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## **Pakistan: Fundamental rights must be restored immediately**

The virtual suspension of fundamental rights, by presidential order, with the declaration of a state of emergency in Pakistan on 28 May is alarming, Amnesty International said today as it called for these rights to be restored immediately.

“While the Presidential order does not suspend fundamental rights outright, it means that people cannot go to the court for the enforcement of their human rights for the time that the emergency is in force,” the organization said. “The right to approach an independent and impartial body for the enforcement of rights becomes even more crucial during a time of emergency.”

Courts in Pakistan have had an important role to play in the enforcement of human rights; Amnesty International is concerned that the presidential order curtails their role as an independent enforcement institution.

“This could give police and security forces a free hand to subject Pakistan’s citizens to torture and other human rights violations with officially sanctioned impunity,” Amnesty International said.

Indeed, the non-governmental Human Rights Commission of Pakistan stated: *“The country should be run as normally as possible and all democratic practices and institutions should actively be promoted”*.

The Human Rights Committee, established in 1981 to oversee the implementation of the International Covenant on Civil and Political Rights (ICCPR), pointed out: *“in times of emergency, the protection of human rights becomes all the more important, particularly those rights from which no derogations can be made”*.

The president issued the proclamation *“in view of a threat of external aggression”* on the day that Pakistan exploded nuclear devices in Balochistan. He is empowered to declare an emergency under Article 232 of the constitution; this article specifies that a proclamation of emergency lapses after two months unless approved by a joint-sitting of the two houses of parliament.

Amnesty International is calling on the joint-sitting of the two houses of parliament, which has to be called under the constitution of Pakistan within 30 days of the declaration of an emergency, to fully and immediately restore all fundamental rights and again make them fully enforceable in the courts of Pakistan.

The organization welcomes assurances given by the Minister for Information and Media Development, Mushahid Hussain, that political rights, including the freedom of expression, would

not be curtailed. However, as such policy statements are non-binding Amnesty International considers that the restoration of the right to enforcement of such rights to be crucial.

## **BACKGROUND**

The Presidential order suspends the right to move any court of the higher judiciary for the enforcement of any fundamental rights conferred by Chapter 1 of part II of the Constitution of Pakistan and suspends any matter currently pending in any court for the enforcement of these rights for the time that the emergency is in force. The fundamental rights contained in Chapter I include the right to life (article 9), safeguards relating to arrest and detention (article 10), right to freedom of movement (article 15), assembly (article 16), association (article 17) and to expression (article 19).

The ICCPR -- which Pakistan is yet to ratify -- states that in time of public emergency, states may derogate from a number of rights *“to the extent strictly required by the exigencies of the situation”*. However, states may under no circumstances derogate from the right to life, to freedom from torture, from slavery and the right to freedom of thought, conscience and religion.  
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