

Pakistani government provides the military with further antidemocratic powers

Sampath Perera
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The Pakistani government of Prime Minister Nawaz Sharif has enacted anti-democratic laws that give the military sweeping powers in the name of fighting terrorism. The immediate target is Islamic fundamentalist groups, but the real aim is to take on the working class.

The new laws, titled the Protection of Pakistan Ordinance, were declared in October last year and amendments further strengthening the legislation were incorporated in January. The measures came into force on February 2, via a presidential order that is effective for 90 days. The government recently presented the laws to parliament in an effort to make them permanent.

Pakistan's military already enjoys wide-ranging powers under the country's various "anti-terror" ordinances. The new legislation is aimed at providing the military with total legal immunity. In recent months, the army has confronted several cases brought before civil courts, over the killing and disappearing of civilians. The new ordinance and amendments will prevent further cases being brought, by legalising arbitrary arrests and detention carried out by "authorised officers" of the armed forces.

The new laws include the following provisions:

* Section 3 of the ordinance allows the armed forces to prevent any offence "against the country." The armed forces have "all the powers of a police officer." The military can use force after warning a person who is about to commit an offence, and it is "lawful" for soldiers to fire upon them. Armed forces officers "may arrest" without warrant any person "scheduled to commit an offence," and also search premises without warrant and arrest people.

Offences are defined in wide ranging terms, including not just violent acts of terrorism, but also "crimes

against computers including cyber crimes, internet offenses" and "crimes against ethnic, religious and political groups or minorities including offences based on discrimination, hatred, creed and race."

* Section 6 gives officers the power to arrest people and detain them for 90 days in the name of preventive detention on a government order. Persons alleged to be "acting in a manner prejudicial to the integrity, security, defence of Pakistan or any part thereof or external affairs of Pakistan, or public order or maintenance of supplies and services" can be taken into custody under preventive detention.

* The government will establish special courts, with the powers of higher courts, to try those arrested. Punishment will be determined according to the country's penal code, but if there are no existing provisions then a blanket sentence will be imposed of imprisonment for not less than 10 years. The special courts also have the authority to strip alleged offenders of their Pakistani citizenship.

* The Protection of Pakistan Ordinance explicitly states that the burden of proof falls on the person arrested: "An accused facing the charge of a scheduled offence on existence of reasonable evidence against him, shall be presumed to be engaged in waging war or insurrection against Pakistan unless he establishes his non-involvement in the offence."

* In the name of "national security," the government will keep secret "information relating to the location of the detainee or accused or intern or internment centre." Powers have also been given for "exclusion of public from proceedings of special courts" meaning those courts can hear cases in secret.

These new laws have been introduced to absolve the security forces from charges of arbitrary arrests, detentions, disappearances and the killing of civilians

during military operations. Several reports have emerged in recent years of mass graves being discovered in Pakistan.

The UN news agency IRIN wrote on December 9 about a clash between the military and the judiciary over cases filed against army officers. Referring to a case involving the disappearance of 35 people from an internment centre in Waziristan, IRIN reported: “A packed court room watched as the defence minister [Khawaja Asif] has offered one excuse after another, failing to produce the [accused military] men before the courts or even to disclose their identities.” The chief justice hearing the case warned Asif to “stop handing us lollipops.”

The Balochistan provincial government has claimed that 592 bodies of those “disappeared” have been unearthed since 2010. However, human rights activists put the number of missing persons in the thousands.

The *Dawn* newspaper reported on January 18 that the Ministry of Defence had filed a petition against a Pakistani Supreme Court verdict on December 10 holding the army responsible for the 35 missing persons in Waziristan. The defence ministry declared the verdict would “demoralise the troops” who were combating “terrorists” in the Swat valley. A petition drafted by the attorney general’s office stated: “When the army was called to assist civil authorities ... the jurisdiction of the high court as well as the fundamental rights guaranteed in the constitution are suspended.”

Now the Sharif administration is seeking to give a veneer of legality to the situation in which the military carries out crimes against the population with impunity.

The government is currently holding discussions with Tehrik-i-Taliban (TTP), but Washington is pressing for the suppression of TTP and demanding Islamabad step up military operations along the border area. Sharif’s top priority is to maintain and strengthen its relationship with Washington.

Pakistan’s opposition parties, including Pakistan People’s Party (PPP), have declared their opposition to the legislation. The PPP’s parliamentary leader in the Senate, Raza Rabbani, told reporters: “The ordinance in its present form is not acceptable.” All of the opposition parties, however, have implemented similar repressive laws in the past and collaborated with former military dictatorships.

The new measures will inevitably be utilised against

the working class and rural poor, as the Pakistani ruling elite seeks to crush all opposition to the implementation of IMF-dictated austerity measures.



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