

URGENT ACTION

POLITICAL ACTIVIST ABDUCTED IN PAKISTAN

Muzaffar Bhutto, a senior member of a Sindhi nationalist political party in Pakistan, has been abducted for a second time allegedly by plain-clothed intelligence agents and police on 25 February. His wife is concerned for his life, as he is suffering from serious health problems. Amnesty International fears he might be tortured or ill-treated whilst in detention.

Muzaffar Bhutto is General Secretary of Jeay Sindh Muttaheda Mahaz (JSMM), a political party advocating greater autonomy for the province of Sindh from Pakistan. He was travelling in his car on 25 February with his wife and younger brother, when they were stopped by around twenty men in plain clothes who came out of unmarked cars and were escorted by a number of police waiting at the area of Saeedabad Tool plaza in Hyderabad city of Sindh province. According to eyewitness accounts, after a brief scuffle during which police fired three rounds into the air, Muzaffar Bhutto was forcibly detained at gun point.

Mr Bhutto's wife filed an application for a First Information Report with police to determine what has happened to her husband and lodged an application against the Directorate for Inter-Services Intelligence (ISI) and police from the district on 28 February. The case will be heard on March 10, but representatives of the police and the ISI seldom appear at such hearings, particularly during hearings on disappearance cases.

Muzaffar Bhutto's wife fears for his life as she believes he is held in secret detention and might be tortured or ill-treated and particularly as he suffers from an ulcer and asthma in addition to discomfort as result of backbone surgery he undertook due to injuries sustained whilst allegedly being tortured during his previous abduction on 6 October 2005. Following the first abduction, he was missing until 8 November 2006, when he was shifted into the custody of police in Jamshoro town of Sindh. Police claimed that they arrested Muzaffar and charged him with an attempt to bomb a gas pipeline and he was transferred to Hyderabad Central Jail. He was later tried in an anti-terrorism court, facing a series of trials but was released on 5 January 2009. According to his relatives, Muzaffar told them he had been detained by agents of the ISI. Muzaffar Bhutto has also faced charges of various other terrorism related crimes of destroying government infrastructure, but has been either released on bail or acquitted.

PLEASE WRITE IMMEDIATELY in Urdu, English or your own language:

- Expressing concern that Muzaffar Bhutto has not been seen or heard from since 25 February;
- Urging the authorities to conduct an immediate, prompt and impartial investigation into the whereabouts of Muzaffar Bhutto and inform his relatives, ensuring that anyone involved in his enforced disappearance, including at the highest levels of command, is promptly brought to justice and the victims are granted reparations;
- Demanding Muzaffar Bhutto's immediate release or transfer to an official place of detention and promptly charged with an internationally recognizable offence and remanded by an independent court;
- Calling on the authorities to ensure that Muzaffar Bhutto is not tortured or ill-treated, and is allowed access to family, lawyers of his choice and any medical treatment he may require given his health condition.

PLEASE SEND APPEALS BEFORE 15 APRIL 2011 TO:

President of Pakistan
Mr Asif Ali Zardari
Pakistan Secretariat
Islamabad
Pakistan
Fax: +92 51 9221422 / 2282741

Salutation: Dear President

Chief Minister Sindh
Syed Qaim Ali Shah
Chief Minister House,
Dr Zaiuddin Ahmed Road
Karachi, Sindh Province
Pakistan
Fax: +92-21-9211368

Salutation: Dear Chief Minister

Home Minister of Sindh

Mr Zulfiqar Mirza
Karachi
Sindh Province
Pakistan
Fax: +92-21-9204922

Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Two other Sindhi activists were reportedly abducted in October 2009 and since then their families have not heard from them. Aakash Mallah, Vice Chairman of the Sindh nationalist party Jeay Sindh Qaumi Mahaz (JSQM), and JSQM activist Noor Mohammad Khaskheli, were abducted on 30 October 2009, in Sindh province, south-eastern Pakistan. Local sources allege the two men were subjected to enforced disappearances by government security officials. There have been a series of court hearings on the case since then and two officers of the Pakistan's powerful intelligence agency, Inter Services Intelligence (ISI), have faced allegations by the police for carrying out the abduction. But still the whereabouts of the two men remain unknown and intelligence agencies have rejected the allegations that the two men are held in their custody.

Since Pakistan became a key ally in the US-led "war on terror" in late 2001, hundreds, if not thousands of people, both Pakistani and foreign nationals have been subjected to enforced disappearances in Pakistan. As a result of this practice, people are kidnapped, held in secret locations outside any judicial or legal system, and are often being subjected to torture or other ill-treatment. The clandestine nature of the arrests and detentions of suspects makes it impossible to know exactly how many people have been subjected to enforced disappearance in the last ten years. The practice spread to domestic opponents of the Pakistani government, in particular Baloch and Sindhi nationalists. Held in secret detention out of sight and without charge, without access to their families or lawyers, their fate and whereabouts remain unknown

Despite several pledges by the newly elected Pakistan's civilian government in 2008 to resolve the country's crisis of 'disappearances', the authorities have not yet provided information about hundreds of cases of people believed to be held secretly by the government as part of the so-called "war on terror", or in response to internal opposition in Balochistan or Sindh provinces. The Government has also failed to fulfil its promise made in May 2008 that it would accede to the International Convention for the Protection of All Persons from Enforced Disappearance.

In March 2010 the Pakistan government set up a Judicial Commission to investigate disappearance cases, with a view to tracing individuals. The Commission began its hearings on 28 April 2010 and reached its conclusion on 31 December 2010. The Commission's report, which was submitted to the Federal government for review remains classified. On 10 January 2011, a three-member judges' bench of the Supreme Court resumed the hearing of disappearances case after a pause that had lasted nine months. During a hearing when the Judicial Commission's report was presented, it emerged that the Commission was able to trace 134 missing persons. The list of traced persons is not available to the public. The Commission has been criticised for its narrow mandate and for its failure to investigate the role of the intelligence agencies, the main body accused of involvement in the disappearances, and to hold them to account.

Acts of enforced disappearance violate several provisions of Pakistan's Constitution, including freedom from arbitrary detention, the right to judicial overview of detentions and the prohibition of torture.

Enforced disappearance is defined in Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance which the UN General Assembly adopted in December 2006, as: "[...] the arrest, detention, abduction, or any other form of deprivation of liberty by agents of the state or by persons or groups of persons acting with the authorization, support, or acquiescence of the state, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."

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