The Musharraf Verdict

Why in News?

In December 2019, the Supreme Court of Pakistan held the retired General Pervez Musharraf guilty of the offence of high treason.

What is the story behind?

- Supporters of democracy in Pakistan have demanded that the two military generals who undertook coups and abrogated the Constitution, be held accountable.
- Both General Zia-ul-Haq (1977) and General Pervez Musharraf (1999) were able to convince the superior judiciary that their coups to dismiss elected governments were in the national interest.
- Both the coups were validated by the superior judiciary, neither of the two coup-makers held accountable for his actions.

What was the recent Musharraf verdict?

- On December 17, 2019, a Special Court of the Supreme Court of Pakistan (SCP), held the now retired General Pervez **Musharraf guilty of the offence of high treason** and to be hanged to death.
- He was found guilty of not for undertaking the coup against Prime Minister (PM) Nawaz Sharif in October 1999, but **for imposing an Emergency on November 3, 2007**.
- The judgment is unprecedented, given the military dominance of Musharraf of the Pakistan Army's Special Services Group (SSG) on Pakistan's political economy from 1998 to 2007 is severely understated.
- Such a judgment has been a long time coming, since the first of three major coups, in 1958, with generals ruling Pakistan directly for more than 3 decades, and also determining political processes for a further 2 decades.
- Even those who are against capital punishment have endorsed the decision in principle, hoping that if ever it is implemented, it would be converted into life imprisonment.

What are the previous instances of the SCP's natures of decisions?

- Before one begins to interpret the nature of the consequences of this particular judgment, it is worth citing a few recent instances in the nature of

decisions by the SCP.

- Since 2008, the judiciary has had Pakistan's **former PM imprisoned**, found a **sitting PM to be ineligible** to hold office resulting in his resignation, and along with the National Accountability Bureau opened trials against numerous ministers.
- It **prosecuted a former civilian President** of Pakistan.
- Numerous former Ministers and one former PM of Pakistan are currently in captivity. Some have still not been charged.
- The courts have been particularly active in dispensing judgments and justice against numerous civilian representatives.
- They have also passed two critical **judgments against the military**.
- The military and its leadership could not have been pleased by such new-found judgments.
- Before the Musharraf verdict, the SCP suspended the 3-year extension in the services of the current Chief of Army Staff, General Qamar Bajwa.
- The court extended his tenure by a mere 6 months, asking Parliament to find constitutional means to deal with such extensions.
- **Neither Musharraf is going to be hanged** nor will the statement of the judgment which says that even if he is found dead, his corpse be hanged for 3 days be applied to him.
- Such dramatic language notwithstanding the fact that the SCP could take such a decision has major repercussions and consequences.

How did the military react?

- The Musharraf high treason judgment drew the wrath of the Director General (DG) of the Inter Services Public Relations (ISPR).
- He issued a press release stating that the decision has been received with a lot of pain and anguish by the rank and file of Pakistan Armed Forces.
- It stated that Musharraf with his excellent record can never be a traitor.
- Clearly, the military and its establishment have not been pleased by the Supreme Court's judgment.
- After the announcement of the judgment, General Bajwa visited Musharraf's former SSG and was photographed raising a clenched fist.
- The incumbent government of PM Imran Khan has also risen to the defence of the military, perhaps trying to pay back much support that the military has provided to the civilian government.
- Since the civilian government has repeatedly stated that it is on the same page as the military, this was to be expected.

What is surprising?

- However, the utter silence of the main political parties on the Musharraf

case is surprising.

- The saddest aspect of the SCP's stand in following its interpretation of the Constitution has been the absence of support by political parties which ought to have benefitted the most by such a judgment.
- This judgment clearly enhances democracy in Pakistan.
- Without the support of democratic forces, it is improbable that even the Musharraf judgment would deter the military from taking any sort of political action it feels necessary in the national interest.
- Yet another opportunity to strengthen democracy in Pakistan may have been lost.

Source: The Hindu

