

## **Scenario 28**

### **Military Gimmicks in 2000:**

#### ***Nawaz Sharif Convicted:***

On **6<sup>th</sup> April 2000**, Pakistan's deposed Prime Minister Nawaz Sharif was awarded two sentences of life imprisonment, 25 years each starting concurrently, by an Anti Terrorist Court at Karachi for 'plotting with criminal intent' against Gen Musharraf. Nawaz Sharif was found guilty of hijacking and terrorism, but cleared of attempted murder and kidnapping. He was spared the death penalty. His brother Shahbaz and five former senior government officials were acquitted. The defendants had denied all charges levelled upon them by the military regime..

Sharif's lawyers immediately announced that they would appeal against the verdict; they ought to do so to save political career of a man twice elected as Prime Minister. But on the government side, the prosecution had also announced they would appeal against Sharif's sentence and demand the death penalty. In 1979, Zulfikar Ali Bhutto, Pakistan's first elected prime minister, was also executed by the military after a coup. Speaking outside court, Javed Jabbar, Gen Musharraf's national adviser on media and publicity, had said that:

*'We want Nawaz Sharif to be subject to the same law he formulated and promulgated for others; his political opponents'.*

The above phrase was referred to the draconian anti-terrorism laws Nawaz Sharif as Prime Minister introduced after assuming power in February 1997 keeping aside all cannons of justice.

His wife, Kulsoom Sharif had said he was the victim of a 'personal vendetta' by Gen Musharraf and accused the judge of delivering a verdict written by someone else. History is cruel to remember all the odds though the leaders are not able to see beyond the wall. Just two years back, Sharif's slave judge Malik Qayyum used to read the judgments in Lahore High Court which were sent to him by Ehtesab Chief Saif ur Rehman. One such judgment against Ms Bhutto was read over to media on 14<sup>th</sup> of a month by the then Law Minister Khalid Anwar, whereas the decision was actually signed by Justice Malik Qayyum on 15<sup>th</sup>.

Coming back; Kulsoom Sharif continued to say that:

*'My husband is innocent. He has done nothing wrong. This is a politically motivated judgment under pressure. Only my husband was targeted. That is what they wanted. Such a judgment will make the nation hang its head in shame.'*

During the two-month trial, the prosecutors had claimed Nawaz Sharif tried to stop a commercial aircraft with Gen Musharraf on board from landing in Pakistan, risking the lives of 197 other passengers too. Gen Musharraf's plane could land only after the army took control of Karachi airport, staging a coup hours later on 12<sup>th</sup> October 1999.

During hearing a defence lawyer, Iqbal Raad, was shot dead on 10<sup>th</sup> March in his Karachi office. Pakistan's judges were also called to swear an oath of allegiance to Gen Musharraf under a PCO arrangement. Those who refused, including the chief justice, were sent home.

Giving judgment in a courtroom at Karachi, the presiding Judge Rehmat Hussain Jafri had categorically explained that:

*'Nawaz Sharif had ordered three fire engines to block the runway [on 12<sup>th</sup> October 1999 at Karachi Airport] and had the landing lights switched off. If the plane had landed in presence of these things it would have crashed. The effect of the hijack was to create terror and insecurity in people and the passengers on board.'*

Maryam Nawaz, daughter of the convicted PM was upset but maintained that *'we were born in Pakistan and we will die in Pakistan'*. Nawaz Sharif was facing two outstanding corruption charges and investigators were collecting documents for sixteen (16) other cases against him but he ran away to Saudia.

In nut shell, it was the end of that story which had started on **8<sup>th</sup> October 1999**, when relations had gone worsened between PM Nawaz Sharif and his army Generals. Three had resigned, criticising the government for the economic crisis and religious killings. On **12<sup>th</sup> October 1999** Nawaz Sharif sacked his Army Chief Gen Musharraf, and prevented the plane carrying the General back from Sri Lanka from landing in Pakistan.

Gen Musharraf's colleague Generals staged military coup, facilitated the PIA flight to land at Karachi and arrested Nawaz Sharif from the PM House in Islamabad. On **20<sup>th</sup> January 2000** Nawaz Sharif formally charged with terrorism, hijacking and conspiracy to murder, offences which carry the death penalty and a week after the trial opened which ended on **6<sup>th</sup> April 2000** when Nawaz Sharif was sentenced to life imprisonment twice after being found guilty of terrorism and hijacking.

In October 2000, another odd situation developed for Gen Musharraf. All the harassed and struggling politicians from all parties joined together to form a grand alliance against the military government. Gen Musharraf's opponents like Benazir Bhutto of PPP and Kulsoom Nawaz of the PML had agreed to forget past differences, including trying to avail court verdicts against each other.

The only one point agenda of the 17-party coalition was to show an exit to Gen Musharraf. Late Nawabzada Nasrullah, known in history as *Baba e Jamhooriat*, was made convener of the Grand Democratic Alliance (GDA) who was a known alliance maker. He was instrumental in forming earlier alliances such as one which led to the dismissal of Prime Minister Zulfikar Ali Bhutto in 1977 and another which had challenged the dictatorship of Gen Ziaul Haq in the 1980s to bring democracy back [*but alas! Nawabzada died earlier*].

Divisions within the alliance had already caused the going away of one Imran Khan's Justice Party when other members refused to agree to a commitment that politicians accused of corruption should be held accountable for their actions before being allowed to participate in any future elections; many alliance members dissented.

Half heartedly, the GDA had agreed to start with mobilisation of public opinion against the military regime before going for street protests. Not all Pakistanis had welcomed the GDA so Gen Musharraf was not taking them seriously because they had lost their credibility in the near past. The General kept the PPP and PML alive with their corrupt leaders declaring that: *'the voters are OK but their heads are rotten'*.

The daily *'Telegraph'* dated **13<sup>th</sup> October 2000** had told that Human Rights Watch, based in New York, condemned Pakistan's military leadership for attacking civil liberties and not moving for democratic elections. Gen Musharraf was accused of committing widespread abuses in the name of political reform. In their opinion:

*'Gen Musharraf follows a long line of generals in Pakistan who have claimed that a period of military rule is the path to true democracy. In fact, he is systematically destroying civil liberties.'*

Javed Jabbar, the Information Minister, had denied accusations saying:

*'The report was an imbalanced, one-sided and imperfect evaluation. Ours is an independent, self-respecting and sovereign state. We do not need any sort of lecturing.'*

However, general public mood was showing a vigorous change because there was seen an enormous outflow of capital and professional people from Pakistan. Benazir Bhutto, then in exile in Britain, had said that:

*'She believed that up to £2.8 billion had been taken out of the country since the coup.'*

Whereas Gen Musharraf had vowed that:

*'Pakistan's survival lies in revival of the economy and good governance; nothing else matters as much. We have stopped the downslide; certainly we have turned the economic tide towards improvements.'*

Despite all, throughout the year 2000, the army government had bravely faced the foreign pressure by refusing to sign the Comprehensive Test Ban Treaty and had allegedly stepped up military support to the Taliban regime in Afghanistan. Gen Musharraf was always found ready to talk to India over Kashmir, anywhere and anytime, but New Delhi kept on refusing to talk to a military regime. The army, however, failed to prevent bomb blasts and suicidal attacks which continued to shake the major cities & towns throughout the country.

As **Christina Lamb** had noted in a British newspaper '**Telegraph**' dated **29<sup>th</sup> October 2000**, Gen Musharraf was determined to keep all corrupt politicians away from power. Gen Musharraf had succeeded in getting an announcement from NAB that Benazir Bhutto had misused her position as Prime Minister to accumulate £1 billion in assets including a country estate in Surrey (known as Surrey Palace), a stud farm in Texas, six homes in Florida, and two homes in France.

It had also documented at least 26 separate foreign bank accounts held by her in Switzerland, France, Britain, the United States and the United Arab Emirates. Nawaz Sharif, sentenced to life imprisonment, was also facing numerous charges of corruption and the state was moving the appellant court to convert his sentence to the death penalty.

#### ***A Prime Minister Flees away to Saudia:***

On **10<sup>th</sup> December 2000**, the former Prime Minister Nawaz Sharif opted to go in exile in Saudi Arabia after being released from Attock Fort Prison by Gen Musharraf's military regime. He left Pakistan after Gen Musharraf's government unexpectedly announced that his life sentence had been commuted but without divulging the basis for that release.

Nawaz Sharif was in military custody since the coup of 12<sup>th</sup> October 1999; subsequently convicted of kidnapping, hijacking and corruption by the same special courts which he had constituted defying the then prevailing rules, without consent of the superior judiciary and empowering them to punish his political rivals. He landed in Jeddah in a private jet belonging to the Saudi royal family. He was accompanied by 18 members of his family, including his wife Kulsoom, his three children and his elderly parents.

An official press note from the Pakistan government was:

*'Nawaz Sharif and his family have been exiled to Saudi Arabia. The decision has been taken in the best interest of the country and the people of Pakistan,'*

Later it surfaced that Nawaz Sharif and his family had appealed for clemency from Gen Musharraf several times over the past few months. They said he was suffering from high blood pressure and heart problems, therefore, be allowed to travel abroad for medical treatment. The army said it had pardoned Ex PM Nawaz Sharif, who had been given a double life sentence. They all were granted Saudi visas as a special case causing rumours that Sharif brothers were to be released on immediate basis as per Saudi ruler's wish.

The ***Guardian of 11<sup>th</sup> December 2000*** had categorically stated that:

*'As a condition of his exile, Mr Sharif has agreed not to take part in politics in Pakistan for 21 years [subsequently authenticated as 10 years]. He has also forfeited property worth \$8.3m (£5.7m) and agreed to pay a fine of \$500,000. His brothers Abbas and Shahbaz, who were [also] serving jail sentences for corruption, were also freed and allowed to leave with their families.'*

Pakistani intelligence sources had told that Nawaz Sharif, whose two terms in office were marked by acute corruption while his family assets were estimated to be worth several hundred million dollars.

The PML had revealed then that an unnamed member of the Saudi royal family had negotiated his release. A Saudi official had confirmed it and told the media that:

*'This is purely a humanitarian gesture by the kingdom and has nothing to do with politics. Mr Sharif has pledged not to undertake any political activity while in Saudi Arabia.'*

The deal was an embarrassing, humiliating and shameful end to Mr Sharif's political career: he was the first Prime Minister of Pakistan to be exiled while his predecessor Benazir Bhutto was living in self-imposed exile in London. Astonishingly, when the Sharifs family left Islamabad, his wife Kulsoom Nawaz had said that:

*'We are not running away in the darkness of night. We are being expelled from this country. My husband is suffering from a heart condition and high blood pressure. Pakistan will never be far from our hearts. We pray that our countrymen will be prosperous and whenever Nawaz Sharif's health is better, we will come back.'*

Mr Sharif was taken to the airport from the Attock Fort where he was serving his sentence. His deal with the government had dismayed many of his political allies, who only a week ago joined other parties in an alliance with the sole goal of ending military rule in Pakistan and restoring democracy. Gen Musharraf had launched a high-profile drive to punish those guilty of corruption but his subsequent steps proved that it was a selective move aimed at those politicians who were not inclined to join his militarized way of governance.

There was intense media speculation that Sharifs would also return to the government several hundred million pounds which he had allegedly acquired through corruption while he was prime minister from February 1997 to October 1999. The Saudi royal family, which brokered the deal, had guaranteed that Sharifs would make no political statements against the military regime.

In Pakistan, there was widespread public criticism of the deal, as the army had always insisted that it would punish all corrupt politicians. Most of the people held that:

*'The army has lost all its credibility by acting in such an underhand way.'*

At that particular moment, three of Pakistan's leading politicians were then in exile: Nawaz Sharif of PML, Benazir Bhutto of PPP and Altaf Hussain of MQM. Ms Bhutto's husband, Asif Ali Zardari, had been in jail on corruption charges since 1996 but neither the Saudis nor the army were interested in his release. The PPP's cry was justified when Mr Farhatullah Babar of the PPP said:

*'We are really shocked to know that. We were not informed or taken into confidence. What does this say about the regime and our judicial system that Nawaz Sharif, who was sentenced, can be allowed to leave the country through a clandestine deal?'*

Mr Babar said that Benazir Bhutto never opted to negotiate with the military regime for her husband's release.

***Nawaz Sharif Deported Again (2007):***

Once on **10<sup>th</sup> September 2007**, Nawaz Sharif caught a sudden flight from London and travelled back to Pakistan without informing his Saudi guarantors. Probably he had made that 'come back plan' after having discussions with late Benazir Bhutto.

*[In a meeting of 27<sup>th</sup> July 2007 at Dubai, Gen Musharraf and Ms Bhutto had chalked out a program to bring back democracy in Pakistan and the latter had announced her arrival in Karachi on 18<sup>th</sup> October 2007. She had demanded Gen Musharraf would quit as Army Chief before the presidential election and give up his powers of Article 58(2)(b) to sack the government.]*

Nawaz Sharif landed at Islamabad / Rawalpindi Airport but was not allowed to move away from the passenger's lounge. He had actually tried to end his exile to lead a campaign against Gen Musharraf, but was taken into custody on the basis of old corruption charges after his landing and deported back to Saudi Arabia by a special plane after three hours stay amidst clashes between PML(N) supporters and the security police on duty.

The deportation of Nawaz Sharif was challenged in the Supreme Court. Under an agreement in 2000 between Sharifs and Gen Musharraf, the exiled politicians were banned from returning for 10 years. The apex court had earlier ordered that the former PM and his brother Shahbaz Sharif, must not be stopped from returning from exile. However, as Nawaz Sharif was detained on the basis of three corruption cases pending against him in courts, he was given the option of going into exile; to Saudi Arabia again or being formally arrested and face normal trials in the Accountability courts.

Gen Musharraf's government had maintained that Nawaz Sharif was not 'deported back' and the media should not use this term for his going back. He had to leave the country under his agreement of 2000 and was allowed to go to Saudi Arabia as part of a moral obligation.

As narrated above in detail, Gen Musharraf had pardoned him in December 2000 under an exile agreement in which Sharifs had gone to Saudi Arabia; however, Nawaz Sharif said that:

*'He had agreed to live in exile for five years.'*

Prince Muqrin bin Abdul Aziz, the Chief of Saudi Arabia's intelligence service, and Sa'ad Hariri, son of former Lebanese Prime Minister Rafiq Hariri, told a news conference in Rawalpindi on 8<sup>th</sup> September 2007 that:

*'Nawaz Sharif should abide by the 10-year agreement.'*

Worth noting that Rafiq Hariri, who was killed in a bomb blast in 2005, had mediated between Gen Musharraf and Nawaz Sharif on behalf of the Saudi government. The Saudi prince had agreed to receive Nawaz Sharif on behalf of his government if he was deported back by Gen Musharraf's military government.

*'The custodian of Harmain Sharif had helped the Sharif family to get out of imprisonment under an agreement,'* Hariri said, referring to Saudi Arabia's King Abdullah. The Saudi king *'hopes for the sake of the national interest of Pakistan that all parties concerned with the agreement will honour and adhere to the terms of the agreement.'* Nawaz Sharif and his younger brother Shahbaz Sharif had left Saudi Arabia for London in year 2006, of course, with Saudi Royal family's consent.

Why to London, they had never been there before; but one can see that in those days Nawaz Sharif's estate in London, as reflected in the **Daily Times dated 24<sup>th</sup> December 2009**, was as under:

*[The Sharifs own property worth more than 20 million pounds (Rs 2.7 billion) in and around Central London. Of these, the Sharif family residence, three flats at 17 Avenfield House, 118 Park Lane alone are worth around 12 million pounds (Rs 1.6 billion). Flagship Investments Limited, one of the companies run by the Sharif family in London, owns property worth around 10 million pounds in Central London. This*

*does not include the value of the company's offices. Hasan Nawaz Sharif, son of PML(N)'s Chief Nawaz Sharif, is officially listed as the director of company.*

*The company's listed address was Stanhope House, Stanhope Place, Marble Arch – one of the city's priciest neighbourhoods, subsequently moved to Tower Bridge House on St Katherine's Way in November 2007 – a much more upscale property located at River Thame's bank.*

*Known and declared properties included Flat 8 Burwood Place London W2 worth £700,000 (Rs 96.6 million); Flat 9 Burwood Place London W2 worth £900,000 (Rs 124.2 million); 10 Duke Mansions, Duke Street London W1 worth £1,495,000 (Rs 206.31 million); Flat 12a, 118 Park Lane Mayfair London SW1 worth £475,000 (Rs 65.55 million); Flat 2, 36 Green Street London W1 worth £800,000 (Rs 110.4 million); and, 117 Gloucester Place London W1 (value not yet listed); a piece of real estate near the Buckingham Palace valued at £ 4,450,000.]*

Unknown, hidden or 'benami' properties might be worth millions of pounds or billions of rupees more but the only director of the company which held these assets was the son of Nawaz Sharif who had given Rs 5000 as tax in Pakistan during the same corresponding period. In UK a single person cannot own or hold so much wealth but could our beloved judiciary of Pakistan know that how much bank loans were got written off by the Sharifs throughout his power play during 1985-1999; most of the Chief Justices like Nasim H Shah, Saeeduzzaman Siddiqui and Iftikhar Chaudhry can be seen in their pockets.

Coming back, the PML(N) won a Supreme Court battle in August 2007 against ban of Sharifs. They announced their come back home on 10<sup>th</sup> September to challenge Gen Musharraf. Hariri said they would like to see Nawaz Sharif honour his exile commitment. Gen Musharraf had also conveyed Sharifs through Pakistan's Consulates in Saudi Arabia, to abide by the agreement as his return would destabilize the political environment ahead of general elections expected in next five months.

Gen Musharraf's government held the stance that:

*'They should honour their commitment. Their commitment was with the leadership of a third country which has very close ties with Pakistan. If Nawaz Sharif breaks this commitment he will create a bad perception about Pakistan in the Middle East.'*

In the meantime the Army regime had also manoeuvred to get from a concerned anti-terrorism court at Lahore, arrest warrants of Shahbaz Sharif in a murder case which was then lying there pending trial. The military government had also pleaded for Nawaz Sharif's arrest warrants on corruption charges before another accountability court. Therefore, the military government, NAB, FIA and the police were fully 'equipped' to deal with untimely arrival of Sharifs.

On an earlier occasion, Prime Minister Shaukat Aziz of PML(Q) had vowed in an interview dated 2<sup>nd</sup> September 2007 at Islamabad that:

*'Benazir Bhutto and Nawaz Sharif may be constitutionally barred from contesting elections and should only return after the ballot.'*

Benazir Bhutto was living in self- exile in Dubai and London since 1998.

Coming back; as per ARY One World's TV news, an officer of National Accountability Bureau (NAB) had read out the corruption charges to Nawaz Sharif in the airport lounge. The former PM heard the charges with patience but gone a little pale, felt embarrassed, tried to argue with the NAB team which mainly smiled but remaining silent. Nawaz Sharif thought for a while and gave consent to fly back to Saudia instead of going to Adyala jail or the Attock Fort again.

Earlier in May 2004, Shahbaz Sharif had also tried once to land at Lahore Airport but was forcibly deported back immediately after. At that time he was shown, by a senior ISI officer,

the purported written agreement which had allowed the Sharif family to secure their exile to Saudi Arabia. To subdue much trumpeted public debate on whether such an agreement actually did exist or not, the ISI officer had also shown that agreement to a number of influential journalists then present at the Lahore Airport.

The **Times of India dated 20<sup>th</sup> November 2010** had also confirmed that an agreement was in place. The paper published the news as:

*'An unpublicised agreement between Nawaz Sharif and the Saudi Arabian government that provided for the former Pakistani premier to stay away from active politics in return for the dropping of criminal charges against him is set to expire in next 12 days. The country is agog with speculation as to what steps the PML(N) strongman will take once his commitment is over. The agreement, signed by Sharif and the Saudi royal family, was valid for 10 years and barred him from taking part in active politics during this period.'*

What really happened was that when Nawaz Sharif was found guilty of charges placed on him and on 6<sup>th</sup> April 2000 he was sentenced for life imprisonment twice, the government prosecutors vowed to launch an appeal in the higher court urging that *'why Nawaz Sharif should not be given death penalty'*. His friends and mentors in the Saudi royal family became perturbed when they learnt about the perspective appeal.

Worried, the Saudis wanted to be reassured by Gen Musharraf that the deposed prime minister would not meet the same fate as had his predecessor Z A Bhutto in April 1979.

The Saudis resolved the issue by pressurising Gen Musharraf into accepting a deal whereby Nawaz Sharif would be released by him on the condition that he and his family would live in exile in Saudi Arabia for 10 years. And so on the 10th December 2000, Nawaz Sharif along with his 18 family members, truckload of suitcases full of jewellery & dollars and tens rolls of Persian carpets left for Jeddah on a Royal Saudi plane.

From all accounts it appears that the deal between Gen Musharraf and the Saudis had initially been a verbal one. However, later when Gen Musharraf came under local media pressure to explain the deal he took the precautionary measures of requesting the Saudis to confirm the deal in writing. Thus a document was prepared & delivered to the General.

The journalists who had seen the documents confirmed that:

*'It consisted of a few papers on the Saudi Arabian Interior Ministry's letterhead listing out a number of conditions which were signed by Nawaz Sharif and countersigned by Prince Nayef bin Abdul Aziz, the Saudi Minister of the Interior.'*

Having given hope of preventing Nawaz Sharif and Shahbaz Sharif from returning to Pakistan on the basis of the Saudi agreement, Gen Musharraf's government petitioned the NAB Court at Rawalpindi on 3rd August 2007 to reopen three cases against the two Sharif brothers and other members of their family, which had been filed with the court in 2000, but were shelved in record room after the Sharif family's departure to Saudi Arabia. The cases were related to:

- Hudaibiya Paper Mill
- Ittefaq Foundries
- The Sharif family's 50 acre real estate in Raiwind

According to the prosecution these cases involved charges of *'wilful'* default and fake documentation against Sharif and his family members.

The fact remains that though the Supreme Court had given verdict in favour of Nawaz Sharif and his family members in 2007 on the basis that a citizen could not be barred to come in his own country, Pakistan, but the historians would also raise the following questions:

- When Nawaz Sharif left the country on 10<sup>th</sup> December 2000, he was undergoing two sentences each of life imprisonment, then under what law that punishment could be overlooked. Where were the superior courts then to take notice of it.
- If Nawaz Sharif was given the facility of 'sentences taken back' under a Saudi sponsored deal, then why the same facility was not extended to all the prisoners of Pakistan. Had the courts ever pondered then that the rich were getting relaxations whereas the poor were left in prisons to decay. Was the principles of 'rule of law' and 'equality for all' were considered by the superior courts.
- Had any superior court taken *suo moto* notice of the issue then written extensively in newspapers with respect to the Saudi Contract of remaining away for ten years.
- Had the judiciary then taken notice of their 'punishment system' which was selective for some one amounting to twisting the law as the Army Generals wanted?

The societies are bound to perish when there are such glaring examples of 'selective justice' available abundantly on record and the judiciary ignores them.

*(Part of this essay published at [www.Pakspectator.com](http://www.Pakspectator.com) on 10<sup>th</sup> September 2011)*