

Mandates of 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 and the Special Rapporteur on the situation of human rights defenders

Ref.: AL PAK 5/2025
(Please use this reference in your reply)

6 May 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 52/9, 50/17 and 52/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the judicial harassment and potential criminalization of Ms. Imaan Zainab Mazari, in connection with her work as human rights lawyer.**

Ms. Imaan Zainab Mazari is a woman human rights defender and human rights lawyer advocating for victims of enforced disappearances, extrajudicial killings, arbitrary arrest and custodial violations. She has been active in promoting the rights of religious and ethnic minorities in Pakistan and documenting human rights violations by the Pakistan military and security forces.

According to the information received:

On 20 March 2025, Ms. Imaan Zainab Mazari was issued a summons by the Cyber Crimes Reporting Unit of the Federal Investigation Agency (FIA) in Lahore, to appear for an enquiry on the basis of a complaint reportedly filed by a religious leader. To date, the FIA has failed to provide the human rights lawyer with a copy of the complaint or clear details of the charges linked to the summons. It is alleged that due to previous and ongoing threats and judicial harassment concerning the woman human rights defender, it is possible that this summons could be used to pursue a fabricated charge of blasphemy which is punishable by death.

The issuing of this summons is part of a series of criminal actions taken against Ms. Mazari. On 20 August 2023, the woman human rights defender was arrested from her home at 3.30 a.m. without an arrest warrant by the Islamabad

Police. The arrest followed a speech that Ms. Mazari gave at a public rally on 18 August 2023, during which she criticized the Pakistani military for ongoing human rights violations. The First Information Report included charges under the Anti-Terrorism Act as well as accusations under section 124A (sedition), sections 148, 149, and 153 (incitement to riot), section 153A (promotion of enmity between groups), and section 506 (criminal intimidation) of the Pakistan Penal Code. Ms. Mazari was granted bail on 22 August for the charges issued against her under the Penal Code of Pakistan but remained imprisoned due to the additional charges of terror and sedition.

On 28 August 2023, the human rights lawyer was released on bail but was rearrested shortly after, as part of a separate case, on charges of attempting to interfere in State affairs and numerous charges under the Pakistan Penal Code. Charges in the First Instance Report included section 148 (rioting armed with a deadly weapon), section 149 (unlawful assembly), section 186 (obstructing a public servant in the discharge of public functions), section 188 (disobedience of an order by a public servant), section 341 (wrongful restraint), section 353 (assault or criminal force to deter a public servant from the discharge of his duty), section 395 (dacoity), section 440 (mischief committed after preparation made for causing death or hurt), and section 506(ii) (criminal intimidation), of the Pakistan Penal Code. On 2 September 2023, Ms. Mazari was released on bail by the Anti-Terrorism Court in Islamabad. The human rights lawyer continues to face charges in relation to these charges.

Without prejudging the accuracy of these allegations, we would like to express our deep concern that the most recent summons against Ms. Mazari, based on a complaint which the authorities refuse to share with the human rights lawyer, could be used to develop a fabricated case of blasphemy against her as a reprisal for her legitimate human rights activities and the exercise of her freedom of expression. This is especially concerning given the crime of blasphemy is punishable by death.

We are further concerned about the broader pattern of judicial cases brought against Ms. Imaan Mazari under the Counter Terrorism Act and Pakistan Penal Code. This pattern appears to be an arbitrary use of the legal system to harass and intimidate Ms. Mazari in retaliation for her work as a human rights lawyer seeking to advocate for victims of alleged human violations committed by the Pakistani military and authorities. If confirmed, these facts would be in breach of the guarantees to which lawyers are entitled in order to perform their professional functions without any threat, intimidation, harassment or interference, and without suffering, or being threatened with, prosecution or any administrative or disciplinary sanctions for actions undertaken in accordance with professional duties and ethical standards.

We further recall that counter-terrorism legislation and related penal sanctions should not be misused against individuals peacefully exercising their rights protected under the ICCPR, such as the right to freedom of opinion and expression and freedom of association and peaceful assembly. We respectfully reiterate our concerns about the charges filed against Ms. Mazari that seem to conflate her legitimate human rights work with terrorism, and risk undermining, and potentially criminalising, the work of human rights defenders in Pakistan more broadly.

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 including clear details of the charges linked to the summons.
2. Please provide detailed information to clarify the legal and factual basis of the summons issued to Ms. Mazari as well as previous criminal charges faced by the human rights lawyer. Please elaborate on any steps taken to prevent the abuse of counter terrorism laws to unduly restrict the work of human rights defenders and lawyers in Pakistan.
3. Please indicate what measures have been taken to ensure that human rights defenders, lawyers, and activists in Pakistan, including those working on enforced disappearances and minority rights, are able to carry out their legitimate work in a safe and enabling environment, without fear of threats or acts of intimidation, harassment or criminalization of any sort.

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.

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

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

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan on 23 June 2010. In particular, we would like to refer your Excellency's Government to article 14 of the ICCPR, which provides for the rights to be promptly informed of the reasons for the arrest and of any charges against him or her, to be brought promptly before a judge and that everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

In regard to the right to a fair trial, article 14 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. Article 14(2) provides the right of accused persons to be presumed innocent until proved guilty according to law. In addition, article 14(3) of the ICCPR provides a set of procedural guarantees that must be made available to persons charged with a criminal offence, including having adequate time and facilities for the preparation of his defence and to examine, or have examined, the witnesses against him.

Articles 19 and 21 of the ICCPR further guarantee the rights to freedom of opinion and expression, and of peaceful assembly.

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, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

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 states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, 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, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

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). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be “the least intrusive instrument among those which might achieve their protective function” (CCPR/C/GC/34, para. 34).

Similarly, the right to freedom of peaceful assembly under article 21 can be subjected to restrictions only as narrowly defined by the ICCPR, if such restrictions are clearly established by law for a legitimate aim and be “necessary in a democratic society” and proportionate to the achievement of the legitimate aim. There must be a ‘pressing social need’ for the interference in the enjoyment of these rights (A/HRC/20/27), and States have to ensure that any restrictive measures fall within the limit of what is acceptable in a “democratic society”.

“States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards [A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1]. The right of peaceful assembly is, moreover, a valuable tool that can and has been used to recognize and realize a wide range of other rights, including economic, social and cultural rights. It is of particular importance to marginalized individuals and groups. Failure to respect and ensure the right of peaceful assembly is typically a marker of repression” (CCPR/C/GC/37).

Due to Ms. Mazari’s profession as a lawyer, we would also like to refer your Excellency’s Government to principle 16 of the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 7 September 1990 which requires governments to take all appropriate measures to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, and to prevent that lawyers are threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

We further 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. Counter-terrorism measures must conform to fundamental requirements of legality, proportionality, necessity and non-discrimination. The wholesale adoption of security and counter-terrorism regulations with-out 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. 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. Countering terrorism should not be used as an excuse to suppress peaceful critics, human rights activists (A/HRC/RES/25/18).

In relation to the allegations indicating that the individual mentioned above is being targeted because of her activities defending human rights, 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.

We like to draw particular attention to the following provisions of the Declaration:

- article 9 paragraph (3) point c), which provides for the right to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms;
- article 11, which provides for the right of everyone, individually and in association with other, to the lawful exercise of their occupation or profession;
- and, article 12 paragraphs (2) and (3), which provide 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.