

PRESS RELEASE

Pakistan: One year of popular mobilisation for the independence of the judiciary and the rule of law

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The Observatory for the Protection of Human Rights Defenders (FIDH - OMCT)

Geneva-Paris, March 7, 2008. Preliminary findings of a fact-finding mission by the Observatory for the Protection of Human Rights Defenders (a joint programme of the International Federation for Human Rights - FIDH and the World Organisation against Torture - OMCT) on the attacks against the independence of the judiciary, the situation of human rights and of human rights defenders in Pakistan.

March 9, 2008, will mark the anniversary of an unprecedented historical movement of popular mobilisation against the attacks by the Executive on the Judiciary in Pakistan.

On March 9, 2007, the President of the Supreme Court, Iftikhar Mohammad Chaudhry, was dismissed by President Pervez Musharraf, notably because he had asked the Executive to produce disappeared persons as well as making public the charges against them. This arbitrary dismissal violating the Constitution provoked a large movement of protest, led by judges, lawyers and civil society, who were asking for the respect of the independence of the Judiciary, guardian of fundamental rights.

Following this huge mobilisation, the highest magistrate in the country was reinstated in his functions in July 2007. However, on November 3, 2007, he refused to take oath under the Provisional Constitutional Order (PCO) decreed by President Musharraf and modifying the Constitution. He was subsequently put under house arrest. Today, Chief Justice Chaudhry and his family are still under arbitrary house arrest. 59 other judges were dismissed for having refused to take oath under the PCO.

The state of emergency, the increasing number of arbitrary arrests since November 3, 2007, and the repressive policy carried out by Pervez Musharraf did not intimidate the Pakistani people. The parties in power lost the legislative election of February 18, 2008, which illustrates the people's aspiration for democracy, human rights and the rule of law.

The mission, carried out by the Observatory for the Protection of Human Rights Defenders from February 24 to March 3, 2008, confirms that the

situation of human rights and of human rights defenders in the country has seriously deteriorated over the past years: systematic enforced disappearances, generalised attacks against civilian population during popular gatherings, or during military operations, repression of movements seeking recognition of their identity, in particular in Baluchistan, deterioration of the condition of women, discrimination against religious minorities, restrictions to the freedom of the media, persecutions, summary and arbitrary arrests of human rights defenders are among the most flagrant human rights violations that the mission documented.

Many of those attacks are committed under the guise of the fight against terrorism, with the active support of the United States. The interference of this foreign power in Pakistan contributes in a significant way to the deterioration of human rights in the region.

In view of this situation, the Observatory requests to:

- * Immediately release Chief Justice Chaudry and his family;
- * Reinstate in their functions the judges dismissed;
- * Guarantee, in all circumstances, the physical and psychological integrity of all Pakistani human rights defenders and put an end to any kind of intimidation against them;
- * Respect the independence of the judiciary, guardian of individual freedoms and fundamental rights.

Finally, the Observatory calls upon the authorities stemming from the elections of February 18, 2008 to work for the instauration of the rule of law in Pakistan, and in particular through:

- * Human rights protection;
- * Respect of the mission of human rights defenders, in conformity with the United Nations Declaration on Human Rights Defenders;
- * Non discrimination, notably based on gender or the religion;
- * Freedom of expression.