

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

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Dear President, Prime Minister, Chief Minister and Interior Minister,

Re: Enforced disappearances of Salman Haider, Waqas Goray, Aasim Saeed, Ahmed Naseer and Samar Abbas.

Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers and other human rights defenders who promote human rights and the rule of law internationally through advocacy, legal research and education. LRWC also campaigns for lawyers and other human rights defenders in danger because of their advocacy. LRWC has Special Consultative status with the Economic and Social Council of the United Nations.

LRWC is alarmed and gravely concerned by the reported enforced disappearances of five human rights defenders and bloggers that took place between 4 and 7 January 2017 in various cities across Pakistan.

Enforced Disappearance of Waqas Goray and Aasim Saeed

On 4 January 2017, according to reports from Shahzad Ahmad, head of the cybersecurity NGO Bytes for All, Waqas Goray and Aasim Saeed went missing in Lahore. Waqas Goray and Aasim Saeed were vocal critics of the Pakistani military and helped run the Facebook page called Mochi. According to Aasim

Enforced disappearance of Salman Haider, Waqas Goray, Aasim Saeed, Ahmed Naseer and Samar Abbas.

Saeed's father, his son was abducted from his home in Lahore by four unidentified men who arrived in a pickup truck and took him by force.¹ Waqas Goray was abducted the same day, according to his relatives.

Enforced Disappearance of Salman Haider

Two days later, on 6 January 2017, Salman Haider went missing in Islamabad. According to his brother, Salman's wife was expecting her husband to return that evening when she received a text message from his phone telling her that he was leaving his vehicle on the Islamabad Expressway. The police later located his vehicle and found no sign of Mr. Haider. Salman Haider is a human rights defender, a poet and a lecturer at Fatima Jinnah Women's University. He was also the editor of *Tanqeed*, an online magazine critical of the Pakistani army.² He is well known for speaking out about human rights violations in Pakistan. A fellow human rights blogger recalled that Mr. Haider "could be heard and read at any occasion. From Shia killings to the APS massacre, from attacks on the Hazara community to the plight of missing persons in Balochistan, he was the voice of the voiceless, the armour of the defenceless".³ The Interior Minister Chaudry Nasir Ali Khan has ordered an investigation into the disappearance of Salman Haider. The Safe City Project identified a Toyota Surf and a Toyota Vigo as the vehicles used by five persons who came to pick up Dr. Salman Haider.⁴

Enforced Disappearance of Ahmed Naseer

On 7 January 2017, Ahmed Naseer was abducted from his family's shop in Punjab, according to his relatives. Mr Naseer is said to be the voice behind the anti-conservative @bhensaa Twitter account, which was removed from Twitter over the weekend.⁵

Enforced Disappearance of Samar Abbas

The same day, Samar Abbas, President of the Civil Progressive Alliance Pakistan (CPAP), went missing while on business in Islamabad. Abbas is a Karachi-based activist who advocated against atrocities committed against minority groups, and recently participated in the Clean Karachi campaign alongside late Pakistani musician Junaid Jamshed.⁶ Known to be in constant contact with his family, Samar Abbas was reported missing after his cell phone was switched off on 7 January. He has not been heard from since.⁷

Since these disappearances, the "websites/accounts of three of the four missing have gone blank, while that of the fourth, Salman Haider, was still in operation until Monday evening".⁸ The individuals disappeared have been accused of blasphemy by media outlets for their vocal opposition to religious intolerance in Pakistan. They have been outspoken about human rights issues, alleged human abuses by

¹ Jon Bonne, Disappearances sparks fears of crackdown on left wing dissent in Pakistan, *The Guardian*, 10 January 2017. <https://www.theguardian.com/world/2017/jan/10/pakistan-military-critics-dissappearances-dissent-crackdown>

² Jon Bonne, Disappearances sparks fears of crackdown on left wing dissent in Pakistan, *The Guardian*, 10 January 2017. <https://www.theguardian.com/world/2017/jan/10/pakistan-military-critics-dissappearances-dissent-crackdown>

³ Suleman Akhtar, Salman Haider's disappearance won't silence our voices, *The Dawn*, 10 January 2017. <http://www.dawn.com/news/1307460/>

⁴ Azaz Syed, Where did two vehicles used for kidnapping Haider go?, *The News*, 10 January 2017. <https://www.thenews.com.pk/print/178094-Where-did-two-vehicles-used-for-kidnapping-Haider-go>

⁵ Wajahat S. Khan, Activist who criticized government vanishes in Pakistan, *NBC News*, 9 January 2017. <http://www.nbcnews.com/news/world/activists-who-criticized-government-vanish-pakistan-n704711>

⁶ Hamza Rao, Another activist goes missing amid global uproar, *Daily Pakistan Global*, 13 January 2017. <https://en.dailypakistan.com.pk/pakistan/another-activist-goes-missing-amid-global-uproar/>

⁷ CPAP President and activist Samar Abbas now reported missing. *Daily Times*, 11 January 2017. <http://dailytimes.com.pk/pakistan/11-Jan-17/cpap-president-and-activist-samar-abbas-now-reported-missing>

⁸ Azaz Syed, Where did two vehicles used for kidnapping Haider go?, *The News*, 10 January 2017. <https://www.thenews.com.pk/print/178094-Where-did-two-vehicles-used-for-kidnapping-Haider-go>

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the Pakistani Military and extremism. Protests have erupted across Pakistan demanding the immediate recovery of these human rights defenders and bloggers. The enforced disappearances have been condemned internationally by numerous human rights organizations.

LRWC calls on the Government of Pakistan to ensure the immediate location and safe recovery of human rights defenders and bloggers, Salman Haider, Waqas Goray, Aasim Saeed, Ahmed Naseer and Samar Abbas. LRWC calls on the Government of Pakistan to ensure independent and effective investigations, followed by prosecutions and trials of the suspects identified, as mandated by Pakistan's international and domestic legal obligations.

Pakistan's International Law Obligations:

Pakistan's international law obligations arise from the *International Convention on Civil and Political Rights* (ICCPR), *Universal Declaration of Human Rights* (UDHR) and other instruments including the *UN Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (Declaration on Human Rights Defenders). As member of the UN, Pakistan has agreed to respect the right to life and other fundamental freedoms, such as the right to freedom of expression guaranteed by Articles 19 of the UDHR and the ICCPR. Rights to life and security of the person and to effective remedies for violations are guaranteed by the UDHR and the ICCPR. Article 3 of UDHR guarantees that "[e]veryone has the right to life, liberty and security of person," and Article 8 of UDHR states that: "[e]veryone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law".

The UN Declaration on Human Rights Defenders⁹ provides:

Article 1: "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels".

Article 2: "Each state has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms".

Article 9 (5): "The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is a reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction".

Article 12 (1): "Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms".

Article 12 (2): "The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any

⁹ UN General Assembly, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: resolution / adopted by the General Assembly, 8 March 1999, A/RES/53/144, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RightAndResponsibility.aspx>. The Declaration, while not in itself a binding instrument, is based on human rights standards enshrined in other international instruments that are legally binding including the ICCPR. The Declaration was adopted by consensus of the General Assembly and thus represents a unanimous commitment by States to its implementation

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 present Declaration”.

Pakistan has legal duties to prevent and punish enforced disappearance as part of its obligation to ensure rights to life, liberty and security of the person. The Declaration to Protect all People from Enforced Disappearances, (Declaration)¹⁰ confirms state duties to effectively prevent and punish enforced disappearances as an integral part of obligations under the ICCPR and UDHR to ensure rights to liberty and security of the person, freedom from torture, and equal protection of the law. The Declaration also confirms that, “[n]o 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.”

Pakistan is required take immediate action to ensure the lives, safety and freedom of Salman Haider, Waqas Goray, Aasim Saeed, Ahmed Naseer and Samar Abbas. Failure to act quickly and effectively to protect the lives and safety of those disappeared, would itself constitute a violation of the ICCPR. As determined by the UN Human Rights Committee,

[t]here may be circumstances in which a failure to ensure Covenant rights as required by Article 2 would give rise to violations by States Parties of those rights, as a result of States Parties' permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.¹¹

Pakistan must also respect and enforce the provisions of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Pakistan signed on 17 April 2008.

Recommendations:

LRWC calls on the Government of Pakistan to immediately:

1. Take all steps necessary to locate and secure the release and safe return of Salman Haider, Waqas Goray, Aasim Saeed, Ahmed Naseer and Samar Abbas.
2. Ensure independent, competent and effective investigations of each of the disappearances;
3. Ensure prosecutions and fair trials, in accordance with law, of all suspects identified by the investigations;
4. Create, in cooperation with the Human Rights Commission of Pakistan and civil society, a “First Response Service,” resourced to provide immediate protection to human rights defenders that may be in danger because of their work;
5. Ensure compliance with all relevant provisions of the UDHR, ICCP, CAT and Declaration on Human Rights Defenders.

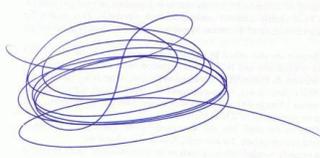
Please advise LRWC of the actions that the Government of Pakistan is taking or has already taken to remedy the enforced disappearances of Salman Haider, Waqas Goray, Aasim Saeed, Ahmed Naseer and Samar Abbas.

LRWC awaits your response.

¹⁰ UN General Assembly, A/RES/47/133,

¹¹ Human Rights Committee, General Comment No. 31 on Article 2 of the Covenant: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc. CCPR/C/74/CRP.4/Rev.6, 21 April 2004, para. 8.

Sincerely,



Gail Davidson, Executive Director, LRWC

and

Hanna Bokhari Case Monitor for Pakistan LRWC

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