

## **Scenario 100**

### **DR ARSALAN IFTIKHAR CASE-I:**

**In the first week of June 2012;** a private news spool appeared on YouTube containing certain eye-opening revelations concerning with a new business tycoon of Pakistan named Dr Arsalan Iftikhar, who happened to be the son of the then sitting Chief Justice of the Supreme Court of Pakistan. Immediately, the hot cake was picked up by all the media channels of the country and there were live talk shows invariably available all around and through the whole evening.

Next day, the YouTube reel was considered by the CJP Iftikhar M Chaudhry to be fit for the *suo moto* action. Immediately the notices were issued to all the concerned including a veteran journalist Shaheen Sehbai, the alleged originator of the subject issue.

**On 6<sup>th</sup> June 2012,** for the first time in Pakistan's judicial history, a son was summoned to the Supreme Court by his father Chief Justice to probe a scandal that threatened the CJP's so-called integrity; scores of people thronged the apex court that morning to witness the historic proceedings. Shaheen Sehbai was also asked to attend the apex court but he was abroad then; though had managed to communicate his 6-page statement with affidavit during the court hours.

Dr Arsalan Iftikhar stood before a three-judge bench headed by his father, Chief Justice Iftikhar M Chaudhry as the proceedings began. The CJP, aware of the dilemma, promised that if found guilty, his son would be convicted in the case, though the Supreme Court of Pakistan had never been a trial court.

Supreme Court summoned Malik Riaz and his son Ali Riaz for next day with the record against Dr Arsalan Chaudhry. Malik Riaz was in London for medical check-up that day. On the first day, Hamid Mir, anchorperson of the Geo News, appeared before the apex court and contended that neither he nor Shaheen Sehbai [*Group Editor of 'the News', who had aired an interview from Washington allegedly implicating Dr Arsalan Iftikhar*] had any material regarding the allegations against Dr Arsalan. The fact remained that Malik Riaz Hussain had shown 'the related file' against Dr

Arsalan to Hamid Mir but did not provide any video documentation concerning the scandal. Perhaps a conspiracy was cropping up.

The apex court summoned another Geo News anchor Kamran Khan with the material on which he had conducted his programme **on 5<sup>th</sup> June 2012**. The apex court also directed the Securities and Exchange Commission of Pakistan (SECP) to appear before the court with the relevant record of Malik Riaz's company. One Col Khalil, Principal Staff Officer of Malik Riaz, told the court, *inter alia*, that executive members of the board were Commander Ilyas, Gen (rtd) Ihtisham Zameer, Major Gen (rtd) Khalid Sultan, Mariam Rehman, etc and that Malik Riaz was no more the Chairman of Bahria Town. Commander Ilyas, who headed the project of Bahria Town, told the court that there was no mention of the alleged business deal in the five projects under his command & control.

Meanwhile the Attorney General Irfan Qadir objected that the Chief Justice should not hear the case against his son. The CJP Iftikhar M Chaudhry was heading the bench on 6<sup>th</sup> June 2012 in the first hearing because under the constitutional provisions only Chief Justice could take the *suo-moto* notice of any issue [the other members being Justice Jawad S Khawaja and Justice Khilji Arif Hussain].

Next day the CJP had quit the bench and allocated the case to the other judges for probe and proceedings. **On 9<sup>th</sup> June 2012**, Malik Riaz's Counsel Justice (rtd) Zahid Hussain requested the apex court to make a larger bench which was turned down under Order XXV, Rule 2 of the Supreme Court Rules 1980.

Dr Arsalan was accused of allegedly receiving over Rs:342 million from property tycoon Malik Riaz, against whom several cases were pending in the apex court.

In his five-page concise initial statement, placed before the Supreme Court **on 10<sup>th</sup> June 2012**, Dr Arsalan denied in the strongest terms any intimacy or acquaintance with Malik Riaz, his daughter or son-in-law, saying their names were also not known to him. He had never met any one of them in relation to any business or for any other purpose in or outside Pakistan; thus the allegations were strongly denied. Dr Arsalan submitted in writing that:

*'The claims of Kamran Khan, Shaheen Sehbai and Hamid Mir that some material was shown to them by Malik Riaz had serious contradictions. Whatever Kamran Khan submitted before this honourable court is an absolute contradiction to what he had said in the programme aired on June 5, 2012.*

*Kamran Khan has improved his statement subsequently, which is evident from the material brought on the record. Hamid Mir in his statement has exonerated me saying the material shown to him was not worthy of acceptance as evidence, although such material has not landed in this court nor is in possession of anyone except Malik Riaz.'*

Dr Arsalan claimed that in 2009 he travelled at his own expense to London and hired a flat, details of which were available with him. Similarly, for the years of 2010 and 2011, Dr Arsalan contended, the same practice was adopted and an amount of Rs:45 lakhs was deposited through (cheque number 1287353 of Standard Chartered Bank, Lahore) on 15th August 2011 by his cousin, Muhammad Aamir Rana, [*Note: Chaudhrys and Ranas cannot normally be true cousins in Pakistan*] into Zaid Rehman's account (No.020502000003244 Meezan Bank, Gulberg Lahore).

Dr Arsalan further contended that:

*'I do not know from whose credit card the rent of the flat, which I remotely remember was around 3,200 pounds sterling per week, was paid. Perhaps I had stayed for four weeks, so the total rent, amounts to about 10,000 pounds.*

*When he reached London, he had to sign an occupancy agreement, by submitting the copies of his passport, therefore, the formalities as per rules were completed; however, the rent had already been paid. Likewise in 2011, the same person arranged accommodation for him and subject to final settlement as mentioned above through his cousin, he paid the above mentioned amount.*

*As far as Zaid Rehman is concerned, he is known to me through Ahmed Khaki, who happens to be his cousin ..... Assertions to the contrary are strongly denied.'*

Malik Riaz was allegedly involved in litigation with scores of persons and companies [*once in 2011 the respective civil courts had given verdicts against him in 42 cases*] and had moved certain press reporters on his pay roll to agitate for him. Malik Riaz had shown some media members the documentary 'proof' against Dr Arsalan for financing his three trips to London adding that he had 'video' evidence of the allegations he was making but had not shown to any one till then.

In September 2011 Barrister Aitzaz Ahsan had also visited CJP Iftikhar M Chaudhry in private, keeping in view the old relationship of Lawyer Movement days, to apprise about Dr Arsalan's dubious conduct and [allegedly] the CJP was much disturbed over that discussion. Referring to

**12<sup>th</sup> December 2013's live TV program of Asima Shirazi**, Barrister Ahsan himself told that:

***'The CJP had heard me patiently but from inside got angry; the relationship went sour and could not be repaired till that day. I had gone bitterly disappointed.***

***Many of my friends and colleagues had also got angry with me for that fruitless visit to the CJP.'***

**'AAPIS KI BAAT' by NAJAM SETHI:**

On **GEO's** live TV program **'Aapas Ki Baat' dated 13<sup>th</sup> December 2013**, Najam Sethi, while commenting on the retirement of the CJP Iftikhar M Chaudhry, confirmed that:

***'..... A judge has passed away and a politician has born.'***

Mr Sethi further elaborated that during CJP Chaudhry's tenure, he had constantly been labelled as **'a politician in CJP's robes'**, but he never bothered and continued to display his character as such.

Let us travel into the recent past for a while.

On **GEO's** live TV programs **'Aapas Ki Baat', of 11<sup>th</sup>, 12<sup>th</sup> & 13<sup>th</sup> June 2012**, Najam Sethi asserted that Dr Arsalan was not so innocent that he did not know why the son in law of Malik Riaz was trying to cultivate him and financing his tours abroad; it was intended to influence the CJP in turn. Since there was no evidence of the CJ having been influenced, there was clearly a more ominous and threatening purpose – not bribes but blackmail.

Through this timely move the entire leadership of the PPP was hoping rewards; think President Zardari's case in the backdrop of Swiss letter syndrome and PM Gilani's conviction for 'contempt of Court'. Najam Sethi's last program concluded that:

***'Who else had the required capability of chasing Dr Arsalan and collect documentary and video evidence of reckless [& wasteful] expenditure by him; the Intelligence Bureau [IB]'s team permanently located in Pakistan High Commission London AND Rehman Malik's company for private investigation named Shafaf Ltd London.***

***Clearly, the 'sting operation' against Arsalan Iftikhar was the work of Rehman Malik as he had once been disqualified to be a***

*member of the Senate (and Interior Minister in consequence) because of his dual nationality, under apex court's decision.'*

To keep his judicial house in order and to exhibit faithfulness to his impartiality and fair-play, the CJP Iftikhar M Chaudhry called his son in the dock through *suo moto* case. Five years earlier there were cries that, upon securing an overall C grade in the intermediate examination (a fact), Arsalan Iftikhar was granted admission in Bolan Medical College upon the influence exerted by his Chief Justice father; years later, he was made Section Officer in the Health Department Quetta, only days after his initial appointment.

In August 2005, the then Federal Minister of Interior Aftab Sherpao, issued notification appointing Dr Arsalan as Assistant Director (later Deputy Director) in the FIA. In 2006 he was 'picked up by the high ups' for permanent induction as Superintendent of Police [SP] giving an unprecedented twist to the Police Service of Pakistan Rules in vogue.

Hue and cry surfaced from all corners especially from already deprived career police officers but the Chief Justice was found standing behind this unjust episode. In March 2007, it was Naeem Bokhari, a veteran advocate of the Supreme Court who tried to block that floodgate of nepotism in the higher judiciary; the case was referred to the Supreme Judicial Council but the civil society guided by the Lawyer's Movement rescued the CJP.

It was only natural that amidst so much controversy concerning Dr Arsalan, the Chief Justice Iftikhar M Chaudhry [after regaining his seat in March 2009], apparently dissociated himself from the professional and career growth of his son. Peeping into the vacuum prevailing in CJP's home affairs, Malik Riaz jumped in and allegedly spent millions on Dr Arsalan.

Arsalan was living in CJ's official residence in Islamabad, at least until his marriage that year, so the CJP should have worried about the latest model BMW type cars driven in, the Gucci cufflinks or the Rolex watches or about lavish trips abroad while staying in costly holiday flats of London and Monte Carlo.

The general populace was not at all inclined to give CJP Chaudhry a relaxation for his blemished cause of justice. The CJP was blamed for not knowing where his family had been vacationing during the summer, or who was paying for it while he constantly chased the PM's sons [Qadir Gilani in Hajj Corruption Case & Musa Gilani in Ephedrine Case], Pervaiz Elahi's son [Moonis Elahi in NILC & Punjab Bank Case] and Asif Zardari in person.

As the people never allowed PM Gillani, Pervaiz Elahi, Nawaz Sharif or Asif Zardari to ever plead that they did not know what their sons were doing, so they allocated zero allowance to believe that the Honourable CJP, over the past three years, even had a slight hint of Dr Arsalan's (mis)deeds; totally a non-professional conduct.

The intelligentsia did not bother about the sentimental phrases from some media men and certain members of PML(N) or Imran Khan's PTI describing that ***'ISI & Army or the PPP are hunting the CJP and the higher judiciary is being maligned purposefully'***. Not at all; they simply wanted an independent enquiry into the conducts of both Malik Riaz and Dr Arsalan Iftikhar in an un-biased way irrespective of the references pointed towards the CJP or the Army or the PPP.

The Registrar Office of the SC, in the meantime, rejected the application filed by Dr Arsalan Iftikhar to register an FIR against Malik Riaz as the case was in the apex court. Dr Arsalan had asked the court to direct police authorities to register an FIR against Malik Riaz for running a campaign against him in the media.

**On 12<sup>th</sup> June 2012** Malik Riaz appeared before the Supreme Court with his statement of allegations [spread on 83 pages] and documentary evidence against Dr Arsalan. It was yet to be considered that if Dr Arsalan was guilty of criminal misconduct while accepting excessive hospitality from Malik Riaz but the intention of those who collected documentary and video evidence was termed to constitute a crime.

The sitting CJP labelled it blackmail; a conspiracy to hijack the independent judiciary. Malik Riaz had told Hamid Mir in confidence about Rehman Malik being the central character in that 'sting operation' with special reference to video recordings. When Hamid Mir asked Rehman Malik for confirmation, the later had categorically denied it.

Rehman Malik and one PPP parliamentarian Farahnaz Ispahani were already ousted by the apex court whereas Husain Haqqani was under the process of being declared as a state rogue. Malik Riaz, being a seasoned and perceptive business tycoon, was not simple enough to drag himself into that sand grave of controversy but his friends in the government called him on the stage intentionally while putting the blame on the shoulders of Pak-Army and ISI in the backdrop of 'missing persons case' in the SC. The author of the 'sting operation' might have been identified by Malik Riaz for future reference but he denied such perceptions in his press conference on 12<sup>th</sup> June 2012 by swearing on the Holy Qura'an.

***On 5<sup>th</sup> November 2011*** a brief was circulated [by an unknown source] amongst GHQ branches and also sent to some media lords through an

*e-mail at 12.53 AM. The same was repeated on 07<sup>th</sup> June 2012 21:03, a day after Dr Arsalan Case surfaced in the court.*

*'To: [undisclosed recipients] ..... Sad to say, but probably some in the leadership are worthy of contempt.... [this kind of rogue] democracy be damned, Pakistan needs to be salvaged and saved. To be silent is to be complicit. [Ardeshir].*

*Rehman Malik, the Interior Minister uses the offices and facilities of Malik Riaz for his private business....both have common interests. When Rehman Malik shifted to Islamabad from his London exile, Malik Riaz refurbished one of his Islamabad houses in F-8 for RM [fact: the latter had not occupied it].*

*Malik Riaz made certain that the higher judiciary did not remain deprived of his beneficence; he owns the entire brood of our higher judiciary. .... About 18 months ago, son of the CJ [Dr Arsalan] was on secret tour of Bahria Town to select properties -- perhaps there was a follow-up tour as well.*

*This was a great conquest deserving of celebration. And Malik Riaz celebrated it by giving an advertisement in all the major papers of Pakistan inviting 'recently retired' Judges of the Supreme Court and Lt Generals to apply for a job in Bahria Town.*

*Malik Riaz was provided protection through a platoon of Frontier Constabulary (FC), which comes under Rehman Malik's Ministry of the Interior.*

Referring to MNA Khwaja Asif's deliberations in **ARY's live TV program with Kashif Abassi dated 6<sup>th</sup> June 2012** that once the then Chief of Pakistan Navy, Admiral Faseeh Bokhari, had requested him on telephone not to agitate the issue of Bahria Town on the Parliament's floor because of his close association with Malik Riaz. **Later, Malik Riaz brought Admiral Faseeh Bokhari in NAB as the Chairman by making a special recommendation to President Zardari** despite PML(N)'s objections.

In most TV live programs of **7<sup>th</sup> June 2012**, it was told that most army Generals & Naval Commanders in the past, politicians, and some media anchors were on the pay-list of Malik Riaz. Amongst the politicians, CM Shahbaz Sharif's son Hamza Sharif MNA was using bullet proof vehicle given to him by Malik Riaz.

Malik Riaz had also contributed [through heavy finances] in giving concrete shape to famous '**Ashiana Scheme**' of the Punjab government. Mir Shakeel ur Rehman had arranged first meeting of Malik Riaz with Shahbaz Sharif for that 'business relationship'.

Next; how Malik Riaz got introduced to President Zardari. It was Rehman Malik who brought the two tycoons closer to each other. In 1995, two enquiries were registered in FIA related with Mr Hashwani [*regarding a piece of land wrongly allotted to him by CDA which was lying behind the Marriot Hotel in Islamabad*] and Malik Riaz for allegedly illegal grab of lands with peoples money in villages now Behria Town Islamabad. Investigations were on but files were suddenly called back from the 'branch' by the then Director FIA Rehman Malik and shelved when the investigations against the two tycoons were at full swing.

Since then the two giants were born amongst the fast (& investor) friends of Rehman Malik. Being Advisor on Interior, then Federal Minister for Interior, then again Advisor on Interior during PPP's regime RM had apparently been living in Frontier house but since March 2008 his meals were sent [and continued to be] from nearby Marriot Hotel owned by Mr Hashwani; guests were accommodated there in 'all time reserved' rooms.

Coming back to the main talk; the statement submitted in the apex court **on 12<sup>th</sup> June 2012** by Malik Riaz said that Dr Arsalan had assured him to be of assistance in different cases against Bahria Town pending in the courts but he did not get any relief. He said Dr Arsalan had blackmailed him and his son-in-law for a long time.

Malik Riaz had further alleged in writing that Dr Arsalan was accompanied by a woman on his trip to Monte Carlo whose identity Dr Arsalan did not reveal at that time. Malik Riaz alleged that he paid over Rs:2.5 million for the apartment Arsalan rented in Monte Carlo and over Rs:3.4 million for rental cars [*should one believe this figure work?*]. Three foreign tours of Dr Arsalan's family with full details of travel and stay were mentioned in the documents.

Dr Arsalan's family once had a foreign tour of London and the total expenditure incurred was over Rs:8 million; the 2nd London tour had expenses of Rs:5.94 million and was paid cash of over Rs:32 million in instalments.

Malik Riaz raised a cogent legal objection that it was inappropriate for the SC to take *suo moto* notice of this issue as Dr Arsalan committed fraud and did corruption which should have been considered in the ambit of anti-corruption laws. He had also emphasized that all of his cases and enquiries should be sent to an independent agency like NAB or FIA. *The point was not entertained because the apex court knew the relationship of earlier days between Malik Riaz and Admiral Fasih Bokhari of the NAB.*

Bahria Town's Chief Executive Ali Riaz submitted his statement to the apex court in the said case confirming his director Comdr Ilyas's earlier statement dated 6<sup>th</sup> June that the Bahria Town had nothing to do with the



allegations against Dr Arsalan case. He distanced himself from the allegations of any deal between CJ's son and Malik Riaz.

*[By documents Malik Riaz was actually the ex-Chairman of Bahria Town because his shares had been transferred to his wife and his son Ali Riaz had taken over as Chief Executive of the Bahria Town in July 2008]*

#### **MALIK RIAZ'S HOT PRESS CONFERENCE:**

During the evening hours of **12<sup>th</sup> June 2012**, Malik Riaz held a scorching press conference in Islamabad mainly to declare [amongst other allegations] that **the Chief Justice himself [in the past] had been meeting him during the evening hours**. The Registrar SC Dr Faqir Hussain immediately had confirmed the ARY TV channel on phone that:

*'Yes; there were three meetings amongst the two but those were before 16<sup>th</sup> March 2009 when J Iftikhar M Chaudhry was made defunct and the judiciary was deposed. After assuming charge of the CJP office in 2009, there was no meeting between them whatsoever.*

*When Malik Riaz had offered his bullet-proof car, the CJ had immediately turned down the offer; when he tried to force the Chief Justice to meet President Zardari, the CJ had refused it as well.'*

In fact Malik Riaz used to meet the CJ to bring him to some agreement with President Zardari; as Mr Malik used to negotiate deal with the defunct CJ in favour of Gen Musharraf. It was also on record that Malik Riaz had successfully bargained and bridged the distances between Zardari and Nawaz Sharif during the same days. During subsequent years Malik Riaz played a similar vital role in getting connected the PPP with Ch Shuja'at Hussain and his PML(Q); he was a king maker in fact.

*[On 24<sup>th</sup> April 2012, President Zardari had issued an ordinance just two days before a regular session of the National Assembly was scheduled. The main clause in the said ordinance was that **'if someone invests money in Pakistan's any Stock Exchange for at least 120 days, his all invested amount of black money would be taken as white'**.*

*There were criticism from all corners of Pakistan and from the world financial organizations but no body bothered for those open 'official loots' because it was specially made and meant for Malik Riaz and Mr Zardari himself.*

*It remains a fact that Malik Riaz mainly blessed Askari Bank, a Pak-Army sponsored bank, to keep his accounts worth billions but the four officials who used to deal with those accounts of Bahria Town had died of 'un-natural deaths' during the past few years.]*

**On 13<sup>th</sup> June 2012**, the SC took *suo moto* notice of the press conference held by Malik Riaz and issued show cause notice to him over his bluster. Allegedly, this *suo-moto* was taken on the report of the Registrar Supreme Court, Dr Faqir Hussain, on the silent directions of his CJP Iftikhar M Chaudhry.

Heading the 3-member bench hearing that *suo moto* case, Justice Shakirullah Jan [J Tariq Pervez & J Amir Hani Muslim were the other two judges] read out the draft of Malik's press conference carrying derogatory remarks directed against the judiciary and adjourned the hearing for next day. Earlier, the informal full court session [12 judges present] summoned by the CJP Iftikhar M Chaudhry, solicited the record consisting of footage of Malik Riaz's press deliberations. After detailed discussions, the said 3-member bench was constituted. Next day Malik Riaz appeared before the SC but the case was adjourned till after a week.

During the press conference Malik Riaz went totally un-predictive and quite opposite to his stance he adopted in the SC during the early hours of that day. Earlier, he had submitted 83 pages statement and other evidence against Dr Arsalan of receiving bribes and foreign trips' sponsorships from him which Dr Arsalan had denied.

For the main issue concerning Dr Arsalan Iftikhar, Malik Riaz had submitted his reply to the apex court through his counsel Zahid Hussain but on press conference subject he did not bother to consult his lawyer Mr Hussain. Clutching the Holy Qura'an in his hand, a visibly angry Malik Riaz had asked questions from the SC:

- 'He [the Chief Justice] should explain how many times he met me in the dead of the night and whether or not Arsalan Iftikhar was present there?
- Was the Chief Justice not present at several meetings that took place at the residence of my business partner Ahmed Khalil where the Prime Minister [Yousuf Raza Gilani] and a sitting judge of the Supreme Court were also present?
- I ask the chief justice to hold the Qura'an and clarify how long he has known about the [dubious] role of Dr Arsalan and why he failed to take notice of his activities until now?
- Why in Punjab we are nailed by Chaudhry Nisar [of PML(N)] and in the federal capital the Supreme Court is screwing us.

- Why the Supreme Court had not given him enough time in person to speak before them today.
- There is no free judiciary in the country and it is being run by a 'don' named Arsalan Iftikhar; SC should admit it.
- Blackmailers were sent after me. Where should I go? Why was I pushed against the wall?'

The **three main charges** were taken as an uncalled for direct attack on the judiciary whereas his allegations against Dr Arsalan were being looked into on so called merits. The Pakistani populace was being made to believe through pro-CJP media persons that there was a deep conspiracy being hatched against the apex judiciary for obvious reasons and Malik Riaz was being used by the Presidency under direct planning and control of Advisor on Interior Rehman Malik.

In the words of one Mushtaq Sethi [referring to '**the Nation' dated 13<sup>th</sup> June 2012**]; the dice were loaded and rolled through the favoured few in media in the form of a whispering campaign to sink or rock the Captain's boat by creating a storm. But the way it was planned fell like a house of cards and apparently turned the tables on the conspirators. They had tried to hit the bull's eye in the opening round.

The general populace in Islamabad also witnessed an abnormal scenario that day that when Malik Riaz came to the SC in the morning there was hundreds of personnel from Islamabad Police & FC; the *Shahrah e Dastoor* was blocked for normal traffic and the apex court premises was full of white clothed men on duty. Who had ordered for such fabulous security arrangements even more than the PM himself; salute to the then Federal Advisor on Interior for that show.

Malik Riaz, while speaking in conference claimed that he did not give any bribe to anyone; rather was blackmailed but despite being blackmailed, he continued to 'bear' the trouble to avoid destroying his credibility and his career. Malik Riaz said that:

*'I cannot see this country collapsing. I have helped built it. Even today I respect the Chief Justice. I wrote a book in 2007 in favour of the Chief Justice during Musharraf's tenure. I also offered him my bullet-proof vehicle at one time.'*

Earlier, Advocate Zahid Bukhari had warned the nation on media that Malik Riaz was going to 'drop bombshells' which finally appeared in the form of serious insinuations against the Chief Justice Iftikhar M Chaudhry during that press conference at Islamabad. Malik Riaz had also refused to answer the rhetoric questions of the journalists who were there to defend Dr Arsalan for no reasons. Malik Riaz threatened to hold another press

conference later to reveal still more incriminating evidence that would jolt the citizens, alluding that it would also be directed against the CJP.

Malik Riaz's three much trumpeted questions orchestrated by him in his press conference dated 12<sup>th</sup> June were alarmingly highlighted as 'very important questions'. With clear heads for a moment, most of the populace were able to reach the truth. Analysis was:

**1<sup>st</sup> Question: CJP should tell Malik Riaz how many times CJ met in the darkness of the night.** It was an open secret that Malik Riaz used to meet the CJ [only during his days of suspension in ending 2007 to early 2009] to assure him of restoring the deposed judiciary, including him, ***if only he promised firstly, not to take up the NRO issue and secondly, he would not run a parallel government;*** both the issues were, however, on priority when the CJP was reinstated along with his team in March 2009.

**2<sup>nd</sup> Question: that CJ should tell how many times CJ met the PM.** Facts were that Ahmad Khalil and Arsalan Iftikhar were 'friends' and it was upon insistence of Ahmad Khalil that Arsalan persuaded his father to attend an Eid party in his house. Quietly a little later the Prime Minister also turned up there. Here, a point to ponder; the defunct CJP visits Ahmad Khalil's party because of his son Dr Arsalan but in what capacity or relationship the Prime Minister Gilani entered that place.

Was it not a fact that it was all pre-planned game? Even otherwise, Iftikhar Chaudhry was not in active service then, thus was open to meet any one including the PM or Malik Riaz or Ahmad Khalil – then why such hue & cry.

**3<sup>rd</sup> Question: that how long ago CJ knew this case and why he didn't take suo moto action earlier.** The judiciary held that because the things appeared on news media only then [in June 2012]. The CJP could have taken reins of the issue in **September 2011** when his old hard timer colleague Aitzaz Ahsan had met him in private with the said documents in possession. The CJ took that action nine months later when it started hitting on his person and the credibility of the apex court was at stake.

Another video [13 seconds] dated 7<sup>th</sup> June 2012 was also available on the internet in which it was detailed that GEO's anchor person Kamran Khan got Rs:62 Lacs from the office of Malik Riaz whereas he was promised Rs:20 million and a constructed house in Bahria Town. See the daily **'Dawn' dated 9<sup>th</sup> June 2012** in this respect:

*'At least six — or was it seven or eight? — Journalists who have met the mesmerising man [Malik Riaz] have said he wanted them*

*to talk about him. It is ironical that none of the journalists were impressed sufficiently with the 'evidence' Malik Riaz purportedly exhibited before them [concerning Dr Arsalan] to make it the subject of a story.'*

Yet the irony of fate was that **some of those media men** played their active role to please Malik Riaz to justify their [alleged] bribes and not to dig out the truth behind the curtain.

Dr Arsalan enjoyed excursions in England and Monte Carlo; Salman Ahmad [son in law of Malik Riaz] paid all expenses while he was a British citizen. The British authorities ignored the issue because it was not an obstruction of justice in England. Moreover, Salman did not file a case against Dr Arsalan for extortion or blackmail, nor did Dr Arsalan complain about an attempt to bribe him. Malik Riaz did not say anything against the Chief Justice openly or in writing before the apex court except what he said in the press conference.

Ironically, no one of the judges in the high judiciary, neither the NAB nor the FIA could launch a legal catch for Dr Arsalan though he was not an innocent entity; not at all. A fishy smell from his character was persistently felt around the whole apex court including his CJP father's court room whatsoever but everyone went mum.

The disclosure about Malik Riaz's factual deliberations surfaced quite suddenly due to delayed payments for some media anchors otherwise the stage was set for about a month later. The real persons behind the scene, the PPP stalwarts, in fact wanted to kill two birds with one shot.

The Pandora box was opened when the SC was regularly hearing the missing person's case. When the CJP took *suo moto* action against his son Dr Arsalan, the live TV shows of 6<sup>th</sup> June 2012 and after raised many hot questions. The CJP sponsored media anchors tried to sell the theory that Malik Riaz had done so on the instigation of Pak-Army or the ISI but the truth jumped out soon. No one in the Pak-Army was holding the cord from the back stage.

The media anchors could only point out that the ISI had record of Dr Arsalan's activities in England which was not the whole truth; yes, Rehman Malik's private company [Shaffaf Ltd] had got enough evidence against Dr Arsalan regarding his activities abroad.

#### **APEX COURT'S VERDICT:**

**On 14<sup>th</sup> June 2012**, the two members' bench of the Supreme Court, comprising J Jawwad S Khwaja and J Khilji Arif Hussain, while issuing a

14-page short order, announced their verdict [authored by Justice Khwaja with a short note by Justice Khilji] in *suo moto* case of Dr Arsalan Iftikhar declaring it a business deal between Malik Riaz and Dr Arsalan Iftikhar. The apex court also held that Malik Riaz's deliberations, however, tried to influence the judicial process and ridiculed the Supreme Court. What kind of business deal it was or it could be – the two partisan judges never divulged.

The SC ordered the Attorney General of Pakistan to launch an enquiry or investigation into the whole affair and take strict action against the main characters of the case. The bench observed:

*'This suo motu action has been brought to an end in view of the material considered above; the learned Attorney General who has assisted us in this case is fully abreast of all aspects of this case.*

*It is our expectation that he will set the machinery of the state in motion so that all those who may have committed any illegal acts, including Malik Riaz, Dr Arsalan, Salman Ali Khan etc are pursued and brought to book with the full force and rigour of the law....'*

The Supreme Court bench also ruled that Malik Riaz tried to buy justice through bribery, which was an offence under law.

***[But the fact remained that the court's name and reputation was sold by a dissolute son and the said SC verdict was simply a sigh of relief on having avoided the embarrassing criticism].***

The apex court rejected a plea of Malik Riaz's counsel Zahid Bokhari of forming a commission to probe the case. *'God is guardian of the institution of judiciary which is not under any threat'*; Justice Jawwad said while concluding the case.

Regarding the role of media, the apex court observed that the series of events, which comprised the run-up to this *suo moto* case, also raised concerns about the issues of media law and ethics. The SC order said:

*'The ethic and legal framework of the media requires fairness and objectivity; it requires that journalists conduct due diligence before reporting any news so that rumours and insinuations are filtered out, particularly in matters of grave significance such as ones arising in this case. Even when they have come across particular information, fair conduct requires it is checked and re-checked.'*

Saad Rasool in **'Pakistan Today' of 17<sup>th</sup> June 2012** analysed that the judgment adopted the following line of argument:

1. That the events of this case were holding field in the backdrop of the Lawyer's Movement of 2007 which ultimately brought back the CJP in the apex court.
2. Malik Riaz had told that he *"did not get any relief whatsoever in the Suo-Moto / Human Rights cases pending before August Court contrary to the assurances and promises made by Dr Arsalan"*. That is why the issue exploded.
3. It criticized (though not stringently) the role of media in creating a hype over the veracity of the alleged claims of Malik Riaz ***but no one bothered to investigate that how Dr Arsalan got fortune of millions of rupees within three years of his CJP father in place.***
4. It declared that the issue of *"national importance"* stood resolved, whereas the matter was of far more importance.
5. The SC directed the Attorney General to pursue the matter against Malik Riaz and Dr Arsalan in the relevant trial courts.

Whereas the matter was simply hushed up because **Dr Arsalan was the CJP's son; the two SC judges did not play justice at all.** When there was no explanation with Dr Arsalan for accumulating so much wealth within three years – the CJP should have resigned immediately.

The said judgment of the SC was drafted to defend the legitimacy and so-called honour of the apex court and finally the **'Black Coat Movement'** of 2007-09. The authenticity of the judicial process should have been based on impartiality which was frequently doubted.

The CJP's open relaxations in favour of PML(N) could be cited in that regard. Keeping in view the recent past of the SC; imagine Malik Riaz paying bribes to a son of any top politician in order to influence State's executive authority and the event reported to the SC – what could be the apex court's behaviour.

AG Irfan Qadir was asked to probe into Riaz Malik's matter on merits, however, his behaviour **on 15<sup>th</sup> June 2012** during the proceedings of PM Gilani's contempt and NA Speaker's ruling [***saying openly that CJP is biased, more details in next paragraphs***] made the whole judicial process doubtful, too. Most of the people opined that Rehman Malik's FIA or Malik Riaz's NAB in association with AG Irfan Qadir had dragged the SC's role into investigations; though not called for at all – but the facts were there.

*[Attorney General (AG) Irfan Qadir wanted to refer the matter to the National Accountability Bureau (NAB) under the provisions of*

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*Section 9A of the NAB Ordinance 2000 but the NAB Chairman immediately rejected the proposal by saying that the government had suffered no loss so the matter did not come under NAB's purview. You never know when the stances are changed in Pakistan and on what contexts.]*