

Scenario 213

JIT's DAY-TO-DAY PROBE - I

On 20th April 2017; the SC announced judgment of Panama Leaks Case in which the directions of formation of **JOINT INVESTIGATION TEAM** [JIT] had a key place. The PML[N] declared victory as the Supreme Court announced a split verdict in the said case that called for the disqualification of Prime Minister Nawaz Sharif.

Two judges of the five-member apex bench, Justice Asif Saeed Khosa and Justice Gulzar Ahmed, ruled against PM Nawaz Sharif, saying he should be disqualified as **'he [the PM] can not be considered honest and truthful'**. Three judges of the bench stopped short of disqualification, however, ordered the prime minister and his children to face further investigation by a specially constituted six-member Joint Investigation Team [JIT].

Representatives from the Federal Investigation Agency [FIA], National Accountability Bureau [NAB], Securities and Exchange Commission of Pakistan [SECP], State Bank of Pakistan [SBP], Inter-Services Intelligence [ISI] and Military Intelligence [MI] were empowered to question the prime minister and his family members. The JIT, in essence, was to act on the directions of the Supreme Court and all executive authorities throughout Pakistan were supposed to act in its aid.

On 24th April 2017; two major state institutions—the Supreme Court of Pakistan [SC] and Pakistan Army — made an unusual intervention to snub the increasing dissent, criticism and conspiracy theories being pushed following the Panama Leaks case verdict.

While the top brass of the army held meeting at the General Headquarters [GHQ] to reassure that the military would play its 'due role' to carry out the investigation into the Panama inquiry, the top judge of the apex court also urged PTI Chairman Imran Khan to help counter the rumour mills busy tarnishing the image of the top state institutions.

The senior army commanders met at the 202nd Corps Commanders Conference to assure that the army's representatives would be part of the

JIT for Panama case probe for the national cause against corruption – and would ensure fair and transparent investigation.

[PPP's Senator Aitzaz Ahsan had raised serious concerns over the involvement of representatives of the Pak-Army's intelligence agencies in the JIT. Could be because the then DG ISI has been working with Ch Munir, newly relative of Maryam Safdar, and also having indirect relations with Sharifs.]

GHQ's assurance was in fact a strong message to PM Nawaz Sharif, the public at large, as well as the state institutions, that the investigation, as desired by the SC, would have full backing of the military command and all efforts would be made to make it transparent and impartial.

The military command also wanted to send a message to the other institutions including the SBP whose chairman was appointed by the Prime Minister despite some dubious questions against him.

Another recipient of the message was the FBR chairman who was given another extension only a few days back. Moreover, FIA whose Additional Director General was to head the JIT but the organisation was under Ch Nisar, the Federal Interior Minister.

*{In Pakistan, the **Military Intelligence [MI]** works directly under the army chief; the **Inter-Services Intelligence [ISI]** comes under the Prime Minister – so the **Intelligence Bureau [IB]** was not considered being the most in-competent, un-skilled, lethargic, sluggish and un-professional civilian intelligence agency – only knows corrupt practices to eat up allocated Secret Fund.}*

One could recall the JIT on Model Town Killings made in 2014 - its report was never made public till through high Court orders in ending 2017. So was the result in other cases.

The Pak-army had also sent a message to the prime minister in between the lines that no pressure tactic would work because the army would ensure the order of the court would be implemented in letter and spirit. It was an unusual meeting of the top military brass by all means since the previous Corps Commanders moot had held its routine meeting only 11 days back, on 13th April 20017.

Earlier on the day, CJP Saqib Nisar, during hearing a case regarding illegal encroachment by land in Bani Gala — brought to his notice by Imran Khan

— termed Khan an '**extraordinary citizen**' whose influence could help boost the morale of the country. The CJP had taken *suo motu* notice after the PTI chief wrote a letter to the CJP, seeking his intervention in the matter.

On 26th April 2017; SC received names of officials for Panama Papers JIT from the nominated departments. As political parties gave diverse reactions to the Panama-Leaks verdict, the six departments tasked with deputing a representative each to the JIT submitted lists of proposed names to the SC. The apex court initially directed the departments concerned to furnish three names each, from which one each was to be picked by the Supreme Court to form the JIT; later the SC called the list of all officers above grade 18 so that a suitable choice could be made as per their reputation.

JIT INVESTIGATIONS STARTED:

On 2nd May 2017; SC judgement implementation bench was formed; a three-judge bench to implement the aforesaid judgement was announced. The bench consisted of the same judges who had handed down the majority verdict in the said case: Justice Ejaz Afzal Khan, Justice Sheikh Azmat Saeed and Justice Ijazul-Ahsan.

On 3rd May 2017; the special implementation bench of the SC expressed dissatisfaction with the representatives suggested by SBP and SECP.

'We expect people with integrity,' observed Justice Ejaz Afzal Khan, the head of the three-judge bench for the implementation of the judgement. Soon after court staff unsealed envelopes containing names sent by different institutions, the judges observed that **'everything must be open and transparent'**.

However, the court did not explain why it did not accept the suggestions submitted by the SBP and SECP. **"The names sent by the SBP and SECP should be above board, [people] who should know how to do their job and competent too,"** observed Justice Ahsan.

Consequently, the Supreme Court asked acting SBP Governor Riaz Riazuddin and SECP Chairman Zafar Hijazi to appear before it on 5th May with a complete list of officers in grade 18 and above in their respective departments. The apex bench was to pick the individuals who would become part of the JIT. Justice Sh Saeed observed that: **'The court will**

ensure that all proceedings are conducted in an impartial and transparent manner.'

On 5th May 2017; SC's Implementation Bench formally constituted and announced the JIT to probe PM's assets and appoints FIA's Additional Director General Wajid Zia, a grade 21 officer, as head of the probe team. The rest of the five members were Amer Aziz of the SBP, Executive Director of the SECP Bilal Rasool, NAB's Director Irfan Naeem Mangi, Brig Muhammad Nauman Saeed of the ISI and Brig Kamran Khurshid of the MI.

On 9th May 2017; the JIT visited the Federal Judicial Academy — the premises selected by the apex court to perform JIT functions — for an orientation. The members examined security arrangements as well as the facilities being provided to the team under Supreme Court order. Surveillance and recording cameras were installed in selected places to make sure that every minute's activity could be recorded as testimony and subsequent evidence.

The PTI demanded that the inquiry into the assets of the Sharif family should not be held in camera but the SC gave deaf ears to it.

On 22nd May 2017; JIT presented its first fortnightly report to the SC bench in two volumes. The JIT also informed the apex court that it had written to Qatar through diplomatic channels to ask Hamad bin Jassim bin Jaber Al-Thani when he would be available to record his statement.

On 24th May 2017; the JIT served questionnaires to the PM and his two sons — Hussain and Hassan Nawaz — who started consulting their lawyers in connection with that ongoing probe.

The PM's elder son, Hussain, raised objections to the presence of two JIT members — SECP's Bilal Rasool and SBP's Amer Aziz — accusing them of being close to the PML[N]'s political rivals. After consulting a legal team, he filed a petition before the apex court challenging their presence in the JIT while expressing apprehensions over the presence of these officers, who could affect the fairness and impartiality of the JIT and its findings.

As per Hussain's claims, one of the JIT members was a close friend of Gen Musharraf and was very active when the treason case was being heard by the special court. The other one was said to be a relative of former Punjab governor Mian Azhar, a founding member of the PML[Q] and aligned with the [PTI] — but Hussain didn't quote some instance for his claims.

In addition to Hussain Nawaz's reservations, rumours were also rife that Tariq Shafi, the cousin of the PM, had also expressed reservations over the treatment meted out to him by the JIT [*but it was just an initial stage of probe*]. Mr Shafi was the person who, in an affidavit furnished before the SC, claimed that he deposited 12 million UAE dirhams in cash with the Qatari rulers after the sale of Gulf Steel Mills in 1980.

[In his affidavit 20th January 2017, Tariq Shafi had stated that he had deposited the money with Sheikh Fahad bin Jassim bin Jaber Al Thani of Qatar after receiving each instalment from Mohammad Abdullah Kayed Ahli, the owner of the Ahli Steel Company, Dubai, in which Shafi held 25pc shares.]

On 25th May 2017; in daily '**the News**' Ansar Abbassi held his opinion:

"As the Joint Investigation Team [JIT] on the Panama case is geared up to collect evidence against the prime minister and his children, the ruling Sharifs are all out to play cat and mouse game with the investigators. To get the JIT on the back foot, already objections have been raised by the Sharifs not only on some members of the JIT but also on its working.

On Tuesday, the objections over the JIT came from the PM's son, Hussain Nawaz, and his cousin, Tariq Shafi. Today, the PM's spokesman, Dr Musaddaq Malik, said that the JIT's working was not in line with the law of the land."

In the past, the Sharif family had opted to abstain from its defence over the maintainability of the petitions filed against them in the Panama case before the apex court. However before the JIT, the Sharifs displayed their intentions to restrict the probe within the parameters planned only by them; such a stance on the part of PML[N] leadership made the probe difficult for the JIT.

Ansar Abbassi further added that:

"Legally speaking, it is explained by a government's legal mind, the Sharifs' wealth, including Saudi-Dubai mills and London flats and the offshore companies, have never been in the name of PM Nawaz Sharif. It is said that it was deliberately done to save Nawaz Sharif from controversies relating to the Sharifs' wealth and businesses."

The PML[N] government, as a strategy, continued to bring pressure on the JIT. A day earlier, PML[N] MNA Talal Chaudhry expressed reservations about the proceedings of the JIT while saying that:

"We hope that the Supreme Court's JIT will not apply different laws for Nawaz Sharif. We didn't take immunity before nor now; Hassan and Hussain Nawaz should be given the rights which are enjoyed by any non-resident Pakistani."

On 28th May 2017: Hussain Nawaz appeared before the JIT and; he was questioned for two-and-a-half hours at the Federal Judicial Academy – the JIT's HQ. Hussain Nawaz claimed that the JIT did not provide him any questionnaire [*but it was there; see below*]; nor the JIT demanded any document to produce.

Hussain Nawaz told reporters outside the FJA that since the court had not issued a restraining order, he had complied with the team's directions and preferred to appear before it in person but he wanted to appear before the JIT in the presence of his lawyer which the JIT did not allow and asked him to first seek permission from the Supreme Court.

The JIT had questioned Hussain Nawaz with regard to his ownership of the London flats. They also asked him why he kept changing his stance over the source of income for those properties in interviews telecast by different television channels, including the BBC in 1999, where he said he was a student and could not own any property, and was rather living in rented premises. The prime minister's son asked for some time to submit a comprehensive response to the questions posed by the JIT.

[The questionnaire for Hussain Nawaz included questions on the contradictions between his accounts in different interviews and what he had submitted in a sworn statement before the Supreme Court.]

On 29th May 2017; the apex court took up Mr Hussain's objections to two JIT members. He had alleged that Bilal Rasool of the SECP was nephew of Mian Mohammad Azhar, the ardent supporters of the Pakistan *Tehreek-i-Insaf* [PTI]. Hussain Nawaz had also objected to the inclusion of Ahmer Aziz, a representative of the SBP who was also part of a NAB investigation which was carried out into the **Hudaibiya Paper Mills scam** in Gen Musharraf's regime.

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Another member of the Sharif family — the PM's Cousin Tariq Shafi — had also filed a complaint with the JIT head against some members of the team who allegedly misbehaved with him during his interrogation.

The JIT also summoned the incumbent CEO of the National Bank of Pakistan [NBP], Saeed Ahmed to record his statement. According to a confession of Ishaq Dar in the Hudaibiya Paper Mills Case, which he later disowned, Mr Ahmed's bank accounts were used to deposit funds.

After hearing, the SC dismissed Hussain Nawaz's allegations against JIT members; **Justice Ejaz Afzal Khan said** during hearing that:

"We are not going to remove any JIT member on mere conjecture unless something concrete comes up because the prime minister is the one being investigated."

JIT head Wajid Zia informed the SC that ***'the JIT has summoned former Qatari prime minister Hamad bin Jassim bin Jaber Al Thani, but he has not responded to the summons'***.

On 30th May 2017; Hussain Nawaz appeared before JIT for the second time; it questioned Hussain but after making him wait for two hours.

The prime minister's younger son, Hassan Nawaz, arrived at the FJA with three volumes of documents to support his family's claims in the Panama Leaks investigation; he was grilled by the JIT for seven hours. The session focused on details of various businesses and relevant transactions with which Hassan used to establish companies in the United Kingdom.

[See another account summarised earlier in **BBC Report** dated **13th January 2017;**

A report published by the British Broadcasting Corporation [BBC] claimed that the Sharif family have remained the only owners of the London flats since the '90s. The report further alleged that the ownership of the two flats have not changed since the '90s.

According to the BBC report, two offshore companies named in Panama Papers scandal namely **Nescol and Nielson**, were used to buy flats in London's most expensive Mayfair locality in the '90s and ownership of the flats has remained unchanged ever since.

BBC Urdu claimed that it obtained official documents which proved that the four flats were bought by Nescol and Nielson in the '90s. Prime Minister Nawaz Sharif's son Hussain Nawaz had in the past admitted to owning both companies in the past.

Park Lane address is mentioned in Hussain Nawaz's companies [record]

Furthermore, documents with the BBC also reveal that Flagship Investment Ltd, a British company, owns another flat titled '12-A' located in the same block of the Mayfair apartments. According to the documents of this company, **flat number 12-A** was bought at Avenfield House on January 29, 2004 and that the director of this company is none other than Prime Minister Nawaz Sharif's son Hassan Nawaz.

{It was the 5th flat at Park Lane which was not actually been included in SC's or JIT's charge sheet because it was NOT bought in 1990s.}

According to an official record of companies conducting business in the United Kingdom, in 2001 Hassan Nawaz set up Flagship Investment Ltd and the address provided at the time was that of the Park Lane apartment. Apart from this, Hassan Nawaz is also the owner of four offshore companies which are **Quint Paddington Limited, Quint Gloucester Place Limited, Flagship Securities Limited and one another company.**

According to official documents obtained from an organisation that keeps records of property buying and selling in London, ***the first flat located in central London's Mayfair areas was purchased at 17 Avenfield House by Nescol Limited on June 1, 1993. The second flat, flat 16, was purchased by Nielsen Enterprises Limited on July 31, 1995 in the same Avenfield House building.***

Flat 16-A, the third flat, was bought on the same date by Nielsen Enterprises Limited and in the same building. 17-A, the fourth flat, was purchased by Nescol Limited on July 23, 1996.

The BBC report also claims that Prime Minister Nawaz Sharif hosted slain PPP chairperson Benazir Bhutto in these ***same flats, where the two finalized the Charter of Democracy.***

The report further stated that **BBC wrote to Nawaz Sharif's sons Hussain and Hassan Nawaz** to obtain their point of view regarding the matter. However, both did not reply to the questions posed pertaining to the date of purchase and sale of the flats even two weeks after they were contacted.

In the letter written to Hussain Nawaz by BBC, the report states that questions pertaining to the date of purchase and sale of the flats were posed. Hussain Nawaz was asked to give his point of view regarding the matter since he had earlier claimed that the flats had been purchased in 2006 yet **according to the UK government's Department of Land Registry, the ownership of the flats remained unchanged from the '90s.**]

SC THREATENED AGAIN BY PML[N]:

On 31st May 2017; PML[N] Senator Nehal Hashmi triggered a political storm by threatening the members of the JIT and Supreme Court judges of dire consequences after their retirement for probing Sharifs in connection with Panama Leaks case. Nehal Hashmi, warning those who were conducting accountability of Sharif family, said in a public rally:

"We will make this land [Pakistan] narrow for you and your children. You are now in service, but will retire one day. We will not leave you then."

Hashmi also threatened Imran Khan and said, ***"The nation will also make this land narrow for those who live in Bani Gala."***

The PTI strongly reacted to statements given by PML[N] Senator, and said it would not let any conspiracy of government successful against the judiciary or Panama JIT. PTI asked Interior Minister Ch Nisar in its tweet *whether he will take any action against Hashmi or not?*

Prime Minister Nawaz Sharif immediately took notice of Nehal Hashmi's statement and ousted him from the party, PML[N]. SC had also called him in the court to explain his conduct.

On 3rd June 2017; PM's elder son Hussain was quizzed for the fourth time; after attending a four-hour session in the JIT secretariat, Hussain again claimed before media persons that the investigation team would not

find an iota of evidence against him or any of his family members. He assured that the Sharif family had faced '**political cases**' [?] in the past but remained victorious in the end.

On 4th June 2017; a CCTV photograph of Hussain Nawaz at the FJA got 'leaked'; the prime minister's son Hussain Nawaz while sitting in a plain room on the premises of the FJA, ostensibly facing his questioners, was leaked on social media. PML[N] and the PTI accused each other for leaking the photograph, which appeared to be a screen grab from a CCTV feed and displayed the date of Hussain's first appearance before the JIT.

On 5th June 2017; JIT received records of **Hudaibiya Mills Case** and also examined former Qatari premier's letter; the Mills record was submitted by the SECP.

The Hudaibiya Paper Mills Case was focussed at money laundering allegations against the PM's family, and the records handed over to the JIT included a confessional statement recorded by Federal Finance Minister Ishaq Dar in 2000, in which he had 'confessed' to laundering Rs:1.2 billion and opening fake bank accounts in Lahore at the behest of the Sharif family. Dar had later retracted the statement claiming that it had been extracted under duress.

The JIT also examined a written statement from Qatar's former prime minister, Hamad bin Jassim bin Jaber al-Thani, which he had sent in response to a letter from the JIT sent to him earlier that month.

On 7th June 2017; JIT informed the SC of hurdles in their work as it was facing a number of impediments and problems in its probe into money-laundering allegations stemming from the Panama Papers. The bench asked Mr Zia, the Chief of the JIT to submit an application to the court in this regard, since there was no secrecy involved; it was done.

Kh Ahmed Haris, the counsel for Hussain Nawaz, also filed an application requesting the formation of a judicial commission under a Supreme Court judge to ascertain who leaked his photo on social media. Kh Haris contended that '*...the photograph released is aimed at humiliating the petitioner and is violative of his fundamental right to human dignity.*'

Hussain Nawaz's that application also asked the apex court to do away with the practice of video recording of interrogations and asked for an early hearing due to urgency of the matter. It contended that the JIT chairman could not personally conduct the inquiry since no credibility would be

attached to any such inquiry, alleging that the responsibility for the leak rested squarely with the JIT members.

The Supreme Court asked the JIT to come up with its response to the application. Experts believed the latest application, in addition to a number of ferocious press statements outside the Supreme Court premises by PML[N] loyalists, was part of a well-thought-out strategy to put pressure on the JIT and the superior judiciary.

On the same day, the JIT furnished its second voluminous report, brought in sealed envelopes in the traditional fat leather briefcases. The bench had a cursory look at the reports and then ordered the JIT to re-submit the entire record before the registrar office after re-sealing the same. *'We cannot afford to extend a day more; you should understand the time constraint [60 days],'* Justice Khan told Mr Zia.

Till that day, the JIT had questioned Hussain in connection with the purchase of four apartments in London's Park Lane. The investigation also focused on the establishment of companies by Hassan Nawaz soon after completing his education and the **'phenomenal increase'** in his business in a short span of time.

In his four sessions with the JIT, Hussain explained the variations in his account with regard to the London flats and submitted the record of the establishment, sale and purchase of **Al-Azizia Steel Mills** in Saudi Arabia, **Gulf Steel Mills** in the United Arab Emirates and further investments in steel and **real estate in United Kingdom and Qatar**.

Meanwhile, Hassan Nawaz was questioned with regard to his interview with the BBC, where he said he was a student in the year 1999 with no income of his own. In view of that, how was he able to start his own business in London on 12th April 2001, named **Flagship Investments Ltd**.

On 8th June 2017; JIT was accused of sensationalism by a PML[N] rep named Kirmani and threatened that: **'....we respect the institutions and we also want them to reciprocate.'**

On 12th June 2017: the JIT told the SC that certain government institutions were obstructing the team's access to relevant records as well as forging and tampering with documents. JIT also told the SC that Hussain Nawaz's request of 7th June, nquiry into the leak of his photograph on social media was '*entirely unwarranted*' and should be dismissed.

On 13th June 2017; JIT submitted its report to SC on obstructions to its work and ***creating impediments in the collection of evidence***. It alleged that the SECP, NAB, FBR and IB were creating obstructions in handing over records, and were guilty of forgery and tampering with certain key documents.

JIT's report to the SC bench stated that, during interrogation of witnesses from the SECP, it emerged that its Chairman, Zafar Hijazi, was allegedly instrumental in closing the investigation of a money-laundering case launched into Chaudhry Sugar Mills Ltd owned by Sharifs. The investigation commenced in 2011, but was closed retroactively in 2016 with effect from 8th January 2013 – a criminal act, aimed at facilitating those who were being investigated.

The report also alleged that the SECP Chairman had ordered to tamper with the record and closed the money-laundering investigation retroactively; it was executed by SECP Executive Director Ali Azeem Ikram, whose name was previously proposed for the JIT by the SECP Chairman, '***clearly to subvert the ongoing investigation***'.

The report also accused the **Intelligence Bureau [IB] of hacking a Facebook account belonging to JIT member Bilal Rasool**, which was also in use by his wife / family, to retrieve the contents attached by Hussain Nawaz in his complaint before the Supreme Court.

Further, the JIT's report accused NAB of employing underhanded tactics to pressure its representative, Irfan Naeem Mangi, who was issued a show cause notice by his department merely for the sake of coercing him.

The report also alleged intentional concealment, delay and tampering with official documents on part of the law ministry and claimed the FBR submitted piecemeal, incomplete and selective records of the income and wealth tax returns of the Sharif family from 1985 to that date.

Here an analysis by a veteran Zahid Hussain appeared next day in the '**Dawn**' dated **14th June 2017** is worth mention:

"What reinforces scepticism is the allegation of critical documents being tampered with by some government departments and what appears to be a systematic campaign to make the inquiry controversial.

Provocative statements made by members of the ruling party seem to be part of the strategy to browbeat members of the inquiry committee as well as the SC judges supervising the probe."

Senator Nehal Hashmi's warning to the investigators probing the money trail was too crude and explicit to ignore, simultaneously, the on-going tirade of other PML[N] leaders targeting the judiciary had gone more threatening. The judges had felt the event more damaging for rule of law thus invited the remarks [*made by Justice Azmat Saeed*] for the PML[N]:

"It is the job of terrorists and the mafia who do such things - like the 'Sicilian Mafia'".

To avoid further political backlash, the party had to expel the Senator Hashmi, but no effort was made to stop the other members, mainly Sa'ad Rafiq, Daniyal Aziz, Talal Chaudhry, Asif Kirmani and Maryam Aurazeb, from targeting the apex judiciary.

[Zahid Hussain: Reminds the storming of the SC during the second Sharif government in November 1997. Interestingly, it happened when the SC had summoned the same prime minister to appear in a contempt case. The issue brought to a head the confrontation between the then chief justice Sajjad Ali Shah and the newly elected federal government.

Mission accomplished, the leaders made a victory speech before exiting the building. It was certainly not a spontaneous outburst of anger by party loyalists for the alleged humiliation of their leader; it was a well-planned attack on the judiciary incited by the top leadership. It was, indeed, meant to destroy the independence of the judiciary in Pakistan.

It did not stop there; the Sharif government then plotted the removal of the overactive chief justice by dividing the SC judges. It is a long and sordid story. Most disconcerting was the role of some senior members of the judiciary in sweeping under the carpet that shocking incident that challenged sanctity of the apex court.]

PM SHARIF ON LONDON APATMENTS:

On 15th June 2017; Prime Minister **Nawaz Sharif** appeared before **the JIT**, becoming the first sitting prime minister to appear before any investigating agency; he was questioned for three hours. PM Sharif, while speaking to reporters gathered outside Judicial Academy premises after the much-anticipated appearance, roared:

"The process of my accountability stretches from before my birth and extends to my future generations. Has any other family in the country faced such ruthless accountability?"

My financial documents are already available with all relevant institutions including the Supreme Court. Today, however, I submitted them to the JIT as well.

It should be noted that these allegations have nothing to do with my tenure as prime minister and are not charges of corruption. They are charges against me and my family on a personal level.

*I was the CM Punjab and have now been the PM for the third time. **But not a single allegation of financial corruption could be brought against me.** I have put myself and my family up for trial and provided the details of financial transactions made even before my own birth.*

My opponents have levied charges of corruption against me. However, neither in the past, nor in the present, have any charges of corruption been proved against me or my family.... JIT report will come forth along with the court's decision."

PM Nawaz Sharif, in an apparent warning to his opponents about the upcoming 2018 general election, said:

"....People should not forget that there will also be a larger JIT next year comprising 200 million people and they will decide who worked for the betterment of the country.

We will not let our opponents turn back the wheel of progress, and the nation will support us even more than it

did in 2013.....I came here today because we are all equally accountable to the institutions."

PM Nawaz arrived at the JIT Secretariat amid tight security and an extensive protocol 46 bullet proof Land Cruisers. He appeared relaxed upon arrival and waved at party workers, responding to their slogans and chants before entering the building. The number of PML[N] workers and lawyers supporting the PM kept swelling near the JIT Secretariat in spite of the premier's earlier directive to party leaders and supporters NOT to converge at the venue.

All roads leading to the H-8/4 sector Islamabad, which housed the Judicial Academy, remained sealed for duration of the prime minister's appearance and no civilian was allowed to enter the area all day. About 2,500 police personnel along with paramilitary troops were deployed in and around the area. Well-equipped police teams were manning the checkpoints and the road blockades.

Islamabad's that sub-sector was fully searched and scanned while contingents of the anti-riot unit, anti-terrorism squad and police commandos were also deployed in and around the area; police reserves were put on standby. Journalists and media representatives were designated a special entrance and an enclosure at the FJA, with strict orders not to break the security parameters.

As said earlier, well before that day [15th June 2017], the JIT had prepared a questionnaire for the prime minister and his children. Earlier, the JIT questioned Hussain Nawaz, the PM's elder son four times since 28th May 2017. The questionnaires contained queries that covered the 13 questions posed to the JIT by the SC in its 20th April verdict.

PM Nawaz Sharif was accompanied by his brother Shahbaz Sharif and one of his sons. The JIT team accused government departments of tampering with old records; Finance Minister Ishaq Dar rejected such allegations, adding that the team's claims meant the process become '**suspicious**'. JIT was true because ultimately SECP was found involved.

Meanwhile, the news leaked that '**PM couldn't satisfactorily answer most of the questions**' during his appearance before the JIT on that day; the interim report submitted to the SC said:

"He was generally 'evasive, speculative and non-cooperative' and seemed pre-occupied during the interview. Major part of his statement was based on 'hearsay'. He remained non-

committal, speculative and at times non-cooperative while recording his statement before the JIT."

The JIT's interim report further said that:

"Prime Minister Sharif tried to parry most of the questions by giving indefinite answers or by stating that he does not remember, ostensibly to conceal facts".

In his statement to the JIT, the prime minister gave details of his early life, his entry into politics and the offices he held during his three-decade-long political career. He claimed that:

"The assets he owned, possessed or had acquired are, in their entirety, reflected in my income tax returns and wealth reconciliation statements.

I do not own or possess, nor have acquired any assets or interests therein other than those mentioned in my income tax returns and wealth reconciliation statements."

The PM, however, informed the JIT that initially he had been a shareholder and / or director in one or more companies established by his late father in Pakistan. But for about three decades he had left those companies; he had not been actively involved in the business of any of those companies since 1985. The PM himself narrated that:

"I became finance minister in 1981. I was not overseeing any businesses myself after 1981, although I may have been the director of some companies. I however disassociated myself from all businesses in 1998 – i.e. disassociation from any management function. After all how can you make a living if you disassociate yourself from the financial interest..."

London Apartments: Talking about the London properties, the PM told the JIT he had gone there in 1990s and stayed in the Avenfield apartments at Park Lane; adding that:

"I [PM Nawaz Sharif] knew Hussain and then Hassan, who were studying in London, were living in those apartments. All the expenses related to their stay were met by the money my father used to send them. I know broadly that we were paying the ground

rent, service charges and utilities but do not know whether rent was being paid or not.

Hussain was dealing with these issues and he knows the most. I knew it was an arrangement made by Mr Al Thani and my father. I do not however know about how the bearer certificates were transferred or changed hands."

PM Sharif informed the JIT further that he did not refer to the investment between the Qatari family and his father in his speeches but clearly said that he would tell the details when the time came.

About a **Guardian report** that quoted his wife as saying that the Avenfield apartments were purchased for Hassan and Hussain in 2000 while they were studying in London, "**my response is that sometimes these things are said because of lack of knowledge**", the PM said.

Regarding a huge sum of money gifted to him by his son Hussain, the PM said in the statement:

"I do not find any issue with the fact that my son Hussain sends me money as gifts which I either spend myself or gift it to my daughter Maryam. It is foreign exchange coming into Pakistan and the money was sent through the official banking channels."

Following were the questions asked by the JIT and PM Nawaz Sharif's answers – **verbatim**:

Q: In your speeches you had mentioned that *all record relating to Azizia and Gulf Steel was available but later your counsel stated in the SC that no such record was available. Can you explain this contradiction?*

A: I am not sure, may be I had given the record to the speaker, but I am not sure about this.

Q: You have stated that you stand by whatever respondents 6, 7 and 8 have submitted before the SC during the proceedings of the case about Gulf Steel and Azizia etc. Did you personally see what they have submitted before the SC or your knowledge is based on family discussions?

A: I had not seen the submissions, my knowledge is based on the family discussions but I endorse whatever has been submitted by them – my family members.

Q: *Do you have any other documents that you want to produce in addition to the ones you have brought today?*

A: There are no further documents to be produced. We have already provided all the documents we had.

Q: *In 1999, the Queens Bench Division had put a caution on the Avenfield properties which was removed on the basis of a settlement. What is your knowledge about the terms of the settlement?*

A: I have heard about it but I do not know about the terms of settlement regarding the said case.

Q: *You had referred to the settlement of family assets in 2005. Was the matter of investment of proceeds of Gulf Steel discussed especially with regards to the Avenfield properties in London?*

A: Yes, perhaps it was discussed and since they had remained in the possession of Hassan and Hussain. I think Hassan is the owner but I'm not sure.

Q: *Hussain claims to own the apartments now but practically Hassan has lived in one of the apartments from decades. Don't you find this a bit odd?*

A: It is not unusual for brothers.

Q: *Do you know about the trust deed signed between Mr Hussain Nawaz Sharif and Ms Maryam Nawaz Sharif with reference to the companies of Mr Hussain?*

A: *I have no knowledge of the trust deed signed by Mr Hussain Nawaz Sharif on behalf of Maryam (Nawaz) Safdar.*

Q: *Do you know Saeed Ahmed of National Bank of Pakistan and did you have any business with him?*

A: I know Saeed Ahmed since a very long time but I do not have any business links with him.

Q: *Do you know the Qazi family?*

A: I do not know them. I meet a lot of people and do not remember them all.

Q: *Do you know Sheikh Saeed?*

A: Yes, I know him since a long time, but I do not have any business relationship with him.

Q: *A settlement with NAB was carried out on your behalf in 2001-02 for Hudaibiya papers mills and payment was made through loans taken from Chaudhry and Ramzan mills. Please apprise us with the details of this settlement.*

A: I do not know if there was a loan. I do not have any knowledge of this matter.

Q: *Did you send any money abroad to any of your family members?*

A: No I did not.

Q: *Was a portion of money received from Hill Metals used for political funding?*

A: No, but if I did, is it a crime?

Q: *Would it not come under foreign funding?*

No reply was made.

During the trial of NAB references against Sharifs in the AC, the NAB had divulged that the content of a secret deed between the Sharif family and ***Al-Towfeek Investment Fund*** in a London's Queens Court in 1999 could be the key to determine ownership of the Park Lane Flats.

Both parties had reached an agreement through which an issue of loan default by the Hudaibiya Paper Mills was settled down. Plaintiff [*Al-Towfeek*

Investment Fund] and defendants [*the Sharifs*] had struck a deal to keep this deed secret which was '**duly sealed and endorsed by the court**'.

By executing this settlement deed the accused Sharifs cleared the liability of *Al-Towfeek* and their properties, especially the London Flats, were released from the charging order [**draft consent order available at page 189-90, Volume-IV of JIT report**].

The fact remains the whole proceeding before the London Court was a clear reflector of the fact that ***Al-Thani family had no concern whatsoever with the said apartments***; as they were not made party to the proceedings at any stage. The Sharifs themselves had joined the **London Queens Court proceedings** and NONE else; only Sharifs paid some amount [circa £8 million] against their raised claim of £34 million to *Al-Towfeek* and no one else.

The NAB submitted to the trial court the documents related with *Al-Towfeek* deal and the new Chairman NAB J Javed Iqbal immediately permitted two of his officers to proceed to London to gain a look into the Queen's Court record in that regard.

SURVEILLANCE & WATCH BY IB:

On 16th June 2017; Prime Minister's House accused the JIT of phone tapping and monitoring of witnesses — a violation of the law and the Constitution. The PM House, in its rejoinder to a JIT application in which it had accused some government institutions of creating impediments in its work and tampering with relevant documents, said:

"The reliance and reference to 'technical analysis' is indeed an admission by JIT of phone tapping and monitoring of witnesses; a violation of the law and the Constitution."

In those days, blame game became the order of the day and that day [Friday] was the turn of PM House that accused the JIT probing the Panama Papers case. The PM House's rejection of allegations was part of Attorney General Ashtar Ausaf's four-page rejoinder to the JIT application, submitted to the Supreme Court that day. The PM House denied the allegations that it tutored witnesses and persons who were being summoned by the JIT.

In its application, the JIT had alleged that witnesses were being tutored at the behest of the Sharif family and confidential letters were being leaked by misusing the PM House sources. The chief executive officer of the Ittefaq Group — a close associate of the prime minister — directed Tariq Shafi, the cousin of Nawaz Sharif, to come to the Prime Minister House prior to appearing before the JIT, it was alleged.

In its denial, the PM House said, if needed, the persons being named were willing to file rejoinders.

The AG's reply also contained the response of the Intelligence Bureau [IB] which denied hacking the Facebook account of a JIT member, Bilal Rasool, or his family members or any other member of the team. **"Low-downs on members of JIT were done under the standard operating procedures,"** it said and also denied the allegations that IB-man was found loitering outside the residence of Mr Rasool on 24th May 2017.

Likewise the law ministry also rejected allegations levelled by the JIT against it and said that the letter of Mutual Legal Assistance [MLA] was issued in record three-day time. JIT members were aware of the rules of business that circulation of the necessary correspondence was to be made by the Foreign Office and the Interior Ministry under Rule 56 of the Rules of Business 1973.

The Federal Board of Revenue [FBR] stated that for the first time, the JIT requested it for the record on 8th May 2017 and later reiterated the request on 25th & 29th May and on 8th June. Though the information was related to old record spanning over 40 years and several individuals, it was provided within the minimum time consumed.

The National Accountability Bureau [NAB] denied that a show-cause notice had been issued to one of the JIT members with *malafide* intent. The notice was issued to Mr Mangi and 77 other persons pursuant to an order of the Supreme Court that too prior to the formation of the JIT.

The Security Exchange Commission of Pakistan [SECP] and its Chairman Zafar Hijazi negated the allegations against them saying that the investigation against Chaudhry Sugar Mills was closed in May 2013. The Chairman contended that the allegation of tampering with the record was incorrect [*but later it was proved that tempering had been done and a criminal case was subsequently registered with the FIA*].

The Attorney General's reply said that the JIT's complaint spread over 120 pages and the annexure appended with the application ranged from articles

published in newspapers, screenshots of statements, tweets and messages on social media. It said the allegations of bias and high-handedness had been levelled against some members of the JIT; in turn, JIT had also levelled serious allegations of obstruction of justice against individuals and institutions – thus a cross fire game was on.

The AG also informed the court that Senator Nehal Hashmi had been stripped of his membership of the PML[N] and an FIR had been lodged against him. The AG assured the court that his office would ensure that orders of SC's Implementation Bench would be complied with and all efforts would be made to ensure that a fair and impartial inquiry took place within the stipulated period.

On 17th June 2017; the PM's younger brother and Chief Minister of Punjab Shahbaz Sharif was questioned by the JIT for four hours. Shahbaz Sharif, while talking to the media after his appearance in JIT, said:

*"He was asked to appear before the team as somebody acquainted with the facts of the Panama-gate scandal. I did not go away to London, never to return, like other politicians have done in the past **[perhaps Gen Musharraf was being referred here]**.*

*The prime minister of Pakistan appeared before this JIT a day ago and a new leaf was turned in Pakistan's 70-year history. Today, I did the same. We have proven that our family has respect for the law, **unlike the military rulers who usurped power at gunpoint [in the past]**.*

Whatever questions the JIT asked, I answered them to the best of my knowledge. This is a case against our family; it is a means to destabilise our family, just like the attempts made by others before.

This is not the first time that the Sharif family has been put to trial: people should not forget the time when our family's Ittefaq Foundries were taken from us by force.

The foundry was not made through licences acquired at Punjab Club parties: our father and his seven brothers had laboured away, day and night, to lift the company off the ground.

Between 1988 and 1990, our family's second trial took place during Benazir Bhutto's first government; and then again in 1993 and 1996, the Sharif family suffered losses worth billions due to

conspiracies against us. But that was not all: in Gen Musharraf's era, I was handcuffed and taken to prison.

This is the fifth time we are being put to trial, but just like the times before, all [our opponent's] allegations will be proven false."

The fact remains that the JIT could have asked Shahbaz questions related to the establishment of the Gulf Steel Mills by his family in the UAE and the company's subsequent sale.

Since Shahbaz Sharif was one of the directors of Hudaibiya Paper Mills, the JIT could have cross-checked with him the information it gathered regarding the **Hudaibiya Paper Mills reference** as well as old litigation between the Paper Mills and ***Al-Tawfeeq Investment Co.***

On 19th June 2017; SC's apex bench disapproved the IB's dubious practices and asked FIA to investigate the tampering allegation on the SECP – on instance of its chairman Zafar Hijazi.

The SC bench asked the FIA to investigate the role of SECP Chairman into his alleged tampering with the record of the Chaudhry Sugar Mills Ltd and asked the agency to submit a comprehensive report.

The SC called into question the alleged surveillance of JIT members by the IB. The apex bench criticised the agency's role in hacking the Facebook account of a JIT member Bilal Rasool, loitering around his residence and accessing the National Database and Registration Authority [Nadra] system to collect his personal data — saying they were acting like private investigators instead of working for the state of Pakistan.

In a reply submitted to the Supreme Court, the Director General [DG] of the Intelligence Bureau [IB] **conceded that the agency collected 'details'** of the members of the JIT investigating the Panama case.

In his reply to the charge, DG IB Aftab Sultan said there was nothing extraordinary about the bureau's activities, claiming that ***'the collection of details on important individuals was a routine matter'***. He also rejected the JIT's claim that Bilal Rasool and his wife were harassed by the IB, adding that the 'hacking' claims regarding Rasool's social media accounts were also unfounded.

On 20th June 2017; Hussain Nawaz's plea to stop the video recording of interrogations held by the JIT was rejected by the SC through a 5-page order, saying that:

"The concern voiced by the applicant (Hussain) being paranoiac appear[s] to be more of form rather than substance. We do not feel persuaded to countenance the request thus made.

The use of audio or video devices to facilitate the recording of statements had not been prohibited by any interpretation of the law, especially when the finished product to be used in the court to confront the witness."

In his plea, Hussain Nawaz had asked the Supreme Court to order the JIT to immediately cease the practice of recording the interrogations, and constitute an independent commission to inquire into the circumstances leading to the leak of his photo on social media. The SC further elaborated:

"In the age of computers, where almost everything was communicated and businesses of all kinds were transacted online, an emphasis on the form (or way) of doing something as it used to be done in 1898 would amount to nullifying the dynamics of scientific and technological advancements, which had not only liberated man from exhausting labour, but also made things easier.

Laws in many countries of the world had been changed and re-enacted. While audio or video recordings could not be admitted into evidence until the law was amended, as it had been in India and other countries, the use of technology to facilitate the recording of a statement could not be discouraged.

....the use of audio or video devices to facilitate the recording of such a statement [u/s 161 CrPC] cannot be said to have been prohibited by any interpretation of the law."

During hearing of the issue relating to the IB's alleged surveillance of JIT members, the Supreme Court held that:

'....though no part of any judicial proceeding should be kept secret, the investigation being conducted by the JIT should be considered privileged'.

Justice Sh Azmat Saeed, however, was bitter over government's use of the media and remarked that:

'Most government departments directly or indirectly involved in the current issue prefer to go to the press'.

Justice Ijazul Ahsan also regretted.

The apex court bench was moving in a fixed and focused manner and it was unthinkable that the speeches of politicians or articles in the media would change its mind, though it was amenable only to sane arguments, Justice Khan observed; adding that the court was not concerned with what appeared in the media.

Outside the court, it was business as usual. Speaking to reporters, ruling party MNA Talal Chaudhry said that their stance over the Hussain Nawaz photo leak had been vindicated by the JIT's report on the matter.