

UA 159/19, **Update 5**, AI Index: ASA 33/5170/2022 of 18 January 2022
The original index number is ASA 33/1431/2019 of 21 November 2019

PAKISTAN

IDRIS KHATTAK IN PRISON AFTER SECRET MILITARY TRIAL

In December 2021, there were unconfirmed reports of human rights defender Idris Khattak being declared guilty of espionage after a secret trial by a military court. Idris' family and lawyer have yet to receive any information on the status of his case. His lawyer raises serious fair trial concerns, making the conviction more troubling in light of his initial abduction by state authorities. His family has been able to confirm that he is yet to be vaccinated against Covid-19, further endangering his life given prison overcrowding. His family is worried that he is being denied access to appropriate nutrition despite his medical conditions. The government should ensure Idris' right to a fair trial and to appropriate healthcare.

Write to the Prime Minister urging him to:

- immediately provide details of Idris' case and situation to the family and his lawyer
- take the necessary steps to guarantee respect for his right to a fair trial in a civilian court
- urgently ensure his access to appropriate healthcare, including vaccination against Covid-19 and appropriate nutrition

Write to:

Prime Minister Imran Khan
Prime Minister's Office
Constitution Avenue G-5/2, Islamabad
Pakistan
Tel: 011 92 51-9045265
Fax: 011 92 51-9215519
Email: info@pmo.gov.pk
Twitter: @ImranKhanPTI
Salutation: Your Excellency Prime Minister Imran Khan:

And Copy:

Mr. Shahbaz Mansoor Malik
Minister & Acting High Commissioner
High Commission for the Islamic Republic of Pakistan
10 Range Road
Ottawa, ON K1N 8J3
Tel: (613) 238-7881, -7882, -7883
Fax: (613) 238-7296
Email: pahicottawa@mofa.gov.pk

Additional information:

Muhammad Idris Khattak is a 57-year-old human rights defender and former consultant with Amnesty International. Abducted by state authorities on 13 November 2019 and subject to enforced disappearance, he was reportedly declared guilty after a secret military court trial, with no information regarding his sentence, the status of his case or the appeals process.

As a civilian, Idris should have never been tried in a military court. No one has been held accountable or even identified for abducting and keeping him incommunicado for over seven months. Information about his sentencing has not been made available to his family.

In November 2021, the lawyer was told by the court that Idris had been found guilty, but no order or sentence was issued. Following this, there were unconfirmed reports circulating online stating he had been declared guilty. The family had not received any official information about the status of his case and were relying on updates on social media. Idris was eventually found to be in Adiala jail in Rawalpindi, Pakistan in December 2021 through the family's own investigation. Talia, his daughter, has been able to visit him in the high security prison ward.

According to Idris' lawyer, he was only allowed to meet with his client on three occasions during the trial. Each meeting was filmed, and they were continuously accompanied by an army officer, and were not permitted to speak in Pashto – their native language.

At a hearing at the Peshawar High Court on 13 January 2021, the Khattak family appealed that as a civilian, Idris must be tried in a civilian court and not a military court. This appeal was denied in an order published on 28 January 2021. More information about the charges against Idris were revealed in the judgment published on 30 January 2021. He has been charged on multiple counts related to spying and other conduct "prejudicial to the safety or interests of the State" under Section 3 of the Official Secrets Act (OSA) as well as section 59 of the Pakistan Army Act, 1952 – which gives military courts jurisdiction to try civilians for some offences under the OSA.

This "offence" seems to be a meeting with Michael Semple in July 2009 - over ten years before Idris' enforced disappearance. The court order dubs Semple as an MI6 agent. At the time of the meetings, Semple was a fellow at Harvard University's Carr Center for Human Rights and had been a high-ranking UN and EU official in Afghanistan for 20 years. He was expelled from Afghanistan for "unauthorized activity in 2008." Semple is currently a professor at Queen's University in Belfast.

The court order makes no mention of Idris' enforced disappearance, or any accountability that the authorities must face for keeping him apart from his family and keeping his family uninformed of his whereabouts and situation.

Idris Khattak has worked as a consultant with Amnesty International and other international human rights NGOs. For years, he has documented a wide range of human rights violations and humanitarian crises in the Khyber Pakhtunkhwa and the former Federally Administered Tribal Areas. He was on his way home from Islamabad when his rented car was intercepted near the Swabi Interchange of Khyber Pakhtunkhwa province. The only other person in the car was the driver with

whom Idris Khattak has travelled frequently. The driver was also picked up with Idris Khattak on 13 November 2019. His family only found out about his disappearance once the driver was released the night of 15 November 2019.

On the night of 16 June 2020, the Ministry of Defence finally admitted that they have Idris Khattak in their custody, and this was reiterated by a hearing held by the Joint Investigation Team on 17 June 2020.

The current government of Imran Khan promised to criminalize enforced disappearances through legislation. However, the bill currently tabled before the Senate [falls short of international standards](#), and its progress is undermined by reports of continued disappearances.