

[AHRC Human Rights Day] PAKISTAN: the human rights situation in 2007

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A Statement by the Asian Human Rights Commission



PAKISTAN: the human rights situation in 2007

The year 2007 was marked by constitutional and judicial crises; the President as the military leader used the state power against the judiciary, the Constitution of the country, the legal fraternity and the media. Civil society was the most affected section in the country. Every effort was made to undermine the rule of law.

To promote his autocratic and militaristic actions, General Musharraf, being the chief of staff, imposed a state of emergency, abrogated the Constitution—the second instance during his tenure—suspended all fundamental rights and issued several ordinances including amendments to the Army Act of 1952, under which any civilian could be court-martialled and military courts constituted as and when needed.

Under the amended law, military courts could hear charges ranging from treason to 'giving statements conducive to public mischief'. These measures were given retrospective effect by the newly constituted Supreme Court, comprised of those justices who had submitted to the oath of loyalty under General Musharraf's tailor-made Provisional Constitutional Order (PCO). These justices have not only compromised their personal integrity but the independence of the judiciary as well.

Strict restrictions have been imposed on the media through amendments to the Pakistan Electronic Media Regulatory Authority (PEMRA). Accordingly the print media has been subjected to pre-censorship and the electronic media has been forbidden to discuss the emergency rule. Many media houses have been attacked and their equipment confiscated. More than 1000 media personnel have been arrested and beaten by the police during demonstrations calling for press freedom.

The exercise of the rule of emergency was aimed at the judiciary and the legal fraternity particularly against the Chief Justice Iftekhar Chaudhry. It was reported that under the state of emergency about 46 judges were under house arrest, but according to the Chief Justice, more than 60 judges of the superior courts have been detained. The children of judges particularly those of Chief Justice Chaudhry and other Supreme Court judges, have also been prevented from attending their schools and colleges.

Besides, under the state of emergency, more than 3500 lawyers have been arrested and many lawyers including retired judges and office bearers of Bar associations have been tortured in custody. Some judges have been attacked by the police and prevented from entering the courts while their cars have been damaged. Chief Justice Chaudhry has also been beaten and manhandled by the police who pulled him by his hair when he was being produced before the Supreme Judicial Council.

The judiciary, particularly the higher judiciary was targeted mainly for taking suo moto action on cases of corruption by the authorities, gross human rights violations, and disappearances after arrest by state intelligence agencies and land grabbing by the Army, ministers and even the President. After a long wait, the courts were finally seen to meet the aspirations of the people and to be providing them with justice. But this proved too much for the military leadership government.

About 8000 people have been arrested after the imposition of the state of emergency, among them members of human rights organizations, political parties and trade unions. Though some were released later, more than 4000 people were still in jail. For the first time in the history of Pakistan, riot police and plainclothes intelligence agents stormed into the apex courthouses and brutalized thousands of lawyers, students, and citizens whose only crime had been to exercise their democratic rights. Hundreds still remain behind bars on fraudulent, non-bailable charges of 'terrorism'.

The question of disappearances was far from being resolved. After observing that those who had disappeared after arrest should be in military custody, the Chief Justice ordered higher military officials to be present in court and release the detainees. Even though more than 110 persons were released from army detention through the intervention of the Supreme Court, they had not been formally produced in court; instead they were dumped in a precarious condition on roadsides.

Widespread torture has also been a phenomenon in the country. Hundreds of people have been reported tortured in custody, including lawyers. In one of the most shocking cases to be reported in modern times, a villager had his penis severed under police torture and a federal minister was seen protecting the alleged perpetrators from being arrested.

Women and minorities continue to be heavily discriminated by state policies. Honour killings and the holding of Jirga courts have not been abolished and cases of honour killings have increased. Minorities continue to be threatened with blasphemy laws and several young men and women have been arrested and punished under these laws without evidence.

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