

Peoples' power calling for reforms

A Pictorial Booklet

on the Courageous Movement of the Pakistani Lawyers and the People for the
Restoration of the Chief Justice of Pakistan and the Supremacy of the Constitution



An Historic Victory of the Judiciary
in Pakistan

Published jointly by:

Asian Human Rights Commission
and
Pakistan Bar Council

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FOREWORD

The suspension of the Chief Justice, Mr. Iftikhar Mohammad Chaudhry on March 9, 2007 by President General Musharraf, who is also the Chief of Army Staff, infuriated the entire legal community and the people of Pakistan in general. The resounding 'NO' from the people on behalf of the highest officer of the judiciary has shown the strength and trust that they have in the rule of law, the supremacy of the judiciary and constitutional governance; a concept which appeared to be truly beyond the understanding of the arrogant, military rulers.

The events that took place during period of the lawyer's movement is being documented in order to reveal the very real dangers to life and limb that they, and the common folk of Pakistan went through to ensure the supremacy of law and in resisting actions which were ultra vires to the constitution. The incredible determination that these people showed deserves to be well and truly glorified.

During the lawyer's movement, Mr. Justice (retired) Rasheed Razvi, executive member of Pakistan Bar Council, was here in Hong Kong in early June, and during his address and discussions with the Asian Human Rights Commission it was decided that a pictorial booklet should be published on this heroic struggle of the people of Pakistan. Generally, in this line of work, we do not document events in such a manner, but in the case of this movement, which is unique in our subcontinent, it was decided that the event should be recorded through photographs and text. This pictorial booklet is jointly published by the Asian Human Rights Commission and the Pakistan Bar Council.

We wish to express our gratitude to the Daily Dawn, of Karachi who gave us access to their photographs which make up the majority of the pictures in this publication. The chronology of the movement is mainly based on Daily Dawn's news coverage.

We also received photos from lawyers and photo journalists, which may have been taken from news agencies.

The Pakistan Bar Council obtained some photographs from different sources and the council is taking responsibility of those photographs.

In collecting the photographs we received great help and contributions from the Pakistan Press International (PPI), Online International News Network and Daily Nawa-i-Waqt publications.

In preparing the accompanying text we have tried to maintain the chronology of events in relation to the photographs; again we apologise if we have missed any particular event.

Finally, we are most grateful for the cooperation of the Pakistan Bar Council and its Vice Chairman, Mirza Aiziz Akbar Baig and also to Mr. Muneer Malik, President of Supreme Court Bar Association for taking an interest in this publication. We are also thankful to Justice (Rtd) Rasheed Razvi and Mr. Tawangar for providing vital material. Beena Sarwar and John Sloan helped us in editing the text and we appreciate their contributions.

Baseer Naveed

Revolt in Pakistan to Achieve Justice Reforms and Democracy

By Basil Fernando, Executive Director of the Asian Human Rights Commission

What has taken place during the period from March 9, 2007 to July 20, 2007 in Pakistan by way of massive protest against the attempts of the military regime to oust the Chief Justice, Mr. Iftikhar M. Chaudhry from his office, culminating in a decision by the Supreme Court of Pakistan to reinstate him in his position is a movement of historic magnitude, the like of which the world has seen rarely and in South Asia, never before.

This picture gives a colourful narrative of this story from the day of the suspension of the Chief Justice to the day of judgment by the Supreme Court. Behind this visible narrative there are many more revelations than the actual events of the chronology of these months. On the one hand these revelations are about a country that has been so completely betrayed by a series of successive military regimes. The devastation caused by these regimes on the institutional aspects of democracy in the country has now reached a level where it is possible for a military dictator to imagine that even the Chief Justice can be dismissed as and when the military chief thinks it fit.

However, the other side of the same story is that the people of Pakistan have crossed the threshold of their endurance of extreme forms of repression. And this, the military regime, which had become complacent by their hold on power could not even imagine. The attempt to silence such a mass revolt by crude acts of violence as massacres, planting of bombs and harassment of activists engaged in revolt, reveals that the mindset of the military no longer comprehends the magnitude of the social revolt that is now being expressed in the country.

No one predicted that the Chief Justice could win this battle against the military general, Musharraf. In fact, the support of the global media for the struggling lawyers, judges and the masses was not manifested hugely. The assumptions were more in favour of the military regime striking a deadly blow against the Chief Justice and others who were supporting him. A study of the coverage of events in the global media does not show that it understood the magnitude of the movements that are unfolding in Pakistan. It can be said without exaggeration that the judges, lawyers and the protesting masses have created an extremely surprising situation that the rest of the world will take yet some more time to fathom.

It is obvious that the people of Pakistan are clamoring for political change of great scale. The whole episode around the Chief Justice is just a manifestation of an awakening which is widespread and has influenced all sectors of society in Pakistan, the poor and the rich, professionals and ordinary folk, the media and its recipients. A collective will is being expressed which is greater than any individual, for example, greater than the Chief Justice as a person. Out of the depths the people of Pakistan are crying for a fundamental transformation from military repression into a more genuine democratic way of life. This revolt is not just about the military but also about the type of democratic parties so far existing in the country which have failed to provide a proper leadership for the development of a wider democracy in Pakistan.

The message written on the faces of all those whose pictures we see in this booklet, as well as the message written over the clear sky of Pakistan is that the day of reckoning has now arrived. The people demand a responsible democratic leadership to take over political power and replace the military rule in the country. However, what the people demand is not just a formal return to democracy but substantial that will ensure the clear separation of powers and the capacity for the people to participate in resolving their problems. The task of the judiciary now is to help shape the type of democracy that can answer the aspirations of a people in revolt wanting substantial changes in a short period of time.

From March to July the lawyers were on the streets. They symbolized the professional classes in Pakistan which are sharing the same frustrations and aspirations as the lawyers. On them now falls the task of providing the intellectual impetus needed to transform the energy of a revolt into transformative action to bring about viable institutions that can improve the quality of life of the people. Finding paths to end corruption and abuse of power will remain a major challenge. Developing strategies to deal with massive poverty and injustices is another. Developing reforms in the institutions of parliament, the courts and the police, in order to make it possible for the people to interact constructively is the ultimate challenge.

It is also time for the media of Pakistan to throw off the shackles imposed on them by militarism and to play a role as an important component of a democracy. From March to July during the periods of revolt the media fought courageously alongside the people and were exposed to much grave harassment. But it was the military that lost and not the media. In the months to come vigorous media involvement will help to evolve ideas that the people can make use of to achieve the changes they desire.

It is time now for the international community to catch up with the tremendous developments in Pakistan. The struggle for democracy in the country deserves vigorous support from all over the world. Particularly, it is hoped that the democratic elements in India will rise to support strong democratic reforms in Pakistan and also rise like the masses of Pakistan for improving conditions of life and democracy in their own country.



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No. 585/PBC/SEC/2007
July 11, 2007

To,

Executive Director,
Asian Human Rights Commission,
19/F, Go-Up Commercial Building,
998 Canton Road,
Kowloon,
Hong Kong.

SUBJECT: PUBLICATION OF PICTORIAL GAZETTE.

Dear Sir,

Pakistan Bar Council has always resolutely stood and strived for the Rule of Law, Democracy and the Independence of Judiciary in Pakistan and it is for such rationale that Pakistan Bar Council believes that such issues relating to national importance should be highlighted on all forums, democratic and international.

We have noted that the efforts undertaken on the part of AHRC to protect human rights in Pakistan are highly appreciated. Indeed it is a great contribution on the part of AHRC for which we are greatly indebted. You will always find Pakistan Bar Council standing by AHRC in promoting and checking abuses of human rights in Pakistan.

We at Pakistan Bar Council greatly appreciate the proposal from your prestigious organization for publication of a pictorial gazette regarding the current judicial crisis in Pakistan. It is important to mention here that the entire lawyers community in Pakistan is appreciating such strong and wholehearted support from your commission.



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(2)

The Pakistan Bar Council while extending its sincere gratitude and appreciation to Mr. Basil Fernando, Executive Director, AHRC and to his entire staff/colleagues at AHRC for their utmost support and belief in the Rule of Law and the independence of Judiciary in Pakistan; have nominated and authorized Mr. Justice (Retd) Rasheed A. Razvi, Member, Executive Committee, Pakistan Bar Council to co-ordinate and to extend all necessary assistance and co-operation to the AHRC in publication of the Pictorial Gazette.

Pakistan Bar Council would like to take this opportunity and extend their complete assistance to the AHRC in order to achieve their objectives of restoration of human rights and Rule of Law in Pakistan.

Please do not hesitate to contact us if we could provide you with any further information or assistance in this regard.

Thanking you,

(Mirza Aziz Akbar Baig)
Vice-Chairman

A Statement by the Asian Human Rights Commission made on the day when the decision was announced:

PAKISTAN: Historic verdict reinstates chief justice, challenges dictatorship

In a unanimous decision, the Supreme Court of Pakistan today 20 July 2007 declared the suspension of the Chief Justice of Pakistan, Iftkhar Chaudhry, by the president, General Pervez Musharraf, to be illegal and instructed that he be reinstated.

The Asian Human Rights Commission salutes the Supreme Court of Pakistan for this bold, upright and historic assertion of the independence of the judiciary, which sets an example for the whole of Asia.

Pakistan now again has a legitimate head to its judiciary. It is now his duty to carry the leadership that he has shown in these last few months back into his role as chief justice, in the intense struggle to uphold the rule of law and protect the rights of his people under extraordinarily difficult circumstances.

During the last few months the world has seen the courage of lawyers and judges in Pakistan, who have risked everything to defend the integrity of their institutions and professional credibility, in the interests of the entire public there. Their stamina and determination will remain indelibly marked upon our memory. They have truly earned the victory that has come today.

The Asian Human Rights Commission sincerely believes that the enormous trust vested in the chief justice by people throughout Pakistan, actively demonstrated in thousands risking and some losing their lives, will be reciprocated by the upholding of the highest traditions of the courts and legal values. There is no alternative. They have made clear that they want their judiciary to be separate from the executive. They will not tolerate the military bulldozing over every other institution in their country. They insist upon institutions for the rule of law and government through real, not fraudulent, legislative power.

Dictatorship has today been rejected as a viable form of government in Pakistan. But while the Supreme Court judgment must be celebrated, the task now falls to all serious-minded persons to think and act together and build upon this achievement. There remains much to be restored which has been lost under this military regime. The wisdom expressed in the streets and courts of Pakistan in the last few months, culminating in this judgment, must now give rise to a vision for a new Pakistan where democracy and the rule of law will wholly replace tyranny and injustice. Let us all work towards this goal.

The first statement issued by the Asian Human Rights Commission on the suspension of Chief Justice Mr. Iftikhar Chaudhry by the military government:

AS-044-2007

March 12, 2007

PAKISTAN: Removal of the Chief Justice manifests the loss of judicial independence due to absolute executive control by the military regime

President Musharraf removed the Chief Justice of Pakistan, Iftikhar Chaudhry, on March 9, 2007 after summoning him to the President's Camp Office in the military premises.

The President thereafter proceeded to declare the Chief Justice to be non-functional. Following this the Chief Justice was not allowed to return to the Supreme Court and he is said to be prevented from meeting anyone including his closest relatives. Meanwhile, an acting Chief Justice was sworn in.

This move is a clear demonstration of the complete disregard for the separation of powers within the present military administration of President Musharraf who came to power by a military coup in 1999. After coming into power the president also changed the constitution to make himself the supreme leader of the country. This move to remove the Chief Justice is seen as unprecedented and unconstitutional. However, given the complete change of the power structure within the country where the president holds absolute power this decision is a clear message that the respect for the independence of the judiciary is not part of the political scheme of present day Pakistan. The President clearly wants a judiciary that is subservient to his wishes and under his complete control.

This decision completely shatters the illusion held by many including some lawyers associations that the independence of the judiciary is still possible in the country. The military dictatorship has completely reshaped the country's legal system and norms. Now it is within the power of the president to remove the Chief Justice himself without following the usual procedures laid down in the constitution to ensure that no superior court judges can be removed except through a process of internal inquiries conducted by the Supreme Judicial Council. That model of protection of the tenure of judges from undue interference by the executive is irrelevant within a political scheme in which the president holds absolute power.

The move by the President has not lead to the resignation of other Supreme Court judges or other superior court judges. If the Supreme Court wants to assert its independence as against the absolute control by the executive this could be done only by way of an unconditional defense of their chief, the Chief Justice. That there has been no such move from the Supreme Court is a clear indication that the judiciary has accepted their role to be subordinate to that of the president. A Supreme Court judge in Pakistan can now be removed in the same manner in which any public officer can be removed, that is at the mere wish of the executive.

The Chief Justice was involved in the hearing of some cases relating to disappearances and some *suo moto* actions in cases of gang rape and torture at the time of his removal. He is also acknowledged to be judicially active in pointing out maladministration within the government. This apart, he has functioned within the same legal framework that was shaped by President Musharraf after he took over power. The present move shows that even slightest manifestation of independence on the part of judges will not be tolerated by the present regime. It requires a complete subordination of the judiciary to the executive.

This demand for total subordination may also be due to the mass dissatisfaction that is expressed throughout the country against the military regime for many reasons. The regime may fear that the unrest within the country may lead to many forms of references for judicial redress and thereby open up new avenues for criticism against the existing regime. There is also a speculation that the president may want an extension of the terms of his office and this might lead to challenges in court. In such an event the President may want assurances of the absolute loyalty of the Supreme Court.

The removal of the Chief Justice and his virtual house arrest will have a chilling effect throughout the country. If the Chief Justice himself can be treated in this manner who else will feel free and be at liberty to express themselves? As there is serious protest on the part of lawyers and others against the removal of the Chief Justice it is not unlikely that further arrests and other repressive measures may follow.

The Asian Human Rights Commission condemns the removal of the Chief Justice. This act by the President is a further manifestation of the end of the independence of the judiciary in Pakistan. The issue of the independence of the judiciary cannot be fought with any success without challenging the structure of power imposed by the military regime in which the executive holds absolute power. The present mass unrest regarding the abuse of power by this regime which has engaged in such acts as large scale disappearances and the removal of the basic freedoms of people necessarily poses the issue of democracy within Pakistan. The military regime which has manipulated the argument in its favour on the basis of the abuse of power by some elected regimes is now using its own absolute power to crush all freedoms including any semblance of judicial redress that may have been possible due to the long tradition of judicial independence which prevailed in Pakistan before the military regimes destroyed the democratic structure in the country. The present issue of the Chief Justice reiterates the need to reestablish democracy within the country and thereby to make the independence of the judiciary once again a possibility.

Chronology of Events During Lawyers' Movement



photo : Reuters

March 9: President General Pervez Musharraf called the Chief Justice of Pakistan, Justice Iftikhar Muhammad Chaudhry, to Army House and declared him non-functional. An arrogant General asked the Chief Justice to resign, not realising how much the people of Pakistan hate the military government and how much respect they have for rule of law and the supremacy of the judiciary. No one knew at that time that the Chief Justice's "NO" would change the history of Pakistan.

Justice Javed Iqbal was appointed Acting Chief Justice.

March 10: Protocol for the Chief Justice is withdrawn, his cars taken away, and he and his family are not allowed to leave the house. Lawyers announce a three day protest and a complete strike of the courts.

March 10-13: Lawyers lead massive protests throughout the country and boycott proceedings of all courts. During such a protest in Lahore on March 12, police baton-charge lawyers, injuring forty.

March 13: After being held incommunicado in his house for three days, Chief Justice Chaudhry is produced before the Supreme Judicial Council for the first time after his suspension. He is mishandled by the law enforcement agencies, pushed by his head and pulled by his hair. He resists the police and

returns to the people. Opposition members, parliamentarians, lawyers and representatives of civil society converge on Constitution Avenue in support of the Chief Justice.

March 14: The Sindh High Court Bar Association members form a human chain around the court building.

March 15: Lawyers across the country observe a one-hour token strike and continue their protests against the suspension of the Chief Justice. • President General Musharraf said the government will accept the verdict of the Supreme Judicial Council on the reference against the Chief Justice. • The government bans a popular television show. Geo television was attacked by the police.

March 16: Police fire rubber bullets and teargas at thousands of opposition supporters in Islamabad and smash up studios of the private Geo television station which had covered the protests live. • The Chief Justice complains to the Judicial Council that he and his family members are detained in the house. Counsel was ordered to lift all of the restrictions.

March 17: President Musharraf sends the Chief Justice on forced leave.

March 19: Justice Jawad Khwaja, a Lahore High Court judge, and two judicial officers of Sindh resign in protest of the Chief Justice's suspension. In total seven judges resign in protest, including Mr. Nasir Saeed Khawja, Deputy Attorney General, Mr. Mustafa Mustafawi, Senior Civil Judge, Mr. Rajesh Chander Rajput, Senior Civil Judge and Miss Erum Jehangir, Civil Judge.

March 20: The Government serves Aaj Television notice on live coverage and discussions on judicial crisis.

March 21: Around 4,000 lawyers and workers of various political parties rally on The Mall in Lahore to protest against the Chief Justice's suspension in continuance of the nationwide protests. Two assistant public prosecutors resign from their offices in protest. • Throughout the country, lawyers and political workers announce their intention to hold continuous protests. Authorities stop the proceedings of the Supreme Judicial Council for ten days.

March 22: General Musharraf appoints Rana Bhagwandas Acting Chief Justice.

March 26: Political parties organise their first joint protests outside the Supreme Court.

March 28: Chief Justice Chaudhry makes his first public speech since being suspended, addressing a huge gathering of lawyers at the Rawalpindi High Court Bar Association where he says, "it is impermissible for an organ to exceed its prescribed limits for that would constitute interference in the domain of another."

March 31: Throughout the country, different bar associations vow to continue their campaign against the suspension of the Chief Justice until his restoration. Lawyers organise mass demonstrations throughout the country which continue throughout the month of April.

April 2: The Supreme Court serves contempt of court notices on senior administrative and police hierarchy of Islamabad for roughing up the Chief Justice to prevent him from marching towards the apex court.

April 3: The Chief Justice appears before a private session of the Pakistan Supreme Court and demands that the closed hearing be made public. • A large number of lawyers and political and social activists protest for six hours outside the Supreme Court, demanding reinstatement of the Chief Justice. • Lawyers in Quetta stay away from court proceedings and take out protest processions while more than 2,000 lawyers rally on The Mall in Lahore. • The lawyers' fraternity in Sindh High Court, city courts, labour courts, anti-terrorist courts and courts of Malir district observe a complete strike. Lawyers protested in each district of the country.

April 4: The Supreme Court on Wednesday indicts senior administration and police officials of Islamabad for contempt of court by roughing up the Chief Justice. • Lawyers in Hyderabad boycott courts for an hour. Protests are also held in Thatta, Nawabshah, Jacobabad, Khairpur and Dadu.

April 9: The Supreme Court accepts two identical petitions questioning the legality of the Supreme Judicial Council and the President's reference against the Chief Justice.

April 10: The District Bar Associations in Punjab suspend memberships of 19 lawyers, including two parliamentary secretaries and two former presidents, for attending a government-sponsored lawyers' convention. The District Bar Association in Sialkot cancels the membership of National Assembly Speaker Chaudhry Ameer Husain for supporting the suspension of Justice Iftekhar Chaudhry.

April 11: Lawyers refuse to allow Advocate Wasim Sajjad, who represents the referring authority in the reference, to sit in the bar room of the Sindh High Court in Karachi.

April 13: A huge rally of the Alliance for Restoration of Democracy expresses solidarity with the Chief Justice. Lawyers throughout Sindh also boycott courts and stage protest demonstrations. Hyderabad lawyers stage a rally from the Pakistan Chowk to the local press club and protests are held in T.M.Khan, Thatta, Nawabshah, Mithi, Khairpur, Naushahro Feroze, Dadu, Mirpurkhas. Lawyers across the Frontier province also boycott court proceedings.

April 14: At the annual dinner of the Sindh High Court Bar Association's Sukkur Chapter, the Chief Justice calls for upholding supremacy of law and the Constitution by ensuring that none of the three pillars of the state dominated the other two: "Abuse of power often happens in a society where there is centralisation of all powers in one person or one institution."

April 15: In Hyderabad, the Chief Justice addresses a large gathering of lawyers, including fifteen sitting judges of the Sindh High Court, at a reception of the Chapter of the High Court Bar Association and the Hyderabad District Bar Association, saying: "A civilised society is ruled by the constitution and a representative system of governance."

April 16: The government concedes before the Supreme Court that it still considers Justice Iftekhar Mohammad Chaudhry to be the Chief Justice of Pakistan.

April 18: The Chief Justice launches a challenge to the composition of the judicial bench hearing allegations against him. Lawyers, supporters of various opposition parties and representatives of civil society organisations hold demonstrations and rallies across the country to express solidarity with the Chief Justice. • The district bar association of Toba Tek Singh cancels the memberships of three lawyers for attending a ruling party lawyers' convention. Thousands of lawyers and political activists rally in Lahore. Lawyers in Karachi boycott the courts and stage a sit-in in front of the Sindh Chief Minister's House.

April 23: A seven-member delegation of lawyers leaves Lahore for Islamabad by foot.

April 24: Supreme Court Judge Sardar Mohammad Raza Khan declines to head a bench hearing. The Council of Pakistan Newspaper Editors condemns Pemra's issuance of show-cause notice to the Aaj TV channel.

April 25: The Chief Justice files a petition (<http://material.ahrchk.net/pakistan/Petition-GAK-18-04-07.pdf>) in the Supreme Court alleging that he was physically restrained till 5pm when he refused to resign to prevent him from leaving the President's Camp Office Rawalpindi on the day he was suspended.

April 27: The Chief Justice files another application in the Supreme Court asking the Court to decide his request to stay the May 2 Supreme Judicial Council proceedings regarding the presidential reference against him.

May 2: Several individuals are injured when police use batons to stop them from proceeding to the Supreme Court building where the Chief Justice is to appear before the Supreme Judicial Council. The District Bar Associations cancel memberships of 33 lawyers for meeting the Punjab Chief Minister on May 1. Protests are held in Peshawar, Karachi, Hyderabad, Quetta, Lahore, Attock, Abbotabad, Chakwal, Gujranwala, Faisalabad, Sargodha, Charsadda, Bannu, Sukkur and other cities of Pakistan.

May 3: Police try to prevent lawyers from entering the Supreme Court during the Chief Justice's appearance before the Supreme Judicial Council.

May 4: Police detain over 1,000 political activists in an attempt to foil the reception of the Chief Justice as he travels from Islamabad to Lahore on May 5.

May 5: Thousands cheer the Chief Justice's motorcade from Islamabad to Lahore, where he declares to a huge crowd that the "era of dictatorship is over." Mass arrests, road blockades, baton-charges and teargas shelling by police fail to stop people from welcoming the Chief Justice in various cities during his journey. At least 16 High Court judges are among those who wait for the Chief Justice throughout the night. • The government takes three television news channels off the air on Saturday afternoon, depriving viewers in Karachi and southern Sindh of live coverage of the procession of the Chief Justice.

May 6: Lawyers, political and rights activists and serving and retired judges of superior and subordinate courts accord an unprecedented welcome to the Chief Justice. His motorcade takes 25 hours to reach the Lahore High Court from Islamabad.

May 7: The Supreme Court suspends the Supreme Judicial Council's inquiry into charges against the Chief Justice and takes up the petition challenging his suspension.

May 12-13: At least 51 are killed and over 140 injured after government supporters, in particular activists of the MQM, prevent the Chief Justice from attending a rally in Karachi. Armed men attack the office of private television channel, Aaj TV, and set fire to more than a dozen vehicles in its parking lot. Strikes called afterwards paralyze much of the country.

May 14: A strike is held and most businesses and shops remain closed to protest against the mayhem in Karachi. Hundreds of armed men take control of the streets and the Chief Justice and his lawyers are prevented from attending a bar association function in Karachi. • Four gunmen kill Syed Hammad Amjad Raza, Additional Registrar, Supreme Court, who had close ties to the Chief Justice.

May 17: Lawyers boycott court proceedings in Karachi in response to a call from the Pakistan Bar Council

May 21: Police register a sedition case against office-bearers of the High Court Bar Association, Hyderabad District Bar Association, Sindh Bar Council and leaders of parties in the Hyderabad Grand Alliance.

May 24: Lawyers boycott courts across Sindh on the appeal of the Pakistan Bar Council to condemn the presidential reference filed against the Chief Justice. They wear black armbands and staged token hunger strikes.

May 26: The Chief Justice addresses a seminar at the Supreme Court Auditorium which was broadcast live. He stated that authoritarianism is maligned because it is the antithesis of the concept of separation of powers and devoid of checks and balances. • Lawyers, political and social activists hold a protest demonstration on Constitution Avenue in Islamabad for more than five hours.

May 28: Lawyers boycott court proceedings in Hyderabad in protest against the swearing-in of Acting Chief Justice Javed Iqbal. They stage a token hunger strike outside the civil courts after boycotting proceedings in civil sessions and the high courts.

May 29: The Chief Justice files an affidavit at the Supreme Court alleging that President Musharraf's generals tried to intimidate him and he was detained on March 9. • A court employee is killed and nine people injured when a bomb explodes outside the Peshawar High Court.

May 31: Police register a sedition case against hundreds of Karachi Bar Association members for setting fire to an effigy of President Musharraf.

June 2: More than 25,000 people greet the Chief Justice as he proceeds to Abbotabad. • The government stops satellite TV channels from telecasting programmes, including live talk shows and discussions, on the issue of the presidential reference.

June 3: Chaudhry Aitzaz Ahsan, counsel of Justice Iftekhar Mohammad Chaudhry, asks lawyers to send at least 1,000 affidavits in support of Hamid Ali Khan and Ali Ahmed Kurd, lawyers of the Chief Justice's legal team against whom a contempt of court case is being filed in the Supreme Court.

June 4: General Musharraf imposes tough new rules on broadcasters, sparking protests by journalists. • Journalists, politicians and representatives of civil society organisations demonstrate in front of the Prime Minister's Secretariat.

June 5: Hundreds of opposition political activists and students are detained across Punjab ahead of countywide protests called by lawyers. • Some TV channel licenses are suspended.

June 6: The Supreme Court says that the decision of the case of the Chief Justice will be decided on the Constitutional merits. • A civil rights campaigner, Syed Mohammed Iqbal Kazmi, goes missing. He recently filed petitions on the May 12 mayhem in Karachi.

June 7: A National Assembly speaker bars journalists from parliament during their protests against new media curbs.

June 8: The government files three affidavits against the Chief Justice two from the Chief of the Intelligence Agencies and one from the President Chief of Staff.

June 9: President General Pervez Musharraf orders the authorities to withdraw the controversial Pakistan Electronic Media Regulatory Authority (Pemra) Amendment Ordinance.

June 13: Head of the full bench of the Supreme Court, Justice Khalil Ur Rehman Ramday says that this is not the trial only of the Chief Justice, but of every judge, and the Judicial Council should not become the instrument in terminating judges.

June 18: Armed men attack Advocate Mr. Aamir Rana, the nephew of the Chief Justice.

June 23: The Chief Justice was given a big reception at Lahore airport before he departs by road for Multan city.

June 24: Seventeen hours after his departure from Lahore to Multan, the Chief Justice reaches Sahiwal after midnight, covering only half the journey. The Chief Justice arrives in Multan after a 36 hour journey from Lahore covering only 350 kilometers, where he receives an unprecedented welcome. The Chief Justice said, “the judiciary, executive and legislature should play their role and not encroach on each other’s role.”

June 26: Justice Khalil Ur Rehman Ramday, heading a 13-member bench hearing a petition challenging the presidential reference against the Chief Justice, deplors that it is the judiciary that is to blame for all the ills, whereas everyone bore responsibility for the poor affairs.

June 28: The government agrees to allow Pakistan’s Supreme Court to hear the Chief Justice’s petition instead of the Supreme Judicial Council, even though the Supreme Court calls the Chief Justice’s suspension “a huge damage to the country.” • In Lahore thousands of lawyers, political workers and civil society activists rally for the seventh consecutive week to register their protest against the presidential reference. • In Hyderabad, Karachi, Peshawar, Quetta and Rawalpindi, lawyers boycott courts in support of the Chief Justice.

July 2: The Supreme Court fines the government for making ‘scandalous’ claims against the Chief Justice. The Court orders the Intelligence Bureau to inspect the Supreme Court and the offices of all judges and submit reports ensuring there are no bugging devices. The Court also suspends the license of State-appointed Advocate-on-Record. The bench bans the unauthorized access to intelligence operatives inside Superiour Courts.

July 14: The Chief Justice is accorded a warm welcome upon arrival in Lahore from Islamabad to address the District Bar Association.

July 15: The Chief Justice said in Lahore that “any change in the prevailing situation of the country depends on the restoration of the Constitution.” He tells the large gathering of lawyers and civil society members that “if the Constitution is not restored, the status quo will continue throughout the country.”

July 16: Government lawyers drop the charge of judicial misconduct against the Chief Justice.

July 17: A suicide bomber kills seventeen people during a lawyers' rally in Islamabad shortly before the arrival of the Chief Justice. The Supreme Court grapples with the question of why the Supreme Judicial Council has restrained the Chief Justice *ex parte* in the dead of night not realizing that by doing so, it was also depriving the Judge of his honor and respect.

July 20: A full 13-member bench of the Supreme Court reinstates Chief Justice Chaudhry and quashes the charges against him sparking jubilant celebrations throughout the country. This is the first ever verdict contradicting a military ruler in the history of Pakistan.

July 21: Chief Justice Iftakhar Mohammad Chaudhry constitutes six benches, over one of which he will preside himself from Monday, marking the first day of formal work from his official residence. The Chief Justice calls Supreme Court Registrar Dr Faqir Hussain to his residence and reinstates him as Supreme Court registrar. During the meeting, the Chief Justice passes orders regarding official functions and constitutes six benches — three each at Islamabad and Lahore registries.

July 23: Chief Justice Iftakhar Mohammad Chaudhry declined to hear a private matter of senior counsel Sharifuddin Pirzada, who had defended the presidential reference against him before a 13-member bench, directing the Supreme Court office instead to put it before some other bench. • Lawyers observe Yaum-i-Tashakur (Thanksgiving Day) on Saturday and vow to continue their struggle till the removal of President Gen Pervez Musharraf. • The movement for the independence of the judiciary embarks upon the next phase when its key leaders, Munir A. Malik, President of the Supreme Court Bar Association, and Ali Ahmed Kurd, a former vice-chairman of the Pakistan Bar Council, on Monday unfurl a programme for a political change in the country. Addressing a general body meeting of the Karachi Bar Association at the City Courts, they ask General Pervez Musharraf to step down before being dislodged from power through a mass movement against the military dispensation.



The Chief Justice of Pakistan, Mr. Iftikhar Mohammad Chaudhry, speaking to the people.

(Photo: Courtesy of Pakistan Bar Council)

The power of the lawyers.

(Photo: AFP)



Photo by Tanveer Shahzad



March 10. President of the Supreme Court Bar Association, Munir Malik, and other lawyers were prevented from entering the residence of the Chief Justice when they tried to meet him



The guns are pointed at the judiciary of Pakistan

Darkest Day in the History of Judiciary in Pakistan



March 13. The police handle the Chief Justice, Mr. Iftekhar Chaudhry, like an accused person as he is produced for the first time after his suspension. When he tried to resist the police grabbed Mr. Chaudhry by the hair and forced him into a police van. Enraged by the humiliating treatment of the Chief Justice, the people of Pakistan took to the streets in protest.

(Photo: Nawa-i-Waqt)

Lawyers are beaten by police officers

(Photo: AFP)





Mr. Hamad Raza, the additional registrar of the Supreme Court was the first victim of the judicial crisis. He was a close associate of the nonfunctional Chief Justice. Mr. Raza was pressurised by the government and the intelligence agencies to withdraw his support for the Chief Justice and when he refused to do so there was an armed robbery at his residence, during which he was killed. Mr. Raza's widow has accused the government of killing her husband.



March 13. Chief Justice Mr. Iftekhhar Choudhry is pushed into a police car.

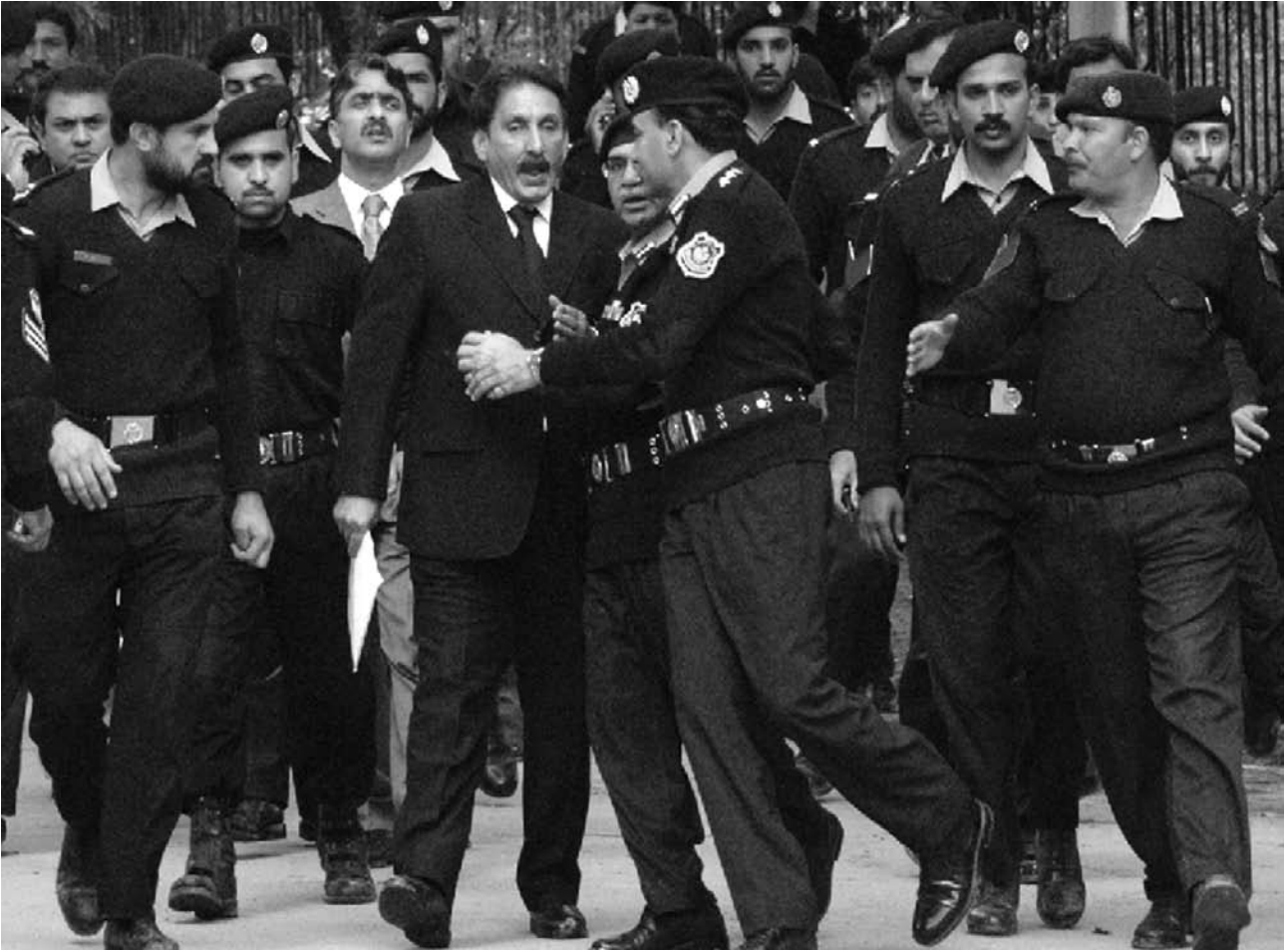
(Photo: Nawa-i-Waqt)



MARCH

Lack of respect by police towards the Chief Justice. He was not allowed to go supreme court building as a free citizen.

(Photo: Courtesy of Pakistan Bar Council)



March 13. When the Chief Justice of Pakistan Mr. Iftikhar M.Choudhry was produced before the Supreme Judicial Council for the first time after his suspension the government of Pakistan handled him with an iron fist. The police officers were allowed to handle the highest judicial officer like a criminal. It was a clear demonstration of the military government of how much importance it pays to the Judiciary and its highest officer.

(Photo: Courtesy of Pakistan Bar Council)



The Chief Justice and his lawyers, Mr. Munir Malik President of the Supreme Court Bar Association and Mr. Aitezaz Ahsan

(Photo: Courtesy of Pakistan Bar Council)



Friends of the daughter of the Chief Justice protesting against her detention

(Photo: PPI)



March 12. Lawyers in Sahiwal, a small city in Punjab province demonstrating against the suspension of the Chief Justice

(Photo: Courtesy of Pakistan Bar Council)



The Chief Justice Iftekhar Mohammad Chaudhry standing with his lawyers including Mr. Aziz Kurd, Former Vice Chairperson of Pakistan Bar Council under whose leadership the PBC decided to have country-wide protests till the reinstatement of the Chief Justice. Next to him Justice (Retired) Tariq Mahmood and on the left of the Chief Justice, the chief lawyer, Mr. Aitazaz Ahsan and Mr. Mirza Saeed Akber, sitting Vice Chairperson of Pakistan Bar Council.

(Photo: Courtesy of Pakistan Bar Council)



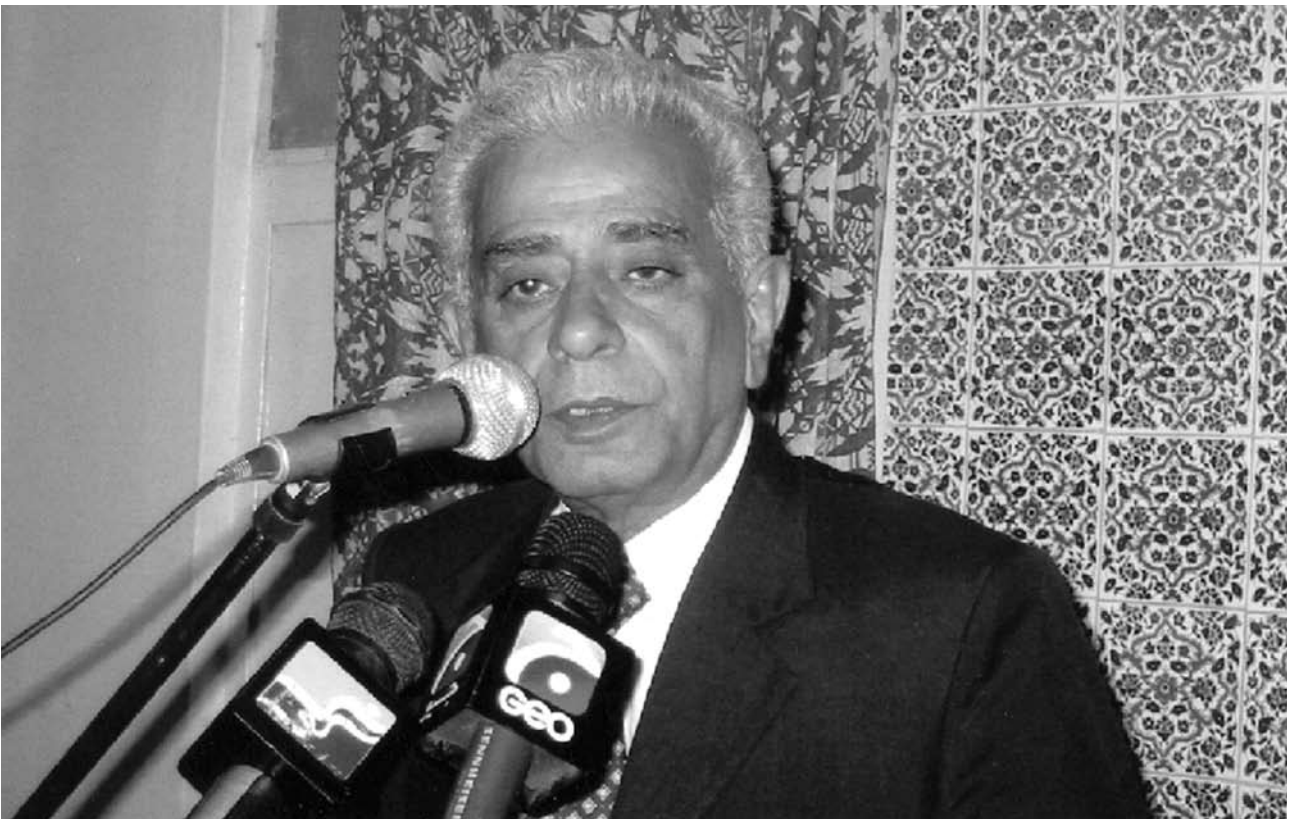
Members of Lahore Bar Association & Lahore High Court Bar Association demonstrating in favour of the Chief Justice of Pakistan on the Mall Road

(Photo: Courtesy of Pakistan Bar Council)



Mr. Ali Ahmed Kurd former, vice chairman of Pakistan Bar Council delivers a fiery speech during a reception in honor of the Chief Justice. Mr. Kurd was vice chairman of the PBC when the Chief Justice was suspended

(Photo: Courtesy of Pakistan Bar Council)



Mr. Mirza Aziz Akbar Baig, vice president of Pakistan Bar Council, elected in May 2007

(Photo: Courtesy of Pakistan Bar Council)

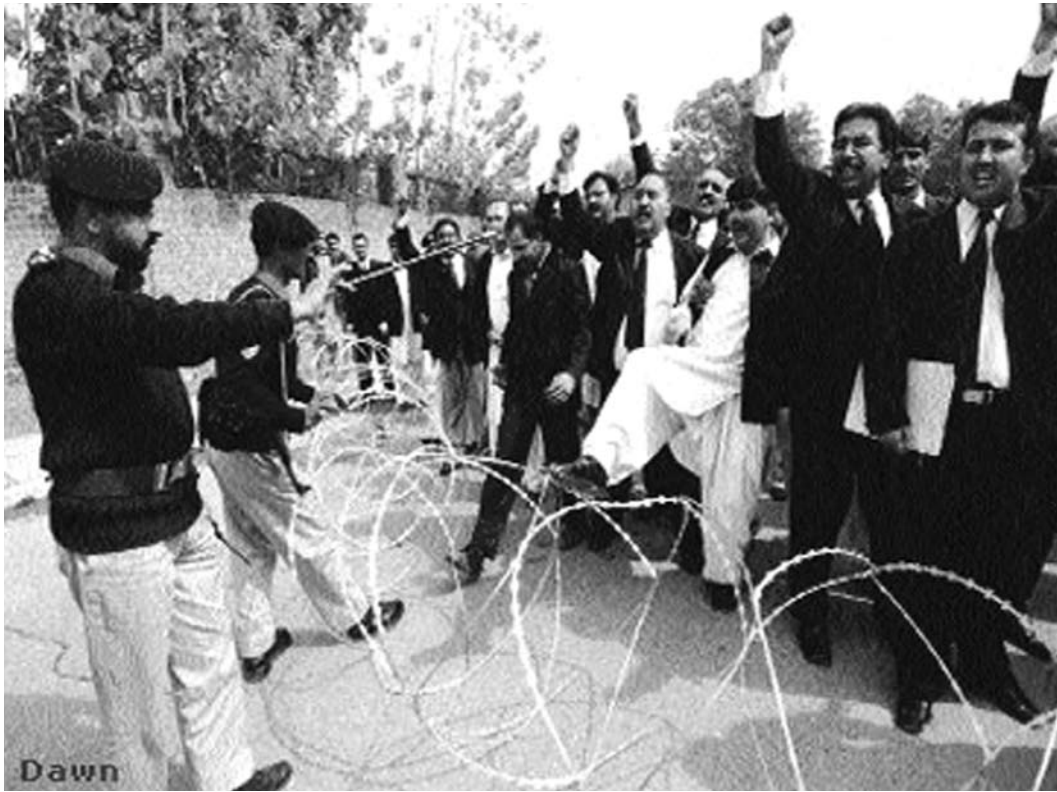


The Chief Justice's makes his first appearance at the Supreme Judicial Court. In the second photo, the government has stopped the traffic on the roads around the Supreme Court



Thousands of people throng to support the Chief Justice when he is first produced before the Supreme Judicial Council. The Chief Justice is some yards away from the Supreme Court building, but it took two hours to go inside the building because of the people gathered in their thousands to show their solidarity with the Chief Justice in his struggle for supremacy of judiciary and against the military rulers

(Photo: Courtesy of Pakistan Bar Council)



March 12. Lawyers shout anti-government slogans at a police barrier in front of the Governor's House in Peshawar



March 12. Lawyers boycotting court proceedings in Karachi stage a rally near the KMC building on the M.A. Jinnah Road



March 12. Courts in Karachi wear a deserted look as lawyers and stamp vendors go on strike



March 12. The courts in Lahore are deserted due to a strike by lawyers



March 12. A motor rally in Hyderabad of lawyers and political parties in a massive protest against the suspension of the Chief Justice

(Photo: PPI)



March 13. A Pakistani protestor in Islamabad grabs the neck of a policeman during a demonstration in front of the Supreme Court Building. Hundreds of lawyers and activists of different opposition parties gathered in front of Supreme Court during the hearing of the non functional Chief Justice



Dawn

March 14. Lawyers form a human chain in front of the Sindh High Court in Karachi during their protest



March 14. When lawyers were stopped from entering the Supreme Court they showed their anger by pushing aside the barriers which were erected by the authorities.

(Photo: AFP)



March 14. Spontaneous action of the lawyers in Lahore against the maltreatment of the Chief Justice by the police on March 13 when he was produced for the first time in the Supreme Judicial Council after his four day detention. Several lawyers showed the soles of their shoes in symbolic protest against the government action



A senior lawyer of Lahore High Court injured by the police during a demonstration against the manhandling of the Chief Justice

(Photo: Pakistan Bar Council)



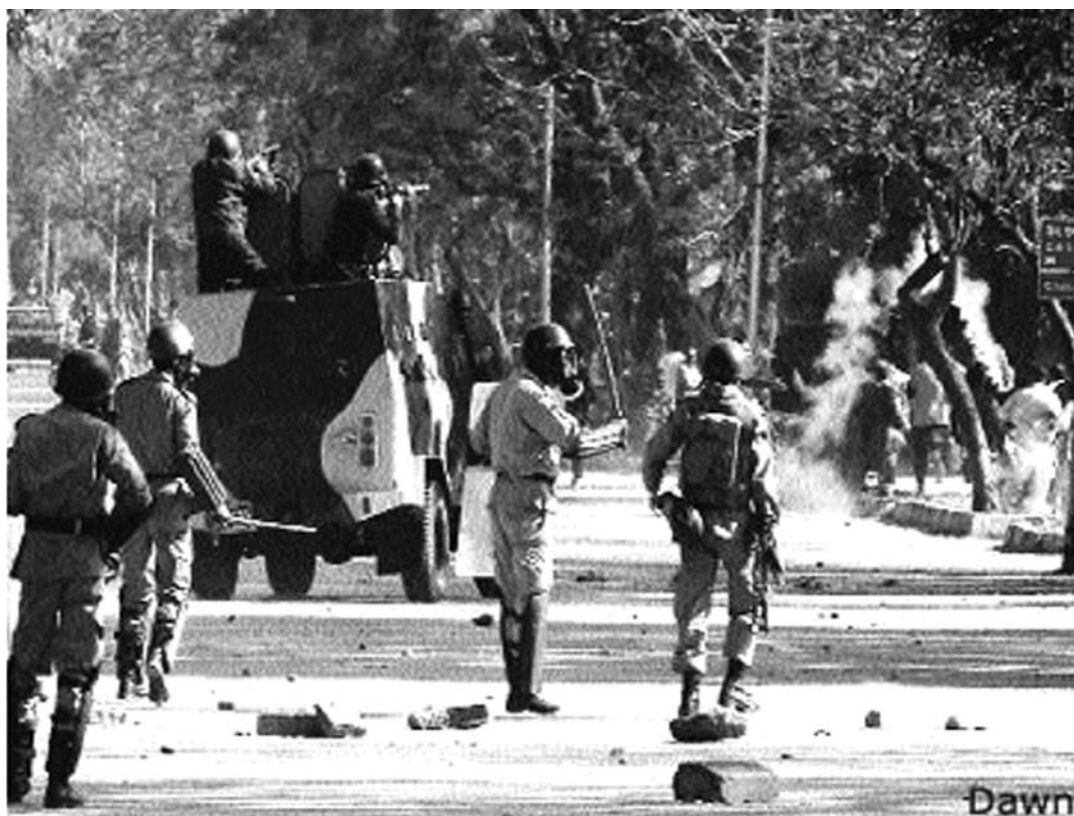
March 13. Lawyers standing in front of the Sindh Assembly building in Karachi where they were refused entry by the provincial government



March 15. Lawyers at the hunger-strike camp of the Lahore High Court Bar Association



March 16. Lawyers and political workers gather around the vehicle taking Chief Justice Iftkhar Mohammad Chaudhry to the Supreme Court



March 16. Rangers fire tear gas at demonstrators as they protest the suspension of the Chief Justice in Islamabad



March 16. Lawyers try to climb over the gate at the Lahore High Court which was closed by the police. The lawyers were not allowed to demonstrate outside the court building. Police baton charged the lawyers injuring several of them



March 16. Journalists chant anti-government slogans at a demonstration in Peshawar against the attack on a private television channel in Islamabad by law enforcement agencies



March 16. Police baton charge protesters as they move towards the Supreme Court building
(Photo: Ishaque Chaudhry)

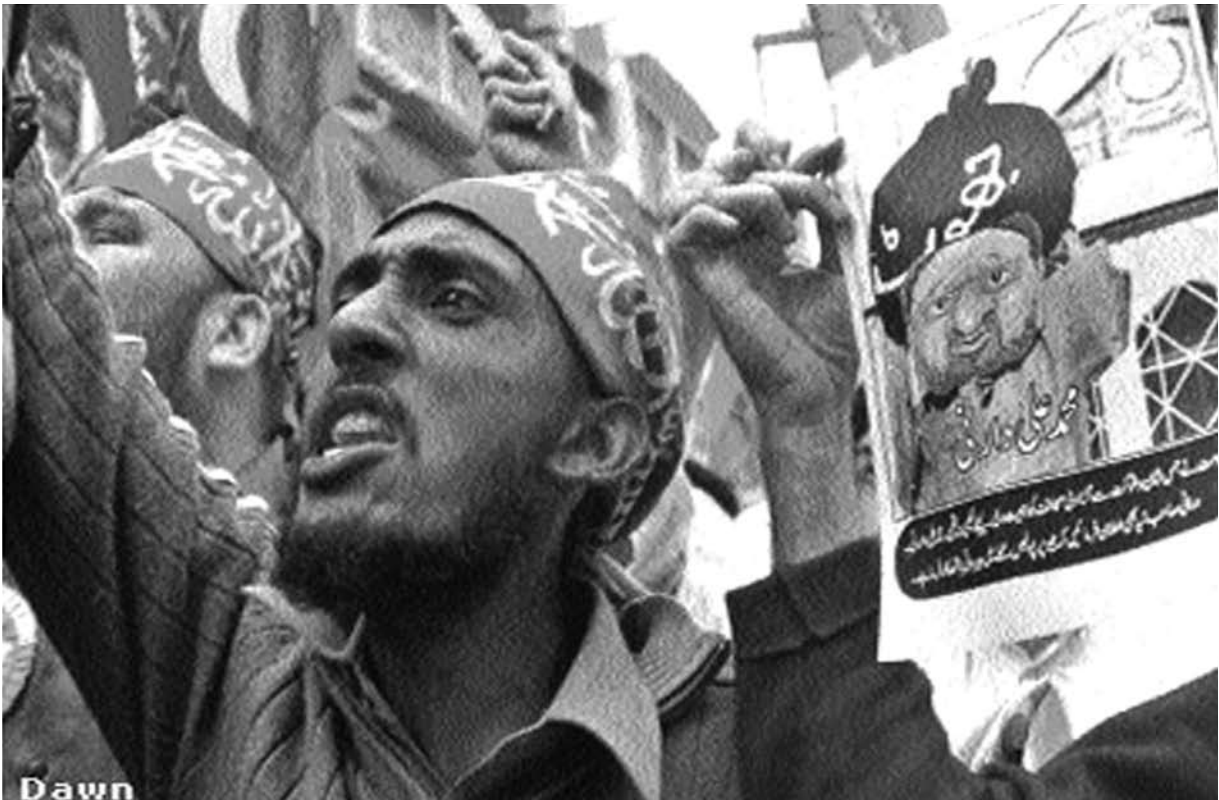


March 16. Policemen beating a protester on the Constitution Avenue in Islamabad



March 16. Journalists running towards the Governor's House in Karachi to stage a sit-in after they received news about the police attack on the offices of GEO and Aaj television channel's on Friday evening

(Photo: Anis Hamdani)



March 17. Protestors shout anti-government slogans during a demonstration



March 17: Lawyers were tear gassed by the provincial police during a protest against the maltreatment of the Chief Justice in Lahore.



March 17. The activists of the Writers' Forum in Layyah, a small city of Punjab, protest against a police raid of the office of a private TV channel in Islamabad



March 17. Lawyers protesting in Karachi



Photo by Tanveer Shahzad

March 17. A technician installs a security camera in Islamabad to keep a watch on a protest in favor of the Chief Justice



March 17. A group of citizens hold placards during a peaceful protest for the independence of judiciary and rule of law in front of the Supreme Court

(Photo: PBC)



Photo by Faisal Mujeeb

Mr. Rana Bhagwan Das, the senior most judge of the Supreme Court, arrives at Karachi airport from Dehli to take the oath of acting Chief Justice after the suspension of Justice Chaudhry. Mr. Justice Sabih Uddin Ahmed, Chief Justice of Sindh receives him. This was the starting point for the defeat of the government



March 21. Traders in support of the lawyers and the Chief Justice shut down their shops in Lahore

(Photo: Dawn)



March 24. Justice Javed Iqbal administers the oath to Justice Rana Bhagwandas in Karachi



March 26. Political leaders and activists of the opposition show solidarity with lawyers in Lahore



March 26. Supporters of various opposition parties march from Regal Chowk to the Karachi Press Club to express support for the judiciary



March 26. A procession of lawyers, led by women, head towards the Press Club to denounce the attitude of the government towards the judiciary in Karachi



March 28. Chief Justice Iftikhar Mohammad Chaudhry received a rousing reception from lawyers on his first appearance at the Lahore High Court Bar Association Rawalpindi Bench

(Photo: Tanveer Shahzad)



March 28. Members of the National Labour Federation hold a banner and placards inscribed with slogans against the government and in favour of the suspended Chief Justice at a demonstration in front of the Karachi Press Club

April 2. The protestors symbolically hang a politician, the press, judiciary and the public at the hands of the army.

(Photo: Courtesy of the Pakistan Bar Council)



April 3. Chief Justice Iftikhar Mohammad Chaudhry (R) leaves for the Supreme Court with his lawyers in Islamabad.

(Photo: Courtesy of the Pakistan Bar Council)





April 3. Lawyers attack intelligence officers who came dressed as lawyers during a rally in front of the Supreme Court



April 3. Lawyers chanting slogans and carrying banners participate in a protest rally from the High Court Building to the Supreme Court in Karachi

(Photo: Courtesy of the Pakistan Bar Council)



April 3. Activists of various political parties and lawyers protest outside the Supreme Court in Islamabad when the Chief Justice was produced



April 3. Police block traffic in Rawalpindi to prevent protesters from reaching the Supreme Court building in Islamabad



April 3. Lawyers came out in great numbers to show solidarity with the nonfunctional Chief Justice in Lahore



April 5. Lawyers marching towards the Supreme Court Building.

(Photo courtesy of the Pakistan Bar Council)



April 13. Workers of political parties are stopped by the police while smoke from burning tyres hides part of the Supreme Court building in Islamabad

Photo by G.A. Zaidi



April 13. Security agencies employ old methods to terrorize people by placing metal detectors outside the Supreme Court building implying there are chances of bomb explosions. Police check scores of lawyers proceeding towards the Supreme Court building to take part in a protest rally in Islamabad



April 13. Workers of the All Pakistan Minorities Alliance (APMA) demand an independent judiciary during a demonstration in front of the Karachi Press Club on Friday.

(Photo: PPI)



April 17. Representatives of civil society organisations and citizens stage a torch-bearing protest in front of the Supreme Court building to express solidarity with the Chief Justice and the families of missing persons in Islamabad



April 18. Lawyers stage a mock funeral in Islamabad to protest against the 'suspension' of the Chief Justice

April 18. Chief Justice Iftekhar Mohammad Chaudhry is all smiles while exchanging views with a lady lawyer after filing a petition in the Supreme Court. The CJ's counsel, Chaudhry Aitzaz Ahsan, looks on.





April 18. Lawyers march along M. A. Jinnah Road during a demonstration in support of the Chief Justice in Karachi.

(Photo: Online Int' News Network)

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April 18. Religious parties stage a rally against the suspension of the Chief Justice in Karachi

April 18. Pakistani lawyers march during an anti-Musharraf demonstration in Lahore. Nearly 1,500 Pakistanis held fresh protests against military ruler Pervez Musharraf as the country's top suspended judge Chief Justice attended a hearing into misconduct charges laid by the president. Lawyers and opposition supporters shouted "Go Musharraf, Go" and waved flags outside the Supreme Court in Islamabad as Chaudhry arrived to a hero's welcome.

(Photo: AFP/Arif ALI)





April 18. Political workers mix with lawyers at a rally on The Mall to show solidarity with 'non-functional' Chief Justice in Lahore



April 18. The movement by the lawyers for the supremacy of the judiciary and rule of law is mainly controlled by young lawyers. The police attempted to stop them with sticks but their determination was such that they could not be held back.

(Photo courtesy of the Pakistan Bar Council)



April 24. Lawyers in Karachi stage a protest against the suspension of the Chief Justice.

(Photo: Reuters)



April 24. Pakistani lawyers surround the vehicle of Chief Justice Iftikhar Muhammad Chaudhry after his case hearing at the Supreme Court in Islamabad. Around 3,000 lawyers and opposition supporters massed outside Pakistan's Supreme Court as the country's top judge challenged his dismissal by President Pervez Musharraf. The protest, including chants of "Go Musharraf, Go," was one of the biggest in Islamabad since military ruler Musharraf ousted the Chief Justice Chaudhry on 09 March, sparking a tense political crisis.

(Photo: AFP/Farooq NAEEM)



April 27. Human Rights Commission of Pakistan chairperson Asma Jahangir and relatives of the missing persons come out of the Supreme Court



April 30. Civil society representatives greet a group of lawyers with bouquets as they arrived at the gates of the Supreme Court on Monday, walking on foot from Lahore to express solidarity with the Chief Justice



May 1. Trade union activists climb a truck to remove a pro-Musharraf banner.



May 2. Lawyers stand wearing hoods and with tied hands outside the Supreme Court to symbolise what the “hanging of judiciary” by the government when it put the chief Justice of Pakistan in the docket



May 2. Lawyers chanting slogans against the suspension of the chief justice in Karachi

(Photo: Reuters)



May 2. Lawyers raise slogans against the suspension of the Chief Justice in front of the Peshawar High Court



May 2. Lawyers take to The Mall in Lahore to continue their protest against the 'suspension' of the Chief Justice.



May 3. Workers of different political parties fix their party flags in front of the Parliament House, during the proceedings against the Chief Justice

May 3. Lady lawyers in Lahore showing solidarity with the 'suspended' Chief Justice of Pakistan





May 5. The Chief Justice is welcomed by the people at different towns while proceeding from Islamabad to Lahore by road. The typical 5-hour journey took the Chief Justice 30 hours.

(Photo courtesy of the Pakistan Bar Council)



May 5. Lawyers wait inside the High Court Bar Association building to welcome the Chief Justice. Judges of the Punjab High Court were also waited about 30 hours to welcome the Chief Justice.

(Photo: AFP)



May 7. The human rights activist who tried to commit suicide being taken away by police in Karachi in protest against the suspension of Chief Justice



May 8. Sindh High Court Bar Association President Mr. Abrar Hasan briefs the journalists about the reception to be given upon the arrival of the Chief Justice on May 12 in Karachi. On his left is Mr. Munir-Ur-Rehman, General Secretary of SHC, and on his right Mr. Iftekhhar, the President of Karachi Bar Association.

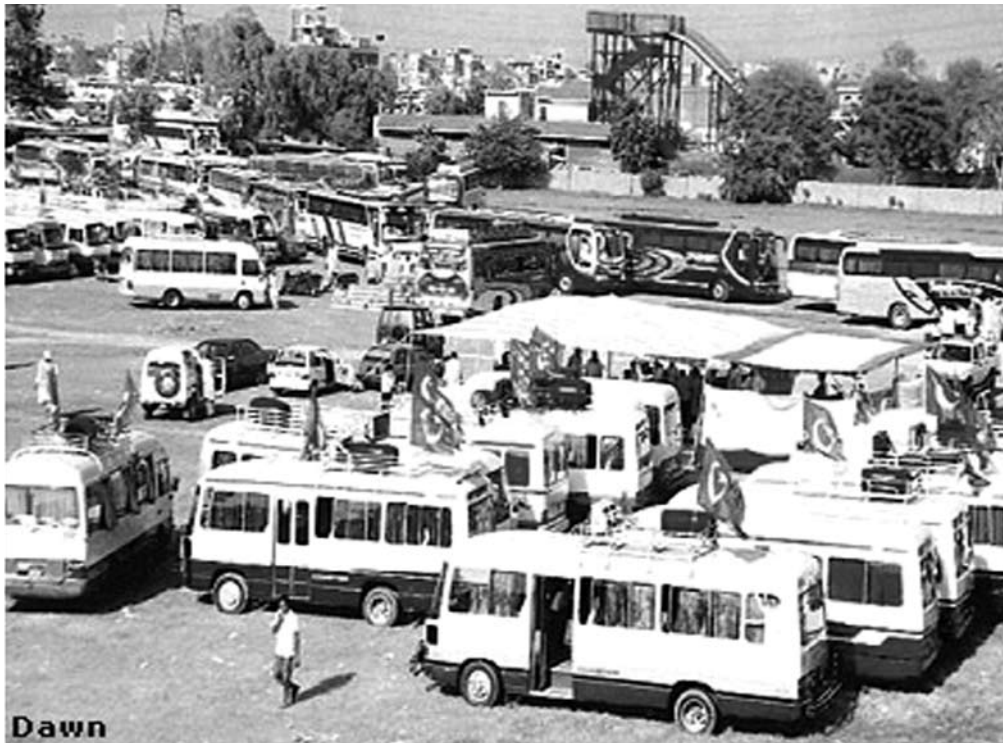
(Photo: ONLINE)



May 9. The office of the Supreme Court Bar Association president being unsealed after the SHC order in Karachi



May 12. A Container lager in Islamabad is being used for a public meeting of General Musharaf, to show his strength against the mass protests in favour of the Chief Justice



May 12. Public transport vehicles such as buses in Lahore were taken under control of the government of Punjab to transport the public to President Musharraf's "Container" meeting



In view of the Chief Justice's popularity and the mass support for him, the government decided to show its popularity by having a public meeting in Islamabad. The government brought people through and using the government offices to arrange a public meeting, but at the same time it was scared of people's reaction so it put detectors all around the public meeting. In Lahore, busses were there to carry the people from the capital of Punjab province

Karachi Carnage

May 12, 2007



May 12. The Chief Justice stopped at Karachi airport 12 by the government and was not allowed to travel to the city as a free citizen. Several people who were proceeding towards the airport to greet the Chief Justice were killed including these three persons, ambushed by plain clothed persons in the early hours of the morning. Unknown persons pulled them out from the car and then shot them.

(Photo courtesy of the Pakistan Bar Council)



The Sindh government blocked the main artery going to the airport with buses and trailers. When the government realised that the people would not be stopped they allegedly burned the vehicles



May 12. Some people injured by gunfire lie along the curb on the Sharea Faisal flyover in Karachi when the government stopped the people from welcoming the Chief Justice and allowed criminal elements to fire on the passersby



KARACHI: May 12. Smoke and flames rise from the burning vehicles at the site of gun battle between rival groups in Karachi. Gun battles and attacks erupted in the metropolis as the political crisis descended into violence between rival parties ahead of planned protests over the presidential reference on the eve of arrival of Chief Justice of Pakistan, Iftikhar Muhammad Chaudhry.

(Photo: ONLINE/ S A Kazmi)



May 12. The government stopped the rallies to welcome the Chief Justice in Karachi and about 50 people were killed. After successfully stopping the people, the ruling party of Sindh province, the MQM, held its own public meeting



Advocate Mr. Iqbal Kazmi was abducted and tortured after he filed a case of contempt of court in Sindh high court against the ruling party. He was kept at an unknown place for about five days and after serious torture, he was thrown into the bushes and was threatened that he would be killed along with his family if he did not take back the case. Mr. Kazmi has accused the ruling party of the province, MQM, for his abduction and torture. He shows the torture marks to the media after his release.

(Photo: Dawn)



The Sindh High Court building was waiting for the Chief Justice of Pakistan to come and deliver his speech on the Golden Jubilee ceremonies of the Supreme Court. This building used to be where the Supreme Court of Pakistan sat after the creation of the country



May 12. People show solidarity with the Chief Justice by burning a photo of the most hated individual in the country



May 12. A promotional hoarding installed by the Punjab government on The Mall becomes a target of the lawyers' wrath in Lahore



May 12. Women activists stage a sit-in in front of the Lahore Press Club to condemn violence in Karachi



May 13. After the killing of people by the ruling party members, firemen douse a fire that engulfed several shops of an ethnic group in Karachi



May 13. Activists of opposition parties assemble for a common cause in Layyah



May 14. A lawyers' procession on Kutchery Road in Mianwali



May 14. Activities came to a halt at the Karachi Port due to general strike in protest against the killing of May 12 by the ruling party



May 14. Markets in Lahore closed to mourn Karachi carnage of May 12



May 14. Auto-rickshaws stand idle as an opposition strike shuts down the city in protest against the killing of May 12 in Karachi



May 14. A procession of lawyers and activists of political parties in protest against violence in Karachi passing through streets of Peshawar



Photos by Tanveer Shahzad & G.A. Zaidi

May 14. A lone rickshaw travels along a deserted Murree Road, Rawalpindi's main artery and commercial centre. On the right people set tyres on fire on Rawal Road

Photo by Ishaque Chaudhry



May 14. Journalists protest against attacks on the offices of Aaj TV channel outside the Parliament House in Islamabad on Monday



May 14. A joint show by lawyers and political leaders at Charing Cross in Lahore against the carnage of Karachi



May 14. The road leading to Assembly Chambers in Lahore is barricaded to stop lawyers and political workers from staging a demonstration in front of the assembly



May 14. In Lahore, lawyers queue up to offer 'Ghaibana' funeral prayers for those killed in Karachi on May 12

Protest of lady lawyers in front of the Supreme Court.

(Photo courtesy of the Pakistan Bar Council)





May 15. Political workers agitating against the killing of the people in Karachi

(Photo: PBC)



May 16. People of Mansehra protesting against the killings in Karachi during the arrival of the Chief Justice.

(Photo courtesy of the Pakistan Bar Council)



May 18. Leader of the Opposition in the Senate, Mian Raza Rabbani chants slogans against President Pervez Musharraf at a camp set up to protest the Karachi killings outside Parliament House in Islamabad. Senators Abdul Hayee Baloch, Ishaque Dar and others are also present at the camp



May 20. ANP leader Asfandyar Wali and Pakhtoonkhwa Milli Awami Party chief Mehmood Khan Achakzai arrive in Karachi to offer condolences to the families of the people killed on May 12



May 20. Katchi abadi (slum) dwellers led by former federal minister J. Salik pray for Chief Justice Iftekhar Mohammad Chaudhry during a sit-in in front of his official residence in Islamabad



May 21. The combined opposition holds a rally outside the Lahore High Court on Monday against the May 12 Karachi killings

Dawn



May 21. Joint opposition parties stage a protest demonstration against Karachi killings in Rawalpindi



May 21. Civil society representatives stage a demonstration in front of Rawalpindi-Islamabad Press Club camp office at Melody to protest Karachi killings



May 24. Lawyers at a rally in Peshawar to support the Chief Justice



May 24. A joint rally held in Lahore by lawyers and political and rights activists in support of the Chief Justice



May 26. Tehrik-i-Insaaf workers demonstrate outside the Lahore Press Club against the killings in Karachi



May 26. A screen is fitted outside the Supreme Court building to allow people to watch the speech of the Chief Justice delivered at Supreme Court Bar Association.

(Photo courtesy of the Pakistan Bar Council)



May 26. Lawyers listen to the address of the Chief Justice at the Supreme Court Bar Association.

(Photo courtesy of the Pakistan Bar Council)



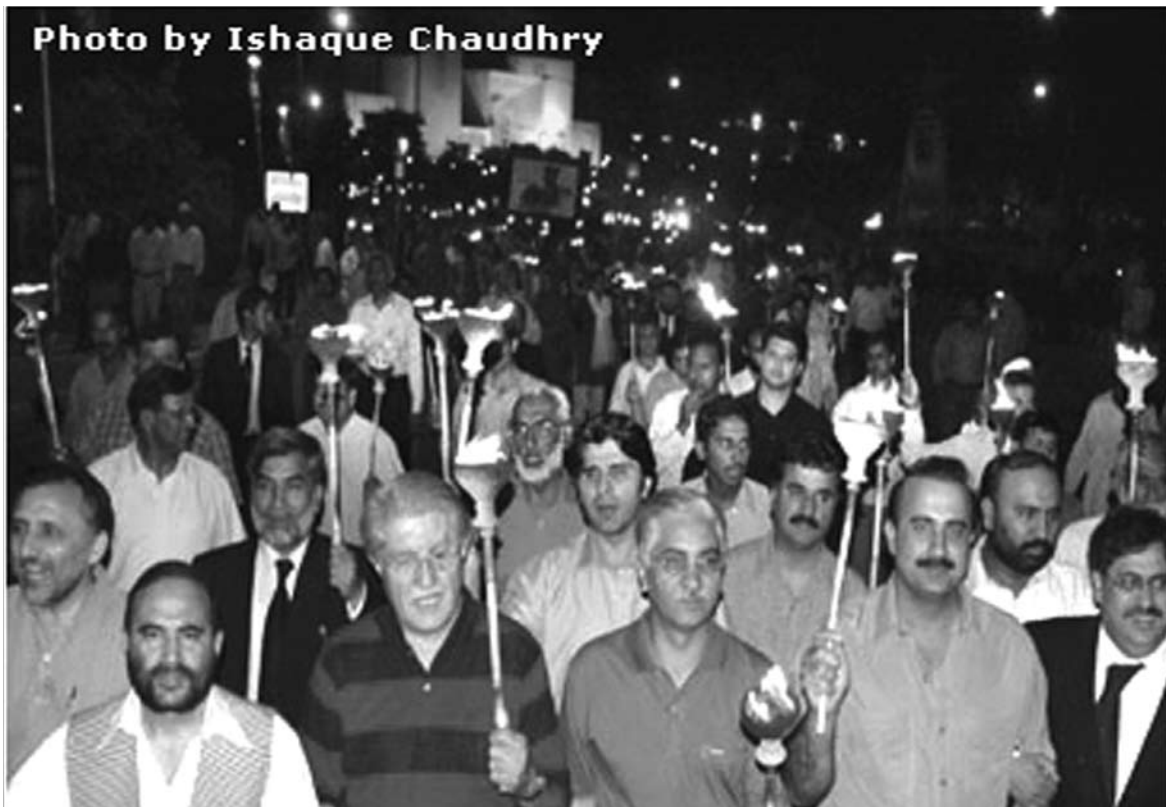
May 28. After the killings of more than 50 people in Karachi, the duty of the Rangers is over. Rangers move out from many parts of the city to their pre-May 12 positions



May 30. In Karachi, Governor Dr Ishratul Ibad Khan was given cold-shouldered response from the highest judiciary in the province when he called a meeting of judges of Sindh high court at the Governor's house. The judges refused to attend the meeting in protest against the killings in Karachi and the refusal to obey the orders of the High Court on May 12, the Governor then visited the High Court building to show his apologies for his government's actions



May 30. Journalists hold a protest demonstration in front of Rawalpindi-Islamabad Press Club camp office on Wednesday against intimidation of their fellows through threat messages in Karachi



May 31. Members of various civil society organizations, as well as political leaders take part in a torch-bearing procession in Islamabad in support of journalist's protest against the PEMRA ordinance to curb the freedom of the press



May 31. A large rally on The Mall in Lahore in support of the Chief Justice



May 31. Pakistani lawyers beat an effigy of President Pervez Musharraf with their shoes during an anti-Musharraf rally in Karachi. Thousands of Pakistani lawyers and opposition party supporters burned effigies of Musharraf and his allies over the suspension of the country's top judge Iftikhar Muhammad Chaudhry. The protests were the latest in a series to rock the country since military ruler Musharraf removed Chaudhry on 9 March over alleged misconduct. Lawyers gave angry speeches blaming Musharraf and Altaf Hussain, chief of the pro-Musharraf party Muttahida Qaumi Movement (MQM) for political clashes in Karachi on 12 May which left more than 40 people dead when Chaudhry tried to hold a rally there. (PHOTO AFP/Rizwan TABASSUM)



June 2. The largest procession ever in the history of Taxila, comprising of thousands of people, accompanies the Chief Justice.

(Photo courtesy of the Pakistan Bar Council)

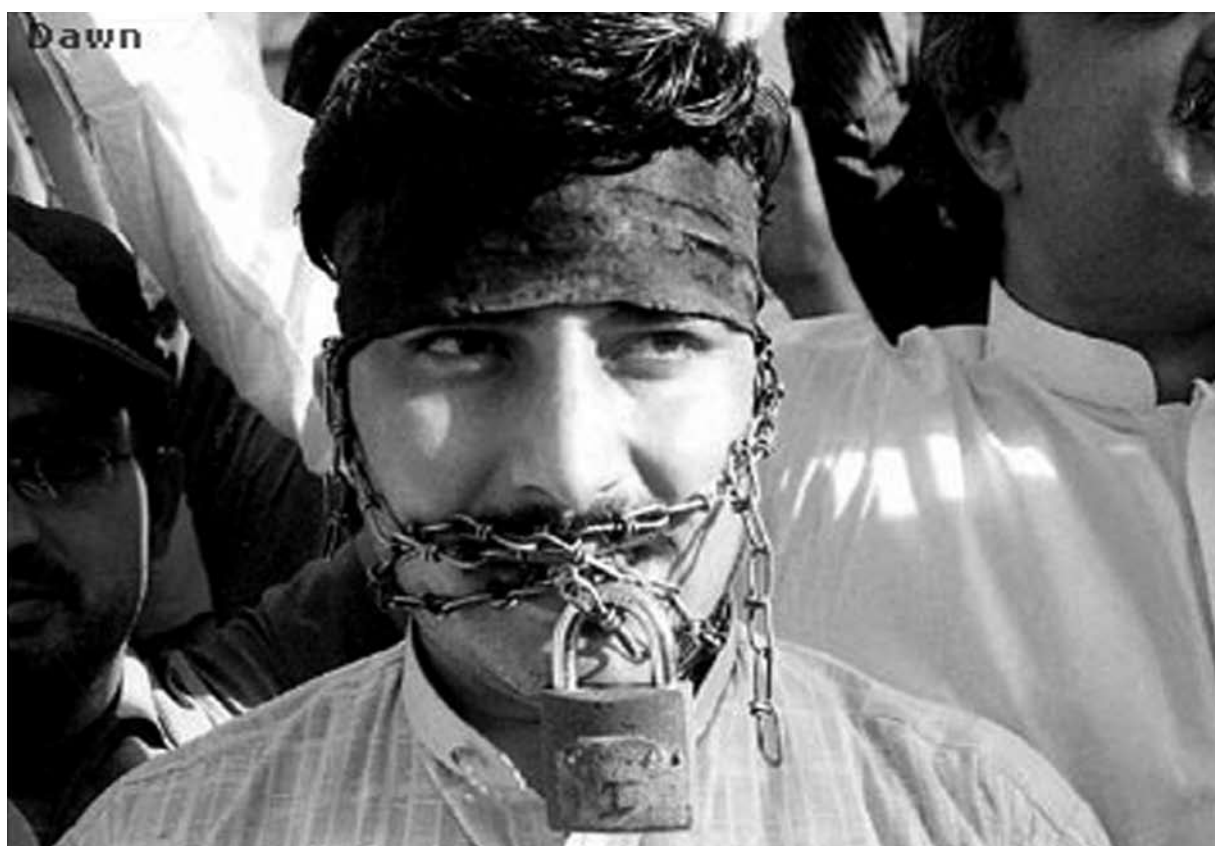


June 2. the suspended Chief Justice (R) steps out of his car as lawyers shower rose petals on his arrival at Haripur, some 80 km north of Islamabad. Pakistan's suspended top judge led a procession that drew thousands of opposition supporters, witnesses said, as political pressure on military ruler President Pervez Musharraf grows. The procession, comprising dozens of cars, was the latest in a series of events to draw public support for the judge since Musharraf suspended him on 09 March over alleged misconduct.

(Photo: AFP/Farooq NAEEM)



June 5. Women protesting against the media ordinance. (Photo: AFP)



A journalist chains his face in protest against PEMRA ordinance



June 5. Journalists protest against the restrictions on media through PEMRA ordinance



The women activists holding clay Lamps in solidarity with Journalists outside the press club of Karachi



Justice (retired) Rasheed Razvi, member of the Executive Committee of the Pakistan Bar Council, addressing the Asian Human Rights Commission in Hong Kong. During this discussion it was decided to produce a pictorial booklet on the lawyers' revolt. (Photo: AHRC)



June 7. Journalists protest in Lahore against the ordinance promulgated to curb the media. A television journalist has wrapped a chain around his camera in protest



June 9. A protest held in Lahore against the restrictions on the media



June 7. Lawyers in Lahore decided to hold rallies on every Thursday



Working women a protest against suspension of Chief Justice



June 9. The Chief Justice is showered with rose petals in Chakawal.

(Photo courtesy of the Pakistan Bar Council)



June 14. Lawyers chant slogans at rally on the Mall in Lahore



Haripur: a under develop area, but people of that area know how to respect their Chief Justice. About a ton of rose petals were flowered at the procession.

(Photo: Courtesy of the Pakistan Bar Council)



June 21. In Lahore, lawyers self-chained themselves in support of the independence of the judiciary



A historical procession of the Chief Justice as he proceeds from Lahore to Multan to address the Lahore High Court Bar Association.



Sahiwal : Pakistani suspended Chief Justice Iftikhar Muhammad Chaudhry (bottom-L) is surrounded by supportive lawyers on his arrival in Sahiwal, 24 June 2007. Hundreds of people showered rose petals over Pakistan's suspended chief justice on the latest of his cross-country processions that have rattled President Pervez Musharraf. Chaudhry left the eastern city of Lahore early 23 June and was due to reach Multan, 230 kilometers (140 miles) away, in the evening to address a lawyers' convention.

(Photo: AFP/Arif ALI)



Multan



The people of Multan set birds free to welcome the Chief Justice



July 2. In Lahore, lawyers and journalists raise slogans against the ban on private television channel during a demonstration



Just three days before the decision of the Supreme Court, a bomb exploded outside the District Courts of Islamabad at the arrival of the Chief Justice to address the Bar. A lady is searching for loved ones



Lahore : Prominent Pakistani human rights activist Asma Jhangir (C) dances with lawyers during the arrival of suspended Pakistani Chief Justice Iftikhar Muhammad Chaudhry at the Lahore Bar Association in Lahore, early 15 July 2007. Chaudhry, who is challenging his suspension in the Supreme Court, has also taken his battle to cities across the country, drawing mass crowds who have showered him with flower petals and chanted anti-Musharraf slogans. The judge's cross-country caravans and protest rallies have turned into the biggest challenge to Musharraf since he took power in 1999.

(Photo: AFP/Arif ALI)



July 19. Pakistani lawyers and opposition parties activists march on a street during an anti-Musharraf protest rally in Lahore against the suicide bomb attack at a rally where hundreds had gathered to hear the suspended Chief Justice in Islamabad. Seventeen people were killed in suicide attacks in Islamabad on 17 July where Chaudhry was due to address the lawyers. Two suicide car bombings, one of them targeting Chinese workers, killed at least 34 people on 19 July, fuelling a sense of crisis after a government raid on an Islamabad mosque. Authorities said they suspected the blasts were part of a wave of attacks sparked by the siege and storming of the pro-Taliban Red Mosque earlier this month, which have already left more than 160 people dead.

(Photo: AFP/Arif ALI)

July 20. The Chief Justice with lead counsel Aitzaz Ahsan and other lawyers in Islamabad after the verdict in the Chief Justice's favor.

(Photo courtesy of the Pakistan Bar Council)





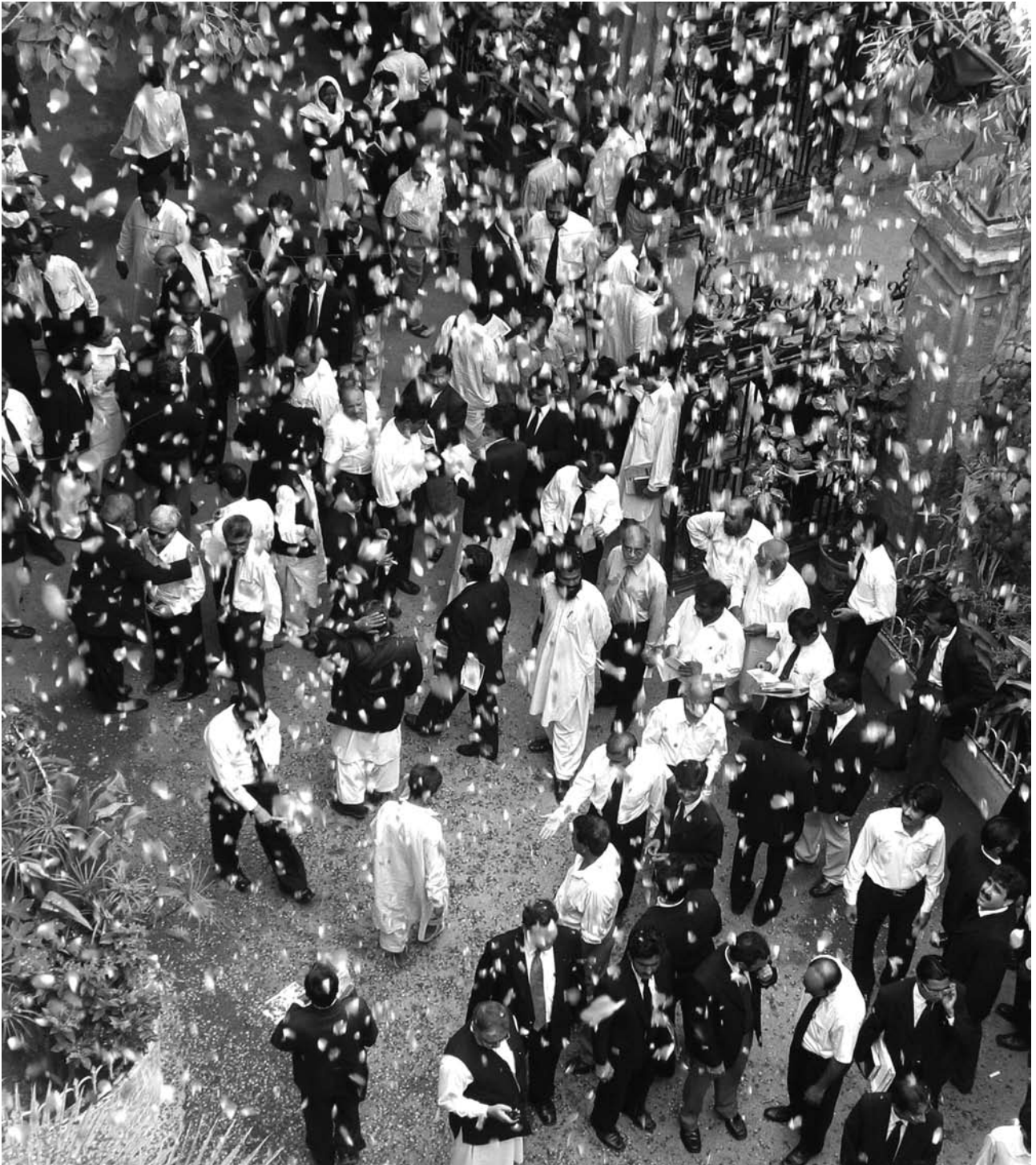
July 20. The lawyer of the Chief Justice, Mr. Aitezar Ashan, offers thanks to God upon hearing the decision.

(Photo: Tanveer Shahzad)



July 20. Lawyers celebrating outside the Supreme Court Building.

(Photo courtesy of the Pakistan Bar Council)



July 21. Lawyers shower rose petals on colleagues at a ceremony to celebrate the restoration of the Chief Justice in Karachi. The Chief Justice resumed his official duties on Saturday, a day after General Pervez Musharraf lost a bid to fire him in the biggest setback to the General's eight-year rule.

(Photo: AFP)



July 20. In the Apex Court in Lahore, lawyers bow before Allah in gratitude after the Supreme Court restored Justice Iftekhar Muhammad Chaudhry



July 20. Children in Lahore mark a new beginning in the country by flashing victory signs



July 21. A Pakistani lawyer dances to a traditional drum beat at a rally to celebrate the restoration of Chief Justice Iftekhar Mohammed Chaudhry.

(Photo courtesy of the Pakistan Bar Council)



July 21. In Hyderabad, lawyers dance bhangra outside the press club in jubilation over reinstatement of chief justice of Pakistan

July 21. Women share sweets near the Peshawar Press Club while celebrating the landmark judgment of the Supreme Court in favor of the Chief Justice.



Independence of the Judiciary

By Justice Dorab Patel

Here is an excerpt from the speech made by Mr. Justice Dorab Patel that addressed the Cornelius Society in Lahore on Dec. 23, 1995. He is the first judge of the Supreme Court to have revolted against the martial law dictatorship of General Zia ul Haq and to have resigned from the Supreme Court of Pakistan when the Supreme Court's judges were taking oaths on the army-tailored Provisional Constitution Order (PCO). At the time, Mr. Justice Fakhr Ud Din G. Ibrahim, who was also an ad hoc Supreme Court judge, followed Mr. Justice Dorab Patel's path and resigned.

I belong to the generation of common law Judges. My generation has passed out, but we had inherited from the long line of judges, British and Indian, who preceded us traditions of service, of learning and scholarship, of integrity, financial and intellectual, and of social aloofness. These traditions had been built through sacrifices. As Sind was a part of Bombay Presidency for more than 75 years, I will give an example of the Supreme Court of Bombay. In some civil litigation, the bailiff of the Supreme Court went to the Governor House to serve a summons of the Court on a member of the Governor staff. He was ordered to get out. After a few days, he again went to serve the summons. This time he was threatened. The Chief Justice sent for the Commissioner of Police and told him to send a senior police officer to accompany the bailiff to serve the summons. The bailiff went with a senior police officer to the Governor House to serve the summons, but they were both threatened and had to return. The Chief Justice locked the Supreme Court, returned to England and lodged a complaint against the Governor with the Board of Directors of the East India Company. As the Directors did not take action against the Governor, the Chief Justice resigned. But his resignation was not in vain. Never again did the Bombay Government treat the Court with contempt. But the most valuable legacy of this clash with the Governor was that the Judges of Bombay developed a tradition of rigid aloofness of the judiciary from the executive, and in my opinion a judiciary cannot remain independent without this tradition. When I became a Judge of the West Pakistan High Court, the Chief Justice of West Pakistan, Justice Wahid-ud-din Ahmed, had told me in this city that I had to change my life and habits because I had become a Judge. He told me that it was my duty to lead a secluded life and to avoid meeting Prime Ministers and Chief Ministers and politicians. I had tried to follow his advice.

I hope I did, because we were the trustees of the traditions we had inherited from the Judges before us. However the winds of change caused by the break-up of the country in 1971 has led to a prejudice against what was good and of value in western ideas, but strangely enough not against what is bad in western ideas, like consumerism. I also think the practice of High Court Judges working as Law Secretaries had helped to undermine the tradition of the aloofness of the judiciary from the executive, and the last

Martial Law has almost destroyed this tradition. On the morning of the 5th of July, 1977 General Zia had, to his great relief, obtained the consent of the Chief Justices of High Courts to act as Governors of the Provinces. And as these Chief Justices acted as Governors for a long time, it led to social intercourse between the higher judiciary and the executive to an extent which would have shocked the Judges of an earlier generation. Now because of the restoration of Fundamental rights, Judges have to decide cases of a political nature frequently, therefore, the Bombay tradition of the rigid aloofness of the judiciary from the executive is essential for the independence of the judiciary. Therefore the practice of appointing Chief Justices of High Courts as Governors should be discontinued, the more so as it is inconsistent with the mandate in the Constitution for the separation of the judiciary from the executive.

Finally, I would be failing in my duty if I do not refer to threats against Judges and lawyers by extremists. I was disturbed 3 or 4 years ago by reliable reports that Muslim advocates were being warned by extremists not to take up the case of Ahmadis in Faisalabad Courts. We did not protest against these attempts to interfere with the administration of justice, because we thought this was a local and passing problem. We were wrong. Intolerance spreads if it is not challenged, and when the Supreme Court admitted a review against the majority judgment upholding the validity of the Ahmadi Ordinance, there was a demonstration outside the Supreme Court to intimidate the Judges. Nor was this the only demonstration of its kind. When the bell tolls for Judges, it also tolls for advocates, but no Bar association protested about this demonstration. The intimidation of lawyers increased and Lahore High Court advocates received assassination threats, which were reported in most English language newspapers. Bar Associations, political leaders and the majority of intellectuals remained silent, while the police took no action. So as night follows day, the extremists were emboldened to make a murderous attempt on the life of Mrs. Asma Jehangir, Hina Jilani and members of their family.

It is meaningless to talk of the independence of the judiciary if Judges and lawyers are threatened for the performance of their duties. These threats are the consequence of the wave of religious intolerance which is sweeping through many parts of the world and especially the countries of South Asia, and until the tide turns, this intolerance will continue to affect the independence of the judiciary. The struggle for the independence of the judiciary has therefore become a part of the struggle for re-building tolerant societies in South Asia, societies which respect human rights and especially the individual right of dissent. In the long run, an independent judiciary can survive only in a free society. Therefore, we have a long and difficult struggle before us. I hope we will have the courage and the perseverance to carry on this struggle.

Justice Dorab Patel

Supreme Court Judgment reversing the suspension of the Chief Justice, Mr. Iftekhhar Chaudhry

We reproduce below the judgment given by the Supreme Court of Pakistan regarding the challenge made by the Chief Justice Iftekhkar M. Chaudhry regarding his suspension from the post of Chief Justice and the reference against him made by General Musharraf as head of the military regime of Pakistan:

Dates of hearing:

15th to 17th, 21st to 25th, 28th to 31st May, 2007, 1st, 4th to 8th, 11th to 14th, 18th to 21st, 25th to 28th June, 2007, 2nd to 5th, 9th to 12th and 16th to 20th July, 2007.

ORDER

For detailed reasons to be recorded later, the following issues arising out of this petition are decided as under:-

(I) MAINTAINABILITY OF COP NO.21 OF 2007 FILED UNDER ARTICLE 184(3) OF THE CONSTITUTION

This petition is unanimously declared to be maintainable.

(II) VALIDITY OF THE DIRECTION (THE REFERENCE) ISSUED BY THE PRESIDENT UNDER ARTICLE 209(5) OF THE CONSTITUTION.

By a majority of 10 to 3 (Faqir Muhammad Khokhar, J., M. Javed Buttar, J. and Saiyed Saeed Ashhad, J. dissenting), the said direction (the Reference) in question dated March 9, 2007, for separate reasons to be recorded by the Hon. Judges so desiring, is set aside.

(III) VIRES OF JUDGES (COMPULSORY LEAVE) ORDER BEING PRESIDENT'S ORDER NO. 27 OF 1970 AND THE CONSEQUENT VALIDITY OF THE ORDER DATED 15.3.2007 PASSED BY THE PRESIDENT DIRECTING THAT THE CJP SHALL BE ON LEAVE

The said President Order No.27 of 1970 is, unanimously declared as ultra vires of the Constitution and consequently the said order of the President dated 15.3.2007 is also, unanimously declared to have been passed without lawful authority.

(IV) VALIDITY OF THE ORDER OF THE PRESIDENT DATED 9.3.2007 AND OF THE ORDER OF THE SAME DATE OF THE SUPREME JUDICIAL COUNCIL RESTRAINING THE CJP FROM ACTING AS A JUDGE OF THE SUPREME COURT AND/OR CHIEF JUSTICE OF PAKISTAN

Both these orders are, unanimously, set aside as being illegal. However, since according to the minority view on the question of the validity of the direction (the Reference) in question, the said Reference had been competently filed by the President, therefore, this Court could pass a restraining order under Article 184(3) read with Article 187 of the Constitution.

(V) VALIDITY OF THE APPOINTMENT OF THE HON'LE ACTING CHIEF JUSTICES OF PAKISTAN IN VIEW OF THE ANNULMENT OF THE TWO RESTRAINING ORDERS AND THE COMPULSORY LEAVE ORDER IN RESPECT OF THE CJP

The appointments in question of the Hon'le Acting Chief Justices of Pakistan vide notification dated 9.3.2007 and the notification dated 22.3.2007 are, unanimously, declared to have been made without lawful authority. However, this in-validity shall not affect the ordinary working of the Supreme Court or the discharge of any other Constitutional and/or legal obligations by the Hon'le Acting Chief Justices of Pakistan during the period in question and this declaration is so made by applying the de-facto doctrine.

(VI) ACCOUNTABILITY OF THE HON'LE CHIEF JUSTICE OF PAKISTAN

It has never been anybody's case before us that the Chief Justice of Pakistan was not accountable. The same issue, therefore, does not require any adjudication.

All other legal and Constitutional issues raised before us shall be answered in due course through the detailed judgment/judgments to follow.

ORDER OF THE COURT

By majority of 10 to 3 (Faqir Muhammad Khokhar, J., M. Javed Buttar, J. and Saiyed Saeed Ashhad, J. dissenting), this Constitution Original Petition No.21 of 2007 filed by Mr. Justice Iftexhar Muhammad Chaudhry, the Chief Justice of Pakistan, is allowed as a result whereof the above-mentioned direction (the Reference) of the President dated March 9, 2007 is set aside. As a further consequence thereof, the petitioner CJP shall be deemed to be holding the said office and shall always be deemed to have been so holding the same.

The other connected petitions shall be listed before the appropriate Benches, in due course, for their disposal in accordance with law.

PAKISTAN: The affidavit of the suspended Chief Justice, Iftekhhar M. Chaudhry

We are forwarding the full text of the affidavit filed by the suspended Chief Justice, Iftekhhar Muhammad Chaudhry regarding the ordeal he suffered at Army House on March 9, 2007 when he was restrained inside the premises when some other judge was made to take oath as an acting Chief Justice.

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

In Re:

Constitutional Original Petition No: ___21___ /2007

Chief Justice of Pakistan,

Mr. Justice Iftekhhar Muhammad Chaudhry,
Chief Justice House,
Islamabad

----- Petitioner

VERSUS

The President of Pakistan,
The Referring Authority,
Presidency,
Islamabad.

AND OTHERS

----- Respondents

AFFIDAVIT OF THE PETITIONER,

MR. Justice Iftexhar Muhammad Chaudhry,

Chief Justice of Pakistan,

I, Mr. Justice Iftexhar Muhammad Chaudhry, The Chief Justice of Pakistan (hereinafter referred to as the "deponent") do hereby solemnly affirm and state on oath as follows:

That the deponent has filed the titled petition in this Hon'ble Court under Article 184(3) of the Constitution of Islamic Republic of Pakistan 1973, inter alia, assailing the Reference No.43/2007 dated March 09, 2007; Notification No. F.1 (2)/2005.A.II dated 09-03-2007, whereby the deponent was illegally and unlawfully restrained to perform his constitutional functions as a judge of this Hon'ble Court and as Chief Justice of Pakistan; Order dated March 09, 2007 passed by the Supreme Judicial Council; Notification No.F.1(2)2005.A.II dated 15-03-2007 whereby the deponent was sent on compulsory leave with retrospective effect and the constitution and competence of the Supreme Judicial Council as well as the mode and manner of the proceedings before the Council.

2. This affidavit is being filed in support of the contentions, assertions and pleas raised in the above titled petition. The deponent verifies that the contents of the titled affidavit are true and correct to the best of his knowledge, information and belief and nothing has been concealed. In addition to the facts narrated in the titled petition; the deponent states that:

A. On March 09, 2007, the deponent headed Bench No.1 of this Hon'ble Court as Chief Justice of Pakistan and heard several cases till about 10.30am. The Bench rose briefly and had to reassemble for the day except the deponent who left for the Army House, Rawalpindi to meet the President of Pakistan (hereinafter referred to as "Respondent")

B. The deponent arrived at Army House, Rawalpindi at about 11-30am along with his staff/protocol staff. The deponent was shown to a waiting room/visitors room. After five minutes of his arrival, the Respondent, wearing his Military Uniform came into the room along with his MS and ADC. As soon as the Respondent took his seat, a number of TV cameramen and photographers were also ushered into the room. They took several pictures and made movie footage.

C. While discussing the SAARC Law Conference, SAARC Chief Justices Conference and the concluding session of the Golden Jubilee ceremony of the Supreme Court, the Respondent said that a compliant

against the deponent had been received by him (Respondent) from a Judge of the Peshawar High Court. The deponent replied that it was not based on true facts as his case had been decided by a two member bench and that attempts were being made to maliciously involve the other member of the Bench as well. On this the Respondent said that there are a few more complaints against the deponent as well. After saying so, he directed his staff to call the other persons.

D. On the direction of the Respondent, the 'other persons' entered the room. They included the Prime Minister, DG MI, DG ISI, DGIB, COS and another official. All officials (except DG, IB and COS) were in uniform.

E. The Respondent started reading from small pieces of paper with notes on them which he had in his hand. There was no single consolidated document. The allegations which were being put to the deponent had been taken from the contents of a notorious letter written by Mr. Naeem Bukhari with absolutely no substance in them. The deponent strongly refuted these allegations as being baseless and engineered to defame him personally and the judiciary as a whole. The deponent promptly denied the veracity and credibility of these allegations as well.

F. On this the Respondent said that the deponent had obtained cars from the Supreme Court for his family. The allegation was vehemently denied by the deponent. The Respondent went on to say that the deponent was being driven in a Mercedes, to which the deponent promptly replied 'here is the Prime Minister, ask him, he has sent the Car himself'. The PM did not reply to this answer even by gesture. Surprisingly the Respondent went on to say that the deponent had interfered in the affairs of Lahore High Court and had not accepted and taken heed of most of the recommendations of the Chief Justice of Lahore High Court.

G. The Respondent insisted that the deponent should resign. The Respondent also said that in case of deponent's resignation, he (the Respondent) would 'accommodate' him (the deponent). He also said in case of refusal to resign, the deponent will have to face the reference which could be a bigger embarrassment for the deponent. The deponent finally and more resolutely said 'I wouldn't resign and would face any reference since I am innocent; I have not violated any code of conduct or any law, rule or regulation; I believe that I am myself the guardian of law. I strongly believe in God who will help me'. This ignited the fury of the Respondent; he stood up angrily and left the room along with his MS, COS and the Prime Minister of Pakistan, saying that others would show evidence to the deponent. (This has now been admitted by the Respondent in his interview given to AAJ TV). The meeting continued for not more than 30 minutes.

H. The DG MI, DG ISI and DG IB remained behind and continued to sit with the deponent. They did not show the deponent a single piece of evidence. In fact, no official except DG ISI had some documents with him but he also did not show any thing to the deponent. They, however, said that the deponent had secured a seat for his son in Bolan Medical College when the deponent was serving as a Judge of Balochistan High Court. They (except DG, IB) insisted that deponent resign while the deponent continued to assert strongly that the allegations were baseless and for a collateral purpose.

I. During the subsequent hours, the deponent was forced to stay in that room. Sometimes, all the persons would leave the deponent alone in that room but would not allow the deponent to leave it. It was obvious that the deponent was being watched by a close circuit camera because whenever he tried to open the door to go out, he was confronted by an officer who prevented the exit of the deponent; several times the deponent expressed the desire to leave but was told by military officials to stay/wait. Once the deponent was even told that respondent would be seeing him again. At one point, the deponent requested that at least his staff/protocol officer be called inside the room as the deponent wanted to talk to him but was told that he could not come inside. The deponent then requested that his staff/protocol officer be told to pass on the message to the deponent's family that he was at Army House, Rawalpindi and that his programme to go to Lahore had been cancelled.

J. Despite several attempts to leave the room and the Army House, the deponent was made to stay there on one pretext or the other. His request to bring his car to the porch for departure was also denied. After the first meeting with the Respondent which lasted for not more than 30 minutes, the deponent was kept there 'absolutely against his will' till past 5pm.

K. After 5pm, DG MI came in again and told the deponent that his car was outside to drive him 'home'. DG, MI came out of the room and once outside told the deponent, 'this is a bad day, now you are taking a separate way and you are informed that you have been "restrained to work as a judge of the Supreme Court or Chief Justice of Pakistan"'.

L. When the deponent saw the car of the Chief Justice of Pakistan, he discovered that his car had been stripped of both the flag of Pakistan and the emblem flag. The staff officer of the deponent informed him that Mr. Justice Javed Iqbal had taken oath as Acting Chief Justice and it had been shown on TV. The driver also informed the deponent that he had been instructed not to take the deponent to the Supreme Court while on way to the residence of the deponent.

M. While on the way, the deponent directed the driver to go to Supreme Court but an Army official prevented the deponent's car near the Sports Complex from proceeding further. In the meanwhile, Mr. Tariq Masood Yasin, SP, also appeared; He ordered the driver to come out of car so that he could drive the deponent and also asked the deponent's gunman to come out of the car as well. The deponent said 'okay, I will not go to the Supreme Court but my driver will drive my car and my gunman will escort me home'. Only then, did Mr. Tariq Masood Yasin, SP agree to let the car be driven by deponent's driver.

N. The deponent got home at about 5.45pm and was shocked to see police officials and agencies personnel without uniform all over his residence. The deponent also discovered that landline phones had already been disconnected; Cell Phones, TV, Cables and DSL had been jammed or disconnected. The deponent and his family were completely cut off for several days from the outside world.

O. By 9pm, March 09, 2007, the vehicles which were in official use of the deponent including a Mercedes had been taken away by means of a lifter. Latter on, the same night, one vehicle was brought back but the key was not handed over to the deponent or someone on his behalf.

P. On March 10, 2007, the deponent received a 'Notice' from Supreme Judicial Council ("Council") whereby the deponent came to know that a Reference (No.43/2007) had been filed by the Respondent before the Council. There was also a copy of the Order passed by the Council whereby deponent had been restrained to function as a Judge of the Supreme Court and or Chief Justice of Pakistan. The copy of the aforesaid Reference had also been appended with the Notice with without any annexure or supporting documents for perusal of the deponent.

Q. It was also surprising for the deponent to note that the aforesaid reference came up for hearing on March 9, 2007 after 6pm inindecnt haste. Two members of the Council as was evident from news published in daily Nawa-i-Waqt dated March 10, 2007, had been flown to Islamabad in special flights, from Lahore and Karachi simply to participate in a meeting of the Council. In fact, no meeting had been called by the Secretary of the Council namely Mr. Faqir Hussain. No one had issued either agenda for the meeting or notice thereof.

R. The Council, rather than merely scrutinizing the material, if at all and serving notice on the deponent (without prejudice to the rights and interest of the deponent as averred in the titled petition), went ahead and passed an order very detrimental to the interests of the deponent as well as the interests of the institution. The deponent was restrained to perform his functions as a Judge of the Supreme Court Judge and or Chief Justice of Pakistan.

S. The deponent further states that he had been detained along with his family members including his infant child of seven years from the evening of March 9, 2007 till March 13, 2007. The personal and private life of the deponent and his family suffered a great shock and the concept of privacy appeared as if it was an impotent word. The deponent could not use any vehicle since there was none. The deponent had to walk till the other end of the road when the police officer confronted him and manhandled him as has now been established by a judicial enquiry.

T. The Supreme Court staff attached to the deponent was reportedly missing and had been kept at an unknown place. An attempt was being made to fabricate the evidence through them by coercive means against the deponent. Even other employees working at the residence of the Deponent were taken and made to appear before some agency officials. They were released after 2/3 days. The grocery man was not allowed to go to collect grocery; he was made to wait till an agency official accompanied him to the market and back.

U. The chamber of the deponent was sealed and certain files laying therein were removed and some of them had been handed over to the ISI under the supervision of the newly appointed Registrar. Such an act

was contrary to all norms and practices of judiciary. The deponent being the CJP was entitled to occupy his chamber along with his staff.

V. On account of deployment of heavy contingents, no one was allowed to meet the deponent freely, in as much as his colleagues were not allowed access to meet him. Even a retired judge of this Hon'ble Court Mr Justice (R) Munir A Sheikh was not allowed to meet the deponent.

W. The deponent was not all alone to suffer this agony. Even his children were not allowed to go to school, college and university. The deponent and his family members were deprived of basic amenities of life, i.e. medicines and Doctors, etc.

X. Even when ordered by the Council, the deponent was deprived of the assistance of his counsels to seek legal assistance regarding legal and factual issues involved in the reference. The deponent and his family have been made to go through a lot of mental, physical and emotional agony, torture and embarrassment and words could never be enough to properly and adequately express that.

Y. All these tactics were used to put pressure on the deponent so that he may tender his resignation from the office of the Chief Justice of Pakistan. But after March 13, 2007 when the deponent succeeded in establishing at least some contact with his lawyers team during a brief appearance before the Council and after March 16, 2007, the on going pressure to 'resign the office' was released to some extent.

Z. The deponent now believes that his entire house has been bugged and at the Sindh House which is located right opposite the residence of the deponent, the officials of the agencies other than police have established a place therein to keep an eye on those who come and visit me, etc.

AA. On account of the facts stated hereinabove, the children of the deponents are so scared that they could not go to school or university. As a result thereof, one of my daughters failed to appear in her exams (1st year, Federal Board) whereas my other daughter who is a student of Bahria university is not being allowed to take her examination (1st semester) due to lack of attendance in internal studies. My younger son is also not in a position to attend his school because of circumstances through which I am passing.

Deponent

Verification:

Verified on oath this ___29___ day of ___May___ 2007 at Islamabad that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing has been concealed therein from this Hon'ble Court.

Deponent

A Statement from Mr. Munir Malik, President of the Supreme Court Bar Association of Pakistan:

Separation of powers and the independence of the judiciary

(Following is the text of Mr. Muneer Malik's speech which he delivered on May 26, 2007 when the Supreme Court Bar Association held a seminar on "separation of powers and judicial independence". The suspended Chief Justice Mr. Iftikhar Choudary was the chief guest of the seminar).

SEPARATION OF POWERS

Welcome to this defining moment in the defining moment of our lives. The great American jurist, Benjamin N. Cardozo said, 'The great tides and currents which engulf the rest of men do not turn aside in their course and pass the judges by'. We are all caught in that same tide today and only our own actions now will determine whether we sink or swim. Those that do not learn from the past are condemned to re-live it. After all, history is the transformation of tumultuous conquerors in to silent footnotes. (Ai khakh nasheeno uth baitho wo waqt kareeb aa pohancha hai- Jub taj uchalay jain gai jub takht girain jain gay. Barthay bhi challo kuttay be challo, bazooo be behot hain sur be behot, up daairay manzil he pay daalainay jain gay". Hum daikhaayn gay hum daikhaayn gay.)

The theme of our Seminar, 'Separation of Powers and the Independence of the Judiciary' has always been an age-old favourite of jurists and constitutionalists. But only today, is a true appreciation of its paramount importance being felt throughout the land.

The struggle for the separation of powers and the independence of judiciary is of ancient origin. One of its early foot-soldiers was Sir Edward Coke, Chief Justice of England from 1613 to 1616. Coke was not always an angel. As a lawyer, he had remained Attorney General of England and prosecuted many cases against innocent people who had incurred the displeasure of King James I. Those poor innocents had no hope of justice and a fair trial. The judiciary was spineless and completely under the influence of the King and his courtiers. The historian Macdowell has described this state of affairs as follows:

'If a Judge in those days had frankly charged a Jury according to the facts of the situation it would have been in such terms as this: 'If you acquit the prisoner, I shall be dismissed and you will go to prison. Consider your verdict.'

But this bitter experience of blatantly rigged trials left Sir Edward Coke a changed man. He spent the rest of his life wiping off that stain from his reputation. When appointed to the Bench, his judicial independence brought him into direct conflict with the government. King James I was in the habit of interfering with judgments passed by the courts of law; asserting that he was entitled to do so in exercise of his royal prerogative. When Coke refused to yield this power he was summoned by King James I and reminded that the King was supreme and that the King's word was final in all matters. Coke was not to be cowed down. He bluntly replied that 'His Majesty was not learned in the laws of England' and that it was only the Judges who could interpret the law. As far as the question of the King's supremacy was concerned, he said: 'The King himself should be under no man, but under God and the Law.' These words heralded the beginning of England's transition from a nation under the rule of men to a nation under the Rule of Law.

Thereafter, the King wrote to all of the Judges asking them to refrain from hearing and determining a particular matter until the King's pleasure was known. When Coke proceeded with the hearing in disregard of the King's instructions, all the Judges were summoned to a meeting with the King. Under pressure, the other Judges buckled down and conceded to the King's directions; but Coke stood firm in denying the King's authority to interfere with judicial proceedings. For his impertinence, Sir Edward Coke was dismissed as Chief Justice. Later, at almost seventy years of age, he was thrown in jail. But, today, his legacy forms the bedrock of the Constitutions of every civilized nation.

The doctrine of separation of powers rests upon the recognition that the concentration of absolute power in one man or one body will inevitably lead to exploitation and tyranny. U.S. President Abraham Lincoln recognized the temptation of even good men to succumb to the temptation of too much power when he said: 'Nearly all men can stand adversity, but if you want to test a man's character, give him power.' The fundamental premise of our Constitution is never to put anyone to that test. The framers of our Constitution were well aware of Lord Acton's dictum, 'Power tends to corrupt; and absolute power corrupts absolutely'. Therefore they delegated the different powers of the State to different organs namely; the executive, the legislature and the judiciary. Each of them has separate and strictly delineated functions.

This trichotomy of powers, as an essential feature of our Constitution, has been repeatedly emphasized by our superior Courts. In his oft-quoted judgment in the celebrated Sharaf Faridi case (PLD 1989 Karachi 404), Saleem Akhtar J. (then a Judge of the Sindh High Court) observed: 'In a set-up where the Constitution is based on trichotomy of powers, the Judiciary enjoys a unique and supreme position within the framework of the Constitution as it creates balance amongst the various organs of the State and also checks the excessive and arbitrary exercise of power by the Executive and the Legislature... The jurisdiction and the perimeters for exercise of powers by all three organs have been mentioned in definite terms in the Constitution. No organ is permitted to encroach upon the authority of the other and the Judiciary by its power to interpret the Constitution keeps the Legislature and the Executive within the spheres and bounds of the Constitution.' He further stated: 'Therefore justice can only be done if there is

an independent Judiciary which should be separate from the Executive and not at its mercy or dependent on it.'

Similarly, our Supreme Court has frequently stressed the importance of an independent judiciary, particularly in reference to Article 175 of the Constitution. It observed, inter alia, in the Al-Jehad Trust case (PLD 1996 SC 324) and the Mehram Ali case (PLD 1998 SC 1445) that 'the independence of judiciary is inextricably linked and connected with the process of appointment of Judges and the security of tenure and other terms and conditions,' and that the 'framers of the Constitution were mindful of the fact that in the absence of security of tenure no Judge can function impartially and independently.' In the absence of an independent judiciary that is able to freely exercise its judicial functions and enforce the law without interference, the Fundamental Rights guaranteed to citizens under our Constitution are illusory and not worth the paper they are written on. Saleem Akhtar J held as much in the case of Govt. of Balochistan v. Azizullah Memon (PLD 1993 SC 341) when he observed: 'Separation of judiciary is the corner-stone of the independence of judiciary and unless the judiciary is independent, the fundamental right of access to justice cannot be guaranteed.'

Now the main danger facing Pakistan today is the tendency towards monopolization and concentration of all state power in one body. This lust for unrivalled power and ultimate authority destroys all those institutions that form the foundations of a modern civilized state. Baron de Montesquieu, one of the first proponents of the doctrine of separation of powers, was of the view that: 'In the infancy of societies, the chiefs of state shape its institutions; later the institutions shape the chiefs of state.' Charles De Gaulle had paraphrased it somewhat differently when he said "that some countries need an army but some armies need a state". What is at stake here? Is it the future of my two children, Sheherezade and Ehsan or the children or grandchildren of every one sitting in this room and beyond? I beg you, I implore you, that let every man look into his inner self and ask "Is my conscience on a higher plane than 30 pieces of silver?" Pakistan needs to make that transition urgently. We must strengthen our institutions so that we are ruled by law and not by men. We can no longer afford to remain an infant state. A failure to move on could be fatal.

Revolutions, in every age stem from the same causes. However, the American Revolution was unique in that the revolutionaries actually listed the causes of the Revolution in their Declaration of Independence. I was taken aback to find the following passage in the American Declaration of Independence (remember, this is back in 1776): 'The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States... He has made Judges dependent upon his will alone, for the tenure of their offices and the amount of their salaries'. If we want to ward off similar revolutions in different parts of our country, if we want to avoid a further break-up of the nation, if we want to prevent a decline into anarchy; we must learn our lessons from history.

Fortunately, our nation has woken up to this peril. There is unanimity within the legal community and the general public that the ideals of the separation of powers and independence of judiciary are worth preserving. That the Rule of Law is not merely an empty slogan; but a reality worth striving towards. Montesquieu had warned, 'The tyranny of a prince in an oligarchy is not so dangerous to the public welfare as the apathy of a citizen in a democracy.' We have averted the greater danger. We are only left with the lesser threat. And now that the people are woken from their slumber and apathy; their will shall prevail. As Justice Sandra Day O'Connor of the U.S. Supreme Court pointed out, 'Constitutions and statutes don't protect judicial independence, people do.' But the people Justice Sandra Day O'Connor referred to were not simply members of the general public. She was also referring to people who practice at the Bar. She was also referring to the people who man the Bench. Judges, like the rest of us, also form a part of Pakistan's civil society. There is a mutual covenant between all sections of civil society to uphold the Rule of Law and secure the independence of the judiciary. Any section that betrays this mutual trust, in addition to injuring the others, also imperils itself.

Benjamin Cardozo had ventured to reflect that judges do not live in ivory towers protected against tides in the affairs of men. Moreover, unlike the executive branch of government, the judiciary has no coercive apparatus to ensure the enforcement of its writ. Rather, its strength, its prestige, its power and hence its very existence, rests solely upon the confidence reposed in it by the public. That confidence is not to be lightly risked. I dare to dream the impossible dream and to run where the brave dare not go. This is our quest- no matter how hopeless no matter how far. Remember that every long journey begins with a single step. My Lord, the Chief Justice who would have thought that after the 9th of March you would in our midst today in this very auditorium presiding over this seminar? May the wind be always at your back and may the road rise up to meet you and may Allah Almighty hold you in the palm of His hand. It does not take rocket science to understand the no army, no matter of which breed, can stop the march of an idea the time for which has come.

Pakistan Zindabad, Pakistan Paindabad!

Muneer A. Malik

President, Supreme Court Bar Association

Islamabad, 26 May 2007

Background of resentment in the legal community since 1980's

Since 1954, the 'doctrine of necessity' has been abused to the point of providing a judicial cover up of the illegal and ultra constitutional actions of the military and bureaucracy in Pakistan. Over time, this relationship has developed into a strong, but invisible alliance of the judiciary, army and bureaucracy. Any attempt to break this alliance was foiled by the military and bureaucracy.

Dissatisfied with the role the judiciary had played in approval of martial laws, a new and vigorous movement emerged among a new generation of judges after 1983, during the rule of General Zia ul Haq. However, the political parties did not join them in taking up the issue of the supremacy of the judiciary. During the civilian governments of the 1990s, the judiciary made weak attempts to assert itself over constitutional matters, but political parties in power at the time curbed the judiciary from doing so.

When General Musharraf overthrew the elected government in October 1999, the Supreme Court of Pakistan not only justified the military coup d'état, but also gave him powers to amend the country's constitution according to his will. The President required that the judges take oaths to uphold the Provisional Constitution Order (PCO). It was revealed in 2006, however, that the judges had actually taken oaths on plain white paper. For the first time in the history of Pakistan, the judiciary's subservient role had been exposed. The judiciary sacrificed constitutional law in favor of expediency. The judiciary of Pakistan has been forced into the role, not as the arbiter of justice, but as the defender of the armed forces. However illegal or unconstitutional its actions may be, under the doctrine of necessity, the army can do no wrong. The doctrine of necessity, which was created to protect the usurpers of power, was used time and time again to overthrow any elected government and keep the constitution in abeyance.

Through the PCO, General Musharraf succeeded in appointing judges of his choice to which the political parties did not object. Therefore, when General Musharraf's martial law was challenged before the Supreme Court, the judges, his appointees, granted him a favorable decision. This move solidified General Musharraf's power to amend the Constitution—a power which the military government never even asked for to begin with.

However, when General Musharraf's original appointees began retiring and new judges were appointed, some of new judges at the Supreme Court and Provincial High Courts started hearing public interest cases through *sou motto* actions; in other words, the judges were taking public interest cases although nobody was in fact filing such cases. These actions infuriated the military government. The suspended Chief

Justice Chaudhry has heard no fewer than 6000 such cases. The Chief Justice declared unconstitutional the deal between the government and private bidders for the privatization of Pakistan Steel Mills. The Supreme Court also took up the issue of land in Murree, a hill station near the capital of Pakistan, which was seized by the military and members of the ruling party. The Chief Justice also summoned military leaders in connection with a case of missing persons, much to the chagrin of the government. As a result of the Chief Justice's actions contrary to the government's interests, President Musharraf began a campaign to remove the Chief Justice.

Furthermore, during the elections of the Supreme Bar Association, the candidate for the government side, retired Justice Malik Qayyum, was defeated by Mr. Muneer Malik. Justice Qayyum challenged Mr. Malik by illegally announcing himself to be the president with the help of government lawyers. Lawyers in general, however, were not satisfied with the situation and filed a petition before Chief Justice Chaudhry. The court decided in favor of Mr. Malik. This sent a clear message to the government that the judiciary was beginning to carve out its independence.

At the point of the Chief Justice's suspension, Pakistani lawyers were in favor of an independent role for the judiciary. When the military government started its campaign against the Chief Justice, the lawyers were already positioning themselves in support of the Chief Justice. By the time the government made the Chief Justice nonfunctional, all the various bar associations, including the district bar associations, were under the influence of the democratic and progressive groups of lawyers.

Baseer Naveed

PAKISTAN: The Asian Human Rights Commission condemns violence unleashed by the military regime leading to killing of 30 persons in Pakistan

FOR IMMEDIATE RELEASE

AS-100-2007

May 13, 2007

A Statement by the Asian Human Rights Commission

PAKISTAN: The Asian Human Rights Commission condemns violence unleashed by the military regime leading to killing of 30 persons in Pakistan

The Asian Human Rights Commission (AHRC) condemns the violence unleashed on peaceful protestors by the military dictator in Karachi, Pakistan which has resulted in heavy loss of life. The violence against the protest march on 12 May in Pakistan is raising further alarm about the already deteriorated legal and administrative system hitting bottom hard. Presently it is the loss of over more than 30 lives. The aim such action is for General Musharaf is to claim five more years in power without hindrance from judiciary.

The stalemate between the self-declared president – Mr. Musharaf and the people struggling to bring meaning to justice has taken a decisive turn. This is one of the worst violent occurrences in the whole struggle for the basic human rights of the people which is been systematically denied for long.

Fair trial and independence of judiciary are the foundation of any civilised nation and the birth right of every individual. Interestingly, in a speech yesterday Mr. Musharaf expressed that, "...let the judiciary be independent and stop putting pressure and wait for verdict," He also added that "...your slogan of judicial independence is also my slogan".

The General is talking the language of co-option. He is trying to earn legitimacy by declaring his objective as the same of the protestors. Ironically this is the words of a person who summoned a serving Chief Justice to military barracks and sacked him in the most arbitrary manner. A person who has shown utmost disrespect to the independence of judiciary is now claiming to be its apostle. A conversion drama, faster than that of Paul en route Damascus.

As news reports are coming in, the manipulative role of the dictator is being exposed. The General who assumed power by a show of might disregarding peoples' choice and throwing democracy out from the country is now facing the reality that there is a limit to peoples' tolerance.

The General is trying to infiltrate into the people's movement by using factions loyal to him. In such an attempt he is also allegedly using military officers and the criminals at the same time to open fire at protesting people. An administration which is commanded by such a person obviously did nothing. Proving his talent to subvert fundamental rights equally by clever and crude means, the General soon appeared in public in civilian dress. The General in his speech has conspicuously refrained from making any reference to the state and the administration, he allegedly commands and its role in the current crisis. Instead the dictator has tried to trivialise the peoples' protest as a fight between the government's supporters and a disgraced judge. There was not a word about what action would be taken against those who fired at the protesting crowd.

In a county like Pakistan, where the legal and justice system has already collapsed, violence could be further conveniently used by the General to declare harsher forms of oppression. This is the worst tactic that could be employed by any ruler. A dictator who has procured a safe haven by buying properties outside Pakistan has parallels in the region in Myanmar and Nepal. For the lesser mortals in Pakistan it is Pakistan and nowhere else.

The people, when pressed hard beyond a breaking point, are justified in protesting against the oppressor. Thousands have taken to the streets to demonstrate their discontent against an Army General who has played all cards available, ranging from religion to security in an attempt to remain in power. The people of Pakistan protesting against such a dictator and his armed cronies need support and solidarity.

It is the legal and the moral obligation of the civil society to respond to the cry for help from Pakistan. The struggle in Pakistan has reached the turning point capable enough to change the destiny of a nation. The clarion call by the mass struggling for democracy, independence of judiciary, rule of law and human rights is already made. Now it is the duty of the international community to respond to the call.

The AHRC calls for immediate investigation into the firing incident and prosecution of the criminals. The AHRC calls for restoration of democracy in Pakistan for which General Musharraf must step down and the army must be returned to the barracks. The dismissed Chief Justice must be immediately reinstated to office. The United Nations agencies and the international communities need to condemn the killings, the unleashing of the violence against the peaceful protest and the displacement of the legal process. It is their obligation to insist on ensuring an inquiry into the killings and to bring an end to the ongoing violence.

Resolution of the Sindh Bar Council condemning the brutality committed in the city of Karachi

Dear friends,

We wish to share with you the following statement from Sindh Bar Council (Pakistan)

Asian Human Rights Commission

Hong Kong

FOR IMMEDIATE RELEASE

FS-021-2007

May 23, 2007

A Statement from Sindh Bar Council forwarded by the Asian Human Rights Commission

PAKISTAN: Resolution of the Sindh Bar Council condemning the brutality committed in the city of Karachi

SINDH BAR COUNCIL

Sindh High Court Building (Annexe) Karachi.

Dated: 15/05/2007

RESOLUTION

This extra. ordinary meeting of the Members of the Sindh Bar Council held on 15th May 2007 strongly condemns the brutality committed in the city of Karachi on 12th May 2007 on the innocent Members who were on the way to Airport to Welcome the Chief Justice of Pakistan who had come to Karachi to address the legal fraternity on the conclusion of the Golden Jubilee celebrations of Supreme Court of Pakistan.

This meeting is of the view that there was total lawlessness and anarchy in the City of Karachi on 12th May 2007. It has been repeatedly said by the Members of the Bar that the lawyers struggle is for the independence of Judiciary, Rule of Law and Constitution.

This Meeting of the Sindh Bar Council condemns the indiscriminate firing on Aaj Television, such and other act will neither deter the Journalist to abandon their object reporting/telecasting the events taking place in the country. This illegal act is against the freedom of Press and freedom of expression, The

Lawyers community expresses its solidarity with the Journalist and assures them that they are with them. This Meeting also condemns the brutal murder of the Addition Registrar of the Supreme Court, who was on deputation: and working as Additional Registrar.

This Meeting calls upon the Sindh Government. not to allow the miscreants Killings of the innocent People of the Karachi and to ensure protection to life, reputation and property of the Citizens as provided in the Constitution.

This Meeting also condemns the action in surrounding the High Court Building and City Court Building and making hostage the Honourable Judges and the Lawyers, The Judge and Lawyers were surrounded and made hostages for about 12 hours and it was only after the Honourable Chief Justice hoarded the air craft for Islamabad that the roads were clear and the Judges and Lawyers were allowed exit from the High Court Building.

This Meeting also condemns the action of the Administration in stopping the Lawyers coming from upper Sindh to Karachi to attend the High Court function.

This Meeting is of the considered view that there was nolaw and order in the city of the Karachi and this meeting expresses its deep sense of sorrow and grief at the innocent killing of the Citizens and prays to God to give them a place in heaven and give courage to their heirs and to give a place in heaven, G.A. Bhangar

Sindh Bar Council

CASES OF ENFORCED DISAPPEARANCE IN PAKISTAN.

BY JUSTICE (R) RASHEED A. RAZVI
Pakistan Bar Council

Since Pakistan has become one of the allies on 'War on Terrorism' after the year 2001, it is now more vulnerable to terrorism and particularly in pursuit to counter terrorism. In recent past, Pakistan has witnessed several cases of enforced disappearances. We have also witnessed the apathy of the Executive and Superior Courts in extending relief in the cases of missing persons. To plead the case of missing persons, it is not part of any political agenda but a case of infringement of Fundamental Rights and not that of the missing persons but the right to life of his entire family members. This situation is getting worst day by day in this part of the World. How to meet this situation and how to get relief through legal process? My endeavor would be to deal with this subject and its impact on the rule of law.

The cases of enforced disappearances or missing persons are common in this part of the world particularly in those countries where the ruler of the country is an absolute dictator. For quite some time, Pakistan has been facing this problem and the list of missing persons or enforced disappearances are growing day by day. Recently, in its report the Human Rights Commission has filed a petition before the Supreme Court (March 2007) wherein it is alleged that nearly 150 persons are missing. According to the UN's General Assembly Resolution dated 18-12-1992 on Declaration on the Protection of All Persons from Enforced Disappearance, such disappearance occurs:

“..... In the sense that persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the government, followed by a refusal to discuss fate or whereabouts of the persons concerned or a refusal to acknowledge deprivation of their liberty, which places such persons outside the protection of law.....”.

It is pertinent to mention here that in May 2006, Pakistan was elected to the newly established UN Human Rights Council, which, in June of the same year, unanimously adopted the draft International Convention for the Protection of All Persons from Enforced Disappearances. The draft Convention bans enforced disappearances and declares widespread or systematic practice of enforced disappearances a crime against humanity. Unfortunately, this U.N. Conventions have not been incorporated into statutory laws of Pakistan nor, to the best of my knowledge, any Court has adopted its principles while dealing with writs of habeas corpus.

Counter-terrorism operations have become en vogue for last two decades in Pakistan and continue to be accompanied by serious violations of human rights. Suspects held on terrorism charges frequently are detained without charge or some time they are tried without proper judicial process. In Pakistan the Investigating Agency has the same old and conventional method of investigating into crime. Their main focus is on how to obtain confession of the person under custody as it shortcut the process of enquiry. And for the purpose of obtaining confession of an accused or to extract statement of witnesses, the Law Enforcement Agency did not hesitate to adopt third degree method of torture and harassment. Human Rights Watch has documented scores of illegal detentions, instances of torture, and "disappearances" in Pakistan's major cities. Counter terrorism laws also continue to be misused to perpetuate vendettas and as an instrument of political coercion. It is impossible to ascertain numbers of people "disappeared" in counter terrorism operations particularly since 2007 because of the secrecy surrounding such operations and the likelihood that the families of some of the "disappeared" do not publicize their cases for fear of retaliation.

Pakistani authorities have presented figures suggesting that more than 1,000 alleged terrorist have been arrested by since 2001 by its Law Enforcing Agencies. The Pakistani government has processed only a fraction of the cases through the prevailing legal system. According to a reasonable estimate, hundreds of suspects have been handed over to the United States, often for sizeable bounties; many have ended up at Guantanamo. These acts of wrongful extradition were done in violation of the Extradition Act, 1972. This law provides detailed procedure for extradition of suspect including holding of an enquiry by a Judicial Magistrate. During such proceedings, the detenu is extended full rights of a fair trial and it is after satisfaction of the Judicial Magistrate that suspect is allowed extradition. Among the "high-value" terrorism suspects whom Pakistan is believed to have handed over to the United States is Syrian-Spanish citizen Mustafa Setmariam Nasar, who was reportedly arrested in late October or early November 2005 in Quetta, Pakistan.

In Pakistan, the role of intelligence agencies, civil and military, which includes Intelligence Bureau (IB), Federal Investigation Agency (FIA) and Inter Service Intelligence (ISI) is more significant, not only in the field of enforcing law and order in the country but such agencies are also found politically involved which may be one of the cause of enforced disappearance of several persons. It is being pleaded on behalf of these agencies that their efforts are to counter terrorism and since it is difficult for them to obtain evidence or any incriminating material against such terrorist which procedure is cumbersome (as claimed by them) and time consuming, therefore, in order to avoid writ of the High Court such method is evolved. Be that as it may, whatever the circumstances may be, there is no justification for making persons disappeared for an indefinite period. This may be termed to be an act of state terrorism and at the same time violation of the "right to life" of the family members of such disappeared/ missing persons as guaranteed vide Article 4&9 of the Constitution, 1973. Pakistani law requires arrests to be carried out, in most cases, by police presenting a valid arrest warrant; most of the terror suspects were not arrested in this way. Few were charged with a recognizable criminal offence. In most cases, no official record of detention was kept. They were not given access to a lawyer or to their family. They were not brought promptly before a magistrate.

The cases of missing persons in Pakistan generally occur in respect of those activists who are either involved with religious groups or political opponents. In the province of Sindh and Balouchistan, it also occurs to curb Pro Balouchistan Movement. It is very unfortunate that when a person re-emerges from disappearance he never testifies about the episode he had encountered during the days of enforced disappearance and about the person or agency involved. Although there were several cases of disappearances in Karachi after 2001, the cases brought before the Courts of Law are limited in number. Recently, there are nearly 15 to 18 habeas corpus petitions pending before the Sindh High Court at its principal seat. In all these petitions, except three, it is alleged that the detainees were arrested in the nights from their residences. It is also found that such raiding party had some police vehicles and personal with them. In other three petitions, the detainees reached Karachi from Dubai and after immigration process were found missing. These are Mr. Munir Ahmad Mengal, Dr. Syed Ali Raza and Mumtaz Hussain. The first case relates to the owner of a T.V. Channel "Balouch Voice", while the other two allegedly belongs to a sectarian group.

A few detainees, some held for prolonged periods, have simply been released without charge, reportedly after being warned to keep quiet about their experience. Others have been charged with criminal offences unrelated to terrorism. Many have been unlawfully transferred to other countries, without any legal procedures, and in violation of the principle of non-refoulement, which prohibits people being sent to countries where they are at risk of serious human rights violations. Hundreds have been transferred to US custody and ended up in Guantánamo Bay, Bagram Airbase or secret detention centres elsewhere. However, many detainees remain unaccounted for-their fate and whereabouts are unknown.

The UN Declaration on the protection of all persons from enforced disappearance termed such offence contrary to the human dignity and also violates/constitute grave threat to the right to life. Article 3 of the said U.N. Declaration provides that each state shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in their respective jurisdiction. However, we are unable to find any such measures on the part of present regime. In the present scenario whatever efforts have been done in order to find or locate the disappeared/missing persons it was either on the part of the family members with the help of media and to some extent with the intervention of the Superior Courts. Here, I would like to state that our Courts are slow in seeking recovery of such persons while exercising their jurisdiction under Article 199 of the Constitution, 1973.

Under international law, torture and other ill treatment are prohibited absolutely and under all circumstances, without exception. They are morally abhorrent and in addition to the pain inflicted on the victim, demean the perpetrator. They are not only unlawful but also, ultimately, counterproductive. Confessions extracted under torture have often proved unreliable, as detainees may "confess" to anything to end their suffering. International law as well as Criminal Procedure Code of Pakistan, 1898 prohibits the use of statements obtained through torture or ill treatment in any proceedings, thus forcibly extracted "confessions" cannot in a fair trial contribute to criminal convictions of terror suspects. There are several judicial precedents laid down by the Superior Courts in Pakistan, where convictions based on such confessions were set-aside by the Courts but still this practice is in vogue, within the Law Enforcement Agency.

The right to habeas corpus, which is the right to be invoked before a High Court under Article 199 of the Constitution to be able to challenge the legality or otherwise of one's detention, has been systematically

undermined by the state agents who refused to comply with Court directions to provide information about the whereabouts of detainees or have denied any knowledge in Court. And upon such denial, the High Courts are found willing to dismiss a cause on the ground that it has become “infructuous”. It is mainly for such reason, that many detainees have been unlawfully transferred to the custody of other countries, notably the USA. In the cases pending before the Sindh High Court at Karachi, the Secretary, Ministry of Interior, Federal Government has filed his personal affidavits denying the whereabouts of the detainees. In a very strange manner he denied to have any control over the non-civilian agencies. This statement was clearly in violation of Article 243 of the Constitution, which provide that “the Federal Government shall have control and command of the Armed Forces”. (Emphasis added).

How the scope of Article 199 of the Constitution 1973, particularly in the cases of writs of habeas corpus has been narrowed down by the recent decisions of the Superior Court, is reflected in one of the case of Javed Ibrahim Paracha. The said petitioner was a former member of National Assembly from Kohat District, NWFP who filed a Constitution Petition under Article 199 of the Constitution challenging illegal arrest and detention of some 57 foreigners mainly from Arab countries and 145 Pakistani citizens mainly from tribal areas. This writ petition was dismissed by Peshawar High Court mainly on the grounds, inter alia, that the petitioner was not an aggrieved party. Strangely, the Supreme Court of Pakistan also adopted the same view and dismissed the appeal against the decision of the Peshawar High Court, inter alia, on the grounds that the petitioner was not an aggrieved party and that such petition does not amount to a public interest litigation. (PLD 2004 SC 482). This decision was given contrary to the settled law in respect of “aggrieved person” in the matters of writ of habeas corpus and ignoring the rule laid down by the Supreme Court of Pakistan in the case of Begum Nusrat Bhutto (PLD 1977 SC 657). In the said report a bench of Supreme Court consisting of nine (9) Judges held that “.....it is true that in the case before us the petitioner is not alleging any contravention of her own Fundamental Rights, but she has moved the present petition in two capacities, namely, as wife of one of the detainees and as Acting Chairman of the Pakistan Peoples Party, to which all the detainees belong. In the circumstances, it is difficult to agree with Mr. Brohi that Begum Nusrat Bhutto is not an aggrieved person within the meaning of Article, 199.....”. (Please see page 675 of the report) Reliance was placed on the case of Manzoor Illahi (PLD 1975 SC-66). The petitioner, Javed Paracha, was not acting as “probono publico” but was acting as a friend of the detainees, which was sufficient compliance of the term “any person” as used in the Article 199 of the Constitution of Pakistan.

I may refer here some of the observations of the Sindh High Court, while dealing with the cases of missing persons. On 07-6-2006, it was observed by a Division Bench of the Sindh High Court that “..... whenever any citizen is found missing it is not sufficient for the persons responsible in the Federation and Provincial Government to merely file statement/affidavits that the missing person has not been arrested or detained. They are bound under the law to search and locate such person and produce him before this Court (High Court) so that in case of incorrect and false petition presented in this Court, the petitioner be dealt with by passing an appropriate order and in case some agency/officer has acted in violation of law, he may also be dealt with in accordance with the law. The Home Secretary, cannot be absolved of his responsibilities merely by stating that the missing person is not under arrest or detention.....” (Please see C.P.No.D-1088 of 2006). Again, on 06-12-2006, another Division Bench of Sindh High Court, made observations to the following extent.

“.....Evidently, when the Constitution guarantees the protection of fundamental rights of life and liberty of every citizen it is not sufficient for a state functionaries merely to state that a citizen is in their custody. Indeed, the Provincial Police is prima facie responsible to ensure that no citizen is deprived of life or liberty except in accordance with law. Even if the detenues have been abducted or taken away by private individuals it was the duty of the police to arrest the culprits and to secure the life and liberty of detenué.....”.

(Please see C.P.no.D-505 of 2006).

Such methods of torturing alleged terrorist in order to obtain confession or other information or the act of enforced disappearance have proved that by such method the terrorist activities were not successfully countered. These brutal acts on the part of Law Enforcing Agencies have multiplied the acts of terrorism. Here, I would like to quote my earlier view when in similar circumstances, following observations were made to suggest some ways and means to combat terrorism:-

“.....Before suggesting ways and means to counter-terrorism in Pakistan without violating human rights, in my view it would be advantageous if the causes leading to the commission of terrorism and sabotage are examined. It is one of the tragic aspect of this country that despite passing of more than 50 years, no efforts were made by any Government, in the past, to form any commission or any forum in order to investigative into the causes and to suggest ways and means for suppressing terrorist activities. There is no authenticated figure of terrorist acts, or arrest and trails of such terrorists. One has to rely upon the figures as they appear in newspapers which are bases on purely political assessments and which should not be relied upon.....”

“.....On the contrary, a person simply accused of a terrorist act facing trail before these Special Courts or Speedy Courts was kept behind the bars for indefinite period without trail. These repressive laws failed to counter-terrorism. We cannot stop violence by setting up a counter-violence. Two wrongs do no make a right. Fundamental Rights as guaranteed under the Constitution as well as the Human Rights and in the Covenant of Civil and Political Rights have become inalienable rights of all the citizens without which there is no civilized society.....” (Please see PLD 1999 Journal 144)

In order to conclude, I may be allowed to say that little has been done by the Federal and Provincial Governments since 2001, to adopt some positive methods to counter terrorism despite the fact that the acts of terrorism has gained momentum during the said period. On the contrary, the Law Enforcement Agencies have adopted all un-lawful methods and such other steps which are contrary to the Fundamental Rights as guaranteed under the Constitution of Pakistan or under different United Nations Declaration to deal with the cases of terrorism. Their efficiency could be gauged from the statement of the Advocate General Punjab before a Full Bench of Lahore High Court, as reported in the leading newspapers of this country on 03rd March, 2007, that there are more than 5000 absconders in the Province of Punjab. No figure is available of absconders in the remaining three provinces. These absconders are mainly involved in the cases arising out of terrorism. Millions of rupees have been fixed as head money for some of these sectarian terrorism.

An article from Development & Cooperation forwarded by the Asian Human Rights Commission

PAKISTAN: Invigorating courts

By Baseer Naveed

In Pakistan, the legal community is in open rebellion against military rule ever since the country's authoritarian government suspended the Supreme Court's chief justice in March. The judiciary, which for most of Pakistan's history did little to restrain non-elected authorities, had recently become more assertive. So far, the government seems unable to rein in protests.

Military action against Iftekhar Chaudhry, the chief justice of Pakistan, has generated an unprecedented political crisis. In the past, the army and the judiciary had always been good friends, united in subverting democratic aspirations of the people. The judges normally acted as defenders of the armed forces, not of the rule of law. Only once did the Supreme Court call a military dictator a "usurper" – and that was in 1971, a year after the person in question had died and was thus safely out of the way.

Pakistan's higher judiciary was never allowed to work independently. Its role is also diminished by the fact that it is overburdened. Today, there are more than 20,000 pending in the Supreme Court alone. Normally, it takes cases in the lower courts five to six years to be decided, appeals may drag on for up to 20 years. Moreover, Pakistan has a problematic dual legal system with a secular judiciary and an Islamic one. In cases of murder, rape and other awful crimes, Shariah courts often pass judgments that secular courts find difficult to revert.

For a long time, Pakistan's secular judiciary looked like a dead and meaningless organisation. It was so impotent that military leaders did not even consider it whenever they were trimming down other institutions. Normally, the judicial "doctrine of necessity" allowed non-elected government forces to act as they pleased (see below).

Neither army nor bureaucracy ever really felt restrained by the nation's constitution or other official laws. Justices who dared to oppose military or bureaucratic decision-making, were quickly transferred to other courts or lost their jobs entirely. In many instances, their family members were threatened.

Today, however, that kind of intimidation does not seem to work anymore. Pakistan is witnessing a broad-based popular movement for an independent judiciary and the rule of law. The situation is tense, and it is impossible to tell which forces will prevail. State-sponsored violence has erupted. On 12. May

alone, for instance, 51 people were killed in Karachi, when police, army and the local administration cooperated in making a rally impossible.

The popular movement erupted with force in March, after President Pervez Musharraf, a military ruler since October 1999, suspended Chief Justice Chaudhry from office. The judge was summoned to Army House, he was manhandled there and detained for several hours. An interim chief justice was sworn in. In the past, several judges had been personally humiliated by military leaders, but this time the action was seen as an affront towards the legal profession as a whole. A lawyers' movement sprung up immediately, boycotting courts and staging rallies. This movement has since gained the support of various political parties and civil-society organisations.

Self-confident jurists

Indeed, Chaudhry was an unusual chief justice, who took some remarkable decisions. For instance, he formed a Human Rights Cell at the apex court. During his tenure, the Supreme Court ruled against high-ranking officers in cases dealing with the privatisation of government businesses or land grabbed by civil and military authorities. The higher judiciary, following the Indian example, had begun taking on cases of public interest litigation suo moto (Baxi, 2004). In other words, the justices started proceedings on their own when it was brought to their attention that state agencies had breached laws.

Most important, the Supreme Court began considering cases of "missing" persons. These people had been arrested by law-enforcement agencies, which denied knowledge of their whereabouts. The secret services in particular were uncomfortable with this kind of judicial interference.

Pakistan's lawyers, on the other hand, appreciated the new trend. This was all the more so, after the Supreme Court had ruled on a matter that directly concerned them. The Court decided that, on the basis of the votes cast, Muneer Malik was the rightful president of the Supreme Bar Association, an influential body of jurists. After the election, Malik Quayyum, a retired judge with close ties to Musharraf, had unlawfully assumed that position with support from government lawyers. The Supreme Court thwarted this attempted inner-Bar coup, sending a clear message to government that the judiciary was making independent decisions.

The government is not accustomed to this kind of self-assured, independent action. When General Musharraf seized power in 1999, he had been able to stem inklings of judicial opposition comfortably. For instance, he introduced a "Provisional Constitution Order" (PCO) in January 2000. Putting the constitution of Pakistan in abeyance, he compelled judges of the higher judiciary to take oath under PCO. Many judges refused to take oath on the military-made PCO, and thus Musharraf could appoint a chief justice of his own choice. After these manoeuvres, the Supreme Court of Pakistan not only justified the military coup in 2000, it also granted Musharraf powers to amend the constitution – something the military command had not even asked for.

In Pakistan, the president appoints the judges of the High Courts and the Supreme Court after

recommendation by the Supreme Judicial Council. Judges are thus appointed according to political needs, and in the past, they did not go against the executive powers.

Change, however, had been brewing up in the legal profession for a long time. There had been a positive movement among a new generation of judges who came after the movement of 1983 against the General Zia ul Haq. Many were directly or indirectly involved in the movement for the restoration of democracy (MRD) of 1983. Most of the judges of this generation were unhappy with the judges' role in past periods of martial law. They had hoped that, in a democratic setting, the political parties would support judicial independence and supremacy. In the 1990s, when Pakistan was run by civilian governments, the judiciary tried to assert its constitutional role. However, the political parties in power curbed it in similar ways autocratic regimes had done before.

It is generally said that had General Musharraf dealt with the Supreme Court more quietly, the way earlier military rulers had done, there would have not been such a hue and cry. That notion is wrong. If one analyses the history of the judiciary, particularly in respect to martial law, it is clear that dissatisfaction had become rampant in the legal community, which finally wants to play its constitutional role.

Outlook

The recent movement is not about to halt. In spite of brutal repression, peaceful rallies and pickets are organised. The media and a number of political parties are supporting this new, secular opposition to the government. On the other side, the military is obviously considering steps against the media and political activities in general. Untypically, Musharraf's rule had so far not gone along with harsh repression of the freedoms of speech and association per se. That may be about to change.

It seems likely that the government will keep control over the judiciary for some time. However, it should be very difficult to suppress the progressive spirit in the legal community. There are chances that a new political party will emerge. Some hope that Chaudhry will go into politics and become a strong leader. On the other hand, it is possible that the military government will provoke clashes and perhaps even blame neighbouring countries of manipulating the lawyers, only to impose an emergency or martial law. While the country's future is in the balance, it is obvious that the army will hardly stay in power should Coudhry be re-instated as chief justice. Though that does not seem likely right now, the army has never before looked as weak as it does today. Anything may happen.

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