Defence of Human Rights

# Thematic Report on Enforced Disappearances and Memorialization

**Issued by Working Group on Enforced Disappearances (UN WGEID)**

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## 1. Legal Obligations of the State of Pakistan in Memorialization and Enforced Disappearances

### a. Legal and Institutional Framework

*Absence of Domestic Criminalization:*

Enforced disappearance is not codified as an autonomous crime under Pakistani law. A 2021 amendment bill to criminalise the practice passed the National Assembly but stalled in the Senate, leaving a legislative gap that undermines accountability and survivors' access to truth, justice, and memorialization.

*Commission of Inquiry on Enforced Disappearances (COIED):*

Established in 2011 to investigate enforced disappearance cases, the COIED has received tens of thousands of cases but faces challenges including limited prosecutorial power, transparency issues, and a lack of victim-centred procedures.

In 2025, official data showed it received over 10,600 cases, disposed of approximately 8,986, and had about 1,650 under investigation (Still Disappeared), highlighting ongoing gaps in investigation and closure.

### b. International Law and Pakistan's Obligations

*Ratification and International Standards:*

Pakistan has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), which directly obliges States to enable truth-seeking and memorialization for victims' families. DHR and other groups have repeatedly urged ratification to strengthen legal obligations.

*Judicial Recognition of State Responsibility:*

While the Islamabad High Court has held that the State bears a positive obligation to trace disappeared persons once there is prima facie evidence of enforced disappearance—thereby affirming duties to investigate, protect, and keep families informed—this jurisprudence remains limited in scope and impact.

Overall, there is a persistent lack of awareness and sensitization on enforced disappearances within the judiciary, including among lawyers and judges. More than 50 petitions concerning enforced disappearances remain pending before various High Courts across Pakistan, alongside a larger, clubbed constitutional petition before the Supreme Court. Despite the passage of time, effective redress has been minimal. Judicial engagement has largely focused on procedural compliance rather than structural accountability, truth-seeking, or recognition of the continuing harm suffered by families. Within this context, the concept of memorialization—as a legal and moral obligation linked to the right to truth and guarantees of non-recurrence—remains largely absent and alien to judicial reasoning in Pakistan.

**c. Temporal Scope of Obligations**

The obligation to investigate, disclose, and memorialize persists indefinitely for unresolved cases. The absence of legal timelines or effective remedies perpetuates victims' suffering and impedes state accountability.

**d. Positive Duty and Non-Interference**

Legal frameworks should mandate State facilitation — not obstruction — of memorialization efforts, including historical documentation, art, testimony archives, and commemorative spaces. In practice, civil society leads this role in Pakistan due to State inaction.

## 2. Practical and Inclusive Approaches to Memorialization in Pakistan

**a. Civil Society-Led Memorialization**

*Family Protests, Sit-Ins, and Public Memory Events*:

Families of disappeared persons in Pakistan routinely engage in public protests and sit-ins particularly in cities such as Islamabad, Peshawar, Karachi, and Quetta where they hold photographs and share testimonies of their missing loved ones. These acts transform private grief into collective memory and function as *de facto* memorialization in the absence of any formal, State-led recognition. Civil society movements and organisations, including Defence of Human Rights (DHR), have institutionalized commemorative practices through storytelling events held on the International Day of the Victims of Enforced Disappearances, Human Rights Day, and on the anniversaries of emblematic enforced disappearance cases. Storytelling has emerged as a central method of memorialization, including through social media campaigns, art exhibitions such as *"Shaam Se Pehlay Aana"* by the wife of the disappeared Masood Janjua, and literary initiatives like *"Refusing to Disappear,"* a storybook authored by the daughter of a disappeared person. DHR also emphasizes collective and living memorialization; during the International Week of the Disappeared in 2025, the organisation planted thirty trees each dedicated to a disappeared person and accompanied by a quote symbolizing memory, resistance, and the enduring demand for truth and justice. In 2025 Defence of Human Rights produced two documentaries to keep the memory of the disappeared alive.

*One, The* ***Road That Never Ends*** is a poignant documentary that weaves together three distinct stories of enforced disappearances, told not through statistics, but through the trembling voices and quiet strength of the families left behind.

Each story unfolds in a different landscape, yet all are connected by the same invisible thread, an unbearable absence. A mother clings to her son's photograph, a sister waits by a door that never opens, a father refuses to stop searching. Their days are shaped by the same unanswered question: *Where are they?*

The film captures the stillness of waiting the moments between despair and defiance that transforms them into a collective portrait of resistance. Through intimate visuals and deeply human reflections, ***The Road That Never Ends*** exposes how the pain of enforced disappearance stretches endlessly, like a road without horizon - where love becomes both a wound and a weapon, and remembrance becomes an act of rebellion.It is a journey through silence, memory, and the unbreakable will of those who walk the road that never ends.

DHR conducted four screenings of the documentary **The Road That Never Ends** in Islamabad, Peshawar, and Lahore, including a university screening at LUMS, engaging youth and human rights defenders in critical dialogue on enforced disappearances on the following dates**: 22nd Nov, 25th Nov, 27th Nov and 28th Nov 2025.**

*The second one, titled 20 Years Without Masood — A Family's Fight for Justice* tells the deeply personal story of a Pakistani family whose life stopped on 30 July 2005, when Rawalpindi-based businessman Masood Ahmed Janjua disappeared while travelling by bus to Peshawar. His whereabouts remain unknown to this day.

Through intimate storytelling, the documentary follows the journey of his wife, Amina Masood Janjua, and daughter Aishah — from shock and grief to resistance and advocacy. The film captures two decades of waiting: courtrooms, protests, letters, and unanswered questions. It portrays how a private tragedy transformed into a nationwide movement against enforced disappearances, leading to the creation of Defence of Human Rights (DHR).

Blending testimonies, memories, and archival moments, the documentary shows the emotional cost of uncertainty — a life lived without closure — while documenting a relentless pursuit of truth. The story moves beyond one man to reflect thousands of families still searching for their loved ones. The absence becomes both personal grief and collective resistance.

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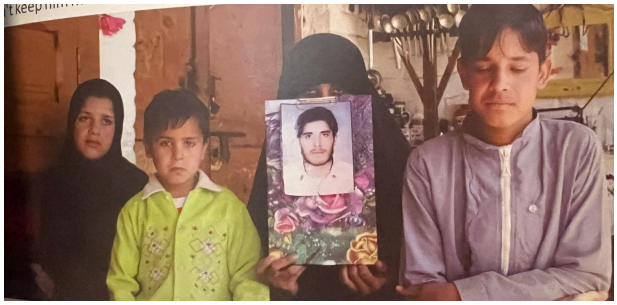


NATIONAL PRESS CLUB ISLAMABAD
INTERNATIONAL DAY OF THE VICTIMS OF ENFORCED DISAPPEARANCES
30
NPC





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Stop Enforced Disappearances




mukalma
Come back before the sun sets
A Journey of Resilience and Hope by Amina Masood Janjua








*Documentation by Rights Groups:*

Organisations like DHR, with leadership from activists such as Amina Masood Janjua (whose husband disappeared in 2005 and whose personal story catalysed the movement), maintain case documentation, narrative archives, and public reports that record enforced disappearances and survivors' experiences. DHR has documented 3178 cases from 2010 to 2026 January.

DHR organized a Workshop on Mainstreaming Gender in Enforced Disappearances Discourses and the National Women's Congress on Enforced Disappearances, held on 7 and 8 October 2025, respectively, in Islamabad. 25 women relatives of the forcibly disappeared from across Pakistan along with gender experts, civil society representatives, and human rights Defenders, participated in a workshop to memorialize in a safe space, telling their stories and discussing their experiences, were able map out key impacts of Enforced Disappearances on their lives as women and realize the crucial importance of memorialization in their struggle.

The **Women Congress** served as a safe space for Women and girls of the Disappeared to memorialize, share their stories, challenge norms surrounding the discourse of enforced disappearance, and reframe themselves not only as passive victims but also as courageous leaders in the quest for truth and justice.

The process of memorialization identified the gaps in social , economic , psychological remedy posed for the women in addressing the issue of Enforced Disappearances- as a gendered crime. They face social isolation from relatives, police, court, and other civil organizations. They feel deeply displaced within the society and also in their own homes. Women shared their experiences of harassment, movement restrictions, and safety threats throughout their process of seeking truth and justic e for their loved one who was forcibly disappeared.

One mother mentioned that she is carrying the weight of the whole family on her back and oftentimes she complains to her family how nobody ever asks "ME" how am I coping with all of this. Girls in the struggle listen to sentences like "people say they will kidnap you, and if it happened; what will society think about you?" Memorialization highlights the deep rooted psychological, social and stigmatic impacts on women.

***Women Congress*** resolved to organize periodic events like this Congress to nurture a sense of belonging, solidarity, and collective purpose. Furthermore to conduct bi-annual psychosocial support and memorialization sessions focusing on best practices and specific challenges faced in the context of enforced disappearances, to strengthen their resilience and collective capacity for advocacy.




**b. Individual and Collective Memorial Practices**

*Narratives and Storytelling:*

Survivor testimonies, family interviews, and written accounts serve both individual healing and collective historical memory. They preserve identities stripped by disappearance and challenge denialist narratives.

*Symbolic Commemoration:*

Events such as gatherings on the International Day of the Victims of Enforced Disappearances are moments of shared remembrance, reinforcing collective resolve and public visibility.

**c. Inclusive Participation**

Memorial and truth-telling practices in Pakistan include families of disappeared persons from multiple ethnic and regional groups, including Baloch, Pashtun, Punjabi, Sindhi, and Shia communities — although systematic inclusive platforms are lacking.

Local movements like ( Voice of Baloch MP , BYC , PTM , Voice of sindhi Missing Persons , Shia Missing Persons , Sindhi Human Rights Defenders Network and organisations like HRCP and NCHR documents enforced disappearance cases and also are involved in the memorial activities during protests and also online)

Inclusive memorialization is partially enabled by civil society networks that span geographical and social divides, ensuring marginalised voices contribute to national memory.

**d. Collaboration Between State and Civil Society**

Notwithstanding limited formal engagement, courts have engaged civil society evidence (e.g., habeas corpus petitions) and public advocacy has influenced public discourse, demonstrating that collaboration can deepen memorialization, even when State mechanisms are weak.

## 3. Challenges, Backlash, and Protection of Memorialization Efforts

**a. Threats Against Families, Activists, and Civil Society**

- ➔ Families and rights defenders documenting disappearances face threats, surveillance, and harassment. Some protest leaders have been detained or subjected to adverse public scrutiny.
- ➔ Human rights defenders and lawyers such as Imaan Mazari and Hadi Ali Chatta face charges and activists face restrictive practices, including denial of adequate legal remedies, delayed hearings, or non-compliance with court orders by authorities.
- ➔ Arrests of civil society activists, such as Ali Wazir from Pastun Tahafuz Movement and Baloch activist Mahrang Baloch along with other Baloch Yakjeeti Committee (BYC) leadership in 2025, illustrate the constrained civil space, where memory and accountability activism may be framed as dissent.

**b. Attacks Against Memory**

There are reports of recovered bodies of missing persons found in the absence of transparent investigation erasing historical truths and complicating memorial narratives.

**c. Legal Protection Mechanisms**

- ➔ Courts have provided some legal avenues for families to pursue truth, a form of legal protection that reinforces the right to memory and accountability. But there has been a lot of delays, families are waiting for justice for the last 10 years or more in various High Courts.
- ➔ Effective protective measures for families, archives, and memorial spaces require legislation that criminalises intimidation or reprisals against truth-seekers and ensures impartial investigations.

**d. Backlash as State Denial**

Resistance to criminalising enforced disappearance, delays in implementing legal reforms, and institutional opacity contribute to structural denial that undermines memorialization and perpetuates impunity.

## 4. Recommendations for Pakistan

- ➔ Ratify the ICPPED and align domestic law with international obligations, including criminalisation of enforced disappearance.
- ➔ Legislate protections for families, truth-seekers, and memory initiatives, including safeguards against reprisals.
- ➔ Establish a Truth and Reconciliation Commission with a mandate for documentation, memorialization, and policy recommendations.
- ➔ Support publicly accessible archives and memorial spaces that record stories of disappeared persons, the data of the Commission of Inquiry on Enforced Disappearances (CoIoED) should be public.
- ➔ Recognize, acknowledge, and give **respect, dignity, and rightful space** to human rights defenders and victim family members. They are not merely witnesses to injustice — they are the voices that keep truth alive, the ones who carry the struggle for justice when institutions fail.
- ➔ Ensure civil society engagement in formal memorialization and truth processes.
- ➔ Enhance legal protection for families and activists through witness protection, psychosocial support, and legal aid.
- ➔ UN human rights mechanisms should monitor Pakistan's implementation of enforced disappearance standards and advocate for memorialization frameworks.
- ➔ Regional cooperation should encourage exchange of good practices for inclusive memory and truth-telling.

## Conclusion

In Pakistan, enforced disappearances remain a persistent human rights crisis. Memorialization both symbolic and institutional is critical to acknowledging loss, restoring dignity, and preventing denialism. Given ongoing legislative and institutional shortcomings, civil society and families have driven memorialization, yet they face significant challenges and threats. State obligations to protect, promote, and facilitate memorialization must be realised through legal reforms, inclusive practices, and meaningful collaboration ensuring that the voices of the disappeared and their families remain a durable part of Pakistan's collective memory.

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**Supporting Links:**

- **https://www.dawn.com/news/1968787**
- **https://voicepk.net/2025/08/20-years-without-masood-families-of-the-disappeared-call-for-justice-at-documentary-screening/**
- **https://www.instagram.com/reel/CxsBsHls0Ou/**
- **https://voicepk.net/2025/08/rights-groups-decry-pakistans-failure-to-tackle-enforced-disappearances/**
- **https://www.dawn.com/news/1938540#:~:text=Kalbe%20Ali%20Published%20August%2031,impunity%20for%20over%20two%20decades.**