

Asian Human Rights Commission

Urgent Appeals Program

Urgent Appeal 21 April 2006

UA-132-2006: PAKISTAN: Fears for whereabouts of disappeared political leader in Pakistan

PAKISTAN: Forced disappearance; military/police misconduct; collapse of rule of law

Dear friends,

The Asian Human Rights Commission (AHRC) writes to inform you of the disappearance of Dr. Safdar Sarki, a nationalist and political leader in Pakistan. On 24 February 2006, Dr. Sarki was picked up by the Deputy Superintendent of Police (DSP) from his apartment in Gulistan e Jauhar Karachi between 1 and 2pm. Witnesses saw Dr. Sarki driven away in a police van and noticed he was being escorted by the DSP. Dr. Sarki's driver, Mr. Munir Sarki who was present at the time of Dr. Sarki's arrest also saw Dr. Sarki being taken away in the police van. Dr. Sarki has not been seen since.

Dr. Sarki was the general secretary of the Sindhi Nationalist Party, "Jeay Sind Quami Mahaz" and also a member of the Sindhi World Congress. He did his MBBS from Pakistan. He arrived in Karachi one year ago and started his political career. Prior to that he had been living in America for 14 years, having been granted a green card there. His wife and children are still residing in America. His wife held a press conference and disclosed information she had about her husband's arrest. She noted that she holds grave fear for her husband and believes he may have been killed. Through a lawyer Dr. Sarki's family has hired in Pakistan, the driver and witness, Mr. Munir Ahmed Sarki has filed a constitutional petition against Dr. Sarki's arrest by the police. The petition number is 256/2006.

On 19 April 2006, during the hearing into Dr. Sarki's whereabouts, a division bench of the Sindh High Court sought comments from the ministry of defence in a petition challenging the alleged detention of Dr. Sarki. Earlier, the federal government standing counsel, Ziauddin Nasir, informed the bench that according to information obtained by him, the alleged detainee had been neither arrested nor kept in custody by any agency functioning under the Karachi based Corps 5 of the Pakistan Army. Mr. Nassir produced a letter addressed to him by Assistance Judge Advocate-General, Sarwar Khan, stating that the police had nothing to do with the matter and had not arrested Dr. Sarki.

Advocates for Dr. Sarki, Mr. Noor Uddin Sarki and Mr. Khalique Junego said that the government is denying the arrest and detention of Dr. Sarki and the involvement of the DSP. However, they insist that Dr. Sarki was initially picked up by the DSP and subsequently handed to military agents. The affidavit in denial of Dr. Sarki's arrest had been submitted by Superintendent of Police, Mr. Aslam Choudry even though the arrest was made by the DSP. This was naturally deemed unacceptable.

According to the petitioner counsel, Dr. Sarki was kept in confinement by the Inter-Services Intelligence at Naiper Barracks. There was no specific denial of this statement even in the Corps 5 letter produced by the federal attorney. The petitioner counsel believes that following his arrest by the police and his subsequent detention by the military and/or Inter-Services Intelligence, Dr. Sarki was killed.

The bench, which consisted of Justices Sarmad Jalal Osmany and Gulzar Ahmed, asked the federal attorney to contact the ministry of defence, under which all military agencies work, and submit a statement on its behalf by May 5, the next date of hearing.

Thank you.

Urgent Appeals Programme
Asian Human Rights Commission (ahrchk@ahrchk.org)

SUGGESTED ACTION:

Please write a letter to the relevant authorities asking them to exhaust all means to have the whereabouts of Dr. Sarki revealed. An investigation must establish what took place in this case from February 24 and onwards. (Suggested letter below☺)

Dear _____,

PAKISTAN: Fears for whereabouts of disappeared political leader in Pakistan

Name of disappeared victim: Dr. Safdar Sarki, resident of E-97 Nauman Avenue, Gulistan e Jauhar, Karachi

Name of alleged perpetrators: The police and military

Date of incident: 24 February 2006

Place of incident: Dr. Sarki was last seen being arrested and taken from his residence

I have recently learned of the disappearance of political leader, Dr. Safdar Sarki in Pakistan. I am aware that on 24 February 2006, witnesses saw Dr. Sarki being arrested at his residence by the Deputy Superintendent of Police and driven away. Dr. Sarki’s driver, Mr. Munir Sarki also saw Dr. Sarki being arrested and taken away in the police van and has since filed a constitutional petition against Dr. Sarki’s arrest (petition number: 256/2006).

However, despite the witnesses in this case and the fact that Dr. Sarki’s whereabouts have remained unknown since February 24, the authorities in Pakistan are denying any involvement in his disappearance and have in fact stated in court that they never issued his arrest in the first instance. In a hearing before the Sindh High Court, the federal government standing counsel, Ziauddin Nasir, informed the bench that according to information obtained by him, Dr. Sarki had neither been arrested nor kept in custody by any agency functioning under the Karachi based Corps 5 of the Pakistan Army. Likewise, all district police officers signed an affidavit swearing that Dr. Sarki had not been arrested.

The petitioner counsel, however, maintains that Dr. Sarki was initially picked up by the police and subsequently handed to military agencies. They also believe that since that time, Dr. Sarki may have been killed.

The federal attorney has now been asked to contact the ministry of defence, under which all military agencies work, and submit a statement on its behalf by May 5, the next date of hearing.

As Dr. Sarki’s whereabouts still remain unknown, it is essential that an investigation is launched into this matter immediately. Given that persons witnessed Dr. Sarki being arrested by the police and taken from his residence, the police must be further questioned as to their role in his disappearance. The military must likewise be expected to further explain their part in Dr. Sarki’s disappearance.

Yours sincerely,

PLEASE SEND YOUR LETTERS TO:

1) General Pervez Musharraf President President’s Secretariat Islamabad ,PAKISTAN Fax: +92 51 922 1422, 4768/920 1893 Email: CE@pak.gov.pk	2) Mr. Muhammad Wasi Zafar Minister of Law, Justice and Human Rights S Block, Pakistan Secretariat, Islamabad, PAKISTAN Fax: +92 51 920 2628 E-Mail: minister@molaw.gov.pk	3) Mr. Justice Iftekhhar Choudhry Chief Justice of Pakistan Supreme Court building Islam abad, PAKISTAN Fax: + 92 51 9213452
4) Mr. Justice Sabih Uddin Chief Justice of Sindh High Court High Court Building Saddar , Karachi, PAKISTAN Fax: +92-21-9213220 Email: info@sindhhighcourt.gov.pk	5) Mr. Ishrat-ul- Ibad Khan Governor of Sindh Governor House Karachi PAKISTAN Tel: + 92 21 920 1201 Email: governor@governorsindh.gov.pk	6) Dr. Arbab Abdul Rahim Chief Minister of Sindh Chief Minister House Karachi, PAKISTAN Fax 92 21 9202000
7) Mrs. Saira Karim , Joint Secretary for Law, Justice and Human Rights, Islamabad, PAKISTAN, Tel: + 92 51 920 2819 Fax: + 92 51 920 3119.		