

A decision to suit the military junta:

Former Pakistan prime minister sentenced to life imprisonment

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Ousted Pakistani Prime Minister Nawaz Sharif was sentenced yesterday to life imprisonment on two charges—hijacking and terrorism—and acquitted on other charges, including attempted murder and kidnapping. Judge Rehmat Hussain Jafri, presiding in an anti-terrorism court, also ordered that Sharif's property be confiscated and that Sharif pay \$37,000 in compensation and \$18,500 in fines. He dismissed the charges against Sharif's six co-defendants, including his brother.

Prosecution lawyer Raja Quereshi, who had demanded that Sharif and other defendants be given the highest sentence—the death penalty—told the court that he may appeal against the acquittals and the leniency of the sentence. Life imprisonment in Pakistan normally means 25 years in jail before being eligible for parole. The defence indicated that it would appeal to the Supreme Court, seeking to overturn the verdict and obtain Sharif's release.

Like the trial itself, the verdict in this highly political case was carefully tailored to the international and domestic requirements of the military junta headed by General Musharraf, who overthrew the Sharif government last October. Musharraf has been under pressure from the major powers, particularly the US, not to execute Sharif. At home, the regime faced the potential for opposition if the court had imposed the death sentence.

On the day, heavy security was posted around the court building in Karachi, Pakistan's highly volatile southern port city, to prevent any protest. Thousands of paramilitary troops and police were on hand, some in armoured personnel carriers, and all roads were sealed off. According to a Reuters report, six Muslim League activists were arrested near the court. Only two of the leading defence lawyers were allowed to enter the building. Over the last few days security had also been beefed up for the trial judge.

Sharif was arrested and charged in the aftermath of the Musharraf coup on October 12. The military claimed that Sharif had attempted to prevent a plane carrying Musharraf from landing at Karachi airport and thus had endangered the life of the army chief and 198 other passengers and crew. Sharif was immediately arrested along with his brother Shahbaz Sharif

and four other senior officials.

The case was heard in one of the special anti-terrorism courts that Sharif himself had established in the name of meting out speedy justice. Under the court's procedure the case should have taken a maximum of two weeks. But it began in January, three months after Sharif was arrested, and took three months to conclude.

That Sharif would be found guilty was a foregone conclusion despite the flimsy nature of the charges. As far as the junta was concerned, Sharif could not be allowed to go free and organise opposition to the military. The evidence against Sharif was very limited, hingeing on the testimony of former Civil Aviation Authority chief Aminullah Chaudhry, who was originally charged along with Sharif but turned state's evidence in return for immunity.

In his concluding address, Sharif's senior defence lawyer raised a number of objections to the prosecution case. He questioned why it had taken 28 days to make the complaint and why neither Musharraf nor any other passenger had issued the complaint. He explained that the prosecution had not presented the aircraft's black box, the tape records of the Karachi air traffic control tower nor the aircraft's fuel record, all of which were vital in proving the case.

Sharif pleaded not guilty to all the charges and attacked the constitutional legitimacy of the military regime. During the trial he said: "As Prime Minister of Pakistan, it is my duty, my constitutional duty, to prevent the country from being taken over by extra-constitutional means." Even the judge in his verdict was forced to acknowledge: "The offence was committed on the spur of the moment and in the heat of passion when the then Prime Minister of Pakistan, who was also the Defence Minister, came to know that his authority was eroded by some army soldiers."

The junta was only able to proceed with the trial with difficulty. The first judge appointed to the trial had to be replaced after he complained about the presence of plain clothes security officers in the courtroom and refused to hear the case. Then the junta was forced to sack the country's chief justice and five Supreme Court judges when they refused to

take oaths of loyalty recognising the new regime and its “temporary constitution”.

During the trial, defence lawyers walked out in protest at the decision of the trial judge to hear Sharif’s statements in closed court and release only vetted versions. On March 10 one of the senior defence lawyers, Iqbal Raad, was gunned down by unidentified assailants at his office in a clear attempt to intimidate Sharif, his legal team and supporters.

There is little doubt that Musharraf and the military would have preferred a death sentence in order to remove Sharif from the political scene permanently. Certainly the charges were framed in such a way to allow for that possibility. But the junta came under considerable pressure from the US and European powers to ensure that a lesser sentence was handed down. During a brief visit to Pakistan as part of his recent tour of the Indian subcontinent, Clinton admonished the Musharraf regime saying: “There is a perception abroad that the courts are not free and fair here. A death sentence will enforce this perception.”

Clinton’s comments, of course, have little to do with any concern about democracy or democratic rights in Pakistan. For many years the US helped prop up the military dictatorships that dominated political life in Pakistan for much of the time since formal independence in 1947. The Sharif case is simply another convenient stick with which to beat the junta into line over other demands, including reining in Islamic fundamentalist groups and putting pressure on the Taliban regime in neighbouring Afghanistan.

According to an article in the *Indian Express* newspaper, senior US officials were in contact with Pakistani military rulers in the hours leading up to the verdict. “The Pakistani Interior Minister Moinuddin Haider called on the US Attorney General Janet Reno and FBI Director Louis Freeh (who has since left for South Asia, visiting Lahore and New Delhi), while the ISI [Pakistani intelligence] chief General Mahmood was also in Washington earlier this week meeting with State Department Undersecretary Tom Pickering, Assistant Secretary Rick Inderfurth, and counterterrorism chief Michael Sheehan.”

Musharraf indicated in Jakarta last week during a tour of South East Asian countries that the death sentence would not be imposed. After piously saying that he would not interfere with the judiciary, Musharraf added that he was “not vindictive” towards Sharif. The junta is desperately seeking to avoid international isolation and the cutting off of economic assistance, which could tip the country over the edge into bankruptcy. Pakistan is already under pressure from the International Monetary Fund (IMF) to press ahead with economy restructuring measures that are certain to be widely unpopular.

Within Pakistan itself, the response from the political parties, including Sharif’s own Muslim League (PML), to the verdict has been distinctly muted—perhaps indicating a tacit agreement by all sections of the ruling class not to rock the boat in what is

a precarious political and economic situation. Sharif’s defence lawyer Mansoor Ahmaad immediately accepted the legitimacy of the outcome, telling reporters outside the court: “Of course... This was a fair trial... We cannot question the integrity of the judge... that is above-board.”

The former prime minister’s wife Khulsoom Sharif, who had called for demonstrations if Sharif was convicted, attacked the verdict saying it was a “personal vendetta”. But a PML spokesman, while indicating that the party would appeal against the decision, said: “One can understand her anxiety, but the party has no plans to confront the army. We are sure that Mrs. Sharif will abide by the party decision.” The party, which is sharply divided, failed to mount any serious campaign against the junta after Sharif was deposed.

Benazir Bhutto, head of the Pakistan People’s Party (PPP), speaking from London, said she had no quarrel with the court decision. Bhutto, who has frequently been touted in the international media as a “democrat,” indicated that she agreed with the sentence because of Sharif’s “dictatorial” style and his vindictive actions against the PPP while in office.

Bhutto indicated that she was opposed to the death sentence. It would have been difficult for her to say otherwise, given that her father—former prime minister Sulfiqar Ali Bhutto—was tried and hung by the military in similar circumstances in 1979. Exploiting a deepening political crisis in the country, particularly in the aftermath of the loss of East Pakistan and the formation of Bangladesh, army chief of staff Zia-ul-Haq seized power in 1977. Ali Bhutto was tried on concocted murder charges and executed on April 9, 1979.

The failure of any of the major parties and opposition figures to vigorously oppose the trial and sentencing of Sharif, the actions against the supreme court judges or the recent banning of all strikes and protests will only enable the junta to consolidate itself and further attack the democratic rights of the working class as it seeks to carry out the IMF’s economic prescriptions.



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