

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

Lawyers Rights Watch Canada (LRWC) Denounces Latest Attempt by Pakistan Government to Crush Lawyers Movement.

Thursday, February 19, 2009

LRWC denounces use of the *Pakistan Criminal Procedure Code* (CrPC) to prevent Pakistan lawyers from continuing to advocate for a) re-instatement of all judges illegally removed from office by former president Musharaff and b) restoration of the *Constitution of the Islamic Republic of Pakistan* (Constitution). LRWC supports the planned March 12, 2009 Lawyers Movement march (March).

In a move clearly designed to either prevent the March or to legitimate police intervention, an order under Sec. 144 of the CrPC was issued, banning a sweeping variety of otherwise legal activities in Islamabad, for a period of 2 months,

“gatherings of five or more persons, processions, rallies and demonstrations at public places, distribution of hand bills and pamphlets, wall chalking, use of loud speakers... in Islamabad.”

Section 144 empowers a provincial government to act in the public interest to prevent or remedy “urgent cases of nuisance or apprehended danger”, by temporarily banning certain activities up to a maximum period of 2 months.

This ban is wholly illegitimate. There was no imminent emergency or “apprehended danger” in Islamabad requiring this drastic suspension of rights. The rights suspended, to assembly, opinion and expression, are enshrined in the *Universal Declaration of Human Rights*, (Art. 19) and are also guaranteed by the Constitution (Art. 16 & 17). In addition the ban does not, as required, serve the public interest which overwhelming supports restoration of the deposed judges to “the position as they were on November 2, 2007”: a promise by the March 2008 Murree Declaration.

By continuing, through the march, to focus attention on the necessity of restoring the Constitution and all judges– including Chief Justice Iftikhar Chaudhry–to pre-November 2, 2007 positions, Pakistan lawyers are fulfilling their highest professional duty to ‘uphold the rule of law and the rights of freedoms of all people’. The rule of law in Pakistan depends on the restoration of an independent judiciary. and rescission of Constitution Amendments Orders made under the November 2007 emergency measures.

The Government of Pakistan must both refrain from hampering, and take effective measures to protect, the right and duty of lawyers to engage in lawful advocacy.

Pakistan's duty to do so arises from many international instruments, including the *Universal Declaration of Human Rights*, *Basic Principles of the Role of Lawyers*, *Declaration on Human Rights Defenders* and *International Covenant on Civil and Political Rights*.

LRWC calls on the Government of Pakistan government to:

- revoke the ban; and,
- take all measures necessary to protect the safety of all people participating in the March; and,
- protect the rights and duties of the lawyers to engage in public advocacy to uphold the rule of law.

Lawyers Rights Watch Canada is a committee of lawyers who promote human rights and the rule of law internationally by providing support to lawyers and other human rights defenders in danger because of their advocacy. LRWC is an NGO in Special Consultative Status with the Economic and Social Council of the United Nations. Earlier LRWC statements on Pakistan: <http://www.lrwc.org/pub1.php>

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