

**Mandates of the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the situation of human rights defenders**

Ref.: UA PAK 4/2024  
(Please use this reference in your reply)

7 October 2024

Excellency,

We have the honour to address you in our capacity as Working Group on Enforced or Involuntary Disappearances and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 54/14 and 52/4.

In conformity with the Working Group's Methods of work,<sup>1</sup> I wish to bring to your attention the information received concerning **the alleged arbitrary travel restrictions against Ms. Sammi Deen Baloch that prevented her engagement with the Working Group on Enforced and Involuntary Disappearances and her participation at the 57<sup>th</sup> session of the Human Rights Council.**

Ms. Baloch is a woman human rights defender and General Secretary of the Voice for Baloch Missing Persons, a non-governmental organization representing family members of victims of enforced disappearance in the province of Balochistan. Ms. Deen Baloch was scheduled to travel to Geneva to meet with the members of the Working Group on Enforced or Involuntary Disappearances during its 134<sup>th</sup> session, taking place from 16 to 25 September 2024.

Concerns about the situation of human rights defenders working on enforced disappearances have been previously shared with your Excellency's government, including in [PAK 12/2023](#). We regret that to date no response have been received to that communication.

According to the information received:

On 8 September 2024, Ms. Sammi Deen Baloch was due to travel from Karachi, Pakistan to Brussels, Belgium, via Oman. Her travel was part of a broader international advocacy tour, which would take her to Belgium and Switzerland to participate in the Interactive Dialogue of the Working Group on Enforced or Involuntary Disappearances to the Human Rights Council and hold bilateral meetings with United Nations human rights experts.

It is reported that when Ms. Deen Baloch presented her passport to the immigration officials at the Karachi Airport, she was told – verbally – that her name had been put on an Exit Control List (ECL). Even though she requested a written copy of such list, it was not shown to her. Subsequently, her passport was confiscated for at least four hours, while she was left in a waiting room. Later that afternoon, her passport was returned to her, containing an exit control stamp.

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<sup>1</sup> See [A/HRC/WGEID/1](#), para. 41.

On 10 September 2024, the Sindh High Court held the first hearing of a petition filed by Ms. Sammi Deen Baloch against the Federal Investigation Agency (FIA), which has jurisdiction over immigration matters, regarding the travel restriction imposed against her at Karachi Airport. The next hearing was scheduled for 23 September 2024, but it was postponed to an unknown date.

The Working Group has been informed that Ms. Sammi Deen Baloch decided not to try to travel again out of fear that her passport could be confiscated permanently.

Ms. Baloch has a history of cooperation and engagement with the United Nations, its representatives and mechanisms in the field of human rights, in particular enforced disappearances and human rights defenders.

Without prejudging the accuracy of these allegations, the Working Group would like to express its concern at the alleged travel restrictions imposed against Ms. Sammi Deen Baloch, which appear to be arbitrary and are reported as an act of reprisal for her legitimate international advocacy, including her engagement with the United Nations human rights mechanisms, on the issue of enforced disappearances in Balochistan, and her support of those working to clarify the fate and whereabouts of forcibly disappeared individuals. These instances of intimidation could compromise the search and related efforts to seek truth and justice for the victims of enforced disappearance, as well as reparation for the harm suffered. Occurrences like the travel prohibition against Ms. Sammi Deen Baloch create a chilling effect in society, whereby individuals working for the rights of victims of human rights violations are dissuaded from doing so out of fear of reprisals.

Should these allegations prove to be accurate, they would constitute violations of articles 9, 10, 12.2 and 19, read alone and in conjunction with article 2.3, of the International Covenant on Civil and Political Rights (ICCPR) ratified by Pakistan on 23 June 2010, which guarantee the rights to liberty and security of person, that everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence, to freedom from arbitrary arrest and detention and to freedom of opinion and expression and the right to an effective remedy.

In its article 13, paragraphs 3 and 5, the United Nations Declaration on the Protection of All Persons from Enforced Disappearance,<sup>2</sup> establishes 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” and that “any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation is appropriately punished”. In this regard, the Working Group recalls that, pursuant to principle 14 for the search for disappeared persons,<sup>3</sup> during the search process, the competent authorities should ensure the protection of the victims at all times, regardless of the level of involvement that they choose to have in the search.

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<sup>2</sup> [A/RES/47/133](#).

<sup>3</sup> See Guiding principles for the search for disappeared persons, [CED/C/7](#).

<sup>4</sup> [A/HRC/16/48](#).

The Working Group's General Comment on the right to truth<sup>4</sup> states that the right of the relatives to know the truth of the fate and whereabouts of the disappeared persons is an absolute right, not subject to any limitation or derogation. No legitimate aim, or exceptional circumstances, may be invoked by the State to restrict this right. The inalienable right to know the truth about past events concerning the perpetration heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes, is also established in the updated set of principles for the Protection and Promotion of Human Rights through Action to Combat Impunity of February 2005 (principle 2). The Working Group would like to recall that the full and effective exercise of the right to truth provides a vital safeguard against the recurrence of violations (principle 5).

States have an obligation under international human rights law to investigate and punish human rights violations and to combat impunity for such crimes, pursuant to article 2 of the ICCPR. As established by the Human Rights Committee in its general comment No. 31, States have an obligation to investigate and punish serious human rights violations, such as torture, extrajudicial killings and enforced disappearances. Failure to investigate and prosecute such violations is in itself a breach of the norms of human rights treaties (para. 18). Impunity for such violations can be an important element contributing to the recurrence of violations.

We remind your Excellency's Government that, according to the United Nations Declaration on Human Rights Defenders (1998),<sup>5</sup> for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others to communicate with non-governmental or intergovernmental organizations (article 5.c) and that to the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms (article 9.4). In addition, the State shall take all necessary measures to ensure the protection 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 (articles 12.2 and 12.3).

In its General Comment on women affected by enforced disappearances,<sup>6</sup> the Working Group established that a gender perspective in relation to the right to truth should uncover how enforced and involuntary disappearances have affected women on both the individual and collective levels. In its obligation to give full access to information available, a State is also required to employ all measures necessary to ensure that women have knowledge, including with respect to procedures on how to request information (para. 22). The Working Group also reiterates that women's participation in the area of enforced disappearance requires their full representation, in all aspects related to enforced disappearance, including participation in the decision-making processes, implementation and evaluation (para. 33).

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<sup>4</sup> [A/HRC/16/48](#).

<sup>5</sup> [A/RES/53/144](#)

<sup>6</sup> [A/HRC/WGEID/98/2](#)

In its study on enforced or involuntary disappearances and economic, social and cultural rights,<sup>7</sup> the Working Group has highlighted the chilling effect of the disappearance of human rights defenders and called States to “ensur[e] the existence of and respect for cultural diversity and the existence of space where multiple opinions, positions and interpretations of history can find their expression in the public sphere diminishes the level of vulnerability of those questioning in one way or another mainstream ideas and positions, and so prevents against targeting of human rights defender”.

Human Rights Council resolutions 12/2, 24/24, 36/21, 42/28,48/17 and 54/24 reaffirming the right of everyone, individually or in association with other, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights. The Human Rights Council urges States to refrain from all acts of intimidation or reprisals, to take all appropriate measures to prevent the occurrence of such acts. This includes the adoption and implementation of specific legislation and policies in order to promote safe and enabling environment for engagement with the United Nations on human rights, and to effectively protect those who cooperate with the United Nations. The Council also urges States to ensure accountability for reprisals by providing access to remedies for victims and preventing any recurrence. It calls on States to combat impunity by conducting prompt, impartial and independent investigations, pursuing accountability, and publicly condemning all such acts.

The Working Group would like to once again respectfully remind your Excellency’s Government that it is obliged under the international treaties ratified or acceded to by Pakistan, to provide effective protection of their rights to individuals at risk of enforced disappearance, and to those participating in organisations aiming to establish the circumstances of enforced disappearances and the fate and whereabouts of disappeared persons and to assist victims, and other human rights violations, to establish an enabling environment for the exercise of freedom of association and expression free from any forms of intimidation, and to take concrete steps to prevent threats, harassment and attacks against any individuals, including human rights defenders.

The Government of Pakistan has also an international obligation to investigate all instances of human rights violations, including torture and enforced disappearances of individuals under its jurisdiction, and to refrain from exercising reprisals against families or relatives of the victims of such crimes, as well as any other person, witness or others involved in the effort to clarify these cases and seek justice. The State has a positive duty to protect these individuals against any intimidation, harassment, threat or act of violence of any kind.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://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.

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<sup>7</sup> [www.ohchr.org](http://www.ohchr.org)

As it is the Working Group's responsibility, under the mandate provided by the Human Rights Council, to seek to clarify all cases brought to its attention, we would be grateful for your observations on the following matters:

1. Please inform of the grounds for Ms. Baloch's travel prohibition on 8 September 2024. If there is a travel prohibition, please also inform if this travel prohibition is still in effect.
2. Please inform of the immediate measures taken to ensure Ms. Sammi Deen Baloch's physical and psychological integrity after the travel prohibition, including any protection list or mechanism she may be benefitting from.
3. Please convey what measures have been implemented to ensure that Ms. Sammi Deen Baloch can effectively continue her work as women human rights defender in Pakistan as well as her international advocacy work, including with the United Nations in the field of human rights.
4. Please inform on the measures undertaken to investigate on the alleged reprisals against Ms. Sammi Deen Baloch due to her cooperation with the United Nations and, where appropriate, prosecute and sanction those responsible.
5. Please inform on the measures put in place by your Excellency's Government to ensure that individuals willing to engage and cooperate with UN mechanisms, including Special Procedures and, in particular, the Working Group, are enabled to do so freely and without being subjected to any reprisals and intimidation.
6. Please inform on the measures have been taken to ensure the right of relatives of forcibly disappeared persons to truth about the circumstances of an enforced disappearance and the fate and whereabouts of disappeared persons, and the right to seek, receive and impart information to this end?
7. Please provide information about measures taken to ensure that human rights defenders in Pakistan, including those working on enforced disappearances and the relatives of forcibly disappeared persons, are able to carry out their legitimate human rights work in an enabling environment, free from intimidation, reprisals or violations of any kind.

While awaiting a reply, the Working Group urges that all necessary interim measures be taken to prevent any irreparable harm to the life and personal integrity of Ms. Sammi Deen Baloch, 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 for the alleged violations.

In light of the allegations of acts of reprisals for cooperation with the United Nations on human rights, we reserve the right to share this prompt intervention letter – and any response received from your Excellency's Government – with other UN bodies or representatives addressing intimidation and reprisals for cooperation with

the UN in the field of human rights, in particular the senior United Nations official designated by the Secretary General to lead the efforts within the United Nations system to address this issue.

The concerns expressed in this letter warrant in our view immediate attention on the part of the Government to protect the rights of Ms. Sammi Deen Baloch and prevent the recurrence of further violations. We also believe that this is a matter of public interest, and that the wider public should be alerted to the human rights implications of these allegations.

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

Gabriella Citroni  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders