

International Bar Association calls upon the world's bars and law societies to support lawyers and judges in Pakistan

By [Global Research](#)

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The International Bar Association (IBA) is calling upon its member bars and law societies across the globe to support lawyers and judges in Pakistan . Since President Musharraf declared a state of emergency and suspended the Pakistan constitution on 3 November 2007, mass protests, led by judges and lawyers, have taken place. Recent reports suggest that thousands of lawyers have been arrested and subjected to torture and ill-treatment for protesting against President Musharraf's action. Among those arrested is Chief Justice Iftikhar Muhammad Chaudhry who is believed to be under house arrest.

The order declaring the state of emergency and the provisional constitutional order, also issued on 3 November, have far-reaching consequences for the rule of law. Certain fundamental human rights contained within the constitution, including the right to life, liberty and freedom of movement, have been suspended while the powers of arrest have been extended. Critically, the constitutional order also states that courts may not question the legality of the proclamation of emergency or any other order, nor can it challenge or overturn any such orders issued by the president or prime minister. Mark Ellis, IBA Executive Director said, 'The effect of these orders is to provide complete immunity to President Musharraf and his government, thereby enabling them to change the constitution, and adopt any orders or laws they see fit to retain power.' He adds, 'Lawyers and judges in Pakistan have recognised that the Government of Pakistan has negated the rule of law. We are deeply concerned that such protests have been met with mass arrests and allegations of ill-treatment.' Fernando Pombo , President of the IBA, continued, 'We are calling upon bars and law societies around the globe to support the actions of lawyers and judges in Pakistan by lobbying their government to pressurise the Pakistan authorities to reinstate the constitution.' The IBA is concerned that, unless the constitution is restored and properly applied, the rule of law in Pakistan will continue to deteriorate, leading to greater human rights abuses and further departure from the principles of democracy.

The past year has seen President Musharraf face various crises. Prior to the presidential elections and in light of his declining popularity, President Musharraf faced mounting public protests. Numerous legal challenges to his presidential candidacy were issued before the courts, and, following the results in early October, in which President Musharraf received 98 per cent of the vote, a further petition was lodged with the Supreme Court challenging the result. Critics are suggesting that the introduction of a state of emergency was acting to pre-empt the decision of the Supreme Court as to the legality of the presidential elections. The past months have also seen a rise in extremist violence and suicide attacks.

The calls from the IBA to bars and law societies around the world are further to a press release of 5 November and the recommendations made in a recently released IBA report addressing violations of the fundamental principles of the rule of law and the independence of the judiciary in Pakistan . The report dealt specifically with the issues of General Musharraf preventing the Chief Justice, Iftikhar Muhammad Chaudhry, from carrying out his judicial day-to-day functions, and the placing of Mr Chaudhry incommunicado under house arrest for three days when he refused to resign his post. The report entitled, The struggle to maintain an independent judiciary: a report on the attempt to remove the Chief Justice of Pakistan , is available from the IBA website.

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