

AMNESTY INTERNATIONAL

Public Statement

AI Index: ASA 33/002/2006 (Public)
News Service No: 027
31 January 2006

Pakistan: US involvement in civilian deaths

Amnesty International today wrote to US President George Bush to express its concern that between 13 and 18 people were killed on 13 January 2006, when missiles were fired into three houses in Damadola in Bajaur Agency, a federally administered tribal area. Reports indicate that "Hellfire" missiles were fired from an unmanned Predator drone probably operated by the CIA. Their intended target appears to have been Ayman al-Zawahiri, a high ranking al-Qa'ida operative, who was not reportedly amongst the dead. In the letter Amnesty International said it was concerned that a pattern of killings carried out with these weapons appeared to reflect a US government policy condoning extrajudicial executions. Amnesty International reiterated to the US President that extrajudicial executions are strictly prohibited under international human rights law. Anyone accused of an offence, however serious, has the right to be presumed innocent unless proven guilty and to have their guilt or innocence established in a regular court of law in a fair trial.

The fact that Pakistan and the USA closely cooperate on security issues and that the USA believed they knew the location of suspects, suggests that it may have been possible to attempt to arrest the suspects in order to bring them to trial. The failure to attempt such arrest points to a policy of elimination of suspects and a deliberate disregard of the duty to prosecute in a fair process. In addition, the fact that air surveillance, witnessed by local people, took place for several days before the attack indicates that those ordering the attack on the basis of this information were very likely to have been aware of the presence of women and children and others unconnected with political violence in the area of the attack.

Reports about the identity of the victims remain confused. While the Government of Pakistan has regretted the deaths of "18 innocent local people", the head of the Bajaur administration said that up to five foreign militants had been killed and their bodies had been removed by associates. Security officials were subsequently quoted in Pakistani media as saying that the dead included Abdur Rehman al-Maghribi, the Moroccan son-in-law of al-Zawahiri, Midhat Mursi al-Sayid 'Umar, an Egyptian explosives expert, and Abu Obaidah al-Masri, al-Qa'ida's chief of operations in Afghanistan's Kunar province. As no bodies were produced other than those of non-militant victims, it is unclear on what basis this identification was made. Pakistani journalists who interviewed local people said that the victims were all civilians, including five women, five children and eight men and that reports of militants killed in the attack were intended to justify an attack based on faulty intelligence. Member of the National Assembly for Bajaur Haroon ur-Rashid, who was in the area at the time of the attack, said he had known all the victims

personally and categorically denied reports of bodies of militants being taken away. On 22 January Prime Minister Shaukat Aziz said that there was “no tangible physical evidence” of militants having been killed in the attack.

The incident on 13 January occurred only days after missiles fired from a helicopter at the house of a local cleric in Miranshah, North Waziristan, reportedly killed eight persons, including two women and two children and injured nine relatives. The helicopter was believed to have flown in from Afghanistan in the night of 7 January. The Pakistan media reported that US soldiers on board the helicopter had taken away at least two members of the family whose whereabouts remain unknown. A US drone was reported by local people to have hovered over the area for at least three days before the incident.

Pakistani authorities have in the past consistently denied any direct involvement of US personnel in its conduct of the “war on terror”, of US aircraft carrying out strikes against persons inside Pakistan and have barred US personnel stationed in Afghanistan from pursuing persons into Pakistani territory. Prime Minister Shaukat Aziz categorically stated that the US authorities had not informed the Pakistani government before the 13 January attack.

Residents in the tribal areas have expressed their doubt that US forces could have carried out the attack without the knowledge and agreement of Pakistani intelligence. This suspicion has also been expressed in some Pakistani and US media. For instance, the Washington Post on 14 January said that “this could not have happened without Pakistani involvement”; on 18 January the paper further reported that an official source in Pakistan had admitted that Pakistan intelligence officials knew of the strike in advance and that a US military source in Afghanistan had confirmed US-Pakistani cooperation in anti-terrorist operations, including in the 13 January attack. Local people, including the parliamentarian for the area, Member of National Assembly (MLA) Haroon ur-Rashid, have also pointed out with regard to the latest incident that US drones were circling the area for at least three days prior to the missile attack. Similar observations were made with regard to several of the earlier attacks. Such incursions into Pakistan airspace would be assumed to have been observed by Pakistani forces who would have been obligated to ascertain and approve their mission or to ask them to stop. Pakistan officials have denied being informed of the attacks in advance.

These denials are undermined by repeated official admissions of regular intelligence sharing between the two countries and local observers reports of a US presence on the ground, including in the tribal areas of Pakistan. Local reports also note the presence of US intelligence agents during some operations against terrorist suspects.

Government and military prohibition of journalists’ investigations in these areas (see below) and the lack of public protest from the government of Pakistan about earlier attacks by the US within its territory leave unanswered important questions about the prior knowledge of the Pakistani government about the attack on the 13th January and their acquiescence or possible complicity in its commission.

Pakistani authorities did not publicly protest when US missiles killed the following persons:

- on 17 June 2004, Nek Muhammad, an alleged al-Qa’ida sympathizer, three of his close tribal associates and the two local boys in village Dhok in South Waziristan;
- on 7 May 2005, Haitham al-Yemeni, a Libyan national and alleged explosives expert of al-Qa’ida and a Pakistani man, Samiullah Khan in Toorikhel, Mirali area, North Waziristan;
- on 5 November 2005, the wife and daughter of Abu Hamza Rabia, an Egyptian national

alleged to be an al-Qa'ida operative, and six others in a house in North Waziristan;
- on 1 December 2005, Abu Hamza Rabia, an alleged al Qa'ida operative, his two Syrian bodyguards and two local children in village Haisori, near Mirali Bazaar, North Waziristan.

Journalists

Amnesty International is also concerned that journalists seeking to investigate these attacks are increasingly being harassed or detained for their legitimate journalistic activities in the region. Of particular concern is the possible "disappearance" of a journalist reporting on the killing of Abu Hamza Rabia. Restrictions on journalists in the tribal areas and lack of protection for journalists working there have made it very difficult to monitor human rights violations and to support victims in their search for justice and redress.

Two journalists, Haroon Rashid of the BBC World Service Urdu service, and Iqbal Khattak of the Peshawar-based Daily Times, were detained for two hours on 14 January 2006 as they were about to file their stories from Khar, the central city of the Bajaur Agency. They had earlier visited houses destroyed by the missile and covered a demonstration in Khar against the US attacks. The two journalists were taken to the Bajaur Agency local administration office and told to hand over their materials. The political administrator told them that the media were exploiting the local situation and working against the national interest. The two men were released in the evening. Authorities on the same day confiscated the film cassette of a cameraperson working for US television news agency APTN, after he filmed the destroyed houses. When BBC correspondent Haroon Rashid wanted to return to the area on 16 January for further work, the crew was stopped at the entry point to the Bajaur Agency. Personnel at the checkpoint told them that there were clear orders that no journalists were to be allowed into to area. On contacting the Federal Information Minister on 17 January a journalist was told to "talk to the military" about access to the region.

Amnesty International continues to be concerned about the fate and whereabouts of journalist Hayatullah Khan of the daily The Nation and the Urdu daily Ausaf, who was abducted on 4 December 2005 near Mirali in North Waziristan. He had expressed fears that he might be arrested by intelligence agencies after he photographed pieces of shrapnel with US markings which local villagers said they had found in the rubble of a house where Abu Hamza Rabia was believed killed on 1 December. This photographic evidence contradicted the official version given by Pakistani officials who claimed that the house blew up when explosives were accidentally ignited. Local journalists believe that the official account that Hayatullah Khan was abducted by local Taleban is not correct and that security forces may be holding him.