

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 and the Special Rapporteur on the situation of human rights defenders

REFERENCE:
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11 January 2017

Excellency,

We have the honour to address you in our capacity as Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 27/1, 25/2 and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged disappearances of four human rights activists, who went missing between 4 and 7 January 2016 in Pakistan: Mr. **Waqas Goraya**, Mr. **Asim Saeed**, Mr. **Salman Haider**, and Mr. **Ahmed Raza Naseer**. All four were active on social media groups and promoted secular views, with mainstream media accusing them for promoting blasphemy.

Mr. Salman Haider is a human rights activist and academic at Fatima Jinnah Women University (FJWU). He is widely known for his poetry which explores and critiques prevalent socio-political issues in Pakistan. He is also a lecturer in the Gender Studies department of the FJWU.

Mr. Waqas Goraya and Mr. Asim are residents of the Netherlands, and are both human rights activists and co-administrators of the Facebook page "Mochi and Group: Citizens for Secular Democracy", where they campaign for human rights and religious freedom. Their blog involves reports on human rights violations committed by security forces and religious extremists in Pakistan. The Facebook page is no longer accessible.

Mr. Ahmad Raza Naseer is a human rights activist and administrator of a Facebook page that reports on human rights violations committed by security forces and religious extremists in Pakistan. The Facebook page is no longer accessible

According to the information received:

Between 4 and 7 January 2017, the above-mentioned activists went missing. Since then, their whereabouts remain unknown.

On 4 January 2017, Mr. Waqas Goraya and Mr. Asim Saeed, were picked up by unknown persons while in Lahore, and have not been heard from since.

On the night of 6 January 2017, Mr. Salman Haider was in the Bani Gala region. He called his spouse to let her know that he would be home by 8 pm. When he did not return by 10 pm, his spouse called him but his phone went unanswered. She later received a text message telling her to pick Mr. Haider's car from Koral Chowk. The police later found Mr. Haider's car in Korang Town. It has been reported that A First Information Report (FIR) has been registered at the Lohi Bher police station and that police are investigating Mr. Haider's disappearance as a possible kidnapping.

On 7 January, Mr. Ahmed Raza Naseer was taken from his family's shop in central Punjab province by unknown persons. He has not been heard from since.

We express grave concern at the physical and psychological integrity of the above-named individuals and about the fact that their fate and whereabouts are currently unknown, a situation which places them at great risk of torture and other ill-treatment. We furthermore express grave concern that their disappearances may be connected to their legitimate exercise of the right to freedom of expression and their legitimate and peaceful work in defence of human rights in Pakistan. In particular, we express concern at the alleged calls made by mainstream media outlets to charge the four human rights activists of blasphemy.

In relation to the allegation that the fate and whereabouts of the four human right defenders are currently unknown, we would like to draw attention to the United Nations Declaration on the Protection of All Persons from Enforced Disappearance. In particular, article 13 which stresses that any complaint should be promptly, thoroughly and impartially investigated by the relevant authorities.

We moreover appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of expression as guaranteed by article 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan on 23 June 2010. In this respect, we make reference Resolution 12/16 of the Human Rights Council, which calls upon states to investigate effectively threats and acts of violence, and to bring to justice those responsible to combat impunity.

With respect to the allegations that blasphemy charges may be facing the four human rights activists, we make reference to the report of the previous Special Rapporteur on the right to freedom of expression, calling on States to repeal blasphemy laws, while reiterating the principle that international law protects individuals, not belief-systems (A/67/357).

We would also like to refer to 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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to draw your attention to article 1, 2, 6 and 12 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels, as well as the right to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms, while each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms and to ensure the protection by the competent authorities of everyone 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.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

We would also like to bring to the attention of your Excellency's Government that should sources submit the allegations mentioned in this communication to the Working Group on Enforced or Involuntary Disappearances, as cases of enforced disappearances, they will be considered by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by a separate correspondence.

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-named individuals in compliance with international instruments.

As 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, we would be grateful for your observations on the following matters:

1. Please provide any additional information you may have on the above-mentioned allegations.
2. Please provide any information available on the fate or whereabouts of the 4 above mentioned individuals, including, if applicable, details of their place of detention and of the grounds for their detention.
3. Please provide the details and where available the results, of any investigation, and judicial or other inquiries carried out in relation to these cases. If no investigation or inquiries have taken place, or if they have been inconclusive, please explain why.

4. Please provide information about measures taken to repeal the blasphemy provisions in the Criminal Code of Pakistan in order to bring the legislation into line with Pakistan's obligations under international human rights law.
5. Please indicate what measures have been taken to ensure that human rights activists 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.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We would also like to inform your Excellency's Government that we are intending to publicly express our concerns in the near future in a press release, attached herewith, as we are of the view that the information upon which this communication is sent is sufficiently reliable to indicate a matter warranting immediate attention.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Houria Es-Slami
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Michel Forst
Special Rapporteur on the situation of human rights defenders