

PUBLIC

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05 November 2007

UA 291/07 Fear of torture/ill-treatment/possible prisoner of conscience

PAKISTAN

Ali Ahmed Kurd (m)
Tariq Mahmood (m)
Atizaz Ahsan (m)
Munir A. Malik (m)
Abrar Hassan (m)
Ahsan Bhoon (m)
Abrar Hassan (m)
All other lawyers arrested as part of the State of Emergency

Supreme Court Bar Association (SCBA) president Atizaz Ahsan, former SCBA presidents Tariq Mahmood and Munir A Malik and many other lawyers have been arbitrarily arrested under laws allowing detention without charge or trial. Some of these laws are now in force as part of the emergency rule imposed by General Musharraf on 3 November,

Shortly after the imposition of a state of emergency, police and intelligence agencies began mass arrests of lawyers, human rights activists and other perceived opponents of the government. According to media and other reports, hundreds of lawyers have been arrested nationwide, and particularly in the cities of Karachi, Lahore, Peshawar and Rawalpindi, where many had been protesting peacefully against the state of emergency and the removal of senior judges. The security forces reportedly beat some of the lawyers, and fired teargas at protestors in Lahore and Karachi.

Many of the lawyers detained are being held for 90 days under the Maintenance of Public Order law. People detained under this or other preventive detention laws are usually arrested arbitrarily, often held incommunicado and are at risk abuse by law enforcement officials. Sources have told Amnesty International that some lawyers have been handed over to the intelligence services, where they are thought to be at particularly serious risk of torture or other ill-treatment.

BACKGROUND INFORMATION

Acting in his capacity as army chief of staff, General Musharraf suspended the bulk of the Constitution, including the rights not be arbitrarily deprived of life and to be guaranteed a fair trial. He assumed powers to amend the Constitution without any parliamentary procedure and proclaimed a Provisional Constitutional Order (PCO). This order prohibits any court issuing an order against the President, Prime Minister or any person exercising powers under their authority.

Under the order, existing members of the superior judiciary are effectively suspended until they take a new oath to uphold the PCO. Only five of 17 Supreme Court Justices have taken the oath. Many Supreme Court and Provincial High Court Justices are now effectively under house arrest.

By Monday, hundreds of lawyers, human rights activists and political workers have been arrested or arbitrarily detained across Pakistan. The Office of the Human Rights Commission of Pakistan was raided by a large police contingent on Sunday and around 70 human rights activists were arrested. They have been charged with unlawful assembly under public order provisions and initially detained in Kot Lakhpat jail, Lahore. They include senior citizens many of whom suffer from ill health. Amongst those under house arrest is the Chair of the Human Rights Commission of Pakistan, UN Special Rapporteur for freedom of religion

Asma Jahangir. Her house has been declared a sub-jail where she will be detained for 90 days under preventive detention laws.

Independent TV and Radio news channels have been prevented from broadcasting within the country since Saturday. New laws restricting freedom of print and electronic media were issued, breach of which attracts three to four years imprisonment and heavy fines.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Urdu, English, Pashtu or your own language:

- expressing concern that lawyers and others have been arbitrarily arrested and detained, and urging the authorities to ensure that none of them is tortured or otherwise ill-treated;
- calling on the authorities to release immediately lawyers and others arrested under preventive detention measures, not charged with a recognizably criminal offence, or detained for the exercise of their rights to freedom of expression, association or assembly;
- urging the authorities to cease arbitrary arrests and detentions under the state of emergency
- calling on the authorities to protect and uphold the constitutional human rights guarantees, including safeguards on life and liberty.

APPEALS TO:

President Pervez Musharaff
Pakistan Secretariat, Islamabad, Pakistan
Fax: +92 51 9221422
E-mail: via website: <http://www.presidentofpakistan.gov.pk/WTPresidentMessage.aspx>
Salutation: Dear President Musharaff

Mr Aftab Ahmed Khan Sherpao
Minister for the Interior
Ministry for the Interior
Room 404, 4th Floor, Block R, Federal Secretariat
Islamabad, Pakistan
Fax: +92 51 9202624
E-mail: minister@interior.gov.pk
secretary@interior.gov
Salutation: Dear Minister

Mr Zahid Hamid
Minister of Law, Justice and Human Rights
Room 305, S-Block, Pakistan Secretariat
Islamabad, Pakistan
Fax: +92 51 9202628
+92 51 9201631
E-Mail: minister@molaw.gov.pk
Salutation: Dear Minister

COPIES TO: diplomatic representatives of Pakistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 17 December 2007.