



PHOTO: AFP

It was a grim end to a sad year, Pakistan, was quiet on New Year's Eve as the rest of the world revelled and brought in 2015 with fireworks and fanfare.

The alleged mastermind of the bloodiest school massacre in Pakistan's history, however, was busy sending emails.

Just as the New Year changed the date on smartphones and computer screens, Khalifa Umar Mansoor sent a mass email message to hundreds of Pakistani journalists and newspapers. He wanted everyone to know that he now has a new Facebook profile page. He provided its ID and promoted a video message he has posted on it. It is impossible to tell whether the message was authentic, but the profile exists, as does the video message.

After killing hundreds of innocent children, Khalifa Umar Mansoor of Darra Adam Khel apparently still has things to say and does so via email and Facebook.

In Pakistan's smoke and mirrors battle against terror, it is difficult to tell whether or when Khalifa will be apprehended. However, the question of the legal venue of where he or the many like him should be tried and convicted is one that is being fervently tossed around.

As is often the case in the aftermath of bloody

## How to Try a Terrorist

pogrommes, there is talk of abridgments of procedure, amendments to the Constitution and the establishment of military courts.

On just the second day of 2015, a multi-party conference called by the sitting government issued a statement that endorsed "the proposed legislative measures including amendments to The Pakistan Army Act to extend the jurisdiction of speedy trial of cases under specified acts and provide Constitutional cover".

The efficiency of annihilation; of bombings and raids that is the business of an Army, will now be applied to the matter of judging terror suspects. The whole country, the statement issued after the MPC declared, is firmly behind the project.

It makes sense.

When suspected terror masterminds send out emails pointing to their social media activity logs, while the victims of their mayhem bury their newly dead, it is indeed the hour of revenge.

To establish any court at all, military or otherwise, seems a lenient allowance to temper the country's legitimate desire for vengeance by some minimal procedures of justice. The courts will be fair the people are told, the amendments legally sound. To all this can be added the truths of failing and politi-

cised civilian courts, whose frailty or frivolity has at different times betrayed the nation in varying ways.

It is in the nature of wounded nations, and Pakistan is one at this moment in history, to lose patience with procedure.

In the aftermath of the Holocaust, when Germany had been freed and it was revealed that nearly 8 million Jews and 4-6 million non-Jews had been killed by the Nazis, Joseph Stalin, the leader of the then Soviet Union recommended the execution of 50,000 to 100,000 staff officers. The British Prime Minister also considered summary execution of high-ranking Nazi officials without trials. As in the case of Pakistan's terror masterminds, the culprits were known and hence the question of the utility of proof and of evidence, rule and of verdict a cumbersome one in the face of obvious evil.

And yet, there were no summary executions in the aftermath of the Holocaust. Instead, there were criminal trials. The Nuremberg Trials had the additional challenge of having to develop rules of procedure that were based on the laws of several nations.

In the case of Pakistan's current situation, it is the reason why the Nuremberg Trials were considered necessary that are of particular importance.

What they revealed in relation to the question of justice and revenge is that it is not simply the guilt or innocence of the murdered thousands that is at issue. It is instead the complicity of entire nations and the immediate and urgent need for a public and participatory moral reckoning that engages with the reasons that had justified the killing.

Hitler's holocaust was possible not only because he had harnessed the power of a vast state to make it possible, but also because the German population was either silently acquiescent or silently disapproving. They were in either case, unwilling to stop it, unable to develop a national narrative that unequivocally condemned the atrocities of mass killing. It is this final piece that was made possible by the

Nuremberg Trials; they created space for a public conversation and reckoning whose absence in Germany's past had made unimaginable evil possible.

Some of the same reasons apply to Pakistan. The danger of military courts and their implied secrecy is not simply legalising the looping together of the frail threads of ad hoc procedures but also their inability to provoke a mass moral reckoning in a country that desperately needs it. In this second sense, it is the denial of the necessity of a public conversation about just how evil and unforgivable the ideology of extremism is that is at issue.

Attacks like Peshawar, and hundreds before them have happened not only because the state is weak, the judicial institutions politicised, corrupt or simply frightened, the Army overextended but because the confusions of identity mixed with the rhetoric of extremism have made it impossible for the ordinary Pakistani to see terror as a black and white moral issue.

This silent citizen, who is unwilling to confront the massive nature of the murders at the behest of extremism; does not see the connection between his own sectarian prejudices and the agendas of murderous suicide bombers.

If this failing is to be addressed, then the trials of terror suspects must be public and televised, the procedures clear and transparent and the crimes against the victims documented and recorded.

If terror suspects are tried in this way, the weight of moral reckoning will fall on every Pakistani. The consequent public debate will not simply convict and condemn but more crucially, destroy the rationalisations that have either through silence or apathy allowed terror to live and flourish in the country.

Without such a public conversation around terror, the evisceration of justifications for killing the innocent is not possible, and as long as those continue to live, no court, military or otherwise, no multi-party conference, however staunch its resolve, can excise terror from the hearts and minds of many.

— RAFIA ZAKARIA  
ANN/ Dawn



PHOTO: AFP