

## Conference

### ‘Rule of Law: The Case of Pakistan’

October 26, 2009

Heinrich-Böll-Stiftung, BelEtage, Schumannstr. 8, 10117 Berlin, Tel. 030/28534-0

On March 16 this year the people of Pakistan witnessed a historical moment as the government of Pakistan announced the reinstatement of Chief Justice Muhammad Iftikhar Chaudry and some other judges. For the first time in Pakistan's history a civil movement played a powerful role in pushing the state's adherence to the constitution and the rule of law.

In summer 2007 then President General Pervez Musharraf sacked the country's Chief Justice for dubious reasons leaving a judicial system succumbing to the government demands instead of observing the law. Even after the parliamentary elections in February 2008, that promised to be a transition from military rule to a democratic civilian government, the case of Chaudry remained unsolved. The country-wide judicial crises led to the emergence of a protest movement that gained momentum in early 2009 when lawyers, civil society groups, human rights activists, students and even politicians took to the streets of Pakistan pushing through their long standing demands against a hesitating government.

This judicial crisis is not only a showcase for successful civil disobedience but another example of bad governance revealing the deficits of rule of law in the country once again. During the past sixty two years of independence, the judiciary has always been vulnerable to and affected by vested interests of various military and civilian rulers and other influential people. There exist numerous instances of misusing the judicial system including disposing, replacing or sacking judges. Even after the successful justice revolution and the implementation of a new judicial policy the judiciary continues to remain biased, powerless and still unable to provide speedy and inexpensive justice for the common people particularly for women. In addition Pakistan is faced with different legal systems. The absence of rule of law and an independent judiciary, however, revolves around numerous problems such as growing Islamic militancy and terrorism, an economic crisis, water and energy shortage as well as drug and human trafficking - problems that urgently demand a well-established and independent judicial system backed by effective law enforcement, and guided by the universal values of human dignity and human rights.

Against this background Heinrich-Böll-Stiftung has invited Pakistani representatives from politics including a legal expert in order to discuss structures and deficits as well as developments and challenges of rule of law in the case of Pakistan. The conference aims to shed more light on the current state of affairs, the parallel legal systems, the relationship between politics and judiciary and the role of political parties and the society. Is there an Islamic rule of law and an independent judiciary? Is the Supreme Court "only" a court or a political actor? What about political parties, inner democracy and the rule of law? And how could the Lawyers Movement be explained? These are some questions we would like to raise and debate within the three panels of our conference.

#### Speakers from Pakistan

- **Imran Khan**, Chairman of the political party *Pakistan Tehreek-e-Insaf*
- **Ahsan Iqbal**, Chief Coordinator and Information Secretary of the *Pakistan Muslim League (Nawaz Sharif)*, *Member of National Assembly*
- **Athar Minallah**, Lawyer at the Supreme Court of Pakistan
- **Bushra Gohar**, Senior Vice President of the Awami National Party, *Member of National Assembly*

We are pleased to invite you to participate in this internal expert's discussion.

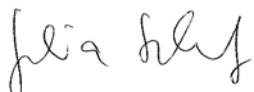
Please kindly announce your participation:

Thorsten Volberg, [volberg@boell.de](mailto:volberg@boell.de) , 030-285 34-364

A public evening event related to this conference will take place from 19:30 in our foundation to which you are very welcome as well.

Please do not hesitate to contact us for further information.

With our best regards,



Julia Scherf  
Head of Asia Department



Thorsten Volberg  
Project Manager

**Wegbeschreibung:** Heinrich-Böll-Stiftung, Schumannstr. 8

Mit der S-Bahn oder mit der U-Bahn bis Bahnhof Friedrichstraße. Ausgang über die Spree, dann Albrechtstraße, Reinhardtstraße überqueren und nach links in die Schumannstraße (gegenüber dem Deutschen Theater).

## Programme

**Monday, October 26, 2009**

**9 a.m. – 12 p.m.: Rule of Law in the Islamic Republic of Pakistan**

09.00 – 09.15: Welcome Address: Julia Scherf, Head of Asia Department, Heinrich-Böll-Stiftung

09.15 – 09.45 Conceptual understanding: **Current state of affairs in Pakistan – scope and limitations for the rule of law**, Mr. Athar Minallah

**10.00 – 12.00: Panel I Parallel legal systems, myths and realities**

- Input: **Bushra Gohar** on 'Rule of Law and Gender'
- Chair: **Folke Schuppert, WZB**
- Discussion:
  - Is there an Islamic Rule of Law?
  - Independence of Judges, Courts and Capacity of Lawyers
  - Access to Justice with Focus on Women (Violence against Women and Human Rights)
- Panelists:
  - Jochen Hippler, INEF
  - Matthias Kötter, WZB
  - Dietrich Reetz, ZMO

12.00 – 01.00: Lunch Break

**1 p.m. – 5 p.m.: Rule of Law, Politics and Civil Society**

**1.00 – 2.30: Panel II Rule of Law, Politics, and the Role of Judiciary**

- Input: **Imran Khan** on 'Constitutional Courts and Politics'
- Chair: **Wolfgang Hoffmann-Riem, UHH**
- Discussion:
  - Civilian Rule, Military Interventions and the Role of the Juiciary (Legizlation of Musharraf's military Coup)
  - The Supreme Court: "only" a Court or a Political Actor?
- Panelists:
  - Sascha Kneip, WZB
  - Boris Wilke, SWP
  - Gunter Mulack, DOS

2.30 – 3.00: Tea Break

**3.00 – 4.30:** **Panel III Political Parties, Civil Society and the Rule of Law in Pakistan**

- Input: **Ahsan Iqbal** on 'Rule of Law and Society: Does Law Matter?'
- Chair: **Ina Lepel, AA**
- Discussion:
  - Political Parties, inner democracy and the rule of law
  - Role of Civil Society, Free Media, Press and Judiciary
  - What about and how to explain the Lawyers Movement?
- Panelists:
  - Attar Minallah
  - Ulrich K. Preuß, FU
  - Thomas Scheffer, FU
  - Wolfgang Merkel, WZB

**4.30 – 5.00:** **Conclusion and Recommendations**

Folke Schuppert, WZB

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**Monday, October 26, 2009 (Public event)**

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**7.30 p.m. – 9.30 p.m.: Pakistan and the West (Public Event)**

Welcome and Introduction: Talat Mahmood, WZB

Panel:

- **Imran Khan**, Chairman of the political party *Pakistan Tehreek-e-Insaf*
- **Ahsan Iqbal**, Chief Coordinator and Information Secretary of the *Pakistan Muslim League (Nawaz Sharif)*, *Member of National Assembly*
- **Athar Minallah**, Lawyer at the Supreme Court of Pakistan
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