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South Africa: Government must investigate circumstances of "disappeared" Pakistani's transfer

Amnesty International today expressed concern at the continued "disappearance" of Khalid Mehmood Rashid, who was handed over by South African authorities to Pakistani officials at an air base in South Africa eight months ago. The Pakistani officials left the country with Mr Rashid on an unscheduled flight. He has not been seen or heard from since and, according to information received by Amnesty International from Pakistan, on 29 June the Lahore High Court directed the state to disclose his whereabouts within three weeks.

According to the Pakistani High Commission in South Africa on 14 June, Mr Rashid was "wanted in Pakistan for his suspected links with terrorism and other anti-state elements... Presently he is in the custody of the Government of Pakistan".

Amnesty International has written to South African President Thabo Mbeki expressing concern at the possibly unlawful hand-over of Mr Rashid. The organization also expressed concern that South African government officials may have participated in the enforced disappearance and the return of the Pakistani national, contrary to South Africa's obligations under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

Pakistan has a documented pattern of arbitrary arrests, incommunicado detention, torture and "disappearances" by security and intelligence agencies, in particular with respect to those arrested on suspicion of terrorist activities. Some arrested suspects have also undergone trials by special "anti-terrorism courts" and have been sentenced to death after possibly unfair trials. An additionally disturbing part of the pattern includes the willingness of the Pakistani authorities to hand over detainees to the custody of officials of the USA apparently without legal process.

In its letter to President Mbeki, Amnesty International said, "Under international law, states that facilitate transfers to countries where they know or should know that there is a risk of serious human rights abuses are complicit in these abuses, and individuals complicit in abductions, torture or 'disappearances' should be held criminally responsible."

Amnesty International recognizes the duty of the South African authorities to prevent acts of terrorism in its jurisdiction and in cooperation with agencies of other states. However as the UN Security Council declared in January 2003, all states must ensure that their anti-terrorism measures "comply with all their obligations under international law, in particular human rights, refugee and humanitarian law".

Amnesty International urged President Mbeki to use his good offices to encourage the Pakistani authorities to ensure that Mr Rashid's lawyers and family are granted immediate access to him, and that Mr Rashid is either promptly brought to justice in a fair trial without the imposition of the death penalty or released from custody without further delay.

"The South African government should establish an independent inquiry into the circumstances of Mr Rashid's transfer, and the possibility that it may have contributed to the commission of human rights abuses." If there is enough admissible evidence, those suspected of serious human rights violations should be tried.

Amnesty International has also raised its concerns for Mr Rashid's safety with Pakistani President Pervez Musharraf, calling upon him "to take all necessary steps to ensure that Khalid Mehmood Rashid is brought promptly before a judge or released from custody without delay".

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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