

# AMNESTY INTERNATIONAL

## PRESS RELEASE

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### **Pakistan: State of Emergency paves way for escalating human rights abuses**

The current State of Emergency in Pakistan is a blatant breach of international law and human rights standards enshrined in the country's own constitution, Amnesty International's Secretary General Irene Khan said today.

Reacting to the military crackdown over the weekend, the organization called for the immediate return to constitutional rule and the release of the hundreds of people detained under the current measures.

"General Musharraf's actions constitute a direct assault on Pakistan's judiciary, its vibrant human rights community, independent media and peaceful political dissent," said Ms Khan.

"Measures that have been portrayed as necessary to protect Pakistan are in fact a wholesale abrogation of fundamental human rights protections and dismantle the very institutions and checks and balances that underpin the country's stability."

By by-passing the Constitution's provisions for declaring a state of emergency, General Musharraf suspended the right not to be arbitrarily deprived of life, and key elements of the right to a fair trial. Under international law and human rights standards, reflected in the Constitution of Pakistan, these rights must be fully and unconditionally respected in all circumstances, whether or not a public emergency exists.

"Musharraf's actions also fly in the face of commitments set out in the emergency declaration itself to uphold the independence of the judiciary and the rule of law."

The suspension of judges and their effective house arrest plainly violate core provisions of the UN Principles for the Independence of the Judiciary. Judges may not be removed by the executive, except in cases of incapacity or if they are unfit to discharge their duty.

"Amnesty International fears that this assault on key institutions of accountability, combined with sweeping emergency powers, will exacerbate existing patterns of human rights abuse, including torture and other ill-treatment, arbitrary detention, enforced disappearances and use of excessive force to suppress peaceful dissent," said Ms Khan

#### **Background**

Acting in his capacity as army chief of staff, General Musharraf suspended the bulk of the Constitution, acquired powers to amend it without any parliamentary procedure and proclaimed a Provisional Constitutional Order (PCO). This order prohibits any court issuing an order against the President, Prime Minister or any person exercising powers under their authority.

Under the order, existing members of the superior judiciary are effectively suspended until they take a

new oath to uphold the PCO. Only five of 17 Supreme Court Justices have taken the oath. Many Supreme Court and Provincial High Court Justices are now effectively under house arrest.

These measures came on the eve of a Supreme Court hearing to rule on petitions contesting General Musharraf's eligibility to contest presidential elections held on 6 October. Lawyers who were counsels in the petitions including President of the Supreme Court bar association Aitzaz Ahsan, Ali Ahmed Kurd, Munir A. Malik and retired Justice Tariq Mahmood were immediately arrested. These lawyers had been leading a movement to uphold the independence of the judiciary since President Musharraf suspended the former Chief Justice of Pakistan on 9 March.

By Monday, hundreds of lawyers, human rights activists and political workers have been arrested or arbitrarily detained across Pakistan. The Office of the Human Rights Commission of Pakistan was raided by a large police contingent on Sunday and around 70 human rights activists were arrested. They have been charged with unlawful assembly under public order provisions and initially detained in Kot Lakhpat jail, Lahore. They include senior citizens many of whom suffer from ill health. Amongst those under house arrest is the Chair of the Human Rights Commission of Pakistan, UN Special Rapporteur for freedom of religion Asma Jahangir. Her house has been declared a sub-jail where she will be detained for 90 days under preventive detention laws.

Independent TV and Radio news channels have been prevented from broadcasting within the country since Saturday. New laws restricting freedom of print and electronic media were issued, breach of which attracts three to four years imprisonment and heavy fines.

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