

## PAKISTAN

- PAK-24: Rana Sanallah
- PAK-23: Riaz Fatyana



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# Pakistan

*Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163<sup>rd</sup> 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. Sanaullah; 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.



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## Pakistan

PAK/23 - Riaz Fatyana

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

The Governing Council of the Inter-Parliamentary Union,

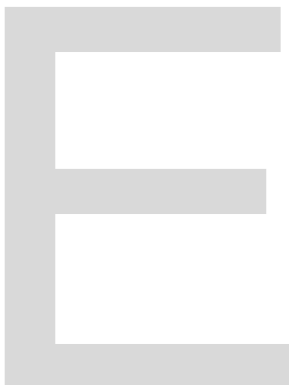
*Referring* to the case of Mr. Riaz Fatyana, a former member of the National Assembly of Pakistan affiliated to the Pakistan Muslim League Q and a former substitute member of the IPU Standing Committee on Democracy and Human Rights, and to the decision it adopted at its 194<sup>th</sup> session (March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



- 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 127<sup>th</sup> Assembly (Quebec, October 2012) and to the 129<sup>th</sup> 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 130<sup>th</sup> 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.