Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**144**
Land:	Pakistan
Kilde:	Pakistan
Titel:	”Working to stop human rights violations in the ”war on terror””
Udgivet:	December 2006
Optaget på bag-grundsmaterialet:	2007

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1. Introduction

In cooperating with the US-led "war on terror", the Pakistani government has committed human rights violations against hundreds of Pakistani and foreign nationals. Hundreds of people have been arbitrarily arrested and detained in secret; becoming victims of enforced disappearance. Many have been tortured, with their families subjected to harassment and threats. The right to habeas corpus has been systematically undermined: state agents have refused to comply with court directions or have lied in court. Hundreds of detainees have been unlawfully transferred (sometimes in return for money) to other countries, including the US Naval Base at Guantánamo Bay (Cuba), Bagram airbase (Afghanistan) or are believed to have been sent to secret detention centres elsewhere. Such transfers violate Pakistan's Extradition Act and the principle of *non-refoulement* which prohibits the transfer of people to countries where there is a risk of them being subjected to serious human rights violations such as torture and other forms of ill-treatment or enforced disappearance. Agents from other countries, including the USA, appear to have known of, visited and interrogated people held unlawfully in secret places of detention.

An Amnesty International delegation visited Islamabad to release a report– *Pakistan: Human rights ignored in the "war on terror"*[1] – on 29 September 2006, to the media. The delegation also held a workshop jointly with the non-governmental Human Rights Commission of Pakistan (HRCP), met an emerging support group of families of victims of enforced disappearance and held talks with government officials.

The Government of Pakistan has refused to acknowledge that these human rights violations have occurred. In the two months since the release of the report further human rights violations in the context of the "war on terror" have come to Amnesty International's notice.

This report describes the developing political situation in Pakistan, the new cases and issues reported to Amnesty International, government responses to Amnesty International's report and the joint workshop with the HRCP.

Recent developments

Revelations in President Musharraf's autobiography

The publication of President Musharraf's autobiography, *In the line of fire,*[2] in September 2006 shed significant light on Pakistan's conduct in the "war on terror". The descriptions of raids, arrests and transfer to US custody contained in the book corroborate several of the findings in Amnesty International's report, which concluded that arrests were carried out in

breach of custodial safeguards under either regular criminal law or the Anti-Terrorism Act; that no criminal charges were brought against terror suspects; and that detainees were denied the rights guaranteed by the Constitution of Pakistan including to engage a lawyer of their choice and to contact their families.

President Musharraf's autobiography describes US pressure exerted on Pakistan to join the "war on terror". It states that the director of Pakistan's Inter Services Intelligence (ISI) was told by then US deputy secretary of state, Richard Armitage, "not only that we had to decide whether we were with America or with the terrorists, but that if we chose the terrorists, then we should be prepared to be bombed back to the Stone Age."[3] President Musharraf states that national "self-interest and national self-preservation" informed his decision that Pakistan should join the US led "war on terror".

US Vice President Dick Cheney in mid-October 2006 stated that the USA was taking part in anti-terrorism operations in Pakistan: "We've got continuing activities in Pakistan. We've captured and killed more Al-Qaeda in Pakistan probably than any place else."[4] Officials clarified that he had not referred to unilateral action but joint operations with Pakistan.[5]

President Musharraf similarly states in his autobiography, "we have done more than any other country to capture and kill members of al Qaeda and to destroy its infrastructure in our cities and mountains."[6] He continues, "We have captured 689 [suspected al-Qa'ida members] and handed over 369 to the United States.[7] We have earned bounties totalling millions of dollars. Those who habitually accuse us of 'not doing enough' in the war on terror should simply ask the CIA how much prize money it has paid to the government of Pakistan".[8] In interviews, President Musharraf subsequently stated that the money had not been paid to the government.[9] While offering cash rewards for the capture of suspected criminals does not in itself violate international human rights standards, offering large amounts of money for the capture of people matching a vague and broadly defined profile rather than for specific individuals who can be identified, opens the door to opportunists and bounty hunters to claim the reward for the arrest of people without reasonable grounds that they committed a crime. In Pakistan, the practice has encouraged arbitrary detention and enforced disappearance.

The book claims: "The policy followed by Pakistan on the extradition of foreigners has been first to ask their countries of origin to take them back. If a country of origin refuses (as is normally the case), we hand the prisoner over to the United States".[10] This claim has been repeatedly reiterated by government officials. However, in practice it is unlikely that this procedure was indeed adhered to. For example, as the book makes clear, Khalid Sheikh Mohammad was held for only three days before being handed over to US custody. The speed of the transfer does not allow for meaningful consultation with the country of origin. Moreover, the quick transfer to US custody of this and other detainees indicates that the procedures followed are in breach of Pakistan's extradition law and that the principle of *non-refoulement,* which prohibits the transfer of detainees to a country where they risk serious human rights violations, including torture or other forms of ill-treatment or enforced disappearance, was not even considered, let alone observed.

The book describes how on the basis of information obtained while interrogating Ahmed Khalifan Ghailani, "we arrested fifteen more people comprising al Qaeda operatives and their families (including a newborn baby) apart form the fifteen arrested earlier from Gujrat"[11] which had also included several children. Amnesty International is particularly concerned by the disregard demonstrated for legal safeguards when children are detained. As Pakistan is a party to the Convention on the Rights of the Child (CRC), the Government of Pakistan is obligated to bear in mind in all its decisions the "best interest of the child". The arrest and detention of children for actions suspected to have been committed by adult family members is not compatible with the CRC or Pakistan law, including the Juvenile Justice System Ordinance.

Growing strength of the Taleban in Pakistan

The Government of Pakistan has continued to pursue its policy of appeasement towards tribal leaders and local Taleban in the designated tribal areas of Pakistan.[12] A peace pact concluded in North Waziristan on 5 September 2006[13] contributed to a reduction of violence directed against the Pakistani Army. However, in Afghanistan, NATO, US and Afghan officials have noted a threefold increase in attacks on their forces, increasingly by suicide bombers,[14] particularly in areas bordering North Wazirstan, where Taleban fighters appear to enjoy a safe haven.[15] As after similar pacts in South Waziristan in 2004, Taleban control over the area has consolidated as a result, with quasi-governmental structures – administrative bodies, tax collection, judicial structures and a "penal code" – being established by them.[16]

An indication of the government's lack of control in the region is the impunity with which a growing number of people have been killed for their alleged sympathy with the government, the army or the USA. Some 160 tribal elders are believed to have been killed over the last two years in the tribal areas with no one being held to account for their deaths. Amnesty International called in its earlier report on the Government of Pakistan to take measures to prevent such crimes and to ensure that perpetrators are brought to justice.

Zar Wali, a tribal elder and member of a government-sponsored committee seeking the expulsion of foreign pro-Taleban elements, was killed near Wana in South Waziristan on 4 November; on the same day, three other tribesmen were killed in North Waziristan;[17] two days earlier the beheaded body of Maulana Salahuddin was found nearby with a note saying he was a US spy.[18] In Bajaur, two days after an aerial attack on a *madrassa* killed 82 people (see below), Jan Muhamad Buneri was killed, allegedly by pro-Taleban tribesmen for spying on fellow tribesmen.[19] Pakistani officials have stated that the North Waziristan pact empowers tribal elders to control fighters[20] and President Musharraf has asserted that NATO approved of the North Waziristan peace pact and sought Pakistan's assistance for similar agreements in Afghanistan.[21]

In September 2006, a document prepared by an official of the Defence Academy, a think-tank linked to the UK Ministry, which was leaked to the press, alleged that the ISI were supporting the Taleban.[22] Seth Jones of the Rand Corporation, a think-tank which works closely with the US military, in November 2006 said that his government believed Inter Services Intelligence (ISI) to be involved in providing training, money and sensitive

information to the Taleban, especially "information … about movement of US and NATO forces, in some cases very strategic information".[23] The interest of the ISI in the consolidation of the Taleban in Pakistan was also commented on by some local observers. Lawyer Latif Afridi said in November 2006 that the process of Talebanization was not only spreading fast in the tribal areas but that "the military government and the Inter-Services Intelligence want to establish a Taleban 'state' in the tribal enclave and use the tribal belt as shock-absorbing area." [24]

During his visit to the USA and UK in September 2006, President Musharraf admitted the possibility of "some dissidents, some retired people" in the ISI supporting the Taleban but defended Pakistan's commitment to ending terrorism.[25] He told the BBC on 30 September that "if the ISI is not with you and Pakistan is not with you, you will lose in Afghanistan".[26]

Role of the judiciary in ending enforced disappearances

The judiciary whose duty it is to adequately safeguard the rights of detainees and provide redress when violations have taken place, appears to have remained indifferent for a long time to the violations of both Pakistani law and international human rights law perpetrated in the "war on terror". Amnesty International's report describes several cases of courts granting long adjournments when hearing habeas corpus petitions despite the urgency of such cases; of accepting without question state agents' denial of any knowledge of the disappeared person's whereabouts; of failing to invoke and apply contempt of court legislation when persons subjected to enforced disappearance re-appeared from a state agency's custody after that agency had denied in court knowledge of his or her fate or whereabouts.

However, recently this attitude appears to have changed. On 10 November 2006, the Supreme Court of Pakistan, hearing an application filed on behalf of 17 missing persons[27] by Amina Masood Janjua, ordered the government to provide details on the whereabouts of a total of 41 persons at the next scheduled hearing on 1 December 2006. The bench under Chief Justice Iftikhar Muhammad Chaudhry said that "no excuse will be acceptable on the next date of hearing … it is the responsibility of the state to trace these missing persons" and that the Interior Ministry's National Crisis Management Cell would be held responsible for failure to comply.[28]

At a previous hearing, the Deputy Attorney General had told the Court that the government had traced nine of a total of 41 men subjected to enforced disappearance and that a comprehensive report had been prepared by the Interior Ministry with the help of the intelligence agencies, but that it could not be submitted to the court as it had not yet been signed by the Interior Secretary. On 10 November he provided the names of nine people[29] and details of the whereabouts of two, namely: Mohammad Zaheer Shah, currently held in a Lahore jail, and Imran Shamsher Khan, held in Swat Jail. He said he was not aware on what charges they were held.

On 1 December 2006, the Supreme Court expressed its disappointment when the Deputy Attorney General stated in court that the whereabouts of only 21 of the 41 missing persons had been established, despite what he described as "hectic efforts" by all the

intelligence agencies, police and provincial home departments. The Chief Justice of Pakistan told him, "you have not done enough" and directed Amina Masood Janjua to obtain affidavits from the persons meanwhile released.[30] Some of them had reportedly seen other missing persons in the custody of intelligence agencies. Amongst those who were released after suffering enforced disappearance are Ali Sher, Atif Idrees and Mohammed Tariq. (see section on re-appeared persons below.)

Amnesty International welcomes the recent decisions of the Supreme Court to ensure that state agencies respond promptly and honestly to habeas corpus petitions, one of the few mechanisms available to the families of persons subjected to enforced disappearance who seek redress. However, Amnesty International is concerned that requiring that those recently released from unlawful custody provide testimonies about their experiences may expose them to further human rights violations and urges the Supreme Court to put in place mechanisms which will ensure their safety if they choose to give testimonies about their experiences.

2. Continuing human rights violations in the "war on terror"

Human rights violations, including arbitrary detentions, enforced disappearances, harassment of families of the disappeared, the excessive use of force and unlawful killings continue to be reported after Amnesty International released its report on 29 September. This section details new cases, and updates some of the cases in the previous report.

Forcibly disappeared twice: Abdur Rahim Muslim Dost

Abdur Rahim Muslim Dost (right) with his brother Badruzzaman Badr

On 29 September 2006, a former Guantánamo detainee became a victim of enforced disappearance for the second time. **Abdur Rahim Muslim Dost**, an Afghan national, was arrested by police of the Crime Investigation Department and an intelligence agency as he left a mosque in Peshawar. His children and elder brother, Sayed Mohammad, saw the arrest. Abdur Rahim Muslim Dost is not known to have been charged with a criminal offence. Custodial safeguards, which by law must be available to anyone in Pakistan, have been violated as he has not been brought before a magistrate and not been allowed access to a lawyer and his family. His fate and whereabouts remained unknown as this report went to press in early December 2006.

Sayed Mohammad filed a habeas corpus petition on 5 October 2006 in the Peshawar High Court. The petition also seeks assurances from the Court that the detainee would not be removed from its territorial jurisdiction. Hearings have repeatedly been adjourned.

Abdur Rahim Muslim Dost, a poet, magazine editor and gem dealer, has lived in Peshawar for a long time. On 17 November 2001, he and his younger brother, Badruzzaman Badr, were arrested by military authorities from their home in Peshawar. They were handed over to US authorities on 8 February 2002 and transferred to Bagram and Kandahar before being transferred to Guantánamo Bay on 1 May 2002. Badruzzaman Badr was released on 24 September 2004; Abdur Rahim Muslim Dost was freed on 20 April 2005. Neither of them was charged with any offence during their several years of detention.

The brothers returned to their home in Peshawar and in September 2006 published a book, *Da Guantánamo Mati Zolani* [The broken shackles of Guantanamo] which records their experiences. The book is reportedly critical of the role of Pakistani intelligence agencies in the context of the "war on terror" and describes their torture in Pakistani and US custody. Amnesty International issued an Urgent Action appeal on 1 November 2006 and wrote to the Minister for the Interior on 7 November 2006 seeking information about the fate and whereabouts of Abdur Rahim Muslim Dost. No answer has been received.

Harassment of workshop participants

The harassment endured by relatives of the victims of enforced disappearances, described in Amnesty International's report, continued at the time of the workshop organized by the HRCP and Amnesty International in Islamabad in early October in Islamabad. Some relatives declined Amnesty International's invitation to attend the workshop because they were afraid of repercussions. Amnesty International is aware of at least one relative of a victim of enforced disappearance was stopped by intelligence agents on the morning of the workshop and questioned as to why he was attending it. That person was released after a short time.

Abid Raza Zaidi was detained by Military Intelligence agents on 4 October 2006 after giving a speech at the workshop. He later said that he had been taken to a detention centre at the Red Fort in Lahore and threatened with dire consequences if he spoke publicly about his experiences again. Abid Raza Zaidi was not charged and was released after 24 hours at the intervention of the HRCP. In his speech he had described being detained, by an unknown agency for over three months without charge and being beaten to make him confess to taking part in a suicide bomb attack at Nishtar Park in Karachi in April 2006.

Reappearances

Several people subjected to enforced disappearances have reappeared in recent weeks after being arbitrarily detained in secret locations for over two years on average. Each was warned not to speak publicly about their experiences and detention.

Ali Sher, (28) a mechanic, was released late on 20 November 2006 after over 18 months of enforced disappearance.

Ali Sher was arrested by an intelligence agency on 3 May 2005 in Mardan for alleged links to al-Qa'ida. According to the petition filed by his father and elder brother, Mohammad Israr, Sher Ali had been dropped off by his brother at around 9 am at Mardan Bazaar. When he failed to return home, his family searched for him, without success. On the following day the *Daily Mashriq* reported that two suspicious (unnamed) people had been arrested. The

Daily Express on 25 May 2005 reported that Sher Ali had been arrested by an intelligence agency.

Amnesty International does not know if Ali Sher's arrest and detention are connected to the arrest around the same time in Mardan of Abu Faraj al-Libi, an al-Qa'ida suspect who remained in secret CIA detention until his transfer in September 2006 to Guantánamo Bay. Some media reports have linked the two arrests, quoting unnamed government officials alleging that Sher Ali had provided shelter to Abu Faraj al-Libi. Mohammad Israr reportedly said that, "we are poor people and how could we provide shelter to other people. We live under a joint family system and it is impossible in Pakhtoun society to keep a stranger in the house".[31]

On 4 September 2006, the family filed a habeas corpus petition in the Peshawar High Court. In a hearing on 4 October 2006, the Court sought the comments of the federal Defence Secretary and the provincial government on his whereabouts. The provincial government denied any knowledge of his whereabouts. The day before the federal government was due to respond on 21 November 2006, Ali Sher was left by intelligence agency officials near Sabzi Mandi in Mardan.

A relative said that "he is silent about his mysterious disappearance and the only thing we learnt from him was that he was kept somewhere in Islamabad by an intelligence agency".[32] Family members believe that he had been in the custody of the Inter-Service Intelligence (ISI). A brother of Ali Sher had regularly participated in protest demonstrations in Islamabad along with other relatives who are associated with the new organization Defence of Human Rights (Missing and Detained Persons Wing).

Muhammad Tariq, a 35-year-old businessman in Gujranwala, Punjab province, was reportedly arrested by several armed men in uniform on 14 June 2004 at his business premises. According to the petition filed by his father, Haji Nazim Din, the uniformed men had come in three government vehicles bearing district Rawalpindi number plates. The men seized business records, cut the phone line and took Muhammad Tariq away. Eye-witnesses were threatened when they asked why he was being arrested.

On 14 June, Haji Nazim Din was told by his son Muhammad Tariq on his mobile phone that he would be home within three days. The next day the family house was searched by three men. The family have not heard from his Muhammad Tariq since then and have no information about his fate or whereabouts.

On 15 June 2004 the police denied any knowledge of the arrest. On 25 June 2004, Haji Nazim Din filed a habeas corpus petition in the Lahore High Court. Both the Punjab regular police and the Elite Force denied any knowledge of Muhammad Tariq's whereabouts; when Haji Nazim Din heard that his son might be in the custody of the Intelligence Bureau (IB) and Inter Services Intelligence (ISI) in Islamabad, representatives of both agencies were called but also denied any knowledge. The Lahore High Court dismissed the habeas corpus petition on 10 November 2004. Haji Nazim Din subsequently filed an appeal against the dismissal of the petition in the Supreme Court. The appeal remains pending. In response to a query from a National Assembly member, the Prime Minister's Secretariat on 10 November

2004 directed the Ministry of the Interior to submit a detailed report of the case, but no outcome is known. Muhammad Tariq was released on 28 November in Rawalpindi, reportedly from army custody.

Muhammad Atif Idrees (27), an MBA student in the Open University and teacher at the Iqra University, was arrested on 3 August 2004 in Lahore while travelling on his motorbike. According to the habeas corpus petition later filed by his brother, Muhammad Atif Idrees was stopped by an official vehicle containing people in plain clothes and in police uniform.

The family was unaware of his whereabouts until a year after his arrest when five people, one of whom introduced himself as Major Usman, returned the motorbike and assured the family that Muhammad Atif Idrees would be released from the custody of an intelligence agency, if he was not found linked to terrorist groups. They did not reveal where he was held and the family have had no further official information about his fate or whereabouts since.

Muhammad Atif Idrees' mother has reportedly expressed her belief that her son was arrested because he wore a beard. According to the petition filed by his brother, several people told the family that they had seen him in various detention centres including at "Chungh torture cell" and in Rawalpindi/Islamabad.

The family's certainty that he was not involved in any criminal activity, combined with their precarious financial situation after losing their primary breadwinner, meant that they did not seek legal redress until February 2006 when a habeas corpus petition was filed in the Lahore High Court. State agencies have consistently denied any knowledge of his custody. He was released on or around 28 November 2006 reportedly from army custody in Rawalpindi.

In late November 2006, seven men were released from the custody of an unidentified intelligence agency in the North West Frontier Province (NWFP) after on average 2 years detention without charge or trial at locations unknown to their relatives. One of the men, Umar Rehman, reportedly said, "the agencies took an undertaking from us [the seven detained persons] that we had been arrested for suspected links with Al Qa'idah and the Taleban, but are now being released because we have been found innocent".[33] The seven men were reportedly handed over to police of the Crime Investigation Department (CID) in Peshawar and then transferred to police in their respective districts before being released. Umar Rehman was reported as saying that another 20 men were still being held in a manner similar to the seven released persons.[34]

Continued denial of custodial rights: Rashid Rauf and others

After Amnesty International's report had gone into print, it was informed of the arbitrary detention and possible enforced disappearance of Rashid Rauf and several other people. A conspiracy to cause explosions on planes travelling from the United Kingdom to the USA was allegedly prevented on the basis of information obtained from them after their arrest in Pakistan.[35]

The number of arrests and the identity, fate and whereabouts of the detainees remain unknown. Amnesty International wrote to the Government of Pakistan on 21 August 2006 asking about the case but has received no reply. Amnesty International remains concerned about their fate and whereabouts.

On 12 August 2006, Pakistani officials said that seven people had been arrested, including two British nationals and their Pakistani facilitators.[36] On 15 August, a Pakistani foreign ministry spokesperson said, without giving the number of detainees that "all those arrested are British nationals of Asian or African origin."[37] News sources gave varying figures for the number of arrests.

A Pakistani Foreign Office statement on 11 August identified only one of these men. Rashid Rauf (25) was reportedly arrested on 4 August in Bahawapur, Punjab province.[38] He is a dual UK-Pakistani national and is believed to be the brother of Tayib Rauf, arrested in Birmingham in August 2006. On 16 August, Pakistani officials said that another man had been arrested in August arrested near the border with Afghanistan and that information obtained from him had led, a few days later, to the arrest of Rashid Rauf. His identity or nationality was not revealed but officials indicated that he remained in detention[39]

Rashid Rauf was described by Pakistani and UK officials as the "prime mover" of the alleged plot in the UK. Pakistani intelligence officials also claimed that the plot had been prepared and formalized by a senior al-Qa'ida member in Afghanistan.[40] Interior Minister Aftab Ahmad Sherpao reportedly said that Rauf had given investigators "many many clues which link this plan with Afghanistan, especially the al-Qaida of Osama bin Laden."[41]

Pakistani officials claimed that Rashid Rauf was in lawful custody. Interior Minister Aftab Ahmed Sherpao reportedly said that Rauf "has been put in the judicial process to meet the legal requirements of detention";[42] he was reportedly brought before a magistrate on 12 August and remanded to judicial custody for a further two weeks.[43] However, the criminal charges on which he is held and the place and identity of the court granting remand, remained unknown. His place of detention is unknown and police officials were reportedly not involved in his arrest and investigation. A Pakistani official reportedly said that "they [Pakistani intelligence] managed to locate Rauf from a hideout in Bahawalpur on the night of August 4. He was staying at a former Afghan jihadi's house. It was a very swift raid and not even the police were involved."[44] Further, he does not appear to have been given access to a lawyer. A Foreign Ministry spokesperson said on 15 August when asked by journalists if Rauf had access to a lawyer, "I don't think we have come to that stage yet."[45] Pakistani security officials are quoted as saying that Rauf was being held in a "safe house" used for interrogation, rather than in a recognized place of detention.[46]

Amnesty International is concerned that Rashid Rauf may have been subjected to torture or other forms of ill-treatment. A Pakistani official was quoted as saying that "when they interrogated Rauf, he broke. He told them what we believe was not even in the knowledge of the US and the British – that they were actually planning to blow up airliners."[47] Human rights lawyer Asma Jahangir was reported to have said that it was obvious

how the information had been extracted from Rashid Rauf, "I don't deduce, I know – torture. There is simply no doubt about that, no doubt at all", she said.[48]

Nothing more was heard of Rashid Rauf until early October 2006 when a habeas corpus petition was filed by one of his relatives in the Lahore High Court. The petition called on the ISI, the Intelligence Bureau and the Foreign and Home Ministries to reveal Rashid Rauf's whereabouts. An Interior Ministry spokesperson stated on 30 October that Rashid Rauf had been arrested on 10 August 2006 by law enforcement agencies and charged under sections 419, 420, 468, 417 of the Pakistan Penal Code (PPC) and was being held under the Security of Pakistan Act.[49] A court had remanded Rauf to police custody after which he was remanded to judicial custody, he said. A hearing of the habeas corpus petition scheduled for 6 November 2006 was postponed.

The Interior Ministry statement of 30 October leaves many questions unanswered. It failed to identify the court that remanded Rashid Rauf or his place of detention. His family has waited in vain to visit him in detention. It did not clarify if he has been provided with a lawyer of his choice. It failed to clarify the circumstance of his arrest. Moreover, the date given by the government conflicts with media reports about his arrest at least six days earlier.

During a meeting with the Attorney General of Pakistan on 3 October 2006, Amnesty International delegates raised the case. The Attorney General said that the case was not known to him.

The case bears all the hallmarks of unlawful arrest and detention, enforced disappearance, torture and other forms of ill-treatment seen in other cases. The detainees appear to be held without criminal charges and to have been denied access to a lawyer. The Constitution of Pakistan and statutory requiring that all those arrested be brought before a magistrate within 24 hours of arrest, appears to have been breached. There is concern that the detainees may have been or may currently be subjected to torture or other ill-treatment and confessions may have been or may be extracted from them by such unlawful methods.

New cases of enforced disappearance

While in Islamabad, the Amnesty International delegation met the relatives of several victims of enforced disappearance whose cases it had not previously been made aware of. These included the relatives of Ali Sher, Muhammad Tariq and Muhammad Atif Idrees who were subsequently released. Many were demonstrating regularly outside government buildings and parliament, demanding to be informed of the fate and whereabouts of their missing family members. The relatives unanimously said that if their missing family members had committed a crime they should be tried in accordance with the law and so have access to a lawyer and be able to contact their families.

Relatives of Muhammad, Atif Idrees, Muhammad Tariq, Atiq-ur Rahman outside HRCP Islamabad office, Pakistan

Atiq-ur Rehman, a scientist and officer of the Atomic Energy Commission, was arrested on 25 June 2004 in Abbotabad, the morning after his wedding. He went to the market to buy food but did not return. Family members have since been questioned repeatedly about his associates and activities. When the family approached the local police they were told that Atiq-ur Rehman was with an intelligence agency. They filed a complaint declaring him missing, but police appear not to have investigated it. Family members have reportedly met the Defence Minister, the Interior Minister and police authorities but each one sent them to another authority. Army officers advised the family to keep quiet and avoid publicity and legal proceedings. In June 2006 a habeas corpus petition was filed in the Lahore High Court.

Muhammad Altaf, an electrician working for the Atomic Energy Department, disappeared on 3 October 2003 while on his way to Rawalpindi for a medical check-up. He was accompanied by his younger brother but disappeared at Khor bus stop.

Muhammad Mansoor, a computer expert and cousin of Majid Khan (see below) was arrested on 12 February 2005 in Peshawar. His fate and whereabouts remain unknown. In early 2006, some 25 members of his wife's family, including several children, were picked up for interrogation. Several were held overnight and Muhammad Mansoor's mother, brother, wife and children were held for three days and questioned. The family then left Peshawar and moved to Karachi. They have approached everyone they could think of to try and trace Muhammad Mansoor including the ICRC, without success.

Continued harassment of journalists

On 1 November 2006 the Toronto-based Canadian Journalists for Free Expression award was given posthumously to **Hayatullah Khan** for his courageous reporting. After being arrested on 5 December 2005, his body was found in June 2006 after he went missing.[50] Amnesty International again calls on the Government of Pakistan to make public without further delay the two inquiry reports into the circumstances of Hayatullah Khan's enforced disappearance and death. A judicial inquiry and a provincial inquiry were submitted to the federal government in August and September 2006 respectively.

Journalists, particularly those working in the tribal areas, have continued to be intimidated and harassed for their professional activities. On 20 November 2006, *Dawn* and *BBC Urdu Service* correspondent from South Waziristan, **Dilawar Khan Wazir**, was abducted by men in plain clothes in Islamabad. Shortly afterwards, his younger brother, student Zulfiqar Ali, was asked by several unidentified men at his university in Islamabad to accompany them to the Pakistan Institute of Medical Sciences (PIMS) where, they said, his

brother had been admitted after an accident. He refused to go with them and called Dilawar Khan Wazir on his mobile phone. It was answered by someone identifying himself as Dr Jamshed from PIMS who repeated the story about Dilawar Khan Wazir's accident. Inquiries revealed that there was no doctor by that name at PIMS, that Dilawar Khan Wazir had not been admitted there and that no accident had been reported from the supposed location of the accident. When contacted, government officials said the case was being investigated. Islamabad police registered an abduction case but despite being given the registration number of the car used in the abduction by eye- witnesses, police did not trace the car and the abductors.

Dilawar Khan Wazir was released on the evening of the following day, after over 24 hours in detention. When meeting his journalist colleagues several hours after his release, he reportedly looked traumatized and disoriented. Interior Minister Aftab Ahmad Khan Sherpao reportedly said that Dilawar Khan had been found in "fit and sound" condition; when questioned by journalists about the identity of the kidnappers, he said, "Do not ask more specific questions ... There is nothing to be worried about. He has come back home."[51]

Dilawar Khan Wazir told his colleagues that he had been abducted when six or seven people stopped his taxi in Islamabad and pushed him out. He was manhandled, blindfolded, thrown into another car and taken to an unknown place. He said that he had remained blindfolded till his release and was beaten several times during custody. He said he was repeatedly questioned about his work in the tribal areas and his sources of information and kicked and slapped during interrogation. On 21 November, he was driven to a wooded area near Islamabad and left there. In a statement, fellow journalists said they have reasons to believe that "Dilawar's abductors … wanted to silence one of the few remaining journalists who have been reporting independently from the tribal areas."[52] On 22 November, the government condemned the detention of Dilawar Khan Wazir and said it would investigate the case and take action against those found responsible.[53] It is not known what steps have been taken in this regard.

Guantánamo detainees Majid Khan and Saifullah Paracha

The Government of Pakistan's assertions that no Pakistani nationals have been handed over to US custody became unsustainable in the face of US President George W Bush's statement on 6 September 2006 that 14 detainees had just been transferred from secret CIA custody in unknown locations to US military detention in Guantánamo Bay. Nine of these detainees had been arrested in Pakistan and three were Pakistani nationals.

Amongst them is **Majid Khan**. He migrated to the USA with his family in 1996, was granted asylum in 1998 and subsequently worked for the state of Maryland. In 2002, he returned to Pakistan to get married. On 5 March 2003, Pakistan security officials raided his brother's house in Karachi and arrested Majid Khan, his brother Muhammad Khan, sister-in-law and their month-old baby. They were bound and blind-folded taken to an unknown location. His wife was at the time with her family in Hyderabad. Majid Khan's sister-in-law and her baby were released one week later, his brother about a month later, after warnings not to publicize the arrest and whereabouts of Majid Khan. In the USA, Majid Khan's family

members were repeatedly interrogated by the FBI. They heard nothing from Majid Khan until President Bush's announcement about the transfer of the 14 men, including Majid Khan, to Guantánamo Bay.[54]

Majid Khan has been held incommunicado for three and a half years in secret custody. He may have been subjected to torture or other ill-treatment. He has not been charged with a crime or brought before any court. The US authorities have said that he will receive a hearing by Combatant Status Review Tribunal (CSRT) to review his status as an "enemy combatant". The CSRT is a wholly inadequate administrative review procedure consisting of panels of three military officers allowed to rely on classified and/or coerced evidence against a detainee denied legal representation and presumed to be an "enemy combatant", broadly defined, unless he showed otherwise.[55] The US government has also indicated that it may bring to trial some or all of the 14 transferred detainees before military commissions, which would have the power to admit coerced evidence and hand down death sentences.

On 28 September 2006, the New York-based Center for Constitutional Rights (CCR) filed a habeas corpus petition on behalf of Majid Khan in the District of Columbia (DC) District Court, challenging the lawfulness and conditions of his detention, and his designation as an "enemy combatant". On 8 October 2006, CCR followed this with a request for emergency access for legal counsel to Majid Khan, including to be able to assess his mental and physical health in the light of his time in secret CIA custody and the use against him of any of the "alternative" interrogation techniques authorized for use in that program. Although the US administration has not elaborated on the techniques, they have been reported to include methods that would clearly violate international law and standards. [56]

The US government responded by arguing that under the Military Commissions Act (MCA), signed into law by President Bush on 17 October 2006, the District Court did not have jurisdiction to consider Majid Khan's petition.[57] The government also filed its opposition to access to legal counsel, arguing that the 14 detainees transferred from CIA custody might be in possession of information about the CIA program – including location of facilities, conditions of detention and specific interrogation techniques – which could cause "exceptionally grave damage" to US national security were it to be revealed.

On 17 November 2006, the DC District Court denied the lawyers access to Majid Khan.[58] In a footnote, the judge urged the government to address Majid Khan's medical and psychological state but stated that he could not order the government to do this.

A poster showing Majid Khan's daughter at a protest outside Parliament, Pakistan

On 20 November 2006, Rabia Yaqoob filed a constitutional petition in the Sindh High Court requesting to be informed of the grounds for her husband Majid Khan's arrest and detention, of the grounds for not producing him in any court in Pakistan, of the legal basis of his transfer as a Pakistani citizen to US custody and of any government efforts to ensure his return to Pakistan.

Saifullah Paracha is a Pakistani national held in Guantánamo Bay since September 2004 after being arrested by US agents in Bangkok on 5 July 2003 with the apparent agreement of Pakistani authorities.[59] Saifullah Paracha requires treatment for a heart condition. He has refused to have the treatment at Guantánamo Bay on the grounds that it was too risky to be performed anywhere but in a cardiac unit. He asked to be transferred to a hospital in the USA or Pakistan. On 20 November, the District Court for the District of Columbia rejected this request.[60] A Pentagon spokesman had stated that Guantánamo Bay was adequately equipped for the purpose.[61]

On 17 November 2006, his wife, Farhat Paracha filed a constitutional petition in the Sindh High Court expressing her fear for the life of her husband and asking the Court to order the Government of Pakistan to make all possible efforts to bring Saifullah Paracha to Pakistan for medical treatment as adequate facilities were not available in Guantánamo Bay.

Saifullah Paracha's US lawyer reported after a telephone conversation with his client on 21 November 2006 that "in the base hospital, regulations require that he be at all times shackled by both the right leg and the left leg, and also by both the right wrist and the left wrist. This led him to miss two meals until it was agreed that he could have one hand unshackled while eating. This makes the process of getting to the bathroom extremely difficult, and, due to his prostate condition, results in much pain." Medical advice appears to have been ignored: "When the visiting cardiologist made a medical order that Mr. Paracha walk around for twenty minutes four times a day, the security personnel refused to allow it. The cardiologist therefore shifted Mr. Paracha back to his normal cell, although he cannot be medically monitored there."

The lawyer also reported that the two-way intercom from his cell to the guards had been turned off, even though he might need urgent medical help. "At one point yesterday, when Mr. Paracha wanted to ask for something, it was one hour before anyone responded to his calling."

The hearing of the petitions filed on behalf of Saifullah Paracha and Majid Khan was adjourned on 21 November to 6 December to allow the court to decide as to whether it had the jurisdiction to take them up as they are being held outside its territorial jurisdiction.

Amnesty International urges the Pakistan Government to demand that the USA immediately release all Pakistani nationals held in Guantánamo Bay, Cuba, unless they are to be charged with internationally recognizable crimes and prosecuted in proceedings which meet international standards of fairness and without imposing death penalty. The Pakistani Government must also demand that pending release or prosecution, all detainees must be treated fully in accordance with international human rights law and standards, including the prohibition of torture, other ill-treatment, incommunicado detention and enforced disappearance, as well as humane conditions of detention, access to lawyers, doctors and family visits.

Detention of Pakistani nationals returned from Guantánamo Bay

In October 2006, two Pakistani nationals were returned to Pakistan from Guantánamo Bay and a further six Pakistanis from the US detention facility at Bagram airbase. Interior Minister Aftab Ahmad Khan Sherpao said that the eight men had all been originally arrested in Afghanistan and that they would be released after interrogation in Adiala Jail, Rawalpindi. He did not give their names and did not explain on what grounds they were being detained. It is not known if they have in fact been released. The Interior Minister also said that 14 Pakistani detainees remained at Bagram and five at Guantánamo Bay.

Under international law and standards, the US government may not return Pakistani nationals to Pakistan if there are reasonable grounds to assume that they could be at risk of being subjected to serious human rights violations upon return. The Pakistani Government must not enter any agreement with the US which makes the return of its citizens conditional on their being indefinitely detained in Pakistan without charge or trial. "Diplomatic assurances" must not be relied upon to determine that no risk of torture or other ill-treatment exists.

Use of excessive force and unlawful killings in the tribal areas

Since 2003, the Pakistani army has been engaged, with some 80,000 troops, in a security operation in the border area with Afghanistan. The operation seeks to neutralize fighters who have crossed from Afghanistan and to win over their local supporters. Amnesty International's report of September 2006 contained accounts of excessive and lethal force being used in the tribal areas of Pakistan and called for investigation of all such reports. This has not happened; indeed new cases of unlawful killings have been reported.

On 2 October 2006, Amnesty International publicly expressed its concern that at least 82 people in a *madrassa* (religious school) may have been killed in an aerial attack at dawn on 30 October in Chingai, Bajaur Agency, a designated tribal area near the border with Afghanistan.

President Musharraf said that extreme care had been taken to ensure that there was "no loss of innocent lives" or "collateral damage". He insisted that in Bajaur, "we had evidence that militants were being trained. There were also intelligence reports about active involvement of these militant leaders in terrorist activities".[62] On 31 October 2006, Pakistan security officials presented the media with video and photographic material purported to show

physical and arms training in the early morning hours at the *madrassa.*[63] No attempt appears to have been made to arrest the alleged terrorists or to stop their activities. The officials argued that a ground operation had not seemed appropriate as the suspects could have gone underground; accordingly Pakistani forces had carried out the surprise aerial attack[64] as a pre-emptive strike to prevent the suspects carrying out terror attacks.[65] According to Pakistan Army spokesman Shaukat Sultan, there were six foreigners amongst the victims but he did not identify them.[66]

Local people said all the victims were clerics and students of the school, most of them less than 18 years old. Interior Minister Aftab Ahmad Khan Sherpao denied this. He stated in a *BBC* interview that all those killed were over 20 years old.[67] Several newspapers published lists of the names and ages of victims, collated by Bajaur residents. *Dawn* of 6 November reported that 60 of the victims were below 18 years of age, with the youngest a nine-year-old child. Parents were reported to have said that the majority of the *madrassa* students were from Chingai village and adjoining areas, most between 10 and 17 years of age. They included nine-year-old Noor Hamad, and three 10-year old boys, Saifullah Khan, Shoaib Khan and Sadaqat Khan. One student, Khalilullah, was 11 years old while the rest were between 10 and 15 years old. Only nine were 18, four were 19 and three were 20 years old.[68] Inter Services Public Relations in its press release of 8 November 2006 claimed that 37 of the victims were over 20 years old citing national identity card details which, it said, had been verified against National Database Registration Authority records.[69]

Local people stated that the initial attack was carried out by missiles fired from US drones. Villagers reported hearing loud explosions and seeing the destruction of the *madrassa.* This was followed some 15-20 minutes later by the appearance of two helicopter gunships which also fired rockets into adjoining areas.[70] Bajaur Member of National Assembly (MNA) Sahibzada Haroon Rashid said that his house was only one kilometre from the *madrassa* and that he had heard the sound of missiles hitting it which sounded different from the rockets fired later by Pakistani helicopters.[71] The villagers reportedly said that they had observed drones in the days before the attack flying over the village. A Pakistani security official reportedly confirmed the presence of drones at the time.[72] *ABC News* stated that US drones were fired at the *madrassa* where al-Qa'ida leader Aymal al-Zawahri was suspected to have been hiding.[73]

Pakistan Army spokesman Shaukat Sultan denied US involvement in the aerial attack which, he said, had been carried out by Pakistani helicopter gunships targeting the *madrassa* compound. He reportedly said that the USA had provided intelligence that led to the strike but later withdrew this statement.[74] US officials were quoted as saying that they had provided intelligence to the Pakistani government which in part led to the air-strike. They said that before the attack, US and Pakistani official had discussed the intelligence and signed off on the target.[75]

Suspicions about an official cover-up effort grew when paramilitary troops prevented journalists from visiting the area and investigating the attack. *BBC* correspondent Haroon Rashid and Mehmood Jan Babar of *AVT Khyber TV* were reportedly told by soldiers at a checkpoint, "you are not welcome … we have orders to turn back journalists".[76] Similarly, a

fact-finding team of lawyers and journalists was stopped on its way to Chingai, Bajaur on 6 November by local law enforcement personnel. Participating journalists were reportedly beaten by law enforcement personnel. All eventually proceeded to Chingai after tribesmen protested against the restrictions.[77] One of the participating lawyers, a member of the Peshawar High Court Bar Association, Ghulam Nabi, was reported as saying, "we saw the clothes and shoes of school children between the ages of eight to ten who were killed in the air-strike… The mosque and the madrassah were completely destroyed. We met the leaders of the area who strongly condemned the Pakistan Army for taking responsibility for the US drone planes that targeted the madrassah".[78]

The attack came on the day that local elders were expected to sign a peace pact with the government[79] under which they were to ensure that no foreign fighters were given shelter. Leading up to the expected peace pact, the government had released nine suspected al-Qa'ida fighters as a gesture of goodwill. Asked by journalists why an air-strike was necessary when peace talks were close to fruition, Federal Minister for Information and Broadcasting Mohammad Ali Durrani said there was no linkage between the operation and the talks.[80]

Despite countrywide protest demonstrations and calls for an independent inquiry, Minister of State for Information and Broadcasting Tariq Azim rejected such calls saying that "the facts are clear and there is no need for an independent investigation".[81]

Samina Ahmed of the International Crisis Group said that "an attack on a madrassa in which over 80 people are killed is great propaganda for the Taleban. This will inflame opinion among Pashtuns on both sides of the border and boost recruitment".[82] In what the HRCP described as a "chain of death",[83] 42 army recruits died in a suicide attack at Dargai, Malakand, on 8 November 2006. A man who claimed responsibility for the first major suicide attack on the Pakistani army described it as a revenge action for the Bajaur killings.[84]

Pakistani government officials have in the past stated that the ongoing operation in the tribal areas of Pakistan is a law enforcement operation supported by the army and not a military operation. Under international human rights law and standards, law enforcement officials may only use firearms when a suspected offender offers armed resistance or otherwise jeopardize the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender.

Local lawyers have pointed out that the victims in Baujur were not given an opportunity to defend themselves against the allegations of terrorist training – an offence punishable by up to 10 years' imprisonment.[85] They have also argued that no law empowers the state to carry out pre-emptive strikes.[86] Despite these legal concerns, the Supreme Court of Pakistan on 20 November 2006 declared that it could not entertain a petition filed by a journalist who had asked it to intervene to "enforce the fundamental right of security of persons" and provide necessary remedies by declaring that "no person in the FATA (Federally Administered Tribal Area) shall be deprived of life or liberty save in accordance with law". The Supreme Court reportedly ruled that no fundamental right guaranteed by law had apparently been violated in the Bajaur incident. Moreover, it determined that the

Federally Administered Tribal Areas – to which Bajaur belongs – lie outside the jurisdiction of the Supreme Court.[87]

3. Promoting human rights protection in the "war on terror"

After releasing its report in Islamabad on 29 September, Amnesty International held a two-day workshop jointly with the HRCP in Islamabad. It brought together members of civil society, journalists, lawyers and relatives of persons subjected to enforced disappearances. Asma Jahangir, chairperson of the HRCP in her opening address said that the HRCP had collated details of 170 of a total of 600 cases of enforced disappearance reported in the last two years. She emphasized that the government agencies maintained undeclared detention sites placed outside lawful supervision.[88]

Several relatives of victims of enforced disappearance spoke of their experiences: of despair at not knowing were their loved ones are, of social exclusion and the difficulties of seeking legal redress. Lawyers described the hurdles which families face when filing habeas corpus petitions. Journalists said that reporting on the "war on terror" had opened them up to harassment, intimidation and threats to their life. These accounts made clear that whatever the context in which enforced disappearances occurred -- because of alleged links to terror groups or alleged participation in Baloch or Sindhi nationalist activities -- the human rights violations suffered by the victims, the suffering of the family members and the hurdles to obtaining redress, are identical.

Protest in Islamabad against enforced disappearances in September 2006

On the second day of the workshop participants discussed actions they could take to end enforced disappearances and to hold the government to account for the human rights violations committed. The HRCP offered to act as a contact point for any family or individual affected by the practice or required assistance and to post names of people subjected to enforced disappearance on the HRCP website.

In the weeks before the release of Amnesty International's report, a group of relatives of around 20 victims of enforced disappearance had begun to organize and to publicly protest in front of government, the parliament and the Supreme Court buildings in Islamabad and to submit applications to parliamentarians and ministers. The group, calling itself "Defence of Human Rights" also took active part in the workshop.

Amina with a photo of her husband, Masood Janjua at a joint Amnesty International and HRCP Press Conference in September 2006

Amina Janjua, wife of Masood Janjua who disappeared after his arrest on 30 July 2005 while travelling with Faisal Faraz to Peshawar,[89] told Amnesty International that "we – the families of the disappeared – are close like a family now, we are demonstrating together, we are planning events and arranging walks. At times we are arranging barefoot walks just to get the attention of the public and the government. We are so desperate now that we may go on hunger strike if they are going to keep our dear husbands away from us any longer."

Government responses to Amnesty International's work

The Government of Pakistan has not in the past responded to Urgent Action appeals issued by Amnesty International with regard to cases of enforced disappearances. Copies of *Pakistan: Human rights ignored in the "war on terror*" were sent to several ministries and the High Commission of Pakistan in London some two weeks before the release of the report, along with a request to discuss its content during the delegation's visit to Islamabad.

The government did not acknowledge that the human rights violations documented by Amnesty International had taken place. In a *BBC Radio 4* interview on 30 September 2006, President Musharraf reiterated the importance of Pakistan's contributions to the pursuit of the "war on terror" and commenting on Amnesty International's report said, "I don't even want to reply to that, it is nonsense, I don't believe it, I don't trust it". He said the authorities had detained some 700 people but all of them were accounted for.[90]

Minister of State for Information and Broadcasting, Tariq Azim stated in September that Islamabad had refused US offers of substantial amounts of money in exchange for suspected terrorists. He described Amnesty International's report as "ludicrous" and said that the money referred to in the report was likely to be bounty offered for "every repatriated terrorist".[91] He also denied that the report provided any proof of the allegations it contained[92] and said that while a handful of people were said by their relatives to be missing, it was "irresponsible" to exaggerate such issues. There could be several reasons why a person was missing from his home, he said.[93] Foreign Office spokesperson Tasnim Aslam said in a weekly press briefing about Amnesty International's report that "decisions are taken in the larger public interest as it [the government] has to take into account both the right of the people to freedom and right of the life of majority of the people".[94]

Foreign Secretary Riaz Mohammed Khan told Amnesty International delegates on 3 October that the government respected the work of international human rights bodies like Amnesty International and Human Rights Watch but had to face practical political issues –

international pressure to pursue the "war on terror", internal compulsions to deal firmly with "extremism" and its root causes, including poverty, a large refugee population and the fallout of the intervention against the Soviets in Afghanistan – drugs, arms and indoctrinated fighters. Legal procedures, he said were too longwinded to be followed by Pakistan in a political context in which results are needed quickly. While claiming that the Constitution of Pakistan was "sacrosanct" and the legal system "important", he said that "I don't know if any society has reached that kind of perfection" of fully adhering to such requirements: "We have to take decisions, not purely legal but political decisions". He recommended that Amnesty International address the "political problems at the root of abuses" to be relevant. On the issue of redress for those affected by enforced disappearances, he said, "if these people have been dealt with unjustly, they have the right to approach the courts and lodge complaints." Amnesty International believes that given the intimidation and harassment experienced by victims of enforced disappearance, including the relatives of those detainees still unaccounted for, this suggestion seemed not likely to work in practice.

4. Recommendations

Amnesty International is deeply disappointed that the Government of Pakistan has chosen to ignore the organization's expression of concern and recommendations in its recent report. Amnesty International therefore reiterates the recommendations it made in the report of September 2006 and calls on Government of Pakistan to:

- **End the practice of arbitrary arrests and detention; incommunicado detention, detention in secret locations and enforced disappearances;**
- **Stop the use of torture and other ill-treatment;**
- **End unlawful killings and excessive use of force;**
- **Stop unlawful transfers of detainees to other countries in violation of the principle of *non-refoulement* a in circumvention of Pakistan's extradition law;**
- **Stop undermining the rule of law, in particular by failing to obey court orders in habeas corpus cases and by refusing to reveal information to courts;**
- **Bring to justice in a fair trial all those responsible for committing, ordering or authorizing torture and ill-treatment or enforced disappearance; without recourse to death penalty**
- **Ensure reparations for all victims of human rights violations.**

[1] AI Index: ASA 33/035/2006.
[2] Pervez Musharraf, *In the line of fire, a memoir,* Free Press, (Simon and Schuster), published 25 September 2006.
[3] *Ibid.* p. 201. Armitage denied in an interview with *CNN* that he had used such language. (*AFP,* 22 September 2006.)

[4] *AFP*, 17 October 2006.
[5] *AFP,* 17 October 2006.
[6] Pervez Musharraf, *In the line of fire, a memoir,* p. 223.
[7] This figure is significantly lower than the number of known detainees believed to have been arbitrarily transferred by Pakistan to US custody.
[8] Pervez Musharraf, *In the line of fire, a memoir,* p. 237.
[9] "It doesn't come to the government of Pakistan. I should not have written that and I'm going to amend", President Muaharraf said on 27 September. (*Dawn,* 23 October 2006.) All references to obtaining money for handing over detainees to US custody were omitted in the Urdu version of the book published in late October 2006.
[10] Pervez Musharraf, *In the line of fire, a memoir* , p. 238.
[11] Ibid. p. 243. The account of the arrest of Ahmed Omar Saeed Sheikh, in connection with the murder of US journalist Daniel Pearl similarly refers to the arrest of his family members including Omar Sheikh's eighteen month old son. It states that "under interrogation Omar Sheikh revealed that when his family members were arrested he became desperate". (p. 224.)
[12] Commentators consider the army's desire to cut its heavy losses as the main reason for the pact.
[13] The Pakistan Army spokesman, Major General Shaukat Sultan stated that the accord had only involved moderate tribal elders, not Taleban fighters (*Radio Free Europe*, 2 November 2006.) but local journalists have published the list of signatories of the pact, including 47 tribal elders and nine local fighters associated with the Taleban belonging to the Utmanzai tribe.
[14] *The New York Times* reports intending suicide bombers captured in Afghanistan who crossed over from Pakistan where they were recruited, trained and equipped. (*New York Times,* 14 November 2006.)
[15] *Reuters*, 23 and 31 October 2006. In November 2006, US Assistant Secretary of State for Central and South Asian Affairs, Richard Boucher, linked the increased Taleban activity in Afghanistan to their "ability to operate in and out of Pakistan". (*Reuters,* 9 November 2006.)
[16] *BBC*, 6 September 2006.
[17] *AFP*, 5 November 2006.
[18] *Reuters*, 3 November 2006.
[19] *Daily Times*, 2 November 2006.
[20] *Reuters*, 23 October 2006.
[21] *AFP*, 11 October 2006.
[22] *Reuters,* 1 October 2006; the UK government distanced itself from the report, saying that the repost did not express its views. (ibid.)
[23] *The Guardian,* 13 November 2006.
[24] *Dawn*, 8 November 2006.
[25] *The Guardian,* 13 November 2006.
[26] *Reuters*, 1 October 2006.
[27] These disappeared persons are: Masood Janjua, Faisal Faraz, Attiqur Rehman, Majid Khan, M Mansoor, M Altaf, M Tariq, Saifullah Paracha, Uzair Paracha, Hafiz Basit, Atif Idrees, Ali Sher, Imran Shamsher Khan, Umar Siddiqui, Mohammad Ramzan, Malik Zulfikar, Mohammad Zaheer Shah.
[28] *Dawn, Daily Times*, 11 November 2006.
[29] *Dawn*, 11 November 2006. The names provided by the Deputy Attorney General are: Syed Mumtaz Hussain, Bilal Bugti, Murtaza Khan, Askari Raza, Syed Liaquat Hussain, Syed Nasir Mehdi, Umar Siddiq, Imran Shamsher Khan, Mohammad Zaheer Shah.
[30] *Dawn*, 2 December 2006.
[31] *Dawn,* 2 October 2006.
[32] *Dawn,* 21 November 2006.

[33] *Daily Times,* 4 December 2006.
[34] *Ibid.*
[35] The UK government announced that 24 people had been arrested by police on or around 10 August to prevent an imminent terror attack in which up to 10 US-bound aircraft were allegedly to be exploded by suicide bombers. The suspects had allegedly planned to explode liquid-based explosive devices carried in their hand luggage in mid-flight. Several of the detainees were subsequently released, and some more arrests were made. All of them were British Muslims, including reportedly three converts to Islam and the others men of Pakistani descent. Several of the detainees had reportedly earlier traveled to Pakistan, apparently to help with the earthquake relief. (*New York Times*, 14 August 2006.) The names of 19 of the 24 terror suspects were revealed when their bank accounts were ordered frozen by the Bank of England. A number of people were subsequently charged and are awaiting trial in the UK. While the UK government reportedly appreciated Pakistan's cooperation in the arrests, international media drew attention to the fact that the arrests in the UK and Pakistan showed up Pakistan's al-Qa'ida linkages and portrayed Pakistan as a "de facto Al Qaeda breeding ground" (*Daily Times*, 13 August 2006.) and as a "nexus for would-be-terrorists from halfway across the world". (*New York Times*, 12 August 2006.) Christine Fair of the United States Institute for Peace said, "Pakistan remains a place where you can find the ideology of terrorism and get the training to carry it out". (*New York Times*, 12 August 2006.)
[36] *Dawn*, 13 August 2006.
[37] *BBC*, 15 August 2006.
[38] *AFP*, 12 August 2006.
[39] *AFP*, 16 August 2006.
[40] *AFP*, 16 August 2006.
[41] *The Guardian*, 14 August 2006.
[42] *AFP*, 12 August 2006.
[43] *The Guardian,* 14 August 2006.
[44] *AFP*, 12 August 2006.
[45] *The Guardian*, 16 August 2006.
[46] *The Guardian*, 16 August 2006.
[47] *AFP*, 12 August 2006.
[48] *The Guardian*, 14 August 2006.
[49] These sections of the Pakistan Penal Code relate to cheating and forgery.
[50] See *Pakistan: Human rights ignored in the "war on terror*", (AI Index: ASA 33/036/2006), p. 41.
[51] *Ibid.*
[52] *Dawn*, 21 November 2006.
[53] *Dawn*, 23 November 2006.
[54] See *Pakistan: Human rights ignored in the "war on terror*", (AI Index: ASA 33/036/2006), p. 56.
[55] See pages 54 to 63 of *USA: Guantánamo and beyond – The continuing pursuit of unchecked executive power,* (AI Index: AMR 51/063/2005).
[56] For example, see "CIA's harsh interrogation techniques described", *ABC News,* 18 November 2005, listing techniques including grabbing, slapping, and: "*Long Time Standing*: …Prisoners are forced to stand, handcuffed and with their feet shackled to an eye bolt in the floor for more than 40 hours. Exhaustion and sleep deprivation are effective in yielding confessions… *The Cold Cell*: The prisoner is

left to stand naked in a cell kept near 50 degrees. Throughout the time in the cell the prisoner is doused with cold water… *Water Boarding*: The prisoner is bound to an inclined board, feet raised and head slightly below the feet. Cellophane is wrapped over the prisoner's face and water is poured over him. Unavoidably, the gag reflex kicks in and a terrifying fear of drowning leads to almost instant pleas to bring the treatment to a halt."

[57] For information on the Act, see *USA: Military Commissions Act of 2006 – Turning bad policy into bad law,* (AI Index: AMR 51/154/2006).

[58] In the consolidated cases *Al Odah v. United States of America* and *Boumediene v. Bush.*

[59] See *Pakistan: Human rights ignored in the "war on terror*", (AI Index: ASA 33/036/2006), p.16.

[60] *Paracha v Bush et al*., Order. US District Court for the District of Columbia, 20 November 2006.

[61] *AP*, 20 November 2006.

[62] *Dawn*, 8 November 2006.

[63] One of the victims was the leading cleric of the madrassa, Maulana Liaqat, who belonged to the locally influential Tehrik-e-Nifaz Shariat Mohammadi group, believed to maintain links with al-Qa'ida, to have spearheaded violent Islamist movement in Malakand in the mid-1990s and to have sent fighters to Afghanistan to support the Taleban in 2001.

[64] *Jang*, 1 November 2006.

[65] *BBC*, 1 November 2006.

[66] *PTV,* 30 October 2006.

[67] *BBC*, 9 November 2006.

[68] *Dawn*, 6 November 2006, *The News* of 5 November provided a more comprehensive list with details of age and parentage which also documented that the majority of the victims were children.

[69] *PTV World*, 8 November 2006.

[70] *BBC*, 30 October 2006.

[71] *Dawn,* 31 October and 3 November 2006.

[72] *New York Times,* 10 November 2006.

[73] *Reuters,* 31 October 2006.

[74] *The Guardian*, 1 November 2006.

[75] *New York Times*, 1 November 2006.

[76] *RSF/IFEX alert*, 31 October 2006.

[77] *Dawn,* 7 November 2006.

[78] *Daily Times*, 7 November 2006.

[79] *BBC,* 30 October 2006. One of the negotiators was Maulana Liaqat, who was killed in the attack on the *madrassa*. Awami National Party (ANP) senator Asfandyar Wali questioned in a discussion in the Senate on 23 November 2006 why Maulana Liaqat had not been arrested for training militants when he was holding talks with the officials of the political administration one day before the attack. (*Dawn* 24 November 2006.)

[80] *Dawn*, 3 November 2006.

[81] *Dawn*, 3 November 2006.

[82] *The Guardian*, 1 November 2006.

[83] *Dawn,* 10 November 2006.

[84] Some observers have said that the Dargai attack has "suddenly taken the bloody conflict between the Pakistani security establishment and the Fata-based militants to a new and, perhaps, a more dangerous level". (Zafar Abbas, "Militants up the ante", *Dawn,* 9 November 2006.

[85] Under section 21C(1) of the Anti-Terrorism Act.

[86] *Dawn*, 2 November 2006.

[87] *Dawn,* 21 November 2006.

[88] The organization Cage Prisoners released a report, *Ghost prisons – Secret detention in the war on terror*, in November 2006 which lists 17 secret detention sites in Pakistan.
[89] See *Pakistan: Human rights ignored in the "war on terror*", (AI Index: ASA 33/036/2006), p.63
[90] *BBC News*, 30 September 2006.
[91] *The Daily Times, The News,* 30 September 2006.
[92] *Ohmy News*, 2 October 2006.
[93] *Associated Press of Pakistan*, 1 October 2006.
[94] *Associated Press of Pakistan*, 2 October 2006.