



# Commonwealth Human Rights Initiative

NGO in Special Consultive Status with the Economic & Social Council of the United Nations

B-117, First Floor, Sarvodaya Enclave, New Delhi – 110 017  
Tel: 91-11-2686 4678, 2685 0523, 26528152 Fax: 91-11-2686 4688  
E-mail: [chriall@nda.vsnl.net.in](mailto:chriall@nda.vsnl.net.in)

## Advisory Committee

Sam Okudzeto  
Ghana (Chair)

Eunice Brookman-  
Amissah  
Kenya

Murray Burt  
Canada

Jean Corston  
UK

Maja Daruwala  
India

Alison Duxbury  
Australia

Neville Linton  
UK

B. G Verghese  
India

Zohra Yusuf  
Pakistan

5 November 2007

By email

Dear Secretary General McKinnon

### **Pakistan – Declaration of a state of emergency and suspension of the Constitution**

I am writing to express my grave concern regarding the declaration of a state of emergency in Pakistan on 3 November 2007. I echo your comments of the same day that "it is essential that the Constitution and the rule of law be restored and the judiciary respected".

The declaration of a state of emergency and suspension of the Constitution of Pakistan by General Musharraf is a direct and serious violation of the Harare Principles. I look to your leadership to convene an emergency meeting of the Commonwealth Ministerial Action Group (CMAG), in consultation with the CMAG Chair, to review the current situation in Pakistan.

The imposition of a totally unwarranted state of emergency, interference with the judiciary, dismissal, intimidation and detention of members of the Supreme Court and high courts, mass arrests and targeting of human rights defenders are aimed at stifling democracy and peaceful dissent. Political workers and lawyers across the country have also been arrested to prevent any organised opposition to the emergency. The freedom of the media has also been attacked as private news channels have been banned and laws are being amended to further control the press.

In these circumstances, Pakistan's attendance at the 2007 Commonwealth Heads of Government Meeting in Uganda later this month as a member of the Commonwealth is not appropriate.

This is a moment of singular importance for the Commonwealth to recognise that democracy, democratic processes and institutions, the rule of law and just and honest government are the fundamental political values of the Commonwealth as enshrined in the Harare Declaration. Swift action will reinforce that that membership of the Commonwealth is predicated on an absolute promise to protect and promote these values.

#### **CHRI Ghana Office**

No. 9, Samora Machel Road, Asylum Down  
Box CT 6136 Cantonment, Accra, Ghana  
Tel: +233-21271170  
Fax: +233-21-244819  
E-mail: [chriaf@africaonline.com.gh](mailto:chriaf@africaonline.com.gh)

#### **CHRI London**

Office 28 Russell Square  
London WC1B 5DS, UK  
Tel: +44-207-8628857  
Fax: +44-207-8628820  
E-mail: [chri@sas.ac.uk](mailto:chri@sas.ac.uk)

CMAG must:

1. Call for the immediate, absolute and unconditional end of the state of emergency, the restoration of the rule of law and the reinstatement of the Constitution of Pakistan
2. Call for the immediate, absolute and unconditional restoration of judicial independence and reappointment of judicial officers to their rightful offices
3. Call for General Musharraf to commit to holding parliamentary elections as planned in January 2008
4. Suspend Pakistan from the councils of the Commonwealth until the state of emergency is ended, while signaling continued support for civil society

### **Previous CMAG action in relation to Pakistan**

Pakistan has been of long-term and continuing concern to CMAG.

In October 1999, CMAG held an emergency meeting following a military takeover of government in Pakistan. CMAG acted and suspended Pakistan from the Councils of the Commonwealth, including the 1999 Commonwealth Heads of Government Meeting in Durban, South Africa, pending restoration of democracy.

Pakistan was returned to full membership of the Commonwealth in May 2004, following progress made in restoring democracy and rebuilding democratic institutions in the country, as well as the restoration of the 1973 Constitution (as amended by the 17th Amendment). Pakistan's return to the Commonwealth was accepted on the basis that the offices of President and Chief of Army Staff would be separated.

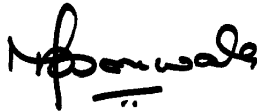
Pakistan has remained on the CMAG agenda.

### **Previous Commonwealth Heads of Government action in relation to Pakistan**

At the Commonwealth Heads of Government Meeting in Malta in 2005, the Heads noted that where a person is both Head of State and Chief of Army Staff, the basic principles of democracy and the spirit of the Harare Principles are contravened.

The Heads reiterated that until the two offices are separated in Pakistan, the process of democratisation continued to be at risk.

Regards,



Maja Daruwala  
Director