

Statement

# Government should not use force against the lawyers' long march

Sunday 15 June 2008, by [AHRC](#) (Date first published: 10 May 2008).

## Asian Human Rights Commission

The government of Pakistan is taking steps to ensure that lawyer's long march is unsuccessful by setting up barriers around the parliament house and all approach roads. The whole of the Islamabad, the capital of the country, is under the high alert and even members of both the houses, the Senate and National assembly, are being stopped by the law enforcement agencies and body searched. Extra contingents of police and Rangers are being deployed in an effort to thwart the popular movement of the restoration of the deposed judiciary. In addition to these, ministry of interior has put barbed wire on main junctions of the venue so that no body can cross the wires. The lawyers, along with deposed judges intend to have a sit in before parliament house lasting for as many days as necessary to press their demands for the restoration of the judiciary. The government of Prime Minister Syed Yousaf Raza Gillani is handling the lawyer's movement in the same manner as General President Musharraf attempted to handle the judiciary.

The lawyers from different provinces started their 'long march' on June 9 and will gather at Multan city of Punjab province, 600 kilometers away from Islamabad. The deposed chief justice, Mr. Iftikhar Choudhry, will join the long march at Multan. From there they will proceed to Islamabad via Lahore, the capital of Punjab Province, a stronghold of lawyer's movement.

Several thousands people have joined the march which is swelling as the participants proceed towards its destination, parliament house, Islamabad. The long march is in retaliation of the effective betrayal by the newly elected government that they would restore the dismissed judges into office. The promise that was made before and after the elections of February 18 has not only been left unfulfilled, but the indicators are that the current administration is not giving the issue the importance it demands.

The government instead has introduced a Constitutional Package in which a formula is mentioned to restore the dismissed judges. However, this package was rejected by the lawyers, civil society and all political parties other than those in the government. The rejection was on the ground that the restoration of the judges has nothing to do with the Marri Declaration, which announced without any ambiguity, that the judges will be restored within one month after the formation of the government through a resolution passed by a simple majority in the National Assembly.

The media and lawyers object to this Constitutional Package since its implementation will practically and legally indemnify the actions taken by President Musharraf during the emergency period when the Constitution was suspended. The implementation of the 'package' will also indirectly legitimise several other unconstitutional acts carried out by the Musharaff administration, including the suspension of the Constitution and the promulgation of the Presidential Decrees, which are constitutionally invalid.

Many judges of the higher courts in Pakistan, who swore allegiance to the military government led by Musharraf during the emergency rule, have approved the illegal and unconstitutional actions taken by President Musharraf. The lawyers are concerned that through the new package, these corrupt judges who were employed or had taken oath under the rules promulgated during the emergency, will have their appointments constitutionally confirmed. The lack of clarity and direction concerning the restoration of the rule of law in Pakistan and the delay in deciding the issue of the judges dismissed by the government is spreading insecurity in the country and providing the opportunity to some right-wing elements to unite and take shelter behind the lawyer's movement. These right-wing forces are involved, in one way or the other, in the promotion of fundamentalist and militant activities within and outside Pakistan.

On the other hand the ordinary people of Pakistan are being forced to take the law into their own hands. The continuing absence of the 'presence and perception of law enforcement' in the country is leading to instances of mob justice like mass lynching and the burning alive of suspects. Within one month 10 persons were burnt alive by mobs who believed this to be the best way to deal with perceived injustices. The absence of any credible and functioning justice mechanisms in the country that the people can place their trust in also encourages the ordinary people to resort to 'mob justice' with the slightest provocation. This situation, if left to continue unabated could escalate into a civil war. The AHRC in an earlier statement has pointed out that such a possibility could not be ruled out. For further information please see: AHRC-STM-094-2008.

The failure in the timely handling of crucial issues like that of the judges' restitution in Pakistan and the continuation of the political and practical stalemate of the government in dealing with priority issues will promote further insecurity in the country. It is potent enough to snowball into unrest that could destabilise the democratic process in Pakistan. This will effectively undermine the aspirations of democracy which the country has finally gained after nine years of dictatorial military rule.

The AHRC urges the government of Pakistan led by Prime Minister Mr. Syed Yousaf Raza Gillani to take immediate action to restore the dismissed judiciary before the long march starts its sit in before the parliament. The government must not use force against the lawyers and members of the deposed judiciary. If government does resort to the use of force criminal and ultra nationalist elements may take advantage of the situation to spread violence. The government should make use of the new democratic space in the country and use the lawyers' movement as its shield of protection. It is likely that in keeping with the history of Pakistan that forces of tyranny may take control of the affairs of the country if the government still resists to the popular demand for the restoration of deposed judiciary.

---

About AHRC: The Asian Human Rights Commission is a regional non-governmental organisation monitoring and lobbying human rights issues in Asia. The Hong Kong-based group was founded in 1984.

Asian Human Rights Commission

19/F, Go-Up Commercial Building,

998 Canton Road, Kowloon, Hongkong S.A.R.

Tel: +(852) - 2698-6339 Fax: +(852) - 2698-6367