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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 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; and Special Rapporteur on the situation of human rights defenders

REFERENCE: UA G/SO 217/1 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9)
IND 23/2011

17 January 2012

Dear Ms. Bhattacharya,

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; and Special Rapporteur on the situation of human rights defenders pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/16, 16/4, 15/21 and 16/5.

In this connection, we would like to draw the attention of your Government to information we have received regarding the alleged denial of travel documents for Mr. **Parvez Imroz**, a human rights lawyer, and a Council member and legal advisor for the Association of Parents of Disappeared Persons (APDP) in Kashmir, India. The APDP is an association of relatives of victims of enforced disappearances in Jammu and Kashmir, which campaigns against enforced disappearances and seeks justice and information about the whereabouts of disappeared individuals.

Mr. Imroz was previously the subject of an urgent appeal sent by the Special Rapporteur on the situation of human rights defenders and the then Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on 20 November 2008, for which a response was received on 24 June 2009; an allegation letter sent by 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 then Special Rapporteur on the independence of judges and lawyers on 8 July 2008, for which a response was received on 19 March 2009; an urgent appeal sent by the then Special Representative of the Secretary-General on the situation of human rights defenders and the then Special Rapporteur on the independence of judges and

lawyers on 1 May and 14 September 2006; of an urgent appeal sent by the then Special Representative of the Secretary-General on the situation of human rights defenders on 11 May 2005; and of an urgent appeal sent by the then Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the question of torture on 5 October 2004, for which a reply was received on 15 February 2005.

According to the information received it is alleged that:

In 2004, Mr. Imroz's passport expired and he applied for a new one. However, since then, he has reportedly not been issued with travel documents despite having made repeated passport applications. In 2006, he was reportedly unable to travel to France to accept the Ludovic Trarieux Human Rights Prize for lawyers working on human rights, despite an appeal from the organisers of the award to the Government. In 2009, Mr. Imroz launched a campaign entitled "Campaign for Right to Travel", in order to obtain his passport, but the Government has allegedly not responded. Mr. Imroz has also reportedly been unable to make presentations on disappearances in Kashmir at several international events on human rights or participate in the activities of the Asian Federation Against Involuntary Disappearances (AFAD), a group of human rights organisations founded in the Philippines, which works on the issue of involuntary disappearances in Asia. In 2010, Mr. Imroz was reportedly unable to attend the Fourth AFAD Congress, in Indonesia; he was reportedly unable to travel to Geneva, Switzerland, to attend activities of the International Coalition Against Enforced Disappearances, a global network of organisations of families of disappeared and NGO's working in a non-violent manner against the practice of enforced disappearances at the local, national and international level, held from 7 to 11 November 2011; and he was reportedly unable to attend an AFAD Council Meeting, held from 21 to 27 November 2011, in Bangsaen, Thailand.

Concern is expressed that the denial of travel documents to Mr. Imroz may be a direct attempt to inhibit his human rights work in relation to victims of enforced disappearance.

While we do not wish to prejudge the accuracy of these allegations, we wish to draw your Government's attention to the right to physical and mental integrity of Mr. Parvez Imroz.

Without expressing at this stage an opinion on the facts of the case, we would 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.

In this connection, we would like to refer your Government to the United Nations Declaration on the Protection of all Persons from Enforced Disappearance, adopted by General Assembly resolution 47/133 of 18 December 1992, in which it is stated that States must take steps to ensure that persons involved in investigations of cases of disappearance, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal.

In connection with the allegations received indicating that the situation of Mr. Imroz could be related to his legitimate work in the defence and promotion of human rights, more specifically to his work in relation to victims of enforced disappearance, we would like to refer your 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 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.

We would also like to appeal to your 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.”

We would also like to appeal to your Government to take all necessary steps to ensure the right of peaceful assembly as recognized in article 21 of the ICCPR, which provides that “The right of peaceful assembly shall be recognized. No restrictions may be

placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (ordre public), the protection of public health or morals of the protection of the rights and freedoms of others.”

Furthermore, we would like to draw the attention of your Government to Human Rights Council’s resolution 15/21, in which the Council “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully... including... human rights defenders... seeking to exercise or to promote [this] right, and to take all necessary measures to ensure that any restrictions on the free exercise of the right to freedom of peaceful assembly... are in accordance with their obligations under international human rights law” (OP1).

We urge your Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Parvez Imroz are respected and, in the event that your investigations support or suggest the allegations made to be correct, the accountability of any person responsible of the alleged violations should be ensured. We request that your Government adopt effective measures to assure that these acts do not continue.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Government to safeguard the rights of Mr. Parvez Imroz in compliance with the aforementioned 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. Has a complaint been lodged by or on behalf of Mr. Parvez Imroz?
3. Please provide information concerning the legal grounds for the alleged denial of travel documents for Mr. Parvez Imroz and how these measures are compatible with international norms and standards as stated, inter alia, in the International Covenant on Civil and Political Rights, and the Declaration on Human Rights Defenders.

We undertake to ensure that your 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.

Please accept Ms. Bhattacharya, the assurances of our highest consideration.

Jeremy Sarkin
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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