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**AUX DROITS DE L'HOMME**

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

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

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Working Group on Enforced or Involuntary Disappearances; 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; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE: UA G/SO 217/1 G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (33-27) G/SO 214 (53-24)  
NOR 1/2013

4 April 2013

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 16/16, 16/4, 16/5, 17/5, and 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding Mr. **Mohammad Anwar Baloch**, an asylum seeker and human rights defender from Pakistan, who is at imminent risk of deportation from Norway to Pakistan.

According to information received:

In 2010, Mr. Mohammad Anwar Baloch, a journalist and political activist from Balochistan province, Pakistan, applied for political asylum in Norway. On 18 January 2011, his application was rejected by the Norwegian Directorate of Immigration/ Utlendingsdirektoratet (UDI). On 3 February 2011, following Mr. Anwar's appeal, his case was submitted to the Norwegian Immigration Appeals Board/Utlendingnemnda (UNE). The appeal was later rejected by UNE. On 26 February 2013, UNE issued an order to Mr. Anwar, requesting him to leave Norway by 4 April 2013.

Mr. Anwar is one of the founders and a senior editor of the Baloch Unity Conference (BUC), an online news blog criticizing the Government of Pakistan's alleged human rights abuses in Balochistan province. Allegedly, the online news blog (<http://www.balochunityconference.com>) also reports on news and information which are allegedly censored by Pakistan. According to the

information received, reporters of BUC work under cover in Balochistan province for fear of being abducted or even targeted killing by Pakistani security agencies. It was further reported that in 2010 and 2011, two BUC reporters, were allegedly abducted by Pakistan Frontier Corps and secret agencies, and found dead.

According to the information received, in 2009, Mr. Anwar was appointed as a member of Baloch/Qaum Dost Committee, which was established for the purpose of negotiating the release of Mr. John Solecki, a UN official, who was kidnapped in Balochistan province. After the release of Mr. Solecki, the Committee discontinued its existence. Reportedly, five of its members were abducted by Pakistani security agents, three allegedly died in custody, two are missing, and another four members are in hiding. For fear of being abducted or killed Mr. Anwar fled to Norway.

Reportedly, while in Norway, Mr. Anwar continued his political and human rights activities including organizing protests and meetings in relation to the alleged human rights abuses in Balochistan by Pakistani army and security forces. According to the source, if returned to Pakistan, Mr. Anwar would be at risk of enforced disappearance, torture and being killed by the Pakistani Security Forces for his journalist, political and human rights activities.

Without prejudging the accuracy of the information made available to us, we would like to express concern that Mr. Mohammad Anwar Baloch is at imminent risk of being extradited to Pakistan, where he would be at risk of enforced disappearance, torture and being killed. In this regard we urge your Excellency's Government not to extradite him and ensure that his rights as a human rights defender and an asylum seeker are respected in compliance with international law, in particular the international principle of non-refoulement.

In this context, we would like to draw your Excellency's Government attention to article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, acceded to by Norway on 9 July 1986, which provides that no State party shall expel, return ("refouler"), or extradite a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture. In this regard, paragraph 9 of General Comment No. 20 on the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, in which the Human Rights Committee states that State parties "must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of extradition, expulsion or refoulement". Furthermore, paragraph 9 of the Resolution A/RES/61/253 of the UN General Assembly urges States "not to expel, return ("refouler"), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture".

We would also like to bring to the attention of your Excellency's Government to paragraph 16 of the Resolution A/RES/65/205 of the UN General Assembly which urges States "not to expel, return ("refouler"), extradite or in any other way transfer a person to

another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture, and recognizes that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement.”

Furthermore, paragraph 7(d) of Human Rights Council Resolution 16/23 urges States not to expel, return (refouler), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture, stressing the importance of effective legal and procedural safeguards in this regard, and recognizing that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement.

In relation to the allegations according to which, if returned to Pakistan, Mr. Mohammad Anwar Baloch would be at risk of enforced disappearance, we would like to bring to the attention of your Excellency’s Government article 8 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance, which states that “no State shall expel, return (refouler) or extradite a person to another State where there are substantial grounds to believe that he would be in danger of enforced disappearance. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.”

With regard to the information that Mr. Mohammad Anwar Baloch would be at risk of being killed, if returned to Pakistan, we would like to refer to article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Government of Norway on 13 September 1972, which provides that every individual has the right to life and security of the person. Furthermore, the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65, in particular principle 5 states that “no one shall be involuntarily returned or extradited to a country where there are substantial grounds for believing that he or she may become victim of extra-legal, arbitrary or summary execution in that country.”

In relation to the allegations that the risks faced by Mr. Anwar Baloch are directly linked to his activities as a human rights defender, 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 the following provisions of the Declaration:

- 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.
- article 5 point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully.
- 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.

We would also like to remind your Excellency’s Government of article 19 of the International Covenant on Civil and Political Rights (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.”

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 Mr. Mohammad Anwar Baloch in compliance with the forementioned international instruments.

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, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the case accurate?
2. Please provide detailed information concerning the legal grounds for the decision to refuse asylum to Mr. Anwar and how this decision is compatible with the forementioned international norms and standards, in particular with the principle of non-refoulement.
3. Please provide information regarding measures available for the protection of human rights defenders seeking asylum in Norway.

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 person are respected..

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

Olivier de Frouville  
Chair-Rapporteur of the Working Group on Enforced or Involuntary  
Disappearances

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

Margaret Sekaggya  
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