

PUBLIC

AI Index: ASA 33/034/2007

12 November 2007

Further Information on UA 291/07 (ASA 33/026/2007, 5 November 2007) Fear of torture/ill-treatment/possible prisoner of conscience New concern: Health concern

PAKISTAN

Ali Ahmed Kurd (m)

Tariq Mahmood (m)

Atizaz Ahsan (m)

Munir A. Malik (m)

Abrar Hassan (m)

Ahsan Bhoon (m)

Other lawyers arrested as part of the State of Emergency

The men named above, all of whom are senior lawyers, have been held incommunicado since they were arbitrarily arrested on 3 November. Fears are increasing that they continue to be at risk of torture or other ill-treatment. There are also concerns for the health of Munir A Malik, former president of the Supreme Court Bar Association (SCBA).

Atizaz Ahsan, current president of the SCBA, is being held in Adiala jail in Rawalpindi where he is at serious risk of torture and ill-treatment. His lawyer has repeatedly been denied access to him. On 6 November, the authorities at the Adiala jail would not admit Atizaz Ahsan's lawyer, even though the Deputy Commissioner of Islamabad Administration had given permission for the visit.

The whereabouts of Ali Ahmed Kurd, who was also detained on 3 November, continue to be unknown. There are grave concerns for his safety.

Munir A. Malik, who is known to have a heart condition, was reportedly visited by government doctors on 10 November. There have been no further reports on his current condition. He is said to be held in Attock Jail but sources close to Amnesty International have indicated that he may be held in Attock Fort, which is notorious for torturing its detainees.

BACKGROUND INFORMATION

Acting in his capacity as army chief of staff, General Musharraf suspended the bulk of the Constitution, including the rights not be arbitrarily deprived of life and to be guaranteed a fair trial. He assumed powers to amend the Constitution without any parliamentary procedure and proclaimed a Provisional Constitutional Order (PCO). This order prohibits any court issuing an order against the President, Prime Minister or any person exercising powers under their authority.

Since the imposition of emergency, police and law enforcement agencies have arrested thousands of lawyers, political activists and human rights defenders. The government initially charged people with anti-terrorism charges, but now charges of sedition are being issued. Three politicians and one trade unionist were charged with sedition on the 8 November, after being arrested in Karachi for making speeches and participating in an anti-emergency demonstration outside the press club. Karachi police have also registered a case of sedition against eight lawyers.

On 11 November, the government amended the law to allow the trial of civilians under by the military authorities. Under these amendments, which have been backdated to be effective from January 2003, civilians can be tried by the military authorities on charges including from treason, sedition and "statements conducive to public mischief". This amendment poses a serious threat to print and electronic media and civil

society activists. Publishing any materials that include comments against the imposition of the emergency could be at the risk of being taken as "public mischief". This threat is clear in the light of the recent sedition charges against political activists and lawyers who protested against the imposition of the emergency.

Independent TV and radio channels within Pakistan continue to be restricted. On 10 November, the government ordered three reporters from the UK newspaper, The Daily Telegraph, to leave the country within 72 hours. The orders came after the newspaper published an editorial critical of General Musharraf.

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

- urging the authorities to ensure that the detainees have access to relatives, lawyers of their own choice, and any medical care they may need;
- calling on the authorities to ensure that none of them is tortured or otherwise ill-treated;
- calling for the immediate and unconditional release of the lawyers;
- calling on the authorities to protect and uphold the constitutional human rights guarantees, including safeguards on life and liberty.

APPEALS TO:

President Pervez Musharraf

Pakistan Secretariat, Islamabad, Pakistan

Fax: +92 51 9221422

E-mail: via website: <http://www.presidentofpakistan.gov.pk/WTPresidentMessage.aspx>

Salutation: Dear President Musharraf

Mr Aftab Ahmed Khan Sherpao

Minister for the Interior

Ministry 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 Zahid Hamid

Minister of Law, Justice and Human Rights

Room 305, S-Block, Pakistan Secretariat

Islamabad, Pakistan

Fax: +92 51 9202628

+92 51 9201631

E-Mail: minister@molaw.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 24 December 2007.