

Musharraf's accountability

Pakistan: Too many people have too much to lose - and that includes the current military top brass

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Generals in Pakistan are generally quite lovely creatures, short, stout and often carrying a moustache as proof of masculinity, they are rather outstanding specimens of humanity. Medals adorned on their chests and up to four-stars protruding on their shoulder straps, they are driven by a genuine concern for the suffering of humanity around them. And thus this is why they meddle in matters unrelated to them. And humanity around them agrees, for the most part.

What else explains the fact that of the five military dictators to have taken over the reins of the country, four died without a stain on their sparkling military shirts. Generals in Pakistan live well and die well, unless they get on the wrong side of one of their own proxies, but generally speaking, it is a good life. A solid clique in both media and civil society begin to debate "whether there will be a military coup?" every two months as if it was a right somehow being wrongfully denied to our country's best golf players and property dealers. Another statement that is considered to have credence is that a military dictator in Pakistan either "resigns, goes into self-exile or is killed". Having survived death, Musharraf had resigned and gone into self-exile and taken up residence in London, where he had been cashing in on selling out to the United States with a choice series of paid lectures on the subject Americans love most: the war on terror in Pakistan.

Perhaps this is why the former General - and usurper President - Pervez Musharraf decided to return to the country to try out what it was to be a bloody civilian. The lock up was the least of what he expected. It has not turned out to be a pretty sight - and in many ways, gladly so. When the first set of bails of the former general - although perhaps Mush is the first general to fall outside the "once a general, always a general" metaphor so popular amongst military ranks - was granted, it appeared that the "deal struck in the Holy Kingdom" would go uncontested by the elites of Pakistan. Arguably, the former general is now off the golf course, and learning how to live the life enjoyed by one of us "bloody civilians". Of course, with him locked up in his own farmhouse, it is still a far cry from the squatter that the average citizen inhabits.

The "Musharraf law," i.e., being picked up and declared 'missing', has not been applied, and he should be thankful. There are many in the country that want the former general dead, although that would be the most boring of ends for him. A full trial in each of the cases against him is required - including, most importantly, a trial for treason, which is the one on which there is a lack of political consensus. The former Prime Minister Yousaf Raza Gilani once said, "I have no love lost for Musharraf. If the parliament decides to try him, I will be with the parliament. Article 6 cannot be applied to one individual, those who supported him are today in my cabinet and some of them have also joined the PML-N. The MMA, the MQM and the PML-Q supported him. This is why I have said that it is not doable." One can add, former Musharraf supporters have also joined the 'harbinger of change', the PTI. This suggests that while the caretaker setup has declared that it does not have the mandate to try Musharraf for treason, and the Senate has passed a resolution calling for such a trial,

once the next National Assembly is in, a political consensus to try him still appears to be unlikely.

While insiders say that Musharraf has been abandoned with an understanding that accountability will remain limited, a military coup in 2014 has not been ruled out. The question is: why is a coup even an option? Military men are no more than security guards employed by civilians for their protection. The reversal of this ordering is unacceptable at any point. Moreover, how come one former general becomes the face of public accountability, without questioning the entire institutional ethos? If it is true – although there are reasons to doubt it – that the military ethos involves only top-down obedience, independent of any other considerations, then the military ethos needs to be changed. Making Musharraf accountable for an institutional problem would serve no great purpose.

How former generals look at civilian courts should be a good indicator of the problem at hand. The first thing they attempt is to avoid the indemnity of showing up before a civil judge. For this purpose, they either attempt to pursue a trial through military courts, using the refrain of the Army Act 1952, that arguably excludes military officials from the realm of common [colonial] law. This was successfully adopted by former Generals Khalid Zaheer, Khalid Munir and Afzal Muzaffar when charges were proven against them in the National Logistics Cell scandal – the three were re-inducted into the army and got away with the slap on the back (of the “well done” variety) of a court martial. If this does not work, they attempt to degrade the court, the judges and the process of law. This was successfully adopted by the former Generals Aslam Beg and Asad Durrani when appearing before the Supreme Court to explain their position with respect to doling out money to politicians – and as it stands both appear to have got away with it. So as a former General and COAS, Pervez Musharraf could not be blamed for fleeing arrest from the Islamabad High Court, a court that he purportedly himself set up to undermine the Supreme Court back in his heydays.

That Musharraf made the choice of being the first military dictator in Pakistan’s history to attempt a return to the country was based on the same trust: a general, serving or retired, cannot be tried in Pakistan. With his bail in the Benazir Bhutto murder trial newly cancelled, and his disqualification from contesting election, it is hoped that at least his multiple trials shall all take place. But as some ex-Generals, namely Jamshed Ayaz and Aslam Beg, chose to remind us on Tuesday, that they, and others in their clique, are not happy with the possible ‘humiliation’ of Musharraf. With at least nine of the serving corps commanders promoted during the decade long Musharraf regime, there is certainly both loyalty and complicity amongst the military top brass. Former COAS Aslam Baig has been more threatening, but those come from a man with clipped wings. Perhaps, there is now little need to be worried about what he says, and the question of military accountability needs to be asked with seriousness.

There is a need to answer the question, rather than leaving it hanging.

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P.S.

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