



INVESTIGATIVE REPORT

Tying Up Loose Ends: The Afghan Peace Process and the Case of Aafia Siddiqui

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Author's Foreword

Investigating Aafia Siddiqui's case was not an easy task for multiple reasons. A discomfiting tension hangs heavy on it similar to cases that have not yet reached their conclusions, even though Aafia was sentenced more than a decade ago and is still in prison. Perhaps it is unsettling because she is imprisoned for a crime suspiciously unrelated to her infamy. Or it may be that her profile as a western-educated mother of three from a well-to-do family that prided itself on pursuing science and modernity along with religion and tradition to be in any way linked with the Al-Qaeda terror network is particularly hard to fathom.

From reaching out to Aafia's family members who had to navigate their own psychological trauma to be able to succinctly answer my questions, to discovering court cases against Pakistani diplomatic staff for embezzlement of funds allocated for Aafia Siddiqui's trial, and from potentially strategic silences from both the Pakistani Ministry of Human Rights and the U.S. State Department, to piecing it all together by deciphering newspaper articles that appeared to be well timed with my requests for comments, access to information, for a case with as much international media coverage as this one, was surprisingly difficult.

All this was against a background of ongoing US-Taliban talks as part of the Afghanistan reconciliation process. After almost two decades of war, with thousands upon thousands dead, injured, missing or displaced and millions of dollars spent, Afghanistan is arguably still only marginally better off than it was in 2001, if at all. Reflecting upon my conversations with academics, lawyers, human rights advocates, and journalists familiar with Aafia's case, I could not help questioning whether the true cost of the war on terror in terms of loss of life and potential on all sides can ever be measured, and whether it was worth it, given that, in the end, a political solution is being favoured by all.

My purpose behind investing time in writing this report and others like it in the future is to create an option for 'others' to understand more. While the world is more connected, and consequently better informed today, it is also more polarized. Perhaps that is the cost of connection itself, but I believe that by highlighting nuances in otherwise black and white cases that force us to choose sides, we can glimpse pieces of ourselves in every one of them and choose humanity instead.

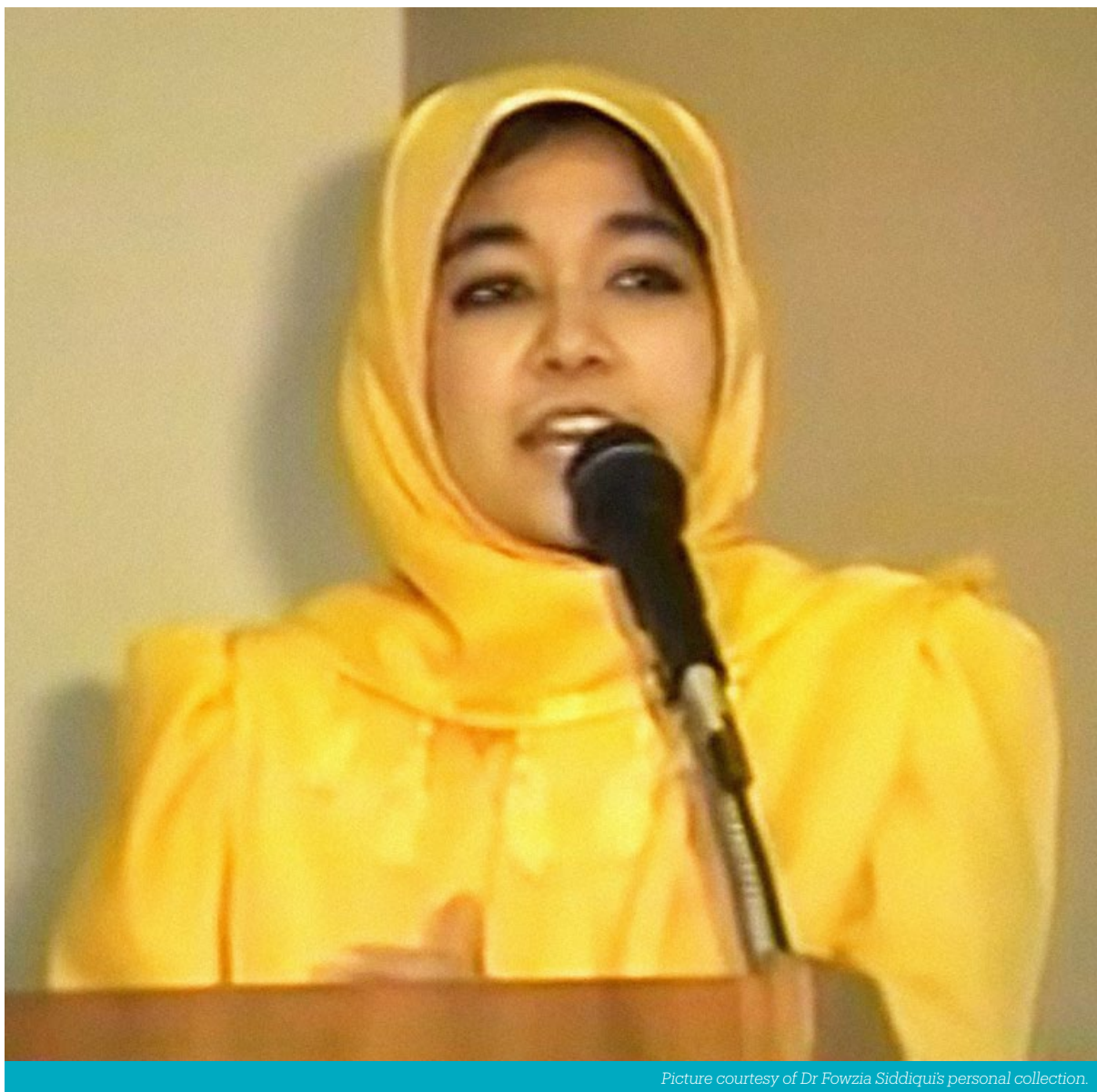


Picture courtesy of Dr Fowzia Siddiqui's personal collection.

Aafia Siddique: The War on Terror's Most Mysterious Case

Dr. Aafia Siddiqui and her three children, Ahmed, Mariam and Suleman, disappeared in March 2003. Instead of fading into obscurity, the family has become internationally known. While Aafia was 'Al Qaeda Mom' for some, and a 'daughter of Pakistan' for others, she became 'a political symbol, a political tool that everyone could latch on to'.

A mysterious figure with most aspects of her life not fully known, this interview based report looks at five of the most important questions about Aafia's life and imprisonment, in an attempt to shed light on the possibilities that may lie ahead. To help understand the complex nature of the case, a timeline of events in reverse chronological order that shaped Aafia's life, as well as the trajectory of this report, is necessary:



Picture courtesy of Dr Fowzia Siddiqui's personal collection.

Timeline

April to May 2019 - Inching Closer?

May 9

Latest US-Taliban talks wrap up with some progress (AFP, 2019)

April 25

Pakistan FO says efforts to bring Aafia back are underway

April 17

'I am unable to answer your queries as my lawyers advise me not to...the chances for Aafia's release are very real' - Fowzia S.

April 29

US envoy Khalilzad in Pakistan before US-Taliban talks

April 23:

Pakistani FO says Aafia does not want to return to Pakistan

April 13

Fowzia Siddiqui says 'the current effort did not pan out' though the Afghan peace process will definitely impact.

January to April 2019 - Caught in the Crosshairs of the US-Taliban Talks

January 2019

US-Taliban talks lead to a prisoner exchange agreement

March 12

Another round of US-Talks end with the Taliban refusing to talk with the Afghan government

April 16

Reached out to Pakistani Ministry of Human Rights to ascertain updates on Aafia's repatriation. No response.

February 2019

US special envoy Khalilzad meets with Pakistani government to discuss Afghan Peace Process

March 16

Aafia is not released, although she was supposed to

2015-2018 - A Letter to the Prime Minister

December 2018

Pakistan facilitates Taliban-US talks

November 2018

Aafia wrote letter to PM Khan for support

July 2018

Trump admin reportedly ordered the start of direct talks with Taliban

November 2015

Pakistani consular officials worry Aafia is no longer alive

November 2018

Pakistani government says efforts are underway to repatriate Aafia

October 2018

US special envoy Khalilzad held talks with new Pakistani government

May 2018

Aafia speaks to the Pakistani Consul General in Houston, TX, for the first time in 3 years

2008-2014 - A Trial, Conviction and an Abandoned Appeal

July 2014

Aafia turned down her final chance to appeal

April 2009

Declared competent to stand trial after 15 psychological evaluations

July 31 2008

Charged for attempted murder of US officials

July 17 2008

Found in Ghazni, allegedly shoots US army officer, is shot herself

3 February 2010

Found guilty for attempted murder and sentenced to 86 years in jail

August 4 2008

Brought to the US

19 July 2008

AP story about US/Afghan altercation regarding female detainees' jurisdiction leading to the detainee being shot

2003 - 2008 - The Long Silence

July 15 2008

Afghan public officer received anonymous call about female suicide bomber in Ghazni

26 May 2004

FBI named Aafia as one of 7 most wanted Al-Qaeda terrorists

March 30 2003

Aafia disappears with her 3 children

March 2003

Khalid Sheikh Muhammad arrested

27 May 2004

NYT article states Aafia isn't big threat, Bush admin is trying to divert attention from Iraq War

March-April 2003

Majid Khan and Ammar al-Baluchi also disappeared and apparently held by CIA

March 25 2003

Global alert issued for Aafia

2001 - 2003 - Move Back Home

June 2001

Allegedly Aafia is in Libya funding Al-Qaeda (disproved)

June 2002

Aafia left for Pakistan with her family

October 2002

Aafia got divorced

February 2003

Aafia allegedly remarries Ammar al-Baluchi, denied by her family

May 2002

FBI questioned Aafia and her husband

Summer 2002

Gave birth to Suleman

December 2002

US trip for work/FBI alleges she opened P.O. box for Majid Khan

1995-2001 - Milestones

2001

Founded IIRT and co-founded the Dawa Resource Centre

1998

Gave birth to Mariam

1996

Gave birth to Ahmed

1995

Graduated from MIT

February 2001

Earned her PhD

1996-97

Enrolled in a PhD program at Brandeis University

1995

Marriage to Muhammad Amjad Khan

A missed release date: Why was Aafia not released on March 16 2019?



Head of Political Office of the Taliban Sher Mohammad Abbas Stanakzai (C) prays after the manifesto following the peace talks on Moscow format at the President Hotel in Moscow, Russia on February 6, 2019. The Taliban representatives met a number of non-government Afghan politicians in the Russian capital Moscow on for the landmark peace talks. (Sefa Karacan - Anadolu Agency)

According to video evidence of Aafia's mother obtained by TRT World Research Centre¹ on April 24 2019 Aafia Siddiqui's mother recalled that she was supposed to be released and repatriated to Pakistan on March 16, 2019 and the fact that Aafia had not been in touch with the family for the past three years (Siddiqui, phone correspondence, April 24 2019).

In an earlier correspondence on April 17 2019, in an interview with TRT World Research Centre, her sister Dr. Fowzia Siddiqui wrote that:

'I am unable to respond to your queries as my lawyers advised me not to. However, I will reiterate [that] the chances for Aafia's release are very real and we feel that our current PM and Chief of Army Staff are both people of good morality and will not let this suffering last' (Siddiqui, email correspondence, April 17, 2019).

Dr. Fowzia Siddiqui also revealed that 'the [Afghan] peace process may definitely impact the possibility of her release'.

She said that despite the fact that 'over the years, there have been many efforts at repatriation which came close to fruition and failed at the last minute. The next one may succeed' (Siddiqui, email correspondence, April 13 2019).

However, the date has come and gone and Aafia has not been seen in the country. In fact, according to her mother, Aafia has been out of touch for the past three years with her family, communicating via Pakistani consular officials in Texas, USA.

Perhaps this was what she had been referring to when, in earlier correspondence, Dr. Fowzia Siddiqui had admitted to the fact that 'the current effort did not pan out' (Siddiqui, email correspondence, April 13 2019). Presumably, she was referring to the missed release date of March 16 2019. She recommended that the TRT World Research Centre should contact the Pakistani government to ascertain why.

At the time of writing, the Pakistani Ministry of Human Rights had not responded to multiple queries by the TRT World Research Centre². However, on April 23 2019, the Pakistani Foreign Office Spokesperson Dr Mohammad Faisal said that Dr Aafia Siddiqui 'does not want to come back to Pakistan' and reports of her possible repatriation are 'mere chatter' (Dawn, 2019). He also went on to add that 'the only way the possibility of Dr Aafia's return could arise is if Prime Minister Imran Khan and US President Donald Trump met in the future' (Dawn, 2019).

This statement was abruptly retracted two days later. Dr. Faisal said that his statement regarding Aafia had 'been distorted and taken out of context. The Foreign Office spokesperson further added that steps to bring Dr Siddiqui back were underway and the matter of her return was continuously being raised with Washington' (Dawn, 2019).

Moazzam Begg³, in an interview with TRT World Research Centre, considered Aafia's case to be more political than criminal in nature. According to him, she has 'become a political symbol, a political tool - it was a slap in the face

¹ Dr. Fowzia Siddiqui sent the video evidence to TRT World Research Centre in response to a request for comment after the Pakistani Foreign Office stated that Aafia does not want to return to Pakistan herself on April 23 2019.

² This is notable given that Dr Shireen Mazari, the Pakistani Minister for Human Rights has categorically stated in multiple media appearances that the Pakistani government has committed publicly to bringing Aafia back to Pakistan and that the Pakistan Tehreek-e-Insaf, the political party that Prime Minister Imran Khan belongs to, has named Aafia's repatriation in its political manifesto (Idrees, 2018).

³ A former Guantanamo detainee who was first detained in Bagram and claimed to have heard a woman screaming at Bagram, confirmed by the ICRC.

of Pakistan by the US' (Begg, phone interview, April 5 2019), a show of strength and reach. According to Begg, a significant reason for the current Pakistani government to secure Aafia's release or at least the chance to complete her sentence in Pakistan is that it would 'signal the start of a healing process for Pakistan as a nation that has endured so much during the last two decades' (Begg, phone interview, April 5 2019).

Despite that, as per Begg, Aafia's release is not probable and he is 'not hopeful' (Begg, phone interview, April 5 2019). In the interview with TRT World Research Centre, he cited the reason for his pessimism: lack of political will from the Pakistani government, in particular on behalf of previous governments. According to him however, Prime

Minister Imran Khan has been supportive of Aafia since the beginning and is 'doing all that he can' to secure her release (Begg, phone interview, April 5 2019) and that is indicative of sincere intent.

Sarah Belal, the founder of Justice Project Pakistan⁴, also believed that the only way Aafia would return to Pakistan if a formal prisoner-swap agreement were signed between Pakistan and the US, which has not happened yet. That might happen soon though, as talks for a Pakistan-Saudi Arabia prisoner swap agreement have been underway (Belal, phone correspondence, April 26 2019). A formal US-Pakistan prisoner swap agreement may be justified considering more than 350 Pakistani prisoners were imprisoned in US jails in May 2017 (Bilal, 2017).

Aafia's release and US-Pakistan relations: Will they, won't they?

US Principal Deputy Assistant for South and Central Asian Affairs Ms. Alice Wells and US Special Representative for Afghanistan Reconciliation Mr. Zalmay Khalilzad conducted talks with Pakistani officials where they 'agreed to continue their cooperation for Afghan peace and reconciliation' (Dawn, 2019). Mr. Zalmay Khalilzad has regularly praised Pakistan's role in bringing the Taliban to the negotiating table with the US, and these meetings between 'Pakistani and US officials are believed to be quite significant in the backdrop of recent rounds of peace talks between the Taliban and the US in Qatar' (Dawn, 2019). According to an interview documented by TRT World Research Centre⁵, the Taliban have prioritized Aafia's release as part of negotiations surrounding prisoner exchange in the current peace talks with the US. This is not new considering there have been multiple demands by the Taliban for her release over the past decade (Ross, Schwartz & Meek, 2014; Foreign Policy, 2014; Telegraph, 2010) as well as reports in the past that suggest that the US has offered to exchange Aafia for others including Raymond Davis⁶, Dr. Shakil Afridi⁷ and Sgt. Bergdahl⁸. According to Dr. Tarek Cherkaoui⁹, it would make sense for the Taliban to prioritize Aafia's release because of her profile. The release of the controversial prisoner associated with the war on terror would be excellent optics in favour of the reconciliation process elevating the Taliban's stance on the recklessness

with which arrests and convictions associated with the war on terror were handled.

With US President Donald J. Trump calling for US troop withdrawal both before and after being elected to office, the Taliban demand could be met in order to reward Pakistan's role in the Afghan reconciliation process by a softened stance on Aafia's detention, amongst other opportunities. Afghanistan's apparent waning importance to the US may mean that the US' interest in holding on to Aafia as a potential bargaining chip for the future for extremist groups or the governments of either Afghanistan or Pakistan may not be as strong as before.

In fact, strategically speaking, the US has more to gain from letting Aafia serve her sentence in Pakistan, allowing the incumbent Pakistani government this public win, in order to secure further cooperation in the US' seemingly inevitable withdrawal from Afghanistan. This appeared to be the motivation behind the unexpectedly neutral US position during tensions between Pakistan and much-touted strategic ally India in February 2019, which definitely offered a significant diplomatic win to the incumbent Pakistani government.

⁴ An advocacy organization in Pakistan helping victims in the war on terror.

⁵ Aasim Qureshi, author of *Virtue of Disobedience* (2018) and *Rules of the Game: Detention, Deportation, Disappearance* (2009)

⁶ Raymond Davis is a CIA operative who was accused of killing two men in Lahore in 2011.

⁷ Dr. Shakil Afridi is the Pakistani doctor who helped the CIA track down Osama bin Laden. The current Pakistani government has also stated categorically that no exchange will take place in the case of Dr. Shakil Afridi as he acted against the 'interests of Pakistan' (Khan, 2018).

⁸ Sgt. Bowe Bergdahl is a former US army soldier who spent years in Afghan Taliban captivity until his release in 2014 in exchange for 5 Taliban officials held in Guantanamo Bay.

⁹ Manager of TRT World Research Centre and author of *The News Media at War: The Clash of Western and Arab Networks in the Middle East* (2017).



U.S. special envoy for Afghanistan Zalmay Khalilzad speaks during an exclusive interview following his meeting with Special Envoy of the President of Russia Vladimir Putin in Afghanistan Zamir Kabulov (not seen) in Ankara, Turkey on February 22, 2019. (Utku Uçrak - Anadolu Agency)

Additionally, given reports on Aafia's physical and mental health challenges, there is little evidence to suggest that Aafia is a security threat to the US any longer, even if she allegedly was in the past.

Given the above analysis, it would not be surprising if the US' stance on Aafia's detention in the US softens. The US' legal options include allowing her to complete the rest of her sentence in Pakistan or offering her a full US Presidential pardon (Khan, 2010). Considering President Trump's assertion about 'very good relations' (Anadolu Agency, 2019) between Pakistan and the US and the fact that the US has appeared fairly pliant towards Taliban demands by continuing to engage sans the Afghan government with analysts wondering whether the 'Taliban might be making assurances to Khalilzad...but it is unclear whether those guarantees are acceptable to the Afghan government' (Calamur, 2019), one of the above legal options may be exercised soon.

Aafia's return to Pakistan to complete her sentence offers a win-win deal for all involved. The US administration gets goodwill and cooperation, the Taliban secure perceived efficacy and influence while the Pakistani government brings the 'nation's daughter' home and fulfils a campaign promise. Then why has it not happened yet?

The answer may be that the US-Taliban talks have not gone as smoothly as expected in the expected timeframe. This is most evident when considering the timeline of the Afghan peace talks between the US and the Taliban. In November 2018, Aafia's sister reported that 'the incumbent [Pakistani] government has informed her about the substantial development over the issue of Dr Aafia' (The News International, 2018), and that she is '100 percent

optimistic' her sister is 'coming to Pakistan soon' (The News International, 2018). In December 2018, Pakistan took credit for arranging peace talks between the Taliban and the US (Gul, 2018). By February 2019, Mr. Zalmay Khalilzad met with Mullah Baradar, the co-founder of the Taliban who had been detained until then by Pakistani authorities since 2010, and had a more productive round of negotiations as Baradar had influence with the Taliban. By March 12, the New York Times reported that 2 weeks of US-Taliban talks ended with 'progress but no breakthrough' (Mashal, 2019). As evidenced above, Aafia was to be released from Carswell and repatriated to Pakistan on March 16 2019. This however, did not come to fruition. This may show that even though Afghanistan's importance to the US may be waning, the US' interest in holding onto prisoners (and not just Aafia) whose release have been demanded by the Taliban may not have dimmed as of yet.

US envoy Zalmay Khalilzad met with Pakistani officials on April 29, 2019 before the scheduled US-Taliban talks in Qatar in early May 2019. Given that the Pakistani Foreign Office spokesperson retracted his statement and reiterated the Pakistani government's resolve to bring Aafia back, or the fact that the Foreign Office spokesperson made a statement at all, points towards her being potentially released as soon as the US believes they have secured a commitment from the Taliban to engage in intra-Afghan dialogue. Though the Taliban have recently given some conciliatory signs with one representative going as far as to say the group is 'not seeking a monopoly on power' (Gannon, 2019), whether the Taliban or the US is able to convince the other, remains to be seen. Dr Aafia Siddiqui's release is clearly linked with it though.

Did Aafia get a free and fair trial?

Even if the current Pakistani government is successful in negotiating Aafia's return, there are more than a few unanswered questions particularly related to the validity and fairness of her trial.

On July 31 2008, the United States District Court for the Southern District of New York charged Aafia for attempted murder of US nationals, officers, and employees, assault with a deadly weapon, carrying and using a firearm, and assault on US officers and employees (Walsh, 2009). She arrived in the US on 4 August 2008 and presented before a US Magistrate Judge on 6 August 2008 (Walsh, 2009).¹⁰

There is contention regarding why Aafia was sent to the US to be tried under US federal law rather than Pakistan. According to research, 'this is the first time that a non-US citizen has not been designated an 'enemy combatant' and detained at one of the many bases around the world' (Cageprisoners.com, 2009, p. 14). There have been reports that she was a dual citizen at least, if not a US citizen (Goldblatt, 2007). However, Aafia was not a US citizen, and 'was a Pakistani citizen with a visa that allowed her to go to school [in the US]. When she got married to a Pakistani citizen, her visa status was changed to that of the non-working spouse of a legal, temporary resident. That was her visa status when she returned to Pakistan in 2002' (Purcell, 2013). Dr Fowzia Siddiqui also shared Aafia's Pakistani passport to determine her Pakistani citizenship¹¹ after stating that she was only a Pakistani citizen and had never held US citizenship (Siddiqui, phone correspondence, May 15 2019). There has been no evidence, thus far, of her being a US citizen. If she was a Pakistani citizen, arrested in Afghanistan, it is reasonable to assume she would be tried in either Pakistani or Afghan courts. Then, why was she sent to the US, especially when there was no precedent for that?

Aafia's trial was delayed significantly due to more than 15 psychiatric evaluations in order to determine her ability to stand for trial¹². Eventually, and not without contention, in April 2009, Judge Richard Berman ruled that while Aafia may suffer from mental health problems, she was competent enough to stand trial (Walsh, 2009)¹³.

During this pre-trial period, in a speech on April 25, 2009, Aafia's brother said:

'Aafia does have court appointed lawyers. But we learned over the past few months that court appointed lawyers have severe restrictions. For example, in 9 months not one defence lawyer has visited the scene of the crime nor interviewed a single witness or even made a motion for bail. Court appointed lawyers are paid low fees, and even then, the lawyers constantly struggle to get funds pre-approved from the judge. In this system, the other side knows everything you are doing. Appointed lawyers do not even have to have expertise or experience in the area of charges relevant to the case of Aafia. So, how can Aafia build a trusting and confidential relationship without a lawyer of her own choosing?' (Siddiqui, 2009 in Canary papers, 2010).

The Pakistani government paid over \$2 million in 2010 for Aafia's defence team (McGreal & Walsh, 2010). However, according to a consular visit report written by Aisha Farooqui, the Pakistani Consul General in Houston, Texas, who visited Aafia at Carswell on May 23 2018 and procured by TRT World Research Centre via Dr Fowzia Siddiqui, Aafia 'accused a certain Asif Hussain, PA [personal assistant] to former Ambassador [Hussain] Haqqani¹⁴, of siphoning off the \$2 million allocated by the Government of Pakistan for her trial in 2010¹⁵. She stated that this was the public

¹⁰ The Pakistani Daily Times published a story on 8 August 2008 that Aafia was captured in Ghazni along with her son. However, the same report also referred to documents that instead confirmed Aafia was arrested along with her children in March 2003 (Duff, 2018).

¹¹ See Appendix I for a copy of her Pakistani passport

¹² After her counsel maintained on 11 August 2018 that Aafia had not had a medical examination even once since arriving in the US, US Magistrate Judge Henry B. Pitman ordered that she be seen by a doctor (Shulman, 2008). The medical examination the next day showed that there were no visible signs of infection resulting from her gunshot wound (Kearney, 2008). Aafia reportedly refused medical examinations on several occasions (Saathoff, 2009). However, according to Aafia's brother, Aafia had said that she was not getting the medical treatment she required, which was denied by the psychiatrist hired by the prosecutor to determine her competence to stand for trial (Saathoff, 2009). Forensic psychologist Leslie Powers initially determined Aafia unfit to stand trial, but after reviewing US government reports, she reportedly told the pre-trial Judge that Aafia was faking mental illness (Stockman, 2010). In Aafia's first and second of three psychological assessments, she was determined to have 'depressive psychosis' and 'chronic depression' respectively (Hawkinson, 2008). However, after her final psychological assessment, 3 out of 4 US government psychiatrists thought that she was faking symptoms of mental illness (Walsh, 2009). One of them suggested that she was doing this to avoid criminal prosecution and increase her chances of returning to Pakistan (Walsh, 2009). Additionally, a government psychiatrist Dr. Sally Johnson testified in a pre-trial hearing that Siddiqui had never given anyone, whether her brother, her lawyers, Pakistani senators or embassy personnel, other visitors, prison staff or psychiatrists, 'a clear account of any torture or imprisonment' (Scroggins, 2012). However, L. Thomas Kucharski, the defence's psychologist concluded that Aafia was suffering from a delusional disorder and depression. According to him, there was strong evidence that she was not faking her mental illness (Weiser, 2009).

¹³ Even if she had been not tortured from 2003 to 2008, there was considerable evidence that Aafia has endured significant domestic violence at the hands of her former husband Muhammad Amjad Khan (Scroggins, 2012). Domestic violence has been associated with major depression, PTSD and anxiety (Lagdon, Armour, & Stringer, 2014).

¹⁴ Ambassador Haqqani was Pakistani Ambassador to the US from 2008 to 2011. He was a political appointee during the Pakistan Peoples' Party (PPP) government led by Asif Ali Zardari.

¹⁵ See Appendix II for a copy of the report written by the Consular General



Picture courtesy of Dr Fowzia Siddiqui's personal collection (edited).

money of the people of Pakistan but had been taken by Asif Hussain and possibly Ambassador Haqqani also who she described as unhelpful and not all interested in helping her case' (Consul General for Additional Secretary Americas, 2018).

Indeed, a right to information case¹⁶ has been filed by Mr. Altaf Shakoor, president of the Pasban Democratic Party and Advocate Chaudhry Hassan Sarfaraz Bhalli in the Islamabad High Court against the Government of Pakistan through Ministry of Law, Justice and Parliamentary Affairs, Ministry of Foreign Affairs, Ministry of Finance and Auditor General of Pakistan. In a phone correspondence, Mr. Shakoor said that the Government of Pakistan gave Ambassador Haqqani \$2 million for Aafia's lawyers, but they [the lawyers] only got a few thousand dollars. Where did the rest of the money go? (Shakoor, phone correspondence, May 15 2019).

In another scenario, Ambassador Hussain Haqqani was one of the few responsible for the ideation and facilitation of the payment of blood money to family members of the two men who were killed in Lahore by CIA operative Raymond Davis in January 2011 (Iqbal, 2017). A Pakistani lawyer quoted by the Associated Press said the total payments amounted to \$2.3 million while another Pakistani source said the payments were less than \$1 million for each family (Ignatius, 2011). Considering such contradictory statements about the amounts of payments apparently made, it is not unreasonable to doubt whether the victims' families were even the only recipients of the money in this case also.

Whether the allocated money was utilized to secure effective legal representation remains to be decided in court. Thus far, no court hearings have taken place for the Islamabad High Court case against Mr. Hussain Haqqani for embezzlement of funds allocated for Aafia Siddiqui's defence team.

It is not clear whether Aafia had access to justice via a competent legal defence team that she could trust.

Aafia's trial began in New York City after 18 months of detention on 19 January 2010. Nine government witnesses were included by the prosecution including current and former US army officials and FBI agents including captain Robert Snyder who testified first (Hughes, 2010).

Aafia's defence team presented the following evidence:

- There was no forensic evidence that the rifle was fired in the interrogation room (McQuillan, 2010).
- Nine out of nine government witnesses offered conflicting accounts of how many people were in the room, where they were positioned and how many shots were fired (Hughes, 2010).
- Her handbag contents were not credible evidence because they were sloppily handled (Hughes, 2010).
- An FBI agent testified that Siddiqui's fingerprints were not found on the M4 rifle (Press TV, 2010).
- Ahmed Gul's testimony differed from Robert Snyder's with regard to whether Siddiqui was standing or on her knees as she fired the rifle (Hughes, 2010).

The prosecution argued that:

- It was not unusual to fail to get fingerprints off a gun, as this was 'a crime that was committed in a war zone, a chaotic and uncontrolled environment 6,000 miles away from here' (Stockman, 2010).
- That documents pertaining to terror plans and weapons were found in Aafia's bag that were written in her own handwriting (Scroggins, 2012).
- Aafia had taken a firearms course and that the pistol safety instructor had testified that he taught her to fire 'hundreds of rounds' (Scroggins, 2012)

Aafia resisted her legal team throughout the trial, attempting to fire them repeatedly (Worthington, 2011). According to Worthington (2011), most of her lawyers only met her in court. One of her lawyers, Linda Moreno, said in an interview that:

¹⁶ See Appendix III for a copy of the court notice

'She was clearly damaged — extraordinarily frail, very tiny. It broke my heart when Aafia did not trust anyone, me, the other lawyers ... although I could understand it. She reminded me of American Indian resisters I worked with way back ... her resistance was clearly to the legal process and she saw all the attorneys as part of that process' (Worthington, 2011).

Aafia, despite her legal team's advice against it or perhaps because of it, chose to speak herself during her trial (Worthington, 2011), and testified that:

- Her own guards had given her the documents to carry in her bag (von Mittelstaedt, 2008).
- She had been forced to copy the documents in her bag out of a magazine otherwise, her children would have been tortured (Scroggins, 2012).
- She had taken a firearms course like everyone else (Scroggins, 2012)
- She had tried to escape but she had not touched the rifle or fired any shot (Hughes, 2010).
- She had been 'tortured in secret prisons' prior to her arrest by a 'group of people pretending to be Americans, doing bad things in America's name' (Hughes, 2010a).

Despite the facts that her mental health status was in doubt before and even during the trial (Walsh, 2009) and that the US government never rebutted her allegations of torture against her or her children, the jury could not be convinced in Aafia's favour for suffering from mental illness and consequently her innocence. This was because, according to her defence lawyers, 'she came over as sometimes arrogant and capricious, and sometimes rambling' and that because she 'was very articulate, intelligent, well spoken, and people mistook that for well-functioning' (Worthington, 2011).

It could have also been because she did not have access to a competent legal defence team that she could trust, or the fact that her team could have instead focused more on the many gaping loopholes and lack of evidence provided by the prosecution instead of on proving Aafia mentally unwell.

With that said, Aafia's trial lasted 14 days and the jury deliberated for three days before reaching a verdict (Hughes, 2010). On February 3, 2010 Aafia was found guilty of attempted murder, armed assault, using and carrying a firearm, and three counts of assault on US officers and employees, and sentenced to 86 years in prison, despite both concerns she was not psychologically fit to stand for trial, and that US claims were not fully supported by



Picture courtesy of Dr Fowzia Siddiqui's personal collection.

evidence. Considering though that the international, particularly US media, had portrayed Aafia to be dangerous, and that 6 US soldiers were testifying against her, the jury's verdict against her was not surprising (Worthington, 2011).

Even if all allegations were true though, and Aafia was undeniably psychologically competent to stand trial, Aafia's sentence of 86 years is arguably punishment that exceeds the crime.

Her children, Ahmed and Maryam, have never been to the United States to see her. Her third child, Suleman, has not been seen since 2003. He is presumed to be dead (Worthington, 2011).

To the distress of her family and supporters, Aafia unexpectedly turned down what appeared to be the final chance to appeal her indictment in July 2014, stating that she had no faith left in the American justice system (Shah, 2015). According to her lawyer, she may not be functioning optimally in terms of mental health given extensive torture and confinement (Shah, 2015), despite the fact that she was judged to be mentally competent to stand trial in 2009. However, why then has she been held at the Federal Medical Centre, Carswell, which is a US federal prison for female inmates of all security levels with special medical and mental health needs?

What happened between 2003 and 2008?

When Aafia disappeared, the Pakistani papers mentioned reports that she had been arrested on terrorism charges (Hassan, 2008). The Boston Globe also reported that Aafia had been detained for questioning by both US and Pakistani authorities (Stockman, 2008). A year later, in a follow-up story, the Pakistani paper Dawn quoted a Pakistani government spokesman who said that she had been handed over to US authorities in 2003 (von Mittelstaedt, 2008). However, both the FBI and the Pakistani government said Siddiqui was still at large throughout 2003-2004 (Walsh, 2009), with the US government suggesting that Aafia went into hiding with Khalid Sheikh Mohammed's family.

On 26 May 2004, US Attorney General John Ashcroft held a press conference and described Aafia as a one of the seven most wanted al-Qaeda fugitives (von Mittelstaedt, 2008). Newsweek went as far as to say that she was the most immediately dangerous (Thomas et al., 2004)¹⁷.

Aafia said that she was kidnapped, along with her children, on her way to the airport, as corroborated by her mother (von Mittelstaedt, 2008). According to her testimony, she received an injection in her arm after which she lost consciousness. When she regained her consciousness, she was in a prison cell. She believed it was a military base because she could often hear aircraft landing and taking off. She was kept there for 5 years, interrogated and tortured by Americans who did not wear masks or uniforms (von Mittelstaedt, 2008). She was, according to her own testimony, forced to hear her children's screams and to write 'hundreds of pages about the construction of dirty bombs and attacks using viruses' (von Mittelstaedt, 2008).

It is also important to note that Majid Khan¹⁸ and Ammar al-Baluchi¹⁹ also disappeared around the same time as Aafia did in 2003. They were reportedly both secretly held by CIA or its proxies for more than 3 years (Mariner, 2008). Like many others, they had reportedly been arrested by the Pakistani intelligence services and handed over to CIA as part of the ongoing so-called war on terror (Mariner, 2008).

BBC reported that it 'is an open secret in Karachi, that any member of Khalid Sheikh Mohammed's family deemed to be 'a 1% threat to US security' is in American custody' (Hassan, 2008). The fact that Khalid Shaikh Mohammed had named Aafia himself, and that his family had confirmed her marriage to his nephew seemed to be enough evidence for the US and Pakistani authorities (Hassan, 2008).

However, unlike Khan and a number of others, the US did not reveal Aafia was in their custody. She suddenly reappeared in Afghanistan only when her case began to gain political notoriety in July 2008 (Mariner, 2008). Interestingly, in a letter to the editor of the Pakistani newspaper Dawn that is no longer accessible online, Aafia's uncle S. H. Faruqi wrote that he met Aafia in January 2008, and her face was altered by plastic surgery, and that she had a national ID card under a fictitious name (Miss Kelly, 2009).

According to Amnesty International, even though there has never been any reliable information about Aafia being held by the US prior to her arrest in Ghazni in July 2008, it is widely known that the US has held an unknown number of people in secret detention in 'CIA-run 'black sites' (Amnesty International, 2010). These sites were set up in various countries following the attacks of 11 September 2001, including in Afghanistan' (Amnesty International, 2010).

On July 17, 2008 a woman appeared outside the Ghazni governor's compound in Ghazni, Afghanistan. Apparently arousing suspicion while crouching on the ground, a police officer approached her thinking she was a suicide bomber (von Mittelstaedt, 2008). Two days before this happened, Abdul Rahim Dessiwal, the public prosecutor in the nearby Andar district, received an anonymous call from a woman claiming that a female suicide bomber accompanied by a boy was on her way to Ghazni (von Mittelstaedt, 2008). Aafia was taken to the police station for questioning.

At the police station, Aafia said the boy accompanying her was her stepson and that his name was Ali Hassan²⁰ (von Mittelstaedt, 2008). The Ghazni police searched the bags that they found with her but they found no explosives (von

¹⁷ However, the next day The New York Times carried an article citing US Homeland Security that the risk was overstated and that US diplomats were accusing the Bush administration of attempting to divert attention from the failings of the Invasion of Iraq (Pither, 2008).

¹⁸ The FBI alleges that Majid Khan was an Al-Qaeda operative, and that Aafia was a willing accomplice as she had assisted him in opening and operating a post office box in December 2002 (von Mittelstaedt, 2008). Aafia said she only agreed to help him as a family friend (Scroggins, 2012). Her lawyer, however, claimed that Aafia was a victim of identity theft, and her sister said it was used to apply for jobs in the US (Walsh, 2009).

¹⁹ In February 2003, sources including American and Pakistani intelligence ones, claim that Aafia married Ammar al-Baluchi, the nephew of the Al-Qaeda leader and mastermind behind the September 11 attacks Khalid Sheikh Mohammed (Hassan, 2008). Her family denies this (Hassan, 2008).

²⁰ A DNA test performed a short time later determined that the boy was Ahmed, her biological son (von Mittelstaedt, 2008). The Ghazni police have a 'blurry video' (von Mittelstaedt, 2008) in which Aafia called herself Saliha and said that she is from Multan, Pakistan. In the video, she nudged the boy as if to remind him to cover his face (von Mittelstaedt, 2008).

Mittelstaedt, 2008). However, they did find small plastic bottles containing 'chemicals, a computer and documents, written in Urdu and English, about dirty bombs, biological weapons and recruiting jihadists' (von Mittelstaedt, 2008, p.3).

According to US accounts, Aafia was taken to the Afghan National Police facility where she was held in a meeting room, which was partitioned by a curtain, and she was sitting, unsecured, behind the curtain (Schmitt, 2008). As American authorities entered, including FBI agents, US army officers and their US military interpreters, one of the US army officers allegedly sat down and put his loaded M4 carbine on the floor, apparently according to local Afghan tradition (Schmitt, 2008). Allegedly, Aafia drew the curtain, picked up the gun and pointed it at the US army officer. After yelling 'Allah Akbar', she apparently shot at one of the US army officers at least two times but missed both (Schmitt, 2008). According to US sources, the Afghan interpreter who was seated closest to her attempted to disarm her (Schmitt, 2008). During this time, the other US army officer (who was not shot at) returned fire and hit her in the torso (Schmitt, 2008). As per a US Justice Department statement, Aafia allegedly hit and kicked at the officers attempting to disarm her while shouting in English that she wanted to kill Americans, and lost consciousness while doing so (Schmitt, 2008).

There are more than a few loopholes in the account above, making it difficult to ascertain the truth of what really happened in Ghazni that became the basis of Aafia's eventual conviction. The following points add to the murkiness associated with the details of this case:

- Two days before Aafia's arrest, Abdul Rahim Dessiwal, the public prosecutor in the nearby Andar district, received an anonymous call from a woman claiming that a female suicide bomber accompanied by a boy was on her way to Ghazni (von Mittelstaedt, 2008). Whom was the call from?
- As per the US government account, Aafia had handwritten notes about attacks on various US locations, including the Statue of Liberty, Wall Street, the Brooklyn Bridge et cetera. Even though the judge would later not allow Aafia's possession of chemicals and terror manuals as well as her alleged ties to al-Qaeda at the time of her arrest as evidence for the jury in her trial as it could have created inappropriate bias. This is odd considering, according to Abdul Ghani, Ghazni's deputy police chief, she later confessed she had planned a suicide attack against the governor of Ghazni Province (Cageprisoners.com, 2009). It may not be unreasonable to question why did Aafia have documents related to suicide attacks in the US when she was supposed to conduct an attack in Afghanistan?

- A few Afghan police let Reuters know that US troops had demanded that she be handed over and shot Aafia thinking she was a suicide attacker after disarming the Afghans who had refused to hand her over (Kearney, 2009). Why were Afghan police' testimonies not included in the trial?

- Anyone would have to be familiar with operating the M4 carbine to be able to use it. It is not known whether Aafia was familiar with it at all (von Mittelstaedt, 2008). Could the judge have asked a military expert to weigh in as part of the trial or asked for evidence for Aafia's ability to use it at the time, both physically as well as in terms of expertise?

- Why would a US army officer put down his weapon when a wanted and allegedly highly dangerous al-Qaeda terrorist was in the same room? Would he care about Afghan customs in that moment?

- At the time of this incident, Aafia weighed less than 100 pounds and appeared to be disabled and barely able to walk. Could the judge ask for credible evidence for her ability to overpower combat specialists and US army officers? This is especially pertinent considering no US army officer or anyone else in the room was even injured, let alone killed but Aafia was injured (Mariner, 2008).

- Aafia's account of her arrest in Ghazni was not considered. According to Pakistani senators who visited her in jail, Aafia denied ever touching a weapon, shouting or threatening anyone during this incident. She apparently stood up to see who was on the other side of the curtain, after which one of the US army officers shot at her after shouting 'she is loose'. According to her, after regaining consciousness, she heard someone say 'We could lose our jobs' (Bartosiewicz, 2009). Additionally, in an attempt to explain her presence at the mosque in Ghazni, Aafia also said that she was ordered to follow a plan, a successful completion of which guaranteed her release. She said her guards had placed the documents and chemicals in her bags (von Mittelstaedt, 2008). Considering other involved parties' testimonies were considered, and that Aafia was judged to be mentally competent to stand trial, why was her account not considered?

- To top all suspicion is the fact that a story appeared in Associated Press (AP) on July 19th 2008 which referred to an altercation between Afghan and US forces over the jurisdiction of a female detainee because of which the female detainee was shot (Cageprisoners.com, 2009). The timing of this report is damning as it was one day after Aafia was allegedly arrested and more than two weeks before the US officially even recognized that she was detained (Cageprisoners.com, 2009). Who was the female detainee AP was referring to?

If Aafia was a terrorist, why was she not tried as one?

Pakistani authorities arrested Khalid Sheikh Mohammed on 1 March 2003.²¹ It was his arrest that seemed connected to Aafia's disappearance as authorities say that it was Khalid Sheikh who gave her name up to the Pakistani authorities (Cageprisoners.com, 2009). It should be noted that he was reportedly water boarded 183 times while in US custody (Savage, 2018). Khalid Sheikh Mohammed naming her triggered 'a global "wanted for questioning" alert for Aafia on March 25, 2003, who was also accused of being a "courier of blood diamonds"²² and a financial fixer for al-Qaeda' (Goldenberg & Shah, 2008).

By the time Khalid Sheikh Mohammed had named her, the FBI had already investigated her as well as her husband Muhammad Amjad Khan²³.

The last time Aafia's mother saw her was 'when her daughter was getting into a taxi with her three children – the youngest only six months – bound for Karachi airport on 30th March 2003' (Cageprisoners.com, 2009). She was planning on going to Islamabad to visit her uncle²⁴.

At the time of her arrest, media described her as a masterful microbiologist, geneticist or neurologist²⁵ capable of applying this dangerous knowledge to procure and develop biological weapons²⁶, while others reported her as unscientific²⁷. Neither version was reality-based.

When asked why did the US not charge her for terrorism, Moazzam Begg answered with an empathic 'there was no evidence, that is why' (Begg, phone interview, April 5 2019). When asked why terrorist organizations such as Daesh were requesting her release, Begg answered that

Aafia became the symbol of political resistance to the US that 'everyone could latch on to' (Begg, phone interview, April 5 2019). He cited the example of Muttahida Qaumi Movement (MQM), predominantly secular political party in Pakistan, advocating for Aafia's release to highlight the broad appeal of the case to Pakistanis and Muslims.

If the US security officials had reason to believe Aafia was a bona fide al-Qaeda terrorist, she should have been charged for terrorism. It would not be unreasonable to assume that no trial was sought for terrorism because there was no legitimate evidence for it, or at least none that was valid enough. With 6 US army personnel as witnesses against Aafia sending a very strong signal, the jury also did not have access to what was arguably a key piece of evidence during the trial, which only became available later through WikiLeaks. It was a US Defence Department incident report that supported Aafia's account of her not firing the gun, but only pointing it at the soldier (Worthington, 2011). The US military did not allow this report to be available at the time of Aafia's trial.

During her trial, the judge did not allow Aafia's possession of chemicals and terror manuals as well as her alleged ties to al-Qaeda at the time of her arrest as evidence for the jury in her trial as it could have created inappropriate bias. However, there is reason to consider a more sinister motive behind this exclusion of evidence: it puts the burden to prove beyond reasonable doubt that such evidence actually existed on the prosecution, which may have been difficult considering the many loopholes in the story as highlighted in an above section.

²¹ On that same March 1, Aafia emailed her professor, Robert Sekuler, at Brandeis University saying that she was looking for a job in the US, as there were no opportunities for her in Karachi (Walsh, 2009).

²² Aafia was allegedly in Monrovia, Liberia, in June 2001 to buy diamonds that would fund al-Qaeda operations. However, the FBI itself ruled this specific claim out (Bartosiewicz, 2009). Additionally, Aafia's defence lawyer provided evidence that she had been in Boston the entire time in the form of credit card receipts and other records (Scroggins, 2012).

²³ Right after the September 11 attacks, the FBI launched the PENTTBOM investigation in which thousands of foreign Muslims were harassed and detained for long periods without charge or counsel (CAGE, 2014). The FBI questioned Amjad and Aafia in May 2002 for purchasing \$10,000 worth of night vision equipment, body armour and military manuals over the internet. Amjad said they were for hunting expeditions (Walsh, 2009). Even though the couple made an appointment themselves to speak with the FBI again (Scroggins, 2012), the family, considering it too risky to remain in the US due to the nature of the PENTTBOM investigation as described above, left for Pakistan in June 2002.

²⁴ See Appendix IV for more on Aafia's family and personal history

²⁵ See Appendix V for a copy of the abstract of her PhD thesis

²⁶ According to her Ph.D. advisor, Dr. Paul DiZio, this is not plausible. He said, describing her research, 'I cannot see how it can be applied to anything...it is not very applied work. It did not have a medical aspect to it. And, as a computer expert, she was competent. But you know, calling her a mastermind or something does not seem - I never saw any evidence' (CAGE, 2014).

²⁷ The related the incident when, after presenting a paper on fetal alcohol syndrome, she concluded that science showed why God had forbidden alcohol in the Quran (Scroggins, 2012).

In fact, according to her defence attorney Elaine Whitfield Sharp, the US may have never wanted Aafia to have a trial at all. She contended that Aafia was set up by US officials, in what the CIA calls a 'disposal order' (von Mittelstaedt, 2008) because the US no longer knew what to do with her. They had wanted the police in Ghazni to kill her as a potential suicide bomber (von Mittelstaedt, 2008), forever labelled a 'terrorist' as she carried evidence with her. For Sharp, Aafia's survival itself was a US miscalculation, as it 'would have been the perfect murder' (von Mittelstaedt, 2008), preventing her from ever testifying and challenging the US narrative about her and perhaps others like her.

Bruce Hoffman, a Security Studies professor at Georgetown University, corroborated these observations. He said that by not including terrorism charges, the case had become simple for the prosecution and easier to prove, as 'there's no intelligence data that needs to be introduced, no sources and methods that need to be risked. It's a good old-fashioned crime; it's the equivalent of a 1920s gangster with a tommy gun' (Weiser, 2008).

Aafia herself was removed from the court on several occasions for screaming (Hurtado, 2010). Her defence lawyers requested the judge to declare a mistrial but that was turned down (Hurtado, 2010).

With so many omissions and loopholes in the evidence, Aafia's defence lawyers tried to appeal the sentence on the basis of her mental health illness and that she attempted to escape from the Afghan facility 'by any means available ... what she viewed as a horrific fate' (Neumeister, 2010) primarily. It can be questioned whether this was the best legal strategy as the focus could have been on unavailable or compromised evidence against her or in her favour instead. That most likely would have been more effective.

Her family has had sparse access to Aafia post her conviction and imprisonment. Even though, as per Aafia's sister Aafia had agreed to an appeal in April 2014, she abruptly withdrew it in July 2014. By November 2015, her counsel were worried that correspondence was not getting through to her (Shah, 2015). In an interview to Al Jazeera, her defence attorney Stephen Downs revealed that, during the two consular visits made by the Pakistani embassy personnel in 2015, 'a woman enveloped in a burqa sat with her back to the embassy officers. She refused to show her face and did not utter a word, making it difficult for the embassy officials to say they had definitely met' Aafia (Shah, 2015).

This led to fears that Aafia may not be alive anymore, however, US officials were quick to dispel them (Shah, 2015). They contended that she is fully capable to rejecting

or accepting correspondence (Shah, 2015), which made Aafia's silence even more suspicious. In an attempt perhaps to explain the silence, Stephen Downs said 'Aafia has now essentially been in solitary confinement for the last 12 years, and tortured for part of that time. And we know that this kind of confinement and torture can do a lot of things to the human mind,' (Shah, 2015).



Afghan soldiers inspect an area after the Afghan security forces clashed with the Taliban militants in the Helmand Province, Afghanistan on October 26, 2015. At least 230 Taliban Militants and 27 Afghan soldiers killed during the ongoing clashes for 6 days. (Abdul Hadi Roshan - Anadolu Agency)

Recommendations

Justice has alluded Aafia but it does not have to allude other cases similar to hers. Learning from this analysis, relevant stakeholders including the Pakistani government, the Afghan government, relevant advocacy organizations/ NGOs, as well as the international media can consider and apply the following recommendations:

Pakistani Government

- Prime Minister Imran Khan campaigned based on creating a Naya Pakistan (New Pakistan) that would be free of corruption and focused on providing justice to the people. Provision of justice to Aafia Siddiqui is a documented priority for him considering it is included in the Prime Minister's political party, the Pakistan Tehreek-i-Insaf's (PTI) political manifesto. A few months after coming to power, Prime Minister Imran Khan received a letter from Aafia, requesting his help in securing justice for her. Given that this is a very high profile case in Pakistan, securing her release could provide political mileage that would help promote the ruling party's efficacy in ensuring justice to all. The incumbent Pakistani government would be well advised to support all measures that bring Aafia Siddiqui's case back to the negotiating table with the US as well as in the public discourse internationally. By highlighting it as a human story, the incumbent Pakistani government may be able to draw attention to it, and secure Aafia's repatriation in three potential ways:

- o The incumbent Pakistani government could leverage their positive involvement in the Afghan reconciliation process to secure a US Presidential Pardon for Aafia by advocating it as a means to an end, the end being the closure of an era of distrust between the US and Pakistan. This could also help restore the US' image in terms of fairness and mercy for the Pakistani public as well. Considering geopolitical shifts and Pakistan's growing relationship with China, it may be in the US' interests to invest in protecting the US-Pakistan relationship.

- o Prime Minister Imran Khan's government could secure her repatriation to serve the rest of her sentence in Pakistan near her family members including her children. This could be done under either Pakistani or US law as there exist provisions under both. In Pakistan, according to the Transfer of Offenders Ordinance 2002, a prisoner can be transferred to Pakistan if a relevant bilateral agreement exists between Pakistan

and the country that holds the prisoner currently. The power to transfer an offender exists in US law as well. Title 18, Part III, Chapter 306, Section 4100 of the US Code, states that 'an offender may be transferred from the United States pursuant to this chapter only to a country of which the offender is a citizen or national'. As Aafia is a Pakistani national, the incumbent Pakistani government could facilitate her transfer to a Pakistani jail by signing a bilateral prisoner transfer agreement with the US as it has done with the UK (Express Tribune, 2018) to meet the requirements as per the penal codes of both countries. This will allow the current US and Pakistan governments to uphold the values associated with 'America First' and 'Naya Pakistan' that led to their election.

- o The Pakistani government could consider the possibility of a retrial by appealing based on a lack of access to justice. Aafia 'had claimed in court papers that her 2010 conviction should be thrown out because she was forced to use lawyers paid for by the Pakistani government' (CBS New York, 2014). Considering that there is a possibility that Ambassador Haqqani or his staff did siphon off \$2 million and only paid her lawyers a few thousand dollars as alleged, the incumbent Pakistani government could ensure that:

- The case for right to information regarding expenses incurred and resources utilized during Aafia's trial currently pending in the Islamabad High Court is able to reach its conclusion quickly and justly.
- If there is reason to believe that Aafia did not have access to justice, considering the sensitivity of the case for her both personally and as a citizen of Pakistan, then a retrial is not only justified, it is required.

Afghan Government

- The Afghan government considering they are desirous of intra-Afghan dialogue amidst the ongoing Afghan reconciliation talks between the Taliban and the US during which the Afghan government believe they have been sidelined (Bezhan, 2019) - could find common ground with the Taliban by adding their weight behind some of the Taliban's demands of the US, namely regarding prisoner exchange. As noted above, the Taliban has prioritized Aafia's repatriation when it comes to prisoner exchange.

This could be one of potentially many confidence-building measures between the Afghan government and the Taliban, seen as a strong message of Afghan solidarity to the international community, not to mention between the Afghan and the Pakistani governments. It could also be one of the strategic moves on the part of the incumbent Afghan government to ensure being counted among major power brokers in a post-US withdrawal Afghanistan.

Advocacy organizations and NGOs:

- The advocacy organizations and NGOs who work with prisoners, missing persons and torture victims must ensure that:
 - o Mechanisms are in place to document violations as per International Human Rights Law. These could be in the form of offering incentives for information on use of torture in prisons and/or locating missing persons and facilitating research.
 - o There are workshops and education campaigns that work to increase awareness for the role of trauma in trial and appeal procedures.
 - o There are training workshops for relevant professionals that increase awareness for the role of racism in allegation, conviction, sentencing and appeals.

International Media

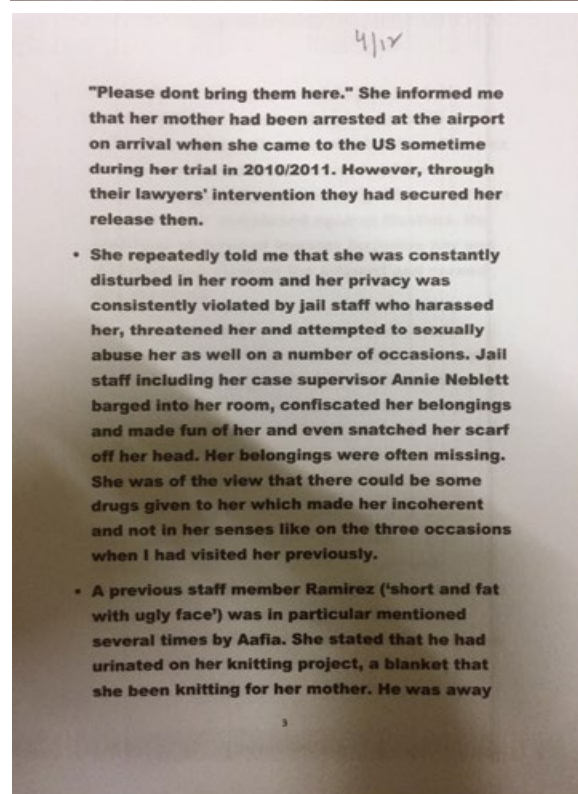
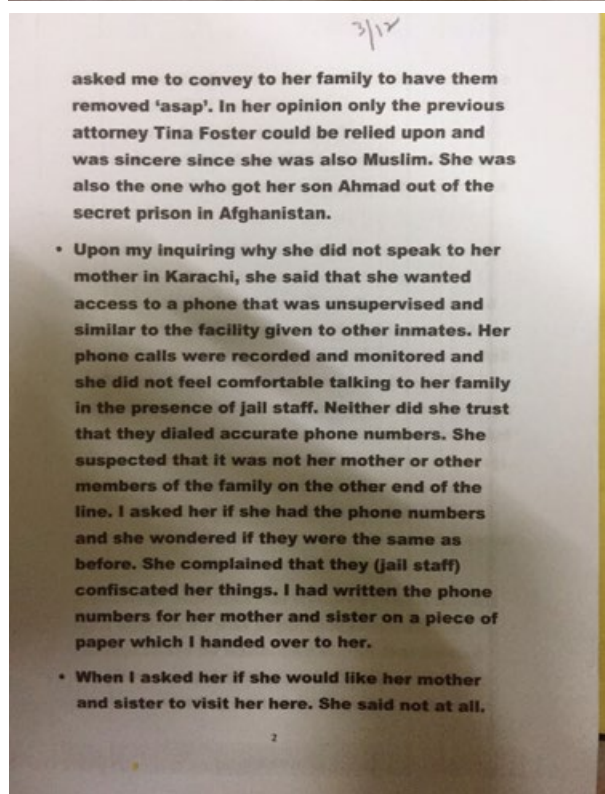
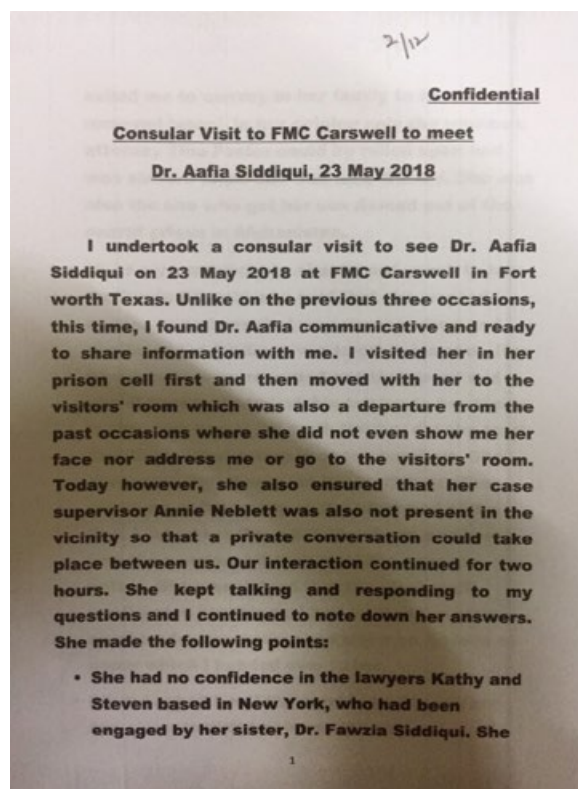
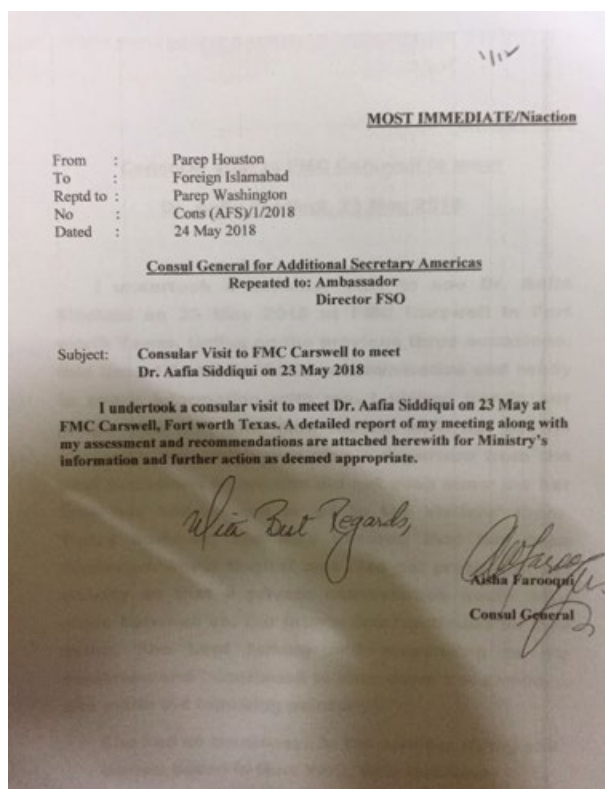
- Media coverage must be as factual as possible in sensitive cases such as this one. While the case was at a time in history where security was of utmost importance understandably, as reflected in the coverage of United States vs. Aafia Siddiqui, journalism requires thorough understanding of an issue to provide comprehensive and fact-based coverage. In order to advance this, the following can be done:
 - o All relevant media personnel must educate themselves on a case before reporting on it in order to present the clearest and most comprehensive information available. An example of nonfactual reporting was the area of focus of Aafia's doctorate as well as the supposed applied nature of it.
 - o Media personnel must refrain from sensationalism. Much of the reporting of this case focused on Aafia's profile as a dangerous Muslim woman with knowledge of US systems and links to Al Qaeda. This created the impression that no Muslim can be trusted, even the ones that seemed harmless and were products of the so-called 'West' and are part of western communities. By highlighting her as a woman of another culture, the media exoticised her and made it hard to relate to her humanity.

Appendix

Appendix I - Copy of Aafia's Passport



Appendix II - Copy of Consular General's Report of Visit to FMC Carswell to meet with Aafia on 23 May 2018



5/12

currently but was expected to join back the prison unit next month. She pleaded with me to ask appropriate authorities not to allow Ramirez to return to her unit. She was afraid he would harm her physically and sexually. She called him a serial rapist and biased against Muslims. He also took pictures of inmates including her and disseminated them on the internet and spread lies about her.

- She alleged that her case supervisor Annie Neblett with two others had attempted to rape her last February (2018) and had taken away her things from her room. In her view there was rampant and institutionalized rape and bisexuality at FMC Carswell and only Allah was protecting her.
- The staff systematically declared that she is mad and would barge into her room on the pretext that she was injuring herself and therefore needed to be rescued. It was they who would hit her and then lie that she was self-mutilating. They would also stamp on the Quran with boots on.

4

6/12

- She also stated that she was being poisoned slowly through the addition of phosphate and phosphoric acid in food and drinks like coke especially on those days when they would put her in a lock up. There could be other carcinogens and radioactive poisons being added to her food. Only the food she bought from the commissary could be trusted for consumption.
- I also asked if she had the money in her account. She enquired who sent this money and I told her it came from her family. She did not appear to be clear on this and said she did not know.
- The only staff member who she trusted and who quietly helped her out was Mr. E. Meyers. But she was afraid to ask him for help too many times as that would get him into trouble and he could be removed.
- When I enquired if she received mail, she stated that it was all fake mail and the original mail was confiscated.
- She insisted I recorded and reported back that she was physically and psychologically fine and

5

7/12

of sound mind. She only protested against her incarceration through a silent boycott when she would not speak to any staff or inmate.

- I asked her if she had written to the Judge that she did not want to appeal against her sentence in 2011. She said yes she had written because she expected no justice from the same judge in the appeal. She also said that her case was taken to the US Supreme Court where the case was lost due to the incompetence of the lawyers. She asserted that her trial was a sham and she had been imprisoned illegally and unlawfully.
- She accused a certain Asif Hussain, PA to former Ambassador Haqqani, of siphoning off the US\$ 2 million allocated by the Government of Pakistan for her trial in 2010. She stated that this was public money of the people of Pakistan but had been taken by Asif Hussain and possibly Ambassador Haqqani also who she described as unhelpful and not at all interested in helping her case. She also stated categorically that unlike the wide spread misperception about her and allegations of being associated with a banned

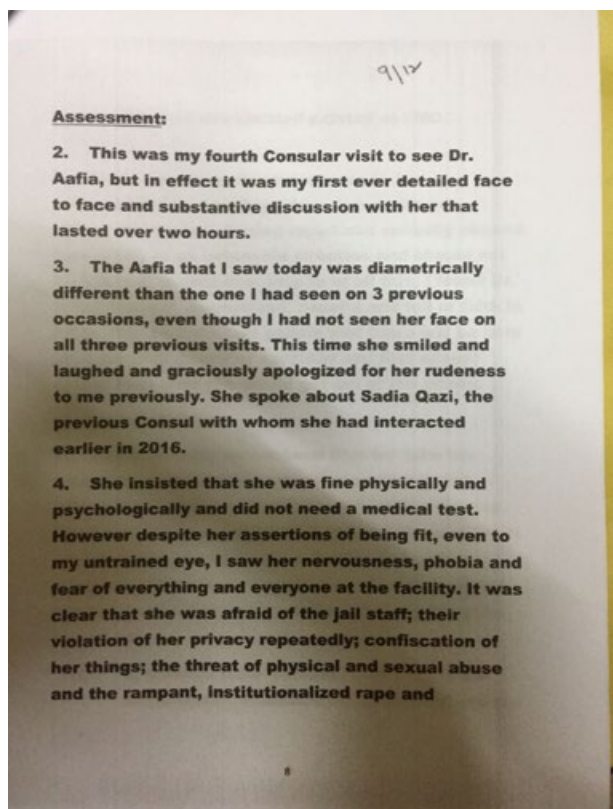
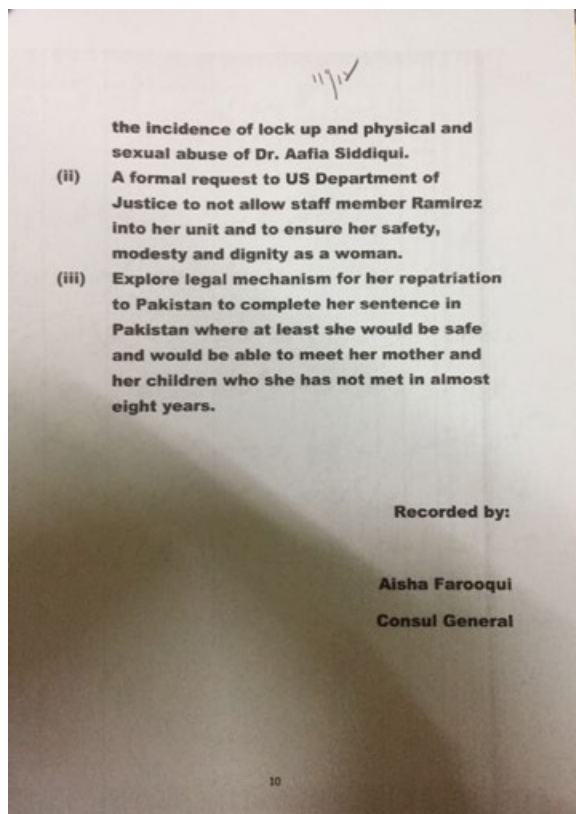
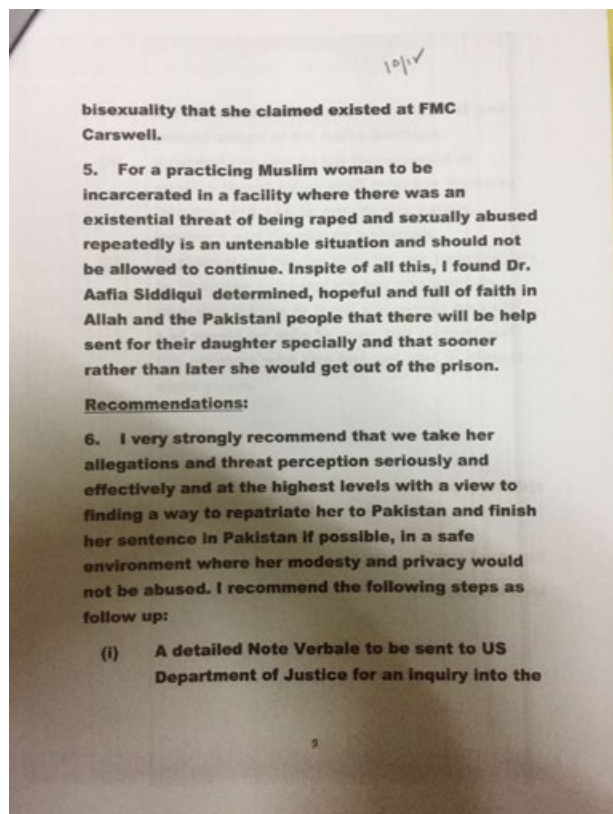
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8/12

organization, she had nothing to do with 'that man who was thrown in the sea in 2011.'

- She stated that she tried to be a practicing Muslim in here as much as possible but this place was not hygienic for namaz. She was given sewage water and even the detergents and cleaning material she was given were unhygienic. Despite all that she tried to pray and practice her religion.
- I asked the staff if they could take picture of her so that I could convey it to her mother as proof that she is alive. But they declined stating there was no camera. Even Aafia was reluctant to have her picture taken.
- I asked her to tell me a special name her mother had for her which would prove that it could only come from Aafia and her mother would believe that she is alive. After much thought she said her parents often called her "Afo Rani" along with other nick names.
- Then she recorded a short message in Urdu for her mother which is attached in my handwriting with this note.

7



Appendix III - Copy of Court Notices

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No.3798-2018
Chaudhry Hassan Sarfraz Bhalli, Advocate & Another
Vs.
Government of Pakistan through Secretary, Ministry of Law, Justice and
Parliamentary Affairs, Islamabad etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	11.10.2018	Mr. Muhammad Dawood Parvaiz Ghaznavi, Advocate for petitioners.

Through the instant petition, the petitioners seek direction to the respondents to provide information/documents.

2. Learned counsel for the petitioners, *inter alia*, contended that petitioners requested for information regarding the expenses incurred by the respondents in writing under Right to Information Act.

3. Let pre-admission notice be issued to the respondents.

CM No.01-2018

4. Notice.

CM No.02-E-2018

5. The exemption sought for is allowed, subject to all just and legal exceptions.

(AAMER FAROOQ)
JUDGE

Certified to Be True Copy
18 OCT 2018
Examiner
Copy Supply Section
Authorised Under article-87 of
Qanoon-e-Shahadat Order 1984
Islamabad High Court
Islamabad

Zawar

IN THE ISLAMABAD HIGH COURT
ISLAMABAD

For Private Use
18 OCT 2018

Writ Petition No. 3798 2018
Copy Supply Section
Islamabad High Court
Islamabad

CHAUDHARY HASSAN SARFARAZ BHALLI (ADVOCATE) S/O MUHAMMAD SARFRAZ
BHALLI R/O HOUSE # 3/343. PARIS ROAD SIALKOT, PAKISTAN

MOHAMMAD AZAM MINHAS S/O KHAN BAHADUR R/O MIDWAY APARTMENT,
FLAT 3 A-48 FLOOR 5, MUHALLAH NORTH NAZIMABBAD, KARACHI

Petitioner

Versus

1. Government of Pakistan through secretary, Ministry of law, justice and Parliamentary Affairs, Islamabad, Pakistan.
2. Ministry of Foreign Affairs Pakistan through Secretary, Islamabad, Pakistan.
3. Ministry of Finance through Finance Secretary, Islamabad, Pakistan
4. Auditor General of Pakistan, through Additional Auditor General, Pakistan

Respondents



14/10/18
7/10/18

Appendix IV - Family and Personal History

Aafia Siddiqui was born on March 2, 1972, to an observant Muslim family that also embraced Western education (Scroggins, 2012). Her father was a surgeon while her mother was an Islamic studies teacher, and had been appointed to the Zakat Council by the Pakistani government (Scroggins, 2012). Aafia attended school in Zambia till the age of eight (Olsson, 2014) after which she continued her secondary school studies in Karachi, Pakistan. She is the youngest of three siblings. Her brother Mohammed is an architect in the United States and her sister Fowzia is a Harvard-trained neurologist working in Pakistan.

Aafia travelled to the US on a student visa in 1990 after enrolling at the University of Houston for undergraduate studies. She secured a full merit scholarship and transferred to Massachusetts Institute of Technology (MIT) in 1991 (Scroggins, 2012). According to pictures from her college life, Aafia appeared to enjoy studying in an international academic setting in a student dormitory (von Mittelstaedt, 2008). She appeared as 'a young woman who likes to pose for the camera and loves colourful silk dresses, but rarely wears a headscarf' (von Mittelstaedt, 2008).

She also won the Carroll L. Wilson Award to study 'Islamization in Pakistan and its effects on women' and the City Days fellowship to help clean Cambridge's elementary school playgrounds (Scroggins, 2005). An engaged member of the MIT community, she was also a part of the Muslim Students' Association (MSA) focusing much of her efforts on helping non-Muslims understand Islam by inviting them to dinner parties (CAGE, 2014). Through the MSA, she met others including the group's imam known as Suheil Laher who headed the Al-Kifah Refugee Centre, subsequently banned for its links with the 1993 World Trade Centre bombing (von Mittelstaedt, 2008). Al-Kifah Refugee Centre is widely perceived as a key precursor to al-Qaeda considering the testimony of convicted al-Qaeda terrorist Wadi al-Hage²⁸.

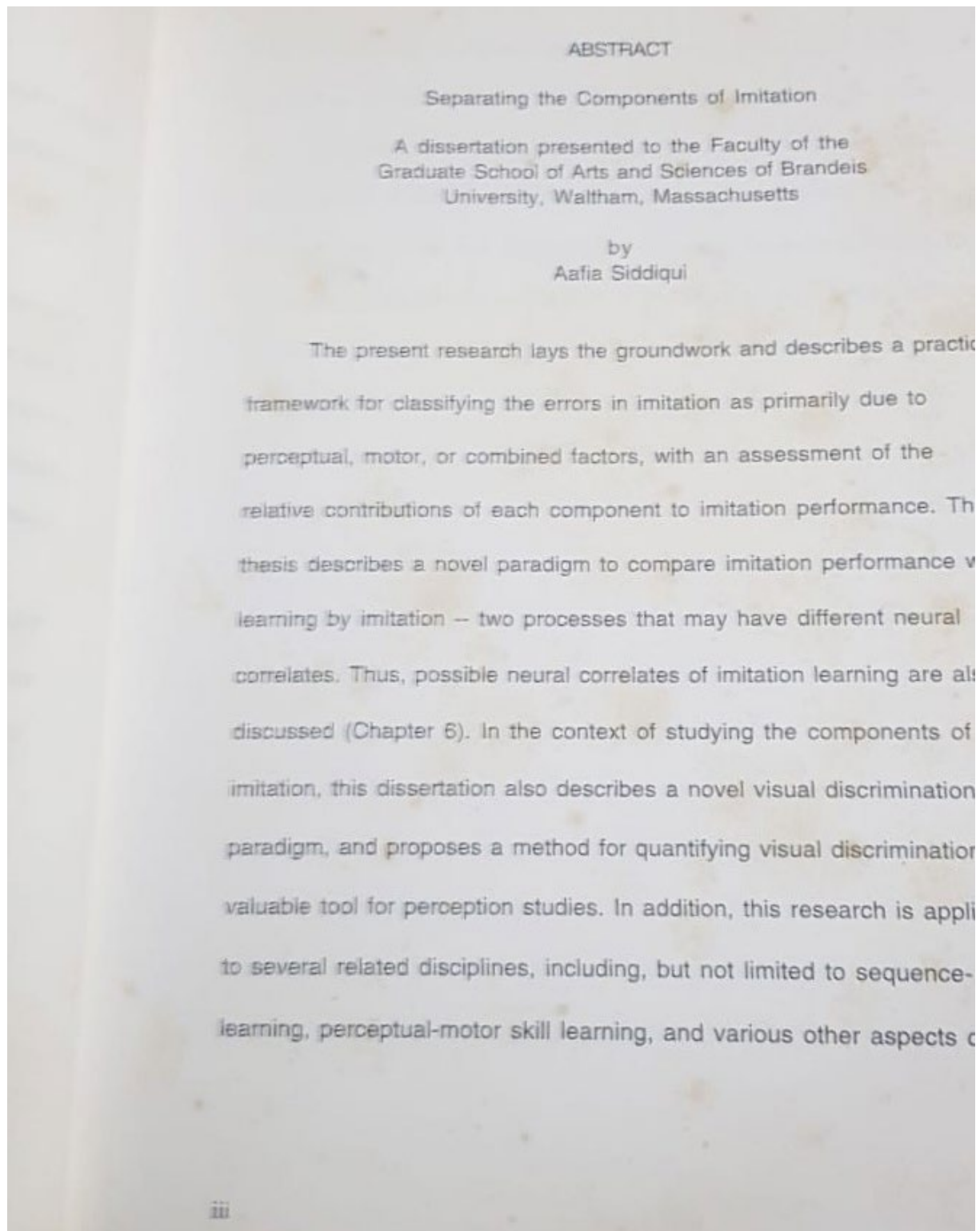
Aafia graduated with a BS in Biology from MIT in 1995. As per South Asian tradition, Aafia's parents arranged her marriage with Amjad Khan, an anaesthesiologist belonging to a wealthy Karachi family (Cageprisoners.com, 2009). They were married via a long distance telephone call in 1995, right after graduation (von Mittelstaedt, 2008). Her husband came to the US, securing employment at Brigham and Women's Hospital. At this time, they were

living in Roxbury, Boston, where they welcomed a son, Ahmed, in 1996 and a daughter, Mariam, in 1998. During this time, Aafia enrolled in a Ph.D. program in neuroscience at Brandeis University (von Mittelstaedt, 2008).

Her interest in community activism was evident. After earning her Ph.D. in 2001, Aafia founded the non-profit organization Institute of Islamic Research and Training and co-founded the Dawa Resource Centre that offered faith-based services to prison inmates (Scroggins, 2012; Stockman, 2008). She had her third child, Suleman, in Pakistan. Soon after, she and her husband divorced in 2002 due to marital discord.

²⁸ According to his testimony, convicted al-Qaeda member Wadi al-Hage was called to New York in 1991 to help direct the Al-Kifah Refugee Center. He had played a direct role in the 1998 East Africa embassy bombings, and served as Osama bin Laden's personal secretary for a period (Levitt, 2004).

Appendix V - Copy of Aafia's thesis dissertation abstract for her PhD



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