

Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders

REFERENCE:
UA PAK 5/2017

26 July 2017

Excellency,

We have the honour to address you in our capacity as Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 Human Rights Council resolutions 27/1, 35/15, 32/32 and 34/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged threats and acts of intimidation against Mr. Adil Ghaffar, a lawyer and human rights defender who has actively engaged with the United Nations human rights mechanisms, including the special procedures.**

Mr. Ghaffar is an international human rights lawyer who has been representing the political party and movement MQM (Muttahida Quami Movement). He has brought to the attention of the United Nations human rights mechanisms a number of cases of extrajudicial killings, torture, and enforced disappearances allegedly committed by State agents against MQM members, including persons belonging to the Mohajirs community.

According to the information received:

Mr. Ghaffar has been receiving direct death threats via social media, from the twitter account @PakRangersFreePress.

This account reportedly belongs to Pakistani Paramilitary Rangers, who have been accused of being responsible for a number of serious human rights violations against MQM workers and ethnic Mohajirs. Furthermore, we understand that Mr. Ghaffar's residence in the United Kingdom has been under illegal surveillance.

The first threat received was on 1 July 2017. The tweet referred to Mr. Ghaffar as a "traitor of Pakistan", and stated that if someone needs his residential address and details about his family they should contact the sender.

On 11 July 2017, between approximately 4 and 4.30 p.m. a red vehicle parked adjacent to the living room window of Mr. Ghaffar's residence, and an unknown

individual took pictures of his house with his mobile phone. When a person associated with Mr. Ghaffar went to the front door of the house, the individual returned to his vehicle, and parked 150 feet away. When the person tried again to approach the car, it sped away.

On 14 July 2017, Mr. Ghaffar received another direct message from the social media account @PakRangersFreePress, in which it was asked “what punishment is fit for the traitor”.

We express serious concern about these reported threats and acts of intimidation, which appear to be reprisals against Mr. Ghaffar in connection with his legitimate activities as a human rights defender, particularly, his engagement with the United Nations human rights mechanisms.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw attention to article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan on 23 June 2010, which provides that everyone has the fundamental right to life and security of person. The Human Rights Committee, in General Comment No. 31, stated that there is a positive obligation on States Parties to ensure the protection of the rights contained in the Covenant against violations, which includes the duty to take appropriate measures to prevent such violations (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18). Paragraph 4 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (ECOSOC resolution 1989/65) further provides that 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”.

We would like to refer your Excellency’s Government to article 13 (3) of the Declaration on the Protection of all Persons from Enforced Disappearance, states that “Steps 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”.

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.

We would also like to refer your Excellency's Government 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 articles 1, 2, and 12.

We are drawing your particular attention to the Human Rights Council's resolutions 12/2 and 24/24, which urge Governments to prevent and refrain from any act of intimidation or reprisal against those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them. Resolution 24/24 urges States to take all appropriate measures to prevent the occurrence of reprisals, including by adopting and consequently implementing specific legislation and policies and by issuing appropriate guidance to national authorities in order to effectively protect those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights from any act of intimidation or reprisal.

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

In view of the serious threats posed by these allegations to the security and possible life of Mr. Gaffar, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard his rights in compliance with international instruments, especially those to which Pakistan has been formally committed.

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 and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate whether the threats against Mr. Ghaffar have been the subject of an investigation by the authorities of Pakistan, with a view to identifying the perpetrators and bringing them to justice? If so, what are the results of the investigation?
3. Please provide information regarding any available measures taken by the authorities of Pakistan to protect the life, security and physical integrity of Mr. Ghaffar and his family
4. Please confirm whether the twitter account @PakRangersFreePress indeed belongs to the Pakistani Paramilitary Rangers, and if it is the case, what steps

have been taken to put and end to the threats and incitations to acts of violence against Mr. Gaffar posted on them, to ensure that such threats are punished according to the law, that they do not recur, and to publicly condemn them.

5. Please indicate the actions taken by your Excellency's Government in condemning attacks against human rights defenders for exercising their rights to freedom of conscience, thought and expression.

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.

Please be informed that a copy of this communication will be transmitted to the Government of the United Kingdom. These allegations, if confirmed, will be brought to the attention of the President of the Council and to the United Nations focal points on reprisals against persons cooperating with United Nations.

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
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