

Submission of the Commonwealth Human Rights Initiative (CHRI) to the Commonwealth Ministerial Action Group meeting, 12 November 2007

CHRI submission

The Commonwealth Human Rights Initiative (CHRI) welcomes the prompt meeting of the Commonwealth Ministerial Action Group (CMAG) following the imposition of an unwarranted and unconstitutional state of emergency in Pakistan on 3 November 2007. CHRI echoes the concerns of the Secretary General of the Commonwealth, the Rt Hon Donald C McKinnon, that "it is essential that the Constitution and the rule of law be restored and the judiciary respected".

The imposition of an illegal state of emergency, interference with the judiciary, dismissal, intimidation and detention of members of the Supreme Court and high courts, mass arrests, escalating police brutality and targeting of human rights defenders are aimed at stifling democracy and peaceful dissent. Political workers and lawyers across the country have also been arrested to prevent any organised opposition to the emergency. The freedom of the media has also been attacked as private news channels have been banned and laws are being amended to further control the press.

The declaration of a state of emergency and suspension of the Constitution of Pakistan by General Musharraf is a direct and serious violation of the Harare Principles. In these circumstances, Pakistan's attendance at the 2007 Commonwealth Heads of Government Meeting in Uganda later this month as a member of the Commonwealth is not appropriate.

This is a moment of singular importance for the Commonwealth to recognise that democracy, democratic processes and institutions, the rule of law and just and honest government are the fundamental political values of the Commonwealth as enshrined in the Harare Declaration. Swift action will reinforce that membership of the Commonwealth is predicated on an absolute promise to protect and promote these values.

CMAG must

1. Call for the immediate, absolute and unconditional end of the state of emergency, the restoration of the rule of law and the reinstatement of the Constitution of Pakistan.
2. Call for the immediate, absolute and unconditional restoration of judicial independence and reappointment of judicial officers to their rightful offices.
3. Call for General Musharraf to commit to holding parliamentary elections as planned in January 2008.
4. Suspend Pakistan from the councils of the Commonwealth until the state of emergency is ended, while signaling continued support for civil society.

Previous CMAG action in relation to Pakistan

Pakistan has been of long-term and continuing concern to CMAG.

In October 1999, CMAG held an emergency meeting following a military takeover of government in Pakistan. CMAG acted and suspended Pakistan from the Councils of the Commonwealth, including the 1999 Commonwealth Heads of Government Meeting in Durban, South Africa, pending restoration of democracy.

Pakistan was returned to full membership of the Commonwealth in May 2004, following progress made in restoring democracy and rebuilding democratic institutions in the country, as well as the

restoration of the 1973 Constitution (as amended by the 17th Amendment). Pakistan's return to the Commonwealth was accepted on the basis that the offices of President and Chief of Army Staff would be separated.

Pakistan has remained on the CMAG agenda.

Previous Commonwealth Heads of Government action in relation to Pakistan

At the Commonwealth Heads of Government Meeting in Malta in 2005, the Heads noted that where a person is both Head of State and Chief of Army Staff, the basic principles of democracy and the spirit of the Harare Principles are contravened.

The Heads reiterated that until the two offices are separated in Pakistan, the process of democratisation continued to be at risk.

CMAG and civil society

CHRI, as the main Commonwealth human rights civil society organisation, is committed to providing a civil society perspective on the issues and countries considered by CMAG.