

Using terrorism to justify dictatorship: Musharraf's illegitimate emergency

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General Musharraf has ended constitutional rule and suspended democracy in Pakistan, claiming that it is the only way to respond to the ascendancy of extremists and terrorists. However, his crackdown on the cornerstones of democratic society – the judiciary, the media, political opposition and public participation – has only served to undermine the fight against terrorism by removing precisely those institutions that support security and stability.

Pakistan's state of emergency is an extreme example of the use of extraordinary measures used to purportedly fight terrorism. Since 11 September 2001, there has been a global trend to adopt unreasonable anti-terrorism measures that extend police and military power, suppress political opposition, suspend fundamental rights and undercut the rule of law, with the justification of enhancing the state's security capability to fight and capture terrorists. Internationally, common anti-terrorism measures include laws that have enacted vague definitions of terrorism, extended intelligence and police powers, allowed for the use of excessive force, arbitrary arrest, preventive and prolonged detention without charge, removed due process rights and made it difficult to bring police action to book.

The first victim of Pakistan's emergency has been an independent judiciary, many of who have been dismissed and detained. They are accused of undermining anti-terrorism efforts by releasing "hard core militants, extremists and terrorists" and diluting the efficacy of the Government's actions to control the terrorist "menace". In reality, the judiciary, as it is bound to, has been upholding the rule of law and fulfilling its legitimate function to check excesses of executive and police power.

The second target of the emergency was the media. Pakistan has removed private television transmissions from air, barred a broad range of publications covering terrorist activity or bringing the head of state into ridicule or disrepute. Yet this restriction on freedom of expression and public debate only creates a repressed and anxious environment where rumours flourish and terrorism ferments.

The third target has been political opposition, lawyers and human rights defenders. There have been mass arrests and police have been given wide powers to use force with impunity to suppress public demonstrations. On day five of the emergency thousands have been detained, the vast majority of these are lawyers and other civilians, not suspected terrorists.

Taken together, these measures can do nothing to counter the real terrorists. Targeting innocent people, further isolating the population from news, suspending community access to justice and repressing legitimate dissent, creates resentment, encourages extremism and exacerbates insecurity. They also do nothing to address the urgent security threat posed by the rising militancy across Pakistan.

The path General Musharraf has chosen demonstrates the damage extraordinary measures can inflict on achieving real security and human rights protection. The way to tackle terrorism is not with a military state of emergency but through upholding the rule of law. For Pakistan, this requires the immediate restoration of the Constitution, a return to legitimate governance and a commitment to hold free and fair elections in January 2008.

For more information regarding this media release contact Gudrun Dewey at CHRI (gudrun@humanrightsinitiative.org). Visit the CHRI website to download a copy of its 2007 report **Stamping Out Rights: The impact of anti-terrorism laws on policing**. The report examines the anti-terrorism response of Commonwealth countries and considers the human rights framework that must be in place for effective anti-terrorism measures to be implemented.

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international NGO working for the practical realisation of human rights in the countries of the Commonwealth.