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South Asia: 'War on terror' spawns new patterns of enforced disappearance

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New patterns of enforced disappearance related to the "war on terror" have emerged in South Asia alongside the long-standing problems in countries such as Nepal and Sri Lanka. In all cases, the families of the victims suffer emotionally, socially and financially, said Amnesty International on International Day of the Disappeared.

Amnesty International believes that several hundreds of people have become victims of enforced disappearances in Pakistan in the context of the "war on terror". Whilst many of those have eventually been acknowledged as being held in Guantanamo Bay, others are believed still to be held in Pakistani detention although their precise whereabouts remain unknown. Some people were released after receiving threats not to reveal details about their detention, while others were subsequently criminally charged. In at least one case, the body of a victim of enforced disappearance was found six months after he had been captured. The fate or whereabouts of many others remain unknown

Meanwhile, there are fears that a pattern of enforced disappearance by state agents is re-emerging in Sri Lanka following the introduction of new Emergency Regulations in August 2005 that granted sweeping powers to the security forces. Sixty-two cases of enforced disappearance in the north of the country have been registered by the Human Rights Commission of Sri Lanka over the past year. The Commission is also investigating the status of 183 other individuals who are still missing under unknown circumstances.

"South Asia has a history of enforced disappearances, with tens of thousands of people going missing over past decades in countries such as Nepal and Sri Lanka. It is very disappointing to see countries such as Pakistan join in a trend that one would hope would be declining," said Catherine Baber, Deputy Asia Pacific Director at Amnesty International.

"Enforced disappearance is a gross violation of international human rights and humanitarian law. It affects not only the victims but also takes a heavy toll on their families. Relatives are left to agonise over the fate of their loved ones in the face of official denials and contradictions. They are harrassed in their attempts to obtain information and face financial difficulties when the victim is the breadwinner."

The fate and whereabouts of Pakistani Saifullah Paracha was unknown for six weeks after he was taken into US custody on arrival at Bangkok airport on 5 July 2003. His wife Fatah Paracha told Amnesty International that the events had "*emotionally devastated the whole family*". "*Can you imagine the mental agony and anxiety we experienced as a family when this happened and there was no response from anyone?...[Our children] are no longer carefree children but have become suspicious and worried... All friends of the family have backed off, everyone is scared to know us.*" Saifullah Paracha is now known to be held at Guantanamo Bay, but his family have no idea how long he will remain there.

The families of thousands of victims of enforced disappearance remain in limbo, whilst the fate of their relative remains unknown. In Nepal, a government committee announced in July that it was investigating more than 600 outstanding cases of enforced disappearance, but local activists say there are more than 1000 individuals who are unaccounted for. Sri Lanka has one of the highest levels of unresolved enforced disappearances in the world. In the Indian state of Jammu and Kashmir, an estimated 8,000- 10,000 enforced disappearances have been reported since 1989. While fewer new cases are reported now, there is still no information about past cases.

Faced with a lack of official action, some family members have set up mutual support groups. One is the Association of the Parents of Disappeared Persons in Jammu and Kashmir, which provides support to relatives including the "half widows" -- women who are deprived of compensation so long as they refuse to declare their husbands dead.

Armed groups are often implicated in the abduction of people who speak out against them, with some victims held for months and even years in secret locations. In Nepal, thousands of abductions are believed to have been carried out by Maoist fighters over the decade-long conflict; more than 330 such people are still missing, according to the country's National Human Rights Commission.

New cases of enforced disappearance continue to emerge in South Asian countries. In Sri Lanka, eight Tamil men did not return home on 6 May when they went to decorate a Hindu temple in preparation for a religious festival. Their families reported them missing the following morning, saying they had seen Sri Lanka army personnel at the temple during the night. The mens' whereabouts remain unknown.

In Pakistan, the indifference shown to the enforced disappearance of terror suspects has contributed to its spread beyond "war on terror" related cases. The enforced disappearance of members of other groups such as Baloch and Sindhi nationalists are now also being reported. Courts are swamped with habeas corpus petitions to determine victims' whereabouts. State agents routinely deny holding the victims or knowing anything about their fate or whereabouts.

"People should be arrested and detained according to the law, not forced into a van in the middle of the night and swept off to an anonymous detention centre where they risk torture and further abuses. Individuals have the right to challenge their detention, to see a lawyer of their choosing and talk to their families. Families have a right to know where their relatives are," said Catherine Baber.

Notes to Editors

Amnesty International will be releasing a report on enforced disappearances related to the "war on terror" in Pakistan later this year. If you would like to receive this report, please contact the press office.

Amnesty International is lobbying for the draft *International Convention for the Protection of All Persons from Enforced Disappearance* to be adopted by consensus and without amendment at the 61st session of the UN General Assembly this year.

To see an Amnesty International factsheet about enforced disappearances in the "war on terror", please go to: <http://web.amnesty.org/library/index/engact400132005>

AFAD, the Asian Federation Against Enforced Disappearance, is the regional body of support groups formed by relatives of the victims of enforced disappearance. Its website is at <http://www.desaparecidos.org/afad/>.

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