

URGENT ACTION

TWO POLITICAL ACTIVISTS DISAPPEARED IN PAKISTAN

Aakash Mallah, Vice Chairman of the Sindh nationalist party Jeay Sindh Qaumi Mahaz (JSQM), and JSQM activist Noor Mohammad Khaskheli, were abducted on 30 October, in Sindh province, south-eastern Pakistan. Local sources believe the two men were subjected to enforced disappearances by government security officials. They could be at risk of torture or other ill-treatment.

A relative of Aakash Mallah reported that he saw the two men being taken by between 10 to 12 men, some of them in police uniform, while Aakash Mallah and Noor Mohammad Khaskheli were on their way to a mosque in Hyderabad city, Sindh Province. The JSQM Chairman, Basheer Qureshi, believes that both men were apprehended by law enforcement agencies to halt a "March for Independence" demonstration organized by the political party and due to be held on 7 November in Karachi, the capital of Sindh Province.

The family of Aakash Mallah have filed a habeas corpus petition before the Hyderabad District and Sessions Court on 4 November and before the Sindh High Court (Hyderabad Branch) the following day. The Hyderabad District Police Officer appeared before the Sindh High Court on 24 November and responded in writing, stating that Aakash Mallah and Noor Mohammad were not in police custody within their jurisdiction. The next hearing in the Sindh High Court is scheduled on 9 December. Relatives of Aakash Mallah claim that they have been receiving threatening phone calls, warning them not to approach the courts or contact the media about the reported abduction.

PLEASE WRITE IMMEDIATELY in English or your own language:

- Expressing concern that Aakash Mallah, a Vice Chairman of the Sindh nationalist party JSQM and party activist Noor Mohammad Khaskheli have not been seen or heard from since 30 October;
- Urging the authorities to conduct an immediate, prompt and impartial investigation into the whereabouts of Aakash Mallah and Noor Mohammad Khaskheli and inform their relatives, and ensure that those who may have been involved in their enforced disappearance, including at the highest levels of command, are promptly brought to justice and the victims are granted reparations;
- Insisting that the authorities release them immediately if they are held in their custody, unless they are transferred to an official place of detention and promptly charged with an internationally recognizable offence and remanded by an independent court;
- Calling on the authorities to ensure that Aakash Mallah and Noor Mohammad Khaskheli are not tortured or ill-treated, and are allowed unrestricted access to family, lawyers of their choice and any medical treatment they may require.

PLEASE SEND APPEALS BEFORE 15 JANUARY 2010 TO:

President of Pakistan
Mr Asif Ali Zardari
Pakistan Secretariat
Islamabad
Pakistan
Fax: +92 51 9221422 / 2282741
Salutation: Dear President

Chief Minister Sindh
Syed Qaim Ali Shah
Chief Minister House,
Dr Zaiuddin Ahmed Road
Karachi, Sindh Province
Pakistan
Fax: +92-21-9211368
Salutation: Dear Chief Minister

Home Minister of Sindh
Mr Zulfiqar Mirza
Karachi
Sindh Province
Pakistan
Fax: +92-21-9204922
Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Aakash Mallah was subjected to enforced disappearance in 2006 for a period of over 10 months and claimed that he was tortured in detention, on account of his affiliation with the Sindhi nationalist movement. He was brought before a court in Mirpur Khas in Sindh Province in February 2007 and released the next month.

Since Pakistan became a key ally in the US-led “war on terror” in late 2001, hundreds, if not thousands of people, both Pakistani and foreign nationals have been subjected to enforced disappearances in Pakistan. As a result of this practice, people are kidnapped, held in secret locations outside any judicial or legal system, and are often being subjected to torture or other ill-treatment. The clandestine nature of the arrests and detentions of suspects makes it impossible to know exactly how many people have been subjected to enforced disappearance in the last eight years.

The practice initially focused on those suspected of involvement in acts of terrorism but then spread to domestic opponents of the Pakistani government, in particular Baloch and Sindhi nationalists. Held in secret detention out of sight and without charge, without access to their families or lawyers, their fate and whereabouts remain unknown.

Despite several pledges by the Pakistan's new civilian government in 2008 to resolve the country's crisis of 'disappearances', the authorities have not yet provided information about hundreds of cases of people believed to be held secretly by the government as part of the so-called “war on terror”, or in response to internal opposition in Baluchistan or Sindh provinces. The Government has also failed to fulfil its promise made in May 2008 that it would accede to the International Convention for the Protection of All Persons from Enforced Disappearance.

Acts of enforced disappearance violate several provisions of Pakistan's Constitution, including freedom from arbitrary detention, the right to judicial overview of detentions and the prohibition of torture.

Enforced disappearance is defined in Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance which the UN General Assembly adopted in December 2006, as: “[...] the arrest, detention, abduction, or any other form of deprivation of liberty by agents of the state or by persons or groups of persons acting with the authorization, support, or acquiescence of the state, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”

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