

PUBLIC

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06 July 2007

UA 177/07 **Fear of forcible return/ Fear of torture or ill-treatment/ Incommunicado detention**

PAKISTAN **Osman Alihan (m), businessman, aged 33**

Osman Alihan, an ethnic Uighur activist from the Xinjiang Uighur Autonomous Region (XUAR) of China, is being detained incommunicado by security forces in the Pakistani city of Rawalpindi. He is at risk of imminent forcible return to China, where he could face torture or other ill-treatment, unfair trial, and possibly execution.

Osman Alihan was detained by Pakistani security forces at midday on 4 July, as he ate in a restaurant in Rawalpindi. According to reports, Osman Alihan is one of the four most wanted people on a list compiled by the Chinese authorities of between 20 and 22 ethnic Uighurs who are said to be in hiding in Pakistan. The Chinese authorities have demanded that Pakistan locate and hand over all those named on the list, whom they allege are members of the East Turkistan Islamic Movement (ETIM). China claims that ETIM is an armed secessionist group with bases in the XUAR and Pakistan. The group was listed as a 'terrorist organization' by both the US and the UN in 2002 after repeated lobbying from China. The evidence that formed the basis for this decision remains unclear.

In September 2006, Osman Alihan was one of the main organizers of a protest outside the Saudi Arabian embassy in the Pakistani capital, Islamabad, against the decision by Saudi Arabia to deny visas to Uighur pilgrims who were planning to participate in the Muslim pilgrimage to Mecca, the *Hajj*. The Saudi Arabian authorities had reportedly been pressurised by the Chinese authorities to reject the visa requests of Uighurs who had travelled to Pakistan from China to obtain visas, having been refused visas in China. The Chinese ambassador in Islamabad reportedly threatened the Uighur pilgrims, saying that if they did not return to China they would face unspecified punishment.

Though the Uighur pilgrims were eventually issued with visas to travel to Saudi Arabia, when they returned to China, all of them had their passports confiscated. Over the last couple of months the Chinese authorities have been reported to have begun a broader sweep of confiscations of passports of ethnic Uighurs across Xinjiang, reported to be a measure to prevent Uighurs from travelling this year to participate in the pilgrimage, as well as a new measure of restriction on their general freedom of movement.

It was also reported that, on 25 June, whilst a Pakistan-China Joint Working Group on Terrorism meeting was taking place in Beijing, Chinese security officials met with their Pakistani counterparts to discuss the location and handing over of the wanted Uighur activists. It is believed that Osman Alihan's arrest was as a direct result of these meetings.

BACKGROUND INFORMATION

Amnesty International is concerned that Uighurs suspected of involvement in what China terms as "separatist, terrorist or illegal religious activities" are at risk of serious human rights violations if forcibly returned to China, including unfair trial, torture and execution.

In a recent case, Husein Dzhelil, a Uighur who had been recognised as a refugee and resettled to Canada, was tried in Xinjiang after being forcibly returned to China from Uzbekistan in June 2006. He claimed to have been tortured after his return to China, including by being starved, deprived of sleep and subjected to death threats to force him to sign a 'confession'. He was denied access to Canadian consular representatives and to a lawyer of his choice, and sentenced to life in prison in April 2007 (see UA 99/06, EUR 62/008/2006, 24 April 2006, and follow-ups). Another Uighur, Ismail Semed, was executed in the XUAR on 8 February 2007 after being sentenced to death for 'attempting to split the motherland' and other offences related to

possession of firearms and explosives. He had been forcibly returned to China from Pakistan in 2003 (see UA 81/06, ASA 17/027/2006, 10 April 2006, and follow-up).

Amnesty International opposes the forcible return of anyone to a country where they are at risk of serious human rights violations, including torture or the death penalty. Under international law, states are obliged not to expel, return or extradite any person to a country where they risk torture or other ill-treatment (the principle of *non-refoulement*). This obligation applies to all states, irrespective of whether they have signed up to the relevant human rights treaties, and to all forms of involuntary transfer. It is also absolute – it permits no exceptions arising from circumstances such as war or public emergency, or individual factors such as offences allegedly committed or danger posed by the individual concerned.

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

- expressing concern at reports that Osman Alihan is in imminent danger of being forcibly returned to China, and calling for all attempts to return them to be halted;
- calling for information on the legal basis for her detention and details of any charges that have been or will be brought against Osman Alihan;
- urging the authorities to ensure that he is given immediate and regular access to his relatives, lawyer and any necessary medical treatment, and to guarantee that he is not tortured or ill-treated in detention;
- urging the authorities to stop the forcible return of any person to a country where they would be at risk of torture or ill-treatment;
- reminding the authorities that the forcible return of anyone to a country where there are substantial reasons to believe they are at risk of torture is absolutely prohibited under international law;
- urging the Pakistani authorities not to send Osman Alihan to any third country where he would not be granted effective and durable protection against forcible return to China.

APPEALS TO:

President Pervez Musharraf

Pakistan Secretariat, Islamabad, Pakistan

Fax: +92 51 9221422

Email via website: <http://www.presidentofpakistan.gov.pk/Write2thePresident.aspx>

Salutation: Dear President Musharraf

Mr Aftab Ahmed Khan Sherpao

Minister for the Interior

Ministry for the Interior, Room 404, 4th Floor, Block R, Federal Secretariat, Islamabad, Pakistan

Fax: +92-51 9202624

E-mail: minister@interior.gov.pk

secretary@interior.gov

Salutation: Dear Minister

Mr. Justice Rhana Bhagwandas

Chief Justice, Supreme Court of Pakistan, Constitution Avenue, Islamabad, Pakistan

Fax: +92 51 9213452

E-mail: scp2000@isb.paknet.com.pk

Salutation: Dear Chief Justice

Mr Muhammad Wasi Zafar

Minister of Law, Justice and Human Rights, Room 305, S-Block, Pakistan Secretariat, Islamabad, Pakistan

Fax: +92 51 9202628

E-Mail: minister@molaw.gov.pk

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 17 August 2007.