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CITY BAR

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January 14, 2008

H.E. Pervez Musharraf  
President of the Islamic Republic of Pakistan  
c/o Embassy of the Islamic Republic of Pakistan  
3517 International Court, NW  
Washington, DC 20008

Dear Mr. President:

I am writing once again on behalf of the New York City Bar Association to express our great concern about the status of lawyers, judges, journalists, and more generally the rule of law in Pakistan. In light of the events of the past three weeks, it is imperative that the rule of law be restored immediately in Pakistan, to ensure that the upcoming elections can take place under the supervision of an independent judiciary and press, both of which are necessary to sustain the democracy Pakistan purports to have. We therefore respectfully urge you immediately to restore the pre-November 3, 2007 Constitution and laws, to release all individuals, including but not limited to lawyers and judges, who have been detained in violation of Pakistani and international law, and to restore the rights of a free press.

The New York City Bar Association is an independent non-governmental organization, founded in 1870, with more than 22,000 members in 50 countries. The Association has long been an advocate for human rights, particularly through its Committee on International Human Rights, which investigates and reports on human rights conditions in the United States and around the world.

The Association, as an organization of lawyers, is particularly concerned about the current plight of lawyers and judges in Pakistan. As we indicated to you previously on November 7, 2007, the violent suppression of peaceful protests by judges, lawyers, university faculty and students, and other members of civil society seeking to uphold the rule of law, under the guise that these individuals had violated Pakistan's Maintenance of Public Order Ordinance and Anti-Terrorism Act ("ATA"), was itself alarming. The fact that some of these individuals remain in detention or under house arrest — including Chief Justice Iftikhar Muhammed Chaudhry, the President of the Supreme Court Bar Association, Aitzaz Ahsan, and other leaders of the legal community, including Ali Ahmed Kurd and Tariq Mehmood — and that others could be arrested at any time with charges pending, is cause for utmost concern. These detentions and charges violate both international human rights law, which protects the rights of people to peacefully congregate and protest a government's actions, as well as Article 16 of the Pakistani Constitution (as it existed before the Constitution was

suspended). Exacerbating our concern is the fact that the Constitution, which codified the rights of these detained and charged individuals, has yet to be reinstated as it existed before November 3, 2007.

The rule of law in Pakistan is further undermined by the continuing lack of an independent judiciary. Since November 4, 2007, no judges have been reinstated who have not sworn to uphold the Provisional Constitutional Order. Numerous judges who have attempted to maintain their prior oaths to the Constitution as it existed before November 3, 2007 have been relieved of their duties. These competing oath requirements undermine any claim that an independent judiciary is fairly applying the law in Pakistan; to the contrary, the oath requirements indicate clearly that only judges loyal to the present administration and its policies are permitted to interpret and apply the law.

Finally, we are alarmed that a free press, necessary for any thriving democracy, has been curtailed in Pakistan. While Pakistan has reinstated the rights of several television stations and newspapers that were suspended after November 4, 2007, we understand those rights were reinstated with conditions placed upon the programming that will be permitted, and that other media outlets remain silenced.

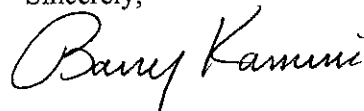
Neither the detentions of lawyers and judges nor the suspension of an independent judiciary and free press were justified by their peaceful protests in November 2007, nor are they presently justified by the recent assassination of Ms. Benazir Bhutto or the upcoming elections. To the contrary, these actions serve to depress democracy and heighten the likelihood that force, and not law, will determine the outcome of political and other disputes in Pakistan.

In light of the above concerns, the Association will continue to support initiatives intended to restore the human rights of the Pakistani people. Pakistan has re-scheduled parliamentary elections for February 18, 2008, and in response to the U.S. Congressional restrictions put on aid to Pakistan, your ambassador to the United States has vowed that Pakistan is "continuing to follow the democratic path." We therefore respectfully urge, in the name of Pakistan's "democratic path," that the following actions be taken before the scheduled elections:

- Restore the Pakistani Constitution and laws to their status prior to November 3, 2007;
- Release all unlawfully detained individuals, including lawyers and judges, and drop ATA or other charges against lawyers, judges, and other members of civil society who have peacefully protested against the suspension of the Constitution since early November 2007;
- Reinstatement all judges who have been relieved of their duties since November 3, 2007; and
- Reinstatement the rights of all media to their status on November 3, 2007.

Thank you in advance for promptly addressing these concerns.

Sincerely,



Barry Kamins