

PUBLIC

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UA 289/06 "Disappearance"/fear of torture

PAKISTAN **Abdur Rahim Muslim Dost (m), Afghan national**

Afghan national Abdur Rahim Muslim Dost was arrested without a warrant on 29 September in Peshawar. His whereabouts are now unknown and he is at risk of torture.

This is thought to be due to his criticism of Pakistani agencies which had earlier arbitrarily arrested, detained and unlawfully transferred him and his brother to US custody.

He was arrested by officers of the police Crime Investigation Department and an intelligence agency, as he left a mosque. His children and elder brother, Sayed Mohammad, were present. He has not been charged with a criminal offence, and has not been brought before a magistrate. He has not been allowed to see a lawyer or his family.

Sayed Mohammad filed a habeas corpus petition on 5 October in the Peshawar High Court. The court has asked the federal and provincial authorities for information about Abdur Rahim Muslim Dost's whereabouts. The petition also seeks assurances from the Court that he will not be removed from its territorial jurisdiction.

Abdur Rahim Muslim Dost, a poet, magazine editor and gem dealer, has lived in Peshawar for several years. On 17 November 2001, he and his younger brother, Badruzzaman Badr, were arrested by military authorities at their home in Peshawar. They were handed over to the US authorities on 8 February 2002, and held at the US airbase in Bagram and then Kandahar in Afghanistan before being transferred to Guantánamo Bay on 1 May 2002. Badruzzaman Badr was released from Guantánamo on 24 September 2004; Abdur Rahim Muslim Dost was freed on 20 April 2005. Neither brother had been charged with any offence during their unlawful detention.

The brothers returned to their home in Peshawar and in September 2006 published a book about their experiences, *Da Guantanamo Mati Zolani* ("The broken shackles of Guantanamo"). The book is reportedly critical of the role of Pakistani intelligence agencies in the pursuit of the "war on terror" and describes their torture in Pakistani and US custody. Badruzzaman Badr has gone into hiding fearing a fate similar to that of his brother.

BACKGROUND INFORMATION

There have been several hundred 'disappearances' in Pakistan resulting from Pakistan's cooperation in the US-led 'war on terror'. People have been arrested and held incommunicado in secret locations with their detention officially denied. They are at risk of torture and unlawful transfer to third countries. This is despite custodial safeguards in-place in Pakistani Law to protect individuals from such activity. The Constitution of Pakistan, clearly states in Article 10: "(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds of such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice. (2) Every person who is arrested and detained in custody shall be produced before a magistrate within a period of twenty-four hours of such arrest ... and no person shall be detained in custody beyond the said period without the authority of a magistrate."

It appears that a desire on the part of the Pakistani government to be perceived to be contributing to the aims of the "war on terror", and the routine US practice of offering rewards running to thousands of dollars for

the handover of unidentified terror suspects, has facilitated a disregard of custodial safeguards leading to illegal detentions and 'disappearances'.

The clandestine nature of the "war on terror" makes it impossible to know exactly how many 'disappearances' or other arbitrary detentions have been committed in Pakistan, but Pakistani military spokesperson Major-General Shaukat Sultan said in June 2006 that since 2001 some 1,000 terrorists had been arrested.

For more information relating to enforced disappearances and the use of torture in the context of the 'war on terror', refer to Amnesty International's report, '*Pakistan: Human rights ignored in the 'war on terror'*' on AI's website: <http://web.amnesty.org/library/Index/ENGASA330362006>.

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

- expressing concern for the safety of Abdur Rahim Muslim Dost, who was arrested on 29 September 2006;
- calling on the authorities to reveal immediately where and in whose custody Abdur Rahim Muslim Dost is being held;
- expressing fears for his safety and asking the authorities to ensure that Abdur Rahim Muslim Dost is not tortured or otherwise ill-treated;
- urging the authorities to release Abdur Rahim Muslim Dost immediately and unconditionally, if he is in the custody, or else charged with a recognizably criminal offence;
- if he is to be charged, urging the authorities to ensure that Abdur Rahim Muslim Dost is treated strictly in accordance with law, and given immediate and regular access to a lawyer of his choice and regular contact with his family.

APPEALS TO:

President Pervez Musharraf
Pakistan Secretariat
Islamabad, Pakistan

Fax: + 92 51 9221422 (please keep trying)
Email: via website: <http://www.presidentofpakistan.gov.pk/WTPresidentMessage.aspx>
Salutation: Dear President Musharraf

Mr. Aftab Ahmed Khan Sherpao
Minister for the Interior
Room 404, 4th Floor
Block R, Federal Secretariat
Islamabad, Pakistan

Fax: + 92 51 9202624
E-mail: minister@interior.gov.pk
secretary@interior.gov
Salutation: Dear Minister

Mr Ali Muhammad Jan Orakzai
Governor of North West Frontier Province
Governor's Secretariat
C-2/210 PDA
Hayatabad
Peshawar, Pakistan

Fax: +92 91 9210087
Salutation: Dear Governor

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 13 December 2006.