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RETURN OF NAWAZ SHARIF IN 2023

During PDM government in years 2022-23, the political landscape started tilting towards self-exiled Nawaz Sharif and more precisely towards the whole Sharifs family because the younger brother Shahbaz Sharif was in saddles as the prime minister of Pakistan. The manoeuvrings had taken start from the 1st day of 'No-Confidence Vote' success in April 2022 but year 2023 brought immensely valuable fortunes for the family.

PM SHAHBAZ SHARIF & HIS FAMILY ACQUITTED:

On 27th January 2023: In a supplementary challan (*final / additional investigation report*) submitted before a Special Central Court judge, the Federal Investigation Agency (FIA) declared Prime Minister Shehbaz Sharif's son Suleiman Shehbaz innocent in the Rs16 billion money laundering case. It was 'revealed' that neither Suleiman had been a public office holder, nor had he been the '*Benamidar*' of any public office holder, the report stated. It further added up that no evidence was found against him of either money laundering or any illegal transaction from his given bank accounts.

- *It is worth mentioning here that the premier's son had been declared a '**proclaimed offender**' in this case. When all the tools were set with the FIA's investigation files, he had filed his bail plea on 23rd December 2022, and joined the investigation under all government-in-power protocols. The court had granted pre-arrest bail to Suleiman in the said case.*
- *Suleiman was not the only one to gain respite from the said court, it had already acquitted Prime Minister Shehbaz himself and his other son Hamza Shehbaz in the same money laundering case.*

Suleiman Shahbaz, in his petition, implored the court that he and his family had been made the subject of political victimisation by '**implication in forged cases**'. The petitioner declared his innocence and stated that he decided to come back to his homeland to surrender to the process of law to vindicate it, and had approached the Islamabad High Court (IHC) to seek protective / transitory bail, which was granted to him graciously. He contended that notwithstanding the 'ruthless use of state apparatus at its disposal under the cover of investigation on the above allegations, for over a period of more than one year, respondent investigating agency could not collect an iota of evidence to suggest any nexus of the petitioner's father and brother with the opening or operation of the alleged benami accounts'.

Suleiman Shahbaz further stated that no evidence could be collected and brought on record on the allegations of money laundering or involvement of proceeds of any crime in the investigation report under section 173 CrPC /challan prepared and filed by the investigation team, which was constituted during the previous regime (of Imran Khan), and which acted under the direct supervision, influence and pressure of the then-adviser for interior and accountability Shahzad Akbar. He also submitted that the prosecution's case could not stand the test of judicial scrutiny even at the tentative stage of bail and the petitioner's father, his brother and other co-accused were admitted to bail before arrest on merits by the predecessor of this court through its order (firstly) on 11th June 2022, whereas the petitioner's father and brother were acquitted on 12th October 2022.

On 20th July 2023: A Lahore accountability court acquitted Prime Minister Shehbaz Sharif, his son Hamza Shehbaz and wife Nusrat Shehbaz in a '**Rs8 billion money laundering reference** [*for details see the below lines...*] filed by the National Accountability Bureau; The verdict was announced by Judge Qamaruz Zaman. The court also acquitted all others accused in the case, with the exception of the prime minister's

daughter, Rabia Imran. A perpetual arrest warrant was issued for Imran declaring an absconder once more. ***The court also issued instructions to unfreeze the properties of all of the acquitted individuals.***

[On 17th May 2020: The then PTI government had come out with '**more evidence**' of money laundering and corruption allegedly committed by PMLN president and the then Opposition Leader in the National Assembly Shahbaz Sharif and had announced that the National Accountability Bureau (NAB) would soon file a new reference against him on the basis of 'latest disclosure'.

The **proofs** in the form of cheques and documents showing huge bank transactions through fake companies and cash boys, allegedly by Mr Sharif during the time when he was the chief minister of Punjab, were presented before the media by Special Assistant to the Prime Minister (SAPM) on Accountability Shahzad Akbar at a press conference which he jointly addressed with federal Information Minister Shibli Faraz. Mr Akbar urged NAB to conduct Mr Sharif's trial on a day-to-day basis, besides asking it to get his name placed on the exit control list [ECL].

Earlier than that, Mr Akbar had held a similar news conference (on 13th May 2020) and claimed to have unearthed 10 front companies of the PMLN president and his sons from where over Rs17 billion had been transferred to their bank accounts. The SAPM had further alleged that Mr Sharif had established several fake companies in the names of his employees, which were used for unlawful transactions to whiten black money. The source of their income was telegraphic transfers sent to them by the poor employees of their companies. And that being a politician and former public office-holder, Mr Sharif was answerable to the people and he would have to respond to the corruption charges at public forums.

As per record, Nisar Gill and Ali Ahmed, close friends and class fellows of Salaiman Shahbaz were appointed as directors at the Chief Minister's Office from where they operated as '**front-men of the Sharif family**'. A company named Nisar Trading Concern was registered in the name of Rashid Karamat, an employee of the Sharifs, whereas another company, Khan Traders, was registered in the name of the father of Shakeel, an employee of Ramzan Sugar Mills.

- The documents placed before the media showed that two more employees of Mr Sharif, namely Masroor Anwar and Shoaib Qamar, had transferred huge amounts from the accounts of Nisar Trading and Khan Traders to the personal accounts of Shahbaz Sharif and Hamza Shahbaz, and that the record of those transactions was available with the banks. A number of cheques shown were written in Urdu but the name of the companies was written in English in similar handwriting.
- A PMLN lawmaker **Saiful Malook** had also deposited money in the account of Nisar Trading and when he was asked about it, the lawmaker replied that he had given the money for the party fund.

The burden of proof was on Shahbaz Sharif and his sons as billions of rupees were deposited in their personal accounts by their alleged front men. Mushtaq Chiniwala and his son had already turned approvers against the Sharif family in another case.

On 18th August 2020: The National Accountability Bureau (NAB) filed before an accountability court an Rs8 billion reference of money laundering against Leader of Opposition in National Assembly Shahbaz Sharif, his two sons and other family members. A total of 20 people were nominated in the reference, including four approvers — Yasir Mushtaq, Muhammad Mushtaq, Shahid Rafiq and Aftab Mahmood.

- *The main suspects were Mr Shahbaz's wife Nusrat Shahbaz, his sons Leader of Opposition in Punjab Hamza Shahbaz and Suleiman Shahbaz (absconder), daughters Rabia Imran and Javeria Ali.*
- *Other suspects were alleged benamidars and business partners of the family including Nisar Ahmad, Qasim Qayum, Rashid Karamat, Masroor Anwar, Fazal Dad Abbasi and Shoaib Qamar.*

The reference mainly accused Mr Shahbaz of being beneficiary of assets held in the name of his family members and *benamidars*, who had no sources to acquire such assets. The family members and benamidars of the Shahbaz family received fake foreign remittances of billions in their personal bank accounts. In addition to those remittances, billions of rupees were laundered by way of foreign pay orders, which were deposited in personal bank accounts of Hamza and Suleiman.

- ***The reference further said family of Mr Shahbaz failed to justify the sources of funds used for acquisition of assets.*** *The suspects committed offences of corruption and corrupt practices as envisaged under the provisions of National Accountability Ordinance 1999 and money laundering as delineated in Anti-Money Laundering Act 2010.* Mr Shahbaz was on pre-arrest bail granted by the Lahore High Court. Hamza was on judicial remand while Suleiman was declared absconder as he had failed to return from London.

Meanwhile, a deep investigation in the money laundering case was conducted against the Shahbaz family on the basis of above documentary evidences.

The NAB had accused Muhammad Usman, the CFO, of his role in money laundering committed by the Shahbaz family' the concerned accountability court extended physical remand of chief financial officer of Sharif Group of Companies till 31st August 2020. The suspect had joined the Sharif group of companies in 2005 and had been handling the organized system of money laundering on the instructions of Shahbaz, Hamza and Suleiman. It was alleged that Usman was also involved in layering of unexplained funds of the political family by operating proxy bank accounts of the suspects held in names of their different employees.]

In May, NAB told an accountability court that it found no evidence of corruption or money laundering against PM Shehbaz, his family members and others; see below the details in daily **DAWN** dated 11th May 2023:

[“On 10th May 2023: The National Accountability Bureau (NAB) told an accountability court that it found no evidence of corruption or money laundering against Prime Minister Shehbaz Sharif, his family members and others. A prosecutor submitted a supplementary reference in the court, stating that NAB **conducted a fresh investigation** and found that the charges against the prime minister, his son Hamza Shehbaz, former chief minister, and others had not been found to be true.

Other accused included PM Shehbaz's wife Nusrat, younger son Suleiman Shehbaz, daughters Javeria Ali and Rabia Imran and son-in-law Haroon Yousaf. The fresh investigation concluded that no offence under the NAB law was established.

Prosecutor was asked to convince court on 24th May (2023) on relevance of new amendments with case. The judge also extended the pre-arrest bail of accused Haroon Yousaf and Tahir Naqvi till the next hearing.

Previously, the court had declared PM Shehbaz's son Suleman, daughter Rabia Imran and son-in-law Haroon Yousaf, as absconders for avoiding their appearance in the trial proceedings.

- In this reference, the same NAB had submitted to the court that the family members and benamidars of PM Shehbaz received fake foreign remittances of billions in their personal bank accounts. Also, that in addition to those remittances, billions of rupees were laundered by way of foreign pay orders, which were deposited in personal bank accounts of his sons Hamza and Suleiman.
- PM Shehbaz, his elder son Hamza, daughter Javeria Ali were indicted in the reference besides other accused persons including Fazal Dad Abbasi, Rashid Karamat, Muhammad Usman, Masroor Anwar, Nisar Ahmad, Shoaib Qamar and Qasim Qayyum. Shehbaz's wife Nusrat had been indicted through a pleader as she was still out of the country on that hearing day.

The NAB had arrested PM Shehbaz on 28th September 2020 after the Lahore High Court (LHC) had refused to further extend his pre-arrest bail. He remained in the NAB's custody for 23 days till the trial court sent him on judicial remand on 20th October 2020. He was released on bail by LHC's full bench in April 2021.

A special court in October 2022 had also acquitted PM Shehbaz and Hamza in the Rs16 billion money laundering case filed by the Federal Investigation Agency (FIA), most probably because he was the sitting prime minister then. In February 2023, the FIA also gave a clean chit to Suleiman in the money laundering case.]

Previously, the court had declared PM Shehbaz's son Suleiman, daughter Rabia Imran and son-in-law Haroon Yousaf, as absconders for avoiding their appearance in the case's trial proceedings. Suleiman and Yousaf ended their self-exile a year earlier (*in 2022, when their dad assumed PM's office*) and returned to the country after securing protective bail from the courts.

RETURN OF NAWAZ SHARIF:

First see why and how Nawaz Sharif was taken through the whole muddy waters; REUTERS of dated 20th October 2023 is referred:

April 2016: Millions of documents from a Panamanian law firm were leaked to the media. Some of the so-called Panama Papers showed the involvement of Sharif's family in offshore companies that hold properties in London. Sharif, who became prime minister for a third time after winning a 2013 election, denied wrongdoing but a case against him was filed in Pakistan by his main rival, cricketer-turned-politician Imran Khan.

28th July 2017: The Supreme Court disqualified Sharif from the prime minister's office, declaring him dishonest for not disclosing income from a company owned by his son. Sharif, who had fallen out with the powerful military over policy differences, including ties with India, resigned from office the same day. He soon left for London to attend his wife who was receiving medical treatment there.

13th April 2018: The Supreme Court imposed a lifetime ban on Sharif from taking part in politics or holding any public office in a first-of-its-kind decision.

5th July 2018: An anti-graft court sentenced Sharif in absentia to 10 years in prison. He and his daughter, Maryam Nawaz, seen by supporters as his political heir, were convicted after failing to prove the source of income used to buy properties in London in the 1990s.

12th July 2018: Nawaz and his daughter fly back to the city of Lahore, their hometown and political stronghold, and were arrested at the airport and sent to jail.

25th July 2018: Sharif's main rival, Imran Khan, won the general election. The conservative Khan, political analysts said, was favoured by the military to lead the civilian government. Both Khan and the military constantly denied that.

24th Dec 2018: Sharif was convicted in another graft case and sentenced to *seven years in prison and fined \$25 million*. He said the charges, linked to the ownership of *al-azizia steel mill* in Saudi Arabia, were politically motivated.

19th Nov 2019 - Sharif flew to London after a court allowed him to leave for medical treatment. He was bound to return within four weeks – but he never returned.

10th April 2022: Khan was ousted as prime minister in a parliamentary vote of no-confidence after differences with the military over security appointments. Sharif's younger brother, Shehbaz Sharif, becomes prime minister via PDM.

9th May 2023: The anti-corruption agency [NAB] arrested Khan sparking violent protests by his supporters and months of tension between him and the military, compounding worries about nuclear-armed Pakistan as it grappled with record inflation.

9th August 2023: Shehbaz Sharif's government completed its tenure and hands over power to a caretaker administration that was to oversee a general election.

21st Sept 2023: The election commission announced it would be ready to hold a general election by the end of January 2024.

19th Oct 2023: A court barred authorities from arresting Sharif upon his return and his lawyer said he intended to appeal against his convictions. His party said he would contest a seat in the general election if his convictions were over-turned.

WHO PLAYED & WHAT FOR NS's RETUTN:

In May 2023, when the PDM's Prime Minister Shahbaz Sharif got exonerated himself and his all family members in the NAB references which were initiated against them in year 2020 under the PTI government, he (PM Shehbaz Sharif) immediately made a smart move to bring back his elder brother Nawaz Sharif back to Pakistan from London. So, during the same month (of May 2023), the PDM government adopted a law:

- 1. ...that allowed for the filing of review petitions against prior Supreme Court verdicts.***
- 2. (During ending June 2023), another law, limiting disqualification to five years, was adopted.***

3. ***It allowed the Election Commission [ECP] to announce the date of an election without consulting the President of the country.***

Regarding explanation for the law at no:2, there was a possibility that the amendment was challenged on the basis that the court's interpretation of the Constitution could not be undone through ordinary legislation. If a time limit is to be added in Article 62(1)(f), it should have been done through a constitutional amendment. On the other hand, Nawaz Sharif could argue that *'since the Constitution is silent, this gap could be addressed through the law'*. Further, another possibility existed if the issue ultimately reached the apex court as *'a larger bench could depart from the view that a disqualification under Article 62(1)(f) shall be for life'*.

After serving 12 months of his 7-year sentence on corruption charges, former PM **Nawaz Sharif**, who had left the country on 19th November 2019 to avail medical treatment in London, promising to return in 4 weeks, was being brought back. He was declared a fugitive in 2021 after failing to appear before courts despite summons. When the stage was set, Nawaz Sharif obtained protective bail on 19th October 2023, which allowed him to return from 4 years of self-imposed exile without being arrested.

On 21st October 2023, he landed back in the country where he was welcomed in Lahore forgetting that he had left Pakistan with an undertaking to return after medical check-up within 4-weeks' time at the latest.

On 9th January 2024, a 7-member Supreme Court bench under Chief Justice Qazi Faez Isa, hearing a review petition against lifetime disqualification, announced a 6-1 majority verdict with Justice Yahya Afridi dissenting. The verdict set aside the earlier Supreme Court interpretation of lifetime disqualification for article 62(1)(f) of the constitution, stating that it violated fundamental rights, and instead set a 5-year disqualification following the newly passed laws for lawmakers who fail the moral standard of *'sadiq and ameen'* (honest and righteous). The timing of the verdict ensured that Sharif, who was disqualified for life in the **Panama Papers case** in 2017, became eligible to contest coming elections with a possible rise as fourth term as prime minister.

Pakistan was heading toward its next general elections, set for late January 2024, the political scene was heating up. One former PM – Imran Khan – was facing trial on charges of leaking state secrets that week, while another former PM – Nawaz Sharif – just staged a triumphant return home, after receiving all exonerations from his legal troubles. But the political maneuvers at the elite level were out of step with public sentiment, as Khan remained broadly popular and Sharif's PMLN was viewed as responsible for a devastating economic crisis gripping the country as per routine during their previous governing terms.

Referring to an American Magazine **THE DIPLOMAT** of 24th October 2023:

For an overview of the complicated dynamics underlying Pakistani politics, Michael Kugelman, the director of the South Asia Institute at the Wilson Center. Kugelman outlined the contrasting developments for Sharif and Khan, and the military's role behind the scenes. Even as the country gearing up for an election, *'there's a lot of cynicism about Pakistani politics on the whole, across the entire voting base'*. The main takeaway was that Sharif had reconciled, at least to a degree, with the military. See Michael Kugelman's remarks:

"One can't imagine him returning to Pakistan in the absence of some understanding with the military to ensure he won't be arrested and jailed now that he's back. Sharif has no interest in coming back to Pakistan so that he can be detained, with his party reduced to playing the victimization narrative card for its political benefit. He has much loftier goals: He is returning to try to unite a fractured party and to energize its base, and to catapult the party back to power in the upcoming election."

Sharif and his party provide a vivid example of an evergreen theme of Pakistani politics: Political leaders tend to fall in and out of love with the military. Sharif began his political career as a protégé of a military dictator, Zia ul-Haq. ... now, with the PMLN back in the military's good graces, he is poised for a return."

Despite better relations with the military, the PMLN was not in good place to go smooth. Some internal fractures among the party's top leadership had knocked out its popularity. It held the prime and finance ministries in the previous ruling coalition, and that made the party the subject of public annoyance for the government's poor handling of a terrible economic crisis. Also, Imran Khan's party had successfully made major inroads in the PMLN's stronghold domains. Thus, the PMLN was going to face an uphill electoral battle.

However, with the establishment behind it, suitable engineering process was Okayed within the electoral environment that worked in PMLN's favor – much like what happened before the 2018 election that brought Khan to power. The fact remained that because of the legal charges against Sharif, he was not able to hold power himself. The party's resolution was that he would not be able to energize the base, his brother Shehbaz, the previous premier on PDM's pedestal – should hold the premiership of the country. Sharif's rival, former Prime Minister Imran Khan was facing an avalanche of legal cases and was in jail. Still, he was broadly popular among the Pakistani public. Khan was NOT to return in power because he had been disqualified from politics for five years, until the coming election at least.

The challenges ahead for the PTI were deeper, given that many other leaders were either in jail or had been forced by the establishment to switch parties or leave politics altogether albeit Khan's passionate supporters, were unwilling to back any entity other than the PTI. Despite facing severe crackdowns, the PTI continued to flash its electoral power, winning several key by-elections in recent past. There was also the factor that the PTI's main rivals were in great fix – the PMLN had lost popularity, and the PPP (the other main established political party in Pakistan) was no longer enjoying national influence. That suggested that, if the election was free and fair, the PTI had a chance of doing quite well regardless of who was given party tickets.

Another captivating question was looming over: Was there any PTI leader available with the influential power and capacity to reach out to the military to push for reconciliation and reach an understanding? The PTI clearly knew its chances of returning to power were better if it could patch up ties with the Army. Khan's problem was not with the military as an institution; it was more of a vendetta against the incumbent army chief and his predecessor. Khan enjoyed some support within the lower and middle ranks of the military; perhaps there was a maneuvering space for some type of negotiation but certainly it was a long shot.

- ***In every Pakistani election, the role of the military looms large. In 2018, for example, Sharif and his PMLN complained that their party was harassed while the PTI was 'selected' for victory. This time, there were strong indications of who might be 'selected' this time.***
- *The electoral preferences of the military, which had magnified its role in many areas of policy in recent past then, were no secret. Just look at the crackdown on not only PTI leaders but also supporters – hundreds of the latter were arrested and taken through swift court trials, so an environment of anxiety, horror and distress was prevailing all around. The Pakistani media were not allowed to feature coverage of Khan, or even mention his name. This was reminiscent of what happened before the 2018 election.*

Shehbaz Sharif, despite his widely criticized handling of the economy during his brief time in power in 2022-23, was a logical favorite son of the military. Unlike his brother, his relationship with the military had long been relatively cordial – as he did during the brief term of the PDM government, when the military took up

more policy space. Separately, there was some speculation for Bilawal Zardari but his relative inexperience, as a fairly young political leader, remained a justifying element; hard luck for that young man.

Commenting on Pakistani politics on the whole in those days, everything was looking blurred - pushed by the remorseless economic crisis that no one was been able to fix; growing levels of polarization, vendettas, and political brawling; a growing threat of terrorism that had gone unaddressed; and the perceived failures of institutions specifically the ECP – to deliver outcomes that could advance justice and meaningful improvement. PTI was being seen at a better place - the better alternative to a status quo marked by corruption and dynastic, paralyzed political elite. The ruthless crackdown on the PTI in those months made the party appeared more heroic and deserving of sympathy, in the eyes of most Pakistani masses – keen for Re-imaging Pakistan.

After elections, the incumbent government was to bear the brunt of an economic crisis, with more tax hikes and enhanced electricity costs necessitated by the IMF bailout sparking outbursts of discontent. No party had any cogent road-map for this; neither the PTI, nor the PMLN nor the PPP. No one had plans to balance the need to provide immediate economic relief to the public – and get a useful political bounce – thus, politically painful but economically necessary structural reforms were ahead.

While this enigma would not be new for Pakistanis as the country was steering through one of its worst economic crises in decades. The tendency of easing up on subsidies and increasing irresponsible spending were key-factors just to avail short-term political benefits. Pakistan's next government was likely having to negotiate yet another IMF loan – because dynastic family rulers were NOT to live in Pakistan. Ultimately Pakistan was to be where it was crying with inflicted wounds of Status Quo since decades. Just a painful comparison - In 1991, India, facing immense economic stress, passed a series of liberalization reforms. It marked the beginning of a dramatic economic turnaround that helped set India on a path that brought it to where it is today – one of the world's top and fastest-growing thrifs.

NAWAZ SHARIF LANDED BACK:

Nawaz Sharif – a three-time prime minister and a proclaimed offender in an ongoing corruption case – was back in Pakistan following four years of self-imposed exile in London. There was mixed reaction to his arrival; Pak-Army had played risky-bets after their previous golden child, Imran Khan, failed the wishful planning of the establishment. Whether Sharif carried the baton of hope or not, the army-generals and his loyalists in the PMLN were hoping for a return to old-style politics – the same hereditary and family-development oriented elites' governance.

For Pakistan, almost all political experiments with individuals and campaigns like '*Naya Pakistan*' (New Pakistan) which miserably failed; it had become an anthem under Imran Khan. The army had to close its doors on Khan. With that particular experiment having gone awry, the military was undoubtedly looking to Nawaz Sharif for the comfort of a familiar face in the upcoming general elections. It was Sharif's PMLN, led by his brother, Shehbaz Sharif, which took over the reins of power following Khan's ouster as PDM leader, too. But amid looming inflation, an economic meltdown, unemployment, and poverty, the army wanted Nawaz Sharif back.

Sharif was facilitated to have to deal with his legal, political, and personal battles. At his home turf, Lahore, a cheerful family and his party members welcomed him with teary eyes. In his first public address in the last six years – after two years in jail and four years of self-exile – Sharif delivered almost an hour-long emotional speech touching upon the existing crisis of economic turmoil, unemployment, poverty, and political instability.

- Nawaz Sharif began with a cunning and crafty dig at Imran Khan for exhibiting his religiosity in public when he meant none of it. While Sharif had promised not to refer to Khan directly, he did make implicit references to his rival throughout the speech. Then Sharif apologized by saying he practices gentlemen's politics, but Khan did not let Sharif meet his family while the latter was in prison.

Sharif promised not to seek revenge against the people who lodged him in jail, but there were fewer buyers to this promise, considering the army dethroned him, and later, Khan sought to finish off the Sharif dynasty. The PMLN couldn't help but blame Khan for jailing Sharifs, as well as targeting his daughter Maryam and others.

While back in Pakistan, Nawaz Sharif saw an excellent public turnout from across Pakistan, whom he reminded of the developments he achieved in his three terms in office, though that started in the 1990s. He also reminded the public of Pakistan's nuclear tests in 1998 during his premiership, which put Pakistan on the world map. Also, he took credit for declining \$5 billion that the former US President Bill Clinton offered if Sharif would scrap the nuclear tests. Calling himself a 'son of the soil', Sharif promised to bring back Pakistan's lost glory. He made a comparison to Bangladesh, erstwhile East Pakistan, which had done wonders in the economic sphere since its independence, and boasting a per capita income of \$2,600 compared to Pakistan's \$1,500.

In Pakistan, the army used to set priorities for the country, and it must be convinced to buy into any civilian political agenda. But it was interesting to see how the sociability between the army and Sharif was being played. In all his previous stints as prime minister, Sharif never completed a full term in office. Each time, he was removed at the behest of the army, precisely for getting out of step with the military on count or the other. This time, perhaps, Sharif had learnt his lessons, he was not to touch any sensitivities of the military. Sharif avoided making any reference to the army in his long speech, nor did he touch on the Afghan issue, the Arab world, Russia, or China or India, which are the sole domains of the army. However, talking about Kashmir was a safe choice for Sharif to make a case for his return to politics again.

In 2014, Sharif accepted India's invitation and was present at the oath-taking ceremony of the newly elected Prime Minister Narendra Modi. In 2015, Modi's small stopover in Lahore was seen as a positive sign such initiatives did not last long due to various reasons. In his latest speech, Sharif also promised to make Pakistan an Asian Tiger – like Bangladesh. While Bangladesh flourished, Pakistan was always caught in the politics of sectarianism. It was interesting to see how his idea of a peaceful and friendly neighborhood would differ from Imran Khan's politics.

With Khan in jail and Nawaz Sharif back, the army had, perhaps, given a green signal to Sharif becoming the face of forthcoming general elections in Pakistan. The army hoped to find him winning the upcoming election on his own – but later, the results showed that he was not able to win his own seat from his own fortress called Lahore. Thanks for juggleries of Forms 45 & 47 which saved his face as PMLN's supremo.

NAWAZ SHARIF ACQUITTED...

On 29th November 2023: The conviction of former PM Nawaz Sharif in the ***Al-Azizia Case*** — one of the three references instituted against him in light of the Panama Papers — was declared void, as the Islamabad High Court acquitted him despite a National Accountability Bureau (NAB) request for a re-trial. Following the reversal of his conviction in the ***Al-Azizia and Avenfield Cases***, legal experts believe that the PMLN leader became eligible to contest coming election in Pakistan.

During proceedings, the IHC division bench, comprising Chief Justice Aamer Farooq and Justice Miangul Hassan Aurangzeb, observed that the trial court convicted Mr Sharif upon evidence based on photocopies. NAB tried to extend the proceedings, with its special prosecutor Azhar Maqbool Shah asking the court to remand the case to the accountability court, but his plea was declined. He had also argued that since the late accountability judge Arshad Malik was removed from service for misconduct, the IHC could send the matter back to the trial court for a decision on merit.

Justice Aurangzeb asked NAB to advance arguments and share the evidence that the bureau intended to submit to the trial court. The IHC chief justice asked the prosecution to show the money trail, any original documents, and proof that Mr Sharif acquired Al-Azizia and Hill Metal Establishment (HME) through corrupt practices. The NAB lawyer referred to the decision of the Supreme Court to form a joint investigation team (JIT) and said that the apex court had allowed the JIT to utilise the reports and documents submitted during the hearing. He reminded the IHC Bench that:

"...the Supreme Court had directed NAB to prepare and file references against the Sharif family based on the documents placed on the court record. Importantly, the prosecution relied upon the civil miscellaneous applications submitted to the Supreme Court by Hussain Nawaz regarding the ownership of Al-Azizia and HME. The prosecution also cited a copy of the Aldar Audit Bureau and said that the report showed that Hussain Nawaz sent about 80pc profit of the company to Nawaz Sharif through a banking channel.

The prosecutor further said that the investigation team collected the record from the Securities and Exchange Commission of Pakistan (SECP), Federal Board of Revenue (FBR) and banks, adding that the assets of Nawaz Sharif were disproportionate to his known sources of income.

Further that it was a white-collar crime, therefore, there was no direct evidence".

Mr Sharif's counsel Amjad Pervaiz argued that the accountability court relied upon documents for evidence, which were submitted by Hussain Nawaz – but the same should not be acceptable being various dictums laid down by the superior courts. If the court had to rely upon the evidence submitted by an accused, it must be read in [totality] not piecemeal....Also that the conviction of Nawaz Sharif was based on the presumption of the accountability judge. Mr Sharif's counsel opposed remanding the case back to the accountability court, saying that **Nawaz Sharif had filed an application against the late judge Arshad Malik for convicting him under duress** and the judge had passed away; therefore, he could not be brought into the dock for cross-examination.

The bench initially reserved judgement after arguments concluded, and announced its verdict after a short break, prompting celebrations among PMLN workers and supporters who had gathered outside the court; daily **DAWN** dated 13th December 2023 is referred.

In view of above reporting, massive relief for the PMLN was announced by the Islamabad High Court (IHC) which acquitted Nawaz Sharif in the **Al-Azizia and Avenfield** references. The relief was a great verdict for PMLN workers as in July 2018, an accountability court had handed the PMLN leader 10 years in jail in the Avenfield properties corruption reference for owning assets beyond known income and one year for not cooperating with the National Accountability Bureau (NAB), both of which were to be served concurrently. The IHC had declared him a proclaimed offender in the case in December 2020.

After leaving for London on medical grounds, Nawaz remained there for nearly four years. Following his return from the UK, the PMLN leader had filed an application seeking the restoration of his appeal against his conviction. He had contended that while he was abroad for medical treatment, the pending appeals

were dismissed for non-prosecution. The plea requested the court to revive the pending appeal for a decision on them on merit. Only a month earlier, the IHC had restored the appeal in question.

"Subsequently, the Supreme Court held that a disqualification under this article would be for life. The lifetime disqualification judgment was harsh. However, as far as the lifetime disqualification goes, the Pakistan Democratic Movement government made various amendments to the Election Act 2017. Previously in the Hudaibiya Paper Mills case, NAB filed an appeal with a considerable delay before the Supreme Court and now this. This appears to be a mockery of justice".

Nawaz Sharif had a disqualification under Articles 62 and 63 by the Supreme Court in July 2017 in the Panama case. There was a Supreme Court judgment indicating that a person disqualified under these articles would be disqualified for a lifetime if the time period of disqualification is not provided. Additionally, there's another Supreme Court judgment barring persons disqualified under Articles 62 and 63 from becoming the head of a political party. This lifetime disqualification was reinforced by the Supreme Court's interpretation in the **Sami Ullah Baloch case**, where it held that 'the term of disqualification is indefinite where not specifically written, making the disqualification permanent'.

While the Elections (Amendment) Act 2023 introduced the five-year disqualification period and thus added a layer of complexity, ultimately 'its application to cases like Nawaz Sharif's would depend on how the judiciary interprets and applies the amendment retroactively or prospectively'. Factually, the constitutional perspective was that ordinary legislation like the amendment could not override the Constitution, - the apex court's interpretation of Articles 62 and 63 declaring disqualification as a lifetime ban held significant weight. Thus, reiterating that while the amendment could impact future cases, for its application to cases like Nawaz Sharif's, a competent court like such as a high court or the Supreme Court, would need to interpret the retroactive or prospective application of the amendment.

- *Until a court of law declares the amendment contrary to the Supreme Court's judgment in the Sami Ullah Baloch case, Nawaz Sharif's disqualification should have remained in force. The legal landscape surrounding his eligibility was, however, shaped by that new amendment – interesting in Pakistan it was.*

When the proceedings commenced in the court, Nawaz's lawyer Advocate Amjad Pervaiz contended that the accountability court had acquitted the PMLN supremo from Section 9A of the NAB Ordinance in the Avenfield reference. [Now], only section 9A(5) was remaining in the case which pertained to assets beyond means.

"Under Section 9A(5), the prosecution has to prove certain facts and the accused is required to be shown as a public office holder, it was read loudly in the court. The law states that the accused's income should not match with his assets."

Continuing the arguments, Pervaiz said the investigation agency [NAB] needed to investigate the source of the assets at the time of their acquisition and compare known sources of income with the value of the assets. *'This case was such that its contents have yet not been proven'*, he said, adding that *'the investigators failed to prove all the sections of crime'*.

At that, the IHC CJ asked if these assets were requisitioned at the same time or separately. *'These properties were obtained from 1993 to 1996, and that nowhere it was written in the reference that these properties were linked to Nawaz'*. 'Whether it is the joint investigation team, NAB reports, references or statements, the value of these properties were not written anywhere,' Advocate Amjad contended. *'There is not a single page that can prove Nawaz had any connection with these properties'*.

Pervaiz contended that the court announced the verdict on the basis of assumption and penned the verdict on the basis of generality not evidence. The conviction order had said Maryam Nawaz was a beneficial owner and also under the patronage of the PMLN leader; whereas it was not a fact. It was discussed in the court that the Lahore High Court had earlier acquitted a NAB suspect, Intelligence Bureau's former Brig Imtiaz, on the basis that the accountability watchdog had determined the value of his alleged properties without determining his income.

'The SC had also maintained this decision and did not give a differing judgment', the PMLN counsel highlighted, adding that the IHC had also upheld the same in ***the Avenfield Case*** against Maryam Nawaz. Also, that the court had ruled that the prosecution did not have a single document to prove as evidence in the case. This court-verdict became *'binding'* because it had not been ever challenged by the NAB. At that point, the NAB lawyer was asked why the bureau did not challenge Maryam's acquittal; but no reply came up. When the court asked NAB about Nawaz' acquittal in the flagship reference, the lawyer told the court that the bureau would like to take back the plea filed against the verdict. ***'These are the instructions we have been given'***, he said. The court then disposed of NAB's plea to withdraw its appeal against Nawaz's acquittal in the flagship reference – after all, it was a case of PM Shehbaz Sharif's elder brother.

THE AVENFIELD REFERENCE:

The Avenfield reference was related to the purchase of *four flats in Avenfield House, Park Lane, London*. It was among the three cases filed by NAB against the former premier and his children on the Supreme Court's orders in its landmark ***28th July Panama gate verdict***. The proceeding in the Avenfield reference had commenced in September 2017 and an accountability court had indicted Nawaz, Maryam Nawaz and Captain Safdar on 19th October 2017. For more details on this heading, please read:

THE LIVING HISTORY OF PAKISTAN VOL-VII PANAMA – HUNGAMA by INAM R SEHRI

Published by Grosvenor House Publishing [GHP] Surrey UK (2018)

Scenario 218, pp4197-4214 [Available on **AMAZON BOOKS** websites]

Can also be read or downloaded FREE from <https://www.inamsehri.com/>

According to the JIT report submitted in the Panamagate case, the Sharifs had given contradictory statements about their London flats and found that the flats actually belonged to them since 1993. Nawaz had distanced himself from the apartments and could not explain the time frame and procedure adopted for obtaining the possession of Avenfield apartments by his sons and was even uncertain about which son claimed the ownership of the flats now.

- *An accountability court in July 2018 had handed Nawaz 10 years as jail time for owning assets beyond known income and one year for not cooperating with NAB in the case, as well as a fine of £8m.*

A year earlier, the IHC had acquitted Maryam and her spouse retired Capt Safdar of the charges levelled in the Avenfield apartments reference and set aside an accountability court's July 2018 verdict.

Referring to **VOA** dated 29th November 2023:

"Sharif is expected to be a top contender in elections scheduled for February 8 of next year, if his legal challenges are removed.

*The former prime minister stepped down in 2017, alleging he was ousted from his position by the military after a falling out with top generals. Sharif claims the military then supported former Prime Minister and cricket star, Imran Khan in the 2018 elections. Khan, who is expected to be Sharif's main opponent in upcoming elections, also fell out with the military, and he is currently serving a three-year sentence on corruption charges. **Pakistan's military has denied any interference with politics.**"*

Nawaz Sharif never completed a full term in office, as all his governments were dismissed or faced allegations of corruption and misrule. He denied wrongdoing and maintained the charges brought against him have been politically motivated, blaming the Pakistani military for orchestrating them after he fell out with the powerful institution. While the army has consistently denied any interference with national politics, its former chief, Gen Bajwa, admitted publicly just before stepping down last year that his institution had meddled in civilian affairs for decades, exposing it to severe public criticism. See his words verbatim:

"I believe the major reason for this is the constant meddling by the army in politics for the last 70 years, which is unconstitutional." Bajwa said in a televised speech to military officers and deceased soldiers' relatives in November 2022. "That is why since February last year, the military has decided they will not interfere in any political matter," he added, though critics quickly dismissed Bajwa's statement as mere claims."

DEEP ANALYSIS OF NS's RETURN:

On 21 October 2023, Nawaz Sharif returned home to launch his party's campaign ahead of the parliamentary elections scheduled for January 2024, following four years of self-imposed exile in London. Nawaz, who was previously overthrown in a military coup, held the office of Prime Minister of Pakistan for three non-consecutive terms. As the leader of one of the two dynastic parties that have historically controlled Pakistani politics, the PMLN was headed by Nawaz in the past. In a 2017 decision pertaining to accusations of corruption, the Supreme Court declared him ineligible to remain in office. He was ordered a seven-year prison sentence the following year for corruption, which he denied.

However, the sentence was suspended stating medical reasons, allowing him to receive treatment abroad **as long as he returned within four weeks**, a clause that he later broke for four years. Since his trip to the UK, Nawaz returned with a big fanfare right before the elections. On his return the Islamabad High Court granted him protective bail, which prevented him from being taken into custody before his court appearance.

Why did Nawaz return now? First, the political circumstances. Pakistan has been facing economic, political turmoil and terrorism. PML-N when faced with elections wanted Nawaz to return as their leader to bring the party back to power in 2024. The systemic crackdown of PTI only made the party it popular and lessened the PMLN's support. Nawaz Sharif's popularity was considered vital to compete with the ever-growing popularity of PTI Chairman Imran Khan.

Second, a well-timed return. Nawaz Sharif scheduled his comeback in accordance with Pakistan's legal system. He intended to coincide his comeback with Chief Justice Umar Ata Bandial's retirement, as the latter's support for Imran Khan was legendary. On 23 August, Nawaz during the interview stated that:

'The chief justice is well aware that Imran Khan has wreaked havoc on Pakistan's economy, ethics, and culture. He has propagated violence and repeatedly violated the Constitution'. Nawaz constantly accused Bandial of his support towards Imran Khan in the Tosha-khana corruption case verdict. However, Nawaz Sharif believed that Faez Isa, his successor, would be a safer choice because he wasn't viewed as an disciple of Imran Khan or the Army.

Third, Shift in military policy. Pakistan was (and still is) dependent on foreign funders, particularly the International Monetary Fund [IMF], and coups frequently come with a significant cost in terms of international sanctions. Pakistan's military chose to send out a figurehead who would enable it to stay in the background and maintain control over its key priorities, which included the country's relations with China, the US, Afghanistan, and India. Imran Khan's nationalism fostered relationships with the armed forces as well. In contrast to his competitors, Khan had no ties to any particular province.

The military adored Imran Khan at first, then turned against him. Khan specifically named Gen Asim Munir COAS, as the person attempting to destroy his political party. Previously, he had been labelled as a traitor to Gen Bajwa, the former head of the army, who had played a crucial role in placing and maintaining Khan in office. In addition, he accused a general in the ISI of being behind an attempted assassination attempt on him. As Khan is ousted from the regime, political experts like Wajahat Massod had also felt that the military was inclined to give him another chance. Despite the tumultuous past, the military's policies were overtly in favour of Nawaz. It was also evident that Nawaz's return to Pakistan was not publicly opposed by the military, henceforth Nawaz could be the military's saviour.

On 30th October 2023, in a dissenting note on the National Accountability Bureau (NAB) amendments verdict, Justice Mansoor Ali Shah of Pakistan's Supreme Court (SC) stated that ***members of the armed forces and judges should be accountable under the accountability laws***. The SC had earlier annulled certain amendments to the National Accountability Ordinance, which sparked controversy. Justice Shah emphasised the importance of the *"trichotomy of power,"* saying no state organ should claim superiority over the others. He stated that none of them could "usurp" each other in "the exercise of each other's functions." Further, Justice Shah dismissed Imran Khan's objections to the amendments, asserting that they relate to procedural matters and *"in no way take away or abridge any of the fundamental rights guaranteed by the Constitution to the people of Pakistan."*

On 31st October 2023, PMLN leader ***Shehbaz Sharif and his son Hamza Shehbaz were acquitted by an accountability court in the Ramzan Sugar Mills case.*** *The National Accountability Bureau approached the court to reopen the case of alleged corruption of over PKR 500 million, where the case accused both father and son duo of corruption of PKR 213 million. The NAB had accused the duo of misusing their authority and the son abetted the crime;* daily **DAWN** dated 1st November 2023 is referred.

On 31st October 2023, media sources reported that in its latest report titled *"South Asia Development Update toward faster, cleaner growth,"* the World Bank predicted a modest growth rate of 1.7 per cent for Pakistan in FY 2023-24. ***The bank's report highlighted the fragility of Pakistan's economic situation, with a shrinking economy and significant challenges, including ongoing inflation pressures, fiscal policy constraints, and extensive flood damage.*** Import controls intended to narrow the trade deficit had also affected the supply of industrial raw materials. While economic conditions were challenging, *Pakistan remained dependent on capital inflows* to finance fiscal and current account deficits, and foreign exchange reserves were limited. The report also noted that Pakistan was one of three South Asian countries in a crisis, along with Bangladesh and Sri Lanka; **Business Recorder** dated 31st October 2023 is referred.

On 1st November 2023, as the Islamabad High Court reviewed the appeals of former Prime Minister Nawaz Sharif and suspended his charges in the Al-Azizia case, the PML-N supremo headed the

party meeting which was held at Jati-Umra for the first time in four years after his party came into power. The meeting briefed about PMLN's relationship with other political parties. Most importantly, the meeting also conferred about Elder Sharif's political tour all over the country. He was set to visit all the provinces in November to restore and strengthen his party's goals and virtues. PMLN was in the process of releasing a new manifesto according to the concurrent events that were happening in the country. Post the meeting, PMLN Secretary General Ahsan Iqbal stated:

"We think at the end of January 2024, the elections will be held. The party will start receiving applications from interested candidates across the country from that day till Nov 10 and the central and provincial election boards will be set up for awarding tickets for upcoming polls. A new manifesto committee under Senator Irfan Siddiqui has also been initiated with a focus on the economy and judiciary," daily **DAWN** dated 1st Nov 2023 is referred.

On 7th November 2023, PTI accused the Karachi police of discriminately arresting PTI workers ahead of their 12th November rally. The party member stated that they were not even nominated and that these actions were sheer injustice and political vendetta against the party and called it a "*crack-down*." Regarding the rally, Barrister Fayaz Samor announced that they had finalised all arrangements from their end.

What does NS's return signify? First, the forthcoming elections. Sharif's choice to go back to Pakistan indicated that political forces had a reasonable amount of faith without reaching an agreement, Sharif would not have chosen to go back to Pakistan. The argument had merit in Pakistan, where the strong military was being charged with exerting influence in the political sphere.

Second, a fresh start for Nawaz. Sharif appeared mended to resume their old rivalry with the military leadership. Supremo Nawaz Sharif on his first day of the arrival spoke to an extensive crowd of supporters at the famed Minar-i-Pakistan in Lahore. He stated, *'I am meeting you today after several years, but my relationship of love with you is the same. There is no difference in this relationship. The love I am seeing in your eyes, I am proud of it'*. Sharif emphasized the personal toll that politics had inflicted. He discussed the deaths of his mother and wife and expressed regret for not being able to give them a befitting send-off.

Moreover, the legality of Nawaz Sharif's earlier disqualification from the electoral process remained unclear, even though the PMLN had effectively fielded him as its prime ministerial candidate, had it won the 2018 elections. However, there was a greater chance than ever that Nawaz Sharif would clash with the army head at some point, whether the sitting one or a successor, given the army's most recent inroad into the political sphere. The dynamics between Pakistan's prime ministers and army chiefs are determined by their respective ideologies, stances, and political outlook. The sheer structure of constitutional democracy, even one as weak as Pakistan, brought the brass at odds with the de facto chief executives.

- **Coward fugitive was returning under judicial asylum**: The PTI was all out with slogans that the *'coward fugitive is returning under judicial asylum'*. A PTI spokesman claimed that: *'...to facilitate the repatriation of a **national criminal** from London, the state has buried shame, modesty, law and justice with its own hands'*; Shamini Velayutham's essay is referred in **'National Institute of Advanced Studies'** (NIAS) dated 7th November 2023.
- **MQM-P**: As the political parties compete for control ahead of the elections, talks about potential cooperation were initiated between the PMLN and the MQM-P by former PM Nawaz Sharif. Discussions about potential future collaboration were held by both sides.

