

## From the President

The Rt Hon Donald C McKinnon  
Commonwealth Secretary-General  
Marlborough House  
Pall Mall  
London SW1Y 5HX

12 November 2007

Dear Secretary-General



The Law Society is the professional body representing more than 138,000 solicitors in England and Wales. It is concerned to see the independence of the legal profession, the rule of law and human rights upheld throughout the world.

I am aware that you have convened a meeting of the Commonwealth Ministerial Action Group (CMAG) in London today to discuss the situation in Pakistan, following consultations with the Group's Chairperson, Malta's Foreign Minister, Michael Frendo.

I am also aware of your statement on 3 November, that the suspension of the country's constitution, days before the Supreme Court was due to pass judgement on General Musharraf's re-election as President, was a matter of deep concern to the Commonwealth.

It is also of deep concern to the Law Society, and I agree with your statement that it is essential for "the Constitution and the rule of law [to] be restored and the judiciary respected."

In particular, the Law Society is concerned about:

- the arbitrary arrest of lawyers and judges;
- the restrictions on the court system (no court order can be made and no court case can be brought against the Pakistani leadership); and
- the new oath of loyalty for judges (judges are in effect not allowed to hold office unless they pledge allegiance to the emergency measures of the provisional constitution).

All of these measures seriously undermine the independence of the legal profession and the judiciary. The rule of law cannot be expected to function if its safeguards have been removed.

For these reasons, I have written to the Pakistani authorities calling for them to re-instate the Constitution, lift all restrictions on the judiciary, release the detained lawyers and judges, and allow lawyers to exercise their freedom of expression and assembly.

On Wednesday 7 November 2007, I had the opportunity of meeting Hina Jilani, a Pakistan lawyer, who is the first holder of the position of Special Representative of the Secretary General to the United Nations on Human Rights Defenders, in accordance with the provisions of the Commission on Human Rights resolution 26 April 2000. She is a distinguished Pakistan human rights lawyer and also a member of the Pakistan Bar Association and the Vice Chair of the Human Rights Commission of Pakistan. At the time of the declaration of the suspension of the Pakistan Constitution she happened to be in London en route from the UN to Pakistan.

At the meeting Ms Jilani informed us that in her home city of Lahore 300 lawyers have been arrested and imprisoned after being charged with anti terrorism offences. She informed us that the President of the Supreme Bar Association of Pakistan and many of the office bearers of regional bar associations have been arrested and imprisoned. Ms Jilani has received reports out of Pakistan that three quarters of the Executive Committee of the Supreme Court Bar have been arrested. It also appears that at least one in four of all lawyers operating in Pakistan are now under arrest, including the Chief Justice. All members of the Pakistan judiciary have been asked to sign allegiance to the new Constitution and if they refuse they have been arrested. We understand that 80% of the judiciary have refused to sign.

On behalf of the Law Society, I respectfully request that you convey the Law Society's position to CMAG and ask that they take strong action to persuade the Pakistani leadership to reverse the emergency measures.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Andrew Holroyd', written in a cursive style.

Andrew Holroyd OBE  
President