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President

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November 6, 2007

General Pervez Musharraf
President, Islamic Republic of Pakistan
President, Secretariat Islamabad
Islamabad
PAKISTAN

Mr. President:

The American Bar Association (ABA) is gravely concerned at the indefinite state of emergency you declared in Pakistan on November 3, particularly as it relates to your suspension of the constitution, dismissal of Chief Justice Iftikhar Muhammad Chaudhry, and detention of lawyers and human rights advocates.

The ABA is an independent, non-governmental organization representing more than 413,000 members worldwide. It regards the rule of law as the cornerstone of a free and fair society. It has a longstanding commitment to supporting the rule of law in the U.S. and abroad.

The Constitution of Pakistan and numerous international human rights instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the UN Basic Principles on the Independence of the Judiciary, hold judicial independence and human rights indispensable to the just rule of law. While the ABA appreciates the serious challenges your government currently faces, it is in such situations that adherence to the rule of law is most important.

Indeed, judicial independence may be the most important element of the rule of law to preserve in trying times, as it ensures the legitimacy of government action in response to difficult circumstances.

Without an impartial judiciary, governmental claims of commitment to the rule of law, such as you made when declaring the state of emergency, ring hollow. Disbanding the Supreme Court, and arresting lawyers and human rights advocates, undermines popular support for the government.

The ABA therefore respectfully urges you to restore judicial independence in Pakistan, to heed the rulings of the Supreme Court and other judicial authorities, and to leave lawyers and human rights advocates free to do their vital work in defense of the rule of law.

Sincerely,

William H. Neukom

cc: Condoleezza Rice, U.S. Secretary of State
Anne W. Patterson, U.S. Ambassador to Pakistan
Mahmud Ali Durrani, Pakistani Ambassador to the U.S.
Mian Khurshid Mahmood Kasura, Pakistan Minister of Foreign Affairs
Pakistan Bar Council
Marcella B. Szymanski, Pakistan Desk Officer, U.S. State Department