

PUBLIC

AI Index: ASA 33/045/2007

22 November 2007

Further Information on UA 291/07 (ASA 33/026/2007, 05 November 2007) and follow-up (ASA 33/034/2007, 12 November 2007) - Fear of torture/ill-treatment/possible prisoner of conscience New Concern: Health

PAKISTAN **Ali Ahmed Kurd (m)**
 Tariq Mahmood (m)
 Atizaz Ahsan (m)
 Munir A. Malik (m)
 Other lawyers arrested as part of the State of Emergency

Released: **Abrar Hassan (m)**
 Ahsan Bhoon (m)

On 20 November, the Pakistan Government began releasing many of the lawyers detained since the imposition of a state of emergency on 3 November. Ahsan Bhoon and Abrar Hassan were released on 18 November and 19 November respectively.

However, as many as 200 lawyers still remain in custody, with fresh arrests over the past three days. Those who remain in detention include several senior lawyers, who played leading roles in the movement for the independence of the judiciary, including Supreme Court Bar Association (SCBA) president Atizaz Ahsan and former SCBA presidents Tariq Mahmood and Munir A Malik.

Atizaz Ahsan continues to be held in Adiala jail in Rawalpindi. His lawyer, however, was granted access to him on 21 November for the first time since he was detained on 3 November.

There are serious apprehensions about the safety of Ali Ahmed Kurd, who was also detained on 3 November. Sources close to Amnesty International have expressed concerns that he is in the custody of Pakistan Intelligence Agencies, raising fears that he is at risk of torture and ill-treatment.

Serious concerns continue to be raised about the health of Munir A. Malik, who is currently being detained in Attock Jail in an eight by four feet cell. According to his counsel his condition has deteriorated and, in addition to his known prostrate problems, initial tests have indicated that he may also be suffering from hepatitis. He is currently being denied adequate medical treatment and access to specialized doctors. According to his wife the authorities have continued to deny any access to him and have also prevented the delivery of medicines to him.

There are also serious concerns about the safety of Tariq Mahmood, who continues to be held incommunicado, reportedly in Sahiwal Jail.

BACKGROUND INFORMATION

Acting in his capacity as army chief of staff, General Musharraf suspended the bulk of 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.

Since the imposition of emergency, police and law enforcement agencies have arrested thousands of lawyers, political activists and human rights defenders.

On 21 November, President Musharraf amended several articles of the Constitution ensuring that none of the actions taken by President Musharraf since the proclamation of emergency, including the imposition of the emergency itself, can be called into question. Through these amendment President Musharraf has effectively provide himself with blanket legal cover for extra-constitutional acts.

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

- welcoming the release of many of the detained lawyers including Abrar Hassan and Ahsan Bhoon;
- calling on the authorities to immediately publicly disclose the places of detention of those arrested including Ali Ahmed Kurd and Tariq Mahmud;
- seeking clarification under whose custody they are being held;
- urging the authorities to provide proper medical treatment to Munir A. Malik;
- urging the authorities to ensure that the detainees have access to relatives, lawyers of their own choice, and any medical care they may need;
- calling on the authorities to ensure that none of them is tortured or otherwise ill-treated;
- calling for the immediate and unconditional release of the lawyers;
- 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 3 January 2008.