

## **Scenario 217**

### **PANAMA LEAKS: SC's LAST HEARING**

A week after the submission of the JIT report [on 10<sup>th</sup> July 2017], the SC resumed its hearings on 17<sup>th</sup> July 2017, deliberating over arguments presented by lawyers representing the defendants — the Sharif family and Finance Minister Ishaq Dar — and the petitioners PTI's Imran Khan etc.

The prime minister had the powers to dissolve the National Assembly without any big reason, so he could take that route if he wished. Provincial assemblies could remain in place as those were; they could decide to dissolve themselves but no compulsion. There was no problem in Punjab and Balochistan because the PML[N] was in power there.

The whole Panama Leaks case was based on financial irregularity of the ruling elite but soon turned into the case for disqualification of PM Nawaz Sharif, Finance Minister Ishaq Dar and MNA Captain Safdar, so the unfavourable decision could hit them only NOT Maryam Nawaz, as she was not an office holder.

The chief of the bench, Justice Ejaz Afzal Khan, during proceedings held that the apex court was not satisfied so the case of disqualification was likely made out. Two judges had already said [on 20<sup>th</sup> April 2017] that the PM should be disqualified according to Article 184 (3); though was a minority judgement but had much moral & persuasive value.

It was important to reserve judgement on the case [*as opposed to a short order*] because the SC needed to be very solid in its reasoning; for example, whether it would choose to disqualify a sitting prime minister or to send the case to a trial court — because the SC's decision in this case would set a precedent for the whole judicial process in Pakistan.

For laymen, it appeared that there was no good news for Prime Minister Nawaz Sharif. On the contrary, if the SC would not come forward to protect the JIT or declared the Sharifs innocent, no one knew what could happen to the team members and their families – the world knows about the stark revengeful attitudes of Sharifs.

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The general populace in Pakistan, for the first time, were waiting for the drop scene wherein a law, which had been very effective against the weak, was being seen effective against the powerful.

Qatar's Sheikh Hamad bin Jassim bin Jabber Al-Thani did not come because he knew that the case was based on lies OR might be that he didn't know what actually had been played in his name. The most people expected disqualification of Constitutional Articles 62 and 63 AT LEAST.

**PANAMA's FINAL HEARING STARTS:**

**On 17<sup>th</sup> July 2017;** a three-judge special bench of the Supreme Court [SC], headed by Justice Ejaz Afzal, and comprising Justice Sheikh Azmat Saeed and Justice Ijazul Ahsan, took up the case with JIT Report after nearly two months. This bench was constituted to implement the apex court's verdict of 20<sup>th</sup> April 2017 in the Panama Papers case to guide and oversee the JIT's probe into Sharif family affairs.

Finance Minister Ishaq Dar and the Sharif family's lawyers submitted separate objections to the '**damning final report**' of the JIT that probed allegations of money laundering against the Sharif family; they rejected the said JIT report and argued that the team had exceeded its mandate.

The bench heard arguments from lawyers of PTI, *Jamaat-e-Islami* [JI], and Sheikh Rashid. PTI's lead counsel Naeem Bokhari requested the apex court that PM Nawaz Sharif should be asked to come to the court for questioning. Mr Bokhari also highlighted certain findings from the JIT report, including the alleged false testimony of Tariq Shafi, who was Prime Minister Nawaz Sharif's cousin and a key respondent in the case.

Tariq Shafi got recorded a "**false testimony**" regarding an agreement that he made in 1980 with Abdullah Kayed Ahli, the owner of **Ahli Steel Company**, Dubai in which Shafi held 25% shares. According to Shafi's testimony, under the agreement signed at the time of sale of the Sharif family's **Gulf Steel Mills**, Shafi's shares in Ahli's company were sold and a net aggregate sum of 12 million dirhams was agreed upon.

Shafi stated that he had deposited that massive sum with Sheikh Fahad bin Jassim bin Jaber Al-Thani of Qatar, after receiving each instalment from Mohammad Abdullah Kayed Ahli. Naeem Bokhari stated that Ministry of

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Justice UAE did not authenticate **Gulf Steel Mill** agreement which was reportedly signed on 14<sup>th</sup> April, 1980.

The JIT sought legal assistance from the United Arab Emirates [during its investigations] and found that the transaction of 12m dirhams never took place. Bokhari also urged: "*It was claimed that the Gulf Steel Mills were sold for 33m dirhams but this was not the case and the Sharif family had been unable to clear its position regarding the mills.*"

Justice Ijazul Ahsan observed that: "***According to the JIT, the funds for investment in Qatar were not available [to Sharifs].***"

While the PTI counsel was presenting statements, Justice Ejaz Afzal Khan, said that since Shahbaz Sharif appeared before the JIT as a witness, his statement could only be used to identify discrepancies.

Naeem Bokhari claimed that the letter by former Qatari prime minister Sheikh Hamad bin Jassim bin Jaber Al-Thani which was submitted in the SC was "***proven to be bogus and therefore, the story is now finished; both the letter and the story around the letter were bogus, fabricated and patently afterthought .***"

Arguing further, PTI's Naeem Bokhari said that the JIT sent four letters to the Qatari prince to record his statement but the royal family member showed his reluctance in accepting the jurisdiction of Pakistani law; while adding that: "*Even the JIT stated in its report that it is not necessary to record his statement.*"

Justice Ijaz asked if the premier received a salary for his services. "***According to the records he received remuneration throughout but did not get a monthly salary,***" Naeem Bokhari told the apex court. He also pointed out that the statements of the prime minister's sons Hassan and Hussain did not match the quoted events.

Regarding the sources of the Sharif family's funds, the JIT in its report stated that the assets of the ruling family and of the finance minister exceeded their incomes. As per JIT report, the PM was the beneficial owner of the Saudi-based company **Hill Metals Establishment** and that the letter from the former Qatari PM was fake.

The SC judges inquired about the sources of the documents obtained by the JIT; it would have to be verified whether the documents from abroad

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were transferred to Pakistan through legal means – which was confirmed by the JIT.

Mr Bokhari told the apex bench that the **trust deed of the four flats** located in London's Park Lane, executed between Maryam Nawaz and Hussain Nawaz in February 2006, was found to be false by the JIT.

[Salman Akram Raja, the counsel representing the prime minister's sons, had argued before the SC in February [2017] that bearer certificates of the flats had remained with Maryam between February and July 2006.

However, they were cancelled upon execution of the trust deed and registered under Minerva Services Limited – an entity that appointed directors for the two offshore companies, Nielson Enterprises Ltd and Nescoll Ltd, which owned the four flats in question – as detailed earlier in this book.]

Naeem Bokhari argued that the JIT, however, found that the font used in the trust deed was not available in 2006 and declared the deed as fabricated. **"No trust deed was signed after the bearer certificates were cancelled. The JIT has found Maryam to be the beneficial owner of the London flats."**

On Justice Ejaz Afzal's question, Bokhari explained that **"....it will make a cogent difference when it is proved that she is the prime minister Nawaz Sharif's dependent."**

Justice Ijazul Ahsan told JI's Counsel Taufeeq Asif that the bench was not bound to implement the findings of the JIT adding that:

*"....You have to tell us why we should - also to what extent we can implement the suggestions of the JIT. Questions of prime minister being **sadiq & ameen** can now be, *prima facie*, raised."*

Lawyer Kh Harris, representing the prime minister before the apex bench, said that two requests had been filed in relation to the JIT; the first asked for Volume X of the report to be made available, while the second contained objections to the report. He stated that withholding Volume X of the JIT report was a "**malafide act**". He claimed that:

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*"The entire investigation was a farce and the JIT was inherently biased and unfair to the respondents; there was no incriminating evidence against Nawaz Sharif in [the] whole report.*

*[Further] the JIT employed illegal means while collecting documents during the investigation. The JIT exceeded its mandate and the documents that they have submitted cannot be seen as proof; requested that the report be dismissed."*

**J Ejaz Afzal remarked that it would have been easier if Kh Haris could limit his arguments to the issues at hand.**

The JIT report was spread over 10 volumes; the last of which pertained to matters of international jurisdiction. PML[N]'s media team held that the report was not complete; it was '**ongoing right in the middle**'. One minister claimed that they [SC judges] were hoping for more proof to surface overnight; hiding Vol X was the violation of the SC's order.

PML[N]'s legal strategy to deal with JIT report remained unclear till the hearings began on that day; perhaps they had nothing to defend because it was impossible for the PM's lawyers to refute the documentary evidence collected by the JIT. The PM spent Sunday holding consultative meetings with his legal and political teams to frame the family's stance and devise a strategy to counter political rivals but without success.

**On 18<sup>th</sup> July 2017;** the three-member special bench of the Supreme Court resumed hearing of the Panama Papers case during which one judge said that JIT was tasked to inspect every available record.

Presenting his argument in the court, Sharif family's counsel, Kh Harris said that the court had assigned 13 questions to the JIT but the JIT went on to probe 15 questions instead of the original 13 by including '**assets beyond means**' in its probe; thus the JIT investigation was not transparent.

Justice Ijaz observed that: '**a number of issues were related to the court's 13 questions while money trail of London flats, the main issue, remained a mystery.'**

**"Everything is clear except for the ownership of the London properties,"** observed Justice Ejaz Afzal Khan. PM's counsel referred to Section 5-A of NAB Ordinance under which husband or father cannot be held responsible for assets belonged to wife or children.

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Commenting on Kh Harris's question on the JIT, Justice Ejaz Afzal and Justice Ijazul Ahsan both separately explained the need for appointing the six-man JIT; it was meant to give Sharifs another opportunity to vindicate their position, since the onus of establishing a money trail after claiming ownership of the London flats was on them. The step was taken because the apex court was not recording evidence.

Ample opportunity was provided to show the money trail that led to the acquisition of the flats, Justice Ahsan lamented, adding that when the prime minister was asked about his speech in parliament, he replied that while the record was available, he was not sure and might have provided it to the National Assembly's Speaker.

Referring to the **PM's 16<sup>th</sup> May 2016 speech**, Justice Ijazul Ahsan regretted while saying that:

*"They didn't expect the prime minister to make a categorical statement before parliament, but not providing anything subsequently. The entire interrogation of the PM was replete with such answers - recalling that PM Sharif had even stated that he might not have seen the Qatari letter.*

*Everybody knew that the Sharifs were a closely-knit family, yet no member of the family knew about the Avenfield flats; how these were acquired when the children did not have any sources of income, yet they lived there since 1993."*

**JIT REPORT NOT OBJECTED BY ANY:**

Justice Ejaz Afzal also remarked that the trial court would decide if including the Hudaibiya Papers Mills case in the JIT report was right or wrong. Addressing the respondent, Justice Ijazul Ahsan observed that Kh Harris could have said anything in his defence but he didn't.

Justice Azmat Saeed remarked that the bench had heard and understood their arguments. JIT members gave their recommendations based on what they deemed fit; however, to act on the recommendations was for the SC to decide. ***J Azmat further observed that the respondent had not disputed any document presented in the JIT report.***

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Justice Ijaz observed that on one hand it was said they [Sharif family] usually talk about everything at home yet no one knew who owned the London properties. The premier kept visiting flats but didn't know who owned them – how was it possible.

Relating to the confidentiality of Volume 10 of the JIT report, Justice Azmat remarked that the said volume could be made public had the counsel requested for it. However, the Volume 10 did not contain evidence.

About PM Nawaz Sharif's money trail question, which was specifically asked by the SC bench a day before, Kh Harris reiterated that his client had presented details of all his assets to the JIT.

*[On the same day of 18<sup>th</sup> July 2017; PML[Q]'s Ch Shujaat Hussain said that the entire nation and political parties would not tolerate any step against the Supreme Court or its insult and humiliation. The apex court had received a list of 600 persons for the constitution of JIT – out of which only six capable persons were selected and it could be judged from this as how much sincere these six persons were.*

*The fact remained that JIT report had drawn ire of the powerful ruling bigwigs who hardly spare an opportunity to reject and ridicule the investigation document and slam its authors, the opinion of the general public on the issue was quite opposite.*

*At a time when the PML[N]'s guns were blazing, with party stalwarts boisterously calling the JIT report a part of 'conspiracy' to send the democratic order packing, at least two instances surfaced lately where the JIT members were accorded a hero's welcome by the general public.*

*On that day [18<sup>th</sup> July 2017], when SECP representative in the JIT Bilal Rasool and JIT Chairman Wajid Zia visited the Islamabad Club separately, they were warmly welcomed by the members. People present there recognised them and hailed their 'bold' contribution to the probe and the 'daring' report despite the serious life threats and the professional challenges the investigation panel reportedly faced.*

*Bilal Rasool, being member of the club, had stopped visiting the club after being assigned the job of probing the Sharif's offshore properties. On his first visit to the club after a while, Rasool was pleasantly surprised at the reception he received.*

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*Wajid Zia, came to the club in Rangers protection, but was easily recognised by members of the club as well as staff. A senior government official reportedly kissed the JIT chief on his forehead for "doing a great service to the nation".]*

**On 19<sup>th</sup> July 2017;** senior counsel Khawaja Harris told the three-member apex bench that the prime minister Nawaz Sharif had provided details of all assets and sources of income in the form of tax returns. Justice Ejaz Afzal told Kh Harris that:

**"We will take a decision after looking at all the evidence; bring the [money trail] record and the discussion on the documents will end."**

Beginning his arguments, Ishaq Dar's lawyer, Dr Tariq Hassan said that attitude of JIT members with his client was unpleasant. Dar's counsel invited bench's ire when he claimed that the JIT unnecessarily dragged his client into the case. The judges observed that his client refused to provide the JIT with the necessary documents to support his case.

Justice Sh Azmat Saeed asked Dr Hassan: "**Have you also brought a Qatari letter with you?"**

Justice Ijazul Ahsan said:

*"I can tell you Ishaq Dar's connection to this case. The name of the finance minister's nephew is included in the transactions relating to the **Gulf Steel Mills**; and that money from the **Hill Metal Establishment** was transferred to the **minister's son, Ali Dar** – tell me if still doubts.*

*You had said that you did not submit any document, yet you're giving these statements - submit further documents at the next hearing [believing that previously Dar only dodged]."*

Echoing the objection by the PM's lawyer on **Dar's confession in Hudaibiya Paper Mills reference**, Dr Hasan said that the JIT did not have the mandate to recommend reopening cases.

Justice Azmat Saeed pointed out that Ishaq Dar had refused to accept his confessional statement in the reference which was recorded before a district magistrate in Lahore on 25<sup>th</sup> April 2000, as his own. In the statement, Dar had reportedly admitted to money laundering of \$14.86

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million, and opening two bank accounts under names of Sikandar Masood Qazi and Talat Masood Qazi for Nawaz Sharif's brother.

In reference to the judges' observation on **Sharif family's foreign properties**, the PM had remained evasive in answering the questions from the JIT. Kh Harris responded that the team had not inquired about any other properties except London Flats, maintaining that his client had not concealed any assets, nor did he own any *benami* properties. Justice Ijazul Ahsan remarked that:

*"The real question is where did the money for Sharif family's properties in Saudi Arabia, Dubai and London come from? We have not yet received an answer to this fundamental question."*

The judges told the lawyer that Chapter Four [**Gulf Steel Mills / Gifts**] of the JIT's report contained "**dangerous documents**". About the trust deed of the four Avenfield flats in London's Park Lane neighbourhood, executed between Maryam Nawaz and Hussain Nawaz in February 2006; it was declared false by the JIT in its report earlier.

Kh Harris told the bench that the PM, when asked about the trust deed by the JIT, had acknowledged that he was aware of the settlement, but did not know the details. He added that his client could only be held liable for the properties under his name, maintaining that the PM has no connection to the London flats. Justice Ejaz Afzal asked:

*"Are there any records available with Hassan and Hussain Nawaz that can prove that the PM does not have any connection with the London flats?"*

*If Hussain is the beneficial owner of the flats, then proof for the same should be provided; in the documents received by the court, Maryam Nawaz is shown as the beneficial owner."*

Kh Harris held that the connection between the PM and the London flats was based on speculation; there were no documents available to prove the allegations on the PM. Justice Ijazul Ahsan asked the lawyer to ascertain who signed the documents relating to the agreement with **Minerva Financial Services Limited** — the holding company for Nescoll Limited and Nielson Enterprises Limited, the owners of the four London flats. **There was pin-drop silence in PM's legal camp.**

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**On 20<sup>th</sup> July 2017;** the Supreme Court observed in clear terms that PM Nawaz Sharif, being a public office-holder, could get into trouble if his children failed to justify the source of the money that led to **acquisition of the four controversial London apartments.** Observed Justice Ejaz Afzal Khan that:

**"When they (Maryam, Hussain and Hassan Nawaz) failed to satisfy the court about the means for possessing the London apartments, the brunt has to be borne by the holder of public office."**

The observation came when Salman Akram Raja, who represented the PM's children, argued that '**all investments and businesses were dealt with by Mian Sharif, and his grandchildren — none of whom held public office — were only the recipients of the funds'.**

**"The recipient of questionable funds for which they have no answers,"** retorted Justice Ijazul Ahsan, while Justice Sh Azmat Saeed asked the counsel if he realised what he was saying. The apex court noted that **the JIT built a super-structure in its report.**

On the same day of **20<sup>th</sup> July 2017;** PM Nawaz Sharif had plans to directly fly to Lahore after inaugurating the Lowari Tunnel earlier and to spend the weekend there. But the strong remarks from the apex court on the last day of hearing compelled him to return to Islamabad and consult with his aides. The **apex court observed** that:

**".....prima facie the documents submitted by the PM's children appeared to be forged – [J Azmat Saeed said] aap ney to hamara dil hi tor diya; yeh aap ney kiya kar diya.... (you people have broken my heart; what've you done & why so....)"**

The above observation sent shockwaves in the power corridors; the prime minister had aimed to continue to attend public events and official meetings in order to counter the opposition and give an impression that he was in command of the government; but couldn't.

Regarding notarisation of the tripartite sale proceeds agreement of 25pc shares of Ahli Steel Mills, the judges observed that:

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**'....documents procured under mutual legal assistance [MLA] were statements of facts and more credible than the one being produced before the court by Sharifs'.**

The counsel, however, had no answer save that it might have been a mistake; and adding that such gaps should have been taken up with Hussain when he appeared before the JIT five times.

**PM's DUBAI AQAMA CAUGHT BY JIT:**

**Capital FZE UAE:** Before adjourning the hearing on that day, the SC also asked the counsel to explain the prime minister's position on Capital FZE, a new offshore company that had surfaced in the JIT report.

[About the **Capital FZE**, an offshore company in UAE, Khawaja Harris conceded that Hassan Nawaz — the son of the prime minister — was the owner of the company. He claimed that though the prime minister was the designated **chairman of the board**, **he did not draw any salary**.

Again, Justice Ahsan reminded the counsel that the **aqama**, or the residence permit, was issued to the prime minister on the basis of his position as chairman of the company's board.]

Before concluding proceedings, the judges first consulted amongst themselves, and then Justice Saeed asked the counsel, point-blank, where the funds for Capital FZE came from. The counsel said he would explain in the next hearing after consulting his clients.

Was he entitled to draw a salary, Justice Khan asked, adding that if a person did some work and got a salary, it became part of his assets. **The court also reminded the counsel that £650,000 were also moved from FZE to the Flagship Investment Company.**

Referring to daily the '**Khaleej Times**' dated **18<sup>th</sup> July 2017**;

A Dubai law firm had submitted legal opinion to Pakistan's SC on PM Nawaz Sharif's alleged employment in Dubai, verifying that **the employment documents which imply he was employed by Capital FZE in Jebel Ali Freezone [Jafza] in Dubai until 2014 were 100% legal.**

The legal firm Khalifa bin Huwaidan Advocates was consulted by the JIT that submitted a 254-page report to the Pakistan's SC into Sharifs' wealth.

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Dubai's Khalifa bin Huwaidan, lawyer and legal advisor at the firm, himself confirmed to the **Khaleej Times**; adding that:

*"Normally businessmen establish companies in Dubai if they want to maintain a visa status in the company but in this case, (Nawaz Sharif) was an employee in a Jafza-based firm. Our conclusion was based on the copy of the labour contract Nawaz had with Capital FZE, and the contract is 100 percent legal."*

The legal opinion was based on the UAE labour laws. Nawaz Sharif was employed as Chairman of the board for Capital FZE company in Jafza from August 2006 to April 2014 and was withdrawing a salary of Dh10,000. However, his employment status was terminated in 2014 after the said company was dissolved.

The Sharif family denied that a salary was withdrawn and said that the visa was to facilitate visits to the UAE. BUT, as per the UAE Labour Law:

***"...all employees have to receive a salary through a bank account under the UAE's Wage Protection System [WPS], failing which the firm can be blacklisted & shut down."***

*....if no record of a salary transfer to the bank is found, the employer is held liable not the employee. However, it is not clear who owned Capital FZE before it was dissolved."*

Hussain Nawaz rejected the JIT findings that his father was being paid by the Dubai firm. He said that his father never received any salary from the aforesaid company. Hussain said that his father was appointed as Chairman only for facilitation of visa and visits to the UAE in 2006.

The JIT report also revealed that Nawaz Sharif did not disclose this information before running for elections in May 2013; the JIT findings were based on its correspondence with Jafza authorities in UAE.

Up until 2014, PM Nawaz Sharif was head of the board of **FZE Capital** where he listed '**marketing manager**' as his profession; perhaps a clever euphemism for a politician. The marketing manager in chief was working in the UAE on a work visa while prime minister of Pakistan. A sweet deal guaranteed him 10,000 dirhams along with a 30-day paid vacation; transportation; accommodation and of course, food.

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The court also regretted that despite JIT requests, former Qatari PM Sheikh Hamad bin Jassim bin Jaber Al Thani was not inclined to come to the Pakistan embassy or answer questions via video link, and repeatedly insisted on having the JIT to come to Doha Palace instead.

Justice Ahsan wondered if '*....he may not be photogenic; the matter ended when Sheikh Al Thani simply refused as he was not subject to Pakistani laws and courts.*'

The PM's counsel recalled the 2012 **Arsalan Iftikhar case**, where the apex court had held that the person being interrogated must be informed in advance about the accusations against him / her so that he / she might furnish answers. Adv Salman Raja insisted that, if necessary, the team should have travelled to Doha.

But Justice Ahsan highlighted that as a star witness — since the entire money trail presented by Sharifs rested on him — it was the defence's responsibility to call him [the prince] before the JIT.

The court was also upset over an earlier document presented before the court by another counsel regarding Coomber Tradings and Nescoll and Nielson, where identical documents were used and the ***trust deed was signed on Saturday in a country where it was not possible to seek official appointments on a holiday.***

The court did not seem convinced by the explanation offered by the counsel on the **Calibri font** used in the trust deed and said that in countries such as England, law firms never use beta versions of fonts which are normally not available to them.

The court also asked Additional Attorney General present in the court-room about the **punishment for presenting forged document to the Supreme Court**. According to the AAG, the sentence was **seven years in prison**, but hastened to add that the parties should have the opportunity to explain their positions.

Justice Azmat Saeed regretted: "***It breaks my heart when I see such documents; [however,] the law would take its course.***"

Mr Raja also presented a **bill of export** to establish that machinery did leave Abu Dhabi customs for Saudi Arabia after the liquidation of Ahli Steel.

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But Justice Ahsan wondered why Abu Dhabi was chosen and why Dubai customs had no record of the transportation of the machinery, asking ***why the document was not presented earlier.***

**VOLUME-10 & HUDAIBIYA OPENED:**

**On 21<sup>st</sup> July 2017;** the SC's special bench ordered to go through the 'classified Volume X' titled '**Mutual Legal Assistance Requests – Ongoing**' of the JIT report and remarked that no substantial evidence could be found suggesting Maryam was dependent on Nawaz Sharif.

The specific Volume 10 was the only one which was not made public as the head of high-powered JIT, Wajid Zia had requested the top court to keep it secret saying it carried communications with foreign dignitaries who provided assistance to collect vital evidence.

**'Everything related to the case would be brought to light'**, remarked Justice Azmat Saeed and added that the Volume 10 was being inspected on the request of Kh Harris, counsel for Premier Nawaz Sharif. The bench also directed that no one would be allowed to see the contents of volume X before Premier's counsel; it was the prerogative of the apex court to make the volume X available to anyone.

The counsel for premier's son Salman Akram Raja winded up his arguments while justifying how the pricey London flats were purchased by the ruling family. Taking the floor he said that:

**"....same sized signature on trust deeds and other documents was a mistake but Sharif family could not be blamed for that; the signatures on trust deeds of Nescoll / Nielson were different from those on Coombre group.**

**[BOMB SHELL] The mistake [in fact forgery] was committed in the chamber of Barrister Akram Sheikh."**

Justice Ijazul Ahsan held that, on the contrary, Hussain Nawaz had said that making appointments in Solicitor's chambers in London on Saturdays was not possible.

Salman Raja admitted that "**there were clerical errors in the 2006 trust deed**", saying that the mistakes were made during the initial

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proceedings of the Panama Leaks case **when Advocate Akram Sheikh was representing the PM.**

Justice Ijazul Ahsan noted that during an address to the nation last year, the PM had said that all the records of the children's business activities were available. The judge remarked that: **"Some suspicious documents were then submitted to the speaker of the National Assembly. We have been waiting for these documents for a year now."**

Justice Ijazul Ahsan also observed that the issue remained there on the **use of Calibri font in trust deeds.** Justice Ejaz Afzal posed a point-blank question for Salman Akram Raja and asked: *'Do you agree that the reference should be forwarded to National Accountability Bureau?'*

To this Salman replied that the case needs a further probe. The counsel also contended that till 2004, the source money for business to Hassan, Hussain was provided by their grandfather, Mian Sharif; so if children fail to justify their assets, the father could not be blamed for that.

Justice Ejaz Afzal remarked that Maryam Nawaz was beneficial of companies but it was not mentioned in returns filed by her husband Captain Safdar; thus **'Representation of the People Act'** would sprung into action on this concealment of offshore companies.

The crux of that day's hearing was a remark of Justice Azmat Saeed who clarified that:

**'If children of premier fail to prove purchase of the properties in London, public office holder will be held accountable.'**

**NAB to open Hudaibiya Paper Mills reference:** As Senator Ishaq Dar's lawyer, Tariq Hassan, began his arguments, J Ejaz Afzal remarked:

*"Your stance is that neither the JIT nor the courts can re-open the **Hudaibiya Paper Mills** reference. The allegations levelled against your client are that his assets suddenly increased. Your client is the key witness in the Hudaibiya case."*

The lawyer representing NAB told the SC that the bureau had decided to reopen the Hudaibiya Paper Mills reference of 2000, saying he would file an appeal before the apex court within a week, challenging the decision of the Lahore High Court for closing the case.

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[During the regular Panama case hearing, Dar and his lawyers repeatedly disowned the confessional statements. The SC had reminded Dar's lawyer that if the confessional statement in the Hudaibiya case was considered withdrawn, **his status as co-accused would be restored** and the pardon granted to him would be considered withdrawn.]

Dr Tariq Hassan, Ishaq Dar's lawyer maintained that all the allegations in the JIT report were malicious and incorrect; and that Dar had remained an adviser to Sheikh Nahyan bin Mubarak Al Nahyan, a UAE minister, from 2003-2008, and received a sum of GB £8.2 million as his salary.

The judges wondered why a "**Terms of Services**" record had not been attached to Dar's appointment letter under Al Nahyan.

Dr Tariq Hassan concluded his arguments on the petition while saying that he faced a tough time facing the questions put forth by the bench; claiming that Ishaq Dar's life was like an open book. He also submitted tax record of Ishaq Dar spanning over 34 years to the apex court.

Tariq Hassan continued that Ishaq Dar was a professional accountant from the last 40 years; and that there was not a single case or evidence against Dar. It was not acceptable for my client to be dragged into accountability without a reason. He also claimed that Ishaq Dar did not conceal anything from the six-member JIT.

However, Justice Aijazul Ahsan expressed that:

*"Ishaq Dar's son provided funds to Hill Metal and wondered why the minister kept on demanding immunity before the JIT."*

*Ishaq Dar did not furnish any written contract of his services with Sheikh Al-Nahyan before the JIT...An **increase of Rs:800 million in assets of Ishaq Dar** in five years is surprising."*

Ishaq Dar's lawyer had no answers to the remarks by the learned judge; it seemed that the judges knew more facts than the lawyers.

**PTI's Counsel Naeem Bukhari:** the counsel for the PTI started his arguments to confront the answers given by the respondents. He [once more] contended that PM Nawaz Sharif concealed his company FZE Capital in his returns and so he was no more '**Sadiq & Ameen'**.

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Naeem Bokhari also claimed that a lie regarding the sale of **Jeddah mill** in Rs:33 million was told on the floor of the parliament; Article 62 and 63 of the Constitution deals with concealing assets.

Naeem Bokhari argued that the issue was related to conflict of interest and maintained that it was still unknown how **Hill Metal** earned such staggering profits. He further argued that '*It could be better if Nawaz Sharif had stated that Mian Sharif purchased London flats*'.

Bokhari also claimed that Maryam was front-man of Nawaz Sharif.

After Naeem Bokhari completed his arguments, Awami Muslim League chief Sheikh Rashid also spoke before the bench. He said that the Sharif family had not answered the 13 questions posed by the JIT and had failed to submit a money trail to the court.

At the end of the day, the supreme court of Pakistan reserved the judgment in the landmark Panama Leaks case after it concluded hearing. Before reserving judgment, Justice Azmat Saeed remarked that '*...the bench guarantees examining the issue of prime minister's disqualification, in the backdrop of Panama papers*'.

Justice Ejaz Afzal also remarked that the top court was already reviewing the issue of disqualifying prime minister. The third member of bench, Justice Ijazul Ahsan remarked that the bench would not back off after issuing a verdict, which would be announced later.