

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders**

REFERENCE: UA  
PAK 7/2016:

14 June 2016

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 25/2 and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged assassination of human rights defender and journalist, Mr. **Khurram Zaki**.

Mr. **Khurram Zaki** was a human rights defender, journalist and editor at **Let Us Build Pakistan (LUBP)**, an online news portal established to promote an inclusive and democratic Pakistan, and to support freedom of religion. Mr. Zaki campaigned for the rights of religious minorities and peace among religious groups in Pakistan including on social media, through which he campaigned against sectarian violence.

According to the information received:

In December 2015, Mr. Khurram Zaki led street protests demanding that a Lal Masjid (Red Mosque) cleric be arrested and charged with hate speech for allegedly justifying attacks such as a school massacre in Peshwar that took place on 16 December 2014.

In January 2016, Mr. Zaki lodged a complaint with the police against the abovementioned cleric, in Islamabad. The complaint referred to an audio message that was circulated on social media, in which the cleric appeared to incite sectarian hatred and violence against the Shia minority for leading a civil society campaign against him and the Red Mosque. The complaint however was dismissed by the police.

In April 2016, an online smear campaign began against Mr. Zaki and LUBP. A month later, on 7 May 2016, Mr. Zaki was assassinated outside a hotel in Karachi by two armed, unknown assailants on motorbikes. Two other people were badly wounded in the attack. A spokesman for a faction of the Pakistani Taliban stated

they were behind the shooting, and that Mr. Zaki was killed due to his recent campaign against the cleric of the Red Mosque.

Grave concern is expressed at the assassination of Mr. Khurram Zaki, which appears to be in direct retaliation for his legitimate human rights work and peaceful exercise of his rights to freedom of expression. Further serious concern is expressed for the security of the family of Mr. Zaki, and that they may face further threats following his assassination.

In connection with the above allegations, we would like to refer to articles 6 and 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan on 23 June 2010, which provide that every individual has the right to life and security of the person, that this right shall be protected by law, and that no person shall be arbitrarily deprived of his or her life; as well as the right to freedom of opinion and expression.

We would in this regard refer to resolution 12/16 of the Human Rights Council, which calls upon states to ensure that victims of violations of the right to freedom of expression have an effective remedy, to investigate effectively threats and acts of violence, including terrorist acts, against journalists, and to bring to justice those responsible to combat impunity.

We would moreover like to remind your Excellency's Government of the duty to investigate, prosecute, and punish all violations of the right to life. The Human Rights Committee in its General Comment 6, para. 3, has said that it considers article 6 (1) of the ICCPR to include that States parties should take measures to prevent and punish deprivation of life by criminal acts.

We also want to recall that the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (resolution 1989/65 Economic and Social Council) also establish States' duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions and the obligation to bring to justice all persons identified by the investigation as having participated in those executions. They also establish the obligation of States to ensure effective protection to those who receive death threats and are in danger of extra-legal, arbitrary or summary executions. They further recall that the families and dependents of victims of extra-legal, arbitrary or summary executions shall be entitled to fair and adequate compensation within a reasonable period of time.

In addition, we would like to refer to the state obligation to take effective measures, consistent with states' obligations under international human rights law, to address and combat incidents of racial and religious intolerance, discrimination and related violence, as well as of negative racial and religious stereotyping, as expressed in Human Rights Council resolution 12/16.

Furthermore, we would also like to refer to 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, articles 1 and 2 the Declaration 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. Moreover, articles 6 and 12 provide 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; and 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.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

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 any comment(s) you may have on the above-mentioned allegations.
2. Please provide the details, and where available the results, of any investigation carried out into the assassination of Mr. Zaki. If no inquiries have taken place, or if they have been inconclusive, please explain why. Please provide the full details of any prosecutions which have been undertaken in this case.
3. Please provide information about the justification for dismissing Mr. Zaki's complaint with the police in January 2016.
4. Please provide information about whether any investigation was carried out following the online smear campaign against Mr. Zaki and LUBP, and whether any measures were taken to guarantee his safety.
5. Please provide information about any measures taken or to be taken to guarantee the safety and security of Mr. Zaki's family.

6. Please indicate what measures have been taken to ensure that human rights defenders in Pakistan are able to carry out their legitimate work and exercise their right to freedom of expression in a safe and enabling environment without fear of threats or acts of intimidation, harassment or assassination of any sort.

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 responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

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

Michel Forst  
Special Rapporteur on the situation of human rights defenders