

Catherine Ashton
High Representative of the Union
for Foreign Affairs & Security Policy
Vice President of the European Commission

Brussels, 13 December 2012

**AMNESTY
INTERNATIONAL**



European Institutions Office

Our Ref: B1382

Dear Baroness Ashton,

HUMAN RIGHTS CRISIS IN PAKISTAN'S TRIBAL AREAS

Our new report, ["The Hands Of Cruelty": Abuses by Armed Forces and Taliban in Pakistan's Tribal Areas](#), documents how the people of North West Pakistan continue to face a human rights crisis. In both the Federally Administered Tribal Areas (FATA) and the Provincially Administered Tribal Areas (PATA), Pakistan's armed forces are using new broad security laws and a colonial-era penal system to commit human rights violations, while the Taliban continue to perpetrate human rights abuses with impunity.

A key driver of impunity for state and non-state perpetrators of human rights abuses is the constitutional exclusion of the courts and Parliament from the Tribal Areas. Rather than addressing these deficiencies, Pakistan is applying security laws, specifically The Actions (in Aid of Civil Power) Regulations 2011 (AACPR) and the century-old Frontier Crimes Regulation 1901 (FCR), that authorise prolonged, arbitrary, preventive detention by the armed forces, and flagrantly breach international human rights law.

The practice of arbitrary detention, the many cases of torture and other ill-treatment, enforced disappearance and deaths in custody, and the lack of effective justice and remedies documented in this report all signal that the state is acting with the same impunity as the Taliban rather than seeking to end the cycle of violence which has a devastating impact on the Tribal Areas.

Amnesty International acknowledges that the Taliban are also responsible for committing egregious human rights abuses. But by providing legal cover for continued violations by the armed forces under the AACPR and FCR, and by failing to extend the jurisdiction of the higher courts to the Tribal Areas, the Pakistani authorities are enabling the armed forces to commit human rights abuses with impunity. Without urgent action by the Pakistani government to guarantee respect for human rights in the Tribal Areas, lawlessness will continue to prevail. In line with the European Union (EU)-Pakistan Five Year Engagement Plan's call to "*strengthen cooperation...[on] safeguarding fundamental human rights*", we urge the EU to call on Pakistan to:

- Repeal the AACPR and repeal or further reform the FCR
- Formally extend the jurisdiction of Pakistan's High Courts and Parliament to FATA by an act of Parliament and executive order from the President respectively
- Bring all state and non-state perpetrators of human rights abuses to justice in fair trials, without recourse to the death penalty
- Ensure that an up-to-date, centralised register of all detainees is maintained and kept readily available and accessible to those concerned
- Implement all court rulings without delay, including High Court and Supreme Court orders in fundamental rights cases and writs of habeas corpus

I look forward to your response and would be pleased to provide any further information you should require.

Yours sincerely,

Dr Nicolas J Beger
Director

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