

# 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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Wednesday, May 14, 2014

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Dear President, Prime Minister, Federal Minister of the Interior, Chief Minister of Punjab, Minister of Law, Justice and Human Rights

**Re: Murder of Rashid Rehman Khan and injury to Nadeem Parwaz and Afzal.**

On 7 May **Rashid Rehman Khan was murdered** and his colleagues **Nadeem Parwaz and Afzal** were injured by two unidentified gunmen who stormed the law office of Rashid Rehman Khan and shot the lawyers. Rashid Rehman Khan, a prominent human rights lawyer, had been threatened with death if he continued to represent a university lecturer charged with blasphemy. Rashid Rehman Khan had advocated against blasphemy laws, in favour of religious freedom and against repression of religious minorities. One of the threats (“you will not come to court next time because you will not exist anymore.”) was made in court and in the presence of the sitting judge by four men: two of whom are lawyers.

The Government of Pakistan (GOP) received notice when Rashid Rehman Khan promptly reported these death threats and the names of three of the men making the threat to the following authorities: the Punjab Chief Minister, the Inspector General of Punjab Police, the Multan City Police and the District Bar Association. On 10 April the Human Rights Commission of Pakistan reported the threats to the Punjab government. State officials took no action to punish or restrain the perpetrators or to protect Rashid Rehman Khan. The state’s failure to act in the face of clear evidence of imminent harm is shocking.

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The murder of Mr. Khan signals a crisis in Pakistan representing as it does a failure by the GOP to prevent lawless vigilantism against people peacefully exercising freedom of expression and to provide effective and timely protection to lawyers in jeopardy as a result of their lawful human rights advocacy. In addition to failing to take any action to protect the life of Rashid Rehman Khan, the GOP has apparently not acted to quell, or even discourage, lawless and brutal vigilantism against people—such as Rashid Rehman Khan—peacefully promoting religious tolerance and respect for freedoms of religion, expression and other human rights.

As a member of the United Nations since 30 September 1947 and a state party to the *International Convention on Civil and Political Rights (ICCPR)* ratified 23 June 2010, Pakistan has a legal duty to take effective measures to ensure the right to life of all persons and to take measures to effectively prevent and punish violations. The duty to specifically protect the lives and the personal and professional safety of lawyers is integral to Pakistan's duty under the *ICCPR* to ensure that all persons have effective access to legal services and to justice. A particular duty to provide protection to lawyers vulnerable to attack has also been identified.

Reports to government authorities of death threats against **Rashid Rehman Khan** for representing a client accused of blasphemy triggered Pakistan's legal duty arising from the *Universal Declaration on Human Rights (UDHR)* and the *ICCPR* to ensure the life of **Rashid Rehman Khan** by providing effective protection and restraining those making the threats. The murder of **Rashid Rehman Khan** and injury of his colleagues triggered Pakistan's legal duty to ensure timely and effective investigations followed by the prosecution and trial of the suspects. The United Nations Human Rights Committee (HR Committee), in a case involving a lawyer in Colombia, concluded that the State's failure to investigate a reported threat was itself a violation of the state's obligation to protect the victim's right to life, pursuant to Article 6(1) of the *ICCPR*.<sup>1</sup>

The UN *Basic Principles on the Role of Lawyers*<sup>2</sup> (*Basic Principles*) elaborate on the duty of States to effectively protect the safety of lawyers. Unanimously adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba (7 September 1990), the *Basic Principles* were subsequently endorsed by the United Nations General Assembly, which "urged States to respect them and to take them into account within the framework of their national legislation and practice". Principle 17 of the *Basic Principles* provides that "where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities".<sup>3</sup>

Pakistan has violated its international law obligations by failing to:

1. Provide effective protection to **Rashid Rehman Khan**;

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<sup>1</sup> UN Human Rights Committee, *Communication No 859/1999: Colombia*, 15 April 2002, CCPR/C/74/D/859/1999 (Jurisprudence), at § 7.3 available at : <http://www.unhchr.ch/tbs/doc.nsf/0/b8708c80eebec9ec1256c1b004c520f?Opendocument>: "With regard to the author's claim that article 6, paragraph 1, was violated insofar as the very fact that an attempt was made on his life is a violation of the right to life and the right not to be arbitrarily deprived of life, the Committee points out that article 6 of the Covenant implies an obligation on the part of the State party to protect the right to life of every person within its territory and under its jurisdiction. In the case in question, the State party has not denied the author's claims that the threats and harassment which led to an attempt on his life were carried out by agents of the State, nor has it investigated who was responsible. In the light of the circumstances of the case, the Committee considers that there has been a violation of article 6, paragraph 1, of the Covenant". (emphasis added)

<sup>2</sup> OHCHR, *Basic Principles on the Role of Lawyers*, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 1990, U.N. Doc. A/CONF.144/28/Rev.1, available at <http://www2.ohchr.org/english/law/lawyers.htm> [Basic Principles].

<sup>3</sup> *Ibid*, at Principle 17.

2. Restrain the suspects identified by **Rashid Rehman Khan** through the use of arrest and prosecution powers;
3. Conduct a timely investigation and ensure the appropriate civil and criminal remedies;
4. Promote respect for freedom of religion, freedom of expression and tolerance for religious pluralism;
5. Prevent lawless vigilantism.

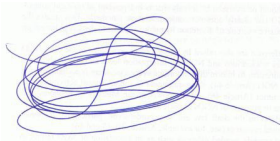
Pakistan's failure to take effective—or any—action to protect **Rashid Rehman Khan** or to prevent execution of the threat contributed to the death of a worthy human rights advocate. The GOP's failure also significantly undermines and adversely affects in Pakistan: (a) the safety of all lawyers representing unpopular cases; (b) the right and duty of all lawyers to represent clients without fear or interference; (c) the right of citizens to legal representation; (d) equal access to justice by people in controversial cases; and (e) remedies for victims of rights violations.

LRWC calls on the Government of Pakistan to promptly ensure:

1. Investigation of the murder of Mr. Khan that is independent of the Criminal Justice Branch of the GOP and of the Ministries in charge of prosecutors, police and other state authorities accused of responsibility for failing or refusing to provide protection;
2. Prosecution and trial of the suspected perpetrators of the threats and of the murder;
3. Investigation by the Human Rights Commission of Pakistan to: a/ determine why no protection was provided to Mr. Khan; b/ identify state authorities responsible for failing or refusing to provide protection; c/ recommend civil and/or criminal remedies;
4. Such other civil and 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 believe themselves to be in jeopardy because of their work, in cooperation with the HRCP, Bar Associations and civil society;
6. Compliance with all provisions of the *ICCPR* and *UDHR*.

Thank you for your attention to this grave matter.

Sincerely,



Gail Davidson, Executive Director, LRWC

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