims reappeared in police detention or in court.

Abdul Qayyum Baloch was disappeared for four months in 2001 and then transferred to Karachi central jail. His mother said that when she met her son in jail, his entire body was swollen from beatings. He showed her bruises on his arms and legs and said that he had blood in his urine as a result of beatings. He said that before being brought to jail, he and another detainee, Abdul Waheed, had been held in an unknown location for several months, and that was where the beatings took place.<sup>126</sup> Waheed's whereabouts remain unknown.

### *Extrajudicial Executions*

Many families fear that their forcibly disappeared relatives have been killed in custody. There is strong evidence to substantiate these fears, as increasing numbers of bodies bearing evidence of torture and extrajudicial killing are being discovered.

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<sup>123</sup> Human Rights Watch interview with a relative of Bohir Khan, June 24, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Bohir Khan (Case 9).

<sup>124</sup> Human Rights Watch interview with a relative of Jallil Akham Riki, April, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Jallil Akham Riki (Case 34).

<sup>125</sup> Human Rights Watch interview with Rahim, June 29, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Naseem Baloch and Ilyas Karim (Cases 2 and 3).

<sup>126</sup> Human Rights Watch interview with the mother of Abdul Qayyum Baloch, April 2010, Karachi.

The most highly publicized case of “disappearance” and extrajudicial execution involved three political activists: Ghulam Mohammad Baloch, president of the Baloch National Movement (BNM); Lala Munir, also of the BNM; and Sher Mohammad Baloch of the Balochistan Republican Party (BRP). On April 3, 2009, men alleged to be intelligence agents abducted the three men from their lawyer’s office in a courthouse in Turbat where they were discussing the cases pending against them.

For six days following the abduction, their families made inquiries with the police but the police did not provide any information on their fate and whereabouts. On April 9, police told the families that they had received a phone call, in which the caller said that he had found three bodies in a mountainous area of Pedarak, near Turbat. The families later identified the victims as their disappeared relatives. The families said that there were multiple bullet wounds on the bodies and that the police forensics team found many spent cartridges at the scene, which they handed over to their investigating counterparts. When found at the site, the victims’ hands were tied and they were still hooded. The relatives said they saw what they believed to be signs of torture on the bodies, such as burn marks and bruises on the chests and backs. At the time of the interview in April 2010, the families said that they were not aware of any results of the investigation into the disappearance and killings.<sup>127</sup>

On November 18, 2010, the mutilated body of journalist Abdul Hameed Hayatan, known as Lala Hameed, and another body, identified as Hamid Ismail, were found in Turbat. Lala Hameed had been reportedly abducted from the southwestern port city of Gawadar on October 25.<sup>128</sup> On November 20, 2010, the *Daily Times* newspaper reported the discovery of four additional bodies: Bashir Ahmed Lehri and Inayathullah who had been missing for more than two months, and Nasurrallah Baloch. The fourth body belonged to BSO-Azad activist Samiullah Mengal (not to be confused with Samiullah Mengal whose “disappearance” on November 16, 2009 was investigated by Human Rights Watch).<sup>129</sup>

Of the 45 cases documented in this report, one of the victims has later been found dead.

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<sup>127</sup> Human Rights Watch interview with relatives of the three men, April 2010, Karachi. For more information, see Appendix I, Enforced disappearance and extrajudicial killing of Sher Mohammed Baloch, Ghulam Mohammed Baloch, and Lala Munir (Cases 31, 32, and 33).

<sup>128</sup> Ibid.

<sup>129</sup> Muhammad Zafar, “Six missing persons found dead in Balochistan,” *Daily Times*, November 20, 2010, [http://www.dailytimes.com.pk/default.asp?page=2010\11\20\story\\_20-11-2010\\_pg1\\_6](http://www.dailytimes.com.pk/default.asp?page=2010\11\20\story_20-11-2010_pg1_6), (accessed December 15, 2010).

Since mid-2010, more than 70 bodies of people who are alleged to have been forcibly disappeared were discovered in Balochistan, according to reports by media and human rights organizations. These include:

- On July 26, 2010, the bullet-riddled bodies of two cousins, student Ashfaq Ahmed Mullahzai and Muhammad Farooq Mengal, were recovered in Quetta, in the Kili Qambrani area. Their relatives claim they had been abducted in May 2010.<sup>130</sup>
- On September 5, 2010, the mutilated and bullet-riddled body of lawyer Zaman Marri's was found in Mastung city. Marri was reportedly abducted on August 19, 2010 near his law office on Jinnah Road in Quetta.<sup>131</sup> On September 11, 2010, the mutilated body of Marri's cousin, Ali Ahmed Marri, known as Alliya Marri, was found in the same area. Alliya Marri was reportedly detained by plainclothes agents on April 7, 2010, along with three friends, Kamal Khan Marri, Lala Marri, and Lal Mohammad Marri. His cousin, Zaman Marri, was working as a lawyer on his disappearance case.<sup>132</sup>
- The body of lawyer Ali Sher Kurd, who was abducted from his relatives' house in Quetta on September 20, 2010, was found three days later in Khuzdar district. According to media reports, the body had marks of torture, and his neck was broken.<sup>133</sup>
- The bullet-riddled body of 14-year-old BSO-Azad activist Mohammad Khan Zohaib was also found in Khuzdar, on October 20, 2010. According to Baloch human rights activists, Zohaib's relatives said that FC soldiers had abducted him in July 2010.<sup>134</sup>
- On October 21, 2010, the bodies of Faqir Mohammad Baloch and Zahoor Baloch were discovered in Mastung district. Faqir Mohammad Baloch, a poet and member of the Voice of Baloch Missing Persons, was reportedly abducted on September 23, 2010. Zahoor Baloch, a member of the BSO-Azad, was abducted on August 23,

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<sup>130</sup> Asian Human Rights Commission, "Extrajudicial killings rapidly increase in Balochistan," press release, November 24, 2010, [http://crisisbalochistan.com/secondary\\_menu/human-rights/asian-human-rights-commission-extrajudicial-killings-rapidly-increase-in-balochistan.html](http://crisisbalochistan.com/secondary_menu/human-rights/asian-human-rights-commission-extrajudicial-killings-rapidly-increase-in-balochistan.html), (accessed June 9, 2011).

<sup>131</sup> Ibid.

<sup>132</sup> Ibid.

<sup>133</sup> "Protestors condemn murder of Ali Sher Kurd," *Daily Times*, September 28, 2010, [http://www.dailytimes.com.pk/default.asp?page=2010\09\28\story\\_28-9-2010\\_pg11\\_7](http://www.dailytimes.com.pk/default.asp?page=2010\09\28\story_28-9-2010_pg11_7), (accessed December 15, 2010).

<sup>134</sup> Asian Human Rights Commission, "Extrajudicial killings rapidly increase in Balochistan."

2010. Media reports claimed that both bodies had a single bullet wound to the head, apparently shot at close range, and showed signs of torture.<sup>135</sup>

- On October 24, 2010, the body of 14-year-old Haji Mohammad Ramzan Zehri was found in the Koshak River in Khuzdar district. The body had bullet wounds in the head and chest. Zehri, who was a BSO-Azad activist, had been abducted on October 18, 2010, by alleged FC personnel.<sup>136</sup>
- On December 19, 2010, Pakistani media reported on the recovery of five other bodies in Balochistan. Two bodies bearing the marks of torture and extrajudicial execution were found in Turbat. They were identified as Yousuf Raza from Tump and Razzaq Baloch from Mand. According to a news reports, both men had been abducted by unknown perpetrators several days earlier. The third body, of Abdul Rahim Bangulzai, was recovered in Mastung. The news report said the family blamed “government agents” for Bangulzai’s abduction and execution. The remaining two bodies, recovered in Khuzdar, were of Ibrahim Muhammad Hassani and Noor Ahmed Zehri; the report did not say whether the two had been previously reported abducted.<sup>137</sup>
- On February 10, 2011, the bullet-ridden bodies of Abdul Qayum of the BSO-Azad and Jameel Yaqub of the BNP were found in the Hernok area, 40 kilometers from the town of Turbat. Qayum’s family told the Daily Times that he had been taken from his home on December 11, 2010, by FC personnel. The family reported the abduction to the police.<sup>138</sup> The Swedish-based International Voice for Baloch Missing Persons reported Yaqub’s abduction from his residence on August 29, 2010, to the UN Working Group on Enforced and Involuntary Disappearances.<sup>139</sup>

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<sup>135</sup> Muhammad Zafar, “Bullet-riddled bodies of two Balochs found,” *Daily Times*, October 22, 2010, [http://www.dailytimes.com.pk/default.asp?page=2010\10\22\story\\_22-10-2010\\_pg7\\_5](http://www.dailytimes.com.pk/default.asp?page=2010\10\22\story_22-10-2010_pg7_5) (accessed December 15, 2010).

<sup>136</sup> Asian Human Rights Commission, “Extrajudicial killings rapidly increase in Balochistan.”

<sup>137</sup> “5 bullet-riddled bodies found in Balochistan,” *The Nation*, December 19, 2010, <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/Politics/19-Dec-2010/5-bulletriddled-bodies-found-in-Balochistan> (January 26, 2011).

<sup>138</sup> “Two bullet-riddled bodies found near Turbat,” *The Daily Times*, February 11, 2010, [http://www.dailytimes.com.pk/default.asp?page=2011%5C02%5C11%5Cstory\\_11-2-2011\\_pg7\\_4](http://www.dailytimes.com.pk/default.asp?page=2011%5C02%5C11%5Cstory_11-2-2011_pg7_4) (accessed January 26, 2011).

<sup>139</sup> Ahmer Mustikhan, “Baloch activist whose disappearance case was filed with UN killed in captivity,” *Examiner.com*, February 11, 2011, <http://www.examiner.com/foreign-policy-in-baltimore/balch-activist-whose-disapperance-case-was-filed-with-un-killed-captivity?render=print> (accessed March 28, 2011).

- On February 15, 2011, the Daily Times reported the discovery of another two bodies. One, found in Khuzdar, was identified as Saeed Ahmed, a BNP activist who had reportedly been abducted three months earlier from Pangur district. The second, Harzi Khan, was found next to a highway near the city of Uthal in the south of Balochistan. Harzi Khan and his brother, Sohbat Khan Marri, were reportedly abducted in September 2010 from Hub. Marri's body was found in Hub on December 26, 2010.<sup>140</sup>

In the month between December 26, 2010 and January 25, 2011, reports suggest that at least 22 bodies of previously abducted ethnic Baloch were discovered in various parts of Balochistan.<sup>141</sup>

Human Rights Watch is not aware of any progress made by the authorities in the investigation of any of the killings mentioned above.

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<sup>140</sup> "2 bullet-riddled bodies found in Balochistan," *The Daily Times*, February 15, 2010, [http://www.dailytimes.com.pk/default.asp?page=2011%5C02%5C15%5Cstory\\_15-2-2011\\_pg1\\_5](http://www.dailytimes.com.pk/default.asp?page=2011%5C02%5C15%5Cstory_15-2-2011_pg1_5) (accessed January 26, 2011).

<sup>141</sup> "Disappeared Mohammad Azam Baloch found dead, five others including EDE Public Health Kalat Abdul Rauf Qambarani abducted," *Baluch Warna*, January 25, 2011, <http://www.balochwarna.com/modules/news/article.php?storyid=3068> (accessed January 26, 2011); "Dead body of BSO's zonal president Ali Jan Kurd recovered in Quetta," *The Baluch Hal*, January 23, 2011, <http://www.thebalochhal.com/2011/01/dead-body-of-bsos-zonal-president-recovered-in-quetta/> (accessed January 26, 2011); "Body of disappeared Mumtaz Kurd found in Mastung," *Baloch Warna*, 20 January 20, 2011, <http://www.balochwarna.com/modules/news/article.php?storyid=3061> (accessed March 28, 2011); "Bullet-ridden bodies of three political activists found in Balochistan," *Daily Times*, January 17, 2011, [http://www.dailytimes.com.pk/default.asp?page=2011%5C01%5C18%5Cstory\\_18-1-2011\\_pg1\\_9](http://www.dailytimes.com.pk/default.asp?page=2011%5C01%5C18%5Cstory_18-1-2011_pg1_9) (accessed March 29, 2011); "Bodies of two young Baloch singers found," *Baloch Warna*, January 17, 2011, <http://www.balochwarna.com/modules/news/article.php?storyid=3055> (accessed March 29, 2011); "BSO activist Zakaria Baloch's tortured and bullet-ridden body found in Kalat," *Baloch Warna*, January 15, 2011, <http://www.balochwarna.com/modules/news/article.php?storyid=3050> (accessed March 29, 2011); "Two bullet-ridden bodies found in Panjgur," *Daily Times*, January 8, 2011, [http://dailytimes.com.pk/default.asp?page=2011%5C01%5C09%5Cstory\\_9-1-2011\\_pg1\\_5](http://dailytimes.com.pk/default.asp?page=2011%5C01%5C09%5Cstory_9-1-2011_pg1_5) (accessed March 29, 2011); "BSO Leader Qambar Chakar, 24, Martyred in Turbat," *The Baloch Hal*, January 6, 2011, <http://www.thebalochhal.com/2011/01/bso-leader-qambar-chakars24-martyred-in-turbat/> (accessed March 29, 2011); "Kidnapped Baloch Journalist Alyas Nizar's Bullet-ridden Body Found in Turbat," *The Baloch Hal*, January 6, 2011, <http://www.thebalochhal.com/2011/01/kidnapped-baloch-journalists-bulleet-riddled-body-found-in-turbat/> (accessed March 29, 2011); "Bodies of four missing persons found in Turbat," *The Baloch Hal*, December 31, 2010, <http://www.thebalochhal.com/2010/12/four-more-missing-persons-dead-bodies-found-in-turbat/> (accessed March 29, 2011); "Five bullet-riddled bodies found," *Dawn*, December 27, 2010, <http://www.dawn.com/2010/12/27/five-bullet-riddled-bodies-found.html> (accessed March 29, 2011).



Armed militants have also been implicated in some of the recently reported extrajudicial killings. Human Rights Watch has previously documented the targeted killing of at least 22 teachers and other education personnel by Baloch nationalist armed groups and other militants between January 2008 and October 2010.<sup>142</sup>

Responsibility for other killings is unclear. *Newsline* magazine reported that an organization called Sipah-i-Shuda-i-Balochistan (SSB) claimed responsibility for 13 killings discovered in July-August 2010. The magazine reported that SSB was formed by “associates of the victims of targeted killings in Balochistan” and, according to its spokesperson, was targeting the Baloch nationalist activists.<sup>143</sup> Human Rights Watch was unable to confirm the existence of this group or its alleged involvement in these killings.

### *Prosecutions of the “Disappeared”*

In seven of the cases documented by Human Rights Watch, Pakistani authorities eventually brought criminal charges against the forcibly disappeared persons but without addressing the circumstances in they were arbitrarily arrested and detained. In some cases, the detainees were transferred to police custody after being charged and then brought to trial. In other cases, families found out about the charges from the media, yet were still unable to locate their missing relatives or meet with them. Human Rights Watch is concerned that in at least some of these cases, criminal charges were brought only to legitimize otherwise unlawful detentions. The cases are summarized below.

Intelligence agencies held Asad (not his real name) in unacknowledged detention for three months in 2006 before bringing him before a magistrate and then the Anti-Terrorism court in Turbat.

Two brothers, Aziz Khan Bugti, 30, and Megla Khan Bugti, 35, went missing in April 2005 as they travelled from Hyderabad in Sindh province to Karachi. The family had no information about their fate for the next five months until in September 2005 the authorities announced their arrest. They were charged with a bombing and other acts of terrorism. In 2008 the anti-terrorism court sentenced them to death. At the time of Human Rights Watch’s interview with the family, the men’s appeal was still pending before the Supreme Court.

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<sup>142</sup> Human Rights Watch, *Their Future is at Stake*.

<sup>143</sup> Abdul Wahab, “The Invisible Hand,” *Newsline magazine*, September 16, 2010, <http://www.newslinemagazine.com/2010/09/the-invisible-hand/> (accessed November 1, 2010).

Abdul Qayyum Baloch and Abdul Waheed from Quetta had been abducted in Karachi in January 2001. For four months their families had no information of their fate or whereabouts. Baloch's mother then received information that her son was in Karachi central jail, where she finally managed to meet with him. Both men were tried and sentenced to death in 2001, but their appeal is still pending in the Supreme Court.<sup>144</sup>

Haji Murrad Khan Marri, a 65-year-old farmer, was abducted in the town of Hub by armed men in plain clothes in front of several witnesses in June 2008. His family's efforts to locate him proved futile. Yet half a year after the abduction, Balochistan Home and Tribal Affairs Minister Zafar Zehri announced a Rs 3,000,000 (approximately US \$3,400) reward for the capture of Marri and others whom Zehri claimed were wanted Baloch "separatists." In June 2009 his family was informed that criminal charges had been filed against him. On March 27, 2010, a member of the Frontier Corps contacted Marri's family and said that he was in their custody. The FC official said Marri had been charged with murder and possession of Indian currency and explosives. FC Col. Asad Shahzad Kattak held a press conference the same day saying Marri had been arrested in Chaman, close to the Balochistan border with Afghanistan, while crossing into Pakistan from Afghanistan. According to Colonel Khattak, Marri had been placed in police custody in Saddar police station in Chaman. However, neither Marri's lawyer nor his family have been allowed to see him. The case against Marri is pending before the Balochistan High Court. His disappearance case has been added to a combined petition originally filed by the Human Rights Commission of Pakistan with the Supreme Court of Pakistan in January 2010.<sup>145</sup>

Several months after the disappearance of Din Mohammad Baloch (see above on page 33), local newspapers reported that the Frontier Corps had arrested him and two others in connection with an armed attack on FC troops on August 14, 2009, nearly two months after he had been abducted. Baloch's brother spoke to the author of the article, who told him that the information came from the Special Branch of the police, which is the intelligence arm of the Balochistan Police Service. However, government authorities have not officially confirmed that Baloch is or was in FC custody or specified the charges against him.<sup>146</sup>

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<sup>144</sup> Human Rights Watch interview with the mother of Abdul Qayyum Baloch, April 2010, Karachi.

<sup>145</sup> Human Rights Watch interview with a relative of Haji Murrad Khan Marri, June 28, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Haji Murrad Khan Marri (Case 28).

<sup>146</sup> Human Rights Watch interview with a relative of Din Mohammad Baloch, April 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Din Mohammad Baloch (Case 27).

In the case Najubullah Qambrani, the authorities appeared to go to great lengths to avoid responsibility for wrongdoing.

Three months after the enforced disappearance of Najeebullah Qambrani, the Balochistan authorities ministry of Home and Tribal Affairs announced a Rs 500,000 (approximately US \$5,800) reward for information leading to his arrest, claiming he was a wanted terrorist. Following the announcement, the Balochistan High Court ordered the Balochistan Home Ministry to submit a First Information Report (FIR), a police report, which detailed the allegations against him. However, at successive hearings the ministry failed to provide an FIR. Finally, on April 3, 2010, the home secretary removed the reward for Qambrani's capture and issued a statement that the earlier claim that he was a terrorist had been a clerical error. To date, Qambrani's whereabouts remain unknown.<sup>147</sup>

## **Abuses against Relatives, Witnesses, and Released Detainees**

The climate of fear instilled by the practice of enforced disappearances in Balochistan is especially felt by the families of the victims. Most families interviewed by Human Rights Watch said that following the disappearances they made inquiries with the police and in courts, yet did not dare to approach the intelligence agencies or the Frontier Corps directly. In a few cases, the victims' families were so fearful of retaliation that they did not dare to register the disappearances of their relatives even with the police. For example, the family of Tawakal Khan, who disappeared in March 2007, did not attempt to report his abduction to the police because they worried they "could also be disappeared" if they made such inquiries.<sup>148</sup>

Nonetheless, many family members of victims of enforced disappearances have courageously sought to locate their relatives and raise their cases in public. They told Human Rights Watch of their fears of being persecuted by the authorities for speaking out, particularly about the role of the intelligence agencies.

In the case of Zakir Majeed Baloch, the victim's family believed that he was forcibly disappeared specifically because his political activism focused on protesting against disappearances in the province. The recent extrajudicial executions of members of the Baloch Voice for Missing Persons and lawyers representing the families of the "disappeared" highlight the dangers faced by activists who raise the issue.

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<sup>147</sup> Human Rights Watch interview with a relative of Najeebullah Qambrani, June 23, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Najeebullah Qambrani (Case 21).

<sup>148</sup> Human Rights Watch interview with a relative of Tawakal Khan, June 29, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Tawakal Khan (Case 40).

A number of released detainees, witnesses to abductions and arrests that resulted in disappearances, and family members of victims said they had been threatened by the authorities. “Asad” told Human Rights Watch that following his release on bail by the anti-terrorism court, intelligence agents came looking for him in his home town of Tump. He said they also called his phone, saying they “would catch me again and this time would kill me.”<sup>149</sup>

Bashir Azeem told Human Rights Watch that following his release from detention he continued to receive threatening phone calls on his mobile phone. He said intelligence agents had been openly following him.<sup>150</sup>

After the abduction of Mir Sohrab Marri and Shah Mohammad Zarkoon in November 2009, Marri’s family tried everything to locate the two men, including by submitting inquiries to the chief minister of Balochistan and the secretary of home and tribal affairs. On June 2, 2010, after Marri’s brother gave evidence before the Commission of Inquiry for Missing Persons, he received an anonymous phone call in which the caller asked him why he had testified. “If you are so keen to meet your brother, we can help you meet him,” the caller said. Marri’s brother believed that this was a warning that he could also be forcibly disappeared unless he dropped efforts to locate his brother.<sup>151</sup>

Relatives of Zakir Majeed Baloch, who was abducted in June 2009, received threats after they went on a public hunger strike in June 2010 outside the Quetta Press Club to demand information about Baloch’s whereabouts. Because of threats, the family soon ended their hunger strike. “We would get [anonymous] phone calls from unknown numbers with people telling us in Urdu to stop our hunger strike or they would take us away,” said one of Baloch’s relatives.<sup>152</sup>

In another case, almost a year after the abduction of Abdul Ghani, 18, in January 2009, his family managed to register his case with the local police. In February 2010 a lawyer acting

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<sup>149</sup> Human Rights Watch interview with Asad, April 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Asad (Case 45).

<sup>150</sup> Human Rights Watch interview with Bashir Azeem, April 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Bashir Azeem (Case 35).

<sup>151</sup> Human Rights Watch interviews with the relatives of Mir Sohrab Marri and Shah Mohammad Zarkoon, June 24, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Mir Sohrab Marri and Shah Mohammad Zarkoon (Cases 19 and 20).

<sup>152</sup> Human Rights Watch interview with a friend of Zakir Majeed Baloch, July 1, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Zakir Majeed Baloch (Case 29).

on behalf of Ghani's family filed a petition with the Balochistan High Court. Ghani's relatives and friends told Human Rights Watch that after the lawyer filed the petition, FC personnel threatened three people who witnessed Ghani's abduction to prevent them from testifying in court. "They said, 'We will disappear you if you go to court,'" one of the witnesses told Human Rights Watch. Despite the threat, all three gave evidence in court in April 2010.<sup>153</sup>

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<sup>153</sup> Human Rights Watch interview with a relative of Abdul Ghani, June 29, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Abdul Ghani (Case 37).

## V. Pakistan's Response to Enforced Disappearances in Balochistan

The fate of Pakistan's "disappeared," including those from Balochistan, has become closely intertwined with broader political developments in the country over the last five years. For a short time in 2007, hopes were raised that Pakistan's Supreme Court and higher courts would secure an accounting of the forcibly disappeared, bring redress to victims, and hold perpetrators accountable. A 2007 hearing on 198 cases of enforced disappearances submitted to the Supreme Court by the Human Rights Commission of Pakistan led to the release of information on the whereabouts of 99 individuals. It also shined a spotlight on the role of the army and intelligence agencies in the disappearances. In part to forestall judicial activity on such cases, then President Pervez Musharraf dismissed the chief justice and other judges.<sup>154</sup> No progress on the problem of disappearances was made until a new, elected government took office in 2008 and the judiciary was subsequently reinstalled.

### Duty to Investigate and the Right to Redress

#### *Duty to Investigate Enforced Disappearances*

Under international law, the Pakistani government has a duty to investigate serious violations of human rights and to punish the perpetrators.<sup>155</sup> Many human rights violations that enforced disappearance entail are serious and demand investigation and prosecution.<sup>156</sup>

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<sup>154</sup> See Human Rights Commission of Pakistan, "Annual Report 2007," <http://www.hrcp-web.org/pdf/Archives%20Reports/AR2007.pdf> pages 24-25 (accessed April 27, 2011).

<sup>155</sup> The duty to try and punish those responsible for grave violations of human rights has its legal basis in various treaties, including the ICCPR (art. 2) and the Convention against Torture (arts. 4, 5, and 7). See also United Nations Commission on Human Rights, "Report submitted January 8, 2002, by Mr. Manfred Nowak, independent expert charged with examining the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearance, pursuant to paragraph 11 of Commission resolution 2001/46" (New York: United Nations, 2002), E/CN.4/2002/71.

<sup>156</sup> The UN General Assembly has repeatedly called on governments to devote appropriate resources to searching for the disappeared and to "undertake speedy and impartial investigations." It has urged states to ensure that law enforcement and security authorities are fully accountable in the discharge of their duties, and emphasized that such accountability must include, "legal responsibility for unjustifiable excesses which might lead to enforced or involuntary disappearances and to other violations of human rights." Resolution on Disappeared Persons, adopted by the General Assembly during its 33rd session, UN G. A. Res. 33/173, adopted December 22, 1978.

The Declaration against Enforced Disappearances provides that those having knowledge of an enforced disappearance have the right “to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority.” Even in the absence of a formal complaint, the state should promptly investigate whenever there are reasonable grounds to believe that an enforced disappearance has been committed. Those found responsible for committing an enforced disappearance should be fairly prosecuted.<sup>157</sup>

In cases where “complaints by relatives or other reliable reports” suggest that a disappearance has resulted in the unnatural death of an individual in custody, Pakistani authorities should launch a thorough, prompt, and impartial investigation to “determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death.” The investigation should result in a publicly available written report.<sup>158</sup>

### *Redress for Victims*

International human rights law obliges states to provide reparations to victims of serious human rights violations.<sup>159</sup> For instance, the ICCPR requires states to provide an “effective remedy” for violations of rights and freedoms and to enforce such remedies.<sup>160</sup>

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<sup>157</sup> Declaration against Enforced Disappearances, arts. 13 and 14. These provisions are reinforced in arts. 4, 6, and 12 of the Convention against Enforced Disappearance.

<sup>158</sup> Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, E.S.C. res. 1989/65, annex, 1989 U.N. ESCOR Supp. (No. 1) at 52, U.N. Doc. E/1989/89 (1989). Provision 9 of the Principles states: “There shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances. Governments shall maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death. It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence and statements from witnesses. The investigation shall distinguish between natural death, accidental death, suicide and homicide.” Provision 17 of the Principles states: “A written report shall be made within a reasonable period of time on the methods and findings of such investigations. The report shall be made public immediately and shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law. The report shall also describe in detail specific events that were found to have occurred and the evidence upon which such findings were based, and list the names of witnesses who testified, with the exception of those whose identities have been withheld for their own protection. The Government shall, within a reasonable period of time, either reply to the report of the investigation, or indicate the steps to be taken in response to it.”

<sup>159</sup> Guidance on reparation to victims can be found in the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, G.A. Res. 60/147, U.N. Doc. A/RES/60/147 (December 16, 2005).

The Declaration and the Convention against Enforced Disappearances specifically reaffirm the right of victims—which includes the family members of those “disappeared”—to obtain reparation and compensation in the form of material and moral damages as well as restitution, rehabilitation, satisfaction, including restoration of dignity and reputation, and guarantees of non-repetition.<sup>161</sup>

The Convention against Enforced Disappearance also establishes the responsibility of the state to “take all appropriate measures to search for, locate and release disappeared persons and, in the event of death, to locate, respect and return their remains.” It recognizes the right of victims “to know the truth” regarding the circumstances of the enforced disappearance, the progress and results of the investigation, and the fate of the disappeared person.<sup>162</sup>

The right to reparation as a way of establishing truth and responsibility is of particular importance in cases of enforced disappearances, which are “continuing human rights violations committed with the very intention of evading responsibility, truth and legal remedies.”<sup>163</sup>

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The Principles reaffirm that a state should provide adequate, effective, and prompt reparation to victims for acts or omissions constituting violations of international human rights and humanitarian law norms.

<sup>160</sup> ICCPR, arts. 2(3) and 9(5). The UN Human Rights Committee, which monitors international compliance with the ICCPR, has noted that “reparation can involve restitution, rehabilitation and measures of satisfaction, such as public apologies, public memorials, guarantees of non-repetition and changes in relevant laws and practices, as well as bringing to justice the perpetrators of human rights violations.” UN Human Rights Committee, General Comment No. 31 on Article 2 of the Covenant: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, U.N. Doc. CCPR/C/74/CRP.4/Rev.6 (2004).

<sup>161</sup> Declaration on the Protection of all Persons from Enforced Disappearances, Article 19; Convention against Enforced Disappearance, art. 24.

<sup>162</sup> Convention against Enforced Disappearance, art. 24. This right was reaffirmed in a 2005 resolution by the UN Commission on Human Rights. The resolution, entitled “The Right to the Truth,” stresses “the imperative for society as a whole to recognize the right of victims of gross violations of human rights and serious violations of international humanitarian law, and their families... to know the truth regarding such violations, including the identity of the perpetrators and the causes, facts and circumstances in which such violations took place.” The resolution goes on to recognize “the importance of respecting and ensuring the right to the truth so as to contribute to ending impunity and to promote and protect human rights.” OHCHR Resolution 2005/66, adopted April 20, 2005.

<sup>163</sup> United Nations Commission on Human Rights, “Report submitted January 8, 2002, by Mr. Manfred Nowak, independent expert charged with examining the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearance, pursuant to paragraph 11 of Commission resolution 2001/46” (New York: United Nations, 2002), E/CN.4/2002/71. Nowak further emphasizes that in the case of disappearances the reparation is of utmost importance “not only as a matter of redress for the individual victims, but also as a pre-condition for establishing truth, justice and peace in the societies affected by such practices.”



## Response of National Authorities

The Zardari government upon taking office in 2008 made various promises on Baloch issues, including a pledge to address the problem of enforced disappearances. To date, however, this pledge remains unfulfilled. Few of the disappeared have been traced and perpetrators continue to enjoy complete impunity.

The problem of disappearances in Balochistan and the rest of the country will only be resolved when the Pakistani government at the highest level demonstrates the political will to implement serious measures against undoubted opposition from the army and other security forces. Unlike Musharraf's government, which blatantly denied any responsibility or knowledge of the enforced disappearances, the Zardari government has acknowledged the problem and made certain commitments to address it. Officials of the interior and law ministries claimed in April 2008 that information on disappearance cases was being collected and action would be taken to address the problem. The Interior Ministry set up a committee to investigate the fate of the disappeared in May 2008, though with somewhat unclear terms of reference.<sup>164</sup> However, primary responsibility for investigating missing persons was effectively handed over to the Committee to Investigate Missing Persons (CIMP) established by the Supreme Court in May 2010.

In November 2009, Interior Minister Rehman Malik said at a press conference that 1,100 missing persons had been registered in Balochistan and asserted that the "Federal government and provincial governments are engaged in recovery and identification of those people."<sup>165</sup>

A month later, the Aghaz-e-Haqooq-e-Balochistan ("Beginning of Rights in Balochistan") package of constitutional, political, administrative, and economic reforms in the province specifically called for an investigation into the cases of missing persons, and the release of unlawfully detained individuals.<sup>166</sup> Balochistan provincial authorities, including Chief

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<sup>164</sup> "End enforced disappearances in Pakistan," Amnesty International press release, undated, <http://www.amnesty.org/en/appeals-for-action/end-enforced-disappearances-pakistan> (accessed March 29, 2011). In May 2008 the Interior Ministry set up a committee to investigate cases of all persons subjected to enforced disappearances. The committee included members of the Interior Ministry, parliament, and of the families of the disappeared. However, the government has not to date released its findings or reported on any action taken as a consequence.

<sup>165</sup> "Strategy devised to implement Balochistan Package: Rehman", *Pakistan Times*, November 24, 2009 <http://pakistantimes.net/pt/detail.php?newsId=6264>, (accessed July 7, 2011).

<sup>166</sup> "Balochistan package tabled in parliament", November 25, 2011, *Pak Tribune*, <http://www.paktribune.com/news/print.php?id=221717>, (accessed July 7, 2011).

Minister of Balochistan Nawab Aslam Raisani and provincial Home Secretary Akbar Durrani, repeatedly stated that tracing of disappeared individuals would be a priority for the Balochistan government.

However, these statements have not translated into a concerted effort to curb abuses and bring the security forces under control. Despite very slow progress on the recovery of missing persons, neither the provincial nor the federal government has come up with concrete proposals to address the problem.

The government also failed to send a strong message to the security forces and the intelligence agencies that the abuses would not be tolerated. Even in cases where the CIMP has managed to establish the whereabouts of disappeared persons, there has been no action by the government to bring the perpetrators to justice. Human Rights Watch is not aware of a single case where the security forces or intelligence agencies have faced prosecution or even an inquiry for abductions, illegal arrests, or unlawful confinement in Balochistan.

On the contrary, addressing the situation in Balochistan in August 2010, Interior Minister Malik reiterated his support for the security agencies, saying that “secret agencies were working for Pakistan's interests and anybody who harms or attempted to harm these agencies would be dealt with iron hands.” He also added that “several among these missing persons had been kidnapped by secret agencies because of suspected links with militants.” This was a startling admission from a senior government official and suggested complicity by civilian officials in enforced disappearances. On another occasion, Malik also dismissed the reports of “thousands” of disappearances, claiming that most of the missing “have gone to foreign countries such as Dubai.” In November 2010, Balochistan Chief Minister Sardar Aslam Raisani casually admitted the involvement of the security forces in abductions and extrajudicial killings, yet did not offer any comment regarding his government’s plans to address the issue.<sup>167</sup>

## **Response of Provincial Authorities**

Information shared with Human Rights Watch by the families of disappearance victims shows the inability or unwillingness of provincial authorities to address the problem. In seven cases documented in this report, relatives managed to raise disappearance cases with high-level provincial authorities, yet none of those personal appeals led to

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<sup>167</sup> “Top Balochistan minister alleges extrajudicial killings”, *bbcnews.com*; <http://www.bbc.co.uk/news/world-south-asia-11832034>, (accessed July 7, 2011).

establishment of the victim's whereabouts or prosecution of the perpetrators, though in some cases authorities confirmed to the families that the victims had been taken by the intelligence agencies.

On February 22, 2010, relatives of disappearance victims Mazhar Khan and Abdul Rasool met representatives of the Balochistan Home and Tribal Affairs Ministry who said they would record Khan's disappearance (Rasool had already been released at the time of the meeting and so was no longer missing). At the same time, they said they could do nothing to investigate the arbitrary arrest and detention of either Khan or Rasool.<sup>168</sup>

In another illustrative case, immediately after the abduction of Mir Sohrab Marri and Shah Mohammad Zarkoon on November 8, 2009, Marri's father met with Balochistan Chief Minister Raisani and handed him a letter detailing the incident. According to Marri's father, Raisani said he would look into the matter. Marri's family also submitted a letter regarding his disappearance to Secretary of Home and Tribal Affairs Akbar Hussain Durrani. According to one of Marri's relatives, Durrani hand wrote a note on the letter requesting police to investigate Marri's disappearance. Yet to date, there have been no developments in the case and the whereabouts of the two men remain unknown.<sup>169</sup>

The family of Din Mohammad Baloch also met the Chief Minister Raisani twice following Baloch's abduction. The meetings took place in July and in August 2009. According to the family, on the latter occasion Raisani told them that Baloch was in the custody of the intelligence agencies, but did not specify which one. To date Baloch's fate and whereabouts remain unknown to the family and Chief Minister Raisani has failed to respond to queries by Human Rights Watch on the matter.<sup>170</sup>

## Failure of Police to Investigate "Disappearances"

Under Pakistani law, upon receiving a report of a crime the police are required to immediately register a First Information Report (FIR) detailing the nature of the crime.<sup>171</sup>

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<sup>168</sup> See Appendix I

<sup>169</sup> Ibid.

<sup>170</sup> See Appendix II.

<sup>171</sup> A First Information Report (FIR) is a written document prepared by the police when they receive information about an alleged crime. Police are ordinarily obliged to immediately register an FIR detailing the nature of these crimes. But there is no obligation for police to investigate the incident (Criminal Procedure Code, sec. 156; Police Rules, ch. XXV, rule 25-1.). Clear guidelines for making such a decision do not exist. As a result, throughout Pakistan, FIRs are often either not filed by police or poorly prepared.

The police then have broad discretion whether to investigate the alleged offense.<sup>172</sup> Beyond Pakistani law, international human rights law places a burden on the authorities to investigate gross violations of human rights.<sup>173</sup>

In the many cases covered in this report in which the victims' relatives went to the local police, the police either refused to register an FIR or did so only after receiving an order from the Supreme Court of Pakistan, sometimes months or years after the initial report of the abduction. In a number of cases, even after police agreed to register an FIR, the report did not mention the alleged perpetrators, including in cases where the witnesses identified the responsible agencies and provided police with evidence of their involvement. Instead, the reports typically list a victim as a "missing person" and attribute the abduction to "unknown perpetrators."

In our research, we did not learn of any cases in which the police took even the most basic investigative steps to locate allegedly disappeared individuals or establish the identity of the perpetrators.

For example, following the abduction of Sangat-Sana Baloch, his family unsuccessfully tried to register the case at the Kalpur police station. One of his relatives told Human Rights Watch:

We spoke to the deputy superintendent [of the police], and he said the security agencies took Sangat. But they refused to take the FIR, saying there was nothing they could do. They also said it was not the first time people got abducted in that place, on that road, and that families were coming to the police to complain but police couldn't do anything about it.<sup>174</sup>

In the case of the "disappearance" of Chakkar Khan Marri and "Salman S.," Marri's brother first submitted an application for an FIR with the police at Balochistan University in Quetta on February 22, 2010. The police rejected the application because, according to Marri's brother, it charged senior officials of the Frontier Corps, MI, and ISI, and the vice chancellor of Balochistan University (whom the family believed had informed the Frontier Corps about

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<sup>172</sup> Criminal Procedure Code, sec. 156; Police Rules, ch. XXV, rule 25-1.

<sup>173</sup> See, e.g., ICCPR, art. 2 (indicating a duty to investigate and prosecute those responsible for grave violations of human rights); see also Declaration against Disappearances, arts. 13, 14.

<sup>174</sup> Human Rights Watch interview with a relative of Sangat-Sana Baloch, April and June 26, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Sangat-Sana Baloch and Kambar Baloch (Cases 15 and 16).

the student gathering from which the victims were abducted) with responsibility for the “disappearances.” According to Marri’s brother, police said they would accept the application for an FIR only if the applicants removed all references to the high-level authorities. The applicants refused and tried eight more times to lodge the original FIR application, but each time the police rejected it.<sup>175</sup>

In another case, two days after the abduction of Najeebullah Qambrani’s in October 2009, his family applied for an FIR at Sarai police station in Quetta, claiming Qambrani had been abducted by the Frontier Corps and “agencies.” But Qambrani’s brother said that the police refused to lodge the FIR because, according to the police, “they could not register an FIR against security forces.” Following an order from the Supreme Court, the police in Quetta finally registered an FIR regarding Qambrani’s disappearance on January 5, 2010.<sup>176</sup>

Similarly, in the case of the disappearance of Zakir Majeed Baloch, the police initially refused to lodge an FIR into the case, explaining to the family that they “could not register disappearances alleging the involvement of Pakistan’s intelligence agencies.”<sup>177</sup>

In many cases documented by Human Rights Watch, the police also explicitly told the families that they had no powers to investigate disappearances allegedly committed by the intelligence agencies or FC personnel. For example, after the abduction of Noor Khan on December 8, 2008, his family immediately tried to register the case with the police. According to the family, the police refused. One of Khan’s relatives told Human Rights Watch that an officer at the police station told them, “We don’t have authority over this, nor can we do anything about it. You know what happens here in Balochistan.” On the orders of the Supreme Court, the police finally lodged an FIR into the case in February 2010, more than two years after Khan’s abduction.<sup>178</sup>

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<sup>175</sup> Human Rights Watch interviews with the relatives of Chakkar Khan Marri and “Salman S.” (not his real name), June 23, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Chakkar Khan Marri and “Salman S.” (Cases 23 and 24).

<sup>176</sup> Human Rights Watch interview with a relative of Najeebullah Qambrani, June 23, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Najeebullah Qambrani (Case 21).

<sup>177</sup> Human Rights Watch interview with a friend of Zakir Majeed Baloch, July 1, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Zakir Majeed Baloch (Case 29).

<sup>178</sup> Human Rights Watch interviews with a relative of Noor Khan, July 3, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Noor Khan (Case 38).

The family of Abdul Nasir reported his alleged arbitrary arrest to the Quetta City police station on April 9, 2009. The police did not lodge an FIR but instead sent a letter to the Secretary of Home and Tribal Affairs for Balochistan, saying they could not investigate or arrest members of the Army, the Frontier Corps, or “secret agencies” as per section 549 of the Criminal Procedure Code, which requires the police to deliver to military authorities any person liable to be tried by military authorities. The police gave the family a copy of the letter. The police eventually lodged an FIR on October 14, 2009, but it did not mention the army, the Frontier Corps, intelligence agencies, or any other government authority. It merely said that Nasir had gone missing.

The police position in this case is not backed by Pakistani law. While section 549 of the Criminal Procedure Code requires the police to assist military authorities in relevant cases, it does not prevent the police from investigating illegal detentions by the military.<sup>179</sup> On February 21, 2010, after a lawyer acting on behalf of Nasir’s family filed a missing person petition with the Balochistan High Court, the police issued another statement, submitted to the court by lawyers on behalf of Nasir’s family, stating that the police were not allowed to enter the Army cantonment in Quetta to investigate whether Nasir was detained there, though there is no legal prohibition on this.<sup>180</sup>

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<sup>179</sup> There is nothing in section 549 of the Criminal Procedure Code (1898) prohibiting the police from investigating illegal detentions by the military. The section states:

549. Delivery to military authorities of persons liable to be tried by Court martial.

(1) The Central Government may make rules consistent with this Code and the Pakistan Army Act, 1952 (XXXIX of 1952), the Pakistan Air Force Act, 1953 (VI of 1953), and the Pakistan Navy Ordinance, 1961 (XXXV of 1961) and any similar law for the time being in force as to the cases in which person subject to military naval or air force law shall be tried by a Court to which this Code applies, or by Court-martial, and when any person is brought before a Magistrate and charged with an offence for which he is liable to be tried either by a Court to which this Code applies or by a Court-martial, such Magistrate shall have regard to such rules and shall in proper cases deliver him together with a statement of the offence of which he is accused to the commanding officer of the regiment, corps, ship or detachment to which he belongs, or to the commanding officer of the nearest military, naval or air force station, as the case may be, for the purpose of being tried by Court-martial.

(2) Apprehension of such persons. Every Magistrate shall, on receiving a written application for that purpose by the commanding officer of any body of soldiers, sailors or airmen stationed or employed at any such place, use his utmost endeavour to apprehend and secure any person accused of such offence.

(3) Notwithstanding anything contained in this Code, if the person arrested by the Police is a person subject to the Pakistan Army Act, 1952 (XXXIX of 1952) and the offence for which he is accused is triable by a Court-martial, the custody of such person and the investigation of the offence of which he is accused may be taken over by the Commanding Officer of such person under the said Act.

<sup>180</sup> Human Rights Watch interview with a witness to the disappearance of Abdul Nasir, June 23, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Abdul Nasir (Case 22).

## Weak Judicial Response to “Disappearances”

Pakistani law recognizes the internationally protected right to habeas corpus, which is the right to be brought before a court and challenge the legality of one’s detention.<sup>181</sup> This is a crucial procedural guarantee against enforced disappearances and unacknowledged detention.

In cases of alleged abductions or unlawful detention by the security forces, a provincial high court has the power to compel the detaining authority to produce the detainee before the court in order to verify the legality of arrest, no matter who detained the person.<sup>182</sup>

In practice, in Balochistan, as well as in Pakistan more broadly, the right to habeas corpus has been largely undermined both by the unwillingness of the courts to meaningfully uphold it and by the defiance of the security agencies. The weakness of the courts’ response to enforced disappearance cases has been repeatedly criticized by national and international human rights organizations.<sup>183</sup>

For years, Pakistan’s intelligence agencies and the government bodies that are empowered to exercise institutional control over them have openly defied and misled the courts in habeas corpus hearings. In 2006, the Defense Ministry stated that it had only administrative, but not operational, control over the intelligence agencies, and thus could not enforce their compliance with court orders. Yet at Supreme Court hearings in 2007, Defense Ministry representatives first stated that the ISI and MI were answerable to the Interior and Defense Ministries, “apart from the operational command channel,” and later reiterated that they were under the administrative control of the Defense Ministry.<sup>184</sup> Efforts

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<sup>181</sup> Constitution of the Islamic Republic of Pakistan (1973), art. 199; ICCPR, art. 9(4).

<sup>182</sup> Constitution of the Islamic Republic of Pakistan (1973), art. 199.

<sup>183</sup> See e.g., Human Rights Commission of Pakistan, “State of human rights in 2004,” January 2005, <http://www.hrcp-web.org/pdf/Archives%20Reports/AR2004.pdf>, and “State of human rights 2005,” January 2006, <http://www.hrcp-web.org/pdf/AR2005.pdf> (both accessed February 7, 2011); Amnesty International, “Pakistan: Human rights Ignored in the ‘War of Terror,’” ASA 33/036/2006, <http://www.amnesty.org/en/library/asset/ASA33/036/2006/en/c13e4bf4-d3fo-11dd-8743-d305bea2b2c7/asa330362006en.pdf> (accessed February 7, 2011); Amnesty International, “Pakistan: Denying the Undeniable: Enforced Disappearances in Pakistan,” ASA 33/018/2008, <http://www.amnesty.org/en/library/asset/ASA33/018/2008/en/ode43038-57dd-11dd-be62-3f7ba2157024/asa330182008eng.pdf> (accessed February 7, 2011)

<sup>184</sup> For more information, see Amnesty International, “Pakistan: Denying the Undeniable: Enforced Disappearances in Pakistan.”

to get the government and Supreme Court to clarify under what authority and what legislation the intelligence agencies take custody of people have so far proved futile.<sup>185</sup>

At the same time, the courts have largely indulged the defiance of the intelligence agencies by failing to use more compelling methods to ensure compliance with court orders, such as requiring sworn affidavits from the agencies and holding agency personnel who refuse to obey habeas corpus writs in contempt of court. On other subjects, the Supreme Court has not hesitated to use its contempt powers.<sup>186</sup>

This pattern of denials and deflection of responsibility continues unabated. In 30 disappearance cases documented by Human Rights Watch, the families of the victims or lawyers acting on their behalf have filed petitions with the Balochistan High Court or other provincial courts. Yet in none of the cases did this help to establish the whereabouts of the victims, let alone bring the perpetrators to justice.

In some cases, despite allegations made by the victims' relatives and witness statements suggesting the involvement of the intelligence agencies or the Frontier Corps in enforced disappearances, the Balochistan High Court did not summon their representatives or request information from them. This was true even in cases where the families had previously received confirmations from the police, the Frontier Corps, or other government agencies that the detainees were in the custody of the intelligence agencies. For example, in June 2010 Balochistan Chief Minister Raisani reportedly informed the families of Naseem Baloch and Ilyas Karim that the two men were in the custody of the MI. Yet at several hearings the Balochistan High Court failed to summon the MI representatives or to request any information from them or the chief minister.<sup>187</sup>

In cases where the court did request information from the agencies mentioned in the petition as alleged perpetrators, as far as we could determine, representatives of the intelligence agencies and the Frontier Corps either did not respond at all or denied having the detainee in their custody. We are not aware of any further action by the court to verify these claims. For example, at the Balochistan High Court hearing on the case of

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<sup>185</sup> Ibid.

<sup>186</sup> The Supreme Court has frequently invoked contempt laws against the media in order to prevent adverse coverage of judicial conduct. "Human Rights Watch, *World Report 2011*, Pakistan chapter, <http://www.hrw.org/en/world-report-2011/pakistan>.

<sup>187</sup> Human Rights Watch interview with Rahim, June 29, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Naseem Baloch and Ilyas Karim (Cases 2 and 3).



Mohammad Tariq, the driver of the truck from which Tariq had been abducted provided the court with a sworn affidavit describing the involvement of FC personnel. When legal representatives of the Frontier Corps, who appeared at one of the hearings, simply denied that Tariq was in FC custody, the court took no further action.<sup>188</sup>

The Balochistan High Court hearing in the case of Abdul Ghani has been going on for two years at this writing. FC lawyers have occasionally appeared in court denying that Ghani is in FC custody and FC personnel reportedly threatened three witnesses not to testify. While all three witnesses gave evidence despite the threats, the case remains pending before the court and we are aware of no court action to pursue the claims of FC involvement.<sup>189</sup>

In the case of Najeebullah Qambrani, a lawyer representing the victim's family filed a habeas corpus petition in the Balochistan High Court seeking a response from a wide range of federal and local officials to explain the reasons for Qambrani's detention or to release him. But with the exception of the local police, none of the authorities mentioned in the petition ever appeared before the court and at every hearing the police claimed that Qambrani was not in their custody. While the court informed the petitioners' lawyer that "intelligence agencies" and the Frontier Corps had told the court that they had no information regarding Qambrani's abduction or whereabouts, the court refused to disclose any details of submissions made to it by those bodies. After Balochistan authorities in January 2010 announced a reward for information leading to Qambrani's arrest, claiming he was a wanted terrorist, the Balochistan High Court did take a positive step, ordering the Balochistan Home Ministry to submit an FIR detailing the charges against Qambrani. But when the ministry eventually issued a statement that the earlier claim that Qambrani was a terrorist had been a clerical error, there is no evidence the court took further action to locate him.<sup>190</sup>

In nine other cases documented by Human Rights Watch, only the police appeared at court hearings. No representatives of the intelligence agencies or the Frontier Corps appeared. Where sufficient prima facie evidence was presented, the courts should have compelled participation by the sought-after agencies or initiate contempt proceedings.

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<sup>188</sup> Human Rights Watch interview with a relative of Mohammad Tariq, July 2, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Mohammad Tariq (Case 30).

<sup>189</sup> Human Rights Watch interview with a relative of Abdul Ghani, June 29, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Abdul Ghani (Case 37).

<sup>190</sup> Human Rights Watch interview with a relative of Najeebullah Qambrani, June 23, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Najeebullah Qambrani (Case 21).

In many of the cases documented in this report, habeas corpus proceedings before the Balochistan High Court have lasted for months or even years, despite the obvious urgency of the issue. For example, such proceedings in the case of Ilyas Karim and Naseer Baloch have been ongoing since May 29, 2010. The court has held several hearings since then, but so far has not summoned representatives of the Frontier Corps or the intelligence agencies.

## Supreme Court of Pakistan

Pakistan's Constitution provides the Supreme Court significant powers to act beyond its appellate jurisdiction. These include having original jurisdiction (*suo moto* action) to pass enforceable orders on "a question of public importance with reference to the enforcement of any of the Fundamental Rights" in the constitution.<sup>191</sup>

After President Musharraf dismissed the chief justice in 2007, little Supreme Court activity took place until the judiciary was restored. Hearings on enforced disappearance cases resumed in 2009. On May 4, 2010, the Supreme Court formed the Commission of Inquiry for Missing Persons as described above.<sup>192</sup>

Since 2009, the Supreme Court has reviewed about 600 alleged disappearance cases from across Pakistan, including dozens of cases from Balochistan: Yet in only a fraction of these have the whereabouts of the victims been determined.

The Supreme Court has been instrumental in ordering the police and the provincial courts to launch investigations into disappearance cases. In several cases documented in this report, the police or Balochistan High Court agreed to take the families' complaints only after an order was issued by the Supreme Court. However, even in cases where the Supreme Court has held a hearing on a Baloch disappearance case and compelled the production of some information from the intelligence agencies, it has neither led to further information on their whereabouts or prosecution of those responsible for their alleged disappearance or abduction.

For instance, after the Balochistan High Court dismissed a petition on behalf of disappearance victim Din Mohammad Baloch, the nongovernmental organization Voice for Baloch Missing Persons filed a separate petition on Baloch's case in the Supreme Court. In

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<sup>191</sup> Constitution of the Islamic Republic of Pakistan (1973), art. 184. Other high courts have similar powers subject to article 199.

<sup>192</sup> Qaiser Zulfiqar, "Judicial commission for missing persons," *The Express Tribune*, May 4, 2010, <http://tribune.com.pk/story/10686/judicial-commission-for-missing-persons-formed/> (accessed October 15, 2010).

June 2010, the court told Baloch's lawyers that the ISI had reported to the court that Baloch was not in their custody but was being held by the chief of the Mangal tribe. The ISI did not provide any further details about these claims to the court and the court did not share their submissions with Baloch's lawyers. The family is unaware of any further action taken by the Supreme Court in this case.<sup>193</sup>

Similarly, in the case of the disappearance of Mohammad Iqbal, Nawaz Ahmed, Jasum Ali, and Zahid Ali, their relatives filed a habeas corpus petition in the Balochistan High Court and eventually the case reached the Supreme Court. During Supreme Court proceedings that commenced on May 16, 2009, legal representatives of the Federal Ministry of Interior claimed Mohammad Iqbal had been released, but the family denied this. Iqbal's family was convinced that Iqbal remained in secret detention, especially because in March 2010 two prisoners released from the Army cantonment in Quetta told them that they had shared a prison cell with Iqbal shortly before their release. The family is unaware of any further action undertaken by the Supreme Court, despite Iqbal remaining missing at this writing.<sup>194</sup>

The Supreme Court's approach to enforced disappearance cases has been to focus on establishing the whereabouts of the missing individuals while being reluctant to press for accountability of security forces and government agencies. On several occasions, even in situations where officials responsible for disappearances eventually produced or released the detainees, the court has been unwilling to use its *suo moto* powers to hold them accountable, instead emphasizing that its primary task was to trace people and that it would address questions of accountability later.<sup>195</sup> This approach suggests that the court does not treat these cases as crimes, undercutting the deterrent effect of the law. By doing so it has contributed to the impunity enjoyed by security agencies, who for good reason believe and act as if they are above the law.

## Commission of Inquiry for Missing Persons

Following a Supreme Court order on May 4, 2010, the Pakistani government set up the aforementioned Commission of Inquiry for Missing Persons to investigate enforced

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<sup>193</sup> Human Rights Watch interview with a relative of Din Mohammad Baloch, April 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Din Mohammad Baloch (Case 27).

<sup>194</sup> Human Rights Watch interview with a relative of Mohammad Iqbal, June 24, 2010, Karachi. For more information, see Appendix I, Enforced disappearance of Mohammad Iqbal and 11-month-long enforced disappearance of Nawaz Ahmed, Jasum Ali, and Zahid Ali (Cases 41, 42, 43, and 44).

<sup>195</sup> See Amnesty International, "Pakistan: Denying the Undeniable: Enforced Disappearances in Pakistan."

disappearances throughout the country, including in Balochistan.<sup>196</sup> The Commission was headed by a retired justice of the Supreme Court, Kamal Mansur Alam.

Commenting on the establishment of the CIMP, Supreme Court Justice Javed Iqbal said that, “It will have an access to the spy agencies as well for investigation and recovery of missing persons.” He said that the Supreme Court would not interfere in the work of the CIMP, “but definitely observe its performance.”<sup>197</sup>

The CIMP was charged with preparing a comprehensive list of the “disappeared,” collecting evidence or testimony about missing persons, recommending appropriate procedures for tracing missing persons, and providing compensation to victims. The CIMP, which had subpoena powers but no power to file criminal charges, was also supposed to address the “responsibility of individuals or organizations” involved in enforced disappearance of persons and suggest ways and means to prevent the recurrence of such incidents.<sup>198</sup>

Victim families and Baloch activists expressed little confidence in the CIMP’s ability to adequately investigate disappearance cases. The chairperson of the Voice of the Baloch Missing Persons, Nasrullah Baloch, said that his group had decided to boycott the proceedings of the CIMP because the commission refused to register the majority of the disappearance cases from Balochistan, and that in many cases “eyewitnesses recorded their statements against security agencies before the commission but not a single missing person was recovered or added by officials to the list of the missing in their inquiry.”<sup>199</sup>

By October 2010, the CIMP said it had processed 169 cases on the list of 194 cases provided to it by victim families and human rights groups. It had traced 74 of the missing individuals. Of 55 cases registered from Balochistan, the CIMP said it had traced 23 individuals. It also removed the names of 23 persons from its list of missing persons “because of their incomplete addresses and credentials” and additionally deleted the names of 72 persons from the list that, “were not found as cases of enforced disappearances.”<sup>200</sup>

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<sup>196</sup> “Judicial commission for missing persons,” *The Express Tribune*, May 4, 2010, <http://tribune.com.pk/story/10686/judicial-commission-for-missing-persons-formed/> (accessed October 15, 2010).

<sup>197</sup> Ibid.

<sup>198</sup> Azam Khan, “Commission on missing persons formed, SC told,” *The Nation*, May 4, 2010,

<sup>199</sup> “Supreme Court urged to take suo moto notice,” *The Express Tribune*, October 17, 2010, <http://tribune.com.pk/story/63700/supreme-court-urged-to-take-suo-motu-notice/> (accessed October 19, 2010).

<sup>200</sup> Imran Mukhtar, “Judicial Commission traces out more persons,” *The Nation*, October 8, 2010.

The CIMP's report was presented to the Supreme Court on January 22, 2011, but it has not been released to the public. On January 28, the Supreme Court said that the CIMP had traced 290 disappeared persons and 78 of them had been recovered from the custody of various agencies. The court ordered the attorney general to prepare a list of missing persons known to be in the custody of intelligence agencies so that it could order criminal proceedings against relevant officials.<sup>201</sup>

A new Commission of Inquiry for Missing Persons was established by the federal Ministry of Interior on March 1, 2011, headed by Fazal-ur-Rehman, a retired justice of the Balochistan High Court, and Muhammad Sharif Virk, retired Inspector-General of Police for Khyber Pakhtunkhwa province. The new commission's terms of reference are to trace the whereabouts of the 136 missing persons that the previous commission was unable to locate. The new commission will also seek to trace the whereabouts of missing persons referred to it by the Supreme Court of Pakistan, human rights organizations, or other non-governmental organizations and individuals. The commission is to "fix responsibility on individuals or organizations responsible for enforced disappearance of persons," including the registration of First Information Reports against individuals for whom prima facie there is evidence of culpability. The commission will also recommend standard operating procedures for law enforcement and intelligence agencies to record details of the arrest of individuals suspected of being involved in disappearances. It will have the power to order a police investigation into any matter coming before it, and the power to order the production of any person suspected of being in the illegal detention of law enforcement or intelligence agencies.<sup>202</sup>

In a number of cases documented by Human Rights Watch, families said that they had submitted cases to the commission yet were not aware of any action taken by the CIMP on their cases aside from, in some cases, collecting the testimonies of the family members.

Justice Raja Fayyaz Ahmed, who presided over a three-member bench hearing the cases, observed that the "government appears to be helpless before the spy agencies." Citing the CIMP's report, the court said that it had also recommended to the government to pay compensation to the families of people who had been illegally detained.

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<sup>201</sup> Qaiser Zulfiqar, "Enforced disappearances: SC seeks list for taking action against officials," Express Tribune, January 28, 2011, <http://tribune.com.pk/story/110384/enforced-disappearances-sc-seeks-list-for-taking-action-against-officials/> (accessed February 9, 2011).

<sup>202</sup> Gazette of Pakistan, Extraordinary (Islamabad), March 1, 2011, pages 429-431.

The Supreme Court rejected suggestions offered by the government and amicus curiae that another tribunal or commission should be established to locate missing persons. The court stated: “In our estimation, it will not be fruitful in view of the submission made by the other side that the horrible experience of picking up persons by intelligence agencies, with or without police knowledge, is still going on.” The court said that it would hear cases of missing persons and ensure their recovery itself. However, though the CIMP appears to have concluded its investigation and the Supreme Court has declared the problem of disappearances to be ongoing, the court’s rhetoric has yet to be matched by commensurate action.

## VI. Recommendations

### To the Government of Pakistan and the Provincial Government of Balochistan

#### *Regarding Accountability for Enforced Disappearances*

- Investigate all allegations of enforced disappearances, including those documented in this report, until the fate of each victim is clearly and publicly established. Investigate all related allegations of torture, extrajudicial killings, or other abuses.
- Account for every person detained by all authorities in Balochistan, and in particular those accused of involvement in attacks by Baloch armed groups or arrested in military operations in Balochistan.
- Instruct the police to register all cases of abductions and unlawful arrests, even if the alleged perpetrators include the personnel of the intelligence agencies, the Frontier Corps, or other security forces.
- Ensure that the police and Commission of Inquiry for Missing Persons (CIMP) have the necessary authority and resources to vigorously investigate cases of disappearance, including those perpetrated by the intelligence agencies and paramilitary forces.
- Authorize the police and the CIMP to obtain information from any state agencies, including the military and intelligence agencies, about the whereabouts and status of the disappeared. Provide the police and the CIMP with investigative powers to make unannounced and unaccompanied searches of security force facilities and records.
- Empower the CIMP to compel the attendance of those implicated in carrying out or ordering disappearances and the disclosure and production of relevant documents.
- Dismiss from service and prosecute as appropriate all officials, regardless of rank, found responsible for committing or ordering disappearances or related abuses. Hold superior officers, whether civilian or military, criminally accountable if they knew, or should have known, that forces under their command had committed or were about to commit criminal acts, and they did not take reasonable steps to prevent such acts or punish those responsible.
- Provide appropriate compensation, counseling, and social assistance programs to victims of disappearances and their family members.

### *Regarding Steps to Prevent Enforced Disappearances*

- Require arresting officers to identify themselves and present official identification.
- Inform detainees immediately of the reasons for arrest and any charges against them. Inform the family promptly of the arrest and location of the detainee. Allow direct contact with family and unhindered access to legal counsel as soon as possible, but in all cases within 24 hours.
- Bring detainees promptly before a judge and inform them of the reasons for arrest and any charges.
- Ensure that all persons detained by security forces are held at recognized places of detention.
- Ensure that all places of detention maintain records regarding every detainee, including the date, time, and location of arrest, the name of the detainee, the reason for detention, and the specific unit of the security forces effecting the detention. The records should be available to detainees' families, counsel, and other legitimately interested persons. All transfers of detainees should be reflected in the records.
- Promptly charge detained individuals with a cognizable criminal offense or release them in a manner permitting reliable verification that they have been released.
- Order the military, intelligence agencies, the Frontier Corps, the police, and all other security and intelligence agencies to promptly respond to inquiries and comply with all habeas corpus orders issued by the courts.
- Ensure that the military, intelligence agencies, the Frontier Corps, the police, and all other security and intelligence agencies are trained in and fully comply with the requirements of international human rights law.
- Release accurate information on all those formally arrested or otherwise taken into custody, detained, and released in Balochistan and elsewhere in Pakistan.
- Establish a workable witness and victim protection program.

### *Regarding Legal Reform*

- Introduce legislation making enforced disappearances a criminal offense punishable by sanctions commensurate with the gravity of the crime.
- Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and enact national legislation that gives force to its provisions.
- Repeal or revise all laws that allow arrest and detention on vaguely defined charges and grant sweeping immunity to the security forces. These laws include Maintenance of Public Order Ordinance (1960), the Anti-Terrorism Act, 1997, the "Sedition Law" Section 124-A of the Pakistan Penal Code, and the Security of Pakistan Act, 1952.



### *Regarding Working with the United Nations to Address Disappearances*

- Issue invitations to United Nations special mechanisms, including the Working Group on Enforced and Involuntary Disappearances, special rapporteurs on Freedom of Opinion and Expression, on Minority Issues, on Protecting Human Rights While Countering Terrorism, and on Torture.

### **To the Commission of Inquiry for Missing Persons (CIMP)**

- Use all authority under its mandate to prevent disappearances and related abuses and to ensure that those responsible are held accountable. In particular:
  - Fix responsibility on individuals or organizations responsible for disappearances, including by ordering registration or filing First Information Reports against individuals for whom there is prima facie evidence of responsibility.
  - Order the immediate production of any person suspected of being illegally detained by law enforcement or intelligence agencies.
  - Order a police investigation or, when required, a special interior ministry inquiry with clear authority to investigate military, paramilitary, or intelligence agency complicity into any alleged disappearance case before the commission.
  - Press the national and provincial governments and all intelligence and security agencies to end disappearances and hold perpetrators accountable.

### **To Pakistan's International Partners, in Particular the United States, United Kingdom, and Other Countries Working with Pakistan's Security and Intelligence Agencies**

- Demand that the government of Pakistan make it a priority to end the practice of disappearance and arbitrary detention and that it hold all persons who order or carry out disappearances accountable.
- Communicate directly to the agencies responsible for disappearances, including the army, ISI, IB, Frontier Corps, police, and other law enforcement and intelligence agencies they have relationships with, and demand an end to disappearances. Make it clear that continued disappearances will result in conditions on or an end to relationships with those agencies.
- Suspend police and military assistance and cooperation programs with the Frontier Corps, Frontier Constabulary, police, and Pakistan Army units based in Balochistan

until military and civilian authorities fully investigate and take appropriate action regarding allegations of disappearance and other abuses by their forces.

- Insist that the government and all state agencies make it a priority to account for every person detained in Balochistan, and in particular those accused of involvement in attacks by Baloch armed groups or arrested in military operations in Balochistan.
- Urge the Pakistani government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and enact national legislation that gives force to its provisions.
- Ensure that adequate vetting and oversight mechanisms are in place to deter as possible human rights violations by security units funded and trained by foreign forces.
- The US should fully implement the US Leahy law, which prohibits the provision of military assistance to any unit of the security forces or a foreign country where there is credible evidence that such unit has committed gross violations of human rights, such as torture, ill-treatment, or “flagrant denial of the right to life, liberty or the security of the person,” and that no effective measures are being taken to bring those responsible to justice.<sup>203</sup>

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<sup>203</sup> To comply with the Leahy law, US embassy personnel need to actively monitor the compliance of military units that benefit from US security assistance with international human rights and humanitarian law. The law was applied in October 2010 against six Pakistani military units for involvement in serious human rights abuses in the Swat Valley.

## **Acknowledgements**

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## **Appendix I: Cases of Alleged Enforced Disappearances from Balochistan Documented by Human Rights Watch**

The following 45 cases of alleged enforced disappearances are based on information gathered by Human Rights Watch since 2010. The cases documented are from 2008-10 and are presented in reverse chronological order from when the individual first “disappeared.” Ages of the victims are at the time of their arrest or abduction. All case descriptions are based on interviews with family members and other witnesses, victims themselves in cases where they have been released, as well as lawyers and local activists who in some cases provided additional details. All quotations, unless otherwise indicated, come from interviews conducted by Human Rights Watch.

### **Case 1: Enforced Disappearance of Shams Baloch, Age 49**

On July 1, 2010, Shams Baloch, the former mayor of Khuzdar town in Khuzdar district, was in an ambulance accompanying his sick mother to a hospital in Quetta. About an hour after they left Khuzdar, at a checkpoint in Mian Ghundi, soldiers in Frontier Corps (FC) uniforms stopped the ambulance and ordered the driver and Baloch to get out.

FC personnel then proceeded to beat Baloch, holding others at gunpoint. One of Baloch’s relatives, who was in the ambulance with him, told Human Rights Watch that about four armed men in civilian clothes arrived a short time afterwards in a white double-door Toyota pickup and took Baloch with them. The relative said Sham’s mother fainted in shock.

On July 2, 2010, one of Baloch’s relatives tried to file a report with police in Quetta but, according to the man, the police said they “had no authority to investigate such disappearances.” Amnesty International later reported that a joint investigation by police and intelligence authorities concluded that Baloch had been stopped by FC personnel on July 1 but was abducted “in front of them by persons unknown.”<sup>204</sup>

Baloch’s family believe that he was taken by Pakistan intelligence agents acting jointly with the Frontier Corps because of his involvement in local politics as a member of the Central Committee of the Balochistan Republican Party (BRP) and the Baloch National

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<sup>204</sup> Amnesty International, “Pakistan urged to investigate murder and torture of Baloch activist,” October 25, 2010, <http://www.amnesty.org/en/news-and-updates/pakistan-urged-investigate-murder-and-torture-baloch-activists-2010-10-26> (accessed February 2, 2010).

Front (BNF). Just a week before his abduction, Baloch's home village in Khuzdar district staged a popular strike over lack of electricity.

There is to date no information on Baloch's fate or whereabouts.

### **Cases 2 and 3: Enforced Disappearance of Naseem Baloch, 32, and Ilyas Karim, 31**

At around 1:30 p.m. on May 25, 2010, medical doctor Naseem Baloch, Ilyas Karim, and 25-year-old "Rahim" (not his real name) left the Bolan Medical Complex, one of the main hospitals in Quetta. Baloch went into a nearby pharmacy while Karim and Rahim waited for him in their car parked on the street outside.

According to Rahim, as soon as Baloch stepped out of the pharmacy, two pickup trucks suddenly pulled up in front of their car. Six or seven men in civilian clothes accompanied by uniformed FC soldiers left their vehicles and apprehended Rahim, Karim, and Baloch. Many people witnessed the incident, as it occurred in the afternoon in a busy downtown district of Quetta. Rahim said they did not resist arrest.

The three men were put in the vehicles and driven in a westerly direction. At the Goli Mar Chowk, a square on Brewery Road in the same Quetta district, the FC soldiers took the three men out of the vehicle, blindfolded them, and put them into another vehicle. It was not evident whether this was a different vehicle from one used initially.

The vehicle stopped again some minutes later and, according to Rahim, the detainees were separated and moved into an enclosed space that he presumed was a detention facility. Rahim told Human Rights Watch:

I don't know what the facility was. I remained for the next two days and was constantly interrogated and tortured. First, they bound my arms behind my back, and then they threw me on the ground face down and someone sat on my back. Whenever they asked me a question, the interrogators pulled my head back by grabbing my hair and kept asking, "Who are you? Why have you come here to Quetta?"

I explained that I was a farmer in Awaran [district of Balochistan], and they also asked about my family, and about Dr. Naseem and Ilyas. When I told them that they were my friends, they screamed, "You are lying to us! Dr. Naseem is a separatist. Tell us what Naseem is doing. Why is he involved in separatism?"

They beat me all over my body and on the soles of my feet with their fists and feet. They hit me for around one to two hours continuously in the morning, then again in the evening. At night they would not let me sleep or lie down, I was forced to stand. If I started to fall asleep they would hit me on the back and shoulders to keep me awake.

Rahim said he did not see his two friends in detention, but could sporadically hear what he believed was Baloch “day and night” screaming from an adjoining “torture cell.”

On the second day of Rahim’s abduction, his captors drove him blindfolded to a street that was walking distance from his home in Quetta and released him. Rahim said he could not walk properly and struggled to get home. He said he was covered in bruises, his arms were numb because they had been tied up for the previous two days, his feet were swollen, and he had pain while urinating during his first night at home.

To date, the whereabouts and fate of Baloch and Karim are unknown. Their relatives and the staff of the Bolan Medical Complex where Baloch worked as a doctor filed an application for a First Information Report (FIR) with Quetta police on May 26, 2010, alleging that the Frontiers Corps and intelligence agencies were responsible for the enforced disappearance. Relatives of Baloch and Karim also filed a petition with the Balochistan High Court on May 29, 2010. The court has held several hearings, but so far has not summoned representatives of the Frontiers Corps or the intelligence agencies. On June 2, 2010, relatives of Baloch and Karim also filed their cases with the Commission of Inquiry for Missing Persons (CIMP).

Relatives of the disappeared men told Human Rights Watch that on June 5, 2010, the chief minister of Balochistan, Aslam Raisani, informed them that both Baloch and Karim were in the custody of the Military Intelligence (MI) wing of the Pakistan Army. A relative of Baloch said, “All that we were told was that Dr. Naseem was the right-hand man of Dr. Allah Nazar [a Baloch nationalist leader wanted by Pakistan authorities on a number of terrorism charges]. But apart from that they told us nothing.”

Baloch, a leading member of the Baloch Students Organization, had previously been forcibly disappeared along with Dr. Allah Nazar and Akhtar Nadeem in March 2005. The three men were held for three months in solitary confinement in Karachi and Quetta before being released in Dera Gazi Khan in southern Punjab, far from their homes. Baloch was never charged and told his relatives that he had been tortured and interrogated throughout the three-month period. At the time of writing, Human Rights Watch had received reports

that both Ilyas Karim and Naseem Baloch had been released by their captors, but further information about this was not available. Their whereabouts remain unknown and Baloch human rights activists suggest they may have gone into hiding to avoid re-arrest.

#### **Cases 4 and 5: Enforced Disappearance of Rindhan, 30, and Six-Week-Long Enforced Disappearance of “Ahmad A.”**

In the late morning of April 24, 2010, several Khaki-colored military trucks drove into a village in the remote Thali district of Balochistan. According to witnesses, a group of about 50 or 60 uniformed soldiers clearly identifiable as belonging to the Pakistan Army spread around the village and started conducting house-to-house searches. One of the witnesses told Human Rights Watch the soldiers also engaged in massive looting in the village and burned down some houses:

The soldiers gathered all of the flour that we store for the winter months, took all the jewelry they could lay their hands on, and two motorcycles. Anything of value, they took it. They then proceeded to burn the homes, destroying all the remaining belongings inside them, including clothes, mattresses, and cookware. I saw everything from a distance because I happened to be walking back to the village at the time. I saw them [the soldiers] going from house to house, starting a fire in each one separately... about 20 homes in total.

According to the witness, the soldiers were also looking for men from the village. But all the men and older boys were away working in the fields or in markets. The soldiers could only find one elderly man, named “Ahmad A.” (not his real name), whom they took into custody. A few of the soldiers grabbed Ahmad and put a green hood over his head and placed him in one of the trucks.

After putting Ahmad in their truck, the witness said, the soldiers saw 30-year-old farmer Rindhan walking towards the village from a distance. When Rindhan noticed the soldiers, he started running away, but some of the soldiers chased him, grabbed and blindfolded him, and put him in one of the trucks.

Ahmad’s grandson told Human Rights Watch that his grandfather was in detention for one-and-a-half months. The family had no information about him during that time, but were too afraid to ask government authorities, especially since there were no police stations or courts in their village and the community was fearful of Pakistan’s security forces.

Ahmad's grandson said that upon release, Ahmad told them that he and Rindhan were both held in the same prison cell on the day of their abduction, although he did not know where it was. They were both interrogated and beaten with wooden sticks and leather straps and were punched and kicked. The interrogators asked the men about the location of Baloch armed group camps and whether anyone from their village was involved with Baloch armed groups.

After two days in detention, Rindhan was transferred to a different cell, but Ahmad could still hear what he believes was Rindhan screaming as he was tortured and interrogated.

Ahmad was released in June 2010 and, according to his grandson, has been in poor physical and mental health ever since. Rindhan's whereabouts remain unknown at this writing. Fearful of contacting local or federal authorities, the victims' families and other villagers have relied on civil society organizations, like the Voice of Baloch Missing Persons, to inquire about Ahmad and Rindhan's abduction, their treatment in captivity, and Rindhan's fate. At the time of writing, Human Rights Watch had received reports that Rindhan had been released by the Army and has subsequently gone into hiding, but further information about this was not available.

#### **Case 6: Enforced Disappearance of Mehboob Wadela, 32**

After visiting his father on April 2, 2010, Mehboob Wadela, a Baloch National Movement (BNM) member, was travelling by minibuss from Karachi to Gwadar. At the Yusufgot bus terminal near Northern Bypass Toll Plaza, on the outskirts of Karachi, two police cars and two double-cabin Toyota Hilux pickup trucks stopped near the bus. A group of men in civilian clothes mounted the bus while the police officers waited in their cars.

Witnesses later told Wadela's family that when the men grabbed Wadela and checked his identity card, one of them said, "This is someone we've been looking for." They then took him off the bus and put him into one of the Toyota cars. The pickups immediately drove off. The police cars also left, but in a different direction. Witnesses said they believed the police were from Maripur police station.

Wadela's family found out about his abduction the same day from one of the passengers who was on the same bus. When they made inquiries at the bus terminal, the employees there told them that a day before the abduction "people from the agencies" came and questioned them about the bus routes and schedules.



Wadela's relatives then inquired at the Maripur police station, but they say the police refused to lodge an FIR, saying they had not taken anyone and that they could not accept an FIR against the "agencies." The police admitted they had two cars at the bus terminal at the time of the abduction, but also repeated that there was nothing they could do about the agencies.

Wadela's father approached various senior officials in the police, as well as a senator and the prime minister's office, but could not manage to find any information about Wadela's fate or whereabouts. The bodies of Mehboob Wadela and another man, Arif Rehman, were found near Hadh Cross in the Ormara district of Gwadar on February 23, 2011.<sup>205</sup>

### **Cases 7 and 8: Enforced Disappearances of Nasibullah Langao, 14, and Abdul Waheed, 12**

On March 5, 2010, 14-year-old Nasibullah Langao and 12-year-old Abdul Waheed, students from Ismail village in Hudda district, were allegedly disappeared after they started making inquiries about the killing of Langao's uncle, Abdul Majid Langao.

In March 2010, FC soldiers and men in civilian clothes arrived at the house of Abdul Majid Langao, an activist with the Baloch National Front (BNF). In front of multiple witnesses, they knocked on the door and, as soon as Abdul Majid opened, shot him dead. The men took away Abdul Majid's body as well as various pieces of property from the house. In response to protests in the village, the body was eventually returned to the family, but not the property.

According to a friend of the boys' families, Abdul Majid's nephew Nasibullah Langao took his friend Abdul Waheed to the Frontier Corps and to the police asking what happened to his uncle and for his belongings. Five days after Abdul Majid's killing, FC soldiers and men in civilian clothes detained the two children from the street in their neighborhood in broad daylight. They have not been seen since.

The boys' families asked a local nongovernmental organization working with the families of the "disappeared" to make inquiries about them. At the time they spoke to Human Rights Watch, they had not managed to obtain any information about their fate or whereabouts.

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<sup>205</sup> "Mehboob Wadela and Arif Rehman dead bodies found near Ormara," *Baloch Samchar*, February 23, 2011, <http://baluchsarmachar.wordpress.com/2011/02/23/mehboob-wadela-and-arif-rehman-dead-bodies-found-near-ormara/> (accessed March 29, 2011).

### **Case 9: Enforced Disappearance of Bohir Khan, 26**

On the evening of March 31, 2010, Bohir Khan was having tea with his three cousins in the Askari Park region of Quetta, close to a large army residential area and Khalid Airbase. He went out to purchase credit for his mobile phone from a local store but has not been seen since.

After Khan did not return and did not answer their calls, his cousins searched the neighborhood for him. When they failed to find him, Khan's family filed an application for an FIR at the Bijli Ghar police station in Quetta later that same day.

Khan's friend told Human Rights Watch that in June 2010 a man who had recently been released from a detention facility in Quetta contacted him and said that he had seen Khan in the facility. According to Khan's friend, the man said that he had seen Khan during the last two weeks of his detention in June 2010. He said he regularly communicated with Khan, particularly at night when the guards would leave, because their cells were close to each other. To his knowledge, Khan was subjected to food and sleep deprivation and frequently beaten. He said he could often hear him screaming. As far as he was aware, Khan was still in detention after his release.

The former detainee did not know exactly where the facility was located because he was hooded before he was brought there and during his release. But he said he was released next to Askari Park, in the same region of Quetta where Bohir Khan was last seen.

Khan's family held a press conference in Quetta on April 5, 2010, seeking information on his fate and whereabouts. But the family said they were fearful of directly approaching government authorities and especially Pakistan's military and intelligence agencies. One of Khan's relatives said, "We are afraid of the agencies and army and cannot even come close to them. How can we ask them if they have taken Bohir?"

Khan's family believes he was taken because the family has a history of involvement in Baloch nationalist politics and activism. They said that three of Khan's relatives have previously been forcibly disappeared—one in the 1970s and two in 2008. At the time of writing, Human Rights Watch had received reports that Khan had been released by his captors, but further information about this was not available.

### **Case 10: Enforced Disappearance of Abdul Wahab Baloch, 14**

On March 15, 2010, Abdul Wahab Baloch, a 14-year-old from Tump distict, was on his way to meet a friend who lived in the same town. He was travelling in a car with a young man, “Mahmoud” (not his real name).

At around 10 p.m., three FC trucks and two jeeps, which a witness believed belonged to the security agencies, stopped Mahmoud’s car. Uniformed FC soldiers from Turbat division waved down the car, opened the doors, and immediately pulled Baloch out of his passenger seat. The witness said that the agencies’ vehicles were parked behind the FC trucks and that the soldiers put Baloch, handcuffed, into one of the FC trucks. He believes the security forces must have been told by informants about Baloch’s travels. The soldiers ordered Mahmoud to leave right away, which he did.

Baloch’s father filed an application for an FIR with the Tump police. However, the police said that they did not know anything about the incident. The family did not go to the FC base because, based on the experience of other families, they were convinced the soldiers would not give them any information.

To date, Baloch’s whereabouts remain unknown.

### **Case 11: Enforced Disappearance of Mir Abdul Waheed Resani Baloch, 45**

Over the last 15 years, Pakistani security forces have detained Mir Abdul Waheed Resani Baloch, a senior member of the BRP central committee, numerous times. He was held in FC jails in Mastung and in Quetta.

On January 2, 2010, a court in Khozdar ordered Baloch released after 10 months’ detention in Khozdar cental jail. However, within minutes of his release, the police picked him again in the street in front of multiple witnesses. The police took him to Mastung police station, where he tried to speak to the press.

According to a relative of Baloch, a senior police officer interrupted Baloch and announced that he would like to “talk to Baloch in private,” and took him to another room. The relative told Human Rights Watch:

We waited for about 10 minutes and then asked about him. The officer came back and said, “Sorry, we had to transfer him somewhere and we cannot tell you where, so you should all leave.” We waited for about six

hours, and then left. The same day, officers from the [police] anti-terrorist unit came to our house, claiming they were looking for him. They pretended he had escaped from custody. Of course, they knew he was not there, and instead of looking for him they just looted our house, taking away money, jewelry, mobile phones, and expensive clothes.

On January 4, Baloch's relatives went to the police, who denied having any knowledge of his whereabouts. They accepted an FIR which simply said that Baloch was "missing." Three days later the family filed a petition with the Balochistan High Court. The court sent inquiries to the chief minister, home minister, and inspector-general of the police. Their representatives, who appeared in court, denied having any knowledge of Baloch's whereabouts and claimed they were looking for him.

Baloch's relatives said that after his forced disappearance, Chief Minister Aslam Raisani temporarily suspended the district police officers (DPOs) for Mastung and Much because the Mastung DPO allegedly had handed Baloch over to the Much DPO. A month later, however, both officers were reinstated.

The fate and whereabouts of Baloch remain unknown to the family at this writing.

### **Cases 12 and 13: Enforced Disappearance of Mazhar Khan, 21, and Two-Month-Long Enforced Disappearance of Abdul Rasool, 26**

At around 10 p.m. on December 19, 2009, a group of unknown armed perpetrators abducted Mazar Khan and Abdul Rasool from Khan's house near Kili Station in Noshki district.

According to an eyewitness, seven men in civilian clothes, their faces covered with scarves, broke down the gate to Khan's house and burst in, firing their pistols in the air. The eyewitness said Rasool resisted and one of the men hit him on the temple with his pistol butt, but Khan did not resist. The assailants tied the two men's wrists and ankles and blindfolded them. Then they dragged them outside, put them into one of their three pickup trucks, and drove away.

The next day, relatives of Khan and Rasool reported the abductions to police at Kili Station. "The police said they cannot do anything about kidnappings," one of Khan's relatives told Human Rights Watch.

In mid-February 2010, Rasool was released by his captors. He told Human Rights Watch about his ordeal:

On the day of the abduction, after travelling for 15 to 20 minutes by car, it stopped and I was dragged outside and into a room. I don't remember anything about the building I was in because I was still blindfolded. But after whoever brought me in had left, I removed my blindfold and saw that I was alone in a small, dark room. I had no idea where Mazhar was.

Rasool said that soon after he had been brought in, some men entered the room and asked him if he was involved in Baloch political activities. They kept him in this room for a month and 25 days, and then moved him to another location, some three-hours drive away. They kept him there for another five days. Then at night the captors put Rasool into a vehicle, blindfolded and handcuffed. They drove for a few hours, after which the vehicle carrying him stopped. His captors removed Rasool from the car, still blindfolded and handcuffed, and told him he was being released on Chaman Road on the outskirts of Quetta and then drove off.

Fearful of being abducted again, Abdul Rasool did not approach government authorities about his disappearance. But Khan's family filed an application for an FIR with police in Noshki on February 17, 2010. Although the police recorded the FIR, it only stated that Khan was a missing person and made no mention of the circumstances of his abduction. On February 21, relatives of both men filed a statement about the abductions with the Balochistan High Court. The next day, relatives of Khan and Rasool met representatives of the Balochistan Home and Tribal Affairs Ministry, who said they would record Khan's abduction but could do nothing to investigate it.

In March 2010, the Balochistan High Court accepted a habeas corpus petition requesting the federal Ministries of Defense and Interior, Balochistan provincial government, MI, the Directorate for Inter-Services Intelligence (ISI), and the Kili Station police to provide information on charges brought against Khan and Rasool. The high court has since held five hearings but only police representatives have ever appeared before it. They have denied having any knowledge of the abductions.

Mazhar Khan's whereabouts remain unknown at this writing.

#### **Case 14: Enforced Disappearance of Abdul Ghaffar Lango, 39**

On December 11, 2009, a group of unknown men abducted Abdul Ghaffar Lango, the leader of the Balochistan National Party (BNP), outside a hospital in Karachi in Sindh province.

At 3 p.m. that day, Lango was leaving the Institute of Surgery and Medicine, a hospital in Karachi, together with his wife, who had just been discharged after surgery. Lango's wife told Human Rights Watch that as the couple reached the main gate, two white Toyota Vigo pickup trucks drove up at high speed in front of them and suddenly stopped. About 10 men in civilian clothes approached the couple. One started beating Lango with the butt of his rifle until Lango lost consciousness and fell to the ground. The men then dragged him into one of the cars and drove away. According to Lango's wife, there were many witnesses to the incident since it took place in a crowded area in broad daylight.

The same day, Lango's relatives tried to lodge a complaint about his abduction at the Garden police station in Karachi, but the police refused. A police officer at the station told the family that Lango had been detained because he was a BNP leader and authorities wanted to restrain him from participating in politics. But the police would not provide any information on his whereabouts.

The family filed a petition with the Sindh High Court on January 12, 2010. On January 15, the court ordered the Deputy Attorney General and Advocate General of Sindh to submit a report on Lango's whereabouts within two weeks. On March 3, Sindh Deputy Attorney General Umer Hayat Sindhu told the court on behalf of the director general of the Intelligence Bureau that Lango had not been detained or arrested by the Intelligence Bureau (IB), which, he explained, was "only an intelligence agency that does not detain anyone for interrogation." Police representatives also told the court that Lango was not in their custody. No other security or intelligence authorities reported on Lango's whereabouts.

Lango had previously been abducted on June 27, 2007, from the Mastung region of Balochistan by unknown perpetrators, whom he believed to be from one of Pakistan's intelligence agencies. He was in detention until February 13, 2008, a total of seven months, after which his captors handed him over to the police. They told the police that he had been picked up the same day—on February 13, 2008—not June 27, 2007.

The police did not bring charges against his abductors. They did bring 18 charges against Lango related to his alleged involvement in attacks on police, security forces, and bombings in Balochistan. Lango remained in police custody while the charges against him were being heard in the courts. However, he was never charged and was eventually released in May 2009.

On July 1, 2011 Abdul Ghaffar Lango's corpse was found in an abandoned hotel near Lakbado area of Gadani town in the Lasbela district of Balochistan. The local police represented by the Station House Officer (SHO) of Gadani Police Station told the local media that "the body bore multiple marks of brutal torture. Cause of death is stated to be a severe wound in the head, caused by a hard rod or some other hard or sharp object."<sup>206</sup>

### **Cases 15 and 16: Enforced Disappearance of Sangat-Sana Baloch, 31, and Kambar Baloch**

On December 7, 2009, Sangat-Sana Baloch, a central committee member of the BRP from Khad Khuchu, was on his way to Jacobabad. In Kalpur, near Quetta in Balochistan, he changed cars and got into a truck driven by Kambar Baloch to continue his journey.

At around 4 p.m., as the truck was leaving Kalpur, it was stopped by a police car and two civilian vehicles that blocked the road. The roadblock was located at Bolan Pass on the Quetta-Sindh highway. As the truck approached the roadblock, Sangat-Sana Baloch gave his cell phone and notebook to a fellow passenger. He reportedly told the passenger that he had been abducted twice before and wanted to ensure that these items did not end up in the hands of the security forces.

While police looked on, men in civilian clothes opened the truck doors and started beating Sangat-Sana, Kambar, and the other passenger in the truck.

Sangat-Sana's family learned the details of the abduction from the passenger who was later released. The man told them that during the abduction, men in plainclothes put all three men into their car, drove for about an hour, and forced them into a building, where they started beating the three while accusing them of being "freedom fighters." The man said they beat him for about an hour-and-a-half, but, having realized that he had no political affiliation or involvement, handed him over to the police, who released him. He did not know what happened to Sangat-Sana Baloch or Kambar Baloch afterwards, and the two men were not heard from again.

The day after the abduction, on December 23, Sangat-Sana's family went to the Kalpur police station but failed to obtain any information. One of his relatives told Human Rights Watch:

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<sup>206</sup> "Corpse of Baloch missing person found near Gadani," *Daily Times*, July 2, 2011.

We spoke to the deputy superintendent [of the police], and he said the security agencies took Sangat. But they refused to take the FIR saying there was nothing they could do. They also said it was not the first time people got abducted in that place, on that road, and that families were coming to the police to complain but police couldn't do anything about it.

The family filed a petition with the Balochistan High Court in 2010.

Baloch's family said that two years before the abduction, on June 13, 2007, security agencies tried to abduct Sangat-Sana's brother Obaid, having mistaken him for Sangat-Sana. The security forces stopped Obaid's car at Lakpass on the national highway between Quetta and Mastung and attacked Obaid and "Fazl" (not his real name), another relative who was in the same car, beating them with rifle butts. The passengers resisted, and residents from a nearby village quickly came to their help. A scuffle followed between the security personnel and the villagers, and the security personnel eventually decided to leave. An officer who seemed to be in charge then told Obaid, "You escaped this time, but we'll be watching you now."

In another incident, about a month-and-a-half before the abduction, Sangat-Sana Baloch went to Mastung to visit his cousin. On his way back to Khad-Kuchu, he noticed two cars following him. Believing those were the cars of the security agencies, Baloch left his car and ran into an adjacent field until he reached a nearby village where the residents hid him for several hours. The security personnel searched for Baloch but did not find him and after they left his relatives picked Baloch up and brought him back home.

At the time of writing, Human Rights Watch had been informed that Kambar Baloch's bullet-riddled body had been found in January 2011 in the Pidarak area of Kechh district, some 550 kilometers west of Quetta. Sangat Sana-Baloch's whereabouts remain unknown.

### **Case 17: Enforced Disappearance of Lichi, 37**

At 3 p.m. on November 19, 2009, five men wearing white *shalwar kameez* (traditional Pakistani clothes) abducted Lichi (full name unknown) from a hotel in Vindr in Lasbela district.

According to two witnesses interviewed by Human Rights Watch, as soon as Lichi finished his tea and began to leave the hotel, a white four-door Toyota Vigo pickup drove right up to the hotel's front gate. Once Lichi saw the car, he tried to run away. But five men immediately jumped out of the pickup truck, grabbed him, and bundled him into the car.



The hotel is in a busy market area of Vindr and the witnesses claim many others also saw Lichi being abducted.

One hour after the incident, the hotel manager went to Lichi's home and told his relatives what had happened. His relatives went to Mehdi Bugti police station the next morning to report the abduction, but police refused to register an FIR.

On December 24, 2009, Lichi's family wrote a letter to the chief justice of the Balochistan High Court describing the abduction, but received no response.

In February 2010, following an order by the Supreme Court of Pakistan, police finally lodged an FIR. On July 3, 2010, Lichi's family gave evidence about his disappearance before the CIMP in Quetta. They told the commission that Lichi was not involved in politics and that they believed he had been abducted by Pakistan's intelligence agencies because he belongs to the Marri tribe. Pakistan's security forces have targeted members of the Marri tribe because it is considered to be closely linked to Baloch armed groups.

At this writing, the fate and whereabouts of Lichi remain unknown.

### **Case 18: Enforced Disappearance of Samiullah Mengal, 21**

At 1 p.m. on November 16, 2009, Samiullah Mengal, a member of the nationalist Baloch Students Organization-Azad (BSOA), and his 35-year-old brother, Abdul-Rehman Mengal, had just left a tailor's shop on Dr. Bano Road in Quetta when men in civilian clothes confronted them with pistols. Relatives of the two men interviewed by Human Rights Watch said that witnesses told them that the assailants took the two brothers into a waiting four-door Toyota Vigo pickup truck and hooded them. A day later, the captors released Abdul-Rehman Mengal on the Airport Road in Quetta.

The next day, Abdul-Rehman's lawyer filed a habeas corpus petition in the Balochistan High Court. More than a month later, following an order from the Supreme Court of Pakistan, police in Quetta finally lodged an FIR. It alleged the intelligence agencies had abducted Mengal and Abdul-Rehman and subsequently disappeared Mengal.

Abdul-Rehman gave evidence before the CIMP regarding his abduction and Mengal's continued disappearance during the commission's visit to Quetta in June 2010.

Since Mengal's disappearance, the family has not received any official information about his fate or whereabouts. However, a man released from detention in January 2010 told his relatives and the local media that he had shared a prison cell with Mengal. The man did not know, however, where the cell was located as he had been blindfolded when taken there.

Mengal had previously been forcibly disappeared on July 19, 2009, while cycling to his home in Quetta. In the Satellite Town district of the city, several pickup trucks clearly marked as belonging to the Frontier Corps surrounded his bicycle and multiple FC personnel grabbed him. According to Mengal's relatives, he said that the FC officers took him to the Satellite Town police station a few minutes away from where they had stopped him.

When several hours later witnesses informed Mengal's family about the arrest, an assistant to Mengal's lawyer went to the police station to inquire about him. But police detained the assistant, allegedly on the orders of the FC, who mistakenly believed the assistant was Mengal's brother who was also wanted for questioning by them. The assistant was released five hours later without ever meeting or seeing Mengal.

According to Mengal's family, when police released him two weeks later, he seemed traumatized and said that he had been beaten extensively by guards inside a police lock-up and detention center in Quetta.

Three months after Mengal's release, the police arrested him again at the behest of the Frontier Corps on charges of illegal possession of hand grenades. Mengal spent the next three months in Quetta district jail. In October 2009, the court released him on bail to sit university examinations, but less than a month thereafter he was forcibly disappeared again and remains missing.

### **Cases 19 and 20: Enforced Disappearance of Mir Sohrab Khan Marri, 27, and Shah Mohammad Zarkoon**

On November 8, 2009, Mir Sohrab Marri and Shah Mohammad Zarkoon were having tea with seven other men at the front courtyard of the Agha Syed Mohammad Hotel on Masjid Road in Quetta. Suddenly, two Toyota Vigo pickup trucks, each with four doors and tinted windows, stopped outside the entrance. According to one of the witnesses, five men in civilian clothes and armed with rifles approached Marri and Zarkoon and told them to follow them, holding the others at gunpoint. The witness told Human Rights Watch:

One of the men told Sohrab and Shah to come with them, they told the rest of us to stay seated. As soon as they [Marri and Zarkoon] got up, the men grabbed their wrists and walked them back to their cars. They did not resist. As Marri and Zarkoon were led out of the hotel, one of the captors turned around and said, “If anyone tries anything [to prevent the abduction] we will shoot them.” Then the vehicles left, and that was the last time we’ve seen them.

Marri and Zarkoon’s family and friends believe they were abducted by members of Pakistan’s intelligence agencies. Witnesses told Human Rights Watch that the region of Quetta where the incident took place has several FC checkpoints. Unless Marri and Zarkoon’s abductors worked for the government, the witnesses argued, the FC guards would have stopped the men armed with rifles as they normally check every car.

Immediately after the abduction, Marri’s father briefly met the Chief Minister of Balochistan, Nawab Mohammad Aslam Raisani, at his residence and handed him a letter detailing the incident. According to Marri’s father, Raisani said he would look into the matter. On November 16, 2009, Marri’s family also submitted a letter regarding his disappearance to the Secretary of Home and Tribal Affairs, Akbar Hussain Durrani. According to one of Marri’s relatives, Durrani hand wrote a note on the letter requesting police to investigate Marri’s disappearance.

On December 12, 2009, the CIMP in Quetta recorded Marri’s enforced disappearance. The same day, relatives of both men applied for an FIR regarding the disappearance with police in Quetta. The police did not lodge it until March 26, 2010. The FIR mentioned the family’s claim that “Pakistan security agencies” were responsible for Marri’s and Zarkoon’s abduction.

Marri’s relative also told Human Rights Watch that on the evening of March 30, 2010, two men claiming to be members of Military Intelligence visited the family at their home in Quetta, saying Marri was in their custody. Marri’s father told Human Rights Watch:

The two men asked me to prepare a sworn affidavit stating that my son [Mir Sohrab Khan Marri] was not guilty of any crimes. They promised that Marri would be released once the affidavit was lodged with police. That very moment, I wrote the affidavit and had it notarized and gave it to the two men. [After that] they said Marri would be released “in a few days.” But my son was not released and we have not seen him since he went missing.

On June 2, 2010, Marri's brother gave evidence before the CIMP. Representatives of the police and the federal government were present, but the commission did not ask them about the whereabouts of Marri or Zarkoon. That evening, Marri's brother received an anonymous phone call. He said the caller asked him why he testified before the Commission and threatened him, saying, "If you are so keen to meet your brother, we can help you meet him."

At the time of Human Rights Watch's investigations, the families had not received any further information on the two men's fate and whereabouts and were afraid to make any more inquiries. However, at the time of writing, it had been reported that Zarkoon had reappeared, but further details were not available.

### **Case 21: Enforced Disappearance of Najeebullah Qambrani, 27**

On the night of October 22, 2009, a group of uniformed Frontier Corps soldiers and men in civilian clothes abducted Najeebullah Qambrani from his house on Kamrani Road, Quetta. Qambrani's brother, who lives in the same house, said he witnessed the entire incident. He told Human Rights Watch that at around midnight he heard loud noises. He said:

I was woken up by what sounded like people jumping over the walls of our house. Then I heard a loud "bang!" and I realized someone was trying to smash down our [metal] front gate. Then someone from behind the gate shouted, "Open the door!" I immediately opened the gate and stepped back out of fear of being hit. Approximately 20 men in camouflage uniforms with FC badges accompanied by three men in plain clothes entered the house. I was told to wait outside while the soldiers searched the house.

As I stepped outside the broken front gate to see what was happening, I noticed about six cars. All of them were black four-door Toyota Vigo pickups. Then I saw Najeebullah being dragged away by some of the soldiers. He was not resisting. I tried to approach him, but one of the FC soldiers made a threatening gesture with his fist and I turned back and returned to the house.

Two days after the abduction, Qambrani's family applied for an FIR at Sarai police station in Quetta, claiming Qambrani had been abducted by the FC and "agencies." But Qambrani's brother said that the police refused to lodge the FIR because, according to the police, "they could not register an FIR against security forces."

Qambrani's family held a press conference to publicize his disappearance. Although Najeebullah Qambrani had previously been a member of the Baloch Republican Party, his relatives told Human Rights Watch that he left politics in 2008 and was working only as a farmer.

On October 29, 2009, a lawyer representing Qambrani's family filed a habeas corpus petition in the Balochistan High Court seeking that the federal Ministry of Interior, Balochistan Ministry of Interior, MI, ISI, FC, Frontier Corp Intelligence Unit (FCIU), and police at Sariab Station explain the charges against Qambrani or release him. With the exception of the police, none of the authorities mentioned in the petition have ever appeared before the court. At every hearing the police claimed that Qambrani was not in their custody.

According to Qambrani's brother, the court informed their lawyer that "intelligence agencies" and the Frontier Corps had told the court that they had had no information regarding Qambrani's abduction or whereabouts. But the court refused to disclose to his lawyer any details of submissions made to it by intelligence agencies or the Frontier Corps.

Following an order from the Supreme Court of Pakistan, police in Quetta finally registered an FIR regarding Qambrani's disappearance on January 5, 2010. On January 21 police came to Qambrani's house and demanded to have his national ID card and a photo of him, threatening to arrest the family should they refuse. The following day, Balochistan authorities announced a Rs 500,000 (approximately US \$5,800) reward for information leading to Najeebullah's arrest, claiming he was a wanted terrorist.

After the announcement, the Balochistan High Court ordered the Balochistan Home Ministry to submit an FIR detailing the charges against Qambrani. But at successive hearings the ministry failed to provide one. Finally on April 3, 2010, the Home Secretary removed the reward for Qambrani's arrest and issued a statement that he had earlier been erroneously described as a terrorist by an officer of the FC who had subsequently left the force.

At the time of writing, Human Rights Watch had received reports that Najeebullah Qambrani had been released by his captors but further information about this was not available.

## **Case 22: Enforced Disappearance of Abdul Nasir, 27**

On October 14, 2009, motorcycle trader Abdul Nasir was repairing a motorcycle in his friend's shop in Quetta. At around 11:30 a.m., a double-door pickup truck suddenly

stopped outside the entrance. Four men in civilian clothes stepped out of the truck and entered the shop. A witness to the incident told Human Rights Watch:

The first one to enter the shop shouted, “Don’t look at us, look at the ground!” All four of them were carrying guns, pistols I think. One of them pointed his gun at Abdul Nasir and shouted, “Get up!” As soon as Abdul Nasir got off the ground the man walked him to their car. Since that time I have not seen Abdul.

Nasir’s family reported his abduction to the Quetta City police station on April 9, 2010. In response, the police did not lodge an FIR but sent a letter to the Secretary of Home and Tribal Affairs for Balochistan, Akbar Hussain Durrani, saying they could not investigate or arrest members of the Army, the Frontier Corps, or “secret agencies” according to section 549 of the Criminal Procedure Code. The police gave the family a copy of the letter. Police from the Quetta City station did eventually lodge an FIR on October 14, 2009, but it did not mention the army, the Frontier Corps, intelligence agencies, or any government authorities. It merely said that Nasir had gone missing.

On January 24, 2010, a lawyer acting on behalf of Nasir’s family filed a missing person petition with the Balochistan High Court. On February 21, 2010, Quetta police issued another statement, submitted to the court by lawyers on behalf of Nasir’s family, stating that police were not allowed to enter the Army cantonment (base) in Quetta to investigate whether Nasir was detained there. Although court hearings were ongoing at this writing, only police representatives, and no other agency representatives, have appeared before the Court. Even police appearances have been rare. At the time of writing, Human Rights Watch had received reports that Abdul Nasir had been released by his captors, but further information was not available.

### **Cases 23, 24, and 25: Enforced Disappearance of Chakkar Khan Marri, 24, Two-Month-Long Enforced Disappearance of “Salman S.” (not his real name), 24, and Administrative Detention of Five Others**

On September 3, 2009, a group of Baloch students including Chakkar Khan Marri and “Salman S.,” and five others were meeting with the vice-chancellor of Balochistan University in Quetta to lobby for the reopening of the university, which had been closed for three months due to violence in Quetta.

According to Salman S., after the students left the Vice-Chancellor's office, they gathered with other students at Block 8 of the university campus to protest the closure of the university. The protesting students included a group from an ethnic Pashtun student organization.

Almost as soon as Marri, Salman S., and the five other students joined the group, nearly 20 FC soldiers, who were waiting near their trucks at the university grounds, approached them. They told the Pashtun students to disperse and started beating and cursing all the Baloch students taking part in the protest. The soldiers arrested Marri, Salman S., and the other five students and put all of them into the trucks. Salman S. told Human Rights Watch:

After a few minutes of driving, all seven of us were taken to the police station at the Quetta Railway Station. At the police station, we were transferred into the custody of other agents. I believe they were from Pakistan's secret intelligence agencies. There were many of them [intelligence agents], all wearing white *shalwar kameez* [traditional casual Pakistani dress for men]. They took off our shirts and blindfolded each of us with them, leaving us half-naked.

Two of the students were released later the same day. Another two were released six days later on September 9. Another was released on September 11. Salman S. was released at the end of November 2009. Marri remains missing.

Salman S. and two other students are currently facing terrorism-related charges before the Anti-Terrorism Court.

Salman S. told Human Rights Watch that he was kept hooded from the moment of his abduction to his release and did not know whether the other students were with him. He also said that on the day of his release, he had a brief conversation with Marri in the courtyard of the facility. When Salman S. asked Marri about his health, he replied, "Be quiet, the guards are here, if they hear us they will beat us again."

Upon his release, Salman S. immediately told Marri's families about the abductions. Marri's family helped Salman S. to lodge an application for an FIR with police and a petition with the Balochistan High Court. The other released students went into hiding, too afraid of being abducted again to pursue justice for their illegal arrests.

In January or February 2010, a boy released from Kuli Camp in Quetta's Army cantonment told Marri's family that he had spoken to Marri briefly in prison no more than three days prior to his release.

Salman S. and Marri's brother submitted an application for an FIR regarding the abductions with the police station at Balochistan University in Quetta on February 22, 2010. The police rejected the application because, according to Marri's brother, it charged senior officials of the FC, the MI, the ISI, FCIU, and the Vice Chancellor of Balochistan University with responsibility for the disappearances.

According to Marri's brother, the police said they would accept the application for an FIR only if the applicants removed all references to the high-level authorities. The applicants refused and tried eight more times to lodge the original FIR application, but each time the police rejected it.

A lawyer acting on behalf of Marri's family filed a petition with the Balochistan High Court in early March 2010. The petition charged the IB, ISI, MI, and the vice chancellor with responsibility for Marri's enforced disappearance.

The Balochistan High Court has held four hearings on Marri's disappearance case, but each time has deferred the matter to another hearing date. Legal representatives of the police have attended the hearings, but representatives of the government or intelligence agencies have not. Marri's lawyer asked the court to call representatives of the IB, ISI, and MI but, according to Marri's brother, the judge told Marri's lawyer that this was not "my problem." Marri's lawyer also asked the court to call the Balochistan Home Secretary, but according to the lawyer, government lawyers informed the court that the Secretary was too busy to appear before it. On June 2, 2010, the court told Marri's lawyer to remove the reference to the vice-chancellor from the petition or it would dismiss it altogether.

At the time of writing, Human Rights Watch had received reports that Chakkar Khan Marri had been released by the FC, but further information was not available.

### **Case 26: Enforced Disappearance of Abdul Mujeeb, 24**

Abdul Mujeeb was unit secretary of the BSOA and convener of the Tulwar Advisory Council, a body that resolves disputes between different student organizations.



On September 1, 2009, Mujeeb was at the Arts Faculty of Balochistan University in Quetta, speaking to his classmates and teachers. According to a witness, two FC pickup trucks were parked next to a university exit close to the Arts Faculty. The witness said that an FC major called Mujeeb to approach the trucks and then placed him into one of the trucks. Mujeeb did not resist arrest, nor was he hooded or handcuffed.

On September 3, 2009, police at the Balochistan University station refused an application for an FIR filed by Mujeeb's family because it mentioned the Frontier Corps and the MI. However, following an order from the Supreme Court of Pakistan, on February 9, 2010 police at the same station lodged an FIR against the Frontier Corps and MI.

Mujeeb's brother told Human Rights Watch that on September 26, 25 days after his arrest, Mujeeb contacted him on his mobile phone. They spoke for several minutes. Mujeeb said he had been detained by the MI. His brother told Human Rights Watch that he could hear someone in the background telling Mujeeb in Urdu not to speak in his native tongue, only in Urdu. His brother subsequently tried to redial the number on which Mujeeb contacted him, but he could not connect.

In March 2010, Mujeeb's family filed a petition with the Balochistan High Court. Only lawyers for the police attended the Balochistan High Court hearings even though the court had given notice to the Home Ministry, the Frontier Corps, and the MI to appear before it.

Five people released from Kuli Camp at the Army base in Quetta between September 2009 and March 2010 told Mujeeb's family that they had seen him in detention there. All five told Mujeeb's family that they were kept in solitary confinement most of the time, although they occasionally shared a cell with others, including with Mujeeb. The former detainees told Mujeeb's relatives that the interrogators routinely took them to a separate room where they tied them up, hung them upside down, and beat them. Although the detainees were hooded, at night they would remove the hoods after the guards had left and were also able to see Mujeeb.

At the time of writing, Human Rights Watch had received reports that Abdul Mujeeb had been released by his captors, but further information was not available.

### **Case 27: Enforced Disappearance of Din Mohammad Baloch, 40**

On June 29, 2009, medical doctor Din Mohammad Baloch was on a night shift at a small medical clinic in the Ornach area of Khuzdar district.

A staff member, “Bukhtiar” (not his real name), was also in the clinic. He told Baloch’s family that at around 2:30 a.m. seven men entered the clinic. A few of them tied Bukhtiar up and locked him in a room, while the others went into Baloch’s office. It was dark, Bukhtiar said, and he could not see the men clearly or determine whether they were wearing uniforms. Bukhtiar said he could hear loud noises that sounded like a scuffle between Baloch and the perpetrators, and then he heard the men dragging Baloch out.

When Bukhtiar finally freed himself around 30 minutes later, he informed Baloch’s family. The family went to the local police station later the same day, but the police refused to lodge an FIR into the abduction, offering no explanation. Two days later the police lodged an FIR based on an interview with Bukhtiar. The FIR said that Baloch was taken by unknown men.

Several months after Baloch’s disappearance, local newspapers reported that the Frontier Corps had arrested him and two others in connection with an armed attack on the Frontier Corps on August 14, 2009. The alleged attack took place nearly two months after Baloch had been abducted. Baloch’s brother managed to speak to the author of the article, who told him that the information came from the Special Branch of the Police, the intelligence arm of the Balochistan Police Service. However, government authorities have not officially confirmed that Baloch is in FC custody or specified the charges against him.

Baloch’s family told Human Rights Watch they believed Baloch had been abducted by intelligence agencies because he was a senior member of the Baloch National Movement. Baloch’s brother said that he had met the Chief Minister of Balochistan, Nawab Mohammad Aslam Raisani, on July 15 and in August 2009. On the latter occasion the Chief Minister told him that Baloch was in the custody of the intelligence agencies, but did not specify which one. Human Rights Watch wrote to Chief Minister Raisani seeking confirmation that he had made these allegations, but received no response from Raisani or his office.

A lawyer acting on behalf of Baloch’s family filed a petition regarding Baloch’s “disappearance” with the Balochistan High Court on July 4, 2009. On May 27, 2010 the court ordered police to locate him, with the presiding judge saying that they should “do everything” to find him. The court has not had any further hearings since then. On May 23, 2010, relatives also submitted the case to the CIMP.

The Voice for Baloch Missing Persons, a local Baloch nongovernmental organization, filed a separate petition on Baloch’s disappearance in the Supreme Court. In June 2010, the Supreme Court told Baloch’s lawyers that the ISI had reported to the court that Baloch was not in their custody but was being held by the chief of the Mangal tribe. However, the ISI

did not provide any further details about these claims to the court, and the court did not share their submissions with Baloch's lawyers.

At this writing, the family has not been able to obtain any further information regarding Baloch's fate or whereabouts.

### **Case 28: Enforced Disappearance of Haji Murrad Khan Marri, 65**

On June 28, 2009, farmer Haji Murrad Khan Marri left his house to go grocery shopping at a local market in the town of Hub. A relative of Marri, who spoke to eyewitnesses, told Human Rights Watch that as Marri left his house in the industrial Sukaran area, a red Toyota Corolla suddenly drove up. Four men in civilian clothes and carrying machine guns jumped out of the car, grabbed Marri, and put him inside the car.

Two family friends who witnessed the incident immediately informed Marri's family, and the family went to the local Hayt police station in Hub. The police suggested that Marri could be with relatives or friends. When the family returned to the police station the following day, the police, according to Marri's relative, said that they could not do anything about such cases because they "happen in Balochistan every day."

For nine months Marri's family had no information about his fate or whereabouts. Then, on January 10, 2010, Balochistan Home and Tribal Affairs Minister Zafar Zehri announced a Rs 3,000,000 (approximately US \$3,400) reward for the capture of Marri and others whom Zehri claimed were wanted Baloch "separatists."

According to Marri's family, on March 27, 2010, an FC officer called Marri's family and said that Marri was in their custody. The FC said Marri had been charged with murder and possession of Indian currency and explosives. FC Col. Asad Shahzad Kattak held a press conference the same day saying Marri had been arrested in Chaman, close to the Balochistan border with Afghanistan, while crossing into Pakistan from Afghanistan. According to Col. Kattak, Marri had been placed in police custody in Saddar police station in Chaman. However, neither Marri's lawyer, nor his family has been allowed to see him.

The criminal case against Marri is pending before the Balochistan High Court. His disappearance case has been added to a combined petition filed by the Human Rights Commission of Pakistan with the Supreme Court of Pakistan in January 2010. Following a Supreme Court order, the Hayt police finally lodged an FIR into Marri's disappearance.

At the time of writing, Human Rights Watch had received reports that Haji Murrad Khan Marri had been released by his captors, but further information was not available.

### **Case 29: Enforced disappearance of Zakir Majeed Baloch, 24**

On June 8, 2009, Zakir Majeed Baloch, a student politician, was driving from Nushki district along with his two friends, “Sheraz” and “Hamid” (not their real names). According to Sheraz, at around 4 or 5 p.m., two pickup trucks with no license plates, a Toyota Vigo and a Toyota Surf, stopped their van. Sheraz told Human Rights Watch:

Five or six men, all in civilian clothes, came out of the pickups and pointed their guns at us. We thought straight away that they were from the [intelligence] agencies. When I saw they had guns I knew we had to listen to them. As soon as we got out of our van they started beating us with their fists and gun butts. It felt like an eternity, but they hit us for probably no longer than five to ten minutes. Then they blindfolded us and chained our wrists behind our backs. They put Zakir in one of the cars and the two of us in the other one.

Inside the car, as it was driving away, the men kept hitting us, asking where we were going, where we were coming from, and what we were doing in the region. We told them we were students from Nushki. Some 40 minutes later the car stopped, and they took the chains off our wrists and pushed us out, still blindfolded. After the car left, we managed to get a ride back to Mastung. But we still don’t know what happened to Zakir.

Zakir Baloch’s relatives tried several times to register the case with the police and the Balochistan High Court, but both refused. According to them, the police said that they “could not register disappearances alleging the involvement of Pakistan’s intelligence agencies.”

On October 6, 2009, following a Supreme Court of Pakistan order that required the police to register all enforced disappearance cases countrywide, the police finally lodged an FIR into Baloch’s case. The Balochistan High Court accepted a petition regarding his case later that month.

On January 22, 2010, Pakistan’s National Crisis Management Cell said Baloch had been released to his family, but his family said he had not returned home and his whereabouts remain unknown to them.

Members of Baloch's family went on hunger strike outside the Quetta Press Club in June 2010 to protest the continued failure of the authorities to locate him. But they said threatening anonymous phone calls made them stop the strike.

Baloch's family and friends believed that he was targeted because of his role as a Vice-Chairman for the Baloch Students Organization-Azad, a student political party that advocates Balochistan's separation from Pakistan. According to the family, Baloch has been politically active, especially on the issues related to the fate of missing persons in Balochistan.

The family has not received any further information about his fate or whereabouts.

### **Case 30: Enforced Disappearance of Mohammad Tariq, 25**

On May 17, 2009, university student Mohammad Tariq was travelling in a truck from Tump district to the city of Turbat in Balochistan's southern Mand region close to the Iranian border. There were over a dozen other passengers in the truck.

At approximately 3 p.m., uniformed FC soldiers in a pickup truck with FC markings drove up to the truck ordered the driver to stop. The driver, who knew Tariq, later told Tariq's family that the soldiers then told all passengers to get out of the truck and lined them up. The soldiers went through the line, asking each passenger's name, and as soon as they heard Tariq's they grabbed him and took him aside. The soldiers then ordered the other passengers back into the truck, but they and the driver could see Tariq being led into the FC vehicle. The truck proceeded to Turbat, where the driver immediately told one of Tariq's friends that he had been taken by the Frontier Corps.

A group of Tariq's friends and his brother went to the FC camp near where the truck had been stopped. But, according to Tariq's brother, the FC commander denied having Tariq in custody.

Lawyers for Tariq's family filed a petition with the Balochistan High Court on May 28, 2009, which has held at least four hearings in the case. The truck driver provided the court with a sworn affidavit describing Tariq's abduction by the FC personnel. Nonetheless, legal representatives for the Frontier Corps, who appeared at one of the hearings, denied that Tariq was in FC custody.

The Turbat police repeatedly refused to accept an application for an FIR into Tariq's case until they were ordered to do so by the Supreme Court on February 5, 2010. The FIR that

was finally lodged mentioned the FC commander in Turbat and the Minister for Home and Tribal Affairs of Balochistan, the responsible provincial minister for the FC.

Tariq's family also reported the case to the CIMP on June 2, 2010.

At this writing, the family has not been able to obtain any further information on Tariq's fate or whereabouts.

### **Cases 31, 32, and 33: Enforced Disappearance and Extrajudicial Killing of Sher Mohammed Baloch, 35, Ghulam Mohammed Baloch, 40, and Lala Munir, 50**

On April 3, 2009, Sher Mohammed Baloch, Ghulam Mohammed Baloch, and Lala Munir were in their lawyer's office in a local courthouse in Turbat. All three had pending criminal cases, which they had been contesting in the courts since 2007. Relatives of the three said that after their initial arrest in 2006 and subsequent release on bail, Sher and Ghulam had been repeatedly threatened by the security agencies, both in the course of the court proceedings and through phone calls.

According to Sher Mohammed Baloch's relative, on April 3, 2009, FC military personnel secured Turbat while the court heard the cases against the three men. As the men were talking to their lawyer after the hearing, a group of about five or six people in civilian clothes entered the office and started smashing things and accused the three men of being "terrorists." Witnesses at the courthouse later told relatives that men they believed were security agency personnel handcuffed and hooded the three men and put them in cars. They also said that the FC military vehicles were there, and the incident happened in front of numerous witnesses.

Sher Mohammed Baloch later managed to call a friend from his mobile phone, saying they were being taken away by the security agencies, but did not manage to say anything else.

The next day, the BRP filed a petition with the police in Turbat. The lawyer for the men also submitted a petition to the court about the attack in his office. No action was taken on either complaint. Protests against the abduction were held in Karachi and in Balochistan.

The police on April 9, 2009 informed the families that they received a phone call informing them of three bodies found in Pedarak town, near Turbat. A forensic team brought by police found the victims' hands were tied and their heads were hooded. The team also found many spent cartridges at the scene, which they handed over to the police. The

families went to the hospital and identified the bodies of the three men. They said there were multiple bullet wounds to the bodies, and what they believed to be signs of torture on the bodies, including burn marks and bruises on their chests and backs.

The families said that they were not aware of any results of the investigation into the forced disappearances and apparent extrajudicial killings.

### **Case 34: Enforced Disappearance of Jallil Akham Riki, 35**

On February 13, 2009, Jallil Akham Riki, a BRP activist from Chulam Jhan village in Quetta, was leaving a local mosque after Friday prayers. In front of multiple witnesses, four cars surrounded him. Uniformed FC soldiers, together with men in civilian clothes whom witnesses believed to be from the ISI, ordered him into one of the cars. A witness later told the family that Riki tried to escape, but the FC soldiers threatened to shoot him. They blindfolded him and put him into the car.

The day after his abduction, his family filed a habeas corpus petition with the Balochistan High Court. The court sent notices to the Frontier Corps and the ISI, but neither appeared in court nor responded.

A group of human rights defenders raised Riki's case with Balochistan Chief Minister Aslam Raisani. One activist told Human Rights Watch that Raisani said that Riki had been detained by the ISI on suspicion of involvement in various crimes, including the burning of the Pakistani flag and shouting of anti-government slogans. Human Rights Watch wrote to Chief Minister Raisani seeking confirmation that he had alleged as stated above, but received no response from Raisani or his office.

The family said it had learned from a released detainee that Riki had been held in Kuli Camp in Quetta for at least eight months. The detainee, who was released in November 2009, told the family that he and Riki had been cellmates since Riki's arrest in February 2009. According to Riki's relative, the former detainee said that Riki had been severely tortured and had serious health problems. He said Riki was so weak that he had to help him wash his clothes and look after himself.

In February 2010, Riki's family applied with the local police for an FIR against the ISI and the Frontier Corps. After that, Riki's father started receiving anonymous phone calls. The callers told him to revoke the FIR or otherwise he would share Riki's fate.

At this writing, the family has not been able to obtain any further information on Riki's fate or whereabouts.

### **Cases 35 and 36: Repeated Enforced Disappearance of Bashir Azeem, 76, and Six-Month-Long Enforced Disappearance of Zakar Qambrani**

Bashir Azeem, a medical doctor and the secretary general of the BRP, has been subjected to an enforced disappearance at least three times, in 2005, 2006 and 2009.

In September 2005, a group of men in civilian clothes arrived at his clinic in Sibi and took him away, saying they had intercepted his conversations with Navar Akhbar Bugti, an influential tribal chieftain and key Baloch nationalist leader killed by Pakistani forces in August 2006. Azeem said the men brought him, blindfolded, to a room where two men in Frontier Corp uniforms interrogated him about his contacts with Bugti. Unsatisfied with his answers, they said they would take him to Quetta, to be interrogated by higher-ranking officers.

Azeem said the two men brought him to a cantonment area in Hanna Utak Valley in Quetta. There, he was held in a cell for seven days and interrogated about his activities. During this time, his family had no information about his whereabouts. He believed that his son's efforts to locate him through contacts in the military eventually helped to secure his release.

In February 2006, when Azeem arrived at his clinic, his son informed him that MI officers had been asking about him and said he should come and see the MI officer, a Major Nadim. Azeem went to the police station, where the major had an office. Azeem said that after asking him a couple of questions, the major told him he was under arrest. Azeem spent 10 hours alone in the major's office, and then two officers handcuffed and blindfolded him and transferred him to another place. Azeem told Human Rights Watch:

They put me in a cold cell with no mattress. When they allowed me in the morning to go out for my prayers, I saw men in FC uniforms and realized I was in their jail. They kept me there for 15 days. They did not allow me to inform my family. I eventually managed to inform them through a mullah at the base who used to know me.

Then they released me, warning me not to make any speeches or press statements about my arrest. I believe they detained me at the time mainly to prevent me from participating in any Baloch activities during [Pakistani President] Musharraf's visit to the region.



The third forced disappearance began on February 6, 2009. At around 7 p.m., Azeem was travelling in a car with a colleague from the BRP, Zakar Qambrani. They were on their way to a press club in Quetta to announce the merger of BRP with another Baloch party, the National Congress.

On the road, their car was blocked by three cars. A group of armed men in civilian clothes took both Azeem and Qambrani out of their car, blindfolded them, and put them into a jeep. They took away Azeem's cell phone, glasses, watch, and the money he had on him. Azeem said:

We drove for about 30 minutes, and then entered a compound. I heard a guard at the gate asking for the officers' identification. They put us into an underground cell and one of the officers started kicking me with his boots and beating me with a stick, accusing me of being a traitor and carrying out anti-state activities. There were other detainees there as well, held in six separate cells.

On the third day of my detention, the officers put me into a car, drove for about 40 minutes, and brought me to a three-story building. In a room there, a high-ranking officer interrogated me, saying they wouldn't allow people like me "to disintegrate the state." Three times during these interrogations he sent me down to a cellar where other officers beat me with a leather strap, saying this would continue until I started cooperating. And then they brought me back to my cell.

But the same evening they again put me into a car, drove me for about 12 hours, and brought me into another underground cell. There was no floor in the cell, just the dirt ground, and a plastic bottle for urinating. They soon brought me for another interrogation. They hung me upside down by the feet and kept asking who was financing us, and where the militants were.

The following days they continued torturing me in various ways. They pushed pins under my nails, put a chair on my back and sat on top of it, and put me for 48 hours into a room where I could only stand but not move. When they took me out, my legs were so swollen that I collapsed on the floor and fainted. They had to take me to a hospital, but three days later they returned me to my cell.

Azeem said the officers then stopped torturing him and just held him in his cell without further interrogations. On March 31, 2009, an officer brought him white clothes and told him to get dressed and come out. Azeem said he thought they were about to execute him, but instead they drove him for about two hours and then dropped him on the side of the road. From a taxi driver, he found out he was in Karachi and went to stay with his relatives there.

Azeem said that during the entire time of his detention his family had no information about his whereabouts, despite their efforts to find him. His captors, he said, explained that nobody could help him get out. According to Azeem, they used to say, “Even if the president or chief justice tells us to release you, we won’t. We can torture you, or kill you, or keep you for years at our will. It is only the Army chief and the ISI chief that we obey.”

Azeem said that after they first got separated, he had no information about his colleague, Zakar Qambrani. Qambrani was eventually released four months after Azeem. According to Azeem, Qambrani said that he had been held the whole time in a Quetta jail where the two men were first brought. Qambrani’s family also had no information about him until he was released.

### **Case 37: Enforced Disappearance of Abdul Ghani, 18**

On January 31, 2009, Abdul Ghani was on his way by bus from Sibi district to his home district of Thali. At about 7:30 p.m. FC personnel at a major checkpoint in Sultankot stopped Ghani’s bus. A relative of Ghani told Human Rights Watch that according to a passenger on the bus, FC soldiers stopped the bus and ordered all the men out. The men, about 30 to 35 in total, were told to stand in two separate lines with their backs to each other. They threatened to shoot anyone who looked up, and when two men lifted their heads when Abdul Ghani’s name was mentioned, the soldiers hit them in the face. The two identified Abdul Ghani, and the soldiers then grabbed and hooded him and took him away. Everyone else was allowed to return to the bus and when it reached Thali, they told his family what happened.

That evening at about 8:30 p.m. Ghani’s relatives in Thali and his friends on the bus went to the local police station to complain. According to one of Ghani’s relatives, the police refused to register a case, saying they “do not take FC cases.”

In January 2010, the family filed a missing person petition with the Interior Ministry. On February 9 the police in Thali finally lodged an FIR regarding Ghani’s forced disappearance. A lawyer acting on behalf of his family filed a petition with the Balochistan High Court on

February 25. Ghani's relatives and friends interviewed by Human Rights Watch said that after the lawyers filed the petition, FC personnel threatened three people who witnessed Ghani's abduction as they crossed the very same checkpoint at Sultankot. "They said, 'We will disappear you if you go to court,'" one of the witnesses reported. Despite the threat, all three of them gave evidence in court on April 19, 2010.

At this writing court proceedings were underway, and lawyers for the Frontier Corps have at times appeared in court. However, the FC has not provided the court with any information about Ghani's fate or whereabouts.

### **Case 38: Enforced Disappearance of Noor Khan, 28**

On December 8, 2008, Noor Khan was filling gas at a gas station in Turbat city. Two double-door pickup trucks, one black and the other a yellow-sand color, drove into the gas station. Eyewitnesses later told Khan's family that around six men in civilian clothes emerged from the vehicles brandishing rifles. They immediately grabbed Khan, put a hood and blanket over his head, and put him into one of the pickups. Then both vehicles drove away.

The witnesses immediately informed Khan's family. The same day, the family went to a police station in Turbat to file a missing person report. One of Khan's relatives told Human Rights Watch that an officer at the police station told them, "We don't have authority over this, nor can we do anything about it. You know what happens here in Balochistan."

On December 18, 2008, Khan's family filed a petition with the Balochistan High Court. At this writing, six court hearings have taken place. At one of the hearings, a legal representative for the police said Khan was not in police or FC custody.

In February 2010, following an order by the Supreme Court of Pakistan, police lodged an FIR about Khan's forced disappearance, calling on the Turbat District Police Officer and the commanding officer of the Frontier Corps in Turbat to investigate the case.

At this writing, Khan's family was unaware of any steps undertaken by the police to locate Khan. His fate and whereabouts remain unknown.

### **Case 39: Enforced Disappearance of Niaz Mohammad, 28**

On July 8, 2007, Niaz Mohammad was walking to work together with two friends in Quetta. One of the friends told Human Rights Watch that as they were passing the Saddam rail crossing at Sariab rail station, Mohammad stopped to relieve himself while his friends

continued walking. At that moment, a four-door white Toyota Vigo pickup truck drove up to Mohammad. Three men in civilian clothes jumped out of the car, grabbed Mohammad, dragged him into the vehicle, and sped off in the direction of Quetta's Sariakot district.

Fearing for their own safety, the witnesses did not tell Mohammad's family about the abduction until a month later. The family tried to obtain some information about Mohammad's fate through contacts in Pakistan's intelligence agencies and tribal chiefs, but these efforts proved futile.

One of Mohammad's relatives also reported the case to Shalkot police station in Quetta. The police registered the incident, but refused to lodge an FIR into the case. In 2009, a lawyer acting on behalf of Mohammad's family filed a petition with the Balochistan High Court, alleging that the Frontier Corps, MI, ISI, IB, and Pakistan government were the perpetrators. At this writing, four hearings have taken place, but only representatives of the police have appeared before the court. On each occasion, they have claimed that Mohammad was not in their custody and they did not know his whereabouts.

Following the general order of the Supreme Court instructing police to register FIRs even when they implicate security forces and intelligence agencies, the police finally lodged an FIR into the case on June 19, 2010, but the FIR listed Mohammad as a "missing person" without referring to Pakistan's intelligence agencies.

Mohammad's family told Human Rights Watch that he was a civil servant working in Quetta and was not politically active, although he did briefly do social work with the Baloch National Party after the 2007 Balochistan earthquake.

At this writing, the family has not managed to obtain any information about Mohammad's fate or whereabouts.

#### **Case 40: Enforced Disappearance of Tawakal Khan, 64**

In March 2007, Tawakal Khan, a shepherd, was inside a store in the Thali district near the city of Sibi. Several eyewitnesses, one of whom was Khan's relative, told Khan's family that four cars and several motorcycles suddenly stopped by the store. About 15 men, some in civilian clothes and some in uniforms, got out of their cars. Two entered the shop and asked for Khan by name. After the shop owner pointed at Khan, the men grabbed him, dragged him outside, and put him into one of the vehicles. Eyewitnesses told Khan's family that he did not try to resist.

The witnesses informed Khan's family the following day. A relative told Human Rights Watch that they did not attempt to report the incident to the police because they were worried they would also be "disappeared." However, in 2009, they filed a petition with the Balochistan High Court. At this writing they have not been able to obtain any information on Khan's fate or whereabouts.

Khan's family and friends said he was not involved in politics but they believed he was taken by Pakistan's intelligence agencies because he was a senior member of the Marri tribe and at the time of his abduction the Pakistan Army was engaged in military operations against parts of the tribe.

### **Cases 41, 42, 43, and 44: Enforced Disappearance of Mohammad Iqbal, 30, and 11-Month-Long Enforced Disappearance of Nawaz Ahmed, Jasum Ali, and Zahid Ali**

On March 14, 2007, FC soldiers took into custody university student Mohammad Iqbal and three of his friends: Nawaz Ahmed, Jasum Ali, and Zahid Ali.

According to Iqbal's family, who later spoke to Ahmed, Jasum Ali, and Zhad Ali, the soldiers detained the four men at approximately 9 a.m. on the road between the districts of Tump and Mand in Balochistan, and took them to the FC camp in Turbat. A shepherd who knew Iqbal witnessed the incident from a distance and immediately told Iqbal's family. Iqbal's brother told Human Rights Watch that when he went to the FC's Turbat camp the same day, the camp commander said that Iqbal and the three other men had been "detained for questioning and would be released in a matter of hours." When Iqbal's brother next inquired about his whereabouts on April 25, 2007, another FC officer from the same camp at Turbat, Maj. Abdul Rehman, told him that all four men had been transferred to Quetta.

After their release, Ahmed, Jasum Ali, and Zahid Ali confirmed that together with Iqbal they were first held in Turbat, in an open-air FC prison, and then were transferred to a jail in Quetta's army cantonment. They said that in Quetta, interrogators subjected them to sleep deprivation and asked about their participation in armed Baloch groups, which they denied. Ahmed, Jasum Ali, and Zahid Ali were released from the Quetta Army cantonment on February 16, 2008, but they do not know who released them because they were blindfolded.

Relatives of the four men filed a habeas corpus petition in the Balochistan High Court and eventually the case reached the Supreme Court of Pakistan. During Supreme Court proceedings that commenced on May 16, 2009, legal representatives for the federal Ministry of Interior claimed Mohammad Iqbal had been released, but Iqbal's family denied this.

After the four men had gone missing, their families repeatedly tried to apply for a FIR naming the Frontier Corps, but the police repeatedly refused. The FIR was finally registered more than two years later on February 8, 2010, after an order from the Supreme Court of Pakistan. In the FIR, relatives of the four men accused the Frontier Corps in Tump, local police, and the Home Secretary of Balochistan of involvement in the forced disappearances.

Two prisoners released from the army cantonment in Quetta in March 2010 told Iqbal's family that for the last two months of their detention they shared a prison cell with Mohammad Iqbal. Iqbal's family said they had informed the Supreme Court of Pakistan of these witnesses' testimony through their lawyers.

Iqbal's brother told Human Rights Watch that they believed the four men were targeted because they belong to the Rind tribe. At the time of their abduction, parts of the Rind tribe were involved in armed clashes with Pakistan security forces in the Ziarat Kalig region where the four men were camping the night before their disappearance.

At this writing, there have been no further developments in the case and Iqbal's fate and whereabouts remain unknown.

#### **Case 45: Three-Month-Long Enforced Disappearance of "Asad," Age 22**

In December 2006, "Asad" (not his real name), a member of the Baloch Students Organization, was travelling from his native town of Tump to Karachi by bus. In Turbat, three jeeps blocked the bus. A group of armed men in civilian clothes got on the bus, called Asad by name, and dragged him out. They did not provide any explanation and just told Asad that they would shoot him if he resisted.

The men put a hood on Asad's head, handcuffed him, and put him in one of their vehicles. Asad said that they also gave him an injection in the shoulder which made him lose consciousness. When he woke up, he was hanging upside down in some room. He told Human Rights Watch:

I was naked, chained by the ankles to the ceiling, my hands tied behind my back. I still had a hood on my head and couldn't see anyone, but soon five or six men [judging by the voices] came in, and started beating me with sticks—all over my body. They spoke Urdu with a Punjabi accent and kept asking the same questions about why I wanted independence and whether I knew some Baloch leaders. They accused me of killing soldiers and

agencies' people. It lasted for about three hours, with constant beatings. I fainted twice. When they finally released the chains, I crashed on the ground, blood streaming all over my body.

After the initial interrogation, the security forces put Asad in a car and transferred him to another location. Asad said they travelled for what felt like two days during which he was not given food or water and was not allowed to use a restroom. They eventually arrived in Quetta and Asad was put into a cell. He said that for the first four days he was in solitary confinement, regularly interrogated and beaten. The interrogators, according to Asad, repeatedly said, "If you are so eager to fight, don't fight against Muslims—go join Osama bin Laden in Afghanistan, and kill Christians and Jews!"

After four days, Asad was transferred to another cell where he could communicate with other detainees. They told him that they were in Kuli Camp in Quetta. Asad spent another month-and-a-half there and then was transferred to another detention facility. He did not know where the other detention facility was, but believed it was still in Quetta, about an hour away from the Kuli Camp. He spent another two months there, after which the men whom he believed were from the security agencies put him in the car, hooded, and, after two or three hours of driving, handed him over to the police.

Asad's family, who found out about his abduction from other passengers on the bus, had no information about his whereabouts during his disappearance. His father applied for an FIR with the Turbat police and inquired with the magistrate there, but both the police and the magistrate said there was nothing they could do about it.

Asad was eventually brought before the magistrate and then the Anti-Terrorism Court in Turbat. In both courts Asad gave a detailed account of what happened to him. He said it would have been obvious to those present in the court that he had been tortured. He could not stand on his own; two police officers had to hold him up during the proceedings. The judges, according to Asad, "showed sympathy," but said there was nothing they could do about his treatment.

Asad was released on bail in 2007 and has been in hiding since then. He said the security agencies came looking for him in Tump. They also called his phone, saying they would catch him again and this time would kill him.

## Appendix II:

This letter was sent to the Chief Minister of Balochistan on April 8, 2011. At the time of writing, no reply had been received:

May 4, 2011

His Excellency Nawab Aslam Raisani  
Chief Minister Balochistan  
Chief Minister's Secretariat  
Zarghon Rd.  
Quetta



[www.hrw.org](http://www.hrw.org)

Re: Balochistan

Dear Chief Minister,

I am writing about enforced disappearances in Balochistan. Human Rights Watch is gathering information for a report we will soon release. We understand the government has taken some steps since assuming office in 2008 to address the issue. In order to accurately reflect those developments and to make sure the information in our report is up to date, we would appreciate responses from the relevant officials and institutions to the questions in the attached.

We appreciate your response by May 19, 2011.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Brad Adams".

Brad Adams  
Executive Director  
Asia Division



1. Human Rights Watch understands that the issue of enforced disappearances in Balochistan has been on the government's agenda since the return to civilian rule in 2008. Has your government, in accordance with its public commitments to end enforced disappearances, directed relevant law enforcement authorities to end the practice of enforced disappearances? Has your government ordered relevant law enforcement agencies to conduct serious investigations into alleged disappearances? Please specify what directions have been given to the police, Frontier Corps, military authorities, intelligence agencies, or other state institutions regarding cases of disappearances.
2. What action has been taken by these forces to investigate cases of alleged disappearances?
3. What sources of information does the government use to assess the problem of enforced disappearances in the country?
4. What is the precise procedure for investigating "disappearance" complaints submitted to the state and federal authorities? How many such complaints have been received since the government assumed office in 2008?
5. In total, how many people were disappeared from Balochistan during the rule of General Musharraf from 1999-2008 according to government estimates?
6. How many are still missing?
7. How many have been released?
8. Which state institutions were responsible for disappearances?
9. How many of the disappeared people during this period have been subsequently charged with a crime? In each case please explain what crime the person has been charged with and the status of the case.
10. How many were charged with terrorism-related charges?
11. In total, how many people in Balochistan have been disappeared since your government assumed office in 2008.
12. How many of these are still missing?
13. How many have been released?
14. Which state institutions were responsible for disappearances?
15. How many of the disappeared people during this period have been subsequently charged with a crime? In each case please explain what crime the person has been charged with and the status of the case. How many were charged with terrorism-related offenses?
16. Your government is on record for having apologized for "state abuses" in Balochistan. How many military, paramilitary, and civilian law enforcement personnel and members of the armed forces have been arrested on charges of perpetrating such abuses?
17. What is the current status of the government's investigation into state complicity in enforced disappearances in Balochistan?
18. Has anyone been arrested and charged?
19. Do the police automatically open investigations following claims of disappearances in Balochistan? If not, why not?

## Appendix III:

This letter was sent to the Prime Minister of Pakistan, the Interior Minister of Pakistan, and the Chief Minister of Balochistan on May 4, 2011. At the time of writing, no reply had been received:

May 4, 2011

Prime Minister Yousuf Raza Gilani,  
Prime Minister's Secretariat,  
Constitution Avenue  
Islamabad



[www.hrw.org](http://www.hrw.org)

Re: Balochistan

Dear Prime Minister,

I am writing about enforced disappearances in Balochistan. Human Rights Watch is gathering information for a report we will soon release. We understand the government has taken some steps since assuming office in 2008 to address the issue. In order to accurately reflect those developments and to make sure the information in our report is up to date, we would appreciate responses from the relevant officials and institutions to the questions in the attached.

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2. What action has been taken by these forces to investigate cases of alleged disappearances?
3. What sources of information does the government use to assess the problem of enforced disappearances in the country?
4. What is the precise procedure for investigating "disappearance" complaints submitted to the state and federal authorities? How many such complaints have been received since the government assumed office in 2008?
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18. Has anyone been arrested and charged?
19. Do the police automatically open investigations following claims of disappearances in Balochistan? If not, why not?

## Questions on Specific Cases

We would appreciate information on the status of the following cases of alleged disappearances in Balochistan, including:

1. The current status of each disappeared person, if known;
2. Whether the person was killed, charged, or released;
3. Whether anyone was held accountable in any way for the disappearance;
4. Whether and how much compensation was paid to the victims or their family members.
5. Has an investigation been opened in each case and if so by whom and what is the current status of the investigation?
6. What investigative measures have been undertaken to locate the person and establish the perpetrators?

### **1. Shams Baloch, age 49**

On July 1, 2010, Shams Baloch, the 49-year-old former mayor of Khuzdar town in Balochistan was stopped by soldiers from the Frontier Corp and handed over to four armed men in plainclothes. On July 2, 2010, one of Baloch's relatives tried to file a report with police in Quetta but, according to the man, the police said they "had no authority to investigate such disappearances." Amnesty International later reported that a joint investigation by police and intelligence authorities concluded that Shams Baloch had been stopped by the FC personnel on July 1 but was abducted "in front of them by persons unknown."

### **2-3. Naseem Baloch, age 32 and Ilyas Karim, age 31**

32-year-old medical doctor Naseem Baloch and 31-year-old Ilyas Karim were picked up from a pharmacy near the Bolan Medical Complex, one of the main hospitals in Quetta. Their relatives and the staff of the Bolan Medical Complex where Baloch worked as a doctor filed an application for an FIR with Quetta police on May 26, 2010, alleging that the FC and intelligence agencies were responsible for the disappearance. Relatives of Baloch and Karim also filed a petition with the Balochistan High Court on May 29, 2010. The court has held several hearings, but so far has not summoned representatives of the FC or the intelligence agencies. On June 2, 2010, relatives of Baloch and Karim also filed their cases with the Commission of Inquiry for Missing Persons (CIMP). Relatives of the disappeared men told Human Rights Watch that on June 5, 2010, the office of the Chief Minister of Balochistan, Aslam Raisani informed them that both Baloch and Karim were in the custody

of the Military Intelligence (MI) wing of the Pakistan Army. Reports indicate that both Karim and Baloch have been released but no action has been taken against their abductors.

#### **4. Rindhan, age 30**

In the late morning of April 24, 2010, several Khaki-colored military trucks drove into a village in the remote Thali district of Balochistan. During the military operation, soldiers saw 30-year-old farmer Rindhan who started running away, but some of the soldiers chased him, grabbed and blindfolded him, and put him in one of the trucks. An eyewitness told Human Rights watch that Rindhan was held in the same prison cell on the day of their abduction, although he did not know where it was. After two days in detention, Rindhan was transferred to a different cell, but Ahmad could still hear what he believes was Rindhan screaming as he was tortured and interrogated. Human Rights Watch had received reports that Rindhan had been released by the Army but we are not aware of any action taken against his abductors.

#### **5. Mehboob Wadela, age 32**

On April 2, 2010, 32-year-old Mehboob Wadela of the Baloch National Movement (BNM) was abducted on the outskirts of Karachi by men in two police cars and two double cabin Toyota Hilux cars. Witnesses said they believed the police were from Maripur police station. The body of Mehboob Wadela and another man, Arif Rehman, were found near Hadh Cross in the Ormara district of Gwadar on February 23, 2011.

#### **6-7. Nasibullah Langao, age 14, and Abdul Waheed, age 12**

On March 5, 2010, fourteen-year-old Nasibullah Langao and 12-year-old Abdul Waheed, students from village Ismail in Hudda, Quetta, disappeared after they started making inquiries about the killing of Langao's uncle, Abdul Majid Langao. Human Rights Watch has been told that while Majid Langao's dead body has been recovered, the two children remain missing.

#### **8. Bohir Khan, age 26**

On March 31, 2010, 26 year-old Bohir Khan went out to purchase credit for his mobile phone from a local store in the Askari Park region of Quetta, close to a large army residential area and Khalid Airbase. Human Rights Watch understands that Khan has been released by his captors but no action has been taken against his abductors.

#### **9. Abdul Wahab Baloch, age 14**

On March 15, 2010, Abdul Wahab Baloch, a 14-year-old school boy from Tump was on his way to meet a friend who lived in the same town when three FC trucks and two jeeps which, according to a witness, belonged to the security agencies, stopped the car and took him

away. Baloch's father filed an FIR with Tump police. However, the police said that they did not know anything about the incident.

**10. Mir Abdul Waheed Resani Baloch, age 45**

On January 2, 2010, a court in Khuzdar released Baloch after his 10-month detention in Khozdar central jail. However, within minutes of his release, the police picked him again in the street in front of multiple witnesses. The police took him to Mastung police station, where he held a press conference. During the press conference a senior police officer suddenly announced that he would like to "talk to Baloch in private," and took him to another room from where he disappeared. On January 4, Baloch's relatives went to the police, who denied having any knowledge of his whereabouts. They accepted an FIR which simply said that Baloch was "missing." Three days later the family filed a petition with the Balochistan High Court. Baloch's relatives said that after the disappearance the Chief Minister suspended district police officers for Mastung and Much because the Mastung DPO allegedly handed Baloch over to the Much DPO. A month later, however, both officers were reinstalled.

**11-12. Mazhar Khan, age 21, and two-month long enforced disappearance of Abdul Rasool, age 26**

At around 10 p.m. on December 19, 2009, a group of unknown perpetrators abducted 21 year-old Mazar Khan and 26 year-old Abdul Rasool from Khan's house near Kili Station in the Noshki district of Balochistan. According to an eyewitness to the abduction interviewed by Human Rights Watch, seven men in civilian clothes, their faces covered with scarves, broke down the gate to Khan's house and burst in, firing their pistols in the air. The captors tied the two men's wrists and ankles and blindfolded them. Then they dragged them outside, put them into one of their three pick-up trucks, and drove away. The next day, relatives of Khan and Rasool reported the disappearance to police at Kili Station. In the middle of February 2010, Rasool was released by his captors.

In March 2010, the Balochistan High Court accepted a *habeas corpus* petition requesting the Secretary of Defense, Federal Ministry of Interior, Government of Balochistan, MI, the Directorate for Inter-Services Intelligence (ISI) and Station House Officer of Kili station police to provide information on charges brought against Khan and Rasool. The Court has since held five hearings but only police representatives have ever appeared before it. They have denied having any knowledge of the abductions.

**13. Abdul Ghaffar Langao, age 39**

On December 11, 2009, a group of unknown men abducted Abdul Ghaffar Langao, the 39 year-old leader of the Balochistan National Party (BNP). The same day, Langao's relatives

tried to lodge a complaint about his abduction at the Garden police station in Karachi, but the police refused. The family filed a petition with the Sindh High Court on January 12, 2010. On January 15, 2010, the court ordered the Deputy Attorney-General and Advocate General of Sindh to submit a report on Langao's whereabouts within two weeks. On March 3, Deputy Attorney General for Sindh province Umer Hayat Sindhu told the court on behalf of the director-general of the Intelligence Bureau that Langao had not been detained or arrested by the Intelligence Bureau (IB).

#### **14. Sangat-Sana Baloch, age 31**

On December 7, 2009, 31 year-old Sangat-Sana Baloch, a central committee member of the BRP from Khad Khuchu was abducted in Kalpur, near Quetta in Balochistan. At around 4 p.m., as the truck was leaving Kalpur, it was stopped by a police car and two civilian vehicles that blocked the road. The roadblock was located at Bolan Pass on the Quetta-Sindh highway. On December 23, Sangat-Sana's family went to the Kalpur police station but failed to obtain any information. The family filed a petition with the Balochistan High Court in 2010.

#### **15. Enforced disappearance of Lichi, age 37**

At 3 p.m. on November 19, 2009, five men wearing white traditional Pakistani clothes abducted 37 year-old Lichi from a hotel in Vindr in the Lasbela district of Balochistan. In February 2010, following an order by the Supreme Court of Pakistan, police finally lodged an FIR. On July 3, 2010, Lichi's family gave evidence about his disappearance before the CIMP in Quetta. They told the Commission that Lichi was not involved in politics and that they believed he had been abducted by Pakistan's secret intelligence agencies because he belongs to the Marri tribe.

#### **16-17. Enforced disappearance of Mir Sohrab Khan Marri, age 27, and Shah Mohammad Zarkoon, age unknown**

On November 8, 2009, Mir Sohrab Marri and Shah Mohammad Zarkoon were having tea with seven other men at the front courtyard of the Agha Syed Mohammad Hotel on Masjid Road in Quetta. Suddenly, two Toyota Vigo pickup trucks, each with four doors and tinted windows, stopped outside the entrance. According to one of the witnesses, five men in plainclothes and armed with rifles approached Marri and Zarkoon and told them to follow them, holding others at gunpoint.

Marri's relative also told Human Rights Watch that on the evening of March 30, 2010, two men claiming to be members of Military Intelligence visited the family at their home in Quetta, saying Marri was in their custody. On June 2, 2010, Marri's brother gave evidence before the CIMP. Representatives of the police and the federal government were present,

but the Commission did not ask them about the whereabouts of Marri or Zarkoon. That evening, Marri's brother received an anonymous phone call. He said the caller asked him why he testified before the Commission and threatened him, saying, "If you are so keen to meet your brother, we can help you meet him."

#### **18. Enforced disappearance of Najibullah Qambrani, age 27**

In the late evening of October 22, 2009, a group of uniformed Frontier Corps soldiers and men in plainclothes abducted 27 year-old Najibullah Qambrani from his house on Kamrani Road, Quetta. Two days after the abduction, Qambrani's family applied for an FIR at Sarai Police Station in Quetta claiming Qambrani had been abducted by the FC and "agencies." But Qambrani's brother said that the police refused to lodge the FIR because, according to the police, "they could not register an FIR against security forces."

On October 29, 2009, a lawyer representing Qambrani's family lodged a *habeas corpus* petition in the Balochistan High Court. At every hearing the police claimed that Qambrani was not in their custody. Following an order from the Supreme Court of Pakistan, police in Quetta finally registered an FIR regarding Qambrani's disappearance on January 5, 2010.

#### **19. Enforced disappearance of Abdul Nasir, age 27**

On October 14, 2009, 27 year-old motorcycle trader, Abdul Nasir, was repairing a motorcycle in his friend's shop in Quetta. At around 11.30 a.m., four men in plainclothes in a double door pickup truck abducted him. Nasir's family reported his disappearance to the Quetta City police station on April 9, 2010. On January 24, 2010, a lawyer acting on behalf of Nasir's family filed a missing person petition with the Balochistan High Court.

#### **20. Enforced disappearance of Abdul Mujeeb, age 24**

Twenty four-year-old Abdul Mujeeb was Unit Secretary of the (BSOA) and convener of the Tulwar Advisory Council, a body that resolved disputes between different student organizations. On September 1, 2009, Mujeeb was at the Arts Faculty of Balochistan University in Quetta, speaking to his classmates and teachers. According to a witness, two FC pickup trucks were parked next to a university exit close to the Arts Faculty. The witness said that an FC major called Mujeeb to approach the trucks and then placed him into one of the trucks. Mujeeb did not resist arrest, nor was he hooded or handcuffed.

On September 3, 2009, police at the Balochistan University station refused an application for an FIR filed by Mujeeb's family because it mentioned the FC and the MI. However, after



an order from the Supreme Court of Pakistan, on February 9, 2010, police at the same station lodged an FIR against the FC and MI.

Mujeeb's brother told Human Rights Watch that on September 26, 25 days after his arrest, Mujeeb contacted him on his mobile phone. They spoke for several minutes. Mujeeb said he had been detained by the MI. His brother told Human Rights Watch that he could hear someone in the background telling Mujeeb in Urdu not to speak in his native tongue, only in Urdu. In March 2010, Mujeeb's family filed a petition with the Balochistan High Court. Only lawyers for the police attended the Balochistan High Court hearings even though the court had given notice to the Home Ministry, the FC and the MI to appear before it.

#### **21. Enforced disappearance of Din Mohammad Baloch, age 40**

On June 29, 2009, 40-year-old medical doctor Din Mohammad Baloch was on a night shift at a small medical clinic in the Ornach area of Khuzdar district, Balochistan when he was abducted. Several months after Baloch's disappearance, local newspapers reported that the FC had arrested him and two others in connection with an armed attack on the FC on August 14, 2009. The alleged attack took place nearly two months after Baloch had been abducted. In June 2010, the Supreme Court told Baloch's lawyers that the ISI had reported to the court that Baloch was not in their custody but was being held by the chief of the Mengal tribe. However, the ISI did not provide any further details about these claims to the court, and the court did not share their submissions with Baloch's lawyers.

#### **22. Enforced disappearance of Haji Murrad Khan Marri, age 65**

On June 28, 2009, 65 year-old farmer Haji Murrad Khan Marri left his house to go grocery shopping at a local market in the town of Hub when he was abducted by armed men in plainclothes driving in a red Toyota Corolla. For nine months Marri's family had no information about his fate or whereabouts. Then, on January 10, 2010, Balochistan Home and Tribal Affairs Minister Zafar Zehri announced a Rs 3,000,000 (approximately US \$3,400) reward for the capture of Marri and others whom Zehri claimed were wanted Baloch "separatists."

On March 27, 2010, an FC officer called Marri's family and said that Marri was in their custody. The FC said Marri had been charged with murder and possession of Indian currency and explosives. FC Col. Asad Shahzad Kattak held a press conference the same day saying Marri had been arrested in Chaman, close to the Balochistan border with Afghanistan, while crossing into Pakistan from Afghanistan. According to Col. Kattak, Khan had been placed in police custody in Saddar police station in Chaman. However, neither Marri's lawyer nor his family has been allowed to see him.

The criminal case against Marri is pending before the Balochistan High Court. His disappearance case has been added to a combined petition filed by the Human Rights Commission of Pakistan with the Supreme Court of Pakistan in January 2010. Following a Supreme Court order, the Hayt police finally lodged an FIR into Marri's disappearance.

### **23. Enforced disappearance of Zakir Majeed Baloch, age 24**

On June 8, 2009, Zakir Majeed Baloch, a 27-year-old student politician, was driving from Nushki district of Balochistan along with his two friends when five or six men, all in plainclothes abducted him. On October 6, 2009, following a Supreme Court of Pakistan order that required the police to register all disappearance cases countrywide, the police finally lodged an FIR into Baloch's case. The Balochistan High Court accepted a petition regarding his case later that month. On January 22, 2010, Pakistan's National Crisis Management Cell said Baloch had been released to his family, but his family said he had not returned home and his whereabouts remain unknown to them.

### **24. Enforced disappearance of Mohammad Tariq, age 25**

On May 17, 2009, 25 year-old university student Mohammad Tariq was travelling in a truck from Tump district to the city of Turbat in the Mand region close to the Iranian border. At approximately 3 p.m., a pickup truck with FC markings drove up to the truck and FC soldiers ordered the driver to stop. The driver, who knew Tariq, later told his family that uniformed FC soldiers then told all passengers to get out of the truck and lined them up. They went through the line, asking for the passengers' names, and as soon as they heard Tariq's they grabbed him and took him aside. The soldiers then ordered the other passengers to return to the truck, but they and the driver could see Tariq being led into the FC vehicle. The truck proceeded to Turbat. On arrival the driver immediately told one of Tariq's friends that he had been taken by the FC.

The Turbat police continuously refused to accept an application for an FIR into Tariq's case until they were obliged to do so by a Supreme Court order on February 5, 2010. When they finally lodged the FIR soon after the Supreme Court order, it mentioned the FC commander in Turbat and the Minister for Home and Tribal Affairs of Balochistan, the responsible provincial minister for the FC.

Lawyers for Tariq's family lodged a petition with the Balochistan High Court on May 28, 2009, and, at this writing, the court has held at least four hearings. The driver of the truck Tariq was travelling in provided the court with a sworn affidavit describing Tariq's abduction by the FC personnel. Nonetheless, legal representatives for the FC, who

appeared at one of the hearings, denied that Tariq was in FC custody. Tariq's family also reported the case to the CIMP on June 2, 2010.

**25-26. Enforced disappearance and extra-judicial killing of Sher Mohammed Baloch, age 35, Ghulam Mohammed Baloch, age 40, and Lala Munir, age 50**

On April 3, 2009, Sher Mohammed Baloch, Ghulam Mohammed Baloch, and Lala Munir were in their lawyer's office in a local courthouse in Turbat. They were discussing the criminal cases pending against them, which they had been fighting in courts since 2007. Relatives of the three said that after their initial arrest in 2006 and subsequent release on bail, Sher and Ghulam had been repeatedly threatened by representatives of the security agencies, both in the course of the court proceedings and through phone calls.

According to Sher Mohammed's relative, on April 3, 2009, the entire town of Thurbat was secured by FC military personnel while the court heard the cases against the three men. As the men were talking to their lawyer after the hearing, a group of about five or six people in civilian clothes entered the office and started smashing everything around, accusing the three men of being "terrorists." Witnesses at the courthouse later told relatives that agency personnel handcuffed and hooded the three men and put them in cars. They also said that the FC military vehicles were there, and the incident happened in front of numerous witnesses.

Sher later managed to dial a friend from his mobile phone, saying they were being taken away by the agencies, but did not manage to say anything else.

The next day, the BRP filed a petition with the police in Turbat. The lawyer also submitted a petition to the court about the attack in his office. There was no action on either complaint. The families also complained to the HRCF, and there were protests against the abduction in both Karachi and in Balochistan.

On April 9, the police received a phone call informing them of three bodies found in Pedarak, near Turbat. The police informed the families, who later came to the hospital and identified the victims as Sher Mohammed Baloch, Ghulam Mohammed Baloch, and Lala Munir. The relatives said there were multiple bullet holes on the bodies and that the forensic team found many spent cartridges at the scene, which they handed over to the police. The victims' hands were tied and they were still hooded. The relatives said they saw what they believed to be signs of torture on the bodies, including burn marks and bruises on their chests and backs.

## **27. Enforced disappearance of Jallil Akham Riki, age 35**

On February 13, 2009, Jallil Akham Riki, a BRP activist from Chulam Jhan village in Quetta, was leaving a local mosque after prayers. In front of multiple witnesses, four cars surrounded him. Uniformed FC soldiers, together with men in civilian clothes whom witnesses believed to be from the ISI, ordered him into one of the cars. One of the witnesses later told the family that Riki wanted to escape, but the FC soldiers threatened to shoot him and then put him into the car, blindfolded. Riki has been missing since.

The day after his abduction, his family launched a *habeas corpus* petition with Balochistan High Court. The court sent notices to the FC and the ISI, but they neither appeared in court nor responded. They also reported the case to the HRCP, which included it into its joint petition on enforced disappearances brought before the Supreme Court, but this has not produced any results.

A group of human rights defenders brought up the case with the Chief Minister of Balochistan. According to one of the activists, the minister said that Riki had been detained by the ISI on suspicion of involvement in various crimes, including the burning of the Pakistani flag and shouting of anti-government slogans.

The family also learned from one of the released detainees that Riki had been held in Kuli Camp in Quetta for at least eight months. The detainee, who was released in November 2009, told the family that he and Riki had been cellmates since Riki's arrest in February 2009. According to Riki's relative, the former detainee said that Riki had been severely tortured and had serious health problems. He said Riki was so weak that he had to help him wash his clothes and look after himself.

In February 2010, Riki's family filed an FIR against the ISI and the FC with the local police. After that, Riki's father started receiving anonymous phone calls. The callers requested that they revoke the FRI and warned that otherwise they would share Riki's fate.

## **28-29. Several instances of enforced disappearance of Bashir Azeem, age 76, and 6-month-long enforced disappearance of Zakar Qambrani.**

Seventy-six year old Bashir Azeem, a medical doctor and the secretary general of the BRP, has been subjected to an enforced disappearance at least three times, in 2005, 2006, and 2009. In September 2005, a group of men in civilian clothes arrived at his clinic in Sibi and took him away, saying they had intercepted his conversations with Navar Akhbar Bugti, an influential tribal chieftain and key Baloch nationalist leader killed by Pakistan forces in August 2006. Azeem said the men brought him, blindfolded, to a room where two majors

interrogated him about his contacts with Bugti. Unsatisfied with his answers, they said they would take him to Quetta, to be interrogated by higher officers.

Bashir said the officers brought him to a cantonment area in Hanna Utak Valley in Quetta. There, he was held in a cell for seven days and interrogated about his activities. During this time, his family had no information about his whereabouts. He believed that his son's efforts to locate him through contacts in the military eventually helped to secure his release.

In February 2006, when Azeem came to his clinic, his son informed him that MI officers had been asking about him and said he should come and see the MI officer, Major Nadim. Azeem went to the police station, where the major had an office. Azeem said that after asking him a couple of questions, the major told him he was under arrest. He spent ten hours alone in his office, and then two officers handcuffed and blindfolded him and transferred him to another place.

The third arrest took place on February 6, 2009. On that day, at around 7 p.m., Azeem was travelling in a car with a colleague from the BRP, Zakar Qambrani. They were on their way to a press club in Quetta to announce the merger of BRP with another Baloch party, the National Congress.

On the road, their car was blocked by three cars. A group of fully armed men in civilian clothes took both Azeem and Qambrani out of their car, blindfolded them, and put them into a jeep. They took away Azeem's cell phone, glasses, watch, and the money he had on him.

On March 31, 2009, an officer brought him white clothes and told him to get dressed and come out. Azeem said he thought they were about to execute him, but instead they drove him for about 2 hours and then dropped him on the side of the road. From a taxi driver, he found out he was in Karachi and went to stay with his relatives there.

Azeem said that during the entire time of his detention his family had no information about his whereabouts, despite their efforts to find him. His captors, he said, explained that nobody could help him get out. According to Azeem, they used to say, "Even if the President or Chief Justice tells us to release you, we won't. We can torture you, or kill you, or keep you for years at our will. It is only the Army Chief and the ISI chief that we obey."

Azeem said that after they first got separated, he had no information about his colleague. Zakar Qambrani. Qambrani was eventually released four months after Azeem. He said that

he had been held the whole time in Quetta in the jail where the two men were first brought. Qambrani's family also had no information about him until he was released.

### **30. Enforced disappearance of Abdul Ghani, age 18**

On January 31, 2009, 18 year-old Abdul Ghani was on his way from Sibi district to his home district of Thali. At 7.30 p.m., FC personnel at a major checkpoint in Sultankot, Balochistan, stopped the bus that Ghani was travelling on.

In January 2010, several months after the Pakistani parliament passed the Aghaz-e-Haqooq-e-Balochistan law (see Background for more information), the family filed a missing person petition with the Interior Ministry. The police in Thali finally lodged an FIR regarding Abdul Ghani's disappearance on February 9, 2010. A lawyer acting on behalf of his family filed a petition with the Balochistan High Court on February 25, 2010. Ghani's relatives and friends interviewed by Human Rights Watch said that after the lawyers filed the petition, the FC personnel threatened three people who witnessed Ghani's abduction as they crossed the very same checkpoint at Sultankot. "They said, "We will disappear you if you go to court,"" one of the witnesses said. Despite the threat, all three of them gave evidence in the court on April 19, 2010.

Although at this writing the court proceedings were underway, and lawyers for the FC have occasionally appeared in court, the FC has not provided the court with any information about Ghani's whereabouts.

### **31. Enforced disappearance of Noor Khan, age 28**

On December 8, 2008, 28 year-old Noor Khan was filling gas at a gas station in Turbat city, Balochistan. Suddenly, two double door pickup trucks, one black and the other a yellow-sand color, surged into the gas station. Eyewitnesses later told Khan's family that around six men in plainclothes came out of the vehicles brandishing rifles. They immediately grabbed Khan, hooded him, threw a blanket over his head, and put him into one of the trucks. Then both vehicles drove away.

The witnesses immediately informed Khan's family. The same day, the family went to a police station in Turbat to file a missing person report. One of Khan's relatives told Human Rights Watch that an officer at the police station told them, "We don't have authority over this, nor can we do anything about it. You know what happens here in Balochistan."

On December 18, 2008, Khan's family filed a petition with the Balochistan High Court. At this writing, six court hearings have taken place. At one of the hearings, a legal representative for the police said Khan was not in police or FC custody. In February 2010,

following an order by the Supreme Court of Pakistan, police lodged an FIR about Khan's disappearance, calling on the Turbat District Police Officer and the commanding officer of the FC at Turbat to investigate the case.

### **32. Enforced disappearance of Mohammad Yahya, age about 45**

At around 3 p.m. on August 11, 2008, high school teacher Mohammad Yahya was driving his motorcycle from the local bazaar to his house in the Nushki region. A witness later told Yahya's family that a car with no license plates cut off Yahya's motorcycle, forcing it to stop. Several men in plainclothes jumped out of the car, grabbed Yahya, bundled him into their car and sped off.

Three hours after the incident, Yahya's relatives went to a police station in Nushki. But police refused to record the incident because the family could not identify the perpetrators. Yahya's relatives made inquiries with FC personnel in Quetta and with the superintendent of the Quetta District Jail, but in both places the officials denied having Yahya in custody.

In late August, 2009, Yahya's family met Akbar Hussain Durrani, Secretary of the Balochistan Ministry of Home and Tribal Affairs. They spoke to him for a few minutes and, according to the family, Durrani said he would investigate the disappearance. The family also filed a petition regarding Yahya's disappearance with the Balochistan High Court, but at this writing has not received any information regarding his fate and whereabouts.

### **33. Enforced disappearance of Niaz Mohammad, age 28**

On July 8, 2007, 28 year-old Niaz Mohammad was on his way to work together with two friends. One of the friends told Human Rights Watch that as they were passing the Saddam rail crossing at Sariab Rail Station in Quetta, Mohammad stopped to relieve himself while his friends continued walking. At that moment, a four-door white Toyota Vigo pickup truck drove up to Mohammad. Three men in plainclothes jumped out of the car, grabbed Mohammad, dragged him into the vehicle, and sped off in the direction of Sariakot district of Quetta.

Fearing for their own safety, the witnesses did not tell Mohammad's family about the abduction until a month later. The family tried to obtain some information about Mohammad's fate through contacts in Pakistan's intelligence agencies and tribal chiefs, but these efforts proved futile.

One of Mohammad's relatives also reported the case to Shalkot police station in Quetta. The police registered the incident, but refused to lodge an FIR into the case. In 2009, a lawyer acting on behalf of Mohammad's family filed a petition with the Balochistan High

Court, alleging the FC, MI, ISI, IB, and the Pakistan government as the perpetrators. At this writing, four hearings have taken place, but only representatives of the police have appeared before the court. On each occasion, they have claimed that Mohammad was not in their custody and they did not know his whereabouts.

Following the general order of the Supreme Court, the police finally lodged an FIR into the case on June 19, 2010, but the FIR listed Mohammad as a “missing person” without referring to Pakistan’s intelligence agencies.

Mohammad’s family told Human Rights Watch that he was a civil servant working in Quetta and was not politically active, although he did briefly do social work with the Baloch National Party during the 2007 Balochistan earthquake.

#### **34. Enforced disappearance of Tawakal Khan, age 64**

In March 2007, 64 year-old shepherd Tawakal Khan was inside a store in the Thali region of Balochistan near the city of Sibi. Several eyewitnesses, one of whom was Khan’s relative, later told Khan’s family that four cars and several motorcycles suddenly stopped by the store. About 15 men, some in plainclothes and some in uniforms, got out of their cars. Two entered the shop and asked for Khan by name. After the shop owner pointed at Khan, the men grabbed him, dragged him outside and put him into one of the vehicles. Eyewitnesses told Khan’s family that he did not try to resist.

The witnesses informed Khan’s family the following day. A relative told Human Rights Watch that they did not attempt to report the incident to the police because they were worried they would also be “disappeared.” However, in 2009, they filed a petition with the Balochistan High Court. Yet at this writing, they have not been able to obtain any information on Khan’s fate and whereabouts.

Khan’s family and friends said he was not involved in politics but they believed he was taken by Pakistan’s secret intelligence agencies because he was a senior member of the Marri tribe and at the time of his abduction the Pakistan Army was engaged in military operations against parts of the Marri tribe.

#### **35-36. Enforced disappearance of Mohammad Iqbal, age 30, and 11 month-long enforced disappearance of Nawaz Ahmed, Jasum Ali, and Zahid Ali**

On March 14, 2007, FC soldiers detained 30-year-old university student Mohammad Iqbal and three of his friends, Nawaz Ahmed, Jasum Ali, and Zahid Ali.



According to Iqbal's family, who later spoke to Ahmed, Jasum Ali, and Zhad Ali, the FC soldiers detained the four men at approximately 9 a.m. on the road between the districts of Tump and Mand in Balochistan, and took them to the FC camp in Turbat. A shepherd who knew Iqbal witnessed the incident from a distance and immediately told his family. Iqbal's brother told Human Rights Watch that when he went to the FC's Turbat camp the same day, the camp commander said that Iqbal and the other three men had been "detained for questioning and would be released in a matter of hours." When Iqbal's brother next inquired about his whereabouts on April 25, 2007, another FC officer from the same camp at Turbat, Maj. Abdul Rehman, told him that all four men had been shifted to Quetta.

Ahmed, Jasum Ali, and Zahid Ali confirmed this information to the family. They said that together with Iqbal they were first held in Turbat, in an open-air FC prison, and then were transferred to a jail in Quetta's army cantonment. They said that in Quetta interrogators subjected them to sleep deprivation and asked about their participation in armed Baloch groups, which they denied. Ahmed, Jasum Ali, and Zahid Ali were released on February 16, 2008 outside Quetta Army cantonment, but they do not know who released them because they were blindfolded. Iqbal remained in prison.

Relatives of the four men lodged a *habeas corpus* petition in the Balochistan High Court and eventually the case reached the Supreme Court of Pakistan. During Supreme Court proceedings that commenced on May 16, 2009, legal representatives for the Federal Ministry of Interior claimed Mohammad Iqbal had been released, but Iqbal's family denied this.

Following the disappearances, the families of the four men also repeatedly tried to apply for a FIR against the FC, but the police only registered it more than two years later on February 8, 2010, after an order from the Supreme Court of Pakistan. In the FIR, relatives of the four men have accused the FC in Tump, local police and the Home Secretary of Balochistan of involvement in the disappearances.

Two prisoners released from the army cantonment in Quetta in March 2010 told Iqbal's family that for the last two months of their detention they shared a prison cell with Mohammad Iqbal. Iqbal's family said they had informed the Supreme Court of Pakistan of these witnesses' testimony through their lawyers.

### **37. 3 months-long enforced disappearance of "Asad" Asad, age 22**

In December 2006, "Asad" (not his real name), a 22 year-old member of the Baloch Students Organization, was travelling from his native town of Tump to Karachi by bus. In Turbat, three jeeps blocked the bus. A group of armed men in plainclothes got on the bus,

called Asad by name, and dragged him out. They did not provide any explanation and just told Asad that they would shoot him if he resisted.

The men put a hood on Asad's head, handcuffed him, and put him in one of their cars. Asad said that they also gave him an injection in the shoulder which made him lose consciousness. When he woke up, he was hanging upside down in some room. After the initial interrogation, the security forces put Asad in a car and transferred him to another location. Asad said they travelled for what felt like two days during which he was not given food or water and was not allowed to go to the bathroom. They eventually arrived to Quetta and put Asad into a cell. He said that for the first four days he was in solitary confinement, regularly interrogated and beaten. The interrogators, according to Asad, repeatedly said, "If you are so eager to fight, don't fight against Muslims—go join Osama bin Laden in Afghanistan, and kill Christians and Jews!"

After four days, Asad was transferred to another cell where he could communicate with other detainees. They told him that they were detained in Kuli Camp in Quetta. Asad spent another month-and-a-half there and then was transferred to another detention facility. He did not know where the other detention facility was, but believed it was still in Quetta, about an hour away from the Kuli Camp. He spent another two months there, after which the men who he believed were from the security agencies put him in the car, hooded, and, after two or three hours of driving, handed him over to the police.

Asad's family, who found out about his abduction from other passengers on the bus, had no information about his whereabouts during his disappearance. His father filed an FIR with the Turbat police and inquired with the magistrate there, but both the police and the magistrate said there was nothing they could do about it.

Asad was eventually brought before the magistrate and then the Anti-Terrorism Court in Turbat. In both courts Asad gave a detailed account of what happened to him. He said it would have been obvious to those present in the court that he had been tortured. He could not stand on his own; two police officers had to hold him up during the proceedings. The judges, according to Asad, "showed sympathy," but said there was nothing they could do about his treatment. Asad said that ISI personnel, in FC uniforms, were present during the hearing, so the court did not dare to launch any investigations into their actions.

Asad was released on bail in 2007 and has been in hiding since then. He said the agencies came looking for him in Tump. They also called his phone, saying they would catch him again and this time would kill him.

**38-39. 5-month long enforced disappearance of Aziz Khan Bugti, age 30, and Megla Khan Bugti, age 35**

In April 2005, two brothers, 30 year-old Aziz Khan Bugti and 35-year-old Megla Khan Bugti were travelling from Hyderabad, Sindh, to Karachi in their car. Relatives in Karachi who were expecting them by the evening started getting worried when the brothers did not arrive. They tried to find out what happened to them, but did not find any information. During the next five months, the families had no information about their fate or whereabouts. They were too scared, however, to launch an FIR. Family members say that the brothers were not political activists but did various jobs for Nawab Akhbar Bugti.

In 2005, the authorities announced the arrest of the two brothers. Even after the announcement, however, their relatives were not allowed to meet with them. The family believed that the brothers were initially taken by the “agencies” and then handed over to the police. After the two brothers were transferred to Karachi central jail, the relatives were finally allowed to meet with them. At that time, Aziz told his brother that they had been subjected to torture while in police custody.

During the court hearing, which happened shortly after the arrest was announced, the two brothers plead not guilty to the charges of a bombing and other acts of terrorism. The anti-terrorism court sentenced both of them to death. At the time of writing, the appeal was still pending in the Supreme Court.

The brother’s relatives told Human Rights Watch that another 13 members of their family have gone missing since 2008.

# “We Can Torture, Kill, or Keep You for Years”

## Enforced Disappearances by Pakistan Security Forces in Balochistan

In recent years, hundreds of alleged members or supporters of Baloch militant groups have “disappeared” in Pakistan’s western province of Balochistan. Despite hopes raised by Pakistan’s return to civilian rule in 2008, the practice of enforced disappearances, in which the authorities take people into custody and then deny all responsibility or knowledge of their fate or whereabouts, has continued unchecked. Human Rights Watch earlier documented militant abuses in its report, *“Their Future is at Stake.”*

*“We Can Torture, Kill, or Keep You for Years”* is based on over 100 interviews conducted in Balochistan in 2010 and 2011. The majority of the 45 cases documented date from 2009-2010 and show that Pakistan’s security forces, particularly its intelligence agencies and paramilitary Frontier Corps, have targeted ethnic Baloch suspected of involvement in the Baloch nationalist movement. Abductions were carried out in broad daylight, often in busy public areas, and in the presence of multiple witnesses.

Members of the security forces did not identify themselves, explain the basis for arrest, or where they were taking those apprehended. Often they beat the victims, dragging them handcuffed and blindfolded into their vehicles. In all of the cases, the evidence suggests the victims were tortured in custody, including through beatings with sticks or leather belts, prolonged food and sleep deprivation, and being hung upside down.

Enforced disappearances inflict unbearable cruelty not just on the victims, but on family members, who often wait years or decades to learn of their fate. Many cases result in the extrajudicial killing of the victims. Human Rights Watch urges Pakistan to fulfill its obligation to investigate all “disappearance” cases and prosecute those responsible.

*Demonstration in front of Pakistan’s Supreme Court by relatives of “disappeared” persons from Balochistan province, January 5, 2010.*

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