

**NEW YORK
CITY BAR**

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April 16, 2007

General Pervez Musharraf
President of the Islamic Republic of Pakistan
c/o Embassy of the Islamic Republic of Pakistan to the United States
3517 International Court, NW
Washington DC, 20008

Dear President Musharraf:

I am writing on behalf of the New York City Bar Association to respectfully urge the government of Pakistan to comply with the Pakistani Constitution and restore public faith in the rule of law in Pakistan following the improper suspension of Chief Justice Iftikhar Muhammed Chaudhry.

The Association is an independent non-governmental organization with more than 22,000 members in over 50 countries. Founded in 1870, the Association has a long history of dedication to human rights, notably through its Committee on International Human Rights, which investigates and reports on human rights conditions around the world, including within the United States. For example, the Association recently published an extensive report detailing the unfortunate impact of India's state security laws on the human rights situation in that country. The Association, as an organization of lawyers, is particularly concerned by the current state of the legal environment in Pakistan and the implications of recent events surrounding the suspension of the Chief Justice on March 9, 2007 and the treatment of the press and peaceful protesters, many of whom have been Pakistani lawyers.

The Association is concerned to observe that Justice Chaudhry's suspension appears to take place notwithstanding the requirements of Article 209 of the Constitution of Pakistan. Article 209(7) denotes that the Chief Justice may only be removed from office via methods outlined in Article 209. According to Article 209(6), the President may remove a Chief Justice from office only after, in accordance with Article 209(5), the Supreme Judicial Council has investigated the President's allegations and found that the Chief Justice is "incapable of performing the duties of his office or has been guilty of misconduct."

By superseding the authority of Article 209, the suspension undermines the independence of the judiciary, which is a cornerstone of democracy. In addition, it brings into question the transparency and accountability of Pakistani governance by placing the Chief Justice under virtual house arrest, denying him access to counsel, and refusing to make public the charges against him.

The Pakistani police have apparently exacerbated this tenuous situation by mistreating peaceful protesters and media representatives since protests began on March 12. Article 16 of the Pakistani Constitution, in accordance with international human rights standards, guarantees "the right to assemble peacefully and without arms." However, the protesters, many of whom are lawyers, have relied on this right since protests began but have been violently suppressed and arrested as a result. Stories of preemptory arrests, public beatings, and actions taken against press outlets, such as Geo TV, that have broadcast photographs and news of police violence against protesters have created disillusionment amongst both the legal community and the Pakistani populace. We are concerned that such a situation, if left unchecked, could escalate and threaten the balance of domestic security in Pakistan.

At Pakistan Day on Friday, March 23, 2007, you spoke to thousands at the Jinnah Stadium of this developing situation and asked the crowd to think of it as a legal and Constitutional issue rather than a political issue. In that view, we urge you to restore Chief Justice Chaudhry to the bench, by initiating an investigation into the Chief Justice's alleged wrongdoing in accordance with methods outlined in Article 209, and by denouncing the actions taken by the police that limit freedom of the press and the right of peaceful protest.

Thank you for considering our recommendations and concerns regarding this urgent situation.

Sincerely,

A handwritten signature in black ink that reads "Barry Kamins". The signature is written in a cursive, flowing style.

Barry Kamins