

Statement on Blasphemy Legislation in the Islamic Republic of Pakistan

The Commonwealth Lawyers Association (CLA) and the **Bar Human Rights Committee (BHRC)** refer to their previous statements issued in relation to Pakistan on 21 April 2011 and 12 September 2011. In those statements, concern was expressed as to the atmosphere of fear and intimidation surrounding the blasphemy laws in Pakistan, as well as the abduction of Shahbaz Taseer which is suspected to have been carried out by groups opposed to the reform of the blasphemy laws.

It will be recalled that these laws are widely reported to have a disproportionate impact on ethnic and religious minorities in Pakistan who make up 50% of those charged with blasphemy even though they amount to only 3% of the local population. Various human rights groups note that the majority of blasphemy cases appear to have been based on false accusations stemming from property issues or other personal or family vendettas rather than genuine instances of blasphemy. In recent years, police, lawyers and judges who are involved in the investigations and trials of those accused of blasphemy, as well as the individuals who are themselves accused or acquitted of such charges, have been frequently threatened and some have even been killed by vigilantes.

It is in this context that several high profile individuals in Pakistan have campaigned for the reform of the blasphemy laws. Two of these campaigners, the Punjab Governor, Salmaan Taseer (who is the father of Shahbaz Taseer), and the Federal Minister for Religious Minorities, Shahbaz Bhatti, were assassinated in early 2011. Although Tehrik-i-Taliban Pakistan (an Islamist military group) claimed responsibility for Mr. Bhatti's murder on the basis that he was a "blasphemer" no one has yet been charged for his killing.

Mr. Taseer's assassin, Mumtaz Qadri, who was one of Mr. Taseer's own police bodyguards, publicly acknowledged that he had carried out the killing due to Mr. Taseer's opposition to the blasphemy laws. Immediately after the Governor's death, Qadri was hailed as a hero and supporting rallies with thousands in attendance took place all over Pakistan. During the initial court appearance, Qadri was showered with rose petals by his lawyers.

Following a trial which had been beset by delays due to the difficulty in finding both a prosecutor and a judge willing to take part in the proceedings (because of fears as to their own security), Mumtaz Qadri was convicted of murder and terrorism by the Rawalpindi Anti-Terrorism Court on 1 October 2011 and sentenced to death. Since that date, there have been many rallies held in Pakistan demanding Qadri's immediate release. Local lawyers have ransacked Judge Pervez Ali Shah's courtroom - breaking windows, condemning the verdict and demanding the Judge's immediate transfer. An appeal has been lodged on Qadri's behalf with the Islamabad High Court (resulting in a temporary stay of the sentence) in which the former Chief Justice of Lahore is representing Qadri. News reports suggest that Judge Pervez Ali Shah has recently fled Pakistan due to security fears.

In short, a widespread climate of intimidation has developed in Pakistan such that persons involved in the issue of blasphemy in any way, including the legal professionals who prosecute, defend and preside over such cases, are forced to either flee the country or to live in Pakistan in a permanent state of fear for the lives of themselves and their families.

The CLA and BHRC continue to urge the Government of Pakistan

- to carefully scrutinise the operation of the blasphemy laws; and
- to undertake a detailed assessment of the need for their abolition or reform; and
- to take urgent steps to protect those at risk of vigilante violence due to blasphemy issues; and

- to fully investigate and fairly prosecute all persons involved in the recent spate of killings; and
- to make every effort to ensure the safe return of Shahbaz Taseer.

The CLA and BHRC urge the legal profession in Pakistan

- to maintain the honour and integrity of the profession as essential agents of the administration of justice; and
- to undertake their duties in a professional and impartial manner in accordance with the United Nations Basic Principles on the Role of Lawyers (adopted 1990).

Commonwealth Lawyers Association

Bar Human Rights Committee

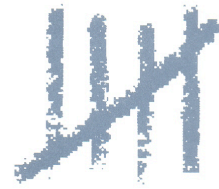
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NOTE TO EDITORS:

The **Commonwealth Lawyer's Association** is an international organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth.

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The **Bar Human Rights Committee** is the international human rights arm of the Bar of England and Wales. It is an independent body concerned with defending the rule of law and internationally recognised legal



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standards relating to human rights and the right to a fair trial. For more information please contact BHRC in London, UK, on email: bhrc@compuserve.com.