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MOTION FOR A RESOLUTION

further to the Council and Commission statements

pursuant to Rule 37(2) of the Rules of Procedure

by Jean Lambert and Matti Wuori

on behalf of the Verts/ALE Group

on Pakistan

European Parliament resolution on Pakistan

The European Parliament,

- A. whereas on 10 October parliamentary and provincial elections took place in Pakistan, formally ending three years of military dictatorship by General Pervez Musharraf,
- B. whereas General Musharraf, Chief of Army Staff, came to power in a bloodless coup on 12 October 1999, when he overthrew the democratically elected government of Prime Minister Nawaz Sharif,
- C. whereas similar military coups took place in 1958, 1969, 1977 and 1988,
- D. whereas on 20 June 2001 General Musharraf was appointed President of Pakistan by its Chief Justice,
- E. whereas on 30 April 2002 President Musharraf held a referendum asking the Pakistani people to confer the presidency on him for five years, and whereas there have been serious claims by independent inside and outside observers that the referendum was marred by widespread irregularities,
- F. whereas on 21 August General Musharraf issued Legal Framework Order 2002 (LFO), which confers absolute powers on the President and establishes a constitutional role for the military in the government of the country,
- G. whereas in the elections of 10 October the government party PML came out on top, with 77 general seats, followed by the PPP-P with 63 seats, and whereas the Islamist religious party alliance MMP achieved a historic record by winning 45 seats (compared with 2 seats in 1997),
- H. whereas the EU sent 88 observers to the elections, the majority of them long-term observers, constituting the largest international team,
- I. whereas the EU Chief Observer, Mr John Cushnahan, and the EP delegation came to the conclusion that polling day had passed off well and that the counts observed had been generally correct,
- J. whereas the delegation deplored serious flaws that had occurred in the weeks preceding polling day,
 - 1. Congratulates the Pakistani authorities on a well organised and peaceful polling day and an apparently fair count;
 - 2. Criticises the undemocratic element in the LFO that has institutionalised the rule of the military in politics and reinforced the president's dominance over parliament;

3. Deplores the candidacy requirements, notably the 'BA requirement', which meant that some 96% of the population could not stand for the National or Provincial Assemblies, as well as the exclusion of major political leaders such as Benazir Bhutto and Nawaz Sharif on questionable legal grounds;
4. Criticises the partisan activities of many elements in local government, notably Nazims, in favour of the parties supporting President Musharraf;
5. Cannot, therefore, describe the overall electoral process as free and fair, and is concerned that the elections may not in reality prove to be a step in the gradual transition to full democracy in Pakistan, contrary to the EU Council declaration;
6. Notes that President Musharraf has reinstated the 1973 Constitution, which he cancelled after his coup in 1999, and calls on the President to review the NFO;
7. Welcomes the intention of the new government to reduce the proportion of GDP spent on defence from 4 to 3.6% in the interests of greater investment in poverty reduction; believes, however, that even greater cuts are urgently needed;
8. Is very concerned that since Pakistan began supporting the US-led coalition against terrorism, hundreds of people have been arbitrarily arrested in Pakistan and handed over to US custody, in circumvention of Pakistan's extradition law and in violation of the international prohibition on extraditing anyone to a country where their rights may be abused;
9. Reiterates its opposition to the death penalty and condemns the execution of Mir Aimal Kasi by the Virginian authorities on 14 November for the murder of two CIA agents, recalling that Kasi was abducted from Pakistan by US intelligence personnel with the collusion of the Pakistani Government in 1997;
10. Is concerned that others transferred to US custody from Pakistan may be similarly tried and sentenced to death or have their rights compromised in other ways;
11. Calls on the Government of Pakistan to adhere to its own and international laws and to refrain from treating those suspected of 'terrorism' as though they had no rights;
12. Calls on the government in this connection to release Dr Amir Aziz, who was taken from his home on 21 October in connection with alleged links to al-Qa'ida militants and whom Amnesty International considers a possible prisoner of conscience, detained solely for carrying out his medical duties, which may have brought him into contact with militants;
13. Instructs its President to forward this resolution to the Council, the Commission and the Governments of the State of Virginia, the United States and Pakistan.