

PUBLIC

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UA 156/08 Forcible return/torture/death penalty

PAKISTAN Ghulam Haider (m), aged 29

Pakistani national Ghulam Haider is facing extradition to Iran, where he would risk being tortured or sentenced to death. This is believed to be a case of mistaken identity, as the deportation order names an Iranian national, Abdul Hameed Regi Shifa.

The man named in the extradition order is to be handed over to Iranian government representative in Quetta within 15 days of being taken in custody. He is supposed to have "kidnapped some Iranian nationals," but the order gives no further details. The authorities have served the order upon Ghulam Haider, insisting that he is actually Abdul Hameed Regi Shifa.

He is already serving a one-year sentence in Quetta Jail: he was convicted in January this year of not having a licence for his gun. The court convicted him as a Pakistani national, and verified his name and nationality.

Ghulam Haider's lawyer has told Amnesty International that his client is a Pakistani national, a member of the Raissani tribe of Balochistan, and has never been to Iran. He has all the necessary documents to prove this: his national identity card and passport as well as the special certificate issued to the local tribes of Balochistan.

Iran has an extradition agreement with Pakistan. Under Pakistan's Extradition Act 1972, there has to be an inquiry by a magistrate to determine the validity of each extradition request. Ghulam Haider's lawyer has told Amnesty International that such an inquiry took place, but he has not been shown the report and does not know its contents.

President Mahmoud Ahmadinejad visited Pakistan on 28 April. Since then a number of people have been detained to be deported to Iran. The Iranian government has requested the extradition of six members of a tribal militant group it claims are "CIA spies." These six men were taken into custody by the Pakistani authorities in the second half of May.

BACKGROUND INFORMATION

Under Iranian law, the accused has no right to legal representation before being formally charged. Torture is routinely used to extract confessions. The range of offences punishable by death is extraordinarily large. Among them are vaguely worded charges such as "enmity against God" and "being corrupt on earth," which includes spying. Amnesty International has recorded scores of unfair trials in Iran. In 2007 at least 335 people were executed.

Pakistan is a state party to the UN Convention Against Torture and Other Cruel, inhuman or Degrading Treatment or Punishment, which expressly prohibits the return of anyone to a country where they would be at risk of torture.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Urdu or your own language:

- expressing concern that the Pakistani authorities are preparing to deport Ghulam Haider to Iran on an extradition request in the name of Iranian national Abdul Hameed Regi Shifa;
- pointing out that if deported to Iran, Ghulam Haider would be in grave danger of torture or execution;
- reminding the authorities that, as a state party to the UN Convention Against Torture, they have undertaken not to send anyone to a country where they would be at risk of torture;
- urging them not to deport Ghulam Haider.

APPEALS TO:

Farooq H. Naek
Minister of Law, Justice and Human Rights
Room 305, S-Block,
Pakistan Secretariat, Islamabad, Pakistan

Fax : +92 51 9202628

Email: minister@molaw.gov.pk

Salutation: Dear Minister

Rehman Malik
Advisor / Minister for Interior
Room 404, 4th Floor, R Block,
Pak Secretariat
Islamabad, Pakistan

Fax: +92 51 9202624

Salutation: Dear Mr Malik

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 16 July 2008.