

URGENT ACTION

HUMAN RIGHTS DEFENDER DENIED CIVILIAN COURT TRIAL

On 28 January 2021, the Peshawar High Court denied Idris Khattak's appeal to be tried in a civilian court and confirmed that the hearing take place in a military court. There is very little information that has been shared with his lawyers or family as to where that case stands, with military courts in Pakistan notoriously shun transparency, due process and human rights. His whereabouts remain unknown; however it has been recently disclosed that the espionage charges relate to a meeting between Idris and a diplomat in June 2009, well over a decade before his abduction. Idris remains at risk of an unfair trial, a lengthy prison sentence or even the death penalty.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Prime Minister Imran Khan

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Your Excellency Prime Minister Imran Khan,

*I write to you to out of extreme concern for the life and safety of **Muhammad Idris Khattak**, a 56-year-old human rights defender and a former consultant with Amnesty International. Abducted by state authorities on 13 November 2019, no information about Idris's whereabouts was shared with his family until seven months later when authorities admitted to having him in their custody.*

In the time since, few developments in his case have been shared with the public. I understand that he was granted a 20-minute meeting with his daughter Talia Khattak on 7 October 2020. This is the only time he has been allowed contact with his family in the time since his disappearance. It is a cruel punishment to keep him apart from his family, who still do not know his current whereabouts.

You have previously shown your support for the families of enforced disappearances, even joined them during demonstrations. No one has been held accountable for what has happened to Idris and his family and his rights continue to be violated.

It is distressing to see that his case will be heard in a notoriously non-transparent military court, which he should not be tried in as a civilian, according to Pakistan's own international human rights commitments. These concerns become all the more urgent given that he may be at risk of the death penalty.

I call upon your government to immediately disclose the whereabouts of Idris Khattak to his family, and that he is tried by an ordinary civilian court to rule on the lawfulness of his arrest or detention. He must be granted regular access to his lawyer and family immediately.

Yours sincerely,

ADDITIONAL INFORMATION

At a hearing at the Peshawar High Court on 13 January 2021, the Khattak family appealed that as a civilian, Idris must be tried in a civilian court and not a military court. This appeal was denied in an order published on 28 January 2021. More information about the charges against Idris were revealed in the judgment published on 30 January 2021. He has been charged on multiple counts related to spying and other conduct "prejudicial to the safety or interests of the State" under Section 3 of the Official Secrets Act (OSA) as well as section 59 of the Pakistan Army Act, 1952 – which gives military courts jurisdiction to try civilians for some offences under the OSA.

This "offence" seems to be a meeting with Michael Semple in July 2009 - over ten years before his enforced disappearance. The court order dubs Semple as an MI6 agent. At the time of the meetings, Semple was a fellow at Harvard University's Carr Center for Human Rights and had been a high-ranking UN and EU official in Afghanistan for 20 years. He was expelled from Afghanistan for "unauthorized activity in 2008." Semple is currently a professor at Queen's University in Belfast.

The court order makes no mention of Idris's enforced disappearance, or any accountability that the authorities must face for keeping him apart from his family, and his family being kept in the dark of whether he was even alive.

After significant pressure, Idris' daughter Talia was granted a 20-minute meeting on 7 October 2020. During the supervised meeting, she was not allowed to speak to him in their native language of Pashto (which they normally converse in) and could not ask him any questions about the case. He told her that the charges against him were "bogus."

Since then, there has been no contact between him and his family or his lawyer and he remains arbitrarily detained. Even though there is proof of life, his current whereabouts is unknown. Under the International Covenant on Civil and Political Rights, to which Pakistan is party, civilians must not be subjected to the jurisdiction of a military court.

Idris Khattak has worked as a consultant with Amnesty International and other international human rights NGOs. For years, he has documented a wide range of human rights violations and humanitarian crises in the Khyber Pakhtunkhwa and the former Federally Administered Tribal Areas.

He was on his way home from Islamabad when his rented car was intercepted near the Swabi Interchange of Khyber Pakhtunkhwa province. The only other person in the car was the driver with whom Idris Khattak has travelled frequently. The driver was also picked up with Idris Khattak on 13 November 2019. His family only found out about his disappearance once the driver was released the night of 15 November 2019.

On the night of 16 June 2020, the Ministry of Defence finally admitted that they have Idris Khattak in their custody, and this was reiterated by a hearing held by the Joint Investigation Team on 17 June 2020.

In Pakistan, enforced disappearance has been used as a tool to muzzle dissent and criticism of military policies. The individuals and groups targeted in enforced disappearances include Sindhis, Baloch, Pashtuns, the Shia community, political activists, human rights defenders, members and supporters of religious and nationalist groups, suspected members of armed groups, and proscribed religious and political organisations in Pakistan.

The current government of Imran Khan promised to criminalize enforced disappearances through legislation. However, no such legislation has even been tabled in the parliament. Shireen Mazari, the Minister for Human Rights, has stated that government wants to sign the International Convention for Protection of All Persons from Enforced Disappearances, but no progress has been made on this front. Instead, the practice of enforced disappearance continues in the country with impunity.

PREFERRED LANGUAGE TO ADDRESS TARGET: [English, Urdu]

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 9 April 2021

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: [Muhammad Idris Khattak] (he/him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa33/2544/2020/en/>