

Mandates of the Working Group on Enforced or Involuntary Disappearances; 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 4/2019

29 May 2019

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 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 36/6, 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 **the alleged imminent risk to the life of two female human rights defenders, Ms. Gulalai Ismail and Ms Sanna Ejaz who are working on the rights of ethnic Pashtuns in Pakistan and who have received death threats. Reportedly, Ms. Gulalai Ismail has also been included on a 'kill list' and is facing charges linked to her human rights work.**

According to the information received:

Ms. Gulalai Ismail

Ms. Gulalai Ismail is the co-founder and Chairperson of Aware Girls which works on violence and discrimination against women in Khyber Pakhtunkhwa, and Chairperson of the Youth Peace Network which provides trainings to young people on human rights. She has also worked on extrajudicial killings and enforced disappearances in Pakistan. She has won several international human rights awards.

On 22 and 23 May 2019, two First Information Report (FIR) were filled against Ms. Gulalai Ismail in different police stations. She was charged with Sections 500 (defamation), 153-A (promoting enmity between different groups) and 124-A (sedition) of the Pakistan Penal Code, as well as sections 6 and 7 of the Anti-terrorism Act, 1997. It is believed that the charges are linked to her public criticism of the military and, in particular, her criticism of the authorities'

response to the recent abduction, rape and murder of a Pashtun child. Reportedly, the FIRs refer to ‘anti-state and hate speech’ in relation to her statements during a public rally on the killing. Similar charges have been brought in the past against others criticising the security services of Pakistan over extrajudicial killing, torture and disappearances.

Following the issuance of the FIR, Ms. Gulalai Ismail went into hiding, fearing for her safety.

At 4 a.m. on the same day, eight police vehicles with uniformed police and other armed men in black uniforms raided her house, searched it and destroyed property.

On 28 May 2019, it was reported that Ms. Gulalai Ismail’s name has been placed on a state ‘kill list’ with three other women and 11 men.

Persons associated with Ms. Gulalai Ismail have received death threats and been warned to stop supporting her. They are also under surveillance. Some persons associated with her have had their mobile phones confiscated by Police. It has been reported that Ms. Gulalai Ismail has been ‘blacklisted’ and that she is also subject to a 30 day travel ban. Ms. Gulalai Ismail has also been subjected to an online smear campaign.

Ms. Gulalai Ismail has previously been harassed by the security services on several occasions. On 16 May 2014, four armed individuals claiming to be security officers searched her home and asked about her. In October 2018, she was detained by the Federal Investigative Authority for several hours, while returning to Pakistan. She had been placed on the Exit Control List and prohibited from leaving the country without her knowledge. She was removed from the list several months later but remained on a no-fly list.

In February 2019, she was detained and her whereabouts were unknown for 40 hours. The authorities alleged she was involved in “anti-state activities” “rioting” and “incitement” linked to her participation in a peaceful protest organised by the Pashtun Protection Movement. She was released without charge.

Ms. Sanna Ejaz

Ms Sanna Ejaz is a journalist, human rights defender and member of the Pashtun Protection Movement.

She has received multiple death threats by telephone from unknown callers. It is believed that Military Intelligence Agencies may be responsible for the threats.

The most recent threats were made on 6 May 2019 when an unknown individual told her that “her time is up” and that she should listen as he would not call again.

On 11 May 2019, a car pulled up next to the taxi in which she was travelling and a person in the car pointed a gun at her. She has registered a FIR regarding the threats.

In April 2018 she was removed from her job at the Pakistan Television Corporation. She has also been removed from her position as vice-president of the youth wing of the Awami National Party. Reportedly, the dismissals followed pressure from the State Security Services and are due to her advocacy for the rights of ethnic Pashtuns.

She has also faced online harassment and intimidation including the sharing of photo-shopped images.

She was previously arrested on 5 February 2019 for her participation in a peaceful protest.

We are gravely concerned about the safety of Ms. Gulali Ismail and Ms Sanna Ejaz and the threats made against them and persons associated with them. We also express very serious concern at the alleged existence of a state ‘kill list’ containing the names of 15 individuals including Ms. Gulali Ismail. The charges brought against her appear to be directly related to her legitimate work defending human rights of the Pashtun community. We are also concerned by her reported short-term enforced disappearance in February 2019, her inclusion in a no fly list and the surveillance of persons associated with her.

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, 12, 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the State of Pakistan on 23 June 2010, which provide for the rights to life and security of person, as well as to freedom of movement, freedoms of opinion and expression and freedom of assembly.

In view of the urgency of the matter, we call on your Excellency’s Government to take all necessary measures to investigate all these allegations and to ensure the full safety and security of Ms. Gulali Ismail and Ms Sanna Ejaz, their families and persons associated with them. We would appreciate a response on the initial steps taken to protect them and safeguard their human rights in compliance with international human rights instruments and standards.

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

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 detailed information on the practical measures that have been taken to ensure the physical and psychological integrity of Ms. Gulalai Ismail and Ms Sanna Ejaz.
3. Please provide information about whether any investigation and judicial or other inquiry has been undertaken in relation to these allegations, in particular with regard to the the death threats being made against Ms Sanna Ejaz and Ms. Gulalai Ismail and persons associated with them, as well as on the alledged existance on a state kill list. If no inquiries have taken place, or if they have been inconclusive, please explain why, and how this is compatible with your Excellency's Government international human rights obligations under the ICCPR.
4. Please provide information on whether Ms. Gulalai Ismail is the subject to a travel ban and if so on what basis and how this is compatible with your Excellency's Government international human rights obligations under the ICCPR.
5. Please provide information on the legal basis for the charges against Ms. Gulalai Ismail and how these are compatible with your Excellency's Government international human rights obligations under the ICCPR.
6. Please provide information about the measures taken to ensure that human rights defenders, including those advocating for the rights of the Pashtun community, 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.

We may publicly express our concerns in the near future as, in our view, the information upon which our concerns are based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential human rights implications of these allegations. Any public expression of concern on our part would indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

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

Bernard Duhaime
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

David Kaye
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