

CHRI: Pakistan - Call for the Commonwealth to act

On Saturday 3 November 2007 General Pervez Musharraf declared a state of emergency in Pakistan. The imposition of an unconstitutional and 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, including Chairperson of the independent Human Rights Commission of Pakistan and the UN's Special Rapporteur on Freedom of Religion or Belief, Ms Asma Jahangir, 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.

As a member of the Commonwealth, Pakistan has committed to upholding democracy and the rule of law and protecting human rights. General Musharraf's actions are in clear violation of the Commonwealth Harare principles.

Attached is a sample letter addressed to the Commonwealth Secretary General asking that he convene a meeting of the Commonwealth Ministerial Action Group (CMAG) in consultation with the Chair of CMAG, to consider the situation in Pakistan and calling on CMAG to suspend Pakistan from the councils of the Commonwealth, while continuing to support civil society efforts to restore democracy.

You can send this to the Rt Hon. Sir Donald McKinnon, the Commonwealth Secretary General, via email at: secretary-general@commonwealth.int

Further information on the situation in Pakistan is set out below.

Attack on judicial independence

The emergency order accuses the judiciary of exceeding its authority and adversely affecting security by interfering in the functions of the executive. Immediately following the declaration, General Musharraf dismissed Supreme Court Chief Justice Iftikhar Chaudhry, along with eight other judges of the Supreme Court. New judges have been required to take an oath under the provisional constitutional order. The dismissal came just as the Supreme Court was due to rule on the legality of General Musharraf's recent re-election as President. The dismissal has to be viewed in light the Supreme Court's ongoing consideration of cases involving a large number of disappearances under Pakistan's anti-terrorism laws.

Suppression of freedom of expression

The dismantlement of the judiciary was closely followed by the shutdown of all non-state television channels. Up to 30 private television channels were closed immediately following the declaration. The declaration further restricts media by prohibiting any press coverage of militant groups or terrorist attacks.

Police brutality

Reports have also emerged detailing that the police are acting with impunity under the declaration, violently arresting demonstrators; hundreds of people have been arrested and placed in preventive detention since the declaration; those arrested include lawyers and members of opposition political parties.

Anti-terrorism: a tool to suppress valid political opposition

General Musharraf's latest move uses the threat of terrorism to justify the suppression of political opposition. There has been an increasing international trend to tap into public fear of the threat of terrorism to justify the enactment of harsh political, legal and security measures undermining the rule of law, making a casualty of human rights and undercutting democratic values.

Commonwealth membership: A promise to uphold democracy and protect human rights

The Commonwealth Ministerial Action Group (CMAG) is the nine-member Commonwealth body that considers serious and persistent violations of the Harare Declaration – the human rights foundation of Commonwealth membership.

Pakistan has been under CMAG's radar for over eight years. Pakistan was suspended from the councils of the Commonwealth in October 1999, after the democratic government was overthrown by General Musharraf in a military coup. It was welcomed back in 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, which means that CMAG automatically continues to monitor developments in the country.

The Secretary General must, in consultation with the Chair of CMAG, convene an emergency meeting of CMAG to examine the developments in Pakistan and immediately suspend it from the councils of the Commonwealth, while offering ongoing support to civil society working for the return of democracy.

Useful links:

The Proclamation of Emergency 3 November 2007:

http://news.bbc.co.uk/2/hi/south_asia/7077136.stm

The Harare Principles:

http://www.thecommonwealth.org/Internal/20723/34457/harare_commonwealth_declaration/

Stamping Out Rights: The impact of anti-terrorism laws on policing

http://www.humanrightsinitiative.org/publications/chogm/chogm_2007/chogm_report_2007.pdf

Feudal Forces: Democratic Nations: Police accountability in Commonwealth South Asia

http://www.humanrightsinitiative.org/publications/police/feudal_forces_democratic_nations_police_acctability_in_cw_south_asia.pdf