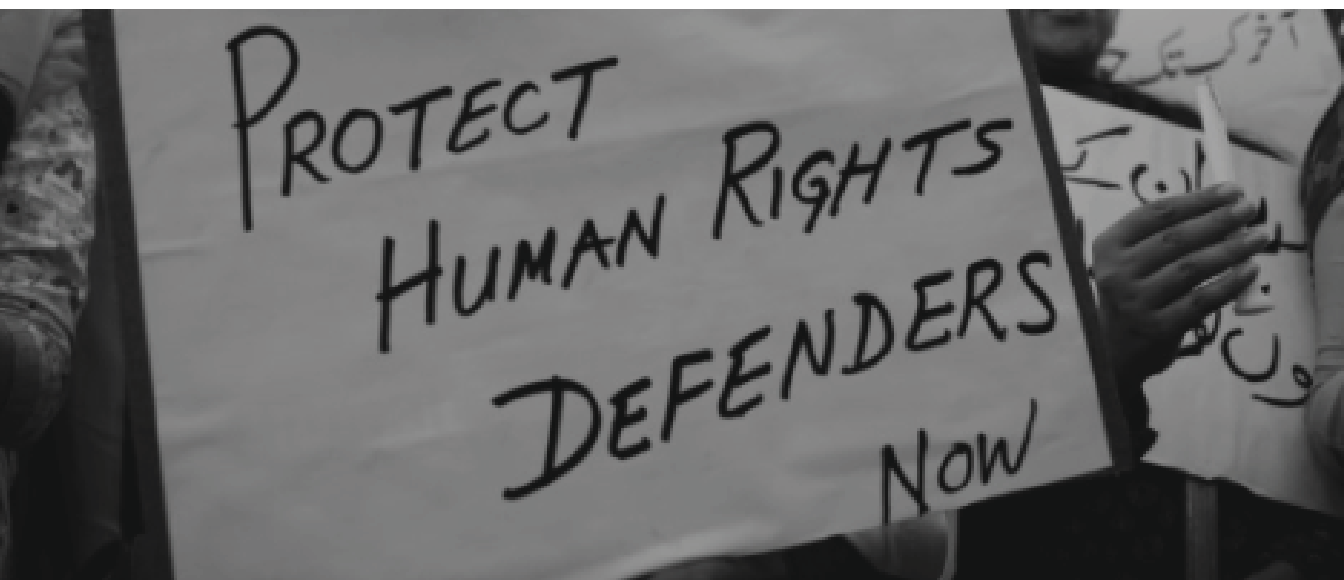




Defence of  
Human Rights

# FROM THE FIRE LINE





## **“From the Fire Line”**

A research report highlighting the challenges and risks of  
Human Rights Defenders in their pursuit of justice for the  
victims of Enforced Disappearances

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## About Defence of Human Rights

**Defence of Human Rights and Public Service Trust (DHR) Pakistan** is an independent, non-governmental, non-profit organization dedicated to ending Enforced Disappearances, torture, and associated human rights abuses. Founded in response to the abduction of Mr. Masood Janjua in 2005 and formally registered in 2010, DHR emerged from the personal experience of victimhood and has since grown into a nationwide movement advocating for justice, freedom, and the rule of law.

DHR's origins trace back to 2006, when Mrs. Amina Masood Janjua, after encountering numerous dead ends in the search for her husband, staged peaceful protests outside Pakistan's Parliament. Her lone voice soon resonated with hundreds of other families whose loved ones had vanished, leading to public demonstrations that caught the attention of the Supreme Court. Under mounting civic, media, and legal pressure, many detainees were eventually freed. DHR's ongoing work involves documenting cases, filing legal petitions, organizing protests, conducting awareness seminars, lobbying, and collaborating with national and international human rights bodies.

To date, DHR has documented over 3,057 cases of enforced disappearance, resolving nearly a third of them despite limited resources. Their efforts include appealing to Pakistan's highest offices—President, Prime Minister, Chief Justice, and Chief of Army Staff—while also engaging political parties, the media, and the United Nations to amplify the plight of victims. Each action underscores DHR's core belief that justice, freedom, and the preservation of human rights must transcend caste, creed, ethnicity, religion, and gender.

To ensure that every citizen's fundamental rights are protected, where no one suffers enforced disappearance or torture, and where justice prevails. DHR envisions a Pakistan free from these violations, with all Enforced Disappeared has returned safely to their families. The mission is to end this tragic chapter of human rights abuses, restoring the rule of law and ensuring that no family endures the agony of not knowing the fate of a loved one.



## Foreword

It is with deep gratitude and a sense of collective responsibility that I present “*From the Fire Line*”, our latest research report highlighting the perilous circumstances faced by Human Rights Defenders (HRDs) in Pakistan. This report sheds light on the daily risks that HRDs, particularly those advocating for the rights of victims of enforced disappearances, endure in their tireless pursuit of justice and accountability.

As the Chairperson of Defence of Human Rights (DHR), an organization born from personal loss and a relentless quest for justice, I am acutely aware of the sacrifices made by those who speak out against the systemic abuses plaguing our country. Since the abduction of my husband in 2005, I have witnessed firsthand the harsh realities faced by families whose loved ones have disappeared, and the extreme measures taken by the state to silence those advocating for their rights.

I would like to begin by acknowledging the HRDs who have been the backbone of this research. Their bravery in the face of adversity, their unwavering dedication to human rights, and their resilience in defending justice despite the immense risks they endure are the driving forces behind this report. These individuals, many of whom have suffered the harshest forms of persecution, have risked their lives and safety to ensure that the truth is heard. It is their courage that empowers movements for justice and human dignity in Pakistan.

I also wish to express my sincere thanks to the researchers who have worked tirelessly to bring this report to life. Through their meticulous research, thoughtful analysis, and deep understanding of the complexities surrounding human rights in Pakistan, they have crafted a comprehensive account of the struggles HRDs face. Their efforts have not only documented the lived experiences of these defenders but have also contributed to raising awareness about the systemic issues that continue to undermine human rights protections in Pakistan.

This report is not just a document; it is a call to action. It draws from the personal stories of courageous individuals who have suffered not only at the hands of the state but also from the broader societal forces that seek to delegitimize their work. The stories shared within these pages reveal the harsh reality of enforced disappearances, torture, threats, and harassment faced by those who dare to challenge the status quo.

Despite Pakistan’s commitments under international law, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political

Rights, HRDs continue to face severe persecution. The failure of the state to uphold its legal obligations creates a climate of fear and impunity that stifles the voices of those who fight for human rights and justice.

Our report calls for immediate reforms to protect HRDs, including the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and the establishment of independent protection mechanisms for defenders. Without such action, the future of human rights in Pakistan remains in jeopardy.

As you read through this report, I urge you to recognize the resilience and courage of those who continue to advocate for justice under these harrowing circumstances. The work of HRDs is essential to the preservation of our collective humanity, and it is incumbent upon us all to ensure their safety and freedom to continue their vital work.

Let this report be a reminder of the ongoing struggle for justice and the necessity of standing in solidarity with those who risk everything to defend human rights.

*“Blessed are those who have found the golden path of struggle; they never get old, they never get tired and they never lose hope”*

**Amina Masood Janjua**

Chairperson, Defence of Human Rights



## Executive Summary

The research report, ***“From the Fire Line”*** by the Defence of Human Rights and Public Service Trust (DHR), delves into the multifaceted challenges faced by Human Rights Defenders (HRDs) in Pakistan, particularly those advocating for victims of enforced disappearances. By documenting the systematic and institutionalized violations against HRDs—such as arbitrary detentions, enforced disappearances, judicial harassment, smear campaigns, and violent attacks—the report exposes the state’s repressive measures often justified under the guise of counterterrorism and national security.

Enforced disappearances remain a central concern in Pakistan, with over 10,000 reported cases since 2011. Central to the report is the issue of enforced disappearances, with over 10,000 reported cases since 2011. Families of victims endure relentless harassment, social stigma, and profound psychological trauma, with women HRDs facing heightened risks of gender-based violence. The suppression of freedoms of expression, assembly, and protest exacerbates the challenges for HRDs, who remain at the forefront of the struggle for justice and accountability in a hostile environment.

The report emphasizes Pakistan’s failure to align domestic laws with international human rights frameworks, such as the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention Against Torture (CAT). Alarmingly, the state has yet to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). This inaction reflects a lack of political will to address and combat these violations.

Instances like the Baloch March—a month-long sit-in led by families of enforced disappearance victims in Islamabad—highlight the state’s hostility toward peaceful protests. The march was marked by harassment, profiling, and threats, reflecting the oppressive measures used to silence dissent. Similarly, on the “International Day of the Victims of Enforced Disappearances,” Defence of Human Rights organized a protest. However, families and human rights defenders (HRDs) were barred from demonstrating outside D-Chowk and instead faced a police crackdown. These events demonstrate how the crackdown on freedoms of expression and assembly creates a broader chilling effect on HRDs, limiting their ability to advocate for justice and human rights.

The political climate is severely hostile in conflict regions such as Balochistan, Khyber Pakhtunkhwa (KP), and the former Federally Administered Tribal Areas (FATA), where HRDs face threats from state security agencies, armed groups, and religious extremists. Furthermore, existing laws like the Prevention of Electronic Crimes Act (PECA) 2016

are frequently weaponized to suppress dissent and criminalize peaceful advocacy, further constraining the space for HRDs.

The report critiques Pakistan's delay in adopting the 1998 UN Declaration on Human Rights Defenders as binding domestic law and urges the state to enact a comprehensive *Human Rights Defenders Protection Bill*. Key recommendations of the report include:

- Recognizing human rights defense as lawful and protecting HRDs from threats, attacks, and harassment by enacting a domestic law at Federal Level, such as the "Human Rights Defenders Protection (HRDP) Bill.
- Conducting impartial investigations into human rights violations, ensuring fair trials for victims, and prosecuting perpetrators.
- Providing effective remedies and reparations to victims of abuse.

By emphasizing the critical role HRDs play in safeguarding democracy, justice, and human dignity, *"From the Fire Line"* serves as a call to action. It urges Pakistan to prioritize the protection of HRDs, recognizing their essential contribution to upholding human rights and fostering accountability in an increasingly repressive environment.

## Introduction

Pakistan is witnessing a growing climate of fear and repression, where dissenting voices face systemic silencing. Those advocating for human rights, particularly Human Rights Defenders (HRDs), confront grave risks, including harassment, smear campaigns, unlawful detention, and even extrajudicial killings. These actions reflect a broader state strategy to suppress dissent and maintain control, often under the pretext of national security.

Human Rights Defenders (HRDs) play an integral role in the formation of a just society, advocating for the protection of fundamental rights. They come from various backgrounds—journalists, environmentalists, whistle-blowers, trade unionists, lawyers, teachers, and independent activists.

However, their work is fraught with danger. HRDs advocating against enforced disappearances, in particular, are targeted by state and non-state actors, who perceive their activism as a threat to entrenched power structures. They face abductions, judicial harassment, surveillance, and accusations of being “anti-state” or “foreign agents.”

The practice of enforced disappearances remains a central concern in Pakistan’s human rights landscape. It is frequently used as a tool to stifle dissent and restrict freedom of expression. The recent abduction of Kashmiri poet and journalist Ahmad Farhad, allegedly due to his criticism of authorities, underscores the growing risks HRDs face.<sup>1</sup> Although Farhad was released after a few days, his case reflects the systemic use of enforced disappearances to instill fear and deter activism.

Despite being a signatory to international human rights frameworks such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the UN Convention Against Torture (CAT), Pakistan consistently falls short in upholding these commitments. Domestically, constitutional protections such as the right to security (Article 9), safeguards against arbitrary detention (Article 10), and the right to a fair trial (Article 10A) are frequently undermined by weak rule of law and systemic impunity.

In recent times, there has been an escalation in the number of cases of enforced disappearances, including short-term disappearances, and extra-judicial killings. The recent data from the Commission of Inquiry on Enforced Disappearances (ColoED)

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<sup>1</sup> (Hussain, 2024)

reveals that 10,438 cases of enforced disappearance have been registered till November 2024 (see Annexure A). However, civil society organizations and movements report much higher figures, citing widespread underreporting driven by fear and intimidation. Families of victims often refrain from lodging complaints due to the risk of reprisal and lack of trust in state institutions. Conflict regions such as Balochistan and Khyber Pakhtunkhwa remain particularly affected, with HRDs in these areas facing heightened risks due to the overlapping presence of state security forces, armed groups, and political instability.<sup>2</sup>

This report highlights the challenges faced by HRDs between **2018-2024** particularly those who work on enforced disappearances in Pakistan. It will also include the testimonies of HRDs who have been subjected to physical abuse, enforced disappearance, surveillance, threats, and judicial harassment because of their work. Furthermore, the report also examines the gaps in legal mechanisms pertaining to the protection of HRDs in Pakistan and proposes recommendations accordingly.

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2 (Iqbal, 2024)

## Methodology

The research content of this report is based on qualitative research, including 20 in-depth interviews, both remote and in-person, conducted with the victims of state oppression owing to their human rights work. The interviewees, consisting of six women and fourteen men, represented diverse professions, including lawyers, journalists, educators, and politicians. The diversity of our participants allowed for a nuanced understanding of the risks faced by the persecution of Human Rights Defenders across various backgrounds.

The interviews were conducted in English and Urdu, with Urdu interviews later transcribed and translated into English. To maintain the integrity of the research, strict ethical protocols were followed. The participants' identities were protected unless informed consent was explicitly provided, ensuring their safety and security.

To enhance reliability, the report uses triangulation, corroborating findings from interviews with secondary data and external reports. This approach minimizes bias and provides a comprehensive view of the issues.

In addition to primary interviews, this report integrates secondary research from credible sources, including reports by UN agencies, non-governmental organizations such as Amnesty International, media articles, and government data. Relevant legal judgments by Pakistani courts were also reviewed to understand the judicial response to the challenges faced by HRDs.

The report acknowledges its limitations, including restricted access to certain regions due to security concerns, which may have impacted the breadth of participation. The reliance on remote interviews for some participants might also limit the depth of personal observation. Despite these challenges, every effort was made to ensure the research remains representative and robust.



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# Chapter 1

## Context and Overview of Human Rights Defenders in Pakistan

### 1.1 What constitutes a Human Rights Defender?

Human Rights Defenders (HRDs) are individuals or groups who act to promote or protect human rights through peaceful and nonviolent means.<sup>3</sup> They address a broad range of human rights concerns, including issues such as arbitrary detention, discrimination, access to healthcare, and environmental justice. HRDs defend fundamental rights including the right to life, freedom of expression, freedom of movement, and equality before the law. They also amplify the voices of marginalized groups, including women, children, indigenous communities, persons with disabilities, and other vulnerable populations.

Importantly, the role of an HRD is not confined to professional or formal organizational structures. Anyone—regardless of gender, age, or professional background—engaged in the promotion or protection of human rights is recognized as an HRD, whether through global platforms or local grassroots initiatives.

The concept of HRDs evolved through key milestones in international human rights advocacy. The 1975 Helsinki Final Act first underscored individuals' rights to know and act upon their human rights. Building on this, the UN Commission on Human Rights in 1980 urged states to support those advancing human rights work. By 1987, Canada and Norway introduced a draft declaration emphasizing the need to protect HRDs. This effort culminated in the 1998 adoption of the UN Declaration on Human Rights Defenders,<sup>4</sup> formalizing their rights and state obligations.

This landmark Declaration codified the rights of HRDs and the corresponding obligations of states to support and protect them. Article 1 asserts the right of every individual or group to strive for the promotion and protection of human rights. Article 12 specifically mandates states to safeguard HRDs from violence, retaliation, or any

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3 (Office of the United Nations High Commissioner for Human Rights. (n.d.))

4 (Office of the United Nations High Commissioner for Human Rights. (n.d.))

adverse consequences arising from their peaceful activities. Furthermore, Article 14 stresses the need to foster public understanding and education about human rights to cultivate a culture of respect and protection for these rights.

At the time of this report, **Pakistan has not signed the UN Declaration on Human Rights Defenders**. Despite being a signatory to several international human rights treaties, such as the **International Covenant on Civil and Political Rights (ICCPR)** and the **Convention Against Torture (CAT)**, Pakistan's commitment to protecting HRDs remains inconsistent.

During the UN review of Pakistan's human rights record in January 2023, Hillel Neuer, executive director of the Geneva-based UN Watch, stated that “the UN must urge Pakistan’s military-dominated regime to put an end to torture, enforced disappearances...”<sup>5</sup>

More than two decades have passed since the adoption of the **1998 Declaration**, which recognized HRDs as essential agents of change in advancing human rights globally. However, in Pakistan, the principles of the Declaration are far from being upheld. HRDs are often branded as “anti-state agents”, “foreign operatives”, or “terrorists”, and their work is systematically obstructed by both state and non-state actors. The widespread use of enforced disappearances, particularly against journalists, lawyers, and activists, exemplifies the state’s repressive approach to silencing dissent.

This report seeks to shed light on the precarious position of HRDs in Pakistan while advocating for robust protections aligned with international human rights standards.

## 1.2 Legal and Political Foundations: Challenges for Human Rights Defenders in Pakistan

The journey of Human Rights Defenders (HRDs) in Pakistan is deeply intertwined with the country’s legal and political history. At the time of its independence in 1947, Pakistan adopted the **Government of India Act 1935** as its interim constitutional framework. While this served as a foundational legal structure, the continuation of colonial-era laws shaped the country’s legal system and directly contributed to the challenges faced by HRDs today.

Key statutes such as the **Pakistan Penal Code (1860)**, the **Code of Criminal Procedure (1898)**, and the **Code of Civil Procedure (1908)** remain in force, albeit

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5 (Neuer, 2025)

with amendments. Many of these laws, originally designed to suppress dissent during British rule, continue to impose significant restrictions on civil liberties. For example, the **Official Secrets Act of 1923**, which was initially crafted to suppress opposition to colonial rule, remains a potent tool in curtailing freedom of speech.<sup>6</sup> HRDs often face judicial harassment under this act, as it allows the state to criminalize dissent in the name of “national security.” Amina Masood Janjua, Chairperson of Defence of Human Rights, notes that instead of repealing the Act, the state has made the law “even stricter,” highlighting its weaponization against HRDs advocating for justice and accountability.

The **Pakistan Army Act** similarly infringes on fundamental rights, permitting civilian trials in military courts for cases involving mutiny, espionage, or breaches of “prohibited areas.” This act not only undermines civilian jurisdiction but also creates an intimidating environment for HRDs who expose state-led human rights violations, including enforced disappearances and extrajudicial killings.

Post-colonial legislation, such as the **Anti-Terrorism Act of 1997** and the **Prevention of Electronic Crimes Act (PECA) of 2016**, further abrogates civil liberties. For example, **Section 37 of PECA** allows sweeping censorship powers, which are often used to suppress dissenting voices online. These laws disproportionately target HRDs, labeling their advocacy as “anti-national” or “incitement to violence,” effectively criminalizing their work.

Furthermore, Pakistan’s political history has been marked by periods of prolonged military regimes spanning different periods: 1958–1969, 1977–1988, and 1999–2008. These military rules restricted freedoms of speech, curtailed civic space, repressed dissent, and violated civil and political rights. Under military regimes, the concentration of power within the “establishment” led to systemic crackdowns on HRDs, leaving them vulnerable to state repression. Even during civilian governments, authoritarian tendencies prevailed, with the “establishment” (a euphemism for Pakistan’s military and intelligence apparatus) exerting significant influence. This dynamic continues to marginalize HRDs, exposing them to surveillance, enforced disappearances, and other forms of state-sponsored violence.

For HRDs, the use of draconian colonial-era laws alongside modern legislative tools creates a double-edged sword, where both historical and contemporary legal mechanisms are used to suppress their advocacy. HRDs are often labeled “foreign agents” or “enemies of the state,” with devastating consequences, including extrajudicial killings, arbitrary detentions, enforced disappearances, and forced exile.

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6 (Hussain, 2023)

Despite these challenges, HRDs in Pakistan remain undeterred in their pursuit of justice and equality. Their work exposes systemic violations and champions the rights of marginalized communities, making them indispensable to the fabric of a just society. However, their resilience comes at a high cost, as they navigate a perilous landscape fraught with risks and threats. Advocacy for transparency and human rights in Pakistan continues to require extraordinary courage, as the state apparatus often views dissent not as a form of accountability but as a threat to its authority.

### 1.3 State Repression and the Erosion of Fundamental Freedoms

Following the ouster of PTI leader, Imran Khan, after a vote of no-confidence in April 2022, Pakistan experienced a political upheaval.<sup>7</sup> May 9, also known as ‘black day,’ signified violent protests pointed at the military by PTI activists<sup>8</sup> after Imran Khan was arrested on corruption charges.<sup>9</sup>

In the aftermath of these events, the state intensified its crackdown on political activism. In February 2024, the suppression of PTI protestors escalated.<sup>10</sup> Over 4000 PTI protestors were detained before the Islamabad rally was held in November 2024.<sup>11</sup>

The introduction of repressive legal frameworks like the Punjab Defamation Bill<sup>12</sup>, Peaceful Assembly and Public Order Act 2024, Anti-Terrorism (Amendment) Bill 2024,<sup>13</sup> Pakistan Army (Amendment) Bill 2023<sup>14</sup> and Officials Secret (Amendment) Bill 2023,<sup>15</sup> 26th Constitutional Amendment<sup>16</sup> further signifies the state’s increasing curtailment of fundamental rights.

These measures have severely undermined the rights to freedom of expression and assembly, with grave implications for democratic participation and dissent. The arrest of journalist Matiullah Jan, who was reporting on a PTI protest in Islamabad, sparked

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7 (The Express Tribune, 2024)

8 (Dawn, 2024)

9 (SohailSohail & Ng, (2024)

10 (Hussain, 2024)

11 (Hussain, 2024)

12 (Mahmood, 2024)

13 (Butt, 2024)

14 (Ahmad & Butt, 2024)

15 (Dawn.com, 2023)

16 (ICJ, 2024)

widespread outrage among civil society, highlighting the growing threats to press freedom in Pakistan.<sup>17</sup>



Police produces journalist and Human Rights Defender (HRD) Matiullah Jan in Court - Photo Source Duniya News

While these measures predominantly targeted political activists, they also created a deeply hostile environment for Human Rights Defenders (HRDs). The suppression of freedoms of expression and assembly—fundamental rights protected under international law—poses significant challenges for HRDs advocating for justice, accountability, and democratic principles. Such repressive actions amplify risks for HRDs, as they are often conflated with political dissidents, subjected to similar harassment, and denied the ability to carry out their work safely and effectively.

In this fraught political landscape, the line between political activism and human rights advocacy becomes blurred, making it increasingly difficult for HRDs to navigate their roles. The state's broad-brush crackdowns not only undermine democratic processes but also jeopardize the safety and legitimacy of those defending human rights, emphasizing the urgent need to safeguard these fundamental freedoms in Pakistan.

17 (IFJ, 2024)



## Chapter 2

# Enforced Disappearances in Pakistan

Enforced disappearances in Pakistan have emerged as one of the most egregious violations of human rights, leaving victims outside the protection of the law and rendering them exceedingly vulnerable to further abuses, including custodial torture, forced confessions, and even extrajudicial killings.<sup>18</sup> This tactic is a profound challenge to both national and international human rights standards, particularly for HRDs who courageously work to expose such abuses and advocate for accountability.

Although the **International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)** came into effect in December 2010, Pakistan has yet to ratify it. This reluctance reflects a broader trend of neglecting international human rights obligations. According to the Convention, the definition of enforced disappearance is “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorisation, 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” (**Article 2**).<sup>19</sup>

This chapter examines the multi-faceted dimensions of enforced disappearances in Pakistan, focusing on the critical role of HRDs in challenging state practices, advocating for justice, and supporting victims’ families. It underscores the legal and political obstacles that hinder their efforts, including the inefficacy of the ColoED, state reluctance to meet international obligations, and the unique challenges faced by women HRDs. Addressing enforced disappearances requires a comprehensive and victim-centered approach, coupled with robust support and protection mechanisms for HRDs, who remain at the forefront of this critical human rights struggle.

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18 (Shah & Rizwi, 2023)

19 (Office of the United Nations High Commissioner for Human Rights. (n.d.))

## 2.1 Regressive Laws and International Obligations

Pakistan is a state party to multiple international instruments such as the **Universal Declaration of Human Rights (UDHR)** and the **International Covenant on Civil and Political Rights (ICCPR)**, **UN Convention against Torture and other Cruel, Inhuman and Degrading Treatment and Punishment (CAT)** in 2010.

Under these international instruments, a citizen's freedom of opinion and expression is protected (**UDHR and ICCPR, Article 19**) as well as the right to a fair trial and equal protection of the law, without any discrimination on the basis of their status, political or other opinion, and birth and family ties (**Articles 2, 7 and 10** of the **UDHR** and **Articles 2(1) and 26** of the **ICCPR**). The citizens of the state parties are also granted the right to an effective remedy under **Article 8** of the **UDHR** and **Article 2(3)** of **ICCPR** but the aforementioned rights are consistently violated in Pakistan with impunity, especially in the cases pertaining to the Human Rights Defenders.

Chapter II of Pakistan's Constitution outlines the fundamental rights guaranteed to its citizens, covering **Articles 8 to 28**. All citizens are equal in the eyes of the law (**Article 25**). **Article 9** of the Constitution ensures the security and liberty of a person. Moreover, the Constitution also provides safeguards pertaining to arrest and detention; every person who is arrested and detained in custody shall be produced before a magistrate within a period of twenty-four hours of such an arrest (**Article 10(2)**). As per **Article 10A**, the Constitution grants the right to a fair trial to a person having criminal charges against him. Furthermore, **Article 14** prohibits torture for the purpose of extracting evidence.

However, despite the constitutional guarantees regarding rights of the citizens, fundamental rights of the citizens of Pakistan are repeatedly violated due to weak rule of law and unconstitutional measures.

The persecution of HRDs, especially those advocating against enforced disappearances, is facilitated by a combination of repressive laws and executive actions that grant excessive powers to state agencies. These laws disproportionately target HRDs, journalists, and activists, leaving them vulnerable to arbitrary detention, prolonged trials, and targeted harassment.

The **Prevention of Electronic Crimes Act (PECA) 2016** was introduced as a tool to combat harassment and hate speech. However, the law has been weaponized by state authorities to silence critics. Its ambiguous provisions enable misuse, particularly against HRDs advocating for transparency and accountability.<sup>20</sup>

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<sup>20</sup> (Aziz, 2022)



Furthermore, the **Actions (in Aid of Civil Power) Regulation 2011** authorises the armed forces to detain anyone, at any time, anywhere in the province without charges and without producing the accused before a court of law. Applicable across Khyber Pakhtunkhwa, it violates fundamental constitutional rights, including safeguards against arbitrary detention. The International Commission of Jurists (ICJ) condemned the ordinance, labeling it “dangerous and oppressive.”<sup>21</sup> “The Ordinance is yet another example of Pakistan’s resort to ‘exceptional’ measures that are grossly incompatible with human rights protections, ostensibly to combat terrorism and other serious crime,” said Frederick Rawski, ICJ’s Asia Director.<sup>22</sup> It allows the military to operate with impunity, undermining accountability and justice.<sup>23</sup>

In order to provide speedy trials for people suspected of waging war against Pakistan, the government enacted the **Protection of Pakistan Act (POPA)** in July 2014. Although the courts established under the Act stand dissolved as the law has not been extended since 2016, it is another noteworthy example of legal engineering to suppress dissent. It granted sweeping powers to law enforcement, including secret detentions and reversed the burden of proof, violating due process. POPA’s special courts denied fair trial standards, enabling prolonged detentions of HRDs under the guise of combating terrorism.<sup>24</sup> Furthermore, the “special courts” under the Act granted broad immunities to the police, armed forces or civil armed forces acting in aid of civil authority to shield them from any accountability.<sup>25</sup>

The **Official Secrets Act, 1923** is Pakistan’s Anti Espionage Act. Initially implemented by British colonial rulers to suppress dissent, this Act continues to be used by the state to subjugate citizens. Its retention and expansion underscore the lack of reform in protecting civil liberties.

Both the **Pakistan Army Act (PAA), 1952**, and **Official Secrets Act, 1923** allow trial of civilians in military courts in narrowly defined circumstances, including inciting mutiny, spying, and taking photographs of “prohibited” places. However, human rights organisations have expressed deep concerns that Pakistan’s military courts should not be used to prosecute civilians, even for crimes against the military, because their secret procedures may deny victims the right to due process.<sup>26</sup>

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21 (ICJ, 2019)

22 Ibid.

23 (U.S. Department of State, 2023)

24 Interview with Amina Masood Janjua

25 (Omer, 2016)

26 (HRW, 2023)

The **Anti-Terrorism Act (ATA) of 1997** is another legislative instrument that has been leveraged to target Human Rights Defenders (HRDs), often under the guise of maintaining public order and combating terrorism. The ATA is Pakistan's main anti-terrorism legislation, which was formed to increase the power of law enforcement agencies in prevention and investigation of terrorism and to create special anti-terrorism courts to expedite trials of terror suspects.<sup>27</sup> It created a parallel set of procedures "for the custody, detention, prosecution, and sentencing of terrorism suspects in the country."<sup>28</sup>

The **ATA** defines terrorism broadly, allowing for its misuse against individuals and groups involved in peaceful advocacy or dissent. The Act defines terrorism as:

*"The use or threat of action where the use of such action is designed to coerce and intimidate or overawe the Government or the public or a section of the public or community or sect, or to create a sense of fear or insecurity in society."*

The following provisions of the ATA are particularly prone to misuse:

### 1. **Section 6** (Definition of Terrorism):

This section encompasses a wide range of activities, including those causing damage to property or intimidation, which can be interpreted loosely to include legitimate protests or advocacy.

*"Whoever uses or threatens to use violence for the purpose of advancing a political, religious, or ideological cause, intimidating or coercing the public or a section of the public, or striking terror in the public shall be guilty of terrorism."*

### 2. **Section 7** (Punishments for Terrorist Acts):

The punishments under this section range from death to imprisonment and fines for acts deemed terrorist in nature. The broad application of this section allows HRDs to be charged under terrorism laws for acts that might constitute civil disobedience or protests.

### 3. **Schedule of ATA:**

The schedule includes offenses that are deemed terrorism-related, encompassing activities that do not necessarily align with the general understanding of terrorism. *"An act, which may cause harm, create intimidation, or damage property used for public purposes, is sufficient to invoke the application of the ATA."*

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27 (Parvez & Rani, 2015)

28 (JPP, 2017)

#### 4. Special Courts:

The ATA establishes **Anti-Terrorism Courts (ATCs)** for the expedited<sup>29</sup> trial of cases under the Act. However, these courts are often criticized for lacking transparency and due process.

*“All cases falling under the jurisdiction of the ATA shall be tried by Special Anti-Terrorism Courts, established for the expeditious disposal of cases.”*

The misuse of the ATA by state authorities has led to the criminalization of peaceful advocacy and dissent, with HRDs frequently accused of “terrorist activities” for exercising their right to freedom of expression. Activists have been subjected to arbitrary arrests, prolonged detention, and unfair trials, severely impacting their ability to carry out their work.

Human rights organizations and legal experts have raised concerns that the expansive and vague definitions within the ATA have resulted in “the denial of bail to terrorist suspects, enhanced police powers, extended remand of suspects, preventive detention, and death penalty for certain offences.”<sup>30</sup> The law violates fundamental rights guaranteed under the **Constitution of Pakistan**, particularly **Article 10-A** (right to a fair trial), **Article 19** (freedom of speech), and **Article 17** (freedom of association). The need for comprehensive reform and judicial oversight to prevent the misuse of this law against HRDs remains urgent.

The **Pakistan Penal Code (1860)** has frequently been employed by state authorities to suppress the voices of Human Rights Defenders (HRDs). **Section 122** addresses offenses related to waging or attempting to wage war against Pakistan and the collection of arms for such purposes. Meanwhile, **Section 124-A**, commonly known as the “Sedition Law,” states:

*“Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Federal or Provincial Government established by law shall be punished with imprisonment for life to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.”<sup>31</sup>*

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29 ATA, S 13(1)

30 (JPP,2017)

31 Pakistan Penal Code, 1860.

On March 30, 2023, Justice Shahid Karim of the **Lahore High Court (LHC)** delivered a landmark judgment, declaring the sedition law unconstitutional. The court struck down **Section 124-A** of the Penal Code, ruling that it violated fundamental rights enshrined in the **Constitution of Pakistan**, particularly **Articles 19** (freedom of speech and expression) and **19-A** (right to information).<sup>32</sup> According to Al-Jazeera, “the court’s verdict will be applicable across the country unless the Supreme Court overturns the high court’s decision.”<sup>33</sup>

Additionally, Pakistan’s **Criminal Procedure Code (CrPC)** contains provisions that exacerbate the misuse of state power. **Sections 54 and 151** grant police the authority to arrest individuals without a warrant if they are suspected of committing a criminal offense or “designing” to commit a “cognizable” offense.<sup>34</sup> **Section 173** further hinders justice by precluding senior police officials from ordering the filing of First Information Reports (FIRs) on criminal complaints. This forces families of victims, including those of enforced disappearances, to navigate a cumbersome legal process through the courts to initiate investigations.

These regressive laws disproportionately target HRDs, subjecting them to arbitrary arrests, prolonged detentions, and secret trials. Under the pretense of combating terrorism or maintaining public order, HRDs, journalists, and activists are often labeled as threats, detained without formal charges, and denied access to legal remedies.

The international human rights community has repeatedly condemned Pakistan’s failure to align its domestic laws with global standards. The persistence of such draconian measures not only undermines the rule of law but also perpetuates a culture of impunity for state abuses.

## 2.2 Legal and Bureaucratic Challenges Faced by HRDs Addressing Enforced Disappearances

Enforced disappearances in Pakistan reveal systemic lacunas in the justice system that not only enable this grave violation but also obstruct the efforts of HRDs advocating for accountability and justice. One of the most glaring obstacles is the inefficacy of the Commission of Inquiry on Enforced Disappearances (ColoED). Established to address the increasing number of cases, the ColoED has failed to deliver justice for victims and their families.

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<sup>32</sup> (NAP, 2012)

<sup>33</sup> (Al Jazeera, 2023)

<sup>34</sup> The Code of Criminal Procedure. 1898, as amended by Act II of 1997.

The ColoED, established in March 2011, is tasked with tracing the whereabouts of “enforced disappeared persons” and holding those responsible accountable.<sup>35</sup> However, its effectiveness has been widely criticized, particularly by HRDs who work on enforced disappearance cases. These defenders highlight the Commission’s failure to meet international standards in defining and addressing enforced disappearances.

According to the ColoED, “Enforced Disappearance” refers to a situation when a person has been picked up/taken into custody by any law enforcing/intelligence agency, working under civilian or military control, in a manner which is contrary to the provisions of the law.<sup>36</sup>

However, the definition of enforced disappearance, as per ColoED, fails to recognize:

1. Secret detention or cases where the detainee’s whereabouts are deliberately undisclosed.
2. Situations where deprivation of liberty, even if “legally” sanctioned under domestic law, is not acknowledged or the detainee’s location is concealed, which still constitutes enforced disappearance.
3. The role of non-State actors in carrying out arrests or abductions with the authorization, support, or acquiescence of the State, emphasizing that State involvement does not always require direct action by government authorities.<sup>37</sup>

The independence of the ColoED, has been questioned as the Ministry of Interior has “oversight authority over Law Enforcement Agencies (LEA) which are often involved in enforced disappearances” which explains why the Commission appears to have “limited authority” over LEA to comply with its orders.<sup>38</sup>

The official report of the Commission also reveals that **1,006** cases were traced to internment centers while **8172** cases have been disposed till November 2024 and **286** individuals were found dead (See Annexure A). Reports state that the Commission has failed to hold “any person or organization” accountable that were involved in “concealing the whereabouts of the disappeared people who were eventually traced in detention centres.”<sup>39</sup> Furthermore, in some cases it has been acknowledged by the Commission that the “missing person” has been killed by the public authorities

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35 (ICJ, 2020)

36 (Commission of Inquiry of Enforced Disappearances. (n.d).).

37 (ICJ, 2020)

38 (ICJ, 2020)

39 (ICJ, 2020)

in an encounter, indicative of an “extra-judicial killing” yet the authorities are not held responsible.<sup>40</sup> Furthermore, those who are held in detention by the military trial court are not considered enforced disappeared.

Although Pakistan claims, in front of the Human Rights Council, that “the alleged cases of missing persons are being expeditiously and efficiently dealt with by the Commission of Inquiry on Enforced Disappearances.”<sup>41</sup> The impartiality of the Commission has been questioned multiple times, for example in June 2022, Chief Justice Athar Minallah highlighted the ColoED’s failure to recover missing persons. “The commission is a burden on the exchequer and it ought to justify its continued existence,” the IHC noted in its order.<sup>42</sup>

Imaan Mazari, a lawyer and human rights activist who represents victims of enforced disappearances, highlighted that the Commission is used by the courts as a convenient way to digress from providing real answers. “The ColoED, is nothing more than a bureaucratic post office. Its proceedings are a mere eyewash and prolong the agony of the families of the disappeared,” she said to The New Arab.<sup>43</sup>

The bureaucratic inefficiencies of the ColoED are emblematic of a broader pattern of state negligence. The Commission operates without independence or transparency, often serving to deflect accountability rather than address the root causes of enforced disappearances. Its lack of authority to compel state agencies to cooperate undermines its credibility. Moreover, the failure to provide timely investigations exacerbates the emotional and psychological toll on victims’ families, who are left in a perpetual state of uncertainty.

HRDs have repeatedly emphasized the need for systemic reforms to address these issues. The chairperson of Defence of Human Rights (DHR) has urged the establishment of a “Truth and Reconciliation Commission” to address the root causes of this issue and provide a platform for justice and healing. Such a commission would serve as a significant step toward addressing the underlying causes of enforced disappearances, fostering accountability, and acknowledging the suffering of victims and their families.

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40 (ICJ, 2020)

41 (Neuer, 2023)

42 (Our Correspondent. 2022)

43 (Javed, 2023)

HRDs have consistently called for meaningful reforms, including:

- Establishing a **Truth and Reconciliation Commission** to address the root causes of enforced disappearances.
- Enacting legislation to align domestic laws with international human rights standards, particularly the ratification of the ICPPED.
- Ensuring the independence of investigative bodies like the ColoED to hold perpetrators accountable.

## 2.3 Risks faced by Human Rights Defenders (HRDs) in their fight against Enforced Disappearances

HRDs often face criminal proceedings based on unfounded charges. Arbitrary detention, alongside multiple violations of the right to a fair trial, is frequently employed to hinder their advocacy. The extraordinary nature of enforced disappearance amplifies the repression faced by HRDs, subjecting them to state-led intimidation.

### Judicial Harassment and Legal Repression

Defence of Human Rights interviewed Muhammad Ismail, a professor and a Human Rights Defender, on 15th November 2023. He explained the extent of judicial harassment he and his family continue to face from the authorities since 2019<sup>44</sup>. Most recently, in December 2022, the government brought up false charges against him under section 9 (glorification of an offence), section 10 (cyber terrorism) and section 11 (hate speech) of the Prevention of Electronic Crimes Act, 2016. He is also facing charges related to sedition (Article 124-A) and criminal conspiracy under the Penal Code and for offences under the Anti-Terrorism Act (ATA) 1997 for “allegedly financing terrorism, publishing and disseminating anti-State material and aiding and abetting terrorist offences.” Since these charges, he has made over 160 court appearances, with frequent delays and adjournments, exacerbating his hardship.<sup>45</sup> Despite multiple requests from the UN Working Group on Arbitrary Detention (WGAD) to drop the charges and end his repression, his legal struggles persist.<sup>46</sup>

44 Interview with Prof. Muhammad Ismail, 15 November, 2023

45 (CIVICUS, 2022)

46 (CIVICUS, & Front Line Defenders, 2022)

Notably, Ismail's pre-trial detention lasted over two months, from February 2 to April 15, 2021, without legal justification. This violated his rights under Article 9(3) and (4) of the ICCPR, and his right to an effective remedy under Article 8 of the UDHR Article 2(3) of the Covenant.<sup>47</sup> According to the UN WGAD, his case falls under the right to freedom of opinion and expression protected by Articles 19 of the UDHR and ICCPR, but he has been denied a fair trial and detained on discriminatory grounds, contrary to Articles 2 and 7 of the UDHR and Articles 2(1) and 26 of the ICCPR.<sup>48</sup>

HRDs are being charged under excessively broad and vaguely worded legislations – particularly counter-terrorism, anti-drug trafficking, national security and/or anti-extremism legislation. Our interviewee, Muhammad Jibran Nasir, a lawyer and HRD, recounted assisting the family of slain journalist Khurram Zaki in 2016.<sup>49</sup> Following Zaki's fatal shooting in Karachi, anti-terrorism cases were filed against Nasir at ten police stations, accusing him of raising slogans against the state and damaging property during the funeral procession.<sup>50</sup> Despite these charges, no action was taken, and the cases eventually ended.

In August 2018, a woman Human Rights Defender, Gulalai Ismail, was accused, along with 19 other people, of making anti-state comments and using inflammatory language at a PTM rally in Swabi, Khyber Pakhtunkhwa province.<sup>51</sup> The activists faced charges of 'unlawful assembly,' 'punishment for rioting' and 'punishment for wrongful restraint.' In October 2018, Gulalai was briefly detained at Islamabad airport upon her return from the UK,<sup>52</sup> with officials refusing to disclose which government department had placed her name on the Exit Control List (ECL), a travel ban.<sup>53</sup>



Professor Muhammad Ismail and his Daughter Gulalai both targeted for their human rights work - Photo Source The Express Tribune

47 Ibid.

48 Ibid.

49 (Lewis, 2016)

50 Interview with Muhammad Jibran Nasir.

51 (CIVICUS, 2019)

52 (CIVICUS, 2019)

53 Ibid.



In January 2019, during a rally on the outskirts of Karachi, hundreds of PTM leaders and activists were arrested under Pakistan's Penal Code and Anti-Terrorism Act.<sup>54</sup> Alamzeb Mehsud, a prominent PTM activist, was detained for reporting on missing persons and victims of landmines in the northwest tribal districts.<sup>55</sup> The police invoked Sections 147 (punishment for rioting), 149 (every member of unlawful assembly guilty of offence committed in prosecution of common object), 153-A (promoting enmity between different groups, etc), 186 (obstructing public servant in discharge of public functions), 500 (punishment for defamation), and 505 (statements conducing to public mischief) of the Pakistan Penal Code read with Section 7 of the Anti-Terrorism Act (1997) in the FIR.<sup>56</sup> Mehsud was placed in custody for four days.



Alamzeb Mehsud, Human Rights Defender (HRD) was arrested multiple times and charged with false allegations due to his work - Photo Source PTM Social Media

Amnesty International verified at least 13 FIRs against protestors across the country, from Balochistan (Naal, Kohlu, and Hub), Sindh (Karachi, Mirpur Khas and Khairpur), Islamabad and Khyber Pakhtunkhwa (Dera Ismail Khan).<sup>57</sup> The charges ranged from terrorism, sedition, unlawful assembly, rioting, hate speech, dacoity, unlawful use of loudspeakers, and damage to public property.<sup>58</sup> These widespread and often baseless charges highlight the severe repression faced by HRDs in Pakistan.

## Targeting HRDs: The Weaponization of False Allegations and Defamation

Stigmatization and smear campaigns are often used to undermine HRDs and delegitimize their work. Authorities and others in power frequently issue statements tarnishing their reputations, often making false accusations such as labeling HRDs as

<sup>54</sup> (CIVICUS, 2019)

<sup>55</sup> (Hashim, 2019)

<sup>56</sup> (The Newspaper's Staff Reporter, 2019)

<sup>57</sup> (Amnesty International, 2024)

<sup>58</sup> Ibid.

terrorists, unpatriotic, corrupt, “foreign agents,” or “enemies of the state,” Nasruallah Baloch said.<sup>59</sup>

“We are real people and working for our rights, and the state has not been able to prove anything against us. We are accused of being in collusion with Israel.” - Nasruallah Baloch

Our interviewee, Sorath Lohar, a lawyer and deputy convenor of Voice of Missing Persons in Sindh (VMP Sindh), discussed the often-neglected issue of enforced disappearances in Sindh. Since 2017, she has been vocal against these disappearances, asserting, “More than 300 Sindhi Nationalists, political workers, writers, and Human Rights Defenders have been forcibly disappeared by Pakistani intelligence agencies<sup>60</sup> Her activism began with the enforced disappearance of her father, Hidayat Lohar, a Sindhi Nationalist, in 2017, who was later released in 2019. Along with her younger sister, Sorath Lohar has courageously led the campaign for the Sindhi forcibly disappeared, as well as other affected groups, including Shia, Baloch, and MQM families, organizing sit-ins and protest camps in Karachi. Because of her brave advocacy, she has been the target of relentless state accusations.<sup>61</sup>

In an effort to block VMP Sindh’s movement, state agencies, including the Sindh police and Counter-Terrorism Department (CTD), issued press releases with false propaganda against Sorath Lohar and her fellow activists. On February 15, 2023, the CTD Hyderabad announced an “intelligence-based operation” and arrested suspected miscreants, falsely implicating Sorath Lohar and another HRD as terrorist handlers.<sup>62</sup> They also falsely accused them of receiving funds from a banned organization. In response, Sorath Lohar spoke out with HRCP Karachi at a press conference, demanding the authorities provide evidence for such accusations, saying, “Instead of defaming us with baseless



Sorath Lohar in a protest after the murder of her father Hidayatullah Lohar, who was a Sindhi Rights activist - Photo Source Mir Kerio

<sup>59</sup> Interview with Nasruallah Baloch.

<sup>60</sup> Interview with Sorath Lohar

<sup>61</sup> (Mehmood, 2023)

<sup>62</sup> Ibid.

allegations, the CTD must come forward with evidence.” How can the authorities accuse separatists when all our movement and activism is in the public eye?”<sup>63</sup>

“I hope for justice from all the human rights organisations as I am a human rights activist also, we are not agents of any foreign agencies. We work for our homeland for the people of our land because the constitution and law of every country allows us to fight for our rights. So, I request you all to ask CTD Sindh on what basis these false allegations have been made against me.” - Sorath Lohar

On March 1, 2022, Asad Ali Toor, a freelance journalist, faced an investigation after attending a protest in Islamabad against the disappearance of a Baloch student.<sup>64</sup> On March 3, 2022, Islamabad police in Pakistan’s capital, opened an investigation on Asad Ali Toor for allegedly leading an unauthorised protest earlier that week.<sup>65</sup> According to the FIR, authorities accused Asad Toor, along with others, of “criminal conspiracy, rioting, unlawful assembly, obstruction of a public servant’s duties, defamation, and intentional insult with intent to provoke breach of peace.”<sup>66</sup> He termed the FIR as a retaliation against his reporting on the protest,<sup>67</sup> which was being staged by Baloch students, and the police crackdown on his YouTube channel.<sup>68</sup> Despite the case being dismissed after four months by the Lahore High Court (due to lack of evidence),<sup>69</sup>

Toor said that the state never informed him or his lawyers about who filed the complaint that led to the registration of a FIR, and he was never told which social media posts were allegedly defamatory. The most serious of the alleged crimes is criminal conspiracy and that carries a death sentence, according to Pakistan’s Penal code. Toor expressed frustration, stating, “I was never informed about the specifics of the accusations against me.”<sup>70</sup>.



Journalist and Human Rights Reporter Asad Toor being presented to Court - Photo Source The Friday Times

63 (Mehmood, 2023)

64 (Azeem, 2022)

65 Interview with Asad Ali Toor, 14th November, 2023.

66 (CPJ, 2022)

67 (DW News, 2024)

68 (CPJ, 2022)

69 Ibid.

70 (Bari, 2021)

On September 12, 2020, Toor was charged by the Rawalpindi Police under the Prevention of Electronic Crimes Act (PECA) 2016 following a “complaint of proxy Hafiz Ehtisham.”<sup>71</sup> Toor expressed his dismay, stating “This is a sad development for me being a journalist because I never wish to be a news myself.”<sup>72</sup> He was booked under sections 505 (statements conducing to public mischief), 500 (punishment for defamation) and 499 (defamation) and of the Pakistan Penal Code and sections 37 (unlawful online content), 11 (hate speech) and 20 (offences against dignity of a person) of PECA 2016.<sup>73</sup> In the same week, two other journalists faced similar charges for “spreading hatred” against the state. Human rights and freedom of speech activists view these charges as a warning that the state is willing to misuse PECA.

“The Federal Investigation Agency (FIA) is not transparent and many accusations seem baseless and frivolous. When freedom of speech is criminalised, we cannot have a free, critically thinking society or government,” - Asad Ali Toor.<sup>74</sup>

In recent years, there has been an alarming crackdown on journalists and restrictions on freedom of expression in Pakistan. The UN Human Rights Council, in 2021, reported numerous “meritless charges” against journalists and Human Rights Defenders.<sup>75</sup> Many interviewees of this report have affirmed this ongoing persecution. A prominent case involved journalist Matiullah Jan, a vocal critic of the military establishment, who was abducted by unidentified armed men in July 2020, just a day before he was to appear in court for a contempt case related to his criticism of a verdict involving Justice Faiz Isa.<sup>76</sup> After 12 hours in captivity, Jan was released in a deserted area, Fateh Jang, outside the capital.<sup>77</sup>

Matiullah Jan also highlighted the judicial harassment faced by other journalists, including Asad Toor, Advocate Imaan Mazari, and Baloch students protesting enforced disappearances. Jan questioned the state’s actions, asking, “Is this a warning to the media not to report on these protests?”<sup>78</sup> He reassured his followers that such tactics would not deter journalists from fulfilling their responsibilities.<sup>79</sup>

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71 [pic.twitter.com/fBVVwmTmNZ](https://pic.twitter.com/fBVVwmTmNZ)

72 (News Desk, 2020)

73 (News Desk, 2020)

74 (Bari, 2021)

75 (Iqbal, 2021)

76 (BBC, 2020)

77 (Qarar & Khan, 2020)

78 ((Matiullah Jan 919, 2022)

79 Ibid.

Imaan Zainab Mazari-Hazir, a member of the Pakistani Bar Council's Journalists Defence Committee, which provides free legal assistance to journalists, worked extensively on Toor's case. She expressed concern that journalists were being targeted to prevent accountability and criticism of the state.<sup>80</sup> She described PECA, 2016, as a tool used by the state to suppress freedom of expression by intimidating and punishing those who exercise it.

## Enforced Disappearances and Arbitrary Detentions

Muhammad Jibran Nasir, a prominent lawyer and civil rights campaigner, faced a shocking episode of enforced disappearance in June 2023.<sup>81</sup> On the evening of June 1, Nasir was abducted near his residence in Karachi's DHA area by 10–15 armed men traveling in multiple vehicles. His wife, Mansha Pasha, lodged a First Information Report (FIR) against unknown assailants, accusing them of kidnapping him. Nasir's abduction triggered widespread protests and condemnation from civil society, rights organizations, and legal associations, including the Human Rights Commission of Pakistan (HRCP) and the Pakistan Bar Council.



Protest for the Release of Advocate and Human Rights Defender (HRD) Jibran Nasir, who was subjected to Enforced Disappearance - Source Dawn News Photo by Wara Irfan

80 (Bari, 2021)

81 (Dawn, 2023)



Nasir returned home safely the following evening, but the incident underscored the alarming trend of enforced disappearances targeting HRDs in Pakistan. His abduction, described as politically motivated due to his involvement in high-profile public interest cases, demonstrates the dangerous climate in which HRDs operate.

On 24 October 2019, Muhammad Ismail was abducted by a group of unidentified men outside the Peshawar High Court. He was later found to be in the custody of the Federal Investigation Agency's Cyber Crimes Unit and charged under the PECA 2016, and detained for nearly a month. placed on the Exit Control List (ECL), preventing him from leaving the country. The UN Working Group on Arbitrary Detention condemned his detention, categorizing it as arbitrary, without sufficient legal basis, contrary to his rights guaranteed under the ICCPR and the Constitution, aimed at silencing his work as a human rights defender and his relation to his daughter, Gulalai Ismail, who is a civil-rights activist.

Another case highlighting arbitrary detention involves Muhammad Hayat Khan Preghal, a vocal supporter of the Pashtun Tahaffuz Movement (PTM), who was detained by the Federal Investigation Agency (FIA) in July 2018.<sup>82</sup> He was held incommunicado for several days, during which the FIA accessed his social media accounts, mobile phone, and other personal devices. The authorities did not provide information about his whereabouts, and his case was marked by a lack of transparency.<sup>83</sup>

In addition, in January 2020, Pakistani authorities arbitrarily detained 29 human rights defenders, including prominent activists such as Mohsin Dawar and Ismat Shahjahan, who were protesting the arrest of PTM leader Manzoor Pashteen.<sup>84</sup> The 'same old' provisions of the Pakistan Penal Code that are repeatedly used to silence and criminalise their work; including sedition (124A), statements aimed at inducing public mischief (505A and 505B), assault or criminal force against a public servant (353), wrongful restraint (341), rioting and unlawful assembly (147 and 149 respectively), obstructing an official in his public function (186) and disobeying an order by a public servant (188).<sup>85</sup>

Idris Khattak, a human rights defender who had long advocated for the victims of enforced disappearances in Pakistan, became a victim of this very practice.<sup>86</sup> His prolonged detention incommunicado, coupled with the denial of a fair trial and due process,

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82 (Amnesty International, 2018)

83 Ibid.

84 Ibid.

85 Ibid.

86 (Dawn, 2021)

raised significant concerns among UN experts. Despite widespread international condemnation, Khattak was secretly tried by a military court, convicted in December 2021, and sentenced to 14 years in prison, effectively excluding him from the civilian justice system and denying him the right to a fair appeal. His case highlights the persistent use of arbitrary detention and the lack of transparency in Pakistan's legal system, creating an atmosphere of fear and repression for human rights defenders.



Human Rights Defender Manzoor Pashteen in a police van after his arrest - Photo Source DAWN



Supporters of Manzoor Pashteen gathered in a protest for his release - Photo Source Getty Images

## Torture and other inhumane treatment or punishment

Although the Constitution prohibits torture and other cruel, inhuman, or degrading treatment, the Penal Code has no specific section criminalizing torture. The Penal Code prohibits criminal use of force and assault; however, there were reports that security forces, including the intelligence services, tortured and abused individuals in custody.

Our interviewee, Sarang Joyo, who is a 34 years old research associate at the Shaheed Zulfikar Ali Bhutto Institute of Science and Technology (SZABIST), Karachi also faced physical and psychological torture during his enforced disappearance. In a painful recount of his abduction, he mentioned that it took him two weeks to recover from the torture and trauma of his abduction<sup>87</sup>. He is the son of a well-known Sindhi writer Taj Joyo, who later questioned who would “compensate the physical and mental damages which Sarang Joyo has suffered?”<sup>88</sup>. Sarang was leading the Sindh Sujagi Forum to highlight Sindh’s issues like repatriation of Afghan refugees from the province, 2017 census and enforced disappearances, among others, at the time of his abduction at midnight on 10th and 11th August, 2020.

The conditions of Idris Khattak’s detention have raised grave concerns about the physical and psychological toll on his health, with reports indicating a lack of access to adequate medical care and a harsh prison environment as highlighted by the interviewee<sup>89</sup>. The criminalization and continued confinement of Khattak underscore the broader climate of fear and intimidation faced by human rights defenders and journalists in Pakistan. This systematic repression, characterized by arbitrary detention and torture, emphasizes the urgent need for legal reforms, greater transparency, and accountability within Pakistan’s justice system to protect those who speak out for human rights.

On 25 May 2021, Asad Ali Toor faced torture and physical abuse at the hands of 4-5 masked men.<sup>90</sup> This incident happened in the aftermath of the report that he did about General Faiz Hameed’s (now retired) brother and his official conduct. The men forcibly entered his apartment in Islamabad, bound and gagged him and severely beat him. Toor said that they identified themselves as being from a security agency, interrogated him about the “source of his funds,” accused him of being a foreign agent, made him chant ‘pro-army’ slogans,

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87 Interview with Sarang Joyo

88 (Ali & Guramani, 2020)

89 Interview with Talia Khattak

90 Interview with Asad Toor



and took away his cell phone and other electronic devices.<sup>91</sup> The government ordered an investigation into the incident, but no findings were made public.<sup>92</sup>

Furthermore, on 21 December 2023, two FIRs were registered against the protestors in Islamabad by police. More than 300 protestors of the Baloch March were indiscriminately arrested including women, children, students, older persons, and a woman journalist, named Somiyah Hafeez.<sup>93</sup> Amnesty International verified the illegal detention of forty-seven women protestors and five children at G-7 Womens' Police Station, Islamabad for more than 24 hours between 21st and 22nd December, 2023.<sup>94</sup> During this detention, the police made several attempts to forcibly transport some of these protestors to Quetta. They were also subjected to verbal abuse, as a female detainee said that during custody "they told us that we were here to get attention and get famous."<sup>95</sup> Another female detainee recounted that "some of the children with us were so traumatised that they could not stop shaking from fear."



Baloch long March of Enforced Disappeared victim families met with crackdown by police in Islamabad - Photo Source Baloch Yakjehti Committee and Dawn news

91 (Human Rights Watch, 2022)

92 (The Newspaper's Staff Reporter, 2021)

93 (Coalition For Women In Journalism, 2023)

94 (Amnesty International, 2024)

95 Ibid.

## Threats/ Surveillance

According to Amnesty International, in its report titled ‘Human Rights under Surveillance: Digital Threats against Human Rights Defenders in Pakistan’, it was observed that Human Rights Defenders in Pakistan are under threat from a targeted campaign of digital attacks, which has seen social media accounts hacked and computers and mobile phones infected with spyware.<sup>96</sup> The digital attackers also use fake online identities and social media profiles to trap Pakistani Human Rights Defenders online and mark them out for surveillance and cybercrime. In our interview with Talia Khattak, an activist who is currently working with international communications in the OCHR committee, she mentioned that recently she has been getting messages on Facebook from random accounts that ask her to say something about her father’s (Idrees Khattaks) case. Some messages contained the following statement: “Anyone who has this information, their life is under threat.”<sup>97</sup> Khattak also shared that when she was living alone, abroad, unidentified persons broke into her residence to convey that “they know where she is.”<sup>98</sup> She reflected on the psychological impact of surveillance, especially the amorphous nature of digital surveillance, and it causes her a sense of guilt to care for one’s own safety and step back from human rights activism for a while.



“Abducted for exposing Enforced Disappearances” Human Rights Defender (HRD) Idrees Khattak along with his daughter Talia Khattak  
Photo Source Talia Khattak

In one of our interviews, Sorath Lohar mentioned that due to her work on enforced disappearance in Sindh, the harassment and surveillance has continued even after she got married in 2020 and there has been significant pressure on her in-laws. “I am being harassed in various ways, agencies have been making phone calls to my father-in-law several times, not only that, the IG Sindh called my father-in-law to head office in 2020 and the agency took my father-in-law from the office of IG Sindh to their headquarters. I am constantly being threatened and harassed to keep quiet just because of raising

<sup>96</sup> (Jahangir, 2018)

<sup>97</sup> Interview with Talia Khattak, 7th November, 2023.

<sup>98</sup> Ibid.

a voice for human rights.”<sup>99</sup> Her stance is simple: “No matter how sinful a person is, bring him to the courts, according to the law, but show him. Enforced disappearance is a capital offence in the constitution of any country. Human rights representatives who speak for human rights are also harassed here.”<sup>100</sup>

During Imaan Mazari’s interview, she shared that despite investing significant money into buying an iPhone for data protection, her phone (android) and laptop (Macbook) were hacked during her illegal arrest by the authorities. She had data of the last ten years of her work and all her client information. Apart from the data breach, she is a victim of continuous surveillance and monitoring. She is usually followed from work to home, and even her domestic help is continuously surveilled.<sup>101</sup> Mazari reminds us that “if one person’s privacy is violated, then everyone else’s privacy is compromised.”<sup>102</sup>



Human Rights Advocate Imaan Mazari and Former MNA Ali Wazir brought before Court after their illegal arrest and detention - Photo Source Hum News

99 Interview with Sorath Lohar.

100 Ibid.

101 Interview with Imaan Mazari, 7th November, 2023.

102 Interview with Imaan Mazari, 7th November, 2023.

Furthermore, our interviewee, Asad Zaidi, shared how he received threats he faced owing to his activism on enforced disappearance. Zaidi is a member of Civil Progressive Alliance Pakistan, an organisation that works on enforced disappearances of Shia Muslims. He mentioned that during his brief abduction in 2020, he faced verbal and psychological abuse, along with his friends. He was kept in detention for 9 hours, with no charges or FIR, for protesting outside the Core Commander's Office. He was threatened with charges along with his friends for being complicit with RAW (Indian Intelligence Agency).<sup>103</sup> He explained that such threats are a norm in human rights activism, and many of his friends have faced direct or indirect threats. The threats are compounded by malicious propaganda for many human rights activists.

Asad Toor, another interviewee, also received threats to close down his Youtube channel or cover other human rights violations such as children or health rights, but not human rights violations or oppressions.<sup>104</sup> According to Asad, "the medium of threat was pressuring through friends, extended family members"<sup>105</sup> and also dropping messages, such as, "After Eid, we will fix you if you do not stop reporting about state institutions."<sup>106</sup>

## 2.4 Resistance by movements/groups

### Defence of Human Rights - network of victim families

DHR, the only network uniting families of the disappeared from every ethnic background, has repeatedly faced government crackdowns. In 2021, the network planned to publish and launch a storybook and a short film featuring ten testimonies from victim families. However, authorities abruptly shut down/ sealed the venue, citing the content as "anti-state." The guests and chief guest Ambassador of Argentina was misguided that the event was canceled.

The senior leadership of the Defence of Human Rights (DHR) network—individuals like Amina, and Aftab—have repeatedly endured state repression for their activism against enforced disappearances. Beyond being harassed and intimidated, they have also faced direct crackdowns during peaceful protests. Aftab, in particular, was subjected to

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<sup>103</sup> Interview with Asad Zaidi.

<sup>104</sup> Interview with Asad Ali Toor, 14th November 2023.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.



baton charges at a demonstration and placed under surveillance by the authorities. His social media accounts were hacked and reported, adding to the pressure intended to silence his efforts. These experiences reflect the broader environment in which families of the disappeared and their allies strive to secure justice, often at great personal risk.



Defence of Human Rights Protests against Enforced Disappearances on “International Day of the Victims of Enforced Disappearances 2024” - Source DHR

## Baloch National Gathering-Seeking State Accountability

Balochistan, a province in the western region of Pakistan, has faced decades of political marginalization, economic exploitation, and other human rights violations. Enforced disappearances have become a central tool in the state's response to Baloch dissent, fueling protests and movements demanding justice and accountability.

The Voice for Baloch Missing Persons has mentioned that there are at least 7000 cases of Enforced Disappearances since 2004<sup>107</sup>. Despite this, the ColoED reports significantly lower figures, creating a credibility gap that erodes trust in institutional mechanisms.

Women have emerged as powerful voices in the struggle against enforced disappearances. Activists like Dr. Mahrang Baloch and Sammi Deen Baloch have become symbols of resilience, drawing national and international attention to the plight of the disappeared. Their leadership in protests, such as the Baloch March and the recent Baloch Raji Muchi, underscores the intersectional impact of state violence on families, particularly women and children, who bear the brunt of these abuses.

Dr. Mahrang Baloch, whose father and brother were victims of enforced disappearances, has consistently highlighted the generational trauma caused by such practices<sup>108</sup>. Similarly, Sammi Deen Baloch continues to demand due process, urging the state to produce the disappeared in court if charges exist rather than resorting to extrajudicial measures.

Both activists have recently faced state-imposed travel bans—a move that significantly curtailed their ability to advocate for the disappeared at global forums and human rights conferences.<sup>109</sup> Placed on the Exit Control List (ECL), Dr. Mahrang Baloch and Sammi Deen Baloch were prevented from traveling abroad<sup>110</sup> to highlight the issue of enforced disappearances and to seek international support for their cause. The restrictions not only hampered their ongoing campaigns but also contributed to the broader climate of intimidation against Baloch activists and their families.

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107 (BBC News, 2023)

108 (BBC News, 2023)

109 (Dawn, 2024)

110 (Dawn, 2024)



Dr. Mahrang Baloch and Sammi Deen Baloch speaking at the press conference on the travel ban and state repression on activism - Photo Source by Fahim Siddiqi / White Star (Dawn News)

The Baloch March that concluded after a month-long sit-in in Islamabad was sparked by the extra-judicial killing of Balaach Mola Baksh, a 24-year-old Baloch man, along with three others, on 23 October 2023 by the Counter-Terrorism Department. The protestors marched from Turbat to the provincial capital of Quetta and then on to the federal capital of Islamabad, almost 1000 miles. The protest ended on 24th January, 2024 and upon its return to Quetta, Dr. Mahrang Baloch, who led this protest movement, spoke at Shahwani Stadium in Quetta and called the ongoing movement against enforced disappearance and operations “a watershed moment”<sup>111</sup>. Carolyn Horn, Programme Director, Law and Policy at Amnesty International commented that “the Pakistani authorities should be ashamed of the harassment meted out to the Baloch Long March protestors.”<sup>112</sup>

111 (Shahid, 2024)

112 (Amnesty International, 2024)





Baloch Long March Protest in Islamabad - Photo Source by FAROOQ NAEEM/AFP via Getty Image

The state's counterinsurgency narrative often conflates peaceful activism with secessionism, leading to arbitrary arrests and further violations of human rights. This strategy not only stifles dissent but also perpetuates the cycle of violence and mistrust between the human rights defenders and the state.

Furthermore, there have been tragic incidents of Baloch activists who mysteriously died while in exile, including activist Karima Baloch who was found dead in December 2020 near Lake Ontario in Toronto, Canada. Earlier that year, Pakistani journalist Sajid Hussain, who served as editor-in-chief of The Balochistan Times while in exile in Sweden, was found dead in a river north of Stockholm. According to the authorities in the respective countries, the circumstances around both deaths were suspicious.<sup>113</sup>



Human Rights Defender (HRD) Sammi Deen Baloch Arrested by police for protesting against Enforced Disappearances  
Photo Source Dawn Images

113 Ibid.



Despite the Pakistani government's crackdown on the peaceful movement led by Baloch women, the movement has gained momentum through social media and international advocacy. This movement, led by Baloch women, continues to push for an end to the state's systematic repression, calling for the immediate release of the disappeared and accountability for those responsible.

## **Pashtun National Court-a parallel judicial system to seek justice**

The Pashtun Tahaffuz Movement (PTM) held a pivotal grand jirga in Jamrud, Khyber Pakhtunkhwa (KP), from October 11 to 13<sup>114</sup> with the adoption of a 22-point resolution addressing a range of issues impacting the Pashtun community. The jirga brought together delegates from various political parties and professional organizations to discuss the effects of militancy, anti-terrorism operations, and the displacement of millions over the last two decades.

A central concern during the jirga was the issue of missing persons and the toll of military operations in the region. PTM representatives reported that 6,700 Pashtuns remain missing, with 370,000 homes and mosques destroyed, along with 35,000 markets in South Waziristan.<sup>115</sup> The resolution included urgent demands for the withdrawal of militant groups and military forces from the province within two months.<sup>116</sup>

However, the jirga was met with a harsh crackdown by authorities. On October 4, 2024, PTM was listed as a proscribed organization<sup>117</sup> under the First Schedule of the Anti-Terrorism Act, 1997. Ahead of the jirga, PTM leaders reported a series of police raids and arrests resulting in three deaths and injuries of a dozen people.<sup>118</sup>

Despite the crackdown, the jirga's resolutions focused on pressing issues such as state accountability for enforced disappearances, the provision of basic resources, and the opening of channels for peaceful trade with Afghanistan.

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<sup>114</sup> (Voicepk, 2024)

<sup>115</sup> (Dawn, 2024)

<sup>116</sup> *ibid*

<sup>117</sup> (VOA, 2024)

<sup>118</sup> (ANI, 2024)



PTM Jirga - display of Enforced Disappeared loved ones pictures on the container  
Photo Source Dawn News

## 2.5 Women Human Rights Defenders (WHRDs)

The enforced disappearance of male family members not only shatters families emotionally but also disrupts their economic and social stability. Women often bear the brunt of this upheaval, facing ostracization from communities due to suspicions or fears associated with the victim's alleged crimes

Hani Baloch, daughter of Abdul Wahid Baloch, recalls the trauma and struggle that ensued after her father's disappearance in July 2016. "When we first got news of plainclothes men taking our father away, we were shell-shocked. Relatives soon came to our house, throwing away his books, blaming his work for our troubles. As the reality of his absence sank in, I had to take charge—filing an FIR and initiating a court case."<sup>119</sup> The disappearance left the family without income, forcing Hani and her sister to leave school, illustrating the widespread impact on victims' households.

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119 (The Wire, 2024)

Women Human Rights Defenders (WHRDs) face distinct challenges beyond those encountered by other HRDs, including sexual violence, harassment, and gendered defamation campaigns. WHRDs refers to both female HRDs (who may work on any human rights issue), and to defenders (who may not necessarily be women) who work on women's rights or on a range of gender-related issues.<sup>120</sup> In Pakistan, societal norms around gender and sexuality amplify the risks for WHRDs, as their families and homes often become targets of violence. Attacks can range from physical violence, such as sexual assault, to public vilification aimed at reinforcing traditional gender roles.<sup>121</sup>

Our interviewee, Gulalai Ismail, an award-winning human rights activist from Pakistan and chairperson of Aware Girls shared her experiences of persecution. She was frequently accused of being a “western agent” working for anti-national interests.<sup>122</sup> In May 2019, following her participation in a protest against the rape and murder of a 10-year-old girl in Islamabad, her name reportedly appeared on a “state kill list,” prompting the UN to express serious concerns for her safety. During the protest, she also highlighted the issue of sexual violence and harassment by the security forces in the tribal areas of Pakistan. This led to multiple false cases and legal harassment; “I was booked in multiple cases of sedition, terrorism, promoting ethnic violence in the country, defaming the Pakistan military and much more”<sup>123</sup>. On 28th May 2019, it was reported that Gulalai Ismail's name had been placed on a state ‘kill list’ along with three other women and 11 men.<sup>124</sup> Despite the Pakistani government denying the existence of such a list,<sup>125</sup> Gulalai recalled the fear and hostility she faced: “It was shocking to see my name on such a list, but what disturbs me more is that such lists exist at all.”<sup>126</sup> The harassment forced Gulalai into asylum in the United States, where she continues her activism, challenging the oppression of women and promoting peace and tolerance.

Myrah Sajid, wife of forcibly disappeared Sajid Mehmood, describes her ongoing struggle as a Woman Human Rights Defender (WHRD) seeking justice for her husband's disappearance. She recounts enduring judicial harassment, stigmatization, and continual trauma inflicted by the authorities—exposing how the system is designed to suppress defenders, particularly women. In a landmark judgment by the Islamabad High Court, officials were fined for failing to locate Sajid; however, after this verdict, the

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120 (Amnesty International, 2017)

121 (Women Human Rights Defenders International Coalition (2012)

122 (Women in Journalism. n.d.)

123 Interview with Gulalai Ismail, 10th November, 2023.

124 (CBC Radio, 2023)

125 (UNHRC, 2023)

126 Ibid.

police and other authorities attempted to cast doubt on the case by dismissing it as a false accusation, further harassing Myrah and her family. Despite these challenges, Myrah has risen from victim to activist, single handedly raising her three daughters since her husband's disappearance on 14th March 2016.

Similarly, Gul Naaz, another WHRD from Swat who is also a family member of a disappeared, faced a police crackdown during a peaceful protest she organised with all female relatives of the disappeared. She and all women family members of the disappeared were detained and barred from protesting, underscoring the systemic obstacles women face in their fight against enforced disappearances.

In Balochistan, Hooran Baloch, a Research Coordinator at VBMP, works tirelessly to document violations and advocate for accountability.<sup>127</sup> Her activism has made her a target of intimidation, surveillance, and raids.<sup>128</sup> In November 2023, her home was raided by police, who threatened her family and detained her brother-in-law.<sup>129</sup> Such incidents underscore the hostile environment WHRDs endure while standing against state propaganda and human rights violations.



Amina Masood Janjua with H.E. Dr. Riina Kionka, Ambassador of the European Union, at the launch of her art exhibition “Come Back Before the Sun Sets” in Islamabad - Photo Source DHR

<sup>127</sup> (Baloch, 2023)

<sup>128</sup> (Baloch, 2023)

<sup>129</sup> Ibid.

Amina Masood Janjua recalls the difficulties she faced while displaying, 40 pieces of her art work in relation to her struggle for her husband and all the enforced disappeared in September 2023, the Pakistan National Art Council (PNCA) authorities were kept under severe scrutiny, surveillance and every day they were pressurized to put the exhibition down. There was a shadow ban on the coverage of the exhibition by the authorities, so that all the electronic and press media was advised not to entertain any news about the exhibition.

WHRDs such as Amina Masood Janjua, Advocate Imaan Mazari, Sammi Deen Baloch, Aishah, Gul Naaz, and others have emerged as pivotal voices, risking their safety to demand justice for the disappeared. These WHRDs face threats, arrests, and travel bans but remain resolute in their pursuit of accountability. Their unwavering commitment exemplifies the resilience and power of women in the fight for human rights, highlighting the critical need for collective solidarity in addressing these systemic injustices.



Protest against Enforced Disappearances -  
Photo Source DHR



## Chapter 3

## Way Forward

### Recommendations

#### 1 For International Human Rights organisations

Defence of Human Rights urges international human rights organizations to continue pressuring the Pakistani state to uphold its obligations under international conventions to which it is a party, including the **Universal Declaration of Human Rights (UDHR)**, **International Covenant on Civil and Political Rights (ICCPR)**, and **Convention against Torture (CAT)**. Pakistan must also be held accountable for its delay in adopting the **UN Declaration on Human Rights Defenders (1998)**.

International pressure is crucial to ending practices such as enforced disappearances and arbitrary detentions. The **UN Committee on Enforced Disappearances (CED)** must demand Pakistan's prompt accession to the **International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)** without reservations and ensure its domestic implementation.

Resources and specialized training must be provided to empower HRDs and improve their security. This includes funding local civil society organizations for legal aid, psychosocial support, and emergency relocation, as well as conducting workshops on digital security, evidence collection, and self-protection strategies.

UN offices and the diplomatic community in Pakistan should mainstream HRD protection in their work and enhance coordination among UN agencies to support HRDs effectively. The UN Office of the High Commissioner for Human Rights should facilitate more fact-finding missions by Special Rapporteurs to investigate violations against HRDs in Pakistan.

#### 2 For the State of Pakistan

The Human Rights Defenders of Pakistan and Defence of Human Rights calls on Pakistan's provincial and federal governments to ensure the safety of HRDs and recognize the legitimacy of their work.

Pakistan must fulfill its human rights obligations under its Constitution and international treaties, including the **UDHR**, **ICCPR**, **ICESCR**, and **CEDAW**. The State must ensure that the domestic laws abide by the international human rights standards, and any practices or repressive laws that criminalise HRDs and their just work are amended or repealed.

The State must align domestic laws with international human rights standards, amending or repealing repressive laws that criminalize HRDs. Enforced disappearances and related violations must be thoroughly investigated, perpetrators held accountable, and remedies provided. A national legal framework is necessary to create a safe environment for HRDs and protect their work.

### a. Recognition and Legal Protection of HRDs

HRDs in Pakistan face escalating threats due to a lack of effective protection mechanisms. The Defence of Human Rights recommends enacting a **dedicated law for the recognition and protection of HRDs**. This law should:

1. Recognize HRDs' legitimate contributions and ensure their protection against threats, harassment, and intimidation.
2. Mandate thorough investigations of violations, ensure fair trials, and provide reparations for victims.
3. Penalize acts of intimidation and reprisal against HRDs, including targeting their families, associates, organizations, and property (similar to **Sec. 4(h)** of Philippine's proposed **Human Rights Defenders Protection (HRDP) Act**).
4. Prohibit false labeling, such as branding HRDs as "terrorists" or "enemies of the state," and impose penalties for such vilification (inspired by **Sec. 11** and **Sec. 30** of Phillipine's proposed **Human Rights Defenders Protection (HRDP) Act**).

Although Pakistan signed the **UN Declaration on Human Rights Defenders** in 1998, it must incorporate its provisions into binding domestic law. The legal framework should adopt a **gender-sensitive and preventative approach**, enabling HRDs to work freely and engage with decision-makers without fear of reprisals.

### b. Criminalisation of Enforced Disappearances

The government must establish an independent inquiry into all cases of enforced disappearances involving HRDs and hold perpetrators accountable through fair trials. Pakistan must criminalize enforced disappearances by ratifying and implementing the **ICPPED** into national law.



Enforced disappearances violate Pakistan's commitments under the **ICCPR** and the **CAT**. The ineffectiveness of the Commission of Inquiry on Enforced Disappearances raises serious concerns, as it fails to meet both local and international standards.

The bill to criminalize enforced disappearances, introduced in June 2021, remains in limbo. Despite passage by the National Assembly and Senate with amendments, it has not been enacted. As recommended by the UN Working Group on Enforced or Involuntary Disappearances in 2021.

The government must prioritize this legislation and address controversial clauses such as 'punishment of five years for anyone lodging a false complaint of the Disappearance of their Disappeared loved one.'

### c. Amendment to oppressive State Laws

The State must ensure the safety of HRDs, activists, journalists, and their families, particularly in cases of blasphemy or "anti-state" allegations. The **Code of Criminal Procedure (CrPC)** must be amended to explicitly define "private persons" authorized to make arrests for non-bailable and cognizable offences, reducing misuse of this provision.

Counter-terrorism laws granting excessive powers for arrest and prolonged detention, such as those under the **Section 5** of the **Anti-Terrorism Act (1997)** and **Sections 3 and 6** of the **Protection of Pakistan Act (2004)**, must be revised. Similarly, the **Prevention of Electronic Crimes Act (2016)**, in particular **Sections 31, 3, and 37**, requires amendments to address concerns over monitoring, censorship, and data retention, which have been criticized for curbing legitimate expression under the guise of national security.

Judicial independence is critical. Many HRDs report that judicial fear or inaction fuels impunity. Reforms are essential to safeguard HRDs' rights and ensure accountability for violations. The government must also:

1. Strengthen accountability mechanisms by institutionalizing **command responsibility** in military and civilian institutions to impose sanctions on superiors for HRD violations (modeled after **Sec. 41** of the Phillipine's proposed **Human Rights Defenders Protection (HRDP) Act**).
2. Remove the defense of "presumption of regularity" for public authorities accused of HRD violations, as outlined in **Sec. 33** of the Phillipine's proposed **Human Rights Defenders Protection (HRDP) Act**.
3. Impose administrative, civil, and criminal sanctions on officials failing to act with diligence when investigating reported violations (similar to **Sec. 40** of Phillipine's proposed **Human Rights Defenders Protection (HRDP) Act**).

### 3. For the Human Rights Defenders in Pakistan

#### a. A united front against the state atrocities

Human rights violations in Pakistan are pervasive, affecting diverse communities across provinces. Numerous groups and individuals advocate for various causes under the umbrella of human rights. During a consultation held on December 21, 2024, in Karachi, Amina Masood Janjua, Chairperson of Defence of Human Rights, proposed a coalition of organizations working against enforced disappearances in Pakistan. This dialogue, involving key stakeholders, focused on shared experiences of grief and torture faced by citizens nationwide.

**“No matter what, together, we will walk on the road to righteousness, justice, and freedom for our loved ones, and we will be successful, Insha’Allah.”**

– Amina Masood Janjua

Only a unified front—combining online advocacy and grassroots mobilization—can effectively challenge these atrocities. By pooling resources and aligning strategies, participants emphasized the importance of collective pressure on authorities and the international community to bring about tangible reforms. This vision highlights the necessity of solidarity, visibility, and joint action to dismantle structures of oppression and uphold the dignity and rights of all citizens.



Joint Consultation meeting with all stakeholders working against Enforced Disappearances in Karachi - Photo Source DHR

Nasrullah Baloch of the Voice for Baloch Missing Persons (VBMP) echoed this sentiment, stating, “Working together and becoming a single voice against atrocities is of paramount importance. Together, we can combat threats legally and on other platforms.”

## **b. Power of National and International Lobbying**

One prominent recommendation from our research is leveraging national and international lobbying and networking as a protection mechanism. While legal measures exist, they are often ineffective in practice. For example, Imaan Mazari, a human rights lawyer, was arrested in August 2023. Her detention was widely condemned by human rights organizations like Amnesty International and the Human Rights Commission of Pakistan (HRCP), which demanded her unconditional release. Their advocacy contributed to her early release.

Similarly, Gulalai Ismail, an activist, credited her international networking as instrumental in her case. Her connections with organizations such as Forum Asia and Frontline Defenders, alongside media coverage, helped maintain pressure on state authorities. UN officials issued multiple statements against her persecution, aiding both her and her father’s cases.

Talia Khattak’s advocacy for her father, Idris Khattak, further illustrates the importance of lobbying. Her efforts, combined with international attention, led to a meeting with her father after the UN sent a letter to the government of Pakistan.

## **c. Protection Measures**

The civic space in Pakistan, rated as “repressed” by the CIVICUS Monitor, continues to shrink. Human rights defenders (HRDs) face criminalization, harassment, and threats, with perpetrators rarely held accountable. HRDs must adopt new tactics to continue their work effectively. These include:

- Building solidarity networks locally and internationally.
- Utilizing secure communication tools (e.g., ProtonMail) to counter surveillance.
- Maintaining relationships with international organizations like Frontline Defenders and Human Rights Watch for advocacy and coverage in case of threats.

Imaan Mazari highlighted the importance of visibility, stating, “God forbid if something happens to you, at least there is some coverage of that, and you are not just a number.”

#### d. Awareness and Education

Drawing inspiration from **Sec. 39** of the Phillipine's proposed **Human Rights Defenders Protection (HRDP) Act**, the **Defence of Human Rights** recommends the inclusion of **Human Rights Education** as a compulsory component in the curricula of all public and private academic institutions in Pakistan. The **Higher Education Commission (HEC)** and provincial education boards must ensure that students are educated on HRD rights and the international framework protecting them.

Further, awareness sessions for law enforcement and the judiciary are crucial. Amina Masood Janjua highlighted the insensitivity displayed by police and judiciary members in HRD cases, while Professor Muhammad Ismail emphasized how harassment and ridicule stem from ignorance of international human rights standards. Such training programs must focus on the International Bill of Human Rights and the importance of HRDs' work.

### Conclusion

In line with the Declaration on Human Rights Defenders, the recommendations in this report emphasize Pakistan's obligation to create a safe and enabling environment for HRDs. Legal reforms, public condemnation of violations, and the implementation of international human rights conventions are critical steps toward protecting those advocating against enforced disappearances.

The role of solidarity, both nationally and internationally, is equally vital in strengthening support networks. During a visit to Pakistan, Khurram Parvaiz, Chairperson of the Asian Federation Against Involuntary Disappearances (AFAD), witnessed the unwavering resolve of Pakistani HRDs. He shared an Urdu verse that, loosely translated, means:

***“We are aware of the perils on this path, yet we choose to walk it. Those who prioritize personal safety above all else should not tread here.”***

These words reflect the courage and resolve of Pakistan's HRDs. Their continued advocacy, despite fear and threats, underscores the urgent need for concrete state measures to uphold human rights and bring an end to enforced disappearances.

## List of abbreviations

Abbreviation	Definition
ATA	Anti-Terrorism Act
BYC	The Baloch Yakjehti Committee
CAT	Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment
ColoED	Commission of Inquiry on Enforced Disappearances
CrPC	Code of Criminal Procedure
CTD	Counter Terrorism Department
DHR	Defence of Human Rights
ECL	Exit Control List
FATA	Federally Administered Tribal Areas
FIA	Federal Investigation Agency
FIR	First Information Report
HRCP	Human Rights Commission of Pakistan
HRD	Human Rights Defenders
ICPPED	International Convention for Protection of All Persons from Enforced Disappearance
ICCPR	International Covenant on Civil and Political Rights
IG	Inspector General
KP	Khyber Pakhtunkhwa
MQM	Muttahida Qaumi Movement
OCHR	Office of the High Commissioner for Human Rights
PAA	Pakistan Army Act
PECA	The Prevention of Electronic Crimes Act, 2016

POPA	The Protection of Pakistan Act, 2014
PPC	Pakistan Penal Code
PTM	Pashtun Tahaffuz Movement
TTP	Tehreek-e-Taliban Pakistan
UDHR	Universal Declaration of Human Rights
VMP (Sindh)	Voice of Missing Persons of Sindh
WGAD	Working Group on Arbitrary Detention
WHRDs	Women Human Rights Defenders

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## Annexure A

**COMMISSION OF INQUIRY ON ENFORCED DISAPPEARANCES**  
**DIRECTORATE GENERAL CIVIL DEFENCE BUILDING ISLAMABAD**  
(Tele: 051-9106340, Fax: 051-9106344, E-Mail: [coioed@gmail.com](mailto:coioed@gmail.com))  
(Website: [www.coioed.pk](http://www.coioed.pk))

No. 3/1/ColoED/419

Islamabad November 29, 2024

**Subject: MONTHLY PROGRESS REPORT ON CASES OF ALLEGED ENFORCED DISAPPEARANCES- NOVEMBER, 2024**

The statistical data of the cases of alleged Enforced Disappearances received/disposed of as on 30<sup>th</sup> November, 2024 since inception of the Commission is summarized below:-

a.	Cases received upto October, 2024	10405
b.	Cases received / registered in November, 2024	33
c.	Total Number of cases	10438
d.	Cases disposed of upto October, 2024	8144
e.	Cases Disposed of in November, 2024	28
f.	Total Disposal upto November, 2024	8172
g.	Balance as on 30 <sup>th</sup> November, 2024	2266

**BREAK-UP OF 28 DISPOSED OF CASES**

(i) <u>Traced Persons</u>	09
Returned Home	07
Confined in Internment Centers	01
Confined in jails	01
Dead Bodies	-
<u>Disposed of not being cases of enforced Disappearances</u>	19

2. Data of statistics is tabulated as under:-

a.	Province and category wise data of cases from March, 2011 to November, 2024	Annex-A
b.	Receipt/Disposal of cases in November, 2024	Annex-B
c.	Month-wise Receipt/Disposal of cases from Jan 2018 to November, 2024	Annex-C
d.	Brief on each case disposed of during November, 2024	Annex-D

Encl: (As above)

(Farid Ahmed Khan)  
Secretary (ColoED)

**Distribution:-**

- a. Secretary, Ministry of Interior, Islamabad
- b. Secretary Ministry of Human Rights, Islamabad
- c. Secretary Ministry of Defence, Rawalpindi
- d. Director General, Intelligence Bureau, Islamabad
- e. Member Regional Office ColoED, Quetta
- f. Member (ColoED), Regional Office, Karachi
- g. Director (Legal) M/O Defence, Rawalpindi
- h. Dte.Gen, ISI, Islamabad
- i. MI Dte, GHQ, Rawalpindi
- j. Others as per list





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