



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

**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 the situation of human rights defenders; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences.**

REFERENCE: UA G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (33-27) G/SO 214 (53-24) G/SO 214 (89-15)  
PAK 5/2013

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Excellency,

We have the honour to address you in our capacity as 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; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 16/4, 16/5, 17/5, 16/23, and 23/25.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding allegations of serious acts of violence and ill-treatment, including an attempt to kill Ms. [REDACTED]; and threats to journalists and human rights defenders working in Sahiwal, Punjab.

Allegations of acts of violence, harassment and intimidation of women and human rights defenders have been the subject of previous communications by Special Procedures mandate-holders. A joint urgent appeal was sent on 12 July 2013 by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, the Special Rapporteur on arbitrary, extrajudicial or summary executions, and the Special Rapporteur on the situation of human rights defenders. We thank your Excellency's Government for its letter dated 13 July 2013, informing that the urgent appeal would be transmitted for serious consideration and early response. However, we regret that such a response is yet to be received.

According to the information received:

On 13 August 2013, Ms. [REDACTED], aged 38 and resident of Sahiwal, Punjab, was allegedly abducted by a group of around six persons. Ms. [REDACTED] was beaten up, dragged by her hair and forced to parade through a busy local market. She was then taken to the group's gang leader where she was tied to a tree inside the compound and further subjected to serious acts of violence. It is reported that people in the vicinity heard her cries and contacted the police station. Just as she was about to be hanged and killed, Ms. [REDACTED] was rescued by a police officer from the Kamir Police Station. She was found unconscious although she later regained her senses.

According to the allegations received, Ms. [REDACTED] was allegedly threatened and harassed a number of times by this same group of persons. She was asked to sell her property and house, where she runs a small grocery shop. This group is reportedly well-known in the area for harassing poor communities to force them to sell their property at a price dictated by them. It is also alleged that activists and human rights defenders who provide legal aid to individuals victimized by this group are also often threatened by the group.

Immediately after being rescued, Ms. [REDACTED] was taken to the police station and then sent to the hospital. She sustained several injuries as a result of the attack. It is reported that the police did not arrest and detained any suspect, although her attackers were allegedly found in the compound attempting to kill her. In addition, no First Information Report (FIR) was filed on this case. Instead, allegations suggest that the police accepted a plea from the alleged perpetrators that Ms. [REDACTED] went to the compound with the intention to kill them.

It is reported that the people who informed the police about the incident - which included local human rights defenders and journalists, some of whom are members of the Press Club of Kamir - learned that the police refused to file a FIR because they claimed they needed to investigate the incident first. Soon after, what happened to Ms. [REDACTED] was widely reported in the print and electronic media, including live broadcasting in local TV channels.

According to reports, on 14 August 2013, journalists and human rights defenders visited the police station to inquire about the status of the FIR. A police officer allegedly threatened them indicating that a "fake encounter" could be conducted against them for interfering in the official work of police.

A day later, a case was reportedly filed against persons to interfering with police business, although the identities of these persons are unknown. In this connection, Mr. **Barkat Ali Gulzar**, President of the Press Club, and Mr. **Sabir Shehzad**, Director of the International Human Rights Commission were reportedly informed that should they continue reporting the case, they would be "booked in the open FIR".

We wish to express our grave concern for the physical and psychological integrity of Ms. [REDACTED]. We are also gravely concerned as these allegations of serious acts of violence and ill-treatment, harassment and attempted murder of Ms. [REDACTED]; threats, harassment and intimidation of journalists and human rights defenders; and connivance of police officials with the alleged perpetrators could be connected to efforts in the area in the pursuit of justice and the defence of human rights.

Without prejudging the accuracy of these allegations, we would like to bring to your Excellency's Government attention article 4 (c & d) of the United Nations Declaration on the Elimination of Violence against Women, which notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. To this end, States should develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence. Women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered. States should, moreover, also inform women of their rights in seeking redress through such mechanisms. In addition, reference is made to report of the Special Rapporteur on violence against women on State responsibility for eliminating violence against women, which affirms that "The State has an obligation to investigate all acts of violence against women, including systemic failures to prevent violence against women. Where a specific incident of violence takes place in the context of a general pattern of violence against women, there is a wider scope required to comply with the due diligence obligation" (A/HRC/23/49).

In this context, we wish to recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its general recommendation No. 19 (1992), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women (ratified by your Excellency's Government on 12 April 1996), whether perpetrated by a State official or a private citizen, in public or private life. Thus, the Committee considers that States parties are under an obligation to act with due diligence to investigate all crimes, including that of sexual violence perpetrated against women and girls, to punish perpetrators and to provide adequate compensation without delay. In general recommendation No. 19, the Committee sets out specific punitive, rehabilitative, preventive and protective measures States should introduce to fulfil this obligation; in paragraph 9, it makes clear that "under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation".

Furthermore, we would like to refer to article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Government of Pakistan on 23 June 2010, which provides that every individual has the right to life and security of the person,

that this right shall be protected by law and that no person shall be arbitrarily deprived of his or her life. States have the responsibility to protect persons from human rights violations committed by non-State actors as well. In this context, in its General Comment No. 31, the Human Rights Committee observed that the positive obligations on States Parties to ensure Covenant rights will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant rights. There may be circumstances in which a failure to ensure Covenant rights would give rise to violations by States Parties of those rights, as a result of States Parties permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.

We would also like to draw your Excellency's Government's attention to paragraph 2 of General Comment 20 of the Human Rights Committee, which provides that, "The aim of the provisions of article 7 [on the prohibition of torture and other cruel, inhuman and degrading treatment or punishment] of the ICCPR is to protect both the dignity and the physical and mental integrity of the individual. It is the duty of the State party to afford everyone protection through legislative and other measures as may be necessary against the acts prohibited by article 7, whether inflicted by people acting in their official capacity, outside their official capacity or in a private capacity" (adopted at the 44th session of the Human Rights Committee, 1992).

In connection to the allegations received indicating acts of harassment and intimidation against human rights defenders working in Sahiwal, Punjab, we would 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 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."

Further, 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, and in particular to 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.

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-referred persons 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 accurate?
2. Please provide the full details of any measure put in place to ensure the physical and psychological integrity of Ms. [REDACTED]. Please provide the full details of any protective measures put in place to ensure the life, physical and psychological security and integrity of Ms. [REDACTED], as well as Mr. Barkat Ali Gulzar and Mr. Sabir Shehzad.
3. Please provide the details, and if available the results, of the medical examination, and any judicial or other inquiries which may have been carried out in relation to Ms. [REDACTED] case. If no proceedings have taken place, or if they have been inconclusive, please explain why.
4. Please provide further information on the allegation that police officers from the Kamir Police Station refused to file a First Information Report incriminating the alleged perpetrators, and that police threatened journalists and human rights defenders who had offered support to Ms. [REDACTED]. If applicable, please also explain the results of any police enquiry into this case.
5. Please provide the full details of any prosecution undertaken in relation to the present case, including any penal, disciplinary or administrative sanction imposed on the alleged perpetrators.
6. Please clarify whether compensation has been made available to Ms. [REDACTED].
7. Please provide information about any measures taken to ensure that activists and human rights defenders can freely conduct activities in the defence of human rights in Punjab without fear of violence, harassment, intimidation, or threat of any kind.

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 persons 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

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

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