

PUBLIC

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"Disappearance"/ Fear of torture

13 January 2004

PAKISTAN

Khawa Medhi Rizvi (m), journalist

Journalist Khawa Medhi Rizvi was arrested by the Federal Investigation Agency (FIA) on 16 December 2003 in Karachi. He has "disappeared" and the authorities have denied that he is in their custody. His family and colleagues have been unable to establish his whereabouts and one of them told Amnesty International, "we strongly fear that he is being made subject to severe torture to get the version which suits the government".

Pakistani national Khawa Medhi Rizvi was arrested along with French journalists Marc Epstein and Jean-Paul Guilloteau of the French weekly *L'Express* whilst acting as their translator. The men were arrested by FIA personnel in Karachi after their return from the city of Quetta, Balochistan Province. The French journalists were subsequently charged under the Foreigners Act with violating visa regulations as they had not obtained clearance to visit the Province. They were released on bail on 24 December 2003. On 10 January 2004, they received a suspended sentence of six months' imprisonment and a fine. Two days later at their appeal hearing, the Sindh High Court upheld the sentence but remitted their jail term to the time already served, whilst doubling their fine.

During two hearings of a *habeas corpus* petition filed by Khawa Medhi Rizvi's family at the High Court in Karachi, the respondents, namely representatives of the FIA and the Home Department denied holding Khawa Medhi Rizvi in their custody. At a hearing today on 13 January, the judge rebuked the respondents and ordered that Khawa Medhi Rizvi be brought before the court on 20 January.

Though the government have denied any knowledge of his whereabouts, Foreign Office spokesman Masood Khan is quoted in the media as having said that Rizvi is being investigated for his alleged involvement in making a 'fake documentary' on Taliban presence in Pakistan.

BACKGROUND INFORMATION

Amnesty International believes that the continued 'disappearance' of Khawa Medhi Rizvi violates a number of human rights guaranteed in the Constitution of Pakistan and international human rights standards. The Constitution of Pakistan states in Article 9: 'No person shall be deprived of life and liberty save in accordance with law.' It lays down in Article 10 that every detainee has the right to be informed of the charges against them, to consult and be defended by a lawyer of his choice and be brought before a magistrate within 24 hours of arrest. None of these requirements have been fulfilled in the case of Khawa Medhi Rizvi. There are also concerns for his safety given the widespread use of torture and cruel, inhuman and degrading treatment in detention in Pakistan.

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

- expressing concern at the 'disappearance' of Khawa Medhi Rizvi on 16 December 2003 which contravenes human rights guarantees in the Constitution of Pakistani;
- calling for the authorities to reveal immediately where and in whose custody Khawa Medhi Rizvi is being held;
- expressing fears for his safety and asking the authorities to ensure that Khawa Medhi Rizvi will not be subjected to torture or other forms of cruel, inhuman or degrading treatment while in custody;
- urging that Khawa Medhi Rizvi be immediately and unconditionally released if there are no criminal charges against him;

- urging the authorities to ensure, if there are criminal charges against him, that Khawa Medhi Rizvi is treated strictly in accordance with law, including that he will be given immediate and regular access to a lawyer of his choice and regular contact with family members.

APPEALS TO:

President

Pervez Musharraf

Office of the President

Islamabad, Pakistan

Telegram: President Pervez Musharraf, Islamabad, Pakistan

Fax: + 92 51 922 4768 (there may be a delay before the fax tone engages)

Salutation: Dear President Pervez Musharraf

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 February 2004.