

PUBLIC

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UA 329/02 Possible prisoner of conscience/7 November 2002
detention without charge/

fear of f

PAKISTAN Dr Amir Aziz (m), aged 46
and three other men, names unknown

Dr Amir Aziz is being held without charge at an unknown location. There are fears that he may be forcibly transferred to US custody, where he may be at risk of human rights abuses, without regard to Pakistan's extradition requirements and in violation of international legal standards. The whereabouts of three other men who were subsequently arrested are also unknown.

Dr Amir Aziz was taken from his home in the city of Lahore on 21 October, in a joint operation of Pakistani intelligence and the US Federal Bureau of Investigation (FBI). Since then he has contacted his mother on the phone to confirm that he was well, but he did not reveal where he is being held.

At around 3.30am on 6 November, Pakistani intelligence and FBI agents also took three unidentified men from Lahore's Ghurki Hospital, where Dr Amir Aziz works. Neither their whereabouts nor the reason for their detention have been revealed.

Dr Amir Aziz has not been charged with any criminal offence. Government officials have said that he is being interrogated in connection with suspected links with *al-Qaeda* militants and members of the Taliban. Friends and colleagues of Dr Amir Aziz have stated that these were professional links, established when he provided medical care to people in Afghanistan. The Pakistan Medical Association has led country-wide protests against the detention without charge of Dr Aziz, and has demanded his immediate release. Amnesty International therefore considers him a possible prisoner of conscience, detained solely for carrying out his medical duties, which may have brought him into contact with militants.

Interior Ministry spokesman Brigadier Cheema said media reports that the government was considering handing over Dr Amir Aziz to US custody were "baseless". He reportedly said on 5 November: "It will take one or two days more before we can take a decision on what to do with him and might inform the public". Interior Minister Moinuddin Haider allegedly stated on 4 November that they had not received any request from the US government for the extradition of Dr Amir Aziz and that he was in the custody of a Pakistani security agency. He did not specify which agency was holding Dr Amir Aziz or where he is being held.

On 6 November Zakia Begum, mother of Dr Amir Aziz, filed a writ petition in the Lahore High Court seeking to establish the whereabouts of her son, and requesting that he should not be handed over to US custody. On the following day, the Court ordered the government to provide information about the whereabouts of Dr Amir Aziz. The date for the next hearing is 8 November.

BACKGROUND INFORMATION

Since Pakistan joined the US-led global coalition against 'terrorism', the Government of Pakistan has arrested several hundred people on suspicion of links to 'terrorist' organizations, but has not charged any of them. Legal requirements under Pakistan law, which include that detainees have to be brought before a magistrate within 24 hours and be given access to a lawyer and family,

have been ignored. Some of those arrested have been handed over to US custody in circumvention of Pakistan's extradition law which requires an investigation of the extradition request by a magistrate and gives a range of rights to the person sought to be extradited. Pakistan has also violated the international prohibition of *non-refoulement*, which prohibits the deportation of anyone to a country where they may be at risk of human rights abuses. The USA has denied or threatened to deny internationally recognized rights to those taken into their custody in Afghanistan and elsewhere, including those transferred to Camp X-Ray in Guantanamo Bay, Cuba (see Amnesty International's report, *Rights at risk: Amnesty International's concerns regarding security legislation and law enforcement measures*, AI Index: AMR 51/053/2002, January 2002). Amongst those arrested without charge and handed over to US custody were Pakistanis, Afghans and people of Middle Eastern origin (see Amnesty International's report, *Pakistan: Transfer to US custody without human rights guarantees*, AI Index: ASA 33/014/2002, June 2002).

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

- expressing concern for the safety of Dr Amir Aziz and three other men, who were all detained by intelligence agencies in Lahore, and whose whereabouts are unknown;
- urging the Government of Pakistan to reveal immediately the whereabouts of Dr Amir Aziz and the three other detainees;
- calling on the authorities to immediately and unconditionally release Dr Aziz and the three other detainees if there are no criminal charges against them;
- calling for them to refrain from handing over any detainee to US custody without strictly adhering to domestic human rights safeguards including Pakistan's extradition law, and stressing that the transfer of anyone to a country where they are at risk of human rights abuses is a violation of the principle of *non-refoulement*;
- urging the authorities to ensure that the rights of all four detainees are respected, including the right to humane treatment, the right of anyone to be informed of the reason for the detention and to be able to challenge the lawfulness of a detention, to the presumption of innocence, the prompt access to and assistance of a lawyer, and to be able to communicate with, and receive visits from family and friends.

APPEALS TO:

(Please note fax numbers may be difficult to obtain; please keep trying)

President Pervez Musharraf
Pakistan Secretariat
Islamabad, Pakistan

Telegram: President Pervez Musharraf, Islamabad, Pakistan

Fax: + 92 51 9224768

email: CE@pak.gov.pk

Salutation: Dear President

The Minister for the Interior
Block R
Pakistan Secretariat
Islamabad
Pakistan

Telegram: Minister for the Interior, Islamabad, Pakistan

Fax: + 92 51 9212026

email: minister@interior.gov.pk
Salutation: Dear Minister

COPIES TO:

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 19 December 2002.