



Inter-Parliamentary Union
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Pakistan

PAK/22 - Syed Hamid Saeed Kazmi

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 149th session (Geneva, 15-25 January 2016)

The Committee,

Referring to the case of Mr. Syed Hamid Saeed Kazmi, former member of the National Assembly of Pakistan, representing the Pakistan People's Party (PPP), and former Minister for Religious Affairs; and *referring* to the decision adopted by the IPU Governing Council at its 193rd session (October 2013),

Also referring to a letter from the Deputy Director of the National Assembly of Pakistan of 6 January 2014 and the information provided by the delegate of Pakistan who appeared before the Committee on the Human Rights of Parliamentarians during the 130th IPU Assembly (Geneva, March 2014),

Recalling the following information on file:

- According to the complainant, Mr. Kazmi was seriously injured in 2009 in an assassination attempt, following his efforts, as Minister for Religious Affairs, to weaken the influence of “militant groups in the Muslim community”; these groups initiated a concerted media campaign against Mr. Kazmi in 2010, which resulted in unsubstantiated media reports accusing Mr. Kazmi of involvement in a corruption scandal about the Hajj pilgrimage; these media reports were reportedly used as evidence by the Supreme Court of Pakistan to initiate a criminal inquiry against Mr. Kazmi and to order his detention; Mr. Kazmi was detained between March 2011 and 27 August 2012, when he was granted bail;
- The complainant consistently affirmed that: the charges brought against Mr. Kazmi were politically motivated and not supported by any evidence; that he was concerned about the fairness of proceedings and that no evidence was found to support the charges brought against Mr. Kazmi, despite extensive investigations by the Federal Investigation Agency; that the witnesses who appeared at Mr. Kazmi's trial in October 2013 (including former members of parliament of rival political parties) had not provided any incriminating evidence against Mr. Kazmi; and that, as no other direct or circumstantial evidence had been presented to support the charges brought, further doubt was cast on the fairness of the procedure;
- According to the report of the investigating judge, Mr. Kazmi and two other persons are accused first of having misused their official positions to acquire buildings in Saudi Arabia and rent them to Hajj pilgrims at exorbitant rates for their personal gain and second, of having received kick-backs and bribes for granting Hajj permits and accommodation; Mr. Kazmi has been charged for his role in the Hajj pilgrimage corruption scheme as Minister of Religious affairs on the grounds that: (i) he gave directions for the appointment of Mr. Ahmed Faiz as Hajj building supervisor (Mr. Faiz is accused of having been the front-man in the corruption scheme); (ii) he wrote a letter requesting an official passport for Mr. Faiz, to which he was not entitled; (iii) his direct connection with Mr. Faiz has been proved beyond a doubt, as they remained in touch by telephone and with personal visits to Saudi Arabia for the purpose of inspecting rented

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buildings; (iv) he abused his authority, first by depriving thousands of persons who had paid the required fees to the Ministry of their chance to do the Hajj pilgrimage, and second, by granting permission to many others to go on pilgrimage through a kick-back scheme; and (v) the investigating judge reported that Mr. Kazmi was unable to account for amounts shown in his bank records, and failed to explain a striking increase in his personal wealth during 2009-2010, which was out of proportion with his declared sources of income,

Further recalling that members of the delegation of Pakistan to the 127th IPU Assembly (Quebec, October 2012) and the 129th Assembly (Geneva, October 2013) confirmed that the National Assembly had been fully informed of Mr. Kazmi's situation and that the Speaker had taken all appropriate action to allow him to continue attending parliament while in pretrial detention; that the trial against Mr. Kazmi was ongoing before a Central Special Court; that the National Assembly was bound to respect the principle of separation of powers and had no formal mechanism in place to monitor judicial proceedings against members of parliament; that Mr. Kazmi was no longer a member of parliament, following his defeat in the May 2013 general elections, and that attention had therefore largely shifted away from his case,

Considering that, according to a member of the Pakistani delegation to the 130th IPU Assembly (Geneva, March 2014), Mr. Kazmi is being prosecuted for acts committed by one of his subordinates, based in Saudi Arabia, and currently at large; that the case has been further complicated by the involvement of the former Prime Minister's son, who is one of the co-accused; that a request was made by the Pakistani Government to Interpol to arrest the subordinate - who was reportedly the real culprit in this case - so that Mr. Kazmi could be exonerated,

Considering that the complainant has not provided any supporting information to corroborate his concerns related to the respect of international guarantees of fair trial and that, since 2013 and despite numerous requests, the complainant has neither supplied any substantive information on the case nor facilitated the organization of a proposed trial observation mission (which therefore did not take place),

1. *Considers* that the violations of the fundamental rights of Mr. Kazmi alleged by the complainant are not established on the basis of the information it has received from both parties;
2. *Concludes* that, in the absence of any information provided by the complainant for an extended period of time, despite numerous communications addressed to it, that it has no interest in having this case pursued further;
3. *Decides*, therefore, to close the case pursuant to article 25(b) and (c) of its procedure for the examination and treatment of complaints;
4. *Requests* the Secretary General to convey this decision to the parliamentary authorities and to the complainant.