

PUBLIC

AI Index: ASA 33/005/2008

07 February 2008

Further Information on UA 291/07 (ASA 33/026/2007, 05 November) and follow-ups (ASA 33/034/2007, 12 November 2007; ASA 33/045/2007, 22 November 2007) - Fear of torture/ill-treatment/possible prisoner of conscience/ health concern

PAKISTAN

Ali Ahmed Kurd (m)
Tariq Mehmood (m) (please note amended spelling)
Atizaz Ahsan (m)
Munir A. Malik (m)
Other lawyers arrested as part of the State of Emergency

In early February, Supreme Court Bar Association (SCBA) president Atizaz Ahsan, former SCBA president Tariq Mehmood and lawyer Ali Ahmed Kurd were each put under house arrest for 30 days. They had all been released only days earlier from 90 days in detention in jails and at their houses.

Munir A. Malik, also a former SCBA president, has been released but is in poor health. Amnesty International is concerned that the denial of appropriate and specialised medical treatment resulted in the rapid deterioration of Munir A. Malik's health.

Under Article 10 of the Pakistan Constitution, which was restored on 15 December 2007, the government cannot detain people for more than 90 days under preventative detention law unless a board of three High Court judges approves the government's application for continued detention. The new orders to detain Atizaz Ahsan, Tariq Mehmood and Ali Ahmed Kurd are illegal.

Aitzaz Ahsan was released from house arrest on 31 January but was detained on 2 February at his house in Lahore. Tariq Mehmood and Ali Ahmed Kurd were released on 1 February. The new orders for their detention came into force on 2 and 4 February respectively. Tariq Mehmood is detained at his house in Islamabad while Ali Ahmed Kurd is at his house in Quetta.

During his previous period of detention, Tariq Mehmood did not receive adequate medical treatment. In November 2007 he was transferred to a Lahore hospital from Sahiwal jail, where he was diagnosed as suffering from severe osteoarthritis. On 6 December, Tariq was detained at his house in Islamabad, where his medical care was neglected. The authorities ignored doctors' repeated written requests to treat Tariq Mehmood in hospital. He requires daily physiotherapy and may need surgery.

On 29 November 2007, Munir A. Malik was transferred to Sindh Institute of Urology and Transplantation in his home city, Karachi. His detention orders were withdrawn on 25 November while he was receiving treatment at the Pakistan Institute of Medical Sciences (PIMS) in Islamabad, where he had been moved to from Attock Jail on 23 November. Munir A. Malik was released from hospital in Karachi after a few weeks but is still receiving treatment for renal failure.

BACKGROUND INFORMATION

Acting in his capacity as Army Chief of Staff, on 3 November 2007 General Musharraf suspended 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.

On 15 December he lifted the state of emergency and restored a heavily amended Constitution, including the amendments which provide complete impunity to all his action during the period of emergency. .

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

- urging the authorities to ensure that Tariq Mehmood is granted immediate access to all necessary medical treatment;
- calling for the immediate and unconditional release of Aitzaz Ahsan, Tariq Mehmood and Ali Ahmed Kurd;
- expressing concern that Munir A. Malik is still in poor health after being denied appropriate medical care in detention;
- 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 51 922 1422
E-mail: via website: <http://www.presidentofpakistan.gov.pk/WTPresidentMessage.aspx>
Salutation: Dear President Musharraf

Hamid Nawaz Khan
Minister for the Interior
Room 404, 4th Floor, Block R, Federal Secretariat
Islamabad, Pakistan
Fax: + 92 51 920 2624
E-mail: minister@interior.gov.pk /secretary@interior.gov
Salutation: Dear Minister

Syed Afzal Haider
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 20 March 2008.