

# 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

[www.lrwc.org](http://www.lrwc.org) – [lrwc@portal.ca](mailto:lrwc@portal.ca) – Tel: +1 604 736 1175 – Fax: +1 604 736 1170  
3220 West 13<sup>th</sup> Avenue, Vancouver, B.C. CANADA V6K 2V5

Thursday, June 18, 2015

Mr. Mamnoon Hussain,  
President of Pakistan,  
President's Secretariat,  
Islamabad, Pakistan  
Email: publicmail@president.gov.pk

Mr. Mian Nawaz Sharif,  
Prime Minister,  
Prime Minister House Islamabad, Pakistan  
Email: secretary@cabinet.gov.pk;  
pspm@pmsectt.gov.pk

Mr. Sindh Syed Qaim Ali Shah,  
Chief Minister, Government of Pakistan  
Chief Minister's Secretariat,  
Jeelani House, Khairpur, Pakistan

Dear President, Prime Minister and Chief Minister:

**Re: Murder of Human Rights Activist Sabeen Mahmud**

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 condemns the murder of Sabeen Mahmud, a prominent human rights activist and founder of T2F (The Second Floor) and Peace Niche—an NGO promoting democratic discourse and conflict resolution. T2F, a project of PeaceNiche, is a café and bookstore in Karachi used as a community space for education and dialogue. On 24 April, Ms. Mahmud had hosted Unsilencing Balochistan (Take 2) at T2F to discuss forced disappearances in Balochistan. The event was attended by the vice-chair of Voice for Baloch Mission and others affected by enforced disappearances. The participants viewed parts of the documentary “Missing in Pakistan”. As Sabeen Mahmud, accompanied by her mother, was leaving the event by car, gunmen on a motorcycle fatally shot her and severely injured her mother.

Ms. Mahmud was initially scheduled to host Unsilencing Balochistan (Take 2) at T2F on 9 April 2015 at the Lahore University of Management Sciences. However, at the last minute the talk was cancelled due to pressure from government officials. Sabeen Mahmud had received threats prior to the event and both her moderator and an associate journalist withdrew from the event in response to fear. Sabeen Mahmud decided to postpone the event to 24 April 2015. She

was shot shortly after the event and her mother was severely injured. She is the latest victim in the chain of murders of legal staff that have been occurring in Pakistan.

Human rights specialists around the world have demanded that the Government of Pakistan ensure the identification and punishment of the perpetrators of the murder of Sabeen Mahmud through effective investigation, prosecutions and trials. The United States and the European Union have condemned the killing. The Women's Human Rights Defenders International Coalition stated, "[w]e urge the Pakistani authorities to conduct a prompt, thorough and transparent investigation into the murder of Sabeen Mahmud and perpetrators brought to justice in accordance to international standards of fair trials, without recourse to the death penalty." Chief Minister Sindh Syed Qaim Ali Shah has also directed the Karachi police Chief Ghulam Qadir Thebo to collaborate a prompt arrest of the killers at any cost.

In spite of these calls for effective action and the fact there being several suspects, no progress has been reported. There is concern that the success of this murder investigation will be hampered by the political interference present in past cases. Reports indicate that many people speaking against or exposing the torture and killing of missing persons in Balochistan have suffered some form of harm or threat. Human Rights Watch (HRW) chronicled 45 cases of enforced disappearance that "show a persistent pattern of enforced disappearances perpetrated by Pakistan's security forces against ethnic Baloch suspected of involvement in the Baloch nationalist movement." HRW reported that the primary perpetrators were "Pakistan's intelligence agencies and Frontier Corps, often acting in conjunction with local police". This claim was echoed the 2009 conclusion of Commission of Pakistan that "the perpetrators of enforced disappearances are intelligence agencies and security forces." The HRW report concluded that "[t]he security forces have continued to behave with the same impunity that they enjoyed under the military government of President Gen. Pervez Musharraf.

In the majority of these cases, authorities have done nothing to either provide protection to those threatened or to conduct the investigations and prosecution necessary to identify and punish perpetrators. The murder of Sabeen Mahmud is no exception, and many have no faith in the commitment of Pakistan authorities to identify the perpetrators through investigation, prosecution(s) and trial(s).

### **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 the 23<sup>rd</sup> of 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 human and social rights activist for publicizing the torture and murder of missing persons in Balochistan.

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

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.

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.

## **Conclusions**

The murder of Sabeen Mahmud and severe injury to her mother triggered Pakistan's legal obligation to implement timely, independent and effective investigations followed by the necessary prosecutions and trials of the potential suspects.

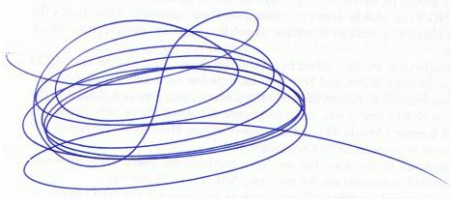
LRWC calls on the Government of Pakistan to immediately:

1. Launch an independent investigation from the Criminal Justice Branch of the Government of Pakistan and of the Ministries in charge of prosecutors, police and other state authorities who either failed or refused to provide protection or for being complicit in the murder of Sabeen Mahmud;
2. Launch a thorough and impartial investigation of the potential suspects that have been called upon by activists and NGOs;
3. Prosecute and try the suspected perpetrators who murdered Sabeen Mahmud and severely injured her mother;
4. Launch an investigation by the Human Rights Commission of Pakistan to (a) initiate a reform to address the failures of the justice system that perpetuates in the chain of murders of legal staff in Pakistan; (b) identify state authorities who withhold the responsibility to conduct thorough investigation; (c) recommend such other civil and or criminal remedies as are appropriate;
5. Create a 'First Response Service' resource in cooperation with the Human Rights Commission of Pakistan, Bar Associations and civil society to provide immediate protection to lawyers and other human rights defenders who report being in danger because of their work;
6. Comply with all provisions of the ICCPR and UDHR;
7. Publish a statement by the President and the Prime Minister that unambiguously


condemns the murder of Sabeen Mahmud and threats against activists who aim to publicize 'missing persons' cases in Balochistan and outline 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 Sabeen Mahmud. LRWC awaits your response.

Sincerely,

A blue ink handwritten signature consisting of several overlapping loops and a long horizontal tail.

Gail Davidson, Executive Director, LRWC

A black ink handwritten signature with a large, stylized initial 'A' and a long horizontal tail.

Avi Sharma, LRWC Case Monitor

Copied to:

Gabriela Knaul  
UN Special Rapporteur on the Independence of Lawyers and Judges  
E-mail: SRindependenceJL@ohchr.org;

Ms. Zohra Yusuf  
Chairperson, Human Rights Commission of Pakistan,  
Lahore, Pakistan  
Email: hrcp@hrcp-web.org

Mr. Zeid Ra'ad Al Hussein  
UN High Commissioner of Human Rights  
Email: civilsociety@ohchr.org;

Mr. Nigel Rodley  
Chairperson, The Human Rights Committee of the United Nations  
Email: civilsociety@ohchr.org;

Mr. Christof Heyns  
UN Special Rapporteur in extrajudicial, summary and arbitrary executions  
Email: eje@ohchr.org;

Greg Giokas, High Commissioner to the Islamic Republic of Pakistan  
Islamabad, Pakistan  
Email: isbad@international.gc.ca; greg.giokas@international.gc.ca;

Zamir Akram  
Pakistan's Ambassador to the UN Human Rights Council in Geneva  
Rue de Moillebeau, Geneva  
Email: mission.pakistan@ties.itu.int