

17. EPIC OF ILLEGAL DETENTIONS

The saga of illegal political detentions in Pakistan remains a persistent, deeply rooted structural crisis where state authorities frequently deploy **arbitrary arrests, prolonged solitary confinement, and enforced detentions** to silence political opposition, civil society, and dissenting voices.

International bodies and global watchdogs overwhelmingly condemn Pakistan for the persistent and systemic use of such tactics by successive governments since five decades.

- **UN Special Rapporteurs on torture** have raised serious alarms regarding *inhumane prison conditions, prolonged solitary confinement, and the denial of basic legal and medical rights* to detained political figures and respectable.
- Foreign media has documented long-standing patterns of police and security force brutality, including severe beatings and psychological abuse during investigations.
- **Flawed Laws:** Organizations like the International Commission of Jurists (ICJ) report that successive governments use preventive detention laws to silence opposition groups and avoid judicial oversight.
- Global groups regularly highlight the detention of journalists, poets, and political protesters under public order ordinances.
- International observers stress that while torture is technically barred by the country's constitution, a lack of

strict domestic banning and weak enforcement leaves victims without justice.

Under the NEW CHARTER for NOW onwards, following steps are suggested to curb the trend of illegal detention and torture of political opponents in Pakistan. Legal experts, international watchdogs, and domestic bodies suggest ***a broad mix of legislative, judicial, and systemic remedies – sincere efforts will be done to implement each clause.***

- **Loopholes in the 2022 Anti-Torture Act will be fixed.** While the **Torture and Custodial Death (Prevention and Punishment) Act 2022** was a massive milestone, civil society bodies urge amendments to explicitly criminalize psychological and mental torture, which are frequently used against political prisoners.
- Legal experts recommend ***shutting down parallel detention systems*** - such as specialized internment centers - or bringing them fully under mainstream prison rules.
- The ***sweeping discretionary powers given to law enforcement agencies under security laws*** will be LIMITED to ensure preventive custody matches strict international standards.
- Pakistan will think to sign the Optional Protocol to the Convention against Torture (OPCAT). This would force the state to accept unannounced, independent local and international inspections of all detention facilities.
- Agencies implicated in the torture (such as the Police or FIA, NAB & RANGERS) will not investigate themselves. Inquiries will

be handled entirely by neutral bodies specially designed for the purpose and including Doctors & Psychiatrists too.

- Superior & commanding officers ***will be held criminally liable*** if they knew - or should have known - that their subordinates were practicing illegal detentions and failed to stop them within appropriate time.
- Compliance with the ***statutory 24-hour limit for producing any detainee before a magistrate*** will be STRICTLY ENFORCED. Judges must proactively document and check the physical health of political detainees during these appearances and periodic inspections.
- It will be ensured that any ***confession or statement extracted via duress or torture is strictly thrown out of court***, thus, removing the primary incentive for custodial abuse.
- Judicial precedents will be maintained where the burden of proof shifts to the ***custodial officers to prove they did not commit torture*** if a person is injured while in their care.
- Every effort will be done to enforce digital tracking systems, mandatory CCTV monitoring in interrogation zones, and clear ***digital entry logs to completely eradicate undocumented 'secret arrests'***.
- Procedural delays will be REMOVED to ***ensure immediate, unhindered access to legal counsel, independent medical professionals, and family members*** when the detain-

ees are in custody – and the OFFICER INCHARGE WILL MAN-AGE THIS PROCESS – No permissions from govt heads or ministries will be needed.

- Structural cross-departmental training programs will be arranged (preferably) under the same roof ***for the police, prosecution, and judiciary to foster humane investigative methodologies.***

Current Political Detentions:

- **Imran Khan's Confinement:** The former Prime Minister has been imprisoned since 9th August 2023. The UN Working Group on Arbitrary Detention officially declared his detention **political and illegal**.
 - However, the sitting government insists that they are following **KHAN's OWN FOOTPRINTS** for severe restrictions on family, legal counsel, and medical access which he used to practice with opposition leaders when he was in power during 2018-22.
 - In 2019, former PM and PMLN leader **Shahid Khaqan Abbasi** was arrested by NAB in the LNG import contract case, under Khan's government. The PMLN, crying political victimisation, said Imran Khan was manifesting 'revenge' against it.
 - PMLN's **Shehbaz Sharif, Maryam Nawaz and Rana Sanaullah** were also taken through the same anguish and agony in Khan's era.

- Following the political unrest starting on 9th May 2023, and subsequent opposition rallies, thousands of *Pakistan Tehreek-e-Insaf* (PTI)'s lawmakers, workers, and their relatives have faced arbitrary roundups. Sitting lawmakers are routinely arrested right outside the parliament premises.
- Activists associated with movements like the *Pashtun Tahafuz Movement* (PTM), including its LEADERSHIP, face recurring, unlawful, and long-term detentions under vague anti-state charges.
- Security agencies regularly help the sitting government while removing 'opponent persons' in illegal ways. Dissidents are chosen and hauled up without legal warrants, kept in unofficial safe houses, and denied access to courts in due course.
- Authorities increasingly rely on amended anti-terrorism law & frameworks [ATA], sedition laws, and the Prevention of Electronic Crimes Act (PECA) to penalize online speech, journalism, and calls for peaceful assembly.
 - [*In 2014, under PMLN regime, the ATA was amended, allowing the Rangers to detain suspects for up to 90 days without charge and use force where there were reasonable grounds for suspicion.*]
- Massive sweeps following opposition protests have led to the arbitrary profiling and round-up of ethnic Pakhtoon of Khyber PK province residing in major cities like Islamabad.

- **Civil Society & Media Suppression:** Journalists and legal professionals are barred from traveling via exit-control lists or face direct arrest for reporting on state overreach.
- Despite statutory prohibitions, institutional accountability remains virtually nonexistent. Physical abuse and psychological pressure are systematically used to extract confessions or force political defections.

How EU STATES deal with Illegal detention and torture of political opponents?

European Union (EU) member states combat the illegal detention and torture of political opponents through a highly institutionalized framework of **judicial enforcement, independent oversight, legislative bans, and financial penalties**. Because all 27 EU nations are bound by the Charter of Fundamental Rights and the European Convention on Human Rights (ECHR), they are legally obligated to maintain an absolute ban on torture and arbitrary arrest.

The primary legal and systemic remedies adopted across the EU to curb these **Binding Judicial Remedies via ECtHR** include & incorporate:

- **As justified satisfaction**, the EU court orders violating states to pay substantial non-pecuniary damages and legal fees directly to victims.
- Under ECtHR precedents, any criminal conviction relying on evidence extracted via torture or illegal detention is ruled fundamentally unfair and are promptly vacated.

- ***Landmark judgments force member states to alter national police interrogation protocols and introduce stricter accountability systems.***
- The European Committee for the Prevention of Torture (CPT) serves as a specialized watchdog to detect and prevent abuses before they escalate.
- The CPT inspectors possess the legal mandate to enter any place of deprivation of liberty within EU states—including secret police facilities, military barracks, and maximum-security prisons—without prior warning.
- Inspectors conduct completely unsupervised interviews with political detainees to assess psychological or physical trauma.
- The CPT publishes highly detailed country reports that expose specific abusive locations, forcing states to address physical ill-treatment or face severe diplomatic isolation.
- To systematically dismantle the operational means of torture and state repression, the EU utilizes its up-graded **Anti-Torture Regulations**.
- Rigid export licenses are required for dual-use law enforcement equipment—such as riot control gear, kinetic impact projectiles, and restraint mechanisms—to ensure they are not sent to entities that misuse them for state repression.

- The EU can trigger internal mechanisms to penalize member states drifting toward ***authoritarian practices or targeting political dissidents***.
- ***Known as the 'nuclear option', the EU can suspend certain treaty rights of a member state*** - including voting rights in the Council - if there is a clear risk of a serious breach of fundamental human rights.
- The European Commission ***can freeze billions of euros in EU budgetary funding and recovery grants*** destined for member states whose judicial or law enforcement frameworks violate democratic standards.
- EU states increasingly utilize the **principle of universal jurisdiction within their national courts**.

This allows domestic prosecutors to arrest, put on trial, and imprison foreign or domestic state officials responsible for the torture or illegal detention of political opponents, regardless of where the crime has occurred.