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## **An Analysis of Political Rights Situation during Musharraf Regime (1999-2004)**

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### **Abstract**

The paper scrutinizes the political rights situation during the first five years (1999-2004) of Pervaiz Musharraf era. Musharraf had come into power after army had revolted over his dismissal as army chief by the prime minister. He strove to project soft image of his government to get legitimacy within the country and recognition from the outside world, particularly the West. He portrayed himself as a liberal leader and later also propagated his idea of “enlightened moderation” as a panacea for the miseries of the Muslim world. Despite his overtures, the political rights situation became bleak during his military rule and no meaningful change took place even during the first two years after country returned to the “democratic rule.” Musharraf government denied people of their political rights to prolong his authoritarian rule. His rule was characterized by: arbitrary arrests and imprisonments of political leaders; repression of political activities; imposition of forced exile; political victimization in the name of accountability; attacks on rights to elect the government; military’s direct grip over affairs of state despite transition to the civilian rule; intimidation of opposition over legal framework order; and limitations on freedom of association.

**Keywords:** Democracy, Dictatorship, Military Coup, Transition, Rights, Repression.

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### **1. Introduction**

Pervaiz Musharraf came into power through a military coup after he was dismissed as Chief of Army Staff (COAS) by the then democratically elected prime minister Nawaz Sharif on October 12, 1999. It was the consequence of differences surfaced between the civilian government and the military leadership on the Kargil war (Dugger, 1999), “an enterprise” that General Pervaiz Musharraf reportedly embarked on devoid of Nawaz Sharif’s “consent or knowledge” (Human Rights Watch, 2000). The overall human rights situation in the country had remained bleak during the military rule of General Pervaiz Musharraf. No meaningful change took place despite transition to a civilian rule (and restoration of democracy) as far as the country’s overall situation of human rights was concerned. The paper examines the first five years of Pervaiz Musharraf era (1999-2004), i.e., three years of direct military rule and two years of its indirect rule in the country. The paper includes four sections, first being introduction. The second section briefly outlines Pakistan international and constitutional obligations about human rights. Third section gives a detailed assessment of the political rights situation during the first five years (1999-2004) of Pervaiz Musharraf’s era. The last section concludes findings of the paper and gives suggestions and recommendation of the study.

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## 2. Literature Review

Pakistan as a member of the UN is bound to adhere to human rights. The organization has a clear aim in mentioned in Article 1 (3) of its charter; “to achieve international cooperation....in promoting and encouraging respect for human rights and fundamental freedoms for all....” Under articles 55 and 56, the UN members also pledged to take “joint and separate action to achieve; universal respect for, and observance of, human rights and fundamental freedoms for all” (Sieghart 1983). Consequently, Pakistan signed and ratified the following international human rights treaties and conventions: The Universal Declaration of Human Rights (UDHR); Convention on the Rights of the Child; Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; Convention on the Suppression and Punishment of the Crime of Apartheid; Convention on the Elimination of all Forms of Racial Discrimination; Convention on the Prevention and Punishment of the Crime of Genocide; Convention on the Political Rights of Women; Convention on the Elimination of all Forms of Discrimination Against Women (Ahmed, 2003).

The Constitution of Pakistan also guarantees protection of the fundamental rights. It is worth mentioning that under the 1973 Constitution, the civil and political rights of citizens, as defined in Part-II, Chapter-I (Fundamental Rights), from article-8 to article-28, are more or less the same as described in UDHR, such as the right to live, liberty, education, and equality before the law; to freedom of movement, religion, association, and information; and to a nationality. Political rights of the citizen include, besides others, the right to speak on public issues and to take part in the political process by various means that includes the right to form or join a political party, to contest for a public office and the right to cast vote etc. General Musharraf’s government ventured to project its soft image to the outside world and took various measures to that end. General Musharraf wanted to project himself as an enlightened and liberal leader to get legitimacy within the country and also a recognition from the outside world. Later, he also put forth his idea of “enlightened moderation” to come closer to the western world. His government tried to improve country’s human rights record by giving representation to and empowering women, minorities and working class in the newly introduced local government system in under the Devolution Plan 2001. Earlier, the military government also organised a human rights conference in April 2000, but minimal progress was made to achieve its goals (Jurist Legal Intelligence, n.d; Amnesty International, 2002).

## 3. Methods and Materials

The current study is an attempt to explore and analyse political rights situation during Pervaiz Musharraf era. The study focuses on five years (1999-2004) that includes three years of direct military rule (1999-2002) and two years after transition to democracy (2002). The study explores if the political rights situation improved or changed after transition from military government to democracy? The study involves qualitative research using historical method. They research has mostly relied on primary data contained in annual reports of international and national human rights watchdogs including Amnesty International, Human Rights Watch, US Department of the State (USDS), and Human Rights Commission of Pakistan (HRCP). Besides, secondary sources including books and research articles, the newspapers articles and news stories have also been used. Content analysis method has been used to interpret and analyse data to make generalisation and draw conclusions based on the critical analysis and findings of the study.

#### **4. Discussion and Findings**

The civil and political rights situation has never been ideal in Pakistan, but it became bleaker during military regimes. In a democratic set up one can expect a degree of respect and protection of human rights by the government authorities and remedy by the judiciary in case of violation of citizens' basic civil and political rights by the administration. Such expectations cannot be made to military rulers who mostly and regularly attempted to target the independence of judiciary and to make it subservient to the executive and thus preventing the latter from playing its constitutional role of protecting citizen's rights. The Musharraf government was not an exception to it. Unlike Ayub Khan and Yahya Khan, Musharraf did not abrogate the constitution for the obvious reasons. Rather, as did Zia before him, Musharraf held the constitution in abeyance. After coming into power through the coup, Musharraf decided to target the Constitution and judiciary for his political ends. On October 14, 1999, newly installed military government declared a state of emergency in the country and suspended the Constitution and the National Assembly as well as four provincial assemblies. The federal and provincial governments were dissolved and all federal and provincial ministers besides governors and chief ministers of four provinces were declared to "cease to hold office."

General Pervaiz Musharraf declared himself as country's Chief Executive while President Rafiq Tarar was to continue to hold his office. The first step to curtail the independence of judiciary by the military regime was the issuance of the Provisional Constitution Order (PCO), which said: "No judgment, decree, writ, order or process whatsoever shall be made or issued by any court or tribunal against the chief executive or any authority designated by the chief executive." It further said: "No court, tribunal or other authority shall call or permit to be called in question the proclamation of emergency on the 14<sup>th</sup> day of October 1999 or any order made in pursuance thereof." However, the military government clarified that fundamental rights that did not contradict "the state of emergency proclamation" would remain in force (Government of Pakistan, 1999). The major assault on judiciary was made later when judges of the superior courts were sent home arbitrarily. The government ordered the judges of Supreme Court of Pakistan (SCP) and four high courts to take fresh oath under PCO.

The judges including Justice Saeeduz Zamman Siddiquie, Chief Justice of Pakistan (CJP) refused to take fresh oath. Government also refused oath to judges who were perceived either as "corrupt" or hostile to military ruler. Thus, government forced CJP along with five other judges of SCP and nine of the High Courts to resign. However, 85 percent judges agreed to take new oath and continued to "serve" the country under military regime. Musharraf took the move when a bench of the SCP was to hear a write petition against the dissolution of civilian rule and imposition of military rule in the country. Four months later, "quiescent Supreme Court" led by new CJP, justice Irshad Hassan Khan, validated the coup under the "law of necessity" and set a three-year limit; starting from October 12, 1999; for the full return of democratic rule (Jan, 2005). Thus, judiciary not only surrendered its independence to interpret the Constitution of 1973 but also the authority to protect the fundamental laws of the citizens of Pakistan. General Musharraf's regime was now completely free to exploit the civil and political rights of the people of Pakistan, which it had in fact started from the very first day of its unconstitutional move and assumption of power.

##### **4.1. Arbitrary Arrests and Imprisonments of Political Leaders**

Overall civil and political rights situation worsened after the military takeover in 1999. Political

opponents, particularly members of the former regime, were subjected to prolonged detention without charge, custodial ill treatment, humiliation, and torture. Musharraf government severely curtailed the freedom of assembly; association; expression; political activities; to elect their representatives; and to choose or change the government. Members of the former government were subjected to illegal and prolonged detention, custodial ill treatment, humiliation and physical or mental torture. They included the deposed PM Nawaz Sharif along with his family members, close aides and cabinet members had been arrested during the coup. Those arrested also included, besides others, his son, Hussain Nawaz, his brother, and CM Punjab, Shahbaz Sharif, Finance Minister, Ishaque Dar, and Information Minister, Mushahid Hussain. They were kept in custody for months without being charged. They, including the deposed prime minister, were humiliated and physically or mentally tortured.

The regime also arrested a few of the government officials including the then Director General, Inter-Services Intelligence (ISI), and would be the army chief General Ziauddin and many senior leaders of the then ruling Pakistan Muslim League-Nawaz (PML-N) without being charged. Some of the party leaders, including Chaudhary Nisar Ali Khan, were put under house arrest (US Department of State, 2000). The military government under General Pervaiz Musharraf decided to give long imprisonment to the leaders of PML-N under charges of terrorism, sedition, and other serious crimes. The clear purpose of such a move was to malign the popular civilian leadership and to keep them behind the bars to prolong the dictatorial rule. For instance, cases were registered against the deposed Prime Minister Mian Nawaz Sharif. He along with five others was also charged in airplane high jacking conspiracy case under anti-terrorism laws. Subsequently, an anti-terrorism court (ATC) in a “questionable judicial climate” sentenced Nawaz Sharif to life imprisonment (The Guardian, 2000).

Musharraf did not hesitate to use the same tactics against his political opponents even after “return to democracy” in 2002. This time his target was the acting president of PML-N, Javed Hashmi, the man who despite being subjected to arrests and torture by the military government after the coup had not stopped criticizing the ruling junta. Thus, on 29<sup>th</sup> October 2003, the government arrested Hashmi on treason charges. He had read out a letter, in a news conference, “allegedly written by some army men demanding a probe into the Kargil episode and Oct 12, 1999, military takeover.” Five months later, Judge Syed Asad Raza announced after his trial in Adiala Jail, Rawalpindi that Hashmi was “found guilty of all charges” labelled against him “under Section 124-A (defamation of government), 131 (inciting people to mutiny), 468, 469 and 471 (forgery), 505-A (defamation of army) and 500 (defamation of army) of the Pakistan Penal Code (PPC).” He was, therefore, sentenced to 23 years imprisonment. Meanwhile, the government also arrested three other MPL-N leaders including Javed Latif in Sheikhpura and MNA Abid Sher Ali and his brother in Faisalabad, accusing them of making “provocative statements” against Musharraf (Dawn, 2004, April 13).

The military government also arrested and tortured the second and third tier leaders of PML-N and the party activists as they tried to agitate against imposition of military rule and launched a movement for restoration of civilian rule in the country. They were humiliated, ill-treated, and badly tortured during their custody as they challenged the dictatorial rule. For instance, Rana Sanauallah, a former MPA from PML-N was arrested in Faisalabad in November 1999 and subjected to torture after he spoke against the military rule at a party meeting. A case under sedition law was also registered against him (Human Rights Watch, 2001). Rana Sanauallah and alike, however, did not bow before the oppressive regime and faced the similar treatment afterwards. The situation did not improve significantly even after the so-called restoration of

democracy in the country in 2002. The government agencies continued to harass political opponents to silence their voices. For instance, in March 2003, Rana Sanaulah, as a leader of the opposition in Punjab Assembly criticised the government during a session, and so was “abducted” and tortured again (Human Rights Watch, 2004).

#### **4.2. Repression of Political Activities**

The military regime suppressed political activities through conducting raids on party offices, disallowing political rallies, and lodging criminal cases against rally organizers. The regime also used Maintenance of Public Order (MPO) ordinance, to limit political activities. On 15<sup>th</sup> March 2000, the Musharraf government formally restricted freedom of association and assembly banning public rallies, demonstrations, and strikes. Under this restriction, the government prevented political parties from agitating against military rule. For instance, military government prevented a procession from Lahore to Peshawar to be led by Kulsoom Nawaz, wife of Nawaz Sharif. At least 165 party workers and leaders of PML-N were arrested by the police (Human Rights Watch, 2001). Similarly, the government arrested hundreds of political activists including leaders of Alliance for Restoration of Democracy (ARD) to prevent the alliance from holding a rally in Lahore on 23<sup>rd</sup> March 2001. Another rally scheduled for first of May in Karachi “was similarly suppressed” (Human Rights Watch, 2002).

The government used police force excessively to prevent opposition parties, including ARD, from holding rallies, procession, and demonstrations. It arrested hundreds of activists besides alliance leaders. After 9/11 and US war on Afghanistan, the government put various religious leaders under house arrest and detained others preventing them from protests government’s pro-American policies. It also filed sedition charges against Qazi Hussain Ahmed, Amir of Jamaat-e-Islami, after he had delivered an anti-government speech in Rawalpindi (Human Rights Watch, 2002). On 14<sup>th</sup> October 2003, the government did not allow lawyers to enter the SCP building to hold their convention. It had deployed heavy contingents of police and stopped lawyers rally, led by Hamid Khan, President, Supreme Court Bar Association (SCBA) and Qazi Anwar, Vice-Chairman, Pakistan Bar Council (PBC). Earlier, Lawyers had marched from Lahore to Rawalpindi to protest the Legal Framework Order (LFO) promulgated by the Musharraf before 2002 general elections (Human Rights Commission of Pakistan, 2004).

The government continued its campaign of arbitrary arrests and registering cases against opposition leaders and political activists even after transition to civilian rule in the country. Police continued to use 16 MPO to curb political activities. For instance, in April 2004, the government arrested hundreds of PML-N activists including party’s top leaders. Those arrested included former chief minister, NWFP, Sabir Shah, party’s Secretary General, Saranjam Khan, Zafar Iqbal Jhagra, PML-N Information Secretary, Siddiqui Farooq, PML-N Gujrat President Malik Hanif Awan, Chaudhry Jaafar Iqbal, and Nazir Gondal. Police tortured PML-N workers. Dozens of party activists and leaders were injured in clashes with the police. On May 12, 2004, an ATC ordered 85 PML-N workers, including nine women, to be kept in a judicial custody for one week for violating Section 144 of the Criminal Procedure Code. Thus, Musharraf used all means and the government machinery to sabotage party’s efforts to mobilize its workers on Shahbaz Sharif’s arrival at Lahore airport.

#### **4.3. Imposition of Forced Exile**

Musharraf regime also resorted to impose forced exile on the political opponents. In 2000, the

military regime exiled the former Prime Minister Nawaz Sharif along with his family members in Saudi Arabia. On 11<sup>th</sup> May 2004, the government prevented PML-N President Shahbaz Sharif entry into Pakistan. He was deported to Saudi Arabia when he had reached Lahore airport after his three-year exile. He was taken into custody by commandos of army and, later, was forcibly flown to Jeddah on a special flight (Dawn, 2004, May 12). On 16<sup>th</sup> April 2005, the same episode was repeated when thousands of PPP workers were detained before the arrival of party leader Asif Ali Zardari at Lahore airport from Dubai. General Musharraf's government did not allow the workers of PPP to conduct its planned rally to welcome Asif Zardari. The provincial government imposed Section-144 before Asif Zardari's arrival, thus prohibiting the public gathering of more than four persons. According to the PPP, its 25,000 activists were arrested throughout the country (Human Rights Commission of Pakistan, 2006). The government registered cases against former Prime Minister Benazir Bhutto thus forcing her to extend her voluntary exile.

#### **4.4. Political Victimization in the Name of Accountability**

The National Accountability Bureau (NAB) constituted under National Accountability Ordinance (1999) was a key instrument used by the government to victimize political opponents in the name of accountability. The ordinance allowed for detention of suspects for up to ninety days without charge. Under the ordinance that did not allow bail before or after the arrest, government set up special accountability courts. The authorities used NAB and other anti-corruption laws either to imprison "political opponents" or to pressurize them to change their loyalties. The leaders of PML-N and PPP, who refused to change their loyalties, were imprisoned under the charges of corruption. For instance, an accountability court sentenced 14-year rigorous imprisonment and Rs.20 million fine to PML-N leader and former Chief Minister of NWFP Sardar Mehtab Abbasi on corruption charges. He was arrested in 1999. Later, a bench of the Lahore High court had acquitted him in 2003 (Dawn, 2003). Similarly, leaders of PPP including Yousaf Raza Gilani, and Jehangir Badar were imprisoned on corruption charges as they remained loyal to the party (Human Rights Watch, 2005).

The government used NAB laws to force political leaders to leave party positions. It either withdrew "accountability cases" or "improved conditions" under detention for obtaining support for the regime from the leaders of PML-N through joining the dissident faction or resigning from party posts. For instance, the then PML-N President for Sindh, Syed Ghous Ali Shah, detained by NAB since April 2000, was moved to a hospital after he had resigned from his party position on March 2, 2001 (Human Rights Watch, 2005). NAB cases were also used to strike deal with political parties. The government imprisoned Asif Ali Zardari, husband of former Prime Minister Benazir Bhutto as part of its efforts to strike a deal with PPP. Asif Zardari remained in prison for eight and a half year. The government had filed twelve cases against him but none of them could be proved in the court of law (Human Rights Watch, 2005). His bail was accepted in these cases one after another, but the authorities kept him in prison for one excuse or another. Finally, he was freed reportedly when the government was able to strike a deal with the PPP in 2004 (Dawn, 2004, November 23; South Asia Times, 2004).

The government used NAB and intelligence agencies to create the King's party by splinting PML-N. NAB withdrew corruption cases against leaders of PML-N when they agreed to join PML-Q (Quaid-e-Azam). Those against whom accountability cases were withdrawn or inquiries withheld after they changed their loyalties also included Farooq Leghari, Zafarullah Jamali, Chaudhry Shujaat Hussain, Pervaiz Elahi, Aftab Sherpao, Liaqat Ali Jatoi, Faisal Saleh

Hayat, Sheikh Rasheed Ahmed, Abida Hussain and Rana Nazir Ahmad. As such, critics claimed that “the NAB acted as a ‘National Arm-twisting Bureau’ and targeted only those leaders who belonged to the PPP and the PML-N and refused to concede to the whims and wishes of the dictator” (Dawn, 2003, October 20). The government also helped and encouraged, through local administration, the PML-Q to forcibly occupy the main offices of the former ruling party in Islamabad and Karachi. In Karachi, around 200 “pro-dissident activists” of PML-N youth wing occupied party’s office before the election of the provincial president. Local police deployed in the area did not “interfere in the matter.” The government withdrew an accountability case against the youth wing leader within days of the occupation. The government had charged accountability cases of similar nature after the coup against others party leaders. It withdrew or “silenced” these cases against those who deflected PML-N and joined king’s party (Human Rights Watch, 2002).

#### **4.5. Attacks on Right to Elect the Government**

The military government also denied the citizens the right to elect their national and provincial governments independently. Earlier, it rigged the local government elections held in 2001 (Jurist Legal Intelligence, n.d.). The government had used official resources including intelligence agencies to ensure victory for few governments supported candidates for the position of City and District Nazims cities or districts, such as Lahore, Karachi, and Rawalpindi. Meanwhile, to protect his favourite people in the local government system, a brainchild of Musharraf, the government disallowed no-trust motions against Districts Nazims (Jurist Legal Intelligence, n.d.; Amnesty International, 2002). To keep his position as President, Musharraf also played a referendum ploy. According to reports, the regime had spent huge public funds on the referendum campaign and its compelled government officials including teachers and students to take part in rallies to be addressed by Musharraf. It also forcibly used public and private transport for the purpose. On the evening of 30<sup>th</sup> April 2002, the official media announced a “huge victory” for the President. There were reports of massive irregularities in the referendum results of which were exaggerated by the officials. Impartial observers had reported massive fraud, rigging and intimidation in the referendum. Musharraf had to accept it and apologise for these “irregularities” during a nationwide television speech on 10<sup>th</sup> July 2002 (Human Rights Commission of Pakistan, 2003).

In 2002, military government conducted general elections, but the entire process was “deeply flawed.” International observers commented that parliamentary vote was “stacked against the democratic rule” (Human Rights Watch, 2003). According to the road map for restoration of democracy announced by Musharraf on 14<sup>th</sup> August 2001, countrywide general elections were held for national and provincial assemblies in October 2002. But “plethora of ordinances and decrees” as well as official intervention to bar main political parties from coming into power preceded the polling. Main political parties, human rights groups, and independent observers from the European Union called the election “deeply flawed,” accusing that the military government manipulated “candidate eligibility.” The government used presidential ordinances as a means of influencing the electoral outcome” (Human Rights Commission of Pakistan, 2003). The government through an amendment under the LFO restricted any person not to be elected as a prime minister or chief minister for more than two terms.

The amendment was to target leadership of PPP and PML-N, and to give a psychological boost to king’s party. To keep politicians of opposition parties out of the parliament, the government restricted election of the national and provincial Assemblies as well as senate to persons having

a bachelor's degree (Human Rights Watch, 2003). Human Rights Watch in its report claimed that the government “employed a variety of legal and political tactics to control the process and outcome of the elections” including constitutional amendments giving Musharraf unlimited powers over parliament as well as government, the revision of electoral rules, elimination of the leaders of the two main parties from competing election. Moreover, authorities overtly and covertly supported the king’s party through relocating polling booths and appointing polling officers at the will of the PML-Q. Election and publicity campaign of other parties was disrupted through tearing and removal of their posters and banners, police raids on PPP and PML-N offices and police harassment of their workers and candidates at the behest of the government. The report deplored that Pakistan had seen a “consolidation of military power rather than a transition to democracy” (Human Rights Watch, 2003).

Post-election rigging further stigmatized the so-called newly introduced democracy in the country. Intimidation, blackmailing, and horse-trading followed the election and government agencies particularly NAB was used for creating a splinter group in Pakistan People’s Party (PPP) by forcing to defect its members to form PPP (Patriot). The relevant law prohibiting floor crossing was deliberately kept inactive to help form coalition government with the help of defected group that was rewarded with key ministries in the new set up. The tempering with the elections continued even in the by-elections. On 15<sup>th</sup> January 2003, bye-polls for 10 National Assembly and 19 provincial assemblies’ seats were held. Ruling PML-Q and Muttahida Majlis-e-Amal (MMA) won the seats amid charges of rigging, coercing, and bribing to win (Human Rights Commission of Pakistan, 2003).

#### **4.6. Military’s Grip over State Affairs despite the Civilian Rule**

Despite introduction of a civilian rule, country remained in the iron grip of military generals either openly or otherwise. General Pervaiz Musharraf still held the position of army chief and took main decisions on domestic and foreign affairs. The role of Prime Minister Zafar Ullah Jamali was marginal in most cases. Still he lost the confidence of Musharraf and his coteries due to which he had to lose his position. Resultantly, the country saw three Prime Minister within a period of two months during the year 2004. First, Zafar Ullah Jamali was asked by General Musharraf to give his resignation. The latter nominated Chaudhry Shujaat Hussain as new prime minister in June 2014. The parliamentarians of the ruling party were surprised over this change which took place after a Jamali’s meeting with President Pervaiz Musharraf. In parliamentary form of government, Prime Minister is changed by the parliament and not on the behest of a general. Later, Shaukat Aziz, who was believed to be a King’s man, was sworn in as Prime Minister of Pakistan (Human Rights Commission of Pakistan, 2005). Meanwhile, Sindh Chief Minister, Arbab Ghulam Rahim had confessed that former Vice Chief of Army Staff, General Muhammad Yousuf had made him the Chief Minister.

According to opposition, this confession had proved that generals distributed government positions to men of their choice (PPP, 2005). Earlier, during the senate elections in March 2003, the ruling party had to accommodate at least six “king’s men” who were on key positions in the military government. They were believed to be close to Musharraf and included: Shaukat Aziz, Javed Ashraf Qazi, Khalid Ranjha, Hafeez Sheikh, Nisar A. Memon and Muhammad Mian Soomro (Iqbal, 2003). Later, they also occupied important ministries or other positions, e.g., Soomro was chosen as Chairman Senate on Musharraf’s choice while Aziz was first appointed as Finance Minister and then as Prime Minister of Pakistan. Meanwhile, the militarisation of civilian institutions, continued under Musharraf government. At the beginning

of 2001 about 175 serving or retired military officers were occupying high-level civilian posts (Human Rights Watch, 2002).

#### **4.7. Intimidation of Opposition over Legal Framework Order**

The government also strived to intimate opposition members to accept Legal Framework Order (LFO). On 12<sup>th</sup> March 2003, newly elected senators of opposition parties protested against LFO, refusing to accept it as a part of the constitution and changed the text of the oath they took as members of the upper house. They also boycotted chairman's election in protest. A week later, two Punjab law officials resigned in protest against LFO. But the government continued to put pressure on the opposition parties to abandon their disagreement over LFO. In such a move, Dr. Aslam Khaki, a private lawyer but close to military government, on latter's behest moved a petition in SCP to seek disqualification of 65 elected representative of federal and provincial assemblies belonging to MMA. MMA, an alliance of six religious political parties, was the single largest group in opposition protesting against LFO.

Meanwhile, Peshawar High Court's election tribunal unseated Mufti Ibrar Sultan, MNA from MMA, for not having the requisite B.A. degree, a pre-requisite to contest the election for the parliament. The court ruled out that his educational qualification from a religious institution was not equal to a university degree. MMA accused that the court's decision to disqualify him was politically motivated and conducted under government pressure. It further claimed that Higher Education Commission (HEC) acknowledged such education as equal to BA degree. MMA also organised demonstrations across the country to protest government-inspired moves to disqualify their candidates on educational grounds for contesting elections. However, a week later, SCP reinstated Sultan, and decided that it would assume the case of his degree when it would resume hearing a similar petition against 65 parliamentarians of MMA (Human Rights Commission of Pakistan, 2004).

#### **4.8. Limitations on Freedom of Association**

The military regime had denied the right of association or access to judicial remedy through unconstitutional legislation. The government amended civil servants Act 1973 and Removal from Service (Special Power) Ordinance 2000 under which the courts were disallowed from "questioning or entertaining any order of the competent authority" (Cabinet Division of Pakistan, 2001). The regime also restricted freedoms of association and assembly enacting repressive laws, using tactics of harassment or intimidation of groups as well as individuals. The conditions of Pakistani trade unions were quite miserable, and they had to face severe hardship. A report noted that government coercive policies and "negative attitude" towards unions, interference in their elections, setting up of rival unions, co-optation of their leaders, and a slow process of labour courts, had paralysed trade unions in the country. In particular, the Industrial Relations Ordinance (IRO) 2002 had adversely affected the trade unions and the right of association in Pakistan (International Federation for Human Rights, 2005).

#### **4.9. General State of Affairs after "Return to Democracy"**

The measures taken by the government including General Pervaiz Musharraf's "renee" to step down as the Army Chief after December 2004, clearly suggested the "erosion of the rule of law" in the country. This perception was reinforced by lack of independence of the judiciary, which according to a report, had gone "under near complete political control of the Executive."

This situation had direct “consequences on individual freedoms in Pakistan, and in particular on freedoms of expression, of association and of assembly.” According to a report, journalists, lawyers, trade union leaders and human rights activists, mostly saw “their margin of manoeuvre dwindle incrementally in the past years.” Majority of them were, in fact, “increasingly exposed to judicial harassment, to economic or social pressure, as well as to outright rough-handed intimidation” by the government agencies (International Federation for Human Rights, 2005).

The constitutional amendments passed by the government had strengthened the powers of the President at the expense of the National Assembly. It reinstated the President’s powers to dissolve national assembly under article 58-2(b) of the constitution. Reportedly, the military remained heavily engaged in politics, the government’s human rights record remained poor, political parties were generally weak, and their leaders were unable to work freely, while institutions were undemocratic and cantered on personalities rather than policies. A report criticized the judiciary saying that it was “corrupt, inefficient, and malleable to political pressure.” Report further showed that “politically motivated” prosecutions of opponents continued in 2004. Security agencies committed massive human rights abuses, including extra-judicial killings, illegal detention, and torture (US Department of State, 2005).

The international community did not play its due role due to its “very short-sighted and narrow vision.” It remained silent on human rights violations committed by a military ruler - a “strategic ally” in the “war on terror” (US Department of State, 2006). The Western world turned a blind eye on massive human rights abuses in the country particularly after 9/11. Pakistan’s role in the so called “war on terror” on behalf of the West gave its rulers a license to launch a “war of terror” against its own citizens. Resultantly, in the words of a critic, Musharraf government had “further institutionalized the political and social role of the military and the consolidation of political authority in the military’s hands. Rather than creating conditions that are conducive to a functioning democracy, General Musharraf had moved Pakistan further away from public accountability and the rule of law” (Jan, 2003). Security Agencies also used torture and arbitrary arrests to “punish” or “teach lesson” to political opponents, human rights activists, as well as journalists who criticize the government’s actions. The purpose of such moves was to frighten the victim, compelling him to change his “political stance or loyalties” in favour of the government (Human Rights Watch, 2004).

## **5. Conclusion**

Despite military government rhetoric, the overall situation of human rights and political rights remained bleak throughout the first five years of Musharraf era. Government took cosmetic steps on human rights to project the soft and liberal image of a military dictator aimed at getting legitimacy within the country and recognition at the international level, particularly, the Western World. The latter remained unimpressed during the first two years of military rule but in the wake of 9/11, it made Musharraf government a key ally in American led war on terror and thus ignored the human rights abuses by a dictator. The victimisation of political opponents particularly leaders, activist and sympathisers of PML-N continued before and after “return to democracy.” General Musharraf played with the Constitution and judiciary at his will and made the latter subservient to the executive headed by a military dictator. He tempered with the constitution on the plea that judiciary had allowed him to do so. He used judiciary, police, and intelligence agencies to harass, intimidate and victimize his critics and to crush political opposition to his authoritarian rule. He imprisoned the leaders of deposed government without being charged for months and then registered against and trailed them under serious crimes

such as terrorism and sedition. He used NAB and other state apparatus to change the loyalties of political leaders and activists and subjected them to various sorts of coercion when they refused to bow before the dictates of military government.

Political leaders and activists were humiliated, ill-treated, and subjected to physical and mental torture and trailed under fake cases. Activities of political parties were curtailed and right to speech, expression, association, movement, hold or contest for public office and to elect freely the government were denied to the citizens. Musharraf got himself elected unconstitutionally in a referendum ploy and then installed puppet governments by installing his favourite personalities either in local government and parliamentary elections of 2001 and 2002, respectively. The country remained in the iron grip of military even after “transition” to civilian set up and generals directly or indirectly ruled the nation. Musharraf was able to install “king’s” men in the cabinet after their election in the senate. He himself made decisions on principal issues related to domestic and foreign affairs and so called elected prime minister was marginalized by relegating him to a secondary position. Musharraf changed the prime minister and distrusted the key positions to people of his choice, mocking the democracy in the country. He refused to step down as army chief by relinquishing his uniform, as promised to the nation in a televised address. In sum, no meaningful change took place in terms of political and democratic rights of the people even two years after transition to the civilian rule, and the “return to democracy” was just an eyewash.

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