

UA 127/02

Fear of fFear of torture/ill-treatment

PAKISTAN Elham Tohtam (m) aged 30
Ablitip Abdul Kadir (m) aged 30
and possibly one other man

The two men named above and possibly one other man, were arrested on 22 April in Rawalpindi, northern Pakistan. Their current whereabouts are unknown and it is feared that they may be or may already have been, forcibly returned to China. All three men are members of China's ethnic Uighur minority and would be at risk of torture and possibly execution, if returned to China.

Elham Tohtam was picked up by police from his home at 6.30am on 22 April. According to eye-witnesses he was blindfolded and led away to an unknown destination. He is originally from Ghulja, Xinjiang Uighur Autonomous Region (XUAR), China and was arrested and tortured in 1996 and 1999 for his suspected political activities.

In April 1999, fearing further persecution, Elham Tohtam fled first to Kyrgyzstan and then to Kazakhstan. In November 2000 he went to Pakistan, where he lived with his wife and four children in Rawalpindi. He has applied to the UNHCR in the capital Islamabad and in Canberra, Australia for emergency visas to Australia, where he has family members.

Ablitip Abdul Kadir was also arrested on 22 April. Though known to be a member of the Uighur ethnic minority, little else is known at this stage about his background. According to several reports a third Uighur man was also arrested. Their family members and friends have searched police stations in Rawalpindi for them without success. It is feared that they will be or have already been forcibly returned to China. This would be in violation of international human rights law, which prohibits the return of anyone to a country where they may face serious human rights violations including torture.

BACKGROUND INFORMATION

Human rights violations in the XUAR, northwest China, have increased sharply in the last year. Following the 11 September 2001 attacks in the USA, China has intensified its political crackdown by closing down mosques and branding those in favour of independence for the region, such as suspected Uighur political opponents, 'ethnic separatists' or 'terrorists'.

In addition, observers believe that China has put significant political pressure on neighbouring states, including Nepal and Pakistan, to return those it suspects of being involved in 'terrorist' or 'separatist' activities.

Pakistan has on several occasions returned people to their countries of origin without due process and without regard to the risk to the lives of the people deported. In February 2002, two Uighur men were arrested in Rawalpindi and according to unconfirmed reports, immediately returned to China. In 1997, a group of 14 religious students were arrested in Gilgit and handed over to Chinese authorities without due process. They were reportedly summarily executed soon after being driven across the Chinese border.

Pakistan has also recently handed over a large number of Pakistani and Arab detainees to the US-led coalition operating in Afghanistan, without observing

requirements of the Pakistani Extradition Act of 1972. This prohibits the extradition of anyone wanted for offence which is political in character. It requires the state where they are wanted, to make a requisition order. This is then examined by a magistrate, who decides after hearing from the alleged offender whether there is any substance to the request. Even if there is substance to the requisition request, the Pakistan government retains full discretion as to whether it extradites the person concerned, who has the right to appeal against the government's decision.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- Urging the authorities to guarantee that they will not send the three men back to China;
- asking where the three men are being held and calling on them to be handed over immediately to the UNHCR for protection;
- urging the authorities to ensure that no Chinese nationals are deported to China without due process.

APPEALS TO:

President Pervez Musharraf
Pakistan Secretariat
Islamabad, Pakistan

Telegram: President Pervez Musharraf, Islamabad, Pakistan

Fax: + 92 51 9224768

email: CE@pak.net.pk

Salutation: Dear President

Minister for Foreign Affairs, Abdul Sattar
Ministry of Foreign Affairs
Constitution Avenue
Islamabad, Pakistan

Telegram: Minister of Foreign Affairs, Islamabad, Pakistan

Fax: + 92 51 9207217

Salutation: Dear Minister

COPIES TO: Diplomatic representatives of Pakistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 6 June 2002.