

PAKISTAN

- **PAK-COLL-01:** Five parliamentarians
- **PAK-25:** Ali Wazir
- **PAK-24:** Rana Sanallah



Inter-Parliamentary Union
For democracy. For everyone.

Pakistan

Decision adopted unanimously by the IPU Governing Council at its 214th session (Geneva, 17 October 2024)



Police commandos escort Mr. Imran Khan (centre) as he arrives at the Islamabad High Court. Aamir QURESHI / AFP

PAK-26 – Muhammad Azam Khan Swati
PAK-27 – Imran Khan
PAK-28 – Aliya Hamza Malik (Ms.)
PAK-29 – Ejaz Chaudhary
PAK-30 – Kanwal Shauzab (Ms.)

Alleged human rights violations

- ✓ Enforced disappearance
- ✓ Torture, ill-treatment and other acts of violence
- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention
- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Violation of freedom of movement
- ✓ Abusive revocation or suspension of the parliamentary mandate
- ✓ Failure to respect parliamentary immunity
- ✓ Impunity
- ✓ Other violations: right to privacy
- ✓ Other violations: gender-based discrimination
- ✓ Other violations: right to take part in the conduct of public affairs

A. Summary of the case

The current case concerns five parliamentarians from the *Pakistan Tehreek-e-Insaf* (PTI) party who, according to the complainant, have been persecuted as a result of their opposition to the military authorities of Pakistan following a vote of no confidence that ousted Mr. Imran Khan's government on

Case PAK-COLL-01

Pakistan: Parliament affiliated to the IPU

Victims: Five opposition members of the Parliament of Pakistan (two females and three males)

Qualified complainant(s): Section I.(1)(c) of the Committee Procedure (Annex I)

Submission of complaints: December 2022 and September 2023

Recent IPU decision: March 2024

IPU Mission(s): - - -

Recent Committee hearing: Hearing with a member of the delegation of the Senate of Pakistan to the 147th IPU Assembly (October 2023).

Recent follow-up:

- Communication from the authorities: October 2023
- Communication from the complainant: September 2024
- Communication to the authorities: September 2024
- Communication to the complainant: September 2024

14 April 2022. The complainant reports that, since then, the authorities have interfered with the demonstrations organized by Mr. Khan by arresting thousands of PTI members and banning rallies over vaguely defined security concerns. The complainant reports that protesters were frequently met with a disproportionate use of force, which left Ms. Kanwal Shauzab with long-term injuries. The complainant reports that Ms. Shauzab's complaints regarding the damage she sustained and the threats to leave politics that followed were not acted upon. The complainant submits that what followed was a campaign of escalating violations against Mr. Khan and PTI members of parliament who remained loyal to him, violations that remain unpunished to this day.

According to the complainant, on 13 October 2022, Senator Azam Swati was abducted by the Federal Investigation Agency (FIA), tortured and arbitrarily detained following a tweet criticizing the outgoing chief of staff, General Qamar Javed Bajwa. On 26 November 2022, Mr. Swati was arrested by the FIA again hours after posting a tweet criticizing Mr. Bajwa and detained at an undisclosed location, raising fears that he was the victim of enforced disappearance. However, after a campaign to secure his release by a number of parliamentarians, he was freed on bail on 3 January 2023. The bail order contained a warning, however, that should Mr. Swati "repeat the offence" the order would be revoked. A trial observer mandated by the IPU travelled to Islamabad on 23 July 2023 to follow the trial *in absentia* of Mr. Swati and prepared a report based on the information provided by the state attorneys and his lawyer. According to the report, his arrest and detention "may be described as a punishment for his exercise of the rights to freedom of expression and opinion". The trial observer also concluded that judicial and executive authorities interpret the relevant laws in such a way that "no citizen is allowed to criticize [the] army". In addition, the report expressed concern at the use of multiple charges for the same occurrence, suggesting that the motive of that practice was to keep him in custody.

On 4 November 2022, Mr. Khan was shot and wounded while leading a peaceful protest. The complainant alleges that the gun attack was one of several assassination attempts on Mr. Khan and reports that these incidents were never properly investigated. The complainant stresses that Mr. Khan's complaints to the police against General Asim Munir and Director General of Counter Intelligence Faisal Naseer have remained unregistered ever since, despite the intervention of the Supreme Court instructing the authorities to do so and to investigate the murder attempt. According to the complainant, following a deadly police raid on Mr. Khan's residence, his supporters were banned from protesting and the media were banned from mentioning Mr. Khan's name.

According to the complainant, on 9 May 2023, Mr. Khan was arrested on a charge of misdeclaration of the proceeds from the sale of state gifts, prompting mass protests and unrest. Some demonstrations became the scene of violence, as several state and military facilities were targeted by arsonists amid an internet blackout. The complainant alleges that the violent incidents were staged by the military authorities as part of a false-flag operation to frame Mr. Khan and disintegrate the PTI party. According to the complainant, the authorities were swift in assigning blame to the PTI and unfurled a widespread campaign of violent arrests, killing five PTI activists in the process and detaining over 5,000 people, including Senator Ejaz Chaudhary and Ms. Aliya Hamza Malik, while Ms. Shauzab, Mr. Swati and other PTI members of parliament went into hiding to avoid further persecution. The complainant adds that dozens of PTI members of parliament have been intimidated into changing sides, or face charges of sedition or terrorism under draconian laws, whereas all PTI members who left the PTI had all their charges dropped immediately.

According to the complainant, Mr. Khan was released following a Supreme Court ruling that his arrest was illegal, only to be violently arrested again on 5 August 2023. He was then sentenced in the "state gifts case" to three years in prison, was deprived of his seat and was barred from taking part in elections for five years. Since then, Mr. Khan has faced over 180 charges, including leaking state secrets, corruption, treason and organizing violent protests. On 29 August 2023, the Islamabad High Court suspended his conviction and freed him on bail, yet Mr. Khan remained in prison on the basis of a multitude of other charges. Since then, a succession of court orders acquitting and freeing Mr. Khan were handed down, but Mr. Khan remained in maximum security prisons on the basis of new charges. On 31 January 2024, Mr. Khan and his wife were handed a 14-year prison term, a day after another special court had found Mr. Khan guilty of disclosing state secrets, sentenced him to 10 years' imprisonment and removed his political rights days before the general elections were held. According to the complainant, Mr. Khan is being kept in appalling conditions, and has been denied adequate medical care and visits from a physician of his choice, raising fears that he is being slowly killed. Since 6 October 2024, Mr. Khan has reportedly been kept in solitary confinement. The complainant also shared concerns regarding the health of Ms. Hamza and Mr. Chaudhary, alleging that they face similar obstructions while they are being held on remand. According to the complainant, their trials are also

riddled with violations of due process and excessive delays. Ms. Hamza was eventually released on bail on 7 August 2024.

During a hearing with the Committee on the Human Rights of Parliamentarians, a member of the Pakistani delegation to the 147th IPU Assembly indicated that PTI parliamentarians could seek redress by requesting that the parliamentary leadership issue production orders to allow detained parliamentarians to take part in parliamentary sessions. However, the complainant later shared that all production orders delivered were ignored and that the parliamentary authorities stopped requesting such production orders altogether in the months that followed, despite repeated calls to continue doing so. The complainant also alleges that the ruling coalition has supported calls to have Mr. Khan tried in military courts and has sought to ban the PTI.

Elections were held in Pakistan on 8 February 2024 after a controversial delay beyond the constitutionally mandated deadline. According to the complainant, the elections were mired in controversy, including a connectivity blackout, accusations of rigging and other instances of arbitrary interference with the voting process, including a ban on the use of the party symbol for the PTI. Nevertheless, the elections resulted in one of the biggest electoral upsets in the history of the country, with over 80 seats going to PTI candidates who had campaigned as independents, ahead of any other party. However, the complainant maintains that none of the parliamentarians in the case were able to take part in elections, as all of them were either detained or in hiding, with the exception of Ms. Shauzab, who faced overwhelming obstacles and threats, as well as an unjustified refusal to accept her election registration papers. In its 27 March 2024 decision, the IPU Governing Council concluded that the rights of the five PTI members of parliament to take part in the conduct of public affairs had been violated.

According to the complainant, following the elections, the issues of administration of justice in Pakistan came to the fore following the publication of an open letter signed by six of the eight judges of the Islamabad High Court on 26 March 2024, accusing Pakistan's security agency of threatening and intimidating them and their relatives through abductions, acts of torture and secret surveillance in an attempt "to engineer judicial outcomes" in cases before the courts, including in cases involving Mr. Imran Khan. The unprecedented letter was addressed to the Supreme Judicial Council and called for "transparent civilian oversight" of the security sector to restore the rule of law. The complainant reports that the letter of protest caused an uproar and was followed by the opening of a commission of inquiry, which is yet to bear fruit due to internal disagreements and reprisals against judges. According to the complainant, in the months that followed, the ruling coalition initiated discussions on constitutional amendments that were widely criticized as attempts to curb judicial independence and to allow for the trial of civilians by military courts.

On 18 June 2024, the United Nations Working Group on Arbitrary Detention found that the detention of Mr. Khan was arbitrary and politically motivated. It noted that his arrest lacked a legal basis and appeared to be aimed at disqualifying him from political office. The working group called for his immediate release with compensation and reparations, and called for an investigation into numerous violations of due process during his trial.¹ The call for Mr. Khan's release was echoed by Amnesty International, which decried the weaponization of the legal system in Pakistan.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Regrets* that the delegation of Pakistan to the 149th IPU Assembly cancelled its attendance and was not able to meet with the Committee on the Human Rights of Parliamentarians as intended; and *hopes* that such a meeting can take place in the future;
2. *Acknowledges* that Ms. Aliya Hamza was freed on bail on 7 August 2024 as called for in the Council's decision of 27 March 2024; *strongly regrets* that Mr. Chaudhary and Mr. Khan remain in detention, despite repeated calls for their release, and that the authorities have not provided information on their conditions of detention, despite repeated calls to do so; *agrees*, on the basis of all information at its disposal, with the conclusions of the United Nations Working Group on Arbitrary Detention that Mr. Khan is being arbitrarily detained; and *urges* the parliamentary

¹ www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session99/a-hrc-wgad-2024-22-pakistan-aev.pdf

authorities of Pakistan to secure the immediate release of Mr. Khan and Mr. Chaudhary and to ensure that their rights are restored in full and duly protected by the law;

3. *Remains appalled* by the persistent pattern of alleged lack of due process and impunity in cases of parliamentarians in Pakistan; *is particularly shocked* by allegations that such violations are being used to pressure opposition parliamentarians into changing their allegiance and by reports that only those parliamentarians who have yielded to pressure are relieved from arbitrary actions against them; *considers* in this regard that parliament has a vested interest and a duty to ensure that the rights of all its members, irrespective of their views or political allegiance, are fully protected and that no affront to their rights and dignity is left unpunished, irrespective of the rank of those perpetrating the violations; and *calls on* parliament to establish a commission of enquiry to identify the root causes of the multiple violations in this case;
4. *Is astonished* by the disturbing contents of the open letter by six judges of the Islamabad High Court published on 26 March 2024 and the revelations of threats, intimidation and acts of torture being used against judges by inter-services intelligence agents to influence the outcome of cases, including cases concerning Mr. Khan; *is concerned*, in light of the above, that the parliamentary authorities are not only failing to ensure that the opened commission of inquiry bears fruit five months after this revelation, but are in fact actively pursuing a constitutional amendment that is reported to further curtail judicial independence and accountability for violations committed by military forces, contrary to every decision of the Council in this case and to the international commitments made by Pakistan under international law; and *urges* parliament to restore the rule of law by addressing the root causes that led to the present crisis in the most effective and expedient manner, including through legislative action that would protect the independence of the judiciary, restore respect for due process and put an end to the rampant impunity that has been evident in this case;
5. *Calls on* the authorities to make use of the expertise of the United Nations special procedures, in particular the Special Rapporteur on the independence of judges and lawyers, to ensure that existing legislation is amended so as to comply with relevant international human rights standards; and *suggests* also that the IPU offer assistance to the Pakistani authorities in any such legal review;
6. *Is profoundly concerned* by the increasingly serious allegations conveyed by the complainant in this case, including allegations of torture, inhumane treatment and arbitrary arrest and detention; and *is deeply concerned* by information shared by the families of the detained parliamentarians who took part in a hearing with the Committee during its 173rd session in January 2024, including reports of the inhumane conditions of detention of the detained parliamentarians, as well as by the practice of issuing numerous first information reports for the same occurrences with the alleged intention of keeping Mr. Khan and Mr. Chaudhary in prison, even though they had received several judgments ordering their release;
7. *Hopes* to be able to rely on the support of parliament in ensuring that the rights of parliamentarians in this case are protected in full, including their right to a fair trial; and *reiterates its wish* to be kept informed of the dates of the trial and of any other relevant judicial developments in the case in preparation for an upcoming trial observation mission to Pakistan;
8. *Is convinced* that, in light of the aforesaid concerns, a Committee mission to Pakistan to discuss the issues at hand directly with all the relevant authorities and other stakeholders is needed more than ever in order to help find swift satisfactory solutions to these cases in accordance with applicable national and international human rights standards; *sincerely hopes*, therefore, that the Pakistani authorities will be able to receive this mission as soon as practicable; and *requests* in this regard the Secretary General to engage with the parliamentary authorities of Pakistan with a view to the dispatch of the mission as soon as possible;
9. *Requests* the Secretary General to convey this decision to the competent authorities, the complainant and any third party likely to be in a position to supply relevant information;
10. *Requests* the Committee to continue examining this case and to report back to it in due course.



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Pakistan

*Decision adopted unanimously by the IPU Governing Council at its 211th session
(Manama, 15 March 2023)*



Mohsin Dawar (left) and Ali Wazir (right), PTM member of parliament from the North Waziristan tribal district, sit before a media briefing in Islamabad on 27 January 2020. / Farooq NAEEM / AFP

PAK-25 – Muhammad Ali Wazir

Alleged human rights violations

- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings
- ✓ Excessive delays
- ✓ Right of appeal
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Failure to respect parliamentary immunity
- ✓ Impunity

A. Summary of the case

Mr. Muhammad Ali Wazir is a member of the National Assembly of Pakistan. He is also a co-founder of the Pashtun Tahaffuz (Protection) Movement (PTM), which was established in 2014 to defend the rights of the Pashtun people. Mr. Wazir is a well-known critic of the military leadership of Pakistan, which he blames for instigating widespread human rights violations against civilians in areas predominantly inhabited by Pashtuns. This position put him in conflict with influential members of the military leadership. Mr. Wazir was previously arrested on several occasions together with other PTM leaders for attending PTM gatherings and making critical statements against the military. He has also spoken out against the Taliban armed group, which exposed him and his family to repeated attacks.

Case PAK-25

Pakistan: Parliament affiliated to the IPU

Victim: Independent member of the National Assembly of Pakistan

Qualified complainant(s): Section I.(1)(d) of the Committee Procedure (Annex I)

Submission of complaint: November 2021

Recent IPU decision: November 2021

IPU Mission(s): - - -

Recent Committee hearing: Hearings with the Pakistani delegation to the 146th IPU Assembly (March 2023)

Recent follow-up:

- Communication from the authorities: November 2021
- Communication from the complainant: December 2022
- Communication to the authorities: Letter to the Speaker of the National Assembly (February 2023)
- Communication to the complainant: December 2022

The complainant reports that Mr. Ali Wazir was arrested on 16 December 2020 in connection with a rally commemorating the 2014 Peshawar school massacre and was charged with violating a number of provisions of the Pakistan Penal Code and the Anti-Terrorism Act. The charges against him include preparing a criminal conspiracy, making derogatory remarks against the armed forces and other state institutions in his speeches. He has also been accused of sedition and spreading “hate speeches” against these institutions.

However, the complainant rejects the charges as baseless and politically motivated. The complainant contends that the accusations against Mr. Ali Wazir are intended to interfere with his parliamentary mandate and his advocacy for the rights of the Pashtun people, in violation of his rights to freedom of expression and to peaceful assembly.

According to the complainant, although Mr. Wazir was freed on bail by the Supreme Court of Pakistan on 30 November 2021, his release from prison was forestalled in connection with a separate charge emanating from another jurisdiction. Since then, Mr. Wazir was presented with new charges on five occasions, which prevented his leaving prison and regaining his seat in parliament even when accorded bail and despite the fact that the anti-terrorism court acquitted him in October 2022. Also, although the Speaker of the National Assembly, Mr. Raja Pervaiz Ashraf, issued an order summoning Mr. Wazir to the parliamentary budget session on 21 June 2022, Mr. Wazir was not able to attend the session in the end as he was reportedly subjected to attacks by state agents when he was undergoing a health check in hospital, which led him to demand to be returned to prison instead. The complainant has reported that the prolonged detention of Mr. Ali Wazir on remand violates his parliamentary mandate and puts his life at risk, as he suffers from hypertension, diabetes and other ailments.

However, following the mobilization of numerous actors, including members of the Senate of Pakistan, to pressure the authorities to respect Mr. Wazir’s rights, he was eventually released on bail on 14 February 2023, after spending 26 months in prison. Nevertheless, the complainant insists that Mr. Ali Wazir is still facing several trials, which may lead him to be incarcerated yet again, pointing to numerous examples of unfair trials, arbitrary detention and extrajudicial use of force against critics of the military establishment that have remained entirely unpunished.

Long-standing human rights concerns over the pattern of impunity for numerous violations carried out by the security sector of Pakistan were voiced by several countries at the United Nations Human Rights Council during the latest Universal Periodic Review of the human rights situation in the country on 1 February 2023. Several recommendations addressed ways in which the authorities of Pakistan could address these long-standing challenges, including by criminalizing torture and mistreatment, ensuring that complaints against the extra-legal use of force by the security sector are duly processed, revising the Pakistan Penal Code and the Anti-Terrorism Act to ensure compliance with Pakistan’s human rights obligations, offering a standing invitation to United Nations Special Rapporteurs, and strengthening the effectiveness and independence of the National Commission for Human Rights.¹ This Commission was also the object of comments by the United Nations Human Rights Committee, which expressed concern that this institution is prevented from carrying out inquiries into violations committed by the armed forces or the intelligence agencies. The Committee was also concerned by the overcrowding and inadequate conditions of detention in prison and at the high proportion of persons held on remand, some of whom were in pretrial detention for periods longer than the maximum sentence for the crime. Regarding freedom of expression, the Committee called on the authorities to ensure that criminal laws are not improperly used against dissenting voices and urged Pakistan to review its legislation, including article 19 of the Constitution and other relevant laws, to bring the legislation in line with Pakistan’s human rights obligations.²

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Parliament of Pakistan and the member of the delegation of Pakistan to the 146th IPU Assembly who was heard by the Committee on the Human Rights of Parliamentarians for their cooperation; *acknowledges* the efforts made by several parliamentarians to ensure the release of Mr. Ali Wazir from prison; *hopes* to be able to rely on the support of parliament in

1 <https://uprmeetings.ohchr.org/Sessions/42/Pakistan/Pages/default.aspx>

2 <file:///C:/Users/syno2416/home/Drive/Downloads/G1724636-1.pdf>

ensuring that the rights of Mr. Ali Wazir are protected in full, including his right to a fair trial; and *reiterates its wish* to be kept informed of the dates of the trial, and of any other relevant judicial developments in the case, as well as to *receive* a copy of the relevant legal provisions in preparation for a trial observation mission to Pakistan;

2. *Is deeply concerned* that Mr. Ali Wazir has been detained on remand from December 2020 until February 2023, despite his acquittal in October 2022 and repeated decisions to free him on bail; *is deeply concerned* by reports that Mr. Ali Wazir has been held in overcrowded prison cells despite the fact that he suffers from poor health, including hypertension and diabetes; *wishes* to receive detailed information on the detention conditions of Mr. Ali Wazir; and *recalls* that international human rights standards reflected in General Comment No. 35 of the United Nations Human Rights Committee specify that pretrial detention “shall be the exception rather than the rule”, should not be general practice, and should never apply automatically to all those charged with a certain crime;
3. *Considers* that the Pakistani Parliament has a vested interest in helping ensure that the human rights of all their members are fully protected, irrespective of their posture or allegiance; *is deeply concerned*, as mentioned by the United Nations Human Rights Committee in its latest concluding observations, by the high incidence of arbitrary arrest and detention, mistreatment and extra-legal use of force allegedly committed by security forces, and that such allegations remain largely unpunished;
4. *Recalls* that impunity, by shielding those responsible from judicial action and accountability, decisively encourages the perpetration of further human rights violations, and that violations against members of parliament, when left unpunished, not only violate the fundamental rights of individual parliamentarians and of those who elected them, but also affect the integrity of parliament and its ability to fulfil its role as an institution; *is deeply alarmed* that all of the latest cases concerning Pakistan before the IPU Committee are marked by a persistent pattern of impunity; *firmly believes* that such cases will continue to emerge as long as the underlying factors behind this pattern of impunity are addressed and perpetrators of violations are held to account; and *calls* on the parliamentary authorities to exercise their oversight function to ensure that the perpetrators of violations committed against Mr. Wazir, including the authors of the attacks against him on 21 June 2022, are identified and brought to justice;
5. *Calls on* the Parliament of Pakistan to use its powers to carry out a full review of its legislation, including the Pakistan Penal Code and the Anti-Terrorism Act, and to abolish or amend it in line with Pakistan’s international human rights obligations, including the obligation to criminalize torture and mistreatment; *calls on* the authorities to make use of the expertise of the United Nations special procedures, including the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, to ensure that existing legislation is amended so as to comply with applicable international human rights standards; and *wishes to receive* information on all actions taken to this effect;
6. *Affirms* that the IPU stands ready to provide assistance upon request aimed at building the capacities of parliament and other public institutions to identify any underlying issues that have given rise to the current case and to rectify such issues, including with regard to the legislation and procedures implemented in the case; and *requests* the competent authorities to provide further information on how the IPU could best provide such assistance;
7. *Requests* the Secretary General to convey this decision to the parliamentary and other relevant national authorities, the complainant and any interested third party likely to be in a position to supply relevant information to assist the Committee in its work;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.



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Pakistan

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



Security officials of the Anti-Narcotics Force (ANF) escort arrested senior leader of the Pakistan Muslim League-Nawaz (PML-N), Mr. Rana Sanaulah (left), to court in Lahore on 2 July 2019. ARIF ALI/AFP

PAK-24 – Rana Sanaulah

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage
- ✓ Violation of freedom of movement

A. Summary of the case

Mr. Rana Sanaulah is a member of the National Assembly of Pakistan from the opposition party, Pakistan Muslim League-Nawaz (PML-N), and a vocal critic of the Government. According to the complainant, Mr. Sanaulah was arrested on 1 July 2019 on suspicion of drug possession and trafficking. Mr. Sanaulah's arrest took place amid a wave of purges of former officials linked to former Prime Minister Nawaz Sharif, including members of the Sharif family and the PML-N leadership. The complainant claims that Mr. Sanaulah's trial is politically motivated and maintains that Mr. Sanaulah was framed by the Anti-Narcotics Force at the instigation of the incumbent Prime Minister.

Mr. Sanaulah was arrested by an anti-narcotics squad while he was on his way to a meeting with fellow members of parliament from PML-N and taken to a police station, where he was detained for 16 hours without any charges being brought against him. The next day, he was brought before a judge and presented with 15 kg of heroin that had allegedly been recovered from a suitcase in his car, which Mr. Sanaulah denied. He remained in pretrial detention for six months and was eventually released on bail by the Lahore High Court on 24 December 2019, after several unsuccessful attempts to obtain bail at the court of first instance. In its

Case PAK-24

Pakistan: Parliament affiliated to the IPU

Victim: Minority member of the National Assembly of Pakistan

Qualified complainant(s): Section I.(1).(a) of the [Committee Procedure](#) (Annex I)

Submission of complaint: 28 January 2020

Recent IPU decision: November 2020

IPU Mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communications from the authorities:- - -
- Communication from the complainant: February 2021
- Communication addressed to the authorities: Letter addressed to the Speaker of the National Assembly (December 2020)
- Communication addressed to the complainant: February 2021

decision, the Lahore High Court made reference to details pertaining to the merits of the case, casting doubt on allegations put forward by the prosecution and finding flaws in the evidence produced by the investigation, which it described as “biased and riddled with deception”. The court decision recognized that it could not ignore the fact that Mr. Sanaullah was a prominent leader of an opposition party, highlighting that “political victimization [of the opposition in Pakistan] is an open secret”.

Mr. Sanaullah has since returned to his seat in parliament. According to the complainant, the Government is “preparing fresh corruption charges” against Mr. Sanaullah and has recently frozen his financial assets, together with the accounts of his family members. In addition, the complainant reports that Mr. Sanaullah was placed on the “Exit Control List”, which does not allow him to travel abroad. Since his return to parliament, Mr. Sanaullah has demanded a parliamentary investigation into what he describes as a politically motivated intimidation campaign in an attempt to frame him and discredit the opposition party. The complainant also mentions that Mr. Sanaullah has also repeatedly requested that incriminating video recordings and other pieces of evidence that the executive authorities have declared they hold against him be made public or presented in a court of law, a request which has been repeatedly denied despite the insistence of Mr. Sanaullah’s counsel that it was his right to obtain them.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Regrets* the lack of response from the Pakistani authorities to the Committee’s repeated requests for information and official observations; *recalls*, in this regard, that the Committee, in accordance with its Rules and Practices, does everything possible to promote dialogue with the authorities of the country concerned, and primarily with its parliament, with a view to reaching a satisfactory settlement in the cases before it;
2. *Is concerned* about the allegations that Mr. Sanaullah was arbitrarily arrested and maintained in pretrial detention for a period of six months, which does not appear to be in keeping with Article 10 of the Constitution of Pakistan and other relevant provisions of the Pakistani Criminal Code and the Code of Criminal Procedure, and that he allegedly faced what seem to be violations of his rights to be heard by an independent and impartial tribunal, to be presumed innocent until proven guilty, to be informed promptly of the charges made against him, and to be tried without delay; *is also concerned* by the allegation that the charges brought against Mr. Sanaullah are reportedly politically motivated and not based on substantial evidence, as acknowledged by the Lahore High Court in its the ruling of 24 December 2019, and that Mr. Sanaullah is currently facing threats and acts of harassment and intimidation because of his political affiliation;
3. *Urges* the Pakistani authorities to do their utmost to ensure the impartial and independent processing of Mr. Sanaullah’s case as soon as possible and in strict compliance with national and international standards in terms of a fair trial, and to ensure that effective investigations into the above-mentioned threats, acts of harassment and intimidation are being carried out and protection offered to Mr. Sanaullah; *wishes*, therefore, to receive official information from the parliamentary authorities on any action taken to this effect;
4. *Requests* that the executive authorities provide detailed information on the reasons why they have allegedly refused to make public the video recordings and other pieces of evidence incriminating Mr. Sanaullah that they have declared they hold against him, in spite of repeated requests from Mr. Sanaullah and his counsel in a court of law; *urges*, in this regard, the competent authorities to take all necessary steps to ensure that all available evidence is produced in a timely manner before the competent courts in accordance with Pakistani laws or, otherwise, to immediately put an end to the ongoing criminal proceedings if there is no concrete evidence supporting the thesis of Mr. Sanaullah’s criminal liability;
5. *Reiterates* its request to the parliamentary authorities for their official views on the allegations made by the complainant, including detailed information on the restrictions placed on Mr. Sanaullah, the reasons for the decision to place him on the “Exit Control List” and to freeze his financial assets, as well as those of his family members;

6. *Hereby mandates* a trial observer to monitor the upcoming court proceedings against Mr. Sanallah; and *requests* the authorities to inform the IPU of the dates of the trials when available and of any other relevant judicial developments in the case;
7. *Requests* the Secretary General to convey this decision to the parliamentary authorities, other relevant national authorities, the complainant and any third party likely to be in a position to supply relevant information, and to proceed with all necessary arrangements to organize the trial observation mission as soon as the COVID-19 pandemic-related travel restrictions are lifted;
8. *Decides* to continue examining this case.