

Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; 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 rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on minority issues; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on violence against women and girls, its causes and consequences

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18 February 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; 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 rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on minority issues; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 49/10, 54/14, 53/4, 52/9, 50/17, 52/4, 53/12, 52/5, 52/7 and 50/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning a series of acts and measures reportedly undertaken within the context of counter-terrorism operations in the province of Balochistan, including: a) alleged arbitrary arrests, acts of violence and mistreatment in detention, enforced disappearances, and extrajudicial killings of Baloch people; b) alleged excessive use of force against individuals, including peaceful protesters, seeking information about the forcibly disappeared in Balochistan and calling for justice and accountability; c) the misuse of certain administrative and legal counter-terrorism measures against Baloch activists and organizations, including the alleged designation of certain individuals as "proscribed persons" and arbitrary travel restrictions against prominent activists; d) alleged censorship of media outlets associated with the activities or events organised by the aforementioned activists; e) a reported proposal for legislative amendments to allow for preventive detention of individuals suspected of committing terrorism in Balochistan; and f) a reported proposal to establish internment centres for individuals suspected of committing terrorism in Balochistan.

These actions, as reported, raise serious concerns regarding the impacts of counter-terrorism measures on fundamental rights and freedoms, particularly in relation to members of the Baloch minority, as well as human rights defenders and civil society organizations advocating for their rights. We would like to remind your Excellency's

Government of communication [PAK 6/2024](#), in which several Special Procedures mandate-holders expressed serious concern about the use of counter-terrorism and national security measures, including the imposition of administrative actions, against a woman human rights defender. This communication echoed the concerns raised by the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the situation of human rights defenders in a prior communication ([PAK 4/2024](#)). We note with regret that the Government has not yet provided a response to these communications.

We acknowledge that certain armed groups, including some qualified as terrorists by the Government, have posed a significant threat to the security of the country and that your Excellency's Government has taken measures to contain this threat, with the latest attack on 5 January 2025, reportedly killing four people and injuring more than 30. We express our deepest sympathy and recognize that it is not only the right but the duty of the State to take diligent measures to prevent threats to life posed by non-state armed groups. While expressing our sympathy with the victims of these attacks and the pressing need for your Excellency's Government to protect the population, we reiterate that all measures to counter-terrorism and protect national security must comply with international law, including human rights law, international humanitarian law and international refugee law. We further emphasise that effective action against terrorism and the protection of human rights are complementary and not conflicting objectives.

We also underscore that an effective counter-terrorism strategy requires sustained effort to address the conditions conducive to terrorism, in line with pillar I of the United Nations Global Counter-terrorism Strategy. These are stated to include prolonged unresolved conflicts, lack of the rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance.

According to the information received:

Enforced disappearances

Over the past 12 months, there has been a reported escalation in the number of enforced disappearances in Balochistan, whereby the authorities or their agents reportedly abduct people, take them into custody and then deny all responsibility or knowledge of their fate or whereabouts. The practice of enforced disappearances has been reportedly used as a tool to suppress dissent in Balochistan, particularly from the 1970s. In response to the 'war on terror' after 2001, enforced disappearances and alleged extrajudicial killings reportedly became a frequently used tool of counter-terrorism policy across Pakistan. Enforced disappearances have been allegedly used to silence the voices of those who were sympathetic to separatist or nationalist movements in Balochistan province, as well as human rights defenders, journalists, political opponents and activists, students, women and even children. Enforced disappearances inflict unbearable cruelty not just on the disappeared person, but on family members, who often wait years or decades without learning their fate and whereabouts. As such, family members of forcibly disappeared persons are also considered victims of enforced disappearances. Many cases reportedly have resulted in the

extrajudicial killing of the victims.

While the use of enforced disappearance in Balochistan is reportedly widespread, the exact number of enforced disappearances remains unknown, and there is a discrepancy between official Government figures and the number of cases recorded by non-governmental organisations (NGOs). In March 2011, Pakistan constituted a Commission of Inquiry on Enforced Disappearances (COIED) with a mandate to, inter alia, “trace the whereabouts of allegedly enforced disappeared persons” and “fix responsibility on individuals or organizations responsible.” Since 2011, the COIED recorded at least 10,078 enforced disappearances nation-wide.¹ Of those enforced disappearances, 3,485 took place in the province of Khyber Pakhtunkhwa and **2,752 in Balochistan province**. The COIED has reported that 8,015 cases have been “disposed of”, with a total of 6,464 people having been traced. They further reported that 4,514 people had been returned home, 1,002 were present in internment centres, 671 were in prisons, and 277 were found to be deceased. The COEID has stated that there are currently 2,270 outstanding cases in which the fate of these people is unknown.

Human rights organisations and families in Balochistan suggest much higher numbers of victims than those provided by the COIED and Government officials. They have also contested the number of cases that have been clarified. Between 2017 and 2024, there have been hundreds of reports of enforced disappearances in Balochistan of journalists, human rights defenders, students, political dissidents and families of political opponents, including women and girls. One non-profit organisation representing family members of those who disappeared in Balochistan indicates that, since 2004, it has registered approximately 7,000 cases. It is reported by NGOs that 197 cases were registered from January to July 2024 alone and that 601 cases were reported in 2023. Of the 601 cases reported in 2023, at least 403 are said to have occurred through house raids, 15 at military checkpoints, 14 through summoning individuals to military camps, and 6 through abductions. The NGO statistics are reportedly based on verified data, which the NGOs estimate to represent only one-third of the total incidents of enforced disappearances due to the difficulty of collecting information with limited internet access and in heavily militarised areas. Volunteers for the NGOs have also been compelled to stop their activities by threats and intimidation.

Abductions are reportedly often carried out in daylight, often in busy public areas, and in the presence of multiple witnesses. Victims are taken away from shops and hotels, public buses, university campuses, homes and places of work. While the majority of the cases documented have involved men in their mid-20s to mid-40s, there have also been reports of victims over 60 years of age, women and even children as young as 12 years old. Most appear to have been targeted because of their alleged participation in or association with Baloch nationalist parties and movements, as well as Baloch student organizations.

¹ This data was compiled by the COEID in mid-2024.

Witnesses and family members of those abducted frequently describe the perpetrators as armed men in civilian clothes, who they believe to be representatives of Pakistan's intelligence agencies. Many describe abductions carried out by, in the presence of, or with the assistance of uniformed personnel of the Frontier Corps, an Interior Ministry paramilitary force. There are also reports of Balochistan Police (in urban areas) or Balochistan Levies (in rural areas) assisting by being present at the scene or securing an area where plainclothes intelligence officers abducted individuals who later "disappeared". In the vast majority of cases reported, even those who were clearly members of the security forces did not identify themselves or explain the basis for arrest or where they were taking those apprehended.

There are also reports of so-called short-term enforced disappearances, whereby the authorities, after briefly abducting people for days, weeks or months, release them or use laws and false charges to silence them. In addition to these cases, there have been reports of victims, especially political activists, human rights defenders and their family members having "disappeared" more than once. They have been abducted, held in unacknowledged detention for weeks or even months, then released and subsequently abducted again. Sometimes, enforced disappearances occur after the security forces have made several unsuccessful attempts at abducting a person before finally apprehending and forcibly disappearing the victim.

Information on the fate of persons subjected to enforced disappearances in Pakistan is scarce. Some are reportedly being held in unacknowledged detention facilities run by the Frontier Corps and the intelligence agencies. Those whom the security forces eventually release are frequently reluctant to talk about their experiences for fear of being forcibly disappeared again or facing other repercussions. Many have reportedly been threatened with retaliation if they discuss their abduction or reveal if they were tortured or ill-treated while in custody. Some return traumatised and unwilling to communicate about their experience.

There is reportedly little, if any, accountability for those responsible for enforced disappearances in Balochistan and throughout Pakistan. To date, the COIED is yet to direct any perpetrator to be held accountable for an enforced disappearance. The COIED has faced heavy criticism from civil society and victims, who point to the difficulties it has encountered in responding adequately to the high number of enforced disappearances due to the lack of effective and prompt investigation in these cases; its lack of structural and functional independence; its limited powers and authority; its insufficient resources; the inadequate protection afforded to witnesses and victims; concerns about its own protection; and the lack of public reporting of its work. Other limitations include the COIED's limited powers to hold alleged perpetrators of enforced disappearances to account, the persistent under-reporting of cases, and the lack of involvement of victims' and civil society organisations in its operational processes. The lack of appropriate operational capacities of the COIED, combined with a dearth of political will, tends to perpetuate an entrenched climate of impunity in Balochistan.

On 29 May 2022, the Islamabad High Court, hearing a case of six enforced disappearances, issued an order to serve notice on a former President and all other former and incumbent Prime Ministers, requiring them to submit affidavits explaining why they should not be tried for breaching the Constitution for their “undeclared tacit approval of the policy regarding enforced disappearances”.² With reference to the COIED, the High Court stated that it is “a forum which contributes towards making the agony and pain of the victims more profound”, referring to it as “no more than a bureaucratic post office.”³

Pakistan is yet to become a party to the International Convention for the Protection of All Persons from Enforced Disappearance. There have been several attempts to criminalise enforced disappearances in Pakistan. On 7 June 2021, the Ministry of Human Rights presented a proposed amendment to the Penal Code before Parliament. However, the bill failed to meet the standards of international law,⁴ and it eventually lapsed in the Senate. Since then, Pakistan has made no meaningful effort to criminalize the practice.

Extra-judicial killings

There is reportedly increasing evidence to substantiate the fears of many families that forcibly disappeared relatives who have been missing for weeks, months or even years have been killed in custody. Baloch activists allege there were 525 reported killings of victims of enforced disappearances in Balochistan in 2023 alone, including 52 women and 193 unidentified persons. These figures are, however, difficult to verify given the secretive nature of the abductions and killings and the inaccessibility of many regions of Balochistan where the alleged violations occurred as well as the general isolation of Balochistan from national and international scrutiny. Victims and their relatives and Baloch groups have accused Pakistani security forces, particularly the Frontier Corps and intelligence agencies, of perpetrating these killings. The incidents occurred across 41 different areas, with Kech, Mastung, Quetta, Awaran, and Khuzdar emerging as the most prominent regions. Many of the bodies were reportedly identified as previously disappeared persons or were buried without identification.

Additionally, at least 27 individuals previously subjected to enforced disappearances were reported by the Counter Terrorism Department and Frontier Corps (CTDFC) to have been killed in military encounters in 2023. It is alleged that in many instances, the military encounters were fictionalised or staged by the CTDFC to justify the extrajudicial killing of individuals who were forcibly disappeared and detained by security forces. It is further alleged that the circumstances behind the deaths of the individuals have not been investigated and that the extra-judicial killings are carried out regularly with impunity.

² Rana Muhammad Akram v. Federation of Pakistan, etc. Islamabad High Court (2022), para 5.

³ Rana Muhammad Akram v. Federation of Pakistan, etc. Islamabad High Court (2022), para 6.

⁴ OHCHR, ‘Pakistan: Victims of enforced disappearance should not be discouraged from lodging complaints’, Press Release, 10 December 2021, available at: <https://www.ohchr.org/en/press-releases/2022/01/pakistan-victims-enforced-disappearance-should-not-be-discouraged-lodging>. The WGEID and other Special Procedures mandate holders referred to the bill in communications [PAK 7/2021](#), [PAK 11/2021](#), and [PAK 12/2021](#).

Torture and other forms of cruel, inhuman, or degrading treatment

Many individuals belonging to the Baloch minority have reported being beaten, handcuffed and blindfolded during arrest or detention in the past years. Several bodies discovered showed signs of mutilation and torture. While many others who were abducted remain missing, almost all of those who have returned home reported having been beaten and tortured while in custody. Relatives who were able to obtain information about the forcibly disappeared person's treatment in custody also usually reported torture and/or ill-treatment. Methods of torture included prolonged beatings, often with sticks or leather belts, hanging detainees upside down, and food and sleep deprivation.

The use of force against peaceful protests

There have been numerous reports in recent years of forceful crackdowns on families of the disappeared who exercise their right to peaceful protest, including the use of intimidation, harassment and violence.

In early December 2023, a peaceful protest was initiated by the Baloch Yakjehti Committee (or Baloch Unity Committee, herein BYC), a non-violent human rights movement comprised mainly of women activists, aimed at raising national awareness of human rights abuses, particularly extrajudicial killings and enforced disappearances, involving ethnic Baloch people. The protest – comprised largely of families of victims of enforced disappearances, including women as old as 80 and children as young as 2 years old – began in Turbat, with the intention to march across Pakistan and stage several “sit-ins” to advocate for the rights of Baloch people, and to conclude in Islamabad. Despite their non-violence, it is alleged that the Pakistani authorities mounted a campaign of disinformation against them and subjected them to intimidation, arbitrary arrests and detentions. The police registered “first information reports” (FIRs) and arrested several organisers and participants of the protest at each stage of the march, on charges including inciting violence, treason, sedition, and uttering anti-state remarks. A FIR is the legal basis for any arrest, initiated when police receive information concerning the commission of a “cognizable” offence, allowing them to detain a suspect for 24 hours, after which a magistrate may order detention for an additional 14 days if police show detention is necessary to obtain evidence material to the investigation. Individuals believed to have expressed solidarity with the protest were reportedly also arrested for several weeks after the protest or dismissed from their jobs as Government employees.

On 20 December 2023, the protesting marchers reached Islamabad, and on 23 December, the group initiated a “sit-in” in front of the National Press Club. The sit-in was dispersed by Islamabad Police officers who attacked the peaceful protesters with batons, tear gas, and sprayed cold water through canons, despite the freezing conditions. The police also obstructed the distribution of warm blankets and food and seized the protesters' sound system. Electricity to the protest site was also temporarily cut off, with protestors complaining of extremely weak mobile signals that prevented them from issuing media updates from the protest site.

On 21 December 2023, two FIRs were registered against the protestors in Islamabad by police. It is reported that the police reportedly filed the FIRs in many cases without supporting evidence in order to harass or intimidate detainees, resulting in over 300 protestors being indiscriminately arrested, including women, children, students, older persons, and a female journalist. Many of the detainees were not given the opportunity to contact their families or arrange for a lawyer. The police reportedly made several attempts to forcibly transport some of those protestors to Quetta, the capital city of Balochistan, attempts that were thwarted only after interventions from civil society and journalists present at the scene. The detainees – characterised as “terrorist sympathisers” by high-level government officials – were only released following the intervention of the Islamabad High Court. However, the cases filed against them for alleged rioting, unlawful assembly, “dacoity” (a term used in South Asia to refer to gang robbery), and property damage have not been withdrawn. Upon announcing their intention to initiate another protest on 27 January 2024, the Balochistan provincial government issued an order under section 144 of the Code of Criminal Procedure, prohibiting gatherings of more than four people in the region for ten days.

The BYC attempted to organise a national gathering on 28 July 2024 of all Baloch people – known as the Baloch Raaji Muchi – in Gwadar, to advocate for the protection of civil, political and economic rights and for an end to enforced disappearances and extrajudicial killings of Baloch people. On 27 July, the CTDFC fired at people travelling to join the Baloch protests, injuring at least 14 persons. There were reports of protesters being harassed under the pretext of supporting BYC activities and threatened with inclusion on the list of “proscribed persons” under the Anti-Terrorism Act 1997 (ATA). Blockades were created across the province to restrict freedom of movement and another order under section 144 of the Code of Criminal Procedure was imposed in Quetta. Police officers used force through baton charges and tear gas against the individuals who attempted to circumvent the blockade. On 28 July, at least three protestors were reportedly killed by security forces, in Gwadar and Talar, and dozens injured. On 29 July, the police used tear gas to disperse protesters, and several organizers along with dozens of protesters were detained, some who remain missing and thus victims of enforced disappearance.

Listing of “proscribed persons”: Fourth Schedule, Anti-Terrorism Act

Under section 11EE (1) of the ATA, the provincial Government of Balochistan has listed several hundred people – including activists, government servants, students, academics, and human rights defenders – as “proscribed person(s)” under the Fourth Schedule of the ATA, for their alleged links with groups listed as terrorist such as the Baloch Liberation Army and the Tehreek-e-Taliban Pakistan. Following the BYC sit-in in Gwadar in July, several more individuals belonging to this human rights movement were added to the Fourth Schedule.

Section 11EE(2) of the ATA permits the government to impose significant restrictions on the rights of proscribed individuals, including a passport embargo, arms licence embargo, freezing of assets, prohibition of financial

support and credit, probing of the assets of immediate family members, limitations on employment clearance, requirements to provide a bond with one or more sureties, restrictions on movement, residence, and appearance in certain public places, and mandatory reporting to the Counter Terrorism Department. The listing also permits the Government to arrest and detain the person, for any period specified on the order, if satisfied that it is necessary to do so.

It is reported that in Quetta alone, 137 people were added by the Deputy Commissioner to the Fourth Schedule in July, including students from the Baloch student associations, writers, lecturers, professors and activists associated with the BYC, despite the BYC not being a banned organisation under the counter-terrorism legislation. It is also reported that many listings have occurred without any official notification to the individual and without due legal process. There are also alleged plans to list a further 3,000 people on the Fourth Schedule.

Travel prohibitions: “Exit Control List”

Prominent Baloch activists, including human rights defenders and members of an NGO representing family members of victims of enforced disappearances in Balochistan have also been prohibited from leaving Pakistan due to their inclusion on the “Exit Control List” (ECL). It is reported that several listings have occurred without reasonable basis, notification or legal order, and as a method to intimidate and silence influential Baloch voices. Concerns about the listing of human rights defenders working on enforced disappearances on the ECL have been previously shared with your Excellency’s Government, including in [PAK 4/2024](#), and [PAK 6/2024](#). We regret that, to date, no response has been received to any of these communications. Human rights organizations, including the Human Rights Commission of Pakistan, have condemned the decision to list Baloch activists on the ECL, arguing that it infringes upon their right to freedom of movement and amounts to an attempt to suppress dissent against human rights violations in Balochistan.

Internet and media censorship

According to the information received, multiple internet blackouts have recently occurred in Balochistan. Between 16 July and 21 August 2024, internet services were suspended in the province in response to protests organized by the BYC in Gwadar. On 15 November 2024, the Pakistan Telecommunication Authority (PTA) shut down the internet in Balochistan, ostensibly to restrict the flow of timely information, to protect public safety and curb the spread of misinformation.

In August 2024, the Deputy Commissioner of Quetta issued an official direction to the Quetta Press Club in Pakistan not to host any seminars or conferences without obtaining prior approval – via a “no-objection certificate” – from the district administration, citing the current law and order situation as justification for the restrictions. The local administration has also previously urged the Press Club to restrict certain political parties and organisations from holding press conferences, seminars and rallies on its premises or holding sit-ins in front of

the Club. These impositions are allegedly part of a broader media landscape in Balochistan already constrained by stringent censorship and regulatory restrictions curtailing journalists' freedom to report on sensitive or controversial topics.

Anti-Terrorism Act: Broad definition of terrorism

It is further alleged that the definition of “terrorism” in section 6(1) and (2) of the ATA is vague and overbroad and encompasses a variety of conduct that is not genuinely terrorist in nature according to international standards.

Proposed amendment to the Anti-Terrorism Act: Preventive detention

On 1 November 2024, the Anti-Terrorism Act Amendment Bill 2024 was introduced to the National Assembly of Pakistan, seeking to grant military and civil armed forces the authority to keep individuals facing terrorism charges in preventive detention for up to three months. The amendment to section 11EEEE of the ATA provides that:

The government or, where the provisions of section 4 have been invoked, the armed forces or civil armed forces, as the case may be, subject to the specific or general order of the government in this regard, for a period not exceeding three months and after recording reasons thereof, issue order for the preventive detention of any person who has been concerned in any offence under this Act relating to the security or defence of Pakistan or any part thereof, or public order relating to target killing, kidnapping for ransom, and extortion, bhatta or the maintenance of supplies or services, or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned, for purpose of inquiry.

The bill also includes measures for establishing Joint Investigation Teams (JITs) composed of members from various law enforcement and intelligence agencies to conduct inquiries into terrorism-related cases. Similar amendments were initially enacted following the Army Public School attack in Peshawar in 2014. However, that amendment was subject to a sunset clause, which expired in 2016. As outlined in the Statement of Objects and Reasons attached to the bill, the new amendments “are required to be re-inserted to empower the government, armed forces and civil armed forces with the necessary authority to detain individuals who pose a significant threat to national security.” It appears that preventive detention can occur without a FIR or court orders and may be based on broad, vague, or arbitrary standards.

Proposed amendment to the Anti-Terrorism Act: Internment centres

There are reports that Pakistan is proposing further amendments to the ATA to establish special internment centres in Balochistan to detain suspected terrorists without formal charges, legal process, and access to family or legal aid. The internment centres, allegedly to be run by non-civilian personnel, would formalise the enforced disappearances in the region, and the decision to detain

a person suspected of terrorist activity may be based on broad, vague, or arbitrary standards. Human rights groups, including the Human Rights Commission of Pakistan, have warned against the establishment of internment centres, which have historically been linked to breaches of due process, fair trial rights and protections against torture.

It is alleged that these new measures would be similar to the measures established under the Khyber Pakhtunkhwa Actions (In Aid of Civil Power) Ordinance 2019, passed by the Governor of Khyber Pakhtunkhwa (KPK) province on 5 August 2019 (herein the 2019 Ordinance) and for which Special Procedures mandate-holders have expressed concerns (see [OL PAK 10/2019](#)). The 2019 Ordinance gave sweeping powers to members of the armed forces, including the power to detain people without charge or trial on a number of vaguely defined grounds where it appeared that such “internment” would be expedient for peace. Individuals could be detained for an unspecified period without any right to be brought before a court of law or to challenge the lawfulness of detention before a court. The 2019 Ordinance also provided that statements or depositions by members of the armed forces would be, on their own, sufficient for convicting the detainees if they were tried for any offence. It also provided wide immunity for armed forces for any action done, taken, ordered to be taken, or conferred, assumed or exercised by, before or after the promulgation of the Ordinance.

The 2019 Ordinance measures also resembled those that established internment camps in KPK under the Actions (in Aid of Civil Power) Regulation in 2011 (herein the 2011 Regulations), which were applicable in the former Federally Administered Tribal Areas (FATA) and the Provincially Administered Tribal Areas (PATA). The 2011 Regulations were reportedly extensively used as a legal cover for arbitrary detention and enforced disappearances. In 2019, the Peshawar High Court ruled that these internment centres in KPK were unconstitutional, stating that indefinite detention without trial violates fundamental human rights and due process. The Government has appealed the Peshawar High Court’s decision, and the case is currently before the Supreme Court of Pakistan.

Without prejudging the accuracy of the afore-mentioned allegations, we express serious concern at what appears to be a widespread and escalating practice of unlawful detention, torture and/or ill-treatment, enforced disappearance and extrajudicial killings of Baloch people. We express further concern at the excessive use of force against peaceful protesters, in particular those living in Balochistan province, including journalists, human rights defenders, political dissidents, students and children, under the pretext of alleged violations of Pakistan’s counter-terrorism legislation, including the ATA.

Should these allegations be confirmed, they would constitute violations of articles 4, 6, 7, 9, 10, 14, 16, 18, 19, 21, 22, 24 and 26, 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, as well as articles 2(2), 12, 13 and 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by your Excellency’s Government 17 April 2008. Furthermore, these allegations could

also constitute a violation under articles 2, 6, 11, 12 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) ratified by Pakistan on 23 June 2010. Moreover, if corroborated, the allegations would amount to violations of articles 1, 2, 3, 7, 9, 10, 13, 17 and 19 of the Declaration on the Protection of all Persons from Enforced Disappearance, adopted by the General Assembly resolution 47/133 of 18 December 1992 ('the Declaration'). To the extent that these allegations are part of a pattern of targeting various forms of activism by the Baloch people, they may also violate the rights of minorities under article 27 of the ICCPR.

Enforced disappearances

We would like to express our grave concern about the continuing reports of enforced disappearances, in Balochistan. We reiterate that an enforced disappearance is one of the most serious violations of international human rights law, which entails a violation of the prohibition of torture and may often result in the arbitrary deprivation of life of the victim. The absolute prohibition of enforced disappearances and the corresponding obligation to investigate them have attained the status of *jus cogens*. Should these allegations be confirmed, they would be in violation of articles 6, 7, 9, 14, 16 and 19, read alone and in conjunction with article 2(3) of the ICCPR. These guarantee the right to life, not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, not to be arbitrarily deprived of liberty, to fair proceedings before an independent and impartial tribunal, to recognition as a person before the law, and to freedom of opinion and expression. Enforced disappearances are a "continuous offence", with the violation occurring and continuing as long as the perpetrators continue to conceal the fate and the whereabouts of persons who have disappeared, and these facts remain unclarified. (article 17, Declaration on the Protection of all Persons from Enforced Disappearance).⁵

It is a matter of further serious concern that the courts are alleged to repeatedly fail to promptly trace and acknowledge the whereabouts of disappeared persons, thus denying the victims any form of redress, rehabilitation satisfaction, and compensation. We recall that States must establish independent and impartial mechanisms and procedures to thoroughly and promptly investigate cases of forcibly disappeared persons, for as long as a person's fate and whereabouts have not been established.⁶ A failure to investigate may in itself violate the right to an effective remedy in article 2 of the ICCPR (Human Rights Committee, General Comment No. 31, para. 15).

We would like to recall that under international law, the failure or refusal to acknowledge a deprivation of liberty by State agents or persons or groups of persons acting with their authorization, support, and acquiescence, constitutes enforced disappearance, irrespective of the duration of the deprivation of liberty or the type of concealment concerned.⁷ State authorities are thus obliged to take all necessary measures to effectively protect the rights of the persons deprived of their liberty, as they automatically assume responsibility for their lives, physical integrity and wellbeing.

⁵ See also General comment on enforced disappearance as a continuous crime. [A/HRC/16/48](#) (para. 39).

⁶ Article 17 of the Declaration; [A/HRC/16/48](#), para. 39; Human Rights Committee, general comment No. 6, para. 4.

⁷ [Joint statement on so-called "short-term enforced disappearances"](#)

While we note the establishment by your Excellency's Government of the COIED as a positive step towards pursuing accountability, we express our concern about its ineffectiveness to prevent, terminate and remedy enforced disappearances in Balochistan and nationally. The existing widespread impunity associated with enforced disappearances has been and continues to be a matter of very serious concern, which has been brought repeatedly by United Nations human rights mechanisms to the attention of your Excellency's Government. We note the insufficiency of existing measures to promptly respond and determine the fate and whereabouts of the disappeared persons; the lack of proper investigation enabling such clarification; the inadequacy of measures to provide victims and their families with timely information and effective judicial remedies and reparations, so as to fulfil the right to truth for victims and society as a whole as required under international law.

We note with regret that, despite the important number of individuals having been forcibly disappeared, to date, there is no law criminalizing enforced disappearances and Pakistan has not ratified the International Convention for the Protection of All Persons from Enforced Disappearances. Furthermore, there has been no follow-up to the proposed Criminal Laws (Amendment) Bill 2021, which sought to add criminal offences to the Pakistan Penal Code to criminalize enforced disappearances, despite recommendations by human rights groups, to strengthen the provisions in line with international human rights law. On 2 August 2024, your Excellency's Government also approved a financial package of 5 million rupees (US\$ 17,925) per family of enforced disappeared individuals, which is a welcome step. However, no mechanism for deciding which families will be compensated was announced.

In this regard, and in line with our prior communications ([PAK 3/2021](#) and [PAK 9/2023](#)), as well as WGEID's 2016 follow-up report to its mission to Pakistan (A/HRC/33/51/Add.7, para. 29), we strongly encourage your Excellency's Government to criminalize enforced disappearances, implement an effective system of accountability and reparation for such acts, and put in place a mechanisms that effectively searches for disappeared persons, in line with international standards, including the [Guiding Principles for the Search for Disappeared Persons](#).

Torture, other forms of cruel, inhuman, or degrading treatment, extrajudicial killings and death in custody

We express our grave concern about the reported pattern of violent attacks and abductions, including the use of torture, ill-treatment and extrajudicial killings, against Baloch activists and human rights defenders in what appears to be in retaliation for their support of the Balochistan human rights movement. Our concerns are exacerbated by the alleged lack of prompt, thorough, impartial and transparent investigations into these allegations. If confirmed, such actions would constitute clear violations of articles 6 (the non-derogable right to life), 9 (liberty and security of person) and 7 (prohibition against torture or cruel, inhuman or degrading treatment or punishment) of the ICCPR, as well as articles 2 and 16 of the CAT. In addition, it would also violate article 4 of the Declaration on the Elimination of Violence against Women, which stipulates that women must also not be subjected to torture, or other cruel, inhuman or degrading treatment or punishment. We remind your Excellency's Government of the obligation to investigate all potentially unlawful deprivations of life and that loss of life occurring

in custody creates a presumption of arbitrary deprivation of life by State authorities, which can only be rebutted on the basis of a proper investigation, complying with international standards including the Minnesota Protocol on the Investigation of Potentially Unlawful Death. We therefore respectfully urge your Excellency's Government to order an immediate and impartial investigation into any allegation of torture, ill-treatment and extrajudicial killing. In cases where individuals remain in detention, we strongly recommend their immediate release. Alternatively, where there is reasonable suspicion of the commission of an internationally recognisable offence, they should be immediately transferred to an officially recognised place of detention, where they can be promptly charged, allowed immediate and regular access to their families and lawyers of their choice, and obtain any medical attention they may require.

The use of force against peaceful protesters

We also raise our concern about the excessive use of force used by Pakistani authorities to respond to demonstrations in Balochistan province and beyond by individuals calling for justice and accountability for enforced disappearances, as well as acts of intimidation, harassment, arbitrary arrest and detention. Such measures have been directed against family members and associates of disappeared persons, especially women, including elderly women, who seek to clarify the fate and whereabouts of their disappeared members, who seek access to them and who demand truth and justice for these crimes, particularly those participating in the Baloch Long March in 2023 and the Baloch National Gathering in 2024. We are concerned that these practices directly contribute to the prevailing climate of impunity and the perpetuation of enforced disappearances, and as a result, deter human rights defenders and other civil society actors, including student associations, from safely carrying out their legitimate human rights activities without fear of retaliation.

With respect to the use of excessive force against the protesters, including tear gas, beatings and shootings (including instances that resulted in deaths), we note that security forces must never use excessive force, including when policing a public assembly, according to the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the general comment No. 37 and the Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests. Even if an assembly is considered unlawful under domestic law, police should not resort to the use of force just because of its unlawfulness. The fact that the protest allegedly crossed a "high-security zone", as claimed by the Islamabad Police Assistant Inspector General, does not justify dispersal, and the use of force by the police in the dispersal was unnecessary and unlawful. Firearms may only be used when other less harmful means are not practicable. Law enforcement officers may only intentionally use firearms, including lethal force, as a last resort and when strictly unavoidable to protect life from an imminent lethal threat, and any force used must be the minimum extent necessary. In addition, the UN Guidance on Less-Lethal Weapons in Law Enforcement states additional considerations should be made when using less-lethal weapons in the proximity of children, pregnant women and older persons. General comment No. 35 of the Committee on the Elimination of All Forms of Discrimination Against Women also reinforces the obligations of states to protect women from violence in various contexts, including public spaces and during protests. If the allegations of unlawful use of force, including where death resulted, are confirmed, they would constitute violations of the

rights to life (article 6, ICCPR) and security of person (article 9, ICCPR).

Furthermore, if the allegations of arbitrary arrests and detention are confirmed, these would constitute violations of the right to liberty (article 9, ICCPR). For those protestors arbitrarily arrested who are currently held in detention we urge your Excellency's Government to immediately and unconditionally disclose their whereabouts to their families, release the protestors and drop all charges against them, or promptly charge them with internationally recognisable crime using fair trial standards in a civilian court. We also respectfully reiterate our concerns about the FIRs filed against many of the peaceful protesters, that seem to conflate their legitimate human rights campaigning with terrorism and risk undermining and potentially criminalising the work of human rights defenders in Pakistan more broadly. These concerns were addressed to your Excellency's Government in previous communications (e.g. [PAK 6/2018](#), [PAK 10/2019](#) and [PAK 4/2021](#)) and we regret that these practices have continued.

We understand that the protestors largely consisted of families of victims of enforced disappearances, who, having exhausted all avenues to find the whereabouts or fate of their loved ones, have been forced to publicly campaign for truth and justice. We are concerned that the denial of their rights to freedom of expression and peaceful assembly, not to mention the use of violence and harassment, would only serve to compound the tremendous social, financial and psychological costs borne by the families of the disappeared. For women in particular, the disappearance of their husbands or other male relatives, often primary breadwinners, means a considerable impairment in their economic well-being and brings with it financial burdens that affect them and their entire families (A/HRC/30/38/Add.5, para. 23). In this regard, we strongly encourage your Excellency's Government to investigate all allegations of enforced disappearances, ensure an end to the practice of enforced disappearances, return all victims who have been forcibly disappeared and inform families of the fate or whereabouts of their loved ones.

We are further concerned at the filing of criminal charges of inciting violence, treason, sedition, and uttering anti-state remarks against some peaceful protesters, which appears calculated to intimidate and harass them and appears to be incompatible with the rights to freedom of expression, assembly and association under article 19, 21 and 22 of the ICCPR.

Listing of "proscribed persons"

We are also concerned that the listing/delisting of individuals on a "proscribed persons" list under the Fourth Schedule of the ATA does not meet the requirements under international human rights law. These measures unjustifiably limit the rights and freedoms of Baloch human rights activists and appear to target them for raising awareness of the human rights concerns in Balochistan. We recall that counter-terrorism laws should not be misused against individuals peacefully exercising their rights to freedom of expression, assembly and association.

We emphasise that the designation of "terrorist" individuals or organizations must meet the requirements of due process and judicial protection under international human rights law, as set out by the Special Rapporteur on the promotion and protection

of human rights and fundamental freedoms while countering terrorism, including legality, timely notification, procedural rights, the right to judicial review and automatic lapsing of listing unless renewed (A/HRC/16/51, para. 35; see also annex).

We acknowledge that sections 11B (proscribed organizations) and 11EE (proscribed individuals) of the ATA contain a number of important safeguards, including an adequate standard of proof (namely, “reasonable grounds to believe”, including on the basis of information from any credible source); a duty to notify the person or entity within three days; a right to file a review application to the government within 30 days of the listing, and a requirement on the government to decide the case within 90 days; and a right of appeal to the High Court within 30 days of a government decision to refuse delisting. Nevertheless, we are of the view that the ATA falls short of international standards for a number of reasons. The administrative Proscription Review Committee, composed of three government representatives, raises potential concerns regarding its independence and impartiality, particularly in the context of fulfilling the requirements of an effective remedy under article 2 of the ICCPR. According to general comment No. 31 (para. 15), the provision of such a remedy through an administrative mechanism must ensure impartiality and independence to meet the obligations set forth under international human rights law. Proscription is based on a vague and overbroad definition of terrorism (discussed below), as well as the overly general link that an organization is “concerned in” terrorism. Procedurally, the ATA does not provide for a listed person or entity to be informed of their rights of review; provide for legal representation or legal aid in the review processes; guarantee adequate disclosure of evidence, including where classified evidence is involved; ensure listings expire after 12 months unless renewed; or provide compensation for wrongful listings. We are concerned that listings under the ATA do not meet due process requirements under international law. In practice, many listings have reportedly occurred without notification or due process, and have deliberately or arbitrarily ensnared Balochi activists, including teachers, students and peaceful protesters.

We recall that in its Concluding Observations on Pakistan in 2024, the Human Rights Committee expressed concern at the frequent use of the Fourth Schedule list to restrict the movement of dissenting persons, journalists, activists, members of ethnic minorities and human rights defenders, including in Balochistan (para. 34). It called on Pakistan to review and amend its legal framework and policies to comply with article 12 of the ICCPR, ensure that it does not restrict freedom of movement on unjustified grounds, and establish independent and effective oversight mechanisms, including access to courts, to prevent arbitrary restrictions to the freedom of movement (para. 35).

Exit Control List

We are concerned that the Exit Control List includes individuals who are not genuinely involved in terrorism as properly defined according to international standards and unjustifiably impedes their freedom to leave their own country, contrary to article 12(2) of the ICCPR. We are also concerned that there may not be a sufficient legal basis for such listings, and that due process (such as notification and review) has not been guaranteed. Listings appear to have been used to intimidate and silence influential Baloch activists. We remind your Excellency's Government of the human rights principles applicable to watchlisting, which require fairness, accountability, and adherence to international standards on terrorism definitions, proportionality, and non-

discrimination (see annex).

We note that in its Concluding Observations on Pakistan in 2024, the Human Rights Committee expressed concern at the frequent use of the Exit Control List to arbitrarily restrict the freedom of movement of dissenting persons, journalists, activists, members of ethnic minorities and human rights defenders, leading to the confiscation of their passports, detention, and monitoring of their movements, including in Balochistan (para. 34). It called on Pakistan to review and amend its legal framework and policies to comply with article 12 of the ICCPR, ensure that it does not restrict freedom of movement on unjustified grounds, and establish independent and effective oversight mechanisms, including access to courts, to prevent arbitrary restrictions to the freedom of movement (paras. 35).

Limitations on freedom of expression, including media censorship

We express our concern at the authorities' decision to shut down the internet in Balochistan, ostensibly to restrict the flow of timely information, protect public safety and curb the spread of misinformation. However, the sweeping measures reported deny ordinary people access to lifesaving information and restrict the ability of journalists to upload photos and videos documenting the Government's response to the protest. Any restriction on the right to freedom of expression must ordinarily be compatible with the requirements set out in article 19(3) of the ICCPR, including necessity, proportionality and a legitimate aim (see Annex); or the requirements for derogation in a public emergency mentioned earlier. International law prohibits broad, indiscriminate and indefinite restrictions on fundamental freedoms, including the right to free expression and to provide and receive information. By restricting the ability of Balochi human rights defenders to communicate with each other and to report on their work and findings, we are concerned about the potentially chilling effect that such harassment and pressure against these human rights defenders may have on civil society.

With respect to allegations of media censorship, we remind your Excellency's Government that a free and uncensored press is essential in any society and constitutes one of the cornerstones of a democratic society. Journalists, media outlets and publishers should not be penalized for reporting or disseminating critical views and dissenting opinions in line with international standards. We stress that States have an obligation to create an enabling environment for the free communication of information and ideas about public and political issues (see A/HRC/50/29). In this context, we are deeply concerned by the directive issued to the Quetta Press Club restricting them from allowing any political party or organization to hold a press conference or seminar without prior approval or permission of the district administration, which appears to be an attempt to curb free speech and press freedom.

Vague definition of "terrorism"

We recall that in its Concluding Observations on Pakistan in 2024, the Human Rights Committee stated that "the State party should urgently review the Anti-Terrorism Act, 1997 and ensure that the definition of terrorism is clear and precise and that it complies with the principles of legality, legal certainty and predictability" (para. 27).

We note that “terrorism” is defined in section 6(1) of the ATA as an act that falls within section 6(2) and that is designed to coerce and intimidate the Government, the public, or a section thereof, or to create a sense of fear or insecurity in society; or the act is made for the purpose of advancing a religious, sectarian, or ethnic cause. Section 6(2)(a) -(p) lists various acts for the purpose of section 6(1). We express our serious concern that this definition is vague and overly broad and does not satisfy the requirements of legality and legal certainty under international law. We recall the definition of terrorism and terrorism offences must be confined to acts that are genuinely terrorist in nature based on the elements in Security Council resolution 1566 (2004) and other best practice international standards and be set out in precise and unambiguous language that narrowly defines the punishable acts. The principle of legal certainty under international law (article 15(1), ICCPR) requires that criminal laws are sufficiently precise so it is clear what types of behaviour and conduct constitute a criminal offence and what would be the consequence of committing such an offence. This principle recognizes that ill-defined and/or overly broad laws are open to arbitrary application and abuse.

The specific intent elements of the definition are not consistent with best practice international standards. The definition presents three alternatives: coercing/intimidating a government or the public; creating a sense of fear or insecurity in society; or advancing a religious, sectarian, or ethnic cause. The elements create problematic uncertainty about the scope of liability for a number of reasons:

- (a) There is confusing and unnecessary duplication between the first and second elements, since coercing/intimidating the public is very similar to creating fear/insecurity in society. Best practice international standards recommend that these two alternative elements should be formulated as “intimidating a population” (or “provoking a state of terror among the population”) and “compelling a government to do or to refrain from doing something”.
- (b) According to international standards, the third element should be required as a cumulative element alongside either of the two other elements. In other words, the coercion/intimidation of a government or the public, or creating fear or insecurity in society, should aim to advance a religious, sectarian, or ethnic cause. The cumulative approach ensures the definition is not overbroad, since it adds an additional element of proof, while also properly confining terrorism to violence that has an instrumental religious/sectarian/ethnic purpose and thus distinguishes terrorism from ordinary private violence that may also intimidate or compel others.
- (c) Best practice international standards further suggest that the third element should also refer to a “political” or “ideological” cause, in order to capture other relevant non-private motivations for terrorist violence.

We are also concerned that many of the numerous physical conduct elements specified in section 6(2) go well beyond conduct that is genuinely terrorist in nature according to international standards, by incriminating conduct that is not intended to cause death or serious personal injury and is not otherwise covered by the international

counter-terrorism instruments. include the conduct elements in section 6(2)(c), (f), (j), (g), (k), (l), (m), (o) and (p), which encompass very diverse conduct such as property damage and arson, extortion, racial/religious hatred to stir up violence or internal disturbance, coercive vigilantism, interference/disruption of communications or public utilities, coercion/intimidation of public servants, armed resistance, and unauthorized public communications. While it may be appropriate to criminalize some of this conduct as other kinds of offences, such conduct cannot properly be characterized as terrorism according to international standards. The treatment of such conduct as terrorism may, in some cases, also infringe on internationally protected fundamental rights and freedoms, including freedoms of expression, assembly and association, and have a chilling effect on the legitimate activities of civil society, including protest by Balochi activists against Government practices.

Reported amendments to the counter-terrorism law

We are concerned that the Anti-Terrorism Act Amendment Bill 2024 would permit preventive detention for three months based on the broad and vague grounds that a person “has been concerned in” an ATA offence “relating to the security or defence of Pakistan or any part thereof” or “public order”, which is likely to result in arbitrary detention contrary to article 9 of the ICCPR. Such risks are aggravated by the seemingly low and conflicting standards of proof – satisfaction by the relevant authorities that the person “has been concerned in” such conduct, or alternatively that a “reasonable complaint has been made or credible information has been received or a reasonable suspicion exists”. Further, the decision to detain may be taken not only by “civil armed forces” but by the regular armed forces, including to 'armed forces', including the military, naval and air forces of Pakistan, which are not actors accustomed to taking law-enforcement based decisions about whether there is suspicion of a criminal offence.

The Human Rights Committee has cautioned that preventive detention “presents severe risks of arbitrary deprivation of liberty”, including where an ordinary criminal justice response is available (general comment No. 35, para. 15). Preventive detention must be limited to “the most exceptional circumstances” where the state demonstrates that the person poses a “present, direct and imperative threat” (ibid). The required suspicion under the bill that a person has been involved in specified offences in the past does not necessarily establish that the person presents a current threat of the required severity. Further, according to the Human Rights Committee, the state must demonstrate that the threat cannot be addressed by alternative measures” (ibid). Since preventive detention under the bill requires suspicion of a criminal offence, the alternative means of a criminal justice investigation and arrest should ordinarily be available.

We are also concerned about the lack of due process applicable to preventive detention. Section 11E (3) of the ATA requires judicial review of detention within 24 hours. Article 10(5) of the Constitution of Pakistan separately provides that a detainee must be given reasons for their detention within 15 days of the detention and the “earliest opportunity” to challenge the order before the authority issuing the order. However, the issuing authority can without any information which it “considers... it to be against the public interest to disclose”. The Human Rights Committee has determined that in cases of preventive detention there must always be “disclosure to the detainee of, at least, the essence of the evidence on which the decision is taken” (general

comment No. 35, para. 15). Further, Article 10(5) allows the issuing authority to subjectively determine the public interest, rather than applying an objective standard. A detainee may be unable to effectively challenge their detention in the absence of access to the essential information upon which detention is based. The bill, ATA and Constitution also do not expressly provide for a detainee to have access to a lawyer, contrary to what is required in preventive detention by the Human Rights Committee.

We are also concerned that preventive detention places detainees at greater risk of torture, ill-treatment or other violations of human rights.⁸ The Committee against Torture has therefore recommended the elimination of all forms of administrative detention.⁹ Prolonged preventive detention may also result in a violation of the presumption of innocence, particularly where it has the effect of punishing the accused prior to trial, in contravention of article 14(2) of the ICCPR.

Reports of internment camps

We are concerned by reports that your Excellency's Government is expected to approve a proposal – similar to the 2011 Regulations and 2019 Ordinance – to establish internment centres for terrorist suspects in Balochistan and grant special powers to law enforcement agencies, including the military, enabling them to detain terror suspects an unspecified period without any right to be brought before a court of law or to challenge the lawfulness of detention before a court. for three months without a FIR or court order. We are concerned that such measures may result in arbitrary detention and a denial of judicial safeguards under article 9 of the ICCPR.

We recall that in their review of Pakistan's implementation of the ICCPR and CAT, the Human Rights Committee and the Committee against Torture in 2017 expressed concern about the 2011 Regulations and recommended that Pakistan "review the Actions (in Aid of Civil Power) Regulation 2011, with a view to repealing it or bringing it into conformity with international standards." In addition, in 2019, the Peshawar High Court ruled that the internment centres in KPK were unconstitutional, stating that indefinite detention without trial violates fundamental human rights and due process.

We are concerned that the proposal would be incompatible with the "fundamental rights" guaranteed by the Constitution of Pakistan, as well as Pakistan's international legal obligations. In particular, it could violate the prohibition of arbitrary detention under article 9(1) of the ICCPR, since the grounds of detention, such as where expedient for peace, could be vague and overbroad; the right to challenge the lawfulness of detention before a court under article 9(4) of the ICCPR; protections against torture or ill-treatment under article 7 of the ICCPR and the CAT; and the right of access to a lawyer. It would formalise enforced disappearances in the region and increase the risk of torture. We are also concerned that statements by armed forces personnel could be considered sufficient to convict detainees for an offence, contrary to the right to fair trial

⁸ Committee against Torture, Concluding Observations: Second Periodic Report of Jordan, UN Doc A/65/44, para. 60(13); Human Rights Committee, Concluding Observations: Second Periodic Report of Egypt, UN Doc CCPR/C/79/Add.23, para. 10; and Human Rights Committee, Concluding Observations: Fourth Periodic Report of Ukraine, UN Doc CCPR/C/79/Add.52, paras. 305–333.

⁹ See, for example, its Concluding Observations on: Jordan, UN Doc A/65/44, para. 60(13); Moldova, UN Doc CAT/C/CR/30/7 (2003), para. 6(d); Egypt, UN Doc CAT/C/CR/29/4 (2002), para. 6(f); and China, UN Doc A/55/44, para. 101.

under article 14 of the ICCPR; and that there may be provisions providing immunities for armed forces personnel, which would be contrary to the right to an effective remedy for human rights violations under article 2 of the ICCPR.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on the existing legal safeguards designed to protect against enforced disappearances, and torture and death in custody, including those ensuring due process and guaranteeing prompt, impartial, independent and effective investigations into such cases. Additionally, specify how these safeguards are effectively implemented in practice, and outline the mechanisms in place to monitor, oversee, and ensure their consistent application within the legal and institutional framework.
3. Please provide detailed information on the steps taken to investigate potentially unlawful deprivations of life by the security forces in Balochistan including deaths in custody and the extent to which these investigations complied with international standards including the Minnesota Protocol on the Investigation of Potentially Unlawful Death.
4. Please provide information about the number of complaints received and investigations opened and resolved concerning torture and other cruel, inhuman or degrading treatment or punishment, and the outcomes of those cases. Please provide information about steps taken to incorporate the United Nations Manual on the Documentation and Investigation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol, revised version 2022) into the legal, procedural and practical application of judges, lawyers, forensic specialists, and experts.
5. Please provide details of when Pakistan will codify enforced disappearances as a specific criminal offence, in line with the internationally agreed definition set out in the preamble of the Declaration on the Protection of All Persons from Enforced Disappearance and in article 2 of the International Convention of All Persons from Enforced Disappearances.
6. Please provide an assessment of the mandate of the Commission of Inquiry on Enforced Disappearances and the impact of its work, including details on whether Pakistan's plans to ensure an institution that is fully

independent, impartial, transparent and effective in advancing access to justice and in searching for the disappeared, in line with the standards enshrined, among others, in the Guiding Principles for the Search for Disappeared Persons..

7. Please provide information on the measures implemented to uphold the right of relatives of forcibly disappeared persons to access the truth regarding the circumstances surrounding the enforced disappearance, as well as the fate and whereabouts of the disappeared individuals and the progress of investigations and search activities. Additionally, please elaborate on the steps taken to ensure their right to seek, receive, and impart information on this end.
8. Please provide details of Pakistan's plan to provide a program of reparations for all victims of enforced disappearances (i.e. the disappeared person and any other individual having suffered harm as a direct result of the enforced disappearance).
9. Please provide information on the factual and legal basis for the arrest and detention of protestors at the Baloch Long March. Please include information on how many detained protestors have since been released, and whether those still detained have been charged with a recognizable criminal offence, have been granted access to a lawyer of their choice, and have been brought promptly before a judge to determine the validity of their detention.
10. Please provide information on measures taken by your Excellency's Government to carry out a prompt, impartial, independent and effective investigation into the use of excessive force against protestors, including women, which led to the killing of at least 4 protestors, and whether these investigations complied with required international standards. If no investigations have yet been undertaken, or if they have been inconclusive, please provide information as to the reasons thereof.
11. Please provide detailed information on what steps have been taken to ensure that the conditions of detention of all individuals detained under counter-terrorism legislation meet the international human rights standards in the CAT and the ICCPR, as enunciated in the Nelson Mandela Rules, including the ability to meet with family members, and lawyers when necessary.
12. Please provide information about the measures taken to protect the rights to freedom of peaceful assembly, association and expression, movement as well as the physical and psychological integrity of persons protesting peacefully against the law.
13. Please also indicate what measures have been taken to ensure that human rights defenders, including women human rights defenders, journalists and activists in Pakistan, including those working on enforced disappearances and the relatives of forcibly disappeared persons, are

able to carry out their legitimate work in a safe and enabling environment, without fear of threats or acts of intimidation, gender-based violence, harassment and violence of any sort.

14. Please explain how the above-mentioned amendments to the ATA would comply with Pakistan's obligations under international law, in particular with principles and standards against arbitrary deprivation of liberty and the rights to due process and fair trial guarantees, enshrined in international human rights instruments, including in the ICCPR.
15. Please explain the procedures and evidentiary standards that must be satisfied before a person is placed on the list of "proscribed persons" under the Fourth Schedule of the ATA. Additionally, please indicate what avenues of administrative and judicial appeal are available to individuals placed on that list.
16. Please indicate how including a person on the "Exit Control List" complies with the requirements of legality, proportionality, necessity, and non-discrimination. In addition, please indicate how it ensures due process, effective periodic review, and judicial safeguards, and does not disproportionately affect human rights defenders or other members of civil society.
17. Please provide detailed information on the measures being undertaken to reform Pakistan's counter-terrorism laws to ensure full compliance with the principle of legality, as required under international human rights standards. In particular, explain how these reforms will address concerns about overly broad definitions and the potential misapplication of such laws to activities that do not constitute genuine acts of terrorism.
18. Please indicate the measures taken by your Excellency's Government to review the proposed amendments to the ATA in light of the observations shared above.

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.

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(s) responsible for the alleged violations.

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 issue/s in question.

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

Ben Saul

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

Gabriella Citroni

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

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Margaret Satterthwaite

Special Rapporteur on the independence of judges and lawyers

Nicolas Levrat

Special Rapporteur on minority issues

Alice Jill Edwards

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Reem Alsalem

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

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your Excellency's Government's attention to the principles and international standards applicable to this communication.

Respect for human rights while countering terrorism

Although no universal treaty generally defines “terrorism”, States should ensure that counter-terrorism legislation is limited to criminalizing conduct which is properly and precisely defined on the basis of the international counter-terrorism instruments,¹⁰ the General Assembly’s Declaration on Measures to Eliminate International Terrorism (1994), and Security Council resolution 1566 (2004).¹¹ Based on these authoritative sources, the model definition of terrorism advanced by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism¹² provides clear, “best practice” guidance, by identifying conduct that is genuinely terrorist in nature and precisely defining the elements.

We also bring your Excellency’s Government’s attention to the principle of legal certainty under article 15(1) of the ICCPR, which requires that criminal laws are sufficiently precise so that it is clear what types of behaviour and conduct constitute a criminal offence and the legal consequences of committing such an offence. This principle recognizes and seeks to prevent ill-defined and/or overly broad laws which are open to arbitrary application and abuse, to target civil society on political or other unjustified grounds.¹³

We respectfully refer your Excellency’s Government to the many resolutions of the United Nations General Assembly, Security Council and Human Rights Council reaffirming that any measures taken to combat terrorism and violent extremism must comply with the obligations of States under international law, in particular international human rights law, refugee law and international humanitarian law.¹⁴ Counter-terrorism measures must conform to fundamental requirements of legality, proportionality, necessity and non-discrimination. The wholesale adoption of security and counter-terrorism regulations without due regard for these principles can have exceptionally deleterious effects on the protection of fundamental rights, particularly for minorities, historically marginalized communities, and civil society.

We remind your Excellency’s Government that States must ensure that measures to combat terrorism and preserve national security do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights.¹⁵

¹⁰ See https://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_en.xml.

¹¹ A/RES/49/49, annex, para. 3.

¹² A/HRC/16/51, para. 28.

¹³ [A/70/371](#), para. 46(b).

¹⁴ Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); Human Rights Council resolution 35/34; and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180, among others.

¹⁵ See [A/HRC/RES/22/6](#), para. 10(a).

We would further like to refer to Human Rights Council resolution 22/6, which urges States to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights.

We would also like to bring to your Excellency's Government's attention that in his report to the General Assembly on the impact of counter-terrorism measures on civil society, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism urged States to ensure that their counter-terrorism legislation is sufficiently precise to comply with the principle of legality, so as to prevent the possibility that it may be used to target civil society on political or other unjustified grounds (A/70/371, para 46(c)).

We recall that any restriction on expression or information that a government seeks to justify on grounds of national security and counter-terrorism must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest (CCPR/C/GC/34). As stated by the Special Rapporteur on the situation of human rights defenders, misuse of counter-terrorism legislation with penal sanctions against individuals peacefully exercising their rights to freedom of expression, as well as freedom of religion or belief and freedom of peaceful association and assembly. These rights enjoy international legal protection, and the message of international law is clear and simple: Non-violent criticism of the State or any of its institutions, including the judiciary, cannot be made a criminal offence in any society governed by the rule of law and abiding by human rights principles and obligations. Countering terrorism should not be used as an excuse to suppress peaceful critics, human rights activists and members of minority groups (A/HRC/RES/25/18).

Principles Applicable to Watchlisting

We respectfully refer your Excellency's Government of the Human Rights Principles Applicable to Watchlisting,¹⁶ which require: (i) a fair and accountable legal process that offers a reasonable and legally-based opportunity for listed persons to administratively and judicially challenge the basis of their inclusion on the list; (ii) a person's inclusion on the list to be a necessary and proportionate response to an actual, distinct, and measurable terrorism threat that is consistent with the definition of terrorism found in the international counter-terrorism conventions and United Nations Security Council resolution 1566 (2004); (iii) consideration of the human rights implications that arise from watchlisting, including for freedoms of movement, association, expression and religion, the rights to privacy, property, health, due process and family life, and social and economic rights, including the right to work; and (iv) non-discrimination based on any protected attribute under international human rights law, which relevantly include political opinion and religious belief.

¹⁶ <https://www.ohchr.org/sites/default/files/Documents/Issues/Terrorism/ApplicableWatchlisting.docx>.

National designation of terrorist individuals or organizations

We recall that the designation of “terrorist” individuals or organizations must meet the requirements of due process and judicial protection under international human rights law, as set out by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. Specifically: (a) there must be reasonable grounds to believe that the person or entity has knowingly engaged in terrorism, as properly defined according to international standards, including the requirement of legality; (b) a listed person or entity must be promptly informed of the listing and its factual grounds, the consequences of such listing and the applicable procedural rights; (c) there must be a right to apply for de-listing and to have it reviewed within a reasonable time, and a right to judicial review of any resulting decision, in both cases affording due process, including sufficient disclosure of evidence and access to a lawyer; and (d) listings must lapse automatically after 12 months unless renewed afresh; and reparation, including compensation, must be available for any wrongful listing. (A/HRC/16/51, para. 35)

Enforced disappearances

We recall that the prohibition of enforced disappearances and the corresponding obligation to investigate them and hold perpetrators accountable has attained the status of *jus cogens*.

We would further like to refer to the United Nations Declaration on the Protection of All Persons from Enforced Disappearance which establishes the prohibition to practice, permit or tolerate enforced disappearances (article 2); the obligation to take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance (article 3); the obligation to criminalize enforced disappearances as autonomous offense in domestic legislation (article 4) and that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances (article 7). In addition, the Declaration stipulates the right to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention in order to challenge the legality of the detention (article 10). In particular, in its paragraphs 3 and 5 of article 13, the Declaration provides that States shall ensure that all persons involved in the investigation of cases of enforced disappearance, including the complainant, counsel and witnesses, are protected against ill-treatment, intimidation or reprisal; and that steps shall be taken to ensure 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 procedure is appropriately punished. Paragraphs 3 and 5 of article 13 of the Declaration on Enforced Disappearances specifically establish that your Excellency’s Government has the duty to ensure that all persons involved in the investigation of cases of enforced disappearance remain protected against ill-treatment, intimidation or retaliation and that any such acts or forms of interference on the occasion of lodging of a complaint or during the investigation procedure are appropriately punished. The assistance to family members and disappeared persons that have been subjects of acts of retaliation is a crucial factor in order to interrupt persisting cycles of impunity (A/63/313, para. 14). Ultimately, the Declaration establishes the obligation to bring perpetrators of enforced disappearances before competent civil

authorities for the purpose of prosecution and trial (article 14 and 16) and that victims of enforced disappearance shall obtain redress and shall have the right to adequate compensation, including the means for as complete rehabilitation as possible (article 19).

We further refer to general comment No. 31, in which the Human Rights Committee has observed that there is a positive obligation on States Parties to ensure the protection of the Covenant rights of individuals against violations by its own security forces. We also refer to Human Rights Committee, general comment 36, which highlight that enforced disappearance constitutes a unique and integrated series of acts and omissions representing a grave threat to life, and results in a violation of the right to life. It further observes that States are required to conduct an effective and speedy inquiry to establish the fate and whereabouts of persons who may have been subject to enforced disappearance and introduce prompt and effective procedures to investigate these cases thoroughly, by independent and impartial bodies leading to the identification of potential perpetrators. The obligation to carry out prompt, thorough and impartial investigations shall be conducted *ex officio* if required. To this purpose, adequate complaint mechanisms should be made available, which should be independent and committed to carrying out impartial and prompt investigations into all allegations of enforced disappearances (A/HRC/45/13/Add.3 paragraph 11). Delays in the investigative process impact on the right to access to justice, could put witnesses at risk and foster revictimization (A/HRC/45/13/Add.3 paras. 16 and 17). The situation of relatives who remain without knowledge about the fate or whereabouts of a disappeared person for extended periods of time has been considered to amount to torture or cruel, inhuman or degrading treatment.¹⁷

We recall that anyone who is arrested or detained has the right to be informed immediately of the reason for the arrest and to be told promptly about any charges.¹⁸ Furthermore, it is a violation of international human rights standards when a person detained is not given access to legal counsel promptly as a protection against incommunicado detention and to enable him or her to challenge the legality of detention.¹⁹

The Working Group on Enforced or Involuntary Disappearances (WGEID) also reiterated in its thematic report on standards and public policies for an effective investigation of enforced disappearances that having access to information during and at all stages of the investigation and the active participation of victims and their families in the investigation is a crucial means to guarantee transparency and accountability of the investigative process (A/HRC/45/13/Add.3, para. 60). We also reiterate that due to the collective character of certain economic, social and cultural rights, the disappearance of one person may have a negative effect on the larger community, including on the right to political participation and on the existence and protection of the society's cultural diversity, which is the broader condition for the exercise of all human rights (A/HRC/30/38/Add.5 para. 40).

¹⁷ Communications No. 950/2000, *Sarma v. Sri Lanka*, Views adopted by the Human Rights Committee on 31 July 2003, para. 9.5

¹⁸ Body of principles for the protection of all persons under any form of detention or imprisonment, arts. 10, 11(2), 13, 14.

¹⁹ Communication No. 770/1997, *Gridin v Russian Federation*, Views adopted by the Human Rights Committee on 20 July 2000, para. 8.5; Human Rights Committee, general comment No. 20, para. 1.

We would like to bring to the attention of Your Excellency' Government, the Working Group's General comments on Enforced disappearance as a continuous crime and on the Right to the Truth in relation to enforced disappearance (A/HRC/16/48). Furthermore, in its thematic report on Reparations and enforced disappearances (A/HRC/22/45ED) the Working Group provides specific recommendations concerning measures of restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition for victims.

We also bring to Your Excellency' Government attention the [Guiding principles for the search for disappeared persons](#), which are based on the International Convention for the Protection of All Persons from Enforced Disappearance and other relevant international instruments. They also take into account the experience of other international bodies and various countries around the world. The Guiding Principles identify mechanisms, procedures and methods for carrying out the legal duty to search for disappeared persons.

In addition, the thematic study on New technologies and enforced disappearances A/HRC/54/22/ADD.5 examines how new technologies are being used against relatives of disappeared persons, their representatives and human rights defenders; can be effectively applied to facilitate the search for disappeared persons; and can be used to obtain and secure evidence of the commission of enforced disappearance.

In its country visit report to Pakistan (A/HRC/22/45/Add.2), the WGEID recommended the establishment of a constitutional, legal and regulatory framework, in particular in relation to the issue of the deprivation of liberty, be in full conformity with international standards in order to ensure that it does not give license to secretly detain or disappear anyone, or that it does not lead in practice to circumstances where enforced disappearances could be perpetrated (paragraph 91). Moreover, in light of the documented pattern of denials by state authorities to file First Information Reports (F.I.R.) in relation to alleged enforced disappearances, the WGEID reiterated that there should be effective complaint mechanisms and that a program of integral reparation should be set up for all victims of enforced disappearances (paras. 43 and 99). In its follow-up report to the Mission to Pakistan (A/HRC/33/51/Add.7), the WGEID stressed that all cases of harassment and reprisals should be adequately addressed by the relevant authorities and that proactive measures should be taken to guarantee the safety of the family members of the disappeared and of human rights defenders (paragraph 26).

We further recall that all victims of enforced disappearances, thus including relatives of those disappeared whose suffering is rooted in the primary violation against the disappeared person, and anyone who has suffered harm as a direct result of an enforced disappearance, have the right to know the truth and to reparation, including compensation (A/HRC/16/48, para. 39).²⁰ We highlight that the anguish and sorrow of relatives of disappeared persons may reach the threshold of torture. The right to truth is, therefore, an absolute right which cannot be restricted, and there is an absolute obligation to take all the necessary steps to find the disappeared person (A/HRC/16/48, general comment, para 4).

²⁰ Communication No. 107/1981, *María del Carmen Almeida de Quinteros et al. v. Uruguay*, Views adopted by the Human Rights Committee on 21 July 1983, para. 14.

Derogations under Article 4 of the ICCPR

We recall your Excellency's Government, that even during a state of emergency, States may temporarily derogate from certain rights in times of a public emergency that threatens the life of the nation, but only under strict conditions outlined by the Human Rights Committee in general comment No. 29. Derogations under article 4 must be exceptional, temporary, and invoked only when: (i) the situation within a State amounts to a public emergency which threatens the life of the nation; and (ii) when the State party has officially declared a state of emergency. In addition, all derogation measures must adhere to principles of necessity and proportionality (including using the least intrusive means possible to address the emergency), specifically regarding the duration and geographical scope of the emergency and the nature and extent of the derogating measures. Additionally, the State must fully respect its other international obligations, including the non-derogable rights and "indispensable judicial guarantees" protected by the ICCPR. All measures must also be non-discriminatory. In view of the above, your Excellency's Government has the obligation to demonstrate how the arbitrary arrests of peaceful demonstrators and the restrictions on freedom of expression, access to information, movement and peaceful assembly and association meet these criteria, including to show that the measures adopted are rationally connected to preventing violence by non-state armed groups.

Right to Life

We further refer to article 6 of the ICCPR, which enshrines the right to life and security of the person and to Human Rights Committee general comment 36.

An important element of the protection afforded to the right to life by the Covenant is the obligation on the States parties, where they know or should have known of potentially unlawful deprivations of life, to investigate and, where appropriate, prosecute the perpetrators of such incidents, including incidents involving allegations of excessive use of force with lethal consequences.

Loss of life occurring in custody creates a presumption of arbitrary deprivation of life by State authorities, which can only be rebutted on the basis of a proper investigation which establishes the State's compliance with its obligations under article 6. Investigations and prosecutions of potentially unlawful deprivations of life should be independent, impartial, prompt, thorough, effective, credible and transparent and undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death. Investigations must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations. In the event that a violation is found, full reparation must be provided, including, in view of the particular circumstances of the case, adequate measures of compensation, rehabilitation and satisfaction (Human Rights Committee, general comment 36).

In relation to the use of force by law enforcement officials, the use of potentially lethal force for law enforcement purposes is an extreme measure that should be resorted to only when strictly necessary in order to protect life or prevent serious injury from an

imminent threat (ibid). Furthermore, States are expected to take all necessary measures intended to prevent arbitrary deprivations of life by their law enforcement officials. These measures include putting in place appropriate legislation controlling the use of lethal force by law enforcement officials, procedures designed to ensure that law enforcement actions are adequately planned in a manner consistent with the need to minimize the risk they pose to human life, mandatory reporting, review and investigation of lethal incidents and other life-threatening incidents, and supplying forces responsible for crowd control with effective, less-lethal means and adequate protective equipment in order to obviate their need to resort to lethal force. In particular, all operations of law enforcement officials should comply with relevant international standards, including the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and law enforcement officials should undergo appropriate training designed to inculcate these standards so as to ensure, in all circumstances, the fullest respect for the right to life (Human Rights Committee, general comment 36).

Torture and other forms of cruel, inhuman, or degrading treatment

The prohibition on torture and cruel, inhuman or degrading treatment or punishment is absolute and non-derogable (UDHR article 5; ICCPR article 7 and 2(3); Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) articles 1, 2, 15 and 16). States parties to the CAT must establish all acts of torture as offences under domestic law (article 4), exercise jurisdiction over said offences (article 5), receive complaints and examine them promptly and impartially (article 13), and investigate those allegations promptly and impartially (article 12). At no time shall torture be used to extract information or a confession (article 1), and any statement which has been obtained via such methods shall be excluded from any proceedings except against a person accused of torture as evidence that the statement was made (article 15). Victims are to be protected from reprisals or intimidation during said investigations (article 13) and they have an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible (article 14). States party to the CAT have overarching obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment via effective legislative, administrative, judicial and other measures (articles 2 and 16), to educate and train relevant personnel on the prohibition (article 10) and to keep all rules, instructions, methods and practices relating to interrogation, custody and treatment under systematic review (article 11).

The standards of conditions and treatment of persons deprived of their liberty are contained in the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), which establish that all prisoners shall be treated with dignity and no prisoner shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.²¹ Prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment (General Assembly resolution 79/209, para. 18); prolonged solitary confinement of the detained or imprisoned person may amount to acts prohibited by article 7 of the ICCPR (general comment No. 20, para. 6). Furthermore, under CAT there is an obligation to prevent acts of torture and ill-treatment (article 2), to promptly and impartially investigate

²¹ See further A/HRC/55/52.

allegations (article 12), and to prosecute those responsible (articles 4 and 5).

We would also like to remind your Excellency's Government that while enforced disappearance is a crime in itself, it may also amount to torture or other cruel, inhuman or degrading treatment or punishment, and is a serious violation of international law. The Committee against Torture²² and the Human Rights Committee²³ have concluded that enforced disappearances may amount to torture and other forms of ill-treatment both with regard to the disappeared and with regard to their family members, due to the anguish and uncertainty concerning the fate and whereabouts of the disappeared. The absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, is an international norm of *jus cogens*, reflected inter alia, in Human Rights Council resolution 25/13 and General Assembly resolution 68/156.

Arbitrary detention

We recall that article 9 of the ICCPR prohibits arbitrary detention. Specifically, it establishes that no one shall be deprived of his or her liberty (unless it is in accordance with appropriate laws), and that anyone who is arrested shall be brought promptly before a judge or officer authorized by law to exercise judicial power, and that anyone arrested shall be entitled to trial within a reasonable time. Pre-trial detention should thus be the exception rather than the rule (general comment No. 35, para. 38). A person may only be deprived of liberty in accordance with national laws and procedural safeguards governing detention (including in relation to arrest and search warrants), and where the detention is not otherwise arbitrary. In this respect, deprivation of liberty resulting from the exercise of the rights or freedoms guaranteed by the ICCPR is considered arbitrary (general comment No. 35, para. 17).

We would like to remind your Excellency's Government that according to article 9(1) of the ICCPR, no one shall be subjected to arbitrary arrest or detention, and no one shall be deprived of his or her liberty except on grounds established by law and following legal procedures. The Human Rights Committee has established in its general comment N°35 on article 9 that an arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant, including freedom of opinion, expression, assembly and association, is arbitrary (CCPR/C/GC/35, para. 17).

Furthermore, we would like to remind your Excellency's Government that the deprivation of liberty may be rendered as arbitrary when it constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings.

Moreover, article 9.2 of the ICCPR stipulates that the person must be informed, at the moment of the arrest, about the reasons for such deprivation of liberty; in addition, the information about the charges against the person should be provided without delay.

²² See, for example, conclusions and recommendations on the second periodic report of Algeria (A/52/44, para. 79), on the initial report of Namibia (A/52/44, para. 247) and on the initial report of Sri Lanka (A/53/44, paras. 249 and 251).

²³ CCPR/C/50/D/440/1990 (24 March 1994), para. 5.4.

According to article 9.3, anyone deprived of his or her liberty “shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release.” Article 9.4 incorporates the right to initiate proceedings before a court to determine the lawfulness of the detention. These guarantees must be satisfied since the very start of the detention period and irrespective of its duration.

Principle 3 of the United Nations Basic Principles and Guidelines on remedies and procedures on the right of anyone deprived of their liberty to bring proceedings before a court upholds the right of any individual who is deprived of liberty in any situation, by or on behalf of a governmental authority at any level including detention by non-state actors that is authorized by domestic legislation, to take proceedings before a court without delay in that State’s jurisdiction to challenge the arbitrariness and lawfulness of his or her deprivation of liberty and receive appropriate and accessible remedies. The 2019 annual report of the Working Group on Arbitrary Detention further reiterates that it is essential to preserve the right of all those deprived of their liberty to challenge the legality of detention, which is a peremptory norm of international law. The right to legal assistance must be ensured from the moment of deprivation of liberty and, in the context of the criminal justice setting, prior to questioning by the authorities.

Freedom of opinion and expression

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline and protects the freedom of the press as one of its core elements.

In its General Comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” ([CCPR/C/GC/34](#), para. 11). The Committee further asserts that States Parties to the ICCPR “shall put in place effective measures to protect against attacks aimed at silencing those who exercise their right to freedom of expression” (para. 23). Recognizing how journalists and those engaged in collecting and analysing information on the human rights situation and publishing human rights-related reports are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims be in receipt of appropriate forms of redress” (para. 23).

We would further like to remind your Excellency’s Government that the right to freedom of expression protects the right to seek, receive and impart information and ideas of all kinds regardless of frontiers. Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives.

The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35).

As noted by the Committee, article 19(3) of the ICCPR should never be used as a “justification for the muzzling of any advocacy of [...] democratic tenets and human rights”. The arbitrary detention of individuals because of the exercise of his or her freedom of opinion or expression is incompatible with the Covenant (para. 23).

In this regard, we wish to reiterate the principle enunciated in Human Rights Council resolution 12/16, calling on States to refrain from imposing restrictions which are not consistent with article 19(3), including on discussion of government policies and political debate; reporting on human rights, engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

Finally, the Committee also states that “States parties should ensure that counter-terrorism measures are compatible with paragraph 3 of article 19. Such offences as “encouragement of terrorism” and “extremist activity” as well as offences of “praising”, “glorifying”, or “justifying” terrorism, should be clearly defined to ensure that they do not lead to unnecessary or disproportionate interference with freedom of expression” (CCPR/C/GC/34, para. 46).

Freedoms of peaceful assembly and association

We also recall article 21 of the ICCPR, which recognises that the right to freedom of peaceful assembly should be enjoyed by everyone, as provided for by article 2 of the ICCPR and resolutions 15/21, 21/16 and 24/5 of the Human Rights Council. In its resolution 24/5, the Council reminded States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs and human rights defenders.²⁴

We also recall that article 22 of the ICCPR protects the right to freedom of association, which guarantees the rights of everyone to associate with others and to pursue common interests. Freedom of association is closely linked to the rights to freedom of expression and peaceful assembly; it is of fundamental importance to the functioning of democratic societies and can only be limited through necessary and proportionate restrictions that serve a legitimate public purpose that is consistent with international standards. The Human Rights Committee has further affirmed that recognition of the right of peaceful assembly imposes a corresponding obligation on States parties to respect and ensure its exercise without discrimination.²⁵

The Special Rapporteur on the rights to freedom of peaceful assembly and of association has affirmed that access to justice is an integral element of the protection of

²⁴ A/HRC/26/29, para. 22.

²⁵ CCPR/C/GC/37, para. 8.

the rights to freedom of peaceful assembly and of association, and obstructed justice for violations related to the exercise of these rights undermines their essence (A/HRC/47/24.2). Further, the Special Rapporteur in his report on advancing accountability and ending impunity, found that broad and ambiguous security-related legislation have been misused and instrumentalized by States as tools to suppress and crack down on activists and protesters, and legitimize abuses by States. The Special Rapporteur has raised concerns about activists and protesters being imprisoned for long terms by military courts, following summary trials, who have been subjected to enforced disappearances, torture and other cruel, inhumane or degrading treatment or punishment, and prolonged arbitrary detention, without remedy. (A/HRC/53/38).

Freedom of movement

We would also like to emphasize that any restriction to the right to liberty of movement and the freedom to leave any country, including his/her own must be compatible with paragraph 3 of article 12 of the ICCPR, which establishes that restrictions are only acceptable if they are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the ICCPR. The imposition of travel bans as a means to limit the exercise of freedom of expression and of association is also not compatible with article 19(3) of the ICCPR.

We would also like to recall the recommendations of the Human Rights Committee in its concluding observations on the initial report of Pakistan, submitted on 23 August 2017 (CCPR/C/PAK/CO/1). In particular, we would like to refer to the Committee's recommendations concerning freedom of movement, whereby the State was urged to review legislation and policies relating to travel control lists with a view to bringing law and policy in this area into compliance with article 12 of the ICCPR, and to ensure that freedom of movement is not restricted on unjustified grounds (para. 30). Lastly, we would like to recall the Committee's recommendations concerning freedom of expression, and in particular, that the State should decriminalize defamation and ensure that criminal laws are not improperly used against dissenting voices (para. 38).

Due process and fair trial guarantees

We would also like to remind your Excellency's Government that the right to a fair trial, provided by article 14 of the ICCPR, applies to all courts and tribunals whether ordinary or specialized, civilian or military. In particular, article 14(1) of the ICCPR sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law. In addition, article 14(3) of the ICCPR guarantees the right of any individual charged with a criminal offence to have adequate time and facilities for the preparation of their defence, to communicate with counsel of their own choosing, and to be tried without undue delay.

While the ICCPR does not prohibit the trial of civilians in military courts, it requires that such trials are in full conformity with the requirements of article 14 and that its guarantees cannot be limited or modified because of the military or special character of the court concerned. Since the trial of civilians in military courts may raise

serious problems as far as the equitable, impartial and independent administration of justice is concerned, it is important to take all necessary measures to ensure that such trials are in conformity with the article 14 and that they remain exceptional, i.e. limited to cases where the State party can show that resorting to such trials is necessary and justified by objective and serious reasons, and where with regard to the specific class of individuals and offences at issue the regular civilian courts are unable to undertake the trials (CCPR/C/GC/32 para. 22).

Human Rights Defenders

We would like to refer your Excellency's Government 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, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 9, paragraph 1, which provides for the right to benefit from an effective remedy and to be protected in the event of the violation of those rights;
- and article 12, paragraphs 2 and 3, which provides that 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.

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 defence of human rights.

Furthermore, and as mentioned by the Special Rapporteur on Violence Against Women and Girls, some women in politics who 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).

Minority rights

We wish to refer to the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted in General Assembly resolution 47/135, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt measures to that end (article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4). Article 2 further establishes that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination and provides for the effective participation of minorities in cultural, religious, social, economic and public life, as well as in decision-making processes on matters affecting them.