

## **Scenario 220**

### **POST 28/7 JUDGMENT AFFAIRS**

Nawaz Sharif of the Pakistan Muslim League Nawaz Faction PML[N] grasped victory in general election of 11<sup>th</sup> May 2013, with sweeping majority from Punjab, enabling him to become the prime minister for the third time. The nation witnessed smooth transfer of power and it was a historical moment in the country.

**On 28<sup>th</sup> July 2017**; a Supreme Court bench sent Nawaz Sharif home unceremoniously with a unanimous verdict declaring him that he was **'NOT HONEST'** to the nation. What went wrong between 2013 and 2017, which not only led to the fall of PM Nawaz Sharif for the record third time but also brought an end to his 32 years of parliamentary politics?

Nawaz Sharif pleaded that he was innocent and fell victim of the conspiracy; but by whom and why [*see the **Scenario 216** in this regard*] – he never made it open and explicit. An option of filing a review petition was with him, however, with remote chances of success.

It was worked out by the PML[N] and, of course, Nawaz Sharif wanted it that Shahid Khaqan Abbasi would be the new incumbent for 45 days, and then his brother CM Shahbaz Sharif [*after winning by-election from NA-120 first to become eligible for the PM's slot*] would take over till the next elections in 2018.

### **ABBASI - NEW PRIME MINISTER:**

**On 1<sup>st</sup> August 2017**; Shahid Khaqan Abbasi, a loyal supporter of Pakistan's ousted PM Nawaz Sharif, got elected as his successor by the country's parliament; PML[N]'s Abbasi received 221 votes in the 343-member National Assembly. His closest rival, Syed Naveed Qamar, from the opposition party PPP, secured 47 votes. PTI candidate Sheikh Rashid secured 33 votes and JI's Sahibzada Tariqullah four.

Mr Abbasi, 58, was sworn in to his office at the presidency palace in Islamabad but his party only wanted him to serve as an interim premier for 45 days until Shahbaz Sharif could win a National Assembly seat in a by-election. The opposition criticised this plan as dynastic and undemocratic, something Mr Abbasi rejected while saying:

*"I may be here for 45 hours or 45 days. I am the prime minister and I am not here to keep the seat warm, I will do the work of 45 months in 45 days, if I remain here."*

Shahid Khaqan Abbasi took oath in presidency as 18<sup>th</sup> prime minister of the country; MQM-P, with 24 members also announced to back PML[N]'s candidate for the slot. The new PM criticized the Supreme Court [SC] of Pakistan's verdict that disqualified Nawaz Sharif a week before shortly after being elected as PM; while saying that:

*"I am with Nawaz Sharif for 30 years, he never asked me to indulge in corruption. Nawaz Sharif's fault is that he made Pakistan a nuclear power. Those [PTI] who levelled allegations against Nawaz Sharif have ended up securing only 33 votes.*

*There would be another Supreme Court where there would be no JIT, and where we will depose that Nawaz Sharif never indulged in corruption. I am also grateful to the opposition and Imran Khan for remembering us in their daily slandering."*

Moving on, PM Abbasi termed the SC's verdict on the Panama Leaks case **"unprecedented"**, saying that **"although the party was blind-sided by the judgement, we accepted it as it was"**.

Continuing, the prime minister-elect urged that the Constitution be respected; adding that:

*"Politics, which has come to be seen as a disreputable profession, will be made respectable again. **Be it the government, bureaucracy, opposition or the army – we are in the same boat,** and a hole in this boat will sink everyone.*

*We will continue taking difficult decisions; we'll take action against private militias providing security to citizens. There is not a single country in the world which allows the licensing of automatic rifles for citizens. Action will be taken against them if my cabinet allows for it. The federal government will seize all automatic weapons, compensating people in return."*

The premier, carrying forward Nawaz Sharif and the PML[N]'s promises, vowed to eliminate load-shedding by November that year [2017] as he highlighted various infrastructure and development projects initiated by his party and government as examples of its commitment to the country's growth. PM Abbasi further divulged:

*"One thing that is very close to my heart is [the collection of] taxes. The perception here is that paying taxes is optional [...] if my cabinet approves, I will set my sights on non-taxpayers."*

PM Abbasi also briefly mentioned a focus on agriculture, education and health services. Speaking about the state of education, the premier called for improvements in higher education and the need for a national testing mechanism. PPP's Naveed Qamar said:

*"...the advice you get from technocrats and others will sound very logical, but the advice you get from this house will be that which matters to the people. You said you have 45 days, but I will nonetheless insist that you have 10 months."*

Sheikh Rashid, the second runner-up, also congratulated Abbasi on becoming the prime minister through a democratic process; however, he expounded on shortcomings in the **PML[N]'s economic policy, including a \$5 billion decrease in exports, an 'unbelievable' \$35bn loan, and unemployment of about 1 million people.**

Just to show a gesture of loyalty and thanks-giving, the new PM Abbasi dismissed the corruption allegations against his former leader and said he hoped Nawaz Sharif would return to parliament soon. His words were that the people of Pakistan did not accept Sharif's disqualification and vowed to continue his predecessor's plans.

PM Abbasi was jailed [spent two years behind bars] by Gen Musharraf for not testifying against Sharif's following 12<sup>th</sup> October 1999's bloodless coup in which Nawaz Sharif's elected government was overthrown. Nawaz Sharif and his family subsequently signed a ten years '**no politics**' contract and had left for Saudi Arabia. However, that loyalty to Sharif's was later repaid to SK Abbasi with a high-profile cabinet position when Nawaz Sharif returned to power in May 2013.

PM Abbasi was a member of the governing body of the PML[N]. He has been elected to Parliament six times, losing an election only once. Representing Murree area, a constituency in Rawalpindi, Mr Abbasi entered

politics in 1988, when he ran for and won the seat vacated upon his father's death.

After losing his first and only election in 2002, Mr Abbasi founded **Air Blue Limited**, a budget carrier. After being elected to Parliament in 2013, he was named as Commerce Minister; then awarded as Minister of Petroleum & Natural resources in 2013. He held that position until last week, when Mr Sharif's cabinet was disbanded by the Supreme Court.

Mr Abbasi comes from a wealthy and well-connected political family. His father was a Member of the Parliament and a commodore in the Pakistani Air Force. His father-in-law was Director General of Inter-Services Intelligence [ISI] – Pak Army.

**'New York Times'** dated **1<sup>st</sup> August 2017** wrote about PM Abbasi:

*"An electrical engineer by training, he received a bachelor's degree from the University of California, Los Angeles, and a master's from George Washington University in Washington.*

*People who know him, including businessmen who have dealt with him, say he is highly intelligent and has a sharp sense of humour. In addition to his holdings in **Air Blue**, he is said to own property in his hometown, Murree, and a restaurant business, making him one of Parliament's richest members."*

**On 2<sup>nd</sup> August 2017;** the veteran journalist Mazhar Abbas wrote in daily **'the News'**:

*"Nawaz Sharif's four-year term revolved around few controversies, some generated as a result of his own decisions, while others struck as a consequence of his decisions.*

- ***Trial of former army chief, Gen Musharraf,***
- ***Civil-military relationship,***
- ***Karachi operation, which, in the later stage, led to the break-up of his relationship with both the MQM and the PPP – their partners in thick & thin,***
- ***Imran Khan's dharna and his aggressive politics,***
- ***[Secret] relationship with India.***

*Metro Bus and Motorway remained hallmark of his term as well, like during his previous two terms, beside number of energy projects, as he had promised zero load-shedding during his tenure.”*

Many PML[N] leaders in Punjab believed that Nawaz Sharif '**smartly deprived**' his younger brother [Shahbaz Sharif] of an opportunity to become prime minister and at the same time shattered the dreams of his nephew, Hamza Shahbaz to take over Punjab.

According to them, Shahabaz was made to miss a golden opportunity to succeed his elder brother as there was no guarantee he would get the premier's cap in 2018 in case the PML[N] would win the election. Kalsoom Nawaz would be there if Maryam Safdar got entangled in the accountability process – though the former was not healthy enough.

The fact remains that Shahabaz failed to convince his elder brother or the latter played smart politics to keep him confined to Punjab. Nawaz played excellent family politics. First he announced Shahbaz his successor. Later a campaign within the PML[N] was built that Shahbaz's absence from Punjab would be disastrous for the party.

Shahbaz Sharif tried his best to persuade Nawaz not to worry about Punjab and leave it to his son [Hamza]; Shahbaz also managed to send a request to Nawaz Sharif from more than 200 PML[N] MPAs from Punjab, endorsing father in the centre and son in Punjab – but Nawaz Sharif didn't buy the said game; as if was family business or monarchy.

***Once the decision was conveyed to Shahbaz, he asked his confidant Minister Rana Sanaullah to tell the media that how most party members wanted him in Punjab. It was only a face saving for Shahbaz.***

The inner circles knew that the decision to 'retain' Shahbaz in Punjab had been finalised. The extended cabinet of PM Abbasi was a proof of it; the on-going arrangement suited the leadership as Nawaz Sharif would see matters in the Centre and Shahbaz Sharif in Punjab.

Later, an 'official' announcement was also made about withdrawing Shahbaz Sharif from the NA-120 race; Nawaz Sharif had announced after his disqualification by the SC that his younger brother would be the REAL prime minister after an interim arrangement of 45 days for which Mr Abbasi was selected; then Kulsoom Nawaz was announced as PML[N] candidate for vacant NA-120 – and got her elected too. The family intrigues and Shahbaz Sharif's politics both ended at least till next elections.

PML[N]'s stalwarts had genuinely believed that the party wanted Shahbaz in Punjab which was their stronghold constituency. Since Shahbaz had good equation with all MPAs in Punjab and all ongoing development projects were on his finger tips, a larger section of the party was of the view that he better continued delivering in Punjab.

### **PM NAWAZ SHARIF'S 3<sup>RD</sup> EXIT:**

Nawaz Sharif started his third power journey well. He gave a reception to the outgoing president, Asif Ali Zardari, and despite PPP's reservation over elections, which Zardari had termed 'ROs polls', the PPP leaders attended the reception and congratulated Nawaz Sharif.

Nawaz Sharif took a historic decision in Balochistan, when despite PML[N]'s majority, he allowed National Party's Dr Abdul Malik to form government in an arrangement with the PML[N]. Two-and-a-half years were given to the NP, and the second half tenure was kept reserved for PML[N]'s Sanaullah Zehri – and later got it implemented smoothly.

Trouble started when Nawaz Sharif, against the advice of his own senior party leaders decided to put Gen Musharraf on trial for high treason; **3<sup>rd</sup> November 2007's Emergency Plus**. The subsequent days proved that it was a decision in haste without sensing the mood within the military ranks especially of the new incumbent Gen Raheel Sharif.

The military reacted differently; everyone witnessed PML[N]'s discomfort and embarrassment, and ultimately Nawaz Sharif withdrew its original stance and Gen Musharraf was allowed to leave the country in a strange manner, leaving many questions unanswered.

In the year 2014, the army had launched a major operation in North Waziristan for the first time, the Pak-military narrative about Taliban had changed. The army asked Nawaz Sharif to politically own the operation and pacify the voices of concern, coming from religious parties as well as from Imran Khan but [surprisingly] he preferred to stand by **Tehrik-e-Taliban Pakistan** [TTP]; Maulana Fazlur Rehman and Rana Sanaullah were made to keep secret liaisons with Taliban leadership.

Then, Nawaz Sharif took a controversial decision by initiating a dialogue with the TTP through a committee; the talks were seen broken after Taliban refused to lay down arms and put some hard conditions. It resulted

The Living History of Pakistan Vol-VII

in the massacre of 143 children at the Army Public School [APS] Peshawar; Imran's stance had also changed and he supported the operation of the military which they had to plan in changed security situation.

In 2014, Nawaz Sharif took another major decision about the Karachi operation while trying to keep both the PPP and united MQM into bond. Special powers were delegated to the rangers and an apex committee was formed to monitor the operation on day to day basis. Unlike the past three operations in Karachi, it was decided that it would be across-the-board and Pak-Army was asked to send its Rangers there.

Nawaz Sharif claimed the above move as his success; yes – partially it was though Rangers iron hand had played the major role. However, the hidden policy of friendly opposition from the PPP was lost with the arrest of Dr Asim Hussain. The MQM was the worst-hit, as not only its strong alleged militant group was dismantled, but the party was also divided into three factions; has been discussed in detail in:

**THE LIVING HISTORY OF PAKISTAN VOL-III & IV**

[810 pages] printed in Surrey UK in 2017.

The fact remained that Nawaz Sharif could not tackle the PTI and its chief Imran Khan in an effective way. Sharif twice missed the bus for resolving the crisis; first, when Imran Khan demanded probe into alleged rigging in FOUR constituencies. It was not such an issue to address from someone like Sharifs with a comfortable majority in the assembly.

Nawaz Sharif should have engaged him and without any probe could have gone for re-election; it could have defused the vary cause of 126-day *dharna* and also the incident of Model Town killings blown up by Dr Qadri. Luck again favoured Sharifs because the PPP and other opposition parties stood with the Parliament and in a way rescued the Prime Minister Nawaz Sharif from a no-win situation.

Later, the Judicial Commission findings against a large-scale rigging also gave the PML[N] an upper hand as was expected by all; however, Nawaz Sharif didn't opt to bring major electoral reforms for making the parliament strong - thus on domestic front created problems for himself.

More conspicuously, Nawaz Sharif lost all sympathies of his own voters when he went too fast in developing relationship with India without realising that good relations with Pakistan negate the very basic politics of Indian PM Narendra Modi. PM Modi's surprise visit to Lahore had not been

for improving relationship with Pakistan, but just to show thus deceive the world that India was moving forward.

The China-Pakistan Economic Corridor [CPEC] was the biggest achievement of Nawaz Sharif but it was also true that the initial work for CPEC had taken start during the PPP government. The PML[N] government could rightly claim of taking the matter on a fast pace despite certain controversies like eastern / western routes etc. By making changes in the major rout of motorway from North to Gwadar, the PML[N] lost confidence of not only his political allies but caused delays in project.

Lastly, the Panama Leaks appeared in April 2016 not only gave new political life to Imran Khan [***who was down after big political loss in election rigging case***] but also created serious problems for Sharifs. Like the way he mishandled 2014 *dharna*, Nawaz Sharif once again misjudged the issue. He had the great opportunity in defusing the tension by engaging the parliament and other parties but missed the train.

In Mazhar Abbas's words again:

***"Politics is the game of opportunities, possibilities and timing; if you miss opportunities, there is left nothing for any politician but to regret."***

**On 7<sup>th</sup> August 2017;** Former Prime Minister Nawaz Sharif made open to the media-men that the decision to disqualify him had been taken earlier and the reason in this regard was searched later. He also turned around his earlier decision and announced that CM Shahbaz Sharif would stay in Punjab and would not contest the by-election of NA-120, Lahore. No party candidate for the by-poll was selected till then.

Nawaz Sharif disclosed when a judge stated over lack of promotion of a bureaucrat [***that the prime minister should know there is still a lot of space in the Adiala Jail***], he had written a letter to the then CJP Anwar Zaheer Jamali but got no response. The fact was that file of the official concerned was not found even with his office.

The former prime minister said that the judges' remarks like **godfather**, behind every fortune there was a crime and the government was the **Sicilian Mafia** were inappropriate. He felt that not only he but every member of his family had appeared before the Panama JIT; AND a flimsy ground was made the basis of his disqualification.

Nawaz Sharif told the media:

*"When he had declared millions of rupees, his property and other assets why he would have concealed a petty amount – the un-drawn salary – that he even did not receive from his son's company. He was its chairman only to get Dubai's visa.*

*At the time, he was in London that he had to leave after every six months. He wanted to get rid of the frequent visa hassle."*

When Nawaz Sharif was leaving for Raiwind from Islamabad, he was pointed out that there were greater risks in travelling by the GT Road, he said: *"I have pristine objectives to achieve not for my person but for the people. The question is of Pakistan's future."*

Nawaz Sharif consciously avoided to answer questions about giving a prize posting to former army chief - saying he would not speak on sensitive matters. To another question, he said it was Chaudhry Nisar Ali Khan's own decision not to be part of the new federal cabinet of PM Abbasi; however, the media knew well about deep gulf within the PML[N].

After Nawaz Sharif's departure, there were odd cartoons in the world media especially in America on which he said this was the bad image of Pakistan being painted abroad. Answering a media question he said Gen Musharraf had specifically promulgated the **National Accountability Ordinance [NAO] 1999 to persecute him and regretted that his government could not somehow get rid of this law.**

Nawaz Sharif had instantly relinquished his charge as PM and left his prime ministerial office after the apex court judgment but showing utter resentment; saying he had several reservations about the verdict. He considered it NOT appropriate that the mandate of millions of people was thrown away and sent packing **by just five people.**

Nawaz Sharif cried over the situation declaring it **'all un-precedented developments'** – constitution of bench and later another bench, formation of the JIT, presentation of its fortnightly reports to special bench of the SC, monitoring of the proceedings of the Accountability Court and the NAB by a SC judge, inclusion of ISI and MI representatives in the JIT and finally judgment announced by FIVE judges instead of THREE.

The former prime minister was satisfied that it was not a corruption charge or misuse of official authority allegation that became the ground for his

disqualification but his disqualification was based on a **'trivial issue'**[?]. His well-wishers had counselled him not to appear before the JIT or resign before presenting himself before it but he refused because, as per PM's contention, **'his hands were clean'**.

Nawaz Sharif was prepared to talk about the Charter of Democracy [CoD] with Asif Ali Zardari and every other political party AND to reframe its provisions so that the recurrent drama [of accountability] might come to an end; as if he was on a noble mission but Zardari had a far better political mind to sense consequences well ahead – thus he declined.

**On 9<sup>th</sup> August 2017;** former PM Nawaz Sharif, on his way back to Lahore, addressed his rally at Committee Chowk Rawalpindi and said **that the Supreme Court's decision to depose him last month was a 'joke' and an insult to voters;** adding that he did not want their support for his reinstatement but for changing the destiny of the country. The exact narration comprised of following scripts:

***"....that the [SC's] decision against him was an insult of the mandate given to his government by the people of Pakistan; the world and the Pakistani nation had not accepted it at all.***

***I want to ask you whether the [SC's] decision was correct; [the gathering chanted No, No]. SC's decision is mockery - when no corruption charge was found, I was disqualified for not taking salary from my son.***

*Had my government not been ended, unemployment could have been done away with in the next two to three years [however, the statistics showed that during PMLN's four years, unemployment had increased by about 9pc]*

*The country would no more like this joke with democracy."*

In nut shell, while he was travelling to Lahore, the decline of Nawaz Sharif and his empire, his political faction and PML[N] culture, was being televised, live, across Pakistan along with his caravan of supporters, dwindling in parts, here and there.

### **DISQUALIFIED PM LEADS A NATION:**

Nawaz Sharif was a tired man till then, who had lost his political punch as well as all semblances of democratic ethics; he was politically isolated even

in the midst of thousands of supporters. Was he targeted by some undefined conspiracy, which stretched from the shores of Panama to the cathedrals of justice and khaki doors of Rawalpindi – one has to analyse NS's language & expression during his circus journey to Lahore.

During the initial days of disqualification, Nawaz Sharif had been [erroneously] told that his popularity was enough to overwhelm State institutions. That if he went to the public, through the GT Road, his reception would shake the army and judiciary – they would have no choice but to restore him. How wrong were his advisors led by his daughter Maryam and Talal, Danyal and Saad being her team.

As the journey started, Nawaz Sharif suddenly discovered that he was the emperor without clothes; that his popularity could impress only few likes of Talal Chaudhary and Marvi Memon. This reality turned him into a besieged and plagued creature; he started cursing the judges & Generals and soon discovered that no one really wanted to buy his shouts and tears.

***As the journey became arduous & tiring, so did his rhetoric; his speeches focused on three central ideas - military, judges and Imran Khan.***

Nawaz Sharif claimed that the Army ["establishment"] had sent his democratic governments packing like over the past 70 years. BUT the general populace knew that **he himself had come to power in early 1980s simply because he was the favourite child of a military ruler – Gen Ziaul Haq**. Then he conspired with the then army chief to dislodge the elected government of Benazir Bhutto in August 1990 [now established through the Asghar Khan case]; **Judges & Generals in Pakistan Vol-I [2012] GHP Surrey UK** is referred.

Nawaz Sharif claimed that five people [the judges] sent him home, even though millions had voted him in. Who could remind him that it was not just five 'people' it was the honourable Supreme Court of Pakistan - empowered by the Constitution of Pakistan to do so. Sharif was forgetting that even one unconfirmed judge of a High Court is empowered by the Constitution to dismiss the guilty Prime Minister.

Nawaz Sharif tried to make visible that constitutionalism was a hindrance for democracy. At each stop, he asked his supporters whether they would defend the people's mandate thus pitting democracy against constitution, or pitting anarchy against rule of law. What rhetoric; that anyone who could gather a few thousand people in the streets should be considered

above the law, the Constitution and the Courts? If a murderer produces a thousand people in his support, should he be exonerated?

It was not democracy at all; these were sounds and images of a dynasty that had finally collapsed. And that decline – the slow and painful crumbling of a legally proved corrupt politician – was being televised live for the whole world to laugh at the quality of governance in Pakistan. In fact it was a tragic end corrupt leadership.

**'Still my PM':** On the same day, National Assembly Speaker Ayaz Sadiq said that ***'he still considers Nawaz Sharif his prime minister - in my heart.....'***

Ayaz Sadiq was speaking to reporters after attending a meeting of top PML[N] leadership in Raiwind; the meeting, was chaired by Nawaz Sharif and attended by Hamza Shahbaz, Kh Asif, Saad Rafique, and Rana Sanaullah, among others.

In the meeting, the main focus remained on strategies to amend laws to make it easier provide easy and cheap justice to public. *"Whatever happened with us & [PML-N] should not happen again and we need to amend the constitution to ensure that,"* one participant held.

After that, new developments took place in Punjab – **'black coat barbarianism'**; a group of PML[N] lawyers pelted stones at the Lahore High Court building. Simultaneously, Nawaz Sharif and his family refused to appear before the NAB authorities [pursuant to the Court's order] in the wake of simmering differences between the bench and a minority segment of the bar, with the aim of eroding judicial authority.

**[The facts:** *some arguments between Mr Sher Zaman, President of Multan Bar Association and Justice Qasim Khan, culminated in a contempt notice issued against Sher Zaman. In its aftermath, a full Bench of the Lahore High Court [LHC] issued a show-cause notice to Sher Zaman on 26<sup>th</sup> July 2017, directing him to appear before the said Court on 31<sup>st</sup> July. Sher Zaman refused to accept notice.*

*Nonetheless, the LHC exercised restraint and did not proceed against him on the said date, based on assurances given by senior members of the bar that 'they will ensure the presence of contemnor' on the next date of hearing. The case was then fixed for 2<sup>nd</sup> August, when Sher Zaman again refused to appear before the honourable Court. The Court, once again, exercised restraint, and did not issue non-bailable warrants of arrest, on the assurance*

*of President and Vice-President of LHCBA, that he would appear on the next date of hearing.*

*On the 11<sup>th</sup> August 2017, when the case was fixed for hearing, Sher Zaman still did not appear before the Court. Instead, senior members of Pakistan Bar Council and Punjab Bar Council, including Mr Ahsan Bhoon, Ms Asma Jehangir, Mr Farhad Shah and Mr Ghulam Sarwar Nihung, appeared before the Court and 'unanimously undertook that if they fail to produce the contemnor before the Court on the next date of hearing, they will disassociate themselves from the contemnors and would want the Court to proceed against the contemnors in accordance with law.'*

*Finally, on 21<sup>st</sup> August 2017, when the case was next heard, Sher Zaman once again failed to appear before the Court; thus in light of his **'consistent defiance to appear'** before the Court, non-bailable warrants were issued.*

*Feeling disgraced; the alleged supporters of Sher Zaman showed reaction; ransacked the LHC building, broken down its gates, and pelted stones at Court officials and the police around. In response, the police used water cannon and tear gas to disperse the crowd, which enraged the 'lawyers' who then attacked the Court with full vigour and anger.]*

Around the same time, in the face of failing battle cry of 'revolution', the Sharifs launched its own series of attacks against the judiciary that had disqualified Nawaz Sharif; and started repeating their malicious rhetoric against **'five people'**. Anti-judiciary sentiments were openly played and displayed with nefarious and evil designs.

Nearly four weeks after the SC announced disqualification, [media reports of 25<sup>th</sup> August 2017 are referred] the former Prime Minister Nawaz Sharif remained comprehensively engaged in guiding the PML[N]; even at that difficult moment, Asad Junejo, son of former Prime Minister Mohammad Khan Junejo, joined it after meeting Nawaz Sharif.

Before departing for his one-day visit to Saudi Arabia, new Prime Minister Shahid Khaqan Abbasi held a consultative session with Nawaz Sharif which was also attended by Finance Minister Ishaq Dar and others, who accompanied him to Jeddah. Nawaz Sharif's entire core team was back in the federal cabinet with some additions recommended by him [ex-PM] to his choice successor, PM Abbasi.

Apart from earlier appointment of five special assistants [SAs] – Barrister Zafarullah, Miftah Ismail, Senator Dr Asif Kirmani, Dr Mussadiq Malik and Kh Zaheer Ahmad that followed the cabinet formation – the latest selection of another two SAs – Nasir Iqbal Bosal and Haroon Akhtar – completed the circle of nominations for top positions.

Besides Nawaz Sharif's omission, former Interior Minister Ch Nisar Ali Khan opted out as per his announcement made before the 28<sup>th</sup> July's ruling that he would stay out of the federal cabinet regardless of the judgment. However, Nawaz Sharif was able to earn much larger sympathy wave due to apparently minor ground on which he was declared ineligible. The return of his whole team in the federal cabinet demonstrated that he kept on holding the complete sway.

PM Abbasi had declared on the very first day that Nawaz Sharif's policies would be continued and implemented in letter and spirit. Virtually every PML[N] leader and worker looked towards him; he was the unique disqualified ex-premier, who relished firm control over the government while being out of office. He successfully allocated work of the government and the PML[N] separately to various groups.

That division of functions had to continue till the general elections in 2018. Obviously, the ex-premier aimed to lead the PML[N] into the fresh parliamentary polls. Nawaz Sharif's some opponents wanted to see him in jail sooner than later but Sheikh Rashid opposed such action as it could politically benefit the ex-premier.

Saad Rasool's essay, titled as LAW OF MAFIA, appeared in daily '**Nation**' dated **27<sup>th</sup> August 2017** described well about that day's Pakistan:

*"A new un-written Constitution – if you have 'X' amount of money, you need not suffer through an accountability process in Pakistan.*

*If you can gather a thousand people in the streets, you need not go to jail. If you can convene a hundred black-coats, you will not be held in contempt. If you can call a lawyer's convention, you may scandalize and ridicule the bench. If you can get (buy?) a certain number of votes, you still not be disqualified.*

*You may martyr people in a street (Model Town killings), and will never be made to answer. If you live in large enough mansions, you need not justify their means. If you own properties and **iqamas** abroad, you may escape this country, unscathed.*

*And Allah Ditta, who can do none of these things, will appear in court, be held in contempt, suffer the NAB, and be jailed [not for fun sake] - being weak as well as poor."*

### **REF AGAINST JUSTICE KHOSA [SHAME]**

In mid August 2017, a five-page complaint against Justice Khosa was circulated among media persons, wherein page 2 of the document which seemingly detailed Justice Khosa's alleged '**misconduct**', was missing; there were no signatures or stamp on the complaint.

In the '**reference**', the speaker of the National Assembly Ayaz Sadiq had allegedly complained that Justice Khosa's calling him as a nominee or loyalist of the PM and it was a misstatement and contrary to the facts. It also caused disparagement and breach of privilege of the august house of the National Assembly comprising 342 members and the speaker elected by those members as the custodian of the house.

Para 68 of Justice Khosa's judgment cited above said:

*"...Even the speaker of the National Assembly who could refer the matter to the Election Commission of Pakistan belongs to his political party and is his nominee."*

The reference contained unusually harsh words against Justice Khosa, including that "*the honourable judge miserably failed to comprehend and appreciate the speaker's powers under the Constitution*".

Other accusations included Justice Khosa's alleged contempt for the speaker's position according to the warrant of precedent - that the honourable judge "*tarnished the noble image and reputation enjoyed by the judiciary in Pakistan and the comity of nations.*"

Justice Khosa was in the news since he quoted novel '**The Godfather**' in his judgment dated 20<sup>th</sup> April 2017 on the Panama Leaks case. The reason behind creating the controversy was that Justice Khosa was going to head a five-member bench of the apex court to hear review petitions of former PM Nawaz Sharif and his children.

Being the senior-most judge of the apex court, he himself was also a member of the Supreme Judicial Council [SJC] where complaint against

The Living History of Pakistan Vol-VII

NAB Chairman Qamar Zaman was also pending. J Khosa had not only passed judgment against Nawaz Sharif, but also against former Chief Executive Gen Musharraf.

The SC registrar, who was also Secretary of the SJC, denied receiving any complaint against Justice Khosa.

The statement issued by AGP Ashtar Ausaf said: *"It appears that someone or some political party is trying to create a wedge between the legislature and the judiciary. You may have noticed a lot of disinformation being spread around. The idea seems to create despondency."*

The National Assembly speaker's office also contradicted the news; the National Assembly spokesman said: *"The speaker has not filed any reference against any judge of the Supreme Court."*

It was a planned conspiracy from more loyal activists of PML[N] against Justice Khosa which died its own death after a day's maligned campaign on Pakistani media. See an analysis appeared in daily '**Nation**' dated **20<sup>th</sup> August 2017** on that conspiracy against the apex judiciary:

*"Nawaz Sharif is perhaps no Pharaoh, nor can he be counted in the same league as Caesar. However, his tirade against the judiciary, during the whimpered GT-Road rally, culminating in a reference being drafted [**on behalf of the Speaker**] against Justice Asif Saeed Khosa, has all the signs of a desperate individual whose dynastic dreams are finally crumbling underneath the weight of constitutionalism and the law."*

The fact remained that Justice Khosa's observations with respect to the Speaker were correct and based on facts; the Speaker had favoured Nawaz Sharif in the Parliament, by not sending his case to the ECP. He [the Speaker] had dismissed all references against Nawaz Sharif regarding Panama, while forwarding those against Imran Khan and PTI's Jehangir Tareen to the ECP. In reality he was the most partisan Speaker in Pakistan's Parliamentary history.

Pakistan's history also witnessed that the PML[N] had once supported the SC in making observations against PPP's Speaker, at the time of Yousaf Raza Gillani's dismissal; **PLD 2012 SC 774** is referred. The political elite forgot that the Supreme Court could pass appropriate directions about '**administrative decisions of the Speaker**' again had the situation demanded and the apex court consider it appropriate.

Astonishingly, the said observations regarding the Speaker Ayaz Sadiq were passed by the SC's bench in its decision dated 20<sup>th</sup> April 2017, the why wait for almost 4 months – simply because the final verdict on Panama Leaks was delivered on 28<sup>th</sup> July 2017. The truth remains that when PML[N]'s verbal threats against the judiciary – from **Saad Rafique's 'lohey kay chaney'** to the barbaric speech of Nihal Hashmi – failed, PML[N] resorted to build pressure against judiciary through notorious gimmicks.

Nawaz Sharif's GT-Road rally could not pull enough crowds to achieve his political objectives though he had started the rhetoric of **"five people having robbed him of the sanctity of vote"**. When that did not work out according to PML[N]'s plans, then a direct attack on Justice Khosa was launched; a hopeless attempt to intimidate the esteemed judges and to make the Supreme Court controversial.

The intelligentsia held that through the above moves, the PML[N] declared an open war against the judiciary and the Constitution; political rhetoric, and [at last] the draft reference against a senior judge were testament to this fact. Sharifs' dynasty was crumbling but the nation didn't allow the constitutional institutions to be damaged.

Recall the attack on the Supreme Court of Pakistan in November 1997; some one using name of the Speaker of National Assembly, at the behest of his political master, decided to directly attack the integrity and esteem of the honourable Supreme Court, by singling out Justice Khosa, who headed the five-member Panama case bench.

The Attorney General of Pakistan claimed that no such reference was filed. Fair enough but, despite this clarification, no one affirms that who drafted that reference. It was the same or similar strategy which was adopted against the military, during Dawn Leaks in mid-2016.

However, as a result, the drafted reference glorified Justice Khosa's stature and firm standing for law and the constitution.

#### **NAB CASES OF SHARIFs OPENED:**

**On 7<sup>th</sup> September 2017;** the Executive Board meeting of the National Accountability Bureau [NAB] approved references to be filed against the Sharif family and Finance Minister Ishaq Dar; the Supreme Court had

ordered the NAB to file references against Sharif family and Senator Dar within six weeks and the deadline was going to end that day.

The meeting which took place at the NAB headquarters was presided over by NAB chairman Qamar Zaman Chaudhry; the references approved by the executive boards were prepared by NAB Lahore and NAB Rawalpindi. The meeting reviewed the four references against former Prime Minister Nawaz Sharif, Maryam Nawaz, Captain Safdar and Ishaq Dar.

Next day, NAB authorities filed four references along with over dozen documentary files from six countries against the Sharif family and Finance Minister Ishaq Dar; 17 communications containing actionable evidence from foreign countries were submitted along with.

The Central Authority of Switzerland, in response to two requests, provided all the details sought by the JIT against the accused in the Panama Leaks case. The British Virgin Islands [BVI] provided details about all the offshore companies owned by the children of Nawaz Sharif.

The government of United Kingdom also provided details about Avenfield properties under the Mutual Legal Assistance [MLA]. All new files had come through Volume X, this was an ongoing process. The government of Luxemburg also responded to the JIT request accordingly.

Similarly, **Saudi Arabia, in its seven communications**, also provided some facts about properties of Hussain Nawaz and his family. The governments of United Arab Emirates [UAE] and KSA also provided details about **Azizia Steel Company, Capital FZA and Hill Metal Est.**

UAE government also provided details about Finance Minister Ishaq Dar, who was also facing a separate reference. NAB also relied on findings gathered by the Panama JIT headed by Wajid Zia.

The references were filed in Accountability Courts in Rawalpindi and Islamabad; the NAB HQ sent the copies of approved references. NAB Lahore had sent references against Nawaz Sharif and his children over Avenfield Properties and against Ishaq Dar for possessing assets beyond means. Similarly, the NAB Rawalpindi had prepared reference against Sharif Family over Azizia Steel Mills and their 11 companies.

[It was a point to note that a day earlier {on 6<sup>th</sup> September 2017}, SC's three-member bench expressed its annoyance with the NAB performance in Balochistan. While hearing a case against

Balochistan's former food minister Asfandiyar Kakar, the SC held that NAB was facilitating corruption in the province with its poor performance; unfortunate state of affairs.

Justice Dost Mohammad commented that: ***'The poor performance of NAB Balochistan's DG Irfan Mangi is visible.'*** Justice Faiz Essa said ***'...he should be made a co-accused in the case because of his dismal performance'.***

The said comments of Justice Dost were criticized all over the media and intelligentsia because the apex court knew that:

***"Mr Mangi remained engaged in the Panama Leaks JIT and it was more important cause thus he could not spare time to supervise the said case against the former food minister.***

***Secondly; due to very close buddy of PML[N], DG NAB Qamar Zaman Chaudhry purposefully kept Irfan Mangi away from Food Minister's case."***

Otherwise, SC's Justice Essa was correct to point out that NAB had made fun of country's judicial system; people who were caught "red-handed" were being released.

Food Minister Kakar was granted bail against a surety of Rs:5 million; he was arrested by NAB in the high court premises in March 2017 after Balochistan High Court rejected his bail plea. Kakar was accused of embezzlement of over Rs:2 billion during the government of Pakistan Peoples Party while he was serving as a food minister in the provincial cabinet of former Chief Minister Nawab Aslam Raisani.]

Referring to **'the News'** dated **11<sup>th</sup> September 2017:**

***"All the properties owned by former prime minister Nawaz Sharif, his children and Finance Minister Ishaq Dar in the country now stand attached and cannot be transferred to any other person after filing of references against them by the NAB in the light of the Supreme Court's July 28 verdict in the Panama Papers case."***

The Living History of Pakistan Vol-VII

Similarly, the Sharif family members could not make transactions through their bank accounts without prior approval of NAB. However, the properties owned by the Sharif family and Ishaq Dar in foreign countries could not be attached as there was no such provision in any law under which NAB could take this action.

*{ Under the Money Laundering Laws & provisions, the NAB through government of Pakistan could ask the foreign countries, especially Dubai and UK, to get hold those estates for onward return to the peoples of Pakistan – BUT as the PML[N] government remained in saddles, so no action of any sort was taken. }*

Further, that none of the NAB regional offices had recommended that the names of the accused persons should be included in the exit control list [ECL]; the question didn't arise in the meeting of the Executive Board of NAB – as the PML[N]'s paid team was there.

The NAB Rawalpindi submitted references with the NAB HQ on 31<sup>st</sup> August 2017, whereas references from Lahore NAB office were received on 5<sup>th</sup> September. During the meeting, the prosecution branch opined that the references had enough evidence to strengthen the case and further information would be added to main case as soon as replies received from foreign countries.

The evidence collected from the FBR, FIA and other offices within short time was a highly professional job done by regional offices of NAB. Regarding attachment of the properties as soon as the inquiry started, Section 23 of NAB Ordinance 1999 was very clear. It reads:

*"Notwithstanding anything contained in any other law for the time being in force after the chairman NAB has initiated (an inquiry or) investigation into (any offence) under this Ordinance, alleged to have been committed by an accused person, (accused) person or any relative or associate of (accused) person or any other person on his behalf, shall not transfer by any means whatsoever, (or) create a charge on any property owned by him or in his possession, while the inquiry, investigation or proceedings are pending before the NAB or the court; and any transfer of any right; title or interest or creation of a charge on such property shall be void."*

About the properties of Nawaz Sharif and others, the issue was dealt under Section 21 of NAB Ordinance 1999. The said ordinance authorises chairman NAB or NAB court to write foreign jurisdiction requesting them attached properties of person against whom investigation starts about the reference

filed. In Sharif's case, the decision to write to foreign jurisdiction was left with the Accountability Court – a blatant dishonesty on the part of Chairman Ch Qamar Zaman.

**On 17<sup>th</sup> September 2017;** Begum Kulsoom Nawaz of PML[N] won the NA-120 by polls with 61,254 votes by defeating her opponent PTI's Dr Yasmin Rashid who bagged 47,066 votes.

This contest, however, virtually took place between ex-premier Nawaz Sharif and his rival Imran Khan in the wake of former's disqualification by the apex court on latter's petition in the Panama Leaks case as MNA from NA-120. And in this context, Nawaz emerged victor.

According to unofficial results, Begum Kulsoom Nawaz clinched victory with a clear margin of 14,188 votes. Yaqoob Sheikh of Milli Muslim League remained on third slot while Faisal Mir of PPP got fourth position with 1441 vote only. Ziauddin Ansari of *Jamaat-e-Islami* [JI] received only 143 votes.

Around 115,820 voters exercised their right to vote out of total 321,786 registered voters in the constituency. The turnout was low as only 36 percent voters polled their votes in all 220 polling stations.

As many as 44 candidates were competing for NA-120 victory. However, surety bonds of 42 contestants were forfeited including PPP's candidate Faisal Mir and Qari Yaqoob Sheikh who secured about 4,500 votes.

***Maryam Safdar sarcastically and loudly said that in NA-120 the people opted to reject the decision of the Supreme Court; the people not only defeated the opponents of PML[N] who were visible but ALSO THOSE WHO WERE NOT – clearly she was referring it to the Pak-Army.***

She said so while delivering her victory speech at PML[N] Model Town Secretariat, adding that:

*"The masses have given their decision on the Supreme Court's verdict. You have fought and won against conspiracies where on one hand it was the PML[N] while on the other it was all the forces who attack elected prime ministers in this democratic country and who set up a treacherous plan to besiege Nawaz Sharif."*

Maryam alleged that there was an organised effort to sabotage the PML[N] and it started even before the bye-election when party's key campaign persons were abducted, blind-folded and transported to unknown places.

**On 27<sup>th</sup> September 2017;** the Accountability Court indicted Finance Minister Ishaq Dar in a reference filed by the NAB on the directions of the Supreme Court for possessing assets beyond known sources of income.

The Supreme Court had ordered the anti-corruption watchdog to file corruption references against former Prime Minister Nawaz Sharif, his children, close aide Ishaq Dar and his son in law captain Safdar in Panama Papers case ruling on 28<sup>th</sup> July 2017 through a judgment regarding Panama Leaks. However, Dar rejected the charges read out by the judge.

The minister held that his assets were in accordance with his income. Judge Mohammad Bashir handed him a copy of the reference to finance minister's counsel Barrister Masroor Shah, along with copies of related documents comprising 23 volumes.

### **REVIEW PETITIONS - NAILS IN COFFIN:**

**On 14-15<sup>th</sup> September 2017;** the Supreme Court heard and dismissed all the review petitions filed by Sharif family and Ishaq Dar against apex court's ruling dated 28<sup>th</sup> July 2017 in Panama Leaks case. The court held that reasons for rejecting the petitions to be recorded later.

***"All these review petitions are dismissed,"*** said SC's Justice Asif Saeed Khosa who headed the five-member review panel. In a long appeal demanding that his case be reviewed, Sharif's legal team presented 19 points challenging the apex court's judgement.

Expressing reservations over court's decision, ruling party's GGB ***[Gali Galoch Brigade]*** said even a terrorist had the right to appeal, but in this case a prime minister was denied that right and sent home; free trial and right to appeal was ignored.

PTI's leader Fawad Chaudhry termed the decision as victory for good governance; adding that ***"....now Papa, Phuppo and Pappu will return, and the money too. The slogan of Kiun Nikala is raised from GT road to NA-120 – but now it stands answered."***

The Living History of Pakistan Vol-VII

The Supreme Court observed that former pm Nawaz Sharif received salary from Capital FZE and insisted that there were examples of appointing monitoring judges in the past.

Nawaz Sharif's counsel Kh Harris said that Article 62(1)(f) of the Constitution could not be applied to anyone for merely concealing assets BUT also conceded while saying that:

*"My client has been disqualified for life-time on not disclosing his work permit and salary from an offshore company, (however) nullifying general elections could only dismiss him for a single election term (five year term)."*

Justice Ejaz Afzal & Justice Ijazul Ahsan held that:

*"The employment agreement showed that a salary of 10,000 dirhams had been set for Nawaz Sharif AND the Joint Investigation Team [JIT] documents tell us that Nawaz Sharif had a bank account [**in the name of Nawaz Sharif with employee No 194,811**] to receive the salary [and it received].*

*Once you [Kh Harris] also admitted that your client was entitled to get salary then the intention would not fit in the agreement that was given in black and white."*

The SC also held that:

*"Though the salary ceased to be an asset from January 2013 [when the company was shuttered] it remained an asset till then and the more so on 30<sup>th</sup> June 2012 which is the crucial date in terms of Section 12(2)(f) of ROPA. [...] It was an asset out and out. It was thus required to be disclosed in the nomination papers of the petitioner for the 2013 General Election."*

The apex court further said that:

*"...even if it had ignored the definition of the word "asset" it used in the July 28 verdict — .....the very admission of the petitioner that he waived the salary so accrued and accumulated in January 2013 in favour of the company speaks for itself.*

*Had there been no admission we would not have stepped in as we did not step in when the document issued by **Mossack Fonseca***

*showing respondent No.6 [Maryam Nawaz] as the beneficial owner of the Avenfield apartments, was disputed by her.*

*We also did not step in when many other documents disclosing several other assets purportedly owned by the children of the petitioner were disputed."*

*"[...] we not only gave him [N Sharif] a fair chance to vindicate his position before this court, heard him at length for almost two days but also accepted whatever **he stated about work permit, his employment contract with Capital FZE Jabal Ali, his position as the chairman of the board** and his entitlement to salary which according to him was not withdrawn.*

*Hence, the mere fact that we didn't agree with petitioner when he stated **that his un-withdrawn salary is not an asset** would not amount to denial of fair chance to vindicate his position."*

Khawaja Haris said the report filed by the JIT before the apex court in Panama Leaks case was incomplete and on that incomplete report, the SC directed the NAB to file references against former premier and his children in the Accountability Court.

**"You are saying to revive the JIT and continue investigation,"** Justice Sh Azmat Saeed asked the counsel..... *"No, I am saying that the court had asked the anti-graft body, NAB to file references even on incomplete report,"* Kh Haris replied.

The Supreme Court dismissed the argument that it transgressed legal boundaries by ordering the National Accountability Bureau [NAB] to file references against Sharifs; the court said:

*"What necessitated the issuance of these directions to the NAB has already been dealt with in paragraph 19 of the judgment dated 20<sup>th</sup> April 2017 authored by one of us [J Ejaz Afzal Khan]."*

The SC then added that:

*"[It may have been given some weight] had there been no institutional capture, seizure and subjugation of all the important institutions of the state, including NAB, the Election Commission of Pakistan, the Federal Board of Revenue, the State Bank of Pakistan, the National Bank of Pakistan and the Intelligence Bureau*

*through the cronies and collaborators of the person at the peak, as has been evidenced during the course of hearing.*

*We thus, with our eyes open and minds awake, would not let everything go into the hands of the cronies and collaborators for being taken to a dead end."*

Justice Asif Saeed Khosa told the counsel Kh Harris that in Sheikh Liaquat Case decision, guidelines were given for monitoring the lower judiciary and same was done in the present case, which is not extraordinary; the monitoring judge would not interfere in the trial court proceedings.

After Kh Harris concluded his arguments, Shahid Hamid, counsel for Finance Minister Ishaq Dar, contended that his client's assets did not grow overnight but were expanded during 15 years.

Justice Khosa observed that Ishaq Dar's assets increased 91 times, as they went from Rs:9 million to Rs:900 million in short period of time and the counsel should clarify it before the trial court.

Regarding alleged vicious campaign launched in media and on roads against Ishaq Dar - Justice Sh Azmat Saeed told the counsel that in his client's government the same vicious campaign had been launched against the judiciary as well and their clients [Senator Dar and former pm Nawaz Sharif] were at the forefront of those who targeted the apex court.

During hearing of review petitions, the judges dismissed the notion that there wasn't any link between the respondent No.10 Captain Safdar and Avenfield apartments, saying that respondent No.6 Maryam Safdar *prima facie* happened to be the beneficial owner of the property

The 23-page verdict stated that observations given in the Panama case verdict were tentative; it would not have any effect on the references against the Sharifs, for the accountability court.

The apex court ONCE MORE ruled that '**...the evidence relating to Sharif's disqualification was undisputed, and that the verdict does not point to any legal loophole.'**

.....The SC verdict further said:

*"... To our dismay and disappointment, the petitioner has not been fair and forthright in answering any of the queries made during the course of hearing.*

***He never came forth with the whole truth. He tried to fool the people inside and outside the Parliament. He even tried to fool the [Supreme] Court without realizing that 'you can fool all the people for some of the time, some of the people all the time but you cannot fool all the people all the time.'***

*Refuge in evasive, equivocal and non-committal reply does not help always. If fortune has throned, crowned and sceptered him to rule the country, his conduct should be above board and impeccable.*

*Resignation rather than prevarication in ambiguous terms is [a] more honourable exit if and when anything secretly carried under the sanctimonious gown of leadership drops and gets sighted.*

*Since the prime minister of the country is thought to be the ethos personified of the nation he represents at national and international level, denying an asset established or defending a trust deed written in 2006 in a font becoming commercial in 2007 is below his dignity and decorum of the office he holds."*

*[That pm's]... many omissions are not something to be looked at with a casual eye and outlook. It is not only a legal duty [to declare your assets honestly] but a qualifying test for the candidates....*

*Any concession at this stage or any leniency to the candidates or the person elected would be a prelude to a catastrophe in politics, which has already had enough of it.*

*Since it is already touching the extreme, extreme measures have to be taken. The culture of passing the candidates by granting grace marks has not delivered the goods. It has rather corrupted the people and corrupted the system."*

AND that was the ending hour of Nawaz Sharif's circa 30 years' corrupt rule and monarchy based on lies, fraud, deception, nepotism, revenge, dishonesty, swindling & racketeering, bias and discrimination.