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NEWSFLASH

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Pakistan: Restore judges deposed under emergency law

Ahead of a 30 April deadline set by the ruling coalition, Amnesty International calls on the Pakistan government to reinstate around 60 judges of the higher courts removed by President Pervez Musharraf under emergency law, in defiance of the country's constitution.

"The restoration of the judges is a necessary step toward ensuring an independent judiciary," said Amnesty International. "Judges are in a unique position to challenge human rights policies, overturn abusive laws and protect individuals from violations."

"Without an effective, independent judiciary, the human rights situation will remain bleak in Pakistan."

"Unless all deposed judges are reinstated, future presidents and military leaders may feel justified in removing judges whenever they are unhappy with courts' decisions."

Amnesty International urges the Pakistan government and national parliament to formulate urgently a clear mechanism for appointing higher court judges, with a view to restoring an independent judiciary in line with UN Basic Principles on the Independence of the Judiciary. The mechanism should ensure that judges are free from conflicts of interest, intimidation or undue influence and have security of tenure. They must not be viewed as expendable tools by those in power.

Background

On 3 November 2007 President Pervez Musharraf imposed emergency rule in his capacity as Army Chief and removed around 60 judges from the Supreme Court and provincial High Courts. The Supreme Court was about to decide his eligibility for another term as President while also being Chief of Army staff. Among other things, the Court had vigorously pursued the cases of hundreds of "disappeared", whose cases have been sidelined by President Musharraf's hand-picked replacement judges.

For more information, please see the report: Pakistan Repairing the damage: Ensuring robust human rights safeguards (AI Index ASA 33/001/2008)

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