Legalising Tenure Extension of Services Chiefs

The Army (Amendment) Act, 2020, defines re-appointment or extension of Chief of the Army Staff authorizing the President, on the advice of the Prime Minister, to “re-appoint the COAS for an additional tenure of 3 years, or extend the tenure(s) of the COAS up to three (03) years.” Another clause in the Act, 8C, defines that the retirement age and service limits prescribed for a General, under the Rules and Regulations made under this Act “shall not be applicable to the Chief of the Army Staff during his tenure of appointment, reappointment, or extension, subject to a maximum age of sixty-four (64) years. Throughout such tenure(s), the Chief of the Army Staff shall continue to serve as a General in the Pakistan Army.”

A similar provision has been added in the Act about the re-appointment or extension of the Chairman Joint Chiefs of Staff Committee also, while re-appointment/extension and service limits of Navy and Air Chiefs have been added in the amended Navy Act, 2020, and Air Force Act, 2020 respectively.

The bills were tabled by the Government in the Parliament on January 2 in response to a Supreme Court order of November 28, 2019 which had granted a six-month extension to Gen. Bajwa’s tenure as COAS and had asked the Parliament to legislate on the matter within this period. 1

However, the unusual aspects of the introduction and the passage of these bills has been the haste with which the Government introduced these bills and the manner in which the bills sailed through both the houses with the support of the principle opposition parties, the PML-N and the PPP. Reportedly, both the parties had initially proposed some amendments in the bills which were later withdrawn ahead of the passage. The bills were opposed in the Parliament by JUI-F, JI, PkMAP, and NP in addition to the two independent MNAs of the National Assembly who are also part of the PTM.

"Keeping in mind the situation in the country and the new situation in the region and after consulting with the rest of the opposition, […] in order to send a unified message, we (PPP) have decided not to press these amendments," said Syed Naveed Qamar at the house. Speaking at a session on Parliament at the ThinkFest in Lahore on January 11, 2020, PML-N MNA Mr. Khurram Dastgir Khan said, "If it is said that there was no discussion on this Act by parliamentarians, it is not true. The PML-N and PPP parliamentarians held detailed deliberations on it, and eventually decided to vote for it." However, he added that "If there was any pressure to vote for the Army Act, it may be on our leadership, not on the parliamentarians like me." At another ThinkFest session on January 12, former Senator Farhatullah Babar shared publicly that, "the PPP's central executive committee (CEC) had overwhelmingly rejected the Pakistan Army (Amendment) Act bill and recommended four amendments, but those were withdrawn within 24 hours without taking the committee into confidence."²

Whether political parties represented in the Parliament decided to pass the bills on their own or due to any external pressure is only one aspect of this hugely important issue. The Supreme Court proceedings had offered a crucial opportunity of careful deliberation on the issue of extension of services chiefs, not just to remove legal and procedural lacunae in the process, but to also carefully evaluate the aspect of current and future impact of extension of services chiefs on the professional structure, morale and ethos of the Armed Forces. The time of 6 months given by the Court was adequate in initiating and concluding careful and detailed deliberations in this regard. Instead of utilizing this time for due consideration and multi-party consultations, the federal government used indecent haste. The government had originally planned to make short work of the entire process and pass the amendments in a single day, by the National Assembly in the morning and the Senate in the afternoon. In the process, another travesty seen was the disregard for the due parliamentary process which is laid down for scrutiny and passage of bills. Irrespective of their positions, government and its principle opposition parties failed to uphold even the true spirit of parliamentary norms to justify the huge parliamentary infrastructure sustained by the taxpayers' money.³

"If there was any pressure to vote for the Army Act, it may be on our leadership, not on the parliamentarians like me."

-Khurram Dastgir Khan, MNA

'My Foreign Policy Supported by Military:'
Prime Minister

While in Davos to attend the annual summit of the World Economic Forum from January 21-24, 2020, Prime Minister Imran Khan said that "My foreign policy which I am following is completely supported by all institutions, including the military, simply because they believe that we are in the right direction." During his

interaction with International Media Council, the Prime Minister said that “the reason why the previous clashes used to take place was that the civilian leadership always wanted to control the military because they were scared and vulnerable because the military always knew the extent of corruption that was being done.”

He said that his is probably the first government that has been totally supported by the Army and that there are no differences between the civilian and military leaderships.

“My foreign policy which I am following is completely supported by all institutions, including the military, simply because they believe that we are in the right direction.”

– Prime Minister Imran Khan

Federal Minister Faisal Vawda brings (military) boot to live TV

During the live transmission of the programme, Off The Record on ARY News, Federal Minister for Water Resources, Mr. Faisal Vawda, placed a well-polished military boot on the studio desk and sneering at the opposition’s claims to champion civilian authority over the armed forces, he accused them instead of “laying down, sneering at the opposition’s claims to champion civilian authority and failing to intervene to stop “an unethical act by one of the panelists” which prima facie appeared to be a “wilful attempt to debase and demean a state institution by dragging it unnecessarily in a debate.” The same day, Special Assistant to the Prime Minister on Information, Dr. Firdous Ashiq Awan, revealed that Prime Minister has banned Mr. Vawda from appearing on TV shows for two weeks. The ban on TV programme was, however, withdrawn within a few hours after it was clamped.

Petitions seeking Mr. Faisal Vawda’s disqualification on the basis of concealing his dual nationality at the time of filing nominations surfaced after the incident. The Sindh High Court admitted the petition and asked the Minister to submit a reply by February 24, 2020.

They [PML-N] have respected and kissed the boot lying down. You [PML-N] should have respected this [military boot] from day one like we [PTI] are doing.”

-Faisal Vawda, Federal Minister for Water Resources

10. Ibid
Are Federal Government and Military on the same page regarding PTM?

Condemning the January 27 arrest of the PTM chief, Mr. Manzoor Pashteen from Peshawar on various charges including sedition, PTM leaders, Mr. Mohsin Dawar, MNA and Mr. Ali Wazir, MNA have questioned why Mr. Pashteen has been arrested when the Federal Minister for Defence had offered to hold a dialogue with the PTM. “It means the government and state are not on the same page.”

They were referring to a statement made by the Federal Minister for Defence, Mr. Pervez Khattak, who, while talking to reporters in Nowshera on January 25, had said that “we want to bring the PTM into the national mainstream as the country is passing through a difficult period of its history.”

Mr. Pashteen was sent on judicial remand after his arrest of January 27. According to the FIR registered in D.I Khan on January 21, 2020, Mr. Pashteen is accused of using derogatory language against the state and promoting hatred amongst different nationalities of Pakistan in addition to stating that he did not accept the constitution because it violated fundamental rights during a speech in D.I Khan.

Raising further suspicions on the alleged anti-Pakistan linkages of the PTM, President of Afghanistan, Mr. Ashraf Ghani, was among the first ones who took to twitter on the arrest of Mr. Manzoor Pashteen despite the fact that dealing with the PTM is a purely domestic matter of Pakistan. Mr. Ashraf Ghani tweeted that “I am troubled by the arrest of Manzoor Pashteen and his colleagues. I fully echo the concerns raised by Amnesty International in this regard and hope for their immediate release. While our region is suffering from atrocities caused by violent extremism and terrorism, …governments in the region must support and encourage peaceful civilian movements for justice and must avoid any means of force and violence against these movements. On the contrary, differences with such peaceful movements must be resolved through dialogue and engagement.”

Terming Afghan President’s tweet a “clear interference in Pakistan’s internal affairs and hence, unwarranted” Pakistan’s Foreign Office said in a statement that “we believe that such statements are not helpful to the promotion of good neighbourly relations between the two countries.”

During a protest against the arrest on January 28, 2020, Islamabad Police arrested Mr. Mohsin Dawar, MNA along with 28 other protesters. While Mr. Moshin Dawar and five others were released a few hours later, 23 protesters were kept in custody and charged with sedition. The Districts and Sessions Court, Islamabad denied bail and recommended charges of Section 7 of the Anti-Terrorism Act for the protesters.

Despite the oft-repeated mantra by the Prime Minister and his cabinet ministers of being on the “same page” with the military, it again appears that the elected government has no carefully deliberated policy with regards to dealing with the PTM. In April 2019, within less than a fortnight of the Senate Committee holding meetings with the PTM Chief terming itself to “serve as a bridge to address PTM’s grievances, under a thorough consultative
process,” the then DG ISPR, had issued a threatening statement to the PTM saying their “time is up.” Once again, within days of Defence Minister’s statement of bringing the PTM into the mainstream, the PTM leadership has been arrested. Dawn has rightly said in its editorial on January 30, that the “government cannot be so cavalier in sending mixed signals when its conduct may prove the difference between conciliation and conflict with its own constituents.”

“We want to bring the PTM into the national mainstream as the country is passing through a difficult period of its history.”

-Pervez Khattak, Federal Minister for Defence

LHC terms Special Court in Musharraf Case unconstitutional

On January 13, the Lahore High Court threw out the judgement of the Special Court constituted to try Gen. (Retd.) Pervez Musharraf, for violating the principles of fair trial by carrying out the trial in absentia. The verdict also stated that a mandatory step, cabinet approval, was not sought to initiate charges and file the case.

The LHC verdict in the case was challenged in the Supreme Court on February 3, 2020, questioning the jurisdiction of the High Court to set aside a judgement by a Special Court. There has been no development on the petition till date.

Earlier, on December 17, 2019, the special court comprising Peshawar High Court Chief Justice Waqar Ahmed Seth, Justice Nazar Akbar of the Sindh High Court and Justice Shahid Karim of the Lahore High Court had awarded death sentence to Gen. (Retd.) Musharraf with a majority decision of two to one.

During the recent US-Iran tensions, US Secretary of State, Mr. Mike Pompeo tweeted on January 3, 2020, that he spoke with COAS Gen. Bajwa regarding the US decision to kill Gen Qassem Soleimani. In a series of tweets, he also announced speaking with Heads of State/Foreign Ministers of other countries in contrast to speaking with the Chief of Army Staff in Pakistan’s case.

An ISPR statement later announced that the COAS General Qamar Bajwa received a telephone call from US Secretary of State Mike Pompeo where they discussed regional situation including possible implications of recent escalation in Middle East.

New DG ISPR

On January 16, Maj. Gen. Asif Ghafoor was replaced with Maj. Gen. Babar Iftikhar as the Director General of ISPR with effect from February 1, 2020. Maj Gen Iftikhar had previously been serving as the general officer commanding 1 Armoured Division, Multan. Maj Gen Asif Ghafoor was appointed as General Officer Commanding, Okara.
The fact that he was in military custody was revealed at the hearing of his abduction case at the Lahore High Court on January 2, 2020, where an official from the Defence Ministry revealed he was being investigated for violating the Official Secrets Act.

On January 10, 2020, the Rawalpindi bench of the Lahore High Court termed his detention illegal and ordered military authorities to release him immediately. The verdict was challenged by the Federal Government in the Supreme Court. On January 14, 2020, the Supreme Court suspended the verdict by the LHC. Col. (Retd.) Inam was not released on the orders of LHC despite the fact that the verdict was suspended a few days later. The lawyer was instead released on January 23, 2020, on health grounds, on the condition of depositing his passport with the Supreme Court and continued cooperation in the investigation.

According to the January 1, 2020 progress report by the COAS Gen. Bajwa presiding the 228th Corps Commanders’ Conference...
Commission of Inquiry on Enforced Disappearances, the Commission had received 6,506 cases of alleged enforced disappearances until December 2019, out of which 4,365 were disposed of, while 2,141 were still pending. 37

In a meeting with Defence for Human rights Chairperson, Ms. Amina Janjua, the then DG ISPR Maj Gen Asif Ghafoor had revealed that “those with the State are under legal process”, adding that others who cannot be accounted for could be in Afghanistan fighting for TTP or could have died in conflict zones fighting against the state of Pakistan. 38

The Commission of inquiry on Enforced Disappearances have received 6,506 cases of alleged enforced disappearances until December 2019, out of which 4,365 are disposed of, while 2,141 are still pending.

228th Corps Commanders’ Conference

228th Corps Commanders’ Conference was held at the GHQ on January 14, 2020 presided by COAS General Qamar Bajwa.

The ISPR reported that the forum reviewed geo-strategic, regional and national security environment and discussed internal security, the situation along borders, Line of Control and Indian Occupied Jammu & Kashmir. Evolving security situation in the Middle East with reference to US-Iran standoff and its implications also came under discussion. 39

Ehd-e-Wafa” the ISPR sponsored TV Drama, criticized for presenting Civilian institutions in a negative light

A TV serial, sponsored by the ISPR, in partnership with a private TV channel, is under fire for defaming only civilian institutions while, in stark contrast, portraying the military to be a meritorious institution with strict self-accountability. 40

The drama serial titled “Ehd-e-Wafa” portrays the story of four friends at the Lawrence College who go on to pursue careers in the military, bureaucracy, politics and media respectively. The character pursuing politics is portrayed to make it to the National Assembly based on family influence; the character going to the bureaucracy makes it based on perceived nepotism while the media is shown to be influenced by compromised politicians. 41

According to the Director of the show, Mr. Saife Hassan, ISPR had asked him to portray four friends who would later represent four ‘pillars’ of the State through their careers. However, they had not asked for portraying any of them in a negative light. Upon further elaboration of the process of making a show in collaboration with the ISPR, the director said that they have to get everything approved from the ISPR including the script. 42

In a BBC Urdu story on the subject questioning why an ISPR supported drama is maligning State institutions, Col. (Retd) Ashfaq, the writer of a previous popular military show ‘Sunehry Din’ told the BBC that “Inn chaar doston ko riyasat ke chaar satoon tou dikhaya gaya hai lekin riyasat ka chotha satoon adlia hota hai fauj nahi” [These four friends have been shown as four pillars of the state but the fourth pillar of the state is Judiciary not the military]. 43 Col. (Retd.) Ashfaq was also quoted as saying by the BBC that it is for the first time that an ISPR-sponsored drama is negatively depicting other pillars of the state which is not appropriate.

According to the ISPR, the show is being criticized unduly; it would be more appropriate to let the show reach a conclusion first. 44

“These four friends have been shown as four pillars of the state but the fourth pillar of the state is Judiciary not the military”

-Col. (Retd.) Ashfaq, Write of military Drama Serial “Sunehry Din”
Army Rescue & Relief Activities

1. On January 20, 2020, Pakistan Army rescued 22 students of Lahore University of Management Sciences (LUMS) stranded for the past five days in harsh weather conditions at Rattu, Gilgit Baltistan. According to ISPR, COAS Gen Bajwa directed their immediate rescue and lifting on the request of their university administration.45

2. On January 24, 2020, Pakistan Army lifted stranded passengers on Gilgit-Skardu Road in choppers. The road was blocked due to landslides after heavy snowfall in the area. The passengers included patients, students, senior citizens and government servants.46

COAS meets Foreign Dignitaries

1. Mr Yao Jing, Ambassador of China to Pakistan, called on the COAS, Gen. Qamar Bajwa, at the GHQ on January 8, 2020.47

2. Mr Seyyed Mohammad Ali Hosseini, Iranian Ambassador to Pakistan, called on the COAS at the GHQ on January 8, 2020.48

3. Vice Admiral David Johnston AO RAN, Vice Chief of Defence Forces, Australia, called on COAS at the GHQ on January 10, 2020.49

4. Mr Niels Annen, Minister of State of the Federal Foreign Office Germany, called on COAS Gen Qamar Bajwa at the GHQ on January 13, 2020.50

5. Mr Stefano Pontecorvo, Italian Ambassador to Pakistan, paid a farewell call on with COAS Gen. Bajwa at the GHQ on January 21, 2020.51
6. Mr Kanasugi Kenji, Senior Deputy Minister for Foreign Affairs Japan, called on COAS on January 24, 2020.\(^\text{52}\)

7. Mr Zalmay Khalilzad, US Special Representative for Afghanistan Reconciliation, called on COAS General Qamar Bajwa at the GHQ on January 31, 2020.\(^\text{53}\)

**Premier-COAS Interactions**

Prime Minister Imran Khan presiding a high level meeting on Kashmir on January 16, 2020.

Reportedly, Prime Minister Imran Khan and COAS Gen Bajwa interacted twice in January 2020.

1. Prime Minister Imran Khan held a high-level meeting on Kashmir on January 16, 2020, which was attended by COAS Gen Qamar Bajwa among other officials. While Defence Minister, Mr. Pervez Khattak was not part of the meeting, Special Assistant to Prime Minister on National Security, Dr. Moeed Yusuf, was present on the occasion.\(^\text{54,55}\)
2. Prime Minister Mr. Imran Khan met COAS Gen. Bajwa on January 16, 2020, to discuss the ongoing security situation in the region. Federal Minister for Defence Mr. Pervez Khattak was reportedly not part of the meeting.56

Meetings of Parliamentary Committees on Defence

The National Assembly Standing Committee on Defence met for a joint sitting on January 3, 2020, where it discussed the Pakistan Army (Amendment) Bill 2020, Pakistan Navy (Amendment) Bill, 2020 and Pakistan Air Force (Amendment) Bill, 2020. The Committee met again on January 6, 2020 after the opposition protested over ‘undue haste’ shown by the government after the joint sitting of the committee approved the bills in less than one hour on January 3, 2020. The ruling coalition had to postpone sessions and a meeting of the Standing Committee of the National Assembly on Defence was held on January 6, 2020 under the chairmanship of Mr. Amjid Ali Khan, MNA. The committee granted approval to the bills during the second meeting.

The Senate Standing Committee on Defence, chaired by Senator Waleed Iqbal, held an emergency meeting on January 7, 2020, minutes after Chairman Senate Sadiq Sanjrani adjourned Senate session and referred the bills to the committee. The bills were unanimously passed by the committee despite some members of the opposition voicing concerns over the inordinate hurry shown by the Government.57

International Developments

Algerian Predicament

According to international media reports,58 the new Algerian Military Chief, General Said Chengriha, who took over the post after General Ahmed Gaid Salah died of a heart attack on December 23, 2019,59 seems to be going tough on the protest movement known as Hirak, which brought down the country’s long-time despot, Abdelaziz Bouteflika, in April last year.60 The country must confront a “serious conspiracy against stability”, he said during his inaugural speech, referring to the protest movement.

Since the ousting of Bouteflika, the military has held the country under a tight grip, with all the candidates for the recent Presidential Elections held in December 2019 said to be handpicked by the military.61 President Abdelmajid Tabboune, elected on December 12, 2019, can hardly claim popular support since the turnout for the election was, about 40%,62 the lowest in Algeria’s history. After being elected, he also named, Abdulaziz Djerad, a university teacher, as his Prime Minister.63

59. Ibid
60. Ibid
Algeria's protests were initially fuelled by economic challenges. Those challenges still remain as the country negotiates with the IMF for a bailout package and implements measures to check capital flight from the country. The military's anti-corruption drive has discouraged businessmen.

As Hirak enters its 49th week of protests, with dwindled numbers and allegations of conspirators against the country, it is yet to be seen whether it would be successful in bringing democratic reforms to Algeria and sending its powerful military back to the barracks.