

PUBLIC

AI Index: ASA 33/023/2002

UA 223/02 Fear of Forcible return/ 18 July 2002
Possible "disappearance"

Fear of t

PAKISTAN Dr Habibullah Ziaee (m)

Dr Habibullah Ziaee was arrested in Islamabad, northern Pakistan on 4 July. The reason for his arrest is unknown, as are his current whereabouts. He may already have been forcibly returned to Iran or handed to US officials in Pakistan.

Dr Habibullah Ziaee, a Sunni Muslim, has refugee status in Pakistan. He left Iran over 18 years ago and could be at risk of serious human rights violations such as torture or ill-treatment if returned.

Dr Ziaee's wife has searched unsuccessfully in Islamabad police stations for her husband. She was told by Pakistani police that Dr Ziaee is being held in custody by US officials in Pakistan.

He was arrested while returning from his job as professor at the Islamic University of Islamabad. The bus in which he was travelling was stopped by police who stated that explosive material was believed to be on board. All passengers were taken off the bus, but no explosives were found. Dr Ziaee was however taken away by the police and has not been seen since. Police went to his home on the same day and took his computer, books and other belongings.

BACKGROUND INFORMATION

Pakistan is obligated under the principle of *non-refoulement*, a principle of customary international law, which prohibits the return of anyone to a country where they could be at risk of human rights violations.

Pakistan has on several occasions returned people to their countries of origin without due process and without regard to the risk to the lives of those deported.

Several Uighurs were returned to China in 1997, where they were reportedly summarily executed soon after being driven across the Chinese border. Others were handed over to China more recently and Amnesty International continues to fear for their safety.

Pakistan has also recently handed over a large number of Afghan, Pakistani and Arab detainees to the US-led coalition operating in Afghanistan, without observing requirements of the Pakistani Extradition Act of 1972. This prohibits the extradition of anyone wanted for an offence which is political in character. It requires the state where they are wanted to make a requisition order. This is then examined by a magistrate, who decides after hearing from the alleged offender whether there is any substance to the request. Even if there is substance to the requisition request, the Pakistan government retains full discretion as to whether it extradites the person concerned, who has the right to appeal against the government's decision.

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

- asking for information about where Dr Habibullah Ziaee is being held;
- asking for him to be immediately released unless he is to be charged with a recognisable criminal offence;

- urging the authorities to ensure that Dr Habibullah Ziaee will not be forcibly returned to Iran or any other country where he would be at risk of human rights violations.

APPEALS TO:

President Pervez Musharraf
Pakistan Secretariat
Islamabad, Pakistan

Telegram: President Pervez Musharraf, Islamabad, Pakistan

Fax: + 92 51 922 4768

Email: CE@pak.gov.pk

Salutation: Dear President

Minister of Foreign Affairs, Inamul Haq
Ministry of Foreign Affairs, Constitution Avenue
Islamabad, Pakistan

Telegram: Minister of Foreign Affairs, Islamabad, Pakistan

Email: minister@interior.gov.pk

Fax: + 92 51 920 7217

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 29 August 2002.