

Greece

Investigation not extradition: Threatened return of human rights defender to Pakistan highlights failures in investigation of alleged abductions

Possible extradition to Pakistan: the case of Javed Aslam

Amnesty International is deeply concerned about the possible extradition from Greece to Pakistan of Javed Aslam, the President of the Pakistani Community in Athens. A decision on his extradition is due on 16 January 2007. Javed Aslam was arrested on 6 November 2006 by Greek police on the basis of an Interpol arrest warrant originating in Pakistan and issued on 2 September, according to which he is charged with “illegal migration and smuggling of human beings” – a charge which is punishable by up to 14 years’ imprisonment in Pakistan.

Amnesty International is concerned that as of 8 January neither Javed Aslam nor his lawyers had been informed in detail about the substance of the charges. The organization has also been informed that, following anonymous complaints, similar charges had been brought against him by the Greek authorities earlier in the year and that the Three Member Misdemeanours Court in Athens acquitted him on the charge of people smuggling on 29 September 2006.

Amnesty International is also concerned that the charges against Javed Aslam in Greece and Pakistan may constitute a form of judicial harassment against him, given his involvement as a spokesperson for six other Pakistani nationals in Greece who alleged that they had been abducted by agents of the Greek intelligence services on 15 July 2005 in the aftermath of the London bombings of 7 July 2005.

Should Javed Aslam be deported to Pakistan, Amnesty International is concerned that the Pakistani nationals he has represented would be left without a public voice. Furthermore, the organization considers that Javed Aslam’s role as a human rights defender acting on behalf of his co-nationals has brought him into conflict with both the Greek and Pakistani authorities, and fears that as a result his trial upon return to Pakistan would be unfair. Amnesty International has in recent years reported on unfair trials in Pakistan as well as arbitrary arrests and enforced disappearances taking place there in the context of anti-terrorism operations¹.

In addition, Amnesty International considers that Javed Aslam would be at risk of torture or other serious human rights abuses should he be returned to Pakistan. To forcibly return anyone to a country where they would be at risk of torture or other serious human rights abuses is a violation of Greece’s obligations under international law, including the

¹ See *Pakistan: Human rights ignored in the "war on terror"* (AI Index: ASA 33/036/2006); *Terror and Counter-Terror: Defending our human rights* (AI Index: ACT 40/009/2006); *USA: Below the radar: Secret flights to torture and "disappearance"* (AI Index: AMR 51/051/2006)

European Convention for the Protection of Human Rights and Fundamental Freedoms and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment.

Javed Aslam's work as a human rights defender in the case of alleged abductions of Pakistani nationals in Greece

Amnesty International is aware that on 29 July 2005, Javed Aslam made a complaint to the prosecutor on behalf of six men of Pakistani origin and one man originating from Indian-administered Kashmir. The seven complainants claimed that on the night of 15 July 2005 a number of persons unknown to them, who are alleged to have been Greek plain-clothed police officers, entered their house without permission and without presenting a search warrant, blindfolded them, searched the premises and then drove them to an unknown location. Five of the abductees were released near Omonia Square in central Athens 48 hours later. They were blindfolded while being driven to the Square; upon release they were instructed not to remove the blindfolds for five minutes. The other two abductees were released in a similar way a week after their abduction. Two of the men alleged that they were ill-treated during their detention and one reported that he was told by one of his abductors, "If you ever mention this thing to anyone at all, or say where you were taken to, or talk to television, radio or newspapers, then we will catch you and bring you in again and trust me, we will kill you. We will slit your throats."² Throughout this period, friends and relatives of the abductees, as well as lawyers appointed by them, visited a number of police stations, the Athens Immigration Department, and the Department of Anti-Terrorism seeking information about their whereabouts. Officers in all of the stations and departments visited claimed that they had no information about them. Following the complaints being made public, other Pakistani nationals residing in various parts of Greece came forward, claiming that they had also been abducted in a similar way; altogether 18 Pakistani nationals made such allegations.

Following a preliminary judicial investigation into these allegations the Prosecutor for the Supreme Court of Areios Pagos, Dimitris Linos, announced on 19 December 2005 that there were grounds for proceeding with the investigation. Following this announcement, the Chief Prosecutor of the Athens Court of First Instance stated that "prosecutors [investigating the case] will not be daunted in assigning responsibility where it is due, even if that included members of the Greek Police and other services"³. On 27 December 2005, another complaint was filed by the abductees, against named persons who appear to be agents employed by the Greek intelligence services (EYP). On 10 January 2006, the complainants' lawyer filed another complaint with the Prosecutor alleging attempts to falsify evidence, claiming that Pakistani embassy personnel had approached the complainants, advised them to withdraw their complaint and threatened them. By that time, 12 abductees in total had given evidence to the Prosecutor.

² http://news.bbc.co.uk/1/hi/programmes/file_on_4/4671462.stm

³ *Ελευθεροτυπία*, 20 December 2005.

The case was discussed in a special parliamentary committee session on 11 January 2006 in the presence of the Minister of Public Order. He stated that in July and August 2005, 104 search teams had been set up, 5,432 persons were checked, 2,172 migrants were questioned, 1,221 of them arrested, and six of those were deported. Of those questioned, 283 were Pakistani nationals. He also claimed that the arrests and deportations were not related to anti-terrorism operations. He further explained that the search teams were set up after the British secret service, known as MI6, requested the help of the Greek authorities in their investigations into the 7 July bombings by checking up on foreigners living in Greece, who might have been connected with al-Qa'ida. The information shared between British and Greek authorities in the framework of this operation included information obtained through tracing of mobile and landline telephone numbers. He submitted two confidential documents sent to the government by MI6 asking it to investigate the phone records of possible al-Qa'ida sympathizers. He claimed that these activities were carried out according to the law. However, he did not clarify if lawyers were present during any of these interrogations. Finally, he denied any involvement of Greek intelligence officers in the alleged abductions of the above mentioned 18 Pakistanis, who are not included in these figures.

Two of the complainants claimed that while held they were beaten, punched and kicked and one reported that other abductees had told him that they had heard English being spoken behind the interrogation room doors, and that the guard of one of them was an English speaker who did not understand Greek. On 25 December 2005 the name of a British agent based in Greece, who was at that point counsellor in the British Embassy in Athens and was alleged to have been involved in the arrests, was published in the Greek magazine *To Próto Théma*. The British government has since prohibited UK media from publishing the names of British agents based in Greece.

Amnesty International wrote to the then Minister of Public Order, Giorgos Voulgarakis, on 25 January 2006 outlining these concerns. The organization also requested information regarding the interrogation of individuals in July and August 2005, seeking to find out what the remit of the searches carried out by the above-mentioned 104 teams was, and the measures taken to ensure that the interrogation of the 2,172 individuals abided by international human rights standards. Amnesty International also requested information on the process under which the six persons mentioned in the parliamentary session were deported, and the ways in which their protection from human rights abuses in the countries to which they were deported was ensured.

On 24 May 2006, the organization wrote again to the Minister of Public Order, now Vyrion Polydoros, reiterating its earlier request for information on what efforts were being undertaken by his Ministry to ensure that the allegations of abduction, incommunicado detention, denial of access to lawyers, and allegations of ill-treatment were being investigated in a thorough, effective and impartial way. The Minister of Public Order replied to Amnesty International in a letter dated 16 June 2006. He informed the organization that an investigation into the allegations was ongoing to determine whether the abductions had been carried out by representatives of the Greek authorities or "as it did happen in many other

abduction cases of Pakistanis residing in Greece [being abducted] mainly by their country fellow men". He stated that of the 2,172 individuals searched, 1,221 were arrested on various charges and that six foreign citizens were deported. In reference to the investigation of eight Greek intelligence officers, he stated that six were cleared and an investigation was ongoing against the other two.

Since then Amnesty International has been informed by the lawyer acting on behalf of Javed Aslam that the two were charged while the ongoing investigation involved the other six. This development confirmed Amnesty International's concerns that human rights abuses may have been committed by government officials in the context of the "war on terror".

On 14 June 2006, Greek opposition parties in the Parliament demanded the establishment of a parliamentary committee to probe the alleged abduction of Pakistani nationals on the grounds that such actions constituted a breach of fundamental human rights; the judicial investigation was unreasonably delayed; the Public Order Minister and the Prime Minister denied the allegations; and Greek state agencies were allegedly involved. However, the government, which holds the majority of seats in the parliament, rejected the formation of such a committee, on the basis that a judicial investigation was ongoing and a parliamentary investigation would obstruct the judicial process. Amnesty International is concerned that the statements of the former and current Ministers of Public Order, *de facto* denying any involvement of state agencies in the abductions and trying to present it as rivalry within the Pakistani community in Greece, may themselves constitute an unacceptable influence on the judicial investigation.

Concerns and Recommendations

Amnesty International is deeply concerned that should Javed Aslam be extradited to Pakistan the judicial investigation being conducted into the abductions could be seriously compromised.

Furthermore, given his role in defending the human rights of persons who were abducted and questioned while held in incommunicado detention in Greece in the context of the "war on terror", and Amnesty International's research which indicates that, in the context of the "war on terror" in Pakistan, people have faced unfair trial, arbitrary arrest, torture, and other ill-treatment and enforced disappearance in Pakistan, the organization is concerned that Javed Aslam faces a real risk of serious human rights violations should he be returned to Pakistan.

Amnesty International calls on the Greek government to ensure that:

- Javed Aslam's fundamental human rights are protected by not extraditing him to Pakistan;
- A thorough, effective and impartial investigation is carried out into the alleged abductions of the Pakistani nationals, including into the alleged cooperation between national and foreign intelligence agencies;

- The suspected perpetrators in the case are brought to justice;
- Victims of the alleged abductions are not subjected to intimidation or harassment and are able to participate fully in the proceedings;
- Victims are provided with full reparations for any serious human rights violations they may have been subjected to.