

Bhutto demands justice from junta

Former Prime Minister Ali Bhutto's dramatic plea for clemency from the military government which has condemned him to death was reported by Viewpoint Magazine on Dec. 24. Excerpts of the reports of Bhutto's speech before the Supreme Court appear here. To date judgment has been reserved on the former Prime Minister's appeal of his death sentence.

The people awaited Mr. Zulfikar Ali Bhutto's appearance in the Supreme Court eagerly, and when it did take place on last Monday, it had an electrifying effect on all those who were present in court while others outside, regardless of their affiliations, awaited the details of his submissions in court with unabated interest. The court room remained packed to capacity on all four days.

Even his critics admitted that Mr. Bhutto, initially showing obvious effects of the rigours of jail life, soon regained his usual self, and rose to the heights of oratory that he has been known for in his heyday. He took a total of over eleven hours to make his submissions.

No pity but justice

Opening his submissions, Chairman Bhutto said that he did not wish to evoke pity or mercy; he wanted justice to be done to him since grotesque injustice had been done to him. . . . Mr. Bhutto said it was not merely a matter of his person, of his life, of his family, of his reputation, or of his political career, but of the future of Pakistan. . . .

He submitted that he wished to speak on motive and conspiracy. He pointed out that the judgment of the Lahore High Court contained inherent contradictions. The argument made out was that if the speeches of an individual against him were virulent but false Mr. Bhutto would have liked to eliminate the individual and also if they were true would still like to eliminate him. He said that the motive that was ascribed to him could be that of a person who was not a politician.

He submitted that the State counsel had been talking of high probabilities in a criminal case which he was not entitled to do in law. Secondly, the approved had to be corroborated by material and independent evidence which was not the position in this case. Thirdly, the gates of Section 10 of the Evidence Act could be opened only by clean hands and dirty hands could come into it later. Fourthly, the prosecution had failed to establish any criminal agreement between the so-called conspirators and the question of duress became relevant only when there was an agreement. . . .

'Hearsay evidence'

Mr. Bhutto submitted that the prosecution had failed to prove motive on his part to kill Ahmad Raza Kasuri. He submitted that hearsay evidence had been relied upon for proving the motive.

Mr. Bhutto requested the court to release his rejoinder

to the *White Paper* issued by the Government on the alleged misuse by him of the mass media. . . .

Mr. Bhutto said that the prosecution case stood demolished on the point of conspiracy since the express agreement, a vital ingredient of criminal conspiracy, had not been established.

He submitted that it was absolutely incorrect that he had used the Federal Security Force for his personal vendetta. The Federal Security Force was created by an Act of Parliament. In all federations such forces existed to look after the problems of law and order. The Federal Security Force worked under a charter and was under the Ministry of the Interior. . . .

Mr. Bhutto said that the main witness to the conspiracy, Masood Mahmood, was a congenital liar and not even qualified to become an approver in law, and thus his evidence should be subjected to double test before it was relied upon by the court. He said the Director-General of the FSF was not a 'punishment' post, and it was wrong to say that anyone was pestering or threatening Masood Mahmood to accept the post. He said that if he had such frequent meetings with Masood Mahmood as claimed by him, there could not have been any need for him to send a message to him through another prosecution witness, Saeed Ahmad, as the prosecution side claimed.

Mr. Bhutto said that the Supreme Court had provided legal cover to Martial Law in the Begum Nusrat Bhutto case, and that he regarded it as a positive step, but this did not mean that 'they' had been given a blank cheque. The Chief Justice and some other Judges agreed with Mr. Bhutto.

Mr. Bhutto said the prosecution had failed to establish an agreement, consensus or meeting of minds between the approver and the appellant. It was the burden of the prosecution to prove the charge, but in the trial court the burden was shifted to the appellant to prove that he was innocent. . . .

He criticised the Government for undertaking amendments in the Constitution of 1973 in violation of the judgment of the Supreme Court.

Mr. Bhutto said that Pakistan was in a difficult situation and elections should be within a given time-span. Outside this time-span they might become irrelevant. He said that Martial Law demartialises the nation. It was a breach not a bridge. He said Caesar, Napoleon and Hitler had all vanished.

Chief Justice: Unfortunately, we cannot give this advice to anyone.

Mr. Bhutto: Perhaps, a case might come before the Court. I am laying the seeds of that conspiracy.

He said that justice was indivisible. Either someone was guilty or not. There could be no bargaining on it. The prosecution had failed to prove the case. He appealed to the Court to uphold the majesty of law and not to act as the matron of martial law. . . .