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Heard at Field House  
On 16 April 2002

APPEAL NO: HX34015-2001  
AZ (Risk-Ahmadi) Pakistan CG  
[2002] UKIAT 02642

## IMMIGRATION APPEAL TRIBUNAL

Date Determination notified:

15 July 2002

**Before:**  
**Mr T B Davey (Chairman)**  
**Mr M L James**  
**Mr A G Jeevanjee**

**Between**

**AURANG ZEB**

**APPELLANT**

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

**RESPONDENT**

**Decision: Appeal dismissed**

**Appearances:**

Appellant: Mr P Walsh, Counsel instructed by Thronhill Ince  
Respondent: Mr C Buckley, Senior Presenting Officer

### **DETERMINATION AND REASONS**

1. The appellant a citizen of Pakistan born on the 1 January 1957 appeals the decision of an Adjudicator (Mrs A K Simpson) who dismissed his appeal against a decision of the respondent to issue removal directions following the refusal of an asylum claim on the 11 July 2001.
2. Leave to appeal was given by the Tribunal on the 26 February 2002  

“on the basis that it is arguable that the basis on which on the Adjudicator finds that there is a sufficiency of protection for the appellant, an Ahmadi, is not clear.”
3. The basis of the appellant’s claim is that he grew up as a Muslim in the area of Gujranwala with his wife and child. But at the age of nearly 40 years he became Ahmadi.

4. The Adjudicator accepted that this was a genuine conversion to the Ahmadi faith but went onto consider whether or not there was a risk of persecution or mistreatment contrary to his Human Rights were he to return to Pakistan. The Adjudicator concluded that within the appellant's home village there was a real risk that he would suffer ill treatment at the hands of his brothers and fellow villagers were he to return there. The Adjudicator concluded that even if the local police to his village were unsympathetic to his plight it did not mean that as a generality that was true throughout Pakistan and that there was no basis for his fear that he would not be protected were he to be elsewhere in within Pakistan. The Adjudicator set out in summary form at paragraphs 16 – 26 information that had been put before her concerning Ahmadi's and their treatment in Pakistan. The Adjudicator correctly refers to the relevant case law and reached a judgement that there was a sufficiency of protection through the structure of the legal system and recourse to the authorities. Accordingly there was no basis for his claim to succeed.
5. The Adjudicator acknowledged that Ahmadi's were generally discriminated against and suffer religious intolerance. She also noted that Ahmadi's were not exempt from the protection of the criminal law and perpetrators of violent attacks upon them would be punished if apprehended. The Adjudicator in summary form stated at paragraph 34 "in the light of the improving situation in Pakistan and the Pakistani government's appeal for religious tolerance and respect for Human Rights, I find that there is in Pakistan a sufficiently of protection as will enable the appellant to return there in safety". The Adjudicator therefore rejected the appellant's claim under the Refugee Convention but correctly went on to consider at what risk of ill treatment there might arise on return to Pakistan.
6. The appellant's representative before us cited a significant number of references in the background material provided through the CIPU Report on Pakistan, Amnesty International, Human Rights Watch Report of 2002 and the US Department of State Report 2002. In particular it is said that whatever may have been an upbeat or optimistic approach to the possibilities of change for example over the controversial blasphemy laws those nevertheless had not come about. In fact the Adjudicator in paragraph 25 of the determination herself noticed this point. The significant number of references to the issues of Ahmadi's set out in the determination demonstrate that she had full and proper regard to the submissions made on the background information that the position was improving one. The Adjudicator had also taken into account the substantial community of Ahmadi's and their numbers generally in Pakistan.
7. It is apparent from a fair reading of the determination that the Adjudicator has addressed the position wider than simply the appellant's home area and while the language of paragraph 38 is not

as wholly clear as it ought to be it is quite apparent that the Adjudicator is addressing the sufficiency of protection in Pakistan as well as the issue of what might happen in his home village. It is well recognised that there are particular concentrations of Ahmadis in Pakistan for example in the city of Rabwah Punjab now known as Chenab Nagar. However the Pakistani government in 2001 undertook major effort to curb religious extremism and to address the intimidation of religious minorities. Certain extremist groups were banned and an extensive crack down by the Pakistan government was brought against members of several extremist groups.

8. The United States Department of State Report obviously highlights problems of one kind or another in Pakistan for Ahmadis. However a fair reading of the report does not suggest that the government is encouraging sectarian violence or public disorder or civil disturbance albeit it recognised it could do more to take effective measures to counter prevalent public prejudices against religious minorities. It would appear that President Musharraf and several cabinet ministers publicly condemned efforts by some clerics to ferment hatred and sought to constrain Islamic religious schools from being used for extremist purposes. Again the overall position does not suggest that the police are failing to give protection to Ahmadis. What is clear is that the blasphemy laws are, on the basis of the material before us, used both against Ahmadis but more significantly against a greater number of Muslims. In these circumstances whilst there is acknowledgement that there can be incidents, where the government has failed to act sufficiently quickly, in cases of societal violence directed at minority religious groups, that is not the overall picture in Pakistan. Section 2 of the US Department of State Report fairly represents the picture.
9. Section 5 of the same report, which was provided to us incomplete, shows that there are certainly claims of police inaction at larger demonstrations for example in Chenab Nagar. We therefore find on the evidence, notwithstanding the extensive citations of deficiency, the overall picture was fairly presented by the Adjudicator and shows why she was entitled to reach the view that there was a sufficiency of protection such as to enable the appellant to return to Pakistan even if he chose not to return to his village because of his fears. It was said that the appellant would also not conceal his faith. In the past he did not deny publicly that he was an Ahmadi. It seems to us that whilst it might be a matter that was particularly provocative in his home village or area given the number of Ahmadis in Pakistan that did not detract from the conclusion there was elsewhere he could live in Pakistan and a sufficiency of protection to which he could have recourse. In any event the appellant only disclosed his faith after discovery (Annex B6 paragraph 3) an indicator of the likelihood of further revelation.
10. We had cited to us the decision in Tariq Ahmed Shar "01/TH/03653". Plainly there are factual differences between the two cases and the

conclusions of that Tribunal concerning the general state of affairs for Ahamdis. To this extent paragraph 24 thereof chimes in with our own conclusions that there is no sustainable evidence that Ahamdi's whether it be as a social group or for their religion are discriminated against by the state so as to be excluded from protection which the law affords all citizens of Pakistan. Further the fact of the matter remains that being an Ahamdi is not in itself a basis to entitle a person to be treated as a refugee. Simply be an apostate to his faith does not inexorably mean he faces death nor that it is reasonably likely nor a real risk (see US Department of State Report: Section 2(c)).

11. The Adjudicator's findings are plainly sustainable and acknowledge efforts being made by the authorities in Pakistan to protect Ahmadis.
12. The appeal is dismissed.

**T B Davey  
Chairman**