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Pakistan: Musharraf Faces Uncertain Future

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By Salahuddin Haider

THE fate of former Pakistan President Gen. Pervez Musharraf — facing treason charges for violating the Constitution — remains uncertain, despite unofficial reports that Pakistan Army is making all efforts to save its former chief.

Apparently two major forces are up in arms against the former strongman — Prime Minister Nawaz Sharif, whose government was toppled in 1999 by Musharraf-led coup, and judges of the superior courts, who were sacked through an arbitrary order in November 2007. Neither can forget the treatment meted out to them.

It would be difficult to say whether they are craving for revenge but in the eyes of the law Musharraf is guilty on both counts.

As per Article 6 of the Constitution of Pakistan, any person who suspends or abrogates the Constitution or even found abetting those abrogating it shall be guilty of high treason— a crime punishable by death.

Observers may recall the overthrow of a powerful leader, Zulfikar Ali Bhutto by then army chief Gen. Ziaul Haq who later executed Bhutto. Gen. Zia had committed a similar crime but the courts used to validate the acts of those in power at that time.

The judiciary in the cases of Ayub Khan and Ziaul Haq had legitimized their military rules through the so-called “doctrine of necessity.”

The situation changed dramatically after the former Chief Justice of Pakistan, Iftikhar Muhammad Chaudhry, was interned by Musharraf in March 2007 for refusing to obey military’s command.

Judges, restored by a 16-member bench of the Supreme Court in July 2007, swore to undo any military adventure in future. That was a sea change in Pakistan’s checkered political history. Whether that will really protect the country from a military takeover in future is difficult to predict. At present, however, the judiciary does not seem to be in the mood for a compromise. The chief justice of the Islamabad High Court, and his counterpart in the Sindh High Court in Karachi, have already rejected Musharraf’s pleas for change of special courts, set up to try him.

But army’s pressure against its chief’s humiliation is too obvious to ignore.

It is an open secret that former army Chief Gen. Kayani saved Musharraf from going behind the bars despite clear orders from the court.

The former president, who headed the army for 11 years, is living comfortably at his lavish farmhouse near Islamabad. The court’s orders declaring his house a private sub-jail has never been enforced.

Even two days ago, Musharraf was ordered to be produced before a trial court, but police and his team of defense counsel, saw to it that he remains at home. The court, in an obvious frustration, put off the hearing till Jan. 1. The former military chief has not only defied with impunity all court orders so far, he is yet to appear before any one of them.

Adding salt to injury, Musharraf virtually shocked them by conveying to the judges through his counsel that the emergency he had imposed as the army chief on Nov. 3, 2007, was necessary. He has been insisting on a court martial, emphasizing that the Army Act was the only law under which he can be tried. Civilian laws don’t apply on him.

The Supreme Court, country’s highest judicial forum, has returned with objections his application for reviewing the earlier order that declared the emergency rule of 2007 as illegal, but whether an amended petition will be accepted, is eagerly being awaited even by the public. While the battle on the legal ground is gaining traction, the army is also seemingly getting restless, but whether the army can really put up resistance beyond a certain level, is an important question. Democratic dispensation has gained considerable strength and the ambience or environment in the country is not like it used to be until a decade ago. Politicians and the Parliament are much stronger than before. The drama, likely to unfold in the days to come, will prove to be a case study for students of history and political pundits.