



Fédération internationale des ligues des droits de l'Homme

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DU CONSEIL DE L'EUROPE ET D'OBSERVATEUR AUPRES DE LA COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

International Federation
for Human Rights

Federación Internacional
de los Derechos Humanos

الفدرالية الدولية لحقوق الإنسان

Press Release

PAKISTAN

Further attacks on the judiciary The international community must react

Paris, 14 November 2007: The Human Rights Commission of Pakistan (HRCP), FIDH member organization, reported yesterday the names of 578 persons arrested since the state of emergency in Pakistan, among which journalists, lawyers and political activists arrested in various provinces of Pakistan (Punjab, Sindh, Balochistan and NWFP). While some have been released, many remain detained. As stressed by HRCP, *this is far from an exhaustive list*.

Lawyers and political activists continue to be arrested : over 900 lawyers are in detention in Lahore, Gujranwala, Faisalabad and Kasur alone. On 13 November, the former Chairperson of HRCP, Afrasiab Khattak, was also arrested as well as some prominent lawyers in Karachi. In Lahore, many released earlier are being rearrested.

In a new move to further consolidate army rule in the country, on 10 November 2007, President General Pervez Musharraf promulgated an Ordinance amending the Pakistan Army Act (1952) by giving power to military courts for trying civilians for a wide range of offences. The amendments take effect retroactively from January 1st, 2003.

"This blatantly goes against the principle of independence and impartiality of the judiciary, as under international human rights law, civilians should always be brought to trial by regular courts in all cases", said Souhayr Belhassen, President of FIDH.

The amended Army Act gives power to the military courts to try numerous offences punishable under various pieces of legislation, including the Prevention of Anti-national Activities Act (1974) and the Anti-Terrorism Act (1997), as well as the attempt to commit any of the said offences. FIDH already strongly criticized the Anti-terrorism Act in the past because of its inordinately wide definition of terrorist offences, of the wide powers it gives to law enforcement personnel opening the door to abuse by the police, and for its violations of the fair trial guarantees.¹

The Attorney General reportedly justified these amendments on the ground that they were essential for combating terrorism. FIDH recalls that there can be no trade-off between effective action against terrorism and the protection of human rights. On the contrary, as stressed by Kofi Annan, *"in the long*

¹ See FIDH/HRCP Report "The death penalty in Pakistan, Slow march to the gallows", January 2007.

term, we shall find that human rights, along with democracy and social justice, are one of the best prophylactics against terrorism.”²

In addition, it has been announced that amendments will be brought to the Bar Council Act that will empower judges to grant, suspend or cancel licenses of lawyers – task which presently depends upon the Bar Council. *“Such amendments also aim at targeting the independence of lawyers, and at silencing them in order to strengthen Musharraf’s grip on the country”*, added Ms. Belhassen.

The Pakistani authorities have cracked down hard on the media since the start of the state of emergency: extremely restrictive regulations for the print and broadcast media were issued on November 3, which prohibit reports on a number of issues considered sensitive, with the possibility of imposing high fines, prison sentences, and confiscating equipment in case of violation.

FIDH echoes the requests of the Pakistani civil society that before any free and fair election may take place:

- the Emergency and Provisional Constitutional Order (PCO) must be immediately withdrawn, and the Constitution fully restored,
- the deposed chief justice of Pakistan Iftikhar Muhammad Chaudhry and the judges of the Supreme Court and high courts who did not take oath under the PCO must be reinstated in their functions,
- to liberate all lawyers, journalists, civil society activists and political prisoners,
- the proposed amendments to the Bar Council Act must be withdrawn,
- General Musharraf must make way for a political process to thwart out his exit strategy.

FIDH welcomes November 12th decision of the Commonwealth Ministerial Action Group to set out a number of measures that Pakistan must implement before 22 November 2007; it will otherwise face suspension from the Commonwealth as the government of Pakistan violated the Commonwealth’s fundamental political values.

FIDH now calls upon the UN Human Rights Council, of which Pakistan is a member, to urgently convene a special session in order to discuss about the serious setbacks for human rights, democracy and the rule of law in Pakistan. *“As a member of the UN Human Rights Council, the Pakistani government has a special obligation to uphold the highest standards in the promotion and protection of human rights”*, concluded Souhayr Belhassen. *“It is now time for the international community to condemn unanimously the recent events in Pakistan, and to call for immediate measures before any election can be held”*.

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² Kofi Annan, Secretary-General of the United Nations, Speech to the members of the Security Council on 18 January 2002.