

Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls

Ref.: UA PAK 6/2024
(Please use this reference in your reply)

25 October 2024

Excellency,

We have the honour to address you in our capacities as Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 54/14, 52/9, 50/17, 52/4, 49/10, 50/7 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged acts of intimidation and harassment, including through arbitrary travel restrictions and the filing of allegedly baseless criminal charges, against Ms. Mahrang Baloch.**

Ms. Baloch is a woman human rights defender and leader of the Baloch Yakjehti Committee (BYC), a human rights movement established in response to alleged violations committed by the State of Pakistan against the Baloch community in Pakistan, in particular enforced disappearances. Ms. Mahrang Baloch was scheduled to travel to New York City to attend an award ceremony organized by TIME, in recognition for her human rights work and to mark her inclusion in the TIME100 Next list for 2024.

According to the information received:

On 7 October 2024, Ms. Mahrang Baloch was due to travel from Karachi, Pakistan to New York City, to attend the award ceremony organized by TIME, to mark her inclusion in the TIME100 Next list for 2024.

It is reported that on the day of her flight, immigration authorities at the Karachi International Airport, prevented Ms. Baloch from leaving the country without stating any basis for their refusal to allow her to board her plane. It is also reported that, shortly after leaving the airport, her vehicle was intercepted by a group of officers from the Sindh police on the old airport road. Police beat and abused Ms. Mahrang Baloch and other human rights defenders accompanying her, including Ms. Sammi Deen Baloch, whose case of alleged threats and harassment was recently brought to the attention of your Excellency's Government (PAK 4/2024). Police illegally seized Ms. Mahrang Baloch's passport and mobile phone. They also took the vehicle keys, leaving

the women human rights defenders stranded on a deserted road at late hours in the night.

A first information report (FIR) was subsequently registered by Malir district's Quaidabad police on Friday 11 October 2024, claiming that Ms. Mahrang Baloch was inciting violence in the area. The FIR would reportedly invoke section 7 (punishment for acts of terrorism) of the Anti-Terrorism Act (ATA) 1997 as well as sections 124-A ('sedition law'), 148 (rioting, armed with deadly weapon), 149 (every member of unlawful assembly guilty of offence committed in prosecution of common object), 153-A (promotion of enmity between groups), 500 (punishment for defamation) and 505 (statement conducing to public mischief) of the Pakistan Penal Code. The FIR also indicated that Ms. Mahrang Baloch was carrying out anti-national activities in collaboration with various militant groups.

It is also reported that in July 2024, Ms. Mahrang Baloch was charged with murder following the national gathering of the Baloch National Gathering in Gwadar. It is alleged that security forces fabricated a story claiming that a soldier was killed by protesters under the leadership of Ms. Baloch. However, the army had reportedly opened fire on the peaceful protest, killing four people and injuring more than a dozen.

These accusations were reportedly fabricated with the objective of deterring Ms. Mahrang Baloch from continuing her peaceful and legitimate activism, and as part of a systematic campaign to harass her and to divert attention from human rights violations committed in Balochistan.

Ms. Mahrang Baloch has reportedly faced legal harassment and other forms of reprisal due to her human rights work. She was a leading figure in the Baloch Long March in November and December 2023 and played an active role in the Baloch National Gathering in Gwadar Pakistan in July 2024. She has faced severe reprisals for her peaceful work and has been the subject of a disinformation campaign against her.

In this context, it is feared that the life, liberty and personal safety of Ms. Mahrang Baloch remain at a heightened risk.

Without prejudging the accuracy of these allegations, we would like to express our concern at the alleged acts of intimidation and harassment, including the arbitrary travel restrictions and the filing of allegedly baseless criminal charges, against Ms. Mahrang Baloch. These appear to be in reprisal for her legitimate advocacy for human rights in Balochistan, including her work on enforced disappearances and her support of those working to clarify the fate and whereabouts of forcibly disappeared individuals, as well as for the exercise of her rights to freedom of expression, peaceful assembly and association. 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. Mahrang 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. These acts, including the alleged denigratory campaign against Ms. Mahrang Baloch, would also amount to an unjustified interference in her right to privacy and family life. We are also concerned at the

misuse of unsubstantiated murder, terrorism, security and public order offences against Ms. Mahrang Baloch.

We are concerned that these events do not appear to have occurred in isolation and reflect a pattern of harassment and intimidation against human rights defenders from Balochistan, with a particular focus, and ensuing differentiated and gendered harms, against women human rights defenders. Similar concerns were recently shared with your Excellency's Government, in PAK 4/2024. We regret that to date no response has been received to that communication.

We are concerned at the unlawful interference in Ms. Mahrang Baloch's freedom of movement and right to leave her own country, in apparent retaliation for her work as a human rights defender and to disrupt her international efforts to promote human rights. 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 Ms. Mahrang Baloch, 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 and any comment you may have on the above-mentioned allegations.
2. Please inform of the immediate measures taken to ensure Ms. Mahrang Baloch's physical and psychological integrity after the travel prohibition and alleged false charges brought against her, including any protection list or mechanism she may be benefitting from.
3. Please provide information on the immediate measures taken to return the passport and restore the freedom of movement and ability to travel internationally of Ms. Mahrang Baloch.
4. Please convey what measures have been implemented to ensure that Ms. Mahrang Baloch can effectively continue her work as woman human rights defender in Pakistan as well as her international advocacy work in the field of human rights.
5. Please provide information on what steps have been taken to investigate the violations Ms. Mahrang Baloch and to hold accountable any perpetrators, including through criminal prosecutions for arbitrary arrest and torture or cruel, inhuman or degrading treatment in custody. In case no investigations have been undertaken, please provide information on the reasons thereof.
6. Please inform on the measures that 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 women human rights defenders and those working on enforced disappearances, are able to carry out their legitimate human rights work in an enabling environment, free from gender-based violence, intimidation, reprisals or violations of any kind, including through the misuse of criminal charges.
8. Please provide information about steps taken to amend Pakistan's counter-terrorism legislation to comply with international human rights law.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable damage to the life and personal integrity of Ms. Mahrang Baloch, to halt the alleged violations and to 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.

The concerns expressed in this letter warrant in our view immediate attention on the part of the Government to protect the rights of Ms. Mahrang 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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

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(s) in compliance with international instruments.

We would appreciate receiving a response within 60 days. Past this delay, 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.

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

Gabriella Citroni

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

Irene Khan

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

Gina Romero

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Ben Saul
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences

Laura Nyirinkindi
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to refer to your Excellency's Government its legal obligations under the international treaties it has ratified and to broader international human rights standards.

Should these allegations prove to be accurate, they would constitute violations of articles 7, 9, 10, 12.2, 17, 19, 21 and 22 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 freedom from torture and cruel, inhuman or degrading treatment or punishment, the right to liberty and security of person, freedom of movement and freedom to choose one's residence, right to privacy and family life, freedom of peaceful assembly and of association, freedom of opinion and expression, and the right to an effective remedy.

We remind your Excellency's Government that, according to the United Nations Declaration on Human Rights Defenders (1998),¹ 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).

With regard to the terrorism charges, we recall that in AL PAK 6/2018, several Special Procedures mandate-holders raised concerns regarding the definition of terrorism provided in the 1997 Anti-Terrorism Act, which, in their view, is overly broad and lacks legal certainty. We recall your Excellency's Government that, while no universal treaty defines 'terrorism', States should ensure that anti-terrorism legislation is limited to criminalising conduct that is adequately and precisely defined on the basis of the international counter-terrorism instruments. We further recall that any national security and terrorism-related provisions must comply with States' obligations under international law, including international human rights law, refugee law and international humanitarian law and abide by the fundamental requirements of legality, proportionality, necessity and non-discrimination. In respect to the charge of defamation, we remind your Excellency's Government that article 19 ICCPR protects the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, and through any form. We also draw the attention of your Excellency's Government to the principle of legal certainty under article 15(1) of the ICCPR, which requires criminal laws to be sufficiently precise to make clear what types of behaviour and conduct constitute a

¹ [A/RES/53/144](#)

criminal offence and the legal consequences of committing such an offence (A/HRC/16/51, para. 28). This principle recognises and seeks to avoid ill-defined and/or overly broad laws that lend themselves to arbitrary application and abuse, targeting civil society for political or other unjustified reasons.

We wish to recall that any travel restrictions, including the imposition of travel bans and the seize of passports or travel documents, have a significant impact on several fundamental human rights, including the freedom of movement, as enshrined in article 12 of the ICCPR. While the right to freedom of movement is not absolute, any limitations on this right must be strictly in accordance with the law, serve a legitimate aim, and be necessary and proportionate to achieving that aim. Moreover, such measures must be implemented with full respect for due process guarantees, including the right of individuals to be informed, to contest the imposition of such measures, and to access an effective remedy (see A/HRC/28/28, para. 50; and A/71/384).

Stigmatization, harassment and outright attacks are used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. The Working Group on discrimination against women and girls has called upon States to eliminate all forms of violence against women in order to fulfil women's human rights and to improve the enabling condition for women's participation in political and public life (A/HRC/23/50). The Working Group has also underlined the increasing risk faced by women human rights defenders of criminalization and detention as a result of their legitimate work. Women who work specifically to combat gender stereotypes and advance women's rights are most likely to be targets for criminal persecution and imprisonment. Certain laws, including 'complicity' laws, 'public order' laws and anti-terrorism laws, may be particularly instrumentalized to target women human rights defenders. The Working Group recommended States to eliminate any laws or policy measures designed to criminalize the public roles of women (A/HRC/41/33).

Moreover, we would like to remind your Excellency's Government of the General Assembly resolution 68/181, on the protection of women human rights defenders. Specifically, we would like to refer to articles 7, 9 and 10, whereby States are called upon to, respectively, publicly acknowledge the important role played by women human rights defenders, take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses. We further would like to draw your attention to Human Rights Council resolution 31/32, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defense of human rights.

Furthermore, and as mentioned by the Special Rapporteur on Violence Against Women and Girls, some women in politics that may be more exposed to gender-based violence than others include human rights defenders and members of minority groups, and those voicing dissenting views. Such violence consists of any act of gender-based violence or threat of violence against women in politics because she is a woman and that affects women disproportionately and aims to preserve traditional gender roles and stereotypes and maintain structural as well as gender-based inequalities. In her report, she highlighted the many barriers to justice that women in politics faced,

including re-victimization during the reporting and complaint process, resistance from law enforcement officials and inadequate legal protection or access to integrated services (A/73/301).

In its article 13, paragraphs 3 and 5, the United Nations Declaration on the Protection of All Persons from Enforced Disappearance,² 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,³ 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.

The Working Group’s general comment on the right to truth⁴ 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 of 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.

In its general comment on women affected by enforced disappearances,⁵ 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).

² [A/RES/47/133](#).

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

⁴ [A/HRC/16/48](#).

⁵ [A/HRC/WGEID/98/2](#)

In its study on enforced disappearances and economic, social and cultural rights,⁶ 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”.

We 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 also has 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.

⁶ [A/HRC/30/38/Add.5](#)