

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Working Group on Arbitrary Detention

REFERENCE:
AL PAK 5/2020

15 April 2020

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 and Working Group on Arbitrary Detention, pursuant to Human Rights Council resolutions 34/18 and 42/22.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arbitrary arrest of Mr. **Shakil-ur-Rahman**, and subsequent restrictions to freedom of expression of the media in Pakistan.

Mr Shakil-ur-Rahman is the Group Chief Executive, editor-in-chief of the Jang Media Group which comprises various companies that own several newspapers, including Urdu Daily Jang and the English News International, and several television channels including the Geo TV Network.

According to information received:

On 12 March 2020 in Lahore, the National Accountability Bureau (NAB) arrested Mr. Shakil-ur-Rehman on allegations that he had illegally leased land in 1986. The NAB alleged that the transaction had been conducted in the manner to favour Mr. Shakil-ur-Rahman through the then Chief Minister of the Province of Punjab. Mr. Shakil-ur-Rahman was not provided with or allowed any legal assistance before or immediately after his arrest. Mr. Shakil-ur-Rahman is currently detained by the NAB at its detention facility in Lahore. It is reported that the arrest and detention of Mr. Shakil-ur-Rahman aims to restrict his freedom of expression, and that of the media group he owns.

Further, it is reported that the arrest of Mr. Shakil-ur-Rahman comes in the context of other actions limiting freedom of expression media coverage of political life in the country. On 13 March 2020, the Pakistan Media Regulatory Authority reportedly directed cable distributors throughout the country to stop transmitting Geo TV. Previously, in July 2019, the Media Regulatory Authority interrupted a live interview with opposition leader and former President Asif Ali Zardari on GEO TV, shortly after it began. On the same month, the Media Regulatory Authority also blocked three television news channels – Capital TV, 24 News HD, and Abbtakk News Network – after they had broadcast speeches by opposition leaders. According to the information received, the channels were taken off air without giving them a reason or a hearing. It is reported that the

National Accountability Bureau had threatened over the past couple years reporters, producers, and editors over the media group's coverage of the NAB, and had threatened to use the country's media regulator to shut down its broadcast channels. For these reasons, it is reported that the arrest of Mr Shaki-ur-Rehman may be related to efforts by the NAB and its affiliates to prevent negative coverage of the NAB itself and of the Government's political, economic and health policies, such as those aimed to address the COVID-19 pandemic.

Concerns are expressed at the alleged arbitrary arrests of Mr. Shakil-ur-Rahman, which seems related to his role as editor-in-chief of the Jang Media Group. We are also concerned at the reported various restrictions to freedom of expression imposed on the Jang Media Group and other media outlets following their media coverage of politics in the country. We express serious concern that these measures may be in direct retaliation to the exercise of freedom of expression by Mr. Shakil-ur-Rahman and the companies he owns.

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

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 any comment you may have on the above-mentioned allegations.
2. Please provide detailed information on the legal grounds for the arrest and detention of Mr. Shakil-ur-Rehman, including the reasons why the charges have been pressed 34 years after the alleged offense.
3. Please clarify why is Mr. Shakil-ur-Rehman held in pre-trial detention and explain how these measures are compatible with international standard related to the right to liberty and security of the person and the right to freedom of expression, as enshrined in articles 9 and 19 the International Covenant on civil and political rights
4. Please provide information on the steps taken by your Excellency's Government to address widespread allegations of barriers and restrictions to freedom of expression by media.
5. Please provide information regarding what steps have been taken to ensure the media can enjoy its right to freedom of expression free from threats, harassment and intimidation of any sort.

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

We would like to inform your Excellency's Government that after having transmitted an allegation letter to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such letters in no way prejudice any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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

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

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

Leigh Toomey
Vice-Chair of the Working Group on Arbitrary Detention

Annex

Reference to international human rights law

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. Shakil-ur-Rahman is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 14 of the International Covenant on Civil and Political Rights, ratified by Pakistan on 23 June 2010. We recall that "Arresting or detaining an individual as punishment for the legitimate exercise of the rights as guaranteed by the Covenant constitutes a violation of article 9" (CCPR/C/GC/35 para 17).

We would further like to refer your Excellency's Government to article 19 of the ICCPR, which protects the rights to freedom of opinion and expression. The Human Rights Committee clarified that "It is not compatible with paragraph 3, for instance, to invoke [...] laws to suppress or withhold from the public information of legitimate public interest that does not harm national security or to prosecute journalists". "The penalization of a media outlet, publishers or journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression." (CCPR/C/GC/34, paras 30 and 42).

In this context, we wish to refer to resolution 12/16 of the Human Rights Council, which calls on States to refrain from imposing restrictions on discussion of government policies and political debate and reporting on human rights. In the same vein, the Human Rights Committee also clarified that States are required to ensure that the exchange of information and ideas about political issues between citizens, candidates and elected representatives can take place freely and without fear of repercussion (CCPR/C/GC/34, para. 20). Further, any restrictions on freedom of expression that a State may seek to institute under article 19(3), must not infringe upon the freedom to hold open political debate (CCPR/C/GC/34, para. 28).