

Scenario 122

NAB MALIGNED SUPREME COURT:

ADM'L BOKHARI'S LETTER TO ZARDARI:

On 23rd January 2013, NAB's Chairman Admiral (Rtd) Fasih Bokhari termed Pakistan's superior judiciary as the 'most corrupt institution'. **He told in a video conference with NAB staff on Kamran Faisal's death that the Supreme Court [SC] wanted its man appointed in NAB but he refused.**

The NAB officers were on pen-down strike throughout Pakistan to mourn and protest the mysterious suicidal death of their colleague, Kamran Faisal. A Deputy Director from NAB's provincial office of Khyber-PK Khawar Ilyas had questioned his Chairman that:

'Since the government is a party in Kamran Faisal case with PM among the key accused in RPPs scam, the [Justice Javed Iqbal's] Commission appointed by the government lacks credibility. We suggest that Kamran's murder should either be investigated by a serving judge of the Supreme Court or anybody notified by it.'

NAB's Chairman started fuming and said:

'You should know that the judiciary is the most corrupt institution of Pakistan. I don't trust the present judiciary. The NAB would undertake its own probe in case the officers are dissatisfied with Javed Iqbal Commission report.'

Do you know why Supreme Court served me contempt notice thrice? Let me explain it today. Supreme Court wanted me to induct the (former prosecutor) Raja Amir in the NAB that I refused. Due to this reason, the Court has turned against me.'

Adml Bokhari also turned his guns at the Jang Group, telling the audience of the video conference that *'they are the biggest tax defaulters. We are investigating against him therefore they have turned against us.'* Jang Group's spokesman, however, rebuffed NAB's claim vigorously; it was a routine denial.

NAB's Charmin had to face questions about the **'rejected coins'** surrounding him in the NAB; he, however, expressed his dismay over the officers' mistrust.

An issue was also discussed; the appointment of Kamran Faisal and other officials for RPPs scam despite the fact they did not have any investigation experience. Kamran Faisal, had IT background and did only a basic course of investigation, yet he was put on such a high profile case. Likewise, Raza Khan, the Additional Director, was made case officer in the RPPs scam investigation when he did not have any investigation experience though. Maj (R) Shehzad Saleem, Director Administration and Human Resource, was also assigned the same task despite no experience of investigations.

Admiral Bokhari simply ignored those questions.

On 27th January 2013, NAB's Chairman Adml Fasih Bokhari addressed a hard-hitting letter addressed to his appointing authority, the president Zardari. Adml Bokhari had cast serious doubts over the role of the SC that he said **"could be seen as pre-poll rigging."**

The said letter was dispatched from the Chairman's home address in Chak Shahzad Farms, Park Road, and later released to the media. Adml Bokhari directly accused members of the

superior judiciary of trying to influence the outcome of the coming general election. Here is the text verbatim of that letter:

Dear Mr President

Please accept my gratitude for supporting unhindered execution of my mandate. Large recoveries have been made (about Rs:25 Billion). The Prevention activity of focusing on the current procurements and projects of Rs:1.5 Trillion to eliminate possible corrupt practices, and the disclosure of heavy daily wastage of revenue and state owned resources indicative of decade's old systemic flaws is being addressed by the Government.

"However, I write to you at a critical juncture in the history of our country when our people anxiously await free and fair elections. At this juncture all political players appear unanimous and united to respond to the aspirations of their countrymen. There is broad consensus that non political players must not be allowed to derail the political process. The Military has made its position clear and firmly stands with the people.

"I am constrained to observe and bring to your notice that the position of the Honourable Supreme Court, on this issue, remains clouded by actions that are bearing heavily on my mandate to strictly abide by the NAO in both letter and spirit, as the time for elections approaches.

"The clear line between the recognized authority of the Supreme Court to monitor NAB investigations to the limited extent of ensuring fair investigation, and itself becoming involved in guiding investigations, appears to be becoming breached as a norm as the elections near. Contempt notices, verbal orders that differ from written orders, and insufficient time to prepare numerous progress reports, are placing extreme pressure on NAB personnel who appear before the Honourable Judges.

There is even a danger that NAB personnel could lose their independence and are unable to carry out their investigations in an independent manner due to the pressure being exerted on them by the Honourable Supreme Court to proceed along lines which seem to be desired by the SC. In relieving this pressure, to safeguard their jobs, and so as not to displease the Honourable Court, there is danger of unfair investigation being resorted to.

This phenomenon is observable in the investigation of very senior politicians of the government where orders, to even arrest them, have been issued on investigation reports of regional investigators that had yet to reach the Executive Board Meeting at NAB Headquarters that is chaired by me. This could be construed as a clear violation of the powers of the Chairman NAB, and to some degree circumventing the NAO which I am required by law to follow.

The NAO in my view as it remains law passed by Parliament represents the will of the people and as such I am bound to follow it. The National Accountability Ordinance mandates that no reference can be filed until I have been allowed to exercise my mind, and decide that a clear case of criminality has been made out. I would be failing in my statutory duty if I shirk from upholding the law that I am mandated to protect.

Let me assure you, Mr. President that I will not flinch from prosecuting whosoever may be identified as having committed a criminal act under the National Accountability Ordinance. All are equal before the law. The nation expects that there be no sacred cows, nor raging bulls.

I am constrained to also bring to your notice the revolt within NAB, clearly abetted by a certain section of the media that used the sad demise of Mr. Kamran Faisal to vilify me and some senior NAB officers. This section of the media appears to be acting as an intelligence unit influencing the public, and possibly influencing certain members of the judiciary.

Long standing "stay" on taxes to be paid by this media house appears to be relevant also. This campaign, in which the role of the Honourable Supreme Court appears evident, is placing great pressure on me to please the Honourable Supreme Court in what could be seen as pre-poll rigging, and hurried unlawful action on my part.

Mr. President, I resigned my commission as Chief of the Naval Staff just prior to a Military coup rather than violate my oath to the Constitution. I was part of The Pakistan Ex Servicemen Association contingent that came on the streets protesting against the infamous 3rd November Emergency, and later for the movement for independence of the Judiciary. It is a sacred duty of every Pakistani to uphold, be guided by, and fiercely protect the Law and Constitution.

I fear that in the current direction that the Honourable Supreme Court appears to be taking, I will not be able to perform my independent statutory role. This situation needs to be addressed firmly in line with the aspirations of the people, and the clear mandatory provisions of the Law and the Constitution.

Although not directly within my mandate, as a citizen I am concerned about the current priority vital national interest (VNI) of achieving national cohesion before being able to address lower priority VNI such as HDI, Economic acceleration, infrastructure development, etc. Relevant state institutions must look carefully at the possible role of members of the judiciary, and a section of the media, in undermining state institutions, and the confidence of the people in the state itself.

The Ombudsman offices were established to also address human rights issues. The need to allow the Honourable SC to be diverted from its prime roles as the final Appellate and Constitutional Court may need to be addressed since ability to take Suo Moto notice of human rights cases can become an open license to undermine government, and may be taking time away from addressing the issues of judicial management of the current huge pendency of cases in our courts.

In the absence of timely justice the people are forced to take the law into their own hands and their anger becomes focused on their governments. The essence of law is to provide a moral benchmark to society. That benchmark is sadly being lost by a judiciary that may be fast losing its own moral authority by relying on the contempt law, media, street power of lawyers, and unchecked violations of the Supreme Court Judges code of conduct.

For the well being of our people justice must be ensured, while protecting them from those who would callously allow "the heavens to fall".

Should these issues not be addressed expeditiously I will regretfully be forced to tender my resignation."

The SC immediately took notice of that letter and initiated contempt of court proceedings against the NAB's Chairman Adml Bokhari.

CONTEMPTS AND ALLEGATIONS:

On 31st January 2013, the SC issued a show-cause notice for contempt of court to NAB's Chairman Adml Fasih Bokhari over the above mentioned letter sent by him to President Zardari. The court summoned the Chairman to appear before it on 4th February instant as Adml Bokhari had accused the apex court of interfering in NAB investigations; particularly against politicians.

A 3-member bench of the apex court, comprising Chief Justice Iftikhar M Chaudhry, Justice Gulzar Ahmed and Justice Sh Azmat Saeed, heard the case concerning implementation of its March 2012 ruling in the rental power projects (RPP) case.

NAB's Prosecutor General [PG] K K Agha read out the text of the said letter while the Chief Justice inquired as to why such a letter was written and asked for the PG's advice on the matter as a lawyer; especially wherein the apex court had accused the court of colluding with a section of the media against NAB.

Once when PG Agha read out the words "pre-poll rigging" from the letter before the court, the CJP remarked [and reassured] that:

'The executive, both civilian and military, shall not take any action or steps that are tantamount to deviation from the election. Deviation from the constitution or introducing any other system not recognised by the constitution shall not be acceptable.'

The chief justice's words came amid widespread speculation that the military was working with the judiciary to force out a civilian [PPP's] leader and delay the elections. PPP's stalwart Raza Rabbani, had said earlier that week that '**a conspiracy was being hatched**' by certain elements to derail the democratic process and delay general election for two to three years; adding that 'A sword (of Damocles) is hanging over democracy and it would continue to be there till the election of prime minister after the polls.'

The whole drama was being played in the backdrop of SC's directions dated 15th January 2013 through which the authorities were asked to **arrest Prime Minister Raja Pervaiz Ashraf** and 15 others accused in the RPP case. The PPP's prime minister had been accused of receiving kickbacks and commissions in RPP cases as minister for water and power.

The NAB Chairman had, however, informed the court that there was not yet enough evidence to arrest the premier and others accused in the case. In the original case, nine RPP firms were accused of receiving more than Rs:22 billion as a mobilisation advance from the government to commission the projects but most of them did not set up their plants and a few of them installed them but with inordinate delay. **In March 2012, the SC had held the RPP contracts non-transparent and ordered that the same be rescinded.**

After receiving the contempt of the court notice, the NAB's Chairman Adml Fasih Bokhari started making open attacks on the CJP Iftikhar M Chaudhry and the judiciary. Adml Bokhari's appointment was termed controversial by many, and on the count that he had converted NAB into a corruption-friendly institution and during his incumbency the national exchequer allegedly suffered losses of around Rs:2,000 billion because of closure of massive cases of loot and plunder against the top PPP leadership and the ruling elite of the country.

NAB Chairman was alleged to have ordered the bureau's prosecutors to remain silent in the cases reopened after the NRO judgment, which resulted in acquittals of all the accused in cases involving proven corruption of more than Rs:350 billion. Adml Bokhari allegedly ordered NAB prosecutors not to file any appeal against the closure of these cases in the high courts while it was a mandatory legal requirement.

In the Rs:9 billion Bank of Punjab (BoP) case, Adml Bokhari approved a controversial plea bargain to Sheikh Afzal and others despite the objections of the BoP. Sheikh Afzal etc had committed the biggest ever financial fraud of the country's banking history by using bogus collateral and fake NICs. Adml Fasih allegedly ensured that no action be taken against law-

yers Sharifuddin Pirzada, Malik Qayyum, Ali Wasim and others who had taken money in the name of judges to get a verdict from the court in his favour and there were credible evidences against them.

Adml Bokhari did not approve reference against 21 accused, including the then incumbent PM, who were indicted in the Rental Power Plants (RPPs) inquiry report prepared by the deceased Kamran Faisal who was found dead in his room **on 18th January 2013** after sending a message to his close friend that he was being pressured to give a backdated affidavit against the Supreme Court by the top NAB management.

Adml Bokhari himself admitted before the media that Rs:12 billion corruption was being done in the country on daily basis, making Rs:360 billion corruption a month; then failed to respond to the questions how many looters were arrested by him for committing that Rs:4,380 billion annual corruption.

Adml Bokhari failed to initiate any action on the Rs:38 million wilful loan default of ex-PM Yousuf Raza Gilani's wife.

In his statement submitted before the Supreme Court here **on 7th February 2013**, NAB's investigation officer [IO] in the OGRA case Waqas Ahmad Khan informed the apex court how Kausar Malik had been interfering in this case and even giving the reference of Chairman Fasih Bokhari's meeting with the prime minister.

[Waqas Ahmad Khan informed the SC that in October 2012 he was called by Kausar Malik in his office and told in presence of advocate Mehmood Mirza that the former should move an internal office note to the later suggesting that in the OGRA case one Ahmad Hayat Luk should be engaged on technical matters.

The IO refused to do so due to certain reservations with regard to Mr Luk but Kausar Malik had pressed him maximum. While doing so Kausar Malik said that in a meeting at the Prime Minister's House a day earlier, Mr Luk, Malik and Chairman NAB were all present to discuss the case. However, having disappointed from my side Kausar Malik got special letter issued from Deputy Director Operations.]

Adml Bokhari once tore into pieces the arrest warrants of one of the biggest plunderers of the PPP's regime, Tauqeer Sadiq [of OGRA fame] and allegedly helped him flee the country. He did nothing to arrest Tauqeer from the UAE despite dozens of apex court orders. He further ensured that no action could be taken against the officers who helped Tauqeer Sadiq escape from the country.

Adml Bokhari also remained unmoved when SC ordered moving a reference against Prime Minister Raja Pervaiz Ashraf and ex-PM Gilani in Tauqeer Sadiq's appointment case.

Adml Fasih Bokhari, during his stay in NAB got a luxurious residential plot from the PPP government in return of his "outstanding" services in an expensive sector of Islamabad worth many millions over & above his entitlement.

COMMISSION TO PROBE THE LETTER:

On 16th March 2013; less than an hour before it completed its five-year term; the PPP government formed a commission to probe allegations of "***persistent interference by outside institutions***" into the workings of NAB.

According to the notification issued late on 16th March by the Law and Justice Division, signed by Senior Joint Secretary Sohail Qadeer Siddiqui, a 2-member commission comprising former

SC judges Mukhtar Junejo and Nawaz Abbasi was formed to look into the matter and submit a report in the next few weeks.

The commission had to start its probe within a week of the issuance of the notification, and had to submit its report within four weeks.

The terms of reference of the commission, listed in the notification, were to examine:

- Whether any outside institution or any individual in such institution other than NAB can act as investigator directly or indirectly in cases under the NAB Ordinance 1999.
- Whether it / he can "override provisions of the NAB Ordinance"...by assuming / arrogating powers of the chairman.
- Whether it / he "has overstepped their jurisdiction in violation of clause (2) of Article 175" of the Constitution.

Although the notification, did not name any government institution, it was believed the commission would be investigating allegations against the Supreme Court contained in the above given letter written by Adml Bokhari to the president.

Chief Justice of Pakistan Iftikhar M Chaudhry **on 19th March 2013** expressed annoyance over the formation of a commission by the government for protecting the National Accountability Bureau (NAB) from 'interference' by 'outside institutions'.

A 3-member SC bench headed by the CJP Iftikhar M Chaudhry [Justice Gulzar Ahmed and Justice Sh Azmat Saeed the other two members] heard a *suo motu* notice taken on the commission's formation. The court ordered that concerned documents be presented before it to determine who ordered the commission's formation.

NAB Chairman Admiral Bokhari was already facing contempt charges over his letter to President Zardari, and that the matter of the commission would also be analysed with the new charges. Joint Secretary Law told the apex court that the notification for the formation of the commission, comprising former SC judges Mukhtar Junejo and M Nawaz Abbasi, was issued following the presidential reference, **adding that the notification, however, had been withdrawn.**

The CJP observed that the said notification reflected that the judiciary was a subordinate body of the executive, which was unfortunate. PM Raja Pervaiz Ashraf had sought legal opinion on the letter and was asked to form a commission; thus the matter was seen as contempt of court.

On 28th May 2013, the Supreme Court of Pakistan declared the appointment of Adml Fasih Bokhari, Chairman NAB, as null & void. The ruling was issued by a 5-judges bench of the apex court headed by Justice Tassadduq Hussain Jilani saying that Mr Bokhari's appointment to the post was unconstitutional and unlawful, adding that it was in violation of Section 6 of the NAB Ordinance.

The judgment was passed on a petition filed in October 2011 by the former opposition leader Ch Nisar Ali Khan urging the Adml Bokhari's appointment [on 16th October 2011] was not made in consultation with the Leader of the House (prime minister) and Leader of the Opposition nor the Chief Justice of Pakistan. It was tainted with personal motivation on part of President Zardari. The petition had also insisted that President Zardari was not qualified to exercise power or perform function to appoint NAB's Chairman when he himself was an accused in more than a dozen cases of alleged corruption.

One can see the efficiency of Pakistan's superior courts that a simple question of law or regulatory nature, which the Chairman NAB's appointment was made through blatantly flouting the rules on the subject – the Leader of the Opposition was not consulted; ***the petition could have been decided next day in one hearing. The Supreme Court took 19 months to decide it*** and that too only because:

- Adml Bokhari's appointing PPP government had gone home in March 2013.
- Adml Bokhari had written a letter to the President accusing SC itself for interference.

Usman Khalid of RIFA opined that:

'NAB has been used by all past governments to get their political opponents tamed. Diverse political pressures are exerted quite openly and very strongly. Admiral Bokhari was subjected to fierce pressures not only on behalf of influential accused but also the media and the courts.'

'During the incumbency of Admiral Bokhari as Chairman NAB, he was faced by the extraordinary situations; that persons under investigation included the President, sitting and past Prime Ministers and ministers, and the son of the Chief Justice. The conduct of Admiral Fasih Bokhari has been dignified, impartial and politically correct; he did not flinch from taking difficult decisions.'

As detailed earlier, on 10th March 2011, SC's similar verdict had declared the appointment of Justice ® Deedar Hussain Shah as illegal, also on Ch Nisar's petition. In fact the PML(N) had been struggling in the last parliament for the constitution of an independent National Accountability Commission [NAC] for across the board accountability but the bill was kept pending for more than four years.

The bill proposing constitution of the NAC was moved in the parliament by the PPP government, seeking replacement of the Musharraf-era NAB with an independent NAC in line with the Charter of Democracy signed by Nawaz Sharif and Benazir Bhutto in May 2006 in London. But it became controversial and put on the back burner after certain clauses were opposed by the PML(N).

The proposed law had suggested the setting up of a 3-member NAC to be headed by a chairman who has been a judge of the Supreme Court or a federal government officer in BPS-22, a deputy chairman who has been a judge of a high court or a federal government officer in BPS-21 and a prosecutor general who is qualified to be appointed as a judge of the Supreme Court.

[Part of this essay was published at Pakspectator.com as a 'Lead Story' on 19th October 2011]

POST SCRIPT:

Referring to '***Pakistan Today***' dated 19th June 2013, internal conflicts between two groups of NAB officers intensified to an alarming level, badly affecting the performance of the anti-corruption body as senior officials got entangled in legal battles against each other instead of preparing cases against criminals involved in massive corruption.

Both groups went locked horns for expelling each other from NAB through the Islamabad High Court [IHC]. The former military officers group challenged in the IHC the appointment of four new directors general in NAB while the other group of 11 officers also challenged the initial appointments of the former military officers in the same high court urging that their induction in NAB in 2003 and their subsequent promotion to next grade within three months was an illegal process.

According to documents, NAB had then appointed four DGs in BPS-21 on regular basis; namely Brig (R) Farooq Naser Awan as DG [HQ], M Altaf Bawany as DG [Finance], Zahir Shah as DG [Operations] and Hussain Ahmed as DG NAB Punjab. Their appointments were approved and notifications issued between 5 –15th April 2013 by the outgoing Chairman Adml Fasih Bokhari as a special case.

The group representing ex-military officials claimed that the PM had granted approval of the new recruitments of four DGs in violation of Sec 28-C of NAO 1999 in which the president of Pakistan was the only competent authority for such approvals.

On the other hand, these newly appointed DGs took stance that induction [in NAB] of ex-military officers' namely Col (R) Subah Sadiq, Col (R) Shahzad Anwar Bhatti, Maj (R) Burhan, Maj (R) Shahzad Saleem, Maj (R) Tariq Mehmood and other ex-military officers during Gen Musharraf regime was illegal.

Fact remained that serving military officers were permanently inducted in NAB without fulfilment of eligibility criteria i.e. academic qualification and experience in relevant field etc but were given key positions in NAB to manage all the affairs. They were then promoted illegally during 2003 and 2008 in higher ranks without considering seniority and prescribed promotion criteria. As a result, a large number of the officers went into litigation in higher courts.

CH QAMAR ZAMAN HEADS NAB:

On 9th October 2013; the PML(N) government issued the notification for the formal appointment of Ch Qamar Zaman as the new Chairman of the National Accountability Bureau (NAB). The post for NAB's Chairman was lying vacant since 28th May that year when the Supreme Court had termed the appointment of Admiral (rtd) Fasih Bukhari as illegal. PM Nawaz Sharif, after consultation with Khursheed Shah, Leader of Opposition in the National Assembly, had nominated Mr Chaudhry as new Chief.

Under the NAB Ordinance, the Chairman cannot be removed from his office midway since he enjoys a tenure post of four years, from which he cannot be removed except under Article 209 through the Supreme Judicial Council. But, as the CJP Chaudhry was hands in gloves with the PML[N] and he knew that the new party when comes in power would need his own Chairman NAB, so he [the CJP Chaudhry] had kept all the backdoor arrangements ready to send Admiral Bukhari home.

The CJP Chaudhry had done that most hazardous job in utmost smooth way to keep Sharifs protected from NAB's clutches on the basis of their past records if the same were there in NAB till that day; AND if at all some hard moments were to come.

Meanwhile, Pakistan Tehreek e Insaf [PTI] decided to challenge appointment of the new NAB Chief, giving several reasons for going to the apex court against Qamar Zaman. Dr Shireen Mazari stated that the appointment served to undermine the letter and spirit of the law as Qamar Zaman had applied for retirement after his announcement was made and the process was hastily completed within 24 hours. It further revealed that there existed a contempt notice of the Supreme Court against Qamar Zaman stating:

"In order to meet the ends of justice, we find it necessary to issue notices under Section 17 (1) of the Contempt of Court (Ordinance V) of 2003, to Qamar Zaman Ch, Secretary, Ministry of Interior, Abdul Rauf Ch. Secretary, Establishment Division, and Khushnood Lashari, Principal Secretary to the Prime Minister, for wilful defiance of the orders of this Court passed on 24.1.2011. This notice is still pending."

On 22nd November 2013; the SC ordered prosecution of NAB's new Chairman Mr Chaudhry for abusing his authority as a civil servant and also incriminated a whole bunch of top bureaucrats as well as a senior PPP politician responsible for the crime warranting cases against them. The indictment came in a 52-page detailed verdict in the Rs:1.68 billion NICL scam as well as contempt of court charges against senior government officials, including the NAB Chairman.

Authored by CJP Iftikhar M Chaudhry, the judgment said that the December 2009 appointment of Ayaz Khan Niazi as NICL Chairman was illegal, unwarranted and contrary to the Insurance Ordinance 2000. It also pointed finger, though prime facie, at former commerce minister Makhdoom Amin Fahim of the PPP, Qamar Zaman Chaudhry (then Additional Commerce Secretary), former Commerce Secretary Suleman Ghani, former Establishment Secretary Ismail Qureshi and former Acting Principal Secretary to the PM Nargis Sethi for their involvement in the scam. They were made liable to be tried under Section 9(a VI) of the National Accountability Ordinance 1999.

The appointment was challenged by PTI Chief Imran Khan in the SC but it has been the history. Earlier, former NAB Chief Nawid Ahsan had to resign after the apex court had on 16th December 2009, declared the controversial National Reconciliation Ordinance (NRO) illegal and expressed displeasure over the conduct and lack of proper and honest assistance and cooperation to the court.

Former leader of opposition Ch Nisar Ali Khan had challenged the appointment of Justice Deedar Hussain Shah as well as Admiral Fasih Bokhari to the post. Deedar Shah's appointment was set aside by the SC on 10th March 2011 and that of Fasih Bokhari on 28th May 2013.

Referring to the day of 18th April 2011, transfer [as MD NPF] of the then Additional DG Capt Zafar Ahmed Qureshi, who was overseeing the NICL investigation, the verdict implicated former DG FIA Malik M Iqbal, former Establishment Secretary Abdul Rauf Chaudhry, former Principal Secretary to the PM Khushnood Lashari and former FIA Director in Lahore Waqar Haider for creating hurdles and hampering the smooth and transparent investigation entrusted to Zafar Qureshi.

Qamar Zaman, Abdul Rauf Chaudhry, Khushnood Lashari, Malik M Iqbal and former Interior Minister Rehman Malik faced contempt charges separately for interfering in the NICL investigation.

The verdict regretted that the FIA had failed to recover Rs:420 million from accused Mohsin Habib Warraich as well as Moonis Elahi, son of former CM Punjab Ch Pervaiz Elahi, for whom £1.138 million was deposited with EFG Private Bank Ltd, London, in the name of a company owned by him and another account in the name of Beenish Khan (wife of Mohsin Habib Warraich) in Barclays Bank London.

The court had directed the NAB Chairman to take necessary steps to recover the outstanding amount and also arrest Mohsin Habib Warraich and NICL officials Amin Qasim Dada and Khalid Anwar as early as possible.

*The full details of the said NICL Scam have already been given in **'Judges & Generals in Pakistan Vol-IV (Scenario 74)**.*

On 24th December 2013; The NAB saved its own Chairman Qamar Zaman Chaudhry in an inquiry into the Rs:6 billion NICL scam, while ordering a formal investigation against former prime minister Yousuf Raza Gilani. When his appointment had been challenged in the SC by the PTI, he went on a long leave while the court ordered investigation against him – a good gesture in a way to uphold rule of law. The NAB Chief was given a clean chit by the NAB's

Executive Board at a meeting presided over by acting Chairman Rear Admiral Saeed Ahmed Sargana.

The NAB's spokesman told the media that the board had upgraded a separate inquiry against people accused of misusing authority in appointment of former NICL Chairman Ayaz Khan Niazi, including former prime minister Gilani and former Establishment Secretary Abdul Rauf Chaudhry who was then serving as the Federal Tax Ombudsman. Mr Gilani joined the investigation by sending his lawyer before NAB investigators next week.

On 26th December 2013, after getting a clean chit from the NAB, Mr Chaudhry was reinstated as the Chairman of Pakistan's top anti-corruption watchdog. He was dragged in controversies of an inquiry into the Rs:6 billion National Insurance Company (NICL) scam case for allegedly protecting Moonis Elahi involved as accused. For government officers such situations often become odd – here also, Mr Qamar Chaudhry had served under Moonis Elahi's father Ch Pervaiz Elahi when he was CM in Gen Musgarraf's regime.

NAB's ANNUAL REPORT 2013:

The Annual Report of NAB for 2013 was released vide **PR 33/2014-NAB dated 20th May 2014**;- declaring it another challenging year in the history of Pakistan. On the Enforcement side of NAB activities, recovery through Voluntary Return (VR) and Plea Bargain (PB) remained Rs:3.125 billion. The Prosecution efforts resulted in 65 percent convictions in Courts.

During the year 2013, NAB received 18607 complaints. With addition of backlog of 1464, the number rose to a total of 20071 complaints. Out of these, 18,892 complaints were processed (converted into complaints verifications, inquiries, linked with cases, referred to other departments etc.) and 1179 complaints remained pending as on 31st December 2013.

A total of 284 fresh inquiries were authorized during the year 2013 thus including the backlog of 589 inquiries the total rose to 873. A total of 243 inquiries were finalized, whereas 630 inquiries remained under process. 463 individuals entered into VR and PB during the year 2013 and out of agreed amount of Rs:3149.985 million, Rs:3125.088 million (99.2%) were recovered. During the year 2013, NAB recommended placement of 157 accused on the Exit Control List (ECL) through the Ministry of Interior.

Awareness and Prevention Division of the Bureau processed 363 projects including procurements amounting to Rs:220 Billion; 18 Committees were established in all major areas of governance to improve performance. Despite upheavals during the year, NAB was able to perform satisfactorily under the Prevention Regime in the period from January to December 2013. NAB worked with bureaucracy for its restructuring and for renewal of rules to prevent corruption in planned procurements projects. Work on improvement of Legislative and Regulatory Structures of the State was under review to remove discretions and service anomalies, the annual report says.

NAB also established 14000 Character Building Societies (CBS) across the country in different Universities, Colleges and Schools. It is worth mentioning that substantial progress was achieved in the efforts for eradication of corruption as Pakistan's CPI index improved during year 2013. NAB expressed the hope that with continued efforts, the Bureau would achieve further noticeable improvements in the coming years.

The incumbent Chairman, Ch Qamar Zaman, took charge of his office in October 2013. Placed in an awkward situation by the Supreme Court's decision to entrust an inquiry against his person to NAB, the Chairman decided to proceed on five week's leave until the inquiry was completed. However, the NAB remained functional during his absence, the Deputy Chairman with his powers acted on his behalf.

During the year 2013, NAB inducted 280 investigators through a merit-based and transparent recruitment process. They underwent seven months rigorous training conducted by local as well as foreign faculty. This training was arranged at COMSATS university campus Islamabad where state of the art facilities were made available and renowned professionals were invited to impart specialized training on various subjects.

NAB appreciated the Federal and Provincial governments for their cooperation and support in enabling it to perform its assigned functions. NAB believed that no process of accountability could be successfully undertaken without the cooperation of all citizens as well as the media. To this end the Media Wing of NAB had been instructed to take necessary initiatives so as to make that joint effort successful. Chairman Chaudhry held:

"It is impossible for me or for the institution that I head, to succeed on its own. In this respect, NAB would need the active help and support of all the people of this country and all its institutions. Needless to say our efforts are tied by an umbilical cord to the judiciary. It is also important to acknowledge that our success or failure is also tied to the Media."

During the year 2013, after successful completion of training, 268 officers joined the field operations. This enhanced NAB's capacity and help brought down pendency; the bar for the year 2014 was raised further. NAB's goal for 2014 was to increase its role in contextualizing and setting the anti-corruption strategic agenda on behalf of the Government of Pakistan and the Political leadership of the country. Stronger emphasis will be placed on the far-reaching and often overlooked links between corruption and other serious risks.

International Anti-Corruption measures had been sub-divided under the headings of Enforcement, Prevention, and Education. More sensibly, Pakistan used the title Awareness instead of Education. In the past, NAB's main emphasis was on Enforcement. ***"Out of empirical evidence it has come to light that Enforcement alone cannot succeed and it has to move hand in glove with Prevention and Awareness. NAB intended to pursue that internationally accepted model."***

In particular, Chairman Chaudhry's team focussed on connecting NAB with other anti graft organizations from emerging markets, linking the anti-corruption platform to broader messages on growth, competitiveness and risk resilience.

The Annual Report of the NAB for the year 2013 was duly presented to the President of Pakistan as required under section 33D of the National Accountability Ordinance 1999. Not only that it was a statutory requirement but also a reflection of NAB's contribution to the National efforts against corruption.