Beat: News

MELTDOWN OF THE CONSTITUTIONAL ORDER IN PAKISTAN

The OPEN LETTER to CJ of Pakistan

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USPA NEWS - To,
The Honourable Chief Justice of Pakistan, Chief Justice Yahya Afridi, Supreme Court of Pakistan, Islamabad.
Subject:
MELTDOWN
OF THE CONSTITUTIONAL ORDER IN
PAKISTAN
Dear Chief Justice,
1.
2.
Several petitions highlighting the assault on fundamental human rights and the electoral process have been filed over the last eighteen months and more before the Supreme Court of Pakistan. These petitions have sought the Supreme Court of Pakistan to exercise the power vested in it by the Constitution of Pakistan to safeguard the constitutionally guaranteed fundamental rights of the people of Pakistan. When all organs and agencies of the state that are mandated by the law to exercise power in order to safeguard life, liberty and democracy stand subjugated by brute force and are acting in aid of persecution and fraud it is the duty of the Supreme Court of Pakistan to intervene. The Supreme Court of Pakistan has not been vested with enormous power by the Constitution of Pakistan in order to act as a bystander.

Unfortunately, none of the petitions filed before this Honourable Court, including by me, have been taken up. This has allowed a free hand to a reign of brutality and fraud. On 3 November, 2023 I was subjected to an assassination attempt in which I received potentially fatalbullets injuries. The conspiracy behind this assassination attempt is yet to be honestly investigated.
I place herewith a dossier that contains pictorial as well as documentary evidence of some of the ongoing murders, injuries, abductions and torture carried out against members and supporters of the Pakistan Tehreek-e-Insaf ("PTI") in order to sustain the regime in office. This regime is the result of oppression and of large scale electoral fraud carried out on 8 and 9 February, 2024. Unarmed protesters have been met with barbaric state brutality. Reference may be made to the dossier marked Annexure-Athat provides the names and photographs of some of those who lost their lives or sustained firearm injuries on 26 November, 2024. A large number remains missing. The following is an index of the contents of Annexure-

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A list of 172 individuals injured on 26 November 2024 is placed herewith as Annexure
A/1. Hospital records of the martyred and the injured were sealed and tampered with by state personnel. Police stations refused to register First Information Reports. Over 10,000 PTI supporters were arrested between 24 and 27 November,
2024 all across Pakistan.
Earlier, on 9 May 2023 I was unlawfully arrested by the police as well the rangers from the premises of the Islamabad High Court. This arrest was carried out while I was present in the court premises for the purpose of seeking a judicial remedy against the ongoing as well as apprehended persecution by the state authorities. I was dragged from the court premises after the rangers broke into the room that I was present in. Several lawyers were subjected to brutal assault. The entire operation was deliberately televised and disseminated through social media. The Supreme Court of Pakistan was to declare the entire operation unlawful.

Actions against the concerned law enforcement personnel was ordered. No action has been taken till now. The brutal manner of my arrest resulted in peaceful protests all
across the country. Miscreant were added to these protests by those seeking to take advantage of the situation. This resulted in various incidents of break-in and damage to property that had nothing to do with my party or its policy of peaceful protest. The reaction of the state was repressive. Names of sixteen of my party workers who died as a result of state brutality are placed herewith as Annexure A/2. The events of 9 May 2023 were used as a pretext to arrest thousands of members and supporters of the Pakistan Tehreek e Insaf all across the country.
Over a hundred of those arrested were handed over to military custody for being placed before military courts for trials in violation of basic due process rights.
Military court trials of civilians with no appeal to an independent court are an egregious violation of the fundamental human rights recognised by the Constitution of Pakistan and by human rights law the world over.

One of the most well-documented cases of abduction and torture is that of a key member of my legal team, Mr. Intazar Hussain Panjutha. Mr. Panjutha was abducted in Islamabad on 8 October, 2024. He was recovered on 3 November, 2024 in a condition that amply reflected the torture to which he had been subjected. Photographs taken at the time of his recovery are placed herewith as Annexure-B/1&B/2. These photographs shocked the entire nation. A habeas corpus petition filed before the Islamabad High Court (WP No. 3026/2024) on 9
October, 2024 resulted in nothing but a display of helplessness on the part of the civil administration and the police force. Interestingly, on 1 November, 2024 the Attorney General for Pakistan informed the Court that Mr. Panjutha would be recovered within twenty-four hours. On 2 November, 2024 it was stated by the Islamabad Police that they had chanced upon a vehicle carrying Mr. Panjutha who it was claimed had been kidnapped. The claim of kidnapping was farcical and patently untrue. Mr. Panjutha was subjected to severe torture during his abduction. Throughout the period of his abduction no ransom claim or any other demand was made on the family of Mr.Panjutha

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