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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 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 freedom of religion or belief; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on extrajudicial, summary or arbitrary executions

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (56-23) G/SO 214 (107-9) G/SO 214 (33-27)
PAK 7/2014

22 May 2014

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 the rights to freedom of peaceful assembly and of association; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 25/2, 24/5, 22/20, 25/18, and 17/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the killing of Mr. **Rashid Rehman**.

Mr. Rashid Rehman was a human rights lawyer and a coordinator of the Punjab office of the Human Rights Commission of Pakistan (HRCP) in Multan. The HRCP is a non-governmental organization established in 1987 to help victims of human rights abuses to seek redress. The organization runs public campaigns, engages in lobbying, organises seminars, workshops and fact-finding missions, and publishes a monthly magazine and an annual report on the state of human rights in Pakistan.

Mr. Rehman had advocated against the misuse of blasphemy laws in Pakistan and had since February 2014 represented a client accused of blasphemy. It is reported that no lawyer had been willing to take up this case due to intimidation by extremist religious groups.

According to the information received:

On 9 April 2014, Mr. Rehman attended the hearing of the blasphemy case that he was defending at the Multan Central Jail. Reportedly, individuals on the

prosecution team warned Mr. Rehman to cease his representation in the case and threatened him that he would not come to court because he would “not exist anymore.”

On 10 April 2014, the Human Rights Commission of Pakistan submitted a complaint to the Punjab authorities in relation to these threats. On 11 April 2014, Mr. Rehman filed a report with the Multan police and sent a letter to the President of the District Bar Association in which he recounted the courtroom threats.

On 29 April 2014, a newspaper reported that the Special Branch of the Punjab police had alerted law enforcement agencies of these threats. However, there has reportedly been no investigation against the individuals who threatened Mr. Rehman.

On the evening of 7 May 2014, Mr. Rehman and a colleague were meeting with a client in their office in Multan. At approximately 8:00 p.m., two unidentified individuals entered the room and shot at them before escaping via the main road. Mr. Rehman died from the wounds that he sustained, while both his colleague and the client survived the attack.

The following day, unsigned pamphlets were circulated in Multan stating that Mr. Rehman had “met his rightful end” and warning lawyers to “be afraid of God and think twice before engaging in such acts.”

Grave concern is expressed at the killing of Mr. Rashid Rehman, which may be related to his legitimate and peaceful work as a human rights lawyer within HRCP. Further concern is expressed regarding the physical integrity and safety of lawyers who work on blasphemy cases in Pakistan.

In connection to the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide the full details of any investigations which have been undertaken concerning the killing of Mr. Rehman. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

3. Please provide the full details of any investigations which have been undertaken concerning the individuals, members of the prosecution team, who reportedly threatened Mr. Rehman in court. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
4. Please indicate whether compensation has been provided to Mr. Rehman's family.
5. Please provide the full details of any protective measures put in place to ensure the physical and psychological security and integrity of lawyers working on blasphemy cases in Pakistan.
6. Please indicate what measures have been taken to ensure that human rights defenders, and in particular lawyers, 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.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report 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 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

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

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, 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 Recognised Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration, which state that everyone has the right to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels. We would also like to refer to article 9 para. 3 point c) which provides the right to offer legal assistance and 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection of human rights defenders.

We would also like to refer to your Excellency's Government to articles 19 and 22 of the International Covenant on Civil and Political Rights, ratified on 23 June 2010, which guarantee respectively the rights to freedom of opinion and expression, and of association.

We would further 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... associate freely... including human rights defenders... 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.”

With regards to the allegation that Mr Rehman was threatened and killed for his involvement in a blasphemy case before court, we would like to call your Excellency’s attention to article 6 (i) of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, which provides that the right to freedom of thought, conscience, religion or belief includes the freedom “to establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels”. We would also like to recall paragraph 8 (a) of Human Rights Council resolution 22/20 which urges States to “ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief.”

In this context, we would also like to draw the attention of your Excellency’s government to the Report of the Special Rapporteur on the independence of judges and lawyers on her visit to Pakistan (A/HRC/23/43/Add.2), in which she expresses concern about the discriminatory use of blasphemy laws and the serious threats faced by judges and lawyers involved in such cases. She reported that in some instances, judges have been coerced or pressured to decide against the accused, even without supporting evidence, and that lawyers, in addition to their reluctance to take up such cases because they are afraid for their security, are targeted and forced not to represent their clients properly. The Special Rapporteur recommended repealing the blasphemy laws.

We also 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, and in particular principle 16 concerning threats to lawyers and interference.

Furthermore, with regards to the alleged threats against Mr. Rehman from members of the prosecution team, we would like to recall to your Excellency's Government the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, and in particular guideline 12, concerning the proper role of prosecutors (impartiality, objectivity and fairness).

In addition, article 6 of the ICCPR guarantees the right to life and security of person and provides that this right shall be protected by law, and that no person shall be arbitrarily deprived of his or her life.

In relation to the threats against Mr. Rehman, we would like to refer your Excellency’s Government to paragraph 4 of 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 according to which it is incumbent upon 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, the Human Rights Committee has noted in the case of William Eduardo Delgado Páez v. Colombia, (Communication No. 195/1985) that “Although in the Covenant the only reference to the right of security of person is to be found in article 9, there is no evidence that it was intended to narrow the concept of the right to security only to situations of formal deprivation of liberty. At the same time, States parties have undertaken to guarantee the rights enshrined in the Covenant. It cannot be the case that, as a matter of law, States can ignore known threats to the life of persons under their jurisdiction, just because he or she is not arrested or otherwise detained. States parties are under an obligation to take reasonable and appropriate measures to protect them. An interpretation of article 9 which would allow a State party to ignore threats to the personal security of non-detained persons within its jurisdiction would render totally ineffective the guarantees of the Covenant”. This was reiterated in the case of Luis Asdrúbal Jiménez Vaca v. Colombia, (CCPR/C/74/D/859/1999).

In relation to the death of Mr. Rehman, we would like to bring to the attention of your Excellency’s Government that international law requires that in cases of arbitrary executions, there should be thorough criminal investigations. There is a clear obligation on States to investigate, prosecute and punish human rights violations. This obligation arises from Article 2 (3)(a) of the International Covenant on Civil and Political Rights which provides that “Each State Party to the present Covenant undertakes to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.”

Additionally, in its General Comment No. 31, the Human Rights Committee has 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 as required by article 2 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. ... As with failure to investigate, failure to bring to justice perpetrators of such violations could in and of itself give rise to a separate breach of the Covenant. These obligations arise notably in respect of those violations recognized as criminal under either domestic or international law, such as summary and arbitrary killings (article 6).” (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18).

We would like to remind your Excellency’s Government that an investigation “shall be thorough, prompt and impartial ... The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death” (Principle 9 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary

Executions, “Prevention and Investigation Principles”). Furthermore, principle 17 (“Prevention and Investigation Principles”) provides that “[a] written report shall be made within a reasonable period of time on the methods and findings of such investigations. The report shall be made public immediately and shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law.