

## The Emergency Times

### Quote of the Day

“Gar jeet gaey to kia kehney,  
haray bhee tu baazi maat nahin.”

- Faiz Ahmed Faiz

### Protest outside Aitzaz’s house – Eyewitness Account

Ahmed Saleemi

Out of all the protests I went to, I think this was the best one. It had everything we needed: a crowd full of enthusiasm, media brimming with fervor and a spirit never seen before. Aitzaz was picked up from the motorway on his way to Islamabad. He was beaten and manhandled as his son was brought back to Lahore at gun point by the police. Even though it was Eid-Ul-Adha, we, as responsible members of the society, didn't hesitate to gather outside his residence at 6pm today for a vigil. In a matter of minutes, multitudes of people started joining us outside his residence and in a little while, they were chanting with us. Senior journalist Hamid mir and Faryal Gohar took an active part in the protest by chanting slogans. The protest was covered by several media representatives.

The protestors kept increasing and rose to at least 500 in number. Often pedestrians and vehicles would stop next to us and express their solidarity to the cause. This not only increased our confidence, but also instilled a hope for future protests!

We started walking towards the mall road while holding candles in our hands and chanting slogans against the government. The protestors, actively distributed flyers to the public even if we had to run on the main road in the midst of heavy traffic. We walked on the mall road gathered at the mall road chowk (infront of the big mosque). The enthusiasm of the society, which included children, students, adults, lawyers and a large number of women, was one of a kind. Apart from the large participation of women, the city also witnessed little children raising their voices against the government. That is when we knew it was just the beginning of a massive reform. Hamid mir and a few other people addressed the protestors too. I talked to one of the police inspectors on duty there and he said " humein pata hai aap sachay hain jo kar rahe hain sahee kar rahe hain, hum bhi bus majboor hai rozi roti ke liye ye kaam karna parta hai". This congregation continued for more than 1.5 hour. Protests like “ tor raha hai Pakistan, naye daur ka naya khan”, “tor raha hai Pakistan, aaj k daur ka yahya khan”, “Pakistan ka bais e tabahi, pervez musharaf aur pervaiz elahi”, “Aitzaz tere jaan-e-nisar beshumar beshumar” were prevalent during the protest.

The protests resolved peacefully as most of the crowd made their way back to the residence of Aitzaz Ahsan.

### A Macro-analysis of Aitzaz Ahsan’s Open Letter

Hassan Baig

Barrister Chaudhry Aitzaz Ahsan is a leader in his own right. A populist leader even. Moreover, his read of the political spectrum and all developing eventualities is sensible and practical.

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But perhaps not practical enough.

Ms. Benazir Bhutto is widely believed to be averse to the idea of the reinstatement of the deposed judges. In fact, she has gone as far as publicly chiding the lawyer community (and probably Barrister Ahsan in particular) to form their own political party if they so wish. This stand is understandable when seen under the light of the economics of it: the political and self-preservation costs to Ms. Bhutto of a reopening of her files by independent-minded judges are far greater than the costs of loss (if any) of the PPP's public appeal as a result of her endorsement of the establishment's agenda. Ms. Bhutto would never underwrite an option which pays dividends only in moral rectitude and not in monetary and/or realpolitik terms.

For someone so ethically-decided, it is abnormal how PPP loyalists endure in their support for Ms. Bhutto. It is almost as if her metamorphosis from her debut in 1988 to the skilful opportunism management she practices today has been completely lost on these supporters. Some quarters insist that Ms. Bhutto's support is a product of her hereditary right – that many support her with blind conviction borne of the psychological guilt of inaction engendered among the loyalists when her father was hanged till death without much ado. This is perhaps a major ingredient for Ms. Bhutto's political adhesiveness, but probably not the only one. There's also that promise – only to political heavyweights albeit – of garnering a high Internal Rate of Return via backing the PPP project. And on some level, there's probably ideological mesmerism involved too - at least for those few who are still motivated by overarching principles instead of material agencies.

Somewhere in there exists the esoteric reason for Barrister Ahsan's continued support of Ms. Bhutto. And compelling as it may be, it is no illusion that his reason is not sustainable any longer.

I am of the view that among all lawyers, Barrister Ahsan commands the most clout; the biggest people constituency. Hon'ble Chief Justice (Ex.) Chaudhry may have been the face of the judicial movement for quite some time now; it is Barrister Ahsan who is the real mover and shaker – for he is intellectually well-endowed, politically well-resourced and publicly well-spoken. He may not be perfect, yet he possesses all the seminal elements.

So then is it not tragic that the judiciary's biggest asset is being so ruthlessly blunted?

And no this rhetorical question does not hint at his incarceration, for such incarceration does not debilitate, it politically hones. By incapacitating his mobility President Musharraf had made the same tactical mistake many-an-autocrat is prone to making – birthing increased public effervescence via applying the fundamentally flawed paradigm that populists are less trouble in jail than they are when free. For Barrister Ahsan, the opportunity was there for the taking.

Yet here we are, reading an open letter of recommendations from the Barrister. More of a plea than marching orders. Points to consider rather than an agenda to follow. The movement has been effectively sidelined whether we concede it or not. It is slowly waning with time and will be nothing more than a romantic memory in the coming future.

I am confident that Barrister Ahsan knows the real reasons for this sabotage.

He probably realizes how that one political party he had pledged allegiance to betrayed him in one of the darkest hours of Pakistan's history by denying his cause of the political patronage it needed and truly deserved. And perhaps he also realizes how his continuing connection with that party ties his hands behind his back by making him a singular, weak voice of righteous justice amid an assemblage of opportunists intent on getting a chance at Pakistan's now-improved coffers of wealth. And lastly, maybe he also

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understands that no one will label him a deserter for cutting connections with this party, this Washingtonian charade. And if he doesn't, then now would be a good time. Untie your hands Barrister Ahsan and show some entrepreneurial spirit.

For time is of the essence and open letters alone generally do not alter the course of history.

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<http://www.investopedia.com/terms/i/irr.asp>

## **Hum Ghulam Ibne Ghulam Hain**

(Courtesy Rise of Pakistan - [riseofpakistan.blogspot.com](http://riseofpakistan.blogspot.com))

"Hum Ghulam Ibne Ghulam Hain"  
(We are slaves, children of slaves)

Free Judges imprisoned at their homes and we debate the technicalities of Judicial activism. Why?  
***They were giving us a ray of hope!***

Media curbed and we think they went too far. Why?  
***They were showing us our real (shameless) face!***

Senior Lawyers arrested, tortured and beaten up with bricks and we condemn their strikes for producing troubles for the judicial system. Why?  
***They believe in their dignity that we have never enjoyed!***

Students arrested, baton charged, tear shelled under the "restored constitution" and we tell them to be productive in their "education". Why?  
***They don't want to be trained to be slaves like us!***

Women beaten up by packs of state terrorists and we debate their dress. Why?  
***Their courage embarrasses us!***

A politician takes a principled stance and we call him a "bad" politician. Why?  
***We've forgotten what principles mean!***

Our own protectors conquer us, enslave us, but we sing their songs, shine their shoes. Why?  
***We don't want to be free!***

Yes. We are slaves. Slavery is our mother and slavery is our father. We belong to the family of cowardice. We belong to the race of men who prefer 100 days of slavery over one day of freedom. There are species in the world who eat their children but we are far worse. We sell our children's freedom for a momentary comfort. We sell our sisters' pride, our mothers' prayers, our brothers' courage, our forefathers' sacrifices, our souls; for the stability of our cage. For the chance to increase our price, to market our product - our cowardice, our criminal silence - so that the next Pharaoh will like to buy us. So that the next Satan will like to hire us. We become tools for the Gods of lies and oppression so that they wouldn't hurt us. Their tools to kill people. Their team to enslave life. Their  
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shadow to dim the light. Their soldiers to destroy hope.

But in the process, what do we get? at what price? We get to live another day in the cage? We get to lie another night in the jail? We get to wait for the Messiah?

No, we don't deserve a messiah. For no messiah can heal the people who have sold their souls to the devil. No liberator can set the eternal slaves free. There is no hope for us. There is no future for us. There are no seventy-two virgins waiting for us in the heavens; for the people who are being plundered today will hold us accountable on the day of judgment. For the crime of Cowardice that encourages the Dictators, Silence that helps the Pharoahs and the death of ideals that invites the Vultures.

**No, there's no future for us, unless!** Unless, we take charge of our destiny. Unless we revive our principles. Unless we learn to sacrifice our bad today for a better tomorrow. Unless we stand up for ourselves. But until that time comes, "Hum Ghulam Ibne Ghulam hain", and our progeny will suffer the same fate!

*Jin Ka Deen Perawee-e-Kizb-o-Ria Hay unko  
Himmat-e-Kufr milay, Jurr'at-e-Tehqeeq Milay*

*Jin Kay Sar Muntazir-e-Taigh-e-Jifa Hain unko  
Dast-e-Qatil ko jhatak denay ki taufeeq milay*

### **Aitzaz beaten up, arrested on motorway**

Aitzaz Ahsan was picked up on the motorway enroute to Islamabad, beaten up, glasses broken and brought back to Lahore in a police bus. Is now suffering from bruises and fever. When he asked for a detention order, they shoved a gun in his face and said - this is your order.

### **Call for participation – Student Action Committee US**

Ghazia Aslam

All of you must be aware of the political situation in Pakistan. Following the Emergency (which was effectively a Martial Law), the judiciary was deposed, media was gagged and hundreds of lawyers were arrested. The emergency was lifted on Dec 15th but all the laws made under PCO are now part of the constitution and cannot be challenged by the courts or the legislative assembly. Media remains restricted and Judiciary is still under house arrest along with hundreds of lawyers and activists who are now being charged under Anti-terrorist act. Many international organizations have declared that despite lifting the emergency, situation on the ground essentially remains the same. One of the very telling examples of this is the police attack on a peaceful student protest on Dec 17th. 40 students were arrested the same day and were charged under Anti-terrorism Act. (Eye witness accounts of a lot of these events, along with pictures and videos, are available on [pakistanmartiallaw.blogspot.com](http://pakistanmartiallaw.blogspot.com)).

This is not all. Musharraf has categorically said that the judiciary will not be reinstated. In fact his response to a question by Washington Post was "What Judges...they ill never be reinstated." Dr. Nasim Ashraf, on the Capitol Hill, in front of the Congress members and the other educated and informed members of society said that the judiciary was deposed because the Supreme Court started meddling with the functions of the government. Can we let a simple question "Is deposing a whole institution compared to seeking constitutional redress a better solution to a misconducting judiciary " go unasked? There are other questions too like "How can  
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free and fair elections be conducted in a situation where assembly is banned, Election Commission and the interim government is not partial, 70% of the Supreme Court judges remain deposed?"; "How the rights of the citizens are protected when there is no institution that can redress their grievances?" Someone needs to ask these questions.

**Call for participation in Student Action Committee:** Therefore, in an endeavor to facilitate collective action, I am calling to organize a Student Action Committee (SAC-US chapter). The group will essentially be a part of the Students Action Committee (Lahore and Islamabad) and will comprise mainly of Pakistani and Pakistani American students in the US. The short term objective of the group is to ensure that elections that do not follow a sound political process are rendered illegal by Pakistanis and international organizations. The long-term idea is that the group will become part of the civil society that will keep a check on the excesses of the government, and make sure that the situation of hundreds of missing persons does not arise again in Pakistan. The group will not be affiliated with any political party and will not have any political agenda. Amnesty International US, and Washington-Pakistan Forum (a group of Pakistani American journalists, members of American Bar Association, and students coordinated by Amnesty International) has promised to fully support the group. The efforts are underway to open a London Chapter of the same group. (Please find the expected short term agenda of the group at the end of the email).

**Why Should we Participate?** A lot of us are skeptical of participating in this struggle because we have all been disappointed by the political parties which will eventually form the government. There is good reason for skepticism but the need to take collective action is greater than that. Our objective is not to depose one government and bring another. The responsibility of making the government accountable to civil society also lies with us. This is the first time in the last four decades that judiciary and media have agitated for independence as institutions. If they (and consequently, we) win this struggle then the political process emerging out of this struggle would not be the same as before, even if the people in the government remain the same. This is about time we realize that democracy is not about people but institutions, that we should stop depending on 'goodness' of the individuals and depend on ourselves by building sound and strong civil society. And students are at the base of any civil society. The only point of democracy is that everyone has a voice. And, if we choose not to exercise that right now, it's our fault; why do we even ask for democracy and how are we going to sustain a democracy if it emerges at any point in Pakistan if we remain skeptical of ourselves. We also need this process to create representative political parties in the long run, as effective leadership cannot emerge out of vacuum. If nothing else, participation in an event like this will leave all of us changed. I just cannot resist quoting Faiz at this point; Gar jeet gaey to kia kehnaay, haray bhee tu baazi maat nahin!

Very few nations get a chance to reconstitute. We have one now. We are taking advantage of it, as the lawyers, students and other civil society activists in Pakistan have proved. Each one of us needs to play his/her role.

**Open House to Discuss "Why Should we Participate? and What Should you Expect from this Participation":** If you are still skeptical, please join to discuss the pros and cons, advantages and disadvantages of participation in this group on Dec 26th at 3:00 pm. Venue is 2765 Centerboro Drive, #149, Vienna, VA 22181. A couple of Pakistani journalists in the Washington DC area will also speak.

#### **Short-term Activities of the Group:**

The group will essentially be involved in the following short term activities:

coordinating/organizing a protest on Jan 7 before the elections in Pakistan

holding press conferences and attending events in academic and non-academic institutions to make sure that we register our point of view

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conducting campus-wide events to raise awareness amongst students about the situation in Pakistan and the need to build democratic institutions. (One suggestion is to hold talks by academics in the area along with documentary movies. Some documentaries are already available on youtube but we can always be more creative and do better using what we have).

Promoting advocacy on the Hill and other international organizations that protect civil rights

promoting media relations which would include maintaining a blog, coordinating with SAC (Lahore and Islamabad and hopefully later London) and communicating with the US media, among other tasks

drafting a sample letter with a fact sheet regarding current situation in Pakistan that can be sent to the Congress members; distributing the letter to the people so that they can send this letter to the Congress members in their respective districts to apprise them of the correct situation in Pakistan (A few meetings with Congress members have shown that they do not know what the real situation is) Please distribute this call widely. We need to get the skeleton of the group together before the protest on Jan 7th. I know this is a short notice and it is during the holidays but that just means that we have to put in a little more effort at a little more cost. Please let me know if you are willing to participate, the extent and nature of your participation. In case we get better response than expected we can always form sub-committees regionally with a headquarter.

**Additional Information:** If you have any questions, please feel free to email me. My cell number is 703 663 0960. I would be more than happy to discuss and/or answer your concerns/questions. I would also encourage you to visit the following sites for current information on recent events in Pakistan:

<http://pakistanmartiallaw.blogspot.com/>

<http://emergency2007.blogspot.com/>

Discussion by Pakistani Lawyers and Human Rights Activist at Yale Law School: <http://www.law.yale.edu/news/5957.htm>

Audio conference of house arrested judges with San Francisco Bar Association: <https://cc.readytalk.com/cc/playback/Playback.do>

Hope to hear from you soon and Happy Holidays!

## **Rally outside Allama Iqbal's Mazar**

First - a **HUGE** thank you to everyone who showed up outside Aitzaz Ahsan's house for the most successful showing yet (see eyewitness account posted on the Group wall).

Second - we have no time to lose, and so **TOMORROW, Sunday 23rd Dec at 2:30 pm - please bring your friends and join us at Allama Iqbal's Mausoleum (next to Badshahi mosque)**, in a peaceful solidarity rally to engage the public. We will be circulating the flyer you saw yesterday on why the restoration of the judiciary is everyone's problem; and a number of distinguished luminaries - ex-judges, journalists and activists will speak.

**Come in large numbers, and pass this on.**

In Complete Unity on Eid,

Concerned Citizens of Pakistan

## **Eid Morning Action in Islamabad**

AH Nayyar

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Activists, mainly lawyers, gathered at the entrance to the judges colony at 7:30 this morning. The police had completely blocked the way to the Chief Justice's residence with concrete blocks and barbed wires. The protesters gathered at the police barrier which happened to be at the entrance to the ministers' enclave also. After the police refused to let them through into the judges' colony, the protesters arranged an Eid congregation right there on the road, and offered prayers with Khutba and all.

Interestingly, some ministers emerged from their enclave to go for prayers, and found their way blocked by the protesters' congregation. They pleaded hard for a passage, but did not get any. Apparently there is only one access to their enclave. Serves them right. They remained deprived of the opportunity to kiss the hands (?) of their benefactor.

After the prayers, which was also attended by some policemen, the protesters remained at the barrier and chanted slogans. They then all drove to the residence of Justice(r) Tariq Mahmood in sector I-8, some 8 kilometers away. Tariq Mahmood was under house arrest with a heavy police presence outside his house. He came to the boundary wall and accepted flowers and greetings from his lawyer colleagues and other activists.