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Pakistan court sentences to death former US-backed military strongman Musharraf

On Tuesday, a Pakistani court sentenced to death former US-backed military dictator Pervez Musharraf on treason charges stemming from the imposition of a state of emergency in 2007. The sentencing deepened the political crisis within the Islamabad ruling elite.

Predictably, the military rejected the verdict. Prime Minister Imran Khan has also directed his attorney general to defend Musharraf, who was tried in absentia, taking the side of the military in the unfolding crisis. Information Minister Firdous Ashiq Awan Wednesday condemned “gaps and weaknesses” in the ruling.

After deposing Nawaz Sharif as the elected prime minister in 1999 through a military coup, Musharraf ruled the country until he was forced to step down in 2008. In the face of several court cases, he went into self-exile in March 2016. In a video message from a hospital in Dubai earlier this month, Musharraf claimed the charges are “absolutely baseless.” He’s unlikely to return to Pakistan to face the sentence.

Musharraf played a key role in the United States’ “war on terror,” and the Bush administration viewed him as a “key ally.” After breaking with the Taliban regime in Kabul, under pressure from Washington on the eve of the US-led invasion of Afghanistan, he transformed Pakistan into the key US ally in the region in prosecuting this criminal invasion and occupation.

Under his rule, Pakistan provided crucial logistical support for NATO forces. Musharraf also launched criminal and repeated expeditions into the semi-autonomous region

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bordering Afghanistan, formerly known as the Federally Administered Tribal Areas (FATA), in a bid to crush the increasingly popular opposition to Afghan invasion among the predominantly Pashtun-speaking population, whose communities spread across the Durand Line, the international border dividing Pakistan and Afghanistan.

These brutal expeditions of the Pakistani military during this period prepared the ground for the rapid rise of the Islamist militant groups that formed the umbrella organization, Tehrik-e-Taliban Pakistan (TTP) also known as Pakistan Taliban, separate from but affiliated to the Afghan Taliban. TTP increasingly directed terrorist attacks against the Pakistani military and the government, while also being responsible for some of the most brutal sectarian violence.

Another key element in the growth of insurgency in the FATA region was the CIA's drone war, initially permitted by Musharraf, which the later governments continued to support. These remote-control killing machines plagued the entire FATA with constant terror, with the CIA given a free license to kill.

Tuesday's ruling was issued by a special anti-terrorism court, with two of its three judges deciding against Musharraf. The court released its 169-page detailed judgement on Thursday. Musharraf has 30 days to appeal the verdict to the Supreme Court, the highest court in Pakistan.

The treason case was initiated by the government in 2013 after Nawaz Sharif returned to power. It was widely seen as politically motivated, given his overthrow in 1999 in the military coup led by Musharraf.

In the detailed verdict released on Thursday, the court states that Musharraf "has persistently and stubbornly strived ever since the commencement of this trial, to delay, retract and in fact evade it." The court also implicated the military's commanders in Musharraf's crimes. The "Corps Commanders Committee" at the time, "in addition to all other uniformed officers who were guarding him each and every time, with boots on, are equally and fully involved in the act and deeds of the accused person."

Indeed, none of the atrocities committed by Musharraf in his partnership with Washington in its "war on terror" were held against him. In fact, the Pakistan People's Party (PPP) government that came to power after Musharraf, followed by that of the Pakistan Muslim League (PML-N) under Sharif, both prosecuted the same policies as the Musharraf regime with no less brutality. Indeed, the drone war was at a peak during the PPP's tenure, and the PML-N government-ordered war in North Waziristan was one of the most indiscriminate

acts of collective punishment against the population of the FATA in the history of Pakistan.

The case against Musharraf stems from his desperate attempt to thwart growing opposition to his rule by using emergency powers. He suspended the constitution from November 2007 until February 2008, while holding dual positions as chief of the armed forces and the president of Pakistan.

His use of violence, mass incarceration, preventive detention and all forms of media censorship could not revert the growing hostility to his regime at the time. Apart from his hated role as a stooge of Washington, his regime was also implementing the diktats of the International Monetary Fund, another factor that made him a favourite in Western capitals, but deeply unpopular among the vast majority of Pakistan's population.

Amidst growing popular opposition to Musharraf at home, Washington attempted in 2007 to broker a power-sharing deal between him and Benazir Bhutto's PPP. Despite Bhutto's continued willingness to strike a deal with Musharraf, mainly to retain the patronage of Washington, the latter's camp wasn't ready to give away its powers. However, the political situation developed rapidly, and even within the military high command, some saw Musharraf's growing unpopularity as jeopardizing the extensive economic interests of the officer corps.

In the February 2008 general elections, despite extensive vote-rigging and the assassination of Benazir Bhutto less than two months earlier, the incumbent Pakistan Muslim League (Q)—the party created by the military-intelligence apparatus to provide a popular fig-leaf for Musharraf's dictatorship—was routed and a government led by Bhutto's PPP formed. Effectively abandoned by his domestic and international allies, Musharraf stepped down as president in August 2008.

Musharraf is the first former army chief to be charged with treason in Pakistan. Sharif's initiative to prosecute Musharraf was a key point of contention between the military and the Sharif government. While Musharraf's attempt to resume a political career was seen as a liability, the military considered Sharif's attacks on Musharraf a challenge to the military's claim to constitute the ultimate guardian of the capitalist state in Islamabad and the integrity of Pakistan.

Musharraf was allowed to leave the country for medical reasons, reportedly after the military's intervention in 2016.

Responding to the court's ruling, the military said the rank and file of the armed forces had received the decision with a "lot of pain and anguish." Musharraf, "who has served the country for over 40 years, fought wars for the defence of the country can surely never be a traitor," the military declared. Pakistan Army spokesman Maj. Gen. Asif Ghafoor said in a statement that "due legal process" had been ignored, including in the "constitution of special court, denial of fundamental right of self defence, undertaking individual specific proceedings and concluding the case in haste."

The judgement is a part of growing conflict between the military and the judiciary. Three weeks ago, the Supreme Court struck down a three-year extension of army chief Gen. Qamar Javed Bajwa's tenure, signed by incumbent prime minister Imran Khan. Khan's Pakistan Tehrik-e-Insaaf (PTI) won the general elections in July 2018 amidst general acknowledgement in the local and international press that it had won the favour of the military, which played a key role in Khan's ability to rout his rivals.

After 2013, when Sharif returned to power, the military had successfully pushed back against his attempts to assert civilian control over foreign and security policy. The challenge by the judiciary is opening up another stage of the political turmoil engulfing Islamabad. As Khan's government is preoccupied with implementing IMF reforms—leaving behind all of the PTI's populist election slogans—it has recruited several of the Musharraf regime's former ministers and high-officials.

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