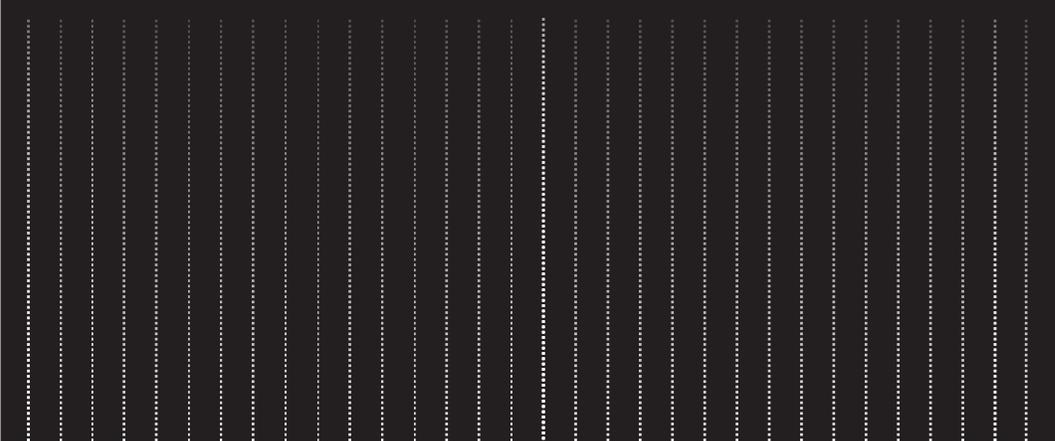


MONITOR

Civil-Military Relations in Pakistan

April 01, 2014-April 30, 2014



Mercury rising in Civil-Military Relations

Developments during the month of April form a chain of events that unmistakably point towards a disturbing trend indicating a serious trust deficit in civil-military relations in Pakistan.

In a somewhat unexpected development, an ISPR statement quoted the Chief of the Army Staff, General Raheel Sharif, during the visit at the SSG Headquarters as saying the following while “responding to the concerns of soldiers on undue criticism of the Institution in recent days.”¹

“While our country is faced with multiple internal and external challenges, Pakistan Army upholds the sanctity of all institutions and will resolutely preserve its own dignity and institutional pride.”

A public statement of this kind mainly served to demonstrate both a serious gap in perceptions as well as the existence of a gap in communication between political and the military leadership. That the COAS had to convey the message through a public communication depicts that either there are no effective channels of communication or communication through those channels has remained unproductive.

The press release also for the first time officially confirmed the 'concerns' among the rank and file of the Military about 'undue criticism' directed at the 'institution.'

Observers believe that that the statement by the COAS was a response to the statements made by the ruling politicians especially by the Defence Minister Khawaja M. Asif, MNA and Railways Minister Khawaja Saad Rafique, MNA, on the Musharraf treason case. During his interview in Geo News' programme Capital Talk, Khawaja M. Asif ridiculed Gen. (Retired) Musharraf's puffed up chest because of wearing a life vest. Another Federal Minister, Khawaja Saad Rafique, advised the former dictator to 'show courage, be a man and shun the acting'. Khawaja Saad Rafique also said that the former ruler committed 'mother of crimes' by abrogating the Constitution time and again. "He himself decided to enter politics, now he should face the situation," Saad Rafique said.²

A speech made by Khawaja Asif in the National Assembly in 2006³ also went viral on the internet and on TV channels in which he directed scathing criticism at the Armed Forces; alluded to their failures in all the wars and ridiculed the defence budget that he described was at the expense of the poor countrymen who live in abject poverty because of extravagance of the Military. He said in a highly charged tone that Military had pulled down the flesh from the bones of the poor people of Pakistan.

The perceptions of rising temperatures was confirmed by Interior Minister Chaudhry Nisar Ali Khan, MNA, who in his remarks of April 13, acknowledged the presence of irritants in civil-military relations but was confident that these would be overcome.

Firstly, we are told the institution of high treason case against a former COAS has not gone down well among the rank and file of the Military.

If this is true, the solution does not lie in scuttling the judicial process and impeding the course of law. If we are a civilized nation and believe in uniform application of rule of law, it is critical that liberties taken by Musharraf with the Constitution of the Islamic Republic on 3rd November 2007 come to a closure through fair legal proceedings. If some individuals in the Military do not understand the significance of this legal process, it is the duty of the military leadership, and, to some extent, political leadership, to educate the rank and file about requirements of the rule of law. If law is not allowed to take its course, no citizen will have any faith left in rule of law and it will become impossible to stand against such movements as Taliban who call the legal and democratic systems of the country a farce. Why should the Military, an institution that takes pride in its discipline, stand in the way of course of law? Musharraf's long stay at the AFIC, without any apparent justification, has continued to send a wrong message about Military's position in this case.

Secondly, Military may also be perturbed at registration of criminal cases against serving military personnel in missing persons cases. This issue demands a careful and dispassionate analysis. Human rights are certainly important but a State faced with such a fierce security crisis has to protect State sovereignty in the interest of citizens' security. In a country where Military is pitted against one of the most savage groups of terrorists who blow up citizens and behead military personnel; where legal system is so faulty that it is nearly impossible to get a terrorist convicted; and where judges, witnesses and prosecution face serious life threats while anti-terrorism laws remain weak and ineffective, registering criminal cases against Military personnel fighting a war is not just inappropriate, it is tantamount to demoralising the Military. Government has taken a bold and necessary step by introducing Protection of Pakistan Ordinance but it should enter into a dialogue with the opposition parties for its smooth and bipartisan passage.

Thirdly, aspects of on-going dialogue with Taliban may also have strained political and military relations. While political leadership, with mandate and responsibility to resolve the issue, should be afforded all cooperation to try and test the dialogue route, Military's perspective and experience should also be part of the process.

It is not clear whether the COAS ever complained about such statements to the Prime Minister although he met the PM several times but he had to finally speak through an extraordinarily candid ISPR press release on 7 April in which he complained of undue criticism of the institution of the Army and pledged to protect the dignity of his institution. It was a bold and clear message that all is not well and that rank and file in the army is uneasy about the way things were going. In this charged atmosphere, the timing of Prime Minister's meeting with the former President and current co-chair of PPP on April 16 also sent conflicting messages. Headlines in the daily The News and Daily *Jang* indicated that both the leaders have decided to be united against 'undemocratic forces.'

Although political leadership has contributed more than its share in further widening the gulf, it has not been a one-sided affair. The Army as an institution apparently helped Musharraf in resisting, if not

1. The full text of ISPR Press Release can be accessed at the following link: https://www.ispr.gov.pk/front/main.asp?o=t-press_release&date=2014/4/7
2. Saad Rafique takes a dig at Musharraf, Dawn, April 02, 2014, <http://www.nation.com.pk/national/02-Apr-2014/saad-rafique-takes-a-dig-at-musharraf>
3. Please see the speech at: <http://www.sochnews.tv/2014/04/khawaja-asif-speech-pak-army/>

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obstructing, the course of law when it allowed the Armed Forces Institute of Cardiology (AFIC) to be used as a refuge for Musharraf who was summoned by the special court for indictment for over a month without any apparent justification.

Prime Minister Nawaz Sharif tried to build a bridge when he termed Gen. Raheel Sharif as a role model for young army cadets in his speech delivered at the passing-out parade at the Pakistan Military Academy, Kakul on April 19 but the later events apparently doomed the effort.

Attack on Hamid Mir

While some damage control steps seemed to have been taken and things were apparently returning to normal when the condemnable assassination attempt on Mr. Hamid Mir⁴ served to further heighten the stresses. The TV channel, using the sound bites of Hamid Mir's brother, launched a 24 hours long ferocious and unprecedented campaign against the Inter-Services Intelligence (ISI) and its Director General, Lt. Gen. Zaheer ul Islam blaming him personally and the ISI as an institution for the attempt on the life of Hamid Mir.

Although the ISI reports to the Prime Minister and technically works under Prime Minister's office, Prime Minister's office maintained a deafening silence while the media house through its popular TV channel and several newspapers went on a deadly rampage against the ISI and its head. The Pakistan Electronic Media Regulatory Authority (PEMRA) simply took no notice of this vicious campaign. It was only the public relations wing of the Armed Forces, ISPR, which tried to rebut the accusations.

In a stark contrast to his and his government's total inaction in the case of defending ISI or its chief, Prime Minister, Nawaz Sharif, showed extra-ordinary swiftness to convene a high level meeting on a Sunday (April 20) and announced the constitution of a very high level judicial commission consisting of three supreme court judges (*The Hamood ur Rehman Judicial Commission formed to probe the dismemberment of Pakistan in 1971 had two judges of the Supreme Court along with a high court judge*). The Prime Minister also undertook an extraordinary step of visiting convalescing Hamid Mir in a Karachi Hospital the next day (21 April) along with his Minister of Defence and Minister for Information. The Information Minister, speaking to media on the occasion, said that Prime Minister's visit to Hamid Mir was a show of solidarity with the reason (*Daleel*) and Intellect (*Danish*) opposed to the sling (*Ghulail*) – a message that was open to diverse and somewhat dangerous interpretations in the charged atmosphere.

A highly influential Lahore-based columnist and former ambassador who has the reputation of being very close to the Prime Minister and who currently heads a public institution in Lahore demanded in his column in daily *Jang* of 21 April that Director General of ISI should resign if he wanted that the ISI's 'blackened face is cleaned' (*Hamari ISI jis ke credit par kuch achey kaam bhi hain, apney chehrey ki yeh kalak jo Aamer Mir key bayan se wazeh taur par nazar aa rahi hai*

utarney kailiye sab kuch karna chahiye balkeh khood Gen Zaheer ul Islam ko chahiye ke who razakarana taur par hi sahi, apney ohdey se mustafi ho kar apni position saaf Karen). Punjab Law Minister Rana Sanauallah, as reported in *Jang* of 22 April, praised the courage of Aamir Mir who had accused the ISI and its head of assassination attempt on his brother Hamid Mir.

While Nawaz Sharif and his associates praised and visited Hamid Mir, the COAS visited the ISI headquarters on April 22 and praised the sacrifices and role of the ISI. It was only after 7 days that Prime Minister, in a meeting with the COAS and the ISI Chief praised the ISI.⁵

The Minister of Interior finally condemned the Geo onslaught on the ISI and its chief on 22 April, 72 hours after the campaign against the ISI had been unleashed and after the COAS paid a visit to the ISI headquarters.

Another Federal Minister, while answering a question in a TV programme, said that the PM did not visit the ISI because he did not want to appear siding with a party in the case of shooting at Hamid Mir.

Mr. Hamid Mir, in the meantime, blamed the 'ISI within ISI' for the attack in his first interview after the attack.⁶ In his written statement he said that the ISI officials were apparently unhappy about his famous talk show, Capital Talk, being broadcast on Mama Qadir's long march over missing Baloch persons. Mir claimed that the intelligence agency was also unhappy of his criticism aimed at the ISI during various episodes of his talk show.

PEMRA Case

On April 22 the Ministry of Defence filed a complaint with the PEMRA against the Geo News and demanded action against the channel.⁷

PEMRA, the complaint said, is called upon to take measures on the regulatory side to:

- i. Immediately suspend the licence and after examining the facts, cancel the licence of Independent Media Corporation (Pvt) Ltd granted under Section 20 of the PEMRA Ordinance 2002;
- ii. Commence prosecution of the editorial team and management of the Geo under Sections 33 and 36 of PEMRA Ordinance read with all enabling provisions and the PEMRA rules as amended from time to time.⁸

When the Minister of Information was asked about the complaint in a Geo News TV programme, he sounded extremely apologetic and termed it as the 'complaint from a department under the Ministry of Defence' which the Ministry had no choice but to forward to the PEMRA.⁹ In another show, however, he said that the complaint was with the PEMRA, which is the competent authority to deal with this issue.

4. Senior Journalist Hamid Mir hurt in Karachi attack, The News, April 20, 2014 <http://www.thenews.com.pk/Todays-News-13-29824-Senior-journalist-Hamid-Mir-hurt-in-Karachi-attack>
5. Govt. to Pursue specified agenda in Talks with TTP, Dawn, April 29, 2014: http://epaper.dawn.com/DetailImage.php?StoryImage=29_04_2014_001_001
6. Hamid Mir blame ISI within ISI for attack, Dawn, April 26m 2014, <http://www.dawn.com/news/1102478>
7. Shut down Geo, Pemra asked on ISI complaint, The News, April 22, 2014, <http://www.thenews.com.pk/article-145479-Shut-down-Geo.-Pemra-asked-on-ISI-complaint>
8. Ministry wants TV Channel's License Cancelled, Dawn, April 23, 2014, <http://www.dawn.com/news/1101651>
9. Ministry wants TV Channel's license canceled, Dawn, April 23, 2014, <http://www.dawn.com/news/1101651>

There seems to be a dichotomy in the ranks of the PML-N Government on this issue. Contrary to the position taken by the Information Minister, both the President¹⁰ and Prime Minister,¹¹ however, made announcements that they have no intention of closing down Geo Television.

CCNS Renamed

Nawaz Sharif Government had taken a praiseworthy step in August 2013 to create an effective forum of civil-military consultation when it re-designated the Defence Committee of the Cabinet (DCC) as Cabinet Committee on National Security (CCNS) and announced the establishment of a secretariat of the Committee. An experienced and dynamic diplomat was also subsequently appointed as the Secretary General of the CCNS.

Unfortunately the committee met only thrice in 8 months since its formation despite the fact that a pressing agenda on national security demanded much more frequent meetings.

The latest meeting of the committee on April 17 was the first time when media noticed the change in the name of the committee to 'National Security Committee' without any formal notification about the change.

In a way, the change was a positive step as it removed the anomaly earlier pointed out by PILDAT¹² that the services chiefs could not be full members of a cabinet committee because they were not members of the cabinet. However as no rules of business or a formal notification explaining the terms of reference of the 'National Security Committee' was issued, this change together with its infrequent meetings, apparently seemed like diluting this important institution.

Way Forward

Civil Military relationship in Pakistan in the recent weeks has suffered a set back for various reasons. At a time when the country faces critical internal and external challenges, the leadership of both Civil and the Military institutions needs to secure and demonstrate cohesion, mutual trust and respect.

Efforts are needed on both sides – civil and military – to avoid distraction from security agenda of the State and for the sake of consolidation of democracy. While the Armed Forces have to be clearly on the side of the rule of law, the PML-N top leadership also needs to make a conscious effort to overcome the bitterness of the past and not allow the bad taste of their dealings with Musharraf and his companions some 25 years ago to mar their relationship with the institution of the Armed Forces and the ISI today.

The highest institution charged with issues of National Security, formerly named as the Cabinet Committee on National Security (CCNS) and now renamed as the National Security Committee (NSC) has to be made an effective channel of communication and both sides should use this forum and refrain from making public statements. The NSC should start meeting, at least on a fortnightly basis, to discuss the

enormous challenges facing the country and to make sure that all the stakeholders are on the same page on issues of national security. Informal one-on-one meetings between the Prime Minister and the COAS are not a substitute for structured meetings of the NSC. Issues such as the question of release of prisoners, dialogue with the TTP, the emerging situation in Afghanistan, the situation in Balochistan and the PPO, etc. are some of the questions that should be discussed regularly in the NSC.

Protection of Pakistan Bill 2014

On what appears to be a response to the Missing Persons Case and its handling by the superior Judiciary, the Government introduced a legislation titled the Pakistan Protection Bill with various amendments. The law, which mainly authorizes civil and military Law Enforcement Agencies (LEAs) to fire upon, arrest without warrant or enter and search without warrant any premises on forming a 'reasonable apprehension' against any person, preventive detention of up to 90 days and retrospective application of this, appears to have been prepared to protect the Civil and Military LEAs.

The law, however, has been criticized by the human rights lobby alongside the opposition parties in the Parliament. After adding some of the amendments made by the opposition, the PPO 2014 was passed by the National Assembly on April 07, 2014. The law, however, is yet to be passed by the Senate of Pakistan.

While it is essential that the balance between tough anti terrorism legal regime and respect for human rights must be maintained by the Parliament, it must be kept in mind that exceptional circumstances call for exceptional measures. Pakistan is facing a war and we require adequate legal regime in place.

Speaking at a PILDAT Forum on the subject,¹³ Barrister Zafarullah Khan, Federal Secretary Law, said that a revised PPO 2014 draft, upon the direction of the Prime Minister, has been given afresh to political parties for review. The rationale behind the law is to bring into force a tougher anti terrorism law to tackle the tough challenge of combating terrorism in Pakistan. He said that the revised law, based on input by opposition parties in the National Assembly, takes into account some of the main concerns.

PM-COAS Meetings

In April 2014, Chief of the Army Staff General Raheel Sharif met with Prime Minister Mr. Muhammad Nawaz Sharif, MNA, 6 times. Defence Minister was part of only two of these meetings, i.e., in the meeting of the Cabinet Committee on National Security as well as in Kakul Military Academy. During the other four (4) times when the PM and the COAS met, three meetings were held on issues of national security, talks with Taliban, and PM's visit of Gawadar port where COAS was also present.

10. Govt. not contemplating banning any channel: Mamnoon Hussain, The News, April 28, 2014, <http://www.thenews.com.pk/article-146041-Govt-not-contemplating-banning-any-channel:-Mamnoon-Hussain>
11. No intention to ban Jang and Geo: Nawaz, The News, April 30, 2014, <http://www.thenews.com.pk/Todays-News-13-30009-No-intention-to-ban-Jang-and-Geo-Nawaz>
12. For details please access the following link: http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_August012013_December152013.pdf
13. Parliament of Pakistan should consider appointing Independent Reviewer of Terrorism Legislation in Pakistan: Lord Carlile, PILDAT Forum: April 24, 2014: <http://www.pildat.org/eventsdel.asp?detid=698>