

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: ASA 33/037/2002 (Public)
News Service No: 210
19 November 2002

Pakistan: No need for more laws to fight political violence

Amnesty International today voiced its concern over the recent expansion of Pakistan's Anti-terrorism Act. The amendment to the law, introduced by Ordinance, allows the detention of people suspected of "terrorist" offences for up to one year without charge or trial. It also allows police and security forces to investigate the assets and bank accounts of the relatives of suspects.

"The fight against politically motivated violence is a duty of governments, which have an obligation to protect their citizens. This does not mean, however, that human rights protection can be jettisoned and that those suspected of "terrorist" offences have no rights," Amnesty International said.

"A government's strict adherence to the rule of law and the meticulous protection of human rights is the best way to protect the security of all," the organization added.

"Detaining anyone for up to a year on the mere suspicion that they may be associated with an organization which may not even be classified as an illegal group, violates a whole range of internationally agreed human rights," Amnesty International stressed.

The Universal Declaration of Human Rights states in Article 3, "Everyone has the right to life, liberty and security of the person," and in Article 9, "No one shall be subjected to arbitrary arrest, detention or exile."

According to the Pakistani Law Minister Dr Khalid Ranjha, the amended anti-terrorism ordinance would be an 'effective tool' in the war against al Qa'ida members and other armed militants.

Amnesty International has repeatedly called attention to the circumvention of existing legal safeguards relating to arrest, detention and extradition in recent months, when hundreds of people were arrested in Pakistan, arbitrarily detained and handed over to US custody without regard to national legal requirements.

"Instead of honouring the existing legal safeguards, the government has chosen to write bad practice into law by introducing the new amendment," Amnesty International said.

While the Ordinance allows the right to challenge the detention under the Anti-terrorism Act within 30 days of arrest in the country's high courts, in practice this legal remedy is beyond the reach of many. Detainees are often not aware of their rights; too poor to afford a lawyer to challenge their detention in court; or intimidated, harassed and tortured by the detaining authorities and therefore afraid to resort to a legal remedy.

Under the amended law those released on bail will still be banned from visiting public places such as cinemas, airports and hotels.

Background

The Ordinance issued on 16 November 2002, which came into force immediately, amends the Anti-terrorism Act of 1997 which had already undergone several amendments in the past. Courts set up under the 1997 Act continue to function throughout Pakistan. They try offences listed in a schedule appended to the original Act.

Amnesty International is aware of a number of cases of people sentenced to death by "anti-terrorist" courts where their guilt was not established beyond reasonable doubt. Amnesty International has repeatedly urged the Government of Pakistan to abandon the practice of parallel courts systems to deal with specific offences as it contravenes the internationally agreed legal requirements of equality before law and equal protection of law.

Hundreds of people were held in Pakistan under administrative detention legislation in early 2002 following a spiralling of sectarian and other violence, but the majority were released within days or weeks as no criminal charges were filed against them. Dozens of others are held every year without reference to any law at all, most often to intimidate or harass them or to extract money from them or their relatives. The latest case which drew national and international protests concerned Dr Amir Aziz who was arrested on 21 October 2002 on suspicion of links with the Taliban and al Qa'ida. He was detained in an undisclosed location for one month without reference to any law. Several high court orders to bring him before a court were ignored by the state agencies.

Dr Aziz was released today.

Public Document

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