

My Pakistan. By: Z. A. Bhutto

MY PAKISTAN



By: Zulfikar Ali Bhutto

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Foreword

These are the words of a proud and heroic martyr who courageously faced death rather than abandon his life-long struggle to end injustice, to give the poor people of his land honour, dignity, and freedom,

His cruel and barbaric murder by military despots caused revulsion across the globe. The suffering and humiliation which he bravely endured with grace and dignity stands as a source of pride and example to the poor people of the world struggling for a better, more noble, and honourable existence.

Zulfikar Ali Bhutto dedicated his life to remove the sorrow from the hearts of the poor and the oppressed, to remove the tears from the children of his poor nation. It is not ironical, then, that his death has left a nation of orphans; it is not surprising, then, that his murder has brought a tear to the eyes of every child of Pakistan.

MIR MURTAZA BHUTTO

This book, *My Pakistan*, is based on the Constitutional Petition filed in the Lahore High Court on the 6th March, 1978 against the illegal and improper detention of the late Mr. Zulfikar Ali Bhutto (former Prime Minister of Pakistan). It is by way of a rejoinder to the allegations made in the material placed before the Court by the military regime of General Zia ul Haque.

This is the most important political document which will form a valuable portion of the political history of Pakistan. The 100-page foolscap material, written by Mr. Z. A. Bhutto himself, was smuggled out of Pakistan into London.

The Foreword has been written by Mr. Mir Murtaza Bhutto, eldest son of Mr. Bhutto. The post-hanging commentary on the events under the caption "Nation-Builder", the chapter of "Murder of a Trial", and Begum Nusrat Bhutto's letter to Justice Anwar ul Haque, have made this book both interesting and informative. The publication of this book is still banned in Pakistan.

The former President and Prime Minister of Pakistan, the late Mr. Zulfikar Ali Bhutto, has given his own account and has exposed the designs of General Zia ul Haque's Military Junta in overthrowing his constitutional government. In his petition he has described his detention as unlawful and mala fide. He has smashed the Pandora's Box and has exposed the hollowness and depravity of the charges made against him. Mr. Bhutto has maintained that it was a part of a very big game and he was made a victim of a global conspiracy. In order to acquire this objective, false, malicious, and most unfair allegations were made against him. The conspiracy was hatched and carried out against him because he refused to compromise on his country's vital interests. Mr. Bhutto has wondered how two pages of perverse report has been made to wipe out his whole chronicle of unparalleled and unmatched contribution to Pakistan and its people. He has exposed the present rulers, Maulana Maudoodi and his lieutenants, Wali Khan, Brohi and others, who were basically opposed to the creation of Pakistan itself.

PUBLISHER

Nation-Builder

Zulfikar Ali Bhutto, the leader of Pakistan until his murder by the hangmen of the military junta which now rules his country, was a *nation-builder*. As he said of himself in a document written from his jail cell last year: "I was born to make a nation, to serve a people, to overcome an impending doom. I was not born to wither away in a death cell and to mount the gallows to fulfill the vindictive lust of an ungrateful and treacherous man. I was born to bring emancipation to the people and to honour them with a self-respecting destiny."

Z.A. Bhutto lived consciously to make history and to leave a legacy in the form of the development of his nation. His fight was a fight against the policies of the International Monetary Fund and World Bank, which serve to perpetuate the backwardness of the developing nations. He was in the forefront of the struggle for a *New World Economic Order* for the entire developing sector.

Bhutto took on that leadership with a specific and great task before him – to create a viable Pakistani nation where there had been none before him. When he became prime minister in December 1971, Pakistan was a nation whose fundamental self-identity was almost nonexistent. Pakistan was carved out of the Indian subcontinent by the British Raj that partitioned its crown jewel at the point of independence so as to insure a permanently manipulable Middle East-type situation on the subcontinent.

While India came into independence led by the great humanist leader of the freedom struggle Jawaharlal Nehru, Pakistan lost its founding father, Mohammed Ali Jinnah, soon after independence in 1947. Instability, assassination, and military coups marked Pakistan's political history for more than 30 years to follow. Pakistan was used as a mere geopolitical pawn of the Western powers led by the U.S. and Britain. Z.A. Bhutto himself was a product of the great struggle against British imperialism, sought to fill the vacuum of leadership that the generals of the Pakistan army had incompetently and stupidly failed to fill.

Bhutto's moment came at the point when Pakistan was in its greatest hour of crisis, in the days of 1970-71 when the brutal genocide of Pakistan's generals finally brought about the breakup of Pakistan and the creation of a new nation, Bangladesh, out of what was East Pakistan.

In 1967-68 Bhutto broke with the military regime of General Ayub Khan whom he had served for many years, including as foreign minister, and formed the Pakistan Peoples Party (PPP), the first large mass-based party in Pakistan's history. Surviving his jailing by Ayub Khan, and helping to lead the revolt which overthrew Ayub in 1968, Bhutto and the PPP won a sweeping victory in the first democratic elections in Pakistan in December of 1970.

That victory, entirely in West Pakistan, was shared by the Awami League of Sheikh Mujib of the East, but attempts to reach a sharing of power for a new government collapsed due to army intervention, the great mistrust between the two parts of Pakistan, and errors by Bhutto himself in his judgments of the moment.

For the third time, leaving aside minor conflicts, Pakistan and India went to war, a war which threatened to bring the intervention of the U.S., China, and other powers. Pakistan emerged a defeated nation, a broken nation. There was little to hold it together, even in the West, where secessionist tensions among the provinces of West Pakistan, the Punjab (the dominant province), Sindh (Bhutto's home province), Baluchistan, and the Northwest Frontier Province were on the rise.

Bhutto is rightfully credited with saving Pakistan at this dark moment in its history. As French President Giscard d'Estaing has said, he was the man "who incarnated Pakistan at a dramatic hour of its history." Bhutto was determined to restore a sense of purpose to the country and to secure it a stable future. The major tasks accomplished in the early years of his rule were: the reaching of a peace with India, the famous Simla Agreement reached with Mrs. Gandhi in August of 1972, which promised for the first time to establish a firm foundation for peace between India and Pakistan and future economic cooperation for the development of the subcontinent; the rebuilding of the Pakistani economy through industrialization, development of nuclear energy, and other energy resources; agricultural development accompanied by large-scale land reform and socialization of the economy out of the hands of the oligarchic "22 families" who have controlled the economy as compradors of imperialism since the days of the Raj; and finally, the establishment of a Constitution in 1973 which, for the first time, provided a constitutional democratic framework for Pakistan.

With fits and starts, Bhutto, in the later part of his rule, began to move beyond these steps to shift the traditional orientation of Pakistan away from its alliance with the U.S. and Britain, as symbolized by Pakistan's membership in the Central Treaty Organization (CENTO) with Iran, Turkey, and Britain. He withdrew Pakistan from the British Commonwealth, and attempted to move it into the nonaligned camp, improving relations with the Soviet Union (whereas China had long been close to Pakistan), with neighbouring Afghanistan, India, and Iran, and strongly supporting the Arab cause in the Middle East. Most important, Pakistan under Bhutto became a major spokesman for the establishment of a New World Economic Order and in particular was one of the strongest advocates of a complete debt moratorium for the developing nations. Bhutto himself proposed a Third World Conference to discuss that task.

In 1976 this new momentum of Bhutto's Pakistan became clear, as the New World Economic Order moved onto the center stage of global politics at that time. In spring of 1976, Bhutto concluded an agreement which he cites

as the peak of his rule, an agreement with France for the construction of a full-cycle nuclear energy system for Pakistan. Bhutto's critics slanderously claim this effort had only the purpose of creating the capacity to manufacture nuclear weapons in response to India's explosion of a nuclear device in 1974, but it is clear that nuclear energy to fuel a Nehruite industrialization of Pakistan was the aim. At this point Bhutto also was on the verge of two sharp movers – pulling Pakistan out of CENTO (which has now taken place as a result of the Iranian decision to leave the moribund pact) and dramatically improving relations with the Soviet Union, as symbolized by Soviet aid in the construction of Pakistan's first major steel plant in Karachi.

These events led directly to Bhutto's overthrow in a military coup on July 4, 1977, his imprisonment two months later by the military, his "conviction" on a frame-up "murder conspiracy" charge, his yearlong appeal of that conviction, and finally his legal assassination by the same military regime. All of these events, internal to Pakistan on the surface, were the result of an orchestrated and well-constructed international conspiracy.

The events of July 1977 in Pakistan occurred in a regional context which can only be understood as a large-scale destabilization effort, Its aim was to prevent the emergence of a regional entente dedicated to economic cooperation, which would have ended Anglo-American manipulation of regional conflicts and finished off the colonial remnants of the British Commonwealth structure.

The operation against Bhutto himself is an essential part of the pattern in which the nuclear energy decisions of Bhutto and the trend toward normalization of relations across the subcontinent were the key triggers on Anglo-American's intervention to "save" their "allay" Pakistan. But, as indicated clearly in the excerpt of the document written by Bhutto in his jail cell that the nuclear reprocessing plant purchase from France was the "end of the line" for Bhutto as far as the Anglo-American circles were concerned.

Mr. Bhutto indicates clearly the role of Henry Kissinger, then the U.S. Secretary of State, in directly moving to block the French deal with Pakistan, including pressure on both France and Pakistan. While Bhutto tells part of the story – mostly referring to a visit by Kissinger to Pakistan in late 1976 – he leaves out a part which he mentioned in public on April 28, 1977. In a now-famous speech on that day, he revealed the international conspiracy against him. According to Bhutto's report, Kissinger told Bhutto that unless he backed off from the nuclear deal, symbolic as well of other aspects of his policies, "we will make a horrible example of you."

In March 1977 Pakistan held national elections in which Bhutto's Pakistan Peoples Party won a sweeping victory over its opponent, a mishmash coalition of parties grouped in the Pakistan National Alliance and dominated by the reactionary Jamaate Islami party. The scale of victory was massive. Immediately charges of vote fraud were filed and demonstration

run by the PNA, all carried out with foreign funding and direction. The aim of the chaos was to force a situation for army intervention. This is precisely what took place in July, of course, with the usual proviso that the army was just restoring order and would soon return to its barracks, which it has yet to do.

The key to the operation, foreshadowing the events in Iran, was the use of the reactionary Islamic networks of the Muslim Brotherhood. The Brotherhood's main message was that Bhutto was not "Islamic," that he was too "Western" in his ways. The mullahs were the mainstay of the anti-Bhutto movement, despite the fact that the Jama'ete Islami has never commanded the allegiance of more than a tiny minority of Pakistanis.

The Jama'ete Islami now runs the Zia regime. General Ziaul Haq is related by marriage to top Jama'ete leaders, and the new chief of the navy is also close to the Jama'et. Zia's major theme in the recent period has been to declaim the failure of the U.S. to act as a "superpower," a view whose authority he openly attributes to Henry Kissinger. The Jama'et, who are pushing a major Pakistani confrontation with Afghanistan and backing Brotherhood-run Afghan exiles who are running armed terrorism into Afghanistan out of Pakistan, agrees with this view.

Pakistan is now to be sacrificed on the altar of geopolitics. The junta, which hopes to ruthlessly suppress the pro-Bhutto forces and install a Jama'eti government through "elections" in November, will itself be a victim of this design. The military government is held unlikely to be able to maintain control of the country and prevent the centrifugal tendencies of the non-Punjabi population from expressing themselves against the Punjabi Army and ruling elite. Revolts seeking "autonomy" in Baluchistan, the Northwest Frontier Province, and even the Sind are expected to and will be set up by CIA circles to occur – as is happening now in Iran.

The junta in Pakistan is now shakily confronting the rage of the Pakistani people, who in vast majority will now follow the memory of their leader, Z.A. Bhutto. Elements of the Pakistani military, watching the consequences of their stupidity, may now coup Zia to save the situation. The fascist regime in Pakistan has no cards left to play – the question at hand is whether Pakistan itself can be saved, and whether the subcontinent of Asia can be restored to the policies of peace and development for which Zulfikar Ali Bhutto lived and died.

In life Bhutto did not fully meet the requirements of his own dedication. His failings were not those of "ambition" but of fulfilling those ambitions. In death, the task is now left to others who must succeed in entirety.

Murder of a Trial

The late Mr. Zulfikar Ali Bhutto was the victim of a two-layered conspiracy hatched and carried out against him because he refused to compromise on his country's vital interests.

In April 1977, Mr. Bhutto had warned in Parliament that "the bloodhounds are after my blood". Mr. Bhutto became the target of an international conspiracy aimed at destabilizing his elected Government, because Mr. Bhutto refused to cancel or modify the Nuclear Reprocessing Plant Agreement which he had signed with France. In the very same city of Lahore where the death sentence was pronounced against him, Mr. Bhutto had been warned by a Super Power in August 1976, that if he did not change his position on the Nuclear Reprocessing Plant, then "a horrible example will be made out of you". This Super Power felt that if Pakistan acquired nuclear technology, it might transfer this technology to the Muslim states with whom Mr. Bhutto had cultivated very close relations. If the Arabs acquired nuclear technology, the oil fields upon which the entire Western civilization depended would be so well fortified that in the event of another Oil embargo, they would be beyond the reach and might of the West. A Super Power felt that the civilization of the "advanced West" could not be placed at the "whim" of the "backward" Muslim Nations. Although the Reprocessing Agreement included cast-iron "safeguards" to ensure that the Plant acquired for peaceful purposes did not lead to proliferation of Nuclear weapons, the Super Power believed that even the minimum risk of Pakistan acquiring nuclear weapons could not be entertained. That is why the decision was made to destabilize the Government of a man whose services to Pakistan, the Islamic world, and the Third World are internationally acknowledged and respected.

A combination of Foreign Powers and obstructionist internal elements spearheaded by a few Generals overthrew the legitimate, popularly elected Government of Mr. Zulfikar Ali Bhutto in the early hours of July 5, 1977, through a nocturnal coup. The first layer of the conspiracy came to a conclusion with the destabilization and fall of the PPP Government, headed by Mr. Zulfikar Ali Bhutto.

Seeking to consolidate their newly-acquired positions of power resting not on the will and consent of the people, but on brute force, the General embarked on a road of systematic terror and repression, which has found its logical conclusion in the threat of destabilization of not only Pakistan, but of the entire region.

The subcontinent witnessed the ugliest character assassination campaign and the most vicious vendetta against Mr. Zulfikar Ali Bhutto, his family, his cabinet colleagues, and his party. Driven by senseless, primitive

passions, the junta has crossed all levels of human decency and civilized conduct to destroy and eliminate Mr. Zulfikar Ali Bhutto.

The junta had hatched a conspiracy to murder its undisputed political rival through the ingenious method of accusing, trying, and sentencing the popular leader to death on, ironically, a charge of murder. The farce that took place in the Lahore High Court called the trial of murder was in fact a murder of trial.

With the exception of Mr. Ahmad Raza Kasuri, whose father's death the Court was theoretically investigating, each and every one of over 40 prosecution witnesses was a Government servant, at the mercy of the junta. All of the top, key witnesses had spent many months in military and police custody before they "testified".

Mr. Ahmad Raza Kasuri, wrongly labeled Mr. Bhutto's political opponent, is also a de facto government servant. Neither he nor his family has won a single election either national, provincial, or municipal other than the one Mr. Kasuri won when Chairman Bhutto granted him a Pakistan Peoples Party ticket in the 1970 elections. Mr. Bhutto's Pakistan Peoples Party was founded in 1967 and at the time of its inception it was infiltrated by the agents of the then President Yahya Khan. When the PPP assumed power in December 1971, it came across evidence that Mr. Kasuri was on the payroll of the intelligence agencies and acting on their orders. Just as he cooperated in exchange for monetary remuneration with the military regime of General Yahya Khan, so Mr. Kasuri cooperated with the military regime of General Zia-ul-Haq. For two months, Mr. Kasuri had toured the West along with his wife on the country's expense to "educate" the West on the "fairness" of the Lahore High court Judgment. Mr. Kasuri and the junta justify Mr. Kasuri's claim as a "political opponent" of Mr. Bhutto's on the ground that Mr. Kasuri criticized the former Prime Minister and his policies during his tenure of office. A glance at the proceedings of the Pakistani Parliament shows that there were many others who criticized the former Prime Minister. Criticism, debate, and sometimes acrimonious exchanges on the floor of Parliament, through the media or in public speeches are part and parcel of the make-up of democratic society. Countries familiar with democratic institutions and traditions would immediately conclude that the charge is ludicrous and, indeed, stupid. It would be a laughing matter in Pakistan, too, if the life of Pakistan's leader were not at stake.

The entire case was fabricated by a special Martial Law Team headed by a Major-General, and assisted by Mr. Saghir Anwar, the Director-General of the Federal Investigating Agency, the late Mr. Anwar, Special Public Prosecutor, and Mr. Justice Maulvi Mushtaq, who later presided over the Full Bench trying Mr. Bhutto. The team reported each stage of its manufactured case to Lt. General Faiz Ahmad Chishti, who heads the "Election Cell" and who, in turn, reported the progress to the Chief Martial Law Administrator.

The fabricated murder case, so specially conceived and manufactured by the full force of the coercive machinery of Martial Law, nonetheless has inherent contradictions which reveal the falsity of the charge. It is perhaps the first case in the annals of criminal law which has two official Approvers and three unofficial Approvers. The three unofficial Approvers are the confessing accused, who say they actually committed the murder although their recollection of the event is at variance with each other and mutually destructive. For their "confession" extracted after torture at the infamous dungeons of Lahore Fort, the three have been assured that they will not be sent to the gallows. For "confessing" their "crime", they will be given their liberty in about a year and handsomely rewarded financially. Thus, for all purposes, the three "confessing" accused are Approvers in the case along with two other official Approvers. (There are three if one includes Sayed Ahmed).

Mr. Mian Abbas, the fourth confessing accused, who later retracted his statement, and later retracted his retraction, gave a detailed account of how his "confession" was extracted. The biased and prejudiced Bench ensured that this account did not see the light of day by declaring that the proceedings would be held in camera, when the accused gave their statements under the Criminal Procedure Code's Section 342.

The entire Prosecution case with its lurid tales of a Pakistan run by a modern Borgia Prince were sensationalized and dramatized in the controlled papers, journals, and the radio and television, in an attempt to create a climate of hysteria against the former Prime Minister. As soon as the time came for Defence proceedings (only Mian Abbas gave a Defence, Mr. Bhutto boycotted the proceedings in protest over its blatant bias and prejudice), the Court was converted into a dark room for camera proceedings. The trial Bench made a farce even of the camera proceedings by permitting full publicity on the media to the diametric falsehoods of the three confessing accused and prohibiting the statements of the former Prime Minister from coming on the media. The Bench even refused to supply him with copies of his own statements.

Every legal system recognizes the right of an accused in a murder charge to a public trial. The concept of a public trial is inherent in Islamic jurisprudence and in the common law traditions on which Pakistan's legal system is based. The right to a public trial is a fundamental pillar of all legal systems not in order for the accused to receive undue publicity, as the Chief Justice of the Supreme Court snidely remarked, but so that, under the full glare of public scrutiny, the judges do not commit injustice. The Lahore High Court Brazenly and blatantly over-rode this inviolable principle, common to all civilized judicial systems, so that in the darkness of the camera proceedings, the Court could commit murder by sentencing to death an innocent man, the authentic leader of the people.

The hypocrisy of the Lahore High court is obvious when one recalls that, after declaring, for international ears, that the trial would take place "in the full light of day", the Bench transformed it into a closed Court. Mr. Justice Maulvi Mushtaq, promoted to Chief Justice during the trial, twice superceded by Mr. Bhutto, handpicked his favourite colleagues to sit in judgment of the former Prime Minister. He did not include on this Bench the two judges who had granted Mr. Bhutto bail on Raza Kasuri's private complaint. This had been turned into a State base after the two judges on the Divisional bench had dared to ensure justice and set Mr. Bhutto at liberty.

By trying the case immediately at the High Court level and not at the Sessions Court level, the junta and the Lahore High Court deliberately deprived Mr. Bhutto of his first right of Appeal. This was the first in many serious departures from legal procedure.

The chronicle of the judges' behaviour during the trial proceedings before the Lahore High Court is a sickening tale of the travesty of justice. It is best summed up in the words of the former Governor and Chief Minister of the Punjab, who stated in London that Maulvi Mushtaq had told him in 1975, that "the only way to get rid of Bhutto is to put a bullet through his head". This very same man insisted on sitting in judgment of the former Prime Minister and passing the death sentence against him.

Mr. Zulfikar Ali Bhutto was elected President and Prime Minister in the General elections held in 1970, Mr. Bhutto's Pakistan Peoples Party was elected again with an overwhelming majority in March 1977. The elections of October 1977 were abruptly postponed on 1st October 1977 because it was clear beyond doubt that Mr. Zulfikar Ali Bhutto and his Party were again going to win by a landslide. In Pakistan's thirty-year history, Mr. Zulfikar Ali Bhutto is the only leader who has won a popular mandate, not once but twice. A leader cannot have deep roots with the masses if he denies them their rights and liberties. The manner in which Mr. Zulfikar Ali Bhutto was supported by the people of Pakistan and the extent of his support, demonstrates that, rather than having deprived the people of their rights, Mr. Zulfikar Ali Bhutto brilliantly articulated their hopes and their aspirations. He gave dignity and respect to the faceless ones, the nameless ones, the shirtless ones for the first time since Mohenjodaro was built. For the first time, the resources of the nation were utilized in favour of the broad section of society and not for a select few. The poor man's identification with and support of Mr. Zulfikar Ali Bhutto and his Party, originates in the belief that the late Mr. Bhutto's government brought economic and political benefits to him. Support based on substantial grounds such as these cannot be eroded merely because a usurper calls the people's Prime Minister a "Modern Machiavelli". That is why all efforts at character assassination and false cases on charges of murder to mineral water have failed to affect one obol of the support of the former Prime Minister.

The Affidavit

IN THE LAHORE HIGH COURT, LAHORE

Constitutional Petition No. 3732 of 1977

In re:

Begum Nusrat Bhutto.....Petitioner

Versus

1. The Chief of the Army Staff and
Chief Martial Law Administrator,
Rawalpindi.
2. The Superintendent, District Jail,
Kot Lakhpat, Lahore.....Respondents.

**AFFIDAVIT of the Detenu Zulfikar Ali
Bhutto By way of a rejoinder to the
allegations made in the material
placed before this Hon'able Court on
behalf of the respondent No.1.**

1. Zulfikar Ali Bhutto, detenu in the above mentioned Constitutional petition, at present confined in Kot Lakhpat Jail, Lahore, do hereby solemnly affirm and state as follows :

1. That since the presentation of this Constitutional petition to the Hon'ble Court for my release from the illegal and improper detention, I have not been brought before the Court to be heard.

2. That the manner of my detention is as unlawful and mala fide as my detention itself and I request to be heard on the manner of my detention also.

3. That the false, malicious and most unfair and unkind allegations made in the material with a view to justify my prolonged detention under Martial Law Order No. 12 cell for some detailed comments and vehement repudiation by me.

4. That Martial Law was imposed on the 5th of July, 1977. On the same day I was taken into so-called "protective custody" high into the clouds of the Murree Hills. During my sojourn in Murree, General Ziaul Haq the respondent No. 1 met me twice, and spoke to me on the telephone also on two occasions. During the meetings, Lt. General Chishti was also present. Both the Generals were most respectful, polite and, I would say obedient, as old habits die hard. The conversations were pleasant in the sense that there was no apparent confrontation. In those days General Haq paid some flattering compliments to me. His remarks appeared in the Foreign Press and were reproduced in our newspapers. On my release from "protective custody", I was sent straight to my home at Larkana on 29-7-1977. From Larkana I went to Karachi by train. After that, on the "orders of the Martial Law Authorities" I was permitted to travel by air only, Travelling by train was strictly prohibited. I went to Multan from Karachi and to Lahore from Multan. From Lahore I went to Peshawar and from Peshawar I returned to Karachi. On the 3rd September, 1977, I was arrested in Karachi in a sensational "clock and dagger" fashion on the basis of an F.I.R. lodged U/s 302 120B, P.P.C. at Lahore on 11-11-1974.

5. The Martial Law Authorities admit that until the 27th of July, 1977 I was a good citizen but that ever since my release from so-called "protective custody" on the 28th of July, 1977 I began suddenly to indulge in activities which "are prejudicial to the purposes for which Martial Law has been proclaimed, the security of Pakistan, and the maintenance of peaceful conditions". Some examples have been cited for my turning from Doctor Jekall into Mr. Hyde on the 28th of July, 1977. A number of nebulous instances have been mentioned. These instances are based on false and inspired reports. I will come to each one of them later and separately to expose the hollowness and depravity of the material.

6. It is a sad commentary to find that two pages or so of convoluted passages can condemn a former elected President and Prime Minister and still the supreme national leader, into an unpatriotic individual whose activities have become a threat to the security of Pakistan. Only twenty three days earlier, I was in charge of the whole of Pakistan. Only three weeks earlier, I had been the custodian of the security of Pakistan which I had structured and guarded for over five and a half years. In that same month of July, 1977 I had not only been the Prime Minister of the country but also the Defence Minister and, as the Head of the Federal Government, the Supreme Commander of Pakistan. The man who had rebuilt Pakistan and the Armed Forces of Pakistan in five and a half years turned overnight into a demoniac threat to the security that he had laboured painstakingly to erect.

7. When I became the President of Pakistan, our soldiers did not possess blankets in the ramparts of the Northern regions. On the Skirdu front, out of false sympathy and more for propaganda, the Indians threw blankets to our jawans from across the ceasefire line. When I was forcibly

removed from the control of a safe and secure Pakistan, of a respectable and honourable Pakistan, of a Pakistan self-sufficient in food and foundation, I also left behind the charge of the Armed Forces which had been rebuilt from scratch into a fine fighting force with modern weapons and with missiles. Are two pages of a thanadar's inspired and perverse report sufficient to wipe out a whole chronicle of unparalleled and unmatched contributions to Pakistan over twenty years? Two pages versus twenty years of sweat and toil written on every stone in the land from Khyber to Karachi! Within twenty days, the struggle of an individual for Pakistan from the age of sixteen to the age of fifty is thrown down the river? An usurper who has admitted that his only contribution to the cause of Pakistan was that he sold copies of Dawn in New Delhi. And whom does he condemn? Not only the man who was his Master and Supreme commander only twenty days earlier but who was facing bullets of the Congress militant Maharashtrian students on the steps of Elphinstone College in Bombay for the cause of Pakistan while the other man was distributing a few copies of Dawn in Connaught Circus of New Delhi. "Allah too Jalal too Kudrat-a-Kamal too".

8. The story is too long and too tragic to be written in this petition. The point is to find out if there is a limit to deception. Is it really imperative to become a prophet of falsehood, an architect of deception, a tutor of treachery, a merchant of malice and a personification of perversity simply to snatch away from me the ability and the honour that my God and my people have bestowed on me? My status is written in the stars. My symbol is in the hearts of our folk. Today the people of Pakistan feel alone and isolated. Their problems have become more complex. Their miseries have become unendurable. They hanker for me. They pine for my leadership. I miss them and feel for them more passionately than words can describe. I cry for them as they are in anguish. After the massacre of Multan on the 2nd of January 1978, I was struck with a gloom that was more poignant than the pain of ultimate punishment. I can never dream of any action which might cause the slightest harm to the people of this beloved land of mine. Time in its fullness will tell who has harmed the security of Pakistan. Why in its fullness? Time has already begun to tell.

9. The conspirators remove Plato's "Philosopher-King", the clique removes Aristotle's "political animal", the bloodhounds remove Carlyle's "hero". They remove the sword of Ali and fill the stage with clowns and charlatans. Still they have the effrontery to mention the security of Pakistan? Is the purpose of Martial Law to create an artificial wheat shortage by making a premature statement on the prices of agrarian commodities in Bahawalpur on the 8th of February? The people of any free country would have lynched their leader if such disastrous announcements were to be made by him. The calamities of nature are unavoidable, but the Himalayan blunders of an untutored usurper who imposes man-made miseries on the people are unforgivable and unforgettable.

10. A country as complicated and complex as ours with its myriad problems cannot be administered by an amalgam of foolish and fatal errors for which this regime has become notorious in its short and unillustrious tenure. Herein lies the inherent danger to the security of Pakistan. The cycle of catastrophic policies has brought the State of Pakistan to the brink. There has been abominable failure in the political field. The avowed opponents of Pakistan are being masqueraded as the saviours of Pakistan and the authentic saviours of Pakistan have been dubbed as the opponents of Pakistan. This vicious circle has been drawn only to fulfill the lust for power. The Constitution has been put in the Museum. Lashes have replaced Parliament.

11. This regime will have the unavoidable and dubious distinction of being the first government in the history of Pakistan to saddle the poor masses with three budgets in one year. The first budget came on New Year's day on January 1st, 1978. The second budget, prematurely and disastrously announced on the 8th of February in Bahawalpur, and formally announced this month. The third budget will descend on the people on 31st of June, 1978. This means three installments of taxation on the shoulders of common man in a single year. Actually, it will be four installments of taxation in one year because Martial Law was imposed three days after the budget for the financial year 1977-78 was announced by my Government. Investments have come to a standstill due to the uncertain conditions. The economy has been put back in the hands of robber barons and the rapacious middle men. The food situation has become precarious, Atta, yes Atta is not available

SECURITY

12. Before we discuss the lofty notion of the security of the State, let us seek to safeguard the security of the stomach of the man in the street. Napoleon said that "Armies march on their stomachs". How can the security of the State be upheld by starving masses? Security is not an abstract concept. It is a pyramid on which one stone stands on the other. Failure mounted on failure, makes security weak and fragile. It gets reduced to an emasculated position. But if security stands on the iron pillars of political and economic success, a human hand dare not endanger it.

13. When the security of the man in the factory and in the field is in the balance, when wheat vanished from the market due to monstrous mistakes, when lashes rip open the backs of our manhood with crimson lines of blood, when the fragrance of the flower of our youth vanishes, it is then that the security of the State becomes a floating balloon at the mercy of a mosquito. Two hundred years have passed when Marie Antoinette blissfully wondered why the people did not eat cake if they were short of bread. The time has come for our rulers to put the same question to the people of Pakistan.

14. We stand in a fen of stagnant waters. The Constitution has been made into Pharoah's mummy. The bungling in politics has caused complete chaos. The economic situation is out of control. The Law and Order situation which under Martial Law ought to be ideal, is putrid. Young girls are being kidnapped and brutally hacked to death. Banks are being robbed under the eyes of the Administration. Dacoities and gangsterism have struck terror. The security of the Chaddar and the Chardevari has gone into the barracks emptied by the new rulers of Pakistan. Tenants are being ejected everywhere. In Hashtnagar and in Patt Feeder havoc has been played with the tiller of the soil. The wretched men whom I made a peasant proprietor for the first time since Mohen-jo-daro was built, is deprived of his land. The security of the farmer and the labourer has disappeared. The sanctity and security of the home has been violated. I could only threaten security if it existed. Pray, please tell me where does it exist?

15. Twenty years ago Hollywood made a film in Lahore and, the Anarkali of America, Ava Gardner was the heroine. It was called Bhowani Junction. Twenty years have walked away, the beauty of Ava Gardner has passed into memory, but Pakistan is becoming the Bhowani Junction, the cross-road, of traffic and trade dictated by a dark détente. If this is the preservation of the security and sovereignty of Pakistan, then Banares and not Mecca is the holy land.

16. India is building the Rajasthan canal. We know it is not an irrigation project but Military strategists and analysts have observed that once the Rajasthan Canal is constructed, India would be able to free sixty percent of her presently deployed forces from the Pakistan border. In my time also India tried desperately to get a loan from Iran for the financing of this colossal project. But I am grateful to the Shahinshah that in my time, everytime I intervened to halt the loan, he very kindly agreed with my request. The last occasion was in 1976.

17. During my time, the Prime Minister of India wrote not less than six letters to the Prime Minister of the People's Republic of China for a dialogue between India and China. The letters remained unanswered. Now, China is in such a hurry to respond that Vice Premier Teng Hsiao-Ping declared early in February not in Peking, but in Rangoon that China was anxious to promote relations with India. As a follow-up, a Chinese Trade Mission went to India. It was the first delegation of this status to visit India after sixteen years. Another goodwill delegation from China is to visit India, and most significantly, that goodwill delegation will combine its visit to India with a visit to Pakistan. Everyone is now bracketing Pakistan with India; indeed, even the Chinese.

18. Prime Minister Callaghan came to Pakistan for a night. By dawn he took with him £ 4 million the British Insurance Companies were demanding from Pakistan for the nationalization of their insurance companies. For more

than four years my Government refused to accept their exaggerated claims. But now, with the flick of the fingers, Mr. Callaghan got the claim accepted. I was supposed to be the great waster and embezzler, but I never parted with £ 4 million of an exaggerated foreign claim in the music of a meeting. What has gone wrong with the security of our figures? In the balance sheet of history is Britain a debtor of Pakistan or Pakistan a debtor of Britain? I do not want to open this chapter. It is the nursery rhyme of every school.

19. Prime Minister Callaghan also scolded Pakistan on the Reprocessing Plant. We have heard many conflicting statements on this vital subject. The truth will come out after the General elections in France in March this year. Not much is left to the imagination.

20. When I was the President of Pakistan the Joint Communique signed by President Richard Nixon and me in 1973 stated that "the security of Pakistan was a cornerstone of the United States Policy". Now, flying over Pakistan in January, 1978 President Carter in his greetings from the air was kind enough to say that the United States believed in the security and integrity of all states. This magnificent message apparently caused so much excitement in the foreign office that wedding bells were heard in the vicinity of Agha Shahi's residence. The coup d'grace came with Vajpai's visit. He made monkeys out of our marshals. On his return to New Delhi he spoke boastfully. What I cannot forget is the scorn in his voice when he touched upon Kashmir in his speech in the Lok Sabha. The visit was a one-way traffic. The problem is over. The patient is dead but his small children have been told that Santa Claus will return soon.

21. For security reasons I do not want to diagnose the disease that killed the patient after a life and death struggle of thirty years. Of course the Indians will talk on Kashmir. They will talk to tell you not to talk on Kashmir. There is so much to talk about Kashmir and its beauty. Have you visited the Nishat and Shalimar Gardens in Srinagar, is Pahelgam prettier than Gulmarg, have you seen Sheeshnag or Nagaparbhat from the slopes of Needoes Hotel? We can talk on Kashmir until eternity but in the meantime Bhowani Junction must be opened up. The difference is that when the General visits New Delhi, he will get Mr. Desai's medicine but if I went to New Delhi I would give Mr. Desai my medicine.

22. This is the picture of the internal and external security of Pakistan. In my time we held the Islamic Summit conference. Now we hold our breath in joy if the President of Soomali makes an overnight stop in Pakistan. In my time I took the Indians for a walk. Now the Indians have taken you for a dance. You give so much confidence to the Indians that we lose the only hockey match you grace with your presence. You represent the Seths and the Sathias. You think that they can give Pakistan security. I represent the slaves and the servants. In my opinion the people alone can give genuine security to the State. I represent the downtrodden, the shirtless masses. You want to represent the Brown Sahibs and the brass. I believe in

nationalization. You believe in de-nationalization. I believe in technology. You believe in hypocrisy. I believe in the Constitution. You believe that the Constitution is a piece of paper. I believe that the Mullah belongs to the Mosque and you want the Mullah to be the Master of Pakistan. I believe in the emancipation of women, you want to cover them in darkness. I abolished the Sardari System but you are revising it by holding a "Shahi Darbar" in Sibi. I believe in the East. You believe in the Commonwealth. We are a poles apart and I am grateful to God Almighty for it. You do not even represent the stinking past. I represent the full glow of the future. You have even messed up the projection of our sacred religion, so much so, that sectarian slaughter has begun with frightful vengeance. When you talk about the security of Pakistan, please let us know whether you want to make Pakistan into a Granada or a Karbala?

MARTIAL LAW

23. what are the purposes of Martial Law? How can my activities be prejudicial to the purposes of Martial Law when I do not know its purposes?

24. My activities cannot be prejudicial to the purposes of a mystery. By its very nature, Martial Law uncontrolled and unaccountable is individualistic and secretive. In the Supreme Court I called it "mad and moody". It is whimsical, capricious and arbitrary. Martial Law does not have a mandate nor a charter. It is not the vice of the people. It is the noise of a gun. This systemless system, this lawless law does not stand on a rational structure. Its purposes are not subject to an objective and impersonal scrutiny. It rests on the quick sand of anger and prejudice.

25. Is it possible for anyone to fathom the purposes of Martial Law? On the 5th of July, 1977 the Nation was told in no uncertain terms that the sole purpose of Martial Law was to hold fair and impartial elections within ninety days. It was called ninety-day "Operation Fair-Play". Pakistan's Chief Spokesman at the last session of the United Nations General Assembly reiterated this pledge on the 28th of September, 1977 to the whole world from the rostrum of the United Nations. Two days after he had spoken, the sole purpose of Martial Law was changed suddenly and elections were not only postponed but postponed indefinitely.

26. After that the stunt of "Accountability" was trumpeted. The people were told that elections would be held immediately after the lugubrious and ludicrous process of accountability was completed. Later, more than hints were dropped that elections will be held after the economy has been salvaged.

27. The latest position stated in Sibi is that elections are only a means to an end and elections would be held only if positive results are ensured. It is axiomatic that I cannot be against elections. Nor am I against

accountability. Actually, I used the word accountability in my address to the Nation on December 20th, 1971 when I became the president of Pakistan, like I used the expression "Soldier of Islam" during the Islamic Summit Conference.

28. I believe in accountability but under the Rule of Law and by the command of the people. Accountability is a democratic process and not the pretext for vendetta by a despotic coterie. The Chief Martial Law Administrator has repeated his promise to restore democracy. I want that promise to be fulfilled without delay. If the purposes of Martial Law are to:

- (i) hold impartial and genuine elections,
- (ii) have accountability with an even hand without discrimination and under the Rule of Law and on the command of the people,
- (iii) to restore genuine democracy without delay, and
- (iv) to restore the Constitution of 1973;

ipso facto my activities cannot be prejudicial to these purposes.

29. However, the question of questions is whether these declared and repeated purposes of Martial Law are the real purposes of Martial Law. "My face is my fortune Sir, she said" are the words of a beautiful damsel to an English nobleman. The world of a leader is his fortune. Once a world is given to the people it has to be fulfilled irrespective of the consequences. In the last six months so many pledges have been shattered to pieces, that the Chief Martial Law Administrator now deems it necessary to tell a group of American journalists that he is prepared to give them in writing that he does not want to be a politician. This is a rare compliment to the politicians but why did the Chief Martial Law Administrator deem it necessary to give this pledge in writing to a group of foreigners? The people of Pakistan no longer believe his promises but I did not know that even foreigners had begun to disbelieve his word.

30. If the purposes of Martial Law lie in deception, in self-perpetuation, in obscurantism, in submission to foreign hegemony, in the lashing of citizens, in the exploitation and suppression of the masses, then not only this humble detenu but every self-respecting and patriotic citizen will oppose such purposes.

PEACE OF THE LAND.

31. I have touched upon the security of Pakistan briefly. In like manner I have touched upon activities prejudicial to the purposes of Martial

Law. The third charge is that my activities were prejudicial to the maintenance of peaceful conditions in Pakistan.

32. The man who solved the ninety years' old Ahmadi problem, who under very adverse conditions maintained peace and tranquility in Pakistan for over five years until Pakistan was de-stabilized by an international conspiracy in the Spring of 1977, simply cannot indulge in activities that would disturb the peace of the land. I have been in Jail for six months but are the conditions peaceful in the country?

33. The whole country is in the grip of tension, Political activities are completely banned, the true representatives of the people are arbitrarily disqualified, even before a verdict, guilt is presumed and innocence has to be proved. The eyes of the masses are blood-shot. The people are tense and troubled. "Struggle Days are being observed. The Television staff was on strike. There was a massacre in Multan of labourers. Karachi has had sectarian and other troubles. Wazirabad, Rawalpindi, Larkana and many other places have witnessed the ordeal of disturbances. There is hell in Halla. Many more examples can be given. We are sitting on a volcano. The lava is gathering. The ground is swelling. The eye of the storm can be seen. This critical situation has developed not because I am outside jail but because I am inside jail. Hence, the authorities and not I have to shoulder the blame for the disturbed conditions. A bayonet cannot be put behind every back. An unnatural state of affairs is aggravating the situation.

34. If peaceful conditions are to prevail again in this tragic land, the scourge of Martial Law will have to be lifted without any further delay. The longer it lasts, the deeper will we sink into the quagmire. There is no point in aimlessly blaming me for unfounded and vague charges such as "disturbing peaceful conditions". There is no point in blaming anyone else. The crime lies in the eyes of beholder. Martial Law is a self-defeating exercise. It generates the conditions it seeks to confront. It germinates the virus it seeks to kill. This is the paradox of Martial Law. It is a Frankenstein's monster. It is not a cure but a curse. An unaccountable coercive machinery is generally an anti-people oriented machinery. Being an enemy of the people, it is ultimately its own enemy. It sows the seeds of its own destruction. This is the fundamental purpose of Martial Law. It destroys itself and the people with it.

35. To put imaginary fears to rest, I would like to volunteer the reason for my whirlwind tour of Karachi, Multan, Lahore and Peshawar in early August, 1977. I had been the Head of State and Head of Government for over five and half years. It was a tumultuous period. My Government had been dislodged by a coup d'état. I was taken into so-called "Protective Custody" on the same day and kept in the clouds of Murree for over three weeks. There was considerable anxiety about my welfare. My supporters and sympathizers came from all parts of the country to see me in Murree but they were prohibited from meeting me. There was also need to make a quick tour of the principal cities to thank the people and the workers of my party

for the unstinted cooperation they had given me during my stay in Government. For this purpose and for no other reason, I went to the principal cities of the country for a day or two immediately on my release from so-called protective custody. I have permanent residence in Karachi besides my ancestral home in Larkana. Taking this factor into account, it might be said that I went only to Multan, Lahore and Peshawar for the purpose stated. Both Multan and Lahore were my constituencies. I was elected from these cities in 1970 and I again stood from Lahore in the abortive October, 1977 elections. Hence, in actual fact, my visit to Peshawar was the only one which I undertook exclusively for the reasons given. I had intended to visit Quetta for the same purpose. It was my political obligation both as the Chairman of the Pakistan Peoples Party and as a politician who had recently relinquished the office of Prime Minister in extra-ordinary circumstances. There was no other reason for this tour. It was not an election campaign. The election campaign began on 18-9-1977 and I was arrested on 16-9-1977, two days before the campaign was launched.

36. Before going into the phantasmagorical charges, I would like to point out that my sudden transformation from saint into satan is alleged to have taken place on the 28th of July, 1977. Before that, as the builder and defender of Pakistan, as its helmsman, the Chief Martial Law Administrator is on record as having called me the greatest son of Pakistan. On numerous occasions in private gatherings and in public meetings and conferences, he paid me such wholesome compliments that I was a trifle embarrassed by the heavenly eulogies. I cannot recapitulate all the instances. The occasions were far too many for me to recall. Besides the object of this petition would be served by citing an example or two. I would refer to the Chief Martial Law Administrator's speeches in my praise in the Staff College, Quetta and in the Military academy in Kakul in 1976 and in the Kharian Cantonment in 1975. Only these instances are being cited because all these were :

- (a) In the presence of Army Officers and Jawans, i.e. in public and in an audience of the Armed Forces.
- (b) The praise was unmitigated and wholesome.

37. The Kakul speech was made after lunch. The speech at the Staff College was at a reception. Both these eulogies were in English. The speech at Kharian was in Urdu. It was a written text, read out by the Chief Martial Law Administrator at a gathering of Army Jawans, Officers of the Armoured Corps and retired officers of the Armoured Corps and the wives of the serving and retired officers. The occasion was to honour me with the rank of Colonel-in Chief of the Armoured Corps for the meritorious services rendered by me to Pakistan and the Armed forces of Pakistan.

38. On and after the 28th of July, 1977 despite the false and distorted speeches mentioned to establish that I was indulging in highly prejudicial activities the Chief Martial Law Administrator and at least two of his Martial Law Administrators maintained cordial contacts with me until the 28th of

August, 1977. However, at the same time, the engine of oppression and victimization had been put into motion while I was still in Murree. This illustrates the duplicity of a non-political regime. It shows that no reliability can be placed on its word.

39. After making my "shocking" speech at Larkana on the 29th of July, 1977 when I arrived in Karachi on the 1st of August, 1977, General Jehanzab Arbab, Martial Law Administrator of Sind sought an interview with me of his own volition. I met him at my residence at 70-Clifton on the morning of 2nd August, 1977. He told me that he had come to make a courtesy call and to tell me that he still had the highest regard and respect for me, that nothing had changed as far as his admiration for me was concerned. When he congratulated me on the fantastic receptions accorded to me in Larkana and from there to Karachi at every railway stop, I reminded him what I had told him and the other generals in late June in Rawalpindi. I had told them in that meeting that they should not be misled by the artificial and foreign instigated agitation. I told them that if I were removed from the political scene, within less than three months, the people from Karachi to Khyber would demand my return. General Jehanzab Arbab said that he remembered very well those words of mine.

40. Surely the report of the fabricated Larkana speech on 29th July, 1977 (which the thanadar "improved" on 31-7-1977 after reading a mischievous report in a newspaper) and the speeches I made enroute from Rohri to Karachi and in Karachi itself, were in the knowledge of the Martial Law Administrator of Sind, when, on his own initiative, he called on me at my residence in Karachi to pay rich compliments to me. Hence, until the 2nd of August, 1977 I had not turned into a villain.

41. On the conclusion of my tour of Multan and after my arrival in Lahore, the Chief Martial Law Administrator telephoned me in Lahore from Murree on the evening of the 9th of August. Admittedly, in the beginning he spoke in an excited tone mainly on the momentous reception the citizens of Lahore gave me on my arrival in the city. He was under the mistaken impression that my Party had gathered people from all over the Punjab to "impress and intimidate" his regime and to court arrest. He stated emphatically that he was not going to arrest me so there was no point in my trying to court arrest. When I explained to him that I was not planning to court arrest, he calmed down. It was then that I told him that on one hand he was showing me the same consideration as in the past but, on the other he had gone to a number of corps headquarters and briefed the Armed Officers in very disparaging terms about my Government and myself. The Chief Martial Law Administrator assured me that I had been wrongly informed; that on the contrary, he had spoken of me in the most respectful terms and with reverence in all such gatherings and other places. After that the Chief martial Law Administrator invited me to meet him in Rawalpindi to

clear the misunderstandings that interested parties were trying to create. I told him that I planned to visit Rawalpindi in the last week of the month and that I would get in touch with him on my arrival. So until the 9th of August, 1977 I had not turned into a villain.

42. When I arrived in Rawalpindi, as a sequel to Lahore telephonic talk, I wrote a letter to General Zia ul Haq, reminding him of that talk in which a meeting was suggested. The letter was dated 27th August, 1977. The same evening a Captain or a Major came to where I was staying to personally hand me a letter in reply to mine. In his letter, the Chief Martial Law Administrator invited me to meet him at his residence on the afternoon of the next day, that is on the 28th of August, 1977. This was to be my third meeting with him since the events of the 5th July, 1977. The two earlier meetings had taken place in Murree in July. We had also spoken on three occasions on the telephone since that fateful day, twice in Murree and once in Lahore.

43. The meeting in Rawalpindi was a long one. General Chishti was present again. In this meeting, the Chief Martial Law Administrator told me, inter alia, that he was surprised that a person of my "brilliance and experience" had agreed to a parliamentary system. He requested me in the interest of the country to put my enormous experience at the service of the people by giving him a blue-print of a realistic system that would work in Pakistan. I told him that he had recruited a number of "jurists" like Brohi, Sharif-ud-din Pirzada and the Chief election Commissioner, Maulvi Mushtaq. I suggested that it would be more appropriate for him to turn to them for advice on such matters.

44. The Chief Martial Law Administrator was very polite and respectful throughout the meeting. Had he not himself stated this to the foreign press, I would not have affirmed here that he kept calling me "SIR" as he had done in the previous two meetings in Murree. I am giving these details not out of false pride. I am stating this information due to its relevance to the charges made against me. By the 28th of August, 1977 the Chief Martial Law Administrator was fully seized of the concocted transcripts of all my speeches until the 27th of August, 1977. He was also aware of my important activities until that day.

45. This being the position, there is a basic contradiction in telling me on the 28th of August, 1977 that I was the most competent person to give a blue-print of a realistic system that would work in Pakistan, "siring" me repeatedly and yet plotting to arrest me within five days on charges of conspiracy to murder and on my release on bail on that charge arresting me again for working against the security of Pakistan. However, despite the contradiction, until the 28th of August, 1977, I had not turned into a villain.

46. There is one more piece of information of that meeting relevant to the material justifying my detention under M.L.O. 12. In document U.O.

No.16 (SO)77-NP, dated 14th September, 1977 entitled "Internal Situation" and submitted to COS to CMLA by Lt. General Ghulam Hassan, Adviser, National Security, paragraph 2 states :

"In the same report it has been said that there was a move led by Mr. Bhutto and Mr. Pirzada to boycott elections and create a crisis in the country which Maulana Kauser Niazi was trying to prevent".

47. I will refer to this report later but it is pertinent to point out here that in my meeting with the Chief Martial Law Administrator in Rawalpindi on 28th August, 1977 in which General Chishti was present, the Chief Martial Law Administrator was excessively harsh on Maulana Kauser Niazi. In his characteristic fashion, he attacked the Maulana mercilessly. He showed so much hatred for Niazi that at the end of the diatribe, the Chief Martial Law Administrator concluded by saying "this is one man I am not going to spare". In view of the display of such prejudice against Maulana Kauser Niazi on the 28th of August, 1977, how was it possible to refer to him in approving terms in the Intelligence Report of 14th September, 1977?

48. On the 13th of September, 1977 the Chief Martial Law Administrator called a meeting of the political leaders in Rawalpindi to evolve a "Code of Ethics" for the elections of 18th October, 1977. The Pakistan Peoples Party delegation was led by Begum Nusrat Bhutto. On the same day I was released on bail by Mr. Justice K.M.A. Samadani. When the "Code" meeting concluded, the Chief Martial Law Administrator met journalists. In his talk with the journalists, while commenting on my release on bail, the Chief Martial Law Administrator categorically told the journalists that he was not going to haul me up under any Martial Law Regulation or Order as I had not violated any Martial Law Regulation or Order. Hence, until the 13th of September, 1977 I had not turned into a villain.

49. It is therefore not without significance that all the documents except the one of 8th September, 1977 to justify my detention under Martial Law Order No.12 on 16th of September, 1977 at Larkana bear a date after 13th of September, 1977.

- (i) Document U.O. No.17/9/77-Poll. 1(I) is dated 15th September, 1977.
- (ii) Document U.O. No. 16(50)/77, dated 14th September, 1977.
- (iii) Document No. (Un-numbered) of COS to CMLA is dated 15th September, 1977.
- (iv) Document (un-numbered) the Detention Order dated 16th September, 1977.
- (v) Document 1288/3/45/ML/A, dated 8th September, 1977.

It may also be mentioned that General Zia ul Haq left for Teheran on the morning of 14th September, 1977 and returned to Pakistan late in the night of 15th September, 1977.

(50) Obviously the record has been cooked in a Mess. As already stated except for the letter of the Martial Law Administrator of Sind, of 8th September, 1977 the remaining documents (excluding the Detention Order) are dated one and two days before the Detention order of 16th September, 1977. this shows

that:

Either (I) sufficient attention was not paid to the material contained in the documents of 14th and 15th September respectively to pass a detention order against the former President and Prime Minister of Pakistan and Chairman of Pakistan Peoples Party and the other stop leaders of the Party. Or

(II) It was decided much earlier to take these steps and that, all the impressions to the contrary, were a part of a drama of duplicity.

(III) That as an afterthought, the documents of 14th September, and 15th September, 1977 respectively were cooked in the Mess only to overcome the categorical statement to the journalists on 13th September, 1977 that I was not going to be arrested under Martial Law Regulations and Orders as I had not violated any Martial Law Order or Regulation.

(IV) This was stated on 13th September, 1977 despite the fact that the substance of all my speeches from 29th of July 1977 to 2nd of September, 1977 (I was arrested by F.I.A. and Army on charge U/S 302/120B, PPP on 3-9-1977 and remained in Jail until 13-9-1977) had been communicated to the Martial Law Authorities and the Chief Martial Law Administrator much before they were again summarized in the documents of 14th and 15th September, 1977 to form the basis of my detention on 16th September, 1977.

(V) The recommendations in the letter of September 8th, 1977 from the Martial Law Administrator of Sind to the Chief Martial Law Administrator stating that :

“In order to put a stop to their nefarious and evil designs and to safeguard the solidarity and integrity of the country, I strongly recommend that these leaders are taken into custody immediately. (Mr. Zulfikar Ali Bhutto, Mr. Mumtaz Ali Bhutto and Mr. Abdul Hafeez Pirzada).

This letter of 8th September is clearly a concocted document as at that time I was already in jail and was released on bail on 13-9-1977.

51. Despite the very strong recommendation and the very serious allegations of the Martial Law Administrator of Sindh contained in his letter of 8th of September, 1977 the Chief Martial Law Administrator told the

journalists most categorically on the 13th of September in Rawalpindi that he was not going to arrest me because I had not violated any Martial Law Order or Regulation. For the sake of argument, even if he had not seen the sitrip reports of my speeches from 29th July, 1977 to 2nd September, 1977, he certainly must have read the letter of his Martial Law Administrator of Sind of 8th September, 1977 if it were in fact written on 8th Sept. 1977. This notwithstanding, as already stated, on the 13th September, the Chief Martial Law Administrator declared publicly that I had not violated any Martial Law Order or Regulation. This shows that the letter of 8th September of the Martial Law Administrator of Sind was:

Either (i) Not believed and rejected

Or (ii) Was a false document, anti-dated in the style and habit of Martial Law to swell the record with "plausible" material.

52. The Martial Law Administrator of Sind was the "officer on the Spot". He was an integral part of the junta. I was a resident of his province, yet his strong recommendations and very serious allegations were not believed and rejected. Otherwise, the Chief Martial Law Administrator could not have made the unequivocal statement of September 13th, 1977. Moreover in the documents of 14th and 15th September, 1977 respectively, on the basis of which the detention order of 16th Sept. 1977 was allegedly passed, makes no direct reference to the letter of 8th September in support of the recommendation contained in them to detain me under Martial Law Order No.12.

53. There is only passing comment made in the letter of 8th September, 1977 and in the documents U.O. No.17/9/77 Poll. I(I) of 15th September, 1977 on my alleged speech in Larkana on 29th July, 1977, marked paragraph (a) on the first page of the aforesaid document. Since the strong recommendations contained in the letter of 8th September, 1977 were publicly rejected by the Chief Martial Law Administrator on September 13th and did not form part of the material on the basis of which my detention under Martial Law Order No. 12 was passed on 16th September, 1977, it follows, ipso facto, that the Larkana speech of 29th July, 1977 referred to in the letter and in the document of 15th September, 1977 was also rejected as constituting a ground for passing the aforesaid Detention Order of 16th September, 1977.

54. Hence, to be precise, in the eyes of Martial Law, I turned into a villain on 14th September, 1977 on the basis of the information contained in the document of that date and on the basis of the information contained in the document of 15th September, 1977 excluding the material contained in paragraph (a) of that document for the reasons already given above. This means that in a matter of two days on the basis of the flimsiest material I turned from a "saint" into a "satan", from a "prince" into a "prisoner", from the embodiment of a Pakistani to a personification of a parochialist, from the

first elected Prime Minister and president of Pakistan into a terrible traitor, from a "saviour" into a "sinner".

MEN AND MATTERS.

55. The pain of this political perversity is all the more poignant and intolerable in the juxtaposition of the place of honour given to the historical and eternal enemies of Pakistan. This in itself is sufficient proof of the international nature of the conspiracy against the Islamic State of Pakistan. Otherwise such a tragic and macabre metamorphosis could not have taken place without profound repercussions.

56. Long ago the art of the infiltration by agent provocateurs was perfected to destroy an ideal or a movement. To create repugnancy and revulsion against a cause, so-called extreme extremists were infiltrated into the concerned organization to destroy it. This technique was applied successfully against the "Black Power" movement in the United States, against the militant "Student Power" movements in Western Europe and the United States, against the "Anti-Vietnam War" movements in Western Europe and the United States and against other militant and revolutionary causes. Perhaps the same technique is being applied in Pakistan by the propagation of "Nisam-i-Mustafa".

57. A Muslim cannot be better a Muslim than another Muslim. No Kalma-reciting Muslim can tell another Kalma-reciting Muslim that he is a better Muslim than him. The same is not true of other religions or ideologies. One communist can be a better Communist than another. One Christian can be a better Christian than another, but not so with a Muslim. "each one of you is a brother to the other, each one of you is equal to the other, none among you is superior or inferior to the other in the brotherhood of Islam". This was a part of the inspiring last message of the last Messenger of Allah. But what is happening in Pakistan today? Those who opposed Pakistan tooth and nail and violently abused the founder of Pakistan have become the Mutavalties of the "New Order."

58. Mr. Maudoodi has become the Pope of this regime. The Chief Martial Law Administrator visits Mr. Maudoodi in Icherah like a Catholic bishop visits the Pope in the Vatican. The history of Mr. Maudoodi and the Jamaat-e-Islami is an open book. I do not want to quote its chapter and verse. One reading of Mr. Maudoodi's "Siasi Kashmakash" is sufficient. How this party abused the Quaid and how Mr. Maudoodi spearheaded the abuse has been stated by me in my speech in the National Assembly on the occasion of the Centenary of the Quaid-e-Azam. This Honourable Court may please summon that speech from the record of the National Assembly. I delivered that speech because I had a premonition of what was coming. Nobody can say that I did not give a timely warning to the people of Pakistan.

59. There is little benefit in mentioning the other Muslim mini-leaders of undivided India who opposed Pakistan. This regime has made them maxi from mini but inherently they are still mini. However, to show the pattern, their names are being mentioned without giving them the prominence of quoting their vehement and vile speeches against the Quaid and Pakistan. These wolves in sheep's clothing are Mufti Mehmood, Nawabzada Nasrullah and the Khaksar tin pots. But Ghaffar Khan and Wali Khan stand on an equal footing with Mr. Maudoodi. For this reason Maudoodi and Wali Khan are getting equal treatment and projection on the country's polluted political panoply.

60. The Pakistan Resolution was passed in the city of Lahore on 23rd March, 1940. That same night the Khan Brothers, Ghaffar Khan and Dr. Khan Saheb were unable to sleep. At once, they spearheaded a tenacious and determined campaign against Pakistan and the leader heading the struggle for the Muslim State. Their whole clan, including young Wali, joined the ferocious campaign against the Quaid and the Two Nation Theory.

61. During the Pakistan Movement, at every turn in the vicissitudes of the struggle, the Charasadda family put its full weight in the opposite direction. In the saga of Pakistan lies the shame of the role of this Charasadda family. The glorious victory of the Muslim masses led by their dauntless leader was an ignominious defeat for the Khan brothers. For over seven strenuous years, they moved from pillar to post, from village to village, from hujra to hujra to denounce Pakistan and to preach the message of Gandhi for Akhand Bharat. They stampeded the countryside on foot, by car and by train. Everywhere they went with the same message of a united India and common nationhood of all the inhabitants of the sub-continent. Their contribution to the cause of Congress was so conspicuous that when finally Mountbatten got Nehru and Patel to agree to the principle of the Partition, one of the main reasons for Gandhi's reluctance lay in the guilt of "letting down" the Frontier Gandhi.

62. When the Congress acquiescence to Partition was agreed upon, Ghaffar Khan was infuriated and incensed. He told Gandhi that he was being "Thrown to the wolves" i.e. Pakistani Muslims. When the writing on the wall was clear, rather than to accept Pakistan in place of United India, Ghaffar Khan switched over to Pakhtoonistan. In their intense hatred for Pakistan they rebelled from the Gandhian message of "common nationhood" encompassing all religions, creeds and castes, to a racist them.

63. When the struggle for Pakistan was at its height, it was more important for Ghaffar Khan and Wali Khan to be Indians than Muslims or Pakhtoons. When Pakistan became inevitable, it became more important for them to be Pakhtoons. This is not the place to mention the Bannu Resolution or the Referendum in the N.W.F.P. or the role of the Khan Saheb Ministry during those days, including their refusal to salute the flag of Pakistan. These established landmarks in the struggle for Pakistan and the opposition to it

are known to the people of this country. In its verdict on the National Awami Party, the Supreme Court of Pakistan has weighed the material in the scales of justice and given its findings. Despite the release of Wali Khan, that verdict still stands as a beacon light on the role of Wali Khan and Ghaffar Khan against the State of Pakistan. The tilak of the Supreme Court has not been erased.

64. After Pakistan, in the magnanimity of his victory, the Quaid tried to come to a settlement with Ghaffar Khan. He could not succeed. Liaquat Ali Khan also tried but failed. The same fate befell the endeavours of Ghulam Mohammad, Chaudhry Mohammad Ali, Mohammad Ali Bogra and Suhrawardy. Chundrigar was Prime Minister for barely three months. He had no time to make the effort. Feroz Khan Noon had enough of the down to earth common sense to make the effort. Iskandar Mirza, whom Wali Khan denounces these days as a dictator, was on very intimate terms with Dr. Khan Sahib, ever since his days as a district official in Peshawar. Wali Khan says that I am a product of Iskandar Mirza's Martial Law. In making these absurd and offensive remarks, Wali Khan seems to forget that Iskandar Mirza was responsible for the political rebirth of Dr. Khan Sahib. He took him out of jail and made him Federal Minister and later, the Chief Minister of West Pakistan. But even Iskandar Mirza failed.

65. The people who are the best judges of men and matters, threw out Dr. Khan Sahib from the Chief Ministership of West Pakistan as they could not digest his past. They considered his Chief Ministership and imposed leadership an affront to their nationalism.

66. When Ayub Khan seized power he directed Mr. Manzoor Qadir to make an effort at a settlement. Like the junta chiefs who followed him, he suffered from the illusion that he would succeed with his clear-cut methods where devious politicians had failed. Manzoor Qadir applied his legalistic genius and forensic skill to the task with unremitting energy. When the time came for Ayub Khan to intervene, he had a marathon session with Ghaffar Khan and Wali Khan. At the end of the meeting, Ayub Khan was utterly disillusioned. He wrote a long note on that meeting. He reached the conclusion that neither Ghaffar Khan nor Wali Khan had reconciled themselves to Pakistan and whatever they might do to show to the contrary, would be motivated only by tactical considerations. He ended the note by warning successor governments against their treachery. His note ended with the words that "the meeting leaves me with a clear impression that they are not to be trusted". Most probably the meeting took place in Nathiagali as the note was dictated by Ayub Khan in Nathiagali. Once his eyes were opened, Ayub Khan went for them hammer and tongs. About a decade later, the Supreme Court of Pakistan arrived at the same conclusion. That note of Ayub Khan should be produced by the Adviser of National Security in this Court.

67. When Yahya Khan took over the toys of government instead of the toils of government, in the beginning he was deeply impressed by Wali

Khan. By the time he came to the twilight of his tenure as a disgraced usurper, he imprisoned NAP leaders and banned the NAP.

68. When I became the President of Pakistan in December, 1971 I lifted the ban on the NAP in good faith and started a dialogue with Wali Khan. I undertook the dialogue in sincerity but without illusions. Wali Khan concluded two agreements with me. In one of the agreements he agreed to the continuation of Martial Law until 14th August 1972. His signature is on that agreement. Instead of continuing Martial Law until August 1972 as agreed by Wali Khan, I lifted Martial Law in April, 1972, within four months and gave the country an Interim Constitution. As a constitutional frame did not exist and as no government could operate in a void, I was compelled to function for four months within the framework of Martial Law in accordance with the then law laid down by the Supreme Court in dosso's case. It was a period of dismemberment and despondency. In April 1972 I gave the country an Interim constitution and withdrew Martial Law. In August 1973 I gave the country a permanent Constitution.

69. These days Wali Khan is seeking credit for the Constitution of 1973 as a mark of his patriotism. The truth is that he vehemently opposed the Constitution of 1973. Finally he had to eat humble pie as I outmanoeuvred and outflanked him. I left him with no choice but to sign on the dotted line. He was most unhappy about it.

70. Wali Khan has been given all the liberty and blessings to abuse me while I am silenced in jail. He abuses me with relish. He is full of hatred for Bhutto and Bhuttoism. Let him abuse me as vulgarly as he likes. But for how long will he tell such fantastic lies as to put truth into the gutter. He falsely says that:

(1) He opposed all previous Martial Laws except this one. The truth is that he tried to hoodwink and praise the Martial Laws of Iskandar Mirza, Ayub Khan and Yahya Khan. It is a matter of record that he praised all previous usurpers who imposed Martial Laws. They discarded him when they discovered him. He did not discard them. His honeymoon with this Martial Law is the longest only because this Martial Law is playing to his tune. This is apparent to any serious student of the current political situation in:

- (a) Pakistan
- (b) Sub-continent
- (c) The Region

(2) Wali Khan says that as a sign of his patriotism he threw his manifesto to the winds and agreed to the Constitution of 1973. Either he believes in his Party's manifesto or he uses it as an expedient. If he believes that NAP's manifesto was framed in the interest of Pakistan, why then did he

put in the manifesto a six point type of Constitutional structure for Pakistan; and project the concept of five or four nationalities; a Constitution which definitely was not in the national interest? If he used his party's manifesto as a political expedient, in that event he is an opportunist and a charlatan whose promises cannot be relied upon. The truth is that I led him by his pretty nose to agree to the Constitution of 1973. He cannot take credit for it. He was outsmarted.

(3) He says that I ruled Pakistan for two years under Martial Law and that I am therefore estopped from demanding elections and a return to democracy. It is a matter of record that I maintained Martial Law for four months only and that too in a deadly national crisis. Moreover, there was no other constitutional framework but the rule laid down in Dosso's case. Within four short months, that is, in April 1972 I established constitutional rule and lifted the Martial Law I had inherited and not imposed. Wali Khan wanted me to continue it up to August 1972, for four more months.

(4) He says that I accepted five points out of the six points of Sheikh Mujib-ur-Rehman. This is false and incorrect. On the other hand, Wali Khan gave full endorsement to the Six Points of Mujib-ur-Rehman for "The three-way split" of Pakistan.

(5) Wali Khan says that he has never spoken against Pakistan of the Punjab and that I conjured this false image of Wali Khan by distorting his statements. It is not so simple to deceive the people. Ghaffar Khan and Wali Khan have been amongst the foremost opponents of Pakistan for about four decades. The evidence is as high as a mountain. When allegations contained in the material for my detention are brought before the Court, justice demands that the Supreme Court evidence and all the other evidence of Wali Khan's parochialism and antipathy for Pakistan should also be produced. He says I distorted his image by distorting his statements. Which statements, may I ask? The statements of 1940 or 1950s or 1970s? I could, if at all, distort only his statements from 20th December, 1971 to 5th July, 1977. Did the Quaid-e-Azam distort his statements of the forties, did Liaquat Ali Khan distort his statements of the fifties and Ayub Khan of the sixties? And what about all the books and all the other documents? Four or five different tapes of his different speeches in his own voice were played before the Supreme Court of Pakistan. In each one of those tapes the Honourable Judges of the Supreme Court of Pakistan heard, and all the other who attended the open Court proceedings heard Wali Khan shouting at the top of his voice that he would lift the chains of the border from Torkham and bring them to Marghala and from Chaman to Jaccobabad and that he would then be enjoying the grapes and watermelons of Pakhtoonistan and Afghanistan.

71. Wali Khan and Ghaffar Khan have hated and opposed Pakistan for a number of reasons. The Chief among them lies in their hatred for and fear of Punjab. They consider Pakistan to be Punjab. In modern parlance, they consider Pakistan to mean Punjabi hegemony. Wali Khan said this to me

repeatedly. In an application to the Supreme Court Wali Khan stated that the real contest in Pakistan was between two units and the bigger was trying to submerge and swamp the other unit in the Federation. On some occasions he abused the Punjabis so vulgarly that I dare not repeat those words in this document. Recently he sent Arab Sikander Khaleel to the village of G. M. Sayed in Dadu to assure G.M. Sayed that it was not possible for Ghaffar Khan and Wali Khan to change their fundamental views, to abandon the mission of their lives, that it was too late in the hour to do so. Wali Khan's emissary informed G.M. Sayed that Wali Khan's present stance was only a tactical device meant to absorb Pakistan into the Indian sphere. He was told that once Pakistan was thus sucked into the Indian orbit Punjabi hegemony would disappear along with Pakistan. His words were that for once he was "killing the Punjabis with kindness". He stated that his second and connected aim was to make the Punjabi people come into conflict with the Punjabi Army. Larkana and Dadu are separated by a stone's throw and information in the deserts travels very fast.

72. A leopard does not change his spots. Wali Khan is as straight as a screw driver. For over fifty years he has shown venom for the Punjab and the Punjabi. For over seventy years his father has shown venom for the Punjab and the Punjabi. What has suddenly made Abdul Wali Khan into Mian Wali Khan, what has transformed him overnight from Khan Abdul Wali Khan into Chaudhry Wali Khan, what has mercurially caused him to become a Jhat instead of a Mohammadzai, Why has he started supporting One Unit? Why is he supporting Dictatorship and Mullatism and abandoning autonomy, democracy and secularism? It is nothing else but the fear of Bhutto and Bhuttoism. Wali Khan is so much afraid of Bhutto and Bhuttoism that he is prepared to become a lackey of the Martial Law and to eat all his words. In 1972, he proudly declared in the National Assembly that he would never eat his words. Today he is eating more than his own words. I have circumcised him and made him into a Muslim and a Pakistani.

73. There is a German saying that "if you are not prepared to be my brother I will bash your head and make you my brother". For the sake of argument let us assume that after thirty years Wali Khan has become a Pakistani. The credit for it goes entirely to me because I have smashed him into becoming a Pakistani. He fears me to such an extent that he is willing to become a different man, to change his ideology. He is mortified of me because I have defeated him on every front. I defeated him politically. I defeated him in Baluchistan and in the N.Q.F.P. I defeated him on the Constitution. I defeated his London Plan and his other foreign intrigues. Hence, as long as Bhutto and Bhuttoism prevail, Wali Khan dare not get out of hand. This is why he is so hysterical and unbalanced in his diatribes against Bhutto and Bhuttoism. If, in these circumstances, Ghaffar Khan and Wali Khan are called patriots, then I can understand why false evidence is mustered to call me a provincialist, a person whose activities are a danger to the security of Pakistan.

74. The Adviser for Political Affairs, Maullah Bakhsh Soomro has also been a staunch Congressite. He has not reconciled his views with the rationale of Pakistan. He believes that Pakistan is an unnatural and an ill conceived State. He holds the Quaid-e-Azam indirectly responsible for the assassination of his brother, Allah Bakhsh Soomro, an uncompromising opponent of Pakistan. It is not without purpose for the Martial Law regime to bring out Maullah Bakhsh from moth balls at the senile age of about seventy-five to become its Political Adviser. Not only is he senile but he is possessed of an oppressively mediocre and obstinate mind. His only credential is that he has remained constant in his disbelief of Pakistan.

75. Brohi has a brilliant legal mind but he is beset by complexes. Ayub Khan removed him from the office of the High Commissioner of Pakistan in New Delhi on the Report of the Deputy High Commissioner Mr. Mohammad Shafqat and other authentic information. The reason for his removal from New Delhi was that he had compromised the interests of Pakistan by his hero worship of Nehru and partiality towards India. Manzoor Qadir was the Foreign Minister. The files in the foreign office relating to Brohi's tenure as High Commissioner to India including the Shafqat Report may be summoned by this Honourable Court in considering the charges contained in the Detention Order against me. The Court will be able to see that a regime comprising of such individuals and collaborators is estopped from determining the criterion of patriotism.

76. Gokhal the Adviser has come on the scene like Martial Law itself – a bolt from the blue. When I was Foreign Minister, a wealthy Pakistani living in Iraq was shot to death by the Iraqi Government. His name was Gokhal. Through the Foreign office I lodged a strong protest with the Iraqi Government for shooting a person holding our passport. The Iraqi Government summoned our Ambassador to their Foreign office in Baghdad and told him that Gokhal the merchant and shipping magnate had been shot for being an Israeli spy. I think our Ambassador was Sajjad Hyder. The files of the Foreign Office on the subject may please be summoned by this Honourable Court. Also, the Court may be told of the relationship, if any, between this Gokhal and the Gokhal who was shot in 1963 by the Iraqi Government for being an Israeli spy. It is submitted that even if there is no relationship, appointment to such a "high office" should not be made of an individual whose only tangible connection with the country is business and a passport. A "White Russian" is a Russian but he will never dream of finding a place in the Soviet Politbureau. A Chinese from Singapore or the United States is a Chinese, but he will not be appointed to the Central Committee of the Chinese Communist Party in Peking. It is like a Palestinian professor teaching at Princeton University in New Jersey representing the Palestinian people in place of Yassar Afaifat on the Palestine question.

SERVICES AND COMMITMENTS

77. In considering my alleged activities prejudicial to the security of Pakistan I expect this Honourable Court not only to take into account:

- (a)** My commitment to Pakistan from the age of sixteen.
- (b)** My services to Pakistan as a leading Political Leader of Pakistan.
- (c)** My services to Pakistan as a Federal Minister of Pakistan from 1958 to 1966.
- (d)** My services to Pakistan as the first elected President of Pakistan.
- (e)** My services to Pakistan as the first elected Prime Minister of Pakistan.

But also to consider and contrast the services and commitments of the collaborators of Martial Law.

For instance:

- (a)** Maudoodi, who called the Quaid-e-Azam Kaffer-i-Azam and opposed Pakistan, is the Pope of the Martial Law Regime and his party is the de facto partner of Martial law.
- (b)** Most of the PNA Leaders who opposed the creation of Pakistan, are the "B Team" of Martial Law.
- (c)** Ghaffar Khan and Wali Khan who were the stalwarts of Congress and until this day have not given up their hatred for Quaid-e-Azam, have been called patriots by the Chief Martial Law Administrator and are being projected as the true leaders of Pakistan.
- (d)** Maullah Bakhsh Soomro's opposition to Pakistan be taken into account as he is the Political Adviser of Martial Law.
- (e)** A.K. Brohi's activities as High Commissioner to India be taken into account as he is the Adviser for Law and Religious Affairs of Martial Law.
- (f)** Gokhal's antecedents be taken into account as he is the Adviser for Shipping of Martial Law.

78. A perusal of the documents of 14th and 15th of September, 1977 and the counter measures taken in the other direction shows that Wali Khan and I have been put in each other's shoes by this regime.

- (1)** Wali Khan has become a "Pakistani" and I have become a "provincialist".

(2) Wali Khan has become a "Patriot" and I have been a "Traitor".

(3) Wali Khan has become a law-abiding citizen and I am giving "training to saboteurs", described as "Muscle-men" in the document of September 14th, 1977. This is how black has been made white and white has been made black.

79. Apart from the services rendered to the cause of Pakistan and to the State of Pakistan in the highest elective offices at the youngest age in each of the offices so held in the history of the sub-continent, I am the Chairman of the premier Political Party in the Country. My Party has roots in every province. Admittedly, these roots are deepest in the Punjab and in Sind.

80. In 1962 I was elected unopposed to the National Assembly of Pakistan. In the 1970 elections my Party swept the polls in the Punjab and in Sind. I was elected with overwhelming majorities from Lahore, Multan, Thatta, Badin and Larkana. In each of the Constituencies I defeated my opponents by nothing short of forty to fifty thousand votes. I campaigned for only one day each in Lahore, Multan, Badin and Thatta.

81. In Lahore I defeated by more than forty thousand votes Dr. Javed Iqbal the son of Allama Mohammad Iqbal. In Multan I defeated Maulana Hamid Ali, the so-called "Bay-Taj" Badshah of Multan by approximately the same majority. In Larkana I defeated Mohammad Ayub Khuhro by about the same margin. The political leader of a Party having a formidable and unrivalled base in the Province where more than fifty per cent of the population of the Country live, does not blow up that base in his own face by taking a provnicalist view which would cause resentment by the people of that majority province. Only Martial Law and not a political law kills the goose that lays the golden egg. Indeed, exactly for this wicked reason, such a false and malicious charge has been made against me. I have been so indicted not because of any truth in the charge. I have been charged with this false failing only to damage my position and the position of my Party in the majority province. This is the sole object. The Martial Law Regime's partner, Jamaet-e-Islami is crudely collaborating as can be seen from this week's (3rd-9th Sept.) issue of "Zindagi". Absolutely false and highly provocative stories about the recent protest against the Martial Law in Halla have been published in an attempt to instigate and prejudice the people of Punjab against the Pakistan Peoples Party. It seems to be the exclusive purpose of Martial Law. The intention is deplorable. Its harm to the Country's solidarity is indescribable. "God destroys those who want to destroy themselves".

82. The Authorities are indulging in activities which are self-destructive. The charge of myopia will simply not stick on me. Hitler can become Charlie Chaplin, the Oceans can turn into Deserts, Jerusalem can become Jullunder but the charge of parochialism will not wash on me.

83. I have served the entire people of Pakistan and all the provinces without "fear or favour". Every patch of land of this Country is sacred to me. If you doubt my word hold an election tomorrow and find out. We all know why elections are not being held. We all know why the elections of October 18th, 1977 were perfunctorily postponed despite the solemn pledges made repeatedly to hold them. The elections of 18th October, 1977 were indefinitely postponed on the 1st of October, 1977 because it had become crystal clear that the Pakistan Peoples Party was going to sweep the polls. There was no other reason. Now also, on one fatuous pretext or another, despite the growing crisis, a firm date for the elections is not being given* because it is clear to the regime and its collaborators that the Pakistan Peoples Party will once again emerge victorious with a broader and bigger sweep than in the past.

*After the execution of Bhutto a date has since been announced.

84. "Lords" of the Land, listen – Time is on the side of the people. This means that time is on the side of the Pakistan Peoples Party. As time passes, as repression increases, as the consciousness of the masses grows, simultaneously, the strength of the Pakistan Peoples Party will grow to become invincible. The people are awakened. None of these lies will cut any ice.

85. Let us forget the words and the verbosity. Let us have the litmus test. Let the Chief Martial Law Administrator take off the funny-looking belt he puts across his chest and contest an election any where in Pakistan not against me but against my daughter Be-Nazir. I can guarantee that she will give him such crushing defeat that he would forfeit his security deposit. Let such a contest decide all charges, true and false, honest and dishonest. Let us make the counting of these votes the supreme accountability. Come on, General, accept this challenge. You are the Momin, I am the criminal. A Momin should not fear to face a criminal's daughter in a clear and straight test left in the hands of the ballot and, for once at least, not in the hands of the bullet.

86. The people of Pakistan **WILL NEVER BE LIEVE YOU**. They can never trust you. The Collaborators will let you down. The people of Pakistan will never let me down. I have served all of them faithfully in every part of the country. Please go to the Northern Regions and Azad Kashmir and see with your own eyes what I have done there for the welfare of the people. I served them with unmatched devotion although they did not have any votes in the assemblies of Pakistan. It has been selfless service on merit and on the basis of justice. I did more for them in five years than has been done for them in thirty years. The same is true of the Tribal Territories and the Frontier Province. I did more for the Pakhtoons than seven generations of Wali Khan's family can ever dream of doing for them.

87. Until the recent past, the Budget for the entire Province of Baluchistan equaled that of Sargodha Division. Now go to Baluchistan and see how I have crossed the barriers of ignorance and want in that poverty-stricken and oppressed Province. I have ushered in the light of dynamic development amongst the most miserable and ignored people in the world. I have given Sind the justice denied to its people by the past regimes. I have been the first national leader not to sin against Sind. I did not suffer from the complex of denying them their rights to prove a perverse definition of patriotism. I am not an unnatural person. I am not a hypocrite. I do not say one thing and do the opposite. I could not deny the people of Sind their rights out of the fear of false propaganda. For instance, at one time there was considerable opposition to my Government in Karachi. That did not prevent me from fighting for the drinking water schemes for Karachi. During my time, despite the pockets of strong opposition to my Government in Karachi and Hyderabad, I sanctioned liberal funds for the development of Karachi and Hyderabad. During my time Karachi developed by leaps and bounds. I turned that metropolis into a clean and modern city. In addition to the gigantic Steel Mills and Port Qasim, there was all-round progress in all sectors. I gave personal attention to Karachi because four million of our people live in that City and not because of their votes.

88. Unlike the present rulers, I knew the facts of life. In the past the Punjab never received a development budget according to its population. For the first time it was during my tenure that the development budget was divided on the fair and objective criterion of population. On this basis the Punjab was entitled to the largest share of the development budget. It received this share during my time and not before. Please see the countryside of the Punjab, please see the cities of the Punjab especially Lahore and Multan. Behold the beauty of the builder. See the broad new boulevards of these cities. Count the tubewells and let your eyes twinkle by the lights that I switched into action. Please visit the one's endeavours. You are now eating the fruits of the plants I put in the ground with my hands. I nurtured these delicate plants with the love of a romance. I made the valley green. I made the desert bloom. The tempo of the development activity seen by all the provinces during my time was never seen or imagined before. Today it is missed with a nostalgia that is beyond your comprehension.

89. My footprints can be seen in the remotest parts of Pakistan. My mark will be seen on every brick and mortar that has rebuilt, nay built this Country. God is my witness that I did justice to all our people and to all our provinces. I am a sinner but on this question, I am at peace with my conscience. Only a primitive provincialist will muster the courage to make such a despicable and dastardly accusation against me. Only a desperate regime devoid of perception and lacking altogether in integrity would fall this foul.

90. I repudiate the charges of being a "provincialist" and a "traitor" with the contempt these charges deserve. The same applies to the absurd

charge of training "muscle-men". Since this regime has picked on a great number of mass-men as its collaborators it is dreaming of "muscle-men". Why should I train "muscle-men" when it was so easy for four or five Generals to engineer a coup d'état against a legitimate Government, against the saviour of Pakistan and the architect of the Armed Forces? I had the whole machinery of the State under my control including the much maligned F.S.F. The Air Force and the Navy were loyal to me. Most of the Divisional Commanders were loyal to me. Despite these factors four or five Generals were able to stage their picnic. If that could happen to me as the Prime Minister of Pakistan, what would I do with a band of "muscle-men"? I believe in the muscle of the people as a whole. Day by day that muscle is getting harder. One of these fine mornings, the first of seventy million people with a bulging muscle is going to hit with full force. A tank has still to be devised, an Armoured Corps has still to be formed which can bear the brunt of that punch.

91. As for the charge of working against the security of Pakistan, the answer can be given by those who subjected Pakistan to the conspiracy of de-stabilization. If I had not been passionately loyal to the Motherland, if I had not remained unshaken in my faith in Pakistan and our people, I would not be paying the penalty of patriotism by being locked up in Kot Lakhpat Jail to suffer all the indignities and insults that I am passing through. I would have still been on my "throne" of power and pageantry if I had concurred to the various alternatives put to me to scuttle the Reprocessing Plant agreement with France. I doubt if any leader in contemporary times has paid a heavier price for patriotism. If the security of Pakistan was not sacred to me, I would not have been put in solitary confinement to wither away.

92. Only a shameless and unscrupulous regime would fabricate charges to say that I, Zulfikar Ali Bhutto, would even dream of indulging in activities prejudicial to the security of my beloved country, the destiny of which I have held in my hands when it was internally and externally most insecure. It is inconceivable for me to harm or endanger the very fortress I built. It is not possible to be a traitor to oneself. It is possible for a civilized man to commit suicide but it is not possible for a civilized man to kill the child of his own creation. After December, 1971 the security of Pakistan was my creation. I would not dream of harming the child of my own creation. I did not go to Teheran and to Peking, to Riyadh and Moscow, to Paris and to Washington to destroy what I made. I did not go to Simla to watch a hockey match. I went to Simla to make a goal, and behold, what a goal!

93. Two more general allegations are deducible from the impugned official documents:

(a) I was creating class hatred and preaching revolution.

(b)I had stated that I had been dislodged by an international conspiracy.

94. "Class hatred" is an expression which has been bandied around without any knowledge or appreciation of the historical march of man. There is a world of a difference between creating class hatred and in supporting the rights of the exploited classes. I have always supported the rights of the exploited and oppressed classes. I am proud of my struggle on behalf of the toiling and suffering masses of Pakistan. I shall never abandon this struggle until my dying day.

95. Pakistan is a very poor country. The poor of Pakistan are among the poorest in the world. The rich of Pakistan are among the richest in the world. This is not the Law of God. This is not the message of Islam. This is not the ideology of Pakistan. This iniquitous disparity is man-made, like the man-made wheat crises through which the country is passing. When five year tax holidays are introduced or worst still, when such incentives are re-introduced, such decisions are called happy decisions. Which class benefits from such decisions? Such decisions benefit the exploiting class. The power and the privilege of the exploiting class is enhanced to the direct detriment of the exploited classes. Such obnoxious decisions create class hatred. When the water rates of the tiller of the soil are increased to lift the burden of Agriculture Tax from the zamindars, it creates class hatred.

96. The brotherhood of classes emerges from egalitarian policies and not from policies which strengthen one class at the cost of another. It is good news to make decisions which make the rich richer and the poor poorer, but it is bad news to increase the wages of labour, to permit the right to strike and to demand justice for the producer of wealth. The industrialist is given support and encouragement to accumulate wealth, to add factory on top of factory, to hoard and to blackmarket, to smuggle and to under-invoice. All such abuses create class harmony. But to struggle for the equitable re-distribution of wealth, to call for a lowering of disparities, to demand that labour be given its moral share, is seen as creating class hatred.

97. If a leader speaks for the captains of industry and the aristocracy, if he represents the vested interests and strengthens the stranglehold of the exploiting classes, he is not responsible for class hatred. If a regime becomes tool of the Capitalist system, that regime is not responsible for class hatred. But if a leader speaks for the depressed and the downtrodden classes and demands an end to their exploitation, he is accused of spreading class hatred. If an elected government seeks to provide "Roti, Kappra and Makan" to starving, naked and shelterless masses, it is ridiculed and overthrown. No wonder it is said "one man's food is another man's poison."

98. I have not preached class hatred. I have however definitely upheld the cause of the oppressed masses and struggled for the attainment of their rights. I will not rest until I succeed in this sacred mission. If I leave

the task uncompleted, my last words on my dying day to my children will be to get a promise from them to complete my mission. I was born for this purpose. I was born in the shelterless arms of every poor man and woman of this Country. I came on the political horizon like meteor to wipe out the tears from the eyes of those who have shed tears for centuries. I came with the sword of Ali to break the chains of bondage, to put the hours of darkness to flight. No inducement or temptation can derail me from the path of the people. I will continue to struggle for their rights. I will continue to give them leadership in their uphill task to attain justice. I will put my weight behind their weight. I will give my shoulder to their wheel. In fulfilling this obligation, I am fulfilling a mandatory responsibility of Islam and a human mission. The balance of power is heavily tilted in favour of the class that has ruled the roost for centuries and centuries. Why does this pandit and bandit class, heavily armed and invincibly protected, grudge or fear if my weak voice is given to those who have no voice?

REVOLUTION

99. If the historical meaning of the contradiction of classes is not understood, the meaning of Revolution cannot be comprehended. Revolution does not mean that a bandmaster will necessarily lose his hand. Revolution is a beautiful word. Revolution is the rainbow of history. Revolution means the end of injustice and inequality. It means the end of exploitation, the end of colonialism. Revolution means the liberation of mankind and the emancipation of womanhood. Revolution means the right of self-determination of the people of Jammu and Kashmir. It means the end of Apartheid in southern Africa. It means the creation of the State of Palestine. It means a new international economic order based on justice for the oppressed nations of the Third World.

100. The old order is dying. It is gasping for breath. The capitalist system is collapsing under the wave of Revolution. Italy is fatally ill. The same is the condition of Spain and Portugal. Within less than a few days the conditions in France might alter profoundly. If Britain had not found an abundance of oil, that country might have sunk in the Northern Sea due to her economic woes. The United States of America has a staggering and unprecedented trade deficit of 26.7 billion dollars. The value of the dollar is declining fast. The United States refuses to support her own dollars so that the Federal Republic of Germany and Japan may pay for the oil imports of the United States. As a consequence, the United States is engaged in a trade war with her principal allies, Japan in Asia and the Federal Republic of Germany in Western Europe. How long will such an absurd and artificial situation continue? It cannot continue for long.

101. Only a global Revolution can remedy the malaise. Viewed in this perspective the Revolution should be welcomed and not dreaded. However, even if Revolution is interpreted in its narrowest meaning a coup d'état Government is barred from condemning or opposing Revolution. In this

narrow and limited usage of the word, a democratic and a legitimate Constitutional government might have some objection to a call for Revolution but certainly not a putsch regime. A coup d'état or a putsch is an unconstitutional and secret plot or a conspiracy of a clique or a coterie against the legal and constitutional authority. A Revolution is the open manifestation of the masses at large against inequity and tyranny. It is a higher law than the law of their representatives. In place of the representatives who have betrayed them, the people make the decision directly through Revolution and not indirectly through Parliament. Revolution means change and change is ever lasting.

GLOBAL CONSPIRACY

102. I had charged that an international conspiracy was responsible for dislodging me. If after the visit of the Indian Foreign Minister to Pakistan in the month of February, 1978 and after the hectic happenings in the Sub-Continent and the region in the months of December 1977 and January, 1978, if after the secret visit of Joseph Nye to Pakistan in August 1977, it is still necessary to establish the international conspiracy against Pakistan, then all I can say is that blindness is light and light is blindness.

103. In his recent visit to Pakistan, even the President of Motamar Alam-i-Islami declared that there was an international conspiracy against the State of Pakistan. Even Nawai-Waqt, my staunch critic and the biggest champion of Zia regime, had to take note of that in an editorial. So confident are the opponents of Pakistan on the outcome of this global conspiracy that the otherwise cautious Indian politicians have thrown caution to the winds by openly predicting that Pakistan is about to disintegrate. On the 20th of February, a leader of the ruling Janata Party stated in Jammu that Pakistan was in a state of decomposition. He also called for "the return of all of Kashmir to India".

104. On the 28th of April, 1977, I fulfilled my national duty by warning the people of my country in the National Assembly of Pakistan that there was a conspiracy to de-stabilize Pakistan. The Court my summon the proceedings of the National Assembly debates to place that speech of mine on its record for the determination of its findings. At that time, as Prime Minister I was in possession of the salient facts and I spoke with the full authority and responsibility of my high office.

105. I stated in the National Assembly that "the bloodhounds are after my blood". On the following day, that is on the 29th of April, 1977, I received a message from the Secretary of State of the United States proposing "quite talks." I showed that communication to the people of Rawalpindi on 30th April, the day PNA's long march to Rawalpindi failed. This court may please summon that communication to form a part of the record of this case.

106. Subsequently, the Charge-d'affaires of the Embassy of the United States did not lodge a protest on my Government's serious charges, but merely told the Foreign Office that in the future it would be difficult to have confidential discussions if the substance of the discussions were disclosed to the public. These remarks did not repudiate or deny the charges. We were only requested to maintain the secrecy of the plot to undermine the integrity of Pakistan. A very unusual request indeed.

107. Except for these remarks of the American Charge-d'affaires which were more pointedly connected with Dr. Kissinger's threat to me in Lahore in August, 1977 of "making a horrible example of you" if I did not change my Government's policy on the Reprocessing Plant, no official of the government of the United States denied the charges.

108. In response to the proposal of the Secretary of State of the United States, I sent the foreign minister of Pakistan to Paris to have "quiet talks" with the Secretary of State. My foreign minister took a fifty page document with him to prove with chapter and verse the massive foreign interference in the internal affairs of Pakistan. "Discretion being the better part of valour", the Secretary of State wisely preferred not to go into the document. Instead, he suggested that we forget the past and begin anew. That same night the hotel suite of the Foreign Minister of Pakistan was ransacked. The document was in the custody of the Pakistan embassy. Therefore "not a single item was taken from his room."

109. Shortly after the events of the 5th of July 1977, Mr. Aziz Ahmed handed over a copy of the document prepared by the Foreign Office to Mr. Ghulam Isaque Khan with the request to study it very carefully in order to understand how events had unwrapped in the country at the critical time of the spring agitation of 1977. I regret that I am unable to stipulate the designation of Mr. Ghulam Isaque Khan as I neither remember nor understand it. However, since he is rightly or wrongly referred to as the de facto Prime Minister of this regime, the Court will have no difficulty in identifying him. The Court may or may not summon him or Mr. Aziz Ahmed to verify what I have stated. However, it is submitted that this Honourable Court should summon the celebrated fifty page document of the Foreign Office showing the massive interference in the internal affairs of Pakistan by Foreign Powers.

110. I believe this document was circulated by the Foreign Minister of Pakistan in the Conference of Islamic Foreign Ministers held in Tripoli most probably in the beginning of June 1977. On the basis of the hard information furnished, the Islamic Foreign Ministers' conference in Tripoli passed a resolution condemning the foreign interference in the internal affairs of Pakistan. It is requested that the Court may summon from the Foreign Office the Report on that Conference and the Resolution of that Conference on the interference in Pakistan's internal affairs for its record in order to meet the ends of justice.

111. With this concrete and indubitable background and with the knowledge of the events that have taken place in Pakistan since the 5th of July 1977 in both the internal and external spheres and the developments in the region and the sub-continent, it would require a skin thicker than that of an Elephant's to deny the existence of the international conspiracy which dislodged me and consequently de-stabilized Pakistan.

SADISTIC LIE

112. Having dealt with the general allegations on general principles, I will now turn to the specific allegations. Specifically, I will take up the document of 14th September at the outset.

(a) It is alleged that I "exhorted the people to face bullets" for which, I am reported to have said, I was also prepared. Furthermore, I am reported to have threatened bloodshed if Ayub's system was brought in.

113. These alleged remarks are reported to be stated in an appreciation of the Intelligence Bureau dated 10th August, 1977. The Court should call for an authentic version of my aforesaid remarks, preferably the tape. Intelligence reports can be cooked up to serve the appetite of masters. Besides, it is an "appreciation". The report is completely vague. It does not state when and where I made these remarks. Was it a speech or a discussion? Even the quotations of my alleged remarks are vague and imprecise. I do not remember making any such remarks. However, I have no hesitation in admitting to this Honourable court that I am opposed to Martial Law.

114. Martial Law is a self-consuming system. It is injurious to the people. It erodes national unity and creates more problems than it pretends to solve. Why should the people face bullets if there is no cause to fire bullets at them? Individuals might commit suicide, but masses do not commit collective suicide. Masses struggle for a cause, and make sacrifices for it provided it is a worthy cause. Of course I am unarmed. I am not a General with tanks and artillery at my command but I am not a coward. God forbid, if the masses have to face bullets, I would be honoured to be the first one to be hit by them. I am totally identified with the people. I will face what they face. I am facing what they are facing.

115. Hence paragraph 5 of this Intelligence Bureau's appreciation of 10th August 1977 is a meaningless jumble-mumble.

(b) The same Report alleges that I and Mr. Pirzada led a move to boycott elections and to create a crisis in the country which Maulana Kauser Niazi was trying to prevent.

116. This is a sadistic lie. When the Chief Martial Law Administrator and General Chishti met me on the second occasion in Murree I told them emphatically that come what may I was determined to fight the elections. I told them that if elections were held I would lead the Pakistan Peoples Party to glory. I do not change my fundamental decisions like some other individuals. There was no need for me to boycott the elections. On the contrary, there was every reason for me to participate in the elections. Despite all the hurdles put in our path, it is clear that Pakistan Peoples Party was sweeping the polls of 18th October, 1977. For this reason, and this reason alone, the elections were postponed indefinitely on 1st October, 1977.

117. The fear of the landslide victory of the Pakistan Peoples Party has become such a morbid obsession with the junta that the Chief Martial Law Administrator virtually stated in Sibi on 23rd February 1978 that he would hold elections only when he was certain that my Party did not win the elections. This means no elections because my Party will win the elections whenever held. Why in such favourable circumstances would I have led a move to have boycotted the elections? It makes no sense. There was no need to lead any such move. Moreover, the decision of the Central Executive Committee of the Party on full participation in the elections was made on 2nd August 1977 at Karachi under my Chairmanship. The Executive Committee discussed and debated the issue threadbare. After a thorough discussion the decision was announced in the form of a comprehensive declaration.

118. It is not necessary to add that the all-important decision to participate in the elections would not have been possible without my wholesome and sincere support. I have had the honour of being the Founder and the Chairman of the Pakistan Peoples Party since its inception on 1st December 1967. I have led the Party from victory to greater victory, from success to greater success.

119. The rank and file and the workers of the Party are as devotedly attached to me as I am to them. The masses stand committed to the Pakistan Peoples Party and to my leadership. This being the position, revolt or defiance in this revolutionary Party under the banner of my leadership is not conceivable. As intrigues in the past have failed to split my Party, all intrigues at present and in the future will meet the same doom. Reactionary and not Revolutionary parties split easily. They split over the cake and the halva. A genuinely revolutionary party cannot split because the masses cannot split starvation. It is possible to divide and partition property but it is not possible to divide and partition poverty.

120. The Pakistan Peoples Party is genuinely a revolutionary party. I have affection and respect for all my friends and leaders in the Party. However, the need for lobbying for the support of one leader against the views of another leader has never arisen for me. This is known to everyone in the Party and to many people outside the Party. It is not a secret. My communication with the masses is both direct and also through the Party.

This is known to everyone. This is how, with the help and blessings of the masses, I have been able to maintain iron discipline in the Party.

121. Any individual even remotely connected with the Pakistan Peoples Party will disbelieve this false report in which I am said to be bracketed with Pirzada to checkmate Niazi. This is being unfair to both Pirzada and Ziazi. Pirzada is like a son to me, and the Maulana is a "Deedavar". In the past, Niazi has never so much as hinted a disagreement. Hence the question of his taking one view and my taking another view in conjunction with Pirzada on the vital issue of elections is a fairy tale recited with a malicious motive. I have not slightest personal stake. My stake is in the people. I have been in jail for over six months. The decision on Be-Nazir is Party's decision. I have had nothing to do with it. The Party has taken it on the ground that Be-Nazir is Be-Nazir. She is Be-Nazir for Pakistan.

122. Therefore the question of disagreement or lobbying over the election decision is utterly false. It is false on the face of it. Unfortunately, imagination has been sent on a long holiday by this regime. Common sense and intelligence have been given tourist class tickets to take their holiday. What is left? We would all like to know what is left. After two days of intense discussion the Central Executive Committee of the Party makes a positive and unanimous decision of the elections on the 3rd of August, and within six days the Intelligence Bureau's appreciation is that I led a move with the help of Pirzada but opposed by Niazi to boycott the elections with the object of creating a crisis in the country. What an absurd theory.

123. At that time a crisis in the country would not have led me to power. At the most it would have led to another coup d'état according to the known pattern of Pakistan's political past. Only an election would have led me and my Party to power. This is why we opted for elections despite the extreme hostility of the regime. We had nothing to gain but everything to lose by fostering a crisis in the country. We know our road and we took it in spite of the roadblocks. Election was our answer. Elections were the answer to the country and the people. As always our answer and the people's answer was the same. A little bit of common sense would show the inherent hollowness of this fabricated report. Since its premise is false and dishonest, its conclusion is equally false and dishonest. In any case the conclusion collapses if the premise is false.

124. The same document in paragraph three refers to weekly summary for the same period alluded to the Intelligence Bureau's appreciation. I have commented on the falsehood and distortions of my "speeches" in Multan and Lahore. It deduces "hints" from these speeches and again forms its own defective conclusions.

125. Nobody can be spared on this basis, not even a Buddhist Monk in the Amarnath Caves. After swearing total and uncompromising allegiance to me, strangely enough in Multan itself in 1976, my former Chief of Staff came

into confrontation with me and my Party. Therefore, in reality, the position is the opposite of what has been stated in paragraph three of the document.

126. The Daily Situation Report of the Intelligence Bureau of 4th September, 1977 has actually paid a tribute to the High Command of the Pakistan Peoples Party. It says that "PPP circles in the Punjab are restive" over my arrest and that the lower echelons in Multan are showing militancy. This report admits that these "restive" legions of the masses in the Punjab were "advised to await High Command decisions". The fact that despite the widespread restiveness and militancy of the Party rank and file, disturbances did not take place shows that the High Command of the Party advised the rank and file of the Party to remain disciplined and not get provoked over my provocative arrest. Hence paragraph four of this document exonerates the Party and its leadership.

127. Similarly, the doctored and fabricated material contained in paragraph five as potential sources of trouble is not only vague and fatuous, but is in actual fact another admission by the regime that the party exercised exemplary restraint. The operative part of this paragraph is "that the law and order situation is likely to deteriorate as and when ordered by the PPP High Command". If the law and order situation was in the hands of the PPP High Command, the fact that it did not deteriorate clearly shows that the PPP High Command did not allow it to deteriorate. Those who expected to win the 18th October Elections with overwhelming majority could not even think of creating a law and order situation. That would have been suicidal.

128. Paragraph six is untrue. The Court premises were barricaded. The High Court had been turned into an armed fortress. Roadblocks were erected. The Court was encircled by barbed wires. The military and the police were present in full force. There were battalions of the women police also. I was taken to Court at seven o'clock in the morning in a car with drawn curtains and with military and police escorts. In such a besieged situation it was impossible for crowds to gather in any sizable numbers, leave aside larger numbers.

129. The expression muscle-men baffles me. It is used repeatedly in this document. Is it muscle-men or massage-men? The muscle-men and the massage-men are with the regime. Only the miserable men, mercilessly exploited, are with me. These men will rise magnificently like a mountain in the fullness of time. When that time comes neither the muscle-men nor the massage-men will be able to stop them. However, neither on 12th September nor on any day thereafter during the past six months of my trial has there been the slightest sign of trouble in the High Court or around it. As my bail was to be cancelled and as massive preventive measures were taken to turn the garden city of Lahore into a mini museum of war, there was no justification for taking action against me under Martial Law order No.12 on this groundless ground.

130. So far as paragraph seven of this document is concerned, it seems that this regime is determined to fan parochialism. By its actions and attitudes it has done more to spread parochialism in six month than in all the collective history of Pakistan in the past thirty years. It has described chronic and incorrigible provincialists as super nationalists and patriots and it has dubbed nationalists as provincialists and traitors. It has released a traitor like Wali Khan from incarceration and it has jailed the embodiment of nationalism.

131. I do not know if it is correct but I have been told often enough that the supreme ambition of the Ahmadis is to return to Qadian. Is it the ambition of the Jullunder Junta to return to Jullunder? Otherwise, there seems no logic or sense in its policies. The regime has done everything to harm national interests and everything to spread the fire of provincialism.

132. Yahya Khan was responsible for one dismemberment of Pakistan. Zia ul Haq might be responsible for the second one. These and other statements are being concocted with a view to damaging my image as a National leader. This dirty game cannot succeed, but in the process, the national tissues are being weakened. The regime has become so desperate, or should I use the correct word, so unscrupulous, that it has tried to extract false statements from arrested officials under the pain and punishment of torture, to paint me in the worst parochial terms.

133. There is a limit to hitting below the belt. I am silenced in solitary confinement. I cannot defend myself. Even when being tried for murder my words in defence of my life are put in a capsule of secrecy. In such a situation I leave my defence in the footprint of my past. The people cannot forget my contributions. As long as they remember:

- (1) 1965 and the thousand years to follow.
- (2) Tashkent.
- (3) The voice of defiance in the Security Council.
- (4) The clarion call of Roti, Kappra and Makan.
- (5) The perils to Pakistan in December, 1971.
- (6) The egalitarian people's reforms.
- (7) The 90,000 Prisoners of War.
- (8) The five thousand square miles of territory.
- (9) The Constitution of 1973.
- (10) The resolution of the Ahmadi problem.
- (11) The Islamic Summit Conference.
- (12) The Reprocessing Plant.

134. They cannot abandon me in this dark hour of my test. Since 1958 my name is printed on every page of the history of Pakistan. Only some of the landmarks have been mentioned. The youth of Pakistan will always remember me with their youthful vitality, for giving them the youngest leadership. The women will always remember me with kindness for having

tried to emancipate them. The peasant will always remember me with passion for having broken his feudal chains. The labourer will always remember me with love for making him the master of the nationalized industries. The intellectuals will always respect me for my sincere devotion to technology and modernism. The minorities will always remember me for the true equality I bestowed on them. The nameless ones were given a name by me in the nature of the fine Marala scheme. The faceless ones were given faces by me in the nature of proprietary rights for Katchi abadis. I did not make the Shias and Sunnis come into clash and confrontation. Try as hard as you can, the armed Forces cannot forget my matchless services to the cause of the Armed Forces. I restored the shattered prestige and pride of the Armed Forces. I gave steel to a steelless structure. I gave Pakistan a place in the sun, in the comity of nations.

135. The Pakistan Peoples Party is the premier national party in the Country. Its roots are everywhere, but are unshakable in the Punjab and Sind. In these two provinces the Pakistan Peoples Party reigns supreme but its message and its tentacles are spreading very rapidly in the frontier and in Baluchistan. This great Party of a great people is not a political cannibal. It cannot eat its own species by indulging in parochial activities. Just as an Army cannot go to war by destroying its own arsenals, a national party like the Pakistan Peoples Party cannot cut the branches of its own political tree. The contents of paragraph seven are a calumny, a monstrous falsehood. It is an inherent and self-exposing lie.

136. Paragraph eight of the report is wholly without foundation. The junta is my muscle-group. This observation does not need elaboration.

137. The Adviser for national Security, who happens to be a General, should be accurate in giving material details intended to put into preventive detention a National leader of international stature, who also happens to be the former President and the Prime Minister of Pakistan. It is not a game of marbles. These documents have been fabricated in such indecent haste that they abound with elementary errors and patent contradictions. Not the slightest attention has been paid to conceal the dishonest purpose of the immediate aim. For instance, in paragraph nine of the document under reference, it has been stated that in the Intelligence Bureau's appreciation of 18th august 1977 it was mentioned that "it is reported that some PPP workers are being trained in the handling of fire-arms in village Izzat Je Wan and in Kutcha land in Larkana".

138. I can state emphatically and without fear of contradiction that no village called "Izzat Je Wan" exists in the district of Larkana. I know every village of my district and no such village exists in my district. Moreover, it appears that neither the reporting agency nor the Adviser for national Security knows the meaning of "kutcha land". Three tehsils of Larkana district have vast tracts of what are called Kutcha in the Province of Sind. The tehsils are Ratodero, Larkana and Dokri. The Kutcha lands embrace the

river Indus and are unprotected by anti-flood bunds. Hence, the kutch is invariably exposed to floods. In most of the "abkalani season" the kutch is under water. This means that generally from May to September the "Kutch" is usually inundated, with July and August being the most critical months. To impart the sort of training suggested in the document in the Kutch is like riding a horse on the waves of the oceans. On the one hand it is alleged that I have built roads and bridges in the lands commanded by Dadu Canal, that I have brought the floodlights of civilization to the region and that I have squandered all the billions of Wapda on its development; and on the other it is supposed to be an outlandish place ideally suited for the hush-hush training of PPP workers in the use of fire-arms. There should be some respect for consistency and some juvenile knowledge of the landscape.

139. Finally, in paragraph ten of this comic document it is stated by way of conclusion :

"All these reports indicate that there is a possibility of a law and order situation developing in the Country as soon as one of the political parties is convinced that it is in their interest to stage an offensive."

Military words like "stage an offensive" are employed for understandable reasons. After all, the General who used them was the Corps Commander of Kharian, the biggest corps in the Country. But politically speaking, the whole document is bankrupt of "objective credibility". It would be noted that the reference is not to a political party but to political parties. The fear of staging an offensive is expressed not in the singular but in plural. Since the action proposed and taken was of a preventive measure leaders of other political parties also needed to be detained under Martial Law Order No.12. This was not done. In the dead of night of an auspicious day of Eid-ul-Fitr only the leaders of the Pakistan Peoples Party, including the chairman, were picked up from all the four provinces. Even on the basis of the contents of the document itself this was a highly arbitrary and discriminatory action betraying through and through the malice of the regime.

140. The document with its recommendation was sent by Adviser for National Security to the CMLA through the COS to CMLA on 13th September, 1977, on the same day that the Chief Martial Law Administrator publicly stated in Rawalpindi that I had not violated any Martial Law Order or Regulation.

141. The COS or the CMLA (it is not clear from the signature whether it is COS or CMLA) has not endorsed or approved the recommendation (as the case may be) of the Adviser for National Security. The nothing is: "This needs to be kept under observation" and no more. It must also be noted by this Honourable Court that the author of this document is Lieutenant General Ghulam Hassan, Adviser for National security. Through a recent marriage in 1977, a close relationship has been established between Wali Khan and Ghulam Hassan. Keeping in mind Wali Khan's paranoic hostility towards me

and my Party, the matrimonial bond between Wali Khan and Ghulam Hassan's families cannot be ignored. This acquires greater significance because it is believed that General Ghulam Hassan had a prominent part to play in the decision to free Wali Khan.

142. When I met the Chief Martial Law Administrator in Rawalpindi on 28th August, 1977, in the presence of General Chishti he informed that Wali Khan had been sent back to Hyderabad Jail from the Civil and Military Hospital of Rawalpindi as negotiations between him and Wali Khan had broken down. This shows that someone high enough in the junta must have made the Chief Martial Law Administrator change once more his changing mind.

143. I now come to the document of the Interior Secretary dated 15th September, 1977 Five vague charges have been stipulated. In dealing with the allegations contained in paragraph (a) I would also dispose of with the letter of Martial Law Administrator of Sind to the Chief Martial Law Administrator dated 8th September, 1977. This is being done as the pith and substance of the aforesaid letter overlaps with the allegation in paragraph (a) of the document of the Interior Secretary. The letter of the Martial Law Administrator of Sind dated 8th September recommends in very strong terms to the Chief Martial Law Administrator "to put a stop to their nefarious and evil designs and to safeguard the solidarity and integrity of the country" by taking these leaders into custody immediately. The leaders, besides the Chairman of the Pakistan Peoples Party referred to in the letter are:

1. Mr. Abdul Hafeez Pirzada and
2. Mr. Mumtaz Ali Bhutto.

144. Both of them are quite competent to defend themselves and establish their innocence in an impartial Court. However, as the Chairman of the Party I cannot escape from noting the tragedy and the irony of unethical methods used to chain these relatively young and devoted leaders of the country.

145. The father of Mr. Pirzada, Mr. Abdus Sattar Pirzada, was an eminent national leader in his own right. He was very much liked by the Quaid-e-Azam. Before the creation of Pakistan he was a promising and prominent Minister in the Government of Sind. On the establishment of Pakistan, the Quaid-e-Azam chose him from Sind to be his Federal Minister for Food and Agriculture. He remained a Federal minister for over five years. After that he became the Chief Minister of Sind. When One-Unit came into being, he became the Minister for Law and Parliamentary Affairs in the Government of West Pakistan. He had no small part to play in the creation of Pakistan.

146. His son, Mr. Abdul Hafeez Pirzada, joined the Pakistan Peoples Party in early 1969 and became an active member of the Party. In 1971 he

became the Minister for Information and Education. Before the illegal overthrow of my Government, he was the Minister for Finance and Provincial Coordination. When Mian Mahmood Ali Qasuri vacated the portfolio of Law, I made Mr. Pirzada the Minister for Law and Parliamentary Affairs. He successfully piloted the Constitution Bill. Indeed he played a leading role in the enactment of the Constitution of 1973. With this background, it is impossible to believe that within two months such a responsible and patriotic leader would begin to indulge in activities harmful to the integrity and solidarity of the country or begin fanning regionalism or creating a law and order embarrassment for the all-mighty Martial Law.

147. Mr. Mumtaz Ali Bhutto has been allegedly condemned for similar activities. The father of Mr. Mumtaz Ali Bhutto, Nabi Baksh Khan Bhutto, was elected to the Council of State in New Delhi when his brother, Vahid Baksh Khan Bhutto, expired in 1931 while he was a member of the Council of State. The Quaid-e-Azam was also a member of the Council of State. Nabi Baksh Bhutto was so close to the Quaid that the Quaid made him the Chairman of the then important Railway Commission. When the Quaid last visited Larkana in 1945, he stayed in the house of Nabi Baksh Bhutto. From the time of his first visit to Larkana in 1928 and during his subsequent visits to Larkana, the Quaid either stayed with Sir Shah Nawaz Khan Bhutto or with Nabi Baksh Khan Bhutto.

148. The expression "Dama Dam Mast Kalandar" was first used by me during the election campaign of 1971 and subsequently in 1971 in public meetings in Lahore and other places. The Martial Law regime of that period did not find it to be objectionable. It is false to contend that Mr. Mumtaz Ali Bhutto said "Dama Dam Mast Kalandar" with a threatening purpose or with the object of stirring an agitation.

149. In May 1977 he was a Federal Minister in my Government. The opposition tries to create agitation. The Government does not create agitations to its own detriment. It does not cut its own feet with a hatchet by creating agitations. False and distorted interpretations were given to the speeches of Mr. Mumtaz Ali Bhutto and to those of Mr. Ghulam Mustafa Khar only to pave the way for Martial Law and to justify it subsequently. Exactly for this reason, the Chief Martial Law Administrator made a fetish of some of the speeches of Mr. Khar in the Constitutional Petition filed by Begum Nusrat Bhutto in the Supreme court of Pakistan.

MALICIOUS PROPAGANDA

150. I fail to comprehend the distinction between "Old Sindhis" and "New Sindhis". This distinction is made only in Sind. We do not hear the expression "New Pakhtoons" and "Old Pakhtoons", or "New Baluchis" and "Old Baluchis", or "New Punjabis" and "Old Punjabis". Is the Chief Martial Law Administrator a "New Punjabi" or a "New West Punjabi"? After thirty long years of independence it is sheer national dis-service to retain such

distinctions or to harp on them. Admittedly, most of the refugees from India settled in Sind and in the Punjab but they also went to the Frontier. Why do we still hear the distinction only in Sind? Our effort should be to integrate, not to disintegrate. The Sindhi born today is an "Old Sindhi", but the non-Sindhi born in Sind thirty years ago is a "New Sindhi", this sounds very strange.

151. In the interest of national integrity and harmony we should do away with such prejudicial distinctions throughout the country. Every citizen of Pakistan is a Pakistani. Every permanent resident of the Punjab is a Punjabi, so also in the other provinces, including Sindh. After thirty years of independence, after more than a full generation, after people have lived and died on the soil of Pakistan, it is a shameful anomaly to stress on such differences and to keep them as gunpowder for the perpetuation of Martial Law.

152. Now-a-days, when even Shah Ahmed Noorani wears an "Ajrak" to the National Assembly, and Ghafoor Ahmad, who insists on calling himself a Professor, tries to wear a Sindhi style shalwar (unsuccessfully), it is not flattering to the Martial Law regime to crudely exploit real or imaginary inter- and intra-provincial divisiveness.

153. Why does not the Martial Law Administrator of Sind give facts and figures? How many non-Sindhies including those whom he calls "new Sindhies" left Sind during the period under reference. I am willing to wager a bet that his letter is a propaganda sheet full of untruths. At present there are more Pakhtoons living in Karachi than ever before. Not a single Punjabi family has left Sind now or during "Dama Dam Mast Kalandar". This applies to all others including the so-called new Sindhies and the newest Sindhies whom the Chief Martial law Administrator agreed with the President of Bangladesh in December 1977 to lift from Bangladesh.

154. The most laughable and hilarious part of the letter needs to be quoted:

"The utterances of Mr. Z.A. Bhutto that all those who do not vote for him in Larkana would not be the sons of their real fathers, have created further hatred for new Sindhies."

This falsehood also finds place in the document of Interior Secretary dated 15-9-1977 on the first page in paragraph marked (a) in so far as it refers to my speech at Larkana on 29-7-1977.

155. It is both laughable and hilarious because when a politician seeks votes he pleads and cajoles the voters. He certainly does not abuse them. A voter is not a batsman who is abused and debased. It is inconceivable for a politician of my experience to tell anyone that he would not be his father's son if he did not vote for me. To make such an insane and arsonic remark is

the best guarantee to lose votes and not to gain votes. Votes do not come at the point of a gun. You have to win the hearts of the voters. Nobody would abuse a voter and literally call him a "bastard" when asking for his vote.

156. This is the most unusual way to get sympathy and support of the voters. The object is to seek their allegiance, not their alienation. However, for the sake of argument, without admitting even if temporarily I lost control of my faculties and made such arsonic remarks, how would such absurd remarks create further hatred for new Sindhis?

157. This might have been possible only if a new Sindhi was contesting the elections against me. The position was the opposite. The Pir of Kingri had decided to contest against me. The Pir of Kingri wears the "Pub" (turban) of the Pirs of Sind. He is Pir Pagaro. If Pir Pagaro, the Pir of Kingri, is not a Sindhi then champagne is coca-cola Since it was a straight fight between a humble Sindhi and a powerful Pir of Sind, in that case how would my remarks in Larkana on 29th of July, 1977 even if true have had any ramifications for good or bad on the "new Sindhi"? These documents seek to create a storm in a cup of tea at a time when the real hurricane is approaching.

158. The Martial Law Administrator of Sind who wrote the letter was a limb of the original Junta. Like the Adviser for National Security, Jahenezab Arbab had very intimate connections with Wali Khan and the defunct NAP. This General acquired such a stinking reputation for corruption with less than two months of Martial Law that his colleagues in the Junta were obliged to pack him off to Ankara. Yet he is quoted as an authority loyal to the State and was Controller of accountability in Sind. This covers the impugned letter and the material contained in paragraph (a) of the Interior Secretary's document of 15th September, 1977.

159. It is inconceivable for the Pakistan peoples Party to indulge in self-negation and self-destruction by endeavouring to create hatred and ill feelings between the residents of one province against those of others. The banner of the Party flies high from the flagpole of every province. But even if the Party were non-existent in any one province, the Party's manifesto and message would not permit it to think in non-nationalist terms. This whistle in the dark by the regime to poison the minds of the people of any province or provinces inter se well boomerang badly on the regime and not cause the slightest misgivings against the paramount Party of Pakistan.

160. The speech of mine on 10th August, 1977 delivered in Lahore was a reiteration of my pledge to serve the cause of the oppressed working classes. I emphatically deny and repudiate the false allegation that I thereby sought to create class war or hostile feelings in one section of society against other. I have never denied or vacillated in my imperishable commitment to the cause of the working classes. This has been the central piece of my

struggle. But the allegation of civil war and the rest is pouring tomato ketchup on the cooked-up material.

161. It is most tragic that a regime of a country that has been under Imperial domination for over one hundred and fifty years should describe Imperialists as so-called Imperialists as stated in paragraph (b) of this document. Only an imposed regime would offer an apology for the imposition of imperialism. One is external domination and the other is internal domination. Perhaps due to this common factor, a mutual sympathy prevails between the Martial Law of the White Duke of Wellington and the Martial Law of the Brown Duke of Wellington. This sympathy might be responsible for the reference to imperialists as the so-called imperialists. Is it the case of the regime that imperialists did not exist or that imperialists do not exist at present?

162. If Clive, Warren Hastings and Queen Victoria are a figment of our imagination, does that also apply to Zionists, the Ian Smiths and to South Africa? Now I understand why this regime never talks of the Third World. How can it when Zionists are not imperialists.

163. I am opposed to exploiters of all manifestations but I did not urge the people in the speech under reference to create a situation like the one that existed in Vietnam. The situation in Vietnam has been under control of her people for well over three years. The Interior Secretary might not know that his so-called imperialists were thrown out of Vietnam over three years ago. Since peace and normalcy prevails in Vietnam, the regime should be happy if I asked the people of Lahore "to create a situation like the one that existed in Vietnam." If however the fabricated sentence has been wrongly composed and "existed" refers to the past, even then it is false.

164. The situation in Vietnam was aggravated into a terrible war due to foreign intervention. Vietnam would not have been Vietnam of blood and fury without foreign intervention. As I am an avowed opponent of foreign intervention it is not possible for me to exhort the people to follow the example of Vietnam. The historical experiences and the dialectical conditions of Vietnam and Pakistan are different. I am aware of the difference, as such I would not direct our people to embark on a non-applicable parallel.

165. I have dwelt at length and have given enough data with elucidation on the international conspiracy to dislodge me and thereby to destabilize Pakistan. Hence, it is not necessary to elaborate on the allegations relating to my speeches at Lahore and Peshawar on 10th and 11th August, 1977 in so far as this aspect of the charge is concerned. Martial Law is poison. It is not possible to poison the minds of the people against poison. The people have seen the poison and the avowed intentions of the poison called Martial Law in the form of lashes, acute shortages of wheat, the hell at Halla, the fire at Faisalabad, the pain at Pat Feeder and the horrors let loose

in Hashtnagar. They have seen for themselves the debasing and debilitating influences of this poison. They have seen the stifling, stunting and suffocating effects of the malignancy.

166. The Marshals of Martial Law have made so many conflicting pronouncements on the proclaimed purposes of Martial Law that even the Marshals have become totally confused on their proclaimed purposes. The people are not confused. They know the exact purpose of the poison. I do not have to tell them. Actions speak louder than words. The people can hear the crack of the whips in the distance. They can smell gunpowder from far off. They know the bells are tolling.

167. I do not remember the exact words of my speeches on 11th and 13th august 1977 in Peshawar. The allegation is that I had stated or implied that the Martial Law authorities were not neutral or impartial in holding elections. The Martial Law authorities have not been impartial. The Martial law authorities have been most maliciously partial. This partiality is known to the whole world. The Chief Martial Law Administrator has admitted his partiality. He has gone as far as to say (interview published in Urdu Digest in September, 1977) that he and his regime cannot be impartial. There is not the slightest doubt on the partisanship of the regime. There is no room left for debate on this issue. It is as open as the Gateway of India. As one-eyed as Nelson's eye. As partial as Romeo was to Juliet. The only trouble is that our Romeo is not faithful to our Juliet. Sometimes it is PNA, sometimes it is Tehrik-i-Istaklal and sometimes it is NDP. But the Pakistan Peoples Party is the Hannibal of this regime. It is what Carthage was to Rome. Like the Roman Senator Cato always greeted the Roman Senators by saying "Carthage must be destroyed". The same is said by the Chief Martial Law Administrator to all his advisors, stooges and lackeys. But Carthage will not be destroyed and Hannibal will cross the Alps.

168. The Martial Law regime has most certainly created innumerable hurdles in my election campaign. So much so, that I have not only been arrested and charged with crimes that would make Al-Capoue blush, and make Hitler feel envious, but the election itself has been indefinitely postponed out of fear that my party and I would win the elections hands down. If the Martial law regime is neutral on holding elections, then war must be peace, Europe must be Asia and the sun must be the moon. This is the biggest moonshine of the document, even bigger than the reference to Imperialists as so-called imperialists.

169. I have given a detailed explanation on:

(i) The involvement of foreign powers in the internal affairs of Pakistan.

(ii) The meaning of Revolution.

(iii) Martial Law – both here and in my petitions in the Supreme Court of Pakistan

during the hearing of the Constitutional Petition filed by Begum Nusrat Bhutto.

170. The brother of the Interior Secretary, Abdul Khaliq, was elected from Mardan on the Pakistan Peoples Party ticket in 1970. The Interior Secretary prevailed on him to desert the Party which had brought him to the National Assembly from such a politically vital district as Mardan. He was made to join the defunct NAP. When the Supreme Court banned NAP as an anti-State Party, Abdul Khaliq, the brother of the Interior Secretary, joined NDP. The Interior Secretary and his dearly beloved brother, Abdul Khaliq, are very closely associated with Wali Khan.

171. I emphatically assert that the preposterous and highly irresponsible charges made in all the three impugned documents have been engineered at the behest of the Chief Martial Law Administrator by three chosen functionaries and collaborators who are very close to Wali Khan. Whether all three of them occupied key positions because of Wali Khan or whether Wali Khan was released to be projected as the future Prime Minister because of them is at present of academic value. It is not a coincidence that these three individuals have been chosen to cook up this material in two days in a pressure cooker. It is not a coincidence that these three individuals have cynically and falsely charged me with the crimes of Wali Khan, their Comrade-in-arms, indeed their real leader.

172. I repeat that all the material contained in the three documents must have been seen by the Chief Martial Law Administrator much before the 14th of September, 1977. Secret reports and others from the Intelligence Bureau dealing with prominent politicians with a bearing on the security of Pakistan, on Law and Order and provincialism, are seen immediately by the Chief Executive. Such reports are either seen on the some day or latest on the following day. One should know, I have been a Federal Minister and the President and Prime Minister of Pakistan.

173. Assuming that the Chief Martial Law Administrator is a little slow at work, even then he would not be the Chief Martial Law Administrator if he did not see such reports within forty-eight hours. Hence, when he cleared me on the 13th of September of all the sins of Martial law, it is assumed that he must have seen all the reports mentioned in these three documents up to the 11th September. Alright, let us be magnanimous and give him one more day and say up to the 10th of September, 1977. This notwithstanding, he publicly cleared me on the 13th of September, 1977 in Rawalpindi. To overcome this "Technical" difficulty except for the letter of the Martial Law Administrator of Sind dated 8th September, 1977, the rest of the documents are dated 14th and 15th and 16th of September, 1977. This is the dishonest contrivance adopted to reconcile the announcement of 13th September 1977.

174. This means that from the 28th of July 1977 to the 14th of September, 1977, the Chief Martial Law Administrator was ignorant of the major internal happenings in the country. This is a nice way to run Pakistan. No wonder Pakistan is running away. However, if this be true, we would have to believe that the Chief Martial Law Administrator, who imposed Martial Law on 5th July, 1977 to stop civil war and all the rest, remained asleep like a sleeping beauty until the 14th of September, 1977. If that is true, then why did he attack me viciously and in the poorest of taste in the Foreign Press, in the Urdu Digest and on Television on 14th August and in the four-hour press conference on 1st September in Rawalpindi?

175. If the 14th, 15th and 16th material is manufactured to reconcile with the CMLA's declaration of 13th September, 1977, then how are his statements and interviews previous to the statements of 13th September, 1977 to be reconciled with it? Moreover, on the 14th of September, the CMLA went to Teheran and returned to Rawalpindi on the evening of 15th September. At the same time, I was released on bail on 13th September in Lahore. On the night of 14th September I arrived in Karachi. On 15th September I left Karachi by car for Larkana. On the 16th September, 1977 was Eid-ul-Fitr. I was arrested under M.O.O. 12 the same night. In other words, in less than one day, the CMLA came to the conclusion that his former Supreme Commander, that the person who was the Prime Minister of Pakistan only two and a half months earlier, was indulging in activities prejudicial to the purposes for which Martial law was proclaimed, the security of Pakistan, and the maintenance of peaceful conditions in Pakistan. Nor only are the charges very serious but the individual against whom these charges have been made has held the highest offices in the country.

176. The hocus-pocus on fictitious activities prejudicial to the maintenance of law and order or the omnibus purposes for which Martial Law was imposed are the kind of classified charges typed out in advance and pulled out of the drawer of a bureaucrat's desk whenever it is considered expedient. But the alleged charge of indulging in activities prejudicial to the security of Pakistan cannot be made lightly and without leading to a far-reaching result.

177. Due to the peculiar history of Pakistan, those who opposed Pakistan and remained opposed to it have been jailed off and on in the past 30 years. They belong to a defined historical category. Most of them, like Wali Khan for instance, have not held any office in government. Those belonging to this category have spent considerable time in jail for their anti-State activities, for activities prejudicial to the security of Pakistan. The label sticks on them. Actually they made the label. Their historical role is the road to their jail. As such, the charge of indulging in activities against the security of Pakistan against such individuals when made is generally believed by the people at large. Despite this background and the explanation, it would not be

correct to assert that the arrests of even such individuals do not arouse repercussions in those pockets of the country where they wield influence.

178. In other words, a government has to think more than twice even when arresting well-known but influential secessionists on the charge of indulging in activities prejudicial to the security of the State.

179. Recently, while addressing the Rawalpindi Bar in early February, Wali Khan told his audience that I imprisoned him on the saying "Give a dog a bad name and hang him". I did not call him a dog and I did not give him a bad name. He called himself a dog by quoting the saying. He was given a bad name much before I arrived on the scene. Nor did I hang him. He better ask Quaid-I-Azam and Liaquat Ali Khan if they thought him to be a "dog". He better ask them and all those who followed him if they gave him a bad name. He better ask the Supreme Court if he got this description on the reputation he claims from me or from the historical record. I did not hang him. He was hanged by the choice of his political objective. He was hanged not by me but by the cumulative evidence of four decades confirmed by the Supreme Court of Pakistan. Hence, I did not call him a dog, nor did I give him a bad name and nor did I hang him. But I do know that he bites the hand that feeds him.

180. In spite of the bad name that Wali Khan had much before I became President of Pakistan, I arrested him after a very long time. I arrested him only when he made it unavoidable, not for me but for Pakistan. I did not make an arbitrary or whimsical decision. I followed the Constitutional position. I adhered to the institutional position. It was done according to due process of law. This is how careful I was in dealing with an influential secessionist. Yet his arrest and the arrest of other influential secessionists was not without repercussions. This being the position, I leave it to the wisdom of this Honourable Court to decide the nature of the repercussions when a former elected President and Prime Minister of Pakistan, with influence not in a pocket or two, but throughout the country is arbitrarily detained on the cooked-up charge of indulging in activities prejudicial to the security of Pakistan.

181. It is not a child's game to detain a former President and Prime Minister of the country on the charge of indulging in activities prejudicial to the security of Pakistan. The act itself is fraught with unpatriotic repercussions. If a referendum is held today to give the people of Pakistan a choice between my leadership and that of any other leader or pretender, there is no doubt at all that I would carry the day with flying colours. Still this regime charges me with indulging in activities prejudicial to the security of Pakistan.

182. I rebuilt Pakistan and the security of Pakistan from the pieces I found littered on the ground"

- (1) The United States of America lifted the ten-year-old arms embargo and declared that the security of Pakistan was a cornerstone of the foreign policy of the United States.
- (2) I got the Nuclear Reprocessing Plant but it is in jeopardy at present.
- (3) For over three years I blocked the Iranian loan for the Rajasthan Canal. This January, India prevailed on Iran to sanction the loan for India.
- (4) I reactivated the Kashmir dispute at Simla.
- (5) I modernized the Armed Forces of Pakistan by purchasing modern and the latest equipment worth over one and a half billion dollars. I gave the Armed Forces an annual budget of approximately 800 crores. I got considerable military equipment from China and to a lesser extent from Iran without payment.
- (6) I rationalized the Foreign Policy of Pakistan to safeguard the security of the State.

183. Many other achievements of my Government to strengthen the security of Pakistan can be cited. These are important random samples. However, the fundamental and decisive equalizer to India on the issue of Pakistan's security was the United States of America from 1954 to 1965 and the People's Republic of China from 1965 to 1977. After President Kennedy came into power, the global policies of the United States changed for a number of global reasons. The changes affected Pakistan quite fundamentally. However, china stepped into the place of the United States as the Great Equalizer to the security of Pakistan.

184. We now see that for the first time since the Sino-Indian border differences of 1962, a profound new trend developing between India and China. This new factor is the single most important factor in calculating the security interests of Pakistan. The security of Pakistan is a big mission. It has to be safeguarded by big decisions. It cannot be safeguarded by putting me in Kot Lakhpat Jail on the basis of false and fabricated speeches and dreamed-up activities. The security of Pakistan cannot be maintained by taking malicious and vindictive action against me.

185. The vindictiveness of this regime is without parallel. Not being satisfied with all that is being done to me and my cousin and other stalwarts of the Pakistan Peoples Party, the regime is bent upon disqualifying my wife from politics. The regime has already broken her skull on the 16th of December, 1977 and now it wants to drag her by her "Chaddar" to a "tribunal" to make the axe fall. However, even before she has been humiliated by being dragged to a tribunal with no right to be represented by

a lawyer, she is to be debarred by a new Martial Law Regulation or Order from political activity. In other words, she is to be pronounced guilty before the verdict of the tribunal. If she does not attend the tribunal she has been threatened with rigorous imprisonment for fourteen years. This is the treatment the former First Lady of Pakistan receives. We know very well why these draconian regulations and orders are being churned out from the machine of Martial Law. This is the respect for the "Chaddar".

186. If there is one woman in Pakistan who should be covered with a chaddar, that woman is Begum Zia-ul-Haque. She is the only woman who should be covered with a "Chaddar". This is because General Zia-ul-Haque is a Momin and author of the chaddar concept. His wife has to set the example and not the pretty television announcers who are forced to cover their lovely hair with a chaddar. My wife has to be beaten up in the Gaddafi Stadium during a cricket match. Begum Zia-ul-Haque goes to the same stadium to watch the cricket match with Mrs. Callaghan. My wife has to be repeatedly detained. Begum Zia-ul-Haque goes to Peking and attends banquets. My wife cannot go to the shrines of our saints. Begum Zia receives the Empress of Iran without covering her head while the Empress of Iran wears a hat to cover her head in the same meeting.

187. Now my wife is to be silenced, dragged to a tribunal and threatened with rigorous imprisonment for fourteen years. One law for you, another law for us. I repeat, the General is not playing with marbles. He is playing with fire. Is there no fool among the fools to stop him from this foolishness? How can there be such a fool, when one of them says in Lahore the other day that the General has been sent by God to redeem the People of Pakistan? This man said exactly the same things about Liaquat Ali Khan, Chaudhry Mohammad Ali and Nawab Mushtaq Ahmad Gurmani. Ghulam Mohammed was struck by paralysis when this sage kissed him on both cheeks. It is his modus operandi.

188. In this month of March, the regime has added luster to its laurels by banning all forms of political activity until the end of the month. Such an all embracing, sinful and savage order has not been passed even during the Buchenwald era. This order converts the whole of Pakistan into a concentration camp. In this same month of March a clarion call was given by the Muslims of enslaved India for a free and democratic Pakistan, a smiling and scintillating Pakistan, for a land of vivacious and vibrant people. In the same month of March, from Karachi to Khyber, the people have been ordered to shut up, not to wave their hands, to stand still in a corner for thirty days. This Buchenwald decree has come into force because advantage was taken of the small mercies dispensed by the Masters, because these animals abused the favour of indoor meetings like a dog abuses by barking in a Kennel. The official spokesman who furnished the explanation for this Buchenwald order should bury his head in shame. He had the nerve to say that the people needed a jolt. The heirs of the slavery of imperial Britain are grateful for the jolt which neither Curzon nor Wavell gave, for the whips and the torture

which neither Linlithgow nor Dalhousie gave and most of all for the humiliation which only Hudson and Nicholson gave. This is a splendid performance in ravaging the country.

189. The situation in the country is entirely different. The people are sick and tired of Martial Law. The first Martial Law was a "hope" for them. The second Martial Law was a tragedy and the third Martial Law is a farce. There will be nothing left to impose a fourth one. I have been branded as the "Modern Machiavelli". But what about the "Modern Macbeth" who, fearful of retribution, has embarked relentlessly on a bloody and sinful road of no return. My time in jail will pass. Your time in office will pass. The verdict of history is irreversible.

190. Each one of the charges is riddled with contradictions and motivated by malice. However, it is repeated that personally as an individual and impersonally as a leader of Pakistan, the most painful is the charge of indulging in activities prejudicial to the security of Pakistan. The vindication of this highly irresponsible and deleterious charge does not involve my honour alone. It involves the honour of the State. As the President of Pakistan I have symbolized the honour of the State. As Defence Minister and Prime Minister, I have symbolized the security of the State. Since the charge is of a very serious nature and as its reverberations on our State are infinitely more serious, I have prayed that the Honourable Court may be pleased to summon a number of important official documents to evaluate the veracity of the charges.

191. Justice, although bruised and battered beyond recognition in the past six months, demands that my name be cleared. For this reason I have been compelled to call a spade a spade. It has not been a pleasure to use harsh words in defence of the truth and my honour as a harsher and more unworthy charge could not have been made. It is in this connection and in this spirit that I would request this Honourable court to summon some more relevant official documents. These additional documents are essential for the vindication of my honour and integrity as a faithful citizen of Pakistan. The law relating to privilege or any other technical objection is not more important when it comes to adjudicating on whether a former Head of State and Chief Executive has indulged in activities prejudicial to the security of Pakistan.

192. The regime should have soberly and solemnly considered the consequences of such serious charges when making them flippantly. Since the regime has waived the privilege of official documents in support of its charges it cannot take shelter behind privilege to impede my defence in refuting the false and preposterous charges.

The documents in addition to those already mentioned are:

- (1) The minutes of the meeting in Peking in March 1965 between President Ayub Khan and Foreign Minister Zulfikar Ali Bhutto representing Pakistan and President Lu Shau Chi and Prime Minister Chou En-lai representing China. It was a restricted meeting held in the Guest House in Peking.
- (2) In the same connection the meeting held in March 1965 in Shanghai between Prime Minister Chou En-lai and President Ayub Khan and Foreign Minister Zulfikar Ali Bhutto.
- (3) In the same connection the meeting between Prime Minister Hua Kua-feng and Prime Minister Zulfikar Ali Bhutto in Peking in June 1976.
- (4) The document prepared by the Ministry of defence in early 1977 on the efforts of my Government to build the Armed Forces of Pakistan from December, 1971 onwards.
- (5) The Simla Agreement of June 1972 to show that after the completion of the required steps it was essential to enter into negotiations for the settlement of the Jammu and Kashmir dispute before embarking on the normalization phase. By skipping over the final and fundamental step in the ladder, and entering into normalization without fulfilling the pre-condition of normalization means the capitulation of Pakistan's claim. The phase of the hockey matches, the songs of Mehdi Hassan and the lesson in agriculture to the Adviser on Agriculture and all the other fraternization should have come after and not before the settlement of the Jammu and Kashmir dispute. The world has been made to believe, especially after the visit of the Foreign Minister of India to Pakistan, that India and Pakistan have normalized their relations and that no dispute exists between them.
- (6) The draft of the Agreement between Pakistan and Afghanistan which was ironed out at Lahore in August, 1976 between the Deputy Foreign Minister of Afghanistan Mr. Wahid Abdullah and the Minister of State for Foreign Affairs of Pakistan, Mr. Aziz Ahmad for a package and simultaneous settlement of the only political difference between Afghanistan and Pakistan. The draft called for the release of the NAP leaders by Pakistan and the recognition of the existing international border (the Durand Line) by Afghanistan. The package was to be fulfilled by both countries simultaneously.

Zulfikar Ali Bhutto.

BIASED JUDGMENT

Mr. Justice Anwar ul Haq
Chief Justice
Supreme Court of Pakistan
Rawalpindi.

276 E-7, Islamabad
December 31, 1978

Dear Mr. Chief Justice,

I was astonished and distressed to read in the Pakistan Times of December 30, 1978 about your address in Lahore on the previous day, in which you have expressed your hostility towards the elected Government of the people whom you incorrectly accused of dodging Islam. Moreover, you went further and gave your political view by expressing satisfaction with usurpation on empty slogans and, consequently, of dissatisfaction with constitutional methods of government formation.

According to the Pakistan Times, you accused "the previous regimes" of "dodging" the enforcement of Islamic laws. You have condemned all Governments from the Government of Quaid-I-Azam to the Government of Quaid-i-Awam on the question of Islam. May I remind you that the facts are to the contrary. It is universally accepted that the contributions of the Pakistan Peoples Party Government to the cause of Islam are unparalleled. You will recall that most of the appeals made by Muslim States when the death sentence was pronounced by a lower court, cited my husband, Mr. Zulfikar Ali Bhutto's, service to the cause of Islam and of Muslims. I consider it my moral duty to remind you of only some of the steps taken by my husband's representative government for the enhancement of Islam:

1. A unanimously adopted Islamic Constitution;
2. A Ministry of Religious Affairs was created to look after matters relating to Islam and to implement the Islamic provisions of the Constitution;
3. The formation of the Council of Islamic Ideology;
4. Making the printing of an error-free Holy Quran a constitutional obligation;
5. Removing all restrictions on the performance of Haj thus putting an end to the quota system which hindered the free flow of pilgrims to the Holy Land;
6. Making Islamiyat compulsory from primary to matric;
7. Setting up Auqaf Ministries;

8. Encouraging the learning of Arabic throughout the country and taking concrete innovative steps such as teaching through the visual media;
9. Setting up the Ruet i Hilal Committee to remove the cause of difference on the occasion of Eid celebrations;
10. Holding the Second Islamic Summit Conference to contribute to the strengthening of Islamic solidarity.

The military regime, on the other hand, has thrown around slogans as empty as the stomach of the man on the street. Even the so-called stalwarts of Pakistan National Alliance are saying that Nizam-i-Mustafa has not been implemented.

Mr. Chief Justice, when you allowed my husband to appear before the Supreme Court it was interpreted by us as perhaps bias being abandoned in favour of justice. That is why my husband did not elaborate on the applications of bias against you, nor did he dwell on other points of bias, which I do not wish to embarrass you about. Alas, with your latest statement, attacking my husband's Government and lavishly praising the military regime, all our apprehensions have once again surfaced.

You have further implied your satisfaction with the particular manner in which the military regime came into being, thus conveying your appreciation of usurpation, and antagonism towards the democratic form of government of which my husband has the honour of being the twice – and only – directly elected Prime Minister.

Believe me, Mr. Chief Justice, your views, blatantly false as they are, would not have distressed me if you did not at this very moment hold the pen with which you are writing the Judgment in my husband's appeal. Espousing such controversial views, do you think it fair to write the Judgment in my husband's appeal? There is, however, no such apprehension regarding the remaining members of the Bench. But, after your unfortunate remarks at such an inopportune time, there is bound to be skepticism about the impartiality of your Judgment. I would urge you in the interest of justice and in the interest of strengthening judicial institutions, not to write the Judgment in my husband's appeal.

I have been sorrowfully compelled into making this request because you chose to completely identify yourself with the military regime even at this critical juncture when the ink with which you write the Judgment still flows.

Yours
Nusrat Bhutto