

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 Special Rapporteur on violence against women, its causes and consequences

REFERENCE:
UA PAK 2/2019

15 April 2019

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 35/15, 34/18, 34/5 and 32/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning death threats against journalist Ms **Marvi Sirmed** stemming from the dissemination of fabricated accusations against her online.

According to the information received:

On 29 March 2019, an article signed by Ms Marvi Sirmed was published in the newspaper First Post, in which the journalist reported on the alleged forced conversions of two minor Hindu girls.

On that same day, an individual followed by more than 225,000 people posted a message on his Facebook account based on a fabricated story to which Ms. Sirmed was allegedly linked. The story claimed that Ms. Sirmed had brought 10 homeless people to Islamabad and encouraged them to participate in incestuous acts with the intention of "destroying Pakistani society and culture at the behest of western powers". Based on that fabricated story, the individual announced that he would kill Ms. Sirmed and incited the public to support the killing. The Facebook post reportedly used a picture of Ms Sirmed which had been stolen from her private uploads on Facebook.

Shortly after the publication of the post, an individual commenting on the post provided Ms Sirmed's personal information, including her home address, contact details and ID card number. Less than a week later, the Facebook account of an individual claiming to be the office holder of Insaf Student Federation, the ruling party's student wing, used the exact same post calling for the killing of Ms Sirmed.

Reportedly, Ms Sirmed filed an online complaint with the Pakistan's Federal Investigation Agency on 29 March 2019. Ms Sirmed had reportedly received no response from the Agency at the time this communication was sent.

It is reported that Ms Sirmed has faced several forms of intimidation and death threats in relation to her journalistic work over the past years and for her positions in support of the human rights of women, minorities and LGBTI persons and against enforced disappearances. It is also reported that human rights defenders, including journalists, have been facing an increasing range of threats and harassment in the past months, including bullying, stigmatization or smear online campaigning.

We are deeply concerned about the safety of Ms Marvi Sirmed. We express very serious concern at the death threats she received which appear to be directly linked to her journalistic activities and the exercise of the right to freedom of expression. We urgently call on your Excellency's Government to take all necessary measures to investigate these allegations, and in the meantime, to provide effective protection to Ms. Sirmed, including through possible police protection.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government's attention to articles 6, 9 and 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by your Excellency's Government on 23 June 2010, which provide for the rights to life and security of person, as well as to freedoms of opinion and expression.

In this regard, 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".

The Human Rights Committee's General Comment no. 35 states that the right to personal security obliges States to take appropriate measures in response to death threats against persons in the public sphere, and more generally to protect individuals from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors. It further notes that States must take both measures to prevent future injury and retrospective measures, such as enforcement of criminal laws, in response to past injury.

Further, in its General Comment No. 31, the Human Rights Committee stated that there is a positive obligation on States Parties to ensure the protection of the rights contained in the Covenant against violations by its agents but also against acts committed committed by private persons or entities. A failure to investigate violations of the

Covenant and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR (CCPR/C/21/Rev.1/Add.13, para. 15).

Additionally, the standard of due diligence, as applied to the responsibility of preventing arbitrary killing by non-State actors, relies on an assessment of how much the State knew, the risks or likelihood of harms, and the seriousness of harm. Ms. Sirmed submitted a complaint about the threats she had received, so the State has knowledge of risks that she faces and has the obligation to act accordingly.

Finally, we also wish to refer 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, also known as the UN Declaration on Human Rights Defenders, in particular, articles 1, 2, 5, 6 and 12.

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 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-mentioned person 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/comment you may have on the above mentioned allegations.
2. Please provide information on the measures that have been taken to ensure the physical and psychological integrity of Ms Marvi Sirmed.
3. Please provide information about whether any investigation and judicial or other inquiry has been undertaken in relation to these allegations. If no inquiries have taken place, or if they have been inconclusive, please explain why, and how this is compatible with your international human rights obligations under the ICCPR.
4. Please provide information about the measures taken to ensure that human rights defenders are able to carry out their peaceful and legitimate work in a safe and enabling environment, free from any physical or other harassment.

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.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Michel Forst
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