



PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences.

REFERENCE: UA Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (33-27) G/SO 214 (53-24) G/SO 214 (89-15)
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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 15/21, 16/5, 17/5, 16/23, and 23/25.

We wish to draw to the attention of your Excellency's Government information we have received with regard to **the reported death of Ms. [REDACTED] and her sister, Ms. [REDACTED], and attacks and death threats to their family members, including Mr. [REDACTED] and Mr. [REDACTED]**. It is reported that these allegations are connected to the work of Ms. [REDACTED], a woman human rights defender who provided social services in [REDACTED], Sindh province.

Allegations of acts of harassment and violence against human rights defenders working on women's rights have already been the subject of previous communications by Special Procedures mandate-holders, including a joint letter of allegation sent on 1 February 2013 by the Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on extrajudicial, summary or

arbitrary executions, and the Special Rapporteur on violence against women, its causes and consequences. We thank your Excellency's Government for its response.

According to the information received:

On 4 June 2013, at approximately 4 p.m., Ms. [REDACTED] was brutally attacked in her own residence in [REDACTED]. It is reported that the alleged perpetrators cut off her hands, ears and fingers, gouged both of her eyes and robbed valuable jewelry. She was later found in her apartment by a family member, Mr. [REDACTED], who brought her to a civil hospital where she soon died as a result of her injuries.

Ms. [REDACTED] was a human rights defender working for women's rights with a local non-governmental organization, named Social Welfare Organization, which provided social services in [REDACTED]. It is reported that Ms. [REDACTED] recently conducted activities to raise awareness on the case of the murder of a Hindu man in the [REDACTED] police station, who allegedly died as a result of severe injuries sustained while he was being tortured by the local police.

According to reports, Ms. [REDACTED], the younger sister of Ms. [REDACTED], and a family member, Mr. [REDACTED], held a protest in front of the office of the Senior Superintendent of Police of Hyderabad. They allegedly placed the body of Ms. [REDACTED] on the ground and urged authorities to identify and detain those responsible for her killing. It is reported that a Station House Officer threatened them with arrest should they continue with the protest and urged them to remove the body from the road. Ms. [REDACTED] intention was for the police to file a First Information Report (FIR). She carried evidence materials, including pictures and video clips that she recorded at the scene of the alleged murder of her sister.

On 5 June 2013, it is reported that a police officer received 3,300 Rupees from Ms. [REDACTED] family to lodge a FIR against two accused men, including a police officer. The FIR, which received a code number 44/2013, was registered under sections 302, 380 and 34 of the Penal Code. It is alleged that an internal inquiry was launched which exonerated the accused based on fabricated grounds, as prosecution witnesses denied the murder. As a result, [REDACTED] police refrained from launching an investigation into the killing of Ms. [REDACTED].

According to reports received, both Ms. [REDACTED] and Mr. [REDACTED] received death threats for pursuing the case of Ms. [REDACTED]. Mr. [REDACTED] allegedly challenged the police inquiry denying the murder. The case is currently

being considered by a civil judge and judicial Magistrate in [REDACTED] (number 8).

Moreover, on 29 June 2013, at around 11:30 a.m., Ms. [REDACTED] [REDACTED] was fatally killed by three armed men. She was shot as she and Mr. [REDACTED] returned from a court hearing for the petition to demand an inquiry into the murder of Ms. [REDACTED] [REDACTED]. Allegedly, Ms. [REDACTED] [REDACTED] was dragged out of her rickshaw as they approached the vegetable market at [REDACTED] [REDACTED], and was shot at close range. While the assailants left the area, Ms. [REDACTED] [REDACTED] managed to stand up despite her injuries. One of the men, who allegedly had been involved in the murder of her sister, reportedly went back to the scene and shot eight bullets into the body of Ms. [REDACTED] [REDACTED]. Ms. [REDACTED] [REDACTED] died immediately. Mr. [REDACTED] reportedly managed to survive the attack despite being shot at by the assailants.

It is also reported that another family member, Mr. [REDACTED] [REDACTED], took the body of Ms. [REDACTED] [REDACTED] and placed it in front of the Office of the Senior Superintendent of Police in [REDACTED]. He held a protest demanding justice and the arrest of those responsible for the murder of Ms. [REDACTED] [REDACTED]. Mr. [REDACTED] managed to make the police file a FIR and received a permission to carry out an autopsy. It is reported that Mr. [REDACTED] is also receiving death threats for pursuing the case of Ms. [REDACTED] [REDACTED].

Grave concern is expressed as the killing of Ms. [REDACTED] [REDACTED] could be connected to her human rights activities in the Sindh province. Grave concern is further expressed as the killing of her sister, Ms. [REDACTED] [REDACTED], and the death threats received by her family members, including Mr. [REDACTED] [REDACTED] and Mr. [REDACTED] [REDACTED], could also be related to their efforts in the pursue of justice and accountability for these killings, respectively.

Without prejudging the accuracy of these allegations, we would like to refer to article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Islamic Republic of Pakistan on 23 June 2010, which provides that every individual has the right to life and security of the person, that this right shall be protected by law and that no person shall be arbitrarily deprived of his or her life. In this regard, the Human Rights Committee has stipulated that “The protection against arbitrary deprivation of life which is explicitly required by the third sentence of article 6 (1) is of paramount importance. The Committee considers that States parties should take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces. The deprivation of life by the authorities of the State is a matter of the utmost gravity.”

With regard to the death threats received by the family members of Ms. [REDACTED], we would like to remind that principle 4 of the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65, states that effective protection through judicial or other means shall be provided 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 further draw the attention of your Excellency's Government to the duty to investigate, prosecute and punish violations of the right to life, in line with the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. In particular, principle 9 stipulates that there shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, while principle 18 provides that "Governments shall ensure that persons identified by the investigation as having participated in extra-legal, arbitrary or summary executions in any territory under their jurisdiction are brought to justice".

Furthermore, we would like to bring to the attention of your Excellency's Government article 4 (c & d) of the United Nations Declaration on the Elimination of Violence against Women, which notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. To this end, States should develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence. Women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered. States should, moreover, also inform women of their rights in seeking redress through such mechanisms.

In this context, we wish to recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its general recommendation No. 19 (1992), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women (ratified by your Excellency's Government in 1996), whether perpetrated by a State official or a private citizen, in public or private life. Thus, the Committee considers that States parties are under an obligation to act with due diligence to investigate all crimes, including that of sexual violence perpetrated against women and girls, to punish perpetrators and to provide adequate compensation without delay. In general recommendation No. 19, the Committee sets out specific punitive, rehabilitative, preventive and protective measures States should introduce to fulfil this obligation; in paragraph 9, it makes clear that "under general international law and specific human rights covenants, States may also be responsible for private acts if they

fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation”.

We would like to draw the attention of your Excellency's Government to paragraph 8a of Human Rights Council Resolution 16/23, which reminds States that “Intimidation and coercion, as described in article 1 of the Convention against Torture, including serious and credible threats, as well as death threats, to the physical integrity of the victim or of a third person can amount to cruel, inhuman or degrading treatment or to torture;”

We would like to refer your Excellency's Government to article 22 of the ICCPR, which provides that “[e]veryone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”.

In this connection, we would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

In addition, 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, 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”.

Furthermore, we would like to bring to the attention of your Excellency's Government article 12 paras 2 and 3 of the Declaration which provide that 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. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Finally, we would like to refer your Excellency's Government to resolution 22/6 adopted by the Human Rights Council on 21 March 2013, and in particular its operative paragraph 12, which "[e]xpresses particular concern about systemic and structural discrimination and violence faced by women human rights defenders, and calls upon States to integrate a gender perspective in their efforts to create a safe and enabling environment for the defence of human rights".

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with the above international instruments.

Moreover, since 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 cooperation and your observations on the following matters:

- 1) Are the facts alleged in the summary accurate?
- 2) Please provide the full details of any protective measures put in place to ensure the life, physical and psychological security and integrity of the family members of Ms. ██████████ ██████████ and ██████████ ██████████, including of Ms. ██████████ ██████████ while she was still alive and reportedly threatened.
- 3) Please provide the details, and if available the results, of the medical examination conducted on Ms. ██████████ ██████████ body, and any judicial or other inquiries which may have been carried out in relation to these cases.
- 4) Please provide further information on the allegation that police officers have participated in the killings of Ms. ██████████ ██████████ and ██████████ ██████████ and the allegations of death threats against their family members, including Mr. ██████████ ██████████ and Mr. ██████████ ██████████. If applicable, please also explain the results of the alleged internal police enquiry into the death of Ms. ██████████ ██████████.

5) Please clarify whether compensation has been made available to the family of Ms. [REDACTED] [REDACTED] and [REDACTED] [REDACTED].

6) Please provide information about any measures taken to ensure that activists and human rights defenders can freely conduct activities in the defence of human rights in the Sindh province without fear of harassment, intimidation or threat of any kind.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

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association

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