

# Pakistani judge gags ousted prime minister on trial on fabricated charges

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Another sharp turn has taken place in the trial of ousted Pakistani prime minister Nawaz Sharif. His senior defence lawyers resigned last Monday in protest over a decision by trial judge Rehmat Hussain Jaffri on February 25 to hear Sharif's statement in closed court. The judge ruled that the former prime minister's comments will only be publicly released after the court determined that nothing is "likely to tarnish the security, integrity and solidarity" of the country.

Speaking to the press, the lawyers, Ajaz Batalvi and Kwaja Sultan, said: "What the use of being in the court, when we cannot help our client?" The two accused the court of "gagging of the main accused at a time when it was his turn to speak, particularly when the whole world had been hearing the prosecution and scandalising Mian Nawaz Sharif." They explained that there was no legal remedy to challenge the judge's order in the anti-terrorist courts, which Sharif himself set up two years ago.

From his jail cell Sharif issued a statement accusing the military regime headed by General Pervez Musharraf of using "brutal" tactics to victimise him and his family. Four other defence lawyers later joined their colleagues and walked out on the case. Last Wednesday, the judge adjourned the case to allow Sharif to find new defence lawyers. All of Sharif's lawyers, with the exception of Ajaz Batalvi, have now agreed to continue the case, apparently in response to appeals by Sharif.

The judge's ruling, taken at the request of the prosecution, underscores both the highly political character of the case and the nervousness of the military dictatorship that overthrew Sharif and seized power last October 12. The junta is clearly worried that Sharif will turn the trial into a political platform from which to challenge not only the fabricated charges but the military's continued rule.

Musharraf claims that the military coup became necessary after Sharif attempted to kill him, along with 198 other passengers, by preventing his airline flight from landing at Karachi international airport. The general was returning to Pakistan after an official visit to Sri Lanka. Sharif and seven close aides have been charged with hijacking, attempted murder, kidnapping and terrorism and if convicted face the death penalty.

The others include Sharif's brother and former Chief Minister of Punjab Province, Shahbaz Sharif, two senior government officers, Saifur Rehman and Seed Mehdi, former head of Pakistan International Airlines, Shahid Khaqan Abbasi, Sharif's former advisor for Sind provincial state affairs, Seyd Ghous Ali Shah, and an ex-chief of the police.

The former Civil Aviation Authority chief Amanullah Chaudhry was also charged but has since become the chief witness against Sharif in return for legal immunity. Before turning state witness

Chaudhry complained through his lawyer that he was under such pressure that he was considering suicide.

Sharif was arrested on the day of the coup but a formal complaint was only laid a month later on November 10 and he was only finally indicted on January 19. In an effort to speed up the trial, the prosecution reduced the number of its witnesses from 56 to 26 and last week completed its case. Prosecution witnesses, including the pilot, air traffic control officials and Sharif aides, testified that the plane was ordered to divert to another country after Sharif dismissed Musharraf and appointed another general as army chief-of-staff. According to the pilot, the plane was running low on fuel.

Sharif and his co-defendants have pleaded not guilty to all charges. Who exactly did what on October 12 is not certain from the available evidence so far. But clearly what was taking place was a bitter power struggle between opposing ruling cliques with no holds barred on either side. In the wake of the coup, Musharraf and his conspirators are seeking to use the dubious allegations of hijacking and attempted murder to discredit Sharif, jail and possibly execute him as they try to consolidate their shaky grip on power.

But from the outset, despite its highly contrived and controlled character, the trial has threatened to become a vehicle for opposition to the Musharraf junta. On the few occasions when he has been able to speak to the press, Sharif has attacked the legitimacy of the military rule.

Moreover Musharraf has had to deal with opposition within the judiciary itself. In January, the first judge appointed to hear Sharif case refused to proceed declaring that he would not allow plainclothes police in the court's premises. He was replaced but then five judges of the Supreme Court, including the Chief Justice, Said uz Siddiqi, refused to take an oath recognising the military's rule and suspending Pakistan's constitution. The junta immediately fired the Chief Justice and other judges.

The order for judges to take an oath of allegiance came on the same day that the Supreme Court was scheduled to hear a case, filed by Sharif's Pakistani Muslim League (PML), challenging the legality of military rule. Sharif's defence lawyers had demanded the postponement of his trial pending the Supreme Court's decision. But the request was denied and the Supreme Court case was postponed until March.

Sharif was ousted last year in conditions of deepening economic and political crisis in Pakistan. His government was under intense pressure from the International Monetary Fund (IMF) to implement extensive economic restructuring including the imposition of a general sales tax (GST). The attempt to implement the GST met widespread opposition from the small traders and others. The country's export earnings were

dwindling as a result of the East Asian financial crisis and the UN sanctions imposed on Pakistan and India after nuclear bomb tests in June 1998.

The Sharif government faced a campaign by a coalition of opposition parties including Benazir Bhutto's Pakistani People's Party (PPP) and the Mutthihida Quami Movement (MQM) which sought to exploit the discontent of the masses to topple Sharif. His reaction to the campaigns was ruthless repression, including the arrest of hundreds of opposition activists.

The crisis deepened after Sharif, under direction from the US administration, ordered the withdrawal of Pakistani forces-backed separatist guerillas from the Kargil area of Indian-controlled Kashmir. Muslim fundamentalist groups in Pakistan launched protests against the PML government accusing it of betraying the country to the US. Rifts also opened up with the military who were increasingly under pressure from sections of the ruling class to stabilise the situation by seizing power.

In an interview with the *Telegraph* group in early February, Musharraf said: "I had not discussed a coup before October 12... though there were dozens of people coming to me; and begging me. I'd come home during those days and feel so lonely because I was under all this pressure to act." While admitting that a coup was openly being discussed in ruling circles, he claimed that the military takeover was initiated on the spur of the moment. "[I]n the end, ex-prime minister (Nawaz Sharif) made the decision for me," he said.

Just a few weeks before the coup, the US Central Intelligence Agency (CIA) invited the Pakistani intelligence chief to visit Washington in order to gauge the situation. As a result the US State Department issued a statement warning against a coup and expressing fears that nuclear weapons could fall into the hands of Muslim fundamentalists. The intelligence chief was the man appointed by Sharif to replace Musharraf just hours before the government was overthrown.

Six months after taking power, the Musharraf regime has been unable resolve any of the economic or political problems facing the country. The IMF has postponed any loans as Musharraf, like his predecessor, has failed to implement its demands. The junta is now trying to speed up restructuring measures including the finalisation of a modified GST, privatisation of state-owned enterprises and a large reduction in the number of government employees. These moves have already provoked opposition: the MQM along with Jeay Sind Quami Movement jointly called a one-day strike in Karachi on February 29 demanding an end to the layoff of state employees and the release of jailed MQM leaders.

Other opposition parties initially welcomed the coup but have been forced to respond to growing popular hostility to the military regime. In February, Benazir Bhutto urged US President Clinton to press Musharraf to stop jailing politicians and allow her to return to the country. In an interview she admitted: "We welcomed the overthrow of Nawaz Sharif but we have been disappointed... The euphoria (about the military regime) has disappeared in the last three months."

The fragile internal situation is being compounded by pressure from India and the shaky nature of the support of the major powers. The Indian government has assumed an increasingly aggressive posture towards Pakistan using the dubious legitimacy of the Musharraf regime to justify scuttling peace negotiations. In last week's budget, India increased military spending by a huge 28 percent leading to open talk in the Pakistani press that India is bent on bankrupting Pakistan by forcing it into an arms race.

Late last month Sharif smuggled out written answers to a reporter's questions in which he commented: "I am extremely disappointed that the preachers of democracy in the western world are acquiescing in the one-man dictatorial rule. They are indirectly supporting destruction of democracy in Pakistan." Sharif was particularly angered by a personal letter that British Prime Minister Tony Blair is reported to have sent recently to Musharraf expressing British "understanding" of the situation in Pakistan.

While the US has expressed reservations about the coup, the Clinton administration has not demanded the restoration of the Sharif government. But neither have the US and other major powers given their unreserved support to the junta. The US is pressing the Musharraf regime to crack down on Islamic fundamentalist groups in Pakistan and to isolate the Taliban administration in neighbouring Afghanistan. Clinton, who is due to visit the Indian subcontinent this month, is yet to decide if Pakistan will be on his itinerary.

Musharraf, who is desperate to maintain close ties with the US and to have Clinton visit, has sought to accommodate to US demands. The junta recently announced a ban on persons other than state security forces displaying weapons in public and indicated that it would move in the future to ban the carrying of weapons and then full de-weaponisation of armed groups. The military is proceeding slowly as it fears a backlash from Islamic fundamentalist groups over attempts to disarm them.

At the same time, however, Musharraf has rejected demands for an immediate return to democracy. In his February interview with the *Telegraph* group, he said: "I will never hand over power to a government headed by Nawaz Sharif or Benazir Bhutto."

Increasingly under pressure from all sides, the military dictatorship is intent on using the Sharif trial to completely discredit the former prime minister and his government. Its decision to muzzle Sharif is a measure of its crisis. The last thing the junta can afford to do is allow Sharif the opportunity to use the courtroom to turn the political tables on the military and to appeal for support. The treatment of Sharif is a clear warning that the junta will not hesitate to employ severe repression against any form of opposition to its rule.



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