

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

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Excellency,

We have the honour to address you in our capacity as Working Group on Enforced or Involuntary Disappearances and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 27/1 and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of arbitrary arrest, detention, intimidation and travel ban issued against Mr. **Khurram Parvez** in alleged reprisal for cooperating with the United Nations human rights mechanisms.

Mr. Khurram Parvez is a human rights defender based in Srinagar, Indian-administered Kashmir. He is the spokesperson and programme coordinator of Jammu Kashmir Coalition of Civil Society human rights and civil society group, and presently the Chairperson of Asian Federation against Involuntary Disappearances (AFAD), a federation of 13 non-governmental organizations from 10 Asian countries which voices concerns on behalf of victims of enforced disappearances. In 2004 Mr. Parvez was victim to a blast of an IED and lost a leg as a consequence.

According to the information received:

On 14 September 2016, in the early hours, Mr. Khurram Parvez went to the New Delhi airport to travel to Geneva by Qatar airways, Flight No. QR57. He was scheduled to attend the 33rd session of the United Nations Human Rights Council in which the Working group on enforced or involuntary disappearances was presenting its annual report. He was also planning to brief the United Nations bodies and foreign missions on the human rights situation in Jammu and Kashmir. He was reportedly stopped at the immigration gate without any explanations, despite having valid travel documents, including a visa to travel to Geneva from 29 August to 3 October 2016. He was allegedly kept for close to two hours at the New Delhi international airport and ultimately informed that he would not be allowed to travel. It was further alleged that the Indian Intelligence Bureau may have barred Mr. Khurram Parvez's travel.

On 15 September 2016, at around 8:00 am, following his return to Srinagar, a contingent of police personnel headed by the Station House Officer reportedly

came to Mr. Khurram Parvez's residence and asked for him. Mr. Khurram Parvez, who was not present at the time, reportedly spoke to the officer by telephone and was informed that the Superintendent of Police, Sheikh Faisal wished to meet him. Mr. Khurram Parvez said he could meet with him the following day. But, at around 12:30 am of 16 September 2016, the police returned to his residence and allegedly took him to the Kothi Bagh police station where he remained detained. It is alleged that Mr. Khurram Parvez was detained, without receiving any formal arrest warrant or notifications, and in violation of his rights to information and legal counsel. It is further alleged that he was not provided with any written document, court order or the reasons for his arrest. Due to Mr. Parvez's medical condition he will require medical attention if he is kept for a prolonged time in detention.

It is believed that the alleged arbitrary detention of Mr. Khurram Parvez on 16 September 2016, was intended to intimidate and restrain his human rights work, in particular, concerning the documentation and litigation of human rights violations in Jammu and Kashmir and the submission of communications and urgent appeals to the Special Procedures on behalf of victims of human rights violations as well as the recent submission provided by his organization for the upcoming UPR review of India.

We express serious concern about the arbitrary arrest of Mr. Khurram Parvez which may be related to the legitimate exercise of his right to freedom of expression, and may constitute a retaliation for his legitimate activities as a human rights defender. Moreover, concern is expressed at allegations that the travel ban and detention appear to be an act of reprisal against Mr. Khurram Parvez for his cooperation with the United Nations, its representatives and mechanisms in the field of human rights.

While we do not wish to prejudge the accuracy of these allegations, we wish to draw your Excellency's Government attention to articles 13 (3) and 13 (5) of the Declaration on the Protection of all Persons from Enforced Disappearance, which requires that steps be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal; and 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.

We would also like to recall that, in its resolution 7/12, the Human Rights Council urged Governments to take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they might be subjected.

We would like to draw your Excellency's Government's attention to article 12 and 19 of the International Covenant on Civil and Political Rights, which provide for the right to liberty of movement, including the right to leave any country, including his own; as well as the right to freedom of opinion and expression. Any restrictions to these rights must comply with the provisions of the ICCPR, namely they can only be imposed on legitimate grounds, and must conform to the strict tests of necessity and proportionality. It is not compatible with articles 12(3) and 19(2) to impose travel bans as a measure to silence human rights defenders and their legitimate exercise of the right to freedom of expression.

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, 2, 6 and 8.

Furthermore, we wish to reiterate that Human Rights Council in its resolutions 12/2 and 24/24 urges Governments to prevent and refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them. Resolution 24/24 urges States to take all appropriate measures to prevent the occurrence of reprisals, including by adopting and consequently implementing specific legislation and policies and by issuing appropriate guidance to national authorities in order to effectively protect those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights from any act of intimidation or reprisal.

We would also like to refer your Excellency's Government to article 19 of the ICCPR which provides to everyone the right to freedom of expression; including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or [www.wgeid.org](http://www.wgeid.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 Mr. Khurram Parvez in compliance with the above international instruments.

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide information on the reasons for not allowing the abovementioned person to travel.
3. Please provide information concerning the legal grounds for the arrest and detention of the abovementioned person and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR. Please provide information on whether all detainees have access to family members, legal counsel, and medical personnel.
4. Please indicate what measures have been taken to respect and protect Mr. Parvez's right to communicate freely and without reprisals with the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council and Universal Periodic Review.

We undertake to ensure that your Excellency's Government's response will be available in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Khurram Parvez are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

We would also like to inform your Excellency's Government that we are reserving the right to publicly express our concerns in the near future as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

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

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

Michel Forst  
Special Rapporteur on the situation of human rights defenders