

Inquiry Commission

PRESENT: Mr. Justice Qazi Faez Isa, Chairperson.
Mr. Justice Naeem Akhtar Afghan, Member.
Mr. Justice Aamer Farooq, Member.

In attendance: Mr. Mansoor Usman Awan,
Attorney-General for Pakistan.

Date of Hearing: 22.05.2023

ORDER

1. The Chairman and the Members of the Commission received on 20 May 2023 notification bearing No. S.R.O. 596(I)/2023, dated 19 May 2023, published in the Gazette of Pakistan, Extraordinary, Part II on 19 May 2023 (**'the Notification'**). The Notification was issued pursuant to the Pakistan Commissions of Inquiry Act, 2017 (**'the Act'**).
2. The Commission assembled in a courtroom of the Supreme Court building at 10.30 am. The learned Attorney-General for Pakistan (**'AG'**) was in attendance and he was asked to read the relevant provisions of the Act and the Notification.
3. At the very outset it is clarified that the Commission is not the Supreme Judicial Council (**'SJC'**) constituted under Article 209 of the Constitution of the Islamic Republic of Pakistan (**'the Constitution'**). This Commission will not be assuming the powers of the SJC and it will endeavor to perform its functions to the best of its ability as per the Notification and in accordance with the Act.
4. Section 14(2) of the Act stipulates that the Commission '*shall fix the places and times of its sittings and decide whether its proceedings shall be open or in camera*'. To ensure transparency and openness the Commission opined that the proceedings should be open and inquired from the learned AG whether he had any objection thereto. He stated that he did not, but added that if some information is not appropriate to be shared in the open then the Commission may meet in camera. Accordingly, it was decided that unless any request to proceed in camera is made, which will be

considered at that juncture, the Commission's proceedings will be open to all.

5. It is clarified that any person/witness appearing before the Commission is neither an accused nor will be treated as such; and, will be called upon to ascertain facts as per the task assigned to the Commission. It is further clarified that every person/witness will be treated with due regard and respect, and we expect that this will be reciprocated. Undoubtedly, the Act read with the Notification empowers the Commission to employ coercive means to ensure attendance/compliance, however, we hope, and expect, that all concerned will come forward when called upon to do so without the Commission having to resort to coercive measures to secure attendance and/or compliance with the directions of the Commission.

6. The Notification empowers the Commission to establish a Secretariat and to appoint a Secretary as per clause 9 of the Notification. The Commission appoints Mr. Hafeezullah Khajjak, Deputy Registrar, High Court of Balochistan, as the Secretary of the Commission. The interaction of the office of the learned AG and all concerned, including witnesses, shall be with the Secretary of the Commission. The Chairperson and Members of the Commission shall not be contacted. The Federal Government is directed to provide an android cell phone with SIM to the Secretary immediately, and the Secretary's contact details will be shared with all.

7. All concerned, including witnesses and the general public will be informed through advertisements, published in three Urdu and three English language national newspapers of wide circulation; Urdu advertisement shall be published in Urdu and English advertisement in English newspaper. The advertisements shall inform all those mentioned in the Notification and by those who may have any information to provide the same to the Secretary through email, messages on cell phone and/or by post, as under:

Mr. Hafeezullah Khajjak, Secretary to the Commission

Cell phone number: 0301-5579326

Email address: inquirycommission2023@gmail.com

Postal address: Supreme Court Building,
care of Private Secretary to Mr. Justice Qazi Faez Isa
3rd Floor, Judges Block, Supreme Court Building,
Constitution Avenue, Sector G-5, Islamabad.

Any information and/or document which anyone wants to provide to the Commission must be done so by the person mentioning his name, address and contact details (address, email and cell phone number).

8. The venue of the Commission will be Court Room No. 2, Supreme Court Building, Islamabad. If the elderly ladies residents of Lahore whose statements are required to be recorded request that their statements be recorded at Lahore the venue of the Commission may be shifted to Lahore, in a courtroom in the Supreme Court Branch Registry, Lahore.

9. The learned AG shall designate a competent person in his office who, whenever required, will interact with the Secretary of the Commission, and we expect this person will not be assigned any other work during the duration of the work of the Commission. The persons, allegedly mentioned in the audio recordings, will be issued notices under the signature of the Secretary, of the Commission and notices will be handed over to the office of the learned AG, to ensure service through an officer of the Federal Government, which shall also be sent through courier service. The person serving the notice will take a photograph of the person receiving such notice. In case service cannot be effected repeated attempts at different times of the day will be made, but if still service cannot be effected the notice will be pasted on the outer door of the addressee's premises and photograph thereof be taken showing the locality and the actual residence of the addressee.

10. The learned AG is directed to provide to the Commission the particulars of department/agency, including the Punjab Forensic Science Agency, whose services may be required in case the person making the statement regarding any audio recording denies that the same is his/her voice or states that the same has been manipulated/fabricated/tampered. Whenever the concerned/witness statement is being recorded an expert of such department/agency should be in attendance.

11. The learned AG shall provide four sets of the recordings with accurate and verified transcripts duly verified and signed by a senior officer that the same is true and correct transcript of the recording. Additional sets of the recording and transcripts should be made and kept with the learned AG to be shared with the concerned at the relevant time, if so required. The learned AG shall also provide the names, addresses and contact details of all those mentioned in the transcript whose statement may be required to be recorded. The names of the persons shall be provided by or before Wednesday, 24 May 2023. If any person who is not examined and/or who thinks that his/her interest may be adversely effected such person will be entitled to record his/her statement and on his/her request may be permitted to cross-examine the person making the statement.

12. To come up on Saturday, 27 May 2023, at 10 am in Court Room No. 2 of the Supreme Court Building, Islamabad.

13. This order shall be uploaded by the office of the learned AG on the website of the office of the learned AG on a separate webpage titled 'Commission 2023'. Further orders, whenever directed, shall also be uploaded on the said website.

Chairperson

Member

Islamabad
22.05.2023

Member