

AMNESTY INTERNATIONAL

Public Statement

AI Index: ASA 33/007/2004 (Public)
News Service No: 050
2 March 2004

Pakistan: Abuses of rights in hunt for al Qa'ida reported

In the hunt for members of al Qa'ida and the Taliban in the border areas with Afghanistan, Pakistani security forces have failed to provide adequate protection to people in the tribal areas who are unconnected with such political violence. In recent weeks, arbitrary killings and arrests and deliberate house destruction have been reported from the area.

"Amnesty International acknowledges that the security of the people of Pakistan and the curbing of political violence are important duties of the state. But in this context basic civil and political rights of suspects and of people unconnected with such violence are all too often ignored. Measures to curb violent political acts must be placed strictly in a framework of human rights."

On 28 February, personnel of the Frontier Constabulary stationed near Wana in South Waziristan Agency opened fire on a van approaching their post as they assumed that it contained 'terrorists'. Six Afghan refugees, including a child, and five Wazir tribesmen were killed on the spot and another two died of their injuries later. An army spokesman stated that paramilitary forces fired in self-defence when shot at from the van and that civilians may have been hit in the cross fire. The persons killed "may possibly be terrorists", he added. Local people deny that there was an exchange of fire. The leader of the Khojelkhel sub-tribe stated: "The army fired on civilians without provocation." On the following day President Musharraf ordered an inquiry but did not make any commitments that its results would be made public or that those attempting to hide the facts would be held to account.

The rights of those unconnected with political violence are also violated when a whole tribe is collectively held responsible for allegedly sheltering 'terrorists' and punished. In January, several houses were destroyed by the army to punish tribes who were suspected of hiding 'terrorists' and not cooperating with the army's search operation.

On 24 February, army units in the tribal areas arrested at least 25 people, possibly including foreigners and foreign women, in a raid near Wana. Their identities and nationalities were not revealed but Pakistani newspapers claimed that one of the detainees was Khalid al-Zawahiri who may be related to senior al Qa'ida leader Ayman al-Zawahiri and that he and others may have been handed over to US custody. Earlier President Musharraf had asked wanted 'terrorists' to surrender and promised that they would not be handed over to any other country.

A spokesman of the Foreign Ministry said: "If someone has committed crimes against any other country and is caught in an anti-terror operation, our priority is to hand him over to his country of origin. If that country does not ask for repatriation, then the terrorist is handed over to any country putting forward evidence to us." Amnesty International has repeatedly expressed its concerns that supposed 'terrorists' may be handed over to their countries of origin or to US custody in circumvention of Pakistan's extradition

law and in violation of the prohibition of non-refoulement of anyone to countries where they may be at risk of grave human rights violations.

Background:

The federally administered tribal areas of Pakistan have a special constitutional status in Pakistan; they are governed by Political Agents under by the Frontier Crimes Regulation (FCR) of 1901 which also accepts the principle of collective responsibility and collective punishment. Attempts to reform the FCR came to a halt after the attacks on the USA on 11 September 2001. The Pakistan army entered the tribal areas for the first time two years ago when searches for al Qa'ida and Taliban began. Many members of the tribes resent this intervention; many attacks on army posts in the tribal areas have been reported.

See earlier reports, including:

Pakistan: Open letter to President Musharraf, ASA 33/02/2004, January 2004.

Pakistan: Transfer to US custody without human rights guarantees, ASa 33/014/2002, June 2002.