

# Lawyers' Rights Watch Canada

*NGO in Special Consultative Status with the Economic and Social Council of the United Nations*

## **Pakistan: Lawyers Rights Watch Canada (LRWC) applauds the courageous integrity of Pakistan lawyers on the Long March. LRWC supports Pakistan lawyers' advocacy to restore the judiciary and the Constitution and their opposition to state lawlessness.**

**June 12, 2008:** LRWC joins lawyers and others taking part in the Long March of Lawyers in calling for:

1. The reinstatement of all judges removed from office by the Provisional Constitution Order No. 1 of 2007, November 3 2007 in accordance with the Murree Declaration; and
2. The rescission of all laws, including amendments to the *Constitution of the Islamic Republic of Pakistan* (Constitution), purporting to come into force under authority of the *Proclamation of Emergency Declaration* of November 3, 2007, the *Provisional Constitutional Order No. 1 of 2007* and the *Oath of Offices (Judges) Order, 2007*
3. Withdrawal of charges laid after November 3/07 against lawyers and others for protesting the imposition of martial law including charges of high treason, sabotage, destroying public property and maintenance of public order.
4. Strict adherence by Pakistan officials to laws validly in force prior to November 3, 2007 and to applicable international standards protecting the independence of lawyers and judges including those embodied in the UN *Basic Principles on the Role of Lawyers*<sup>1</sup> and the *Basic Principles on the Independence of the Judiciary*.<sup>2</sup>

The government of Pakistan government must take all measures necessary to protect the safety of all people participating in the March and to protect the rights and duties of the lawyers to engage in public advocacy.

### **Background**

The duty of lawyers in Pakistan, as in Canada, is to 'uphold the rule of law and the rights of freedoms of all people'. Lawyers must, in the performance of their professional duties, put themselves in the frontline of upholding the law as an instrument of justice and opposing the use of the law to repress rights or prevent remedies for violations. Pakistan lawyers are doing just that. The integrity of all legal systems—including that in Pakistan--depends on the state ensuring that lawyers are protected from being harmed or restricted as a result of their advocacy.

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<sup>1</sup> Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990. [www.lrwc.org/documents/Pakistan.LRWC.Statement.to.UNHRC.Mar.08.doc](http://www.lrwc.org/documents/Pakistan.LRWC.Statement.to.UNHRC.Mar.08.doc)

<sup>2</sup> Adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.

The principle that States must safeguard the freedom of lawyers to vigorously perform their professional duties towards both clients and causes, is found in many international instruments binding on Pakistan including, the *Universal Declaration of Human Rights*,<sup>3</sup> the *Basic Principles of the Role of Lawyers*,<sup>4</sup> the *Declaration on Human Rights Defenders*<sup>5</sup> and the *International Covenant on Civil and Political Rights*.

The purpose of the Long March is to focus attention on the necessity of restoring to office all the judges – including Supreme Court Chief Justice Iftikhar Chaudhry – unconstitutionally removed on and after November 3, 2007 and of restoring the Constitution. This is a valid exercise of freedom of speech and assembly guaranteed by the Constitution, Articles 19 and 16.

Pakistan's Interior Ministry chief, Rehman Malik, has promised, "We will facilitate these lawyers," Malik said. "We will not stop them from coming to Islamabad."<sup>6</sup> The government of Pakistan is responsible to protect the marchers from attack by opponents and hope that the government will do so. We are grateful that Interior Minister Malik has made this statement, and trust that he will fulfill his promise and his responsibilities.

LRWC is concerned that reports of government forces erecting barricades and blocking traffic in Islamabad may presage a repeat of the violence against and arrest of thousands of advocates protesting illegal actions by government forces during 2007.

LRWC calls on the government to prevent unlawful arrests and detentions, the use of violent force by police and army and the use of agent provocateurs to instigate or provoke violence against the marchers. LRWC calls on the government of Pakistan to immediately take all necessary measures to prevent actions by any parties that may cause violence to the marchers.

*Lawyers Rights Watch Canada* is a committee of Canadian lawyers who promote human rights and the rule of law internationally by providing support to lawyers and other human rights defenders in danger because of their advocacy. LRWC is an NGO in Special Consultative Status with the Economic and Social Council of the United Nations. Earlier LRWC statements on Pakistan: <http://www.lrwc.org/pub1.php>

## CONTACTS

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<sup>3</sup> G.A. Res. 217A (III), U.N. GAOR, 3<sup>rd</sup> Sess., Supp. No. 13, UN Doc. A/810 (1948) 71 [hereinafter UDHR].

<sup>4</sup> U.N. Doc. A/CONF. 144/28/Rev. 1 at 118 (1990) [hereinafter Basic Principles].

<sup>5</sup> *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* Adopted by the United Nations General Assembly in 1999.

<sup>6</sup> Associated Press, June 10, 2008; contributing writers: Khalid Tanveer in Multan and Asif Shahzad in Islamabad.