

Pakistan's Tyranny Continues

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THE chief justice of Pakistan's Supreme Court, Iftikhar Muhammad Chaudhry, and his family have been detained in their house, barricaded in with barbed wire and surrounded by police officers in riot gear since Nov. 3. Phone lines have been cut and jammers have been installed all around the house to disable cellphones. And the United States doesn't seem to care about any of that.

The chief justice is not the only person who has been detained. All of his colleagues who, having sworn to protect, uphold and defend the Constitution, refused to take a new oath prescribed by President Pervez Musharraf as chief of the army remain confined to their homes with their family members. The chief justice's lawyers are also in detention, initially in such medieval conditions that two of them were hospitalized, one with renal failure.

As the chief justice's lead counsel, I, too, was held without charge - first in solitary confinement for three weeks and subsequently under house arrest. Last Thursday morning, I was released to celebrate the Id holidays. But that evening, driving to Islamabad to say prayers at Faisal Mosque, my family and I were surrounded at a rest stop by policemen with guns cocked and I was dragged off and thrown into the back of a police van. After a long and harrowing drive along back roads, I was returned home and to house arrest.

Every day, thousands of lawyers and members of the civil society striving for a liberal and tolerant society in Pakistan demonstrate on the streets. They are bludgeoned by the regime's brutal police and paramilitary units. Yet they come out again the next day.

People in the United States wonder why extremist militants in Pakistan are winning. What they should ask is why does President Musharraf have

so little respect for civil society - and why does he essentially have the backing of American officials?

The White House and State Department briefings on Pakistan ignore the removal of the justices and all these detentions. Meanwhile, lawyers, bar associations and institutes of law around the world have taken note of this brave movement for due process and constitutionalism. They have displayed their solidarity for the lawyers of Pakistan. These include, in the United States alone, the American Bar Association, state and local bars stretching from New York and New Jersey to Louisiana, Ohio and California, and citadels of legal education like Harvard and Yale Law Schools.

The detained chief justice continues to receive enormous recognition and acknowledgment. Harvard Law School has conferred on him its highest award, placing him on the same pedestal as Nelson Mandela and the legal team that argued *Brown v. Board of Education*. The National Law Journal has anointed him its lawyer of the year. The New York City Bar Association has admitted him as a rare honorary member. Despite all this, the Musharraf regime shows no sign of relenting.

But for how long? How long can the chief justice and his colleagues be kept in confinement? How long can the leaders of the lawyers' movement be detained? They will all be out one day. And they will neither be silent nor still.

They will recount the brutal treatment meted out to them for seeking the establishment of a tolerant, democratic, liberal and plural political system in Pakistan. They will state how the writ of habeas corpus was denied to them by the arbitrary and unconstitutional firing of Supreme and High Court justices. They will spell out precisely how one man set aside a Constitution under the pretext of an "emergency," arrested the judges, packed the judiciary, "amended" the Constitution by a personal decree and then "restored" it to the acclaim of London and Washington.

They will, of course, speak then. But others are speaking now. The parliamentary elections scheduled for Jan. 8 have already been rigged,

they are saying. The election commission and the caretaker cabinet are overtly partisan. The judiciary is entirely hand-picked. State resources are being spent on preselected candidates. There is a deafening uproar even though the independent news media in Pakistan are completely gagged. Can there even be an election in this environment?

Are they being heard? I'm afraid not.

P.S.

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