[**Little progress against torture**](https://www.dawn.com/news/1631550/little-progress-against-torture)

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PAKISTAN ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 2010. In doing so, Pakistan committed to preventing torture and other ill-treatment, and ensuring all acts of torture be made criminal offences under its laws, punishable by appropriate penalties commensurate with their gravity.

More than 10 years later, Pakistan has failed to specifically criminalise torture and other ill-treatment. Moreover, the legal framework applicable to torture and ill-treatment perpetrated by public officials, including members of security and intelligence agencies, clearly falls short of the convention’s requirements.

In 2016, in its report to the Committee against Torture on its implementation of the CAT, Pakistan claimed that “the rights embodied in the CAT ... have always been part of the substantive law of the country and have, thus, been enforced by the administrative and the judicial arms of the state accordingly”.

The CAT committee, however, was not convinced. In its concluding observations, it expressed concern about Pakistan’s inadequate legal protection against torture and at the lack of accountability for perpetrators. Notably, the committee highlighted how only disciplinary measures were taken against police officers for their “involvement in torture” and other misconduct, as well as Pakistan’s failure to provide any “information ... indicating that criminal proceedings were opened against any of the police officers concerned”.

There have been many regressive developments since the CAT committee’s review of Pakistan’s record.

In the case of members of security forces, the committee’s findings were even more scathing. It expre­s­­sed serious concern about reports that military and intelligence officials were “implicated in a significant number of cases of extrajudicial executions inv­olving torture and enforced disappearances”, and regretted “that the State party provided no information suggesting that members of the military, intelligence services, or paramilitary forces have been prosecuted and punished for acts amounting to torture”.

In 2019, Pakistan submitted a follow-up report to the committee, which also failed to satisfactorily address the latter’s concerns. In a letter to the government, the Rapporteur for Follow-up to Concluding Observations of the Committee against Torture once again requested Pakistan to provide data on prosecutions, convictions and sentences for offences related to torture and other ill-treatment. The letter also expressed regret that Pakistan had not provided any plan of action to implement the committee’s other recommendations.

Troublingly, there have been a number of regressive developments since the CAT committee’s review of Pakistan’s record under the convention that clearly flout its recommendations and call into question the government’s commitment to its human rights obligations.

Take, for example, the committee’s concern about military trials of civilians for terrorism-related offences. In October 2018, the Peshawar High Court set aside the convictions of over 70 people who were tried and convicted by military courts on various terrorism-related charges. The court ordered their release after finding the proceedings had been conducted in bad faith and that there was effectively no evidence against them.

The court questioned how the primary source of evidence was “confessional statements” in all cases. It then described in detail the way in which these were recorded: confessional statements of all defendants were in the same handwriting and in the same “tone and style”; accused persons were handed back to military authorities after their statements were recorded; a number of “confessions” were recorded years after the accused were first arrested; and before and after their “confessions” the accused were detained in internment centres where they had no access to their families, lawyers, or the outside world. In light of these factors, the court expressed concern that the “confessions” were “concocted”, and possibly obtained after torture.

The Supreme Court, however, suspended the Peshawar High Court’s judgement, and there has been no independent inquiry regarding the court’s findings that the people convicted by military courts were possibly subjected to torture.

The committee also highlighted impunity for acts of torture by military and paramilitary forces as well as intelligence agencies. The impunity still remains, even in cases where there are credible allegations of the involvement of security officials in torture and enforced disappearances.

As recently as December 2020, a number of UN human rights experts, including the special rapporteur on torture and other cruel, inhuman or degrading treatment and punishment, expressed concern about the “scourge of enforced disappearances and torture in Pakistan”. The experts highlighted the government’s failure to fully investigate the case of human rights defender Idris Khattak, who was taken into custody by Pakistani Military Intelligence on Nov 13, 2019 and held incommunicado for over seven months. In June 2020, the authorities finally acknowledged his detention.

The experts stated that “unacknowledged detention exposes both the victims and their loved ones to severe and prolonged suffering that may well amount to torture or to other cruel, inhuman or degrading treatment or punishment”, which is in clear violation of Pakistan’s obligations under international law. However, no action has been taken against perpetrators and Idris Khattak is still in detention, facing a trial before a military court on charges of espionage.

The committee also called upon Pakistan to ensure that officials “at the highest levels … unambiguously reaffirm the absolute prohibition of torture and publicly condemn all practices of torture”. In the last few years, however, government officials, including members of the cabinet, have made public statements calling for their opponents and “anti-state” individuals to be subjected to torture. In 2019, for example, Senator Faisal Vawda, the then federal minister for water resources, speaking in parliament expressed his desire that 5,000 people who had “looted” the country and committed corruption be tied to cars and dragged on the streets before being publicly hanged.

Finally, Pakistan has still not enacted legislation to bring its domestic legal framework in conformity with the CAT. A number of drafts of such bills have been tabled over the years, but for inexplicable reasons, they have been held up by various committees.

As the world commemorates the UN International Day in Support of Victims of Torture this year, Pakistan has embarrassingly little to show for its commitment to eradicate torture and provide justice for victims and survivors of this grave human rights violation.

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*Published in Dawn, June 26th, 2021*