

Scenario 74

NICL SCAM OF 2010-11:

On 12th October 2010, the Supreme Court of Pakistan [SC] took a *Suo Moto* notice of a case concerning with the National Insurance Company Limited (NICL), and directed the Secretary Commerce, Government of Pakistan [GOP] to get registered a criminal case with FIA in respect of certain transactions allegedly embezzled. As a result whereof a case FIR No.24 / 2010 dated 12th October 2010 under sections 409, 420, 109 PPC read with 5(2) PCA was registered with FIA Circle, Lahore.

The background of the incident was that on 6th May 2010, a letter was sent to the, Chairman NICL [Ayaz Khan] from Transparency International Pakistan [TIP], having mention of the following allegations:

Procurement of 804 kanal [a measurement of land equivalent to 1/8th of an acre] land in Lahore reportedly belonging to Ex-MNA Mr Habibullah Warraich, which had market value of Rs:0.3 million per Kanal, whereas NICL was buying it at Rs:2 million per kanal.

27000 sq ft office space in Dubai in Liberty Tower was purchased in July 2009 @ UAE Dirham 2,700 per sq ft against the market price of AED 1,200 per sq ft allegedly causing loss of Rs:900 million to the government exchequer.

10 Acre piece of land purchased in Korangi Deh Pihai, in August 2009 @ Rs:90 million per acre, against the maximum market price of Rs:20 million per acre.

Award of Contracts of painting works and furniture to M/s Casa Bella Lahore; at Karachi for Rs:26.987 million and at Islamabad for Rs:9.31 million, who was not a licence holder of Pakistan Engineering Council. The tender for Karachi was for 6 floors but the Contractor was asked to paint only 4 floors.

Land was purchased in Lahore in the year 2009 from Mr Mohsin Warraich for Rs:1.5 billion, of which market value was Rs:30 million only at that time.

On an earlier communication, the Chief Secretary Punjab, had sent his report on 4th March 2010 stating therein that NICL intended to purchase a piece of land for developing a housing colony at Lahore at exorbitant price to benefit a few persons, who were behind the deal. A similar report was received [on 2nd April 2010] from Secretary Board of Revenue [Punjab] Lahore, too.

On 26th April 2010, the matter was referred to Chairman NAB for conducting discreet inquiry and report. NAB office had sent their report in three parts confirming the embezzlement of huge amounts done in the above deals. NAB had also opined that such big amounts could not be misappropriated without the 'iron hand' behind the wrong doers.

In the *suo moto* notice, the SC directed the FIA to accelerate the proceedings; cause arrest of the accused, particularly the influential persons behind them; and to register cases regarding other related incidents.

On 9th December 2010, Zafar Ahmed Qureshi, the then Director FIA, informed the apex court that at Lahore, another FIR No: 29 / 2010 was registered against Ayaz Khan Niazi and

others, whereas, in FIR No: 24 / 2010, one Habibullah Warraich was arrested and Rs:1.4 billion were recovered from him. In the meanwhile 'influential politicians' started interfering in the investigations and the whole issue was put on 'go slow' track.

Immediately after the FIA's heavy hand, the detained Chairman of the NICL, Ayaz Khan Niazi, blamed the top guns of TIP for offering him help to clear his name in corruption cases presently with the Supreme Court, if he signed a Memorandum of Understanding (MoU) to award all future contracts on their recommendations. An absconding NICL board member, Qasim Dada, wanted by the FIA in another Rs:4 billion land scam, tried to convince his colleagues to strike a deal with TIP representatives.

Dada's son was married to the daughter of Aqeel Dhedhi, an influential stock broker. The investigators believed that Dhedhi was using his political and financial clout to stop the investigation and also blocked attempts to smoke out Dada from his hiding place. TIP was alleged to volunteer for placing a '*fact-finding report*' before the SC establishing the innocence of NICL officials; ***but it all proved to be hearsay.***

Meanwhile, Ayaz Khan Niazi was continued with interrogations by FIA's Zafar Qureshi at Lahore, after he was escorted from Karachi on the orders of the Chief Justice Iftikhar M Chaudhry.

The allegations against TIP were considered to be serious, as Niazi had given details of TIP officials' involvement in the alleged blackmail in his 30-page written statement to Zafar Qureshi [*later proved bogus*]. Niazi said that he and his colleagues had refused TIP's unconventional offer. He named three other board members who were present when Dada had offered him negotiations on TIP's behalf.

MOONIS ELAHI NAMED IN NICL CASE:

Abruptly, Mr Zafar Qureshi, Director FIA, was transferred to National Police Foundation [NPF] as Managing Director, after giving him promotion in Grade 21. The SC, however, compelled FIA to continue with the investigation of the said case. In the meanwhile, ***on 24th January 2011***, Mr Qureshi was appointed as Additional Director General [ADG] FIA in addition to his original assignment as MD NPF, to supervise investigation of NICL case at Lahore.

FIA's findings first time revealed that FIA had collected incriminating evidence against Mohsin Warraich, Habibullah Warraich, Moonis Elahi [*son of PML(Q)'s Pervez Elahi, the former Chief Minister Punjab and the sitting member of Punjab Assembly*] and one Raja Muhammad Ali but expressed that during discharge of his official functions, he was threatened of dire consequences by some 'influential' persons.

Moonis Elahi was allegedly involved in facilitating the land deals of the NICL scam. The FIA had summoned Moonis after one of the arrested accused in the NICL corruption case had stated that the ***al-Tahoor Company drew Rs:220 million*** through fake bank accounts of Moonis Elahi's manager named Abdul Malick. According to Malick, this money was given to Moonis Elahi.

After this statement, the Supreme Court had ordered the FIA to probe into the matter energetically. A questionnaire was sent to Moonis Elahi to appear before the FIA on ***27th January 2011*** with answers of the given questions. The FIA also wrote to the Speaker Punjab Assembly to direct MPA Moonis Elahi to appear before the investigation team of the FIA.

Zafar Qureshi, the ADG FIA, got recorded his statement in open Court that in case of his unnatural death, Ch Shuja'at Hussain, Ch Pervez Elahi, Ch Wajahat Hussain, Moonis Elahi, Major Habibullah Warraich and Mohsin Habib Warraich, would be held responsible. It was a serious

blow to the Chaudhries, the old time tested politicians of Punjab. Zafar Qureshi also compiled his interim investigation report and placed before the apex court on or around **17th February 2011**.

In response to this situation, Ch Shuja'at Hussain approached the apex court with a request that Mr Qureshi be proceeded against as he had made a false statement before the SC's bench. In the meanwhile, **on 21st March 2011, Mr Qureshi placed another report** before the apex court mentioning therein that in case FIR No.24 / 2010 with regard to 803 kanals of land, an amount of Rs:1.686 billion had also been recovered and *Challan* [investigation report] against the accused persons had been forwarded to the court of competent jurisdiction.

[According to the FIR, Warraich's company, Messrs Privilege, sold an 803-kanal piece of land to NICL at Mauza Toor, Lahore, for Rs: 1.68 billion in February [2010], but without getting the land mutated in its favour. This was a serious breach of financial discipline and a major irregularity, the FIR held.]

In case FIR No.29 / 2010 an amount of Rs:80 million was recovered and in FIRs No. 46 / 2010 and 05 / 2011, subsequently registered during investigation, the accused including Ch Moonis Elahi were arrested and interim *Challans* were submitted in the respective courts. However, Moonis Elahi agitated that he was being maligned unnecessarily in the media by some of the arrested persons. The Chaudhries moved the court for transfer of investigation from Mr Qureshi to some other officer.

During investigation of FIR No.29 of 2010 it surfaced that a commercial plot measuring 20 kanals at Airport Road Lahore was also purchased by NICL for an excessively inflated price Rs:1.06 billion which by all survey reports, was highly extravagant price. An amount of Rs:80.4 million was recovered and deposited in the bank account of NICL. For the balance amount of Rs:42 Million, post-dated cheques were deposited by one Akram Warraich [uncle of Mohsin Habib] before the Special Judge (Central) Lahore, to be paid in five years.

It was also available on SC's record that arrest of one Amin Qasim Dada, one of the directors of NICL, could not be sought because he was allegedly hiding himself in DG FIA's camp office at Karachi. Thus the apex court had to write a note on file that:

"It seems that instead of allowing his Director to make progress in the case, he (DG FIA) is providing shelter to the accused persons".

On 17th March 2011, the Lahore High Court had already rejected the bail plea of PML(Q)'s Moonis Elahi, after which the FIA arrested him from the premises. Zafar Qureshi had requested the court for time to recover Rs:260 million from Mr Elahi which he had allegedly embezzled in the scam. He was on interim bail till that day.

During investigation of the NICL cases, the FIA officials contacted the Serious Organized Crime Agency (SOCA) of UK for obtaining information regarding the foreign currency accounts of Moonis Elahi, accused in FIR No. 46 / 2010.

According to reports received then, Moonis Elahi had an account in EFG Private Bank UK having balance of £11,39,000. Another account in Barclays Bank in the name of Beenish Khan [wife of Mohsin Habib Warraich] had a balance of £102,307 which had been transferred from the account in EFG Private Bank Ltd; thereby indicating that the two persons were in joint business. The then DG FIA, Waseem Ahmed, kept the said information secret with him for weeks.

DG FIA CHARGED FOR CONTEMPT:

When the above information went open to media and the SC started enquiring about DG Waseem Ahmed's conduct, the later preferred to seek retirement; and Malik M Iqbal joined the FIA as new DG. Mr Malik, instead of facilitating Mr Qureshi in accomplishing the task assigned to him by the SC, sent a letter dated 15th April 2011 to the Ministry of Interior saying:

' that the interim challans in NICL cases have been submitted in the Court of competent jurisdiction on 11-04-2011 and a report thereof has already been submitted in the honourable Supreme Court of Pakistan on 14-04-2011 by the said officer.'

The apparent intention of writing such letter was to seek guidance that *'what should be done further'*. The reply and reaction was obvious. The Interior Ministry forwarded that letter to the Establishment Division which, in turn, issued a notification dated 18th April 2011, saying that:

'Capt (Retd) Zafar Ahmed Qureshi (BS-21) was posted as ADG FIA in addition to his present assignment as MD NPF, to supervise the investigation of NICL case

..... that the recoveries have been made and the Challan submitted in the said case. Therefore, the additional charge of the officer as ADG FIA is hereby withdrawn with immediate effect.'

On those developments, the SC held the opinion in writing that:

'Malik M Iqbal, DG FIA by sending a letter dated 15th April created obstacles in investigation of the case being conducted by Mr Qureshi; thus disturbed, disobeyed and disregarded the order / direction of the apex court; and interfered with, the process of law and due course of judicial proceedings by getting the ADG FIA, disassociated from the investigation.'

Therefore, ***vide order dated 10th May 2011***, Show Cause Notice [SCN] of contempt of Court was issued to him under Article 204 of the Constitution read with section 3 & 5 of the Contempt of Court Ordinance (Ordinance V) of 2003 to explain as to why he should not be proceeded against for interfering in the affairs of the SC.

Malik M Iqbal, DG FIA initially filed his explanation to the SCN, then filed a written reply to the same ending: ***'I do not want to contest the charge. I humbly and respectfully seek mercy and clemency of the august Court and by way of extenuating circumstance I submit that I am superannuating on 14th July 2011 and I shall immediately proceed on leave and shall not continue my service.'***

In his reply he also mentioned that he had tried to convince the Interior Ministry that Mr Qureshi be allowed to continue as per apex court's directions but no one heard him. However, the SC termed the DG's reply untenable and unsound; so ***on 3rd June 2011***, after having discussed the case at some length, charge was framed against Malik M Iqbal, DG FIA.

Another row between the superior judiciary and executive was there to be seen. Every other day, the officers of FIA, Interior Ministry and Establishment division were called in the proceedings; given sermons and sometimes harsh exchange of feelings; ultimately ***Zafar Ahmad Qureshi was suspended by the government on 4th July 2011*** and proceedings were initiated against him under the services discipline rules.

The superior court had done a good job by initiating *suo moto* proceedings in a case where the national exchequer was being plundered. But suddenly, their good job was turned into general hatred when the apex court degraded itself to a menial level by wasting its time and energy on passing harsh words and shouting on the officer class.

The SC knew that who were behind the curtain; see one media comment:

'... So, the interior ministry has pulled yet another stunt with Additional Director of the Federal Investigation Agency (FIA), Zafar Qureshi. We can now officially say that the PML(Q) has started reaping the benefits of joining the Pakistan Peoples Party (PPP) led government coalition.'

The SC had known that which political figures had created that tense situation but instead of calling them in court, the officers of various departments were summoned and made them to take showers of the venom and desperation of the judiciary.

Two days later, **on 6th July 2011**, A Rauf Chaudhry, Secretary Establishment, opted to go on retirement because he had honoured the apex court's orders and had issued notification for the return of Zafar Qureshi to the FIA to take over NICL probe; but the sitting government of the PPP got annoyed with Secretary's conduct in obedience of SC's directions.

Rauf Chaudhry had earlier moved a summary to the PM Gilani seeking his approval to reverse Qureshi's transfer out of the FIA but when directed by the SC he issued the required notification on 1st July without sending a fresh summary to the PM or waiting for his approval of the previous summary in that respect.

Rauf Chaudhry, who had a clear & shining service record, was reprimanded by the PM's office for issuing the notification; the poor career officer had no option except to say good-bye.

On 14th July 2011, DG FIA Malik M Iqbal, ended his 60 years glorious career in bitter tone; Abdul Rauf, Secretary Establishment opted to go on retirement in an un-ceremonial way and Zafar Qureshi, who had recovered billions of rupees from the rogues, was placed under suspension & faced enquiries AND what the SC got better out of this situation; nothing except utter disappointment and humiliation.

On 17th August 2011, the new incumbent DG FIA, Tehseen Anwar had also offered to proceed on retirement while attending the same bench of the SC and in the same NICL case, because he was being ordered by the apex court to work under the directions of Zafer Qureshi, his ADG much junior to him; how was it possible. Later, **on 1st October 2011**, Zafar Qureshi himself proceeded on retirement after submitting his last 100 pages report to the SC's bench hearing NICL Case. Notification of his retirement was issued two weeks earlier.

Another aspect of our judicial-executive apathy; both the pillars of state were bent upon pushing each other's head down into the knees of **NICL case**. For three months Supreme Court kept on passing orders for Zafar Qureshi of FIA and every time executive was turning around their face by thrashing the court orders into waste basket on one pretext or the other.

The NICL proceedings was an eye-opening scenario for our independent judiciary which knew that who politicians were actually playing with the judicial norms and values but, hats off to our brave judiciary, they could never find courage to call those politicians in docks – four senior officers [with blameless record] were sent home in row.

It was shameful for the executive, too; but the political masters of PPP were on a mission of saving their coalition government through PML(Q), which was based mainly on NICL-exit relationship. Through NICL, the apex court was trying to catch Moonis Elahi; and what else [*who was otherwise freed soon after because all the witnesses had already been won over – salute to our 150 years old law & judicial gimmicks*].

PML(Q) + PPP – PAK POLITICAL CULTURE:

In the back drop of NICL Case, the PML(Q) aligned with the professionals of PPP and made sure that the corruption charges levelled against Moonis Elahi would never be translated into a conviction. The Chudhries were successful in their mission because soon after the witnesses were 'won over' and the cases were fizzled out to the extent of Mr Elahi at least. Hats off to Pakistan's judicial system where UK's bank accounts confirmations did not carry weight as evidence, the oral statements of liars do.

As usual, cleansing Elahi's image required sacrifice from those who believed in principles; thus Ch Shuja'at had to come forward. ADG Zafar Qureshi had been in the line of fire ever since he linked the scam to Moonis, a potential candidate for the next 'chief ministry of Punjab'; how he dared to take him into custody for investigation. On the other end, the PML(Q) was not letting the future prospects of Moonis be tarnished by an actual conviction. Zafar Qureshi had not known that his record breaking recovery of Rs:1.686 billion in the NICL scam would not matter for Pakistan's ruling elite; AND as judicial evidence too.

A typical Pakistani politics drama ensued. The leading investigator was suddenly transferred to the NPF before the investigation finished. The SC, continuing its bid to go after all power houses, stepped in to ensure that he was reinstated at his position. Hard luck, that in another dramatic twist, court orders were immediately sterilized by the transfer of four key members of Zafar Qureshi's team in FIA to different provinces. ADG Zafar Qureshi's second suspension came in the wake of his request to restore back those four FIA officials at their original postings.

The SC stepped in again, summoned the Attorney General with complete record of the suspension but the government continued its blatant efforts to twist the investigation. The case was then '**made to take dramatic turns**' when the key witnesses changed their versions and had denied ever giving a statement to FIA or its ADG Zafar Qureshi.

After issuance of SC's orders regarding repatriation of Zafar Qureshi - later the suspended ADG of the FIA, the scenario started changing rapidly. Soon there prevailed an impression that even if ADG Qureshi returns as chief investigator of the NICL scam again, he would have to take a new start to establish allegations against Moonis Elahi as the case at hand had already been destroyed by the succeeding investigation team.

The retaliation of about a dozen prosecution witnesses and the declaration by FIA's I O that Moonis was innocent had destroyed the entire case. In his testimony before special banking offences court, the Director FIA, Basharat Shahzad, the new supervisor after Mr Qureshi, stated that Moonis Elahi was not directly involved in subsequent two fraud cases of Rs:320 million.

The available details revealed that **on 25th May 2011**, eight witnesses produced against Moonis Elahi by FIA retracted from their statements before the court; saying that they had never given any statement to the FIA. All the eight witnesses were the employees of Allied Bank Limited, the bank in which an account was traced by ADG Zafar Qureshi which appeared to be suspicious and the later was declared to be of Moonis Elahi's front man.

[Most of the witnesses especially bank officials had categorically denied recording of their statements against Moonis Elahi with wording that FIA officials got their signatures on plain papers and prepared their fake statements – what a character of Pakistan's educated class, the bankers.]

On 29th June, three more prosecution witnesses denied recording any statement before the FIA against Moonis Elahi. The prosecution witnesses named Safdar, Hafiz Junaid and

Ma'roofur Rehman, employees of the Allied Bank Limited, Multan Road Branch Lahore were allegedly won over by the political elite involved.

Originally, the FIA had details that Moonis had opened bogus accounts in the name of his manager named Malick, and his wife for corruption in the NICL. Later, the agency lodged two FIRs against Moonis, alleging that his manger Malick had opened forged accounts in the Allied Bank Limited, New Airport, and Dubai Islamic Bank, Main Boulevard branch of Gulberg Lahore. Mohsin Warraich had deposited huge amount of money in both the accounts; the record revealed.

The first FIR was registered on 27th December 2010 while the second was lodged on 27th January 2011. The FIA alleged that the money was actually taken by Moonis Elahi. The FIA report further quoted Malick as saying that he had opened an account on the instruction of Moonis and an amount of Rs:320 million was allegedly transferred to the account. [*Mohsin Warraich had deposited Rs:320 million; Rs:220 million in the first account and Rs:100 million in second account.*]

Moonis Elahi denied receiving Rs:320 million from his manager Abdul Malick. Later Malick also denied giving that money to Moonis Elahi claiming that the FIA had tortured him to make a confession. The whole story was twisted by playing with the words wherein actually it was Mohsin who had deposited money in Malick's account **but for and on behalf of Moonis**. Interrogation with Malick had led to Moonis' arrest.

[Till that moment, it was available on SC's record that the FIA had recovered Rs:1.686 billion of misappropriated amount while a sum of Rs:42 million was still to be recovered (the accused had given post-dated cheques for that amount, as stated earlier).

Also that land measuring 20 kanal near the Lahore airport was purchased by the NICL for Rs:1.06 billion in 2009, whereas, its market value was only Rs:150 million. This caused a loss of Rs: 915.3 million to the national exchequer via NICL. 10 persons were identified in that deal; seven of them were arrested and three namely, Mohsin Habib Warraich, Javed Syed and Amin Qasim Dada, were declared proclaimed offenders.

During the hearing, Moonis Elahi's counsel, Waseem Sajjad, was not able to convince the bench about his client's innocence.

The FIA report was on file saying that **"accused Moonis Elahi remained on physical remand with the FIA till 1st April 2011, and during the course of interrogation, the accused failed to negate the allegations and could not produce a rebuttal to the evidence recorded by the agency".**]

The legal experts had held that the documentary evidence was there in the case which could not be changed but even then the case was so weakened by FIA in Zafar Qureshi's absence that twisting the investigation and facts later it was brought on file that *'prima facia there was no evidence available against Moonis Elahi on record'*.

The fact remains that the 2nd report of FIA's investigating officer was not binding on the court and any upright judicial officer could dig many things out of it even if ADG Zafar Qureshi was not there. But here the District Judges did not like to follow that track because Chaudhrys would have got angry – AND that is known as Pakistani justice.

For the ruling PPP and its allies, it was a test case for their endurance; the Chaudhry family had joined the government to save Moonis Elahi. Had the PPP failed to protect him, the PML(Q) would have withdrawn its support from the PPP which was likely to lose its majority in the National Assembly then. The PPP government had pulled a number of tricks out of their executive sleeve to stop FIA's ADG Zafar Qureshi from investigating the case.

After getting all his cards in order, Moonis Elahi, **on 19th August 2011**, filed in the Supreme Court a petition seeking review of its 8th August verdict which had quashed the suspension order of FIA's ADG Zafar Qureshi and had asked him to resume investigation into the scam.

This time, the former law minister Babar Awan was engaged for Moonis Elahi's petition, requesting the court to transfer the NICL probe to a fair, impartial and independent officer other than Zafar Qureshi who could investigate without "*bias or any pre-conceived and unfounded apprehension*". Moonis Elahi, was under house-arrest then.

Through this petition, the SC was also reminded of Zafar Qureshi's statement dated 17th February 2011 before the apex court [*that he was being threatened with dire consequences and that if he met an unnatural death, PML(Q) Chief Ch Shujaat Hussain, Pervaiz Elahi, Moonis Elahi, Ch Wajahat, Maj (retd) Habibullah Warraich and Mohsin Habib Warraich would be responsible for that.*] indicating open bias of Zafar Qureshi against Moonis; thus request for change of I O had merits.

JUDGES THREATENED & PRICED, TOO:

Next step; Ch Shuja'at Hussain as PML(Q)'s Chief and Pervaiz Elahi as the Deputy PM had especially arranged additional portfolio and powers of Special Banking Court for Sessions Judge Mujahid Mustaqeem to start hearing the NICL case in the 2nd week of August 2011. The federal government had given approval of that bargain on the orders of the CJ Lahore High Court, Justice Ijaz Ahmad Chaudhry.

[It was **Judge Abdul Rasheed of Special Banking Offences Court** who had previously indicted Moonis Elahi in the NICL Case. Moonis was produced before the court by Zafar Qureshi's team of FIA from Nadra Rest House, a specially notified & declared sub-jail where Moonis was kept during his judicial remand.

Moonis Elahi's three counsels Amjad Parvez, Rai Bashir Ahmad and Misbahur Rehman had requested to show them the record of witnesses statements under 164 CrPC but the judge rejected their plea of providing copies of the statements, saying the precedents cited by them did not establish the argument that the court was bound to provide copies to the accused.

At this moment, one of Moonis's counsels, Rai Basheer, also quoted a Hadith, The Prophet (PBUH) said: "*Judges are of three types, one of whom will go to paradise and two to hell. The one who will go to paradise is a man who knows what is right and gives judgment accordingly; but a man who knows what is right and acts tyrannically in his judgment will go to hell; and a man who gives judgment for people when he is ignorant will also go to Hell.*"

The atmosphere of the court got tense for a while; however, the judge framed charges against Moonis Elahi. Subsequently, the judge was threatened, some say was maltreated also; ultimately he was forced to say that **'I'll no more hear this case.'**

That was why the political elite got arranged another judge of their own choice, too.]

Referring to **'the Friday Times of 5-11 August 2011**; this high profile case had serious political consequences for the government and the Chaudhrys of Gujrat; though it made open to the whole world that what standards of accountability Pakistan used to keep. Moonis Elahi once claimed that ADG Zafar Qureshi was trying to settle old scores with him and his family, saying that:

"When my father was chief minister [Punjab], he had made Mr Qureshi an Officer on Special Duty (OSD) for his poor performance. He also had a grudge against us for not making his brother Ismail Qureshi the chief secretary, and refusing a PML(Q) National Assembly ticket to his other brother Mazhar Qureshi."

Zafar Qureshi disagreed saying that:

"I was made an OSD after I refused to do a partial inquiry in the Sonia Naz Case. Ismail Qureshi had never been an aspirant for the slot of Punjab's chief secretary and Mazhar Qureshi had quit the Q-League after the assassination of Benazir Bhutto. I'll ensure transparent investigation into the case and would not yield to pressure."

Showing his colours and to prove his allegiance for the government, the judge Mr Mujahid, **on 26th September 2011**, turned down the FIA's plea for 15-day extension in investigation of the NICL Case. The Judge directed the FIA to be prepared to argue against Moonis Elahi's acquittal plea on the next hearing on 3rd October 2011 in case it failed to submit a complete *challan* by then. ADG FIA Zafar Qureshi was exempted from personal appearance on account of '**several death threats**'.

The proceedings continued on almost daily basis till **15th October 2011**, when the Session Court judge had concluded the hearing but kept reserved its verdict. A week later, the judgment was announced **on 22nd October 2011; Moonis Elahi was acquitted** and was released from Nadra Rest House which had been declared a sub-jail when FIA took him in its custody in May 2011, after cancellation of his pre-arrest bail in the same case by the LHC.

The acquittal order contained that:

'The golden principle laid down in celebrated precedents, referred supra, and the dictates of justice demand that the accused be acquitted / set at liberty. Accordingly, the application in hand is accepted and accused Moonis is acquitted u/s 249-A CrPC. Accused is under custody if he is not needed in any other case, be released forthwith.'

A large number of party workers and few MPAs were also present in the court and they chanted slogans in favour of Moonis Elahi & PML(Q).

On 16th November 2011, the SC appeared surprised when it was informed that the FIA had on its own unfrozen two bank accounts of Rs: 19.3 million which it had frozen on apprehensions of containing dirty money during the course of investigation into the NICL scam. These accounts pertained to M/S Agro Tractors (Pvt) Ltd in Al Baraka Bank [Rs: 1.8 million] and Al-Tahoor in Allied Bank Limited [over Rs:17 million]. The Investigating Officer Zulfikar Ali had de-frozen the accounts after seeking approval from his Director FIA Lahore Waqar Haider.

"Surprisingly without any justification and knowing well in advance that the matter is pending before the court for adjudication, the amount was unfrozen," the CJP, heading a 3-member bench, had observed and asked the two officers to get back that money within three days. Director Legal FIA, however, tried to convince the apex court that under the FIA rules, the investigation officer could unfreeze the money; though CrPC should have prevailed upon FIA Act.

On 17th August 2012, the Supreme Court resumed the hearing in the NICL corruption case. A 3-judge bench of the apex court headed by CJP Iftikhar M Chaudhry [Justice Jawwad S Khawaja and Justice Khilji Arif Hussain were other two members] rejected the FIA's report pertaining to the recovery of Rs:320 million submitted before the bench a day earlier. Chief

Justice Iftikhar M Chaudhry in his remarks said that the FIA had constantly been working in violation of court orders since the transfer of ADG Zafar Qureshi.

On 12th October 2012; the National Assembly Standing Committee on Commerce was informed that the monetary dispute in NICL had been resolved and they had recovered an outstanding amount of Rs:1.06 billion from the accused persons. Briefing the committee's meeting, held with Engineer MNA Khuram Dastgir in chair, ADG FIA Afzal Tariq Malik told that out of 17 accused, 13 were arrested and subsequently released on bail and the four offenders were still at large.

On 22nd December 2012, the kingpin in the NICL Case, ex-chairman of ICCL Ayaz Khan Niazi was released due to evidence 'not enough'. The media and intelligentsia raised their loud voices that '*Gilani's government has deliberately provided him facilities on the instance of their coalition partners; as had been earlier they got released Moonis Elahi*'. Reasons were cited that PM Gilani's own sons were involved in similar mega corruptions.

On 4th February 2013; a 3-member bench of the SC headed by Chief Justice Iftikhar M Chaudhry took up the case for hearing and remarked that '*NICL case is the case of national wealth and national interest. There is need that institutions discharge their respective obligations. Now the orders will have to be issued for return of public wealth*'.

The government's lawyer told the court that the entire amount involved with reference to NICL case had been recovered. The CJP wanted separate charts of all such cases in this respect with details of the money recovered and comments for court's record. Interior minister Rehman Malik, in his capacity of Federal Interior Minister and the top boss of the FIA, appeared before the apex court in person and told that he would ensure gearing up the pace of the case.

This case became another perfect example of ***how justice is 'managed' and 'manoeuvred' in Pakistan's political circles***. Sadly, there was nothing new in this whole scenario; just new characters playing out the same old story at the stage of Pakistani political stage. See another media comment in an arena of frustration:

'Who says Pakistan doesn't have opportunities? The only thing you need is to be associated with the right people at the right time. So, forget principles and forget merit. Don't worry about making a fortune in a legal manner. Join a party, link yourself with the rich and the powerful, and your fortune, no matter how you've made it would be legalized – for that is the way of Pakistan.'

On 5th March 2013, the Supreme Court's 3 member bench headed by Chief Justice Iftikhar M Chaudhry resumed the hearing of the said NICL Case and remarked that the money trail in NICL scandal led to the bank account of Makhdoom Amin Fahim; also that the former NICL Chairman Ayaz Niazi was appointed at the behest of Mr Makhdoom.

Justice Gulzar Ahmed also remarked that in this scandalous money loop all the paper tails lead to Amin Fahim & his family members; and that why the two major accused named Amin Qasim Dada and Mohsin Warriach were still at large. The apex court was informed that the red warrants had been issued for the accused as they had fled the country.

On 1st April 2013, arrest warrants were issued for Pakistan People's Party [PPP] leader and former federal Commerce Minister Makhdoom Amin Fahim besides six others accused in the said corruption case. The arrest warrants were issued by the Federal Anti-Corruption Court over the suspects' failure to appear before court. Apart from Makhdoom Amin Fahim, other suspects in the case included former federal Commerce Secretary Salman Ghani, Qasim Dada, Khalid Anwar and Aamir Hussain.

Next day, Chief Justice Iftikhar M Chaudhry asked as to how a bail could be granted without presenting the suspects before the court. Director Legal of the FIA informed the apex court that Amin Fahim and Mohsin Warriach had been granted bail by the Sindh High Court (SHC) and Islamabad High Court (IHC) respectively. The court was also appraised that Secretary Trade Salman Ghani had also been granted bail.

The known British *daily 'guardian' dated 4th April 2013* published crash details about Moonis Elahi's offshore company 'Olive Grove Assets Ltd' saying:

'Details: Elahi is a politician from a prominent Punjab dynasty. He is the son of Pakistan's former deputy prime minister Ch Pervez Elahi, and runs a family textile business. The company was incorporated in the BVI in 2006, and the address listed in BVI records is the Chaudry's family residence in Lahore. Elahi was acquitted in a Pakistan court in 2011 of receiving payments in a corruption scandal.'

Elahi said "I do not own" nor control the BVI Company but he did not state whether he had previously owned the firm.

Pakistan's *'the News' dated 5th April 2013* added that Moonis Elahi became the first Pakistani whose name was revealed as owner of an offshore company called Olive Grove Assets Ltd in British Virgin Island (BVI). A planned leak of 2.5 million secret bank accounts of companies and nationals in 170 countries by a Washington-based International Consortium of Investigative Journalists [ICIJ], in collaboration with the UK's Guardian and other international media had hit the off-shore investors worldwide.

The leak amounted to 260 gigabytes of data, or 162 times larger than the US State Department cables published by WikiLeaks in 2010.

Many Pakistanis have their offshore accounts but they pay a heavy price to maintain their secrecy; they have private bankers who manage their assets. During the trial of former Pakistani investments minister Senator Waqar Khan, it was astonishingly revealed that he owned more than £100 million worth of assets in London alone.

On 23rd May 2013, Aamir Hussain was arrested by the FIA in Karachi. FIA Sindh further told that the agency was in contact with the Interpol to arrest other absconders. Arrested accused Hussain was allegedly involved in irregularities in acquiring lands.

On 10th July 2013, the Supreme Court directed the Additional Attorney General [AAG] in NICL case to set the priorities first as how to run matters related to recoveries, land and appointment.

A 3-member bench, led by the CJP Iftikhar M Chaudhry held that the SC had not been apprised of proceedings initiated with reference to appointment of former Chairman NICL Ayyaz Niazi. Recoveries amounting to Rs: 420 million were yet to be made in Lahore land case.

Mohsin Warraich had long ago fled from the country and FIA initiated no proceedings to bring him back in the country nor was any action taken in connection with cancellation of bail.

Once more, the intelligentsia and the media had observed that the apex court was more interested in the contempt of court proceedings to be run rather to finish the said NICL Case which was on their list since about half a decade.

On 16th August 2013; an anti-corruption court, ATC – II Karachi, issued arrest warrants for Director Qasim Amin Dada in the said Case again while the appearing of Makhdoom Amin Fahim was condoned due to his parliamentary duties.

On 4th November 2013; the SC bench, headed by the CJP Iftikhar M Chaudhry, remarked that the FIA failed to recover the plundered money in the said NICL Case; adding that the looted money had gone in the pockets of the influential persons, who did not allow the investigative agency to make any progress. The CJP inquired from Shah Khawar [the AAG] whether the Secretary Commerce had taken action against those involved in the NICL scam. The contempt of court notices against three federal secretaries, including incumbent Chairman NAB Qamar Zaman Ch, Abdul Rauf Ch and Khushnood Lashari were also pending. The CJP observed with sorrow that when Zafar Qureshi was investigating the case, Rs:2.5 billion were recovered, but after his transfer no development there.