

# **Defenders of human rights in Balochistan in need of defence**

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## **List of contents**

### **1. Attacks on newspapers, electronic media and abuses of individual journalists in Balochistan**

1.1 Newspapers and electronic media

1.2 Abuses of individual journalists

a. Arbitrary detention of journalists

b. Harassment and ill-treatment of journalists

c. Journalists subjected to enforced disappearance and extrajudicial execution

d. Journalists subjected to enforced disappearance and released, reports of torture

e. Journalists subjected to targeted killing

f. Journalists inadequately protected while covering violence

**2. Human rights abuses inflicted on lawyers in Balochistan**

**3. Human rights abuses inflicted on human rights activists in Balochistan**

**4. Recommendations to the Federal Government of Pakistan and the Provincial Government of Balochistan**

## **Executive summary**

Human rights defenders, i.e. persons who uncover human rights violations, bring them to public knowledge and campaign for redress for victims through peaceful and non-violent means, were in December 1998 placed under the special protection of the international community when the General Assembly adopted the UN Declaration on Human Rights Defenders. It was the first UN instrument that explicitly recognizes the importance and legitimacy of the work of human rights defenders and lays down their right to effective protection.

This commitment has not been honoured in Balochistan. Human rights defenders - be they journalists investigating and documenting wrongdoings of state agents, lawyers representing victims of human rights abuses in court or human rights activists campaigning to end human rights violations – have been subjected to a range of human rights violations themselves. They have been harassed, arbitrarily arrested and detained, subjected to enforced disappearance, torture and extrajudicial killings. Contrary to the spirit of the UN Declaration on Human Rights Defenders, state agents have committed such violations at a recently increased rate, and with impunity. This crackdown on human rights defenders has happened at a time when human rights violations are reported from Balochistan at an ever increasing rate, making the role of human rights defenders in supporting victims, campaigning for legal redress for abuses and working to end abuses more essential than ever.

Human rights defenders have also been subjected to targeted killings by non-state actors, groups and individuals who opposed their work. While these are crimes in domestic law, under international human rights law the state also bears responsibility if it does not exercise due diligence, that is, if it fails to prevent such abuses or to ensure that the perpetrators are brought to justice.

The current report covers the period from 2006 to today; it is intended to be open-ended in the sense that the author invites contributions, be they criticism, additions of new information or comments on ways to view the issues discussed. All of these will be reflected in future editions of this report.

## **Defenders of human rights in Balochistan in need of defence**

Standing up for the rights of others has since 9 December 1998 been under the special protection of the international community. On that date, on the occasion of the 50<sup>th</sup> anniversary of the Universal Declaration of Human Rights, the General Assembly adopted the UN Declaration on Human Rights Defenders, the first UN instrument that explicitly recognizes the importance and legitimacy of the work of human rights defenders and lays down their right to effective protection.<sup>1</sup>

Human rights defenders are persons or groups of persons who uncover human rights violations, bring them to public knowledge and campaign for redress for victims through peaceful and non-violent means. The rights they defend may include civil and political rights, such as the right to be free from torture or the right to a fair trial, or economic and social rights, such as the right to clean water, and cultural rights, such as the right to media in one's own language. The Declaration on Human Rights Defenders is not a legally binding document but contains many of the human rights standards contained in internationally binding treaties including the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT), both ratified by Pakistan in June 2010. In so far it was adopted by consensus in the General Assembly, it reflects the international community's unanimous commitment to the protection of human rights defenders. Undermining the role and worth of human rights defenders is a serious matter: As Kofi Anan, former UN Secretary General put it, "The Declaration rests on a basic premise: that when the rights of human rights defenders are violated, all our rights are put in jeopardy and all of us are made less safe".<sup>2</sup>

Everyone has the responsibility to protect human rights but the onus of protection of human rights falls primarily on the state. In addition the state has the obligation to protect human rights defenders. The Declaration states unambiguously that states have the duty to protect human rights defenders against any violence, retaliation and intimidation as a consequence of their human rights work. Article 12(2) 2 of the Declaration states, "The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration", namely the monitoring and publicizing of human rights violations and seeking redress.

In the most inclusive sense, all those in Balochistan who in a peaceful way uncover any of the numerous human rights violations perpetrated in the province thus qualify as human rights defenders; in a stricter sense, Balochistan's human rights defenders are journalists who report abuses, family members of victims of human rights violation who expose and fight violations, lawyers who stand up in court to defend them and

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<sup>1</sup> Full name of the declaration: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by General Assembly Resolution A/RES/53/144.

<sup>2</sup> 14 September 1998 NGO/DPI Conference.

professional human rights workers whose chosen task it is to work to end human rights violations in the province. All of these persons are entitled to the full protection of the law by the government.

The reality in Balochistan is very different.

Agents of the state have not only been responsible for a spate of human rights violations<sup>3</sup> but have also hounded those who expose their wrongdoings, ignoring the legitimacy of, and need for, such work and the international commitment to protect it. This report intends to illustrate the severity and scale of reprisals committed against human rights defenders in Balochistan.

Human rights defenders in Balochistan in the past performed their human rights work, that is, monitored, documented, publicized, campaigned against and fought in courts, without too much interference. This has changed over the past decade: Human rights activists have not only had their hands full with a surge of human rights violations, they have themselves increasingly come into the firing line of those whose wrongdoings they uncover. This not only goes against the letter and spirit of the UN Declaration on Human Rights Defenders to which Pakistan has committed itself, it also cuts the very lifeline that victims of grave abuse rely on most in their hour of need: a human rights community to support and sustain victims and ensure that perpetrators are brought to justice. As a result, impunity for grave human rights abuses is pervasive in Balochistan.

In addition, the fact that Pakistani media by and large ignore the spate of human rights violations in the province of Balochistan and that international media report little about it contribute to the persistence of abuses of human rights defenders. Perpetrators get away with abuses in the absence of wider national and international pressure being brought on the federal and provincial governments and their agencies.

The present report examines first the abuses to which journalists, the first instance to make human rights abuses publicly known, have been subjected; it then looks at the fate of lawyers who take up human rights cases and finally at abuses suffered by human rights activists in the narrower sense of the term. Recommendations to the Government of Pakistan follow.

## **1. Attacks on newspapers, electronic media and journalists in Balochistan**

Journalists exposing human rights violations in the course of performing their professional duties and giving a voice to victims of abuse and to activists campaigning to end human rights violations in Balochistan, have suffered harassment and threats, restrictions or denial of their freedoms of movement, expression, association and assembly, and been subjected to false criminal charges, arbitrary arrest and detention,

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<sup>3</sup> For an overview of human rights violations in Balochistan see periodic reports of the non-governmental Human Rights Commission of Pakistan (HRCP) on Balochistan, of Human Rights Watch (HRW) and Amnesty International (AI). The most recent HRW report, "Pakistan: Upsurge in Killings in Balochistan - Hold Military, Paramilitary Troops Accountable for Abuses", *HRW*, 13 July 2011, documents the escalating incidence of extrajudicial executions and enforced disappearances in Balochistan.

torture, extrajudicial killings and enforced disappearance. These abuses involve violations of human rights defenders' rights to life and security of the person, to due process, to freedom from torture and enforced disappearance, to expressions, association and assembly, all of which are guaranteed both in domestic legislation and international human rights law.

Baloch journalists have suffered acutely the ire of the state apparatus which uses all means to cover its tracks when suppressing the truth. Pakistan has been described as “the world's most dangerous countries for journalists today”, say the International Federation of Journalists (IFJ) and the Committee to Protect Journalists (CPJ).<sup>4</sup> Of all of Pakistan, Balochistan is probably the most dangerous place for journalists.

The threats for journalists and media workers in the province are multiple. They face tremendous pressures from separatist organizations, nationalist forces, political parties, tribal leaders and, above all, the paramilitary Frontier Corps (FC). Journalists are therefore constantly at risk when performing their professional duties.<sup>5</sup> A Baloch journalist characterized the situation of the Baloch press as “Between Nationalist-anvil and Khaki-hammer”<sup>6</sup> and senior journalist Mohammad Khan Sasoli, then president of the Khuzdar Press Club elucidated, “If we report the nationalists, the government will threaten us and if we cover the government, the nationalists will kick our a\*\*\*\* by branding us as the spies of intelligence agencies.”<sup>7</sup>

State regulations of media work further impacts on the work – and security – of Baloch journalists. On 29 October 2009, changes were introduced in the Pakistan Electronic Media Regulatory Authority (PEMRA) law, including clauses that ban the publication of statements from militants, live footage of a suicide bomber or terrorist attack, as well as all news that runs counter to the ideology of Pakistan and state sovereignty. Publication of all materials which defame or ridicule the head of state, the armed forces, or the executive, legislative or judicial branches of the state, were also banned.<sup>8</sup> The regulation of journalistic work, while justifiable in the context of Pakistani security, ignores that many Baloch journalists, particularly those in far-flung districts, are often placed under considerable pressure from political groupings to carry their statements.

### **1.1. Newspapers and electronic media in Balochistan**

Newspapers in Pakistan have in the past been efficient in securing advertisements from the provincial Government's Director of Public Relations – the lone source of advertisements in the province. There are no big commercial organizations or industries which generate advertising for local media outlets.<sup>9</sup> However, in the more recent past,

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<sup>4</sup> “Another journalist killed in Balochistan”, *Ibex*, 23 February 2011.

<sup>5</sup> “Dire Conditions and Insecurity Confront Balochistan Journalists”, *Pakistan Federal Union of Journalists*, 9 November 2009.

<sup>6</sup> Malik Siraj Akbar, “Baloch Press: Between Nationalist-anvil and Khaki-hammer”, *Viewpoint*, 14 July 2011.

<sup>7</sup> *Ibid.*

<sup>8</sup> “Journalists targeted by insurgents and draconian state censorship”, *Ifex*, 11 Nov 2009.

<sup>9</sup> “Dire Conditions and Insecurity Confront Balochistan Journalists”, *Pakistan Federal Union of*

newspapers and electronic media in Balochistan have found it difficult to continue their work when the government punitively withdrew advertising contracts on which they relied. In addition some have been forcibly closed down.

Amongst the newspapers highly critical of the government which were punished for this audacity are the dailies *Asaap*, the English-language daily *Baluchistan Express* and the Urdu-language daily *Azadi* as well as some electronic media and websites while members of their staff were also subjected to various abuses.

### *Asaap*

On 18 August 2009, the Urdu-language newspaper daily *Asaap* ceased publication after its office in Quetta was cordoned off and searched by the paramilitary FC for some two weeks. Its editor said that the Quetta office was under the “control of paramilitary security forces and intelligence personnel” with dozens of FC soldiers deployed inside and outside the office to check on visitors and staff. “Our staff are being checked going in and out of the offices and the safety of our team of reporters is very important to us. The security forces are watching both what we publish and what we are talking about”, editor Abid Mir said, adding, “We consider it as a complete intrusion into our professional duty.” According to some reports, the *Asaap* management said that the FC threatened to physically harm its journalists and implicate them in false sedition cases, if it did not close down the paper.<sup>10</sup>

Before closing, a public editorial statement explained the reasons for the closure of *Asaap* in a front-page article on 18 August: “With absolute pain and sorrow, we wish to inform the respected readers of *Asaap* and the Baloch people that our office in Quetta has been under siege by the Frontier Corps and security forces for the past two weeks. These forces were busy humiliating every visitor and staff member who came to our office. *Asaap* is the only newspaper where security forces have been deployed. These forces are engaged in regular search and harassment of staff members and visitors. Since the government decided to move a tank outside the *Asaap* offices, the situation remarkably worsened. Due to this, all of our staff members have panicked and are unable to concentrate on their professional responsibilities. In such a situation, the Daily *Asaap* is left with two options: either to temporarily or permanently shut its publication, or to prepare for clashes between the security forces and the staff members of the newspaper. For *Asaap*, the personal safety of all its staff members, the majority of whom are young people, is extremely important. Therefore, the *Asaap* management has decided that the newspaper will not be published from Quetta and Turbat.”<sup>11</sup>

Abid Mir stated that the provincial government had been “helpless” and that there was no point in seeking legal remedies in the face of the security forces.<sup>12</sup> He later recalled the siege of the office of *Asaap*: “We worked with guns brandished on us outside the

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*Journalists*, 9 November 2009.

<sup>10</sup> Malik Siraj Akbar, “Khakis Press, Repress, Suppress”, *The Baloch Hal*, 24 August 2009.

<sup>11</sup> “Extreme military pressure forces closure of daily”, *Reporters Without Borders*, 25 August 2009.

<sup>12</sup> *Ibid*.

window. We could see the tank stationed outside our office. They were the worst days of repression of the media in Balochistan.”<sup>13</sup>

Baloch observers have described *Asaap* in the following terms: “*Asaap* newspaper during these very hard times has steadfastly stood against the gross violations of human rights of the Baloch people and always presented a balanced view on social, political, cultural, economic and human right issues of Baloch people and Balochistan. ... We are aware that recently Mr. Dashti was threatened of dire consequences if the *Asaap* Group of publications continued its policies of exposing the atrocities committed by the agencies, which, we believe, are responsible for this dastardly act on Mr. Dashti’s life.”<sup>14</sup> (see below for Dashti’s case)

### ***Balochistan Express and Azadi***

A few days after the closure of *Asaap*, FC personnel on 21 August 2009 began a “siege” of the English-language daily, the *Baluchistan Express* and the Urdu-language daily *Azadi*. Security personnel repeatedly carried out body searches of members of staff and workers of the printing presses and blocked their access to the office when they proved unwilling or unable to answer the FC’s questions about newspapers policy, their sources of finance and political leanings.<sup>15</sup> The FC also blocked the main entrances of the office buildings and stopped all persons visiting the offices. It did not give any reason for the cordoning of the building which lasted some four days until on 25 August 2009 the FC withdrew, apparently after the protest by the Human Rights Commission of Pakistan (HRCP) and and international critical reporting by such media houses as the *BBC*.

### ***Tawar***

Non-state actors, too, have repeatedly harassed and threatened journalists when they were not satisfied with their reporting. In mid-May 2011, activists of the Baloch Students Organization (BSO-Mohiuddin faction), the student wing of the Balochistan National Party (BNP-Mengal) burned copies of daily *Tawar* in Khuzdar district and subsequently attacked the office of the newspaper in Lasbela district. This occurred despite the fact that the paper is widely known to sympathize with the nationalist agenda though the BNP and BSO may not have agreed with the newspaper’s editorial policy. *Tawar* regularly covers abuses perpetrated by the state – as a result of which it has lost all official advertisements. Several journalists affiliated to *Tawar* as correspondents in different districts have also been subjected to enforced disappearance and some have been extrajudicially executed.<sup>16</sup>

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<sup>13</sup> Notes on a three-day training program on media, democracy and human rights organized by Balochistan Institute for Future Development (BIFD) with the collaboration of National Endowment for Democracy (NED) at the Quetta Press Club, 7 to 10 April 2010. Media, Democracy and Human Rights Journalists Capacity Building in Media Tools, Balochistan Institute For Development.

<sup>14</sup> “Murderous Attack on Prominent Baloch Intellectual/Writer Waja Jan Mohammad Dashti”, *Press release*, Baloch Human Rights Council UK, 28 February 2009.

<sup>15</sup> While the national press by and large ignored this attack on the freedom of the press, the *BBC Urdu Service* reported it.

<sup>16</sup> “An Undemocratic Attack on Daily Tawar”, *The Baloch Hal*, 23 May 2011.

(see details of such attacks and on the blockage of its online version below.) Attacks on *Tawar* have also come from the side of the state: on 25 July 2010 the newspaper reportedly receives threats from intelligence agencies, and its reporters were reportedly threatened to be killed if they do not stop reporting human rights violations by Balochistan.

### **Electronic media**

On 4 October 2010, FC personnel attacked the office of *VSH News TV*, a private Baloch language TV channel in Hub, harassed staff and ransacked the office, damaging equipment. Reporter Jabbar Baloch said that while he and his three colleagues, cameraman Ghulam Mustafa, editor Muhammad Salah and intern Farooq Ahmed, were working in the office, eight FC personnel entered, ordered them to raise their hands and frisked them before ordering them to leave. The FC men then searched the premises, including computer files. Baloch said that upon contacting the FC spokesman, the incident was initially denied as he claimed that those involved had not been FC personnel. Later, the FC spokesman admitted that the search had indeed been carried out by FC staff but that it had been the result of a misunderstanding. Baloch said that he had aired footage and critical comments by Baloch journalists about FC personnel activities a week earlier, which, he thought, had caused the punitive operation.<sup>17</sup>

On 25 April 2006, the Pakistan Telecommunication Authority (PTA) blocked four Baloch nationalist websites; they included *balochvoice.com* (which carries news about the fighting in Baluchistan as well as international media reports), *baloch2000.org*; *balochfront.com* (which support the Baluch nationalists); and *sanabaloch.com* (a Baluch politician's site). While the PTA decree accuses the sites of containing "misleading information", a PTA official claimed that the sites had "ties" with Baloch nationalist leaders and said the decision to ban them had been reached jointly with the government.<sup>18</sup> In March 2011, PTA blocked access to the online edition of the Urdu-language daily *Tawar*, again without giving a reason but according to observers possibly because of its staunch pro-nationalist policy. The Canada-based Baloch Human Rights Council (BHRC) condemned blocking access to the site of a newspaper "known for its critical coverage of the military operation and gross human rights violation committed by the Pakistan Army against secular forces...".<sup>19</sup>

### ***The Baloch Hal***

On 8 November 2010, PTA blocked access to the website of *The Baloch Hal*, the first online English language newspaper on domestic events in the province which had been launched on 20 November 2009. *The Baloch Hal* had also extensively covered enforced disappearances and other human rights abuses; according to its mission statement, it "is the first online English newspaper of Balochistan which staunchly pursues an independent editorial policy aiming to practice objective journalism. The online paper

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<sup>17</sup> "Paramilitary personnel ransack TV station's office in Balochistan", *PPF/IFEX*, 7 October 2010.

<sup>18</sup> "Authorities block access to Baluch nationalist sites", *Reporters Without Borders*, 28 April 2006.

<sup>19</sup> "Online Edition of Another Baloch Newspaper, Daily Tawar, Blocked", *The Baloch Hal*, March 2011.



offers candid opinion, in-depth analyses, revealing interviews, investigative reports and fresh photographs which are instantly shared with a global audience by using social networks like Twitter and Facebook ... Ours is a liberal and secular policy under which we will provide equal coverage to all stakeholders in Balochistan. The newspaper adheres to the democratic principles of all forms of freedoms and preaches peace and tolerance.” *The News* described *The Baloch Hal* as “one of the few Baloch voices still calling for reconciliation, parliamentary solution, and dialogue. Other Baloch portals are also banned, including blogs and sites that use the dateline ‘Occupied Balochistan’ — which *Baloch Hal* does not, despite the nationalists’ pressure. Moderate voices like Akbar and his *Baloch Hal* must walk a tightrope between the military and the militants, where one man’s martyr is another man’s traitor and vice versa. ... *Baloch Hal* tries to keep a balance, despite the pressures... *Baloch Hal* provides a platform where people can express themselves through the pen rather than a gun. Banning rational, moderate voices from Balochistan only shuts more doors. That is the last thing that an elected civilian government that stresses reconciliation and dialogue should be doing”.<sup>20</sup>

PTA did not give any explanation for barring access to the *Baloch Hal*, beyond claiming that it had carried “anti-Pakistan” material. The editors of *Baloch Hal* denied the charges saying they saw the step as a “mere excuse by the Pakistani authorities to muzzle the independent media”.<sup>21</sup> The *Baloch Hal* said in March 2011, that its site was “still not accessible in certain parts of Pakistan with the government unwilling to clearly state the reasons” for blocking it.<sup>22</sup>

### ***Baloch Voice TV***

The prospect of an independent Baloch language TV channel appears to have met with particular alarm by state agencies determined to suppress the dissemination of news in the province and was answered with egregious repression. In April 2006, **Munir Mengal**, a businessman intending to set up the first such channel, *Baloch Voice TV* to be based in Dubai, was subjected to enforced disappearance as he landed in Karachi airport on his return from Bahrain where he had gone to recruit staff. His arbitrary arrest came only three months before *Baloch Voice TV* was due on air via satellite. The channel was never set up. (For details see below)

### **1.2. Abuses of individual journalists**

Journalists have been abused, that is they have been harassed, subjected to false charges, arbitrarily arrested and detained, subjected to enforced disappearance, tortured and extrajudicially executed to prevent them investigating and reporting abuses (including security forces’ excesses or corruption) or to punish them for doing so. The perpetrators have included state agents, including police, security and intelligence personnel but also non-state actors including political groupings, tribal leaders or persons enjoying official patronage. The abuses listed here have without exception been perpetrated with impunity

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<sup>20</sup> Bina Sarwar, “Malik Siraj Akbar Interview”, *The News on Sunday*, 12 June 2011.

<sup>21</sup> “The Baloch Hal Banned”, *The Baloch Hal*, 8 November 2010.

<sup>22</sup> “Online Edition of Another Baloch Newspaper, Daily Tawar, Blocked”, *The Baloch Hal*, March 2011.

as the law enforcement and judicial establishment have been unable or unwilling to bring the perpetrators to justice.

### **a. Arbitrary detention of journalists**

A number of journalists have been arbitrarily detained, i.e. been held in custody without any legal basis.

On 23 April 2010, **Mustafa Tarin**, bureau chief of the *ARY News TV* channel, was arbitrarily detained and beaten by police in Quetta, for allegedly reporting on a police rally in a “negative way”.<sup>23</sup> Vandalism and arbitrary violence committed by police during their agitation for pay rises in January 2010 had been reported unfavourably in the media, particularly the electronic media; as a result the Chief Minister had initiated action against police rowdyism. From then on, police considered media persons to be unsupportive and had engaged in a “witch hunt”.

Tarin later told a press conference at the Quetta Press Club that police officers had stopped him on 23 April in the suburbs of Quetta and asked him to show his vehicle's registration papers. He showed them his press card and vehicle papers but was taken to the local police station. There his mobile phone was taken away; his allegedly “negative” reporting was held responsible for the failure of the police force to obtain higher wages.

Tarin reported that police officials started beating him, tore his clothes and used abusive language before locking him in a cell. Tarin was able to inform his brothers of the arrest; they in turn informed a reporter for *ARY News*, Abdullah Magsi, of Tarin’s whereabouts. However, Magsi was not allowed into the police station; in addition police denied holding Tarin. Later he succeeded in informing the Superintendent of Police of the case. On his orders, Mustafa Tarin was released after four hours in arbitrary detention. The Balochistan Union of Journalists and the Quetta Press Club condemned Tarin’s arrest and ill-treatment and demanded that those responsible be punished.

On 25 April 2010, when local journalists tried to reach the Chief Minister's Secretariat to stage a demonstration, inter alia to protest against the earlier manhandling of Tarin, police manhandled the journalists and arrested 20 journalists; they were released at the intervention of provincial minister Mir Sadiq Umrani and Senator Ismail Buledi. The Chief Minister later set up a committee to investigate the manhandling of Tarin.<sup>24</sup> Nothing is known about the outcome of the inquiry.

Earlier, *Abdul Latif Gola*, the Urdu-language daily *Jang*’s correspondent in Jaffarabad, was arbitrarily arrested on 17 June 2007, reportedly by police saying that they acted on the orders of an army major. He was arbitrarily detained for four days, first for two days in a cell and then in a location he could not identify.<sup>25</sup>

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<sup>23</sup> “TV journalist beaten up police custody”, *Daily Times*, 24 April 2010.

<sup>24</sup> “Police detain, assault journalist for “negative” reporting”, *Ifex*, 27 April 2010.

<sup>25</sup> “Abdul Latif Gola: Reportedly being held by army”, *RSF statement*, 19 June 2007.

After his release, Gola said that he was detained because of a “suspicious phone call,” without explaining if it was one he had made or one he had received. He said he had not been ill-treated.<sup>26</sup> An unnamed journalist told *Reporters Without Borders* that Gola’s arrest had probably been linked to his coverage of then recent clashes between the security forces and Baloch nationalists.<sup>27</sup>

On 15 June 2007, *BBC* correspondent **Nisar Khokhar** and an accompanying local journalist were arbitrarily detained by frontier police near Dera Bugti which was then under army control. They had sought to investigate reports about the detention of seven women in an army camp for three weeks. The two journalists were released after two hours.<sup>28</sup>

## **b. Harassment and ill-treatment of journalists**

Harassment and ill-treatment of journalists performing their professional duties have recently increased too.

A Quetta-based Baloch Bureau Chief of a leading news channel (not named in reports) was sacked in 2009 reportedly on the instructions of security forces after he interviewed the chief of Jundullah, an Iranian Sunni militant group, which is wanted by Iran and whose members are accused of hiding in Pakistan. Authorities claimed that his contacts undermined Pakistan-Iran relations, according to the Pakistan Federal Union of Journalists (PFUJ).<sup>29</sup>

Journalist **Behram Baloch**, bureau chief of the Urdu language *Daily Intekhab*, was beaten by members of the mostly Punjabi and Mohajir Anti Terror Force in the main roundabout of Gwardar on 28 December 2008 while carrying out his professional duties.<sup>30</sup> **Kazim Mengal**, chief reporter of *Express*, and cameraman **Mahmud** were harassed by security forces and their equipment was taken from them, while filing a report on the Sandak Gold Project in Chaghi district in May 2009. They had prior permission to enter the area, Shah Hussain, a senior reporter of *Express* said.<sup>31</sup>

On 4 September 4, 2009, journalist **Irshad Akhtar** of daily *Asaap* was beaten by FC personnel and had his video camera taken away when attempting to cover a clash between FC personnel and women protestors in Turbat district.<sup>32</sup> “I was performing my

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<sup>26</sup> . “Military release Balochistan reporter after holding him for four days”, *Reporters without Borders*, 21 June 2007.

<sup>27</sup> “Military release Balochistan reporter after holding him for four days”, *RSF statement*, 21 June 2007.

<sup>28</sup> “One reporter detained in Balochistan, another denied entry to army-controlled Balochi district”, *Reporters without Borders*, 18 June 2007.

<sup>29</sup> “Dire Conditions and Insecurity Confront Balochistan Journalists”, *Pakistan Federal Union of Journalists*, 9 November 2009.

<sup>30</sup> Ahmar Mustikhan, “Pakistan forces beat up Baluch journalist”, <http://www.nowpublic.com/world/pakistan-forces-beat-baluch-journalist#ixzz1U9JMCDid>, 24 December 2008.

<sup>31</sup> “Dire Conditions and Insecurity Confront Balochistan Journalists”, *Pakistan Federal Union of Journalists*, 9 November 2009.

<sup>32</sup> *Ibid.*

duty as a reporter-cum-cameraman when the FC personnel started to beat me. They dragged me and wanted to take me inside their camp until the protesting women intervened and helped to save me. I was left with many injuries,” said Akhtar. He complained that the FC authorities had refused to return his camera which included the images and video clips of the protest demonstration.<sup>33</sup> Earlier, on 26 August 2008 he reportedly suffered gunshot injuries and one other person was killed when they were attacked by FC personnel at a public rally which had been organized to mark the second death anniversary of former governor and chief minister of Balochistan, Nawab Akbar Khan Bugti.<sup>34</sup>

On 13 June 2010, reporter **Munir Noor** of *Samaa TV* and *The Daily Messenger* was stopped in Khuzdar district while riding his motorbike. Members of the FC insulted him and slapped his; the camera of his companion, **Abdul Latif** was taken away. The two men had been on their way to cover the funeral of killed Baloch students. Noor was taken to the FC cars; when he tried to make a phone call, his mobile was snatched away. He was released after the detaining FC men contacted their commanding officer; camera and mobile were also returned. An FC official later apologized for the incident.<sup>35</sup>

In June 2010, four journalists were beaten, unlawfully detained for over one hour and had their cameras taken away by personnel of the FC to prevent them from covering a strike called by a political party in Noushki District. The journalists had covered FC personnel beating political activists. They were confined to a room until the end of the demonstration one hour later; they were then given back their cameras with the recorded material deleted. Those beaten and detained included **Bashir Mohammad** of *ARY One*, **Dawood Mengal** of *Daily Zamana*, **Ghulam Rasool** of *Daily Intekhab* and **Mohammad Ibrahim Baloch** of *Daily Mashriq*.

Some journalist narrowly escaped being arbitrarily detained and possibly being subjected to ill-treatment.

Security forces apparently attempted to abduct Secretary General of Gwadar Press Club, **Qazi Dad Mohammad Rehan** (27), bureau chief of *Daily Tawar*, editor of *Murwarid*, a Baloch literary magazine, and publisher of a blog who vocally opposed enforced disappearances of Baloch youth and journalists and publicly lamented the virtual media blackout in Pakistan on human rights violations in Balochistan. In the middle of the night of 13 December 2010, some 30 soldiers of the FC and possibly members of Military Intelligence raided Rehan’s house in Gwardar, apparently intending to abduct him. When they did not find Rehan at home, the soldiers beat his brothers and questioned them about his whereabouts. While in hiding, he sent out urgent appeals for protection: Stating that Gwardar was surrounded by security forces who controlled all entry and exit points of the town, he sent messages saying that he feared for his life: “There is nowhere to hide or

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<sup>33</sup> “PFUJ concerned over harassment of media persons in Balochistan”, *PFUJ*, 18 December 2009.

<sup>34</sup> Ahmar Mustikhan, “Pakistan forces beat up Baluch journalist”, <http://www.nowpublic.com/world/pakistan-forces-beat-baluch-journalist#ixzz1U9JMCdid>, 24 December 2008.

<sup>35</sup> “Paramilitary Frontier Corps personnel detain, manhandle journalist”, *Ifex*, 12 June 2010.

escape, the circle of death is closing upon me and the Pakistani security hounds are after my blood.”<sup>36</sup>

The most recent case of a journalist threatened, arbitrarily detained and beaten for uncovering a grave human rights violation committed by security personnel is that of photo-journalist **Jamal Tarkai** and police surgeon **Dr Baqir Shah**. Though under public pressure a judicial inquiry was set up to ascertain the facts of the incident, witnesses, including human rights defenders like Tarkai and Shah, were left unprotected when state agents sought to silence them. Though such abuse was widely reported, no effective steps were taken to hold the perpetrators to account.

On 17 May 2011, five persons, including three women, initially thought to be Chechen, were shot dead by police and FC personnel near an FC picket on the National Highway near Kharotabad, a suburb of Quetta. Police and FC officials immediately after the incident declared that the victims had been suicide bombers, equipped with suicide jackets and possessing explosives.

Following a public outcry, the Balochistan government on 20 May 2011 set up a judicial inquiry under a high court judge; it conducted hearings of 28 persons between 24 May and late June. Amongst the key eye witnesses was photo-journalist **Jamal Tarkai** who had been present at the incident and recorded it. He showed video footage of the shooting, including of an injured woman lying on the ground and waving her hand thrice, presumably as a gesture of surrender or seeking help. Tarkai’s footage reportedly also showed the Quetta police chief stopping a police officer from firing while the FC Colonel is seen to continuously shoot at the victims.<sup>37</sup> Tarkai also informed the inquiry tribunal that he saw a Chechen woman sitting at the spot and police and an armored vehicle opening fire at her. Another key witness appearing before the tribunal was police surgeon **Dr Baqir Shah**, who had conducted the post-mortem of five foreigners; he stated that the victims had died of bullet injuries.

Within hours of giving evidence before the tribunal, both key witnesses were harassed and ill-treated. On 14 June 2011, Jamal Tarkai was arbitrarily detained for two hours while he was riding a motorbike near Kharotabad and beaten by police personnel at the Kharotabad police station in Quetta where he was taken; after his release, two of the police officers responsible for his ordeal were suspended.<sup>38</sup> Speaking to a private TV channel later, Tarkai reportedly said that he had been “terrorized” for uncovering the facts of the incident and lived in difficult circumstances.<sup>39</sup> He told the inquiry tribunal

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<sup>36</sup> Zaffar Baloch, “Save the Life Of A Baloch Journalist”, *Countercurrents.org*, 26 January, 2011; Zaffar Baloch, BHRC (Canada), *Letter to the Director General, UNESCO*, Paris, 22 January 2011.

<sup>37</sup> The video can be found on u-tube. “Chechens’ killings: Eyewitnesses contradict official version”, *The Express Tribune*, 1 June 2011.

<sup>38</sup> The Inspector General of Balochistan Police suspended two SHOs, namely those in charge of City Police Station and of Gawalmandi Police Station. “Quetta police arrest Kharotabad footage maker journalist”, *SAMAA*, 14 June 2011.

<sup>39</sup> “Kharotabad incident: Policemen tortured doctor and journalist. Ispahani collects facts about Quetta killings”, *PakTribune*, 14 June 2011; “Journalist, doctor unveiling facts of Kharotabad incident tortured by cops in Quetta”, *Saleemmehsud.blogspot.com*, 15 June 2011.

that the police arrested him because of the statement he had given against them; he added that he had received a threat from an unidentified man who called the Quetta Press Club and told its Vice President that Tarakai had made a “huge mistake” by handing over the footage and photographs to the tribunal.<sup>40</sup>

Similarly Dr Baqir Shah told a private TV channel “I was punished by police for telling the truth about the killing of five foreigners”, adding that he could identify those police personnel who had tortured him.<sup>41</sup> He stated that in the evening of 13 June 2011, a large number of police officers came in some 10 vehicles to the Prince Road Hotel where he was taking dinner. He reported that they asked his name and threatened him about the statements he had made that day before the tribunal. He reported them as saying, “he is the man who recorded statement against us, beat him”. They beat him and injured his head and arms to the extent that he needed medical treatment in a hospital.<sup>42</sup> However, Station House officers of Ghawalmandi and Sadar police stations who had been suspended soon after the attack on Dr Shah, denied attacking him before the inquiry tribunal “Dr Shah was sitting inside his car ...and was drinking alcohol. I just requested him not to drink alcohol in a public place,” claimed the SHO of Sadar police station. The SHO Ghawalmandi backed this up, saying they had “barely laid hand on him”.<sup>43</sup>

Police coercion including forcing witnesses to lie before the judicial inquiry tribunal was publicly ignored as well although this clearly constitutes a criminal offence. On 12 June 2011, Atta Mohammed, the driver of the van in which the victims have ridden, told the fact-finding mission chaired by the Prime Minister's Advisor on Human Rights, Mustafa Nawaz Khokhar, which had been set up by the National Assembly Standing Committee on Human Rights, that police had coerced him into stating that arms and explosives were recovered from the luggage of the foreigners. He said that he had been threatened that he would be at risk if he told the truth.<sup>44</sup> He told the fact finding team that the victims were innocent and that police had asked them to pay bribes.<sup>45</sup>

The judicial inquiry submitted its report to the Balochistan government on 28 June 2011; parts of it were made public by the Balochistan Home Department on 30 June. The report's publicized portion stated that police and FC personnel were responsible for the extrajudicial killing of the five foreigners, including three women, one of whom was seven months pregnant. The foreigners had entered Pakistan illegally; material found in

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<sup>40</sup> *The Express Tribune*, 15 June 2011.

<sup>41</sup> *The Express Tribune*, 15 June 2011; “Journalist, doctor unveiling facts of Kharotabad incident tortured by cops in Quetta”, *Saleemmehsud.blogspot.com*, 15 June 2011.

<sup>42</sup> “Kharotabad incident: Policemen tortured doctor and journalist. Ispahani collects facts about Quetta killings”, *PakTribune*, 14 June 2011.

<sup>43</sup> *The Express Tribune*, 15 June 2011.

<sup>44</sup> “Kharotabad incident: Driver says his statement was coerced”, *Geo Pakistan News*, 12 June 2011.

<sup>45</sup> “National Assembly Standing Committee on Human Rights Meets”, *AsiaNet Pakistan*, 14 June 2011. Besides intimidation and harassment of witnesses, blatant cover-ups and evasions by possible perpetrators persisted throughout the tribunal's hearings. For instance, during a hearing on 9 June 2011, a senior police officer who had been present at the shooting told the tribunal that his eyesight and hearing were too poor to identify colleagues involved in the shooting; others claimed not to be able to identify those giving orders and those continuously shooting at the foreigners. “Kharotabad incident: ‘My eyesight is too weak to identify colleagues’”, *www.pakistannews24.com*, 12 June 2011.

their possession indicated that they might have been associated with some banned organizations. However, at the time of the incident they carried neither arms nor explosives, had not meant to attack security forces and could safely have been arrested. The un-provoked firing in fact destroyed valuable evidence about those banned organizations. The inquiry tribunal recommended that legal action be taken against the perpetrators of the killings. It is not known at present what action has in fact been taken in this regard.<sup>46</sup> From the excerpts published in Pakistani media it appears that no notice was taken of the unlawful detention and ill-treatment suffered by journalist Jamal Tarkai and Dr Shah although during the hearings, the head of the judicial tribunal had expressed strong resentment over the assault of the key witnesses.<sup>47</sup>

Several other bodies took note of the harassment and ill-treatment of Dr Shah and Jamal Tarkai. In late May the Supreme Court took notice of the incident and demanded to be informed of details; in June 2011, the security for journalists uncovering grave human rights violations was discussed in the Senate which urged that those responsible be held to account. Senate Chairman Farooq H. Naek said, “The country cannot move forward if journalists were not given protection to freely discharge their professional duties”.<sup>48</sup> The National Assembly Standing Committee on Human Rights on 8 June 2011 formed a five member fact-finding committee headed by Advisor to the Prime Minister on Human Rights, Mustafa Nawaz Khokar which directed the IG Police Balochistan to provide adequate security of Dr Baqir Shah and Jamal Tarkai and the taxi driver.<sup>49</sup> The fact finding team subsequently reported that it had initially faced lies and cover-ups but came to the same conclusion as the judicial inquiry and described the attacks on Dr Shah and Tarkai as an “un-human and disgraceful act”.<sup>50</sup>

Jamal Tarkai had earlier received threats and been harassed by different groups and people. He reported, “Once the activists of the Balochistan Student Organizations were beating Din Mohammad Watanpal, a photographer, at a protest rally when I managed to rescue him. Two people came to my house later in the night and asked me to leave Balochistan or I would be killed. ... Last year I was going home in the evening when some masked men intercepted me and gave me a sound beating. I don’t know who they were”. He reportedly also received threats from the Balochistan Liberation Army (BLA) for cartoons of the late Nawab Akbar Bugti, from the Pakhtunkhwa Milli Awami Party, and Mahmud Khan Achakzai, that party’s head, as well as threats from Jamiat Ulema-i-Islam for a caricature of Maulana Fazlur Rahman.<sup>51</sup>

### **c. Journalists subjected to enforced disappearance and extrajudicially executed**

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<sup>46</sup> Saleem Shahid, “Kharotabad inquiry report: Action recommended against FC, policemen”, *Dawn*, 1 July 2011; Mohammad Zafar, “Kharotabad killings: Tribunal holds FC, police responsible”, *Daily Times*, 1 July 2011.

<sup>47</sup> “Journalist, doctor unveiling facts of Kharotabad incident tortured by cops in Quetta”, *Saleemehsud.blogspot.com*, 15 June 2011.

<sup>48</sup> “Interior minister asks FC to provide security to journalists”, *Dawn*, 11 June 2011.

<sup>49</sup> M Aftab Zahoor, “NA body urges trial under anti-terror law”, *www.dateline.com.pk*, 30 June 2011.

<sup>50</sup> National Assembly Standing Committee on Human Rights Meets”, *AsiaNet Pakistan*, 14 June 2011.

<sup>51</sup> *The News*, 11 September 2009, cited in: “PFUJ concerned over violence against journalists”, <http://www.pakistanpressfoundation.org/usermediafilesdetails.asp?uid=19529>, 21 July 2011.

Several journalists have in the recent past been arbitrarily detained for some time by security forces in unknown locations, with the detaining authorities denying their detention or any knowledge of their detention. Such persons are victims of enforced disappearance. Some of these victims have been killed. It must be assumed that they were extrajudicially executed by the detaining authorities.

The mutilated bodies of **Mohammad Ilyas Nazar** (26), a student and journalist of Baloch language magazine *Dhorant*, and **Qambar Chakar Baloch** (24) a student of Balochistan University of Information Technology, Engineering and Management Sciences (BUIITEMS) and a member of the Baloch Students' Organization (BSO) were found in Pidarak area of Kechh district near Turbat on 5 January 2011.

Ilyas Nazar had reportedly been abducted by paramilitary personnel near Pasni while he was traveling by coach from Quetta to his native Turbat on 22 December 2010. According to eye-witnesses on the coach, paramilitary personnel had stopped the bus at Badok locality near Pasni and asked the journalist to prove his identity. After he showed his identity card, he was taken away. His fate and whereabouts remained unknown. No criminal case was registered in connection with his abduction and local authorities claimed they knew nothing of it.<sup>52</sup> Qambar Chakar had reportedly been abducted on 26 November 2010.

The bodies of the two men were taken to a hospital in Turbat where autopsies revealed that both had bullet injuries on their heads while their bodies bore torture marks. Ilyas Nazar had four injuries on head and chest while Qambar Chakar had 8 bullets in his head, chest and hands.<sup>53</sup>

Also in 2011, the bullet riddled body of **Zareef Faraz**, a poet and editor of quarterly literary magazine, *Shabjoo*, was found on 25 April 2011 in Turbat. According to reports, Zareef had been abducted one week earlier by several persons, some wearing uniforms, as he was traveling in a bus. Next to his body was that of **Sami Ahmed** from Tump who had also been abducted.<sup>54</sup>

**Rehmatullah Shaheen** (25), a journalist based in Bolan and working for the *Daily Tawar*, was subjected to enforced disappearance twice; during the second period he was extrajudicially killed.

Shaheen was first abducted on 8 December 2009 while traveling from his office to Mach grid station. After widespread protest rallies, police on 15 December 2009, admitted holding him and claimed that a case had been registered against him the day before, on

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<sup>52</sup> "Baloch Magazine Journalist "Kidnapped" Near Pasni", *The Baloch Hal*, 22 December 2010.

<sup>53</sup> "PFUJ Outraged over Baloch Journalist's Murder", *The Baloch Hal*, 6 January 2011.

<sup>54</sup> *Extra Judicial killings in Balochistan -- 25 journalists, writers, human rights defenders, students and activists were killed during the first four months of this year*, Asian Human Rights Commission, 3 May 2011.



14 December.<sup>55</sup> They claimed that Shaheen was wanted under the Explosives Act and stated that a hand-grenade was found at his residence after he had provided information to that effect while in custody.<sup>56</sup> Journalist organizations pointed out that Shaheen was “known for his bold and factual reporting from the sensitive region of Bolan”<sup>57</sup> and that “terrorism charges against Rehmatullah Shaheen would give warning signals to the rest of rural correspondents across Balochistan to think twice before reporting objectively from their respective areas regardless of poor governance in the area”.<sup>58</sup>

In March 2011, Shaheen was abducted again, along with four of his friends, allegedly by security personnel in Dahdar; his dead body, mutilated and with bullet injuries, was found on 1 April 2011 in Ispelangi.<sup>59</sup>

On 18 November 2010, on the eve of the Muslim Eid festival, the body of journalist **Abdul Hameed Hayatan**, alias **Lala Hameed Baloch** (25) was found beside the River Sami in Turbat. He had reported for the Urdu-language *Daily Tawar*, worked as a stringer for several other news outlets and was a founder member of the Gwadar Press Club, as well as the president of the Baloch National Movement, (a political organization advocating autonomy for Balochistan). Next to him was the body of his friend **Hamid Ismael Baloch**, a student from Turbat. Hayatan’s body bore bullet marks in head and chest as well as torture marks. A letter reportedly found in his pocket read: “Eid gift for the Baloch Nation”. According to the Paris-based *Reporters Without Borders*, Hayatan had been shot in the head and chest. “Marks on his body clearly indicated that he was tortured before being killed,” the organization said in a statement.<sup>60</sup>

The two men had been abducted on 25 October 2010 when on their way to Gwadar on a motorcycle after attending a wedding party of a relative in Dasht. They were allegedly arrested at a security forces check point in Karwaat region near Gwadar. Hameed Hayatan’s journalist colleagues allege that Hayatan had been abducted by personnel of intelligence agencies and then killed within a few days. His reporting had been critical of the authorities and he had supported the Baloch national movement; both reasons appear to have contributed to his enforced disappearance and extrajudicial killing.<sup>61</sup>

#### **d. Journalists subjected to enforced disappearance and released; reports of torture**

A small number of journalists who suffered enforced disappearance were subsequently released and able to report on their experience which usually involved torture and ill-

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<sup>55</sup> “Police finally admit to holding missing Baloch journalist”, *RSF statement*, 18 December 2009.

<sup>56</sup> “PFUJ concerned over harassment of media persons in Balochistan”, *PFUJ*, 18 December 2009.

<sup>57</sup> “PFUJ concerned over harassment of media persons in Balochistan”, *PFUJ*, 18 December 2009.

<sup>58</sup> “Dire Conditions and Insecurity Confront Balochistan Journalists”, *Pakistan Federal Union of Journalists*, 9 November 2009.

<sup>59</sup> “Baloch Poet Rehmatullah Shaheen”, *Baluch Samachar*, 1 April 2011; “‘Kill and Dump’ Continued; Mutilated Dead Body of Missing Baloch Journalist Rahmatullah Shaheen Recovered”, *balochviewpoint*, 1 April 2011.

<sup>60</sup> Malik Siraj Akbar, “Death is the constant companion of Pakistan’s journalists”, *iWatch News*, Center for Public Integrity, 5 June 2011.

<sup>61</sup> “Body of journalist discovered in volatile Balochistan”, *Ifex*, 24 November 2010.

treatment.

*Jang* journalist **Ameenullah Fitrat** reported that he had been picked up and held by security agencies and tortured several times. In 2009 he reported, “I used to cover conflict reports on both the Afghanistan and Pakistan side. Some three to four years back I had interviewed Ayman Al-Zawahiri, the Al-Qaida No. 2, somewhere near Kandahar, Afghanistan. Months after that interview I was taken away by the security personnel. I was kept under detention for four days. A US official also used to come to me under detention and ask questions about the whereabouts of Zawahiri, which I didn’t know. They tortured me. They kept me in severe cold. They poured chilly water on my head in the cold days of winter. However, they released me after four days ...”.<sup>62</sup> Fitrat also reported receiving a threatening phone call from a Taliban member after he reported the abduction in February 2009 of UNHCR official John Solecki and noted possible Taliban involvement.

Baloch journalists, though living outside Balochistan, have also been targeted for abuse in other parts of Pakistan if authorities suspected them of association with Baloch nationalists or of reporting on Baloch affairs.

**Mehruddin Marri**, journalist for the Sindhi-language newspaper *Kawish*, was tortured while being subjected to enforced disappearance for four months after his abduction in Sindh. Marri was arbitrarily detained on 27 July 2006 by police, as witnessed by other journalists, after being summoned to a police station in Thatta, Sindh province.<sup>63</sup> Though police denied any part in his enforced disappearance, it is now believed that after arresting him, police handed him over to military personnel who took him to an unidentified location. According to the Pakistan Federal Union of Journalists (PFUJ), Marri covered political and human rights issues in his work.<sup>64</sup> He was released on 24 October 2006. In an interview with the *BBC Urdu Service* he said that he was interrogated by military personnel, especially about his family links to Baloch leaders. “I was beaten and given electric shocks, and I fainted,” he said. “Then they prevented me from sleeping for three nights. I had to stand up in the middle of a room and when I fell down, someone would come in and wake me.” He reported that the military tried to make him confess to links with the Baloch nationalist movement. Before being released, a military officer told him: “Never oppose the state and the secret services.”<sup>65</sup>

Non-state actors who enjoy official patronage or have links to powerful officials have also reportedly targeted journalists who uncover abuse of power.

In 2007, journalist **Riaz Mengal**, Khuzdar district correspondent of *Intekhab* was

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<sup>62</sup> Pakistan Federal Union of Journalists, *Dire Conditions and Insecurity Confront Balochistan Journalists*, 9 November 2009.

<sup>63</sup> “Journalist missing in Sindh province after being summoned to police station”, *Reporters Without Borders*, 12 July 2006.

<sup>64</sup> “Pakistan: CPJ calls on authorities for information about missing journalist”, *The Committee to Protect Journalists*, 13 July 2006.

<sup>65</sup> “Missing journalist was tortured while held by military intelligence for four months”, *Reporters without Borders*, 24 October 2006.

abducted by security forces and held in illegal detention for some six weeks. Just before his abduction, he had investigated and reported the illegal trade in stolen vehicles in the province and alleged that a former minister's son was involved in this illegal trade. "Riaz had received death threats after his investigations. His life was in danger," one Baloch journalist was reported as telling *Reporters Without Borders*.<sup>66</sup>

On 4 October 2007, he was abducted by security forces in Khuzdar district. His family filed a complaint at a police station in Khuzdar, implicating the minister concerned; journalist associations held demonstrations calling for his release, all to no avail. On 25 November he escaped his captors and on the following day held a press conference in the Quetta Press Club in which he said that his "kidnapping was linked to articles about trafficking of vehicles by gangsters". He told the *BBC* that Atta-ur-Rehman Mengal, the son of former minister Sardar Naseer Mengal, was involved in his abduction "because he was part of this illegal trade", which he had documented. He said that "police seized a number of vehicles of the same type after my article appeared and then must have given them back under pressure from the minister's son". He reported that he had been beaten in captivity and been moved from place to place to evade discovery. He said he had escaped while being held in Nushki.<sup>67</sup> He was reportedly again picked up by security forces and kept in custody for five days in 2008. He was released after suffering severe torture.<sup>68</sup>

In some cases it remains unknown whether state or non-state actors were responsible for a case of enforced disappearance when released victims were unwilling or too scared to provide relevant information.

Journalist **Khalil Khoso**, of the newspaper *Azadi*, was abducted by unknown men after attending a news conference in Nasirabad on 29 February 2008. His fate and whereabouts remained unknown. His family believed that he was taken away because of articles criticizing Baloch nationalist parties that took part in the then recent parliamentary elections while other Baloch nationalist groups boycotted them.<sup>69</sup> *Azadi* editor Asif Baloch said local reporters had informed him that Khalil Khoso's disappearance might be related to photographs he had taken on his mobile phone which showed possible parliamentary election irregularities. Arif Baloch said that he had not seen the photographs himself and that they had not been published.<sup>70</sup> Khoso was released on 8 March 2008; while not identifying his abductors, nor describing the circumstances of his abduction, he said they had told him "not to practice this kind of journalism again".<sup>71</sup> He

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<sup>66</sup> "Journalist feared kidnapped in Balochistan", *RSF*, 10 October 2007; "Journalist feared kidnapped following death threats in Balochistan", *IFJ*, 25 October 2007.

<sup>67</sup> "Riaz Mengal escapes from his kidnappers", *RSF*, 29 November, updated 18 December 2007.

<sup>68</sup> "Dire Conditions and Insecurity Confront Balochistan Journalists", *Pakistan Federal Union of Journalists*, 9 November 2009.

<sup>69</sup> "Two journalists kidnapped in Balochistan, a third missing since November", *Reporters Without Borders*, 6 March 2008.

<sup>70</sup> "Three reporters missing in Pakistan's restive Baluchistan province", *CPJ*, 6 March 2008.

<sup>71</sup> "Journalists working in face of ever increasing threats", *Dawn*, 2 May 2008.

also told a fellow journalist in Quetta that they were looking for a photo which he had taken during the recent parliamentary election campaign.<sup>72</sup>

Torture in custody in Pakistan is routine; one must assume that all those subjected to enforced disappearance were subjected to torture and ill-treatment. The awareness of the inevitable infliction of torture on such victims makes the psychological impact on their family members almost unbearable. In international law, this makes them victims of enforced disappearance as well.

Amongst the journalists who suffered enforced disappearance for several months before their release and reported being subjected to severe forms of torture are Javed Lehri and Munir Mengal.

On 29 November 2007, journalist **Javed Lehri** (24) of the Urdu-language daily *Azadi* and secretary of the local press club in Wadh, was abducted along with his friend **Ibrahim Baloch** by - according to eye witnesses - some twelve truckload of intelligence agents who came to raid the boys' hostel in Khuzdar district. He was overpowered, had a cloth forced over his face, and taken to Quetta the same night. The *Daily Times* reported that Lehri was later seen in a jail run by the anti-terrorist force in Quetta.<sup>73</sup> Lehri later reported, "Previously, whenever I used to receive threatening phone calls, I used to ignore them by believing that my friends were just fooling me with their phone calls. But this time, it was no longer a joke. I was indeed in the custody of uncivilized officials who abused and beat me. It took me three months to know that the place that I had been moved to was Quetta. I was kept in a fully dark 5X3 room. Later on, I came to know that I was at the Quli Camp inside Quetta cantonment area."<sup>74</sup>

Lehri is also member of a political party but family and colleagues were convinced that intelligence agents had picked him up on account of his writing articles that were highly critical of the government; he had been selected by his paper to report on rallies protesting the killing of Nawab Bugti and other politically divisive events. Members of his family reportedly received threats by Lehri's captors that they should keep quiet or be prepared to receive Lehri's dead body. Journalists staged demonstrations in support of Lehri after his disappearance. *Azadi*, a Quetta-based publication had been critical of the military's operations in Balochistan (see above).<sup>75</sup> Lehri was released from custody on 22 August 2008 and gave details of the torture he suffered during the nine months of his enforced disappearance. He said in an interview with the *Daily Times* that during the first three days of his detention, he had been hung by his feet and beaten, and put in chains later. "The torture was so unbearable that I prayed for death. ... I hoped I could find some object in my cell that I could use to commit suicide with". He was questioned about the origin of the name *Azadi* ("liberation" or "freedom" in Urdu) of his newspaper. He said,

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<sup>72</sup> "Kidnappers release Azadi reporter, but two others still missing", *Reporters Without Borders*, 10 March 2008.

<sup>73</sup> Quoted in: "Three reporters missing in Pakistan's restive Baluchistan province", *CPJ*, 6 March 2008.

<sup>74</sup> Malik Siraj Akbar, "Boots, guns, tanks now come to Daily Balochistan Express/Azadi", *aTyPiCaL tHoUgHts*, Malik Siraj Akbar's Official Site, 21 August 2009.

<sup>75</sup> "Local newspaper reporter missing in Balochistan, intelligence services suspected of abduction", *Ifex*, 5 December 2007.

the intelligence agents wanted to know “what kind of liberation” his newspaper was fighting for and demanded that the name be changed. “I told them that I only worked for the newspaper as a correspondent and that I could not change either its name or its editorial line. They wouldn’t believe me and continued to beat me”.<sup>76</sup>

Like others who have experienced similar ordeals, Lehri reported suffering from insomnia, depression and digestive problems after his release. He has had to repeatedly travel to Karachi for treatment but said, “I cannot afford to take the treatment I need. I often have nightmares because I am still receiving threatening phone calls on my mobile phone warning me against talking about what happened to me in prison”.<sup>77</sup> He said, “Journalism has been my passion since childhood. Now, I am back to my job but I regret that no one, including my own media house and the media watch-dogs, came to my help during the hard time. All that I urgently need today is protection and assistance for my medical treatment at this point in my life.”<sup>78</sup>

One of the most complete accounts of torture and ill-treatment during a long period of enforced disappearance was given by **Munir Mengal** who attempted to start a private Baloch language TV channel (see above). It indicates the determination of the intelligence agencies to stifle any information on their activities reaching the public. The prospect of a private news channel in the Baloch language appears to have triggered their harsh crackdown on the persons attempting to set it up. However, the case also shows that in the mid-2000s those subjecting human rights defenders to arbitrary detention and enforced disappearance still attempted to give a veneer of lawfulness to their repression while in the latter half of the 2000s, this fell away: the law was then disregarded altogether and journalists increasingly abducted and extrajudicially killed.

Munir Mengal was held without charge first in unacknowledged detention by the military and its agencies, then under successive preventive detention orders, some of which were quashed by the provincial high court, and eventually a criminal charge. Mengal was eventually released in February 2008 after 22 months of arbitrary detention. He is one of the very few to come forward after his release to speak out about the torture and ill-treatment to which he was subjected.

A Baloch businessman, Munir Mengal, in 2005 conceived of the idea to set up a private Baloch language satellite TV station in order to “give the Baloch their own voice” at a time when human rights violations in the province began to spike amid widespread silence by mainstream Pakistani media. The Baloch were - and continue to be - the only ethnic and linguistic group in Pakistan not to have a private TV station in their own language. In February 2006 Mengal publicly announced the launch of the TV channel to some 3,000 people at an event in Quetta. *Baloch Voice* was to begin satellite broadcasting to some six million Baloch living in South Asia and the Middle East from June 2006 after being registered in the United Arab Emirates. On 28 March 2006 Mengal responded to a

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<sup>76</sup> “Balochi journalist reveals he was tortured in prison”, *Reporters without borders*, 24 December 2008.

<sup>77</sup> “Balochi journalist reveals he was tortured in prison”, *Reporters without borders*, 24 December 2008

<sup>78</sup> Malik Siraj Akbar, “Boots, guns, tanks now come to Daily Balochistan Express/Azadi”, *aTyPiCaL tHoUgHts*, Malik Siraj Akbar's Official Site, 21 August 2009.

call from the Pakistan Electronic Media Regulatory Authority (PEMRA), to come to Karachi to discuss his request for a license for *Baloch Voice*.<sup>79</sup> In early April 2006, Pakistani media reported that the first meeting of the company's board of directors was due on 5 April in Dubai and that cultural programmes had been organized in Pakistan, Dubai, Muscat, Saudi Arab, USA, UK etc to encourage people to buy its shares. Staff was being hired.<sup>80</sup>

Instead, Munir Mengal was detained by intelligence agency officials on arrival at Karachi international airport from Dubai on 4 April 2006.<sup>81</sup> Relatives were told by immigration officials that Mengal had been taken away by Inter Services Intelligence personnel. Police refused to register a complaint. The family filed a habeas corpus petition; at a hearing of the petition, the Sindh High Court was told in July 2006 by the Secretary, Ministry of Defence, that none of its intelligence agencies (including the ISI and Military Intelligence) was detaining Munir Mengal.<sup>82</sup>

His fate and whereabouts remained unknown for 16 months, until he was released from arbitrary and incommunicado detention in army custody in Sindh, on the RCD Highway near Kalat in Balochistan on 4 August 2007. This followed an intensive campaign for his release launched by Baloch political parties, journalist organizations, including the Pakistan Federal Union of Journalists and the South Asia Free Media Association, and human rights organizations, including the Human Rights Commission of Pakistan (HRCP), Amnesty International and Human Rights Watch; their campaigning according to some observers accounted for Mengal being removed from Sindh to Balochistan. The HRCP in February 2007 submitted a petition on enforced disappearances to the Supreme Court of Pakistan; the list of "disappeared" persons attached to it contained the name of Munir Mengal. The government disclosed to the Supreme Court in August 2007 that Mengal had been sent to an ATF jail in Quetta after being detained in Central Jail Khuzdar; at that time he was briefly released in Kalat.<sup>83</sup> However, he was immediately arrested by local police under a 30-day preventive detention order under the Maintenance of Public Order Ordinance (MPO) and transferred to Khuzdar Jail. "Presumably, the police got the prior information that Munir Mengal is being dumped in Kalat. They placed him under formal arrest and detained him under the MPO in the Khuzdar District Prison," a local journalist was quoted as saying.<sup>84</sup> On 3 September 2007 his detention was extended by another MPO detention order for another 30 days. On 6 September 2007, the Balochistan High Court ordered that adequate medical treatment be provided to him after his mother had alerted the Court of his medical needs.

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<sup>79</sup> "Balochi TV station director says he was held incommunicado for 16 months and tortured on Pervez Musharraf's orders", *Reporters sans frontieres*, 11 December 2008.

<sup>80</sup> Aziz Sanghur, "First Balochi TV channel by mid-June", *The Daily Times*, 2 April 2006.

<sup>81</sup> "Director of Baluchi-language TV station goes missing in Karachi", *Reporters sans frontieres*, 12 April 2006.

<sup>82</sup> *Dawn*, 12 July 2006 and *Dawn*, 21 July 2006. In the same hearing the Secretary Ministry of Defence also said that the Ministry had only administrative, not operational control over these agencies – hence by extension, was not responsible for any abuse committed by them.

<sup>83</sup> "HRCP sets the record straight", *HRCP press release*, 19 January 2009.

<sup>84</sup> Malik Siraj Akbar "Munir Mengal resurfaces on RCD Highway", *The Daily Times*, 6 August 2007.

On 10 September 2007, the High Court in response to Mengal's constitutional petition declared the order for his detention unlawful as he had committed no crime but he was immediately detained under a new detention order. A new constitutional petition filed on 12 September 2007 was dismissed by the Balochistan High Court on 9 October as meanwhile, on 11 September 2007, a criminal complaint under the Anti-Terrorism Act had been registered against him with the Crime Investigation Department (CID) to whose custody he was remanded on 14 September for further questioning. The First Information Report, the complaint registered with police, alleges that Mengal committed anti-state activities and had the intention to set up *Baloch Voice* TV to instigate Baloch nationalists against the state. Moreover, he had allegedly addressed a public gathering of "separatists" in Quetta in February 2006, maintained contacts with the Baloch Students Organisation and had hinted at supporting the Baloch struggle to secure the resources of the province of its inhabitants. A petition challenging the FIR was dismissed on 10 October 2007 by the Balochistan High Court. The day before, on 9 October 2007 he was granted bail but was immediately re-arrested under another complaint under the Anti-terrorism Act issued by the provincial home secretary. He was finally released on 23 February 2008 after 22 months' detention - but not before someone in the security services threatened to kill him. "As I was still rejecting their [the security forces'] blackmail, an officer came to the prison to threaten to kill me," reported Mengal, who was finally able to rejoin his family. He went into hiding for several weeks and then managed to leave the country from Turbat airport.<sup>85</sup> He found refuge in a European country with help from *Reporters without Borders*, a Europe-based non-governmental organization dedicated to the freedom of the press.

From a safe haven abroad, Mengal revealed details of his period of detention. He alleged that upon arrival at the Karachi airport on 4 April 2006, an army officer in civilian dress had confiscated his passport and taken him to a military detention centre. "I was physically and psychologically tortured in the Malir barracks by Col. Muhamad Raza and majors Nadim and Atta ... After not letting me sleep for 72 hours, they stepped up their questioning: 'Why do you want to create this TV station' and 'Who gave you the idea and who is supporting you.' Then they threw me in a small underground cell. I spent several months blindfolded and handcuffed (...) The first three days of torture were terrible. I still have back pain from the kicks I received. At the same time, the long interrogation sessions during the first five months were exhausting mental torture."<sup>86</sup> He stated in an interview with the *BBC World Service's* Urdu-language service that "I still fear for my life ... Intelligence agents continue to follow me".<sup>87</sup> "I sold all my properties and shares to put together the 13 million rupees necessary to start up the station. The army stole all this money while I was held. They emptied my 14 bank accounts."<sup>88</sup>

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<sup>85</sup> "Balochi TV station director says he was held incommunicado for 16 months and tortured on Pervez Musharraf's orders", *Reporters sans frontieres*, 11 December 2008.

<sup>86</sup> Rahimullah Yusufzai, "The man who survived Pakistan's Gestapo", *The News International*, 13 December 2008, citing an interview given by Mengal to *RSF*, published on 11 December 2008; "Balochi TV station director says he was held incommunicado for 16 months and tortured on Pervez Musharraf's orders", *Reporters sans frontieres*, 11 December 2008.

<sup>87</sup> "Held for two years, Baloch journalist still fears for his life", *Reporters sans frontieres*, 1 May 2008.

<sup>88</sup> "Balochi TV station director says he was held incommunicado for 16 months and tortured on Pervez

### e. Journalists subjected to targeted killing

Journalists have also at an increasing rate been subjected to targeted killings by unknown perpetrators; these may include government agents, groups close to or supported by sections of the government or insurgent groups or persons holding a grudge on account of disclosures made by journalists about their wrongdoings. In most cases the perpetrators are difficult to identify and can only be guessed from the context; in all cases, inquiries ought to be promptly and independently conducted to ensure that the perpetrators are held to account.

**Khadim Hussain Sheikh** of *Channel Five* and *Khabrain*, was shot dead in Hub on 10 February 2008, apparently on account of his reporting on smuggling operations in border areas. Free lance journalist **Hameed Marwa** was shot dead on 17 February 2010 at the Sariab Road in Quetta by unidentified gunmen. Police said his attackers opened fire at him as he came out of his house. On 4 December 2010, journalists staged a protest in Chathar in solidarity with journalist **Muhammad Luqman**, chairman of district Chathar Press Club whose house had been fired at, allegedly by security personnel.<sup>89</sup> On 19 February 2011, part time journalist **Abdost Rind** (27) with Urdu-language *Daily Eagle* was shot dead in Turbat area by unidentified assailants on a motorbike as he returned home from work in the evening. Rind's family said it believed his killing to be directly related to his work as a journalist.<sup>90</sup>

On 9 February 2008, the Quetta-based bureau chief of the Urdu-language weekly magazine *Akhbar-e-Jehan*, **Abdus Samad Chishti Mujahid** (55), was shot dead by an unknown gunman as he left his home in Quetta. According to reports, the gunman and his accomplice fled and it took police 90 minutes to get to the scene. Mujahid was a doctor by profession and had worked as an eye specialist at a local hospital; but for some 38 years he had also been affiliated with the Jang Group, regularly contributing to *Akhbar-e-Jehan*.

Calling the Quetta Press Club, a spokesman for the banned Baloch Liberation Army (BLA) later claimed responsibility for the murder, telling *Jang's* Ameenullah Fitrat that Mujahid had been “against the Baloch cause”: “The role of Dr Sahib was wrong. He was involved in anti-Baloch activities. He worked for the government. We tried to make him understand several times, but he did not.”<sup>91</sup> According to the Pakistan Federal Union of Journalists, Mujahid, an ethnic Punjabi, had reportedly received several threatening telephone threats after writing a “strongly worded” report about the killing of a BLA leader in November 2007.<sup>92</sup> A Baloch journalist commented, “Baloch nationalists often

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Musharraf's orders”, *Reporters sans frontieres*, 11 December 2008.

<sup>89</sup> “Journalists staged a protest demonstration against the attack on fellow journalist house”, *Baloch Jodh*, 4 December 2010.

<sup>90</sup> “Another journalist's murder underlines safety crisis in Balochistan”, *Ifex*, 21 February 2011.

<sup>91</sup> “PFUJ concerned over violence against journalists”,

<http://www.pakistanpressfoundation.org/usermediafilesdetails.asp?uid=19529>, 21 July 2011.

<sup>92</sup> “Director-General condemns murder of Pakistani journalist Abdus Samad Chishti Mujahid”, *UNESCO statement*, 15 February 2008; “Senior journalist killed by separatist group”, *Ifex*, 12 February 2008.



dictate to us that their reports should be published in such and such a manner”.<sup>93</sup>

To date no one has been arrested for the murder of Chishti Mujahid. A First Information Report (FIR) was filed after his killing at Satellite Town police station in Quetta but police have reportedly failed to conduct a proper investigation and sealed the FIR.

Journalists based in Khuzdar have stated that they regularly come under pressure from various political groups.<sup>94</sup> The president of the Khuzdar Press Club, Muhammad Khan Sasoli reported that “there are threats from all sides. Everyone wants us to write in their favor. ... All that I wish is that I continue my profession with integrity and public trust.”<sup>95</sup> Journalist Malik Siraj Akbar reported that Sasoli also informed him that an underground anti-nationalist group, the Baloch Musallah Difah Tanzeem (BMDT) had repeatedly threatened him and other journalists in Khuzdar. The shadowy BMDT is believed by some local observers to be associated with, or sponsored by, Pakistan’s intelligence agency and linked to paramilitary forces.<sup>96</sup> The BMDT in April 2010 repeatedly threatened the Khuzdar Press Club; BMDT spokesman Mir Jang Baloch warned local reporters not to cover events related to Baloch nationalists or organized by national parties and factions of the Baloch Students Organizations. Journalist Muhammad Khan Sasoli reported, “the threats are consequential ... The government-backed groups will kill me if I cover the Baloch nationalist parties, something that I am committed to do as a journalist”.<sup>97</sup> Appeals to the government to provide security for Sasoli and others were not heeded.

Several journalists from Khuzdar have recently been subjected to targeted killings.

The Khuzdar bureau chief of *Azadi* and *Balochistan Express*, **Haji Wasi Ahmed**, was shot and injured in a targeted shooting in Khuzdar on 11 April 2009; he died in hospital in Karachi two days later. The newspaper vendor was also injured in the shooting. It is suspected that the attack was carried out by a Baloch armed separatist group and that Ahmed, who was from Punjab province, was the target.<sup>98</sup>

On 27 June 2010, former president of the Khuzdar Press Club, **Faiz Mohammad Khan Sasoli**, correspondent for *Aaj Kal* and *Independent News of Pakistan*, died instantly after unidentified assailants opened fire on his car as he was driving near the

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<sup>93</sup> Razaur Rahman, editor of the *Daily Express* informing *IFJ*. “Journalists targeted by insurgents and draconian state censorship”, *Ifex*, 11 November 2009.

<sup>94</sup> “Senior journalist killed in Khuzdar”, *The Baloch Hal*, 16 December 2010; “Journalists body demands investigation into murder of journalist”, *International Federation of Journalists*, 18 December 2010.

<sup>95</sup> Malik Siraj Akbar, “Mohd Khan Is No More”, *All things considered*, 15 December 2010.

<sup>96</sup> Some observers believe the BMDT to be led by Shafiqur Rahman Mengal, a son of former petroleum minister Mir Naseer Mengal. Ahmar Mustikhan, “I.S.I. sponsored outfit that killed Jalib is led by former federal minister's son”, <http://mustikhan.newsvine.com>, 18 July 2010.

<sup>97</sup> Malik Siraj Akbar, “Death is One Pakistani Reporter’s Constant Companion”, *The cutting edge*, 13 June 2011.

<sup>98</sup> “Two reporters fall victim to Balochistan violence, one dies”, *RSF*, 24 April 2009.

Faisal Hotel in Khuzdar. Faiz was a former president of the Khuzdar Press Club and had previously received threats from the BMDT and escaped two murder attacks.<sup>99</sup>

**Muhammad Khan Sasoli** (36), a correspondent of *Royal TV*, *Balochistan Times* and *INP* in Khuzdar and president of the Khuzdar press club, was shot dead on 14 December 2010, as he reached his home in Khuzdar in the evening; the unknown gunmen escaped. Nobody claimed responsibility for the targeted killing.<sup>100</sup>

A few journalists escaped death and were “only” injured when deliberately shot.

**Jan Muhammad Dashti** (58), editor and owner of the Urdu language *Asaap* and senior bureaucrat, was shot and seriously injured on 23 February 2009 when unidentified gunmen opened fire on his car in Quetta. His driver was injured as well. Dashti was taken to hospital and subsequently treated abroad.

At the time *Asaap* had come under state pressure for its reporting. A person identifying himself as spokesperson of the sectarian group Lashkar-e-Jhangvi, which is allegedly linked to Pakistan’s security services, in a phone call claimed responsibility for the attack saying that one of Dashti’s books – published 20 years earlier and partly reproduced in *Asaap* - insulted the prophets. He demanded that the government ban the book.<sup>101</sup> Dashti had reportedly been threatened with dire consequences if the *Asaap* Group of publications continued its policies of exposing the atrocities committed by the security agencies.

*Reporters Without Borders* said at the time, “This shooting attack on a newspaper owner known for defending Baloch rights highlights the government's inability to protect journalists” or, one may suspect, its unwillingness to do so. Previously a civil servant, Dashti was dismissed from service by President Musharraf in 2000 reportedly for his support of Baloch nationalism and for opposing the province's Islamisation but was subsequently reinstated on court orders. In 2008 the provincial government put him in charge of managing the province's mines. He launched *Asaap* in 2001 in order to defend Baloch rights; it became popular in the province but had federal government advertising withdrawn from it for the last five years of its publication.<sup>102</sup>

Many observers believe that the attack on Dashti was related to *Asaap*’s publication of an extensive list of the missing persons which had been issued in the wake of the kidnapping of UN official John Solecki in February.<sup>103</sup>

## **f. Journalists inadequately protected while covering violence**

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<sup>99</sup> “Respected journalist gunned down in Balochistan”, *Reporters Without Borders*, 15 December 2010.

<sup>100</sup> “Director-General condemns murder of Pakistani journalist Muhammad Khan Sasoli in Balochistan”, *UNESCO press release*, 21 December 2010; “Respected journalist gunned down in Balochistan”, *Reporters Without Borders*, 15 December 2010.

<sup>101</sup> “Newspaper owner and writer Jan Muhammad Dashti injured in gunfire attack”, *Ifex*, 25 February 2009.

<sup>102</sup> “Baloch newspaper editor seriously injured in shooting attack”, *Reporters without Borders*, 24 February 2009.

<sup>103</sup> Malik Siraj Akbar, “Understanding the Baloch Press”, Part 4, *aTyPiCaL tHoUgHts*, 28 February 2011.

Media workers have often been inadequately protected when investigating and reporting events in violence-torn Balochistan and suffer death or injury in the course of their work.

Amongst the more recent cases are the following:

**Mohammad Ejaz Khan**, bureau chief for *The News* and *Geo News*, lost an eye in a bomb explosion in Quetta in 2006. On 12 February 2008, **five journalists** were injured in a bomb blast near the office of an election candidate in Khuzdar just before he held a press conference. Reporter **Muhammad Khan Adil**, working for *Dunya TV* was injured in a road side bomb blast on 10 April 2009 in Quetta, where tension was high following the murder of three Baloch leaders.<sup>104</sup>

**Malik Mohammad Arif**, a cameraman of *Samaa TV* was killed along with some eight other persons when a suicide bomber blew himself up in Quetta's Civil Hospital on 16 April 2010. Five other journalists were injured in the attack. The journalists were covering a Shi'a demonstration outside the hospital; Arif was filming a prominent local Shiite bank manager who had himself just escaped violence outside and was being treated at the hospital.

In a devastating suicide blast targeting the Al-Quds day rally, an international protest in support of Palestine sovereignty, in Quetta in September 2010, eight media workers were injured while at least 73 other people lost their lives. **Mohammad Sarwar**, a driver for Pakistan's *Aaj TV*, died on 3 September 2010 from gunshot injuries he suffered in the wake of the suicide blast; television journalist **Ejaz Ahmed Raisani** of *Samaa TV*, died of his injuries on 6 September.

## 2. Human rights abuses inflicted on lawyers in Balochistan

Increasingly over the last few years, lawyers representing victims of human rights violations have themselves been made the target of state vengeance and been subjected to human right abuses. These have included abductions, arbitrary detention in undeclared places of detention, enforced disappearance, torture and extrajudicially killings.

At the time of writing, the fate and whereabouts of at least two lawyers, **Farzand Ali Mengal** and **Munir Ahmed Mirwani**, remain unknown. Some other lawyers were released after being subjected to enforced disappearance. Some of those protesting against the abuse of lawyers' rights have also been subjected to abuse by state agents.

A lawyer who was recently subjected to enforced disappearance reappeared after over three months. **Agha Zahir Shah**, a senior member of Balochistan High Court Bar Association was abducted by unknown armed persons near Metri in Sibi district on 22 February 2011. His fate and whereabouts remained unknown.<sup>105</sup> A constitutional petition filed in the Balochistan High Court alleging the arbitrary detention of Agha Zahir Shah

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<sup>104</sup> "Two reporters fall victim to Balochistan violence, one dies", *RSF*, 24 April 2009.

<sup>105</sup> "Balochistan: Lawyer abducted, [www.balochwarna.com](http://www.balochwarna.com), 22 February 2011; "Lawyers protest against kidnapping of fellow lawyers", *Daily Times*, 8 May 2011.

remained pending. His lawyer colleagues held the state responsible for his continued enforced disappearance. In April 2011, at a press reception at the Bar Room of the Balochistan High Court, President of the Balochistan Bar Association, Baz Mohammad Kakar, said the two “disappeared” lawyers, Mir Munir Ahmed Mirwani and Agha Zahir Shah had been picked up by state officials and remained in the custody of “state functionaries”. He added that the government had not responded to the lawyers’ inquiries, strikes and boycotts of court proceedings.<sup>106</sup> Similarly Nasrullah Baloch, chairperson of the Voice for Baloch Missing Persons (VBMP), an organization working for the recovery of Baloch victims of enforced disappearance, accused security forces and security agencies of Shah’s abduction. “The lawyer has a complete record of missing persons and was regularly appearing in Balochistan Court. . . . he was abducted by security personnel”.<sup>107</sup> A spokesman of the Bar Association confirmed that Shah had been assisting the Balochistan High Court in cases of Baloch victims of enforced disappearance.<sup>108</sup> His family, too, ruled out that Shah had been kidnapped for ransom and accused security forces of his illegal detention.<sup>109</sup>

Following months of agitation by Baloch lawyers, Agha Zahir Shah returned home in the early hours of 2 July 2011 after over five months of enforced disappearance. Family members reported that Agha Zahir was physically frail and appeared disoriented. President of the Balochistan Bar Association, Dawood Kasi, told the media that Agha Zahir Shah looked unshaven, weak and appeared to have lost his balance. He reportedly could not talk and did not reply to questions. It is not known if he told anyone about the identity of the abductors, the location at which he was held and the purpose of the enforced disappearance.<sup>110</sup>

Lawyer **Farzand Ali Mengal**, a resident of Usta Muhammad, Jaffarabad, who was abducted by armed men on 29 March 2011 near Sourab, remains untraced. The former general secretary of the Balochistan High Court Bar Association, Malik Aminullah Kakar, said Farzand Ali was going to Hub to appear in a case when he was kidnapped.<sup>111</sup>

**Munir Ahmed Mirwani**, the secretary general of the Jhalawan Bar Association, was abducted at gunpoint by armed men in Khuzdar district on 17 June 2010 while he was having a meal in a roadside restaurant. Despite lawyers publicly and repeatedly protesting and boycotting court proceedings, his whereabouts remain unknown. Several lawyers have alleged that a government agency was responsible for the abduction.

Efforts to trace Mirwani have so far been without result. A habeas corpus petition was filed in the Balochistan High Court but has not yielded any insight into Mirwani’s whereabouts. Following meetings of lawyers’ associations with key government officials and with influential tribal leaders in efforts to trace and secure the release of Munir

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<sup>106</sup> “Lawyers call for rule of law in Balochistan”, *Daily Times*, 16 April 2011.

<sup>107</sup> “Balochistan: Lawyer abducted, *www.balochwarna.com*, 22 February 2011.

<sup>108</sup> “Balochistan: Lawyer abducted, *www.balochwarna.com*, 22 February 2011.

<sup>109</sup> “Two lawyers freed from captivity in Balochistan”, *Express Tribune*, 15 March 2011.

<sup>110</sup> “Disappeared Lawyer Returns Home”, *The Baloch Hal*, 3 July 2011.

<sup>111</sup> “Lawyers protest against kidnappings”, *Dawn*, 1 April 2011.

Ahmed Mirwani and “mounting pressure from the lawyers”, the chief justice of the Balochistan High Court eventually took suo motu notice of his abduction. He noted that the “performance of the police and other law enforcement agencies is not at a level to effectively combat this menace [of kidnappings]”.<sup>112</sup> Indeed, despite eye-witness accounts of the abduction, little headway was made in tracing Mirwani. Lawyer **Mir Abdul Salam Baloch** had been present at the time of the abduction<sup>113</sup> and later identified the two abductors. Although the faces of the abductors had reportedly been covered, the masks of the driver of the van and another abductor had apparently slipped making it possible for Salam to identify them. The court directed police to prepare the sketches of the abductors.<sup>114</sup> The Supreme Court in its observations on the insecurity experienced by lawyers in Pakistan also expressed its concern at Mirwani’s “disappearance”.<sup>115</sup> Activists reported that during protests against the abduction of Munir Ahmed Mirwani, lawyer Mir Abdul Salam Baloch, was beaten and insulted by security agents for participating in it.<sup>116</sup>

Several Baloch lawyers have been subjected to possible extrajudicial execution, usually after a period of enforced disappearance, probably linked to their work.

In the evening of 20 September 2010, Advocate **Ali Sher Kurd**, lawyer, writer, poet and regular contributor to *Daily Ostoman*, was taken away from the house of his relatives in Quetta by unknown men whom other lawyers believed to be members of the intelligence or security services. His whereabouts remained unknown until on 23 September 2010 his bullet riddled body was found in a desolate area of Ibrahim Road of Khuzdar district. His neck was broken and there were torture marks on various part of his body.<sup>117</sup>

A cousin of Ali Sher Kurd while shedding light on the early life of the Baloch columnist and lawyer said that, “he was against injustice and exploitation when he was still a student. He started his struggle from the platform of BSO; he had even raised voice against negative action among his circle of friends. He was ambitious to become a great leader of Baloch Nation and was against Sardari or worn out tribal system”. Addressing demonstrators in front of the Press Club, Kurd’s sister Banok Sakeena Baloch said that Ali Sher Baloch had been ill when the security forces, while violating the sanctity of the house, arrested him and caused him to “disappear”. In September 2010, President of the Balochistan Bar Association Baz Kakar said that family of kidnapped lawyers Ali Sher

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<sup>112</sup> Malik Siraj Akbar, “Why Selective Suo Moto Action?”, *Atypical thoughts*, 4 July 2010. Journalist Malik Siraj Akbar in the same article also rightly questioned why the chief justice of the Balochistan High Court took suo motu action of the enforced disappearance of Munir Ahmed Mirwani alone, given the widespread nature of this violation. “Why did the Chief Justice not take suo moto notice about numerous other cases before? Why have the suo moto actions been confined to the privileged and high-profile people? The honorable Chief Justice, before taking suo moto notice for Munir Ahmed alone, should have taken a look at the overall situation in of Balochistan. The issue of kidnappings and disappearances is the biggest source of disillusionment among the people of Balochistan...” *ibid*.

<sup>113</sup> “BNP activist-cum-lawyer kidnapped in Khuzdar”, *The Baloch Hal*, 17 June 2010.

<sup>114</sup> Mohammad Zafar, “BHC expresses dissatisfaction over efforts to recover Mirwani”, *Daily Times*, 22 July 2010.

<sup>115</sup> “SC pursues the cases of security of lawyers”, *Supreme Court press release*, 5 November 2010.

<sup>116</sup> “BNP Rally Condemns Non-Recovery of Missing Persons”, *The Baloch Hal*, 25 June 2010.

<sup>117</sup> “Protest Held in Islamabad Against Sher Ali’s Killing”, *The Baloch Hal*, 28 September 2010; “Missing lawyer’s body found in Khuzdar”, *Daily Times*, 25 September 2010.

Kurd and Mir Ahmed Mirwani had accused the security forces and intelligence agencies of the killings and hostage taking. “If the institutions are not involved in hostage-taking then they must clarify their positions because it is their prime responsibility to ensure the safety of life and property of the people,” he said.<sup>118</sup>

The body of **Zaman Khan Marri (38)** a lawyer in the Balochistan High Court was discovered in the early hours of 6 September 2010 at Pashkaram Farm, District Mastung. According to reports, the body was so badly mutilated that he could not be immediately identified. According to people who saw his body, there were signs of shackles around his feet and hands and of bullet marks on his head. He had been abducted on 18 August 2010 while on his way home from his office in the Kabir Building, Quetta, which is affiliated to the Balochistan High Court as a private chamber for Baloch lawyers. His lawyer colleagues have expressed their belief that he was abducted by security forces personnel.

Before his abduction, Zaman Khan Marri had pursued the cases of several detained or “disappeared” Baloch activists, including the case of his nephew, **Ali Ahmed Marri**, who had been arrested by plain clothed persons on 7 April 2010 along with three friends, Kamal Khan Marri, Lala Marri and Lal Mohammad Marri. On 11 September 2010, Ali Ahmed Marri’s mutilated body was found in the same area where Zaman Marri’s body was found.<sup>119</sup>

Efforts to trace Zaman Khan Marri after he had “disappeared” and later to trace the perpetrators of his murder have remained unsuccessful. A habeas corpus petition was filed in the high court for his safe and early recovery but his body was found just one day before the hearing of the petition was due. Qazi Faez Isa, Chief Justice of the Balochistan High Court expressed deep concern and took suo motu notice in late August 2010, stating that such “abductions spread alarm and terror in the general public”.<sup>120</sup> The law enforcement apparatus, however, failed to ascertain the perpetrators. The Supreme Court of Pakistan in November 2010 noted that on 27 August 2010, the Balochistan High Court directed PPO Quetta to designate a senior officer to investigate the murder and that the SP City was deputed to do so. On 6 September 2010 Hazar Khan filed a first information report (FIR No. 71/2010) in police station Mastung that unknown persons had killed his brother Zaman Khan Marri. An investigation team comprising SP, DSP, IP/IR and SI/SHO under the supervision of Regional Police Officer, Khuzdar was constituted; it found that the death had been caused due to gun shot but failed to ascertain who had fired

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<sup>118</sup> Malik Siraj Akbar, “Another Bullet-riddled Dead Body of A Baloch Lawyer [Ali Sher Kurd] Found in Khuzdar”, *The Baloch Hal*, 25 September 2010.

<sup>119</sup> Ahmar Mustikhan, “Body of Balochistan’s lawyer allegedly killed by Pakistan’s Military Intelligence found”, *Baltimore Foreign Policy Examiner*, 6 September 2010. Baloch commentators also pointed out the indifference of Pakistan media to the abduction: Zaman Khan Marri’s murder was only reported in the *Daily Times* and ignored in all other Pakistani papers. “The media is rightly protesting [journalist] Umar Cheema’s torture, but it is deafeningly silent on the murder of an advocate whose crime was nothing more than pursuing cases of the missing persons in Balochistan, including his own maternal nephew who is still missing”. Mir Mohammad Ali Talpur, “Wronged souls don’t vanish: an obituary of Zaman Khan Marri”, *Daily Times*, 8 September 2010.

<sup>120</sup> “BHC takes suo motto [sic] notice of Zaman Marri’s kidnapping”, *The Baloch Hal*, 28 August 2010.

the gun.<sup>121</sup> To date, there has been no progress in identifying the perpetrators and bringing them to justice.

Another lawyer has had to go into hiding and eventually seek safety abroad. Lawyer **Kachkol Ali Baloch** who vigorously campaigned against the enforced disappearance and extrajudicial execution of the three nationalist leaders Mir Ghulam Muhammad Baloch, Lala Munir Baloch and Sher Muhammad Baloch (see section on human rights defenders) abducted from his office, had also earlier highlighted human rights violations, both nationally and internationally. Kachkol Ali Baloch publicly claimed that Military Intelligence personnel were responsible for the abduction of the three politicians and that he had seen two Frontier Corps (FC) vehicles without number plates following the cars that took away the three men.<sup>122</sup> As a result he received repeated threats from state agencies to stop his efforts. In May 2009, he reported that he had received threats to his life on the phone from intelligence agencies.<sup>123</sup> Days later he reportedly went into hiding; local journalists were reported as saying that personnel of intelligence agency were trying to trace Kachkol Ali; that his houses, both in Quetta and Panjgore, were under surveillance and that his office in Turbat city was cordoned off by plain-clothed personnel.<sup>124</sup> In October 2010, Kachkol Baloch arrived in Norway and was eventually granted political asylum there.<sup>125</sup>

### **3. Human rights abuses of human rights activists in Balochistan**

Human rights activists campaigning to end human rights violations have frequently been subjected to human rights violations themselves. They include members of organised human rights groups but also members of the families of victims of human rights violations who campaigned for an end to abuses.

Several members of the non-governmental **Human Rights Commission of Pakistan** (HRCP) have been targeted by security forces in the recent past.

On 1 March 2011, **Naeem Sabir Baloch**, a prominent social worker and human rights activist, was shot by two unidentified attackers riding by on a motorbike near a bookshop on Chakar Khan Road, Khuzdar. He survived the shooting but died in Civil Hospital. He had been associated with the HRCP since 1997 and been its coordinator in Khuzdar district. More recently, he had contributed to the HRCP's efforts to document the cases of enforced disappearances in the province intended for submission to the Supreme Court of Pakistan and the High Court of Balochistan.

The BMDA<sup>126</sup> (see above) claimed responsibility for Naeem Sabir's killing.<sup>127</sup> This

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<sup>121</sup> "SC peruses the cases of security of lawyers", *Supreme Court press release*, 5 November 2010.

<sup>122</sup> Tahir Hasan Khan, "Slain Baloch Leaders' Lawyer Goes Into Hiding", *The News*, 16 April 2009.

<sup>123</sup> "Kachkol `receives threats'", *Dawn*, 4 May 2009.

<sup>124</sup> Tahir Hasan Khan, "Slain Baloch Leaders' Lawyer Goes Into Hiding", *The News*, 16 April 2009.

<sup>125</sup> "Kachkol reaches Europe for political asylum, Baloch newspaper reports", *The Baloch Hal*, 19 November 2010, quoting reports in the Urdu newspaper, *Daily Intekhab*.

<sup>126</sup> For an overview of groups and organizations with possible links to Pakistani security agencies, see: H.

shadowy group is widely believed to be sponsored by the Pakistan military and to target political opponents of the government, including journalists and other professionals on its behalf.<sup>128</sup> There were also reports that Naeem Sabir's younger brother, a student, was on their hit list.<sup>129</sup> The Asian Human Rights Commission reported that Naeem Sabir "had been receiving continuous death threats for several months from persons believed to be from the intelligence agencies. He once revealed ... that he was under threat to his life and one day he would either be abducted by the law enforcement agencies and disappeared or killed".<sup>130</sup> Local observers also firmly link the shooting to his activism, particularly his work on enforced disappearances.<sup>131</sup> The HRCP expressed its outrage at acts to "eliminate the human rights defenders who raise their voice against persecution on any ground" and said that "Naeem Sabir ... had been promoting human rights in Khuzdar with courage and devotion. Of and on he had been targeted for his activities by minions of the state. But in the recent past he had apparently given no cause for offence to anyone except the local satraps who could not bear his truthful coverage of human rights abuses."<sup>132</sup>

The official response of the police to the shooting of Naeem Sabir is extraordinary in its obliviousness to the reality of Balochistan. A police officer was reported as saying, "Naeem Sabir was working as a sub-engineer in the Irrigation Department," adding that motive behind the murder was not clear. "Police are investigating the case," he said.<sup>133</sup> As there was no progress in identifying and charging his killers, the HRCP said a month later, "These murders highlight the grave threats that human rights defenders in Balochistan face on account of their work".<sup>134</sup>

**Siddique Eidho**, another HRCP worker, was killed earlier while a victim of enforced disappearance. He was a journalist who developed with other colleagues a network of reporters in the Makran area, focusing on human rights reporting; he was also a senior member of Pasni Press Club and worked as HRCP Core Group Coordinator for Pasni. He and his friend **Yousaf Baloch**, a tailor, were abducted on 21 December 2010. The two men had been traveling in a police van accompanied by four police constables and an Assistant Sub Inspector (ASI) from Gwardar, where they had attended an unrelated court hearing,<sup>135</sup> to their home town, Pasni. At the FC check post in the Karwat area on the Coastal Highway, the van was stopped by armed persons reportedly in security forces

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Baloch, "Of Pakistani Death Squads, Baluch Masses and Slaughterhouses", *Crisis Balochistan*, 7 September 2010.

<sup>127</sup> "BMDA claims responsibility for killing of human rights activist", *Daily Times*, 3 March 2011.

<sup>128</sup> "State sponsored death squad accept responsibility for killing human rights activists", *Balochwarna*, 3 March 2011.

<sup>129</sup> "Multiplication of hate crimes – the authorities must react strongly and ensure protection of those who stand in favour of human rights", *International Federation for Human Rights (fidh)*, 4 March 2011.

<sup>130</sup> "PAKISTAN: A human rights defender shot dead in Balochistan by unknown persons", *AHRC*, 2 March 2011.

<sup>131</sup> "HRCP official gunned down in Balochistan", *Daily Times*, 1 March 2011.

<sup>132</sup> "HRCP outraged at foul murders", *HRCP statement*, 2 March 2011.

<sup>133</sup> "A local official of the Human Rights Commission of Pakistan was shot dead on Tuesday evening, sources said", *Dawn*, 2 March 2011.

<sup>134</sup> "HRCP slams govt as abducted HRD's body found", *HRCP statement*, 28 April 2011.

<sup>135</sup> Eido had earlier been implicated in a criminal case and been released on bail.



uniforms, who bundled the two men into their own vehicles. They were taken away despite protests by the accompanying police officers, some of whom were beaten during the incident and were held in FC custody for several hours.

The HRCP held personnel working for the country's intelligence agencies responsible for the abduction and enforced disappearance and expressed "serious concern" for the safety of Eidho and Baloch and demanded their immediate release and that "the rights of people working as human rights defenders [be] respected without exception." Efforts to trace Siddique Eido and Yousaf Baloch did not yield any result, their fate and whereabouts remained unknown. Other journalists believed that "the government was annoyed with his coverage of the disappearances and extra-judicial killings of political workers from the Baloch ethnic minority at the hands of the secret services". His friends later disclosed that Eido had received threatening phone calls from "private numbers, which are often used by the secret services, and was warned to stop reporting on "sensitive issues."<sup>136</sup>

On 28 April 2011, the mutilated bodies of Siddique Eido and Yousuf Baloch were found dumped next to the Makran coastal highway near Ormara. The HRCP expressed "deep shock and outrage" at the murders and blamed the government's failure to ensure their safe recovery and urged justice for their murder. It said, "The uniforms of his abductors and the vehicles they had used gave credence to the belief that state agents were involved. Siddique had been abducted in the presence of several policemen, but despite such clear evidence no action was taken to publicly identify or prosecute his abductors and secure his release. Siddique had worked to highlight incidents of enforced disappearance and other human rights violations in the region and recently his own disappearance had also been challenged in the Supreme Court. HRCP had repeatedly highlighted threats to Siddique's life in communications to the government and security forces officials and is devastated that not enough was done to save Siddique's life. HRCP is disappointed beyond words by the degree of official inaction and callousness which amounts to collusion in Siddique's murder."<sup>137</sup>

Members of the Voice for Baloch Missing Persons have also been abused. In April 2010, its chairman Nasrullah Baloch announced that the organization's finance secretary **KD Baloch** and his two companions **Mushtaq** and **Mohiudeen** had been abducted by personnel of FC personnel near Bolan Medical College in Quetta. No further details are currently available.<sup>138</sup>

On 1 July 2010, a Khuzdar Coordinator of Voice for Baloch Missing Persons, **Shams Baloch** was abducted from Luckpass area by FC personnel while he was taking his 80-year-old mother in a government ambulance from Khuzdar to a hospital in Quetta. Other family members were with them in the ambulance and witnessed the event. They reported that when they reached the Mia Ghundi Frontier Check Post (near Hazar Gunji Park), FC personnel stopped the ambulance and asked the government driver and Shams Baloch to

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<sup>136</sup> Malik Siraj Akbar, "Death is the constant companion of Pakistan's journalists", *iWatch News*, Center for Public Integrity, 5 June 2011.

<sup>137</sup> "HRCP slams govt as abducted HRD's body found", *HRCP statement*, 28 April 2011.

<sup>138</sup> "VBMP's staff abducted by FC", *Balochwarna*, 4 April 2010.

get down. They beat Shams Baloch at gunpoint; four armed men then took him away. His relatives believe they were agents of the Frontier Corps Intelligence Unit (FCIU) or another intelligence agency. The family reported that when they tried to lodge an FIR at the police station, officials told them, allegedly on behalf of the FC, that Shams Baloch would be released soon. After initially refusing to register an FIR relating to the arbitrary arrest and detention of Shams Baloch, police finally did so on 6 July 2010 on court orders. A habeas corpus petition remains pending. The family reported receiving threatening anonymous phone calls to stop them from pursuing the case. A Joint Investigation Team, made up of police and intelligence agency officials was set up, and concluded that Shams Baloch had been stopped by FC personnel and abducted in front of them by persons unknown. Relatives of Shams Baloch have reported that they have been receiving threatening phone calls, warning them not to approach the police or the courts about what happened. Shams Baloch has not been seen since then.<sup>139</sup>

**Yasin Muhammad Shahi Baloch**, an active member of Voice of Baloch Missing Persons became the victim of a targeted killing in connection with his activism. He was the brother of **Mujeeb Baloch**, a senior member of BSO-Azad, who had been abducted along with his four friends, apparently by FC personnel on 1 September 2009 from the premises of the University of Balochistan. Since his brother's enforced disappearance, Yasin Muhammad Shahi Baloch became active in supporting the Voice of Baloch Mission Persons.

On 10 October 2010, Yasin Muhammad Shahi Baloch was shot by unidentified gunmen near Roshare, Kalat as he was riding a motorcycle on his way home in Malghozar Kalat. The unidentified masked attackers escaped after killing him instantly. Relatives and fellow activists have accused the security forces and intelligence agencies of carrying out the extrajudicial killing. In July 2010, Yasin Muhammad Shahi Baloch had addressed a news conference at Quetta Press Club, threatened to commit suicide in front of the high court if his missing brother was not released.<sup>140</sup> On 24 December 2010, Mujeeb Baloch was released in Quetta.

Similarly, the body of **Faqir Mohammad Baloch**, a poet and Mastung zone coordinator of Voice for Baloch Missing Persons, was found on 21 October 2010 in the district of Mastung, along with the body of **Zahoor Baloch**, a member of the BSO-A who had been abducted on 23 August 2010. According to media reports, the two bodies bore wounds to the head inflicted by single bullet at point blank range and their bodies showed signs of torture.

A month earlier, in the morning of 23 September 2010, Faqir Mohammad Baloch, who was not affiliated to any party, along with Abdul Rehman had reached the Cadet College Mastung – where Faqir Mohammad Baloch was employed - on a motorbike when plain clothes personnel at the FC checkpoint stopped them and took away Faqir Mohammad

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<sup>139</sup> “Pakistani activist abducted, risks torture”, *Amnesty International, Urgent action, UA: 176/10 Index: ASA 33/009/2010*, 13 August 2010.

<sup>140</sup> “Baloch Lawyers Boycott Courts Over Missing Person's Issue”, *The Baloch Hal*, 13 July 2010.

Baloch. Abdul Rehman immediately informed the Principle of Cadet College<sup>141</sup> but the fate and whereabouts of Faqir Mohammad Baloch remained unknown until his dead body was found in October 2010.

One of the most active supporters of the Voice for Baloch Missing Persons was the widely respected Baloch intellectual and University of Balochistan professor of Islamic studies, **Saba Dashtiari** (58). He was shot dead by unidentified men on a motorcycle on 1 June 2011 in Sariab area of Quetta. He championed the Baloch language, encouraged progressive ideas and publicly spoke out against human rights abuses against Baloch people. During the last three years of his life he campaigned vigorously against the enforced disappearance of hundreds of Baloch persons, participating in hunger strikes camps, declaring his solidarity with the families of the “disappeared” and addressing different seminars on the issue.<sup>142</sup> At his funeral, a former student recalled Dashtiari as saying a few months earlier, “This (heart ailment) cannot kill me, I know it. My hunch is that I will be found shot dead along a road”.<sup>143</sup> Most commentators indeed linked Dashtiari’s killing to his campaigning for the release of Baloch “disappeared” persons.<sup>144</sup> A man identifying himself as a spokesman for an unknown group Ansarul Islam rang the Quetta Press Club and claimed responsibility for the assassination. However, many remained skeptical, interpreting this claim as an attempt to deflect inquiries into who was really behind the murder. The chairperson of the HRCP, Zohra Yusuf said in an article, “the chances of this being a ‘front’ organization seem to be high as Islamic groups would really have little motive to kill a university professor known for his nationalist views”.<sup>145</sup> To date nobody has been arrested.

The latest victim of targeted killing is a human rights activist dedicated to the protection of internally displaced people in Balochistan

**Mir Rustam Marri** was shot dead on 23 June 2011 by unidentified attackers riding a motorbike while he was standing outside his home in Dera Allahyar area of Jaffarabad. While earlier associated with the BNP-Mengal, Marri for the past five years had not worked politically but had supported Baloch internally displaced persons. He reportedly secretly compiling database about Baloch internally displaced persons (IDPs), made them available to national and international media and aiding anyone researching the Baloch IDP crisis.<sup>146</sup> Police claimed that “the cause of the killing could not be ascertained”, adding that an investigation had been launched. No one has claimed responsibility for the targeted killing,<sup>147</sup> nobody has been arrested in this connection.

Relatives and friends of victims of human rights abuses who raise the issue publicly have also frequently been abused themselves, in fact publicly protesting about missing family

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<sup>141</sup> *Baloch Jodh*, 9 October 2010.

<sup>142</sup> “Killings of teachers, activists unacceptable, says HRCP”, *Daily Times*, 5 June 2011; Beena Sarwar, “Pakistan’s secular martyrs”, *The News*, 9 June 2011.

<sup>143</sup> “Slain Baloch scholar buried in Karachi”, *Dawn*, 3 June 2011.

<sup>144</sup> “Slain Baloch scholar buried in Karachi”, *Dawn*, 3 June 2011.

<sup>145</sup> Zohra Yusuf, “Trigger-happy in Balochistan”, *The Express Tribune*, June 9, 2011.

<sup>146</sup> “The Killing of a Man Who Stood For IDP Rights”, *The Baloch Hal*, 28 June 2011.

<sup>147</sup> “Former leader of BNP-M gunned down”, *Dawn*, 24 June 2011.

members has cost some people their lives.

**Asim Karim Baloch** (18), a student at Multan Polytechnic College and the BSO-A Multan zone president, returned to Balochistan after hearing of the abduction of his brother, **Tariq Kareem Baloch**, also a BSO-A activist, reportedly by Military Intelligence in Karachi on 21 October 2010. On 26 October 2010, Asim Karim Baloch addressed a press conference in Quetta to highlight his brother's case; he then returned to his home in Besima town. On 30 October, after attending a wedding, he was reportedly shot at by security forces, as reportedly witnessed by some people, and then taken away. His dead body was found on 1 November 2010, in the Khanozia region of Balochistan. The fate and whereabouts of Tariq Karim Baloch remained unknown until his body bearing gunshot injuries was found in Quetta in May 2011.<sup>148</sup>

Those merely seeking contact with a family member subjected to a grave human rights violation and campaigning for redress, have also been subjected to abuse. As human rights activist Mehran Baloch pointed out, "Pakistani security forces are not only killing Baloch youth, but also terrifying the families of disappeared persons".<sup>149</sup>

On 29 March 2010, four relatives of **Murad Khan Marri** (45), namely **Yar Khan Marri**, **Sikandar Marri**, **Bhawal Marri** and **Abdul Majeed Marri** were abducted by security personnel while they were on their way back to look for their abducted relative Murad Khan Marri.

Murad Khan Marri was arrested from Hub by security forces and intelligence agencies personnel on 29 June 2009, along with his brother Sikander (who was released the next day) and first held in a local police station, then shifted to an unknown location. After having subjected Murad Khan Marri to nine months of enforced disappearance, an FC colonel publicly claimed that Marri had just been arrested on 27 March 2010 near Chaman in connection with the murder of Chinese engineers and for possessing Indian currency and explosive material. "We have arrested a BLA commander Haji Murad Khan Marri after a gunfight and recovered explosives, wireless sets and Indian and Afghan currency from his possession," according to Commandant Frontier Corps (FC) Pishin, who claimed that Marri had entered Pakistan from Afghanistan in a car in the night of 27 March 2010.<sup>150</sup>

However, evidence for his arrest in June 2009 and against the FC claim was overwhelming: Newspapers had reported his arrest in mid-2009 and a habeas corpus petition filed by his mother Nazi Marri and naming FC and Intelligence agencies as respondents, was pending in the Balochistan High Court since 17 August 2009. On 8 December 2009, the inspector general of FC appearing in the Balochistan High Court denied the arrest and detention of Murad Khan Marri. Again, Nazi Marri had registered an FIR on 10 February 2010 at the police station in Hub.<sup>151</sup> Marri's name had moreover

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<sup>148</sup> "Five Baloch youths killed in the Pakistan's military custody", *Baluch Sarmachar*, 12 May 2011.

<sup>149</sup> *Baloch Jodh*, 16 June 2011.

<sup>150</sup> Bari Baloch, "Top BLA commander arrested", *The News*, 28 March 2010.

<sup>151</sup> "Haji Murad Khan Marri was abducted in Jun 2009, govt claim is fake", *Baloch Warna*, 28 March 2010.

appeared in various lists of “disappeared” persons, including that issued by the National Crisis Management Cell of the government. His date of arrest and nine-month enforced disappearance were confirmed by Marri on 25 May 2010 in a High Court hearing of the constitutional petition; Marri was also reported to have stated that he had been tortured in different places of detention.<sup>152</sup>

After Murad Khan Marri appeared in the press conference organized by the FC on 27 March 2010 and looked weak, scared and unable to walk properly, the four relatives (named above) went to meet him on 28 March 2010 in Chaman; however, they were not permitted to meet him. Instead they were arrested on their way back to Quetta at Baleli check post by the FC; all four were taken to an unknown location. Other family members claimed that the intelligence agencies had abducted them. Murad Khan Marri was subsequently transferred to the ATF jail, Quetta, but the fate and whereabouts of his four relatives remain unknown to date.<sup>153</sup> According to some reports, Murad Khan Marri disappeared again on 13 April 2010 while in the custody of FC.

Similarly relatives who have participated in public hunger strikes or demonstration have frequently been harassed or threatened by security forces. For instance in October 2010, when relatives of the “disappeared” staged a demonstration in front of the Quetta Press Club, organized by the Voice for Baloch Missing Persons (VFBMP), the sisters of three “disappeared” persons, namely **Safeer Baloch, Din Mohammad Marri** and **Wadood Raisani**, stated that they had been threatened by some people to end their three-month long hunger strike for their recovery<sup>154</sup>

The sister of “disappeared” **Zakir Majeed Baloch** (27), Vice Chairman of Baloch Students Organization (BSO), abducted on 8 June 2009 by intelligence agencies at Mastung, similarly reported, “The aim of our protests is my brother’s recovery, release and to seek justice, but the agents of Pakistan’s intelligence agencies have started to warn us of dire consequences; they are threatening to harm us”.<sup>155</sup> Family members of Zakir Majeed Baloch have cited his support for “disappeared” Baloch activists and the release of UNHRC representative John Solecki as “the primary reason that Zakir Majeed himself got abducted by the Pakistan’s agencies as they didn’t wanted John Solecki to be released so that Baloch movement could have been presented as a terrorist movement by Pakistan”.<sup>156</sup>

In 2009, three prominent Baloch politicians were first abducted by security forces personnel and subsequently extrajudicially executed, according to many observers because they had participated in a committee set up to trace “disappeared” persons and to negotiate the release of a recently abducted UNHRC representative John Solecki.

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<sup>152</sup> “PAKISTAN: A missing person tells the court that he was tortured in the custody of the Frontier Corps”, *AHRC*, 27 May 2010.

<sup>153</sup> “Four relatives of Haji Murad Khan Marri arrested, protesters demanded Marri’s release”, *Balochwarna*, 29 March 2010.

<sup>154</sup> “Supreme Court urged to take suo motu notice”, *The Express Tribune*, 17 October 2010.

<sup>155</sup> Detailed Report on Balochistan, year 2010, *BSO*, 2011.

<sup>156</sup> “Memorandum on the Abduction of Zakir Majeed Baloch by Family Members of Zakir Majeed Baloch”, *The Baluch*, 13 June 2010.

Witnesses to the abduction were threatened with “dire consequences” if they pursued the cases.

On 3 April 2009, three Baloch nationalist leaders, **Mir Ghulam Muhammad Baloch (50)**, president of the Baloch National Movement (BNM), **Lala Munir Baloch (52)**, member of BNM’s central committee, and **Sher Muhammad Baloch (37)**, General Secretary of the Baloch Republican Party (BRP), were abducted from the office of their lawyer, **Kachkol Ali Baloch**, a former leader of the opposition in the Balochistan Assembly and member of the National Party, in Turbat town. While these nationalist leaders supported the Baloch resistance movement, none of the men were themselves reportedly involved in any armed activity. An assistant lawyer in Kachkol Ali Baloch’s office was initially also picked up but released when his identity was revealed.

All three men – and some of their relatives - had earlier been abducted and held in unacknowledged custody for some time; criminal charges under the anti-terrorism act had also been brought against them. In April 2009, they had come to Turbat to attend the district and sessions court in this connection; it had granted them pre-arrest bail.<sup>157</sup>

**Obeidullah** reported that his brother Ghulam Muhammad Baloch had received threats from people in the intelligence agencies warning him to stop his political work, the latest threat coming just 10 days before his death.<sup>158</sup>

The highly decomposed bodies of the three “disappeared” Baloch leaders were found on 8 April 2009 near Murghab Pasni Road, about 18 km from Turbat city. Medical officers believed that the men were killed on the day of their arrest. A medical report states that the cause of death was gunshots; however, as there was no blood found where the bodies lay, the place and cause of death remained unclear. No post mortem examinations were performed.<sup>159</sup> Eye-witness accounts of the abduction strongly suggest – and most Baloch nationalist parties concur - that security and/or intelligence personnel were responsible for the abduction and killing of the three Baloch leaders. Lawyer **Kachkol Ali Baloch**, the legal counsel of the three politicians, was an eye witness of the abduction; he reported to a HRCF fact finding team that on 3 April, while discussing the case with his clients,

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<sup>157</sup> **Ghulam Muhammad Baloch** was arbitrarily detained in December 2006 by security forces when on his way to attend a public meeting in Karachi. He was subjected to enforced disappearance for over 9 months and eventually released from district Sibi. Eight anti-state charges were pending against him. His elder brother **Yousaf Muhammad Baloch** was arbitrarily detained by security forces for 22 days beginning on 2 January 2006 and again for two days from 27 February 2006. He was questioned about Ghulam Muhammad Baloch’s activities and relationship to underground secessionist organizations; his detention was apparently intended to put pressure on his brother to end his political activities. Yousaf Muhammad Baloch reportedly said that during his detention he was hung by his hands from the ceiling for 48 hours in a Pakistani military camp. “They came to arrest Gul Muhammad but they found me”. **Sher Muhammad Baloch** was also earlier subjected to nine months’ enforced disappearance from Karachi; **Sattar Baloch**, cousin of Sher Muhammad Baloch, was also arbitrarily detained for six months by security forces who subjected him to torture; his elder brother was also abducted and arbitrarily held. **Lala Muneer Baloch** was abducted in February 2007 by plain clothed persons and arbitrarily detained in undeclared places of detention for nearly eight months. All details in: *Turbat fact finding report. Three Baloch leaders assassinated in district Kech*, HRCF, April 2009.

<sup>158</sup> Carlotta Gall, “Another insurgency gains in Pakistan”, *New York Times*, 12 July 2009.

<sup>159</sup> *Turbat fact finding report. Three Baloch leaders assassinated in district Kech*, HRCF, April 2009.

his assistant Hassan entered to announce that security forces and secret agencies were outside the office. Almost immediately, six persons entered his office and arrested Lala Munir, Ghulam Muhammad Baloch and Sher Muhammad Baloch; initially they also arrested a junior lawyer but released him when informed of his identity. The men were blindfolded and taken away in cars, closely followed by two vehicles belonging to the Frontier Corps which had stood by at some distance from Kachkol Ali Baloch's office.<sup>160</sup> "They were persons of the agencies," Kachkol is reported as saying, "They were in plain clothes, but from their hairstyles, their language, we know them."<sup>161</sup> Similarly **Nisar Ahmed**, the owner of a shop next to the lawyer's chamber from which the three men were abducted, reported seeing them being pushed into a truck which was escorted by a second vehicle with 10 more armed men, also in plain clothes, who appeared to be Frontier Corps personnel.<sup>162</sup> When asked by the HRCP team how he came to identify the abductors as security or intelligence forces personnel, he said that "it is not new for me, 2 or 3 times a week they come and stand over here; on the incident day I was thinking may be it is routine". Nisar Ahmed reported that after publicly repeating his witness account, he was visited several times by FC and security forces personnel who threatened that he should stop speaking to anyone about the event.<sup>163</sup>

The HRCP on 9 April 2009 stated that it had "credible information" that the security forces were responsible for the violations. It said, "the facts strongly suggest that members of state security picked up the three victims, tortured and killed them before dumping their dead bodies, which were discovered in a mutilated and decayed form."<sup>164</sup> The organization's fact-finding mission further confirmed these preliminary findings and listed several accounts of witnesses to the abduction.

Officials denied any state involvement in the abduction and killing. On 9 April 2009, the Director General of the Inter-Service Public Relations department issued a statement strongly condemning the murder of the Baloch leaders and categorically denying any involvement of the intelligence agencies in the incident; he also called on the public to await the outcome of the judicial inquiry instead of casting aspersions on the intelligence and security agencies. Interior Minister Rehman Malik similarly told a news conference in Quetta: "The killing of the Baloch leaders was a conspiracy against Pakistan. How can the secret agencies be involved in such acts?"<sup>165</sup>

As in other cases of grave human rights violations in Balochistan, the perpetrators have enjoyed impunity. Lawyer Kachkol Ali Baloch on 4 April filed an application with Turbat police alleging that Military Intelligence (M.I.) and Inter Services Intelligence (I.S.I) personnel were responsible for the abductions. The application clearly stated that the abducted men were at risk of torture and custodial killing. However, police refused to file a First Information Report (FIR), the first report which is to initiate a police

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<sup>160</sup> *Turbat fact finding report. Three Baloch leaders assassinated in district Kech*, HRCP, April 2009.

<sup>161</sup> Carlotta Gall, "Another insurgency gains in Pakistan", *New York Times*, 12 July 2009.

<sup>162</sup> Carlotta Gall, "Another insurgency gains in Pakistan", *New York Times*, 12 July 2009.

<sup>163</sup> *Turbat fact finding report. Three Baloch leaders assassinated in district Kech*, HRCP, April 2009.

<sup>164</sup> *HRCP Press Release*, April 9, 2009.

<sup>165</sup> Abdul Wahab, "Eye of the Storm", *Newsline*, 12 May 2009.

investigation, and merely recorded the complaint in the police daily diary (*roznamcha*). Kachkol Ali Baloch then filed an application of habeas corpus. However, the judge of the Turbat session court refused to accept it, stating that it did not come under his jurisdiction, and told him to file in the Balochistan High Court. This was done. Kachkol Ali Baloch was subsequently called by a major of Military Intelligence but refused to go to their office, fearing for his own, his family's and his colleagues' safety.<sup>166</sup> The Commissioner Makran Division, told the investigating HRCP team that the police force was unable to provide protection against threats issued by the federal security forces "as they are not under our control so we cannot stop or order them but we are trying our best to provide police security to the eye witnesses".<sup>167</sup>

The Balochistan High Court took suo motu notice of the killings and summoned the provincial Home Secretary and concerned police officers on 16 Apr 2009. The provincial government set up a judicial enquiry team headed by a judge of the Balochistan High Court; another inquiry was ordered by the federal government. However, the relatives of the three victims and several Baloch nationalists have rejected these enquiries, demanding that investigation be conducted under the auspices of the UN.

The motive for the abductions and killings is likely to be linked to the participation of the three men in an 10-member organization set up in mid-March 2009 by Nawab Khair Bakhsh Marri, i.e. the Baloch Qaum Dost Committee.<sup>168</sup> Its aim was to assist in the recovery of hundreds of "disappeared" Baloch and the release of John Solecki, head of the United Nations High Commission for Refugees (UNHCR) in Quetta, who was kidnapped from Quetta on 2 February 2009, allegedly by a previously unknown Baloch Liberation United Front (BLUF). This organization had demanded the release of all "disappeared" Baloch and a solution to the Baloch "problem" in return for Solecki's release. Only two days before their abduction, the three political leaders had met a UN delegation at the residence of Nawab Khair Bakhsh Marri to help negotiate John Solecki's release.

#### **4. Recommendations to the Federal Government of Pakistan and the Provincial Government of Balochistan**

The state has clearly violated a whole range of rights of human rights defenders in Balochistan. These rights include the rights to life and the right to liberty and security of the person, including the rights to be free from torture, arbitrary arrest and detention and enforced disappearance. All these rights are guaranteed to people in Pakistan in the Constitution of Pakistan and Pakistani legal statutes. In addition, Pakistan has entered international commitments when it ratified the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and other Cruel,

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<sup>166</sup> *Turbat fact finding report. Three Baloch leaders assassinated in district Kech*, HRCP, April 2009.

<sup>167</sup> *Turbat fact finding report. Three Baloch leaders assassinated in district Kech*, HRCP, April 2009.

<sup>168</sup> In mid-March, Baloch nationalist leader, Nawabzada Hairbyar Marri announced the setting up of a committee to assist in the tracing of "disappeared" Baloch persons. He was reported as saying, "I have formed a committee comprising of like-minded friends in Balochistan to review the list of missing people. Committee starts its job from Tuesday (today)." Salim Shahid, "Hairbyar expresses concern for Solecki, missing persons", *Dawn*, 17 March 2009.



Inhuman and Degrading Treatment and Punishment (CAT). Both international treaties were ratified by Pakistan in 2010 and are legally binding. Key rights guaranteed in the ICCPR include the inherent right to life (Article 6); the rights to be free from torture or cruel, inhuman or degrading treatment and punishment (Article 7) and from arbitrary arrest and detention (Article 9). The Convention against Torture unconditionally prohibits the use of torture.

In addition, Pakistan committed itself to protecting and safeguarding the rights of human rights defenders when the UN General Assembly, in which it has a seat, adopted the Declaration on Human Rights Defenders in 1998. Clearly, the state has not lived up to the commitments then entered.

It has in addition failed to fulfil its obligation to exercise due diligence in protecting human rights defenders against abuses by private persons. The international understanding of state responsibility for human rights violations has significantly widened in recent years to include not only violations of human rights by state agents but also abuses by private actors which the state ignores. If the state fails to act with due diligence to prevent, investigate and punish abuses, including harassment, beating and targeted killing of human rights defenders by private actors, it shares responsibility with the perpetrators under international human rights law.<sup>169</sup> The Governments of Pakistan and Balochistan have failed to take measures to prevent and end targeted killings of human rights activists. It has not sought to stop abuses of human rights defenders even when threats were publicly made or brought to its attention, nor to end the virtual impunity enjoyed by perpetrators of such abuses.

Police and the judiciary have ignored attempts of victims or victims' relatives to seek legal redress for human rights abuses suffered by human rights defenders, whether by state agents or private persons or groups, often breaking the law which prescribes that they take adequate action to bring the perpetrators to justice. As a result, impunity has persisted which encourages further abuses.

The Government of Pakistan, both at the federal and the provincial level, and all its agencies, are therefore called upon to honor commitments to protect human rights defenders in Balochistan and recognize the importance and legitimacy of their work. This includes instructing law enforcement and security forces to strictly abide by the law in all their actions in Balochistan. When the rights of human rights defenders are violated by state agents, such violations must be promptly investigated with a view to bringing the perpetrators to justice. At the same time, adequate steps must be taken by the state to protect human rights defenders against abuses by non-state actors.

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<sup>169</sup> For a recent detailed discussion of the principle of due diligence see: Robert P. Barnidge, *The Due Diligence Principle Under International Law*, 8(1) International Community Law. Review 81-121 (2006).