

Terrorism and human rights

One of the biggest casualties of the 'war on terror' has been human rights. The anti-terror campaign was supposed to make the world a safer place from terrorists and terrorism, not forfeit the inalienable rights of law-abiding citizens. Under the cover of terrorism, fundamental rights of citizens have been undermined, even sometimes ceased to exist as happened in the case of detainees in the US and Guantanamo Bay in Cuba after September 11.

Indefinite detention without charges has now become standard practice in the 'civilized' West, notably the United States and even Britain, and it seems Pakistan has now quickly followed suit with a new law which enables the government to detain a suspect without charge for a year.

The most recent and glaring case of violation of human rights under the garb of the war on terror is the arrest of Dr Amir Aziz, a prominent medical practitioner from Lahore who had the reputation of living up to the finest precepts of his noble profession. Suddenly, the dreaded Al Qaeda connection is being made, without any evidence being provided, and the biggest 'crime' cited is that the good doctor chose to go to Afghanistan for pursuing his profession.

The manner of his arrest is shameful. With the police publicly denying any knowledge or role, Dr Aziz was taken from his hospital by a team of Pakistan intelligence, assisted, advised and directed by the American FBI of course. No warrants of arrest, no charge sheet, no respect shown for a doctor practicing his profession publicly.

What an irony, and what a reversal of policy. Before September 11, 2001, the Taliban were supposed to be Pakistan's best friends, and any suggestion to the contrary then was considered detrimental to the 'national interest'.

Today, thanks to the US-led 'war on terror' and Pakistan's U-turn regarding the Taliban after September 11, any suggestion of remote connection with the Taliban is enough to brand anyone not just being against the 'national interest'. And it is suddenly synonymous with terrorism as is being suggested in the case of Dr Aziz although to date nothing has been demonstrated either of his having violated any law, let alone aiding and abetting terrorism.

The 598 prisoners still being held at Guantanamo Bay in Cuba from the Afghan War for the last 10 months represent 43 Muslim countries, and these prisoners are being held as 'unlawful combatants' rather than as 'prisoners of war' which would allow them protections under the Geneva Conventions. The Bush



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administration has already established military tribunals to try such detainees. 422 of these prisoners were captured with Pakistan's help and cooperation.

Now, in an interesting twist, the US Defense Secretary has said "a half dozen or so" would be released and returned to Pakistan from Cuba. In his October 22 press briefing, Rumsfeld made the startling admission that his government 'does not believe that any of the Pakistanis at Guantanamo Bay are terrorists'. In effect, he is saying that since they are not terrorists, they were innocent of that accusation and they were therefore imprisoned wrongly. During their entire 10 month illegal detention, they were not charged and not tried and nor were they allowed access to a lawyer.

As if this wasn't enough, Rumsfeld provided an interesting rationale for keeping other detainees still at Guantanamo Bay, 70 percent of who are apparently from Afghanistan, Yemen and Saudi Arabia. He said at his October 22 briefing that one criterion for keeping a detainee is "are they people who ought to be kept off the street simply because they might be inclined to go back and again engage in activities that would be opposed to the Afghan government or to the United States?" In other words, just the fear of any future act on their part is enough to deprive them indefinitely of their inalienable human right, namely, to live as a free man.

Not surprisingly, the Guantanamo Bay prison facility is being expanded from its current 612 units, with another 204 being constructed for more incoming prisoners.

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facility was sacked because he was supposedly 'too nice' to the prisoners there. Brigadier Rick Baccus was removed from his job on October 9.

Apart from the detainees at Guantanamo Bay, who were at least initially suspected of involvement in terrorism, about 1200 Muslim Americans, living in the United States, many of them Pakistanis, were arrested after September 11. None of the Pakistanis was charged with any violent crime, save for immigration violations, and no one has been involved in any kind of terrorism. Yet here too, the government of Pakistan has failed to protect the rights of its nationals who languished in American prisons after September 11 without charge, without trial and mostly without access to lawyers or even their families. When protest came from the Pakistani people, the US government released and deported these jailed Pakistanis in two installments of 140 and 133 respectively.

Despite this travesty of justice, and notwithstanding Pakistan's 'services' to the United States after September 11, the government failed to raise its voice for these compatriots who were being deprived their freedom illegally.

Earlier, this Al Qaeda connection was slapped on to Pakistani nuclear scientists as well, and then too, it was proven to be a false accusation.

Contrast Pakistan's attitude to its nationals with other Third World countries. Mexico's President Vicente Fox, cancelled a visit to Texas last summer when his plea for clemency to a convicted Mexican criminal was rejected and the Mexican citizen executed.

Even in the United States, there is now concern at the general direction in which the country is headed, after September 11. Muslim Americans, particularly Pakistanis, have been at the receiving end of policies that have often singled them out for persecution, although no Pakistani was involved in the September 11 attacks. Last week's protest demonstration against the impending war in Iraq, the biggest anti-war rally in Washington since the million-man 1967 anti-Vietnam protest, specifically referred to this aspect. If voices are being raised for the rights of detained Pakistanis in the US by Americans, surely the government could do better, and it is, after all, foremost among its responsibilities to preserve, protect and promote the rights of its nationals at home and abroad.

In regards Dr Amir Aziz, the rule of law must prevail, not the rule of men. Either he should be brought before a civilian court under the due legal process, and if, as is generally presumed, it is a case more of suspicion substituting for real evidence, then he should be set free immediately. An official apology should follow for the distress caused him and his family, which is the least expectation from any civilized government when it wrongfully confines its citizens.

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