

Pakistan

- PAK-24 - Rana Sanaullah
- PAK-23 - Riyaz Fatyana



Inter-Parliamentary Union

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Decision adopted by the Committee on the Human Rights of Parliamentarians at its 162nd session (virtual session, 31 October 2020)



Security officials of the Anti-Narcotics Force (ANF) escort arrested senior leader of the Pakistan Muslim League-Nawaz (PML-N), Mr. Rana Sanauallah (left) to court in Lahore on 2 July 2019. Mr. Sanauallah was put on a 14-day judicial remand on 2 July, a day after he was arrested by the ANF team for "possessing a large quantity of drugs in his vehicle". | ARIF ALI/AFP

PAK-24 – Rana Sanauallah

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 Sanauallah is a member of the National Assembly of Pakistan from opposition party Pakistan Muslim League-Nawaz (PML-N) and a vocal critic of the Government. He was arrested on 1 July 2019 on suspicion of drug possession and trafficking. Mr. Sanauallah'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 insists that Mr. Sanauallah's trial is politically motivated and maintains that Mr. Sanauallah was framed by the Anti-Narcotics Force at the instigation of the incumbent Prime Minister.

Mr. Sanauallah 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. Sanauallah denied. He remained in pretrial detention for six months and was eventually released on bail by the Lahore High Court on 24 December

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(s): - - -

Recent IPU Mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication(s) from the authorities: - - -
- Communication from the complainant: August 2020
- Communication addressed to the authorities: Letter addressed to the Speaker of the National Assembly (October 2020)
- Communication addressed to the complainant: February 2020

2019, after several unsuccessful attempts to obtain bail at the court of first instance. Given the political context of this case, the Lahore High Court made an exceptional 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 and reports that the Government is “preparing fresh corruption charges against him” 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.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Notes* that the complaint was submitted in due form by a qualified complainant under section I.1.(a) of the Procedure for the examination and treatment of complaints (Annex I to the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians);
2. *Notes* that the complaint concerns an incumbent member of parliament at the time of the initial allegations;
3. *Notes* that the complaint concerns threats and acts of intimidation, arbitrary arrest and detention, lack of due process at the investigation stage and violation of freedom of movement, allegations that fall within the Committee’s mandate;
4. *Considers*, therefore, that the complaint is admissible under the provisions of Section IV of the Procedure for the examination and treatment of complaints; and *declares* itself competent to examine the case;



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PAK/23 - Riaz Fatyana

Decision adopted unanimously by the IPU Governing Council at its 196th session (Hanoi, 1st April 2015)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Riaz Fatyana, a former member of the National Assembly of Pakistan affiliated to the Pakistan Muslim League Q and a former substitute member of the IPU Standing Committee on Democracy and Human Rights, and to the decision it adopted at its 194th session (March 2014),

Taking into account the updated information recently provided by the complainant,

Recalling that Mr. Fatyana was the victim of an attack during his parliamentary term that has remained unpunished to date,

Recalling the following information on file:

- On 19 June 2012, Mr. Fatyana's residence was attacked by a group of people protesting against repeated power shortages, allegedly at the instigation of the ruling political party in Punjab province, the Pakistan Muslim League-N (PML-N);
- Mr. Fatyana, who was expecting such protests would take place, had given prior notice to the police the day before to ensure that proper security measures would be put in place for his protection. The police did not, however, take any precautionary measures. Mr. Fatyana called for urgent protective measures again when the protesters started gathering in large numbers in front of his residence, but to no avail. The protests turned into violent confrontations and one person was killed;
- The police, when they finally arrived, allegedly abstained from protecting the member of parliament and instead allowed the attackers free access to his house and arbitrarily arrested and detained Mr. Fatyana for three days. They also detained 13 employees present in the house at the time;
- While in detention, Mr. Fatyana and the 13 employees were charged with murder by the police. The complainant alleged that these charges were fabricated and were not supported by any evidence. After a long investigation, the charges against Mr. Fatyana were dismissed, but the proceedings continued against the 13 detained employees until the court finally acquitted and released them almost a year later in March 2013;
- Mr. Fatyana immediately lodged a criminal complaint against his attackers. The police initially refused to register it, but eventually did so on 22 June 2012, following the intervention of the Provincial Police Office. Reports of the Commissioner and the District Coordinator Officer on the incident appear to have confirmed the names of the alleged attackers and exposed a personal vendetta of the local police against Mr. Fatyana;

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- According to the complainant, the police have not undertaken any effective investigation into the complaint lodged by Mr. Fatyana and none of the attackers or instigators have been arrested and held to account to date, almost three years after the incident. Furthermore, no sanction has been taken against the police officers responsible for Mr. Fatyana's arbitrary arrest and for bringing trumped-up charges against him;
- Following the attack, the complainant further alleged that the attackers had repeatedly threatened Mr. Fatyana with reprisals if he pursued the case against them. Mr. Fatyana has allegedly also been threatened on many instances by the police. While in detention, he was told by police officials that he should not run in the forthcoming National Assembly elections, otherwise he and his family would face reprisals. After these events, he was forced to flee his constituency, together with his entire family. The complainant alleged that Mr. Fatyana was not able to run his electoral campaign properly, as the police had not provided him with the security he required to move around and campaign freely in his constituency. The complainant claimed that, due to this situation, together with allegations that the elections in Mr. Fatyana's constituency had been rigged in favour of his political opponent, Mr. Fatyana had not been re-elected in the May 2013 general elections;
- The complainant alleges that Mr. Fatyana has been framed by the Punjab police, at the instigation of PML-N leaders in Punjab and of Mr. Chourdry Asad ur Rehman Ramdey, his long-standing main political opponent in the constituency, in order to sideline him in the run-up to the general elections in May 2013. The complainant indicated that the local police, the lower ranks of the judiciary and the local administration of Punjab were completely controlled by the officials who had allegedly instigated the attack;
- The complainant further points out that Mr. Fatyana was the Chairman of the Parliamentary Standing Committee on Human Rights and has been a vocal critic of Pakistan's police system, repeatedly denouncing police heavy-handedness and brutality in parliamentary debates, and that he has been outspoken on other violations of human rights such as missing persons, targeted and extrajudicial killings, abuse of authority and acts of torture carried out by law enforcement agencies,

Recalling that the members of the delegation of Pakistan to the 127th Assembly (Quebec, October 2012) and to the 129th Assembly (Geneva, October 2013) confirmed that the National Assembly was fully informed of the case and that the Speaker had strongly condemned the attack against Mr. Fatyana, but that Parliament had not been able to formally monitor Mr. Fatyana's situation and the judicial proceedings, as no formal mechanism exists within the Parliament of Pakistan enabling it to do so,

Further recalling that, during the hearing held at the 130th IPU Assembly (Geneva, March 2014), the member of the delegation of Pakistan confirmed that neither the alleged attackers, nor the complicit police officers had yet been held to account for arbitrarily arresting and detaining a member of parliament, but that judicial proceedings were ongoing before the High Court of Kamalia and that their outcome was awaited,

Considering that the complainant has repeatedly expressed the fear that justice would not be done, that, according to complainant, the judicial proceedings have remained at a standstill since 2012 and the Trial Court has recently taken the decision to put an end to the ongoing proceedings without giving prior notice to Mr. Fatyana or any explanation as to the grounds for such decision,

1. *Regrets* that no recent information has been forthcoming from the authorities of Pakistan;
2. *Remains deeply concerned* that, almost three years after the attack against Mr. Fatyana, no serious attempt appears to have been made to arrest the attackers and the complicit police officers and bring them to justice; *is particularly alarmed* that the judicial proceedings initiated against Mr. Fatyana's attackers were discontinued; *wishes* to know why and whether there are any avenues of appeal available to reopen the judicial inquiry and provide prompt and appropriate redress to Mr. Fatyana;
3. *Recalls* that impunity presents a serious threat both to members of parliament and to those they represent and that, accordingly, physical attacks against members of parliament, if left unpunished, not only violate the fundamental rights of individual parliamentarians, but also affect the ability of Parliament to fulfill its role as an institution; *emphasizes* that Parliament has a duty to ensure that every effort is made to hold the culprits accountable;

4. *Urges therefore* the Parliament of Pakistan and all relevant Pakistani authorities, particularly the Minister of Justice and the Attorney General, to take urgent action to ensure that this attack does not remain unpunished; *wishes* to be kept informed of the measures taken by the authorities to that end and of any new developments in the case;
5. *Requests* the Secretary General to convey this decision to the relevant authorities, to the complainant and any third party likely to be in a position to supply relevant information;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.