

Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; 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 promotion and protection of human rights and fundamental freedoms while countering terrorism

REFERENCE: UA
PAK 4/2016:

25 February 2016

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 promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 24/5, 25/2, 25/18, and 22/8.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of arbitrary arrest, incommunicado detention and charging of human rights defender **Mr. Saeed Baloch**.

Mr. Saeed Baloch is the General Secretary of the Pakistan Fisherfold Forum (PFF), a non-governmental organisation working peacefully with fishers and other community members to advocate for food security and the protection of the livelihoods of small-scale fishers in Pakistan. Mr. Baloch is an employee of Fishermen's Cooperative Society (FCS) and the elected General Secretary of the worker's union. He also serves as the General Secretary of the Karachi chapter of Pakistan's Muttahida Labour Federation. Furthermore, he is a member of the Human Rights Commission of Pakistan, as well as of the regional human rights committee Jubilee South-APMMD, the NGO Forum on Asian Development Bank and the Asia-Europe People's Forum. Furthermore, he serves as a member of the board of International Network for Economic, Social and Cultural Rights.

According to the information received:

On 16 January 2016 at approximately 4 p.m., Mr. Saeed Baloch was summoned by the Rangers, Pakistan's Paramilitary police force, for questioning to Keamari station in Karachi. At 8 p.m. his phone was turned off and he did not return home. On 19 January 2016, his family petitioned the Rangers to allow them to visit him, but this petition was denied.

On 26 January 2016, the family and colleagues of Mr. Baloch learnt via a press release issued by the Rangers that he, together with his three colleagues, had been brought before the Sindh High Court and charged under the Anti-Terrorism Act (ATA) 1997. The legal team representing the Rangers accused the human rights defender of financially assisting an individual involved in organised crime and of embezzling fisheries' funds. Mr. Baloch did not have access to legal representation and was placed under three-month detention under Section 11-EEE of the ATA. The Sindh Rangers stated he was arrested on 25 January 2016 and denied knowing the whereabouts of Mr. Baloch prior to this.

On 10 February 2016, a hearing took place in the Sindh High Court on a petition filed by Mr. Saeed's family, which ordered that the Rangers must immediately allow a meeting between the detainee and his family.

On 11 February 2016, the family submitted an application requesting a meeting, but in spite of follow up by the family, they have still not been allowed to visit Mr. Saeed.

Serious concern is expressed that the arrest, incommunicado detention and charges brought against Mr. Baloch is in relation to his legitimate human rights work and peaceful social activism. Concern is also expressed in relation to the conditions of his detention, given that neither his family nor his legal counsel has been allowed to visit the detainee.

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.

We would like to refer your Excellency's Government to articles 9 and 10 of the Universal Declaration on Human Rights (UDHR), and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), which was ratified by Pakistan in 2010. These provisions concern the right not to be subject to arbitrary arrest or detention and the right to fair trial.

We would like to further refer to article 22 of the ICCPR that guarantees the right to freedom of association with others.

We would also like to refer to 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, in particular articles 1, 2 which provide for the right to promote and to strive for the protection and realization of human rights and fundamental freedoms. In relation to the use of the Anti-Terrorism Act we would also like to refer your Excellency's Government to Human Rights Council Resolution 22/6, which urges States to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights.

Furthermore we would like to refer to the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Pakistan in 2008, which commits its parties to work toward the granting of economic, social, and cultural rights (ESCR) to individuals, including labour rights and rights to health, education, and an adequate standard of living.

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

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. Baloch in compliance with international instruments.

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 any comment you may have on the above-mentioned allegations.
2. Please clarify the whereabouts of Mr. Baloch after he was summoned for questioning on 16 January 2016 until he was presented before the Sindh High Court on 26 January 2016? Please clarify where Mr. Baloch is currently being detained.
3. Please provide details of the legal grounds for the arrest and detention of Mr. Baloch and the charges brought against him, and how these measures are compatible with international human rights norms and standards, in particular those contained in the UDHR and ICCPR.

4. Please kindly indicate what measures have been taken to ensure that human rights defenders 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.

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and
of association

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Michel Forst
Special Rapporteur on the situation of human rights defenders

Ben Emmerson
Special Rapporteur on the promotion and protection of human rights
and fundamental freedoms while countering terrorism