

IN THE COURT OF MR. MUHAMMAD ARSHAD MALIK, JUDGE
ACCOUNTABILITY COURT-II, ISLAMABAD.

Reference No.19/2017

Azizia Steel Company Ltd.

Jeddah K.S.A

Hill Metals Establishment ,

Jeddah K.S.A

And Remittances.

STATE VS.

1. Mian Muhammad Nawaz Shahrif (Ex-Prime Minister of Pakistan) son of Mian Muhammad Sharif, aged about 69 years.
2. Hassan Nawaz Sharif s/o Mian Muhammad Nawaz Sharif, aged about 41 years, (absconding accused).
3. Hussain Nawaz Sharif s/o Mian Muhammad Nawaz Sharif, aged about 45 years, (absconding accused).

All R/o 180-181, Block-H, Model Town, Lahore and Shamim Farm, Jati Umra, Raiwind Road, Lahore.

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JUDGEMENT.

Precisely stated facts of the case are that interim reference u/s 18 (g) of NAO, 1999 read with other enabling provisions of law was filed against three accused persons described in title above. Two of them namely Hussain Nawaz and Hassan Nawaz did not appear before this court despite summonses, warrants and ultimately proclamation issued u/s 87/88 Cr.P.C. After completion of requisite processes, they were declared as absconder / proclaimed offender in this case.

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2. The allegations contained in the Interim Reference dated 07.9.2017 are described as under:

- a. That in pursuance of the Orders of august Supreme Court of Pakistan dated 20.04.2017 in Constitution Petition No. 29/2016 etc, Joint Investigation Team (JIT) comprising representatives from FIA, NAB, SECP, SBP, ISI and MI conducted investigation against the above said accused persons, collected evidence and submitted its Final Investigation Report on 10.07.2017.
- b. That the Hon'ble Court passed directions to NAB vide Order dated 27.07.2017 for preparing and filing of Reference against the accused persons based on the material collected and referred by the JIT in its Report, therefore, for the same, cognizance was taken and an investigation authorized on 02.08.2017 regarding Al-Azizia Company Limited, Jeddah and Hill Metals Establishment, Jeddah.
- c. That according to JIT's Final Investigation Report and proceedings at NAB, it is established that accused persons have failed to justify sources of funds for establishment /possession of above mentioned assets and consequently pecuniary proceeds disbursed amongst each other.
- d. That the accused persons were given ample opportunities to explain and provide evidence regarding the accumulation of these assets. They did not join the investigation before NAB on the pretext of a Review Petition already filed before the august Supreme Court of Pakistan against the order dated 28.07.2017.
- e. That requests for Mutual Legal Assistance have been forwarded by the JIT and response of same is still awaited, which will be placed before this Hon'ble Court, when received from foreign jurisdiction. So under this scenario, this Reference may be treated as Interim Reference.
- f. That according to investigation proceedings and its findings so far, it is established that accused persons in connivance with each other have committed the offence of corruption and corrupt practices as defined under section 9(a),(v) and (xii) of National Accountability Ordinance (NAO), 1999 punishable under section 10 of NAO, 1999 and schedule thereto.

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Investigation Report alongwith Final Investigation Report by JIT and its annexures, list of witnesses and documents are attached herewith which are an integral part of this References.

g. That on the appraisal of material placed before me and in the light of order dated 28.07.2017 passed by the august Supreme Court of Pakistan, it is just and proper to proceed further against the above said accused persons, as there is sufficient incriminating evidence on file to justify the filing of the Reference. Therefore, Chairman NAB referred the matter to the Accountability Court.

3. On 26.09.2017 copies of reference, statements of the PWs and documents as requisite under section 265-C Cr.P.C were supplied to the accused Mian Muhammad Nawaz Sharif. On the basis of reference and documents collected during investigation by the I.O. accused facing trail was charge sheeted on 19.10.2017 which is given below:

IN THE COURT OF MR. MUHAMMAD BASHIR, JUDGE
ACCOUNTABILITY COURT-I, ISLAMABAD

Interim Reference No. 19/2017

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STATE

VS

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Mian Muhammad Nawaz Sharif s/o Muhammad Sharif,
aged about 69 years, Ex- Prime Minister of Pakistan, R/o 180-181, Block-H, Model Town, Lahore and Shamim Farm, JatiUmra, Raiwind Road, Lahore.

ABSONDING ACCUSED

2. **Hassan Nawaz Sharif s/o Muhammad Sharif,** aged about 45 years, R/o 180-181, Block-H, Model Town, Lahore and Shamim Farm, JatiUmra, Raiwind Road, Lahore.



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3.

Hussain Nawaz Sharif s/o Mian Muhammad Nawaz Sharif,
aged about years, R/o 180-181, Block-H, Model Town, Lahore and Shamim Farm, Jati Umra, Raiwind Road, Lahore.

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CHARGE SHEET

I (Muhammad Bashir, Judge, Accountability Court-1 Islamabad)
hereby charge you above named accused, as under that:

You accused Muhammad Nawaz Shairf (represented by Pleader Mr. Zaffir Khan Advocate) belong to a businessman family and had been a shareholder and / or director in a few of the companies established by your late father Mian Muhammad Sharif since 70's. you accused (represented by Pleader Mr. Zaffir Khan Advocate subsequently turned into a political figure and held the following high public officer;

Minister for Finance, Excise and Taxation, Government of the Punjab

(From April 25, 1981 to February 28, 1985)

Chief Minister, Government of the Punjab

(from April 09, 1985 to May 30, 1988)

Caretaker Chief Minister, Government of the Punjab

(from May 31, 1988 to December 02, 1988)

Chief Minister, Government of the Punjab

(from Dec 02, 1988 to August 06, 1990)

Prime Minister of Pakistan

(from November 06, 1990 to April 18, 1993)

Prime Minister of Pakistan

(from May 26, 1993 to July 18, 1993)

Leader of the Opposition, in the National Assembly

(from October 19, 1993 to November 05, 1996)

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Prime Minister of Pakistan

(from February 17, 1997 to October 12, 1999)

Prime Minister of Pakistan

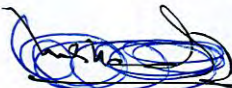
(from June 05, 2013 to July 18, 2017)

The absconding accused Hussain Nawaz Sharif was born on 01-05-1972. He was a student in London, UK from where he got his LLB (Honours) degree in 1995. After completion of his education, he returned to Pakistan in 1996. In between 1996 to 2001, he did not possess any independent source of income. He was aged about 28 ½ years as on 01-01-2001.


The absconding accused Hassan Nawaz Sharif was born on 21-01-1976. He was a dependant child of you accused Mian Muhammad Nawaz Sharif (represented by pleader). From 1989-90 to 1994-95. He was student in UK from 1994 to 1999 and did not possess any independent source of income even after said period. He was aged about 25 years on 01-01-2001.

You accused Mian Muhammad Nawaz Sharif (represented by the pleader) held direct shareholding in the following family held companies in your own name even after coming into politics. However, since 1991, you accused as tactics started keeping and declaring shares in the family businesses in the names of your children when they were of tender ages or students:

- i) Chaudhry Sugar Mills Ltd.
- ii) Muhammad Buksh Textile Mills Ltd.
- iii) Ittefaq Foundries (Pvt) Ltd.
- iv) Brothers Steel Mills Ltd
- v) Ittefaq Foundries (Pvt) Ltd
- vi) Ramzan Sugar Mills (Pvt) Ltd
- vii) Ittefaq Sugar Mills (Pvt) Ltd
- viii) Hudabiya Engineering (Pvt) Ltd
- ix) Hudabiya Engineering (Pvt) Ltd
- x) Ilyas Enterprises (Pvt) Ltd.


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- xi) Ittefaq Textile Mills Ltd
- xii) Mehran Tamzan Textile Mills Ltd.
- xiii) Ramzan Buksh Textile Mills Ltd
- xiv) Hamza Board Mills Ltd.
- xv) Hamza Spinning Mills Ltd

Your accused Muhammad Nawaz Sharif (represented by the pleader) started filing tax-returns since the year 1983-84. As per disclosure by you accused in your statements filed before FBR Pakistan, worth of assets held by you during the period from 2000-01 to 2001-02 is as under:

Declared Assets (in PKR) : Mian Nawaz Sharif		
Assessment Year	2000-01	2001-02
Wealth as on	30-June-00	30-Jun-01
Business Capital		
Abbas & Company (Capital)	10,000	10,000
Sub-total	10,000	10,000
Non Agricultural Property		
135-Upper Mall Lahore	900,000	900,000
Subtotal	900,000	900,000
Agricultural Property		
74 Kanal 18 M	640,965	640,965
Subtotal	640,965	640,965
Investments		
Chaudhary Sugar Mills Ltd	16,000,000	16,000,000
Defence Saving Certificates	1,15,000	115,000
Subtotal	16,115,000	16,115,000
Un-Secured Loans		
Abbas & Company (Current A/c)	84,485	84,485


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Mrs Kalsoom Nawaz	184,562	-
Subtotal	269,047	84,485
Cash & Bank Balances		
Cash in hand	1,127,425	877,425
BOP	5,225	5,225
Subtotal	1,132,650	882,650
TOTAL ASSETS	19,067,662	- 18,633,100
Chaudhary Sugar Mills Ltd	-	1,198,541
HudabiyaEngg Co (Pvt) Ltd	2,700,000	-
Mrs. Kalsoom Nawaz	-	615,438
Mrs. Shamim Akhtar	1,500,000	3,500,000
Mrs. Mariyum Safdar	1,500,000	2,200,000
Mian Hussain Nawaz	600,000	600,000
TOTAL LIABILITIES	(6,300,00)	(8,113,979)
NET WEALTH	12,767,662	10,519,121

During the period between 2001 to 2017, you accused Mian Nawaz Sharif (represented by the pleader) in connivance and abetment with absconding co-accused Hussain Nawaz Sharif and Hassan Nawaz Sharif, acquired following assets in their names as Benamidars for which you accused could not reasonably account for and which are disproportionate to your known sources of income.

- (1) Al-Azizia Steel Company Ltd, Jeddah KSA.
- (2) Hills METALS Establishment, Jeddah KSA.
- (3) Remittances to the extent of EURO, 1,267,568 AND US \$ 10,219,155 sent by co-accused Hussain Nawaz Sharif and Hill Metals Establishment during the period Jan 2010-June 2017. These foreign currency receipts were converted and credited to

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your PKR A/c No. 01-1795303-01, Standard Chartered Bank Ltd, WAPDA TAOWN Brach, Lahore and PKR A/c No. 18-1847988-01. Standard Chartered Bank Ltd, Main Gulberg Boulevard Branch, Lahore, which comes to Rs. 1,187 Billion whereas EURO: 7,568, GBP: 5,000 and US\$: 200,700 are available as balances in your bank accounts on 18.8.2017.

- (4) Remittances to the extent of PKR: 59,256 Million to Maryam Safdar in her PKR A/c No. 0149056661004053 (PKR), MB Bank Limited, New Garden Town Branch, Lahore through Hill Metals Establishment.
- (5) Remittances to the extent of GBP: 1.5 Million remitted to absconding accused Hassan Nawaz Sharif through accused Hussain Nawaz Sharif.

The above mentioned assets are disproportionate to your known sources of income. Worth millions of Rupees transaction carried on moving between family members and their companies without any plausible explanation and consideration, which are utilized for the acquisition of assets ostensibly in the name of your sons / co-accused with purposes to conceal the real source of investment. The co-accused Hassan Nawaz Sharif and Hussain Nawaz Sharif has no independent sources of income being dependent and in capacity of benamidars/abettors, ostensibly hold the assets on behalf of and for the benefit of you accused Mian Muhammad Nawaz Sharif (represented by pleader) your Gulf Steel Mills sale agreement was also found untrue due to the reason no record was available at UAE about the notarization of said documents by Notary Public of Dubai Courts on 30.5.2016, thereby you accused Mian Nawaz Sharif (represented by pleader) committed an offence of corruption and corrupt practices as defined U/s 9(a)(v) NAO / or holding assets beyond known sources of income and punishable u/s 10 of NAO, 1999 and schedule thereto. And I hereby direct that you be

found guilty by this Court on the said charge.


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4. Accused pleaded not guilty to charge and claimed trial. Prosecution was directed to produce evidence and 08 witnesses were recorded when the **Supplementary Reference** dated 14.2.2018 was filed against the accused persons, copies of which were handed over to the accused on 15.02.2018. The allegations put forth in the supplementary reference are as under:-

- a. That during the investigation, it is established that in 2000-2001, the total declared financial worth of assets of accused persons as per their tax record was Rupees 50,940,870/- and US \$ 64,984/-, while accused No.1 has acquired assets namely Al-Azizia Steel Mill, subsequently Hill Metal Establishment and its proceeds thereto, which were found disproportionate to his known sources of income. The accused Nos. 2 & 3, in connivance with each other assisted, abetted and aided the accused No.1 in accumulation and managing the assets, details of which are contained in the Investigation Report which is an integral part of this Reference.
- b. That in continuance of investigation, the Investigating Officer has collected and seized material evidence comprising of certified banking record regarding remittances from Hill Metal Establishment to different persons as well as record regarding Address to Nation, Speech on the floor of National Assembly by accused No.1 and Interview of accused No.2 which were aired through electronic media. Accordingly the statements of witnesses u/s 161 Cr.P.C were also recorded.
- c. That according to evidence collected through investigation conducted so far, it is established that accused No.1, acquired and owned/possessed the above stated assets alongwith its crime proceeds in millions of rupees (the details of which is mentioned in the Investigation Report) with the active connivance of his dependents/benamidars, accused Nos. 2 & 3 (since absconders).
- d. That the accused was given fair opportunities to justify and provide evidence regarding the accumulation of the assets, but, they failed to account for. Furthermore, to substantiate the acquisitions of above stated assets, accused persons made

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public statements through media as well as plea taken before the august Supreme Court of Pakistan and JIT which were found contradictory and against the facts.

- e. That the final responses of Mutual Legal Assistance Mutual Legal Assistance requests, which have already been forwarded to foreign jurisdictions, are still awaited. In this regard, material correspondences have been made with the concerned foreign jurisdictions. Hence, the same will be placed before the Honourable Court in accordance with law, if received.
- f. That on appraisal of the material and the evidence placed before me during the investigation, I am satisfied that above mentioned accused persons have committed the offence of corruption and corrupt practices as defined in section 9(i) (v) & (xii), punishable u/s 10 of the NAO 1999 and Schedule thereto. Therefore, it is proper and just to proceed further against the above-accused persons as there is sufficient incriminating evidence to justify the filing of this Supplementary Reference. List of Witnesses, Investigation Report and documents as per list are attached herewith.

5. During the trial of this reference prosecution produced remaining 14 PWs and thus total 22 witnesses have been recorded by the prosecution.

6. The prosecution evidence both oral as well as documentary will be discussed at the relevant points below, however, the resume of depositions of PWs are as under:

- i. **PW-01 Jahangir Ahmed**, appeared and deposed that on 18.8.2017, he received a letter from his controlling office Chief Commission Lahore Regional Tax Office Lahore (RTO) II. A letter of Chairman FBR was also annexed with that letter. He was appointed as a focal person in that letter of Chairman FBR for the purpose to appear before NAB Investigation Team and to produced tax record of the accused, Mian Muhammad Nawaz Sharif, Hassan Nawaz and Hussain Nawaz. He was directed by Chief Commissioner to appear before NAB Investigation Team

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on 21-08-2017 in letter dated 18th August 2017. He appeared before I.O on said date. He produced original record of Income Tax returns, Wealth statement and wealth tax returns pertaining to accused Mian Muhammad Nawaz Sharif as well as Hassan Nawaz and Hussain Nawaz. 235 copies of the record mentioned above were also handed over to I.O. After examination of the original record I.O seized certified copies produced by him through a seizure memo. Those documents were exhibited as Ex.PW-1/1 to Ex.Pw-1/14 (pg 392 to pg 436). I.O obtained his signature on the seizure memo available at pg 26 and pg 27 of Reference Folder- G. His signature thereon was Ex.PW-1/15. I.O also recorded my statement u/s 161 Cr.P.C.

- ii. **PW-02 Malik Tayyab Moazam, Branch Manager, Standard Chartered Bank, Johar Town Lahore appeared and deposed that** on 21-8-2017 he appeared before Mehboob Investigating Officer in NAB office Islamabad. A call of notice was received to him, and he went there in response to that. Hewas asked to produce record pertaining to four accounts maintained in WAPDA town Branch Lahore and one account in Standard Chartered Islamic Sadiq Branch Gulburg Lahore, by accused Mian Muhammad Nawaz Sharif. He handed over certified copies of the five accounts to the IO and those documents were seized by I.O, through a seizure memo which was signed by him. His signature thereon and seal of the bank are Ex.PW-2/1 (pg-2 Folder H1). He produced to IO, documents which are ExPW-2/2 to Ex.PW-2/387.

- iii. **PW-03 Yasir Shabbir Chaudhry, Branch Operations Manager MCB Ltd, New Garden Town Branch, Lahore appeared and deposed that** presently, he was also posted as Branch Operations Manager in the same branch of MCB, New Garden Town Lahore. A summons issued by NAB Office was received in Area Head Office and from E-mail was sent to our Branch. A record of accounts of Mian Muhammad Nawaz Sharif and Maryam Safdar, was requisitioned, and transactions therein. On 02.08.2017, he went to the NAB Office and he

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produced the requisitioned record. He produced documents which are Ex.PW-3/1 to Ex.PW-3/10. Seizure memo was prepared by the I.O. whereon he obtained his signature in the presence of witnesses and his signature thereon Ex.PW-3/11. I.O also recorded his statement.

- iv. **PW -04 Mst. Sidra Mansoor, Joint Registrar of Companies SECP, Company Registration Office 3rd Floor Associative House Seven Edgerton Road, Lahore-appeared and deposed that she was presently serving as Joint Registrar Company SECP, Company Registration Office Lahore. She appeared before I.O NAB Rawalpindi in the investigation against accused Mian Muhammad Nawaz Sharif, Hassan Nawaz Sharif and Hussain Nawaz Sharif regarding Al Azizia Steel Company Ltd. Jeddah and Hill Metals Ltd. on 25th August, 2017. She produced certified true copies of certain documents to I.O which are Ex.PW-4/1 to Ex.PW-4/16.**

The documents were taken into possession by the I.O through a seizure memo dated 25th August 2017 and she put her signature on the seizure memo as producer of the documents. Her signature thereon is Exh. PW-4/17 (pg 24). According to Form A made upto 31st December 2000 Hussain Nawaz Sharif was holding 4,87,400 shares at the rate of Rupees 10 per share of Mehraan Ramzan Textile Mills. As per Form A made upto 27th March 2001, the entire shareholding, of 4,87,400 shares was transferred to Sharif Trust on 12th February 2001 with remarks, "all the shares donated/gifted to Sharif Trust". Another transfer of the share is also disclosed in the said Form A as transfer of 1000 shares from Sharif Trust to Hussain Nawaz Sharif on 16th March 2001. As per Form A made upto 28th March, 2002 and Form A made upto 29th March 2003 Hussain Nawaz Sharif holds 1000 shares at rate of rupees 10 per share. Her statement was also recorded by the I.O on 25th August 2017.

PW -05 Muhammad Tasleem Khan, Inland Revenue Officer (Retd) IP Division, Regional Tax Office-II Lahore appeared and deposed that he was serving as Inland Revenue officer when he appeared before IO Mr. Mehboob Alam on 21st August

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2017. Mr Jehangir Commissioner Inland Revenue produced the record pertaining to Accused Mian Muhammad Nawaz Sharif, Hassan Nawaz Sharif and Hussain Nawaz Sharif regarding Income Tax Returns, Wealth Statements, and Wealth Tax Returns. In his presence, he handed over the above said record to IO. Original record was seen by the IO and returned. The seizure memo was prepared for the above said documents. He put his signature on the seizure memo as a witness. His signature thereon is Ex.PW-5/1 (pg 27 Volume G). IO recorded his statement.

vi. **PW -06 Muhammad Zubair Manager Legal (Central) Standard Chartered Bank New Garden Town Lahore appeared and deposed that** on 21.08.2017, Malik Tayyab Moazam Branch Manager Standard Chartered Bank Wapda Town Branch produced the record before IO NAB Rawalpindi in his presence. The record comprises as per details given in seizure memo which was signed by him. His signature thereon as a witness is Ex.Pw-6/1 (pg 02 Folder H-I). I.O also recorded his statement.

vii. **PW-7 Umar Daraz Sub Inspector Police Station NAB Lahore appeared and deposed that** he was posted as SI Police Station NAB Lahore. On 17.08.2017, call-up notices were entrusted to him by Mehboob Alam Deputy Director NAB Rawalpindi for services on accused Mian Muhammad Nawaz Sharif and Hussain Nawaz Sharif. Photocopies of those call-up notices were Mark Pw-7/A (Pg 24) and Mark Pw-7/B (pg 25 Folder G). He went to Shamim Farm Jati Umrah Raiwand Road Lahore for the purposes of service of call-up notices. Those notices were received by Muhammad Arif Security Officer of Shamim Farm Jati Umrah. He obtained the signature as a token of receipt of those call-up notices. That receipt with his report is Ex.PW-7/1 (pg 80 Folder G). He handed over that report to I.O. I.O also recorded his statement.

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viii. **PW-08 Ghulam Mustafa Regional Operations Manager Muslim Commercial Bank, Circle Office Main Gulberg Jail**

Road Lahore appeared and deposed that on 22nd August 2017, he accompanied Mr. Yasir Shabbir Branch Operations Manager MCB New Garden Town Branch Lahore to NAB Office Islamabad/Rawalpindi in Hill Metals Establishment case. Said Mr. Yasir Shabbir submitted certified copies of documents of Bank Statements, etc. Those documents were taken into possession by the I.O through a seizure memo. The seizure memo was signed by us. He has seen seizure memo which bears his signature. His signature thereon is Ex.PW-8/1 (pg 01 Folder I). I.O also recorded his statement.

ix. **PW-09 Malik Muhammad Uzair Rehan Assistant Director NAB, Rawalpindi appeared and deposed that Mst. Sidra Masnoor Joint Registrar of SECP produced record on 25-08-2017 to Investigation Officer namely Mehboob Alam. The record mentioned in the seizure memo as produced by said lady was taken into possession by the I.O. He put his signature on the seizure memo. He has seen that seizure memo which bears his signature and his signature thereon is Ex.PW-9/1 (pg 24 Folder I). I.O also recorded my statement.**

x. **PW -10 Afaq Ahmed S/o Muhammad Aslam, Director SSP, Ministry of Foreign Affairs appeared and deposed that on 28th May 2017, Secretary Abdul Rashid Abdul Hamid, Albraida Secretary to Sheikh Hamid Bin Jasim Bin Jabir visited the Pakistan Embassy and handed over a sealed envelope which was addressed to head of JIT, Mr. Wajid Zia. On the same date, Pakistan Embassy forwarded the envelope along with covering letter Ministry of Foreign Affairs Islamabad through DHL. The envelope was received to Foreign Office on 30th May, 2017. On the same day 30th May, 2017 Ministry of Foreign Affairs forwarded the envelope along with the covering letter to the head of the JIT Mr. Wajid Zia. On 31st May, 2017, head of the JIT Mr. Wajid Zia sent a letter to the Foreign Secretary and asked to direct him to appear before the JIT on 1st June, 2017. He appeared before JIT on the said date. They showed him a covering letter addressed to Mr. Wajid Zia along with sealed envelope. He verified the documents. He also handed over the**

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attested copy of the covering letter which was received from Pakistan Embassy Doha. Then he signed the seizure memo vide which documents were taken into possession. The attested copy of seizure memo is reflecting his signatures, which was signed as stated above. His signatures is EX-PW-10/1 (page 85). (Under objection). Attested copy of letter dated 28th May, 2017, received from Embassy of Pakistan Doha. That letter is EX-PW-10/2 (page 85) (Under objection that the witness was neither scribe, addressee or executant. Order later). (Original letter is produced and returned). Attested copy of letter dated 30th May, 2017 addressed to Mr. Wajid Zia, issued by me EX-PW-10/3 (page 68). (Under objection that this document is not certified in accordance with Qanon-e-Shahadat and original is not produced, although it could have been produced). Attested copy of sealed envelope stated above is EX-PW-10/4 (page 92). (Under objection that this document is not certified in accordance with Qanon-e-Shahdat and original is not produced, although it could have been produced).

- xi. **PW-11 Muhammad Ali Raza Manager Operations Habib Bank Pakistan Chowk Icchra Lahore** appeared and deposed that he has been serving as Branch Operations Manager HBL Pakistani Chowk Icchra Lahore. On 31.1.2018 he appeared before I.O. in Al-Azizia and Hill Metal Steel Establishment case. He produced record pertaining to Muhammad Anees of Account No. 16997900405003. That record was seized and seizure memo was prepared and which was dully signed by him. His signature thereon is Ex.PW-11/1 (pg-1 folder B-1). He produced which are Ex.PW-11/2 to Ex.PW-11/5 (pg -18 to pg-90).(under objection that the documents is not certified in accordance with Bankers Book Evidence Act 1891. I.O recorded his statement. He has also signed other seizure memo (at pg 403 of the reference Volume B-1, Supplementary reference) as a witness. His signature thereon is Ex.PW-11/6. I.O also recorded his statement in this regard.

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- xii. **PW-12 Statement of Irfan Mehmood Malik Operations Manager, HBL New Muslim Town Ayubia Market, Lahore**

appeared and deposed that he was serving in the HBL New Muslim Town Ayubia Market as Operations Manager. He appeared before I.O Mehboob on 31.01.2018 in connection with investigation regarding Hill Metal and Azizia Steel. He produced record pertaining to Account Holder Muhammad Hanif Khan whose account number is 10190013400101 in the said branch. The attested copies were taken into possession by the I.O and he obtained his signature on a seizure memo prepared by the I.O. His signature thereon is Ex.Pw-12/1 (pg 91 Folder B-1, Supplementary reference). The documents produced by him are Ex.PW-12/2 to Ex.PW-12/6.IO recorded his statement.

- xiii. **PW-13 AZHAR IKRAM, MANAGER OPERATIONS, HBL WAPDA TOWN BRANCH, LAHORE appeared and deposed that** he was working as Operations Manager WAPDA Town Branch Lahore. He appeared before NAB on 23rd January, 2018 in investigation against Mian Muhammad Nawaz Sharif, Hassan Nawaz Sharif regarding Hill Metals. He produced record regarding account No. 12837900775203 Anjum Iqbal Ahmed. That record was entered into seizure memo, He signed that seizure meme. He has seen the same, his signatures thereon is Ex.pw-13/1 (pg 207). He produced System generated Details of all remittances received in the account of Mr. Anjum Iqbal since opening of the account from Saudi Arabia which is Ex.PW-13/2, Photocopies of account opening form of Anjum Iqbal, which is Ex.pw-13/3, Photocopy of SS Card is Ex.PW-13/4, System generated "know your customer" which is Mark PW-13/A (pg-222) (under objection that none of these documents signed, scribed or executed by this witness, nor in his presence). Photocopy of letter dated April 8, 2008 is mark PW-13/B. Photocopy of inter office memo is Mark PW-13/C (pg-221). Photocopy of Computer generated KYC inquiry is mark pw-13/D (pg. 223 to pg.225) and System generated Statement of account of Mr. Anjum Iqbal for the period from August 2013 to January 2018 is Ex.PW-

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13/5 (pg. 227 to pg 402), signed by me and having my stamp. The same was prepared by me as system allowed me.

- xiv. **PW -14 Suneel Ijaz Khokhar, Manager Operations HBL, Sharif Education Complex Trust Branch Lahore appeared and deposed** that he presently working as Manager Operations HBL Sharif Education Complex Trust Branch Lahore. On 31.01.2018, he appeared before I.O NAB in respect of investigation relating to Hill Metal against Mian Muhammad Nawaz Sharif. He handed over the bank record of Mr. Abdul Razzaq/account No. 15807900411103 to I.O. I.O seized that record in presence of witnesses and prepared a seizure memo. His signature on that seizure memo is Ex.Pw-14/1 (pg 403 Volume B-1). He produced documents which are Ex.PW-14/2 to Ex.PW-14/6.

I.O also recorded his statement. He was also witnessed when documents were handed over to I.O by Muhammad Ali Raza on 31.01.2018, He has seen seizure memo. He recognized their signature thereon which is Ex.PW-14/7 (pg 01 Volume B-1 Supplementary reference). Similarly, He is marginal witness to the seizure memo dated 31.01.2018. His signature thereon is Ex.PW-14/8 (pg 207), while his signature as a marginal witness on other seizure memo dated 31.01.2018 is Ex.PW-14/9 (pg 91). His statement as marginal witness regarding each of the seizure memo was recorded by the I.O.

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xv. **PW -15 Shahid Mehmood, Producer (Current Affairs), PTV News, Center, Islamabad** appeared and deposed that he presently serving as producer Current Affairs PTV News, Islamabad. He appeared before I.O on 10th February, 2018 in connection with investigation against Flagship, Al Azizia and Hill Metals. That investigation was against Former Prime Minister and his sons. He appeared with purpose to deliver the DVDs and transcripts of addresses of Former PM to Nation and National Assembly on 5th April, 2016 and 16th May, 2016 respectively. He obtained his signature on a document in presence of two witnesses. He has seen that document which bears his signature. He recognized my signature which is

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Ex.PW-15/1 (pg 211 volume C-1, Supplementary reference). He produced to I.O. which are Ex.PW-15/2 to Ex.PW-15/6 . I.O recorded my statement.

xvi. **PW-16 Umar Daraz, Sub-Inspector Police Station NAB, Lahore. (Earlier appeared as PW-07)** appeared and deposed that he was posted as S.I, Police Station NAB Lahore. On 08.02.2018, call-up notice of same date, in the name of Mian Muhammad Nawaz Sharif was entrusted to him by Additional Director NAB Lahore. That call-up notice was issued by NAB Rawalpindi. Muhammad Hayyat 10506/HC accompanied him when they went to Shamim Farm Jati Umra Raiwand Road Lahore for service of that notice on 09.02.2018. Where, one Muhammad Arif Security Officer met us, he received call up notice and put his signature on the photocopy of call up notice. That photocopy was handed over to Additional Director (Staff) NAB Lahore. He has seen that photocopy of notice which bears signature of said Muhammad Arif and the signature is Ex.PW-16/1 (pg 252 volume C-1, Supplementary Reference). (Under objection that Muhammad Arif is not cited as a witness in this case). He handed over his report to I.O Kamran NAB Rawalpindi. His report is Ex.PW-16/2 (pg 250 volume C-1, supplementary reference). I.O recorded his statement.

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xvii.

PW-17 Syed Hassan Riaz Kirmani, Branch Manager (Operations), Standard Chartered Bank, Ltd 65 Main

Boulevard Gulberg III, Lahore appeared and deposed that he presently serving as Branch Operations Manager Standard Chartered Bank, ltd, 65 Main Boulevard Gulberg 3 Lahore. On 31.01.2018, he appeared before I.O relating to a case against Mian Muhammad Nawaz Sharif, Hassan Nawaz and Hussain Nawaz in Al Azizia Hill Metals. He provided attested copies of bank record relating to account No. 01078651-01 of Khawaja Haroon Pasha, maintained at our branch. I.O seized that record and he obtained signature on a seizure memo, he has seen that seizure memo which bears his signature which is Ex.PW-17/1 (pg 197 Volume C-1, Supplementary reference). He produced documents which are Ex.PW-17/2 to Ex.PW-17/7. The seizure

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memo was prepared by the I.O which was signed by him and witnesses for the documents mentioned above.

He is marginal witness of the seizure memo vide which documents were taken into possession and produced by Noureen Shehzadi Branch Manager Standard Chartered Bank, Ltd. He recognize his signature on the said seizure memo. Which is Ex.PW-17/8 (pg 189).I.O recorded his statement.

xviii. **PW-18 Ms. Naureen Shehzadi, Branch Manager, Standard**

Chartered Bank, Ltd, WAPDA Town Branch Lahore

appeared and deposed that on 15.01.2018, he appeared before I.O NAB in the investigation against accused Mian Muhammad Nawaz Sharif and Hussain Nawaz regarding Al Azizia Hill Metal. As per call up notice he submitted bank record regarding four accounts of Hussain Nawaz Sharif of currency US\$, PKR, EURO and GBP. Account No is 011795300-01 of above said different currencies. The record produced by him was taken into possession through a seizure memo. The seizure memo was also signed by him. He has seen his signature thereon which is correct and is Ex.PW-18/1 (pg 02 Volume C-1, Supplementary Reference). He produced documents which are as Ex.PW-18/2 to Ex.PW-18/64. His statement was recorded by the I.O. On 31.01.2018, he also appeared before I.O in response to call up notice, and produced documents which are Ex.PW-18/65 to Ex.PW-18/66.

The above said documents were seized and a seizure memo was signed. His signature thereon is Ex.PW-18/67 (pg 189 Volume C-1, Supplementary Reference). I.O also recorded his statement again. On 31.01.2018, Syed Hassan Riaz Kirmani, Branch Manager Operations Standard Chartered Bank, Ltd Gulberg Lahore also produced documents to I.O in his presence and those documents were taken into possession through a seizure memo which was signed by me as a witness. His signature thereon is Ex.PW-18/68. (pg 197 Volume C-1, Supplementary Reference). I.O recorded his statement in this regard.

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Statement of Ms. Naureen Shehzadi, Branch Manager, Standard Chartered Bank, Ltd, WAPDA Town Branch

Lahore again appeared on 14.05.2018 and produce original (i) cheque dated 14.02.2016 of an amount of Rs. 05 million (ii) cheque dated: 10.02.2016, of an amount of Rs. 30 million, (iii) cheque dated 21.11.2015 of an amount of Rs. 1,800,000/- and (iv) cheque dated 27-03.2016 of an amount of Rs. 40million.

xix. PW-19 Waqar Ahmad Assistant Director NAB, Rawalpindi

appeared and deposed that on 15.01.2018, Mst. Noureen Shahzadi Manager Standard Chartered Bank Wapda Town Lahore had produced record before the I.O. The I.O had taken record in his custody through a seizure memo dated 15.01.2018. He has signed the said seizure memo as a witness. His signature thereon is Ex.PW-19/1 (pg 02 volume C-1, Supplementary reference). I.O has recorded my statement.

On 10.02.2018, Mr. Shahid Mehmood Producer Current Affairs PTV News, Islamabad has produced the record before the I.O. The I.O has taken into possession the record in his custody through a seizure memo dated 10.02.2018. I have signed the said seizure memo as a witness. My signature is Ex.PW-19/2 (pg 211 Volume C-1, Supplementary Reference). I.O recorded my statement.

xx. PW-20 Sher Ahmad Khan posted as Expert Finance and Accounts, in NAB (Rawalpindi) appeared and deposed that

he was serving as Expert Finance and Accounts in NAB Rawalpindi. On 01.02.2018, certain documents were given by the I.O to me for financial analysis relating to Hill Metals Establishment Case. Extract of profit and loss account which was prepared for Audit by Chartered Accountant Firms. Banks Statement of account holders of Standard Chartered Bank Lahore and HBL Lahore. He submitted his report to I.O which is signed by him and his report is Ex.PW-20/1 (pg 210 Volume C-1, Supplementary reference). I.O recorded his statement.

PW-21 Mr. Wajid Zia, Additional Director General, Immigration, FIA Head Quarter Islamabad appeared and deposed that he was working as Additional Director General

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on 20th April, 2017, when the Hon'ble Supreme Court of Pakistan announced its judgment on the PANAMA Case, whereby it ordered setting up a joint investigation team which was to be headed by an officer of the rank of Additional Director General of FIA, and with other members to be drawn from the State Bank of Pakistan (SBP), the Securities and Exchange Commission of Pakistan (SECP), the Military Intelligence (MI), the Inter Service Intelligence (ISI), and National Accountability Bureau (NAB). Order of the court in this record is available at pg 530, pg 532 (Folder-C) which is Ex.PW-21/1. The Hon'ble Supreme Court of Pakistan had raised specific questions which were to be answered by the Joint Investigation Team (JIT), which included Questions related to Gulf Steel. How it was established? What led to its sale? What happened to its liability? Where did its sale proceeds end up? How did they reach Qattar, United Kingdom, and Saudi Arabia? Whether the sudden appearance of letters of Prince Hamid is a myth or reality? How did Hill Metal Establishment come into existence and where did the huge sums of money running into millions gifted by accused Hussain Nawaz Sharif to accused Mian Muhammad Nawaz Sharif drop in from? (Learned Defence Counsel objected it as witness is deposing from the contents of the documents). There were also questions related to Avenfield Apartments and the company setup in the UK which are not directly related to this reference. The JIT was also to investigate the case and collect the evidence showing that accused Mian Muhammad Nawaz Sharif or any of his dependents or benamidar owns, possesses or has acquired assets or any interest therein disproportionate to his known sources of income. The heads of the departments listed above were asked to submit the names of the proposed members for selection by the Hon'ble Supreme Court of Pakistan. The JIT was also tasked to submit its final report within 60 days. My name was sent alongwith two others to the Hon'ble Supreme Court of Pakistan. The Hon'ble Supreme Court of Pakistan vide its order dated 05th May, 2017, finalized

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the names for JIT. That order is available at pg 01 to 04 of Folder D, which is Ex.PW-21/2. I was selected as the Head of the JIT, whereas the other members were Mr. Amir Aziz from SBP, Brig. Kamran Khursheed of MI, Brig Noman Saeed from ISI, Mr. Bilal Rasool from SECP, and Mr. Irfan Naeem Mangi from NAB. The Hon'ble Supreme Court of Pakistan provided certain powers to the JIT which are enumerated at para 03 (i) to (ix) of the order dated 05.05.2017 (Ex.PW-21/2). The JIT commenced its work and submitted its final report before Hon'ble Supreme Court of Pakistan on 10th July, 2017, which comprised of ten volumes (Volume VIII & IX consisting of two parts each). The JIT requested and got notified the powers u/s 21 of NAO,1999 to me vide M/o Law & Justice letter dated 18-05-2017, copy of that letter is Ex.PW-21/3 (pg 05, Folder D). (Original copy is produced, seen and returned). This enabled the JIT to initiate letters for Mutual Legal Assistance (MLA) for jurisdictions outside Pakistan. (Learned Defence Counsel objected that witness is commenting upon the legal effect of the document which is not admissible in evidence). The JIT initiated MLAs to the United Arab Emirates and Kingdom of Saudi Arabia (KSA) which are relevant to this case amongst other jurisdictions. Only the reply from UAE to our MLA was received whereas the response from KSA was not received. The JIT started its work by analyzing the CMAs and petitions filed in the Hon'ble Supreme Court of Pakistan which had been submitted by the respondents/accused and the petitioners. The JIT also collected record from different departments/institutions like Federal Board of Revenues (FBR), Banks, SECP etc. The JIT also recorded the statements of relevant persons including Mr. Tariq Shafi, accused Mian Muhammad Nawaz Sharif, Mr. Shahbaz Sharif, accused Hussain Nawaz, accused Hassan Nawaz amongst others.

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Supplementary concise statement filed on behalf of respondents No, 6, 7, & 8 namely Maryam Safdar, accused Hussain Nawaz, and accused Hassan Nawaz in CMA 7531/2016 Certified copy of the same is Ex.PW-21/4 (pg 89 to pg 98,

Folder D). (Under objection that pleadings per-se are not admissible in evidence, the persons Maryam Safdar is not cited as witness in this case, and the two accused namely Hussain Nawaz and Hassan Nawaz are also not before this court, the scribe and executant of the document is also not cited as witness in this case, witness producing this document is neither scribe, nor executant of this document). Affidavit of Mr. Tariq Shafi was also annexed with the said CMA, I-produced attested copies of the said affidavit, photocopies of which are available at pg 150 to pg 153 of Folder D, which is Ex.PW-21/5. Attested copies are placed on file. (Under objection that the executant is neither cited as a witness nor an accused in this case and the attested copy seen and placed on record by the court is not certified in accordance with law). (Learned prosecutor in response to objection submitted that the said objection is misconceived of law and facts).

An affidavit of Mr. Tariq Shafi was also filed in CMA No. 432/17. I produce attested copy of the same affidavit. Which are placed on file. Photocopies of which are Ex.PW-21/6 (pg 204 to pg 205). (Under objection that the executant is neither cited as a witness nor an accused in this case and the attested copy seen and placed on record by the court is not certified in accordance with law). (Learned prosecutor in response to objection submitted that the said objection is misconceived of law and facts).

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Share Sale Contract of 75% of Gulf Steel Mills annexed with CMA No. 7531/2016. I produce attested copies of the same (which is placed on file). Photocopies of the same is Ex.PW-21/7(pg 111 to pg 130 Folder D). Partnership agreement between Mr. Ahli and Mr. Tariq Shafi in year 1978 was also annexed with CMA No. 7531/2016, photocopies of which are Ex.PW-21/8 (pg 131 to pg 142, Folder D). Attested copies of the same as produced by the witness are placed on file. Share Sale Agreement of Ahli Steel Mills dated 14.04.1980 annexed with CMA No. 7531/2016 (pg 143 to pg 146, Folder D), photocopies of which are Ex.PW-21/9. Attested copies of the same as

produced by the witness are placed on file. Photocopy of letter of Credit annexed with the CMA No. 432/2017 (pg 220 to pg 222 Folder D), same is Ex.PW-21/10. Attested copies of the same as produced by the witness are placed on file. Photocopy of letter dated 05.11.2016 of Hamad Bin Jasim Bin Jaber Al Thani, as annexed with CMA No. 7638/2016, same is Ex.PW-21/11 (pg 25 of F-5). Photocopy of letter dated 22.12.2016, annexed with CMA No. 432/2017, is Ex.PW-21/12 (pg 206, Folder D). Photocopy of work sheet for settlement annexed with CMA No. 432/2017, same is Ex.PW-21/13 (pg 248, Folder D). Photocopies of related papers of the settlement annexed with same CMA, available at pg 249 to pg 259 Folder D, are Ex. PW-21/14. Attested copies of further statement on behalf of respondent No. 7 & 8 accused namely Hussain Nawaz and Hassan Nawaz available at Pg 185 to pg 200 of Folder D, is Ex.PW-21/15. Photocopies of sale purchase agreement, transfer of obligation of loan, agreement dated 04.02.2006, annexed as annexure F with CMA 432/2017 available at pg 223 to pg 245, Folder D, is Ex.PW-21/16. Photocopies of cheques one dated 22.03.2005, is available at page 246 and two cheques dated 14.03.2005 at pg 247 of Folder D are Ex.PW-21/17. Photocopy of Aldar Audit Bureau report for the year 2010 to 2014 available at pg. 321 and PG. 322 F-D, which was annexed with CMA No. 432/2017, is Ex.PW-21/18. Attested copies of the same as produced by the witness are placed on file. Photocopy of Aldar Audit Bureau pertaining to year 2010 to 2015, which was produced by accused Hussain Nawaz Sharif, same is Ex.PW-21/19 (pg-176 to pg. 177 Folder F-6) Mistakenly the above said Ex.PW-21/19 is written as source document on pg.4 of the Folder F-6. Attested copy of Que Holding Ltd. notes to financial statement for the year 31.3.2008 is Ex.PW-21/20 (PG. 278 Folder F-7). Attested copy of Flagship Securities Ltd. notes to financial statements for the year ended 31.3.2008 is Ex.PW-21/21 (pg. 279 Folder F-7). Attested copy of letter dated 13.5.2017 written by me to the Secretary Ministry of Foreign Affairs to deliver the letter dated 13.5.2017, that letter is

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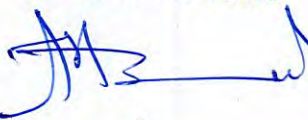
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Ex.PW-21/22 (pg. 60 Folder F-5). (Original office copy is shown and returned). Attested copy of letter dated 13.5.2017 written by me to Sheikh Hamad Bin Jasim Bin Jaber Al-Thani, Doha Qatar (original office copy of that letter is produce and returned). Same is Ex.PW-21/23 (pg 61 Folder F-5). Photocopy of letter dated 15.5.2017 with endorsement that letter has been delivered. Same is Ex.PW-21/24 (PG 62 Folder F-5). (Under objection that this is a photocopy, the person purportedly noting the endorsement has not been cited as a witness, Mr. Afaq Ahmad has not made any statement in this regard as well, and the whereabouts of the original has not been accounted for). Photocopy of letter dated 16.05.2017, written by me to the Secretary M/o Foreign Affairs asking for the delivery report of letter dated 13.05.2017, (original of office copy has been produced and returned). Same is Ex.PW-21/25 (pg 63 of Folder F-5). Attested copy of letter dated 18.05.2017 along-with its enclosure, written by Afaq Ahmad Director (SSP) to me, I produce the original letter along-with its enclosure, attested copy of letter is Ex.PW-21/26 (pg 65 Folder F-5) while enclosure is Mark PW-21/A (pg 64 Folder F-5). Attested copy of letter dated 24.05.2017, written by me to Sh. Hamad Bin Jasim Bin Jaber Al Thani is Ex.PW-21/27 (pg 66 Folder F-5). Attested office copy of letter dated 24.05.2017 written by me to Secretary M/o Foreign Affairs Islamabad, same is Ex.PW-21/28 (pg 67 of folder F-5). Attested copy of letter dated 30.05.2017, is already exhibited as ExPW-10/3 (pg 68 of Folder F-5), I produce its original, same is seen and returned.

I produce original letter dated 19.06.2017, attested copy of which is Ex.PW-21/29 (pg 69 of Folder F-5). I produce original office copy of letter from Head of JIT addressed to Secretary M/o Foreign Affairs Islamabad dated 22.06.2017, attested photocopy of the same is Ex.PW-21/30 (at pg 75 of Folder F-5). Photocopy

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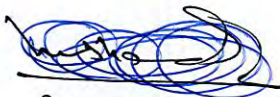


I produce Original letter dated 23.06.2017 address to me written by Afaq Ahmad, attested copy of which is Ex.PW-21/32 (pg 76 of Folder F-5), while Enclosures of the above said letter are Mark PW-21/B (pg 73 of Folder F-5) and Mark PW-21/C (at pg 77 of Folder F-5). I produce original letter dated 03.07.2017, written by Afaq Ahmad, attested copy of which is Ex.PW-21/33 (pg 78 of Folder F-5). Enclosure of the above said letter is Mark PW-21/B (pg 73 of Folder F-5) and Mark PW-21/C. I produce office copy of letter dated 04.07.2017, written by me as Head of the JIT to Sh. Hamad Bin Jasim Bin Jaber Al Thani, Doha Qatar, attested copies of which are Ex.PW-21/34 (pg 79 to pg 82, Folder F-5), (original office copy is seen and returned). I produce letter dated 28.05.2017, having original note of Afaq Ahmad Director, attested copy of that letter is already exhibited under objection as Ex.PW-10/2 (pg 83 of Folder F-5). I produce original letter of Hamad Bin Jasim Bin Jaber Al Thani addressed to me as Head of JIT, attested copy of which is Ex. 21/35 (pg 84 of Folder F-5). (original office copy is seen and returned). I produce original seizure memo attested copy of which is Ex.PW-21/36 (pg 85 of Folder F-5), (original is seen and returned). Letter dated 14.06.2017 is Mark PW-21/D (pg 86 of Folder F-5). I produce original letter dated 11.06.2017, written by Sh. Hamad Bin Jasim Bin Jaber Al Thani, addressed to JIT, attested copy of which is Ex.PW-21/37 (pg 87 of Folder F-5). (Original is seen and returned). I produce original letter dated 28.06.2017, attested copy of which is Ex.PW-21/38 (pg 88 of folder F-5). (Original is seen and returned). I produce original letter dated 26.06.2017 of Sh. Hamad Bin Jassim Bin Jaber Al Thani, addressed to JIT, attested copy of which is Ex.PW-21/39 (pg 89). (Original is seen and returned). Photocopy of DHL Report is Mark PW-21/E (pg 91 of Folder F-5). I produce original envelope photocopy of which is already exhibited under objection as Ex.PW-10/4 (pg 92 Folder F-5). I produce original letter dated 06.07.2017 of Hamad Bin Jassim Bin Jaber Al Thani, addressed to JIT, attested copy of which is Ex.PW-21/40 (pg 93 of Folder F-5). I produce original letter dated 07.07.2017 addressed to me as Head of JIT from Mr.

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Afaq Ahmad, alongwith its enclosure. Attested copies of that letter and its enclosure is Ex.PW-21/41 (pg 95 and pg 94 of Folder F-5 respectively). Attested copy of Fax Transmission Report dated 05.07.2017, regarding transmission of JIT Report letter dated 04.07.2017, same is Mark PW-21/F (pg 96 of Folder F-5). He produce office copy of letter dated 04.07.2017 written by me to Secretary M/o Foreign Affairs, attested copy of which is Ex.PW-21/42 (pg 97 of Folder F-5). Account statement of MCB New Garden Town Lahore of accused Mian Muhammad Nawaz Sharif available at pg 182 to pg 184 of Folder F-6, from 13.02.2010 to 23.05.2013, such account statement is already exhibited under objection as Ex.PW-3/10 and relevant portion of Ex.PW-3/10 is point A to A (pg 16 to pg 19, Folder I). Account statement of Standard Chartered Bank US dollars for the period 12.03.2010 to 15.05.2017 (at pg 185 to pg 197 of JIT Folder F-6), the said account statement is included in already exhibited under objection as Ex.PW-2/6 and relevant portion in said exhibit is point B to B (at pg 27 to pg 38, Folder H-1). Electronic transfer Swift Messages are available at pg 198 to pg 206 Folder F-6, from accused Hussain Nawaz Sharif to accused Mian Muhammad Nawaz Sharif, same are already exhibited (under objection) as Ex.PW-2/8 to Ex.PW-2/16. (at pg 60 to pg 68 of folder H-I). Electronic transfer Swift Messages are available at pg 207 to pg 238 Folder F-6, from Hill Metal Establishment to accused Mian Muhammad Nawaz Sharif, same are already exhibited (under objection) as Ex.PW-2/17 to Ex.PW-2/48. (at pg 69 to pg 100 of folder H-I). Statement of account of Standard Chartered Bank EURO Account of accused Mian Muhammad Nawaz Sharif from 16th April 2010 to 31.12.2010, available at page 239 of Folder F-6 already exhibited (under objection) as Ex.PW-2/5, (at pg 22 Folder H-I). Statement of account of Standard Chartered Bank PKR Account of accused Mian Muhammad Nawaz Sharif from 16th April 2010 to 31.12.2015, available at page 240 to pg 247 of Folder F-6 already exhibited (under objection) as Ex.PW-2/3, (at pg 04 to pg 15, Folder H-I). Statement of account of Standard Chartered Bank Islamic

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Gulberg, PKR Account of accused Mian Muhammad Nawaz Sharif from 19.09.2012 to May, 2017, available at page 248 to pg 276 of Folder F-6 already exhibited (under objection) as Ex.PW-2/7, (at pg 39 to pg 57, Folder H-I). Attested copy of cheque dated 29.4.2014, (available at pg 284 of Folder F-6) amounting to Rs. 1crore15 lacs, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is already exhibited (Under objection) as Ex.PW-2/506, (pg 948 of Folder H-3). Attested copy of cheque dated 11.10.2014, (available at pg 285 of Folder F-VI) amounting to Rs. 584,004,804, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is already exhibited (Under objection) as Ex.PW-2/85, (pg 159 of Folder H-2). Attested copy of cheque dated 20.01.2014, (available at pg 286 of Folder F-VI) amounting to Rs. 16 million, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is already exhibited (Under objection) as Ex.PW-2/80, (pg 153 of Folder H-2). Attested copy of cheque dated 21.02.2014, (available at pg 287 of Folder F-VI) amounting to Rs. 23,70,000/-, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is already exhibited (Under objection) as Ex.PW-2/86, (pg 159 of Folder H-2). Attested copy of cheque dated 16.06.2014, (available at pg 288 of Folder F-VI) amounting to Rs. 30 million, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is already exhibited (Under objection) as Ex.PW-2/516, (pg 955 of Folder H-3). Attested copy of cheque dated 02.03.2014, (available at pg 291 of Folder F-VI) amounting to Rs. 95 million, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is already exhibited (Under objection) as Ex.PW-2/99, (pg 167 of Folder H-2). Attested copy of cheque dated 14.08.2016, (available at pg 292 of Folder F-VI) amounting to Rs. 19500000, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is already exhibited (Under objection) as Ex.PW-2/139, (pg 218 of Folder H-2). Attested copy of cheque dated 1.04.2017, (available at pg 293 of Folder F-VI) amounting to Rs.

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13,806,000, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is already exhibited (Under objection) as Ex.PW-2/154, (pg 242 of Folder H-2). Attested copy of cheque dated 13.06.2015, (available at pg 294 of Folder F-VI) amounting to Rs. 12 million, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is already exhibited (Under objection) as Ex.PW-2/141, (pg 218 of Folder H-2). Attested copy of cheque dated 15.11.2015, (available at pg 295 of Folder F-VI) amounting to Rs. 28,800,000, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is already exhibited (Under objection) as Ex.PW-2/143, (pg 218 of Folder H-2). Attested copy of cheque dated 01.11.2015, (available at pg 296 of Folder F-VI) amounting to Rs.6,500,000, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is already exhibited (Under objection) as Ex.PW-2/127, (pg 201 of Folder H-2). Attested copy of cheque dated 10.05.2015, (available at pg 297 of Folder F-VI) amounting to Rs.125,000,000, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is already exhibited (Under objection) as Ex.PW-2/76, (pg 147 of Folder H-2). Attested copy of cheque dated 21.11.2015, (available at pg 298 of Folder F-VI) amounting to Rs.1,800,000, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is Mark PW-21/E1. Attested copy of cheque dated 28.06.2015, (available at pg 299 of Folder F-VI) amounting to Rs.34,130,625 issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is already exhibited (Under objection) as Ex.PW-2/101, (pg 168 of Folder H-2). Attested copy of cheque dated 15.03.2015, (available at pg 300 of Folder F-VI) amounting to Rs.13,000,000, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar,

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Sharif in favour of Maryam Safdar, which is already exhibited (Under objection) as Ex.PW-2/106, (pg 172 of Folder H-2). Attested copy of cheque dated 04.09.2015, (available at pg 303 of Folder F-VI) amounting to Rs.22,900,000, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is already exhibited (Under objection) as Ex.PW-2/108, (pg 172 of Folder H-2). Attested copy of cheque dated 21.05.2016, (available at pg 304 of Folder F-VI) amounting to Rs.2,000,000, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is already exhibited (Under objection) as Ex.PW-2/110, (pg 172 of Folder H-2). Attested copy of cheque dated 27.03.2016, (available at pg 305 of Folder F-VI) amounting to Rs.40,000,000, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is Mark PW-21/F1. Attested copy of cheque dated 14.02.2016, (available at pg 306 of Folder F-VI) amounting to Rs.5,000,000, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is Mark PW21/G. Attested copy of cheque dated 10.05.2016, (available at pg 308 of Folder F-VI) amounting to Rs.37,322,316, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is already exhibited (Under objection) as Ex.PW-2/125, (pg 201 of Folder H-2). Attested copy of cheque dated 31.1.2017, (available at pg 309 of Folder F-VI) amounting to Rs. 6,000,000, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is already exhibited (Under objection) as Ex.PW-2/170, (pg 264 of Folder H-2). Attested copy of cheque dated 10.02.2016, (available at pg 310 of Folder F-VI) amounting to Rs.30,000,000, issued by accused Mian Muhammad Nawaz Sharif in favour of Maryam Safdar, which is Mark PW-21/H. Attested copy of chart reflecting major transactions in the account of accused Mian Muhammad Nawaz Sharif and Maryam Safdar from Hussain Nawaz Sharif and Hill Metals is Ex.PW-21/43 (pg.319 Folder F-VI). (Prosecution is directed to provide a legible copy of the chart). (under objection that this document qualifies as part of the investigation report and is therefore not

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admissible in evidence). (learned prosecutor has submitted that the said objection is misconceived of law and facts). Attested copy of MLA response from United Arab Emirates (UAE) dated 28.6.2017 addressed to me as head of JIT, which is Ex.PW-21/44 (pg. 80 and pg-81 of Folder F-3) (original is produced seen and returned). Attested copy of Arabic version of above said MLA response is Ex.PW-21/45 (pg 78 and pg 79 Folder F-3). (original is seen and returned). The enclosure of above said MLA response is an attested copy of order of sentence, copy of which is Ex.PW-21/46 (pg. 118 to pg 121 Folder F-3), (attested copy is produced seen and returned). Attested copy of translation of said enclosure is Ex.PW-21/47 (pg. 155 to pg. 158 Folder F-3). (Under objection that the person who has translated the document has not been cited as a witness in this reference). (learned prosecutor contended that the objection is misconceived of law). (Vide order of today, learned prosecutor is allowed to produce letter dated 17.7.2017, as defence has also no objection to its production). I produce original letter dated 17.7.2017 of Hamad Bin Jasim Bin Jaber Al-Thani addressed to the JIT, copy of which is Ex.PW-21/48. (Original is seen and returned). Photocopy of covering letter through which letter received from Sheikh Hamad Bin Jasim Bin Jaber Al-Thani was provided is Ex.PW-21/49 (original is seen and returned). Photocopy of covering letter regarding letter of Hamad Bin Jasim Bin Jaber Al-Thani addressed to Registrar Hon'ble Supreme Court of Pakistan is Ex.PW-21/50. (original is seen and returned). (Ex.PW-21/49 and Ex.PW-21/50 are objected on the ground that the scribe and executant of both these documents are not cited as witnesses, and do not bear any stamp or seal of the officials signing the said documents, and none of these document have been received in response to any MLA request). The JIT analyzed the documents submitted before the Hon'ble Supreme Court of Pakistan. Initially the question before the Hon'ble Supreme Court of Pakistan was about the Avenfield properties which the respondent/accused Hussain Nawaz claimed as the owner since 2006. Accused Hussain Nawaz, Hassan Nawaz and Maryam Safdar submitted concise

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statement in CMA 7531/2016 already exhibited as Ex.PW-21/4. It was explained that Muhammad Sharif father of the accused Mian Muhammad Nawaz Sharif set up Gulf Steel Mills in Dubai in 1974 with Tariq Shafi as ostensible owner and his another partner Mr. Hussain with zero equity on 100% loan. That Mian Sharif decided to sell 75% shares to Mr. Abdullah Ahli in 1978 for AED 21 million to settle the outstanding loan of the bank. That a new company Ahli Steel with 25% shares held ostensibly in the name of Mr. Tariq Shafi and 75% shares to Mr. Ahli was formulated in 1980 the 25% shares of this company were sold to Mr. Ahli for a consideration of 12 million AED which were invested with the Qatari Royal Family. That as a result settlement between accused Mr. Hussain Nawaz and the representative of Mr. Hamad Bin Jasim Al-Thani in 2006 the ownership of the Avenfield apartments was transferred. Along-with the CMA 7531/16, affidavit Mr. Tariq Shafi (Already Ex.PW-21/5, STO) was also filed which broadly explained the setting up and sale of the above companies. Mr. Tariq Shafi was to receive the 12 million AED without specifying the mode of such payment in six quarterly installments. Another affidavit of Mr. Tariq Shafi (Already Ex.PW-21/6 STO) was filed by accused Hussain Nawaz and Hassan Nawaz vide CMA 432/17, which further explained that he received the 12 million AED in cash, in six installments of two million each, from Mr. Ahli and handed them over to Mr. Fahad Bin Jasim Al-Thani. The JIT recorded the statement of Mr. Tariq Shafi and has identified the contradictions and anomalies in his affidavits in the light of his statement at pages 5 to 21 of JIT report Folder F-3. Mr. Tariq Shafi was unable to produce any documents relating to the loans that had been obtained to set up the Gulf Steel Mill. He failed to explain the role of another partner Mr. Hussain in light of the fact that as per his claim there was no equity involved and Mr. Hussain had no active role whatsoever in the setting up of running of the Mills. Mr. Tariq Shafi could not produce any receipts that he got while receiving cash from Mr. Ahli nor any receipt when he deposited the cash with the representative of Mr. Fahad Bin Jasim. This was

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contrary to the affidavit where he had stated that he had handed over the cash amounts to Mr. Fahad Bin Jasim personally. The JIT on page 26 to 28 of folder F-3 has analyzed the issue of cash payments by Mr. Tariq Shafi to Mr. Fahad Bin Jasim and has given its conclusion that he did not receive the amount of 12 million AED from Mr. Ahli, as 25% shares of sale of Gulf Steel Mills. A sale agreement of the Gulf Steel Mills of 1978 (already EX.PW -21/7) was annexed with CMA 7531/16, which is a three parties agreements between Mr. Abdullah Kaid Ahli, Mr. Tariq Shafi and BCCI. The 75% shares were sold to Mr. Ahli and the agreement shows that the 21 million AED were to be paid directly to the BCCI against the loans. The agreement also shows that there was a liability of 14 million AED against Gulf Steel Mills which was the responsibility of Mr. Tariq Shafi to settle. The second agreement of year 1978 annexed with CMA No. 7531/16 (already Ex.PW-21/8) is the partnership agreement between Mr. Abdullah Kaid Ahli and Mr. Tariq Shafi which provided for the 25% shares holding to Mr. Tariq Shafi whereas 75% shares to Mr. Ahli. An agreement dated 14.4.1980 (already Ex.PW-21/9) is annexed with CMA No.7531/16 which was between Mr. Abdullah Kaid Ahli and Mr. Tariq Shafi, represented by his authorized representative Mr. Shahbaz Sharif. The signature block of the agreement also stated Mr. Tariq Shafi by his authorized representative Mr. Shahbaz Sharif. The signature on the signature block however, read Tariq Shafi. Both Mr. Tariq Shafi and Mr. Shahbaz Sharif in their statements did not accept to have signed this document. This agreement provided for the sale of 25% shares of Ahli Steel Mill held by Mr. Tariq Shafi to Mr. Abdullah Ahli for 12 million AED. This document shows the stamp of Dubai Court Notary Public and the date affixed is 30th May 2016. I have seen the original four cheques, attested copies of which were Marked as PW-21/E-1, PW-21/F-1, PW-21/G, and PW-21/H. Those cheques are Ex.PW-21/51 to Ex.PW-21/54. (Original cheques as produced by Bank Manager Naureen Shehzadi are seen and returned to her, photocopies are placed on file). The agreement dated 14.04.1980

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for the sale of 25% share contained clauses that provided for bank guarantees for payment. The JIT received a response from United Arab Emirates to the Mutual Legal Assistance (MLA) which has already been exhibited as Ex.PW-21/44 (pg 80 and pg 81 of Folder F-3). On page 02 i.e. at pg 81 the UAE Authority have certified after the search in the Dubai Court System about the Ahli Steel Mills (Erstwhile Gulf Steel Mills) (i) that Share Sale Agreement of 25% of Ahli Steel Mills dated 14.04.1980 does not exist, (ii) that no transaction worth 12 millions AED as sale proceeds of 25% shares of Ahli Steel Mills ever took place in the name of Mr. Tariq Shafi, (iii) that no record could be found to indicate notarization of this document was ever done by the Notary Public of Dubai Court on 30.05.2016. Based on this evidence, the JIT concluded that false and fabricated documents had been produced by Maryam Safdar and accused Hussain Nawaz and Hassan Nawaz in the Hon'ble Supreme Court of Pakistan. The only document produced by the accused to provide the answer of not only how the Avenfield Apartments were acquired but also other businesses set-up by accused Hassan and Hussain Nawaz turned out to be fake. The MLA response also stated that after checking the Dubai Customs System records it was stated that no transportation of scrap machinery from Ahli Steel Mills Dubai to Jeddah in the years 2001-02 took place. This relates to already Ex.PW-21/10 (pg 220 to pg 222, Folder D), which showed transportation on two trucks. Mr. Hussain Nawaz accused however, in his statement before JIT stated that this machinery was transported in about 50-60 trucks for establishment of Al Azizia Steel Mills in Saudi Arabia. The JIT concluded that the accused misstated about the transportation of this machinery on pg 31 Folder F-3. The MLA also responded to the question regarding bank record of payment of 12 million AED as 25% shares sale from Mr. Ahli to Mr. Tariq Shafi and

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14million AED which were the responsibility of Mr. Tariq Shafi to settle. This included an amount of about 07 million AED which was owed to the BCCI (Bank of Credit and Commerce International). Mr. Tariq Shafi and none of the accused in the case could provide any explanation of as to how these liabilities were cleared. Mr. Tariq Shafi however, obtained a further loan on a new bank account in 1986-87. The response of the MLA from UAE also provided a sentencing order against Mr. Tariq Shafi for defaulting on this loan. The opening of a new account by the same bank (BCCI) in 1986 clearly shows that the liabilities were settled between 1980 to 1986, but from sources which were not disclosed to the JIT. The JIT has provided the answers to the specific questions raised by the Hon'ble Supreme Court of Pakistan from pg 33 to pg 38 of JIT Report and its conclusive findings on page 38 to pg 40 of Folder F-3 and one of the conclusions was that the Sale Proceeds of Gulf Steel never reached Jeddah Qattar or United Kingdom. I see my signature and signatures of other members of JIT at pg 40 of original JIT Report, attested copy of that page is at pg 40 of Folder F-3. Maryam Safdar and accused Hussain and Hassan submitted CMA 7638/2016 containing Letter from Prince Hammad Bin Jassim Bin Jaber Al Thani already exhibited as PW-21/11 (pg 25 of Folder F-5) and a second letter from him already exhibited Ex.PW-21/12 (pg 206 Folder D). The first letter explained that the investment of 12million AED was invested with Hussain as the beneficiary of the investment and a settlement in year 2006 was reached. The second letter provided that Mr. Tariq Shafi handed over this amount in cash to Mr. Fahad Bin Jassim Al Thani, the elder brother of Mr. Hammad Bin Jassim Bin Jaber Al Thani. It also stated that there were some expenses which were made on the direction of Mr. Muhammad Sharif and final accounts were settled in 2006. The JIT has analyzed the

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pg 248 (Ex.PW-21/13) of Folder D. The worksheet shows four payments made to Hassan Nawaz Sharif between 2001 to 2004, which the CMA explains were for establishing his company in UK. No documentary evidence and banking record to support this transaction was provided to the JIT. Mr. Hassan Nawaz accused stated before the JIT that he had never received any amount from the Qatari Royals at all. The worksheet also shows an expense of 08 million Dollars paid for the Al Towfeeq settlement in 2000. No documentary evidence of this transaction by the Qatari's was provided. The final settlement in 2006 as per the worksheet shows that the apartments were handed over for the consideration of remaining amount of 08 million Dollars. No documentation for the final settlement between Mr. Hussain Nawaz accused and the Qatari Royals was provided. Mr. Hussain Nawaz Sharif stated that no agreement was made. Another set of transaction shown in the worksheet are the transactions worth 5.41 million Dollars provided for the Al Azizia Steel Mills to Mr. Hussain Nawaz Sharif accused between the period 2001 to 2003. Again no document /banking transaction to support this contention was provided to the JIT. The JIT had observed that this worksheet/ document was not signed or notarized by anyone, available at pg 13 of Volume-V of the JIT Report (attested copy of same page 13 of Folder F-V). The JIT also has answered the questions of the Hon'ble Supreme Court of Pakistan whether the appearance of the letter was reality or myth on pg 18 of the JIT Report Volume-V (attested copy of which is available at same page 18 of Folder F-V) and its conclusive findings on pg 19 of the JIT Report Volume-V (attested copy of which is available at same page 19 of Folder F-V), the JIT concluded that the spread sheet has been constructed to artificially connect dots in the money trail and that the appearance of the two letters was a myth. The JIT made efforts to record the statements of Mr. Hammad Bin Jassim Bin Jaber Al Thani and a brief of such efforts appears on page 19 to pg 22 of Volume-V, (attested copy of which are available at same pages of Folder F-V). He however, used delaying tactics by first refusing to record the statement, then

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agreeing and asking for a date and later raising legal issues and refusing to accept the jurisdiction of Pakistani Courts, and asking assurances from the JIT that he would not be required to appear in a Court. The JIT also has assessed the legal position on pages 22 to pg 24 of Volume-V of the JIT Report (attested copy of which are available at same pages of Folder F-V). In light of the evidence collected by the JIT including the MLAs received from UAE the significance of the statement-of Prince Hammad Bin Jassim was assessed to be inconsequential. In the end of JIT Report at pg 24 of Volume-V, I as well as members of JIT signed the same, I own my signature thereon and recognize the signatures of other members of JIT, attested copy of the same report are annexed with Folder F-V. Vide CMA No. 432/2017 submitted by the accused Hussain Nawaz and Hassan Nawaz the concise statement at page 07 (in para 07), (pg 191 of Folder D), it was contended that Mr. Muhammad Sharif arranged for the benefit of accused Hussain Nawaz Sharif, a sum of 5.41 million Dollars between the period 2001 and 2003 for setting of Al Azizia Steel Company Ltd in Saudi Arabia. This payment was claimed to have been made by the Qatari Royals on the request of Mian Sharif. This, it was contended and borrowing from financial institutions were used as equity for the setting-up of the Mill which was sold in 2005 for a consideration of SAR 63 million. Accused Hussain Nawaz in his statement before the JIT however conceded that there were three shareholders, he himself, M/s Rabia Daughter of Shehbaz Sharif and Abbas Sharif. Accused Mian Muhammad Nawaz Sharif also during his statement stated about the same three shareholders adding that the desire of his father Mian Sharif, to have equitable distribution of business interest in the family can be seen through this distribution. He also added that the profit and the sale proceeds were distributed amongst the shareholders. Mr. Hussain Nawaz Sharif accused

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transaction or any other record for receiving the amount of 5.41 million Dollars from the Qataris was provided. A sale and purchase agreement (already exhibited) dated 20.03.2005 at pg 223 Folder-D between Al Azizia Steel Company and Al Itefaq Steel Company, part of the Al-Tuwairqi Group sets the price of the Al Azizia Steel Company as 63.1 million Riyals less the sum of 20.63 million Riyals which represented the first tranche drawn down under the loan agreement. This clearly shows that the sale price was not 63 million but about 42 million Riyals after adjusting the loan tranche already drawn. It was claimed that this 63 million Riyal provided the equity for subsequently established Hill Metals Establishment (HME). Mr. Hussain Nawaz accused was asked to explain that if there were three shareholders of the company then how he became the sole beneficiary of this sale and managed to invest it in HME. His explanation was that he got a power of Attorney from the other shareholders but when asked, could not produce this document before the JIT. He was also unable to provide any document to substantiate his claim that he also got loans from friends for investment. The JIT observed that his share from the sale reduces to only about 14 million Riyals, being one third of the sale price of 42 million Riyals. Mr. Hassan Nawaz Sharif accused in his statement said that he received money whenever required from accused Hussain Nawaz Sharif.


Accused Hussain Nawaz Sharif in his statement said that after the sale of Al Azizia Steel in 2005, he sent about 6.5 million GBP to

Hassan through a company named Coomber that Hussain owned.

The purpose was to invest in the United Kingdom. He stated that 1.5 million GBP were transferred to Mr. Hassan Nawaz Sharif accused whereas the remaining 05 million GBP were returned back in 2006 and 2007 for investment in HME..This however remained unexplained that how HME got its finances if this amount from the sale proceeds was sent to UK through Coomber..Incidentally the same company i.e. Coomber, claimed by Hussain Nawaz accused as owner was used to finance the Companies of Hassan Nawaz Sharif accused as is evident from documents (already exhibited under objection) available at pg

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278 and pg 279 Folder F-7, (Ex. PW-21/20 and Ex.PW-21/21. Accused Hassan Nawaz and Hussain Nawaz vide concise statement in CMA 432/2017 already exhibited under objection as Ex.PW-21/15 particular page is 197 of Folder D or pg 13 of CMA, para 15, contended that a new Steel Mill Manufacturing business was set up in 2006, by accused Hussain Nawaz by utilizing the proceeds of sale of Al Azizia Steel Company. The annual cash flow and the retained earnings of this business, it was further contended, allowed accused Hussain Nawaz Sharif to send gifts/remittances to accused Mian Muhammad Nawaz Sharif and it was in the knowledge of accused Hussain Nawaz Sharif that accused Mian Muhammad Nawaz Sharif to equitably strengthen the financial position of his daughter Maryam Safdar had gifted to her. With the CMA No. 432/2017 at pg 321 and pg 322 of Folder D is the Aldar Audit Bureau letter dated 19.01.2017 (already exhibited under objection as Ex.PW-21/18), was annexed. A Table was annexed with this letter showing the profit after tax and the cash balance for the years 2010 to 2014. Mr. Hussain Nawaz accused also provided the JIT with a letter of even date from Aldar Audit Bureau, which is already exhibited under objection as Ex.PW-21/19 which covers the period 2010 to 2015. The letter states that they have traced the figures from the financial statements for the relevant years. The accused were asked to provide the Financial Statements and other documents to the JIT to properly see whether the Hill Metal Establishment was financially in a position to gift such huge amount of money. Accused Hussain Nawaz Sharif despite this clear admission in Aldar Audit Bureau letters about the availability of the Financial Statements did not provide them. The provision of figures of profit after tax and cash balances, the JIT observed, is not a substitute for the annual cash flows and retained earnings and therefore non provision of Financial Statements withheld important information that could provide clarity about the Financial Health and position of the company. Accused Hussain Nawaz Sharif was also asked to provide other documentary evidence like the Memorandum and Article of Association loan

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documents or Banking Record relating to HME but did not provide the relevant record. He provided the loan documents but they were not from the relevant period when the HME was being established but rather loan documents from later years. The JIT had obtained the banking transactions showing gifts/remittances from Mr. Hussain Nawaz Sharif accused and HME to accused Mian Muhammad Nawaz Sharif and from accused Mian Muhammad Nawaz Sharif to his daughter Maryam Safdar. A flow chart based on the Banking Transactions and FBR Record prepared by JIT is at pg 319 of Folder F-6, (already exhibited under objection as Ex.PW-21/43). The JIT has also on page 24 of Folder F-6, prepared a table which provides the amount of remittances sent by accused Hussain Nawaz Sharif and HME to accused Mian Muhammad Nawaz Sharif, as per Banking Record and the profit after tax position, from Aldar Audit Bureau Letter, for the years 2010 to 2017. It shows that about 9.9 million Dollars were the profit after tax of HME and 8.9 million Dollars, out of these, were sent by Hussain Nawaz Sharif accused to accused Mian Muhammad Nawaz Sharif during the period 2010 to 2015. 88% of the profit, it shows, has been sent from Hussain Nawaz Sharif accused to accused Mian Muhammad Nawaz Sharif during this period. It is also clear that there is no correlation between the profit/loss and the amount being sent as gift or remittance for a particular year. In the year 2010 whereas the company made a profit of about 588,000 Dollars about 1.5 Million Dollars were sent by accused Hussain Nawaz to accused Mian Muhammad Nawaz Sharif. Similarly, in the year 2015 the company actually made a loss of 1.5 Million Dollars but still sent 2.1 Million Dollars to accused Mian Muhammad Nawaz Sharif. Accused Hassan Nawaz Sharif in his statement stated that he received about 800,000 GBP in the year 2015 from accused Hussain Nawaz Sharif which would be over and above the amount sent to accused Mian Muhammad Nawaz Sharif in year 2015, while the company was making a loss. The JIT from page 29 to pg 31 of Volume-6 of JIT Report, attested copies of which are at same pages of Folder F-6, has given its conclusions. The

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JIT concluded in the end that sheer quantum of profits (88%) going to accused Mian Muhammad Nawaz Sharif in actual effect make him the significant beneficial owner of this business, which ostensibly is owned by accused Hussain Nawaz Sharif, who practically is reduced to his status of his benamidar. The last page of JIT Report regarding the conclusions, as page 31 bears my signatures as well as signatures of other members of JIT. I own my signature and recognize signature of other member of JIT. Attested copy of which is lying in Folder F-6 as page 31. (Original volume of JIT is seen and returned back). My statement was recorded by Mr. Mehboob Alam Deputy Director NAB in this reference of Al Azizia Steel Mills and Hill Metal Establishment, on 29th August 2017 at Islamabad.

xxii. **PW 22 Mr. Mehboob Alam, Investigating Officer, NAB,**

Rawalpindi appeared and deposed that he is serving as Deputy Director in NAB Rawalpindi since 2014 to onward. In pursuance of the decision dated 28-07-2017 of the C.P No. 29/2016, 30/2016 and 03/2017 with reference to panama paper case the august Supreme Court of Pakistan directed to NAB to prepare and filed different references in Rawalpindi in NAB Courts Rawalpindi/Islamabad including the reference against respondent No. 1 Mian Muhammad Nawaz Sharif, Respondent No. 07 Hussain Nawaz Sharif and Respondent NO. 08 Hassan Nawaz Sharif regarding Al Azizia Steel Company and Hill Metal Establishment as indicated in the said decision. As per order of the august Supreme Court of Pakistan dated 28-07-2017 the reference was to be filed on the basis of material collected and referred to by the JIT in its report or such other material as may be available with the FIA and NAB and any other such material which would become available to the NAB subsequently including the material that may come before it pursuant to the MLA requests initiated by the JIT. It was also directed that NAB


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board meeting held on 31-07-2017 authorized investigation in the matter to be conducted by NAB Rawalpindi which is Ex. Pw 22/01 (at page 18 Folder. A) and in this regard delegated the powers u/s 34 of NAO, 1999 to the Director General NAB Rawalpindi to refer the matter for investigation vide letter dated 01-08-2017 which is Ex. Pw 22/02 (at Page 19. Folder-A). Accordingly Director General NAB Rawalpindi authorized investigation against Mian Muhammad Nawaz Sharif, Hussain Nawaz Sharif and Hassan Nawaz Sharif accused persons u/s 18(c) of NAO, 1999 for ownership of Al Azizia Steel Company Ltd and HillMattel Establishment disproportionate to known sources of income and assigned to me vide letter dated 02-08-2017 which is Ex. Pw 22/03 (at page No. 20 Folder-A). After authorization of investigation I collected and examined the relevant court orders C.Ps and CMA's alongwith annexed record and final investigation report of JIT submitted in the august Supreme Court of Pakistan. On the basis thereof record was summoned from the concerned departments and banks. In this regard Mr. Jahangir Ahmed Commissioner Inland Revenue withholding tax zone Lahore joined the investigation before me on 21-08-2017 and produced the tax record of the accused persons as per details in the seizure memo the record was seized by me vide seizer memo dated 21-08-2017 in presence of the witnesses which is ex. Pw 22/04 (at page 26-27 folder .G) recorded the statement of the witness as well as witness of the seizure memo u/s 161 Cr.Pc. Malik Tayyab Moazzam Manager Standard Bank Chartered Wapda Town, Lahore joined the investigation before me on 21-08-2017 and produced the banking record of the accused Mian Muhammad Nawaz Sharif as per detail in the seizure memo. The record was seized by me vide seizer memo dated 21-08-2017 in presence of the witnesses which is Ex. Pw 22/05 (at page No. 1-2 of folder H-1). I recorded the statement of the witness as well as witnesses to the seizure memo u/s 161 Cr.Pc. Mr. Yasir Shabir Manager Operation MCB new garden Town, Lahore joined the investigation before me on 22-08-2017 and produced the banking record of accused Mian

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Muhammad Nawaz Sharif and his daughter Maryam Safdar as per detail in the seizure memo. The record was seized by me vide seizure memo dated 22-08-2017 in presence of the witnesses which is ex. Pw 22/06 (at page No. 1 of Folder-I). I recorded the statement of the witness as well witnesses of the seizure memo u/s 161 Cr.Pc. Miss Sidra Mansoor Joint Registrar of the companies, company registered SECP Lahore joined the investigation before me on 25-08-2017 and produced the record regarding Mehraan Ramzan Textile Mill as per detail in the seizure memo. The record was seized by me vide seizure memo dated 25-08-2017 in presence of the witnesses which is ex. Pw 22/07 (at page 24 of folder-I). I recorded the statement of the witness as well as witness of the seizure memo u/s 161 Cr.Pc. During the course of investigation I collected the attested copies of final investigation report of JIT from august Supreme Court of Pakistan which is integral part of the reference filed before this Learned Court. I also collected the attested copies of relevant courts orders, judgment of august Supreme Court of Pakistan, relevant CPs and CMAs alongwith record annex herewith from august Supreme Court of Pakistan. Such records include attested copy of C.P.No. 29/2016 (at page No. 2-30 folder B) which is ex. Pw. 22/08 .Attested copy of C.P No. 03/2017 which is ex. Pw. 22/09 (at page No. 32-44 folder B) alongwith documents at S.No. 12-13 of its index which is Mark Pw. 22/A (at page No. 45-70 folder-B).Attested copy of CMA No. 7319/2016 which is Ex. PW. 22/10 (at page No. 33-88 folder-D) alongwith record annexed therewith.CMA No. 7531/2016 already exhibited as Pw. 21/04 alongwith record annexed therewith (Under objection that although CMA 7531/2016 is already exhibited as Exh. PW-21/04, it is so exhibited subject to objection noted during the deposition of PW-21. It is additionally objected that this CMA 7531/2016 is neither attested in accordance with law nor is this

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totally irrelevant for purposes of the instant trial as it pertains to proceedings in a different jurisdiction, in another case and before a different forum of law and, additionally, neither the scribe nor the executant of this document are cited as witness(es) in the reference, nor are any of the respondents in the documents cited as witness(es) in the case while two (2) who are cited as accused in the reference are not before this Court and are not being jointly tried as such. Lastly, the instant reference is to be tried on the basis of the admissible evidence produced and proved in the instant case and not on the basis of pleadings in any other case. Similarly none of the documents appended with the CMA 7531/2016 are attested in accordance with law, nor is the scribe or executant or witness of any of these documents cited as a witness or accused in the reference, or where any document is purported to bear the signatures of any persons cited as accused in the reference, such person is not before this court and is not being jointly tried as such. Additionally, these documents purportedly forming part of different/separate legal proceedings before a different forum of law, thus cannot per se be read in evidence in the instant case). CMA No. 7244/2016 Ex. Pw. 22/11 (at page No. 02- 17 folder-E) alongwith record annexed therewith are mark.Pw.22/B (at page No. 18-344 folder-E) Attested copy of CMA No. 5035/2017 which is Ex. Pw 22/12 (at page No. 2-17 folder-G) (Under objection that this CMA is totally irrelevant in the instant case and cannot be used for any purpose, inter-alia, as it pertains to a completely different jurisdiction qua proceedings before a totally different forum of law which have since culminated in the order dated 24.07.2017 and, by virtue of the order passed in review thereof, this learned court is to decide the instant reference uninfluenced even by any observation made in the order dated 24.07.2017, passed by the Hon'ble Supreme Court of Pakistan, which order was passed after considering all CMA's filed in C.P. No. 29/2016). Attested copy of CMA No. 432/2017 which is already exhibited as Ex. Pw 21/15 alongwith record annexed therewith. Attested copy of august Supreme Court of Pakistan order dated 28-07-2017 available at pages 7-31

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of folder-D. Attested copy of august Supreme Court of Pakistan order dated 05-05-2017 available at page no. 1-4 of folder-D. Attested copy of judgment dated 20-04-2017 of august Supreme Court of Pakistan available at page 1-532 of folder-C. Such record has been made part of the reference filed before this Learned Court. Mr. Wajid Zia head of JIT joined the investigation before me on 29-08-2017 and his statement u/s 161 Cr.Pc. was recorded by me. He produced the copy of gazette notification dated 18-05-2017 issued by Ministry of Law and Justice Government of Pakistan regarding conferring of powers u/s 21 of NAO, 1999 to the head of JIT which is already exhibited as Pw 21/03. Call up notices u/s 19 of NAO, 1999 were issued the accused persons for recording of their plea and production of defence. Call up notice dated 11-08-2017 already mark as Pw. 07/A (at page No. 24-25 folder-G) were sent to Additional Director Staff NAB, Lahore vide letter dated 11-08-2017 which is mark Pw. 22/C (at page No. 19 folder-G) for service through processes server. Accordingly the same were assigned to Mr. Umer Daraz Sub Inspector Police Station NAB, Lahore for service. In this regard he produced his report and receiving dated 17-08-2017 which is already exhibited as. Pw. 07/01 (at P.No. 18 F.G). I recorded his statement u/s 161 Cr. Pc. on 18-08-2017 in this context. The accused Mian Muhammad Nawaz Sharif did not join the investigation and instead replied through his counsel conveying his inability to join the investigation owing to filing of review petition before august Supreme Court of Pakistan the said reply is Ex.Pw. 22/13 (at P.No. 21 F.G).The other accused opted not to join the investigation as no response was received from them. The JIT during the course of investigation had initiated various MLA requests to foreign jurisdictions. The MLA request sent to authorities in KSA on 31-05-2017 has not been replied as yet and the same are being pursued by me accordingly through NAB headquarter.

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During my investigation it transpired that accused Mian Muhammad Nawaz Sharif held high public offices in

between 1981 to 2017. He remained finance minister Punjab, Chief Minister Punjab and Prime Minister of Pakistan from time to time and in this way became the most influential person in the Sharif Family. Accused Hussain Nawaz Sharif and Hassan Nawaz are sons and dependents of the accused Mian Muhammad Nawaz Sharif. They remained students till 1995-1996 and 1999 respectively and did not had any independent source of income, even at the time of exile of Sharif Family from Pakistan to KSA in December, 2000. The investigation transpired that despite the fact that the accused Hussain Nawaz Sharif and Hassan Nawaz Sharif did not had independent sources of income, the accused Mian Muhammad Nawaz Sharif as tactic started keeping and declaring his shares in the family held business in their names. Investigation revealed that during 2000-2001 accumulative net value of the assets held by the accused persons comes to Rs. 50.94 Million plus U.S. Dollars 64, 984/-. No substantial transformation in the assets of the accused persons has been observed during 1999-2002. Even otherwise neither the accused persons have declared any assets held by them abroad nor it has been claimed and declared that they have remitted any amount from Pakistan to abroad in a lawful manner for acquisition of alleged assets. The accused Hussain Nawaz Sharif has expressly admitted the ownership and acquisition of assets i.e. Al-Azizia steel company and subsequently Hill Metal establishment or interests therein as well as remittances to accused Mian Muhammad Nawaz Sharif, Hussain Nawaz Sharif and his sister Maryam Safdar in his statements specifically before august Supreme Court of Pakistan. The plea of the accused Mian Muhammad Nawaz Sharif that he has no knowledge or concern about the alleged assets has been found to be implausible, unfair, unnatural and untrue. The plea of other co-accused with regard to money trail sources utilized for acquisition of assets has been found to be false and concocted story specifically after receipt of response of MLA request from Ministry of Justice UAE vide letter dated 28-06-2017 which is already exhibited as Ex. Pw. 21/44. The material and evidence collected during investigation

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so far, established that accused Mian Muhammad Nawaz Sharif is the actual beneficial owner of assets or interests therein i.e. Al-Azizia steel company ltd and subsequently Hill Metal establishment, remittances to the extent of euro 1.2 Million and US. Dollars 10.2 million converted and credited to PKR accounts of accused Mian Muhammad Nawaz Sharif at Standard Chartered Bank Wapda Town Branch, Lahore and Standard Chartered Bank Gulberg, Lahore and comes to Rs. 1.187 Billions apart from the balances available in the bank accounts in the accused Mian Muhammad Nawaz Sharif. On the basis of Aldar Audit Bureau statement it is established that 88% of the claimed net profits of Hill Mattel Establishment were remitted to the personal accounts of accused Mian Muhammad Nawaz Sharif directly from Hill metals Establishment or through the accounts of Hussain Nawaz Sharif, remittances to the extent of Rs. 59.256 Million remitted to the accounts of daughter of the accused Mian Muhammad Nawaz Sharif namely Maryam Safdar. Remittances to the extent of GBP 1.5 million remitted to the accused Hassan Nawaz Sharif through Hussain Nawaz Sharif. The investigation transpired that the accused Hussain Nawaz Sharif and Hassan Nawaz Sharif having no independent sources of income, since dependents, and in the capacity of Benamidars and abettors ostensibly hold the assets on behalf of and for the benefits of accused Mian Muhammad Nawaz Sharif to veil the actual sources and assets which infact belong to and indirectly owned by accused Mian Muhammad Nawaz Sharif. Such assets are disproportionate to his known sources of income and the accused persons failed to reasonably account for the acquisition of the assets. In view of the proceedings and the timelines given by the august Supreme Court of Pakistan, I prepared and submitted my investigation report dated 29-08-2017 to the competent authority with the recommendation to file reference against the accused persons namely accused Mian Muhammad Nawaz Sharif, Hussain Nawaz Sharif and Hassan Nawaz Sharif for commission of offences of the corruption and corrupt practices as defined u/s 9(a)(v) and (xii) of NAO, 1999. Accordingly the Chairman NAB being

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competent authority has sent the instant reference to the Learned Accountability Court for trial of the accused persons.

Upon receipt of credible information that significant amounts have been remitted from Hill Metal Establishment to different individuals related to the accused persons apart from the remittances in the accounts of accused Mian Muhammad Nawaz Sharif and his daughter Maryam Safdar, record was summoned from the concerned banks during the course of further investigation. Accordingly, Mr. Muhammad Ali Raza Manager Operations HBL Pakistani, Chowk Branch, Ichra Lahore joined the investigation before me and produced the record as per details in seizure memo pertaining to Muhammad Anees. The record was seized by me vide Seizure memo dated 31.01.2018, in presence of the witnesses which is Exh. PW-22/14 at page 1 of Volume-B-1. I recorded the statement of the witness as well as witnesses to the seizure memo under Section 161 Cr.P.C. Mr. Irfan Mehmood Malik Manager Operations HBL New Muslim Town Lahore joined the investigation before me and produced the record pertaining to Muhammad Hanif Khan as per details in the seizure memo. The record was seized by me in presence of the witnesses vide seizure memo dated 31.01.2018, which is Exh. PW-22/15 at page 91 Volume-B-1. I recorded the statement of witness as well as witnesses to the seizure memo under Section 161 Cr.P.C. Mr. Azhar Ikram Manager Operations HBL Wapda Town Branch, Lahore joined the investigation before me and produced the record as per detail in seizure memo pertaining to Anjum Iqbal Ahmed Akhter. The record was seized by me vide seizure memo dated 31.01.2018, in presence of the witnesses which is Exh. PW-22/16 at page 207 Volume-B-1. Mr. Suneel Ejaz Khokhar Manager Operations HBL Sharif Education Complex Lahore joined the investigation before me and produced the record pertaining to Abdur Razzaq as per details in the seizure memo. The record was seized by me in presence of the witnesses vide seizure memo dated 31.01.2018, which is Exh. PW-22/17 at page 403 of Volume-B-1. I recorded the statement of witness as well as witnesses to the seizure memo under section

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161 Cr.P.C. Mr. Hassan Riaz Kirmani Manager Operations Standard Chartered Bank Gulberg Lahore joined the investigation before me and produced the record pertaining to Khawaja Haroon Pasha as per details in the seizure memo. The record was seized by me vide seizure memo dated 31.01.2018, in presence of the witnesses which is Exh. PW-22/18 at page 197 Volume-C-1. I recorded the statement of the witness as well as witnesses to the seizure memo under Section 161 Cr.P.C. Miss Noreen Shahzadi Manager Standard Chartered Bank, Wapda Town Lahore joined the investigation before me and produced the record as per details in the seizure memo pertaining to accused Hussain Nawaz Sharif. The record was seized by me vide seizure memo dated 15.01.2018, in presence of the witnesses which is Exh. PW-22/19 at page 1&2 Volume-C-1. I recorded the statement of the witness as well as witnesses to the seizure memo under section 161 Cr.P.C. She again joined the investigation before me and produced the record pertaining to accused Mian Muhammad Nawaz Sharif as per details in the seizure memo. The record was seized by me in the presence of the witnesses through seizure memo dated 31.01.2018, which is Exh. PW-22/20 at page 189 Volume-C-1. I recorded the statement of the witness as well as witnesses to the seizure memo under section 161 Cr.P.C. The investigation transpired that an aggregate amount of Rs. 277.856 Million and USD 52460 were remitted from Hill Metal Establishment to the accounts of Muhammad Anees, Muhammad Hanif Khan, Anjum Iqbal Ahmed Akhter, Abdul Razzaq Akhter, Khawaja Haroon Pasha and accused Hussain Nawaz Sharif during 2010-2017 in addition to the remittances in the accounts of accused Muhammad Nawaz Sharif and his daughter Maryam Safdar. The record of supplementary remittances was referred to Mr. Sher Ahmed Khan Expert Finance and Accounts NAB, Rawalpindi for analysis in consonance with the analysis conducted by JIT on the remittances remitted to the accounts of accused Mian Muhammad Nawaz Sharif. Accordingly he submitted his report dated 02.02.2018, which has been made part of the reference (which is already exhibited under objection as

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Exh. PW-20/01 at page 210 Volume-C-1). During the course of further investigation letter was written on 29.01.2018, to the Ministry of Information to take up the matter with concerned forums/TV Channels for provision of soft copies as well as transcripts of address to the nation and speech on the floor of National Assembly by accused Mian Muhammad Nawaz Sharif and TV interviews of other co-accused which is Exh. PW-22/21 at page 228 of Volume-C-1.

Accordingly the Ministry of Information took up the matter with PEMRA vide letter dated 07.02.2018, which is Exh. PW-22/22 at page 229 Volume-C-1. In response PEMRA referred the matter to the concerned TV Channels i.e. GEO News and Express News vide letters dated 08.02.2018, which is Ex. PW 22/23 at page 231 Exh. PW 22/25 at page 233 Volume-C-1. The said letters of PEMRA were forwarded by Ministry of Information to NAB Rawalpindi vide letter dated 09.02.2018, which is Ex. PW 22/26 at page 230 Volume-C-1. The Ministry of Information also referred the matter to PTV authorities vide letter dated 09-02-2018 Ex. Pw. 22/27 at page 234 Volume C-1. Upon instructions of PEMRA Mr. Hassan Mustafa Executive Director for and on behalf of M/s Independent Media Corporation Pvt. Ltd forwarded the DVD as well as the transcript of interview dated 19-01-2016 of accused Hussain Nawaz Sharif with Mr. Hamid Mir the same letter which is Ex. Pw 22/28 at page No. 235 Volume C-1. This letter Ex. Pw 22/28 at page No. 235 Volume C-1 was accompanied by transcript of the interview of accused Hussain Nawaz Sharif dated 19-01-2016 by Hamid Mir of GEO news at page 236 to 246 of Volume C-1 and one CD containing recording of interview of accused Hussain Nawaz Sharif by Hamid Mir anchor GEO news at page 247 of Volume C-1 which I placed on file. Learned Prosecutor request that both the transcript and recorded CD pertaining to the interview of accused Hussain Nawaz Sharif mentioned above is to be exhibited as these are off widely published and telecasted interview of accused Hussain Nawaz Sharif and being document of public history relating to the family member of the Ex Pm of Pakistan

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and controversy under adjudication of this reference required to be brought on record. It is further submitted that both Transcript and CD are quite relevant to the facts in issue and present controversy. That both transcript and CD are enclosure being part and parcel of the letter Ex. Pw. 22/28 hence, bringing these both is must in accordance with law. Learned Defence Counsel objected that firstly the law for any family member of Ex-Prime Minister of Pakistan should be the same as for any other citizen of Pakistan. Secondly, the letter Ex. Pw. 22/28 is itself inadmissible and its contents cannot be read in evidence as already objected to above. Thirdly, the documents purportedly annexed with this letter are statedly related to a person who is not before this court and is not being jointly tried as such in the instant case, fourthly the so called transcript allegedly forming an enclosure to the said letter is not prepared by this witness, nor is the person who is allegedly shown to have prepared said transcript has been produced or cited as a witness in reference, fifthly, in similar fashion, the person who may have prepared the CD, apparently forming enclosure of this letter, has also not been produced or cited as a witness in the instant reference, sixthly, it is an established principle of law that no document proves itself, seventhly, the mere fact that any interview is stated to have been widely publicized does not make such an interview "public history" within the meaning of this term as used in Article 112 of the Qanoon-e-Shahadat order, 1984, nor does an alleged copy of any such interview constitute appropriate books or documents of reference mentioned in clause 2 of Article 112 of the Qanoon-e-Shahadat order, 1984 eighthly, the witness through whom the prosecution wants to get these all documents exhibited has neither prepared any of these documents nor have these documents been prepared under his supervision, ninthly, that both these documents sought to be brought on record by the

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Qanoon-e-Shahadat order, 1984, and lastly the prosecution cannot be allowed to place on record for purposes of being read in evidence any document otherwise than in accordance with law.

7. Meanwhile, PWs namely Waqar Ahmed, Muhammad Zubair, Nasir Junejo, and Malik Uzair Rehan, were given up being unnecessary by the learned prosecutor.
8. Learned prosecutor vide his statement dated 30.10.2018 produced certified copies of judgments of august Supreme Court of Pakistan dated 20.04.2017 Exh. PA and that of dated 28.07.2017 Exh. PB and closed the prosecution side.
9. Statement of the accused under Section 342 Cr.P.C was recorded in five sessions on 14.11.2018, 15.11.2018, 16.11.2018, 19.11.2018 and 22.11.2018 putting all the incriminating evidence both oral and documentary in shape of the questions answers 152 in numbers. While answering to the question No. 149, why this case against you and why the PWs deposed against you? He replied as follows:-

"The instant case has been filed against me pursuant to certain allegations made by my political opponents, and the subsequent contentious issues arising from the utterly biased and one-sided Report submitted by the Joint Investigation Team before the august Supreme Court of Pakistan in relation to Al-Azizia Steel Co. Ltd. and Hill Metal Establishment, assets and business whereof actually belonged/belong to my eldest son, viz, Hussain Nawaz Sharif, but have been wrongly attributed to me as the real owner in the JIT Report. The factual issues raised, allegations made and the conclusions drawn in the JIT Report as aforesaid were duly contested by me, as well as the other Respondents in the proceedings before the august Supreme Court of Pakistan, and it was in pursuance thereof that the august Supreme Court of Pakistan, considering that it could not decide contentious factual issues itself, decided to refer the

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Court of Pakistan had referred the matter to NAB for filing of this reference, this referral was necessitated by the unnecessary factual controversies raised in the JIT Report. In this context, it is pertinent to submit further that the Hon'ble Bench of the august Supreme Court of Pakistan has itself not adjudicated upon or determined the factual questions arising for adjudication in the instant case, rather the august Supreme Court of Pakistan, while deciding Civil Review Petition No. 310/2017, 311/2017 and 312/2017 respectively in C.P.No.29/2016, C.P.No.30/2016 and C.P. No. 03/2017, has made, with reference to the merits of the conclusions drawn in the JIT Report, clear and unambiguous observations to the effect that "the probative worth of the JIT Report is yet to be established", and that for purposes of adjudication of this case, "the trial court would be at liberty to appraise evidence, including the material collected by the JIT, according to the principles of the law of evidence, without being influenced by any of the august Supreme Court of Pakistan's observations. In fact, to ensure that no ambiguity remains in the field on this count, the august Supreme Court of Pakistan has further clarified that "all the observations made in the judgment, being tentative, would not bind nor would restrain the trial court from drawing its own conclusions from the evidence recorded before it in accordance with the principles and provisions of the law of evidence".

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As to why the PWs have deposed against me, the fact of the matter is that in this reference, no witness as such has made any statement incriminating me in the Charge framed in this case. Rather only the two Investigating Officers, namely Mr. Wajid Zia PW 21, and Mr. Mehboob Alam, PW22, i.e. I.O belonging to NAB, have attempted to implicate me in the Charge as framed in this Reference. However, their testimony as such is not based on their personal knowledge vis-à-vis the allegations forming the basis of the Charge against me. Nor have they claimed to have any such personal knowledge during the course of their deposition. As regards the evidence collected

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by them it is admitted by each one of them that they never came across any oral or documentary evidence showing that I was the owner of Al-Azizia Steel Co. Ltd or Hill Metal Establishment, or that I had in any manner contributed or arranged for any money for the establishment, operation or running of the business of any of the entities, or that I had ever participated in the running or operations of the businesses of any of these entities, or maintained any bank-account, or served as their authorized representative, agent or in any managerial capacity, or was ever in control of their respective operations. Similarly, it stands admitted by each, or, one or other of these PWs that they had not come across any oral or documentary evidence showing that any of my children were my dependents, inter-alia, at the time of establishment of Al-Azizia Steel Co. Ltd or Hill Metal Establishment, or that I had ever provided funds required for their day to day living expenses or for running of any of their businesses abroad. It is also established on record that all persons who joined the investigation in this regard have supported my stance from the very outset that Al-Azizia Steel Co. Ltd was established by my late father in the year 2001, while setting up of HME commenced in late 2005. It is pertinent to add that my eldest son, who was assigned the responsibility for running Al-Azizia Steel Co. Ltd by my late father, was 29 years of age in 2001 and 33 years of age in 2005 when these business entities were respectively set up as stated above. Furthermore, I was not holding any public office either in the year 2001 or 2005, when these two businesses were established. So far as remittances made to me from KSA by my son Hussain Nawaz Sharif are concerned, it is submitted that they commenced with effect from the year 2010, when again I was not holding any public office, and each and every such remittance is duly declared in my tax record. It is further submitted that these remittances were sent by my son from his business in KSA out of love and affection and, as such, no exception can be taken or adverse inference of any nature drawn against me simply because of this demonstration of love

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and affection of a son for his father. I may add here that in our society it is both a social norm and religious obligation for the sons to take care of and provide for their parents and family members. It is thus evident that no case as per Charge framed in this Reference is made out against me. Yet these two PWs/I.Os have gone out of their way during the trial proceedings to somehow incriminate me in this case on one pretext or the other. In this respect, the statement of the NAB I.O (PW-22) unequivocally establishes that he was convinced that in the instant case NAB had no option but to file a Reference, hence he evidently conducted the investigation and got his deposition recorded to support the allegations made against me and my children irrespective of the fact that these allegations had no merit. While as regards PW-21 Wajid Zia, he too felt obligated to falsely implicate me in some wrong doing or the other apparently by misconstruing the essence and purport of the judgment/ orders dated 20-04-2017, 28-07-2017 and 15-09-2017 (of which detailed reasons were released on 07-11-2017) passed by the august Supreme Court of Pakistan in Constitution Petitions No. 29/2016, 30/2016 and 3/2017 and CRP No. 310/2017, 311/2017 and 312/2017 respectively. Be that as it may, the fact remains that notwithstanding the reasons

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that prevailed with these two PWs to implicate me in some manner or the other in the Charge as framed in the instant case, the testimony of each of these PWs/I.Os in this respect does not qualify as evidence, rather it is based on inferences and conclusions drawn on the basis of conjecture and surmises, and, as such, neither qualifies, nor can be relied upon, as evidence in this case.

I also submit herewith my written statement u/s 265-F (5) Cr.P.C for placing the same on record as Mark/D-1 (2 pages)".

In response to question: Have you anything else to say? He placed on record the documents marks Dx2 to Dx16 and got recorded the reply of question as follows:-

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"I am innocent. The case against me is one of no evidence. I would also like to add that it has been my consistent stand since the filing of this Reference alongwith Reference No. 18/2017 and 20/2017 is that since the allegation against me is to the effect that I am the actual owner of all the assets and businesses standing in the name of my children, and the said assets are beyond my known sources of income, there should have been only one Reference filed against me rather than three separate References. It has also been my stand that filing of three separate References in the given circumstances has seriously prejudiced my fundamental right to fair trial. However, my Petitions filed in this regard before the august Supreme Court of Pakistan were not entertained, while my Petitions before the learned Islamabad High Court for clubbing the three References were dismissed, though in the order of dismissal, certain guidelines were provided for the learned trial court keeping in view the apprehensions expressed in this regard. I produced herewith for placing on record the certified/attested copies of the relevant Petitions, Orders and Judgments referred to above:

Accused did not opt to produce defence evidence or appear as witness in his own defence by making statement on oath under Section 340 (2) Cr.P.C. and defence side was closed.

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10. Learned prosecutor after giving a detailed introduction of the case commenced his arguments inter-alia submitting as follows:

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i. He argued that in the first week of April 2016, the International Consortium of Investigative Journalists (ICIJ) leaked numerous documents sourced from a Panama based law firm named Mossack Fonseca. The documents related to offshore companies and their businesses. The said information was published in the print and electronic media worldwide disclosing details of a large number of offshore companies established in different countries providing tax havens and owned or controlled by hundreds of persons and entities based

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in different countries of the world. The information so disclosed also revealed that many political figures and their families, including the children of Mian Muhammad Nawaz Sharif, held or owned valuable assets through such offshore companies.

- ii. That accused being sitting Prime Minister addressed to nation and made a speech in National Assembly Islamabad attempting to give money trail for the assets in the name of his both the sons abroad. Hussain Nawaz Sharif and Hassan Nawaz Sharif also made abortive efforts to explain the money trail in their interviews on different TV channels but could not be able to furnish plausible explanations. That the matter was taken up by the august Supreme Court of Pakistan in CPs No. 29 of 2016, No. 30 of 2016 and No. 03 of 2017 filed by Imran Khan Niazi of PTI, Sheikh Rashid Ahmed of Awami League and Molana Siraj ul Haq of Jamaat-e-Islami. During the hearing of these CPs before the august Supreme Court of Pakistan, accused persons submitted concise statements in CMAs annexed with documents; that the defence plea put forth from the accused sides was that Mian Muhammad Sharif father of the accused Mian Muhammad Nawaz Sharif had set-up Gulf Steel Mills (GSM) in UAE through his benamidar Muhammad Tariq Shafi in seventy, who got sold 75% shares to Abdullah Kayid Alhi in the year 1978 and remaining 25% shares were sold in the year 1980 for a sale proceed of 12 million AED; that the so secured amount was placed with Al Thani family of Qatar in the year 1980 for investment in the Real Estate business of Al-thani family; that after exile to KSA he with the efforts and supervision of his late grandfather Mian Muhammad Sharif set up Al-Azizia Steel Company Ltd. Jeddah and funds were arranged by securing bank loans and the amount of 12 million AED with its accruals having been paid by Prince Hammad Bin Jasim Al Thani and old steel machinery he shifted from old GSM to Jeddah and used for setting up of ASCL.

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- iii. Learned prosecutor further submits that stance put forth by the accused before the august Supreme Court of Pakistan

was found dubious and august Supreme Court of Pakistan constituted JIT to investigate and answers the questions posed to the JIT before whom accused Mian Muhammad Nawaz Sharif his sons Hussain Nawaz Sharif and Hassan Nawaz Sharif, Mian Shahbaz Sharif, Muhammad Tariq Shafi appeared and made statements and also tried to establish the money trail of their assets; that JIT had sent Mutual Legal Assistance request to UAE and KSA; that the JIT analyzed the stance of the defence in the light of MLA response observing certain anomalies and found the same to be incorrect, unsubstantiated and baseless as documents so produced by Hussain Nawaz Sharif and Hassan Nawaz Sharif accused were found fake and concocted vide JIT report dated 10-07-2017 in shape of 10+2 volumes. Accused filed CMA raising certain objections on the findings given by the JIT. THE August Supreme Court of Pakistan heard the objections and rejected the same observing that reasonable case against accused is made out and directed the NAB to prepare and file the reference.

iv. Learned prosecutor argued that after military coup the accused alongwith his family was sent on exile to KSA; that allegedly a settlement took place between Mian Muhammad Sharif and accused Hussain Nawaz Sharif on one side and Mr. Fahad Bin Jassim Al Thani on the other side as the defence pleaded before the august Supreme Court of Pakistan, in that settlement the accretion of the said amount of 12 million AED were given to Hussain Nawaz Sharif accused which was utilized for the in the acquisition of assets including the setting up of Al-Azizia Steel Mill Jeddah.

v. That the objections were filed by the accused vide his CMA No. 5035/17 on the JIT report but august Supreme Court of Pakistan approved the findings of the JIT and vide its order

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Mehbood Alam I.O. but accused did not join the investigation and on the basis of material collected by the JIT and others he submitted his investigation report with the finding against the accused and accordingly the reference was filed against the accused persons.

vii. He argued that

a. accused Hussain Nawaz Sharif in statement (CMA No. 432/2017 in CP No. 29/2016) filed in the Supreme Court of Pakistan, accused Hussain Nawaz Sharif maintained that while in exile, he set up a factory namely Al-Azizia Steel Company Ltd in Jeddah KSA in 2001 with the efforts and supervision of his grandfather late Mian Muhammad Sharif. He further asserted therein that in the year 2006 he had set up another steel manufacturing business (Hill Metals Establishment) in Jeddah by utilizing proceeds of sale of the earlier factory and it was through the income generated from this factory that he was sending remittances to his father.

b. Unsatisfactory Explanation. Owing to admission of setting up of Al-Azizia Steel Company Ltd Jeddah KSA, Hill Metals Establishment, Jeddah KSA and transfer of huge gifts / remittances in excess of Rs. 80 Million during 2011-15, the Honourable Supreme Court of Pakistan afforded ample opportunities to the accused persons to bring any material on the record regarding the mode and manner of sources of funding for acquisition and possession of Al-Azizia Steel Company Ltd, Hill Metals Establishment in KSA and remittances, however, the accused persons could not submit satisfactory explanation.

c. Order dated 20-04-2017 of Honourable Supreme Court of Pakistan. The Honourable Supreme Court of Pakistan passed the judgment in Panama Papers Case on 20-04-2017. In view of indifferent conduct and unwillingness of relevant Departments, the Honourable Court constituted the JIT (comprising 06 members from FIA, NAB, SECP, State Bank of Pakistan, ISI and MI) to investigate different questions and to collect evidence, if any, showing that accused Muhammad

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Nawaz Sharif or any of his dependents or benamidars owns, possesses or has acquired assets or any interest therein disproportionate to his known means of income.

d. **Functioning and Proceedings of JIT.** The JIT initiated the investigation into the affairs of the Panama Papers Case on 08-05-2017. Among others, the scope of the JIT's investigation included the questions "*how did Hill Metal Establishment come into existence*" and "*where did the Working Capital for such companies come from*" and "*where do the huge sums running into millions gifted by respondent No. 7 to respondent No. 1 drop in from*" as outlined in the order dated 20-04-2017. The JIT undertook the task by collecting the record / material from within the Pakistan and abroad, examination of witnesses and respondents, acquiring information and documents from foreign countries through Mutual Legal Assistance and seeking assistance of analysts / experts. JIT submitted its Final Investigation Report on 10-07-2017 before the Honourable Supreme Court of Pakistan. The report consisted of 10+2 Volumes wherein JIT responded to the questions and ancillary matters dilated vide Court order dated 20-04-2017. Volume-VI of the Report specifically deals with the matters of *Al-Azizia Steel Company Ltd, Hill Metals Establishment and Gifts.*

e. **Findings of JIT on Al-Azizia Steel Company Ltd, Hill Metals Establishment and Gifts.** After completion of investigation, the JIT concluded that the accused could not establish the lawful means for acquisition of Azizia Steel Company Ltd Jeddah and Hill Metals Establishment Jeddah. As regards the gifts extended, pattern in which the remittances were made cannot be characterized as gifts from a son to a father. Furthermore, the sheer quantum of profits going to accused Muhammad Nawaz Sharif in actual effect make him the significant beneficial owner of the business, ostensibly owned by his son Hussain Nawaz Sharif, practically reduced to the status of his Benamidar.

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f. **Order dated 28-07-2017 of Honourable Supreme Court of Pakistan.** Following the submission of the JIT Report, the Honourable Supreme Court of Pakistan began arguments from the petitioners and the respondents after affording a weeks' time to go through the Report. Petitioners asserted that the JIT has collected sufficient evidence proving Respondent No. 1, his dependents and benamidars own, possess and have acquired assets which are disproportionate to their known sources of income; that neither Respondent No. 1 nor any of his dependents or benamidars before or during the course of investigation could account for these assets. Counsels on behalf of Respondents No. 1, 6, 7 and 8 contended their reservations about the report before the Honourable Court. The Honourable Supreme Court of Pakistan announced the Judgment on 28-07-2017 whereby it was directed to NAB to prepare and file before the Accountability Court, Rawalpindi/Islamabad, the References, on the basis of the material collected and referred to by the JIT in its report and such other material as may be available with the FIA and NAB having any nexus with assets (in instant case regarding Azizia Steel Company and Hill Metal Establishment) or which may subsequently become available including material that may come before it pursuant to the Mutual Legal Assistance requests sent by the JIT to different jurisdictions. It has also been directed that NAB shall also include in the proceedings all other persons who have any direct or indirect nexus or connection with the actions of Respondents No. 1, 6, 7 and 8 leading to acquisition of assets and funds beyond their known sources of income. Moreover, NAB may file supplementary Reference(s) if and when any other asset, which is not prima facie reasonably accounted for, is discovered.

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g. **Cognizance by NAB.** In pursuance to the Orders of Honourable Supreme Court of Pakistan dated 28-07-2017, NAB took cognizance of the matter and authorized an investigation u/s 18(c) of NAO, 1999 against Mian Muhammad Nawaz

Sharif, Hussain Nawaz Sharif, Hassan Nawaz Sharif and others for ownership of Azizia Steel Company and Hill Metals Establishment, Jeddah beyond known sources of income.

h. Opportunity to Accused Persons by NAB. The accused persons were called upon through call-up notices to join the investigation for recording of their plea and production of defence, but they did not join the proceedings at NAB. Accordingly, Reference was prepared in the light of the directions of Honourable Supreme Court of Pakistan.

i. Filing of Reference. In view of Judgment dated 28-07-2017 of Honourable Supreme Court of Pakistan, Reference No. 19/2017 against the accused persons has been filed by NAB which is under trial in Accountability Court No. 2, Islamabad.

j. That as per evidence read before this court and documents referred the prosecution has succeeded establishing reasonable case against the accused and u/s 14 (c) of NAO 1999 burden shifted on the accused but he failed to account for the admitted assets in the name of his sons and law required this court to presume the accused guilty and punish him in accordance with law.


k. Learned prosecutor placed reliance on following citations:

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PLD 2011 SC 1144, 1989 CMR 218
2018 SCMR 1590, 1192 SCMR 1715
2015 SCMR 393, PLD 2002 Peshawar 118
2002 YLR 2737

11. **Learned defence counsel Mr. Khawaja Haris Sr. Advocate on behalf of accused Mian Muhammad Nawaz Sharif has made inter-alia following submissions during arguments.**


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a. Learned defence counsel while giving a broader introduction of the case commenced his arguments by submitting that accused Hussain Nawaz Sharif was adult and dependent and used to help his grandfather Mr. Mian Muhammad Sharif and the entire business was being

managed and run by Mr. Mian Muhammad Sharif and Mian Muhammad Nawaz Sharif had no concern whatsoever business as he had changed his line while joining politics.

- b. It is further submitted that Mr. Mian Muhammad Sharif set-up GSM through Mr. Tariq Shafi as a benamidar, 75% shares of which was sold through agreement in the year 1978, to the Abdullah Kayid Ahli and thereafter, the name of the GSM was changed to Ahli Steel Mills, subsequently in the year 1980 the remaining 25% shares of the Ahli Steel Mill were sold too by Mr. Mian Muhammad Sharif through Tariq Shafi to Abdullah Kayid Ahli and Mian Muhammad Sharif being actual owner received the sale proceed of the 12 million AED.
- c. That in the setting up of business and sale of GSM, accused Mian Muhammad Nawaz Sharif had never participated or taken part in any of the transaction related thereto.
- d. That as per the statement of the accused Mian Muhammad Nawaz Sharif before the JIT admitted by the PW-22 he visited once or twice in UAE in this year.
- e. That it is further submitted that Mr. Mian Muhammad Sharif placed the said amount of Rs. 12 million with Jabir Bin Jasim Al-thani for investment of that much amount in the real estate business of Althani family.
- f. That Mr. Mian Muhammad Sharif was incharge of all of the affairs and he had been providing money for the maintenance and other expenses of Hussain Nawaz Sharif and Hassan Nawaz Sharif and other of his grandsons, so much so even when they were studying abroad and living in UK.
- g. Learned defence counsel went on saying that all the facts related to ASCL and HME with reference to the stance taken by the accused Hassan Nawaz Sharif and Hussain Nawaz Sharif before the JIT in their concise statement or otherwise could not be construed to be that of Mian

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Muhammad Nawaz Sharif as he never had any nexus with any of the above said business entities, acquisition of the assets running of the businesses, control of its affairs and managing its finances, as he remained entangled in the political activities and never adverted thereto.

- h. Learned defence counsel read out the definition of section 9(a)(v), the definition of words "benamidar", "dependent" and "associate" etc. of the NAO, 1999 and also took the court through section 4(1)5(2) of Cr.P.C. and Article 59 to 65 of Qanoon-e-Shahadat Order, 1984 and then submitted that whatever has been done by the JIT are falls within the definition of investigation and all the statements recorded by the JIT and inference drawn, analysis made and conclusion arrived by the JIT are inadmissible and could not be read in evidence. It is submitted that Hussain Nawaz Sharif was born in the year 1972 and in the year 2001 he was about 29 years, whereas Hassan Nawaz Sharif was born in the year 1976 and in the year 2001 his age was about 25 years. As such they both were major and they started businesses at their own under the supervisions and with the aid of their grandfather and Mian Muhammad Nawaz Sharif had never contributed any finance or injected any equity in their businesses.
- i. Admittedly the JIT has not collected any evidence oral or documentary showing that they both were dependent of accused Mian Muhammad Nawaz Sharif the inference contrary thereto, drawn by the JIT in this regard if any is without any substance and not acceptable on any judicial standard.
- j. That in the wake of Panama paper leaks the address to

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of accused Mian Muhammad Nawaz Sharif, as he has clarified during trial especially his statement u/s 342 Cr.P.C. that the information so rendered by him at that juncture were provided to him by accused Hussain Nawaz Sharif and Hassan Nawaz Sharif and were derived from the documents provided by them relating to the Gulf Steel Mills and Al-Azizia Steel Company to him.


- k. That the questions were posted by the august Supreme Court of Pakistan to the JIT to be answered after investigation and I.O was also authorized investigation by the DG NAB but it is manifest from the statements of both the PW-21 and PW-22 that no independent investigation was conducted by the JIT or I.O of the case and whatever material they collected from the august Supreme Court of Pakistan and was made available to the JIT by the accused Hussain Nawaz Sharif, the JIT without investigation of any relevant aspects of those documents made its analysis and information inferences thereon which is not permissible as per law and was much beyond their jurisdictions sphere and competency.

That statements recorded by the JIT, and conclusions whose, drawn opinions in the report of JIT are not admissible under section 161 Cr.P.C and could only be used by the accused u/s 162 Cr.P.C for the confrontation purpose only. Similarly I.O could not adduce any conclusion and its function was mainly to collect the evidence and place the same before the court without making any personal opinions or inference therefrom. That the conclusions so drawn by the JIT besides being in admissible are without any foundation and not supported by any evidence collected during the investigation with reference to the Mutual Legal Assistance response etc.

- m. Learned defence counsel further submits that before initiating any MLA request, the documents had come on

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the record of the JIT and PW-21 had admitted that the JIT had gone through the same but intentionally the correct particulars and complete name of the GSM, ASCL and HME, the exact information to be elicited were not incorporated in the MLA's requests from the tenor of the contents thereof, it is manifest that JIT had not made any sincere effort to get correct information with reference to GSM, ASCL or HME as mentioning of incorrect names and other particulars are indicative of that JIT was not genuinely interested to get the true picture of the facts from the foreign jurisdiction.

n. That the MLA response from the UAE has been illegally made basis for discarding the stance of the defence put forth by accused Hussain Nawaz Sharif and Hassan Nawaz Sharif; that perusal of MLA request or response received thereof goes on show that the JIT knowingly had not correctly stated the point of transportation and destination of machinery of Ahli Steel Mill for the establishment of ASCL. In spite of the fact that LC was also produced by Hussain Nawaz Sharif before the JIT. The MLA request and response thereto are not inconsonance with the provision of section 21 of NAO, 1999 and prosecution has not been able to produce any person who has carried out search of record culminating into information on the basis of which the answers have been transformed and furnished from the UAE.

o. That MLA response was not in accordance with the provision of section 21 of NAO 1999 and as such was not admissible in the evidence. With reference to call up notices learned defence counsel referred section 19 of the NAO, 1999 and pointed out that the call up notices should have been issued objectively while specifying purpose for which proposed person was called-up by the NAB authority but in the instant case, just in mechanical manner the process has been issued and the report thereof was procured just as an eyewash, to say that the accused

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was summoned; that no sincere effort was made by the I.O to serve the notices inspite of the fact that there were two addresses of the accused available with him; that the service of the notices on Muhammad Arif security officer of Jati Umrah Lahore could not be considered as a substitute service as for the reasons that no effort was made to serve the accused in person; especially when the the said security officer admittedly was not having any authority to receive the notices or process on behalf of accused persons.

- p. Learned defence counsel pointed out that the factum of notices were placed on the electronic media and the accused getting knowledge of the same has got sent his response to the I.O but irrespective of the same, the call up notices has a futile exercise not serving any purpose of the prosecution and objective set out of the law
- q. After reading much of the evidence, learned defence counsel when adverted to Qatri Royals letters he submitted that accused Mian Muhammad Nawaz Sharif has no concern with those letters and transactions mentioned therein, but as Hussain Nawaz Sharif has placed those letters on record and subsequently, JIT has also entered into correspondence process with Mr. Hammad Bin Jasim Althani of Qatar, hence, contents of those letters vis-a-vis attempts made by the JIT to join him with the investigation require examination with the concern. It is submitted that in the first letter, the Qatri Royals has categorically mentioned that Rs. 12 million were placed with Jabir Bin Jasim Althani by Muhammad Sharif which was invested in real estate business and in the second letter he mentioned and also placed on record the worksheet showing the accrual amounts from 1980 to 2006 stating about the final settlement made by the Qatri Royals.
- r. The JIT had not bothered to join him with the investigation. It is submitted that that Qatri Royals has

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throughout been showing his willingness to join the investigation conferring the contents of his those letters; that the JIT gradually changed the posture while using the harsh wording from “verify” to “investigation” and then to investigation sessions through which the JIT has dissuaded him to join the investigation. It has further been submitted that inspite of stringent condition imposed by the JIT, the Hammad Bin Jasim Althani had been showing his willingness for meeting with the JIT, while conferring the contents of both the letters but JIT and subsequently the I.O of the case had not made any sincere effort to join him with the investigation; that findings of the JIT with reference to Qatri letters, declaring those as “myth” declaring the transaction of 25% shares to Gulf Steel Mill and concerning documents fake is not actually in admissible in evidence, rather is without any basis and just step of investigation as such the initiation of MLA and analysis of the paper documents pertaining to GSM, ASCL Jeddah and Hill Metal Establishment, Jeddah was a colorful exercise of the jurisdiction by the JIT which is illegally inaccurate rather misleading to some extent.

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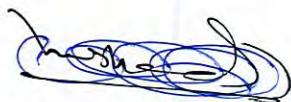
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s.

With reference to the CMAs concise statements and filed by Hussain Nawaz Sharif and Hassan Nawaz Sharif accused and documents annexed there with, learned Defence Counsel submitted that the accused Mian Nawaz Sharif has no nexus with the same and those could not be read against him as he had categorically stated in his own CMA that his sons were dependents and he had no concern with the properties maintained and businesses of GSM, ASCL and Hill Metal Establishment, Jeddah being run by them.

t.

Learned Defence Counsel submits that the prosecution has not been able to collect any oral or documentary evidence showing that the accused Mian Muhammad Nawaz Sharif was having any nexus with the said



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business, concern PW-22 and PW-21 in their cross examination admitted that they have not recorded any witness showing that the accused Mian Muhammad Nawaz Sharif contributed any fund towards the acquisition, setting-up or running of the above said business. It has also been admitted by the JIT that through any independent source JIT had not also been collected any material from the foreign jurisdiction connecting accused Mian Muhammad Nawaz Sharif with the ownership, acquisition, setting-up or running of the above said business. It is further submitted that both the PWs and JIT had admitted that no evidence or document have collected during investigation showing that accused had ever contributed, providing funds for the running and funding of the business of the entities mentioned above. While arguing the remittances portion of the case Learned Defence Counsel stressed that merely owing to the receiving of the amounts Hussain Nawaz Sharif could not be construed as benamidar of accused Mian Muhammad Nawaz Sharif depicting him as actual owner.


u. Learned defence counsel pleaded that Hill Metal Establishment, Jeddah is the sole proprietorship as admitted by the PWs and reflected from the documents having been collected by the JIT that as it was setup by the Hussain Nawaz Sharif accused as sole proprietorship, henceforth Hill Metal Establishment, Jeddah and Hussain Nawaz Sharif are inter changeable inter se.

v. That the remittances sent by the Hussain Nawaz Sharif or Hill Metal Establishment, Jeddah are admitted by the accused Hussain Nawaz Sharif, as he had declared the same in his income tax and wealth tax returns in the relevant financial year.

w. That the JIT and I.O. both have not been able to collect any documents showing any nexus of Accused Main Muhammad Nawaz Sharif with the ownership, possession control, finances and business of Hill Metal

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Establishment, Jeddah. It is submitted that to constitute him as a real owner, prosecution was bound to establish the ownership of accused Mian Muhammad Nawaz Sharif his control over the ownership documents and business of the Hill Metal Establishment, Jeddah whereas PW-21 and PW-22 both during cross examination admitted that they could have not come across with any of the documentary or oral evidence showing Mian Muhammad Nawaz Sharif as owner of the said property or running of the business or having any control over the affairs and financing of the Hill Metal Establishment, Jeddah or had even contributed any fund for the establishment or running /functioning of the HME.

- x. Learned defence counsel argued that the JIT had built the entire premises on the basis of documents submitted by Hussain Nawaz Sharif and CMA filed by him, while over stepping by drawing inferences, making conclusions and analysis etc whereas, the independent impartial investigation in the matter could have not been carried out intentionally with an objective to keep the witnesses away from the processes of investigation so that the JIT could reach to conclusions of its own choice.
- y. It is further canvased by the learned defence counsel that as per the documents furnished by Hussain Nawaz Sharif and stance taken by the accused (Al-Azizia Steel Company Ltd. Jeddah) was in the name of Rabia Shahbaz and Abbas Sharif and Hussain Nawaz Sharif but JIT had not associated with the investigation, Mr. Rabia Shahbaz and other legal heirs of the Abbas Sharif to ascertain regarding relinquishment of their right to receive the sale proceeds of ASCL which ultimately was received by Hussain Nawaz Sharif; that though Mian Muhammad Nawaz Sharif has no concern with the sale proceed of the ASCL, but as the prosecution has collected evidence in this regard, hence, same when examined and analyzed in depth clearly establish that

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ASCL was set up by Hussain Nawaz Sharif with the effort of Mian Muhammad Sharif and funding made by the banks and accused of the 12 million EAD which were received by Hussain Nawaz Sharif as the final settlement arrived in between Prince Hammad Bin Jassim and Hussain Nawaz Sharif in the year of 2001.

- z. Learned defence counsel with reference to the setting-up of ASCL argued that as per the stance of the accused Hussain Nawaz Sharif before the JIT and documents furnished by him goes on to shows that ASCL was established in the year 2001 to 2003 and finances were arranged by Mian Muhammad Sharif with intervention of accused his investment with Qatary Royals and bank loan etc and its shares were apportioned by him in the name of Rabia Shahbaz, Hussain Nawaz Sharif and Abbas Sharif, as such, the entire process was managed and supervised by Mian Muhammad Sharif with the help of Hussain Nawaz Sharif and in no manner accused Mian Muhammad Nawaz Sharif could be made actual owner or connected with the same.

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- aa. Learned defence counsel submits that Mutual Legal Assistance have been initiated in violation of the Section -21 of NAO, 1999. The contents of the Mutual Legal Assistance from the UAE has not been proved by the prosecution by producing the person who had rendered information on basis of which the answers have been given, who has checked the record and was custodian of the same.

- bb. It is further submitted that documents annexed with the Mutual Legal Assistance response do not bear notarization or seal of the Embassy of the UAE and consulate of Pakistan in UAE as such in spite of being

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- cc. It is also contended by the learned defence counsel that interim reference was submitted after the collecting of evidence by the I.O., with reference to Junaid, Anjum Iqbal, Anees and Haroon but the I.O admittedly has not recorded their statement. The prosecution has failed to establish any nexus of their receiving money with accused Mian Muhammad Nawaz Sharif and no incrimination could be made against him just on the basis of receiving of remittances by them from the Hill Metal Establishment, Jeddah. It is further contended that the remittances from Hill Metal Establishment, Jeddah and Hussain Nawaz Sharif accused are admitted by the defence but the said amounts have already been declared by the accused in his tax returns showing the same as gift. Learned counsel submits that Hussain Nawaz Sharif accused as sole proprietor and both the donor and donee had claimed these remittances as gifts and no one else could challenge the nature of the said transaction to be considered in any other manner.
- dd. Learned defence counsel clarified that though in some of the Swift messages, the purpose for sending money has described somewhat different from the gift but in view of the nature of money sent by the donor himself mere in the CMA No. 432/2017 describe in Para-15 the mere mentioning of other purposes by the person sending money or making the entry at the relevant time is not of any significance.
- ee. That the statement of the accused persons recorded by the JIT could not be considered and read against the accused facing the trial for the reasons that the person who had made the said statement or not facing trial along with the accused jointly and admittedly are abroad. Hence neither Article 43 nor Article 46(3) could be made applicable in the instant matter.
- ff. That the stance taken by the accused Hussain Nawaz Sharif and document submitted by him has no nexus with

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the defence of the accused who from day one, has never claimed to be the owner in Hill Metal Establishment, Jeddah and ASCL and the other documents and mentioning of co-accused if taken out of consideration the prosecution has not been left with any evidence to bring home the guilt of the accused. It is further submitted that the law in criminal side is clear and settled if any statutory provision evidence documents or statement is amenable to two interpretation one going in favour of the accused, is to be adopted; that for awarding conviction not only the strong evidence is requisite rather all of the hypothesis of his innocence are to be excluded and that two when prosecution succeeded in proving the case beyond the shadow of any reasonable doubt. The no conviction can be awarded in the instant case, the prosecution has miserably failed to prove the case, hence the accused may kindly be acquitted of the case.

gg. Learned defence counsel placed reliance of following citation which are as under:

- i. 1993 SCMR 550 titled
- ii. 2003 M L D 676 at page 684 (Karachi) title Asif Jameel and others Vs. The State
- iii. P L D 2000 Lahore 216 titled Altaf Hussain and 4 others
- iv. P L D 2013 Supreme Court 472 title Rao Abdul Jabbar Khan Vs. Lahore High Court, Lahore.
- v. 16. 2010 SCMR 660 titled Muhammad Ahmad (Mahmood Ahmed) and other Vs. The State
- vi. 1996 CLC 79 at page 86 (Karachi) titled National Bank of Pakistan Vs. General
- vii. 2004 P Cr. L J 371 (Federal Shariat Court) titled Muhammad Arshad Naseem Vs. the State.
- viii. 1999 S C M R 1245 (Supreme Court of Pakistan) title Abdul Majeed and
- ix. PLD 2007 Karachi 469 PLD 2012 SC 903
- ix. 1998 SCMR 1794

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- x. PLD 2011SC 554 pg 576 para 17
- xi. PLD 2005 SC 63
- xii. 2013 P Cr LJ 1607 (Peshawar) Syed Anwar Badshah VS Chairman NAB etc
- xiii. 2009 SCMR 790
- xiv. 1992 M L D 383 at page 394 (Karachi)

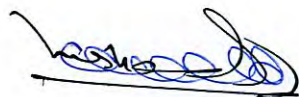
12. **Learned Deputy Prosecutor General, NAB Mr. Sardar Muzaffar Abbasi, Head of the prosecution put appearance and in rebuttal submitted that:**

- i. Standard of prove in white collar crime is altogether different than the other normal cases and in the cases of NAB, legally speaking, prosecution has not to prove the case beyond shadow of reasonable doubt as necessary in the common criminal cases. while referring 2002 YLR 27 at 37 he submitted in the instant reference the prosecution evidence is mostly consisting of the documents submitted by the accused before the august Supreme Court of Pakistan and before the JIT through which prosecution has established that accused Hussain Nawaz Sharif hold and possess the assets abroad that it is also on the record that Hussain Nawaz Sharif was not having any independent source of income at the time of establishment of Al-Azizia Steel Company and Hill Metal Establishment, Jeddah. That the defence plea explaining the trail of money by Hussain Nawaz Sharif through CMAs and in his concise statement before the august Supreme Court of Pakistan remained unsubstantiated and JIT when probed and received the response of Mutual Legal Assistance request sent by the JIT by the foreign jurisdiction, it transpired that that the 25% Shares Sale Agreement of 1980 submitted by Hussain Nawaz Sharif was fake and it does not exist. That about the other narrations regarding transportation of machinery by him also stand falsified by the Mutual Legal Assistance response with and the provision of

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funds by Qatri Royals of Rs. 12 Million AED and accrual thereof has also not been substantiated and the JIT has held the same as a myth. As such the attempt of the defence to explain the money trail stand foiled.

- ii. With reference to the objection of defence regarding JIT, learned prosecutor submitted that JIT was constituted by the august Supreme Court of Pakistan while hearing the C.Ps No. 29/2016, 302016 and 03/2017 and CMAs and concise statements file by the accused and his children's; that no reference was filed at that time, as such, whatever was done by the JIT, the defence has wrongly tried to paint the same as outcome of investigation. It is submitted that as such the purpose for the constitution of JIT was not to investigate the crime but it was to answer certain questions put forth to JIT by the august Supreme Court of Pakistan before filing of reference and initiation of the investigation. That the JIT report was even accepted as correct while relying upon the certain portion of the same in the judgment of the august Supreme Court of Pakistan, hence the statements recorded by the JIT and material collected therein during that time cannot be considered, as the proceedings under section 161 Cr.P.C and report submitted by the JIT does not fall within the definition of Section 173 Cr.P.C.

- iii. It is further submitted that investigation in this reference was authorized by the Director General NAB under Section 18 (c) to Deputy Director, Mehboob Alam, I.O. of the case and head of the JIT appeared before the I.O as witness and got recorded his statement under section 161 Cr.P.C. Hence PW-21, Head of the JIT is the witness of the prosecution and could not be considered as I.O. of the case. While referring the judgment cited by the defence i.e. PLD 2018 SC 178, learned prosecutor submitted that the said judgment pertains to the ATA case and Anti-Terrorist Act itself under section 19 (5) envisaged the constitution of JIT in certain cases and

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report submitted by it as per the proviso of the same is to be considered under Section 173 Cr.P.C. It is submitted that the instant case is being dealt under NAO, 1999 wherein no such provision for the constitution of JIT does exist and investigation is authorized by the Chairman NAB under Section 18 (c & d) of the NAO, 1999 which cannot be equalized to the report under Section 173 Cr.P.C. Learned prosecutor went on saying that the scheme of law in Cr.P.C and the other special statute is altogether different than the scheme of law given in the NAO, 1999 which is special statute for eradication of corruption and corrupt practices and its preamble in very clear words made the person involving in the said crime under the said act as accountable for the assets and properties made, to explain as to how he has acquired the assets, amassed the money and accumulated the wealth. It is further submitted that the statements of the persons recorded by the JIT, documents collected and inferences drawn after analysing the same while examining the record so collected during the process is admissible in evidence.

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Learned prosecutor further pointed out that as envisaged in section 14 (c) of NAO, 1999 the inference could be drawn while deducing the logical conclusion from the fact and circumstances of the case. Learned prosecutor while referring certain parts from the address to nation on 05.04.2016 and the speech on the National Assembly Floor on 16.05.2016, pointed out that the accused Mian Muhammad Nawaz Sharif had attempted to give explanation for the assets of his sons while stating that he was equipped with much of the proof regarding the said assets but he failed to produce the same before the august Supreme Court of Pakistan, the JIT and even before this court. That in the august Supreme Court of Pakistan after submission of the JIT report certain objections were raised by the defence

while submitting CMA No. 5035/2017. After hearing the same august supreme court of Pakistan was pleased to reject the said CMA and findings rendered in the JIT were upheld as such it does not lie in the mouth of the accused to raise any question regarding the authenticity and veracity of the proceeding conducted, material collected and inference drawn and reference made by the JIT. That the Supreme Court of Pakistan after going through the record and report of the JIT has concluded that the prima facie cognizable case has been found committed and matter referred to the NAB authorities for preparation of the reference on the basis of the material collected and it was the statutory duty of the defence to dislodge the presumption of accumulation of wealth beyond means as pointed out in the report of the JIT against them. That Hussain Nawaz Sharif had earlier giving the money trail of the assets but subsequently absented along with Hassan Nawaz Sharif and only accused Mian Muhammad Nawaz Sharif has opted to appear before the court and face the trial but he also denied any of his knowledge and connection with the said assets. That prosecution recorded the statement of 22 witnesses and Plethora of documents produced and prima facie made a reasonable case of corruption and corrupt practices against the accused and successfully shifted the burden to him but accused miserably failed to discharge the same and the court as per section 14 (c) of NAO, 1999 can draw the inference as against him.

- v. Learned prosecutor pointed out that the accused has taken special plea adopting the stance of the Hassan Nawaz Sharif and has special Knowledge about the money trail regarding the assets as admitted in his speech but failed to produce those documents and has failed to discharge the burden of proof under Article 117, 119, 122 of QSO, 1984 and presumption is to be drawn against

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him under Article 129 (g) of the said order. That accused has taken the contradictory stance during the trial as well as in his statement under section 342 Cr.P.C which reflected upon his guilty conscious strongly suggesting towards his involvement in the crime.

vi. Learned prosecutor placed reliance on precedent law reported in

PLD 2018 SC 114, **2013 P Cr. L J**
591

2007 MLD 910, **PLD 2002 Peshawar**
118

PLD 1992 Lhr. 314,

13. It is matter of concern for us all that corruption is rampantly increasing since the last two decades in the society and has reached to its climax at present. For eradication of corruption and corrupt practices a stern action is need of the time. Seemingly keeping this objective in mind the legislature has enacted NAO 1999, preamble of which made hold accountable all those persons accused of such practices and matter ancillary thereto.

14. It is also matter of observance that resorting to the corruption and corrupt practices by one set of our society has amassed unprecedented wealth and accumulated huge assets and the other segment of the society has drowned down forced to lick the clay. This marked disparity in different segments of society has badly impaired the moral fibre of society on both the ends. The rulers to whom the reins of the nation were given expecting to take rectification measures also failed to fulfil their obligations rather their hands seems to be smeared with ill-gotten wealth. As such, to my mind, it is obligation of all concerned in law enforcing agencies especially the courts to keep preying eyes vigilant minds and forceful hands to give a strong jolt to the persons found guilty of such practices. For achieving this objective the rules, procedure and law is to be applied even filling the dots to achieve the object of the law going in line with the intents of the legislature

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manifested in the ordinance itself. If it is done, even now it could promote the culture of rule of law, parity and equality. Application of law with equal intensity to both the rich and the poor will enhance the public confidence and trust in the institutions tackling law and justice.

15. I have heard the learned Counsel for the prosecution and the defence, gone through the precedent cases cited before the Court and also carefully examined the testimony and cross examination of prosecution witnesses and the extensive record exhibited by the prosecution witnesses.

16. The Accused No. 1 is charged with the commission of the offence of "corruption and corrupt practice" provided for in section 9(a)(v) of the Ordinance. It is, therefore, appropriate to examine the provisions of Section 9(a)(v) of the Ordinance to identify the essential ingredients of the offence with which Accused No. 1 is charged.

17. Section 9(a)(v) of the Ordinance reads, in material part, as follows:

"A holder of a public office, or any other person, is said to commit or to have committed the offence of corruption and corrupt practices if he or any of his dependents or benamidars owns, possesses, or has acquired right or title in any assets or holds irrevocable power of attorney in respect of any assets or pecuniary resources disproportionate to his known sources of income, which he cannot reasonably account for or maintains a standard of living beyond that which is commensurate with his sources of income."(emphasis added).

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18.

Moreover, and materially, in terms of the section 9(a)(xii) of the Ordinance, the offence of "corruption and corrupt practices" is also committed if the accused aids, assists, abets, attempts or acts in conspiracy with a person or a holder of public office accused of an offence as provided in, inter alia, section 9(a)(v) thereof.

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19.

The other provision of the Ordinance which has direct relevance to the offence under section 9(a)(v) and 9(a)(xii) is section 14(c) which provides that:

14(c) which provides that:

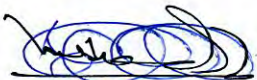
“In any trial of an offence punishable under clause (v) of sub-section (a) of section 9 of this Ordinance, the fact that the accused person or any other person on his behalf, is in possession, for which the accused person cannot satisfactorily account, of assets or pecuniary resources disproportionate to his known source of income, or that such person has, at or about the time of the commission of the offence with which he is charged, obtained an accretion to his pecuniary resources or property for which he cannot satisfactorily account the Court shall presume, unless the contrary is proved, that the accused person is guilty of the offence of corruption and corrupt practices and his conviction therefore shall not be invalid by reason only that it is based solely on such a presumption.”

20. The above provisions of the Ordinance have to be read with the definitions in sections 5(c), 5(da), 5(o) and 5(p) of the expressions “assets”, “benamidar” “person” and “property”, respectively. The expression “assets” means any property owned, controlled by or belonging to any accused, whether directly or indirectly, or held benami in the name of his spouse or relatives or associates, whether within or outside Pakistan which he cannot reasonably account for, or for which he cannot prove payment of full and lawful consideration. The expression “benamidar” means any person who ostensibly holds or is in possession or custody of any property of an accused on his behalf for the benefit and enjoyment of the accused. The expression “person”, unless the context otherwise so requires, includes in the case of a company or a body corporate, the sponsors, Chairman, Chief Executive, Managing Director, elected Directors, by whatever name called, and guarantors of the company or body corporate or any one exercising direction or control of the affairs of such company or a body corporate; and in the case of any firm, partnership or sole proprietorship, the partners, proprietor or any person having any interest in the said firm, partnership or proprietorship concern or direction or control thereof. “Property” is defined in section 5(p) of the Ordinance “to include any or all moveable and immoveable properties situated within or outside Pakistan”.

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21. The Honourable Supreme Court of Pakistan has interpreted the scope of the provisions of sections 9(a) and 14(c) of the Ordinance and explained the basic ingredients of constituting the offence under section 9(a)(v) keeping in view the provisions of section 14(c). In this context, the Honourable Supreme Court has held in 2011 SCMR 136 that, in order to prove the case under Section 9(a)(v) of the Ordinance, the prosecution is required to prove: the nature and extent of the pecuniary resources of property which were found in his possession, what were his known sources of income i.e. known to the prosecution after thorough investigation and that such resources or property found in possession of the accused were disproportionate to his known sources of income. Once these ingredients are established, the offence as defined under section 9(a)(v) is complete, unless the accused is able to account for such resources or property. Thus, it is the failure to satisfactorily account for possession of pecuniary resources or property that makes the possession objectionable and constitute an offence. If he cannot explain, presumption under section 14(c) of the Ordinance that the accused is guilty of corruption and corrupt practice is required to be drawn.

22. Whilst interpreting Section 14(c) of the Ordinance, it has been observed by the Honourable Supreme Court in the Judgment referred above that, as regards the burden of proof, the normal rule of law is

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that an accused is presumed to be innocent until his guilt is proved, established and the onus of establishing the guilt is always on the prosecution. But the rule of law laid down in section 14(c) of the Ordinance is a departure from normal law and under this section, a presumption of corruption and corrupt practices is required to be drawn, if the accused or any person on his behalf is in possession of pecuniary resources or property disproportionate to his known sources of income of which sources he cannot satisfactorily account. For shifting the burden upon accused to account for the sources of income, the words of the statute are pre-emptory and the burden must lie all the time on the accused to prove the contrary, after the conditions laid down in the earlier


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part of the section have been fulfilled by the prosecution through evidence to the satisfaction of the Court and then the Court is required to draw the presumption that the accused person is guilty as provided under section 14(c) of the Ordinance. Such presumption continues to hold the field, unless the Court is satisfied that the statutory presumption has been rebutted. In PLD 2017 SC 265, it has been held that section 9(a)(v) of the Ordinance “places a light initial onus of proof on the prosecution to establish that a holder of a public office, or any other person, or his dependent or benamidar owns, possesses, or has acquired right or title in any asset or holds irrevocable power of attorney in respect of any asset or pecuniary resources disproportionate to his known sources of income or maintains a standard of living beyond that which is commensurate with his sources of income and thereafter a heavier onus shifts to the accused person to reasonably account for his ownership, possession, acquiring of right or title or holding irrevocable power of attorney in respect of such assets or pecuniary resources.”.

23. The Honourable Supreme Court has also removed any doubts about whether any of the offence(s) under section 9(a) of the Ordinance can be committed by persons other than those falling within the definition of “holder of public office” by holding that there is no such restriction in the Ordinance as is evident from the expression “or any other person” appearing in the opening sentence of section 9(a). Thus in PLD 2013 SC 594 it has been held and declared that the provisions of the Ordinance are applicable even to a person who is not holder of a public office and also to a person who has not aided, assisted, abetted, attempted or acted in conspiracy with holder of a public office and the words “any other person” appearing in section 9(a) of the said Ordinance are to be understood and applied accordingly. For removal of any doubt or ambiguity it was clarified by the Honourable Supreme Court that a private person can be proceeded against under the Ordinance if the other conditions mentioned in that Ordinance in that respect are satisfied.

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24. In view of the charge against accused Mian Muhammad Nawaz Sharif and as per ratio laid in PLD 2017 SC 265 at 405, the prosecution has the "light initial onus of proof" to establish that: (i) Azizia Steel Company Limited ("ASCL"); and (ii) Hill Metals Establishment ("HME")- the full name of which is "Hill Modern Industry for Metal Establishment" as per, inter alia, the response of the Accused No. 1 to question no. 53 in his statement under section 342 Cr.PC - are the "assets" of Accused No. 1 within the meaning of the Ordinance. The receipt of the remittances from HME are not denied, rather admitted by him but it is claimed that these are bonafide "gifts" from a son to his father. The prosecution, however, as per the charge argued otherwise. The definition of "assets" in the Ordinance expressly envisages that "assets" may be held "directly or indirectly", or "held benami in the name of his spouse or relatives or associates".

25. The allegation in the Reference, the charge against the accused Mian Muhammad Nawaz Sharif and the case of the prosecution is premised on "assets" being allegedly held by him "indirectly" through "benamidars" i.e. his son Hussain Nawaz Sharif since POs in the Reference.

26. Each of the ingredients of the offense under section 9(a)(v) of the Ordinance are now examined against the evidence led by the prosecution along with the documents exhibited and placed on record.

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(i) **Has the Accused No. 1 been a "holder of public office" as per the Ordinance?**

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27.

It has not been denied by the accused Mian Muhammad Nawaz Sharif or the defence that he does indeed fall within the definition of "holder of public office" in section 2(m) of the Ordinance on account of his having previously (i.e. during the period 1981 to 2017) remained Chief Minister of the Punjab, Caretaker Chief Minister of the Punjab, Finance Minister of the Punjab, Leader of Opposition and also thrice Prime Minister of Pakistan. This was also admitted by him as being "correct" in his statement under section 342 Cr.PC.

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Accordingly, this ingredient of the offence under section 9(a)(v) of the Ordinance stands established.

(ii) **If the accused Mian Muhammad Nawaz Sharif or any of his dependent(s) or benamidar(s) at any material time own, possess or has or have acquired right or title in any "assets" within the meaning of the Ordinance?**

28. The relevant "assets" according to the Interim and Supplementary References and case of the prosecution are (i) ASCL; (ii) HME; (iii) remittances to the extent of €1,267,568 and US \$ 10,219,155 remitted by the Accused No. 3 or HME during the period January 2010 to June 2017; (iv) remittances to the extent of Rs. 59.256 million remitted to Mariam Safdar, the daughter of the accused Mian Muhammad Nawaz Sharif, from the account of HME; (v) remittances to the extent of £ 1,500,000 to Accused No. 2; (vi) remittance of Rs. 4.602 million by HME to Accused No. 1 in Pakistan during the period 2010 to 2015; (vi) aggregate amount of Rs. 273.254 million and US \$ 52,460 remitted by HME during 2010 to 2017 to Muhammad Hanif, Anjum Iqbal Ahmed Akhtar, Abdul Razzaq, Muhammad Anees and Khawaja Haroon Pasha.

29. Hussain Nawaz Sharif and Hassan Nawaz Sharif (Accused No. 2 and No. 3) since POs in their joint stance vis-à-vis ASCL and HME as submitted on their behalf before the Honourable Supreme Court in C.R. 29 of 2016 through, inter alia, CMA 432 of 2017 dated 23-1-2017 and CMA 7531 of 2017 dated 15-11-2017 which has been placed on record by the prosecution as Exh.PW-21/15 and Exh.PW-21/4 respectively is available. The objections raised by the defence with regard to the admissibility of CMA 432/2017 and CMA 7531/2017 or consideration thereof by this Court are overruled as, inter alia, the Accused No. 2 and No. 3 are absconding and their stance before the Honourable Supreme Court through the said CMAs, which are documents being part of public proceedings in terms of Article 85 of the Qanoon-e-Shahadat Order, 1984 ("QSO") and provisions of Article 76(i) of QSO, is also relevant. The absconding

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Accused (No. 2 and No. 3) are the real sons of the Accused No. 1 and have full notice and knowledge of the Reference and this trial but have wilfully failed to appear and provide any defence or explanation whilst, during trial, the Accused No. 1 is taking the stance that he has no nexus with nor material knowledge of the background to and source of funding for setting up ASCL and HME and the remittances which he admits to receiving but as "gifts". Whilst respecting the due process rights of each Accused person, it is observed that no accused can be allowed or permitted, as a stratagem, to defeat proceedings through hyper technicalities. Moreover, each of the CMA 432/17 and 7531/17 are supported by an Affidavit of the Advocate-on-Record who has "solemnly affirmed and declared" that "the averments of facts contained in the accompanying CMAs are correct to the best of his knowledge, information and belief" and further that "the averments are obtained from record of the case and from the Respondents/Petitioners". There is no evidence nor has the defence asserted that Hassan Nawaz Sharif and Hussain Nawaz Sharif on whose behalf said CMAs 432/17 and 7531/17 were filed in C.P. 29 of 2016 in which C.P. they were respectively arrayed as Respondent No. 7 and Respondent No. 8 ever sought amendment, correction or withdrawal of any of the averments of the said CMAs. In this regard, it is noteworthy that the opening paragraph numbered 1 of CMA 432

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the instant Application Respondents Nos. 7 and 8 respectfully seek to place on the record certain facts and documents that may assist this Honourable Court in arriving at a just and fair determination of the titled Petition in accordance with law. The scope of the titled petition as argued has changed from time to time. Consequently, the present submissions and documents placed herewith may kindly be taken into account". It is pertinent to mention that the CMAs are pleadings filed in no less than the apex court of this country and none of which have been known to have been retracted by any party on behalf of whom the same were filed. It is also discernible from the testimony of PW-21 that the version adopted with respect to the source of funding for and background of establishing ASCL and HME by Hassan Nawaz Sharif and Hussain Nawaz Sharif before the Joint Investigation Team


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("JIT") was also, in substance, similar and along the same contours to the position as set out in CMA 432/17. Also, it is in the evidence that, whilst appearing before the JIT on 15-6-2017, the Accused No. 1 had endorsed "everything that was submitted" by the Accused No. 2 and No. 3 in the Honourable Supreme Court of Pakistan and did not deny the same in response to question 137 in his statement under section 342 Cr. PC. In these circumstances, overruling all objection of the defence regarding the same, it is held that the Court can examine and take into consideration the contents of the final JIT Report as submitted in the Honourable Supreme Court in respect of which PW-21 Mr. Wajid Zia Head of JIT has testified as well. Hence, the contents of CMAs 432, 7531 of 2017 and any other pleadings and submissions by the parties to CP 29 of 2016 along with all the documents appended therewith and filed in the proceedings before the Honourable Supreme Court. With regard to the final JIT Report, it is noted that the Honourable Supreme Court, whilst noting that its findings are tentative, has not restricted this Court from apprising the material collected by the JIT and drawing its own conclusions from the evidence recorded before it in accordance with the principles and provisions of the law of evidence as is evident from paragraph 14 of the Judgement dated 28-7-2017 (reported as PLD 2018 SC 1). It is also observed that the august Supreme Court of Pakistan in its Judgment dated 28.07.2017 had issued direction to

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NAB for filing of the reference on the basis of material collected and record referred to by the JIT in its report or such other material which may/would become available to the NAB subsequently. As such this Court cannot be considered denuded of the powers to take into consideration as per law, the material so collected and brought on record by the I.O.

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30. By way of summary, it has been averred in CMA 432/17 that:

- (i) ASCL described as a "modest steel factory" was "set up with the efforts of Late Mian Sharif", the father of Accused No. 1 "near Makkah" and that Accused No. 3 "led the



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operation of this unit under the supervision of the Late Mian Sharif”;

- (ii) The machinery for ASCL consisted “largely of the machinery of the steel plant set up by the Late Mian Sharif in 1973 in Dubai under the name and style of Gulf Steel”;
- (iii) Over the period 2001 and 2003 the late father of the Accused No. 1 and grandfather of Hassan Nawaz Sharif and Hussain Nawaz Sharif arranged a sum of US \$ 5.41 million for investing “in the setting up of” ASCL and that these transfer of funds were caused by the Al Thani family with which the (late) grandfather had “invested” the sale proceeds of Gulf Steel Mills “GSM” in the amount of AED 12 million in 1980 and that the “equity caused to be injected by” the late Mian Muhammad Sharif, “along with borrowings from financial institutions”, was utilized for setting up of ASCL;
- (iv) By 2006 ASCL “had made its mark and fetched a good sale price” from Al Tuwairiqi Group being a “total consideration of Saudi Riyals 63 million” and that “as part of a family arrangement” the Accused No. 3 “received the sale proceeds”.
- (v) In 2006 Hussain Nawaz Sharif (Accused No. 3) set up HME “utilizing the sale proceeds of ASCL” and, significantly in the present context, that “the annual cash flow and retained earnings” from HME “have enabled” the Accused No. 3 “to send remittances to his father in Pakistan whilst making reference to “an auditor’s certificate” placed with CMA 432 /17 as “Annexure Q”. This document is hereinafter referred to in this Judgment as the

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“Aldar Audit Bureau Certificate”. The Aldar Audit Bureau Certificate is a two page document comprising of a covering letter dated 19-1-2017 addressed to Accused No. 3 bearing the caption of “Statement of Cash Balances and Net Profit After Tax for the Years Ended 31 December 2010 to 31 December 2014” with the second page containing a table under the heading “Hill Metals Establishment Profitability 2010-2014” showing the “net profit after tax” and “cash and bank” balances of HME for the years 2010 to 2014. The Aldar Audit Bureau Certificate has been separately exhibited as Exhibit PW-21/18 and a further version thereof including figures of 2015 submitted by the head of JIT is Exhibit PW-21/19.

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- (vi) The purpose of the remittances by HME is stated in paragraph 15 of CMA 432/17 to have “been to free his father from any financial constraints, given his full time involvement in politics”.

31. Accordingly, in the proceedings of C.P. 29 of 2016 before the Honourable Supreme Court and according to the testimony of PW-21, before the JIT, the Accused No. 3 claims to have been the sole beneficiary of the entire claimed sale proceeds of ASCL and also claims to have conceived, established and to own and manage HME. The prosecution, however, has argued and alleged the contrary and asserted that the Accused No. 1 being the father of Accused No. 2 and Accused No. 3 (who at the time of setting up of ASCL in 2001 and of HME in 2006 on account of, inter alia, their young age themselves had insufficient independent known sources of income) has undisclosed beneficial interest and share in ASCL and HME and that Hussain Nawaz Sharif was only an ostensible owner shown as owner thereof as a camouflage and subterfuge when, in reality, Hussain


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Nawaz Sharif was merely a benamidar holding the same for the benefit of his father the Accused No. 1.


32. As evident from the language of section 9(a)(v) of the Ordinance read with the definition of “assets”, “property” and “benamidar” in sections 5(c), 5(p) and 5(da) of the Ordinance, respectively, the Ordinance expressly contemplates and provides for indirect “possession” of or right or interest in or to property for “which the accused cannot reasonably account for”.

33. The Court has carefully examined, considered, weighed and sifted through the documents on record and the testimony and cross examination of the prosecution witnesses. Upon weighing the respective submissions of the prosecution and defence, the Court proceeds to consider, analyse and give its findings on whether or not the prosecution has been able to satisfy and fulfil its “initial burden” to prove that the real beneficial owner of ASCL and HME is the Accused No. 1 personally and not either of his absconding sons:

- (i) On account of the fact that the Accused No. 1 during the period 1985 to 2017 has held some of the highest executive offices in both the Federal Government and in the Provincial Government of the Punjab including those of chief executive of the Punjab and of Pakistan, the Court is satisfied that the Accused No. 1 was one of the most influential members of the monolithic and tightly connected Sharif family and that after the death of his father in October 2004, he was for all practical purposes the head of and most influential member of the Sharif family. Also, upon the death of Mian Muhammad Sharif in the 2004, his entire estate (including funds, properties and assets) automatically devolved upon his legal heirs by operation of law, including the Accused No. 1, and any property or asset comprising of or acquired through any funds belonging to Mian Muhammad Sharif then belonged to the Accused No. 1 and other heirs of the late Mian Muhammad Sharif. Neither of the two sons of the Accused No. 1 would automatically have been legal heirs of

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their grandfather Mian Muhammad Sharif.

- (ii) The fact that the late father of the Accused No. 1 did indulge in the practice of holding “assets” and “property” (within the meaning of the Ordinance) indirectly, through one or more benamidars, is also proved from the evidence on record, which shows that GSM was held in the name of the cousin of the Accused No. 1 (i.e. one Tariq Shafi) but the latter was not its true beneficial owner. This is established by, inter alia, the testimony of PW-21, the averments in and documents appended with CMA No. 7531 dated 15-11-2017 (Exhibit PW-21/4) filed in CP 29 of 2016 on behalf of the Accused No. 2 and No. 3 including the agreement being Exhibit PW-21/7 and the same is also implicit in the reply of the Accused No.1 to question 74 in his statement under section 342 Cr.PC. This too is a strong indicator of the fact that concept of benami and using the same as device for holding the properties abroad, so that the identity the real beneficial owner(s) remains shrouded in secrecy, was a routine practice within the family of the accused.

Beneficial ownership and interest of Accused No. 1 in ASCL.

- (iii) It is in the record that ASCL is claimed by the Accused No. 2 and No. 3 to have been set up in 2001. Their stance with regard to the same is that its establishment was funded, in most part, by the return received by the Accused No. 3 from Al Thani family of Qatar on the amount of AED 12 million received as the net proceeds from the sale of GSM, which AED 12 million was placed for investment with the Al Thani family by the late father of the Accused No. 1 and the balance was funded from unspecified loans. This version to explain the initial source of sponsor funding for establishment of ASCL relies heavily and, has as its principal foundation, the alleged receipt of an amount of AED 12 million as the net proceeds from the sale of GSM and the subsequent accretion in this amount whilst ostensibly in the hands of the Al Thani family between 1980 and 2001 as an “investment” or “placement” of funds for the alleged benefit of

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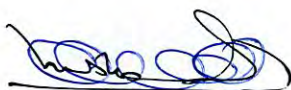
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Accused No. 3 only. It has been claimed in CMA 432/17 that, out of the accretion in this amount, Hussain Nawaz Sharif was remitted an amount of US \$ 5.41 million (in three tranches of US \$ 650,000 (claimed to be in 2001 but without any specific date), US \$ 3,160,000 (claimed to be in 2002 but without any specific date) and US \$ 1,600,000 (claimed to be in 2003 but without any specific date) for setting up ASCL between 2001 and 2003 but there is absolutely no banking record, money trail, remittance record and remittance instructions or other cogent and credible documentary evidence of the initial "placement" or "deposit" of funds with the Al Thani Family nor of the remittance of this amount from or on behalf of the Al Thani family nor receipt thereof in the Kingdom of Saudi Arabia ("KSA") by Hussain Nawaz Sharif in 2001, 2002 and 2003 as claimed. The documents in support filed with CMA 432 are; (a) a self-prepared, unsigned, unattested spread sheet worksheet at page 63 (Annexure G) of said CMA 432 being Exhibit PW-21/13("Portfolio Statement") bearing the caption "Mian Muhammad Sharif/Hussain Sharif Portfolio Statement" which shows "adjustments in respect of Azizia Steel on behalf of Hussain Nawaz Sharif"; and (b) two hand written pages in what appears to be Arabic (Annexure H at pages 64-65 of CMA 432) being Exhibit PW-21/14 which contain figures and numbers but it is not possible to make any sense out of the same. There is nothing further to explain as to who prepared and made the calculations in the Portfolio Statement or the document in Arabic and how and by whom the amounts mentioned therein were remitted and received. These documents are not supported by any documented underlying banking transaction or any documentary money trail and, therefore, have no legal or evidentiary value whatsoever. In view of the foregoing, the claim of provision of initial funding of US \$ 5.41 million by the Al Thani Family to Hussain Nawaz Sharif out of the return on the AED 12 million claimed to be placed by the father of the Accused No. 1 with the former for setting up of ASCL remains completely unsubstantiated and unproven. In this context, it is

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also appropriate to discuss the two letters dated 5-11-2016 (Exhibit PW-21/11) and 22-12-2016 (Exhibit PW-21/12) signed and issued by H. E. Hamad Bin Jassim Bin Jaber Al-Thani of Qatar which were placed on the record of C.P. 29 of 2016 on behalf of Accused No. 1 and No. 2. Statedly these are available in CMA 7638 of 2016 and CMA 432 of 2017. The first letter refers to an aggregate amount of around AED 12 million having been "contributed" by Mian Muhammad Sharif who is stated to have "expressed his desire to invest certain amount of money in real estate business of Al Thani family in Qatar" and to have "wished that the beneficiary of his investment and returns in the real estate business is his grandson, Mr. Hussain Nawaz Sharif". However, from a bare reading of the first letter it is ex facie apparent that Hammad Bin Jassim Althani did not have personal knowledge of the key matters stated therein and even otherwise besides constituting hearsay the contents thereof are unsubstantiated and evasive. In these two letters, no date or place of the transactions are mentioned. Nor is there any concrete, specific and credible evidence regarding how and where the funds in question were invested and how and on what basis and by whom the claimed "return" thereon was computed especially when the business of investment was the real estate business, where both profit and loss are possible. The claimed "wish" of the father of the Accused No. 1 about the beneficiary of the "investment" being Hussain Nawaz Sharif to the exclusion of all others including his natural legal heirs is also vague and generalised. There is no further document or other cogent and credible evidence to substantiate the same. As discussed above, the father of the Accused No. 1 passed away in 2004. So his estate would have devolved to his legal heirs automatically upon his death which does not include Hussain Nawaz Sharif but does include the Accused No. 1 himself being one of his three real sons. The letters fail to explain or address how and on what basis the one grandson, who was not a legal heir under sharia, was entitled to and received millions of US \$ from the estate of his late grandfather to the exclusion of all

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natural legal heirs under sharia and the story so put forth does not appeal to reason. There is also a significant contradiction between the first letter of 5-11-2016 (Exhibit PW-21/11) and the second letter of 22-12-2016 (Exhibit PW-21/12) as, in the first letter, Hussain Nawaz Sharif is claimed to be the intended sole beneficiary of the "investment" as per the "wish" of the late grandfather. However, the Portfolio Statement (Exhibit PW-21/13) shows "distributions" made-from this "investment" include disbursements to Hassan Nawaz Sharif in the amount of US \$ 3.27 million for setting up his businesses as well as payment of US \$ 8 million made to settle litigation in the (English) High Court of Justice (Queen's Bench Division) involving Hudaibiya Paper Mills Limited, Mian Mohammad Shahbaz Sharif, Mian Muhammad Sharif and Mian Muhammad Abbas Sharif. The "Portfolio Statement" Exhibit PW-21/13) and the two letters from Hammad Bin Jassim Althani (Ex.PW-21/11-12) are mutually contradictory and destructive of each other; although ostensibly the same have been filed to corroborate each other and lend credence to and substantiate the version being advanced inter alia in CMA 432/17. It is also in the testimony of PW-21 (in Volume V of the JIT Report) that although the Accused No. 1 confirmed, in his statement before the JIT, that he had knowledge of the investment made by Mian Muhammad Sharif with the Al Thani family but he hardly seemed to remember any details. It is in the evidence that although the Accused No. 1 stated before the JIT that the sale proceeds of GSM were used for the businesses set up by his sons he did not remember the details and further that he did not remember having seen the "Portfolio Statement" submitted by his sons in the Honourable Supreme Court but in the end according to the JIT Report (Volume V, page 9) "he stood by the submissions made by his sons and daughter in the Supreme Court". However, in reply to question 89 in his statement under section 342 Cr.PC the Accused No. 1 distanced himself from the two letters from Hammad Bin Jassim Althani. It is in the evidence of PW-21 (in Volume V of the JIT Report) that the

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JIT corresponded extensively with Hammad Bin Jassim Althani in an effort to verify and investigate the contents of his two letters dated 5-11-2016 and 22-12-2016 and to record his statement. Hammad Bin Jassim Althani was first asked to appear before the JIT at Islamabad through letter dated 13-5-2017 Ex.PW-21/15 on 24-5-2017 and again through a letter dated 24-5-2017 Ex.PW-21/15 on 1-6-2017. In response to the first letter, Hammad Bin Jassim Althani replied that he confirmed that since he had signed the two letters and their contents and that in light thereof "there is no requirement for my attendance in the proceedings of the JIT". In reply to the second letter Qatri Royal excused himself from appearing before the JIT in Islamabad due to "unavoidable circumstances" but suggested that the JIT visit him in Doha at a "mutually agreeable date". The JIT, in turn, through a letter dated 22-6-2017 (Ex-PW-21/31) offered to record his statement at the Pakistan Embassy in Doha on one of two dates offered to him. Contrary to the arguments of the defence, the mode and conditions proposed by the JIT for recording the statement of Qatri Royal was neither novel or malicious nor unreasonable and uncalled for. Therefore, objections and contentions of the defence in this regard are rejected. However, significantly, in reply through a letter dated 26-6-2017 (Ex-PW-21/39), instead of confirming a date for recording his statement, Qatri Royal sought to "obtain an acknowledgement" from the JIT that he is "not subject to the jurisdiction and laws of Pakistan" and a "confirmation" from the JIT that he is "not the subject of any investigation or required to appear before any court of law or tribunal for any purpose whatsoever". He then offered to meet in Doha but only to "verify in person the contents" of his two letters. The JIT replied in detail to this letter on 4-7-2017 (Ex-PW-21/34) giving reasons for its inability to provide the "acknowledgement" and "confirmation" demanded by him and also explaining that the scope of JIT's interview was intended to be broader than a mere "verification" of the contents of the two letters. The JIT received a rather stern reply from Qatri

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Royal to its letter of 4-7-2017(Ex-PW-21/34) in terms of a letter dated 6-7-2017 (Ex-PW-21/40) which, inter alia, stated that “I reiterate that I do not recognise, and am not subject to, jurisdiction of Pakistani laws and Pakistani courts in any manner whatsoever”. This reply was received shortly before the deadline for submission of the final JIT Report. As such the matter ended without the statement of Hammad Bin Jassim Al Thani being recorded. Upon a cumulative consideration of correspondence between Hammad Bin Jassim Al Thani and the end thereof, the Court observed that both the letters of Hammad Bin Jassim Al Thani were placed on record by Accused No. 2 & No. 3 and since no authentic documentary proof and banking record in support thereof was annexed by them, it was the duty of both of them to produce him for substantiating the stance put forth in the said letters. Mere production of such letters by Qatri Royal in private capacity allegedly relating to a private secrete business, transaction does not contain much authenticity and deserve so much respect as had been given to it during the process of probe as well as investigation. More so as Hammad Bin Jassim Althani categorically and emphatically refused to recognise, accept or submit to the courts and laws of Pakistan or to appear before any court or tribunal in Pakistan whatsoever. Accordingly, it is held that the two letters dated 5-11-2016 (Exhibit 21/11) and 22-12-2016 (Exhibit 21/12) from Hammad Bin Jassim Althani also do not lend any credence or support to the version of the Accused with regard to “investment” or “placement” of the net sale proceeds of GSM in the amount of AED 12 million in cash with the Al Thani family of Qatar.


- (iv) On 16-5-2016 the Accused No. 1 read out a written speech in the National Assembly (Exh.PW-15/6) which was also broadcast live on television and radio in which he, inter alia, stated that:

- (a) After nationalisation of Ittefaq Foundries in 1972, for which no compensation was paid, his late father of proceeded to Dubai for doing business

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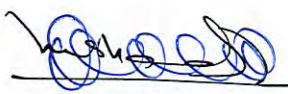
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and established a factory by the name of Gulf Steel, which was sold in April 1980 for about AED 33.37million (or approximately US \$ 9 million);

- (b) In 1999 the family's business was again crippled and, while in exile in KSA, his late father set up a steel factory in Jeddah (apparently referring to ASCL) and for such investment the proceeds of sale of the factory in Dubai were among the primary source of funds;
- (c) The steel factory in Jeddah was sold along with its machinery, land and other assets in June 2005 for approximately SAR 64 million (or approximately US \$ 17 million);
- (d) The entire record and documents pertaining to the Dubai and Jeddah factories are available. In spite of an unequivocal assertion about the availability of the entire record and all documents pertaining to GSM and ASCL by the Accused No. 1 to the entire nation, it is noted that in this trial the Accused No. 1 has chosen not to himself produce a single document or part of that record, which he asserted was available. In this context, the provisions of Articles 2(4), 2(7), 2(8), 117, 122, 126 and 129 of QSO are relevant to be discussed below. In his earlier address to the nation of 5-4-2016 Exh. PW-15/3 the Accused No. 1 stated that the steel factory near the city of Makah (in an apparent reference to ASCL) was established by his late father for which loans were obtained from Saudi authorities. It is noteworthy that despite of certain divergence the broad contours of the stance or version given by accused are along in the same lines as the stance of the Accused No. 2 and No. 3 before the Honourable Supreme Court in their CMA 432/17 and before the JIT. Here it is appropriate to address the objection raised by the

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defence with regard to reference to the speech of the Accused No. 1 of 16-5-2016 in the National Assembly on the basis of parliamentary privilege as enshrined in Article 66 of the Constitution of the Islamic Republic of Pakistan, 1973. The said objection is overruled being misconceived and devoid of substance for, inter alia, the reason that the said speech was also an address to the nation being an explanation offered by the then Prime Minister not only to Parliament but to his fellow countrymen and citizens on a personal matter reflecting upon his honesty, propriety and transparency regarding his source of wealth and assets. Therefore seemingly the floor of the National Assembly was employed, but at the same time the speech was in relation to a personal matter pertaining to the Accused No.1 and his immediate family including his two sons and daughter, in particular, and not a speech on an matter pertaining to or having nexus with the business of the National Assembly including any legislative business or official agenda of the National Assembly on that day. Also, whilst so referring to his speech of 16-5-2016 in the National Assembly as above, the Court is not employing it to hold the Accused "liable to any proceedings in any court" in terms of Article 66 of the Constitution. Hence, the contents of that speech and address do not fall within the purview and intended scope of Article 66 from this perspective. The cases of Zahur Ilahi, M.N.A. v. Mr. Zulfikar Ali Bhutto (PLD 1975 SC 383) and Syed Masroor Ahsan and others v. Ardeshir Cowasjee and others (PLD 1998 SC 823) provide guidance in this matter to be relied upon.

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- (v) The prosecution has questioned the version of "investment" or "placement" of the net sale proceeds of GSM in the amount of

AED 12 million in cash with the Al Thani family of Qatar by the late father of the Accused No. 1 and the return of this investment as being the main initial source of sponsor funding for setting up of ASCL as false, bogus and concocted and so sought to demolish it from various perspectives. In addition to the conclusions reached in the immediately preceding subparagraph, the Court is satisfied that, this entire version, the genesis of which is in the claimed sale of GSM to one Abdullah Kayed Al-Ahli pursuant to an agreement of 1978 (Ex-PW-21/8) and another agreement purportedly signed on 14-4-1980 (Exh. PW-21/9), is unsubstantiated, concocted and false in view of the response of the Ministry of Justice of the UAE in response to a MLA request received from the JIT. It is in the evidence that the Ministry of Justice of the UAE in response to a MLA request has confirmed that the Ministry of Justice has addressed the “competent authorities to get their response concerning the received questions”. The “answers of these authorities are” set out in the said response dated 28-6-2017 (Ex-PW-21/44) signed by Judge Abdul Rahman Murad Al Blooshi as Director of International Cooperation Department of the Ministry of Justice UAE. In the said reply it has been confirmed that:

- (a). Muhammad Tariq Shafi had defaulted on loan payments to BCCI in which he was directed to pay AED 9,733,980.80 and interest of 9% from 2-2-1994 till full payment;
- (b). the Share Sale Agreement dated 14-4-1980 (Exh. PW 21/9) (“GSM Share Sale Agreement”) relating to GSM filed in the Supreme Court on behalf of Accused No. 2 and No. 3 “does not exist”;
- (c). no transaction of AED 12 million took place in the name of Mr. Tariq Shafi;
- (d). no record could be found of the purported “notarization” ostensibly done by a Notary Public of Dubai Courts on 30-5-2016 appearing on the copy of the Share Sale Agreement relating to GSM; and

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- (e). after checking with Dubai customs it seemed that there wasn't any scrap machinery transported to Jeddah in 2001-2002 (as claimed for the establishment of ASCL).

The evidence and material received under a MLA request is accorded special status under the Ordinance. Section 21(g) of the Ordinance stipulates that:

"notwithstanding anything contained in the Qanun-e-Shahadat Order 1984 (P.O. 10 of 1984) or any other law for the time being in force all evidence, documents or any other material transferred to Pakistan by a Foreign Government under Section 21 shall be receivable as evidence in legal proceedings under this Ordinance". (emphasis supplied)

- (vi) It is in the evidence that notification bearing Exh-PW 21/3 was issued by the Federal Government notifying the Head of the JIT, Mr. Wajid Zia (PW-21) as an officer authorised by the Federal Government to make a request to any Foreign State in terms of section 21 of the Ordinance. Accordingly, the requests were competently and lawfully made. The MLA response mentioned above is outcome of the legal correspondence of state to state and no ill will bias or prejudice could have been attributed to either of the official of the correspondence states. Even otherwise the defence after getting knowledge of the MLA response could have produced documents had there been any contrary record thereto. Failure in this respect on behalf of defence also goes on to augment the authenticity, legal value and probative worth of the response to the MLA request, making it more reliable in thus Court's opinion. In view thereof, the objections raised by the defence with regard to the aforementioned reply dated 28-6-2017 (Exh.PW21/44) of Ministry of Justice of the United Arab Emirates have no substance and are overruled as the express language of section 21(g) of the NAO 1999 is a complete answer to the said objections. The provisions of section 21(g) of the Ordinance are couched in broad terms. On a plain reading of section 21(g) of

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the Ordinance it is evident that the aforementioned reply and its contents dated 28-6-2017 (Exh. PW 21/44) of Ministry of Justice of the UAE falls within the scope of "evidence, documents or any other material". It is also held that same was duly transmitted to Pakistan by a Foreign Government in terms of section 21 of the Ordinance and it was not mandatory for the Foreign Office of the Government of Pakistan to be involved in dispatch and receipt thereof, as no such condition is prescribed in section 21(g) which is a special and overriding provision and that requirement cannot be read into it. If the objections with respect to attestation and admissibility of the reply to the MLA raised by the defence are accepted, it would tantamount to nullifying and frustrating the express language and legislative object of section 21 of the Ordinance. Since the said reply dated 28-6-2017 (Exh.PW 21/44) to the MLA request is receivable in evidence notwithstanding anything in the QSO, the objections of the defence regarding the same constituting secondary evidence, of the same not being notarized or attested by the Pakistan consulate in the UAE and related objections all of which directly or indirectly rely on provisions of the QSO are overruled being contradicted and nullified by the express language of section 21(g) of the Ordinance. The learned defence counsel has impugned the credibility and evidentiary value of the entire reply to the MLA request (Ex. PW-21/44) by contending that the entire MLA request, on the face of it, is a collusively prepared and managed document as, according to the defence, it stands proved on record that false information was provided to the Dubai Customs Authority both as regards description of machinery as well as place of departure and the destination. Hence, it is urged that no reliance can be placed on the said MLA response. The Court has carefully examined and considered the response to the MLA request (Ex. PW-21/44) as well Letter of Credit (Ex. PW-21/10), the cross examination of PW-21 recorded on 4-6-2018 at some length on this aspect and also the related record. The entire premise of the objection noted above is the "Third" question reproduced in the reply to

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the MLA request that is in "relation to the question pertaining to transport of scrap machinery from Ahli Steel Mills from Dubai to Jeddah, to establish Al Azizia steel mills during 2001-2002" and the reply in the MLA response which is "we would like to inform that after check of records of Dubai Customs, it seemed that there wasn't any scrap machinery transported from Dubai to Jeddah during 2001-2002." It is argued by the learned defence counsel that the JIT intentionally and collusively gave misleading or incorrect information in its MLA request, as the Letter of Credit submitted by Hussain Nawaz Sharif and Hassan Nawaz Sharif in the Honourable Supreme Court (Ex.Pw-21/10) describes the "Goods" covered thereby as "second hand rolling mill equipment in dismantled form" and "details are as per beneficiary's proforma invoice dated 11 Aug 2001". Further under the heading "Loading/Dispatch At/Fm" it is stated "Sharjah, United Arab Emirates for transportation to Hadda, near Jeddah, Saudi Arabia" whereas the response to MLA speaks of "scrap machinery" rather than "second hand rolling mill equipment in dismantled form" transported from Dubai and not Sharjah. However, during the cross examination of PW-21 it has come in the evidence that: (a) before sending the MLA request the JIT had gone through the Letter of Credit (Ex. PW-21/10) on the basis of which it was claimed that machinery had been transported from Ahli Steel Mills to Jeddah; and crucially (b) the copy of the said Letter of Credit itself was enclosed with the MLA request; and (c) there were two questions in the said MLA request i.e. "whether scrap machinery of Ahli Steel Mills was transported from Dubai to Jeddah (KSA) for establishment of Al Azizia Steel Mill during 2001-2002?" and "is the attached copy of LC genuine". PW-21 has also confirmed in cross examination that the copy of the Letter Credit sent with the MLA request is the same as Ex. PW-21/10. In view of the foregoing, the objections and allegations with regard to the response to the MLA request are held to be completely unfounded and overruled. The Court is satisfied that since the actual Letter of Credit was enclosed with the MLA request. the

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allegations of misleading information being provided by the JIT to the UAE Central Authority or of any collusion between the JIT and the UAE Central Authority is unfounded and without merit as the same complete document was available with the UAE Central Authority before it sent its response dated 28-6-2017. Similarly, the objection with regard to alleged false description of goods covered by the Letter of Credit is also unfounded as Letter of Credit itself was submitted with that particular MLA request and also the question framed for the UAE Central Authority, as per evidence, specifically mentions that the question pertains to scrap machinery "of Ahli Steel Mills" which was transported from Dubai to Jeddah (KSA) for establishment of Al Azizia Steel Mill, leaving no doubt that the query was related to the "machinery" of the Al Ahli Steel Mills. It is not contested by the defence rather emphasised that GSM (or later Al Ahli Steel Mill) was established and located in UAE. Hence, irrespective of the route taken for the same to reach KSA from the UAE, the said machinery would have, inevitably and of necessity, been first dismantled in Dubai, UAE where the said factory was claimed to be situated and thereafter, the same may have been transported elsewhere within the UAE for dispatch to KSA so the broader question of the machinery going from Dubai its initial and original location to Jeddah its claimed destination can neither be termed as false nor misleading. It is worth mentioning that both Dubai and Sharjah are part and parcel of the jurisdiction of UAE, and thus have one and the same "Central Authority" for the purposes of MLA responses of which has sent the reply after addressing the competent authorities. If anything, the question framed by the JIT for the UAE Central Authority provides more specific details than those given in the Letter of Credit itself and the underlying object and overall context of the question is quite clear from the question posed to the Central Authority of the UAE as per the evidence, besides providing a copy of the Letter of Credit itself. Hence, the objections in this regard are rejected being misconceived, unfounded and contrary to the evidence.

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The testimony of PW-21 in this regard is found to be credible. The defence, in spite of its cross examination of PW-21, was unable to undermine or displace his testimony. As stated above, the response to the MLA request is covered by a special provision of the Ordinance and thus has to be accorded special status as the same has effect notwithstanding anything contained in the QSO or any other law for the time being force. The words in this provision cannot be attributed redundancy or surplage and must be given effect to. The reply to the MLA request expressly states that it is "from: the Central Authority represents in International Cooperation Department - Ministry of Justice". It also declares that "we have addressed the competent authorities to get their response concerning the received questions from your side, we got the answers of these authorities as follows:" and the reply is signed by the Director of the International Cooperation Department of the Ministry of Justice of the United Arab Emirates. The response to the MLA is effectively a reply by and on behalf of a sovereign foreign government whilst acting under or in pursuance of its international obligations. Therefore, the same warrants a presumption of correctness being attached thereto. A response to an MLA request is not subject to the trappings and requirements of the QSO in view of the language of section 21(g) of the Ordinance. The response to the MLA request dated 28-6-2017 has been exhibited in evidence of PW-21 as Ex-PW-21/44 after the original thereof was produced and seen by the Court. PW-21 is himself the addressee thereof in his capacity as Head of the JIT. Therefore, the same has been validly and lawfully received in Pakistan and the responses therein are covered by section 21(g) of the Ordinance. The response to the MLA request in question has to be read and construed in this overall context. Nothing has come in cross examination for this

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objections and contentions of defence in relation to the response to the MLA request are all rejected being unfounded, misconceived, without substance and controverted by the evidence on record as well as shielded by section 21(g) of the Ordinance. In addition thereto, with regard to the Letter of Credit, the same, on the face of it, covers "goods" which according to that instrument were dispatched in "two original truck consignment", whilst it is in the evidence of PW-21 and also in Volume VI, page 326 that before the JIT, Hussain Nawaz Sharif also named in the said Letter of Credit stated that the machinery was transported from Dubai to Jeddah on 50-60 trucks, which is an obvious and glaring contradiction.

- (vii) As regards the Agreement dated 14-4-1980 (Ex-PW-21/9) which ostensibly provides for the sale of 25% share of Ahli Steel Mill held by Tariq Shafi for AED 12 million and is stated to be between "Mr. Tariq Shafi" and "Mr. Mohd Abdullah Kayed Ahli" in the signature block states "Tariq Shafi by his authorized representative Mr. Shahbaz Sharif, Dubai-UAE". However, significantly, instead of the signatures of Shahbaz Sharif the handwriting over the said signature block reads "Tariq Shafi". It is in the evidence of PW-21 that both Tariq Shafi and Shahbaz Sharif in their statements before the JIT "did not accept to have signed this document", thereby, effectively disowning the same and further undermining the credibility and authenticity thereof. This is the same document which bears the stamp of the Dubai Court Notary Public dated 30-5-2016 and in respect of which the response to the MLA request states "no record could be found which indicate that notarization of this document was ever done by Notary Public of Dubai Courts on 30/5/2006". In view of the foregoing, whilst the response to the MLA request independently is sufficient to negate the version advanced before the Honourable Supreme Court and the JIT regarding, inter alia, the sale and utilization of the sale proceeds of GSM, the same is also belied and negated by the aforementioned.

- (viii) Accordingly, it is concluded and held that the contents of the

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response to the MLA request dated 28-6-2017 (Exh-PW 21/44) received from the Ministry of Justice of the United Arab Emirates, on its own, is sufficient to negate and prove, as bogus and concocted stance before the Honourable Supreme Court. It also goes on negating and under mining the defence pleaded by Accused No. 1 in his speech dated 16-5-2016 in the National Assembly regarding the sale and sale proceeds of GSM.

- (ix) The version of the accused persons is pedestaled on the AED 12 million from the claimed sale of GSM pursuant to the SGM Share Sale Agreement. Consequently, in view of the reply dated 28-6-2017 to the MLA request, which is receivable in evidence under section 21 of the NAO 1999, and also the other reasons given above, the entire superstructure built thereupon, inevitably has to fall. The said version with regard to establishment of ASCL and HME and its source of funding is, therefore, neither duly substantiated nor proved and consequently is not tenable and rejected accordingly.

- (x) Record manifest that accused No. 1 in his speech dated 16-5-2016 himself asserted that the authentic record and plethora of documents pertaining to the Dubai and Jeddah factories are available which will be produced. It is observed with concern that those documents and record was neither produced before the Apex Court in CP 29 of 2016 nor before the JIT for substantiating the defence plea. Accused admittedly had not joined the proceedings of investigation before the I.O. PW-22 and thus missed the occasion but even before this Court in trial no official and admissible money and banking trial in the form of documentary evidence was ever produced to substantiate and prove to any reasonable degree: (a) the receipt of a net amount of AED 12 million from the sale of GSM as claimed; nor (b) the claimed placement of the same with the Al Thani family of Qatar nor (c) the remittance of the amounts in 2001 to 2003 alleged to have been made by the Al Thani family from the claimed accretion in the alleged investment of AED 12 million.

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In this regard and context, the following provisions of the QSO are given below as ready reference found relevant and applicable:

“122. Burden of proving fact especially within knowledge. When any fact is especially within the knowledge of any person the burden of proving that fact is upon him.

Illustrations

(a)

(b) A is charged with traveling on a railway without a ticket. The burden of proving that he had a ticket is on him.”

“117. Burden of proof. (1) Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist.

(2) When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.”

Article 129 of the QESO reads and under:


“129. Court may presume existence of certain facts. The Court may presume the existence of any fact, which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business, in their relation to the facts of the particular case.

Illustrations

The Court may presume:

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(a) that a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession;”

Article 2(4), (7) and (8) of the QSO are also relevant and reproduced as under:

Definition of “proved”:

“(4) A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.....

(7) Whenever it is provided by this Order that this Court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it.

(8) Whenever it is directed by this Order that the Court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved.”

Whilst dilating upon the scope and application of Articles 119, 121 and 122 of QSO, the Honourable Supreme Court held as follows in its Judgment reported as PLD 2018 SC 114:

“As in the circumstances of this case, according to the provisions of Article 122 of the Order, 1984 which mandates that “Burden of proving fact especially within knowledge: When any fact is especially within the knowledge of any person the burden of proving that fact is upon him”, the burden to prove the above fact was upon the shoulders of the respondent. In this context it is to be noted that in the judgment reported as *Abdul Karim Nausherwani and another v. The State through Chief Ehtesab Commissioner* (2015 SCMR 397) it was held that the burden of proving a circumstance/fact that is especially within the knowledge of a person is for him to establish and

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failing to do so the absence of the same is to be presumed (Articles 119, 121 and 122 of the Order, 1984). The ratio of the judgment *Saeed Ahmed v. The State* (2015 SCMR 710) is that Article 122 of the Order, 1984 stipulates that if a particular fact is especially within the knowledge of any person the burden of proving that fact is upon him. In the judgment reported as *Mst. Kamina and another v. Al-Amin Goods Transport Agency through L.Rs and 2 Others* (1992 SCMR 1715) it was enunciated that Article 122 of the Order, 1984 envisages that when any fact is especially within the knowledge of any person the burden of proving that fact is upon that person. In *State of Rajasthan v. Kashi Ram* [(2006) 12 SCC 254] it was held that the principle is well settled; the provisions of Section 106 of the Evidence Act, 1872 (*pari materia* with Article 122 of the Order, 1984) itself are unambiguous and categorical in laying down that when any fact is especially within the knowledge of a person, the burden of proving that fact is upon him. This case was relied upon with approval in the case of *Sathya Narayanan v. State rep. by Inspector of Police* [(2012) 12 SCC 627].”

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Applying the above: the facts about the precise timing, source and quantum of funds utilised to set up GSM, ASCL and HME and the manner and route of receipt of funds as also for all disbursement of such funds and about who became the real and true beneficial owner of the said assets, are all especially within the knowledge of Accused No. 1 and his co-accused since POs thus, the burden of proving those facts was upon them jointly and severally in terms of Article 122 of the QSO. The accused persons were bound to maintain that ASCL and HME had been acquired through lawful funds generated and remitted lawfully but no credible and cogent documentary evidence, banking documents or money trail in respect thereof has been furnished either before the Honourable Supreme Court or coming down to this Court. The burden of proof in that respect, therefore, lied on them in terms of Article 117 of QS



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read with 14 (c) of NAO 1999. The possession and ownership of the "assets" being ASCL and HME and related remittances are not denied, rather admitted, albeit in the name of Hussain Nawaz Sharif, which as per the charge framed, are alleged to have been acquired through corruption and corrupt practices, thus, a court may presume correctness of the allegations in terms of Article 129 and it was for accused and his co-accused (absconding) to establish otherwise in terms of Articles 2(7) and 2(8) of QSO read with section 14(c) of the Ordinance. Additionally, a finding that a fact exists and stands proved is not always dependent upon direct or positive proof and may be based on circumstantial facts and evidence, as is evident from the provisions of Article 2(4) of the QSO according to which "a fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists".

- (xi) It is manifest from the record that accused Mian Muhammad Nawaz Sharif at initial stage in his address to the nation and speech on the floor of National Assembly, attempted to vindicate his and his immediate family members position by adopting a stance similar to that put forth by his sons regarding the source of income with which assets held abroad were created. Similar position remained prevalent till the matter was taken up by the august Supreme Court Pakistan. However, given the sharp reaction against this version, he started distancing himself from the line of defence advanced in the CMAs and Concise Statements. After his disqualification by the Honourable Supreme Court and initiation of investigation by NAB, in view of the continued failure to provide the money trial and documentation he himself had claimed to the nation were all available, a different stratagem was adopted to avoid liability. This entailed keeping the two sons away from this trial and claiming that he himself had little, if any, personal

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knowledge of the matters pertaining to the source of wealth which was used to set up, inter alia, GSM, ASCL and HME. Perusal of file goes on to show that the Accused No. 1 in, reply to questions in his statement under section 342 Cr.P.C endorsed the stance taken by accused Hussain Nawaz Sharif with reference the ASCL and HME. The foregoing, considered cumulatively, betrays a sinister and guilty mind. The claim of ignorance on part of the Accused No. 1 and disassociation from the version of his sons with regard to material facts is a mere ruse and subterfuge.

- (xii) Contrary to the claim that ASCL was owned by the Accused No. 3 to the exclusion of all others, during the cross examination of PW-21 on 31-5-2018 he stated that: "two of the witnesses i.e. Mr. Shahbaz Sharif and accused Mian Muhammad Nawaz Sharif himself have indicted indirectly the shareholding of accused Mian Muhammad Nawaz Sharif in ASCL. It is correct that both Shahbaz Sharif and accused Mian Muhammad Nawaz Sharif had stated before the JIT that ASCL was set up by their father Mian Muhammad Sharif and he had apportioned the shareholding of ASCL in favour of Hussain Nawaz Sharif, Rabia Shahbaz Sharif and Abbas Sharif". This is supported by the contents of Volume II of the JIT Report. It is in the evidence that Accused No. 3 accepted before the JIT that, in addition to himself, Mian Abbas Sharif and Ms. Rabia Shahbaz Sahrif (being the off spring of the other two brothers of the Accused No. 1) each had 33% share and interest in ASCL from inception but could not produce any document to substantiate his claim that in spite of 66% of the shareholding in ASCL not being his, he was entitled to and retained the entire net sale proceeds of ASCL.

- (xiii) It is in the evidence that during the period 2000-2001 (at or around the time of setting up of ASCL) the combined net worth of the Accused No. 1, Accused No. 2 and Accused No. 3 was Rs. 50.94 million plus US \$ 64,984 and that the net worth of the Accused No. 1 alone at that time was Rs. 12,767,662. This is borne out by the tax returns of the Accused No. 1 for the

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relevant period which are Ex-PW 1/6. Accused in statement under section 342 Cr.P.C has also admitted this fact as correct. Both the accused Hussain Nawaz Sharif and Hassan Nawaz Sharif at that juncture of time were though of 29 years and 25 years of age but admittedly they were not having any independent of source of income enabling them to set up ASCL initially with their own funding.

- (xiv) Other than the claim that the funding for establishing ASCL was, in most part, the return received by the Accused No. 3 from Al Thani Family on the amount of AED 12 million received as the net proceeds from the sale of GSM which was claimed to have been placed for investment with the Al Thani family on behalf of the late father of the Accused No. 1 which version has been rejected as unsubstantiated, false and concocted hereinabove, there is no other source of funding which has been referred to so as to justify and explain how the initial seed money or sponsor funding and equity raised for setting up of ASCL was sourced, paid for and by whom. The elder son of the Accused No. 1 also has no substantial independent known source of income at that time, which is evident from his income tax record for 2001-2001 being Exhibit Ex PW 1/12.

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- (xv) On the basis of the foregoing, it is held that the claim and version that the Accused No. 1 has no beneficial interest or share in ASCL is unsubstantiated, false and fabricated. Whilst in his speech of 16-5-2016 in the National Assembly the Accused No. 1 had also adopted the stance that establishment of ASCL was funded, in part, from the sale proceeds of GSM for the first time (but without any mention of investment of AED 12 million (from the sale of GSM) with the Al Thani family), in his reply to question number 130 in his section 342 Cr.PC statement he again changes this version by claiming that his late

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statement made by the Accused No. 1 before the JIT accepting that ASCL had two other beneficial owners or shareholders other than Accused No. 1. Additionally, in reply to question number 133 in his statement under section 342 Cr.PC the Accused No. 1 acknowledges Accused No. 3 his son Husain Nawaz Sharif to be the "beneficiary" of ASCL in contradistinction to the "sole owner" thereof.

- (xiv). Upon a careful, cumulative and holistic examination of the documents, testimony, evidence on record, it is held that Accused No. 1 from inception had a material and substantial beneficial interest in ASCL and that the absconding co-accused Husain Nawaz Sharif was never the exclusive, nor real and beneficial owner thereof. The latter essentially being a mere benamidar of his father who was holding his father's share in ASCL but, in reality, for the benefit of his father who was the true and real beneficial owner thereof.

Beneficial ownership and interest of Accused No. 1 in HME.

- (xvi) The Accused No. 2 and Accused No. 3 have stated before the Supreme Court in CMA 432 that HME was set up in 2006 and PW-21 has also deposed that a similar stance was taken by the former before the JIT. In reply to question 111 in his statement under section 342 Cr. PC the Accused No. 1 has replied that "as far as I am aware Hill Metal Establishment was formed by accused Hussain Nawaz Sharif in the year 2005-2006."

- (xvii) In his statement under section 342 Cr.PC the Accused No. 1 has accepted that in 2006 his son Hussain Nawaz Sharif was 33.5 years old and his younger son Hassan Nawaz Sharif was 30 years old. The elder son was a student until 1996 and the younger son completed his higher education in 1999 according to the Accused No. 1 and at least until then neither was undertaking any business.

- (xviii) Through CMA 432 on behalf of Accused No. 2 and No. 3 the Aldar Audit Bureau Certificate (Ex. PW-21/18) was filed in the Honourable Supreme Court ostensibly in an attempt to demonstrate that HME was generating sufficient net profits

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after tax to enable the remittance of the very substantial amounts made from the account of HME and by Hussain Nawaz Sharif. Page two of the Aldar Audit Bureau Certificate which is stated to show the "Hill Metals Establishment Profitability 2010-2014" and contains the following "net profit after tax" and "cash and bank" balances of HME for the years 2010 to 2014:

Hill Metals Establishment
Profitability 2010-2014
Amounts in Saudi Riyals

	2010	2011	2012	2013	2014
	S.R	S.R		S.R	S.R
Net Profit after Tax for the Year	2,207,208	10,943,945	15,223,740	11,228,394	3,726,348
Cash and Bank	31,977,767	3,027,055	6,131,655	24,635,331	10,145,506

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(xix) A chart depicting the remittances to net profit ratio of HME is contained in Volume VI of the JIT Report, the figures in which are based on an analysis of the Aldar Audit Bureau Certificate (both Exhibits PW-21/18-19) in juxtaposition with the admitted remittances from Hussain Nawaz Sharif and HME, which have never been denied by the Accused No. 1 and the record of which remittances has been duly exhibited. Accordingly, the Court can and does take the said figures and analysis into consideration as the underlying bank statements and record of remittances is not denied by the Accused No. 1 himself and all objections with regard to the same of the defence are overruled being devoid of substance. The said chart is reproduced below:

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Year	Net Profit SAR	Net Profit (Converted US\$)	Gifts Received by MNS from Hill Metal (US\$)	Gifts From Hussain Nawaz (US\$)	Total Gifts (US\$)	Equivalent PKR Gifts (Converted Figures)	Gift as %age of Net Profit
2010	2,207,208	588,589	-	1,543,553	1,543,553	131,247,000	262.25 %
2011	10,943,945	2,918,385	-	999,959	999,959	85,646,488	34.26%
2012	15,223,740	4,059,664	-	199,959	199,959	19,096,085	4.93%
2013	1,228,394	2,994,238	799,959	1,974,054	2,774,013	279,216,823	92.65%
2014	3,726,348	993,693	1,081,228	-	1,081,228	107,609,366	106.62 %
2015	- 5,912,579	- 1,576,688	2,161,416	-	2,161,416	219,237,236	- 137.09 %
Sub-Total	37,417,056	9,977,882	4,042,603	4,717,525	8,760,128	-	88%
2016	-	-	2,679,700	-	2,679,700	279,548,035	-
2017	-	-	421,735	-	421,735	44,054,120	
TOTAL			6,722,303		11,439,828	1,165,655,153	

*Profitability position of HME for the year 2016 was not provided by the Respondents.

Net Profit earned during 2010-2015 \$ 9,977,882
 Total gifts given to MNS in 6 years 2010-2015 \$ 8,913,301
 Percentage of gifts of net profit 88%

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(xviii) It is, therefore, in the evidence that during the six years 2010 to 2015, 23 remittances aggregating to US \$ 8,913,301 million were made to and received by the Accused No. 1 but the annual amounts of remittances bear no correlation to the known and declared net profits

of HME in that year. Thus, for instance, in 2010 the amount remitted to the Accused No. 1 is 262.25% of the net profits in that year, and in 2013 the figure is 92.65% and in 2014 106.62%. In 2015 remittances of US \$ 2,161,416 were made but (according to Exhibit PW-21/19) HME incurred a loss of US \$ 1,576,688. The total net profits of HME during 2010-2015 amount to US \$ 9,977,882 out of which the Accused No. 1 admits to receiving in the region of US \$ 8, 913, 301 directly and besides this it is in the evidence that HME also makes remittances to the Accused No. 2 and to the daughter of the Accused No.1. as well as certain employees of HME or the companies which are owned, controlled by or associated with the immediate family of Accused No. 1.

- (xix) It is also significant that, although the "gifts" are remitted by the son (as claimed before the Honourable Supreme Court) to "free him from financial constraints given his full time involvement in politics", the Accused No. 1 has passed substantial portion of the amounts received (Rs. 822.75 million out of Rs. 1,165 million) to his daughter for the acquisition of immovable property. As stated at page 24 of Volume VI of the JIT Report, more than 70% of "gifts" received by the Accused No. 1 were in turn gifted to the daughter of Accused No. 1 as gifts and an amount of Rs. 100 million was donated to PML(N) in 2013 and further about 25% of the gifts received from Accused No. 3 were withdrawn in cash by the Accused No. 1. The underlying total amount of remittances received and the portion thereof being further "gifted" to his daughter is not denied by the Accused No. 1. It is noteworthy that the above has not been expressly denied by the Accused No. 1 in reply to a related question (being question number 111) in his statement under section 342 Cr. PC and, in fact, the onward disbursement to his daughter of 70% of the "gifts" received is admitted (and defended as being within his lawful right as a "donee") by the Accused No. 1 in reply to the same question number 111. Hence, the abovementioned reference to the final JIT Report is permissible as the underlying documents and record (bank statements of Accused No. 1 and remittance record) on which the same is based has been duly exhibited. The same calculations may, therefore, be

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made on the basis of exhibited documents on the record.

(xx) Until the year 2012-13 the gifts received by Accused No. 1 from his son, Hussain Nawaz Sharif and HME were declared as “gifts” whereas the same amounts are termed as remittances after the year 2013-14 in the tax returns of the Accused No. 1. Whilst the reason stated before the Honourable Supreme Court was to “free him [i.e. Accused No. 1] from financial constraints given his full time involvement in politics”, the stated purpose of the remittances in the telegraphic transfers records (Exhibits 2/8 to 2/48) includes: “personal use”, “family expenses”, “family remittances”, “personal remittances”, “personal remittances by foreign employee in KSE” and “investment outside the Kingdom”. The purpose of remittances as given in the abovementioned record is also inconsistent and at material variance with the purpose claimed before the Honourable Supreme Court. The object appears to be camouflage the remittances which, given that these represent the vast majority of the stated net profits of HME, in fact, represent the share of Accused No. 1 in the net profits of HME which in fact is beneficially owned by the Accused No. 1.

(xxi) The Court is satisfied that the pattern and manner in which these remittances were made between 2010 and May 2017 cannot reasonably be characterised as genuine and *bona fide* “gifts” from a son to his father. The remittances are made at regular intervals, at times, almost on a monthly basis, suggesting these are a regular source of income from an owned business, without which the Accused No. 1 would not be able to maintain himself. The Accused No. 1 has ostensibly received these gifts “to free him from any financial constraints, given his full time involvement in politics” but in actual fact admits to having utilized about 70% thereof as onward disbursement to his daughter. The record suggest that money was circulated through HME and Hussain Nawaz Sharif to the accounts of accused Mian Muhammad Nawaz Sharif under the garb of gifts and factually it was a device for equitable shares in the assets and money of accused being father to his children.

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(xxii) In addition to the funds known and established from the exhibited record to have been received by the Accused No. 1, it is in the evidence that an aggregate amount of Rs. 272.254 million and US \$ 52,460 have also been remitted by HME to the account of its employee Muhammad Hanif Khan during the period 2010 to 2015 and an amount of Rs. 173.455 million was remitted by HME to one Anjum Iqbal Ahmed Akhtar during 2013 to 2017, an amount of Rs. 36.715 million has been sent by HME into the account of Abdur Razzaq from November 2016, Rs. 11.991 million remitted by HME to Muhammad Anees and US \$ 52,460 remitted by HME to Khawaja Haroon Pasha.

(xxiii) In the numbered paragraph 8 of the document handed over by Accused No. 3 to the JIT bearing the heading "Question: where do huge sums running into millions gifted by Hussain Nawaz Sharif to Accused No. 1 drop in from?", the given reply is "these funds from HNS transferred to MNS did not 'drop in' from anywhere. These funds were transferred by Hill Metals Establishment owned 100% by Hussain Nawaz Sharif in KSA." The establishment generates sufficient funds as evidenced by Certificates issued by Aldar Audit Bureau - A member firm of Grant Thornton, Chartered Accountant, KSA to be able to transfer valuable foreign currency to Pakistan". In the numbered paragraph 2 of the same document it is stated: "total funds remitted in FCY in equivalent PKR from 2009-16 amount to Rs. 172.288 million".

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(xxiv) Through-out the trial proceedings accused though have raised legal objections regarding the bank documents produced by the PWs but neither during cross examination nor his statement u/s 342 Cr.P.C he has questioned the correctness of the figured amounts having been remitted from HME or Hussain Nawaz Sharif in his accounts being maintained in different banks. Remittances of € 1,267,586 and US \$ 10,219,155 were received by the Accused No. 1 from his elder son Husain Nawaz Sharif and from HME during the period January 2010 to June 2017 and that these foreign currency receipts were converted and credited to his Rupee accounts which translates to Rs. 1.187

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Billion.

- (xxv) It is in the evidence of PW-3 in terms of Exhibits 3/1 to Exhibit 3/9 that the daughter of the Accused No. 1 (i.e. Maryam Safdar) also received a sum total of Rs. 59.256 million directly from HME. It is also in the evidence presented by PW 11 that one Muhammad Anees who is the an employee of HME (as per his account opening form being Exhibit PW-11/3) received remittances in the sum of RS. 11.991 million directly from HME in his account. It is in the evidence presented by PW-12 that one Muhammad Hanif Khan (as per his account opening form being Exhibit PW-12/2) is the employee of Ramzan Sugar Mills Limited and that he received a sum of Rs. 51.093 million directly from HME into his account. It is in the evidence presented by PW-13 that one Anjum Iqbal Ahmed (as per his account opening form being Exhibit PW-13/3) is the employee of HME and that he received a sum of Rs. 173.455 million directly from HME into his account. It is in the evidence presented by PW-14 that one Abdul Razzaq (as per his account opening form being Exhibit PW-14/3) that he received a sum of Rs. 36.715 million directly from HME into his account. It is in the evidence presented by PW-18 that Accused No. 1 has also received further amounts from Hussain Nawaz Sharif through cheques (Exhibits PW-18/54, 18/42, 18,31, 18/29, 18/25 and 18/23) from the sum of amounts received by Hussain Nawaz Sharif in his account in Pakistan through HME. It is also in the evidence presented by PW-2 and not denied by Accused No. 1 (in reply to question 45 in his statement under section 342 Cr.PC) that Anjum Iqbal Ahmed (employee of HME), Muhammad Hanif Khan (employee of Ramzan Sugar Mills Limited), and Abdul Razzaq (who also received Rs. 173.455 million directly from HME into his account) debited and credited amounts from the bank accounts of the Accused No. 1. The Accused No. 1 has admitted that Anees Ahmed, Anjum Iqbal are or have been employees of HME. There is, therefore, some admitted nexus between these individuals, the Accused No. 1 and remittances from HME. It is in the evidence of PW-18 that Husain Nawaz Sharif received a sum of Rs. 4.602

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million directly from HME in addition to the above-mentioned amounts.

(xxvi) It is in the testimony of PW-20 as per his report being Exhibit PW 20/1 that after inclusion of amounts remitted from HME to the accounts of Hussain Nawaz Sharif, Muhammad Hanif Khan, Anjum Iqbal, Abdur Razzaq, Muhammad Anees and Khawaja Haroon Pasha the percentage of remittances to Pakistan accounts for 98% of HME's total claimed profits. Whilst the defence has raised objections to this analysis, without going into the specifics of the report of PW-20 and related objections of the defence, it is axiomatic and undeniable that once the above remittances are taken into account, it follows that even a larger sum of the net profits of HME (i.e. in excess of 88%) is admitted to have been remitted to third parties other than Hussain Nawaz Sharif (who claims to be its sole owner) leaving a miniscule balance for the sustenance and support of HME and himself. The fact that these remittances are additional to those received directly by the Accused No. 1 has not been seriously contested by the defence and the factum of these additional remittances has been established through the evidence and underlying bank statements and related banking record.

(xxvii) From the above noted analysis of the "net profits" of HME as set out in the Aldar Bureau Certificate (exhibit Pw-21-19/19) it stands proved from the given figures of the net profits of HME that approximately 88% of the claimed total net profit made by HME was transferred to the Accused No. 1 during the reviewed period, leaving 12% for the purported sole owner (i.e. Accused No. 3) to maintain and support him and his family in KSA where he has been settled with his family.

(xxviii) The quantum of remittances received is a relevant and material factor in determining whether an asset is being held by an ostensible owner qua benamidar. In view of the structures and devices employed and available in the modern era to conceal true beneficial ownership of assets held outside Pakistan, especially in the face of complete non-cooperation by persons involved who are in possession of all relevant information and documentation which

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is not publicly and readily available, the amount of income or benefit consistently received from the claimed profits of a business is a relevant and pertinent factor in identifying true beneficial ownership of such business

- (xxix) The definition of "benamidar" in section 5(da) of the Ordinance also contemplates the "property" of the accused being held or in possession of an ostensible owner "for the benefit and enjoyment of the accused". The evidence shows that the Accused No. 1, over a sustained period, has received the lion's share (in excess of 88%) of the stated net profits of HME and this fact when taken into consideration cumulatively with the definition of "asset" and "benamidar" in the Ordinance is sufficient to establish that Accused No. 1 is a beneficiary of a very major portion the fruits (net profit) of HME and that he, therefore, has overwhelming and very substantial beneficial interest in HME and that Accused No. 1 is the true beneficial owner of HME which, only as a subterfuge and device in connivance with his elder (accused and absconding) son, is being shown and claimed to be owned by the latter when, in fact, the true owner and beneficiary of its profits is the Accused No. 1 who himself admits to having received remittances which account for the vast majority of the net profits of that business leaving virtually a minuscule amount (especially after taking into account other remittances mentioned above) for use by his son or indeed the business itself.

Is the value of the relevant assets or pecuniary resources disproportionate to the known sources of income of the Accused No. 1 and whether the accused can reasonably account for these?

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As it has been concluded and held that the true and real beneficial owner of ASCL was and of HME is the Accused No. 1 and his elder son and absconding co-accused was merely an ostensible owner holding the said assets for the benefit and enjoyment of his

father, the Accused No. 1, it is now necessary to consider whether the value of the relevant assets or pecuniary resources is disproportionate to the known sources of income of each of the Accused No. 1 and whether he can reasonably account for these within the meaning of the Ordinance. The above two ingredients are interlinked and have legal consequences in terms of, inter alia, section 14(c) of the Ordinance especially if the Accused No. 1 is unable to reasonably account for the source of income with which the creation of the assets in question was funded. This aspect is considered hereinafter.

- (i) It is the stated stance of the son of the Accused No. 1 before the Honourable Supreme Court and the JIT that ASCL was established in the year 2001 and that HME was set up in the year 2006. Accused during trial and learned defence counsel during arguments has also given the same years of establishment of both the entities.

Value of the "asset" ASCL in 2001

- (ii) As regards the value of ASCL at the time of its establishment or, alternatively, the quantum of investment made to initially set up ASCL in 2001, it is in the evidence that the Accused No. 3 himself give a figure of US \$ 6 million as the initial cost of setting up ASCL before the JIT. According to the JIT Report, the components of this US \$ 6 million figure as given by the Accused No. 3 to the JIT whilst explaining the availability of funds for setting up ASCL in 2001 are: (a) "a few hundred thousand" US \$ for purchase of land; (b) US \$ 0.65 million as cost of machinery; (c) US \$ 5.3 million as paid up capital; (d) and US \$ 0.05 million as cost of construction of infrastructure. Therefore, for the purposes of assessment the Court is satisfied that this figure may reasonably be employed as the value of ASCL in 2001 when it was initially founded and set up. It is noteworthy, however, that according to the JIT Report (Volume VI, page 9) the Accused No. 3 verbally



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claimed that the majority of funds for establishing ASCL in 2001 came from the Al-Thani family along with a loan from unnamed "family friends". However, although the Al-Thani "placement" and "returns" therefrom is clearly a concoction as already held above, even if their own stated version is analysed with respect to 2001, the claimed remittance from the Al-Thani family and loans from "family friends" in 2001 (according to the Portfolio Statement) only accounts for availability of US \$ 1.45 million (as the Portfolio Statement shows one "adjustment" of US \$ 0.65 million and before the JIT the Accused No. 1 claimed a further US \$ 0.8 million was obtained as a loan in 2001 from an undisclosed Saudi friend), leaving an unexplained balance of US \$ 4.55 million. The Portfolio Statement does not contain any further "adjustments" in 2001 to Hussain Nawaz Sharif in respect of HME with the next adjustment being in 2002 of US \$ 3.160 million and a third "adjustment" is shown to be in 2003 of US \$ 1.6 million.

Value of the "asset" HME in 2005-2006

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(iii) As mentioned above, the preamble pertaining to Loan Agreement No. 2131 between SIDF and HME filed at page 72 of Volume VI of the JIT Report declares that HME, a sole proprietorship, was established and organised under the laws of KSA was registered in the Commercial Registration of Jeddah on 7-1-1426 H. This date corresponds to 16-2-2005 in the Gregorian calendar. In reply to question 111 in his statement under section 342 Cr. PC the Accused No. 1 has replied that "as far as I am aware Hill Metal Establishment was formed by accused Hussain Nawaz Sharif in the year 2005-2006." With regard to the initial investment and expenditure made in 2005-2006 to set up HME, reference may be made to the stance by the Accused No. 3 before the JIT

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where he also submitted certain documents to demonstrate that the net proceeds from the sale of ASCL amounting to SAR 63.1 million were received by him in March of 2005 and that this amount represented the sole source of the "sponsor funding" portion of the funds utilised for setting up and establishing HME. This was also stated in paragraph 1a of the typed note submitted by the Accused No. 3 to the JIT (which is at page 32 of Volume VI of the JIT Report) along with the documents submitted by him to the JIT. Therefore, the Court is satisfied that the figure of SAR 63.1 million (claimed by the Accused No. 3 himself to be equivalent to US \$ 16.827 and by the Accused No. 1 himself in his speech in the National Assembly to approximately US \$ 17 million) provides one reasonable benchmark for ascertaining the cost of establishing HME in 2005-2006, which figure would be the bare minimum amount, as in addition to this amount the Accused No. 3 himself has claimed before the JIT through the aforementioned document that, in addition, "short term funding from friends and business associates" was also involved which is not quantified in addition to loans from financial institutions. However, the "loans" of which some detail is provided by the Accused No. 3 to the JIT are all well after 2005-2006 (the project loans pertain to the period 2010 onwards) when HME was set up and, therefore, apparently pertaining to subsequent expansions. Accordingly, the actual cost of initially setting up HME would reasonably have been in excess of the amount of SAR 63.1 million (stated in the same document to be equivalent at that time to US \$ 16.827 million) being employed as the benchmark based on available material. The quantum of sale proceeds from the ASCL has also been claimed by the Accused No. 1 himself in his speech in the National Assembly to be approximately US \$ 17 million.

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- (iv) Accordingly, for the purpose of the present analysis with regard to the value of the "assets" of which the Accused No. 1 has been held to be the real and true beneficial owner hereinabove and the co-accused elder son a mere benamidar holding the same for the benefit of his father, it is concluded that the initial cost of setting up ASCL was in the region of but not less than US \$ 6 million in 2001 and the initial cost of setting up of HME in 2005-2006 was in the region of but not less than US \$ 16.827 million. These figures have not been denied by the Accused No. 1 and the absconding accused, sons of the Accused No. 1, have also not denied or sought any revision or amendment to the abovementioned figures when appearing before the JIT.

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Is the value of the relevant assets disproportionate to the known sources of income of the Accused No. 1 and whether the accused can reasonably account for these?

35. The next required step in the analysis of commission of any offense under section 9(a)(v) of the Ordinance is to place the value of ASCL and HME as assessed above (i.e. US \$ 6 million and US \$ US \$ 16.827 million) in juxtaposition with the known sources of income of the Accused No. 1 so as to determine whether the former is disproportionate to the latter. This is undertaken and discussed below.

- (i) It is in the evidence as per Exhibits PW-1/6 to PW-1/16 that during the period 2000-2001 (at or around the time of setting-up of ASCL) the combined net worth of the Accused No. 1, Accused No. 2 and Accused No. 3 was Rs. 50.94 million plus US \$ 64,984 and that the net worth of the Accused No. 1 alone at that time was Rs. 12,767,662. The combined net worth of the Accused No. 1, Accused No. 2 and Accused No. 3 in US \$ equates to US \$ 860,921.50 (using the exchange rate of 1 US \$ =Rs. 64). The foregoing is borne out by the tax return of Accused No. 1 to No. 3 for the relevant period which have been duly exhibited. In response to question number 9 of his



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statement under section 342 Cr.PC, the Accused No. 1 has, inter alia, stated that "however, in my tax records, I have not withheld any of my assets, whether foreign or local". According to the income, wealth tax and wealth statement of the Accused No. 1 as per Exhibits PW-1/6 to PW-1/16, there is no substantial or dramatic increase in the wealth of the Accused No. 1 between subsequent to 2001 and neither ASCL nor HME nor any beneficial interest or share therein is declared or disclosed by the Accused No. 1 in his returns filed with the Federal Board of Revenue. In other words, the known and declared wealth of the Accused No. 1 even after 2001 does not increase so much as to explain and reasonably justify the funding of HME from his declared wealth.

(ii) The income tax returns of the Accused No. 1 for the period 1996 to 2016 were exhibited as PW 01/6 and his Wealth Statements for the period 1996 to 2016 were exhibited as PW 01/7 and the Wealth Tax Returns of the Accused No. 1 for the period 1996 to 2001 were exhibited as PW 01/8. The Income Tax Returns of the absconding accused Hussain Nawaz Sharif for the period 1996 to 2016 were exhibited as PW 01/9, Wealth Statements for the period 1999 to 2003 were exhibited as PW 01/10 and Wealth Tax Returns were exhibited as PW 01/11.

(iii) Upon examination and consideration of the foregoing, it clearly follows and stands established that the assessed reasonable and minimum value of ASCL in 2001 (i.e. US \$ 6 million) at the time of its initial establishment is far in excess of not only the declared and known sources of income of the Accused No. 1 (i.e. US \$ 199,494.72) but also far in excess of the combined known sources of income of the Accused No. 1 as well as his two sons the absconding Accused No. 2 and No. 3 (i.e. US \$ 860, 921.50) and hence grossly and overwhelmingly disproportionate to the known and declared sources of income.

(iv) Upon examination and consideration of the foregoing, it clearly follows and stands established that the value of HME in

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2005-2006 (US \$ 16.827 million) at the time of its initial establishment is not only far in excess of the declared and known sources of income of the Accused No. 1 but also far in excess of the combined known sources of income of the Accused No. 1 as well as his two sons the absconding Accused No. 2 and No. 3 and hence grossly and overwhelmingly disproportionate to the known and declared sources of income.

Application of presumption under section 14(c) of the Ordinance.

36. It view of the above findings, the Court is satisfied that the prosecution case and available evidence against the Accused No. 1 is sufficient to shift the onus to him as contemplated and provided in section 14(c) of the Ordinance. As referred to above, once the "initial light onus of proof on the prosecution" has shifted to the accused pursuant to said section 14(c) "a heavier onus shifts to the accused person to reasonably account for his ownership, possession, acquiring of right or title or holding irrevocable power of attorney in respect of such assets or pecuniary resources". In this regard:

(i). it is evident that the Accused No. 1 has been manifestly unable to provide a reasonable explanation with regard to the source of funds utilised for establishing ASCL and HME and the related remittances, rather, as a stratagem, a false, unsubstantiated and fabricated version was advanced, which is not tenable in the eyes of law and cannot be accepted as correct as per the discussion and analysis hereinabove.

(ii) the explanation and stance of the absconding co-accused (Hussain Nawaz Sharif) on record and before the Honourable Supreme Court and also the JIT with respect to the source of funding for setting up of ASCL and HME, even otherwise, remains completely unsubstantiated as the Accused No. 2 and No. 3 are POs.

(iii) the Accused persons have withheld the best available evidence original bank statements and related money trail

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of funds showing inflow and outflow and other relevant original documentary record, complete original copies of relevant agreements, official receipts of payments and remittances made and received and audited or certified financial statements and documentary and money trail relating to GSM, ASCL and HME as well as all the original bank statements of all bank accounts in relation to the source of funds utilised for establishing ASCL and HME and origin of related remittances and also failed manifestly to discharge the burden under, inter alia, sections 122 and 129 of the QSO.

- (iv) the known and declared sources of income of the Accused No. 1 and practically of also his two sons who are co-accused but absconding at the time of setting up of ASCL in 2001 and HME in 2005-2006 are patently and grossly disproportionate to the reasonable (bare minimum) cost of setting up ASCL and HME.
- (v) the Accused No. 1, No. 2 and No. 3 are very closely related and members of a tightly knit, monolithic, patriarchal family with close association and jointly held financial and business interests. There is nothing on record to even remotely suggest any estrangement, antagonism, hostility or antipathy between the three. On the contrary, before the JIT, the two sons have given the impression of a tightly knit family where the decisions are made by the patriarch which are not questioned or challenged by other younger family members who may be merely informed of the same subsequently. Accused Hussain Nawaz Sharif is the person who claimed himself to be the sole proprietor of HME and admits sending of remittances from KSA to accused Mian Muhammad Nawaz Sharif but has not opted to appear. Accused No. 3, Hussain Nawaz Sharif, was the person who could have deposed on oath to prove the stance put forth before the

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Supreme Court and to furnish and place on record money trail so as to dislodge the presumption against the Accused No. 1 but, significantly, he has not opted to appear. The accused persons have failed to discharge the burden and requirements of Articles 117, 119 and 129 of the QSO as authentic documentary and other evidence of source of funds and income and their real true wealth and assets and source of income for acquisition of such assets or property is within their sole possession and control.

- (vi) Accused No. 1 and also absconding co-accused (Hussain Nawaz Sharif) did not appear before the Investigation Officer. It is in the evidence that call up notices Mark PW-7/A, Exhibit PW 22/31 were issued to the Accused No. 1 with a note that in case of non-appearance it would be construed that the Accused No. 1 has nothing more to offer in his defence. The objections with regard to the service of the call up notices dated 11-8-2017 and 8-2-2018 of the defence are rejected as the Court is satisfied that it is evident that the Accused No. 1 was well aware of the investigation initiated by NAB and had due notice of the fact that he was required to appear before the Investigation Officer. In this regard, it is relevant to note that in reply to question number 22 in his statement under section 342 Cr.PC the Accused No. 1, inter alia, stated that "it may be added here that although the call up notices were never served upon me, the NAB had provided copy of this notice to the electronic media which was widely publicised and it was pursuant thereto that in order to avoid any misuse of it from NAB, a response was sent to the call up notices." Also, a reply submitted to the call up notice on his behalf is on record being Exhibit PW22/13. In view of the foregoing, the claim of non-service itself loses significance and credibility as the Accused No. 1 himself not only admits knowledge of the issuance of call up notice by NAB but also to have caused

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a response to the same. The Court is, therefore, satisfied and concludes that the Accused No. 1 intentionally, wilfully and as a stratagem to avoided appearing before the Investigation Officer (as are the two absconding sons of the accused) so as to avoid having to respond to questions with regard to the issues which are now the subject matter of this Reference and avoid being confronted with the glaring absence of money trial, documentary evidence and material divergence, gaps and inconsistencies in the version of the Accused No. 1.


(vii) The Accused No. 1 elected not produce a single witness in defence.


37. In view of the factors listed above, the statutory presumption under section 14(c) of the Ordinance also validly applies and is invoked and drawn against the Accused No. 1 who has manifestly failed to provide any satisfactory and credible explanation or account, and therefore, failed to discharge the heavier onus on him to provide any satisfactory and credible explanation or account as contemplated in section 14(c). Therefore, the presumption under section 14(c) of the Ordinance against the Accused No. 1 remains un-rebutted.

Conclusion and verdict

38. As sequel of above, the prosecution has successfully established all the ingredients of the offence of corruption and corrupt practices against the Accused No. 1 Mian Muhammad Nawaz Sharif as defined under section 9(a)(v) of the NAO, 1999 read with section 14(c) thereof, as per the charge framed for holding and being the true and real beneficial owner of the assets ASCL, HME and related remittances, beyond his known sources of income as he failed to establish contrary thereto.

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39. As such, accused No. 1 Mian Muhammad Nawaz Sharif is held guilty for the offence of corruption and corrupt practices and accordingly, I do hereby, convict him under section 10 of the NAO, 1999 read with the Schedule thereto and, consequent upon his

conviction, having regard to the facts and circumstances of the case the convict is, hereby, sentenced to Rigorous Imprisonment for a term of 07 years along with a fine of, Rs. 1.5 billion and US \$ 25 million.

40. In terms of section 10(a) of the Ordinance, all assets, properties, rights, receivables and interests of and in HME stand forfeited to the Federal Government, which shall forthwith approach the Government of KSA, so as to implement and give effect to the said forfeiture.
41. In view of section 15 of the Ordinance and consequent upon his conviction of the offence under section 9(a)(v) of the Ordinance, the convict shall forthwith cease to hold public office, if any, held by him and further he shall stand disqualified for a period of ten years, to be reckoned from the date he is released after serving his above sentence, for seeking or being elected, chosen, appointed or nominated as a member or representative of any public body or any statutory or local authority or in the service of Pakistan or of any Province. The convict shall also not be allowed to apply for or be granted or allowed any financial facilities in the form of any loan or advances or other financial accommodation by any bank or financial institution owned or controlled by the Government for a period of 10 years from the date hereof.
42. The convict shall be entitled to the benefit of section 382(b) Cr. PC for the period he had already undergone, if any.
43. A certified copy of this Judgment has been delivered to the convict free of cost who has been informed that, if aggrieved, he may prefer an appeal before the Hon'ble High Court within 10 days in accordance with section 32(a) of the Ordinance.

Two accused namely Hassan Nawaz Sharif and Hussain Nawaz Sharif are absconding and have already been declared as proclaimed offenders. Perpetual non bailable warrants of arrest be issued against them directing the NAB authorities to enter their names in the relevant

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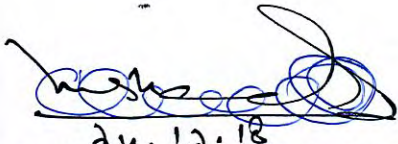
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register of POs under intimation to this court. Reference file with all of its documents, evidence and material be kept intact, till the absconding accused Hassan Nawaz Sharif and Hussain Nawaz Sharif appeared or arrested and brought before the Court to face the trial. File, till then, be consigned to record room after completion and compilation.

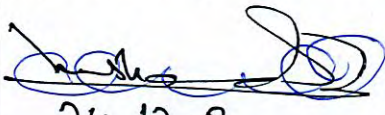
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(MUHAMMAD ARSHAD MALIK)
JUDGE
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It is to certify that this judgment is comprising upon 131 pages. Each page has been signed by me after making necessary corrections therein wherever required.

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