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**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 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 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 torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE: UA G/SO 217/1 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (33-27) G/SO 214 (53-24)  
PAK 4/2014

3 April 2014

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 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; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 16/16, 16/4, 24/5, 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 the situation of Mr. **Nasrullah Baloch** and his family. Mr. Nasrullah Baloch is the Chairman of Voice for Baloch Missing Persons (VBMP), a non-governmental organization which was founded in 2009 by families of victims of enforced disappearances. The organization voices concerns on behalf of families of disappeared persons and campaigns for their safe return.

According to the information received:

On 25 March 2014, Mr. Nasrullah Baloch was followed by individuals believed to belong to Pakistani security forces when he attended a hearing at the Supreme Court in Islamabad. The following day, personnel of State intelligence agencies warned Mr. Nasrullah Baloch to stop campaigning for the safe return of disappeared persons and not to contact foreign embassies. On 27 March 2014, on his return to Quetta, Mr. Nasrullah Baloch's bag was searched by personnel of State intelligence agencies and he was told that the hotel room where he stayed in Islamabad had been searched as well. They also allegedly threatened that they

could have put a gun in his bag so that he would be arrested for carrying weapon on an aircraft.

On 27 October 2013, families of disappeared persons launched a long march from Quetta to Karachi then to Islamabad to raise awareness of the issue of enforced disappearance in Pakistan. On the following day, Mr. Nasrullah Baloch's brother was reportedly beaten by individuals from State intelligence agencies. They warned him that Mr. Nasrullah Baloch should stop his activities on disappeared persons. It was further reported that in November 2013, Mr. Nasrullah Baloch's younger brother was allegedly threatened by personnel of State intelligence agencies who said that Mr. Nasrullah Baloch would be killed if he did not stop his activities on disappeared persons.

In addition, Mr. Nasrullah Baloch and the Vice Chairman of the VBMP were allegedly threatened following their meeting with the Working Group on Enforced or Involuntary Disappearances during its visit to Pakistan which took place in September 2012. Following these threats, they attempted to register a first information report at the police station; however, the Station House Officer reportedly refused to comply.

We express serious concern about the physical and psychological integrity of Mr. Nasrullah Baloch, as well as of his relatives and his colleagues. We are further concerned that the aforementioned acts of intimidation may be due to his legitimate exercise of his rights to freedom of expression and of association, especially the activities that he conducts as the Chairman of the Voice for Baloch Missing Persons. Further concern is raised that the harassment and threats appear to be an act of reprisal against Mr. Nasrullah Baloch for his work on disappeared persons and his legitimate engagement with the United Nations and its human rights mechanisms.

While we do not wish to prejudge the accuracy of these allegations, with regard to the alleged death threats against Mr. Nasrullah Baloch, we would like to refer to Article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan on 23 June 2010, which provides that every individual has the right to life, that this right shall be protected by law and that no person shall be arbitrarily deprived of his or her life. Furthermore, 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.

In this regard, we would like to 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 Principles 9 and 18 of the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.

Each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the Universal Declaration of Human Rights (UDHR), the ICCPR, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Paragraph 7 (b) of Resolution 8/8 of the Human Rights Council states that “[i]ntimidation 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 wish to recall the provisions of resolution 12/2 of the Human Rights Council (A/HRC/RES/12/2), which, inter alia, “condemns all acts of intimidation on reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (OP 2) and “calls upon all States to ensure adequate protection from intimidation or reprisals for individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (...)” (OP 3).

Article 13 (3) of the Declaration on the Protection of all Persons from Enforced Disappearance states that “[s]teps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal”. This was also emphasized in the report that the Working Group presented after its visit to Pakistan (paragraphs 51, 71, and 87(a), A/HRC/22/45/Add.2).

We would also like to recall that, in its resolution 7/12, the Human Rights Council urged Governments to take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they might be subjected. The protection of families of disappeared persons should be carried out regardless of the existence of criminal investigation.

In this connection, we would also like to refer your Excellency’s Government to the following provisions of the ICCPR:

- article 19, which provides that “[e]veryone 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;” and
- article 22, 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”.

We would also like to refer to Human Rights Council resolution 24/5, and in particular operative paragraph 2 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.”

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”.

In addition, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- 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.
- 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.
- 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, regarding the right to access and communicate with international bodies, we would draw the attention of your Excellency's Government article 5, paragraph c) of the Declaration which states that in order to promote and defend human rights and fundamental freedoms everyone has the right, individually or collectively, both nationally and internationally, "c) to communicate with non-governmental or intergovernmental organizations." Similarly, Article 9, paragraph 4, states that "(a) (...) everyone has the right, individually or collectively, in conformity with applicable international instruments and procedures, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms."

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. Nasrullah Baloch 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 above summary of the case accurate?
2. Please provide information on measures that have been taken to guarantee the protection of Mr. Nasrullah Baloch, his relatives and his colleagues, and to ensure that they are not subjected to any threat, intimidation or harassment.
3. Please provide the details, and where available the results, of any investigation and inquiry carried out in relation to these cases, including efforts made to ensure that perpetrators of the alleged acts of intimidation against Mr. Nasrullah Baloch are brought to justice.
4. Please indicate what measures have been taken to ensure that all human rights defenders, including civil society and activists, can carry out their legitimate activities in a safe and enabling environment and can interact with the United Nations and its human rights mechanisms, without fear of harassment, or intimidation of any kind.

We undertake to ensure that your Excellency's Government's response will be available 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 Mr. Nasrullah Baloch are respected. 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.

Ariel Dulitzky  
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

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