

Karen J. Mathis
President

AMERICAN BAR ASSOCIATION

321 N. Clark Street
Chicago, Illinois 60610-4714
(312) 988-5109
FAX: (312) 988-5100

April 13, 2007

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

Mr. President:

I write today on behalf of the American Bar Association (ABA) to express its deep concern regarding the suspension of the Chief Justice, Iftikhar Muhammad Chaudhry, a highly regarded member of The Supreme Court of Pakistan, on March 9, 2007.

The ABA represents more than 400,000 members of the legal profession worldwide. It has a long-standing commitment to supporting the rule of law, the independence of the judiciary, legal professionals and advocates of civil liberties and human rights.

It is the conviction of the ABA that among the cornerstones of a fair and free society are an independent judiciary and the freedom of persons to speak in opposition to policies or practices of one's government.

The suspension of Mr. Justice Iftikhar Muhammad Chaudhry appears to have been inconsistent with the language of Article 180 and Article 209 of the Constitution of Pakistan. International covenants and conventions recognize and adopt the right of an independent judiciary as an essential pillar of a society that contends it supports the principle of justice for all. These include Article 10 of the Universal Declaration of Human Rights which states: "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him." The International Covenant on Civil and Political Rights similarly states in its Article 14: "All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law." Finally, the adoption by the UN General Assembly on November 29, 1985 and December 13, 1985 of its "Basic Principles on the Independence of the Judiciary" clearly announces and reaffirms with specificity the critical principle of an independent judiciary as an essential element of a just process in the enforcement of all laws, and calls on all member states to adopt and guarantee that right.

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The ABA therefore strongly urges (a) that any proceedings against the Chief Justice and any other judge be conducted in an open and transparent manner consistent with the unbiased administration of justice and Article 14 of The International Covenant on Civil and Political Rights; (b) that you reaffirm the need for an independent judiciary; and (c) that you cause the cessation of all acts, whether express or implied, which would tend to intimidate any member of the bar or the judiciary from carrying out his or her duties in an independent and impartial manner.

We hope that you will take prompt remedial action, as outlined above, and further hope we will be able to publicly recognize the positive steps you and your government have take to address this grave situation. The ABA will continue to monitor your actions in this regard.

We respectfully request your immediate assurances that you will give your full attention to the matters addressed and take appropriate action to cure these offenses.

Sincerely,



Karen J. Mathis

President

American Bar Association

cc: Condoleezza Rice, Secretary of State of the United States
Ryan C. Crocker, U.S. Ambassador to Pakistan
Mahmud Ali Durrani, Pakistani Ambassador to the United States
Mian Khurshid Mahmood Kasura, Pakistan Minister of Foreign Affairs
Pakistan Bar Council
Marcella B. Szymanski, Pakistan Desk Officer, US State Department