

THE OBSERVATORY

# Urgent appeal on Pakistan

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## New information

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## Pakistan

November 8, 2007

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), has received new information and requests your urgent intervention in the following situation in \*Pakistan\*.

## New information:

The Observatory has been informed by the Human Rights Commission of Pakistan (HRCP) about the release on bail of its staff and council members. Yet, the repression goes on against the civil society, in particular lawyers and judges.

According to the information received, on November 6, 2007, the 55 members of the HRCP office in Lahore who had been arrested on November 4 (See background information) were released on bail at 7.30 pm by the order of Home Secretary. Yet, they are still facing charges under the Maintenance of the Public Order Ordinance and sections 146, 147 and 148 of the Penal Code.

In addition, Ms. Asma Jahangir, HRCP Chairperson, human rights lawyer and United Nations Special Rapporteur on freedom of religion or belief, remains under house arrest under a 90 days preventive detention order (SO (IS-I)3 - 24 / 200), issued by the Home Department of the Government of Punjab on November 3, 2007. Likewise, a 90-day detention order also remains in place against Ms. Hina Jilani, Special Representative of the United Nations Secretary General for Human Rights Defenders, currently overseas. The Observatory fears that Ms. Jilani will be arrested when she returns to Pakistan.

Furthermore, it has been reported that hundreds of lawyers and judges of superior courts are currently under arrest and would have been tortured while in detention, including Mr. Muneer A Malik, former President of the Supreme Court Bar Association and leader of the lawyers' movement, currently detained at the Attack Fort under the custody of the military intelligence ; Mr. Aitzaz Ahsan, President of the Supreme Court Bar,

and currently kept in Adiala jail in solitary confinement, Mr. Tariq Mahmood, former President of the Supreme Court Bar Association, first detained in the Adiala jail and who was reportedly shifted to an unknown place; and Mr. Ali Ahmed Kurd, former Vice Chair of the Pakistan Bar Council, in the custody of military intelligence and being kept at an undisclosed place.

The Observatory expresses its deepest concern regarding these arbitrary detentions and forced disappearances, as they seem to merely aim at sanctioning the mentioned defenders' human rights activities and strongly condemns these serious violations of international human rights law.

The Observatory further recalls that, as member of the Human Rights Council, Pakistan is committed to "uphold the highest standards of promotion and protection of human rights" [1], and therefore urges the Pakistani authorities put an end to any kind of harassment against all human rights defenders in Pakistan.

### **Background information:**

In a context where the President Musharraf has imposed a state of emergency in Pakistan, suspended the constitution, dismissed the Chief Justice and arrested leading lawyers, Ms. Asma Jahangir was put under house arrest on November 3, 2007, under a 90 days preventive detention order (SO (IS-I)3 - 24 / 200), issued by the Home Department of the Government of Punjab and reportedly to prevent her making "inflammatory speeches".

In addition, a house arrest warrant for a period of 90 days has been issued against Ms. Hina Jilani, who is expected to be detained by the police when she returns from overseas.

On November 4, 2007, the police raided the office of the Human Rights Commission of Pakistan situated at Tipu Block, New Garden Town in Lahore and arrested 55 of its members [2], who were at the time gathering at a joint action committee to discuss the situation after the imposition of the state of emergency. Charged with holding "illegal assembly" and interfering with public officers under the Criminal Procedure Code, they were taken into preventive detention under Maintenance of Public Order Ordinance and remanded to the Kot Lakhpat Jail Lahore. Messrs. Syed Iqbal Haider and I. A. Rehman, respectively HRCP Secretary General and Executive Director, were also among those arrested and were then placed under house arrest.

On November 5, 2007, Messrs. Iqbal Haider and I. A. Rehman, along with the other HRCP members who had been arrested on the day before, appeared before a judge and were sent to the Kot Lakhpat Jail Lahore till the next hearing, on November 6, 2007.

### **Actions requested :**

Please write to the authorities of Pakistan urging them to :

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Muneer A Malik, Mr. Aitzaz Ahsan, Mr. Tariq Mahmood, Mr. Ali Ahmed Kurd, Ms. Asma Jahangir, Ms. Hina Jilani, should she return to Pakistan, all HRCP members as well as of lawyers and magistrates currently detained or under house arrest;
- \*ii. Take prompt action in order to locate Mr. Tariq Mahmood and Mr. Ali Ahmed Kurd, make public their whereabouts, and ensure their immediate release;
- iii. Put an end to the house arrest of Ms. Asma Jahangir and release immediately and unconditionally Mr. Muneer A Malik and Mr. Aitzaz Ahsan, as well as all other defenders who are currently detained, since their detention is arbitrary as it merely aims at sanctioning their human rights activities;
- iv. Cancel the warrant of arrest issued against Ms. Hina Jilani as it seems to merely aim at sanctioning her human rights activities;
- v. Conduct an immediate, independent and impartial investigation into the above-mentioned allegations of torture in order to identify those responsible, bring them to justice and sentence them according to the law;
- vi. Put an end to all acts of harassment, including at the judicial level, against all human rights defenders in Pakistan;
- vii. Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels" and article 6, which states that "everyone has the right, individually and in association with others: to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms (...), freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms and to study, discuss, form and hold opinions on the observance (...) of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters".
- viii. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Pakistan.

Addresses:

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<http://www.presidentofpakistan.gov.pk/WTPresidentMessage.aspx>

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Geneva-Paris, November 8, 2007

Kindly inform us of any action undertaken quoting the code of this  
appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection  
of Human Rights Defenders and aims to offer them concrete support in  
their time of need. The Observatory was the winner of the 1998 Human  
Rights Prize of the French Republic.

To contact the Observatory, call the emergency line:

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