



EUROPE INDIA CHAMBER OF COMMERCE

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EICC-2025

Brussels, 2 January 2025

Ms Kaja Kallas

EU High Representative for Foreign Affairs and Security Policy and
Vice-President of the European Commission,
Brussels

Dear High Representative, Vice-President Ms Kallas,

Re: Pakistan's Military Courts and EU's GSP plus trade privilege

Kindly accept greetings from the Europe India Chamber of Commerce for a very happy and fruitful New Year 2025 to you and your loved ones.

I would also like to take this opportunity to extend to you our heartfelt congratulations on assuming the office of the EU High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission. You have an asset that no other High Representative of the EU has ever had, representing your country in the European Parliament and serving as first female Prime Minister of Estonia. The extraordinary privilege of being the High Representative of the EU in the current challenging times allows you to adopt a transformative foreign policy which will keep EU a powerful player in the global affairs. We wish you every success in your endeavour as your success will be European Union's success.

Europe India Chamber of Commerce (EICC) is in the Transparency Register of the European Union.

We are writing to you to express our serious concern about the deteriorating situation in Pakistan, something that even the EU has taken note of. The sentencing of civilians in the military court trial in the country and ongoing widespread human rights violations has made us to ask the European Commission to rethink its GSP+ trade privilege policy to Pakistan. As you are aware, a military court in Pakistan on December 26, 2024, sentenced 60 supporters of jailed former Prime Minister Imran Khan to prison terms ranging from two to 10 years for their alleged involvement in the riots of May 9, 2023. This conviction came less than a week after a military court had handed down sentences to 25 members of Khan's Pakistan Tehreek-e-Insaf on December 21, 2024, bringing the total number of convictions to eighty-five.

Although these convictions have drawn significant international criticism including from your office reminding Pakistan that under the EU's Generalised Scheme of Preferences Plus (GSP+), the country has obligations to respect 27 international core conventions, Pakistan remains defiant and vows to continue the sentencing. In the last one decade since Pakistan was afforded the GSP+ trade privilege, this is not the first time that EU has expressed its concern

over country's failure to respect obligations under GSP, yet Pakistan has continued to enjoy the comfort of EU's GSP trade privilege which enables it to conveniently access European markets via lower tariffs. This is notwithstanding Pakistan's violations of several EU conventions encompassing labour rights, gender equality and human rights. Of all the countries that receive the benefits of GSP by the EU, Pakistan is the only country which has time and again received international criticism and condemnation for its irresponsible behaviour.

Pakistan's system of "military justice" has placed Pakistan in clear violation of its legal obligations and political commitments to respect the right to life, the right to a fair trial, and the independence and impartiality of the judiciary. The trial of civilians by military courts is incompatible with Pakistan's Constitution and its obligations under international human rights law. We strongly feel that Pakistan must uphold its obligations under the International Covenant on Civil and Political Rights. The response from Pakistani government that its legal system is in consistent with international human rights law, and the verdicts by the military court had been made under a law enacted by the parliament and in line with the judgment of the Supreme Court of Pakistan is nothing but laughable and a complete mockery of the country's legal justice system. We would like to state that civilian trial in military courts is not a novel concept in Pakistan as it has been practiced multiple times in the country in the past. The country has a long history of trying her civilians in the military as well as in the special courts.

Additionally, trial of civilians by military courts is a glaring surrender of human rights and fundamental freedoms. This violates Pakistan's obligations under international human rights law to ensure the due process and fair trial rights of criminal suspects. The military courts have created a parallel judicial system which not only goes against Pakistan's constitution but also against the norms of democracy and human rights. Military courts cannot be the bastions of justice as it sidelines the country's already ailing civilian courts.

It is true that Pakistan is no stranger to crisis, and it is therefore no surprise that sentencing of civilians in the military courts has been widely condemned and has once again put the country on the brink. In our view, response from European External Action Service (EEAS) to the current political and judicial crisis in the country is useful but not sufficient to force Pakistan to change its course.

In the light of the above, only a strong and firm action by the EU will make Pakistan rethink its position on the matter. And our suggestion is that action ought to be an immediate suspension of the GSP privileges enjoyed by Pakistan. Despite significant leverage to enact positive change in Pakistani society and use the asymmetry in trade relations to its advantage, the EU has failed to use GSP trade privilege to leverage its strategic interest and promote EU's policies and principles. Also, the EU has not taken the strategic advantage with the result that Pakistan has become a failed state or even narrative of a rogue state.

As you may be aware, alarmed by the ambitions of the Army of Pakistan, the United States last month announced additional sanctions on entities contributing to Pakistan's ballistic missile programme. The sanctions by the US target organisations in Pakistan involved in activities contributing to the proliferation of weapons of mass destruction or their delivery systems, including efforts to manufacture, acquire, possess, develop, transport, transfer, or use

such items. In the past, western defence community has accused Pakistan of facilitating illegal weapons trade with China and other nations, primarily focusing on concerns over technology transfer and arms proliferation in the region.

It is important to state that developments in the last three years specifically point to a clear turn towards authoritarianism in the country. In Pakistan, the Army is itself a State and no civilian government has power to challenge its writ because the Army selects, elects and appoints the government. Instead of trying to take on the Army for its actions and to bring it under some semblance of civilian control, the government has intensified its crackdown on social media and the internet as part of a broader effort to suppress political activism, which it deems to be 'anti-state propaganda' and 'digital terrorism'.

Lastly, we would like to state that Pakistan considers EU's GSP trade privilege as its "right", treats this as a "favour" to EU and uses this as a "political tool" to keep EU engaged with the country. You may be aware, in October 2023, the European Parliament voted in favour of extending Pakistan's GSP status for another four years until 2027. Does Pakistan deserve the benefits of EU's preferential trade policy? Has EU achieved its objectives? Not at all. In view of this, we urge you to suspend GSP privilege to Pakistan until a thorough, transparent, and credible legal system is in place and is practiced, and the country respects international obligations.

Madame, a visit to EEAS Archive will tell you that on many occasions our trade body has cautioned EU that Pakistan is neither fit nor tailored to receive trade privilege grant and choices made now by EU will shape Pakistan's future trajectory, determining whether it breaks free from instability or becomes a responsible international member. The path ahead for Pakistan necessitates introspection, accountability, and a genuine commitment to respect for human rights.

We hope this will receive your urgent attention.

With kind regards,

Yours sincerely,



Secretary General

Cc. Mr Maroš Šefčovič, EU Commissioner for Trade and Economic Security; Interinstitutional Relations and Transparency