



Commonwealth Lawyers Association
Upholding the rule of law



Statement on the Case of Asia Bibi in Pakistan

The Commonwealth Lawyers Association, the Commonwealth Magistrates' and Judges' Association and the Commonwealth Legal Education Association are gravely concerned by reports of public protests and serious threats of violence, which have followed the recent decision of the Supreme Court of Pakistan in the case of Asia Bibi.

On 8th November 2010 Asia Bibi, a member of the Christian minority in Pakistan, was convicted of blasphemy by a judge at the court of Sheikhpura, Punjab, and sentenced to death by hanging. Three years later, on 16th October 2014, the Lahore High Court dismissed her appeal and upheld her conviction. On 31st October 2018, the Supreme Court of Pakistan allowed her appeal, acquitted her of blasphemy and quashed the death sentence.

Asia Bibi had spent eight years on death row, a large part of her sentence in solitary confinement.

The decision of the Supreme Court has led to violent and widespread protests across Pakistan. There have been death threats by extremist elements directed against Asia Bibi and her family, the judges who decided the case in her favour, and against her lawyer, Mr Saiful Malook. Despite her exoneration by the Supreme Court, the Pakistani government has put Asia Bibi's name on a "no fly" list effectively banning her from leaving the country. Her lawyer has been forced to flee Pakistan and is seeking asylum in The Netherlands.

Our Associations view the attacks upon the judges who decided Asia Bibi's appeal, her lawyer, and Asia Bibi and her family, as grave threats to the Rule of Law.

The independence of the judiciary will be impaired, and the administration of justice will be compromised, if judges and lawyers are subjected to threats of violence for discharging their proper functions. It is essential that they are able to discharge their professional duties without intimidation, harassment, or any improper interference.

All Members of the Commonwealth, including Pakistan, subscribe to the *Commonwealth Charter*, which affirms belief in the rule of law as an essential protection for the people of the Commonwealth, and in particular, supports an independent, impartial, honest and competent judiciary and recognises that an independent, effective and competent legal system is integral to upholding the rule of law. This statement reflects the values embodied in the *Commonwealth Latimer House Principles on the Three Branches of Government* and in the Preamble of the *Pakistan Constitution*.

Furthermore, *The Bangalore Principles of Judicial Conduct* provide: “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”; and

Article 17 of the *UN Basic Principles on the Role of Lawyers* provides that: “Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities”.

Our Associations call upon the Government of Pakistan to take urgent steps to uphold the independence of the judiciary and the Bar, and to ensure that the members of the judiciary, the lawyers for Asia Bibi, and Asia Bibi herself receive proper protection.

Commonwealth Lawyers Association (CLA)

Commonwealth Legal Education Association (CLEA)

Commonwealth Magistrates’ and Judges’ Association (CMJA)

15 November 2018

NOTE TO EDITORS:

The **Commonwealth Lawyers Association** is an international non-profit 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. www.commonwealthlawyers.com

The **Commonwealth Legal Education Association** is an international non-profit organisation which fosters and promotes high standards of legal education in the Commonwealth. Founded in 1971, it is a Commonwealth-wide body with regional Chapters and Committees in South Asia, Southern Africa, West Africa, the Caribbean and the UK. www.clea-web.com

The **Commonwealth Magistrates’ and Judges’ Association** is a not for profit organisation, registered in the UK, whose aims are to promote judicial independence, advance education in the law, the administration of justice the treatment of offenders and the prevention of crime in the Commonwealth. It brings together judicial officers of all ranks from all parts of Commonwealth and provides a forum for the promotion of the highest judicial standards at all levels. www.cmja.org