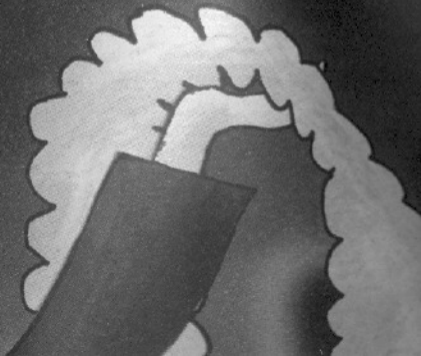


**Pakistan**

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It turned out to be Pakistan's year of resistance, one whose shocks and excitements are likely to shape things in 2008 as well. Some time a goal seemed so near, or almost achieved, yet it became distant in the mind-blowing developments of the eventful 2007 that saw the assassination of Benazir Bhutto. It was a struggle for change, for the rule of law and for democracy, in the face of the establishment's brute force. It overshadowed everything else that happened in the country — an unpopular so-called 'war against terrorism' that came to the heart of

political manoeuvres that brought back two leading political exiles; a controversial presidential election; and the making and breaking of political alliances.

Matters seemed normal in the beginning of 2007 even though the nation had begun counting the months and days of what was to be the last year of General Pervez Musharraf's military presidency. But things took a dramatic turn on March 9 when he suspended Chief Justice Iftikhar Mohammad Chaudhry and sent a reference, or charge-sheet, against him to a Supreme Judicial Council to seek his removal from office.

The president had the power to

by army generals to force him to resign and his refusal to oblige them sparked a backlash. This was followed by months of an epoch-making, lawyer-led struggle for the independence of the judiciary in the face of harsh methods used by the establishment to suppress it.

Lawyers, political workers, rights activists and journalists — all became victims of police brutality. The worst episode of the movement was the massacre of 48 people in Karachi on May 12 when bullets greeted people who came out on

**Although Ms Benazir Bhutto's obituary is being included**

the roads to greet the chief justice, forcing him to abandon his plans to address a lawyers' convention.

He returned from the airport to Islamabad. That was obviously intended to prevent a replay of the mass display of public support for his cause which was in evidence when he took one day and one night to drive about 300km from Islamabad to Lahore for a similar address.

Although he was charged with misconduct and corruption, most people seemed to believe it was the establishment's response to the judicial activism set in motion by the chief justice who took up cases of the so-called 'missing' per-

political ambitions.

The movement met with success when a 13-judge bench of the Supreme Court reinstated the chief justice on July 20, rejecting the presidential reference as unlawful. There was jubilation over what was seen as the restoration of the independence of the judiciary and the burial of the so-called 'doctrine of necessity' that formed the basis of previous Supreme Court judgments upholding military takeovers, as well as the government's assurances that it had accepted the ruling in letter and spirit. It led to a sense of overconfidence among the lawyers and civil society regarding the future role of judges.

At the same time, political par-

get himself elected from the existing parliamentary electoral college dominated by his loyalists rather than waiting for a new one to come into being.

The establishment seemed not to have actually reconciled itself to the reinstatement of the chief justice, and waited for an occasion when it could strike again. That became clear after Justice Chaudhry assigned an 11-judge bench, minus himself, to decide challenges posed by token opposition candidates to General Musharraf's Oct 6 election while he was still in army uniform and while the electoral college had been decimated by en masse resignations from the assemblies by one section of the opposition legislators while the other boycotted the vote.

Before the bench could rule on his candidacy, General Musharraf used his position as chief of army staff to declare a virtual martial law that he called emergency. The Constitution and fundamental rights were suspended, about 60 judges of the Supreme Court and the four high courts who either refused or were not called upon to take oath under a substitute Provisional Constitution Order (PCO) were sacked, thousands of political and legal activists were detained, and new media curbs were imposed that blocked broadcasts by major private television channels and at least one radio channel.

The move was initially justified mainly on the grounds of sta-

to the pre-emergency position, to continue to agitate for the restoration of the pre-Nov 3 judiciary and against the Musharraf presidency. Almost similar aims were also part of the campaigns of opposition parties who entered the election race despite their fears of rigging by an interim administration seen by them as only a continuation of that which was headed by former prime minister Shaukat Aziz and that ceased to exist after the completion of its five-year term.

The situation gave rise to resentment among civil society members against the pro-election opposition parties, particularly the Pakistan People's Party and Pakistan Muslim League-N of former prime ministers, the late Benazir Bhutto and Nawaz Sharif respectively for entering the election arena rather than boycotting the vote for the cause of the judiciary for which neither nurtured a deep love.

The PPP had an extremely bitter experience with the judiciary that sentenced its founder and former prime minister Zulfikar Ali Bhutto to death on the disputed charge of conspiring a murder in the country's most controversial ruling. This led to his hanging in 1979 by the then military president General Mohammad Ziaul Haq. A Supreme Court ruling nullified Ms Bhutto's induction of some PPP loyalists into the superior judiciary during the first of her two short-lived tenures as prime

minister in the 1990s.

Mr Sharif's supporters had stormed the Supreme Court to back his plan to oust the then chief justice Sajjad Ali Shah during the last of his similarly short-lived two tenures though he was restored to office in his first tenure by a Supreme Court bench headed by a previous chief justice, Nasim Hasan Shah.

Of the remaining parties participating in the elections, the Jamiat Ulema-i-Islam of Maulana Fazlur Rehman had unsuccessfully tried to set up what was seen by critics as a parallel mullah judiciary in the North West Frontier Province through a controversial Hasba Bill brought by the JUI-led provincial government before being overruled by the Supreme Court. The ANP leadership has not forgotten a Supreme Court ruling in the 1970s that upheld a ban imposed on the National Awami Party, the ANP's previous name.

But great public sentiment in favour of the judiciary's cause made all these parties make it a major point in their campaigns for the Jan 8 elections, seen by some — like the PPP, PML-N and the ANP — as a chance to end their political wilderness forced by the alleged rigging of the last elections in 2002 and by the JUI to once again enjoy the fruits of being in power.

It was actually more a pursuit of such political goals rather than principles that persuaded

Mr Sharif to pull out of the PPP-led Alliance for the Restoration of Democracy and to sponsor the rival All Parties Democratic Movement with the religious parties grouped in the Muttahida Majlis-i-Amal. This was done at the end of a conference of opposition parties he hosted in London in July after he learnt of secret contacts between President Musharraf and Ms Bhutto for what critics saw as a move for power-sharing but that the PPP insisted were designed to facilitate a transition to democracy.

It was due to these contacts and a controversial National Reconciliation Ordinance that enabled Ms Bhutto to end more than eight years of self-exile, though a massive reception she got on her return home on Oct 18 was marred by a still unexplained bomb attack that killed some 150 of her supporters. On Dec 27, she was attacked again and this time wounded fatally.

Mr Sharif's attempt to return home in September after seven years of exile in a move to steal the march on Ms Bhutto failed as he was sent back to Saudi Arabia to force him to honour a December 2000 pledge given to the Saudi rulers to remain in exile for 10 years in exchange for his release from prison.

But after Ms Bhutto's return, Saudi Arabia's King Abdullah seemed to have prevailed on President Musharraf to allow Mr Sharif to return to campaign for

his party, which he did on Nov 9 amidst the emergency.

Though he initially led the election-boycott camp in another move to outwit one-time bitter rival Ms Bhutto, he eventually followed her counsel to go to the hustings and yet be prepared for agitation from Jan 9 onwards if the elections were rigged. He opted for this path although it meant the break-up of his own APDM brainchild. Meanwhile, the election authorities rejected his own and younger brother Shahbaz Sharif's candidatures because of their unpardoned convictions.

Until the PML-N decided not to contest, both the party and the PPP were the main contenders against the former ruling alliance led by the PML-Q made up of President Musharraf's loyalists, some of whom have defected to opposition parties. While the PML's political graph must be linked to that of President Musharraf's low popularity despite his re-election, opposition parties feared rigging by the administration, the intelligence agencies and mainly by the PML-controlled local governments.

One question on many people's minds is whether those parties win elections whose government have imposed emergency, suspended the Constitution, sacked many judges and allowed the highest food inflation and shortages of wheat flour immediately before the vote. Jan 8 may show if *ihurloo* is at work. ■

The move was initially justified mainly on the grounds of the danger posed by the spread of terrorist militancy to Swat, so that army troops could be deployed there to crush the revolt led by Mullah Fazlullah, and to restrain the judiciary from releasing terrorism suspects linked to Al Qaeda. But the president, who later transferred the emergency powers of the COAS to the presidency before he gave up his army uniform on Nov 28 in favour of the new army chief General Ashfaq Parvez Kayani, made it clear in his subsequent interviews that the action was motivated primarily by a perceived judicial threat to his own presidency and what he called a conspiracy to destabilise the country.

Though he did not seem prepared in the beginning to lift the emergency proclamation before the Jan 8 general elections, he had to do it on Dec 15 under domestic and international pressures — manifested in the denunciation by foreign governments, Pakistan's second suspension from the Commonwealth since Musharraf seized power in 1999 and threats by some key donor nations to suspend economic aid.

But while the sword of Damocles was removed, its wounds were left to fester, particularly those inflicted on the judiciary and the media while the Constitution was revived with six of its articles amended by emergency decrees designed to be beyond the scope of judicial review or the necessity of endorsement by the next parliament.

That leaves lawyers and political parties who have boycotted the elections, mainly on grounds of Musharraf's refusal to return