

Pakistan: Zardari and his PPP-led government weakened by clash with judiciary

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Pakistani President Asif Ali Zardari and the country's Pakistan People's Party-led coalition government have suffered a further blow to their power and prestige as the result of a clash over judicial appointments.

So battered is the standing of the president and the civilian government, Prime Minister Yousuf Raza Gilani and other PPP stalwarts are having to routinely issue statements insisting that mid-term elections are not imminent and that the president and government will complete their respective terms.

Meanwhile, the military high command is increasingly asserting its independence from civilian control and dominance over the country's military and geopolitical affairs.

The real state of relations between the civilian political authorities and the military was graphically illustrated late last month. Rehman Malik, Pakistan's Interior Minister and Zardari's reputed chief advisor or *consigliere*, publicly rebutted press claims that Pakistani security services had arrested a top Afghan Taliban leader, Mullah Abdul Ghani Baradar, only to have the military confirm that Baradar had indeed been in their hands for several days.

On Saturday February 13, Zardari appointed a justice to the country's Supreme Court and another to the Lahore High Court. In doing so he both ignored recommendations from Supreme Court Chief Justice Iftikhar Muhammad Chaudhry and failed to consult with Chaudhry about the suitability of his appointees. Within hours, the Supreme Court struck back. It proclaimed the judicial appointments unconstitutional, because they had been made without consulting the head of the Supreme Court and ordered the Attorney-General to appear at a hearing on the matter February 18.

The clash between the government and judiciary was soon joined by many lawyers who had participated in the campaign to reinstate Chaudhry and the other supreme court justices who had been sacked by the US-backed dictator General Pervez Musharraf in November 2007. "It's a bid to

threaten the judiciary and send a message that the president is more powerful than anybody else," Qazi Mohammad Anwar, president of the Supreme Court bar association, told Reuters Feb. 15.

Pakistan Muslim League (PML-N) head Nawaz Sharif, the leader of the official opposition and a bitter opponent of the PPP and the Zardari-Bhutto family, lost no time in declaring his support for the judges' stand. Sharif proclaimed Zardari—whose popularity has plunged to levels rivaling those of Musharraf in his final days as president due to the PPP's implementation of IMF austerity measures and slavish support for the US occupation of Afghanistan—"the biggest threat to democracy."

As was the case in several previous crisis, the PPP's coalition partners were quick to disassociate themselves from Zardari's actions.

After first insisting that Zardari has not overstepped his authority, the president and government were forced to make a humiliating retreat, but not before the head of the Pakistan armed forces, General Kiyani, had demonstrably consulted with the president and prime minister on the judges' issue.

So desperate was the PPP leadership to put an end to the crisis that Gilani sought out the Chief Justice at a public function to announce the government's surrender. Subsequently, Zardari nullified his judicial appointments and promoted several other judges to the high and supreme courts who had Chaudhry's blessing.

But this settlement had no sooner been reached, than Chaudhry again challenged Zardari and the government.

Chaudhry said the unity of the judges had thwarted a November 3, 2007 type situation, comparing Zardari's two judicial appointments to Musharraf's 2007 declaration of a state of emergency. While Zardari's appointments were constitutionally questionable, they hardly were of the same order as Musharraf's actions. In imposing a state of emergency, the General attempted a second coup d'état and with the aim not only of stacking the judiciary with pliant hand-raisers, but at intimidating the opposition and creating legal-political conditions for stealing the forthcoming

parliamentary elections.

On February 19, Chaudhry summoned the head of the National Accountability Bureau (NAB) and ordered him to expedite the reopening and prosecution of cases closed under the National Reconciliation Order (NRO).

The NRO was an October 2007 deal between Musharraf and Zardari and his late wife, Benazir Bhutto. It was brokered by the Bush administration with the aim of shoring up the General's tottering regime. The Pakistani government agreed to withdraw corruption and other criminal cases against PPP leaders, other politicians and former ministers—cases which, whatever their basis in fact, had been manipulated by the military regime—and agreed to allow Bhutto to contest the 2008 parliamentary elections in return for the PPP facilitating Musharraf's "reelection" as president in a bogus vote.

Under a Supreme Court ruling spearheaded by Chaudhry, the NRO was declared unconstitutional late last year, opening the way for criminal cases to be revived against many PPP leaders including Zardari and Malik. While the government has noted that the constitution provides the sitting president with blanket immunity from prosecution, the overturning of the NRO is both an acute embarrassment and a potential legal-political threat to Zardari, the co-life chairman of the PPP and current boss of the Bhutto clan.

At the February 19 hearing Chaudhry insisted that the NAB and government should petition Switzerland to reopen a corruption case against Zardari involving an alleged \$60 million in payoffs the Bhuttos amassed when Benazir served as prime minister in the 1990s. Following the adoption of the NRO and under pressure from Islamabad, the Swiss government closed down its investigation into the affairs of Zardari and Bhutto.

Chaudhry's order regarding the Swiss case has been resisted by the government on the grounds that the issue is one of state-to-state relations. Fearing the Supreme Court will punish him for not obeying its instructions, the NAB chairman, Naveed Ahsan, has resigned. Because the Attorney-General has balked at defending Zardari, Gilani has appointed K.K. Agha, who has defended Bhutto and Zardari in various court cases, as Additional Attorney-General. He is expected to argue Zardari's case before the Supreme Court.

Sections of the ruling elite, the media and pseudo-socialist organizations like the Pakistan Labour Party are promoting Chaudhry as a defender of democracy and opponent of corruption. They made him a rallying point for the bourgeois opposition to Musharraf and now Zardari.

But Chaudhry was himself long a judicial defender of the Musharraf regime and as a Supreme Court justice enforces the legal regime that upholds the wealth and privileges of the

Pakistani bourgeoisie.

In 2000, Chaudhry was among the Supreme Court judges that provided a legal ruling justifying Musharraf's overthrow of the elected government of Nawaz Sharif. Likewise in 2005, he was among the judges that validated the 17th Amendment to the constitution that sanctioned Musharraf holding dual posts as the military chief and the president.

The military is taking advantage of the unpopularity and legal-constitutional difficulties of Zardari and the government, as well as the US's reliance on its support in the AfPak War, to reassert its political and economic power.

To almost no protests from the media, army chief Kiyani extended the terms of two leading officers past retirement age without seeking the government's sanction. Undoubtedly, one of Kiyani's motivations was to set a precedent for the arbitrary extension of his own command, which is set to expire later this year.

But there is also evidence of collusion between the Chaudhry-led judiciary and the military.

The Supreme Court bench investigating the many cases of "disappeared" government opponents—Islamic fundamentalists, Balochi nationalist and others—recently announced that it would no longer examine the role of state intelligence agencies in the disappearances. In explaining this decision, the court said, reported the *Dawn*, it "would not like to create the impression that it was out to destroy or tarnish the image of intelligence agencies as it was not against security agencies."

This caused the *Daily Times* to observe in a February 21 editorial, "Since [the intelligence agencies] are widely believed to be behind the disappearance of thousands of persons in complete violation of the law and constitution, the SC [Supreme Court] seems to have retreated from its commitment to provide justice to the relatives and families of the 'disappeared.' Surely this is not what the CJ [Chief Justice] meant by serving justice to the people."

The workers and toilers of Pakistan cannot win democratic and social rights by following in the train of any section of the venal bourgeois elite and its state institutions. That requires the independent political mobilization of the working class at the head of all the oppressed and in struggle against the Pentagon-Pakistani military nexus and the profit system.



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