

AI Index: PRE 01/265/2008
31 October 2008

Pakistan: One year after emergency, legacy of abuses lingers on

A year after General Pervez Musharraf unlawfully declared a state of emergency in Pakistan, the country is still suffering from the abusive policies he put in place on 3 November 2007, said Amnesty International today.

Last year General Pervez Musharraf sacked 60 judges of the higher judiciary, suspended the Constitution, including the human rights protection it guaranteed, and replaced it with the Provisional Constitution Order (PCO).

The new civilian government took office after general elections in February 2008 but has not done enough to improve the country's human rights situation since then.

“The new civilian government which replaced Musharraf has taken some steps to improve on Pakistan's poor human rights record, but it could and should do more, starting immediately with declaring the 2007 dismissal of judges illegal,” said Sam Zarifi, Amnesty International's Asia-Pacific Director.

“Pakistan's leaders need to actively demonstrate that they respect the rule of law and that the government is responsible for the human rights of all Pakistanis. Without re-establishing its legitimacy and credibility through a strong independent judiciary system the Pakistani government will be unable to overcome the many troubles facing the country.”

Amnesty International urges the government to act immediately on its pledges to improve the country's human rights situation by:

- declaring the dismissal of the judges of the higher judiciary in November 2007 illegal and taking steps to ensure the independence of the judiciary, including providing security of tenure and freedom from intimidation or other undue interference in the judiciary's functioning.
- moving urgently to reverse constitutional amendments introduced by President Musharraf, including the amendment that placed all action taken during the emergency period outside judicial review and the amendment which gives the president powers to dismiss an elected government.
- following through on its June promise to commute all death sentences – an estimated 7,000 remain on death row
- providing public information about all those in government custody – hundreds of people remain subject to enforced disappearance, with their fate and whereabouts unknown.

Background

Immediately before the state of emergency was declared, Pakistan's Supreme Court was about to rule on Musharraf's eligibility to contest the Oct 2007 presidential elections. The judiciary was also pursuing several

hundred habeas corpus petitions brought by families of those who had been subjected to enforced disappearances by Pakistan's security agencies.

Pakistan's judiciary has still not been restored to its status of 2 November 2007. In fact, disagreement over the reinstatement of the unlawfully dismissed judges contributed to the collapse of the coalition government that replaced Musharraf's administration.

The new government signed the International Covenant on Civil and Political Rights and the Convention Against Torture. The cabinet has issued a proposal to commute death sentences. It has also drafted a bill to set up a national human rights commission and to withdraw amendments to the Bar Councils Act that interferes with the independence of the judiciary.