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Martial Lawyers

Is Pervez Musharraf's state of emergency a response — or a reaction — to his own modern vision?

By Nicholas Schmidle

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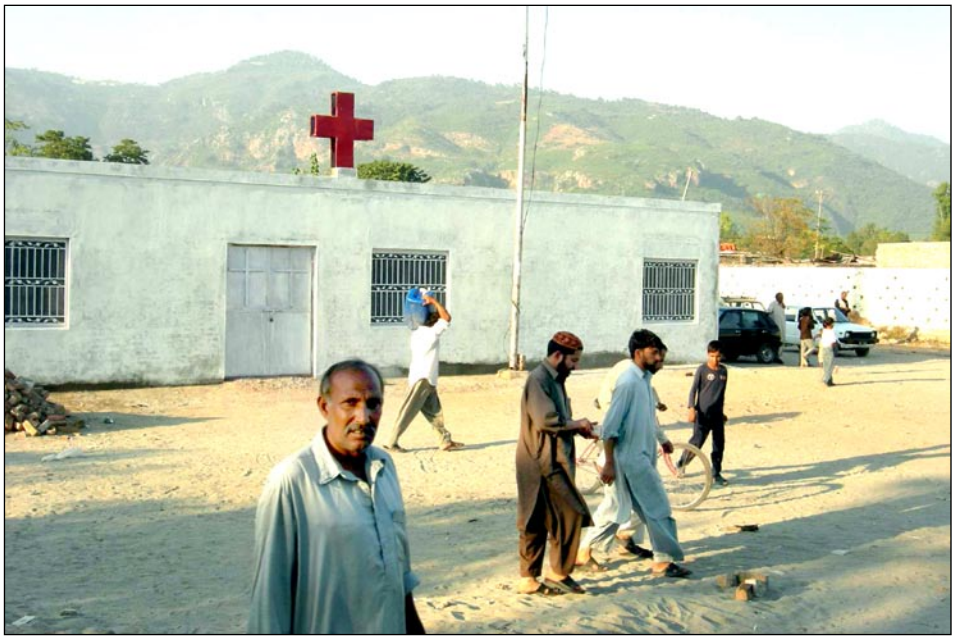
President Pervez Musharraf lifted the state of emergency described in this newsletter on December 15, forty-two days after he declared it. The results of the February 18th parliamentary elections, in which the pro-Musharraf parties lost by a wide margin, showed the extent of opposition to Musharraf's rule.

LAST MONDAY, TWO DAYS after Pervez Musharraf declared a state of emergency in Pakistan, I drove around Islamabad in search of Musharraf supporters. As police beat and arrested the president's political opponents, the country's elite was becoming increasingly restive, and even people on the street sounded annoyed. Shopkeepers complained about slow business; the government had shut down more than ten private TV channels, and cell service was spotty. Then I arrived at the Christian slum near my house, where I met a 28-year-old man named Javed. "Musharraf is still a good man, and he is very nice to us," Javed said in broken English. Behind us, filthy children played in piles of dirt, a dog rummaged through an overfilled dumpster, and a large, red cross stood on the roof of a church. "Every Sunday, Musharraf sends two or three policemen to come here and guard the church while we pray," said Javed. And during the regime of his predecessor, Nawaz Sharif? "Sharif shut down the Christian ghettos and tried to make Pakistan an Islamic state."

Musharraf overthrew Sharif in a coup eight years ago, and is fond of boasting that he saved Pakistan from becoming a failed state. He is partly right. Sharif, in



A large, red cross stands on the roof of a church in the Christian slum near my house.

his final days, presided over a stifled press, a subservient judiciary, and a tanking economy. Musharraf is hardly a democrat, and with the state of emergency the Western press has focused almost exclusively on his dictatorial streak. But, in fairness, Musharraf's regime has modernized and liberalized Pakistan in ways that no military general or secular leader had done before. The irony of the past few days is that Musharraf's liberalization has facilitated the current unrest, and the tragedy is that in responding Musharraf has brought Pakistan back to where he began.

THE NIGHT THAT MUSHARRAF DECREED the state of emergency, I met with one of his top advisers, a Georgetown-educated journalist-turned-politician named Mushahid Hussain. Local newspapers had quoted Hussain in the preceding weeks as a firm opponent of Musharraf taking extra-constitutional steps to stay in power. A journalist friend of mine refers to Hussain as "the good angel sitting on one of Musharraf's shoulders." On Saturday night, he looked sad, exhausted, and resigned. Hussain had spent seven years working on Musharraf's image and slogan of "enlightened moderation." Now he watched Musharraf abandon any pretensions he might have had to being anything more than a military dictator. "Pakistan is not Myanmar. We have a robust civil society, a vibrant media, and an independent judiciary. But by this action, the Chief of Army Staff" — Hussain called Musharraf by his military title, subtly disassociating himself from his boss — "will end up presiding over the liquidation of his own legacy."

The Burma analogy fits because the Pakistani Army seems unwilling to give up power, but the better comparison may be to pre-Revolutionary Iran. Last month, Gary Sick, who headed the Iran desk at the National Security Council during the Carter administration, wrote that "the U.S. [is] locked in much the same kind of policy vise that bedeviled the U.S. in Iran. We have bet the farm on one man — in this case Pervez Musharraf — and we have no fallback position, no alternative strategy in the event that does not work." By comparing Washington's relationship with the Shah during the late 1970s to its relationship with Musharraf today, Sick highlighted the strategic danger to America of backing an unpopular leader. But the analogy also illuminates what is happening *inside* Pakistan.

The Shah revolutionized Iranian society during the 1970s. Backed by huge inflows of American aid, the Shah put Iran on track to becoming a modern, potentially liberal nation. Women wore mini-skirts in the streets of Tehran, the Iranian army grew to being the 5th largest in the world, and the middle-class, made up mostly of conservative merchants, flourished. When the revolution gathered momentum, the emboldened merchant classes led the way. They, and Ayatollah Khomeini's mullahs, railed against the Shah's "intoxication" with the West, and demanded women to cover their legs, arms, and heads — or else. The army, despite its size and technical strength, finally refused to fire on its own people.

Musharraf has similarly revolutionized contemporary Pakistan, all in the name of "enlightened moderation." The economy has been growing at more than 7 percent annually, and a few years ago, *BusinessWeek* called the Karachi Stock Exchange the best performing market in the world. In 2006, Musharraf passed the Women's Protection Bill, which amended a draconian law that had criminalized adultery and non-marital sex…and sanctioned stoning for violators. And earlier this year, Musharraf opened the National Art Gallery in Islamabad, 34 years, and six governments, after construction began. Rohail Hyatt, one of Pakistan's leading rock stars, once praised Musharraf for allowing the arts to thrive. "We are a country that forgets…but Musharraf has steered us out of severe crisis."

And yet, in the process, much like the Shah, Musharraf has unwittingly unleashed the forces that may lead to his demise. When Musharraf took power in 1999, there was one news channel, state-run Pakistan Television. Today, there are so many private news channels that I didn't even know some of them existed until Musharraf blocked them out on Saturday night, leaving a snowy void where there should have been a newscaster. Musharraf clearly recognizes this irony. In his address to the nation on November 3, he blamed the private TV channels for contributing to "this downslide, this negative thinking, this negative projection" of Pakistan.

The protesters, too, acknowledge that Musharraf has enabled them—even as he has provoked them. In March, when Musharraf tried to sack Iftikhar Mohammad Chaudhry, the Chief Justice of the Supreme Court, on flimsy charges of nepotism, the legal community protested until Chaudhry was finally restored to his post. Last week, as the lawyers returned to the streets, dressed in their signature black suits and white shirts, I attended a protest march in Islamabad, and afterwards met Shakeel Mian, a 33-year-old advocate with a mustache and a comb-over hairstyle. I asked him if the lawyers' movement would have even been possible under another regime. Mian said that he, the lawyers, and Musharraf all agreed in promoting a secular, modern Pakistan. "Every time we march, we are validating the viewpoint of President Musharraf when he talks about 'enlightened moderation,'" Mian said. "But for the independence of the judiciary, we have no choice but to revolt."

PAKISTANI LAWYERS led a successful movement earlier this year that attracted worldwide attention and succeeded in restoring Chaudhry to his post. Now they want to lead a revolution against Musharraf and the army. Can they triumph once again?

This time around, the lawyers are handicapped by the fact that most of their leaders are in jail. The first night of the emergency, Aitzaz Ahsan, the president of the Supreme Court Bar Association, called a hurried

press conference at his home. He sat at an oak desk, rows of legal books stacked on shelves behind him, and more than a dozen microphones crowded in front of his face. Musharraf, he said, had acted "like a spoiled child," and while clinging to power at all costs, had "ruined and decimated every value in which civil society — and civilized, liberal nations — thrive." One of Ahsan's assistants interrupted the press conference to say that the police were waiting outside to arrest him. The Bar Association president turned to the media and promised, "The lawyers of Pakistan will not allow independent judges to be removed from their offices." Ahsan, who was wearing a grey suit with a striped tie, finished shortly after that, and excused himself to change his clothes. "I should put on a shalwar kameez before I go to jail," he said. A few minutes later, police stuffed Ahsan into a paddy wagon and took him to prison.

Three days after Musharraf declared a state of emergency, lawyers carried out protests against his regime.

Meanwhile, the same night in Lahore, police placed Asma Jahangir, a leading human rights lawyer, on house arrest. The following morning, Musharraf's storm troopers continued their crackdown of political and legal activists when they raided the offices of Jahangir's organization, the Human Rights Commission of Pakistan. (Four days into the emergency, more than 1700 lawyers and politicians had been arrested only in Punjab - one of Pakistan's four provinces.) Jahangir's and Ahsan's detention has been extremely significant because the anti-Musharraf movement is, at least for now, decapitated. Ahsan, who is also a senior member of Benazir Bhutto's Pakistan People's Party, might have been able to fuse the agendas of the lawyers and the political parties. And Jahangir could have done something similar between the lawyers and civil society groups.

Instead, even the lawyers seem frazzled and disjointed. Every time I have called a friend of mine from the Supreme Court Bar Association, he sounds out of breath. "I am concealing myself," he told me recently, adding that he had slept somewhere different every night since the emergency began. And while the lawyers in Lahore were chucking rocks at police and getting tear-gassed in response, the ones in Islamabad showed no interest in clashing with police — or reaching out to merchants to expand their movement.

A pack of protesting lawyers marched past Zulfiqar's fruit-juice stand two or three times on the first Tuesday morning after the emergency, but Zulfiqar kept on squeezing fruit. The procession marked the second day of lawyer-led agitations against the state of emergency. Formally attired lawyers wound through the narrow alleys of the Islamabad bazaar, and past Zulfiqar's stand, chanting slogans against Musharraf and the army. Police in riot gear, including what looked like old-school hockey masks and chest pads, surrounded the bazaar to prevent the protest from spilling into the streets. As the lawyers paraded past him, Zulfiqar, a skinny, thirty-something man with rotting teeth, took a halved pomegranate, smashed it onto a crude emulsifier, and made another juice for a paying customer. He said the lawyers never stopped to ask him to participate, so he never stopped making juice. Zulfiqar pointed to his stomach and mouth, and added in Urdu, "I need to make money to feed my family."

When the rally finished, I asked Shakeel Mian, the advocate, why they were holding back and not including other sectors of society. Just wait, he said. "In the beginning of a movement, there are impediments. Musharraf, you know, has unbridled powers and authority," he explained. In other words, the lawyers needed to draft a strategy before they ran headlong into policemen swinging batons, or worse, paramilitary forces firing bullets. "We are facing a very turbulent time in Pakistan's history. But we will be marching to the President's House and the parliament building very soon."

HAMID MIR WORRIES that a headless and directionless lawyers' movement could actually do more harm than good. Mir, a columnist for the Urdu-language daily *Jang* and a television anchor on GEO (which Musharraf has yanked off the air), said, "People are looking to come out in the roads, but they want leaders. A leaderless movement in Pakistan may head toward anarchy." Mir showed me several threatening emails he had received in the past few days from intelligence agents and politicians from pro-Musharraf parties. One warned Mir's boss, the owner of GEO, not to air anything that criticized the Pakistani Army. The emailer said that those who engaged in "anti-Pakistan" propaganda would be "hunted down like rats."

In the English portion of his speech to the nation on the Saturday night he decreed the emergency, Musharraf explained that Pakistan was "on the verge of destabiliza-

tion," which he cited as the main reason for him needing to decree a State of Emergency. In the Urdu portion, he said that "terrorism and extremism had reached extreme levels" and that an over-eager Supreme Court was wreaking havoc on the country. But since then, he has ignored the Taliban and al-Qaeda outposts along the border with Afghanistan. In fact, in South Waziristan earlier this week, Musharraf signed another so-called "peace treaty" with the Taliban; the Taliban returned 213 captured army soldiers, while the government handed back 28 terrorists. Musharraf pledged to withdraw the army, and the Taliban promised not to ambush any army convoys in the meantime (though they refrained from promising not to launch cross-border attacks in Afghanistan). "Ironically the President (who has lost his marbles) said that he had to clamp down on the press and the judiciary to curb terrorism," wrote Asma Jahangir, in an email she circulated while on house arrest on Sunday. "Those he has arrested are progressive, secular minded people while the terrorists are offered negotiations and ceasefires."

After the lawyer's rally on Tuesday, I walked across the sidewalk from Zulfiqar's juice stand and spoke with a 40-year-old man named Mohammad Javed. Javed sat behind a computer, which he used to type legal documents for the lawyers. (The Islamabad Bar Association is nearby.) But he too had just sat and watched earlier as the lawyers marched by. "My heart is with the protesters and we should chant together. But I am afraid. My family could be arrested," Javed said. "Unless the entire nation, including the common people, comes out in the streets, nothing will happen."

MUSHARRAF CITED TWO REASONS for imposing what Mushahid Hussain calls "de facto Martial Law:" rising terrorism and extremism, and judicial activism. At the end of the first week, police had rounded up thousands of lawyers and opposition politicians, but there was no sign of any impending crackdown on the Taliban militias steadily gaining ground near the Afghan border. According to a senior member of Musharraf's party and one of his top aides, Musharraf has no plans for a military operation against the Taliban either. The aide told *The Washington Post* that the decision to impose a state of emergency had everything to do with a case in the Supreme Court that was about to declare Musharraf ineligible to serve as president, and nothing to do with fighting terrorism. The first week of the emergency, pro-Taliban militants in the North West Frontier Province overran several police stations and took control of a town.

The Islamists hate Musharraf for kowtowing to America — the same reason that Ayatollah Khomeini and his cohorts detested, and later toppled, the Shah. But the Islamist political parties aren't strong enough to chase Musharraf out of office alone. Liaquat Baloch, a vice president of Jamaat-i-Islami, an Islamist party with seats in the National Assembly, admitted as much when told me about his party's plan of attack: "We are not in this for a solo flight. This is the matter of getting the whole nation involved." And the ones to really worry about, the Taliban-inspired gangs taking over the North West Frontier Province, are not about to march on

A protesting lawyer wears a bumper sticker on his forehead that reads: "Military Dictatorship is Unacceptable."

Islamabad and steal power. At least not yet.

After living in Pakistan for almost two years, and traveling to all parts of the country, meeting some of the nastiest Islamists around, I had my first encounter with visceral anti-Americanism on Saturday night, an hour after the State of Emergency was declared. I was walking from one side of a police cordon, back into a crowd of anti-Musharraf protesters, when a tall man with a long beard called me out from 15 feet away, berated me and accused me of being a CIA agent. "America is destroying a nation of 160 million people to save one person!" he yelled.

I looked back at the line of riot police and wondered if they were going to come to my rescue. But I didn't fault the man with the beard. Even though the White House has criticized Musharraf in the last few days, they have spent the past six years telling Musharraf that he could do no wrong. I just wondered how many American journalists faced a similar barrage in the months before the Shah fled Iran. ❑

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