

Pakistan's Lawyers Movement (2007-2009)

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Summary of events related to the use or impact of civil resistance
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Conflict Summary:

In 2005, Iftikhar Chaudhry became Pakistan's Supreme Court Chief Justice. He led the court in ways that were inconvenient for then-President Pervez Musharraf, such as challenging the legality of Musharraf's dual role as president and Army chief.¹ On March 9, 2007, President Pervez Musharraf suspended Chaudhry as chief justice, declaring that Chaudhry had misused his office. Pakistan's legal community widely regarded Musharraf's action as an attempt to curtail the Supreme Court's increasing independence under Chaudhry's leadership, and the Pakistani legal community soon took organized and nonviolent actions to protest Musharraf's action.²

The lawyers formed an organized movement that came to be called Adliya Bachao Tehreek ("Save the Judiciary Movement"). Approximately 80,000 lawyers aligned across traditional Pakistani political divides with the mission of reinstating Chaudhry as Chief Justice and restoring judicial independence in Pakistan. A Pakistani Supreme Court advocate described the movement's formation as "the first time in Pakistan's history that lawyers have dropped their conflicting political affiliations and forged an unprecedented professional unity to restore the rule of law."³ Following Chaudhry's suspension, lawyers organized nonviolent rallies and protests across the country. The nonviolent actions of the lawyers were met with fierce repression from the government. According to Human Rights Watch, "authorities violently suppressed the... [acts of resistance,] beating lawyers, opposition activists, and media personnel covering unfolding events."⁴ Despite the violent repression, the lawyers remained nonviolent and on July 20, 2007 Musharraf caved to the pressure of incessant nonviolent civil resistance by reinstating Chief Justice Chaudhry. Chaudhry's reinstatement was a remarkable success for the four-month-old movement, but it was only temporary.

Musharraf reverted to repressing the judiciary only a few months later. On November 3, 2007, Musharraf declared a state of emergency in Pakistan and enacted a Provisional Constitutional Order (PCO) that suspended the constitution and gave Musharraf the freedom to rule without judicial oversight. Claiming that the PCO was necessary to more effectively fight the war against terrorism, the PCO was enacted just days before the Supreme Court was to decide on a petition that challenged the legality of Musharraf's controversial re-election in October that was regarded by many as illegal.⁵

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The lawyers' movement quickly mobilized to resist Musharraf's declaration of emergency. In a bold and uncommon act of defiance, approximately two-thirds of Pakistan's 97 senior judges refused to accept the imposition of emergency rule and "a swift crackdown followed."⁶ All of the judges who resisted were immediately fired and detained, including Chaudhry. Despite the arrests, lawyers across the country defied Musharraf's suspension of the constitution in solidarity. Due to the combination of civil resistance from the lawyers and increasing international pressure, Musharraf resigned his position as head of the military on November 28, 2007 and lifted emergency rule on December 15, 2007.

With the repeal of emergency rule, Musharraf announced general elections. Although the elections were originally scheduled for January 2008, they were postponed until mid-February after Benazir Bhutto, the main opposition party's (Pakistan Peoples' Party) leader, was assassinated in December 2007.⁷ Bhutto's assassination further complicated an already hectic political climate in Pakistan. Prior to the election, there were concerns that Musharraf would meddle with the election's results. However, the outcome was strongly in favor of the Pakistan Peoples' Party (PPP) over Musharraf's Pakistan Muslim League (PMLQ) party, a strong indication that Musharraf had not rigged the results.⁸ The Asian Human Rights Commission (AHRC) gave a great deal of credit to the lawyers' movement for the election: "Throughout Asia there has been no parallel to this movement. It was largely because of the movement that the elections... were possible and in turn the people gave their mandate to the parties that stood up against the tyranny of the army rulers."⁹ In addition to the lawyers' activism, the election results also reflected the tumultuous political environment in Pakistan triggered by Bhutto's assassination.

After the 2008 election, the strength of the lawyers' movement continued to grow through a series of coordinated nonviolent actions (to be discussed in more detail in the "Strategic Actions" section of this case summary). On August 18, 2008, Musharraf resigned as president, facing a potential impeachment from the newly elected parliament. However, the battle for a free judiciary did not end with Musharraf's resignation. The ensuing election of Benazir Bhutto's widower, Asif Ali Zardari, as president on September 6 brought about little freedom for the judiciary, despite election promises. In response, the lawyers' movement organized a mass march on Islamabad that was joined by many supporters from Pakistani civil society, and Zardari was

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forced to reinstate Chaudhry as chief justice on March 16, 2009. In the span of approximately two years, the lawyers' movement realized its goals for organizing through the use of solely nonviolent tactics.

Political History:

Since gaining its independence from British India in 1947, Pakistan has struggled to establish a stable democracy. It has experienced four military coups and has battled with problems of political corruption, terrorism, and human rights abuses. In recent years, the country has faced formidable challenges with the Taliban and terrorist insurgencies posing a serious threat to internal stability.

The political landscape in Pakistan has undergone many transformations over the last decade, with political leadership and influence changing many hands. In 1999, Musharraf came to power through a military coup, which was ruled legal by the Supreme Court.¹⁰ At the time, Musharraf was the army chief, and it was expected that he would transition out of his military capacity into a purely civilian role as president. However, Musharraf clung to his powers as a military leader until the pressures of the lawyers' movement and international pressure compelled him to resign his military power in 2007.¹¹ Politics may soon swing in favor of supporters of the lawyers' movement. The current president and widower of Bhutto, Asif Ali Zardari, is facing declining popularity with a faltering economy and general dissatisfaction among the population.¹² Nawaz Sharif, who served as prime minister during the 1990s (and was the prime minister who Musharraf overthrew in 1999), was at the forefront of the lawyers' movement, and has gained significant popularity in Pakistan as a rival to Zardari.¹³

Strategic Actions:

The ability of the Pakistani lawyers to strategically organize was central to the movement's success. The movement had the advantage of forming under the preexisting decentralized structure that Pakistani legal society offered. Additionally, the structure of Pakistan's legal society offered a well-established method for disseminating messages to the movement's activists. The Lawyers National Action Committee (LNAC) made all of the central decisions for the movement with the involvement of the Pakistan Bar Association (PBA) and messages were disseminated through local bar

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councils across the country.¹⁴ With the movement's structure and communication network in place prior to the movement's conception, the lawyers were able to quickly and effectively mobilize.

The lawyers staged organized nonviolent demonstrations across the country. For instance, on the day following Musharraf's declaration of emergency rule, lawyers at the Sindh High Court in Karachi carried out business as usual in an act of defiance. According to Kashif Paracha, a Sindh High Court lawyer, "Police were picking up lawyers from everywhere, the library, the canteen, without provocation, anyone with a black coat [i.e., a lawyer]."¹⁵ The crackdown at Sindh High Court was one in a series of orchestrated acts of defiance. It is estimated that about "25,000 lawyers and political activists were... arrested and the media [was] severely muzzled" during the many demonstrations following the declaration of emergency rule.¹⁶

The lawyers' movement campaigned for international support in addition to applying pressure on the Musharraf regime domestically. The lifting of emergency rule was intricately linked with the efforts of the lawyers' movement to reach out to international leaders. Chief Justice Chaudhry personally wrote letters to officials in the United States and United Kingdom calling for their support.¹⁷ Ultimately, these two countries, which had largely bolstered Musharraf due to his assistance in combating terrorism, appealed to Musharraf to repeal emergency rule.

While the lawyers' movement proved to be a nuisance to Musharraf's regime in 2007, the strategic coordination of the campaign improved when the Pakistan Bar Association hosted a National Lawyers' Convention in Islamabad on February 9, 2008. The convention was highly strategic in its focus and produced a resolution outlining the movement's future goals.¹⁸ The resolution condemned the human rights violations committed under emergency rule and committed: "to continue the struggle till the restoration of the Constitution and the Honorable members of the judiciary as of November 2, 2007."¹⁹

In June of 2008, supporters of the lawyers' movement partook in its largest public action yet: the Long March. The purpose of the march was to demand the resignation of president Musharraf and to call for the reinstatement of the deposed judges. While the Long March started off relatively humbly in terms of its size, with estimates of about 50,000 participants by GEO News,

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by its conclusion it was marked as the “largest rally ever in the city.”²⁰ The four-day long march, which was actually a motor convoy, began in Karachi and converged on the capital, Islamabad.²¹ The final estimated number of participants was 500,000 and the total distance “marched” from Karachi was about 1,500 kilometers. What is particularly notable about the outpouring of supporters at this march was that it demonstrated that the lawyers’ movement had proliferated beyond the legal community of Pakistan. The march was joined by members of the broader civil society and political activists. This also showed that the mission of the movement had grown from the reinstatement of the judges to something broader in nature—a more democratic Pakistan based on the rule of law.

Meanwhile, the PPP was moving an initiative through parliament to call for the impeachment of President Musharraf. On August 18, 2008, facing mass public disapproval and an imminent impeachment, Musharraf resigned as president.²² On August 28, 2008, the lawyers’ movement held their first rally after Musharraf’s resignation in Karachi. The rally further proved that the lawyers’ movement had expanded beyond the legal society and also showed that the movement was steadfast in ensuring that its demands be met by the next executive power. A journalist who reported on the rally, Reza Pirbhai, observed that it demonstrated that a pivotal shift had occurred in favor of the lawyers’ movement: “On that day, as at every rally since, judges and lawyers have been supported by journalists and joined by activists from the Labour Party of Pakistan, the Socialist International, the Peoples’ Resistance Group, various trade unions and growing numbers of independent citizens.”²³

On September 6, 2008 Asif Ali Zardari, the candidate for the Pakistani Peoples Party, was elected president. During the campaign, Zardari pledged to restore Chief Justice Chaudhry within 30 days of his party forming a government, but once elected, he did not restore Chaudhry to his post or reinstate the pre-emergency constitution. The lawyers’ movement took to the streets once again. Three days after the movement’s second anniversary, on March 12, 2009, activists of the lawyers’ movement, joined by supporters spanning across the spectrum of civil society (such as human rights groups and political activists), commenced on a march to culminate in the capital of Islamabad on March 16 for a mass sit-in until the government agreed to reinstate Chief Justice Chaudry. On the days leading up to the scheduled arrival of the protestors in Islamabad, President Zardari faced mounting pressure from multiple directions to concede to the lawyers’ demands.

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Pakistan's army chief general Ashfaq Pervez Kiyani, known for his temperament of noninterference, urged Zadari to "clean up the mess." Kiyani warned that discontent was not only growing on the streets of Pakistan but also within the ranks of the military.²⁴ There was mounting international pressure as well. Beena Sarwar, reporting for the Global Information Network, said that in the days leading up to March 16, "hectic efforts had been under way domestically and at the international level to break the impasse, including by Secretary of State Hillary Clinton and British Foreign Minister David Miliband."²⁵ On March 16, as the masses of protestors were scheduled to start their march into the capital, President Zadari caved to the power of the people and reinstated Chief Justice Chaudhry, along with nearly 59 judges who had refused to follow the constitution as it had been revised by Musharraf during emergency rule.²⁶ As one analyst described the momentous announcement, which constituted a clear victory for the lawyers' movement:

Zadari's decision of restoring the chief justice is seen by many analysts as a concession that managed to defuse the 'long march' protest scheduled on March 16, in Islamabad, which could lead to the fall of his government for the influential pressure expected by the popular march.²⁷

The mass march on Islamabad marked the success of the lawyer's movement and proved that, when the citizens of a country properly harness their power, it is not the government that rules a country—it is the will of the people.

Ensuing Events:

While the lawyers' movement was started as an appeal for the restoration of an independent judiciary, the movement has since transitioned into something more, with its reach expanding well beyond lawyers and into the heart of the civil society. While the lawyers have retreated to their legal practices for now, they continue to exert their influence over civil society within their profession. In July 2009, the Supreme Court, with Chaudhry as Chief Justice, ruled Musharraf's decree of emergency rule in 2007 illegal.²⁸ The lawyers may not be rallying on the streets anymore, but their commitment to a free judiciary continues to be demonstrated.

Endnotes:

1. ["Times Topics: Iftikhar Muhammad Chaudhry,"](#) *New York Times* Website, March 16, 2009

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7. “Pakistan: Country Summary,” Human Rights Watch World Report 2008, 1
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For Further Reading:

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