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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 the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

REFERENCE: UA G/SO 214 (67-17) G/SO 214 (56-23) G/SO 214 (107-9) G/SO 214 (3-3-16) G/SO 214 (33-27)
PAK 8/2012

15 June 2012

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 16/4, 14/11, 16/5, 17/2, and 17/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding an alleged plot to kill Ms. **Asma Jahangir**. Ms. Jahangir is a human rights lawyer and former President of the Supreme Court Bar Association. She previously served as UN Special Rapporteur on extrajudicial, summary or arbitrary executions and UN Special Rapporteur on freedom of religion or belief for a combined total of 12 years.

Ms. Jahangir was the subject of four previous communications of the Special Procedures sent to your Excellency's Government.

The most recent of these communications was sent to your Excellency's Government on 24 January 2011, by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on the promotion and protection of human rights while countering terrorism. We regret that to date no reply has been transmitted by your Excellency's Government.

According to the information received:

Ms. Jahangir has received information from a credible source concerning an alleged plan to kill her. It is alleged that this plan has been formulated “at the highest level of the security apparatus”. Reportedly, the plan was devised as a result of Ms. Jahangir’s outspoken exposure of human rights abuses in Pakistan.

According to reports, your Excellency’s Government has provided Ms. Jahangir with additional security in response to the alleged threat to her life.

Grave concern is expressed for the physical and psychological security of Ms. Jahangir. Further concern is expressed concerning the allegations that the plan to assassinate Ms. Jahangir may be directly linked to her legitimate activities in the defence of human rights, particularly shedding light on alleged violations carried out by the security forces. Should these allegations be verified, concern is expressed that this is one of many human rights violations being suffered by journalists, human rights defenders and lawyers which are allegedly attributable to State institutions, particularly the military intelligence services.

While we do not wish to prejudge the accuracy of these allegations, we wish to recall that under article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), which Pakistan ratified on 23 June 2010, the Government has the duty to protect every individual’s right to life and to take all necessary measures to ensure that no individual on its territory or subject to its jurisdiction is arbitrarily deprived of his or her life. In this respect, the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65 (principle 4), explicitly require States to provide “effective protection through judicial or other means to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats”.

Furthermore, 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 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; and

- 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.

In this context, we would like to refer your Excellency's Government to the Basic Principles on the Role of Lawyers, adopted by the Eight United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Havana, Cuba, from 27 August to 7 September 1990. In particular:

- Principle 16: "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.";

- Principle 17: "Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities."; and

- Principle 18: "Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions."

We would also like to appeal to 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 International Covenant on Civil and Political Rights, 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 the above-mentioned person in compliance with the above 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 the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. 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?
4. Please provide full details of any protective measures put in place to ensure the physical and psychological security and integrity of Ms. Jahangir.
5. Please provide detailed information concerning measures which are taken to prevent human rights violations being perpetrated by members of the security forces, particularly members of the military intelligence services.
6. Please provide detailed information concerning the number of complaints of human rights violations allegedly carried out by members of the security forces against journalists, human rights defenders and lawyers in Pakistan in 2011, and if available, up until the present, the process used to investigate such complaints, and the number of persons who are currently subject to criminal proceedings or who have been convicted for having perpetrated these acts.

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 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.

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

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

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Gabriela Knaut
Special Rapporteur on the independence of judges and lawyers

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions