

# Pakistan — Advocate movement: a year on

Friday 7 March 2008, by [TARIO Farooq](#) (Date first published: 7 March 2008).

## Contents

- [The First Victory](#)
- [Musharraf Strikes First](#)

2008 will be a year of decisive struggle in Pakistan. Over the past year a lawyers' movement rose to confront the Musharraf dictatorship. Its aim is to create an atmosphere where the judiciary can work independently, without being under the influence of any regime, whether military or civil. Only a year old, it has achieved impressive results.

The movement began on 9 March 2007 when Iftikhar Choudry, Chief Justice of Supreme Court, negatively responded to the request from five generals—including General Pervez Musharraf—that he voluntarily resign. Offered several other lucrative posts, he responded with a firm “No,” resulting his immediate arrest and termination from the Supreme Court.

Why did the generals want to get rid of Pakistan's chief justice? Simply, his decisions were blocking growing repression and implementation of General Musharraf's neoliberal agenda:

- After 9/11, thousands of Pakistanis just disappeared; Choudry publicly questioned their disappearance. He tried to force accountability from the country's powerful secret service.
- He issued a decision against the privatization of the country's largest industrial unit, the Pakistan Steel Mill Karachi.
- Iftikhar Choudry was operating like a human right activist, doing his best to address the question of growing human rights violations. He took special notice of anti-women traditions and customs and prohibited the selling and trading of women.

General Musharraf did not foresee the mass reaction this arrest and termination would cause since there were no other examples of prominent people standing up to his brutal and high-handed actions.

Chief Justice Choudry's “No” was a hallmark in the history of judiciary. Never before had people been willing to risk opposing the status quo. Every previous military coup had been legitimized by the country's top judges. Out of the 61 years of so-called independence, Pakistan has spent 32 years under military rule.

As the private television channels broadcast the news of Choudry's dismissal and arrest, they asked leading lawyers for their opinion. Every single one explained it as an extraordinary action: there was no previous record of such an action against the chief justice. They called on other lawyers to come forward in a mass response.

Year One of the Pakistan lawyers' movement is unprecedented, and there have been several ups and downs. It has witnessed ugly scenes of police and army brutality, but the lawyers never gave up. One of the main characteristics of this marvelous movement is its clear demand, which was accepted by

every one: the demand for an independent judiciary. The Musharraf dictatorship is clearly seen as a brutal regime trying to curb the rising consciousness of independent judicial system.

The movement lead by the lawyers can be divided in three phases:

- The beginning phase, ending on 20 July 2007, when an 11-member bench of Supreme Court Pakistan reinstated Iftikhar Choudry.
- The second phase, from 20 July till 3 November, when the Musharraf dictatorship imposed an emergency degree.
- The third phase, from the imposition of the emergency until the general elections on 18 February 2008.

During the first phase, leaders of the lawyers' movement did not directly attack the Musharraf. They also asked Choudry not to speak the media. Instead they build an effective base by speaking to Bar Associations across the country. This meant that they did not immediately seem to be doing anything out of the ordinary.

Iftikhar Choudry toured around the country by road to speak to various bar councils. His caravan was welcomed by hundred of thousands of ordinary people. But he did not speak a single word to the press. He concentrated on making general democratic remarks at the bar council meetings, which were open only to lawyers. Political activists made no fuss about this exclusion but cooperated with the lawyers.

These rallies were the largest mobilizations during the years of the Musharraf dictatorship and signaled the lawyers' total support for Choudry. This method of proceeding meant that he was speaking "under the radar." It did not seem that he was organizing a "political" campaign against the regime. In this manner Choudry was able to speak about the political situation without being "political."

Initially the leaders of the lawyers' movement were divided over whether they wanted the participation from political parties. Some argued that parties might create problems or take over the movement. Some feared that if they invited the political parties, then the religious fundamentalist parties would gain control and they did not want to see that happen. During the first month there was a fierce debate among the lawyers' elected bodies over these questions. After coming to the conclusion that they could not win the struggle on their own, they invited all the civil society organizations to participate.

When Choudry's case was scheduled to be heard by the Supreme Court, the lawyers called for a "gherao" at the Court. "Gherao" is a picket line, a practice used by the industrial working class all over the world. This very popular tactic of picketing was used effectively by the lawyers' movement and made headlines in all the main electronic and print media. The media popularized the movement to an extent that the Musharraf dictatorship responded by introducing new electronic laws to curb the growing radicalization of the media.

In its first phase the lawyers' movement was able to mobilize and unify the 80,000-strong lawyers' community. The Bar Associations across the country have deeply democratic traditions, including yearly elections. Those who have been elected don't run the following year so that there is a constant development of new leadership. These democratic traditions enable the lawyers to develop an evolving leadership that is always alive and deserving of respect. Normally, once a decision is taken, all lawyers follow. Those within the lawyers' community who were not supportive of restoring

Choudry to his office were socially isolated and, in many cases, their licenses to practice were suspended by the Pakistan Bar Council.

In this first phase the state tried to suppress the movement by arresting the lawyers, dispersing the demonstrations and rallies by force. But this did not succeed. Every repressive act motivated more militant actions. The lawyers' black coats became respectable dress and many ordinary Pakistanis bought black coats from second-hand shops just to get maximum respect from everyone.

The lawyers organized weekly demonstrations, usually every Thursday. It was mainly the young lawyers who found new hope in the shape of this movement and its weekly actions. Young and particularly female lawyers showed absolute bravery as they fought pitched battles with the police. It was their first political action and they brought new energy to the movement.

The main political parties that fully supported the movement and participated in the weekly the actions were the Pakistan Peoples Party (PPP), Pakistan Muslim League Nawaz (PMLN), Pakistan Tehreek Insaaf (PTI), Labour Party Pakistan (LPP), Khaksar Tehreek, National Workers Party (NWP) and Awami Tehreek. Activists of these parties were arrested several times for the crime of participating in the rallies.

Most of the radical non-government organizations and movements also fully supported this movement. Their support gave new meaning to civil society organization. The concept, civil society organization, became well known because of their total support to the movement. In fact every one participating in this unique movement earned respect from all sections of society.

## **The First Victory**

The full bench of the Supreme Court of Pakistan, which was hearing Choudry's case, decided to reinstate the Chief Justice on 20 July 2007. This was a historic victory of a mass movement and was not viewed as "political."

Iftikhar Choudry immediately took office, became Chief Justice after a nearly four-month interval. Following his reinstatement, he began releasing political prisoners. He ordered the immediate recovery of missing persons; and some were eventually released by intelligence agencies. He stopped the construction of high-rise buildings that violated the building code. He also took notice of corrupt state actors. Iftikhar Choudry now had the full support of the other top judges, as well as those who already had become "people friendly" judges, the lawyers' community and the people of Pakistan.

Meanwhile the regime was angrily waiting for a time to take action against the top judges once again. The Musharraf dictatorship, already unpopular, was weakened by this reinstatement. The power of the judiciary was contesting the power of the military generals and bureaucrats. In that sense there were some elements of dual power at work within the country.

Unfortunately, when the case of the presidential candidacy of General Musharraf came before the Supreme Court, it hesitated in issuing a decision. The Supreme Court had provisionally allowed him to contest the election, but his candidacy was challenged because the Constitution does not allow the same person to be president and chief of the army at the same time. Additionally, he was elected by a pro-Musharraf parliament that had been seated since 2002 and was overdue for re-election. In fact Musharraf was "elected" with a shameful support of PPP, which opted not to oppose the candidacy of General Musharraf and abstained from the vote.

In fact Benazir Bhutto, living in exile, was in contact with Musharraf to work out a power-sharing deal. But the two sides were afraid of the rising power of a movement that could challenge their own political hegemony. Benazir, leader of the PPP, saw an opportunity to come to power once again. Both the American and British governments had lost confidence in General Musharraf's ability to fight effectively as their partner in the so-called "war on terror," and pushed this unholy alliance as the means through which Musharraf would be able to continue to rule. For his part, Musharraf needed to regain time since his attempt to unseat Choudry had failed. So he went, although reluctantly, to the negotiating table with Bhutto.

The Pakistan People Party also had considerable influence among the lawyers' movement. While the main leadership of the lawyers' movement was now calling for Musharraf's resignation, the PPP directed its leaders not to raise this demand. This created confusion and division among the lawyers' community all over Pakistan. The majority wanted to push ahead and end the military dictatorship, but now there was division in their own ranks.

It took two months of fierce debate and discussion among the lawyers' elected bodies to work out their future course of action. Finally, an absolute majority came out in favor of continuing the movement. It decided to continue its weekly rallies, although, without the presence of the PPP activists did not have the same power as it had earlier.

Meanwhile, after striking a deal with Musharraf, Benazir Bhutto returned to Pakistan from eight years of exile. The state withdrew all the charges of corruption against her in the name of "national reconciliation." The day of her arrival, 18 October, religious fundamentalists carried out a suicide attack on the caravan welcoming Benazir Bhutto back. This intervention killed over 150 people.

### **Musharraf Strikes First**

Musharraf could not be sure what would be the Supreme Court's final decision about his eligibility as president and opted to strike first. On 3 November, he suspended the Constitution once again and arrested all the top judges. He introduced a new Provisional Constitutional Order and demanded all of the top judges to take a new oath under the PCO. To his surprise, over 60 top judges refused. In the fight against the military dictatorship, Iftikhar Choudry was now joined by two-thirds of his colleagues. All were placed under house arrest but it was difficult for the regime to find judges who would take the PCO oath.

The PCO was the second martial law decree issued by General Musharraf in the name of emergency. There was a new wave of terror with over 25,000 lawyers and political activists were arrested and private television channels were closed down.

After a month the arrested advocates were released, and so were most of the political activists. But the Constitution was hobbled with repressive amendments giving power to the military to try any civilian in military courts. The independent judiciary had been eliminated, the movement suppressed. Having done his homework, General Musharraf then announced a general election for 8 January 2008.

In this repressive situation the lawyers' movement appealed to all the political parties to boycott the general elections. They argued that by participating they would be legitimizing General Musharraf's dictatorial measures. With the vast majority of the lawyers in favor of boycotting, the political scene was divided into two distinctive trends, those advocating the boycott and those participating in the elections. Unfortunately the two main parties opted to contest the elections.

With both the pro-election campaign and the boycott movement gaining steam, Benazir Bhutto's assassination on 27 December altered the political scenario. A mass reaction against the assassination brought a wave of sympathy for PPP, which had been campaigning. General Musharraf was isolated to an extent never seen before. Added to that factor was the country's economic collapse. These factors caused a decisive change in the consciousness of the Pakistan working class. Their passive negativism toward the regime turned into active opposition.

Had PPP leadership opted to boycott the general elections—now postponed until 18 February 2008—and demanded the resignation of General Musharraf, the scenario would have been different. Musharraf would have no choice. But the PPP once again ignored the advice of the lawyers' movement and decided to take part in the general elections.

Those who went to poll on 18 February voted against the pro-Musharraf political parties. But whichever side one was on over the question of participating in the elections, and whichever tactics employed, everyone was united in their opposition to Musharraf.

We have now entered the next phase of the unfolding struggle. The question remains: Will those coming to power reinstate the judiciary, a popular demand that would be very difficult to ignore, force Musharraf out, and restore the Constitution? Such a step would be the first toward building an independent democratic society where exploitation should be a word of past. The building of a genuine democratic Socialist Pakistan is the only way forward.

---

Farooq Tariq

spokesperson

Labour Party Pakistan

40-Abbot Road Lahore, Pakistan

Tel: 92 42 6315162 Fax: 92 42 6271149 Mobile: 92 300 8411945

labour\_party yahoo.com [www.laborpakistan.org](http://www.laborpakistan.org) [www.jeddojuhd.com](http://www.jeddojuhd.com)

---

**P.S.**

\* Note: This article is being published by Women Workers Help Line in a booklet, "women and advocate movement" on the eve of 8 March 2008.