



The Law Society of
Upper Canada | Barreau
du Haut-Canada

March 20, 2017

H.E. Nawaz Sharif
Prime Minister of Pakistan
Prime Minister House, Pakistan Secretariat
Constitution Avenue
Islamabad, Pakistan

Office of the Treasurer

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Your Excellency:

Re: Suicide bomb attack against judges in Peshawar

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the recent suicide bomb attack against judges in the city of Peshawar. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

It is the Law Society's understanding that on February 15, 2017, a suicide bomber on a motorcycle struck a van carrying four judges in Peshawar, killing the driver of the van and injuring the judges.

Shortly thereafter, the Pakistani Taliban claimed responsibility for the bombing and warned that further attacks targeting the judiciary should be expected. A spokesperson for the militant group stated, "We would continue to target Pakistani judiciary and judges as they are helping imprison the mujahideen." The term "mujahideen" refers to the group's fighters.

In response to the attack, the Sindh High Court Bar Association demanded that the federal and provincial governments provide adequate security to members of the judiciary and the legal profession in Pakistan. Meanwhile, lawyers in various cities across the country participated in strikes and protests.

The Law Society of Upper Canada urges Your Excellency to comply with Pakistan's obligations under international human rights laws, including the United Nations' *Basic Principles on the Independence of the Judiciary*.

Articles 1 to 6 of the *Basic Principles on the Independence of the Judiciary* state:

1. The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. It is the

duty of all governmental and other institutions to respect and observe the independence of the judiciary.

2. The judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.

3. The judiciary shall have jurisdiction over all issues of a judicial nature and shall have exclusive authority to decide whether an issue submitted for its decision is within its competence as defined by law.

4. There shall not be any inappropriate or unwarranted interference with the judicial process, nor shall judicial decisions by the courts be subject to revision. This principle is without prejudice to judicial review or to mitigation or commutation by competent authorities of sentences imposed by the judiciary, in accordance with the law.

5. Everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals.

6. The principle of the independence of the judiciary entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected.

The Law Society urges the Government of Pakistan to:

- a. put an end to all acts of harassment and violence against judges in Pakistan;
- b. guarantee in all circumstances the physical and psychological integrity of judges in Pakistan;
- c. ensure that all judges in Pakistan can carry out their professional duties and activities without fear of reprisals, physical violence and other human rights violations; and

- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

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Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

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