

# Lawyers' Rights Watch Canada

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

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Dear President, Prime Minister and Minister,

## **RE: Pakistan: Duty to protect lawyer Saif Ul Malook**

Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers and other human rights defenders who promote international human rights, the rule of law, and the integrity of legal systems through advocacy, education and legal research. LRWC is a volunteer-run NGO in Special Consultative Status with the Economic and Social Council of the United Nations (UN).

LRWC is alarmed by the recent death threats against lawyer Saif Ul Malook. Mr. Malook is a prominent lawyer who defends persons charged with blasphemy. He has been receiving death threats after the acquittal of his clients, Shagufta Kausar and Shafqat Emmanuel, a Christian couple who were sentenced to death for blasphemy in 2014. On 3 June 2021 the Lahore High Court overturned their death sentence and called for their release. Mr. Malook had also received death threats after the acquittal of his client, Asia Bibi, in 2018, who had also been sentenced to death for blasphemy.

The Government of Pakistan has an international and domestic law obligation to protect and ensure the lives and the personal and professional safety of lawyers in Pakistan, including Mr. Saif Ul Malook. Pakistan, as a member of the UN, has an obligation to protect the right to life

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guaranteed by the *Universal Declaration of Human Rights* (UDHR)<sup>1</sup> and the *International Covenant on Civil and Political Rights* (ICCPR), which Pakistan ratified on 23 June 2010.<sup>2</sup>

We also draw to your attention the UN *Basic Principles on the Role of Lawyers* which sets out international norms requiring States to provide lawyers the personal and professional protection necessary to enable them to carry out their professional duties free from fear of reprisals.

Article 16 states as follows:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Further, the *Basic Principles on the Role of Lawyers* state in Article 17, “Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.”

The *Constitution of the Islamic Republic of Pakistan* states in Article 9 that “No person shall be deprived of life or liberty save in accordance with law.”<sup>3</sup>

UN treaty bodies<sup>4</sup> and the UN Human Rights Council’s Special Procedures<sup>5</sup> have long expressed concerns about Pakistan’s violations of human rights, including anti-blasphemy laws that violate Pakistan’s international human rights obligations, and have called on Pakistan to ensure protection of religious minorities.

We remind you that Pakistan has been an elected member of the UN Human Right Council since January 2018. As a member of the Council, Pakistan is required to “uphold the highest standards in the promotion and protection of human rights” in accordance with General Assembly Resolution 60/251.<sup>6</sup>

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<sup>1</sup> UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

<sup>2</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

<sup>3</sup> United Nations, *Basic Principles on the Role of Lawyers*, 7 September 1990, available at: <https://www.ohchr.org/en/professionalinterest/pages/roleoflawyers.aspx>.

<sup>4</sup> Human Rights Committee, Concluding observations on the initial report of Pakistan, CCPR/C/PAK/CO/1, 23 August 2017, Para 33, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/PAK/CO/1&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/PAK/CO/1&Lang=En)

<sup>5</sup> See, e.g. Human Rights Council, Report of the Special Rapporteur on freedom of religion or belief, A/HRC/40/58, 5 March 2019, available at: <https://undocs.org/A/HRC/40/58>.

<sup>6</sup> UN General Assembly, *Human Rights Council : resolution / adopted by the General Assembly*, 3 April 2006, A/RES/60/251, available at [https://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251\\_En.pdf](https://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf).

LRWC calls on the Government of Pakistan to:

1. Immediately provide protection and ensure the safety of lawyer Saif UI Mulook so he can continue to carry out his professional obligations without threat or intimidation or fear for his life;
2. Ensure a prompt, thorough, independent and impartial investigation of all threats against Said UI Malook, and ensure an independent and impartial prosecution all suspected perpetrators;
3. Unequivocally publicly denounce all public calls for the murder of lawyer Saif UI Mulook.
4. Comply with all provisions of the UDHR, ICCPR and Basic Principles on the Role of Lawyers.
5. Repeal the criminal blasphemy laws and bring criminal laws that unlawfully curtail freedom of thought, conscience and religion into compliance with Pakistan's international human rights obligations.

We would appreciate receiving information as to all actions being taken by the Government of Pakistan to provide protection and ensure the safety of lawyer Said UI Malook. We look forward to your response.

Yours sincerely,

[signed]

Hanna Bokhari  
LRWC Pakistan Monitor

[signed]

Catherine Morris, BA, JD, LL.M  
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