

**IN THE SUPREME COURT OF PAKISTAN**

(Original Jurisdiction)

**PRESENT:**

Mr. Justice Tassaduq Hussain Jilani, CJ

Mr. Justice Sh. Azmat Saeed

**S.M.C. NO.3 OF 2014.**

(Suo Moto Action upon an incident of indiscriminate firing and suicide attack in District Courts, Islamabad)

In attendance : Mr. Naseer Ahmed Kiyani,  
President, Islamabad District Bar.  
  
Ch. Naeem Ali Gujjar,  
Secretary, Islamabad District Bar  
  
Mr. Mohsin Akhtar Kiyani,  
President, Islamabad High Court Bar Association  
  
Mr. Taufiq Asif, ASC  
  
Mr. Ramzan Chaudhry, ASC  
  
Mr. Javed Paul, Chief Commissioner  
  
Mr. Sikandar Hayat, I.G. Islamabad  
  
Col. (R) Safdar,  
(brother of deceased District Judge, Mr. Rafaqat Awan)  
  
Mr. Mazhar Sherazi, Advocate  
  
Mr. Tariq Lodhi, D.G., NCMC, M/o Interior  
  
Mr. Razzaq A. Mirza, Addl. A.G. Punjab  
  
Mr. Farid Dogar, A.A.G., Balochistan  
  
Mr. Abdul Fateh Malik, A.G., Sindh  
  
Mr. Abdul Latif Yousafzai, A.G., KPK  
  
Mr. Ali Sher Jakhrani, A.I.G. (Legal)  
  
Mr. Mumtaz Ali Shah, Home Secretary,  
Sindh and also Addl. Chief Secretary, Sindh  
  
Mr. Tariq Asad, ASC  
  
Mr. Riaz Hanif Rahi, Advocate  
  
Mr. Saqib Javed, Addl. Home Secretary, Balochistan

Date of Hearing : 10.03.2014.

**ORDER**

Mr. Naseer Ahmed Kiyani, President, Islamabad Bar Association, Islamabad has placed on record his written statement about the tragic incident dated 03.3.2014. According him more than 8 persons entered the District Court Premises, who resorted to firing. They were armed with hand grenades and two of them blew themselves. As a consequence of the firing, three lawyers namely, Rao Rasheed Iqbal, Syed Tanvir Hiader Shah, Mst.Fiza Tariq Malik, and Rafaqat Ahmed Khan Awan, learned Additional Sessions Judge, Islamabad got martyred. Besides that the clerk of the lawyers namely, Muhammad Akbar and seven litigants also died in the same occurrence. Several people received injuries, and they were admitted in hospital. Ch. Naeem Ali Gujjar, Abdul Wasay, Sher Khan, Syed Obaidullah Shah, Raja Basharat Khan, Mian Nadeem Aziz, Muzammal Hussain, Syed Shakir Hussain Qadri, Advocates Fayyaz Ahmed and Faizan Mahmood, Clerks of the lawyers and Waseem Iqbal passerby, have also filed their written statements. Some of the lawyers have also given identification marks of the assailants.

2. The Chief Commissioner, Islamabad and the Inspector General of Police, Islamabad have also submitted their written statements. According to the Chief Commissioner, on his direction, the Deputy Commissioner, Islamabad has initiated an enquiry regarding incident and that so far the statements of 154 witnesses have been recorded and the statements of some of the advocates

would be recorded today. However, he is not in a position to give a conclusive opinion, at this stage, about the number of the assailants. The Inspector General of Police Islamabad has, however, in his written statement submitted that the number of assailants was two. He, however, confirms that 11 persons including the learned Additional Sessions Judge were killed and 29 persons received injuries. Out of them, 7 have been discharged and the rest are still hospitalized. The Inspector General of Police has given the narration as under:-

“On 03.3.2014, a terrorist incident took place in the court premises F-8 Markaz, Islamabad on which 11 persons including Additional Sessions Judge, lawyers, and a police official were killed and 29 persons received serious injuries. Out of 29 injured persons 7 have been discharged after medical treatment, 01 Maqsood Ahmed, Manager Hill View Hotel, Islamabad succumbed to death and the remaining 21 are still under treatment at PIMS, Islamabad besides two (02) suicide bombers were killed (lists of killed and injured persons are attached at page 11-13). Regarding the occurrence, a case FIR No.193 dated 03.3.2014, under Sections 302/324/440/427 PPC 3/4 ESA 1908, 7 ATA PS Margalla, Islamabad has been registered and investigation is being carried out by a Joint Investigation Team. Furthermore, about the same occurrence, the Hon’ble Chief Justice of Pakistan took a Suo Moto Notice and directed the Chief Secretary, Ministry of Interior, Chief Commissioner ICT and the undersigned to appear before the court on 04.3.2014 and submit a detailed report regarding the incident alongwith list of police officers/officials deployed at District Courts for security duties and details of security measures in place to prevent incident of the kind.”

The report of the Inspector General of Police does not indicate as to whether there was any SOP regarding the security plan of the District Courts premises. It does not indicate as to whether after the

occurrence, the assailants were chased or not or the police made any effort to detain them in any area so that they did not escape. The Inspector General of Police, Islamabad, who is present in Court is, therefore, directed to submit additional report regarding afore referred aspects within two days.

3. The Secretary Interior has also submitted a detailed report which, *inter alia*, refers to various steps being devised for the security of the District Courts premises in Islamabad.

4. The Chief Secretaries of all the four Provinces, namely, Balochistan, KPK, Sindh and Punjab have filed a detailed report regarding the security arrangements of all the Courts premises in their respective Provinces. Let those be placed on record.

5. The learned Sessions Judges, East and West, Islamabad both have submitted their reports.

6. Mr. Mohsin Akhtar Kiyani, President of the Islamabad High Court Bar Association, Islamabad submits that the Chief Justice of the Islamabad High Court has also initiated an inquiry and this Court may consider to allow the said inquiry to proceed so that the relevant evidence can be recorded. Adds that the compensation announced by the Federal Government i.e. Rs.5,00,000/- for the victims of those who died and Rs.75,000/- who received injuries is too meager and requests that the Government be directed to enhance it.

7. Mr. Toufeeque Asif, learned ASC submits that earlier on he had filed HRC No.17126-G of 2013 and Constitution Petition No.40 of

2013, which relate to the security of the advocates and since they are integral part of the justice system, their security may also be revamped. Let the same be fixed alongwith this case on the next date.

8. The petitions filed by Mr. Tariq Asad and Mr. Riaz Haneef Rahi, learned Advocates shall also be listed along with this case on the next date of hearing.

9. On Court query, Inspector General of Police submits that a seven member investigation team headed by Superintendent of Police, Islamabad is investigating the case. The President of the Islamabad High Court Bar Association submits that the bar would like some independent body to investigate the matter. He also prays that a direction be issued to expedite the completion of the District Courts Complex. Adds that the police be directed to register all separate complaints filed by some of the advocates in this regard.

10. Ms. Naseem Naz wd/o Shabbir Hussain Naz, Forman in the CDA, who died in the occurrence has filed CMA No.1273 of 2014 to implead her as a party. Her grievance is that no compensation has been given to her so far by the Federal Government and her son, who is a matriculate, be given some employment.

11. Mr. Ahson-ud-din Sheikh, learned ASC submits that the statement made by the Federal Minister regarding the occurrence particularly to the effect that Mr. Rafaqat Ahmed Khan Awan, learned Additional Sessions Judge, had died on account of firing of his own guard is likely to affect the investigation. Adds that some officials attached with the deceased Judge are being threatened and

the Reader of the said Judge is present in the Court to verify this fact. At this stage, Malik Khalid Noon, who is the Reader in the Court of Mr. Rafaqat Ahmed Khan Awan, on court query, submitted that the police had called him for investigation and one ASP namely, Mr. A. R. Aziz had asked him to give a statement that none of the assailants had entered in the Court room of the deceased Judge, to which he replied that he had seen that several attackers had entered in the Court premises and made firing at the late Judge.

12. At this stage, Col(r) Safdar Hussain, who is brother of Mr. Rafaqat Ahmed Khan Awan, learned Additional Sessions Judge, who had died, has expressed his concerns and dismay over the statement made by the Federal Minister regarding the incident. Adds that according to his information, there were people inside the Court, who caused the death of his brother.

13. We would not like to comment on the veracity of the statements made regarding the occurrence in question lest it may prejudice the investigation or enquiry.

14. However, in the interest of justice, we direct as follows:-

- (1) That since the role of Islamabad Police may be a subject of probe during the investigation/enquiry, the Secretary Interior should constitute a joint investigation team comprising of independent, competent and upright officers headed by DIG. The said team shall complete the investigation within two weeks.

- (2) The Secretary Interior shall also examine the question of enhancement of quantum of compensation and also consider for giving some employment to the son or daughter of those officials who died in the occurrence, if they are otherwise qualified.
- (3) No minister or any public figure may make statement, which could affect the merits of the investigation, as long as it is under investigation.

14. The inquiry initiated pursuant to the directions of the Hon'ble Chief Justice, Islamabad High Court, may continue and the report should be submitted before this Court, when it is completed.

To come up on 17.3.2014.

Chief Justice

Islamabad,  
10.03.2014.

Judge

'NOT APPROVED FOR REPORTING'

*M. Safdar Mahmood/\**