

## Scenario 18

### ***Is Hamam Mein Sab Nangey:***

On **25<sup>th</sup> April 1994**, **daily Dawn**, a leading English newspaper of Pakistan, had published an editorial titled '**Our secret godfathers**', which opened up with:

*'Two basic points emerged from General Aslam Beg's admission that in 1990 he took Rs 140 million from the banker Younus Habib [and business community of Karachi] and that part of this money was spent by the ISI during the elections that year . . . '*

And closed by saying that: *'it is time now for some sort of check on the rogue political activities of our intelligence agencies'.*

It was another alarming tragedy that this amount of Rs: 140 million was collected by the President Mehran Bank, Younus Habib, from the business community of Karachi, out of bank regulations, on the instance of secret agencies through clandestine instructions. Otherwise Pakistan's history is stuffed with many breath-taking financial scandals like Cooperatives scam, in which poor and middle class people lost billions of rupees in the hope of getting some fixed incomes for their livelihoods. The fake financial corporations deprived off the economy with huge unpaid bank loans owed to the politicians and top level businessmen.

The '**Mehran Bank**' scandal was a story of massive corruption of that age in Pakistan. The arrest of the Bank's chief executive, Yunus Habib, on 7<sup>th</sup> April 1994, had lifted curtain from one of the biggest financial fiasco of the country in which he had siphoned off an amount of five billion rupees and doled out millions to certain politicians and serving Generals of army in order to cover up his crime. His arrest was made by the Federal Investigation Agency (FIA) on a complaint lodged by the State Bank of Pakistan for committing misappropriation in the sale proceeds of 'Dollar Bearer Certificates' to the tune of \$36.7 million.

*[Yunus Habib was actually arrested on 24<sup>th</sup> March 1994 for siphoning off money from both Habib Bank and Mehran Bank he was kept under 'informal custody' by the FIA or the ISI for interrogation off the record. He was forced to 'deliberately forget & omit' certain important names and 'some' transactions and to save skins of many big guns that were once part of the deal. He was put on formal arrest later after two weeks when media cried.]*

The national media had also felt the vague and ambiguous attitude of the government and Superior Courts towards the facts (of open state sponsored financial and political corruption) on record.

The general populace of Pakistan then wanted (and expected) from the Supreme Court to put some guiding principles, ways & means and procedures to keep the army organisations away from political interferences in future. The people wanted an able ruling of the apex court for justified use of public funds on national development cause and not sending it to the big politicians or Army Generals as bribes and looted shares. Their expectations were based on the proceedings which were going on in the Supreme Court for about one year.

This black & hard fact of Pakistan's history was further confirmed when in 1994 a stunning revelation about that scam was made in a session of the National Assembly of Pakistan. Exposing the manipulation of Pakistan's political affairs by the anti-democratic forces of the country, the then Federal Interior Minister, Major Gen (Rtd) Naseerullah Babar had disclosed to the nation about army establishment's undercover financing of certain politicians of IJI to oppose Pakistan Peoples Party (PPP) in the 1990's general elections.

Opposition leader Nawaz Sharif added fuel to the fire on 31<sup>st</sup> May 1994 and announced that President Farooq Leghari was involved in the scandal and had used Mehran Bank to inflate prices in his own land deal involving a Rs: 15 million transaction. The President confirmed that Younus Habib had facilitated the deal but denied charges about any illegalities. The government then appointed two judicial commissions to investigate the MBL scandal and the President filed libel charges against Nawaz Sharif and his political companions.

Why Gen Beg did so to down the PPP power? Reason may be that Benazir Bhutto, being the Prime Minister of Pakistan, had appointed former Air Chief Zulfikar Ali Khan to head an Enquiry Commission in 1989 to look into the working of various intelligence agencies including ISI, IB, ASF, and Special Branch of Police and also to recommend measures to improve their performance and keep them away from the political arena. In fact, similar exercises had been done before as well; Gen Yahya Khan did it for Gen Ayub Khan, Rafi Reza for Z A Bhutto, and Sahibzada Yakub Khan did it for Gen Ziaul Haq; but not a single page is available on record showing implementation of recommendations of these commissions.

To support his statement, Gen Babar had presented a letter from another retired Army General, Asad Durrani, addressed to the then Prime Minister Benazir Bhutto, confessing the distribution of those secret funds worth 140 million rupees in the capacity of DG ISI. Gen Durrani was later designated as Pakistan's Ambassador to Germany during Benazir Bhutto's government in 1994.

Here is the verbatim copy of that letter dated 7<sup>th</sup> June 1994:

*"My dear Prime Minister,*

*A few points I could not include in my 'confessional statement' handed over to the Director FIA. These could be embarrassing or sensitive. (a) The recipients included Khar 2 million, Hafeez Pirzada 3 million, Sarwar Cheema 0.5 million and Mairaj Khalid 0.2 million. The last . . . [illegible] someone's soft corner that benefited them. (b) The remaining amount of 80 million were either deposited in the ISI's 'K' fund (60 m) or given to director external intelligence for special operations (perhaps the saving grace of this disgraceful exercise. But it is delicate information.)..... .*

***[Noted in the margin of this paragraph by Gen Babar or Benazir Bhutto: "This is false. The amount was pocketed by Gen Mirza Aslam Beg (of Friends)"]***

*The operation not only had the 'blessings' of the President (GIK) and the wholehearted participation of the caretaker PM (Ghulam Mustafa Jatoi), but was also in the knowledge of the army high command. The last mentioned will be the defence of many of us, including Gen Beg (who took his colleagues into 'confidence' but that is the name that we have to save & protect).*

*The point that I have 'war-gamed' in my mind very often is: what is the object of this exercise?*

*(a) If it is to target the opposition, it might be their legitimate right to take donations, especially if they come through 'secret channels'. Some embarrassment is possible, but a few millions are peanuts nowadays.*

*(b) If the idea is to put Gen Aslam Beg on the mat: he was merely providing 'logistic support' to donations made by a community 'under instructions' from the government and with the 'consent' of the military high command. In any case; I understand he is implicated in some other deals in the same case.*

*(c) GIK [President Ghulam Ishaq Khan] will pretend ignorance, as indeed he never involved himself directly.*

*(d) Of course, one has to meet the genuine ends of law. In that case let us take care of the sensitivities like special operations and possibly that of the army [of Pakistan].*

*It was for these reasons that I desperately wanted to see you (the PM) before leaving. I also wanted to talk about my farewell meeting with the COAS (General Waheed Kakar). In the meantime you must have met often enough and worked out what is in the best interest of the country [the Pakistan].*

*I keep praying that all these natural and man-made calamities are only to strengthen us in our resolve and not in any way reflective of our collective sins [as Pakistanis].*

*With best regards and respects*

Yours sincerely, Asad

Filed also in the court was a note, attached to Gen Durrani's letter written in his own hand, reading:

*"YH TT Peshawar A/C Sherpao For Election 5,00,000; Anwar Saifullah for MBL deposit 15,00,000; Farooq Leghari PO Issued 1,50,00,000. Another 1,50,00,000 paid through Bank. There are a host of other political figures who received funds like Liaquat Jatoi [later Chief Minister Sindh], Imtiaz Sheikh etc."*

Gen Durrani's above revealing had claimed that in September 1990, he had received instructions from the then Chief of Army Staff (COAS) Gen Mirza Aslam Beg to provide logistic support to the disbursement of '*donations made by some businessmen of Karachi*' to the election campaign of *Islami Jamhoori Ittehad* (IJI). Astonishingly no body could find any clue for this presumption that how these donations were collected, who collected and who were the businessmen to make these donations. The fact remains that it was the money 'donated' by Mehran Bank nothing else.

These disclosures by the then Interior Minister had provoked former air force chief and leader of an almost defunct political party, *Tehreek-e-Istaqlal*, Air Marshal (Rtd) Asghar Khan, to urge the Supreme Court of Pakistan to take a *suo moto* notice of the issue. In his 'Human Rights Petition no: HRC 16 / 96' addressed to the Chief Justice Sajjad Ali Shah on 16<sup>th</sup> June 1996, Asghar Khan contended that:

*'.....the action of Gen (Rtd) Mirza Aslam Beg and Gen (Rtd) Asad Durrani amounts to gross misconduct and I am writing to ask that you may be pleased to initiate legal proceedings against both these persons who have brought the Armed Forces of Pakistan into disrepute and have been guilty of undermining the discipline of the Armed Forces.'*

Proceedings of the case during next one year had amply proved, beyond reasonable doubt, that politics in Pakistan was plagued by capital investments by the under-cover intelligence agencies. Even Gen (Rtd) Aslam Beg who denied his personal involvement in the transaction of Rs 140 million, secretly deposited and withdrawn from various branches of Habib Bank to finance leading politicians of the country, had admitted it in the Supreme Court earlier.

Explaining his role as the COAS in the ISI's funding for IJI, Gen Aslam Beg maintained before the Supreme Court that:

*'In 1990 when the money was donated by Younas Habib, ISI was acting under the directions of higher authorities. As COAS at that time, when I was informed of the matter, my only concern was that the money received by the ISI was utilized properly and an account was maintained and beyond that, I had no concern with that money.'*

Ironically, the former COAS had not hesitated to accept his contribution to the evil of corrupting the political culture, as he probably saw the situation as one of the Establishment's routine covert activities undertaken 'in the best interest of the country'.

The times when this scandal had hit the print-media headlines, most political analysts had focused on the issue as a classic instance of undue manipulation of political actors and events by our intelligence agencies. A number of editorials, columns and news-reports published

during the course of the revelations questioned the 'ability of intelligence agencies such as ISI to secretly use public funds for purposes which amount to the strangulation of our infant democracy and are also beyond the scope of their legitimate activities'.

It is also a fact that questions were also raised in the past regarding the justification for maintaining the so-called Political Cell in the ISI since 1975, an initiative which goes to the discredit of former Prime Minister Zulfikar Ali Bhutto.

More pathetic situation is that despite all these confessions on record the Supreme Court remained silent and did nothing for the poor nation, passed no stricture, no judgement, no reprimand and no line of action for such future lootings because the respondents were Generals, the ruling elite for whom the country was in fact made.

The matter did not end for all. Still there were hopes when a replica of Gen Naseerullah Babar's words, spoken on National Assembly's floor in 1994, was highlighted in the national press later. People were of the view that in the light of their own decision on 'Corruption & Corrupt practices', the Supreme Court would take cognizance of the facts already on record.

Reference is being made to the daily '**Dawn**' of **4<sup>th</sup> August 2002** in which **Ardsher Cowasjee** had shouted that:

*'..... Naseerullah Babar also filed in court a copy of a bank account sheet headed "G/L Account. **Activity Report: Account 12110101 G. Baig** (sic.) The column heads read "Transaction, Date, Particulars, Debit and Credit." The numbered transactions took place between October 23, 1991, and December 12, 1993. The first transaction listed was "Cash-P.O. Karachi Bar Association A/C Gen. Baig (sic.), debit, 5,05,680" (advocate Mirza Adil Beg, Aslam Beg's nephew, the then president of the KBA, confirms that the KBA received the money). In January 1992 USD 20,000 was sold @ 26.50 and 5,30,000 was credited to the account. Thereafter all debits: "Arshi c/o Gen. Baig (sic.) 2,90,000; Cash paid to Gen. Sahib 2,40,000; Cash Friends 1,00,000 [Aslam Beg's organization, FRIENDS, Foundation for Research on National Development and Security]; Cash TT to Yamin to pay Gen. Shah 3,00,000; Cash TT to Yamin Habib 12,00,000; Cash Friends 1,00,000; Cash Friends 1,00,000; Cash paid through YH 10,00,000; Cash Friends TT to Salim Khan 2,00,000; Cash 1,00,000; Cash Towards Friends 5,00,000; Cash Asif Shah for Benglow 35,000; Cash Friends 1,00,000; Cash Friends 1,00,000; Cash TT through Yamin for Friends 1,00,000; Cash paid to Fakhruddin G. Ebrahim 2,00,000 [he confirms having received the money from General Beg as fees and expenses for defending him in the contempt of court charge brought against him - PLD 1993 SC310]; Cash paid through TT to Yamin for Friends; Cash paid to Fakhruddin G Ebrahim 1,28,640 [he confirms receipt for fees / expenses for contempt case]; Cash Guards at 11-A 10,500; Cash TT for USD 240,000 Fav. Riaz Malik to City Bank (sic.) New York 68,76,000; Cash Friends 1,00,000; Cash Guards at 11-A 10,500; Cash Mjr. Kiyani 10,000; Cash mobile phone for Col. Mashadi 28,911; Cash TT fav. Qazi Iqbal and M Guddul 3,00,000; Cash Mjr. Kiyani 10,000; Cash TT to Peshawar 3,00,000; Cash deposited at Karachi A/C EC [Election Commission] 3,00,000; Cash Guards 24,000; Cash TT to Quetta 7,00,000; Cash mobile bill of Col. Mashadi 3,237; Cash TT to Peshawar Br. 4,00,000; Cash deposited at Karachi Br. 4,00,000; Cash Guards 11,520; Cash TT to Peshawar for EC 2,00,000; Cash TT to Quetta for EC 2,00,000; Cash Guards 5,760; Cash Mjr. Kiyani 5,000; Cash A/C Guards 8,640; Cash to YH 2,00,000; Cash A/C Guards 5,760; Cash TT to (an apparently unknown person named) Salim Khan 1,00,000."*

*The "host of other political figures who received funds" from an ISI account were revealed in the Supreme Court when Asghar Khan's petition was being heard. Inter alia, Nawaz Sharif received (in rupees) 3.5 million, Lt General Rafaqat [GIK's Election Cell] 5.6 million, Mir Afzal 10 million, Ghulam Mustafa Jatoi 5 million, Jam Sadiq Ali 5 million, Mohammed Khan Junejo 2.5 million, Pir Pagaro 2 million, Abdul Hafeez Pirzada 3 million, Yusuf Haroon 5 million [he confirms having received this for*

*Altaf Hussain of the MQM], Muzaffar Hussain Shah 0.3 million, Abida Hussain 1 million, Humayun Marri 5.4 million. (Source: File Records of the Supreme Court of Pakistan)*

Citing one A S Ghazali's analysis in his e-Book, one can also add other testimonials, already available on Supreme Court's record, in which there was a mention of payments made by Yunus Habib of Mehran Bank directly to Generals, politicians and political parties from his bank. The main beneficiary of this national booty was former Army Chief Gen Mirza Aslam Beg who had received the main amount. Besides Rs. 140 million, other names & amounts in the documents included:

*'Jam Sadiq Ali (Rs. 70 million from Habib Bank and Rs: 150 million from Mehran Bank); MQM's Altaf Hussein (Rs. 20 million); Yusuf Memon for Ejaz-ul-Haq and one more (Rs. 50 million); Nawaz Sharif (Rs. 6 million); Chief Minister of Sindh Muzaffar Hussain Shah through his secretary (Rs.13 million); MQM Haqiqi (Rs. 5 million); former Sports Minister Ajmal Khan (Rs.1.4 million); Jam Mashooq Ali (Rs. 3.5 million); Liaquat Jatoi (Rs:1 million); Dost Mohammad Faizi (Rs. 1 million) and Jam Haider (Rs. 2 million) to mention some of them; all respectable politicians of today.'*

On 16<sup>th</sup> June 1997 Gen (Rtd) Mirza Aslam Beg said before the court that Lt Gen Asad Durrani had received the money and spent Rs 60 million for funding certain candidates as per above details and 'some' to more names while the remainder on 'other' operations. He added that Gen Durrani had kept him informed about the developments.

Kamran Khan of News had also confirmed to the press that the amount of Rs: 140 million, given to Gen Beg was deposited in the 'Survey Section 202' account of Military Intelligence (then headed by Maj Gen Javed Ashraf Kazi). From there Rs 6 crore was paid to President Ghulam Ishaq Khan's Election Cellmates (General Razaqat, Roedad Khan, Ijlal Hyder Zaidi, etc.), and Rs: 8 crore transferred to the ISI account. **(Referred to Daily Dawn of 21<sup>st</sup> July 2002)**

These documents and many others, filed in the Supreme Court, are a matter of public record. In this regard, reference should be made to paragraph 111, 'Corruption', of the judgment of the Supreme Court of Pakistan on the Proclamation of Emergency dated 14<sup>th</sup> October 1999 (approved for reporting), delivered by Chief Justice Irshad Hassan Khan and his eleven Brother judges, sanctifying Gen Musharraf's takeover. It was a document presented by Attorney-General Aziz Munshi, dating back to 1990, with the lists of ISI's payments, Gen Naseerullah Babar's and Gen Asad Durrani's affidavits being amongst them.

The innocent people of Pakistan have a right to question that why not all these corrupt, bribed political people who shamelessly accepted the people's money for their own political ends, and who have never denied having received such payoffs, were not disqualified for life?

A question was once asked from the Chief of *Jama'at Islami* (JI), Qazi Hussain Ahmed, on the issue of involvement of agencies in toppling the governments in Pakistan.

**Question:** *'The Supreme Court took up a case filed by Air Marshal (R) Asghar Khan. During the proceedings the ex-Army Chief, Gen Aslam Beg and some other people alleged that the official agencies and ISI etc have been spending huge sums in favour of one party or to topple the other. How the Jama'at would react to it. Further, does it not prove that many a past elections held in Pakistan were dubious and unjust?'*

**Answer:** *'..... We offer no specific and detailed comment on it, because the matter is before the court, which alone can decide whether the allegations were right or wrong. What any body can see however, is that Gen Aslam Beg first stated that so much was paid to such and such (party or person). When Asghar Khan filed the case, the Gen denied what he stated earlier. ....Further comments will only be possible when the court makes its final judgment [which has not surfaced till today].'*

Leading politician Ch Shujaat Hussain had openly confirmed that he and Ch Pervez Elahi were offered millions of rupees by the then Army Chief Gen Aslam Beg in 1991 for political purposes from Mehran Bank accounts. Referring to his interview appeared in daily ***The News of 23<sup>d</sup> April 2003***, he was courageous enough to reopen the controversy over Army's role in politics by admitting that Mehran Bank scandal had cost Rs 9.92 billion to the national exchequer. He told that the two brothers, he and Pervez Elahi were called in the Army House Rawalpindi in 1991 to strike the deal but they refused to involve themselves in that sort of state bribery to politicians.

In this interview, Ch Shujaat Hussain had also confirmed the names of certain recipients of public funds distributed through the ISI to change the election shades. He, interalia, narrated that:

*'Gen Beg is accused of distributing Rs 140 million among different politicians like Nawaz Sharif the former Prime Minister, Farooq Leghari the former president, Jam Sadiq the former Sindh Chief Minister, Altaf Hussain the MQM Chief, Yousaf Memon advocate for disbursement to MNA Javed Hashmi and others, Liaquat Jatoi the former Chief Minister Sindh, Afaq Ahmad of MQM, Imtiaz Sheikh, Muzaffar Shah the former Chief Minister of Sindh, Ajmal Khan the ex-Federal Minister, Jam Mashooq, Dost Mohammad Faizi, and Mr Adnan son of Sartaj Aziz the then Finance Minister.'*

Air Marshal Asghar Khan is still waiting to have an announced verdict from the Supreme Court of Pakistan since about a decade, heard by the CJP Saeeduzzaman Siddiqui. Many of the witnesses like Gen Naseerullah Babar have already expired.

It should remain in mind that the Mehran Bank had been doing badly since its very inception, and banking experts unhesitatingly attributed this poor performance to Yunus Habib's affinity and weakness for 'extra-curricular banking activities.' In fact, the only reason why the bank had managed to stay afloat was the protection and patronage enjoyed by Yunus Habib, whereby hefty institutional and government accounts were brought to Mehran Bank.

Mehran Bank was in imminent danger of being declared near insolvent. Gen Aslam Beg, the then Army Chief, and the ISI Chief Gen Javed Nasir came to its rescue and, in the process, unwittingly sealed its fate. Gen Javed Nasir deposited his organization's foreign exchange reserves near about 39 million dollars with Mehran Bank, which was in clear violation of government rules that such banking must be conducted through state-owned financial institutions.

Yunus Habib started dipping into this huge deposit to finance his customary dealings on the other side. After Gen Javed Nasir, Lt Gen Javed Ashraf Qazi took over as the new DG ISI in January 1993 and decided to transfer this money to a safer bank. When it tried to withdraw such a huge amount, Yunus Habib's bank was in no position to cough up. And it was precisely for this reason that Yunus Habib was picked up first time by a law enforcement agency (FIA) in 1993. A deal was reportedly struck, with Yunus Habib promising to return the money.

Yunus Habib was formally arrested by the Federal Investigation Agency (FIA) on 7<sup>th</sup> April 1994, on a complaint of State Bank of Pakistan for misappropriation in the sale proceeds of the Dollar Bearer Certificates (DBC's). He subsequently admitted that out of the 36.7 million dollars generated through the sale of DBC's (a federal government bond that the State Bank sells through commercial banks) he had used 20 million dollars to pay back a portion of the amount owed to the ISI and used the rest of the money to meet some other pressing obligations.

According to the State Bank of Pakistan rules, proceeds from the DBC's (Mehran Bank was given 40 million dollar worth) had to be deposited within 72 hours of the sale. Yunus Habib did not meet this deadline -- in fact, never deposited the money at all -- and as the State Bank governor alleged, misappropriated the funds.

Gen Aslam Beg denied any personal gains in the above quoted scandal. His organization FRIENDS claimed that the money was 'donated' by Yunus Habib and that the amount was deposited directly into the account of 'a government agency.' Accounts in the name of an intelligence agency were opened in four separate banks; Allied Bank, National Bank of Pakistan, Muslim Commercial Bank and United Bank Limited and an amount of 140 million rupees was deposited in these accounts between 16<sup>th</sup> September and 26<sup>th</sup> October 1990.

The said money was taken out almost soon after it was deposited, and is said to have gone towards running the 1990 election campaigns of certain politicians of IJI then being headed by Nawaz Sharif. This was not done out of generosity, but allegedly only to further the career designs of Gen Aslam Beg, who wanted an extension in his tenure as Army Chief from the President GIK but was refused.

Pakistan's intelligence agencies, especially in military regimes, had gone much deep into politics and still it is so. It is because of this sinister nexus that in Pakistan politics, events taking place behind the scenes have often been more important than anything taking place on the surface. Indeed, some senior ISI officials like Lt Gen Hameed Gul, recall with a sense of pride, their role in this regard and claim it as their prerogative in open and live TV programs.

Referring to an internet site [www.Freedomfiles.org](http://www.Freedomfiles.org), the Mehran Bank proved to be a club for spies and politicians to collaborate illegally against each other. The intelligence agencies prevailed upon politicians from different parties to trade their loyalties for a price. The objective of the intelligence agencies was to destabilise an allegedly hostile government [of PPP] and then put in place a 'friendly' [IJI & Nawaz Sharif's] regime. The scandal comprises the entire gamut of financial crimes like fake loans, kickbacks, illegal transactions and bribes unprecedented in our history.

At the same time it also speaks about our inept and lethargic judiciary which had dealt with a case in which all the needed evidence was on record along with the confessional statements of the accused. Because of the fact that the persons charged were the high ranking Army Generals, the Supreme Court did not feel courage to pass any cogent judgement in this connection. Nor the judiciary could initiate any proceedings against the high profile political figures that were named among the beneficiaries of the Mehran Bank because the judges had not dealt with the Generals in a rightful way. The compromising attitude of the judiciary was not less damaging; the following illustration is there to prove it.

In July 1994 a commission, comprising five judges, was formed to investigate the Mehran Bank scandal. It took eight months to complete its inquiry in February 1995 but its report was never published. However, parts of the reports were released on 8<sup>th</sup> December 1996, according to which the commission had exonerated President Leghari from any wrong doing in his *benami* deal. But the commission did not mention to whom the land was sold by the President for Rs. 15 million and from which account the money was debited to make the payment.

The said Commission had also cleared the former Chief Minister of the NWFP, Aftab Sherpao and one Senator Anwar Saifullah, who were accused of being the main beneficiaries of the Mehran Bank, of all the allegations. Details are available in daily '**The DAWN**' of **9<sup>th</sup> December 1996**. On 13<sup>th</sup> May 1997, the then Commerce Minister, Ishaq Dar informed the Senate that the report was missing from the Law Ministry. According to Mr Dar, the Mehran Bank scandal cost a total of Rs. 9.92 billion to the national exchequer.

*[No analysis can be offered that why the report could not be released open in 1995 and what happened behind the curtain. The Commission's report, as it was reported in the inner circles, had declared involvement of notable politicians in corruption. It was not made public perhaps because some of those politicians were members of the ruling PPP and Benazir Bhutto had not opted to drag them in the mud.*

*In November 1996, Benazir Bhutto's government was dissolved by Mr Leghari using Article 58(2)(b) of the Constitution. After that the report was (unofficially) called in*

*the President House, re-considered or may be got amended to suit certain people, partly released as per requirement and the file was not returned to the Ministry of Law till the moment of statement given at the Senate floor by FM Ishaq Dar at least.]*

Shortly thereafter Chief Justice Sajjad Ali Shah received a letter from Air Marshal (Rtd) Asghar Khan, copied to the then COAS Gen Jehangir Karamat, drawing his attention to the matter. On the basis of this letter, attached press clippings and an affidavit signed by Asad Durrani listing the politicians to whom money had been paid, the Supreme Court had decided to initiate action under Article 184(3) of the constitution.

Hearings commenced in February 1997 and continued through the year. On 6<sup>th</sup> November 1997, the statements of Gen Babar and Gen Durrani were to be recorded. The Court, under Chief Justice Sajjad Ali Shah, was faced with the awkward question as to the law under which the ISI and its political cell had been set up. Gen Beg's counsel, Akram Shaikh, after fulsome praise of the agency and its great achievements – greater than those of RAW, the KGB or MI 5 – explained how the political cell had been established in 1975 under the orders of Mr Bhutto.

The Court asked the Attorney-General to provide the relevant documentation as to the scope of the activities of the political cell and to clarify whether, under the law, part of its duties was to distribute funds for the purpose of rigging elections.

The Attorney General, of course, wriggled out of that one by stating that the matter was of such a 'sensitive' and 'delicate' nature that it could not be heard in open court. Air Marshal Asghar's lawyer, Habib Wahab ul Khairi, countered by saying that as the entire matter had been aired in the press, with all the names involved fully listed, there was little left to warrant in-camera proceedings, and besides, the people had every right to know how their money had been used and whether the use in question was permitted by law.

The court, however, allowed the recording of Gen Naseerullah Babar's and Gen Asad Durrani's statements and their cross examination to be held in camera on 19-20<sup>th</sup> November.

Seven days later, on 27<sup>th</sup> November 1997, the Supreme Court was stormed by Nawaz Sharif's goons and shortly thereafter Chief Justice Sajjad Ali Shah was sent home. The people heard no more about this petition, filed truly in the national interest, until ***The Herald***, a monthly magazine, in its issue of **April 2000** published a report by Mubashir Zaidi ('Forging democracy') which made mention of it :

*"The case has since been heard and on 11<sup>th</sup> October 1999, just a day before the military overthrew the 'heavily mandated' Nawaz Sharif government, the sitting Chief Justice, Saiduzzaman Siddiqui, announced that he had reserved judgment on ISI case."*

Almost three years later, after a deafening silence from the Court, on 10<sup>th</sup> August 2002, Asghar Khan addressed a letter to the then Chief Justice of Pakistan, Sh Riaz Ahmed; its subject being 'HRC No.19/96, Air Marshal (R) Asghar Khan versus Gen (R) Mirza Aslam Beg.' It read as:

*"I should like to draw your attention to my letter MAK/12/5 addressed to your predecessor on 8 April 2000, requesting that the above case may please be reopened. I have received no reply to this letter and elections are due on 10 October, 2002.*

*Many of the people [Pakistani politicians] who are guilty of misconduct will, if the case is not heard, be taking part in the elections and the purpose of those elections will thus be defeated. I would request an early hearing and decision in this case."*

*(Ref: We never learn from history by Ardeshir Cowasjee published in 'DAWN' dated 5th August 2007)*

Again, nothing happened.



In the election year of 2007, ISI and its sister agencies once more got into the act, the reinstated Chief Justice of Pakistan, Iftikhar Chaudhry, could not take up the Asghar Khan's petition which was of vital importance to the future political scenario as it should have eliminated and disqualified many aspiring public representatives hoping to lead the nation again.

The stalwarts of the Supreme Court Bar Association did not help the retired Air Marshal – when he needed legal representation.

Mehran gate is just a tip of the iceberg. There are hundreds of banking and financial scams involving politicians and Generals that have yet to surface. It seems that all politicians, whether they belong to the ruling coalition or the opposition, are part of this corrupt political culture. The charges and counter-charges made by both seem to have only one aim: ***Lutto tay Phutto.***

Who cares for the coward, clumsy and hopeless judiciary in Pakistan?