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Pakistan: human rights cannot be sacrificed for law and order

In its effort to curb widespread political and criminal violence, the Government of Pakistan appears ready to contravene fundamental rights, Amnesty International said today.

In a statement this week, Prime Minister Nawaz Sharif advocated the adoption of Taleban-style justice as a model of swift punishment and effective deterrence to end violence, crime and corruption.

His pronouncement raised the spectre of speedy trials ignoring legal safeguards of the detainee and of cruel, inhuman or degrading punishments.

"The government of Pakistan is under an obligation to restore law and order. However, the measures it takes must be entirely lawful, both in accordance with the country's legal and constitutional rights and with international human rights standards," the organization added.

"The steps taken by the Government of Pakistan over the past year seen a steady erosion of fundamental rights guaranteed in the Constitution."

Amnesty International is appealing to the Senate of Pakistan not to support the bill aimed at amending the Constitution to make Islamic law supreme. The bill -- tabled in August in an attempt to curb criminal violence and passed by the National Assembly in October -- obliges the government to take steps to "prescribe what is right and forbid what is wrong", irrespective of "anything contained in the Constitution, any law or judgement of any Court".

"Its adoption would further compromise important rights and fundamental freedoms of the people of Pakistan," the organization said. "The Government of Pakistan should take its obligation to uphold law and order seriously, but this task can only be fulfilled if fundamental rights are promoted and protected -- not if they are sacrificed."

Human rights groups have pointed out that the protection of rights -- particularly those of women and minorities -- would become entirely arbitrary if the bill were passed: it would depend not on statutes and democratic rule of law but on the executive's interpretation of Islamic law and assessment of what is "right" for a person.

Background

The bill pending before the Senate is just the last in a series of measures adopted by the government to respond to the break down of law and order in major cities of Pakistan during the last two years. In Karachi alone, some 80 people were killed in violent attacks in September.

Over 140 people have been killed in sectarian violence in Punjab province in the first nine months of the year. Increasingly, people who have no role in the armed struggle between the different groups are being targeted and shot dead in open daylight. The victims have included judicial officers, teachers and civil servants.

Police have resorted to mass arrests following bomb blasts and other violent incidents, often arresting and detaining people who had nothing to do with the crime.

The Anti-terrorism Act passed in August 1997 gave police wide ranging powers of arrest and use of force. It also set up special courts whose procedures considerably fall short of international fair trial standards. In May 1998, the Supreme Court of Pakistan declared twelve key provisions of the Act unconstitutional and therefore void.

In May 1998, following Pakistan's nuclear tests, the government declared a national emergency and suspended fundamental rights. Two months later, the Supreme Court declared this suspension unlawful and restored fundamental rights.

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