

Pakistan: Raw deal for missing persons

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ENFORCED disappearances have been making headlines for quite some time. The families of victims of enforced disappearance have sustained their protest without a break and judicial censure of the executive's fumbling has become more strident.

The Islamabad High Court [suggested](#) that the prime minister should be sensitised to the issue of enforced disappearances. In response, a committee headed by the law minister was set up to look into the matter. The other day, the Supreme Court chief justice took the [Balochistan police chief to task](#) for presenting a substandard report on disappearances.

While these references to laudable-looking interest in enforced disappearances sustain the illusion that something is being done to deal with one of the country's main scourges, the painful reality on the ground is that the government's principal instrument for tackling the issue of enforced disappearances is still a good-for-nothing organisation called the Commission of Inquiry into Enforced Disappearances (COIED).

Created in 2011 on the recommendation of a three-member commission of retired judges of high courts, this commission has done little to address the central task, ie putting an end to disappearances. Before the commission's tenure expired last month, the International Commission of Jurists and Pakistani civil society organisations had called on the government to not extend the commission's life. However, the government deemed it prudent to extend its tenure by three years and retain its incumbent head.

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The critics of COIED do not deny the need for an organisation to help the government to end enforced disappearances, but they have consistently demanded a body that can deliver. They have been ready to put their trust in the existing commission if its need for adequate human and financial resources could be met.

The reasons for lack of confidence in the existing commission are well known. From March 2011, when it inherited 238 cases from the commission of judges, to the end of September 2020, this commission received only 6,548 new cases, giving us a total of 6,786 cases on its roster. Nobody believes that the victims of enforced disappearance in the country number only 6,786. Quite obviously, a large number of people do not report to the COIED as they have little faith in it.

The lack of confidence in the commission is most clearly marked in the case of Balochistan that reported only 514 cases during more than nine years as against 2,881 cases reported by Khyber Pakhtunkhwa, 1,619 by Sindh and 1,413 by Punjab.

A complete record of the performance of the COIED by its own admission yields the following figures: cases received till Sept 30, 2020: 6,786; cases disposed of: 4,718; persons returned home: 2,150; persons found at internment centres: 842; persons found in prisons: 529; persons who died: 216; cases deleted: 981; cases pending: 2,068. Last month was a relatively good one for the

commission which disposed of 76 cases as against the 34 fresh cases received during the month. For those who value human liberty, the number of fresh cases within a month is too high for complacency.

A look at the 76 cases disposed of last month does not offer comfort either. Eleven of these cases were dropped for not qualifying as enforced disappearances. Of the 65 persons claimed to have been traced, 53 are said to have returned home, five were found detained at internment centres, four were found in prisons, and three had died.

The details about the persons who have been traced read like fiction. For instance, the story of Rehman Gul from Peshawar. The note about him says: "Rehman Gul ... has returned home. He appeared before the commission ... and stated that he was abducted on 21.7.2018 and that he was set free on 1.1. 2020 and he returned home. He has furnished no details regarding the persons involved and the place of detention. No further (action) is required, the case is closed." Case after case furnishes evidence of the desire of the commission and the person who has been traced to protect the identity of the persons responsible for abducting and detaining innocent people.

There is hardly a case where the COIED can claim to have recovered a victim of enforced disappearance. Anyone who is released by his abductors wants to get home as fast as he can and is too frightened to speak of his ordeal. The commission can at best be taken as a keeper of the record.

One of the causes of the failure of the COIED, apart from its flawed mandate, is the government's inability to find a regular head for it. The charge has been assigned to retired justice Javed Iqbal, who is heading the all-important National Accountability Bureau. It is grossly unfair to burden him with the additional responsibility of tracing missing persons. The two assignments contradict each other. As NAB chief he is required to uncover serious crime and as the head of COIED he has to cover up a festering sore.

With each passing day the existing arrangement for dealing with the victims of enforced disappearance becomes more and more incongruous. A fresh beginning has to be made. First of all, enforced disappearances must be made a crime under the Penal Code and forums set up to try and punish all those responsible for such disappearances.

Secondly, Pakistan must ratify the relevant UN convention and extend every possible cooperation to the UN Working Group on Enforced Disappearances. It is also necessary to lift the cloud of fear that prevents the people from airing their grievances against the law-enforcement agencies. There is no earthly reason for withholding the release of the report of the judges commission of 2010. Its release may open up new ways of dealing with enforced disappearances.

Above all, the government must recover its will to address the issue of enforced disappearances that is causing indescribable agony to thousands of victims' families and bringing the country a bad name in the councils of the world. The sooner Islamabad recognises its duty to the victims of enforced disappearances the better.

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