



THE EQUAL RIGHTS TRUST

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ERT calls on General Musharraf to release all those detained and reinstate independent judiciary

In support of the Global Day of Action to protest against the state of emergency in Pakistan, The Equal Rights Trust urged President Musharraf today to order the immediate release of all those arbitrarily arrested and detained, following the introduction of the state of emergency on 3 November 2007, to reinstate dismissed judges, to lift all imposed restrictions on the media and take all other necessary measures to return Pakistan to its constitutional rule.

Once the constitutional order and the rule of law have been restored, Pakistan should particularly ensure that the protection of equality before the law and prohibition against discrimination guaranteed by Article 25 of the Constitution of the Islamic Republic of Pakistan, are comprehensively and effectively protected. The Equal Rights Trust, an independent international organisation promoting non-discrimination and equality, believes that the only way to achieve political stability in Pakistan and to provide for the security and peaceful development of all people living within its jurisdiction is to effectively respect, protect and promote each individual's human rights, including the right to equality and non-discrimination.

According to the provisions of Article 25 "all citizens are equal before the law and are entitled to equal protection of the law". This fundamental right, according to Article 233(1) of the Constitution, cannot be suspended in a state of emergency. Regrettably, these and many other provisions of the Constitution have flagrantly been breached on 3 November 2007, when President Musharraf declared a period of emergency rule and suspended elections scheduled for January 2008.

Following the imposition of emergency rule which bears all the characteristics of martial law, the Chief Justice Iftikhar Mohammad Chaudhry, was dismissed and placed under house arrest. He had been reinstated by the Supreme Court in July 2007 after an earlier removal in March 2007 and the court was about to rule on a

number of cases, including the fate of 600 people who have been 'disappeared' since 2001, that could have significant implications for President Musharraf. A large number of prominent lawyers, political and human rights activists and journalists were also placed under house arrest or detained. Subsequently, across Pakistan, the police have violently suppressed peaceful protests by lawyers and opposition activists. Thousands have been arrested. Many of them have reportedly been beaten and taken to unknown locations, some arrested without arrest warrants, some held incommunicado. Some are held in provisional facilities as the existing ones are filled to capacity. While many have been released there have been reports of re arrests.

In yet another measure that was in breach of Pakistan's constitutional order, on 10 November 2007, the Army Act has been amended by a Presidential decree allowing for civilians to be tried by military courts. The amendment takes effect retroactively to January 2003 and could be used to absolve the military of any responsibility for serious human rights abuses that are taking place today in Pakistan as well as those perpetrated in recent years.