# Flygtningenævnets baggrundsmateriale

Bilagsnr.:	152
Land:	Pakistan
Kilde:	British Home Office
Titel:	"Country of Origin Information Bulletin. Declaration of a State of Emergency"
Udgivet:	29. november 2007
Optaget på bag- grundsmaterialet:	25. januar 2008



## **COUNTRY OF ORIGIN INFORMATION BULLETIN**

# **PAKISTAN**

**DECLARATION OF A STATE OF EMERGENCY** 

**29 NOVEMBER 2007** 

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This Country of Origin Information Bulletin contains the most up-to-date publicly available information as at 29 November 2007

## **Preface**

This Country of Origin Information Bulletin (COI Bulletin) has been produced by the Country of Origin Service (COIS), Border and Immigration Agency (BIA). It is intended to give a brief overview of events in Pakistan during the period 3 and 29 November 2007.

- ii The Bulletin was prepared for background purposes for BIA officials involved in the asylum/human rights determination process. It has been compiled from information obtained from a wide variety of recognised sources, which are referenced throughout. It does not contain any BIA opinion or policy.
- The Bulletin is not intended to be a comprehensive survey. For a more detailed account, the relevant source documents should be examined directly. The Bulletin should be read in conjunction with the existing COI Report on Pakistan.
- iv The Bulletin and the accompanying source material are publicly disclosable. Where sources identified in the COI Bulletin are available in electronic form the relevant link has been included.

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#### **ADVISORY PANEL ON COUNTRY INFORMATION**

vi The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the BIA's country of origin information material. The Advisory Panel welcomes all feedback on the BIA's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk

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## Recent Events in Pakistan (3 – 29 November)

## SUMMARY

1. A briefing by the International Crisis Group (ICG), dated 12 November 2007, summarises the events surrounding the imposition of the State of Emergency and immediate aftermath in Pakistan thus:

"General Pervez Musharraf imposed martial law in Pakistan on 3 November 2007. He suspended the constitution, sacked the chief justice of the Supreme Court and removed other judges of that court who declared his act illegal. Police immediately began arresting lawyers, politicians and human rights activists. Independent television channels were taken off the air and reporting restrictions imposed. Thousands have since been jailed, journalists threatened and protests by lawyers and others suppressed." [1]

- 2. The State of Emergency was announced shortly before the Supreme Court was expected to rule on the legality of President Musharraf's position of both Chief of the Army and Head of State, and the president's amnesty of former prime minister Benazir Bhutto in relation to corruption charges. (BBC News, 14 November 2007) [2g]
- 3. The ICG on 12 November 2007 observed that President Musharraf initially said that polls for national elections would take place before 9 January 2008 and that he would stand down as Chief of the Army before starting his new term as President. [1] General Musharraf later announced that general elections would take place on 8 January 2008. (BBC News, Q&A updated 26 November 2007) [2d] On 28 November 2007, having faced heavy domestic and international pressure, General Musharraf stepped down as Chief of the Army and on the following day, as a civilian, he was sworn in as President. (BBC News, 29 November 2007) [2n]

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## **DECLARATION OF THE STATE OF EMERGENCY**

4. On Saturday 3 November 2007, President Pervez Musharraf proclaimed a state of emergency. (Full text of announcement on BBC News, 3 November 2007) [2a] He issued a Provisional Constitutional Order (PCO) which suspended the constitution and conferred on him "almost total power". (Human Rights Watch, 4 November 2007) [3] The PCO suspended a number of fundamental rights including security of person, freedoms of movement, assembly and association, and the equality of citizens (Articles 9, 10, 15, 16, 17, 19 and 25 of the Constitution). (Human Rights Commission of Pakistan, 7 November 2007) [86] It required members of the Supreme Court and provincial High Courts to sign an oath of allegiance to the PCO and prevented the judiciary from passing any orders against the Government. (Full text of the PCO can be seen from a link in the Human Rights Watch (HRW) report 'Pakistan: End Emergency Rule and Restore Constitution', 4 November 2007) [3] HRW noted that curbs on the media were also introduced through two decrees [3] which prevented the broadcasting or printing of criticism of the President, members of the armed

forces or other senior members of the Government. (BBC News, 4 November 2007) [2b] In addition the media could not broadcast or publish any statements made by militants. A breach of the decrees could result in a three year jail term and a 10 million rupee (US\$167,000) fine. (BBC News, 4 November 2007) [2b]

- 5. President Musharraf explained that the State of Emergency was needed as militant activity had reached unprecedented levels. (BBC News, Q&A updated 26 November 2007) [2d] Intervention was required to prevent instablility, "Inaction at this moment is suicide for Pakistan and I [Musharraf] cannot allow this country to commit suicide." (The Economist, 5 November 2007) [5a] Musharraf considered decisions by the judiciary had impeded the Government's efforts in countering the militants and saw the new measures as ensuring "...that there was a harmonious functioning between the main pillars of state and the armed forces of the country." (Office of President Musharraf, press release, dated 4 November 2007) [4] However, the State of Emergency was announced as the Supreme Court was about to rule on the legality of President Musharraf being both Chief of the Army and Head of State, and there was a fear in the Government that the judges would rule against the President. (BBC News, Q&A updated 26 November 2007) [2d] The court was also considering whether an amnesty President Musharraf had signed clearing Benazir Bhutto, leader of the Pakistan People's Party (PPP), [who until October 2007 had been in exile], and others from corruption cases was legal. (BBC News, 14 November 2007) [2g]
- 6. The Pakistan English-language newspaper, *Dawn*, reported on 4 November 2007 that the President's announcement was "greeted with immediate condemnation at home by opposition parties, lawyers and human rights groups and concern from 'war on terror' allies like the United States and Britain." [6a]
- 7. On 4 November 2007, BBC News reported that Shaukat Aziz, the then prime minister, indicated that the State of Emergency would last "as long as necessary." [2c] The Economist, dated 5 November 2007, reported Mr Aziz as suggesting that general elections could be postponed for up to a year. [5a] However under pressure to end the emergency from within Pakistan and from the international community, President Musharraf announced on 11 November 2007, that he hoped elections would be held before 9 January 2008; the Election Commission would decide the exact date. The President did not state when he would step down as Chief of the Army, as this depended on the Supreme Court validating his presidential election. (BBC News, 11 November 2007) [2e]

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#### **EVENTS FOLLOWING THE ANNOUNCEMENT OF THE EMERGENCY**

8. Of the Supreme Court's 17 judges, 12, including Chief Justice Iftikhar Chaudhry, were 'sacked' after the announcement. (*The Economist*, 5 November 2007) [5a] *The Daily Times*, dated 5 November 2007, recorded that many senior judges were placed under house arrest. [7a] Only five of the Supreme Court's judges were reported as supporting the State of Emergency, including Abdul Hamid Doger who was appointed the new Chief Justice. (*The Economist*, 5 November 2007) [5a] Approximately 60 of the 97 of Pakistan's senior judges were reported to have refused to take an oath of allegiance to the PCO. (Human Rights Watch, 4 November 2007) [3]

9. The announcement was accompanied by a "blackout" of nearly 30 television news channels. Operators were told to stop broadcasting all local and foreign news channels, except for state controlled Pakistan Television. (BBC News, 4 November 2007) [2f] Print and electronic media also had restrictions placed on them, and, as noted by Human Rights Watch in their report 'Pakistan: End Emergency Rule and Restore Constitution', dated 4 November 2007, "Journalists have been repeatedly threatened and prevented from covering events following suspension of the constitution, had their equipment confiscated, and been warned that if they record footage of arrests or police raids, they will face arrest and incarceration." [3]

- 10. On 4 November 2007, BBC News reported that the Prime Minister, Shaukat Aziz, revealed that there had been around 500 "preventative arrests." [2c] Most of these were judges, lawyers and human rights activists. (Human Rights Watch, 4 November 2007) [3] As reported by Human Rights Watch, those arrested included:
  - "...hundreds of lawyers across the country, including Aitzaz Ahsan, president of the Supreme Court Bar Association, office bearers and presidents of provincial bar associations, and virtually all leading lawyers associated with the movement for judicial independence that began on March 9 [2007] with the attempted ouster of Chaudhry as chief justice by Musharraf. While some lawyers have been placed in police custody, Human Rights Watch has learned that others, including Ali Ahmed Kurd, a senior lawyer from Balochistan, have been handed over to the military's feared Inter Services Intelligence (ISI) agency. The ISI has a well-documented history of using torture on its political opponents." [3]
- 11. At least 55 human rights activists were arrested at the offices of the Human Rights Commission of Pakistan (HRCP) (though they were later expected to be released on bail). In addition HRCP's chairperson, Asma Jahangir, was placed under house arrest for 90 days. (Human Rights Commission of Pakistan, accessed 12 November 2007) [8a] Also among the hundreds who were initially arrested was Javed Hashmi, acting head of the Pakistan Muslim League Nawaz, (the party of the former prime minister Nawaz Sharif). (BBC News, 4 November 2007) [2c]
- 12. The announcement of the emergency sparked protests throughout Pakistan. On 6 November 2007, The Daily Times reported that the police "came down hard on protesting lawyers and arrested hundreds of anti-government protesters on Monday [6 November 2007]" and "used baton-charges to quell demonstrations by lawyers at courts in Lahore, Karachi, Rawalpindi, Peshawar and Multan. Hundreds of opposition activists, lawyers, civil society members and some journalists were arrested." The article referred to police sources stating between 1,500 and 1,800 people had been detained nationwide since 3 November 2007. [7b] The Nation, dated 10 November 2007, observed in an editorial, that after a week of the State of Emergency "lawyers, political workers, students, human rights activists and others from civil society - continue to express its disapproval, undeterred by the harsh treatment the official law enforcement agencies have been meting out to the protesting crowds." The article also noted that many thousands had reportedly been arrested. [10] In addition to protests by members of the legal profession, the Pakistan Bar Council asked that lawyers throughout the country should go on strike until the judges removed under the PCO were restored to their positions. (Dawn, 8 November 2007) [6b]

13. The political opposition supported the protests with the exception, initially, of the PPP, led by Benazir Bhutto, who, prior to the emergency, had been engaged in power-sharing talks with President Musharraf. However, on 7 November 2007, Ms Bhutto was reported as demanding that President Musharraf end the State of Emergency within two days or face mass protests. (BBC News, 7 November 2007) [2h] A PPP rally was to take place in the city of Rawalpindi on 9 November 2007. On 7 November 2007 there were clashes between PPP supporters and the authorities, and during the night of 7/8 November 2007 there were reportedly 800 arrests of PPP supporters as the Government attempted to prevent the rally in Rawalpindi. (The Guardian, 8 November 2007) [9a] On 9 November 2007 Dawn newspaper reported that Ms Bhutto was placed under house arrest and a heavy police presence limited the protests; hundreds were arrested. [6c] Ms Bhutto was released from house arrest the following day. (Dawn, 10 November 2007) [6d] Dawn also reported on 10 November 2007 that the leader of the Jamiat Islami political party had called for protests, and that members of the opposition, Pakistan Muslim League - Nawaz (PML-N), demonstrated too. [6c]

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## **EVENTS AFTER 10 NOVEMBER**

- 14. The Daily Times reported on 11 November 2007 that there continued to be a crackdown against opposition political activists in Lahore. [7c] It also reported arrests of supporters of the political opposition (including members of the PPP and Muttahida Majlis-e-Amal) later that week in Lahore, Peshawar and Karachi. [7d] The Economist observed on 15 November 2007 that "at least 2,500 political activists, human-rights workers and lawyers" had been arrested during the State of Emergency. [5b] While The Guardian, reporting on 15 November 2007 on the arrest of opposition leader Imran Khan, who was charged under the antiterrorism act, claimed that 5,000 people had been arrested during the emergency. [9b]
- 15. As part of her campaign to put pressure on President Musharraf to end emergency rule, Benazir Bhutto planned a "long march" from Lahore to Islamabad on 13 November 2007. (BBC News, 12 November 2007) [2i] However Ms Bhutto was prevented from attending the march when she was placed under house arrest for a week shortly before its start. Only a "few brave PPP supporters hit the road". She also announced the end of her year-long power sharing negotiations with President Musharraf and "telephoned other opposition leaders, including several in exile, detention or hiding, to offer her party as an ally against [President Musharraf]." (*The Economist*, 15 November 2007) [5b] Ms Bhutto was later released from house arrest (as was the HRCP chairperson, Asma Jahangir). (*The Daily Times*, 16 November 2007) [7e]
- 16. On 15 November 2007, the terms of the National Assembly and General Musharraf as president expired. (*The Daily Times*, 16 November 2007) [7f] A caretaker government was established to take Pakistan to the elections to be held in January 2008. (BBC News, 15 November 2007) [2j] Mohammedmian Soomro replaced Shaukat Aziz as prime minister. (BBC News, 16 November 2007) [2k] The provincial assemblies in Sindh, Punjab and Balochistan were also dissolved on 18 November 2007, and caretaker bodies were to be put in place. (*The Daily Times*, 19 November 2007) [7g] BBC News reported on 15

November 2007 that President Musharraf reiterated his promise to step down as Chief of the Army and stated that "The emergency rule was necessary in order to hold 'peaceful, free and fair elections' and he went on to say that politicians in detention in Pakistan would be released to take part fully in elections." [2j] President Musharraf, who had been elected as president for a second term, was continuing as Head of State until the Supreme Court had considered the petitions challenging his eligibility to become President and the State of Emergency. (*The Daily Times*, 16 November 2007) [7f] President Musharraf was expected to win both cases after changing the make-up of the Supreme Court. It was also reported that the Government eased restrictions on the media, with cable operators allowed to resume broadcasts of international channels, and Dawn and Aaj were allowed to broadcast, though Geo TV and ARYOne were still blocked. (BBC News, 15 November 2007) [2j]

- 17. On 19 November 2007, the Supreme Court dismissed the petitions challenging General Musharraf's eligibility to be President. (BBC News, 19 November 2007) [21] However, *The Guardian* reported, on 19 November 2007, that the court's decision would "do little to temper opposition to Musharraf, as he had packed the court with friendly judges when he assumed emergency powers on November 3 [2007]." The same source continued that the President had promised to step down as Chief of the Army once the petitions in the Supreme Court had been decided and that elections would take place on 8 January 2008. However, President Musharraf said that "emergency rule would remain in place for longer, to reinforce the fight against Islamist militants threatening stability and help ensure security for the elections." Meanwhile opposition political parties insisted that emergency should be lifted and the PPP threatened to boycott the elections. [9d]
- 18. The Pakistan Government announced on 20 November 2007 that it had released 3,416 jailed people under emergency rule, including lawyers and political activists. (The Guardian, 20 November 2007) [9e] On 20 November 2007, BBC News reported that a number of leading political figures were still being held. The Government also intended to release a further 2,000 but not necessarily those facing criminal charges, such as the opposition leader, Imran Khan. [2m] However, a leader of the PPP claimed that only 40 of its supporters had been released in Karachi since 19 November 2007, and the party estimated that 17,000 of its supporters had been arrested during the State of Emergency. Despite the release of persons arrested, the State of Emergency remained in place, the constitution suspended and some popular television stations, including Geo TV and ARY Digital, were not allowed to broadcast. (The Guardian, 20 November 2007) [9e] On 20 November 2007 it was reported that 100 journalists were arrested, most of them in Karachi, whilst demonstrating against emergency rule. (BBC News, 20 November 2007) [2m] On the same day, The Guardian noted that 150 journalists were arrested in Karachi and a further 23 arrested in Hydrabad at a rally protesting against the press restrictions. [9e] However The Daily Times reported on 21 November 2007 that though over 150 journalists were arrested in Karachi on Tuesday 20 November 2007, they were subsequently released on the same day. The article also reported that journalists in Lahore. Islamabad and Quetta protested against the closure of private TV news channels. [7h]
- 19. On 22 November 2007 the Supreme Court ruled against the final petition challenging General Musharraf's ratification as President, clearing the way for him to remain as Head of State. The same source also noted that the

Government had claimed to have released 5,000 political opponents, including oppositon leader Imran Khan, although it noted that former Chief Justice Chaudhry and five 'other supreme court judges remain confined and at least another five are under house arrest in the central city of Lahore.' (*The Guardian*, 22 November 2007) [9f] The Supreme Court made a further ruling in favour of General Musharraf when it validated 'the proclamation of emergency and Provisional Constitutional Order (PCO) on Friday under the 'doctrine of necessity'." (The Daily Times, 24 November 2007) [7i]

- 20. Former Prime Minister, Nawaz Sharif, and leader of the PML-N returned from a seven year exile on Sunday 25 November 2007, and received a "rapturous welcome" by his supporters at Lahore airport. Mr Sharif had tried to return to Pakistan on 10 September 2007 but was deported after only a few hours in the country. (BBC News, 25 November 2007) [20] The Financial Times (FT) reported on 26 November 2007 that opposition parties registered their candidates for the elections on 8 January 2008. Both Benazir Bhutto and Nawaz Shariz filed nomination papers for constituencies in Larkana (in Sindh) and Lahore respectively. However the FT stated that "Malik Muhammad Qayum, the government's chief lawyer, said on Monday [26 November 2007] Mr Sharif could be barred from contesting because he was quilty of corruption and treason before being pardoned and sent into exile in 2000." The opposition left open the possibility of boycotting the elections if General Musharraf did not step down as Chief of the Army and end the State of Emergency. However, only Imran Khan said he would boycott the elections. [11]
- On Wednesday 28 November 2007 General Musharraf stepped down as Chief of the Army and handed over command to General Ashfaq Pervez Kayani at a military ceremony in Rawalpindi. (BBC News, 28 November 2007) [2p] The following day, Mr Musharraf, as a civilian, was sworn in for the second time as President and called for "'political reconciliation' and insisted polls for parliament would go ahead in January." In contrast to this about 200 lawyers, opposed to his rule, clashed with police in Lahore on the same day. (BBC News, 29 November 2007) [2n]

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## **Annex A Useful Sources**

The following sources may provide useful updates on current events in Pakistan:

BBC News, South Asia <a href="http://news.bbc.co.uk/1/hi/world/south-asia/default.stm">http://news.bbc.co.uk/1/hi/world/south-asia/default.stm</a>

The Guardian, Pakistan Special

http://www.guardian.co.uk/pakistan/0,,180809,00.html

Amnesty International, Pakistan <a href="http://web.amnesty.org/library/eng-pak/index">http://web.amnesty.org/library/eng-pak/index</a>

Pakistan English-language newspapers:

The Daily Times www.dailytimes.com.pk

Dawn www.dawn.com

The Nation www.nation.com.pk

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  - h Is Bhutto up for confrontation?, 7 November 2007 Date accessed 8 November 2007
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  - i Bhutto's 'long march is illegal', 12 November 2007

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