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Sheltering Al Qaeda man a punishable offence, LHC told

| Published February 8, 2003

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LAHORE, Feb 7: The State on Friday said that harbouring of an Al Qaeda activist in Pakistan did constitute a punishable offence under the

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to the court's query about the legal status of Al Qaeda in Pakistan.

Justice M. Javed Buttar, while hearing a petition against the detention of Dr Ahmad Javed Khwaja and other family members on charges of supporting Al Qaeda, had also inquired about the repercussions of harbouring an Al Qaeda activist.

Deputy Attorney General (DAG) Sher Zaman Khan, who submitted the reply on behalf of the State, said that under the United Nations Security Council Resolution number 1373, Al Qaeda had been declared globally a terrorist organization.

"This resolution makes it mandatory for all members of the United Nations to implement it.

"Since Pakistan is a member of UN and a signatory to its resolutions and conventions, Al Qaeda is treated as a terrorist organization in Pakistan," read the official declaration.

The State further declared that harbouring of an Al Qaeda activist was an offence under section 21 (J) of the Anti-Terrorism Act, 1997. The court was informed that four persons — Abu Faraj, Sheikh Said Al Misri, Abu Yasir, Asadullah — Al Qaeda activists allegedly harboured by the detainees, were already declared as terrorists under the UNSC resolution and the State would treat them as such.

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1952, under which the five Khwaja family members were detained, had been repealed by subsequent laws governing anti-state activities.

Further proceedings were adjourned till Feb 11 when the Punjab Advocate General Syed Shabbar Raza Rizvi would make submissions on the petition. He could not turn up before the court on Friday owing to his engagement before the Supreme Court.

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Earlier, the counsel for the petitioners made additional submissions before the court against their detention. He argued that the Security of Pakistan Act, 1952, had been enacted on May 6, 1952, with a condition that it would last for three years only. However, operational age of the act was extended from time to time till Defence of Pakistan Ordinance, 1965, was enforced on Sept 6, 1965, argued the counsel.

He claimed that the 1952 act had ceased to exist after

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to the counsel, every anti-state activity was covered under the 1971 ordinance since it was the latest introduced in this regard.

The government exercised its powers to detain the petitioners under the 1952 act, which had been repealed by subsequent laws and did not exist any more, he argued.

As ruled by the Supreme Court, any imprisonment without a trial or conviction was, prima facie, illegal and the onus of providing proof was on the detaining authorities, the counsel argued.

He concluded his arguments with the submission that the grounds of detention provided to the detainees "were vague, indefinite, and lacked particularity."

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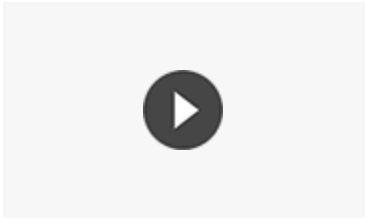
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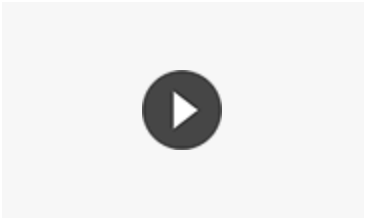
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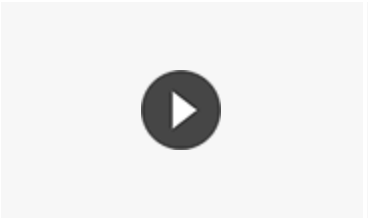
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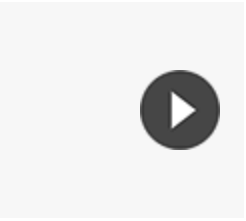
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