

**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**

REFERENCE: UA  
GBR 6/2014:

2 December 2014

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 further information which we have received concerning Mr. **Liaquat Ali Hazara**, a Pakistani national and asylum seeker in the UK, who is at risk of being persecuted for his religious beliefs, including torture and death, should he be forcibly returned to Pakistan. Mr. Hazara was subject of a joint urgent appeal dated 20 October 2014 by five United Nations Special Procedures independent experts, including the Working group on arbitrary detention, the Special Rapporteur on religious freedom and belief, the Special Rapporteur on human rights defenders, the Special Rapporteur on torture, and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

We acknowledge receipt and thank your Excellency's Government for its prompt responses, dated 28 October and 6 November 2014, to our urgent appeal. We are grateful for the information provided. We have carefully reviewed and considered the facts adduced, the reasoning and decisions by both the Home Office on 28 August 2013, and by the First-tier Tribunal (Immigration and Asylum Chamber) on 13 November 2013. We appreciate that Mr. Hazara's asylum claim has been given careful consideration by the relevant authorities. We noted that he was afforded the right to appeal to the various jurisdictions opened to him, that he exercised this right, and that his successive appeals

were reviewed by a court, and that the latter found that he does not qualify for asylum or humanitarian protection. We find no reason to believe that the domestic proceedings in this case were unfair or were otherwise procedurally flawed.

However, our serious concern remains that Mr. Hazara continues to be detained pending deportation and faces the risk of being tortured or killed should he be forcibly returned to Pakistan. Our concern arises from the widespread and growing pattern of violent attacks, including numerous killings, against members of religious minority communities, as well as his prominent role as a blogger and activist, defending the rights of the Hazara minorities in Pakistan. We are thus respectfully departing from your Excellency's Government's conclusions related to Mr. Hazara and reiterate our appeal to reconsider the decision to forcibly return him to Pakistan on the following grounds:

1) Our concern, as stated in our previous appeal, that he may be subject to acts of violence aimed at killing him, is based on our assessment of his particular situation in the context of the widespread and increasing violence against the Hazara minority in Pakistan, by radical, violent political groups, which are seeking to impose their interpretation of religious scriptures to the entire population. Not only has the Hazara community been particularly affected, but also the Christian and Ahmadiyya Muslim minority communities. In connection to this in 2013, 687 members of religious minorities were reportedly killed in some 200 targeted faith based attacks in Pakistan. Since 2008 more than 500 members of the Hazara community have been killed in Quetta province alone in Pakistan, where an estimated half a million Hazara live. Since January 2014 we have received information concerning 199 attacks against Shia communities, including the Hazara, which resulted in 631 people being killed and injured.

2) There is little doubt that against this background of violence against all those not embracing the radical views and practices of violent militants in general, and against the Hazara community in particular, anyone speaking out to protect the rights of that community, or of any other community for that matter, is likely to be targeted for violence, including outright killing. In this regard, Mr. Hazara has acquired a public profile as a founder, Chair and main spokesperson of the "Hazara United Movement", a political campaign group, which organizes protests and sit-ins, writing op-eds and runs a campaigning blog: *hazaraunitedmovement.wordpress.com*.

These initiatives are aimed at organizing the Hazara diaspora in order to give it publicity and voice. Through its website, the group publicizes information about that community in Pakistan and in Afghanistan, in particular about the widespread persecution it has been the subject of in both countries, and advocating for its protection thus giving it a public voice. Mr. Hazara has written and published articles which were reproduced in various media in Pakistan, including Wahdat News.

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 the 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 alleged 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. This has given Mr. Hazara a public profile, as an independent voice for the Hazara community, thus increasing his visibility and making him a potential target for attacks.

3) Our concern, as stated in our previous appeal, that he may be subject to acts of violence aimed at killing him, is also based on our assessment of the death threat letters which Mr. Hazara received. While we do not wish to prejudge the authenticity of these letters, we wish to bring to your attention that we receive a large number of reports about killings, attacks and intimidation committed by Taliban, Lashkar-e-Taiba and Lashkar-e Jhangvi, Pakistan's radical militant extremists groups, which are acting throughout Pakistan with almost complete impunity. The reports indicate that these groups target specifically members of Shia religious communities, including the Hazara people, members of the Christian minorities, as well as journalists, human rights defenders, bloggers and other advocates speaking out for the protection of the rights of these minorities, and of other vulnerable groups or individuals to attacks.

4) Furthermore, we are particularly concerned that Mr. Hazara may not be provided with adequate protection in Pakistan. As noted in our previous appeal, there seems to be an institutionalized pattern of discrimination by public authorities towards religious minorities. This is evidenced through, for instance, arbitrary enforcement of Pakistani law relating to blasphemy and related police failure to enforce laws equally and to fulfil its responsibility to protect all citizens in Pakistan, irrespective of their religious beliefs. Two recent examples include the mob killing on 4 November 2014 of a Christian couple over 'blasphemy'; and the 6 November 2014 killing of a Shia detainee by a policeman on the same ground. In his writings, Mr. Hazara has also highlighted the failure – inability or unwillingness - of Pakistani authorities to take firm action against violent militants in order to end the violence and protect the communities they target. Given this background, there is cause for concern that Pakistani authorities may be unable or unwilling to provide him the necessary protection should he be returned to Pakistan against his will.

It is against these contextual and individual elements that we are assessing the fear expressed by Mr. Hazara that he may be persecuted should he be returned against his will to Pakistan, irrespective of the place where he would be returned within the country, given that he has a public profile, and that his movements and whereabouts will quickly

be known to radical militants. It is our considered assessment that Mr. Hazara's right to life may be seriously placed at risk should he be deported to Pakistan.

In view of the urgency of the matter, we are bringing these additional elements and concerns to your attention, in an effort to contribute to safeguard the rights of Mr. Hazara in compliance with international instruments.

While awaiting a reply, we respectfully urge again that the decision to deport Mr. Hazara to Pakistan be thoroughly reviewed and reconsidered with a view to provide him with the international protection that he needs.

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