



Asian Federation Against Involuntary Disappearances (AFAD)

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12 Years too long, the Case of Masood Janjua, a Desaparecido

Free Masood Janjua! Stop torture and injustice!

This had been a battle cry of many Pakistani human rights defenders and human rights organizations all over the world. It has been 12 years of endless search and investigations for the disappeared Pakistani educator, businessman and philanthropist Masood Janjua.

Masood Janjua, had been enforced disappeared since 30th July 2005. He and a young engineer 25-year old Faizal Faraz travelled by bus towards the Northern province of Peshawar. He and his companion Faizal never reached their destination. Masood disappeared and his whereabouts remain unknown.

His wife, Amina, poet and painter, started her search for her husband together with her children. Amina is also the Chairperson of a non-government organization, Defence of Human Rights (DHR) which she set up while searching for her husband and other victims of involuntary disappearance in Pakistan. A case of *habeas corpus* was filed 12 years ago before the Supreme Court. Amina and her children went through excruciating hunger strikes, marches, arrests and endless lobby among Pakistani government officials to urge them to surface her husband. These protest actions to search for Masood and all the other disappeared in Pakistan earned for Amina the ire of the alleged perpetrators.

Masood is believed to be a victim of the Pakistani government's crackdown on dissidents and alleged terrorists at the height of former Pakistani strongman Pervez Musharraf. Musharraf, a four-star General was a staunch ally of the US and waged a very pervasive and intense "war on terror" and restricted freedoms including freedom of expression. It was during this time that many learned professionals and educators were arrested and abducted. For Amina and many human rights organizations in Pakistan, the disappearance of Masood is a human rights violation committed by local security agencies acting on behalf of the government.

Immediately after Masood's disappearance, all legal and meta-legal efforts were initiated by Amina and her children to search for Masood. Masood was first reported disappeared by the Court on 7th of September 2005. The Chief Justice of Pakistan took *sue-moto* notice of Masood's illegal abduction in December 2005. In October 2006, the Pakistan Supreme Court judges began hearing Masood Janjua's disappearance.

The DHR reported that eventually, a larger bench was formed on 7th April and decided to take up the matter of Masood Janjua. It was ordered to file fresh updates on his case after a lapse of two years. The next date of hearing in the Supreme Court was on 15th of June 2016 with the larger bench to be followed by further hearings on a fortnightly basis. The hearings will also take up other cases of enforced disappearances aside from Masood's.

Amina's legal pursuit to surface Masood is backed up by many pieces of evidence of sightings of an alive Masood inside several military jails. In May-June 2011, a reliable source from the military

confirmed to Amina through a trustworthy acquaintance that Masood was kept in detention cell in Rawalpindi. In December 2012, an ex-detainee named Nazir told Amina that Masood was kept in a secret detention cell with him for one year in Hamza Camp, Rawalpindi. Nazir's testimony is further corroborated by another former detainee in a secret detention, Dr. Imran Munir. Munir stated that he met Masood who looked frail and sick in the same detention center. Dr. Munir has been the key witness in the case under the Supreme Court but the Supreme Court has failed to take up his testimony as of date.

Masood is one the country's 2,363 documented cases of enforced disappearances in Pakistan as of date. DHR is alarmed about the culture of violence that is intensifying and utilized as a tool against its 'war on terror' campaign. Hundreds of people are rounded up every month, kept in secret cells, face torture, their families kept in the dark and are not allowed access to legal support. While the Pakistani Constitution requires that every arrested person be represented by a lawyer and presented before a magistrate within 24 hours, law enforcement agencies seldom bother to do so. While enforced disappearance is a crime under international law, Pakistani authorities use it as a tool for investigation to pursue alleged terrorists.

The Asian Federation Against Involuntary Disappearances (AFAD) calls on the Pakistani government to stop the delay in hearing the case of Masood Janjua and other victims of involuntary disappearances in Pakistan. The search for truth on the case of Masood must be pursued by the State which is an obligation under the International Convention on Civil and Political Rights to which Pakistan is a State Party.

Further, AFAD calls on the Pakistani government to remain true and faithful to its commitment to the international community to pursue further peace and democracy as it accepted five themes recommended by the UN States during the 2012 Universal Periodic Review (UPR) which include: women's human rights; rights of the child; freedom of thought, conscience and religion; rights defenders and freedom of expression; and enforced and involuntary disappearances. As Pakistan will once again be reviewed by the UN Human Rights Council in November this year, it should resolve the case of Masood and those of many other victims of enforced disappearances for it to be true to its avowed promotion and protection of human rights.

We further call on the government of Pakistan to review and implement the recommendations of the UN Working Group on Enforced or Involuntary Disappearances in 2012, one of which is the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. Hence, we echo the call of the DHR to release all disappeared persons, stop further disappearances and ratify the International Convention for the Protection of all Persons from Enforced Disappearances (ICPPED).

Signed by,



KHURRAM PARVEZ
Chairperson



MARY AILEEN D. BACALSO
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