

Scenario 179

MODEL TOWN KILLINGS

DR QADRI'S DHARNA [2013]:

The Supreme Court of Pakistan once declared that Dr Tahirul Qadri, being a Canadian National, is not entitled and eligible to contest elections in Pakistan but his activities created quite a stir on the political landscape of the country; in December 2014 he had nearly derailed the whole rogue system.

On 23rd December 2012; Dr Tahirul Qadri returned from Canada after seven years with a proclaimed mission to have the corrupt system rolled up, and to ensure that the constitution should be implemented in its true spirit and the eligibility criteria prescribed in articles 62 and 63 of the Constitution for the members of the legislatures should be strictly implemented and practised in Pakistan.

On 13th January 2013: Dr Qadri started a long march from Lahore which eventually turned into a four-day sit-in at Islamabad during which the PPP government felt threatened because the deadlines for his [Dr Qadri's] demands were widely appreciated by the general populace.

However, the whole pump & show suddenly ended **on 17th January 2013** when the government signed an agreement with Dr Qadri, promising reforms in the Election Commission of Pakistan [ECP], a change in the electoral laws and allowing a 30-day period for pre-scrutiny of the candidates in conformity with the constitutional eligibility criteria. The government ostensibly did this to end the mêlée.

The Army no doubt had watched those developments closely. They were not in favour of stepping in directly, but given their intense dislike of the PPP or even a resurgent PML[N], an indirect controlling proxy through Caretakers authorised a longer stint than the constitutionally permitted 60-90 days, as was being demanded by Dr Qadri initially, could give rise to a palatable enough option.

However, the Army was aware that after Abbottabad episode, their Chief Gen Kyani did not enjoy public acclaim as adequate 'defender' of the nation; rather on the counter-terrorism front after the attacks on Mehran, Kamra, GHQ and Peshawar – Gen Kyani had proved himself defeated. Thus chances of military intervention were very remote.

Dr Qadri could be the kite flown to test the wind and ground, but in the said given circumstances, it was a mere propaganda of certain enemy forces against the Pak-Army nothing beyond. Dr Qadri had not cogent scheme to go further – as he himself was later beaten by the Supreme Court on his own qualification being a Pakistani voter.

On 22nd January 2013; Dr Qadri declared that neither he nor any member of his family would contest the upcoming general elections. He urged that:

'...if PAT takes part in elections then he will separate it from MQI since he did not want to link his religious organisation with a political one.'

Dr Qadri justified his decision of not taking part in the polls by portraying himself as role model *'who disowns and discourages dynasty in politics'*. Personally, he completely disassociated himself from the election process and even barred his family from contesting the polls.

The fact remained that had the PAT decided to participate in the upcoming elections, the party had to replace Dr Qadri with another chairman since he was a dual national and he did not want to surrender his Canadian nationality, come what may.

*[Dr Qadri's political party, **Pakistan Awami Tehreek (PAT)**, was founded in 1990 and contested the general election the same year but did not win any seat. In 2002 it managed to clinch only one seat — which was of his own person.*

He then resigned mid-way through his term in November 2004 and left for Canada and was awarded citizenship there in 2005.]

No one ever bothered about whether the number of participants in Dr Qadri's dharna was 40,000 or 4 million. What mattered most was the awe-inspiring spectacle of enthusiasm and resolution unrivalled by a diversified collection of men, women and children of all ages coming from all over the country - many of whom were not even members of **Minhajul Quran**.

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They braved the biting cold and rain for three days and three nights. Despite this, their spirits were high and they remained determined to stay in Islamabad. No one pounced on the food that was distributed among the participants, as it is often seen in political gatherings especially of the PPP and the PML[N].

The people gathered there took their piece of bread, grams and a date when offered and never complained; they did not utter a word against their leader, who in sharp contrast was protected from the cold weather in his warm container, just because they knew that he had to be protected if their dreams were to materialise.

Dr Qadri's Deal: Following decisions were unanimously arrived at; having been taken on **17th January 2013**, in the meeting which was participated by coalition parties delegation led by Ch Shujaat Hussain including:

1. Makdoom Amin Fahim, PPP
2. Syed Khursheed Shah, PPP
3. Qamar Zaman Qaira, PPP
4. Farooq H Naik, PPP
5. Mushahid Hussain, PML[Q]
6. Dr Farooq Sattar, MQM
7. Babar Ghauri, MQM
8. Afrasiab Khattak, ANP
9. Senator Abbas Afridi, FATA

With the founding leader of **Minhajul Quran International** [MQI] and Chairman **Pakistan Awami Tehreek** [PAT], Dr Muhammad Tahirul Qadri.

The Decisions taken were:

1. *The National Assembly shall be dissolved at any time before March 16, 2013, (due date), so that the elections may take place within the 90 days. One month will be given for scrutiny of nomination paper for the purpose of pre-clearance of the candidates under article 62 and 63 of the Constitution so that the eligibility of the candidates is determined by the Elections Commission of Pakistan [ECP]. No candidate would be allowed to start the election campaign until pre-clearance on his / her eligibility is given by the ECP.*
2. *The treasury benches in complete consensus with PAT will propose names of two honest and impartial persons for appointment as Care-taker Prime Minister.*

3. *Issue of composition of the ECP will be discussed at the next meeting on Sunday, January 27, 2013, 12 noon at the Minhajul Quran Secretariat. Subsequent meetings if any in this regard will also be held at the Central Secretariat of Minhajul Quran in Lahore.*

4. *In pursuance to today's' decision, the Law Minister will convene a meeting of the following lawyers: S M Zafar, Waseem Sajjad, Aitizaz Ahsan, Farough Naseem, Latif Afridi, Dr Khalid Ranja and Hamayoun Ahsan, to discuss these issues. Prior to the meeting of January 27, the Law Minister, Mr Farooq H Naek, will report the results of this legal consultation to the January 27 meeting.*

5. *Electoral Reforms: It was agreed upon that the focus will be on the enforcement of electoral reforms prior to the polls on:*

- *Article 62, 63 and 218 (3) of the constitution*
- *Section 77 to 82 of the Representation of Peoples' Act 1976 and other relevant provisions relating to conducting free, fair, just and honest elections guarded against all corrupt practices.*
- *The Supreme Court Judgement of June 8, 2012 on constitutional petition of 2011 must be implemented in Toto and in true letter and spirit.*

5. *With the end of the long march and sit-in, all cases registered against each other shall be withdrawn immediately and there will be no acts of victimisation and vendetta against either party or the participants of the march.*

This declaration was adopted in a cordial ambience and reconciliatory spirit.

The signing of a resolution with Dr Qadri on 17th January 2013 defused a dangerous political impasse brought about after the 38 hours 'Long March' from Lahore to Islamabad and the follow up 3-day *dharna* [sit-in] with a gathering of millions from various parts of the Punjab province. Earlier on 23rd December 2012, Dr Qadri had announced an ambitious agenda from *Minar-e-Pakistan*, Lahore to cleanse the polity through electoral reforms and fresh elections under neutral Caretakers.

DR QADRI'S PETITION IN SC:

On 7th February 2013; Dr Tahirul Qadri filed a constitutional petition under Article 184(3), praying to the Supreme Court to declare the appointment of the CEC and four members of the commission not in accordance with the provisions of articles 213 and 218 of the Constitution, hence all these appointments were void *ab-initio*. He also prayed to the apex court till the decision of his petition, the CEC and ECP members should be restrained from working to conduct the elections in a free and fair manner.

After going through the contents of the petition, the CJP ordered to fix the petition for regular hearing from **11th February 2013** and issued notices to the respondents and the Attorney General [AG] in terms of Order XXVII-A, Rule 1 of CPC.

On 13th February 2013; after hearing him for three days, the Supreme Court dismissed Dr Qadri's petition. A 3-members bench under the Chief Justice Iftikhar M Chaudhry with Justice Azmat Saeed and Justice Gulzar Ahmed heard the petition. In its short order, the apex court maintained that Dr Qadri failed in proving the eligibility of his petition.

During proceedings, the CJP asked Dr Qadri to prove that how his rights were being infringed upon; to prove the purity of his intentions since he has suddenly appeared on the national stage. Dr Qadri responded that his dual nationality was being subjected to a media trial, and his loyalty was being brought into question.

Dr Qadri pleaded the court that he be allowed to cite different court rulings in favour of points he raised in the petition, to which the Chief Justice remarked [before that Dr Qadri could argue his fundamental rights that were definitely infringed upon]:

'.....the petition has been submitted in a personal capacity, and the petitioner is not eligible to contest elections, therefore he must prove his right to petition.'

Dr Qadri said that:

'For three days he is being put on trial, by asking such questions that the constitution does not even allow to be asked.'

The chief justice had also questioned as to how he [Dr Qadri] had suddenly returned from Canada to question the Election Commission's organisation; also that when he acquired Canadian citizenship. The chief justice had later remarked that Qadri did not identify himself as a Pakistani when abroad.

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During the hearing, the bench questioned Qadri's loyalty under Queen Elizabeth's oath. To this, Qadri addressed the chair saying that:

'....if the CJ's loyalty cannot be termed suspicious for his PCO oath, then his oath under Queen Elizabeth cannot be questioned either.'

Dr Qadri had waved a photo of the oath-taking ceremony of the sitting chief justice Chaudhry from former military ruler Gen Musharraf. **Dr Qadri dared to equate taking an oath from the Queen to one taken from former dictator Gen Musharraf.** In response to which, the bench had barred the TMQ Chief from continuing his arguments.

The Chief Justice Chaudhry got furious from inside and said:

'....of course I took oath from Gen Musharraf, but he was the President then; what could I do.'

While Dr Qadri's personal attack on the Supreme judiciary, and particularly referring to the CJP's chequered past, fell into ground for contempt charges being brought against him, the Supreme Court let him off with a warning.

The CJP had, in fact, defeated his own cause, his own stance. Reference was being made to SC's judgment of 31st July 2009 through which about one hundred judges working in various superior courts were sent home, including **those who were later inducted as new judges and had taken oath under the 1973 Constitution. They were sent home because they were appointed by Justice A Hameed Dogar, subsequently termed as unconstitutional CJP.**

Then the retired judges, the whole media and intelligentsia had tried to convince the CJP with the same argument that:

'.....what the judges could do then, they did not know then that Justice Hameed Dogar would be declared unconstitutional some day. They had to take oath from him, though they had taken oath under 1973's Constitution.'

But the CJP did not agree and sent them home; forgetting that twice he himself had taken oath firstly, under PCO and secondly, from Gen Musharraf who was purely and entirely unconstitutional on both moments.

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The SC bench questioned the Attorney General regarding the eligibility of Qadri's petition. **The AG advised the bench to focus on the contents of the petition instead of his character** – but the CJP was blatantly adamant to let down Dr Qadri due to CJP Chaudhry's intimate associations with Sharif family against whom Qadri was launching his campaign.

Dr Qadri complained before the court [*and later in media also*] that the apex court kept questioning him about his dual nationality for three days of the hearing rather than focusing on the main petition. Dr Qadri urged while explaining his petition that:

"This is on record. There was no hearing held for the appointment of ECP members. The court should have called the parliamentary committee members and asked for the minutes of their meeting. All of this would have proved that the constitution of the Election Commission was unconstitutional.

With due respect to the judiciary, I want to tell the people the truth. They did not even let me read out a single word from my petition. When I started reading it out yesterday, they did not listen to me and asked me about my dual nationality instead.

The court attacked all dual nationals. There are millions of Pakistanis who are loyal to Pakistan and are dual nationals. They add billions of rupees to Pak-economy... Their loyalty was questioned."

The apex court held that Dr Qadri had failed to convince the bench over his petition and the intentions behind filing it. He had failed to show that the question that he was raising came under the ambit of Article 184(3) of the Constitution. A series of dialogues were exchanged between the bench and Dr Qadri and the chief justice had said the cleric had ridiculed the court, adding that the petitioner's intentions appeared to be *malafide*.

AG Irfan Qadir had argued that Qadri satisfied the requirements in terms of *locus standi*, adding that the petitioner's intentions could not be questioned in the absence of evidence to support the claim of insincerity. An argument had also ensued between the Attorney General and the chief justice over whether Qadri's plea to reconstitute the Election Commission months prior to the upcoming polls could be considered as sincere.

The SC's bench could not control its sentiments while passing judgment in Dr Qadri's petition saying that **'a dual nationality holder person cannot raise his voice so loud'**. The Pakistani jurists sitting in UK's Parliament

collectively and the overseas Pakistanis too, virtually cursed the SC for declaring them '**foreign element**' indirectly.

However, certain analysts explained that the CJP was no 'stupid' that it could not understand the petition; and why it had not dealt it on 'merits of the pray' made in the petition. The answer was obvious.

One could recall that on **15th January 2013**, on the first day of sitting-in [*Dharna*] of Mr Qadri at Islamabad, the SC had announced orders, in routine, for arrest of 16 persons in RPP case including the sitting prime Minister Raja Pervez Ashraf. The Supreme Court's judgement was in a case on corruption in award of the Rental Power Project tenders, added a new twist to the burgeoning political crisis; reinforcing perceptions of anti-PPP and anti-Zardari political activism on part of the CJP Iftikhar M Chaudhry. The reaction was immediate and hysterical.

The manner in which Dr Qadri reacted, when apprised of the verdict midway during his fiery & thunderous speech claiming 'victory' and fulfilment of 'half of his objectives', sustained suspicion amongst political analysts in Pakistan that this may be a 'put up job'.

Dr Qadri had suddenly cut off his speech; raised the slogans '**Supreme Court – Zinda abad (Long Live)**'. No doubt, the general populace and the whole media had gathered the impression that '**perhaps Allama Qadri had backing of the SC; the elections would be postponed.**'

The SC had dispelled that impression in its own way – though not considered appropriate by any cannon of justice.

A 'recurring loss' of this situation immediately surfaced that Nawaz Sharif and President Zardari once again joined hands to make out a joint policy for the next general elections; to loot and plunder Pakistan once again. One can [*Do not go after the All Parties Conference held at Raiwind next day; that was a show piece*] make search of intelligence reports that how many 'secret' messages were exchanged between the two giants during those five days.

Much hue & cry seen in the media world over. In the back-drop of this embarrassment, the CJP Chaudhry, **on 15th February 2013** decided two petitions directing the ECP to make arrangements for voting of overseas Pakistanis. The petitions were filed by PTI's Imran Khan, Ch Nasir Iqbal and others against federation of Pakistan in 2011. The court held that:

"The NADRA and the Ministry of Overseas Pakistanis may cooperate with the ECP for registration of Overseas Citizens of Pakistan as voters and if need be NADRA may also issue to eligible Overseas Citizens, NICOP Cards, as completing this exercise would be helpful in registering their names as voters, if their names have not been entered in the Electoral Lists so far.

The possibility should also be explored for declaring Pakistani Diplomatic Missions (Embassies and Consulates, etc) as Polling Stations by the ECP where requisite information and data regarding Electoral Lists and Constituency-wise candidates could be made available electronically."

Referring to daily '**the News**' dated **13th February 2013**; Senator Babar Awan, the former Federal Law Minister suggested that, keeping the *locus standi* of Dr Qadri aside, the SC should have taken *suo moto* notice of the important issues raised in his petition. In his opinion, since the chief law officer of the federation, the AG raised no objections to discussing the merit of the Qadri case, the apex court, should have converted Qadri's petition into a *suo moto* case.

It became evident that Dr Qadri's petition made the ECP a controversial body, which had not been created according to the laid down procedures and there were strong indications that political bargaining [used word *Muk-muka*] had been done to nominate its members. The entire electoral exercise would become controversial and could lead to turmoil after the elections, it was generally believed.

The SC should have handled the issue of dual nationality very carefully; it raised questions about many dual nationals in Pakistan's politics like Dr Asim Hussain, a Canadian citizen who had to resign as senator but later handled heads the ministry of petroleum as adviser. If dual nationals could sit in Parliament to amend the Constitution, it was interesting that they were not able to file constitutional petitions; what a judgment it was.

In nut shell, Dr Qadri's petition for reconstitution of the Election Commission of Pakistan was dismissed by the apex court due to his ineligibility for filing the petition being a foreign national. The court also held that he could not contest elections in Pakistan. ***The SC verdict clearly put a bar on his participation in Pakistani politics.*** Having failed to fulfil his declared mission, he returned to Canada next day.

POLICE KILLED 14 ACTIVISTS [2014]:

On 16th June 2014; the Pakistan *Awami Tehreek* [PAT] founder and Chief Dr Tahirul Qadri warned the government of "**serious consequences**" if anything happened to him on his return to Pakistan on 23rd June 2014. For some time, Dr Qadri had been amassing the support of political parties in the opposition to form a grand alliance against the incumbent PM Nawaz Sharif administration.

Dr Qadri had successfully rallied for and acquired the support of political stalwarts like PML[Q] president Ch Shujaat Hussain and *Awami* Muslim League chief Sheikh Rasheed in forming a "**grand alliance**" against the sitting PML[N] government.

There were serious concerns of the civil society in Pakistan that the whole plot was designed by some ex-military officials allegedly by one former DG ISI through Dr Qadri but his party denied these charges. The liberal political parties also insisted that the whole event was drafted in London sometimes referred by the media as '**Another London Plan**'.

On 17th June 2014; a violent clash ensued between the Punjab Police and Pakistan *Awami Tehreek* [PAT] activists resulting in several protesters being killed by the police gunfire. There was a gathering of PAT workers which lasted for almost 11 hours when the police Anti-encroachment Squad launched an operation to remove the barriers from the road leading to the *Minhajul Quran* [MQI] HQ cum residence of PAT founder Dr Tahirul Qadri in Model Town Lahore.

Upon gauging the violent reaction from the protesting crowds, the local police chiefs DCO M Usman and DIG Operations Rana Jabbar negotiated with PAT's leadership; Khurram Nawaz Gandapur and Altaf Shah. There were two rounds of negotiations between the party officials and the police in which the party workers were urged to remove the hurdles on their own but without any result.

When the negotiations failed to bring fruit, the police returned third time with a 100-men squad at 09:30 am to forcefully remove the barriers. They were again met with fierce retaliation. At 11:20 am, the police force was led in groups commanded by seven SPs where some put focus on firing directly into the crowd while others used various tactics to disperse the crowds using tear gas shells and batons both.

With the straight police firing into the crowd, eight protesters [including two women] died at the spot while around eighty were injured seriously; later the death toll reached fourteen [14].

Amidst all the chaos and police brutality, media cameras captured a known police tout and the **PML[N] activist named Gullu Butt** smashing the nearby parked cars. After smashing a few cars, Gullu Butt was seen and heard chanting slogans while leading the law enforcement officers with an iron bar in hand. While celebrating his accomplishment, the media footage had [***shown live on all TV channels***] carried clips wherein Model Town SP Tariq Aziz was seen chatting and hugging Gullu Butt.

[Later, Dr Qadri claimed that the number of arrests was understated by the police as more than 200 of his party workers were missing and unaccounted for.

The anti-encroachment operation was in fact started at midnight [1am exactly – an unprecedented time for police raids or operations in Pakistan] by the Punjab Police to remove barriers outside the Minhaj HQ.

Police officials were shown a High-Court order placing security barriers around *Minhaj* estate due to terrorism issue. Nevertheless, the police carried on with their operation to demolish the Jersey barriers with bulldozers prompting the PAT activists to resist the police efforts through protest.

After the initial protests, the police retreated for a while, only to return in greater numbers at 5am. In the meantime, PAT workers had also managed to amass a crowd of supporters and called in the local media. The whole incident was continuously broadcast live on various local news channels. In the live footage broadcast, the policemen were shown firing assault rifles and lobbing tear gas canisters at the protesting masses while the protesters threw stones at the police in defence.

The attack was strongly condemned by all political factions calling it the worst form of state terrorism. Dr Qadri vowed to avenge the deaths of his political workers by launching a '**revolution campaign**' to hasten the end of the Sharif Brother's rule. The political elite had the opinion that PML[N] government reacted disproportionately and aggressively while '*shooting itself in the foot*'.

After the incident, the Faisal Town Police registered a case against more than 3000 PAT workers under section 7 of the Anti-Terrorist Act [ATA] and sections 302, 324, 353, 148/149 of the Pakistan Penal Code [PPC] formally

nominating Hussain Mohiuddin, the son of Dr Qadri, as the principal accused and responsible for lawlessness.

Subsequently, the Punjab CM Shahbaz Sharif ordered a judicial inquiry into the events adding that he had already constituted a judicial commission to probe the incident. ***The Judicial Commission was immediately rejected by Dr Qadri through his TV interview from Canada.***

In a televised speech CM Shahbaz Sharif denied any knowledge of the police operation and claimed complete ignorance of the bloodshed. His opponents ridiculed him for not knowing about the incident despite the live broadcast that continuously covered that bloody episode for hours.

On 19th June 2014, it was widely reported in electronic media that some senior police officers went to hospital and got altered the medico-legal certificates of injured police officials to show 'fake bullet injuries' in order to justify their claim that PAT workers had shot at the police contingents first. Dr Qadri accused the provincial government of tampering with the evidence in the hospital records and denied that his party workers had any arms at all. The investigating police team was unable to produce the confiscated weapons before the media in order to prove their claim.

Later, while addressing a press conference **on 21st June 2014** via video-link from Canada, Dr Qadri urged for an investigation team comprising representatives of the ISI & MI and a judicial commission of three Supreme Court judges to probe the incident.

The then Punjab law minister Rana Sanaullah Khan told the press that:

'.....the operation was done because the police were able to identify several armed men and weapons at the Minhaj-ul-Quran offices',

The claim was never substantiated. When the operation ended, no police official was immediately held responsible for such grave criminal negligence involving eight killings of innocent citizens and severe injuries extended to tens of persons.

On the same day of **21st June 2014**, CM Shahbaz Sharif removed Rana Sanaullah Khan and Principal Secretary to the CM Dr Toqueer Shah from their posts to mellow down the rising criticism over his administration.

On 22nd June 2014; breaking news appeared on all media channels in Pakistan describing CM Shahbaz Sharif's statement that he had come to

know about the whole Model Town massacre through the next day's TV news. The opposition parties had up-roared that:

'Shahbaz Sharif [Chief Minister Punjab] should have resigned from his office immediately accepting responsibility of mal-administration, if he was really ignorant.

The complicity of the chief minister in the Model Town action is evident from the hasty transfer of the Inspector General of Police Punjab just before the police action commenced.'

On 16th August 2014: Sessions Court Lahore ordered police to register murder charges against 21 individuals – including PM Nawaz Sharif and CM Shahbaz Sharif on account of alleged ordering violence that took place in Model Town as detailed above. PAT workers had submitted the same application to police for a First Information Report [FIR] against a total of 21 people, though the police had not filed any charges till then.

Issuing its orders on the application, the court directed Station House Officer [SHO] Faisal Town to immediately register cases against the 21 nominees. The petition included names of the Interior Minister Nisar Ali Khan, former Punjab law minister Rana Sanaullah, Federal Minister for Railways Kh Saad Rafique, the Inspector General of Police Punjab and the CCPO Lahore, among others.

On 28th August 2014; a First Information Report [FIR] was registered by the local police against 21 persons, including the prime minister of Pakistan and Punjab chief minister. Sections 419, 148, 234, 302 and 109 of the Pakistan Penal Code [PPC], pertaining to murder, attempt of murder and terrorism, were included in the FIR.

[The police claimed that the Minhajul Quran administration had deployed a private militia that was manning the barriers and had effectively converted the residential area into a no-go area.]

Dr Qadri returned to Pakistan again **on 23rd June 2014**, a week after the sad firing incident at his residence in Model Town in which 14 people lost their lives and about 100 others sustained bullet wounds. He vowed that he would take revenge for the murders of his followers and launch a movement for the removal of the PML[N] government.

Meanwhile, Dr Qadri found an ally in Imran Khan who was agitating about the alleged rigging in Elections 2013 and had an avowed mission to get rid

of the government. The two leaders separately executed the 'Azadi' and 'Inqilab' marches on Islamabad beginning on 14th August 2014 and staged separate sit-ins at the capital. Imran Khan's *Dharna* lasted for 126 days, though Qadri had quit it in October and flew back to Canada.

Before embarking on their marches the PTI and PAT presented some demands to the government which included:

1. the prime minister should step down;
2. Parliament be dissolved;
3. the ECP be re-constituted;
4. interim government of technocrats be formed; and
5. fresh general elections be held.

The Lahore High Court, on a petition filed by a private citizen asking the marches be stopped, declared the above demands unconstitutional and also ordered the parties to refrain from their marches and sit-ins.

Both parties, the PTI and the PAT, mobilised their protesters to reach Islamabad but ultimately their plans failed to materialise because of the indifference of the PML[N] government. Dr Qadri declared that his movement was for 'Qisas' but the government did not buy even that idea. Media opined that his campaign was purely not for justice to the families of those killed in Model Town firing but more was being done for the political edge.

The fact remained that the police used excessive force in Model Town and overreacted to the obtaining situation; of course those who were responsible must be held accountable. The police alleged that the conduct of the PAT workers constituted defiance of the writ of the state but those were common excuses. Law-enforcement agencies all over the world react to such situations with varying degree of responses but not straight firing.

Dr Qadri was otherwise scheduled to visit Pakistan to form a grand alliance of the opposition parties against the incumbent Nawaz Sharif administration; thus he landed in Pakistan on **23rd June 2014**. Dr Qadri had successfully rallied for and acquired the support of certain political stalwarts like PML [Q]'s Chief Ch Shuja'at Hussain and one Sheikh Rashid terming it a '**grand alliance**' against the government.

The manner of Dr Qadri's arrival, rumours of red carpet escort from Chakla Airport and the enthusiasm were odd factors which the traditional political elite of Pakistan never expected. PML[Q] and the MQM made common cause with his demands initially, led to justifiable speculation that Dr Qadri had been put to this **agenda by the 'establishment'** to prevent any col-

lusion between the PPP and the PML[N] in establishing a Caretaker Government and holding elections.

Feeling enormous pressure that Qadri might steal his thunder especially in Punjab, Chairman PTI Imran Khan, had to announce that they agree with Dr Qadri's agenda but would not join hands in the '**Long March**'. Javed Hashmi and the other PTI high ups wanted to join Dr Qadri in his Long March but later changed mind that this might be interpreted as a move to destabilise the democratic process at the Army's behest.

JUSTICE NAJFI COMMISSION:

Immediately after the sad incident of 17th June 2014, a one man Judicial Commission was announced comprising of Justice Baqar Najfi of the Lahore High Court. On 20th June, the Commission started functioning with the attendance of the IGP Punjab and the other alleged police officers at the place of occurrence in Model Town. The Commission finalized its report within a month and submitted to the government.

On 28th August 2014; a four-member committee formed by the Punjab government started working on the recommendations in the **Model Town Judicial Commission** report. The committee had mandated to fix responsibility in relation to the bloodshed that transpired in clashes between police personnel and supporters of PAT's Chief Dr Tahirul Qadri.

The committee was comprised of Justice [rtd] Khalilur Rehman Ramday, the provincial interior and law secretaries and the Punjab's Advocate General. After the findings of the report of the Judicial Commission and the joint investigation team, the government committee's fundamental task was to identify the responsables for the Model Town tragedy in the light of audio & visual evidence.

The report also said that the affidavits of Chief Minister Shahbaz Sharif and former law minister Rana Sanaullah contained contradictions regarding the orders they reportedly issued to the police to disengage, and said what happened on the ground did not match such claims.

Contents of the report, which the government had held as secret, were first revealed by anchor of a private TV channel a day earlier. It said that decisions were taken at a meeting presided over by Rana Sanaullah, the Law Minister Punjab, before the incident led to the worst kind of bloodshed.

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CM Shahbaz Sharif claimed in his affidavit that he had ordered police to disengage in Model Town. However, the chief minister did not mention this in the press conference he addressed after the fiasco. The media believed that the word '*disengagement*' was an afterthought to save the chief minister. However, the police were totally responsible for it.

The Punjab government held that report of the judicial tribunal was received and examined but observed that it required further analysis, as ***it was inconclusive***. It was said so because the report was based on some documents, statements and affidavits which were not provided with it.

The commission did not have the mandate to give findings or fix responsibility and its presiding officer, Justice Ali Baqar Najfi, mentioned this to media while handing over the report to the provincial home department.

It was on record that during the proceedings, the commission did not object to the affidavit of the chief minister in which he had said that he had asked police to disengage. His was the only affidavit which was not read out before the commission. Also, the chief minister was not cross-examined by the commission; thus the affidavit was considered as accepted.

The Commission had held that Rana Sanaullah ordered removal of the encroachments in front of Dr Tahirul Qadri's residence after receiving reports that they were illegal; he did not order action against anything legal.

It was also known to all that the findings of any judicial commission were not binding on the government - ***whereas in this case there were no findings***. Giving findings and fixing responsibility were the job of the government which were authorised to fix the responsibility only after examining the supporting affidavits and other documents being sought from the Commission.

Referring to daily '***Dawn***' dated ***27th August 2014***; Justice Najfi's Judicial Commission [JC] formed to probe into the Model Town killings concluded in its report that:

"..... the decisions taken at a meeting presided over by Rana Sanaullah Khan, Punjab's Law Minister, before the incident led to the worst kind of bloodshed.

It seems the word 'disengagement' was an afterthought to save the chief minister. The action in Model Town was tak-

en under the orders of the government and the police were totally responsible for it.”

The ***Justice Ali Baqar Najfi’s report***, however, maintained that CM Shahbaz Sharif’s was the only affidavit which was not read out before the commission; also, the chief minister was not cross-examined by anyone.

[Under the law, the objections are highlighted during cross-examination of the provider of an affidavit and changes are shown to the deponent and his or her signatures are sought on it. If this is not done, the affidavit is considered to be accepted. And this is what happened with the chief minister’s affidavit.]

The Punjab government held that the findings of any Judicial Commission were not binding on the government; AND in this case there were no findings whatsoever.

Next day; **on 28th August 2014**, in the light of JC’s Report, a formal First Information Report [FIR] was registered against 21 persons, as discussed in the earlier paragraphs. On the same day, a four-member committee under Justice (rtd) Khalilur Rehman Ramday was announced.

[The vibrant media of Pakistan immediately reacted to this committee; they termed Justice Ramday a known stooge of the Sharifs even when he was on the sitting benches of the Supreme Court.

*On the first day the intelligentsia in open TV forums declared that Justice Ramday was appointed to get clean chit for Sharifs – and **thus ‘justice prevailed as directed’.***

Earlier, the Punjab government had requested the judicial commission for audio / visual evidence in relation to the tragedy.

Justice Najfi’s Judicial Commission investigating the Model Town incident had held the Punjab government responsible for the tragedy, ***saying the police had acted on the administration’s orders which led to the bloodshed leaving 14 persons dead and 85 injured on that day.***

The JC’s report had said that the affidavits of Chief Minister Shahbaz Sharif and former law minister Rana Sanaullah contained contradictions regarding the orders they reportedly issued to the police to disengage, and said what happened on the ground did not match such claims.

As Justice Najfi's Report was against the Sharifs, the same was immediately discarded. **The said report was declared 'lost' both in the PM Secretariat and the CM's office.** The planning was so nice that not a single copy is available in any of the concerned offices.

On 24th December 2014; Advocate Syed Ali Zafar filed a petition in the Lahore High Court on behalf of Minhajul Quran, seeking a reply from the provincial government that why the judicial commission's report regarding probe into the Model Town killings had not been made public. He said the public had a right to such information under Article 19-A of the Constitution of Pakistan.

Advocate Zafar held that the commission had submitted its report **on 9th August 2014** but not yet published.

He referred to the UN General Assembly Resolution 59(1), Article 19 of the Universal Declaration of Human Rights adopted by the UN General Assembly in 1948, the International Covenant on Civil and Political Rights, Article 13 of the American Convention on Human Rights, Article 10 of the Council of Europe and the May 1999 Resolution of the Commonwealth Law Ministers, where it said that governments were duty-bound to impart information requested by citizens.

He asked the court to direct the government to submit an attested copy of the report. The court directed the Advocate General Punjab to reply on behalf of the government by 12th January 2015. The matter went through a routine activity but ultimately **thus**.

NEW JIT FORMED:

In the meanwhile; **on 18th November 2014**, the Punjab government announced another JIT nominating their own civil officers. The PAT office bearers rejected that JIT on the pretext that they did not expect justice from any forum or investigation body which comprise of the Punjab Police officers as members. The new five-member JIT was headed by CCPO Quetta Abdul Razzaq Cheema, AIG Discipline at CPO Shehzad Akbar, DSP CIA Khalid Abubakar and one official each from the Inter Services Intelligence [ISI], Intelligence Bureau [IB].

On 13th March 2015; the Punjab's CM Shahbaz Sharif had reiterated his earlier statement and got it re-recorded before the JIT that ***'I found about it [the incident] the next morning on TV.'***

On 20th May 2015; the new joint investigation team [JIT] probing June 2014's deadly clashes between Punjab police and PAT workers held 10 police officers responsible, while giving a clean chit to the Sharif brothers; the sitting prime minister and Punjab's chief minister.

In nut shell, the new JIT's report categorically stated that PM Nawaz Sharif, Punjab's CM Shahbaz Sharif, the federal ministers and police officers of DIG and CCPO-level were not involved in the incident.

However, the JIT report declared that SP Security Salman Khan was present with his contingents at the time of the incident. When PAT workers pelted stones and [allegedly] threw patrol bombs on the police, it was SP Salman Khan who had ordered the firing ***AND had fired bullets himself as well.***

Besides the SP, those who were held responsible for the killings of PAT workers included SHO Amir Saleem, two sub-inspectors of the Elite Force and seven constables. Five of the officers were already under custody and facing trials.

On 15th June 2016; Pakistan *Awami Tehreek* [PAT] Chief Dr Qadri urged army Chief Gen Raheel Sharif to ensure justice for Model Town victims. While returning to Pakistan, Dr Qadri said:

"The army chief, who has broken the backbone of militants, should ensure justice for the innocent people killed in Model Town Lahore incident of firing. All leaders responsible for the bloodshed in Model Town will meet their fate.

What happened in Model Town in 2014 was state terrorism."

Blaming the government for being involved in the Model Town firing, the PAT chief announced a **'grand protest'** at Lahore's Mall Road on 17th June 2016, while urging:

"It will be a protest as well as a sit in and I invite all political parties to join PAT on June 17 to raise their voice against the inability of the government to serve justice.

It has been two years since the incident, yet the JIT report has not been presented."

As per announcement, the PAT workers launched their sit-in after *Iftar* on The Mall Lahore to mark the second anniversary of the Model Town incident. Almost all opposition parties, including the PTI, PML[Q], MQM, *Jamaat e Islami* and one man-Awami Muslim League [AML], assured the PAT of their support for the protest.

PAT activists, including a large number of women, began reaching the venue in the afternoon, while police had blocked The Mall and link roads for traffic since morning. Police also forced traders to close down their businesses in the area, warning that the administration had reports about the presence of anti-social elements among PAT activists who could plunder their shops.

The people, however, wondered how PAT activists were accepting dates and sorbet for *Iftar* from the police whom they had been declaring killers of their colleagues.

Close to the stage, some mock gallows were on display, depicting that the activists desired eye-for-an-eye revenge for their colleagues. Some placards carried by the protesters also called for avenging the killings. A separate stage was set up for the heirs of the 14 victims.

At the back of the main stage, capacious enough to accommodate around 200 people, the container that Dr Qadri had used in his two Islamabad sit-ins was parked, giving the impression that contrary to assurances given to the administration the Lahore protest could be longer than a day.

Giving credence to these fears, women participants, some accompanied by toddlers and children, said that they had brought bagfuls of their clothes to stay at the venue for as many days as their leader would say.

Meanwhile, Punjab Law Minister Rana Sanaullah held, while talking to the media before the sit-in began, that the protest was unjustified because the PAT was pursuing court proceedings in cases it had initiated and it could not claim that its voice was not being heard at any forum. The said incident case was sub judice and the PAT was urged to wait for the court verdict.

The Punjab's Law Minister held the PAT responsible for delay in adjudication of the case by not joining the inquiry of a joint investigation team set up two days after the incident.