

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Briefing
on
Human Rights in Pakistan

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Thank you to the Tom Lantos Human Rights Commission for hosting this important discussion today. The struggle for human rights in Pakistan has played out in the streets during protests, in the voting booth during elections, and in the court-rooms which is where I will focus my comments today. While there have been flows of democratic rule and judicial protection of rights throughout the country's history, there have been considerable ebbs which have challenged the long-term growth of democratic institutions and constitutional rights.

The most recent example of the weakening of these institutions and rights happened during the 2024 general elections which many commented were the least free elections in recent history; some calling them "Selections" and others calling them the "Generals' Elections." These euphemisms were used because of the control the military allegedly exerted in the lead up and execution of the elections. While the military establishment had previously seemingly supported the rise of Imran Khan to the Prime Minister's seat in 2018, their support from him waned during the course of his leadership.

Accordingly, in the lead up to the elections several steps were taken which many attributed to the military's influence over democratic institutions in the country, particularly the judiciary. For example, Khan and his supporters were imprisoned and charged under dozens of criminal and civil complaints which are all being handled by the judiciary including lower courts and the Supreme Court. Additionally, in a country where rates of illiteracy are still relatively high, the symbol of a party on ballots is incredibly important. During the lead up to the 2024 elections, the Supreme Court passed an order banning Imran Khan's Party, the Tehreek-E-Insaaf Party's (PTI), from using their cricket bat symbol on any ballot. This essentially forced PTI party members to run as independents using various symbols rather than as members of one unified party.

All of this happened under a larger shadow during the election wherein the establishment was accused of threatening politicians and judges alike. While this trend has existed throughout Pakistan's history, it was on full display from 2023-24 as several politicians associated with Khan withdrew from his party allegedly due to threats from the establishment. Additionally,

several high court judges filed a petition before the Supreme Court asserting that they had faced intimidation and threats by agents claiming to be associated with the establishment.

Based on some of these findings it is not difficult to see that the pendulum of judicial power in Pakistan has swung in some ways against the preservation of constitutional rights in favor of pacifying the establishment's demands. The 2023 decision by the Supreme Court to allow civilians to be tried by military courts was seen by some as a demonstration of that placation by judicial authorities.

Furthermore, several important constitutional and international legal rights continue to face serious challenges in the country. In regard to the freedom of press: throughout all recent administrations including Khan's himself, journalists have faced everything from contempt of court charges for publishing content critical of the court, to sedition and terrorism allegations in retribution for the exercise of the freedom of the press. Additionally, criminal cases targeting political party activists have also been used recently but date back several decades and stand in contravention of the right to freedom of association and democratic principles generally. Lastly, the right to freedom of religion or belief has also faced setback after setback in the form of mob attacks and criminal allegations of blasphemy against minority religious communities including Christians, Hindus, and Ahmadis

Regardless of which constitutional and international legal right we discuss, the strengthening of political and judicial civilian institutions as guarantors of rights and democracy will be the only way to course-correct in the country. The U.S. government has historically dealt directly with the Pakistani military to ensure maximum effectiveness in a challenging bilateral relationship. Yet, this has impacted the imbalance of power between civilians and the military, granting increased legitimacy and power to the military at the cost of the development of democratic institutions including Parliament and the courts.

Therefore, it is imperative for people in this room to advocate for a) the U.S. government to engage more directly with civilians, b) invest greater resources to strengthening the rule of law, and c) fostering the protection of constitutional rights and values that the U.S. and Pakistan share for its respective citizenry. Without these judicial and political institutions gaining their independence, all individuals and political parties face a legal Sword of Damocles which will fall on their necks just as it has for almost every figure that gained enough support to threaten the establishment- yesterday it was the Pakistan People's Party (PPP), today it is Imran Khan and the PTI, but tomorrow it could be others. Thank you for your time and I welcome any questions from the panel.