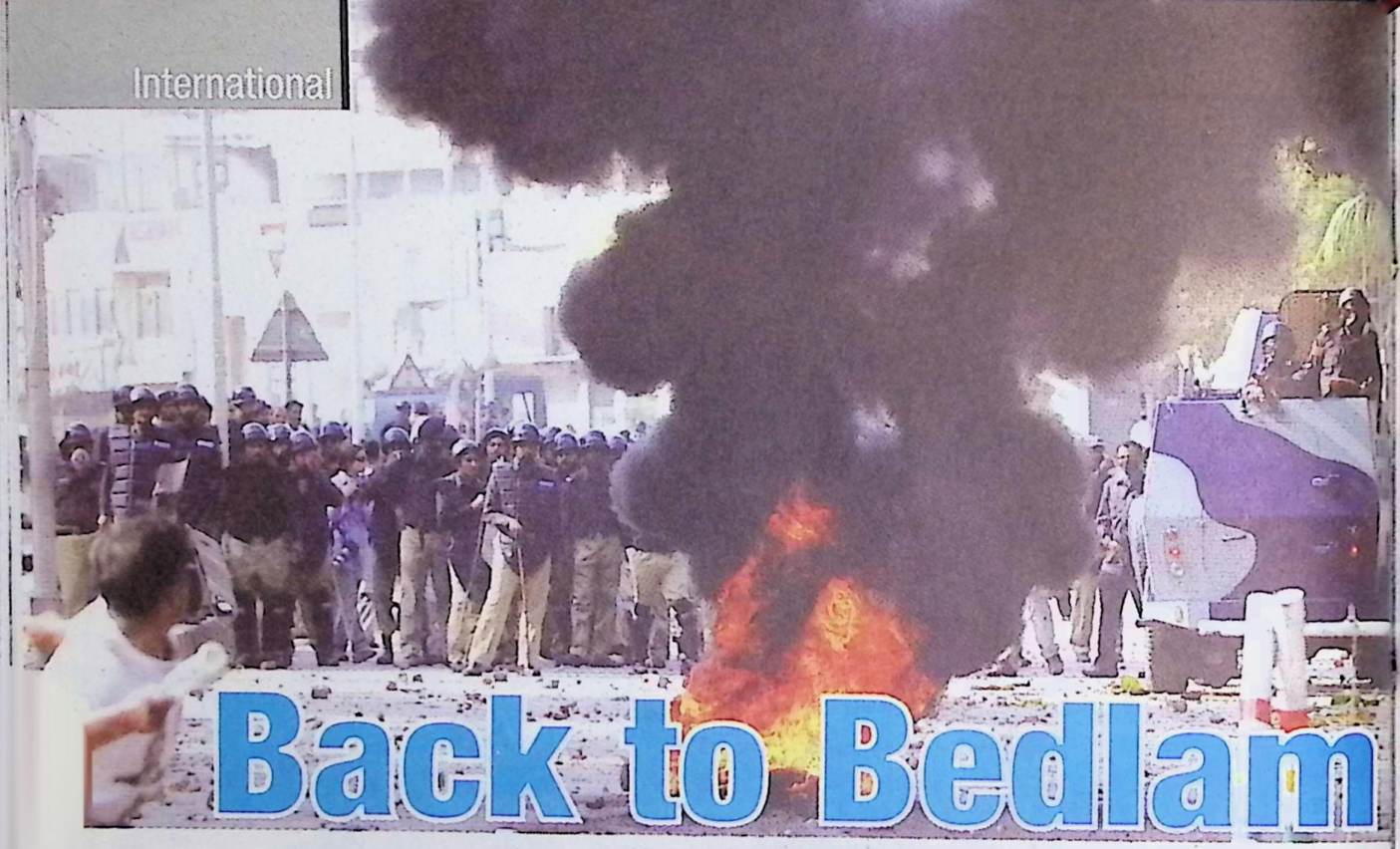


Back to Bedlam

NADER RAHMAN

When Pervez Musharraf was finally ousted last year, many thought it would herald the dawn of a new era for Pakistan and its political establishment. There was hope that factionalism and pettiness would be a thing of the past as questionably Benazir Bhutto's death, did more to bring Pakistan together than she ever did while alive. From the rubble two people emerged politically unscathed; Benazir's husband and not-so-obvious heir apparent, Asif Ali Zardari and the former exiled Prime Minister Nawaz Sharif. It did not take long for them to dissolve their friendship in a bubbling vat of accusations and broken promises, and so cycle continued, hero one day to villain the next.

The recent trouble in Pakistan is worrying for a number of different reasons but to understand why it all flared up again one must trace the issue back to Pervez Musharraf and his Supreme Court Chief Justice Iftikhar Muhammed Chaudhry. Musharraf did everything he could to suppress criticism of his policies and actions but by beginning of 2007 he realised he was up against a formidable foe. The real problem was that his foe was in a position of power to openly question and act against various questionable and unconstitutional activities. As Supreme Court Chief Justice, Chaudhry made numerous rulings on governmental corruption including the infamous Pakistan Steel Mills case where the company was sold to a three-party consortium with a friend of the then seated Prime Minister Shawkat Aziz profiting enormously as a result of the deal. Amazingly Musharraf then proceeded to 'suspend' Chaudhry as Chief Justice, a move which was eventually questioned and won in court. By the middle of July he was reinstated to his post, but this was only the start of the problems.

The real troubles began when Musharraf realised his power and popularity were on the wane and then promulgated the National Reconciliation Ordinance in October 2007. The ordinance granted amnesty to politicians, bureaucrats and political workers who were accused of corruption, embezzlement, money-laundering, murder and terrorism. Interestingly the ordinance stated, "Notwithstanding anything to the contrary in sub-section(1), the Federal Government or a Provincial Government may, before the judgment is pronounced by a trial court, withdraw from the prosecution of any person including an absconding accused who is found to be falsely involved for political reasons or through political victimization in any case initiated between 1st day of January, 1986 to 12th day of October, 1999" The dates were meaningful as they basically granted Benazir Bhutto and Asif Ali Zardari across the board amnesty and paved the way for their return home a few weeks after it was announced. Many viewed it to be a marriage of convenience for Bhutto and Musharraf while it summarily left out Newaz Sharif as he was deposed on the 12th of October 1999, the very day the amnesty ends.

Chaudhry, along with Justice Mohammad Nawaz Abbasi and Mian Shakirullah Jan valiantly decided to stay the operation of the National Reconciliation Ordinance, but the writing was on the wall for both him and Pakistani politics. Within a month Musharraf declared a state of emergency and suspended the constitution and issued a provisional constitution order in its place. Chaudhry reacted by forming an eight-member bench of Supreme Court judges headed by himself, and instantly quashed the declaration of emergency, provisional constitution order, and the suspension of the constitution. Aside from that he ordered all military and civilian personnel to ignore the order. Musharraf then arrested him and appointed Abdul Hameed Dogar as the de facto Chief Justice. This is when the public really turned on