

Pakistan

Open Letter to President Pervez Musharraf

3 February 2004

Dear President,

Amnesty International is concerned at reports that several groups of people, including Pakistani and non-Pakistani nationals, have been arbitrarily detained during the last few weeks. Their relatives fear for their safety and several have expressed concern that the detainees may be transferred to US custody in circumvention of Pakistan's extradition law. Most of the arrests are connected with issues relating to national security and are accordingly surrounded with secrecy. Descriptions of their cases are listed in the appendix.

While Amnesty International acknowledges that the security of the people of Pakistan and the curbing of political violence are important duties of the state, the organization is concerned that in this context basic civil and political rights of suspects are all too often ignored. Measures to curb violent political acts must be placed strictly in a framework of human rights.

Pakistan has violated a range of human rights obligations which are guaranteed in the Constitution of Pakistan, Pakistan law and international law. It has arbitrarily arrested Pakistani and non-Pakistani people suspected of membership of *al-Qai'da* and the Taliban or of anti-state activities. The Constitution of Pakistan states in Article 9: "No person shall be deprived of life and liberty save in accordance with law." It lays down in Article 10 that every detainee has the right to be informed of the charges against him or her, to consult and be defended by a lawyer of his or her choice and be brought before a magistrate within 24 hours of arrest. None of these requirements have been fulfilled in the attached cases. Most of the detainees have been held incommunicado, often in undeclared places of detention and without access to a lawyer or family members. In those cases where relatives have sought the help of courts to locate their relatives who "disappeared" in custody, the state has consistently denied knowledge of their whereabouts. Given the widespread use of torture and other cruel, inhuman and degrading treatment in places of detention in Pakistan, Amnesty International fears for the life and safety of the detainees. Detainees are particularly at risk of torture and ill-treatment when they are held incommunicado in undisclosed places of detention where perpetrators can assume that they will not be apprehended.

Amnesty International is particularly concerned that there are children among those arbitrarily detained. Such arbitrary detention in unacknowledged places violates a range of obligations Pakistan committed itself to when ratifying the Convention on the Rights of the Child in 1990. We raised concern in 2003 with the Government of Pakistan about two children of a wanted man suspected of links to *al-Qa'ida* who have been in arbitrary detention since September 2002 but have not received any response to date.

There are indications that some of detainees may be in the process of being handed over to the US without reference to any legal requirements, including Pakistan's domestic legislation governing extradition. In the past Pakistan has handed over several hundred detainees to the US where they are likely to suffer further human rights violations. The prohibition of *non-refoulement* of a person to a country where he or she would be at risk of human rights violation is a principle of customary international law which is binding on countries like Pakistan which have not ratified relevant international human rights treaties. For its part, the USA has denied, or threatens to deny, internationally recognized rights to people taken into its custody, including those transferred to the detention centre in Guantanamo Bay.

Amnesty International is aware that the Government of Pakistan has on several occasions raised concern with US authorities about the fate of Pakistani nationals detained at Guantanamo Bay. Foreign Minister Khurshid Mehmood Kasuri said before the Pakistani Senate on 21 January 2004 that the government was genuinely concerned about the conditions in which Pakistani detainees are held in Guantanamo Bay and had urged US authorities to release them soon. However, despite such expression of concern, the handing over of suspects to US custody does not appear to have stopped.

Amnesty International in its June 2002 report *Pakistan: Transfers to US custody without human rights guarantees* said that the rights of detainees to be treated in accordance with law and to enjoy equal protection of law must not be ignored in the context of the state's attempt to curb "terrorist" activities. We have not received any response from the Government of Pakistan to any of the issues raised in that report. Amnesty International reiterates its support for the Resolution on Human Rights and Terrorism¹ of the United Nations Commission on Human Rights which stipulates that states when combating "terrorism" should do so "in conformity with international law, including relevant State obligations under international human rights, and international humanitarian law."

Amnesty International calls on the Government of Pakistan to strictly adhere to Pakistan's own constitutional and legal safeguards and international human rights law and standards. They require that all people against whom there is a suspicion of involvement in criminal activities be treated strictly in accordance with law. To discriminate against those suspected of "terrorist" or "anti-state" offences by arbitrarily arresting them and handing them over while circumventing formal extradition proceedings violates the principle of equality before law and equal protection of law which are fundamental rights recognized in the Constitution of Pakistan.

I look forward to receiving your comments on the issues raised in this letter.

Yours sincerely,

Irene Khan, Secretary General

¹ Commission on Human Rights resolution 2002/35. 22 April 2002.

Appendix:**Arbitrary arrest and detention of non-Pakistanis suspected of al Qa-ida membership in Karachi**

On 18 January, seven non-Pakistani adults and two or three children, suspected of links with *al Qa'ida* were arrested in a pre-dawn raid of a house in Karachi. Minister for Information and Broadcasting, Sheikh Rashid Ahmad said the raid was made on information from abroad about the presence of a wanted important *al Qa'ida* suspect in Karachi who, however, was apparently not found in the search. The nationalities of the detainees were given in the media variously as two Yemeni men, an Egyptian couple and two or three Afghans and later as two Egyptian men, three Afghan men and two Arab women, probably of Egyptian origin. Government officials said their identities and nationalities were unknown and that the assistance of the US Federal Bureau of Investigation (FBI) would be sought in this regard. However, on 19 January, intelligence officers reportedly identified one of the men as Ameer Hussain Abdullah al-Misri, an Egyptian national believed to be an expert at making high-intensity bombs, who is, according to unnamed intelligence sources cited in the media, possibly "among those most wanted *al Qa'ida* men wanted by the US government".

The detainees were investigated for links with local Islamist groups as the apartment they were staying in was reportedly rented in November 2003 by a Pakistani national believed to be a teacher of Arabic at a local *madrassa* and member of a Pakistani religious party. Interior Minister Faisal Saleh Hayat told the press that the men were using the apartment as a base for "terrorist" activities outside Pakistan and that so far there was no evidence of their participation in domestic "terrorist" activities.

It is not known where the detainees are at present. According to media reports all the detainees were transferred to Islamabad and may shortly be handed over to US custody if they have not already been handed over. This has also been indicated by government officials. On 20 January, Interior Minister Faisal Saleh Hayat told the press that extradition plans could only be considered once the men's identity and the nature of their activities were ascertained; on the same day, unnamed government sources were quoted as saying that two of the detainees would be handed over to the US within two to three days. Nothing is known about the whereabouts and fate of the remaining detainees, including the children whose number, ages and family relationship to the detainees have not been revealed.

On 21 and 22 January, another two non-Pakistani nationals, Wahid bin Azmi and Ibad al Yaguti Al Shiekh Al Sufiyan, both suspected of links to *al Qa'ida* were arrested in Karachi. Their exact identities and nationalities are not known; media reports indicate that al Sufiyan may be a resident of Saudi Arabia. There are also reports that bin Azmi may be one of the suspects involved in the bombing of the US naval ship USS Cole on 12 October 2000. Their whereabouts are unknown and it is likely that they will be or have been handed over to US custody.

Arbitrary arrest of Pakistani officials of the nuclear research laboratory in Kahuta

At least 12 persons, including scientists, engineers, administration and security personnel connected with Pakistan's key uranium enrichment facility, the Khan Research Laboratories (KRL) at Kahuta, were arbitrarily arrested in two groups in December 2003 and January 2004. Following several releases, three nuclear scientists and three military officials continue to be held in arbitrary detention at an undisclosed location. At least one person appears to be under house arrest. According to Interior Ministry sources, the names of eight KRL staff have been placed on the Exit Control List making it impossible for them to leave Pakistan. This has been denied by the Information Minister.

Before the arrests, in November 2003 Pakistan had received a letter from the International Atomic Energy Agency (IAEA) following its inspection of Iran's nuclear facilities. It reportedly alleged that Pakistani nuclear know-how had been illegally transferred to other countries and provided the names of those suspected of the transaction.² The IAEA letter came almost a year after US media began quoting officials from around the world accusing Pakistan of being the source of leaked nuclear weapons technology to Iran, North Korea and Libya. The *New York Times* reported in early January 2004 that Pakistan appeared to be the source of uranium centrifuge design technology that had helped Libya make "major strides" in enriching uranium for use in nuclear weapons. Iran is also believed to have acquired centrifuges to enrich uranium of the same design as used in Pakistan.

The Pakistan government has consistently denied that any government agency or institution has ever been involved in any proliferation but admitted in December that individual scientists may have passed on information in their personal capacity for "personal greed or ambition". President Musharraf said to the press in Davos that individual staff members of KRL may have misused the autonomy given to KRL to pass information to "an international black market of proliferators" without knowledge of or sanction by the government. Several commentators in Pakistan have questioned whether such transfer is possible without some official knowledge and approval.³ On receipt of the IAEA letter, the Pakistan Government reportedly sent a team of investigators in December 2003 to the IAEA headquarters in Vienna, to Iran and Libya to examine the allegations.

In the first week of December, four scientists including Dr Mohammad Farooq, Director General of KRL and director Yasin Chohan, were arrested and taken to an unknown location for questioning. There are also unconfirmed reports that Dr Farooq was already

² Pakistan became a nuclear power in 1998 when it conducted underground nuclear tests.

³ Several observers have expressed their doubts that such strategic security information could have passed overseas without higher approval. For instance Pervez Hoodbhoy, professor of physics at the Qaid-e-Azam University in Islamabad, is reported to have said: "The transfer of such materials is impossible without explicit permission from the security apparatus that constantly surrounds the nuclear establishment, installations and personnel.... It wouldn't have been possible without explicit permission from the highest level of those in charge of security." (*AFP*, 26 January)

arrested on 13 November. On 17 and 18 January 2004, another group of eight people, four scientists, one technician and three retired army officers engaged mostly in the security of KRL was arrested. They included Major (retrd.) Islam ul-Haq, principal staff officer to Dr Abdul Qadeer Khan, who was reportedly taken from Dr Khan's home late at night. According to his wife, Nilofer, he was picked up by army officers, including members of military intelligence who said they wanted to take him away for interrogation.

Dr Abdul Qadeer Khan, who in the 1970s set up KRL in Kahuta and headed it until he retired in 2001, was also questioned on various occasions in December 2003 and January 2004 but has apparently not been arrested. The questioning of Dr Khan, who in Pakistan is revered as the 'father' of Pakistan's nuclear program, has led to widespread protests from opposition parties. Their concern does not relate to the legal status of the arrests but the perceived "disgracing" of national heroes. On 26 January, officials reportedly said that Dr Abdul Qadeer Khan had been placed under house arrest. No one is allowed to meet him and his house is surrounded by military guards. Some government officials, including Information Minister Sheikh Rashid Ahmad, on 28 January denied that Dr Khan was under house arrest.

According to government statements, all but Dr Farooq of the first group of detainees have been released. These releases took place in mid-December (Yasin Chohan was released on 12 December) and in the second half of January 2004 (Saeed Ahmed and Mohammad Zubair were released on 21 January). Of the second group of detainees, Saeed Mansoor Khan was the first to be released on 25 January. On 29 January 2004, the release of a further nuclear scientist, Abdul Majeed, became known.

The government has denied that the men were arrested and are in detention. Minister for Information and Broadcasting Sheikh Rashid claims that these staff members of KRL are being "debriefed" and that such "debriefing sessions" are normal procedures at KRL. However, the fact that none of the men have been able to go home or meet or contact family members or a lawyer, indicates that they are not at liberty.

Family members of the detainees have meanwhile filed habeas corpus petitions in the Lahore High Court. On 20 January 2004, family members of Dr Mohammad Farooq, and Major (retrd.) Islam ul-Haq, filed habeas corpus petitions; on the following day, petitions were filed on behalf of Brig. (retrd.) Sajawal Khan, retired director general, maintenance and general services division at KRL; Naseemuddin, current head of missile manufacturing at KRL; Mansoor Ahmad, former Director General, health and physics department, KRL; Brig. (retrd.) Mohammad Iqbal Tajwar, former director general security, KRL; and Dr Nazeer Ahmad, chief engineer, metallurgy department, KRL. The petitions said that the detention was illegal and unconstitutional as articles 4, 5, 9 and 10 of the Constitution had been violated. The petitioners also asked the court to direct the detaining authorities to bar the handing over of the detainee to any foreign agency. The petitioners also demanded that those responsible for the illegal detention and humiliation of the detainees be held accountable. The petitioners stated that the nature of the KRL was such that no individual, either singly or with

others, could transfer nuclear know-how to a third party.⁴ The petitions stated that the men were believed to be in the custody of the Inter Services Intelligence (ISI), the intelligence service under the control of the army. Respondents to the petition are the ISI through its director general, several KRL officials and the Information and Interior Ministries.

The Lahore High Court bench sitting in Islamabad took up the matter on an urgent basis and conducted a preliminary hearing on 21 January. Two days later, during the its first hearing of the habeas corpus petitions which were considered jointly, the federal Deputy Attorney General stated that he was unable to determine where the nine detained scientists were held despite his having contacted a range of government departments and agencies. The court directed the authorities to inform the families of the well-being of the detainees and barred the government from handing over the detainees to any foreign agency while the appeals are pending in court. Earlier on 19 January, Foreign Office spokesperson Masood Khan had stated that an “internal inquiry was being conducted ... [and] there is no question of associating any foreign individual or foreign agency with these investigations, [this is] out of the question”.

The Lahore High Court adjourned its hearing on 27 January when relatives of the detained officials and government representatives clashed in court. When the petitioners’ counsels argued that without registration of criminal cases the detention was illegal, the government counsel contended that cases had not been registered as the government was ascertaining responsibility for the leaking of information and added that the government wanted those who were not guilty to rejoin their service – which would not be possible once criminal cases had been registered against them. Relatives of the “disappeared” men then shouted they wanted their men back, not jobs. The government counsel reportedly retorted that it seemed “they have made enough money and are not interested in their jobs any more”. After this remark, pandemonium broke out in the court room and the hearing was adjourned. Hearings on the next day were held in the chambers of the judge who turned down the government’s plea to adjourn hearings for a week as the investigation was nearing conclusion. The judge directed the respondents to file a reply by 30 January. He also issued notice to the Interior Ministry and the Federal Government to explain the issuing of contradictory statements regarding the scientists’ detention and the harassment of their families and asked both to clarify their position in this regard. He also directed the respondents to submit a reply to a separate application questioning the reasons for a raid on a school in Lahore owned by the brother of the detained nuclear scientist, Major (retrd.) Islam ul-Haq.

⁴ Security at all Pakistan’s nuclear facilities was comprehensively overhauled in the last two years and new command and control structures are in place with the army controlling every aspect of the program. Earlier, since it was clandestinely begun more than a quarter century ago, the nuclear program is believed to have involved many transactions which remained undocumented and lacked accountability.

On 21 January 2004, Information Minister Sheikh Rashid clarified before the Senate, that the second “debriefing session” should be concluded within a week and that there would be no further “debriefing sessions” later. Interior Minister Faisal Saleh Hayat said that those found to have unlawfully passed on information, could be tried under the Official Secrets Act. President Musharraf is reported to have pledged on 26 January 2004 that those Pakistani scientists guilty of selling nuclear know-how for personal greed would be punished harshly: “we will be harsh with them because they are enemies of the state and they have done something for personal and financial gain”.⁵ To date none of the detainees is known to have been charged with any criminal offence, their whereabouts remain unknown.

A Cabinet Division notification on 31 January 2004 said: “Against the background of the investigation into alleged acts of nuclear proliferation by a few individuals and to facilitate those investigations in a free and objective manner, Dr, AQ Khan, special advisor to the Prime Minister on the strategic programme with the status of a federal minister, has ceased to hold the office.” A Foreign Office spokesman said that Dr Khan was not under arrest but that security around him had been tightened.

Arbitrary arrest of Pakistani nationals in the Federally Administered Tribal Areas

Dozens of tribal men suspected of harbouring *al Qa’ida* or Taliban members were arrested in mid-January on the direction of tribal elders. This occurred after the political administration of the South Waziristan Agency had given a list of 57 wanted persons to a *jirga* of tribal elders in Wana earlier in the month. By 24 January 2004, at least 32 Wazir tribesmen were handed over to South Waziristan Agency. A tribal *lashkar* or militia aided by state-owned bulldozers had in mid-January razed the houses of at least six wanted men when they evaded arrest. A senior administration official said, “in the tribal code of conduct, demolishing someone’s home is seen as capital punishment and we are happy with the *lashkar’s* efforts to help the administration”.

On 27 January, the South Waziristan Agency administration said it had added another 66 names to its list, bringing it up to 123 wanted men, and warned the Wazir tribesmen of an army action if the men were not handed over promptly.

It is not known where the men are held at present and in whose custody they are and if any criminal charges have been brought against any of them.

Arbitrary arrests of non-Pakistanis in Balochistan

Arbitrary arrests of Afghan nationals were reported from different parts of Balochistan. Thirty-one Afghans were arrested in a crackdown on 14 and 15 January at a seminary in Kuchlak, near Quetta where they were students. Houses of religious teachers were also raided and searched. Balochistan Inspector General of Police Shoib Suddle stated before the press

⁵ AFP, 26 January 2004.

that 85 Afghans, including 30 madrasa students had been arrested after 15 January. They were reportedly transferred to an unknown place. Police sources said that they were handed over to security agencies to investigate possible links to *al Qa'ida*; observers believe that they were handed over to the custody of the Federal Investigation Agency and that no criminal charges have been filed against them.

On 24 January 2004, Maulvi Abdul Mannan Khawajazai, reportedly a close aide to the Taliban leader Mullah Omar as well as in charge of Taliban financial affairs, was arrested near Chaman, Balochistan. He had been a Taliban commander in Sare-i-Pul province during the early years of Taliban rule and later became provincial governor of Badghis, Afghanistan. He is reportedly currently being interrogated in an unknown location in Pakistan. It is not known where he is currently being held and if any criminal charges have been brought against him. Observers believe that he has been or will be handed over to US custody.

Journalist Khawar Medhi Rizvi arbitrarily arrested in Karachi

On 26 January 2004, Pakistani journalist Khawar Medhi Rizvi was brought before a magistrate in Quetta, Balochistan. He was charged along with two others with sedition, criminal conspiracy and impersonation for allegedly preparing a documentary film of a fake Taliban training camp near the border with Afghanistan. The magistrate remanded the three men to police custody pending the police investigation. Balochistan provincial Inspector General of Police Shoib Suddle said on 25 January that Rizvi was being held in Quetta. However, the principal counsel for Khawar Medhi Rizvi travelled to Quetta on 26 January but was unable to find the detainee there. Khawar Medhi Rizvi and the two other accused briefly appeared in a magistrate's court on 26 January and were remanded to police custody. On 30 January 2004, the three men were remanded to judicial custody. In a statement recorded by the magistrate on that day, Syeed Allah Noor and Abdullah Shakir reportedly said that they had posed as Afghan Taliban for two French Journalists in return for cash payments. Rizvi's statement was not recorded but he said to journalists that he had been led to believe by Noor and Shakir that they were Afghan Taliban. He also said that he had been tortured when he was in the custody of the secret service for five weeks.

When he was brought before a magistrate on 26 January, this was the first time Khawar Medhi Rizvi was seen in public after he was arrested on 16 December 2003 in Karachi by the Federal Investigation Agency (FIA). The authorities had on several occasions denied that he was in their custody. His family and colleagues were unable to establish his whereabouts and one of them has said to Amnesty International, "we strongly fear that he is being made subject to severe torture to get the version which suits the government".

Khawar Medhi Rizvi was arrested along with French journalists Marc Epstein and Jean-Paul Guilloteau of the French weekly *L'Express* whilst acting as their translator. The men were arrested by FIA personnel in Karachi after their return from Quetta. The French journalists were subsequently charged under the Foreigners Act with violating visa regulations as they had not obtained clearance to visit the area. They were released on bail on

24 December 2003. On 10 January 2004, they received a suspended sentence of six months' imprisonment and a fine. Two days later at their appeal hearing, the Sindh High Court upheld the sentence but remitted their jail term to the time already served, whilst doubling their fine.

During several hearings of a *habeas corpus* petition filed by Khawar Medhi Rizvi's family in the Sindh Court, the respondents, namely representatives of the FIA and the Home Department denied holding Khawar Medhi Rizvi in their custody. On 20 January, the court said it would depute judicial officials to find Rizvi if the state did not reveal his whereabouts. The hearing on 22 January was adjourned by one week to give the state the opportunity to establish his whereabouts. Though the government have denied in court any knowledge of his whereabouts, some spokespersons admitted in the media that he was indeed being held. Foreign Office spokesman Masood Khan was quoted as saying that Rizvi was being investigated for his alleged involvement in making a "fake documentary" on Taliban presence in Pakistan. Such charges had not been made against the French journalists. President Musharraf is reported as saying that he had "no sympathy whatsoever" with Rizvi whom he described as "unpatriotic" and "a most unsympathetic man, [who] doesn't deserve any sympathy whatsoever because he is trying to bring harm to [the] country".⁶ We believe that such statements gravely undermine the presumption of innocence.

On 26 January 2004, the federal government announced to the press that Rizvi as well as two other men, Syeed Allah Noor and Abdullah Shakir, was formally charged with sedition for allegedly hiring Pakistani Pashtun tribesmen to act as Taliban in an attempt to tarnish Pakistan's image. Rizvi and the two co-accused have been charged with offences under sections 124A (sedition, punishable with life imprisonment), 120B (criminal conspiracy, punishable with imprisonment or death), 153A (promoting enmity between different groups, punishable with five years imprisonment) and 416 (cheating by impersonation, punishable with seven years' imprisonment) of the Pakistan Penal Code. The Deputy Attorney General told the Sindh High Court hearing the habeas corpus petition on 27 January that he had been informed by the Deputy Secretary of the Interior Ministry of the charges against Rizvi but did not inform the petitioner's counsel where the detainee was held. The habeas corpus petition was disposed of by the Sindh High Court on 28 January 2004.

French journalist Marc Epstein had after his release issued a day to day report of their stay in Pakistan.⁷ He said that the French team of journalists met Abdullah Shakir, introduced to them by Rizvi as a local Taliban commander who divided his time between his family in Rawalpindi and his guerrilla activity in Afghanistan. Abdullah Shakir, under the name Commander Malang, Epstein said, had already been portrayed by the Christian Science Monitor in August 2003. He said: "We have since learned that Western intelligence agencies have identified him: Abdullah, aged 28, is indeed a third-level Taliban commander, just as he told us." Epstein said that they had learned more about this "new generation of local leaders, often better educated and more open to the outside world than their predecessors." He said

⁶ *AFP*, 22 January 2004.

⁷ Marc Epstein, 'Pakistan: Our correspondent reports, *L'Express*, 19 January 2004.

that they had also interviewed members of the older generation of Taliban near Quetta. Epstein said that they traveled with Abdullah and Khawar Medhi Rizvi to a camp in the border region, with the French journalist blindfolded part of the way. Epstein filmed a martial arts session and recorded an interview with Abdullah while Jean-Paul Guilloteau took photographs. Both the video footage and photographs were intended for the magazine's internet site. The two journalists have repeatedly said that they had not intended to tarnish Pakistan's image.

Amnesty International is concerned that Khawar Medhi Rizvi appears to have been treated in a discriminatory manner. Whereas the two French journalists were merely prosecuted for violating visa regulations and were set free after paying a fine, their Pakistani facilitator was first held in arbitrary detention for five weeks and then charged with criminal offences for which he could be sentenced to life imprisonment.

Continued arbitrary detention and “disappearance” of children

Secrecy continues to surround the fate of several children taken into detention when their male relatives were arrested for alleged links with *al Qa'ida*. These include the children arrested in Karachi along with their relatives on 18 January (see above).

On 26 January 2004, a Pakistani newspaper reported that a 14-year-old boy, Abdul Karim Khadr who had been wounded in a gun battle in October 2003 remains in detention in Rawalpindi. During the daylong shootout on 2 October 2003 at Angoor Adda, five km from the Afghan border in the South Waziristan Agency, eight persons were reportedly killed and some 18 persons, including Abdul Karim Khadr, arrested. The boy who was reportedly paralysed in the shooting, is the youngest son on Ahmed Saeed Abdur Rehman Khadr, an Egyptian born Canadian who was believed to have had links with the *al Qa'ida* leadership and whom security forces had tried to capture but who reportedly died in the gunfight. On 27 January 2004, the foreign office in Islamabad stated that DNA tests had confirmed Ahmed Saeed Rehman Khadr's identity as one of the persons killed in the shootout. Khadr had reportedly run a charity, Human Concern International, which allegedly sent funds to *al Qa'ida* training camps in Afghanistan.

The family of Khadr filed a petition in the Supreme Court of Pakistan regarding the whereabouts of father and son. Their lawyer, Hashmat Ali Habib, called a press conference in his home on 30 December during which he said that it was not clear if the two had been killed or arrested as they had “disappeared” after the incident. Ahmed's wife Maha Elsamma and his daughter Zaynab Khadr had fled the area and filed the petition requesting that they be allowed to meet the detainees. The press conference was interrupted by a local administration official who with a police contingent and plain clothes officers entered the home of the lawyer where he was addressing the press; they removed microphones and documents and announced that the press conference was over. Islamabad district administration official Asadullah Faiz told reporters that he had been sent by higher authorities to stop the press conference as the Khadr family had links with *al Qa'ida*. He said the lawyer was also suspected of *al Qa'ida* links.

The whereabouts of two other children arrested in September 2002 also remains unknown. Nine-year-old Yousef al-Khalid and seven-year-old Abed al-Khalid are the sons of Khalid Sheikh Mohammed, who is allegedly a senior leader of *al-Qa'ida*. According to press reports, Yousef and Abed were picked up in September 2002 by Pakistani security forces during a raid on an apartment in Karachi where it was believed their father was hiding. However, Khalid Sheikh Mohammed escaped arrest.

The boys were then reportedly held in an undisclosed place until March 2003. Following the arrest of Khalid Sheikh Mohammed on 1 March 2003, Yousef al-Khalid and Abed al-Khalid were reportedly transferred to custody in the US allegedly to force their father "to talk".⁸

US authorities have denied that Yousef and Abed were in the custody of US officials, either in the US or anywhere else, or that the boys had been interrogated by US officials.⁹ However, when asked where Yousef al-Khalid and Abed al-Khalid were, the US spokesperson allegedly declined to comment. Amnesty International is not aware of any statement about the brothers being made by the Pakistani authorities.

Amnesty International remains concerned about the detention of children, perhaps as hostages to make their relatives surrender or confess. Such detention violates Pakistan's commitment under the Convention on the Rights of the Child to act strictly in the "best interest of the child". These and any other children who may be in arbitrary detention connected with the arrest of their adult relatives should be immediately and unconditionally released and returned to their families.

⁸ *The Sunday Times*, London, 9 March 2003.

⁹ *The Daily Times*, 12 March 2003.