

Scenario 186

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

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

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

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

AYYAN ALI: PPP's BLUE EYED GIRL:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Coming back:

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

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

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

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

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

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

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

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

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

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

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

MAFIA KILLED AYYAN CASE'S I.O:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PML[N] GOVT SIDED WITH AYYAN ALI:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In her petition, the model had urged that:

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

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

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

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

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

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

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

INSPECTOR'S MURDER EXHAUSTED:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

robbery and registered murder case against two unidentified robbers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PAKI JUDICIARY 'SOLD OUT' [?]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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