

**RESEARCH PAPER****A Critical Analysis of the Model Town and Sahiwal Tragedies and Enforced Disappearances in Pakistan: Perspectives from Human Rights and Constitutional Law****¹Muhammad Shahid Sultan * and ²Dr.Fakhar Mahmood Makhdoom**

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ABSTRACT

This research paper critically analyze three high-profile cases in Pakistan: the Sahiwal incident, the Model Town tragedy, and enforced disappearances. The objectives is to outline the legal frameworks and human rights violations associated with each case , This is accomplished by giving brief background, analysis of constitutional and international treaties such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Convention for the Protection of All Persons from Enforced Disappearance, domestic and international judicial and public responses while highlighting systemic flaws in the judicial process and law enforcement in our country The result of research is that a collective effort of international and national state holders are required to prevent human rights violations .This study concludes with recommendation and sygesstion particularly to Legislature and international organization to provide effective remedies in line with international standards.

Keywords: Sahiwal Tragedy, Model Town indident, Enforced disappearances, Human rights violations, International Human Rights law

Introduction

The An enforced disappearance occurs when persons are arrested by private groups and government officials against their will and they whereabouts are not disclosed to them and are not allowed to seek legal aid. (United Nation General Assembly, 1992). However it is not defined in domestic laws of Pakistan.(Jawaid, 2021), however the municipal laws does define abduction, kidnapping and unlawful detentions.(Hassan & Fazi,2020). According to the International Commission of Jurists (ICJ), many journalists, bloggers, and human rights activists now have disappeared due to political enmity. Various reports from human rights organizations state that thousands of cases of missing persons have been recorded (Hanif, 2013). Common public thinks that state intelligence agencies are involved in these cases and this perspective is always denied by state authorities. Public and human rights advocates highly criticized the state and law enforcement officials for the delay in the administration of justice and recovery of missing persons. In September 2020, a group of United Nations experts urged Pakistan to halt the practice of enforced disappearance. Earlier in March 2019, Amnesty International reported that the United Nations working group is still addressing 700 unresolved cases of enforced disappearance in Pakistan (Shah, 2020). The Model Town incident is known as the *Lahore Massacre or Model Town Operation*. It was a fierce clash of Punjab Police with the supporters of *Pakistan Awami Tehreek (PAT) and Minhaj-ul-Quran*, which resulted in severe bloodshed with 14 casualties and injuries to more than a hundred protesters in 2014. This incident was broadcast live on all national news channels with clear footage of police firing directly on protesters with assault rifles and tear gas canisters whereas protestors were using stones for their defence, becoming a symbol of police brutality in history of Pakistan.

Moreover, the Sahiwal incident in 2019, which involved a controversial operation by counter-terrorism department resulted in killing of a family. These incidents and Human rights violations have triggered widespread public outcry and protests for years. These breaches and controversial operations by state authorities for sake of national security depicts the systematic flaws in the state's security departments, judicial process, and law enforcement practices, demanding the urgent need for reforms.

Enforced Disappearance

This issue, according to reports by the National Commission for Human Rights, has been a chronic problem since the 1970s, (International Commission of Jurists, 2017) during the Soviet invasion of Afghanistan, and particularly when after Pakistan joined the War on Terror in 2001 ("Concerns voiced over rise in enforced disappearances in Sindh," 2017). The regime of General Pervez Musharraf is considered to be the peak period for forced disappearances, which have continued into recent years. Particularly in the North-Western regions and Balochistan, people who advocate for separating these areas have gone missing. Victims include individuals who are suspected of involvement in militant activities, politicians, journalists, and other citizens, particularly from Balochistan, in which they not allowed to have any contact with their families, lawyers or courts (HRCP, 2009). In August 2015, a female journalist was abducted from Lahore when she was investigating and reporting about the enforced disappearance of an Indian engineer (International Commission of Jurists, 2017).

Furthermore, public surveys indicate that it is a common perception that law enforcement and intelligence agencies are involved in these enforced disappearances, particularly after 9/11, without following any lawful process (Asian Legal Resource Centre, 2010). Powerfult of the states use these venomous tactics to silence their enemies, leaving the victims incapable of claiming any legal rights, when detained in unmarked illegitimate detention centres, where they are mistreated, abused, tortured and interrogated illegally. Victims might be killed, with their bodies disfigured and dumped in unknown places beyond the reach of the law. (Scovazzi & Citroni, 2007) .The lawful authorities of the state who are responsible for protecting the people, themselves take them beyond the reach of law in the name of pursuit of counter-terrorism measures. Therefore, the law cannot protect them (HRW, 2007). However, such allegations are consistently denied by state agencies. They claim that these missing persons have fled to Europe as illegal immigrants to avoid judicial proceedings in cases against them, or they have crossed into Afghanistan to join militant groups without state permission. On the other hand, non-state militant groups, often motivated by personal enmity, are believed to be responsible for these disappearances and killings (Shafiq, 2013).

According to Deputy Director at Amnesty International , the human rights situation in Pakistan is very grave when officials are themselves involve in its violations.(Amnesty International,2019). The cases of missing persons have severely affected the families of the victims and sown a seed of distrust and hatred towards the law enforcement institutions. Those who are closest to victims have taken many courageous steps like once they walked 2000 km barefoot and who maintained a protest camp in Quetta for ten years. And have organized demonstrations after demonstrations without any mainstream media coverage. They have little trust in the legal framework due to delayed justice. The relatives of missing persons have filed several *Habeaus Corpus* writ petitions under 184(3) and 199 of the Constitution of Pakistan, respectively (2018, CLC 1858)(PLD 2022, KARACHI-HIGH-Court, 308.) etc.

The abduction of students like Hafeez Bloach students of Quaid-e-e-Azam University from his hometown, Faseeh and Sohail students at Baluchistan University further increased mistrust in institutions (Hassan & Tariq, 2009), while positive court orders have been issued in several cases (2012 SCMR 388 SUPREME-COURT.) and (2012

SCMR 1784) and many more in which court has given orders to authorities to produce the victims in court, but recovery of victims is still elusive. Moreover, in the name of sovereignty and natural security, Pakistan's reluctance to ratify the Optional Protocol to the Convention Against Torture and accept the recommendations relating to the ratification of the Convention for the Protection of All Persons from Enforced Disappearance has perpetuated concerns among citizens regarding human rights violations in the country (HRCP, 2023).

The Supreme Court gives direction to the Government to establish an investigation and inquiry Commission known as *the Commission of Inquiry on Enforced Disappearances (COIOED)* under *The Pakistan Commissions of Inquiry Act*. According to its mandate, the commission conducted inquiries, prepared daily progress reports, and provided recommendations to tackle high-profile problems, including detecting and tracing the whereabouts of victims in Pakistan. Following the inquiry report, it imposed responsibility on individuals and institutions involved in this heinous crime. However, the successful results of commissions are not satisfactory. In 2010, on the direction of the Supreme Court, the government constituted the first commission to trace missing persons across Pakistan. The Supreme Courts summoned higher-rank intelligence and military officers to justify the data gathered which depicted those victims were allegedly in security officials' custody.

In *Mohabbat Shah's case* (Application by Mohabbat Shah, 2014, HR Case No. 29388-K/13), the Supreme Court gave the verdict that despite Pakistan is not a signatory of *ICPPFD*, still the customary and basic principles of this convention are application in Pakistan. Again, in December 2023, the Supreme Court ruled that along with the International Covenant on Civil and Political Rights, the general principles of *ICPPFD* will also be applicable in Pakistan. In 2013, on the orders of the Interior minister, a *federal task force* was also established to inquire about the enforced disappearances. The first meeting of the federal task force was held on 29th July 2013, regarding mandate and modes of inquiries. Moreover, in 2005, under *Article 184(3)* the Supreme Court took suo moto notice of enforced disappearances. The state denies all allegations on it from human rights advocates. However, the role of *the National Commission on Human Rights (NCHR)* in investigating, monitoring the cases and providing support to the victims' families is appreciable. This dirty method of enforced disappearance has its legacy back in colonial era, still prevailing in global politics. and over past decades Pakistan has mastered the art of enforced disappearances (Sanaullah Baloch, 2012).

According to its report, since its establishment, the Commission has received more than 8500 complaints out of which about 6400 cases have been disposed of up till May 2022. The government wants to criminalize enforced disappearance due to continuous domestic and international pressure. An Amendment bill in *the Pakistan Penal Code* has been initiated to criminalize this brutal violation of human rights. However, it requires collective efforts of the government, the National Commission on Human Rights, the Commission on Enforced Disappearance, and the public to solve this problem.

Model Town Tragedy

It occurred on 17th June 2014. It began with a Police-led anti-encroachment operation for more than 11 hours which was aimed to remove barriers that were blocking access to Minhaj-ul-Quran offices and the residence of Pakistan Awami Tehreek founder Dr. Tahir-ul-Qadri resulting in 14 casualties and numerous severe injuries to protestors. Punjab Police alleged the officials of the Pakistan Awami Tehreek (PAT) secretariat attacked the police at first and then stopped them from their official duties. It was denied by PAT party Chief Dr. Qadri. (Bhattacharjee, 2018). As a result of state-led repression and violence, peaceful protests emerged all around the country. Dr. Tahir-Ul-Qadri announced that he would name key government leaders in FIR if state oppression is not stopped. He emphasized that such brutal government actions will set precedents of state oppression

and state-led terrorism. He accused influential political leaders of destabilizing the national peace by using state machinery against people. He condemned the covert and late-night police operation and insisted such measures would not stop the democratic movement. This incident was broadcast live, exposing the brutalities of police towards protesters, while the Punjab Chief Minister denied the prior knowledge of the operation and deflected the responsibility for the state atrocities (Ali, 2018).

This operation was so well-planned that numerous top police officials, including Acting DIG Rana Abdul Jabbar, the SPs of Model Town and Ma'arroof Safdar Wahla, Iqbal Town's Tariq Aziz, Saddar Oqais and Farrukh Raza, including DSPs of all divisions, took part in this operation. The investigation unit, an operation unit, a fast reaction unit, and an elite force of the police department were all involved in this operation (Mughal & Ahmad, 2020).

This operation by the Punjab Police has become a symbol of state brutality and was highly condemned by the public. It is severely disproportionate and fatal violation of human rights. Public and human rights activists were demanding justice and accountability of law enforcement officials and ministers who gave orders for such brutal operations. This incident has increased mistrust among public and law enforcement institutions. The human rights advocates, journalists, families of victims and opposition highly criticized the government and demanded the resignation of key officials involved in the operation. (Hashim, 2014)

The Punjab Government formed a Joint Investigation Team (JIT) to investigate the 17th June 2014 riots between police and Pakistan Awaami Tehreek supporters in which people including women lost their life and many were injured. The joint investigation team conducted inquiries and prepared reports. However, due to allegations of biased and delayed actions, the High Court suspended the Joint Investigation Team (JIT) with a two to one majority and ordered a fresh probe into this matter. The government appealed the High Court decision in the Supreme Court, and High court order was upheld again and Supreme Court ordered a new investigation in 2019. The Human Rights Commission of Pakistan (HRCP) has strongly condemned the police action and the matter is still pending. (Human Rights Watch, 2016). Moreover, "Custodial Torture" of the arrested people is a grave violation of human right. (Boyle-Lewicki, 2000).

Sahiwal Incident

This incident, commonly known as the Sahiwal killing, occurred on January 19, 2019, on the Sahiwal highway. Four members of the same family, including a couple, their teenage daughter, and a neighbor, were shot dead by Pakistani law enforcement officers while traveling in a moving vehicle. Two children sustained non-fatal injuries. Initially, the Punjab Counter-Terrorism Department alleged that the victims were child kidnappers. However, an inquiry of the matter revealed that the deceased were the biological parents of the children. The police then revised their claim. They asserted that the operation targeted a suspected terrorist who was affiliated with Tehreek-e-Taliban Pakistan and ISIS, and who was the family's neighbor. The deaths of the four family members were described as collateral damage. (Ahmed et al., 2021).

Soon after the news of the Sahiwal Incident, it ignited widespread public outcry, instigating numerous protests, particularly in Lahore against the operation of the counter-terrorism department that killed an innocent family. Under the pressure of widespread demonstrations, an FIR was eventually lodged against the officials of the Counter Terrorism Department (CTD) at Yousaf Wala Police Station. Subsequently, it sparked numerous other strikes across the country with students, traders, lawyers, and human rights activists demanding instant justice for victims and accountability of culprits. A complete strike was observed in District Bar Associations in Faisalabad, Vehari,

Bhawalnagar, Bahawalpur, Muzaffargarh, Khanewal, and Dera Gazi Khan. Similarly, in Khyber Pakhtunkhwa, Lawyers boycotted proceedings of the High Court and local courts in solidarity with the victim's family and highlighted the urgent need for comprehensive reforms and training of security officials for greater accountability and transparency in security officials' departments. They demanded enhancements and clear professional protocols to ensure that law enforcement officials operate within the law and align with justice. These reforms are crucial to restore public trust in Pakistan's security departments to prevent repetition of such incidents. In the Sahiwal incident, immediately after the incident, a Joint Investigation Team (JIT) was formed due to high public and international pressure. (Centola, Becker, & Brackbill, 2018).

When the report of JIT was released, several officials of the Counter Terrorism Department (CTD) were arrested based on this report. The High Court transferred this case from Sahiwal to Lahore upon special request and application by the applicant. In front of the court and media, CTD officials constantly change their statements. Initially, they claimed that the victims were suspected terrorists of ISIS who were also involved in kidnapping of son of former Prime Minister of Pakistan Yousaf Raza Gilani and the murder of many security officials across the country, stating they were killed by firing of their own accomplices. Later on, they claimed that they were kidnapping children in their car, and this operation was an encounter to arrest the terrorists. However, the joint investigation team (JIT) report, presented in court proved that victims were innocent Pakistani civilians and were real biological parents of children who were claimed to be kidnappers and terrorists by The Counter Terrorism Department (CTD). After the JIT report, The Counter Terrorism Department (CTD) claimed that only Zeeshan was a suspected terrorist who was a neighbor of the family and present in the car, and family members were killed as collateral damage. (DawnNewsTV, 2019)

However, the family's lawyer Shahbaz Bukhari accused CTD officials of threatening to talk back the case by showing a 7-minute life-threatening call in a press conference. After release of JIT report, the Punjab Government suspended some top CTD officials and announced that these officials will be tried on murder and terrorism charges. In October 2019, a trial was held in an anti-terrorism court with evidence recorded from 49 witnesses. Judge Arshad Hussain Bhutt gave an acquittal verdict of six officials of the Counter-Terrorism Department who were accused of the brutal killing of four persons including a woman and a minor by giving them the benefit of the doubt. When the protesters demanded a judicial commission instead of a joint investigation team, the Lahore High Court ordered a judicial inquiry led by Civil Judge-Cum Magistrate Shakeel Goraya. The complainant did not challenge the ATC verdict but the Federal Government announced to challenge the ATC verdict in the High Court. In the trial court, many witnesses who gave evidence in ATC court stated that they did do under pressure. However in the initial stage after the event, preliminary reports stated that the police rescued three kidnapped youngsters. Two women were reportedly among the four suspects murdered by law enforcement in a "gun battle" to rescue kidnapped children, as reported by a news outlet. Umair Khalil, son of the murdered couple, began speaking to reporters in the hospital, and a viral video of the incident quickly exposed the bungled cover-up. According to Khalil's video, his father begged the men for their money before they opened fire. (Shahaab et al., 2021)

Material and Methods

The primary purpose of this study is to critically analyze the Sahiwal incident, Model Town Tragedy and enforced disappearances in Pakistan, therefore a qualitative research methodology, including analytical, critical and doctrinal approaches used rather than descriptive to examine the legal human rights issues in discussed cases. The analytical approach is employed to access the constitutional and international human rights provisions such as UDHR and ICCPR along with constitutional case laws. The critical research approach is

used to evaluate the systematic flaws in judicial and law enforcement practices and a doctrinal approach is employed to interpret the precedents and recommendations to propose reforms to strengthen the rule of law and uphold human rights in Pakistan.

Legal Framework For Protection Of Human Rights and evaluation of it violations Related To Under Discussions Topics

National Level; Constitutional Guarantees

The Constitution of Pakistan, which was adopted on August 14, 1973. It provides a comprehensive framework of fundamental rights in its Chapter 1 (Articles 8–28). The Constitution of Pakistan 1973 states that every citizen is entitled to have inalienable right, including protection and fair treatment under law. Further, no action would be taken by the State, which may be detrimental to the life, body, liberty, reputation or property of the accused, save in accordance with law (Article 4), any action by officials which cause threat to life, liberty, property and reputation of citizens must be taken by legal justifications only (Khalilur Rehman v. Deputy Commissioner PLD 1963 Kar 213), moreover, breach of right under Article 4 can be challenged through a lawsuit or a writ petition (Muhammad Ashraf v. Board of Revenue PLD 1968 Lah 1155). The violations of citizens human rights by private individuals and government officials must be justified under law of the land (National Industrial Cooperative Credit Corp v. Government of the Punjab PLD 1992 Lah 462). Any law that is ultra vires and infringes upon the rights guaranteed in the fundamental rights chapter is void one (Article 8). Any action by official and private individuals which restrict the right to access to justice or held under lack of jurisdiction is malafide (Federation of Pakistan v. Ghulam Mustafa Khar PLD 1989 SC 26). The Supreme Court of Pakistan holds the authority to nullify such laws under its constitutional jurisdiction of the Constitution. Moreover, key fundamental rights include the right to equality for all citizens; the security of the person; the protection of life and liberty; the safeguards against arbitrary arrest and detention (article 10); the right to a fair trial (article 10A); access to information; the inviolability of human dignity; and freedoms of movement, assembly, association, expression, and the speech. Moreover, treating an accused under special law instead of ordinary criminal laws is the violation of constitutional standards (Province of Punjab v. Muhammad Rafique PLD 2018 Supreme Court 178). These provisions are intended to ensure justice and protect citizens from abuse. (Hassan, Tariq, 2020).

The violations of these fundamental rights have been starkly evident in above referred incidents of the Model Town Tragedy, the Sahiwal Incident, and cases of enforced disappearances. These events underscore the urgent need for the state, law enforcement agencies, and the judiciary to uphold a heightened duty in order to ensure the effective enforcement of these rights across the country.

International level

The Universal Declaration Of Human Rights (UDHR)

UDHR is regarded as a milestone and universal benchmark in the history of human rights. It is an inspiration for international human rights law and subsequent treaties. It proclaims the inherent dignity and inalienable rights of all human beings, regardless of colour, race, sex, religion, nationality, or social and political status. It obliges nations to uphold the principles of equality, justice, and freedom for all individuals. (Darraj, 2010) Many scholars agree that UDHR is widely followed by most states and has evolved into customary law, making it binding on all (Conde, 2004). All human beings have inherent rights to life, liberty and personal security, which cannot be taken away, even in emergencies (Article 3, UDHR). According to the International Court of Justice, all those legal sources to uphold human rights are obligatory to all states, even though they have not ratified them (International Court of Justice, 1980). Pakistan voted in favour of UDHR

and this declaration affirms that every individual has the right to a fair legal trial before an impartial court, regardless of their sex, colour and creed for determination of criminal charges against them (Article 10, UDHR) and the Accused has right to be presumed innocent until he is proven guilty (Article 11, UDHR) to uphold human rights standards (Ishaq, 2014).

The UDHR enshrines human rights across 30 articles. It is establishing critical international standards. There are various important key provisions the prohibition of torture, illegal detention, and inhumane treatment, and freedoms of expression, assembly, and movement. Pakistan is a signatory to the UDHR. However, incidents such as the Model Town tragedy, the Sahiwal killings, and cases of enforced disappearances highlight the urgent responsibility of the State to ensure the effective ratification and enforcement of human rights keeping in due regard to the alignment with the international standards outlined in the UDHR. The "Right of a fair trial" is central to human rights doctrine, if this right is breached then no other rights could be protected in the legal courts of the state (Robertson, 2004).

The International Covenant on Civil and Political Rights (ICCPR)

Pakistan's obligations to international human rights treaties play an important role in shaping its commitment to international human rights standards.(Mahmood, M. T. 2021). It is a key international treaty and it was designed to provide a comprehensive framework of civil and political rights, to ensure equality and justice within society and Pakistan ratified it in 2010. There are various key rights protected under the ICCPR and it include the right to life and liberty; safeguards against arbitrary arrest and detention(article 9); the right to a fair trial; and protection against propaganda torture, and inhumane or degrading treatment. It also ensures protection from racial hatred, freedom of expression, movement, and access to information, as well as the right to lawful assembly. Additionally, the Human Rights Committee determined that arresting and detaining a person without warrant, summon or court order is in violation of Article 9(1) (United Nations, 1983))

Furthermore, the Human Rights Court ruled that the detention which was lawful initially will become arbitrary detention if the ground on which detention was imposed was not linking to the intent of the court and legislature. (United Nations, 1980). Moreover, the accused or arrested person will be notified of his detention cause otherwise it will constitute the violation of Article 9(2) of the ICCPR. (United Nations, 1983, Communication No. 90/1981, paras. 7.2 & 8). The court has the authority to release the detainee if the detention is inconsistent with the convention. (United Nations, 1982, 143-144, para. 9.5) Article 9(5) of the ICCPR also guarantee legal compensation for people who have been arbitrarily or illegally detained without any legal justification.(United Nations, 1982, p. 95, para. 1 and p. 96, para. 4)) These objectives aim to uphold justice and human dignity. (Hassan, Tariq,2020).

In addition, due process of law in terrorism cases must align with the principle of consistency and the prohibition of derogatory measures.(article 4(1)) While derogations may be permissible under exceptional circumstances, allowing a state to temporarily limit certain human rights, including the right to a fair trial, the threat must meet a threshold of significant gravity. (Oraá, 1992, p. 20). A valid derogation enables a state to take actions that would otherwise violate its obligations (article 14). However, this does not grant states unrestricted authority to deviate from fair trial rights during emergencies. Fundamental fair trial guarantees, such as the presumption of innocence and the right to a defense, are considered peremptory norms and remain non-derogable. (Klein, 2008, pp. 477-488)

In this context, anti-terrorism measures must align with a State's obligations under international law. In this context, the ICCPR serves as a key instrument for defining the criteria for valid derogations. Human rights law remains applicable in times of peace, armed conflict, and emergencies. This principle has been affirmed by the International Court of Justice (ICJ), which clarified that human rights law does not cease to apply even in the presence of armed conflict. In essence, human rights protections, including those under the ICCPR, persist during emergencies and continue to safeguard fundamental freedoms. (Macken, 2013, p. 80). As a signatory, Pakistan is obligated to ensure strict adherence for the implementation of the ICCPR's principles (Khan.A, 2023).

These are critical for upholding human rights and dignity. However, in the context of the cases under discussion—such as the Model Town tragedy, the Sahiwal killings, and enforced disappearances— show significant violations of ICCPR provisions which have been observed. These violations raise serious concerns within the international community regarding Pakistan's law and its order situation and its commitment to human rights standards.

United Nations Convention against Torture (UNCAT)

The United Nations Convention against Torture (UNCAT) is an international treaty, it is aimed at preventing torture and other cruel, inhuman, or degrading treatment or punishment inflicted on individuals worldwide Pakistan signed UNCAT in 2008 and ratified it in 2010. However, violations of its provisions have been evident in the context of the discussed cases, and during enforced disappearances, victims often endure torture and inhumane punishments, including extrajudicial killings. In the Model Town incident, the use of assault rifles and tear gas against peaceful protestors constituted acts of torture. Similarly, in the Sahiwal incident, the killing of parents in front of their children amounts to psychological torture that could affect the minors for a lifetime. These violations have harmed Pakistan's international reputation and highlighted the urgent need for judicial and police reforms. Such measures are crucial for upholding law and order, prevention of torture and cruel acts, and restoration of Pakistan's commitment to human rights standards. (Hussain, N., Khan, A., Chandio, L. A., & Oad, S. 2023).

Other Conventions and laws:

The obligations of Pakistan to human right treaties is foundational to assess its commitment to human right efforts at international level (Alam, Q., Ahmed, N., & Nawaz, A. 2022). The cases under discussion—the Sahiwal incident, the Model Town tragedy, and incidents of enforced disappearances in Pakistan—highlight significant violations of several other international conventions and principles. These include the Standard Minimum Rules for the Treatment of Prisoners (SMR), the Code of Conduct for Law Enforcement Officials (CLEO), The Body of Principles for Protection of All Persons under any Form of Detention or Imprisonment (BPPDI), and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).

Evaluation of Human Rights Violations

Under-discussed cases expose grave Human rights violations in the context of constitutional and international human rights law. They include severe breach of the Right to life, Liberty, and Security (Article 9 Pakistan Constitution, Article 6 UDHR, Article 6 ICCPR) with the extrajudicial and illegal killing of four unarmed civilians including children in a Sahiwal case by counter-terrorism officials and 14 protestors in Model Town tragedy by law officials. Moreover, more than 6000 cases of enforced disappearance breach the protections from arbitrary detention and execution without legal trial (Article 10 Pakistan Constitution, Article 9 UDHR, Article 9 ICCPR), as the victims are detained without allowing them access to their legal counsels and courts. The extrajudicial killing and

unmarked detention violate the right to a fair trial (Article 1 of the Constitution, Article 10 of UDHR, Article 12 of ICCPR) as seen in the execution judicial review in the Sahiwal case and lack of due legal process for detainees when they are killed and thrown in unknown places.

Furthermore, the right to protection from torture (Article 14 of the constitution, Article 5 of UDHR, Article 7 of ICCPR) and right of legal recognition (Article 4 of the constitution, Article 6 UDHR, Article 16 ICCPR) was gravely violated when disproportionate police force left 100 injured, and in Guantanamo Bay, where at least 60 Pakistanis were detained before 2006 subject to inhumane treatment was observed with denial of justice and legal identity to them. (Dawn, 2013, June 17). The right to freedom of assembly (Article 16 constitution, article 20 of UDHR, article 21 ICCPR) and right of freedom of movement (Article 15 of the constitution, article 13 of UDHR, Article 12 ICCPR) was breached when individuals' mobility and liberty was illegally restricted by excessive use of force by police officers. Moreover, the freedom of opinion and expressions (Article 19 of Constitution, UDHR & ICCPR) has been curtailed through media censorship and threats to journalists in under-discussion cases. (Human Rights Watch, 2016)

These facts are supported by reports from human rights organizations and journals, which highlight the urgent need to overcome the gap in Pakistan's adherence to constitutional and international rights m underscoring the the need for judicial and policy reforms to prevent further violations. (Alam, Q., Ahmed, N., & Nawaz, A. 2022).

Key Challenges in Promotion of Human Rights in Pakistan

Pakistan ranks 133 out of 180 countries and according to *the Gallup Pakistan Survey* about 76% of Pakistanis think that corruption is the most major problem of Pakistan especially in the institutions established to protect and uphold fundamental rights of public; Police, Judiciary and public administration (*Corruption Perception Index 2023*). Moreover unawareness of laws is also a leading reason, according to a *survey by Freedom House*, Pakistan rate 33 out of 100 on the basis of Human Rights, and about 37% of Pakistanis are aware of their basic human rights (*the Pakistan social and Living Standard Measurement Survey 2021*). Additionally, according to the latest study by *the Human Rights Commission of Pakistan*, 65% of Pakistanis do not know fundamental rights provisions under Constitutional law and International law, which is the main reason of common occurrence of violation of fundamental rights in Pakistan. More than 80 % Pakistanis believe that lack of accountability is the main reason of poor performance of public sector resulting in severe breaches of human rights (*2023 report of Transparency International*).

Law enforcement officials recruited under a non-meritocratic and nepotistic system are often used to subdue human rights and conduct fake police encounters and extrajudicial killings to silence their enemies. (Jamal, 2011). The deteriorating and poor economy of Pakistan has hindered its ability to align with the international standard of Human Rights. There are only 17 training institutes in Pakistan that don't fulfill the training requirements of law enforcement officials in term of human rights protection (Babakhel, 2015). The judiciary in Pakistan is under a heavy burden with thousands of cases pending before The High Court and Supreme Court due to which cases regarding fundamental rights violation are not properly addressed and managed (Ali, 2022). Lack of trust in state institutions is a growing problem in developing countries. Due to the absence of trust and higher gulfs between public and law enforcement officials, the cases of breach of fundamental rights are not properly reported and addressed (Acemoglu, Cheema, Khwaja, & Robinson, 2019).

Platforms for Addressing Fundamental Rights Violations

In Pakistan, there are several platforms which are available to address violations of fundamental rights and to provide remedies. The National Commission for Human Rights (NCHR) plays a pivotal role in monitoring and promoting human rights compliance. The courts, including the Supreme Court and High Courts, are offering judicial recourse to victims through constitutional petitions and other legal remedies. Law enforcement agencies, particularly the police, are tasked under the law with investigation of these rights violations, although their effectiveness often faces scrutiny, which is another topic. The media is serving as a watchdog, raising public awareness and pressuring authorities. Additionally, human rights cells are also established within various government bodies to act as specialized forums for addressing grievances. The ombudsman offices also provide administrative justice, especially in cases wherein government agencies are involved. Non-Governmental Organizations (NGOs) are also contributing significantly by advocating for victims, conducting research, and offering legal aid. Lastly, the district administration is also a forum to work at the grassroots level to uphold and enforce fundamental rights. Together, these platforms form a multi-layered mechanism to tackle human rights violations in Pakistan, though there are challenges in their implementation.

The result of this research is that these issues in Pakistan can only be reduced and resolved through a collective effort of the state, international organizations and the citizens. Further human rights violations can only be prevented if state authorities and international organisations act impartially and with integrity to uphold fundamental rights. Additionally, the public must become aware of their basic human rights to stand firmly for their rights and help the state authorities in upholding them. Only through this collective effort, can human rights breaches can be addressed and reduced. It requires criminalising those who breach these rights for their interest and amending the law to keep pace with international human rights standards and accountability.

Conclusion

In this study, the analysis of the Model Town tragedy, the Sahiwal incident, and cases of enforced disappearances highlights significant inadequacies in Pakistan's legal and institutional frameworks about the protection of fundamental rights. These events reveal grave violations of both constitutional guarantees and international human rights, including principles enshrined in key treaties such as the UDHR, the ICCPR, and the ICPPED. The failure of law enforcement agencies, systemic issues in judicial processes, and the lack of accountability mechanisms have perpetuated a culture of impunity in the system of Pakistan, and this is eroding public trust in state institutions. Moreover, the inability to align domestic practices with international human rights obligations has also tarnished Pakistan's standing in the global community. To address these challenges, immediate and sustained reforms are essential which have been recommended in this study. In due course, the protection of fundamental rights is not merely a legal obligation but also a moral imperative for Pakistan to maintain the dignity, liberty, and security of its citizens. Through implementation these reforms, Pakistan can restore faith in its legal system and demonstrate its commitment to the principles of justice and human rights on both domestic and international face.

Recommendations

Regular reforms and updates should be introduced in the legal framework of Pakistan and all laws from the British era that subdue fundamental rights of people should be repealed or updated. International human rights advocates suggest Pakistan to abolish the death penalty as it is a violation of the right to life and is a cruel punishment, they urge Pakistan to repeal or amend blasphemy laws also; Furthermore, they claim the death penalty is a cruel punishment for the crime of blasphemy (Hassan, Tariq,2009).

International Human Rights organizations encourage Pakistan to ratify certain international conventions into their national laws like ICCPR and criminalize enforce disappearance and suggest Pakistan seek technical assistance and support from international human rights organizations such as the United Nations Human Rights Council (Khan, A.2022). There is a need to strengthen the framework of the National Commission for Human Rights by fully enforcing the National Commission for Human Rights Act 2012 to promote human rights in the country and enhancing its suo moto and review power through legislation, enabling it to work more effectively and independently from the government to promote human rights in alignment with international standards. There is a need to enact legislation to mandate The National Commission for Human Rights for regular monitoring of human rights violations. Furthermore, preparing and presenting compulsory reports in parliament to tackle the obstacles in the way of true implementation of Human Rights. The government and the National Commission for Human Rights should promote education and awareness regarding basic human rights in educational institutes and workplaces without any discrimination. Cooperation between all stakeholders and institutes including, the judiciary, parliament, military, police, and human rights organizations, is required for better promotion of fundamental rights (Carver, 2000). Governments should ratify *the ICCPR* with reservation to the provision that individuals of the state part can also complain to the special complaint cell created under ICCPR, to stop anti-state factors manipulating this card and Criminalize the illegal, inhumane, and cruel punishment practice by police and law enforcement officials. The government should ensure, and ratify; international human rights conventions and welcome technical cooperation of international organizations. (Khan, A., Iqbal, N., & Ahmad, I. 2022) and introduce advanced and high-tech reforms in police and judiciary to tackle advanced violations of fundamental rights. (Carver, 2000). Promotions of friendly relations and campaigns like "Police Awam Sath Sath" (Police and Public Together) to create a cooperative environment in society are the need of the hour. Ensure the Introduction of more special training institutions focused on human rights education. According to last survey, there are only 17 training program institutes for over 453,900 police officers in Pakistan. According to *the National Police Bureau and United States Institutes of Peace Reports*, Women constitute about 3% of police departments and about 18% of the judiciary. It is required to ensure the provision of special relief to women to promote their percentage in the department. It will allow women victims to have easy access to security officials. Moreover, an independent police complaint authority and an independent judicial complaint authority should be established, headed by retired Supreme Court and High Court judges, to ensure check and balance. This step will prevent security officials' involvement in fundamental rights violations. The Government should ratify and ensure the international human rights conventions and welcoming technical cooperation of international organizations (Khan, A. 2022).

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