



# MONITOR

## Civil-Military Relations in Pakistan

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## National Assembly Defence Committee receives Briefing from the ISI

In a welcome development, the newly-functional National Assembly Standing Committee on Defence<sup>1</sup> invited the ISI to brief the committee on national security situation. The in-camera session of the Defence Committee, held on March 25, 2014,<sup>2</sup> reportedly covered important ground on the National Internal Security Policy and Anti terrorism legislation. A brigadier-ranked officer from the ISI gave the briefing to the Committee in the presence of Federal Secretary Defence, Lt. Gen. (Retd.) Asif Yasin Malik and members of the Committee.

Sheikh Rohale Asghar, MNA and Chairman of the Committee, showed his satisfaction on the in-camera briefing. While talking to the media, he said that the Defence committee would formulate its recommendations in the light of the related input of its members as well as the ISI's briefing. Without elaborating on the specifications of the in-camera session, he said that the Standing Committee on Defence would recommend the implementation of effective laws to empower the security agencies to play effective role in their anti-terror drive.

According to members who attended the briefing, an overview of the security situation across the country in general and Karachi and Balochistan in particular was presented while the need to formulate tougher anti-terror laws to tackle the issues such as missing persons was highlighted.

Parliamentary oversight of defence constitutes an essential part of the democratic control on Defence and National Security. Despite the slow pace, Pakistan's Parliament is showing improved signs of initiating this critical oversight. Since its re-constitution in June 2012, the Senate Standing Committee on Defence has set important trends of putting in place a comprehensive work plan, holding public hearings on defence issues and publishing reports of the Committee. The two Standing Committees on Defence in the National Assembly and the Senate can join hands, while learning from each other and the best practices on defence oversight from the region and around the world, to set traditions of effective and responsible oversight on defence and national security.

## National Intelligence Directorate

As per the National Internal Security Policy, the Government has reportedly set-up a National Intelligence Directorate under the reformed National Counter-Terrorism Authority (NACTA). It will bring all the 26 intelligence agencies under one umbrella. This is the first time in the history of the country that the Government empowered itself, at least on paper, to practically oversee and manage collection of terrorism-specific intelligence from civil and military agencies. Another good sign is that the decision was taken at a meeting attended by almost the entire civilian and military leadership at the Prime Minister's Office.<sup>3</sup>

An official statement said the Prime Minister had directed that the National Intelligence Directorate under the NACTA be immediately set up to pool national and provincial intelligence resources. The NACTA was actually set up by the PPP Government in 2009 for the sole purpose of countering terrorism but the concept wasn't fully operationalized due to differences on the chain of command. Its current composition is that the NACTA Board of Governors (BOG) approves all policies headed by the Prime Minister. Minister of Interior plays a critical role in oversight as head of the Executive Committee in addition to his role as member of Board of Governors.<sup>4</sup> The PPP Government also tried to put the ISI under the control of the Ministry of Interior in 2008 but had to reverse the decision almost immediately.

Experts believe that collating intelligence from different entities is always an issue anywhere in the world. However, with Pakistan's peculiar civil-military equation, this poses a somewhat more complex and formidable challenge. Given the scale of internal threats faced by Pakistan, the concept of a body that can collate terrorism-specific intelligence from civil and military agencies in order to effectively and comprehensively manage this challenge is indeed the need of the hour. While the Nawaz Sharif Government deserves appreciation for creating such a structure on paper, its effective operationalization must remain its key focus. The need for speed in this regard already seems to have been disregarded as the NACTA remains without a head since the announcement of the National Internal Security Policy on February 26, 2014.<sup>5</sup>

1. Sheikh Rohale Asghar, MNA, (NA-124, Lahore-VII, Punjab, PML-N) was elected as Chairman of the National Assembly Standing Committee on Defence on December 10, 2013, after more than six months of the oath of the members of the 14th National Assembly of Pakistan on June 01, 2013, and nearly 4 months after the Committee was constituted on August 22, 2013.
2. ISI tells MPs to enact tough anti-terror laws, Daily Times, March 25, 2014, <http://www.dailytimes.com.pk/islamabad/26-Mar-2014/isi-tells-mps-to-enact-tough-anti-terror-laws>
3. Govt to oversee intelligence gathering, Dawn, March 19, 2014, <http://www.dawn.com/news/1094125/govt-to-oversee-intelligence-gathering>
4. National Internal Security Policy 2014-2018, [http://nacta.gov.pk/Download\\_s/Rules/030314\\_NISP\\_ConceptPaper.pdf](http://nacta.gov.pk/Download_s/Rules/030314_NISP_ConceptPaper.pdf)
5. A grade 20 officer Mr. Aamir Khawaja was made the interim National Coordinator but was later removed by the Prime Minister as the Government decided to appoint a senior grade 22 officer on this post.

## Finance Minister's visit to the GHQ

According to media reports, Federal Finance Minister, Senator Mohammad Ishaq Dar, visited the Army's General Headquarters on March 09, 2014 for consultations with the Army Chief on the next year's defence budget.<sup>6</sup> While there have been no official announcements with regards to the intent of the meeting, media reports have speculated that the Finance Minister was at the GHQ to discuss possible increase in Pakistan's Defence Budget.

Pakistan is in a state of war and given the mainstream role of security agencies, an increase in their resource allocation appears to be a natural and understandable demand. However, institutionalisation of such procedures would serve to strengthen and not weaken the system, especially under the democratic structures and norms. The appropriate forum to discuss the increase in defence budget, if it is indeed the case, should be the Cabinet Committee on National Security, with the Defence Minister making the case for increase in the Defence Budget.

Another institutional mechanism that needs strengthening is the new pre-budget scrutiny powers given to the National Assembly Standing Committees.<sup>7</sup> This change in rules now means that the Ministry of Defence could and should have used the forum to share its budgetary proposals to the National Assembly Standing Committee on Defence to seek its input and recommendations – as well the bi-partisan political support – to the budget proposals.<sup>8</sup>

## Indictment of Gen. (Retd.) Pervez Musharraf

Nearly four months after the initiation of the High Treason Case against Gen. (Retd.) Pervez Musharraf, the Special Court indicted former dictator Gen. (Retd.) Pervez

Musharraf for treason. Being the first-time ever in the country's history when a former Military General is indicted on charges of high treason for subverting the Constitution, it marks a positive step towards establishment of the rule of law in Pakistan. That the State is moving forward towards its democratic evolution should remain a source of satisfaction for the citizens and State institutions.

The indictment cited imposition of Nov 3, 2007 emergency as one of the charges against Musharraf which led to the violation of Article 6 of the Constitution. It also included the deposition of superior court judges and the suspension of fundamental rights among the list of charges.<sup>9</sup> Gen. (Retd.) Musharraf, who has been absent from most of the tribunal's hearings owing to security threats and ill health, pleaded not guilty to all five charges.

The Treason Case against Gen. (Retd) Musharraf appeared to be an irritant in the Civil Military relations of the country. On March 10, 2014, a day before the special court was set to indict former President Pervez Musharraf in the High Treason Case, the Ministry of Interior expressed the possibility of an attack on the ex-military ruler by his own security personnel.<sup>10</sup> The circumstances in which alert was issued by National Crisis Management Cell and presence of the ISI official during the process<sup>11</sup> raised doubts that some powerful quarters were creating hurdle in the case. Federal Minister Lt. Gen. (Retd) Abdul Qadir Baloch also asked the Army Chief to move the former dictator out of the military hospital as his prolonged stay in the AFIC is damaging the reputation of the institution of the Army.<sup>12</sup>

## Developments on Missing Persons Cases

Upon the directives of Supreme Court of Pakistan, an FIR has been registered against a Naib Subedar at the Malakand

5. A grade 20 officer Mr. Aamir Khawaja was made the interim National Coordinator but was later removed by the Prime Minister as the Government decided to appoint a senior grade 22 officer on this post.
6. Army plans major purchases next year, The News, March 09, 2014, [http://epaper.dawn.com/DetailImage.php?StoryImage=09\\_03\\_2014\\_001\\_005](http://epaper.dawn.com/DetailImage.php?StoryImage=09_03_2014_001_005)
7. Through a key reform passed by the outgoing National Assembly, Standing Committees have now been empowered to scrutinize and suggest amendments, and recommend their Ministry's Public Sector Development Program (PSDP) for the next financial year before the same is sent to the Ministry of Finance for inclusion in the Federal Budget for the next financial year.
8. On an amendment moved by a private member of the then-opposition belonging to the PML-N, Ms. Anusha Rehman Khan, MNA, the 13<sup>th</sup> National Assembly passed the following amendment in its rules on January 29, 2013: **"Amendment in rule 201:-** That in the Rules of Procedure and Conduct of Business in the National Assembly, 2007, in rule 201, after sub-rule (5), the following new sub-rule (6), shall be added, namely:- "(6) Each Standing Committee shall scrutinize and suggest amendments, if necessary, and recommend Ministry's Public Sector Development Program (PSDP) for the next financial year before the same is sent to the Ministry of Finance for inclusion in the Federal Budget for the next financial year. Each Ministry shall submit its budgetary proposals relating to Public Sector Development Program (PSDP) for the next financial year to the relevant Standing Committee not later than the 31st January of preceding financial year and the Standing Committee shall make recommendations thereon not later than the 1st March of the preceding financial year: Provided that where such recommendations are not made by the 1st March, the same shall be deemed to have been endorsed by the Standing Committee."
9. Musharraf indicted for treason; pleads not guilty to all charges, Dawn, March 31 2014, <http://www.dawn.com/news/1096826/musharraf-indicted-for-high-treason>
10. Interior ministry fears terrorist attack on Musharraf, Dawn, March 11, 2014, <http://www.dawn.com/news/1092416/interior-ministry-fears-terrorist-attack-on-musharraf>
11. How Musharraf threat alert was issued, The News, March 14, 2014, <http://www.thenews.com.pk/Todays-News-13-29085-How-Musharraf-threat-alert-was-issued>
12. Army chief asked to remove Musharraf from hospital: minister, March 27, 2014, <http://www.thenews.com.pk/Todays-News-2-240581-Army-chief-asked-to-remove-Musharraf-from-hospital-minister>

police station in Khyber Pakhtunkhwa on behalf of the Defence Minister, Khawaja Muhammad Asif, MNA, on the charge of forced disappearance of Yasin Shah, one of 35 internees from the Malakand internment centre.<sup>13</sup>

In yet another development, during hearing of Balochistan missing persons case, the Supreme Court was informed that Army officials Major Saif and Major Moin, who were reportedly involved in illegal detention of missing persons, will be tried under the Army Act.<sup>14</sup>

On March 15, 2014, during the hearing of Masood Janjua case, the Supreme Court accepted an offer of a witness to record evidence from abroad via video link.<sup>15</sup> Dr Imran Munir, living in a UNHCR camp in Sri Lanka as an asylum seeker, and who is reportedly an eye witness of Masood Janjua detention, sent an email to the Supreme Court, and while declined to meet any officer deputed on behalf of the Pakistan Government, but offered to record his statement through video link to the Court from Sri Lanka.

Developments in the three cases above depict the classic struggle between the rule of law and the requirement of stringent security. While the rule of law must be upheld for every citizen in any State, it must also be kept in mind that Pakistan is indeed in a worst-ever state of war and its security agencies are fighting, at the frontline, the battle for its survival. Instead of providing adequate legal cover to the agencies at the frontline of this war, registering of FIR or trial of any army personnel could result in demoralising the jawans and officers fighting this crucial war.

During the hearing of the missing persons case, Advocate Raja Mohammad Irshad, who has represented intelligence agencies in various cases, said that the stand taken by the Government would highly demoralise the forces fighting militants and sacrificing their lives. *“Our forces are being slaughtered by militants, but instead of encouraging them and realising their sacrifices such a stand is being taken,”*

he regretted.<sup>16</sup>

The State indeed needs to strike the precarious balance between countering terrorism and stopping the violations of human rights. It is the responsibility of the Federal Government to create this balance through not just adequate legislation, its implementation but also in strengthening the prosecuting process and agencies.

### Phones taping of Mps

On the reports of Phone bugging of politicians, journalists and Government officials by secret agencies, 15 Senators have moved a privilege motion in the House which was accepted unanimously and referred to the Privilege Committee of the Senate of Pakistan. The committee has summoned chiefs of the Inter-Services Intelligence (ISI), Intelligence Bureau (IB) and Military Intelligence (MI).<sup>17</sup>

The motion was moved on the story published in The News about intelligence agencies bugging the telephone of politicians and officials. It was reported that despite the Supreme Court's 2007 reprimand of the then government and intelligence agencies, the intelligence agencies have been involved in the phone tapping of politicians, journalists, bureaucrats and even judges during the past five years.

### PM-COAS Meetings

In March 2014, Chief of Army Staff General Raheel Sharif met with Prime Minister Mr. Muhammad Nawaz Sharif, MNA, 3 times. Defence Minister was also part of two of these meetings. However, in the third meeting, the Prime Minister was joined by 4 Chief Ministers and the Federal Minister of Interior, in discussing internal security on March 19. Defence Minister was not part of this meeting.

13. 35 missing; FIR lodges against petty officers, Dawn, March 22, 2014, [http://epaper.dawn.com/DetailImage.php?StoryImage=22\\_03\\_2014\\_001\\_004](http://epaper.dawn.com/DetailImage.php?StoryImage=22_03_2014_001_004)
14. Two majors to be tried under Army act, The News, March 26, 2014, <http://www.thenews.com.pk/Todays-News-13-29309-Two-majors-to-be-tried-under-Army-Act>
15. SC to record video evidence from Sri Lanka, Dawn, March 14, 2014, [http://epaper.dawn.com/DetailImage.php?StoryImage=14\\_03\\_2014\\_003\\_003](http://epaper.dawn.com/DetailImage.php?StoryImage=14_03_2014_003_003)
16. Missing person case; Govt to file FIR, Dawn, March 20, 2014, [http://epaper.dawn.com/DetailImage.php?StoryImage=20\\_03\\_2014\\_001\\_004](http://epaper.dawn.com/DetailImage.php?StoryImage=20_03_2014_001_004)
17. MPs body summons heads of ISI,IB,MI on April 04, The News, March 15, 2014, <http://www.thenews.com.pk/Todays-News-2-238413-MPs-body-summons-heads-of-ISI-IB-MI-on-April-4>