(1)

In the Supreme Court of Pakistan
(Original Jurisdiction)

Present:
Mr. Justice Javed Iqbal
Mr. Justice Muhammad Sair Ali
Mr. Justice Anwar Zaheer Jamali

HRC No.965 of 2005 etc.

Applicant/petitioner:	Mr. Hashmat Habib, ASC Mr. M. Ikram Ch. Sr. ASC Mr. Abdul Rashid Awan, ASC Mian Liaqat Ali, ASC Mrs. Amina Masood Janjua, in person Mother of Faisal Faraz Muhammad Azam, ASC Mr. Raja M. Bashir, Sr. ASC
On Court notice:	Mr. K. K. Agha, Additional Attorney General for Pakistan Along with Kamran Dost, Spl. Home Secretary, Sindh Syed Arshad Hussain, Addl. A. G. NWFP Mr. Mehmood Raza, Addl. A. G. Balochistan Mr. Saeed Yousaf Khan, Addl. A. G. Punjab FMr. Fareed Khan(Director) NCMC
In attendance:	Mian Raza Hussain, SSP Inv. Alongwith Cadet Hafeez (Inspector) Sardar Fareed, S.I. Fida Khan, S.I. Hamayun Bashir Tarar, DPO Naveed Ahmad Khawaja, SSP (Inv) Ghulam Akbar Ghummon, SP (Inv)
Date of hearing:	3.5.2010

Order

Heard the learned Additional Attorney General, who submits that a Commission has already been constituted and copy of notification to that effect has been produced. It is to be

noted that the Commission has already commenced its proceedings and cognizance of the issue of missing persons has been taken. It has further been informed by learned Additional Attorney General that there is absolutely no progress and no person could be recovered during the last four weeks.

2. Special Secretary, Home, Government of Sindh is present and submits that six out of nine missing persons have already been traced out. Rest of the persons Hafiz Jan Muhammad Chang, Abdul Karim Mehmood and Sikander Aakash Mallah could not be traced. According to him Hafiz Jan Muhammad Chang belongs to Sipa Jhangvi. Abdul Karim Mehmood and Sikander Aakash Mallah have also connections with certain Groups/Organizations, details whereof would be furnished before the Commission. It is also observed that a line of distinction is to be drawn between missing persons and those Pakistani Nationals who are confined in jails in various countries of the world. As regards 103 Pakistanis confined in jails in Thailand, we have been informed that even after lapse of three years and despite execution of an agreement between Thailand and Pakistan, no progress has so far been made. Secretary, Foreign Affairs is hereby directed to furnish all necessary details, especially regarding those detenu, who are in Thailand and no steps could be taken so far. He is also directed to issue directive to all the Ambassadors to take effective measures to assist those Pakistani Nationals who are in jails in

different countries, especially Middle East, Thailand and Afghanistan. The issue regarding those Pakistani Nationals who are detained in different countries shall remain intact and we shall be dealing with it. The issue qua missing persons of Lal Masjid is to be dealt with by the Commission constituted for the purpose.

To come up on 17.5.2010 so that once again overall situation could be reviewed.

Judge

Judge

Judge

Islamabad the
3rd May 2010
Riaz

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

MR. JUSTICE JAVED IQBAL
MR. JUSTICE MUHAMMAD SAIR ALI
MR. JUSTICE TARIQ PARVEZ

HRC No. 965/2005 etc.

Applicant/petitioner	Mr. Hashmat Ali Habib, ASC Mr. Abdul Rashid Awan, ASC Mian Liaqat Ali, ASC Mrs. Aamina Masood Janjua Yar Muhammad Mr. Muhammad Ikram Chaudhry, Sr. ASC
On Court notice:	Mr. Karim Agha Khan, Addl. A. G. Mr. Naveed Akhtar, Addl. AG NWFP Mr. Mehmood Raza, Addl. AG Balochistan Mr. Saeed Yousaf Khan, Addl. A.G. Punjab Mr. Fareed-ul-Hassan Abbasi, AAG Sindh Mr. Tariq Mehmood Pirzada (Chief Commissioner) Islamabad Mr. Muhammad Akbar, IG Balochistan Sh. Abdullah, SSP Hamayun Bashir Tarar DPO Kamran Dost, Spl. Home Secretary, Sindh Ghulam Akbar, SP Investigation Kamran Aadil, SP on behalf of CCPO (Rwp) Syed Kaleem Imam, IG Islamabad
Date of hearing:	15.4.2010

--*-*-*

ORDER

Pursuant to order dated 18.03.2010, a comprehensive report has been furnished by the Commissioner Islamabad who is present in person and has assured that every effort would be made to find out the whereabouts of missing persons in Lal Masjid incident. A copy of the report be made available to the learned Additional Attorney General enabling him to peruse the same and offer his comments on the next date of hearing. In so far as the chronic cases of missing persons as mentioned in order dated 11.02.2010 are concerned there is no material progress except that Ghulam Mustafa Tabassum has been recovered as pointed out by the IGP Islamabad and the case has been registered against him by means

of FIR and presently he is confined in Adyala Jail. The matter qua Ghulam Mustafa Tabassum is accordingly disposed of.

2. Mr. Kamran Dost, Home Secretary, Sindh has informed that Shadi Khan Marri, Khan Muhammad Marri and Arshad Janjua have been recovered and hectic efforts are in hand to trace out the whereabouts of other missing persons. The cases of above named missing persons shall be deleted from the list. It is to be noted that no material progress could be made regarding rest of the cases of missing persons, however, it has been assured by the learned Additional Attorney General that every possible effort would be made to trace out the missing persons.

3. A copy of Notification qua the constitution of a Commission has been placed on record, however, learned Additional Attorney General has requested that a short adjournment be granted enabling the Government to make the Commission functional. This aspect of the matter squarely falls within the jurisdictional domain of the Government and needs no comments. The learned Additional Attorney General shall inform the Court when the Commission becomes functional. However, the overall situation will be reviewed after two weeks.

4. In so far as the case of Dr. Aafia Siddiqui is concerned, that is pending in USA and therefore, no further action can be taken. As mentioned earlier, as she is no more a missing person. Accordingly, her case is disposed of.

5. Matter adjourned. To be fixed after two weeks.

Judge

Judge

Judge

Islamabad
15.4.2010
Iqbal Naseer

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

Present:
Mr. Justice Rahmat Hussain Jafferi
Mr. Justice Tariq Parvez

HUMAN RIGHT CASES NOS. 965/2005 & HRC NO.4941/2006, HRC NO. 292, 1375, 2048, 2050, 2051, 2549, 2661, 3317, 4504/2007 AND CONSTITUTION PETITIONS NOS. 5, 29, 37 & 55/2007 AND HR CASE NO. 7679-G, 8451-B AND CMA NO.4419/2009 IN CONST.P.NO.5/2007, 2724/2007, 8284-S/2009, 13405-P/09, 527-N, 529-N, 530-P, 531-G, 532-G, 533-G, 534-N, 535-N, 536-P, 20903-G/09, 21400-P/09, 21935-S/09, 1397-P/2010, 1398-G/2010, 1399-G/2010, 1400-P/2010, 1401-P/2010, 3106-G/2010, 3107-P/2010, 3108-P/2010, 3109-P/2010 & CP NO. 325-L/2010.

(MISSING PERSONS' CASES)

For the petitioners/applicants:	Mr. Hashmat Ali Habib, ASC Mr. Abdur Rashid Awan, ASC Mrs. Aamina Masood Janjua Mian Liaqat Ali, ASC
On Court Notice:	Saeed Yousaf Khan, Addl. AG Pb. Mehmood Raza, Addl. AG Balochisan Ishtiaq Ibrahim, Addl. AG Balochistan
In attendance:	Zafar Ahmed Farooqi, Addl. I.G. Sindh Naveed Ahmed Khawaja, SSP (Invst) West Karachi Ghulam Akbar, SP (Invst) Khairpur Arshad Ali, AIG Legal Faiz Ahmed Bhatti, SP (Invst) Abdul Afridi, SP. Akbar Arian, Addl. IG Balochistan Hamyun Bashir tarar, DPO Bahawalpur
For the Petitioner: (in CP 325-L/2010)	Nemo
Date of Hearing:	5.4.2010

ORDER

The matters pertain to a three Members' Bench, as such, they are adjourned to a date in the next week.

Judge

Judge

ISLAMABAD

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
MR. JUSTICE JAVED IQBAL
MR. JUSTICE MUHAMMAD SAIR ALI
MR. JUSTICE TARIQ PARVEZ

HUMAN RIGHT CASES NOS. 965/2005 & HRC 4941/2006, HRC NO.292, 1375, 2048, 2050, 2051, 2549, 2661, 3317, 4504/2007, AND CONSTITUTION PETITIONS NOS.5, 29, 37 & 55 OF 2007 AND HR CASE NO.7679-G, 8451-B, AND CMA NO.4419/2009 in Const.P.5/2007 ,2724/2007, 8284-S/09, 13405-P/09, 527-N, 528-N, 529-N, 530-P, 531-G, 532-G, 533-G, 534-N, 535-N, 536-P, 20903-G/09, 21400-P/09, 21935-S/09, 1397-P/2010, 1398-G/2010,1399-G/2010, 1400-P/2010, 1401-P/2010, 3106-G/2010, 3107-P/2010, 3108-P/2010, 3109-P/2010.

(MISSING PERSONS' CASES)

For the petitioners/applicants	Mr. Muhammad Ikram Ch. Sr. ASC Mr. Hashmat Ali Habib, ASC Kh. Azhar Rasheed, ASC Mr. Abdur Rashid Awan, ASC Ms. Asma Jehangir, ASC Mrs. Aamina Masood Janjua
On Court notice:	Mr. Anwar Mansoor Khan, Attorney General a/w Shah Khawar, DAG alongwith Naveed Akhtar, Addl.A.G.NWFP Saeed Yousaf Khan, Addl.A.G. Punjab Mehmood Raza, Addl.AG Balochistan Sher Bahadar Khan, Law Officer, Foreign Office. Raja Bashir Ahmad, Sr. ASC on behalf of M/o Defence
In attendance:	Syed Imtiaz Altaf, DIG, Hazara Imtiaz Shah, DIG, Investigation Peshawar Abdul Waheed Khan, SSP Fareed Ahmed Khan, Director, NCMC Hafeez +Shamraz Khan + Hafiz Jamas Khan, Jehangir Khan, Sardar Fareed (all SHOs/Inspectors), Kamran Adil, S on behalf of CCPO, Rawalpindi, Hamyun Bashir Tarar, DO, Kamran Dost (Spl.Secy. Home Sindh), Akbar Khan (Secy, Home), NWFP, Ghulam Akbar, SP.
Date of hearing:	18.03.2010

ORDER

The learned Attorney General entered appearance and furnished a comprehensive report qua the Pakistani nationals confined in jails in different countries. He has requested that some more time may be granted enabling him to make a comparative study of the details of detenues and that of missing persons to find out as to whether any of the missing persons is confined in abroad or otherwise. The learned Attorney General has further submitted that cognizance of the issue of missing persons has already been taken at the highest level and suitable legislation would be made in order to resolve the problem forever. It is also pointed out that constitution of a Judicial Commission comprising of three retried Hon'ble Judges, one from the Supreme Court and two from the High Court is under consideration. At the moment we are not aware regarding the mandate and terms of reference therefore, no comments can be offered. The proposed commission may be constituted if it is deemed fit and proper by the Government as this aspect of the matter squarely falls within the ambit of its jurisdictional domain. The learned Attorney General has submitted that necessary instructions have been given to all the Inspector Generals of Police for lodging FIRs with promptitude.

2. On the last date of hearing it was observed that contradictory statements have been made regarding Hafiz Saeed-ur-Rehman and it was stated that he was convicted and sentenced to 25 years but subsequently he was found dead. The learned Deputy Attorney General is present and requested that a short adjournment be granted enabling him to furnish a complete report regarding his trial, date of conviction and the jail where he remained confined to ascertain the factual aspects as to whether the person whose dead body was found is in fact Hafiz Saeed-ur-Rehman as it was not identified by his father. The exercise be completed on or before the next date of hearing.

3. Mr. Kamran Adil, Superintendent of Police, Pothwar Town, Rawalpindi is present and highlighted the progress made so far and an incomplete report furnished to this effect. The investigation be completed at the earliest.

4. Raja Bashir Ahmed, learned Sr. ASC is present on behalf of Ministry of Defence and submitted that evidence collected so far by Mrs. Aamina Masood Janjua is hearsay. It would be too premature at this stage to conclude as to whether the evidence is hearsay or otherwise as this aspect of the controversy is yet to be dilated upon and determined by the forum concerned. The learned Deputy Attorney General has been directed to ensure that investigation by Joint Investigation Team is completed at the earliest. In so far as Faisal Faraz is concerned, the report furnished today is not satisfactory and only previous position has been reiterated therein. However, Kamran Adil, S.P. has submitted that concrete steps have already been taken and a complete report would be submitted as investigation is yet in hand.

5. There is no material progress in the cases of Atiq-ur-Rehman and Muhammad Altaf. In case of Abdul Sattar it is informed by Mr. Naveed Akhtar, learned Additional Advocate General, NWFP that the nominated accused were discharged under section 169 Cr.P.C. It is pointed out by Mr. Akbar Khan, Secretary Home, NWFP that an investigation team has been constituted to make a thorough probe. The Home Secretary is hereby directed to hand over the task to some experienced police officer so that it could be accomplished within ten days. A comprehensive report be furnished in this regard through learned Additional Advocate General, NWFP.

6. In case of Shahid Mahmood, Mr. Hamayun Bashir Tarar, DPO is present and submitted that a Joint Investigation Team is being constituted and a comprehensive report would be furnished after the completion of investigation.

7. Abdul Hannan, Ehsan Ali and Khalid Khan are reportedly in the army custody on the alleged links with *Talibaans*. It is further submitted that army Authorities have assured to release them but still they are in their custody. Learned Additional Advocate General, NWFP is directed to look into the matter and furnish a comprehensive report.

8. In case of Khurram Ilyas, the Investigating Officer is present and submitted that in the year 2001 one accused was discharged and against the second, incomplete challan has been furnished in the court, however, Joint Investigation Team has been constituted to re-investigate the matter. A report be furnished within two weeks.

9. In case of Ghulam Mustafa, a report has been furnished, relevant portion whereof has been read over by the learned Deputy Attorney General. It, however, reveals that no material progress could be made. It is worthwhile to mention here that specific allegation has been leveled against the Intelligence Agencies and according to Shazia Tabassum wife of Ghulam Mustafa, one Sarwar Naeemi, Assistant Sub-Inspector, P.S. I/9, Islamabad is aware regarding the whereabouts of her husband. It is further submitted that the said ASI has convened a meeting in 'Haleem Ghar' for the reasons best known to him. Sarwar Naeemi, ASI alongwith S.P. concerned shall remain present on the next date of hearing.

10. A report qua Ali Asghar Bangalzai has been furnished and read over by learned Deputy Attorney General. The report is not satisfactory as certain facts have been concealed. It revealed that *prima facie* evidence against a few officers has come on record and besides that certain officers of ISI have been specifically nominated in the FIR. The report is, however, silent that as to whether investigation has been made or otherwise by Brig. Siddique and Col. Bangash who have been named in a categoric manner. The case has got its own chequered

history and there is no material progress. Accordingly, Inspector General of Police Balochistan shall remain present on the next date of hearing and apprise the Court that what steps have been taken to recover Ali Asghar Bangalzai. It has further been stated that Mr. Zahoor Ahmed Shahwani, who is presently performing his duties as Prosecutor General has informed in an unambiguous way that Ali Asghar Bangalzai remained in the custody of Intelligence Agencies. He may also be associated so that reality could be unveiled.

11. The report of Joint Investigation Team be expedited in the case of Muhammad Moosa Arjumandi.

12. All the cases pertaining to missing persons in the tragic incident of *Lal Masjid* are under investigation as reported by learned Deputy Attorney General. He, however, has assured that every effort would be made to trace out the missing persons. The Commissioner Islamabad and Inspector General of Police, Islamabad Capital Territory, shall remain present on the next date of hearing alongwith the complete record of the persons went missing and the progress made so far by the police. The entire record qua the incident of tragic *Lal Masjid* also be produced. A comprehensive report indicating the details be furnished within two weeks. It is pointed out by learned Deputy Attorney General that a task force has been constituted to look into the matter. However, the progress made so far is not material.

13. Adjourned. To come up on **05.04.2010.**

Judge

Judge

Judge

Islamabad.
18.3.2010
Iqbal Naseer

IN THE SUPREME COURT OF PAKISTAN.
(APPELLATE JURISDICTION).

PRESENT:
MR.JUSTICE JAVED IQBAL
MR. JUSTICE MUHAMMAD SAIR ALI
MR. JUSTICE TARIQ PARVEZ

C.M.A.No. 556 of 2010.
H.R.CASE NO. 965/06, 292/07, 4941/06,
(Saqlain Mehdi. Vs. Federation of Pakistan)

For the petitioner/ complainant:	Mr.Hashmat Ali Habib, ASC. Mrs.Amina Masood Janjua. Mrs.Asma Jehangir, ASC. Mr.Tasleem Hussain, ASC. Mr.M.Ikram Ch., Sr.ASC.
On Court Notice:	Shah Khawar, DAG. Mr.Shaukat Ali (Spl. Secy. M/o Interior) Mr.Saeed Yousaf Khan, Addl. A.G. Punjab. Mr.Mehmood Raza, Addl. A.G. Balochistan. Mr.Zahid Yousaf, Addl. A.G. NWFP. Mr.Saleem Akhtar, DPG, Sindh. Mr.Pir Muhammad Shah, DPG, Khairpur. Mr.Collin Kamran Dost (Spl. Home Secy. Sindh) Mr.Kamran Adil (S.P) on behalf of (CCPO, Rawalpindi).
Date of hearing:	02.03.2010.

ORDER

Mr. Hashmat Ali Habib, learned ASC is directed that copy of the application be made available to the learned Dy. Attorney General who is direction that a comprehensive report be furnished within a week.

So far as the case of Hafiz Saeed-ur-Rehman is concerned, it reveals from scrutiny of record that various contradictory statements have been filed before this Court as well as in the High Court of Balochistan indicating that he was in Gujranwala Jail and subsequently his dead body was found and it was not identified by father of the Hafiz Saeed-ur-Rehman. In this regard the position as explained by learned Dy. Attorney is not satisfactory.

In view of the contradictory stances as taken by the Government before different forums, the learned Dy. Attorney General has been asked to furnish a comprehensive report with specific reference as to whether Hafiz Saeed-ur-Rehman is alive or dead and what was the circumstances due to which he remain confined in Gujranwala Jail and how statement was made before High Court of Balochistan that he remained under interrogation and subsequently sent to Gujranwala Jail. Report be furnished within a period of one week.

In so far as the case of Masood Janjua is concerned, it is pointed out by learned Dy. Attorney General that Joint Investigation Team has yet to complete the investigation. Mrs.Amna Masood Janjua appeared and submitted that some fresh evidence has also been adduced which is to be considered by the JIT. Let the report be finalized and furnished within a period of one week. It is also submitted by learned Dy. Attorney General that it is under active consideration of Government that a Commission may be constituted to deal with such cases and make recommendations to eliminate such tragic incidents.

Latest report has been furnished by the Dy. Attorney General showing details of missing persons on 11th February, 2010, which appears to be an up to date report indicating that 06 persons have been traced out and as such their names be deleted from the list of missing persons. The report further indicates that 73 persons are missing but the addresses of 11 persons are not available. Ms. Asma Jehangir has submitted that her associate will remain in touch with the office of learned Dy. Attorney General and every effort would be made for furnishing correct addresses and contact of 06 missing persons. Be as it may, a list be prepared by the office of learned Dy. Attorney General so that further action could be taken.

In the case of Asghar Banglezai, learned Dy. Attorney General has furnished a report indicating the progress made so far. It is also submitted that Home Secretary, Government of Balochistan is in touch with the concerned authorities to find out the whereabouts of missing persons. Let a comprehensive report be furnished within a period of two weeks.

H.R.Case No. 7679-G/09

Report regarding Mohammad Moosa Arjamandi, has been furnished and para-5 of the same is worth mentioning wherein an attempt has been made to fix the responsibility. Learned AG has further submitted that a final report will be furnished in this regard, needful is to be done within a period of two weeks.

H.R.C.No. 4941 of 2006.

Mrs. Aamina Masood Janjua appeared and submits that 36 persons are detained in Bulgram Jail out of which 16 are Pakistani Nationals. In order to check the authenticity of the statement, it is hereby directed that Mr.Sajjad Kamran, Director Pakistan Afghan Desk to take necessary steps for doing the needful and furnish a report indicating the details qua the above named persons allegedly confined in Bagram Jail. All the inquiries/queries made by the affected persons be

responded promptly and this task be assigned to some responsible officer who is well conversant with the case.

H.R.Case.No. 292 of 2007.

The case of Arif Abbasi be considered by JIT and evidence collected so far be made available to JIT headed by the CPO Rawalpindi. Report be furnished alongwith other cases within two weeks.

2. The learned Dy. Attorney General shall also furnish a complete list showing the Pakistani National Jailed in Thailand and other countries. The learned Dy. Attorney General pointed out that about six thousand Pakistanis are confined in jails in eleven countries particulars whereof be furnished by the Ministry of Foreign Affairs alongwith the details of efforts made so far by the Ambassadors in the said countries.

All these cases will be heard on 18.03.2010 and the same shall be listed at serial No.1. The learned Dy. Attorney General shall come prepared in each case.

Judge

Judge

Judge

Islamabad.
02.03.2010.
*MAZ/**

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
MR. JUSTICE JAVED IQBAL
MR. JUSTICE MUHAMMAD SAIR ALI
MR. JUSTICE TARIQ PARVEZ

HUMAN RIGHT CASES NOS.965/2005, & HRC 4941/2006, HRC NO.292, 1375, 2048, 2050, 2051, 2549, 2582, 2661, 3317, 4504/2007, AND CONSTITUTION PETITIONS NOS.5, 29, 37 & 55 OF 2007 AND HR CASE NO.7679-G, 8451-B, AND CMA NO.4419/2009 in Const.P.5/2007 & 2077/2007 AND HRC 2724 OF 2007 and HRC 8284-S/2009, HRC 13405-p/2009, HRC 527-N to 529-N, 530-P, 531-G, 532-G, 534-N, 534-G, 535-N, 536-P/2010

(MISSING PERSONS' CASES)

For the petitioners/ applicants	Mrs. Amina Masood Janjua Ch. Muhammad Akram, Sr. ASC Mr. Abdur Rasheed Awan, ASC Miss. Aasma Jehangir, ASC Liaqutur Rehman Mrs. Sharmeen Akhtar Aysha Zafar Shamsun Nisa Mrs. Ghulam Mustafa Dr. Aisha, Shazia Tabbassum Yar Muhammad Nazar Hussain Arif Abbasi, Ahmed Sultan Wazir Zada Saifullah, Muhammad Idrees Abbasi, Muhammad Ishaq, Muhammad Azam
On Court notice:	Mr. Anwar Mansoor Khan, Attorney General for Pakistan Mr. Naveed Akhtar, Addl. AG NWFP Mr. Salahuddin Mengal, AG Balochistan Mr. Saeed Yousaf Khan, Addl. AG Punjab Mr. Fareed Ahmed Khan, Director NCMC
In attendance:	Syed Imtiaz Altaf (DIG) Hazara Kamran Adil (SP) on behalf of CCPO RWP Mr. Akbar Durrain, Home Secretary Punjab Mr. M. Riaz-uddin, Addl. Home Secretary Sindh Mr. Akbar Ali, Addl. Home Secretary NWFP Imran, SP Investigation Bahawalpur Javed Odeho, DPO Hyderabad
Date of hearing:	11.02.2010

ORDER

Let we make it clear at the outset that there is no material progress in these cases generally known as "Missing Persons Cases". The pace of progress in each case is negligible and the police has

expressed its inability to make further probe in certain cases due to the alleged involvement of various agencies against whom serious allegations have been leveled by various petitioners and *prima facie* evidence qua their involvement has been produced. What is the evidentiary value of such evidence would be examined by the appropriate forum at the relevant time?

2. The statement made by the learned Attorney General is a ray of hope as some concrete steps have been taken which indicates the concern of Government at the highest level to resolve the problem. A comprehensive report has been furnished by the learned Attorney General which is self-explanatory and hardly needs any further elaboration. The cases of missing persons is a multi-dimensional problem and there are a few important stake-holders i.e. Police, various agencies, Ministry of Interior, Ministry of Defence and the families of missing persons, which cannot be resolved without their sincere efforts, dedication and strong will. There appears some lack of supervision, co-ordination and accountability amongst the various Branches of Government. Be as it may, some important steps have been taken by the Government (details have been given in the report furnished by the learned Attorney General) i.e. facilitation for lodging of FIR in each case by the complainant and besides that Home Secretary of each Province will remain in touch with the recovery of missing persons and their statements would be recorded so that responsibility could be fixed and action be taken against the delinquents. It is further pointed out by the learned Attorney General that proposal for constitution of a Judicial Commission is under active consideration by the Government and this Court would be taken into confidence before any decisive step is taken by the Government. It has been made clear to the Learned Attorney General that Government may take any step for the redressal of the

grievances of aggrieved persons but expeditiously. We must appreciate the hectic efforts being made by the learned Attorney General which will certainly render a considerable help to achieve the goal i.e. recovery of missing persons. The attention of learned Attorney General has been invited to certain reports furnished by the Ministry of Interior, authenticity whereof has been seriously challenged by Mrs. Aasma Jehangir, learned ASC on behalf of the Human Rights Commission of Pakistan. All the reports furnished so far and every report furnished in future must be authentic and if found otherwise, the concerned Secretary will be held responsible and appropriate action would be initiated against him in accordance with law.

3. There is no progress in the cases of Masood Ahmed Janjua, Faisal Faraz and Atiq-ur-Rahman. Mr. Shah Khawar, learned Deputy Attorney General who entered appearance at this point of time submitted that a Joint Investigation Team has been constituted and requested that some time may be allowed enabling the team to conclude its investigation. The request is accepted with the direction that matter be expedited.

4. The Home Secretaries of all the Provinces are present and submitted comprehensive reports and assured that every effort would be made to recover the missing persons.

5. Mr. Farhatullah Babar entered appearance in his private capacity as in the past he had associated with these cases and made certain valuable recommendations in black and white which will be considered at the appropriate time. Mr. Farhatullah Babar has submitted that the Government is cognizant of sensitivity of the situation and every effort is being made to minimize the gravity of situation.

6. Regarding rest of the cases as mentioned in the title directions have been given to the learned Deputy Attorney General for the completion of inquiry/investigation and submission of reports to this effect. In view of time consuming process, matter is adjourned for two weeks enabling the learned Deputy Attorney General to do the needful.

Judge

Judge

Judge

Islamabad
11.02.2010
Iqbal Naseer

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
MR. JUSTICE RAJA FAYYAZ AHMED
MR. JUSTICE MUHAMMAD SAIR ALI

HUMAN RIGHT CASES NOS.965/2005 ETC

(Missing persons case).

For the petitioners/ applicants	Mian Liaquat Ali, ASC Mr. Muhammad Ikram Ch. Sr. ASC Sharmeen Akhtar
On Court notice:	Mr. Anwar Mansoor Khan, Attorney General for Pakistan Raja Abdul Ghafoor, ASC on behalf of AG (Sindh) Mr. Saeed Yousaf Khan. Addl. AG, Punjab Mr. Zahid Yousaf, Addl. AG NWFP Mr. Mehmood Raza Addl. AG Balochistan
In attendance:	Mr. Imtiaz Altaf DIG Hazara Mr. Kamran Adil, SP Pothohar Town on behalf of CCPO Rawalpindi
Date of hearing:	04.02.2010

ORDER

The learned Attorney General for Pakistan submitted that in the peculiar facts and circumstances of the case at least one week time is required to make further headway in these matters. The request being genuine is entertained, therefore, all these matters are adjourned. Re-list on 11.2.2010.

Judge

Judge

Islamabad
4th February, 2010
M. Safdar Mahmood

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
MR. JUSTICE JAVED IQBAL
MR. JUSTICE RAJA FAYYAZ AHMED
MR. JUSTICE MUHAMMAD SAIR ALI

HUMAN RIGHT CASES NOS.965/2005 & HRC 4941/2006, HRC NO.292, 1375, 2048, 2050, 2549, 2582, 2661, 3317, 4504/2007, AND CONSTITUTION PETITIONS NOS.5, 29, 37 & 55 OF 2007 AND HR CASE NO.7679-G, 8451-B, AND CMA NO.4419/2009 in Const.P.5/2007 & 2077/2007 AND HRC 11888-G/2009 & HRC 2724 OF 2007. and HRC 8284-S/2009, HRC 527-N to 529-N, 530-P, 531-G, 532-G, 534-N, 534-G, 535-N, 536-P/2010
(MISSING PERSONS' CASES)

For the petitioners/ applicants	Mrs. Amina Masood Janjua Ch. Muhammad Akram, Sr. ASC Mian Liaqat Ali, ASC Sharmeen Akhtar Muhammad Azam
On Court notice:	Shah Khawar, DAG alongwith Fareed Khan, Director, NCMC Imtiaz Altaf (DIG) Hazara Saeed Yousaf Khan (Addl.A.G. Zia-ur-Rehman, (A.G.) NWFP Mehmood Raza (Addl.A.G.) Hamayun Tarar, DPO Saleem Akhtar (Addl.P.G.), Sindh Kamran Adil, SP (on behalf of CPO, Rawalpindi) Muhammad Mubeen (Inspector) Shamraiz (Inspector)
Date of hearing:	28.01.2010

ORDER

HUMAN RIGHT CASE NO.965 OF 2005 & 4941/2006
(Mrs. Amina Masood Janjua)

Mrs. Amina Masood Janjua is present. Learned Attorney General is also present. The report dated 25.01.2010 furnished by Lt. Gen. (R) Syed Athar Ali, Secretary Defence, is not satisfactory but on the contrary it appears to be vague. It has been observed with grave concern that the report has been prepared by excluding the evidence collected so far which is in the knowledge of Ministry of Interior and the same has not been kept in juxtaposition for the reasons best known to the Secretary Defence. It is hereby directed that a comprehensive report be furnished by taking into consideration all the evidence collected so far.

2. Mr. Kamran Adil, Superintendent of Police, Pothwar Town, Rawalpindi is present and submitted that FIR has been lodged and investigation is in hand, however, it is pointed out that statement of Dr. Imran Munir, heavily relied upon by Mrs. Amina Masood Janjua, is yet to be recorded but needful would be done within a couple of days. It is pointed out by Mr. Kamran Adil, SP that being a time consuming process, some more time may be given enabling him to complete the investigation. The other aspect of the matter is that a Joint Investigation Team has been constituted and according to the learned Deputy Attorney General, the matter is under investigation and a comprehensive report would be furnished within a couple of days. The submission made by Mr. Kamran Adil, SP is accepted and two weeks time is granted enabling him to complete the investigation. The Joint Investigation Team should also complete its task as early as possible but not later than two weeks and report be submitted to this Court. To be fixed after two weeks.

(Atiq-ur-Rehman)

3. Pursuant to order dated 21.01.2010 the learned DAG is present and submitted that due to short span of time the comments could not be furnished and has assured that needful would be done on or before the next date of hearing.

4. Syed Imtiaz Altaf, DIG Hazara is present and submitted that some time may be allowed enabling him to peruse the entire record and furnish a comprehensive report in view of the conclusion as arrived at by the Investigating Officer and pointed out on the last date of hearing.

5. Ch. Muhammad Ikram, learned ASC is present and submitted that there is no material progress and suggested that a Commission may be constituted enabling the affected persons and heirs of the missing persons to get their statements recorded and furnish

evidence so that responsibility could be fixed. This aspect of the matter will be dilated upon later on.

(Faisal Faraz and Muhammad Altaf)

6. Learned Deputy Attorney General is present and submitted that there is no material progress in the cases of Faisal Faraz and Muhammad Altaf. The learned DAG is being directed to furnish a comprehensive report in this regard. To come up on **04.02.2010.**

HRC NO.292 OF 2007

(Application by Arif Abbasi)

The father of Muhammad Idrees Abbasi is present, however, SHO concerned is not present and due to an inadvertent omission, the Investigating Officer of the Police Station Lora has been summoned, who is present. The SHO of the concerned Police Station and the Investigating Officer be summoned who shall remain present alongwith the relevant record on the next date of hearing.

HRC NO.1375 OF 2007

(Application of Muzaffar Ali Shah)

The learned Deputy Attorney General is present and submitted that a letter has been addressed to Ministry of Foreign Affairs by whom the confirmation qua Syed Farhad Ali Shah is yet to be made. It is further pointed out that a letter has been addressed by the Ministry of Foreign Affairs to all the Embassies for furnishing necessary details pursuant to order dated 21.01.2010 passed by this Court.

HRC NO.2023 OF 2007

(Application of Muhammad Ayub)

The applicant is directed to furnish complete particulars of Abdur Rehman alongwith copy of identity card and home address.

HRC NOS.2048 & 2050 OF 2007

1. Syed Samina Hassan (In HRC No.2048/2007)
2. Press Clipping (In HRC No.2050/2007)

The report in respect of Syed Iftikhar Ali Naqvi is still awaited. The learned Deputy Attorney General has requested that some time may be granted enabling him to do the needful. The report be furnished on or before the next date of hearing.

HRC NO.2549 OF 2007

(Application of Syed Sarim Burney)

The learned Deputy Attorney General is present and submitted that the report regarding Ali Aimar is still awaited. The learned Deputy Attorney General has requested that some time may be granted enabling him to furnish the same.

HRC NO.2582 OF 2007

(Missing Person matter)

Ms. Sharmeen Akhtar is present and furnished a few more documents, copies whereof have been handed over to the learned Deputy Attorney General. The matter is to be referred to the Secretary, Ministry of Foreign Affairs who shall submit a comprehensive report in this regard on the next date of hearing. Learned Deputy Attorney General has assured to do the needful.

It is submitted by learned Deputy Attorney General that due to short span of time he could not inform the Director FIA, however, he assured that needful would be done on or before the next date of hearing and compliance of order dated 21.01.2010 passed by this Court would also be made.

HRC NO.2661 OF 2007

(Iqbal Bibi)

Hamayun Bashir Tarar, DPO Bahawalpur is present and furnished a report qua investigation made so far. He has, however, requested that some more time may be granted enabling him to complete the investigation. Matter adjourned. To be fixed after two weeks.

HRC NO.3317 OF 2007

(Application by Abdul Jalil and Firdus Begum)

Learned Deputy Attorney General is present and submitted that no material progress could be made, however, efforts are in hand to find out the whereabouts of Idrees Butt. The learned Deputy Attorney General is directed to expedite the matter.

HRC NO.4504 OF 2007

(Application by Asghar Ali)

Learned Deputy Attorney General is present and submitted that this task has been assigned to the Provincial Task Force Sindh and final report is yet awaited. The matter be expedited. A comprehensive report be furnished on or before the next date of hearing.

CONSTITUTIONAL PETITION NO.5 OF 2007

(Human Rights Commission of Pakistan through its Secretary General v. Federation of Pakistan and others)

Learned Deputy Attorney General has informed that complete particulars are yet to be furnished qua 86 persons showing missing in the list furnished by the Human Rights Commission of Pakistan. Mian Liaquat Ali, learned ASC has assured that needful would be done within a couple of days.

In so far as Hafiz Saeed-ur-Rahman is concerned, a report has been received showing that he has expired. Accordingly his name be deleted and copy be made available to Mian Liaquat Ali, learned ASC.

CONSTITUTIONAL PETITION NO.29 OF 2007

(Defence of Human Rights Organization v. Federation of Pakistan and others)

Mrs. Amina Masood Janjua is present and furnished a complete and comprehensive list pursuant to order of this Court dated 21.01.2010, a copy of the same be made available to the learned Deputy Attorney General for furnishing a comprehensive report in this regard.

Pursuant to order dated 21.01.2010 passed by this Court, a comprehensive list has been furnished showing that 59 persons were missing, out of which 7 persons have been traced out, 29 persons have been released, names of 02 persons have been deleted, three are dead and 20 persons are yet to be traced out. The learned Deputy Attorney General is directed to furnish a comprehensive report regarding the above named persons.

In so far as the case of Abdul Sattar son of Abdul Ghaffar is concerned it is pointed out that he is missing since 2002. It is submitted that FIR has been lodged at Peshawar and there is no progress in the matter. Let notice be given to the DPO concerned with the direction to furnish a comprehensive report in this regard within a period of two weeks.

In so far as Khan Muhammad Chang, whose name is appearing in CMA 76 of 2009 is concerned, FIR could not be lodged as DPO Khairpur Merus, Sindh is reluctant to do so. He is hereby directed to remain present on the next date of hearing alongwith all the relevant record of the case as it is alleged that he was picked up by the DPO Khairpur Merus, Sindh.

It is submitted that Dr. Abid Sharif son of Muhammad Sharif and Mansoor Mehdi son of Muhammad Idrees are missing persons and FIR has been lodged in Police Station R. A. Bazar,

Rawalpindi. The DPO Rawalpindi is directed to remain present on the next date of hearing alongwith all the necessary record.

It is also submitted that Rizwan Yousaf whose name is appearing at Sr. No.6 of CMA bearing No.76 of 2009 is a missing person and FIR has been lodged at Multan and reportedly he went for Jehad in Afghanistan where he died and information to this effect has been communicated to the family of Rizwan Yousaf. He is no more a missing person. Accordingly his name be deleted and case to his extent is disposed of.

CONSTITUTION PETITION NO.37 OF 2007

(Syed Gohar Anis and others v. Federation of Pakistan and others)

Mr. Abdul Rasheed Awan, learned ASC is present. Learned Attorney General is also present. It is pointed out that due to short span of time he could not contact Mr. Farooq Awan to whom investigation has been handed over. It is hereby directed that he shall remain present alongwith all the necessary record on the next date of hearing. To be fixed after two weeks.

CONSTITUTION PETITION NO.55 OF 2007

(Noor Bibi v. Government of Pakistan)

The report of Provincial Task Force is yet awaited. Mr. Muhammad Munir Peracha, learned ASC is present on behalf of Ali Asghar Bangalzai and pointed out that his Habeas Corpus petition has been dismissed and now FIR would be got lodged.

HRC 7679-G/2009

(Press Clipping published in Daily "Nation" dated 8.9.2009)

The learned Additional Advocate General is present and submitted that a case has been lodged against the nominated F.C. personnel. He is hereby directed to remain in touch with the concerned

DPO and apprise the Court regarding progress in the investigation. Adjourned. To come up on **04.02.2010.**

HRC 8451-B/2009

(Bibi Sajida)

The learned Additional Advocate General is present and submitted that investigation has been assigned to DSP Circle of investigation and requested that some time may be given so that investigation could be completed. Request accepted. Matter adjourned. To be fixed after a week and latest report be furnished.

CMA 2077/2007 in HRC No.665/2005

Saqalain Mehdi v. Federation of Pakistan

In so far as the case of Dr. Aafia Siddiqui is concerned she cannot be termed as missing person as she is facing trial in U.S.A. and besides that reportedly her matter is subjudiced in the Lahore High Court. Accordingly this CMA is disposed of.

HRC No.11888-G/2009

(Mst.Saadia Abbasi)

Saadia Abbasi is called absent. Matter is accordingly dismissed.

HRC No.2724/2007

(Application of Muhammad Azam)

Muhammad Mubeen, Investigating Officer is present and highlighted the factual aspects of the controversy and the investigation made so far. We must appreciate his efforts as a thorough investigation has been made in a brilliant manner which speaks his professional skill. It, however, revealed from the scrutiny of record that Mustafa Azam was arrested by the Frontier Corps and pursuant to order of this Court dated 06.01.2010, Major Muhammad Ibrahim entered appearance whose explanation was not satisfactory. The Secretary

Home, NWFP is hereby directed to make a thorough probe in the matter and furnish a comprehensive report in this regard. Muhammad Mubeen, Investigating Officer has submitted that a final report and challan would be submitted within a week, a copy whereof be made available to the learned Deputy Attorney General. Matter adjourned. To be fixed after one week.

HRC No.8284-S/2009

(Application by Farrukh Ahmad)

Shamraiz Inspector is present and submitted that investigation is in hand and the report in this regard would be submitted within a couple of days. Matter adjourned. To be fixed after two weeks.

HRC No.527-N/2010 (Application by Kala Khan)

HRC No.528-N & 529-N/2010 (Application by Fazal-ur-Rehman)

HRC No.530-P/2010 (Application by Dr. Aisha Umar)

HRC No.531-G/2010 (Application by Ghulam Muhammad)

HRC No.532-G/2010 (Application by Nazar Hussain)

HRC No.534-G/2010 (Application by Liaqut-ur-Rehman)

HRC No.534-N/2010 (Application by Muzamil Shah)

HRC No.535-N/2010 (Application by Muhammad Anwar)

HRC No.536-P/2010 (Application by Mst. Ghulam Mustafa)

The above captioned cases be fixed during next week.

Copy of CMA bearing No.4588/2009 (Dr. Imran Munir) be made available to the learned Deputy Attorney General for furnishing comments. To come up after two weeks.

Judge

Judge

Islamabad
28th January, 2010
Iqbal Naseer
NOT APPROVED FOR REPORTING

Judge

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
MR. JUSTICE JAVED IQBAL
MR. JUSTICE RAJA FAYYAZ AHMED
MR. JUSTICE MUHAMMAD SAIR ALI

HUMAN RIGHT CASES NOS.965/2005 & HRC 4941/2006, HRC NO.292, 1375, 1798, 2023, 2046, 2047, 2048, 2049, 2051, 2054, 2379, 2549, 2582, 2661, 3317, 4504, 5030/2007 AND CONSTITUTIONAL PETITIONS NOS.5, 29, 37 & 55 OF 2007 AND HR CASE NO.7679-G, 8451-B, AND CMA NO.4419 & 2077/2007 AND HRC 11888-G/2009 & HRC 2724 OF 2007.

(Missing Persons case).

For the petitioners/ applicants	Ms. Amna Masood Janjua Mr. Hashmat Ali Habib, ASC Mr. Adbul Rashid Awan, ASC Mian Liaquat Ali, ASC Mr. Muhammad Ikram Ch. Sr. ASC Mr. M.S. Khattak, AOR Sharmeen Akhtar
On Court notice:	Mr. Anwar Mansoor Khan, Attorney General for Pakistan Mr. Shah Khawar, DAG Saeed Yousaf Khan, Addl. A.G. Punjab Mr. Mehmood Raza, Addl. A. G. Balochistan, Mr. Naveed Akhtar, Addl. AG, NWFP Raja Abdul Ghafoor, ASC on (behalf of AG Sindh)
In attendance:	Mr. Fareed Ahmed Khan, (NCMC) Mr. Hamayun Bashir Tarrar (DPO) Mr. Kamran Adil, (SP) on behalf of (CCPO), Rawalpindi Mr. Hafeez Inspector on behalf of (DIG) Hazara a/w Mr. Sardar Fareed (IO)
Date of hearing:	21.01.2010

ORDER

HUMAN RIGHT CASE NO.965 OF 2005 & 4941/2006

(Mr. Masood Janjua)

Mrs. Amna Masood Janjua is present. Learned Attorney General is also present. A comprehensive report has been furnished by the learned Attorney General qua missing persons involved in HR Case No.965 of 2005. In so far as Mr. Masood Ahmed Janjua is concerned it has been informed by the learned Attorney General that there is no material progress but efforts are in hand to trace out his whereabouts. It is to be noted that learned Attorney General has also furnished various certificates from different agencies, which are indicative of the fact that the missing persons named in Human Right Case No.965/2005 are neither in their custody nor they were ever apprehended by them. The learned Attorney General has requested that some more time be given as he is doing his best to finalize the task assigned to him by the Court. The learned Attorney General has pointed out that he is in contact with various agencies/departments and being a time consuming job requested that some time may be given. The request being genuine is accepted. However, it has been made clear that the case of missing persons will be heard twice in a week i.e. on Wednesday and Thursday subject to approval of his lordship the Hon'ble Chief Justice of Pakistan.

2. In so far as the case of Atiq-ur-Rehman is concerned, the learned DAG is present and furnished a report, scrutiny

whereof reveals that no material progress could be made so far. Sardar Fareed I.O/S.I is present and mentioned in a categoric manner without any ambiguity that as a result of his investigations, Atiq-ur-Rehman was in the custody of some agencies. The learned DAG has been asked to apprise the quarter concerned i.e. Interior and Defence Secretaries regarding the categoric admission of the Investigating Officer for furnishing their comments on or before the next date of hearing. It is further directed that Syed Imtiaz Ali Shah, DIG shall remain present on the next date of hearing alongwith all the relevant record including police diaries. Besides that the copy of CMA bearing No.76/2010 filed by Ms. Amna Masood be made available to the learned DAG for having the comments of the Interior and Defence Secretaries and a report in this regard be furnished on or before the next date of hearing. The police record is available and I.O. has been directed to provide the copies of relevant *zimnis*. Sardar Farid has again confirmed that Atiq-ur-Rehman was picked up by some agencies as per conclusion arrived at by all the investigating officers.

3. There is no material progress in the cases of Faisal Faraz and Muhammad Iltaf. However, the learned DAG assures that best efforts are being made to trace out the whereabouts of the missing persons.

4. The following persons have been traced out and they are no more missing persons accordingly their names be deleted and the petitions to their extent are disposed of:-

S.NO.	NAME
1.	Goharam Saleh
2.	Gul Muhammad
3.	Saleem Baloch
4.	Muhammad Tariq
5.	Muhammad Atif Idrees
6.	Imran Shamsher Khan
7.	Ali Sher
8.	Affan Leghari
9.	Abdul Rauf Sasoli
10.	Muhammad Bilal Bugti
11.	Murtaza Khan
12.	Brhaim Saleh
13.	Askari Nisar Hussain
14.	Syed Liaqat Hussain
15.	Syed Nisar Mehdi
16.	Noor Muhammad
17.	Muhammad Saeed Brohi
18.	Abdullah
19.	Zia-Ul-Haq
20.	Jamand Khan
21.	Muhammad Ramzan
22.	Haji Jan Muhammad Mari
23.	Raja Ahmed
24.	Sami Ullah Baloch
25.	M. Alim Tariq
26.	Muhammad Ibrahim
27.	Munir Ahmed Mengal
28.	Hafiz Abdul Basit
29.	Malik Zulifiqar
30.	Muhammad Mansoor
31.	Jan Muhammad
32.	Syed Mumtaz Hussain
33.	Dr. Muhammad Hanif Bugti
34.	M. Umer Siddique

HRC NO.292 OF 2007

(Application by Arif Abbasi)

The father of Muhammad Idrees Abbasi is present and submitted that a report has been lodged and the matter is being investigated by the Investigating Officer Gohra Gali. The SHO of the concerned Police Station and the I.O. are directed to appear in person alongwith the relevant record on the next date of hearing.

Petitioner Muhammad Arif Abbasi has submitted that certain affidavits have been procured copies whereof have been handed over to some investigating agencies to find out the whereabouts of his son namely, Muhammad Idrees Abbasi. Let the investigation be completed.

HRC NO.1375 OF 2007

(Application of Muzaffar Ali Shah)

The name of Syed Farhad Ali Shah has appeared in the list of prisoners who are in Balrgram Jail (Afghanistan), as reported in the daily 'News' dated 18.1.2010 and the learned DAG has been directed to confirm as to whether he is the same Farhad s/o Muzaffar Ali Shah or not through Ministry of Foreign Affairs. The report of CPO, Rawalpindi be placed on record.

HRC NO.1798 OF 2007

(Complaint from Shabbir Ahmed)

The learned Addl. Advocate General Balochistan is present and submitted that Shoaib Ahmed Shahwani has

been recovered and he is no more a missing person. Accordingly, his petition is disposed of.

HRC NO.2023 OF 2007

(Application of Muhammad Ayub)

It is submitted by learned DAG that Zahir Shah is no more missing person and presently confined in Central Jail Peshawar. Upto his extent, the petition is disposed of.

In so far as Abdur Rehman is concerned, learned DAG requested that a short adjournment be granted enabling him to submit a comprehensive report.

HRC NOS.2045-2051 OF 2007

1.	Kim Soo A	(In HRC No.2045/2007)
2.	Ingrid Adol Fsson	(In HRC No.2046/2007)
3.	Faqirullah Awan	(In HRC No.2047/2007)
4.	Syed Samina Hassan	(In HRC No.2048/2007)
5.	Meeroo	(In HRC No.2049/2007)
6.	Press Clipping	(In HRC No.2050/2007)
7.	Mst. Hassan Bibi	(In HRC No.2051/2007)

Santosh Kumar and Mr. Gordhan Das alias GM Bhagat have already been traced out as stated by the learned DAG as such their names be deleted from the list of missing persons. Accordingly, HRC No.2045/2007 is disposed of

Soorat Khan Mari was convicted and sentenced by a Court of competent jurisdiction and after having gone through his sentence he has been released and doing his business, therefore, he is no more a missing person. Accordingly, HRC No.2046/2007 is disposed of.

Karamatullah has been traced out and presently he is running his business. Accordingly upto his extent HRC No.2047/2007 is disposed of.

The report in respect of Syed Iftikhar Ali Naqvi is still awaited. HRC No.2048/2007 be fixed in next session and report be furnished.

Hafiz Munawar Hussain Sheikh is no more a missing person. His name is accordingly deleted from the list. His name is also appearing in HRC No.3179/07 and the same also be deleted. Accordingly, HRC No.2049/2007 is disposed of.

The report in respect of Daro Khan is still awaited which may be expedited. HRC No.2050 & 20151/2007 are adjourned.

HRC NO.2054 OF 2007

(Application by Syed Ayuz Ali)

Syed Safdar Ali Shah is no more a missing person as a case has been registered against him, who may approach the forum concerned for redressal of his grievance. Accordingly, the petition is disposed of.

HRC NO.2379 OF 2007

(Application by Shahida Begum)

Muhammad Faisal Bhatti has been traced out as informed by the learned DAG. The petition is accordingly disposed of.

HRC NO.2549 OF 2007

(Application of Syed Sarim Burney)

The report regarding Ali Aimar is still awaited, which may be expedited and the same be furnished on or before the next date of hearing. Adjourned to the next session.

HRC NO.2582 OF 2007

(Missing Person matter)

Ms. Sharmeen Akhtar is present and submitted an application, a copy whereof be made available to the learned DAG for onward transmission to the Secretary Foreign Affairs with a direction that a comprehensive report be furnished within a period of two weeks. Learned DAG is also directed to forward the copy of said application to the Director FIA for having his comments, who shall furnish a comprehensive report in person indicating all the details i.e. in which particular case Akhtar Aziz was arrested and confined without registration of the case, when released, challan submitted or otherwise and result of trial. The Director FIA is further directed to remain present on the next date of hearing alongwith the relevant record. Mst. Sharmeen Akhtar has submitted that she may be permitted to file more documents in this regard. She is permitted but the copies of same be made available to the learned DAG. Matter adjourned.

HRC NO.2661 OF 2007

(Iqbal Bibi)

Hamayun Bashir Tarar, DPO, Bahawalpur is present and submitted that investigation is yet to be concluded which

is being made by him keeping in view the different angles. A comprehensive report be furnished and every effort be made for recovery of Khurram Ilyas. Matter adjourned.

HRC NO.3317 OF 2007

(Application by Abdul Jalil and Firdus Begum)

Learned DAG is present and is hereby directed to remain present on the next date of hearing alongwith all necessary record as the report furnished by him seems to be vague and sketchy.

HRC NO.4504 OF 2007

(Application by Asghar Ali)

A comprehensive report be furnished on or before the next date of hearing.

HRC NO.5030 OF 2007

(Complaint by Khalid)

He is no more a missing person, as he has been released after completion of sentence. Accordingly, the petition is disposed of.

CONSTITUTIONAL PETITION NO.5 OF 2007

(Human Rights Commission of Pakistan though its Secretary General v. Federation of Pakistan and others)

A copy/list has been furnished on behalf of Human Rights Commission of Pakistan. It reveals from the scrutiny of the list that about 145 persons have been traced out and out

of which 17 persons are in prison and 128 have been released and their names be deleted from the list of missing persons.

The second part of the list indicates that 86 persons are still missing, copy whereof be made available to the learned DAG for furnishing a comprehensive report. The authenticity of the list is to be checked by the Interior Ministry and a copy of the same be made available on or before the next date of hearing. Matter adjourned.

CONSTITUTIONAL PETITION NO.29 OF 2007

(Director of Human Rights Organization v. Federation of Pakistan and others)

Ms. Amna Masood Janjua is present and requested that a short adjournment be granted enabling her to submit a complete and comprehensive list. Matter Adjourned.

CONSTITUTIONAL PETITION NO.37 OF 2007

(Syed Gohar Anis and others v. Federation of Pakistan and others)

Pursuant to order of this Court, investigations has been handed over to Mr. Farooq Awan and on whose behalf it is requested that some more time be granted enabling him to conclude the investigation. He is hereby directed to do the needful on or before the next date of hearing. Matter adjourned.

The learned Attorney General has been directed to furnish a complete list through Secretary Foreign Affairs

regarding all the Pakistani Nationals who are in prison throughout the world specifically in Middle East countries, Afghanistan, UK and USA with full particulars including the nature of offence, result of trial, assistance rendered by the Pakistan Embassies in each case at the earliest. A list indicating the names of persons, custody whereof has been reportedly handed over to USA, is also to be furnished.

All other connected matters are adjourned as the Court time is already over. To come up on 28.01.2010.

Judge

Judge

Judge

Islamabad
21st January, 2010
Not approved for reporting
M. Safdar Mahmood

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
MR. JUSTICE JAVED IQBAL
MR. JUSTICE RAJA FAYYAZ AHMED
MR. JUSTICE MUHAMMAD SAIR ALI

HUMAN RIGHT CASES NOS.965/2005 & HRC NO.4296, 4941, 4999, 5496/2006, HRC NO.292, 430, 1375, 1798, 2023, 2046, 2047, 2048, 2049, 2051, 2054, 2379, 2549, 2582, 2661, 2696, 2874, 3317, 2717, 3376, 4504, 5030/2007 AND CONSTITUTION PETITION NO.5, 29, 37, 41, 51, 55, 60 AND 71/2007 AND HR CASE NO.7679-G, 8451-B, 9122, 9454-P, 6606-P/2009 AND CMA NO.4419/2009 IN CONSTITUTION NO.5-P OF 2007.

(Missing persons case).

For the petitioners/ applicants	Ms. Asma Jehanghir, ASC Mr. Hashmat Ali Habib, ASC Ms. Amna Masood Janjua, Mst. Zainb Bibi Col(R) Muhammad Akram, ASC Mr. Muhammad Ikram Ch. ASC Mr. Adbul Rashid Awan, ASC Muhammad Munir Paracha, ASC
On Court notice:	Mr. Anwar Mansoor Khan, Attorney General for Pakistan Mr. M. Yousaf Laghari, AG Sindh Mr. Zia-ur-Rehman Khan, AG, NWFP Mr. Mehmood Raza, Addl. A. G. Balochistan, Saeed Yousaf Khan, Addl. A.G. Punjab Mr. Tariq Lodhi, DG NCMC Raseedullah Khan, Director
Date of hearing:	05.01.2010 and 06.01.2010.

ORDER

HUMAN RIGHT CASE NO.965 OF 2005

(Missing of Mr. Masood Janjua)

Heard Mrs. Amna Masood Janjua, who has knocked at the every door of the corridor of the powers but without avail.

It transpired from the scrutiny of record that pace of progress is negligible in spite of the fact that various orders have been passed by this Court to trace out the missing persons but there is only one reply that hectic efforts are in hand but there is absolutely no material progress. It is to be noted that in this case Mrs. Amna Masood Janjua remained associated with Joint Investigation Team and the statement of Dr. Imran Munir was recorded and according to Mrs. Amna Masood Janjua certain agencies have been involved in a categoric manner. Similarly, there is no progress in the cases of Atiq-ur-Rehman, Faisal Faraz and Muhammad Iltaf.

2. The learned Attorney General is present and assures that every possible step will be taken to recover the missing persons and he has also highlighted his strategy that at first step he will conduct meetings with the high-ups including the Ministers and Secretaries of the Ministries of Interior and Defence and Heads of all the concerned agencies to resolve the problem. It is further submitted that he will procure the information from all the agencies in respect of the whereabouts of the missing persons qua their detention or otherwise and a certificate to this effect will be procured. We are conscious of the fact that it is time consuming process but it is also to be kept in view that the matter has been lingering on for one or the other pretext for the last few years. It has been made clear to the learned Attorney General that the cases of missing persons will have to be decided on either way without granting any uncalled for adjournment.

3. Be that as it may, two weeks time is granted to the learned Attorney General for doing the needful as mentioned herein above. Adjourned.

4. No further adjournment will be granted and the cases of missing persons will be dealt with on day to day basis. The attention of learned Attorney General is also invited to the missing persons from Balochistan which has created an alarming position and immediate remedial measures are required to be taken. In this regard, the learned Attorney General has assured that every possible effort will be made to trace out the missing persons in Balochistan as well as in other Provinces..

CMA NO.2077/2007 IN HRC NO.965/2005

(Saqlain Mehdi v. Federation of Pakistan)

Mr. Hashmat Habib, learned ASC for the applicant has pointed out that CMA No.2077/2007 has been filed on behalf of Ms. Afia Siddiqui. A copy of the same be made available to the learned Attorney General for his comments and the latest position of the case.

HRC NO.4296/2006

(Action on press clipping)

Action has been initiated on the statement given by Ex-Senator Dr. Abdul Malik Baloch, wherein certain allegations were leveled against the agencies but no specific details have been furnished qua missing persons. Accordingly, this petition being devoid of merit is dismissed.

HRC NO. 4941 OF 2006

(Application of Mrs. Amna Masood Janjua)

This Human Right case be clubbed alongwith HRC No.965/2006.

HRC NO.4999 OF 2006

(Application by Mst. Khatam-un-Nisa)

Moulana Hadayatullah Sadokhani has already been released. Accordingly, this petition is disposed of being infructuous.

HRC NO.5496/2006

(Missing Person matter)

The learned Attorney General is present and stated that Nazir Ahmed is no more a missing person as he has been traced out. Accordingly, this petition is disposed of being infructuous

HRC NO.292/2007

(Application by Arif Abbasi)

There is no material progress. However, it reveals from the contents of the application that Akhtar Lalika SSP, Sardar Maqsood SSP, Malik Arshad DSP, Raja Basharat DSP and Rana Shahid Inspector have been mentioned in a categoric manner with the allegation that they know the whereabouts of Mr. Muhammad Idrees Abbasi. The IGP NWFP is hereby directed to conduct a thorough probe by associating above mentioned police officers and a comprehensive report be furnished, a copy whereof be provided to the learned Attorney

General before the next date of hearing. The needful be done within a week.

HRC NO.430/2007

(Application by Bashir Ahmed Bhand)

Learned Attorney General is present and submitted that Sadam Hussain has already been traced out and he is no more a missing person. Accordingly, this petition is disposed of being infructuous.

HRC NO.1375/2007

(Application of Muzaffar Ali Shah)

City Police Officer, Rawalpindi be summoned as the investigation does not seem satisfactory in spite of the fact that a mobile number was also given to police after lodging FIR which could have a substantial bearing which went noticed. Adjourned. To be fixed after two weeks.

HRC NO.1798/2007

(Complaint from Shabbir Ahmed)

No report has been furnished in this regard so far in spite of the fact that Government of Balochistan, Home and Tribal Affairs Department has contacted the concerned Provincial Police Officer. A comprehensive report be called from I.G. Balochistan, which shall be furnished within a period of two weeks and the same be made available to the learned Attorney General.

Ch. Arshad, AIG (Legal) is present, who has not been able to explain the latest position. The IGP is hereby directed

that at least Police Officer of the rank of SSP well conversant with the investigation, be sent in future for proper assistance.

HRC NO.2023/2007

(Application of Muhammad Ayub)

The learned Attorney General is present and stated that Zahir Shah has been traced out but there is no material progress about Abdul Rehman however, he has assured that every effort shall be made to trace him out. Adjourned. To be fixed after two weeks.

HRC NOS.2046-2049, 2051 OF 2007

1. Ingrid Adol Fsson (In HRC No.2046/2007)
2. Faqirullah Awan (In HRC No.2047/2007)
3. Syed Samina Hassan (In HRC No.2048/2007)
4. Meeroo (In HRC No.2049/2007)
5. Mst. Hassan Bibi (In HRC No.2051/2007)

The learned Attorney General is present and submitted that the report in this regard is yet awaited. Necessary details be furnished qua Ingird Adol Fsson, Faqirullah Awan, Syed Sanmina Hassan, Meero and Mst. Hassan Bibi. Ms. Amna Masood Janjua is present and assures that needful would be done within a short span of time. Adjourned. To be fixed after two weeks.

HRC NO.2054 OF 2007

(Application by Syed Ayuz Ali)

The report in this regard is yet awaited. The learned Attorney General has assured that the same would be submitted within a short span of time. Adjourned. To be fixed after two weeks.

HRC NO.2379 OF 2007

(Application by Shahida Begum)

It reveals from the complaint that specific allegation has been leveled against Farooq Awan, SSP/Incharge Anti Violet Crime Cell, who is present and requested that a short adjournment be granted enabling him to peruse the relevant record. Matter adjourned. A comprehensive report in this regard be furnished within a period of two weeks and be made available to the learned Attorney General. To be fixed after two weeks.

HRC NO.2549/2007

(Application by Syed Sarim Burney)

A copy of application be sent to the Secretary, Home Department, Government of Punjab, Lahore to make a probe and report in this regard be furnished and copy of the same be made available to the learned Attorney General within two weeks. Matter adjourned. To be fixed after two weeks.

HRC CASE NO.2582 OF 2007

(Missing person matter)

Heard Ms. Sharmeen Akhtar, complainant at length. She has explained the factual aspects of the matter with specific allegations against certain persons. A copy of this application be sent to CCPO, Rawalpindi with the direction to explain his position as to why FIR could not be lodged in spite of the fact that best efforts have been made by the complainant. A copy of the application be also sent to Col.

Ishtiaq for his comments through the learned Attorney General. A copy of this complaint be made available to the learned Attorney General. City Police Officer, Rawalpindi is also directed to make a thorough probe and furnish a comprehensive report within two weeks, a copy whereof be made available to the learned Attorney General. Adjourned. To be fixed after two weeks.

HRC NO.2661 OF 2007

(Iqbal Bibi v. Federation of Pakistan)

The learned Attorney General is present and requested that some time be granted enabling him to furnish a comprehensive report. It is to be noted that case FIR No. 352/1998 was got registered under Section 364 PPC at Police Station Civil Lines, Bahawalpur. The City Police Officer, Bahawalpur is hereby directed to remain present on the next date of hearing alongwith a comprehensive report. Copy of the same be made available in time to the learned Attorney General. Adjourned. To be fixed after two weeks.

HRC NO.2697 OF 2006

(Application by Naseem Akhtar)

The learned Attorney General is present and submitted that the whereabouts of Shabbir Ahmed has been traced out and he is no more a missing person. Accordingly, this petition is disposed of being infructuous.

HRC NO.2874 OF 2007

(Application of Malik Jahandad)

This petition has already been dismissed as the same has borne out the fruit.

HRC NO.3317 OF 2007

(Application by Abdul Jalil and Firdous Begum)

A copy of the complaint be made available to the learned Attorney General. Meanwhile, SP CIA, Lahore is hereby directed to furnish a complete record alongwith the comprehensive report to be finalized within a period of two weeks, a copy whereof be made available to the learned Attorney General He shall also remain present on the next date of hearing.

HRC NO.2717 OF 2007

(Missing persons case)

It revealed from the scrutiny of record that Shamsul Haq Chang has been traced out and presently studying in MBBS. However, necessary legal action, after having a thorough probe, be initiated against Khalid Mustafa Koarai, SP Investigation, Hydarabad and Amir Abbas Shah, DSP. A progress report in this regard be furnished by IGP Sindh within a period of two weeks. Adjourned. To be fixed after two weeks.

HRC NO.3376 OF 2007

(Application of Mina Haleem Shah)

Syed Muhammad Yousaf has already been traced out. Accordingly, this petition is disposed of being infructuous.

HRC NO.4504 OF 2007

(Application by Asghar Ali)

A copy of the petition be made available to the learned Attorney General by whom a short adjournment has been sought enabling him to furnish a comprehensive report. Matter adjourned. To be fixed after two weeks The learned Advocate General is present and stated that he will make a thorough probe and the result whereof be communicated to this Court and the learned Attorney General before the next date of hearing

HRC NO.5030 OF 2007

(Complaint by Khalid s/o Mandoo Khan)

A copy of the petition be made available to the learned Advocate General, Sindh who has assured to furnish a comprehensive report in this regard, a copy whereof be made available well in time to the learned Attorney General. It has been alleged in this complaint that the complainant could not lodge the FIR as the police has refused to do so. CCPO concerned is directed to furnish explanation in this regard and do the needful subject to all legal exceptions.

Adjourned. To come up on 20.01.2010.

06.01.2010.
Const. Petition No.5 of 2007

Heard Mrs. Asma Jehangir in Constitution Petition No.05 of 2007. It reveals from the scrutiny of record that from time to time various CMAs such as 1339,1340,1395,2490 of 2007, 168 of 2008 and 4419, 4692 of 2009 have been filed. However, it is felt inevitable that a consolidated list be prepared and filed enabling this Court to deal with all the cases in a befitting manner. Mrs. Asma Jehangir assured

that a year-wise consolidated list will be furnished within a couple of days. Learned Attorney General is also present, a copy of the list to be prepared be made available to him well in time. To be fixed after two weeks.

Const. Petition No.29 of 2007

Mrs. Amna Masood Janjua is present and heard in Constitution Petition No.29 of 2007. Her attention was drawn that the list furnished in this regard is not complete and various addresses are missing. Besides it has further been observed that it is overlapping in the list furnished qua missing persons by Human Rights Commission of Pakistan and Defence of Human Rights Organization which is required to be checked. She has assured that afresh consolidated list omitting the names of traced persons and those who have expired will be furnished within a week. Copy of the list be made available well in time to the learned Attorney General. According to her, in original list, 64 persons were mentioned as missing out of which 31 are still missing, 19 are traced and 3 of them have died.

It is submitted that Rawalpindi Police is reluctant to lodge F.I.R. inspite of the best efforts of Mrs. Zahida Sharif. Mr. Muhammad Aslam Tareen, DIG Rawalpindi is hereby directed to do the needful after providing opportunity of hearing to Mrs. Zahida Sharif who shall contact him during this week.

Const. Petition No.37 of 2007.

Heard Mr. Abdur Rashid Awan, learned ASC in Constitution Petition No.37 of 2007. It reveals from the scrutiny of the record that various FIRs were lodged qua missing persons but proper investigation could not be conducted. Be as it may, petitioners are hereby directed to approach Mr. Waseem Ahmed, CCPO, Karachi who may make a thorough probe himself or needful be done through an honest police officer and a comprehensive report be submitted within two weeks. Copies of all the relevant documents be made available to learned Attorney General, who has assured that needful would be done at the earliest. Some progress must have been taken place during the intervening period of all the cases which pertained to the period w.e.f. 1992 to 1996. Learned ASC is directed to furnish a fresh complete upto date list of missing persons. Notice be issued to Advocate General, Sindh.

Const. Petition No.41 of 2007.

Mr. Shaukat Aziz Siddiqui, learned ASC on behalf of petitioner is called absent, however, Mrs. Amna Masood Janjua has entered appearance on behalf of learned ASC and does not press this petition and seeks permission that a new Constitution Petition would be filed alongwith upto date list of the missing persons. Permission is granted. Disposed of accordingly.

Const. Petition No.51 of 2007

Mr. Kamran Murtaz, learned ASC is called absent despite various calls. Dismissed in default.

Const. Petition No.55 of 2007

Mr. M. Munir Peracha, learned ASC is not present, however, matter is adjourned. To be fixed during next week alongwith other cases.

Const. Petition No.60 of 2007

None appeared. Dismissed in default.

Const. Petition No.71 of 2007

Inspite of various calls neither learned ASC nor AOR is present on behalf of petitioner. Dismissed in default.

H.R. Case No.7679-G of 2009

Learned Additional Advocate General is present. Report furnished appears to be sketchy and vague. Learned Additional Advocate General has assured that a comprehensive report would be furnished. To be fixed alongwith other cases after two weeks.

H.R. Case No.8451-B of 2009.

Learned Additional Advocate General is present and requests that a short adjournment be granted enabling him to furnish a comprehensive report. To be fixed after two weeks.

H.R. Case No.9122 of 2009

Inspite of various calls none appeared. Dismissed in default.

H.R. Case No.9454-P of 2009

It transpired from the scrutiny of the record that Ali Raza abducted by some of his relatives as mentioned in application, therefore, he does not fall within the definition of missing persons. It is, however, observed that case has been registered and law will take its own course. Disposed of accordingly.

C.M.A. No.4419 to 4420 of 2009.

This case has already been dealt with in Constitution Petition No.5 of 2007. Disposed of accordingly.

H.R. Case No.961 of 2005

DIG Hazara is present by whom it has been pointed out that no progress could be made in case of Atique Ahmed. DIG Hazara is directed to furnish a comprehensive report in this regard. Copy of the same be made available to learned Attorney General within a week.

To be fixed after two weeks alongwith the cases of similar nature.

Judge

Judge

Judge

Islamabad, the
06.01.2010
NOT APPROVED FOR REPORTING.

IN THE SUPRME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Mian Shakirullah Jan
Mr. Justice Tariq Parvez

Human Rights Case Nos.965 of 2005,
4296, 4941, 4999, 5496/06,
292, 430, 1375, 1798, 2023, 2046, 2047, 2048, 2049, 2051, 2054, 2379, 2549,
2582, 2661, 2696, 2874, 3179, 2717, 3376, 4504, 5030/07,
7679-G, 8451-B, 9454-P, 6606-P/09
and Const. P.Nos. 5, 29, 37, 41, 51, 55, 60, 71 of 2007
(Missing Persons Cases)

For the petitioners/ Applicants:	Mr.Fakhruddin G. Ibrahim, Sr. ASC with Mr. M.S. Khattak, AOR(in Const. P.5/07) Mr. Muhammad Ikram Chaudhry, ASC (in Const. P.29 & 41/07) (On behalf of Mr. Shukat Aziz Siddiqui, ASC) Mr. Abdul Rashid Awan, ASC (in Const.P.37/07) Mr. Muhammad Munir Peracha, ASC (in Const. P.55/07) Ch. Muhammad Akram, AOR (in Const.P.51 & 60/07) Nemo (in Const. P.71/07) Ms. Amina Masood Janjua, (in HRC 965/05 etc.)
On Court Call:	Col (R)Muhammad Akram, ASC
On Court Notice:	Mr.Shah Khawar, Attorney General for Pakistan Mr.Saeed Yousaf, Addl. A.G. Punjab Mr. Mehmood Raza, Addl. A.G. Baluchistan Mr. Kamran Adil, SP (on behalf of CPO, Rawalpindi) Malik Ali Muhammad, SO (M/o Interior) Mr. Anwar Subhani, AIG (Legal) Sindh
Date of hearing:	23.11.2009

ORDER

H.R.C 965/05 and 4941/06(Missing of Masood Janjua)

Learned Attorney General placed on record two reports. In one of the reports, which has been marked as Annexure "A", a letter No.5638/RL dated 21.11.2009 under caption "PROCEEDINGS OF JIT CONSTITUTED TO TRACE THE MISSING PERSON MR. MASOOD AHMED JANJUA" being Annexure-VII of the report has been placed on record, a perusal whereof indicates that Ms. Amna Masood Janjua w/o Masood Ahmed Janjua has cited many witnesses who confirmed prison of her missing husband in custody of law enforcing agencies. In view of her this statement the Joint Investigation Team has unanimously decided to join the referred witnesses in her statement and then to proceed further. We

have inquired from the learned Attorney General that in this case, matter was reported in respect of missing husband of the applicant, as back as in the year 2005 and as far as the record of this Court is concerned, it does indicate that no effective progress has been made although sufficient period has already lapsed. He, under instructions from Mr. Kamran Adil, SP, Rawalpindi, appearing on behalf of CPO, Rawalpindi, who is Chairman of the JIT, stated that statement of Ms. Amna Masood Janjua was recorded and the statement of other witnesses whose names have been cited by her, are also being recorded. According to him there is a meaningful progress in this case. Learned Attorney General, however, stated that the Government in its all sincerity making efforts, therefore, some time be given to it to reach at a right conclusion.

Constitution Petition No.37 of 2007
Syed Gohar Anis and others Vs. Federation of Pakistan

We inquired from Mr. Abdul Rasheed Awan, learned counsel about data of missing petitioners. According to him they are missing since 1995-96. We inquired from him as to whether any case was registered or any other effort was made through a recognized law enforcing agency because at present, after about 13-14 years it would not be free from difficulty to pass any effective order directing the agencies to recover and produce them. On this, he stated that some time be given to him to do the needful.

Constitution Petition No.5 of 2007
CMA 4419/07
CMA 4692/09
And CMA 4420/09
Human Rights Commission of Pakistan Vs. Federation of Pakistan etc.

Learned counsel for the petitioner pointed that initially when the petition was filed, a list of the missing persons was filed, out of which few persons were traced, as such they have submitted a fresh list of the missing persons deleting the names of the person, who have been traced vide CMA 4420/09, in which a list of 98 persons has been submitted. Subsequently another CMA 4419/07 was filed wherein names of 05 missing persons were mentioned. There is yet another CMA No.4692/09, which was filed on 15th October, 2009 and in this petition names of 21 more persons were added. However, learned Attorney General stated that some time be given to him because exercise has already commenced in this behalf and all efforts shall be made to submit a comprehensive report before this Court indicating whereabouts of the missing persons.

In this Constitution Petition, case of Dr. Imran Munir is involved regarding his detention. He was traced and ordered to remain in PIMS hospital on 21st August, 2007. Relevant para there from is reproduced herein below:-

> *"We, therefore, direct that Imran Munir will be kept in the custody of Islamabad Capital Territory Police in P.I.M.S hospital for a period of two weeks, whereafter he will be shifted to Central Jail, Adyala, Rawalpindi. He will be again produced before this Court by the I.C.T. Police on the next of hearing. Mr. Iftikhar Ahmed, Inspector General of Islamabad Police present in Court, is directed to take him into his custody. He shall post police guard for his safety in the P.I.M.S. while he is admitted in P.I.M.S, his family members and his lawyers namely Mr. Mujeeb Pirzada, Asma Jehangir and Col ® Muhammad Akram ® will be liberty to meet him."*

In the meanwhile another application was filed, which was numbered as Civi Misc.Application 4588/09 same was taken up for hearing on 16th November, 2009. A perusal whereof indicates that Dr. Imran Munir has been released and presently he has been kept in protective custody in Adyala Jail. Col ® Muhammad Akram, ASC however, explained that initially he was convicted by the Field General Court Martial and was sentenced to 8 years R.I. on 17th June, 2007. Against this order he filed appeal before the Court of appeal within army, which was accepted and he was acquitted but the learned Attorney General stated that he has to confirm this fact from the authorities. As presently Dr. Imran Munir, in pursuance of the order of this Court noted herein before, is in protective custody in P.I.M.S. He is directed to continue in the protective because without confirming concerned quarters that he is no more required, he cannot be released. The authorities, who produced him from PIMS, are directed to take him back in P.I.M.S.

Const. Petition No.29 of 2007

Defence of Human Rights Organization Vs. Federation of Pakistan etc.

It is informed that out of list of 64 missing persons, those whose names have been mentioned at Sr. No.3, 4, 5, 6, 7, 8, 11, 13, 14, 18, 19, 20, 21, 22, 23, 31, 33, 35, 37, 39, 44, 47, 48, 50, 51, 52, 55, 56, 57, 58, 59 and 62 are still missing. A perusal of the list attached with the petition indicates that the petitioner has not furnished complete details of some of the alleged missing persons, therefore, directions are issued for doing the needful. Learned Attorney General is required to go through the list and efforts should be made for the persons who yet have not been traced. However, the petitioner shall furnish complete details of persons, whose particulars are not mentioned in the list like a person whose name

is at serial No.64, no detail including the parentage, residence etc is available, except mentioning Multan. Therefore, it is not possible for the law enforcing agencies to trace them.

Const.Petition No.41 of 2007
Human Rights Network Vs. Federation of Pakistan etc.

It is informed that out of the list of missing persons, attached with the petition as Annexure "A", the persons whose names are mentioned at Sr. Nos.1,2,9,10,11,18 are still missing whereas the person, whose name is at Sr. No.8 had passed away and the remaining persons have been traced. Learned Attorney General shall look into this list as well and the petitioner shall furnish complete addresses of the persons whose particulars are missing.

Const.Petition No.51 of 2007
Mst. Hajwan Vs. Federation of Pakistan etc.

In this case two persons namely Ghulam Qadir @ Shadi Khan and Khan Muhammad R/o H.No.128, Phase No.1, Malir No.15 Karachi are missing since 14th May, 2007. Learned counsel for the petitioner is not present. However, copy of the order to the extent of this petition be sent to him through Branch Registry at Quetta to confirm on the next date of hearing whether these persons have been traced or not? Learned Attorney General shall also contact with the authorities to trace both these persons.

Const. Petition No.55 of 2007
Mst. Noor Bibi Vs. Government of Pakistan etc.

Learned counsel stated that detenue Ali Asghar Bangalzai was detained by I.S.I. at Quetta during the period when Brig.Siddique was Incharge and after his retirement no progress was made. Learned Attorney General stated that some time may be given to him so he may contact the concerned authorities for production of the detenue if same has been detained.

Const. Petition No.60 of 2007
Mst. Mehnaz Vs. Federation of Pakistan

Learned counsel stated that Gul Hassan son of Faiz Muhammad caste Marri, resident of Turbat is missing for the last so many years. Learned Attorney

General stated that time may be given to him so he may look into the same and shall submit the report on the next date of hearing.

Const. Petition No.71 of 2007
Muhammad Jafar Khan Vs. Federation of Pakistan etc.

In this petition 9 persons, statedly, are missing. Their names are as follows:-

"1. *Wadera Khan Mohammad s/o Haji Amir Han Khan*
2. *Saif-ur-Rehman Khan s/o Haji Amir Han Khan*
3. *Sher Baz Khan s/o wadera Khan Mohammad*
4. *Ghulam Mustafa Khan s/o Asad Ullah Khan*
5. *Mohammad Khan s/o Asad Ullah Khan*
6. *Mohammad Azam s/o Nehal Khan*
7. *Atta Mohammad s/o Karam Khan*
8. *Karam Khan s/o Atta Mohammad*
9. *Adam Khan s/o Lal Han Khan*

Learned Attorney General shall look into this petition and submit report on the next date of hearing.

H.R.C. No.7679-G/09 (Missing of Saeed Mengal)
H.R.C.No.8451-B/09 (Missing of Muhammad Nabi)
H.R.C.No.9454-P/09 (Missing of Ali Raza)
H.R.C.No.6606-G/09(Missing of Ahsan Argemandi b/o Moosa Argemandi)
H.R.C.No.4296/06 (Extra Judicial arrest of National Party workers)
H.R.C.No.4999/06(Missing of Hadayatullah Saddokhani)
H.R.C.No.5496/06 (Missing of Nazir Ahmed from Quetta)
H.R.C.No.292/07 (Missing of Idrees Abbasi for the last 07 years)
H.R.C.No.430/07 (Missing of Sadam Hussain Bhand)
H.R.C.No.1375/07(Missing of Syed Farhad Ali Shah)
H.R.C.No.1798/07(Missing of Shohaib Shahwani & Maqsood Shahwani)
H.R.C.No.2023/07 (Missing of Zahir Shah & Abdul Rehman)
H.R.C.No.2046/07(Missing of Surat Khan Murree)
H.R.C.No.2047/07(Missing of Kramatullah b/o Faqirullah)
H.R.C.No.2048/07 (Missing of Syed Iftikhar Ali Naqvi)
H.R.C.No.2049/07 (Missing of Hafiz Munawar Hussain Shaikh)
H.R.C.No.2051/07 (Missing of Haji Daro Khan)
H.R.C.No.2054/07 (Missing of Syed Safdar Ali Shah)
H.R.C.No.2379/07(Missing of Muhammad Faisal Bhatti)
H.R.C.No.2549/07 (Missing of Ali Aimar s/o Ishtiaq Ali Bango)
H.R.C.No.2582/07 (Missing of Akhtar Aziz)
H.R.C.No.2661/07(Missing of Khurram Ilyas)
H.R.C.No.2696/07(Missing of Shabbir Ahmad caste Rajpoot)
H.R.C.No.2874/07(Missing of Bilal Siddique son of Malik Jehandad)
H.R.C.Nos.3317/07(Missing of Muhammad Idress Butt s/o Suleman)
H.R.C.No.2717/07 (Missing of Shamsul Haq r/o Jamshoro)
H.R.C.No.3376/07(Missing of Syed Muhammad Yousaf b/o Haleem Shah)
H.R.C.No.4504/07(Missing of Arshad Janjua)
H.R.C.No.5030/07(Missing of Ijaz Ali s/o Khalid)

Learned Attorney General is required to establish the contact with the concerned authorities to ascertain the whereabouts of the missing persons

mentioned above and submit report on the next date of hearing. He requests for some time to do the needful. Learned Advocate Generals of all the Provinces are directed to cooperate with him in tracing out the missing persons.

Adjourned to 7th December, 2009.

Chief Justice

Judge

Judge

Islamabad, the
23rd November, 2009
Nisar/*

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT: MR. JUSTICE IFTIKHAR MUHAMMAD CH., HCJ.
MR. JUSTICE MIAN SHAKIRULLAH JAN.
MR. JUSTICE NASIR UL MULK

Human Right Case Nos. 965/2005, 4296, 4739, 4941, 4997, 5624, 5788,4866, 5866, 5870, 6233/06, 48, 220, 292, 430, 314, 1066, 1375, 1665, 1697,1736, 1798, 1844, 1888, 1996, 2022, 2023, 2032, 2044, 2045 to 2051, 2054, 2158, 2379, 2401, 2440, 2500, 2549, 2582, 2600, 2662696, 1 & 2717, 2724, 2874, 2883, 3179, 3317, 3328, 3376, 3618, 4000, 4093, 4504, 5030, 5496/07, S.M.C. No. 6/2006 and Const. Ps. 5,29,37,41,51,55,60 & 71/07.

(Missing Persons Cases)

For the Complainant/ Petitioner:
Mr. Abdul Mujeeb Pirzada, Sr. ASC.
Syed Iqbal Haider, Sr. ASC.
Mr. M. S. Khattak, AOR.
Mr. Shaukat Aziz Siddiqui, ASC.
Raja Abdul Ghafoor, AOR.
Mr. Abdul Rasheed Awan, ASC.
Ch. Muhammad Akram, AOR.
Mr. Abdul Latif Memon, ASC.
Mr. Amna Masood Janjua, in-person.
Dr. Noshaba Sirki, in-person.

On Court Notice:
Ms. Naheeda Mehboob Elahi, D.A.G.
Mr. Shaukat Ali Mehr, ASC.
Mr. Arshad Ali Ch., AOR.
Mr. Mujeeb-ur-Rehman, ASC (on behalf of M/o Defence).
Dr. Kazi Khalid Addl. A.G. Sindh.
Sardar Shaukat Hayat, Addl. A.G. NWFP.
Ch. Khadim Hussain Qaiser, Addl.

A.G.Punjab.

Mr. Mehmood Raza, Addl. A.G.

Balochistan.

Mr. Muzzaffar Khan, Addl. Secy. (Coord) NWFP.
Col. Javed Iqbal Lodhi, Director NCMC.
Col. Khalid Iqbal Sahu, M/o Defence.
Col. Hafeez Jehangiri, JAG Branch.

Mr. Akhtar Hussain Memon A.I.G Karachi.
Mr. Anwar Subhani, D.S.P. Legal, Karachi.
Mr. Fiaz Tooro, Addl. A.I.G. NWFP
Mr. Aziz Afridi Inspector Abbottabad.
Mr. Amir Munir (detenue) in safe custody.

Date of Hearing: 29.10.2007.

ORDER

Learned Deputy Attorney General stated that these cases may be adjourned for 1st November, 2007 enabling her to take instructions from the concerned quarters, however, in the meanwhile, she stated that learned counsel appearing for the petitioners may also be asked to assist her in preparing a final report of the detanues who are allegedly in custody of different agencies. Order accordingly.

2. It is informed that Dr. Safdar Sirki(detenue) has been produced in police station Sakran district Lasbella.. According to Dr. Noshaba (his sister) he is not getting proper medical treatment as he is suffering from different kinds of ailment. Let Secretary Health, Government of Balochistan ensure his proper medical treatment in the hospital. Learned Deputy Attorney General is required to communicate this order on telephone to the Secretary Health, Government of Balochistan during course of the day.

3. Family members of Dr. Safdar Sirki are also allowed to meet with him in police custody or in hospital. Such arrangements shall be made by the DPO, Lasbaila accordingly.

Adjourned to 1st November, 2007.

Chief Justice

Judge

Judge

ISLAMABAD the
29th October,2007.
Nisar/*

29/X/07

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT: MR. JUSTICE IFTIKHAR MUHAMMAD CH., HCJ.
MR. JUSTICE MUHAMMAD NAWAZ ABBASI.
MR. JUSTICE MIAN SHAKIRULLAH JAN.

Human Right Case Nos. 965/2005, 4296, 4941, 4999, , 5496, 6233/2006, 292, 430, 1066, 1375, 1665, 1736, 1798, 1844, 1888, 1996, 2022, 2023, 2032, 2044, 2045 to 2051, 2054, 2379, 2401, 2500, 2549, 2582, 2600, 2661, 2696, 2717, 2874, 2883,3179, 3317, 3328, 3376, 3618, 4000, 4093 & 4504/2007 A/W Const. P. No. 29/2006, 5, 29, 37, 41, 51, 55, 60 & 71/2007 and S.M.C. No. 6/2006.

(Missing Persons Cases)

For the Complainant/
Petitioner:

Mr. Abdul Mujeeb Pirzada, Sr. ASC.
Sardar Latif Khan Khosa, Sr. ASC.
Ms. Asma Jehangir, ASC.
Mr. M. S. Khattak, AOR.
Mr. Shaukat Aziz Siddiqui, ASC.
Raja Abdul Ghafoor, AOR.
Mr. Abdul Rasheed Awan, ASC.
Mr. Hashmat Ali Habib, ASC.
Ch. Muhammad Akram, AOR.
Ch. Akhtar Ali, AOR.
Mr. Abdul Latif Memon, ASC.
Mr. Muhammad Akram Ch., ASC.
Mr. Amna Masood Janjua, in-person.
Mst. Abida Sirki, in-person.
Mr. Munir Ahmed, Driver of Dr. Safdar Sarki.
Mr. Muhammad Hussain Baloch, in-person.
Mr. Abdul Sattar s/o Haider Ali, in-person.
Mr. Gohar Ayub, in-person.
Mr. Muhammad Azam, in-person.
Aziz Akbar Kiyani in-person

On Court Notice:

Malik Muhammad Qayyum, A.G. for Pakistan.
Ms. Naheeda Mehboob Elahi, D.A.G.
Mr. Shaukat Ali Mehr, ASC.
Mr. Arshad Ali Ch., AOR.
Mr. Mujeeb-ur-Rehman, ASC (on behalf of M/o Defence).

Khwaja Naveed Ahmed, A.G. Sindh.
Sardar Shaukat Hayat, Addl. A.G. NWFP.
Ch. Khadim Hussain Qaiser, Addl. A.G. Punjab.
Mr. Mehmood Raza, Addl. A.G. Balochistan.

Syed Kamal Shah, Secretary, M/o Interior
Mr. Kamran Rasool, Secretary, M/o Defence.
Mr. Ahmed Nasim, P.P.O., Punjab.
Mr. Khusro Pervez, Home Secretary, Punjab.
Maj. (R) Zia-ul-Hassan, P.P.O., Sindh.
Mr. Mohtram Ali, Home Secretary Sindh.
Mr. Tariq Masood Khosa, P.P.O., Balochistan.
Mr. Sharif Malik P.P.O., NWFP.
Mr. Shahid Nadeem Baloch, I.G. Islamabad.
Brig. (R) Javed Iqbal Cheema, D.G. NCMC.

Col. Javed Iqbal Lodhi, Director NCMC.
Col. Khalid Iqbal Sahu, M/o Defence.
Col. Hafeez Jehangiri, JAG Branch.

Mr. Anwar Subhani, D.S.P. Legal, Karachi.
Mr. Abdul Majeed, Inspector.
Sardar Muhammad Haroon, S.I. Abbottabad.
Mr. Amir Munir (detenue) in safe custody.

Date of Hearing: 11.10.2007.

ORDER

H. R. C. NO. 1844/2007.

Aziz Akbar Kiyani stated that his son Ansar Ali was picked up from his house on 7.1.2004 by a team of I.S.I., comprising three persons who were in plain clothes. He was taken away in his presence on the pretext of interrogating him and he has been released on 10.10.2007. Before his release, he was contacted on telephone at about 10 am and was asked to reach at an under construction CNG Station on Talagang Road, Chakwal as they were bringing his son from Lahore. They came in two vehicles and his son was released. His son told him that there was one Colonel and two Majors of F.I.U. and they have brought him from Rawalpindi to Lahore alongwith one Siddique. Siddique was released at Lahore and then they brought him to Chakwal. He was released after 3 years and 10 months and was in the custody of F.I.U.

Missing of Dr. Safdar Sirki.

2. Munir Ahmed, Driver of Dr. Safdar Sarki, appeared on rostrum alongwith detenu's sister Mst. Abida Sarki and stated that Dr. Safdar Sarki was picked up by agencies in presence of Ch. Muhammad Aslam, the then Superintendent of Police. According to learned Attorney General, Ch. Muhammad Aslam (Superintendent of Police) is facing a murder trial and is presently lodged in Central Jail, Karachi. Learned Attorney General is directed to inquire from Ch. Muhammad Aslam, if need be. Mst. Abida Sarki, sister of Dr. Safdar Sarki, produced a letter in Sindhi Language, copy of which has been placed on record, the perusal whereof indicated that he is in custody of F.I.U. Learned Attorney General stated that some time be given to him to look into the matter and he feels sorry for such an affair.

H. R. C. NOS. 2045 TO 2051/2007.

3. Learned Attorney General stated that Saleem Baloch has been released today morning. Chetan Kumar has been arrested in a criminal case alongwith Mola Bux and G. M. Bhagat.

CASES OF PUNJAB.

4. Learned Attorney General stated that M/s Muhammad Hussain and Sardar Pervez are free persons whereas Muhammad Uzair has been awarded death sentence by the Sessions Judge, Gujranwala whereas Yasir Arafat has been detained under Explosives Act.

CASES OF SINDH.

5. From the province of Sindh M/s Muhammad Sami, Ali Haider Bugti, Mehmood Shahid and Usman are free persons whereas Ganesh Kumar has been murdered allegedly by the kidnappers for ransom. Sher Muhammad Baloch s/o Abdul Khaliq is in custody of Khuzdar Police w.e.f. 20.09.2007. Sher Muhammad s/o Haji Muhammad is reported to be in police custody of Balochistan.

Missing of Yasir Zahoor.

6. Learned Attorney General stated that Yasir Zahooor, a British passport holder, left Karachi on 07.06.2007 by Qatar Airlines at 5.35 am for London. This information has been received from the FIA Immigration.

CASES OF NWFP.

7. Learned Attorney General stated that from the province of NWFP Mufti Munir Shafi s/o Rehman is a free person whereas Abdul Sattar s/o Muhammad Bashir, Abdul Rahim s/o Abdul Rehman are in judicial custody whereas Abdul Malik s/o Muhammad Shafi is not in judicial custody in Kot Lakhpat Jail whereas Abdul Rahim s/o Abdul Rehman is in judicial custody in Central Jail, Peshawar. He further stated that M/s Murtaza Bugti, Noor Muhammad Murree s/o Mir Ali Asghar and Rahim Bux belonging to the province of Balochistan are free persons whereas Saleem Jan is in judicial custody in Dera Bugti.

CASES OF ISLAMABAD.

8. From Islamabad, the body of Muhammad Shafiq s/o Alam Din was found and recognized by his relatives and a murder case has been registered.

Missing of Asad Baloch.

9. Asad Baloch has also been released whereas Kazim Bugti was not in custody of Sindh Police and according to the Home Secretary, Sindh, he has also been released.

10. It is informed by Mr. Tariq Masood Khosa, P.P.O. Balochistan that there are 125 persons who are without addresses. Ms. Asma Jehangir, learned ASC is directed to produce the complete addresses of the remaining missing persons.

CONST. P. NO. 71/2007.

11. Sardar Muhammad Latif Khan Khosa, learned Sr. ASC stated that following nine persons are presently confined in Army Kulli Camp, Quetta: -

"1. Wadera Khan Mohammad s/o Haji Amir Han Khan.
2. Sair-ur-Rehman Khan s/o Haji Amir Han Khan,
3. Sher Baz Khan s/o Wadera Khan Mohammad.
4. Ghulam Mustafa Khan s/o Asad Ullah Khan.
5. Mohammad Khan s/o Asad Ullah Khan.
6. Mohammad Azam s/o Nehal Khan.
7. Atta Mohammad s/o Karam Khan.
8. Karam Khan s/o Atta Mohammad.
9. Adam Khan s/o Lal Han Khan."

Learned Attorney General stated that he will discuss this issue with the P.P.O. Balochistan and will furnish the report on the next date of hearing.

CONST. P. NO. 29/2007.

12. Mr. Shaukat Aziz Siddiqui, learned ASC stated that Nazir Ahmed Osama @ Osama Nazir is presently in the custody of M.I. or F.I.U., the reference of his detention is also mentioned in the book "In the Line of Fire" by General Pervez Musharraf at page No. 231 and according to the statement of Hafiz Basit, Osama Nazir was in custody and he has developed Tuberculosis and is not in a position to move. Mr. Khusro Pervez, Home Secretary, Punjab and Mr. Ahmed Nasim, P.P.O., Punjab on this stated that they will verify the versions of the learned counsel and after some time they came on the rostrum and stated that perhaps the statement of the learned counsel is not correct because Osama Nazir is in the custody of Rawalpindi Police at Taxila Police Station. The versions of the learned counsel are not correct and the learned ASC can establish a contact with the detenu.

H. R. C. NO. 5496/2006.

13. The copy of the petition has been handed over to P.P.O. Balochistan who seeks time for further necessary action.

H. R. C. NO. 2582/2007.

14. The copy of the petition has been handed over to learned Attorney General for further action.

Missing of Sajid Iqbal.

15. Ms. Asma Jehangir, learned ASC stated that Sajid Iqbal is reportedly in custody at Chaklala Base as it was informed on the last date of hearing but today his mother Mst. Parveen Akhtar appeared and stated that she contacted the concerned authorities but they informed that her son is not in their custody. On this, Col. Khalid Iqbal, present in Court, stated that he would arrange meeting of her mother with the son. In view of the statement, Col. Khalid Iqbal is directed to contact with Mst. Parveen Akhtar so that a meeting can be arranged with her son.

H. R. C. No. 2023/2007

16. Gohar Ayub stated that Zahir Shah, who is his uncle, is presently in the custody of M.I. and in this context he has stated that Naseer Baz Khan s/o Sher Baz Khan, resident of Hangu, and Abdul Rehman s/o Said Jan have filed affidavits in this Court. Learned Attorney General is directed to look into the matter and will conduct an inquiry on the basis of the affidavits and will find the traces of Zahir Shah. Similarly, Mujeeb-ur-Rehman, 104923, Four Wing, Kurram Agency, who was a Constable in the F.C. was also summoned for investigation and till that day he is also missing. In this behalf he has filed a petition bearing H. R. C. No. 3654/2007. Learned Attorney General may inquire from the concerned quarters.

Missing of Dr. Muhammad Hanif Bugti.

18. Zahoor Elahi, brother of Dr. Muhamamd Hanif Bugti appeared and stated that his brother has been produced after two years in the Sui Southern Police Station and now he has been arrested in a case and now he has been shifted in Sibbi.

Missing of Muhammad Mustafa Azam.

19. Muhammad Azam stated that his son Muhammad Mustafa Azam was reportedly confined in Juvenile Jail, Karachi as it is evident by the statements of the two accused persons namely, Sohail @ Bobbi and Shams-ul-Alam. According to them he was in Barrack No. 7. These two witnesses were shifted to Remand House, Nazimabad. According to him whenever he has approached the Jail authorities, they didn't allow him to see his son but according to his other version he has been illegally confined in jail. Learned Attorney General stated that the fact of the custody will be confirmed and if he is confined in Juvenile Jail intimation will be given to his father by the concerned S.H.O. and a report of the same shall also be sent to this Court, if need be. P.P.O. Sindh shall also look into the matter and shall summon I.G. Prison and shall submit a report to this Court.

C. M. A. NO. 2003/2007.

20. Sardar Muhammad Haroon, S.I., stated that Ejaz Khan, S.H.O. City Abbottabad, directed him to furnish the details of the relatives of Ateeq-ur-Rehman to an Army Officer of I.S.I. who was present outside the office of the D.I.G., Abbottabad. Accordingly he prepared the particulars and handed over the same to the Army Officer and further nothing is known to him in respect of the detention of Ateeq-ur-Rehman. On inquiry, the said Army Officer declined to disclose his identity. He further stated that during those days Rao Amin Hashim was the D.I.G. Rao Amin Hashim, D.I.G. is directed to appear on the next date of hearing to find the particulars of the Army Officer whom received the particulars of Ateeq-ur-Rehman.

Missing of Abdul Sattar s/o Ali Haider, etc.

21. Abdul Sattar s/o Faiz appeared and stated that he has been released after three months. He further stated that Abdul Sattar s/o Ali Haider, Qari Zia-ur-Rehman s/o Dilbar and Qari Rehman-ud-Din s/o Muhammad Din were also present with him in the custody.

Missing of Abdul Karim.

22. Muhammad Hussain Baloch of Karachi appeared and stated that one of his brothers Abdul Qadir has been released and his third brother Abdul Karim is still in the custody and is seriously ill. Learned Attorney General stated that he will look into the matter and shift him into a hospital for treatment.

Matter of Imran Munir.

23. Learned counsel appearing for Imran Munir stated that he has to go to catch a flight for Karachi. Imran Munir shall remain in police custody in P.I.M.S. Learned Attorney General has stated that he has seen the diary of Imran Munir and if some time be given to him he will consult the concerned authorities.

24. All these cases are adjourned to **29.10.2007**.

Chief Justice

Judge

Judge

ISLAMABAD.
11.10.2007.
(Farrukh)
Not approved for reporting.

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, HCJ
MR. JUSTICE SARDAR MUHAMMAD RAZA KHAN

Human Right Cases No.965/2005, 4296, 4941, 4999/2006, 6233, 292, 430, 1066, 1375, 1665, 1736, 1798, 1844, 1888, 1996, 2022, 2023, 2032, 2044, 2045 to 2051, 2054, 2379, 2401, 2500, 2549, 2600, 2661, 2696, 2717, 2874, 2883, 3179, 3317, 3328, 3376, 3618, 4000, 4093, 4504/2007, a/w Constitution Petitions No.5, 29, 37, 41, 51, 60, 65/2007 and SMC No.6 of 2006.

(Missing Person Cases)

For the Complainant/ Petitioner:	Mr. Abdul Mujeeb Pirzada, Sr. ASC (in Const.P.5/2007). Mr. Iqbal Haider, Sr. ASC (in Const.P.29/07) Ms. Asma Jehangir, ASC (in Const.P.5/07) Mr. M.S.Khattak, AOR. (in Const.P.5/07) Mr. Shaukat Aziz Siddiqui, ASC (in Const.P.29 & 41/07 Raja Abdul Ghafoor, AOR.(in Const.P.29 & 41/2007) Mr. Abdul Rashid Awan, ASC (in Const.P.37/07) Mr. Zulfiqar Khalid Maluka, ASC(in Const.P.65/2007) Mr. Kamran Murtaza, ASC (in HRC.965/05) Ch. Muhammad Akram, AOR.(in Const.P.51 & 60/07). Sardar Latif Khan Khosa, ASC (in Const.P.71/2007) Ch.Akhtar Ali, AOR. (in Const.P.71/2007) Mr. Abdul Latif Memon, ASC (in HRC.965/05) Mr. Muhammad Ikram Chaudhry, ASC. Ms. Amna Masood Janjua, in person.(in HRC 965/05). Dr. Noshaba Sirki, in person. (in HRC..965/05) Ms. Talal Bughti, in person.(in CMA.2103/07)
On Court Notice.	Ms. Naheeda Mehboob Elahi, DAG. Mr. Arshad Ali Chaudhry, AOR. Ch. Khadim Hussain Qaiser, Add; AG Punjab. Mr. Mehmood Raza, Addl: AG Balochistan Mr. Mujeeb-ur-Rehman, ASC (on behalf of M/O Defence) Brig (R) Javed Iqbal Cheema, DG NCMC Col. Javed Iqbal Lodhi, Director NCMC Col. Khalid Iqbal Sahoo, M/O Defence Col. Hafeez Jehangiri, JAG Branch. Mr.Khalid Javed, DSP Jaranwala Dr. Amir Sheikh, SSP East City Mr. Anwar Subhani, DSP legal, Karachi Mr. Amir Munir (detenue) in safe custody
On Court call:	Syed Kamal Shah, Secretary Ministry of Interior Mr. Kamran Rasool, Secretary Ministry of Defence
Date of hearing:	5.10.2007.

ORDER

We have heard this case. During the course of hearing, Secretary Interior and Secretary Defence were summoned and they were appraised that there was sufficient evidence available on the record to the effect that prima facie missing persons are under custody of agencies including ISI, MI or IB,

therefore, they should look into the matter and submit a report. Mr. Kamran Rasool, Secretary Defence stated that these agencies are under the administrative control of the Defence Ministry, therefore, he will look into the matter.

2. We also consider it appropriate to direct the Home Secretaries and the Inspector Generals of the Police of the Provinces to establish liaison with the Secretary Interior in respect of those persons, who were picked up from their provinces and discuss this issue in detail with him before the next date of hearing. They are also directed to be present in the Court on the next date of hearing, as it has been desired by the Interior Secretary.

3. As far as Shazain Bugti is concerned he has been admitted in the Hospital located in the Central Jail as he has declined to be shifted to Civil Hospital Quetta. Hearing of his case has also commenced, as reported by the learned DAG.

4. Mr. Abdul Mujeeb Pirzada, learned counsel appearing for the complainant/petitioner in Constitution Petition No.5 of 2007 stated that the cases of Dr. Aamer Munir is separate from the cases of missing persons, therefore, he should be allowed to continue in the police custody in PIMS Hospital. It is to be pointed out that on account of his ill health Dr. Aamir Munir was directed to admit in Hospital in the custody of Islamabad Police. Learned Attorney General had agreed for his detention in hospital on the last date of hearing till final hearing of case, so authorities are directed to keep him in Hospital in police custody, so he may receive treatment over there and without order of this Court his custody shall not be handed over to any one else.

Adjourned to 11th October 2007.

Chief Justice

Islamabad.
5.10.2007.

Judge

Hanif

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
Mr. Justice Iftikhar Muhammad Chaudhry, HCJ.
Mr. Justice Nasir-ul-Mulk
Mr. Justice Syed Jamshed Ali

CIVIL MISC. APPLICATION NO.2467/2007 IN
HUMAN RIGHTS CASE NO.965/2005,

For the Applicant	:	*Mr. Muhammad Naeem Sheikh, ASC*
On Court Notice	:	*Ms. Naheeda Mehboob Elahi, DAG*
Date of hearing	:	*21.9.2007*

.....

IFTIKHAR MUHAMMAD CHAUDHRY, CJ. *Mr. Muhammad Naeem Sheikh, ASC appeared and stated that Mir Asghar Marri has been released and presently he is a free persons. Learned counsel further stated that he has no knowledge as to who had released him. He further stated that as the abductee has been released, therefore, he is not pressing instant application. Learned DAG has also confirmed that Mir Asghar Marri has been released.*

Instant case to the extent of Mir Asghar Marri is disposed of.

Chief Justice

Judge

Islamabad, the
21st September, 2007
*MS/**

Judge

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
Mr. Justice Iftikhar Muhammad Chaudhry, HCJ.
Mr. Justice Nasir-ul-Mulk
Mr. Justice Syed Jamshed Ali

HUMAN RIGHTS CASE NO.965/2005, 4941, 4999/2006, 292, 430, 1066, 1375, 1736, 1798, 1844, 1888, 1996, 2022, 2023, 2032, 2045 TO 2051, 2054, 2379, 2600, 2661, 2696, 2717, 2874, 2883, 3328, 3376, 3618, 4000 /2007 A/W CONST. PETITION NOs.5, 29, 37, 41, 51, 60 & 65/2007 AND SMC NO. 6 OF 2006.

For the Complainant/ : Petitioner	*Mr. Abdul Mujeeb Pirzada, Sr. ASC (in Const.P.5/07)* *Ms. Hafsa Jehangir, ASC (in Const.P.5/07)* *Mr. M. S. Khattak, AOR (in Const.P.5/07)* *Raja Abdul Ghafoor, AOR (in Const.P.29&41/07)* *Mr. Abdul Rashid Awan, ASC (in Const.P.37/07)* *Mr. Zulfiqar Khalid Maloka, ASC (in Const.P.65/07)* *Ch. Muhammad Akram, AOR (in Const.P.51 & 60/07)* *Ms. Amna Masood Janjua, in person (in HRC.965/05)* *Dr. Noshaba Sirki, in person (in HRC No.965/05* *Ms. Talal Bughti, in person (in CMA.2103/07)* *Mr. Arif Abbasi, in person (in HRC.292/07)* *Gohar Ayub, in person (in HRC.2023/07)* *Malik Jehandad, in person (in HRC.3328/07)* *Ashiq Hussain, in person (in HRC.3618/07)*
On Court Notice :	*Malik Muhammad Qayyum,* *Attorney General for Pakistan* *Ms. Naheeda Mehboob Elahi, DAG* *Mr. Mehmood Raza, Addl. AG Balochistan.* *Mr. Mujeeb-ur-Rehman, ASC(on behalf of M/o Defence)* *Brig. (R) Javed Iqbal Cheema, DG, NCMC* *Col. Javed Iqbal Lodhi, Director NCMC* *Lt.Col. Khalid Sahoo, M/o Defence* *Lt.Col. Jehangiri, JAG Br.* *Mr. Yasin Farooq, SSP (Opt) Rwp.* *Mr. Khalid Peracha, Insp. (Legal)*
Date of hearing :	*21.9.2007*

.....

O R D E R

Matter of Imran Munir

Mr. Mujeeb Pirzada stated that Imran Munir is presently admitted in PIMS Hospital. He is under going treatment, therefore, his custody may not be changed.

2. Learned DAG stated that she has no objection if the detenue remains in the hospital for his treatment and the authorities will be free to provide him all types of required Medical Assistance. Therefore, till the next date of hearing the hospital authorities are directed to keep him in PIMS Hospital in Police Custody.

3. In pursuance of direction made in Constitution Petition No.43/07 which has already been disposed of, Mr. Zulfiqar Khalid Maloka, ASC has filed an affidavit. Copy of which has been handed over to learned DAG. To be taken up on the next date of hearing.

HRC. No.4000 OF 2007

4. Similarly Hafiz Tahir has also filed affidavit through Mr. Shaukat Siddiqi, ASc copy of which has been handed over to the learned DAG.

5. Learned counsel stated that Hafiz Quresh father of Hafiz Tahir has been involved by the Bahalwapur Police and last night his father Hafiz Quresh was summoned by Rana Kaleem, SHO PS Samma Satta who threatened him that if any affidavit was filed against Police or any Agency in the Supreme Court, the entire family shall be arrested.

6. Let IGP, Punjab shall examine this aspect of the case and inquire from the said SHO about advancing threats to the father of Hafiz Tahir and ensure that no harassment is caused to them.

CONSTITUTION PETITION NO.5 OF 2007

7. Learned counsel is required to submit details of the well wishers alongwith their affidavits who have alleged that Dr. Arifa Siddiqui (detenue) and her three children have been deported to US and are still missing. After receiving the affidavit, appropriate order shall be passed, if need be.

Missing of Muhammad Faisal Sami

8. Learned counsel is required to furnish material/affidavit to substantiate that Muhammad Faisal Sami has been picked up by the Military Intelligence. Meanwhile PPO Sindh is directed to contact his family located at St. No.27, Model Colony Karachi and collect evidence to substantiate their plea, if any, before the next date of hearing.

Missing of Ali Haider.

9. Similar kind of material is required to be filed in respect of Ali Haider Bugti S/o Mir Mitta Bugti who was picked up from Bugti House in Goth Nawab Sangar, because according to the version of Punjab Government he was neither arrested nor detained by it.

Missing of Asif Baladi

10. DPO Hyderabad is directed to conduct inquiry and submit report as who had taken away the passport of Asif Baladi. It is to be noted that according to the version of Police he is an absconder in a Criminal case registered vide FIR No.25/07 under Sections 4 &5 fo the Explosives Act read with Sections 6 & 7 of ATA registered at PS Kazimabad, Hyderabad and also in another case under Sections 3,4 and 5 of the Explosives Act read with Section 7 AB of ATA.

CASES OF PUNJAB

Missing of Muhammad Hussain

11. Learned DAG stated that as per report of a Sub-Inspector of Police in the Court of Sessions Judge detenue was arrested by the Military Intelligence and he is still missing. She is directed to look into the matter and submit report on the next date of hearing.

BALOCHISTAN

Missing of Mir Ghulam Raisani

12. It is informed that Mir Ghulam Reasani has been arrested in FIR No.46/06 under Section 302/34 registered at PS Saddar with effect from 25-06-2007.

13. In view of above position instant case to his extent is disposed of.

Missing of Ali Asghar Bangalzai

14. Nasrullah brother of Ali Asghar Bangalzai appeared and stated that the detenue was in the custody of ISI at Quetta. He alongwith Hafiz Hussain Ahmed, MNA met Brig. (Retd) Siddique who is presently in Abbottabad, confirmed the custody of Ali Asghar Bangalzai with ISI but now despite lack of sufficient time he has not been released.

15. Learned DAG is directed to contact the said Retd. Military Officer and take the where about of the detenue.

Missing of Dr. Safdar Sirki

16. Dr. Noshaba, sister of Dr. Safdar Sirki stated that the matter has been reported by her younger sister Abida Sirki. However, according to her one Police Officer namely Ch. Muhammad Aslam Arain of Sindh Police had picked up Dr. Safdar Sirki, now the said Police Officer is confined in District Jail and is facing trial of murder of one Brohi.

17. Let PPO Sindh conduct inquiry and submit report on the next date of hearing after recording statement of Ms. Abida Sirki, Dr. Noshaba and Muhammad Munir who statedly were accompanying by Dr. Safdar Sirki when he was picked up.

CMA No.2103/07 in Const. Petition No.5/2007

18. Mrs. Talal Buthti stated that her son is confined in Central Jail Muchh. Initially he was picked up and later shown as an arrested person. He is suffering from different ailments but no proper treatment is being provided to him. It is further alleged by her that his son has been detained illegally and is involved in a false case.

19. The Home Secretary, Govt. of Balochistan is directed to provide all necessary medical treatment to Nawabzada Shahzeen Bughti and submit report on the next date of hearing. Copy of this order be also sent to the Chief Justice, High Court of Balochistan, Quetta to inquire about the trial of the case of Nawabzada Shahzeen Bughti and to direct to commence and conclude the same and if there is some problem in Muchh Jail then he may be shifted to District Jail Quetta.

CONST. PETITION NO.29 OF 2006

Missing of Abid Raza

20. Learned counsel stated that Mr. Abid Raza detenue was picked up on 2nd July 2004 by ISI through Col. Aamir from Dubai. According to him he was brought to Pakistan on 31st July 2004 and was released on 8-8-2004 with direction to report back as and when required. According to him again on 26-6-2005 the detenue received a telephonic call to reach Pearl Continental, Rawalpindi. He reported there in the company of Aamir Usman Adil S/o Ch. Khuda Dad, MPA from PP 155, Muhammad Afzal S/o Muhammad Ashraf, Nazim UC Tehsil Kharia District Gujrat, Babu Nazir S/o Nazir Ahmed, Zafar Iqbal and Zafar Manjhal. According to him, he was arrested by Col. Aamir of ISI. He was again released in January 2007, but his passport and some other documents are still with ISI.

21. Col. Khalid Masood appeared on behalf of Ministry of Defence and stated that he would look into the matter and if passport is available with ISI the same

will be delivered to the detenue before the next date of hearing. He is ordered to do so before the next date of hearing.

22. In view of the directions made herein above, no further action is required to be taken. Disposed of.

CONST. PETITION NO.65 OF 2007, HRC No.4999/2007 AND HRC No.3376/2007

23. Notice to respondents and learned DAG for the next date of hearing.

CMA.NO. 2003 OF 2007.

24. Notice for appearance was issued to Abbottabad Police but no one has appeared on their behalf. PPO NWFP is directed to depute some senior officer to appear in Court and submit as to whether they have traced out Atiq-ur-Rehman, Sr. Scientific Officer, Pakistan Atomic Energy commission, or not.

25. Ms. Amna Masood Janjua stated that few days before the family of Atiq-ur-Rehman was informed by someone on telephone that he is admitted in PIMS Hospital as he is suffering from serious ailment but when his family reached there they could not get any clue and the Doctors declined to give any further information.

26. Learned DAG is directed to contact the Executive Director, PIMS, Islamabad, and submit report today positively, in Chamber for our perusal.

27. Learned DAG further stated that as per report of Home Department Balochistan M/s Haji Abdullah Baloch S/o Din Muhammad, Kareem Baloch S/o Sher Muhammad, Muslim Yaqoob r/o Mand, Rafeeq Baloch r/o Kech, Shakil Ahmed Baloch, Murad Ali Baloch and Munir Ahmed Baloch are free persons and are present at their homes. Whereas Muhammad Hassan S/o Abdul Rehman is arrested under FIR No.18/2003 registered at PS CID Quetta and presently is confined in District Jail Quetta. As far as Niamaitullah S/o Ghous Bakhsh is concerned, he is also in custody in the case FIR No.6/2005 under Sections 3, 4 & 5 Explosives Act read with Sections 324, 345, 123 A, 505, 109, 427, 34 PPC read

with Section 7 of ATA at Police Station Tump and presently he is confined in Gaddani Jail.

28. Learned DAG stated that in respect of the accused persons against whom it is alleged that they are missing, details have not been provided by the Defence of Human Rights Commission. Ms. Amina Masood Janjua is directed to furnish necessary details, so Govt. official may take steps according to law for tracing those missing persons.

HRC. NO.2023 OF 2007.

29. It is informed by applicant's son that his uncle Zahir Shah alongwith two others namely Abdur Rehman and Naseer Baz Khan was picked up by the Hangu Police and was handed over to Military Intelligence. He stated that he has filed affidavit of Abdur Rehman copy of the same has been submitted in Court.

30. Learned DAG is directed to look into this matter and submit report after receiving report from PPO, NWFP.

HRC. NO.3618 OF 2007.

31. Ashiq Hussain, father of Sajid Iqbal (detenue) has sent a complaint. Copy of the same be handed over to Col. Khalid Sahoo, Ministry of Defence enabling him to submit report on the next date of hearing.

HRC.NO.3328 OF 2007.

32. It is informed by learned DAG that office has not furnished details of the case alongwith the order dated 20-8-2007 wherein direction was made to produce Muhammad Bilal S/o Malik Jehandad. Office is directed to furnish necessary documents to her before the next date of hearing.

Adjourned to ***5th October 2007.***

Chief Justice

Judge

Judge

Islamabad, the
21st September, 2007
*MS/**

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:
Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Abdul Hameed Dogar
Mr. Justice Muhammad Nawaz Abbasi
Mr. Justice Faqir Muhammad Khokhar
Mr. Justice Mian Shakirullah Jan
Mr. Justice M.Javed Buttar
Mr. Justice Raja Fayyaz Ahmed

HUMAN RIGHTS CASE NOs. 965/05, 4739, 4941, 5788, 5866, 5870/06, 48, 292, 1066, 1375, 1736, 1798, 1844, 1888, 1966, 2011, 2022, 2023, 2045 To 2051, 2054, 2600, 2661, 2717, 2874, 2883, 3328, 3618 & 4000/07

AND

Const Petitions 29/06, 5/07, 29/07, 33/07, 41/07, 51/07 & 55/07

AND

S.M.C. No. 6/07.

(MISSING PERSONS CASES)

<>

For the Complainants/Petitioners:

Mr. Abdul Mujeeb Pirzada, Sr. ASC
Ms. Asma Jehangir, ASC
Mr. Shaukat Aziz Siddiqui, ASC
Mr. Zulfiqar Khalid Malka, ASC
Mr. Abdur Rasheed Awan, ASC
Mr. Muhammad Ikram Chaudhry, ASC
Mr. Tariq Mehmood Khokhar, ASC
Mr. Muhammad Munir Peracha, ASC
Mr. M.S. Khattak, AOR
Raja Abdul Ghafoor, AOR
Ch. Muhammad Akra, AOR
Ms. Amna Masood Janjua (in person)

For the Respondents/
On Court Notice:

Mr. Malik Muhammad Qayyum, AG Pak.
Ms. Nahida Mehbood Elahi, DAG
Ch. Khadim Hussain Qaiser, Ad. AG, Pb
Mr. Mujeeb-ur-Rehman, ASC (on behalf of M/O Defence)
Brig. Javed Iqbal Cheema, DG., NCMC
Lt. Col. Jehangiri, JAG Branch
Muhammad Anwar, Inspector P/Lines, Rwp
Mr. Imran Munir (in safe custody)
Ms. Shazia Bibi (in safe custody)
Hafiz Muhammad Tahir (in safe custody)

Date of Hearing: 04.09.2007

.-.-.

ORDER

In view of the fact that Aleem Nasir, Hafiz Abdul Basit and Muhammad Tahir, *who was statedly detained with Hafiz Abdul Basit,* have been recovered; we have strong reasons to believe that stand taken by the Ministry of Interior and Ministry of Defence that the missing, *persons whose cases are fixed before us*, are not in the custody of the Agencies, seems to be incorrect and in view of these facts, we solicit assistance of Attorney General for Pakistan to ensure production/ release of all other persons, *list of which shall be provided by Ms Naheeda Mehbob Ellahi* learned DAG, after consulting files, as well as, with the assistance of learned counsel appearing on behalf of missing persons in Court and stated that for carrying out the exercise, she needs some time. Adjourned to 21st September, 2007.

2. In the meanwhile, M/S Zulfiqar Khalid Maluka, learned ASC and Shaukat Aziz Siddiqui, ASC are required to place on record comprehensive affidavits of Aleem Nasir and Hafiz Abdul Basit. Similarly, Hafiz Muhammad Tahir is also required to file his statement. Mr. Zulfiqar Khalid Maluka, learned ASC, shall assist

him to prepare the same. We have been informed that Hafiz Muhammad Tahir has been released and the authorities are directed not to take him into custody save in accordance with law, if so required in connection with any case. As far as Mst. Shazia is concerned, though she was arrested on 3.1.2004 but now she is being triad before Anti-Terrorist Court. She may, if so deemed appropriate, move for her release on bail according to law before the Court concerned because prima facie, we are of the opinion that presently, she is not in an illegal detention.

3. Mr. Abdul Mujeeb Pirzada, learned Sr. ASC, stated that Imran Munir was allowed to remain in hospital for medical treatment for a period of two weeks but still he is not feeling well, therefore, he may be allowed to remain in PIMS for medical treatment. The learned Attorney General has no objection on the medical treatment of Imran Munir in the hospital, in the custody of police till next date of hearing. Order accordingly.

Chief Justice

Judge

Judge

Judge

Judge

Judge

Judge

Islamabad, the
4th September, 2007
*Iftikhar/**

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
Mr. Justice Iftikhar Muhammad Chaudhry, HCJ.
Mr. Justice Faqir Muhammad Khokhar
Mr. Justice M. Javed Buttar
Mr. Justice Nasir-ul-Mulk
Mr. Justice Raja Fayyaz Ahmed

HUMAN RIGHTS CASE NO.965/2005, 4739, , 4866, 4941, 5788, 5866, 5870/2006, 48, 292, 1066, 1375, 1736, 1798, 1844, 1888, 1996, 2011, 2022, 2023, 2045 TO 2051, 2054, 2661, 2717, 2032/2007 A/W CONST. PETITION NOs.29/2006, 5, 29, 37, 41 & 51/2007 AND SMC NO. 6 OF 2006.

For the Complainant/ Petitioner :
Mr. Abdul Mujeeb Pirzada, Sr. ASC (in Const.P.5/07)
Ms. Asma Jehangir, ASC (in Const.P.5/07)
Mr. M. S. Khattak, AOR (in Const.P.5/07)
Mr. Shaukat Aziz Siddiqui, ASC with
Raja Abdul Ghafoor, AOR (in Const.P.29&41/07)
Mr. Abdul Rashid Awan, ASC with
Syed Zafar Abbas Naqvi, AOR (in Const.P.37/07)
Mr. Muhammad Ikram Ch. ASC
(in CMA 2003/07 and HRC.2661/07)
Mr. Tariq Mehmood Khokhar, ASC(in Const.P.29/06)
Mr. Kamran Murtaza, ASC with
Ch. Muhammad Akram, AOR (in Const.P.51/07)
Col. ® Muhammad Akram, ASC
Ms. Amna Masood Janjua, in person (in HRC.965/05)
Mr. Arif Abbasi, in person (in HRC.292/07)
S.Babar Anees-ur-Rehamn, in person(in HRC.1066/07)
Hafiz. M. Nasir, Maternal Uncle of Hafiz Abdul Basit, detenue
Mr. Abdul Ghani, Brother-in-Law of Gohram Saleh.
(in HRC965/2005)

On Court Notice :
Malik Muhammad Qayyum,
Attorney General for Pakistan
Ms. Naheeda Mehboob Elahi, DAG
Raja Muhammad Saeed Akram, AAG
Brig. Javed Iqbal Cheema, DG, NCMC
Col. Javed Iqbal Lodhi, Director NCMC
Lt.Col. Khalid Sahoo, M/o Defence
Lt.Col. Jehangiri, AJAG Br.
Muhammad Anwar, SO M/o Defence

Mr. Tariq Pervaiz, DG(FIA)
Mr. Muhammad Azam, Director (Law) FIA
Raja Naseer Ahmed, SSP, Investigatin, Abbottabad.
Aziz Afridi, Inspector and M. Yousaf, S.I/I.O

On Court's Call:
Mr. Iftikhar Ahmed, I.G.P, Islamabad.

Date of hearing :
21.8.2007

.....

S.M.C.No.965 of 2005

(Matter of Imran Munir, detenue)

Pursuant to our order passed yesterday, the detenue Imran Munir, has been produced before this Court today. On our query, we were informed by the learned Deputy Attorney General, under instructions from Brig. ® Javed Iqbal Cheema, Director General, Crises Management Cell that he was confined at Mangla in view of his court martial proceedings after setting aside his conviction by the appellate forum. The production order was passed approximately at 11:00 a.m. The Court waited for his arrival up to 5:30 p.m but he was not produced. We were given to understand through the learned DAG that he would be brought from Mangla to Islamabad. However, Imran Munir has explained that yesterday (20.8.2007) he was made to travel in the morning at about 7:00 a..m. He had no idea as to where he was being taken by the military authorities. At about 11:a.m he was brought to Rawalpindi and was kept in an F.I.U lockup. We had directed to lodge him in Central Jail, Adiala, Rawalpindi, for the purpose of producing him before us today.

2. Imran Munir further states that his face was covered when he was brought to the Court today. The muffle from his face was removed outside the Court and then he was handed over to the police for production before this Court. He says that he apprehends danger to his life. Prima facie, the DAG, under instructions from Brig® Javed Iqbal Cheema, had made an incorrect statement about location of Imran Munir at the time of passing of the order dated 20-.8.2007 at 11:00 a.m. and secondly; our clear directions for lodging him in Central Jail Adiala, Rawalpindi were not carried out. Therefore, we would direct to Brig ® Javed Iqbal Cheema that he should pin point the names and details of those persons to whom he had conveyed the order of this Court of bringing Imran Munir from Mangla to Islamabad and for keeping him at Adiala Jail. He would give us such details in writing before the next date of hearing.

3. The learned counsel appearing on behalf of detenue stated that in view of his critical condition as also observed in the last orders dated 6.6.2007

and 25.6.2007, it would be appropriate if he was admitted in the P.I.M.S. for medical treatment.

4. We, therefore, direct that Imran Munir will be kept in the custody of Islamabad Capital Territory Police in P.I.M.S hospital for a period of two weeks, whereafter he will be shifted to Central Jail, Adiala, Rawalpindi. He will be again produced before this Court by the I.C.T Police on the next date of hearing. Mr. Iftikhar Ahmed, Inspector General of Islamabad Police, present in Court, is directed to take him into his custody. He shall post police guard for his safety in the P.I.M.S. While he is admitted in P.I.M.S, his family members and his lawyers namely Mr. Mujeeb Pirzada, Asma Jehangir and Col. ® Muhammad Akram ® will be at liberty to meet him.

C.M.A.No.2003 of 2007

(Missing of Ateeq-ur-Rehman)

Raja Naseer Ahmed, S.S.P Investigation, Abbottabad, appeared and stated that on 17th July, 2004, a case under Section 365 Cr.P.C was registered about non-availability of Atiq-ur-Rehman. According to him, during investigation, Sub-Inspector Sardar Muhammad Haroon, Investigating Officer was contacted by a Major from Army on 28.10.2004 and asked for particulars of Atiq-ur-Rehman and he also promised to visit Abbottabad on the next day. Accordingly, on the next day, i.e 29.10.2004 details about Atiq-ur-Rehman were supplied by the said I.O to the military authorities.

2. Raja Naseer Ahmed, is directed to place on record the copies of Zimni No.4 dated 29 and 29.10.2004. The learned DAG states that she needs some time to make progress in this case. Adjourned for a date after two weeks.

(H.R.C No.5788 of 2006)

(Missing of Moula Bakhsh Nowani)

The learned Deputy Attorney General states that Moula Bakhsh Nowani is at present facing trial of a criminal case before Anti Terrorism Court, Hyderabad and is lodged at Central Jail Hyderabad. The District and Sessions Judge,

Hyderabad is directed to record his statement and submit the same before the next date of hearing along with brief details of case pending against him before the Anti Terrorism Court.

(H.R.C No.48 of 2007)

(Missing of Muhammad Imran Alvi)

In respect of Mr. Muhammad Imran Alvi S/O Ikram Alvi, the learned DAG stated that according to instructions received by him through Mr. Saleem Sikandar, A.I.G Legal, Punjab Police, a case was registered about his disappearance but he himself turned up after four days. Therefore, the case was closed. In view of the statement so made by the learned DAG, this petition to his extent stands disposed of.

(H.R.C.No.2011 of 2007)

(Missing of Fahad Bhugti)

The learned DAG states that Fahad Bughti is now a free person and this fact has also been confirmed by Ms Asma Jehangir, ASC. In this view of the matter, the petition stands dispose of to his extent.

(Hafiz Abdul Basit)

The learned Attorney General for Pakistan has stated that Hafiz Abdul Basit is in custody of Political Agent, Khyber Agency, as per information collected by him during last 24 hours. However, he would be brought to Islamabad by this evening.

2. It is directed that he will be released and handed over to his maternal uncle Hafiz Abdul Nasir in the office of Director General, F.I.A at 8:00 p.m. In this behalf a document for handing/taking over his custody shall also be executed and copy of the same will be send to us. A verbal report in this regard shall also be submitted to the Acting Registrar of this Court soon after Hafiz Abdul Basit is handed over to his maternal uncle.

Petition to his extent stands disposed of.

The learned Deputy Attorney General stated that the remaining matters may be adjourned for a period of two weeks enabling her to contact the relevant authorities for the purpose of making further progress in the cases of missing persons. Adjourned to 4.9.2007.

Chief Justice

Judge

Judge

Judge

Judge

Islamabad the,
21st August, 2007.
Sohail/*

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
MR. JUSTICE JAVED IQBAL
MR. JUSTICE FALAK SHER

Human Right Cases No.965,4739,4941,5624,5788,5866,5870 of 2006 & H.R. Cases No.48,220,292,314,1066 of 2007 alongwith Constitution Petitions No.5, 29, 37 & 43 of 2007, CMA-32/2007 in Const.P.Nil/2007, H.R.Cases No.2045-2051/2007, SMC 6/2007, Const.P.41.2007, HRC 2011,2022,2054, 1996, 1844 & 2053 OF 2007.

Saqlain Mehdi, etc. ... Complainants

Versus

Federation of Pakistan thr. Secy. M/o Interior & others

On Court Call: Mr. Tariq Mehmood Khokhar, DAG
Col. Javed Iqbal Lodhi,
Director National Crises, National Management Cell.
Mr. Tariq Pervaiz, DG FIA
Shahzad, SP
Mr. Nasir Mushtaq, Inspector
Mr. Abdul Aziz Afridi, I.I.

For complainants: Mr. Muhammad Munir Piracha, ASC
Mr. Farhatullah Babar
Mrs. Amna Masood Janjua

In Const.Petition.5/07: Mr. M.S. Khattak, AOR

In Const.Petition.29/07: Mr. Shaukat Aziz Siddique, ASC
Raja Abdul Ghafoor, AOR

In Const.Petition.37/07: Mr. Habibur Rehman, ASC
Mr. Syed Zafar Abbas Naqvi, AOR

Date of hearing: 18.7.2007

...

ORDER

The learned Deputy Attorney General is present and submitted that Naeem Noor Khan, Zafar Yasin, Abid Raza, Luqman and Aleem Nasir have been traced out. It is further pointed out that against Aleem Nasir a case has been registered under the Frontier Crimes Regulations at D.I.Khan. No more action is required to be taken against the above named persons who may approach the quarter

concerned for the redressal of their grievances, if any, except Luqman whose brother-in-law is present and stated that Luqman has not reached home. A report in this regard be submitted by the learned Deputy Attorney General as to whether he was got released or otherwise?

2. The learned Deputy Attorney General has submitted that a comprehensive report would be furnished within a week explaining the latest position of each missing individual. The report should be comprehensive enough incorporating all the relevant details.

3. Mrs. Khalid Khawaja is present and submitted that as a result of raid conducted during the odd hours her husband was arrested again and also alleged serious allegations regarding maltreatment of the police. It is to be noted that raid was conducted in the supervision of Deputy Commissioner Islamabad who is hereby directed to furnish a complete report in this regard that how the raid was conducted and as to whether any case was got registered against Khalid Khawaja and allegations of maltreatment.

4. It is submitted regarding Atif Javed, Textile Engineer, that a case was got registered against him on 4.8.2005. It is, however, pointed out by the police that his whereabouts are not known and they have been directed to publish his photograph in the leading newspapers and concrete efforts be made to get his recovery effected.

5. In respect of Ghulam Qadir Marri and Khan Muhammad Marri it is pointed out by the S.P. concerned that a case was got registered on 4.7.2007. Every effort be made to contact the family members of Ghulam Qadir Marri and Khan Muhammad Marri so that some progress could be made. A report be furnished in this regard after two weeks.

6. It is submitted regarding Hafiz Abdul Basit that his whereabouts are not known but efforts are in hand to find out his whereabouts. Pursuant to the previous order dated 4.6.2007 passed by this Court Mr. Tariq Pervaiz, DG, FIA is present and highlighted the factual aspects of the case regarding Hafiz Abdul Basit and submitted that his custody was handed over to the District police at the direction of I.G.P. but he could not point out as to whether any case was got registered against him and as to whether his arrest was got affected by Tariq Mehmood the then Inspector CID at the direction of DG FIA. A comprehensive report be furnished within a period of two weeks incorporating all the necessary details. Col. Javed Iqbal Lodhi, Director, NCMC, is directed to furnish a comprehensive report through learned Deputy Attorney General regarding the whereabouts of Hafiz Abdul Basit.

7. It is submitted that whereabouts of Qari Obaidullah are not known, however, it is submitted by his father that he was got hospitalized in CMH from where relevant record be procured that by whom Qari Obaidullah was got admitted in the name of Kalimullah and as to whether he is still hospitalized or otherwise?

8. Mrs. Masood Janjua is present and pointed out that some clue qua his missing husband was given by Lt. Gen. (R) Shafaat who is presently posted as Core Commander Multan. Col.(R) Javed Iqbal Lodhi is hereby directed to approach Lt. Gen. (R) Shafaat to check the authenticity of the information as communicated by Mrs. Masood Janjua. Affidavits in this regard have been filed by Arifa Idrees and Zahida, copies whereof be made available to the learned Deputy Attorney General for comments.

9. Let a comprehensive report regarding all the missing persons mentioned in C.Ps. No.5/2007, 29/2007, 41/2007 and CMA

395/2007 be received and thereafter further action would be taken including constitution of commission to record evidence and scrutiny of affidavits filed on behalf of all the missing persons. The learned Deputy Attorney General has been directed to remain in touch with the Secretary Interior, Secretary Defence and National Crises Management Cell so that a complete report could be furnished. We are aware regarding the pathetic condition of the family members of the missing persons and every effort is being made to trace them out.

Matter adjourned. To come up on 6.8.2007

Judge

Judge

Islamabad, the
18th July, 2007
Iqbal Naseer

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
Mr. Justice Iftikhar Muhammad Chaudhry, HCJ.
Mr. Justice Faqir Muhammad Khokhar
Mr. Justice Nasir-ul-Mulk
Mr. Justice Raja Fayyaz Ahmed

CMA No.974 of 2007 in
Human Rights Case No.965 of 2007

1. ***MISSING OF NAEEM NOOR KHAN S/O HAYYAT NOOR KHAN.***

For the complainant	:	*Dr. Babar Awan, ASC*
On Court Notice	:	*Ms. Naheeda Mehboob Elahi, DAG*
Date of hearing:		*20.8.2007*

ORDER

Learned DAG states that Naeem Noor Khan S/o Hayyat Noor Khan is a free person and presently he is present in his house. This statement has been confirmed by Dr. Babar Awan, ASC as per information received by him from the father of Naeem Noor Khan.

In view of above report CMA is disposed of.

Chief Justice

Judge

Judge

Judge

Islamabad, the
20th August, 2007
MS/*

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
Mr. Justice Iftikhar Muhammad Chaudhry, HCJ.
Mr. Justice Faqir Muhammad Khokhar
Mr. Justice Nasir-ul-Mulk
Mr. Justice Raja Fayyaz Ahmed

HUMAN RIGHTS CASE NO.965/2005, 4739, , 4866, 4941, 5788, 5866, 5870/2006, 48, 292, 1066, 1375, 1736, 1798, 1844, 1888, 1996, 2011, 2022, 2023, 2045 TO 2051, 2054, 2661, 2717, 2032/2007 A/W
CONST. PETITION NOs.29/2006, 5, 29, 37, 41, 43 & 51/2007 AND
SMC NO. 6 OF 2006.

For the Complainant/ : Petitioner		*Mr. Abdul Mujeeb Pirzada, Sr. ASC (in Const.P.5/07)* *Ms. Asma Jehangir, ASC (in Const.P.5/07)* *Mr. M. S. Khattak, AOR (in Const.P.5/07)* *Mr. Shaukat Aziz Siddiqui, ASC with* *Raja Abdul Ghafoor, AOR (in Const.P.29&41/07)* *Mr. Abdul Rashid Awan, ASC with* *Syed Zafar Abbas Naqvi, AOR (in Const.P.37/07)* *Mr. Zulfiqar Khalid Maloka, ASC with* *Raja Abdul Ghafoor, AOR (in Const.P.43/07)* *Mr. Muhammad Ikram Ch. ASC* *(in CMA 2003/07 and HRC.2661/07)* *Mr. Tariq Mehmood Khokhar, ASC(in Const.P.29/06)* *Mr. Kamran Murtaza, ASC with* *Ch. Muhammad Akram, AOR (in Const.P.51/07)* *Mr. Hashmat Ali Habib, ASC* *Ms. Amna Masood Janjua, in person (in HRC.965/05)* *Mr. Arif Abbasi, in person (in HRC.292/07)* *S.Babar Anees-ur-Rehamn, in person(in HRC.1066/07)* *Mr. Waseem Nasir, Brother-in-law of* *Mr. Abdul Ghani, Brother-in-Law of Gohram Saleh.* *(in HRC965/2005)*
On Court Notice	:	*Malik Muhammad Qayyum,* *Attorney General for Pakistan* *Ms. Naheeda Mehboob Elahi, DAG* *Raja Muhammad Saeed Akram, AAG* *Brig. Javed Iqbal Cheema, DG, NCMC* *Col. Javed Iqbal Lodhi, Director NCMC* *Lt.Col. Khalid Sahoo, M/o Defence* *Lt.Col. Jehangiri, AJAG Br.* *Muhammad Anwar, SO M/o Defence* *Mr. Tariq Pervaiz, DG(FIA)* *Mr. Muhammad Azam, Director (Law) FIA* *Mr. Tariq Mehmood, DSP (Traffic)*
Date of hearing	:	*20.8.2007*

.....

O R D E R

HUMAN RIGHTS CASE NO.965/2005

Missing of Hafiz Abdul Basit

Learned DAG states that Hafiz Abdul Basit was arrested on 13th January 2004 under the supervision of Tariq Pervaiz, DG(FIA) {the then Addl. IGP(Pb)} by CID Police in connection with a case registered at Rawalpindi and subsequently his custody was handed over to Faisalabad Police who later on given his custody to the Military Intelligence. Relevant para from the report dated 1st August 2007 is reproduced herein below :-

> *"4(iii) The suspect was taken by ATC staff to their office and on the directions of the Incharge Inspector, he (the suspect) was taken to Pindi Bhattian Toll Plaza where he was handed over by ASI Iftikhar Hussain of ATC to Army Officers under proper receipt, as disclosed by the ASC in his statement dated 5-6-2007"*

2. Learned counsel appearing for detenue states that once it was established that the detenue was in the custody of CID Police and later on he was handed over to the Faisalabad Police from where his custody was handed over to the Military Intelligence would not debar from the responsibility to ensure his production before the Court of law.

3. We have gone through the report dated 1st August 2007 and on the basis of the same we see no reason to disagree with the contention of learned counsel for detenue. It is painfully noted that despite knowing the fact that Mr. Tariq Pervaiz, DG FIA {the then Addl. IGP} has not bothered to produce the detenue before the Court although he appeared before this Court twice and in this behalf also submitted report under his signatures. It is equally important to note that once the fact was established that the police had got the custody of detenue then it is the responsibility of the Police to produce him in Court of law because it is not the duty of the Court to run after the Police for his production.

4. At this stage learned DAG states that before proceeding further with the case, it may be adjourned till tomorrow enabling him to get information about the whereabouts of detenue. Order accordingly.

5. At this stage Ms. Masood Janjua has submitted a list of 11 missing persons. Learned DAG further states that out of listed 11 untrased persons three, namely Jan Muhammad, Saleem Baloch S/o Abdul Ghani and Munir Ahmed Mengal S/o Abdul Karim Mengal are now free persons. Learned DAG is directed to produce them before us tomorrow i.e. 21st August 2007. As far as the remaining eight persons, namely Masood Ahmed Janjua, Faisal Faraz, Hafiz Abdul Basit, Muhammad Altaf, M. Ateeq-ur-Rehman, Goharam Saleh, Gul Muhammad, Dr. Hanif Bugti are concerned, they have not been traced out so far.

CMA.2003 of 2007.
(Missing of Ateeq-ur-Rehman)

6. Mr. Muhammad Ikram Ch. learned ASC for the detenue (Ateeq-ur-Rehman, Senior Scientific Officer, Pakistan Atomic Energy Commission) referred the Polic e report prepared by SHO and ASP Cantt Abbottabad Police and persuaded us to draw inference that he has been picked up by 2-3 persons of Intelligence Agency. The reason advanced by him to substantiate detention of Ateeq-ur-Rehman is that he was working in Pakistan Institute of Nuclear Science and Technology, Islamabad, therefore, according to him his detention cannot be over ruled as he was attached with an important organization.

7. Learned DAG states that a short adjournment be given to her so she may contact the concerned quarters as far as the remaining missing persons are concerned, efforts are being made to find out their clue except Dr. Muhammad Hanif Bugti because his full particulars have not been provided to her. Ms. Amna Masood Janjua states that she has recently received some details which are being handed over to learned DAG.

Missing of Gohram Saleh

8. Mr. Abdul Ghani, Brother-in-Law of Gohram Saleh S/o Saleh Muhammad appeared and states that initially the detenue was picked up by the Agencies from 'Talal' situated between Turbat and Gawadar, therefore, after his custody by ATF he was investigated and was declared innocent. Later on, a Const. Petition was filed before the High Court of Balochistan for his release by one Samir S/o

Mir Mehrab. Mr. Abdul Ghani further states that after his release by ATF he was picked up immediately by the Agencies personnel from the gate from where he was released.

9. Mr. Abdul Ghani further states that he had a conversation with Maj. Barki, Incharge of ISI at Turbat who insisted that Gohram Saleh will be released provided he agrees to hand over custody of his brother Zahid Saleh who was required by the Agencies, who is presently living in Iran.

10. The Registrar is directed to procure copy of Writ Petition No.230/2004 by Fax alongwith its annexures and order sheets from the High Court of Balochistan, Quetta for placing the same before us by tomorrow, positively.

Missing of Dr. Hanif Bugti

11. Zahoor Elahi, the younger brother of Dr. Hanif Bugti of Zahoor Elahi, appeared and states that his brother was picked up from Sui Field Hospital. He further states that alongwith his brother M/s Fazal Hussain S/o Mir Dost and Muhammad Hasan S/o Yaar Muhammad /o were also detained who are now confined in District Jail Sibi. In support of their version affidavits have been filed by them which have been placed on record. He further states that a Const. Petition has been filed before the High Court which is still pending for decision.

12. Be that as it may, learned DAG is required to confirm the statement and furnish report by tomorrow.

HRC No.292/07
(Complaint by Arif Abbasi)

Missing of Hafiz Idrees Abbasi

13. Instant matter pertains to Hafiz Idrees Abbasi S/o Muhammad Arif Abbasi who was allegedly picked up from Ghora Ghali, Murree on 14th October 2004. According to the complainant the detenue was a member of 'Harkat-e-Jehad-e-Islami which was run by Qari Saifullah Akhtar being its Ameer. According to complainant the said Ameer has recently been released but his son is still in the custody of Agencies.

14. Learned DAG states that she needs some time to probe into the matter. Request is allowed.

HR.1066 OF 2007
(Complaint by Syed Babar Anees)

Missing of Syed Gohar Anees

15. A separate petition bearing Const. Petition No.37 of 2007 has been filed, therefore, instant HR Case is ordered to be listed with the above said Const. Petition.

HR.2717 OF 2007

(Complaint by Mst. Ayesha)

Missing of Shams-ul-Haq

16. A perusal of application indicates that Shams-ul-Haq was taken into custody by Khalid Mustafa Korai, SP Investigations and Aamir Abbas, DSP on 13th February 2007 and since that he is not traceable.

17. Learned DAG is directed to probe into the matter and inquire from PPO Sindh and produce him by tomorrow positively, failing which the above said officers are directed to appear in person before the Court.

HUMAN RIGHTS CASE NOs. 4739/2006, 1375, 1736, 1798, 1844, 1888, 1996, 2011, 2022, 2023, 2032, 2045 TO 2051, , 2054 & 2661 OF 2007 .

18. At the request of learned DAG all theses matters are adjourned for tomorrow i.e. 21st August 2007.

CONST. PETITION NO.29 OF 2006
Saadia Abid Vs. Federation of Pakistan etc

19. Learned counsel for petitioner Saadia Abid wife of Abdid Raza (detenue) states that her husband was picked up on 2nd July 2004 from UAE and was released by ISI on 8th August 2004. Again he was picked up on 26th June 2005 and was released in the earlier of this year. According to learned counsel his Passport and other documents have been retained by the ISI and there is apprehension that he will be again picked up by the said Agency.

20. Learned DAG states that instant case may be adjourned till tomorrow so she may seek instructions in this behalf. Order accordingly.

CONST. PETITION NO.5 OF 2007
Human Rights Commission Vs. Federation of Pakistan

21. Learned DAG states that out of the list of 103 missing persons only eight persons have been released whereas 95 persons are still missing. She further states that instant case may be postponed till tomorrow enabling her to prepare a consolidated statement in this regard.

22. Ms. Asma Jehangir, learned counsel for petitioner states that this Court is required to give a authoritative judgment on the point involved in her petition including one that under what authority the Intelligence Agencies operating in the Country are taking these persons in custody and what legal jurisdiction they have got for detaining them for a such long period without assigning any cogent reason except leaving a note that Joint Intelligence Team (JIT) has cleared him/them.

23. We would be dilating upon this aspect of the case at a later stage.

CONST. PETITION NO.29 OF 2007
Defence of Human Rights Organization Vs. Federation of Pakistan

CONST. PETITION NO.37 OF 2007
Syed Gohar Anis & others Vs. Federation of Pakistan and others

CONST. PETITION NO.41 OF 2007
Human Rights Network Vs. Federation of Pakistan etc

24. Learned DAG states that these cases may be adjourned till tomorrow enabling her to seek instructions from the concerned quarters. Order accordingly.

CONST. PETITION NO.43 OF 2007
Nazir Begum Vs. Govt. of Pakistan etc

25. Learned counsel for petitioner states that detenue Aleem Nasir is a German National. He deal with the business of precious stones. He was picked up on 18th June 2007 from inside the Allama Iqbal International Airport, Lahore. A petition was filed the respondent took the plea that he was involved in some mitigation in the Frontier, therefore, he is not available with any Intelligence Agency.

26. Contrary to this stand the then DAG Mr. Tariq Khokhar contacted on his request to Col. Javed Iqbal who stated that he could arrange meeting of the detenue with his mother. This statement has been verified by Col. Javed Iqbal who is present in Court. As such he contacted to some one on telephone whose name

has been disclosed by Col. Javed Iqbal today as Col Zakria. and then a meeting of detenue with his mother namely Wazir Begum alongwith brother of detenue namely Waseem Nasir, was arranged on 18th July 2007 in a house situated in Sector I/8 Islamabad. According to learned counsel he is still in the custody of Col. Zakria of ISI.

27. Brig. Javed Iqbal Cheema states that Col. Javed Iqbal failed to establish contact with Col. Zakria and requests for grant of time till tomorrow for conclusion of the matter to entire satisfaction of the other side.

Order accordingly.

SUO MOTO CASE NO.6 OF 2007.
(Missing of Abdul Waheed Qambar)

28, Learned DAG requests for adjournment of this case till tomorrow. Order accordingly.

Missing of Masood Janjua

29. Today when this matter was taken up for hearing, learned DAG was directed to produce Imran Munir presently in custody of Army at Mangla Cantonment as Imran Munir has seen Mr. Masood Janjua in front of a cell in which he was confined.

30. It is informed that Imran Munir S/o Muhammad Munir will be produced in Court after about one hour as he is on way from Mangla to Islamabad under custody. It is already 5.30 p.m. therefore, learned DAG is directed to lodge him in Central Jail Adiala with direction to produce him in safe custody tomorrow i.e. 21st August 2007 at 11.30 a.m.

Chief Justice

Judge

Judge

Judge

Islamabad, the
20th August, 2007
*MS/**

IN THE SUPREME COURT OF PAKISTAN
(Constitutional Jurisdiction)

PRESENT:
Mr. Justice Iftikhar Muhammad Chaudhry, HCJ.
Mr. Justice Faqir Muhammad Khokhar
Mr. Justice Nasir-ul-Mulk
Mr.Justice Raja Fayyaz Ahmed

Human Rights Case No.965 of 2007

1. **MISSING OF MASOOD JANJUA**

Complainant: Ms. Amna Masood Janjua in person

On Court Notice: Ms. Naheeda Mehboob Elahi, DAG

Date of hearing: 20.8.2007

ORDER

Learned Deputy Attorney General stated that Masood Janjua is not in custody of ISI or MI and for the time being no clue about his whereabouts is available. Her statement has been contradicted by the complainant Amna Masood Janjua, who is his wife. She relied upon a document, which is a diary written by one Imran Munir, presently in custody of Army in Mangla Cantonment as he is also facing Court Martial proceedings. It may be noted that he is the same person, whose case has been adjourned for tomorrow. Contents of the diary reveal that when Imran Munir was in custody of ISI, he has seen Masood Janjua, a businessman of Rawalpindi, who was lodged in front of a cell in which he was confined. This statement has not been contradicted on behalf of the State, by learned Deputy Attorney General, but her case is that without any corroboration to the statement so given by Imran Munir, the piece of diary cannot be accepted as conclusive evidence. We are not in agreement with the same, for the reasons that diary has been written by the said person in his own handwriting and its genuineness or otherwise can be verified by recording of his statement.

As such we direct learned Deputy Attorney General to produce him in Court today in the safe custody so we may able to examine him.

Chief Justice

Judge

Judge

Judge

Islamabad, the
20th August, 2007
Nisar/*

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT
Mr. Justice Iftikhar Muhammad Chaudhry, HCJ
Mr. Justice M. Javed Buttar

HUMAN RIGIIT CASE NOS.965/05, 4739, 4941, 4997, 5624, 5788, 4866, 5866, 5870/06, 48, 220, 292 314, 1066, 1844, 1996, 2011, 2022, 2023, 2031, 2045 TO 2051, 2053, 2054, 2158,2661 & 2717/07, SUO MOTU CASE NOS.6/06 & 8/07, CONST. PETITION NOS. 29/06, 5, 29, 37&43/07 AND C.M. APPEAL. 32/07

Complaints of Amina Masood etc. (Missing persons)

Attendance

For the complaints petitioners	:	*Mr. Abdul Mujeeb Pirzada, Sr. ASC* *Mr. Tariq Mehmood, ASC* *Mr. M. Ikram Ch. ASC* *Mr. Hashmat Ali Habib, ASC* *Mr. M. Munir Peracha, ASC* *Mr. Zulifqar Khalid Maluka, ASC* *Mr. Shaukat Aziz Siddiqui, ASC* *Raja Abdul Ghafoor, AOR* *Mr. M. S. Khattak, AOR* *Syed Zafar Abbas Naqvi, AOR* *Mrs. Amna Masood Janjua.* *Chairperson Defence of Human Rights*
For respondents	:	*Malik Muhammad Qayyum, Attorney General.* *Raja Irshad Hussain, DAG* *Mrs. Naheeda Mehboob Elahi, DAG.* *Mr. Farooq Amjad Mir, ASC* *Brig. Javed Iqbal Cheema,* *Incharge, CMC M/o Interior.* *Lt. Col. Khalid Iqbal Sahu, M/o Defence*
Date of hearing	:	*06-08-2007*

O R D E R

Learned Attorney General appeared and states that he is under instructions to resolve the issue of missing persons after discussing the matter with the learned counsel appearing on behalf of missing persons. However, he requests that matter be adjourned for a period of two weeks enabling his office to convene a meeting with all the applicants, learned counsel appearing on behalf of

missing persons as well as the concerned authorities and thereafter a comprehensive report shall be submitted on the next date of hearing. Learned counsel appearing for applicants have expressed no objection.

All the cases are adjourned to ***20th August 2007.***

Chief Justice

Judge

Islamabad
06-08-2007
*MS/**

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

MR. JUSTICE JAVED IQBAL
MR. JUSTICE FALAK SHER

Human Right Cases No.965,4941,5624,5788,5866,5870 of 2006 & H.R. Cases No.48,220,292,314,1066 of 2007 alongwith Constitution Petitions No.5 & 29 & 37 of 2007, CMA-32/2007 in Const.P.Nil/2007, H.R.Cases No.2045-2051/2007, SMC 6/2007, Const.P.41.2007, HRC 2011,2022,2054, 1996, 1844 & 2053 OF 2007.

Saqlain Mehdi, etc. ... Complainants

Versus

Federation of Pakistan thr. Secy. M/o Interior & others

On Court Call: Mr. Tariq Mehmood Khokhar, DAG
Col. Javed Iqbal Lodhi,
Director National Crises, National Management Cell.
Mr. Arshad Ali Ch, AOR
Mr. Muhammad Amin Waince, SSP
Mr. Haseeb Baig, DSP
Mr. Babar Bakht, SP
Mr. Zaheer Ahmed, DSP
Mr. Shahzad Akbar, SP
Mr. Nasir Mushtaq, Inspector
Mr. Tariq Mahmood, DSP
Mr. Abdul Aziz Afridi, I.I.
Mr. Iftikhar Hussain, ASI
Dr. Arshad Ali, M.O.(Adyala Jail)
Lt. Col. Khalid Iqbal Sahoo (AJAG) M/o Defence
Mr. M. Anwar, S.O. M/o Defence
Syed Ameer-ud-Din, Political Agent, Khyber Agency

For complainants: Mr. Ikram Ch, Sr.ASC
Mr. Muhammad Munir Piracha, ASC
Mr. Farhatullah Babar
Mrs. Amna Masood Janjua

In Const.Petition.5/07: Syed Iqbal Haider, Sr.ASC
Mr. M.S. Khattak, AOR

In Const.Petition.29/07: Mr. Shaukat Aziz Siddique, ASC
Raja Abdul Ghafoor, AOR

In Const.Petition.37/07: Mr. Syed Zafar Abbas Naqvi, AOR

Date of hearing: 4.7.2007

...

ORDER

It is submitted by learned Deputy Attorney General that Imran Ali Naqvi is at home which has been confirmed from his mother.

2. Mrs. Khalid Khawaja entered appearance and submitted that threats are being extended by the Chief Commissioner and Deputy Commissioner Islamabad. It is to be noted that Khalid Khawaja has been released recently at the direction of learned High Court. The Chief Commissioner and Deputy Commissioner Islamabad are directed to refrain from extending any threats and if any action is required to be taken that should be in accordance with law.

3. In case of Masood Janjua and Faisal Faraz, Mr. Babar Bakht, Superintendent of Police who visited the Tablighi Markaz in Peshawar but no considerable progress could be made. It is, however, established that Masood Janjua and Faisal Faraz went Peshawar by means of Daewoo bus but disappeared thereafter. Mrs. Masood Janjua is present and submitted that an affidavit has been filed by her father-in-law namely Raja Ali Muhammad indicating that Masood Janjua is in the custody of ISI and MI. The learned Deputy Attorney General is directed to contact the relevant quarter and furnish comprehensive report keeping in view the affidavit filed by Raja Ali Muhammad mentioning that Masood Janjua is in the custody of ISI and MI.

4. During the last couple of weeks no material progress could be made in the case of Hafiz Abdul Basit. Muhammad Amin Waince, SSP is present and submitted that Hafiz Abdul Basit was arrested by DSP CID namely Tariq Mehmood and District police remained associated for providing necessary security and escort. He made it abundant clear that no case whatsoever was got registered against Hafiz Abdul Basit and he was not required by the District police. Tariq Mehmood the then Inspector CID has mentioned in a categoric manner that the arrest of Hafiz Abdul Basit was got effected at the direction of Tariq Pervaiz the then Additional I.G.P who is presently posted as DG FIA. Since relevant information could not be furnished by the above named police officer it is hereby directed that Tariq Pervaiz DG FIA shall remain present on the

next date of hearing. It is to be noted that it has been stated that the custody of Hafiz Abdul Basit was handed over to one Captain namely Amir Ali. Col. Javed Iqbal Lodhi, Director NCMC is present and submitted that no Captain with the name of Amir Ali could be traced out. The learned Deputy Attorney General expressed his doubt about the authenticity and genuineness of the receipt which was obtained on plain paper whereby the custody of Hafiz Abdul Basit was handed over to Captain Amir Ali. The learned Deputy Attorney General is directed to furnish a comprehensive report in this regard so that mystery could be resolved.

5. The learned Deputy Attorney General could not furnish any concrete information regarding Atiq-ur-Rahman who was found missing on the date of his marriage when he went for having a haircut. The learned Deputy Attorney General is directed to contact Col. Javed Iqbal Lodhi, Director, NCMC and necessary information if any qua the case of Atique-ur-Rahman be obtained and placed before this Court. In case of his non-availability with ISI and MI, affidavit to this effect be filed by some responsible officer of the concerned Ministry. Abdul Aziz Afridi Inspector by whom the investigation was conducted has submitted that Muhammad Arif Niaz, Deputy Chief Scientist, Sohail Hameed, Senior Scientist, Gulfam Khan and Syed Tanvir Hussain, Principal Scientists were interrogated but with no avail as Atique-ur-Rahman disappeared after obtaining one month's leave and subsequently dismissed from service on account of willful absence. In this regard affidavits have been filed by Mushtaq Ahmad, Salim Abbasi and Masood-ur-Rahman, copies whereof be made available to learned Deputy Attorney General for filing reply on or before the next date of hearing. It is worth mentioning that in this case FIR was also got lodged and the Investigation Officer be called to apprise this Court regarding the details of investigation and progress if any made so far.

6. In case of Qari Obaidullah, it has been informed that he has been released on 27.8.2005 but subsequently arrested by the agencies. It has been mentioned in a categoric manner by the learned ASC on behalf of Qari Obaidullah that his father had seen him in CMH Peshawar where he is under treatment. The learned Deputy Attorney General was not sure as to whether any case was got registered against him under the Pakistan Army Act or otherwise. A comprehensive report be submitted in this regard on or before the next date of hearing.

7. In case of Atif Javed, Textile Engineer, FIR was got lodged on 29.7.2005. The SP (Investigation) and Investigating Officer be summoned to apprise this Court regarding the progress made so far in this case.

8. In the case of Abdul Rahim Muslim Dost it has been pointed out by the Political Agent Khyber Agency that he is an Afghan national and arrested under the relevant provisions of Foreigners Act on 24.5.2007 and pursuant to the order passed by learned Additional District Magistrate. According to him, he is under investigation. Since the whereabouts of Abdul Rahim Muslim Dost have been traced out, therefore, Mr. Farhatullah Babar, learned ASC on his behalf has been directed to avail the available legal remedies, if so desired.

9. Mast Ali and Mangal Qaisrani have been traced out and they are living alongwith their families.

10. On behalf of Ali Asghar it is submitted by his learned counsel that necessary details would be furnished.

11. No material progress could be made in case of Naeem Noor Khan regarding whom categoric statements were made by Sheikh Rashid Ahmed, the then Information Minister, Faisal Saleh Hayat, the then Interior Minister and Lt.Gen. (R) Shaukat Sultan which were published in the leading newspapers. The learned Deputy Attorney General is hereby directed to furnish explanation to be obtained from Sheikh

Rashid Ahmed, Faisal Saleh Hayat, and Lt.Gen. Shaukat Sultan so that authenticity of the news published in the leading newspapers could be assessed.

12. The cases of Ghulam Qadar Marri, Khan Muhammad Marri and Luqman alias Usman have been examined which according to police were not taken into custody. Be as it may the IG Sindh is directed to submit a comprehensive report through the Deputy Attorney General within 15 days and more-so the concerned Superintendent of Police namely Lt. (R) Maqsood Ahmad shall remain present alongwith necessary record.

13. All the missing persons, details whereof have been mentioned in C.P. No.5 of 2007, 29 of 2007, 41 of 2007 and CMA 395 of 2007 be furnished by learned Deputy Attorney General including the case of Salim Baloch and Munir Mengal.

14. At belated stage Khalid Khawaja entered appearance and filed affidavit mentioning certain details regarding his detention. A copy of the same be made available to learned Deputy Attorney General enabling him to furnish comments on or before the next date of hearing.

15. Learned Deputy Attorney General is also directed to furnish report regarding one Aleem Nasir having German nationality and found missing since 18.6.2007.

16. A report also be furnished regarding Hafiz Khan Muhammad who allegedly was taken into custody by ISI through concerned DPO.

Adjourned. To come up on 18.7.2007.

Judge

Judge

Islamabad, the
4th July, 2007
Iqbal Naseer

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

MR. JUSTICE JAVED IQBAL
MR. JUSTICE ABDUL HAMEED DOGAR
MR. JUSTICE FALAK SHER

Human Right Cases No.965, 4941,5624,5788,5866,5870 of 2006 & H.R. Cases No.48,220,292,314,1066 of 2007 alongwith Constitution Petitions No.5 & 29 & 37 of 2007 and H.R.Cases No.2045-2051/2007, CMA-32/2007 & S.M. Case No. 6-7/2007.

Saqlain Mehdi, etc. ... Complainants

Versus

Federation of Pakistan thr. Secy. M/o Interior & others

On Court Call: Mr. Tariq Mehmood Khokhar, DAG
Col. Javed Iqbal Lodhi,
Director National Crises, National Management Cell.
Mr. Arshad Ali Ch, AOR
Mr. Muhammad Aslam Tareen, DIG
Mr. Khawar Akbar, DSP
Mr. Babar Bakht, SP
Mr. Ishfaq Alam, ASP
Mr. Zaheer Ahmed, DSP
Mr. M. A. Javed, DSP
Mr. Nasir Mushtaq, Inspector
Mr. Tariq Mehmood, DSP
Mr. Abdul Aziz Afridi, I.I
Mr. M. Yousaf, S.I
Mr. Fayyaz Ahmed,Inspector
Dr. Arshad Ali,M.O (Adyala Jail)

For complainants: Mr. Ikram Ch, ASC
Mr. Hashmat Ali Habib, ASC
Mr. Muhammad Munir Paracha, ASC
Mr. Fakhruddin G. Ibrahim, Sr. ASC
Mr. Farhatullah Babar
Mrs. Amna Masood Janjua

In Const.Petition.5/07: Syed Iqbal Haider, Sr.ASC
Mr. M.S. Khattak, AOR

In Const.Petition.29/07: Mr. Shaukat Aziz Siddique, ASC
Raja Abdul Ghafoor, AOR

In Const.Petition.37/07: Syed Zafar Abbas Naqvi, AOR

Date of hearing: 20.6.2007

O R D E R

Heard the above named learned ASCs and Mr. Tariq Mehmood Khokhar, learned Deputy Attorney General at length. In so far as the case of Imran Munir is concerned it has been informed that he has been

convicted and sentenced for 8 years and is presently confined in District Jail Jhelum. It is quite amazing that as to how he has been convicted and sentenced without having proper legal advice regarding which a direction was issued by this Court in an explicit manner on 6.6.2007 that Mr. Abdul Majeeb Pirzada, learned ASC should have access to see him for doing the needful. It appears that the order passed by this Court has been violated in a flagrant manner. Let Secretary Interior and Secretary Defence appear before this Court on the next date of hearing and explain as to why contempt of Court proceedings may not be initiated against them.

2. The entire record qua proceedings against Imran Munir in General Field Court Martial be placed on record and in case there is any sensitive material that may be placed before the Bench in Chamber. The learned Deputy Attorney General is directed to have the latest medical report of Imran Munir enabling this Court to pass appropriate orders, which according to the learned ASC is critical. This case should be separated from the rest of the cases and be fixed on Monday i.e. 25.6.2007. The learned DAG is further directed to contact the Superintendent Jail Jhelum in order to know the latest health condition of Imran Munir.

3. In so far Imran Ali Naqvi is concerned, it has been reported that he has been detained under the Security Laws. The learned DAG is not in a position to furnish details qua his place of detention . It is directed that meeting of his mother with Imran Ali Naqvi be arranged within this week.

4. Asif Biladi, Khatum Kumar and G.M. Baghat whose names are mentioned in CP No. 5/2007 have been booked in a case got lodged vide FIR No. 25/2007 under Section 4/5 of the Explosive Substances Act, 1908 read with section 6/7 of the Anti-Terrorism Act, 1997 and they

have been shown absconders and challan of the case has been submitted in the Court ATC, Haiderabad.

5. Regarding Mehr-ud-Din Marri it has been informed that at the moment he is at home. No further action is called for.

6. Regarding Haji Daud Khan Maingal it has been pointed out that a case was got registered against him at Police Station Preddy Karachi and presently he is confined in Central Jail, Karachi. It is to be noted that his name has been shown in both the petitions i.e. CP No.5 and 9/2007 simultaneously. Let the law takes its own course.

7. An application was moved by Mrs. Khalid Khawaja which was subsequently converted into petition. The main grievance of the petitioner was that her husband was in a critical condition and no medical facilities were provided to him and it was prayed that he may be referred to some hospital for medical treatment. Dr. Arshad Ali, Medical Officer Central Jail Adyala, Rawalpindi is present. In his view the condition of Khalid Khawaja is satisfactory and besides that it has been told by Mr. Shaukat Aziz Siddique, learned ASC that his detention orders have been quashed and within a day or two he would be released, therefore no further proceedings are required in the matter.

8. In so far as Masood Janjua and Faisal Faraz are concerned, there is no material progress in the matter. It is hereby directed that Secretary Interior and Secretary Defence after having consultation with all concerned quarters shall apprise this Court regarding the latest position as according to Mrs. Masood Janjua Senior Army/ISI Officers have told her that Masood Janjua is in custody of the Armed Forces and would be free very soon. In this regard she has referred to an affidavit of Col. Raja Ali Muhammad who is her father-in-law. On the next date of hearing report shall also be furnished by Babar Bakht, S.P

Investigation Lahore Cantt who is directed to make further investigation and visit the Tablighi Markaz Peshawar to find out as to whether Masood Janjua and Faisal Faraz were included in any Tablighi Jamaat and if so, where that Tablighi Jamaat was sent and for how much period.

9. In so far as Hafiz Abdul Basit is concerned, prima facie on the basis of record it can be inferred that his custody was handed over to M.I by Iftikhar Hussain, ASI. Mr. Muhammad Aslam Tareen, DIG Faisalabad is present and points out that Muhamad Amin Waince, SSP could not enter appearance being hospitalized. It is also pointed out that Tariq Mehmood, DSP CID remained associated with the arrest and handing over his custody to the Military Authorities. Muhammad Amin Waince, SP and Tariq Muhammad, DSP are directed to remain present on the next date of hearing alongwith necessary record showing in which case he was arrested and as to why and how he was handed over to the Military Authorities and under whose direction.

10. Mr. M. Ikram Chaudhry, learned ASC has entered appearance on behalf of Atiq-ur-Rahman and submitted that he has furnished affidavit containing all the necessary details. The learned DAG has pointed out that his affidavit has been received two days prior which is yet to be examined. Abdul Aziz Afridi, Inspector Investigation is present and highlighted the factual aspects of the controversy. It is pointed out that he obtained one month's leave and thereafter did not rejoin his duty and on account of wilful absence he was removed from service. It is submitted by Mr. Muhammad Ikram Ch, learned ASC that the concerned officers of the department may be associated with the investigation to find out any clue. After removal from service, we do not think that the above submission would be of any assistance

Abdul Aziz Afridi, Inspector Investigation shall contact the high ups of the department concerned and find his whereabouts. The learned DAG shall also contact Crises Management Cell in order to find any clue and submit report in this regard after two weeks.

11. The learned DAG states that Qari Obaidullah was released and thereafter, at the moment, he is missing. It is confirmed by Col. Javed Iqbal Lodhi that Qari Obaidullah was released. He is however, not in a position to mention the date of his release. The learned DAG shall submit a report regarding his date of arrest and the date of release. The father of Qari Obaidulah is present and pointed out that he had a telephonic conversation with his son on 5.6.2007 and he was assured by some Army Authorities that Qari Obaidullah shall be released but of no avail. Learned DAG is directed to submit a comprehensive report in this regard.

12. Due to an inadvertent omission Hyderabad was mentioned instead of Faisalabad. It is to be noted that FIR was got lodged at Faisalabad. The concerned SP shall remain present on the next date of hearing. SP Investigation shall also be present on the next date of hearing.

13. Mr. Farhat Ullah Babar is present and submitted that Abdul Rahim Dost was taken into custody by the Agencies in October,2006 and is presently in the custody of Political Agent, Khayber Agency. The learned DAG shall submit a comprehensive report in this regard on or before the next date of hearing.

14. Mr. Iqbal Haider, learned ASC is present and submitted that Mast Ali and Mangal Qasmani Bughti allegedly have been picked up by the Agencies for which the learned DAG is directed to submit a comprehensive report.

15. In so far as Ali Asghar Mangalzai is concerned, the petition filed by Mst. Noor Bibi wife of Ali Asghar, does not furnish certain details

which are necessary to have a report from the quarter concerned. Mr. Hashmat Hayat is present and submitted that all the necessary details will be furnished and copy of the same shall be provided to the learned DAG who shall submit comprehensive report within two weeks.

16. The learned DAG has pointed out that probe was made in the name of Hayat Noor Khan and now it has been revealed that his exact name is Naeem Noor Khan. The learned DAG shall contact the quarter concerned and furnish a comprehensive report regarding Naeem Noor Khan in view of the categorical statement made by the two Federal Ministers namely Sheikh Rashid Ahmed and Faisal Saleh Hayat qua his arrest.

17. Ghulam Qadar Marri and Khan Muhammad Marri both brothers inter se have been arrested by the agencies on 16.4.2007 and Luqman alias Usman was arrested on 14.6.2006. The learned DAG is directed to submit a comprehensive report in this regard.

18. The learned DAG shall also submit a comprehensive report regarding missing persons in CP No. 965/2007.

19. A report shall also be furnished by the learned DAG regarding the names of missing persons in CP No. 37/2007 within a period of 2 weeks.

20. Mr. Fakhruddin G. Ibrahim, learned Sr.ASC entered appearance on behalf of the Human Rights Commission and contended vehemently that the affidavits be obtained from the agencies regarding the persons "released/freed" with all the necessary details as directed earlier by this Court. The submission made by Mr. Fakhruddin G. Ibrahim, learned Sr.ASC will be considered later on.

21. Director General, Crises Management Cell shall remain present on each date of hearing till the controversy is set at naught.

Adjourned to 4.7.2007.

Judge

Judge

Judge

Islamabad
Ejaz Goraya
20.6.2007

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

MR. JUSTICE JAVED IQBAL
MR. JUSTICE ABDUL HAMEED DOGAR
MR. JUSTICE FALAK SHER

Human Right Cases No.965, 4941,5624,5788,5866,5870 of 2006 & H.R. Cases No.48,220,292,314,1066 of 2007 alongwith Constitution Petitions No.5 & 29 & 37 of 2007 and H.R.Cases No.2045-2051/2007 & CMA-32/2007.

Saqlain Mehdi, etc. ... Complainants

Versus

Federation of Pakistan thr. Secy. M/o Interior & others

On Court Call: Mr. Tariq Mehmood Khokhar, DAG
Col. Javed Iqbal Lodhi,
Director National Crises, National Management Cel
Mr. Arshad Ali Ch, AOR
Mr. Abdul Mujeeb Pirzada, ASC
Raja Nasir Ahmed SSP
Mr. Babar Bakht, SP
Mr. Ishfaq Alam, ASP
Mr. Zaheer Ahmed, DSP

For complainants: Mr. Ikram Ch, ASC
Mr. Hashmat Ali Habib, ASC
Mr. Muhammad Munir Piracha, ASC
Dr. Babar Awan, ASC
Mr. Farhatullah Babar
Mrs. Amna Masood Janjua

In Const.Petition.5/07: Syed Iqbal Haider, Sr.ASC
Mr. M.S. Khattak, AOR

In Const.Petition.29/07: Mr. Shaukat Aziz Siddique, ASC
Raja Abdul Ghafoor, AOR

In Const.Petition.37/07: Mr. Syed Zafar Abbas Naqvi, AOR

Date of hearing: 6.6.2007

...

ORDER

The learned Deputy Attorney General has submitted that four persons have been traced out, details whereof are as under:-

a) Sher Ahmed Jan presently confined in Dera Ismail Khan in a bomb blast case.

b) Muhammad Jan Masood is in custody in a bomb blast case at Dera Ismail Khan.

c) Afzal is at home.

d) Shabbir is also at home.

2. The learned Deputy Attorney General informed that out of 254 missing persons 102 persons have been traced out so far.

3. A comprehensive report has been furnished regarding Faisal Faraz and Masood Janjua which is indicative of the fact that they both were seen at Peshawar. According to Mrs. Masood Janjua, Faisal Faraz and Masood Janjua are in the custody of ISI and detained some where in Peshawar. It is further pointed out by her that Masood Janjua has been frequently transferred from different places and there is every possibility of his detention in 501 Workshop which is used for such purposes.

4. In case of Hafiz Basit it is submitted that his custody was handed over to MI at the direction of Mr. Umar Amin Waince, S.S.P. He is directed to remain present on the next date of hearing. He is also directed to produce Hafiz Basit before the Court on the next date of hearing.

5. Mr. Muhammad Ikram Chaudhry, learned ASC entered appearance on behalf of Atiqueur Rehman and requested that a short adjournment be granted enabling him to file affidavit showing that Atiqueur Rehman is in the custody of ISI. Let the affidavit be placed on file and further action will be taken thereafter.

6. Mr. Abdul Mujeeb Pirzada, learned ASC entered appearance on behalf of Imran Munir. It is to be noted that he is booked in espionage case and presently facing general field court martial proceedings. Be as it may, Mr. Abdul Mujeeb Pirzada, learned ASC along with sister of Imran Munir be given access so that necessary legal advice could be tendered. It is also pointed out that Imran Munir is in a critical condition. The learned Deputy Attorney General is directed to contact the concerned authorities so that proper medical facilities could be extended. A date for the meeting of Mr. Abdul Mujeeb Pirzada, learned ASC alongwith sister of Imran Munir be arranged by the learned Deputy Attorney General with mutual consent of the parties.

7. It is submitted by learned Deputy Attorney General that after expiry of detention period, Qari Obaidullah has been released. It is to be noted that in Writ Petition bearing No.506/04 preferred in the Lahore High Court it was stated by the learned Deputy Attorney General on

behalf of Government that Qari Obaidullah was in their custody. How to reconcile this contradictory position. The learned Deputy Attorney General shall furnish a comprehensive report in this regard.

8. The learned Deputy Attorney General has submitted that Qari Abdur Rehman has been released.

9. The learned Deputy Attorney General submitted that hectic efforts are in hand to trace out Atif Javed who is reportedly a Textile Engineer and missing from Hyderabad. FIR was also got lodged but no action seems to have been taken. The concerned Superintendent of Police shall remain available on the next date of hearing alongwith necessary record.

10. Mr. Farhatullah Babar, learned ASC has made certain recommendations to resolve the problem in black and while. It is also submitted by him that Secretary, Ministry of Defence and Secretary, Ministry of Interior be directed to remain present on each date of hearing.

11. Dr. Babar Awan, learned ASC entered appearance on behalf of Hayat Noor Khan and submitted that he was detained in May 2003. In order to support his contention a press conference convened by Sheikh Rasheed Ahmed, the then Minister Information, Syed Faisal Saleh Hayat, the then Minister Interior and Maj. General Shaukat Sultan duly published in various newspapers has been referred. It is submitted that arrest of Hayat Noor Khan has been confirmed and accordingly a direction be made to produce him before this Court. The learned Deputy Attorney General has been directed to contact the quarter concerned and furnish a report regarding the arrest of Hayat Noor Khan with all necessary details. In case he is under detention, he should be produced before the Court.

12. Syed Iqbal Haider, learned Sr. ASC entered appearance on behalf of Human Rights Commission and submitted that the Government has no authority to detain a citizen for an indefinite period. Syed Iqbal Haider, learned Sr. ASC remained critical of the evasive statements which are being made in this regard on behalf of Government. It is submitted that Government be directed to file affidavit on behalf of each of the detenu by furnishing various details such as his date of arrest, date of release, case registered and decision by the court. It is also

pointed out that one Abdul Waheed Qamber has been arrested by the ISI and referred a letter published in 'Daily Dawn' written by the daughter of Abdul Waheed Qamber. The letter is converted into petition and the learned Deputy Attorney General is directed to furnish necessary details. Similarly it is submitted that Shahzain Bugti son of Talal Bugti has been arrested. His case may be clubbed with the petitions in hand and the learned Deputy Attorney General shall furnish a comprehensive report in this regard. Syed Iqbal Haider, learned Sr. ASC told that CMA No.1395/2007 is pending without any action.

13. Mr. Muhammad Munir Peracha, learned ASC appeared on behalf of Ali Asghar who was arrested some where in 2001. The learned Deputy Attorney General shall furnish a report in this regard.

14. The learned Deputy Attorney General is also directed to furnish a comprehensive report regarding all the missing persons who are mentioned in Constitution Petition bearing No.29 of 2007. It is also submitted that Qazi Bugti, Rizwan Yousuf, Salim Baloch and Imran Ali Naqvi are also missing for which a report shall be submitted by the learned Deputy Attorney General.

15. Matter adjourned. To come up on 20.6.2007

Judge

Judge

Judge

Islamabad, the
~~27th~~ April, 2007
Iqbal Naseer

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:
MR. JUSTICE ABDUL HAMEED DOGAR
MR. JUSTICE FALAK SHER

Human Right Cases No.965, 4941,5624,5788,5866,5870 of 2006 & H.R. Cases No.48,220,292,314,1066 of 2007 along with Constitution Petitions No.5, 29 & 37 of 2007

Saqlain Mehdi, etc. ... Complainants

Versus

Federation of Pakistan thr. Secy. M/o Interior & others

On Court Call:	Mr.Tariq Mehmood Khokhar, DAG Col.Javed Iqbal Lodhi, Director National Crises Management Cell. Mr.Arshad Ali Ch., AOR Syed Feroz Shah, DPO Charsada Iftikhar Hussain, ASI
For complainants:	Mr.Ikram Ch., ASC Mr.Hashmat Ali Habib, ASC Mr.Muhammad Munir Peracha, ASC Dr.Babar Awan, ASC Mr.Farhatullah Babar Mrs. Amna Masood Janjua
In Const.P.5/07:	Syed Iqbal Haider, ASC Mr. M.S. Khattak, AOR
In Const.P.29/07:	Mr. Shaukat Aziz Siddique, ASC Raja Abdul Ghafoor, AOR
In Const.P.37/07	Mr.Habib-ur-Rehman, ASC
Date of hearing:	25.5.2007

...

ORDER

Mr.Tariq Mahmood Khokhar, learned Deputy Attorney General while explaining the progress in the matter with regards to missing persons stated that so far as Faisal Faraz is concerned, FIR has been lodged and a committee consisting of Mr.Muhammad Ashfaq Aslam, ASP/SPO Defence

Circle, Lahore, Mr.Zaheer Ahmed, DSP/OC Cantt. Division and Inspector Khalid Mehmood Afzal, Incharge Investigation PS Defence Area, Lahore has been constituted for looking into the matter. Superintendent of Police, Investigation Cantt. Division has submitted progress report which is placed on record, he however, requests for further time. Learned DAG is directed to supply the copy of report to the other side. In continuation of our earlier direction dated 11.5.2007, learned DAG is directed to obtain record of Daewoo Bus Service from Lahore and Rawalpindi as it is alleged that Faisal Faraz along with Masood Janjua were intending to go Peshawar through Daewoo Bus on the fateful day. A comprehensive report be filed by learned DAG on the next date of hearing, copy of which be supplied to the other side two days prior to the next date of hearing.

2. As regards Hafiz Abdul Basit, Mr.Shaukat Aziz Siddique, learned ASC requests for time to file affidavit of Hafiz Muhammad Nasir maternal uncle of Hafiz Abdul Basit. Mr.Iftikhar Hussain, ASI has produced a certificate whereby he handed over the custody of Hafiz Abdul Basit to army personals/officials Captain Aamir Ali, MI at Pindi Bhattian Toll Plaza. Copy of which has been supplied to learned DAG, who is directed to file comprehensive report in this regard two days prior to the next date of hearing.

3. As regards Attique ur Rehman, Mr.Ikram Ch., learned ASC states that he has filed affidavits and other necessary documents in the office, copy of which will be provided to the

learned DAG, who will file comprehensive report before the next date of hearing. Mr. Ikram Ch., learned ASC has also filed a list of 43 persons out of which 23 have been traced, but 12 persons, namely, Masood Ahmed Janjua, Faisal Faraz, Hafiz Abdul Basit, M.Altaf, M.Attique-ur-Rehman, Goharam Saleh, Gul Muhammad, Dr.Muhammad Hanif Bugti, Jan Muhammad, Saleem Baloch, Muhammad Ibrahim and Munir A.Mengal are still missing whereas 7 persons, namely, M.Umer Siddique, M.Zahir, Rehmat Ullah Shohaz, M.Mansoor, Malik Zulfiqar and Syed Saffar Ali Shah, whose cases are opened in Court. Copy of which has been provided to learned DAG, who is directed to file comprehensive report about said 12 persons and those whose cases are pending in the Court.

4. As regards Imran Munir, who is facing trial before the Court Field Marshal General, directions were given on the last date of hearing to the learned DAG to take necessary steps enabling his family to see him. Learned DAG informs that meeting of Ms.Adeela Munir, the sister was convened whereas the meeting of other family members, namely, Dr.Munir Ahmed, father and Mst.Shumaila Munir, sister will be arranged latest by Tuesday.

5. As regards Qari Obaidullah, learned DAG states that he is still not traced. It is pertinent to note that on the last date of hearing specific directions were given to the learned DAG that a statement was filed by Ch.Tariq, the then DAG before learned Lahore High Court, Rawalpindi Bench that Qari

Obaiduallh is in custody in connection with a case relating to Section 2(d) of the Pakistan Army Act, 1952, has not been attended to and no progress of any sort has been shown in this connection. Today he is again directed to verify the above fact and submit detailed report in writing prior to the next date of hearing.

6. Learned DAG states that Qari Abdul Rehman has been traced and is a free person. As regards Masood Ahmed Janjua, Idress Abbasi and Atif Javed, he states that they are not traced but hectic efforts are being made to trace them out. He is directed to file progress report before the next date of hearing.

7. It is informed that Saud Memon who was produced in this Court in a critical condition, who was later on hospitalized in Liaquat National Hospital, Karachi on the directions of this Court has reportedly died on 18.5.2007 and medical report has been submitted by learned DAG which is placed on record.

8. Col.Javed Iqbal Lodhi, Director, National Crises Management Cell informs that 5 more persons out of the list of 143 persons, namely, Qari Abdul Rehamn, Qari Saifullah Akhtar, Yasir Arfat, and Qari Subhandullah have been surfaced and they are found available in their respective houses whereas Haji Dawood Mengal is with Karachi Police. He, however, requests for time to trace out the remaining persons and submit particulars about Haji Dawood Mengal in detail.

9. In compliance of order of this Court Mr.Farhat Ullah Babar has filed various suggestions for tracing out the missing persons.

10. Dr.Babar Awan, learned ASC has entered appearance in CMA No.974 of 2007 filed by Hayyat Noor Khan. Court time is over. His case will be taken up at S.No.1 on the next date of hearing.

13. Adjourned to **06.6.2007**

Judge

Judge

ISLAMABAD.
25.5.2007
(Aamir Sh.)

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:
MR. JUSTICE JAVED IQBAL,
MR. JUSTICE ABDUL HAMEED DOGAR
MR. JUSTICE MIAN SHAKIRULLAH JAN

Human Right Cases No.965, 4941,5624,5788,5866,5870 of 2006 & H.R. Cases No.48,220,292,314,1066 of 2007 alongwith Constitution Petitions No.5 & 29 of 2007

Saqlain Mehdi, etc. ... Complainants

Versus
Federation of Pakistan thr. Secy. M/o Interior & others

On Court Call: Mr.Tariq Mehmood Khokhar, DAG
Mr. Shamshadullah Cheema, Standing Counsel
Col.Javed Iqbal Lodhi, Director
National Crises Management Cell.
Mr.Arshad Ali Ch., AOR

For complainants: Mr.Ikram Ch., ASC
Mr.Hashmat Ali Habib, ASC
Dr. Babar Awan, ASC
Mr. Farhatullah Babar
Mrs. Amna Masood Janjua

In Const.P.5/07: Mr. Fakhruddin G. Ibrahim, Sr. ASC
Syed Iqbal Haider, ASC
Mr. M.S. Khattak, AOR

In Const.P.29/07: Mr. Shaukat Aziz Siddique, ASC
Raja Abdul Ghafoor, AOR

Date of hearing: 04.5.2007

...

ORDER

In pursuance of order dated 27.4.2007 a report has been furnished about Faisal Faraz, Imran Munir, Asad Usman, Attique ur Rehman and Qari Saifullah Akhtar.

2. In case of Faisal Fraz, report about his missing was got lodged in the roznamcha of Defence Police Station, Lahore on 14.9.2005. The concerned DPO and SHO be summoned along with the entire record on the next date of hearing. Learned

Deputy Attorney General is directed to be in touch with the crises management cell for the proper implementation of all the orders made so far by this Court.

3. Mr.Fakhruddin G.Ibrahim, learned Sr.ASC entered appearance on behalf of Human Right Commission and submitted that 101 persons are missing and pointed out that in order to resolve the controversy a commission may be constituted for recording of evidence. It is directed that detailed affidavits be filed regarding the missing persons who have been traced out and now reportedly 52 persons have been traced out enabling this Court to fix the responsibility. In the affidavits all the necessary details such as time of arrest, place of arrest, duration of arrest including nature of accusation be given.

4. We have dilated upon Constitution Petition No.29 of 2007. Saud Memon is in pathetic and critical condition, he is directed to be shifted to Federal Government Services Hospital (Poly Clinic) where he shall be got medically examined and detail report be furnished in this regard. It is clarified that in view of his serious ailment he shall not be arrested without prior approval of this Court.

5. So far as Obaidullah is concerned, he is missing since 24.3.2004, learned Deputy Attorney General is directed to furnish comprehensive report in this regard.

6. In the case of Hafiz Abdul Basit, it is pointed out that a statement was got recorded by Iftikhar Hussain, ASI who delivered his custody to military authorities. Iftikhar Hussain,

ASI is directed to remain present on the next date of hearing so that necessary details could be obtained.

7. Mr.Farhatullah Babar gave various suggestions, he is directed to reduce the same in black and white in order to pass necessary orders.

8. Col. Javed Iqbal has been notified as Deputy Director, Crisis Management Cell enabling the families of missing persons to contact him for obtaining necessary information. It has been noticed with grave concern that pace of progress in the case is negligible, however, he is directed to contact all the concerned to trace out the missing persons and a thorough report be submitted in this regard.

9. In so far as Attique Rehman is concerned IG NWFP and DPO Abbottabad are summoned as the FIR was lodged in Police Station City, Abbottabad.

10. In the case of Imran Munir it is stated that he was arrested on the allegation of spying for foreign elements and is facing court field marshal general. Learned Deputy Attorney General is directed to take necessary steps enabling his family to see him. So far Qari Abdul Rehman is concerned, learned Deputy Attorney General is directed to furnish detailed report.

11. Rejoinder in Constitution Petition No.5 of 2007 filed by Human Right Commission (CMA No.1395/07) along with affidavits be placed on record.

12. Mr.M.Munir Perecha, learned ASC prays that Cr.M.Appeal No.32/2007 involving similar controversy be

clubbed along with the present matters. The request is allowed.

13. Mst.Amna Masood Janjua has categorically stated that according to her information her husband Masood Ahmed Janjua has been kept by the agencies. Learned Deputy Attorney General is directed to look into the matter and latest report be furnished.

14. Father of Idrees Abbasi is present, the name of his son has been included in the list provided in Constitution Petition No.29 of 2007. Learned Deputy Attorney General is directed to file comprehensive report in this regard.

15. Learned Deputy Attorney General is also directed to file report about Atif Javed a Textile Engineer, who is reportedly missing.

16. To come up on Friday i.e. **11.5.2007.**

Judge

Judge

Judge

ISLAMABAD.
04.5.2007
(Aamir Sh.)

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
MR. JUSTICE JAVED IQBAL
MR. JUSTICE MIAN SHAKIRULLAH JAN

Human Right Cases No.965, 4941,5624,5788,5866,5870 of 2006 & H.R. Cases No.48,220,292,314,1066 of 2007 alongwith Constitution Petitions No.5 & 29 of 2007

Saqlain Mehdi, etc. ... Complainants
Versus
Federation of Pakistan thr. Secy. M/o Interior & others

On Court Call:	Ch. Afrasiab Khan, DAG Mr. Shamshadullah Cheema, Standing Counsel Mr. Kamran Rasool, Secretary M/o Defence Brig.® Javed Iqbal Cheema, D.G.National Crises Management Cell. Mr. Imtiaz Kazi , Addl. Secretary M/o Interior
For complainants:	Mr. Hashmat Ali Habib, ASC Dr. Babar Awan, ASC Mr. Farhatullah Babar Mrs. Amna Masood Janjua
In Const.Petition.5/07:	Mr. Fakhruddin G. Ibrahim, Sr. ASC Ms. Asma Jehangir, ASC Mr. M.S. Khattak, AOR
In Const.Petition.29/07:	Mr. Shaukat Aziz Siddique, ASC Raja Abdul Ghafoor, AOR
Date of hearing:	27.04.2007

...

ORDER

Addl. Secretary Interior and Secretary Defence are present. Learned counsel on behalf of complainants as well as learned Deputy Attorney General are present. The prevalent situation has been highlighted by Mr. Javed Iqbal Cheema, Director General, Crises Management Cell, Ministry of Interior and a report has been furnished which is indicative of the fact that by now 56 persons have been traced out. It is also pointed out by Mr. Javed Iqbal Cheema that so far as the list furnished by Human Rights Commission is concerned the particulars of missing persons are incomplete and until and unless complete addresses and details are furnished it would not be possible to trace them out. He has, however, assured that no action will be taken which is not in consonance with the relevant provisions of Constitution and Law. It is also pointed out that Agencies such as ISI & M.I. are answerable before Ministry of Interior and Defence Ministry apart from the Operational Command Channel. It is also assured by Secretary Defence and Secretary Interior that every action will be

taken in accordance with law and according to them hectic efforts are in hand to find out the whereabouts of missing persons. However, it is directed that a comprehensive report be furnished with regard to Faisal Faraz, Imran Munir, Asad Usman, Ateeq-ur-Rehman and Qari Saifullah Akhtar on or before the next date of hearing.

In so far as the case of Naeem Noor Khan is concerned it is pointed out by learned Deputy Attorney General that a few days more may be given enabling him to furnish comments qua Naeem Noor Khan. It is submitted by Dr. Babar Awan, learned counsel on behalf of Naeem Noor Khan that production order qua Naeem Noor Khan may be passed. Let at first instance the comments be furnished by learned Deputy Attorney General and thereafter any appropriate order as may be deemed fit and proper will be passed. Asad Usman who is reportedly 9 years old detained by Frontier Constabulary in *Tump or Mund (Turbat-Balochistan)* to procure the arrest of his elder brother be released forthwith if not required in any case. Learned Deputy Attorney General shall submit a report with three days regarding Asad Usman. Mr. Fakhruddin G. Ibrahim and Ms. Asma Jehangir, learned ASCs have assured to furnish complete list of missing persons. An officer of the rank of Deputy Secretary, Interior be notified with his telephone number enabling the families of missing persons to contact him for obtaining necessary information. In Constitution Petition No.29 of 2007 notice be given to learned Deputy Attorney General. Matter adjourned. To come up on 4.5.2007.

Judge

Judge

Islamabad, the
27th April, 2007
M.A.Malik/*

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE JAVED IQBAL
MR. JUSTICE ABDUL HAMEED DOGAR
MR. JUSTICE MIAN SHAKIRULLAH JAN

Human Rights Cases No.965/05, 4941/06, 5624/06,5788/06, 5866/06, 5870/06, 48/07, 220/07, 292/07, 314/07, 1066/07 & Const. P. No.5 of 2007, CMA No.974-H/07 in H.R.C.965/05

Saqlain Mehdi, etc. ... Complainants

Versus

Federation of Pakistan thr. Secy. M/o Interior & others ... Respondents

For the petitioners: Mr. Fakhruddin G. Ibrahim, Sr. ASC
Mr. Hashmat Ali Habib, ASC
Mr. M.S. Khattak, AOR
Ms. Amina Masood Janjua
Mr. Farhat Ullah Babar & others

On Court call: Raja Muhammad Irshad, DAG

For the petitioners in CMA 974-H/07: Dr. Babar Awan, ASC

For the Federation of Pakistan: Ch. Arshad Ali, AOR

Date of hearing: 20.04.2007

.....

ORDER

Heard learned counsel for the parties at length. We are conscious of the fact that pace of progress is really negligible in this case. It is submitted today that learned Attorney General for Pakistan is out of station today. Be as it may on the next date of hearing learned Attorney General for Pakistan shall remain present and simultaneously the concise statement will be furnished on or before the next date of hearing. It would be in the interest of justice if the Secretary Interior, Secretary Defence and Director General National Crises Management Cell shall remain present on the next date of hearing so that the controversy could be resolved in appropriate and effective manner. In case of Hayat Noor Khan (CMA No.974-H/07 in H.R.No.965/05) notice is also given to learned Deputy Attorney General. Chaudhry Muhammad Arshad Advocate is present and submitted that he has been appointed as

Advocate on Record in this case who assured that concise statement will be furnished on or before the next date of hearing. Matter adjourned. To come up on Friday 27th of April, 2007 at serial No.1.

Judge

Judge

Judge

Islamabad, the
20th April, 2007
M.A.Malik/

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
Mr. Justice Abdul Hameed Dogar
Mr. Justice Mian Shakirullah Jan

Human Rights Cases No. 965/05, 4941/06, 5624/06, 5788/06, 5866/06, 5870/06, 48/07, 220/07, 292/07, 314/07, 1066/07 & Const. Petition No.5 of 2007

Saqlain Mehdi etc. ...Complainants

Versus

Federation of Pakistan thr. Secy. M/o Interior & others ...Respondents

For the complainants:	Mr. Fakhruddin G. Ibrahim, Sr. ASC Mr. Hashmat Ali Habib, ASC Mr. M.S. Khattak, AOR Ms. Amina Masood Janjua Mr. Farhat Ullah Babar and others
For the petitioners in Const. P. No.5/07:	Syed Iqbal Haider, Sr. ASC
On Court call:	Raja Muhammad Irshad, DAG
Date of hearing:	10.4.2007

ORDER

Raja Muhammad Irshad, DAG requests for one week's time to file concise statement in this matter, which is allowed, however, he will provide copies of the statement to the other side two prior to the hearing of the matter. Mr. Farhat Ullah Babar has also moved an application for impleadment as party in this case. He is directed to file such application in the office.

On the last date of hearing learned Attorney General for Pakistan was directed to appear but he is not present. He is directed to be present on **20.4.2004** when the matter will be re-fixed.

Judge

Judge

Islamabad, the
10th April, 2007
Nisar/*

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT
Mr. Justice Iftikhar Muhammad Chaudhry, HCJ.
Mr. Justice Mian Shakirullah Jan
Mr. Justice Saiyed Saeed Ashhad

HUMAN RIGHT CASE NO.965 OF 2005.
(Missing of Mr. Masood)

Attendance

Complainant	:	*Mrs. Amna Masood in person.*
On Court Notice	:	*Mr. Nasir Saeed Sheikh, DAG*
Date of hearing	:	*22-01-2007.*

O R D E R

Learned DAG has submitted a report according to which remaining 16 missing persons are not with the agencies, whereas according to complainant so far only 18 persons have been released. When we asked the learned DAG as to why the information conveyed by the applicant through affidavits of the persons released has not been passed on to the concern agencies, through Secretary Interior enabling them to effect the recovery and to produce the detenues, he was unable to give a satisfactory reply and sought some time to do the needful.

2. It is to be noted that these affidavits were handed over to him in the month of December and by the time he could have made a considerable progress in the case.

3. Be that as it may, learned DAG is directed to convene a meeting with the Secretary Interior and sort out a methodology to utilize the information which has been conveyed to him by the complainant.

Adjourned to 6th February 2007. We would appreciate if learned Attorney General appears himself in view of the importance of the matter, on the next date of hearing.

Islamabad the
22nd January 2007.
MS/.*

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE JAVED IQBAL
MR. JUSTICE ABDUL HAMEED DOGAR
MR. JUSTICE MIAN SHAKIRULLAH JAN

Human Rights Cases No.965/05, 4941/06, 5624/06,5788/06, 5866/06, 5870/06, 48/07, 220/07, 292/07, 314/07, 1066/07 & Const. P. No.5 of 2007

Saqlain Mehdi, etc. ... Complainants

Versus

Federation of Pakistan thr. Secy. M/o Interior & others ... Respondents

For the petitioners: Mr. Fakhruddin G. Ibrahim, Sr. ASC
Mr. Hashmat Ali Habib, ASC
Mr. M.S. Khattak, AOR
Farahat Amial Babar

For the petitioners in Const. P.No.5/07: Syed Iqbal Haider, Sr. ASC

On Court call: Raja M. Irshad, Deputy Attorney General.

Date of hearing: 26.03.2007

.....

ORDER

The concise statement in all the petitions be filed within a period of fortnight. Notice to learned Advocate General for Pakistan. Matter adjourned. To be fixed on Tuesday the 10th of April 2007. Copy of Concise statement/reply furnished by the respondent be made available to the learned counsel for petitioners at least two days before the fixed date.

Judge

Judge

Judge

Islamabad, the
26th March, 2007
M.A.Malik/

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:
Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Muhammad Nawaz Abbasi
Mr. Justice Mian Shakirullah Jan

Human Rights Case Nos.965 of 2005, 4941, 5624, 5788, 5866, 5870 of 2006
And 48, 220, 292, 314 and 1066 of 2007
(Complaints for recovery of missing persons)

Complainant:	Mrs. Amina Masood Janjua
On Court Notice:	Mr. Nasir Saeed Sheikh, DAG (On behalf of Attorney General for Pakistan)
Date of hearing:	8.3.2007

ORDER

H R Case NO.965/05

Learned Deputy Attorney General stated that Attorney General is in disposed, therefore, this case may be adjourned. Mrs. Amina Masood, however, apposed the request and stated that no progress has been made during last three weeks by the Government of Pakistan through Attorney General.

Since adjournment has been sought on personal grounds, therefore, we have to postpone the case.

Human Rights Case Nos. 4941, 5624, 5788, 5866, 5870 of 2006
And 48, 220, 292, 314 and 1066 of 2007

Office is directed to issue notices of these cases to the learned Attorney General for Pakistan.

Adjourned to 26.3.2007.

Chief Justice

Judge

Judge

Islamabad, the
8th March, 2007
Nisar/*

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION).

PRESENT:
MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ
MR. JUSTICE MIAN SHAKIRULLAH JAN
MR. JUSTICE SAIYED SAEED ASHHAD

HUMAN RIGHT CASE NO. 965 OF 2005
(Missing of Mr. Masood Janjua).

ATTENDANCE:

Complainant: Mrs. Amna Masood (in person)

On Court Notice: Mr. Makhdoom Ali Khan, A.G. for Pakistan
Mr. Nasir Saeed Sheikh, D.A.G.

Date of hearing: 15.02.2007.

O R D E R.

Learned Attorney General submitted a statement duly signed by Syed Iftikhar Hussain Naqvi, Section Officer (Law) Ministry of Interior according to which out of the list of remaining 16 persons Muhammad Aleem Tariq is in the custody of Punjab Police under section 11 of the Anti-Terrorism Act. The aggrieved person may approach the competent forum for his release as now his case will be dealt with according to the said law. Two persons, namely, Muhammad Mansoor and Malik Zulfiqar have been detained at Islamabad under the Pakistan Security Act, 1952. It is further stated in the report that M/S Mitha Khan Murri, Sameeullah Baloch and Haji Jan Muhammad are not in custody of any of the agencies of the country, therefore, they are free persons. However, despite of the above fact, efforts will be made to trace them. He has also given the list of further 10 persons whose whereabouts could not traced so far and efforts are being made to trace them. This list also contains the name of Masood Ahmed Janjua husband of

the applicant. Learned Attorney General stated that for doing the needful, further time of three weeks may be granted. Adjourned to 8th March, 2007.

Chief Justice

Judge

Judge

Islamabad, the
15.02.2007
MAZ

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:
MR. JUSTICE ABDUL HAMEED DOGAR
MR. JUSTICE MIAN SHAKIRULLAH JAN

Human Right Cases No.965, 4941,5624,5788,5866,5870 of 2006 & H.R. Cases No.48,220,292,314,1066 of 2007 along with Constitution Petitions No.5, 29 & 37 of 2007

Saqlain Mehdi, etc. ... Complainants

Versus

Federation of Pakistan thr. Secy. M/o Interior & others

On Court Call:	Mr.Tariq Mehmood Khokhar, DAG Col.Javed Iqbal Lodhi, Director National Crises Management Cell. Mr.Arshad Ali Ch., AOR Mr.Sharif Virk, IG NWFP Dr.Ishtiaq Ahmed Marwat, DPO Abbottabad Mr.Aftab Ahmed Cheema, SSP (Op) Lahore Mr.Arshad Hayat Kanjo, Inspector Mr.M.Aslam Tareen, DIG Faisalabad
For complainants:	Mr.Ikram Ch., ASC Mr.Hashmat Ali Habib, ASC Mr. Farhatullah Babar Mrs. Amna Masood Janjua
In Const.P.5/07:	Ms.Asma Jehangir, ASC Mr. M.S. Khattak, AOR
In Const.P.29/07:	Mr. Shaukat Aziz Siddique, ASC Raja Abdul Ghafoor, AOR
In Const.P.37/07	Mr.Habib-ur-Rehman, ASC
Date of hearing:	11.5.2007

...

ORDER

Mr.Tariq Mahmood Khokhar, learned Deputy Attorney General while explaining the progress in the matter with regards to missing persons stated that so far as Faisal Faraz is concerned, his whereabouts are not yet traced. Mst.Zainab

Khatoon mother of Faisal Faraz informed that his son has gone on tableigh on 30.7.2005 whereafter he did not return and is missing since then, such report was lodged in the roznamcha of Defence Police Station, Lahore on 14.9.2005. Mr.Aftab Ahmed Cheema, SSP (Operation), Lahore entered appearance and filed report in writing wherein he has mentioned that hectic efforts are being made to locate missing Faisal Faraz. At this juncture Mst.Amna Janjua stated that her husband Masood Ahmed Janjua also accompanied Faisal Faraz from Rawalpindi, they did not come back and both of them are missing. SSP (Operation), Lahore is directed to lodge FIR and make a through probe into the matter after verifying the record of tableighi marakiz in Peshawar and Raiwind, record the statements of the persons who are incharge of the marakiz and also the persons who had gone along with him on tableigh.

2. As regards Hafiz Abdul Basit, learned DAG informed that his whereabouts are also not traceable. Hafiz Muhammad Nasir maternal uncle of Hafiz Abdul Basit present in Court stated that one Iftikhar Hussain, ASI ATC Faisalabad handed over the custody of Hafiz Abdul Basit to army personals/officials Captain Aamir Ali, MI at Pindi Bhattian Toll Plaza, such report has been placed on record today. He, however, informs that Major Ali and Major Sadiq arranged his meeting with Hafiz Abdul Basit at Chaklala Cantt. He is directed to file affidavit in this respect and supply copy to

learned DAG, who will file comprehensive report in this regard two days prior to the next date of hearing.

3. As regard Attique ur Rehman, learned DAG stated that he is also not traceable. Mr.Ikram Ch., learned ASC informs that Attique ur Rehman is missing since 24.4.2004 and FIR was lodged on 17.7.2004. Today Mr. Muhammad Sharif Virk, IG NWFP along with Ijaz, Inspector entered appearance and stated that they have no knowledge about the whereabouts of Attiqueur Rehman. He however, stated that he will constitute a committee of senior police officers for through probe in the matter and made hectic efforts for tracing out Attique ur Rehman. It was also informed that at the relevant time Syed Feroz Shah was posted as DPO Abbottabad, who is presently posted in Charsada, as such, it would be appropriate to summon him on the next date of hearing. Mr.Ikram Ch., learned ASC wants to file necessary documents and affidavits in this regard. He is directed to do so before the next date of hearing and copy be supplied to learned DAG.

4. On the last of hearing it was informed that Imran Munir, was facing Court Field Marshal General on the allegation of spying for foreign elements and learned DAG was directed to take necessary steps enabling his family to see him. Today learned DAG states that due to short span of time he could not arrange the meeting and requests for more time. He undertakes to arrange the meeting latest by Sunday.

5. It is stated by learned DAG that Fahad Bugti is a free person and has reached home.

6. In the case of Qari Obaidullah, learned DAG states that he is not traced. It is stated by Mst.Ummat-ul-Saboor Sabra wife of Qari Obaidullah that she filed WP No.503 of 2004 before learned Lahore High Court, Rawalpindi Bench in which learned DAG filed statement disclosing that her husband is in custody in connection with a case relating to Section 2(d) of the Pakistan Army Act, 1952. Copy of which has been supplied to learned DAG, he is directed to look into the matter and file comprehensive report. If Qari Obaidullah is traced out, his meeting be convened with his family members.

7. Learned DAG states that Qari Abdul Rehman, Masood Ahmed, Janjua, Idress Abbasi and Atif Javed are not traced out. He however, requests for time to do the needful and file progress report before the next date of hearing.

8. On the last date of hearing Saud Memon was brought in Court in a critical condition and he was shifted to Federal Government Services Hospital, Islamabad for medical examination. It is informed by learned DAG that he has been shifted to Liaquat National Hospital, Karachi by his relatives, where he is under treatment. It is directed that Saud Memon will be medically examined there and detailed report be submitted to this Court before the next date of hearing.

9. Col.Javed Iqbal Lodhi, Director, National Crises Management Cell informs that out of the list of 148 missing persons 91 have been traced out within three weeks and hectic efforts are still in progress to trace out the remaining persons.

10. Mr.Hashmat Ali Habib, learned ASC states that he has filed CMA No.1337 of 2007 in this Court and copy of which has been supplied to learned DAG. Learned DAG is directed to file reply and affidavits before the next date of hearing.

11. Constitution Petition No.37 of 2007 has been filed by Mr.Habibur Rehman, learned ASC wherein the list of persons has been provided who are missing for about 10/11 years. Notice be issued to Deputy Attorney General. Copy of the petition has been supplied to learned Attorney General and he is directed to file comprehensive report before the next date of hearing.

12. Learned Deputy Attorney General has filed list of 34 persons, namely, Muhammad Tariq, Muhammad Atif Idrees, Syed Mumtaz Hussain, Mohammad Ramzan, Affan Leghari, Muhammad Bilal Bugti, Murtaza Khan, Askari Raza, Syed Liaqiat Hussain Nayar, Syed Nisar Mehdi, Imran Shamsher Khan, M.Umer Siddique, Mohammad Saleem Baloch, Abdul Rauf Sasoli, Mohammad Alim Tariq, Munir A.Mengal, Mohammad Saeed Brohi, Brahim Saleh, Mohammad Zahir, Ali Sher, Muhammad Mansoor, Malik Zulfiqar, Abdullah, Zia-ul-Haq, Shraz Shabir, Rehmatullah Shohaz, Noor Muhammad, Jamand Khan, Gohram, Syed Saffar Ali Shah, Haji Jan Mohammad Marri, Mitha Khan Marri, Samiullah Baloch and Jan Mohammad, who have been traced and reached to their houses with the hectic efforts of the concerned authorities. He is directed to supply copy of the list to Human Rights Commission.

13. Mr.Farhat Ullah Babar is directed to file his suggestions in the office.

14. Ms.Asma Jehnagir, learned ASC states that she has filed rejoinder in Constitution Petition No.5 of 2007 in pursuance of order dated 27.4.2007 of this Court. Copy of which has been supplied to learned DAG who will file comprehensive report two days prior to the date of hearing of this matter with a copy to the other side.

15. As regards Muhammad Saleem Ms.Asma Jehangir states that he was released in December 2006 in pursuance of order dated 29.12.2006 passed by learned High Court of Sindh, Karachi in CP No.561 of 2006 but he was again arrested in January 2007. Copy of order has been supplied to learned DAG, who is directed to file comprehensive report in this respect.

16. Mst.Amna Masood Janjua pointed out there are some persons who have been released from the custody and want to record their statements about their detention etc. before this Court on the undertaking that they will be provided security and will not be arrested again. At the first instance, she is directed to file their affidavits in this respect.

17. To come up on **25.5.2007.**

Judge

Judge

ISLAMABAD.
11.5.2007
(Aamir Sh.)

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Mian Shakirullah Jan
Mr. Justice Saiyed Saeed Ashhad

Human Right Case No.965 of 2005
(Missing of Mr. Masood)

Attendance:
Mr. Nasir Saeed Sheikh, DAG
Ms. Amna Masood Janjua

Date of hearing: 6.2.2007

ORDER

Learned Deputy Attorney General stated that this case may be adjourned for 14.2.2007 as learned Attorney General, on account of professional commitment, is not available and he would be appearing on the next date of hearing alongwith comprehensive report to show the efforts made by the Government for locating missing persons.

Adjourned to 14.2.2007.

Chief Justice

Judge

Judge

Islamabad, the
6th February, 2007
Nisar/*

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT
Mr. Justice Iftikhar Muhammad Chaudhry, HCJ.
Mr. Justice Mian Shakirullah Jan
Mr. Justice Saiyed Saeed Ashhad

HUMAN RIGHT CASE NO.965 OF 2005.
(Missing of Mr. Masood)

Attendance

Complainant	:	*Mrs. Amna Masood in person.*
On Court Notice	:	*Mr. Nasir Saeed Sheikh, DAG*
Date of hearing	:	*22-01-2007.*

O R D E R

Learned DAG has submitted a report according to which remaining 16 missing persons are not with the agencies, whereas according to complainant so far only 18 persons have been released. When we asked the learned DAG as to why the information conveyed by the applicant through affidavits of the persons released has not been passed on to the concern agencies, through Secretary Interior enabling them to effect the recovery and to produce the detenues, he was unable to give a satisfactory reply and sought some time to do the needful.

2. It is to be noted that these affidavits were handed over to him in the month of December and by the time he could have made a considerable progress in the case.

3. Be that as it may, learned DAG is directed to convene a meeting with the Secretary Interior and sort out a methodology to utilize the information which has been conveyed to him by the complainant.

Adjourned to ***6th February 2007.*** *We would appreciate if learned Attorney General appears himself in view of the importance of the matter, on the next date of hearing.*

Chief Justice

Judge

Judge

Islamabad the
22nd January 2007.
MS/.*

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT: MR. JUSTICE MIAN SHAKIRULLAH JAN.
MR. JUSTICE SAIYED SAEED ASHHAD.

HUMAN RIGHT CASE NO. 965/2005 etc
(Missing of Mr. Masood Janjua and others)

Attendance:

Complainant: Ms. Amana Masood

On Court Notice Mr. Nasir Saeed Sheikh, DAG

Date of hearing: 08.1.2007

ORDER

A report on behalf of Government of Pakistan, Ministry of Interior has been submitted by the Dy. Attorney General wherein it has been stated that one Brahim Saleh who is at Serial No. 7 of the list, has been traced and found to be a free person and regarding Munir Mangal who is at Serial No. 6, his counsel has withdrawn the petition from High Court of Sindh by stating that the petitioner did not intend to pursue the case any further and thus by elaborating the aforesaid report, it has been concluded that now out of total 41 missing persons, 25 have been traced while 16 are un-traced and the efforts are being made. However, the statement so made by the Dy. Attorney General was ~~converted~~ controverted by the petitioner/applicant with regard to the persons who are now free as according to her 23 persons are still missing and only 18 are traced. In view of these circumstances the progress by the concerned authorities are required to be accelerated. To come up on 15.01.2007.

Judge

Judge

ISLAMABAD.
08.01.2007
MAZ

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:
Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Mian Shakirullah Jan
Mr. Justice Saiyed Saeed Ashhad

Human Right Case No.965 of 2005 etc.
(Missing of Mr. Masood Janjua and others)

Complainant:	Ms. Aman Masood
On court notice:	Mr. Nasir Saeed Sheikh, DAG
Date of hearing:	15.12.2006

ORDER

Learned Deputy Attorney General has submitted a report dated 14.12.2006. As per the contents of the same, three more persons namely Muhammad Saleem Baloch, Abdul Rauf Sarsoi and Muhammad Saeed Brohi out of the list furnished by Ms. Amna Masood have been traced and now there are only 18 persons who have to be traced by the Agencies. However, it is informed that the affidavits, required to be furnished by the complainants were only handed over to Interior Ministry yesterday i.e. 14.12.2006. On this Ms. Amna Masood informed that it was difficult task to obtain affidavits because the persons who have given the same were apprehending adverse action against them. Therefore, she prayed that persons who are assisting the Court by furnishing affidavits etc. be granted protection. In this behalf it may be noted that no adverse action is to be taken against such persons who are assisting the Court and police authorities shall provide protection to them. She has also placed report in this behalf, which shall be kept on record. Copies of the affidavits, handed over to the Interior Ministry be also kept on record.

2. Learned Deputy Attorney General stated that if need be, he will contact with other agencies i.e. ISI, IB, MI etc. through Secretary

Interior to trace out the missing persons. He may do so and make progress report before the next date of hearing in the light of the affidavits which have been placed on record.

Adjourned to 8th January 2007.

Chief Justice

Judge

Judge

Islamabad, the
15th December, 2006
Nisar/*

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:
Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Muhammad Nawaz Abbasi
Mr. Justice Saiyed Saeed Ashhad

Human Right Case No.965 of 2005
(Missing of Mr. Masood and others)

Attendance:

Complainant:	Ms. Amna Masood
On Court Notice:	Mr. Nasir Saeed Sheikh, DAG Col. Imran Masood, Director Operation
Date of hearing:	1.12.2006.

ORDER

Learned Deputy Attorney General appeared alongwith Col. Imran Yaqoob, Director Operations and furnished a letter alongwith list of the persons out of whom 20 have been traced after the order of this Court dated 10.11.2006. He is directed to hand over the copy of the same to Mst. Amna Masood as according to her the persons who now have been released have seen them (Masood Janjua and others) in the custody of different agencies. She is required to obtain affidavits from the said persons. Copy of the same will be sent to Interior Ministry and one copy will be placed on record for examination. On having received such information the Interior Secretary shall again convene a meeting as it had been done on 27th November, 2006, for the purpose of adopting measures to trace remaining persons.

Learned Deputy Attorney General stated that two week's time be given to him to do the needful. Adjourned to 15th December, 2006.

Chief Justice

Judge

Judge

Islamabad, the
1st December, 2006
Nisar/*

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:
Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice Muhammad Nawaz Abbasi
Mr. Justice Saiyed Saeed Ashhad

Human Right Case No.965 of 2005
(Missing of Mr. Masood and others)

Attendance:
Complainant: In person

On Court Notice: Mr. Nasir Saeed Sheikh, DAG

Date of hearing: 10.11.2006

ORDER

Learned Deputy Attorney General stated that in the petition names of 16 missing persons including Masood Ahmad Janjua were furnished whereas according to the information received by Interior Ministry in its National Crises Management Cell 41 persons, belonging to different areas of the country are missing. Out of them nine persons have been traced out whose names are mentioned as follows:

1. Syed Mumtaz Hussain
2. Muhammad Bilal Bugti
3. Mr. Murtaza Khan
4. Askari Raza
5. Syed Liaquat Hussain Nayar
6. Syed Nisar Mehdi
7. Imran Shamsher Khan
8. M. Umer Siddique
9. Muhammad Zahir

2. It is also pointed out that out of persons named by the petitioner, Imran Shamshair Khan and M.Umar Siddiqui have also been traced out. As far as former is concerned, he is a free person whereas latter is in judicial custody in camp jail, Lahore and details of his cases in which he is involved shall be submitted on the next date of hearing. It is to be further noted that out of above nine persons 1 to 6 have filed writ petitions

before Sindh High Court whereas ninth had filed writ petition in the High Court of Peshawar.

3. Learned Deputy Attorney General is required to inquire about the fate of above cases before the next date of hearing. Meanwhile Registrars of the respective High Courts may also be asked to furnish the details of the above cases and if the samehave been disposed of, then copies of the judgment be transmitted to the Registrar of this Court for our perusal.

4. Learned D.A.G stated that if four weeks' time is given, the Interior Ministry shall inquire from the Provincial Governments as well as from the law enforcing agencies about the missing persons. We have noted that these persons have been missing from the last many months and therefore, in the interest of justice, we grant only three weeks' time for doing the needful.

Adjourned to 1st December, 2006.

Chief Justice

Judge

Judge

Islamabad,the
10th November, 2006.
Nisar/*

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:
MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ
MR. JUSTICE MUHAMMAD NAWAZ ABBASI
MR. JUSTICE SAIYED SAEED ASHHAD

HUMAN RIGHT CASE NO.965 OF 2005

Missing of Mr. Masood

... ...Respondent

Petitioner: In person.

On Court Notice.
Mr. Nasir Saeed Sheikh, DAG.

Date of Hearing: 08.11.2006

ORDER

Learned Deputy Attorney General requests that this case be adjourned to 10th November 2006 enabling him to produce a detailed report prepared by Ministry of Interior in respect of the missing persons. Order accordingly.

Chief Justice

Judge

Judge

Islamabad
08.11.2006
Saleem

As per directions of HJ(2) the following files are being forwarded to Printing Branch for preparation of paper books as the same are pending in Court and have been attached with the case HRC No.965/2005:-

1. HRC No.4941/2006
2. HRC No.5624/2006
3. HRC No.5788/2006
4. HRC No.5866/2006
5. HRC No.5870/2006
6. HRC No.48/2007
7. HRC No.220/2007
8. HRC No.292/2007
9. HRC No.314/2007
10. HRC No.2045-2051/2007
11. Const. P. 29/07.

R&RO-I
07.5.2007

Sup. (P)

2. It is submitted that five Pbs. in each case at Sr No. 1 to 10 have been prepared and (at Sr No. 11 the 7 Pbs. have already been filed by the AOR) if approved, the file a/a Pbs. may be sent to Civil Branch for further n/a.

9-05-07

S(P)
S(C)

9/5/2007

HRC 965/2005

PUC IX is an application received from Asma Jahangir Advocate SCP, it is stated in application that Hon'ble Supreme Court of Pakistan is hearing the cases of disappeared persons under its Human Rights Jurisdiction. She further stated that she has been approached by a number of families regarding it and the matter is of public importance. She requests that she may be obliged if she is permitted to obtain a copy of the petition and Court orders passed in this matter.

DHR

Registrar.

JA IV
19-1-07

19/1/2007

Ref: Application regarding non-fixation of HR Case No. 965/2005 on 15.01.2007 (PUC)

27. It is submitted that HR Case No. 965/2005 regarding missing persons was fixed for 08.01.2007. After hearing, the file was sent to HR cell without order dated 08.01.2007 which is still awaited. It is pertinent to mention here that it was neither informed that this case is adjourned for 15.01.2007 nor the next date was mentioned on the file cover by C.A. Due to this reason the case could not be fixed for 15.01.2007. On 15.01.2007 at about 1.00 p.m CA concerned asked that this case may be sent to the Court as it is fixed before the Court. Accordingly the case file was sent to the Court immediately. Later on CA concerned informed that this case may be fixed for 22.01.2007 as per verbal order of HCJ. It is further submitted that in compliance with verbal order of HCJ conveyed by C.A 1 to HR Cell, notices in the said HR Case have been issued for 22-01-2007.

18/1/07
J.A. (II)

D/HR)

Registrar.

18/1/2007

18/1

HCJ

18/1

JA IV

18/1

FACT SHEET FOR EXAMINATION OF HUMAN RIGHT CASES.

---

1. **COMPLAINANT:** Mr. Saqlain Mehdi, Group Managing Editor, Pakistan Group of Newspapers, Islamabad.

---

2. **NOTING BY HCJ:** Comments be called from I.G. Punjab and put up in Chamber with comments on 02-01-2006.

---

3. **PROBLEM:** Complainants states that Mr. Masood Ahmed Janjua, Chief Executive of various business organizations, is missing mysteriously since 5 months now. An FIR was lodged in Police Station, Westridge, Rawalpindi, but the Police has failed to find out his whereabouts. Complainant prays for a high level inquiry through D.G., F.I.A., D.I.G. and S.S.P.

---

4. **RIGHTS VIOLATED:** Access to justice and protection of law.

---

5. **REMARKS:** As per orders of the HCJ, Comments may be called from I.G. Punjab within 7 days from the receipt of the notice.

R&R.O
20-12-2005

Sr.R&R.O yes.

20/12/05

R.R.O DFA is submitted
J-A(HR)
20-12-05

Sr. R&R.O Approved.

20/12/05.

R.R.O
J-A(HR)

Contin from pre-page.

9- Fair letters are submitted for signature pl.

[signature]
21/12/05

R.P.O

[signature]
21-12-05

So. / FRO

1° Signed; issue to dy leg u ms and fax as well.

J-A [signature]

FAX TRANSMITTED
21/12/05

11- Letter to the I.G. Police, Lahore was issued on 21-12-2005 through fax and UMS whereby comments were called to be reached before 31-12-2005, following the order of the HCJ, Whereas comments have not been received so far and the matter is also fixed for 2-1-2006, therefore, file is being submitted for placing before the HCJ, accordingly.

31/12/05

SE-R/S R.O.

31/12/05

HCJ

12- Comments have been received today, which are submitted for the perusal of the HCJ.

3/1/05

SE-R/S R.O. B- Put up comments for the perusal of HCJ.

3/1/05

J-A-(HR)

14. PUC-II is a report received from the I.G. Police, Punjab in compliance with this Court's letter whereby comments were called following the order of the HCJ on the complaint of Mr. Saqlain Mehdi. It is stated in the report that "***DPO, Rawalpindi has intimated that on 07-09-2005 Lt. Col. (R) Raja Ali Murad moved a written application to the SHO, P.S. Westridge, Rawalpindi mentioning therein that on 30-07-2005 his son Masood Ahmed Janjua aged 45 went from his residential house by saying that he is going to Peshawar for Tablighi Chilla who neither informed about his whereabouts nor returned his home till today. On receipt of this Court's letter, the applicant has been contacted again with regard to obtaining some fresh information about the whereabouts of the Masood Ahmed Janjua, he expressed entire satisfaction over the co-operation extended by P.S., Westridge Police. The SHO, P.S., Westridge has reported that the Local Police is trying to locate the missing person. However, the father of missing person is satisfied with the effort being made by the Local Police in this regard***".

15. As the comments were received on 03-01-2006 the file is being resubmitted.

5/1/06

Sr. R/SRO

5/1/06

HCJ 16. Follow up report may be called

5/1

6.1.06

SHO

17- Put up today.

5/1/06

J.A (HR) 18. DFA is submitted

5/1/06

J.A (HR) Sr. R/SRO approved. 05/1/06

Contin from pre-page.

20. Fair letter is submitted for sign pl.

9.1.06

RRRO

9-1-06

Sr. ~~Jt~~RO

signed; issue to day.

9/1/06

J-A-(HR)

(U.T)

22- Issued accordingly.

9/1/06

23. PUC-III is a follow up report received from the I.G. Police, Punjab, Lahore in compliance with this Court's letter whereby follow up report was called on the complaint of Mr. Saqlain Mehdi complaining there in that police has miserably failed to recover a renowned businessman, Masood Ahmed Janjua missing from 30-07-2005. It is stated in the report that "***the local police has approached the leaders of Tableegi Jamat in Zakria Mosque Westrige, where Masood used to go and requested them to help in locating the missing person. Similarly, personal contacts of the local police officials have also been activated in the tribal areas to find out Masood.The local police is in close touch with his family and any positive result in this connection will be communicated as and when received.***" If approved, progress report may be obtained.

24. Submitted for further orders.

J.A -II(HR)
16-05-2006

20/5/06

SRO

Registrar:

20-5-2006
25

25 As Suggested above.
25/5

26 5 06

SRO
ST

26 Fair letter for progress report is submitted for sign please
12/6/2006

S.R.O Sd. Pl. issue.
12/6/06

HRC 965/2005

28. PUC-IV is a follow up report received from the I.G. Police, Punjab, Lahore in compliance with the order of the HCJ where by follow up report was called on the complaint of Mr. Saqlain Mehdi praying for recovery of Masood Ahmed missing from 30.7.2005. It is stated that ***" the efforts have been made to trace out Mr. Masood Ahmed but his whereabouts could not be ascertained as yet. His father Lt.col (R) Mr. Ali Muhammad Janjua and his mother have been contacted but they are also unaware of his whereabouts. However, his parents have disclosed that he was "TABLIGHEE" minded person and oftenly used to visit Bannu, NWFP in connection with "TABLIGHEE" tours. On 30.7.2005, by informing his father went to Peshawar but did not return back to home till to date. If some information regarding his availability is received, the same will be communicated accordingly."***

29. Submitted for further orders.

J.A-II(HR)
22.07.2006

SR/O (421) Registrar:

22/7/06
24

24.7.06
26

HCJ
Sen. Applicant my be informed.
27/7

30.

29.7.06

SRO
SI.

1/8

31. Fair letter for information to the applicant is submitted for Sign Please

S.R/C Sd. Pl. issue

4/8/06

7/8/06

HRC.**965/2005**

32. PUC-IV is a criminal Misc Application received from Mrs. Amina Masood through Mr. Arshad Ali Charudhry, AOR, praying that the Director General ISI, and Heads of MI and FIU may be directed to submit facts finding report regarding the mysterious disappearance of Mr. Masood. It is further prayed that Court's order may be served upon the said agencies directly as the Federal Government has informed that the defence Ministry exercises only administrative control over the ISI and MI and it do not have any operational control or jurisdiction to enforce the court's directions.."

33. It is submitted that follow up report was earlier called from the IGP, Punjab and was put up vide para 28 ante, whereupon, the Hon'ble Chief Justice has been pleased to pass the following order on 27.7.2006 (para 30 ante): ***seen, applicant be informed.*** The applicant was informed accordingly.

34. Submitted for further order.

J.A-I(HR)
25.09.2006

SR/P: Registrar: (318)

Put up in Court for 9/10. Notice to Attey Gen'l Mr also issued

HCJ 27/9

35

25/9/06
26

26.9.06
27

28.9.06
28/9

SRO
ST

36- Notice signed. Pl issue / send for P/B.

AL
29/9/06

37- Kindly prepare (5) PBs of the matter, as the same is fixed in Court on 9-10-06.

30/9/06

SRO
SR/P

2/10/2006

4. PUC-III is an article appeared in Weekly Pulse Islamabad dated October 06-12, 2006 on the title "the Road to Guantanamo Bay" narrating the story of the protest of the families of 16 missing persons who are believed to be in the custody of intelligence agencies for their alleged links with Al-Qaida. The discourse goes on to quote the report of the Amnesty International that more than 85 percent were arrested in Afghanistan at a time when reward was up to $ 5000 were paid for every unidentified terror handed over to the USA. The Bounty hunters—including police official and local people—took advantage of this routine practice that facilitated illegal detention and enforced disappearance. The Pakistani courts have failed to offer protection. On this article the HCJ has been pleased to pass the order: *Put up with human right case fixed for II week of November.*

5. It is submitted the same protestors in the shape of a delegation presented application to the worthy Registrar which is, following the order of the HCJ, registered as HR Case No. 4941 and fixed in Court for 08.11.06.

6. It is further submitted that another HR case No. 965/05, about two missing persons, is pending in this Court. If approved, all these matter being identical may be clubbed together.

18.10.06

SRO. All the cases are tagged.

13/11/06

CA. Notices for 8.11.2006 s.d. AL issued.

7/11/06

HRC.4939,S4941,S7027 10-

9. Notices to the Attorney General for Pakistan, Islamabad and the Secretary, Ministry of Interior, Govt. of Pakistan were issued to appear before court on 08-11-2006.

10. Submitted for placing before the Court on 08-11-2006.

07/11/06

CA

11 Notice for 10.11.06 Sd. Pl. issue.

AL

12. Notices were issued to AG, Pakistan, Secretary M/I and AOR, whereby time was given to submit detail report regarding missing Person. Submitted, accordingly,

13. Pvc V (Three copies) is report received from Ministry of interior regarding missing Persons, CA may brings it to the attention of this court. Submitted, accordingly

C.A

yours sincerely
JATII HRC
08-11-2006

4 Notice for 1.12.2006 Sd. Pl. issue.

AL
22/11/06

15. Corrigendum to the notice Sd. Pl. issue.

28/11/06

16. Notices to the Registrars, Lahore, Sindh and Peshawar High Courts and AG, Pakistan were issued to appear and submit reports of the detenue and missing persons cases in courts. submitted.

JA III HRC
30-11-2006

17. PUC-V is report recieved from the Registrar, Sindh High Court regarding the details of petitions filed on behalf of missing person. CA may bring it to the attention of this court submitted, accordingly.

CA.

Yousuf Jan Mowat
JA III HRC
30-11-2006

18- PUC-VI is an application from Mst. Noor Bibi praying therein that she may be impleaded as a party in the matter as her son namely, Ali Asghar is in the custody of of Agencies and has been kept at unknown place illegally since 2001.

19. If approved, she may be impleaded as party and notice may also be issued.

A/

SRC. Registrar

HCJ 20. Allowed as at "A". 10/XII

SRC

5-12-06

5/12/06
6

06-12-06
07

11-12-06

21. Notices were issued to Attorney General for Pakistan and Secretary, Ministry of Interior, Govt of Pakistan alongwith attested copy of Court order for information and necessary action. Submitted, accordingly.

C.A

'A'

JA III HRC
14-12-2006

Ref. Court order dt. 15.12.06

22. Fair letters to A.G.P. Islamabad and Secretary, M/o Interior are submitted for signature pl. for 8-01-07.

abid
30/12/06

SCJ

23. Sd. Pl. issue.

AL
30/12/06

JA(II)

24. Notices were issued to A.G.P. and Secretary M/o Interior a/w certified copy of order of this Court dated 15.12.06 for Compliance and n/a.

CA.

abid
6/1/07

25. It has been verbally directed by Hcj that that matter be fixed on 22/1/07.

Abid
15/1/07.

Div. H.R.C.

26. Fair notices for 22-1-07 are submitted for signature & issuance.

JA IV
17-1-07

DHR.

Signed
Issue.

17/1/2007

27. Notices were issued to Ag. Pakistan & Safty M/s Pakistan
The matter is fixed the file is submitted, accordingly.

C.A

JA IV
20-1-7

28. Fair notices for 06-02-07 submitted for signature.

JA IV
31-1-07

DHR. Signed.

31/1/2007

HRC 965/2006

41. PUC XI is another petition received from Syed Babar Anis, regarding 28 other missing persons belonged to Karachi. He requests for recovery of the said missing persons. C.A. may bring it to the attention of this Court.

42. Notices were issued to Attorney General for Pakistan and Secretary, Ministry of Interior, Government of Pakistan, Islamabad. The matter is fixed on 14.02.2007, therefore the case file is submitted for placing before Court accordingly.

yousf Jan Marwat 13/2/7
Yousaf Jan Marwat.
Judicial Assistant HR Cell
13/2/2007

DHR

C.A.

JAI 16/2/2007

43- Notices are submitted for Sept.

26/2/07

DHR

26/2/2007

HRC 965/2006

44 ~~26.~~ It is submitted in compliance with the order of Hon'ble Chief Justice of Pakistan, vide dated 02.02.2007, Copy of Petition may be provided to Asma Jahangir ASC and Senator S.M. Zafar, Chairman Functional Committee on Human Rights.

45 If approved, two paper books of the above noted HRC 965/2006 regarding missing persons may be prepared and sent to the above mentioned concerned.

46 ~~27.~~ Submitted.

Yousaf Jan Marwat 8/2/07

Yousaf Jan Marwat
Judicial Assistant HR

DHR

Sup(P)

8/2/2007

~~28~~-47. 2 sets of HR-C.965/05 and comp/06 in HR-C.965/05 have been prepared in this case, the file a/w PPs may be sent to HR (Cell) for n/g.

10-02-07

S(P)
JA HR Cell

12/2/2007

48 ~~30~~. Paper book along with information letter submitted for signature.

DHR

JA IV
12-2-07

49. There is no justification to provide the paper books. We should consider the request in light of orders of ITC dt 2.2.2007 at A & B as proposed - Para 22 & 23

12/2/2007

JA IV

50. Information letter submitted for signature in respect of applicant in ~~pub~~ submitted by Asma Jahang ASC. Signed 12/2/2007

JA IV
12-2-07

DHR

HRC 965/2006

22. PUC X is an application received from Senator S. M Zafar Chairman Functional Committee on Human Rights. He submits that it has been noted with satisfaction that the Hon'ble Chief Justice and the Bench of Supreme Court have taken cognizance under Suo Motu jurisdiction of the complaints pertaining to disappearance of individuals. Similar complaints have been received by the functional committee on Human Rights. In order that the committee act in tendem with the Supreme Court. He requests that he may be provided (informally) the information of the status of the proceeding of the said matter.

23. PUC IX is an application received from Mrs. Asma Jahangir Advocate Supreme Court of Pakistan. She submits that Hon'ble Supreme Court of Pakistan is hearing the cases of disappeared persons under its Human Rights jurisdiction. She further submits that she has been approached by a number of families regarding it and the matter is of public importance. In this connection she request that she may be permitted to obtain a copy of the Petition and Court Order passed in this matter.

JA IV
1-2-7

DHR

Registrar.

2/2

HC-I

3. As at "A" & "B"

3.2.07

DHR

TOTAL P.01

HRC 965/2006

54.
26. Notices were issued to Attorney General for Pakistan and Secretary, Ministry of Interior, Government of Pakistan. The matter is fixed on 06.02.2007. Therefore the case file is submitted for placing before Court accordingly.

55
27. Submitted

DHR

Yousaf Jan Marwat
Judicial Assistant HR
3/2/2007

CA

56
28. Fair notices for 14-2-2007 Submitted for Signature.

DHR

SA IV
7-2-7

Signed
7/2/2007

HRC 965/2005

22. PUC X is an application received from Senator S. M Zafar Chairman Functional Committee on Human Rights. He submits that it has been noted with satisfaction that the Hon'ble Chief Justice and the Bench of Supreme Court have taken cognizance under Suo Motu jurisdiction of the complaints pertaining to disappearance of individuals. Similar complaints have been received by the functional committee on Human Rights. In order that the committee act in tendem with the Supreme Court. He requests that he may be provided (informally) the information of the status of the proceeding of the said matter.

23. PUC IX is an application received from Mrs. Asma Jahangir Advocate Supreme Court of Pakistan. She submits that Hon'ble Supreme Court of Pakistan is hearing the cases of disappeared persons under its Human Rights jurisdiction. She further submits that she has been approached by a number of families regarding it and the matter is of public importance. In this connection she request that she may be permitted to obtain a copy of the Petition and Court Order passed in this matter.

JA IV
1-2-7

DHR

Registrar.

HCJ