

The Living History of Pakistan Vol-VI

**LOOT & PLUNDER CONTINUED....**

**The Living History of Pakistan**  
**Volume – VI [2015-16]**

**INAM R SEHRI**

**Contemporary History is NOT that what has  
been happening around –  
It is the statement of facts about what  
the people considered significant**

G H P  
Grosvenor House  
Publishing  
Ltd

The Living History of Pakistan Vol-VI

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{A detailed exposition of Marriage explained in various religions, cultures, countries and special groups; much applauded & commented upon on PTV in 1998-99}

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All the above books were published by Pakistan's number one publisher

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**Judges & Generals in Pakistan VOL-I**

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**Judges & Generals in Pakistan VOL-II**

[in English] (2012)

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**The Living History of Pakistan Vol-III**

[in English] (2017)

**The Living History of Pakistan Vol-IV**

[in English] (2017)

**The Living History of Pakistan Vol-V**

[in English] (2017)

{Collection of essays mostly published; dealing with Pakistan's chequered history of massive financial & intellectual corruption, abortive rule by two political parties in succession with higher judiciary's gimmicks during 1971 onwards; Constitutional Amendments which made political parties as family businesses & apex court's nexus making the politicians more corrupt.}

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***It's me; my Lord!***

**Inam R Sehri**

- Born in Lyallpur (Pakistan) in April 1948
- First Degree from Government College Lyallpur (1969)
- Studied at Government College Lahore & got first Master's Degree from Punjab University Lahore (1971);
- Attachment with AJK Education Service (1973-1976)
- Central Superior Services (CSS) Exam passed (batch 1975)
- Civil Service Academy Lahore (joined 1976)
- National Police Academy Islamabad (joined 1977)
- LLB from BUZ University Multan (1981)
- Master's Degree from Exeter University of UK (1990)
- Regular Police Service: District Admin, Police College, National Police Academy, the Intelligence Bureau (IB), Federal Investigation Agency (FIA) [1977-1998] then migrated to the UK permanently.

A part-script copied from the earlier volumes:

Just spent a normal routine life; with hundreds of mentionable memoirs allegedly of bravery & glamour as every uniformed officer keeps, some times to smile at and next moment to repent upon but taking it just normal except one or two spills.

During my tenure at IB HQ Islamabad I got chance to peep into the elite civil and military leadership of Pakistan [then] existing in governmental dossiers and database.

During my stay at FIA I was assigned to conduct special enquiries & investigations into some acutely sensitive matters like Motorway Scandal, sudden expansion and build-up of Sharif family's industrial empire, Sharif's accounts in foreign countries; Alleged Financial Corruptions in Pakistan's Embassies in Far-Eastern Countries; Shahnawaz Bhutto's murder in Cannes (France); Land Scandals of CDA's Estate Directorate; Ittefaq Foundry's 'custom duty on scrap' scam, Hudaibya Engineering & Hudaibya Paper Mills enquiries, Bhindara's Murree Brewery and tens more cases like that.

*[Through these words I want to keep it on record that during the course of the above mentioned, (and also which cannot be mentioned due to space limits) investigations or enquiries, the then Prime Minister Benazir Bhutto, or [late] Gen Naseerullah Babar the then Federal Interior Minister, had never ever issued direct instructions or implicit directions or wished me to distort facts or to go malafide for orchestrating a political edge or other intangible gains or hidden benefits.]*

***Hats off to both of them!***

***Some top bureaucrats like Kh Zaheer, Afzal Kahoot and Saeed Mehdi twisted my arms in the name of Sharif's anger firstly sent me home then tried to imprison me – only the INTERPOL's investigations into my affairs could rescue me.***

In Ingall Hall of the Pakistan Military Academy [PMA], it is carved:

***"It is not what happens to you that matters but how you behave while it is happening".***

I should feel proud that veracity and truthfulness of none of my enquiry or investigation could be challenged or proved false in NAB or Special Courts; yes, most of them were used to avail political compromises by Gen Musharraf's government.

That's enough, my dear countrymen.

**Want to know me more?**

See Gabriel García Márquez's fictional account of the last days of Simón Bolívar—a once-admired General who had been fêted around the world but spent his last days yearning for exile in Europe. ***"Let's go, as fast as we can,"*** the dejected hero tells his companion on the first page of **"The General in His Labyrinth"** - ***"Nobody loves us here."***

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## **10<sup>TH</sup> HUMBLE SUBMISSION**

***Another Feather in Cap:*** After publishing of INAM R SEHRI's book '**Judges & Generals in Pakistan Vol-II**' in **March 2012**, the FRENCH authorities re-opened the Sub-marine kick back case again [perhaps] because a reference had been discussed in detail in **Scenario 54 pps 670-693** of this book with reference to AA Zardari's role.

**On 10<sup>th</sup> January 2013;** all media pages carried AFP report titled as **French judges open new 'Karachi' probe against Sarkozy** giving a little reference that:

*"PARIS: French judges on Thursday authorised a fresh probe against ex-president Nicolas Sarkozy as part of the so-called **"Karachi affair"** in the latest legal headache faced by the former leader.*

*Three judges decided to proceed with a probe to see whether Sarkozy violated a confidentiality law when the Elysee presidential palace published a press release on the affair in September 2011. This press release [had] said that Sarkozy's name did not figure in any of the **files of the Karachi affair, which stems from a 2002 bombing that killed 11 French engineers.***

*The engineers' families sued President Sarkozy over the press release, charging that it violated laws that prohibit publication of information about ongoing investigations. Although prosecution argued that Sarkozy cannot be investigated because he had presidential immunity at the time, the judges disagreed.*

***'The act of permitting the release of information concerning ongoing investigations does not enter into the functions of the president,'** the three investigating judges said in their ruling.*

*The Karachi bombing has spawned several other investigations implicating Sarkozy, a right-winger who was defeated in his re-election bid last year by Socialist Francois Hollande.*

**Two close aides to Sarkozy have been charged by judges**

**investigating alleged kickbacks on a Pakistani arms deal concluded when Sarkozy was budget minister.** *He allegedly authorised the creation of a shell company used to channel kickbacks to the then Prime Minister Edouard Balladur's unsuccessful 1995 presidential bid.*

**In more serious allegations, magistrates are also probing whether the Karachi bombing was revenge for the cancellation of bribes secretly promised to Pakistani officials."**

#### **PAK-ARMY'S ROLE in August 2014's Dharna:**

In Pakistan, the army mostly played its role as backstage actor, more appropriately as guardians of democracy; see the manifestations.

During PTI's mass sit-in of August 2014, the Pak-Army's Inter-Services Public Relations [ISPR], issued a general appeal to maintain sanctity of buildings like the Parliament, Supreme Court, PM House, Presidency etc.

Then came two clear advices from the army chief Gen Raheel Shareef himself; he told PM Nawaz Sharif to show flexibility, and at least take a step backwards. Then Punjab Chief Minister Shahbaz Sharif met him at his own request and got advised to start negotiations with protestors who were besieging and paralyzing the country's capital for almost a week.

The General's message was meant for both the government and the opposition parties for he knew that indirect intervention had become absolutely necessary to end a stalemate which had done enough damage to the country internally and externally. The trick worked; PM Nawaz contacted Sindh Governor Ishratul Ebad for Altaf Hussain's help which was readily extended. Similarly, MQM's Haider Abbas Rizvi and MNA Ejazul Haq acted as interlocutors between cleric politician Dr Tahirul Qadri and the PM.

PM Nawaz Sharif, guilty goof of making the whole mess, opted for yet another sham move. His decision to include Railway Minister Saad Rafiq in the 3-member negotiating team with Rizvi and Minister Qadir Baloch, was instantly rebuffed by Qadri's followers. They refused to have any talk with him for being part of the massacre at Lahore secretariat of Minhajul Quran on 17<sup>th</sup> June earlier. His name was among the 21 ordered to be charge-sheeted for murder by a Session's Court, which named the Sharif brothers too as principal culprits

PTI chief Imran Khan, leading another group of protestors to Islamabad, showed his willingness for negotiation with the PML[N] government; declaring that the army's role had suddenly become momentous. Then PM Sharif had nearly agreed to mid-term elections after formation of a caretaker setup.

The Army wanted democracy to survive and shielded, and the constitutional authority of the civilian government to be respected but any agreement between the two main groups of protesters demanded the army's written guarantee – which of course was not possible under rules.

The Election Commission was to be set up anew with superior court judges of reputed integrity at its helm; some kind of mechanism had to be evolved for banishing corruption in a country.

This long process could only be executed in stages. Articles 62 & 63 of the Pakistani Constitution were to be applied with honesty and vigour as was once done by former interim Prime Minister Moeen Qureshi in 1993 when a large number of people were kept away from the parliament. However, both Sharifs could be the victims of electoral reforms for corruption charges against them.

In the backdrop of Gen Musharraf's words that '**....no government in Pakistan can work without backing of the army**', the fact remains that politicians since 1988 made considerable mess, forgetting all tall promises announced through their respective manifestos.

Manifestly, Imran Khan lost the opportunity; politics is the game of give & take. Mr Khan did not agree with the Army Chief when the later offered him acceptance of seven out of eight demands; the 8<sup>th</sup> being the PM Nawaz Sharif's resignation which was not tenable in the given circumstances. Khan continued his sit-in, the mob could not afford to sit for 126 days thus he had to withdraw, and leaving for home empty handed in the backdrop of attack on Army Public School Peshawar on 16<sup>th</sup> December 2014.

Another news appeared later [*yet to be confirmed*] that during his meeting with the army chief in GHQ, Imran Khan addressed Gen Raheel Sharif by his first name without addition of any respectable word like Mr [*Mohtram, janab or sahib etc in Urdu*] – just taking the General at par and did so many times. The General felt fed up and didn't entertain Mr Khan with much fervour; thus the meeting could last just for about 15 minutes.

### **Sindh Lands Grabbed by Zardari & Co:**

Reference to a **live GEO TV show** conducted by Shahzeb Khanzada on **23<sup>rd</sup> August 2015**;

Sindh's 26,800 Acres of agricultural land was grabbed by a front man of former president AA Zardari, named Anwar Majeed, using the name of six bogus companies. Out of six, five companies had the same address, e-mail contact and the same telephone numbers – AND existed on papers only.

The said lands were situated in districts of Badin, Thatta, Sajawal, and Dadoo of rural Sindh; AND mostly belonging to the Department of Forestry Sindh.

Under the original legislation, the said land could be given to local individuals only and on lease; the land limit was 40 Acres per family. The said land could not be allotted to any corporate body, or industrial concern or commercial company. ***The PPP government made a change in concerned Local & Special Law enabling the department to sell 'unlimited lot' to any one including a corporate body or Industrial concern.***

The market rate of that land could be up to half a million per Acre whereas the AA Zardari's friends bought it paying only Rs:1700 per acre for most of the lots; only a few lots were paid Rs:2600 per Acre.

A lot of 10,000 Acres of land had been bought in the name of Thatta Sugar Mills. Some years back it was state owned mills but Zardari had purchased it in Rs:110 million only. This mills has been working till two years back but now there is no machinery, no roof on most of the building and no worker is their on pay-roll. No crushing is on but why the land was bought in the mills name – quite obvious.

The real game behind was that Zardari & Co bought those lands for pennies. Then the same lands were mortgaged with the various commercial banks to get cash loans. When banks prepared the mortgage documents, the valuation of the said lands were got registered as on the '*market rate*' which brought billions of loans against those lots.

The billions of cash had been converted into dollars and had been sent to Dubai banks. After a year or so when the banks would ask for loan payment, they would be told to get hold of the lands.

**WHERE DOES PAKISTAN STAND?**

May be disturbing for many....

**On 5th November 2015;** there were 22 slides from Flicker / Manal Khan at //msn.com; appeared under caption:

**22 Unhealthiest - Unhappiest - Poorest - and Most Unsafe Countries on Earth**

At sl no:13 for PAKISTAN it narrated:

*"Despite having fairly good scores for both Economy [?] and Entrepreneurship, Pakistan ranked as one of the FIVE most unsafe countries on earth. **It has dropped three places from 127th to 130th this year.**"*

I pasted the above information on my FB page. Tens of comments poured in; all more or less pointing towards the same ills and evils then prevailing in Pakistan. Members of the mid-order educated class and intelligentsia were seen more disturbed.

Some of the excerpts are placed below **verbatim** – just feel the stink in between the lines for a state which was being governed in the name of **Islam and Democracy** but with utterly opposing definitions & interpretations made by corrupt political rulers and their stooge team members of bureaucrats and advisors.

**Javed Nizam** *I think poor governance and corruption with ineffective judicial system have destroyed this beautiful and resourceful country.*

Like · Reply

**Sheikh Awais [Nikky - now moved to States]** *My dear Sehri, when everyone is making money nd improving the quality of life by hook or crook, who is bothered for others. Bureaucracy, Army or Civil have excelled in their efforts for the past so many years. The politicians are plunderers par excellence and poor have been starving since their birth, living in squatters nd dungeons, much beyond low poverty level, having no health facility.*

*Values have deteriorated much below any standards of morality that in big cities meat of Donkeys, Boars, and even dogs has been*

*sold at shops nd restaurants nd Nihari shops. No culprit has been punished – [astounding].*

*Judiciary is not worth the praise, equally corrupt. Rape, theft, fraud and dacoity are rampant and is way of life for all. They are symbols for being powerful. Everybody emulates a **wadera**. Throwing of Acid is a routine matter for not succumbing to ulterior desires of **Wehshi** and **Darindas**. Every body can go Scot Free by doing anything – [how can it be Islamic or democratic].*

*Land mafias nd drug mafias are the law makers. **Dharnas** are staged by huge funds coming from sources not known to common man. **Mullahism** is at its peak. You can get away with any **Fatwa** after killing hundreds of innocent people under the garb of **Jehad, Ghazi or Shaheed.....***

*PM nd CMs are protecting the terrorists. The whole society is full of **Gulloo Butts** nd hand picked DMG officers are willing to do as the masters want them to do for measly little postings. Money is the name of the game. All of our batchmates [**1975 CSS /3<sup>RD</sup> Common Training**] have made huge bucks nd tons of money, some are in the hiding in your country, Canada and USA.*

*You may recall that in my Honda 50 cc even petrol use to come to an end within 10 to 15 days of my salary. Some of our closest friends have been a great disappointment. May Allah put the astray nation to a right path.....the poor have suffered a lot much beyond our imagination.*

*This is not a quality nation.....you can't expect miracles from them. This is bound to deteriorate even further when Rich are getting Richer nd now investing in Dubai, not just in Defence or Clifton..We compare things with India no other country as a model. Gone are those days, my dear.*

Like · Reply

**Inam R Sehri** *Sh Sb; really thought provoking sentiments and all facts you have narrated. I'll beg permission to quote some of these phrases in some coming up essay on media. If allowed.*

Like Show More Reactions

· Reply · 6 November 2015 at 17:26

**Sheikh Awais** *By all means, I can give you names of bureaucrats also*

Like Show More Reactions

· Reply · 7 November 2015 at 03:43

**Tahsin Iqbal** *Very painful, but what else can we expect from others to pass such judgement about our beloved country **whose leaders have been exceedingly inept and incompetent, corrupt to core, shamelessly selfish, senseless, devoid of any vision** and because of their worsening poor governance the society, at large, is also fast degenerating into a heartless conglomeration of nationalities and communities.*

Like · Reply

I endorsed all the above views AND there was not an iota of doubt; no point to disagree with any on the given narrations. Most nationalists and patriots could see a **'falling country'** but were helpless before the tyranny of their rulers.

### **PAKISTAN RANKED 83rd OUT OF 102:**

**On 26<sup>th</sup> March 2015** – The **World Justice Project** [WJP] released the WJP Open Government Index 2015, the first effort to measure government openness based on the general public's experiences and perceptions.

According to the Index, Pakistan's overall score placed it at 5th out of 6 countries in the South Asia region; 19th out of 25 among lower middle income countries; and 83rd out of 102 countries worldwide. The top overall performer in the *Index 2015* was Sweden, the bottom performer was Zimbabwe. In the South Asia region, the top performer was India; the bottom performer was Afghanistan.

Scoring for the *WJP Open Government Index 2015* was derived from more than 100,000 household surveys and in-country expert questionnaires. The index covered a total of 102 countries and jurisdictions, and was organized around four dimensions:

- **publicized laws and government data,**
- **right to information,**
- **right to petition and citizen participation, and**
- **Complaint mechanisms.**

Pakistan's highest-ranking dimension was "**Civic Participation**" [66th out of 102 countries]; its lowest-ranking dimension was "**Publicized Laws and Government Data**" [94th out of 102 countries].

The *WJP's index 2015* tracked the experiences of ordinary people as they used to request information from the government. In Pakistan, 20% of households said they were aware of such laws. Of the 11% of respondents who requested information from the government, only 69% reported receiving it—of those, 59% were unsatisfied with the process. An expert view of most jurists was:

*"Government openness is vital for both the government and the governed.*

*Openness helps improve public service delivery, promotes government legitimacy, and encourages citizens to collaborate with their government and monitor its performance."*

BUT in Pakistan who bothers for such '**tiny things**'....

Before his departure from London on **16<sup>th</sup> December 2017**, Nawaz Sharif announced that he would spearhead a movement for the **rule of law** and **supremacy of the Constitution** in the country. See a report from international media telling truth about 'RULE OF LAW' in his peak 3<sup>rd</sup> term of premiership:

**On 18<sup>th</sup> November 2015**; another report of **World Justice Project** [WJP], was released but it covered only one aspect - **Rule of Law** in 102 countries. The report stated that:

*"Pakistan's ranking is 98/102; Pakistan, with score index of 38/100, has been placed at number 98 out of 102 countries. Its regional rank is 5/6; at number 5 in a list of six regional countries."*

Only four countries of the world were found with lower index than Pakistan; Zimbabwe with index of 37/100; Cambodia with index of 37/100; Afghanistan with index 35/100 and Venezuela with index of 32/100.

Even countries like Ethiopia, Zambia, India, Sri Lanka and Tanzania were shown having better performance. New Zealand, Norway,

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Denmark and Netherlands were placed at the top with rating index of 83-87/100.

In deciding the ranks, adherence was assessed using 44 indicators organized around eight themes:

- ***Constraints on Government Powers,***
- ***Absence of Corruption,***
- ***Open Government,***
- ***Fundamental Rights,***
- ***Order & Security,***
- ***Regulatory Enforcement,***
- ***Civil Justice, and***
- ***Criminal Justice.***

The dissection of the scoring brought the following picture.

Overall Score	Regional Rank	Income Rank	Global Rank			
0.38	5/6	25/25	98/102			
		Factor Trend	Factor Score	Regional Rank	Income Rank	Global Rank
	Constraints on Government Powers		0.49	3/6	13/25	67/102
	Absence of Corruption		0.35	4/6	17/25	83/102
	Open Government		0.45	5/6	19/25	83/102
	Fundamental Rights		0.39	5/6	24/25	92/102
	Order and Security		0.3	6/6	24/25	101/102
	Regulatory Enforcement		0.36	6/6	25/25	99/102
	Civil Justice		0.4	4/6	20/25	91/102
	Criminal Justice		0.31	5/6	22/25	94/102

The study was completed in three big cities named Karachi, Lahore and Faisalabad even then the index remained at 38/100. It is apprehended that if the rural areas be included in the study, the overall index for Pakistan might have slipped to Zero/100.

The WJP claimed that the Index relied on over 100,000 households and 2,400 expert surveys to measure adherence to the rule of law. It is the most comprehensive index of its kind and the only one to rely solely on primary data.

**Bill Gates, Co-chair and Trustee of Bill & Melinda Gates Foundation** commented that:

*"If you want to improve the rule of law, you need a way to measure it.*

*The WJP's Rule of Law Index helps the global community by doing just that - helping transform the global conversation about the rule of law, and in doing so, providing a new source of knowledge that can improve lives everywhere."*

### **ON [BAD] GOVERNANCE IN PAKISTAN:**

ONE of the definitions of governance is:

***'.....to establish policies [and rules] and continuous monitoring of their proper implementation by the members of the governing body [government] of an organisation [country].'***

In Pakistan, however, governments announce policies and make rules and then encourage its cronies to devise ways and itself provide means to counter the same policies and circumvent the rules through procedural gimmicks.

Policies are made in every sector, such as health, education, trade etc, then are announced with fanfare but no one bothers about their implementation; the whole nation follows the status quo and go by ad-hoc strategy till another policy comes up next year because a new minister wants to have his own moment of fame.

When policy announcements don't work and criticism mounts, ***some high-visibility projects are floated with attractive labels of development.*** No effort is made to fix the system, because it will involve taking on the mafias in organisations, upsetting the forces of status quo and blocking their incomes through corruption and allied vices.

See the crying crowds' painful voice appeared through a retired federal secretary's essay in daily the '**DAWN**' dated **21<sup>st</sup> October 2015**:

*"Rather than **fix existing government schools**, which are in thousands, we [Pakistan governments and rogue bureaucrats] show the dream of an Aitchison College in every district and build a few billion-rupee schools of doubtful quality for a handful of students.*

*Rather **than fix the police force**, we come up with the '**Elite Force**', '**Rapid Response Force**', '**Mujahid Force**' etc. And when that does not work, we bring in more 'reforms'.*

*Rather than **fix the bureaucracy by stopping political interference**, handing back the powers to heads of departments, we sign impressive-sounding agreements with donor agencies including the World Bank and UNDP, and promise more high-sounding reforms, with the collateral advantage of lucrative consultancies and foreign trips.*

*Rather than **fix the public transport system** for the whole city, we line one route, out of 40 or 50 routes, with gold by spending billions per kilometre and paying a subsidy of millions a day, to benefit not more than 5pc of commuters [Metro-bus & Orange Train Projects are referred].*

*Rather than **improve the performance of our existing municipal sweepers**, we get companies from abroad to pick the garbage for us and pay them additional \$45 million a year for their 'supervision' alone. We further buy them \$60m worth of vehicles to clean the streets for us with the help of our old municipal sweepers [PPP's plans in Karachi are referred].*

*Rather than catch the **electricity thieves** or perform the mundane task of renovating existing distribution infrastructure to reduce technical line losses, or fix the problems of existing power plants, we go for **high-profile [rental] power** plants knowing full well that it will increase the circular debt even more.*

*Rather than **build dams and utilise God-given resources** — because it takes six to eight years to build these and that is beyond one's tenure of political office — we establish expensive projects in cities, where visibility is at its highest. We complete these projects*

*in 11 months to show our effectiveness, regardless of the fact that it may cost the exchequer three times the normal price.*

*Rather than take on the **masterminds, handlers and financiers of terrorism**, we normally prefer to have them on our right side, unless our arm is twisted by the forces we can't say no to.*

*Rather than control **population growth** [Bangladesh had more people than Pakistan in 1971 and now has 160 million while we have around 230 million], we would much prefer to take the '**politically correct**' route of not annoying the clergymen and not even talking about the problem.*

*Rather than concentrate on **across-the-board tax collection** as we have one of the lowest tax collection rates in the world, we would much prefer to borrow as much as possible from our own banks and in the process crowd out local entrepreneurs, and then go to international markets to borrow at rates foreign markets can't resist.*

The lack of state efforts to collect taxes is actually a blessing in disguise for the people, because resultantly they are rich while the government is poor. As a result, when the state can't provide clean drinking water, the public develops its own bottled water industry. When the state can't provide security, private security companies flourish and in the process provide unintended employment. When the state cannot provide power, the public imports a billion dollars' worth of small generators every year, to stay comfortable and run their businesses.

Rather than think of the future of the country we continue **playing politics for our short-term gains**; the future of children of Pakistani rulers is not linked to the country as they are already settled in Dubai, USA & UK.

**Pakistan Steel Mills Affairs:** Pakistan Steel Mills [PSM], the country's largest industrial unit, had suffered a cumulative loss of about Rs:100 billion since its controversial sale was cancelled by CJP Iftikhar M Chaudhry in 2006 till **31<sup>st</sup> August 2013**. Its overall liabilities had gone beyond Rs:110 billion in seven years.

A summary considered by the Economic Coordination Committee [ECC] of the new PML[N] government contained that:

*".....the PSM arrived at the present state due to unchecked corruption, inefficiency, over-employment and the government's lukewarm attitude towards its revival. The unbroken series of losses started from the year 2008-09, when PSM suffered a Rs:26.45 billion operating loss".*

PSM needed at least Rs:30 billion in September 2013 for a little improvement so it could be privatised, or else it could be liquidated after the budget dole-out of Rs:40 billion in clearance of its liabilities. Business as usual was estimated at the cost of Rs:60 billion during next 15 months.

Since 2009 till 2013, the PSM secured Rs:40 billion in bailout packages, but the situation went on getting from bad to worse. The root cause was bad governance, involving corruption, mismanagement, nepotism, political interference and over employment.

COMING BACK to governance; during the FIVE years of the PPP rule, the power sector in the public domain had eaten up over Rs:2 trillion. The degree of power and other energy shortages reached unprecedented levels, and its impact on economic growth was estimated at about 4 percent, as per various studies by macro-economists. Reasons being the same as described earlier including appointments at key positions on political considerations and inefficiencies.

Pakistan suffered more than \$6 billion [Rs:600 billion] in extra payments on account of furnace oil imports, as it failed to complete arrangements for the import of Liquefied Natural Gas [LNG] since a controversial deal was scrapped by the Supreme Court over allegations of corruption and violation of rules and regulations. The losses to the economy on this account were manifold.

Apart from bad governance, the lack of clear vision and lust for personal financial gains triggered the bypassing of rules and best business practices of transparency and fair play.

**Pakistan International Airlines [PIA];** sign of the country's pride in the skies, was eating up tens of billions of rupees every year, and during mid 2013 it was fighting for another Rs:20 billion fresh injection.

In the documents of the World Bank, effectiveness was hampered by the political nepotism, frail administrative capacity, weak provincial governments and 160 years old justice system. Efficiency was constrained by the state's inability to mobilise revenue and manage resources well.

**SPENDINGS – ILL PLANNED:**

Accountability was undermined by lack of transparency, selective jurisdictions and allowing for corruption and manipulation of rules. Broad-based anti-corruption strategy could not be coined even in decades.

The findings pointed to serious failings in governance and the institutionalisation of corruption in Pakistan. For example, the Legatum Institute's prosperity index, **on the basis of 90 indicators, ranked Pakistan at 132 among a total of 142 countries it covered.** India was ranked at 101, Indonesia at 63, Bangladesh at 102, Cambodia at 107, and even Nepal at 108. **Among the eight categories of the index, Pakistan ranked 121 in governance.**

Improvement of governance structure was the basic requirement across the public domain, from legislation to judicial implementation and policy objective. Hence, the governance reform agenda was needed; wide and substantial — starting from the parliament to election commission and going down the judicial ladder and towards transparency in political parties.

The Auditor General of Pakistan, the public procurement regulatory authority, Ombudsman offices, National Accountability Bureau [NAB], and regulatory authorities kept on sleeping over the day by day deteriorating performance; where the induction of people was not on merit-based selections.

Here is an analysis of mid 2015 titled as '**Pakistan - Defense Spending**' given by world known American sponsored media site ***globalsecurity.org***;

*'Pakistan announced on 5<sup>th</sup> June 2015 that it would increase its military spending by 11% for fiscal year 2015-16 - from Rs:700 billion [US\$ 7 billion] to Rs:780 billion [US\$ 7.8 billion].'*

*'For the year 2014-15, Rs:1,325 billion were kept for the debt servicing and Rs:1,175 billion for Public Sector Development [PSDP]; the first and 2<sup>nd</sup> largest chunks respectively.'*

**About 53% of Pakistan's budget goes to IMF and other lending consortiums as 'interest of loans'** – but still Pakistani rulers feel pride in taking foreign loans.....shameful.

After lavish foreign tours of rulers and 'pay & allowances' of government servants what is left for 200 million people.

**Rs:364m a year for Jati Umra's Security:**

Referring to daily the '**Pakistan Today**' dated **11<sup>th</sup> November 2015**;

The Punjab government released Rs:364.4 million for the Sharif family's security in the **Jati Umra** near Lahore. These expenses were in addition to the funds already specified in the budget for the security of Prime Minister Nawaz Sharif; his brother, Punjab Chief Minister Shahbaz Sharif; and their families.

In the wake of [self concocted] threats to the Sharif family, intelligence agencies and the Punjab Communication & Works Department had held a secret audit which revealed that their security was unsatisfactory and that terrorists could take advantage of the weaknesses to attack them.

The Punjab government immediately released:

- *Rs:283.2m for erecting a 4.4-kilometre fence, ninety CCTV cameras, 100 LED lights to be installed and 20 elevated checkpoints set up.*
- *Rs:197.2m to set up the fence and checkpoints, while Rs:86m on purchase of security equipment.*
- *Rs:27.1m for paying the police employees appointed for the Sharif family's security.*
- *Rs:54m to purchase 14 vehicles for the security squad of CM Shahbaz [the vehicles were already purchased in September – only payment was made then].*
- *2,751 police officials were appointed for the security of PM Nawaz, the CM and their families.*
- *Forty-four [44] officials of the Punjab police were performing duties for '**co-ordination among various security points**' while sitting at the PM House in Islamabad.*

The said 44 officials were assigned the duties of chief coordinators of security; CM's squad at Islamabad & Rawalpindi; CM Office GOR-1; Banquet Hall, 90 Shahrah Quaid-e-Azam Lahore; CM residence, 96-H Model Town Lahore; CM residence DHA Lahore; PM residence *Jati Umrah* Raiwind Lahore; squad Hamza Shahbaz; squad Mrs Nusrat Shahbaz; squad Salman Shahbaz and family; squad Mian Imran Ali Yousaf; squad Begum Tehmina Shahbaz 51-A Judicial Colony Lahore and Punjab House; CM Secretariat GOR-1, 108-H Model Town; and CM Secretariat at *Jati Umrah*.

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These 2,751 police officials included 2,087 law enforcers working under CCPO Lahore, 169 officials of Punjab Constabulary, 44 from Rawalpindi police, nine from Bhakkar, 62 from traffic police, 33 VVIP security officials of special branch, 88 of special branch and 75 private security officials.

Federal interior ministry was moved to make further arrangements for PM Nawaz Shrif in the wake of the same security threats.

**On 8<sup>th</sup> October 2015**; Public Accounts Committee [PAC] of the Parliament was chaired by Syed Khurshid Shah which examined the FBR audit report for 2010-11.

It was a mockery of the system that PPP's Syed Khurshid Shah, the Leader of Opposition in NA, was reviewing the audit report of 2010-11 which had the audit objections on '**irregular spending**' during PPP's own government – just to clear it, shelve it and to make the Pakistani people fool once more in the name of democratic process.

**A CJP + HIS CORRUPT SON:**

Iftikhar M Chaudhry, Chief Justice of Pakistan, was retired in December 2013. He launched his new political party in Pakistan in December 2015 on Qaid's day eve. In his interview with Syed Talat Hussain at **GEO TV** on **26<sup>th</sup> December 2015**, the CJP replied a question that '**....his son Arsalan Iftikhar is and has been very honest an upright.**'

After that interview, I [Inam R Sehri] placed my feelings on the FACEBOOK referring to my [then] recent 400 pages book, '**The Living History of Pakistan' Vol-I**, printed in UK which had appeared in the market just a week earlier to that interview [*available on [www.inamsehri.com](http://www.inamsehri.com)*], two complete chapters no: 100 & 101, pages 1619-1650, wherein Dr Arsalan's case had been discussed in detail.

I [the author] asked the audience to spare some moments to go through those pages and to correct me where I was wrong – NOT a single person was there to disagree with me. **What I got in response is placed below verbatim:**

*Dear Mr. Sehri,*

*I will go through the relevant pages and then I will give my opinion. I also along with one friend watched that program. My own understanding being a lawyer and past events I believe Mr Ch. was completely lying which was evident from his body language also responded by MR. Talat Hussain.*

***But I don't think he is so important that to waste time discussing him or his talented son, he has used his positions again and again to benefit him and his son Mr. Arslan from his admission in medical college to his induction in interior ministry.....***

*Hope you will not mind if there is any conflict of opinion.*

**Ansar Mahmood Jaspal (The Solicitor)**

Legal Affairs & Risk Management at  
Shaukat Khanum Memorial Cancer Hospital & Research Lahore.  
[26.12.2015]

*Sir! U r nowhere wrong bcs Mr. Iftikhar Ch is himself leading mafia where innocent public suffered for justice ..... I'm direct victim of this system n directly talked to him in Supreme Court when he was CJ. Even his friends n colleagues r also part of mafia.*

**Ailya Hina Advo HC SIALKOT**

Sehri Sb,

*I have not read your book, but I can say from my own knowledge that both father and son are chips of the same stinking lock.*

**Anis Bajwa**

Advisory Group of Experts on Peace-building at United Nations

With due respect the former Crook CJP Iftikhar Ch got his Son matter hushed up and force Judges to give his Son Clean Chit: Time will tell how much damage Ex CJP Iftikhar has done to the Judiciary and Pakistan if History is written Honestly.

**Azhar Ali Khan -**

Attorney at Law / Senior Legal Counsel at law firm  
[29th December 2015]

Inam Sab! You are right and his honesty is same as Iblees claims to be Muslim. Woh jo Allah ko manta hai aur Allah ki nahin manta...Iblees.... Arsalan cases are much more than what are open to public. God bless sir.

**Iftikhar Naqvi**

Executive Administration at Fatima Group Pakistan  
[29<sup>th</sup> December 2015]

*Since the book has been launched, therefore at this moment I can't do anything, some of my acquaintance now a retired officer audited the accounts of funds utilized by ex CJ, He observed misappropriations in many things. He told that Musharraf was bad luck n rather timings were inappropriate for his accountability.*

*Further a house in Quetta belongs to Jaffrey Sahib I may b wrong with his name with whom Rtd CJ practiced as his junior managed to transfer on his name. Jaffrey's daughter who is Assistant professor in University can verify that.*

*Regarding his son every body knows, no body will trust him. I am sorry if I hurt your feelings. Stay blessed.*

**Muhammad Hassan Mangi**

**Director General Human Rights at Government of Pakistan**

### **Apathy of Pakistan's political elite:**

In early December 2015, steps were taken towards punishing the sexual abuse of girls with life imprisonment or even death, after an influential Parliamentary Committee voted to amend current laws. The National Assembly's standing committee had approved the proposal by lawmaker Shaista Pervez Malik; then it travelled through the NA and then Senate then to the PM Secretariat and finally to the President successfully.

But the tragedy remained that the said amendment proposal was only to address the sexual abuse of girls aged under-14, not girls and ladies of above 14 years age or in cases of sodomy.

What a pity – how many rape cases were reported for below 14 years aged girls – hardly one in decades. Pakistan's Parliamentarians were either the goofs of highest order or top criminal conspirators.

### **SC STANDS BY ARMY For National Cause:**

In 182-pages decision penned down on **29<sup>th</sup> August 2016**, the Supreme Court [SC] rejected all appeals against convictions handed down by military courts, including capital punishment, in terrorism-related cases.

The convicted, including Qari Zubair, Haider Ali, Qari Zahir Gul, Taj Mohammad, Atteeq-ur-Rehman, Akhtar Mahmood, Fateh Mohammad, Sher Alam, Mohammad Arabi and others, were found guilty of involvement in the Army Public School Attack in Peshawar, Parade Line bombing in Rawalpindi, the Bannu jailbreak and attacks on army convoys and installations.

Chief of Army Staff [COAS] Gen Raheel Sharif had already rejected appeals of the 16 convicted in military courts. The decision marked its first time the highest court ruled on the legality of cases tried by the military.

A five-member bench had reserved its decision on 16 petitions on 20<sup>th</sup> June 2016, headed by CJP Anwar Z Jamali and comprised of Justice Amir Hani Muslim, Justice Sheikh Azmat Saeed, Justice Manzoor Ahmed Malik and Justice Faisal Arab.

The SC bench ruled that the appellants had not proved the military violated their constitutional rights or failed to follow procedure, in a blow to some activists who contended the military courts routinely violate people's rights.

The counsel for the convicted had complained that their clients did not receive a fair trial, nor were they allowed to choose their counsel; the SC turned down the counsel's plea as wrong. The decision observed that:

***"Neither the order passed by the Field General Court Martial [military court] is a case of no evidence nor is the evidence led by the prosecution insufficient. There is sufficient material available to prove the guilt of the appellants."***

Asma Jahangir had appealed the SC to order retrial in all cases in which military courts handed down convictions. She had complained that the full record of the evidence had not been made available to the accused. She also regretted that her clients had been arrested under the Action [In Aid of Civil Power] Regulation 2011 [AACPR] before military courts were established, but their cases were sent to military courts.

*[Earlier, on 16<sup>th</sup> February 2016; the SC had sought complete record from the military court pertaining to the trial of four death-row prisoners who were awarded death sentences for their alleged involvement in different terrorist activities, including facilitating the APS Peshawar carnage on 16<sup>th</sup> December 2014, killing over 153, mostly children.*

*A three-member bench of the apex court, headed by J Sh Azmat Saeed, resumed hearing in the appeals filed by family members of the four accused convicted by the military court. The court on 9<sup>th</sup> February had stayed till 16<sup>th</sup> February, the execution of four persons — Taj Muhammad, Aliur Rehman, Qari Muhammad Zubair and Muhammad Imran.*

*Taj Muhammad and Aliur Rehman were convicted by the military courts for facilitating the deadly attack on the APS. Qari Zubair was awarded death sentence for his involvement in a blast in a mosque in Nowshera while M Imran was convicted of firing on a check post in Bajaur Agency wherein eight people, including six army personnel, had embraced martyrdom.*

*In pursuance of the court's last order, Attorney General [AG] Salman Aslam Butt, had submitted before the court that appeals filed by three convicts with the military authorities were dismissed while appeal of M Imran was yet to be decided. Declaring the matter sensitive, J Azmat Saeed didn't allow further adjournment and called the complete record of the trial court for 23<sup>rd</sup> February instant.*

*Abdul Latif Afridi and Khalid Anwar Afridi, counsels for the convicts, appeared before the court. One M Ayaz, the real brother of convict Imran, had moved the SC against an order of the Peshawar High Court. In his petition before the PHC, M Ayaz had questioned the conviction and death sentence awarded to his brother Imran by the military court was without any notice and knowledge and without giving him an option to produce evidence in his defence.]*

The government had empowered military courts to try civilian terrorism suspects in January 2015, following an attack by Pakistani Taliban militants on Army Public School in Peshawar. ***Till that day of August 2016; the military courts had convicted 104 civilians; of those, 100 were sentenced to death, and four to life imprisonment.***

Lawyers for all 16 convicts contended their clients had been tried in secret, without access to legal counsel of their choice, and that their confessions had been recorded illegally. They also claimed they were denied access to military court records when preparing their appeals. Several alleged that confessions were coerced by the military.

Sajid Ilyas Bhatti, the Deputy Attorney General representing the government, however, denied the appellants' claims. He argued that

military court proceedings were *"immune from challenge on the ground of any alleged violation of the fundamental rights"*.

Meanwhile, the parents & family members of 153 children and teachers from APS Peshawar cursed, abused and raised their high voices against those senior lawyers representing the 16 convicts asking them that they also want justice.

***The parents urged the government and army to investigate that who paid the hefty fees of the lawyers to fight the cases of Taliban and other terrorists. It was considered necessary to trace out that who people paid the fees, which country or religious groups sponsored the appeals thus financed the terrorism in Pakistan.***

In its 182-page judgment, the SC bench concluded that the appellants failed to prove wrongdoing on the part of the military authorities.

#### **FACTS From CIA Files:**

Referring to Mazhar Abbas's essay appeared in daily **'the News'** dated **1<sup>st</sup> February 2017**; that according to the CIA's declassified documents relating to Pakistan, Sheikh Mujeeb-ur-Rehman and Zulfikar Ali Bhutto were responsible for the disintegration of Pakistan which gave birth to Bangladesh – and not the former military ruler Gen Yahya Khan as had been a prevailing perception. The CIA documents had also given details about the role of India, US and Soviet Union in the said crisis.

While the elections in 1970 were held for the Constituent Assembly to frame the Constitution, the then civil and military establishment never wanted Constitution based on Mujeeb's six points and thus the National Assembly session was not called in Dhaka by Gen Yahya when Mujeeb's party had won 163 seats, thus a majority, in the National Assembly.

Zulfikar Bhutto was accused of rigging the 1977 elections and Gen Ziaul Haq held him responsible for the bloodshed during PNA movement. Mr Bhutto, on the other hand, had blamed America and CIA's role in the coup because of his decision to make **'Islamic Bomb'**. He was told by none other than the US Secretary of State Henry Kissinger that if he did not abandon the programme, **'he would be made a horrible example'**.

Once Mr Bhutto was released on bail after being kept under detention by Gen Zia, he got massive reception in Lahore and as a result was re-arrested. Elections, which were due on 18<sup>th</sup> October 1977, were postponed for an indefinite period. Gen Zia then approached Ahmad Raza Kasuri through his trusted intelligence officer to pursue the trial of his father's murder who was killed in the PPP era.

While the CIA documents revealed that Zia had told that he was under pressure from the army, some retired officers showed dissent at the senior level, while junior officers were against the execution. Dr Abdul Qadeer Khan, an architect of Pakistan's nuclear bomb, tried to save Mr Bhutto whom he described as a **'true nationalist'** and added that:

*"I was worried when I started getting reports that Gen Zia has taken the decision to hang him. I made a secret visit to Turkey and met the President of Turkey. I pleaded him that the Islamic world needs Bhutto and he should use his influence on Zia. The president appreciated my concern and said he would call Zia, but also warned me that he would not spare him as he is scared of him."*

Gen Zia was scared that if he spared Mr Bhutto, it would be difficult for him to keep him in jail for long. The then interim PM Ghulam Mustafa Jatoi also disclosed his meeting with Gen Zia [*wherein Lt Gen KM Arif was also present*] in which Mr Bhutto had assured Gen Zia that he [Mr Bhutto] with the family would go into exile and quit politics for many years if the General spared him. However, **"Bhutto's execution was a tragedy for Pakistan."**

The CIA files also revealed that Benazir Bhutto had told Americans before power being handed to her in 1988 that she had compromised and would not interfere in foreign policy or the nuclear programme being run by Pak-Army. For that compromise with the establishment the former ISI chief, Lt Gen Hamid Gul had once told:

*"It is true that the military establishment was concerned about Benazir Bhutto and I took the initiative to get the opposition on one platform as we wanted to bring a check and balance. Fear was that she could be vindictive against those who had been associated with Gen Zia and could take revenge. **Later, I regretted and even confessed this to Benazir.***

*I met her and gave a briefing on Afghan war and Pakistan's position. **To be very honest, I found her a true nationalist and she did not have any venom against army.***

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BB always had apprehensions about President Ghulam Ishaq Khan, Gen Aslam Baig and Gen Hamid Gul; on 6<sup>th</sup> August 1990 her government was sacked. The Asghar Khan Case [*for details see 'The Living History of Pakistan Vol-I'* Scenario 102 pps 1651-77 [2015] GHP Surrey UK] established how IJI was funded through Mehran Bank and money distributed among her opponents.

The Supreme Court later declared the 1990 elections as 'rigged' and ordered the FIA to initiate action against those who had distributed money and those who had taken that money. The FIA was given the deadline of 31<sup>st</sup> December 2015, to complete the probe, but surprisingly, its report was never made public.

Zulfi Bhutto was executed and Benazir Bhutto assassinated at a time when they were at the peak of their popularity. Irrespective of their politics and mistakes, the fact remained that they were nationalist and patriotic.

**UK Providing 'Safe Abode' to Pak-Dissidents:** National Security Adviser [NSA] Lt Gen (rtd) Nasser Janjua, while meeting a delegation of the British Parliament visiting Pakistan **on 4<sup>th</sup> April 2017**, said that the United Kingdom was "*unfortunately choosing individuals*" over its relationship with the state.

Gen Janjua was speaking with reference to *Muttahida Qaumi Movement* [MQM] leader Altaf Hussain as well as 13 Baloch leaders who had found a 'safe abode' in the UK. The response from the General came when the seven-member delegation discussed various issues and challenges both countries faced, including Hussain's self-imposed exile, Pakistan's relationship with India and the Kashmir dispute.

Gen Janjua apprised the foreign diplomats "*at length about the rise of extremism, the conflicts in the Muslim world and the rise of **Daesh**.*"

Regarding India, Gen Janjua explained to the delegation "*how [fast] the fragile security architecture of the region is getting burdened and how it has started to suffer from serious imbalance*". UK could have adopted a balanced regional approach with its diplomatic relations.

**ON FATA REFORMS:**

During the last week of August 2016; the report of the **Committee on Fata Reforms**, was made public via the website of the Ministry of States and Frontier Regions [Safron] Pakistan. The committee was set up in November 2015 and the completion of its report within 10 months was quite creditable. Headed by Adviser Sartaj Aziz, the committee held consultations with the *maliks* and elders in the tribal agencies, and *"representatives of all political parties and other members of the civil society, including traders, media representatives, and youth"*.

The FATA reforms were originally compiled by PPP's Gen Naseerullah Babar in 1976 ***which would have succeeded had the military coup of July 1977 not occurred***. There were 'extension of adult franchise to Fata' in 1996; 'extension of the Local Government Ordinance' in 2002; the Sahibzada Imtiaz Ahmad report of 2006; the Fata Sustainable Development Plan of 2006; justice Ajmal Mian's report of 2008; the Shaheed Bhutto Foundation Report of 2008; the Political Parties' Joint Commission Report of 2013; and the report of the Governor's Fata Reform Commission of 2015 - all these efforts sought to reform the FCR – BUT it still stands there.

Referring to the daily '**Dawn**' dated **12<sup>th</sup> November 2015**; serious difference surfaced among the Federally Administered Tribal Areas [FATA] parliamentarians as a group of six independent MsNA requested the speaker of National Assembly to defer the [then] 22nd Amendment Bill, which was about the merger of tribal areas with Khyber PK province.

The request was made after the federal government announced formation of a five-member committee to recommend suggestions regarding future status of FATA and reforms in the existing governance system of the tribal belt and nearby region.

The six independent tribal MsNAs agreed to withdraw the candidature of Dr Ghazi Gulab Jamal, a member of the group, who had earlier filed his nomination papers for the post of speaker against the PML[N] nominee Sardar Ayaz Sadiq. MNA Haji Shahji Gul told the media:

*"The formation of a high-powered committee by the federal government is the biggest achievement of FATA parliamentarians in their six decades of parliamentary history. Keeping in view formation of the said committee I, being parliamentary leader of the six independent tribal parliamentarians, requested the speaker to defer the proposed 22nd Amendment Bill till the committee presents its recommendations to National Assembly."*

MNA Gul also said that the purpose of deferring the bill, which they had been vehemently perusing for acceptance for debate in National Assembly, was to make it more acceptable by incorporating recommendations of the committee, headed by Sartaj Aziz, adviser to the PM on foreign affairs.

However, MNA from Bajaur Shahabuddin Khan was disappointed with the decision to defer the proposed bill. He held that:

*"The move of independent MsNA was a huge embarrassment for the people of tribal area. ....that a historic opportunity regarding determining the future status of Fata is lost owing to an 'immature and untimely' decision by a group of tribal lawmakers.*

*He along with other MsNA and activists of civil society from FATA had worked very hard to garner the much needed support of almost all the mainstream political parties for the smooth sailing of the proposed bill in both houses of the parliament."*

Meanwhile, Haji Shahji Gul and his five other colleagues in National Assembly distanced themselves from the protest rally organised by **FATA Siyasi Ettehad [FSE]** at D-Chowk in Islamabad on 16<sup>th</sup> November 2015. He urged that they were never taken into confidence by the leadership of **FATA Siyasi Ettehad** about the planned protest rally.

FSE senior leader Akhunzada Chattan disputed Mr Shahji Gul's contention and said that all important decisions regarding tabling of the bill and holding of the protest rally were taken after consultation with all the MsNA from FATA of which Haji Shahji Gul was an integral part.

The Sartaj Committee proposed that the **"jurisdiction of the Supreme Court of Pakistan and the Peshawar High Court should be extended to Fata"**.

The major voice was that the whole FATA be made part of the Khyber PK province so that all schemes of health & hospitals, schools and colleges, roads network, water supply and sewerage, housing and policing etc could equally be implemented as in the other districts and sub-division of the KPK province.

BUT the internal politics of the 'nominated' MsNA, or **Maliks** who often live in Islamabad and Karachi but get the seats with connivance of BIGs in the political parties – and then allegedly sell their vote in the Parliament for

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undue favours – played once again and the issue pushed into the sand-grave of corruption.

The PM Nawaz Sharif and in later months, PM Shahid Khaqan Abbasi both were inclined to move the amendment / approval in the parliament but only two persons named **MAULANA FAZLUR REHMAN** and **ACHAKZAI** always obstructed the way of the bill – and PML[N] proved itself as puppet in the hands of the two members.

The FATA matter still stands in dejection, depression and despair;  
***It is the first dawn of 2018 now.***

**Inam R Sehri**  
Manchester UK  
12<sup>th</sup> January 2018

**Doubt yourself and you doubt everything you see.  
Judge yourself and you see judges everywhere. But  
if you listen to the sound of your own voice, you can  
rise above doubt and judgment.**

.....Nancy Lopez

## **Scenario 186**

### **MODEL AYYAN ALI's CASE** **PAKI JUDICIARY: CORRUPT OR IMPOTENT?**

**On 14<sup>th</sup> March 2015;** one model girl named Ayyan Ali was arrested by customs officials from Islamabad Airport after \$508,000 were recovered from her possession.

The 21-year-old supermodel, who had been staying in Dubai with her mother, was in Islamabad during the Senate elections. As she put her suitcase in the scanning machine, the ASF officials spotted a large sum of foreign currency notes inside. As a result, she was stopped from travelling abroad.

Shortly afterwards, Mr Zardari's PA, who was accompanying the model, contacted the brother [Khalid Malik] of former federal minister of Interior [Rehman Malik] who also reached the airport to rescue her. Khalid Malik also tried to meet the customs officers but went unsuccessful and was advised to stay away.

#### **AYYAN ALI: PPP's BLUE EYED GIRL:**

Later, the former federal minister Rehman Malik allegedly contacted the customs authorities and tried to convince them that Ayyan was innocent and should be allowed to travel abroad but his efforts also proved unproductive. The customs authorities registered a case against the supermodel for trying to smuggle the amount out of the country and detained her.

[As news of model Ayyan Ali's arrest from Islamabad airport for smuggling \$506,800 made rounds, the '**Express Tribune**' of the same day, **14<sup>th</sup> March 2015**, compiled a list of 8 things one needed to know about her.

*1) Despite being widely called Ayyan Ali by the media, the model never agreed to Ali as a surname.*

2) Ayyan Ali modelled for prominent brands, including Magnum, Bareeze, Gul Ahmed, Ufone, Sunsilk and Sania Maskatiya lawn. The supermodel was also out with a scarf for the Sunsilk hijab campaign.

3) She has been one of the highest-paid models of the fashion industry in Pakistan.

4) The supermodel debuted in the fashion world in 2010 and was present in the fashion world till February 2014.

5) Initially, a Lahore-based model, she moved to Karachi subsequently.

6) Ayyan Ali could never win a **Lux Style** award, despite being nominated four times.

7) Ayyan Ali lately moved to Europe, where she was working a new career in music. She ventured into singing in 2014 with her famous song '**You and I.**'

8) At one time, fashion designer Deepak Perwani was considered her close friend.]

The arrest of fashion-model Ayyan Ali, for trying to smuggle more than half a million US dollars, was a classic case of the rich and influential avoid paying taxes.

As per the State Bank of Pakistan's [SBP] foreign exchange regulation, a passenger cannot carry more than \$10,000, or the equivalent notes of another currency, out of the country.

Same day; the model was sent on 14-day judicial remand to Adiala jail. Further, same day, a special customs court admitted a plea seeking Ayyan Ali's bail. She was set to board an Emirates airline to Dubai and according to Airport Security Force did not declare that she was carrying a large sum of money. Ayyan told that she had recently moved to Europe where she was taking up a new career in music.

Up until 1991, Pakistanis were not allowed to maintain foreign currency accounts, and the movement of foreign exchange was prohibited. However, during the economic liberalisation programme of Prime Minister

Nawaz Sharif's first government in 1992, those Pakistanis who wanted to park their funds abroad, were made eligible to take happy decisions.

Businessmen, politicians and smugglers 'invested' billions in real estate and other assets in Middle East markets. The outflow went on until Pakistan tested its nuclear devices in May 1998, and subsequent international restrictions led to a freeze on withdrawals of foreign currency.

Ayyan Ali has been travelling frequently between Europe and the UAE for the past years, where she was pursuing a career in modelling and music; she had not featured in Pakistan's domestic fashion showcase since April 2014 being sufficiently expensive.

*[Under the said 1992 rules – still in vogue - offshore transactions require account holders to not just go through the bank's compliance scrutiny, but they also have to pay a fee and associated tax. In most cases, it's about tax evasion, which is ultimately a form of money laundering.*

*Pakistani airports are frequently used by traders who smuggle foreign currency to duty-free places like Dubai and buy properties.]*

Former SBP Governor Anwar Yasin had stirred a controversy in 2013, when he told a parliamentary committee **that \$25 million was being siphoned out of the country every day** in 'briefcases through the airports.' The departure of foreign exchange was also blamed for depreciation of the local currency, Pakistani rupee, which in turn added to inflation and caused the economy to stagnate; because no one really knew how many dollars were in circulation or locked up in vaults.

Coming back:

On her first appearance before the court, Ayyan Ali told that '**she lives in Karachi, her parents are dead and she works in a restaurant in Dubai.**' Later, Ayyan Ali's father, Raja Hafeez, appeared in the court to plead her innocence. Everyone was shocked to see him. Even the court was surprised; however, he was entertained after he convinced the court with various documentary proofs that he was Ayyan's real father. Later it was revealed that Ayyan Ali's mother was also alive and settled in Dubai.

**On 6<sup>th</sup> April 2015;** the airport entry pass of the personal assistant [PA] to former president Asif Ali Zardari was cancelled for allegedly trying to facilitate supermodel Ayyan Ali to smuggle over 0.5 million dollars out of the country.

The PA was spotted facilitating Ayyan Ali on 14<sup>th</sup> March 2015 when she arrived at the Islamabad Airport to catch flight for Dubai. The Airport Security Force [ASF] confiscated the entry pass #03234 authorising the accused to enter all areas of the airports in the country. It was Zardari's PA who had brought the bag for Ayyan Ali and was seen with her in the lounge. But Ayyan Ali was not alone; reportedly there were scores of others engaged for this laundering business.

Following the cancellation of the entry pass issued to Zardari's PA, all airports across the country were intimidated. On part of the investigation into the case against the model, the customs investigators submitted the challan to the trial court [Customs Special Judge] later. She was arrested for violation of Section 2(s) of the Customs Act 1969; a 'predicate offence' under the Anti-Money Laundering Act (AMLA) 2010. The offence was non-bailable and non-cognisable.

The Lahore High Court's Rawalpindi bench had already dismissed the post-arrest bail application of the supermodel. On the other hand, the investigators could not get call data from the model's two mobile phones which were found blocked soon after she was detained at the airport.

**On 11<sup>th</sup> April 2015;** during a hearing at Special Customs Court, customs authorities presented a report regarding investigation carried out in the money laundering case against Ayyan. They stated that Ayyan Ali did not cooperate during investigation. The court extended Ayyan's judicial remand to 14 days and adjourned the hearing till 24<sup>th</sup> April.

Ayyan Ali, in her initial statements to media - widely reported on tv and printed in major papers, had said that money belonged to Khalid Malik; investigations might have done on that clue also but the Customs people did not have Khalid Malik on papers.

Customs found out that she had travelled abroad 43 times in last two years; like 83 times in last five years. It was soon discovered, which everyone believed privately and publicly, that powerful politicians were running a money laundering racket which was also connected with the **"grey traffic"** which runs into billions in Pakistan since 1992.

**On 22<sup>nd</sup> April 2015;** Zulfiqar Mirza accused former president Asif Ali Zardari of laundering money through super model Ayyan Ali, and called for the formation of a Joint Investigation Team [JIT] to investigate the matter.

In an appearance on the '**Dawn News**' Live TV show '**Jaiza**', the former interior minister of Sindh said that the money being laundered to a foreign country belonged to Asif Zardari, asserting that Ayyan Ali was ferried back and forth from Bilawal House with full protocol - ***had Ayyan Ali not been arrested, she was going to be Faryal Talpur's sister-in-law.***

Mirza said that investigating Zardari for corruption should not be a difficult task for authorities, but despite PM Nawaz Sharif's statement, the National Accountability Bureau [NAB] was not taking action against such corrupt people. Poor Dr Mirza didn't know that both were one and the same from inside; both were taking *Meesaq e Jamhooriat* seriously and religiously.

#### **MAFIA KILLED AYYAN CASE'S I.O:**

**On 2<sup>nd</sup> June 2015;** the customs official, allegedly investigating the money laundering case against Ayyan Ali, was shot and killed. On the other hand, Pakistan Customs refuted claims that deceased Inspector Ejaz Chaudhry was involved in the said high-profile investigation.

According to the police, unidentified gunmen intercepted Inspector Chaudhry's car near his house in the Qasimabad area at around 5:30pm and fired multiple shots at him. He was rushed to the Benazir Bhutto Hospital where he succumbed to his injuries.

Meanwhile, the station house officer [SHO] at the Waris Khan police station was suspended by Regional Police Officer [RPO] for not reporting the incident to his superiors. The SHO had registered an FIR but did not take much interest in the matter, failing to inform senior police officials as a special reported case. Officials denied links between customs officer's murder and Ayyan Ali case.

RPO Raja told the media that he suspended the SHO for failing to inform senior officials and registering the FIR under section 324 of the Pakistan Penal Code [PPC]; later made out to be a case of armed robbery in which the customs officer had attempted to resist the robbers.

Meanwhile, Pakistan Customs officials also denied reports connecting the murder of Ejaz Chaudhry with the Ayyan Ali case. Additional Customs Collector Waheed Marwat told the media that:

*"Customs Inspector Chaudhry was neither the investigation officer in the Ayyan Ali Case nor was he present at the time of her arrest. He was in charge of the warehouse at the Islamabad Airport; it appears to be an incident of target killing.*

*Bullets were found lodged inside the car, on the roof and the main door which means that when shots were fired at him, he retaliated by shooting at the gunmen but missed his target.*

*Preliminary investigation has failed to ascertain why he was attacked but police is speculating that either it was robbery or an act of vengeance."*

No eye-witnesses could be found but the victim's family came out of the house when they heard gunshots and saw the shooters fleeing the scene.

The irony of fate was that every one was telling lie; from peon to the officer, in police and in customs department – all they were following the same cover-up story. See a year later's activity in next paragraphs which appeared in the British newspaper '**Daily Mail**' dated **21<sup>st</sup> July 2016**.

**On 6<sup>th</sup> July 2015;** Ayyan Ali alleged that she was facing discriminatory treatment during her trial in her currency smuggling case. She claimed that while others facing similar charges were released on bail she had been behind bars since months. This was the first time since her arrest that the supermodel broke her silence and directly addressed the court.

Ayyan Ali told the court that her modelling career was at stake because of her prolonged detention. She said that she had signed a number of contracts with various advertisers and she was unable to fulfil her obligations. She also complained about the negative media campaign surrounding her trial; being negatively projected on social media, too. Ayyan Ali claimed:

***"I have no connection with any political leader. The media outlets should not politicise the legal proceedings. I will take legal action against those who started vicious campaign against me.***

*I am citizen of this country and I have certain rights but it appears that my constitutional rights have been taken away."*

Ayyan Ali assured the court that ***she would not go abroad after seeking bail***. Her counsel Sardar Latif Khan Khosa also urged that on social media, numerous people were accusing Ayyan Ali of having links with politicians and businessmen. He also filed an application before the court requesting that the media be restrained from engaging in propaganda against the supermodel. Further proceedings were adjourned.

Meanwhile, the court also took up an application filed by the Federal Board of Revenue [FBR] seeking registration of a case against Ayyan Ali under Anti-Money Laundering Act.

**On 16<sup>th</sup> July 2015;** Ayyan Ali was released on bail but she could not travel abroad or get back her money and passports. She even had to inform the trial court before leaving for Karachi after the court proceedings ended. She was granted bail after spending about four months in Rawalpindi's notorious Adiala Jail – and after her judicial remand was extended 16 times.

Astonishingly neither she, nor the trial court, asked customs collectorate for the custody of her passports or her mobile phones, which were being kept as 'case property' with customs; all her belongings were confiscated by customs on 14<sup>th</sup> March, including her two passports.

**On 5<sup>th</sup> November 2015;** the customs court heard a petition filed by Ayyan Ali seeking acquittal in the currency smuggling case. The prosecution argued that if Ayyan was carrying more than \$10,000 with her out of the country, she should have declared it to the authorities.

The prosecution lawyers added that the investigation team also wanted to know where the model acquired such a huge amount of foreign currency. They also termed the acquittal plea a delaying tactic by the defence and prayed the court to indict the model.

Ayyan's counsel Sardar Latif Khosa argued that his client was born in Dubai in 1993 and her mother and brother were settled there in a 'posh apartment'. Khosa said Ayyan was a source of pride for Pakistan in the world of modelling. After counsels from both sides completed their arguments on the acquittal plea, the court while reserving the judgment, adjourned the hearing for next day.

The special court of customs, on **6<sup>th</sup> November 2015**, dismissed Ayyan's acquittal plea. Ayyan Ali then filed an appeal to that refusal order in the Lahore High Court, which the court admitted for hearing. She was not able to get back her dollars because she had not preferred her appeal with the Collector of Adjudication, Islamabad.

**On 19<sup>th</sup> November 2015**; rejecting the arguments of her counsel Sardar Latif Khan Khosa, the ***Customs Judge Rawalpindi Rana Aftab Ahmed indicted Ayyan; eight months after she was arrested.*** She was indicted for attempting to smuggle out of the country more than half a million dollars in cash; she pleaded not guilty. The prosecution witnesses were called on 8<sup>th</sup> December 2015 to record their statements.

The delay in the model's indictment had also been part of the controversy then prevailing on social media. Firstly, the case took a political turn when the airport entry pass of Zardari's personal assistant [PA] was cancelled, as detailed in earlier paragraphs, for allegedly trying to facilitate Ayyan Ali at Islamabad Airport. Then in June, a customs official allegedly investigating the said case against the model was shot dead.

Ayyan Ali's counsel, former Punjab governor Sardar Latif Khan Khosa earlier said his client had been arrested on false charges of money laundering. He said the Customs Act lacked interpretation of attempted money laundering. He said the petitioner was not allowed to record her statement after the arrest, which was mandatory under Section 139 of the act.

Khosa said the petitioner had told the investigators at a very initial stage that she had got the money by selling property. He said the ***petitioner had carried the money to the airport to hand it over to her brother who was arriving from Dubai the same day.***

**On 1<sup>st</sup> December 2015**; the customs court Rawalpindi comprising of Rana Aftab Ahmed Khan returned the passports of money-laundering suspect Ayyan Ali after she submitted two surety bonds worth Rs:1 million each, and a document of personal guarantee in the court.

Earlier that day, Ayyan Ali appeared in the court in hopes to retrieve her passports but the judge rejected the personal surety [of Ayyan Ali] and two surety bonds worth Rs:1 million each for lacking documentation and details. The judge had directed the accused to resubmit the documents in light of court directions and legal guidelines.

**On 15<sup>th</sup> December 2015**; Ayyan Ali approached the Sindh High Court, asking for the removal of her name from the Exit Control List [ECL].

Making the interior ministry and in-charge Karachi Airport as respondents, Ayyan's lawyer contended her inclusion in the ECL violated fundamental rights in light of Article 18 of the Constitution.

**On 7<sup>th</sup> March 2016;** a divisional bench of the Sindh High Court [SHC] ordered the removal of Ayyan Ali's name from the Exit Control List [ECL]. Headed by Justice Ali M Sheikh, the division bench reserved its verdict after hearing arguments from the federal law officer and her lawyer.

The interior ministry had filed comments stating that the petitioner's name was put on the ECL on the request of Customs authorities. Since a case related to money laundering was pending adjudication against the petitioner, she could not be allowed to leave the country. Ayyan Ali's lawyer, Sardar Latif Khosa, argued that placing her name on the ECL was a violation of fundamental rights envisaged in the Constitution.

*[No one in Pakistan considers that if **trial of a currency smuggler and a co-accused in Custom Inspector's murder amounts to violation of Fundamental Rights** – then for how many days should that society exist.]*

#### **PML[N] GOVT SIDED WITH AYYAN ALI:**

**On 16<sup>th</sup> March 2016;** the federal government through its Collectorate of Customs filed an appeal in the Supreme Court against the Sindh High Court's order dated 7<sup>th</sup> March 2016 calling for the removal of Pakistani Model Ayyan Ali's name from the Exit Control List [ECL]. In SHC's order, the federal Interior Secretary was directed to immediately remove Ayyan's name from the ECL and submit compliance report within 14 days.

The appeal stated that all prosecution evidences would be recorded on 24<sup>th</sup> March and the trial was expected to conclude in a short time span, had the petitioner extended due cooperation. The government also expressed apprehension that there was a chance that Ayyan could leave the country to escape the proceedings which were near conclusion.

The government's appeal said that the impugned judgment was illegal, unlawful without jurisdiction and authority and also against facts on record. The appeal contended that the SHC had erred in appreciating the facts in their true context; while saying that:

*"As per facts and the circumstances of the case, the high court has failed in determination of very important legal aspects to the serious prejudice of the petitioner (government)."*

**On 24<sup>th</sup> March 2016;** Ayyan Ali requested the Supreme Court of Pakistan [SC] to quash the appeal filed by the federal government against Sindh High Court's 7<sup>th</sup> March order, calling for the removal of her name from the Exit Control List. She urged the apex court through her counsel, Latif Khosa:

*"I desperately need to travel abroad for fulfilment of my professional obligations and to see my ailing mother in Dubai. Her constitutional rights were being ruthlessly violated as judgement of the SHC had already been on record. I've given huge sureties for her release on bail and towards **superdari** of her passport."*

**On 30<sup>th</sup> March 2016;** a Special Customs Court dismissed Federal Board of Revenue [FBR]'s application seeking permission to initiate a fresh investigation in Ayyan Ali's money laundering case. Judge Rana Aftab A Khan had reserved his judgement on the FBR's plea on 24<sup>th</sup> March after both sides presented their arguments.

In the said application, the FBR had maintained that the department wanted to initiate a fresh investigation against Ayyan Ali under charges of money laundering. Earlier, the department had held investigations against the model on charges of currency smuggling only.

However, the decision of Special Customs Court was contested because ***the PML[N]'s Interior Minister had amended the money laundering laws through an office order on 1<sup>st</sup> April 2015*** – and the Pakistan Customs had booked Ali on 14<sup>th</sup> March 2015 on charges of currency smuggling. At that time no such provision was available in the law. The principle applied in such situation is:

*"If any crime took place before the amendment, the accused cannot be tried or grilled under the amended law."*

The fact remained that the investigators of Pakistan Customs had questioned Ayyan Ali under charges of currency smuggling only and included the same in the final investigation report submitted to the trial court – there was no mention of **'money laundering clause'** in it.

**On 3<sup>rd</sup> April 2016;** in the wake of plea by the Customs Collectorate, the interior ministry also approached the Supreme Court separately against the Sindh High Court [SHC] dated 7<sup>th</sup> March order directing the ministry to remove Ayyan Ali's name from the Exit Control List [ECL]. The interior ministry held that the name of Ayyan was placed on the no-fly list on the recommendation of the Federal Board of Revenue [FBR].

The interior ministry had contended that uploading the list of persons on ECL by the ministry of interior on its website may create social and cultural problems for them because society would show hate toward such persons on ECL whether guilty or not when they are followed on website.

**On 13<sup>th</sup> April 2016;** the Supreme Court upheld Sindh High Court's [SHC] order to remove Ayyan's name from the country's Exit Control List [ECL]. A three judges bench of the Supreme Court headed by Justice Ejaz Afzal Khan passed the judgment; the bench upheld the model should be allowed to travel abroad.

The top court while issuing the judgment, observed that ***mere pendency of a criminal case cannot serve as a justification to prohibit Ayyan Ali's movement.*** The order stated that:

*"It has never been the case of the government that Ayyan is involved in any of the cases listed in Rule 2 of the Exit from Pakistan (Control) Rules, 2010 in general or Rule 2(1)(b) in particular, in as much as she has not been charged to have embezzled a large government's funds or committed institutional fraud.*

*In the absence of any such allegations, we don't think the respondent's movement could be prohibited under the Ordinance or the Rules."*

Disagreeing with Ayyan's counsel, the three-judge bench added that remedy by way of review is inadequate or illusory because such arguments would tend to defeat the letter and spirit of Section 3 of the Ordinance.

*[Further, the SC on 6<sup>th</sup> April 2016 reserved judgment on the federal government's appeal against SHC to remove Ayyan's name from the ECL. Justice Ejaz Afzal Khan expressed wonder that **what terrible thing would happen if she goes out of the country. He remarked that a person could go abroad even on pleasure trip.***

*The judge, while referring to Gen Musharraf's departure case, also observed that there should not be different principles for one person and the other, adding that Ayyan Ali should not be discriminated as the government could not have discriminatory policy.]*

**On 22<sup>nd</sup> April 2016;** Ayyan Ali again approached the Supreme Court [SC] against Interior Ministry's officials for not allowing her to leave the country despite her name being removed from the Exit Control List [ECL].

Ayyan Ali, while moving a miscellaneous application in an earlier filed contempt petition, alleged that the Ministry of Interior, Federal Investigation Agency [FIA] and Customs officials stopped her from leaving for Dubai at the airport.

She made DG FIA Muhammad Amjad, DG Passport and Immigration Usman Iftikhar Bajwa, Chairman FBR Nisar M Khan and Collector Customs M Ali Raza as respondents besides secretary and additional secretary Ministry of Interior. A division bench of the SC, headed by Justice Ejaz Afzal, were to hear her petition.

In her petition, the model had urged that:

***"...everyone forthrightly facilitated Gen (rtd) Pervez Musharraf from travelling abroad despite the pending serious offences against him, while the applicant was obstructed and deception and fraud placed upon her."***

**On 25<sup>th</sup> April 2016;** the Supreme Court dismissed Ayyan Ali's contempt of court plea against the government for not removing her name from the exit control list [ECL]. The apex court asked her to approach SHC to redress her grievances. The top court maintained it has already issued a verdict as it upheld Sindh High Court's [SHC] order to remove her name on 13<sup>th</sup> April 2016.

A three-judge bench headed by Justice Ejaz Afzal Khan expressed that the high court would announce its decision on the respective case as early as possible. Earlier, the interior ministry had told Ayyan that it would not be in a position to remove her name from the ECL until Interior Minister Chaudhry Nisar Ali Khan gave out the instruction.

Ayyan's counsel Ch Akhtar Ali, in his application to the interior ministry, maintained that his client's name should be removed from the ECL as she

had to go to Dubai for recording and photo session as per an agreement which required her to be present over there. The counsel appraised that:

***"In case she does not reach Dubai she will have to pay \$10 million to the company and other legal action will also follow. His client would move the SC for initiating a contempt case if the orders were not passed with regard to the removal of her name."***

**On 2<sup>nd</sup> June 2016;** the court had, for the second time, quashed the interior ministry's memorandum regarding placement of Ayyan Ali's name on the ECL and directed the Interior Ministry to immediately strike her name off the list.

### **INSPECTOR'S MURDER EXHAUSTED:**

**On 15<sup>th</sup> June 2016;** Ayyan Ali was, however, barred by immigration authorities at the Karachi airport to board a Dubai-bound private plane, owing to her name still being on the list despite the Interior Secretary having informed the court that her name had been removed and there was no legal impediment to her travelling abroad.

Filing comments to the court a month earlier, the Interior Secretary had justified that the second ban was imposed on Ayyan's movement outside the country following her nomination in another criminal case relating to the murder of a Customs inspector.

During the hearing of her contempt plea on the same day, Federal Interior Secretary Arif Ahmed Khan had personally appeared in court to inform that the court's earlier order had been complied with and the model's name was taken off the ECL.

The judges were informed that Saima Ejaz, the wife of assassinated Customs inspector Chaudhry Ejaz had, **on 14<sup>th</sup> May 2016**, recorded her statement before the Rawalpindi police, alleging that the model was involved in her husband's murder.

**[On 14<sup>th</sup> May 2016;** *the widow, Saima Ejaz, of the slain customs inspector, who would have been a key prosecution witness in the money laundering case against Ayyan Ali, stated that the fashion model was responsible for the murder; thus her name needed to*

*be put on the Exit Control List. She further said that the police needed to investigate Ali in the murder case.*

*Inspector Ejaz was shot and injured by two unidentified men outside his house in the Waris Khan area on **2<sup>nd</sup> June 2015**. He died two days later.*

*The Waris Khan police recorded Saima Ejaz's statement on the direction of a District and Sessions Judge Khalid Naveed.*

*In her statement, Saima said that her husband was in charge of the PIA cargo air freight unit [AFU] state warehouse at Islamabad Airport in 2015. Her husband was the person that took official custody of the currency recovered from Ali on **14<sup>th</sup> March 2015**.*

*Saima Ejaz told the police that her husband was under a lot of pressure due to his association with the high-profile case; her husband told her that some men, whom she could not identify, had been telling him to make false entries in the official record to protect Ali or weaken the case against her.*

*She said Mahmood had told her that the callers had threatened to kill him if he failed to follow their instructions.*

*Saima Ejaz further said that she had repeatedly approached the Waris Khan police to get her statement recorded, but the police were unwilling to do so. She then moved the court through her lawyer Advocate Haseeb Ahmed. The court ordered the police to record her statement.*

*Mahmood's brother Chaudhry Riaz Afzal also recorded his statement before the police. He said that his brother was shot in the leg and that the doctors at Benazir Bhutto Hospital assured him that Mahmood was out of danger.*

*Later, he said, doctors took his brother to the operation theatre at the request of some customs officials. He said that he was informed that the operation had been successful and he just needed to arrange for blood.*

*He claimed that two days later, **on 4<sup>th</sup> June 2015**, doctors told him that his brother had died. He added that the Waris Khan police had initially written up the incident as an attempted*

*robbery and registered murder case against two unidentified robbers.*

*He repeated his sister-in-law's allegation that Ayyan Ali and her unidentified accomplices were responsible for the death of the inspector.]*

**On 17<sup>th</sup> June 2016;** the Sindh High Court [SHC] issued notices to the federal interior secretary, immigration director and others on the second contempt application filed by model Ayyan Ali against the placement of her name on the Exit Control List [ECL] despite court orders. The division bench was headed by Justice Aqeel Ahmed Abbasi.

As stated earlier, the SHC had on 2<sup>nd</sup> June 2016 quashed, for a second time, a memorandum regarding the placement of Ayyan's name on the ECL, directing the interior ministry to strike her name off the list immediately.

In her fresh contempt plea, the model argued that the secretary had submitted before the court that her name had been removed and there was no legal impediment to her travelling abroad.

**On 24<sup>th</sup> June 2016;** the top court stopped the Sindh High Court from passing any adverse order against the interior ministry in persistently keeping Ayyan Ali's name on the no-fly list.

The three-judge apex court bench, headed by Justice Sh Azmat Saeed, issued an order over the miscellaneous application of the federal government for the suspension of **SHC's 15<sup>th</sup> June order**. Through which the SHC had warned the interior secretary he should be ready to face contempt proceedings if the court's order to remove Ayyan's name from Exit Control List (ECL) were not complied with.

The interior ministry had challenged the verdict to remove Ayyan's name from ECL. The ministry moved another application, requesting the SC to restrain SHC from initiating contempt proceedings.

**On 22<sup>nd</sup> July 2016;** the interior ministry authorities informed the Sindh High Court [SHC] that the name of model Ayyan Ali was placed on the Exit Control List [ECL] following her nomination in a Customs inspector's murder case. The information was placed before a division bench, which was hearing the model's second contempt petition against the interior and immigration authorities.

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On account of Customs Inspector's murder Ayyan Ali's name was re-added to the ECL after its exclusion in compliance of the SHC's earlier order.

In another report, the Federal Investigation Agency [FIA] authorities informed the court that the agency had nothing to do with the inclusion or exclusion of the name of the petitioner in the ECL. FIA submitted that it is the interior ministry that decides inclusion of names on the ECL while the FIA's role is to ensure compliance with such decisions.

The report further stated that Ayyan was barred from taking a United Arab Emirates-bound flight from Karachi airport on 15<sup>th</sup> June 2016 in compliance with the interior ministry's memorandum.

On the same day of 22<sup>nd</sup> July 2016; the Supreme Court of Pakistan [SC] suspended arrest warrants for Ayyan Ali in that customs inspector murder case. The investigators of the case had managed to obtain arrest warrants for the supermodel.

A two-judge bench headed by Justice Ejaz Afzal Khan issued notices to Interior Secretary, SHO Waris Khan Police and others over Ayyan's fresh plea against the issuance of her arrest warrants in the murder of Customs inspector Ejaz Chaudhry.

The arrest warrants were issued by Magistrate Gulfam Butt a day earlier for the arrest of Ayyan Ali and two Pakistan Customs officials — Zargham and Dr Haroon — after a formal request from the police.

After hearing the arguments of Ayyan's counsel, the court suspended the arrest warrant and adjourned the hearing of the case until 27<sup>th</sup> July 2016.

**On 18<sup>th</sup> August 2016**; Sindh High Court [SHC] Chief Justice Sajjad Ali Shah constituted a bench, comprising Justices Ahmed Ali M Sheikh and KK Agha, to hear a another petition of Ayyan Ali, seeking removal of her name from the Exit Control List [ECL].

The model had filed a second plea, seeking contempt of court proceedings against the interior ministry, the Federal Investigation Agency [FIA] and immigration authorities for restricting her movement outside the country after the SHC had twice suspended the interior ministry's memorandum regarding inclusion of her name in the ECL.

Talking to reporters after hearing, Ayyan's lawyer, Latif Khosa, said that the interior minister was not honouring the orders passed by the courts. He explained that the petitioner was doing business outside the country.

***[Ayyan Ali's own statement at her first appearance before the court was that she had a job in a restaurant in Dubai.]***

### **PAKI JUDICIARY 'SOLD OUT' [?]**

**On 30<sup>th</sup> January 2017;** the Supreme Court of Pakistan finally allowed Ayyan Ali to go abroad as it directed the interior ministry to immediately remove her name from the Exit Control List [ECL].

The ruling was issued by a three-judge bench headed by Chief Justice Mian Saqib Nisar that had taken up the petition of Ms Ali against the interior ministry for not removing her name from the ECL and also pleading that she urgently needed to go to the United Arab Emirates to fulfil her contractual obligations for her recording and photo sessions.

The court dismissed the ministry's appeal against the 2<sup>nd</sup> June 2016's Sindh High Court order of removing her name from the ECL.

In addition to the ministry's appeal, the apex court was seized with another petition also moved by the model on 22<sup>nd</sup> July 2016 against the backdrop of an application filed by the widow of a slain Customs inspector Ejaz Chaudhry to become a party in the case so that she could oppose the removal of the model's name from the ECL.

Saima Ejaz, the widow of Ejaz, had requested the apex court to keep the model's name on the ECL until her husband's murder case was decided. The widow had alleged that Ayyan Ali had played a role in the murder of Ejaz and, therefore, was responsible for it.

Earlier on 23<sup>rd</sup> December 2016, the Supreme Court had ordered the Sindh High Court [SHC] to fix the pending petition of Ayyan Ali before a referee judge who was not part of the division bench that had issued a conflicting decision, with one judge allowing the model to go abroad and the other opposing it.

Consequently, the referee judge — Justice Naimatullah Phulphoto — decided in favour of the model by directing the ministry to remove her name from the ECL.

**On 6<sup>th</sup> June 2017;** the Rawalpindi customs court issuedailable arrest warrants for model Ayyan Ali, who was indicted in a case of currency smuggling on 19<sup>th</sup> November 2015; she had not appeared in court since the CJP Saqib Nisar’s bench had removed her name from the ECL on 30<sup>th</sup> January 2017.

***[She left the country for good; never to come back; the Supreme Court knew it but even then allowed her to flee away – a shameful act on behalf of the superior judiciary.]***

Ayyan Ali’s counsel requested that day that the model be permitted temporary absence due to her mother’s illness but the judge, J Shiraz Kayani believed that the model would never return to Pakistan. Sine her last appearance in court on 17<sup>th</sup> December 2016, she had been granted 12 leaves of absence.

*[On 22<sup>nd</sup> July 2016, the apex court had suspended the arrest warrant for Ayyan Ali issued by a magistrate in Rawalpindi on 20<sup>th</sup> July over her alleged involvement in the murder of the Customs official. The model had requested the apex court to quash the arrest warrant or at least suspend it in the interest of justice till final determination of the case.]*

With Supreme Court’s orders for removing Ayyan Ali from the exit control list [ECL], in fact permitting her to travel abroad, a high profile case that dominated media, gossip mills and political drawing rooms had finally come to an end.

Throughout this period, Ayyan Ali was represented by Pakistan’s former Governor of Punjab, former Law Minister and Attorney General, Lateef Khosa, a leading PPP guru and a confidant of former President Asif Zardari.

The long expected final drop scene of this case was extensively laughed at by the intelligentsia and the civil society who termed it another damning verdict on county’s criminal justice system and its politics. But it spoke out about the criminal nexus amongst the investigation teams of police and customs with the influential politicians of Pakistan who always pose themselves as the torch bearers of democracy.

Even a layman understood that it was Mr Zardari's '**hard-earned money**' but no Custom officer, police member or the judges of Sindh high Court or the Supreme Court were honest or courageous enough to:

- .....interrogate the PA to Asif Zardari who had handed over the money-bag to Ayyan Ali in the Airport lounge on 14<sup>th</sup> March 2015.
- 
- .....question Khalid Malik because Ayyan Ali had immediately named him when taken into custody. Khalid had immediately rushed to the airport to rescue Ayyan Ali – by extension Rehman Malik could also be dilated upon the suspicious activities within the loop.
- 
- .....to get hold of mobile phones of the PA and Khalid Malik to get hold of the transcription of calls-record as evidence.
- 
- .....to get the real background facts from Ayyan Ali's person during more than a week's remand in customs custody.
- 
- .....to ascertain that what was Ayyan Ali's annual income? Was she a tax payer anywhere? Why had she agreed to carry that cash when many sources were otherwise available?
- 
- .....to ascertain that how she managed to travel out of Pakistan 43 times in two years and 83 times in five years till 2015? Was there any documentary evidence of her invitations to the fashion or modelling concerts, payments made and received, bank transactions, cheques received or written and taxes paid.
- 
- .....to investigate the murder case of Customs Inspector Ejaz Chaudhry which was so simple to conclude with so open 'gawer' [clues]?
- 
- .....to investigate properly the SHO PS Waris Khan who knew the murderers of the Customs Inspector because he:
  - firstly; registered the case as 'street robbery';
  - secondly; did not tell his in-charge SP even it was a robbery;
  - thirdly; he knew that Inspector Ejaz was the key witness of Ayyan Ali case because he was the officer to recover the dollars from her.
  -
- .....to ascertain why Inspector Ejaz's wife Saima Ejaz felt the need to approach the court to get recorded her statement on 14<sup>th</sup> May

*2016. She should have been associated with the murder investigation from the first day.*

- 
- *.....to ascertain that while Ayyan Ali was put on ECL by the FBR and Customs; thus she should have approached the Islamabad High Court or the Lahore High Court [Rawalpindi Bench], **why she approached the SHC** – hopefully Bilawal House's influence could easily be worked out.*
- 
- *.....to ascertain the [false] claim and documents of selling a property by Ayyan Ali; the proceeds of which she was allegedly taking away.*
- 
- *.....to ascertain that how Ayyan Ali got the most expensive lawyer [Mr Latif Khosa] to fight her case through the whole game. On whose instance he was pleading so hard – of course Rehman Malik and Mr Zardari could be found behind the screen.*
- 
- *.....to ascertain that if Ayyan Ali's mother and brother were in Dubai then where she had been living in Pakistan during her short visit. She was not with her father at least.*
- 
- *.....to approach Dr Zulfikar Mirza to explain the background of his famous saying: "**...had Ayyan Ali not caught red handed, she was going to be the sister-in-law of Faryal Talpur**".*

Ayan Ali kept on changing her positions, but no one was seriously questioned; Khalid Malik was off course above law. But a very basic investigation would have checked her claims. Who were the persons she said she sold her plots for Rs:5 Crore? Were the plots in her name? How did she buy plots and When? How she paid? What were her revenues from her fashion shows? Do her revenues and incomes match her bank statements? How much she spent on buying air tickets? Was any one sponsoring her? Do her trips correspond with fashion events held abroad which she attended? How long her trips were?

There could be tens of more questions and clues which must have been followed but the police and customs had shown their traditional dishonesty and both kept on sleeping just to please some political figures.

The Customs court, Sindh High Court and the Supreme Court all kept on taking up the ECL issue throughout the year 2016 and none of the honourable judges ever asked the FBR or customs or the interior ministry that the investigations of the two cases, demanding so simple investigative

skills, should be completed at the earliest. It required only three weeks' attention – but who bothers for justice and rule of law in Pakistan – democracy hurray and Pakistan painda-abad.

Chief Justice Saqib Nisar was critical of the incompetence of investigating agencies and institutions that kept the case pending for two years without completing the investigation. In addition it also re-affirmed once more that:

***"....Pakistan's criminal justice system is incapable of successfully prosecuting the rich and influential or the politically connected high and powerful of the country.***

***All Pakistani state agencies collapse and become helpless when it comes to politically influential or filthy rich."***

When case against Ayyan Ali first emerged in March 2015, it was immediately obvious through media reporting that it was not about her and that she merely represented the tip of an ice-burg.

Circumstantial evidence guided that she was **'high profile money carrier'**, the half million US dollars she was carrying did not belong to her; cash was given to her at the airport and that she was allegedly laundering money for top level politically connected persons. And the allegations went straight up to the former president of Pakistan, Asif Ali Zardari.

***[Police, investigating agencies and custom intelligence never presented the court with facts of the actual case.]***

FIA could have taken the enquiry from the outset; it was their domain but the Fed Interior Minister Ch Nisar purposefully kept him away. For quiet a while the case was left with Customs Intelligence which did not have the necessary reach and capacity to look into its full aspects.

During the full year 2016 the strife was merely on her status on ECL, actual case had lost all its legal value. Ayyan Ali became an object of play, a pawn, between former president Asif Ali Zardari and his political opponents, finally ending as yet another failure of Pakistan's Justice System.

***"Ayyan Ali case also set yet another precedent that assertions of claims of cash transactions, lack of time marked documentation, absence of bank transactions etc are never probed by Pakistani agencies and courts."***

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Thus; Pakistani legal system, strangely the superior judiciary too, is prepared to accept ridiculous assertions over financial transparency and accountability; again democracy – hurray.

**The law is not the private property of lawyers,  
nor is justice the exclusive province of judges and juries.  
In the final analysis, true justice is not a  
matter of courts and law books,  
but of a commitment in each of us to liberty,  
equality and mutual respect.  
.....Jimmy Carter**

## **Scenario 187**

### **PAK-PRESIDENT WORKED FOR AMERICA**

*Before proceeding ahead, a little perception of Mr Zardari held by Western press & media*

Referring to an essay titled '**Asif Ali Zardari: the godfather as president**' by *Tariq Ali* appeared in '**the Guardian**' dated **7<sup>th</sup> September 2008**; Asif Ali Zardari –

*"The affection felt in some quarters for the Bhutto family is non-transferable. If Benazir were still alive, Zardari would not have been given any official post.*

*He [Zardari] was disliked by many of his wife's closest supporters in the People's Party (or the Bhutto Family Party) even when she was alive. They blamed his greed and god-fatherish behaviour to explain her fall from power on two previous occasions..... And he was shameless in his endeavours to achieve that status.*

*Today, he is the second richest person in the country, with estates and bank accounts littered on many continents....Many of Benazir's inner circle, sidelined by the new boss; Zardari did rub their noses in excrement by having his apolitical sister elected from Larkana.*

***Some even encourage the grotesque view that he was in some way responsible for her [BB's] death.***

*An opinion poll carried out by the New America Foundation some months ago revealed **Zardari's approval ratings at a low ebb – less than 14%....** a psychiatrist had pronounced him suffering from acute dementia .... designed for the courtroom had he been prosecuted in London or Geneva for large scale money laundering and corruption."*

### **MR ZARDARI IN PRESIDENCY:**

President Asif Zardari was the first president in Pakistan's history to complete a full five-year term in office. However, the fact remains that had Benazir Bhutto survived, Mr Zardari might never have participated in Pakistani politics at all. She wanted him to stay away and look after the kids – not fit for politics.

Referring to '**The Friday Times**' dated **6<sup>th</sup> September 2013**:

*"A bigger irony is that he was able to match wits and get the better of all his political adversaries – especially head-hunting judges and Generals – and live to fight another day after surviving the onslaughts of the NRO, Salala and Memogate....."*

*Not for nothing, therefore, have friend and foe alike bestowed upon Mr Zardari an honorary PhD in politics."*

One may stand up with shouts that Mr Zardari did a lot for Pakistan's hatching democracy. Analysts held that far from witch-hunting his opponents in the opposition, media and judiciary, he showed a marked tolerance. Then what if he had '**voluntarily grasped**' all Herculean powers of the two prime ministers of the PPP and made them easy to '**only follow**' the directions from the Presidency.

Mr Zardari enabled the superior judges to become independent of the parliament; he devolved many of the federal government's powers to the provinces through **notorious 18<sup>th</sup> Amendment** in the Constitution; he re-named NWFP as Khyber-PK and created Gilgit-Baltistan as nearly a province; and many more '**mixed reforms**'.

**The Friday Times** cited above also spelled out the bitter truth that Mr Zardari stranded and marooned Pakistan's economy at the alter of personal political survival. He chose two prime ministers, Yousaf Raza Gilani and Raja Pervaiz Ashraf, not on the basis of any track record or potential for governance and public welfare but on the yardstick of loyalty; he didn't care how corrupt and incompetent they were.

At the end of Zardari's five-year term in saddles, the country's economy had hit rock bottom, **unemployment and public debt had doubled, poverty increased, foreign investment fled away, there was no energy to run homes and industries, terrorism was seen at peak**, the country got isolated regionally and distrusted internationally, and Pakistanis were more alienated, frustrated, violent and apprehensive about their future than ever before.

Of course, Zardari's advisors [if there were any] were not sincere. Had he restored the judges instead of blocking and then provoking them to take up stick against the NRO, he might not have had to endure a long and vindictive campaign that sent the PPP government staggering from pillar to post which obstructed and marred their way to good governance.

Mr Zardari could have ruled the country from the sidelines; but he preferred to wield greater leverage in selecting not only the dummy prime ministers but also the similar cabinet members.

**Result;** *Zardari's PPP was wiped out in all provinces except in rural Sindh where its standing was based on the slogans of Sindhi nationalism BUT not good governance at all. The PPP remained hard pressed as Karachi was rocked by terrorism, sectarian killings and abductions for ransom through its whole tenure.*

The PPP needed new blood, new inspiration and new ideas to mount an effective challenge to the rival parties; PML[N] and PTI both. Bilawal Zardari had the entire urge to start where Benazir Bhutto had left but Mr Zardari's 'wisdom' always remained there to block Bilawal's way towards the real goals of PPP's politics.

### **ZARDARI vs GHQ SINCE LONG:**

Earlier, in May 2008, Zardari had developed differences with military establishment when he [*then in the capacity of PPP's Chief only*] triggered the trouble, only a few weeks after the change of government, at a briefing arranged for him and the new prime minister Mr Gilani at the ISI headquarters, where he had lectured before the military leadership on strategic issues and delivered his action plan to deal with problems concerning India and Afghanistan.

Mr Zardari tried to give a practical shape to that plan when in July 2008 the Prime Minister's office issued orders to place the entire administrative, financial and operational control of the **ISI under the Federal Ministry of Interior [of Rahman Malik]**. *This had invited an immediate response from the Army and the notification had to be withdrawn within three hours.*

Mr Zardari made another stunning move when he invited Afghan President Karzai [not accepted by the security establishment] to join him in the maiden press conference Zardari held after taking oath as the president of

Pakistan in September 2008. In the same press conference, Mr Zardari shocked the civil and military leadership alike by making astonishing statement of a major breakthrough on Kashmir within a month. Neither the prime minister nor the Army was aware of any such development.

In an interview with the Wall Street Journal in October 2008, **Mr Zardari described the Kashmiri Mujahideen as terrorists** and mocked Gen Musharraf for calling them "freedom fighters"; it was an 'unwanted' statement and the GHQ got upset.

Then **on 26<sup>th</sup> November 2008**, in the wake of terrorist attack on Mumbai, President Zardari, without any consultations with national security establishment, instantly agreed to the demand of the Indian PM Manmohan Singh to send the ISI Chief to New Delhi, a move that was later back-peddled on PM Gilani's intervention.

President Zardari's relations with the military received another blow when the **New York Times** broke the story in the last week of August 2009 about **US diplomat Zalmay Khalilzad's secret contacts with Zardari in his bid for Afghan presidency**. Khalilzad was on warpath with Pakistan's establishment during his tenure as the US ambassador to Kabul and revelations of his secret contacts with Zardari was disturbing news for the GHQ in the backdrop of Pakistan's security issues.

Later, the army leadership got more disturbed when the GHQ noticed with shock that the Presidency saw no problems with the **controversial clauses of the Kerry-Lugar Bill** that were declared **mistakes** even by the United States ambassador in Islamabad.

[Full details are available in '**Judges & Generals in Pakistan Vol-III**' Scenario 67, pps 950-68 (2013) GHP Surrey UK]

This KL Bill gave an impetus to serious difference of perception between President Zardari and the Pak-Army on issues of national security.

Referring to the '**New York Times**' dated **26<sup>th</sup> August 2008**; the US State Department was not in favour of an undignified and hasty departure of Gen Musharraf in Pakistan, but unknown to them, Zalmay Khalilzad, the US ambassador to the Security Council, was busy in secretly advising Asif Zardari [*on their Shiite origin grid perhaps*] to plan oust the General:

*"Mr Khalilzad had spoken by telephone with Mr Zardari, the leader of the Pakistan Peoples Party [PPP], several times a week for the past month until he was confronted about the unauthorised*

*contacts, a senior United States official said, "Can I ask what sort of 'advice and help' you are providing?" ...*

Mr Boucher wrote in an angry email message to Mr Khalilzad:

*"What sort of channel is this - Governmental, private, personal? Copies of this message are also being sent to others at the highest levels of the State Department."*

NYT's Tariq Ali observed that Khalilzad was an inveterate factionalist and a master of intrigue. Having launched Hamid Karzai in Kabul, he had been furious with Gen Musharraf for refusing to give 100% support to his Afghan protégé. Khalilzad then saw an opportunity to punish Gen Musharraf and simultaneously tried and created a Pakistani equivalent of Karzai.

***"Zardari fitted the bill. He perfectly suited to being a total creature of Washington..... Zardari's [Swiss] bank accounts ..... pending corruption cases.... would make him a pliant president of Pakistan."***

Khalilzad held the opinion and ultimately succeeded in his plans.

**On 5<sup>th</sup> September 2008;** a team of US commandos launched an attack inside Pakistan and 20 innocents were killed. Zardari was being tested and he kept quiet – he proved himself a perfect choice.

***A wasteful era of the PPP passed with 5 years tenure.***

**On 22<sup>nd</sup> April 2015;** Zulfiqar Mirza accused the former president Asif Ali Zardari of laundering money through super model Ayyan Ali, and called for the formation of a Joint Investigation Team [JIT] to investigate the matter.

As has been said in the previous chapter; in an appearance on the **Dawn News TV show 'Jaiza'**, the former interior minister of Sindh said that the money being laundered to a foreign country belonged to Asif Zardari, asserting that Ayyan Ali was ferried back and forth from Bilawal House with full protocol - had Ayyan not been arrested, then she would have been Faryal Talpur's sister-in-law.

*[Ayyan Ali, 21 years model girl, was arrested by customs officials on 14<sup>th</sup> March 2015 from Benazir Bhutto International Airport Islamabad after \$506,800 were recovered from her possession.*

*Shortly afterwards, Zardari's PA, who was accompanying the model, contacted one Khalid Malik, real younger brother of former federal minister of Interior [Rehman Malik] who also reached the airport to rescue her. Khalid Malik unsuccessfully tried to meet the customs officers but was advised to stay away.*

*Later, the former federal minister Rehman Malik allegedly contacted the customs authorities and tried to convince them that Ayyan was innocent and should be allowed to travel abroad but his efforts proved unproductive. The customs authorities registered a case against the supermodel for trying to smuggle the amount out of the country and detained her.*

*She was arrested for violation of Section 2(s) of the Customs Act 1969 which is a 'predicate offence' under the Anti-Money Laundering Act (AMLA) 2010. The offence is non-bailable and non-cognisable – and seemed unmanageable by poor custom officials.]*

Dr Zulfiqar Mirza said that investigating the former president Zardari for corruption should not be a difficult task for authorities, but despite the prime minister's statement, the National Accountability Bureau [NAB] was not taking action against corrupt people; in reality, it was there to cover up certain people.

When questioned about the differences between Asif Zardari and Bilawal Zardari, Zulfiqar Mirza said that after hearing how Zardari spoke about his son on television, anyone would disbelieve claims denying a rift between the two.

When asked why there were differences between the two, Mirza claimed that when Bilawal expressed a wish for Rangers to conduct operations in Karachi, he was given a break from party leadership.

Mirza was of the opinion that the People's Party is not the same as it used to be. Referring to it as a '**Hardcore Zardari League**', he said that:

*'...only Zardari and 'his people' have any say in the party - that he [Mr Mirza] wants to free the helpless people of Sindh from the current leadership of the PPP.'*

**On 29<sup>th</sup> November 2015;** Dr Z Mirza appeared in another live program of **GEO TV** titled as '**Shahzeb Khanzada key saath**' in which he openly told the audience that:

*'.....Ayyan Ali Bhabhi bante bante reh gayi, Ayyan Ali case main Zardari ka naam to aega....'* [Ayyan Ali was going to be Zardari's wife but could not because of her arrest; moreover in Ayyan Ali case Zardari's name will also appear sooner or later.]

#### **ZARDARI ACCUSED PAK - ARMY:**

**On 16<sup>th</sup> June 2015;** Pakistan Peoples Party [PPP] Co-Chairman and former president Asif Ali Zardari, while speaking at an oath-taking ceremony for party bearers belonging to Khyber PK and Fata, warned the establishment to refrain from character assassination of political parties. He gave a hard-hitting speech, where he lashed out at the military establishment for overstepping its domain. The former president loudly stressed that:

***".....army chiefs come and go every three years but the political leadership is here to stay. We know the country better and we know how to run its affairs.***

***If you do not stop, I will come out with a list of accused Generals since Pakistan's creation.***

***He did not want to weaken the country's institutions, but they [establishment] should also not try to create hurdles for politicians.***

***This is our country, our army and we want to stand shoulder to shoulder with them.***

***I suggest that the establishment separate itself from politics and not interfere in matters out of its domain."***

Turning towards the PML[N] government, Zardari said that:

***"PPP was a staunch supporter of democracy, which was why his party backed PM Nawaz Sharif to complete its tenure. He had***

*supported the government because he did not want them to later complain they had not been given their due time at the helm.*

*Had we joined Captain [Imran Khan] during his street protest and resigned from the Parliament, [early] elections would have been inevitable.*

*Others might be in hurry - I am not. I can wait for the sake of democracy."*

Referring to former ruler Gen Musharraf, Zardari said:

*"I know the dangers that face Pakistan, Musharraf does not. Had he known, he would not say the things he did. I spent five years in jail during the time Musharraf was ruling, but the 'commando' is afraid to spend even three months in prison."*

**The PPP co-chairman threatened that:**

*"...if his party [PPP] took to the streets, not just Sindh, the entire country's roads will be blocked. Whole country from Karachi to Khyber will come to a standstill and will remain so till I order otherwise."*

Next day, the whole media; print & electronic both, jumped out against the former President Zardari because in the eyes of general public the Rangers were doing the right job to clean Karachi through calculated operations against land & *Bhatta* mafias.

It is on record that Mr Zardari was upset since the last six months because the Rangers & NAB's combined team had:

- *Raided on PPP's sitting provincial minister and recovered two billion's burnt currency notes from the basement of his residence. The currency was put to fire when the home servants had seen the Rangers vehicles around the Minister's home.*
- 
- *The Rangers, in collaboration with the Karachi Coastal Guards, intercepted a Pakistani steamer boat in open sea, bound for Dubai, and had recovered bags of American Dollars being smuggled out – alleged that it belonged to Zardari.*
-

- *The Islamabad Customs successfully intercepted the famous Model Ayyan Ali and had recovered half a million dollars from her. The case ran in the court for five months. PPP's Lateef Khosa, a veteran lawyer, pleaded her case and got her out on bail. Alleged that it was either Zardari's cash or of Rehman Malik.*
- 
- *A big business tycoon had taken all the Zardari's 'financial documents' abroad successfully; the Rangers & NAB came to know later. The tycoon was called back but the Zardari's mission was complete and securely handled.*
- 
- *Zardari's land mafia in Karachi was forced by the Rangers to repatriate billions of rupees to the Defence Housing Authority. Zardari helped the Rangers to get that amount back. The PPP's land mafia had snatched the DHA's valuable land by force and under threats.*

Earlier to that, **on 10<sup>th</sup> May 2015**, Former Sindh home minister Zulfiqar Mirza said he had come to throw out '*Phoolan Devi*' [referring to Zardari's sister Faryal Talpur MNA] and Asif Zardari from Sindh and bring back PPP chairman Bilawal Zardari. Addressing a press conference at his residence, he alleged that:

*'Zardari is a RAW agent; Pakistan Army is fighting against such elements and I am also involved in the fight for the survival of the country and will play my active role in it.'*

Mirza termed PPP leader Faryal Talpur as Phoolan Devi, saying it was the same name being used by her employees for her. Meanwhile, strict security measures were taken in and around the Sindh High Court where Dr Zulfiqar Mirza had arrived with his supporters. A dozen lawyers and a crowd of supporters carrying the national flag also accompanied him.

Of course, Mr Zardari was upset on that count too because, in his opinion, Dr Mirza had come out on the instigation of the army & Rangers.

The discrete and indiscriminate arrests of five of the main political figures like Dr Asim belonging to the PPP and the MQM had shaken up Mr Zardari that his inner and bitter feelings burst out so loud. Most of the media anchors condemned the PPP leadership's irresponsible behaviour especially quoting that:

- *Mr Zardari spent five years in jail due to his wrong doings, criminal activities, loot and corruption, eating up poor nation's money*

*through kick-backs and commissions AND not for some national cause or political mistakes.*

- 
- *The PPP could not gather 200 men on Benazir Bhutto's anniversary in December 2014, how can it block the whole Pakistan from Karachi to Khyber.*
- 
- *The PPP could win only one or two seats in recent Khyber PK and Gilgit local elections during 2015; how could it manage to gather thousands of men from this upper belt of Pakistan.*
- 
- *The PPP's democracy had already passed away with Mr Bhutto's hanging and BB's killing; Zardari had only pushed the PPP into the dark caves of corruption and kick-backs during their 5 years rule over Pakistan and 2 years [till then] rule over Sindh.*
- 
- *If Zardari is separated from Bhutto's legendary vote bank, he would find himself at Bombino Cinema Karachi's gates again where he used to sell show-tickets in his youth.*
- 
- *Mr Zardari and his late father Hakim Ali Zardari both had lost their elections in 1985 and their 'Zamanat moneys' were also forfeited-that was their actual worth in politics.*

*[Nadeem Malik's show at 'Sama TV'; Kamran's show at 'Dunya TV' and Kashif Abbasi's show at 'ARY NEWS' all three dated 17<sup>th</sup> June 2015 are referred for above deliberations.]*

The general populace also witnessed that Mr Zardari was conveyed a cogent message from the same 'Establishment' that the files & cases concerning with his corruption in the past have been collected from the NAB and the FIA and that he should be ready to face the investigations & trials. **Mr Zardari simply left the country for Dubai within the same week**, apparently not to return back in the near future at least.

Bilawal Zardari, who had left the political field three months earlier, was sent back to Pakistan to hold and handle the party affairs. Later Zardari used to call the Sindh Cabinet meeting at Dubai; he could not find courage, may be for the time being, to come back to Karachi to chair the meeting of his ministers.

Federal Interior Minister Ch Nisar Ali Khan termed Zardari's remarks as inappropriate and needless. It was obvious that *'Mr Zardari was targeting a sensitive national institution to veil his own wrongdoings'*; Ch Nisar held.

It was unfortunate that those comments from the former president came at a time when Pakistan's soldiers were sacrificing their lives in the country's war against terrorism. **"Zardari sahib can say whatever he wants but every Pakistani respects and loves Pakistan Army."**

Mr Zardari tried to play clever by calling on the PM Nawaz Sharif in the early hours of 17<sup>th</sup> June 2015 but the PM flatly refused to see him. PM did not want to deliver the whole nation an impression what Zardari had played a move to strengthen the so-called democracy. PM behaved well in another way by issuing a televised release that:

*'.....the PML[N] stands by the Pak-Army and that Mr Zardari should have avoided to threaten the Generals in such rude way.'*

PM Nawaz Sharif went another step forward when he sent a telephonic call to his Army Chief Gen Raheel Sharif, who was on official tour to Moscow, to convey him that the whole nation stands by the Pak-Army and that Mr Zardari was standing alone at the occasion.

**On 18<sup>th</sup> June 2015;** the PPP's spokesperson, former federal minister Qamar Zaman Kaira appeared in press and electronic media to pacify the hard feelings and that PPP was entering into a 'Repair Mode'. In that '**damage control approach**', the PPP made overtures to reach out to the country's political leadership to give concessions.

Qamar Zaman Kaira said that only one portion of Mr Zardari's speech had been blown out of proportion, insisting that the former president had only asked that national institutions should remain within their constitutional parameters. According to him, Zardari had appreciated **Operation Zarb e Azb** in his speech, which was not highlighted; while Gen Ayub, Gen Ziaul Haq, Gen Yahya and Gen Musharraf were the faces of tyranny who had harmed Pakistan the most. Former minister Kaira added that:

- *Certain quarters wish to see a clash between PPP and national institutions. When we were in power, the same people were clamouring for Gen Musharraf to be sent away, but we avoided confrontation on all sectors.*
- 
- *Words can sometimes sound harsh, but this should not be taken negatively by the media and political opponents.*
-

- *The provincial government be left to run its own affairs; whether Sindh's was the only administration that was corrupt; even the anti-corruption apparatus was itself corrupt.*

Following the press conference, PPP leaders began reaching out to the leadership of different parties, inviting them to an ***iftar-dinner at Zardari House next day***. Next evening; the PPP was made clear that the PM would not attend it due to policy differences as he had earlier cancelled one duly scheduled meeting with Mr Zardari for similar reasons.

Zardari's Iftar dinner was not attended by any notable politician; even by most members of the PPP in Islamabad; it was an utter disappointment.

The PTI was reluctant to attend the PPP event because it wanted to distance itself from Mr Zardari's outburst. The PML[N] was not sure to attend owing to similar concerns. Separately, MQM chief Altaf Hussain had called Mr Zardari to encourage him and the two leaders vowed to shun their differences to stay off the then uprising challenges.

*During the next few days of his speech, **Asif Zardari left the country secretly** and shifted himself to his Dubai home **only to come back in December 2016 when Gen Raheel Sharif had proceeded on retirement.***

**On 26<sup>th</sup> June 2015;** PPP's Senator Rehman Malik, while speaking at '**Dunya News**' TV educated the poor populace of Pakistan saying:

*'...going abroad [of Zardari] does not mean running away - the PPP leadership has not left but it will make others leave – then what if the key PPP leadership including Co-chairman Asif Ali Zardari and Faryal Talpur are in Dubai.*

*.....the army is a demonstration of Pakistan's unity and that PPP salutes the martyrs who fought against terrorism.'*

The fact remains that the PPP had to take defensive stance after Zardari's aggressive speech. His ***iftar dinner*** could not achieve the intended goal of normalcy because most of the politicians, even the Senators and MNAs etc of his own PPP, did not attend the said sacred dinner. The arrests of Sindh officers and front-men continued whereas some politicians and bureaucrats secured pre-arrest bails. The intelligentsia held:

*"...what pre-arrest bails...What is the use of announcing their corruption or proofs found against them when they have gained amnesty before even being charged?"*

*SC is a BIG joke for granting them this crap! Allowing such crap pre arrest bails has shown how serious SC is about catching them in the 1st place."*

**On 26<sup>th</sup> August 2015;** the Chief of Army Staff Gen Raheel Sharif directed the civil and military authorities to break the **"evil nexus between terrorism, criminal mafias, violence and corruption"** to achieve the objective of ensuring a peaceful and terror-free Karachi.

**Exactly the next day,** through a press conference jointly held by Sherry Rehman & Qamar Zaman Kaira, PPP strongly refuted the impression it was involved in terror financing, saying the party had itself suffered huge losses in the fight against terrorism. Both leaders reiterated that:

- *"PPP has no objection whatsoever over the on-going operation & anti-corruption drive in Sindh and will create no hurdle in its implementation.*
- 
- *But it looks like politics of revenge is being carried out with the PPP as the sole target [separately, MQM's Altaf Hussain was also roaring on the same count].*
- 
- *We will keep alive our tradition of struggle for democracy and will face every atrocity.*
- 
- *The harsh waves have come at a time when party chairman Bilawal Zardari is carrying out a campaign to mobilise party workers.*
- 
- *The timing of all these actions is a bit of concern for us [forgetting that it was their leader Zardari who had called for shots].*
- 
- *We are not afraid of the actions being carried out against us and are willing to present ourselves before the courts, but the investigations should be carried out in a transparent manner.*
- 
- *There are laws and regulations to try white-collar crimes and corruption; laws made to try terrorists should not be used against political leaders on allegations of corruption.*
-

- *The only party in Pakistan that took a stand against terrorists and sacrificed its leaders in the process is now being labelled as a terrorist party.*
- 
- *We are okay with the investigations carried out against our party members but any allegations related to terror financing are unacceptable [knowing that anti-corruption laws in Pakistan are impotent and an utter mockery].*

Those days' live TV programs all over the country had different colourful stories regarding Zardari's thundering statement. There were questions that, keeping in view the fact that Zardari was himself so corrupt, then why that challenge to the PML[N]. But the consensus remained on the fact that:

*'If Zardari himself is corrupt, he has not said that I had not done this and that. The real crux is that whatever allegations he has raised against PM Nawaz Sharif, Senator Ishaq Dar and Rana Mashhud – all are true. PML[N] has no answer to any of the allegation levelled nor anyone of them can defy.*

*In fact, **iss hamam mein thono hi nangey they.**' [.....all were bare backed in that bathing pool.]*

### **ZARDARI TURNS GUNS AT PM:**

**On 31<sup>st</sup> August 2015;** Pakistan Peoples Party [PPP]'s co-chairperson and former president, Asif Ali Zardari, embarked upon Nawaz Sharif saying that the PM had reverted to revenge politics of the 1990s, referring to the arrests of high-profile PPP members including Dr Asim. In a statement from London, Zardari said that:

- *'Bureaucrats in Sindh are being harassed by Federal Investigation Agency [FIA] and the National Accountability Bureau [NAB] – pointing out that the Chief Secretary of Sindh is also on bail.*
- 
- *First Qasim Zia and Senator Bangash's son were arrested, which was followed by Dr Asim's arrest by Rangers. Immediately afterwards, warrants for the arrests of former premier Yousuf Raza Gilani and Makhdoom Amin Fahim are also issued.*
- 
- *Actions being taken by federal agencies in Sindh are clear violations of the Constitution.*

- 
- *If they want to conduct fair accountability, they should first take action against a federal minister who had confessed before a magistrate [Zardari referred it to Federal Finance Minister Ishaq Dar] his involvement in money laundering for the Sharif brothers.*
- 
- *A video had surfaced in Punjab, showing provincial minister Rana Mushhood receiving money on behalf of the Sharif brothers but no action has been taken against him.*
- 
- *All this unmistakably presents a clear pattern of political harassment and revenge; Sindh has been immobilised under direct orders from the Prime Minister House.*
- 
- *It appeared Nawaz Sharif has not learnt lessons from the past; the politics of revenge should immediately be halted or it will produce disastrous consequences.*
- 
- ***We are not the ones who fled to Jeddah after seeking pardon. The nation very well knows that Nawaz Sharif holds the 'honour' of applying for pardon; NOT we.***
- 
- *We accepted results of the 2013 general elections for the sake of democracy, although those elections were "**Returning Officers' elections**". The recent verdicts from election tribunals have proved our point that the PML[N] received outside help and was made to win the elections.*
- 
- *At a time when our innocent citizens are being killed by indiscriminate shelling in border villages by the enemy, when Pakistani Army is fighting a decisive war against terrorists... Nawaz Sharif, instead of challenging the real enemy, is targeting Peoples Party and other political opponents.*
- 
- *Steps being taken by the PML[N] government clearly indicate that it is dividing the nation in an attempt to save its natural allies – Taliban and terrorists – and weaken the war against terror.*
- 
- *The PPP stands with the army in the ongoing war against terrorism. We salute our jawans [soldiers] who gave the ultimate sacrifices in this war.*
- 
- *Today Nawaz Sharif is the prime minister and Shahbaz Sharif the chief minister of Punjab only because the PPP had removed the ban*

*on third terms even though it was evident to us that it will only serve the interests of the Sharif Brothers.*

- 
- *Justice Najafi's report on the **Model Town killings last year [2014]** be made public, along with arrests of all those involved in this gruesome murder of innocent people.*
- 
- *Aren't those, who killed 14 people, including women, in the Model Town Lahore tragedy, were terrorists? Why are they not being arrested including Rana Sanaullah and the CM Shahbaz Sharif?*
- 
- *Why all characters **involved in the Asghar Khan Case** are not being apprehended or questioned despite SC's open verdict'.*

In response to the above accusations; Federal Information Minister Pervaiz Rashid assured the same day that the PML[N] government had not indulged in politics of revenge, had not done so in the past, and would not indulge in such tactics in the future. The minister said that every case would be referred to the courts, and they would leave it to the independent judiciary of Pakistan to take appropriate measures.

All political parties, including the PPP, had agreed to an across-the-board operation in Karachi and the operation was launched after all parties had agreed to support it. The PM had asked for a report on Asif Zardari's statement along with opinions of the concerned.

During Gen Musharraf regime, in April 2000, there was no denial that Senator Ishaq Dar had appeared in the magistrate's court voluntarily, had given statement, signed each page of the statement before leaving the court – ***saying that he had been doing MONEY LAUNDERING less for himself and more for Sharif brothers.***

It was why that just after the statement from Zardari appeared on media, Senator Dar was asked to contact the PPP stalwarts in London to hold negotiations again. All PML[N] members were asked to release statements to pacify the PPP leadership. All PML[N] ministers and MsNA were sent the texts on their mobiles ***'not to speak even a word against PPP or Mr Zardari at any forum'*** – thus their reps in live show programs remained mum and flatly avoided anchors' piercing questions.

**On 15<sup>th</sup> September 2015;** In a statement issued on the eve of *'International Day of Democracy'* the former president Mr Zardari once again asserted that all the state institutions should respect the limits imposed on them by the Constitution. He said that:

*"Fighting militancy and corruption are laudable aims but shall not be used as an excuse to overstep the constitutional limits and authority as seen in Sindh and Karachi.*

*Rule of law, restraining oneself within the constitutional limits, transparent and across the board accountability and tolerance to criticism are critical elements that constitute democracy.*

*Negative perceptions must not be allowed to gain strength."*

The former president Mr Zardari maintained that Pakistan had seen democratic setups assaulted by devices such as the doctrine of necessity, the so called Legal Frame Work Order [LFO] and Provisional Constitution Orders [PCOs] etc. *"The enemies of democracy constantly change their faces and tactics,"* he remarked.

### **PPP's QUICK U-TURN:**

However, the PPP realised its folly soon and a U-TURN was seen.

**On 24<sup>th</sup> February 2016;** the PPP felt pride in placing a resolution in the Punjab Assembly demanding the federal government should give extension to the Army Chief Gen Raheel Sharif against whom Mr Zardari had hurled open abuses about six months earlier.

PPP MPA Khurram Wattoo, son of known parliamentarian Manzoor Wattoo, filed a resolution in the Punjab Assembly Secretariat, saying the country was facing worst situation and the armed forces were trying their best to root out the menace of terrorism. Under the circumstances, the government should rise above the politics of expediency and back the armed forces in war on terror.

The resolution said the announcement by Gen Raheel that he didn't want extension in his tenure was commendable but ***"this house asks the federal government to give him, Gen Raheel Sharif, an extension in his service in the national interest."***

The PPP resolution came a day after the party's co-chairman and former president Asif Ali Zardari termed the decision of Gen Raheel not to seek extension '***premature***'. It stressed the need for continuity of the military leadership as the country was passing through a difficult phase.

In the same calculated move, during an interview with Nusrat Javeed of **'DAWN News TV'** dated **11<sup>th</sup> March 2016**; the former President Asif Ali Zardari said that:

***"The 'eent say eent' comment was directed against PML[N] not army. ....that Dr Asim Hussain, who is facing legal action on charges of terrorism and corruption is like an innocent rabbit afraid of his own shadow.***

***Dr Asim is incapable of corruption - let alone facilitating or providing medical help to terrorists. Dr Asim is my childhood friend and my family doctor....."***

Earlier, on **24<sup>th</sup> February 2016**; the NAB had already filed references against Dr Asim in an Accountability Court [AC] telling the judge that ***'...there are 3,074 pieces of evidence against Hussain, alleging corruption amounting to Rs:462 billion against the former petroleum minister'***. The references were accepted accordingly.

Through the references, Dr Asim was alleged of misuse of authority in fraudulent allotment of plots and encroachment of state land for Dr Ziauddin Hospital, illegal gains and kickbacks, receiving commission through the fertilizer cartel, for illegal curtailment of gas for exploitive price hike and black marketing during years 2011-13, in addition to fraud with the general public and money laundering. The first reference was of an amount of Rs:17bn against Dr Asim whereas the rest of the amounts were being processed against him and his accomplices.

One could realise that, ***on the same date of 24<sup>th</sup> February 2016***, the PPP had submitted the above referred resolution in the Punjab Assembly demanding extension for army chief Gen Raheel Sharif.

**Abroad for medical reasons:** Rejecting speculation that he had left Pakistan in the wake of tensions with the establishment following his fiery rhetoric, Zardari said he was not one to flee out of fear; the statement was:

***"I spent 12 out of 27 years of my political career in jail, which means almost one out of every two days in my political career I was behind bars. Why did I do this? Just to bring back democracy. We fought a dictator and made him [Musharraf] walk out.***

***I have a whole history of the [medical] issues. I never got the opportunity to get these problems fixed."***

Next day, the whole electronic media held live programs on Zardari's claims that whether the former president had spent 12 years [?] in jail on the charges of corruption or for democracy. He was charged and pushed behind the bars by his own fellow political government of the PML[N], and NOT by Gen Musharraf. Gen Musharraf had rather helped him for bail & release and go to the US in 2004 where he negotiated the '**come-back deal**' for Benazir Bhutto which finally took shape in July 2007.

In his speech of 24<sup>th</sup> February 2016, Zardari held PML[N] responsible for harassing PPP sympathisers and workers but made clear that his party would not join any sit-in or movement to derail democracy. He rolled up his sleeve and showed injection marks on his arm to the camera while saying:

*"I have problems with my eyes and nose, I'm getting old as well, but I'll come back to Pakistan soon and I do not wish to be buried in New York City.*

*I was a victim of state torture, my tongue was cut, I still have marks on my neck. Who did this to me? But I still stood with Mian Nawaz Sharif for democracy. I had worked with almost all politicians of Pakistan for the sake of democracy and with best intentions for the state.*

*Some sections in the Pakistani politics are still ready to start a **dharna** but we will not join them. **I worked with everyone except Imran Khan. When Imran becomes a politician I will work with him.**"*

But alas, the rating of the PPP could not get better.

Asif Ali Zardari stayed relatively silent for longer than expected as PPP's other key persons kept on criticising the arrest of his close aide Dr Asim and the warrants issued against some party members. Zardari's response did not disappoint but raised many questions.

Zardari primarily accused PM Nawaz Sharif for reverting to the revenge politics of the 1990s. The accusation was a surprise but Zardari obfuscated certain facts, including that the corruption inquiries into Qasim Zia, Gilani and Fahim were older ones in which the PPP leaders had refused to join or comply with the ongoing investigations. In a sense, while the timing may have coincided with Dr Asim's arrest, the courts were left with very little choice but to arrest the leaders for inquiry.

Worth noting was that unlike the last time Zardari spoke – lashing out at army Generals – in his recent outburst the PPP leader avoided mention of either the Rangers or the army and kept his criticism focused on the PML[N] and the PM Nawaz Sharif.

Co-Chairperson Zardari also pointed two instances in which PML[N] members were accused of corruption but were still serving in government without the noose of arrest and court cases hanging over them. Zardari had indirectly conveyed that the PM House was directly responsible for immobilising the Sindh government.

Did the PPP just discover that the PML[N] had been behind targeting of the party all along or was it just a desperate attempt to put pressure? There were many dead horses that the PPP leader tried to beat and raise, including the Model Town and Asghar Khan cases, to hit the PML[N] leadership. The PML[N] rejected all accusations of revenge politics.

However, blaming the PML[N] was a truth. Zardari certainly knew that the power was with some one else. This was not the 1990s - the mechanism being used in Sindh was entirely different in nature.

The PPP chief's outburst was intended to pressurise the PM N Sharif to dilute the Karachi operation, which was otherwise immensely popular to all Pakistanis especially the people of Karachi. Public calls were being consistently received by the Rangers and the army to forcefully continue the campaign till the elimination of all kinds of mafias in Karachi.

***The MQM, whose popularity and street power in the mega city was more authentic than the PPP's, had failed to weaken the operation although it relentlessly used different methods for the purpose.*** When the operation was not watered down due to the MQM's pressure, it was certainly not to be softened for the PPP.

Both the Prime Minister Nawaz Sharif and the COAS Gen Raheel Sharif repeatedly stated that the Karachi operation would continue unabated come what may. Zardari squarely put the entire blame of arrests of PPP leaders on corruption and other charges on Nawaz Sharif. However, previously not only the Sindh chief minister but some other PPP leaders had been laughing [*simultaneously growling*] at the Rangers, accusing the force of being partial against the PPP. Whatever the reasons, it created a difficult situation for the prime minister.

Although the drive was going on for quite some time, the arrest of Dr Asim proved to be the proverbial last straw that had broken the camel's back. Zardari's sermon was unlikely to result in Dr Asim's quick release.

By shunning his much touted '**reconciliation policy**', Zardari announced an open confrontation with Nawaz Sharif – but the hard reality was that this policy had benefited Zardari's person alone. It was because of this strategy that he uniquely succeeded in having his full five-year constitutional term in office. During those five years, Nawaz Sharif had been stoutly defending the democratic dispensation and had been a great barricade against any likely unconstitutional move.

PPP's Chief specifically mentioned five names of Sindh, who were arrested or feared apprehensions:

- Qasim Zia was taken into custody by the NAB on charges of committing fraud through his brokerage house.
- 
- Shaukatullah Bangash, son of PPP Senator Saifullah Bangash, was arrested by NAB for allegedly selling a banquet hall illegally. It was alleged that he, in connivance with and active abetment and assistance of others, violated NAB's caution and illegally sold out the property for Rs:52.5 million for his personal gains. The proceeds were distributed among all the accused - NAB had recovered the money from them.
- 
- Arrest warrants for former PM Gilani and former Commerce Minister Makhdoom Amin Faheem were issued by an accountability court in connection with a mega fraud in the Trading Corporation of Pakistan. The case was initiated on the directions of the Supreme Court during the PPP's own regime or Khoso's interim government.
- 
- The investigation being conducted against some bureaucrats of Sindh, were handled by the Rangers; directly related to alleged corruption, implicating prominent PPP leaders.

Hamid Mir, while talking in **Shahzeb Khanzada's live TV show**, said **on 1<sup>st</sup> September 2015**, that the Karachi situation should be viewed in international perspective because the statements of US National Security advisor and German foreign minister after their visits to Pakistan's Chiefs did not go in country's favour.

## **Scenario 188**

### **ELECTORAL REFORMS DRAMA**

In Pakistan, year 2013 witnessed numerous incidents of malpractice, rigging, improper investigations, and incompetence regarding general elections. Mass rigging was not only witnessed, recorded, and documented by the civil society, concerned political parties, and international bodies but vote-recount was made into a priority in many consistencies.

The **European Union Election Observer Mission**, in its May 2013 General Elections Report, noted that:

*"Fundamental problems remain with the legal framework and the implementation of certain provisions, leaving future processes vulnerable to malpractice and Pakistan not fully meeting its obligations to provide citizens the right and opportunity to stand as candidates and to vote. To make future elections more credible there is a need to ensure that they are aligned with the expectations of all stakeholders."*

**Pakistan's Political Party Order 2002** outlines constitutional framework for the intra-party elections but unfortunately none of the political party in Pakistan's pseudo democratic landscape follow it; the civil dictator heads of family-owned political parties do not allow these constitutional guidelines to be implemented. ***This malpractice has been made mandatory through 18<sup>th</sup> Constitutional Amendment in Pakistan – what a pity.***

**On 11<sup>th</sup> May 2014;** PTI Chairman Imran Khan, at a rally in Islamabad, called for sweeping electoral reforms, including resignations by all sitting members of the ECP, a change in the mode of selection criteria for caretaker governments, complete autonomy for the ECP to hold errant Returning Officers [ROs] accountable, timely disposal of election petitions and machine-based voting.

**On 10<sup>th</sup> June 2014;** Prime Minister Nawaz Sharif wrote to the National Assembly speaker, asking him to constitute a special parliamentary committee comprising members of the two houses of parliament to take up the issue of electoral reforms adding that he was open to electoral reforms,

including a change in the selection criterion for caretaker governments, provided all political parties represented in parliament built up a consensus.

PTI's call for sit-in on 14<sup>th</sup> August 2014 instant in Islamabad was also a consideration. Whether the move was aimed at countering the PTI ongoing campaign for wide-ranging electoral reforms, analysts held the prime minister made a wise decision to formally engage all political forces in the process. The letter contained that:

*"Given the importance of the matter, the National Assembly and the Senate may consider setting up a parliamentary committee on electoral reforms to prepare comprehensive recommendations in respect of electoral reforms required to ensure free, fair and transparent elections in the country."*

In his letter, the prime minister referred to two earlier reports, one each by the committees of the two houses of parliament, which remained inconclusive because of the expiry of the previous National Assembly. The new committee could draw upon recommendations of the two earlier reports — report of a sub-committee of the National Assembly's Standing Committee on Law, Justice and Parliamentary Affairs relating to amendments to electoral laws [Oct 2011]; and report of the Senate Special Committee on Election Issues [Feb 2013].

The parliamentary committee, the PM wrote to the speaker, might comprise representatives of political parties from both the treasury and opposition members in both the houses. The PM suggested that its final report to the speaker was desired within three months; while emphasizing that:

***"It may include suggestions to amend the constitutional provisions relating to caretaker governments and the adoption of the latest technology for holding elections."***

PM Sharif once again, unwittingly though, demonstrated that when it comes to important decisions, be on economic or political fronts, he trusts none other than Finance Minister Ishaq Dar. In the opening paragraph of the letter, the prime minister attributed his awareness on the subject of electoral reforms to Mr Dar.

The Senate Committee's earlier report, cited in the prime minister's letter, had recommended amendments to the Constitution:

- *....to make production of the national identity card at the time of election mandatory;*

- ....disclosure of secret information by an employee of the ECP to be punishable with imprisonment of up to five years or fine up to Rs:5 million, or both; and
- ....setting up of a local commission system for recording of evidence for speedy trial of election petitions.

**PTI'S** Information Secretary MNA Dr Shireen Mazari, told the media that her party was already holding consultations with political parties sitting on the opposition benches for electoral reforms. On prime minister's letter, she said: "*Since the PTI has no representation in the Senate, I don't know how the proposed committee will be constituted. Let's see how the issue plays out before the house.*"

#### **REFORMS COMMITTEE NAMED:**

**On 25<sup>th</sup> July 2014;** Speaker National Assembly Sardar Ayaz Sadiq constituted a 33-member parliamentary committee on electoral reforms to evaluate shortcomings of the previous electoral process and make recommendations to hold free, fair and transparent elections.

It had already been decided on the Parliament's floor on 19<sup>th</sup> July 2014 that 11 parliamentarians of the Upper House and the 22 parliamentarians of the Lower House would be part of the committee while the Chairman Senate Syed Nayyar Hussain Bokhari would forward his list of 11 parliamentarians to the Speaker National Assembly at the earliest.

According to ensuing notification the PML[N] nominated eight members including Senators Muhammad Ishaq Dar, Malik Rafique Rajwana, Zahid Hamid, Anusha Rehman, Lt Gen (Rtd) Abdul Qadir Baluch, Murtaza Javed Abbasi, Abdul Hakeem Baluch and Dr Tariq Fazal Chaudhry for the electoral reforms committee.

The PPP, the major opposition party in the National Assembly, nominated Syed Naveed Qamar, Shazia Mari, Senator Aitzaz Ahsan, Senator Mian Raza Rabbani and Senator Farooq Hamid Naek for the committee.

The PTI nominated Shafqat Mehmood, Dr Shireen Mazari and Dr Arif Alvi for the electoral reforms committee. Senator Col Tahir Hussain Mashhadi, Naeema Kishwar Khan and Dr Farooq Sattar were to represent MQM in the said electoral reforms committee.

The government and opposition parties agreed to give voice to all the parties which had their representation in the Senate or the National Assembly, thus the rest of the parties, including one member parties like PKMAP, PML[Z], Awami Muslim League etc were also there to contribute towards that noble cause as part of the committee.

The members of the committee themselves had to select a chairman to head the committee. The PML[N] leadership was seen interested to get the slot of the Chairman for its Minister Zahid Hamid who had already served as law minister in Gen Musharraf government BUT finally Senator Ishaq Dar held that portfolio.

**On 19<sup>th</sup> September 2014;** the Parliamentary Committee on Electoral Reforms, met for the first time since the protesting Imran Khan's PTI and Dr Tahirul Qadri's Pakistan Awami Tehreek [PAT] descended on the capital, and observed that there were ***"complications, confusions, and an absence of coordination in the 2013 general elections."***

The committee, chaired by Finance Minister Ishaq Dar and consisting of nearly all the parties represented in parliament – with the exception of the boycotting PTI – examined a host of issues involved in the process.

In the then held joint session of parliament, legislators from several parties in the house admitted that there were apparent irregularities in May 2013's elections. These included allegations of improper use of magnetic ink, the printing of additional ballot papers and vote verification, most of which were raised by the PTI. The committee was shocked to learn that the Printing Corporation of Pakistan [PCP] used 66-year-old machines to print the ballot papers for the 2013 general elections.

On that day, the committee was briefed by officials from several key departments involved in the electoral process, including the National Database and Registration Authority [NADRA], the Election Commission [ECP] itself, the PCP and the Pakistan Council of Scientific and Industrial Research [PCSIR].

During the briefings, the committee raised questions around the use of magnetic ink. They inquired why NADRA and ECP insisted that voters only use the expensive ink to stamp ballot papers. Next session was to be held on 29<sup>th</sup> September 2014 for briefing on the points raised.

An ECP source said that staff inefficiency and lack of interest had caused several problems and errors at polling stations during the elections. The committee also asked the ECP to explain whether ballot papers were

printed from a private printing press in Urdu Bazaar, Lahore, as claimed by the PTI.

Till ending February 2015; no meaningful consensus could be viewed amongst the 33-member Parliamentary Committee on Electoral Reforms; complete four months were wasted. Ishaq Dar publicly maintained that the delay in summoning a meeting of the committee was caused on the way to convince the PTI to return to the assemblies and engage in the constitutional process of debating and agreeing on electoral reforms.

The PTI leadership was then insisting for a judicial commission to review May 2013's election results as a pre-condition for its return to the assemblies. The Committee faced its first setback when the PTI members boycotted its proceedings following their resignations from the National Assembly and the party had not participated in any of its sessions since.

In the meantime, fresh Senate elections for half of its members popped up.

A sub-Committee was constituted under the chairmanship of Federal Minister Zahid Hamid to go through all laws and prepare recommendations. However, since Zahid Hamid's resignation as minister at the end of November 2014, the sub-committee went slowly till 4<sup>th</sup> March 2015 when meeting of the Sub-Committee was summoned. Till then, considerable home work had been completed especially in the fields of biometric system and use of electronic voting machines.

### **LAHORE NA-122 RE-POLL ANALYSED:**

**On 22<sup>nd</sup> August 2015**, the Election Tribunal probing rigging allegations in NA-122, PP-147 and PP-148 announced its verdict and declared the 2013 elections null and void. The Election Commission of Pakistan [ECP] de-notified Ayaz Sadiq, the sitting Speaker of the National Assembly since 30 months after it received the tribunal's verdict.

*[A petition had been filed by Pakistan Tehreek e Insaaf [PTI]'s Chairman Imran Khan challenging Speaker Ayaz Sadiq's victory in the 2013 elections. Mr Khan, who had been defeated by Ayaz Sadiq in the constituency, had claimed of widespread rigging.]*

Mr Khan termed the judgment as a victory for *insaf* [justice]; showing will, muscles and perseverance he fought for injustice against all odds.

Till **17<sup>th</sup> August 2015**, Judge Kazim Ali Malik heard the case and reserved the verdict to be announced later. While concluding his arguments, Anees Ali Hashmi, counsel for Khan, told the judge that nearly 45,000 invalid votes had been polled in the constituency; wrong national identity card [CNIC] numbers had been found on a large number of ballot counterfoils; some digits were found missing on many counterfoils. Verification of counterfoils by NADRA and the report of an inquiry commission suggested that the ECP's record was not accurate. The vote counting process was correct. The number of votes counted by presiding officers was different from that counted by the inquiry commission.

*[Earlier, on **8<sup>th</sup> December 2014**, Judge Kazim Ali Malik had rejected NA Speaker Ayaz Sadiq's request to the tribunal against opening of bags. A single-member commission was ordered to check the records and recount the votes after opening the ballot bags in NA-122.]*

NA-122 was one of the four constituencies where the PTI had sought a recount and verification of voters' thumb impressions. Ayaz Sadiq had defeated Mr Khan in May 2013 general elections and the PTI challenged the results. Imran Khan criticised the election tribunal for not opening up NA-122 bags despite an overwhelming evidence of irregularities while the Speaker Ayaz Sadiq was seeking shelter behind courts' stay orders, one after another, instead of having the moral courage to go through re-counting and verification process. In fact, Speaker Ayaz had lost his moral credibility and should have resigned from Speaker's slot till completion of the verification process.

Imran Khan had submitted an evidence report to judge Kazim Ali Malik pertaining to alleged rigging in the May 2013 elections two days earlier and got his statement recorded in person; the judge took two days to decide.

Earlier, six witnesses who were polling agents of the PTI, in their written statements alleged that they were forcefully expelled from the polling booths by the presiding officers. They alleged that the presiding officers themselves stamped the ballot-papers on tiger, election symbol of PML[N]. The witnesses said they protested the 'unfairness' but to no avail.

On the other hand, the counsel of Speaker Ayaz Sadiq had decided to challenge the Tribunal's order before the Lahore High Court because the tribunal judge had heard Imran Khan and his six witnesses but had not given a chance to the speaker and his witnesses.

Barrister Asjad Saeed, counsel for Ayaz Sadiq had also contended that the tribunal's decision was in violation of the Supreme Court's order in which the apex court had held that tribunal should determine the maintainability of the petition filed first and then take the case forward. He added that the tribunal had issued its decision without determining the maintainability of the petition.

**[On 10<sup>th</sup> December 2014; the Election Tribunal in its 18-page detailed order appointed a one-man commission comprising retired Session judge Mian Ghulam Hussain to inspect the record and ballot bags in the constituency besides recounting each vote cast therein. The tribunal also ordered the verification of Forms 14, 15 and 16 issued by the ECP to the presiding officers in the said constituency, with directions to verify votes through thumb impressions.]**

The order had directed District Returning Officer and Treasury Officer to make fool-proof arrangements for the transportation of election record from the district treasury to official building earmarked for the inspection. The tribunal also directed the CCPO Lahore to ensure complete security to the officials engaged in transportation of the election record.

Later, Barrister Asjad, counsel for Ayaz Sadiq, argued that the NADRA and the local commission had not concluded that there had been rigging; the inquiry commission had told the tribunal that Mr Ayaz had a lead of 8,851 votes even if the votes, reported invalid, were excluded from the record. The inquiry commission had examined Forms 14 and 15, thumb impressions of the presiding officers and the various signatures in presence of representatives of the PTI and the PML[N]. In short, Barrister Asjad had called Khan's allegations baseless.

In its report, the NADRA said it had processed 184,151 votes through the Automated Fingerprint Identification System [AFIS] to match fingerprints on counterfoils with fingerprint data of registered voter, held with the NADRA. The software had verified the thumb impressions on 73,478 counterfoils, nearly 40% of the votes cast in the constituency. The report stated that 93,852 votes had not been processed because of the poor quality of the fingerprints.

The NADRA said that during authentication they had discovered that there were 6,123 votes cast on which the CNIC numbers used were invalid. There were 2,862 votes which carried notarisation issues with some digits missing on CNIC numbers. There were 3,440 votes on which the writing was illegible. There were 370 counterfoils on which the CNIC number had

not been noted. On 255 counterfoils, more than one CNIC numbers had been noted. They found 1,715 votes on which there were no fingerprints to scan. Additionally there were 570 CNIC numbers which were not registered in NA-122.

On 7<sup>th</sup> February 2015, the PTI counsel cross-examined Ayaz Sadiq. Counsel for Sadiq had said his client's failure to reply to some of the questions did not establish rigging. On 16<sup>th</sup> May, lawyers from both sides had cross-examined NADRA's Director General Muzaffar Hussain Shah about the ink used for taking the thumb impressions.

During **6<sup>th</sup> July 2015**'s Tribunal's proceedings; the judge repeatedly asked Ayaz Sadiq's counsel to respond to Imran Khan's objections one-by-one but he had no concrete arguments.

Ayaz Sadiq announced to challenge the tribunal's decision in the Supreme Court. Speaking to the media outside the tribunal Ali Sadiq, the son of Ayaz Sadiq and his lawyer, said the tribunal's decision did not state that his father was involved in rigging. PM Nawaz Sharif said the verdict of the Election Tribunal was part of the legal process and all political parties should respect the ruling.

Throughout the day the temperature outside the tribunal remained high as PTI and PML[N] workers chanted slogans in favour of their respective leaders. Many times the two charged up sides came close to clashing but the situation was kept under control by a large contingent of police commandos and policewomen deployed on site. Earlier, security around the Election Commission office was tightened and roads towards the commission sealed; entry of unauthorised persons was also prohibited.

Several PTI and PML[N] workers were injured in clash with the police outside the Election Commission office as they waited for the result to be announced. The Election Tribunal faxed its verdict to the ECP Punjab while the Election Commissioner Punjab, Masood Malik, confirmed receipt of a facsimile of the Election Tribunal's ruling.

After Tribunal's announcement, PTI chief Imran Khan held that the Judicial Commission, which had probed the elections 2013 in general, too had held the ECP responsible for mismanagement in polls. Khan did not mean to upset Ayaz Sadiq in person [*as they were class-mates too*], but his objective was to mend the faulty electoral system.

**On 25<sup>th</sup> August 2015**; Punjab's Law Minister Rana Sanaullah accused Judge Kazim Malik of 'requesting' PML[N]'s ticket for his son while Justice

Malik in response asked Rana Sana to substantiate his claim with proof. Rana Sanaullah maintained that when PML[N] declined to give the party ticket to the son of retired judge, the latter turned against the party.

A similar accusation was also hurled against Justice Kazim Malik by Ayaz Sadiq in **Geo News TV** program '**Capital Talk**' of a day earlier. The accusations and counter-accusations began after the verdict was issued declaring the election of NA-122 null and void – NOT before.

**On 11<sup>th</sup> October 2015**; in the re-poll, the ruling PML[N] won the battle royal in NA-122 after polling 4,161 votes more than its rival PTI but could not secure the Punjab Assembly's PP-147 seat. Sardar Ayaz Sadiq of the PML[N] defeated Abdul Aleem Khan of the PTI in a close contest by-poll to reclaim the coveted Lahore seat.

PTI leaders appeared to take comfort from the narrow margin of the loss. Aleem Khan pointed out that the PTI had won PP-147. PTI had lost the NA seat in 2013 elections by 9,000 votes, whereas its nominee reduced the gap to just 4,061 votes. The PTI accepted the results while saying that:

*"Had the government not reworked the voter lists and moved some voters out of NA-122, we would have won this. We have secured two legs of the throne of Lahore today. Loss by a few thousand votes is no real loss. Our confidence after today's election has increased not decreased."*

According to unofficial results consolidated from different polling stations, in NA-122 Ayaz Sadiq bagged 76,204 votes while his opponent secured 72,043 ballots. In the PP-147 by-poll, however, PTI's Shoaib Siddiqui defeated PML[N]'s Mohsin Latif; Siddiqui bagged 31,993 votes while his opponent, who had won the seat in the 2013 elections, secured 28,641 votes. Mohsin Latif of the PML[N] was Kulsoom Nawaz [the sitting PM's wife]'s real nephew.

The irony of fate was that **PPP's candidate Barrister Amir Hassan could only get 4400 votes from the ECP's list of 3,49,000 voters** for that constituency. ECP was likely to confiscate the surety bonds of the PPP candidate. The PPP had ruled over Pakistan for five years from 2008-13; they did not contribute anything for the welfare of the public – they were thoroughly corrupt - most people had commented.

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PP-147 was the only seat in Lahore where the PML[N] suffered a defeat for the second time in the last 12 years in the by-polls. Last time the PML[N] lost this seat was in early 2003 after it was vacated by Sardar Ayaz Sadiq – in the 2002 general elections he had vacated this seat after retaining the National Assembly seat. PML[Q]’s candidate Aleem Khan had won that seat who was later inducted into the cabinet of Ch Pervaiz Elahi.

An interesting thing related to the victory of PTI’s Shoaib Siddiqui is his second victory in the by-polls. Last time, he won the election in 2006 on the PML[Q] ticket – but in the general elections of 2013 he had lost to Mohsin Latif.

Astonishing it was that voter turnout for the NA-122 and PP-147 by-elections picked up momentum in the afternoon hours, as large queues started forming in front of the polling stations. Large number of people, men and women, young and old – thronged to the polling stations in Garhi Shahu, Samanabad and around. Compared to other localities, a high turnout of female voters was observed at polling stations there. Young voters were seen queuing up outside polling stations an hour before the voting started; some of them said they were voting for the first time.

More than 8,000 police officials and hundreds of army and Rangers troops were deployed as part of the security arrangements for the said by-elections. No major incident was reported, however, in few altercations four people were injured during the clashes.

But did the result mattered to the larger scheme of politics of the country? Could a country of 200 million spread over 796,095 sq kms be seen through the keyhole of a by-election in small territorial swaths? Since three of the country’s largest parties had invested incredible amounts of time and money in Lahore and since the whole political system had been held hostage by this part of city, it did serve some useful purposes to distil broader patterns of national politics from those by-elections.

Referring to Syed Talat Hussain’s analysis appeared in ***‘the News’ of 12<sup>th</sup> October 2015;***

*‘On the positive side of the balance sheet of national politics, the most dominant trend was that of growing competition for power. The PTI has changed the organo-gram of political hierarchy that had started to look like a firm run by family chief executives.*

*Whether by-elections or local bodies polls, Punjab’s politics has already undergone a structural change. New groups with resources,*

*ambitions, frustrations, dreams and plans have found a platform to assert themselves in a manner the province has not seen since the days of Zulfikar Ali Bhutto's PPP.'*

Think about Imran Khan's 4,595 votes in 1997 and then 72043 in 2015 - he was crashing through the doors of national power with millions rocking at his rhetoric. And this was happening in Punjab, which for long had been in the grip of Sharifs; the source of their dominance of national politics. Elections like the one in NA-122 were not about registered voters; they resonated even more with under-aged youngsters.

The other welcome political trend was that political monopolies were coming to an end. For different reasons, urban Sindh was opening up to the possibility of an even playing field for political forces that had been kept out of the realm through force and coercion - Hyderabad and Karachi cities were no more under threats of MQM. Similarly, Punjab though was still being ruled by the Sharifs but started waving welcome flags for others too – thus making politics hard and competitive.

As margins for victory and defeat had gone narrower, future elections could demand counting of local provisions like sewerage, electricity, infrastructure, schools and hospitals. The candidates would be required to speak on national issues like corruption, accountability, governance, performance, leadership, national economy and even issues of foreign and defence policy. PPP's five years performance was judged on the same values so the whole PPP was kicked out from Punjab during 2013 elections.

On negative side; NA-122 by-elections divulged political ruthlessness, mad spirit of more hatred and propaganda from both sides. Money was spent like mud; resources were splurged as if there were no tomorrow and media was used to its heights and all media inmates were heftily and happily obliged. Countless issues were raised, from Jewish funding to Nandipur bungling, but no cogent agenda was placed before the voters.

The entire energy was spent on spitting on the opponent in the most regrettable manner - completely contemptuous in all respects; the same could be avoided. Talat Hussain [*referring to earlier mentioned essay*] rightly pointed out that:

*'National dreams are not built on heaps of hate. Politics is not a gladiatorial contest in which one must die for the other to live. Brutal attempts at getting power or staying in power – even when made in the most democratic way – endanger democracy.'*

The crux remains that close contest between the PTI and PML[N] in 2015's by-polls had nothing to rejoice for any of them but it brought a number of lessons for both; the PTI learnt lessons to review its way of nominating candidates in future polls.

While the government machinery and its functionaries put up a heroic effort to ensure a smooth sailing for the PML[N] candidate, the result was not to their satisfaction. It was in fact an alarm bell for the party which was ruling the centre for the third time and the Punjab for the sixth time. No observer could imagine the PTI would poll such big number of votes against the sitting governments.

PML[N] though retained its seat by a thin margin, it rather needed re-evaluation of its big loss of votes which literally speaking of party losing grip over Lahore politics. During initial days of election campaign, the top ministers of Nawaz Sharif cabinet started boasting that Ayaz Sadiq would defeat the PTI candidate by far bigger margin than what their candidate had defeated Imran Khan in 2013 polls but nil performance seen.

Imran Khan lately adapted to the old political sermons which he had been condemning as the '*politics of status quo*'. When question rose about how to win Lahore polls, Khan went for the wealthy Aleem Khan which ended in embarrassment. When the PTI chose Aleem Khan calling him his 'trump card', many disgruntled party workers and opponents had predicted a certain defeat of the PTI, however, Khan took it as challenge and saved his respect for the next local body polls.

#### **OKARA NA-144 Re-POLL's TRUE STORY:**

Meanwhile, in NA-144 [Okara-II], an independent candidate Riazul Haq Juj won the by-polls by defeating the PML[N]'s candidate Ali Arif with a huge margin; Haq bagged 83,240 votes while Ali Arif got 41,050 votes. Here PML[N]'s Arif was disqualified by an Election Tribunal but even then the party gave him ticket. In this constituency, the PTI suffered a setback as its candidate Ashraf Sohna got only 7,180 votes. As Sohna secured less than 10 per cent of the total votes on electoral roll, the ECP confiscated his surety bond.

It was disappointing event in Okara-II where PTI's candidate Ashraf Sohna had lost the election as well as his surety money with the ECP. The analysis of this defeat indicated to another flaw in the PTI as a political party.

The PTI lost this seat just due to internal miscalculation. The PTI ticket for this seat was being awarded to Riazul Haq Juj who was basically a PML[N] worker but had left the party because PML[N] had announced to give ticket to the same Ali Arif who was disqualified by the Election Tribunal. The PTI's MPA Shafqat Ranbera told Imran Khan that Riazul Haq's position in the area was strong; local people liked him and if PTI would nominate him as his candidate he would of course join the PTI in the formal way.

MPA Shafqat Ranbera's proposal was discussed in the PTI's executive committee meeting; Imran Khan was willing to nominate him as PTI's candidate there but Shah Mahmood Qureshi and the majority members came up with an alternate proposal that PPP's Ashraf Sohna had already joined the PTI there so he got the logical prime right to get the ticket whereas Haq would join PTI when he'll get the ticket.

As Ashraf Sohna and Shah Mahmood Qureshi had been very close together in the PPP thus the old friendship prevailed; Sohna got PTI's nomination. Disappointed Riazul Haq Juj announced to fight the seat independently. Shafqat Ranbera MPA helped Haq with all PTI's 83000 votes thus he got success – an indication of wrong evaluation of ground politics.

Here another tone of Pakistani voters was seen – a remarkable conclusion. Whole of the Pakistan, especially high ups of the PTI, were of the view that the voters come after Imran Khan so that Mr Khan's person could make any candidate win – here the impression was blown up in vacuum. PTI's ticket was with Ashraf Sohna; Imran Khan held the main gathering during election campaign for him, thousands of people attended Khan's address but not a single voter stamped the PTI's election mark - 'the Bat'.

The crowd of thousands attended Imran Khan's address but as they considered Riazul Haq better candidate than Ashraf Sohna so all of their votes went to the independent.

PML[N] had immediately realized their mistake too. They came up with open announcements that in Okara-II the match was between two candidates of PML[N]. Nawaz Sharif conveyed the message to Riazul Haq to join PML[N] again and also offered him a seat in the cabinet.

On the other hand, the main PTI body criticized Shah Mahmood Qureshi so much that once there were feelings that he might leave PTI like Makhdoom Javed Hasmi – both from Multan.

**HIGH CRY FOR MOMENTOUS REFORMS:**

**On 18<sup>th</sup> September 2016;** the **Parliamentary Committee on Electoral Reforms** which was constituted in July 2014 to submit its report within three months, had set a record by overshooting its target date by a full 23 months till then. Not that the committee had been sitting idle all this time: it held 18 meetings and its three sub-committees met 72 times. Over this period, the committee expanded its scope and took cognisance of some election-related developments seen during the past two years.

The committee had already lost the best time to develop a consensus: as the nation was getting closer to the next election date. The opposition apprehended that the PML[N] would be hastily rushing through the package of electoral reforms legislation after it is finalised in the committee as it did in the case of 22<sup>nd</sup> Constitutional Amendment which changed the eligibility criteria for the Chief Election Commissioner [CEC] and the members of the Election Commission of Pakistan.

In fact, the electoral reforms committee had been sitting on the constitutional amendment until the retirement of the four ECP members thus creating a constitutional void and then it introduced the amendment in parliament. Given time constraints, the two houses of parliament quickly passed the legislation.

Any package of electoral reforms proposed by the parliamentary committee was expected to benefit from the recommendations contained in the report of the **2013 General Elections Inquiry Commission**. Although the commission did not find any evidence of organised vote rigging which could alter the election result in a material sense, it did point out a number of planning, execution and management flaws in the electoral process.

Many of these issues pointed out therein were to be resolved by the ECP that must improve its internal procedures and lines of communication and reporting. However, some aspects required legislation such as obligating the ECP to make its statement of counts from each constituency public on its website.

***The ECP lately removed some election-related material such as copies of the candidates' nomination papers and legislators' statements of assets and liabilities from its website*** on the pretext that the law does not expressly demand that. But the democratic norms stipulate that these documents be made public; such lacunae should have been removed by the ECP itself by making appropriate rules.

Automated identification of the voter and casting of ballots were other aspects of electoral reforms demanded by a section of society. Many countries have returned to conventional balloting after experimenting with electronic voting; India is the best quote in this regard; so utmost care was needed.

Another important aspect of electoral reforms was related to political finance and election spending; an area of ever-growing concern in all democracies. The ever-increasing cost of election and thus the corresponding increase in the influence of money on elections remained worrisome for all.

The ECP completely failed in enforcing the then ongoing election spending limits on candidates for provincial and national legislatures and local governments all over Pakistan. Candidates had violated with impunity the spending ceiling of Rs:1 million and Rs:1.5m for provincial and National Assembly constituencies respectively in the 2013 general election and subsequent by-elections.

Pakistan's laws never placed an election spending limit on political parties. The changing nature of election and the increasing tendency to use expensive electronic media time for electioneering by political parties necessitated proper legislation for that menace too.

The prevailing election laws in Pakistan provide for the annual submission of statements of assets and liabilities by each legislator; the ECP receives these statements and publishes them via gazette notifications but the ECP's job is considered over. The ECP does not even check them for completeness.

The law neither authorises the ECP to scrutinise the statements nor has it the capacity to undertake the said huge exercise seriously – and that is good. The respective opponents do that job of scrutiny in a better way; the government expenses are saved, too.

Similarly, political parties are also required to submit their annual audited accounts to the ECP on a prescribed format. A review of these statements for almost all mainstream parties for the last seven years indicated that there were serious gaps in the statements submitted.

For example, the sources of party funding were never specifically identified; there was a need to bring in serious reforms in political finance. The ECP always remained ill equipped for the job. It had established a political

finance wing near the 2013 general election but that one-man wing had been lying dormant since its sole director left the job.

Till ending days of year 2016, the committee made recommendations in respect of electoral reforms, ensuring free, fair, and transparent elections, including adoption of the latest technology, available for holding elections, along with draft legislation and constitutional amendments, if required for this purpose – **but the whole exercise was an eye wash only.**

That so called **ELECTION BILL 2017** unified various elections laws: starting with steps to strengthen the ECP financially and administratively it covered provisions of voting by overseas Pakistanis, better system for publication of results, greater use of NADRA data, revision of electoral rolls, delimitation of constituencies, granting more time for filing objections to the ECP, regulation of local government elections, and special measures to secure women's voting rights. The cropped up features were:

- *Although the ECP has the power to suspend election officials BUT it is being given to respective governments to decide the transfers of election crew like the District Police Officers or Commissioner during the polling process – NOT acceptable so that ruling regimes should not get desired results.*
- *The ECP can disqualify elected members found to have submitted false statements of election expenses or false wealth statements. Such matters are suggested to be referred to the Session Courts – NOT acceptable given its lengthy procedures and appeals. Only the ECP should be able to adjudicate, no one else.*

*If disagreements arise; the matter be appealed against in the Supreme Court of Pakistan.*

- *The bill limits freedom of information and access; the media would no longer be part of the scrutiny and would not be authorized to see the polling process – should NOT be acceptable.*
- *In the new bill, the ECP officers can face up to five years in prison and a fine of Rs:5 million if they **'leak information or data to any other person'**. [And yet the penalty for those involved in the rigging process is far less, 3 years in prison and a fine of Rs:100,000] – NOT acceptable as all the info about the candidates from public should be known to and available for public.*

**[Spearhead Analysis** on media pages dated **31<sup>st</sup> January 2017** researched by ShahBano Khan is referred.]

**On 6<sup>th</sup> March 2017;** the ECP announced it would boycott proceedings of parliamentary committee on electoral reforms after it faced critical remarks from the PTI in the committee's last meeting.

PTI MNA Shireen Mazari during the meeting of sub-committee on electoral reforms questioned the ECP's neutrality and its capacity to hold fair elections. Her criticism prompted ECP officials to walk out of the meeting. Later, another PTI Senator filed a privilege motion against the conduct of ECP officials in the Senate Secretariat.

The ECP held a meeting in its head office to discuss the development and issued a statement, conveying to the National Assembly speaker that it would not be taking part in the meetings of parliamentary committee on electoral reforms.

It claimed that at the time of formation of the parliamentary panel, it was decided that all its proceedings would be in-camera. It demanded the speaker take action against the members who breached this agreed upon code of conduct.

**On 6<sup>th</sup> April 2017;** the ECP warned all that time was running out for the enactment of electoral reforms. Expressing concern over delay in the promulgation of the Election Laws 2017, the ECP wrote to the Speaker:

*"The Parliamentary Committee on Electoral Reforms should **finalise its recommendations and lay the bill before the parliament for making necessary legislation and enact the Election Act 2017 as early as possible so the ECP could start and complete its work in time according to the new law**".*

The draft Election Law 2017 was earlier presented by Finance Minister Ishaq Dar — who headed the parliamentary committee — in an interim report on 20<sup>th</sup> December 2016 before both the houses of parliament. The committee had decided to seek feedback from all stakeholders, including parliamentarians; a final draft was to be completed within 30 days once all recommendations had been incorporated.

The ECP's letter, however, maintained that:

*"Under Section 14 of the draft Election Law 2017, the ECP was required to prepare a comprehensive action plan specifying all legal and administrative measures that have been taken or are required to be taken **at least six months before the general elections are due to be held**.*

*Keeping in view the importance and magnitude of work, it is apprehended that in case of delayed enactment of new election act by the parliament, timely completion of the aforesaid activities could become a huge challenge for the ECP, impacting quality of elections."*

The additional tasks included:

***".....Delimitation / re-description of constituencies; revision of electoral rolls; appointment and training of DROs, ROs, AROs, polling staff; printing of ballot papers and engagement of printing presses; establishment of the Result Management System; arrangements for election observers; appointment of appellate and election tribunals and ensuring security measures."***

However; following the ECP's urgent call to finalise legislation on the Election Law 2017, the government, the opposition and the ECP opted to shift the onus of delay onto one another.

The two main opposition parties — the PPP and the PTI — put blame on the government and the ECP, whereas the ECP maintained that its hands were tied in the absence of the required legislation.

The PTI's Dr Arif Alvi lashed out at the ECP and alleged that the ECP did not seem to be interested in carrying out electoral reforms; no meeting for the past two months was held due to the ECP's boycott. Perhaps, the ECP had been **"deliberately delaying"** the process.

Dr Alvi regretted that there had been no progress on the use of Electronic Voting Machines [EVMs], biometric devices for verification of voters' identity and the right of vote to overseas Pakistanis. In fact the ECP had earlier committed that they were ready to use the biometric verification system, but later termed it **'risky'** as the data could be hacked.

In fact the government and the ECP were hands in glove with each other as ***'...the delay suits the government as well and that PML[N] would not allow the ECP to hold next year's elections without enacting electoral reforms first'***.

Shazia Marri of the PPP agreed that the ECP had not been "pro-active"; the government was responsible for the delay. The PPP wanted to strengthen

the ECP and it seemed that the commission wanted autonomy, but the government's priorities were different.

PML[N]'s minister Dr Tariq Fazal held that in the last meeting, the opposition parties had sought time to review the draft before giving their final assent. Since then, they had been waiting for their response.

Meanwhile, ECP Secretary Fida Muhammad said the proposal of using EVMs and BVMs in the election, instead of ballot papers, had been incorporated in the draft election bill; but it was still in the draft stage.

The ECP submitted a summary to the prime minister, requesting procurement of some of the machines to test them out first. The contracts for purchase of 185 EVMs and 100 BVMs were signed and the machines were to be available in June 2017. It was estimated that ECP would require at least 300,000 EVMs in the general elections, the cost of which would be over Rs:30 billion, including maintenance and services.

***It was all a part of some mega-corruption deal. Every sane person in the world knows that such machines are not used even in UK or Europe. The included software was to be used ONLY once and till next election after five years, the designed software would definitely go waste due to rapid developments in computer technologies – see the iPhones we use.***

***Training of a million [school teachers & clerical] polling staff was another 'NEVER POSSIBLE' uphill task.***

***It was nothing except a plan to eat up nation's Rs:30 billion in one go and thus for ever.***

For country so poor like Pakistan, the EVM machines could be considered as luxury and wastage of money as the EVMs were to be mainly used after every five years – and in the age of silicon technology, the EVMs were sure to be like typewriters in the next elections.

### **WOMEN & MINORITY VOTES:**

Referring to the Election Commission of Pakistan's data released to media on **1<sup>st</sup> January 2017;**

**"Over 95 percent of registered women voters in at least 17 National Assembly constituencies did not cast their votes in the 2013 general elections."**

A document prepared by the Election Commission of Pakistan [ECP] revealed that turnout of women voters was less than one per cent in five constituencies during May 2013 general elections; only one woman out of the total 138,910 registered voters in NA-33 [Upper Dir] had exercised her right to vote.

In the constituency adjacent to it, NA-34 [Lower Dir], women's turnout was 0.11pc as only 231 out of 206,566 voters had cast their ballots. In NA-37 [Kurram Agency], 459 out of 156,811 women voters used their right. However, the constituency registered an overall low turnout as 2,072 men out of 230,107 male registered voters had cast their ballots.

In NA-34, located in the troubled Bajaur Agency, women's turnout was at 0.02pc and in NA-46, Khyber Agency - 0.2pc. The trend wasn't only limited to the tribal areas where certain cultural norms and the law and order situation could play a prohibitive role in this regard. Low women's turnout was also reported in some constituencies of large cities in Punjab like as NA-152 [Multan].

The turnout of women voters was alarmingly low in some rural areas of Punjab as 1.92pc as only 75,422 out of 3.9 million women voters had cast their ballots. The turnout of women voters was 2.13pc in NA-178 [Muzaffargarh], 2.24pc in the adjacent NA-177, 2.34pc in NA-175 [Rajanpur], 2.71pc in NA-174 [Rajanpur], and 2.82pc in NA-145 [Okara]. The turnout recorded in NA-61 [Chakwal] was 4.42pc and 9.52pc in NA-64 [Sargodha]. The turnout of women voters in NA-271 [Kharan, Balochistan] **was 3.51pc, but higher than the turnout for men, 3.04pc.** In NA-31 [Shangla], 4.59pc of registered women voters had cast their ballots.

Interestingly enough, the turnout figures for women outstripped those of men in some constituencies, including NA-48 [Islamabad] where the **women voters' turnout was 61.75pc, compared to 61.01pc of male voters.** Similarly, in NA-51 [Rawalpindi] 53.24pc of registered women voters had cast their ballots compared to 52.31pc men. The difference in Attock's NA-58 was even higher — the women's turnout was 64.35pc while 61.81pc of registered male voters had cast their votes.

In NA-62 [Jhelum] 17.71pc women had voted, compared to 16.67pc men. Constituencies where the percentage of women voters was higher than that of male voters included NA-74 [Bhakkar], NA-93 [Toba Tek Singh], NA-101

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[Gujranwala], NA-103 [Hafizabad], NA-111 and 112 [Sialkot], NA-115 and 116 [Narowal] and NA-180 [Muzaffargarh].

The ECP identified over 26,000 census blocks where the ratio of registered women voters was below 40pc of the total enrolled electorate; 10,440 of these census blocks were in Punjab alone.

As per data available **till ending year 2016**; Lahore topped in terms of the number of census blocks with low enrolment of women voters. The number of such blocks in provincial capital was 872, followed by Sialkot (755), Rahim Yar Khan (743), Sheikhpura (733), Narowal (620), Kasur (509), Bahawalnagar (501) and Jhang (490).

Sindh had 5,779 census blocks, including 1,575 in Karachi West, 629 in Karachi Central, 560 in Malir, 509 in Karachi East 401 in Korangi, 258 in Ghotki, 204 in Hyderabad, 131 in Khairpur and 117 in Kashmore.

In Khyber PK, the number of census blocks with less than 40pc registered women voters were 3,782, including 601 in Lower Dir, 600 in Kohistan, 469 in Upper Dir, 343 in Peshawar, 250 in Mardan, 147 in Mansehra, 138 in Chitral, 132 in Charsadda, 127 in Batgram and 103 in Bannu.

Balochistan had 3,539 such blocks, including 554 in Khuzdar, 315 in Kalat, 223 in Quetta, 208 in Dera Bugti, 196 in Killa Abdullah, 188 in Kohlu, 162 in Pishin, 143 in Awaran, 137 in Mastung, 132 in Lehri, 125 in Loralai, 121 in Labella, 114 in Kachhi and 105 in Jhal Magsi.

In Federally Administered Tribal Areas [FATA], the number of census blocks was 2,410. They included 736 clocks in North Waziristan, 350 in Bajaur, 337 in Mohmand, 266 in South Waziristan, 240 in Khyber agency, 141 in FR Bannu and 121 in Kurram agency. The Federal Capital had 53 such constituencies.

**The MINORITY Vote:**

Documents are abundantly available that how a large Christian organisation in Punjab, the All India Christian Association [AICA] backed Jinnah's call for a separate country.

***"On June 23, 1947, when a resolution was moved in the Punjab Assembly to make Punjab part of Pakistan (which would come into being in August 1947), all the Christian members of the assembly voted for the resolution's passage."***

[Nadeem Paracha's essay in daily '**Dawn**' dated **15<sup>th</sup> January 2017** is referred]

In her book **Christians of Pakistan**, Linda Walbridge writes that by the 1977 election, the PPP had lost much of its Christian electoral support due to the Bhutto regime's nationalisation of educational institutions run by Christian priests and nuns.

In 1985, Gen Ziaul Haq introduced the separate electorate system in which Pakistan's minority groups could only vote for candidates belonging to their respective religions. This system stayed put across the 1988, 1990, 1993 and 1997 elections and the two major parties, the PPP and the PML[N] that came to power during these elections did not change it.

Since the Muslim candidates couldn't receive votes from minority groups anymore under the separate electorate system, minority interests were ignored by the parties. The system was finally abolished by Gen Musharraf regime [1999-2008] and joint electorates were reintroduced.

The minorities were clearly not happy with the PPP and PML[N] when they went out to vote during the 2002 election; a majority of Christians and Hindus in Pakistan voted for the King's Party PML[Q]. Rural Sindh's minorities though voted for the PPP but could not matter much because the MQM had received the bulk of Hindu and Christian votes in urban cities especially in Karachi.

During the 2008 election which marked the ouster of Gen Musharraf regime and when the economy had begun to nosedive and extremist violence was on the rise, the PPP and PML[N] managed to win back their minority voters. The Hindu and Christian vote in the Punjab was visibly split between the PPP and PML[N]; Hindus voted overwhelmingly for the PPP in rural areas of Sindh, for the MQM in major cities including Karachi.

During the May 2013 elections, the PPP regime at the centre was a disaster, but in Sindh it had done well because it swept the polls there. As per predictions appeared in media on 9<sup>th</sup> March 2013, the fate of as many as 96 NA and PA constituencies in Punjab and Sindh depended on how the minorities were to vote here.

The final results of the above mentioned constituencies showed that in 2013 polls, a majority of Hindu, Christian and Sikh votes in the Punjab went to PML[N], whereas in rural Sindh, Hindu votes were again cast in favour of the PPP though in lesser numbers compared to 2008 elections.

In Karachi, during the 2013 elections, Imran Khan's PTI bagged the majority of the city's Christian votes. According to media reports, MQM managed to sneak past PTI in some tight contests in Karachi due to Hindu votes; Hindu votes in Balochistan largely went to Baloch nationalist parties and PML[N], whereas in the Khyber PK, a bulk of minority votes were cast in favour of PTI.

But just as the importance of minority votes is increasing among mainstream parties, thus triggering certain minority-friendly legislation, the '**Ahmadiyya minority**' have been boycotting elections since 1974.

There were 119,749 registered *Ahmadi* voters, mainly in Punjab. Just before the 2013 elections, Imran Khan tried to bag *Ahmadi* votes by making some statements which were sympathetic to the plight of the *Ahmadis* but due to the criticism he received for that from the religious parties, he retracted his statements later.

### ***HIGH VOICE FOR PROPER REFORMS:***

**Kanwar Muhammad Dilshad**, the former Secretary Election Commission of Pakistan [ECP], at media pages like of [globalaffairs.com.pk](http://globalaffairs.com.pk) suggested very cogent electoral reforms based on his personal experience in the institution – but in Pakistan's rotten '**mooroosiat**' [family dynasty politics] in the name of democracy never allowed any progressive way to flourish.

Mr Dilshad formulated these policy recommendations in the light of ongoing geo-political developments in Pakistan and the then prevailing national debate on electoral reforms – and considered them '**attainable, measurable and accountable**'. See some remarkable notes of advice:

- *The existing parliamentary system in Pakistan has largely failed. The country needs a hybrid system where the President should be elected directly by the citizens while the executive powers of the government are shared by the President and the Prime minister with an integrated system of counter checks & balances.*
- 
- *The Election Commission of Pakistan [ECP] should be empowered to directly supervise the intra-party elections of political parties. Provisions of constitutional framework given in Political Party Order 2002 be made strictly to comply with.*
-

- *Political leaders should be allowed to function as political party's office bearers for only 2 consecutive terms to ensure that dynasty politics does not grow in the country any more - as in most developed nations.*
- 
- *Political parties should be barred from opening and operating party head offices / offices abroad, as like of PPP's and PML[N] in Dubai & London etc.*
- 
- *New senate constituencies should be marked for citizens of the state to directly elect senators as opposed to the current elections through electoral-college of provincial assemblies and seats reserved for women & technocrats.*
- 
- *No candidate be allowed to contest election [**from Union Council member to the Senator – all inclusive**] unless he / she had not filed his / her tax return for the last 3-5 years at least; even though the Zero-Tax had been shown.*
- 
- *The time for scrutiny of election candidates and their nomination papers should be increased to 30 days minimum so that all verifications could be done in meticulous way.*
- 
- *Special procedure be worked out for direct election of all special seats-candidates like of academics, doctors, engineers, scientists, philanthropists, artists, media men & special consultants – it should not be through nominations by heads of political parties.*
- 
- *Women candidates should contest elections on open seats with amendments in political parties' procedures by percentage of election tickets. Seats reserved for women are defeating the spirit of mainstreaming females into political leadership.*

**[Presently, the daughters & nieces are nominated by the party heads without competition or merit – the decades old party workers are never given participation; analyse the history of PML[N], PPP & others etc.]**

- *Official counting should be replaced with "**physical counting**" of the ballot papers both in the constitutional article as well as in practice. The current practice of filling ballot-count from Forms 14 to 16 amounts to '**official corruption / rigging**'.*
-

- *Rogue practice of offering bribed FATA seats to chosen persons sitting in Islamabad or Karachi be discontinued; FATA should be elevated to the status of province through formal constitutional amendment and the elections there should be just in other parts of the country.*
- 
- *Returning officers should be made a party for hearing before ECP, Election Tribunals and courts in matters of arising disputes during or after elections. They should also be answerable and thus liable for punishment if found guilty.*
- 
- *In the Constitution, Article 246 be re-amended again to allow secret balloting in the Assemblies & Senate; the ongoing practice of raising hands has weakened democracy and strengthened party leaders giving birth to '**Morroosiat**' and dictatorship.*
- 
- *The appointment of four Members of the ECP is not in accordance with provisions of Article 213 and 218 of the Constitution. Hence, all these appointments are void ab-initio – proper transparent procedure based on merit be devised.*
- 
- *Rigging of elections began with the illegal appointment of the four ECP members, leading to pre-poll illegalities; ECP failed to take corrective measures and also could not take action against the Returning Officers [ROs] etc.*

The ECP is composed of mostly retired judges thus their speed and impartiality are both questionable as the norms of tainted justice in Pakistan. Similarly, the Returning Officers [ROs] are generally junior Civil Servants; all too conscious of the power of politicians to make or break their careers. Presiding Officers are even of lower grades being drawn largely from state schools and colleges; how can they resist pressure.

Another issue: conduct of elections in Pakistan is not subjected to accountability; thus since decades the candidates and political parties invariably cry foul after losing. When a rare appeal is upheld, and fresh elections ordered, how many Returning Officers have been jailed or reprimanded for their partisan role. In the given scenario, all the Pakistanis are privileged and guilty.

Pakistan's electoral system is not suitably aligned with changing demographic and political realities; representations are hugely distorted. To ensure adequate account and delimitation of constituencies, the census should not be manipulated in favour of any particular region or nationality.

Simultaneously, weaknesses in the legal and administrative framework need to be addressed urgently. No piecemeal reforms – a complete restructuring of the ECP is required, making the electoral process more credible, transparent and inclusive.

It is a long journey but a beginning must be made. A Judicial Commission comprising of enlightened judges was required to dig out the truth about May 2013 elections – but no political party bothered.

If the same electoral system continued then forget any change for another century. In a hugely unequal society like of Pakistan, powerful, feuds, and wealthy candidates can coerce their voters easily and usually manipulate the polling staff too.

Kanwar Dilshad, cited above, recommended for a **proportional representation [PR]** system that eliminates the incentive to rig, and is more democratic and representative but it might look cosmetic at the end. He argued that it would help liberate disempowered voters from the coercion of the powerful elite during elections AND also political parties from the stranglehold of dynasties.

However, the academic discussions do not favour the PR system because in this way the voters rank the candidates by preference. It takes into account the first choices, then second and third preferences until a candidate reaches more than 50 per cent of the vote, when they are declared winner.

Another option can be added in PR system that each vote can be transferred from the first preference to the second preference, *"so if your preferred candidate has no chance of being elected or has enough votes already, your vote is transferred to your second choice candidate in accordance with your instructions"*.

In PR system, there would no longer be one politician representing each constituency; there would also have to be far fewer and much larger electoral constituencies to send proportional groups of MNAs or MPAs to the respective assemblies in centre and provinces.

Under the current system, power tends to end up with one party [or, occasionally, a coalition] no matter how small its majority. Members could be elected despite 75% of their constituency voting against them. Contrarily, the PR system would give minority parties and independent candidates a better chance of getting into assemblies, and introduce different voices to the political life.

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There could be a higher turnout at the polls under PR. A study into voting patterns in New Zealand showed a modest increase in turnout after its switch to PR in 1996, as well as a more positive overall attitude about the power of voting.

Some form of PR is used by the majority of the world's leading democracies. Like Pakistan, only a few countries, including the UK, the US, India, Canada and France etc, still have elections that are decided by plurality voting systems. As PR seldom results in one party holding an absolute majority, it requires governments to compromise and build consensus, meaning that – in theory, at least – stable, centrist policies will carry the day.

The fact remains that the PR system allows extremist parties to gain a foothold in national life. If 2015's general election in UK had been held under a PR system, Ukip would have been the third-largest party in parliament, with 83 seats instead of one. It could have been a disaster.

Under the current system, members serve their constituencies they campaign in so are more inclined to tackle important local issues. Under PR, electoral constituencies would have to be much bigger, possibly leading to local issues being lost in the crowd.

The coalition governments that PR tends to produce are often weak and indecisive - Italy, which has such a system, has had to dissolve its parliament eight times in the last 40 years. Plus, politicians have to actually form a coalition – following the 2010 general election in Belgium, negotiations went on for a record-breaking 541 days, leaving the country essentially ungoverned for almost 18 months.

***E REFORMS - WASTAGE OF 3 YEARS:***

*'...reforms are mostly common sense...'* is very true – but the problem was that *'common sense is not very common'*. Sincerity and transparency were important to ensure impartiality which were not known to ruling PML[N] government.

**Till 21<sup>st</sup> July 2017** morning at least, the details were not made public, but in principle the decisions had been taken. After years of struggle and delay, parliament was not able to move further because the quality of reforms was not as was envisaged in the beginning. Electoral reforms of the sweeping kind that Pakistan needed was no doubt an uphill task but more

than four years had passed since the last general election, the recommendations could have been worked out much earlier. The outcome was in fact disgusting as a number of recommendations were contrary to the improvement.

Soon it became evident that the government only expedited a consensus on electoral reforms under pressure from the ECP before the run-up to the 2018's elections. The problem was the willingness to act only under pressure and seemingly at the last moment, rather than improving the quality of institutions.

***However, on the same evening [21<sup>st</sup> July 2017]; giving more autonomy to the ECP, the Parliamentary Committee on Electoral Reforms approved the Elections Reforms Bill 2017.***

As per PML[N] government claims, new draft included tough measures to stop corrupt practices and to make election process more transparent but the sermon was contrary to the work accomplished AND the needs of the hour. In the new proposal, it was approved that:

- *The ECP will have powers to make rules without prior approval of the President or government.*
- 
- *The ECP will have powers of High Court to issue specific directions for performance of its duties throughout Pakistan.*
- 
- *The [Election] Commissioner will have full financial powers, including powers to create posts within budgetary allocations.*
- 
- *The ECP has been authorised to redress complaints during various stages of election process and its decisions will be appeal-able to the Supreme Court of Pakistan only .*
- 
- *The commission will delimit constituencies after every census and variation of population amongst constituencies in the same assembly from the same province or territory - has been restricted to 10 percent.*
- 
- *NADRA will submit relevant data of every CNIC to the ECP so that every citizen who is enrolled in the database can automatically be enrolled as voter. Nomination form has been simplified and the same form has been prescribed for candidates for all seats.*
-

- *Nomination or candidature fee for the National Assembly, Provincial Assemblies and Senate has been fixed as Rs:30,000, Rs:20,000 and Rs:20,000 respectively.*
- 
- *In case of equality of votes between two candidates, both will be declared returned candidates and each will become member for half of the term of assembly. In case of equality of votes between three or more candidates there will be a re-election in that constituency.*
- 
- *Maximum limit of election expense has been set as four million rupees for National Assembly, two million for provincial assemblies and one and half million rupees for Senate elections.*
- 
- *Every member of an assembly or senate will submit annual wealth statement in the same form as submitted under the income tax ordinance 2001.*
- 
- *The [Election] Commission will scrutinise wealth statement of members and in case found false may directly prosecute the member for offence of corrupt practices.*
- 
- *In order to check mushroom growth of political parties, conditions for enlistments of new party with the ECP will include minimum 200,000 members and Rs:200,000 enlistment fee in addition to existing requirements.*
- 
- *Each political party will submit its annual statement and list of donors to the ECP, who have donated Rs:100,000 or above to that party.*
- 
- *The caretaker government has been restricted to day to day routine non-controversial matters, necessary to run affairs of government.*
- 
- *Members of caretaker government will submit their wealth statements to ECP as required by members of parliament.*
- 
- *The ECP will make special measures to encourage participation of women in electoral process including registration of women voters and actual voting on polling day.*

*The bill was to be tabled in parliament and after approval it would become part of legislation.*

The whole world and Pakistani intelligentsia itself had a big laugh when the above 'REFORMS [?]' became public after Committee's final approval. The above minor improvements in the ECP's working could be drafted by an Assistant Secretary of the Commission alone AND in one day – what was the fun in wasting time and enjoying the state perks for holding 72 meetings for such rubbish.

NOT a single structural change, as enumerated in preceding paragraphs above, was discussed or finalized – in fact the PML[N] government was not serious about reforms.

**On 22<sup>nd</sup> September 2017;** the Senate passed the **Electoral Reforms Bill 2017** which paved the way for Nawaz Sharif to regain chairmanship of the PML[N]. Senate Chairman Raza Rabbani chaired the session of the Upper House; however, due to lack of attendance, an amendment suggested by the PPP Senator Aitzaz Ahsan was rejected.

The PPP had suggested an amendment in clause 203 of the bill, which said that ***'....any individual, who is not qualified to become a member of the parliament, should not be eligible to become a party's chairperson either'***. The members cast 38 votes against the amendment and 37 in favour; hence, the amendment was rejected by a margin of one vote.

The amendment would have prevented ousted premier Nawaz Sharif from becoming president of the PML[N] once again – a post which he was declared ineligible for after disqualification from public office.

More or less, the bill passed was simply an eye-wash; no structural change was there except that defunct PM Nawaz Sharif got mandate to remain as Chairman PML[N]. The other 'key' features was:

***'The Election Commission of Pakistan [ECP] will scrutinise election expenses within 90 days, failing which election expenses submitted by a political party would be deemed to be correct.'***

A key amendment proposed by the PTI asking for voting rights for overseas Pakistanis was also rejected.

The parliamentary committee had earlier finalised the Election Reforms Bill 2017 unifying eight different laws. Through the bill, only the ECP was

strengthened and made fully independent and autonomous; it should prepare an action plan six months before the elections and delimit constituencies after every census.

The bill also proposed other electoral reforms including:

- *A fine of up to Rs0.1 million for lawmakers or three years in jail if irregularities are found in details of their assets*
- *Termination of lawmakers' membership if they fail to submit asset details within 60 days*
- *ECP gets additional powers allowing it to summon services of any institution to investigate irregularities in asset details*

During consideration of Clause 60 of the Bill, an amendment was moved which was put to the House. Thirty nine [39] members voted in favour of the amendments and 38 against the same. Consequently, the amendment was carried.

Subsequently, while the said clause was still under consideration, the Minister for Law and Justice Zahid Hamid came with a proposal of moving an amendment to the amendment to restore clause 60 to its original form and annul the amendment carried by the House. The Chairman used his discretion under rule 105 of the Senate rules of procedure to deny permission to move the amendment.

However, Senator Zahid kept on pursuing [the matter] and pleaded that this amendment was very important and members also wanted to re-consider it. Despite the fact that Chairman Rabbani had already given his decision, he bestowed his powers to the House to take decision in that regard.

The House voted against Chairman's decision, therefore, keeping in view ethical standards of morality and Parliamentary traditions he decided not to sit in the House for consideration of this bill – thus staging a walkout.

The bill was passed as per wishes of PML[N] and sent to the National Assembly – the lower house – for final consideration and approval.

**On 2<sup>nd</sup> October 2017;** the PML[N] government bulldozed the amended Election Bill 2017 through the National Assembly despite strong protests from opposition lawmakers. The bill featured a controversial amendment that allowed politicians disqualified from holding public office to head a political party.

The bill was passed amidst brawls and confusion as opposition lawmakers protested what they saw as a law designed to accommodate a single individual — ousted pm Nawaz Sharif. The enraged opposition members tore copies of the bill and threw them onto the speaker's dais as he announced its passage.

Salient features of the new election law [***in addition to the draft proposals enumerated earlier***] were:

- *The requirement that a party's chief be eligible to hold public office was done away.*
- *No MNA should be disqualified for more than 5 years.*
- *President will be bound to consult the ECP before announcing a date for general elections.*
- *ECP will have the authority to ask the Supreme Court for Returning Officers [ROs].*
- *The ECP would submit an annual performance report to the parliament and provincial assemblies*
- *ECP will have the authority to take action against polling staff for any negligence.*
- *ECP will no longer be allowed to alter nomination papers.*
- *Candidates will have 28 days for campaigning instead of 21.*
- *Votes cast by men and women will be counted separately.*
- *ROs will no longer be authorised to get published additional ballot papers.*
- *ECP will have the authority to investigate the assets of members of Parliament; MNAs will be sentenced to jail for falsified asset declarations.*
- *Every political party will be bound to hold intra-party elections every 5 years.*
- *Anyone who takes a picture of the ballot paper or shows his / her vote will be sentenced to two years in jail or Rs:0.1 million fine.*
- *Serving judges will be appointed to election tribunals.*

Addressing the Lower House of the Parliament before the bill's passage, PTI's Shah Mehmood Qureshi said that Clause 203 of the legislation, which pertains to the eligibility of persons to hold office in a political party, is **"against the spirit of the Constitution."** He urged the clause pertaining to the eligibility of parliamentarians to hold party office was being removed solely to protect ousted prime minister Nawaz Sharif.

*"The Constitution says that any person not qualified under Article 62 and 63 cannot hold office";* the Supreme Court had set precedent on the matter

by disqualifying Nawaz Sharif under Article 62(1)(f) in the Panama Papers case.

When the Law Minister Zahid Hamid presented the bill before the National Assembly, members of the opposition began shouting slogans against the proceedings and tore up copies of the parliamentary agenda.

***"The reality behind Clause 203 has been hidden from us,"*** Jamaat-i-Islami [JI]'s Sahibzada Tariqullah held. He also said that it was condemnable that the legislation could allow a person who had been disqualified by the Supreme Court to hold office. AML's Chief Sheikh Rashid held that:

*"....democracy would suffer if the bill was passed. This law is being passed for one person. I am going to the Supreme Court. We know what games they [the ruling party] are going to play in the country."*

**We must remember that we have to make  
judges out of men, and that by being made judges  
their prejudices are not diminished and  
their intelligence is not increased  
.....Robert Green**

## **Scenario 189**

### **AXACT: FAKE DIPLOMAS MILL**

**On 17<sup>th</sup> May 2015;** a report titled, "**Fake Diplomas, Real Cash: Pakistani Company Axact Reaps Millions**" by Declan Walsh appeared in '**New York Times**' un-folding Pakistan's local IT Company named **AXACT – a Pakistani software company**. It was alleged that AXACT earned millions of dollars from scams involving fake degrees of non-existent online universities and professional schools.

**Axact** was involved in issuing fake degrees at a massive, global scale and also launched an upcoming media group **BOL**, mainly a News TV Channel for which the media competitors had alleged that: "***the company is being supported by the Pakistani military or some organized criminal syndicate.***"

**Axact** created a number of fake websites in the names of well known professors, academic gurus and students who were in fact all paid actors. The "**university websites**" mainly routed their traffic through servers run by companies registered in Cyprus and Latvia, and employees used to plant fictitious reports about **Axact** universities on **CNN iReport**, a website for citizen journalism in America.

Although CNN stressed that it had not verified the reports, **Axact** used the CNN logo as a publicity tool on many of its sites.

The allegations against **Axact**, a self-professed leading IT firm, of running a global racket of diploma mills had re-opened the debate about fake academic credentials. The buyers, presumably, liked to use fake credentials for economic [employment and promotion] and social [like better wedding prospects] gains.

### **AXACT WENT FURIOUS AT NYT:**

**Axact** never responded directly to the questions or allegations when the matter started simmering but instead accused domestic media rivals of colluding with the **New York Times** to plant a defamatory story in order to harm its business interests. In reaction to the NYT's article, **Axact** issued an official response on its website, terming the story baseless while clarifying that:

*"Axact condemns this story as baseless, substandard, maligning, defamatory and based on false accusations and merely a figment of imagination published without taking the company's point of view. Axact will be pursuing strict legal action against the publications and those involved.*

*.....and that the local media groups Jang and Express were running a defamation campaign against Axact and BOL ..... and that Declan Walsh [of NYT] had devised a one-sided story without taking any input from the company.*

*And that, in an exemplary display of poor journalistic skills & yellow journalism, the writer quoted references from several imaginary employees to corroborate accusations made out of thin air."*

The irony was that Pakistan's highest investigation agency [FIA] was aware of the issue but had not launched an investigation on a flimsy excuse that **'it had not received a formal complaint'**.

**Axact** had also uploaded on its website a legal notice purported to be sent to **NYT** declaring the said story false but in the meantime **NYT** also published a separate post titled **"Tracking Axact's Websites"** which listed **'the sites for fictitious high schools and universities'** that **Axact** was running till that time. The **NYT** report said that:

*"According to former insiders, company records and a detailed analysis of its websites, Axact's main business has been to take the centuries-old scam of selling fake academic degrees and turn it into an Internet-era scheme on a global scale.*

*The accounts by former employees are supported by internal company records and court documents reviewed by The New York Times."*

In fact, many details came from the former employees of **Axact**, who identified roughly 50 sites, along with servers used by the company and

blocks of custom website coding it developed. When the newspaper explored about more details, more than 370 sites appeared linked with the **Axact's** fraudulent business running through tens of employees sitting in company's official premises.

**Axact** successfully tailored its websites to appeal its rogue customers in its principal markets, including the United States and oil-rich Persian Gulf countries.

In **Axact's** head office in Karachi, telephone sales agents worked in shifts around the clock; often they catered to customers who clearly knew that they were buying a shady instant degree for money but assuring them that their life experiences were enough to earn them a diploma. The **NYT report** held:

*"All the while, **Axact's** role as the owner of this fake education empire remained obscured by proxy Internet services, combative legal tactics and a chronic lack of regulation in Pakistan. **Customers think it's a university, but it's not - It's all about the money.**"*

The opening of NYT's report was:

*"Seen from the Internet, it is a vast education empire: hundreds of universities and high schools, with elegant names and smiling professors at sun-dappled American campuses.*

*Their websites, glossy and assured, offer online degrees in dozens of disciplines, like nursing and civil engineering. There are glowing endorsements on the **CNN iReport website**, enthusiastic video testimonials, and State Department authentication certificates bearing the signature of Secretary of State John Kerry.*

*..... we host one of the most renowned faculty in the world; boasts a woman introduced in one promotional video as the head of a law school; saying **Come be a part of Newford University to soar the sky of excellence.**"*

The fact remains that the news reports were fabricated; the professors were paid actors; the university campuses existed only as stock photos on computer servers - the degrees had no true accreditation; fake bodies and testimonials lent the schools enough trustworthiness.

That company named **Axact** operated from Karachi [Pakistan], employing over 2,000 people and called itself **Pakistan's largest software exporter** but its main business has been of selling fake academic degrees and turn it into an Internet-era scheme on a global scale.

In an interview in November 2013 about Pakistan's media sector, its Founder and Chief Executive, Shoaib Shaikh, described **Axact** as an **IT network services company**; with motto "**Winning and Caring**". CEO Shaikh claimed to donate 65 percent of **Axact's** revenues to charity, and in 2014 announced plans for a program to educate 10 million Pakistani children by 2019.

*[CEO Shoaib Shaikh was born into a middle-class family, the son of a Sindh High Court lawyer who also served some years as the principal of the Islamia College. The middle sibling amongst five, Shaikh is the only son; aged 41 when caught a year before. CEO Shaikh engaged some of the best lawyers money could buy in Pakistan.]*

**Axact's** CEO Shaikh portrayed himself in Pakistan as a self-made tycoon of sweeping ambition with a passion for charity. Growing up in a one-room house, he founded **Axact** in 1997 as a global software leader. Unusual for a software entrepreneur '**Shaikh does not habitually use email or a cell phone.**'

However, Shaikh's ambitions included a huge HQ building with space for 20,000 employees; as well as promising to educate 10 million children; then he vowed to pump billions of dollars into Pakistan's economy. But soon some employees, despite the good salaries and perks they enjoyed, became disillusioned by the true nature of **Axact's** business.

CEO Shaikh has also been working to become Pakistan's most influential media guru; he was building a broadcast studio and aggressively recruiting prominent journalists for **BOL**, a television and newspaper group scheduled to start that year of 2015; the new **BOL** team included stalwart anchors like Kamran Khan, Asima Shirazi, Iftikhar Ahmed and many more.

Social media added a further shine of legitimacy. LinkedIn contained profiles for purported faculty members of Axact universities, like **Christina Gardener**, described as a senior consultant at **Hillford University** and a former vice president at **Southwestern Energy**, a publicly listed company in Houston. **During verification, a SW Energy officer said the company had no record of an employee with that name.**

**Axact's** sales team — young and well-educated Pakistanis, fluent in English or Arabic, offered everything from high school diplomas for \$350, to doctoral degrees for \$4,000 and above.

*[Axact's selling techniques also involved impersonating American government officials who wheedle or bully customers into buying State Department authentication certificates **signed by Secretary Kerry**.*

*Such certificates, which helped a degree to be recognized abroad, could be lawfully purchased in the United States for less than \$100. But in Middle Eastern countries, **Axact** officials used to sell the same documents — mostly forged, others secured under false pretences — for thousands of dollars each. Payments were mostly funnelled through offshore firms.]*

One Saudi man spent over \$400,000 on fake degrees and associated certificates; NYT report revealed. One Egyptian paid \$12,000 in 2014 for a doctorate in engineering technology from **Nixon University** and a certificate signed by Mr Kerry; his professional background was in advertising. But he was certain the documents were real; while saying that: **"I really thought this was coming from America. It had so many foreigner stamps; it was so impressive."**

#### **FACTS FROM AXACT'S VICTIMS:**

In US, one federal prosecution in 2008 revealed that 350 federal employees, including officials at the departments of State and Justice, held qualifications from an Axact like diploma mill in Washington State.

*[A customer was probably fed up with paying extra attestation / registration fee. The senior agent asked him to wait for a moment so they could bring Mr ABC from the Egyptian Embassy on a conference call to guide him further as to why that attestation was mandatory.*

*Indeed, there was no one from Egyptian Embassy. Rather, it was one of the 4 senior **Axact** agents who spoke like native Arabs. He sat beside the agent who was already on phone and pretended to be talking from the embassy. They ultimately got him to pay more*

*for that attestation - This is one out of hundreds of calls each day.]*

Daily '**Express Tribune**' dated **20<sup>th</sup> May 2015** is referred.

**Axact's** school websites were previously held being fraudulent, but could not be identified with ownership role. In 2013, for instance, Drew Johansen, a former Olympic swim coach, was identified as a graduate of **Axact's** bogus Rochville University. **NYT report** further held that:

*"In the Middle East, Axact has sold aeronautical degrees to airline employees and medical degrees to hospital workers. One nurse at a large hospital in Abu Dhabi, admitted to spending \$60,000 on an **Axact**-issued medical degree to secure promotion."*

In 2014; Mohan, a junior accountant at a construction firm in Abu Dhabi, paid \$3,300 for what he believed was going to be an 18-month online master's program in business administration at the **Axact-owned Grant Town University**... but no coursework.

Later, a phone caller who identified himself as an American Embassy official railed at Mohan for his lack of an English-language qualification, he agreed to pay \$7,500 to the **Global Institute of English Language Training Certification**, another **Axact's** website.

In a second call weeks later, the man pressed Mohan to buy a State Department authentication certificate signed by Mr Kerry; Mohan was charged \$7,500 more to his credit card.

Then in September a different man called Mohan, this time claiming to represent the UAE government. If he failed to legalize his degree locally, the man warned, he could face possible deportation. Panicking, Mohan agreed to pay \$18,000 in instalments to the **Axact**.

*[In October 2014, **Axact's** one member named Jamshaid quit **Axact** and moved to the UAE, taking with him internal records of 22 individual customer payments totalling over \$600,000. He contacted many customers, offering to use his knowledge of **Axact's** internal protocols to obtain refunds.*

*Several spurned his approach, seeing it as a fresh effort to defraud them. But a few, including Mohan, accepted his offer; after weeks of negotiations, **Axact** refunded Mohan \$31,300 at last.]*

**Axact's** diploma mill industry was nearly exposed in 2009 when an American woman in Michigan, went angry that her online high school diploma had proved useless and sued two Axact-owned websites, ***Belford High School and Belford University.***

The case was quickly joined by about 30,000 American claimants. Their lawyer, Thomas Howlett, found "***hundreds of stories of people who have been genuinely tricked.***" But instead of **Axact**, one Salem Kureshi stepped forward as defendant; he was running the websites from his apartment.

Over three years of hearings, Kureshi's only appearance was in a video deposition from a dimly lit room in Karachi, during which he was barely identifiable. An associate who also testified by video, under the name John Smith [?] wore sunglasses even in dark. Later it transpired that his address in Karachi was also fake.

Kureshi's legal fees of over \$400,000 were paid to his American lawyers through cash transfers from different currency exchange offices in Dubai. In his testimony, Kureshi denied any links to **Axact**, even though mailboxes operated by the Belford Schools listed **Axact's** HQ as their associated link.

The lawsuit ended in 2012 when ***a federal judge ordered Kureshi and Belford to pay \$22.7 million in damages; nothing was paid by any.*** However, till appearance of NYT report in May 2015, Belford School was still open for business, using a slightly different website address.

**Axact** claimed to be the world's leading IT company as suggested by its slogan, most of its office floors in Karachi remained occupied with agents, who operated in the Middle East region luring Arab and international individuals with certified US degrees on the basis of their professional experiences.

These degrees ranged from Bachelor's, Master's and PhD; **Axact** even offered to prepare [fake] thesis for students, if they don't have enough time or skills. Agents were advised to use Bayt.com – the largest job search engine in Middle East OR LinkedIn as a source to find customers, who were in turn told / diverted to either of these organisations and forwarded their profile for consultations.

**Axact** agents used to tell customers the main reason why big corporations had not hired them was the absence of a degree that **Axact** would arrange for them while sitting at home. The script read like:

*"You don't have to take classes or listen to online lectures, or take pains for admissions and other documented procedures. Just log on to our university website and our Senior Academic Officer will enrol you. It takes less than five minutes and you receive internationally certified / attested degree within a couple of months solely based on your professional experience."*

Indeed, there was no criterion for professional experience of the applicant. You could even get a PhD degree with as minimum as one year of experience. It is all situational and manipulative. The only thing that mattered was paying the enrolment fee, and then continuing to pay until your accounts are squeezed dry.

When a customer paid the enrolment fee, he was in the trap; senior agents called him from time to time asking more and more money for attestations from embassies concerned, shipment charges, carrier fees and under many more heads.

As for the universities that offered degrees on the basis of professional experience, they all were virtual and had no physical address though they appeared to be located in the US. The punch line for all this business was **"a degree solely based on professional experience"**; an idea that dated back to the end of World War II, when many retired soldiers were jobless and the US government issued special provisions allowing soldiers to obtain academic degrees on basis of their experience.

**Axact** had, no doubt, regular software activities, mainly in website design and smart-phone applications. Another business unit, employing about 100 people, used to write term papers on demand for college students.

**Axact** used to earn \$4,000 a day as far back as 2006 which touched the heights of \$100K daily in mid 2015; the whole amounts used to be funnelled through companies registered in Dubai, Belize, British Virgin Islands and many other alike destinations.

**Axact's** legal threats once forced a major British paper, **The Mail on Sunday**, to withdraw an article from the Internet in 2006. Once it petitioned a court in America, bringing a lawsuit in 2007 against a company titled Student Network Resources, engaged in essay-writing business, and had called **Axact a 'scam site'**. That American company counter-sued and **was awarded \$700,000, but no damages had ever been paid.**

On 15<sup>th</sup> May 2015; when reporters for **'The Times'** contacted 12 **Axact**-run education websites, asking about their relationship to **Axact** and its

Karachi office, sales representatives variously claimed to be based in the United States, denied any connection to **Axact** or hung up immediately. One such phone attendant said:

***"This is a university, my friend; I have no idea what you're talking about."***

Two major allegations: firstly that **Axact**, apparently an IT company, was effectively a massive fraud, a fake-degree mill on a scale that the country, and the world, had not seen before. Secondly; **BOL network**, owned by **Axact**, was set to launch then, but later fatally compromised because of the allegations against its parent organisation.

There have long been rumours in IT and business circles about Axact's business model and quite how it was able to generate the massive amounts of cash that the company appeared to be making. No plausible explanations were offered by the company and it routinely dismissed the allegations as nothing more than rivals' jealousies. Clearly, that status quo was no long tenable.

Fake degrees set-ups are hardly a novelty in Pakistan, but then nothing had been seen before on such scale of the global fraud that **Axact** was doing. Nothing less than a thorough investigation by the state — already ordered by the federal government — was expected to conclusively resolve the issue.

### **FAKE DEGREES MENACE IN PAKISTAN:**

Fake academic credentials are a serious challenge in Pakistan. Numerous legislators had been disqualified for filing fake credentials. A former Balochistan chief minister [PPP's Nawab Aslam Raisani 2008-13], when alerted to the issue, brazenly remarked that ***'fake or otherwise, a degree is simply a degree'***

During PPP's regime of 2008-13, scores of Pakistani lawmakers lost their seats for lying about their academic credentials. It became a growing scandal that added to the woes of the US-backed PPP leadership as it struggled with Islamist militancy and a weak economy.

The accusations against a handful of lawmakers had mushroomed into formal legal challenges against about 160 elected officials - more than 10

percent of the country's federal and provincial legislators; many had claimed fake degrees to meet Gen Musharraf era's requirement for holding seat in Senate or national or provincial assemblies.

The controversy had its roots in a 2002 law imposed by the said military ruler that required candidates for office hold a bachelors degree or equivalent [*in fact it was highly commendable positive clause*]. Gen Musharraf supposedly wanted to improve the calibre of lawmakers, but critics, mainly the feudal lords of Sindh and Southern Punjab opposed the General on various counts just to maintain the status-quo in Pakistan.

Ultimately, ***Pakistan's Supreme Court struck down the requirement in April 2008***, but not before Gen Musharraf allowed elections in February of that year; many candidates submitted fake degree papers to qualify for those races.

Many of the potentially fake degrees in Pakistan were claimed from Islamic seminaries, whose degrees were considered equivalent to Bachelors' in Pakistan. Other lawmakers, however, claimed to have earned Bachelors, PhDs or Masters Degrees from institutions whose existence was difficult to verify – in fact non-existent.

Even the ruling party PPP Chairman, Pakistani President Asif Ali Zardari, had claimed to hold a bachelors degree from a business school in London, but his party was unable to produce a certificate or establish what he studied and where. Zardari escaped that scandal because he was elected after the degree requirement was struck down by the SC.

The Supreme Court had then ordered the Elections Commission of Pakistan [ECP] to vet the credentials of nearly all about 1,100 federal and provincial lawmakers. The scandal had drawn some frustrated reactions from lawmakers besieged by an aggressive media.

In Pakistan, a country where political comebacks are common, it had taken way more than a kaffuffle over the veracity of degrees to keep legislators out for long. In earlier months of year 2010, National Assembly member [MNA] **Jamshed Dasti** had to resign after being unable to prove in court that he **held a masters degree in Islamic studies**. Media reports were there to explain that **the said MNA couldn't even name the first two chapters of the Holy Quran**.

*[Referring to daily 'Dawn' dated 5<sup>th</sup> April 2014; the PIA had terminated around 300 employees, including pilots, engineers and air-hostesses, for having fake degrees during the earlier six months*

*till then; it was done so on the instructions of the Supreme Court of Pakistan – but even then pilferage was seen.*

*The human resource administration department of PIA had started the process of verification of credentials of around 16,000 employees six months ago. Over 30,000 degrees were dispatched to educational institutions for the verification.]*

**On 19<sup>th</sup> May 2015;** a team of Pakistan's Federal Investigation Agency [FIA] entered **Axact's** Islamabad and Karachi offices simultaneously and took custody of manuals, records and computers as evidence in already ongoing investigation of global fake degrees scam. **Axact's** offices in both cities were sealed and that around 22 employees of the IT Company were taken into custody by the Islamabad investigating team. The FIA held that:

*".....the investigation would not be limited to the contents of the Times article. We've issued a letter to them, and we're looking for details of their database, employees, what websites and equipment they're using."*

No one was arrested or taken into custody at the Karachi office; however, the FIA officers swooped on **Axact's** Karachi HQ, seizing equipment and records and expelling employees from the building.

Till that moment, the US State Department, while reacting to allegations levelled in **NYT** article, had confirmed that **Axact** had made no agreement on document attestation with any academic institution claimed to be associated with. In Pakistan, the Federal Interior Minister Ch Nisar Ali had already ordered an inquiry into the article published in the NYT and the FIA had taken immediate cognisance of that massive and global scam.

The **NYT report** was also referred to the concerned House Committee of Pakistan's Senate by the Chairman Senate Raza Rabbani for investigation. The Opposition Leader in Senate, Aitzaz Ahsan, said that this was a serious matter because a Pakistani company had allegedly been issuing fake degrees – and defamed Pakistan.

**Axact's Response:** In a statement on its website, Axact did not directly respond to the allegations but instead accused domestic media rivals of colluding with the NYT to plant a slanderous story in order to harm its business interests. As stated in earlier pages, **Axact** uploaded a detailed legal notice sent to NYT. The company also sent a legal notice to local blogging website **Pak Tea House**, which caused a buzz on social media. NYT later ran a short report also on the Pak Tea House legal notice

titled, "**Axact, Fake Diploma Company, Threatens Pakistani Bloggers Who Laugh at Its Expense**".

**On 20<sup>th</sup> May 2015**; the Islamabad High Court [IHC] passed an order to remove the names of five directors of **Axact** from the Exit Control List [ECL] declaring that it was a **Software Export Company**; the Interior Ministry only a day before had put the names of the officials on the ECL with clearly written reasons of their involvement in selling of bogus degrees of non-existing universities.

IHC Justice Athar Minallah, while hearing the case on that day directed the authorities to strike the names of company's CEO Shuaib Sheikh, Director Ayeshah Shuaib and others off the ECL.

**The IHC judge didn't believe the NYT report and investigation AND didn't bother to ask for the affected persons OR wait for the FIA's progress report into their raids etc.**

**IHC's that decision was clearly indicating about the nepotism or pressure if not smelt of corrupt deal for that immediate order.**

Whereas, on the same day of 20<sup>th</sup> May 2015; Ch Nisar, Pakistan's Interior Minister told the media:

*"We have seized 42 company servers, and experts suggest it could take a month to conduct forensic auditing; foreign technicians may be sought from abroad if needed. It is hard to believe the [US] government remained unaware of Axact's activities.*

*The Federal Board of Revenue [FBR] and the Securities & Exchanges Commission of Pakistan [SEOP] had also been asked to provide all relevant information on the company to the investigating team; we'll ensure transparency in the probe."*

Just a day after; senior journalists associated with **BOL** Network — the sister organisation of **Axact** — announced their resignations from the company because the explosive **NYT story** had raised questions about **Axact's** involvement in a fake degree scam. Every media person believed the said story but [astonishingly], the IHC Justice Athar Minallah didn't believe it – that's the state of affairs regarding JUSTICE in Pakistan. That's why it was CORRECTLY placed at no:192 in the list of 197 countries – see World Justice Forum Report.

**Kamran Khan**, the president, editor-in-chief and also a co-founder of BOL Group, was the first to announce his disassociation from **Axact** saying on twitter that:

*"@AaiKamrankhan: Charges against **Axact** far from proven in court but my conscience not letting me continue. I've decided to disassociate from **BOL** immediately. 3:26 PM - 23 May 2015"*

**Azhar Abbas**, the president and CEO of BOL News, also announced his resignation through Twitter, saying that he has resigned from BOL after speaking with his editors and staff; Abbas wished his team great success in future.

Senior Executive Vice President of BOL Network **Iftikhar Ahmed** and Executive vice president and senior anchorperson **Asma Shirazi** were also among the high-profile journalists who had resigned immediately. Iftikhar Ahmad said on twitter:

*"I can not work for an organization whose basic workings conflict with my professional commitment. I've decided to disassociate myself from BOL; 4:31 PM - 23 May 2015"*

Investigative journalist **Wajahat Saeed Khan** also announced his resignation from BOL Network; other senior journalists associated with it tendered their resignations in their first opportunity.

The **Axact** disaster mattered because of BOL. If it weren't for BOL, **Axact** would be just another dodgy business at worst and a template for the young and unscrupulous at best — uses the power of the internet to part a fool and his money in distant lands.

***Axact became Axact because exactly everyone in the state structure who was supposed to do their job didn't do their job – in fact a tragedy of Pakistan.***

But for some reason **Axact** decided to get into the business of media - the reason there was the most stunning media crises — an implosion that dwarfed Pakistan's well famed **Malik Riaz - Arsalan Iftikhar Scandal**, the bidding wars of the May 2013 election coverage and the Hamid Mir - ISI fiasco of 2014, possibly combined in the given scenario.

The **Axact** catastrophe coupled with **BOL** implosion, laid bare everything that's wrong with the Pakistani media — and some of the things wrong with

the state, too. **Why was it the NYT that had to break that story** – intelligentsia wondered. Why couldn't the Pakistani media report that Pakistani story to the Pakistani audience; a cogent question was in circulation for weeks and months.

Cyril Almeida opined in daily '**Dawn**' dated **24<sup>th</sup> May 2017**;

*"Imagine if Geo or Express or ARY or Dunya had lined up a bunch of ex-**Axact** employees and got them to confess on air. In detail. About the degrees and the websites and the sales agents and all the rest of it.*

*BREAKING NEWS. Flashing red screen. Breathless newsreaders. High-profile anchors gravely intoning on air. The whole shebang. What would have happened?*

*If BOL had been on air, it would have launched a ferocious counter-campaign instantly. Lies. A conspiracy.... Here's the proof. They're a bunch of crooks."*

Then BOL went dead — a brand too toxic and too damaged by association for anyone to go near. And in its death, BOL confirmed what was visible for a while: occupying a space that long ago lost touch with anything that had to do with journalism and propriety.

*[... the media wars are really about a nexus of business, politics and influence peddling where no one really gives a toss about the public interest — and few care if that becomes more and more apparent —*

*No matter the credibility, no matter the biases, no matter the scandals — folk will keep watching. They have to. They have no choice - **Cyril Almeida**]*

**But the story of Axact — and the abortive story of BOL — was also a typical Pakistani story: poor regulation, weak institutions, and a declining state — Pakistan.**

In case of **Axact**, the Pakistani media elite suddenly discovered an unlimited reservoir of moral outrage against the fake degrees. Ironically some of them had far serious and proven cases of corruption pending against them in state-files but here they were all aligned with the government under the old principal: Enemy of my enemy is my friend.

The media tycoons were successful in re-inventing the '*weapons of mass destruction*' - called fake degrees; typical American term '*diploma mills*' suddenly became country's biggest concern while half of Karachi was without drinking water.

'**Dunya News**' TV anchor Dr Moeed Pirzada held on his home page:

***"We discover ourselves in love & hate! Axiact crisis has exposed the moral bankruptcy of Pakistani Media. It has shown us our true faces in the mirror."***

Nature of this investigation and scope demanded that Pakistan's Customs Directorate get support from FIA or IB when the poor FBR just discovered that BOL's heavy equipment was not duty paid. How that equipment got the free-way through the Customs or Custom's Intelligence Units should have been a matter of concern for the government but in Pakistan who bothers – some political tycoon must be backing it.

Thus the 'Money laundering Racket' of **Axiact** behind all this manipulation and political hands patronising them were never told to the public. In the end all were found friends and stake holders; you scratch my back and I will do yours.

The fact remains that a media aligned with the government can be anything but it can never be the 'free media' not realizing that in that case the crisis was driving a wedge between the general public and media.

There were days when two English papers had 90% of their stories about **Axiact**; one day a leading English paper on its front page had 13 stories about **Axiact**; but the investigating agencies like FIA could not sort out truth out of the clues given therein.

**[Axiact** in its website claimed that it became a world – renowned brand in line with the vision of its owner Shoaib Shaikh. The company, established in 1997, had mega plans to expand operations in major Pakistani cities, aiming to create at least 100,000 new jobs and boost the country's IT exports to \$50 billion [?]. It also claimed:

- **Axiact** accounted for 65 percent of the country's total IT exports till fiscal year 2014-15.
- It employed more than 5,000 people – mostly young educated professionals – who enjoyed the best work environment,

*salaries and perks compared to any other world class corporate institution.*

- *The company, with an estimated worth of \$20 billion, had a global presence spread across six continents and 160 countries.*
- *Axact paid more than Rs:1.2 billion annually in direct and indirect taxes.*

In June 2013, **Axact's** founder announced plans to set up **BOL Media Group** with an aim to revolutionize the media industry. In a short span of 17 months, **Axact** built the biggest television infrastructure in Pakistan. The Group also planned to launch news, entertainment and sports channels, English and Urdu-language newspapers, FM radio service and magazines. It also planned to produce movies.

- *The 10-storey, purpose-built headquarters of the BOL Media Group in Karachi, equipped with the most modern technology, got completed in early 2015.*
- *BOL had got an indigenously-built news management system – the first in Pakistan.*
- *BOL attracted the best-available human resource, creating more than 2,200 jobs in the media industry.*

As per **Axact's** claims, all these plans and targets remained alive as the BOL Media Group prepared for a re-launch with a promise and target of '**better than before**'. But BOL's biggest asset remained its vision to build Pakistan's positive image and defeat the ghosts of negativity and sensationalism that had overwhelmed the local media industry.]

### **AXACT: CRIMINAL CASE IN FIA**

**On 27<sup>th</sup> May 2015;** a First Information Report [FIR] was registered against seven individuals including **Axact** Director and CEO Shoab Shaikh as well as a UAE-based company; FIR [7/2015] was registered through Saeed Memon — the Assistant Director of FIA's Corporate Crime Circle on behalf of the state. The individuals named in the FIR were subsequently arrested and kept in FIA remand until 7<sup>th</sup> June 2015.

The FIR was registered under Pakistan Penal Code [PPC] and the accused were booked under sections 420, 468, 471, 472, 473, 474, 477-A, 109 and 34. Special laws were also invoked against the accused under Sections 36

and 37 of the Electronic Transaction Ordinance 2002 and Section 3/4 of the Anti-Money Laundering Act of 2010.

Apart from Shaikh, others accused were identified as M/S Axact FZLLC — a UAE company which held a major chunk of shares — and Waqas Atiq, Zeeshan Anwar, Zeeshan Ahmed, Haris Siddiqi, Farhan Kamal and Umair Hamid. ***Shaikh and his wife Ayesha Shoaib Shaikh held one share each in the company, while the UAE Company FZLLC held 599,998 shares*** as per information received from the SECP.

**On 13<sup>th</sup> June 2015;** the FIA Corporate Crime Circle in Karachi had sent the charge sheet against CEO Shaikh and his accomplices to the concerned court; he was charged on seven counts under the PPC and on one count each under the Electronic Crimes Ordinance 2002 and the Anti-Money Laundering Act 2010. Two weeks later, the FIA submitted a supplementary interim charge sheet which carried some additional charges.

**On 9<sup>th</sup> July 2015;** yet another interim charge sheet was submitted that charged Shaikh on one more count under the Anti-Money Laundering Act.

Later in **October 2015;** a third case under the same act was filed against him for using ***hundi & hawala*** networks for illegal transfer of money to and from Pakistan.

In Pakistan's chequered history of judiciary, it was a marvellous day; nine bail applications were rejected, and a precedent was set in using the Anti-Money Laundering Act of 2010 [AMLA] to freeze the assets of **Axact**.

*[Axact's CEO Shaikh had requested the Sindh High Court to grant him protective bail against a 'potential arrest' in the said fake degrees probe by the FIA; however, his request was dismissed, as the bench did not find any merit in his application. FIA had urged that the company was involved in an illegal business which brought 'bad name to Pakistan'.]*

**On 22<sup>nd</sup> December 2015;** two petitions against sealing **Axact** premises for the forensic examination of materials within, and an appeal to unfreeze the assets and bank accounts of **Axact** and the principal accused, were rejected by a two-judges bench of the Sindh High Court [SHC] that included the Chief Justice.

**On 11<sup>th</sup> January 2016,** the FIA's prosecutor named Jamil told the court that his team would be ready to file the final charge sheet and commence

trial within a month or so; but then **suddenly on 18<sup>th</sup> January, he disassociated himself from the proceedings.** In his resignation letter he gave no reasons, other than to say that:

***".....circumstances have arisen that make it difficult for him to continue. My professional conduct would be affected if he were to continue with the case; I'm taking this step with disappointment".***

What provoked his resignation?

A source in the FIA said that Jamil resigned for 'personal reasons' but his resignation letter pointed in another direction, in a cryptic statement where he said "...my professional conduct would be affected" by continuing with the prosecution. There was no mention of personal reasons. Later Prosecutor Jamil added that:

*"We had arrived in a position to file the final challan; the team was able to pull it together in a short span of time. The forensic team of FIA did a fantastic job; it was a matter of pride for the country the way the forensic experts were able to dig this information out."*

Prosecutor Jamil was building his case on the materials found on the servers of **Axact**. According to people who worked there, the company maintained a heavily monitored office environment, recording telephone calls, monitoring the movements of its employees and their interactions with each other, and so on. All of this material, stored on its servers and hard drives, was seized by the FIA and made part of the investigation.

- *Some of this material was played in court during one of the bail hearings, and proved pivotal in persuading the judge to deny bail. Four telephone calls were played over the court's audio system, calls that were placed from the offices of **Axact**, in which employees of the company could be clearly heard impersonating government officials of other countries.*
- 
- *The calls were made to people who had already purchased a fake degree that **Axact** was accused of trafficking in. The callers were heard pressuring, bullying and misleading the person on the other end into making additional payments to obtain a new certification for their degree, or risk being reported to the employer or their host country's authorities.*

**Axact** CEO Shoaib Shaikh, managers Viqas Atique, Zeeshan Anwar, Mohammad Sabir, Zeeshan Ahmed and 14 other officials were booked in May 2015 for allegedly preparing and selling fake degrees, diplomas and accreditation certificates of fictitious schools & universities through a fraudulent online system and illegally minting "**hundreds of millions of dollars**" and placing the same in off-shore companies.

**On 3<sup>rd</sup> March 2016;** the Federal Investigation Agency [FIA] filed charge-sheet in the case. The charges under which the accused were held stated that *'they systematically and continuously acted in an organised manner on multiple occasions'* to orchestrate a massive scam that, by some estimates obtained by investigators, had almost 200,000 victims.

Investigation files contained that **Axact's** fraud empire, already considered one of the biggest Internet scams on record, was bigger than initially imagined. Over the past decade, **Axact** took money from at least 215,000 people in 197 countries — 1/3rd of them from the United States. Sales agents wielded threats and false promises and impersonated government officials, **earning the company at least \$89 million in its final year of operation – and was on record.**

Fourteen **Axact** employees, including its CEO, were put on trial on charges of fraud, extortion and money laundering. Bank accounts in Pakistan and the United States were declared frozen. Investigators uncovered a tangled web of corporate entities — dozens of shell companies and associates, from Caribbean tax heavens to others in Delaware, Dubai and Singapore — used to funnel illicit earnings.

The **NYT** dated **10<sup>th</sup> April 2016** confirmed that the leading prosecutor [Mr Jamil] had quit with little explanation, hinting that **he had come under political pressure** to soft-pedal the case. A trial date for the case was not set till then but **several judges were side-lined or dropped out of the case.** **Axact's** jailed CEO, Shoaib Shaikh, had publicly boasted of his work for influential high-ups while urging that his powerful connections would work in his favour.

*"Initially, there was a lot of surprise that **Axact's** operations were being tackled so quickly, particularly given the view that it was being backed by the ISI **but later every one lost interest – even the concerned courts.**"*

During the police investigation, CEO Shaikh once instructed his subordinates to burn company documents and to destroy computer drives,

some of which were later cast into the sea, another executive testified to the police.

However, CEO Shaikh could not prevent the seizure of a vast trove of data, some recovered from computer disks as they were being deleted, that led investigators to conclude that **Axact's** main business was providing fake degrees to needy ones in the whole world.

The police found more than one million blank educational certificates and evidence of 300 fictitious educational websites, many with American-sounding names like Columbiana and Brooklyn Park, which sold fake degrees to hundreds of thousands of people around the world. Some knowingly bought effortless degrees to pad résumés or to help in immigration; but most were publicly embarrassed.

*[In March 2016; Myanmar's Finance and Planning Minister, U Kyaw Win, admitted that his doctorate had come from **Axact's** Brooklyn Park University; but later he felt ashamed to call himself a PhD – like Minister Rehman Malik in Pakistan.]*

Many other customers, investigators quickly realized, had fallen victim to an elaborate and aggressive fraud, going to Axact-run websites for a legitimate online education only to be intimidated into making ever larger payments. Hundreds of hours of taped phone conversations, extracted from **Axact** servers and cited by prosecutors, showed sales agents impersonating American lawyers or State Department officials in an effort to collect more money from customers, mostly in the Middle East.

In one recording of 2014, one Riaz Shaikh, a Pakistani living in Abu Dhabi, believed that one 'Mr Jacob' was calling from the legal office of a university in California but was in fact an **Axact** sales agent in Karachi. The police records divulged a very cruel situation:

*"Please, please, Mr Jacob, [said Riaz Shaikh] – I've already paid \$150,000 to **Axact**. I have sold all of my assets to pay this last amount. I am not eating well. I am not sleeping well."*

*"Look, you're not paying that much, [the sales agent cajoled, before holding out a threat of possible police action] - just another \$10,000."*

**Axact** executives took extraordinary measures to disguise their links to fraud. In a lawsuit in the United States, in which former customers of the

online Belford High School were seeking damages, **Axact** officials persuaded an attendant in the company's cafeteria to pose as the founder of the school, a police report said.

As indicated in earlier paragraphs; the said worker was Salem Kureshi, who conducted a webcam video deposition in 2011 for the American court. In it, he merely moved his lips while, off camera, an **Axact** official voiced a set of evasive answers for the American lawyers, Kureshi told the police.

After the police raid on **Axact** in mid May 2015, Kureshi added that executives paid him \$250 to go into hiding in his hometown, 700 miles from Karachi.

Referring to the '**Dawn**' dated **12<sup>th</sup> April 2016**; in Pakistan, the plight of **Axact**'s victims was largely overshadowed by the media uproar surrounding the BOL network, which had hired some of the country's most prominent journalists before it closed. With their salaries suddenly cut off, many employees took to the streets to protest, saying **Axact was the victim of a conspiracy by rival news organizations.**

CEO Shoaib Shaikh insisted that he earned his wealth through legitimate software exports. He also faced scrutiny from American investigators. In a letter to the Pakistani authorities in February [2016], the FBI had identified **Axact** as a **"diploma mill that operated a worldwide web of shell companies and associates."** Three of the main shell companies, registered in Delaware, were found to have been owned by Shaikh or his associates, the letter said.

Other company documents pointed to shell holdings in the British Virgin Islands, Cyprus, Dubai and Panama. In several instances, **Shaikh appeared to have used a pseudonym, Ryan Jones, to sign company documents.** He became a citizen of St. Kitts and Nevis, a small Caribbean island that sells passports to rich investors.

***In the Belford case, lawyers obtained a court order freezing three American bank accounts containing \$675,000; Shaikh admitted ownership of some of those accounts.***

His sister, Uzma Shaheen, living in Chicago, was called to testify; documents filed in court had shown that **Ms Shaheen transferred more than \$37 million from American bank accounts to abroad in recent years.**

Still, much of **Axact's** global network remained undisrupted; it used to control 32 other bank accounts — in the United States, Ireland, Dubai, St. Vincent and the Grenadines, Belize, and Singapore — estimated to contain millions of dollars, according to prosecution documents.

**In Pakistan, the case was pushed into sand-grave;** two judges rescued themselves without explanation; so had Zahid Jamil, an ambitious prosecutor who built much of the case against **Axact** but quit abruptly in February 2016, citing unspecified circumstances in above lines.

The **NYT** quoted one Nighat Dad of the Digital Rights Foundation, an Internet advocacy group in Pakistan saying; the **Axact** case showed that good laws also needed political will if they were to succeed.

***"If the evidence is so clear, and there is so much of it, then why is the case against Axact taking so long - something must be happening behind closed doors."***

**On 15<sup>th</sup> August 2016;** the Sindh High Court [SHC] granted bail to **Axact's** CEO Shoaib Shaikh and 13 others in this fake degrees case; the weather had turned in favour of **Axact**; ***hats off to Pakistan's judiciary*** – known for its gimmicks through lethargy, favouritism & corruption.

Justice Iqbal Kalhoro approved the bail plea against a surety bond of Rs:500,000 each after hearing arguments from both parties. Lawyer for **Axact**, Shaukat Hayat, argued during the hearing that the FIA and the prosecution had been employing delaying tactics, pointing out that the accused had not been indicted thus far – despite a lapse of 15 months since arrest.

Hayat claimed there had been no headway in the case to legitimise his stance that the accused were entitled for bail, especially since his clients had no criminal record or allegations of involvement in terrorism – that is normally considered a drop scene in Pakistani courts.

#### **AXACT: CHARGED & PRISONED IN NY:**

**On 19<sup>th</sup> December 2016;** Umair Hamid, an executive at **Axact**, was arrested in America; he was produced in a federal court in Fort Mitchell, Kentucky, the following day. The press release issued at the time by the US Attorney's Office, Southern District of New York, said:

*"**Axact** promoted and claimed to have an affiliation with approximately 350 fictitious high schools and universities, which **Axact** advertised online to consumers as genuine schools.*

*During certain time periods since 2014, **Axact** received approximately 5,000 phone calls per day from individuals seeking to purchase **Axact** products or enrol in educational institutions supposedly affiliated with Axact.*

*When consumers asked where the schools were located, sales representatives were instructed to give fictitious addresses."*

US authorities had accused Hamid of directing websites of so-called 'schools' to falsely represent that consumers who 'enrolled' with these schools by paying tuition fees would receive online instruction and coursework, and to sell false academic 'accreditations' in exchange for additional fees.

Hamid was still selling fake diplomas, duping US consumers into paying upfront fees to enrol in fake high schools and colleges even after Pakistani authorities shut **Axact** down in May 2015.

**On 8<sup>th</sup> April 2017;** news appeared in media quoting Acting US Attorney Joon H Kim's press release from the US Justice Department:

*"Operating from Pakistan, Umair Hamid helped fraudulently rake in millions of dollars from unwitting American consumers who paid to enrol in, and get degrees from, high schools and colleges that did not exist.*

*As a result of his fraud, people who thought they were investing in an education received nothing more than worthless diplomas and a harsh lesson in the worldwide reach of deceit.*

*Together with our partners at the FBI and the Postal Service, we will continue to work to protect consumers from scams that victimise our citizens."*

Umair Hamid, aged 31, of Karachi and one of the top executives of **Axact** Company, **pleaded guilty in a US court in connection with \$140 million fake degree scandal.** The offence carries a maximum sentence of 20 years imprisonment.

**Umair had fled Pakistan with the alleged connivance of FIA.** While he successfully manipulated the flawed criminal justice system in Pakistan where the corrupt mostly go scot-free, he was left with no option but to plead guilty in the US.

Shoaib Sheikh, Viqas Atiq and several other officials of Axact who were facing similar allegations in Pakistan had secured bails as ***the FIA didn't pursue the case*** properly and instead cooperated with the accused through concealing the evidence in possession of investigators.

Umair pleaded guilty before US District Judge Ronnie Abrams to conspiracy to commit wire fraud in connection with an ***international diploma mill scheme*** that collected \$140 million plus from thousands of customers; according to an official handout from US attorney's office put on Department of Justice website. The judge Abrams, however, announced a schedule to announce the exact punishment on 21<sup>st</sup> July 2017 at 3:00 pm.

Umair had served as Assistant Vice President of International Relations of the **Axact**. Among other things, he made various false and fraudulent representations to consumers in order to sell fake diplomas. Umair controlled websites of purported 'schools' that:

*(1) Falsely represented that consumers who 'enrolled' with the schools by paying tuition fees would receive online instruction and coursework;*

*(2) Sold bogus academic 'accreditations' in exchange for additional fees;*

*(3) Falsely represented that the schools had been certified or accredited by various educational organisations; and*

*(4) Falsely represented that the schools' degrees were valid and accepted by employers, including in the United States.*

As a further part of the scheme, Umair and a co-conspirator had:

*(1) opened bank accounts in the US in the names of shell entities, effectively controlled by Umair, that received funds transferred by consumers in exchange for fake diplomas;*

*(2) transferred funds from those bank accounts to bank accounts associated with other entities located elsewhere in the US and abroad, at the direction of Umair; and*

*(3) opened and operated an account to collect and distribute consumer funds obtained in connection with their fraudulent scheme of diploma mills.*

In May 2015, **Axact** was shut down by Pakistani law enforcement, and certain individuals associated with the company were prosecuted in Pakistan. Nevertheless, after that, Umair resumed his fraudulent business of selling fake diplomas to consumers in the US for upfront fees based upon false and fraudulent representations.

Most recently, Umair travelled to the US in 2016 in order to open a bank account used to collect money from defrauded consumers. **Umair, using the aliases "Shah Khan" and "Shah"** and others operated a massive education "**diploma mill**" through **Axact**, which had described itself as one of the world's leading information technology providers.

**Axact** promoted and claimed to have an affiliation with approximately 350 fictitious high schools and universities, which it advertised online to consumers as genuine schools. **Axact**, through Umair and his co-conspirators, falsely "*accredited*" purported colleges and other educational institutions by arranging to have diplomas from these false educational institutions affixed with fake stamps supposedly bearing the seal and signature of the US Secretary of State, as well as various state agencies and federal and state officials.

**On 28<sup>th</sup> August 2017;** Umair Hamid was sentenced to 21 months in prison in the United States for his role in an **international diploma mill scheme** operated through the company, announced by Joon H. Kim, the Acting US Attorney for the Southern District of New York.

In addition to the prison term, Hamid 31 was ordered to forfeit \$5,303,020; he had pleaded guilty on **6<sup>th</sup> April 2017**. The Acting US Attorney said that on the basis of documents filed in this case and statements made in related court proceedings, US Justice Department held the indictment.

The fate of Axact scandal in Pakistan and America has brought to sharp comparison the criminal justice system of the two countries.

**CORRUPT [?] FIA LET AXACT FREE:**

***Umair had confessed before a magistrate in Karachi*** what he later pleaded guilty before an American judge; however, he made the confessional statement before Pakistani magistrate ***as a prosecution witness and then fled abroad.***

Later, he retracted, saying he was coerced into confession, a tactic about which FIA's first prosecutor in the **Axact** case, Barrister Zahid Jamil, had fore-warned. Mr Jamil suspected that he would make confession to extract concession only to retract later; he should not be made a prosecution witness – but the FIA insisted to do so.

**FIA's then Director Karachi insisted Umair must be taken as prosecution witness.** One of the two hard disks recovered from **Axact** was in possession of Umair who was a close confidante of Shoaib Sheikh.

The **Axact** case had ***sufficient incriminating evidences to go ahead*** and prove the case but ***four prosecutors had quit the case under the garb of threats;*** it was a clear indication of how a weak presentation was made before the court in order to extend favour to the accused; ***Barrister Zahid Jamil, FIA's counsel in this case, was the first to quit.***

Top accused failed to secure even bail from the court so long as the FIA aimed at thorough and independent investigation and Barrister Jamil went straight. The **Axact** building was also in the custody of the FIA by that time. Then one day, he mysteriously resigned after telling the judge that he couldn't continue the case due to some pressure.

**Barrister Jamil's house was attacked later;** anonymous attackers hurled a grenade there. His successors also kept the momentum as long as they were not forced to quit. The reason they cited was the ***security situation in Karachi;*** investigation remained halted since then.

***The evidence acquired from the FBI wherein the online universities being run by Axact were declared fraud, was not submitted to the court by the FIA; half of the bank accounts were NOT frozen by FIA despite the court orders.***

The FIA prosecutors didn't appear quite often on hearing dates. As a result, the trial could not be started even after passage of twenty months when the scandal broke out. The chronological order of the event as per details available on files remained:

- The law agencies closed **Axact's** Islamabad offices within 12 hours of the publication of the **NYT report** [on 17<sup>th</sup> May 2015].
- Within 48 hours, **Axact's** head offices in Karachi were seized and occupied by the legal agencies [FIA].
- The legal officials took away all the papers and records of **Axact**. They also seized all the servers and stopped the operations of all business units of **Axact**, including the call centre, web designing, application development and research.
- By 26<sup>th</sup> May 2015, **Axact's** bank accounts were frozen and top management, including CEO Shaikh and 13 others were arrested.
- The accused were denied bail for 15 months because the case was very strong for prosecution purposes.
- All the arrested officials, though highly qualified, educated professionals, some gold-medallists and position holders from top Pakistani universities – were kept in the prison; no bogus 'medical' plea was entertained contrary to routine in Pakistan.
- More than Rs:270 million of equipment were taken away by the FIA officials from **Axact** HQ in Karachi alone.
- Later, the authorities had also frozen bank accounts of **Axact's** management, CEO Shaikh's mother, sisters, wife, and other family members; they were also barred from selling properties.
- At least 10 judges heard the same case and none were able to complete the hearing because of the delaying tactics of law enforcement agencies.
- Within four days of the publication of NYT report, the Information Technology Ministry suspended **Axact's** call centre license.
- Within three to four days, **Axact's** software registration was also suspended.
- Within six to seven days, the FBR issued **Axact** demand notices for its audit; BUT was referred to contact the FIA.
- The PEMRA suspended licenses of BOL News and BOL Entertainment Channel.

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- Within the next few days, the Customs Department launched a demand of receipts of BOL TV's equipment though the FIA because no import duty was paid on any part of equipment.
- In FIA's one FIR, Axact owners were accused of bringing in foreign exchange by selling fake degrees; another FIR accused them of transferring Rs:170 million abroad through a money changer; Money-Laundering case was sure but why & how the FIR was quashed by the court.
- The law enforcement agencies filed separate cases in Karachi and Islamabad on the heinous charges but neither the governments nor the courts bothered.
- The names of women of the family of CEO Shaikh were in FIRs [because they were financial beneficiaries of **Axact**], but no action against any was recommended.

**On 4<sup>th</sup> June 2016;** after 15 months, the **Axact** House and the near by building were handed back to the management following court orders; who facilitated it?

**On 19<sup>th</sup> September 2016;** **Axact** re-appeared with its activities again while its buildings were restored in a record time and the company re-launched its operations.

**Axact had survived; hats off to corrupt mafia within Pakistan's most concerned office hands of investigation agencies, prosecution and judiciary - all hands in the same one glove.**

**On 4<sup>th</sup> October 2017;** Top officials of Habib Bank Limited [HBL] disclosed to a parliamentary panel besides other reasons, the US banking regulator slapped \$225 million penalty and ordered closure of its branch in New York for giving dollar clearing facility to the Saudi Al Rajhi Bank and having the account and transaction of **Axact Company**, which was being chased by the US Federal Bureau of Investigation [FBI].

*[On 28<sup>th</sup> August 2017; New York State Department of Financial Services {NY SSD} initiated a process to impose **civil monetary penalty of up to \$629.625 million on HBL** on the basis of Report of Examination {ROE} of 2016; the bank had to decide to close its operations. Later, the HBL reached a settlement with the regulator to pay \$225 million as civil monetary penalty.]*

## **Scenario 190**

### **NAB AFFAIRS IN PERSPECTIVE**

Chairman Qamar Zaman Chaudhry, after assuming the office of Chairman NAB on 10<sup>th</sup> October 2013, introduced new standard operating procedure [SOP] to rationalise the workload and timelines for efficient, effective and expeditious disposal of cases putting a maximum limit of 10 months from complaint verification to inquiry to investigation and finally to a reference in the accountability court.

A system of CIT comprising director, additional director, investigation officer and a senior legal counsel was put in place in NAB – but all the schemes failed because the Chairman himself had shelved or dumped all the cases involving Sharifs, Zardari, Faryal Talpur, and the other key politicians of PML[N], PPP, MQM and other parties. He was openly siding with the corrupt politicians of every party thus the corruption within NAB started gaining heights.

#### **NAB's DODGY GIMMICKS AS USUAL:**

Let us start from days the new Chairman NAB assumed charge.

**On 26<sup>th</sup> November 2013**, the malfunctioning started when the Accountability Court Islamabad reopened the references pending against former president Mr Zardari after the expiry of his presidential immunity – on **28<sup>th</sup> May 2014**, the said Accountability Court acquitted Mr Zardari from the **polo ground corruption reference**; it was the start of the end-game.

**On 12<sup>th</sup> December 2014**, the Islamabad Accountability Court [IAC] acquitted former president Asif Ali Zardari in two more corruption references, out of remaining five, filed by the National Accountability Bureau [NAB] 17 years ago. The two cases were — the **ARY Gold graft case** and the **Ursus Tractors' case**. The NAB had lodged appeals in Islamabad High Court [IHC] against IAC's acquittal orders in both cases.

In the **Polo Ground reference**, Zardari was facing charges of illegally constructing a polo ground and other ancillary works at the PM House when his late wife Benazir Bhutto was the prime minister in 1990s. In the **Ursus Tractors' reference**, Zardari was accused of misappropriation in the purchase of 5,900 Russian and Polish tractors.

Another high profile case was adjudicated on 20<sup>th</sup> September 2014, when an Accountability Court in Rawalpindi acquitted PM Nawaz Sharif in two corruption references — **Hudaibiya Paper Mills and Raiwind Assets** — after the judge rejected the NAB's application seeking revival of the over a decade-old corruption cases.

*[Nawaz Sharif, Punjab Chief Minister Shahbaz Sharif, their late father Mian Muhammad Sharif, their mother Shamim Akhtar, Finance Minister Ishaq Dar, Nawaz's wife Kulsoom Nawaz, Hamza Shehbaz, Hussain Nawaz, Mian Abbas Sharif, Sabiha Abbas, Maryam Safdar and Hudaibiya Paper Mills' company Secretary Syed Ajmal Sibtain had been named in the references.]*

On 4<sup>th</sup> April 2001, while Sharifs were in exile in Saudi Arabia, proceedings into the two references were adjourned indefinitely. In 2011, the NAB filed an application to revive the cases, but the Lahore High Court [LHC] dismissed the request in May 2014. The NAB authorities, under the chairmanship of Ch Qamar Zaman never bothered to launch an appeal in the Supreme Court against LHC's verdict.

*[However, on **28<sup>th</sup> July 2017**, the SC in its Panama Leaks Case judgment ordered NAB to approach the SC to revive that Hudaibiya Case.]*

Three corruption references — **Oil and Gas Regulatory Authority** [OGRA], **Rental Power Projects** [RPP] and **Modaraba Scandal cases** — were still pending in accountability courts.

Cases regarding **Piranghaib, Multan**, and **Techno Engineering Services Sialkot**, were taken up by NAB in February 2013, the cases were of alleged corruption, corrupt practices and misuse of authority in awarding RPP contracts. Raja Pervez Ashraf, in his earlier capacity of Minister of Power, was charged with concealing facts in the RPP case and causing a loss of \$60 million to the national exchequer.

The third largest **Modaraba Scandal Case** — involving a fraud of Rs:7 billion — was still pending in the Accountability Court. The NAB had filed a reference in the court against Asif Javed alias Maulana Ibrahim, the main

accused in this case, Mufti Osama and nine others accused on charges of corruption and cheating the public at large in a ploy of Islamic mode of investment. The main culprits were still at large and the NAB authorities had failed to arrest them; thus the proceedings delayed.

**On 18<sup>th</sup> February 2015;** two different benches of the Supreme Court of Pakistan [SC] expressed disappointment over extreme mal-administration in the National Accountability Bureau [NAB]. The NAB Chairman Ch Qamar Zaman was personally present in the courtroom when matters relating to the bureau were taken up by the benches which expressed serious doubts over the efficiency and performance of the institution.

In the first case, a three-judge bench headed by Justice Jawwad S. Khawaja had summoned the NAB chief over the bureau's failure to arrest a proclaimed offender for his alleged role in a land scam in *Patoki* area of Kasur district in Punjab.

In the second case, a bench headed by Justice Amir Hani Muslim was critical of what the court believed misusing of NAO [National Accountability Ordinance] by closing a corruption inquiry against six officers of revenue and administration departments of Khyber PK who had allegedly misappropriated the compensation money meant for the victims of a 2006 bomb blast in D.I. Khan.

The NAB chief sought time to study the then on-going affairs. However, the apex court regretted that despite having Rs:6 billion in its kitty, NAB had failed to arrest a proclaimed offender for the past four years.

The case commenced when the apex court took up a bail application of one Fayyaz Ahmed Khan, an accountant who was arrested by NAB on 14<sup>th</sup> October 2013, although the three principal accused land developers and real brothers – M Amin, M Jameel and M Hameed – were declared proclaimed offenders by an accountability court in Lahore in 2014. Jameel and Hameed were arrested during the pendency of the case, while Amin was still at large.

The developers had acquired a sizeable land in *Patoki* in 2007 for Rs:80 million to develop ***Gulshan Dost Mohammad Housing Scheme***. A number of people who purchased plots in the housing scheme approached NAB when they failed to get their possessions despite making payments. NAB authorised an inquiry against the developers on 21<sup>st</sup> March 2011 and moved a corruption reference against them on 26<sup>th</sup> December 2013.

A day earlier, on 17<sup>th</sup> February 2015, the apex court had also taken notice of malpractices in the case and noted that:

*"Since Amin has still not been apprehended, there appears to be reason to believe that keeping in view the case diaries **there might have been assistance prima facie from within NAB** to enable Amin and his two brothers Jameel and Hameed now under arrest, to evade arrest; no property belonging to Amin had been attached so far."*

In addition, the apex court observed, seven delinquent NAB officers who had failed to arrest the absconder were still working in NAB and apparently no disciplinary proceedings were being pursued against them.

In the second case, the bench headed by Justice Muslim was shocked to learn that inquiries against the six officers of KP's revenue departments had been closed by invoking Section 25(a) of NAO [plea bargain] by the NAB's provincial Director General when such authority could only be exercised by the bureau's chairman. The court ordered NAB to submit the list of cases where inquiries were closed under that NAO provision.

The apex court also ordered the six officers, including Mohsin Shah, Qaiser Naz, Azizullah Mehsud, Asadullah and M Abbas, to appear before it on 20<sup>th</sup> February 2015 and asked the KP's Advocate General to explain how these officers were reinstated in their jobs, although they had been held responsible for misappropriating the compensation money meant for the legal heirs of those who had lost their lives in the bomb blast.

### **150 MEGA-SCAMS LIST IN SC:**

**On 7<sup>th</sup> July 2015;** a three-member bench of the SC, headed by Justice Jawwad S. Khawaja, heard a case filed by Manzoor Ahmed Ghauri against Chairman NAB and its other officials. The case, initiated earlier that year, pertained to scrutiny of the anti-corruption body.

The said report, along with relevant files and documents, was placed before the apex court by Staff officer to DG NAB Brig Nasir, Additional Attorney General NAB Tariq Tarrar and Prosecutor General NAB Waqas Qadeer. In that connection the NAB officials submitted a 35 pages report containing mention of 150 mega corruption cases before the apex court.

NAB was conducting 22 inquiries and 13 investigations in financial scams, while 15 references had been filed. Twenty-nine inquiries and 13 investigations were still under way in land scams, while eight references had been filed. In cases of abuse of power, 20 inquiries and 15 investigations were being carried out, while 15 references were filed.

The NAB's Report on mega scams included cases against Prime Minister Nawaz Sharif, Finance Minister Ishaq Dar, Punjab Chief Minister Shahbaz Sharif, former president Asif Ali Zardari and top politicians and bureaucrats of the country. The report on scams was divided into three categories: financial scams, land scams and abuse of power.

The **Raiwind Assets Reference** charged the Sharifs of building palatial houses on vast tracts of land using finances disproportionate to their declared sources of income; which was coming pending since year 2000. It also included two investigations against them on charges of misusing their authority in **construction of a road from Raiwind to the Sharifs' family home**, thus misappropriating another amount of Rs:126 million.

*[Earlier, on 14<sup>th</sup> February 2015; the NAB had filed two appeals in the Lahore High Court [LHC] regarding two previous corruption cases against PM Nawaz Sharif; the LHC had then quashed the both - the Hudaibiya Paper Mills & the Raiwind reference.]*

Since 7<sup>th</sup> October 2000, an investigation was also under way against former interior minister **Aftab Khan Sherpao** for amassing assets beyond known sources of income.

Since 11<sup>th</sup> February 2000, an investigation was also under way against the **Finance Minister Ishaq Dar** for misusing his authority and to probe his assets worth over Rs:23 million, £3.488 million and \$1.25 billion.

In 2014, an inquiry was also launched against **ex-CM Nawab Aslam Khan Raisani** for amassing assets worth Rs:100 million beyond known sources of income; and 10 former provincial ministers of Balochistan. NAB was collecting concrete evidence in order to prove the charges of corruption against them.

An accountability court had indicted former prime minister Raja Pervez Ashraf, Chairman Tauqeer Sadiq, stock-broker Aqeel Karim Dhedhi and others in **Rs:76.6 billion OGRA Scam**. Tauqir Sadiq obtained bail from the Islamabad High Court in 2014 and hearing into the case showed no progress since then.

In this reference, former premier Syed Yousaf Raza Gilani was also facing investigations for illegal appointment of Tauqir Sadiq as Chairman OGRA – ***not on merit but just on ONE consideration that he was brother in law of PPP's Senator Jehangir Badar.***

NAB also launched an inquiry more recently against former Federal Information **Minister Firdous Ashiq Awan** for misusing authority and embezzlement in movable property.

The bureau was also investigating **Federal Board of Revenue** [FBR] officials for misusing authority by sanctioning illegal inadmissible sales tax funds on dubious, bogus and flying invoices causing losses of Rs:2.5 billion to the exchequer.

In April 2015, an inquiry was initiated against officers of the **Rawalpindi Development Authority** [RDA] for misusing authority for irregular award of elevators and platform sliding doors for metro bus project.

NAB also revealed that on 6<sup>th</sup> June 2015, an inquiry was initiated against renowned businessman **Jahangir Siddiqui** for misappropriation of funds of Rs:2 billion.

On 15<sup>th</sup> June 2015, a probe was launched against **PM's Adviser Haroon Akhtar Khan** and his brother Ghazi Akhtar Khan for suspicious transaction worth Rs:700 million.

Prominent industrialist **Mian Mansha** was being investigated for corruption in the dubious sale of the **Muslim Commercial Bank** [MCB] but the case was lingering on since two decades because allegedly the Sharifs were also the silent partners in the deal.

A little mention of it made earlier; NAB's report also contained that an inquiry was on against the incumbent prime minister and his brother in a case, the Sharifs; pertaining to construction of a **road from Raiwind to Sharif family House** worth Rs:126 million.

A scam worth Rs:700m against Ghazi Akhtar of **Tandiyanwala Sugar Mills** was also being inquired by NAB.

The SC was told that inquiries were also underway against former **Chairman of National Insurance Company Limited** [NICL] Ayaz Khan Niazi over embezzlement charges worth Rs:2 billion and another ex-

Chairman of NICL Abid Jawed over a potential scam worth Rs:2 billion, besides some other figures.

Investigations had already been launched against **Schon Group** for alleged embezzlement of Rs:1.245 billion; **Younus Habib** for allegedly ill-intentioned default of three billion rupees.

A case of the same nature was also filed against the sitting **treasury minister Ishaq Dar**. He was under inquiry for three cases of £23 million, US \$3.488 billion and US \$1.250 billion separately.

**Hussain Haqqani**, former information secretary and Pak-envoy to US, was accused of embezzling funds, but NAB had till then failed to calculate the amount in that regard. He was also accused of issuing licenses of FM stations to three private companies.

A case was also being heard against **former president Asif Ali Zardari** for having assets beyond resources; for corruption of US \$22 billion and US \$1.5 billion in separate cases.

The apex court, however, expressed dissatisfaction over the report submitted by NAB, saying that the anti-graft body should add two columns that detail the dates of when the application against an individual was filed and when it was verified.

Coming back; [7<sup>th</sup> July 2015], seven investigations were 'still going on' against former premier **Raja Pervez Ashraf** for misusing his authority in awarding rental power plants' contracts.

The fact remained that NAB's said list of 150 cases inspired little confidence. Firstly, the list appeared as a casual exercise, giving only the names and the "***gist of allegations***", with amounts arbitrarily put down. Secondly, many of the cases were over a decade old, yet were listed as "***inquiry under progress***".

The list was simply a story of Pakistan's chequered history telling about repeated compromises struck between parties on account of political interference, the selective nature of the allegations, and political motivations behind many of the charges.

Daily the '**Dawn**' dated **9<sup>th</sup> July 2015** pointed out in its editorial that why was it that three Generals named in the Asghar Khan Case, against whom the Supreme Court ordered legal proceedings, had still not been enquired

into? The zeal with which Gen Musharraf promised to pursue corruption cases at the start of his decade in power was in the minds of many. This humiliating history ended with the NRO that saw Gen Musharraf in bargaining away most cases of corruption in return for political support.

Not a single nationalist ruler or judge was there in Pakistan's history ensuring that an anti-graft body should not be politicised – still it is a big challenge.

**On 13<sup>th</sup> July 2015;** the NAB submitted before the Supreme Court of Pakistan [SC] a **modified report** on earlier listed 150 mega corruption cases; as the apex court had shown its dissatisfaction over 7<sup>th</sup> July's report. The Supreme Court observed:

*"Was it our responsibility to let the bureau know that what was being submitted was meaningless to us - in the reference of the list of 150 mega scandals is without showing dates when NAB received a complaint and when it was verified or authorised by its officials concerned. You [the NAB] had received some complaints 15 years ago but these remained unattended till date."*

Thus, NAB was asked to include two additional columns in the report for further details. Interestingly, the NAB's earlier record lacked details of cases against some top figures too, including PM Nawaz Sharif, Shahbaz Sharif, Asif Zardari and Hussain Haqqani.

The NAB officials held that dates for filing and verification of further complaints against Sharif bothers were not available. But later it transpired that there was one - relating to illegal recruitment done by the PM Nawaz Sharif in the Federal Investigation Authority [FIA]; Maj Gen M.H. Ansari was the complainant. The complaint was filed on **22<sup>nd</sup> March 1999** and direct investigation was started.

The case filed by Manzoor Ghauri against Chairman NAB and other officials; the case, initiated earlier that year [2015] became 45 pages report listing the earlier mentioned 150 cases; this development had also drawn criticism from several political segments which raised questions on the credibility of NAB as an independent watch-dog. Referring to '**the Khaleej Times**' dated **19<sup>th</sup> July 2015:**

*".....even NAB's '**amended list**' of 13<sup>th</sup> July was not correct; of which 71 cases in three categories were in the inquiry stage and 41 in investigation, while 38 references had been filed and were pending in different accountability courts."*

*[Perhaps] the bureau officials had concealed the names of 'real offenders' to save them from accountability; the said screening was malafide and should have been considered obstruction in the process of justice."*

It was a fact too; as the list's serial No: 33 on page 24 had mentioned an investigation against **Mutual Housing Society** whereby an amount of **Rs:15 million was** stated as worth of the land scam. By any stretch of imagination such amount should not have been included in the list of mega land scams as done by NAB.

Similarly, in the list of financial scams there were eight cases of under Rs:200m while there were altogether 33 cases involving alleged embezzlement of less than Rs:1 billion. Thus, out of 50 cases of financial scam, 36 were minor, unclear or doubtful. Such misleading list only tarnished the image of NAB even more in the eyes of public at large.

In the list of land scams, there were eight cases wherein the alleged amount in jeopardy had been evaluated at Rs:100m or below. It was quite apparent that the major land scams were deliberately not included by NAB in its list, apparently to mislead the court and accommodate the actual culprits; that **"deliberate omission"** made open the guilt of the concerned NAB officials.

In the list of abuse of official position by public office-holders, there were eight cases with lowest amount stated to be Rs:3.1m. Inclusion of such negligible amounts in the list further dented the already diminished credibility of NAB. In fact, such concealment of material facts from the apex court amounted to contempt of the court under Article 204 of the Constitution.

**On 28<sup>th</sup> July 2015;** the NAB came up with **'yet another fresh list'** before the SC, in addition to its earlier list of 150 mega scams involving Rs:568 billion loss to national exchequer. The fresh list of 29 scandals included a Rs:4 billion case in the army-run National Logistics Cell [NLC] against its chief financial officer Saeedur Rehman for unauthorised investment in the stock market. See the unprofessional behaviour of the NAB then:

*"The competent authority in the NAB headquarters has taken a serious view of the lapse on your part because you were custodian of the cases in your jurisdictions. A detailed scrutiny of the list indicated that some major cases in the categories of financial, land*

*grabbing and misuse of authority were not reported - but conversely some cases of insignificant values were provided."*

This communication dated 27<sup>th</sup> July 2015 was attached to the new list on behalf of NAB's DG [operations] Syed Khalid Iqbal which was addressed to the Directors of four regional NAB offices. Later it transpired that the respective directorates had wilfully left out some very significant cases from the list for the SC – of course, for ulterior motives.

- *The fresh list contained an inquiry against officials of the Privatisation Commission and the management of **Etisalat**, which owned the PTCL, for deliberately avoiding a payment of \$800 million by the company to the government. The inquiry initiated in May 2013 was STILL in progress. Even till ending 2017, the money was not paid to the government.*
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- *The list also contained a complaint against officials of KASB Bank and State Bank of Pakistan for illegal sale / acquisition of shares of KASB Bank by **Bank Islami**; the amount involved in the case was over Rs:5bn.*
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- *Similarly, the list included inquiries against a former Director of **Bank of Punjab [BoP]**, Khurram Iftikhar, for misuse of authority and fraud worth Rs:6.2bn; against directors / owners of **Haq Bahu Sugar Mills Pvt Ltd** for non-delivery of sugar to the Trading Corporation of Pakistan [TCP] causing a loss of Rs:1.4bn to the national exchequer; and against **Haris Afzal** for misappropriation of funds and property of BoP worth Rs:1bn by obtaining illegal pecuniary advantage through "corrupt, dishonest and illegal means".*
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- *An inquiry was pending against the **Director of National Investment Trust Asif Javed**, and others for sale of **PECO's shares** by the NIT. This act caused a reduction in the government shareholding from 54.48 percent to 33.3pc without prior approval of the Privatisation Commission. The amount involved was Rs:4bn; later entering an agreement between the accused and the Commission for compensation through sale of lands etc.*
- 
- *The list contained a case against the Chief Executive Officer of **Callmate Telips** for cheating the public at large and causing a loss of Rs:5.6bn to the exchequer.*
-

- *Under the head of land scam, an inquiry was in progress against the **DG Sindh Building Control Authority Karachi Manzoor Qadir**, for illegal conversion of streets and roads in Clifton's Block-3; the amount involved in the case was over Rs:50bn.*
- 
- *An investigation was pending against illegal allotment of plots in 350 acres of **Karachi Port Trust land on Clifton** shore worth Rs:350bn.*
- 
- *A case was pending against Hammad Arshad of **Globaco Pvt Ltd** [Later **Orange Holding Pvt Ltd**] and the management of DHA City Lahore worth Rs:16bn.*
- 
- *Under the head of abuse of official position, an inquiry was pending against officials of the Project Extension of **Pat Feeder Canal in Dera Murad Jamali** worth Rs:5.8bn and another against the **Project Director of Balochistan Police** worth Rs:5.5bn.*
- 
- *A case was pending against **Pepco's** former **MD Tahir Basharat Cheema** and officials of the **National Transmission and Dispatch Company** [& allied distribution companies] for causing a loss of Rs:13.3bn by introducing fake specifications and formula to justify the purchase of low-loss transformers and procurement of distribution transformers at exorbitant rates.*
- 
- *An inquiry was pending against officials of the **Ministry of Special Initiatives** for misappropriation of funds in a Rs:7bn project called **Clean Drinking Water for All**.*

#### **NAB arrested PPP's Qasim Zia in fraud case:**

**On 8<sup>th</sup> August 2015;** the National Accountability Bureau [NAB] Lahore Wing arrested senior leader of the Pakistan Peoples Party [PPP] Qasim Zia in a fraud case pertaining to Rs:100 million; allegedly pertaining to cheating the public at large, misappropriation, embezzlement of funds and criminal breach of trust. The accused, along with other directors, fraudulently deprived general public of their hard earned money.

Qasim Zia was arrested for selling fraudulent shares of **Ali Osman Securities** of which he was one of the directors; another director of the company was also arrested.

A number of people had filed complaints with NAB over which they held an initial inquiry. The Accountability Court handed the accused persons on a

14-day physical remand to the investigating team. Elected twice from Faisalabad's constituency PP-59, Zia served as a member of Punjab Assembly from 2002-07, and from 2008-13. He functioned as Leader of Opposition in the Punjab Assembly during his earlier term from 2002-07.

*[Qasim Zia was appointed president of Pakistan Hockey Federation in 2008 and served as the federation's chief till 2013. He is an Olympic Gold Medallist in hockey, and also remained a member of the Pakistan's national hockey team from 1980-87.]*

**On 23<sup>rd</sup> September 2015;** the Lahore High Court [LHC] accepted the bail application of PPP's Qasim Zia, in that fraud case. A two-member bench of LHC comprising Justice Mehmood Maqbool Bajwa and Justice Farrukh Gulzar heard the bail plea filed by Zia and ordered his release while accepting the application.

During the hearing, NAB's Additional Deputy Prosecutor General informed the court that Qasim Zia had agreed to return the money which he had embezzled as Director of Ali Usman Securities through a plea bargain; he had agreed to return Rs:22.2 million of mis-appropriated money. Zia's plea bargain application had been approved by Chairman NAB Qamar Zaman Chaudhry; he had already submitted a bank draft of Rs:8 million, hence NAB had no objection over his release.

Qasim Zia was released from the Camp Jail Lahore on the same day afternoon.

Later, more facts appeared that Qasim Zia had left the company '**Ali Osman**' seven years before it committed the alleged fraud; he was kept in custody for 16 days but NAB could not establish his involvement in the scam. Zia had urged that the case was a result of mere political victimisation. PPP co-chairman Asif Ali Zardari had termed the arrest of Zia a '**calculated move to discredit political leaders**'.

#### **NAB's PLEA BARGAIN OPTION:**

**On 16<sup>th</sup> July 2015;** the Supreme Court directed the NAB to come up with an explanation about how much of the Rs:256 billion it had recovered from offenders over the past four years consisted of plea bargain and voluntary return. The directive was issued by a two-judge bench headed by J Jawwad S. Khawaja during the hearing of a case relating to NAB's mal-admin and

poor performance. Amidst discussions over the list of 150 mega scandals, its DG [operations] Syed Khalid Iqbal informed the apex court that the NAB had recovered Rs:256bn over the past four years.

*[Under NAB Laws in Pakistan; the voluntary return is an option under which an accused returns the plundered money during investigation before the filing of a corruption reference in an accountability court. The plea bargain option is used during the course of trial in the accountability court.]*

Additional Prosecutor General Akbar Tarar explained that the new NAB Chairman Ch Qamar Zaman had reactivated all the cases but the fact remained that not a single file about Big-Wigs like Sharifs and Zardari was taken up – their files were kept in the cold room.

Justice Dost Mohammad Khan asked about the timeframe in between converting an inquiry into investigation and eventually the filing of a reference. Mr Tarar said that usually it should be done in three months. The new chairman [*after spending two years in office he was STILL NEW!*] had streamlined many things and constituted a high-level committee to scrutinise all old cases. The committee had held 19 sessions and ordered the officers concerned to dispose of the cases as early as possible. Justice Khawaja retorted:

*"For the time being we accept that NAB is very efficient. Tell us when you learnt that the cases are in the cold storage for the last 15 years and did the bureau identify the persons who were inactive and in deep slumber – time? We are ready to give you another 15 years till 2030."*

Justice Dost Mohammad Khan regretted that delay in deciding cases was also a painful experience for the accused because the sword of the Damocles remained dangling over their heads.

**A Cogent Public View:** Much earlier; the issue of plea bargain required deeper analysis than the self-congratulatory recovery of a fraction of the ill-gotten wealth by the NAB. A person in authority makes one rupee as illegal gratification but he may be giving the contractor a benefit of ten rupees for a sub-standard building.

Instead of plea bargain, the culprit should be given exemplary punishment. In China, such persons are often given death sentence; many high-quality projects of public importance there are completed on

time and within budget. In Pakistan, not a single government project completed in time and in the same budget. Why so?

**On 20<sup>th</sup> September 2015;** National Accountability Bureau [NAB] Chairman Qamar Zaman defended plea bargaining and voluntary return of money and reiterated that action would be taken against all those involved in major cases of corruption irrespective of party or social differentiation. NAB was facing severe criticism, especially from the PPP, that it was being used by the PML[N] government to victimise its political opponents.

The superior judiciary had also criticised NAB for **'letting suspects off the hook'** after striking plea bargain and voluntary return deals with them. Chairman NAB acknowledged that **the bureau had been accepting amounts lower than the determined booty and allowing the accused to escape prosecution.** Under NAB laws:

*"...the voluntary return is applicable at the time of initiation of inquiry; if the accused is willing to pay the principal amount plus mark-up, he has his rights to do so.*

*Once a case is upgraded to the investigation stage and then the accused offers to return the ill-gotten money, then it is termed plea bargaining. The accused is required to pay the full determined amount plus mark-up in three equal instalments. His offer is submitted to the respective accountability court."*

The plea bargaining had other implications because it was deemed a conviction. The accused was barred from holding a government job and public office and a businessman was not able to obtain loan from banks for 10 years. The amount determined by the bureau was non-negotiable and all of it had to be paid by the accused. The NAB argued that the question regarding accommodating the accused to reduced payments against the determined amount was not valid.

It remains a fact that with the departure of the Economic Crime Wing [ECW] to the FIA in 2008, a huge resource gap was created and NAB was left with only 40 per cent manpower to manage its activities. An effort was made to fill this gap through induction of 260 officers after training in 2014. Another batch of 134 officers was selected and for the first time the personnel were being trained at the Police Training College in Sihala.

***Once again, the superior judiciary went into slumber-mode for complete one year; no verdict about the voluntary return or plea bargain appeared in that high drama of 150***

***mega-scams proceedings. There was no progress seen in the NAB offices either.***

**On 8<sup>th</sup> September 2016;** the Chief Justice of Pakistan took *suo moto* notice on a note of Registrar, containing details of observations of a two-member bench passed in ***Civil Appeal No 82-K of 2015*** that due to the powers of NAB Chairman under Section 25(a) of the National Accountability Ordinance 1999 and effect of voluntary return in the NAB cases, the accused goes scot-free without any stigma.

A three-member bench of the apex court headed by Chief Justice Anwar Zaheer Jamali and comprising Justice Ameer Hani Muslim and Justice Sheikh Azmat Saeed heard the said *suo moto* case.

During the course of hearing, Justice Ameer Hani Muslim observed that with the amended section, the anti-graft body had created an environment of multiplying corruption; that the voluntary return and plea bargain section in the NAB allows the bureau to discharge an individual from '**all his liability**' in the matter. ***'The section 25(a) does not provide any disqualification, as against the disqualification provided under Section 25(b) of the NAB Ordinance'.***

Justice Sheikh Azmat Saeed observed that:

***"NAB is like a person standing in a busy marketplace screaming do corruption and return it voluntarily!"***

***"If a case goes to the FIA, there is no option of voluntary return, as one has to face the trial but when the same case goes to NAB, it was settled either through voluntary return or plea bargain. Isn't this unfair?"***

The fact remained that some time back, a two-member bench of the apex court at the Karachi Registry in a detailed order in NAB appeals against an Accountability Court's decision of refusing the remand of a private citizen in a fraud case had ruled that ***'the authority of the NAB Chairman to accept offer of voluntary return of the illegally earned money by corrupt public servants is prima facie in conflict with provisions of the Constitution'.***

The bench had directed its office to place the order before the Chief Justice of Pakistan for passing an appropriate order to treat the matter as a *suo moto* petition under Article 184(3) of the Constitution. Prima facie, it was a

question of public importance having far-reaching effects and direct bearing on the fundamental rights of citizens of Pakistan in order to lay down the principles regarding cognizance of NAB in corruption matters under Section 9 of the NAB Ordinance.

**On 24<sup>th</sup> October 2016;** the Supreme Court of Pakistan stopped the National Accountability Bureau [NAB] from using its powers of Section 25 (a) NAB Ordinance 1999 under which the anti-corruption watchdog could drop charges against corrupt mafias through ***'voluntary return and plea bargain deals'***.

The apex court observed that those who made the plea bargain law did not feel shame about the fact that *'the law denotes that people may do corruption and get back on their jobs after paying [back] money'*.

The ruling came during the hearing of a case pertaining to illegal appointments in the NAB; the CJP Anwar Zaheer Jamali remarked ***even the court was not entitled to exercise the powers NAB was using under plea bargain and voluntary return.***

In CJP's candid opinion Pakistan had become laughing stock in the foreign countries due to such laws. Justice Amir Hani Mulsim said the NAB received 25 percent of the money returned through plea bargain; the Prosecutor General NAB, however, denied that it was true.

The apex court held that NAB's Chairman was more powerful with respect to appointments in NAB than the chief executive of the country. NAB had absorbed 60 percent officials from outside ignoring major rules for deputations. The court observed that many MNAs, MPAs and high-ranking officials opted for plea bargain, but they were still enjoying the office.

According to the NAB report placed before the apex court, 1584 civil servants had entered into voluntary return and deposited Rs:2.022 billion. Of them, 165 were federal government servants while the rest were provincial employees.

Justice Muslim said acquitting an accused was a judicial matter and this power could not be given to the executive, especially when it entailed punishment. He said if a person embezzled Rs:200 million, but paid Rs:200,000 or Rs:50,000 to the NAB through voluntary return, he was allowed to go scot-free.

The Attorney General told the apex court that in the original law it was not there, but the provision of voluntary return was inserted later. On a question of '**return or payment in instalments**', the NAB Prosecutor General Waqas Qadeer Dar told that there was a standard operating procedure of it and a person who entered into voluntary return had to pay 34 percent in the beginning.

Justice Hani said Section 28 of NAO 1999 and the ***NAB Employees' Terms and Conditions of Services (TCS) Rules 2002*** were contrary to the constitutional provisions. He said the director generals who had come to the NAB on deputation were absorbed without the competitive exams, which was unlawful.

**WHO STOLE COURT'S ORIGINAL DOCS:**

Zardari had still to face two references — **SGS and Cotecna** — and on **22<sup>nd</sup> December 2014**, the court had rejected his acquittal plea and the cases were fixed for next date. The hearing continued at usual pace for about a year.

**On 12<sup>th</sup> November 2015**; the Islamabad Accountability Court [IAC] Judge Muhammad Bashir reserved the verdict after both parties concluded their arguments over acquittal applications of the PPP's co-chairman in the SGS and Cotecna corruption cases. The reserved verdict was then announced on 24<sup>th</sup> November 2015; see next paragraphs.

**[SGS Case** – *Swiss inspection, verification, testing and certification company; corruption case was the continuance of a reference filed in 1997 that accused late Benazir Bhutto and her spouse to have gained off a contract between the SGS and the government.*

**Cotecna Case** *was about the award of a contract to the Swiss company after allegedly receiving six percent bribe on revenue proceeds.]*

*Some more details of **SGS & Cotecna deals** are available in 'Judges & Generals in Pakistan Vol-II' Scenario-49, pps 567-570 [2012], GHP Surrey UK.*

In his arguments, Zardari's counsel, Farooq H Naek, reiterated that the real record of both references was not present and only photocopies were

present before the court. In such a situation, he said, cases could not be taken forward and his client should be acquitted.

On a previous hearing, the judge had remarked that the record consisted of attested copies asking if the real record of the references could be obtained by the NAB. ***Naek had maintained that whoever certified the record should come before the court*** and testify, adding NAB has already said that the real record of the references was not available.

***Naek had held that even the investigation officer has not seen the real record*** though; former Deputy Chairman NAB Hassan Waseem Afzal had recorded his statement in the cases.

In his statement, the former Deputy Chairman said that he himself had gone to Switzerland and ***brought back the original record of the SGS reference*** and submitted it in the Lahore High Court [LHC]. Afzal said that the original documents related to the agreements with the offshore companies and Swiss bank accounts were submitted in the court and the record should have been with the court or NAB.

During the 11<sup>th</sup> November hearing of the ***SGS-Cotecna reference***, the ADPG NAB Ch Riaz had also said the NAB had submitted the relevant record before the court, and that ***the original record had gone missing from the custody of the Ehtesab Bench of the LHC***. Ch Riaz told that the NAB also produced witnesses to authenticate the evidence and it was up to the court to decide the fate of these documents.

***[It could be presumed that Mr Zardari had got 'removed' all that original record from the Lahore High Court during PPP's five years regime and thus the Accountability Court also found an excuse to acquit Mr Zardari from the said cases.]***

**On 24<sup>th</sup> November 2015**, the Accountability Court announced its judgment and declared **Mr Zardari innocent** in the said two cases. Former Federal Board of Revenue [FBR] Chairman AR Siddiqui had already been acquitted in the case.

**On 1<sup>st</sup> December 2015**, a large number of PPP workers and central leaders gathered in Karachi and demanded an apology from PM Nawaz Sharif for implicating PPP co-chairperson Asif Ali Zardari in false cases. The resolution was passed because Asif Ali Zardari had been acquitted of the SGS-Cotecna scam a day before.

However, the demand of '**public apology**' was immediately rejected by the PML[N] which said "**acquittal from the court does not mean that the corruption has not been committed,**" – a bitter truth it was. PML[N] Information Secretary Mushahidullah Khan commented that:

*"Mr Zardari's acquittal was caused by the prosecutor's failure to prove the charges. Mr Zardari has done PhD in two disciplines – how to commit corruption and how to save his skin."*

Addressing a press conference two days later, PPP's Secretary General Raja Pervez Ashraf held that 36 references were pending against Prime Minister Nawaz Sharif. He found it strange that the cases against PPP leaders were tried in courts but the Nandipur Scam involving PML[N] leaders had been investigated by the Auditor General – the government's own person.

Every one was speaking truth; all the high leadership of both PPP and PML[N] were hands-in-hands together while their gloves, full of diamonds of corruption, were lying in London and Dubai – poor populace of Pakistan was being made fool again with years 1861-88's CrPC and Evidence Act this time through NAB's gimmicks.

**On 7<sup>th</sup> January 2016;** there was explanation from the NAB HQ in Pakistani media in respect of **across the board accountability** that:

*'...it follows a policy of fair, impartial and across the board accountability; cases are inquired and investigated by NAB on pure merit and do not bear any special preference or prejudices of political victimisation against any individual.'*

Simultaneously, [the daily '**Nation**' dated **14<sup>th</sup> February 2016** is referred] the Planning Commission of Pakistan included a chapter devoted to issues of corruption in 11th five-year plan and the NAB intended to achieve the goals set in the plan. The NAB claimed that the Transparency International [TI] had placed it nine positions better as compared to previous year since the country improved the **Corruption Perception Index** [CPI] score - from 126 to 117 which was a positive development for Pakistan.

The Chairman NAB had told in his departmental meeting at Lahore that NAB recovered Rs:256 billion since its inception terming it as a record achievement. NAB had received 3,00,209 applications, authorised 6,662 inquiries, authorised 3,391 investigations and filed 2,451 corruption references in the respective accountability courts.

It was in that context that **PILDAT** in its report rated NAB's performance at 42% based on public survey. The rate of success of NAB's prosecution work in all the courts was rated at 70%. All appeared blatant lies. The general populace was doubtful about PILDAT's survey figures because in the later years it had allegedly become a part of the PML[N]'s Media Cell – thus had lost its whole credibility; a tragic death of another institution it was.

**SHARIF & ZARDARI THREATENED NAB:**

**On 17<sup>th</sup> February 2016;** PM Nawaz Sharif, addressing PML[N] workers at Bahawalpur warned the National Accountability Bureau [NAB]:

*'..... to stay **within limits** and stop threatening and harassing government employees or action will be taken against it. NAB must perform its duties responsibly. The NAB officials barge into houses and offices of innocent people and harass them without looking into the authenticity of cases. The NAB officials dishonour people in unlawful cases, cause hindrances and harass and terrify government officials.*

*I have brought this issue to the NAB chairman's notice. He must take corrective measures or the government will initiate necessary and legal action'.*

Most probably, the prime minister had shown his frustration over the NAB after it hinted at **'thoroughly investigating some of the projects like LNG, Metro Bus, Orange Train and LDA City'**. Besides, NAB had not yet cleared the premier in cases of recruitment in the FIA and **construction of Raiwind Road Lahore**. NAB spokesman Nawazish Ali remained tight-lipped when media-men asked him about the status of NAB investigations into above mentioned cases.

A couple of PML[N] legislators from Daska and Okara, Punjab Education and Sports Minister Rana Mashhood and a close aide to Chief Minister Shahbaz Sharif were also facing corruption inquiries.

***[The main thing bothering PM Sharif was that the NAB Chairman was an ex-Army officer – thus raised PM's suspicions about some kind of unofficial liaison between the NAB and the establishment.]***

Next day, commenting on Nawaz Sharif's remarks, former president Asif Ali Zardari said:

***"Mian Sahib, not only NAB but your FIA is also doing the same job. Dr Asim is not involved in corruption and one of your ministers has also conceded this.***

***We are more willing to clip the wings of NAB if you desire so. The PPP will fully support any amendment to the NAB law brought to parliament."***

Earlier, the PPP's Sindh government reprimanded NAB for laying hands only on its party.

The DG of the Khyber PK's Ehtesab Commission, retired Lt Gen Mohammad Hamid Khan, resigned a week earlier ***in protest against promulgation of an ordinance by the provincial government that drastically amended the Ehtesab Act of 2015.***

PTI Chairman Imran Khan had already lost moral ground to raise voice against the PML[N] government's possible move to bring NAB under its control after promulgation of the said ordinance, making approval of a five-member commission mandatory for the *Ehtesab Commission* to arrest a suspect and reduce the maximum period of physical custody of a suspect from 45 to 15 days.

While PM Sharif kept mum when government servants in Sindh were harassed or arrested, ignoring protests from Sindh CM, he started complaining that NAB was persecuting innocent government officers when the flames of *Ehtesab's* fire reached Punjab. Apprehensive Punjab government also insisted that the Rangers were not needed in the province to take action against terrorists or go after the corrupt.

The media had the clues that the PML[N] government had planned to bring an ordinance before tabling a bill in parliament to make NAB like ***Ehtesab Bureau of Saifur Rehman.*** The displeasure the prime minister showed about the NAB indicated the he intended to curtail the powers of its chairman. Under Section 270 of Pakistan's Constitution, the NAB chief is independent in administrative affairs and is not answerable to anyone. **Through amendment the Chairman NAB was being made answerable to the prime minister.**

**On 18<sup>th</sup> February 2016;** the Senate of Pakistan was told that consequent upon the PM's threats to NAB, the NAB Chairman Qamar Zaman Ch had refused to see PM Sharif while a mutual meeting was scheduled on that day. Contrarily the media discussions made it open that a proposal was

finally planned for an Ehtesab Commission under the supervision of a retired judge; lawyers and retired officers were also to be appointed in the proposed commission.

***The NAB was to be made bound to get prior permission from the Commission before arresting any political figure on corruption charges.*** The NAB would produce evidence and other relevant details before the commission to justify their request for arrest.

It was decided that political parties would be taken into confidence before implementing the proposal. Evidently, the PPP was already protesting against the anti-graft body while PTI had also gone on back foot as detailed earlier.

#### **VC OF BZU MULTAN ARRESTED:**

**On 16<sup>th</sup> September 2016;** the administration of Bahauddin Zakariya University [BZU] Multan issued a notification in connection with a meeting of the syndicate held a day before in which, it claimed, that the syndicate approved establishment of the sub-campus by the West Continental Group [WCG]. The notification contained:

*"The syndicate, in its meeting, reiterated its earlier decision of May 25-26, 2013, regarding the establishment of sub-campus at Lahore for the promotion of higher education; with WCG in the light of the direction issued by the government of Punjab vide Letter No SO (Univ) 6-7/2012-P on March 13, 2013.*

*The redrafting of agreement will be taken up by retired Justice Zafar Yasin (member syndicate) and Malik Rafique Rajwana (legal adviser BZU; later Governor Punjab) along with legal experts nominated by the vice chancellor."*

The issuance of the notification angered four members of the syndicate, namely Justice [rtd] Zafar Yasin, Dr Ashiq Durrani, Dr Jamil Anwar and Ms Farkhanda Mumtaz, who wrote a letter to the Governor Punjab, also the chancellor, and other authorities, mentioning that the syndicate, in its meeting held on 15<sup>th</sup> September, had not approved the BZU sub-campus at Lahore 'owned' by Munir Bhatti and others; adding that:

***"We are of the opinion that the sub-campus is illegal and unlawful whereas VC Prof Dr Kh Alqama gave an unlawful approval and under his unlawful orders, the registrar issued an unlawful notification, which comes under the definition of fraud and fabrication of documents and rules."***

The four members held that during the meeting, syndicate member Prof Dr Jamil Anwar, [HEC nominee] questioned the validity of the meeting as a stay order was issued by a local court in Lahore on 3rd September 2014 besides a direction was also issued by the Higher Education Department [HED] on 30<sup>th</sup> June 2014, restraining the BZU not to convene any meeting until finalisation of the inquiry ordered by the chief minister [Punjab] regarding misdeeds and misappropriation in the new campus.

The four members also held that:

***"The BZU registrar had assured the HED that no further step would be taken on the item of sub-campus."***

*The VC was asked to explain the position which he was unable to do as he had no proof. Upon this, **we walked out** of meeting and during our absence, the VC and members from the university could not proceed as the syndicate meeting became illegal due to quorum."*

That day the meeting had started with 10 members but later the above four members, along with Muhammad Ashraf [nominee of finance department], walked out of the meeting while breaking the quorum as presence of nine members was necessary to maintain the quorum. The walked-out syndicate members requested the chancellor to initiate an inquiry into the matter immediately.

Another member of BZU syndicate, Dr Shaukat Malik, also asked the university administration to consult with him for signature verification before notifying anything regarding the sub-campus, especially in connection with the syndicate meeting of 15<sup>th</sup> September 2015.

Farkhanda Mumtaz, a syndicate member, said that they had given written suggestions to the VC to resolve the issue of the Lahore sub-campus. A new formula was suggested to rescue the VC and to benefit the university but the university administration mishandled the matter.

Surprisingly, it was the second time university administration was claiming that the approval had been given by the syndicate in favour of the WCG to open a sub-campus in Lahore; the first approval by the syndicate was given on 25-26<sup>th</sup> May 2013, through a circulation among the members.

The university administration was claiming the campus was approved on the direction of Chief Minister Shahbaz Sharif in favour of the WCG [*using the CM's reference was correct or wrong – never verified*], but the fact remained that the university administration had sent a letter on 19<sup>th</sup> February 2013, to the Punjab education minister requesting permission to allow the WCG to establish the sub-campus.

Also a fact that the BZU and WCG had signed an MoU much earlier under the Public-Private Partnership to establish a sub-campus at Lahore AND then an approval of the Government of Punjab was sought. Under Article 13 of Public Private Partnership Act 2012, the university administration was bound to hold proper competitive public tendering before going into any public private deal – which was never done.

**On 29<sup>th</sup> October 2015;** the National Accountability Bureau [NAB] arrested Syed Khuwaja Alqama, Ex- Vice Chancellor [VC] Bahauddin Zakariya University [BZU] Multan and Hamza Munir, Director Lahore Campus BZU, on the charges of misuse of authority & cheating public at large by opening an illegal Sub Campus of the university at Lahore; the action was taken by DG NAB Multan.

Syed Khuwaja Alqama, Malik Munir Hussain [Registrar] BZU, and Munir Bhatti & his son Hamza Munir who were jointly the proprietors of West Continental Group [WCG], opened a Sub Campus at Lahore in violation of University's rules & policies.

The accused, Ex-VC illegally signed the Deed of Agreement by exercising the emergency powers vested with his office whereas the power to enter into such an agreement had vested with the University Syndicate. He allegedly collaborated with the Registrar BZU Multan to issue the NOC to the M/s West Continental Group [WCG], without getting prior approval from the University Syndicate.

***The proprietors of the WCG, who were running the Sub Campus of BZU at Lahore, thus alleged of collecting approximately Rs:925 million as admission fees & other dues etc through cheating and fraud.***

**On 25<sup>th</sup> November 2015;** the Multan bench of Lahore High Court [LHC] rejected the bail plea of former BZU Registrar Malik Munir.

Munir had been nabbed by the Anti-Corruption Establishment in connection with the bogus appointment of 16 administrative officials at the varsity. A Special Anti-Corruption Court had remanded him in ACE custody for investigation. Munir's counsel had requested the court to accept his post-arrest bail petition and cancel the remand.

Justice Aslam Javed Minhas had summoned the case record from the ACE, seen it and rejected bail plea of the petitioner following the conclusion of arguments. The erstwhile BZU registrar was sent to jail on a 14-day judicial remand.

Scores of BZU students held demonstrations on Bosan Road Multan to protest against discriminatory attitude towards Dr Alqama. The students held placards and banners demanding his release; mainly urging:

***"The difference in treatment meted out to model Ayyan Ali and Dr Alqama, both awaiting trial, is a matter of shame for state institutions and all citizens.***

*VIP protocol is given to model Ayyan Ali when she appears in court, while Dr Alqama, one of the most respected instructors in the country, is treated like a common criminal."*

**On 2<sup>nd</sup> November 2016;** students of BZU Lahore campus ended their sit-in after the varsity's Multan VC ensured degrees would be awarded to those who had passed out from the Lahore campus. VC Dr Tahir Amin went to the protest site himself for giving the said assurance as the busy Canal Road of Lahore [*where the BZU's campus was located*] was blocked by the protesters.

Thereafter, the BZU admin notified students of its Lahore campus to get enrolled in the main Multan campus till 20<sup>th</sup> December 2016 as a result of assurances given by the government to safeguard students' future.

The decision carried approval of the university syndicate which had taken the decision in its meeting on 11<sup>th</sup> November 2016 in pursuance of the orders of the Lahore High Court. The advisory also stated:

*"The students will be enrolled in a semester of the continuing programme / degrees as determined by BZU based on the results submitted by each student.*

*Only those students will be considered for enrolment whose record has already been provided by [private] management of disputed BZU Lahore campus, under the **Court Order dated 31<sup>st</sup> August 2016.**"*

As per record provided in compliance of court order, the passed out students were also directed to get themselves enrolled till 20<sup>th</sup> December for onward processing of their special examination and award of degrees.

Meanwhile, some students of BS Technology and Doctor of Pharmacy were to be accommodated through the HEC and HED Punjab in relevant institutions of Lahore as per the information supplied by the nominee of HEC in the April 2016's meeting of the BZU, Multan Syndicate - as these programmes were not taught in the Multan campus.

There were again protests on Lahore's roads because the 1,200 students enrolled in the above two programmes were told by the BZU officials that they would be admitted to University of Engineering and Technology [UET] Lahore and University of Health Sciences [UHS]. On the other side, the UET and UHS had denied admissions to them.

**On 9<sup>th</sup> January 2017;** the Lahore High Court [LHC] directed the Punjab Advocate General to present the government's original summary for allowing the establishment of BZU sub-campus in Lahore. A full bench headed by Justice Mazahar Ali Akbar Naqvi issued these directions while hearing a petition filed by BZU students against the varsity administration after the Higher Education Commission [HEC] declared the campus illegal and forced its closure.

Justice Mazahar pointed out that neither the BZU's act of 1974 allowed a sub-campus nor had it been approved by its syndicate.

Dr Alqama, the then VC of BZU submitted that in 2011, the university faced a deficit of Rs:450 million in its annual budget and asked the government for a grant. The authorities refused the proposal, asking the varsity to generate funds on its own. He then studied cases of different universities and introduced this public-private partnership system. There were 11 sub-campuses of different universities in different cities then.

HEC Chairman Dr Mukhtar Ahmed contended different universities indeed had sub-campuses but the public-private partnership adopted by the BZU was different altogether. He pointed out that education had become an industry but franchises of the universities were not to be allowed like those of fast food chains.

Dr Mukhtar recalled he had written a letter to the BZU vice-chancellor when he was serving as the HEC Executive Director in 2014, highlighting the illegality of its sub-campus but nothing was done. The court asked for the records of different universities about sub-campuses. The judges also ordered the West Continental Group [WCG], which used to run the BZU campus, to submit details of students, courses and financial benefits derived from the campus.

**On 19<sup>th</sup> January 2017;** the LHC sought the record of PML[N]'s Zaeem Qadri's appointment as the chief minister's Special Assistant on education, questioning the lawmaker's authority for approving the establishment of BZU sub-campus in Lahore back in 2013.

On that day, the LHC's full bench headed by Justice S Mazahar Ali Akbar Naqvi also asked the Punjab Advocate General to inform the court under what law Zaeem Qadri had signed the summary for approval of the BZU Multan sub-campus - the AGP had no answer. The judges asked the law officer to come up with the complete record of Zaeem's appointment as the CM's special assistant and his powers.

The court also asked the law officer to explain that why the names of people, who gave approval to the BZU sub-campus at Lahore, were not included in the NAB reference. The bench barred the NAB court from deciding the reference and directed the Punjab government to furnish the record of all varsities with sub-campuses in the province.

**On 30<sup>th</sup> January 2017;** the Lahore High Court [LHC] summoned the NAB's Chairman and a Deputy Director who investigated the illegalities in the establishment of BZU Multan's sub-campus in Lahore.

Justice S Mazahar Ali Akbar Naqvi observed that ***students deposited their fee to the university but did not get a recognised degree.*** The BZU vice-chancellor also presented the complete record of the students enrolled at the Lahore sub-campus. No decision was announced as the bench put off the hearing till further.

**On 13<sup>th</sup> February 2017;** the LHC directed the BZU to issue, as an interim measure, degrees to students who passed their examinations at Lahore

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sub-campus. The court expressed dismay over the National Accountability Bureau [NAB] for preparing a weak reference on illegality committed in establishment of a sub-campus of Bahauddin Zakariya University of Multan at Lahore.

NAB Chairman Qamaruz Zaman, its Prosecutor General Waqar Qadeer Dar, Advocate General Punjab Shakilur Rehman and Minister Zaeem Qadri were present in the court to attend hearing of a set of petitions against illegal establishment of BZU's Lahore sub-campus and non-registration of the students . Responding to a court's query, the PG said eleven suspects involved in the scam were not arrested following a stay order issued by a single bench of the high court.

However, he failed to satisfy the bench as to whether the stay order was not challenged by the NAB.

The bench also directed the BZU management to ensure enrollment of the students without fail by next hearing. The university's registrar would be charged if the grievances of the students were not addresses, Justice Naqvi said. The judge directed the Advocate General to ensure compliance of the order and remove reservations of the students.

**Take all the robes of all the good judges that  
have ever lived on earth,  
and they would not be large enough  
to cover the iniquity of one corrupt judge.**  
.....Henry Ward Beecher

## **Scenario 191**

### **NANDIPUR POWER PROJECT**

The Economic Coordination Committee [ECC] of the Pakistan's Federal Cabinet had approved 425 megawatt combined cycle power plant at Nandipur **on 27<sup>th</sup> December 2007**, during Gen Musharraf's era, at an agreed EPC price of \$329 million. Accordingly, the Northern Power Generation Company Limited [NPGCL] entered into an EPC contract **on 28<sup>th</sup> January 2008** with the Chinese firm – then the flat Pak rupee rate to US dollar exchange was Rs:67.70.

Nandipur Power Project was costing Rs:23 billion then when contract with Dong Fang Electric Corporation of China was signed with 10% down payment. ***By mid-2010, much of the work at this power project was complete and it was expected to be finished on schedule in April 2011.*** Then the PPP government was in high swing.

The Ministry of Finance [MoF] issued a sovereign guarantee for this project, on the basis of which Dong Fang put together a consortium of lenders who established a Letter of Credit for import of the equipment. By mid-2010, the turbines were in place and it looked like the project would be finished on schedule. This activity took place in anticipation of the Ministry of Law and Justice [MoL&J] approving the financial agreements and the sovereign guarantee issued by the MoF — a routine process in such projects.

### **PPP's BABAR AWAN FAILED NANDIPUR [?]**

However, the project suffered delays because the MoL&J, then under ***PPP's Minister Babar Awan, kept the clearance pending for two years because the PPP government did not want to release funds for the power project being completed in Punjab.*** Thus, the machinery worth \$85 million, awaiting clearance at the Karachi Port, remained stuck for more than two years.

On top of the waiver of demurrage and detention charges, Chinese firm had demanded Pakistan to pay \$40 million for losses suffered by the company due to non-clearance of its machinery from the Karachi port. The firm wanted new terms and conditions had the Government of Pakistan wanted to continue with the project.

*[In the same year of 2008, another identical, 450MW power plant had been agreed for **Chicho kee Mallian Project**, with the same contractor, Dong Fang, and the same consortium of lenders for a contract price of \$352 million [approx Rs:31 billion]. Here also, Pepco made a 10 percent down payment, and the project was scheduled to be completed in February 2012.*

*However, after the incomprehensible behavior of MoL&J in the Nandipur project, the financing consortium refused to establish the letter of credit until all outstanding clearances were issued. As a result, the project was also delayed for endless period.]*

In June 2013, with the new PML[N] government in saddles, Pakistan's Ministry of Water & Power [MoW&P] started renegotiating the contract with the Chinese Company to resume work on the Project - after days of negotiations, the firm agreed to resume work on the power station.

**On 4<sup>th</sup> July 2013;** the Executive Committee of National Economic Council [ECNEC] approved the Nandipur project in its meeting at the revised cost of \$574 million [Rs:57.38 billion as against Rs:23 billion in original] and Rs:1.036 billion were earmarked to cover the demurrage, detention charges and Excise Duty from the date of arrival of machinery till 30<sup>th</sup> September 2013; machinery was lying at Karachi port.

**On 8<sup>th</sup> July 2013,** the Chinese engineers arrived Pakistan to inspect the machinery lying at the Karachi Port and secured its release. The equipment consisting of more than 4,500 packages of plant and machinery had since been lying in the open at Karachi port for over a year, at a demurrage cost of Rs:700 million. These packages proved a standing testament to inefficiency, negligence and corruption.

The real tragedy, though, was the delay in the nation being able to use the additional 900 MW — almost one fifth of Pakistan's then shortage — that those two plants could generate. The economy was losing 2.5% of GDP on account of lack of power. PM Nawaz Sharif finally instructed the MoL&J to approve the financial arrangements and the sovereign guarantee issued by his own MoF.

***Little background:***

The Economic Coordination Committee [ECC] had to waive the customs duties and demurrage for the equipment lying at the port – the ECC had approved the request made by the MoWP in July 2011, but objections raised by the Law Division in that respect were there to put an endless delay in the project. The machinery was not cleared from the Karachi Port because of the Law Division.

Above all, the concurring damage to Pakistan's economy caused the loss of jobs to thousands of people, and countless hours of unnecessary, avoidable and painful load-shedding for millions of households for about a decade. As for the law ministry, it might hide its bureaucratic inefficiency over some weak pretext — after all corruption always shelters behind weak excuses.

**PPP's Babar Awan**, the minister in-charge of MoL&J would never be able to justify that criminal delay in a matter so vital to the well-being of Pakistan's economy. The people could have seized those criminal politicians by the collar and demand answers in the name of the generations whose futures were so deceitfully squandered.

The Chinese firm served a notice to the Government of Pakistan calling for the termination of the project contract due to delays in its construction. During renegotiations, however, the firm agreed not to ditch the project; nonetheless, it countered with a demand that it be paid for losses suffered because of depreciation of currency and damages on machinery stranded at Karachi Port for two year delay in the project's completion.

The Supreme Court, in the meantime, had taken notice of the frequent delays in the completion of the Nandipur project, and fingers were raised towards one particular minister of the PPP, Babar Awan and his boss President Zardari.

***A Judicial Commission [JC] formed by the Supreme Court had held the federal law ministry responsible for causing delays in the completion of the project – for not forwarding the summary to the concerned for three years by the law ministry – from March 2010 to March 2013.***

A three-member bench of the apex court, headed by CJP Iftikhar M Chaudhry, heard the Nandipur project case. During proceeding, former law minister Babar Awan said that the report of J Rahmat Hussain Jafri [*the head of the JC*] over this project was accurate, adding that Kh Asif should also resign since he was the minister.

Justice Jafri's report had pointed out a corruption of Rs:15 billion in Nandipur project while names of three ministers were categorically mentioned. The Chief Justice remarked that the court would determine all those responsible for delay in the project. The court adjourned the hearing for three weeks – but never to finalize that glaring case of corruption.

CJP Iftikhar M Chaudhry was seen more tainted with corruption or compromise as he didn't decide the case purposefully.

***Resuming back:***

**On 11<sup>th</sup> July 2013**, the ECC, decided to investigate news reports alleging that there were some irregularities in the revised cost of the Nandipur Combined Cycle Project; Chairman ECC, the Finance Minister Ishaq Dar, decided that the matter to be immediately looked into by the Ministry of Planning & Development [MoP&D].

Insufficient supply of electricity has been the major stumbling block in attaining economic self-sufficiency for the successive governments. The PPP regime's lack of investment in energy sector further aggravated the dwindling situation due to its institutional ineptness, political short-sightedness, fast depletion of gas reserves and poor planning in fair distribution of energy resources among the federating units, especially the Punjab; hats off to nexus of corrupt Zardari & Babar Awan.

Punjab was facing acute energy shortage since the last five years - resulting in closing of a large number of industrial units, massive unemployment and revenue shortfalls. Investment in the power sector was definitely zero and big industrialists had already moved out to Bangladesh, Malaysia and Jakarta to save their future.

The PML[N]'s much-needed **National Energy Policy 2013-18** to support the then required energy needs encouraged investments through public-private partnership. That energy policy comprised of seven main points with much trumpeted vision that:

*"Pakistan will build a profitable, bankable and investment-friendly power sector that would meet the needs of its population and boosts its economy in a sustainable and affordable manner while adhering to the most-efficient generation, transmission and distribution standards."*

This energy policy was much ambitious but remained confined to words only. It aimed at increasing power generation through private investors but lacked proper implementation and harnessing full potential - got entangled

in notorious bureaucratic gimmicks. It established the **Punjab Power Development Company** [PPDC] and the **Punjab Power Development Board** [PPDB] as "One Window Facilitator" to promote and encourage private sector's active participation.

Steps were taken by CM Shahbaz Sharif to restart work on Nandipur power project – but he too failed to get it started till ending 2015 due to same corrupt bureaucratic hierarchy and their attitudes.

In Pakistan, the power projects are the exclusive domain of the federal government which operate them through MoW&P but why the Nandipur power project was administratively held and controlled by Chief Minister Shahbaz Sharif and his son Salman Shahbaz.

*The answer lies in a fact that this project was initiated by the Government of Punjab following the passage of the 18th Amendment to the Constitution under the directions of the then CM Punjab and the contract was also negotiated and awarded by the Government of Punjab – PEPCO was later asked to sign the contract because of the govt to govt maxim; AND it was prompted by the Prime Minister, too.*

**On 24<sup>th</sup> December 2013;** the National Accountability Bureau [NAB] board also authorised an inquiry against former law minister Babar Awan and officials of the MoL&J, MoF and MoW&P on allegations of having delayed the **Nandipur** and **Chichoki Mallian power projects**, causing a loss of Rs:113 billion to the national exchequer.

Then it was resolved that under re-mobilization program the project was to be completed by December 2014 and the Chinese Company, DECL, had agreed for the five month early commissioning of the first gas turbine unit – but the project could not be made operational.

**On 31<sup>st</sup> May 2014; at last the much-hyped Nandipur Power Plant [first 95MW plant] was inaugurated by PM Nawaz Sharif -- generated electricity at the record cost of Rs:42 per unit BUT was shut down after only five days of operation – reasons technical.**

Till then, the Nandipur Power Project had not yet officially or legally achieved its commercial operation date [COD]; the plant was run on diesel fuel for five days after its inauguration, but closed down for being too expensive apparently. Reportedly NEPRA had set a reference fuel cost of Rs:7.51 for the month of June 2014, but the actual fuel cost came to

Rs:7.44, hence requiring a reduction of Rs:008 per unit which was accordingly approved as subsidy.

*[This was symptomatic of many of the energy projects the PML[N] had commissioned during those days: they used to rush into ribbon-cutting ceremonies of development and energy projects for publicity, instead of ensuring that the technical criteria and legal requirements were fulfilled.]*

*The inauguration of the Guddu Thermal Power Station and Uch-II; the ground breaking of a 1320MW coal-fired plant at Port Qasim Karachi by a consortium of Qatari and Chinese companies, put together by Sharifs in collaboration of their corrupt bureaucrats' team were other examples.]*

***But the reason of its shutting down after remaining operational for only five days was use of inappropriate fuel.*** Later in July 2015 it was reported that the plant was once again functional and producing the contractual output of 425 MW.

The case of misappropriation and use of unsuitable fuel has been under investigation but again providence stepped in. On the night between 6 and 7 September 2016, an unknown individual broke into the office of Captain (R) Mehtab [Security Officer of Nandipur Power Project] and destroyed records pertaining to the purchase of furnace oil. The apprehended culprit Bilqias Khan, a guard with Captain Mehtab, came open with a statement that the record was destroyed on the directions of Captain (R) Mehtab – in turn pointing towards the PML[N] high ups.

More details about this 'unsuitable fuel' episode are given in next paragraphs.

### **NANDIPUR MANAGEMENT FAILURE:**

**On 18<sup>th</sup> February 2015;** the Senate standing committee on water and power was informed that 425 MW Nandipur power project would be made fully operational before 30<sup>th</sup> June 2015 but it could not run due to acute management issues.

In March 2015 the Nandipur management notified to the MoW&P of huge losses and a possible scam if the 'operation & management' [O&M] was not

immediately handed over to the professionals. A letter written to the ministry had cautioned the government saying that the project was entering its operation phase; thus any delay in the arrangement of the O&M team would be a great setback and could invite grave technical and financial repercussions.

Till those days, Nandipur Power Project's three turbines had already been commissioned and the plant was being run on test basis; the plant was generating 300 MW. The fourth unit of combine circle was to be made operational within three months but could not be. The fuel treatment plant was not working for some time but then made fully functional.

The Committee was told that: **'...in Pakistan, the Nandipur Power Plant is second most efficient thermal power plant after Guddu 747 MW'.**

The Senate panel was told that the government was working on various projects simultaneously including hydel, coal and wind – and that China was a sole country to finance coal-based power generation projects. ***The PPP had done nothing except renting the power projects*** whereas the PML[N] focused on short-term projects which could be completed during their term till 2018 years.

All the coal-based power projects were being set up by the private sector. A 1320 MW Sahiwal power plant was expected to run on imported coal and would be ready by 2017 – three more coal-based power plants were on completion way in the first phase. One plant of 300 MW was to be set up in Salt Range [Punjab] while two plants of 1,320 MW and 660 MW were planned for Thar area in Sindh. Thar Block-2 power project of 660 MW was in advance stage then.

Chief Executive Officer of 969 MW Neelum Jehlum power project, Gen (R) Zubair, apprised the committee that overall 69.5 pc work had already been completed and the project would be completed during its scheduled timing subject to availability of required funds. The Neelum Jehlum project was launched without the financial close but the work on the project never halted despite various problems. The Chinese Exim Bank and Kuwait Fund indicated \$300 million and \$30 million respectively for the project.

The Senate Committee had expressed displeasure on awarding contract of Golan transmission line to a sole bidder by violating PPRA rules and directed to cancel the contract and recover amount paid to the contractor. The Nandipur fiasco rightly pointed the same like things as well; since any government could botch up any project.

**One large CPEC project in Gadani** had already been wound up because it ran the risk of becoming another example of failure on a far bigger scale. That context in view, it became imperative that the Nandipur fiasco be examined minutely. An audit of the project's finances was on the way, but an investigation into the massive cost overruns, including an \$80m remobilisation advance for the contractor and a \$30m tab for conversion to a different fuel, was also on the finger tips.

In fact, Nandipur suffered from a wide range of governmental failures — incompetence, poor planning, lack of coordination — but whether or not there had been any criminal irregularity ***except Babar Awan's wilful and criminal manoeuvrings***; was not yet determined. The NAB in fact had also focussed on the same earlier phase when the project languished due to neglect by the PPP regime.

During the same days of **February 2015**, Board of Directors of Northern Power Generation Company [NPGC] approved handing over of 425MW Plant Nandipur Power, for ten years to the Malaysia's Tenaga Nasional Berhad [TNB], the largest electricity utility in Malaysia. The government of Pakistan had to pay service charges of Rs:600 million to TNB for the said power plant during the contract period.

The power generation, repair and maintenance of the plant had to be the responsibility of TNB. Listed on the Main Board of Bursa Malaysia with almost USD30 billion in assets, the TNB Company's more than 33,500 employees serve an estimated 8.3 million customers in Peninsular Malaysia, Sabah and Labuan.

Nandipur was going to be the first ever state-owned power plant which was to be run by a private power company instead of Pakistan's Water and Power Development Authority [WAPDA]. It was generally felt that the Malaysian TNB could run the plant in a better way - as the state machinery like WAPDA brought total failures. The managers held that oil theft, mixing of water and poor servicing would be stopped with the Malaysian firm; the selection of Malaysian TNB was made through bidding process.

BUT the Malaysian firm TNB option was refused by the board.

The media held that the cost of only 425MW had been escalated to a staggering Rs:84 billion later, which figure was later refuted by Kh Asif, the concerned PML[N] Minister during a live TV interview in September 2015. PM Nawaz Sharif had inaugurated the first turbine of 95MW [out of five] here in May 2014; the other *four turbines were to be commissioned by*

*January 2015, the cost of power generation on furnace oil was told to be reduced to Rs:18 per unit."*

As per NEPRA's record, the other Independent Power Plants [IPPs] were producing electricity at Rs:14 to Rs:16 per unit by using the furnace oil as fuel. Though the high cost of generation [Rs:36 & then Rs:18 per unit] had disturbed the overall cost of the fuel mix, putting additional burden on the end consumers but, due to unknown reasons, that turbine was shut down in ending October 2014 – only after four months running; on an apparent excuse of some civil work.

Out of estimated cost of Rs:58 billion, an amount of Rs:37 billion had already been borrowed till ending 2014 from domestic banks at an interest rate of around 12%. Due to that delay, the country had already sustained losses of Rs:315 billion, including Rs:298 billion on account of lost economic opportunities due to load shedding. The delay also caused Rs:8.5 billion increase in mark up and expenses of Rs:5 billion were incurred on inspection and testing of the equipment that was rusting at the Karachi port for three years.

***Suddenly; Nandipur's MD started propagating in media that the cost would be down to Rs:14 per unit once the imported Liquefied Natural Gas [LNG] made available.***

After Asif Ali Zardari's vow to become '*real opposition*' to the PML[N] government during August 2015, the PPP leadership raised the Nandipur project issue very high in media. During 2<sup>nd</sup> week of September 2015, every TV channel conducted live talk shows for days highlighting delay of more than two years in commissioning of the said project. Fingers were pointed out towards expected corruption involved for which PM Nawaz Sharif had to announce openly that '***an audit should be carried out in a transparent way***'. PML[N]'s two ministers named Kh Asif and Ahsan Iqbal were amongst the suspected ones.

The major point: the PPP and Imran Khan's PTI wanted probe in Nandipur power plant failure - that '***how a Furnace Oil Treatment Plant [FOTP] of smaller capacity arrived in presence of Nespak, the engineering consultant of the project***'.

- Who estimated quantum of furnace oil for the 425MW plant and its filtration requirements;
- who calculated the size of the plant;
- what size was required and what ordered to the manufacturer General Electric (GE);

- who accepted the plant of that much less capacity if was ordered the required capacity to the GE.

It still needs investigations that how one could achieve a stupendous collective failure. The ruling PML[N] failed as a party because it allowed a totally irrelevant man, the Chief Minister of Punjab who had allocated the said job to his younger son Salman Shahbaz, to hijack the construction of the plant. This was criminal to say the least, both on part of the consultant and the project director.

The above simple questions wondered energy experts and new members of the Board of Directors, which took charge barely four months ago - PM Nawaz Sharif had already inaugurated an incomplete plant on 31<sup>st</sup> May 2014. The MoW&P failed to take charge of the plant and cravenly gave in to political clout of CM Shahbaz Sharif who belatedly accepted responsibility. The Ministry of Petroleum failed because impurities in oil were far beyond the permissible level, which had blown the FOTP's requirement out of proportion.

Referring to the **'Dawn' of 12<sup>th</sup> September 2015**:

*'The ruling PML(N) failed as a party because it allowed a **"totally irrelevant man, CM Shahbaz Sharif to hijack the construction of the plant"**.*

*The CM failed because he installed a bureaucrat not only as Managing Director [MD] but also a Project Director who should have been a professional engineer - the Project Director failed because of incompetence and greed.*

*The net result was a national embarrassment. The size of the FOTP was only realised when the plant had already been inaugurated by PM Nawaz Sharif; the MD of the Pakistan Electric Power Company [Pepco] told media without fear.'*

Fresh and more components for the treatment plants were ordered which took another three months to arrive. To make matters worse, even those components were found defective, or at least, not the right ones needed for the plant. That was why the plant could not be run.

The officials at the plant later confirmed that adulterated furnace oil was provided to the Nandipur power plant during its testing but the attempted supply was refused. Allegedly the tanker of adulterated furnace oil was

provided to Nandipur by a mafia which supplied the oil to other state-owned power plants. MoW&P ordered an inquiry into the matter. This was criminal on part of both the consultant and the Project Director. As per above referred newspaper's source:

*"In June 2015, the MD tried to shift the blame when he pleaded for subletting operation and maintenance (O&M) to a Malaysian company, but the board refused.*

*Then he tried to sublet the same to a US company, which had supplied three machines but the board again put its foot down and said that it was the state of the art plant – fully computerised which hardly needs outsourcing at exorbitant price."*

The outsourcing bid was designed to hide two things: administrative and professional incompetence and returning personal favour. The MD did not get affidavits and guarantees / bonds from the employees who were trained in China – so after training, all freshly trained employees went back to their original seats as they were not administratively bound by the MD in any way. There was no one to take care of the plant.

To make the matter worse, the MD himself went to the US for training by GE – a session designed for professional engineers. He simply took it a boozing trip. It was thus necessary to sublet the O&M and escape the results of mismanagement and personal favours.

The said media campaign was, however, replied by the Nandipur's management by releasing its facts & figures just the next day. Referring to **'the News' of dated 16<sup>th</sup> September 2015:**

*'Precisely; Nandipur project incurred a total cost of Rs:49.589 billion till July 2015; including unprecedented whopping interest amounting to Rs:14.3 billion, 29% of the actual cost, paid on bank loans because of massive delays, which occurred during the tenures of the both PPP and PML(N) regimes till then - official documents containing a complete break-up of the expenditure under all heads revealed. The interest covered seven years from 2008 and 2015.*

*The funds were arranged by a syndicate of seven Pakistani commercial banks. The actual expenditure also included duties and taxes of Rs:1.814 billion and contingency charges of Rs:17.64 million. The approved cost of the project as per the revised PC-1 was Rs:58.416 billion.'*

The ECC, in a meeting held in July 2012, had approved an increase in the size of sovereign guarantees for the project from Rs:5.3 to Rs:19.1 billion, in favour of a consortium of local banks, as a time-gap arrangement till further foreign loans for the Nandipur Project could be obtained.

The economic body had also waived demurrage and detention charges amounting to Rs:856.5 million, another amount of Rs:713 million was paid to the Karachi Port Trust [KPT] as demurrage charges for keeping its facilities occupied by the machinery and equipment imported for the project for a long time.

Nandipur paraphernalia from China weighing 43,000 tons, remained at the KPT for three years from 2010 to 2013 before the PML[N] government stepped in. No ship could use at least one KPT berth because it was completely occupied by the machinery and equipment. At the port, some parts were also stolen apart from rusting of the equipment for lying there for years. The main turbines came from the General Electric while the fuel oil treatment plant was imported from Germany.

Of the remaining details of the expenditure, the engineering, procurement and construction [EPC] costs came to Rs:30.321 billion. An amount of Rs:752 million was spent on '*power dispersal*' to connect transmission of electricity produced by the Nandipur plant with the three grids, two in Gujranwala and one in Sialkot.

A sum of Rs:241.62 million was paid to NESPAK as consultancy charges. The local civil works claimed Rs:375.65 million; an amount of Rs:47.892 million went to insurance, and administration and other overheads came to Rs:539.35 million. The initial spare parts cost Rs:421.5 million.

The record was made available to the media that on **23<sup>rd</sup> July 2015**; the Nandipur plant had achieved its contractual Commercial Operation Date [CoD] after successful Performance Tests and Reliability Test Run [RTR]. During ten days of this technical test run, it generated 430 megawatt, and as against Nepra's efficiency rate of 44%, its CoD's efficiency was 44.94%, which was considered an achievement.

However, the setback was caused by the non-selection of an operation and maintenance [O&M] contractor for which \$5 million was allocated in the project but yet could not be engaged because of unnecessary delays and usual bureaucratic red-tape. The negligence was committed by those who had delayed or blocked the timely hiring of contractor to manage the O&M.

**NAB & SC - ALL KEPT SLEEPING:**

The intelligentsia in Pakistan knew the actual cost of this Nandipur project along with the details of who pocketed the poor peoples' money – but simply they are mis-directional or compromising in nature - thus the whole phuss or mess; see a concise statement:

*"What is truth and what real cost of corruption in Pakistani society - Nandipur Power Project has another story. Recall December 2007 when Dongfang Electric Corporation had confirmed and signed a price of \$329 million - BUT till mid 2016, the project is near completion when \$847 million have been spent. The difference: \$518 million are wasted or EATEN through bribes, common interest 'deals', nepotism, inefficiency and mis-management.*

*The cost of corruption to Pakistani society was actually more than \$518 million – the costs associated with misallocation of resources, distortions of incentives, people's sufferings for SIX years till then coupled with production & GDP loss through that period."*

Still the characters involved and responsible – Babar Awan for keeping machinery docs 'in the name of legal scrutiny' for THREE years [2010-13]; Asif Zardari on whose instructions the docs were kept pending; Kh Asif and Ahsan Iqbal who both twisted the project in mid-2013; CM Shahbaz Sharif and Salman Shahbaz who handled the project later though NOT concerned with MoW&P projects and, of course, numerous hand-picked crook and corrupt bureaucrats including the then NAB managers.

At \$847 million cost the electricity generated by Nandipur was coming up to be one of the most expensive on the face of this planet. Public-sector corruption has a direct impact on the composition of government expenditures. What that means is that corrupt governments tend to spend more on infrastructure where the potential for commissions and kickbacks is higher than spending on education and health. This under-investment on education and health means lower rates of economic growth – see any country's index in history pages.

**On 18<sup>th</sup> August 2016;** the MoW&P informed the Public Accounts Committee [PAC] that the Nandipur power project was producing electricity at a higher cost of Rs:7.25 per unit, but the cost would come down when the plant reverted to gas by the end of the year [2016]; Water and Power Secretary Younus Dagher told that the dual-fuel power plant was not efficient on oil but would give better results on gas.

That time the plant was producing 250MW. A gas pipeline was being laid to make the power plant more efficient; the plant was planned to run on liquefied natural gas [LNG] in future.

Referring to a daily the '**Pakistan today**' dated **9<sup>th</sup> December 2016**; near ending of the year [2016], the Nawaz Sharif government was in the dock on various charges of corruption surfaced from Panama Leaks involving money laundering through off shore companies.

Sharifs and Zardaris were lucky that they were living in Pakistan like country where the laws for poor and feudal were differently applied – so nothing was proved against any of them; thanks to procedural gimmicks of the courts. No Pakistani sitting ruler could be convicted in the past for his / her financial plunders. Records mysteriously disappeared or burnt or got destroyed or stained - with no apportion of blame on any.

Nandipur Power Project was a 425 MW combined cycle thermal power plant was constructed by the China's Dong Fang Corp costing Rs: 23 billion and was nearly completed in time [April 2011] but could not due to delay and negligence of the previous PPP government. When in June 2013, PML[N] took over the project and put it run in mid 2016 the actual cost reached Rs:84 billion.

Numerous reasons were attributed to the cost escalation.

In the earlier paragraphs, the complete story has been discussed that how the cost of Nandipur plant escalated during 2008-16 from Pakistan Electric Power Company [PEPCO]'s signed contract from Rs:23 billion [\$329 million] to Rs:58.85 billion. During 2016-17, the cost went even more high because the plant was converted from Furnace oil to LNG as raw material.

In February 2016, the issue of misappropriation in purchase of furnace oil was brought to light for which an inquiry conducted by GENCO-III recommended audit of complete record from the day ONE. The one part of the report from 2014 till then was submitted a day prior to the fire incident.

Then another inquiry was held to probe into complete record of furnace oil purchases from start of the project by Mr Mujeeb [Senior Engineer GENCO-III Muzaffargarh]. CIA Gujranwala also submitted a report to the court regarding destruction of the record and accused Bilqias Khan for destruction of the record.

**On 25 September 2016;** a team of NAB Lahore visited Gujranwala to inquire into corruption and destruction of the record, however, exact scope or outcome of the inquiry was not known.

Later it surfaced that Nandipur administration remained busy in doing the cover-up while the NAB was being kept delayed to visit the project's offices. They had also NOT cooperated with police on the plea as being a corruption case it was NAB's domain. A writ petition was filed against corruption in Nandipur power project at Session Court Gujranwala by one Manzoor Qadir Bhinder Advocate – but apparently all were tactics to gain time – as has been the hallmark of Pakistan's judicial system since decades and which is known to the whole world.

Security in-charge Captain (R) Mehtab Alam was removed from his post after the records were burnt mysteriously. A criminal case was registered against 'unknown persons' regarding the incident. The incident, when it came into the officials' knowledge next morning, caused panic among the staff as the whole power project was intensively secured. Officials of intelligence agencies, Rangers, police and Elite Force were posted at the project to ensure foolproof security. It was considered impossible for a layman to trespass such high-level security. Even VIPs had restricted access to certain portions of the project.

Yet despite the stringent security measures, the culprits destroyed the evidence pertaining to the multi million dollars scam. The incident only proved that to what extent Sharifs and their buddy bureaucrats could go to destroy evidence to keep them secure.

Riaz Ahmad; on 10<sup>th</sup> December 2016 said in '**Pakistan Today**':

*"Pakistan is kept underdeveloped and backward by odious and corrupt governance; repeatedly voted in to power by a backward electorate. If it continues the way it is, **Pakistan will die in a decade or so**, no country can survive under such an orgy of corruption, pillage, loot, abuse of power and authority, void of law and order and absence of justice.*

*It will be the first time in history where the electorate of a country under a democratic rule destroyed their own country through their own vote."*

**CONTRACT WITH CHINA TO OPERATE:**

**On 6<sup>th</sup> February 2017;** the Pakistan government entered into a 10-year contract with a Chinese firm for operation and maintenance of the controversial Nandipur power project at a price shrouded in mystery.

According to a statement issued by the MoW&P, the agreement for a long-term operation and maintenance [O&M] of the 425MW plant was signed between the Northern Power Generation Company Limited [NPGCL] and the Hydro Electric Power System Engineering Company [HEPSEC] of China. The agreement was valid **"for a period of ten years or two major inspections, whichever is later."**

The contract price was not disclosed. Secretary MoW&P Younas Dagha did not confirm if the contracted price was higher than the previously allowed 48 paisa per unit by the NEPRA. The Chinese bidder was selected through a process under which bids were opened on 11<sup>th</sup> April 2016 and finalised on 6<sup>th</sup> August 2016. The '**negotiations**' held between China and Pakistani counterparts – the agreement was signed on 10<sup>th</sup> Feb 2017.

A total of four companies had participated in the bidding, but two were declared non-responsive. HEPSEC was confirmed the lowest bidder at a total cost of \$185 million, followed by \$227.2 million offered by TNB Repair and Maintenance of Malaysia. At this offered rate, the per unit O&M cost worked out at Rs:0.85 on furnace oil – almost 80 pc higher than the rate allowed by NEPRA which was Rs:0.48 on furnace oil Rs:0.34 on gas per unit [Kwh] – the rest was to be met by poor populace.

The O&M tariff was significantly higher than that of about Rs:0.62 per unit for the 1292MW Hub power plant and about Rs:0.35 per unit for AES-Lalpir, [*but were originally signed at Rs:0.35 and Rs:0.16 per unit in the late 1990s and has since gone up with indexation*]. Thus NEPRA could re-evaluate its determined tariff and prove that lower than this rate was not available in the world or otherwise take a hit on its own return of equity, resulting in economic non-viability of the plant.

Daily the '**Nation**' dated **7<sup>th</sup> May 2017** very cogently dissected the real mafia hands behind this mega-project of Nandipur. How the PPP and the PML[N] governments collectively tried to knit a web of deceit and lies to hoodwink the Pakistani nation about the operational and financial viability of this most expensive and technically flawed project is a masterpiece of disinformation; but a story of massive corruption too.

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It is the REAL story of how the government and public audit and investigation entities including the private audit firm namely Fergusons, the NAB, Auditor General of Pakistan and the Transparency International [TI] were used to gloss over the technical and criminal negligence, violation of PPRA Rules and astronomical costs - simply unbelievable and is surely a tragedy of the highest order for this unlucky country.

So much so that even the Supreme Court of Pakistan was taken for a ride! The most alarming aspect of this whole affair was the way the Sharifs tried to shirk responsibility for their negligence and questionable conduct in the whole affair! The reasons advanced for astronomical increase in the cost estimates of this project within just three years were:

- *Firstly, the three year delay in its completion due to the inaction on behalf of the previous federal government of the PPP, which resulted in damage to the machinery worth \$85 million while lying at the Karachi Port;*
- *Secondly, the \$40 million compensation cum depreciation charges to be paid to the China's installer company;*
- *Thirdly, the installation of an additional gas turbine of 100 MW to the four furnace oil turbines having a cumulative output of 425 MW and the laying of the CNG / LNG pipeline to the plant.*

Interestingly, for the unbelievable increase in the cost of the plant, the CM Punjab and Federal Minister for Power Kh Asif wholly and very conveniently blamed the previous PPP government – whereas both political parties were equally culpable and guilty.

The most significant aspect of this deception was of gigantic proportions got prepared later for the planning, cost estimation, bidding process and implementation by the PML[N] hawks carried out in complete violation of the requirements of due diligence. Moreover, the project came up totally uneconomical - not being cost effective.

This is a classic case of avoidance of responsibility, indeed throwing away blame for their own follies on each other.

In the Wikipedia Website, the Nandipur Power Project is said to be owned by Pakistan Electric Power Company [PEPCO] and operated by the ***Nandipur Thermal Power Generation Company Limited***, incorporated on 2nd January 2014 with its head Office located in Lahore. ***In fact, the Company is owned by the Government of Punjab and is therefore a provincial entity.***

Let us overview the facts inside the dilemma:

**[During the last week of September 2016; while disappointed by the NEPRAs 'stubbornness', the PML[N] planned seeking judicial intervention to jack up the consumer tariff of the Nandipur power project by over 34pc in a bid to make it 'viable'. MoW&P had exhausted all institutional and regulatory instruments to secure Nandipur's tariff on actual cost. The NEPRA had blocked all avenues of tariff increase based on actual cost, even rejecting review and reconsideration requests.**

*NEPRA had repeatedly turned down requests by the power companies to assume the total cost of the 425-525MW Nandipur project at Rs:65 billion while determining its tariff. But the regulator considered the project cost at Rs:42bn in a 30-year tariff that averaged Rs:11.64 per [kilowatt-hour] unit.*

*The government's desire could bring this tariff to Rs:15.63 per unit — an increase of 34pc. The cost increase was being sought due to project delays, resultant cost overruns, penalties paid to contractors and the cost of laying gas pipeline to carry imported LNG to the project site to run the plant at its full 525MW capacity. The NEPRA held that:*

***"The project delays and cost escalations are not the faults of the consumer. Similarly, there was no precedent to allow for the cost of a gas pipeline in the power tariff because the pipeline should be constructed by the gas company, treated as the gas company's asset and made part of the gas company's revenue requirement."***

*The government claimed in its regulatory filings that the Nandipur project was non-viable at the given tariff of Rs:11.63 per unit. NEPRA tried to convince the government that the project could become viable if the government scales down its 15pc return on equity to 7.5pc. Also, the gas pipeline cost should be shouldered by the gas company, where it actually belongs.*

*NEPRA was also of the view that allowing a cost overrun, project delays and pipeline costs in gas tariff could set a legal precedent for the private sector to claim cost increases, hence the government should not set a bad precedent to penalise innocent*

*consumers and, instead, bear the additional cost out of its own budget and reduce its return on equity.*

*Thus NEPRA had rejected a reconsideration request from the MoW&P and declined to change its determined tariff. The ministry was in fix because the project had already incurred more than Rs:12bn in losses at this tariff, which hardly covered the Rs:35bn in project loans. Everyone knew that Nandipur plant had suffered since five years because of inordinate delays, cost overruns, mismanagement, corruption and kickbacks.*

*This led to a series of audits, probes and parliamentary debates, but nobody could be held accountable – democracy hurray.....]*

As per terms, the contractor was required to hire at least 25pc local workforce for on-job training and would be penalised in case of the plant's efficiency falling below 44pc, but any higher efficiency gain would go to the contractor without a capping.

**The MoW&P claimed that the plant had been fully operational since its completion in July 2015 and was now running on furnace oil.**

The work was under way to run the plant on natural gas for which an 88km pipeline was being laid. The plant's conversion into gas operation, which was expected to be completed by the end of April 2017, could significantly improve its performance, reduce operating costs, and result in overall improvement and increase its capacity to 525MW.

***[Nepra had put on record in one of its determinations that during the tenure of the PPP government, the law and justice ministry was responsible for delaying the project for about four years during which period the project cost increased by about 160pc – from \$329m to \$847m.]***

During the last week of April 2017; the Pakistan government started running the 525-megawatt Nandipur power plant on trial basis after it was finally converted to Liquefied Natural Gas [LNG].

Since the plant was running on trial basis, so the Sui Northern Gas Pipelines Limited [SNGPL] provided 10 to 30MMCFD of LNG to it according to demand; for the plant's commercial operation, its total demand of

100MMCFD was ready to be supplied. The SNGPL had laid a new and dedicated pipeline for provision of LNG to Nandipur plant.

Since being commissioned a few years ago, the Nandipur plant could not be run properly due to technical and procedural flaws. Though the government continued claiming the project would be a success, it attracted severe criticism from opposition parties and technical experts on various issues. Following frequent technical and administrative problems, the government finally removed its project director to get desired results.

The MoW&P had also identified three major technical and procedural problems with the Nandipur project and sought action against those responsible. The selection of low-capacity furnace oil treatment plant for such a big project, flaws in the long-term outsourcing of operation and maintenance contract and awarding the contract to engineering, procurement and construction contractors on a short-term basis were the key shortcomings that led to failure of the project.

Moreover, poor quality fuel believed to have been adulterated on its way to Nandipur from Karachi had also caused initial problems.

Petroleum Minister Shahid Khaqan Abbasi [*later the prime Minister of Pakistan since August 2017*] also claimed that there would be no technical problem with the 525MW plant if it was run on natural gas. He opposed the selection of dual fuel combined cycle technology for the project on technical grounds, but was overruled when a high-level meeting was informed that banks were not ready to extend funds unless the plant had alternative fuel.

**Now the actual loss:** While analysing the actual cost estimate and unnatural escalation in cost due to delay in execution, the fact remained that the huge increase from \$329 million to \$574m was ALL CORRUPTION–

*“....how it was possible when 95% of construction work had been completed by mid-2010. Further, the actual contract with Dongfang Company included \$85 million worth of machinery which had landed at Karachi Port for 2 years. Later in July-Sep 2013, the amount of compensation paid to the Chinese Company for damages amounted to only \$40 million [Rs:3.84 billion @ Exchange Rate of Rs.96/-]. Now do arithmetics please.*

*Summing the above actual costs does not make up the cost from Rs:23 billion to Rs:58.85 billion.”*

**On 10<sup>th</sup> May 2017;** NAB officials told the Public Accounts Committee [PAC] that the national exchequer had faced Rs:113 billion losses in Nandipur power project due to the criminal negligence of the Law Ministry; the PAC members grilled the NAB officials because NAB remained sleeping over so big loss thus was hand in glove with corrupt mafia.

The NAB officials declared the former Law minister Babar Awan responsible for the failure of Nandipur power project; he had put the file of the said project under the carpet for three years. The interesting fact was also told by NAB that the cost had increased by Rs:43 billion; further that the ministry's officers were not cooperating in the investigation.

Senator Azam Swati alleged that the corrupt officials were active in NAB. An interesting situation arose when PAC sought names of the accused from NAB Director Rizwan, but he refused to disclose the names. However, he informed PAC that NAB had recorded the statements of former PM, law minister and dozens of officers in this regard.

An interesting fact was revealed to the PAC that the ***previous government had awarded the contract to a company that was blacklisted in China.***

**You will be judges of the fact.  
You are the sole and exclusive judges of what the truth is.  
BUT you will bring here your own common sense.**

.....Russell R Leggett

## **Scenario 192**

### **TWO SHARIFs – WHO PREVAILED**

#### **COAS AS SOLDIER-STATESMAN:**

When Prime Minister Sharif was elected in May 2013, many believed it was a time when civilians could assert themselves and that military leadership, then criticized for inaction against terrorists, would be pushed into the background. In a sign of his intention to run foreign and defence policies, the PM kept both those portfolios for himself.

Concentrating on the above premises, the PM started peace talks with insurgents in North Waziristan. He also made overtures to India in an effort to ease strained ties and he moved forward with treason charges against Gen Musharraf. However, by mid-2014 the political ground started shifting and the PM, considering him as master of diplomacy, tried to push the military hard on issues it saw as its domain.

Gen Raheel Sharif had won widespread approval for moving authoritatively where previous Pakistani leaders, military and civilian, had hesitated to operate and wasted the real time.

In mid 2014, Gen Raheel opened a new front in the fight against extremists with an offensive in North Waziristan, a region along the Afghan border that was a haven for Pakistani Taliban, Afghan insurgents and al Qaeda; a move long advocated by the US and initially opposed by Nawaz Sharif just to keep dear Rana Sanaullah and Maulana Fazlur Rehman.

Army-led Rangers and police forces had also led a bloody fight against *jihadists* and criminal gangs in the mega-polis Karachi. The campaign won Gen Sharif applause and recognition, despite its reliance on what human-rights groups said were extrajudicial executions.

Gen Raheel Sharif also made a high profile abroad. He met the British PM Cameron at his official Downing Street residence during earlier days of 2015. In 2014 in the US he had met Secretary of State John Kerry and other senior officials and was awarded the **US Legion of Merit** for his contributions to "*peace and security.*"

When Afghan President Ashraf Ghani made his first visit to Pakistan after being elected in 2014, he drove straight from the airport to see Gen Raheel Sharif at GHQ in Rawalpindi - before going to nearby Islamabad to meet the civilian leadership.

At times; officials in Washington, Kabul and New Delhi, however, accused the ISI & MI of continuing what they say was ***Pakistan's policy of giving haven to the Afghan Taliban and other militant groups, and using them as proxy warriors in Afghanistan and India***, but Gen Raheel seldom bothered; the propaganda was known to all.

Once the US warned Gen Raheel Sharif that it would ***withhold \$300 million in military aid*** if Pakistan didn't ***do more*** to curb the Haqqani network; an insurgent group allied with the Taliban allegedly responsible for deadly attacks in Kabul – but the General simply smiled at the American statesmen's wrong assessment.

*[The US since long alleged that the Haqqanis are an arm of Pakistan's military intelligence agency. A Haqqani was named as the new deputy chief of the Taliban at a meeting held in Pakistan in early 2015.]*

The Pakistan army always maintained that there is no difference amongst factions; the terrorists are terrorists to what origin they belong. Gen Raheel Sharif had reiterated in London that: ***"We are against use of proxies and won't allow it on our soil."***

President Obama was keen that Pakistan should use its influence on the Afghan Taliban to advance peace talks between the militants and the Afghan government. They considered Gen Raheel Sharif was the force behind a breakthrough in the Afghan peace process in early 2015, when a group of senior Taliban were brought to meet Afghan government representatives just outside Islamabad.

After an attack on Karachi's airport, Gen Raheel Sharif, who had promoted counter-insurgency doctrine when he was the army's training head— focusing the army's targets toward terrorists rather than its traditional enemy, India — earlier had also launched military operations against militants in North Waziristan in June 2014.

**A little background:** On 14<sup>th</sup> August 2014; PTI's Imran Khan and his supporters launched a sit-in protest against alleged vote-rigging in the 2013's election that propelled PM Nawaz Sharif to confine to his office. The demonstrations paralyzed the capital city of Islamabad, calling for the

military to intervene and unseat Nawaz Sharif. Some members of Nawaz Sharif's cabinet accused military intelligence of fomenting the protests, something the military and Imran Khan always denied. In fact there was no truth in PML[N]'s doctrine of allegations.

Contrarily, the army chief backed and in return, as a gesture of goodwill, to tell the vibrant media that Pak-Army and PML[N] were on ONE PAGE, PM Nawaz Sharif relinquished some of his powers, letting the military take charge of defence and foreign policy. Once more referring to the '**Wall Street Journal**' dated **27<sup>th</sup> August 2014**:

*"—The Pakistani military is close to an agreement with the [civil] government in which the prime minister would relinquish control of security affairs and strategic foreign policy amid anti-government protests that have paralyzed the capital."*

During his tour, speaking to a small group at the Royal United Services Institute, a defence think tank in London, Gen Raheel Sharif said:

*"Pakistan's lack of good governance had **created a vacuum** and required him to play a wide-ranging role as a soldier-statesman."*

A senior aide to the PM Nawaz Sharif present at that occasion said **"governing Pakistan is a joint venture between the elected civilian leadership and the military brass."**

A Western diplomat described it as an **"unequal coalition"** that favoured the armed forces – but both were comfortable.

### ***PML[N] MINISTER MALIGNED ISI:***

**On 14<sup>th</sup> August 2015**, Prime Minister Nawaz Sharif sought an explanation from senior cabinet member and minister for climate change, Senator Mushahidullah Khan, over an interview he gave to BBC Urdu, in which he alleged that former Inter Services Intelligence [ISI] Chief Lt Gen Zaheerul Islam Abbasi wanted to overthrow Pakistan's civil and military leadership during last year's 126 days long sit-in by the *Pakistan Tehreek e Insaf* [PTI] and the *Pakistan Awami Tehreek* [PAT].

In his interview, Mushahidullah alleged that during PM Sharif's meeting with army Chief Gen Raheel Sharif on 28<sup>th</sup> July 2014, an audio tape was played

in which Lt Gen Zaheerul Islam could be heard giving orders to ransack the PM House and spread chaos.

***[PML[N] Senator Mushahidullah's bluff could be judged from the fact that PTI's sit-in had taken start on 14<sup>th</sup> August 2014 – how can an ISI Chief could order, and to whom, to ransack the PM House on 28<sup>th</sup> July 2014.]***

The tape, claimed Senator Khan, was obtained by officials of the civilian intelligence agency – Intelligence Bureau [IB]. On hearing the audio tape, Gen Raheel summoned the ISI Chief to the meeting and played the tape in front of him. When Zaheerul Islam confirmed that the voice was his own, the army chief asked him to leave.

Taking notice of the Senator Khan's statements, the PM House immediately issued a news release, asking Mushahidullah Khan to explain his remarks. The release also said that **PM Sharif had never heard such an audio tape, nor was he aware of its existence.**

The Federal Information Minister Pervez Rashid also confirmed the media that he had been with the prime minister during the *dharna* days last year, thus could state with assurance that **"no such incident had taken place,"** referring to claims of the audio tape being played in Nawaz's meeting with Gen Raheel.

The Fed Info Minister categorically added that **'irresponsible and contrary to the facts - no tape was listened to or played.'** According to him **'Mushahidullah's claims were far from the truth and labelled them as made up.'**

Inter Services Public Relations [ISPR]'s DG Maj Gen Asim Bajwa tweeted on the same night that:

*'The story about any tape recording as being discussed in media is totally baseless, unfounded and farthest from the truth. And that such rumour is irresponsible and unprofessional.'*

During the later talks to the Pakistani media, Senator Mushahidullah, himself downplayed his claims, saying that he had never heard the audio recording himself and was told about it by other sources. His interview with the BBC was almost a week old and he admitted that there was no peculiar motive behind releasing it on Independence Day. He told that he had given the same explanation to the premier over a telephone call.

**On 17<sup>th</sup> August 2015,** Senator Mushahid met PM Nawaz Sharif at the PM House and, while submitting the resignation from the ministerial slot,

explained the basis of his claims regarding allegations on the ISI's former Chief. He categorically admitted that his allegations were based on 'hear-say' and informal discussions with other fellow members of PML[N] especially referring to Khawaja Asif, the then Defence Minister. **The PM immediately accepted his resignation and warned NOT to speak on party affairs at any forum.**

The matter was no so simple. In fact the strategy to hit Gen Raheel Sharif through ISI front had been on PM Nawaz Sharif's cards since long. Every Pakistani had full understanding that the Pak-Army had resolved to eradicate terrorism and corruption from Pakistan. The army had tackled the PPP's Lyari gangs, nearly eliminated the main groups, and then laid an iron hand on **MQM's bhatta mafia**, killer gangs, land grabbers and extortionists of Karachi through local police and Rangers.

**ANOTHER COUP ON CARDS – FACTS:**

As per **ForeignPolicy.com** dated **20<sup>th</sup> November 2014**; one Neha Ansari, who was on the **Express Tribune's** editorial staff at that time, had allegedly received instructions from the military establishment to support the 'dissenting' leaders and their sit-ins. But there was no independent source to confirm whether Naha Ansari had actually received such instructions from the army – and if so then why to discuss the same with the FP after six months; why not immediately after and why was it not shared with local media – the things were blurred.

However, as the crisis began to unfold, a conspiracy theory popped up to claim that the "**London Plan**", sought to destabilize Nawaz Sharif's government was solely authored by '*two successive ISI Chiefs*' — Gen Pasha and Gen Zaheer — BUT had nothing to do with the army as an institution or its Chief.

*[In a live TV talk on **12<sup>th</sup> July 2015**, PML[N]'s Defence Minister Kh Asif finally named former DG ISI Gen Zaheerul Islam for his alleged role in destabilising the Nawaz Sharif government during 2014's PAT-PTI sit-ins.*

*Although Gen Pasha was mentioned earlier to have been behind the 2014's sit-ins, Gen Zaheer was named for the first time to have conspired against the elected government. However, despite crossing their limits in violation of law and Constitution, none of these retired Generals were questioned either by the civilian government or the military leadership.*

*Kh Asif said that Gen Zaheer had a grudge against the government for its stance on Geo TV issue after the April 2014 attack on Hamid Mir. To settle his personal grudge, Gen Zaheer hurt the national interest. Kh Asif also alleged that Gen Pasha, during his tenure and after, had been meeting politicians in order to influence them to join the PTI.*

***In a Karachi restaurant, he said, Gen Pasha had urged the corporate executives in 2012 to finance PTI's political activities – though it was PPP's government then.***

*The minister said that some media persons were also used to destabilise the PML[N] government and make the 2014 sit-ins successful in order to get the elected prime minister resigned but it did not happen.]*

According to further details [Daily 'the News' dated 13<sup>th</sup> July 2015 is referred], the incumbent head of the ISI, Gen Zaheer, had a 'personal grudge' against Nawaz Sharif and wanted to pit the two Sharifs — Nawaz and Raheel — against each other. Once embroiled in the crisis, the speculation has it; Gen Zaheer expected that Nawaz Shairf would accuse the COAS of orchestrating the sit-ins and try to fire him without a second thought. Upon learning the government decision, the COAS would then stage a counter-coup to send the government packing. And that would settle the score of the ISI chief.

However, the alleged plan did not go as expected. The COAS Gen Raheel was hesitant rather unwilling for such military activities and wanted democracy to reign. Hence, he came forward to reconcile the ruling PML[N] and the protesting political parties through '**politics, not force**'. Ultimately, the sit-ins came to an end and the government of Nawaz Sharif survived the said political tornado.

With the slogan of '**civil & military on one page**', the "military... extracted a promise of freedom for Gen Musharraf" — later he left Pakistan because of treason charges against him on various counts; alleged to have imposed emergencies twice in his tenure — first in October 1999 and later in November 2007.

The whole West remained disturbed that why Pakistan military has never given up its power over crucial national security and foreign policy matters, including the control of the atomic arsenal. The intelligentsia, however, knew that the political elite of Pakistan would sell their nuclear assets in a day had Pak-Army quit the field.

Later, Gen Pasha independently sought an inquiry to clear his name from involvement in the 'London Plan' conspiracy [Daily **'the News'** dated **3<sup>rd</sup> August 2015** is referred], but no such inquiry was initiated against him; neither by the civilian government nor by the GHQ. This despite the fact that Hashmi was not alone in claiming Pasha instigated the sit-ins; Privatization Commission Chairman Mohammad Zubair and Defense Minister Kh Asif also alleged Gen Pasha's role.

**[On 3<sup>rd</sup> August 2015; all Pakistani media papers and channels displayed interesting breaking news – that former ISI chief Gen Ahmad Shuja Pasha sought an inquiry into the veracity of allegations involving him in the London Plan or the anti-government 2014 sit-ins. It was to determine whether or not he had any role in the making of Imran Khan's PTI or Dr Qadri's PAT or their role in August 2014's sit-ins in Islamabad.**

*Gen Pasha believed that he was being wrongly maligned by certain politicians and the media; thus he offered himself for accountability and was prepared to defend his role even as DG ISI. The General wanted to confront all his accusers, mostly associated with the ruling PML[N] and some in the media.*

*Mr M Zubair, the brother of PTI's Asad Umar, told media that **'...when [I] was not in politics, Gen Pasha met some people of the corporate world including him and asked them to join the PTI. [I] was also one of the participants of that meeting...'***

*Astonishingly, after the Defence Minister Kh Asif named Gen (retd) Zaheer and Gen (retd) Pasha being the two actors behind August 2014's sit-ins, demands were being made by different political leaders to get the issue probed and fix the responsibility.*

*Initially, it was Altaf Hussain and Javed Hashmi who had demanded such probe but later Punjab Chief Minister Shahbaz Sharif said a commission, comprising leaders of parliamentary parties should be constituted to probe into the issue. **BUT PM Nawaz Sharif never made a commission or enquiry committee to do that Herculean job.***

*Of late, PTI leader Imran Khan, whose party PTI was alleged to have played into the hands of some disgruntled elements of the establishment to destabilise the PML[N] government, also sought an inquiry into the matter. However, Nawaz Sharif avoided any*

*controversy that could cause mistrust between the civil and military authorities whatsoever.]*

Some of the aides of Nawaz Sharif had advised the PM to proceed against Gen Zaheerul-Islam, but he exercised maximum restraint and remained patient. In fact, the PM was of the view that his action against Gen Zaheer might increase uncertainty to the advantage of those who wanted to dent the democratic and constitutional rule.

Upon coming to power in May 2013 elections, Nawaz Sharif had constituted a special bench to try Gen Musharraf under treason charges. As one of the *WSJ* report indicated, analysts believed the trial of Gen Musharraf was one of the irritants that put Nawaz Sharif on a collision course with the military, but he later managed to get secured the freedom of their ex-colleague as a quid-pro-quo to allow Nawaz Sharif stay in power.

Referring to the '**Washington Post**' dated **6<sup>th</sup> October 2015**;

*'Since months, the US has been quietly exploring some diplomatic options that could reduce violence in Afghanistan — and **perhaps even curb the danger of a nuclear Pakistan next door**'.*

The White House had turned their guns to Pakistan; exploring new limits and controls on its nuclear weapons and capabilities. The US had already secretly opened a path towards the civil nuclear deal that was launched with India in 2005.

*[President Bush and Indian Prime Minister Manmohan Singh had agreed on the civil nuclear deal **on 18<sup>th</sup> July 2005** lifting thirty years US moratorium on nuclear trade with India - the US Congress on **1<sup>st</sup> October 2008** had given final approval to that agreement.]*

Since two decades the US had viewed Pakistan's nuclear program as one of the world's most dangerous security problem. Once again Pakistan was asked to re-consider its "**brackets**" that was why PM Nawaz Sharif was called in Washington on 22<sup>nd</sup> October 2015. PM Nawaz was to be compelled to agree to restrict its nuclear program according to its actual defence needs against India's nuclear threat but he didn't agree to the US plans openly and the matter remained in doldrums.

PM Nawaz Sharif was also asked to agree with other US terms – and once again the Pakistani populace was made fool through media discussions lead by some stooge anchors that '**PML[N] has got Civil Nuclear Deal with**

***the US - at par with India – a great success of PM Nawaz Sharif***  
but there was nothing concrete as pledge.

The US Pentagon and White House knew that 86% Pakistanis hate them in an arena of Moscow's retreat from Afghanistan in 1980s, Civil Nuclear Deal of 2005 with India, Obama's one sided deals with Kabul's Karzai and May 2011's humiliating attacks on Pakistani soils etc.

Had the PM Nawaz Sharif agreed with any deal on Pakistan's nuclear program, he could have faced another mid-term kick on the back in the shape of a possible ***Military Coup***.

*[Published at //pkhope.com on 10<sup>th</sup> October 2015]*

#### **Yet Another Attempt:**

The '**New York Times**' dated **16<sup>th</sup> July 2016** told the world that in the wake of **Turkey's failed coup**, Pakistan's general populace saw at places the hung posters of COAS Gen Raheel Sharif, urging him to take over the government through another military coup. However, one thing was settled that there was no direct evidence of Pak-Army's involvement and its intelligence agencies in that move.

Earlier, Gen Raheel Sharif had conscientiously helped reconcile the PML[N] government and the PTI & PAT after August 2014's long march and sit-in protests. After an agreement was reached between the parties, Senator Mushahidullah Khan's **interview with BBC** had appeared – the details of which are given earlier but the COAS didn't figure anywhere in it.

The Pak-Army has always been believed to be a professional and organized institution in Pakistan but some media stalwarts posed them as the '*power-hungry establishment ready to exploit circumstances to its advantage*'. The slogans like '**Democracy is under threat from the establishment, not from the military**', were abundantly available on social media pages during the political regimes.

The nation could recall that during 2014's sit-ins, the rumours were strong that the establishment was behind them, but who foiled that conspiracy? When the protesters rushed to storm the parliament building and the PM House, it was the military which blocked the way of the protesters. Surely, the military had sided with the democracy.

*[By dictionary meaning '**The Establishment**' generally denotes a dominant group or elite that holds power or authority in a nation or organization. The Establishment may be a close social group which selects its own members or specific elite, either in government or in specific institutions.*

*In Pakistani perspective, the establishment and the military are the one and the same thing; the decisions are always taken in Corp Commanders meetings.]*

Once in mid 2016, banners appeared on light poles alongside busy roads in 11 of Pakistan's big cities; [**The Express Tribune** dated **12<sup>th</sup> July 2016** is referred]. The banners asked Gen Raheel Sharif to take over control of the country rather than retiring.

The military categorically denied any involvement in posters game urging the COAS to take over and a criminal case was instantly registered against the chief of one political party that hung the posters. **On 20<sup>th</sup> July 2016**, the chief of "**Move on Pakistan**" named Mian Kamran, was arrested from a guest house located near Aabpara Islamabad.

The Inter-Services Intelligence [ISI] was speculated to have run the show but the Inter-Services Public Relations [ISPR], media wing of the military, said that it had nothing to do with the banners and the group that placed them in different cities of the country.

The two "**Azadi March**" and "**Inqilab March**", meant as 'Freedom & Revolution' respectively, launched by the PTI and PAT in August 2014, were not meaningless. Imran Khan and Dr Qadri both categorically denied receiving any support from the military or ISI, but even then it was widely believed that ISI was behind them – as was subsequently charged by Senator Mushahidullah of the PML[N].

*[In fact, the said allegations were coined and propagated by PTI's former head, Javed Hashmi, who on a popular private TV show confidently claimed [**Daily Dawn** dated **6<sup>th</sup> April 2015** is referred] that the sit-in of August 2014 was the idea of Gen Shuja Pasha, the former DG ISI.]*

Coming back to our starting point:

**15<sup>th</sup> July 2016's failed military coup in Turkey** brought cheers for some in Pakistan. The PML[N] believed that the failure of the Turkish coup

was a deterrent leaving no possibility of ousting the civilian regime in Pakistan, at least for the next few years. Additionally, proponents of democracy believed the vibrant judiciary, which avowed closure of the '**Doctrine of Necessity**', and the active media would resist a coup attempt. However, in those days there were **still three factors** that could drive another coup in Pakistan.

**Widespread Popularity of Gen Raheel Sharif:** he enjoyed overwhelming support in the country on two levels. Among the political elite, Gen Raheel Sharif won acclaim when he issued a statement in January 2016 exhibiting **reluctance to seek an extension** of his term. Nearly every political section applauded the decision, considering it part of a healthy trend in nurturing democratic norms. Among the general public, Gen Raheel Sharif was seen as a determined soldier [unlike his predecessor Gen Kayani]. Gen Raheel had successfully restored peace in the country as a whole and in Karachi particularly.

Gen Raheel Sharif's popularity could also be gauged from social media pages; presenting tribute to the General and the army became a new craze in both the lower and upper classes. For instance, Pakistan's cricket team won a test match against England at Lords in July 2016 and the victory celebrations included a salute to the army, since the players received physical training at a military camp before departing on their overseas tour; [**Firstpost.com** dated **18<sup>th</sup> July 2016** is referred].

**PTI's Claims of military backing:** Imran Khan's gestures were being accepted by the general populace. Once in July 2016 Mr Khan said that people would welcome the army and distribute sweets if a coup took place in Pakistan. Khan went on saying that the biggest threat to the democracy is none other than Nawaz Sharif and his corrupt cronies; daily '**the News**' dated **17<sup>th</sup> July 2016** is referred.

A wide spread notions prevailed in Pakistan that PTI emerged on the political scene suddenly after 2011, allegedly with the patronage of former DG ISI Gen Shuja Pasha. Three years later, the party staged a 126-day long sit-in in Islamabad allegedly supported and funded by the same agency which was not at all true as discussed earlier.

The PTI brought development, corruption free administration and many positive structural changes in Khyber PK province, which was termed as productive experience. The intelligentsia had started analysing the situations vis a vis other provinces especially with Karachi where the PPP government, in its eight years rule, could not remove the garbage from the city, could not supply drinking water, could not control sewerage and even

simple maintenance of its roads and streets. Thus there was serious anxiety among the people to bring PTI in power but aided with nationalist technocrats from all around.

**PML[N]'s Faulty Planning & misguided priorities:** Sharif's PML[N] government had a single majority to run the country and complete the legitimate constitutional term, yet a few blunders were there to facilitate shocking fall of his government. The 2014's Model Town Lahore incident, which took the lives of 14 people, remained a mystery and a stain on Shahbaz Sharif government. PAT had successfully convinced the general populace that the killings were deliberately carried out at the behest of the prime minister and chief minister.

The said serious case had never been investigated on merits. Critics argued a real finding regarding the atrocity could dethrone the PM and CM; the subsequent political vacuum might be filled by the military.

In addition, the Panama Papers scandal appeared as monster in April 2016. Opposition parties were expecting a possible ouster of Nawaz Sharif. Moreover, PML[N] made little progress on elections promises like ending power outages, curbing inflation, and exercising better governance. Consequently public support for the government was gradually slipping out of their hands.

In Pakistan, opportunists from all political parties have always hailed military takeovers and enjoyed the fruits even more than their so called democratic bosses. Unfortunately, the stage remained ready because there was no democracy at all; it always has been a family business weather Zardaris & Bhutto or Sharifs come up in the name of democracy.

Thus ***Raheel Sharif and the army's fame, Imran Khan's green light, and the PML[N]'s bad-governance*** were sufficient to foster another round of military take over because the people wanted development, industrial growth, un-interrupted power supply, clean water, better schools and hospitals – which the two political governments could not afford during their respective terms.

#### **HATS OFF TO GEN RAHEEL SHRIF:**

**SAULAT MIRZA Lived 16 years after DEATH Sentence:** Shahid Hamid, MD KESC, was murdered in 1997 along with his driver and guard.

An anti-terror court convicted Saulat Mirza for the murder and handed him the death sentence in 1999. His final appeal to the Supreme Court stands dismissed. The law required him to be hanged within days of the president turning down his mercy petition. But he wasn't. Sixteen years since his conviction Mirza remained alive and well in prison.

Why so - because some political figures wanted the execution stayed. PM Nawaz Sharif wanted to pull the matter but the Pak-Army escorted Saulat Mirza up to the gallows **on 12<sup>th</sup> May 2015**.

Shiraz Paracha in his essay on media pages dated **6<sup>th</sup> December 2016** held that many non-democratic states in this world went highly developed; lack of Western form of democracy had not deterred development in those states. From Singapore to China and from Central Asian states to Russia, one could see their scientific approach, high level of education, extremely developed infrastructure and strong economies.

Pakistan failed to develop a system or governance pattern that could be taken as viable – far from the concept of a model. If democracy didn't work here, the authoritarian military rulers also failed to transform Pakistan into economically, socially and culturally developed state.

In Pakistan, the problem went gradually serious because the Pak-Army always preferred to act as nanny or big brother for the state and its 200 million people. The military developed their thesis on the premise that Pakistan would always remain under perpetual threat physically and ideologically – thus never tried the other available options. Precisely because of this the Pak-Army has mostly been portrayed as the army of Islam and Pakistan as its fortress.

Gen Ziaul Haq [*ruled Pakistan from July 1977 to August 1988*] changed the motto of the Pakistan Army to "**Iman, Taqwa and Jihad-fi-Sabilillah**". It meant that besides being a professional army, the Pakistan Army was also a missionary force with a mission to defend Islam. From this stand point, all '*enemies of Islam*' were Pakistan's enemies so fighting for Islam remained his priority.

Instead of creating awareness, successive civil and military dictators encouraged confusing historical narratives and played sectarian card for divide and rule purposes. The State used Islam as political tool and Gen Zia patronized a particular sect later brought acute disaster for the country. Among all the 15 former Pakistani army chiefs, Gen Raheel Sharif was the most vocal and blunt in his opposition to India.

Since the day Gen Raheel Sharif held the Army Chief's stick in ending 2013, he and his army were feeling uneasy with the government's decision to pursue negotiations with the Pakistani Taliban, particularly at a moment when the militants were killing Pakistani troops.

In January 2014, when twenty soldiers were killed in the frontier town of Bannu, Gen Raheel Sharif responded with immense force. For a moment, it looked as if Pakistan was about to mount a sweeping offensive against the Taliban - but the PML[N] government urged army to cool down once more. The Taliban were quick to exploit the new space yielded to them. Their chosen interlocutors spent rather wasted a fortnight diverting attention away from the question of terrorism and discussed whether Pakistan had a **"truly Islamic form of government"**.

Meanwhile, the bombings continued: in Peshawar, cinemas and pro-government tribal elders were attacked. In Karachi, eleven policemen were killed. Three different media organizations were either attacked by bombs or threatened with blow - ***and on one Sunday night, the Taliban beheaded twenty-three soldiers in their custody.***

This last act of utter humiliation frayed the military's patience. Just after three days, fighter jets bombed targets in North Waziristan, a tribal area along the Afghan border notorious for its concentration of militants, while gunship helicopters strafed their allies in the nearby Khyber agency. The new fighting, which signalled the end of talks with the Taliban, and perhaps a wider military offensive, diminished the odds of Gen Musharraf's trial continuing - PML[N] didn't approve the army's stance.

Referring to the daily '**DAWN**' dated **9<sup>th</sup> February 2016**, an organisation titled as '**Move on Pakistan**', but registered as a political party three years earlier by business community working for education, health and peace said that:

***"Gen Raheel Sharif's services for restoring peace in Karachi, FATA and Balochistan demand that he should stay as the army chief.***

*Moreover, he speaks against corruption which is a biggest issue of the country. We believe that extension should be given to him because only he can address Pakistan's issues."*

Though the Pakistan army had made it clear that the military policies would continue even after the retirement of Gen Raheel Sharif but, **on 24<sup>th</sup> February 2016**, the PPP submitted a resolution in the Punjab Assembly

demanding the federal government should give extension to the army chief Gen Raheel. PPP MPA Khurram Wattoo filed the resolution in the assembly secretariat while saying that:

*'...the country is facing worst situation and the armed forces are trying their best to root out the menace of terrorism. Under these circumstances, the government should rise above the politics of expediency and back the armed forces in war on terror.'*

***ALLAH hi janey kon basher hai....***[GOD knows who is the (perfect) human being...]

**GEN RAHEEL SAVED GEN MUSHARRAF:**

Omar Waraich, in an essay dated **20<sup>th</sup> February 2014** on media held:

*"As per Pakistan's constitution, anyone found guilty of suspending the constitution is, by definition, a traitor. The army considered this language inflammatory, and particularly galling when applied to the former chief of an institution that has long seen itself as the ultimate guardian of Pakistan's security."*

Former Army Chief was being made target of personal vendetta of the two giants – PM Nawaz Sharif and the CJP Iftikhar M Chaudhry. The details have already been given in the earlier volume of **'The Living History of Pakistan Vol-V'** and with cogent references.

However, the new Army Chief, Gen Raheel Sharif had a longstanding family connection to Gen Musharraf. His brother, the war hero Major Shabbir Sharif, was a close friend of Gen Musharraf. To honour that bond Gen Sharif ordered the Army to take Gen Musharraf under its protection. Thus the prosecution of Gen Musharraf got derailed after the military stood by its former leader.

Referring to the **'Wall Street Journal'** dated **8<sup>th</sup> April 2014:**

*"—The head of Pakistan's army lashed out this week over the treason trial of former army chief Gen Musharraf, marking the first time the military's previously behind-the-scenes frustration over the ex-leader's treatment has boiled to the surface since the current [PMLN] government came to power in June 2013."*

Another perception carries weight that *'soldiers cannot be expected to die for the country while their former chief is on trial for treason'*. But as the offensive against the Taliban started, the Army was pulled in two different directions. It was fighting on one front and facing a media trial of their former chief on the other - that made the situation tenser. Many observers felt that Pakistan was then facing many other problems too — terrorism, a crushing energy crisis, a torpid economy etc etc.

PM Nawaz Sharif's government didn't want to prolong Gen Musharraf's ordeal; they quickly wanted a conviction for the record: something to even the score – but that [un]fortunate moment never appeared; yes, Nawaz Sharif himself faced the most humiliating punishment of the world history in July 2017 through Panama Leaks trial instead.

Gen Musharraf's greatest misfortune was that Nawaz Sharif, the man he ousted when he seized power in a military coup in October 1999, had returned to government. In 2013, Nawaz Sharif was elected Prime Minister for an unprecedented third time, still bearing the scars of his ignominious exit fourteen years before. Soon after taking office, in June 2013, Sharif appeared in Parliament to announce that the government would try Gen Musharraf for "high treason"— defined as any attempt to subvert or suspend the constitution.

In fact, **Nawaz Sharif was motivated solely by revenge** and that, given the circumstances Gen Musharraf didn't get a fair trial. But Gen Musharraf's detractors were not only in the parliament: the judiciary was similarly ill-disposed toward the former military ruler. In 2007, Gen Musharraf had triggered his own downfall by sacking the sitting Chief Justice Iftikhar M Chaudhry.

Gen Musharraf appeared to have few regrets. In the final week of 2013, days before he was due to appear in court, the pensioned dictator invited sympathetic interviewers to question him on television. In one interview, Gen Musharraf said, slipping into his favoured bullet-point style:

*"Everything I did was for the country - Pakistan. I was at the helm of affairs. The state of the country is one way, the constitution is the other. What should I have done? Should I have run?"*

In the interview, Gen Musharraf displayed few signs of the initial illness that prevented him from appearing in court a month later. His only visible symptom was an inflamed sense of self-importance.

Gen Musharraf was propelled by the belief that he was still his country's saviour: there was no other explanation for his decision to return to Pakistan on 23<sup>rd</sup> March 2013 from his comfortable exile in London, despite the best advice of his allies in both government and the Army.

The Pak-Army had long urged Gen Musharraf not to return. The former Army chief, Gen Kayani believed that his predecessor's plunge back into politics would invite legal troubles and damage the Army's image - he was correct: the Pakistan's Army was later seen trying to fend off a crisis it never wanted in the first place.

Gen Musharraf had earlier been ordered by a three-judge special court seized to record his statement on 31<sup>st</sup> March 2016. The General, in a fresh application, stated that his medical condition had greatly worsened. The said application had called to reconsider his 4<sup>th</sup> May 2014's medical report, prepared by a private medical board consisting of top neurologists and orthopaedic surgeons from Karachi, which stated that Gen Musharraf had fractured his vertebra.

The report had also indicated that the treatment for this kind of a fracture was not available in Pakistan, and surgery had to be performed in Dubai, North America or Europe.

Over the past two years, Gen Musharraf's condition had been deteriorating, but things took a serious turn on 11<sup>th</sup> February 2016 when he had to be rushed to PNS Shifa Hospital in Karachi. Subsequently, on 18<sup>th</sup> February 2016, Gen Musharraf complained of severe pain in the lower back and numbness in the left leg. Dr Imtiaz Hashmi, an orthopaedic spinal surgeon who had been treating Gen Musharraf since 2011, was rushed to the applicant's house and advised him complete bed rest.

Gen Musharraf was brought to PNS Shifa again on 24<sup>th</sup> February 2016, where he fell while on his way to the bathroom. In view of different tests conducted on that day, the application maintained, doctors had advised Gen Musharraf's emergency surgery performed to correct the fracture in the vertebra and avoid any serious complications.

**On 14<sup>th</sup> March 2016;** a five-member bench headed by Chief Justice of Pakistan Anwar Zaheer Jamali, while hearing a pending federal government appeal against a 2014 Sindh High Court order removing Gen Musharraf's name from the ECL, upheld the ruling.

The government's appeal was rushed through by the government on 14<sup>th</sup> June 2014 on the apprehension that once Gen Musharraf left the country, he would not return to stand trial under Article 6 of the Constitution.

**[On 23<sup>rd</sup> June 2014;** *the Supreme Court of Pakistan suspended the Sindh High Court [SHC]'s judgment until it decided the pending appeal, and also formulated a set of questions to determine whether Gen Musharraf could be allowed to leave Pakistan.*

*The apex court of CJP Iftikhar M Chaudhry had, in an earlier verdict on 8<sup>th</sup> April 2013, ordered the government to place Gen Musharraf's name on the ECL and ensure that he did not leave Pakistan until the court order was varied or modified. Visibly, CJP Chaudhry was balancing his own scores of humiliation suffered at the hands of Gen Musharraf in March 2007.]*

The five-member bench gave the order after hearing the arguments of Attorney General Salman Aslam Butt, the petitioner representing the federal government, and Barrister Farogh Nasim, Gen Musharraf's counsel. The apex court's order said:

***"For reasons recorded separately, the [federal government's] appeal has been dismissed.***

*However, the order will not preclude the federal government and special court's proceedings against him under Article 6 from passing any appropriate legal order for regulating his custody or movement."*

**On 19<sup>th</sup> December 2016;** former president Gen Musharraf claimed that ex-army chief Gen Raheel Sharif influenced the PML[N] government and helped him out, ***'behind the scene our judiciary works under pressure'***, it was guessed.

When asked to explain by the host how Gen Raheel Sharif helped him; Musharraf responded saying by ***"influencing the courts"***. He elaborated:

*"The Pakistani courts work under pressure behind the scenes and then give decisions. The army chief had a role to play in releasing the pressure behind the scenes."*

When asked how exactly Gen Raheel Sharif had to relieve pressure from; Gen Musharraf said:

*"Not from the judges but from the government....Once he [Gen Sharif] got the government to relieve the pressure that they were exerting, the courts gave their judgement and allowed me to go abroad for treatment."*

Gen Musharraf had left the country for Dubai in March 2016 hours after the interior ministry issued a notification to remove his name from the Exit Control List [ECL]. The government notification followed the Supreme Court's order to lift the ban on his foreign travel.

Apart from murder cases of Benazir Bhutto, Nawab Akbar Bugti and Ghazi Abdul Rasheed, the retired General was facing treason charges for imposing emergency rule in November 2007, arresting judges and limiting their powers. His name was kept on the ECL for more than 20 months. Interior Minister Nisar Ali Khan had said then in March 2016 that Gen Musharraf had committed to face all cases against him in court and had **"promised to return in four to six weeks"**.

#### **GEN RAHEEL'S VISIT TO AMERICA:**

Chief of Army Staff Gen Raheel Sharif visited the US from **15-20<sup>th</sup> November 2015**, to underscore security issues facing Islamabad and Washington in the region as well as the imbalance in civilian-military power in Pakistan. Two MAJOR REASONS for the visit:

Firstly, few days earlier, Pakistan's PM Nawaz Sharif had visited America and met with US President Obama at the Oval Office to discuss many issues including Afghan peace talks and Pakistan's nuclear ambitions.

Secondly, just two weeks before, on 1<sup>st</sup> November 2015, Pakistan had lost bid for re-election to the United Nations Human Rights Council [UNHRC], an utter humiliation which had forced the Foreign Office to do some introspection and look for image-repairing.

*[Pakistan had served three terms on the 47-member council and was vying for a fourth one from the Asia-Pacific Group which had five vacant slots. Pakistan got 105 votes in the 193-member General Assembly and could not get re-elected. Other countries that lost from the group were Laos and Bahamas.]*

*The group was topped by Mongolia, which bagged over 150 votes. The United Arab Emirates, Kyrgyzstan, South Korea and the Philippines were also elected. The defeat was shocking because it was the first time that Pakistan had lost a major election at the UN. Just a year ago it had polled 180 votes to get elected to the Economic and Social Council.*

*Pakistan had been in the rights council since 2006. The defeat exposed country's real value for other states because of PML[N] government's poor foreign policy decisions; in fact PM Nawaz Sharif had least priority for the Foreign Office affairs.*

*Further, Pakistan's permanent representative at Geneva Zamir Akram was changed at the wrong time; the outgoing representative lost interest and the new one had little time to lobby. The country put its weight behind the individual candidatures of Anwar Kamal and Barrister Zafarullah for two UN committees – the tired horses.*

*Pakistan was not able to argue on issues of its concern nor could block a resolution tabled against it like human rights violations in Kashmir. Two major blocs that did not vote for Pakistan were the Association of Southeast Asian Nations [ASEAN] and the Gulf Cooperation Council [GCC]. Most countries had concerns about Pakistan's human rights record – the blasphemy issue and persecution of Christians, Ahmadis and Shias.]*

Analysts held Gen Raheel's influence over both issues made him the dominant broker for Washington. The Americans 'knew where the power was', however that made the visit 'a bit trickier' for Nawaz Sharif as he tried to balance Washington's demands, particularly on Afghanistan.

Stability in Afghanistan had spiralled after a Taliban surge in those months, and Obama announced in October 2015 that Washington would keep thousands of soldiers in the country past 2016. The US saw Islamabad as its partner with the influence to bring the militants to the negotiating table. The new Taliban leader Mullah Akhtar Mansour was believed to have close ties with Pakistan.

Gen Raheel held detailed discussions with US defence officials about the militant Haqqani network, associated with the Taliban and had been earlier described by US officials as a 'veritable arm' of Pakistani intelligence. Washington also believed Pakistan had not done enough to bring its influence to bear and to persuade the Taliban and Haqqani group to renounce violence,

and during PM Nawaz's trip in October [2015] Obama stressed that Pakistan needed to 'do more'.

The initial round of peace talks was broken off in summer [2015] due to the death of Taliban leader Mullah Omar. PM Nawaz had agreed during his October 2015 visit to help Afghanistan re-start the talks, but Washington's concerns over the collapse of negotiations were '*casting a shadow over the General's visit*'; unusual circumstances were cropping up. In the power corridors, the whispering was loud enough that:

*"It's not that the Americans have invited him but he has invited himself; it would be Gen Raheel's second visit this year. Normally this doesn't happen.*

*It signals the importance of the problems that both countries seem to be facing in the region and especially because of the Afghan situation."*

A military statement issued that week said that:

***"Gen Raheel would use the US trip to clearly highlight Pakistan's perspective of new emerging regional realities."***

The world media transcribed it as ***the failure of PM Nawaz's government in taking long term steps to tackle extremism***. But the end point was that the discussions were taking place, irrespective of the point that who had proposed it.

Pakistan's nuclear weapons were [and are] being handled by the military only, so it was natural for the army to want to talk to its US counterparts. The successive political leaderships were not even aware of the strength of their nuclear weapons... They were also unaware of the military needs and other operational details.

The fact remained that that international powers and India had concerns about Pakistan's short range smaller nuclear warhead weapons; the US was expecting to raise the issue with Gen Raheel Sharif during his visit – and it did but the General argued well that Pakistan must maintain its nuclear capability to combat the threat from India.

Gen Raheel Sharif's trip to Washington starting on **15<sup>th</sup> November 2015** was made critical by the PML[N] government in many ways. The PML[N] government alleged that the US and its allies wanted to do business with

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him because they perceived him to be the man in charge of Pakistan. At stake were Pakistan's relations with Kabul, New Delhi and Washington.

Terrorism remained one factor that linked all the three countries; they accused Pakistan of sheltering various shades of terrorists who were creating massive problems for them. Pakistan, in turn, accused India of actively proxy-warring in FATA, Karachi and Balochistan.

Pakistan also accused Afghanistan of unfairly blaming Pakistan for all its troubles despite mounting evidence of its own failings. And it wanted the US to "**do more**" to shore up the Ghani regime in Kabul, help Pakistan's anti-terrorism drive with money and materials, as well as restrain the RAW hand in Pakistan.

**There are very few good judges of humor,  
and they don't agree.**  
.....Josh Billings

## **Scenario 193**

### **ZARDARI'S STANCE IN CHANGING TIMES**

#### **1<sup>ST</sup> EVER INTERVIEW FROM KARACHI JAIL:**

In **'the guardian'** dated **29<sup>th</sup> September 2000**; see the headline caption and then the interview below [**verbatim** – *but un-necessary phrases have been omitted*]:

**This is the full text of an interview by the Guardian's Asia correspondent Luke Harding with Benazir Bhutto's millionaire husband Asif Ali Zardari, who has spent the earlier three years in jail in Pakistan on corruption charges and faces a fresh trial in connection with Rockwood Park, a mansion in Surrey which the authorities say he bought using drug money.**

**In his first ever interview with a British newspaper, Zardari, the husband of the former Pakistani prime minister, denies corruption but says he did behave 'improperly'. He graphically describes being tortured in custody but avoids any direct criticism of the military regime and says he misses his wife, in self-imposed exile in London since he is in jail.**

**Harding:**

*Mr Zardari, you recently spent your 47th birthday in custody. How have you coped with three years in prison and enforced separation from your wife and family?*

**Zardari:**

I turned 46 in July and it was my fourth consecutive birthday in prison. I have spent seven of the 12 years I have been married a victim of political persecution. I must be the first male spouse being held hostage by a regime.... It is difficult to cope without the company of my wife and children, my family and friends. I miss the joy of a father in seeing his children grow.... I have had to fight through the courts for everything, including even physiotherapy which is my right under the jail manual.

I greatly admired my father in law, Prime Minister Zulfikar Ali Bhutto. I think of the PPP workers lashed and sent to the gallows. I want our martyrs and our workers to be proud of me..... I pray to God to give me the courage to face the hardship and the humiliation that comes with prison life and the false accusations made against me.

**Harding:**

*It is claimed that your prison life is luxurious. Could you describe your surroundings and what comforts - if any - you have?*

**Zardari:**

It is incorrect that my prison life is luxurious. As a child I was spoilt by my parents as an only son. They indulged my every whim and I grew up in luxury. It is Spartan and particularly difficult during the hot summer months. Most of the time I have been in physical pain caused by the increasing nerve compression aggravated through neglected medical treatment. The courts freed me on medical bail two years back, but the regime opposed it. Solitary confinement makes it difficult for time to pass.

Over the years, I won some bare improvements through many petitions and court proceedings through various high courts. These included a cooler after one year, a radio / television after eighteen months. Other entitlements have been denied to me despite order of the courts. I felt discriminated against.

**Harding:**

*Several charges of corruption have been levelled against you, yet no charges have been proved. Do you accept any of the allegations made and are you confident you will eventually receive a fair trial?*

**Zardari:**

The charges of corruption against me are baseless. I never broke a single law nor exploited my wife's position. It was the practice for chief executives to favour their families. Gen Zia gave prime property to his sons and even sons in law in Islamabad and Rawalpindi. Prime Minister Junejo gave his son a sugar mill at the concessional rate of three percent. Prime Minister Jatoi also gave his family members prime property in Islamabad. Prime Minister Nawaz Sharif took loans from public sector banks to make about 30 factories. President Leghari got back 40,000 acres of land during his presidentship and reportedly assisted his family members in bank loans. My wife should be credited with breaking from that tradition. I neither took a loan, nor prime property nor influenced the award of contracts.

Before my marriage I was a businessman in trading, construction and hotelling..... I had money and was more interested in the political success of the PPP..... I scrupulously adhered to the law of the land. In future, I will be more careful than in the past in allowing access as I have learnt many bitter lessons and realise that **the prime minister's spouse must be above suspicion**. Even if there isn't a fire, smoke makes people suspicious and I end up paying the price.

I would like the so-called charges against me put up for scrutiny before independent jurists or chartered accountants. The documents before the court placed by the prosecution fail the test of evidentiary admissibility. Reputed Queens Counsel from Britain has opined that I did not get a fair (trial) in the SGS case [Societe General de Suisse, a corruption case last year] in which a mistrial took place. The case is currently under appeal.

My whole family was made to suffer. My father was arrested, my sister's house raided in the early hours of the morning, my wife dragged from court room to court room, my brother in law arrested eight consecutive times, my secretary tortured until one eye was permanently damaged, my former bodyguards tortured and imprisoned. **I too was subjected to torture under the directions of President Leghari and to police torture under Nawaz Sharif where my neck and throat were cut in a bid to make me implicate my wife.**

I was taken to the hospital when it was presumed I would die from cardiac arrest. I feel God has given me a second life. **I want to live up to the new standards of transparency and openness** which the youth of today demand of their leaders.

**Harding:**

*Your friends say you have not been well recently. Could you describe what health problems you have suffered and why?*

**Zardari:**

I suffer from spinal problems which have worsened through imprisonment. The lack of proper treatment has led to further nerve compression and I have lost weight as a consequence. My eyes have also suffered due to the long nights when I was made to stand under blazing lights and denied sleep. I would be woken at odd times in the night to be taken to airports in overheated armoured vehicles. The pain from the spinal problem and the disorientation of being denied sleep and proper medical attention led to hypertension and I am in need of specialised treatment.

The Supreme Court of Pakistan has observed that I can only be treated properly in hospital and not in prison. Had I been given proper medical treatment in the first place then my health would not have suffered so badly. Again the denial of such treatment was a continuation of the government policy of victimising me.

**Harding:**

*Like you, Nawaz Sharif is now in prison. Do you have any sympathy for the former prime minister and what is your opinion of Pakistan's new military regime?*

**Zardari:**

Mr Nawaz Sharif dug his own grave by taking on the PPP in a fascist fashion. Murder cases were trumped up against me, as well as other charges, and I was threatened with a death sentence many times over through special laws and special terrorist courts. **Ironically, Nawaz Sharif was tried by the same laws he had made against me, [and] put in the same prison cell, threatened with a death sentence by the terrorist courts he had made for me and made to travel in the same armoured personnel carrier.**

His trial venue was in front of my residence Bilawal House which he had to pass every day. He had wanted the army to try me and hang me but I fought it to the Supreme Court and in a way saved Nawaz Sharif's life. When he was overthrown he was spared being tried by an army officer. Now he is even turning to the lawyers which had been defending me to defend him. I hope that Nawaz Sharif emerges as a better person through the prison ordeal as he is now paying the price of what he did to others.

I was personally tortured and nearly poisoned by the Sharif brothers ..... [but] the treatment being meted out to Nawaz Sharif, other political leaders and to myself is one which I find hard to accept. I do feel sad when I see Mrs Kulsoom Sharif going from city to city.

**As far as the military regime is concerned, it has yet to make new cases against me; not carried out a media campaign of vilification or taken out advertisements in the newspapers against me.**

Whilst it has denied me any relief despite calling the last accountability politically motivated, it has not added to the mountain of persecution launched by the previous regime [of Nawaz Sharif].

I went to a cadet college for my education and I admire the discipline, determination and professionalism which an army officer brings to his job.

However, the army is taught to defend a country not govern it. I would like to see the Generals discuss an exit strategy to go back to the barracks..... The declaration of building the Kalabagh Dam can only alienate the smaller provinces further as their elected assemblies have rejected it.

**Harding:**

*The British builder Paul Keating claims he met you on several occasions to supervise the refurbishment of **Rockwood House, a mansion in Surrey.** Did you ever meet Paul Keating and does Rockwood House belong to you? If not, do you have any objection to the property being used by the Pakistan High Commission in London?*

**Zardari:**

I wonder how this question is relevant to the accusations of corruption against me. Even if the prosecution story is accepted that the Surrey House belongs to me, which is unproved in a court of law in Pakistan, I am a businessman with my own sources of income. The regime has to show that I did a corrupt act and bought a property through a corrupt act. Instead the regime wrongly claimed I was in the narcotics trade and bought a house with that.

.....I come from a respectable and old family. My father is the head of Zardari tribe and I am his only son. My family has been landowners for a long time with our family mausoleum going back one millennium. We are involved in construction and trading with expensive properties in the heart of Karachi. During the [Gen] Zia era, the Zardari Group won a contract for a hotel in Rawalpindi near the golf course, a prime property.

.....I have been in prison for seven years of my 12 years of marriage..... I was kidnapped from prison and physically tortured and nearly killed in 1999. Under Farooq Leghari, in December 1996, I was given sleep deprivation torture; [light] was shone in my eyes despite my having undergone an eye operation. I have borne the hardship because I am fighting for my reputation, that of my family, tribe, province and country. To err is human but I have never broken the laws.

**Harding:**

*Are you able to communicate with your wife at all, either by phone or letter? How demoralising is it for you that she is unable presently to return to Pakistan?*

**Zardari:**

I do try and communicate with my wife and children by sending them flowers and cards with short messages. I receive letters from them and

even poetry from my children which is read to me during the court break and always cheers me enormously. Absence only makes the heart grow fonder. I sometimes ask for photos to be sent to me so that I can see what they look like and how they are growing. I do miss the children. I am a Baloch. When I was young I was told that Baloch fathers do not see their children when they are young because the children can become the weakness of a strong man. I have not seen my children much but they are still my weakness. I try not to think of my wife and children because when I do I become sentimental.

**Harding:**

*Do you think the PPP will be able to recover from its current setbacks and do you think you and your wife might have a role to play in government when democracy is restored to Pakistan?*

**Zardari:**

Yes, I do think the PPP will recover from its current setbacks..... We lost the government due to internal treachery of an overambitious and not very intelligent man. The country prospered under the PPP with its growth rate tripling, national revenues doubling, literacy increasing, population growth rates decreasing as well as infant mortality rates.

The poor know that the PPP is their watchdog as do the discriminated classes. My wife [Benazir Bhutto] has enormous stamina and a motivation to fight against injustice. She is intelligent and experienced, articulate and sensitive..... The support of the people for the PPP is evident in labour elections, bar elections, community meetings and other forums. Its workers are battle hardened activists.....

**Harding:**

*Is there anything else you feel people outside Pakistan, and in Britain in particular, should know about your case?*

**Zardari:**

I studied in Britain and spent great moments of my life there as a student living in Belsize Park. I admire the British trait of the stiff upper lip in the face of adversity. My wife studied in Britain too and both of us have many friends there. We take pride in the tolerant society of Britain which has enabled immigrants to climb the pinnacles of success in business and politics, including the houses of parliament. I would like to see such tolerance and accommodation in Pakistan.

At a time when the entire forces of the state were unleashed against me in the press accusing me of murder and corruption and every sin under the

sky, it was the British legal system which came to my rescue. It ruled that the Home Office would have to provide me the papers relating to evidence gathering as asked about by Pakistan.....

I would like to say to the British: you have heard many things about me. Some False, some distorted, some true. **I am not the devil that has been painted in the press although I am not an angel either.** I am a human being with the frailties that accompany it. I may have made mistakes but I have kept away from illegal activity.

I was a young man who married Islam's first woman Prime Minister little realising the publicity and power it would unleash and the storm of controversy I would be thrown into.

More than a decade down the line, I am a different person and deserve a second chance. In particular from the large number of British Pakistanis and other Asians who follow with interest and concern what happens in Pakistan.

### **ZARDARI'S INTERVIEW – ANALYSIS:**

In next day's 'the guardian' [dated **30<sup>th</sup> September 2000**], the analysis and dissection of Zardari's interview from Karachi jail was made in an essay under the title **Bhutto's jailed husband admits mistakes**. It said:

*"For almost four years he has languished in solitary confinement in a Karachi prison cell. Once the most powerful man in Pakistan; Asif Zardari is these days something of a forlorn, half-forgotten figure. A gifted polo player, he currently suffers from trapped nerves.*

*..... to be married to Benazir Bhutto, whose mercurial career as Pakistan's first woman prime minister largely explains Zardari's downfall. .... he denied the main allegation which has stuck to him like glue for more than a decade - that of corruption and greed.*

*Zardari, who became Pakistan's investment minister after his arranged marriage to Ms Bhutto in 1988, conceded that he had behaved **"improperly in being extravagant"**.*

*Speaking from his prison hospital bed in Karachi, Zardari last night said he was also surprised and disappointed by the British*

*government, which has agreed to cooperate with the Pakistani authorities who are investigating his overseas assets.*

*He said he was dismayed by the decision of the [British] Home Secretary, Jack Straw, earlier this week to release secret details of his **British bank accounts** to Pakistani prosecutors who are trying him on drugs charges. He is accused of **buying a nine-bedroom mansion in Surrey - Rockwood House** - with the proceeds of drug deals.*

*Zardari, 46, refused to confirm that he was the owner of **Rockwood House** [Surrey Palace]. But he insisted that the property had not been acquired corruptly. The Home Secretary has given him 14 days to appeal against the judgment.*

*The original request for help with the **Pakistani investigation into Ms Bhutto's hidden assets was made by the ousted Prime Minister, Nawaz Sharif**. The British government delayed its response in the wake of October's military coup.*

*His [Asif Zardari's] lawyers have not yet decided whether to appeal against the Rockwood ruling..... He declined to say whether he had met the British builder Paul Keating, who claims that Zardari owes him money.*

*Zardari, whose legendary fondness for commissions, led him to acquire the nickname "**Mr 10%**" during his stint as a minister, was imprisoned in December 1996. His arrest followed the dismissal of his wife's second government by President Farooq Leghari on the grounds of gross corruption. He last saw his wife in February 1999, shortly before a court convicted them both of hiding vast bribes in foreign bank accounts, and sentenced them to five years in jail.*

*Ms Bhutto fled Pakistan on the eve of the verdict and now lives in self-imposed exile in London and Dubai. The case has been appealed and rests with Pakistan's Supreme Court. "**I did not get a fair trial,**" Zardari said yesterday.*

*Zardari was initially imprisoned for two years after his wife was thrown out of office for the first time in 1990 - only to be freed and cleared of all charges when she returned to power.*

*Zardari yesterday blamed his downfall on Sharif, who is now also in jail. **Sharif was "over ambitious" and "not very intelligent"**, he said. In April, six months after being toppled, Sharif was jailed for life for hijacking under the same laws he [Sharif] made for us.*

*His only excursions into the outside world take place during his occasional appearances in court. These give him an opportunity to smuggle notes to his wife and family via his lawyers.*

#### **ZARDARI's INTERVIEW DEC 2004:**

Here is the **verbatim** narration [again: un-necessary phrases are omitted] of Asif Zardari's interview conducted by *Massoud Ansari* published in monthly '**NEWSLINE**' of **December 2004** when he was released from the Karachi jail. Firstly the 'welcome home' scenario:

*Good times are back again at Bilawal House. With the return of the prodigal husband from prison after an incarceration of eight years one month and 17 days.... It's a stunning reversal of fortune for Asif Zardari – once reviled as a '**corruption maestro**' and now eulogised as a symbol of resistance by his party workers.*

*Security around him is tight. Not only do armed guards patrol the streets leading up to Bilawal house, several young men standing around openly display TT pistols or Kalashnikovs..... **"No cameras please,"** announces the security guard.....*

*The list of visitors included some surprises. There's Asma Jahangir, former chairperson of the Human Rights Commission of Pakistan; the obligatory turncoats, such as Asad Hayat, Faisal Saleh Hayat's younger brother, on cue to apologise for ditching the party and wanting to re-enter the fold etc... Male visitors are embraced warmly and treated like old friends, **while journalists are being wined and dined.***

*In this interview with Newslines, Zardari talks about the PPP's future dealings with the government, the allegations – ranging from corruption to murder – levelled against him, and his feelings upon his release from prison - Over to the **man with many faces...***

**Q: *Once again people are queuing up outside Bilawal House desperately trying to meet you. It must be a good feeling...***

**A:** I have a weakness. I love people. I'm a people's person. Some people would rather live in Belgravia or move around in elite circles, but I'd rather be with our *awam* [the people]. I love it.

**Q: *Did you have any idea that the court was going to release you on bail?***

**A:** The High Court sentenced me about 12 days or one week before the filing of nominations. They didn't want me coming into the assemblies. So they sentenced me around 9:30 or 10:30 at night. Have you ever heard of a sentence which is passed after the court time is over? 5:00 p.m. is the law of the jail manual, when the jail doors are closed. All prisoners have to be accounted for at 5:30 p.m. They bent the law just to make sure that I would not enter the assembly.

...I didn't want to get my hopes high because once a prisoner begins to live in hope he cannot survive in prison. If he starts thinking that tomorrow 'I will be free,' then it is very difficult to carry on and keep one's sanity.

**Q: *If you were not confident then why you did buy a house in Lahore only a few days before the verdict? And why were barricades suddenly installed outside Bilawal House?***

**A:** I've not bought a house; I have just rented a house in Lahore. I had promised when I was in prison in the Punjab that I would move to Lahore. I had not signed any documents. I did all this afterwards. This has been done in the last 24 hours.

**Q: *Why have you chosen to live in Lahore?***

**A:** Because I promised the people of Punjab and I keep my promises. The workers of the PPP in Punjab need somebody there. That is the idea, to help my party workers and make the PPP stronger in the Punjab.

**Q: *General perception, however, is that moving to the Punjab is part of the deal that you have made with the government?***

**A:** When this government came in they were offering us a deal and there were dialogues between Amin Fahim and the government. It is a known fact. But if we didn't accept it then, why would we accept it two years later? Any kind of deal doesn't suit us politically. And if we had to do a deal, we would have done it when the General [Musharraf] walked in. Five years ago was the time to cut the deal. A deal doesn't suit us at this time when the General [Musharraf] is on a weak wicket. We are the largest political party in Pakistan entering into a dialogue, not deal, with the military government. A deal is when a minor politician compromises to get a bigger chunk of the cheese.

**Q: *Why did government representatives like ex-governor Punjab, Kh Tariq Rahim, come to meet you?***

**A:** You must remember that Tariq Rahim is not in government today. He was governor in Farooq Leghari's time. Originally he was with the PPP, then he defected and became governor and since then he has been rehabilitated and has been working in the party. Not in any official capacity, but working all the same.

**Q: *In the past there were reports that other government officials, including Tariq Aziz, had been meeting you in prison. What kind of offers was made?***

**A:** Officially they haven't met me. Just read my lips. I HAVE NOT MET Tariq Aziz or any one else in the government. And this is true. I know newspapers need sensation to sell but give me a break please. If I had to cut a deal why would I wait for Bilawal to leave the country and then do a deal? When Bilawal left he was just eight and he needed me the most. I should have struck a deal then when my children needed me.

**Q: *Many of your party colleagues defected and joined the government. Have any one of them contacted you to rejoin and will you take them back?***

**A:** Ask them if they are planning to come back or not. But my stance is that dead wood is out, grow new trees. They will bear better fruit. As far as I'm concerned, I think none of them should be taken back into PPP but I'm nobody to accept or reject anyone.

**Q: *You have also been talking about reconciliation with other political parties?***

**A:** I believe that at this stage in Pakistan's history, when we are facing innumerable problems, all political forces and the military establishment have to get together and work towards fair and free elections.

**Q: *What role do you plan to play in the near future, other than regain the seat of power?***

**A:** Power is not the ultimate goal. Not necessarily. I've been in politics and power is nothing.

Because of my presence in the political arena, people like powerful spiritual leaders, who normally would never meet the common man, are forced to shake hands with the common man and are forced to travel to people's houses to get votes. When in power, you are a different guy and you do things differently.

Today everybody is fine with the GST. But don't forget who started GST. We did. So that is the kind of work and planning that one does while in government. Today, we are working as the opposition. I'm pushing the government into a defensive position; that is my job today.

**Q: *The ARD is planning a movement against Gen Musharraf. Do you believe that you can overthrow the government through street agitation?***

**A:** Whoever believes in street agitation should go ahead. If ARD wants it, they are more than welcome. I'm not stopping anybody. If the ARD genuinely believes that street agitation is where the pressure is built up, fine. I feel that street agitation draws attention and tells the world that we are alive, we are here, talk to us.

**Q: *You have said that next year is the year of elections. But Bush wants Gen Musharraf to support US policies in the region. How do you think the PPP will fit into the whole political scenario as it stands post 9/11?***

**A:** The world isn't run by Bush. The world is run by the people. Bush needed a mandate of 51 per cent to win him the election. Yes, America has influence as a world super-power. But, we are a sovereign country; [even then] we do not disagree with the Americans. We disagree on the mode of operation. We disagree

with the fact that the General can deliver. We agree with the fact that democracy can deliver. That's the difference.

**Q: *What makes you think that elections will be held next year?***

**A:** Gen Musharraf wants election in 2007, but I want elections in 2005. We can always do it by putting on the pressure.

**Q: *You believe you can generate enough pressure to compel Gen Musharraf to go in for early elections?***

**A:** Well, not only me, but all the people of Pakistan want change. This is the time for change.

**Q: *You have been charged with various murders including that of Murtaza Bhutto and Alam Baloch. You were also known as the corruption maestro. How will you erase this image?***

**A:** Who is the author and architect of these charges? Nawaz Sharif. He has apologised to me personally. He has gone on record and admitted that he has done wrong. When the author admits he is wrong that means he is wrong. I also have accepted his apology. Look at the jubilation in the streets and the way the people of Pakistan have reacted to my release.

**Q: *When is BB planning to return?***

**A:** Well, this is her country and she can come any time. I cannot give you a date but she will be here very soon.

**Q: *But what about the charges that she is facing?***

**A:** What charges? When the author is saying, I was wrong, I'm sorry, what charges are you talking about?

**Q: *Are you planning to go and meet her in Dubai?***

**A:** I will go and meet her. What is the rush?

**Q: *In the last eight years, the country's landscape has undergone a drastic change. Religious militancy has reached new heights. How can it be curbed?***

**A:** Who created this monster? It is on record that these people were created by the establishment. The establishment created their own party and then they pitched that party against us. Who are these suicide-bombers? Who are they trained by? I will quote Prof Ghafoor Ahmed, who headed the *Jamaat-e-Islami* once and is their senior leader, "*You pick four or five retired ISI Generals and you will come to know who these terrorists are.*"

I believe as civil society becomes stronger; all these militant elements will become weaker. Moreover, we have to eradicate poverty. It is poverty that is dragging them there. The *madrassahs* and mosques are being run like a cottage industry, and *we commit crimes and give money in charity to this cottage industry in the hope that God will forgive us.*

Everybody gives *khairat* [charity] and *chanda* [donation] to a mosque or *madrassah* or to a *maulvi* and that keeps this cottage industry going. Hundreds are being trained in the *madrassahs* every year – they are like clones being manufactured in a factory.

**Q: *How would you stop this?***

**A:** An alternative has to be found because closing down *madrassahs* is not the answer. Give people new philosophies and political alternatives. We are confronting violence on campuses because the government has banned all political activity. They have banned the student unions. They have stopped childrens' interaction at the grass roots level, while *madrassah* students continue to interact with each other.

**Q: *But political activities were banned in colleges and universities only when gun culture hit the campuses.***

**A:** We have to counter militancy on the campuses. The PPP had faced the *Jamaat-i-Islami* which was always known to be a militant party. The army cannot face them. Bullets are not the answer. We will provide alternatives to our children and change their destinies.

**Q: *How well is Gen Musharraf handling the militancy issue?***

**A:** Whatever he is doing is not working, because he is not a public representative. He only has 10 army corps with him and that's it. He does not have the people of Pakistan with him. You have to

have the support of the masses to confront national problems like militancy.

***ANOTHER WRITE-UP ON ZARDARI:***  
**FOUR Days After BB's Murder in 2007**

Following is the text of '**the guardian**' correspondent Julian Borger in Islamabad which was published in the said newspaper dated **31<sup>st</sup> December 2007** – Benazir Bhutto was assassinated on 27<sup>th</sup> December 2007 in Rawalpindi.

The decision by Benazir Bhutto's party to **make her widower one of its co-chairmen** places family loyalty above widespread concern in the ranks about his notoriety, disrepute and dishonour. Asif Ali Zardari, a suave businessman and former polo player, is widely known in Pakistan as "**Mr 10 per cent**" after a string of charges against him for taking kickbacks from government contracts while his wife was prime minister.

He served eight years in jail on charges ranging from corruption to murder, an experience which left him with chronic health problems. **He emerged in 2004 after a judge controversially quashed his convictions.** Part of that time was served for charges that he ordered the 1996 shooting of Benazir's younger brother, Murtaza, who had challenged her for the leadership of the Pakistan People's Party.

Zardari and Bhutto denied all the charges, describing them as politically motivated. Speaking to a journalist from Karachi central prison in 1997, Zardari called the allegations "**a meaningless game**" but did not directly challenge documentary evidence for the case against him, a large dossier that was reportedly sold to investigators by a source [***the insiders believed that he was a senior CSP officer with Saifur Rehman Ehtesab – named Hassan Waseem Afzal***] for \$1m.

The couple also denied ownership of some of the more extravagant properties they were said to possess, including a mansion in Surrey, bought for £2.5m in 1995. It was formally owned by a network of companies and trusts but he was the beneficial owner. The Swiss authorities were also investigating allegations that Zardari used their banks to launder millions of dollars from kickback deals.

During Bhutto's two terms as prime minister, Zardari operated as a freewheeling broker for government contracts, operating without any portfolio until she named him investment minister in her last days in office. The reputation the couple acquired during their time in power did much to confirm the Pakistani public's cynicism about politics. Zardari, 51, has homes in Manhattan and Dubai but has long been a power behind the scenes in the PPP.

Ijaz Gilani, the head of the Gallup polling organisation in Pakistan, thinks the Zardari appointment could prove costly to the PPP; it was more emotional than rational.

**Switzerland Frees \$60m in Zardari's Assets:**

**On 27<sup>th</sup> August 2008;** the daily 'New York Times' told the world about the reality [or gimmicks] through which the Pakistan's superior judiciary was made fool through the status quo rules and procedures prevalent in the country where you can buy anything including judges, courts, bureaucracy, institutions, clergymen and even politicians with money and foolish – vote bank.

Switzerland released \$60 million in assets belonging to Asif Ali Zardari who was expected to be named the country's president a week later. Zardari's accounts were frozen in 1997 at the request of Pakistani authorities investigating allegations that Zardari had received kickbacks while he was an Federal Investment Minister and his wife, Benazir Bhutto, was prime minister. The NYT said:

*"In June [2008], Pakistan's Attorney General notified the Swiss officials that he was no longer investigating Mr Zardari, who leads one of the country's largest political parties.*

***The attorney general wrote that neither Mr Zardari nor Ms Benazir Bhutto had done anything illegal, and that the charges had been politically motivated."***

The Swiss Prosecutor General, Daniel Zappelli, told in a telephone interview [to the NYT] that:

*"...as a result, the Swiss dropped money-laundering case against Mr. Zardari and released his assets.*

*For money laundering to be proven, you have to show it was the product of a crime, but we don't have any evidence for a crime committed in Pakistan."*

**The Swiss action came as a shock to Daniel Devaud, the judge in Geneva who originally investigated the charges. He said it should not be interpreted as a sign of Zardari's innocence.** The Swiss judge Mr Devaud said in a telephone interview [to the NYT] that:

*"It would be very difficult to say that there is nothing in the files that shows there was possibly corruption going on after what I have seen in there. After I heard what the general prosecutor said, I have the feeling we are talking about two different cases."*

Zardari and Ms Bhutto were suspected of using Swiss bank accounts to launder millions of dollars, allegedly bribes paid by companies seeking customs inspection contracts in Pakistan in the 1990s.

### **Zardari Occupied Presidency later:**

**On 7<sup>th</sup> September 2008;** Asif Ali Zardari sworn in as President of Pakistan; arguably the most powerful civilian to take the office in the volatile and vulnerable Islamic nuclear state. Though PPP supporters danced in the streets but polls in all Assemblies a week before had showed that 44pc of people rejected all three candidates for the post.

Zardari took power at a time of extreme instability. He was greeted with in Peshawar city, which killed 17 and injured scores more. In a separate incident, 24 people in FATA were killed after residents of a village foiled a militants' kidnap attempt, then were attacked.

Zardari inherited wide-ranging powers assumed by Gen Musharraf, who resigned when threatened with impeachment in mid August [2008]. Initially, President Zardari counted on army taking a back seat, but it was no secret that he was loathed by the military.

Zardari had gone out of his way those days to reassure a worried Washington of his support in the 'war on terror' [WOT]. Pressure was continuously mounting on Pakistan in those months to crack down on Taliban militants allegedly hiding in Pak-Afghan border areas – and attacking NATO troops in nearby Afghanistan.

Jason Burke in UK's daily '**The Observer**' dated **7<sup>th</sup> September 2008** wrote about the two politicians of Pakistan:

*"Most diplomats privately admit that working with Zardari is very much '**plan B**'; London and Washington both prefer the pro-Western, secular widower of Bhutto, whom they hoped would become Prime Minister on returning last year [2007].*

*[Nawaz] Sharif who, more politically and religiously conservative than his rival, is seen as less likely to fight the militants."*

The history stands witness that President Zardari delivered well; see details of Osama B L's killing in Abbotabad on 2<sup>nd</sup> May 2011 or Hussain Haqqani's memo a month later.

During the earlier week, high tension was seen when the first cross-border raid was launched in Pakistan by US troops based in Afghanistan; termed as attack without consultation. Islamabad reacted angrily because 20 civilians were killed in the attack and its sovereignty violated. To show its displeasure, Pakistan blocked fuel supplies reaching the international troops at border points on the route from the southern port of Karachi – they were serious for Pakistan's interests.

The election of Zardari had been greeted warily across the region. In Kabul, officials insisted that the new President must rein in those elements they alleged were supporting the Taliban. In India, the response had been more positive, although there were considerable concerns over the '*structural limitations*' on any civilian Pakistani government's power.

Zardari was not military nor was he part of the Punjabi elite, and his statements about India till then were realistic and positive, especially his focus on economic co-operation. Brigadier Arun Sahgal, of the Institute of Defence Studies and Analysis in New Delhi, pointed out that:

*"Recent violence in Kashmir, where Indian security forces killed local Muslim demonstrators, had not been exploited by Pakistan – he [Zardari] sent a good message [indirectly].*

*The Indian position, like that of the US and the Europeans, is that we want the stabilisation of political forces in Pakistan."*

**INTERVIEW WITH HAMID MIR AT GEO:**

President **Zardari's interview** with **Hamid Mir** at live program '**Capital Talk**' at **GEO News TV** dated **8<sup>th</sup> January 2012**:

President Asif Ali Zardari said in his first interview **after the memo conspiracy** allegedly a plan to malign the country's military establishment with the aid and approval of the American CIA and US Defence Forces. A disinformation was purposefully spread through various reports that the Pak-Army was fed up with President Zardari and the PPP. The CJP Iftikhar M Chaudhry was unable to understand the anti-Pakistan move involved in the whole plan – thus pushed the whole matter under the carpet.

**Q: What if the Army asked your resignation.**

*A: What will they do with my resignation? I have given my powers to parliament. Who will take them back from parliament?*

**Q: What about the PM's statement in the parliament that he did not want a 'state within a state'.**

*A: ....the premier [Yousaf Raza Gilani] is all-powerful and he took a firm stance on the issue accordingly.*

**Q: Which decision he [Zardari] would accept if the court and the parliamentary committee made opposite verdicts, he made it clear that the parliament was sovereign and he will back its decision.**

*A: These (things) are part of evolution. You think this is a fight, I believe this is part of evolution. This fight will boil up and will simmer down then... We have no war with the court, why should we have a fight with the army?*

*[He asserted] A party-led government is running the state affairs in the best way. I'm ready for talks with PML[N]'s Nawaz Sharif on all the issues including early general election. The PPP-led government is not afraid of elections.*

**Q: What about the reopening of NRO cases.**

*A: I believe it would be a trial of the dead; it will be like trial of BB's grave.*

**Q: Comment on the deteriorating condition of state-run organisations such as PIA, Railways and Wapda.**

*A: Media think it was so, but I don't think so, these entities have only weakened not destroyed.*

**Q: What about Imran Khan's Pakistan *Tehreek-e-Insaf* [PTI]'s chances of success.**

*A: When Bhutto sahib came he brought in 99 percent new people. You [PTI] want to bring 96 percent old people, who have left four parties. And you say you will bring change.*

**VIDEO:** Asif Ali Zardari President of Pakistan in an Exclusive Interview With Hamid Mir in Special episode of Capital Talk on Geo News dated 8<sup>th</sup> January 2012 is still available on **YOUTUBE**.

### **ZARDARI'S TENURE AS PRESIDENT:**

**On 8<sup>th</sup> September 2013;** Asif Ali Zardari became the country's first president to complete his constitutional term and hand over duties to another democratically elected president, Mamnoon Hussain from Karachi — no small achievement for a man occasionally referred to as the '***accidental president***'.

But what was there to define his presidency: Rising militancy and a plummeting economy; a voluntary and much-lauded cession of his own presidential powers or perhaps those record 93 trips abroad? Or would this upcoming transfer of power, unprecedented in Pakistan, go down in the annals of history as Zardari's greatest achievement — forgetting about all indices of human service or ZERO development in any field?

**The grin and the cap:**  
**by Ayaz Amir** [a celebrity columnist]

Gen Ziaul Haq had a wide smile, not ear-to-ear but pretty close. Remarkably, only his lips used to smile, never his eyes. And there was a laugh to go with the eyes, a hollow, sardonic cackle. Asif Ali Zardari has a wider grin, denture pearls all showing and the laugh creasing up to the eyes. Anyone not knowing him well would perhaps be taken in but anyone with even a remote knowledge of his CV would think twice before putting the grin down to simplicity or innocence.

What will remain, after his presidency, the most etched image in people's minds? Countless trips to China, unannounced trips to Dubai, jaunts in London, stories of pirs [saints] and slaughtered black *bakras* [male goats - no joke] to ward off the evil eye? Above all these things will linger, I think, the memory of the grin as if he couldn't believe his luck, that he was where he was, even earning, incredible as it may sound now, a reputation for political genius.

There was some truth to this; not, of course, of genius but of a good deal of cleverness. No comparisons with Bhutto in any other respect but he was a better politician, in a narrow sense of the word, than his vaunted father-in-law. Bhutto had a knack for making enemies.

Zardari gave ample proof of turning even enemies into friends, or, at least, allies. Given his expertise in what can only be called high finance, he, perhaps, operated on the principle that every man has his price.

The second thing bound to be noted in any gallery of photographs is the cap he occasionally wore on his visits to Central Asia; almost a monkey cap with ear flaps pulled down. Nothing like the headgear worn, say, in Moscow or Ulan Bator; nothing like your simple *karakul* cap but a choice, with earflaps; all his own.

**Keeping the party alive:**

**by Mosharraf Zaidi** [an analyst and a current-affairs commentator]

When Benazir Bhutto was assassinated, the PPP's heartland in rural Sindh was essentially robbed of a protector and guardian. This view was derided and sneered at in constituencies such as Karachi's NA-250, and Lahore's NA-126, but contemptuous urban bias against the PPP was exactly part of the nutrition of Sindh's love affair with Bhuttos and the PPP.

President Zardari was never supposed to be a national leader, and his **accidental presidency** will forever be tainted by this mere fact. But for all the criticism he has and would endure, his legacy would likely be defined by how he kept Pakistan's oldest and most robust political party alive and kicking in the wake of BB's funeral.

Pakistan's political history is essentially a story of political parties repeatedly brutalised and demonised so as to create the enduring myth of the military's capabilities to govern. Every other electorally viable party saw births, rebirths and even more rebirths, because the military establishment had successfully cracked open these parties over and over again to serve the dictator of the day. Not the PPP.

The PPP survived Gen Zia's execution of Zulfikar Ali Bhutto and his exceptionally spirited attempts to eliminate "**traces of Bhutto**" altogether. Yet, despite terminating Bhutto and the significant divide between BB and her brother Murtaza Bhutto, Gen Zia failed. BB's enduring legacy was the sustenance of the PPP. Benazir loyalists were repulsed by the comparison, but it is undeniable that Zardari did for the PPP from 2008 to 2013, what she did for it from 1977 to 1988 — he kept it alive.

When they killed BB, Pakistan was supposed to implode into an ethnic free-for-all, from Karachi to Khyber. The PPP was supposed to fold under the pressure of being essentially Bhutto-less, and the political process was supposed to have been terminated.

System-wide resilience can never be attributed to individuals, but he [**Zardari**] handled the party affairs for the buoyancy of Pakistani politics in the wake of BB's assassination.....

**Alamdard Road, Quetta:**

**by Asad Rahim Khan** [a lawyer and a columnist for the Express Tribune]

Usually short and shiny, the idea of 'defining moments' has its critics. But as with T20s, tweets and fast food, they suit the times we live in. The troubles with this presidency are plain: there are too many of them. Five years of ugliness makes for some compelling press.

There's the snapshot of how it all began: Asif Ali Zardari, formerly in jail, taking oath of office in pinstripes — a luxury afforded to a man whose job history begins and ends with First Husband. Invited to the occasion is Hamid Karzai, a sign of five years of American largesse to come our way, via Raymonds and Salalas and drones strikes.

There's the visual of Zulfiqar Mirza, Quran on head, hand over heart, pink from flooding Karachi with weapon licenses, ensuring the streets bled for years. After reducing Lyari to a pile of ash, the president's home minister reminds those 'bhokay nangay' Muhajirs how they had sought out Sindh. And while the coalition partners smile at each other in Islamabad, Karachi becomes a whirl of ethnic bloodletting.

But in the five years of arresting images, it will take a lifetime to forget Alamdard Road, Quetta. Then, as with the floods of 2010, as with the funerals of the *shaheds* [martyrs] that fight terror so that we may live oblivious, it was defined by a president just not there - for the Hazaras. For the mothers that refused to bury their dead. For common human dignity.

As the federation tore itself apart, the symbol of the federation, of being whole, was nowhere to be found.

He stayed inside, in whichever fortress of the week, sending along sock puppet Raja Pervez Ashraf instead. A premier that stood out as awful in a line of awful premiers, Mr Ashraf sat among ashen-faced relations numb in the face. When they wept for redress, the information minister gently reminded them: ***"This isn't a dialogue" - but yes, the 18th Amendment.***

**Farewell speech on August 26, 2013:**

by *Athar Minallah* [Supreme Court advocate – later judge of High Court]

Asif Ali Zardari, the most vilified, criticised, unpopular and defamed politician in the history of Pakistan, and the first president to have addressed joint meetings of the parliament five times without interruption, saw an elected parliament completing its term; welcomed a new parliament constituted as a result of general elections; administered an oath to his political rival as the prime minister; witnessed his hand-picked prime minister disqualified by the Supreme Court for not writing a letter to reopen cases against him in the Swiss courts; ignored his second prime minister in bowing to the Supreme Court and dispatching the letter to the Swiss authorities after dragging court proceedings for four years; received a letter from the Swiss authorities expressing inability to reopen the cases; took credit for reconciliation in politics enabling the parliament to make significant amendments in the Constitution, and experienced an active, independent and aggressive media and a popularly restored judiciary.

Seldom seen outside the walls of the Presidency; yet, the most talked about and criticised citizen of Pakistan; probably relishing the agony of those predicting his ouster and arrest for four years. He witnessed the elections of his successor in office without offering himself as a candidate. None were his defining moments.

The defining moment, however, was his first farewell speech on **26<sup>th</sup> August 2013**, in which he declared he would be leaving the office of the President of the Islamic Republic of Pakistan satisfied.

The most vilified, criticised and unpopular citizen will become the first President of the Islamic Republic of Pakistan in the past 66 years to have completed his constitutional term; he will hand over the mantle to an elected successor and leave the Presidency with, according to him, a clear conscience. It will end the debate on immunity but his portrait will forever

hang on the walls of the Presidency, along with others as an elected President of the Islamic Republic of Pakistan.

**September 8, 2013:**

by *Khalid Aziz* [a retired bureaucrat]

Whilst Zardari was president, economic growth slumped to below three per cent per annum. Inflation broke the back of the salaried and wage earning class, and money lost purchasing power. Social services declined, raising health and other costs for the marginalised; security deteriorated to the point that there has been a flight of capital and educated manpower from Pakistan. It can be gathered from this analysis that under President Zardari's tenure, the country went downhill.

But is that the full story? Zardari turned out to be a very smart president, indeed. Lest it is forgotten that before becoming president, he not only suffered imprisonment and torture but also lost his wife, Benazir Bhutto, due to state negligence. Despite all these drawbacks, he and his allies made some remarkable achievements that any political party or alliance will be unable to match for a long time to come.

In my view, his outstanding [*some say most damaging*] contributions to the nation include the passage of the 18th Amendment that devolved power from a very centralised and ethnically dominated central government to the provinces. The passage of the seventh NFC award transferred more funds to the provinces than was ever thought possible. He lasted through the institutional crisis created by the Memogate maneuver and later the Dr Qadri's *dharna*; yet, his policy of nonchalance prevented a tussle with the military and saved it from a crisis after the Bin Laden raid.

**The above sketches of former President of Pakistan Asif Zardari drawn by the intelligentsia are taken from daily 'Dawn' dated 7<sup>th</sup> March 2016.**

**Now see the contributions from Pakistan's readers on the above scripts [*pl accept with their mistakes of spellings or phrases as usually seen in blogs & comments*] from the internet version of the same newspaper, the daily DAWN.**

**SYED IMTIAZ** Sep 09, 2013 11:16am During his five year he was not able to eliminate terrorism. PPP itself is a victim but i am surprised that why they don't take a solid measures to eradicate terrorism. I saw this fault in mr zardari through out the 5 years tenure. The brutal murders of

passengers, heinous bomb blast, target killing, I WISHED he could end this evil but he cannot.

**MALIK** Sep 09, 2013 12:20pm Zardari 's term was the darkest period in the history of Pakistan. He has set an example of how to loot the Country and be free. He has many, many other discredits. Let us all try together and help Pakistan bring back his looted Money. We shall experience resistance from Zardari's friend Nawaz, we shall overcome this resistance.

It is a sad that a corrupt ruler completed his tenure rather than being executed through democratic process. Democracy means justice, and upholding the constitution and not a corrupt ruler completing his tenure

**TUFAL KHAN** Sep 09, 2013 05:57pm It is a sad day for Pakistan where a person who deserved the gallows completed 5 years term as a President. Shame on Nawaz Sharif for praising this king of thieves. He is praised for strengthening democracy by completing his term, I mean what kind of an achievement is this? He used every trick written in the book of crooks to hold his position and the country suffered while he had the time of his life.

**MUZAFFAR QURESHI** Sep 09, 2013 08:45pm Pakistan is not likely to produce Lincolns, Churchills and Mandellas. We have our own Mr. Ten Per Cent. The young generation which has watched this ugliness with dismay may well remember that even ***"To do the right thing the wrong way is as bad as to do the wrong thing"***.

**TARIQ** Sep 09, 2013 10:36pm It is so hard to comprehend that the people of Pakistan learn not an iota from realm of history when it comes to electing / selecting their political leaders. If the likes of Zardari can make political history, what hope is there for our nation to progress? It seems that Pakistan is the only country in the World where crime definitely 'pays'!

A great example of how criminals thrive in Pakistan.

**TKHAN** Sep 10, 2013 08:25am If anything that can be praised about Mr. Zardari is that he outfoxed everyone and now he is using his billions wisely, by buying these mouthpieces and apologists. These apologists are benignly criticizing him for his failures i.e. massive corruption by his chosen PMs, their families and friends. Yes, he did transfer powers to Premiership thus leaving the door open for him to come back as a Prime

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Minster again. Ladies & Gentlemen, this is a musical chair, Bhutto, Nawaz, Bhutto, Nawaz..... Wait and see!

**MUHAMMAD FAROOQ** Sep 10, 2013 08:56am Did anyone mention he is universally known as Mr 10% taking the level of corruption in the country to new heights. This was precisely this 'quality' that helped him convert enemies into allies. No doubt he proved himself smarter than the pack. His dealings teach a lesson: you can survive and thrive only if you believe in 'give and take'.

**FRANK** Sep 10, 2013 01:01pm His achievement to save the democratic process? It is a shame that a thug was elected president and made Pakistan a mockery in the eyes of the world.

**MAZHAR** Sep 10, 2013 04:52pm The corrupt people are ruling this country for many years now and they are successful in keeping the people away from good education and adequate health so that they can rule over emotional fools for a long time to come. This philosophy has now trickled down to the very grass root level of the government and the whole structure of the state has now converted into percentage persons from the prime minister to the sweeper of the street.

**SMQ ZAMAN** Sep 10, 2013 05:32pm With all the PPP Coalition Government's and Provincial Governments' Failings in the last 5-years [2008-13] of democracy, you have to take your hats-off to the Political Parties, the Armed Forces and the Supreme Court for not derailing Democracy, yet again, even though the fledgling and partially-paralysed Political System survived the onslaught from all-quarters and the Constitution requires further enhancement incl. whether a Presidential-Form of Democracy (like France or USA)!

Elections are not the only criteria of 'Power For and By the People' but there are many other factors to consider esp. the Interests of a Diverse and Minority Electorate!

**SHARMEEN** Sep 10, 2013 07:11pm Zardari Survived through this long period, because he aimed for it, he tolerated so much of harsh and brutal criticism as well and at last democracy prevailed for these 5 long years and it's not less than an achievement. ***However his role in the development of country was near to nothing.*** There were so many times when he could have done so much for the nation but he couldn't, Democracy by no means focuses at finishing the time period rather finishing that in an appropriate way.

**ZARDARI AT SAMA TV [2014]:**

**On 23<sup>rd</sup> September 2014;** the former president, gave a special interview to daily '**Pakistan Today**' editor **Arif Nizami** [*later displayed at 'Samaa News TV*] at Bilawal House Karachi; it was his first one-to-one interview after leaving the Presidency on the completion of his constitutional tenure in September 2013. Instead of verbatim question answer narration, the print media preferred to put the interview in '**topics discussed**' form.

**What About Imran Khan's Sit-in still going in Islamabad:** Zardari said that:

*"Imran Khan needs to sort out his priorities. PTI Chairman Imran Khan is a 'newcomer in politics' and thus being 'politically immature'; the incumbent government would now have to shun its laid back attitude.*

*In politics, you always have to walk with maturity and far-sightedness; Khan keeps misplaced priorities by staging protests when the country is facing devastating floods and nearly one million people have been displaced in Khyber KPK."*

**[President Zardari was forgetting that when there were more severe floods in Pakistan in mid 2010, on third day, instead of visiting devastated areas, he left Pakistan for two week's holidays in France – at his own farm house which he had bought then recently in the name of his father Hakim Ali Zardari]**

*The economic losses were posing the real threat to the country. Khan is correct for criticising Returning Officers [ROs] but the Elections 2013 poll results had been accepted by all.*

*The PPP played down PTI's Sunday show of street power in front of the Quaid's Mausoleum - gathering 60,000 to 70,000 people in a city of 20 million was not an achievement."*

**What about Muttahida Qaumi Movement [MQM] Chairman's calls?** Zardari said that:

*"Chairman Altaf Hussain's call for the creation of new administrative units is **a move without cause.***

*....I was able to complete the five-year-tenure as president by following the policy of tolerance, tolerance and tolerance. How someone would want to bring the Parliament down while the country is facing challenging financial, security and law and order conditions."*

**About the claim that MQM was backing PTI's protest in Karachi:**

Zardari said:

*"Political parties show their pressure in different ways. Before criticising others, pro-change Khan should first rid his party of hereditary politicians. His government was able to handle Pakistan Awami Tehreek [PAT] Chairman Dr Tahirul Qadri with love and that he could be appeased this time too - though this is not ours but the [federal] government's job."*

**Zardari Visited Raiwind – Was it to Save Democracy?** Zardari said:

*"....his visit to Raiwind was an effort to save democracy, not Prime Minister Nawaz Sharif. Saving democracy is the collective responsibility of the Parliament and not the sole responsibility of PM Sharif. We are a majority party in the Senate. So, it is our responsibility to save democracy."*

*Following the political crisis, the ruling party's leadership would shun the **'laid back attitude'** they [the PMLN leadership] had adopted after winning the elections; **PPP would also raise the standard of opposition.**"*

**Why you termed PM Sharif as "Mughal-e-Azam":** Zardari said that:

*"The PM is supposed to attend Senate sessions and also bring his decisions to the Parliament; the politicians, military establishment, bureaucrats and retired minds & faces should work on **self growth for the country.**"*

*PM Sharif is an elected representative and should not resign [in the backdrop of Khan's **dharna**]; I don't think elections would be held before five years."*

**What about Farhatullah Babar's proposal:** Zardari denied and said:

*"He [Zardari] does not support for PPP leader Farhatullah Babar's proposal for direct talks between Army and civilian leadership; **Babar is not PPP's think-tank.**"*

**If the PPP was live in Punjab:** Zardari insisted that:

*"PPP is alive in Punjab as well as in KPK - our loss in election [2013] was because of the absence of an election campaign due to terrorist threats. We have accepted our loss and moved on."*

**MQM Chairman Altaf Hussain's policy?** Zardari held that Altaf Hussain has been changing his mood, adding that:

*"MQM chief's demand for new provinces - Altaf Bhai is good at launching new products in politics but new provinces should not be carved out because there is no cause for doing so. The country should first reap the **democratic dividends of provincial autonomy** and empowerments provided by the 18th Amendment and then proceed with proposals on the creation of new administrative units.*

*PPP is always open to dialogue and reforms - we would change his [Altaf's] mood."*

**ZARDARI's AT ARY NEWS TV [AUG 2017]:**

**On 25<sup>th</sup> August 2017:** in an exclusive interview with ARY News with anchor **Arshad Sharif**, former president and PPP co-chairman Asif Ali Zardari maintained that the former PM Nawaz Sharif wanted to make **Greater Punjab** [a term used for the proposed merger of Indian and Pakistani regions of Punjab] to further his business interests across the Pakistani and Indian part of the province.

**Q: Are you talking about an actual "merger of the two Punjabs"?**

*A:....he is talking about a business zone between the two Punjabs as Indian politician Lalu Prasad once told an American president that they can do business with Nawaz.*

***I believe in it, when you make your forces weak, when you don't keep a foreign minister, when you***

***don't hire someone to defend your interests in Washington, who is benefiting from it – India only. Nawaz, despite having good terms with the Indian PM Modi, never spoke a word over the killing of innocent Kashmiris.***

**Q: If you see Nawaz's role in upcoming general elections:**

*A: Nawaz Sharif is still PM; the PM [Khaqan Abbasi] himself says he [Nawaz] is PM. It is yet to be seen if Nawaz contests 2018 polls or not but there is no denying of his political role.*

**Q: What comments on the Panama verdict and Nawaz Sharif's eventual disqualification:**

*A: .....he totally agrees with what the judges said and he knows why was Nawaz Sharif disqualified.*

**Q: On his way back to Lahore, Nawaz Sharif cried "Mujhay Kyun Nikala", Why?**

*A: I know, yes, he deserved this fate; I totally endorse the court's verdict in the given scenario.*

**Q: What About BB's Assassination?**

*A:...worried that what justice people will get when the late Benazir Bhutto could not get justice; the government has arrested some suspects who conspired in Haqqania seminary but **you and I both understand where their roots and strings go.***

*However, the history has served justice in this case as her blood has nurtured the fruit of democracy and will continue to do so.*

**Q: What Impression if PTI Overtakes Punjab:**

*A: ....[a threat to the PPP in Central Punjab]; the PTI is only gaining strength in Central Punjab only, they have no strength in Sindh and Balochistan and soon they will be out of Khyber KPK.*

**Q: About the future of PPP:**

*A: .....it is in the hands of Bilawal Zardari and Asefa Zardari [**why not in the hands of deserving party workers**].*

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The poor populace of Pakistan never think that '*moroosiat*', civilian dictatorship and family business of corruption and nepotism has been going on in the country since about five decades – and all in the name of democracy and Islam. After Zardari, his son Bilawal Zardari and daughter Asefa Zardari were being planted and promoted as the next leaders – let the party go to hell with merits.

In the opposite camps of politics, the Sharifs were following the same cult while endorsing monarchy in Pakistan – again in the name of democracy. Nawaz Sharif since years has been educating the poor populace that Pakistan's next premier would be Maryam Safdar, his eldest daughter.

In 2017, Nawaz Sharif's younger brother Shahbaz Sharif also appeared on the scene as the next prime ministerial candidate because he had the majority of Punjab vote bank in his pocket. At the same time, Shahbaz openly named his son Hamza Shahbaz, an MNA during 2013-18, as the Chief Minister in his place.

Frequent family scuffles were seen amongst the two brothers and their kins but never pondering that the political workers in their parties could also be given right to bring a more suitable executive head for the provinces and in federation.

**If [the legislature] will positively enact a thing to be done,  
the judges are not at liberty to reject it,  
for that was to set the judicial power  
above that of the legislature.**

.....William Blackstone

## **Scenario 194**

### **ENDGAME OF WOT - REVISITED:**

**A Special Treat from MUNIR AKRAM, a retired diplomat**

The Army Public School Peshawar massacre of 16<sup>th</sup> December 2014 was another reminder for the world that over the past 30 years, Pakistan had been the principal victim of terrorism. It experienced the Indian-sponsored bomb blasts in the 1970s; the Afghan-Soviet attacks through Najibullah as ruler during the 1980s; Iran and Saudia sponsored Shia-Sunni violence during the 1990s; and Al Qaeda and Pakistani Taliban [TTP] mastered terrorism since Nine Eleven 2001 till the recent past.

As MUNIR AKRAM [a former Pakistani ambassador in UN] once analysed in daily '**Dawn**' dated **21<sup>st</sup> December 2014:**

*"Until the anti-Soviet war in Afghanistan till ending 1970s, terrorism was an **external threat for Pakistan**; it was '**internalised**' due to two strategic mistakes:*

- *Pakistan's sponsorship of Islamic extremists against the Soviets, in collaboration with the US and its allies like Saudia, and*
- *the subsequent decision to support religious militants, rather than the indigenous Jammu & Kashmir Liberation Front, during the 1990s Kashmiri uprising against Indian occupation."*

Pakistan had to pay much higher price for those two strategic mistakes. Al Qaeda emerged from the debris of the anti-Soviet Arab and other foreign fighters which masterminded many of the worst terrorist attacks against Pakistan; later went more dangerous with the migration of rebellious militants from Uzbekistan and Chechnya and settled on both sides of the Pak-Afghan borders.

**TERRORISM HAS NO RELIGION:**

The two successive political governments of the PPP [2008-13] and PML[N] in later years did not concentrate on the hate and bigotry spread by foreign sponsored *madrassahs*; the corruption that allowed terrorists to roam the streets and infiltrate institutions; the crimes that generated financing for terrorist organisations; the fear which provided them impunity from the prosecution and courts, and most importantly the high un-employment.

The above steps needed courageous policies for which both the political regimes lacked due to massive corruption amongst their ranks. It was because every sane person knew that **'...every where most terrorist activities are done in the name of religion'**.

**Zahid Hussain's** essay dated **14<sup>th</sup> January 2015** available on media pages described the same philosophy in the backdrop of **Peshawar ATS massacre** of **16<sup>th</sup> December 2014** in which 143 children and ten teachers were slaughtered by TTP terrorists. No sooner had public outrage over the tragedy begun to subside than they were back to their old tricks. **'Islam under threat'** is a convenient mantra to shield radical clerics and their seminaries closely linked with banned militant outfits.

The fact remains that most terrorist attacks and sectarian killings in Pakistan were religiously motivated. The Taliban and other militant groups used to justify their terrorist actions in the name of **'Sharia and Islam'**; TTP spokesman's statement claiming responsibility for the school carnage carried mention of a *hadith* in support of the heinous crime.

*[Certain radical clerics like Maulana Abdul Aziz of Lal Masjid issued fatwas justifying insurgent attacks on Pakistani security forces; particularly the army.]*

*Taliban led by Mullah Fazlullah killed hundreds of people in Swat in the name of the 'Islamic Sharia'. Whether it was the massacre of Hazara Shias in Balochistan or attacks on mosques, shrines and churches all over the country — all had been carried out in the name of religion — a cruel history of more than a decade to be remembered.]*

Suicide bombers were brainwashed and motivated by the false interpretation of religion; zero schooling, poverty, unemployment, romantic notions of jihad were the driving reasons. The mosques' *mimbers* were often used by clerics to spread sectarian hatred and incite violence; trails of foreign money in cash were frequently distributed among them through Iran & Saudi embassies both.

Promoting a particular sect inevitably implies the rejection of other sects; thus the extremism prevailed and spread in poor families. The literature produced by their parent religious organisations always aimed at proving the rival sects infidels and apostates. The efforts by successive governments to modernise *madressah* curricula and introduce needed science subjects failed because of their stiff resistance.

Surprisingly, Maulana Fazl's JUI-F and Sirajul Haq's *Jamaat-i-Islami* [JI] broke their own words of endorsement in the 20-point national counterterrorism action plan and abstained from voting on the constitutional amendment empowering military courts to try hardened militants. These two largest Islamic parties were the original faces of *jihadi* politics in Pakistan. Many of those fighting the Pakistani state with militant groups had originated from their ranks.

In Gen Raheel Sharif's National Action Plan [NAP], the proposal for *madressah* reform faced the greatest resistance not only from the mainstream Islamic parties because their million - dollar businesses were at stake – but also from the corrupt political allies.

In fact, the successive governments were continuously blackmailed by these religious parties. The exploitation of religion started in ending 1970s ruined the country and the menace is still there in Pakistan – all developments indices are constantly at bottom line since about four decades and no light seen.

The fact remains that, world over, the terrorist organisations are initially sponsored by states; it holds true for the Tamil Tigers, Al Qaeda, the TTP, the Haqqanis and the ISIS players. Pakistan's support to militant groups in Afghanistan and Kashmir has been alleged in wide spectrum at times but the country has been drastically suffering more from its neighbours – see the two decades history.

Pakistan confronted the TTP and the Balochistan Liberation Army [BLA], both supported by Afghan and Indian intelligence; by extension the IS has also been knocking at its doors. Afghan President Ashraf Ghani initially desired to rebuild a close relationship with Pakistan; the later offered to help what Kabul desired. Pakistan's operation **Zarb e Azb** worked both ways; within Pakistan and Kabul also benefited it indirectly.

Pakistan expected that Kabul's cooperation with them would help to end Indian support to the TTP and BLA. However, the Afghan regime could not help Pakistan because of new US-India bonds and deep understanding.

Thus it became more difficult to eliminate groups motivated by local grievances and religious convictions – so the loss continued on all fronts.

The West remained miss-conceived about Pakistan's alleged support to insurgencies in Afghanistan and Kashmir but what about India's wider role in clandestine warfare against its neighbours - Pakistan.

*[ Viewing of Facebook video, a lecture delivered on 2<sup>nd</sup> January 2015, by Ajit Doval, India's ex-spymaster and later the national security adviser, opened the eyes of the world about India's clandestine wars.*

*Mr Doval called Pakistan the 'enemy'; admired Indian intelligence's ability to compromise and infiltrate the Kashmir insurgency; boasted about the beheading of Pakistani soldiers by the TTP and advocated a policy of **'defensive offence against Pakistan'**.]*

Munir Akram in daily '**Dawn**' dated **4<sup>th</sup> January 2015** pointed out a very convincing historical misunderstanding through which Pakistan was dragged in the sand grave [*because of its political instability and devastated economy*] of allegations:

*"When the US, after 9/11, launched its war on terrorism, India's principal aim became to equate the Kashmiri struggle with global terrorism and Al Qaeda. New Delhi got its chance when 'terrorists' attacked the Indian parliament in December 2001.*

*Despite the fact that Pakistan's culpability was unproven, a commitment was extracted from the then president Musharraf's government that Pakistan would not allow its territory to be used for 'terrorism' against others.*

***Acceptance of this 'obligation' was interpreted as an admission of Pakistan's culpability. The Kashmiri struggle was over for all intents and purposes."***

When Pakistan, under US pressure, attempted to curtail support to the Kashmiri '**jihadi**' groups, reaction appeared - hence the two attempts on the life of Gen Musharraf. However, some groups like the *Lashkar-e-Taiba* [LeT], although outlawed and aggrieved with the government, but refrained from attacking the Pak-Army or Pakistani targets.

India, for its part, had already unleashed its so-called 'defensive offense' policy against Pakistan. Under the auspices of the Afghan Intelligence Directorate, headed by a member of the Northern Alliance, with which India had developed close relations during the civil war against Mullah Omar's Taliban, India set up bases [in the guise of consulates] close to the Pak-Afghan border to sponsor and support the Balochistan Liberation Army.

When the *Tehreek-i-Taliban Pakistan* [TTP] got approval through the Red Mosque operation of July 2007, Afghan and Indian intelligence were quick to seize the opportunity to infiltrate and spent all resources on Ghazi brothers & Mehsuds, launched them against Pak-Army.

***This was openly admitted by Afghan Intelligence. As Doval noted, there were 40,000 Pakistani casualties attributed to the TTP's those events of terrorism.***

The situation in Balochistan and FATA became murkier due to sponsorship of the anti-Iran Jundullah and the anti-China Movement for East Turkmenistan Independence [ETIM] by certain Western agencies which were co-located with the TTP in border area of North Waziristan.

Thus, for Pakistan, the **Zarb-e-Azb** operation against the TTP and its associates became an imperative, first and foremost, to protect the homeland but also to prevent damage to its strategic relationship with China. Additionally, it also damaged other militant groups in North Waziristan – even then the US and the West kept on singing the rhyme of '**do-more**' as if all Muslims are terrorists.

[See the media breaking news of **11<sup>th</sup> January 2015**;

The brother of a French Muslim police officer who was gunned down by terrorists in the Charlie Hebdo attack made an emotional appeal for tolerance; Police Officer Ahmed Merabet's brother Malek Merabet said:

*"I address myself now to all the racists, Islamophobes and anti-Semites: One must not confuse extremists with Muslims; mad people have neither colour nor religion.*

*I want to make another point: don't tar everybody with the same brush, don't burn mosques or synagogues. You are attacking people. It won't bring our dead back and it won't appease the families.*

*My brother was Muslim and was killed by two terrorists, by two false Muslims - Islam is a religion of peace and love."*

To show solidarity for the Charlie Hebdo victims, the world started trending **#JeSuisCharlie** [I am Charlie] but with the international media associating the terror attack to Islam, Muslims worldwide began trending **#JeSuisAhmed** [I am Ahmed].

The purpose of #JeSuisAhmed was to tell the world that **'terrorism has no religion'.**]

Gen Raheel Sharif had to defeat India's secret war against Pakistan through crushing the TTP – who were covertly financed by US itself, the world media openly alleged. Pakistan needed full confidence and cooperation of Kabul but President Ashraf Ghani showed cold shoulders. When Pakistan approached China to influence the situation, the Americans again got upset – but Gen Raheel's **Zarb e Azb** continued with full vigour against the TTP and its associated groups, especially Al Qaeda and ETIM.

Afghanistan itself asked for this treatment because they had chosen to stand by Indian designs. Even in high Indian hierarchy, the sane minds did not approve this **'Hatred for Pakistan'** policy; however, the people like Ajit Doval kept on misleading the Indian leadership to achieve their personal goal.

### **HOW TERROR EMERGED IN PAKISTAN:**

The dilemma of the Palestinians and Kashmiris are two living tragedies since three generations till now. The memories of brutal colonial actions in Turkey, Algeria, Indonesia etc are part of historical Muslim grievances. The oppression and discrimination against Muslim minorities in India and Burma etc, have added fuel to these grievances. Also the fact remains that most *Islamists* were sponsored and supported by Arabs and Western powers since day one – Pakistan is the latest example.

MUNIR AKRAM once more explained the history of terrorism in Pakistan; the daily '**DAWN**' dated **18<sup>th</sup> January 2015** is referred. He summarised that:

*"Once in early 1980s, major turning point was the use of Islamist zealots to combat the Soviet occupation of Afghanistan. The seven-*

*member mujahideen alliance, sponsored by the US, Pakistan, Saudi Arabia, other Arab countries and Iran, was composed exclusively of 'Islamist' groups. Forty thousand **'Islamic radicals'** were imported from across the Arab and Muslim world; including **Osama bin Laden** and **Ayman al Zawahiri**. These original 'foreign fighters' also included Muslim rebels from Uzbekistan, Chechnya and Xinjiang."*

After the Soviet withdrawal from Afghanistan, this deadly cocktail of hardened local and foreign **'jihadists'** stayed on mainly around Pak-Afghan borders. These fighters and their descendants became a corps of Al Qaeda under sub-groups titled IMU, ETIM and TTP.

With the Soviet return and an equally hasty American withdrawal from war, Islamist groups split into several factions, quickly spread and positioned in Afghanistan and Pakistan. The first attack was engineered by Al Zawahiri at Egyptian embassy in Islamabad. He later joined Osama bin Laden to form Al Qaeda while vying for control of Kabul.

A struggle for influence ensued between Pakistan and Iran in Afghanistan so Pakistan became the battleground for externally sponsored Sunni-Shiite violence, too.

Munir Akram held that during the 1990s' Afghan civil war, **many mujahideen groups became criminalised, raising money to finance themselves through drug production and trafficking, kidnapping and extortion**. Criminality opened the doors to various intelligence agencies, including those of Pakistan, India, Saudi Arabia, Iran and the West. Such penetration of Indian RAW in Kashmiri fighters' legitimate struggle for freedom was given name of **'terrorist threat'** later.

Remarkably, it was Mullah Omar's Taliban who restored order in southern and eastern Afghanistan, winning over the warring groups, except those in the Iran-India backed Northern Alliance. **Mullah Omar's association with Al Qaeda came about only after the US and Western decision to isolate the Taliban**. His adamant refusal to surrender Osama bin Laden or expel him led to the Taliban's ouster from the government forced by the US with the help of the Northern Alliance.

The 2001 US military intervention in Afghanistan and its 2003 invasion of Iraq provided a second life to Al Qaeda and other Islamist movements – a cause for **'jihad'**. Al Qaeda received new recruits; thus AQAP, AQIM, TTP, Al Shabab, Boko Haram and several lesser known groups all emerged after Western interventions in Afghanistan and Iraq.

The later spread of *jihadi* movements across the Muslim world was most probably engineered by three factors:

1. *The weakness of most Muslim states in terms of their police, military and intelligence capabilities; political negligence towards extremist movements and official corruption.*
2. *The misguided Western sponsored overthrow or erosion of authoritarian regimes in various Muslim states including Egypt, Libya and Syria after Afghanistan & Iraq.*
3. *The external sponsorship of some of the groups like the IS, ISIS, Jundallah and TTP.*

The '**successes**' of *jihadi* narrative — that Muslim rights could be regained only through violent struggle — attracted thousands of alienated youth in Western countries. Munir Akram held that:

*'...there are over 5000 foreign fighters from Europe who have joined the IS. The Paris attacks have brought the war home for the Europeans, transforming a foreign policy challenge into a domestic priority. These attacks have also laid bare the cultural and religious divisions within these advanced countries, manifested by the anti-Islam Pegida movement in Germany, the National Front in France and burning of mosques in traditionally tolerant Sweden.'*

**On 18<sup>th</sup> September 2015;** Taliban militants launched a brazen attack on a Pakistani military base, killing 29 people including 16 who were gunned down inside a mosque during prayers. The Pakistani army quickly blamed militants from neighbouring Afghanistan; the West and India made it a country known for harbouring terrorists who used to launch attacks across their porous border all around.

The attack was a major blow to Pakistan's military, which had stepped up operations against militants following a horrific Taliban attack of 16<sup>th</sup> December 2014 at Peshawar ATS that killed 153 people, mostly children. As per ISPR, all 13 attackers were killed after an hours-long fight at the Badaber base; another 29 people were wounded too.

*[More than 2,000 employees were living at the **Badaber Base** at the time of attack. The attackers first stormed the guard room and then tried to move towards administrative block, but were stopped by security forces. The ISPR held that the attackers came from Afghanistan, " **though doubtful that the government in Kabul was behind the assault - but the attackers were being handled by superiors in Afghanistan**".*

*The base was established in 1960s but in recent years has mostly been used as residence for air force employees, staff and officers from Peshawar.]*

There was no immediate response from Afghanistan.

TTP's spokesman *Mohamad Khurasani*, claimed responsibility for the attack. His statement to the media said that 14 Taliban fighters were involved in the assault. They offered 'safe passage' to women and children after attacking the base, and then 'targeted' 50 security personnel.

The Pakistani Taliban also released a video in which militant leader *Khalifa Umar Mansoor* was seen sitting among the alleged attackers. He was in charge of the attack and that the purpose was to avenge Pak-Army for the killing of civilians and seminary students in tribal regions. The attack was ordered by Mullah Fazlullah, the TTP Chief hiding in Afghanistan.

The above mentioned attack came a day after Pakistan reported the arrest of a militant figure, named Umar Hayat, from Karachi but was behind a recent failed attempt to target an air force facility in Kamra. A day earlier, the Karachi police had also reported the arrest of one Syed Sheaba Ahmad, a former air force pilot who allegedly helped finance Al Qaeda's newly formed South Asian affiliate.

Pak-military forces had [till then] killed more than 3,000 militants in North Waziristan offensive. The region was once considered to be the TTP HQ, which had been targeting security forces and public places in an effort to topple [any] elected government to enforce a miss-interpreted version of *Jihad* – labelling Islam as harsh religion.

However, Gen Raheel Sharif's **Zarb e Azb** operation nearly eliminated the TTP menace with his strong will and determination – sometimes in aid with the US forces especially in Pak-Afghan border areas.

**On 20<sup>th</sup> April 2016;** a faction of the TTP claimed credit for two attacks in Karachi that targeted policemen as they guarded members of a polio vaccination team; '*Jamaat-ul-Ahraf*' accepted responsibility for the attack with the message:

*"This attack is part of ongoing attacks against security forces and police. We believe the fighting will continue until we achieve the goal of implementing the Islamic system in Pakistan."*

The assaults in Karachi took place in Orangi Town, a hotbed for the Taliban and other Islamist groups; eight Taliban fighters riding on four motorcycles gunned down the policemen as they were deployed in the dangerous neighbourhood. The gunmen first opened fire on three policemen in the streets of Orangi Town, killing them all. Later they shot dead four policemen, who were sitting in a police mobile van nearby.

*[The Taliban were especially trained for conducting motorcycle attacks in cities. In a video released in April 2015, the TTP touted its "**Mujahideen Special Group**" its version of Special Forces, and showed its fighters conducting assassinations using motorcycles.]*

The TTP's one pamphlet of June 2012 had said that '*...in the garb of these vaccination campaigns, the US and its allies are running their spying networks in FATA which has brought death and destruction on them in the form of drone strikes. Infidel forces are using media, education, and development as a tool to gag Muslims.*'

Years before, Mulla Nazir's pamphlet referenced **Dr Shakil Afridi**, the Pakistani doctor who aided the US in finding and killing Osama bin Laden in Abbotabad in May 2011. Afridi was then serving a 33-year prison sentence in Pakistan for charges of supporting the *Laskar-e-Islam*, an Islamist terror group based in Khyber.

Then in 2012, the Pakistani Taliban launched a deadly campaign against the WHO's vaccination program. Eight medical workers were killed while attempting to vaccinate children in Karachi and Pakistan's northwest. The WHO shut down the anti-polio drive.

**On 26<sup>th</sup> April 2016;** a delegation from the Afghan Taliban's political office in Qatar arrived Karachi, on Pakistan's invitation, to discuss the restarting of peace talks with Kabul; their visit came a day after Afghan President Ashraf Ghani threatened diplomatic reprisals against Pakistan if it refused to take action against Taliban leaders, a new hard-line stance after a brazen insurgent attack which had killed 64 people in Kabul.

The three-member team launched initial contacts with Pakistani and Afghan officials. The main purpose of the visit was to explore ways and means to bring peace in Afghanistan; formal peace talks were ahead. Qari Yousuf, one of the Taliban's official spokesmen, was unaware of the visit.

*[Earlier, direct peace talks between Kabul and Afghan Taliban began in Pakistan in July 2015 but were scrapped after the belated*

*revelation that Mullah Omar, the group's founder, had died two years earlier. The disclosure sparked infighting within the militant group and leadership crisis was evidently seen.]*

A four-member group comprising Afghanistan, the United States, China and Pakistan had been attempting since January that year [2016] to revive the talks but the lack of interest left many frustrated, as the Taliban had ramped up their insurgency since Nine Eleven 2001 after they were deposed from power by a US-led invasion.

PML[N] government in Pakistan had later admitted, after years of official denial, that the Taliban leadership enjoyed safe haven inside Pakistan. Afghan President asked Pakistan to fulfil its promises... and take military action against their sanctuaries and leadership based on its soil. On the other hand, the Taliban were never willing to negotiate until their demands were met, including the departure of 13,000 US & NATO soldiers deployed to train and advise their Afghan counterparts.

Thus Pakistan was caught in muddle and confusion.

### **THE LAHORE PARK BOMBING:**

**On 27<sup>th</sup> March 2016;** more than 72 people were killed in a suicide blast that took place in Lahore's crowded *Gulshan-i-Iqbal* park; at least 370 others were injured. After the attack, the Punjab government declared an emergency in Lahore and announced three days of mourning.

The FIR claimed four suspicious individuals were stopped at the gate of the park, one of whom got into the park and blew himself up. The other three, taking advantage of the rush at the scene, were able to slip away. A five member joint interrogation team comprising officials from police, ISI and IB was constituted by the Punjab government to probe the attack.

The powerful blast ripped through a massively crowded area of the park adjacent to Gate 1 which housed swings, train and other attractions for children. The crowd included a large number of Christian families celebrating Easter. The blast was so massive and fatal that there were pools of blood and scattered body parts in the park. The injured were seen crying for help and women running to find their children.

The incident raised a big question mark over the 'security measures' especially in the wake of terror threats. Lahore CCPO Capt Amin Wains ruled out a security lapse on the part of police and said two mobile squads had been stationed at the main gate of the park.

The local police told that at least 15 to 20 kg explosive material was used by the suicide bomber. Later, the police found the 'skull' of the suspect from the blast site and sent it for forensic analysis. The terrorist had hit a very soft target of women and children.

An identity card police found from the site of the blast was believed to be of the alleged suicide bomber. According to initial inquiry, the ID card of one Yousuf, a young man from Muzaffargarh, could be the bomber. Same night, four friends of Yousuf were detained by Muzaffargarh police from Basti Sohrani for questioning.

The said attack was claimed by the TTP's *Jamaatul Ahrar*, who also claimed last year's twin suicide bombings at churches in Lahore's Youhanabad area, which had killed 15 people and sparked violent protests across the city.

Eye witnesses recalled pools of blood and scattered body parts spread across the site of the attack. They could hear children screaming as people carried the injured in their arms, while frantic relatives searched for loved ones in nightmarish scenes at the park near the centre of the city. Most people took the injured to hospitals on rickshaws and taxis. The crowd was *unusually large* because of Easter; the roads were jammed and queues of vehicles were seen miles long.

Doctors described frenzied scenes at hospitals, with staff treating casualties on floors and in corridors, as officials tweeted calls for blood donations. The force of the blast had shattered nearby homes; the human flesh was found even on the walls of those houses; people were crying and the ambulances were roaming around.

Chief of Army Staff Gen Raheel Sharif chaired a high-level meeting late night same day which was attended by heads of the ISI and Military Intelligence [MI] among other military officials. Having evaluated initial information, the COAS directed concerned commanders and intelligence officials to immediately start operations to nab perpetrators of the attack. The COAS resolved that **"....inhumane savages will not be allowed to overrun our life and liberty."**

Prime Minister Nawaz Sharif also chaired a meeting at the PM House where he was briefed by his security advisers on the Lahore attack. The PM

condemned the blast and directed authorities to ensure "**special medical care**" to the injured.

The Vatican also condemned the attack, calling it "**fanatical violence against Christian minorities**", and UN Secretary General Ban Ki-moon called for Islamabad to protect religious minorities. The said episode on Easter Sunday had drawn condemnation from around the world in fact.

Among the killed were twenty-nine children and 370 people wounded. Far less noted, however, had been the attack's equally devastating effect on relations between Pakistan's army and civilian government, which threatened to bring further instability to that major province.

For the past eighteen months, the two Sharifs [no relation] kept a tenuous political compact: the army—in some consultation with the prime minister—had overall control of Pakistan's foreign and nuclear policy, as well as its counterterrorism strategy in Karachi, in the south, and along the border with Afghanistan, in the north.

In turn, the civilian government could run the economy – though mostly devastating. Counterterrorism actions in Punjab were entrusted to the Punjab police rather than the Rangers faction of the Army – but the former proved itself as a total failure.

The chaotic situation ended hours after the bomb blast on that night; almost immediately, the Pak-Army declared it had taken control of security in the province, dealing a perhaps fatal blow to the already dwindling political prestige Prime Minister Sharif. The army told the media to emphasize that the orders for the Punjab operation were given directly by Gen Sharif and not the PM Sharif.

CM Shahbaz Sharif government intentionally avoided to provide the army or Rangers the required political, constitutional, or legal cover for going into Punjab. That the Punjab government could have invited the army in – but Gen Sharif and PM Sharif had not met or apparently conferred with each other, adding to the uncertainty.

The federal and Punjab government ministers, totally ashamed, were brought on live TV shows after the bombings but the prime minister himself, in his own speech, did not mention the army's help and enthusiasm what to praise or admire. For a country at war with extremists it was clear that the civil government of Sharif was not bothered about the safety and security of its populace – **even the National Action Plan**

***[NAP], unanimously agreed by all political parties in December 2014 was thrown in bin.***

Manifestly, a dramatic breakdown was seen in civil-military relations. In the past, such situations had led to the military imposing martial law on four occasions since 1958. However, Gen Raheel Sharif was not at all inclined to make the PML[N] government and PM Sharif the '**political martyrs**' though the then crisis totally darkened the future of counter-terrorism policy—and democracy itself.

With that Sunday's bombing, the stakes for Punjab had become much higher for both Sharifs. The army had moved decisively over the past eighteen months to crush the Pakistani Taliban [TTP] and the multiple Taliban factions that operated in Karachi, in Khyber PK and in the tribal belt along with Pak-Afghan border. Yet in Punjab, there were an estimated sixty Islamic extremist groups and over 20,000 *madrassas*—still producing militants successfully and spewing extremist ideologies.

Since the 1980s, many of Pakistan's extremist groups had been allegedly sponsored and trained by the Indian Intelligence Services [RAW] to launch terrorist activities in Punjab and Balochistan. Such support from the foreign military has been an on-going project. But the real test of Gen Sharif's determination to root out terrorism from Pakistan had always been in Punjab and Karachi.

*Jamaat-ul-Ahrar*, the group behind the Lahore park bombing is openly sectarian and had targeted the Pak-Army and Christians in association with *Lashkar-e-Tayyaba* [LeT] – apparently an Islamic charity but keeping its militant wing too.

As the Rangers had taken control of [selective] security in Punjab, the crucial question was whether it would go after the terrorist groups it decided to counter, or Rana Sanaullah's factions would go spared. For Gen Sharif, an added challenge was that the army itself recruits much of its half-million-strong manpower from Punjab. The Generals were disturbed that if Islamic extremists continued to aggravate in Punjab, their soldiers' lot would also get infected.

The two Sharif brothers had a political lock on Punjab, where there was also widespread political and financial corruption; but since the elder becoming prime minister for the third time, Nawaz Sharif had frittered away his opportunities. ***He proved to be a hopelessly incompetent leader, neither strong enough to initiate badly needed reforms nor sophisticated enough to deal with the country's army.***

Pakistan's governance was run by Sharifs family rather than by the cabinet, parliament, or other institutions. Through Rana Sanaullah, the Punjab Law Minister, they went soft on extremist groups—some of which had close ties to his PML[N] — apparently to persuade them not to attack in Punjab. That policy clearly failed.

Amid the Lahore bombing, the army disclosed the arrest of an Indian spy working to destabilize the province of Balochistan; Kulbhoshan Yadav, was a retired Indian naval officer, and had lived many years in Iran from where he travelled to Pakistan. Yadav was found with an Iranian passport in his possession. However, the Pakistani prime minister was seen little bothered once again.

Referring to an editorial note in the daily '**Dawn**' dated **30<sup>th</sup> March 2016**:

*"Yet, in the very moment that the country needed its leaders to demonstrate resolve and unity, an utterly befuddling signal has been sent. Instead of jointly trying to address the challenge... the army and political leaderships appear to have withdrawn into their respective camps."*

It was believed by many that the army would do a short, swift crackdown and then withdraw its forces from Punjab. Whatever happened, the country's political leadership was seen hobbled then and the future of Sharifs Kingdom in one of south Asia's most populous states was in confirmed shambles.

### **NO FOREIGN WAR ON PAK-SOILS:**

Let us start from a year before; see an earlier White House's communiqué – [*un-necessary sentences taken away*] a policy document in the back-drop of Afghan War:

**[The White House**  
Office of the Press Secretary  
For Immediate Release

December 28, 2014

### **Statement by the President on the End of the Combat Mission in Afghanistan**

*Today's ceremony in Kabul marks a milestone for our country. For more than 13 years, ever since nearly 3,000 innocent lives were taken from us on 9/11, our nation has been at war in Afghanistan. Now, thanks to the extraordinary sacrifices of our men and women in uniform, our combat mission in Afghanistan is ending, and **the longest war in American history is coming to a responsible conclusion.***

*On this day we give thanks to our troops and intelligence personnel who have been relentless against the terrorists responsible for 9/11-- thus saving countless American lives. We are safer, and our nation is more secure, because of their service. At the same time, our courageous military and diplomatic personnel in Afghanistan have helped the Afghan people reclaim their communities, take the lead for their own security.....*

*We honor the profound sacrifices that have made this progress possible. We salute every American--military and civilian, including our dedicated diplomats and .... we remember the more than 2,200 American patriots who made the ultimate sacrifice in Afghanistan, and we pledge to stand with their Gold Star families who need the everlasting love and support of a grateful nation.*

***Afghanistan remains a dangerous place**, and .... the United States--along with our allies and partners--will maintain a limited military presence in Afghanistan to train, advise and assist Afghan forces and to conduct counterterrorism operations against the remnants of al Qaeda.*

*These past 13 years have tested our nation and our military. **But compared to the nearly 180,000 American troops in Iraq and Afghanistan when I took office, we now have fewer than 15,000 in those countries. Some 90 percent of our troops are home.** Our military remains the finest in the world, and we will remain vigilant against terrorist attacks and in defense of the freedoms and values we hold dear. And with growing prosperity here at home, we enter a new year with new confidence, indebted to our fellow Americans in uniform who keep us safe and free.]*

**On 12<sup>th</sup> May 2016;** the '**New York Times**' wrote its editorial titled as **Time to Put the Squeeze on Pakistan**; which was much disturbing for many regional think tanks especially the academicians of Pakistan; it caused stir amongst Pakistan's ruling elite – less in political more in military circles. It wrote:

*"Nearly 15 years after 9/11, the war in Afghanistan is [still] raging and Pakistan deserves much of the blame. It remains a duplicitous and dangerous partner for the United States and Afghanistan, despite \$33 billion in American aid and repeated attempts to reset relations on a more constructive course."*

The real analysis proved that the US was unnecessarily blaming Pakistan. The above lines were not correct. If the US could not control the rebels in Afghanistan, it was not the Pakistan's fault. The history is depleted with facts about the American's distrust. Even those days the India was being declared as the '**Strategic Partner**'.

The money trail of \$33 billion was not accountable as it had never reached in Pakistan's official accounts. The US used to buy rogue politicians to cast favourable policies for them – so that money remained there in America or in its allied countries in the name of those politicians.

In mid 2016, the new American commander in Afghanistan, Gen. John Nicholson Jr, presented his assessment of the Afghan war; it was bleak and had questioned the wisdom of President Obama's goal of cutting the American force of 10,000 troops to 5,500 by the end of that year. The truth was that, regardless of troop levels, the only hope for long-term peace was considered negotiations with some factions of the Taliban – and the General held that still Pakistan could help and play role.

The NYT's editorial still held that Pakistan's powerful army and intelligence services were supporting the Taliban and the Haqqani's network. It was baseless allegation as Pakistan had no interests in Afghanistan – rather was disturbed with India's increasing influence there. Pakistan Army's **Operation Zarb e Azb** was going successful in its Pak-Afghan border region but it was not to please the Americans; the operation was there because Pakistan was suffering more at the hands of Taliban – Peshawar ATS episode was there as an instance.

The rest of the allegations were mostly stories of Americans' own failures and strategic defeats which it wanted to place it on Pakistan's shoulders in the name of Haqqanis and Taliban quagmires.

The Living History of Pakistan Vol-VI

The US was cursing Pakistan's own priorities to deal with its in-country deteriorating security situation calling it as '**double game**'; it was America's '**innocent viewpoint**'. It was not bad if Pakistan had started thinking for its own after loosing its about 50,000 civil & military souls in the name of '**War on Terror**' which was nothing but an American plan to prevail with its peculiar interests in this South Asian region.

American officials went frustrated – but no one bothered in Pakistan over this issue except some corrupt politicians. All efforts in Washington to exert more pressure on the Pakistan Army went in vain. Senator Bob Corker, Republican of Tennessee, Chairman of the Senate Foreign Relations Committee, barred the use of American aid to underwrite Pakistan's purchase of eight F-16 jet fighters – but even then Pakistan didn't change its stance.

Pakistan was punished but how – the country was allowed to purchase the planes, but at a cost of \$700 million instead of about \$380 million; no bother as it was a business deal. Then why the whistling hue & cry from the US that Pakistan didn't help.

President Ashraf Ghani of Afghanistan was also getting tougher with Pakistan's leaders. He courted Pakistan for more than a year in the hopes that the army would bring the Taliban to the negotiating table – but why asking Pakistan to do this dirty job. It should have been Afghanistan and America's plan – why they didn't call India to help who was being elevated against Pakistan at all fronts. If there was surge in violence in Afghanistan, Pakistan itself was also suffering at the hands of Indian and Afghan sponsored terrorists in Balochistan.

Once, the US threatened to lodge a complaint with the United Nations Security Council when Pakistan refused to take military action as per American designs against Taliban on its soil; of course, they had their own priorities. Such pressures make sense amongst nations as normal diplomacy channels; severing ties with each other as the US did in the 1998 after Pakistan developed a nuclear weapon was un-called for and injudicious.

The two countries still continued to share intelligence, and Pakistan allowed American drones to target militant leaders in the border region. Given that Pakistan had the world's fastest-growing nuclear arsenal, America wisely opted to maintain a dialogue.

In year 2015, more Afghan civilians and troops were killed than in any other year since the Taliban was toppled in 2001. Since taking office in

2014, President Ghani had been a more reliable leader in the eyes of Americans; his predecessor Hamid Karzai had disappointed them. However, Ashraf Ghani's government was seen crippled by political infighting, endemic corruption, a budget crunch and an unsustainable troop casualty rate in Afghanistan.

The aforesaid grim realities presented difficult choices for going-out President Obama, who had to decide whether to keep the US troop strength, and if so then at what level and with what plans to change the US military's role to fight the Taliban more directly – because Pakistan was not prepared to fight the '**foreigner's war**' any more.

However, in the earlier referred NYT's editorial, President Obama's declaration was taken '**with undue optimism**', that "**the longest war in American history is coming to a responsible conclusion.**" The NYT held that it would be left to Obama's successor to figure out how and whether the Taliban could be lured into political negotiations adding that '*... will only happen if the American government finds a way to convince Pakistan to stop fuelling the war.*'

**On 20<sup>th</sup> May 2016;** Asif Zardari wrote 'letter to Editor NEW YORK TIMES' which is being placed here for think tanks to analyse the viewpoint given therein.

Re "Time to Put the Squeeze on Pakistan" [editorial, May 12]:

*As you indicate, the struggle between Pakistan and the United States over the purchase of F-16 fighter jets demonstrates how far apart our two countries have grown. What was once a strong partnership allied against threats to the region from Russia and non-state actors is sadly frayed.*

*The threats, however, remain. Pakistan has suffered repeated mass-casualty attacks by the Taliban and Al Qaeda, most recently in Lahore, where 74 were killed and 338 wounded. We are fighting for our lives. If there are factions in Congress that don't believe that we are committed to fighting terrorists, they should come to Pakistan and bear witness to our solidarity and resolve.*

*Despite our common security interests and a deep democratic kinship, there is ambiguity toward the bilateral relationship from officials in both countries. In Congress, there is outright opposition to supporting the fighter deal.*

*In the coming week, State Department officials will be in Pakistan for meetings with our government. I hope that they will take this opportunity to assure us that they remain committed to supporting our security needs.*

**ASIF ALI ZARDARI** - London

(The writer, co-chairman of the Pakistan People's Party, was President of Pakistan from 2008 to 2013.)

The same narrative of **12<sup>th</sup> May 2016**, with the same ditto words, was repeated by the US President Trump by placing it on twitter dated **1<sup>st</sup> January 2018**.

Pakistani nation seldom bothers to go through the history pages – thus went so upset and crazy with Trump's 1<sup>st</sup> tweet of the new year 2018 that on all TV channels tens of live discussions appeared showing utmost anxiety and future strategies.

No one took pain to ponder that Pakistan and Its Army Chief Gen Raheel Sharif had replied to that NYT's editorial and the then US President Obama in the same harsh tone urging that 'now-on, no foreign war would be fought on Pakistani soils – kar lo jo karma hai.....' and nothing had moved in any direction.

**Those who corrupt the public mind are just as evil  
as those who steal from the public.**

.....Adlai E Stevenson

## **Scenario 195**

### **CRIME REPORTS OF ALL SORTS**

Let us start from the traditional way of Crime Comparison Reports as have been the format, procedure and record in all police and administrative departments in Pakistan – and since 1861 [*when the Police Act was promulgated in India*] the practice is coming **un-changed**.

#### **CRIME COMPARISON YEARS 2013-14:**

Referring to '**the News**' dated **25<sup>th</sup> February 2015**; though the overall crime rate could not be controlled in Pakistan, it dropped slightly by a margin of 1.16 percent, statistics submitted to the concerned authorities of the Ministry of Interior revealed.

The total figure of reported crimes against people and property was recorded at 627,116 cases of various kinds during the year 2014 as against 634,404 in 2013, the report said.

Street crimes remained stable with a slight decrease of 2.7 percent, and 114,763 cases of crimes against property were reported in 2014 against 117,912 in 2013. The same situation was recorded in crimes against persons, as 88,767 cases were reported in 2014 and 88,854 in 2013 with a minor decrease of .09 percent.

Reports submitted to the authorities revealed some optimistic trends while the realities were quite different. It is a widespread belief that less than 10 percent of street crimes are reported in Pakistan and the police mostly avoid registering even heinous crimes so as to maintain a low crime rate.

The official crime statistics are often believed to be far less alarming than the reality. The official statistics indicated that during the year 2014:

- 411 people were kidnapped for ransom in 2014 — 81 from the Punjab, 190 from Sindh, 96 from Khyber PK, 33 from Balochistan, 10 from Islamabad and one on the railways lands. Whereas, as per media reports, 18,700 people, mostly women, were kidnapped for

various reasons including ransom.

- 329 gang-rape cases were reported in the country, including 263 in Punjab, 35 in Sindh, 11 in Khyber PK, 17 in Islamabad and three in AJK, according to the annual crime figures. As many as 3,285 rape cases were reported — 2,734 in Punjab, 191 Sindh, 133 in KP, 19 in Balochistan, 162 in Islamabad , four in Gilgit while 42 in AJK.
- 
- 13,276 people were murdered in the country during the year 2014 — 5,953 in Punjab, 3,252 in Sindh, 3,184 KPK, 615 Balochistan, 144 in Islamabad, four on railways land, 74 in Gilgit-Baltistan and 77 in AJK.
- 
- 132 people committed suicide for different reasons — 15 in the Punjab, 54 in Sindh, 51 in KP, one in Balochistan and 11 in Gilgit while 966 attempted to commit suicide.
- 
- 114,763 cases of crime against property were reported - including 87,933 in Punjab, 18,039 in Sindh, 3,237 in KPK, 1,652 in Balochistan, 2,726 in Islamabad, 353 on railways land, 211 in GB and 552 in AJK.
- 
- 33,243 vehicles were stolen or snatched — 21,072 from Punjab, 8,685 from Sindh, 1,090 from KPK, 913 from Balochistan, 1,300 from Islamabad, three from railways land, 52 from Gilgit and 128 from AJK.
- 
- 81,520 cases of dacoities, extortion, robberies, bank and petrol pump lootings, shoplifting, burglaries and thefts — 66,861 in Punjab, 9,354 in Sindh, 2,207 in KPK, 739 in Balochistan, 1,426 in Islamabad, 350 on railways land, 159 in GB and 424 in AJK.
- 
- 569 incidents of highway robberies — 394 in Punjab, 147 in Sindh, 13 in KPK, eight in Balochistan, two in Gilgit and five in AJK — were reported.
- 
- 76 banks were looted on gun-points — 25 in Punjab, 34 in Sindh, six in KPK, nine in Balochistan and two in Islamabad.
- 
- 142 petrol stations — 111 in Punjab, 23 in Sindh, three in Balochistan, four in Islamabad and one in AJK — were looted during the year 2014.
- 
- 59,900 cases of burglaries & thefts [excluding car-snatchings) were reported in the country indicating that the police had failed to

control such crimes; 51,069 cases were registered in Punjab, 4,601 in Sindh, 1,931 in KPK, 470 in Balochistan, 991 in Islamabad, 346 on railways land, 137 Gilgit and 355 in AJK.

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- 3,955 people were killed in road accidents in the year; 2,085 persons killed in Punjab, 542 in Sindh, 896 in KPK, 166 in Balochistan, 101 in Islamabad, 32 in Gilgit and 133 in AJK.

No improvement in combating crimes against property was seen in the annual statistics as the offences of highway dacoities, bank lootings, burglaries and car-jacking and snatchings continued as in 2013.

The Ministry of Interior, however, took serious notice of the report and asked the authorities responsible for combating crimes to make an effective strategy to provide protection to the life and property of the public. But the above like criminal reports were bound to appear when the sitting government's ministers would be named in the murder cases of their constituencies; see a catching news:-

Referring to daily '**Pakistan Today**' dated **15<sup>th</sup> August 2015**; addressing a rally in Faisalabad, PML[N]'s Minister for Water and Power Abid Sher Ali's father Ch Sher Ali claimed Punjab Law Minister Rana Sanaullah's involvement in as many as 20 murders in Faisalabad. Ch Sher Ali claimed that he received a text message from former CPO Dr Sohail Tajik confirming Sanaullah's involvement in the alleged assassinations. He said:

*"The text message was also shown to the Prime Minister Nawaz Sharif who ordered Punjab Chief Minister Shahbaz Sharif to investigate into the matter; however no action was taken against Rana Sanaullah.*

***Rana Sanaullah** had also been named as responsible figure behind the 14 murders & about 100 wounded in 2014's Model Town episode."*

The veteran PML[N] politician urged PM Nawaz Sharif and the COAS Gen Raheel Sharif to initiate a Karachi-like operation in Faisalabad **"to put an end to Rana Sana's 'dangerous' activities"**.

Rejecting the allegations, Rana Sanaullah defended himself on a private TV channel and told that Ch Sher Ali had a habit of making such statements. Rana Sanaullah said that: *"I will not take any legal action against him. I will raise the issue within the party instead of making it an issue for the opponents to play on."*

Moreover, Sanaullah said Sher Ali wanted to field his son as candidate of mayor-ship in Faisalabad and the allegations were part of a political campaign against him. ***"If I agree at candidature of Sher Ali's son, everything will vanish suddenly,"*** he said.

**During the 3<sup>rd</sup> week of October 2015;** Faisalabad's PML[N] again got divided in two sects; one Abid Sher Ali group and one headed by Rana Sanaullah group. It was all about control of Faisalabad. Being relative of Sharifs, Ch Sher Ali and his family was taking it granted that all the political seats of Faisalabad region would be distributed according to their wish. They wanted absolute control over political decisions in that region.

Ch Sher Ali and his sons have been enjoying ministries and other designations from the PML[N] especially as Begum Kulsoom Nawaz, wife of PM Nawaz Sharif, was their first line relative. Abid Sher Ali, being minister for Water & Power, remained quite influential in the party.

The other very powerful PML[N] group in Faisalabad belonged to Rana Sanaullah, the provincial minister of law. He wasn't relative of Sharifs, but was a loyal political worker who had stood-fast in every thick and thin with the party and its leadership. He was brutally tortured during Gen Musharraf era but he didn't leave the party.

Rana Sana was believed to be an integral peg of Shahbaz Sharif's administration in Punjab. That was why; during London Plan conspiracy of Imran – Qadri, they first targeted Rana Sanaullah through Model Town violence of 17<sup>th</sup> June 2014 in which 14 PAT workers were killed.

Rana Sanaullah's emergence and then dominance in local Faisalabad politics was gradual and on merit unlike nepotism enjoyed by Sher Ali family. That was why the overwhelming majority of PML[N] workers and voters were on his side. Fight between Rana and Sher Ali was not new but it never dampened the PML[N] dominance over there.

October 2015's outburst of Ch Sher Ali was because **local bodies elections** were around the corner and Ch Sher Ali wanted to make his son as mayor of Faisalabad. He clearly felt that his group was very weak and more people were on Rana Sanaullah's side – thus he lashed out at Rana in desperation and frustration.

In terms of votes and retaining their political power, PML[N] didn't have issues but party's reputation got dented. However, Nawaz Sharif intervened and the guns were made silent on both sides.

**SSP RAO ATTACKED IN KARACHI:**

**On 2<sup>nd</sup> May 2015;** five suspected militants were killed after they mounted an unsuccessful attempt to kill former District Malir SSP Rao Anwa'r. The SSP, who survived the attack, was travelling in an armoured convoy through the Malir Link Road when the assailants on motorbikes and car attacked him.

SSP Rao Anwa'r had been considered ***Zardari's man*** since long.

SSP Rao Anwa'r was on his way to visit the spot where DSP Fateh Sangri was assassinated when armed assailants attacked him by hurling a hand grenade. The attackers had thrown at least three hand grenades; however, two of them did not explode. Policemen accompanying SSP Rao retaliated forcing the assailants to flee. Police launched a search operation in the area while chasing the attackers and killed five of them after an exchange of fire while nearly five others managed to escape.

SSP Rao suspected that the attackers were members of the *Tehreek e Taliban* Pakistan [TTP]. The police recovered a car, a motorcycle, four hand grenades, two Kalashnikovs and seven pistols from the possession of the suspects. Till then, SSP Rao and his team had killed over one hundred suspected militants in Malir and Gadap districts of Karachi.

The attack came two days after SSP Rao was removed from his posting in the District Malir, just hours after he had held a controversial press conference in which he announced the arrest of the two suspects, who were members of Indian spy agency RAW [Research and Analysis Wing].

It was not the first time that SSP Rao had been attacked. In April 2012, when SSP was making his way to the Malir court for a meeting with a Sessions Judge regarding an inquiry into the murder of former Malir Bar Association president Salahuddin and his son Ali, a suicide bomber hit his APC. Then too, the attack had left five people dead and injured eighteen others, but SSP Rao survived.

**On 16<sup>th</sup> May 2015;** Just weeks after PPP MPA's brother Akbar Nagori was killed in Lyari; Mujahid Jan, the brother of another PPP senior Habib Jan from Lyari was shot dead in the evening hours. Mujahid was shot in the head by armed assailants and he died on the spot.

Habib Jan was a senior member of the PPP in Lyari and played a vital positive role being associated with defunct PAC. Habib Jan, a close aide of Uzair Baloch, had settled in Europe after Baba Ladla split with Uzair.

**THREATS OF PANDORA BOX:**

Now see another kind of criminality in Pakistan – who would catch them.

In ending 2015; the election encounter between Pakistan Muslim League Nawaz [PMLN] and the *Pakistan Tehreek e Insaf* [PTI] was at high pitch in NA 122 of Lahore. Once, the PML[N] had come up with another instalment of allegations that ***PTI's Chief Imran Khan had been receiving funds from Jewish and Indian lobbies of United States.***

One could recall a similar situation of ending 2012 when the Supreme Court had announced its landmark judgment in Air Marshal Asghar Khan Case. The two former army Generals were named to be tried and the then PPP stalwarts went festive for calling Sharif brothers in the dock for receiving ISI funds during 1990s.

Referring to Rauf Klasra's column in the daily 'Dunya' dated **22nd December 2012**; Gen Aslam Beg, the most important character of the said scandal, told the media that ***'if the FIA would take up the case, another Pandora Box would be opened before the nation.'***

Those were the days when every wrong doer in Pakistan when approached by NAB or the FIA used to threat about **'opening of a new Pandora Box'**. Earlier than that, the Pakistani nation was endangered by the **'Pandora Box of 3rd November 2007's Emergency'** when Gen Musharraf was being tried for the follies committed by his associates.

Though Gen Beg had admitted his guilt before the SC bench in open that *'he was involved in the distribution of money to the politicians through ISI under the command of the then President GIK'* but even then he was ready to open a Pandora Box for the nation. Extending threats to the poor Pakistani population had become a routine talk by the crocodile public figures those days.

On 23rd December 2013; National Accountability Bureau [NAB] decided to take up the inquiry of scandal regarding **issuance of more than 2,000 blue passports** [*passports issued to the government officers to travel*

*abroad for official job or duty only]* to unauthorized persons by Rehman Malik during the PPP regime of 2008-13. The PML[N]'s Interior Minister Ch Nisar Ali, when asked to divulge the names of those 2000 persons, told the media that **'had he made those 2000 names open, many people would hold their heads AND a Pandora Box would be opened'**.

The fact remains that the judges, Generals and the politicians had made the whole Pakistani nation terrified. They were threatened with Pandora Boxes of various kinds each day with in fact no substance in them. Result; that citizens equipped themselves with guns and grenades and the state departments, being more corrupt, genuinely started feeling threatened. The height of the syndrome could be judged by Gen Beg's above said example.

Of course, it was not the mandate of the SC to investigate the details of the Asghar Khan Case. When FIA started investigations, the **threat of Pandora Box** was once more repeated. FIA wanted to know the answers of certain odd questions like:

*\*How many bulky amounts of payments were continuously received by Gen Beg's NGO titled 'FRIENDS'; and from where the amounts were coming; and why those amounts were finally transferred into General's personal account.*

*\*How an ex-army chief had managed to send continuously heavy amounts in dollars to America even after retirement to one named person particularly.*

There were tens of more questions to be added, the details of which were available in detailed judgment of the SC. The SC was quite angry when Gen Beg went silent on above questions. Further; the said details were given to the apex court by none except his own colleague Gen Durrani.

Gen Beg remained contended throughout the court proceedings that he had done nothing wrong; only distributed money amongst the politicians on orders of President GIK to cause defeat of the PPP and Benazir Bhutto. Three years later, the same GIK was found taking oath from Benazir Bhutto's husband Zardari as federal minister under a new deal with the PPP's executive side.

Some bureaucrats were also equally culpable along with Generals in that dirty game of 1990. Younas Habib had stated before the SC on oath that one Roedad Khan, the most powerful Secretary [Interior] of those days and attached with the Election Cell of the Presidency, had called him from Karachi and ordered for releasing required funds. **'When I showed my**

***inability to do any more, I was picked up by an FIA team from the Karachi Airport the moment I landed back'***, Younas Habib had divulged in open before the media.

**Another Pandora Box** was ready to be opened by, for and against the civil bureaucrats like Roedad Khan.

Every thing was already out on record; what was left in the Pandora Box for which the nation was being threatened. Is it on the court record that son of an Advisor to PM Nawaz Sharif was also mentioned on the list of Mehran Bank eaters because he had managed to finally approve the license of the said bank.

Amongst the other loan-eaters and looters, there were names of numerous relatives of PM Nawaz Sharif who were all issued large amounts of loans on phone calls from the PM House. Mehran Bank was 'advised' to approve loans against those names on phone and the compliance report regarding money transfers into the respective accounts had to be conveyed on phone during the same night.

***So what was left behind in the Pandora Box.***

The PPP stalwarts had known about the weak points of Younas Habib much later. Firstly, the PML & Sharifs looted the Habib Bank through him and later the PPP + others plundered the Mehran Bank through the same person. ***That was why the PPP did not issue green signal to FIA to start investigations as per SC orders during their regime; AM Asghar Khan Case died its own death.***

After going through the history of Habib Bank and Mehran Bank, the tradition of loot and plunder was sincerely followed during Gen Musharraf's times under the active advice of the then PM Shaukat Aziz. During that army regime ***the loans worth Rs:60 billion were made zero while during PPP's rule of 2008-13, the loans worth Rs:130 billion were condoned.*** This time the National Bank of Pakistan was targeted and the beneficiaries were intimate friends and family members of Mr Zardari and PM Gilani including his wife.

PM Gilani's wife, Fauzia Gilani, herself got relief of Rs:550 million while the Speaker Fehmida Mirza got her Rs:870 million pardoned from five scheduled banks.

So what more to be seen in the Pandora Box by the poor Pakistanis except that some more cruel faces of bureaucrats and politicians would be there – not of any Rahim Bux or Faqero or Tony or David; so why to worry any more about this beloved country - Pakistan.

*[Published at //pakspectator.com on 8<sup>th</sup> October 2015]*

### **CHILD ABUSE TRAGEDY IN KASUR:**

Uproar in media rocked the country, drawing the attention and condemnation of intelligentsia, media anchors and politicians in a case that involved 280 children for sexual abuse and their videos were sold in the porn-markets world over. Most videos were sold to individual buyers and pornographic websites overseas. The event occurred in Hussain Khanwala village of Kasur district in Punjab.

The local police initiated an investigation into allegations that a gang of men sexually abused those children. Seven of the accused were arrested till **8<sup>th</sup> August [2015]** while the rest of the accused went in hiding. Meanwhile, many noticed that most of the clips being investigated dated back to 2009-11, shortly after camera phones first became widely available, with few recent cases being reported.

Human rights activists held the opinion that child abuse was rampant in Pakistan and those homeless children, as many as 1.5 million, remained particularly vulnerable. Estimated that over 3,500 cases of child molestation were reported in 2014, of which 67% were reported from rural areas.

Punjab's leading child protection official, Saba Sadiq, called for an intensive inquiry into '**the largest-ever child abuse scandal in Pakistan's history**' after the discovery of 400 video-recording, more than 280 children being forced to have sex by a gang of 25 men. She further said that:

*'The number of victims in this child abuse ring is almost three times higher than in the case of Javed Iqbal in the late 1990s when around 100 children were sexually abused and murdered in Lahore. According to parents of the victims the abuse was orchestrated by a gang of up to 25 young men and teenagers led by two 'influential persons' in their 40s.*

*The gang arranged the abuse, perpetrated it in many cases, and then used the videotapes of the assaults to blackmail the children and their families to hand over millions of rupees. Many of the children stole gold ornaments from their parents to pay off their abusers to keep their ordeal secret.'*

Most of the victims were under 14; also included a six year old boy who was forced to perform a homosexual act; also a 10 year old schoolgirl who was filmed being molested by a 14 year old boy; mostly done to extort money from the children and their parents.

The accusations of abuse started trickling out in mid 2015 as victims began to report it to the police; on 4<sup>th</sup> August 2015, hundreds of residents staged a protest, accusing the police and local politicians of protecting the gang members and ignoring the accusations.

Some of the protesters clashed with police, and dozen of people were injured, including several police officers. One newspaper, daily **the Nation**, held that there were more than 4,000 protesters on the Dipalpur Road near *Dolaywala* that day. The protesters claimed that local police had tried to cover up the scandal and that the perpetrators had used their influence to avoid being charged.

**On 8<sup>th</sup> August 2015**; details of the abuse were carried by all sects of media which reported that the gang members had drugged and intoxicated their victims, and had recorded hundreds of videos. Some of the children stole jewellery and money from their parents to pay the men to stop them from making the videos public.

However, **provincial officials in Punjab and local police played down the scale of the abuse** and said that seven cases had been registered by the police so far and that they were in possession of only 30 videos. The police officer in-charge himself admitted with his own analysis of the events, urging that:

*'The group was active since 2007 when they were school students; most of the videos involved consensual sex between teenagers. **The allegations became public only after a land dispute arose between two rival groups in the village.***

*The videos of consensual sex were being used now as part of an effort by one party in the dispute to discredit or intimidate members of the other group with accusations of child abuse. The videos are much old.'*

The seven suspects arrested were aged 16 to 25. Main accused Haseem Amir, aged 25, told the media that his uncle had bought the land under dispute now and that members of another family who opposed the sale were now accusing him and his friends of child abuse. He denied that he was involved in blackmailing or extortion and urged:

*'.....we made some mistakes while we were teenagers in school alluding to the sex videos. We used to record videos and share with one another just for fun.'*

But Muhammad Ashraf, father of one of the accusers, who filed a complaint to the police, said his son aged 20 was abused as a student five years ago, but did not tell the family at that time. After video clips surfaced about two months ago, they came to know about it. He said:

*"My son was disturbed and sad. He asked us to lodge the case. He used to steal money and some valuables, and used to give it to the blackmailers."*

A senior police official commented that the case involved a **'mixture of social deviants and behaviours'** that reflected changes in Pakistani society. **"Such acts of teenage homosexuality are becoming common practice,"** the officer held.

The abuse began in 2006-07 and continued until one year ago. Police seized more than 400 videos depicting the assaults [*on police papers only 30 were shown initially*], and many of the parents had identified their children as victims in the films. Some of the clips showed that the victims were abused for more than an hour. In one clip five to six young men were seen molesting a 7-year old boy. The 'producers' recorded the videos at different locations – in the open fields, washrooms, bedrooms, and at deserted houses in the village and around.

Following Pakistan's biggest child abuse scandal that emerged from Ganda Singh Wala, it was further revealed that a local MPA named Ahmed Saeed of the ruling PML[N] had a crucial role in the withdrawal of allegations against the main suspects in the case. Reports suggested that MPA Saeed was aware of the child abuse ring in his area, but decided to hush it up instead of taking action against the abusers. Media alleged that the main suspect was released after a Rs:5 million bribe was paid.

The police arrested a 13-year-old boy for having sex with another child but reportedly under duress. The producers of the clips not only molested the children themselves but they also asked the victims to rape each other on

camera. **'Everyone in this village is a victim. Our children both boys and girls are raped and blackmailed,'** said a victim's mother.

The Chief Minister of Punjab, Shahbaz Sharif, ordered a judicial inquiry into reports that hundreds of children had been abused over a period of several years. On 10<sup>th</sup> August 2015, the letter requesting deputation of a high court judge was received in Registrar office of the Lahore High Court. The Chief Justice was prompt to reply back to the Punjab Government that **'the case is quite obvious and open; culprits are known; some are arrested some not; FIRs stand registered so no judicial inquiry is needed. Ask the police to complete its investigation on merits.'**

A high-level inquiry committee formed by the Punjab government to investigate allegations of authorities' inaction to check instances of child sex abuse and blackmailing by a gang in Hussain Khanwala and other villages around in Kasur district concluded that **'reports of child molestation are baseless – the cases are linked with land disputes'**.

On the same day, senior minister of the Punjab government, Rana Sanaullah, while talking to media said the inquiry had concluded that no instance of child sex abuse had been reported; adding that reports to this effect surfaced after two parties involved in a land dispute registered 'fake cases' against each other.

Rana Sanaullah said almost eight years ago, incidents of child molestation and videos of such acts to blackmail families had been reported in the area, adding that cases were registered against those involved and the culprits were apprehended.

The PML[N]'s stalwart minister insisted that the scandal had been created by rival parties involved in land dispute. The inquiry, sanctioned by Punjab CM Shahbaz Sharif, was conducted by Additional Inspector General Arif Nawaz Khan and Commissioner Lahore Division Abdullah Sunbal.

Till **18<sup>th</sup> August 2015** about 16 suspects, including the alleged mastermind of the child pornography ring, were arrested while 12 were formally charged. Next day, the Investigation Officer of the case told the Senate Standing Committee on Human Rights that **'the incident should not be treated as organised crime because those involved were youngsters, all in their mid-20s'**.

However, while briefing the committee, Sheikhpura Regional Police Officer [RPO] Shehzad Sultan disagreed with the media figures of circa 400 videos and said that only 30 video clips were available on police record. The officer

acknowledged that the number of objectionable clippings could be in hundreds but not the number of victims or events.

When asked by Senator Farhatullah Babar why the police remained unaware of such a heinous crime for over six years, the RPO said that since the crime centred around a social taboo, most victims did not tell their parents, and parents who were aware about the abuse did not inform the police for fear of losing face.

On the other hand, an HRCF-AGHS fact-finding mission held that the references made to a land dispute in the village were irrelevant and nothing could justify avoidance of impartial investigation and prosecution in the said heinous crime. The fact-finding team, comprising of nine members, agreed that the crime remained concealed largely because the victims' families paid extortion money and that they were also intimidated.

The police station crew told the team that police visited the village about two months earlier on a tip-off that the residents were planning to hold a demonstration against sexual abuse, making videos and blackmailing of those abused. Some notables of the village affirmed the said HRCF report saying the case emerged during a *panchayat* [local gathering] regarding a dispute on a piece of state land.

However, the land-issue becomes irrelevant in the presence of '**clear and convincing**' evidence that a heinous crime against children had occurred. Although some persons with ulterior motives were using this scandal to further their interests but the need for an honest and impartial investigation against the alleged persons remained there. The HRCF team also felt no need to explore the merits of the land issue in that particular context.

The HRCF team found that the Ganda Singhwala SHO, Shah Waliullah, had on one occasion filmed the complainants who had come to register their complaint against the accused and had then given that video to the accused persons; might be against monetary considerations – a very serious delinquent behaviour on the part of local police.

The HRCF team found the role of political leadership very disturbing as their workers made inflammatory speeches against PML[N] government, paying little attention to the need for protection of the children against abuse and exploitation, better legislation or policy for child protection.

The team concluded that their main aim was to use the situation to discredit the government instead of playing any constructive role in assuring justice for the victims.

Referring to the daily '**Nation**' dated **10<sup>th</sup> December 2016**;

When the news of Kasur's victims broke out [on 8<sup>th</sup> August 2015], and it became a matter of national significance after Punjab's leading child protection official called for a federal inquiry into the matter, there was an outrage amongst the masses. Known as the Kasur Tragedy it became a matter of national significance - but the media activists soon hushed down as nothing had ever happened. Perhaps that was why so little was actually done for those victims.

However, the Child Protection Bill passed by Senate in March 2016 was considered the only remedy to such situations.

Despite Saba Sadiq's [head of Punjab's Child Protection Bureau] description of the incident as the largest child abuse scandal in Pakistan's history, the initial police probe labelled those allegations as baseless. The District Police Chief Rai Baber Saeed in his final report said:

*'Police have 30 video clips of the scandal involving 15 people. Seven of them have been arrested while four or five are on pre-arrest bail and the rest are absconders. The case was an old one, dragged up recently by a group of villagers as a tactic in a dispute over the sale of some land.'*

True; the land dispute could be there but the occurrence of a heinous crime, the child abuse, was also a fact. The suspension of DSP and his subordinates from Ganda Singh Police Station were some of the very important steps taken by the government.

The government and police's attempts of linking this scandal to a land dispute between Master Zafar and Naeem over 19 acres of land weren't enough to misguide the populous, media and the activists. Out of 22 registered cases, 18 accused were nominated with 17 arrested since then.

**On 22<sup>nd</sup> July 2016**; Justice Syed Shahbaz Rizvi chaired the hearing of three accused of Kasur scandal, Tanzeel ur Rehman, Atiq ur Rehman and Saleem Sherazi for bail. They claimed being innocent while the Lahore High Court rejected their arguments for plea.

Judicially, Kasur scandal was dealt with adequately, a man hunt for 18 suspects led to 17 arrests, the suspension of police officers and DSP from Ganda Singh police station all pointed to the right path taken by the

government. However, the victims in Kasur have still not received their fair share of justice.

**CRIME REPORT FOR YEAR 2015:**

Referring to 'the News' dated **25<sup>th</sup> February 2016**; during the year 2015, the reported criminal cases against people and property under various heads were: Murder -13276; Gang Rapes – 329; Rape Cases – 3285; Robberies – 81520 and Vehicle Thefts – 33243. The total figure of such reported crimes was recorded at 627,116 cases during the year 2014 as against 634,404 in 2013.

Evidently; the conviction rate in Pakistan remained disappointing – about 9% only in comparison with India where the conviction rate for terrorist and disruptive activities is 14.9%; for assault / murder cases 6.2%, Rape & molestation cases 4.8%. Countries like Japan have a conviction rate of 99.97 percent and for China it is 98 %.

Referring to the same newspaper dated **16<sup>th</sup> April 2016**; the year 2015, which saw an end to the eight year old moratorium on death penalty, showed a clear trend of a decline in heinous crimes particularly in the category of murder, attempt to murder, kidnappings for ransom etc, as against the last 10 years' statistics.

*After the Army Public School massacre in Peshawar on 16<sup>th</sup> December 2014, the government decided to end the moratorium on death penalty. **Consequently, in 2015 the murder cases decreased by 28.5 percent as against in 2014. Attempts to murder decreased by 21.8%; injuries decreased by 13.1%; rioting decreased by 11.9%; assault on public servants decreased by 13.9%; gang rapes decreased by 17.3% and kidnappings for ransom also decreased by 43.6%.***

See a comparison of 2015 and 2014 by figures: in 2015 murders decreased by 3,790 (28.5%) cases; attempt to murder witnessed a decrease by 3,163 (21.8%) cases; rioting registration decreased to 446 (11.9%) cases in the country; assault on public servants showed a decrease of 1,143 (13.9%) cases in the country; adultery showed an upward trend by 75 (2.3%) cases; gang rape decreased by 57 (17.3%) cases; kidnappings / abduction decreased by 768 (4.1%) cases whereas kidnappings for ransom decreased by 179 (43.6%) cases.

Additionally, the number of murder cases, attempt to murder cases, and kidnappings for ransom in 2015 were recorded the lowest in the last decade. Official figures revealed that in year 2015, 9,486 murder cases were reported in Pakistan as against 13,270 in 2014; 13,937 in 2013; 13,846 in 2012; 13,860 in 2011; 13,190 in 2010; 12,491 in 2009, 12,059 in 2008, 10,556 in 2007, 10,048 in 2006, 9,784 in 2005 and 9,614 in 2004.

A comparison between the last two years i.e. 2014 and 2015 showed a trend of decrease in other heinous crimes, too. Overall crime against persons illustrated a decrease by 14.3% while crimes against property decreased by 13.6%. However, during 2015, registration of cases under the local & special laws showed an increase by 10.6%. In year 2015:

- 633,600 cases under different criminal heads were registered. These included 383,055 in Punjab; 72,630 in Sindh; 152,401 in Khyber PK; 8,911 in Balochistan; 7,782 in Islamabad; 1,491 in Gilgit-Baltistan; 5,764 in AJ&K while 1,566 were registered by the Railways Police.
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- Under the head of crime against persons, Punjab registered 44,010 cases; Sindh 16,471 cases; Khyber PK 10,212 cases; Balochistan 2,354 cases; Islamabad 1,042 cases; Railways Police 31 cases and Gilgit-Baltistan 421 cases.
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- Under the crime against property, in Punjab 77,471 cases were registered; Sindh 13,795 cases; KPK 3,531 cases; Balochistan 1,591 cases; Islamabad 1,812 cases; Railways police 271 cases; Gilgit-Baltistan 208 cases and AJ&K 519 cases were registered.

The comparison revealed that crime against persons in Punjab, Sindh, Khyber PK, Balochistan, GB remained higher (in figures) than crime against property. The Islamabad and Railways Police have registered more crimes against property than persons.

Crime against property indicated a decrease of 15,565 cases in the country during the year 2015 against the corresponding year of 2014. Dacoities showed a downward trend by 80 (31.25%) cases; robberies showed downward trend by 278 (20.96%) cases; burglaries indicated a downward trend by 1,414 (8.2%) cases; cattle theft decreased by 957 (12.8%) cases; other theft showed a decrease of 2,888 (8.2%) cases; motor vehicle theft / snatchings decreased by 6,176 (18.6%) cases in the country during the year 2015 against the year 2014.

The most concerning aspect of the crime figures was an increase in traffic accidents. In 2015, the traffic accidents showed an increase by 1,153 cases (12%) over the year 2014. The fatal accidents increased by 552 (14%) and non-fatal accidents increased by 601 (10.6%).

The cases under local and special laws showed an increase by 24,817 (10.6%) and the most active field remained the recovery of illicit arms.

### ***CHOTU GANG OF PUNJAB:***

During **mid-April 2016**; Ghulam Rasool alias Chotu, the ringleader of the Chotu gang of River Areas of Rajanpur, against whom security forces launched a major operation, had once worked as security guard for MPA Atif Mazari for about five years in Rojhan, a sub division of Rajanpur. Chotu belonged to Bakrani clan of Mazari tribe.

Chotu also worked for the Punjab police as an informer till 2007 and used to inform police about gangs involved in robberies and kidnapping for ransom in Rajanpur and Muzaffargarh districts. He later developed differences with police over unknown reasons and established his own gang to carry out criminal activities.

Some small but prominent gangs operating in Rojhan, Dera Ghazi Khan and adjoining districts of Sindh and Balochistan also joined the Chotu gang. They included Bilal alias Bilali Jaakha, Baba Long, Gumani Gopang, Sindhi group, Bosans of Muzaffargrah and Khalid Kajlani.

The Bilali Jaakha gang was formed by two brothers — Bilal Jaakha and Jugnu Jaakha. Reportedly they were implicated wrongly in a fake murder case by another tribe - Gopang in Rajanpur. The two brothers were acquitted of the murder charge by the court but during their stay in jail they developed links with criminals and after their release they killed their 'enemies' and joined the Chotu gang.

The criminals who were declared proclaimed offenders in different areas of south Punjab and Sindh used to take shelter in localities under the control of Chotu.

The small gangs, after kidnapping businessmen and professionals from areas as far as Karachi, Balochistan and Rahim Yar Khan, used to sell them to Chotu for about Rs:0.5 million which, of course, charged much bigger ransom amounts for their release. The Punjab police had carried out seven operations against the Chotu gang and lost at least 30 policemen. The biggest operation carried out by Rajanpur and Rahimyar Khan Police

against the Chotu gang was in 2010 which continued for three months, but to no avail. The last operation was conducted in 2013.

The riverside area of *Kacha Jamal* in Rajanpur, a stronghold of the Chotu gang, has a population of more than 10,000 people living in small villages. They depend mostly on rearing animals and farming. Chotu was known for helping the locals and never carried out any criminal activity in the area. But he made it a no-go area for police who found it almost impossible to get information about him from the locals.

It remained a fact that military authorities had suggested it purely a **Rangers' operation in the area in November 2015**, but the Punjab government kept silent over the issue; Punjab CM and Rana Sanaullah did not want army or Rangers there in Punjab. Instead over 1600 policemen from eight nearby districts and 350 Elite Commandos were sent there by the IGP to take part in ***the police operation but could not succeed.***

#### **Operation April 2016:**

The island where the **Chotu gang** criminals were hiding was located in the centre of the Indus River. The 10 to 12 feet high elephant grass and bushes in the dense forest was a major hurdle for the policemen as criminals target the police from a much better position. As many as 150 hardened criminals were hiding in the forest, bordering Sindh and Balochistan.

Hundreds of people belonging to various tribes including Sudwani, Umerani and Sikhwani, a sub-caste of the Mazari tribe, were also living in that troubled region. Local police wanted to carry out the operation against the Chotu gang in a careful manner, cordoning off the area by setting up check-posts and bunkers nearby, slowly closing in on the outlaws. But Punjab IG Mushtaq Sukhera was seen in a hurry.

**On 13<sup>th</sup> April 2016**, a boat in which a police contingent was trying to engulf the Chotu gang, came under severe attack; the local police had opposed the way the IG wanted to carry out the operation.

The IGP should have known that the gang had more sophisticated weapons like anti-aircraft guns of 12.7mm and more capacity than police, usually equipped with 100 year old 303 guns, and that only the army could counter them. But the IGP Sukhera maintained that the ***Punjab's Interior Minister Rana Sanaullah and the CM Shahbaz Sharif didn't want to involve the army or rangers in the matter.***

*[During an operation in Kotla Mughlan area of Rajanpur some years ago, police had once succeeded in recovering a doctor from the gang and killing a gangster – that was all the gallant history available on police record.]*

Soon after, the police refused to attack the gang without proper planning and appropriate modern guns. ***The IGP announced to lead them in person – but that day never came.***

Regional and district police officers begged their subordinates to save their prestige. Policemen in two boats moved into the area along both banks of the river but came under attack. One of the boats was captured by the gangsters and the other one was fired at.

**Result:** seven police officers including one inspector was killed at the spot and about 27 were captured and abducted by the Chotu gang – two gangsters were also killed.

Surprisingly, the ground operation was being led by SHOs, though all senior officials, including DSPs, SPs, DPOs, RPOs and the IG, were present there. When Chotu came to know that an SHO was among the captured policemen, he separated him from other captives and shot him dead on the spot – **salute to the haste and flawed planning of the IGP Mushtaq Sukhera and his team.**

**On 16<sup>th</sup> April 2016;** the Army announced that it would be taking over the operation; Police had launched the Rajanpur offensive two weeks earlier after a go-ahead from the Interior Ministry - after seven police officials were killed and 24 others taken hostage, the army was called in.

***With ashamed and grim faces, Punjab government and Minister Rana Sanaullah had to request the Pak-Army to take over the operation.***

Immediately after, the army responded and the personnel of Pakistan Army took over the operation against that gang in the riverside areas of Rajanpur. The army troops were deployed in the *Kacha* areas and the activity was named as ***Operation Zarb-i-Aahan***. 50 members of the gang had surrendered on the first day when they felt and saw that the army had en-cordoned the area.

The cordon was suitably reinforced; and police and Rangers already deployed continued to participate under the Pak-Army's command.

**On 18<sup>th</sup> April 2016;** Pak-Army helicopter gun-ships pounded the island hideout of **Chotu gang** which was holding 24 hostages on a 10-km long island in the centre of the Indus River.

The operation involving more than 2,000 security forces was in progress and the army's push to deploy troops, artillery and helicopter gun-ships was an unprecedented use of force by the military in Punjab. The area's military official based in Rajanpur [*the operation - place*] said:

*"We (army) had given the **Chotu gang** time until 2 pm today to surrender but they did not abide by the deadline - now there is no option left but a full-scale operation, which has started."*

It was unclear just how many members of the Chotu gang, blamed for hundreds of cases of kidnapping for ransom, murder and robbery, were trapped on the island, but their families were believed to be accompanying them. A full-scale operation was launched; TV footage showed army commandos firing machine guns at the island and gunship helicopters flying overhead.

The Inter Services Public Relations [ISPR] announced that Gen Ishfaq Nadeem, the most senior commanding officer in the area, had arrived earlier in that day to see preparation for impending operation against criminal gang's members along with Chotu.

While the country's attention had for years been focused on the Taliban and al Qaeda threat on the Afghan border in the remote northwest, militants and criminals had quietly expanded their influence and won recruits in Punjab.

Previous military crackdowns had focused on the lawless tribal regions where the Taliban and other militants were based. Paramilitary Rangers also launched a crackdown on criminals in the southern port city of Karachi in 2013 – and then it was Punjab's turn.

**On 20<sup>th</sup> April 2016;** at last members of the **Chotu gang** surrendered to the Army and at least 175 gangsters were taken into custody by the armed forces after a non-violent action; twenty four policemen taken hostage by the gang at the start of **Operation Zarb-i-Aahan** were released.

The gang had been using the hostages as a human shield to protect their women and children. A search operation was conducted to secure Rajanpur's *Kacha* area; the army had not released an official statement

regarding the operation till then. DG ISPR, Lt Gen Asim Bajwa had said a cordon was being reinforced and police and Rangers had already been deployed to participate in the operation under the Army.

When the Chotu gang, led by Ghulam Rasool alias Chotu, was given a deadline by the Army to surrender [*till 14<sup>th</sup> April 2016*], Chotu immediately demanded safe passage for himself, his family and some loyal accomplices to proceed to Dubai in return of safe release of the captive policemen.

At this crucial juncture, a debate was on as to what role was to be assigned to the police department in the fight prescribed under the National Action Plan [NAP]. There was one group that was totally disillusioned with the police's ability and capacity to play [*correct – they were*]; they condemned the police declaring it as part of the problem. The senior police officers were heard frequently murmuring about the dire need of restoring the prestige and morale of the force.

**On 25<sup>th</sup> January 2017;** more than 10 police personnel were sacked for having links with **Chotu Gang**. DSP and SHOs of different police stations of district RajanPur and Bahawalnagar, were sent home while dismissed from service because Chotu Gang was involved in several robberies and other crimes.

These officials were sacked on the report of Joint Investigation Team [JIT] and intelligence agencies. It was also recommended in the report to initiate criminal action against the sacked police officials.

## **Scenario 196**

### **CALAMITIES – PAKISTAN SUFFERED**

What is **CALAMITY?**

The Cambridge dictionary meaning is - an event causing great and often sudden damage or distress; a disaster; a serious accident or bad event or suffering, floods, a failed harvest, and the death of the nearest relationship AND the wisdom prevails that emergency measures are normally necessary in order to avert a calamity.

The literature tells that in Pakistan, natural calamities in recent times were the earthquake of October 2005 and floods of July / August 2010 – but the most memorable calamities, the most devastating, were the corrupt political elite in succession which ruled the country since 2008 onwards – and more disastrous aspect that the two parties, the PPP and PML[N] both, governed their populace in the name of ISLAM & DEMOCRACY.

Similarly, I've taken liberty to include the VIP / VVIP culture in Pakistan as another kind of living calamity – being enforced on the poor masses in the name of SECURITY.

### **VIP / VVIP CULTURE IN PAKISTAN:**

Consider some of the '**other heavy prices**' the Pakistanis pay for the rogue VIP culture.

A student of the Karachi University died of an appendix rupture after being stranded in a traffic jam due to presence of Gen Musharraf in the city; '**Pak-Tribune**' dated **27<sup>th</sup> April 2006** is referred.

Incidents like these are abundantly available on media record and considered routine in Pakistan; many go unreported. Yet none of the governments, after having come into power, ever tried to address the

issue. Ambulances are also among the vehicles but there can be cases where the sick are being transported in *rickshaw* or a private transport.

And it's not only the patients in ambulances that suffer owing to the VIP movement but also the students going to their institutions especially for exams, and other people hurrying to their places of work. Each and every one is delayed, sometime for an hour or more to allow safe passage to the VIP / VVIP just in routine.

**On 25<sup>th</sup> February 2010;** a woman gave birth to her baby girl in an auto-rickshaw stuck in a traffic jam when police closed roads to let President Asif Ali Zardari's motorcade drive by during his visit to Quetta. President Zardari apologised and announced a compensation of Rs:500,000 for the family for the distress it went through.

**On 6<sup>th</sup> February 2013;** a report by **Duniya News TV** told that seven thousand [7000] flights were delayed, both domestic and international, during the last five months till then; ***the main reason was the boarding of the VIPs in respective flights.***

**On 22<sup>nd</sup> May 2013;** with the arrival of the Chinese premier, residents of the twin cities, Islamabad and Rawalpindi, were at the receiving end as mobile phone services were suspended for three hours and roads were sealed in between the twin cities.

Another woman gave birth to a child in an auto-rickshaw stuck in a traffic mess at Canal Bank Road Lahore during PM Nawaz Sharif's movement. Tayyaba of *Dharampura* area was being driven to Services Hospital, but the three-wheeler got stuck in a massive gridlock. Unable to be ferried to the hospital on time, the lady went into labour inside the rickshaw.

During Premier Sharif's movement, police halted general traffic on the intersections and traffic signals for a considerable time, to give safe and smooth passage to his cavalcade, for security concerns. His movement however triggered the worst type of gridlock in the various parts of the city; daily '**Nation**' dated **18<sup>th</sup> January 2014** is referred.

**On 16<sup>th</sup> December 2014;** PTI's Chief Imran Khan allegedly arrived at Army Public School Peshawar with a 21-car motorcade; an allegation he categorically denied and claimed that only six cars were used for his protocol and that he would no longer travel with heavy security protocol in the future. Yasmeen Aftab Ali's essay in '**Pakistan Today**' dated **23<sup>rd</sup> February 2015** is referred.

The Living History of Pakistan Vol-VI

The elite politicians try to convey a message to Pakistani youngsters that the world in Pakistan will stop for VIP movement but no one would care if their school van would stop at an underpass?

Analyse the attitude, lifestyle and behaviour of people of Pakistan. The rich in this country leads a lifestyle envy of some of the richest people in the world; the poor lives a life of degradation, deprivation, and humiliation.

Pakistan's constitution is '**Islamic Republic**' but one would find here everything but NOT Islam's true teachings; not even in most mosques and *madrassahs*. There are some 180 million Muslims in Pakistan — but there is hardly true Islam, more than rituals.

The noble teachings of the holy Qur'an, such as honesty, integrity, social justice, fairness in dealings, fulfilling one's agreements, purity in food, truthfulness in speaking and dealings are constantly missing and more so in ruling elite. In Pakistan, the Islam is confined to *Salah, Fasting and Hajj*; hardly some of them bother for their lives above that or as per other Islamic injunctions concerning humanity.

Think about the elite's mores of entitlement – notoriously called as VIP culture. The powerful consider themselves above the law and demand privileges and elaborate protocol, as a right. They travel followed by a huge caravan of vehicles on the already congested roads in the towns and cities. They demand that everyone else must stop and get to the side of the road for them to pass. ***The size of the caravan of cars is supposed to reflect the importance of the said VIP or VVIP.***

This VIP culture is reflective of a deeper malaise that afflicts this country. It allows those in position special privileges at an extraordinary cost to lesser mortals. Although a certain protocol may be awarded to some for security reasons, but is it fair to do at the cost of a complete disregard to the civilian rights of general populace? Should the roads be turned into a veritable red carpet for the VIPs?

The culture of entitlement has spoiled Pakistani society. The Sharif brothers — OK, they are rulers but their offspring also travel with elaborate protocol. A security guard escorting the vehicle of Abdul Qadir Gilani, son of former PM Gilani shot and killed a motorcyclist in Lahore because the latter did not obey an order to move away so that the younger Gilani's vehicle could speed through the area.

A report appeared in daily '**Dawn**' dated **2<sup>nd</sup> January 2012** should have been an eye opener for the governments which had told that heavy

deployment of police on VVIP movement and protocol duties in LAHORE city had forced authorities to spare 40 percent of its strength just for security duties; the price is paid by city's 10 million population.

The fact remained that total '**reported**' crimes in Lahore increased from 10,457 cases in first 11 months of 2010 to 12,591 cases in the same period in 2011, registering an increase of 17 percent. The detection ratio of heinous crimes also remained below 60 percent.

Yet; of the total 26,330 strength of the Lahore police, 15,730 personnel went engaged in VVIP duties, protocol, escort and ancillary or temporary deployment; official figures were made available to the media. Out of the remaining 10,600 personnel, 7,000 belong to the operations wing and 3,600 to the investigations wing.

*[ Though the report was drafted on the basis of statistics of 2011, and after five years there was increase in police the strength but nature of the duties remained the same; thus – the new allocations of extra strength would bear the same proportional increases in deployment under the same heads.]*

Of the 15,730 meant for the VIPs, 1,200 policemen were with the Security Division, 1,600 with **Mujahid Squad**, 850 with the Flying Squad, 975 Elite Force and 9,000 were at the disposal of the SP HQ for '**miscellaneous duties**' mostly defined as **temporary VIP movements**; around 350 policewomen and 2,300 auxiliary staff [security branch, training courses etc) were in addition.

Of the 900 vehicles, at least 200 were reserved for the VVIP duties including 178 of the police stations remained alert when the VIP movements were around the city.

Of the 9,000 personnel available with SP HQ at Qilla Gujjar Singh Police Lines, services of around 2,500 gunmen were routinely placed at the disposal of politicians, judges, bureaucrats, police officers, religious leaders, media persons and other notables.

Among the beneficiaries were relatives of some politicians belonging to all provinces and the federal territories. Of the 2,500 gunmen, around 1,000 were engaged with retired and serving police officers of all ranks, 800 with politicians and the remaining with other notables.

Up to 150 personnel were on guard-duty at PM Yousaf Raza Gilani's [private] residence (189-Y DHA) in three shifts while 1,200 personnel of the Security Division guard offices and residences of PML[N] president Nawaz Sharif and the Chief Minister Shahbaz Sharif.

The Flying Squad consisting of 800 officials and headed by an SP had been regularly deployed on routes used by VVIPs in routine.

Ironically, out of the total 975, only 160 Elite commandoes were available for counter-terrorism operations and high-profile raids on criminals while the remaining ones were deployed for the 'emergency security' of VIPs. These 160 personnel were also used for security duties of prime minister, chief minister and a high-profile figure from the judiciary.

***Of the 67 Elite vehicles, only 14 were available for operational duties while the rest were reserved for protocol duties.***

Similarly, 150 of the 1,600 officials of the **Mujahid Squad** meant for responding to **Rescue-15 calls** were permanently reserved for escorting VVIPs. Out of 100 vehicles of the squad, 89 were currently operational, 14 of those were with regular squads while 30 others were reserved for daily VVIP movement.

Of 1,500 motorcycles available with the Lahore police, around 400 were reserved with the police stations and Mujahid Squad for patrolling and official duties while the rest were at the disposal of VVIPs, police officers and their offices. ***Not less than 125 motorcycles of the Lahore police were at the disposal of Chief Minister's Secretariat.***

Statistics further show that approximately 40 percent of the total fuel allocated to the Lahore police was being consumed for VVIP duties.

**On 31<sup>st</sup> March 2015;** PPP's Asif Zardari hesitantly Okayed removal of barricades and blocks from around Bilawal House in Karachi. In a country touted as a functional democracy, it took a 3-day deadline and a last-minute warning to many political VIPs to remove dozens, if not hundreds, of roadblocks placed in front of or around their residences in Karachi.

Due to the obstructions the ruling elite placed on roads, in cities such as Karachi, Islamabad, Lahore and Peshawar, the common people, have to take detours to reach their homes. ***Operation Zarb e Azb*** successfully reversed that siege mentality. The anti-crime crackdown in Karachi had dented the militant-criminal-politician nexus.

Pakistan had taken a major step in the right direction —Interior Minister Ch Nisar himself relieved most of the police and FC personnel off his personal protective escort. He also tried to rationalise the deployment of security forces so as to free them up for providing security to the public; more of such steps were needed.

The situation was not much different till ending 2015 at least. Referring to another report appeared in daily '**Dawn**' dated **23<sup>rd</sup> November 2015**;

Over 6,000 policemen from the operations wing of Lahore police were guarding VIPs, WVIPs and their families, leaving people at the mercy of outlaws and terrorists. 2,000 policemen were permanently designated to protect personalities they were not authorised to, including politicians, national and provincial lawmakers, ministers, bureaucrats, retired senior police officers, judges and their families.

Though police authorities had withdrawn 800 policemen from non-operational duties during those days, but they were helpless in retrieving the remaining officials and foot constables, who were in hundreds.

The situation turned from bad to worse since the Punjab government introduced several new projects such as the **Dolphin Force** and **Police Response Units** to fight street crime, but nothing was done to address the human resource deficiency.

*[By world's known police-population ratio, Lahore needs one policeman for every group 200 people. However, the current police-population ratio here is desperately the lowest at one to 2,000 – hats of to the VIP / WVIP security.]*

In November 2015; the total strength of the operations wing of Lahore police was 17,824. Out of them, 7,372 policemen were posted in police stations of all six divisions, while 7,031 were part of the reserved force at Police Lines Qila Gujjar Singh to meet any emergency.

The official statistics portrayed a dismal picture of violation of Police Rules that clearly defined job description of police force of the operations wing meant to guard citizens and fight street crimes. But only 10pc out of the 7,372 policemen at police stations were discharging operational duties. Many of them were called daily for 'special assignments' during visits of federal government officials, lawmakers, bureaucrats, politicians and for the security of foreign state guests.

Some 250 of the policemen were permanently deployed at **Data Darbar**, 210 at the Lahore High Court and 80 for safeguarding the Capital City Police Office building. Over 1,500 policemen were on guard daily at 273 public buildings of Lahore, including Punjab Assembly, Governor House and Chief Minister House. An equal number of personnel were sent daily for judicial and jail duties.

The statistics revealed that 1,237 policemen were made part of the security division to cater to protocol requirements of PM Nawaz Sharif and CM Shahbaz Sharif and their families in Lahore.

As many as 1,020 **Elite Force** personnel, who were meant for combat operations and raids, were also deployed for VVIPs, foreign dignitaries and senior police officers. Moreover, a force of 587 policemen was made part of the **Flying Squad** for VVIP protocol in the name of security.

Thus considerable police deployment on other than prevention of crime and detection & investigation were not only causing unusual increase in crime graph but also enhancing trust deficit between the police and public.

In the federal **capital Islamabad**, a separate security and protocol division had been constituted to do the needful and the entire police of the operations and investigations wings had been exempted from performing any protocol duty or deployment on any VVIP movement. In Lahore, the same security division was made but personnel of local police stations were also engaged in performing VVIP duties.

Now see the Police deployment details at VIP security in Islamabad: In August 2015, there were 745 policemen on VIP security in Islamabad guarding ministers, judges, bureaucrats, lawmakers, former presidents as well as prime ministers, ambassadors and important buildings in the current year as per police record.

The security of president and prime minister is not included in police record as they have separate arrangements. The police guard for protection of the ministers range from one to six cops, far less in comparison with the PPP regime when they used to travel with dozens. For instance:

- *Interestingly, Pakistan's Interior Secretary has more policemen for his protection than that of the interior minister.*
- 
- *The journalist Adviser to Prime Minister Irfan Siddiqui kept police guards more than any federal minister.*
-

- *Former senator Waseem Sajjad is a step ahead in availing state protection who is guarded by a dozen cops. He is lawyer by profession but avails the privilege because he has been the President of Pakistan for few months.*
- 
- *Chief Justice **Jawwad S Khawaja and Justice Qazi Faez Isa had returned their police guards** at their disposal; much appreciated because it saved 40 policemen for other duties.*
- 
- *Gen Musharraf was the most guarded person in 2013 having 49 policemen at his disposal. Included among them were three inspectors, seven sub-inspectors, eight assistant sub-inspectors, seven head constables and 24 constables; and using two double-cabins of the police. There are three policemen always deployed to guard his farmhouse in Chak Shahzad.*
- 
- *His predecessor Rafique Tarar has one policeman at his disposal and successor Asif Zardari has five policemen. Former prime ministers Zafarullah Jamali and Raja Pervaiz Ashraf have one constable each.*
- 
- ***CJP Iftikhar M Chaudhry used to have 37 policemen for his security in addition to four vehicles.** One inspector and sub-inspector each, three assistant sub-inspectors and head-constables each and 29 constables were deputed for his security. Justice Chaudhry's post-retirement security still comprised of 15 policemen and two police vans.*
- 
- *Next CJP in office, Justice Tassaduq Hussain Jilani had 22 policemen first as acting Chief Election Commissioner and retained this strength as chief justice along with two police vans.*
- 
- *CJP Nasirul Mulk as chief justice had 38 policemen in his security contingent.*
- 
- *Chief Election Commissioner [CEC] Justice (R) Sardar Raza has 10 policemen for his protection.*
- 
- *The security of the NA Speaker was increased from seven policemen in 2013 to 10 policemen in 2014, whereas the former chairman Senate Nayyer Bokhari experienced a decrease from 19 to 16 in the corresponding years. Raza Rabbani has decreased it further to 12 policemen.*
-

- *The **owner of the most expensive shopping mall in Islamabad, Sardar Tanvir Ilyas**, stands out as the only private citizen that has three guards of Islamabad police.*
- 
- *Imran Khan, Maulana Fazlur Rehman and Rehman Malik continued to avail police protection due to threats from militants. Mr Khan has eight police guards, Fazlur Rehman six and Rehman Malik two police guards.*

The KPK police have also provided security to Fazlur Rehman and annual expenses incurred in this regard are Rs:10.67 million; Umar Cheema's report in daily '**the News**' dated **26<sup>th</sup> August 2015** is referred.

**On 26<sup>th</sup> December 2015**; however, the Khyber PK government issued notification it was abandoning undue and extra protocol for VIPs throughout the province. A former interior minister, for instance, relied on at least five dozen police and FC personnel for his protection.

The notification stated that in addition to above, there would be no unnecessary security routing, traffic restrictions and blocking of public roads during VVIPs and VIP visits throughout the province to avoid any inconvenience to the general public.

The KPK government had earlier hinted its intention to outlaw undue protocol following a nationwide uproar after of 10-month-old girl died in Karachi on 23<sup>rd</sup> December 2015, when her parents failed to enter a hospital due to security restrictions put up for the protection of PPP Chairman Bilawal Zardari.

Why should the hospital be closed for ordinary people to get treatment when this blighter was there? What was special about him? Young girl Bisma was seriously ill and according to doctors, had she been brought to the hospital emergency room even 10 minutes earlier, they could have saved her life.

#### **ALTAF BHAI – IS HE A CALAMITY:**

With the launching of Karachi Operation **on 7<sup>th</sup> September 2013**, Karachi was particularly handed over to Pakistan Rangers with power to take action against the culprits without any discrimination.

**On 10<sup>th</sup> September 2013**, an MPA of MQM, Nadeem Hashmi was arrested owing to firing at a police mobile in the Haideri area of the city in which two policemen were killed.

It is also on testimony and has been mentioned in detail in '**The Living History of Pakistan Vol-III**' that the MQM and ANP were the two parties who had been urging the Pak-Army to take control of the city – many MQM statements of 2011-13 were on record.

During whole 2014, the developments in investigation of Dr Imran Farooq's murder disturbed Altaf Hussain the most. The British police were very keen to lay their hands on two MQM activists who were picked up by the ISI two years ago after they fled from London to Karachi via Sri Lanka following the murder of Dr Farooq.

Had they been deported to the UK and confessed to their links with Altaf Hussain, it was feared it might extend huge blow to the MQM leader. That made Hussain acutely sensitive to what the Pakistani military establishment thought about him and the MQM. He started blowing hot and cold against the military, once supporting democracy and next moment calling for martial law to "*save the country*"; once welcoming the appointment of Gen Rizwan Akhtar as the new DG ISI but then asking why Gen Akhtar was fixated on "*targeting the MQM*" when he was DG Sindh Rangers.

Suddenly going harsh, Altaf Hussain publicly addressed 14 critical questions to the military establishment showing his resentment towards the Rangers-led Operation Clean-up in Karachi allegedly concentrated on MQM activists more than on any other party's supporters.

Najam Sethi, in his '**the Friday Times**' dated **3<sup>rd</sup> October 2014** traced out the behavioural patterns of the MQM towards successive military establishments from its origin:

*"The MQM's relationship with the military establishment had many ups and downs since its formation in 1984 at the behest of Gen Ziaul Haq in order to combat PPP-Sindhi nationalism following the MRD movement. It conspired with the military establishment led by Gen Aslam Beg and Gen Hameed Gul to oust the government of Benazir Bhutto in 1990.*

*When it [MQM] tried to flex its muscles during the government of Nawaz Sharif after the exit of both Generals Gul and Beg, it was ruthlessly put down by the then Karachi corps commander, Gen*

*Asif Nawaz Janjua, and Altaf Bhai fled to self-imposed exile in London.*

*After B Bhutto returned to power in 1993, she sent the Rangers under Gen Naseerullah Babar into Karachi to "sort out" the MQM. But the MQM returned to power with the advent of Gen Pervez Musharraf in Oct 1999 because he was in desperate need of political allies after scuttling both Bhutto and Sharif.*

*Subsequently, the MQM was in and out of government, constantly holding Karachi to hostage and exacting a terrible price for its displeasure at the Zardari regime for not showering it with ministries and funds.*

*The arrival of Nawaz Sharif has, however, unleashed new anti-MQM dialectic not dissimilar to the one in 1990: the Sharif government didn't need to pander to the MQM because it no longer needed its electoral support to govern in Islamabad or Lahore while the stability [of the government otherwise prevailed].*

*Security of Karachi was critical to Sharif's economic development agenda — hence he used Rangers to "clean-up" Karachi all over again. Matters got worsened for the MQM with the new challenge from Imran Khan for the heart and minds of Karachi's youth bulge as evidenced by the huge turnout in his latest jalsa in 2014."*

A moment of acute crisis for the MQM; it was hunted in London and Karachi alike. Its administrative fate was in the hands of PML[N] government and the military establishment, that was why MQM used to fly in turn with both pro-military and anti-Sharif and vice versa, depending on the situation at hand, because there was no guarantee that it could save itself either under a pure military regime or under the Sharif government which was more sympathetic to the PPP in Sindh rather than the MQM because of Zardari's determined support in parliament for Sharifs.

However, MQM Chief Altaf Hussain who was earlier vociferously seeking direct involvement of Army in Karachi abruptly changed his stance and started criticizing Pakistan Army and intelligence agencies with allegations of partiality. Military exercised restraint, but venomous campaign of self-assumed blames against Pakistan's key security agencies—Army, Inter-Services Intelligence [ISI] and Rangers continued unabated.

Under the growing condemnation and pressure from public, MQM leaders often resorted to plead for forgiveness and regretted his remarks. It was

Altaf Hussain's usual way, and political jugglery which he had been repeating quite frequently.

**On 8<sup>th</sup> February 2015;** the Rangers arrested a senior MQM worker namely Rafiq Rajput who not only ran a team of 'hit men' but was also involved in the 12<sup>th</sup> May 2007 carnage in the Karachi.

MQM leadership in Pakistan were confused when **on 11<sup>th</sup> March 2015**, in a targeted operation, Rangers' forces carried out a raid at Nine-Zero, Hussain had targeted Pak Army and ISI once again but later had admired the same army and Gen Raheel Sharif, the Army Chief.

In **May 2015**, Altaf Hussain crossed all the limits of political ethics and morality to demonize the Pak-Army and its institutions while seeking help from Indian secret agency RAW; MQM leadership in Pakistan launched a campaign to defend him but, like before, Hussain again apologized for his derogatory remarks and also backed out from his statement about seeking help from RAW or India.

During whole 2015; the unprecedented fear and insecurity in the rank and file of the MQM was driven by one singular fact revolving around the murder of Dr Imran Farooq in London a couple of years ago. It occurred after follow-up investigations by the British authorities to investigate Altaf Bhai's political connections and links with his activist-supporters in Karachi, South Africa and elsewhere. These murder-related investigations then branched off into detailed inquiries about the source and extent of Altaf Bhai's income and properties in the UK and were focused on matters related to money laundering.

Apart from Altaf Bhai, several senior MQM leaders in London were investigated, detained and enlarged on bail. Altaf Bhai himself had to cool his heels in the clink for a day pending bail in a money laundering case and that was an awful day for *Karachites* in Pakistan.

More events concerning with this calamity has already been given in detail in 810 pages of '**The Living History of Pakistan VOL-III & IV**' [2017] printed in Surrey UK.

**POLITICAL CALAMITY**  
**TENSE CIVIL – MILITARY RELATIONS:**

**On 10<sup>th</sup> November 2015;** Corps Commanders Conference was held at Pak-Army's GHQ; COAS Gen Raheel Sharif chaired the meeting. An exhaustive review of internal security situation was carried out. While appreciating progress of ongoing **Zarb e Azb** operation and Intelligence Based Operations [IBOs] in Karachi, their achievements and effects, COAS acknowledged full support of Pakistani nation for ongoing operations to eliminate terrorism and extremism.

Gen Raheel Sharif, however, emphasized on the need for matching / complimentary governance initiatives for long term gains of operation and enduring peace across the country. Progress of **National Action Plan's implementation, finalization of FATA reforms, and concluding all ongoing JITs at priority**, were highlighted as issues, which could undermine the effects of operations.

COAS also directed to expedite return of TDPs, overcoming all obstacles for development works in affected areas and rehabilitation of all displaced families. The forum also discussed the upcoming visit of COAS to USA, where Gen Raheel Sharif was to highlight Pakistan's Perspective of new emerging regional realities.

The Inter-Services Public Relations [ISPR], the Pak-Army's media arm, issued press release highlighting the above points of the Corp Commanders' meeting. The media took ISPR's that press release on horns and made it an issue; on every Pakistani TV channel there were discussions.

**On 12<sup>th</sup> November 2015;** two retired Pak-Army Generals Abdul Qayyum and Qadir Baloch of the PML[N] appeared on media and declared that some anti-democratic forces tried to disrupt the smooth working relationship existing amongst the civil and military elite of the country and there was no misunderstanding at all. Both the Generals, while talking to the media said that **'...you people [media community] had blown out of proportion the two sentences of ISPR communiqué.'**

The reciprocal press statement from PM Secretariat was not at all confronting or disgusting; it said that:

*'...PML[N] has acknowledged the Pak-Army's stern efforts in tackling the terror menace in the country and also that there were actual shortcomings in the implementation of the National Action Plan's certain clauses. The party Chief has noted the same and we'll upgrade our efforts to do the best.'*

In fact, some Parliamentarians including Syed Khurshid Shah of the PPP, Maulana Fazalur Rehman of JUI[F] and Achakzai of Balochistan had played more in deteriorating the situation on the floor by twisting the ISPR's press note un-necessarily. They tried to divert the in-efficiency of the Sindh government towards the capital. The matter was being treated as finished but NOT – in actual terms.

During Corp Commanders Conference, a special discussion was focussed over the federal and provincial governments' slackness over the implementation of National Action Plan's various points; particularly pointing towards:

- *Why no operation in southern Punjab over the Terrorists dens was launched?*
- 
- *What was happening in Sindh where no progress in investigations?*
- 
- *Why no recovery of looted wealth in NAB cases against PPP's politicians; Rajas and Gilanis.*
- 
- *Why religious madrassas were not being listed?*
- 
- *Why madrassas' sources of funds not being identified?*

There were many other questions about the 20 points agenda of the National Action Plan [NAP] – nothing was being seriously done by the political bosses of the PML[N] and the PPP. Some deals were perhaps done amongst politicians and NAB etc internally. People supported COAS to bring good governance and peace was expected to come up the mark.

Next day, Pakistan *Tehreek e Insaf* [PTI] roared at the National Assembly floor urging that the ISPR's statement issued a day earlier had correctly pointed towards the government's incompetence. It should be a matter of concern for the federal government. ***The military and civilian courts should operate in a complementary manner otherwise it would have negative implications on the fight against insurgency.***

Specifically, in that Corps Commanders Conference, more stress was laid down by the COAS on the need of "**complementary governance**" for progress in the fight against terrorism. Leader of the Opposition in the National assembly Khursheed Shah said:

*"ISPR's announcement is a clear message for the government and Prime Minister Nawaz Sharif. We hope the premier will understand*

*the army chief's message and bring his cabinet in order. Why would ministers show up, if PM himself doesn't come to the Parliament."*

ISPR's press release with the Conference - decisions and discussions provided an opportunity to those who were desperate to see the two sides getting at each others' throats. Under the constitutional framework, the military comes under the civilian government but this press release raised the question **'who commands whom?'**

It was not sure why the military opted to say so in public and that too within 24 hours after the high-level meeting between Prime Minister, Army Chief and their top aides.

Definitely there were issues of governance. There were also shortcomings in the implementations of the National Action Plan [NAP]; that was why terrorism and extremism could be seen at unprecedented high levels. Pakistan Army was doing well in the combat zones and was giving great sacrifices but the parliament's only contribution remained upto passing of 21st constitutional amendment, but with tens of constraints, if & buts, so the end result was seemingly zero.

Admittedly, extraordinary achievements had been made to bring peace in Karachi and Baluchistan, and to check terrorism but it was one sided game only – only Rangers and military moved forward seriously. Rather, there were hurdles created by the PPP and its Chief Minister Qaim Ali Shah and the MQM leadership – by unduly criticising the Rangers' conduct and often not endorsing the required powers for implementation of the settled NAP programme by all political parties.

Ansar Abbassi wrote in **'the News'** dated **11<sup>th</sup> November 2015:**

*"Governance issues and the wrongs of decades don't get settled overnight. The government might be slow in setting the things in the right direction for which the military should put its pressure to get the things expedited. However, it should not be done publicly but behind the close doors."*

Army Chief Gen Raheel Sharif's warning appeared just before his leaving for Washington, conveying the PM Nawaz Sharif government to get their house in order. This was the first time ever, this army chief had spoken so clearly and loudly to express his disapproval. PML[N] held that their government had been playing obediently and dancing to the military drum beat but it was not the whole truth. The insiders held that **the PM was scared of his**

***personal and his party's corrupt practices which the military knew all about.***

This particular message was taken seriously. Misappropriation of funds, misuse of authority and power were crimes – and in Pakistan's case all done by PM's fellow politicians, his extended family members, nephews and few blue eyed bureaucrats. PM had not come up as was expected from his office; so his personality, integrity, character and loyalty all came under question. His loyalty to the state, his oath, even his patriotism was doubted and rightly so – analyse the media coverage of those days.

Pakistan has been an old ally of China, a country of nearly 1.5 billion people. China's most oil and energy naturally comes from Iran and is transported through Pakistan. This is China's lifeline. A corruption riddled Pakistan being governed by dishonest, corrupt and easy to buy people jeopardizes China's security. So:

***".....most probably, operation Zarb e Azab was initiated on the Chinese request - China was not to wait forever for PM Nawaz Sharif to clean his house on slow pace or not intended to do at all."***

To avoid commission, corruption and red-tapes, the China Corridor project was turned towards Frontier Works Organization [FWO], a Pak-Army's unit, instead of completing through PM's National Highway Authority [NHA].

COAS Gen Raheel Sharif had, TILL THEN, not made any statement which he had not meant, or made any commitment that was not fulfilled; so the ISPR's press release was taken seriously - had democracy to be continued in Pakistan. All the corrupt politicians who were apparently united then could be rounded up collectively - without a single glass break; see Pakistan's chequered history.

One could recall Gen Ayub Khan's development, Z A Bhutto's popularity, Benazir – Nawaz *Meesaq e Jamhooriat*, multiple times they were sent packing on the drop of a hat. No one was under any illusion of grandeur that Pakistani Politicians were loved by the general populace.

However, next day of the ISPR's press release, members of the lower & upper house of the parliament reposed faith in the governance of the ruling PML[N], but with a warning that ***'all institutions should work within their constitutionally defined parameters.'*** This exercise left a bad taste not only in the mouths of many including the parties concerned – and amongst patriotic army ranks as well.

I.A. Rehman in **'the News'** of **22<sup>nd</sup> November 2015** rightly pointed out:

*"While the army chief's observations pertained to only three points [out of 20] in the National Action Plan [NAP] — lack of progress on the implementation of NAP, delay in introducing reforms in FATA, and unsatisfactory action on the report of joint investigation teams — the government reply gave the impression that it considered itself under attack...."*

The absence of good governance was an open secret in the whole game; the media, the opposition parties and even the professional drum beaters in the PML[N] often conceded weaknesses in their governance patterns. But when the military raised its finger against the rulers the entire scenario of civil-military confrontation, or imbalance, was revived.

The debate remained focussed on the myth that why the military claimed to oversee the state of governance. The issue was rooted partly in Pakistan's constitutional history – the British India's 1935 Act had special provisions for the armed forces which Pakistan retained to most extent.

Through the lenses of 1935 Act, the military had been made duty bound during mal-administration to keep an eye on governance and to intervene in situations for which no constitutional remedy was available; a myth that had been occasionally sanctified by the judiciary too. Gen Ziaul Haq's concept [and creation] of National Security Council [NSC], later endorsed by President Farooq Leghari, can be cited as example.

One should appreciate the military's insistence on quick disposal of matters by cutting red-tape and respect for merit in matters of appointment, posting and transfer – but these conditions should be as much sacred in the eyes of the government as with the military or other state organs like judiciary and civil bureaucracy or the civil society.

The area where reconciliation between civil and military's points of view might not be easy is the requisites of rule of law. By virtue of its training and temperament, the military has difficulty in appreciating the sanctity of the due process. However, the tragedy remained with Pakistan is the comparative paradigms of **'available law & due process'** itself.

***[ Which laws and what procedures? – Pakistan Penal Code [PPC] of 1860, Police Act of 1861, Criminal Procedure Code [CrPC] of 1898, Civil Procedure Code [CPC] of 1908 and Police Rules of 1934. Is it not a joke? – it is 2018 now.]***

The political elite of Pakistan keeps their families, businesses and wealth in London, Geneva, USA, Qatar and Dubai and know very well that what are the parameters of criminal justice system in those states. How the laws and rules are changed in their respective parliaments with the passage of time. How policing and court procedures are frequently amended for quick disposal of cases – but in Pakistan what the successive parliaments have done during the past 70 years – nothing.

So the deadlock occurs when the politicians would not feel their task while sitting in parliament, will not make appropriate laws and amend procedures suitably as per needs of the on-going modern era – on top of it they totally ignore merit, judicious norms and well being of general populace – [rather oppositely] stick to corruption and corrupt practices through their countable cronies in bureaucracy – there will be some one to fill the gap.

Then why cursing military – in history those factions of society always prevailed and ruled which were comparatively more truthful, less corrupt and thus more acceptable for the public at large – weather local military or foreign bodies.

The general populace is not bothered to which class their rulers hail from – military or politicians or clergymen – they need respect, quick justice, education, security, alike treatment, food, shelter, honour, befitting employments, health amenities, clean water, street-hygiene and secure future to mention as bare minimum requirements.

The military minds like the only judicial process - the summary trial and maximum punishment. As the Pakistani political elite could not come up with cogent improvement in their 160 years old legal procedures so the military courts became the ultimate liking of the people in Pakistan.

The status quo lovers urge that the '**Actions in Aid of Civil Power Regulations**' like provisions are incompatible with universally accepted features of a modern justice system – NOT true. This class of top lawyers and barristers in Pakistan failed to answer that if the current justice system was flawless then:

- **Why there were 50,000plus deaths in terror attacks in Pakistan during the past 15 years;**
- **How many terrorists were punished by the civilian courts – NOT a single one.**
- **Why that terror menace didn't flourish in any other country of the world.**

- **Why Pakistan's economy doomed due to 'such strong laws' regarding security in Pakistan.**
- **Above all, if the said STATUS QUO legal and judicial system is so NICE - then why Pakistan falls in the lowest FIVE countries in 197 countries in most justice related indices.**

There remained considerable speculation about the military's unhappiness with the 18th amendment in Pakistan's Constitution and the NFC Award.

One highly trumpeted shout: the Pak-Army is shy of allowing the civilian governments freedom of action in relation to policies on India – correct. But the more bitter truth is that the PML[N] rulers mostly preferred to open their own businesses there in India; were seen keen to facilitate India to trade with Central Asian States while using Pakistani roads and infrastructure etc.

The said facilities were always promised by Sharifs as '**personal deals**' not for national benefits – thus the Pak-Army and the general populace both – always kept due reservations.

### **NATURAL CLAMITIES IN 2015:**

**Heat-Wave in Karachi:** During Summer of 2015, Karachi, the world's second largest city with a population of about 24 million people, endured a severe heat-wave, which officially claimed 1256 lives as the temperatures in this mega-polis soared to a record 46 degrees after the usual cooling sea breezes had failed to eventuate.

Though the official death toll stood at a very precise figure of 1256, Edhi Foundation sources put the real human cost at much higher numbers – more than 8,000. Sources said the official figures reflected only the reported cases that were issued death certificates from the hospitals. There were so many people who could not reach hospital and died at home or on their way to health facilities.

*[Edhi Foundation owns 1800 ambulances to serve the suffering humanity since early 1950s. The Edhi Morgue, the only cold storage facility in the entire city with an installed capacity for 100 beds, ran short of storage space for the dead.]*

Data collected from hospitals indicated that the majority of heat-wave casualties came from Karachi's poorest, most desperate neighbourhoods; Landhi, Korangi, Mehmoodabad, Saeedabad and Saudabad.

The dead included daily wagers, drug addicts, beggars, nomads and those who came to the city for their livelihood. They mostly used to sleep on the roads under the open sky with some of them lucky to find space under the bridges inside the city. More than 25,000 families that lived under the city's overpasses, exposed to the scorching heat of summer.

PPP's city managers were widely accused of criminal negligence in failing to cope with the situation. The 46 degree heat combined with the Ramazan factor and coupled with frequent electricity breakdown all helped fuel Karachi's 'perfect storm'.

Environmentalists attributed all the disasters to climate change; but Pakistan was not ready to deal with the challenge. The situation went alarming as *Dr Ashraf Ali* explained it in daily '**the News**' dated **1st November 2015:**

*"The population and demographic distribution in Karachi has undergone numerous changes over the last few decades. On 15<sup>th</sup> August 1947 the population of the city was only 450,000; it crossed the one million mark by 1951.*

*In the following decade the rate of growth remained 80 percent. Till mid 2015, the mega city had grown 60 times its size in 1947. This unrestrained urbanisation made Karachi **one of the dirtiest cities in the world.***

*Peshawar was not different in 2015; the city had drawn in a huge influx of the Afghan refugees, who joined the constant flow of IDPs from Pakistan's tribal regions where the military was at war against the militant Taliban."*

Growing slums, unplanned housing schemes, poorly-managed drainage and water supply networks, and lack of proper communication infrastructure all fueled environmental pollution in all big cities of Pakistan.

Then there was the epic traffic congestion. According to a study conducted by the Karachi-based Urban Resource Centre, there were four million vehicles in Karachi in 2015. Besides two million motorbikes, nearly two hundred thousand auto rickshaws were plying on roads, contributing to the environmental degradation.

The government, with its different list of priorities, had got little time and interest for the suffering Karachiites.

In 2015, Karachi required 2700MW electricity to function effectively, but usually only 1600MW was provided on the average. The city's utility electric company, K-Electric, routinely failed to provide enough energy to meet the people's basic needs.

Scarcity of water was another critical issue. Karachiites received only 650 million gallons per day, against a minimum functioning requirement of 1100mdg. The water that was [and still in 2017] pumped through the city's frail infrastructure was [and is] highly contaminated.

*[Media reports estimated that 32 percent of patients in the city's three major hospitals were routinely admitted with water-borne diseases – hats off to City's rogue admin.]*

Strangely enough, a city that had endured a catastrophic heat-wave and water shortage, followed by urban flooding in the monsoon season, was predicted to have a severe cold snap in the coming winter as per early warnings by the Pakistan Meteorological Department; but the political custodians at Karachi were least bothered about the threat.

On the other hand, the authorities in both the federal and provincial governments have much to say to save their skin and hide their failures. The blame game between the PML[N] led federal and PPP-led Sindh and PTI-led Khyber PK governments increased people's miseries.

Pakistan has been experiencing disasters – natural and manmade – since long. We witnessed an earthquake in 2005, huge mass displacement from the Swat valley in 2009 and flash floods in 2010-13. The last Karachi heat-wave claimed more precious lives than the number of deaths caused by the wars on Pakistan's fragile borders.

The incompetence and ineligibility of both the governments to deliver was directly related to the rising tide of militancy in the region. The lack of capacity on the part of the PPP's government of Sindh to cope with the situation provided more space to non-state actors to come forward and betray the people in distress. Banned militant outfits were seen leading service & delivery to the troubled communities all around the city.

### **Earthquake Again:**

**On 26<sup>th</sup> October 2015;** at least 209 people lost their lives and hundreds others sustained injuries in structural collapse and landslides caused by a powerful 7.7 magnitude earthquake that jolted northern parts of Pakistan. The extent of the quake could be gauged from the fact that the tremors were felt all across South Asia. The earthquake was said to be one of the most powerful ever recorded in Pakistan's history. Shockwaves were felt in areas as far away as New Delhi in India and Kabul in Afghanistan.

Majority of deaths were reported from Shangla District of the Khyber PK while the death toll was continuously rising for days. The powerful quake caused a large number of walls, houses and commercial structures to cave in while many instances of land-sliding were also reported. The Malakand admin told that till evening 137 people died in Swat Division while 835 suffered injuries; as many as 813 houses had collapsed.

*[Later, the Federal Government estimated the number of dead at 268. Over 9,000 houses and commercial units were damaged – more than half of them in Khyber PK and Fata.]*

The earthquake was also felt in several parts of Punjab including Lahore where thousands of people held that '*never before an earthquake had made us feel this much panic*'. Tremors were also felt in Islamabad, Sargodha, Kashmir and several other parts of the country.

The US Geological Survey put the epicentre near **Jurm** in northeast Afghanistan, 250 kilometres from the capital Kabul and at a depth of 213.5 kilometres. The Met Office in Pakistan said the magnitude was 8.1 on the Richter scale. The epicentre was just a few hundred kilometres from the site of a 7.6 magnitude quake that struck in October 2005, killing more than 75,000 people and displacing some 3.5 million in and around Muzaffarabad AJK. US Geological Survey (USGS) said:

*'Focal mechanisms indicate rupture occurred on either a near - vertical reverse fault or a shallowly dipping thrust fault. At the latitude of the earthquake, the India Subcontinent moves northward and collides with Eurasia at a velocity of about 37 mm/yr (millimetre per year).*

*.....that the active faults and their resultant earthquakes in northern Pakistan and adjacent parts of India and Afghanistan are the direct result of the convergence between the India and Eurasia plates. This collision causes uplift that produces the highest mountain peaks in the world including the Himalayan, the Karakoram, the Pamir and the Hindu Kush ranges.'*

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This time the earthquake played less havoc as the depth of the epicentre was at 193km. However, the tremor that hit Pakistan on 8<sup>th</sup> October 2005 had depth of just 26km so it exposed Pakistan to mammoth annihilation.

In the past; an M 7.4 earthquake occurred in **March 2002**, just 20km to the west of the 26<sup>th</sup> October 2015 event, and with a similar depth and thrust fault orientation' had caused over 150 fatalities and destruction of over 400 houses in relation to an associated landslide.

Earlier an M 7.4 event just 8km to the south of the 26<sup>th</sup> October 2015 earthquake had occurred in **December 1983**, resulting in 26 fatalities, hundreds of injuries and extensive damage to roads and domestic infrastructures.

*[On 30<sup>th</sup> May 1935; M 7.6 Quetta earthquake occurred in the Sulaiman Range in Pakistan, had killed about 50,000 people whereas the Quetta city was just trampled on the ground.]*

As the dust from that earthquake settled, the role of the governments at the centre and in KPK appeared as commendable for keeping themselves focused on response to the disaster; PM Nawaz Sharif's visit to the affected areas, particularly with the KP's Chief Minister accompanying him, made the right optics for all. The announcement of relief package was also timely and the professed intent to coordinate with the KPK government before finalising it was also commendable.

The lead role played by the National Disaster Management Authority [NDMA] in coordinating the damage assessment was important but frequent coordination failures were seen as the provincial disaster management authorities did not behave well in the aftermath of calamity. Continuing arrival of wounded people from remote locations to Peshawar was more disturbing for all planners because there were shortage of facilities in the hospitals.

Such shortages were dictated by the facts on the ground: habitations in those areas were small and scattered widely, and distance posed a formidable barrier given the terrain. Roads were in poor condition; infrastructure and service delivery were barely present. In recent years, from the 2005 earthquake to the floods of 2010, to the most recent glacial lake - driven flooding in Chitral in July; and then the said earthquake had hit Chitral harder than any other place. In fact, the majority of the 4,000 homes reportedly destroyed were in Chitral.

Ten years after the devastating quake of 2005, this great jolt of 26<sup>th</sup> October 2015 could be compared with the quake of 8<sup>th</sup> October 2005 on

the Richter scale, but on ground its aftermath was different. This time, even though more about 200 precious lives were lost, there was mercifully no catastrophic damage and no calamitous loss of life on the scale as was seen in 2005.

Of course, the main reason remained that the epicentre of this temblor lay further away from densely populated urban centres, as well as the far greater depth at which it occurred. But there was no escaping the memoirs of 2005 it seemed.

In the language of geologists, Pakistan is built atop a zone of "**heightened seismic hazard**". After 2005, geologists warned that only a fraction of the massive pent-up energy had been released. The risk of more earthquakes of high intensity persists; thus new and improved building codes needed to be strictly enforced to ensure concrete structures could withstand shocks.

The scale of the devastation might be lesser this time, but nevertheless it was enough to jolt the whole region. In some cases, there was a narrow miss; **TV footage showed the elevated portions of the Rawalpindi metro bus route shaking** with material damage.

Landslides were reported in some parts of the Northern Areas, with a particularly big one at Nagar, but fortunately none near habitable areas and no glacial lake outburst floods were caused by the quake. Pakistanis were lucky; in spite of considerable damages and hardships for untold numbers of people, one wondered if the structures built since 2005 had been constructed specifically to withstand a stronger shock.

Some TV channels chose to bring religious scholars on air and asked them what people could do to better prepare themselves for natural disasters. The response, predictably enough, was that people ought to become more pious and pray harder.

The jolt of 2015 was an unambiguous reminder that an earthquake could strike again at any moment, and that little had been done to prevent it in a zone of heightened seismic hazard. Had its epicentre be any nearer, or its depth any shallower — factors that are entirely up to nature — the consequences could be far more devastating than they were this time in 2015 and earlier in 2005.

## **Scenario 197**

### **WHO ELSE LOOTED PAKISTAN**

#### **Justice Jamshed Report on Loan Defaulters [1971-2009]:**

**On 16<sup>th</sup> December 2009;** CJP Iftikhar M Chaudhry announced Supreme Court's verdict about the NRO cases which was mainly aimed at catching the then President A A Zardari in Swiss banks tsunami. To counter the expected blows from the then PPP government, the CJP immediately called the bank defaulters' case and fixed its hearing on 22<sup>nd</sup> December 2009.

**On 12<sup>th</sup> March 2010;** the PPP government got published the statistics in all print media through the State Bank of Pakistan [SBP], saying that:

*"The loan write-offs in seven years [2000-06] of Gen Musharraf's rule crossed the figure of Rs:125 billion, whereas Rs:30.18 billion credits were waived during 1985-99 wherein about 74.5 percent part was by PML[N]'s two governments. During the two tenures of late Benazir Bhutto, a total of Rs:7.23 billion loan was written-off, constituting 24.2 percent".*

In fact, **CJP Iftikhar M Chaudhry had shown the partisanship** – a calculated grudge against the PPP. The list of Loan Defaulters compiled by the State Bank of Pakistan [SBP] was placed before the SC bench presided by him on 22<sup>nd</sup> December 2009. After usual gimmicks of shallow roars in the court room, the file was simply shelved away once again.

In 2011 MQM Chief Altaf Hussain wrote a letter to the CJP Chaudhry which was virtually short of abuses and curses in which he asked the CJP to stick to his words and to re-open that loan defaulters' case. Only then, **on 3<sup>rd</sup> June 2011:** a three member Commission, headed by Justice (Rtd) Syed Jamshed Ali, a former judge of SC, was constituted in respect of recovery of written off loans from 1971 onward and to compile a report.

**On 13<sup>th</sup> March 2013;** the Supreme Court of Pakistan made public report evolved by that 3-member judicial commission naming the persons who have got waived their loans since 1972. The report, in 3 volumes, not only recommended action against those who got their loans written off but also

against the bankers who helped in getting the loans waived off. Justice (rtd) Jamshed Ali wrote:

*"Unfortunately, despite best efforts of the commission, the banks and development finance institutions did not provide any information on loans sanctioned or written off on reasons '**other than business considerations**'. There were reasons informally discussed; mostly the bankers were afraid of [either] politicians or the civil / military bureaucracy."*

A detailed reminder of this issue was mentioned in the book '**Judges & Generals in Pakistan' Vol-II**, Scenario 49, pps 573-77, published in UK in 2012 but **the SC was never seen serious** on that totally un-constitutional use of power by successive rulers.

With the opening of this report, several names of important figures were exposed and sword of disqualification was likely to hang over the heads of several politicians but the Election Commission of Pakistan [ECP] itself was corrupt enough - most members indulging in intellectual corruption and monetary gains, in the utter disregard of provisions of Articles 62 & 63 of the Pakistan's Constitution.

The State Bank had issued 33 circulars since 1972 to 2007 in that respect. According to Section 25 of the Banking Ordinance, a loan write off case should be sent to the Parliament but this section had continuously been ignored – not a single case was brought at the Parliamentary floor.

The total amount waived off as loans from 1972 to 1996 was over Rs:200 billion. Three lists of bad loans were published since 1993, the first by caretaker PM Moeen Qureshi, followed by two lists by Benazir Bhutto and caretaker government of Meraj Khalid in October 1996 and January 1997 respectively. The bad loans which were Rs:1,340 million when Z A Bhutto was removed in 1977 swelled to Rs:80 billion in August 1993, Rs:126 billion in November 1996 and Rs:130 billion in January 1997.

Justice Jamshed Commission had recommended that action should be taken against former **Prime Minister Yousaf Raza Gilani and his wife Fozia Gilani (Rs:45 million); Riaz Lal Jee, friend & allegedly a front-man of President Asif Ali Zardari**. Abbas Steel Industry of Riaz Lal Jee got (Rs:224.1 million), Riaz Lal Jee's another company Orient Rice Mills got Rs:261.8 million write off. Against Lal Jee's Petro - Commodities Company there was Rs:218 million. Riaz Lal Jee's Razik Engineering company got Rs:11 million written off. Ghulam Qadir's Khalil Jute Mills got Rs:405.6 million waived off.

Others included some former ministers and so-called gentlemen like Ghulam Dastagir Khan, Islamud-Din Sheikh's Kiran Enterprises (Rs:49.5 million), Younas Habib (Rs:2.47 billion). Zafar Sheikh and Farooq Sheikh's Adam Jee Industries owed Rs:448.8 million. Rana Tanvir Hussain's Batala Ghee Mill got Rs:140 million, while Jam Muhammad Yousaf's Bela Ghee Mills Rs:48.6 million. The Commission recommended that action should also be taken against the responsible bank officials, too.

Asma Jahangir, former President Supreme Court Bar Association, and her husband's Hala Spinning Mill got Rs:50 million written off. Arib Habib's Jet Air Textile Mills got Rs:415.7 million, PML[N]'s MNA Ramesh Kumhar and Chetan Das's Pak Absar Ban Industries got Rs:44.1 million loan written off. Kh Ghulam Ahmed's Rishi Textile Mill got Rs:859.1 million. Abdul Ghafar Adam Jee and Akbar Adam Jee got waived off Rs:239 million.

Sardar Jafar Khan Leghari, Umer Leghari, Yousaf Khan Leghari's Choti Textile Mills got written off Rs:304.6 million, Waqqar Azeem, Sajjad Azeem and Shaukat Azeem's Electro Information and Energy System got Rs:62.7 million, Abdul Qadir Tawakal's First Tawakal Mudarba got Rs:628.6 millions, Mirza Iftikhar Baig's Mumtaz Shahbaz Textile Mill got Rs:100 million, Maj Gen Farhat Ali Burki's Quality Steel Works got Rs:981.6m got written off.

The commission could only probe 740 different cases, but had proposed that another 222 cases should also be probed as Rs:35 billion were waived off in those cases.

During the proceedings in 2011 ***the apex court had observed that Circular BPD-29, which provided guidelines on write-off of irrecoverable loans and advances, though ended on 14<sup>th</sup> April 2003 but the banks still continue to write off loans.*** The bank officers, who had waived off loans as managers were partners to the criminal conspiracy - thus equally responsible in above cases of defaults.

The said report consisted of three volumes – Volume I (Report of the Commission), Volume-II (Parts I to VII, synopsis of individual cases), Volume-III (Annexures of Volume I) – and the supplementary paper book (containing different correspondence).

"The Commission had received 672 loan files for the period 1992-2009 but examined 620 files. Out of the remaining 52 files, 49 cases had been taken over by the Corporate Restructuring Corporation under an Ordinance of year 2000; one duplicate file of Larkana Woolen Mills was taken away by the concerned bank. One file contained the evaluation report of the

properties, their evaluations and detailed subject matter of settlement between Younis Habib and the NAB.

The Commission had to hold bankers responsible for extending short-term or long-term loan facility to borrowers on inadequate securities and to recommend steps to be taken against them. It had to suggest measures to safeguard the amount of loans against arbitrary concessions extended in the past either on political or other corporate considerations.

The Supreme Court ordered the report to be made public but did not take any concrete step to make the financial recovery, did not make any special order and never opted to take step to establish additional special courts. ***Not a single bank employee or manager or officer was questioned in any case.***

The height of criminal intent on the part of Supreme Court be judged that the then CJP Iftikhar M Chaudhry did not conduct the said case seriously till his retirement in December 2013 nor any successive Chief Justice bothered to call that file before him. Justice Jamshed's all hard labour involved in formulating that Commission Report was simply thrown away in the bin.

Invariably all the political parties, including some factions of the ruling PML[N] hailed the COAS Gen Raheel Sharif's move and determination against corruption. PML[N]'s Zubair Umar said that the army chief's move was laudable. He called for holding "corrupt elements" within the PTI and PPP accountable as well while doing against the PML[N] leaders.

However, the fact remained that many big politicians used their front-men to get loans; of course, the troika of Bank Officer, front-man and politician worked in such schemes as equal partners.

*[To have a loan written off, one has first to be declared a defaulter. In case of politicians, this can lead to disqualification under Article 63 of the Constitution. Therefore, they prefer to have their loans restructured and keep the cycle on or use frontmen for this dirty game.]*

The fact remains that the shrewdest politicians like Sharifs availing loans got hefty amounts which were initially issued in the name of their companies but subsequently they changed the names of directors who could be their low tier employees. The commission stated in its report that influential groups did pressurize the banks.

The report also held that the bankers verbally admitted there was absolutely no doubt about influential groups interfered at the sanctioning

stage of loans as well as at the stage of writing them off – such concessions were granted in 232 cases.

The tragedy remained that once in every year since 2009, the top court used to repeat its roars to '**re-open or start the suo motu case**' on written off loans. Reports are still called afresh every year but then a deep slumber – mostly arguing that the banks were deliberately not pursuing these cases, forcing the matter into pending for the past nine years. The SC never asked the federal government to implement the recommendations of J Jamshed Commission.

In view of above, it was considered that the judicial commission proposals for investigating corruption in the wake of **Panama leaks** [in 2016] were unlikely to get any substantive support if previous efforts to dig up foul play were not attended seriously. The most glaring example was the above mentioned judicial inquiry into bank loans written off; the commission in its final report had itself expressed helplessness in getting the required information from financial institutions.

### **SC JUDGMENT ON 18<sup>th</sup> & 21<sup>st</sup> AMENDMENTS:**

**On 28<sup>th</sup> January 2015;** a 3-judges bench of the Supreme Court of Pakistan [SC] accepted pleas against 21st Constitutional amendment for regular hearing and sought concise statements from the Chief Law Officers of federal and provincial governments.

Later, a 17-judges full court bench, headed by CJP Nasirul Mulk, clubbed the 18th and 21st constitutional amendment cases and heard the arguments for several weeks. During lengthy legal battle, the SC examined petitions challenging the procedure of judge's appointment under the 18th Amendment and the establishment of military courts under the 21st Amendment.

*[On 15<sup>th</sup> April 2015; the SC ordered a stay on execution of those six militants, after a petition seeking a halt to the implementation of death sentences awarded by military courts was filed by the Supreme Court Bar Association (SCBA).]*

**On 26<sup>th</sup> June 2015,** the full court reserved its ruling on the case. A total of 35 constitutional petitions were before the court of which 20 challenged the 18th Amendment and 15 challenged the 21st Amendment. The main three questions before the court were:

- whether the Constitution has a basic structure or not;

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- if it has a basic structure then whether a constitutional amendment can be struck down on the basis of it; and
- whether the parliament has the power to alter the basic structure of the Constitution.

Military courts were empowered to try militant suspects until February 2017. The army announced the first verdicts and sentences from the new military courts in April 2015. Six militants were condemned to death and another jailed for life, all on terrorism charges.

**On 5<sup>th</sup> August 2015**, in a landmark judgment, the Supreme Court of Pakistan dismissed all the 35 petitions individually filed, some against the 18<sup>th</sup> Amendment and some against establishment of the military courts through 21<sup>st</sup> Amendment. The Chief Justice Nasirul Mulk announced the judgment laying foundations of balanced power structure amongst the three pillars of the state; Judiciary, the Parliament and Executive.

The 17-judge full bench dismissed petitions against the 18<sup>th</sup> Constitutional Amendment in a wide 14-3 decision. The apex court, in an 11-6 decision, also dismissed the petitions against the 21<sup>st</sup> Constitutional Amendment, wherein military courts were established to try militants but stated that all decisions of military courts would be subject to judicial review. The said Constitutional Amendment was passed in January 2015 as part of a crackdown on militancy following a Taliban massacre at the Peshawar Army Public school which left more than 153 people — mostly students — dead.

The ruling appeared as a major turning point in the political history of the country wherein the SC settled down some core issues once and for all; it determined answers to vital questions regarding powers of the three main organs of state detailed earlier. The military, which initiated action against terrorists; Parliament, whose resolution created space for establishment of military courts, and then the Supreme Court's decision proved that the military, Parliament and Supreme Court were all on the same page regarding terrorism.

It appeared that two things must have influenced the honourable judges: one that the military courts and the 21<sup>st</sup> amendment were only for two years. And that they were not under any individual's discretion but through a constitutional amendment which ensured they would cease to exist after two years. This time-framed strategy for achievement of quick justice was enough to satisfy the judges as well as the fact that this amendment was passed unanimously by the Parliament.

The said judgment of the SC was given by the full court of 17 judges; 11 judges agreed to the main context whereas the 6 judges added their dissenting notes based on different opinions. Major 25-page dissenting note was from the senior most justice Jawwad S Khawaja, who occupied the chair of Chief Justice of Pakistan **on 17<sup>th</sup> August 2015** because of retirement of CJP Nasirul Mulk.

It was in fact a reflection of the true spirit of judicial independence within the apex court that each judge had come up with his own opinion and analysis. A difference of opinion among judges is always present in such major legal cases in developed nations. It was a considered opinion that:

***'If we want to make unanimous decisions like in former CJP Iftikhar M Chaudhry's era, then we will have to differentiate between a military unit and the Supreme Court; difference of opinion was a +ive sign here.'***

Legal experts held the opinion that the apex court's decision proved that ***'it cannot interfere in laws passed unanimously by elected representatives'***, whereas CJP Iftikhar M Chaudhry had passed few judgments portraying that the Parliament could make laws but subject to certain limitations and not beyond the given structure of the Constitution. It meant that the Parliament should make laws which should have in-built approval of the apex court. Many fingers were raised over such decisions but went silent because of CJP's personal wishes.

During proceedings of the case, visible division was witnessed among judges regarding the basic structure theory and powers of parliament and the Supreme Court; therefore, dissenting voices were expected in the ruling. Referring to the media interviews of the day, a senior lawyer Babar Satter commented that:

*'When it has been written in the Constitution, then can a 17-judge bench second-guess the wisdom of an **amendment passed unanimously** by Parliament? This was the decision that the Supreme Court had to take. And they have decided that if Parliament passes something by two-thirds majority then we cannot interfere in their decision.'*

*'And it is a positive sign that there was a divided opinion, because if all 17 judges give the same opinion then it may appear as if they were being dictated by someone.'*

In detailed judgement, the CJP Nasirul Mulk declared that ***'the superior judiciary has the authority to review any ruling of military courts on***

**grounds of coram non iudice** [being without jurisdiction or suffering from *malafide*]. The superior judiciary had the authority to review the government's selection of cases and refer them for trial under the Pakistan Army Act 1952, however, any order passed, decision taken or sentence awarded would be subject to judicial review.

Hamid Khan, who represented the Lahore High Court Bar Association [LHCBA] and the Lahore Bar Association, used articles 2A, 8, 9 and 175(3) to build his case against the 21st amendment.

Members of the Government and Opposition and many in the legal community celebrated the Supreme Court's findings as a victory for parliamentary sovereignty, the Court's recognition of Parliament as the true embodiment of the will of the people. The challenge to the 18th Amendment was pending since 2010. The Supreme Court can review legislation on the touchstone of the Constitution is settled in practice; however, the preliminary issue confronting the 17-member full bench in this case was whether:

*(1) the Supreme Court has the jurisdiction to review, and if required, strike down amendments to the Constitution; and*

*(2) if yes, on what grounds? The Supreme Court raised these questions in multiple judgments in the past, but did not reach a definitive conclusion.*

The Pakistani Constitution appears quite clear on the issue: Article 239(5) and (6) expressly state that **"no amendment of the Constitution shall be called in question in any court on any ground whatsoever"**, and even more categorically, **"for the removal of doubt, it is hereby declared that there is no limitation whatever on the power of the Majlis-e-Shoora (Parliament) to amend any of the provisions of the Constitution."**

A majority of 13 judges of the SC answered the question in the affirmative. They argued that **"the Parliament in Pakistan, unlike the British Parliament, is not completely sovereign"**, and its powers to amend the Constitution were limited. The honourable judges concluded that **"...the Supreme Court – is the guardian of the Constitution"** that would determine what those limitations could be, and if they are transgressed, they have the power to strike them down.

According to the majority opinion, authored by Justice Azmat Saeed and endorsed by seven other judges, there were implied restrictions on the

Parliament's power to amend the Constitution **"so as not to substantively alter, repeal or abrogate the Salient Features of the Constitution."**

The majority opinion held that it was not necessary to conclusively determine the salient features of the Constitution at this point, however, **"democracy, parliamentary form of government and independence of the judiciary are certainly included in the prominent characteristics, forming the Salient Features"**.

The judges reasoned that all such questions were resolved through consensus in the 1973 Constitution. Any attempt by Parliament to reopen those debates and re-imagine Pakistan would risk **"unleashing political tempests of unparalleled fury which may be difficult to control, and the Supreme Court was duty-bound to guard against that."**

**Justice Jawwad S Khawaja and Justice Faez Isa** authored separate opinions, but both were by and large in agreement over their reasoning and conclusions.

Justice Khawaja argued that years of colonization had instilled the notion of **"parliamentary sovereignty"** into our collective thinking, and had **"dulled the significance of our own post independence aspirations."** Both judges argued that the post-independence governance model was closer to the **"will of the people of Pakistan"** as expressed in the Preamble of the Constitution.

The two judges rejected the **"basic structure doctrine"** which they considered an **alien theory** borne in a foreign land. They reasoned that given Pakistan's unique context, no Parliament had the power to alter the **nine principles enshrined the preamble**, including **"democracy, freedom, equality, tolerance and social justice, as enunciated by Islam and independence of the judiciary"**.

**Dissenting Notes:** Four judges including Chief Justice Nasirul-Mulk, Justice Rehman, Justice Khosa, and Justice Nisar rejected any limitations on Parliament's powers to amend the Constitution. They reasoned that matters of governance must be decided by the chosen representatives of the people, and should not be left at the **"mercy of the collective wisdom of unelected Judges who are the least accountable branch and in Pakistan.....a closed brotherhood"**.

Justice Nisar recognized Parliament's mistakes in the past, but also reminded of the judiciary's own follies. Justice Khosa raised another

important concern and asked that even if the preamble and the salient features of the Constitution expressed the will of a past generation, why should the Supreme Court hold future generations hostage to it?

***Military courts vs fair trial:***

The second question before the SC was whether the trial by military courts of individuals accused of terrorism-related offences who are known to, or claim to be, members of terrorist groups was compatible with Pakistan's Constitution, fundamental rights and the independence of the judiciary.

A majority of nine judges of the Supreme Court held they were compatible, six judges held that they were not compatible, and two judges did not give an opinion on the merits of the case. Justice Azmat Saeed authored the majority opinion, endorsed by seven other judges, and reasoned that:

*(1) trials before military courts meet principles of criminal justice;*

*(2) the constitutional scheme allows deviation from standard procedure in exceptional cases (one may call it the "sub-doctrine of judicial necessity"); and*

*(3) the amendments only authorized military trials for "terrorists", which was a valid classification allowing for differential treatment.*

Despite holding that the judges had the jurisdiction to invalidate the 21st amendment, a majority of eight judges decided that the salient features of the Constitution were not significantly altered by the trial of civilian terrorism suspects in military courts. Justice Saqib Nisar too endorsed the majority's opinion on this particular issue in his individual opinion.

***Dissenting Note for Military Courts:*** Six judges differed in their conclusions. For them, the trial of civilians by military courts was an affront to principles of justice, fair trial and independence of the judiciary as military officers were a part of the executive and did not meet the requirements of independent and impartial courts.

Justice Faez Isa also pointed out the many flaws in the existing anti-terrorism courts and practices, including the Government's failure to ban known terrorist organizations and weak prosecution and delays in terrorism cases, which if corrected would allow the Government to lawfully combat the impunity for offences related to terrorism.

Military courts were not, therefore, a necessary measure for the struggle against terrorism. As Justice Khosa put it: **"A suicidal measure on the part of the society to counter suicide bombers may not be the most rational legislative step to take."**

***Appointments in Superior Judiciary:*** The SC did not just respond to petitions challenging the 21st amendment, it also ruled on various pending challenges to the 18th amendment, out of which one of the major questions before the Court was the ***procedure of appointments of the superior judiciary.***

Through the 18th amendment, Parliament had amended the procedure for appointment for SC and High Court judges. Through a short order, the Supreme Court in 2010 had sent the amendment back to Parliament to review the procedure for appointments, giving recommendations to make it more compatible with independence of the judiciary. The Parliament promptly complied and passed the 19th amendment.

According to the new system of appointments, the Judicial Commission [JC], comprised largely of judges, nominates candidates for vacant positions to a Parliamentary Committee [PC], comprised of parliamentarians from both Houses with equal representation from the government and opposition. The PC can either accept the JC's recommendations, or reject them by three-fourth majority. The PC's powers were further read down by another SC judgment, where it held that the SC would have the final say on whether the PC's rejection of a nominee was reasonable.

Since the detailed judgment from the 2010 case was never issued, the SC also used this opportunity to finally give its reasoning. A majority of judges were in agreement that independence of judiciary means complete control over the judiciary's affairs, including appointments. The judiciary (namely the CJP) must initiate the nomination process and make the final decision on appointments – any substantial role by parliamentarians in the process would amount to outside influence and a breach of judicial independence. The judges therefore reaffirmed that the PC decisions are not binding on the JC and are also subject to review by the SC.

***Human Rights Commitments:*** In recent years, the SC in some landmark judgments relied heavily on international human rights standards. In judgments related to the rights of religious minorities and enforced disappearances, for example, judges even considered treaties not ratified by Pakistan as authoritative sources.

Expectations from the Supreme Court's judgment on the 18<sup>th</sup> and 21<sup>st</sup> constitutional amendments were varied. The optimists Maulana Fazlur Rehman, JI and MNA Achakzai like one-man parties expected that the SC would declare military courts incompatible with human rights and independence of the judiciary, even if it stopped short of invalidating the 21<sup>st</sup> amendment due to lack of review jurisdiction over constitutional amendments.

The **5<sup>th</sup> August 2015** judgement would be seen in history as one in which the Supreme Court further enhanced the judiciary's own powers – but didn't amend any procedures for the justice for the poor. Pakistan was still ranked at no: 192 in the list of 197 countries on issues of '**justice delayed**', repeated adjournments, stay order favours etc.

### **ANOTHER CJP RETIRED RUDELY:**

**On 9<sup>th</sup> September 2015;** the lawyers stood divided over the full court reference held in the honour of Chief Justice of Pakistan [CJP] Justice Jawwad S Khawaja on his retirement. Two Supreme Court judges, Justice Sh Azmat Saeed and Justice Iqbal Hameedur Rehman, did not participate in the ceremony while 13 others marked their presence.

Moreover, no lawyer from former Supreme Court Bar Association [SCBA] President Asma Jehangir group participated in the reference. The lawyers associations, including Pakistan Bar Council [PBC] and others from Rawalpindi and Islamabad, also boycotted the event. However, lawyers from Hamid Khan Group were there. Addressing the ceremony, the lawyers' community requested the court not to interfere in the powers of PBC and leave the matter of lawyers' licenses to the PBC.

Amidst reservations from some lawyers, the CJP addressed the reference:

*"Inexpensive and speedy justice is not being provided to anyone in the country. It is incumbent on the government, state institutions, every member of society, including lawyers and judges, to change such system which is not providing affordable and timely justice.*

*Brightness of Aiwan-e-Adl reflects from fearless faces. In order to polish this brightness it is imperative for every member of the society generally and for lawyers and judges particularly to get united and counter professional malpractice and degeneration.*

*Favour is highly hazardous for Judiciary as it prevents from giving courageous decisions and this way it can bring about decadence in system of justice. Practice of seeking adjournment in the cases by using dilatory tactics by lawyers and on different pretexts is very common in our courts."*

A bad precedent was set since CJ Jawwad S. Khawaja, who retired **on 9<sup>th</sup> September 2013** on reaching superannuation but not given a befitting farewell from the Pakistan Bar Council [PBC] and Supreme Court Bar Association [SCBA]. Traditional farewell dinners in honour of the outgoing chief justice has been in practice but this time the SCBA and the PBC both associations decided a day earlier even not to attend the dinner organised by Chief Justice designate Anwar Zaheer Jamali on the eve of Justice Khawaja's retirement.

The 23rd CJ remained in the office for 23 days! The out-going CJ paid *great tributes* [?] to the Judicial System of Pakistan. **"No improvement in the last four decades"** he observed - also said that **'there was no concept of Strikes in the Courts forty years before'**. Another CJP Chaudhry had accepted while reviewing Karachi L&O situation that the **'lower courts are corrupt and the Police Stations are for auction'**. What else poor Pakistanis needed.

In a meeting, both the bar associations also announced that no one would attend the reference being held in honour of the chief justice – it has been customary for the PBC's vice chairman and the SCBA president to deliver speeches along with the Attorney General for Pakistan eulogising services rendered by the outgoing chief justice.

The associations had also taken similar steps before for former CJP Iftikhar M Chaudhry where the bar associations did not organise any farewell dinner but they did attend a reference held for him. Bar leaders, however, reiterated their respect for the institution of the Supreme Court as they had always struggled for the independence of the judiciary but would not tolerate **judicial dictatorship**.

The bone of contention behind such measures was the verdict rendered by a three-judge Supreme Court [SC] bench headed by Justice Jawwad Khawaja a day earlier, **on 8<sup>th</sup> September 2013**, suspending the licences of senior counsel Ali Zafar and his associate Raja Zafar Khaliq to practise before the SC for one year. Legal observers, however, were not taking the order as a simple stand alone judgment but as something which had political undertones.

Ali Zafar was the joint candidate of a majority group popularly known as the Asma Group for the office of SCBA president scheduled to be held at the end of October 2015. His suspension eventually benefitted his opponent, Kareem Ahmed Khurshid – a candidate for the same post from the Hamid Khan Group.

*[Ali Zafar had written a letter to former CJP Nasirul Mulk requesting the transfer of one Bahria Town case to another bench while expressing apprehensions about Justice Khawaja. Mr Zafar, while representing Bahria Town Ltd, had regretted that despite an adjournment during his visit abroad which the CJP had allowed till 1<sup>st</sup> April, his case was fixed for 25<sup>th</sup> March and heard.]*

Asma Jehangir contended that it was a question of dignity and honour of the legal profession. She added:

*'.....the decision of not attending the dinner and reference would be in bad taste but lawyers have to register their protest in a peaceful manner. Lawyers are not that simple, they know exactly what has been happening around.'*

Former Attorney General Irfan Qadir had also sent a reference against Justice Khawaja before President Mamnoon Hussain with a request to proceed against the judge by invoking Article 209 of the Constitution – a provision that asks for removing a judge under misconduct. It was obligatory for the President to initiate the Supreme Judicial Council [SJC] proceedings against the judge. Mr Qadir claimed that the judge had repeatedly violated the Code of Conduct for judges through acts of playing to the gallery, creating sensationalism so as to remain ever present in news tickers and print media and making sweeping statements on a daily basis.

Referring to '**the News**' dated **12<sup>th</sup> September 2015**: CJP Jawwad S Khawaja, in his farewell address two days earlier, had pointed out certain deep seated causes of decay within Pakistan's justice system that he highlighted. He was in apposition to fix that broken system in his three week's tenure but he honestly admitted that country's justice system had failed for which the judges, lawyers and agencies associated with justice system were jointly responsible in their individual and collective capacities.

The fact remains that the general populace seldom perceived the judiciary 'as honourable'; because of not being part of a fair and equitable system of justice any more – rather considered them as a mafia to support, help and back up the power elites. More so, despite such admissions, as done by CJP Jawwad S Khawaja, there has been no planned or concerted effort from the

superior courts or superior bar associations to improve its functions or to repair the evils at least.

Justice Khawaja rightly pointed out towards negative norms of Pakistan's social as well as within - courts environment where fear of attracting displeasure or being judged by one's kin or peers or powerful vested interests has been the prime factor reflected in its judicial decisions. ***The top lawyers every time expected a preferential treatment because of being part of high profile cases of big politicians – not on the basis of the merit of the case.*** They try to manage favourable judgments and judges accommodate them triumphantly. The judges also accept their wrong standings shamelessly – a visible sign of a dying society where submission, flattery, hypocrisy, lack of conscience and *benefit-principles* prevail and flourish day by day.

To think about the throbbing institutional reform and reconstruction in Pakistan's judiciary, one needed to address the regressive behaviour of the legal fraternity deeply engulfed with self-perceptions of being professionals. In bar rooms the lawyers seldom talked about what was right and what was wrong – if done, largely to judge others, the lack of intent to apply high principles and ethics to their own practice.

In Pakistan; bar associations and judges are taken as elite clubs, membership of which comes along with a sense of entitlement. However, induction into that elite club is not inspired by the urge to institute reforms within the environment – and never as service oriented. The betterment of the general public as clients are never thought and discussed.

Referring to **'the News'** dated **12<sup>th</sup> September 2015**, Babar Sattar rightly pointed out that:

*'...while we can blame shoddy investigation and prosecution for delays and lack of convictions in criminal trials, what about civil disputes? The responsibility of failure to reform the justice system rests with the [superior] judiciary, not the legislature and not the executive. A judiciary that has zealously guarded (if not expanded) the boundaries of its province in the name of independence can hardly .... blame other pillars of the state for the existence of a moth-eaten court system.'*

Since the 18th and 19th amendments vested in the judiciary almost absolute powers to singularly determine its own composition. Article 209 also vests in the judiciary the exclusive power to undertake accountability of judges. While **judicial accountability is non-existent in Pakistan**,

Article 209's power should have been exercised in the contemporary era to curb judicial misconduct so widely being discussed in media.

The manner in which Article 175-A powers had been exercised to appoint judges in CJP Chaudhry's tenure, could have been revisited keeping in view the criticism and shortcomings discussed in the bar association meetings.

None of the high courts in Pakistan ever deemed it necessary to exercise its constitutional power to formulate rules to address the problem of inordinate delays in dispensation of justice or abuse of court process by litigating parties or their counsel. Article 202 of the Constitution is referred here under which high courts are to regulate their own practice and procedure as well as that of subordinate courts.

With the promulgation of the 21st Amendment, military courts were put to do justice; the general populace welcomed them because they want speedy justice. The same kind of courts, with summary trial powers, could be born under civil judiciary system through Law and Justice Commission of Pakistan. That Commission stands endowed with broad power and responsibility to guide the federal and provincial governments on how to improve, modernise and reform the legal system in view of changing societal needs. The superior judiciary never aspired to do its home work so why cursing the military courts in media.

**National Judicial Policy Making Committee**, created under a federal statute in 2002, is also there in Pakistan which comprises all chief justices – a sole domain of the judiciary. In 2009, this Committee had released a **National Judicial Policy**; containing unimaginative instructions largely for district judiciaries which were incapable of addressing the problems of masses thus failed miserably. After that day, no one has even heard about its meeting or functions as envisaged.

CJP Khawaja's had mentioned certain shortcomings but failed to refer about urgent institutional reconstruction required at the basic root level to begin dispensing justice to ordinary people. He did mention that **'a case takes 25 years on average to make its way to the Supreme Court and get disposed of'**. When a CJ admitted his inefficiency by saying so then the society's hope and faith in the ability of Pakistan's judicial system could easily be imagined. *Suo motu* cannot be taken as its short cut – elaborated home work is needed.

The needs of the complex society that Pakistan has developed during the last two decades should be re-written afresh; solutions though not easy but some one would have to start the journey. Till then the nation would

continue cursing the judiciary and welcoming the army courts taking them as flag bearers of the justice, too.

### **JUDGES THEMSELVES IN THE DOCK**

#### **Ref Against Justice Siddiqui in SJC:**

A judge of the Islamabad High Court [IHC], known for his love for pigeon flying, landed himself in trouble after allegedly misusing his authority for personal gains; the '**Daily Times**' dated **26<sup>th</sup> April 2016** is referred.

A former director of the Capital Development Authority [CDA], M Anwar Gopang, filed a reference against Justice Shaukat Aziz Siddiqui in the Supreme Judicial Council [SJC]. The reference charged the judge for pressurising the CDA ***to construct a special cage for his pigeons on the rooftop of his official residence.***

The reference accused the honourable judge of shifting his residence thrice in search for a 'better' abode. He then compelled the CDA to renovate his existing residence despite the fact that the house was the property of the Public Works Department [PWD] and PWD was responsible for its renovation. ***The reference also revealed that the CDA spent Rs:12.1 million to renovate that [one] house.***

The complainant, Mr Gopang, claimed in the reference that on the instructions of Prime Minister Nawaz Sharif, the judge was allotted House No: 91-H in Sector F/6-3 of Islamabad. After sometime, the judge used his '**other connections**' to find a better place to live, and got allotted House No: 1-A, in Sector F/7-3 but the honourable judge was not satisfied even with that house.

For the third time, eventually, J Siddiqui got House No:2-A in Sector F/7-4, which was on the pool of the PWD. The house needed repair and renovation. On the insistence of J Siddiqui, the renovation work was carried out by the CDA, which cost the national exchequer more than Rs:12 million. The complainant also submitted documentary evidences in support of his application in the JSC. The reference said:

***"The Engineering Wing of the CDA had initially estimated a cost of Rs:8 million for the renovation work. However, it swelled to more than Rs:12 million in the end.***

***The documentary evidence showed that to conceal the total cost of renovation, the officers of CDA revised the tenders thrice.***

***Although the job was awarded to three different firms but actually the work was completed by one contractor.”***

According to the documents, Rs:372,000 were spent on the paint work of the house and electrical job was completed with the cost of Rs:1.7 million. The revamping of eight bathrooms cost Rs:0.9 million whereas the decoration of kitchen took Rs:163,000. Two main gates of the house were changed with the cost of Rs:126,000.

In addition to this, the old windows of the house were replaced with aluminium windows and Rs:770,000 were spent on this count. Likewise, a sum of Rs:275,000 was spent on the driveway of the house. In the parking porch, cement tiles were fixed with a sum of Rs:190,000.

The store room of the house was merged into kitchen on which Rs:250,000 were spent. Rs:555,000 were utilized on the tiles that were fixed on the roof of the house. The six doors of the house were covered with metal net on which Rs:226,000 were spent.

The height of walls of the house was increased and security wire was installed on it with a total cost of Rs:437,000. False ceiling and fixing of marble in drawing room was completed with the total cost of Rs:111,000.

***The CDA also constructed the cage for Justice Siddiqui's pigeons on the rooftop, but that amount was not shown in the bills.***

Justice Siddiqui himself had once given orders to the CDA for eliminating encroachments from inside the official residences provided to government servants, ***but he got constructed seven new rooms in the house that was allotted to him as IHC judge.*** As per rules, the CDA had to take a no-objection certificate from the PWD before starting the renovation work – which was probably condoned by the judge himself.

It is pertinent to mention that the CDA deducts a handsome amount from the salary of the employees in the name of renovation and repair but does not provide even a water tap or electricity bulb to its poor inhabitants or to the low paid staffers – but the CJ's house was converted into a mini palace. Pakistan's judiciary [and Islamic democracy] hurray.....

### **2nd Charge in the Reference:**

- ***..... that Justice Siddiqui had very close terms with CDA Director Manzoor Hussain Shah. The CDA allotted Plot No:1014 in Sector 1-8/4 to Mr Shah but he refused to accept it and demanded that either Plot No:395 or 396 in Sector I/8-2 be allotted to him.***

- ***Mr Shah took the matter in IHC, got it fixed before Justice Siddiqui – who issued the orders to CDA to allot Plot No: 396 to Mr Shah. The estimated market value of the first plot was Rs:10 million whereas the plot which the officer got on his choice was worth Rs:50 million.***

Justice in ISLAMIC state.....hurrey.

### **3<sup>rd</sup> Charge in the Reference:**

An Assistant Director of CDA, Shahid Singha, allegedly a close friend of Justice Siddiqui for many years, also took undue advantage of his relations.

- *The son of AD Shahid Singha was a temporary employee on a CDA's project. On the application of Singha, Justice Siddiqui first issued stay order and then issued the orders to confirm the services of Singha's son Nabeel Singha in (BPS-16) despite objections raised by the CDA admin.*
- *Secondly: AD Shahid Singha's daughter-in-law was recruited as **research associate in Islamabad High Court on a monthly salary of Rs:80,000** on the orders of Justice Siddiqui. He later transferred her to his own office.*
- *Thirdly: AD Shahid Singha fell ill and admitted to a private hospital. On the orders of **Justice Siddiqui, the CDA had to pay for his medical treatment that cost the authority Rs:377,986.***
- *Fourthly: on the intervention of Justice Siddiqui, the CDA had to allot AD Shahid Singha a house from its pool and gave a Suzuki Cultus car to him which was not due for his posting.*

***Earlier, Justice Siddiqui had given the verdict that any government servant, who owned his / her house in Islamabad, would not be entitled to official residence but on the other hand he blew his orders in the air himself.***

**On 10<sup>th</sup> November 2016;** the Islamabad High Court Bar Association [IHCBA] unanimously adopted a resolution demanding the Supreme Judicial Council [SJC] decide a reference against the ***incumbent chief justice of the IHC for making 'illegal' appointments.*** A resolution signed by 505 members of the IHCBA was tabled during the general body meeting of the association by its Secretary General Mohammad Waqas Malik.

Surprisingly, when the lawyers were speaking on the resolution, IHC Justice Shaukat Aziz Siddiqui entered the barroom and sought permission to address the bar. The organisers accommodated their judge to address the

lawyers in his capacity as a former president of the Lahore High Court Bar Association Rawalpindi division.

Justice Siddiqui said after filing the reference against Justice Kasi, the complainant had done his job; then it was the SJC's decision to go on; also that the IHC CJ Kasi had the right to defend himself before the SJC and contest the allegations.

*[The IHCBA's resolution had asked the **IHC Chief Justice Anwar Kasi**, to follow the footsteps of his predecessor Justice Iqbal Hameedur Rehman who resigned from the Supreme Court after the apex court in its judgment of 26<sup>th</sup> September 2016 pointed out that the appointments made during the tenure of Justice Rehman and Justice Kasi in the IHC were illegal. J Rehman was the chief justice of the IHC till 2012 when he was elevated to the Supreme Court.*

*Following the 26<sup>th</sup> September judgment, the IHCBA Secretary General filed a reference against Justice Rehman and Justice Kasi with the SJC. The resolution demanded the SJC decide the reference at the earliest else the lawyers would start a series of protests creating a bad impression of the whole judiciary.*

*The incumbent CJ had also [amongst many others] had appointed one **Usman Mir, a son of his friend, in BPS-18**. He was working in a private bank and was appointed on deputation after the promulgation of the IHC Rules. The chief justice's power to relax the rules under Rule 16 was illegally applied to appoint a credit analyst from a bank to the post of Assistant Registrar of the IHC on deputation – having zero experience.*

*The Supreme Court had also declared the appointment of Mir's sister in BPS-17 as illegal; however, his brother-in-law was still working in the District & Sessions Court in BPS-17.]*

**On 29<sup>th</sup> December 2016;** a lawyer, Syed Javed Akbar, filed a reference before the SJC against IHC's Justice Siddiqui for the above interference in the BAR affairs. In the reference the petitioner maintained that the judge was on judicial duty at the time he '**interfered in the affairs of the bar**' and it was expected that he would preserve the dignity of his court and not involve himself in a public controversy.

In the reference, the petitioner has requested that an inquiry may be conducted in light of the allegations and report be sent to the President of Pakistan for removal of the judge.

**On 13<sup>th</sup> October 2017;** Chief Justice of Pakistan [CJP] Mian Saqib Nisar formed a special bench to hear the petition against serving IHC judge, accused of misconduct, seeking direction that he be given an open trial before the SJC. Headed by Justice Azmat Saeed Sheikh, the three-judge bench, comprising Justice Qazi Faez Isa and Justice Sajjad Ali Shah, was asked to take up the case five days later.

The SJC had already dismissed J Siddiqui's plea seeking an open trial on 18<sup>th</sup> May 2017 but the mighty justice was still in the saddles.

The development came a week after IHC judge Shaukat Aziz Siddiqui approached the apex court to request that he be given an open trial before the SJC. J Siddiqui had filed a constitutional petition in the apex court on **5<sup>th</sup> October 2017** under Article 184(3) of the Pakistan's Constitution, making the SJC and the federation respondents.

J Siddiqui's 14-page constitutional petition requested the SC to declare that SJC's 18<sup>th</sup> May verdict be declared null and void as it was passed without lawful authority. His petition stated that:

***'....by upholding paragraph 13 (1) of the SJC Procedure of Inquiry 2005, which permits the proceedings of the SJC in camera, violates Art 10-A of the Constitution'.***

**On 6<sup>th</sup> November 2017;** the Judicial Commission of Pakistan [JCP], in a meeting held under the chairmanship of CJP Mian Saqib Nisar formed a larger bench to hear IHC's Justice Siddiqui's petition, seeking open trial before the SJC. The larger bench headed by Justice Gulzar Ahmad took up the IHC judge's plea for the next day.

A week earlier, a two-member bench of the Supreme Court, comprising Justice Sh Azmat Saeed and Justice Qazi Faez Isa, referred the matter to the CJP to consider forming a larger bench for hearing the IHC judge's petition – one dozen more such petitions were in his pocket.

Earlier on that day, when the SJC was to resume hearing, the shrewd judge Mr Siddiqui prayed to stay the proceedings in the SJC till his petition under Art 184(3) is finally disposed off – a dirty trick to pull the time – it was mockery of justice in Pakistan. Since 1973 ONLY ONE judge had been proceeded under CORRUPTION by the SJC that too four decades before.

***Hats off to the judges' gimmicks in Pakistani judiciary.***

**On 7<sup>th</sup> November 2017;** the Supreme Court [SC] declined the request of the sitting Judge of IHC Shaukat Aziz Siddiqui, seeking suspension of proceedings of the SJC against him for his alleged misconduct. A five-member larger bench of the apex court, headed by Justice Gulzar Ahmed and comprising J Sh Azmat Saeed, J Dost Muhammad Khan, J Ijazul Ahsan and J Sajjad Ali Shah, heard the petition filed by J Siddiqui for an open trial instead of in-camera proceedings; as given in above paragraphs.

Appearing on notice, Hamid Khan, counsel for J Siddiqui, requested the apex court to stay the proceedings of the SJC against his client. The court, however, declined the request and observed that ***there were some 101 questions that needed to be thoroughly examined.*** Justice Gulzar Ahmed observed that the court did not want to hear the case in pieces but would hear it in detail, adding that this was not the kind of a case where a stay order could be issued to bury the whole case.

J Sh Azmat Saeed observed that they wanted to hear in depth, AND if Article 10-A could be applied in ensuring the rights of an office boy, then why should not be applicable in judges' matters.

However, till the last day of 2017, the SJC had done NO progress in their own brotherly JUDGE – and ultimately the reference will die its own death.

***Ref Against J Iqbal Hameed ur Rehman:***

**On 26<sup>th</sup> September 2016;** in a landmark judgment carrying implications for three existing members of the higher judiciary, the top court annulled 74 appointments in the Islamabad High Court [IHC], observing that the IHC's then top judge and administration panel had disregarded their mandate in filling the office-gaps.

A three-judge bench, headed by Justice Amir Hani Muslim, announced the long awaited verdict on a three-year-old petition of lawyer, Ch Mohammad Akram, who had challenged 74 appointments in the IHC, made in phases from 2010 to 2013.

Justice Amir Hani Muslim, who was continuously streamlining the civil service structure of the country for the last three years, authored the 51-page judgment, which was reserved on **16<sup>th</sup> May 2016** but announced that day – with all the minute details.

The judgment said the then IHC CJ and the Admin committee of two senior judges made appointments in the establishment in total disregard

of the mandate given by the rules framed under Article 208 of the Constitution. Their fellow SC judge, Justice Iqbal Hameedur Rehman, was the IHC Chief Justice during that period and the administration committee then comprised the incumbent IHC Chief Justice Anwar Kasi and the Federal Shariat Court's incumbent CJ Riaz Ahmad Khan.

The top court held that the then CJ IHC had lost sight of the scheme of rules by appointing respondents, the 74 employees, in the IHC. The provisions of rules that provide for a mandatory competitive test were not followed, nor were any advertisement made to invite applications of eligible candidates. The justification that the IHC was a new court was not considered sufficient to override the mandatory requirement for the appointments. The judgment held:

*"Such practices may lead to public distrust in the country's judicial institutions. We cannot allow denial of justice to those who merit appointment nor could we encourage anyone to bypass transparent process of recruitment provided under the Rules."*

The court declared that the appointments of 74 employees and other such staff of IHC were to be de-notified and repatriated to their parent departments, including the private sector, within 15 days with the mode given by this court in another landmark judgment of 2013. On repatriation, those employees were allowed to join their parent departments and made entitled to their seniority with their batch mates. The apex court said:

*"Fresh recruitment in place of the de-notified employees shall be initiated simultaneously in accordance with the rules and preferably completed in 45 days."*

**On 23<sup>rd</sup> October 2016;** days after he was accused of making illegal appointments in the above IHC Case, the SC judge Justice Iqbal Hameedur Rehman tendered his resignation from the post; the resignation was duly addressed to President Mamnoon Hussain.

Justice Iqbal opted to resign because a week earlier, a reference was filed in the SJC against him by IHC's Bar Secretary Waqas Malik; J Iqbal was appointed as SC judge in February 2013.

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### IS [DAESH] IN PAKISTAN [?]

#### ***ISIS – IN THEORY & PRACTICE:***

See an excerpt from the 'Financial Times' dated **14<sup>th</sup> October 2015** which once described the statistics that:

*".....the IS procures about 34,000-40,000 barrels per day [bpd] and sells it for between \$20 and \$45 a barrel, earning an average of \$1.5m a day. At the al-Jibssa field in Hassakeh province of Syria, IS produces 2,500-3,000 bpd, about 30-40 big trucks a day, each with 75 barrels of capacity."*

The key-heads and founders of the ISIS had not voiced out their outline of the Islamic Caliphate till they had minutely worked out their strategy of taking control of the oil wells first. The IS *Shura* had identified it as a basic and essential step for launching their insurgency plans. Much earlier, they had spread in the oil-rich areas of Iraq, holding their positions in silence, since the group emerged on the scene in 2013 in Syria's oil rich areas in the eastern region.

The ISIS organisation had been successfully controlling sizable patches of Syrian and Iraqi territory. Oil is the main sources of income for the IS to run its war machine and to sponsor its factions all over the world. **Jihadis' oil operation** often forced even their local enemies to trade with them.

The attacks on the IS oilfields had been pouring from all sides, about 200 attacks pointed on oil reserves during one year, mid 2014-15, but their business continued as usual and that remained the most disturbing factor for the world power players.

ISIS entered Iraq through its northern borders, took over **Mosul** in 2014, and then quickly moved forward to seize the oilfields of **Ajil** and **Allas** in the north-eastern Iraq. Their strategic planning was so perfect that the said oil wells did not stop production for even a single day – and the extracted crude oil was also shipped out to the nearby local markets the same day for

onwards trade. Since then the production has been un-interrupted under the IS management beyond years.

It clearly demonstrated that the IS had much earlier engaged the oil engineers & technicians, doctors, Security managers and transportation racket of those oil fields that was why their take over went so smooth. From this point the ISIS went on expanding and strengthening their contingents. The Iraqi army succeeded to take back those oilfields back only in April 2015 but till then the ISIS had siphoned out about \$600millions in a year of their control.

The available record proved that the ISIS had run those oil wells in very professional way offering high salary structure for engineers and other employees, monitoring production and taking care of the operations in a skilled manner.

The ISIS way of governance across the territories it seized remained exceedingly decentralised – mostly it relied on regional governors — but as per guidelines time to time decided by the Shura along with revenue allocations and conveyed to them [the governors] for strict implementation. However, the central Shura, the top commanders of the ISIS, kept the military operations, media organs and the oil accounts with themselves.

The oilfields were guarded and controlled by the ISIS' Secret Police, which was also responsible for revenues collection on behalf of the Central Shura. They patrolled the whole area of pumping, storage and loading outs, while the transport affiliated people, drivers or traders, were carefully checked before entry to the cordoned oilfields. At an oil well of **al-Omar** there used to be 6km queue often; the process was slow but the buyers had learnt to wait. Drivers had to present a document with their licence plate number and tanker capacity to ISIS officials to be entered them into database and token number assigned.

The Russian intervention, Western allies bombing and low oil prices could put pressure on the ISIS' income; the depletion of Syria's ageing oilfields could be another factor. However, there was no shortage of demand; *"...everyone here needs diesel: for water, for farming, for hospitals, for offices. If diesel is cut off, there is no life here,"* a businessman from Aleppo, a Syrian town, once quoted.

ISIS knew the potential of oil bargains to seek approval for their organization and the theory of Caliphate they were apparently striving for.

In Pakistan, the ruling PML[N] regime was either deceiving the poor nation or being misled by its advisors when it publicly used to denounce the presence of IS in the country. Taliban, or for that matter the youth of the whole tribal region, had no employment, no source of income, no business opportunity, no industry, no agriculture and no commercial activity – then what could they do for livelihood.

They had once joined Taliban for financial gains. Later, the Pak-Army operations pushed the TTP away, they were no longer able to recruit and feed that youth – so they were bound to welcome the IS because it was rich in oil and could afford funds to further their cause in Pakistan.

### **KILLINGS IN PARIS:**

Much about the IS group suggested a mystifying terrorist setup that aspired to strike everywhere, including America and Europe. Reporting on IS had gone much conflicting in those peak days of ending 2015, its leadership had not surfaced with acceptable introduction and their existence was being widely discussed in print and internet media without any cogent reference to its true managing body or administration. However, its propaganda was touching all heights.

**On 13<sup>th</sup> November 2015;** a series of coordinated attacks by suicide bombers and gunmen in Paris selected six different sites killing at least 128 people at a concert hall, restaurants and the national sports stadium. The Paris reeled that Friday night from shooting rampage, explosions and mass hostage-taking in an unprecedented fanatic assault on France.

Around 100 people were killed at a concert site where hostages had been held during a two-hour standoff with the police, and dozens of others were killed in apparently coordinated attacks outside the country's main sports stadium and four other popular locations in the city.

French President sharply increased border controls and heightened police powers as it mobilised the military in a national emergency. Initial reports told that five assailants were there: three at the concert hall as the police assaulted the building, and two near the sports stadium. At a popular music hall, The **Bataclan**, where the American band **Eagles of Death Metal** was among those playing, seat to seat filled with 1,500 people, was a massacre; gunmen with automatic weapons shot bursts of bullets into the crowd. An explosive grenade was also tossed in the hall.

The casualties eclipsed the deaths and mayhem in Paris during an earlier massacre at the **Charlie Hebdo** newspaper and related assaults around Paris by Islamic militant extremists less than a year ago. Those attacks had traumatised France and other European countries, which grappled with fears of religious extremism and violent militants, radicalised by the conflicts in Syria and elsewhere in the Middle East and North Africa.

An explosion near the sports stadium, the **Stade de France**, was an apparent suicide bombing, occurred as Germany and France were playing a soccer match, forcing a hasty evacuation of President Hollande who was also viewing the match. As the scope of the assaults quickly became clear, he convened an emergency cabinet meeting and announced that France was placing severe restrictions on its border crossings.

President Obama came to the White House briefing room to express solidarity and offer aid and condolences. He said:

*"Once again, we've seen an outrageous attempt to terrorise innocent civilians. This is an attack not just on Paris, it's an attack not just on the people of France, but this is an attack on all of humanity and the universal values that we share."*

*"We're going to do whatever it takes to work with the French people and with nations around the world to bring these terrorists to justice and to go after terrorist networks that go after our people."*

Immediately after, the Twitter erupted with celebratory messages by members and sympathisers of the '**Islamic State in Iraq & Syria**' [**ISIS**]; also known as '**Islamic State of Iraq and the Levant**' [**ISIL**]. The Levant is a geographical term that refers to the eastern shore of the Mediterranean -- Syria, Lebanon, Palestine, Israel and Jordan. Some times called as **DAESH** or **DAIISH**; this is a term the militant groups hate.

French President François Hollande used the said term since the attack-one on 13<sup>th</sup> November 2015. It was first used it in September 2014 - it's an Arabic acronym for "**al-Dawla al-Islamiya fi al-Iraq wa al-Sham**." In short it is called as **Islamic State** [**IS**].

German Interior Minister, Thomas de Maizière, said: "*I am in close contact with my French colleague and have offered assistance through German Special Forces.*"

American and European counter-terrorism officials reviewed wiretaps and other electronic surveillance records; a senior US security official said there was no immediate indication that there had been suspicious chatter or other warning signs before the attack. Unlike the attacks against **Charlie Hebdo** and a kosher supermarket in January [2015], the attacks on the targets had no apparent rationale. One officer told:

*"It's a Friday night, and there's a lot of people out, a lot of tourists out. If you want maximum exposure, you do it like this, in the dark, when it's scarier and more difficult for police to act."*

Same day, Pakistani government strongly condemned the multiple terror attacks in Paris saying that *"Pakistan stands firmly behind the people and Government of France in this hour and extends its support to bring the perpetrators to justice."*

The known celebrity writer Thomas Piketty writes in his book '**Capital in 21<sup>st</sup> Century**' that the Middle East's political and social system has been made fragile by the high concentration of oil wealth into few countries with relatively little population. If you look at the region between Egypt and Iran — which includes Syria — you find several oil monarchies controlling between 60 and 70 percent of wealth, while housing just a bit more than 10 percent of the 300 million people living in that area. This concentration of so much wealth in countries with so small a share of the population, he says, makes the region *"the most unequal on the planet."*

Thus a large chunk of inhabitants — including women and refugees — used to be kept in a state of **semi-slavery**; those economic conditions became justifications for *ihadists*.

*[These are the **regimes that are militarily and politically supported by Western powers**, all too happy to get some crumbs to fund their [soccer] clubs or sell some weapons. No wonder our lessons in social justice and democracy find little welcome among Middle Eastern youth.*

*Under plausible assumptions, the top 10% income share (for the Middle East) could be well over 60%, and the top 1% share might exceed 25% (vs. 20% in the United States, 11% in Western Europe, and 17% in South Africa).]*

Terrorism that is rooted in inequality, Piketty continues to justify, is best combated economically.

It also remained a fact that **Muslims all over the world condemned terrorism and expressed solidarity with French mourners.** French President Francois Hollande blamed the Islamic State [IS] for those attacks, calling them an **"act of war"**. The identity of the attackers remained unconfirmed; however, the people around heard rounds of automatic rifle fire amidst shouts of **Allahu Akbar!** However, Muslims across the globe had out to denounce the unprecedented attacks.

The head of Islam's leading seat of learning Cairo's **Al-Azhar**, on the same day, condemned **hateful** attacks and urged global unity against extremism while saying:

**"We denounce this hateful incident,"** Ahmed al-Tayyeb told a conference in comments broadcast by Egyptian state television.  
**"The time has come for the world to unite to confront this monster."**

Many approached twitter and facebook to express their support for the French and denounce terrorism.

**TO REACT 'ISIS' EXPANSIONISM:** Throughout the year 2014-15, reporting on IS went much conflicting; its leadership remained unknown. No one could find an acceptable introduction of the IS and no cogent reference to its true managing body or administration could be addressed. However, its presence was being felt constantly – without their exact demand-list or knowledge about their true objectives; President Obama mostly adhered to his policy of **containment**.

The US apparently tried to contain IS group's expansion; was to be contained in Syria and Iraq first; then their elimination through precise air strikes and extending more support to regional western allies. The opposite philosophies were also discussed in the West and America, meaning thereby:

- Firstly; that **Local Forces** should be encouraged with better arsenal to counter the IS activities.
- Secondly; the **US and NATO's Special Force** up to 20,000 troops at least, be placed there in Syria and Iraq to combat that menace.

The decision makers were to differentiate that what the exact nature of the IS was being portrayed as enemy; a well-resourced terrorist group that was in control of substantial territory, or an up-coming nation-state that was sponsoring terrorist attacks.

Taking light from the magazine **Politico Friday of 29<sup>th</sup> November 2015**; if the IS is considered as resourceful terrorist group, then containment could be an unusual and funny strategy, but the second option of the nation-state considered, then it had to die its own death. IS, even during its peak days, was not able to fight a three-front war—Iraq to the East, the Kurds to the North and Syrian insurgents to the West; ***the US avoided to put itself in picture [–because it is sponsored by them].***

IS didn't publish statistics or talked ever to the media in detail but it was definitely a professional bureaucratic set-up established at unknown location [think Pentagon?]. The group had developed its pre-war economic activity in oil production suggesting that group's governance practices were controlled by experts of highest order – that's where the ***'US-hand was being named at its back'***.

As per details available in **Hensen Lewis's** essay titled '**Understanding the Daesh Economy**' published in *Vol 9, No 4 (2015) of Terrorism Research Institute USA*, the media roared a lot about its cash flows, which were surely large for a terrorist group, but tiny for a ***'sponsored state'***.

Then comes its oil revenues; the then estimates explicitly indicated it at \$500 million per year from one province the IS kept control of. Oil production was dropping because the group lacked engineers and its infrastructure was being bombed by various powers; sanctions and physical constraints on transporting the product to world markets remained another cogent issue for the IS as a [terrorist] group.

Another known source of funding of the IS was the looting of antiquities, since it controlled territory in an area profoundly important to world heritage; but supply of looted treasures was very limited in the world market – buyers were so few.

The last main funding source was extortion from the population under its control as had been frequently reported from Taliban territories in Afghanistan and Karachi in Pakistan. This was standard practice for rebel groups, showing up with guns at big businesses and demanding payments for ransom – here the IS's stakes as group were very high. It hired services of Taliban there in Karachi; the later did a lot in IS name but sent very meagre amounts back.

Every one was waiting for next day's dawn if it brings better news for the common human beings.

The Living History of Pakistan Vol-VI

In Pakistan, it was claimed by the Pak-army that prior to their action in July 2007 to flush out the Red Mosque and its adjoining seminary in Islamabad, that place had become a centre for Al Qaeda and Taliban terrorists. The time proved that as fact; it had large caches of weapons too.

Maulana Abdul Aziz and his brother Abdul Rashid Ghazi had openly announced in Friday sermons that they would unleash hundreds of suicide bombers. Once again the same mosque became a rallying point for extremists; the girl students of Lal Masjid seminary had posted their allegiance to the IS leader, Abu Bakr Al-Baghdadi.

The Islamabad police, on the instructions of their Interior Minister Ch Nisar, always abstained from arresting Maulana Abdul Aziz even after registering cases against him. Maulana Aziz had always been on the offensive while the government and all its law-enforcement agencies used to retreat instead of countering Maulana's narrative of hatred. Instead, the state had been giving space to the cleric – perhaps were waiting for another massacre like of the APS Peshawar of December 2014.

The whole nation wanted the government to take action against all those centres of activity which openly or discreetly encouraged their followers to take arms against Pakistan. It remained a fact that a number of seminaries in Islamabad used to get closed down for a week or so prior to military parades or foreign dignitary's visit. If the said *jihadis* were dangerous for a week, how come they were not dangerous for the rest of the year?

**HAD US SPONSORED ISIS?**

Referring to the '**Washington Post**' dated **2<sup>nd</sup> December 2015**; on front lines of the battle against the Islamic State [IS], suspicion of the United States runs deep. Iraqi fighters say that:

*'.....they [the Iraqis] have all seen the videos allegedly showing US helicopters airdropping weapons to the militants, and many claim they have friends and relatives who have witnessed similar instances of collusion.'*

Ordinary people also viewed the videos, heard the stories and reached the same conclusion believing that the US has been supporting the IS for asserting [more] American control over Iraq, and, most probably, its oil. The Shiite community and especially the Shiite militias held firm opinion because they had seen helicopters delivering bottled water to Islamic State

positions near the oil fields of **Baiji** in Northern Iraq. That community thinks that had the US stopped supporting IS, they could have defeated them in much earlier days.

US military officials termed the proposition as 'ridiculous'. Col Steve Warren, the US military's Baghdad-based spokesman said that:

*"There's clearly no one in the West who buys this idea, but unfortunately, this is something that a segment of the Iraqi population believes."*

The above perception amongst Iraqis went widespread across the country's Sunni-Shiite sectarian divide, and it divulged the troubling legacy of mistrust that had clouded US-Iraq relationship since the 2003 invasion and the subsequent withdrawal eight years later. In an arena of recent IS attacks in Paris, the phenomenon raised the level of suspicion with which the US was being viewed in Iraq – and an alarming note for the Obama administration, too.

What could be done to repair such suspicion; the US seemed worried. Iraqi PM Haidar al-Abadi pushed back swiftly a recent announcement by the US Defence Secretary Ashton Carter that special contingent of US force would be dispatched to Iraq to conduct raids, free hostages and capture IS heads. Iraq's tribal Kurdistan supported the US strength there; it would welcome more US troops but PM Abadi flatly refused any such deployment. The US had to respect the Iraqi sovereignty.

The allegations of US collusion with the IS were aired regularly in Iraqi parliament by Shiite politicians and promoted it in postings on social media. In one typical video that appeared on the Facebook page of a Shiite militia - **Badr Organization**, waves US military's MREs [meals ready to eat] — chicken and dumplings — being proof of US support, allegedly found at an IS base in **Baiji**. The American high ups termed it Iranian propaganda saying that the Iran backed Shiite militias were pushing that propaganda that **'the US supports IS'**.

Iraqi government officially didn't believe the charges; and PM Abadi constantly pushed back against them but PM's own position went weakened while battling for his own political survival against powerful Shiite militia leaders. Iraq's Ministry of Defence told the media that the Americans should have been done much more than they claimed; **'as the US goes slow so most people believe they are supporting IS'**. US Air Command routinely failed to respond the Iraqi MOD's requests to strike the [indicated] IS strongholds and their camps.

The US once claimed that they conducted about 3,768 strikes in Iraq till 19<sup>th</sup> November 2015 but the fighters on ground insisted there had been no strikes by the Americans at all. ***Iraq's Special Forces in Baiji keep the opinion that they were better off without the US aid.*** The only air support had come from the Iraqi air force and that the troop wished their government would have asked the Russians for help instead of the US.

***'The America is colluding with the IS - holds a certain logic'***; Mustafa Alani, Director of the Gulf Research Centre also held; adding that most Arabs now believed it as a hard fact.

Most media gurus of the Middle East also considered it correct for the reason that the Americans weren't doing the job people expect from them. ***Mosul*** was lost - US did nothing; Syria was lost - the Americans did nothing; Paris was attacked - the US guns went silent; thus people believe it as US's deliberate policy – a **US conspiracy**. In Baghdad, most Iraqis offer another explanation that:

***".....the US was damaged here, so they created IS to punish Iraqis and restore their image. ....most people believe that it's not based on reason. It's based on racism — because Iraqis don't like Americans in the first place."***

**On 2<sup>nd</sup> December 2015**, the British Parliament voted to launch bombing raids against the IS in Syria, supporting PM David Cameron's case that the country needed help to destroy militants ***"who are plotting to kill us"***. After more than 10 hours of tense debate, MPs voted in favour of air strikes, by 397 to 223. British Tornado GR4 bombers were in the air from their Cyprus base within hours to launch the country's latest military action in the Middle East. PM Cameron urged MPs not to turn their back on allies such as France in their time of need.

The British warplanes attacked the IS-controlled oil industry, a determined source of revenue, but avoided to hit IS's stronghold in ***Raqqa***, Syria, where the IS members were almost indistinguishable from the local civilian population.

PM Cameron had suffered a humiliating parliamentary defeat in 2013 over plans to bomb President Assad's forces. In September 2014 polls, 48 percent of respondents had supported the strikes on Syrian IS while 31 percent were against the idea. Those opposed to air strikes recalled the events of 2003 when Britain helped the US to invade Iraq; later turned out - that Saddam Hussein was not in possession of weapons of mass destruction [WMD].

Many British voters were wary of being dragged into another war in the Middle East. Some viewed Western intervention in Iraq and Libya as failure that sowed chaos across the region. The Parliamentary approval was met by howls of disgust by dozens of anti-war protesters demonstrating outside parliament's building. PM Cameron held that about four years' Syrian civil war could not be resolved by military action alone. Cameron told a packed House of Commons that:

***"...these terrorists [IS] are plotting to kill us and to radicalise our children right now. They attack us because of who we are, not because of what we do."***

During the same days, a particular section of the British media highlighted the defective strategy of Western block to cope with the IS menace. ***They were not against the idea of curbing or crushing the IS – but indirectly pointed out that certain forces or countries amongst them were not actually sincere.***

Some also raised a voice against the British government's urge to attack the IS in Syria describing '**Ten reasons UK is [again] bound to lose IS war**'. Various essays written under that maxim cogently reiterated that the West hasn't learnt any lesson from Iraq; perhaps the move would doom the UK once more. Their contention had the merit and substance both; the points were as under:

**The West miss-interpreted its values:** Recall the War on Terror [WOT] in Afghanistan and Pakistan; it was a clash of values - *Islam's alleged intolerant and fundamentalism vs. West's liberty, democracy and rule of law*. The most appropriate response to a terrorist attack could be to strengthen and defend the freedom of Western citizens. It could be a slap on the face of fundamentalism and would have also dispelled fear and submission from the liberal society world over.

**Bad ideas can't be buried in one go:** Afghanistan, Iraq, Syria, Pakistan, Yemen, Somalia and Lebanon were all bombed by the US since 9/11, with the apparent objective of destroying Islamist terrorism. Yet whether it remained there in the form of Afghan Taliban, Pakistani Taliban, Jundullah, Al-Qaeda, or ISIS; the ideology continued to persist. No matter how many bombs the US dropped, 57,000 people were killed in Pakistan alone, Islamism continued to exist because there was justification with the people who had no alternative choice except to pick up weapons.

Bombing during the American war in Vietnam, Cambodia and Laos killed 2.5 million people, with millions more deaths after the war as a result of

American chemical warfare. That genocide was done against the ideology of communism. However, 40 years after that decade-long conflict, Vietnam is now a country more peaceful than the US; still living with one-party communism. After having 7 million tons of bombing, the communist Vietnam still survived and defeated the US Army – rather made it sign of shame, disgrace and humiliation for all generations to come.

**West itself spread terror through DRONE STRIKES:** US Military drones flew all around and often targeted civilian populations; unimaginable for someone who doesn't live fearing that invisible flying robots might kill them and their family. The legality and intelligence behind so-called 'signature strikes' was equally terrifying.

The US allowed its CIA to commit extrajudicial executions of foreign suspects, though successful in Pak-Afghan border region [though never justified]. However, elsewhere for the IS for instance, it was all considered failure – strengthening the popular understanding that ***IS is basically a sponsored armed hand of America***. Why the US has never ordered the killing of certain terrorists in America.

***The fear and innocent deaths caused by drone strikes don't stop terrorism. It is itself terrorism.***

During the CIA's first targeted drone strike in Afghanistan, three civilians collecting scrap metal were killed because one man was thought to be Osama Bin Laden – he was not. The US still can't be sure of the true scale of civilian deaths because the CIA counts all military-aged males in strike zones as ***'militants'***.

**UNDUE CLASHES create more radicals:** In most poor countries of Asia and Africa, the radicalisation brings more bloodshed because of injustice and poverty; they have been left with nothing to lose; especially as revenge against those who took their home and family – the foreign military becomes the first target. Destroying poor people through drones or otherwise could never defeat Islamism – ***ask CIA if they had ever killed a rich person in any part of the world.***

The mayhem and destruction caused by warfare left a political and social vacuum in poor countries in which fundamentalism flourished. It also created a generation of young people raised in an environment of constant warfare; where blood remained cheap and the enemy was obvious; and Islamist militancy was the appropriate viable solution for them.

Western nations intervened on the most deceptive premise that **'by eliminating Taliban or ISIS we make our populations safe'** but in fact western powers made their citizens less safe by doing so. The Paris and Brussels attackers shouted **"This is for Syria"** before killing 140 people, in a suspected revenge attack for the killing of Mohammed Emwazi.

**Who would define 'barbarism' for the West:** The barbarism of ISIS is often depicted by the Western media as a justification for military intervention. In the first six months of 2015, ISIS beheaded 66 people but Saudi Arabia publicly executed 102 people, though of course, for varying reasons. For different communities, the barbarism carry different meanings – all have certain cause and explanation in their minds.

Killing civilian people through air bombing, chemical warfare and missiles by the Western countries are also the acts of barbarism – and so are the serial killing and suicidal attacks. Both types of action result in the loss of humanity in the end – but the Western are the educated and re-sourceful communities so should be able to think in a better way.

**About arming radicals and tyrants:** What do Saddam Hussein, Muammar Gadaffi, ISIS, Al-Qaeda, Osama Bin Laden, and The Taliban all had in common? ***They were all armed at some point by America.*** The UK also helped Saddam Hussein and Bashar al-Assad create chemical weapons – the same weapons were later used as justification for military intervention. Still the wealthy arms trade between the West and Middle Eastern tyrants has been flourishing and would continue for decades - it is believed by most Western think-tanks.

Even more disastrous step was the arming of fundamentalist rebel groups in attempts to overthrow governments that America didn't like. The delivery of weapons into the hands of violent, disorganised and internally conflicting groups resulted in those being used against Western interests when needed by them. Western nations also supplied arms to terrorists indirectly by leaving surplus military equipment around after they left war-zones.

***ISIS, during the same period under discussion, had acquired \$1billion worth of US armoured vehicles left behind in Iraq – of course, with the US connivance and approval.***

**Arms business exclusive:** Available record indicated that in 2013, \$1.75 trillion was spent on the military equipments worldwide; with the top 100 arms companies selling \$402 billion in weapons. The CEOs of these huge multi-national corporations were tasked with increasing profit year-on-year, and forever. The main clients of arms companies remained the national

governments spending taxpayers' money; companies made profits; but indirectly poor people on targeted side got their homes destroyed, their families killed and one developed nation makes his population prosperous on the cost of other nations' human being.

The War on Terror [WOT] was a dream come true for weapon companies; the US Vice President Dick Cheney was the advisor and decision maker in President Bush's team – but he was the most benefited person of that WoT being the **CEO of Haliburton**; the most expanded military industrial complex of America.

**Huge Military Spending Bills:** The truth remains that it costs £3.2 million spent on a two-plane, six-hour bombing mission; and the hundreds of billions spent on nuclear weapons - an awful lot of taxpayers' money spared to kill other human beings. Then hundreds of thousands of refugees are seen fleeing the misery inflicted by the same weapons the West helped to create – another un-explained spending thus burden on tax payers.

A Watchmaker drone, operational for two hours, [in 2015] raised for the UK taxpayer expenditure worth £1.2 billion [*the annual cost of benefit fraud in UK*]. The renewal of the Trident nuclear submarines cost a total of £167 billion whereas the police were left to face a 25% budget cut.

**West needed cohesion, not division:** Islamist terror groups like ISIS were seen saying that '*.... The Western forces entering Northern Syria will bring about a final war in which God will grant Islam victory against Western crusaders*'. The ISIS used this narrative to groom maligned and marginalised European Muslims.

The British media used Nazi-like propaganda comparing refugees to cockroaches and rats; ISIS used their magazine [*Dabiq*] to scare refugees intending to quit Syria. They successfully portrayed Europe as intolerant and dangerous for Muslims and convinced them not to leave their country. When those refugees came to Europe – the EU discouraged them.

In fact, with such odd policies of 2015, the Western countries did terrorists a great service – through resentment and *Islamophobia* remarks.

**Violence doesn't bring peace:** Various studies revealed that people are attracted to join terrorist groups through religious fundamentalism, endemic corruption, political instability, social alienation, or economic desperation etc as an individual factor or collectively; yet, these factors had invariably aggravated by foreign military interventions. The Western governments bombing in poor African and Asian countries like Afghanistan

and Pakistan only created more refugees, conflict, division, instability, poverty, destruction, and terrorism. The same is true in the Middle East countries where the IS is using the same theory as tool.

The US & EU foreign policies failed to bring about lasting peace in Iraq and Syria. The war in Iraq contributed to the death of half a million human beings, and ended up costing the US \$6 trillion. Yet the entire West, since Nine Eleven 2001 at least, employed the same strategy, in the same place, against the same ideology and against the same group; either Taliban or IS. How to bring the lasting peace? The 2015's surge once more resulted in the same devastated and disturbed Syria – taking the whole world to another major defeat.

Peace can only be achieved through a long-term foreign policy based on providing human rights, self-determination and liberty for the citizens of tyrannical and corrupt governments. However, in the on-going scenario, the West did not respect international law and did not negotiate sincerely with the governments involved in conflict. Instead of selling weapons to all parties in war-zone, they could look at providing education, healthcare, and sustainable development to give hope and sun-shine for those poor people all around in their target countries.

BUT how could they afford to think like that - given the hegemony of an ever-expanding military industrial complex, the governments they funded, and the barbarous regimes they patronized - it is unlikely that one would ever see an end to the so-called **'War On Terror'**.

**On 4<sup>th</sup> December 2015**, Germany's parliament was also expected to vote against the IS but only to provide military support for air strikes; neither their troops nor planes would participate practically. Even the British air strikes were unlikely to change the military balance, given the US warplanes were already there. UK's high-precision, laser-guided Brimstone missiles could make a difference by hitting the IS capital of **Raqqa** and its oil sites – but the status-quo, however, prevailed.

**On 7<sup>th</sup> December 2015**; NATO General Secretary Jens Stoltenberg told a Swiss newspaper **'Tages-Anzeiger'** that:

***'NATO has ruled out sending ground troops to fight against ISIS in Syria - stressing the need to bolster local forces in the conflict.'***

*That is not on the agenda of the coalition and the NATO allies. The United States has a limited number of Special Forces. In the*

*foreground, however, is strengthening local forces. This is not easy, but it's the only option.'*

And what else could be known as 'double-game'.

### **PRESENCE OF IS IN PAKISTAN:**

Since the late 1970s, the Pakistan and its populace are at war; this asymmetrical warfare has seen many actors. First, it was the backlash on Pakistan's policies in Afghanistan and bombs frequently blew in trains and buses killing people. This trend converted into the high pitched battles that two sects in Pakistan fought apparently with ideological and financial assistance from '**friendly foreign countries**'. The sectarianism was seen shooting into the sky.

Al-Qaeda, created in Pentagon then launched in Afghanistan, but operated simultaneously from Kandahar and Peshawar [*....those were different days and terrorists of today were holy warriors then*] with equal passion and vigour. Locally and internationally financed, a mix of sectarian and Al-Qaeda militancy later provided crucial support to the emergence of Taliban on both sides of the Pak-Afghan borders.

The emergence of Taliban on both sides were because of the popular support of the local populations - as if this was the re-emergence of their [Islamic] faith, but cold facts surfaced on world horizon very late – it was all about global oil-politics.

Prior to the Iraqi and Syrian wars, the non-state violence was less organised and lethal, but the convergence of the hyper-radicals in these countries not only created organised militants, but also brought new ideas of the brutal violence these people perpetrated against combatants and non-combatants alike.

This new herald of militant threat was **IS, ISIS, ISIL or Daesh**, call by what name it suits you - essentially grown in Iraqi and Syrian voids of weak political governance. **Extremism bulges out when states and societies do not counter the emergence of misdirected religious and political falsehoods;** attract particularly the youth **in the name of making change** that would get them the promised glory.

**Daesh** deployed the same tactics and addressed the Muslim youth across many nations of the world, including Pakistan. Although the political chiefs and the Pak-Army both had repeatedly rejected the reports of Daesh's presence in Pakistan, the group continuously raised its venomous head every now and then.

Since 2014, in Pakistan, there was reduction in terrorist incidents but it was equally undeniable that the threat of terrorism remained high. The Punjab government had issued a warning of possible attacks by the Islamic State [IS] through their affiliates – again the paid religious mercenaries. Intelligence agencies did not issue an explicit warning; they had no good reason like hard intelligence. Punjab remained duly alert though amongst ambiguous theories popping around.

**Came up the main question** during those days of Paris Attacks on 13<sup>th</sup> November 2015: specifically, **about the presence of IS in Pakistan**. There was no clear-cut answer. Punjab's Home Department developed opinion that while Da'ish [a nomenclature increasingly used in Pakistan for IS] was ***"not itself present in Pakistan, there were factions within the banned Tehreek e Taliban Pakistan [TTP] that were inspired"*** - in fact hired by the IS.

Earlier **on 3<sup>rd</sup> October 2015**; Army Chief Gen Raheel Sharif, while addressing the Royal United Services Institute for Defence and Security Studies in London, said that:

***"Pakistan would not allow 'even a shadow' of Daesh, and termed the group a greater threat than al Qaeda."***

**On 19<sup>th</sup> November 2015**; Pakistan's Foreign Office spokesman Qazi Khalilullah, during his weekly press briefing, once again categorically denied the presence of IS on its soil. He reiterated that:

***"....there is no footprint of Daesh in Pakistan. We will also not tolerate anyone affiliated with it. The country is aware of the threat posed by the militant group, adding the security forces are on full alert"***.

***Pakistan officially condemned the terrorist activity in Paris; we stand by them – and that terrorism cannot be associated with any religion."***

The attacks traumatised France and other countries in Europe, which grappled with fears of religious extremism and violent militants, radicalised by the conflicts in Syria and elsewhere in the Middle East and North Africa.

An editorial note of daily **Express Tribune of 1<sup>st</sup> December 2015** said:

*"Thus the IS may not have an office in Pakistan as the TTP keeps in Doha; it may not have a direct control from Raqqa, but **it does have a 'presence'** in a non-corporeal sense. That 'presence' is as indefinable as the IS caliphate, which is essentially a state without borders or a unified central governance, a redefinition of the concept of statehood."*

The elements of the TTP that had reportedly aligned themselves with the IS were not some spin-offs of Taliban; they were trained and battle-hardened from their equipped fighting units. They were prone to factionalism and internal rifts that sometimes play amongst their groups from different origins. Though they were highly *tribalised* in their affiliations — but they were able to mount complex operations in any given situation and anywhere.

Till that moment, it was not clear that **'to what extent the IS was able to exploit the Pakistan's weak judicial process and the poverty of masses to implement its extremist designs.'**

**[Terrorism everywhere, no matter the country or culture, requires a supportive infrastructure to operate successfully. It needs sympathisers, media speakers and religious clerics. People, who will store arms and arsenal for them, build bomb vests, hide fugitives, fabricate false documents and manage to frighten the illegal rich for launching their terrorist attacks. **Pakistan always remained a fertile ground to hold such menaces.**]**

In Pakistan, despite the Pak-Army and Foreign Office denouncements, the fact remained that the IS was already recruiting mercenaries indirectly through franchisees and some covered **madrassahs**. Its leaflets and propaganda material had been found across the country, including in Punjab to which the new alerts were caused. The hand-written and locally published material was not having a postal address, but the involved people knew all other modes of mutual communication.

Pakistan has suffered for too long around the semantics of terrorism **due to its weak laws and judicial setup**, neglecting meanwhile to construct any counter narrative. Once more it was decided to fully

activate the National Counter Terrorism Authority [NACTA] but what remained its results since its foundation in 2009. NACTA was not going to be effective in the given legal perspectives in Pakistan because no government allotted it required funds.

The IS was bound to enhance its traction and presence as the situation suit them; one could analyse that 57,000 people, including 5700 security personnel, had been slain in terrorist activities during a decade **but the civil courts could not bring a single person to the gallows. Blame game always remained high in Pakistan.**

As the IS was re-branding ideas of statehood, Pakistan's political elite remained busy in grabbing the pieces of state-lands to fill in their own coffers. New legislation has never been a priority for Pakistani legislatures – they remained concerned with **'development funds'**.

The latest: On the media site of **'Institute of the Study of War'** [ISW], Harleen Gambhir's report dated **3<sup>rd</sup> December 2015** held that:

*'The Islamic State of Iraq and al-Sham (ISIS)'s affiliate in the Afghanistan - Pakistan region is effective, operational, and positioned to expand. The affiliate, Wilayat Khorasan, controls populated areas in Afghanistan's eastern Nangarhar Province and has launched attacks on Jalalabad and Kabul.'*

### **IS BUSTED IN 2016 & AFTER:**

As per media reports dated **29<sup>th</sup> December 2015**; Punjab's Counter Terrorism Department [CTD] claimed to had busted a cell of the militant IS group operating in Sialkot, arrested nine suspects and seized weapons, explosives and laptops, as well as a large number of compact discs containing publicity material. It was revealed that the suspects had taken an oath on the words / manifesto:

***"...to overthrow democracy and introduce Khilafat in Pakistan through armed struggle – as they hate Police and the Pakistan Army."***

The suspects belonged to different districts of Punjab, but Sialkot served as the base of their operations; had established infrastructure there to carry out operations across the country. Three of the suspects had formally

received "**militant training**", from the Syrian Camp and were in the process to extend their network through recruitment.

**[Here one could understand the hidden agenda of Pakistan's enemy forces. For changing the system of government from 'Democracy' to 'the Islamic Caliphate', why they were indoctrinated to hate and attack the police and the Pak-Army; WHY NOT THE MNAs, MPAs, MINISTERS OR OPPOSITION POLITICIANS who were running the 'Democracy Show' in the country.]**

Six of their members had already reached the Syrian Camp successfully through illegal means via Iran and Turkey. A week earlier to that, the Turkish government had also arrested three ISIS suspects out of whom two were from Pakistani origin.

The arrested suspects were identified as Jawad Ahmad aka Abu Hafis, Amir Sohail, Ijaz Ahmad, Adnan Babar aka Danu Kabarrria, Saeed Ahmad aka Abuzar, Yasir Ali, Hamza Imtiaz, and Waqas Ahmad but the real names were again doubted as they originally belonged to **Jamaat ud Dawa** [JuD], but later joined the IS as mercenary killers.

The arrested suspected members of the IS had been communicating with one another through social media, **'What'sapp'** and **Skype** to avoid arrests and also used to collect funds for the group. In order to persuade other people to join their organisation, they used to show them video clips of police brutality and one in which the Rangers were seen shooting a young man in Karachi.

Another fact that the arrests from Sialkot were of the persons aged between 18-35 years, all educated up to GCSC only whereas the previous arrests made from Sohrab Goth Karachi comprised of highly educated members. They had successful contacts with their Pakistani counterparts in the Syrian Training Camps through a Pakistan national, Abu Muavia Salfi; said to be a trainer now.

Six Pakistani young girls from Sialkot district were also missing from their homes since mid 2015; their parents have ultimately preferred to approach the CTD to make efforts to locate them – they were mutual friends and were studying Islamic advanced courses from a *Madrassa*. The parents believed they must be in Syrian camps somewhere.

The CTD's briefing to media revealed that **IS Chief Abu-Bakr Baghdadi had appointed Hafiz Saeed Khan as the group's Emir in 'Khorasan'** (areas comprising Iran and some parts of Afghanistan) and proposed him

as Emir **for Pakistan too**. The suspects had certain plans ready for launching attacks against Law Enforcing Agencies [LEAs].

According to CTD investigations, the suspects were indoctrinated and recruited by two brothers — Babar Butt aka Abu Akasha and Nadeem Butt. They had sworn allegiance to *Khalifa al Baghdadi* and joined IS in Daska Tehsil of Sialkot district in June 2015. Abu Akasha had then facilitated contacts between the suspects and Abu M Salfi, who was in charge of Pakistani militants in Syria. The interrogations showed that one Waqas aka Rizwan, also a member of the IS from Sialkot, had been killed in clashes with the Syrian forces.

During last days of December 2015, just a day after Lahore-based woman had reportedly left for Syria to join ISIS along with her four children, another group of female *Daesh* affiliates was exposed in Karachi. A suspected terrorist Kamran Gujjar, who was arrested from Punjab, revealed during the investigation that his wife and sister-in-law were working in Karachi for *Daesh*. Both were experts in brainwashing and were collecting funds for the ISIS / Daesh under the cover of a welfare organisation; **"Online Indus News"** dated **4<sup>th</sup> January 2016** is referred.

Kamran also revealed that several other women had joined their group. Following the revelations, the security agencies started conducting raids in different parts of the metropolis to arrest members of the delinquent group.

In another report of the same month, December 2015, the Karachi police told that a 20-member group of female supporters of Islamic State [IS] was active in Karachi. These women were particularly expert in collection of funding for the IS – some of them had also arranged marriages for the terrorists of that group.

**On 3<sup>rd</sup> January 2016**; the counter-terrorism department of Sindh Police arrested Sindh Islamic State [IS] head Umar Kathiwer for his involvement in Safoora bus carnage and other terror incidents. He was arrested upon the information provided by Safoora bus attack suspect Saad Aziz.

Meanwhile, Punjab Law Minister Rana Sanaullah told that the security agencies were trying to reach possible recruits of IS in Pakistan. He had the opinion that:

*"Not more than a hundred Pakistanis people have gone from Pakistan to Syria and Iraq to join the terrorist organisation, Islamic State, or Daesh."*

Authorities in South Asia were concerned about the rise of the **Daesh** group in a region already beset by home-grown insurgencies fighting to topple local governments.

The Pakistani government held that Islamic State [IS] didn't have a credible presence in the country. Several smaller militant groups and factions of the Pakistani Taliban [TTP] had, however, pledged allegiance to it and its leader Abu Bakr al-Baghdadi since 2014. Contrarily, during the same period of 2013-14, the British media had authentic reports that hundreds of young women and girls were leaving their homes in Europe to join IS in Syria & Iraq, causing increasing concerns for all.

During later years, the Pak-Army has been fighting the **IS or Daesh** at places and scored certain successes but the challenge remained there. It was because the state's political bosses could not effectively refute the group's claims of ideological foothold in Pakistan. This was a war that barrels and bullets could not win alone – one could recall the APS Peshawar's massacre and then nearly zero progress of 'National Action Plan' which was debated and agreed by all politicians a month later. Hats off to *Maulanas* and *Achakzais* - Pakistan continued bleeding.

However, during the first half of year 2017, the Islamic State of Iraq and the Levant [ISIL] started losing its charm for militants from Pakistan. After its emergence in *Khorasan* two years ago, the group made some quick inroads into the Pakistani militant space but due to Pak-Army's strategic moves the trend went clearly reversed.

*[ISIL had announced its Khorasan Province in January 2015, appointing former Tehrik-e-Taliban Pakistan [TTP] commander from Orakzai Agency Hafiz Saeed Khan as its provincial Wali and former Afghan Taliban commander Abdul Rauf Aliza as his deputy. They were soon joined by Shahidullah Shahid, a former TTP spokesman, and four other commanders of Kurram and Khyber tribal regions and Peshawar and Hangu districts.]*

Deputy Abdul Rauf Aliza and Commander Hafiz Saeed Khan were killed in US drone strikes in February 2015 and July 2016 respectively but the outfit continued to engage in terrorism in Pakistan, claiming attacks believed to be carried out with logistical support from Sunni sectarian outfit, the *Lashkar-e-Jhganvi* [LeJ].

**In May 2017;** the Islamic State claimed an attack on Abdul Ghafoor Haideri, Deputy Chairman of Senate in Pakistan; he was a leader of the religious cum political party *Jamiat Ulema-e-Islam* [JUI-F], too. JUI-F has

traditionally been seen close to Sunni militant groups in Pakistan. The attack on the JUI-F leader, thus, created differences between *Lashkar-e-Jhangvi* [LeJ] and Daesh. In that attack, about 25 associates of Maulana Haideri were killed – most of them were the workers and students of the JUI-F as claimed by the IS.

**On 17<sup>th</sup> July 2017;** Asad Mansoor, Jamaatul Ahrar [JuA] spokesman, issued a statement titled "***We do not belong to Daesh***"; JuA remained at the top of list of those outfits in the Pakistani militant space seen more close to the IS. He held that Khalid Khorasani, JuA chief, had long ago made it clear that the group was not associated with Daesh / IS.

***[The above statement had come in response to a statement made by the Army spokesperson, declaring the JuA to be an affiliate of the IS.]***

Some security experts judged it as 'clarification' by the JuA as evidence of the decline of Islamic State, which had attracted many local militant outfits initially. When Pakistani Taliban militants like Hafiz Saeed Khan had joined the Daesh's Khorasan chapter, many local militants had been lured by the monetary benefit expected to come from association with the organisation founded in the Arab region. "***Their expectations turned out to be false as the organisation didn't have as much funding for them,***" said Sami Yousufzai, a security expert in the IS affairs.

Other security experts believed that the supremacy and control of Afghan Taliban in Afghanistan was also suffering in the fields where the two outfits, one being Daesh, had moved together – but were beaten and defeated at the end.

In the aftermath of military operations in Pakistan, the militants of the TTP and other local groups were compelled to take refuge in Afghanistan. In order to enjoy the support of their Afghan counterparts, the Pakistani Taliban needed to keep a distance from the IS members, which was a competitor of Al Qaeda, an active ally of the Afghan Taliban besides the claimant of ***Khalifatul Muslimeen***.

***[Former Taliban Chief Mullah Akhtar Mansour, after assuming the office of the Emir, had written a letter to ISIL Chief Abu Bakr al-Baghdadi asking him to stop operation inside Afghanistan.]***

The IS's downfall in Iraq was also seen as one of the reasons for its declining popularity; its sponsored terrorists suffered huge losses in Iraq and those having escaped death had moved towards ***Al-Nusra Front***

[Jabhat al-Nusra], an Al Qaeda associated outfit. A Chicago-based scholar Asfandyar Mir, also an expert on counterinsurgency and armed groups in South Asia told:

*"In 2014, IS benefited from the defection of TTP and Al-Qaeda cadres abandoned by their commanders on the run from drone strikes. Since then, IS as a brand had struggled to take off in the tribal belt. Hafiz Saeed gained high stature and influenced most Mehsud Taliban leaders and struggled to consolidate. In later months, the routing of ISIS in Iraq got hurt the brand even more."*

Contrarily; it also surfaced that Daesh / IS was though declining in Khorasan but **'the JuA statement was a deceptive ploy of the IS motivated by operational reasons.** JuA wanted to maximise its survival chances in Afghanistan so its disavowal of Daesh made sense. US forces were much more likely to target Omar Khalid Khorasani and his men in Afghanistan if they were seen as a part of Daesh.

*[JuA Chief Omar Khalid Khorasani aka Abdul Wali was a skilled militant commander who had cushioned blows against his group using similar tactics in the past. In 2010, at the peak of the Frontier Corps-led Pak-military operation against the Mohmand faction of the TTP, Omar Khalid deceptively offered to surrender to the pak-Army, which bought him valuable time and allowed him to flee.]*

Thus it was on record that whenever the TTP found themselves crippled in front of the Pakistan Army, they started issuing such statements. They also issued a revised manifesto a few months back and promised no attacks on civilian targets – but then **Sehwan Sharif massacre** happened which killed more than 85 persons and left about 100 plus wounded.

The fact remains that the JuA's explosives trainers belonged to Iraq – so were their media trainers. While they claim no affiliation, they happily share the name. JuA's claim that they were not operating in ISKP-controlled areas was also false. **TTP has been hosted by NDS since 2007, when they were splintered; their groups found safe haven in Paktia, Nanghar, Khost and Kunduz provinces along the Pak-Afghan border.**

*[Since ISKP is a combination of failed and disgruntled fighters from the Taliban, TTP, and Al-Qaeda, their membership base is thinning out due to successful operations by the Pakistan Army in and around Waziristan and by the Taliban on the Afghanistan side.]*

However, not everyone agreed that JuA's disavowal of Daesh / IS was part of its survival strategy. IS in Afghanistan has also been limited to two districts; both the Kabul regime and Washington didn't want decisive action against the outfit for different reasons – and it was a big hurdle for Pakistan to take just decisions.

It became all the more awesome when, in the 3<sup>rd</sup> week of November 2017, ***IS leadership beheaded 15 of its own fighters due to infighting in Afghanistan's eastern province of Nangarhar; Reuter's media report dated 23<sup>rd</sup> November 2017*** is referred.

Nangarhar, on the porous border with Pakistan, became a stronghold for IS in Afghanistan. Attaullah Khogyani, the provincial governor's spokesman, said the 15 Islamic State fighters were executed after a bout of infighting in the group, which has gone notorious for its brutality. ***The killings occurred in the Surkh Ab bazaar of Achin district;*** however, there was no confirmation from Islamic State Khorasan Chapter.

The Taliban and IS frequently fought each other in Nangarhar and both had been targeted by sustained US air strikes. There were also seen isolated incidents in Afghanistan in which the fighters of both appeared to have cooperated. But the exact nature of the relationship between the two groups remained little understood – rather suspicious.

***The Afghan intelligence and security officials believed Islamic State was present in nine provinces, from Nangarhar and Kunar in the east to Jawzjan, Faryab and Badakhshan in the north and Ghor in the central west.***

Daesh, in the recent past [November 2017], successfully adopted a new strategy to gain a foothold in Peshawar Pakistan. They devised a new strategy to gain influence in Khyber Pakhtunkhwa [KPK] province in general and Peshawar in particular – while operating under the guise of tailors, masonry labour and street vendors.

Security agencies, during the later half of year 2017, nabbed as many as 55 members of IS from Peshawar and surrounding districts; the arrested members of the terrorist network in above professions. Security forces issued an important warning to their staff that as compared to Taliban, IS members were more trained and possess sophisticated security weapons.

## **Scenario 199**

### **END-GAME OF TALIBAN MENACE**

In 2015, all sources confirmed that Taliban's former leader Mullah Omar had been dead since 23<sup>rd</sup> April 2013, with Mulla Mansour running the organisation in his name. The different factions of Taliban plunged into fighting. After asserting his control, Mansour redoubled the Taliban's campaign of violence within Afghanistan, even succeeding in briefly capturing the major city of Kunduz.

Pakistan had resisted Afghan government's calls for military action against "irreconcilable" Taliban because it was not its domain. Officially Pakistan objected to all US air-strikes on its territory, but the State Department cables leaked by **WikiLeaks** supported claims by US officials that **'Islamabad secretly gives it consent'**.

#### **DEATH OF MULLAH OMAR:**

**Mullah Omar** was an Afghan *mujahideen* commander who founded the Islamic Emirate of Afghanistan in 1996. The Taliban recognized him as Commander of the Faithful or the Supreme Leader of the Muslims until being succeeded by Mullah Akhtar Mansour in 2015. Some sources described Mullah Omar as **"Head of the Supreme Council of Afghanistan"** - *Wikipedia* is referred.

Mullah Omar was wanted by the US government since October 2001 on the charges of sheltering Osama bin Laden and al-Qaeda militants in the years prior to the **11<sup>th</sup> September 2001** [Nine Eleven] attacks. He was believed to be directing the Taliban insurgency against NATO-led forces and the government of Afghanistan.

During his tenure as **Amir** of Afghanistan, Omar seldom left the city of Kandahar and rarely met with outsiders, instead relying on Foreign Minister Wakil Ahmed Muttawakil for the majority of diplomatic necessities.

**On 29 July 2015**, the Afghan government publicly announced that Mullah Omar had died on 23 April 2013 from tuberculosis, among other physical ailments. It was confirmed by a senior Taliban member that Omar's death was kept a secret for two years; he was *"buried somewhere near the border on the Afghan side"*.

The Afghan government told the world that Mullah Omar had died in the Pakistani city of Karachi. These reports were released by Afghan National Directorate of Security [NDS] and the Taliban's Quetta Shura. However, the place of Omar's death remained disputed.

A former Taliban minister stated that Karachi was *"Omar's natural destination because he had lived there for quite some time and was as familiar with the city as any other resident."* But this claim was dismissed by other Taliban members, stating that his death occurred in Afghanistan after his health condition had deteriorated. As per official statement by Pakistani Defence Minister Kh Asif:

***"Mullah Omar neither died nor was buried in Pakistan and his sons' statements are on record to support this. Whether he died now or two years ago is another controversy which we do not wish to be a part of. He was neither in Karachi nor in Quetta."***

Abdul Hassib Seddiqi, the spokesman for Afghanistan's National Directorate of Security [NDS], verified the event only to the extent that: ***"We confirm officially that he [Mulla Omar] is dead."*** The Taliban leadership said his deputy, Mullah Akhtar Mansour, would replace him. Mullah Omar's eldest son, Mullah Mohammad Yaqoob was opposed to Mulla Mansour's ascension as leader.

The Taliban splinter group ***Fidai Mahaz*** claimed Mulla Omar did not die of natural causes but was instead assassinated in a coup led by Mullah Akhtar Mansour and Mullah Gul Agha. Another Taliban commander Mullah Mansoor Dadullah, brother of former senior commander Mullah Dadullah confirmed that Omar was assassinated.

The leader of ***Fidai Mahaz***, Mullah Najibullah, revealed that due to Omar's kidney disease, he needed medicine and Mansour had poisoned the medicine, damaging Omar's liver and causing him to grow weaker. When Mulla Omar summoned Mansour and other members of Taliban's inner circle to hear his will, they discovered that Mansour was not to assume leadership of the Taliban - allegedly for his ***"dishonourable deals"***. When Mansour pressed Omar to name him as his successor, Omar refused; Mulla Mansour then shot and killed Omar.

Mullah Najibullah also claimed that ***Mulla Omar died at a southern Afghanistan hide-out in Zabul Province in the afternoon on 23rd April 2013.*** Mullah Mohammad Yaqoob, Mullah Omar's elder son denied that his father had been killed, insisting that he died of natural causes.

Before his death, only two known photos existed of him, neither of them official, and a picture used in 2002 by many media outlets has since been established to be someone other than him. The authenticity of the existing images is debated. After his death the Taliban released a newer and clearer photo showing Omar in his youth in 1978.

#### **Mullah Omar's Life:**

Mullah Omar started his education from ***Darul Uloom Akora Khatak***, Khyber PK; then went to Karachi in 1979 to study at the ***Jamia Binoria Dar-ul-Aloom***, the city's premier seminary for orthodox Sunni Muslims. He returned to Afghanistan in 1982 to fight with *Hizb-e-Islami* party, one of seven such parties having training across the Afghan lands.

Omar fought as a rebel soldier with the anti-Soviet *Mujahideen* under the command of Nek Mohammad of the *Hizb-e-Islami Khalis*, but did not fight against the communist regime of Najibullah regime between 1989 and 1992. Reportedly he was a crack marksman who had destroyed many Soviet tanks during the Afghan War. Once exploding shrapnel destroyed one of Omar's eyes in the 1989 Battle of Jalalabad. Unlike many Afghan *mujaheddin*, Omar spoke Arabic thus got a teaching job in a *madrassa* in Quetta, Pakistan. He later moved to a mosque in Karachi, as Imam and later met with Osama bin Laden.

Following the last Soviet troop withdrawal from Afghanistan in 1989 and the collapse of Najibullah's regime in 1992, the country fell into chaos as various *mujahideen* factions fought for control. Mullah Omar went back to the *madrassa* at Singesar, in 1994. There he started his movement with about 50 armed *madrassah* students, known as the Taliban [students]. His recruits came mostly from the Afghan refugee camps across the border in Pakistan – where 3-7 million [officially] were kept in UN camps.

The said Taliban fought against the rampant corruption in Afghanistan that had emerged in the civil war period and were initially welcomed by Afghans weary of warlord rule. Mulla Omar got sickened by the abusive raping of children by warlords and turned against their authority in Afghanistan, too. Once a unit of 30 Taliban under Omar's command attacked a village camp and freed two abducted girls.

Mullah Omar's group got freed so many boys and girls in similar events; appeals soon flooded in for Omar to intercede in other disputes. His movement gained momentum through the year, and he quickly gathered recruits from Islamic schools totalling 12,000 by the year's end, mostly with Pakistani volunteers.

By November 1994, Mullah Omar's movement managed to capture the whole of the Kandahar Province and then captured Herat in September 1995. Some accounts estimated that by the spring of 1995 he had already taken 12 of the 31 provinces in Afghanistan.

On 4<sup>th</sup> April 1996, supporters of Mullah Omar bestowed on him the title **Amir al-Mu'minin**. In September 1996, Kabul fell to Mullah Omar and his followers. The civil war continued in the northeast corner of the country, near Tajikistan. The nation was named the Islamic Emirate of Afghanistan in October 1997 and was recognized by Pakistan, Saudi Arabia and the United Arab Emirates. He seldom left his residence in Kandahar, and visited Kabul only twice between 1996 and 2001 during his tenure as ruler of Afghanistan.

According to Pakistani journalist Rahimullah Yusufzai, Mullah Omar stated in the late 1990s that: ***"We have told Osama not to use Afghan soil to carry out political activities as it creates unnecessary confusion about Taliban objectives."***

In March 2001, the **Buddhas of Bamiyan** were destroyed by the Taliban under an edict issued from Mullah Omar, stating: *"all the statues around Afghanistan must be destroyed."* This prompted a wide spread outcry and he earned international condemnation.

In October 2001, a US sponsored war broke out in Afghanistan. Mullah Omar secretly fled from Kandahar while riding on the back of a motorcycle driven by his brother-in-law and right-hand man, Mullah Abdul Ghani Baradar. In the first week of October 2001, Omar's house in Kandahar was bombed, killing his 10-year-old son and his uncle. He was never seen in Afghanistan since then - believed to be seen in Karachi during late 2002 while working as a potato trader.

The US offered a reward of US\$10 million for information leading to his capture. He then disappeared from that city even.

In a November 2001 BBC's Pashto interview, Mullah Omar said:

*"You (the BBC) and American puppet radios created concern. But the current situation in Afghanistan is related to a bigger cause – that is the destruction of America - this is not a matter of weapons. We are hopeful for God's help. The real matter is the extinction of America. And, God willing, it will fall to the ground...."*

In November 2009, **The Washington Post** claimed that Omar had moved back to Karachi in October [2009]. In **January 2011**, the same newspaper alleged that:

*"Mulla Omar had suffered a heart attack on 7<sup>th</sup> January 2011: Pakistan's ISI rushed Omar to a hospital near Karachi where he was operated on, treated, and then released several days later. Pakistan's Ambassador to the US, Husain Haqqani, said that the report **had no basis whatsoever**".*

On 31<sup>st</sup> May 2014; in return for the release of American prisoner of war Sergeant Bowe Bergdahl, five senior Afghan detainees were released from the Guantanamo Bay detention camp in Cuba. A person purporting to be Omar reportedly hailed their release [*because real Mullah Omar had already died on 23<sup>rd</sup> April 2013*].

On 23<sup>rd</sup> September 2014; Omar's aide, Abdul Rahman Nika, was killed by Afghan Special Forces. According to Afghan intelligence service spokesman Abdul Nasheed Sediqi, Nika was involved in most of the Taliban's attacks in western Afghanistan, including the kidnapping of three Indian engineers, who were later got rescued.

In December 2014; Afghan Intelligence Chief Rahmatullah Nabil stated he was not sure **"whether Omar is alive or dead"**. This came amid reports after the Afghan intelligence agency revealed fracturing within the Taliban movement, speculating that a leadership struggle had ensued.

In April 2015; a man claiming to be Mullah Omar issued a *fatwa* declaring pledges of allegiance to the Islamic State [IS] group as forbidden in Islamic law. The man described ISIS leader Abu Bakr al-Baghdadi as a **"fake caliph"**, and said:

*"Baghdadi just wanted to dominate what has so far been achieved by the real jihadists of Islam after three decades of jihad. A pledge of allegiance to him is **'haram'**."*

However, Mullah Omar was later found to have died two years earlier, suggesting that these remarks had come from his successor Mulla Akhtar Mansour as successor leader of the Taliban.

### **MULLA MANSOUR'S CHALLENGES:**

**During September 2015;** an announcement appeared from the Afghan Taliban after weeks of intensive efforts to unite the movement behind the person who succeeded Taliban founder Mullah Omar. The Afghan Taliban pushed away the disagreements and rallied around their new leader ***Mullah Akhtar Mansour.***

Following the announcement of Omar's death in July this year, Mullah Mansour was quickly installed as the new *Amir ul-Mumineen, Commander of the Faithful* faction. The decision was initially opposed by some of Mullah Omar's followers. The new emir's main challengers were Mullah Omar's brother and eldest son - until then relatively unknown, who questioned the way he was appointed - but both eventually had withdrawn.

*"Mullah Yaqoub, the son and Mullah Manan, the brother of Mullah Omar, swore their allegiances to the new leader Mulla Akhtar Mansour in a splendid ceremony. Now the movement will continue in a united manner."*

The location where this decision was taken by the Taliban Shura was not known to the BBC. In those days, hundreds of Taliban commanders, fighters and clerics had travelled frequently on the Pak-Afghan borders to try to overcome the open divisions. The consultations required local supporters to host hundreds of Taliban in mosques, *madrassas* and private houses, and organise transport and supplies.

The task of unifying the movement appeared incomplete with some senior figures still threatening to disobey Mulla Mansour and run their own faction and their own insurgent attacks; reports of deep divisions over Taliban's new leadership were also seen by many with mixed feelings.

The effort put into overcoming the early challenge to Mullah Mansour's leadership suggests how important it was for the movement to preserve unity. In Taliban set-up, everyone follows the commands of the Emir. There have been dissident individuals who left or were expelled from the

organisation, but once they were expelled or left, they lost many things mainly the influence.

How the new Taliban leader Mullah Mansour operated his group; the next paragraphs contain the crux extracted from a **BBC Report** compiled by them on **23<sup>rd</sup> September 2015**.

Mullah Mansour as the Emir headed a strictly organised command structure with two deputies. One of these was Sirajuddin Haqqani, a leader of the Haqqani network which was once blamed for some of the most violent attacks inside Afghanistan. Haqqani was wanted by the US and offered a reward of \$5m for his arrest.

The layer below was an 18-member leadership council, the ***Rahbari Shura*** [Advisory Council]. Mulla Mansour expanded it to 21; ***the leadership belonged almost entirely to Afghanistan's Pashtun ethnic group.***

Only two members were *non-Pashtun*, an ethnic Tajik and an ethnic Uzbek from northern Afghanistan. Besides that an overwhelming majority of the ***Rahbari Shura*** members were from the southern provinces of Kandahar, Uruzgan and Helmand, known as the heartland of the Taliban movement and its birthplace.

The leadership council was responsible to control or oversee around a dozen commissions – may be called as the ministries of the Taliban; the ***military commission*** being the most important - running the whole insurgency network. The head of the military commission could be taken equivalent to defence minister in a country.

On the ground, the insurgency was effectively run by a network of regional commanders and shadow governors in the different provinces of Afghanistan. In parallel to the insurgency, the Taliban used to run a ***political commission*** with an ***office in Qatar***, set up as an international point of contact to facilitate initial peace talks.

**Mullah Mansour** *was being elected / voted in on the basis of the following merits:*

- Long seen as acting head of the Taliban, and close to its founder Mullah Omar.
- Born in 1960s, in Kandahar province, where he later served as shadow governor after the Taliban's fall.
- Was Civil Aviation Minister during the Taliban's rule in Afghanistan.

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- Had an active role in drug trafficking to raise funds for Taliban; as alleged by the UN.
- Has clashed with Abdul Qayum Zakir, a senior military commander, amid a power struggle and differences over negotiations with the Afghan government.
- Had met former Afghan President Hamid Karzai for peace talks in 2010 – but later Taliban leadership denied it for unknown reasons.

Taliban leadership allegedly remained based in Pakistan; commanders and fighting units scattered over many different Afghan provinces – but how the effective communication was held amongst them, was a mystery for all western media. Practically it has never been possible by any standard of intelligence especially when the whole US, Afghan and Indian intelligence apparatus had been chasing them in both directions.

No catch was ever reported by military or media arsenal – so the three countries could have reframed their allegations against Pakistan.

Western media repeatedly pointed towards "**Quetta Shura**". If it really existed then how it could go hidden from the three top intelligence agencies of US, India & Afghanistan – especially **when they had their deep investments in Balochistan's key political figures** – some Murrees, some Bugtis, some Mengals and all Achakzais.

Yes; some Taliban leaders might have kept their families there in or near Quetta but on individual basis. Taliban were not so foolish to live there in Quetta with their base or headquarters – they knew that an Achakzai MNA from Quetta has always been playing double games in all governments; he could bargain any human, leader, document, any plan or information any time with any one.

Either BBC's reporter was saying bluff that Taliban or Mulla Mansour had 21 + 12 members in **Advisory Council & Head of Commissions**; it would be wrong to think of the Taliban as an organisation with such firm infrastructure OR it was wrong to assume a **Quetta Shura** there. How can such a big body, along with their deputies and staff and their families could go hiding in such small city like Quetta.

Of course, one or two meetings of some Taliban leaders could have been there in fifteen years span – as have been often heard about meetings of Pakistani politicians in London – notoriously known as London Plans in media talks.

How so many members of alleged '**Quetta Shura**' could survive on the bare minimum; while they had to remain on the move all the time; sometimes hiding in seminaries and sometimes in mosques – no leadership runs like this in any part of the world – not even in African forests.

**What sources of INCOME;** the Taliban traditionally relied on donations from sympathisers in the Gulf; but the myth is no more true - such **foreign aids** have diminished since long. The said sources gone dry as the focus of global *jihad* turned back in the Arab world itself. Inside Afghanistan their main income came from protection rackets and tolls, bribes or taxes collected or extorted from commercial and other traffic. Some Taliban also owned businesses in the United Arab Emirates, Qatar and Saudi Arabia.

The Haqqanis kept a large business network in Pakistan, Afghanistan and the Persian Gulf, including the sale of honey. And of course –

***"....everyone in Afghanistan who controls land that grows poppy or roads over which opiates are transported makes money from protection and extortion of the drug industry."***

The potential of Afghanistan's national resources also remained available to the Taliban; they added [in 2014] a special branch to its finance committee to deal with mining. The committee leased those mines under the Taliban's control to the people and companies.

**Pakistan Connection;** the Afghan government consistently claimed that *'....its neighbour Pakistan is supporting the Afghan Taliban; Islamabad always rejected.'*

Pakistan always officially denied it had any control whatsoever over the Afghan Taliban - but the fact remained that Pakistan used to have contacts with them and that is why Pakistan suffered a lot – paid a heavy price due to soft corners held by Gen Ashfaq Kiyani, Asif Zardari, Nawaz Sharif, Ch Nisar and Rana Sanaullah type bogus leaders.

Barnett Rubin once claimed [**BBC report dated 15<sup>th</sup> September 2015 is referred**] that the Pakistan's ISI, had close connections with Taliban while elaborating his opinion that:

***"It is quite possible that many Taliban operations are directly run by ISI or ISI contractors embedded with the Taliban - this was the case during 1994-2001. Pakistan may use the Taliban to further its strategic interests in Afghanistan."***

Every sane person can understand that **how effectively strategies designed for years 1994-2001 could be implemented in 2015** – and BBC also quoted it as word of wisdom – very strange it was. Barnett Rubin himself ends the story with words:

*"The Pakistani Taliban are thought to back Mulla Mansour although support is largely symbolic."*

Pakistan of course had its own insurgency to deal with at home – and still it is there [in 2017] the **Tehrik e Taliban Pakistan** [TTP] and **al-Qaeda** affiliated groups are still alive. These groups still keep links to the Afghan Taliban; due to that practical co-operation Pakistan sometimes suffered more than Afghanistan. AAN's Borhan Osman held the opinion:

*"The Afghan Taliban had pledged allegiance to Mullah Omar and by default [they] would be transferring that allegiance to Akhtar Mansour. But the TTP is a completely different organisation, with a different ideology, different goals, and different mechanisms. It's the same as with al-Qaeda."*

During 2014-15, one potential rival to the Afghan Taliban emerged with some insurgents in Afghanistan declaring allegiance to the Islamic State [IS] group [*discussed in detail in last chapter*] which claimed presence in some parts of Afghanistan; but they were mainly disgruntled fighters of Afghan Taliban – not a new breed.

Some Taliban with grievances against the leadership and who found it impossible to organise factions, instead left the organisation and joined IS. Thus there were challengers to Mulla Mansour's authority - one prominent field commander in southern Afghanistan, Mullah Dadullah had accused the new leader on many counts. But despite these challenges, there was no sign that the Taliban were seriously weakening.

**On 1<sup>st</sup> December 2015**, the Afghan government claimed that Mullah Akhtar Mansour, was facing increasing dissent from his own ranks, thus was seriously wounded in a mutual gunfight. The reports of deepening rifts within the militant movement could threaten to further jeopardise emerging peace efforts by the Afghan government.

*[Mullah Akhtar Mansour was injured during a meeting with a former Taliban commander outside Quetta. A heated scuffle between the two evolved into a shootout. Mansour was wounded and transferred to a hospital nearby. A number of people were reportedly killed in the clash, including the former commander,*

*Mullah Abdullah Sarhadi, who reportedly led an insurgent splinter group in Zabul, southern Afghanistan.]*

Though Afghan Minister Abdullah Abdullah had officially confirmed the event but two official Taliban spokesmen denied the assertions, with one of them, Zabiullah Mujahed, calling it "**a total lie**".

As Mulla Omar's deputy who oversaw statements issued in the leader's name after his death in 2013, Mullah Mansour's credibility was severely strained. Media reports of his wealth, including property holdings in Dubai, had put a further dent in his image. The Afghan government held that:

*"...for the ideological Taliban, Mullah Mansour was a criminal, a mafia boss, a drug dealer. Since he was elected swiftly after Omar's death, rivals have accused Mansour of assuming power without the necessary consensus."*

1<sup>st</sup> December 2015's meeting in Quetta was ostensibly an attempt to iron out differences between the mainstream Taliban and a splinter faction that had taken up arms in Zabul province. A month earlier to that, the fighting in Zabul led a dissident commander in Farah province named Mullah Rasool to declare himself head of the group, in an unprecedented challenge to the central leadership. Rifts within the Taliban had undercut attempts to restart peace talks. Pakistan's officials claimed that:

*"You will always hear such kind of rumours from Afghan side whenever Pakistan will make effort to restart talks to ensure peace in the region."*

Afghan government always blamed that '*Pakistan invested heavily in helping Mansour secure the leadership of the Taliban after a power struggle broke out following the announcement of Omar's death*'.

Whereas Islamabad had long argued that '*the only way to end the war in Afghanistan is to try to coax a united Taliban to the table for peace talks*'.

The fact remained that Pakistan had directly helped the Taliban in its conquest of Afghanistan in the early 1990s and had recognised the fundamentalist regime before the US-led intervention in Nine Eleven but it was the past – the situations were got reversed since long.

**MULLA AKHTAR MANSOUR KILLED:**

Almost all previous US drone attacks were tightly confined to specific areas of North and South Waziristan, tribal areas bordering Afghanistan that were largely controlled by militant groups. However, one attack on an open road at 3.45pm daylight was the first known strike in Balochistan, worldly propagated as home to many senior Taliban leaders.

Pakistan released a statement after about 36 hours confirming that the US only informed the Pakistani prime minister and army chief after the strike had taken place. The statement was a routine page saying that *"Pakistan wishes to once again state that the drone attack was a violation of its sovereignty, an issue which has been raised with the United States in the past as well."*

Pakistan was worried that the event could increase insurgent violence if the death of Mullah Mansour led to another Taliban faction, the Haqqani Network, taking a greater control over the movement. During the same days, the US Congress had refused to sell F16 fighter jets and had also voted to block \$450m in military aid unless Pakistan would give undertaking to tackle the Haqqani network, which allegedly was enjoying sanctuary in FATA territory through Pakistani authorities.

**On 21<sup>st</sup> May 2016;** the Afghan Taliban leader, Mulla Akhtar Mansour, was killed in an operation involving multiple US drones in Balochistan. The Afghan government officially confirmed it.

Earlier, the US Department of Defence said Mulla Mansour had been targeted while travelling in convoy near the town of Ahmad Wal in Balochistan. The killing of the Taliban leader carried major ramifications both for efforts to kick-start peace talks and for the often stormy relationship between the US and Pakistan. The US secretary of state, John Kerry, told that:

*"...Mansour posed a continuing imminent threat to US personnel in Afghanistan, Afghan civilians, Afghan security forces and members of the US and Nato coalition."*

The fact remained that Mulla Mansour was a potential threat and also was directly opposed to peace negotiations and to the reconciliation process. The office of Ashraf Ghani, the Afghan president, also confirmed the death, saying Mansour had **"refused to answer repeated calls"** to end the war in the country. John Kerry added that:

***"...the leaders of both Pakistan and Afghanistan were notified of the air strike - which included a telephone call from him to the Pakistani Prime Minister, Nawaz Sharif."***

After the event, a destroyed taxi belonging to a person called Mohammad Azam was recovered. The driver's brother Mohammad Qasim said he did not know the identity of the passenger but that he had been on a long drive with a customer from Afghanistan. A passport and ID card for a man who closely resembled Mulla Mansour was recovered from a bag that was blown out of the destroyed car.

According to the passport he went by the name Muhammad Wali and was a resident of Qila Abdullah in Balochistan. The document showed that on that day's early hours he had crossed into Pakistan from Iran at the Taftan border post, some 450km from where he was killed. He had entered Iran on 28<sup>th</sup> March 2016 – the immigration stamps showed.

Before the missile attack Mulla had stopped for lunch at a restaurant in Nushki district before continuing his journey in the Quetta direction. His death came days after diplomats from Pakistan, Afghanistan, US and China held the latest round of talks in Islamabad about a flagging effort to draw the Taliban into peace negotiations.

The killing of Mulla Mansour suggested the US agreed with demands of the Afghan president, Ashraf Ghani, that *"irreconcilable insurgents based in Pakistan should be targeted."* In a highly unusual public statement about a drone strike, a Pentagon official described Mansour as *"an obstacle to peace and reconciliation between the government of Afghanistan and the Taliban, prohibiting Taliban leaders from participating in peace talks with the Afghan government"*.

Mansour's group had perhaps conducted some of the most notorious terror attacks in Kabul, including the 29<sup>th</sup> April truck bomb, the 2014 attack on the Serena Hotel in Kabul and a 2014 attack on a volleyball court in eastern Afghanistan, which killed more than 50 civilians.

The attack on Mansour came in the final months of Obama's presidency, which had been characterised by the liberal use of drone strikes against US enemies hiding out in Pakistan's wild tribal region. The attacks subsided dramatically from the high point of 2011-12 when relentless drone strikes led to intense friction between the US and Pakistan. The latter publicly condemned the drone programme despite persistent reports it secretly permitted the strikes.

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The killing of Mulla Mansour represented a remarkable expansion of the programme because it happened well outside the tribal agencies of North and South Waziristan where nearly all known strikes had taken place, usually focusing on al-Qaeda and allied groups.

The drones were described as having been piloted by US Special Forces – suggesting it was not a CIA operation, as is usually the case with attacks inside Pakistan. The killing of the Taliban chief on the main highway leading from the Iranian border shines new light on the movement of the Taliban members frequently between Iran and Afghanistan.

Although it was Pakistan that was traditionally condemned for supporting Afghan insurgents, the US alleged that Iran also provided weapons, cash and sanctuary to the Taliban. Despite the deep ideological antipathy between a hard-line Sunni group and cleric-run Shia state the two sides proved themselves quite willing to cooperate where necessary against mutual enemies and in the pursuit of shared interests.

Mullah Mansour first entered Iran almost two months ago, according to immigration stamps in a Pakistani passport found in his bag he was travelling with when he was killed. Next day, the Iranian foreign ministry denied that *"such a person had entered Pakistan from the Iranian border"*.

It is not known where Mansour went inside Iran, whether his trip was secretly facilitated by Iran or whether he stayed among the large groups of Afghans living in eastern Iran, especially in the cities of Mashhad and Zahedan. The Taliban also had ties to Sunni extremist groups operating in the Iranian province of Sistan and Balochistan.

A Pakistani official from Dalbandin, a district bordering Iran, said he did not think Iran would back foreign insurgents with links to such groups. **Nearly all Afghan militants hold Pakistani Passports**, it is not written on their forehead whether he is a militant or not.

Nonetheless police and intelligence officials in western Afghanistan often complained the local insurgency was being managed with weapons and training from Iran. The alliance between a Shia theocracy and a Sunni extremist group was all the more peculiar given the Taliban killed 10 Iranian diplomats in the Afghan city of *Mazar-e-Sharif* in 1998.

Moreover, Mulla Mansour's travelling in Iran caused anger amongst some of the Taliban rank and file. The Taliban had a long list of differences with Iran and many thought getting close to Iran was a betrayal of the Sunni values they stand for.

Nonetheless the relationship between the two sides was longstanding.

In 2007, senior US diplomat Eric Edelman warned Hamid Karzai, then the Afghan president, that *"Iranian meddling was getting increasingly lethal."* Allegedly, Iran was supplying surface-to-air missiles and that explosively formed projectiles, an especially deadly form of landmine; once intercepted by British troops.

President Karzai had told Edelman that Iran was trying to sabotage Afghanistan's development to prevent it from becoming an important regional transit hub, and to protect its natural gas exports to India and Pakistan from central Asian competition. Moreover, Iran was seen anxious to keep links with Taliban leadership who could play a formal role in Afghan politics if peace talks ever proved successful. That was why the Afghan government avoided publicly rebuking Tehran.

According to another leaked document, Spanta told a US diplomat in 2007 that Kabul could not afford to antagonise Iran while it struggled with the problem of Pakistan-backed militants. Iran was going engaged in a lot of interference with Afghanistan, but their interest in dealing with Iran was to avoid opening another front at Iran-Afghan border.

Referring to the ***Wall Street Journal [WSJ]*** dated **25<sup>th</sup> May 2016**:

*".....the US spy agencies zeroed in on Mullah Akhtar Mansoor while he was visiting his family in Iran, laying a trap for when the Taliban leader crossed the border back into Pakistan. The ambush that killed Mullah Mansour successfully **conveyed a message to Pakistan that the US would take action on Pakistani soil if necessary without advance warning.**"*

The US official briefing to the media told that **on 21<sup>st</sup> May 2016**, the US surveillance drones intercepted communications and allowed the spy agencies to track their target, Mulla Mansour, as he crossed the Iranian frontier, got into a white Toyota Corolla and made his way by road through Pakistan's Balochistan province.

Then, the US military took over. Operators waited for the right moment to send armed drones across the Afghan border to **fix** on the car and made sure no other vehicles were in the way so they could finish the target using the argot of drone killing. It was to be done before Mullah Mansour could reach the crowded city of Quetta, where a strike could go impossible.

President Barack Obama had secretly ordered the strike on Mullah Mansoor after first trying to bring him to the negotiating table. Initially, there was hope in Washington that Mullah would be more open to negotiations than his predecessor, Mullah Omar. Obama administration officials were divided over whether the Pakistanis were capable or willing to deliver Mullah Mansour for the negotiations.

US officials said the Pakistanis tried and grew frustrated in February 2016 by Mullah Mansoor's refusal to send representatives to meet with the Afghan government. In the meantime Mullah had left Pakistan and was spending time in Iran. The US intelligence agencies started tracking his movements, including details about devices he used for communications. Mullah Mansoor's travels made it easier to find him.

Taliban attack of **19<sup>th</sup> April 2016 on Afghan Secret Service in Kabul**, killing more than 60 people, made the US think that what extent Mullah could go. **A decision was made that he should "face the consequences" for his refusal to negotiate.** The US knew the route Mullah took to Quetta because he had used that way several times. US intelligence agencies detected his preparations to cross the border back into Pakistan a week earlier. The US official told that:

*"...both the US military and the CIA operate drones in the region. Military drones in Afghanistan rarely stray across the border, and CIA drones generally only go into Pakistan for strikes in FATA. **Pakistan facilitates the program by clearing the airspace there for CIA drones, while publicly opposing US strikes in Pakistani territory.**"*

But Balochistan was off-limits to the drones; thus US officials believed that Mullah Mansour and other Taliban leaders felt more comfortable there.

Route N-40, which Mullah Mansour and his driver used, cuts between Taftan on the Iranian border and Quetta. Armed drones based in Afghanistan and piloted by the US military's Joint Special Operations Command were preparing to move in for the kill. The US knew Pakistani radar could detect the intrusion. Pakistan might then move its jet fighters quickly to intercept the drones, so timing was critical.

The US military's Reaper drones crossed the border into Pakistani airspace, flying low over the mountains along the Pak-Afghan border to exploit gaps in radar coverage. Officers in the US military command centre overseeing the operation held off briefly because the vehicle pulled over near unidentified buildings; it's not clear why the stop was made.

They waited until the car got back on the road and away from other vehicles and buildings. Then they launched the strike, and two Hellfire missiles took out Mullah Mansour. The drones hovered overhead to ensure there were no survivors, and then headed back to Afghanistan.

***Pakistan was not notified by US authorities until seven hours after the strike.***

Referring to **Prime TV's** program '**Khabarnak**' dated **19<sup>th</sup> August 2016**; the death of Mulla Mansour in Balochistan by US drone attack was being investigated by the FIA Quetta Wing. The major point of concern for authorities was that how Mulla Mansour got more than one Pakistani passports in different names on which basis he used to cross the Pak-Afghan border so frequently. With whom he has been residing in Balochistan and who were persons who used to harbour him.

During the course of investigation, certain *Pashtun-Balochi* people and Afghan refugees were hauled up for interrogation. The Afghan refugees immediately approached Mehmood Khan Achakzai MNA from Pashtun area. Achakzai took the matter to the PM Nawaz Sharif and discussed with him on the pre-text that Afghan Refugees were their voters and the exercise was being done to distance them from his person.

Just next day, the whole matter was hushed up and closed under the direct instructions from the PM House Islamabad without taking it through the Interior Ministry, the FIA's controlling authority. The matter was brought in the notice of Ch Nisar Ali, the Federal Interior Minister, who was helpless there. The media was, however, found smiling and whispering that:

***'....if the MNA Achakzai is directly paid by the CIA or India or Afghan government for such role then what can we do – while the PM Nawaz Sharif was the direct accomplice of Taliban, it is on record.'***

#### **NEW TALIBAN CHIEF SADDLED:**

**On 23<sup>rd</sup> May 2016**, just two days after the death of their former leader Mullah Akhtar Mansour in a US drone strike, the Taliban selected his successor - Mullah Haibatullah Akhundzada, a prominent religious scholar, and deputy to the killed leader. He headed the militant movement, which

had been in disarray since its founder, Mullah Omar, was proclaimed dead in July 2015.

The swift selection of a new chief followed a series of meetings in few days among the core leadership in Quetta, Pakistan, and could be seen as an attempt to prevent further rifts in the ranks. Many commanders regarded the selection of Mansour – a heavy-handed and divisive figure – as a coup, leading to violent clashes between factions. Since then, there has been unrest and unprecedented infighting.

Largely unknown outside the movement, Haibatullah was a former Taliban chief justice and headed their religious ***Ulema Council***. Compared with Mansour, he had strong religious credentials, and had been responsible for issuing ***fatwas*** to justify military and terrorist operations.

Reportedly from the Panjwai district of Kandahar, Haibatullah was part of the Noorzai tribe; from the Taliban's spiritual heartland, which gave him clout over southern commanders and could potentially help them unify discontented factions. Mulla Haibatullah was watched closely by the Afghan government and its international partners, hoping he would be amenable to joining the peace process. His predecessor was targeted, according to the Pentagon, because he was "***an obstacle to peace***".

Taliban's official statement said:

*"Haibatullah Akhundzada has been appointed as the new leader of the Islamic Emirate (Taliban) after a unanimous agreement in the Shura {Supreme Council}, and all the members of Shura pledged allegiance to him."*

Sirajuddin Haqqani, head of a network blamed for many high-profile bomb attacks in Kabul in those days, and Mullah Mohammad Yaqoob, son of former leader Mullah Omar, served as his deputies; Zabihullah Mujahid, the Taliban's main spokesman, remained in office as such.

Pakistan's military broke its silence on the matter; Mulla Mansour's killing, with a press statement. It said that in a meeting with the US ambassador, Pakistan's Army Chief Raheel Sharif expressed "***serious concern***" over the drone strike – but just in routine, while saying:

*"Such acts of sovereignty violations are detrimental to relations between both countries and are counter-productive for ongoing peace process for regional stability."*

The Living History of Pakistan Vol-VI

The US and Afghan governments held Mansour had been an obstacle to a peace process that had ground to a halt when he refused to participate in talks earlier that year. Instead, he intensified the war in Afghanistan, then in its 15th year. Pakistani authorities were alleged supporting Taliban leaders in areas around the Pak-Afghan border.

On the same day, a suicide bomber targeted a minibus carrying court employees in Kabul during morning rush-hour, killing 11 people; the Taliban claimed responsibility.

**It has something to do with the facts and the law  
and who the judges are.  
Lawyers sometimes exaggerate their role in winning and losing.  
Lawyers do have a role, and a major role,  
but they're not the only players in this game.  
.....Floyd Abrams**

## Scenario 200

### **DAWN LEAKS ENIGMA**

#### **– CYRIL ALMEIDA NEWS STORY:**

**On 6<sup>th</sup> October 2016**; an article titled ***Exclusive: Act against militants or face international isolation, civilians tell military*** was published in Daily 'Dawn' which was authored by CYRIL ALMEIDA – updated next day, on **7<sup>th</sup> October 2016**, at 12.58pm.

Here is that story placed *verbatim*:

“ISLAMABAD: ***In a blunt, orchestrated and unprecedented warning, the civilian government has informed the military leadership of growing international isolation of Pakistan and sought consensus on several key actions by the state.***

*As a result of the most recent meeting [...the said meeting was held on 3<sup>rd</sup> October 2016], an undisclosed one on the day of the All Parties' Conference on Monday, at least two sets of actions have been agreed.*

*First, ISI DG Gen Rizwan Akhtar, accompanied by National Security Adviser Nasser Janjua, is to travel to each of the four provinces with a message for provincial apex committees and ISI sector commanders [what message – see next].*

*The message: **military-led intelligence agencies are not to interfere if law enforcement acts against militant groups that are banned or until now considered off-limits for civilian action.** Gen Akhtar's inter-provincial tour has begun with a visit to Lahore.*

*Second, **Prime Minister Nawaz Sharif has directed that fresh attempts be made to conclude the Pathankot investigation and restart the stalled Mumbai attacks-related trials in a Rawalpindi anti-terrorism court.***

*Read: India links talks resumption to Pathankot probe*

***Those decisions, taken after an extraordinary verbal confrontation between Punjab Chief Minister Shahbaz Sharif and the ISI DG, appear to indicate a high-stakes new approach by the PML-N government.***

*The following account is based on conversations with Dawn of individuals present in the crucial meetings this week.*

*All declined to speak on the record and none of the attributed statements were confirmed by the individuals mentioned.*

#### ***Foreign Secretary's presentation***

*On Monday, on the day of the All Parties' Conference, Foreign Secretary **Aizaz Chaudhry gave a separate, exclusive presentation** in the Prime Minister's Office to a small group of civil and military officials.*

*The meeting was chaired by Prime Minister Sharif and included senior cabinet and provincial officials. On the military side, ISI DG Rizwan Akhtar led the representatives.*

*The presentation by the foreign secretary summarised the results of the recent diplomatic outreach by Pakistan, **the crux being that Pakistan faces diplomatic isolation** and that the government's talking points have been met with indifference in major world capitals.*

*Examine: What should determine Pakistan's foreign policy?*

***On the US***, Mr Chaudhry said that relations have deteriorated and will likely further deteriorate **because of the American demand that action be taken against the Haqqani network. On India**, Mr Chaudhry stated that the **completion of Pathankot investigation and some visible action against Jaish-i-Mohammad were the principal demands.**

*Then, to a hushed but surprised room, Mr Chaudhry suggested that while **China** has reiterated its support for Pakistan, it too has **indicated a preference for a change in course by Pakistan.** Specifically, while Chinese authorities have conveyed their*

*willingness to keep putting on technical hold a UN ban on Jaish-i-Mohammad leader Masood Azhar, they have questioned the logic of doing so repeatedly.*

### **Extraordinary exchange**

*The foreign secretary's unexpectedly blunt conclusions triggered an astonishing and potentially **ground-shifting exchange between the ISI DG** and several civilian officials.*

*In response to Foreign Secretary Chaudhry's conclusions, Gen Akhtar asked what steps could be taken to prevent the drift towards isolation. **Mr Chaudhry's reply was direct and emphatic: the principal international demands are for action against Masood Azhar and the Jaish-i-Mohammad; Hafiz Saeed and the Lashkar-e-Taiba; and the Haqqani network.***

*To that, **Gen Akhtar offered that the government should arrest whomever it deems necessary**, though it is unclear whether he was referring to particular individuals or members of banned groups generally. At that point came the stunning and unexpectedly bold intervention by Punjab CM Shahbaz Sharif.*

***Addressing Gen Akhtar, the younger Sharif complained that whenever action has been taken against certain groups by civilian authorities, the security establishment has worked behind the scenes to set the arrested free.** Astounded onlookers describe a stunned room that was immediately aware of the extraordinary, unprecedented nature of the exchange.*

*To defuse tensions, Prime Minister Sharif himself addressed Gen Akhtar and said that policies pursued in the past were state policies and as such they were the collective responsibility of the state and that the ISI DG was not being accused of complicity in present-day events.*

### **PM's Strategy?**

*Several eyewitnesses to the incredible events of Monday believe that **the foreign secretary's presentation and Chief Minister Shahbaz Sharif's intervention were orchestrated by the***

***prime minister to stir the military to action***, leading to the decision to dispatch the ISI DG on an inter-provincial tour.

*Yet, according to the accounts shared with Dawn, the sparring between the ISI DG and civilian officials did not degenerate into acrimony.*

*Earlier in the meeting, ISI DG Gen Akhtar stated that not only is it the military's policy to not distinguish between militant groups, but that the military is committed to that policy prevailing. The ISI chief did mention concerns about the timing of action against several groups, citing the need to not be seen as buckling to Indian pressure or abandoning the Kashmiri people.*

*Gen Akhtar also readily agreed to tour the provinces at the direction of the prime minister, issue fresh orders to ISI sector commanders and meet with provincial apex committees to chalk out specific actions that need to be taken in various provinces.*

*According to several government officials, **Monday's confrontation was part of a high-stakes gamble by Prime Minister Sharif to try and forestall further diplomatic pressure on Pakistan.** In separate meetings with the army chief, participants describe an animated and energised Mr Sharif, who has argued that Pakistan faces real isolation if policy adjustments are not made.*

*Government officials, however, are divided about whether Prime Minister Sharif's gamble will pay off. According to one official, commenting on the ISI DG's commitments, "This is what we prayed to hear all our lives. Let's see if it happens."*

*Another government official offered: "Wait till November to see if action will be taken. By then a lot of things will be settled." Military officials declined to comment.*

*Published in Dawn, October 6th, 2016"*

#### **Clarification [through 7<sup>th</sup> October 2016 update]:**

***The spokesman for Prime Minister Office on Thursday denied a story appearing in Dawn on Oct 6 regarding "purported deliberations" of a meeting held on security issues. The***

*spokesman termed contents of the story not only speculative but misleading and factually incorrect, describing it as an "amalgamation of fiction and fabrication".*

*Dispelling the impression created by the report, headlined "Act against militants or face international isolation, civilians tell military", he said that intelligence agencies, particularly the ISI, are working in line with the state policy in the best interest of the nation, both at the federal and provincial levels to act against terrorists of all hue and colour without any discrimination.*

***Indeed the Army's and ISI's role and contributions towards implementation of NAP have been proactive and unwavering***, the spokesman said. Meanwhile, the office of the chief minister of Punjab also denied the comments attributed to Chief Minister Shahbaz Sharif in the news story.

*Dismissing it as a baseless table story, he emphasised that besides his respect for the institution of the armed forces, on an individual level he also had the highest respect for the present ISI DG for his professionalism, commitment to duty and sincerity of purpose.*

The last paragraphs under heading '**Clarification**' was again repeated later in daily '**Dawn**' dated **9<sup>th</sup> January 2017**.

[Earlier, **10<sup>th</sup> May 2016**'s video footage of the prime minister's meeting with the army chief at PM House was also leaked out in a similar fashion, which had raised eyebrows because of its rare audio content and timing of release. News TV channels aired the footage of one-on-one meeting between the two, one telling the other that a "**.....date has been given**".

*While such high-level meetings between the civil-military leadership are routinely recorded by the state TV crew on camera, the audio is always muted – but here it was not so.]*

### **INTERESTING DAYS AGAIN?**

**On 8<sup>th</sup> October 2016**; in the same daily '**Dawn**' in his article titled **Interesting days again** Cyril Almeida wrote:

*"The message has been delivered; it has been received coolly; so we're left with two questions: why now and what next?"*

*Nawaz and the N-League are wrong on militancy. They've been wrong since they got back Punjab in 2008 and they've been wrong since they captured the centre in 2013. Either they don't get it or they refuse to get it....."*

On Afghanistan, Gen Raheel had been serious and sincere, but Afghan governments' response was not found encouraging; its President Ashraf Ghani went totally inclined towards India. Gen Raheel also kept India at a distance; Modi's madness and bullying tones had played more vital role to go for that decision.

PM Nawaz's wish for regional stability could be appreciated but the means and stakes he deployed to fulfil that hope was detrimental for the national security of Pakistan. When army jumped in to put the things right – PM Nawaz's cronies didn't guide him with the true nationalist approach.

But the things were changed. Firstly, Gen Raheel had snatched foreign policy from PM Nawaz and screwed it up. Secondly, militancy had become a threat to the core agenda of economic growth – dangers and hazards to the CPEC projects were shaking bells with disturbing sounds.

Some alleged that PM Nawaz had business and monetary considerations with India whereas the critics always doubted the army as rightful nationalism oriented entity. The army thus kept PM Nawaz little away from core decisions – but he wanted back in. PM Nawaz Sharif was seen adamant to go his direction; the army was clearly told that *'doing nothing is no longer an option'*.

Pak-Army wanted action against anti-Pakistan militants in Punjab, with major military operations in FATA winding down, but the PML[N] never allowed *the Army* considering it their eventual political demise. CM Shahbaz Sharif himself could ask the Rangers to launch operations in Punjab like Sindh but his Law Minister Sanaullah Khan provided the militants safe havens – Chotoo Gang Case of Rajanpur is referred.

The Rangers wanted to scrap militancy in Punjab by takeing the fight to the militants whereas the PML[N] kept the policy that militant's attacks should become a reason for the army to force themselves into that particular pocket on their terms.

***The possibility of a drift towards isolation was not a real threat***, as the most intelligentsia opined — it was all because the US had found a new ally in India. Simultaneously, the US had made a high shift in its policy — seeing Pakistan through Afghan prism while keeping India on its right side.

Once the army suggested to get the parliament involved for a resolution against some of the groups, but PM Nawaz Sharif didn't approve the option "*— the groups weren't created with parliament's consent, so why involve parliament now,*" was a straight and strange logic popped up from the civilian chief.

At the same moment, in getting stern action against some groups, the prime minister didn't want to encourage Rangers to open the doors into Punjab; no doubt, he was pushing for some quick actions.

**[Cyril Almeida, an assistant editor with Pakistan's most-reputed English daily *Dawn*; was officially barred from leaving the country. His fault: breaking a story on an "undisclosed" meeting between the country's civil and military leadership including the ISI.**

*Cyril's name was put on country's Exit Control List [ECL]; a system of border control maintained by the Government of Pakistan. Those persons on the list are prohibited from leaving Pakistan.*

*Not many people on this side of the border knew that Almeida belongs to the micro-minority of Goan Catholics living in Karachi. His ancestors migrated to the port city almost a hundred years ago and made it their home. According to historical documents, under the Portuguese rule Goan Catholics started migrating to Karachi more than 150 years ago. After partition, a few of them held high posts in Pakistan Army, police, railways, courts and the hospitality industry.]*

**On 10<sup>th</sup> October 2016;** the Office of the Prime Minister issued another statement, strongly denying the contents and rejecting it as a fabrication. This was the third contradiction issued by the PM office. The ISPR categorically stated that they had not named Cyril Almeida to be put on the ECL. Rather they were not interested in knowing about Cyril's role; the ISPR wanted to know the real names of those persons in the PM House who had fed Cyril Almeida to publish that story.

The PML[N] government immediately offered names of Federal Information Minister Pervaiz Rashid and top bureaucrat Fawad Hassan Fawad. The army

knew the real culprit(s) thus a tug of war started on the issue that why the two ponies were being sacrificed.

On the same day of **10<sup>th</sup> October 2016**; Gen Raheel Sharif and ISI chief Gen Rizwan Akhtar called on PM Nawaz Sharif and the participants of the meeting expressed concern over the fabricated story in Dawn. The prime minister's official release was the third denial of the story from Pakistani civilian masters.

While the first denial had said the army and ISI were working in accordance with the state policy on counter-terrorism, the third release especially noted the army and intelligence agencies had a lead role in doing so. Clearly, PM Nawaz Sharif was the one on the back-foot over the said notorious story – trying to hit the Army below the belt.

The fact remained that civil-military conflict in Pakistan turned into Cyril-military conflict but the army sought to deflect focus away from Cyril and back to civilians. ***The army wanted action not against the reporter but against those who leaked or fed the story to him.*** Notably, the unnamed sources did not tell media that the story was fabricated, only that it was distorted.

Cyril's allegations in '**Dawn**' were all the more inflammable because of their timing. Just weeks before, a deadly militant attack on an Indian military base in the disputed territory of Kashmir that Delhi had blamed on Pakistan-based *jihadis*; which the Pakistan government and the military had discussed and denied. **Thus the DAWN's story was incorrect.** In a statement, PM office vowed for:

*".....stern action for those responsible who risked the vital state interests through inclusion of inaccurate and misleading contents which had no relevance to actual discussion and facts".*

However, the same night DAWN's editor, Zaffar Abbas, issued a statement on an official Facebook page standing by the story which he said had been **"verified, cross-checked and fact-checked.** The editor also said in his **Editorial Note:**

*[Dawn would like to clarify and state on record several things. First, this newspaper considers it a sacred oath to its readers to pursue its reporting fairly, independently and, above all, accurately. **The story that has been rejected by Prime Minister's Office as a fabrication was verified, cross-checked and fact-checked.***

*Second, many at the helm of affairs are aware of the senior officials, and participants of the meeting, who were contacted by the newspaper for collecting information, and more than one source confirmed and verified the details.*

*Therefore, the elected government and state institutions should refrain from targeting the messenger, and scape-goating the country's most respected newspaper in a malicious campaign. – Daily 'Dawn' dated 11<sup>th</sup> October 2016 is referred]*

**FOREIGN PRESS CRIED LOUDER:**

**BBC** dated 11<sup>th</sup> October 2016 repeated the same above development made public by the Pakistani newspaper saying that:

*"[The Dawn story] claimed that the prime minister, Punjab's chief minister and other members of the government raised concerns about a lack of military action against certain militant groups because of their ties to the spy agency. They allegedly warned military chiefs present that Pakistan risked facing international isolation.*

*The prime minister's office and the Punjab chief minister's office strongly denied the report saying there was no conflict of that nature at the meeting.*

*However, Dawn stood by the story; saying it had repeatedly fact-checked it."*

However, **Al-Jazeera** of the same date 11<sup>th</sup> October 2016 held that:

*"The participants were unanimous that the published story was clearly violative of universally acknowledged principles of reporting on national security issues and has risked the vital state interests through inclusion of inaccurate and misleading contents which had no relevance to actual discussion and facts.*

*[Albeit] Earlier in 2016, Reporters without Borders ranked Pakistan 147th out of 180 countries for press freedom, the lowest position in South Asia."*

**Huffington Post London** dated 12<sup>th</sup> October 2016 particularly pointed out towards another new dimension while saying:

**".....The attention the story got in India was in particular upsetting for Pakistanis who thought national interest was being compromised by the leak. When India is threatening military action against Pakistan, is it really the right to highlight civil-military disjunction before the world?"**

*The talk of Pakistan getting isolated is a bogey - a chance to get back at the army command for all the acute discomfort caused to the government over **the last three years by Gen Raheel Sharif's public standing... his popular hero status.**"*

**On 14<sup>th</sup> October 2016;** in the Corps Commanders meeting at GHQ Rawalpindi, the participants expressed serious concern over the said leak while *"feeding of false and fabricated story of an important security meeting held at PM House and viewed it as breach of national security."*

Chief of Army Staff [COAS] Gen Raheel Sharif presided over the meeting attended by all corps commanders and principal staff officers especially considering *Dawn's* clarification that the story **"was verified, cross-checked and fact-checked"** and especially the editor's claim that ***the senior officials, and participants of the meeting were contacted by the newspaper for collecting information.***

The Corps Commanders held a comprehensive review of the internal and external security situation with a particular focus on prevailing environment at the Line of Control [LoC]. Participants rejected the Indian claims of **'hoax surgical strikes'** as an attempt to divert the world's attention away from brutalities being committed by the Indian Army against Kashmiris in held Kashmir; the COAS reiterated the army's resolve to defend Pakistan against a full spectrum of threat.

Moreover, Foreign Office spokesman Nafees Zakaria told a press briefing that the story by the Cyril was based on assumptions; **"Pakistan is not being isolated internationally. It is just propaganda."**

The story later confirmed by other media resources told that:

*"....about a week ago, during a meeting of the National Assembly Standing Committee on Foreign Affairs, a lawmaker from the ruling party, demanded action against non-state actors, especially the chief of Jamaat-ud-Dawa (JuD), Hafiz Saeed.*

*The lawmaker had questioned the logic behind inaction against **Saeed: Which eggs are Hafiz Saeed laying for us that we are nurturing him?***

[Inamullah Khatak's report in the '**DAWN**' dated **6<sup>th</sup> October 2016** is referred]

As per Cyril's original reporting, the prime minister had instructed the ISI chief that "***fresh attempts be made to conclude the Pathankot investigation and restart the stalled Mumbai attacks-related trials in a Rawalpindi Anti-Terrorism Court.***" However, the Pak-Army's stance was clear.

- Is there any country in the world which had ever started investigations at home for occurrence happened beyond its own borders?
- ISI had tens of proofs of killings and bombing events in FATA, Balochistan and Karachi in which India was surely involved; Pakistan had launched protests also – had India ever started investigations at their end and reported back.
- It is the international practice that the affected country starts investigations at its end; if the lead comes in the blamed country; the further investigations are held and informed back. It is common diplomatic practice.
- Why the PM asked ISI to start investigations into ***Pathankot affairs*** on the basis of mere allegations from India – why not the specified civilian investigation agencies.

When **Dawn's** report became public, the international media jumped in to the story, which had, of course, annoyed the military establishment. For the military, the government's demand of "non-interference" in civilian law enforcement agencies work was because politicians and ministers like Dr Zulfiqar Mirza and Rana Sanallah had been seen protecting saulat Mirza, Uzair Baloch and Maulana Ishaq.

Referring to the '**Business Standard**' dated **16<sup>th</sup> Oct 2016**; Cyril Almeida wrote in his later comments:

***"The story had arrived fairly quickly after the fateful meeting on October 3, but it was only published on October 6. The gap was all about verifying, double and triple-sourcing and seeking official comments.***

*For me, and for the paper, there were only two questions that mattered. Did the meeting take place? Could I verify through*

*multiple channels what was said? Yes, the heart races a bit faster when you do something out of the ordinary. Yes, there is always some concern for the self.*

*The second part is trickier than it would appear, but it is also not as hard as it is made out to be. Stick around long enough and you get a sense of how this place works. And the place gets a sense of you. You know the camps, you know the divisions and splits, and you know at any given time who may be interested in selling what. They exist in civilian as much as they do in military.*

*.....that with a meeting like this and a story like that, you sniff around until you get a bunch of overlapping facts from camps that have no obvious reason to overlap; there was one underestimation on his part.*

*In writing the story, I was aware that a grenade was being dropped in the news cycle. It has since turned out to be a surgical strike followed by a nuclear attack. I do not regret doing this story. In a place like this, that is a two-way street: in return for not exposing your sources, you get a fair reading of the land.*

*A combination of two things rescued me. First, the global coverage, the system here ultimately responds to local concerns. Second, the wider media, battered and fractured by violent convulsions of its own in recent years, mostly united - perhaps as much out of self-preservation than indignation."*

**On 28<sup>th</sup> October 2016;** Inter Services Public Relations [ISPR] told that Finance Minister Ishaq Dar, Interior Minister Ch Nisar and CM Punjab Shahbaz Sharif had called on the COAS at the Army House to brief him on the progress of investigation related to the Dawn Leak story. The meeting was also attended by DG ISI Gen Rizwan Akhtar.

However, on the same day, at **ARY News TV**, Dr Shahid Masood in Sami Ibrahim's program told that PML[N]'s above named three top notch officials had called upon Army Chief Gen Raheel Sharif's residence to discuss the said issue but with another goal in mind.

**[ The three delegates wanted to save PM's daughter Maryam Nawaz's name from Cyril's case because army's own inquiry into the matter had concluded that the news was 'planted' with Cyril Almeida by Maryam Nawaz and Pervaiz Rashid, the Federal Information Minister.]**

The fact remained that in the security meeting of 3<sup>rd</sup> October 2016, DG ISI Rizwan Akhtar was told Pakistan could only avoid international isolation if it took action against Jaish-e-Mohammad [JeM], Lashkar-e-Taiba [LeT] and the Haqqani network.

Allegedly, JeM and LeT were *jihadi* groups dedicated to fighting against India in Indian Occupied Kashmir, while the Haqqani network was a Taliban affiliate responsible for deadliest attacks against NATO forces in Afghanistan. India and the US had consistently alleged that all three groups receive clandestine ISI support; a claim Pakistan denied vehemently and many times in the past.

**A FEDERAL MINISTER RESIGNED:**

**On 29<sup>th</sup> October 2016;** Parvaiz Rasheed resigned from his position as Federal Minister for Information, Broadcasting and National Heritage. A statement issued by the Prime Minister's office said:

*"Evidence available so far points to a lapse on part of the information minister, who has been directed to step down from the office to enable holding of an independent and detailed inquiry."*

The published report of the high-profile security meeting forced the government to initiate an inquiry to identify the person responsible for its leak. Rasheed's portfolio was taken away after a preliminary inquiry was launched by his fellow Federal Interior Minister Ch Nisar Ali Khan followed by the approval of the premier.

A committee was formed for the investigation of Dawn's story and investigations entered the final phase; ***Pervaiz Rashid was only temporarily suspended from his post until investigations concluded.***

PM House, meanwhile, announced details of the **inquiry committee:**

*"An inquiry committee including senior officers of ISI, MI and IB is being formed by the government to apportion the blame, identify interests and motives and expose all those responsible for this episode of stern action in the national interest."*

Initially, the Prime Minister's Office had rejected the story, but the military maintained the story had not only been 'leaked' but '**falsely fabricated and fed**' to the media. Thus the GHQ demanded a probe into the matter as it viewed the matter as a breach of national security. Cyril's name was already placed on the Exit Control List [ECL] but was later removed by the Interior Ministry as a "**goodwill gesture**".

On the same day of **29<sup>th</sup> October 2016**, Defence Minister Kh Asif left for Dubai with his family; in a tweet, Asif said he was in Dubai to attend a wedding and will return next day.

The prime minister's Principal Information Officer [PIO] Rao Tehseen was also suspended from his post and made an officer on special duty [OSD] the same day; he was barred from leaving the federal capital since the past eight days by the interior ministry.

*[It was beyond comprehension that a PIO was being held responsible for failing to prevent stories from appearing in newspapers. A PIO can request better display for pro-government stories but it is for the editor to decide whether to entertain him or not. It is impossible for him to ensure even that happens, let alone whether stories are stopped or not.]*

PTI chief Imran Khan congratulated the nation after Minister Pervaiz Rashid resigned; he tweeted:

*"Mubarak to nation! One darbari sacked, the other flees & the rest start trembling as they look over their shoulders! NS's darbar disappearing. If they [government officials] are involved in the leak, they should be tried under the Army Act."*

Adviser to the CM Sindh Moulana Bux Chandio of PPP urged the government to accept the demands of accountability while adding:

*"Government by scape-goating the Information Minister [Pervaiz Rashid] has accepted that the PML[N]'s democratic government was responsible for the information leak."*

**On 30<sup>th</sup> October 2016**; Imran Khan gave a call for Islamabad to be shut down. The protests, he had announced, could continue until Nawaz Sharif was unseated. Khan's grouse was the Panama Papers leak that showed Nawaz Sharif's family owning offshore wealth. The protest was called exactly one month before Gen Raheel Sharif's retirement.

Najam Sethi, in his '**The Friday Times**' of the same week wrote:

*"This time round, however, there is a powerful sense of disaffection in the military with the prime minister, suggesting that the establishment is egging on Imran Khan and wouldn't mind weakening the prime minister if not seeing his back even if there is no covert conspiracy to seize direct power."*

The intelligentsia held that WVIPs like Maryam Safdar and her cronies at PM House were involved in this issue, a probable reason for hesitation and frustration of PML[N] leadership to announce the suspects. Army knew that how the image and reputation of Pak-Army was let down many times, even on the Parliament's floor by several PML[N]'s members.

**On 7<sup>th</sup> November 2016;** the MoI notified a seven-member committee – headed by a retired judge Aamer Raza Khan – to probe the controversy. The panel was supposed to submit its report within 30 days. However, later on it was given one-month extension by the ministry to complete its laborious and stinking task.

One member each from the ISI, Military Intelligence [MI] and Intelligence Bureau [IB] were included in the panel. Establishment Secretary Tahir Shahbaz, Punjab's Ombudsman Najam Saeed and the FIA's Director Usman Anwar were also part of the committee.

The committee was assigned the job to establish the identity of those who allegedly planted the story. Former information minister Pervaiz Rashid had already lost his portfolio on grounds that he failed to play his role to restrain the journalist from running the controversial reporting.

**On 9<sup>th</sup> January 2017;** '*security threatening news*' dated 6<sup>th</sup> October 2016 was again published in the same newspaper [DAWN] under the title '**Clarification**' and in the column of the same columnist Cyril Almeida and with the same wording as has earlier been noted in the opening paragraphs of this chapter.

#### **FINAL ROUND OF PLAY STARTS:**

**On 24<sup>th</sup> April 2017;** Dawn Leaks inquiry committee report was sent to the Ministry of Interior which was placed before PM Nawaz Sharif the same day. The Pak-Army had demanded to unveil the names of elements

involved in the leaks. The report suggested removing Prime Minister's Special Assistant on Foreign Affairs Tariq Fatemi and Principal Information Officer [PIO] Rao Tehsin while the Information Minister Pervaiz Rasheed had already been sacked six months earlier.

Tariq Fatemi called on PM Nawaz Sharif immediately to discuss the report. It was expected that the PM's Special Assistant would resign soon but he loudly denied the media expectation saying that **'why should I; where does I matter in the said media concerned issue.'**

**[On 24<sup>th</sup> April 2017; Pakistan's Foreign Office rebutted news stories against Special Assistant to the Prime Minister on Foreign Affairs [SAPM] Tariq Fatemi as "irresponsible and malicious allegations." The FO held that:**

*"The SAPM, Fatemi, is in the Foreign Office performing his official duties. Irresponsible and malicious allegations by an anchor of an electronic media is not only a serious attack on the person of Fatemi, a high office holder, but also this ministry, which deals with the matters related to relations with foreign countries. The FO reserves the right to take legal action."*

The said inquiry report also included forensic analysis of Senator Pervaiz Rasheed's mobile phone; evidence available had pointed to a lapse on part of him as the in-charge information minister. Cyril had sent 11 messages to the minister seeking his response but most of them were not responded by the senator, the findings concluded.

**On 27<sup>th</sup> April 2017;** in a meeting the PM Nawaz Sharif directed Interior Minister Ch Nisar Ali Khan to implement recommendations of the committee, which probed Dawn Leaks, in letter and spirit. The interior ministry spokesperson told that:

*"During the next 24 to 36 hours, work on matters including legal and administrative formalities to implement the recommendations of the committee would be completed. After completion of these formalities, a formal announcement would be made to properly implement those recommendations."*

The recommendations of the report were made unanimously by all members of the inquiry committee. The report was completed in a period of over six and half months during which the committee met six times.

The committee initially constituted a sub-committee which was headed by the Establishment Secretary. The sub-committee met 16 times for examination of witnesses and scrutiny of all record.

The federal government, on 7<sup>th</sup> November 2016, had formed this 7-member committee, notified by the Ministry of Interior [MoI] and was tasked to submit its report within next 30 days. However, later on more time was given to it to complete its task.

*[Earlier, on 10<sup>th</sup> March 2017, the Corps Commanders in a security meeting at GHQ had once again discussed this issue with reservations and concerns. The army had expressed serious concern over the '**feeding of false and fabricated story**', **terming it a 'breach of national security'**.*

**On 29<sup>th</sup> March 2017;** *Finance Minister Ishaq Dar said in a live TV talk show that **the Dawn leaks' inquiry report** would be published, unlike findings of other commissions in the past.]*

**On 29<sup>th</sup> April 2017;** the Prime Minister's Office issued directives to remove Syed Tariq Fatemi, special assistant to the prime minister on foreign affairs, from his post for his alleged role in 'Dawn leaks'; a notification in this regard was issued.

The directive came after the said inquiry committee's report was seen by the prime minister and given a thought for three days. The report — the contents of which were not made public till then — also contained the committee's recommendations on the matter; the four recommendations were in addition to the committee's suggestions in paragraph 18 of the inquiry report.

See an eye-opening 'frustrated reality' narrated in Haroon Rasheed's column dated **29<sup>th</sup> April 2017** appeared in Urdu daily '**Dunya**'; later the writer himself explained the whole conspiracy in Moeed Pirzada's live TV discussion at '**Dunya News' TV** on the same day:

*"The Army Chief Gen Qamar Javed Bajwa argued the said 'DAWN LEAKS' case many times before PM Nawaz Sharif that the report be got expedited because wherever he goes in garrisons, he is questioned about the outcome of the issue.*

*The General told the PM each time that in army, he asks for the lives of the officers and men; he never got refused – so they have*

*right to question their General to ask about the dignity, honour and the reputation of their institution.*

*It was settled in the first meeting [during first week of October 2016] between Gen Raheel Sharif and PM Nawaz Sharif that **'ladies of PM Sharif family would not be mentioned anywhere – especially the real instigator Maryam Safdar'**; then what was the hitch in lingering the report. Pak-Army always honoured their words.*

*[The real issue was of Tariq Fatemi, PM's advisor. Mr Fatemi was very dear to the PM; since the days of ending 1999 when he was being sent to Washington as Ambassador but could not be availed due to Gen Musharraf's coup on 12<sup>th</sup> October 1999.*

*Fatemi was compensated by all means by the PM; Advisory slot plus an MNA's seat for his wife plus issuance of funds of millions to her NGO which is never heard of by any.]*

*But now the PM wanted to get ONE LINE DELETED from the DAWN Leaks Final Report and that was concerning Fatemi. He was not being dis-respected like Information Minister Pervaiz Rashid [Fatemi got the only 'punishment' of getting change in portfolio] but even that was not being tolerated by the PM."*

Pak-Army's reaction was obvious.

Just within two hours [**29<sup>th</sup> April 2017**], the Pakistan Army rejected the federal government's notification on the Dawn Leaks inquiry, saying it was **"incomplete and not in line with recommendations by the Inquiry Committee"**. The Pak-Army announced the rejection in a tweet sent out by DG ISPR Maj Gen Asif Ghafoor from his official account:

***"Notification on Dawn Leak is incomplete and not in line with recommendations by the Inquiry Board. Notification is rejected 10:52 AM - 29 Apr 2017."***

The tweet came shortly after the prime minister's office announced, vide Notification No: 1707/M/SPM/2017, that PM Nawaz Sharif had approved the recommendations of the Dawn Leak inquiry committee; the order said:

***".....it was withdrawing the portfolio of Foreign Affairs from PM Nawaz Sharif's Special Assistant Tariq Fatemi and Rao***

***Tehsin Ali***, the principal information officer at the Information Ministry, **will be proceeded against under the E&D rules 1973** on the charges based on the report findings.

***....that the role of the editor of Dawn Newspaper, Zaffar Abbas, and reporter Cyril Almeida would be referred to the All Pakistan Newspaper Association [APNS] for necessary disciplinary action to be taken against them.***"

The order also required the APNS to develop a code of conduct for the media, *"especially when dealing with issues relating to security of Pakistan and to ensure that stories on issues of national importance and security are published by abiding to basic journalistic and editorial norms"*.

On the same day of **29<sup>th</sup> April 2017**; Interior Minister Ch Nisar, while addressing a press conference at Governor House Karachi, said that the notification regarding Dawn Leaks was supposed to be issued by his ministry and not the PM's Office. Addressing a press conference, the interior minister said:

*"We have not released the notice so far. We will release the notification, which will be in line with the recommendations made by the committee; neither any attempt was made to save anyone in the past nor it is being done now."*

The Interior Minister further held that a notification was yet to be issued and the PM Office had just issued a reference letter; emphasizing that:

***"Our state institutions should not communicate with each other through tweets. It is lethal for democracy. An unnecessary hype is being created by highlighting a non-issue. This is my department's job. The PM Office has nothing to do with it."***

**On 30<sup>th</sup> April 2017**; a special meeting of Nawaz Sharif's close aides was held in PM's Raiwind Palace Lahore. Finance Minister Ishaq Dar, Interior Minister Ch Nisar, and CM Punjab Shahbaz Sharif along with other PML[N] leaders attended to discuss the DawnLeaks issue.

**On 2<sup>nd</sup> May 2017**; Special Assistant to the Prime Minister on Foreign Affairs Tariq Fatemi rejected the allegations levelled against him in connection with the inquiry. In a farewell letter addressed to his officials in the Foreign Office, Fatemi said:

***"I reject recent allegations, insinuations and innuendos.***

***Such suggestions are particularly hurtful to someone who has served Pakistan for nearly five decades with honour and dignity."***

Fatemi's response came as PM Nawaz Sharif **on 29<sup>th</sup> April 2017** had got issued directives for his removal as his Special Assistant. In the aforementioned letter, which was endorsed to his colleagues at Pakistan's foreign missions, Fatemi further said:

*"Over the years, I have had to deal with many sensitive matters, becoming privy to some of the most highly classified information, on issues of national security.*

*I have also had the honour of working directly under distinguished diplomats, both professional as well as political appointees, all of whom reposed their highest trust in my abilities and particularly so, in my lifelong commitment to discretion. You would appreciate that taking due care and caution become a second nature in our professional careers.*

*His nearly four years long stint at the Ministry of Foreign Affairs enhanced the esteem and respect that I've always had for our country's diplomats... who bear the rigors of serving with limited resources in difficult environments, defending and promoting the nation's interests, against huge odds".*

Tariq Fatemi, 72, was born in Dhaka in 1944; joined the Foreign Service at the age of 29 in October 1969. His career as a diplomat spans 35 years, with a number of high-profile appointments in Moscow, New York, Washington and Beijing; last appointment from 2002 to 2004 as Ambassador to the European Union [EU] in Brussels.

Upon retirement, Fatemi joined the PML[N], assisting the party on foreign policy matters.

**On 3<sup>rd</sup> May 2017;** in a live talk show with Kamran Shahid at '**Dunya News' TV**, Nabil Gabol of the PPP told the audience that:

*".....he had told the media just after ONE MONTH of the episode that Maryam Safdar had released the said news to Dawn's Cyril from her Media Cell working from within the PM House Islamabad....*

*Zafar Abbas [Editor Dawn]'s recorded voice is also available on record in which he had further quoted Maryam Safdar concentrating on that '**...the PM wants this release to be published immediately**' so we had to do it."*

In the same TV talk show, the anchor ran an earlier day's interview clip of Senator Aitzaz Ahsan telling the media that '**why the PML[N] government has sacrificed four innocent dignitaries like Fatemi – while every one knew that Maryam Safdar was the actual originator and thus culprit.**'

**On 4<sup>th</sup> May 2017;** in another live talk show with Arshad Sharif at '**ARY News**' TV, PML[N]'s own Senator Anwar Beg surprised the audience while saying that:

*"I'm really upset that why Maryam Safdar indulged so deep in tweeting and thus interfering in government affairs while she holds no official or public portfolio or status.*

*Not only me, the other senior persons in the party, are also in distress over Maryam Safdar's tweeting play. We've already suffered much loss on this account."*

#### **SUDDEN DROP SCENE:**

**On 10<sup>th</sup> May 2017;** suddenly and surprisingly the standoff between the military and the PML[N] government over the Dawn story ended after the army's spokesperson Maj Gen Asif Ghafoor's retreat. The interior ministry released a statement, recounting the recommendations of the committee and concluding that the issue had been '**settled**'. It said that:

- **ISPR DG withdraws tweet rejecting PM Office notification.**
- **Announcement preceded by lengthy meeting between COAS, PM and aides.**
- **Interior ministry issues fresh statement; the issue 'stands settled'.**

The developments were preceded by a meeting between COAS Gen Qamar Javed Bajwa and PM Nawaz Sharif during earlier hours of the day. The 45 minutes meeting was also attended by DG ISI Lt Gen Naveed Mukhtar, Interior Minister Ch Nisar Ali Khan and Finance Minister Ishaq Dar.

The DG ISPR told reporters during the briefing that:

***"Recommendations, as contained in para 18 of the inquiry committee report, duly approved by the prime minister, have been implemented, which has settled the Dawn leaks issue. Accordingly, the tweet of April 29 stands withdrawn."***

Defending himself against criticism faced in the wake of the tweet, Maj Gen Ghafoor explained that the tweet was not directed against any institution or individual. He said the military expected the notification to be in line with the recommendations of the inquiry committee, but it was not, which prompted the press release and tweet. Then he remarked:

***"What followed it was something regrettable."***

Regretting how society had become polarised over the issue — with some backing the army and others calling for the DG ISPR's resignation over 'insubordination' — Maj Gen Ghafoor said the interior ministry's latest order had filled in the gaps in the recommendations; he, however, praised the government for removing the misunderstandings that had prevailed over the past few weeks.

Gen Asif Ghafoor avoided a volley of questions about the alleged involvement of the prime minister's daughter, Maryam Safdar, saying the committee had deliberated thoroughly and named all those responsible, keeping all aspects in mind.

The DG ISPR explained: ***"Tweets [are] the fastest means of communication in today's age; my tweets should be treated as press releases."***

Same day, the statement issued by the Interior Ministry said that since action on orders of the prime minister had already been completed by the respective ministries and divisions, ***"the issue of Dawn [leaks] stands settled"***. In a series of messages from his Twitter accounts, the PTI chief Imran Khan said:

***"The issue was never [about] army & government, but rather of national security. The whole nation now needs to know what was 'settled'; the nation is being kept in the dark over how the matter of a national security breach was resolved."***

***Manner in which [the] issue [was] resolved shows clearly there is one law for the powerful and another law for the weak; inquiry commission report must be made public."***

Senate Opposition Leader Aitzaz Ahsan minced no words in his criticism of the decision, saying that the DG ISPR should have resigned rather than withdrawing his tweet; he was speaking on a TV channel in a live talk of that day.

**On 11<sup>th</sup> May 2017;** the Interior Minister Ch Nisar at a press conference in Islamabad also claimed that: ***"It wasn't as big of an issue as it was made out to be."*** He claimed there was complete consensus on the inquiry report despite there being ***"....some procedural issues when it was announced; the government had nothing to hide."***

However, such abrupt but conclusive end to the Dawn leaks controversy had some obvious positives. The national decision-making system, not exactly exemplary in the best of times, was not seen hostage to useless squabbling - over pointless event of the story itself.

The only loser in case of gulf in civil-military ties was Pakistan. Those who insisted on seeing Dawn leaks as two-way dagger in the Nawaz-military context were blind to reason. Their ignorance or ill-will was profoundly detrimental to Pakistan's strategic interests. But there were concerns and other dimensions that could not be ignored just because the issue was declared resolved.

One aspect concerns state-level communication – not personal but institutional; the responsibility was with the Sharif government. This was the third time it was in power; had dealt with seven army chiefs. Its leadership had cut their political teeth during Gen Zia era. They ought to know how to engage with the army and create a decision-making process with mutual confidence.

The Dawn leaks saga highlighted how little the Sharif government had learnt about the value of positive interaction with the army. It continued to skate on the thin ice of bare minimum mutual trust; it could have ended in disaster any day and any time.

For the army, the misleading theory of civilian incompetence mostly spawned a culture of contempt, triggering fruitless conspiracy theories; the army suffered the tremors of a constant tug of war with the civilians. In all media snaps, the impression conveyed was to show how the brass outshines the waistcoat; expending national energies on trivial pursuits was

meaningless. The army continued to enjoy national prestige but sometimes seen over-emphasized; the battle amongst institutions could end in mutual respect for the sake of Pakistan.

Referring to Syed Talat Hussain in '**the News**' dated **15<sup>th</sup> May 2017**;

*"...When the DG ISPR's tweet came out, a vast group of politicians, media-persons, and anchors declared early Christmas. That one tweet could set off a tsunami of wild joy tells how shameless this [Pakistan's political] tribe has become. Their glee was obvious: the PM must resign because the army has rejected its take on Dawn Leaks. And then came May 10.*

*The tweet issue returned the system to its normal functioning, but for the dance party this was no less than 9/11. They mourned and wailed, bleated and cursed.... Ridiculed....."*

Aitzaz Ahsan wanted the DG ISPR to resign and Imran Khan stoked suspicions; thus demanded explanations - it was unbelievable. Ironically, almost all of these so-called critics belonged to the establishment's media assets or were retired servicemen; seemed directed at perpetuating the civil-military divide come what may - a dangerous game it was.

The interior minister cautioned the media that they shouldn't make a joke of civil-military relations; it was a sensitive area.

BUT for all practical purposes, the Dawn Leaks matter was declared ***settled.***

**Let judges secretly despair of justice:  
their verdicts will be more acute.  
Let Generals secretly despair of triumph;  
killing will be defamed.  
.....Leonard Cohen**