**Submission to the Report of the Office of the High Commissioner for Human Rights (OHCHR) on the implementation of the UNGASS joint commitment to effectively addressing and countering the world drug problem with regard to human rights**

Justice Project Pakistan (JPP)[[1]](#footnote-1) welcomes this opportunity to make a submission to the OHCHR on addressing the world drug problem with regard to human rights. The following submission highlights the violations suffered by Pakistani migrants facing trials for drug-related crimes in the Kingdom of Saudi Arabia

1. **Unlawful Trial and Executions of Pakistani Nationals for Drug-Related Crimes in Saudi Arabia**

In violation of international human rights standards, Saudi Arabia regularly executes individuals for drug crimes. Majority of those executed constitute of foreign nationals out of which the biggest group is formed by Pakistani Nationals. Since 2014, out of a total of 163 executions for drug related crimes, 61 were Pakistani nationals.[[2]](#footnote-2)

A report by JPP and Human Rights Watch documented 13 drug related cases involving 15 Pakistani Nationals facing criminal trials in Saudi Arabia[[3]](#footnote-3). 11 of these individuals were charged with bringing drugs in an airport. At least 4 of the 11 were forced under threat of violence by drug traffickers in Pakistan to serve as drug mules. In several cases, the detainees were forced to traffic drugs to Saudi Arabia by men involved in recruitment firms, known as Overseas Employment Promoters (OEPs), that sent Pakistani’s to Saudi Arabia. Majority of the detainees belonged to impoverished backgrounds and were therefore exploited by recruitment agents through false promises of jobs. Out of the 11, Saudi Courts handed death sentences to 3, and prison sentences between 15 to 20 years to 4[[4]](#footnote-4).

**Latif**, a Pakistani national, was executed in Saudi Arabia on 18.10.2017 for smuggling heroin.[[5]](#footnote-5) In 2015 a group of men affiliated with the agency through which he obtained his visa entered his hotel room in Karachi prior to his departure to Saudi Arabia and forced him to swallow heroin capsules while beating him with guns and threatening to kill his family. He was apprehended by the Saudi authorities at the airport.

During the course of the trials, the Saudi Courts were not interested in the circumstances under which individuals brought drugs into the country and did not attempt to investigate or entertain trafficking claims during trials or sentencing as either a defence or a mitigating circumstance. Additionally, in all the non-death penalty cases, judges did not afford defendants an adequate opportunity to raise a defence. The defendants were presented with predetermined convictions and sentences during the first hearing, often on the sole basis of police reports. If the defendants chose to challenge the rulings, they were repeatedly summoned to additional hearings where they were just presented the same predetermined rulings. All defendants interviewed by JPP eventually accepted the original ruling merely to halt prolonged pre-trial detention. Defendants also reported being pressured to give their agreements to court rulings through confessions or stamping the ruling papers with their fingerprints without being given an opportunity to read or understand the judgment. Almost none of the defendants were provided defence lawyers and they could not afford to engage their own.

All the trials were conducted in Arabic - a language unknown to the defendants. Court appointed translators were not impartial and would often misrepresent statements to judges or fail to accurately describe the contents of court documents.

The detainees also stated that Saudi authorities had subjected them to ill-treatment, including slapping, beating with a belt, and shocking with an electronic device during interrogations. It was additionally observed that bodies of prisoners executed were buried within 24 hours and seldom returned to their families in Pakistan.

**Ibrar Hussain**[[6]](#footnote-6) was Pakistani citizen who was executed in Saudi Arabia in January 2014. Ibrar belonged to a poor family and worked as a bus conductor where he met a recruitment agent who promised to get him to Saudi Arabia for a chance to earn more money. In 2011 before he was ready to leave for Saudi Arabia he was kidnapped by the agent and taken to an undisclosed location. He was locked up for two days – beaten and forced to ingest heroin capsules at gun point. He was arrested upon arrival and Jeddah, sentenced to death and ultimately executed. His body was never returned to his ailing mother who continues to believe that he is alive.

1. **SAUDI ARABIA AND PAKISTAN HAVE FAILED TO PROVIDE ADEQUATE CONSULAR ACCESSS AND ASSISTANCE**

Based on interviews by JPP with detainees, Saudi officials failed to inform Pakistani consular officials about arrests of Pakistani citizens. In violation of Article 36 of the Vienna Convention on Consular Relations, the burden to inform Pakistani authorities fell on the detainees and their family members. The detainees and their family members who approached the Pakistani embassies did not receive any adequate response or consular assistance. Pakistani officials rarely if ever visited Saudi prisons and only provided assistant with deportation processing procedures following prison sentences.

Muhammad Afzal[[7]](#footnote-7) was executed in Saudi Arabia in April 2017. In 2005, while he was working in a textile factory in Faisalabad, he was approached by a recruitment agent who promised him a lucrative job opportunity in Saudi Arabia. However, after Afzal paid the agent for the passport, tickets and visa processing he was taken to Mardan where he was forced to ingest heroin capsules. He was arrested at the airport upon arrival. At no point in the proceedings was he provided a defence attorney or an independent translator. The Government of Pakistan failed to provide Afzal’s family with any official notification regarding his arrest, imprisonment or execution. Despite many appeals by his wife to the Government of Pakistan made no representations to the Kingdom of Saudi Arabia for his release.

In 2014, Justice Project Pakistan filed a litigation before the Lahore High Court on behalf of families of 10 prisoners facing execution in Saudi Arabia. The litigation alleged the failure of the Government of Pakistan to protect the fundamental rights of its citizens who were sentenced to death as an outcome of trials conducted in contravention of international standards of fair trial and due process. As an outcome of the litigation the Lahore High Court in January 2017 ordered the Ministry of Foreign Affairs (MFA) to formulate a universal consular protection policy for Pakistanis jailed abroad. However, a year following the directions of the Honourable Court, the policy remains in draft form.

1. Justice Project Pakistan (JPP) is a human rights law firm in Lahore, Pakistan, that provides pro-bono legal advice and investigative services to those facing the death penalty, who have suffered police torture, are mentally ill or are victim in the war on terror. [↑](#footnote-ref-1)
2. Human Rights Watch (HRW) & JPP. Caught in a Web: Treatment of Pakistanis in the Saudi Criminal Justice System. March 2018. URL: https://www.hrw.org/sites/default/files/report\_pdf/saudiarabia0318\_web.pdf [↑](#footnote-ref-2)
3. ibid [↑](#footnote-ref-3)
4. ibid [↑](#footnote-ref-4)
5. JPP has authorisation to use Latif’s name and details in public communication [↑](#footnote-ref-5)
6. JPP has authorization to use Muhammad Ibrar’s name in public communication [↑](#footnote-ref-6)
7. JPP has authorization to use Muhammad Afzal’s name in public communication. [↑](#footnote-ref-7)