

**PTM LEADER DETAINED BY PAKISTANI GOVERNMENT IN VIOLATION OF HUMAN
RIGHTS**
RIGHTS WATCH (UK) BRIEFING
28 January 2019

Summary

- The **leader of the Pashtun Tahafuz Movement (PTM)**, Manzoor Pashteen, was arrested in Khyber Pakhtunkhwa (**KP**), Pakistan on 27 January 2020. The arrest comes ahead of a planned rally organised for Monday 27 January, which has been postponed following his arrest.
- Official information relating to **the grounds for his arrest** indicate charges stemming from his alleged violation of laws prohibiting sedition, criminal intimidation, conspiracy and condemnation of the Pakistani State.
- The situation giving rise to these charges was a speech given at a large gathering by Pashteen on January 18 2020, **where he demanded that the Pashtun people should enjoy the protection of the Pakistan constitution.**¹ In addition to the severe and long-running abuse of the Pashtun people's civil and political rights, he also mentioned the abuse of their socio- and economic rights. In particular, he said that communities living in KP do not receive adequate access to water, energy and state revenues therefrom. Police documents, however, accuse Pashteen of rejecting Pakistan's constitution and using "insulting language" against the State.
- It is understood that after each and every peaceful gathering of the PTM, of which there have been a number throughout Federally Administered Tribal Areas (FATA) and KP, a First Information Report (a basic document used to report a crime which serves as the first step to launch the criminal investigation process) is issued against Pashteen, however this is the first time he has been arrested pursuant to a FIR. We understand that this is likely to be because it was the first gathering at which Pashteen called for the unification of all Pashtun people and for there to be a Jirga held to discuss how strategically to resist the oppression of the Pakistani state in a non-violent manner.
- PTM is a non-violent, rights-based alliance based in ethnic Pashtun dominated areas of Pakistan: KP, northern Balochistan province and the city of Karachi in Sindh province.² PTM advocates for the implementation of constitutionally protected human rights in the province, compensation for those affected by the perpetration of the war on terror in KP over the past decade, for an end to

¹ Link to footage of Manzoor Pashteen's speech can be found [here](#), where the particular wording of his speech can be observed.

² A province incorporating the Federally Administered Tribal Areas (Fata), formerly the Northwestern Frontier Province.

enforced disappearances, unlawful detention and extrajudicial killings by police, and accountability for the latter by perpetrators via a truth and reconciliation process. Their key demands are:

- Bringing to justice those responsible for the extra-judicial killing of Pashtuns in Karachi, Balochistan and KP/FATA;
 - Removal of landmines in KP/FATA and compensation for victims
 - Ending enforced disappearances and returning victims;
 - Truth and reconciliation commission;
 - Respect for the fundamental rights protections under the Pakistan constitution.
- **Rights Watch (UK) condemns the arbitrary arrest and detention of Manzoor Pashteen. It calls for his immediate and unconditional release and for the politically driven charges against him to be dropped.** His arrest and detention is arbitrary, contrary to Pakistan's obligations under international human rights law, and creates serious risk to Manzoor Pashteen, in light of Pakistan's record of torture of political prisoners and death in custody. Following protests to Pashteen's arrest, it is now confirmed that at least Mohsin Dawar, another key leader of PTM and elected member of the Pakistani National Assembly, has also been arrested.³
- Pakistan's resort to politically-motivated arrest and detention to stifle political dissent, suppress democratic discourse and to shield itself from accountability must be recognised and condemned by the international community. This is another indication of the shrinking civic space for peaceful protest and assembly in Pakistan, and in the use of criminal law provisions to repress democratic protest, intimidate protesters, and prevent legitimate criticism. The democratic rights of all Pakistani citizens must be protected.

Further background

1. Manzoor Pashteen, leader of the PTM, **was arrested** in the early hours of Monday 27 January 2020 by Pakistani police in Takhal, Peshawar. He appeared before a judicial magistrate later on 27 January and has been transferred to Dera Ismail Khan to face the charges. He has been refused bail.
2. The official First Information Report (**FIR**) filed in respect of the charges against Pashteen confirm he is charged with:⁴ punishment for criminal intimidation; promoting enmity between different groups, criminal conspiracy, sedition, and condemning the creation of the country and advocating the abolition of its sovereignty. The FIR offers further details of the circumstances giving rise to the charges, identifying Pashteen's speech at a meeting on January 18th, where it was alleged by Police he rejected the Pakistani constitution and used insulting language about the State.

Arbitrary detention

³ <https://twitter.com/saartooraa/status/1222139933474861057>.

⁴ Sections 506, 153-A, 120-B, 124, 123-A of the Pakistan Penal Code successively.

3. Rather, Pashteen in his speech⁵ noted that the human rights of the Pashtun people are not being protected by the constitution of Pakistan. This echoes the political advocacy of the PTM, which has long called on the Pakistani government to deliver to people of FATA and KP their constitutionally guaranteed rights and for the secured provision of basic human rights to all in the province.
4. The PTM and other international organisations and human rights watchdogs have condemned the charge, along with Pashteen's arrest as politically motivated.⁶ The nature of the charges and the context in which they have been brought against Pashteen raise serious concerns that he is being detained for exercising his human right to freedom of conscience, thought and expression. The charges, coming in advance of a planned rally in Waziristan, raise serious questions about their resultant violation of the freedom of peaceful assembly and possible intimidation of protesters.
5. Pakistan ratified the International Convention on Civil and Political Rights in June 2010. It has an obligation to respect and ensure to all individuals within its territory the rights within that Convention. Despite the charges levelled against Pashteen being drawn from the Penal Code, it is well-established that arrest and detention as punishment for the legitimate exercise of the rights guaranteed by the Convention **is arbitrary** and constitutes a violation of article 9.⁷ The Human Rights Committee in its General Comment No 35 on the right to liberty has confirmed that charges which result in arrest or detention for punishment for exercise of one's freedom of opinion or expression (art 19), freedom of assembly (art 21), or freedom of association (art 22) **is arbitrary, notwithstanding that the arrest is arguably pursuant to law.**⁸
6. The context and background of the arrest and charge of Manzoor Pashteen point to the arbitrary and illegal nature of the actions taken against him. The PTM and Manzoor Pashteen is a resolutely non-violent movement. Manzoor Pashteen has repeatedly made clear the PTM's desires to achieve equality and justice via courts and through the constitution.
7. Since its inception, the PTM has focused on advocacy to secure four key constitutional rights: the right to life, the right to human dignity, the right to be treated in accordance with law, and the right to enjoy the protection of law. The PTM has sought an end to the impunity with which human rights violations have been perpetrated against Pashtun population in the course of the prosecution of the war on terror by Pakistan.
8. PTM leaders have consistently come under fire by the Government and Pakistani politicians within the National Assembly for pursuing the release of individuals detained by authorities without due process. The Army has directly accused the PTM of running an "anti-national agenda" and for playing into the hands of the State's enemies. In April 2019, the Director-General of Inter-Services Public Relations hosted a press conference in which he noted that PTM's "time is up" and that the

5 Linked **above**.

6 <https://gandhara.rferl.org/a/pashtun-civil-rights-leaders-arrested-ahead-of-waziristan-protests/30399092.html>.

7 See HRC 328/1988, *Zelaya Blanco v Nicaragua* at [10.3].

8 CCPR/C/GC/35 Human Rights Committee, *General Comment No 35: Article 9 (liberty and security of the person)* at [17].

manner in which PTM “voice[s] such grievances” would no longer be tolerated. The Major-General reiterated claims during that press conference often made by the military in Pakistan, that the PTM received foreign funds, and was working as an agent for foreign powers.⁹

9. In May 2019, 15 peaceful and unarmed protestors were shot dead and more than 40 injured by military personnel at a peaceful protest organised by the PTM in North Waziristan.¹⁰ Similarly, peaceful PTM protestors were fired on by Pakistani military personnel without provocation in May 2018 (Wana, South Waziristan).¹¹ A few days following the protests in May 2019, Mohsin Dawar and Ali Wazar, two other leaders of PTM were arrested, blamed for an IED attack taking place whilst they were in state custody.¹² A PTM leader, Arman Loni, was killed by military at a sit-in protest in early 2019.¹³ Other leaders of the PTM have been arrested and detained following protests,¹⁴ and human rights activists supportive of the PTM mission have been detained on charges relating to “speaking against national institutions” when collecting data on missing persons and enforced disappearances.¹⁵
10. PTM supporters have been subject to pressure by police and military in advance of protests,¹⁶ and media restrictions and black-outs in relation to PTM rallies are frequent.¹⁷ In June 2018, 37 PTM leaders arranging protest activity were arrested on

⁹ See <https://www.dawn.com/news/1479183> “‘Time is up’: DG ISPR warns PTM leadership in press conference” and <https://www.aljazeera.com/news/2019/04/pakistan-military-warns-pashtun-rights-group-time-190430085756182.html>. See also the coverage concerning Professor Muhammed Ismail, whose arbitrary detention has been the subject of criticism by the Asian Human Rights Commission. He was charged under the Anti-Terrorism Act in relation to work conducted by his daughter; he is well-known for denouncing human rights violations by the military, particularly against Pashtun ethnic minorities: <http://www.humanrights.asia/news/ahrc-news/AHRC-JST-004-2019/>, and <https://www.amnesty.org.uk/resources/first-update-professor-risk-arrest-remains-no-fly-list>.

¹⁰ <https://www.nytimes.com/2019/05/26/world/asia/pakistan-protest-pashtun.html> and <https://www.aljazeera.com/indepth/opinion/ptm-peaceful-quest-free-pakistanis-oppression-191203150745058.html>.

¹¹ Resulting in several deaths and at least 25 injured: <https://www.reuters.com/article/us-pakistan-pashtuns/pashtun-activists-killed-in-pakistan-blame-militants-and-security-forces-idUSKCN1J011B>.

¹² <https://www.aljazeera.com/indepth/opinion/ptm-peaceful-quest-free-pakistanis-oppression-191203150745058.html>

¹³ <https://www.aljazeera.com/news/2019/02/pakistan-rights-group-protest-killing-activist-190204163252858.html>.

¹⁴ <https://www.rferl.org/a/two-pakistani-deputies-released/30176453.html>

¹⁵ <https://www.dhakatribune.com/world/south-asia/2019/01/22/pakistan-police-arrest-pashtun-rights-activist-amnesty-calls-for-release>.

¹⁶ <https://www.reuters.com/article/us-pakistan-protests/pakistani-rights-group-attracts-8000-to-rally-despite-state-pressure-idUSKBN1HT0WX>.

¹⁷ <https://nayadaur.tv/2019/05/amid-complete-media-blackout-the-ptm-is-still-popular-and-gaining-momentum/>.

the basis of anti-terrorism charges, which were later withdrawn.¹⁸ After the release of Mohsin Dawar and Ali Wazir after months in custody, they were subsequently placed on an exit control list. Ali Wazir has since revealed publically that he was tortured following his arrest by Police, in May 2019.¹⁹

11. This is the **first time that Manzoor Pashteen has been arrested**. The timing of his arrest, in advance of a planned rally in Waziristan, is telling. Surveillance and attempted interruption of previous successful rallies by the PTM are documented, and the detention of PTM-affiliated protesters is evident.²⁰ The arrest of Manzoor Pashteen is sure to create fear and concern among protesters and risk quelling their right to political assembly and expression.
12. Rights **Watch (UK) calls on governments and civil society organisations to condemn the arrest and detention of Manzoor Pashteen as arbitrary and to seek his immediate and unconditional release. The continued intimidation of protesters and human rights advocate in an effort to repress political dissent must be brought to an end. The deployment of the anti-terrorist and criminal legal apparatus to suppress democratic protest must cease. Those fighting for human rights and democratic reform in Pakistan must be supported and protected, not victimized, by the law and legal system.**

Risk to Manzoor Pashteen

13. Although Pakistan has ratified the United Nations Convention Against Torture, as noted by the Human Rights Committee, torture remains “widely employed by the police, military and security forces and intelligence agencies”.²¹ The UNCAT Committee noted in 2017 its concern about consistent reports that the use of torture by the police with a view to obtaining confessions from persons in custody was “widespread throughout the territory of [Pakistan]” and that the Committee was “deeply concerned about reports that cases of death in custody as a result of torture”.²² In 2019 Australian Department of Foreign Affairs and Trade noted “widespread reports of the security and intelligence services torturing people held in their custody”.²³ The Justice Project Pakistan has similarly recorded widespread police brutality and torture;²⁴ and the Human Rights Commission of Pakistan’s media

18 <https://www.amnesty.org/en/latest/news/2019/02/pakistan-end-crackdown-on-ptm-and-release-protestors/>.

19 https://twitter.com/faraz_lhr/status/1139240521522720768.

20 <https://www.civicus.org/index.php/media-resources/news/3873-pakistan-joint-letter-on-civic-space-violations-against-pashtuns>.

21 CCPR/C/PAK/CO/1 Human Rights Committee *Concluding Observations on the initial report of Pakistan* at [25].

22 UNCAT *Concluding Observations on the initial report of Pakistan* https://www.ecoi.net/en/file/local/1404092/1930_1499938679_g1714953.pdf.

23 <https://dfat.gov.au/about-us/publications/Documents/country-information-report-pakistan.pdf> at [4.18].

24 See <https://www.jpp.org.pk/torture/>.

monitoring tracks incidences of torture and death in custody as a result of mistreatment.²⁵

14. It is apparent that Pakistan consistently violates its obligations under the Convention Against Torture. The implementation of torture through the police, security and intelligence limbs of the State is alarming. The risk to a prominent political opponent must be taken seriously. The serious and clear possibility of Manzoor Pashteen being subject to torture as a result of his detention for expressing legitimate political opinion and supporting democratic dissent must not be tolerated.
- 15. RWUK calls on states and relevant human rights organisations and actors to press for his release and to continue to call on Pakistan to implement measures to tackle the prevalence of torture within its prisons and to take steps to provide accountability for past victims and ensure violations do not recur.**

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²⁵ See <http://hrcp-web.org/hrcpweb/wp-content/uploads/2018/10/State-of-Human-Rights-in-2017.pdf> and <http://hrcp-web.org/hrcpweb/wp-content/uploads/2019/04/State-of-Human-Rights-in-2018-English-1.pdf>.