

**Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on the independence of judges and lawyers**

REFERENCE: AL  
IND 12/2015:

9 October 2015

Excellency,

We have the honour to address you in our capacities as Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on the independence of judges and lawyers pursuant to Human Rights Council resolutions 27/1, 25/18, and 26/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged continued refusal to renew the passport of human rights lawyer Mr. **Parvez Imroz** since 2004.

Mr. Parvez Imroz is a human rights lawyer, and a Council member and legal advisor for the Association of Parents of Disappeared Persons (APDP) in Kashmir, India. The APDP is an association of relatives of victims of enforced disappearances in Jammu and Kashmir, which campaigns against enforced and involuntary disappearances and seeks justice and information about the whereabouts of disappeared individuals.

Mr. Imroz was previously the subject of an urgent appeal sent by the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances on 17 January 2012, see A/HRC/20/30, case number IND 23/2011, to which no response has yet been received; an urgent appeal sent by the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on 20 November 2008, see IND 31/2008, for which a response was received on 24 June 2009; an allegation letter sent by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on the independence of judges and lawyers on 8 July 2008, see IND 18/2008, for which a response was received on 19 March 2009; and urgent appeals sent by the then Special Representative of the Secretary-General on the situation of

human rights defenders and the Special Rapporteur on the independence of judges and lawyers on 14 September 2006, see IND 29/2006, and 1 May 2006, see IND 16/2006.

According to the information received:

Since the expiration of his passport in 2004, Mr. Parvez Imroz has repeatedly applied for the renewal of his travel document. His continued applications have allegedly been denied till now, thus restricting his freedom of movement and curtailing the exercise of his right to leave his country and return to it.

On 8 August 2015, Mr. Imroz met with the Inspector-General of the Criminal Investigation Department (CID) of Jammu and Kashmir. In the course of the meeting, Mr. Imroz was allegedly assured that his passport would be issued.

As of the sending of this communication, Mr. Imroz's application for the renewal of his passport remains to be granted.

Concern is expressed at the allegations that the continued denial of travel documents to Mr. Imroz is in relation to his human rights activities and is aimed at inhibiting his legitimate work as lawyer in the defense of human rights of victims of enforced disappearance.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In connection with the above alleged facts and concerns, please refer to the **Reference to International Law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 any comment you may have on the above-mentioned allegations.
2. Has a complaint been lodged by or on behalf of Mr. Parvez Imroz?
3. Please provide information concerning the legal grounds for the denial of the renewal of the travel documents of Mr. Parvez Imroz, and how these measures are compatible with international norms and standards as stated, inter alia, in the International Covenant on Civil and Political Rights, the United Nations Basic Principles on the Role of Lawyers and the United Nations Declaration on Human Rights Defenders.

We would appreciate receiving a response within 60 days.

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(s) responsible for 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.

Houria Es-Slami  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Michel Forst  
Special Rapporteur on the situation of human rights defenders

Mónica Pinto  
Special Rapporteur on the independence of judges and lawyers

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw your attention to the following human rights standards:

We would like to recall that, in its resolution 7/12, the Human Rights Council urged Governments to take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they might be subjected.

In this connection, we would like to refer your Government to the United Nations Declaration on the Protection of all Persons from Enforced Disappearance, adopted by General Assembly resolution 47/133, in which it is stated that States must take steps to ensure that persons involved in investigations of cases of disappearance, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal.

In connection with the allegations received indicating that the situation of Mr. Imroz could be related to his legitimate work as lawyer in the defence and promotion of human rights, more specifically to his work in relation to victims of enforced disappearance, we would like to refer your 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, and in particular articles 1 and 2 which state that “everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.”

In particular, we would like to bring to the attention of your Government the following provisions of the Declaration:

- article 6, point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems.

Furthermore, we also would like to refer to the United Nations Basic Principles on the Role of Lawyers, in particular Principle 16 that provides that “Governments shall

ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics”.

Finally, we wish to recall article 13(2) of the Universal Declaration of Human Rights (UDHR) that establishes the principle that “[e]veryone has the right to leave any country, including his own, and to return to his country”, article 12(2) of the International Covenant on Civil and Political Rights (ICCPR), acceded by India on 10 April 1979, similarly holding that “[e]veryone shall be free to leave any country, including his own.”