

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

Re: Attempted murder of human rights lawyer Shahbaz Gormani

On December 3rd, 2014 several gunmen on motorcycles attacked the Multan residence of *Mr. Shahbaz Gormani*, a lawyer defending a university lecturer against blasphemy charges. Mr. Gormani is acting as defence council for *Professor Junaid Hafeez* after previous council and prominent human rights lawyer [Rashid Rehman](#), was shot dead by gunmen on May 7, 2014. The gunmen fire indiscriminately at the residence of Mr. Gormani and warned him of future consequences. A letter on Islamic State IS letterhead was dropped at Mr. Gormani's residence during the attack warning him that his actions were being monitored and his continued representation of Professor Hafeez would bring further violence. The police were informed immediately after the incident. Senior police officials in Multan are aware of the attempt on Mr. Gormani's life and the continued threat he faces as he fulfills his duty in Pakistan's courts. The

police claim to be investigating the incident and have posted a twenty-four hour detail of two police officers.¹

Professor Hafeez, from Bahauddin Zakariya University, is accused under clause 295-C² of the Pakistan Penal Code (blasphemy law) of making derogatory statements against the Prophet Mohammed in March 2013. Conviction under Pakistan's blasphemy law can result in a sentence of death or life imprisonment. In practice since the Federal Sharia Court judgment on the blasphemy law in the 1990s, the crime has usually carried a death sentence.

Pakistan's blasphemy law has been widely criticized as being used to silence liberal views and target Pakistan's Christian minority. The blasphemy law is also in direct violation of Pakistan's human rights obligations under international law. Although Pakistan has put a de facto moratorium on the death penalty since 2008, allegations of and prosecutions for blasphemy trigger the risk of violent vigilante action against the person accused.³ Since 1990, 1300 people have been accused of blasphemy and at least 60 people were killed extra-judicially prior to trial, according to the Islamabad-based Centre for Research and Security Studies (CRSS).⁴ Professor Hafeez is known for having liberal views and the charges under Pakistan's blasphemy law are considered pressure tactics by right-wing student groups.

Pakistan has been a member of the United Nations since 30 September 1947 and a state party to the *International Convention on Civil and Political Rights (ICCPR)* since 23 June 2010. Pakistan's duties are first outlined in Article 6 of the *Universal Declaration of Human Rights (UDHR)* which upholds the right to "life, liberty and security of person". As a signatory to the *ICCPR* Pakistan has an obligation to protect the right to life under Article 6. The safety of lawyers is integral to Pakistan's duty under the *ICCPR* (Article 14) to ensure that all persons have effective access to legal services and to justice. The Human Rights Committee in 1982 expressly stated that Article 6 carries a positive obligation to prevent and punish violations of vulnerable people acting in their professional capacity.⁵

Reports to government authorities of death threats against Shahbaz Gormani for representing a client accused of blasphemy triggered Pakistan's legal duty arising from the UDHR and the *ICCPR* to protect the life of Mr. Gormani. This obligation is achieved by providing effective protection and prosecuting and restraining those making the threats. The murder of Mr. Rashid Rehman Khan, former council to Professor Hafeez, and the injury of his colleagues Nadeem Parwaz and Afzal demonstrates the gravity of the situation facing Mr. Gormani and the importance of Pakistan's legal duty to ensure timely and effective investigations and prosecution

¹ <http://tribune.com.pk/story/802065/is-in-multan-gunmen-attack-senior-lawyers-residence/>

² clause 295-C of the Pakistan Penal Code). The clause reads:

295-C – Use of derogatory remarks, etc., in respect of the Holy Prophet:

Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.

³ <http://www.dailymail.co.uk/wires/afp/article-2861025/Gunmen-target-Pakistan-lawyer-defending-blasphemy-accused.html>

⁴ <http://www.aljazeera.com/indepth/features/2014/05/living-fear-under-pakistan-blasphemy-law-20145179369144891.html>

⁵ ICCPR Commentary Article 6

http://ccprcentre.org/doc/ICCPR/General%20Comments/HRI.GEN.1.Rev.9%28Vol.I%29_%28GC6%29_en.pdf

of the all 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.⁶

The UN Basic Principles on the Role of Lawyers (Basic Principles)⁷ elaborate 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".

LRWC calls on the Government of Pakistan to promptly ensure:

1. Investigation of the threats against Mr. Gormani and 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. identify state authorities responsible for failing or refusing to provide protection;
 - b. recommend civil and/or criminal remedies
4. 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 HRCF, Bar Associations and civil society;
5. Creation of laws to protect lawyers representing people accused of blasphemy
6. Compliance with all provisions of the ICCPR and UDHR.

Thank you for your attention in this urgent matter,



Samina Ullah – LRWC Member

⁶ 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.unhcr.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".

⁷ 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].

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