

Statement from the Joint Action Committee for Refugees (JAC-R) on the Illegal Deportation of Afghan Refugees

We, the undersigned academics, lawyers and civil society activists are alarmed by the decision of the Government of Pakistan to begin the second phase of repatriation of Afghan Refugees right after Eid on April 15th 2024. We strongly condemn the continued inhumane and illegal deportation of Afghan refugees and migrants from Pakistan. The decision of the newly elected government to continue to uproot the lives of hundreds of thousands of people who have considered Pakistan their home and their country, where they have sought refuge from multiple wars and totalitarian regimes, is not only unconstitutional but also violates several international laws.

In the first phase of deportation the Caretaker Government without having any Constitutional mandate had announced on 3rd October 2023, that it would expel undocumented Afghan refugees and migrants starting 1st November 2023 under its National Action plan. Civil society members, lawyers, academics and Human Rights Activists rushed to seek aid of the all provincial High Courts and the Supreme Court right away.

The matter of illegal deportation was brought before the Supreme Court under Article 184(3) of the Constitution in Nov 2023, in **Senator Farhatullah Babar and others vs Federation of Pakistan**, and in **Uzair J Kayani and others vs Federation of Pakistan**. Both petitions prayed before the Supreme Court that with its policy of expelling refugees, the Caretaker Government was not only acting against its Constitutional mandate but also against the fundamental rights granted by the Constitution of Pakistan and against Pakistan's international law obligations. Both petitions sought an interim relief stopping the Government until the matter was decided by the Court.

Despite the fact that the matter was pending before the Provincial High Courts and Supreme Court, the Caretaker Government and Provincial Governments brutally expelled 500,000 undocumented Afghan Refugees in the most degrading, cruel and inhumane way imaginable. The Courts clearly failed in their Constitutional duty to prevent the violation of fundamental rights which the Constitution extends to everyone in Pakistan whether they are citizens or not. The interim relief, if granted by the Courts on time, could have prevented a large number of such expulsion/deportations.

Across the country, multiple reports from state officials, lawyers, human rights activists, and journalists detailed the harassment and violence that resident Afghans and Pakistanis (particularly Pashtuns) faced. Citizens were being encouraged by the state to turn on each other and give up the names and locations of Afghan families. Law enforcement officials snatched and destroyed Proof of Registration (POR) cards, Afghan Citizen Cards (ACC), and also CNICs in a bid to intimidate and illegally detain individuals and families. The state opened up multiple detention centers where refugees, migrants, and citizens were being refused their right to legal

counsel and their right to spiritual support. Journalists were barred from entering the detention centers.

There was a brief hiatus in Afghan Refugees deportation in the month of February but to everyone's surprise the elected and chosen Coalition Government not only mechanically adopted and illegally furthered an illegal and unconstitutional policy, it has decided to go one step further and is determined on deporting even registered Afghan Refugees who hold Afghan Citizen cards, living in Pakistan. The Government has made a list of 800,000 registered Afghan Refugees that It will expel in 2 weeks time on April 15th 2024.

Once again the doors of the Supreme Court were knocked right away to give an early hearing on the matter and the Supreme Court has been requested for an interim relief to prevent the arbitrary expulsion of registered Afghan Refugees until the matter is decided by the Court. Once again, the Supreme Court has been totally silent on the matter and has not entertained the petitioners until the signing of this letter.

The Constitution of Pakistan guarantees the right to a free and fair trial, prevention from torture, and the rights of the child. The constitution also maintains that no compulsory service shall be of a cruel nature or incompatible with human dignity.

So why is Pakistan Government and its Courts refusing to uphold its own constitution?

The new government has effectively continued a state-sanctioned witch hunt and created a black hole. They have robbed the Afghan people and Pakistani citizens of a voice and their freedom. Who will ensure that the constitution is going to be upheld i.e., people will not be raped, children will not be abducted and trafficked, and people will not be tortured, when not a single lawyer, journalist, or activist has been allowed to enter a detention centre?

The Afghan people came to Pakistan fleeing multiple wars, economic and political instability, which are a threat to their lives. They came here for security, safety, to find a home in a country that promised one. The Pakistani state and the West must recognize their role in creating a disastrous human rights situation in Afghanistan now lasting four decades.

We have turned our backs on refugees and migrants, we have turned our backs on our Constitution, and we have completely disregarded the principles of international law we have agreed to practice. Lest we forget, Pakistan is also bound by certain principles of customary international law which govern the treatment of refugees. As per the 1993 Cooperation Agreement with UNHCR, we are bound by the non-derogable principle of non-refoulement: the forced return of refugees to a country where they are at risk of persecution.

Afghanistan is currently under dictatorial and unelected Taliban rule. So many of the refugees, migrants, and citizens belonging to the Khwajasira community, the Hazara and Christian community, are human rights defenders, lawyers, journalists, artists, folk musicians, and employees of the former Afghan government. All of these groups are at risk of near certain death if forced to return. Women no longer have the right to work or study in Afghanistan; by forcibly sending them back we would expose them to gross human rights violations.

The civil society also recognises the rights of host communities and does not wish for any refugee to be a burden on them. It is possible to speak on the rights of refugees while also standing up for the rights of host communities. We must not undermine the injustices of the state particularly in Pakistan's Sindh province. The civil society calls upon the Government of Pakistan to facilitate refugees in a way that does not create divides between host and refugee communities. The most expedient way for Pakistan to do this is to introduce a Refugee Bill, which was last presented to Parliament in April 2023. The new Government must introduce a Refugee Bill and the colonial Foreigners Act of 1946 must be re-visited. Pakistan also must become a signatory to the Geneva Convention of 1951 on the status of refugees.

Demands

1. Stop the illegal deportations and detentions of Afghan refugees and asylum-seekers across Pakistan until the matter has been decided by the Court.
2. POR cards must be renewed, and Afghans who fled the Taliban in August 2021 must be provided documents expediently.
3. National human rights institutions including the NCHR, SCSW, and NCRC must intervene to stop the enforced repatriation in order to practice their mandate to protect human rights.
4. A group of civil society, lawyers, and journalists must be allowed inside the illegal detention centers being set up by the government to document the rights of all those detained.
5. A national legal framework for the protection of refugees must be developed and passed by an elected parliament.
6. The state of Pakistan must ratify the Geneva Convention of 1951 on the status of refugees.

Endorsements :

1. Hina Jilani – HRCP
2. Arif Hasan – Senior Urban Planner
3. Sheema Kermani – Artist
4. Kausar S Khan – Community Health
5. Moniza Hina Kakar – Lawyer
6. Samar Abbas – Lawyer
7. Saeed Husain – Academic, AKU-FAS
8. Tahera Hasan – Lawyer
9. Bushra Gohar - Chairperson NDM
10. Dr. Riaz Ahmad – Academic
11. Nida Kirmani – Academic

12. Mahnaz Rahman – Activist
13. Mehrub Moiz Awan – Policy Specialist
14. Naghma Shaikh – Activist
15. Ghazala Shafique – Pastor
16. Noreen Fatima – Activist
17. Abira Ashfaq – Lawyer
18. Dhuha Alvi – Researcher
19. Luke Victor – Law student
20. Soha Tanwir Khan – Activist
21. Sijal Shafique – Activist, Doctor
22. Wakil Ur Rahman – Journalist
23. Zeenia Shoukat – Researcher
24. Muhammad Sher – Political Worker
25. Ahmad Shabbar – Environmental Human Rights Activist
26. Hiba Thobani – Lawyer
27. Mahnaz Rahman – Activist
28. Tanya Mirza – Educator
29. Maya Hasan – Student
30. Sanam Chaudhri – Fashion Designer
31. Maria Ahmad – Health and Wellness Coach
32. Aliya Imran – Teacher
33. Umme Salma Hamdani – Communications and Development
34. Kazim Hassan – Barrister
35. Sikandar Hasan – Anthropologist
36. Ahmad Malik – Infrastructure Development Specialist
37. Nazia Hassan Zuberi – Fundraising
38. Kohi Marri – Photographer
39. Mirza Mahmood Ahmad – Advocate Supreme Court of Pakistan
40. Dr Humera Iqbal – Psychologist and Academic
41. Yusra Sohail – Lawyer
42. Hira Ahmed – Lawyer
43. Salma Hasan – Actor
44. Maidha Mateen – Lawyer
45. Saima Zaidi – Communication Design
46. Yasir Mazhar – Actor and Model
47. Angeline Malik – Actor/Director
48. Hasan Yahya Zaidi – Journalist / Filmmaker
49. Safina Javed – Activist
50. Samina Ahmed – Actor/Director
51. Maham Tariq – Feminist Activist

52. Shajeea Khalid – Climate Policy Advocate
53. Naimat Khan – Journalist
54. Laiba Zainab – Journalist
55. AURAT MARCH LAHORE
56. SINDH MOORAT MARCH
57. Haroon Rahimi
58. Dr Sana Durvesh - Public Health Professional
59. Shmyla Khan - Researcher and Teacher
60. Hania Zehra – Lawyer
61. Sara Anwer - Marketing
62. Naazish Ataullah - WAF Lahore
63. Nighat Said Khan - WAF Lahore
64. Zain Ul Abiden Salim - Video Editor
65. Nasreen Siddiqui
66. Nusrat Jamil
67. Khushal Ladhani - Lawyer
68. Amel Ghani - Journalist
69. Sara Ahmad - Community Development Manager
70. Aminah Waheed Chaudhary - Researcher/ Activist
71. Nasreen Samad - Community Development Practitioner
72. Nadia Bibi - Member KP, National Commission on the Rights of the Child (NCCR)
73. Zara Rehman - Banking Professional
74. Samina Rahman - WAF Lahore
75. Tabinda M. Khan - Academic
76. Ayesha Mir - Doctor
77. Zainab Shah - Textile Designer
78. Sonal Dhanani - Development Practitioner
79. Hammad Lone - Concept Artist
80. Karimdad Niaz Khaskheli - Student
81. Maliha Mansoor - Auditor
82. Javeria Hasnain - Writer
83. Amna Mawaz Khan - Performing Artist, Political Worker (Women Democratic Front, Awami Workers Party)
84. Gulzar Nayani - Documentary Filmmaker
85. Saadia Toor, Professor
86. Sadia Khatri - Writer
87. Muhammed Yousaf Malik
88. Asha Bedar, Clinical Psychologist and Trainer
89. Aasiya Kazi, PhD Candidate
90. Saman zahid - lawyer

91. Sara Asif - Teacher
92. Syed Wajid Ali, Tech Expert Director
93. Ayesha Tariq, PhD student
94. Zosheen Riaz, Lecturer
95. Sarah Zaman - Researcher
96. Nasreen Rehman. Historian
97. Khawar Mumtaz - WAF Lahore
98. Maira Iqbal - Mental Health and Well-being Researcher
99. WOMEN'S ACTION FORUM - LAHORE
100. Nirmal Riaz
101. Areeba Fatima
102. Sobia Kapadia - London School of Economics
103. Marium Mansoor
104. Noor Noman - Journalist
105. Fareha Siddiqui - Researcher
106. Muhammad Abeer Sohail - IoT Solutions Engineer
107. Zaibunisa Hussain, Educationist
108. Somaiyah Hafeez – Journalist
109. Nasreen Latif Siddiqui - Women's Action Forum. Karachi Chapter
110. Mariam Asaad - Development Consultant & Educationist
111. Fatima Atif - Student University of the Punjab
112. Amal Ihsan - University of the Punjab
113. Mahnoor Farooq - University of the Punjab
114. Sharjeel Khalid - University of the Punjab
115. Nasreen Rehman - Historian
116. SINDH BACHAO TEHREEK
117. Arsalan Anjum - Orangi Nullah Mutasirin Committee
118. Aliza Shaikh - Student
119. Azhar Jamil - Political Leader
120. Shehreen Umair - Non-profit Professional (Gender/Sustainability)
121. Rohama Malik - Assistant Professor and Illustrator
122. Safa Imran - Lawyer
123. Nasreen Azhar
124. Sumaira Hanzala - Teacher
125. Haneen Khan - Medical Student
126. Sonia Yaqoob, Gujjar Nullah Mutasirin Committee
127. Maham Jamali - UN
128. Muzammil Kakar - General Secretary, Haqooq-e-Khalq Party (HKP)
129. Azra Talat Sayeed - Roots for Equity
130. Saba Gul Khattak - Researcher

131. Abdul Qadeer - Student
132. Asad Wazir - Student
133. Wasif Wazir - Student
134. Sohail Wazir - Student
135. Shahid Nazir - Student
136. Gohar Shabbir - Student
137. Qair Khan - Student
138. Sanaa Alimia - Academic
139. Zainab Shumail - feminist activist, development professional
140. Adnan Wazir - Anthropologist
141. Zeenat Chaudhary - Journalist
142. Dr Habiba Hasan - Human Rights Activist
143. Sara Sharif - Documentary Filmmaker, Researcher
144. Shahida Shah - Women Rights Professional, KP
145. Neelam Hussain - Teacher
146. Erum Kashif - Teacher/Women's Action Forum
147. Safa Imran - Lawyer
148. Rohama Malik - Assistant Professor and Illustrator
149. Fatima Ahmed - Marketer and KAM
150. Sara Malkani - Lawyer
151. Insha Hashmani - Student
152. Najam Us Sahar - Student
153. Maheen Khurram - Media Planner
154. Moidul Huda Qadri - Software Engineer
155. Muhammad Toheed - Urban Planner and Geographer
156. Muhammad Ikram - Social Activist
157. Moin Kakar - Student
158. Qaima Hossain - Student
159. Laiba Khurram - student
160. Rija Hasan Abidi - Student
161. maniha ayub - student
162. Ansa Ashfaq- student.
163. HFEM HABIB FEMINIST COLLECTIVE - KARACHI
164. Lilac - Student
165. Alaina Asim-student
166. Aysha Khan - Student
167. Sabrina Haider- student
168. Umme Hani Nawed - Marketing Executive
169. Yusra Batool - Student
170. Anish Kumar Dharma - Student

171. Maliha Hasan - Student/Researcher
172. Laiba Ayub - Marketing Professional
173. Saif Quadri - Artist
174. Sarah Suhail - Feminist collective Lahore
175. Saniyah Salman- Student
176. Rahina Lalani - Student
177. Farah Khan- Lawyer
178. WOMEN'S ACTION FORUM - ISLAMABAD
179. Soha Zaka- Student
180. Rameez Wasif - Student
181. Ella Hussain - Publishing professional
182. Khadija Mumtaz- Social worker/Student
183. Sarwat Gilani - Actor
184. Rija Hasan Abidi - Student
185. Ziana Shakil - student
186. Maliha Irfan - student
187. Ali faisal - student
188. Sahar Makhani - Student
189. Nida Faisal Ghani - Lawyer
190. Sana Khan - Lecturer
191. Maheen Rasheed - HRCP
192. Farrukh Zulfiqar - Lawyer
193. Salal Malik - Lawyer
194. Fakhrealam - Lawyer
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196. Saleema Hashmi
197. Tahira Abdullah - Activist
198. Shahnaz Ahad - Journalist and Activist
199. Burhanuddin Aliasghar Ezzi - Undergraduate Student
200. Rahmeen Sayeed - Undergraduate Student
201. Zoha Waseem - Academic
202. Faiz Zaidi - Sound Recordist
203. Rukhsana Rashid - Women's Rights Activist
204. Naheed Aziz - Development Planner
205. Seema Tauseef - Women's Development Officer
206. Khushbakht Sohail
207. Fatima Magsi - MA Student
208. Muskaan Mujahid - Journalist
209. Alina Mari
210. Christina Afridi - Philanthropist

211. Tariq Khan Afridi - Former Government Service
212. Seema Tauseef - Women's Development Professional
213. WOMEN'S ACTION FORUM - QUETTA
214. Zain Mustafa - Architect
215. THE CECIL AND IRIS CHAUDHRY FOUNDATION (CICF)
216. Michelle Chaudhry - Activist
217. Mariam Taufeeq - Designer
218. Ailiya Fatima - student
219. WOMEN'S ACTION FORUM - PESHAWAR
220. Nadra Huma Quraishi - WAF
221. Imran Hussain - Illustrator/Animator
222. Irsa Anwar - Engineer
223. Sairah Zaidi - Democracy Expert
224. Wajeeha Shakeel - Graphic Designer
225. Zehra Abbas-student
226. Farah Usman
227. Ubaid ULLAH- student
228. Wajahat Ali - Engineer
229. Faryal Khan - Student
230. Shumaila Bhatti - Postdoctoral Research Associate TAMU
231. Sadia Mehboob Elahi- Lecturer IBA KHI
232. Sahar Majid - Illustrator
233. Faiz Ahmed- Student
234. Zohaib Ali Musa - Student
235. Alyana Khan - Student
236. Ibrahim Alavi - Actor/Filmmaker
237. Rayaan Habib - student
238. Mohib Ur Rehman Zubair - Lawyer
239. Rukhshan rehmat - student
240. Ariba Rafi - Service Designer
241. Tehniyat Azam - Self Employed
242. Themrise Khan - Karachi
243. Zarak Yusufzai - Self Employed
244. Kiran Rahim - Researcher's
245. Syed Muhammad Islam Khan-Lawyer
246. Sara Baig - Student
247. Haadi Butt - Student
248. Nida Tanweer-HRCP
249. Rohail Kasi
250. Dr. Niaz Murtaza, Political Economist
251. Dr. Tania Saeed - Academic

252. Mian Sami ud-Din - Advocate Supreme Court
253. Salwa Tareen - PhD Candidate, Anthropologist
254. Shmyla Khan, Researcher
255. Amber Lakhani - Lawyer
256. Usama Khilji - Activist and Columnist
257. Aurat March Lahore
258. M.Hammad Iqbal Thakur - Lawyer
259. Ali Asghar - Consultant
260. Syed Muaz Shah - Lawyer/Legal Academic
261. Dr. Ghazal Asif, Academic
262. Fatima Farhad, Teacher
263. Zahid Farooq, Human Rights Activist
264. Shair lilizai social activist
265. Wardah Malik - Human Rights Researcher
266. Namra Gilani - Lawyer/Researcher
267. Arsalan Khan, Associate Professor
268. Dr. Noaman G. Ali - Academic
269. Zoya Rehman, Researcher/Writer
270. WOMEN DEMOCRATIC FRONT
271. Uzair Ibrahim, Academic
272. Umair Javed, Academic
273. Jamaima Afridi, Freelance Journalist
274. Arafat Mazhar
275. Musfira Khurshid, student
276. Mubbashir Rizvi, Professorial Lecturer, American University
277. Zaid Hydari - Lawyer
278. Hassan Javid, Academic
279. Sameen Mohsin - Assistant Professor
280. Mustafa Ali - Radical Feminist
281. Maira Mehmood. Humanitarian Aid Worker
282. Sobia Kapadia -Afghan Solidarity Coalition
283. Neelam Raina -Afghan
Solidarity Coalition
284. Charbel maydaa- Afghan LGBT /MOSAIC
285. Arsalan Khan Kakar - Student
286. Mirwais khan - Artist, Researcher
287. Minhaj ul Arifeen - Political Worker (Working Class Climate Alliance, End Fossil
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288. Meera Ghani, Community Organizer
289. Miranda Husain, Editor and Journalist

290. Khizer Asad, Researcher
291. Sanaa Alimia - Associate Professor, Aga Khan University
292. Hiba Ali - Law student
293. Saad Uddin - Refugee Rights Activist
294. Saadia Toor, Professor
295. Omer Aijazi, Assistant Professor, University of Manchester
296. Hamid Rahim , Law Student
297. Iqra Shagufta Cheema, Assistant Professor
298. Sarah Humayun, Academic
299. Mahvish Ahmad, Assistant Professor, London School of Economics
300. Nadir Burney
301. Bacha Khan - Student
302. Usman Khan- PhD Anthropology
303. Dr. Shazia Rehman Khan, Assistant Professor of Ethics, Bahria University
304. Areeba Fatima, Journalist and socialist-feminist
305. Moheeb Ullah -Student of Gender Studies
306. Arooma Naqvi
307. Muhammad Faizan Khalid - student
308. Katrina Carney – student
309. KARACHI BACHAO TEHREEK
310. Khurram Ali - Political worker and columnist
311. Uzair Jamil Kayani, Faculty of Law
312. Palvashay Sethi, writer
313. Sana R. Gondal - Urban Planner & Political worker
314. Somaiyah Hafeez—Independent Journalist
315. Seelai Karzai, Writer
316. Hiba Ali- Law Student
317. Kabeer Dawani, Development Consultant
318. Zaineb majoka, economist
319. Sanila Ibrahim , Global UGRAD Alumina Fall 2021