

**NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the
Special Rapporteur on the promotion and protection of the right to freedom of opinion and
expression.**

5 July 2011

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions, and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 8/3 and 16/4.

In this connection, we would like to bring to your Excellency's Government's attention information we have received regarding the death of **Mr. Syed Saleem Shahzad**, an Islamabad-based investigative journalist for an online newspaper, Asia Times, based in Hong Kong.

According to information received:

On 27 May 2011, Mr. Shahzad published the first of a two-part investigative report regarding alleged links between al-Qaeda and Pakistani naval officials. He reportedly stated in his report that al-Qaeda had established "a good network" within the Pakistani navy and that "there were negotiations between an al-Qaeda operative in North Waziristan and naval officers."

Mr. Shahzad was last seen on 29 May 2011, at around 18:00 hours when he left his residence in Islamabad to go to the Dunya television studios to participate in a current affairs programme. Individuals who attempted to call him found that his mobile phone had been switched off. His brother-in-law reportedly went to the Markaz district police station to report him missing on 30 May 2011 at 02:00 hours. He had been invited to discuss the contents of his report regarding an attack on 22 May 2011, during which ten individuals died on PNS Mehran, at the Pakistani naval-base in Karachi, by militants linked to al-Qaeda. We have received information indicating that Mr. Shahzad was in the custody of the Inter-Services Intelligence (ISI) and was expected to be released on 30 May 2011.

On 31 May 2011, two days after his disappearance, Mr. Shahzad's body was discovered in an abandoned car, reportedly bearing visible signs of torture, near Mandi Bahauddin, approximately 100 kilometers north of Islamabad.

It has been reported that Mr. Shahzad had previously complained of threats by the Pakistani military's ISI, on at least three occasions in the past five years, for his reporting on the links between the ISI and al-Qaeda. On 19 October 2010, Mr.

Shahzad allegedly sent an e-mail to Human Rights Watch informing that he had been threatened by the ISI during a meeting on 17 October with the Director-General of the Media Wing of the ISI, Rear Admiral Adnan Nazir, and another ISI official, Commodore Khalid Pervaiz (at the ISI headquarters in Islamabad). Commodore Pervaiz has recently been appointed the new commander of the Mehran naval base in Karachi, the subject of Mr. Shahzad's last story for Asia Times, in which he alleged that al-Qaeda had attacked the base in Karachi on 22 May, after talks with the military to release two naval officials accused of militant links broke down. Later, Mr. Shahzad reportedly informed Human Rights Watch of two other instances where he felt threats were made to him by or on behalf of the ISI personnel.

He had reportedly asked Human Rights Watch to make the details of the meeting public "in case something happens to me or my family in the future" (a copy of the e-mail is attached as an appendix). The same e-mail was also sent to Mr. Hameed Haroon, publisher of the English language daily Dawn, and President of the All Pakistan Newspapers Society, and to colleagues in Asia Times.

Concern is expressed that the abduction and killing of Mr. Shahzad may be linked to his work as an investigative journalist and in particular for reporting on the links between the ISI and al-Qaeda. Further concern is expressed that without an effective investigation and prosecution of those responsible, there will be a broader chilling effect on the right to freedom of expression in the country and on the ability of journalists to report on sensitive matters involving high-ranking officials.

While we do not wish to prejudge the accuracy of these allegations, we urge your Excellency's Government to take all necessary measures to guarantee that accountability of any person guilty of the alleged violations is ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

The International Covenant on Civil and Political Rights (ICCPR) ratified on 23 June 2010 provides that every individual has the right to life, and that no person shall be arbitrarily deprived of his or her life (Article 6). We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons.

Under International law in all suspected cases of extra-legal, arbitrary and summary executions, States have an obligation to conduct "thorough, prompt and impartial investigations" (Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principle 9). The Human Rights Council (A/HRC/17/L.19) renewed the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions reiterating in OP 4 that all States have "to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions". The Council added that this includes the obligation "to identify and bring to justice those responsible...to adopt all necessary measures, including legal

and judicial measures, in order to bring an end to impunity and prevent the recurrence of such executions”.

We are concerned with the reports that Mr. Shahzad had previously complained of threats by the Pakistani military’s Inter-Services Intelligence for reporting on the links between the ISI and al-Qaeda. We would like to request that your Excellency’s Government conduct investigations into these allegations, to identify the perpetrators and to establish whether there is any connection to the death of Mr. Shazad.

In this regard, we would also like to highlight the obligation of your Excellency’s Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the ICCPR, which provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

We would also like to highlight the recommendation made to the Government of Pakistan through the Universal Periodic Review procedure to “investigate and prosecute both government officials and other perpetrators for acts against members of the media” (A/HRC/8/42, para.106).

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged?
3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please indicate whether compensation has been provided to the victim or the family of the victim.

We would appreciate a response within sixty days. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

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

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

Frank La Rue
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression