

PUBLIC

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Incommunicado detention/

27 November 2002

fear of ill-treatment

fear of f

PAKISTANDr Ghairat Baheer (m), Afghan national

Afghan national, Dr Ghairat Baheer is being held without charge at an unknown location. His family fears that he may be forcibly transferred to US custody, where he may be at risk of ill-treatment, without regard to Pakistan's extradition requirements and in violation of international legal standards.

Dr Ghairat Baheer was taken from his home in the capital Islamabad on 29 October around 1.30am by a group of some 15 people, mostly Pakistanis. The group, which was witnessed by several of Dr Ghairat Baheer's children, appears to have included at least one "Western" woman. They searched the house and left without indicating where they were taking Dr Ghairat Baheer, nor on whose authority he was being taken away.

The family of Dr Ghairat Baheer has not heard from him since then and believe that he may be in the custody of a US agency, possibly the US Central Intelligence Agency (CIA) or the US Federal Bureau of Investigation (FBI). They also believe that the sole reason for his abduction is the fact that he is the son-in-law of Gulbuddin Hekmatyar, a former prime minister of Afghanistan who opposes the government of President Karzai and US military action in Afghanistan and who is being sought by Afghan and US authorities in connection with bomb attacks in Afghanistan.

Dr Ghairat Baheer was an Afghan ambassador of the Mujahideen alliance and represented his country in Australia and other countries in the past. Since the emergence of the Taliban, he has, according to his family, not been politically active and has lived in Pakistan as a private citizen.

BACKGROUND INFORMATION

Since Pakistan joined the US-led global coalition against 'terrorism', the government of Pakistan has arrested several hundred people on suspicion of having links to 'terrorist' organizations. None however have been charged. Legal requirements under Pakistan law, which include the right of detainees to be brought before a magistrate within 24 hours and to be given access to a lawyer and their 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 whose extradition is sought. 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 background. (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 about the safety of Dr Ghairat Baheer whose whereabouts are unknown;
- urging the Government of Pakistan to immediately reveal the whereabouts of Dr Ghairat Baheer;
- calling on the authorities to immediately and unconditionally release Dr Ghairat Baheer if there are no criminal charges against him;
- calling on them to refrain from handing over Dr Ghairat Baheer 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 would be at risk of a violation is a violation of the principle on *non-refoulement*;
- urging the authorities to ensure that the rights of Dr Ghairat Baheer be fully respected, including the right to humane treatment, the right to be informed of the reason for his detention and to be able to challenge the lawfulness of a detention, the presumption of innocence, the prompt access to and assistance by a lawyer, and to be able to communicate with, and receive visits from family and friends.

APPEALS TO:

President Pervez Musharraf
Islamabad
Pakistan

Telegram: President Pervez Musharraf Islamabad, Pakistan
Fax: + 92 51 9224768
E-mail: 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 9202624
E-mail: minister@interior.gov.pk
Salutation: Dear Minister

Minister for Foreign Affairs
and Minister for Law, Justice and Human Rights
Ministry for Foreign Affairs
Constitution Avenue
Islamabad
Pakistan

Telegram: Foreign Affairs Minister, Islamabad, Pakistan
Fax: + 92 51 9207217
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 6 January 2003.