

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ

MR. JUSTICE JAWWAD S. KHAWAJA

MR. JUSTICE SH. AZMAT SAEED

**CMA NO.2915 OF 2013 IN CMA NO.1262 OF 2012 IN
HRC NO.965 OF 2005**

(Amina Masood Janjua v. the State thr M/o Interior
and others)

AND

**CMA NO.2996 OF 2013 IN CMA NO.1262 OF 2012 IN
HRC NO.965 OF 2005**

(Amina Masood Janjua v. the State thr M/o Interior
and others)

AND

**CMA NO.4246 OF 2013 IN CMA NO.2996 OF 2013 IN
HRC NO.965 OF 2005**

(Ziaullah v. The State through M/o Interior)

Amina Masood Janjua

... Applicant

VERSUS

The State through M/o Interior etc

... Respondents

For the applicant:

Mst. Amina Masood Janjua With Naseer

On Court Notice:

Mr. Tariq Mahmood Khokhar, Addl. AGP
Malik Faisal Rafique, Addl. A.G. Punjab

Mr. Siddique Khan Baloch, ASC

Mr. Shahidullah Khan, Addl. Secy, FATA

Mr. Abdul Qayyum, LO

Mr. Usman Khan, SO Home

Date of hearing:

26.7.2013

ORDER

The learned Additional Attorney General for

Pakistan has placed on record, a list of 64 persons supplied to

him by the Secretary, FATA and stated that they are confined in the different Internment Centers. However, the detail of the cases in which they are involved, if any, has not been mentioned. Similarly, he stated that about 504 persons, list of which has been prepared by the Secretary PATA, are confined in different Internment Centres.

2. The learned Addl. Attorney General may file both the lists in the office within three days alongwith the details, if any, about their involvement in the criminal cases and in the column of the remarks, it would also be mentioned as to why they are not proceeding against them, if there are some cases against them.

3. The learned Addl. Attorney General has stated that, as per the direction of the Court, some of the internees have provided an opportunity to meet with their relatives. However, we direct that they may prepare SOPs and a focal person should be appointed preferably to be the District and Sessions Judges in the area where Internment Centres are situated and they are discharging their duties otherwise the Political Agent or the Deputy Commissioner would himself be a focal person and he (they) would be responsible to

manage the meeting of the relatives according to rules without causing any inconvenience to them.

4. On the last date of hearing, we have also pointed out about providing the medical treatment to the detainees, as there was a complaint before us that for want of medical facility and food their health is deteriorating day by day. The report in this behalf may be called from both the Secretaries FATA and PATA before the next date of hearing so that we may pass an appropriate order, if need be. Although, we have already observed that a human being, who is kept in Internment Centre, is entitled for the food and medicines, as per his fundamental rights.

5. On receipt of the reports from both the agencies, noted herein above, the matter shall be taken up further for the purpose of passing an appropriate order.

Adjourned to a date in office after 10 days.

Chief Justice

Judge

Judge

Islamabad, the
26th July, 2013
Not approved for reporting

*M. Safdar Mahmood/**

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ

Mr. Justice Jawwad S. Khawaja

Mr. Justice Sh. Azmat Saeed

CMA NO.2916/2013 IN CMA NO.1262/2012 IN HRC NO.965/2005

(Amina Masood Janjua Vs. The State through M/o Interior and others)

AND

CMA NO.2994/2013 IN CMA NO.1262/2012 IN HRC NO.965/2005

(Amina Masood Janjua Vs. The State through M/o Interior and others)

For the Applicant : Mrs. Amina Masood Janjua

On Court's Notice : Mr. Tariq Mehmood Khokhar, Addl. A.G.
Malik Faisal Rafique, Addl. A.G.
Mr. Ihsan Elahi, I.O.
Qazi Muhammad Amin, ASC
Mr. Ghulam Shabbir, ASI

Date of Hearing : 26.07.2013.

ORDER

It is informed by the learned Additional Attorney General for Pakistan that now he has been instructed by the Ministry of Defence, Government of Pakistan, to cross-examine the witness, namely, Ihsan Elahi in this case. It is to be noted that on the last date of hearing, a request was made to engage another counsel for the purpose of cross-examination. Before recording his statement during the hearing of the case, SHO-Ihsan Elahi pointed out that he has conducted an

independent investigation and examined Malik Amir Farooq, owner of Coal Mines where both the missing persons, namely, M/s. Umer Hayat and Umer Bakhat were employed as labourers and the former SHO-Badar Munir, SI-Khizer Hayat (Police Post Incharge, Basharat) and ASI-Wajid Ali as well as ASI Shabbir Ahmad who accompanied the persons to whom the officials went to the Coal Mines of Malik Amir Farooq and there from both the above mentioned missing persons were picked up and were taken away by the agencies.

2. In such view of the matter instead of examining the statement of Ihsan Elahi and others before the Supreme Court of Pakistan, we send this case to the learned District and Sessions Judge, Chakwal, for recording the statements of Ihsan Elahi, Badar Munir, Khizar Hayat, Shabbir Ahmad and Wajid Ali as well as Malik Amir Farooq, owner of the Coal Mines, subject to allowing an opportunity of cross-examination. The Ministry of Defence, shall depute a counsel after seeking necessary information from the learned Additional Attorney General for Pakistan whereas Prosecutor shall appear on behalf of State to assist the Court.

3. The learned District and Sessions Judge, after recording the evidence of the persons noted herein above and any other material brought by the complainant or other persons interested in this case shall record the finding as to whether M/s. Umer Hayat and Umer Bakhat had been picked away by the agencies/persons as it is alleged by the police and whether presently they are in custody of which agency.

4. The requisite report shall be sent by the learned District & Sessions Judge, Chakwal, before the next date of hearing.
5. Put up on 05.08.2013.

Chief Justice

Judge

Islamabad
26.7.2013

Mahtab/*

Judge

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ

Mr. Justice Jawwad S. Khawaja

Mr. Justice Sh. Azmat Saeed

CMA NO.2997/2013 IN CMA NO.1262/2012 IN HRC NO.965/2005

(For Recovery of Ghulam Sajjad Amjad)

(Amina Masood Janjua Vs. The State through M/o Interior and others)

For the Applicant : Mrs. Amina Masood Janjua

On Court's Notice : Mr. Tariq Mehmood Khokhar, Addl. AGP
Mr. Faisal Rafique, Addl. AG Pb
Mr. Muhammad Shoaib, DSP
Mr. Muhammad Akram, Inspector

Date of Hearing : 26.07.2013.

ORDER

Mrs. Amina Masood Janjua, has placed on record an affidavit through CMA No.4910 of 2013 in view of our observation made in the Order dated 25.07.2013. A perusal of the same suggests that Ghulam Sajjad Amjad son of Basara, resident of Islamkot, Kabeerwala along with other two persons, namely, Muhammad Saleem, Alipur and Muhammad Saleem, Multan were present in Qasim Bela, Multan Cantt.

2. Copy of the same be handed over to the learned Additional Attorney General for Pakistan and issue a notice to him to ensure the production/recovery of Ghulam Sajjad Amjad on the next date of

hearing. He should also ensure to furnish the details of the other two persons, named herein before who were confined in the said Camp along with detailed reasons, if any, for which they were detained over there.

2. Adjourned to 2nd August, 2013.

Chief Justice

Judge

Islamabad

26.7.2013

Mahtab/*

Judge

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ

Mr. Justice Jawwad S. Khawaja

Mr. Justice Sh. Azmat Saeed

CIVIL MISC. APPLICATION NO.3956 OF 2013

(For recovery of Muhammad Farhaj Waheed Butt)

IN

CIVIL MISC. APPLICATION NO.3762 OF 2012

IN

HUMAN RIGHTS CASE NO.965 OF 2005.

Amina Masood Janjua.

Applicant (s)

VERSUS

The State through M/o Interior and others.

Respondent (s)

For the Applicant : Mrs. Amina Masood Janjua

On Court's Notice : Mr. Tariq Mehmood Khokhar,
Additional Attorney General for Pakistan
Mr. Faisal Rafique, Additional A.G. Pb. with
Mr. Khan Baig, IGP and
Mr. Umar Virk, SSP (CTD)

Date of Hearing : 26.07.2013.

ORDER

Mr. Khan Baig, Provincial Police Officer (IGP), Punjab, Lahore, has submitted a report (CMA No.4911 of 2013) in response to our Order dated 23.07.2013. It has also been informed by Mr. Umer Virk, SSP (CTD) that Farhaj Waheed Butt is presently confined in Central Jail, Kot Lakhpat, Lahore, along with other three persons, namely, Usman Basra, Rana Abdul Rehman and Nemat Ullah (under police remand since 15th July, 2013), as they are involved in the

different FIRs bearing No.687/2008 of Police Station, Faisal Town, Lahore, 899/2010 of Police Station Ghalib Market, Lahore and 1036/2011 of Police Station, Gulberg, Lahore. As far as the involvement of Farhaj Waheed Butt along with others in criminal cases is concerned, it needs no comments at this stage as Mrs. Maria wife of Farhaj Waheed Butt has different version.

2. According to her version noted in order dated 23.7.2013, initially Abdul Waheed Butt father of Farhaj Waheed Butt was picked up by the police in the month of September, 2011 and when Farhaj Waheed Butt appeared before the police, the father was released. Thereafter, Mr. Umar Virk, SSP, arranged the meeting of Abdul Waheed Butt with his son Farhaj Waheed Butt. Now when we have issued notice on 23.07.2013, directing the Inspector General of Police to appear and produce him as he was in the police custody. Now it is informed that he is in the Central Jail, Kot Lakhpat, Lahore, along with others from the date as noted herein before. Thus, the question is that as to whether previously he was kept in illegal detention and because of present proceedings, he has been surfaced.

3. Under the circumstances, the Inspector General of Police is directed to conduct thorough probe into the matter personally after having taken into consideration all the attending circumstances and evidence, etc.

4. At the same time, Mr. Nazir Ahmed Gujanah, learned District & Sessions Judge, Chinot, is appointed to conduct an inquiry

to ascertain questions of detention of Farhaj Waheed Butt from the month of September, 2011 to 15th July, 2013, if it is a true version alongwith Role of Police and submit a report for our perusal. It is to be pointed out that the learned District and Sessions Judge may examine any witness, including Abdul Waheed Butt or Farhaj Waheed Butt who along with others is presently confined in the Central Jail, Kot Lakhpat, Lahore. The logistic arrangements shall be made by the Registrar of the learned Lahore High Court to facilitate the learned District & Sessions Judge in preparing the report. On receipt of the report from both the functionaries, the matter shall be decided further.

5. Petitioner-Mrs. Amina Masood Janjua, pointed out that Mrs. Maria wife of Farhaj Waheed Butt has been threatened for approaching this Court. The Inspector General of Police who is present in Court is directed to provide proper protection to her and ensure her safe appearance before this Court on the next date of hearing.

6. Adjourned to 2nd August, 2013. This Order be communicated to all concerned during course of the day.

Chief Justice

Judge

Islamabad

26.7.2013

Mahtab/*

Judge