

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on extrajudicial, summary or arbitrary executions

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 25/18, 26/7, and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning alleged serious **threats to life of lawyer and human rights defender, Ms. Asma Jahangir**.

Ms. Jahangir is a human rights lawyer and the former President of the Supreme Court Bar Association. She is also a founding member of the Human Rights Commission of Pakistan. Ms. Jahangir previously served as United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on freedom of religion or belief for a combined total of 12 years. She was the subject of previous communications of the Special Procedures sent to your Excellency's Government (see 24 January 2011, A/HRC/19/55/Add.2, case no. PAK 1/2011; 16 November 2007, A/HRC/7/28/Add.1, case no. PAK 16/2007; 30 January 2006, A/HRC/4/37/Add.1, case no. PAK 2/2006; and 18 May 2005, E/CN.4/2006/95/Add.1, case no. PAK 7/2005). The most recent of these communications was sent to your Excellency's Government on 15 June 2012 (A/HRC/22/47/Add.4, case no. PAK 8/2012), by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on extrajudicial, summary or arbitrary executions. We regret that to date no reply has been received from your Excellency's Government.

According to the information received:

On 3 February 2015, while in Sri Lanka, Ms. Asma Jahangir was informed through her office in Lahore, Pakistan, that the former Home Minister and the Chief of Police of Punjab were looking for her and had advised Ms. Jahangir to stay out of Pakistan due to serious threats to her life. They appeared to have credible evidence concerning an alleged plot to kill her. Members of “Daesh” (al-Dawla al-Islamiya al-Iraq al-Sham) had apparently been following her movements and planned an attack on her.

On 20 February, Ms. Jahangir returned to Pakistan and was reminded by the Chief of Police of the threats. She was promised, including by the office of the Prime Minister, that her security and that of her family would be increased. However, at the time of sending this communication, there has been no increase in such protection.

Grave concern is expressed about the security of Ms. Jahangir, as well as the insufficient protection afforded to her and her family. Further serious concern is expressed at the allegations that the plot to assassinate Ms. Jahangir may be directly linked to her legitimate human rights activities.

In view of the urgency of the matter, we urge your Excellency’s Government to adopt all necessary measures to protect the rights to life, security and physical integrity of Ms. Asma Jahangir and her family.

We would like to refer to Article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan on 23 June 2010, which provide for the State’s duty to protect every individual’s right to life and to take all necessary measures to ensure that no individual on its territory or subject to its jurisdiction is arbitrarily deprived of his or her life.

In this respect, the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65 (principle 4), explicitly require States to provide “effective protection through judicial or other means to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats”.

We would like to refer your Excellency’s Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, and in particular articles 1, 2, and 6 which provides for the right to promote

and to strive for the protection and realization of human rights and fundamental freedoms; the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

The UN Basic Principles on the Role of Lawyers also stipulate that lawyers' security must be adequately ensured by the authorities (see in particular principle 17).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which may have been undertaken.
4. Please provide detailed information on any protective measures put in place to ensure the security and physical and psychological integrity of Ms. Jahangir and her family.
5. Please indicate what measures have been taken to ensure that human rights defenders and lawyers in Pakistan are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Michel Forst
Special Rapporteur on the situation of human rights defenders

Mónica Pinto
Special Rapporteur on the independence of judges and lawyers

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions