

## PAKISTAN

- PAK-25: Ali Wazir
- PAK-24: Rana Sanallah



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# Pakistan

*Decision adopted unanimously by the IPU Governing Council at its 208<sup>th</sup> session (Madrid, 30 November 2021)*



Mohsin Dawar (left), and Muhammad 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

### A. Summary of the case

Mr. Muhammad Ali Wazir is a member of the National Assembly of Pakistan. He is also a senior leader of the Pashtun Tahaffuz (Protection) Movement (PTM) and a prolific critic of the Government.

The complainant reports that Mr. Ali Wazir was arrested on 16 December 2020 in connection with a rally he had attended, on charges of preparing a criminal conspiracy and making derogatory remarks against state institutions in his speeches. Mr. Ali Wazir was charged with violating a number of provisions of the Pakistan Penal Code and the Anti-Terrorism Act.

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 defence of the rights of the Pashtun minority, in violation of his rights to freedom of

### 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(s):** - - -

**IPU Mission(s):** - - -

**Recent Committee hearing:** Hearing with the Pakistani delegation at the 143<sup>rd</sup> IPU Assembly (November 2021)

### Recent follow-up:

- Communication(s) from the authorities: - - -
- Communication from the complainant: November 2021
- Communication to the authorities: Letter to the Speaker of the National Assembly (November 2021)
- Communication to the complainant: November 2021

expression and to peaceful assembly. In addition, the complainant reports that the prolonged detention of Mr. Ali Wazir violates his parliamentary immunity and puts his life at risk, as he suffers from hypertension, diabetes and other ailments, which make him particularly vulnerable to the COVID-19 virus that is reportedly widespread in the penitentiary system.

## B. Decision

The Governing Council of the Inter-Parliamentary Union,

1. *Notes* that the complaint concerning Mr. Ali Wazir is admissible, considering that the complaint: (i) was submitted in due form by a qualified complainant under Section I.(1)(d) of the Procedure for the examination and treatment of complaints (Annex I of the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians); (ii) concerns an incumbent member of parliament at the time of the alleged facts; (iii) concerns allegations of arbitrary arrest and detention, inhumane conditions of detention, lack of due process at the investigation stage and fair trial proceedings, excessive delays, lack of a right of appeal, violation of freedom of opinion and expression, and of freedom of assembly and association, and failure to respect parliamentary immunity, which are allegations that fall within the Committee's mandate;
2. *Thanks* the National Assembly of Pakistan for its cooperation, in particular for the information provided by the Pakistani delegation to the 143rd IPU Assembly during a hearing with the Committee on the Human Rights of Parliamentarians; *notes with appreciation* the assurance made by the delegation that the trial of Mr. Ali Wazir could be attended by trial observers, and therefore *decides* to mandate a trial observer to monitor the upcoming court proceedings against him; and *wishes* to be kept informed of the dates of the trial when available, and of any other relevant judicial developments in the case, as well as to *receive* a copy of the relevant legal provisions;
3. *Is concerned* that Mr. Ali Wazir has been detained without bail since December 2020 under the Anti-Terrorism Act; *is perplexed* to find in reports from the Ministry of the Interior that the recordings of the speeches that Mr. Ali Wazir had made prior to his arrest on 17 December 2020 still appear not to have been translated and analysed for their content; and *calls on* the competent authorities to take all necessary steps to ensure that evidence against Mr. Ali Wazir is produced in a timely manner, or otherwise to immediately end the ongoing proceedings against him;
4. *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, which would make him especially vulnerable to the COVID-19 pandemic; *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;
5. *Considers* that the Pakistani Parliament has a vested interest in helping ensure that the human rights of their members are fully protected; *calls on* the parliamentary authorities of Pakistan to therefore do their utmost to help see to it that Mr. Ali Wazir's rights to liberty, a fair trial and to be kept in adequate prison conditions are respected; and *wishes* to receive further information on this point;
6. *Is also concerned*, as mentioned by the United Nations Human Rights Committee in its latest concluding observations, "by the very broad definition of terrorism laid down in the Anti-Terrorism Act; by the Act's supremacy over other laws...; by the power of the authorities to detain a person for up to one year", by the extensive jurisdiction of anti-terrorism courts, and by the reported backlog of terrorism-related cases in Pakistan; *firmly believes* that terrorism and related offences must be clearly and narrowly defined to be consistent with international human rights law and that, when adopting counter-terrorism measures, parliaments and governments should, to the greatest extent possible, act within existing civilian structures, due process guarantees, court processes and ordinary means of response, which are frequently the most effective means available; *calls on* the National Assembly of Pakistan to therefore use its powers to carry out a full review of this Act and to abolish or amend it in line with Pakistan's international human rights obligations; and *wishes to receive* information on all actions taken to this effect;

7. *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 may have given rise to the filing of the present complaint 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;
8. *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;
9. *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 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.