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The Permanent Mission of the Islamic Republic of Pakistan to the United Nations and other International Organizations in Geneva presents its compliments to the UN Special Procedures Branch of the Office of the High Commissioner for Human Rights, and with reference to its letter no. AL PAK 5/2020 dated 15 April 2020, has the honour to share the enclosed response of the Government of Pakistan on the case of Mr. Shakil-ur-Rahman.

The Permanent Mission of the Islamic Republic of Pakistan avails itself of this opportunity to renew to the esteemed Office the assurances of its highest consideration.



Geneva, 30 July 2020

Special Procedures Branch,
Office of the High Commissioner for Human Rights (OHCHR),
Geneva

**Response from the Government of Pakistan to the
Joint Communication NO.AL PAK 05/2020 dated 15 April 2020
on the Case of Mir Shakil Ur Rahman**

The National Accountability Bureau (NAB) is an anti-graft agency, which investigates and prosecutes cases of corruption and corrupt practices as stipulated under the provisions of the National Accountability Ordinance, 1999 (NAO, 1999); and independently functions from the Pakistan State Executive Branch.

The provisions of the NAO, 1999 provide a complete mechanism of investigation and prosecution. Section 24 of the said NAO provides power to the NAB to arrest an accused at the stage of inquiry/ investigation. After arrest of the accused, his/her custody is regulated by the Accountability Court, established under Section 5(g) of the NAO, 1999.

The mandate-holder's view that the said individual was apparently arrested due to his role as a chief-in-editor of a daily newspaper in Pakistan, 34 years after the alleged offence is incorrect. The case actually pertains to alleged illegal acquisition of assets/ properties. Furthermore, keeping in view global best legal practices and deleterious impact of corruption on national resources, the NAO 1999 is applicable since 1985 and is being applied in this context since its enactment.

The cognizance of case against Mr. Shakil Ur Rahman has been taken under the provisions of the National Accountability Ordinance 1999, and his case is sub-judice before the Court. The case is being dealt under the constitutional and legal framework of the country and the provisions of NAO, 1999. The grant of remand is a prerogative of the Court, as the prima facie material/ evidence to conclude the investigation. In this case, the remand has been extended by the Court and not by the NAB, as being presumed in the communication.

The Hon'able High Court while dismissing the bail petition of Mir Shakil Ur Rahman, has observed that there were reasonable grounds available on record to show that the petitioner in connivance with his co-accused had procured/obtained valuable property against Exemption Policy including two public streets/ roads by corrupt, dishonest and illegal means by, which prima facie constitute corruption and corrupt practices within the meaning of section 9 of National Accountability Ordinance, 1999.

The judiciary in Pakistan is custodian of fundamental rights and due process of law. The NAB is not only mindful but also it is fully committed to discharge its responsibilities for the promotion and protection of all human rights and fundamental freedom in line with the national and international obligations and the provision of NAO, 1999.

Steps taken to ensure media freedom and protection of journalists

Pakistan attaches importance to the promotion and protection of freedom of expression. Our media-the fourth pillar of democracy- is free and independent and is most vibrant which is reflective of the space available to them.

Over 100 media channels daily highlight political, socio-economic and human rights issues, and influence national debate and discourse on matters of public importance.

The Pakistan Electronic Media Regulatory Authority (PEMRA) works within the legal ambit, established by PEMRA Ordinance 2002, as amended in 2007. The cardinal principle of judicial oversight of any order or decision made by the Authority is firmly embedded in the Ordinance. Any person aggrieved by any order or decision of the Authority can appeal for remedy, within 30 days, at the High Court.

The National Commission for Human Rights (NCHR) is mandated to address any threat or harassment which human rights defenders and journalists may face due to their work.

Right to access to information is an essential component of a functioning democracy. This right is guaranteed in the Article 19-A of our Constitution.

The Government has taken measures to create an enabling and safe environment for journalists, bloggers, and human rights defenders to responsibly carry out their legitimate and peaceful work. A few measures taken in this regard by the Government are as follows:

- Notified a Ministerial Media Security Committee with the mandate to suggest welfare measures to ensure safety of Journalists and Media Persons;
- Initiated a new scheme (Life Insurance Policy for Media Persons) for the welfare of the journalists;
- A Hot Line Number (111-925-225) has been installed in Press Information Department so that journalists can inform the Government about any potential threat to them or security related issues;
- The Government is in process of finalizing “Journalist Welfare and Protection Bill” which was circulated amongst relevant stakeholders for further improvement of the draft bill. After finalization of the draft, it will be presented before the Cabinet and then submitted in the parliament;

- Federal Government promulgated Rights of Access to Information Act 2017, which is exercised to safeguard the fundamental 'right to information' granted by Article 19 (A) of the Constitution of Pakistan. The true spirit of the Act is to provide citizens with the right to know facts about administration of the country and the public office holders. The Law ensures the seamless flow of official information for public and media consumption.
- Ministry of Information has constituted a Media Security Committee with a mandate to undertake effective coordination with provincial governments to conduct security audit of the media houses all across the country. The Committee also includes media representative bodies to look into matters of safety of the media persons and houses nationwide.
