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How to combat terrorism in Pakistan? Military courts will only add more fuel to the fire

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A Statement by the Asian Human Rights Commission

PAKISTAN: Military courts will only add more fuel to the fire

Everyone knows that Pakistan's government and military have failed to deal with the widespread terrorism in the country. All Pakistanis would agree that this problem needs to be addressed and that it should be addressed urgently and thoroughly.

However, the government's suggestion of enabling the military to try terror suspects in military courts is no response to the urgent call by the people to bring terrorism to an end and to restore the rule of law in the country. Nowhere in the world have the military courts resolved the problem of terrorism, or any other problems. What the military courts will do is to add more chaos to Pakistan, which is already besieged with every form of chaos imaginable. Even to come out with the idea that military courts will bring about law and order in Pakistan demonstrates how crazy the country has become and how incapable the politicians are.

Pakistan does not need further poison to be added into this already troubled system of administration. What is needed in such a crisis situation is more lucid thinking.

The argument in favour of letting military courts deal with terrorists is an acknowledgement of the failure of the police and the judicial system in dealing with any crimes. It is quite normal for people who have witnessed the massacre of their own children to be enraged. It should be within the capacities of Pakistan's politicians to utilise this moment of rage among the people in order to bring about radical measures to address the country's failed criminal justice system, rather than to allow such rage to burn down the entire political system and whatever is left of the civilised way of life of the people of Pakistan.

It was not the military that politicians should have turned to for advice on how to deal with the problem of terrorism. That question should have been directed to the people of Pakistan. Given the opportunity, people from various walks of life would have given adequate advice to the government on how to deal with the problem. However, the government does not want to take the people into its confidence. Instead, politicians once again try to fool the people by presenting the ludicrous idea that military courts would be able to resolve the problems that the people are faced with. It is this habit of trying to fool the people, and the failure to listen to the people, that have brought Pakistan to the present sorry situation.

Like any civilised country, Pakistan also has a basic constitutional framework built on the doctrine of the separation of powers. It is fundamental to the idea of the separation of powers that the military should not have any way of interfering with the political life of the country. The problem in Pakistan has been that the military has been interfering in political life so often that it has drastic consequences on the development of democracy in Pakistan. The military has spoiled democracy in Pakistan and to now rely on the same to address the people's outrage is nothing less than the betrayal of the country into a further stage of destruction.

The tears that are genuinely flowing from the eyes, hearts and minds of the people due to this inhuman act, the massacre of a large number of children, will not be addressed by the mere gimmick of introducing military courts.

Terrorism creates chaos, which can be utilised to arrest and detain persons, and even to execute very large numbers of innocent people. Experiences from around the world, including those in neighbouring countries, such as Sri Lanka, Bangladesh and Nepal, demonstrate this fact.

It would be absurd to argue that many innocent people should be allowed to be killed or have their liberties curtailed by military courts. However we can predict and warn that this is exactly what will happen if the military courts are allowed. That will not be an answer to the tears of people suffering from the tragedy, but will instead cause more tragedies.

The police's inability to identify and arrest terrorists, and also the problems related to the protection of witnesses, are real and genuine problems. These problems must be squarely faced. Specially trained and equipped police are needed. If such police units need special training from more advanced countries, that should be provided. There is no substitute for the development of modern and efficient policing in dealing with any crime, including terrorism.

If special courts are being assigned in order make sure terrorism cases are dealt with quickly, that could easily be done within the existing system of courts and within the framework of the existing system of laws. These are the matters on which the opinions of the legal community in Pakistan should be sought, rather than seeking opinions from legally ignorant military officers.

Pakistan is now faced with a critical situation, which requires political wisdom. To bring about this political wisdom the people in the country should be encouraged to talk openly, and the political system should now open up and listen to the people. Within the Pakistani society there are people who are learned in many areas. These people should be provided with opportunities to advise the government. The least learned section of the population is the military. It would be an act of unforgivable tomfoolery to turn to the military to resolve these critical issues.

Besides this, it must also be noted that many sections of the military have had deep links with terrorist groups and leaders. This was illustrated to the world when the Al Qaida leader Osama Bin Laden was found to be protected under the patronage of some military officials. Under these circumstances there is no basis to think that military courts will not become a refuge for terrorists to escape punishment and for some people in the military to be enriched through corruption.

The bar associations, as well as sane voices from the community and media, have begun to speak against the suggestion of establishing military courts.

The Asian Human Right Commission (AHRC) supports them. The AHRC urges the government to listen to the people's voices. The AHRC particularly urges the government to do all it can to answer the just demands of the enraged people of Pakistan, who all want their system of justice to be set right

