May 27, 2014

Excellency
Mian Mohammad Nawaz Sharif
Prime Minister
Islamic Republic of Pakistan

Re: Assassination of Attorney Rashid Rehman

Mr. Prime Minister:

The American Bar Association (ABA) is deeply concerned about the recent assassination of Mr. Rashid Rehman, who was shot dead on May 7, 2014. The facts of Mr. Rehman’s case have been widely reported. Mr. Rehman was a well-known advocate for human rights who pursued cases of human rights abuses for the independent Human Rights Commission of Pakistan (HRCP). On behalf of the HRCP, he agreed in December 2013 to serve as a defense lawyer for Junaid Hafeez, a university lecturer who was accused of violating Pakistan’s blasphemy laws. At an April 10 hearing held in Multan Central Prison due to security concerns, lawyers for the prosecution openly threatened Mr. Rehman’s life in front of the judge. However, neither the judge nor the state acted to discipline these lawyers or provide protection for Mr. Rehman. As an independent, voluntary, non-governmental organization of lawyers and judges with nearly 400,000 members worldwide, the ABA regards human rights and the rule of law as cornerstones of a free and fair society and is committed to strengthening them in the United States and abroad. We urge your government to engage in a full and impartial investigation of this crime and punish its perpetrators.

The assassination of Mr. Rehman for upholding a defendant’s right to counsel calls into question Pakistan’s ability to comply with its legal obligations under the International Covenant on Civil and Political Rights (ICCPR). Article 14 of the ICCPR requires states to allow a defendant to have “legal assistance of his own choosing.” In addition, the United Nations Basic Principles on the Role of Lawyers calls on states to ensure that lawyers “are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference” and to guarantee that “where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.” Furthermore, the Constitution of Pakistan guarantees a fair trial and due process to everyone who faces any criminal charge, and under the Legal Practitioners and Bar Councils Act, advocates must represent their clients fairly and to the best of their ability.
The state’s failure to protect lawyers as they engage in the practice of law seriously undermines the rule of law in Pakistan. Lawyers must be able to act in their professional capacity as legal counselors and advocates, even in “sensitive” cases. Situations such as the assassination of Mr. Rehman not only prevent a fair and impartial enforcement of the law in individual cases, they also discourage lawyers from undertaking their professional duties out of fear for their safety. Legal and justice systems operating under the rule of law require a strong legal profession able to engage in robust representation of their clients and to advocate for fair application of the law.

Echoing the UN Special Rapporteur on the independence of judges and lawyers’ recommendation that “[a]ny acts of harassment, threats or physical assaults, including killings, of judges, prosecutors, lawyers, other judicial officers and legal professionals should be promptly investigated and perpetrators sanctioned,” the ABA strongly urges your government to undertake a full and impartial investigation of the assassination of Mr. Rehman and to hold accountable those found responsible. We welcome the news that the Government of Punjab has formed a committee headed by Deputy Inspector General Ali Amir Malik to investigate the assassination, and we ask that the committee be allowed to conduct a complete and unbiased inquiry that results in the identification and prosecution of the perpetrators in the shortest possible timeframe. We further recommend that Pakistan adopt proactive policies to protect lawyers whose lives are put at risk by their professional actions. While we commend ongoing efforts to build a more democratic Pakistan, we must emphasize that attacks on lawyers simply for engaging in the practice of law protected under international law and the Pakistani constitution seriously undermine the rule of law.

Sincerely,

James R. Silkenat

cc: Mr. John Kerry, U.S. Secretary of State
    Mr. Richard Olson, U.S. Ambassador to Pakistan
    Mr. Jalil Abbas Jilani, Pakistan Ambassador to the U.S.
    Mr. Salman Aslan Butt, Attorney General for Pakistan
    Mr. Muhammad Ramzan Chaudhry, Vice Chairman of the Pakistan Bar Council
    Mr. Mian Mohammad Shahbaz Sharif, Chief Minister Punjab
    Mr. Justice Tassaduq Hussain Jillani, Chief Justice of Pakistan