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## Pakistan parliament authorizes military courts

By Sampath Perera

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After just three days of debate, Pakistan’s bi-cameral parliament yesterday authorized the setting up of new military courts to try civilians accused under the country’s draconian “anti-terrorism” laws.

Not a single legislator voted against the twin bills that the government had hastily drafted so as to provide a pseudo-legal democratic cover for a wholesale assault on civil liberties and a major buttressing of the military’s legal and political power. The first bill amended the country’s constitution and the other the Army Act.

The military and Prime Minister Nawaz Sharif’s Pakistan Muslim League (Nawaz)-led coalition government had pressed for speedy passage of the two bills, seeking to exploit popular grief and anger over the December 16 terrorist attack on a Peshawar school. Mounted by the Islamic fundamentalist Tehrik-i-Taliban (otherwise known as the Pakistan Taliban), the attack resulted in the deaths of more than 150 people including 133 school children.

The opposition parties, including the Pakistan People’s Party and Imran Khan’s Pakistan Tehreek-i-Insaf (PTI), had endorsed the plan for military courts at a series of all-party conferences in which Army Chief General Raheel Sharif had played a conspicuous role. Earlier they had applauded Sharif’s vow to intensify the military offensive Pakistan has been mounting

at Washington's behest in the country's tribal borderlands with Afghanistan, as well as the government's lifting of a moratorium on executions imposed in 2008.

According to their supporters, the new military courts will provide "expedited justice." In reality, the military will act as prosecutor, judge, jury, and executioner. Key legal-judicial principles are set aside. The accused will have to prove their innocence, rather than the state proving their guilt beyond a reasonable doubt.

There is no right of appeal. Nor will any of the actions of the military courts be subject to review by Pakistan's civilian courts, including the country's Supreme Court.

If past practice is followed, the military courts will function largely if not entirely in secret.

Pakistan's military is notorious for gross violations of human rights—including forced disappearances, torture and summary executions—and for its hostility to civilian oversight, let alone bourgeois-democratic norms. It has repeatedly overthrown elected civilian governments and has ruled the country for half of Pakistan's existence as a state, including as recently as 2008. Even after relinquishing formal control over the government, it has continued to insist on control over Pakistan's foreign and security policies.

The military, which now demands still greater power in the name of defending Pakistan from Islamic terrorism, played a key role in the country's "Islamization". With the full support of Washington, which for decades has viewed the Pakistani military as the crux of its strategic partnership with the Pakistani elite, the military organized and trained the Afghan mujahedeen in the 1980s, while promoting Islamic reaction at home as a bulwark against the working class.

Initially the government had hoped the bills sanctioning the military courts would be passed on Monday, but the largest opposition party, the Pakistan People's Party, thought it would be incongruous to pass them on the birth anniversary of its founder, Zulfikar Ali Bhutto, whom the military removed as prime minister in 1977, then had hanged.

Although Bhutto was himself subjected to a stage-managed "civilian" trial, there is a long history of the Pakistani military using military courts against their opponents.

Last week, Nawaz Sharif felt obliged to make reference to this ignominious history in an attempt to counter public fears over the military's current power grab and resurrection of a mechanism that in the past has served as an arm of military rule.

"I have a lurking suspicion that one day I, too, could face such a forum [military courts]," said Pakistan's elected Prime Minister. However, he argued, it would be mistake to succumb to this "fear," that is to be overly concerned about upholding the little that exists of democracy in Pakistan

"This fear," declared Sharif, "cannot make me forget the schoolchildren massacred by terrorists in Peshawar. We will not let go to waste the decisive moment of hitting the terrorists hard."

In a statement that underscores the indifference of the Pakistani elite to basic rights, Interior Minister Nisar Ali Khan tried to allay public fears about the military courts by noting that when previously “soldiers and civilians” were tried in military courts “not everyone was hanged.”

Significantly Khan has tried to defend the creation of military courts by pointing to the US “military commissions”—the mechanism created by George W. Bush and retained by Obama to deal with the persons that the US has illegally held at its infamous Guantanamo Bay concentration camp and other so-called “unlawful enemy combatants”. The rules governing these “commissions” violate numerous rights guaranteed by international law and the US constitution.

While Washington might find Khan’s citing of the US example embarrassing were it to be widely disseminated in the US, there is no question that the Obama administration fully endorses the Pakistani elite’s exploitation of the Peshawar tragedy to intensify its efforts to support the continuing US war in Afghanistan—and this includes the establishment of military courts.

On Monday, as the government was piloting the laws sanctioning the military courts through parliament, Sharif met with the US Ambassador to Pakistan Richard Olson to discuss US Secretary of State John Kerry’s January 14 visit to Islamabad. Kerry is to discuss expanding the US-Pakistan strategic partnership, including their joint efforts to prop up the reconstituted US-puppet government in Afghanistan.

Relations between Islamabad and Washington have grown ever closer since the Pakistani military launched an offensive in North Waziristan last June. Mounted in close coordination with Washington, which resumed its drone strikes in Pakistan just days before, the offensive began with indiscriminate shelling and the forced exodus of almost a million people. Six months on, upwards of 700,000 people are still living in wretched refugee camps.

The government has repeatedly used the country’s draconian anti-terrorism laws against unarmed political opponents and workers and toilers fighting for their rights. In recent months a number of cases were filed in Anti-Terrorism Courts—established in 1997 and now likely to fall under the new laws—against activists in the now suspended PTI campaign demanding Sharif’s ouster. In September, twelve supporters of the Awami Workers Party, a pro-imperialist pseudo-left outfit that has cheered on the mercenary war in North Waziristan, were given life sentences by the same courts following a clash with police in a protest demonstration.