

“Power in Pakistan has traditionally flowed from the barrel of a gun. The military has enjoyed direct rule for at least thirty two of the country’s sixty three years of independence. Every military coup, including General Pervez Musharraf’s in 1999, has been legitimized by the country’s superior courts, under anachronistic legal rulings. Collaborators in the judiciary have been repeatedly rewarded for their endorsement of military rule.

In the face of seemingly insurmountable obstacles, Pakistan’s lawyers were able to break this corrupt alliance in 2007–2008. During the “Black Coat Revolution,” a term popularized by Pakistan’s lawyers, courageous men and women adorned in black coats and fighting for democratic change, rallied around a unified message: rule of law should prevail over the rule of



men. The idea that democracy was meaningless without the rule of law inspired widespread support for the judiciary’s fight for independence from its previous benefactors in the military. The lawyers’ movement dramatically altered Pakistan’s political landscape ultimately leading to the country’s transition to democratic rule.

Pakistan’s Black Coat Revolution offers lessons for future democratic movements: activists seeking political change should identify unifying goals; use professional associations to build broad coalitions; harness the power of new media; and negotiate political space in exchange for legitimacy. ”

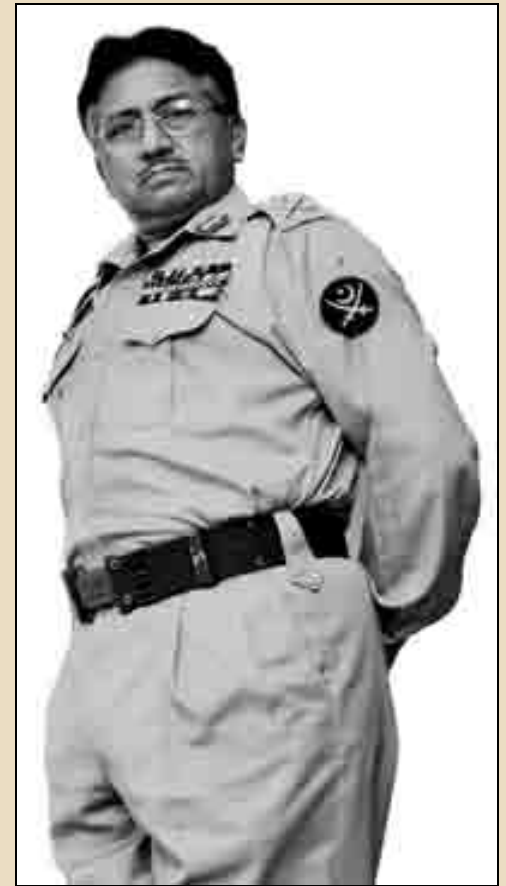
—Zahid Ebrahim, June 22, 2010

General Pervez Musharraf 1999-2008



“The issue of democracy is a recent, post-Cold War obsession of the West; and unfortunately this obsession clouds its vision. Pakistan is more democratic today than it ever was in the past. Ironically, to become so, it needed me in uniform.”

—Pervez Musharraf, *In the Line of Fire*



The Black Coat Revolution: How Pakistan's Lawyers Turned the Tide Against General Musharraf's Dictatorship



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International Forum for Democratic Studies

National Endowment for Democracy
June 22, 2010

The views expressed in this presentation represent the opinions and analysis of the speaker and do not necessarily reflect those of the National Endowment for Democracy or its staff.

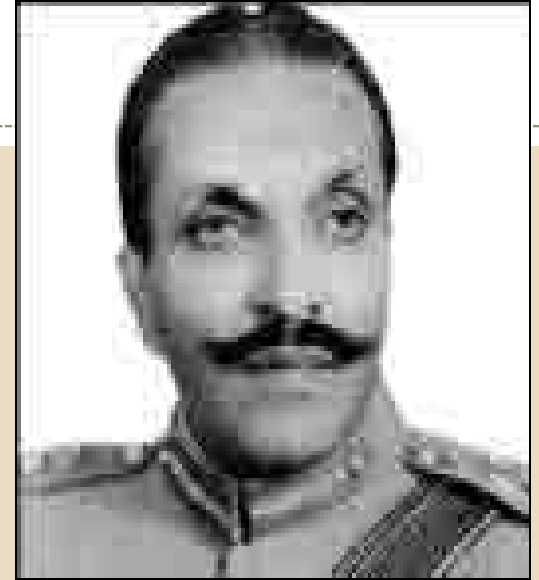
Pakistan: A State of Martial Law



Field Marshal Ayub Khan
(1958-1968)



General Yahya Khan
(1968-1971)



General Zia ul-Haq
(1977-1988)

General Pervez Musharraf 1999-2008



Initial Support

Ø Liberal Elites

Ø Judiciary

Ø Big Business

Ø Media

Ø Politicians in disarray

Ø International support



Three Myths



- ∅ Military government “freed” the press and the media
- ∅ Military government provided better civil and political rights than civilian “sham democracy”
- ∅ Military government was a dictatorship but not corrupt

Free Media but on a Short Leash

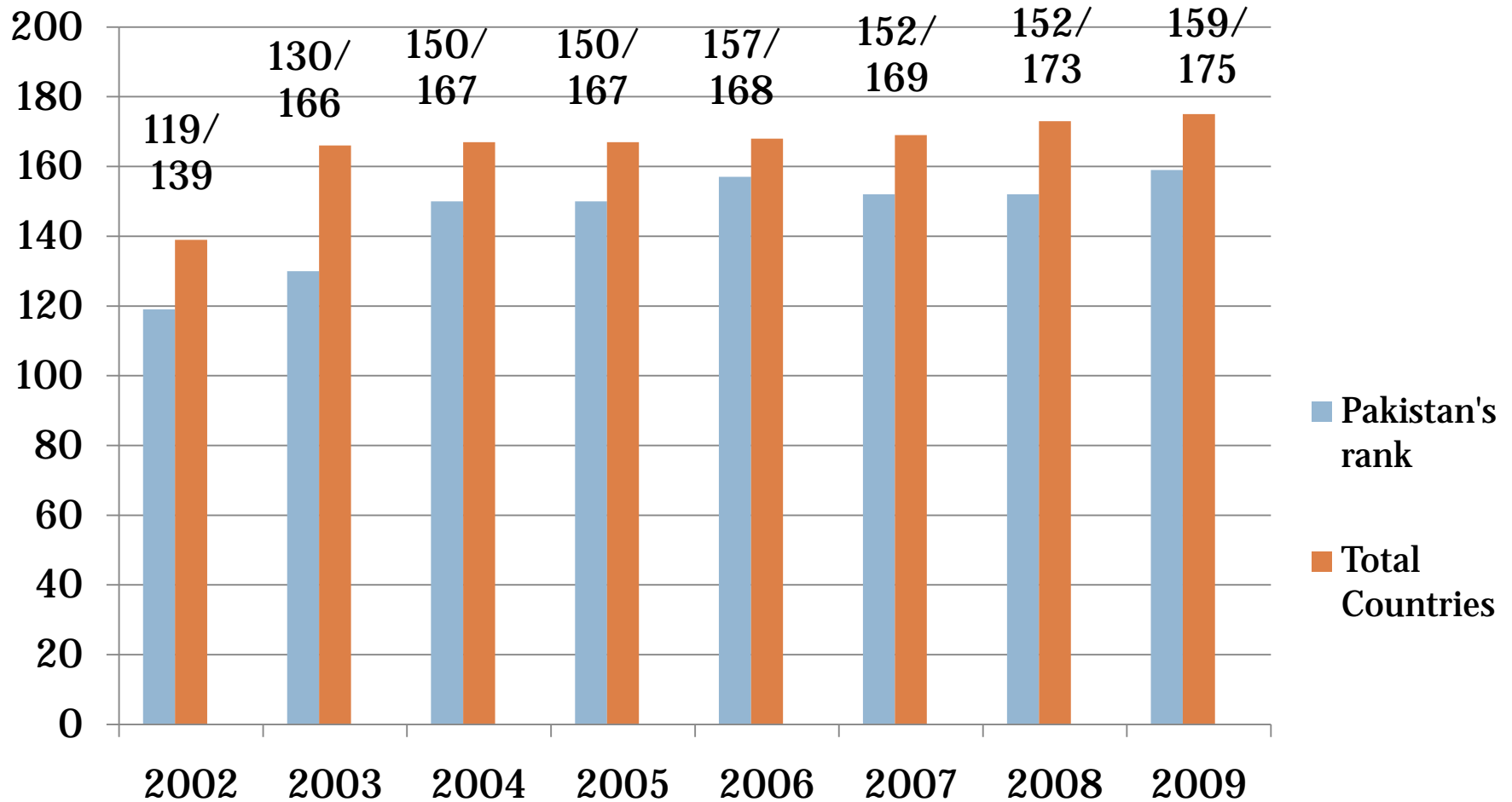


Ø Pakistan Electronic Media Regulatory Authority Ordinance (2002):

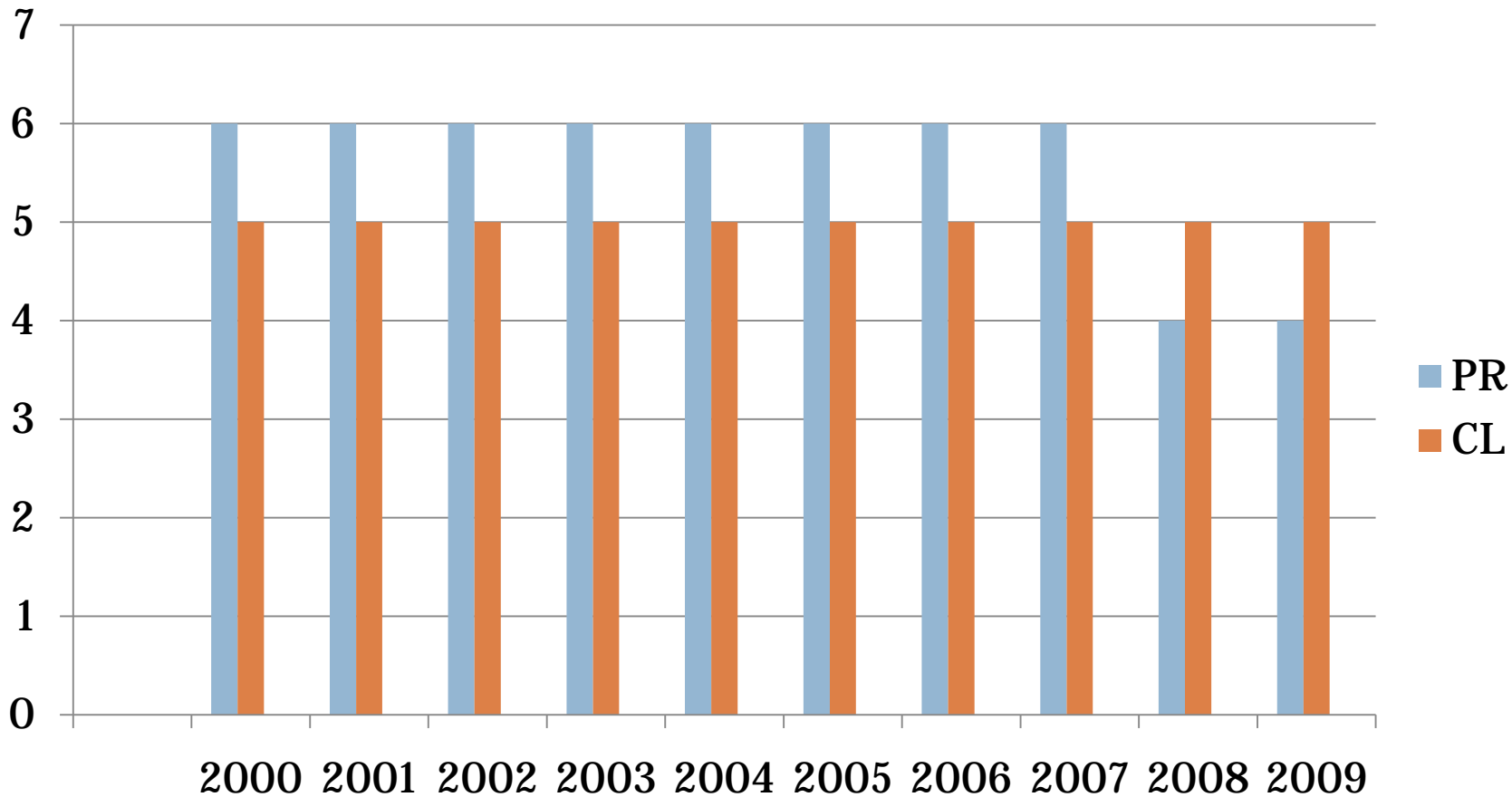
“No programme shall be aired which:

- I. Is likely to encourage violence or contains anything against maintenance of law and order or which promotes anti-national or anti-state attitudes
- II. Contains aspersions against the judiciary or the integrity of the armed forces of Pakistan
- III. Is against “good manners”

Reporters Without Borders Press Freedom Index: Pakistan

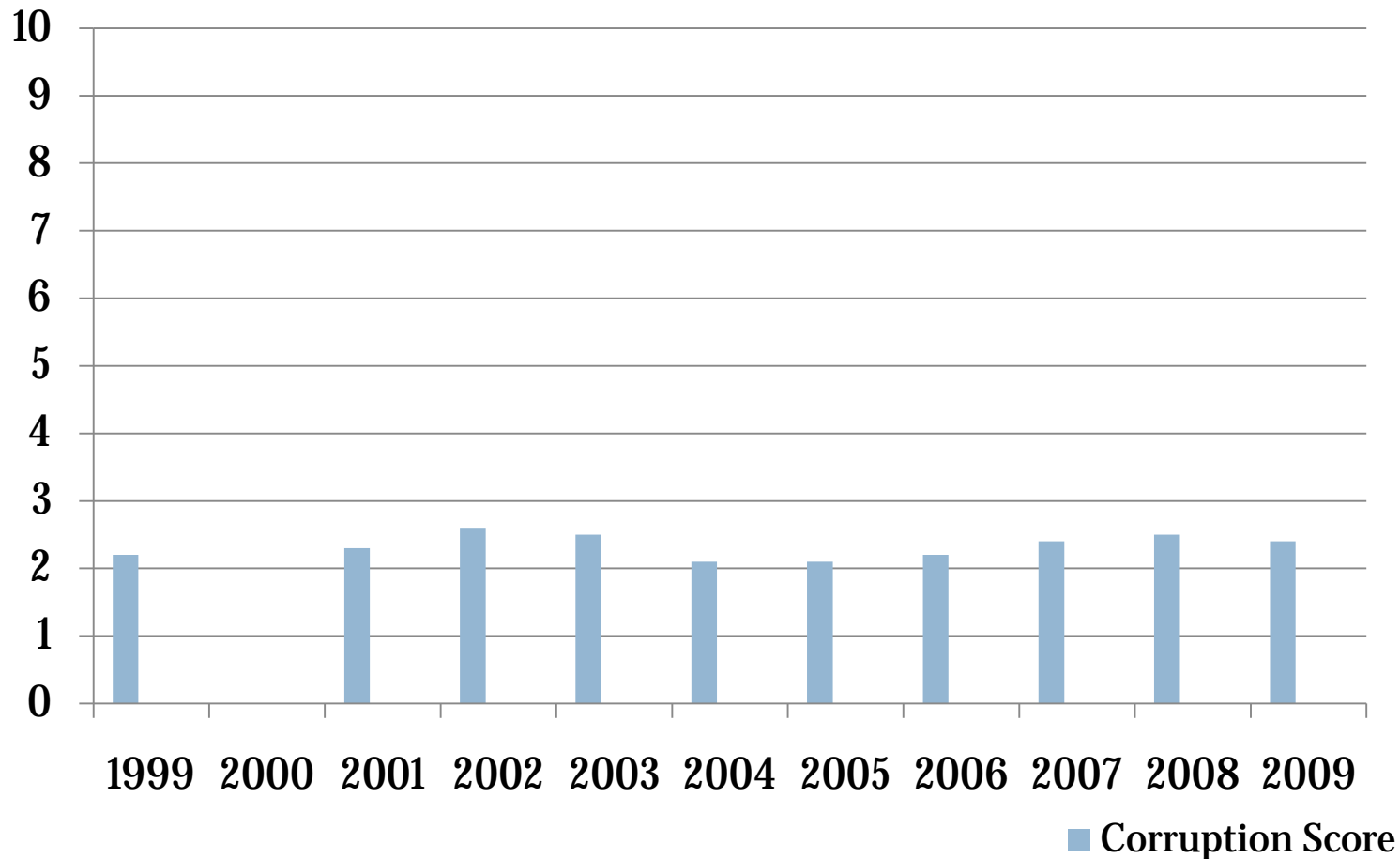


Freedom House Scores for Pakistan: Political Rights (PR) and Civil Liberties (CL)



***The numbers gauge the state of political rights and civil liberties on a scale from 1-7. Scores of 1 indicate Most Free, while Scores of 7 are an indication of having the least amount of freedom.*

Transparency International's Corruption Perception Index: Pakistan



***Scores range from 0 (highly corrupt) to 10 (highly clean). The above chart illustrates perceptions of degrees of corruption as seen by business people, risk analysts, and the general public.*

The Clean Dictator: Musharraf's Fight Against Corruption?



Pakistan's Judiciary: A History of Subservience



- Ø Every military coup in Pakistan has been legitimized by the judiciary
- Ø Collaborators in the judiciary have been generously rewarded by dictators

Pakistan's Judiciary: A History of Subservience



Appointed Chief Justice of Pakistan in 2005, Iftikhar Chaudhry was party to numerous decisions where the Supreme Court acted as General Musharraf's protective shield

Sowing the Seeds of Revolt



- Ø In 2004, Supreme Court Bar Association President, Hamid Khan, refused to argue a petition before the Court, alleging SCBA had “no confidence” in the Supreme Court.
- Ø Hamid Khan’s “No” to Musharraf’s collaborators compelled judiciary to focus attention on restoring its “dignity.”
- Ø Public interest litigation and Supreme Court decisions in cases of missing persons and steel mills.

March 9, 2007: Saying “NO” to a Military General



- In February, a Musharraf confidant and Supreme Court lawyer pens open letter disparaging Chief Justice Iftikhar Chaudhry



- Facing a legal challenge to military rule, Musharraf was unsure of Chief Justice Chaudhry’s loyalty and asked him to resign
- Chaudhry declines to step down denying allegations of misconduct and seeks adjudication by the Supreme Court

When Mush Came to Shove



March 13, 2007: After four days of being held incommunicado, Chief Justice Iftikhar Chaudhry is manhandled by security forces in front of the media as he walks to the Supreme Court

From Villain to Hero: Empowering the Court



Lawyers appropriate Chaudhry as a symbol of their movement and launch protests within earshot of Pakistan's Supreme Court

The General in His Labyrinth



“I looked out from the balcony of the Presidential Palace at the Supreme Court and did not see a single protester.”

—Musharraf, in an interview with GEO TV March 19, 2007

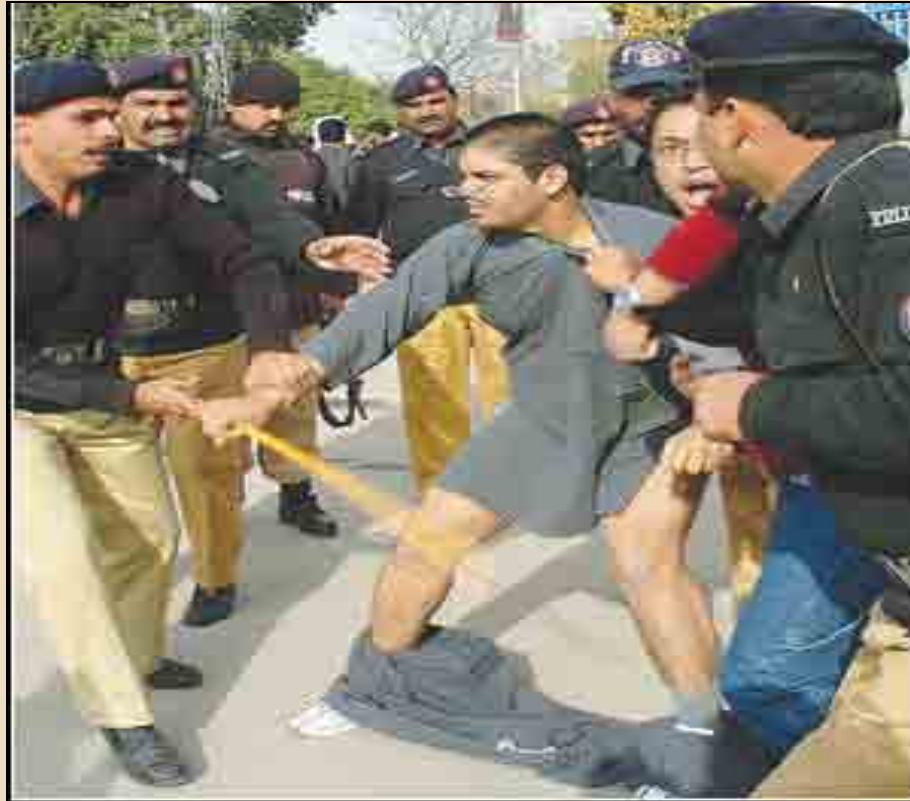
A Shock to the System



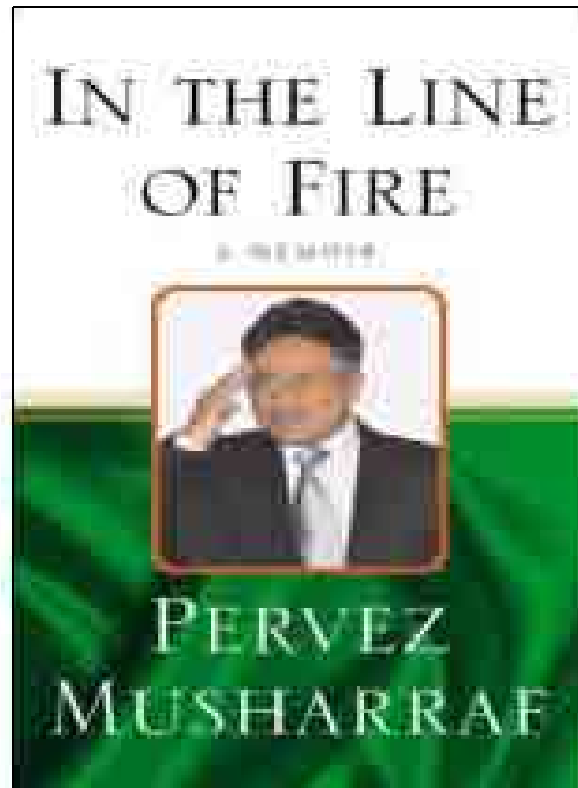
By a majority of 10 to 2, the Supreme Court rejects charges of misconduct alleged by Musharraf and restores Chaudhry as Chief Justice on July 20, 2007



No Right to Protest: Images That Shake the Nation's Psyche



Bestseller Becomes Confessional Statement



“We have caught many, many others [suspected terrorists] . . . we have captured 689 and handed over 369 to the United States. We have earned bounties totaling millions of dollars.”

*—Pervez Musharraf, *In the Line of Fire**

Nov 3, 2007: Musharraf's Second Coup

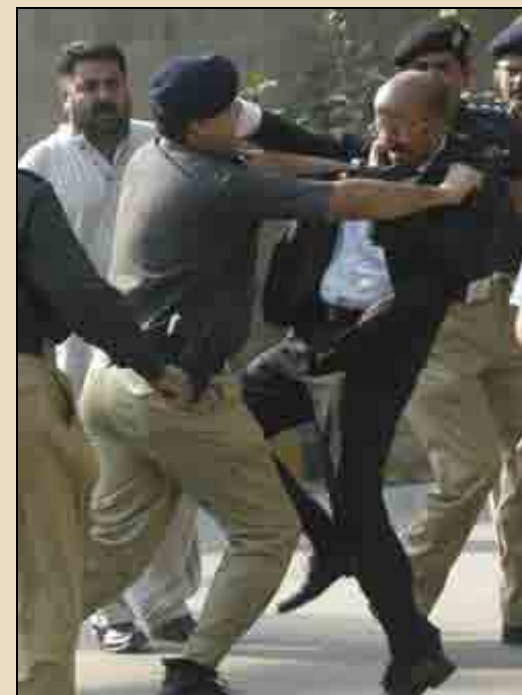


“I am not power hungry, but I do not believe in power sharing.”

—General Pervez Musharraf

- Martial law was imposed and fundamental rights were suspended
- 55 Superior Court judges were removed from office and 14 Supreme Court judges including the Chief Justice were put under house arrest
- All independent television news channels were banned

Fighting for Rule of Law vs. Rule of Men



Protest demonstrations against Musharraf's assault on the judiciary were met with brutal force and 5,000 lawyers were sent to jail

Outnumbered and Beaten, but Not Defeated



Men and Women: Marching for Justice



It Was Not Just the Lawyers



Fourteen professors from Pakistan's leading universities were charged with treason—which carries the death penalty—for participating in peaceful protests.

Building Coalitions: the Students



When Journalists Become the News



Late Entry: Politicians for Justice



“Release the Chief Justice . . . We will fly the national flag at the residence of the Chief Justice.”

—Benazir Bhutto, November 14, 2007

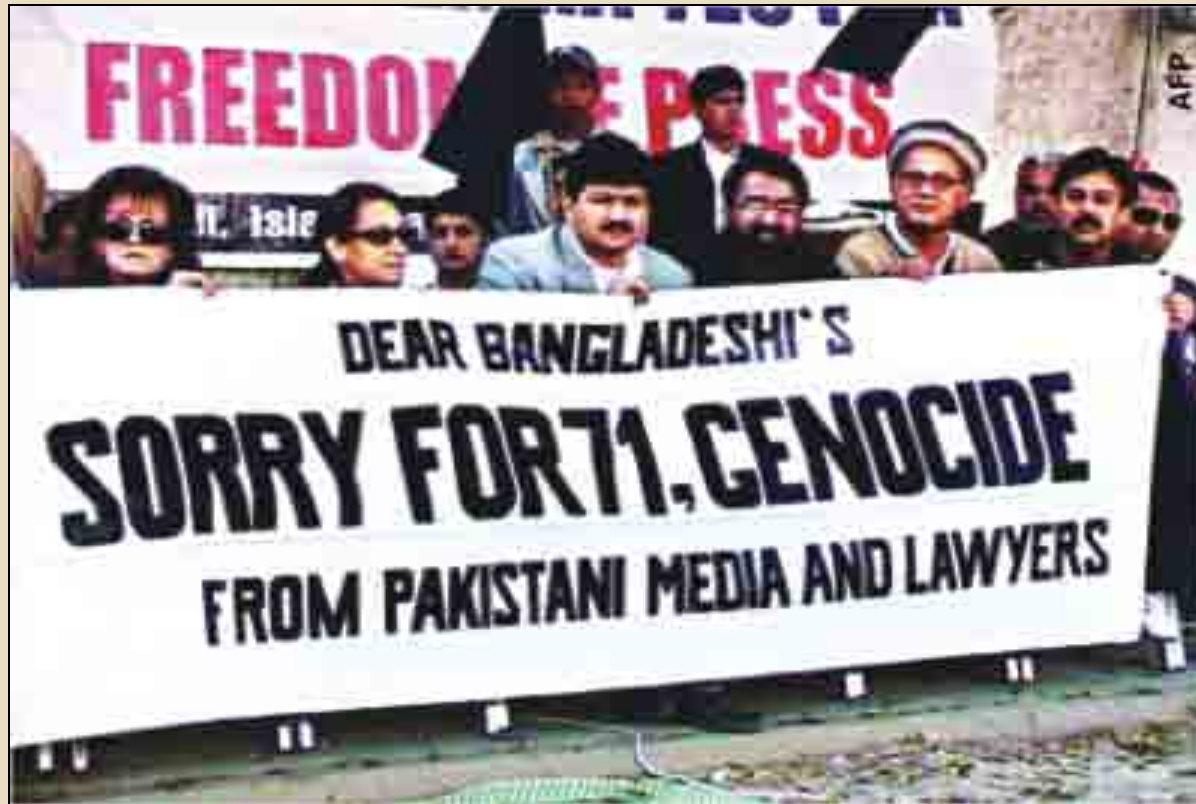
Feeling the Heat: General Musharraf Resigns



“Did I go mad? Or suddenly, my personality changed? Am I Dr. Jekyll and Mr. Hyde?”

—General Musharraf, speaking to BBC, November 2007

A National Catharsis: A Time to Right Historical Wrongs



Rise of the “Mehran Man”



The vast majority of Pakistan’s 100,000 lawyers who took to the streets came from socially conservative, middle-class backgrounds. The author Jason Burke refers to them as the “Mehran Men,” after the small, Suzuki Mehran car widely popular throughout the country.

Lessons from the Movement



- Ø Start small: build democracy in professional associations
- Ø Identify unifying goals
- Ø Build broad coalitions
- Ø Create sanctuaries
- Ø Harness power of new media
- Ø Negotiate space in exchange for legitimacy

Lessons for Foreign Governments



- Ø Supporting dictators comes at a price
- Ø Sever ties with dictators who are on their way out
- Ø Build relationships with nations, not just governments





“There is no motive which induced me to put my life at hazard through our Revolutionary War, that would not now as powerfully operate on me, to put it again in jeopardy in defense of the independence of the judiciary.”

—Alexander Hamilton

This presentation is dedicated to the memory of those who laid down their lives in the struggle for rule of law in Pakistan, and to the victims of the May 12, 2007 massacre in Karachi, in which 49 lawyers and ordinary citizens were mercilessly gunned down as they tried to attend a rally in support of the Chief Justice.