



Pakistan – Researched and compiled by the Refugee Documentation Centre of Ireland on 29 June 2016

Information on lawyers/advocates who practice in Pakistan, in particular Dir Lower in Khyber Pukhtoonkhwa (Pakhtunkhwa). Is there country of origin information showing that advocates/lawyer have been targeted by extremist religious groups, and terrorist groups, including the Taliban.

A report published by the UN Human Rights Council, in a section titled “The situation of lawyers” (paragraph 88), states:

“There are four categories of lawyers in Pakistan: ordinary advocates, advocates of the High Courts, advocates of the Supreme Court and senior advocates of the Supreme Court. Lawyers are organized in two types of professional associations. Bar Councils, at both Federal and provincial level, are statutory bodies that exercise public functions, such as admission to the Bar and disciplinary proceedings against lawyers. Bar Associations are professional associations of lawyers that exist at both lower and superior court levels.” (UN Human Rights Council (4 April 2013) *Report of the Special Rapporteur on the independence of judges and lawyers, Addendum : Mission to Pakistan*, p.17)

In a section titled “Lack of protection, threats, attacks and killings” (paragraph 52) this report states:

“The judiciary, legal profession and prosecution services in Pakistan regularly come under pressure from all kinds of public and private actors, including non-State actors such as extremist religious groups, insurgents and terrorists. The Special Rapporteur is seriously worried by the number and nature of reported cases of threats, attacks and killings of judges and lawyers. In the face of such criminal violence and intimidation, the State seems to have been unable to provide protection and secure the lives and safety of some of its citizens, judges in particular. Physical security is an essential condition for judges to carry out their duties independently and impartially, yet there is no institutionalized protection mechanism for judges and other actors of the justice system.” (ibid, p.12)

See also paragraph 93 which states:

“Furthermore, guaranteeing security for lawyers is of utmost importance. Threats, attacks, kidnappings and killings of lawyers should not be tolerated. In the Province of Sindh during 2011, at least 21 lawyers were killed, 16 of them belonged to the Karachi Bar Association. The perpetrators of such killings almost invariably go unpunished. This situation of impunity further discourages lawyers and other people from fighting for the rule of law. Moreover, according to information received, some lawyers refuse to take up cases which are deemed sensitive in terms of religion, customs or tradition out of fear of reprisals against themselves or their families.” (ibid, p.18)

A 2015 report published by the UN Human Rights Council, in a section titled “Current situation of lawyers”, states:

“Lawyers defending blasphemy-related, or other sensitive cases relating to minority issues, frequently face threats of violence, sometimes leading to death. On 7 May 2014 a lawyer from the Human Rights Commission of Pakistan, Rashid Rehman, was shot dead by gunmen in front of colleagues in his office, for defending a university lecturer accused of blasphemy. After Rehman’s killing, Shahbaz Gormani, the lecturer’s new defence counsel, was attacked at his residence by gunmen on motorcycles on 3 December 2014. The attackers warned there would be violent consequences if he pursued the case. This year in May, lawyers Rana Khalid Abbas and Irfan Chauhan were killed by police in a demonstration by lawyers regarding an anti-encroachment operation in the city of Daska, Punjab. CSW has received reliable information about various forms of harassment experienced by lawyers defending people accused of blasphemy. The lawyers face frequent intimidation and harassment, both in their homes and in the courtroom. They are frequently barred from entering courtrooms or judge’s chambers. Once in the courtroom, they may face hostility from violent mobs. Religious extremist organisations regularly attend court hearings in order to intimidate the defence counsel and increase tensions by chanting religious verses and slogans. Extremist organisations such as Sipah-e-Sahaba Pakistan (SSP) often organise busloads of protesters for this purpose.” (UN Human Rights Council (7 September 2015) *Written statement submitted by the Jubilee Campaign, a non-governmental organization in special consultative status*, p.2)

This section of the report also states:

“In 2013 minority lawyers filing a bail petition for Shagufta Kausar, a woman convicted of blasphemy together with her husband for allegedly sending text messages insulting Islam, were threatened in court by extremists with lethal weapons. The lawyers were warned to ‘leave the case or be ready to die’. The lawyers reported the case to the judge but no action was taken; in fact, the judge transferred the case as he did not want to hear it. On 12 February 2014, while returning from the Lahore High Court after defending Arif Masih, a Christian Pakistani accused of blasphemy, the same lawyers were stopped by two motorcyclists with guns. The assailants threatened to kill them. The lawyers were stopped again in Lahore and threatened that if they did not abandon the case, extreme steps would be taken. The same minority lawyers have also been threatened and harassed while working to bring justice to the Christian community in Youhanabad, after a double suicide attacks on two churches on 15 March 2015. On 1 April 2015, lawyers filed a written petition in the court against the government of Punjab concerning misconduct by police officials. After the order was passed, the lawyers began to receive death threats from local police and religious extremists for their work defending the rights of Christians in Youhanabad. Lawyers dealing with blasphemy cases and rights of minorities continue to face violence and harassment in Pakistan, and the examples above illustrate the nature of this harassment. However, the harassment remains systematic and is likely to affect most lawyers who deal with sensitive cases.” (ibid, pp.2-3)

See also document from the South Asia Terrorism Portal which lists lawyers killed in Pakistan from 2001 to 2016.

A BBC News report states:

“Pakistani police have charged 68 lawyers with blasphemy in what is thought to be the biggest ever case of its kind in the country. The charges were brought in Punjab after lawyers protested when police detained one of their colleagues. During the protest the lawyers are accused of insulting a companion of the Prophet Muhammad. Police say they acted after a local man complained. Critics say blasphemy laws are often misused to settle scores in Pakistan. The case in Punjab’s Jhang district was registered against eight named lawyers and 60 unidentified ones. The lawyers had been campaigning for the arrest of five policemen they accused of illegally detaining and manhandling a lawyer in the city of Jhang last week.” (BBC News (13 May 2014) *Pakistan police charge 68 Pakistani lawyers with blasphemy*)

See also report from the Asian Human Rights Commission which states:

“On May 12, the Jhang police brought a charge of blasphemy against 68 lawyers on the complaint of Mr. Arshad Mehmood, a member of a religious group, the Ahle Sunnat Wal Jamat (ASWJ), a front organisation for a banned Sunni sectarian group linked to the deaths of hundreds of Shiite Muslims. There was obvious collusion between the complainant and the police who seemed to be looking for revenge against the lawyers. They were more than happy to file a charge of blasphemy against the lawyers. In the FIR against the complainant accused that during the protest the lawyers were shouting slogans with the name of 'Umar Daraz' and the mention of the name, 'Umar' had hurt the complainant's religious emotions as the name of Umar is attributed to the name of the second Caliph of Islam. It is important to note that the name of the SHO, Mr. Umar Daraz, is in no way similar to the Second Caliph of the Prophet, Umar Ibn al-Khattab, a close companion of the Prophet Muhammad (PBUH). Umar Daraz is a Persian term which means 'long life' and it is used in the names of male children in the hopes that the persons will enjoy a long life. The police tried to use cheap religious sentiments in favour of the SHO. The SHO in question is a close relative of the provincial law minister of Punjab who is famous for having close relations with banned sectarian religious organisations. The Kotwali police registered a First Information Report (FIR) under Section 295/A of the Pakistan Penal Code (blasphemy law) against eight named and 60 unnamed members of the District Bar Association of Jhang. The blasphemy case against the lawyers is the best example that to obtain revenge against any opposite party he or them may be maligned as blasphemers.” (Asian Human Rights Commission (15 May 2014) *Pakistan: In a mockery of the blasphemy law 68 lawyers were charged for challenging the authority of the police*)

A report on the murder of Pakistani lawyer Rashid Rehman from UK newspaper The Independent states:

“He knew the risks he was taking. He knew, too, that many others had declined to take on the case. But Rashid Rehman believed that every defendant deserved a lawyer, even - or perhaps especially - someone facing perhaps the most serious allegation that can be levelled at you in Pakistan. At around 8.30pm on Wednesday evening, Mr Rehman, a well-known advocate and a regional coordinator for the Human Rights Commission of Pakistan

(HRCP), was shot dead by two gunmen who entered his office in the city of Multan, apparently posing as prospective clients. 'He was shot five times and succumbed to his injuries on the way to hospital,' police officer Shaukat Abbas told Reuters. The attack came just weeks after Mr Rehman agreed to defend a college lecturer accused of blasphemy. He had reportedly received death threats from other lawyers. Senior HRCP official Zaman Khan told The Independent: 'He was a dedicated activist from the very beginning. All his life he was helping the downtrodden. He was fearless and never gave any time to the threats. He said he would live for the struggle and die for the struggle.' Earlier this year, Mr Rehman, who was 53 and married, agreed to take on the case of Junaid Hafeez, a lecturer at Multan's Bahauddin Zakariya University who had been accused of defaming the prophet Mohammed on social media last year. Reports said the accusations were levelled by hardline university students who had pushed for him to be charged." (The Independent (9 May 2014) *Killed by intolerance: The murder of human rights lawyer Rashid Rehman - for defending a lecturer accused of blasphemy - illustrates the increasingly perilous nature of public life in Pakistan*)

A CNN Wire report states:

"Khurram Zaki spent years denouncing Islamic extremists in his homeland. He apparently paid for it with his life. The Pakistani human rights activist was gunned down at a restaurant in Karachi on Saturday night, fellow activist and lawyer Jibran Nasir said. The Hakimullah faction of the Pakistani Taliban claimed responsibility for Zaki's death. 'Our four friends in Karachi riding on two motorcycles targeted Khurram Zaki successfully,' faction spokesman Qari Saifullah said. Zaki, 40, was an editor for 'Let Us Build Pakista'" -- a blog aimed at supporting 'a progressive, inclusive and democratic Pakistan.' He was known for condemning radical militants such as the Pakistani Taliban." (CNN Wire (8 May 2016) *Pakistani activist who condemned religious extremism gunned down*)

An article from Pakistani newspaper Dawn refers to the killing of a lawyer in the Khyber Pakhtunkhwa capital Peshawar as follows:

"Unknown motorcyclists gunned down a lawyer in the limits of the University Town police station here on Wednesday. A relevant police official identified the slain as Kundal Khan, a lawyer belonging to Safed Dheri village, who was targeted near Khyber Teaching Hospital." (Dawn (19 May 2016) *Lawyer shot dead in Peshawar*)

A report from the Tribal News Network states:

"The legal fraternity of Khyber Pakhtunkhwa on Monday boycotted courts' proceedings in the province as a protest against the killing of two lawyers in Dera Ismail Khan. The strike call was given by Khyber Pakhtunkhwa bar council. The lawyers' community held protest demonstrations in different cities to condemn the incident. They were of the view that the incumbent government has miserably failed to provide protection to citizens particularly to members of lawyers' community." (Tribal News Network (9 May 2016) *Lawyers boycott courts as protest against killing of colleagues in DI Khan*)

A report from The News International states:

“The legal fraternity in Khyber Pakhtunkhwa on Friday observed a complete strike against the kidnapping of the son of Sindh High Court chief justice and asked the government to ensure his early recovery. The protest was observed on the call of the Khyber Pakhtunkhwa Bar Council. The lawyer community stayed away from the courts across the province, including Peshawar. The SHC CJ's son, Awais Ali Shah, went missing on June 20 from Clifton in Karachi. President of Peshawar High Court Bar Association (PHCBA), Muzammil Khan, demanded both the federal and Sindh governments to recover the kidnapped son of the SHC chief justice. He asked the government to provide foolproof security to the judges and lawyers as they were exposed to the kidnapers and hardened criminals.” (The News International (25 June 2016) *Lawyers observe strike to protest kidnapping of SHC CJ's son*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

Asian Human Rights Commission (15 May 2014) *Pakistan: In a mockery of the blasphemy law 68 lawyers were charged for challenging the authority of the police*

<http://www.ein.org.uk/members/country-report/pakistan-mockery-blasphemy-law-68-lawyers-were-charged-challenging-authority->

(Accessed 29 June)

This is a subscription database

BBC News (13 May 2014) *Pakistan police charge 68 Pakistani lawyers with blasphemy*

<http://www.bbc.com/news/world-asia-27391334>

(Accessed 29 June)

CNN Wire (8 May 2016) *Pakistani activist who condemned religious extremism gunned down*

<http://www.lexisnexis.com>

(Accessed 29 June)

This is a subscription database

Dawn (19 May 2016) *Lawyer shot dead in Peshawar*

<http://www.dawn.com/news/1259324>

The Independent (9 May 2014) *Killed by intolerance: The murder of human rights lawyer Rashid Rehman - for defending a lecturer accused of blasphemy - illustrates the increasingly perilous nature of public life in Pakistan*

<http://www.lexisnexis.com>

(Accessed 29 June)

This is a subscription database

The News International (25 June 2016) *Lawyers observe strike to protest kidnapping of SHC CJ's son*

<http://www.lexisnexis.com>

(Accessed 29 June)

This is a subscription database

South Asia Terrorism Portal (19 June 2016) *Lawyers killed in Pakistan*

http://www.satp.org/satporgtp/countries/pakistan/database/Lawyers_Killed_Pakistan.htm

(Accessed 29 June)

Tribal News Network (9 May 2016) *Lawyers boycott courts as protest against killing of colleagues in DI Khan*

<http://www.lexisnexis.com>

(Accessed 29 June)

This is a subscription database

UN Human Rights Council (7 September 2015) *Written statement submitted by the Jubilee Campaign, a non-governmental organization in special consultative status*

http://www.ecoi.net/file_upload/1930_1443019815_g1520198.pdf

(Accessed 29 June)

UN Human Rights Council (4 April 2013) *Report of the Special Rapporteur on the independence of judges and lawyers, Addendum : Mission to Pakistan*

<http://www.refworld.org/docid/51b9a0794.html>

(Accessed 29 June)

Sources Consulted

BBC News

Electronic Immigration Network

European Country of Origin Information Network

Google

Immigration and Refugee Board of Canada

Lexis Nexis

Refugee Documentation Centre Query Database

UK Home Office

UNHCR Refworld