

## **Documents**

*July-December 2017*

### ***I. Foreign Policy***

#### **A. AFGHANISTAN**

##### **1. Joint press release issued after the second round of China-Afghanistan-Pakistan Practical Cooperation Dialogue**

The second China-Afghanistan-Pakistan (CAP) Practical Cooperation Dialogue was held in Kabul from September 26 to 27. The dialogue was chaired by Mr. Mustafa Aria, Director General of Development Cooperation from the Ministry of Finance of Afghanistan, and was attended by Mr. Xiao Qian, Director General of the Asian Department of the Ministry of Foreign Affairs of China and Mr. Mansoor Ahmad Khan, Director General of the Afghanistan Department of the Ministry of Foreign Affairs of Pakistan. Dr. Nasir Ahmad Andisha, Deputy Foreign Minister of the Islamic Republic of Afghanistan met with the heads of the three delegations.

The three sides held discussions on the objectives, principles, areas of trilateral practical cooperation and identified specific projects of trilateral practical cooperation, and agreed to enhance coordination towards their implementation. The three sides agreed that the aim of the trilateral practical cooperation is to support the peaceful reconstruction and economic development of Afghanistan, to further strengthen the relations and to promote cooperation among the three countries within the "Belt and Road" and the Regional Economic Cooperation Conference on Afghanistan (RECCA) frameworks.

The three sides agreed to enhance communication, coordinate China and Pakistan's assistance to Afghanistan on the basis of fully taking into account Afghanistan's priorities, carryout trilateral cooperation projects, gradually strengthen the mechanism building for trilateral cooperation, and to provide security for the trilateral cooperation projects. The three sides agreed that policy communication, infrastructure, human resources, livelihood building and people to people exchange are the five key cooperation fields, and will steadily promote concrete cooperation.

The three sides agreed that the next round of dialogue will be held in Islamabad. The exact dates will be finalized through diplomatic channel.

Islamabad, 27 September 2017.

## 2. Joint press release issued after the first China-Afghanistan-Pakistan Foreign Ministers' Dialogue

Foreign Minister Wang Yi of the People's Republic of China, Foreign Minister Salahuddin Rabbani of the Islamic Republic of Afghanistan and Foreign Minister Khawaja Muhammad Asif of the Islamic Republic of Pakistan held the 1st China-Afghanistan-Pakistan Foreign Ministers' Dialogue in Beijing, China on 26<sup>th</sup> December 2017.

Afghanistan and Pakistan congratulated China on the successful conclusion of the 19th National Congress of the Communist Party of China, and fully supported the initiative proposed by Chinese President Xi Jinping to build community with a shared future for mankind.

The three sides reaffirmed their commitment to improving their relations, deepening mutually beneficial cooperation, advancing connectivity under the Belt and Road Initiative, and fighting terrorism in all its forms and manifestation without any distinction. The three Foreign Ministers agreed to jointly work together on political mutual trust and reconciliation, development cooperation and connectivity, security cooperation and counter-terrorism as three topics of the trilateral cooperation.

The three sides reaffirmed that a broad-based and inclusive peace and reconciliation process, which is "Afghan-led, Afghan-owned", and fully supported regionally and internationally, is the most viable solution to end the violence in Afghanistan. In this regard, they call on the Afghan Taliban to join the peace process at an early date.

The three sides agreed to conduct win-win trilateral economic cooperation, with an incremental approach, starting from the easier initiative to the more difficult ones. The three sides agreed to continue economic development cooperation in areas of mutual interest, and expressed willingness to strengthen people-to-people contacts.

The three sides reiterated their firm resolve to fight the menace of terrorism. They expressed their strong determination not to allow any country, organization or individual to use their respective territories for terrorist activities against any other countries. The three sides agreed to strengthen counter-terrorism coordination and cooperation in an effort to combat all terrorist organizations and individuals without any discrimination. The three sides will communicate and consult on developing of the Memorandum of Understanding on Counter-Terrorism Cooperation.

The Afghan and Pakistani sides thanked the Chinese side for the successful holding of the 1st China-Afghanistan-Pakistan Foreign Ministers' Dialogue and its warm hospitality, and three sides agreed that the 2nd China-Afghanistan-Pakistan Foreign Ministers' Dialogue will be held in Kabul in 2018.

Islamabad, 26 December 2017. *Source:* [www.mofa.gov.pk](http://www.mofa.gov.pk)

## B. CHINA

### 1. **Chinese Foreign Minister Wang Yi's support to Pakistan in fighting terrorism — Foreign Office's reported statement**

Foreign Secretary Tehmina Janjua currently on a visit to China called on the Chinese Foreign Minister Wang Yi today. The entire gamut of bilateral relations, regional, global issues, as well as the situation in Indian Occupied Jammu and Kashmir, were discussed.

Foreign Minister Wang Yi reaffirmed China's continuing and firm support to Pakistan and vowed to further strengthen the all weather strategic cooperative friendship with Pakistan. He lauded Pakistan's contributions and great sacrifices made in the fight against terrorism, adding that the international community should fully recognize these efforts.

The Foreign Secretary, while underlining, the importance of Pakistan-China friendship, reiterated Pakistan's support to China on all issues of its core interest. She said that the recent visit of Vice Premier Wang Yang on the occasion of 70<sup>th</sup> independence anniversary of Pakistan, had further solidified the time tested friendship between Pakistan and China.

Pakistan and China agreed to continue close consultations on efforts for lasting peace and stability in Afghanistan and underscored the importance of the Trilateral Afghanistan-China-Pakistan Foreign Minister's meeting.

Islamabad, 22 August 2017.

### 2. **Foreign Minister, Khwaja Muhammad Asif's meeting with Chinese Foreign Minister, Wang Yi — Foreign Office's reported statement**

Foreign Minister Khwaja Muhammad Asif met Chinese Foreign Minister Wang Yi today in Beijing. The two leaders discussed the strengthening of bilateral relations and the prevailing regional situation.

Appreciating the all weather friendship between Pakistan and China, Foreign Minister said these relations were founded in the principles of mutual-trust, equality, non-interference, harmonious co-existence and win-win cooperation based on common agenda of socio-economic development. He expressed great satisfaction in the spirit of mutual support to each other on the issues of their vital national interest.

Emphasizing that CPEC offered a unique opportunity for the two countries to integrate with regional trading routes, the Foreign Ministers reaffirmed mutual commitment of both governments to continue effective implementation of the projects under this initiative.

Foreign Minister Wang Yi reiterated China's consistent support to Pakistan's sovereignty, territorial integrity, stability and development. Lauding Pakistan's remarkable achievements in counter-terrorism, he stated that Pakistan

has been at the forefront of international efforts to combat terrorism for a long time, which the international community should recognize and appreciate.

The two Foreign Ministers also exchanged views on issues of peace and stability in the region, particularly in the context of President Trump's South Asia review focusing on its policy in Afghanistan. They agreed that there was no military solution to the conflict in Afghanistan and there was need for continued efforts for a politically negotiated settlement under an Afghan-led Afghan-owned peace process.

They also agreed to continue to work together bilaterally as well as through trilateral forum for promoting peace, stability and development in Afghanistan and the region. In this regard, Pakistan reiterated support for China's offer to host the first trilateral meeting of Foreign Ministers of Pakistan, China and Afghanistan later this year.

This was the first visit of Foreign Minister Khwaja Muhammad Asif to China after assuming his office last month. During the visit, he also called on the head of commission for political and legal affairs of CPC central committee Mr. Meng Jianzhu and State Counsellor Yang Jiechi.

Islamabad, 9 September 2017.

### **3. Prime Minister, Shahid Khaqan Abbasi's felicitation message to the President of China, Xi Jinping**

Prime Minister Shahid Khaqan Abbasi has felicitated H.E. Mr. Xi Jinping on his re-election as General Secretary of the Central Committee of the Communist Party of China. The Prime Minister acknowledged that the world marveled at the generational transformation China has achieved since the initiation of the reforms and opening up process in 1978. China has not only achieved the status of second largest economy of the world but has also realized the miracle of bringing 700 million people out of poverty in a time span of one generation.

China's efforts to realize a just, equitable and harmonious global governance, based on shared prosperity and win-win cooperation, represent the aspirations of the developing world. The Belt and Road initiative and China-Pakistan Economic Corridor are the hallmarks of the spirit of this win-win cooperation.

The Prime Minister underscored that Pakistan-China relationship enjoys full support from all segments of society in Pakistan. The people and government of Pakistan stand ready to take our bilateral comprehensive strategic cooperative partnership to new heights.

Islamabad, 26 October 2017.

#### **4. Press release issued by Chinese Foreign Ministry on the China-Afghanistan-Pakistan Vice-Ministerial Consultation on Counter-Terrorism and Security**

China-Afghanistan-Pakistan Consultations on Counter-Terrorism and Security at Vice Ministerial level was held in Beijing on November 7, 2017, which was co-chaired by H.E. Li Huilai, Assistant Foreign Minister of the People's Republic of China, H.E. Hekmat Khalil Karzai, Deputy Foreign Minister of the Islamic Republic of Afghanistan and H.E. Tasnim Aslam, Special Secretary of the Islamic Republic of Pakistan.

During the Consultations, the three sides exchanged views on international and regional counter-terrorism situations and trilateral counter-terrorism cooperation. The three sides agreed that China, Afghanistan and Pakistan need to further enhance counter-terrorism exchanges and cooperation, work together to address threats posed by terrorism and safeguard the three countries' and the regional security and stability.

Islamabad, 13 November 2017.

#### **5. The 8<sup>th</sup> Round of Strategic Dialogue between Pakistan and China held at Ministry of Foreign Affairs**

The 8<sup>th</sup> Round of Strategic Dialogue between Pakistan and China was held in the Ministry of Foreign Affairs, Islamabad on 20th November, 2017. Foreign Secretary Tehmina Janjua led the Pakistani delegation, whilst the Chinese side was led by Assistant Minister of Foreign Affairs, Mr. Kong Xuanyou.

Both sides held comprehensive discussions on the entire spectrum of bilateral relations between Pakistan and China. These included: the Belt and Road Initiative and specifically, CPEC; bilateral trade; defence; counter-terrorism and culture, education and people to people exchanges. The two sides also agreed to further strengthen cooperation in all mutually relevant areas for the benefit of the two countries.

The Foreign Secretary and her Chinese counterpart also exchanged views on issues including the regional situation in Afghanistan, the US policy in South Asia, and matters relating to the Korean Peninsula. Ms. Janjua also apprised her counterpart of the dire situation faced by the people of Indian Occupied Jammu & Kashmir and the ongoing human rights violations committed by India. She expressed hope that the international community would play its role in urging India to put an end to blatant human rights violations in IoK.

Both sides agreed to further augment cooperation in various multilateral fora including the United Nations, Shanghai Cooperation Organization (SCO) and other multilateral organizations.

The two sides reiterated commitment to strengthen and enhance bilateral mutual cooperation in all fields including political, security and economic issues, and to further coordinate on issues of regional and international significance.

Islamabad, 20 November 2017. *Source:* [www.mofa.gov.pk](http://www.mofa.gov.pk)

### C. EUROPEAN UNION (EU)

#### **Pakistan-EU joint declaration issued after counter-terrorism dialogue**

The sixth round of Pakistan-EU Political Counter-Terrorism dialogue was held today, 23 November 2017 in Islamabad in the framework of the EU-Pakistan Five-Year Engagement Plan.

Both sides held in-depth discussions and exchanged perspectives on a wide range and aspects of counter terrorism issues in a cordial and constructive manner. Reaffirming that terrorism continued to pose a threat to states and societies across the globe, both sides reiterated their resolve to jointly combat terrorism in all its forms and manifestations.

The EU side, while reaffirming its solidarity with the victims of terrorist attacks and recognizing successes of Pakistan in the fight against terrorism, expressed support for Pakistan's continuing efforts in this regard. The two sides agreed on the enduring importance and need for a comprehensive approach to terrorism, based on the rule of law; to enhance cooperation in dealing with violent extremism in all its aspects, and addressing the root causes of these problems.

Both sides reaffirmed their determination to work together in promoting international cooperation through forums such as the Financial Action Task Force (FATF) and the Global Counter Terrorism Forum (GCTF).

Recalling the commitments of all States for implementation of General Assembly and Security Council resolutions relating to international terrorism, both sides also reaffirmed their support for the United Nations Global Counter-Terrorism Strategy and its four pillars, and underscored the need for the implementation of the Strategy in an integrated and balanced manner and in all its aspects.

Both sides reaffirmed that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group. They also underlined the importance of enhancing intercultural and inter-religious dialogue and understanding to promote tolerance and harmony.

They discussed the ongoing EU-Pakistan cooperation and collaboration in the area of counter-terrorism. It was agreed to explore further avenues of mutually agreed cooperation including exchange of best practices in areas such as law enforcement/security, criminal justice and rule of law, countering financing of terrorism and preventing violent extremism.

The EU and Pakistan agreed that the next meeting of the dialogue will take place in Brussels in 2018.

Islamabad, 23 November 2017. *Source:* [www.mofa.gov.pk](http://www.mofa.gov.pk)

#### D. KASHMIR

##### **1. Statement made by Ambassador Farukh Amil, Permanent Representative of Pakistan in the general debate on agenda item 4 at the 36<sup>th</sup> Session of Human Rights Council**

Mr. Vice President,

Does the Human Rights Council even care what is going on in Indian Occupied Jammu and Kashmir? Will it remain a silent spectator, just to hear speeches? Fortunately not all are silent.

Some have spines. Even Indian Human Rights activists are appalled. Aakar Patel at 'Losing Sight in Kashmir' said: "True, denial of justice happens across India and not just in Jammu and Kashmir. But deliberate denial of justice happens only in Jammu and Kashmir." Only those human rights defenders who can bear the pain may dare to see this pictorial report.

Let us hear the children blinded by Indian pellet guns speak through me in the Council since they are not allowed to travel abroad by India for even treatment. Class 5 student Asif Muhammad Sheikh says: "Watching cartoons on TV, playing with my friends on the street, reading books for hours - this is what I dream of now." 13 year old Muslim Nazir tells us: "I was hit as I was leaving the mosque after evening prayers." 17 year old girl Ulfat Hameed shares with us: "I used to teach sewing and tailoring to girls in my village, but not anymore. Because of the injuries, I couldn't write my class 10 board exam." India must allow the injured to travel aboard. They must be given a chance to see again - live again.

Shattered dreams and broken promise - Would these words define the story of Kashmiris? The cries of the helpless though at the time of oppression seem harmless to the tyrant, but when embodied with human conviction and belief become unbreakable and insurmountable force. The children and youth in Indian Occupied Jammu and Kashmir throwing stones at the barbaric Indian forces knowing that they could be blinded or killed with impunity, is a testament of their unwavering spirit and desire for their right to self determination, a right guaranteed to them by UN Security Council resolutions.

We expect the international community to stand resolutely with the helpless Kashmiri women and children and forcefully call India to end its persistent, systematic human rights violations. If not us then who would become the voice for the protection of the basic human rights of Kashmiris, their right to self determination, and most of all their human dignity. Isn't the Council made for this very purpose?

Human Rights violations in IOK must not go unnoticed. Such silence on account of political and economic expediency is a manifestation of blatant double standards. This practice of double standards damages the credibility of the proponents of human rights and defeats the purpose for which this Council was created.

Islamabad, 19 September 2017.

## **2. IPHRC's statement on the ongoing human rights violations against innocent Kashmiri Muslims in Indian Occupied Kashmir**

The OIC Independent Permanent Human Rights Commission (IPHRC) reiterates its strong concern on the ongoing reign of terror unleashed by the Indian Security Forces against innocent Kashmiri Muslims in the Indian Occupied Kashmir (IoK). Indian occupation machinery has shamelessly used all kinds of oppressive policies to silence the voice and destroy the will of Kashmiri people through use of torture, arbitrary arrests and unlawful killing of thousands of innocent civilians including women and children, though without any success. Kashmiri Muslims continue to exhibit a strong resolve for their inalienable right to self-determination, a right guaranteed to them by the United Nations.

Since last year the conflict in IoK has acquired a new dimension. After decades of repression, Kashmiri youth has taken upon itself to lead the freedom struggle and to demand their right to self-determination in a peaceful manner. Unfortunately, their peaceful protests have met the usual oppression involving new methods of torture and violence such as use of pellet guns on innocent and unarmed civilians including women and children that resulted in dozens of killings, more than 250 blinded and thousands sustaining serious injuries. Use of innocent youth (tied on army jeeps) as human shield, use of rape as a method of collective punishment, attacks on ambulances, harassing and arbitrary arrests of Kashmiri leadership, prohibition of Friday prayer congregations, Media and electricity blackouts to disrupt normal life and communication have become the daily routine of Kashmiri Muslims.

In a joint press release in May 2017, UN Special Procedures expressed concern over the media bans and restrictions on freedom of expression in IoK as a continued worrying trend aimed at curbing protests and social unrest in the region. They also called upon Indian authorities to guarantee the freedom of expression and to seek a solution for the social and political conflicts of the region through an open, transparent and democratic dialogue. However, despite strong protests both from the national and international human rights organizations including the United Nations and the OIC, Indian Government continues to let loose its repressive regime on innocent Kashmiris, who remain steadfast in pursuit of their legitimate right to self-determination.



During its recent fact finding visit to Azad Jammu and Kashmir, IPHRC delegation met with the refugees, representatives of political parties and civil society from IOK and took note of the serious and widespread complaints of the gross human rights violations by the Indian forces against innocent Kashmiris. In its detailed visit report to the OIC Council of Foreign Ministers in July 2017, IPHRC expressed deep concern on the reports of continuous violation of the right to life, right to freedom of expression and opinion, right to peaceful protest and assembly and other fundamental human rights of the Kashmiri people including denial of their inalienable right to self-determination, guaranteed by International human rights law and promised by the UN Security Council Resolutions. It also expressed serious concern over reports of increase in the indiscriminate and disproportionate use of force against unarmed and innocent civilians and human rights activists by the Indian forces with impunity, resulting in torture, extrajudicial killings, rape and mass blinding through use of pellets.

IPHRC calls upon the United Nations in particular the Office of the High Commissioner for Human Rights to urgently dispatch a fact-finding visit to Jammu and Kashmir to independently ascertain and report on the human rights situation on ground. IPHRC also renews its call upon the Government of India to allow all international human rights organizations including IPHRC to visit Jammu and Kashmir for independent review of the human rights situation on ground.

In conclusion and in line with the principled position of the OIC, the Commission stresses the importance of resolving the conflict in a peaceful manner through negotiations and in accordance with the aspirations of the Kashmiri people. It also urges the OIC countries and the international community of their obligations to help ensure implementation of relevant UN resolutions.

Islamabad, 09 September 2017.

### **3. Prime Minister Shahid Khaqan Abbasi's message on Kashmir Black Day**

27 October 1947 is one of the darkest days of human history. This day marks a grave human tragedy in Indian occupied Jammu & Kashmir (IoK) when 69 years ago, Indian occupation forces landed in Srinagar to occupy, subjugate, oppress, and terrorize innocent Kashmiris. This pattern of brutalities continues with impunity even today. Despite commitments made by the early Indian leadership and numerous resolutions of the UN Security Council on Jammu & Kashmir, the Indian government has unleashed a reign of terror in IoK.

The worst form of state terrorism is being perpetrated against the defenseless people of IoK to silence and crush their legitimate struggle, in complete disregard of international human rights and humanitarian laws. The

entire Indian state machinery is involved in these crimes against humanity. There is a need for an independent, transparent and fair investigation into these human rights violations under the UN. Pakistan has supported the proposal of the High Commissioner for Human Rights for sending a Fact Finding Mission to Jammu and Kashmir. We reiterate our call and hope that the international community will pay heed to the miseries and sufferings of the Kashmiri people.

From July last year until the end of September 2017, Indian atrocities have resulted in the killings of over 460 innocent Kashmiris, injuring over 20,000 and deliberately blinding hundreds. Over 200 people have lost eyesight, while vision of thousands has been impaired. Over 7,000 Kashmiris have been arrested with their current status unknown, while scores of women have been raped and molested. These facts seek urgent attention of the international community. The denial of the right to self-determination for the last seven decades raises questions about the conscience of the international community and the United Nations.

India must honour commitments of its founding fathers and ensure implementation of the UN Security Council resolutions on Jammu & Kashmir for resolution of this long standing dispute.

We pay homage to the sacrifices of our brethren in IoK and reiterate our unflinching and steadfast moral, diplomatic and political support for the just cause of the people of Jammu & Kashmir. This support will continue till the realization of the lawful right to self-determination of the people of Jammu & Kashmir.

Islamabad, 27 October 2017. *Source:* [www.mofa.gov.pk](http://www.mofa.gov.pk)

## E. MALDIVES

### **Pakistan – Maldives joint communique**

1. At the invitation of His Excellency Abdulla Yameen Abdul Gayoom, President of the Republic of Maldives, His Excellency Muhammad Nawaz Sharif, Prime Minister of the Islamic Republic of Pakistanis undertaking an official visit to the Republic of Maldives from 25-27 July 2017. Prime Minister Nawaz Sharif participated in the 52nd Independence Day celebrations of the Republic of Maldives, as the Chief Guest. The Prime Minister congratulated the people and the Government of Maldives on the auspicious occasion of its Independence.
2. The Maldives and Pakistan enjoy historical and close neighbourly relations based on mutual understanding, goodwill and Islamic brotherhood. The two leaders agreed to work together to strengthen the solidarity of the Muslim Ummah and promote the true values of Islam internationally.
3. During the visit, Prime Minister Nawaz Sharif held official talks with President Yameen and discussed ways of further strengthening the bilateral cooperation and people to people contacts. The two leaders also discussed ways on further enhancing cooperation at both regional and international fora.

4. A number of MOUs/Agreements were signed during the visit with the aim of enhancing cooperation in the fields of tourism, climate change, trade, education, and civil service cooperation and for capacity building of diplomats. In addition, Joint Working Committees were constituted to oversee the implementation of MOUs signed between the Maldives and Pakistan. List of MOUs signed is as follows:
  1. Memorandum of Understanding between the Foreign Service Institute of Maldives and the Foreign Service Academy of Pakistan
  2. Memorandum of Understanding on Cooperation in the Fields of Climate Change and Environmental Protection between the Ministry of Environment and Energy of Maldives and the Ministry of Climate Change of Pakistan
  3. Memorandum of Understanding on Cooperation on the Matters of a Maldives-Pakistan Joint Business Council between the Ministry of Economic Development and the Federation of Pakistan Chambers of Commerce and Industries
  4. Memorandum of Understanding between the Government of Maldives and the Government of Pakistan on Matters Relating to Tourism
  5. Memorandum of Understanding between the Maldives National University and the Virtual University of Pakistan
  6. Memorandum of Understanding between the Civil Service Commission, Maldives and the National School of Public Policy, Pakistan
  5. Both leaders acknowledged that bilateral relations between the Maldives and Pakistan are characterised by cordiality, mutual respect and commonality of interests. The visit of Prime Minister Nawaz Sharif to the Maldives has provided impetus to further strengthen bilateral relations between the two countries.

## **Bilateral Cooperation**

### **Economic and Trade**

6. President Yameen welcomed and thanked Prime Minister Nawaz Sharif for Pakistan's continued investment in the development of the Maldives, and invited investors to seize the opportunities to contribute further. President Yameen assured security and safety for foreign investments, and highlighted the work carried out by the Government to strengthen investor confidence.
7. Prime Minister Nawaz Sharif highlighted Pakistan's positive economic growth and underscored its policies for the security and safety of foreign investment and increasing investor confidence in Pakistan.
8. Both leaders welcomed the establishment of the Maldives – Pakistan Joint Business Council and Joint Working Group on Trade, as mechanisms that will promote business, trade and investment cooperation, enhance collaboration between private sector operators as well as strengthen institutional relations.
9. In order to further enhance the trade relations between the Maldives and Pakistan, both President Yameen and Prime Minister Nawaz Sharif also

underscored the importance of increasing connectivity between the two countries, by reviving more direct air links between both countries.

### **Tourism**

10. While noting the close traditional and cultural ties and the distinct and unique tourism industries of both countries, President Yameen highlighted the importance of enhancing cooperation in the field of tourism and stressed the benefits of sharing expertise in the hospitality industry.

### **Youth Development**

11. Youth development being a key priority area of the Government of Maldives, President Yameen welcomed the support of Pakistan in enhancing youth development programmes in the Maldives. Both leaders hence agreed to have youth exchange programmes to foster close ties in various sectors.

### **Defence Cooperation**

12. President Yameen expressed appreciation of the Government of Maldives for the continued assistance from Pakistan in training Maldivian National Defence Force personnel.

### **Education and Capacity Building**

13. President Yameen acknowledged the important contributions made by Pakistan to the development of the Maldives in the area of education and capacity building.
14. Prime Minister Nawaz Sharif expressed the commitment of Pakistan to continue supporting the development of the Maldives. He announced a special grant of US\$ 5 million as a gift by the people of Pakistan for the Maldivian people. He also announced five additional scholarships in the fields of medicine, engineering, pharmacy and dentistry for Maldivian students in Pakistani educational institutions.

### **International Cooperation**

#### **Climate Change**

15. While recognising climate change as the biggest threat to development, both leaders agreed to work together to address the adverse impacts of climate change. Prime Minister Nawaz Sharif congratulated the Maldives for its continuous work on this front, especially as the Chair of Alliance of Small Island States (AOSIS).

#### **Counter-terrorism & Counter Radicalisation**

16. The two leaders reaffirmed their unequivocal and uncompromising position against terrorism in all its forms and manifestations. President Yameen appreciated Pakistan's efforts in combatting terrorism and violent extremism, and underscored the importance of mutual cooperation in this area.

### **Regional Cooperation**

17. The two leaders noted the close cooperation and coordination between the two countries at regional and international fora on issues of mutual importance.
18. Both leaders agreed to further promote cooperation between the countries of South Asia including through the South Asian Association for Regional Cooperation (SAARC).
19. In this regard President Yameen reiterated the support of the Maldives hosting of the SAARC Summit in Islamabad.

### **Other Matters**

20. Prime Minister Nawaz Sharif briefed President Yameen on the China-Pakistan Economic Corridor (CPEC) which aims to promote economic integration and foster economic development.

Islamabad, 27 July 2017. *Source:* [www.mofa.gov.pk](http://www.mofa.gov.pk)

### **F. MYANMAR**

#### **Prime Minister, Shahid Khaqan Abbasi's statement issued at the OIC Contact Group on the Rohingya Muslim Minority**

Mr. Chairman,

Excellencies,

Ladies and Gentlemen,

Pakistan is deeply concerned over the grave situation of Rohingya Muslims in Myanmar.

Hundreds of innocent men, women and children have lost their lives, in what has rightly been described as a 'text-book' case of ethnic cleansing. Over 400,000 have been forced to flee their homes and seek protection and shelter in neighboring countries.

The systematic and endemic discrimination against the Rohingya Muslims of Myanmar must end.

The international community must exert its utmost pressure on the Government of Myanmar to stop the carnage of the Rohingyas.

We call upon the Government of Myanmar to:

- \* Take immediate steps to deescalate the situation, and ensure the safety and security of the Muslim Rohingya population;
- \* Respect its obligations under international law, and hold to account all perpetrators of violence against the Rohingyas;
- \* Immediately allow a UN fact finding mission to the country;
- \* Allow immediate access of humanitarian supplies to the affected areas;
- \* Create favorable conditions for sustainable and safe return of all Rohingya refugees;

- \* Grant legitimate rights including citizenship, communal participation and representation and freedom of movement, to the Rohingya, as equal citizens of Myanmar.

Mr. Chairman,

As a collective voice of Muslim nations, the OIC must play its leading role as a voice of conscience for our Rohingya Muslim brothers and sisters. You will have Pakistan's firm and abiding support to this virtuous cause.

Pakistan reiterates its commitment to take full part in any humanitarian effort by the OIC or UN to help the Rohingya Muslims.

I thank you.

Islamabad, 20 September 2017. *Source:* [www.mofa.gov.pk](http://www.mofa.gov.pk)

## G. NUCLEAR DISARMAMENT

### **Foreign office spokespersons press statement on the treaty on the Prohibition of Nuclear Weapons**

In response to a media query, the Spokesperson said that Pakistan is committed to the goal of a nuclear weapons free world through the conclusion of a universal, verifiable and non-discriminatory, comprehensive convention on nuclear weapons. The Geneva-based Conference on Disarmament (CD), the world's single multilateral disarmament negotiating body, remains the most ideal forum for concluding such a convention.

The United Nations General Assembly, at its first special session devoted to nuclear disarmament in 1978, had agreed by consensus that in the adoption of disarmament measures, the right of each State to security should be kept in mind, and at each stage of the disarmament process the objective would be undiminished security for all States at the lowest possible level of armaments and military forces.

Pakistan believes that this cardinal objective can only be achieved as a cooperative and universally agreed undertaking, through a consensus-based process involving all the relevant stakeholders, which results in equal and undiminished, if not increased security for all States. It is indispensable for any initiative on nuclear disarmament to take into account the vital security considerations of each and every State.

The Treaty on Prohibition of Nuclear Weapons, adopted by a vote on 7 July 2017 in New York, did not fulfill these essential conditions - both in terms of process and substance. Treaties that do not fully take on board the interests of all stakeholders fail to achieve their objectives. Pakistan, therefore, like all the other nuclear armed states, did not take part in its negotiation and cannot become a party to this Treaty. Pakistan does not consider itself bound by any of the obligations enshrined in this Treaty. Pakistan stresses that this Treaty neither forms a part of, nor contributes to the development of customary international law in any manner.

Pakistan reaffirms its commitment to nuclear disarmament in a way that promotes peace, security and stability at the regional and global levels.

Islamabad, 07 August 2017. *Source:* [www.mofa.gov.pk](http://www.mofa.gov.pk)

#### H. USA

##### **The National Security Committee's discussion on Trump Administration's South Asia strategy as reported by the Foreign Office**

The National Security Committee in its meeting on 24 August 2017 discussed the Trump Administration's South Asia Strategy.

The Committee outrightly rejected the specific allegations and insinuations made against Pakistan. It was observed that to scapegoat Pakistan will not help in stabilizing Afghanistan. In fact, being its immediate neighbor, Pakistan has an abiding interest in peace and stability in Afghanistan.

The committee observed that Pakistan had to manage the blowback of a protracted conflict in Afghanistan that resulted in deluge of refugees, flow of drugs and arms and more recently in the shape of terrorist safe havens in eastern Afghanistan from where anti-Pakistan terrorist groups continue to operate and launch attacks inside Pakistan. The fact remains that the complex issues and internal dynamics inside Afghanistan pose a grave challenge not only to Pakistan but to the broader region and the international community.

While noting the US commitment to continue to shoulder the burden of Afghanistan and reverse the expanding ungoverned spaces in the country, the Committee observed that Pakistan has consistently supported all international efforts for a stable and peaceful Afghanistan and has also committed more than a billion US dollars for infrastructure and social development in that country.

Over the years, Pakistan has worked with both the United States and Afghanistan to promote peace through a politically negotiated outcome which, in Pakistan's view, remains the best option to bring stability to this war torn country. A prolonged military campaign in Afghanistan has resulted in destruction and killing of hundreds of thousands of Afghan civilians.

Pakistan has also endorsed and supported all Afghan owned and Afghan led initiatives for peace.

It is Pakistan's expectation that any strategy adopted to stabilize Afghanistan will succeed to end this protracted conflict and usher in an era of peace in the country paving way for the dignified return of millions of Afghan refugees residing in Pakistan for which we are willing to extend all possible cooperation.

More specifically, we would like to see effective and immediate US military efforts to eliminate sanctuaries harboring terrorists and miscreants on the Afghan soil including those responsible for fomenting terror in Pakistan. The Afghan war cannot be fought in Pakistan.

On its own part, Pakistan has taken indiscriminate actions against all terrorist networks and sacrificed tens of thousands of troops and civilians in this fight. The demonstrated security improvement inside Pakistan would not have been possible without eliminating all terrorist hideouts. Moreover, successful cooperation with the US in the past against the common enemy, terrorism, reflects Pakistan's unflinching commitment to eliminate this menace.

The committee stressed that instead of any financial or material assistance, there should be understanding and recognition of our efforts, contributions and sacrifices of thousands of Pakistanis and over 120 billion US dollars of economic losses. We consider the lives of the citizens of other countries as sacrosanct as those of our own and, therefore, Pakistan is committed to not allowing its soil to be used for violence against any other country. We expect the same from our neighbours. The claims of billions of Dollars in aid to Pakistan are also misleading to the extent that the reimbursements to Pakistan since 2001 only account for part of the cost of ground facilities and air corridors used by the United States for its operations in Afghanistan, rather than any financial aid or assistance.

Pakistan's effective counter-terrorism operations have clearly proved that tide of terrorism can be reversed and we are willing to share our experience with both the US and Afghanistan. This would require working together and focusing on core issues of eliminating safe havens inside Afghanistan, border management, return of refugees and reinvigorating the peace process for a political settlement in Afghanistan.

The Committee stressed that India cannot be a net security provider in the South Asia region when it has conflictual relationships with all its neighbours and is pursuing a policy of destabilizing Pakistan from the east and the west. The Committee expressed deep concern at Indian policies inimical to peace in the region including interference in the internal affairs of neighbouring countries and using terrorism as an instrument of state policy. The Committee condemned state-inflicted repression on the people of Indian Occupied Jammu and Kashmir and reiterated Pakistan's continued diplomatic, political and moral support for their struggle for self determination.

The Committee reaffirmed Pakistan's resolve to protect its sovereignty and territorial integrity.

The Committee underscored that as a responsible Nuclear weapon state, Pakistan has in place a robust and credible command and control system which has been universally recognized and appreciated.

Pakistan will continue to extend all possible cooperation to the international community for achieving the common objectives of peace and stability in Afghanistan and in the broader region.



## ***II: Judiciary***

### **Text of Supreme Court's order in Panama Papers case**

This judgment is in continuation of our judgments dated 20.04.2017 in Constitution Petitions No. 29, 30 of 2016 and Constitution Petition No. 03 of 2017 which ended up in the following order of the Court:

“By a majority of 3 to 2 (Asif Saeed Khan Khosa and Gulzar Ahmed, JJ) dissenting, who have given separate declarations and directions, we hold that the questions how did Gulf Steel Mill come into being; what led to its sale; what happened to its liabilities; where did its sale proceeds end up; how did they reach Jeddah, Qatar and the U.K.; whether respondents No. 7 and 8 in view of their tender ages had the means in the early nineties to possess and purchase the flats; whether sudden appearance of the letters of Hamad Bin Jassim Bin Jaber Al-Thani is a myth or a reality; how bearer shares crystallized into the flats; who, in fact, is the real and beneficial owner of M/s Nielsen Enterprises Limited and Nescoll Limited, how did Hill Metal Establishment come into existence; where did the money for Flagship Investment Limited and other companies set up/taken over by respondent No. 8 come from, and where did the Working Capital for such companies come from and where do the huge sums running into millions gifted by respondent No. 7 to respondent No. 1 drop in from, which go to the heart of the matter and need to be answered. Therefore, a thorough investigation in this behalf is required.

1. In normal circumstances, such exercise could be conducted by the NAB but when its Chairman appears to be indifferent and even unwilling to perform his part, we are constrained to look elsewhere and therefore, constitute a Joint Investigation Team (JIT) comprising of the following members :
  - i) a senior Officer of the Federal Investigation Agency (FIA), not below the rank of Additional Director General who shall head the team having firsthand experience of investigation of white collar crime and related matters;
  - ii) a representative of the National Accountability Bureau (NAB);
  - iii) a nominee of the Security & Exchange Commission of Pakistan (SECP) familiar with the issues of money laundering and white collar crimes;
  - iv) a nominee of the State Bank of Pakistan (SBP);
  - v) a seasoned Officer of Inter Services Intelligence (ISI) nominated by its Director General; and
  - vi) a seasoned Officer of Military Intelligence (M.I.) nominated by its Director General.
1. The Heads of the aforesaid departments/ institutions shall recommend the names of their nominees for the JIT within seven days from today which

shall be placed before us in chambers for nomination and approval. The JIT shall investigate the case and collect evidence, if any, showing that respondent No. 1 or any of his dependents or benamidars owns, possesses or has acquired assets or any interest therein disproportionate to his known means of income. Respondents No. 1, 7 and 8 are directed to appear and associate themselves with the JIT as and when required.

The JIT may also examine the evidence and material, if any, already available with the FIA and NAB relating to or having any nexus with the possession or acquisition of the aforesaid flats or any other assets or pecuniary resources and their origin. The JIT shall submit its periodical reports every two weeks before a Bench of this Court constituted in this behalf. The JIT shall complete the investigation and submit its final report before the said Bench within a period of sixty days from the date of its constitution.

The Bench thereupon may pass appropriate orders in exercise of its powers under Articles 184(3), 187(2) and 190 of the Constitution including an order for filing a reference against respondent No. 1 and any other person having nexus with the crime if justified on the basis of the material thus brought on the record before it.

1. It is further held that upon receipt of the reports, periodic or final of the JIT, as the case may be, the matter of disqualification of respondent No. 1 shall be considered. If found necessary for passing an appropriate order in this behalf, respondent No. 1 or any other person may be summoned and examined.
2. We would request the Hon'ble Chief Justice to constitute a Special Bench to ensure implementation of this judgment so that the investigation into the allegations may not be left in a blind alley."
3. The Hon'ble Chief Justice of Pakistan constituted the implementation Bench consisting of Ejaz Afzal Khan, J., Mr. Justice Sh. Azmat Saeed and Mr. Justice Ijaz ul Ahsan. The Bench vide order dated 05.05.2017 constituted the JIT consisting of Mr. Amer Aziz, an Officer of (BS-21) who is on deputation with NIBAF, Mr. Bilal Rasool, Executive Director, SECP, Mr. Irfan Naeem Mangi, Director NAB, (BS-20). Brig. Muhammad Nauman Saeed from ISI, Brig. Kamran Khurshid from M.I. and Mr. Wajid Zia, Additional Director General (Immigration), FIA to head the JIT.
4. The JIT undertook the task thus assigned and submitted a complete investigation report on 10.07.2017. Parties to the proceedings were provided the report of the JIT and a weeks' time to go through it. Khawaja Harris Ahmed, learned Sr. ASC appearing on behalf of respondent No. 1 submitted a CMA expressing his reservations about the report. Dr. Tariq Hassan, learned ASC for respondent No. 10 also filed a CMA expressing his reservations about the report. Learned ASC appearing for petitioner in Const. P. No. 29 of 2016, Sheikh Rasheed Ahmed, petitioner appearing in person in Const. P. No. 30 of 2016 and learned ASC appearing for the petitioner in Const. P. No. 03 of 2017, by picking up the thread from where they left off, sought to canvass at the bar that the JIT has collected sufficient

evidence proving that respondent No. 1, his dependents and benamidars own, possess and have acquired assets which are disproportionate to their known sources of income; that neither respondent No. 1 nor any of his dependents or benamidars before or during the course of investigation could account for these assets, therefore, he has become disqualified to be a Member of Parliament.

They further stated that certified copies of the correspondence between Mr. Errol George, Director Financial Investigating Agency and the Anti-Money Laundering Officer of Mossack Fonseca & Co. (B.V.I.) Limited collected through Mutual Legal Assistance prove that respondent No. 6 is the beneficial owner of the Avenfield apartments, therefore, the document showing her as trustee is a fabrication on the face of it for which she is liable to be proceeded against for forgery and using forged documents; that use of Calibri Font, which became commercially available in 2007, in the preparation of the trust deed in February 2006 is another circumstance leading to the inference that it was forged and fabricated; that narrative of Tariq Shafi vis-à-vis receipt of AED 12 million from sale of 25% shares of Ahli Steel Mills formerly known as Gulf Steel Mills is false on the face of it which has been confirmed by the JIT in its report; that whatever has been stated in Qatri letters remained unsubstantiated as the Qatri Prince neither appeared before the JIT nor ever stated his point of view through any other legally recognizable means; that respondents were given ample opportunities to provide the trail of money and answer the questions asked in the order of the Court dated 20.04.2017 but they throughout have been evasive; that the discrepancies between the first Qatri letter and affidavit of Mr. Tariq Shafi show that neither of them is credible; that the spreadsheet attached with the second Qatri letter too is of no help to the respondents as it is neither signed nor supported by any documentary evidence; that the entire story about trail of money is seriously marred by inconsistencies surfacing in the statements of the respondents recorded by the JIT; that story of transporting machinery from Dubai to Jeddah and thereby establishing Azizia Steel Company Limited still awaits proof; that how the entire amount running to SAR 63.10 million could be utilized by respondent No. 7 notwithstanding he was entitled to only 1/3rd finds no explanation therefor, the sources establishing Hill Metal Establishment have not been proved; that failure of respondent No. 1 to disclose his assets deposited in his account on account of his being Chairman of Capital FZE would also call for his disqualification, as it being an asset for all legal and practical purposes was required to be disclosed under Section 12(2)(f) of the Representation of the People Act, 1976; that the respondent denied withdrawal of salary, but payment of salaries to all employees electronically, through the Wage Protection System, under Ministerial Resolution No. (788) for 2009 on Wage Protection used by United Arab Emirates Ministry of Labour and Rules 11(6) and 11(7) of the Jebel Ali Free Zone Rules, would belie his stance; that the assets of respondents No. 7 and 8 have surprisingly grown manifold overnight notwithstanding all of their business enterprises run in loss; that the facts and figures showing inflow and outflow of Hill Metals Establishment also

appear to be fudged and fabricated when seen in the light of the material collected during the course of investigation by the JIT; that material already brought on the record and collected through the JIT leave no doubt that the assets of respondent No. 1, his children and benamidars are disproportionate to their known sources of income and that their failure to satisfactorily account for them would inevitably entail disqualification of respondent No. 1 in terms of Section 9(a)(v) of the National Accountability Bureau Ordinance, 1999.

1. Learned Sr. ASC appearing for Respondent No. 1 contended that JIT overstepped its mandate by reopening the case of Hudabiya Paper Mills when it was not so directed by the Court; that another investigation or inquiry shall also be barred by the principle of double jeopardy when the Reference relating to the said Mills was quashed in the case of Hudabiya Paper Mills Limited. Vs. Federation of Pakistan (PLD 2016 Lahore 667); that no evidence has been collected by the JIT showing respondent No.1 to have any nexus with the Avenfield apartments, Hill Metals Establishment, Flagship Investment Limited or any other business concern run by respondent no. 7 and 8; that all the material collected and finding given by the JIT do not deserve any consideration inasmuch as they are beyond the scope of investigation authorized by the order of this Court; that the investigation conducted by the JIT cannot be said to be fair and just when none of the respondents was questioned about or confronted with any of the documents tending to incriminate them and that the JIT exceeded its authority while obtaining documents from abroad by engaging the firm of the persons happening to be their near and dear.

Such exercise, the learned Sr. ASC added, cannot be termed as Mutual Legal Assistance by any interpretation nor can the documents thus obtained be vested with any sanctity in terms of Section 21(g) of the National Accountability Bureau Ordinance, 1999. He next contended that no weight could be given to the finding of the JIT when it is not supported by any authentic document. An investigation of this type, the learned Sr. ASC added, which is a farce and a breach of due process cannot form basis of any adverse verdict against respondent No. 1. The learned Sr. ASC to support his contention placed reliance on the cases of Khalid Aziz. Vs. The State (2011 SCMR 136) and Muhammad Arshad and others. Vs. The State and others (PLD 2011 SC 350).

1. Learned ASC appearing on behalf of respondents No. 6, 7, 8 and 9 contended that Avenfield apartments are owned and possessed by respondent No. 7, and that the trail of money and the way it has culminated in the acquisition of the Avenfield apartments stand explained by Qatri letters; that respondent No. 6 besides being a trustee of the apartments at some stage of time has not been their beneficial owner, therefore, the correspondence between Errol George, Director FIA and Mossack Fonseca & Co. (B.V.I.) Limited or the certified copies thereof obtained through an MLA request cannot be relied upon unless proved in accordance with law and that the JIT report and the material collected by it during the course of

investigation per se cannot form basis of a judgment in a proceeding under Article 184(3) of the Constitution of the Islamic Republic of Pakistan.

2. Learned ASC appearing on behalf of respondent No. 10 contended that assets of respondent No. 10 have been audited and examined from time to time but no irregularity was ever found in any of them; that the respondent has accounted for whatever assets he owns, possesses or has acquired; that his assets were also subject matter of Reference No. 5 of 2000 which was quashed in the case of Hudabiya Paper Mills Limited. Vs. Federation of Pakistan (supra); that another criminal proceeding cannot be initiated when everything has been accounted for down to the rupee.

The learned ASC by producing the income tax returns from 2007 to 2016, wealth tax returns from 1981-1982 to 2000-2001 and from 2009 to 2016 contended that every asset is property vouched and documented; that the finding of the JIT has no legal or factual basis; that no conclusion much less sweeping can be drawn on the basis of such report; that 91 times increase in his assets from 1992-1993 to 2008-2009 shown in the JIT's report is based on miscalculation; that the respondent cannot be impaled on the same charge by imputing a wrongdoing without any tangible evidence; that failure on the part of the FBR to provide the relevant record cannot be construed to the detriment of the respondent when it has been with the NAB Authorities throughout and that with this background in view, it would be rather unjust to thrust the respondent in another treadmill of tiresome trial before the Accountability Court.

1. We have carefully gone through the record, the report submitted by the JIT and considered the submissions of the learned ASCs, Sr. ASC of the parties as well as the learned Additional Attorney General for Pakistan.
2. We have already dealt with the background of the case and detailed submissions of the learned ASCs for the parties in paras 1 to 12 of the majority judgment authored by one of us (Ejaz Afzal Khan, J) and notes written by my learned brothers Mr. Justice Sh. Azmat Saeed and Mr. Justice Ijaz ul Ahsan. What necessitated the constitution of JIT has been highlighted in para 19 of the judgment which reads as under :-

“19. Yes, the officers at the peak of NAB and FIA may not cast their prying eyes on the misdeeds and lay their arresting hands on the shoulders of the elites on account of their being amenable to the influence of the latter or because of their being beholden to the persons calling the shots in the matters of their appointment posting and transfer.

But it does not mean that this Court should exercise a jurisdiction not conferred on it and act in derogation of the provisions of the Constitution and the law regulating trichotomy of power and conferment of jurisdiction on the courts of law. Any deviation from the recognized course would be a recipe for chaos. Having seen a deviation of such type, tomorrow, an Accountability Court could exercise jurisdiction under Article 184(3) of the Constitution and a trigger happy investigation officer while investigating the case could do away with the life of an accused if convinced that the latter is guilty of a heinous crime and that his trial in the Court of competent jurisdiction might result in delay or

denial of justice. Courts of law decide the cases on the basis of the facts admitted or established on the record. Surmises and speculations have no place in the administration of justice.

Any departure from such course, however well-intentioned it may be, would be a precursor of doom and disaster for the society. It as such would not be a solution to the problem nor would it be a step forward. It would indeed be a giant stride nay a long leap backward. The solution lies not in bypassing but in activating the institutions by having recourse to Article 190 of the Constitution. Political excitement, political adventure or even popular sentiments real or contrived may drive any or many to an aberrant course but we have to go by the Law and the Book. Let us stay and Act within the parameters of the Constitution and the Law as they stand till the time they are changed or altered through an amendment therein.”

1. A careful examination of the material so far collected reveals that a prima facie triable case under Section 9, 10 and 15 of the Ordinance is made out against respondents No. 1, 6, 7 and 8 vis-à-vis the following assets:- “(i) Flagship Investments Limited. (ii) Hartstone Properties Limited; (iii) Que Holdings Limited; (iv) Quint Eaton Place 2 Limited; (v) Quint Saloane Limited (formerly Quint Eaton Place Limited). (vi) Quaint Limited; (vii) Flagship Securities Limited; (viii) Quint Gloucester Place Limited; (ix) Quint Paddington Limited (formerly Rivates Estates Limited); (x) Flagship Developments Limited; (xi) Alanna Services Limited (BVI); (xii) Lankin SA (BVI); (xiii) Chadron Inc; (xiv) Ansbacher Inc; (xv) Coomber Inc; and (xvi) Capital FZE (Dubai).”

So is the case against respondent No. 10 vis-à-vis 91 times increase (from Rs.9.11 million to 831.70 million) in his assets within a short span of time. What to do in the circumstances has already been dealt with in the majority judgment in the words as follows:-

“Any liability arising out of these Sections has its own trappings. Any allegation leveled against a holder of public office under these provisions of law requires an investigation and collection of evidence showing that he or any of his dependents or benamidars owns, possesses or has acquired assets etc disproportionate to his known means of income. Such investigation is followed by a full-fledged trial before an Accountability Court for determination of such liability. But where neither the Investigation Agency investigated the case, nor any of the witnesses has been examined and cross-examined in an Accountability Court nor any of the documents incriminating the person accused has been produced and proved in accordance with the requirements of Qanoon-e-Shahadat Order, 1984, nor any oral or documentary pieces of evidence incriminating the person accused has been sifted, no verdict disqualifying a holder of public office could be given by this Court in a proceeding under Article 184(3) of the Constitution on the basis of a record which is yet to be authenticated.

We must draw a line of distinction between the scope of jurisdiction of this Court under Article 184(3) of the Constitution and that of the

Accountability Court under the Ordinance and between the disqualifications envisioned by Articles 62 and 63 of the Constitution and Section 99 of the ROPA and the criminal liabilities envisioned by Sections 9, 10 and 15 of the Ordinance lest we condemn any member of Parliament on assumptions by defying the requirements of a fair trial and due process.

We cannot make a hotchpotch of the Constitution and the law by reading Sections 9 and 15 of the Ordinance in Articles 62, 63 of the Constitution and Section 99 of the Act and pass a judgment in a proceeding under Article 184(3) of the Constitution which could well be passed by an Accountability Court after a full-fledged trial. Nor could we lift Sections 9 and 15 of the Ordinance, graft them onto Article 63 of the Constitution, construe them disqualifications and proceed to declare that the member of Parliament so proceeded against is not honest and ameen and as such is liable to be disqualified. A verdict of this nature would not only be unjust but coram non iudice for want of jurisdiction and lawful authority. If a person is sought to be proceeded against under Section 9(a)(v) and 15 of the NAB Ordinance resort could be had to the mode, mechanism and machinery provided thereunder. Let the law, the Investigation Agency and the Accountability Court and other Courts in the hierarchy take their own course.

Let respondent No. 1 go through all the phases of investigation, trial and appeal. We would not leap over such phases in gross violation of Article 25 of the Constitution which is the heart and the soul of the rule of law. We also don't feel inclined to arrogate to ourselves a power or exercise a jurisdiction which has not been conferred on us by any of the acts of the Parliament or even by Article 184(3) of the Constitution. Who does not know that making of a statement on oath in a trial lends it an element of solemnity; cross-examination provides safeguards against insinuation of falsehood in the testimony; provisions of Qanoon-e-Shahadat Order regulate relevancy of facts, admissibility of evidence and mode of proof through oral and documentary evidence and thus ensure due process of law. We for an individual case would not dispense with due process and thereby undo, obliterate and annihilate our jurisprudence which we built up in centuries in our sweat, in our toil, in our blood."

1. The same theme was reiterated by my learned brother Mr. Justice Sh. Azmat Saeed by holding as under :-

"22. It is evident from a bare reading of the aforesaid provisions that the prosecution must establish that a person or his spouse or dependent or benamidar owns or possesses a property. If the aforesaid allegation is proved then the accused must give an explanation as to the source of legal funds for acquiring such property and upon his failure to do so, he becomes liable for punishment under the aforesaid law. Such punishment not only includes fine and imprisonment but also disqualification from holding a public Office, including that of Member of the Majlis-e-Shoora for a period of 10 years under Section 15 of the NAB Ordinance, 1999. Reference, in this behalf, can be made to the judgments, reported as (1) Iqbal Ahmed Turabi and others v. The State (PLD 2004 SC 830), (2) Ghani-ur-Rehman v. National Accountability Bureau and

others (PLD 2011 SC 1144), (3) Abdul Aziz Memon and others v. The State and others (PLD 2013 SC 594), (4) The State through Prosecutor General Accountability, National Accountability Bureau, Islamabad v. Misbahuddin Farid (2003 SCMR 150), (5) Syed Zahir Shah and others v. National Accountability Bureau and another (2010 SCMR 713), (6) Muhammad Hashim Babar v. The State and another (2010 SCMR 1697) and (7) Khalid Aziz v. The State (2011 SCMR 136).

1. In none of the aforesaid cases was any person convicted without a definitive finding that the assets were in fact owned or possessed by the accused, his spouse, his dependents or benamidars. And thereafter, the accused had failed to account for the source of funds for acquiring the said property and if the explanation was found unsatisfactory, conviction followed.”

Almost the same view was expressed by my learned brother Mr. Justice Ijaz ul Ahsan in the words which reads as under:-

“58. Where there is an allegation that a holder of public office or any of his dependents or benamidars owns or possesses any assets or pecuniary resources which are disproportionate to his known sources of income which he cannot reasonably account for he can be convicted of an offence of corruption and corrupt practices and upon such conviction, penal consequences would follow.

However, such conviction can only be recorded by an Accountability Court under the NAO, after a proper trial, recording evidence and granting due process rights guaranteed by the Constitution to the accused. To transplant the powers of the Accountability Court and to attach such powers to the jurisdiction of this Court under Article 184(3) of the Constitution has neither been prayed for by the petitioners nor can it be, in our opinion, done without stretching the letter of the law and the scheme of the Constitution. Further, such course of action would be violative of the principles enshrined in Articles 4 and 25 of the Constitution, which guarantee to every citizen the right to be dealt with in accordance with law, equality before law and entitlement to equal protection of law. Adopting any other mode would set a bad precedent and amount to a constitutional Court following an unconstitutional course. This, we are not willing to do, in the interest of upholding the rule of law and our unflinching and firm belief in adherence and fidelity to the letter and spirit of the Constitution.”

1. The argument that the JIT overstepped its authority by reopening the case of Hudabiya Paper Mills when Reference No. 5 was quashed by the High Court does not appear to be correct as the JIT has simply made recommendations in this behalf which can better be dealt with by this Court if and when an appeal, before this Court, as has been undertaken by Special Prosecutor NAB, is filed and a view to the contrary is taken by this Court.
2. The next question emerging for the consideration of this Court is whether respondent No. 1 as a Chairman of the Board of Capital FZE is entitled to salaries and whether the salaries if not withdrawn being receivable as such constitute assets which require disclosure in terms of Section 12(2) of the Representation of the People Act, 1976 and whether his failure to disclose



them would entail his disqualification? The word asset has not been defined in the Representation of the People Act, 1976, (“ROPA”), therefore, its ordinary meaning has to be considered for the purposes of this case. The word asset as defined in Black’s Law Dictionary means and contemplates “an asset can be (i) something physical such as cash, machinery, inventory, land and building (ii) an enforceable claim against others such as accounts receivable (iii) rights such as copyright, patent trademark etc (iv) an assumption such as goodwill”.

The definition of the word receivable as used in the above mentioned definition as given in the Black’s Law Dictionary is also relevant which means and contemplates “any collectible whether or not it is currently due. That which is due and owing a person or company. In book keeping, the name of an account which reflects a debt due. Accounts receivable a claim against a debtor usually arising from sales or services rendered”. The word ‘receivable’ also has similar ring and connotation according to Business Dictionary which reads as under:-

“Accounting term for amount due from a customer, employee, supplier (as a rebate or refund) or any other party. Receivables are classified as accounts receivable, notes receivable etc and represent an asset of the firm”.

The definitions reproduced above leave no doubt that a salary not withdrawn would nevertheless be receivable and as such would constitute an asset for all legal and practical purposes. When it is an asset for all legal and practical purposes, it was required to be disclosed by respondent No. 1 in his nomination papers in terms of Section 12(2) of the ROPA. When we confronted, the learned Sr. ASC for respondent No. 1, whether the said respondent has ever acquired work permit (Iqama) in Dubai, remained Chairman of the Board of Capital FZE and was entitled to salary as such, his reply was in the affirmative with the only addition that respondent No. 1 never withdrew any salary.

This admission was reiterated in more categorical terms in the written arguments filed by the learned Sr. ASC for respondent No. 1 in the words as under:-

“So far as the designation of Respondent No. 1 as Chairman of the Board is concerned, this was only a ceremonial office acquired in 2007 when the respondent No. 1 was in exile, and had nothing to do with the running of the Company or supervising its affairs. Similarly, the respondent No. 1 did not withdraw the salary of AED 10,000. Thus, the salary shown in the Employment Contract in effect never constituted an “asset” for the respondent No. 1.”

It has not been denied that respondent No. 1 being Chairman of the Board of Capital FZE was entitled to salary, therefore, the statement that he did not withdraw the salary would not prevent the un-withdrawn salary from being receivable, hence an asset. When the un-withdrawn salary as being receivable is an asset it was required to be disclosed by respondent No. 1 in his nomination papers for the Elections of 2013 in terms of Section 12(2)(f) of the ROPA. Where respondent No. 1 did not disclose his aforesaid assets, it would amount to furnishing a false declaration on solemn affirmation in violation of the law mentioned above, therefore, he is not honest in terms of Section 99(1)(f) of the

ROPA and Article 62(1)(f) of the Constitution of the Islamic Republic of Pakistan.

1. As a sequel to what has been discussed in paragraphs 7 to 11 the following directions are made:-

i) The National Accountability Bureau (NAB) shall within six weeks from the date of this judgment prepare and file before the Accountability Court, Rawalpindi/Islamabad, the following References, on the basis of the material collected and referred to by the Joint Investigating Team (JIT) in its report and such other material as may be available with the Federal Investigating Agency (FIA) and NAB having any nexus with the assets or which may subsequently become available including material that may come before it pursuant to the Mutual Legal Assistance requests sent by the JIT to different jurisdictions:-

- a) Reference against Mian Muhammad Nawaz Sharif (Respondent No. 1), Maryam Nawaz Sharif (Maryam Safdar) (Respondent No. 6), Hussain Nawaz Sharif (Respondent No. 7), Hassan Nawaz Sharif (Respondent No. 8) and Capt. (Retd) Muhammad Safdar (Respondent No. 9) relating to the Avenfield properties (Flats No. 16, 16-A, 17 and 17-A Avenfield House, Park Lane, London, United Kingdom). In preparing and filing this Reference, the NAB shall also consider the material already collected during the course of investigations conducted earlier.
  - b) Reference against respondents No. 1, 7 and 8 regarding Azizia Steel Company and Hill Metal Establishment, as indicated above;
  - c) Reference against respondents No. 1, 7 and 8 regarding the Companies mentioned in paragraph 9 above;
  - d) Reference against respondent No. 10 for possessing assets and funds beyond his known sources of income, as discussed in paragraph 9 above;
  - e) NAB shall also include in the proceedings all other persons including Sheikh Saeed, Musa Ghani, Kashif Masood Qazi, Javaid Kiyani and Saeed Ahmed, who have any direct or indirect nexus or connection with the actions of respondents No. 1, 6, 7, 8 and 10 leading to acquisition of assets and funds beyond their known sources of income;
  - f) NAB may file supplementary Reference(s) if and when any other asset, which is not prima facie reasonably accounted for, is discovered;
  - g) The Accountability Court shall proceed with and decide the aforesaid References within a period of six months from the date of filing such References; and
  - h) In case the Accountability Court finds any deed, document or affidavit filed by or on behalf of the respondent(s) or any other person to be fake, false, forged or fabricated, it shall take appropriate action against the concerned person(s) in accordance with law.
1. As a sequel to what has been discussed in paragraphs 13 above, the following declaration and direction is issued:-
- i) It is hereby declared that having failed to disclose his un-withdrawn receivables constituting assets from Capital FZE, Jebel Ali, UAE in his

nomination papers filed for the General Elections held in 2013 in terms of Section 12(2)(f) of the Representation of the People Act, 1976 (ROPA), and having furnished a false declaration under solemn affirmation respondent No. 1 Mian Muhammad Nawaz Sharif is not honest in terms of Section 99(f) of ROPA and Article 62(1)(f) of the Constitution of the Islamic Republic of Pakistan, 1973, therefore, he is disqualified to be a Member of the Majlis-e-Shoora (Parliament);

- ii) The Election Commission of Pakistan shall issue a notification disqualifying respondent No. 1 Mian Muhammad Nawaz Sharif from being a Member of the Majlis-e-Shoora (Parliament) with immediate effect, whereafter he shall cease to be the Prime Minister of Pakistan; and
  - iii) The President of the Islamic Republic of Pakistan is required to take all necessary steps under the Constitution to ensure continuation of the democratic process.
1. The Hon'ble Chief Justice of Pakistan is requested to nominate an Hon'ble Judge of this Court to supervise and monitor implementation of this judgment in letter and spirit and oversee the proceedings conducted by the NAB and the Accountability Court in the above matters.
  2. This Court commends and appreciates the hard work and efforts made by Members of the JIT and their support and ancillary staff in preparing and filing a comprehensive and detailed Report as per our orders. Their tenure of service shall be safeguarded and protected and no adverse action of any nature including transfer and posting shall be taken against them without informing the monitoring Judge of this Court nominated by the Hon'ble Chief Justice of Pakistan.
  3. We also record our appreciation for the valuable assistance provided to us by Mr. Naeem Bokhari, ASC; Khawaja Harris Ahmed, Sr. ASC; Mr. Salman Akram Raja, ASC; Dr. Tariq Hassan, ASC; Mr. Taufiq Asif, ASC; Sheikh Rasheed Ahmed, petitioner in person, Mr. Ashtar Ausaf Ali, Attorney-General for Pakistan; Mr. Waqar Rana; Additional Attorney-General for Pakistan and Mr. Akbar Tarar, Acting Prosecutor-General, NAB and their respective teams.

### **Final order of the court**

The National Accountability Bureau (NAB) shall within six weeks from the date of this judgment prepare and file before the Accountability Court, Rawalpindi/Islamabad, the following References, on the basis of the material collected and referred to by the Joint Investigating Team (JIT) in its report and such other material as may be available with the Federal Investigation Agency (FIA) and NAB having any nexus with assets mentioned below or which may subsequently become available including material that may come before it pursuant to the Mutual Legal Assistance requests sent by the JIT to different jurisdictions:-

- a) Reference against Mian Muhammad Nawaz Sharif, (respondents No. 1), Maryam Nawaz Sharif (Maryam Safdar), (Respondent No. 6), Hussain Nawaz Sharif (Respondent No. 7), Hassan Nawaz Sharif (Respondent No. 8) and Capt. (Retd). Muhammad Safdar (Respondent No. 9) relating to the Avenfield properties (Flats No. 16, 16-A, 17 and 17-A Avenfield House, Park Lane, London, United Kingdom). In preparing and filing this Reference, the NAB shall also consider the material already collected during the course of investigations conducted earlier, as indicated in the detailed judgments;
  - b) Reference against respondents No. 1, 7 and 8 regarding Azizia Steel Company and Hill Metal Establishment, as indicated in the main judgment;
  - c) Reference against respondents No. 1, 7 and 8 regarding the Companies mentioned in paragraph 9 of the judgment unanimously rendered by Mr. Justice Ejaz Afzal Khan, Mr. Justice Sh. Azmat Saeed and Mr. Justice Ijaz ul Ahsan;
  - d) Reference against respondent No. 10 for possessing assets and funds beyond his known sources of income, as discussed in paragraph 9 of the judgment unanimous rendered by Mr. Justice Ejaz Afzal Khan, Mr. Justice Sh. Azmat Saeed and Mr. Justice Ijaz ul Ahsan;
  - e) NAB shall also include in the proceedings all other persons including Sheikh Saeed, Musa Ghani, Kashif Masood Qazi, Javaid Kiyani and Saeed Ahmed, who have any direct or indirect nexus or connection with the actions of respondents No. 1, 6, 7, 8 and 10 leading to acquisition of assets and funds beyond their known sources of income;
  - f) NAB may file supplementary Reference(s) if and when any other asset, which is not prima facie reasonably accounted for, is discovered;
  - g) The Accountability Court shall proceed with and decide the aforesaid References within a period of six months from the date of filing such References; and
  - h) In case the Accountability Court finds any deed, document or affidavit filed by or on behalf of the respondent(s) or any other person(s) to be fake, false, forged or fabricated, it shall take appropriate action against the concerned person in accordance with law.
1. It is hereby declared that having failed to disclose his un-withdrawn receivables constituting assets from Capital FZE Jebel Ali, UAE in his nomination papers filed for the General Elections held in 2013 in terms of Section 12(2)(f) of the Representation of the People Act, 1976 (ROPA), and having furnished a false declaration under solemn affirmation respondent No. 1 Mian Muhammad Nawaz Sharif is not honest in terms of Section 99(f) of ROPA and Article 62(1)(f) of the Constitution of the Islamic Republic of Pakistan, 1973 and therefore he is disqualified to be a Member of the Majlis-e-Shoora (Parliament).
  2. The Election Commission of Pakistan shall issue a notification disqualifying respondent No. 1 Mian Muhammad Nawaz Sharif from being

- a Member of the Majlis-e-Shoora (Parliament) with immediate effect, whereafter he shall cease to be the Prime Minister of Pakistan;
3. The President of the Islamic Republic of Pakistan is required to take all necessary steps under the Constitution to ensure continuation of the democratic process.
  4. The Hon'ble Chief Justice of Pakistan is requested to nominate an Hon'ble Judge of this Court to supervise and monitor implementation of this judgment in letter and spirit and oversee the proceedings conducted by NAB and the Accountability Court in the above mentioned matters.
  5. This Court commends and appreciates the hard work and efforts made by Members of the JIT and their support and ancillary staff in preparing and filing a comprehensive and detailed Report as per our orders. Their tenure of service shall be safeguarded and protected and no adverse action of any nature including transfer and posting shall be taken against them without informing the monitoring Judge of this Court nominated by the Hon'ble Chief Justice of Pakistan.
  6. We also record our appreciation for the valuable assistance provided to us by Mr. Naeem Bokhari, ASC; Mr. Makhdoom Ali Khan, Sr. ASC., Mr. Shahid Hamid, Sr. ASC, Khawaja Harris Ahmed, Sr. ASC; Mr. Salman Akram Raja, ASC; Dr. Tariq Hassan, ASC; Mr. Taufiq Asif, ASC; Sheikh Rasheed Ahmed, petitioner in person, Mr. Ashtar Ausaf Ali, Attorney-General for Pakistan; Mr. Waqar Rana; Additional Attorney- General for Pakistan, Mr. Waqas Qadeer Dar, Prosecutor-General, NAB and Mr. Akbar Tarar, Acting Prosecutor-General, NAB and their respective teams.

*Source:* <https://www.dawn.com/news/1348209>, 31 December 2017.