Pakistan’s Supreme Court indicts prime minister

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Pakistan’s Supreme Court indicted Prime Minister Yusuf Raza Gilani on contempt of court charges last Monday, having rejected his appeal on February 10. The ruling has intensified the country’s political crisis by further weakening the unpopular government led by the Pakistan People’s Party (PPP).

The court charged Gilani that he had “wilfully flouted, disregarded and disobeyed” its order to re-open corruption cases against the country’s President Asif Ali Zardari. Gilani pled not guilty on Monday and his trial begins on February 27. If convicted, he could be dismissed from office and imprisoned for six months.

The Supreme Court had ordered the government to re-open the corruption cases against Zardari in 2009. The accusations stem from money-laundering charges against Zardari and his wife, the late Prime Minister Benazir Ali Bhutto.

Swiss courts tried them in absentia in 2003. In 2007, however, the former military strongman dictator Pervez Musharraf granted amnesties to Zardari, Bhutto and thousands of others through a National Reconciliation Ordinance (NRO).

The NRO was arraigned in Washington by the George W. Bush administration as part of its plans to return Bhutto to Pakistan to replace the unpopular Musharraf regime and muster support for the US war in Afghanistan.

Gilani and his lawyers argued that Zardari as president had “constitutional immunity” in Pakistan. While the anti-democratic NRO and constitution are certainly designed to protect the ruling elites, the court’s decision to target Zardari is entangled with the country’s political turmoil.

Pakistani analyst Hasan Askari Rizvi told Reuters: “This will not be good news for democracy… Once again, non-elected institutions are trying to re-formulate the elected institutions. Previously, the military was doing it, now it is the judiciary.”

The government protected Zardari and ignored the Supreme Court order as any re-opening of the corruption cases would further undermine its position. The opposition Pakistani Muslim League (PML-N), headed by former Prime Minister Nawaz Sharif, and Imran Khan’s Pakistan Tehreek-e-Insaf backed the court decision and are aggressively seeking to exploit the issue.

The ruling PPP cannot afford to have a long-running corruption scandal featured in the media. Senate elections are due to begin next month and general elections next year. The government is desperately hoping to boost its stocks in these elections. Gilani has branded the charges against Zardari as “politically motivated.”

The court’s decision to indict Gilani also strengthens the hands of the army. Relations between the government and the military deteriorated sharply after the unearthing of a secret memo in October. Allegedly dictated by Zardari, it sought US help in dissuading the military from mounting a coup following the killing of Osama Bin Laden in Pakistan.

The Supreme Court backed the call made by army chief General Ashfaq Parvez Kayani and military

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intelligence chief Lieutenant General Ahmed Pasha for an investigation into the memo. Gilani denounced the move as “unconstitutional and illegal.” The army responded by warning of “potentially grievous consequences” for the government.

The standoff escalated in January when Gilani dismissed Defence Secretary Nareem Khalid Lodhi, a former general and close ally of Kayani. Amid mounting speculation of a coup, the Supreme Court heard a petition filed against a “possible move by the government” to replace Kayani and Pasha.

At the end of January, however, Gilani backed down and retracted his opposition to an investigation into memo. As a result, tensions eased somewhat. The Supreme Court is continuing its examination of the “memogate” affair and is hearing a petition against government’s attempt to remove Kayani and Pasha.

At the same time, the Supreme Court has attempted to distance itself from the military. On the day of Gilani’s indictment, the court compelled the military’s powerful agency—theInter-ServicesIntelligence(ISI)—toproduce seven men who were still in custody despite being acquitted of terrorism charges in 2010.

The ISI is notorious for its anti-democratic methods. The seven were emaciated and sickly. Several limped or had to be supported as they walked. Chief Justice Chaudhry ordered that they receive immediate medical treatment and that a medical board report on their state of health on March 1.

Chaudhry’s willingness to cross both the government and the military has led to sections of the media hailing him as a democrat and upholder of legal processes. In reality, Chaudhry’s decisions reflect the depth of the country’s political crisis. Sections of the ruling class are backing Chaudhry as a means of heading off another political coup, refashioning the deeply unpopular government and putting on a show of ending corruption in order to attract desperately needed foreign investment.

Chaudhry is notorious for helping to legitimise Musharraf’s military coup in 1999 and was appointed chief justice as a result. He later fell out with Musharraf as political opposition to his regime mounted and was sacked after handing down several judgments that cut across Musharraf’s agenda.

Behind the current political turmoil is the country’s mounting economic and social crisis, which will only worsen as the International Monetary Fund demands greater taxes and the further winding back of social spending. This is compounded by widespread opposition to the government’s backing for the US-led occupation of Afghanistan and tacit support for US attacks on tribal border areas inside Pakistan.

The Gilani government shut down NATO supply routes through Pakistan to Afghanistan after a deadly US drone attack on a Pakistani border patrol in November. All the signs are that Islamabad is about to end its posturing and again cave in to sustained pressure from Washington. The *New York Times* recently reported Pakistani officials saying that the supply routes would “probably” be re-opened.

The *Times* quoted American officials who said unofficial relations between the CIA and the ISI had resumed. General James N. Mattis, head of the US Central Command, is expected in Pakistan this month to meet Kayani. The first US drone strike inside Pakistan since the November attack took place last month.

The resumption of Pakistani cooperation with the criminal US war inside Afghanistan and Pakistani tribal areas will only fuel the deep political crisis in Islamabad.

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