

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

Mr. Justice Umar Ata Bandial, CJ
Mr. Justice Ijaz ul Ahsan
Mr. Justice Sayyed Mazahar Ali Akbar Naqvi
Mr. Justice Jamal Khan Mandokhail
Mr. Justice Muhammad Ali Mazhar

SUO MOTO CASE NO.3 OF 2022

(Re: Independent and Transparent Investigation into the Murder of Renowned Journalist, Mr. Arshad Sharif in Kenya).

In attendance:

Ch. Aamir Rehman, Addl. AGP
Mr. Irfan, Director Law M/o Information
Mr. M. Syrus Sajjad Qazi, Addl. Secretary M/o Foreign Affairs
Mr. Murad Wazir, DG M/o Foreign Affairs
Mr. Asad Khan Burki, LA M/o Foreign Affairs
Syed Faraz Raza, ALA M/o Foreign Affairs
Syed Waqar, Member, JIT
Mr. Sajid Kiyani, IB
Mr. Awais Ahmed, DIG
Mian Shehbaz, I.O
Barrister M. Javed Buttar, ASC
(on behalf of Mrs. Javeria Siddique, wife of Arshad Sharif)
Mr. M. Ayub Ch. Addl. Sec. (M/o Interior)

Date of Hearing: 13.02.2023

ORDER

Today, the learned Addl. Attorney General has referred to two reports: one, filed by the Ministry of Foreign Affairs ("**MoFA**") (CMA No.492/2023) and second, filed by the Special Joint Investigation Team ("**SJIT**") (CMA No.493/2023). The report by the MoFA details the steps that were taken by it to assist the SJIT during their visits to Kenya and UAE whereas the report by the SJIT states the headway made in the investigation of the murder of the deceased Mr. Arshad Sharif.

2. The learned Addl. Attorney General has also pointed out that the Kenyan Government has become reluctant to render

assistance in the investigation and that the SJIT was not allowed to examine witnesses or inspect the crime scene during its visit. The SJIT report suggests that possibly the premature release of the fact-finding report prepared by the two-member committee has alarmed the Kenyan authorities. We are not inclined at this stage to speculate on the reason behind the change in approach of the Kenyan Government. Nevertheless the MoFA, keeping in view the subtle formalities of foreign relations and the fact that Kenya is regarded a friendly State by Pakistan, shall liaise with the concerned authorities in Kenya to ascertain the cause(s) of the Kenyan Government's reluctance to assist with the investigation and address these on a priority basis for the smooth progress of the investigation.

3. In response to the Court's suggestion that the United Nations may be involved in the investigation to ensure the cooperation of the Government of Kenya, the learned Addl. Attorney General submits that the proper diplomatic channel has been invoked under the Mutual Legal Assistance Act, 2011 for seeking the cooperation of the Government of Kenya. Therefore, time may be given for that process to run its course before approaching the United Nations. The request appears reasonable and is granted. However, in the meanwhile the MoFA shall familiarise itself about the terms and conditions for requesting the assistance of the United Nations in case the need subsequently arises.

4. On its part, the SJIT should probe the following matters:

- i. What motivated Mr. Arshad Sharif to leave Pakistan? In this respect the SJIT may investigate the multiple FIRs

lodged against the deceased journalist and any sensitive information that may have been in his possession.

- ii. Why did the Government of Dubai order Mr. Arshad Sharif to leave the country?
- iii. Who released the two-member committee's fact-finding report and what was the reason behind the same?

5. The needful shall be done within a period of two weeks. Relist in March, 2023.

CHIEF JUSTICE

JUDGE

JUDGE

JUDGE

JUDGE

Islamabad
13.02.2023
Naseer/Meher LC