

# This deafening silence of the lambs

*Human rights  
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By Roedad Khan

IT IS an established principle of law that the executive cannot take away the life and liberty of a person unless it has the support of some legal provision for doing so and is acting within the bounds of law. In England, the right to personal freedom means a person's right not to be subjected to imprisonment, arrest, or coercion in any manner that does not admit of legal justification.

That anybody should suffer physical restraint in England is prima facie illegal and can be justified on two grounds only, that is to say, either because the prisoner or a person suffering restraint is accused of some offence and must be brought before an ordinary court to stand trial or because he has been duly convicted of some offence and must suffer punishment for it. The law provides for redress for unlawful arrest or imprisonment by means of the writ of habeas corpus. Failure to obey the writ exposes the offender to summary punishment for contempt of court.

The right to personal freedom is also guaranteed in our Constitution, but the courts often seem helpless to enforce it. Dr Amir Aziz Khan, a highly respected orthopaedic surgeon, was arrested on charges of having links with the Taliban and Al Qaeda leadership and released after a month-long detention. Some 'unknown person' dropped him at his house in the Lahore cantonment in the early hours of the morning. He was never pro-

ily members, were picked up on suspicion of involvement with Al Qaeda. They were interrogated by the CIA at a secret detention centre in Pakistan where the American due process does not apply. Lower level captives are normally handed over to local intelligence agencies with a list of questions the agency wants answered.

These "extraordinary renditions" are done without resort to legal process. In contrast to the detention centre at Guantanamo Bay, Cuba, where military lawyers, news reporters receive occasional access to monitor prisoner conditions and treatment, the CIA's interrogation facilities in Pakistan are off-limits to outsiders, and often even to our own government agencies. Free from the scrutiny of military lawyers steeped in the international laws of wars, the CIA and its intelligence service allies in Pakistan have the leeway to use harsh

of this agreement". At 11 PM, Chancellor Schuschnigg signed the 'protocol'. As Papen drove back with Schuschnigg to Salzburg, he commented. "Yes, that is how the Fuehrer can be; now you have experienced it for yourself. But when you next come you will have much easier time. They Fuehrer can be really charming".

How can a sovereign, independent, self-respecting country allow foreign security and intelligence agencies to operate within its borders without any let or hindrance? What is the legal authority for allowing them to arrest and interrogate our nationals? How can a state which compromises its sovereignty and exposes its nationals to humiliation by foreign security agencies have any claim on the loyalty of its citizenry? Nothing is more unworthy of a nation than to be governed by people who inflict such indignities on their countrymen.

Why is there no moral outrage? Why are the better part of the nation so silent? To sin by silence when we should protest makes cowards of us. Why have we sunk so low? What can you expect from a people who show no sign of life even when they lose half their country? What can you expect from a people who have unlimited capacity to become inured to the worst possible conditions of existence and the loss of everything that makes life worth living without perceiving that anything is wrong?

The tragedy is that each man feels what is wrong and knows what is required to be done, but none has the will or the courage or the energy needed to seek something better; all have lofty ideals, hopes, aspirations, desires, regrets, sorrows and joys which produce no visible or durable results, like old men's passions

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placed before the Lahore High Court even though a writ petition was filed there by his mother. Following his release, the High Court disposed of the petition "as it had become infructuous".

"I [was] in the custody of Pakistani Intelligence agencies in Islamabad where the FBI and CIA questioned me", Dr Aziz told the press after he was released. In England, Dr Aziz could have caused all persons responsible for his arrest and detention to be brought to trial as offenders. He could have obtained legal action against each and all of them; he could have sued the policeman who arrested him and threw him into jail and also the jailer who kept him there. In Pakistan, such remedies are unheard of and are not available to the citizen. No wonder, all the wrong-doers go unpunished.

Dr Aziz got no compensation for the damage inflicted on him by the wrong done to him. What is most regrettable is the failure of the court to cause Dr Aziz to be brought before it in order to ascertain the reason why he was imprisoned and to set him free if his detention was unlawful. Dr Aziz's incarceration was not an isolated case. Within a month of his release, the FBI, assisted by its local allies, struck again. In the darkness of the night, Dr Ahmed Jawed Khawaja, a highly respected physician and his fam-

physical and psychological coercion techniques.

The alleged terrorists are blindfolded, bound in painful positions, subjected to loud noises and deprived of sleep. Prisoners are packaged for transport, fitting them with hoods and gags and binding them to stretchers with duct tape. In some cases, the CIA is able to observe through one-way mirrors the live interrogation carried out by local agencies.

It all started with a telephone call by Armitage to General Mahmud, the ISI chief, inviting him to a meeting at the State Department. "This is not negotiable", Armitage told General Mahmud, handing him a single sheet of paper with seven demands. "Pass the word to General Musharraf. You must accept all seven parts". At around 1:30 PM, General Musharraf, to General Powell's complete surprise, capitulated, conveyed total acceptance of the seven demands and promised "unstinted cooperation". "The strong do what they can", the Athenians told the intractable Melians, "and the weak suffer what they must".

On the eve of World War II, a similar ultimatum was presented by Adolf Hitler to the Austrian chancellor. "I repeat to you, this is the very last chance. Within three days I expect the execution

ending in impotence. They deserve the fate that has now descended on them. And this is not the end of our humiliation; this is only the beginning of the reckoning. This is only the first sip, the first foretaste of the bitter cup which will be proffered to us in the days to come.

We lie in the grip of even worse perils and humiliations than those we have faced so far. An evil spirit now hangs over Pakistan. Is it our destiny that for us there must always be darkness at high noon, there must always be a line of shadow against the sun?

Pastor Martin Niemoeller, who was sent to Dachau for resisting the Nazis, summed up in his memorable words the plight of the people like us who for one reason or another do not speak up. "They came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics and I didn't speak up because I was a Protestant. Then they came for me and by that time nobody was left to speak up". Where are the men to be found who will dare to speak up? If we do not speak up, who will? If we do not act, who will?