

Ref: TIGO IOR 40/2016.044

Ms. Kate Fox
Secretary
United Nations Human Rights Committee
UNOG-OHCHR
CH-1211 Geneva 10
Switzerland

29 July 2016

**AMNESTY
INTERNATIONAL**



AMNESTY INTERNATIONAL INTERNATIONAL SECRETARIAT
Peter Benenson House, 1 Easton Street
London WC1X 0DW, United Kingdom
T: +44 (0)20 7413 5500 F: +44 (0)20 7956 1157
E: amnestyis@amnesty.org W: www.amnesty.org

RE: PAKISTAN - LIST OF ISSUES

Dear Ms. Kate Fox,

Amnesty International is writing to provide information to the United Nations (UN) Human Rights Committee (the Committee) ahead of the adoption of the list of issues for the third periodic report of Pakistan at its 118th session. We will be grateful if you would circulate this letter to the members of the Country Task Force.

This letter sets out some of Amnesty International's key concerns about violations of the International Covenant on Civil and Political Rights (the Covenant), which are set out below under Articles 6 (right to life), 14 (right to fair trial), 18 (freedom of thought, conscience and religion), and 19 (freedom of opinion and expression).

ARTICLE 6 – RIGHT TO LIFE

DEATH PENALTY

Pakistan lifted the six-year moratorium on executions for people convicted of terrorism-related offences following the Peshawar school attack in December 2014. In March 2015 the moratorium on executions was lifted for all 27 offences for which the law provides for the death penalty, including non-lethal crimes. Amnesty International has recorded at least 396 executions since January 2015 – 326 in 2015 and at least 70 so far in 2016.¹ Some of these individuals were juveniles at the time of the offence or had a mental disability. Amnesty International is also concerned that in many cases death sentences were imposed after trials that did not comply with international fair trial standards.

BLASPHEMY LAWS

The mandatory application of the death penalty for those convicted of blasphemy against the Prophet Muhammad (Section 295-C of the Penal Code) violates Article 6 of the Covenant. Amnesty International is also concerned that those accused of blasphemy are at risk of mob violence which has led to many of them being killed in the past few years.² Article 6 of the Convention places a positive obligation on Pakistan to protect against threats to life by non-state actors; this includes those who commit violence in the name of religion.

¹ These figures are for those convicted in and sentenced by civilian courts only; in addition there have been an estimated 12 executions following sentences imposed by military courts since January 2015.

² See, for example, Amnesty International press release, *Pakistan: Vicious mob killing of Christian couple for 'blasphemy' condemned*, 4 November 2014, <https://www.amnesty.org.uk/press-releases/pakistan-vicious-mob-killing-christian-couple-blasphemy-condemned>

SO-CALLED 'HONOUR' KILLINGS

According to the Human Rights Commission of Pakistan nearly 1,100 women and girls were killed in Pakistan in 2015 by relatives on so-called 'honour' grounds.³ The total number of men, women and children whose killing is claimed to be justified by reference to so-called 'honour'ss is likely much higher because cases are not adequately reported. At the time of writing the Pakistan Law Minister had said an amendment to Anti-Honour Killings Laws (Criminal Laws Amendment) Act, 2014 was expected to be passed by a joint session of the Senate and National Assembly in August 2016 that, if passed, would remove the option of clemency for so-called 'honour' crimes. While Amnesty International welcomes steps aimed at ending impunity for such crimes, it opposes the death penalty as a possible punishment. All death sentences for "honour" killings should be commuted to other punishments which are in line with the Covenant and other international standards.

LAW ENFORCEMENT OPERATIONS IN KARACHI

Amnesty International has received credible allegations of violations committed by members of the police and the Rangers paramilitary force. Individuals from all backgrounds, including members of political parties and human rights defenders, have been subjected to extrajudicial execution, arbitrary arrest, and torture. Amnesty International is concerned that existing security laws and practices, and the absence of any independent, impartial and transparent mechanisms to investigate and hold accountable law enforcement authorities have enabled an environment in which state forces in Karachi perpetrate violations with near total impunity.

ARTICLE 14 – RIGHT TO FAIR TRIAL BY A COMPETENT, INDEPENDENT AND IMPARTIAL TRIBUNAL

Amnesty International is concerned that death sentences are handed out after trials that do not comply with fair trial guarantees as set out by Article 14 of the Covenant. Trials in Pakistan often do not meet internationally recognised fair trial standards: legal representation is costly, which disproportionately impacts those living in poverty and marginalised communities, and lawyers often do not have the necessary competence; courts often do not exclude from evidence statements that have been made as a result of torture, and compliance with fair trial standards is hampered by investigators' reliance on obtaining confessions and their failure to make effective use of forensic and other investigative techniques.

MILITARY COURTS

The military courts established by the Pakistan government in January 2015 after the 21st Amendment to the Pakistan Constitution, in which, among other things, proceedings are held in secret and the presiding military officers are not required to have any legal training, fail on the most fundamental aspects of Pakistan's international fair trial and other human rights obligations under the Covenant. Individuals suspected of a crime are not promptly and adequately informed of the charges against them. Details of the process through which cases are referred to military courts have not been made public, and proceedings are held in secret. Individuals brought before military courts are not guaranteed access to families or a lawyer of their choice. As far as Amnesty International is aware, 12 civilians have been executed following convictions in military courts from January 2015 to July 2016.

ARTICLE 18 – RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

Sections 295, 295-A, 295-B, 295-C, 298-A, 298-B and 298-C of the Pakistan Penal Code 1860, commonly referred to as the blasphemy laws, violate the right to freedom of thought, conscience and religion, as well as the right to freedom of expression. In particular, section 298-C of the Pakistan Penal Code makes it an offence for members of the Ahmadiyya faith to preach or propagate their faith.

ARTICLE 19 – RIGHT TO FREEDOM OF OPINION AND EXPRESSION

RESTRICTIONS ON THE MEDIA

Amnesty International is concerned by the persistent application of laws and practices that restrict the media and hinder the exercise of the rights to freedom of opinion and expression protected under Article 19 of the Covenant. The Pakistan Electronic

³ Human Rights Commission of Pakistan, *State of Human Rights 2015: Women*, April 2016, available at: http://hrcp-web.org/hrpweb/wp-content/uploads/2016/04/Women_12.pdf, p. 15

Media Regulatory Authority (PEMRA), the federal regulator of Pakistan's broadcast media, has invoked laws to restrict the content of media outlets by issuing fines, threatening to cancel broadcasting licenses, and, in a handful of cases, threatening to bring criminal proceedings against journalists and media company owners. A number of representatives of media outlets have told Amnesty International that they have been compelled to self-censor as a result of these measures, particularly restricting critical content with respect to content dealing with issues such as the operation of the military courts, the situation in the province of Balochistan, armed groups, and other matters relating to foreign policy, national security, religion, and human rights. The Prevention of Electronic Crimes Bill 2016, at the time of writing under debate in the Senate, also poses a risk to the right to freedom of expression, as well as the right to privacy. It would enable criminal proceedings to be brought against online media outlets and journalists on the basis of criminal offences that are overbroad and vaguely defined.⁴ For example, the offence of 'cyber-terrorism' includes, among other things, acts that are "for the purpose or motive of advancing a cause whether political, religious, sectarian or ethnic."⁵

ATTACKS ON JOURNALISTS

As documented by Amnesty International in a detailed report in April 2014,⁶ journalists and other media workers across Pakistan continue to risk harassment, abduction and death at the hands of state and non-state actors such as security forces, intelligence agencies, armed and religious groups, political activists and members of the general public. Journalists working in the insurgency-hit Federally Administered Tribal Areas and Balochistan or those working on national security issues are particularly exposed to such risks. Except in a handful of cases, the authorities have failed to provide adequate protection to human rights defenders and journalists to enable them to carry out their work without fearing for their lives. The state has a poor record of bringing to justice those suspected of responsibility for attacks on human right defenders and journalists.

We hope that this information will be useful for the Country Task Force on Pakistan in preparing the List of Issues, and do not hesitate to contact us should you need any further information.

Yours sincerely,



P.P. Jane Connors,
Director, International Advocacy
Amnesty International

⁵ Article 10, The Prevention of Electronic Crimes Bill 2015.

⁶ See Amnesty International's report *A bullet has been chosen for you: attacks on journalists in Pakistan* (Index: ASA 33/005/2014).