



No.Sp/Proc/1/2023

The Permanent Mission of the Islamic Republic of Pakistan presents its compliments to the Special Procedures Branch of Office of the High Commissioner for Human Rights (OHCHR) and with reference to the joint communication No. AL PAK 7/2023 dated 5 October 2023, has the honour to forward the enclosed response of the Government of Pakistan.

The Permanent Mission of the Islamic Republic of Pakistan avails itself of this opportunity to renew to the Special Procedures Branch of Office of the High Commissioner for Human Rights the assurances of its highest consideration.

**Encl:** As above



Special Procedures Branch  
Office of the High Commissioner for Human Rights (OHCHR)  
Geneva

**Attention:**  
(Beatriz Balbin), Chief Special Procedures Branch (OHCHR)

**Response by the Government of Pakistan to the Joint Communication No. AL**  
**PAK 7/2023 dated 5 October 2023**

Pakistan's Constitution guarantees basic right of all citizens to life, protection from unlawful deprivation of personal liberty, and freedom of expression and opinion, among other fundamental rights and freedoms. To enforce these constitutionally guaranteed rights and freedoms, robust judicial and institutional mechanisms of oversight and remedies are available and fully functional.

The Government of Pakistan is fully determined to pursue the unfortunate murder of Mr. Arshad Sharif so that justice is delivered and those found responsible for this heinous act be held to account.

The Government invites the UN Special Procedures' special attention to the complexity of the case as the crime took place in Kenya beyond the sovereign boundaries of the State of Pakistan.

The Government is in close contact with the relevant authorities in Kenya. Cooperation by the Kenyan Government is crucial to the early conclusion of the case's criminal investigation on whose sovereign territory Mr. Sharif's basic right to life was violated. It is hoped that Kenya expedites the ongoing investigation process, in accordance with its domestic laws and procedures. In this regard, the Special Procedures' engagement with the Kenyan Government on the case is well-noted.

In line with constitutional guarantees and fundamental rights of all Pakistani citizens, numerous measures have been taken regarding the case despite its extra-territorial nature. A summary of these measures is outlined below:

- I. The Supreme Court of Pakistan took "Suo Moto" cognizance of the case on 05 December 2022, and directed the Government to initiate criminal investigation through establishment of a Special Joint Investigation Team (SJIT).
- II. In compliance with the Court's order, the Government constituted the Special Joint Investigation Team on 07 December 2022, comprising senior officers from law enforcement and security agencies.
- III. The SJIT has already started the investigation, and has been submitting progress reports to the Supreme Court. As of now, 05 progress reports have been submitted to the Supreme Court. The investigation of this case is being conducted by the SJIT in a methodical manner by dividing it into three phases i.e. investigation in Pakistan, investigation in Dubai, U.A.E. and investigation

in Kenya. The first phase (i.e., investigation in Pakistan) has been extensively covered but the second and third phase remain work in progress as it is dependent on assistance and cooperation of the two sovereign States.

IV. To carry out its mandate, the SJIT has visited U.A.E. and Kenya from 15 to 31 January 2023. In Dubai, SJIT met the Crime Investigation Department (CID) officials of Dubai, who were provided with the request asking requisite information / evidence, essential to establish facts about issues raised around Mr. Sharif's stay in Dubai and then his subsequent travel from Dubai to Kenya.

V. In Kenya, the SJIT had met Inspector General of Police, Kenyan National Police, Director of Public Prosecution (DPP) and Director Independent Policing Oversight Authority (IPOA). It was stressed by SJIT that investigation in Kenya, the place of crime, is the most vital part as other two phases i.e., investigation in Pakistan and Dubai, U.A.E. are also linked to the evidence, to be collected in Kenya. The Kenyan authorities have been sensitized by the SJIT that the murder investigation cannot be concluded without proper investigation of the crime scene as well as all other persons connected with the crime scene. It may also be relevant to mention that hosts of Mr. Arshad Sharif in Kenya are the prime suspects of the SJIT and are yet to be investigated. The Federal Investigation Agency (FIA) of Pakistan has requested INTERPOL on 19 May 2023 to issue a Red Notice for the prime suspects.

VI. To expedite evidence-sharing, the Government has proposed a Mutual Legal Assistance (MLA) Agreement to Kenya, which has been formally submitted to Kenya by the Ministry of Interior of Pakistan on 14 June 2023. The proposed MLA Agreement is pending with Kenya at the moment. It is important to underline that Kenyan Government had itself suggested to have an MLA Agreement first before processing of the MLA request, sent by Pakistan for the case.

VII. The SJIT has proposed another visit to Kenya to take its investigation forward and in this regard, a Mutual Legal Assistance (MLA) request has also been forwarded to Kenya. The MLA request is pending with the relevant Kenyan authorities. The proposed visit of the SJIT is linked with expeditious approval of the MLA request.

VIII. The SJIT is also in touch with relevant authorities of the U.A.E. Government. The SJIT has sent a formal MLA request for evidence-sharing, which, we understand, is being processed by the U.A.E. side.

IX. The SJIT has been in contact with Mr. Sharif's family since the beginning of its investigation and have also consulted them many times. With a view to facilitating Mr. Sharif's family, the SJIT has itself visited Mr. Sharif's residence twice for meeting his family. His family has been assured by the SJIT that all their reservations will be definitely investigated. It may also be pertinent to mention that one member of the SJIT has been specifically assigned as a focal person for staying in constant contact with Mr. Sharif's family.

X. The Government is also pursuing the case with U.A.E. and Kenya through diplomatic channels at the highest level possible, including through the Prime Minister of Pakistan, Foreign Minister of Pakistan, Foreign Secretary of Pakistan as well as the Ambassadors of Pakistan in both the countries. The SJIT has also met thrice the High Commissioner of Kenya in Islamabad and requested for expediting the process so the SJIT may be able to visit Kenya at the earliest possible. At the political level, the Kenyan Government has assured cooperation in the case.

Regarding the First Information Reports (FIRs) brought against Mr. Arshad Sharif before his death, it is underlined that that the FIRs were processed in full compliance with Pakistan's domestic legal framework, and in conformity with international human rights standards.

According to Pakistan's legal framework, registration of an FIR on receipt of a complaint by police is a criminal law procedure with many attached remedies. Only on basis of concrete evidence collected through a thorough and objective investigation, police can arrest the accused.

Contrary to the allegations contained in joint communication, 08 FIRs (instead of 16) were registered against Mr. Sharif by private citizens. As per law of the land, investigations were initiated pursuant to these FIRs. However, Mr. Sharif was neither charged nor arrested in any of these cases. In fact, the Islamabad High Court had provided Mr. Sharif protective/pre-emptive bail. A detailed investigation report regarding this issue has also been submitted by the SJIT to the Supreme Court.

In accordance with law of the land and like all Pakistani citizens, the Government is fully committed to protecting privacy and reputation of Mr. Sharif's family against any smear campaign or harassment. Domestic legal remedies are available to Mr. Sharif's family in this regard. The Government will respond to any complaint lodged by Mr. Sharif's family and take action as per law.

The alleged threats prior to Mr. Sharif's murder have been extensively investigated by the SJIT and report in this regard has been submitted to the Supreme Court of Pakistan. During investigation, it was concluded by the SJIT that the threat alert by the Counter Terrorism Department, Khyber Pakhtunkhwa (KP) was issued without any tangible intelligence. Upon questioning by the SJIT, the concerned officials of the Counter Terrorism Department KP were not able to produce any supportive evidence about the intelligence contained in the threat alert.

In accordance with Article-19 of Pakistan Constitution, the Government has taken wide-ranging legal, policy and institutional measures to provide a safe and enabling environment so that journalists can carry out their legitimate work. At the same time, in line with Article 19 (3) of ICCPR, Pakistan remains convinced that duties and responsibilities germane to the exercise of right to freedom of expression and opinion must be fully respected and upheld.

Pakistan has a free media, which continues to contribute to and shape public discourse on all political, social and economic issues of national interest. Therefore, the assumption, contained in the joint communication, that Mr. Sharif's unfortunate murder was in some way linked with his journalistic work seems far-fetched and unsubstantiated. The fact that a large number of journalists continue to independently report on the topics on which Mr. Sharif used to work is a solid proof that the civic space for journalists in Pakistan remains robust.

For sake of record, the Government would like to register its serious reservations about the joint communication as a whole, which is primarily based on hearsay, and speculation, and not on objective, independent and verifiable facts, fulfilling evidentiary standards. In this connection, the UN Special Procedures are encouraged to follow the guidelines elaborated in the Code of Conduct (Human Rights Council resolution 5/2).

The above notwithstanding, it is emphasized that the Supreme Court of Pakistan remains fully seized of the case and despite its extra-territorial nature, domestic remedies have yet to be exhausted. The establishment of a high-powered investigative team in the form of SJIT as well as the Supreme Court's direct oversight of the SJIT's mandate are extraordinary measures, which demonstrate Pakistan's firm commitment to pursue the case until justice is delivered. Once the investigation into the killing of Mr. Arshad Sharif is completed, all culprits found involved will be held accountable as per law.

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