

Statement of
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Association of Pakistani Professionals (AOPP)
Concerning a Discussion with the Pakistan Government's Special Envoys

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My name is Amina Khan, and I am a Pakistani-American attorney whose family immigrated to the United States from Pakistan in 1983. I speak today to present a reasoned and principled viewpoint on the current crisis in Pakistan. I wish to enter my written statement into the record.

My comments here do not reflect that of any government or political party. I am here as a private citizen of the United States, to speak about my country of birth and origin, a heritage from which I draw great strength and courage.

Can Pakistan be a democracy and the frontline ally in the war against terror? The convergence of these two interests is inevitable and must be addressed.

Can Pakistan be a democracy?

There are no easy answers to the current chaos in Pakistan. Being a country in crisis, it now demands the application of principles rather than just politics. Principles such as the promotion of democracy, the independence of the judiciary, the freedom of the press, and other such ideals upon which great nations are made.

Images of Pakistani's fighting for the application of such principles in their country leaves us without a doubt as to what the people of Pakistan want. Democratic ideals are indigenous to the people of Pakistan. After all, this was a nation founded upon the ideals of democracy by a lawyer, Mohammed Ali Jinnah.

The Emergency of Nov. 3, 2007 was extra-constitutional and in legal terms, the imposition of martial law. The Pakistani Constitution allows for the declaration of an emergency with certain safeguards and protections. These were not followed. The actions that ensued to repress an uprising by the country's educated classes have resulted in silencing those voices that stood bravely in opposition to these actions.

Today, the country stands without a constitution, judges are required to take an oath under the Provisional Constitutional Order (PCO) or are automatically resigned from their positions, lawyers and activists are arbitrarily detained, and the press has been silenced. Images of lawyers, in full formal dress, being physically beaten has sparked solidarity protests by the American Bar Association, the New York City Bar Association, the South Asian American Bar Association, and the Muslim Lawyers Bar Association, to name a few.

Civil Society is the most immediate casualty of these emergency powers. But it is precisely this section of society that needs to be preserved in order for the country to flourish. Statements minimizing the impact of these brave people are misguided. Almost 60% of the judges refused to take an oath under the Provisional Constitutional Order. Many of these judges are now being threatened by forced evictions from their official residences. Hundreds of lawyers were jailed or placed under house arrest. There was a media blackout that continues until today.

If the Emergency is lifted as promised, the damage to these vital components of society needs to be redressed. The current judiciary is comprised of judges that have taken the oath – and that status will remain post-emergency. The world is rife with examples of executive heavy-handedness that serves to ultimately silence the people. We do not want Pakistan to join the ranks of these text-book dictatorships.

The citizens of Pakistan should have the right to elected representation. The citizens of Pakistan ultimately should have the sustained right to the privileges and protections of their own constitution.

Some interesting numbers here, by the International Republican Institute:

72% did not support the suspension of the Chief Justice in March 2007

Musharraf's approval rating slipped to 34% in June from 54% in February. I believe that it is now approximately 28%.

Can Pakistan continue to be a frontline ally in the War Against Terror?

Justifying the government's emergency orders by using the War on Terror may convince some; but the long term effects of such an argument will damage the US – Pakistan alliance, the US security objectives in the region, and will certainly damage the image of the US in the hearts and minds of the Pakistani People. Today, polls have consistently shown very little support for extremism and terrorists by the Pakistani people. The IRI puts the polls as 74% of Pakistani's being concerned about extremism, putting economic issues as their first priority.

At this point it is the responsibility of the US to clearly define its expectations and objectives from its alliance with Pakistan. The Pakistani People need to support these objectives.

Pakistan has consistently proven itself to be a friend of the United States, from the Cold War to the War on Terror. But the facts on the ground show that the US has proven to be a friend of the Pakistani Army, with negligible engagement vis-à-vis the Pakistani People. It is time for the US to engage with the People of Pakistan. Visiting the country, one is hard pressed to find examples of such engagement, other than in forms of military equipment. The US, as the only hegemonic power in the world, now must create a relationship with Pakistan based on principles of mutual respect.

A stable Pakistan is the goal for both the US and the People of Pakistan. Mr. Musharraf provided this stability at great personal risk to his own safety. He enjoyed widespread support from Pakistanis in Pakistan as well as the diaspora.

But the situation has now changed and the US needs to examine its objectives in the region. If those objectives include the promotion of democracy, then the US should stand by its principles and support a democratic process in the country rather than obviously backing a specific political party.

A key aspect of democracy is an independent judiciary. There is no democracy; there are no limits on the abuse of executive powers, without the checks and balances provided by the judiciary. This must be not only restored, but steps taken to ameliorate the damage that has been done.

The most obvious next event are the January 2008 elections. These should be the focus of any future discussions. Thank you for your time. I will end with a list of demands.

Demands:

1. Resoration of the Supreme Court and the Chief Justice Iftikhar Mohammed Chaudry.
2. Restoration of the 1973 Constitution.
3. Reversal of forced resignations and evictions of judges.
4. Release of lawyers, notably Aitizaz Ahsan, and others, from house arrest.
5. Restoration of the freedom of the press.
6. Clarification of US Expectations of Pakistan in the War against Terror
7. Institution building assistance; Rule of Law assistance
8. Economic and Educational Aid

Biography

Pakistani-born Amina Khan immigrated to the Washington, DC area with her family in 1983. She graduated from Georgetown University in Washington D.C., Widener University Law School and Georgetown University Law Center, where she earned her Juris Doctor and LLM degrees, respectively. Amina joined the U.S. Department of Energy as a political appointee serving President Clinton's second administration in 1996, where she worked for now-Governor Bill Richardson. She currently is in private practice in Washington DC. Amina heads the DC Chapter of the Association of Pakistani Professionals.