

JIT: What next for Nawaz Sharif?

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Regional Diary

Last week, Pakistan's Prime Minister Nawaz Sharif appeared in front of the Joint Investigation Team (JIT), constituted as a part of the Supreme Court's verdict on Panama scandal. The Court had asked the JIT to finalise its report in two months, and the latter has been interviewing individuals, including the immediate family members of Sharif. But this process has become a controversy, with the JIT accusing institutions for tampering with information and the Sharif family blaming the JIT of harassment and politicization. With the process becoming politicized now, what will happen when JIT submits its report? What next for Nawaz Sharif?

The JIT Controversy

The primary question relating to the JIT today in Pakistan surrounds to its credibility. How fair the JIT has been so far?

Critics of the JIT complain that there is an inherent anti-Sharif bias amongst its members. Though the Supreme Court wanted the JIT to be composed of members from different organizations, there has been a storm in choosing some. According to media reports, some members recommended by respective organizations were omitted and others were chosen instead. Najam Sethi's editorial in the *Friday Times* says: "instead of being nominated, it had been clearly manipulated at someone's behest. Who that 'someone' is yet to be determined even though the footprints of a senior officer of the SC are all over the place." If the above is true, then the JIT composition does not instil confidence at all.

While the above is based on interpretations and assumptions, few events make the situation worse. Especially the video of Hussain Nawaz at the JIT office, which is all over the internet now. The video, obviously from a CCTV in the JIT office (and not shot from a mobile) of the Nawaz Sharif's son, waiting alone in a chair – cannot be leaked by anyone but from within the JIT. Who did that and for what purpose?

Not only the video, but also the leakage of the JIT report submitted to the Supreme Court accusing government organizations of not cooperating – question the ulterior motives.

The Sharif family consider the JIT as motivated. Interviews by the Sharif brothers hint a bias within JIT in conducting its business. Two members of the JIT in particular – representing the State Bank of Pakistan (SBP) and Securities and Exchange Commission of Pakistan (SECP) are considered as anti-Sharif by Nawaz group. One is considered closer to the Musharraf regime, and another to the PTI.

Besides the above two organizations, the JIT has members drawn from four other organizations: National Accountability Bureau (NAB); Inter-Services Intelligence (ISI); Military Intelligence (MI) and the Federal Investigation Agency (FIA). With the current level of tensions between the PML-N and the military, it is expected that the Sharifs will also look at the two nominations from the MI and ISI in the JIT with suspicion.

If the Sharifs and the PML-N are already convinced of JIT's bias, or would like to project the process as unfair and not transparent, its final will be questionable. Especially, if the JIT findings are against the Sharif family. The PML-N, in that case, will not accept and likely to take it to the streets.

On its part, the JIT had complained to the Supreme Court of government institutions tampering with records and not providing access. Justice Ijaz-ul-Ahsan, member of the bench on the issue has been reported to have noted that “the JIT has levelled serious allegations that certain institutions are changing and creating obstructions, while also indulging in forgery and tampering with records.” If the above complaints by the JIT regarding government institutions are true, then it is a serious issue – with far reaching implications on the final report. If the JIT has to make tampering and not providing access to information in its final report, it would mean non-cooperation by the government institutions. This would further create doubts amongst the public mind of government hiding information, or asked to do so by the Sharifs. The opposition parties are likely to exploit this further, if the report does not help their cause and find Sharif guilty.

On the contrary, if the JIT is unable to prove tampering of records, it would lead to further questioning of its motives. According to a media note on the JIT report that has more than 100 pages as annexure does not provide any documentary evidence to government institutions tampering with evidence.

The JIT has also complained of phone tapping by the Intelligence Bureau (IB) and the PM House for tutoring witnesses. These are serious allegations questioning the use of government machinery by Nawaz Sharif.

It appears, that the entire process is mired with controversy, even before the JIT could submit its report. How credible will the report be?

Sharif in the JIT

To his credit, Nawaz Sharif did appear before the JIT last week. Though a section feared that there would be a repeat of an incident twenty years ago – when Sharif appeared in the Supreme Court (also as the Prime Minister) in a different case. The PML-N mob entered the Court premises and ransacked it, leaving a big scar between the PML-N and judiciary. However, the PML-N and Nawaz Sharif today are not as powerful as they were then in 1997. On the contrary, the judiciary is powerful and independent today in

2017, as compared to 1997.

So when Nawaz Sharif arrived at the JIT office last week, there were apprehensions. But the interaction did not create any further problem. Though what was discussed inside is unlikely to become public in the immediate future, one could understand Sharif's frustrations as he addressed the public after his meeting with the JIT.

Though the media made a big issue out of Sharif appearing before the JIT, the larger issue went unnoticed. Of course, the pro-Sharif opinion projected it as Nawaz upholding law and accountability; outsiders would know that he did not have an option. It was not a voluntary one; almost forced on him which he could not refuse. Compare with, what had happened to the former Chief of Army Staff – Gen Musharraf, when he was also directed by the judiciary to appear in the court. He was silently taken away. While a serving PM has to appear, a former Army Chief could escape underlines the nature of law and its requirements to adhere in Pakistan.

The above would bring the last question – given the relations between the PML-N and the Establishment, where does the military stand on the entire JIT process? Why would there be two representations from the ISI and the MI in the JIT, which is comprised of only six members? And are they likely to remain impartial during the proceedings? The military did stay away from the judicial trial on the Panama scandal; will it repeat the same in the JIT process as well?

So, what next for Sharif? There are no clear answers. The JIT process and the final report are likely to create more confusion than providing any clarity.

The author is a Professor and Dean at the National Institute of Advanced Studies (NIAS) Bangalore. He edits annual titled Armed Conflicts in South Asia and runs a portal on Pakistan – www.pakistanreader.org. subachandran@gmail.com