

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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Friday, March 06, 2015

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Mr. Mian Nawaz Sharif
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Mr. Shahbaz Sharif
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Chief Minister's Secretariat
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Dear President, Prime Minister and Chief Minister;

Murder of lawyer Rashid Rehman Khan

Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers 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.

Background

LRWC sent a letter to you on 14 May 2014 regarding the murder of prominent human rights lawyer Rashid Rehman Khan, who was murdered on 7 May 2014 for representing Professor Junaid Hafeez on charges of blasphemy under the Pakistan Penal Code. Mr. Rehman's human rights advocacy over 31 years included: advocating against Pakistan's blasphemy laws; representing countless people in cases involving human rights; and serving as the South Punjab Special Task Force coordinator for the Human Rights Commission of Pakistan.

Prior to his murder, Rashid Rehman Khan had received death threats that had been reported to the responsible Pakistan authorities. Almost a month before the murder, while in court defending Junaid Hafeez, three men threatened, "You will not come to court next time because you will not exist anymore." Mr. Rehman reported this threat and published a statement saying, "My life is under threat and the prosecution served me life threats in front of the judge during the blasphemy

case trial in jail. If I am assassinated, Zulfiqar Sindhu, former sessions judge Sajjad Chohan and Ayub Mughal will be responsible.” Neither the Pakistan police nor any other Government of Pakistan authorities took any measures to protect Mr. Rehman or to investigate this or other threats.

In response to the murder of Rashid Rehman Khan, human rights specialists around the world demanded that the Government of Pakistan ensure the identification and punishment of the perpetrators through effective investigation, prosecutions and trials. Demands were made by: the UN High Commissioner of Human Rights, FORUM-ASIA and its 47 member organizations, the Network for Improved Policing in South Asia and 10 endorsing organizations, Amnesty International, LRWC, Lawyers for Lawyers and the Law Society of Upper Canada Human Rights Monitoring Group. The UN Office of the High Commissioner of Human Rights stated,

We condemn the killing of Rehman and urge the Government to ensure a prompt investigation and to bring the perpetrators to justice. Pakistani authorities have the responsibility to ensure that human rights defenders, lawyers and journalists are able to carry out their work without fear of intimidation, harassment and violence.¹

In spite of the information provided by the victim himself, calls from human rights specialists around the world, and the legal obligation to bring the perpetrators to justice, the Government of Pakistan has failed or refused to investigate the suspects named by Mr. Rehman—reportedly because of their positions—and has not identified any other suspects.

Legal Obligations to Investigate and Remedy Murder

As a member of the United Nations (30 September 1947), the Government of Pakistan is obliged to respect the rights recognized by the *Universal Declaration of Human Rights* and to comply with all the provisions of the *International Convention on Civil and Political Rights* (ICCPR) which was ratified by Pakistan on 23rd June 2010. Under the ICCPR Pakistan has the twin duties to ensure enjoyment of the right to life (Article 6) and to conduct effective investigations of violations (Article 2)—in this case murder of a widely respected lawyer for representing a client charged with blasphemy.

The *Constitution of the Islamic Republic of Pakistan, 1973, As Amended by the Constitution Twentieth Amendment Act, 2012* repeats this legal duty to ensure the right to life. Article 9 provides, “No person shall be deprived of life or liberty save in accordance with law.”

The UN Human Rights Committee has confirmed that a failure to properly investigate violations of protected rights such as the right to life is itself a violation of the ICCPR.

There 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

¹ Press briefing notes on South Sudan, Pakistan and Venezuela, Spokesperson for the UN High Commissioner for Human Rights: Rupert Colville, 9 May 2014.

diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.²

The *Principles on the Effective Prevention and Investigation of Extra Legal, Arbitrary and Summary Executions* specifically requires states to properly investigate murders. Paragraph 9 requires states to ensure a

...thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions... to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death.³

The Economic and Social Council recommended that the *Principles on the Effective Prevention and Investigation of Extra Legal, Arbitrary and Summary Executions* be respected by states and taken into account within the framework of national laws and practice.⁴

Conclusions

The murder of Rashid Rehman Khan and injury of his colleagues triggered Pakistan's legal obligation to ensure timely, independent and effective investigations followed by prosecutions and trials of the suspects identified.

LRWC again calls on the Government of Pakistan to immediately ensure:

1. Investigation of the murder of Rashid Rehman Khan that is independent of the Criminal Justice Branch of the Government of Pakistan and of the Ministries in charge of prosecutors, police and other state authorities accused of responsibility for failing or refusing to provide protection or for complicity in the murder;
2. A thorough and impartial investigation of the suspects identified by the victim;
3. Prosecution and trial of the suspected perpetrators of the threats and of the murder;
4. Investigations by the Human Rights Commission of Pakistan to:
 - a/ determine why no protection was provided to Mr. Rehman;
 - b/ identify state authorities responsible for failing or refusing to provide protection;
 - c/ recommend such other civil and/or criminal remedies as are appropriate.
5. Creation of a 'First Response Service' resourced to provide immediate protection to lawyers and other human rights defenders who report being in danger because of their work, in cooperation with the Human Rights Commission of Pakistan, Bar Associations and civil society;
6. Compliance with all provisions of the ICCPR and UDHR;
7. Publication of a statement by the President and the Prime Minister that unambiguously condemns the murder of Rashid Rehman Khan and threats against

² 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.

³ United Nations, *Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*, 24 May 1989, paragraph 9, available at:

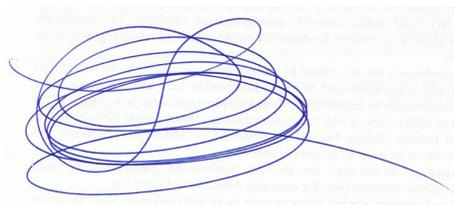
<http://www.unhcr.org/refworld/docid/3ae6b39128.html> [accessed May 2010]

⁴ Economic and Social Council Resolution E/RES/1989/65 of 24 May 1989, Article 1.

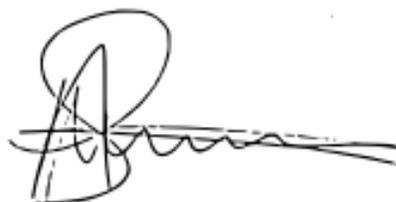
lawyers representing people charged with blasphemy and outlines the Government of Pakistan's commitment to identify and punish perpetrators.

Please advise LRWC of the actions that the Government of Pakistan has/is taking to remedy the murder of Rashid Rehman Khan. LRWC awaits your response.

Sincerely,



Gail Davidson, Executive Director, LRWC



Avi Sharma, LRWC Case Monitor

Copied to:

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