

PUBLIC

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Further information on UA 107/99 (ASA 33/11/99, 14 May 1999) - Prisoner of conscience / Fear of torture

PAKISTAN Najam Sethi (m), journalist

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According to reports journalist Najam Sethi was tortured during two days in the custody of the Intelligence Bureau (IB). Now in the custody of the military intelligence (Inter Services Intelligence, ISI), he is being held in solitary confinement in a cell without light.

A Supreme Court hearing on 17 May 1999 allowed Najam Sethi to meet his family and lawyer that day. According to official sources, the ISI is to investigate the allegation of his links with India's intelligence agency.

His wife, Jugnoo Mohsin, has appealed against the Lahore High Court's dismissal of a habeas corpus petition to produce Sethi in court after his arrest on 8 May on the grounds that the ISI was a military organization and as such outside the jurisdiction of the civilian judiciary. The appeal, which has been accepted by the High Court, challenged the arrest of a civilian under the Army Act and stated that the army had denied any involvement in the arrest. The Supreme Court has now said it will seek to clarify the status of the ISI and the powers of the judiciary in relation to it. Justice Siddiqui said: "It is a question of public importance and civil liberties of citizens are involved".

At a hearing on 20 May, the Supreme Court ruled that Sethi be allowed to see his family and lawyer twice a week. It also said that his appeal hearing, to determine whether the ISI was empowered to arrest him under the Army Act, will commence on 31 May. Despite this, the Supreme Court does not appear to have taken notice of the fact that important legal safeguards relating to Sethi's arrest have been ignored. He still has not been informed of any charges against him, he was not brought before a magistrate within 24 hours, as required by law, and he was only granted access to his family and lawyer after nine days; the court has also failed to note that he was tortured during and after his arrest.

Najam Sethi, editor of the national newspaper the *Friday Times*, was beaten up in his home by a large group of police on 8 May before being taken into detention. Government officials have said that his arrest is connected with a speech he gave to the India-Pakistan Friendship Society in New Delhi on problems facing Pakistan. Jugnoo Mohsin, and other journalists, however, believe that his arrest is connected to his journalistic contact with a BBC team investigating corruption in Pakistan.

A statement from the Pakistan Muslim League Media Centre sent to Amnesty International through the Pakistan High Commission in London claims that the speech made by Sethi in New Delhi questioned the very basis of the creation of Pakistan and raised the question of whether the speech was an "attempt to nourish further hostility in an enemy country". Dispensing with the principle of the presumption of innocence, the statement described Najam Sethi and other journalists recently arrested, Rehmat Shah Afridi and Hussain Haqqani as "tax evaders, drug traffickers and opponents of the state of Pakistan" and "impostors in the guise of journalists".

Meanwhile, on 13 May, issues of the *Friday Times* were reportedly confiscated without warrant or orders by a government agency in Lahore just as they were about to be taken to other cities [Incidentally, 13 May is celebrated as Press Freedom and Freedom of Expression Day in Pakistan. It refers to 13 May 1978 when General Zia-ul-Haq had three journalists publicly flogged for protesting against a newspaper which opposed his rule].

Amnesty International has also been informed that the lawyer representing Hussain Haqqani has only been allowed to meet his client once, and then only in the presence of Federal Investigation Agency, FIA staff; he reported that Haqqani's back and buttocks were heavily bruised and showed lash marks. The lawyer also said that Haqqani was being held under a two-year old corruption charge of which he had been exonerated. His lawyer has now been refused access to Haqqani after making a public statement about the torture suffered by his client.

**PLEASE CONTINUE APPEALS AS BEFORE: Please send telegrams/e-mails/faxes/express/airmail letters in English or your own language:**

- urging the immediate and unconditional release of Najam Sethi;
- urging the authorities to ensure that he is not tortured or ill-treated in detention;
- urging that a judicial inquiry be set up to investigate the wide-ranging violations of Najam Sethi's rights during his arrest and detention with a view to bringing the perpetrators to justice;
- ensuring that no other journalists are unlawfully arrested, detained, harassed or threatened for the exercise of their professional duties and their right to freedom of expression.

**APPEALS TO:**

Prime Minister Nawaz Sharif  
Office of the Prime Minister, Islamabad, Pakistan  
**Telegrams: Prime Minister, Islamabad, Pakistan**  
**Faxes: + 92 51 9208890**  
**e-mails: primeminister@pak.gov.pk**  
**Salutation: Dear Prime Minister**

Interior Minister Chaudhary Shujat Hussain  
Office of the Interior Minister, Islamabad, Pakistan  
**Telegrams: Interior Minister, Islamabad, Pakistan**  
**Faxes: + 92 51 9202624**  
**e-mails: interiorminister@pak.gov.pk**  
**Salutation: Dear Minister**

Minister for Information Mushahid Hussain  
Office of the Ministry for Information, Islamabad, Pakistan  
**Telegrams: Information Minister, Islamabad, Pakistan**  
**Faxes: + 92 51 9204933**  
**e-mails: mushahid@pak.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 2 July 1999.