

**EXTERNAL (for general distribution)**

**AI Index: EUR 45/14/93  
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*Please draw this action to the attention of the refugee coordinator in your section*

**28 October 1993**

**Further information on UA 251/93 (EUR 45/09/93, 30 July 1993) - Fear of refoulement**

**UNITED KINGDOM: Karamjit Singh Chahal**

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Amnesty International is concerned that Karamjit Singh Chahal faces imminent and forcible return to India, where he would be at risk of torture, "disappearance" or extrajudicial execution. It is to be particularly deplored that this risk has been heightened by the United Kingdom Government having publicly branded him a "terrorist" without having given him an effective opportunity to defend himself.

On 22 October 1993, the Court of Appeal dismissed Karamjit Singh Chahal's appeal against the High Court's ruling of February 1993. Both courts have now ruled that the authorities have acted within their powers when ordering his deportation on grounds of national security. The process of judicial review is an inadequate remedy in such cases as it does not allow the courts to examine the merits of an individual's asylum application, but only whether correct procedures were followed. Although Karamjit Singh Chahal may now seek permission to appeal to the House of Lords, Amnesty International fears that his application has little chance of success, given the narrow scope of the judicial review process.

Amnesty International remains concerned that the Government of the United Kingdom has failed to present credible reasons for rejecting Karamjit Singh Chahal's asylum application. It has not substantiated the allegations of involvement in "terrorism" which it has made against him, and has failed to produce any evidence linking him to specific criminal acts. It has repeated, however, its claim that Karamjit Singh Chahal has "been involved in planning and directing terrorist attacks in India and the United Kingdom". Amnesty International believes that if the government does have any evidence of this it should charge him with a criminal offence and bring him promptly to trial, so that the evidence could be examined and tested in accordance with international fair trial standards.

Given his known political views and activities in the public life of Britain's Sikh community, his active promotion of demands for a separate Sikh state ("Khalistan") in Punjab, his claim that two of his close relatives have been shot dead by the Indian security forces and that he was, himself, detained and tortured during a visit to India in 1984, and the well-documented pattern of gross human rights abuses in India, Amnesty International believes that Karamjit Singh Chahal has demonstrated that his physical safety would be

seriously jeopardized if he were to be forcibly returned to India. The United Kingdom Government's having explicitly branded Karamjit Singh Chahal a "terrorist" to the public and to the government of India makes this danger even more acute.

Since 1983, thousands of known and suspected Sikh supporters of separatist demands such as those espoused by Karamjit Singh Chahal have been detained by the Indian security forces under special legislation suspending normal legal safeguards. Scores of them have been tortured to death in police custody or have simply "disappeared". Most recently, Amnesty International has become concerned about an emerging pattern involving Punjab police, acting in plain clothes, outside Punjab, using cars without number plates and apparently operating illegally without the knowledge of the police in the state concerned. Their purpose is to abduct suspected Sikh separatists or their family members whose arrest and detention they subsequently deny. (See UA 366/93, 14 October 1993, AI Index ASA 20/40/93).

In light of the apparent impunity with which the Punjab police are reported to be operating a "license to kill policy", Amnesty International places no confidence in assurances allegedly given by the Indian Government that "Mr Chahal would be safe from ill-treatment if taken into custody by the Indian authorities".

**FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters in English or your own language, or call by telephone:**

- urging the British authorities not to forcibly return Karamjit Singh Chahal to India, where Amnesty International believes that he would be at risk of torture, "disappearance" or extrajudicial execution on account of his political views and activities;

- reminding the British authorities of their obligation under international law not to forcibly return anyone to a country where he or she would risk serious human rights violations;

- expressing concern that Karamjit Singh Chahal has now been held in administrative detention for more than three years, even though he has not been charged with any criminal offence;

- calling on the British authorities to release Karamjit Singh Chahal if he is not to be charged with a criminal offence and brought to trial in accordance with international fair trial standards.

**APPEALS TO:**

1) Rt Hon John Major, MP  
Prime Minister  
10 Downing Street  
London SW1, ENGLAND

**Telegrams: Prime Minister Major, London England**

**Faxes: + 44 71 270 3000 (this is not a dedicated fax line and so you will need to ask for the fax machine to be switched on)**

**Telephone: +44 71 270 3000**

**Salutation: Dear Prime Minister**

2) Rt Hon Michael Howard, QC, MP

Secretary of State for the Home Department  
Home Office

50 Queen Anne's Gate  
London SW1H 9AT, ENGLAND

**Telegrams: Home Secretary Howard, London, England**

**Faxes: + 44 71 273 3596**

**Telephone: + 44 71 273 3000**

**Salutation: Dear Secretary of State**

**COPIES OF YOUR APPEALS TO:** diplomatic representatives of the United Kingdom accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 9 December 1993.