

**BRIEFING NOTE  
FOR INFORMATION  
TREASURER/BENCHERS  
Date: January 23, 2020**

**EVENT NAME:** *International Day of the Endangered Lawyer: The Role of Lawyers, Paralegals, Judges and Advocates in Defending the Rule of Law in Pakistan*

**HOST ORGANIZATION(S):** Law Society of Ontario, Lawyers' Rights Watch Canada, Human Rights Watch and Amnesty International

**EVENT DETAILS:**

Friday, January 24, 2020

Program: 4:00 -5:30 p.m. / Lamont Learning Centre [This program is available by live webcast]

Reception: 5:30-6:30 p.m. / Convocation Hall

Osgoode Hall, 130 Queen St. W., Toronto

**DRESS CODE:** Business

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This briefing note provides event and background information for the Law Society's annual International Day of the Endangered Lawyer program. This information is presented as follows:

- Event Background
- Agenda
- Audience
- Event Participants (biographies)
- Background Information on Partner Organization

## **EVENT BACKGROUND**

The International Day of the Endangered Lawyer – January 24 of each year— is a time to reflect on the work of the members of the legal profession who face persecution, physical danger and reprisal in defending and advocating for the rights of the most vulnerable individuals and communities around the world. On this day, January 24, 1977, four trade union lawyers and an employee were murdered in their office in Madrid, Spain, simply for doing their job, during the transition to democracy following Franco’s death, a dictator who had ruled Spain for decades.

However, the occasion as is marked today, was only established in 2010. After a fact-finding mission to the Philippines in 1990, where they learned of cases of lawyers being threatened, intimidated and murdered, Dutch-nationals Hans Gaasbeek and partner Symone Gaasbeek-Wielinga, were inspired to rally like-minded lawyers and legal organizations in advocating for their endangered colleagues around the world. This led to the formation of The Day of the Endangered Lawyer Foundation, directed by Hans, and to the first commemoration of the Day of the Endangered Lawyer in 2010.

The occasion is an opportunity to highlight issues around human rights, the rule of law and the state of endangered members of the legal profession in a specific country. On this special day, lawyer organizations and bar associations around the world are asked to:

- raise awareness about the number of lawyers who are being harassed, silenced, pressured, threatened, persecuted, tortured and murdered for doing their work; and
- initiate, or further develop a national discussion about ways to protect lawyers.

The selection of a focus country is made by a consortium of international lawyer organizations and bar associations, led by The Day of the Endangered Lawyer Foundation, which includes Lawyers’ Rights Watch Canada. In past years, the Day has focused on the following countries: China, Colombia, Egypt, Honduras, Iran, the Philippines, Spain/Basque Country and Turkey.

This year’s focus is Pakistan. In recent years, lawyers, paralegals, judges and human rights advocates have been subjected to a series of serious and concerning life-threatening situations, including acts of mass terrorism, murder, attempted murder, assaults, death threats, arrests, harassment and intimidation in the execution of their professional duties.

One of the most notorious attacks on lawyers occurred in August 2016, when terrorists attacked the Government Hospital of the city of Quetta with a suicide bombing and shooting, which resulted in the death of 56 lawyers. The perpetrators of attacks against lawyers have been terrorists, religious zealots, the police and unreported sources.

The situation of Christian lawyers and members of minority Muslim Shia community are also of great concern.

In an increasingly number of cases, lawyers have been violently attacked because of their association with their clients and their clients’ causes. It has been reported that many lawyers defending their clients on charges of blasphemy have been subject to retribution

perpetrated by religious zealots. According to an Al Jazeera report in November 2018, 74 people have been killed in violence associated with blasphemy allegations since 1990.

In response to all these repeated attacks, lawyers frequently strike, demonstrate and hold boycotts.

### **Human Rights Monitoring Group**

Through the Human Rights Monitoring Group, the Law Society of Ontario has issued 7 letters of intervention and made 9 public statements, between 2007 and 2019, raising awareness about gross human rights violations involving judges, lawyers, and human rights advocates in Pakistan.

The Law Society has previously hosted events to mark this occasion. In 2018, we hosted a program with a particular focus on Egypt in partnership with Lawyers' Rights Watch Canada and Human Rights Watch.

In 2019, the country of focus was Turkey. Although the Law Society did not host an event specifically marking the day, as Lawyers' Rights Watch Canada organized its own event in Vancouver, where its headquarters are, an article was published in the *Gazette* noting that the Human Rights Monitoring Group had intervened in a number of cases involving members of the legal profession in Turkey. The *Gazette* article also noted that "the Law Society biennially hosts an event to commemorate the International Day of the Endangered Lawyer, and the next presentation will take place in January 2020."

# AGENDA

**PROGRAMME 4:00 - 5:30 p.m.**  
Donald Lamont Learning Centre

**3:30 - 4:30 ARRIVALS/REGISTRATION**

**4:00 - 4:05 WELCOMING REMARKS - Teresa Donnelly**

- Chair, Human Rights Monitoring Group & Bencher, Law Society of Ontario

**4:05 - 4:10 INTRODUCTION OF SPEAKERS - Gavin Magrath**

- Chair, Lawyers' Rights Watch (Legal Research) Canada & Director, Lawyers' Rights Watch Canada

**4:10 - 4:20 VIDEO RECORDING MESSAGES -**

**Saif ul-Malook (TBC)**

- Pakistan-based defence lawyer & legal representative of Asia Bibi

**Beena Sarwar**

- Pakistan-based journalist and filmmaker

**4:20 - 5:15 PANEL DISCUSSION -**

**Moderator & Panelist: Mariam Mufti**

- Assistant Professor, Department of Political Science, University of Waterloo

**Other Panelists:**

**Abdul (Hamid) Bashani Khan**

- Lawyer, Abdul Hamid Khan Law Office, Mississauga

**Ferry de Kerckhove, 2<sup>nd</sup> Lt. Ret, Armed Corps**

- Canadian High Commissioner to Pakistan, 1998-2001;  
Ambassador to Indonesia and Timor Leste, 2001-2003;  
Ambassador to Egypt, 2008-2011;

& Honorary Senior Fellow at the Graduate School of Public and International Affairs, University of Ottawa

**Haroon Siddiqui**

- Editor Emeritus of the *Toronto Star* Editorial Page &

Member of the Order of Canada

**5:15 - 5:30 AUDIENCE Q & A**

**5:30 - 5:35 CLOSING REMARKS - Marian Lippa**

- Member, Human Rights Monitoring Group & Bencher, Law Society of Ontario

**RECEPTION 5:30 - 6:30 p.m.**  
**Convocation Hall**

**5:45-5:50 WELCOMING REMARKS**

**Tanya Walker**

- Member, Human Rights Monitoring Group & Bencher, Law Society of Ontario

**Malcolm M. Mercer**

- Treasurer, Law Society of Ontario

**5:50-6:30 RECEPTION CONTINUES**

- The speakers, and a number of their colleagues from the Law Society of Ontario, Lawyers' Rights Watch Canada, Human Rights Watch and Amnesty International will be available at the reception, to speak to participants about the subject matter

**6:30 p.m. RECEPTION CLOSES**

## **AUDIENCE**

As of January 21, 2020, 525 members of the legal profession, our partner organizations and the general public have RSVP'd to follow the programme. Out of 525 RSVPs, 180 have indicated that they will attend in person. The remainder will participate via webcast.

## **TOPICS FOR PANEL DISCUSSION**

1. The judiciary is the most weakened of Pakistan's institutions, yet sufficiently robust to have sparked the most recent transition in Pakistan from a military to a civilian democratic regime. Why does the judiciary find itself in this current situation—struggling with lack of independence and not enjoying the confidence of the public?
2. One of the most commonly cited explanations for the judiciary's lack of independence is the institutional legacy of four military regimes in Pakistan. What role has the military had in shaping the present-day culture of governance, with particular reference to the integrity and independence of the judiciary?
3. Over the past several years, lawyers in Pakistan have been subjected to acts of mass terrorism, murder, attempted murder, assault (death threats), contempt proceedings, harassment and intimidation in the execution of their professional duties. They have been arrested, detained, tortured and in some cases their families have also been harassed.

What are the most important factors explaining why lawyers find themselves in such a precarious situation? Panelists will probably bring up 3 factors: Blasphemy and honour killing cases; religious extremism, and terrorism.

4. Pakistan has one of the strictest anti-blasphemy laws in the world. According to the Center for Social Justice, between 1987 and 2017, 1500 people were charged with blasphemy and at least 75 people involved in accusations of blasphemy were killed. Lawyers defending cases of blasphemy are at even higher risk of being persecuted as we heard from Beena Sarwar and from lawyer Saif-ul-Malook. Can you explain to our audience why blasphemy is such a hot-button issue in Pakistan?
5. Lawyers are also endangered in Pakistan due to constant threats from ISIS and Pakistani militant organization Tehrik-e-Taliban as we saw in the killing of Bilal Anwar Kasi, president of the Balochistan Bar Association in 2016. What are these religious militant groups hoping to achieve through these targeted killings and how can lawyers be protected from these attacks?

6. Lawyers defending cases of karo kari (honor killings) in Pakistan, also find themselves targeted. On the one hand it is important to discuss why the judicial system is so heavily riddled with gender disparities in the prosecution of these cases. But secondly, why is there so much resistance against eliminating this archaic practice and how are the lawyers implicated?
  
7. To what extent have lawyers contributed to the challenges facing the Rule of Law in Pakistan? According to the New York Times: “in recent years, lawyers in Pakistan have not shied from resorting to violence and taking the law into their hands. Lawyers have attacked judges over disagreements during court hearings. Clashes with police are frequent.” (<https://www.nytimes.com/2019/12/12/world/asia/pakistan-lahore-lawyers-attack.html>)
  
8. In order to bring this discussion to its conclusion can each of you shed some light on the role that Canadian lawyers and paralegals might play in supporting their colleagues in Pakistan?

## **BIOGRAPHIES OF EVENT PARTICIPANTS BASED ON THE ORDER OF PARTICIPATION**



### **GAVIN MAGRATH**

- Chair, Lawyers' Rights Watch (Legal Research) Canada & Director, Lawyers' Rights Watch Canada

Gavin is a Toronto-based lawyer whose private practice focuses on Canadian litigation liability arising out of international transportation and logistics activities. He has represented forwarders, carriers, ship owners, and cargo interests in litigation and dispute resolution. Gavin's pro bono and public interest practice includes research and litigation support for international human rights and crown liability cases, as well as acting as counsel or providing direct pro bono legal services to non-profit and charitable organizations.

He has served as a Director of Lawyers' Rights Watch Canada and its sister organization, Lawyers' Rights Watch (Legal Research) Canada since 2015, authoring research and letters in cases as Alberto Nisman (Argentina) and a report to the United Nations Committee Against Torture regarding the case of Omar Khadr (Canada). Gavin has made representations to a number of sessions of the United Nations Human Rights Council in Geneva, Switzerland.

He obtained his J.D. at Dalhousie University and his LL.M at the University of Toronto, as well as undergraduate degrees in Commerce and in Philosophy at Queen's University.



### **SAIF UL-MALOOK**

- Pakistan-based defence lawyer & legal representative of Asia Bibi

Saif ul-Malook, who will be delivering a video message recording to our event, was targeted with death threats after he obtained an acquittal on appeal of his client, Asia Bibi, a Christian woman who had been on death row from 2010-2018 after her conviction for blasphemy. When Bibi's appeal was successful, crowds rioted throughout Pakistan calling for her death, ul-Malook as her legal representative and the judges that acquitted her. Bibi fled Pakistan and received asylum in Canada in May 2019.

Mr. ul-Malook fled to the Netherlands in 2018 and remained there for a period of time following threats to his life. The Law Society of Ontario, through its Human Rights Monitoring Group, issued a public statement in January 2019, expressing grave concern about the death threats against him. The statement urged Pakistani authorities to "comply with Pakistan's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers and Universal Declaration of Human Rights*."

Mr. ul-Malook returned to Pakistan in 2019 and is again risking his life by representing on appeal other convicts and those sentenced to death on blasphemy charges.





## BEENA SARWAR

- Pakistan-based journalist and filmmaker

Ms. Sarwar is a journalist, artist and filmmaker from Pakistan focusing on human rights, gender, media and peace. She is currently the Pakistan Editor of *Aman ki Asha (Hope for Peace)* initiative that aims to develop peace between the countries of India and Pakistan.

Prior to her current position, Ms. Sarwar worked as an assistant editor to a number of Pakistani-based publications and newspaper. She has also produced a number of television shows.

Ms. Sarwar holds a BA degree in Art and Literature from Brown University, Boston and a MA degree in TV documentary from Goldsmiths College, London. She was also a Fellow at the Carr Centre for Human Rights Policy at Harvard University in 2007.



## MARIAM MUFTI

- Assistant Professor, Department of Political Science, University of Waterloo

Dr. Mariam Mufti studies the politics of hybrid regimes, with a particular focus on the role of the military, political parties, and identity in the processes of recruitment and selection of the political elite in Pakistan. She has published articles in peer-reviewed journals such as *Comparative Politics*, *Politics and Governance* and *Journal of Women, Politics, and Policy*. Dr. Mufti has also co-edited Pakistan's *Political Parties: Surviving between Dictatorship and Democracy* (with Niloufer Siddiqui and Sahar Shafqat, forthcoming with Georgetown University Press in 2020). Her current book project is *Recruitment and Regime Instability in Pakistan* (under contract with Palgrave Macmillan).

Apart from academic research, she has considerable policy-relevant consultancy experience, having authored monographs on democratic development, political parties and religious extremism for the Asia Foundation, the Center for Strategic International Studies (CSIS) and the Department for International Development (DFID). Dr. Mufti has also written over 25 articles for widely-read international newspapers, magazines and blogs on politics in South Asia. In keeping with her interest in undemocratic, hybrid regimes, she has also appeared in a 6-part series *The Dictator's Playbook* on PBS (released in 2018).



### **ABDUL (HAMID) BASHANI KHAN**

- Lawyer, Abdul Hamid Khan Law Office, Mississauga

Mr. Khan is a lawyer, writer, human rights activist, and a political analyst. His regular columns appear in several Urdu language newspapers in North America and Pakistan. He is author of several books. He is host and analyst on several South Asian news channels based in the GTA.



### **FERRY DE KERCKHOVE, 2<sup>ND</sup> LT. RET., ARMED CORPS**

- Canadian High Commissioner to Pakistan, 1998-2001; Ambassador to Indonesia and Timor Leste, 2001-2003; Ambassador to Egypt, 2008-2011; & Honorary Senior Fellow at the Graduate School of Public and International Affairs, University of Ottawa

Mr. De Kerckhove was born in Belgium in 1947. After attending secondary school in France, he completed his military service in 1965-66 (2<sup>nd</sup> Lieutenant Tanks). He has a B.Soc. Sc. Honours in Economics, an M.A. in Political Science from the University of Ottawa and pursued Ph.D. Studies at Laval University in Québec City. Ferry has published several papers on international relations as well as on the relationship between the Muslim world and the West in specialized journals.

After working as an intern at the United Nations Development Programme (UNDP), Ferry became a Researcher at the Québec Centre for International Relations and then later headed up the International Security Section at the Canadian Institute for International Affairs (Québec section).

In September 1973, Ferry entered the Canadian Foreign Service. Between 1973 and 2011, he served in various roles at the Ministry of Foreign Affairs as well as overseas, including:

- 1974-1976 - Iran as Third Secretary to the Canadian Embassy
- 1981-1985 - NATO HQ in Belgium as Economic Counsellor at the Canadian Delegation
- 1992-1995 - Russia as Minister and Deputy Head of Canadian Mission
- 1998-2001 - Pakistan as Canadian High Commissioner
- 2001-2003 - Indonesia & Timor Leste as Canadian Ambassador
- 2008-2011 - Egypt as Canadian Ambassador

Between 2006 and 2008, he also served as Personal Representative of the Prime Minister for the Francophonie.



### **HAROON SIDDIQUI**

- Editor Emeritus of the *Toronto Star* Editorial Page & Member of the Order of Canada

Mr. Siddiqui is the Editorial Page Editor Emeritus of the *Toronto Star*, Canada's largest newspaper and a Senior Fellow at Massey College, University of Toronto. He has just completed a three-year stint as Distinguished Visiting Professor at Ryerson University.

He has reported or supervised coverage of Canada for nearly 50 years, through nine prime ministers and eight premiers in two provinces. He has also reported from nearly 50 countries, including the Middle East and, especially, India and Pakistan.

Mr. Siddiqui is a recipient of the Order of Canada; the Order of Ontario; an honorary doctor of letters from York University; the National Press Club's UNESCO Award; four citations of the National Newspaper Awards; and numerous community honours from a wide range of civic groups across the country.

He has served as director or in other capacities at the Canadian Newspaper Association, Canadian Managing Editors Conference, Canadian Civil Liberties Association, Advertising Standards Canada, the Ontario Press Council, Canadian Club Toronto, and the Urdu Literary Society of Canada.

Mr. Siddiqui is also a former president of PEN Canada and an elected member of the board of PEN International, the writers' group that stands for free speech, and has 145 chapters in 101 countries.

## **BACKGROUND INFORMATION ON PARTNER ORGANIZATIONS**

### **LAWYERS' RIGHTS WATCH CANADA**

Lawyers Rights Watch Canada (LRWC) is a committee of Canadian lawyers who promote human rights and the rule of law by providing support internationally to human rights defenders in danger. LRWC promotes the implementation and enforcement of international standards designed to protect the independence and security of human rights defenders around the world.

In its work, LRWC:

- campaigns for lawyers whose rights, freedoms or independence are threatened as a result of their human rights advocacy;
- produces legal analyses of national and international laws and standards relevant to human rights abuses against lawyers and other human rights defenders; and
- works in cooperation with other human rights organizations.

LRWC was incorporated as a non-profit society on June 8, 2000 and Lawyers' Rights Watch (Legal Research) Canada – LRW(LR)C – was incorporated January 2, 2002, pursuant to the provisions of the *Canada Corporations Act*. LRW(LR)C's mandate is mainly to conduct legal research on jurisprudence, national laws and international laws and standards related to the integrity of legal systems and the right of lawyers and other human rights defenders to engage in independent advocacy. Both organizations are run by volunteers and funded solely by membership fees and donations from individuals. Donations are gratefully accepted.

### **HUMAN RIGHTS WATCH**

Human Rights Watch is a non-profit, non-governmental human rights organization made up of roughly 400 staff members around the globe. Its staff consists of human rights professionals including country experts, lawyers, journalists, and academics of diverse backgrounds and nationalities.

Established in 1978, Human Rights Watch is known for its accurate fact-finding, impartial reporting, effective use of media, and targeted advocacy, often in partnership with local human rights groups. Each year, Human Rights Watch publishes more than 100 reports and briefings on human rights conditions in some 90 countries, generating extensive coverage in local and international media.

With the leverage this brings, Human Rights Watch meets with governments, international governing bodies, financial institutions, and corporations to press for changes in policy and practice that promote human rights and justice around the world.

### **Canada Committee**

The Canada Committee seeks to increase awareness of local and global human rights issues and enlist the public and governments to support basic rights for all. Committee members meet regularly to learn about human rights crises and policies and support Human Rights Watch through outreach, education and fundraising initiatives.

Founded in 2002, the Canada Committee is composed of more than 50 opinion leaders from a variety of backgrounds. It was launched out of the belief that an informed and engaged constituency is essential for the defense of fundamental freedoms.

Canada Committee members have access to regular briefings by Human Rights Watch investigators, senior government officials, and informed observers. These sessions provide a unique and sophisticated perspective on breaking news and today's most serious global problems. Canada Committee members strengthen Human Rights Watch and its global defense of essential liberties by contributing financially, attracting potential supporters, and promoting the organization's message and concerns.

## **AMNESTY INTERNATIONAL**

**7 million supporters** - Amnesty International is the world's largest human rights movement, with more than 7 million supporters in more than 150 countries.

**20,500 Urgent Actions** - Amnesty International has issued more than 20,500 Urgent Actions highlighting specific human rights appeals and 10,500 Urgent Action follow-ups since the programme started in 1973.

**Democratic movement** - Amnesty International is a democratic movement shaped by elected representatives from around the world.

**Established in 1961** - Amnesty International was established in 1961 by Peter Benenson, a London lawyer.

**3,300 research missions 17,000 reports** - Amnesty International has conducted more than 3,300 research missions and published more than 17,000 reports about human rights around the world between 1961 and the end of 2010.

**State of the world's human rights report** - Amnesty International's annual report on the state of the world's human rights has been published every year since 1961 and is produced in more than 25 languages.

**Offices in 80 countries** - Amnesty International has offices in 80 countries, including in Canada.

**Prisoners of conscience** - Amnesty International has campaigned for prisoners of conscience since its inception, and is currently working for their release in at least 48 countries around the world.

**Amnesty International's iconic logo** - Amnesty International's iconic logo of a candle wrapped in barbed wire was inspired by the ancient Chinese proverb: "It is better to light a candle than to curse the darkness", reflecting Peter Benenson's hope that its work would shine a light in the darkest of places where human rights abuses go unpunished.

**Nobel Prize winner** - Amnesty International won the Nobel Peace Prize in 1977 for “having contributed to securing the ground for freedom, for justice, and thereby also for peace in the world”.