



House of the Federation

## SENATE OF PAKISTAN

REPORT NO. 16

### REPORT OF THE STANDING COMMITTEE ON HUMAN RIGHTS

ON

*“Starred Question No. 14 asked by Senator Mushtaq Ahmed regarding “the number of Pakistani citizens who are currently detained in Guantanamo Bay jail indicating the nature of cases filed against them and duration of imprisonment in Guantanamo Bay with separate details of each Pakistani detainee”, in the Senate Sitting held on 4<sup>th</sup> January 2022”*

Presented by:

**SENATOR WALID IQBAL  
CHAIRMAN**

**STANDING COMMITTEE ON HUMAN RIGHTS**

## **SENATE SECRETARIAT**

Subject: **REPORT OF THE STANDING COMMITTEE ON HUMAN RIGHTS.**

I, Chairman of the Standing Committee on Human Rights, have the honour to present this report on a Starred Question No. 14 asked by Senator Mushtaq Ahmed regarding "the number of Pakistani citizens who are currently detained in Guantanamo Bay jail indicating the nature of cases filed against them and duration of imprisonment in Guantanamo Bay with separate details of each Pakistani detainee", in the Senate Sitting held on 4<sup>th</sup> January 2022. The Starred Question, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee is as follows:-

1.	<b>Senator Walid Iqbal</b>	<b>Chairman</b>
2.	Senator Mushahid Hussain Sayed	Member
3.	Senator Prof. Dr. Mehr Taj Roghani	Member
4.	Senator Seemee Ezdi	Member
5.	Senator Dr. Mohammad Humayun Mohmand	Member
6.	Senator Syed Faisal Ali Subzwari	Member
7.	Senator Qurat ul Ain Marri	Member
8.	Senator Kamran Michael	Member
9.	Senator Falak Naz	Member
10.	Senator Abida Muhammad Azeem	Member
11.	Senator Muhammad Tahir Bizinjo	Member
12.	Senator Irfan ul Haq Siddiqui	Member
13.	Senator Syed Waqar Mehdi	Member
14.	Minister for Human Rights	Ex-officio Member

3. The Committee considered the Starred Question in its meetings held on 14<sup>th</sup> March, 16<sup>th</sup> May, 5<sup>th</sup> September, and 1<sup>st</sup> December, 2022 and also on 26<sup>th</sup> January, 2023, respectively, under the Chairmanship of Senator Walid Iqbal. The last mentioned meeting held on 26<sup>th</sup> January, 2023 was attended by the following Honorable Senators:-

1.	<b>Senator Walid Iqbal</b>	<b>Chairman</b>
2.	Senator Prof. Dr. Mehr Taj Roghani	Member

3.	Senator Seeme Ezdi	Member
4.	Senator Mushahid Hussain Sayed	Member
5.	Senator Muhammad Tahir Bizinjo	Member
6.	Senator Irfanul Haq Siddiqui	Member
7.	Senator Falak Naz	Member
8.	Senator Mushtaq Ahmed	Mover

5. The Committee started regularly taking up the matter from March, 2022. At that time it transpired that that three Pakistanis are still detained in Guantanamo Bay prison who were never charged for any crime. The Ministry of Foreign Affairs informed the Committee that efforts were being made for extradition of detainees but their nationality was yet to be verified by the Ministry of Interior. The Committee thereupon directed representatives of the Ministry of Foreign Affairs and representatives of the Ministry of Interior to decisively confer with each other in relation to the matter at the earliest and to submit updated status to the Committee.

6. The Committee also afforded a hearing to the son of one of the detainees Saifullah Piracha. He informed the Committee that his entire family, including his father, were citizens of Pakistan by birth. He added that his father and his brother was arrested in Thailand and New York respectively in 2003 and were awarded 30 years' imprisonment. However, in 2018, the same Judge overturned his decision regarding his brother and released him but unfortunately his father is still in Guantanamo Bay prison because his nationality has not been confirmed by Ministry of Interior. Officials of Ministry of foreign affairs apprised the Committee that nationality of Saifullah Piracha had been confirmed by Interior Ministry and conveyed to US Government and the victim would soon be released.

7. Due to the direction and follow-up of the Committee, Mr. Saifullah Piracha was repatriated to Pakistan in October, 2022. The Committee also appreciated efforts of the Committee Chairman and the mover of the agenda item in highlighting the matter and eventually resolution of the same by safe return of Mr. Saifullah Piracaha and hoped that other two detainees would also be reunited with their families though the loss of precious times of their lives cannot be compensated.


8. Regarding the cases of Mr. Abdul Rahim Ghulam Rabbani and Mr. Muhammad Ahmad Rabbani a.k.a Ahmad Ghulam Rabbani currently detained at Guantanamo Bay prison, Senator Mushtaq Ahmad informed the Committee that the two Rabbani brothers were arrested from within Pakistan and handed over to the USA in place of the one, Hasan Gul, sought by CIA. Later-on, the real Hasan Gul was caught by CIA, released and then killed in a drone attack. According to Senator Mushtaq Ahmed, the Rabbani brothers were innocent, as admitted by US authorities themselves, but were tortured and kept under detention without any charge for 20 years. In this regard the Committee expressed its displeasure over the lackluster attitude of the concerned departments who took so long to verify the citizenships of Pakistanis jailed abroad, resulting in delays in their repatriation. Representatives of the Ministry of Interior informed the Committee that necessary documents/approvals have been provided to the Ministry of Foreign Affairs (MoFA). It was further informed that an Inter-Ministerial Committee was constituted by the Prime Minister, comprising Secretary Interior (Convener), Foreign Secretary, representatives


from ISI and IB, to examine the issue of repatriation of prisoners claiming to be Pakistani citizens i.e. the Rabbani brothers (Mr. Abdul Rahim Ghulam Rabbani and Mr. Muhammad Ahmad Rabbani a.k.a Ahmad Ghulam Rabbani) currently detained at Guantanamo Bay prison. After in-depth discussions and receiving information from the relevant quarters, the Committee observed that the parents of the Rabbani brothers migrated from Burma to Pakistan in 1950s and they were holders of Pakistani passports and Pakistani National Identity Cards; thereafter the Rabbani brothers also got married in Pakistan and their Pakistani wives and children are living in Pakistan. The Committee was therefore of the unanimous opinion that there are sufficient grounds to establish the Pakistani nationality of the Rabbani brothers notwithstanding the fact that due to non-availability of record, NADRA could not verify their nationality. The Committee, therefore, recommended that the request of the US Government to repatriate the Rabbani brothers to Pakistan along with Mr. Saifullah Paracha whose Pakistani nationality was already confirmed be acceded to and the US Government be informed accordingly. Ministry of Foreign Affairs informed the Committee that a complex inter-agency process has been completed to enable their repatriation to Pakistan. Arrangements are being made and the two detainees will be repatriated in mid-January 2023. The Committee further directed the Ministry of Foreign Affairs to look into the case of one Majid Khan, who might also be a Pakistani held in Guantanamo Bay.

9. After collaborated efforts of the Committee, Ministry of Foreign Affairs and Ministry of Interior, the Committee has the honour to report that:—

- (i) One of the three jailed Pakistanis, Mr. Saifullah Paracha, against whom neither any case was registered nor was he ever convicted, has been repatriated to Pakistan after 19 years.
- (ii) As per the information provided by the Ministry of Foreign Affairs, the cases of other two detainees, namely the Rabbani brothers have been settled with the US Government, and although they could not return by mid-January 2023, they will be repatriated in a few weeks after completion of codal formalities by the US authorities.
- (iii) The Committee appreciates the efforts of Ministry of Foreign Affairs and Ministry of Interior towards effective resolution of the matter.
- (iv) The Committee also recommends that the Ministry of Foreign Affairs and Ministry of Human Rights should examine the international conventions and agreements entered into by Pakistan and advise that what can be done by to provide or seek compensation in such-like cases where precious time of lives of our nationals have been wasted .

10. Accordingly, the instant point of public importance stands disposed of.

  
(RABEEA ANWAR)  
J.S/ Secretary Committee

  
( Senator Walid Iqbal )  
Chairman  
Standing Committee on Human Rights