

In a stunning rebuke to Musharraf, Supreme Court orders chief justice reinstated

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In a major blow to Pakistani dictator General Pervez Musharraf, the country's Supreme Court has ordered the immediate reinstatement of suspended Chief Justice Iftikhar Chaudhry and the quashing of all charges against him.

Lawyers gathered outside the Supreme Court building chanted "Go Musharraf, Go," as Pakistan's highest court delivered its judgment to prolonged applause within. There were also celebratory demonstrations in Lahore, Karachi, Quetta, Peshawar, and other cities.

All 13 justices concurred in finding President Musharraf had overstepped his powers when he suspended Chaudhry last March 9, and a very substantial 10 to 3 majority dismissed all the charges that Musharraf had brought against the chief justice.

Flanked by senior military and intelligence officials, Musharraf tried to bully Chaudhry into resigning at an impromptu March 9 meeting. When the chief justice refused, the president ordered him suspended, pending a judicial hearing on trumped up corruption charges, and for several days had Chaudhry placed under de facto house arrest.

Chaudhry, who was appointed to the Supreme Court shortly after Musharraf's 1999 coup, had long been a faithful hand-raiser for the dictatorship. But after becoming chief justice in mid-2005, he authored a number of judgments that cut across the government's agenda, including blocking a deal to privatize Pakistan Steel Mills for what government critics said was a song. This caused Musharraf to doubt whether Chaudhry could be relied on to rubber stamp his staged "re-election" to another five-year term as president this fall, and his continuing to serve, in defiance of the constitution, as both Pakistan's president and head of its armed forces.

To the shock of Musharraf and his cronies, Chaudhry subsequently emerged as a rallying point for popular opposition to his US-backed regime. Over the past four months, hundreds of thousands have joined rallies to protest Musharraf's attempt to sack the chief justice, rallies at which Chaudhry was himself often the principal speaker. To the delight of his audiences, Chaudhry, while not directly criticizing Musharraf, became increasingly forthright in his denunciations of governmental abuses of power and "unconstitutional," read military, rule.

Musharraf and his prime minister, Shaukat Aziz announced that they respect the court's decision. "This is not the time to claim victory or defeat," declared Aziz. "The constitution and law have prevailed and must prevail at all times."

This is bluster. The truth is the Supreme Court ruling constitutes a stunning rebuke for Musharraf that can only embolden the popular opposition to military rule and which strips the government of what little popular legitimacy it retained.

Aziz may well prove to be among the first casualties of Musharraf's next desperate maneuvers to cling to power. During the court's two-month long examination of the case against the chief justice, lawyers for the president increasingly tried to downplay Musharraf's role in instigating it, claiming that it was Aziz who had wanted Chaudhry charged and that as president, Musharraf was constitutionally bound to follow the advice of his prime minister.

This is farcical. Everyone knows that Musharraf calls the shots. Indeed, with the support of the MMA, an alliance of religious parties that claims to be in opposition to Musharraf, the general succeeded in having the constitution amended to increase the powers of the president, and to create a national security council modeled on that in Turkey giving the military a permanent, predominate voice in the country's government, especially foreign affairs and national security.

But placing responsibility for the attempt to remove Chaudhry on Aziz's head was clearly in Musharraf's interest, especially should the court balk at removing the chief justice and the general-president suddenly find himself in need of a fall guy.

As for respecting the rule of law, Musharraf seized power in a coup and, with the backing of the Bush administration, has repeatedly subverted the constitution while violently suppressing opposition, not least is the agitation in defense of Justice Chaudhry. Most infamous was the attack carried out by goons from the pro-Musharraf MQM, with the connivance of security forces, on persons gathering to show support for Justice Chaudhry on May 12 in Karachi. The attack initiated two days of MQM street violence in Pakistan's largest city, which left more than 40 people dead. Musharraf, subsequently, blessed the MQM's actions, laying the blame for the violence on the suspended chief justice and the opposition for not having heeded government warnings that a pro-Chaudhry rally in Karachi would "threaten public safety."

In recent weeks, particularly since the government decided to bloodily suppress the Islamist campaign for Sharia law being mounted by the leaders of the Lal Masjid or Red Mosque in Islamabad, various figures in and around the government have publicly suggested that Musharraf will soon resort to Emergency

rule. This would give the military further powers to suppress opposition and allow Musharraf to shunt off the coming presidential and assembly elections for at least a year.

Last Monday, Chaudhry Shujaat Husain, the president of the largest pro-Musharraf party, the Pakistan Muslim League (Q), said that the government would be in its rights to impose emergency rule should more than half of the legislators of any of the major opposition parties resign. Some opposition parties have threatened to quit the legislatures to thwart Musharraf's plan to have himself "re-elected" by a presidential college comprised of legislators put in place five years ago in elections that were grossly manipulated by the military.

In a question-and-answer session with newspaper editors Wednesday, Musharraf denied he is plotting to impose emergency rule. However, he did publicly announce plans to have himself "re-elected" as president by the existing legislatures, while retaining his post as Chief of Pakistan's Armed Services. Pointing to his uniform, Musharraf declared, "Yes, I will remain the way I am."

Musharraf sought to justify his continuing to double as president and head of the military by citing the need for a "unified command" to combat "Talibanization."

Musharraf, the Pakistani military, and indeed the entire Pakistani elite have a long history of bolstering the Islamic right as a bulwark against the working class and of using various Islamicist militias to further Pakistan's geo-political ambitions in Afghanistan, Kashmir and India. However, now, in part due to US pressure, which wants Pakistan to do more to help prop up the Karzai government in Afghanistan, in part because the Islamicist militias are otherwise cutting across the interests of the Pakistani elite, and in part because the threat of "Talibanization" can be used to intimidate the working class and justify authoritarian rule, the Musharraf regime has proclaimed itself at war with "Islamic extremism."

In the week and a half since security forces stormed the Lal Masjid, there has been a spate of suicide and other attacks on Pakistani security forces, government officials, and foreign workers. They have left close to 200 dead.

One of these attacks, however, does not conform to this pattern in either its target or geographic location. On Tuesday, a powerful bomb exploded at an opposition rally in Islamabad just minutes before Chief Justice Chaudhry was to address the crowd. The bomb, which exploded only meters from the platform from which Chaudhry was to speak, exploded in a section that had been set aside for the supporters of Benazir Bhutto's Pakistan's People's Party, killing 17 people.

While it certainly is possible that Islamicists would target the PPP, whose leaders applauded the military assault on the Lal Masjid and are in negotiations with Musharraf over a possible power-sharing deal. Tuesday's bombing, as several Pakistanis journalists have rightly suggested, could well have been the work of Pakistan's security forces, either directly, or through one of the many Islamicist militias, to which they have ties.

Justice Chaudhry's death at the hands of reputed Islamicists would certainly have removed a major thorn from Musharraf's side.

It should be noted that a clerk of Justice Chaudhry said to be an

important witness for his defence was killed in April in what authorities described as a burglary and his relatives have termed a murder perpetrated by the intelligence services.

Pakistan's Supreme Court judgment has a long history of toadying to the military and to the country's four military dictatorships. While Musharraf's attempt to fire the chief justice was unprecedented, and no doubt caused the other justices to reflect on the security of their own posts, the refusal of Pakistan's highest court to sanction Chaudhry's firing can only be understood within the context of major fissures within the Pakistani elite over its class strategy, and apprehensions that the military regime lacks legitimacy in the face of mounting social discontent.

Among the toiling masses there is anger over rising food prices, increasing social inequality and economic insecurity, and the general indifference of the government to the needs of the people as exemplified by the corruption and incompetence that have characterized its responses to various humanitarian crises.

There is also mounting popular anger over Musharraf's alliance with the US because Washington has for decades bankrolled, armed and otherwise supported military rule in Pakistan. The Musharraf regime has connived in the US occupations of Iraq and Afghanistan, and because Washington is demanding with increasing force the right to intervene militarily in Pakistan itself.

Pakistan's political and economic elite is angered that the military, its crony politicians and various business insiders have used their control of the levers of government to unduly monopolize state patronage, the benefits from US aid, and the business opportunities arising from privatization.

They are also concerned that military rule has exacerbated regional tensions within the Pakistani state, giving rise to an insurgency in Baluchistan and inciting opposition from various tribal groups, and thereby destabilizing the already shaky Pakistani nation-state.

Also, there are charges that Musharraf hasn't adeptly exploited his close ties to the Bush administration, particularly when it comes to enlisting Washington's support in wrenching concessions from India over Kashmir.

Facing a myriad of domestic and international challenges, the Musharraf regime is increasingly emitting a fin de regime stench, while lashing out periodically with deadly violence.

Its principal sources of strength are Washington—only last week in the wake of Lal Masjid massacre Bush publicly affirmed how much he likes Musharraf—and the venal character of the bourgeois opposition that rankles under military rule, but fears that any popular mobilization against Musharraf will escape its political control and could destabilize the military, which is the bulwark of its own class privileges.



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