PAKISTAN

- **PAK-25**: Ali Wazir
- **PAK-26**: Azam Khan Swati Muhammad
- **PAK-24**: Rana Sanaullah
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.

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. 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.

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:///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.
Pakistan

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 170th session (Geneva, 21 January to 2 February 2023)

PAK-26 – Muhammad Azam Khan Swati

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
- Lack of due process at the investigation stage
- Violation of freedom of opinion and expression
- Violation of freedom of movement
- Other violations: right to privacy

A. Summary of the case

Mr. Muhammad Azam Khan Swati is a member of the Senate of Pakistan and a former minister and vice-president of the Pakistan Tehreek-e-Insaf (PTI) party led by former Prime Minister Imran Khan. According to the complainant, since the removal of Mr. Imran Khan as prime minister in April 2022, Mr. Swati and a number of other high-ranking PTI officials have been persecuted by the newly established government and the security sector leadership in Pakistan.

Case PAK-26

Pakistan: Parliament affiliated to the IPU

Victim: Opposition member of the National Assembly of Pakistan

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

Submission of complaint: December 2022

Recent IPU decision(s): - - -

IPU Mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:
- Communication from the authorities: January 2023
- Communication from the complainant: December 2022
- Communication to the authorities: Letter to the Speaker of the National Assembly (December 2022)
- Communication to the complainant: December 2022
The complainant reports that, during the night of 13 October 2022, a few hours after publishing a tweet criticizing the military for meddling in politics, Mr. Swati was abducted by a group of armed men in plain clothes claiming to belong to the Federal Investigation Agency (FIA), who stormed his residence and submitted him to severe beatings in front of his family before covering his head in a black cloth and taking him to an unknown location in their vehicle, where he was tortured until he lost consciousness. When he regained consciousness, Mr. Swati found himself in a detention centre, where he was allegedly submitted to torture and degrading treatment and later presented with a defamation charge. He was eventually freed on bail by a special FIA court on 21 October 2022.

According to the complainant, once Mr. Swati was released on bail, he started to receive intimidating messages from people claiming to work for intelligence agencies who pressured him to stay silent and desist from exposing the alleged human rights violations that he had endured. The complainant reports that, as Mr. Swati refused to back down, his wife and daughter received an objectionable video recording of Mr. Swati and his wife. The complainant alleges that the State had violated Mr. Swati’s rights to privacy by secretly recording the video and leaking it to his wife and daughter, causing him and his entire family much distress.

According to the complainant, during the night of 26 November 2022, Mr. Swati was re-arrested at his house by agents of the FIA Cybercrime Wing and taken to prison, while his family received numerous first information reports (FIRs) filed against him by the police on account of a speech he had made hours before his arrest. In his speech, Mr. Swati questioned the source of income of the outgoing chief of staff, General Qamar Javed Bajwa, and identified the General as well as Director General of Counter Intelligence Faisal Naseer and Sector Commander Faheem Raza as the instigators of the violations against him. According to the complainant, on 2 December 2022, Mr. Swati was hospitalized with acute chest pains due to a worsening of his underlying heart condition while he was imprisoned on remand in Islamabad, but as Mr. Swati and his family were in hospital waiting to receive the results of medical examinations, state officials forcibly removed Mr. Swati from hospital and took him to an undisclosed location. The complainant reports that there was no official communication of Mr. Swati’s location for some time, which raised fears that he might be a victim of enforced disappearance. However, according to the complainant, Mr. Swati’s family received informal communications that he had been flown from Islamabad to the remote province of Balochistan, where he was to be detained on remand, and no explanation or reason was given for the sudden transfer of Mr. Swati far from the capital. The complainant reported that Mr. Swati’s family members were in a state of turmoil and extremely concerned for the health of Mr. Swati, given his heart condition and his recent incarceration. Mr. Swati was finally released on bail on 3 January 2023 by the Islamabad High Court, although the bail order contained a warning that should Mr. Swati “repeat the offence” the order would be revoked.

A campaign for the release of Mr. Swati was organized by his supporters, but also by his colleagues in the Senate, who referred the matter to various authorities on his behalf. In a letter sent in January 2023, the Chairman of the Senate reported that the Senate Standing Committee on Human Rights unanimously condemned the alleged torture sustained by their colleague on 20 October 2022. The Senate Chair also reported that a special parliamentary committee had been set up to investigate the allegations of breach of privacy.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. Notes that the complaint concerning Mr. Muhammad Azam Khan Swati was submitted in due form by a qualified complainant under section I.(1)(c) 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);

2. Notes that the complaint concerns an incumbent member of parliament at the time of the alleged violations;

3. Notes further that the complaint concerns allegations of 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, lack of due process at the investigation stage, violation of freedom of opinion and expression,
violation of freedom of movement and violation of the right to privacy, allegations which fall under 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;

5. **Thanks** the Chairman of the Senate of Pakistan for his cooperation, in particular for the information provided on the promising action taken by the Senate to investigate the allegations and demand that his rights are respected; **notes with appreciation** the assurance given by the Chairman of the Senate that the Senate will be consistently monitoring the case and continue to raise the case with all relevant stakeholders to ensure that all the rights of Mr. Swati are fully respected; **wishes** to be informed of the outcome of the actions taken by parliament to that end, in particular that of the special parliamentary committee established by the Chairman of the Senate;

6. **Is concerned** by the serious allegations conveyed by the complainant, including allegations of intimidation, torture, inhuman and degrading treatment, enforced disappearance and arbitrary arrest, which would amount to violations that are wholly unacceptable in a democratic society, particularly when they are directed against a sitting member of parliament; **decides** to mandate a trial observer to monitor the upcoming court proceedings against Mr. Swati; 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;

7. **Is also concerned** by the persistent pattern of allegations of lack of due process and impunity in previous cases of parliamentarians in Pakistan, as established in the cases of Mr. Ali Wazir, Mr. Rana Sanaullah and Mr. Riaz Fatyana; **considers** in this regard that parliament has a vested interest and an undeniable duty to ensure that the rights of all its members, irrespective of their political allegiance or opinion, are fully protected and that no affront to their rights and dignity is left unpunished;

8. **Considers** also that, in light of all the aforesaid concerns, a Committee mission to Pakistan to discuss the issues at hand directly with all the relevant authorities and other stakeholders would be of utmost importance; and **hopes** to be able to rely on the assistance of the parliamentary authorities to facilitate the organization of this mission as soon as possible;

9. **Requests** the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;

10. **Decides** to continue examining this case.
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 Sanaullah (left), to court in Lahore on 2 July 2019. ARIF ALI/AFP

PAK-24 – Rana Sanaullah

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 Sanaullah 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. Sanaullah was arrested on 1 July 2019 on suspicion of drug possession and trafficking. Mr. Sanaullah’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. Sanaullah’s trial is politically motivated and maintains that Mr. Sanaullah was framed by the Anti-Narcotics Force at the instigation of the incumbent Prime Minister.

Mr. Sanaullah 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. Sanaullah 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
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 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.