

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 22/20, 25/18, 26/12, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning Mr. **Liaquat Ali Hazara**, an asylum seeker from Pakistan, who is at imminent risk of being persecuted, tortured and killed if forcibly returned from the United Kingdom to Pakistan.

According to the information received:

Mr. Liaquat Ali Hazara, a prominent human rights activist and campaigner for a Shia minority group the Hazaras, applied for asylum in the United Kingdom in September 2012. However, his application for asylum was rejected by the immigration tribunal on 12 November 2013. On 22 November 2013 Mr. Hazara appealed the latter decision, but his appeal was rejected by the Upper Tier Tribunal on 9 January 2014. On 23 June 2014 Mr. Hazara submitted a renewed claim for asylum with additional evidence, which was rejected by the Home Office on 16 July 2014. According to its decision, the Home Office does not consider it to be a violation of the non-refoulement principle, if Mr. Hazar is returned to an area other than the Quetta area in Pakistan. On 18 July 2014, Mr. Hazara was arrested and since then has been held in detention.

It is alleged that the Home Office decided to deport Mr. Hazara to Pakistan in violation of his right to challenge its decision through judicial review. Reportedly, on 3 October 2014, the Home Office issued to Mr. Hazara its decision on removal, setting his deportation by a privately-hired chartered flight scheduled on 21 October 2014. On 15 October 2014, Mr. Hazara's solicitor submitted judicial review claim to the High Court. Allegedly the Home Office has ignored the solicitor's notice about ongoing judicial procedure and transferred Mr. Hazara to the detention facility Brook House at Gatwick Airport on 18 October 2014.

It is alleged that Mr. Hazara might be tortured and killed, if forcibly returned to Pakistan. Reportedly, on 13 March 2005 Mr. Hazara went to London to study Business Management. In 2009, while doing his full-time accountancy degree from BPP, Professional Education, London, Mr. Hazara's concerns about rising sectarian violence in Pakistan made him begin campaigning in the United Kingdom and on the Internet. On 27 December 2012, Mr. Hazara founded and was elected as a Chair of the "Hazara United Movement", a political campaign group, which organises protests and sit-ins, writing op-eds and runs a campaigning blog: *hazaraunitedmovement.wordpress.com*. Reportedly, the Movement helped laying the ground for a House of Commons debate in 2014 on the situation in Baluchistan area, in Pakistan.

Also in March and April 2013 Mr. Hazara and Hazara United Movement submitted to the United Nations Human Rights Council and its Special Procedures a plethora of witness statements from over 200 members of Hazara community, who were victims of the targeted killings, mass killings and suicide attacks. These witness statements led to a campaign to discuss the persecution of Pakistani Hazaras and Shias at the Human Rights Council in July 2013 and March and April 2014.

Allegedly, Mr. Hazara's work did not go unnoticed by the radical groups in Pakistan. Reportedly, since 2010 Mr. Hazara has been receiving threats to be killed and tortured from the Taliban and Lashkar-e Jhangvi, Pakistan's radical militant extremists, if returned to Pakistan. Allegedly, in 2011 Mr. Hazara received a threat by email saying: "we will deal with you the same way as we do with your people in Quetta, who are sent to hell." "We have decided to catch you alive, then, we will send your head [to] your people. We will teach you a good lesson so that no other person dares to write against the Taliban mujahedeen. We will see you very soon," is alleged to have been said in another threat by email.

According to sources, members of the Ahmadiyya Muslim, Christian and Shia minority communities, face persistent and large scale of persecution in Pakistan on blasphemy charges or sectarian violence, which may be related to their choice and peaceful practice of their religious beliefs. In this context, allegedly personal

security and safety of all members of religious minorities who have been and will be returned to Pakistan from the United Kingdom raises grave concern due to a large number of reported cases of threats by the militant extremists, as well as what appears to be systematic persecution, discrimination, hostility and violence against them, in particular through arbitrary enforcement of Pakistani blasphemy legislation and police failure to fulfil its responsibility to protect religious minorities in Pakistan. Reportedly 687 members of religious minorities were killed in 200 targeted faith based attacks in 2013 in Pakistan. Reportedly, since 2008 more than 500 members of the Hazara Shia community have been killed in Quetta province alone in Pakistan.

Without prejudging the accuracy of the information made available to us, we would like to express grave concern that Mr. Liaquat Ali Hazara, an asylum seeker belonging to Hazara Shia religious and ethnic minority community in Pakistan, is at imminent risk of being forcibly returned to Pakistan, where he risks being persecuted, tortured and killed for his religious beliefs. In this regard, we urge your Excellency's Government not to deport Mr. Hazara and ensure that his rights as an asylum seeker are respected in compliance with international law, in particular the international principle of non-refoulement.

In this context, we would like to draw your Excellency's Government attention to article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, acceded to by the United Kingdom on 8 December 1988, which provides that no State party shall expel, return ("refouler"), or extradite a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture. In this regard, paragraph 9 of General Comment No. 20 on the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, in which the Human Rights Committee states that State parties "must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of extradition, expulsion or refoulement".

We would also like to bring to the attention of your Excellency's Government paragraph 16 of the Resolution 65/205 of the UN General Assembly which urges States "not to expel, return ("refouler"), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture, and recognizes that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement."

We would also like to bring to the attention of your Excellency's Government that the General Assembly has repeatedly urged States not to expel, return ("refouler"), extradite or in any other way transfer a person to another State where there are substantial

grounds for believing that the person would be in danger of being subjected to torture, and recognized that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement (General Assembly resolutions A/RES/60/148, A/RES/61/153, A/RES/62/148, A/RES/63/166, A/RES/64/153, A/RES/65/205, A/RES/66/150, A/RES/67/161 and A/RES/68/156).

With regard to the information that Mr. Hazara would be at risk of being killed, if returned to Pakistan, we would like to refer to article 6 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by the United Kingdom on 20 June 1976, which provides that every individual has the right to life and security of the person. Furthermore, the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65, in particular principle 5 states that “no one shall be involuntarily returned or extradited to a country where there are substantial grounds for believing that he or she may become victim of extra-legal, arbitrary or summary execution in that country.”

With regard to the information that according to its decision, the Home Office does not consider a violation of non-refoulement principle, if Mr. Hazar is returned to an area other than the Quetta area in Pakistan, we would like to remind your Excellency’s Government articles 32 and 33 of the Convention relating to the Status of Refugees, acceded by the United Kingdom on 11 March 1954, which provide that no refugee shall be expelled or returned ("refouler") in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. Hazara is arbitrary or not, we would like to appeal to your Excellency’s Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the ICCPR.

Furthermore, recognizing that Mr. Hazara is a person belonging to minorities in both the United Kingdom and Pakistan, and that minority issues are highly relevant to the information provided, we would like to bring to your Excellency’s government attention the provisions of the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 1 of the Declaration requires States to protect the existence and identity of national or ethnic, cultural, religious and linguistic minorities within their territories and to “adopt appropriate legislative and other measures to achieve those ends”. Additionally, article 4.1 notes the obligation of States to ensure

that persons belonging to minorities may exercise their human rights without discrimination and in full equality before the law.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) /can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify the facts in all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations and concerns.
2. Please, provide information on the process of assessment of Mr. Hazara's asylum claim and any risk assessment carried out in relation to him, and how it is compatible with the aforementioned international human rights standards.
3. Please indicate which concrete measures are being taken by your Excellency's Government to fulfil its obligations under the principle of non-refoulement.
4. Please provide information concerning the legal grounds for the arrest and detention of Mr. Hazara and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR.
5. Please indicate which concrete measures are being taken to protect the rights of asylum seekers in United Kingdom, including Pakistani asylum seekers.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We are intending to publicly express our concerns in the near future as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Mads Andenas  
Chair-Rapporteur of the Working Group on Arbitrary Detention

Heiner Bielefeldt  
Special Rapporteur on freedom of religion or belief

Michel Forst  
Special Rapporteur on the situation of human rights defenders

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Juan E. Méndez  
Special Rapporteur on torture and other cruel, inhuman or degrading  
treatment or punishment