

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

Petition No. _____/2011
(HUMAN RIGHTS)

Senator Muhammad Ali Durrani, son of Ghulam Muhammad,
resident of 186-Model Town, Lahore.

PETITIONER

VERSUS

- 1.** Government of Pakistan through Secretary Establishment, Secretariat, Islamabad.
- 2.** Government of Pakistan through Secretary Defence, Islamabad.
- 3.** The United Nations through its Secretary General, Ban Ki-moon, New York, U.S.A
- 4.** Swiss Bankers Association, Aeschenplatz-7, 2nd Floor, 4002, Basel, Switzerland
- 5.** The Stolen Assets Recovery (StAR) Initiative Secretariat, 1818 H Street, NW, Washington D. C. 20433, U.S.A.
- 6.** Global Financial Integrity, 1319 18th Street, NW Suite 200, Washington DC 20036, U.S.A.

7. Transparency International, Pakistan through its Chairman, 5-C, 2nd Floor, Khayaban-e-Ittehad, Phase VII, D.H.A., Karachi.
8. Transparency International Secretariat, Alt-Moabit 96, 10559, Berlin, Germany.
9. His Excellency the Ambassador of Switzerland in Pakistan, Islamabad
10. His Excellency the Ambassador of the United States of America in Pakistan, Islamabad.
11. His Excellency the Ambassador of the United Kingdom in Pakistan, Islamabad.
12. His Excellency the Ambassador of Canada in Pakistan, Islamabad
13. His Excellency the Ambassador of Germany in Pakistan, Islamabad.
14. His Excellency the Ambassador of France in Pakistan, Islamabad.
15. His Excellency the Ambassador of Spain in Pakistan, Islamabad
16. His Excellency the Ambassador of South Korea in Pakistan, Islamabad.
17. His Excellency the Ambassador of Malaysia in Pakistan, Islamabad.
18. His Excellency the Ambassador of United Arab Emirates in Pakistan, Islamabad.
19. Election Commission of Pakistan through its Secretary, Islamabad
20. Pakistan Peoples Party through Chairmanperson/Bilalwal Zardari, House No.1, Street No.85, G-6/4, Islamabad.
21. Pakistan Muslim League (N) through its President, Mian Muhammad Nawaz Sharif, H. No. 20-H, Street 10, Sector F-8/3, Islamabad.

22. Pakistan Muslim League (Q) through its President, Ch. Shuja'at Hussain, Central Secretariat, 4, Margalla Road, Sector F-7/3, Islamabad.
23. Muthidda Qaumi Movement through its Convener, Dr. Farooq Sattar, 494/8 Azizabad/Nine Zero, Karachi.
24. Awami National Party through its President, Asfandyar Wali Khan, Baacha Khan Markaz, Pajaggi Road, Peshawar.
25. Jamiat-e-Ulama-e-Islam (F) through its Ameer, Maulana Fazal-ur-Rehman, Jamia-al-Moarif, Al-Sharia, Dera Ismail Khan.
26. Jamaat-e-Islami Pakistan through its Ameer Syed Munawar Hassan, Mansoor, Multan Road, Lahore
27. Pakistan Tehreek-e-Insaf, through its Chairman, Imran Khan, H. No.2, Street No. 84, Sector G-6/4, Islamabad.

RESPONDENTS.

PETITION under Article 184 (3) of the Constitution of Pakistan (1973) for the purpose of initiating process for recovery of moneys plundered by elitist leaders of political parties, senior members/members of bureaucracy, retired senior officers of the armed forces and retired Judges of superior judiciary in Pakistan and leading members of business elites who had/have stashed moneys, so plundered, in safe havens of secret banking sectors within the territories of Switzerland, U.S.A., Canada, U. K. Germany, France, Spain, South Korea, Malaysia, U. A. E. and other countries of the developed nations.

The petitioner respectfully sheweth as under:-

A. This petition raises following questions of fundamental and constitutional importance which relate to devising of mechanism for

retrieval of billions of dollars looted from the soil of Pakistan by the members of kleptocracy i.e. kleptocrat politicians of political parties, members of civil and military bureaucracy, businessmen and retired judges of the superior judiciary and stashed in the safe haven countries, Switzerland, U.S.A., U. K, Canada, Germany, France, Spain, South Korea, Malaysia, U. A. E. These fundamental questions relate to total subversion of the Constitution and constitutional mandate requiring all concerned to act within the terms of the Constitution.

QUESTIONS OF LAW

1. Whether in the facts and circumstances of the case in hand, this Hon'ble Court is the only forum which is competent to provide relief with respect to initiation of the process of investigation to pinpoint, quantify and finally retrieve moneys looted from Pakistan by politicians, civil and military bureaucrats and businessmen and stashed in the banks of the safe haven countries.? From the Notification, dated 24th October, 1954 whereby Ghulam Muhammad, godfather of the oligarchs, dissolved the Constituent Assembly, demolished the efforts of the members of the Constituent Assembly to give final reading to the draft Constitution of 1954 and assumed powers of the state like the Stuart Kings, the instincts of kleptocracy became supreme and totally victorious. These instincts ultimately led to vivisection of Pakistan into two sovereign countries, Pakistan and Bangladesh. Confronted with this situation, the members, of the National Assembly from surviving Pakistan, framed the Constitution of 1973 which became

effective from 12th April, 1973 under the leadership of the late Z.A. Bhutto. This Constitution had XII parts with six Schedules. Each part had more than one Chapter. Briefly speaking, the Constitution was promulgated to institute the rule of check and balance and furthermore in line with the letter and spirit of the Objectives Resolution of 1952. Precisely speaking, Part I dealt with ideological foundations of this Muslim state and Part II dealt with the basic rights of the citizens of the Federation in Articles 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40. The remaining portions, by following the principle of check and balance, provided legal infrastructure of the government of the federation and governments of the federating units and completely spelt out demarcation of powers between the federation and federating units. The remaining parts of the Constitution provided the trichotomy of powers i.e. the distribution of powers among Legislature, Executive and Judiciary. The judiciary was treated as the coordinating organ with a function to monitor control and check the excesses of the Executive and the Legislature and keep these organs of the state within the orbit of the Constitution. The framers of the Constitution, so positively and unhesitatingly, it can be stated, provided a framework of good governance, egalitarian society, rule of law and governmental institutions free from the virus of bribery, corruption, jobbery, nepotism and favouritism. Decades of authoritative governance, starting from the proclamation of Notification, dated 23rd October, 1954 upto the proclamation of Martial Law by General Musharraf in 1999, led to concentration of powers and free play of viral infection, noted above, and so completely emasculated all the

organs of the state. Neither the legislature, nor the executive nor the judiciary came to the rescue of the victim citizens of Pakistan. It can be safely evidenced by a stark fact that legislation/curbing political corruption like Public and Representatives Office (Disqualification) Act, 1949 (PRODA), Elective Bodies (Disqualification) Order, 1959 (EBDO), Ehtisab Act, 1973, and National Accountability Ordinance, 1999 (NAB) were rendered ineffective by military-bureaucratic governments or the civilian led political governments. It can be safely stated that the new National Accountability Bureau law curbing corruption, has not so far been passed by the present Parliament despite lapse of over three years of its existence. In result of this legal vacuum, system of graft, bribery, jobbery, corruption, kickbacks and commissions rules from toe to top and from top to toe. This is blatant non-performance of its functions by the present Parliament. The political parties of Pakistan, through the instrumentality of their members of the Parliament, have subverted the Constitution of Pakistan and have worked for supremacy of the inflectional virus, noted above. Consensus of the researchers is that more than two hundred billion dollars of the money looted from Pakistan are stashed in the banks of Switzerland and more than that money is stashed in the coffers of the U.S, U.K., Canada, Germany, France, Spain, South Korea, Malaysia and U.A.E. and other countries (See Articles by Ibn-e-Umeed and Faisal Khan). The citizens of Pakistan have no remedy, whatsoever, against this system of kleptocracy and are groping in the darkness. The citizens of Pakistan look towards the resurrected independent judiciary which is pursuing vigorously the

weapon of *Suo Moto* jurisdiction to structure various organs of society in accordance with the wishes of the people and the objectives of the Constitution. This Hon'ble Court has complete powers under Article 184 (3) of the Constitution to entertain, adjudicate and examine these problems caused by the kleptocrats in the body politics of the country. The principle of *ubi jus ubi remedium* completely empowers the apex Court of Pakistan to intervene and save the people of Pakistan from that galloping instincts of corruption, jobbery, bribery, nepotism, favouritism and so on so forth. This Hon'ble Court is one of the important organs of the state and has powers to pass a direction to Respondents Nos. 1 to 27 in consonance with the provisions of the UNCAC (the Convention approved by the U.N.). The petitioner so beseeches this Hon'ble Court to entertain this petition under Article 184 (3) of the Constitution and after hearing all the parties grant reliefs to the petitioner who is raising the plight of the beleaguered citizens of Pakistan.

2. Whether in the facts and circumstances of the case in hand, this court is the only forum to take notice of the proposition noted above on account of complete failure of the Legislature, Executive and civil society to grapple with the most fundamental problem of the country?
3. Whether in the facts and circumstances of the case in hand, this court has complete jurisdiction to pass appropriate orders to the concerned authorities arrayed as Respondent No. 1 to 27 within the terms of the Chapters No. V, VI, VII and VIII of the United Nations Convention Against Corruption, other U. N. Conventions

and within the terms of the Restitution of Illicit Assets Act, 2010, passed by the Swiss Parliament?

4. Whether in the facts and circumstances of the case in hand, this is the only court which has inherent jurisdiction to order the concerned respondents No.1 and 2 to enter into Agreement/laws of mutual assistance with the safe haven countries and also enter into double tax avoidance agreements with these countries?
5. Whether in the facts and circumstances of the case in hand, this court is the only forum to direct the National Assembly of Pakistan to pass necessary laws with respect to retrieval of the looted money from safe heaven countries?
6. Any other point/question which this Hon'ble Court may deem fit, be framed to conclusively determine the grievance in this petition.

B.1. The petitioner has been/had been and is a political worker, has been taking part in political activities of the state. The petitioner was elected as a member of the Senate and was appointed as Minister for Information in the days of General Musharraf. The petitioner has, therefore, locus standi to invoke the original jurisdiction of this Hon'ble Court under Article 184 (3) of the Constitution of Pakistan (1973) to initiate the process for recovery of the stolen moneys from the coffers of impoverished Pakistan and stashed in safe havens of the countries namely, Switzerland, U.S.A., Canada, U. K., Germany, France, Spain, South Korea, Malaysia, U. A. E. and off-shore banking institutions of the developed countries. These countries shall, therefore, be described herein as "safe haven countries". Since 1954, the elitist ruling

classes, belonging to political parties, bureaucracy, superior judiciary and senior members of armed forces had been/have been plundering the resources of our country and have devised strategies to deposit such looted moneys in the “safe haven countries” for a simple reason that the afore-noted countries had mathematically and meticulously devised banking systems with such secretiveness that nobody could have inkling about the deposits of that looted money. Since long, the leaders of such countries have also developed system of off-shore banking which legally encouraged flight of capital from poor countries to developed countries. This flight of money has so deleteriously damaged financial conditions of our country that even thoughtless scholars have started saying that Pakistan is not a sustainable country. It was such conditions which compelled the petitioner to move this Hon’ble Court in its original jurisdiction under Article 184 (3) of the Constitution. Unfortunately, neither the legislative, nor the executive nor members of civil society has collectively risen to stop the exodus/flight of resources from Pakistan to the safe haven countries. The initiative of this process will positively arrest our crumbling economy and restore financial sovereignty of the nation. At this juncture, it is necessary to be noted that the petitioner had been a member of the Cabinet in the Government headed by General Musharraf. Nevertheless, with the triumph of the lawyers’ movement/culminating into restoration of independent judiciary in Pakistan, the petitioner himself felt a strong sense of remorse for being in the Cabinet of General Musharraf. As a citizen of Pakistan, the petitioner himself hailed the victory of independent

judiciary and feels certain that the bad days of Pakistan are now over and by the grace of God, Pakistan will earn its due place in the comity of nations. Now the petitioner and the people of Pakistan look towards this Hon'ble Court for ordering initiation of process for retrieval of such looted moneys deposited in the "safe haven countries".

2. The petitioner has impleaded the Government of Pakistan through Secretary Establishment and Secretary Defence and has also impleaded Swiss Bankers Association/respondent No.4. being representative body of the Swiss banks which had been, since the time immemorial, inviting moneys from foreign countries to be deposited in their banks with full guarantee and total secretiveness. The petitioner has also impleaded the Stolen Assets Recovery (StAR) Initiative, Washington DC, U.S.A./Respondent No.5 which is a organization designed by the thinkers of the United Nations to help countries like Pakistan to get back their looted moneys from the safe haven countries. The Global Financial Integrity/Respondent No.6, Transparency International Pakistan/Respondent No.7, Transparency International Secretariat, Germany/Respondent No.8, have been impleaded in this petition and these organizations have been created by the patriotic citizens of those countries to help poor countries to retrieve their looted moneys in order to put them on healthy track. The Ambassador of the Switzerland in Pakistan/Respondent No.9, the Ambassador of the U. S. A. in Pakistan/Respondent No 10, the Ambassador of the U.K. in Pakistan/Respondent No.11, the Ambassador of Canada in Pakistan/Respondent No.12, the Ambassador of

Germany/respondent No.13, the Ambassador of France//respondent No.14, the Ambassador of Spain in Pakistan/Respondent No.15, the Ambassador of South Korea in Pakistan/Respondent No.16, the Ambassador of Malaysia in Pakistan/Respondent 17 and the Ambassador of the U.A.E. in Pakistan/Respondent No.18 have also been impleaded with an objective that these are the countries which have proven to be safe havens for plunderers of our country and so they may be requested to graciously help the citizens of Pakistan through the instrumentality of the Hon'ble Supreme Court of Pakistan, to identify, quantify and facilitate the retrieval of the looted moneys from their countries to Pakistan. The Election Commission of Pakistan has been impleaded as Respondent No. 19 to provide list of moveable and immoveable properties of the legislators of Pakistan in and outside Pakistan especially in those countries which have been named above. Pakistan Peoples Party headed by Co-Chairperson,/respondent No.20, Pakistan Muslim League (N)/respondent No.21, Pakistan Muslim League (Q)/22, Muthidda Qaumi Movement/respondent No.23, Awami National Party/respondent No.24, Jamiat-e-Ulama-e-Islam (F)/respondent No.25, and Jamaat-e-Islami Pakistan/respondent 26 have been impleaded as parties as they are major political parties wielding influence over the people of Pakistan and have been in power from time to time as civilian rulers except Pakistan Tehreek-e-Insaaf/respondent No.27. Although 148 parties have been registered as political parties by the Election Commission of Pakistan, nevertheless, because of brevity, the afore-noted parties have been arrayed on account of their followings in Pakistan.

These parties have been impleaded with a clear objective that political leadership must voluntarily come forward and make declaration of their moveable and immoveable properties and cash owned and held by their legislators in Pakistan and outside Pakistan so that this Hon'ble Court may initiate process for repatriation of so looted moneys and so illegally purchased properties outside Pakistan and this country could be put on healthy, patriotic lines and restore the depleted treasury of Pakistan.

3. Our cherished country, the Islamic Republic of Pakistan emerged on the map of the world under the statute, passed by the British Parliament, known as the Indian Independence Act, 1947. This statute brought the British Raj to an end/dividing India into two sovereign countries, namely, India and Pakistan. Pakistan comprised two wings on the two edges of the Arabian Sea i.e. East Pakistan and West Pakistan. West Pakistan comprised four provinces, namely, NWFP, Punjab, Sind and Balochistan and a number of princely states. It is stated that misfortune never comes alone but in battalions. This maxim fully applied to this new state. As ill-luck would have it, the Quaid-e-Azam, the founder of Pakistan succumbed to malignant effects of tuberculosis and cancer of lungs on September 11, 1948 within one year and 27 days after the creation of Pakistan. This was not the only blow to our state. Liaquat Ali Khan, the first Prime Minister was assassinated on October 16, 1951 when an Afghan national, Said Khan opened fire on him while he rose to address a public meeting in the lawns of Company Bagh, Rawalpindi. The assassin had been facilitated access by the agencies which did not care to check him despite the

fact that he was an Afghan fugitive and was living in Pakistan under surveillance of the agencies. The assassin was immediately killed by the police on the order of D.S.P., Najaf Khan who was given rapid promotions in recognition of this service by the persons in authority. It is stated that he was retired as D.I.G, police against all the canons of merit and competency. The underlying causes and the names of perpetrators of this conspiracy still remain shrouded in mystery and the citizens of Pakistan are not aware of the investigations conducted by the authorities. This was the first blow delivered by the conspirators who, instead of the citizens, wanted to rule Pakistan themselves. This was not enough; there were too many traumatic tragedies in store for this country. Another most important traumatic tragedy is that the members of the Constituent Assembly from East Pakistan and West Pakistan had thoroughly debated and considered the elements of diverse interests in the federating units of Pakistan and ultimately through the spirit of reconciliation, tolerance and pride agreed to the constitution of Pakistan and drafted it and went to recession for the purpose of meeting on 25th December, 1954 (which happened to be the date of birth of the founder of Pakistan) to give final approval to the constitution. The three layers of the state, namely, members of the I. C. S., who had opted to serve the civil service of Pakistan, members of the armed forces who too came from the British army and the feudal politicians of the Punjab who had shifted their loyalties from the Unionist Party to the Pakistan Muslim League, got together under the leadership of paralytic Ghulam Muhammad, the then Governor-General of Pakistan who struck down the efforts

of the Constituent Assembly, dissolved it and forced down the dummy Cabinet to run affairs of the Government in the period of interregnum. More gruesome deed was achieved through the Notification, dated 24th October, 1954. This was the darkest and most perfidious day in the constitutional history of Pakistan. Thus, through this lethal weapon, the three layers of the corridor of power namely, bureaucracy headed by Ghulam Muhammad, army being organized by Maj.Gen. Sikandar Mirza and Judiciary headed by Justice Muhammad Munir who was the choice of paralytic Ghulam Muhammad, destroyed the very fabric and very ideology of Pakistan. Briefly stating, this nefarious proclamation, by a nefarious combine, led to establishment of rule of oligarchy and put the country back to the days of the Stuart Kings when the kings used to rule through the theory of divine right of the king. Suffice it to note that this system of oligarchy was totally repugnant to the concept of accountability and was built upon the so-called intelligence of members of the ruling class. Consequently, this system led to military-cum-civil autocracy wherein Commander-in-Chief of the Armed Forces, General Muhammad Ayub Khan assumed the rein of the government with the ascendancy of military bureaucracy over civil bureaucracy. It was said by Lord Acton: “power corrupts, more power corrupts more and absolute power corrupts absolutely.” Under the shadows of this pernicious system of government, corruption pervaded from toe to apex and winds of corruption started blowing with full vigour in each and every segment of the government. Soon thereafter, the civil-military autocracy turned into kleptocracy/corruptocracy. Such a form of

governance is called government by the thieves, of the thieves for the thieves. In result, our cherished country became the island of corruption, bribery, jobbery, nepotism and what not. The people of Pakistan, in totality, so were weeded out of the governance of Pakistan which had been established through vote and was to become a model of Islamic democracy in the whole world. This was, in short, a fundamental subversion of the form of governance in Pakistan starting from 1954 and still continues in 2011 with intervals of elected civil government which reached the corridors of power with the consent of civil-military bureaucracy.

4. No doubt, bribery, corruption, jobbery, nepotism and patronage, as a way of governance, are repugnant to the fundamentals of an orderly and civilized state. Conscious of these viruses, the first Constituent Assembly/Parliament of Pakistan passed and promulgated Public and Representatives Office (Disqualification) Act, 1949 (hereinafter to be described as PRODA), with a principal objective to eliminate these pernicious behaviours from public and private sectors. Fortunately, this Act operated effectively and netted very high officials of the Federal Government as well as public representatives. This law became very effective and its spirit and contents were affirmed by the Supreme Court and the superior courts of Pakistan in a number of cases. See **PLD 1949 FC 177**, (PLD 1950 Lahore 12-13), Khan Iftikhar Hussain Khan of Mamdot Vs. The Province of the Punjab (PLD 1950 FC 15), **PLD 1950 FC 1** and M. A. Khuhro Vs. The Federation of Pakistan (PLD 1950 Sind 49), Pir Illahi Bakhsh V. Muhammad Ayub Khuhro, (PLD 1956 Sind 101). Nevertheless, the lovers of the aforesaid

instincts finally succeeded to get this PRODA Act repealed on 20.9.1954. From 1954 to 1959, the forces of corruption never allowed the Parliament to pass another effective law to curb their kleptocratic activities. **History repeats itself.** From 1958 to 1968, General Muhammad Ayub Khan, the first Chief Martial Law Administrator of the country, on the assumption of power, enacted the Elective Bodies (Disqualification) Order, 1959 (EBDO) with a design to punish and intimidate the opponents of usurpation of power by him. Nevertheless, true to its salt, this dictator too succumbed to his covetous urges and tortuous propensities of his colleagues and erased the aforesaid Act from the Statue Book. Nothing better happened with the experience of the Ehtisab Act, 1973, and National Accountability Ordinance, 1999 which was promulgated by General Musharraf, the last dictator of the country. He too, at the fag end of his career, entered into compromise with corrupt politicians in his party and even in opposition parties and enacted the National Reconciliation Ordinance, 2008 (NRO) by which the acts of highest corruption of public representative, bureaucrats and generals were condoned on the principle of expediency. Irrespective of the fact that the National Reconciliation Ordinance, 2008 was struck down by the Full Court of the Supreme Court, in the case, titled Mubashir Hassan Vs. Federation of Pakistan (PLD 2010 SC 265), as void ab initio, totally illegal and without any lawful authority and the Federation was directed to resume process against the involved persons in the Courts of Switzerland. Nevertheless, the aforesaid judgment has not so far been implemented despite lapse of more than three years.

5. With the march of time, the aforesaid pernicious Notification, dated October 24, 1954 started to spread its poison of corruption, jobbery and arbitrariness in the administrative, judicial and legislative infrastructures of the state. These pernicious tendencies became so pervasive and so overwhelming that these became the hallmark of governance in Pakistan. Ultimately, this corrosive poison led to dismemberment of Pakistan of the Quaid-e-Azam Muhammad Ali on December 16, 1971. Notwithstanding the above tragedy, the members of oligarchy, imposed as a consequence of the above noted Notification, worked day and night to patronize corruption, bribery, jobbery and demerit as a normative system of governance in our country. Encouraged by the acquiescence of civil society, the oligarchic combine started to send looted money from Pakistan and stash in the banks of the afore-noted safe paradises. Not only this, members of the ruling parties, members of the bureaucracy and members of the armed forces started to purchase moveable and immovable properties in the safe haven countries. Naturally, these kleptocratic activities emaciated Pakistan's economy and enriched only one percent aforesaid combine. A great divide between the have and have-nots created as a consequence of which more than seventy percent of population of this country was thrown into vortex of poverty and was totally deprived of the activities of the state like scheduled-caste in a superior caste society. This mass of the population was denied the basic necessities of home, food and education and health facilities. In this regard, statistics in a Budget of Pakistan, which is presented and passed by the parliament each and every year, is reflective of the aforesaid incontrovertible truth.

The banks of Switzerland, the banks of the U.S.A., the banks of other countries, flourish by leaps and bounds through illegal receipt of looted money from developing countries especially Pakistan with which this petition is concerned. This vicious wheel of bribery and corruption continued/continues to run and grind the people of Pakistan. The aforesaid states had consciously woven illegal webs through this money so easily attracted without any check and balance. For the aforesaid labyrinthine of law, it was almost impossible to identify and quantify the flow of the looted money from Pakistan to the aforesaid countries and also investment of such money in purchase of real estates in those countries.

6. Apart from the prosperity, such money brought to the banks of the aforesaid countries, this money also started to contaminate atmosphere of these developed countries in the shape of drugs, violence and ultimately the latest tragedy of 9/11 in the U. S. A. Alarmed with this new situation, hue and cry was raised in the developed countries which led to formation of institutions like Transparency International and Global Financial Integrity, 1319 18th Street, NW Suite 200, Washington DC 20036, U. S. A. and such like institutions in almost every country of the developed world. These institutions undertook to identify, quantify and diagnose the illegal and immoral money flows from developing world into the safe havens of these countries. The Transparency International, founded in Germany with its branches in different countries, started rendering positive services for third world countries including Pakistan. Pursuant to the aforesaid, the Transparency International Pakistan (herein Respondent No.7)

issued the National Corruption Perception Survey 2010 wherein it was stated that overall corruption in 2010 has increased from Rs.195 billion in 2009 to Rs. 223 billion in 2010. In order to demonstrate the spread of corruption, it will be useful to re-produce paragraph 1 and 4 of the National Corruption Perception Survey 2010 as under:-

“The National Corruption Perception Survey 2010 indicates that the overall Corruption in 2010 has increased from Rs.195 Billion in 2009 to Rs.223 Billion, and 70% Pakistanis says that present government is more corrupt than previous government. Most people considered the past Federal government to be cleaner. This is quite similar if we look at the response towards provincial governments, except Punjab. However, if we look at the results from provinces from a standalone point of view, Punjab is the only province where present provincial government is rated to be cleaner than previous provincial government and Pakhtonkawa Khyber is rated as the most corrupt province.

Syed Adil Gilani, Chairman TI Pakistan said that Corruption is the root cause of poverty, illiteracy, terrorism, shortage of electricity, food etc. and lack of governance in Pakistan, and that the credibility of Pakistan is almost at the lowest level, which can be seen from almost no funding in last two years from the Friends of Pakistan trust fund being managed by the World Bank. He said the most corrupt sector is Tendering which eats away at least 40% of Pakistan development budget and this is confirmed from the recent results of Transparent tendering for transportation of sugar in Trading Corporation of Pakistan where TCP has saved at least Rs 49.3 million by implementing Public Procurement Rules 2004, which is 40% lower than cost of same work awarded last year. Violators of PPRA are BOI, WAPDA, CDA, NHA, CCP, SECP, SBP, Customs, EOBI, ECP, EPZA, FIA, MOI, FPSC, FOS, GPA, Islamabad HC, JPCL, MoH, MoInv, MoPA, MoIT, MoPriv MoZakat, NIH, NSC, PCB, PEPA, PHF, NLC, NIC, PID, Priv. Commission, and Utility Stores Corp.”

A copy of the National Corruption Perception Survey 2010 is at page _____.

As a consequence of this galloping corruption, the corridor of government from the lowest to the highest has led to its complete supremacy in derogation of rule of law. The magnitude of this

menace has attained such an immeasurable proportion that the Consul General of Malaysia, in a press conference, openly stated that more than one hundred billion rupees had flown from Pakistan to the coffers of Malaysia under the scheme “Malaysia as your second home”. The leaders of political parties, members of higher echelon of bureaucracy, members of higher echelon of the armed forces and members of higher echelon of business community are openly investing the looted money in the countries like Switzerland, U.S.A., U. K, Spain, Germany, France South Korea, Malaysia U.A.E. etc. without any fear and impunity and without taking any care of the tax laws of this country.

7. In response to the identification of this spreading cancer of corruption in the body of international community, the United Nations rose from its slumber and passed an instrument in 2003 known as the United Nations Convention Against Corruption (UNCAC). Almost two years were taken to seek ratification of the Convention from the members of United Nations and so this Convention came into force on 14th December, 2005 and has so far been ratified by 130 countries including Pakistan and India. Admittedly, the UNCAC was the first internationally- designed Convention to curb massive corruption caused by the highest officials of the member countries. This convention was so designed with an objective to forge international front against the tentacles of spreading corruption. This was an ostensible purpose to curb outflow of the looted money by the public representatives and high officials of poor countries who were plundering the resources of such countries. Apart from the aforesaid first breakthrough in the

field of money-laundering, a number of other Conventions were formulated before this Convention which are being described as follows:-

1. O.E.C.D. Convention ratified by 37 countries.
2. United Nations Convention against Transnational Organized Crime, 2003.
3. Inter-American Convention Against Corruption (1997)
4. African Union Convention on Preventing and Combating Corruption and Related Offences (2003)

Pursuant to the objectives of the aforesaid Conventions, the United Nations created a number of organizations named below:-

1. United Nations Office on Drugs and Crime (UNODC),
2. Stolen Assets Recovery Initiative (World Bank) (StAR),
3. International Centre for Asset Recovery (ICAR),
4. the International Association for Asset Recovery (IAAR),
5. Transparency International (TI),
6. Financial Action Task Force (FATF),
7. Organization for Security and Co-operation in Europe (OSCE),
8. U4 Anti-Corruption Resource Centre (U4),

In addition to the aforesaid organizations, following regional networks were organized to assist the objectives of the United Nations Convention Against Corruption (UNCAC)

1. Camden Asset Recovery Inter-Agency Network (CARIN)
2. Commonwealth Network of Contact Persons
3. Corruption Hunters Network
4. European Judicial Network
5. Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition of the Organization of American States
6. Ibero-American legal Assistance Network

In order to put into operational strategies, organizations were designed for the purpose of retrieval of the money looted from poor countries and stashed in banking sectors of the safe havens and for repatriation of such identified money back into the coffers of

impoverished countries. **A copy of the United Nations Convention Against Corruption (UNCAC) is attached with this petition at page _____.** In order to provide a consolidated book of these conventions and applicable laws, a Hand Book was prepared under the aegis of Stolen Assets Recovery Initiative (StAR) by Jean-Pierre Brun, Larissa Gray, Clive Scott and Kevin M. Stephenson. **A copy of the Asset Recovery Hand Book A Guide for Practitioners is attached with this petition at page _____.**

8. The above narrative of legal infrastructure devised by the United Nations and its agencies will be incomplete without making reference to such efforts made by the Confederal Parliament of Switzerland. It may be noted, at this juncture, that the Swiss Confederation had been, for a long time, the safest haven where the money laundered from poor countries was stashed in their banks and was utilized in scientific development of Switzerland and improvement of the quality of life of the Swiss citizens. The aforesaid banks were organized on the basis of such laws which promoted foolproof system of secretiveness. These Swiss banks had evolved such banking practices under the shadow of which the accounts were opened in a highly surreptitious manner i.e. code numbers were issued to the depositors which were only known to them, so much so that even sons and daughters of the accounts holders had no knowledge of such codes. History repeats itself. The tax evaders, kleptocratic politicians, dishonest bureaucrats and even greedy people, from the armed forces from western countries, namely, U.S.A. U. K. Germany, France and other highly developed

countries manoeuvred to deposit black money, money received through kickbacks and so on so forth in the banks of Switzerland. These illegal inflows of stolen money adversely affected even the economies of the afore-noted developed countries. Confronted with this situation and alarmed with their staggering economies, these countries brought pressure on Switzerland and forced them to lift veil on total secrecy over their banking transactions. It was in these circumstances of intimidation and pressure by the western countries when Swiss Parliament passed a Federal act on the restitution of assets of politically exposed persons obtained by unlawful means on 1st October, 2010. This Act was known as the Restitution of Illicit Assets Act (RIAA). This Act has 15 sections which provided solution to the problems being faced by rich countries of the American hemisphere and Europe. **A copy of the English translation of the Act by Swiss authorities, downloaded from Internet, is attached with this petition at page _____.** This Act opened a Pandora box whereunder the people of poor countries started moving applications for initiation of process of repatriation of money laundered and stashed in these banks. Now even the developed countries like U. S. A. started action for repatriation of money laundered from their country. It was on March 13 2011 when Swiss banks asked their Government to reject mass requests for such information in order to retain as much laundered moneys as possible. This news too disclosed that a treaty between India and Switzerland to seek details of illicit wealth stashed away by the Indians in Swiss banks is before the Swiss Parliament. **A copy of this news published in some Indian**

newspaper, dated March 13, 2011 is at page _____. A number of papers were written on these new Swiss laws and one of the significant articles, “New Swiss law on recovery of “illicit assets” from 1 February, 2011” was written by Jonathan Wheeler and Jade-Alexandra Fearn. **A copy of this article is attached with this petition at page _____**. A copy of another document of importance **titled “September 2010 - The Economic Significance of the Swiss Financial Centre” is also being attached with this petition at page _____**. An article by Faisal Khan on Corruption in Pakistan is another document of significance. **A copy of this Article is at Page _____**. The fragrance, so generated by the Swiss new legal dispensation, spread in the world like fire and a great Pakistani scholar “Ibn-e-Umeed” undertook a review of the afore-stated Swiss laws, completely analyzed its ramifications on kleptocratic governance in Pakistan, came up with horrifying conclusions and suggested solutions. The relevant part of the Article by Ibn-e-Umeed, is being reproduced as follows:-

“According to the 2010 Private Banking Survey by consultancy McKinsey, Switzerland last year experienced net outflows worth 1 percent of its private banking assets. Those were mainly attributable to transfers by scared European clients. Switzerland continued to enjoy inflows from Asia, Latin American, Russia and Eastern Europe, confirming its global attraction as a wealth management centre, McKinsey said. Some of Switzerland’s oldest private banks, date back to more than 200 years ago and its polyglot private bankers are used to trading in any currency and any product. The influential and rich Pakistanis, who are mostly crook, corrupt and tax evaders, have hidden accounts in Switzerland. The enormous money looted by indomitable civil-military bureaucracy and greedy businessmen-cum-politicians is also parked in Swiss banks. If advantage of the RIAA is taken, they will not be able to hide their untaxed Swiss bank accounts any more. Pakistani tax authorities can

be directed by the apex court to seek information under Avoidance of Double Taxation and Exchange of Tax Information with the Swiss government.

After passage of RIAA, Switzerland cannot restrict its administrative assistance to cases of presumed tax fraud (which involves the falsification of documents). It is legally bound to provide information where tax evasion is suspected – in other words, where money not declared to national tax authorities has been deposited in a Swiss bank

Pakistani corrupt officials and politicians have been transferring huge amounts of money to Swiss banks. This money, generated through illegal activities by avaricious politicians, corrupt bureaucrats, Jihadi-terrorist-drug-for-arms networks and greedy businessmen, was never disclosed to tax department. Pakistan is facing a grim challenge of measuring and countering enormous revenue leakages and black money-its size estimated to be three times the regular economy. Till today, no effort appears to have been made by the National Accountability Bureau (NAB), Federal Board of Revenue (FBR), Federal Investigating Agency (FIA, Anti-Narcotics Force (AFN) or Narcotics Control Board to conduct an in-depth study to quantify the magnitude of black money and amounts shifted to Swiss banks. According to an estimate, it is not less than 200 billion dollars-four times the external debt of Pakistan.

According to an estimate, the money lying in Swiss banks of Pakistanis is to the tune of US \$200 billion, which appears plausible as parallel economy is growing at an alarming rate of 20% per annum. Every fifth rupee transacted in Pakistan is black. The volume of black money generated in the year 2008-09 alone was not less than US\$40 billion. This is still not final. It does not account for kickbacks in arms deals, foreign trade, smuggling and foreign exchange racketeering, apart from trade in narcotics and other criminal activities by terrorist Jihadi outfits. According to various studies, the underground money generated through smuggling in goods and narcotics trade alone is estimated at US \$50 billion.

Pakistani policy-makers must realize that a sound development strategy seeks to reduce the size of the informal economy and bring into the open resources that lie in the form of black money. Apart from such mechanisms as foreign exchange and tax amnesties; and exercises such as demonetization, taxation is used as a tool to tap the resources inherent in these areas. According to a conservative estimate, tax evaders in Pakistan annually deprive the country of revenue of over US\$10 billion-but the government, instead of putting them behind bars, encourages their unlawful activities.

Our politicians, policy-makers and tax managers during the last many years have miserably failed to tap untaxed money despite borrowing a whopping US \$100 million for Tax Administration Reforms, Dubai, Johannesburg and elsewhere.

A survey carried out by a reputed Lahore-based academic institution a few years back, as a part of tax reformation drive, concluded that out of every Rs 100 taxable amount, the highest amount of Rs.38, of course, goes to the taxpayer, a typical Pakistani businessman.

The taxman, an officer in come tax department, gets Rs.16 for his services to the tax payer in helping him to conceal his real income. The middleman, who is a tax practitioner, advisor or a lawyer gets Rs.10. If these estimates are taken as true, then the annual national tax loss for fiscal year 2009-2010 was not less than Rs.500 billion-half of which is transferred to Swiss banks.

It is not possible to determine the precise amount of revenue loss and size of black money or shifting of money abroad. Revenue loss on account of smuggling of Afghan transit trade alone, as estimated by the World Bank, amounted to US \$35 billion. Apart from direct monetary costs of corruption, both Pakistani and international literature pinpoint many other costs, such as loss of government credibility, spread of injustice, distortions in resources allocation and loss of foreign and local investment.

When the presence of black money is so apparent, its criminal accumulation and generation are not revealed and the offenders punished, is a question which continues to baffle honest citizens. They ask, whether it is on account of lack of political will, or rampant corruption, or collusion of tax dodgers and corrupt tax administrators, or the weak political system, or the ineffectiveness together with defectiveness of laws, or the pervasive stubborn indifference of the citizens towards their duties?

The ugliest face of black money emerges in the corridors of power, political as well as administrative. Pakistan is passing through the worst financial crisis of its history, i.e.the crisis of resources manifested in the huge revenues of Rs.500 billion for rehabilitations of the afectees. Revenue has to be collected from the rich and mighty. Money looted by them parked in Swiss banks-should be brought back using the unique nature of the RIAA.

The Government, therefore, needs to introduce asset-seizure legislation to confiscate the mammoth reservoir of the untaxed black money-huge chunk of which is lying in the Swiss banks. It is now time to seek information from Swiss government as has been done by India, the US, EU countries and many other governments in Asia and Africa. In case swift action is not taken to seize money and property arising out of corruption, tax evasion, narco-arms-trade and other unlawful activities, the day is not far when our tolerance towards ill-gotten wealth leads to self-annihilation.”

A copy of this Article is attached with this petition at page

_____ .

9. With the march of time and with the supremacy of fundamentals of unbridled capitalism, vicious system, of laundering of black money from impoverished countries to highly developed countries, became so rampant and so pervasive in global economy that with the demise of the era of Hosni Mubarak, it came to light that the former Egyptian President had looted money indiscriminately from Egypt and stashed it in the banks of safe haven countries, named above. Confronted with his downfall and alarmed by the re-action of global community, Swiss Bankers Association, immediately took initiative, sent a delegation to meet the new rulers of Egypt and proclaimed that the Swiss Government would freeze all the black money laundered by the Egyptian President and stashed in their banks and would take all necessary steps to return these frozen assets to the people of Egypt. It can be safely stated in the context of the above laudable development that the guilty conscience of the Swiss Government awoke and decided to return the black money of Hosni Mubarak to the people of Egypt irrespective of rigmorals of the United Nation's Convention UNCAC and the Swiss law, "Restitution of Illicit Assets Act (RIAA). **A copy of this News, published, in the Daily News, Egypt, dated May, 11, 2011 and downloaded from Internet, is attached with this petition at page _____.** Similarly, one more document, downloaded from the Internet, is amazingly instructive. This document shows that the Indian elites have laundered almost 1.5 trillion dollars from India and stashed in the Swiss Banks. **A copy of this document is at page _____.** A brave person, like WikiLeaks' founder, Julian Assange, in an interview with an Indian newspaper, disclosed that

the Indian businessmen had stolen almost 1.5. trillion dollars from the Indian economy and kept it in the safe havens of Switzerland, U.S.A, U.K, Germany, Canada, Spain, South Korea, Malaysia, U.A. E and other countries. **A copy of this document is at page _____.** It seems very necessary to note that the aforesaid disclosures have led to unprecedented agitation under the leadership of Anna Hazare who is emphatically asking the Indian Parliament to pass an extremely effective and efficacious law for retrieval of the money looted from India and kept in the safe lockers of the safe haven countries.

10. From the afore-going narration, it becomes abundantly clear that the vicious spirit of bribery, corruption, jobbery, patronage etc has so gravely pervaded the political parties and institutions of the state with the result of which Islamic Republic of Pakistan has become financially emasculated and become almost dysfunctional by the decades of loot and plunder initiated from 1950 to 2011. The state of Pakistan has been so emasculated that the structure of the state is being kept alive with the help of loans obtained from IMF, World Bank, Asian Development Bank, Paris Club and other financial lending institutions. An internal study further reveals that out of these loans only less than 50% of the sanctioned loans reach Pakistan while the remaining are re-directed to the banks of safe haven countries. This downslide is so grave and so enormous that Pakistan has to pay such a great amount by way of interest which is more than our defence spending. No adequate money in budgetary allocation is available for the purpose of health care and education. The worst part of this saga is that the leaders of political parties,

senior members of bureaucracy, senior members of the armed forces and businessmen are not free from the blame of this state of affairs. A number of institutions, in highly developed countries, like Transparency International, Global Financial Integrity and other institutions on corruption are undertaking massive research on the subject of corruption and decline of the state in Pakistan. A number of websites are exhibiting details of money laundered by politicians, generals, bureaucrats, businessmen from Pakistan stashing in foreign banks and details of the real estate properties purchased by the aforesaid segments of the society. Irrespective of the above researches, the petitioner and his legal team has not been able to find out mathematical quantity of the money laundered by the afore-noted kleptocracts. Approximately, it is estimated by a number of researchers that more than two hundred billion dollars, looted from Pakistan, are stashed only in the banks of Switzerland and more than this money is kept in the banks of safe haven countries, like Switzerland, U.S.A, U.K, Germany, France, Canada, Spain, South Korea, Malaysia, U.A. E. Irrespective of all these researchers, different websites of different institutions on Internet are replete with pictures of the properties allegedly purchased by these kleptocracts in the aforesaid countries. Guided by the principle of pre-pondering caution, the petitioner is not in a position to say with certainty that these pictures and information on such websites are mathematically correct or exaggerated. In the context of the above situation, the petitioner has not attached such pictures with this petition. This Hon'ble Court may call for researchers to seek information from all the available websites of different

institutions engaged in the research on money laundering. The afore-noted are the circumstances which prompted the petitioner to beseech Suo Moto jurisdiction of this Hon'ble Court under Article 184 (3) of the Constitution.

11. That the requisite court fee of Rs. 250/- has been affixed on this petition.

PRAYER

- i. That the U.N. Secretary General, Ban Ki-moon, UN Headquarters, New York be asked to initiate action/investigation under the machinery designed by the U.N. known as Stolen Assets Recovery (StAR) Initiative, Washington, U.S.A. in consonance with Chapter V, VI, VII and VIII of the United Nations Convention against Corruption.
- ii. That the investigative unit of the StAR be directed to make thorough investigations in the matter of black money laundered from the soil of Pakistan and stashed in the banks of safe haven countries, like Switzerland, U.S, U.K., Germany, France, Canada, France, Spain, South Korea, Malaysia, U.A.E. and other countries and make arrangements for restitution of so quantified looted money from Pakistan and stashed in the coffers of the afore-stated countries.
- iii. That the aforesaid countries be directed to find out the money so laundered and so kept in the banks of the aforesaid

countries and devise strategies for its restitution to the Government of Pakistan. This Hon'ble Court may ask, through letter of request, the Ambassadors of the aforesaid countries/Respondents Nos. **9 to 18** to activate anti-corruption agencies in their countries in accordance with the principles of fairness, decency and humanity incorporated in the United Nations Convention Against Corruption and the Stolen Assets Recover (StAR) Initiative, Washington, U.S. and submit reports to this Hon'ble Court with respect to the real estate properties purchased by politicians, retired members of bureaucracy, retired members of armed forces of Pakistan on the soil of their countries so as to uphold the flag of rule of law, humanity and decency. The Ambassadors of the above countries represent the highly developed nations, which are economically affluent and are suffering from stigma of money laundering for their apparent prosperity. This court may, through letter of request, ask them to devise strategies of fairness, decency not only within their countries but in the whole globe.

- iv. Secretary, Election Commission of Pakistan/respondent No.19 be directed to collect data regarding the assets declared by the parliamentarians and submit its report as to whether these assets have been made through legal or illegal means. Furthermore Secretary, Election Commission of Pakistan be directed to ask the Parliamentarians to furnish the details of assets held by them in the safe haven countries.

The Co-Chairperson, Bilalwal Zardari/respondent No.20, Mian Muhammad Nawaz Sharif, President, PML (N)/respondent No.21, Ch. Shujaat Hussain, President, PML (Q)/respondent No.22, Dr. Farooq Sattar, Convener, MQM/respondent No.23, Asfandyar Wali Khan President, ANP/respondent No.24 Maulana Fazal-ur-Rehman Amir, JUI/respondent No.25, Syed Munawar Hassan, Amir, Jamaat-e-Islami/respondent No.26 and Imran Khan, Chairman, Pakistan Tehreek-e-Insaf/respondent No.27 be directed to furnish lists of cash and assets held by them in bank accounts as well as real estates purchased by its members and office bearers outside Pakistan in the aforesaid countries.

- v. That this Hon'ble Court may itself constitute a Commission of Truth comprising retired Judges of superior judiciary and retired members of civil service whose integrity has been beyond any doubt with a direction to undertake investigation into the assets of politicians, retired members of bureaucracy, retired members of armed forces, businessmen and Judges, in and outside Pakistan so that a system of transparency, accountability and necessary legal infrastructure can be designed for seeking restitution of the money laundered from the soil of Pakistan and deposited in the safe haven countries.

- vi. The Government of Pakistan be directed to enter into Agreement/laws of mutual assistance to unearth and quantify money laundered from Pakistan and deposited in the safe heaven countries. It is repeated that the expression of “safe heaven countries.” means “Switzerland, U.S.A, U.K., Germany, France, Canada, Spain, South Korea, Malaysia, U.A.E.
- vii. Any other legal strategy, which this Hon’ble Court deems fit be devised, to save Pakistan from financial bankruptcy and save it from the clutches of international financial lending institutions like IMF, WB, Asian Development and others.

(Mian Allah Nawaz)
 Sr. Advocate Supreme Court
 2nd Floor, Annexe Aiwan-e-Auqaf
 Near Lahore High Court,
 Lahore
 Phone No.37355679

(Mehr Khan Malik)
 Advocate-on-Record
 Supreme Court of Pakistan,
 Islamabad

Dated 27.8.2011

CERTIFICATE

Certified that no other Petition has been filed in the Supreme Court on the subject, on behalf of the petitioner.

Advocate-on-Record

IN THE SUPRME COURT OF PAKSITAN
(*Original Jurisdiction*)

Petition No. _____/2011
(Human Rights)

Senator Muhammad Ali Durrani
Versus
Government of Pakistan and others

AFFIDAVIT OF FACTS

AFFIDAVIT OF Mehr Khan Malik,

A.O.R., Supreme Court of Pakistan, Islamabad

I, the above named deponent do hereby solemnly affirm and declare as under:-

That the averment of facts contained in the accompanying petition under Article 184 (3) on behalf of the petitioner is correctly based on the instructions and information derived from perusal of record of the case which I believe to be true.

Verified on oath at Islamabad, this _27th day of August, 2011.

(Mehr Khan Malik)
Advocate-on-Record,
Supreme Court of Pakistan,
Islamabad

IN THE SUPRME COURT OF PAKSITAN
(*Original Jurisdiction*)

**Petition No. _____/2011
(Human Rights)**

Senator Muhammad Ali Durrani
Versus
Government of Pakistan and others

AFFIDAVIT OF SERVICE

AFFIDAVIT OF Mehr Khan Malik, A.O.R.,

Supreme Court of Pakistan, Islamabad

I, the above named deponent do hereby solemnly affirm and declare as under:-

That I have served the respondents with Notice, sent under Registered Post about filing of the titled petition under Article 184 (3) of the Constitution, on behalf of the petitioner in this Hon'ble Court at Islamabad.

Verified on oath at Islamabad, this _27th day of August, 2011.

(Mehr Khan Malik)
Advocate-on-Record,
Supreme Court of Pakistan,
Islamabad

IN THE SUPRME COURT OF PAKSITAN
(Original Jurisdiction)

**Petition No. _____/2011
(Human Rights)**

Senator Muhammad Ali Durrani
Versus
Government of Pakistan and others

NOTICE

To:

1. Government of Pakistan through Secretary Establishment, Secretariat, Islamabad.
2. Government of Pakistan through Secretary Defence, Islamabad.
3. The United Nations through its Secretary General, Ban Ki-moon, New York, U.S.A
4. Swiss Bankers Association, Aeschenplatz-7, 2nd Floor, 4002, Basel, Switzerland
5. The Stolen Assets Recovery (StAR) Initiative Secretariat, 1818 H Street, NW, Washington D. C. 20433, U.S.A.
6. Global Financial Integrity, 1319 18th Street, NW Suite 200, Washington DC 20036, U.S.A.
7. Transparency International, Pakistan through its Chairman, 5-C, 2nd Floor, Khayaban-e-Ittehad, Phase VII, D.H.A., Karachi.
8. Transparency International Secretariat, Alt-Moabit 96, 10559, Berlin, Germany.
9. His Excellency the Ambassador of Switzerland in Pakistan, Islamabad
10. His Excellency the Ambassador of the United States of America in Pakistan, Islamabad.
11. His Excellency the Ambassador of the United Kingdom in Pakistan, Islamabad.
12. His Excellency the Ambassador of Canada in Pakistan, Islamabad
13. His Excellency the Ambassador of Germany in Pakistan, Islamabad.
14. His Excellency the Ambassador of France in Pakistan, Islamabad.
15. His Excellency the Ambassador of Spain in Pakistan, Islamabad

16. His Excellency the Ambassador of South Korea in Pakistan, Islamabad.
17. His Excellency the Ambassador of Malaysia in Pakistan, Islamabad.
18. His Excellency the Ambassador of United Arab Emirates in Pakistan, Islamabad.
19. Election Commission of Pakistan through its Secretary, Islamabad
20. Pakistan Peoples Party Parliamentarians through Makhdoom Amin Fahim, House No.1, Street No.85, G-6/4, Islamabad.
21. Pakistan Muslim League (N) through its President, Mian Muhammad Nawaz Sharif, H. No. 20-H, Street 10, Sector F-8/3, Islamabad.
22. Pakistan Muslim League (Q) through its President, Ch. Shuja'at Hussain, Central Secretariat, 4, Margalla Road, Sector F-7/3, Islamabad.
23. Muthidda Qaumi Movement through its Convener, 494/8 Azizabad, Karachi.
24. Awami National Party through its President, Asfandiyar Wali Khan, Baacha Khan Markaz, Pajaggi Road, Peshawar.
25. Jamiat-e-Ulama-e-Islam (F) through its Ameer, Maulana 3Fazal-ur-Rehman, Jamia-al-Moarif, Al-Sharia, Dera Ismail Khan.
26. Jamaat-e-Islami Pakistan through its Ameer Syed Munawar Hassan, Mansoor, Multan Road, Lahore
27. Pakistan Tehreek-e-Insaf, through its Chairman, Imran Khan, H. No.2, Street No. 84, Sector G-6/4, Islamabad.

Please take notice that I have filed the titled petition, under Article 184 (3) of the Constitution in the Supreme Court of Pakistan at Islamabad on behalf of the petitioners.

Issued at Islamabad this 27th day of August, 2011.

(Mehr Khan Malik)
Advocate-on-Record,
Supreme Court of Pakistan,
Islamabad

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

C. M. A. No. _____/2011

IN

Constitutional Petition No. _____/2011
(HUMAN RIGHTS)

Senator Muhammad Ali Durrani, son of Ghulam Muhammad, resident of 186-Model Town, Lahore.

VERSUS

Government of Pakistan through Secretary Establishment, Islamabad and others.

APPLICATION under Order XXXIII, Rule 1 and 6 of the Supreme Court Rules 1980, read with section 151 of the C. P. C.

The applicant/petitioner respectfully submits as under:-

1. The applicant/petitioner has filed a constitutional petition (as a human rights case} under Article 184 (3) of the Constitution (1973). In this petition, apart from Government of Pakistan, the United Nation, through its Secretary General, Ban Ki-moon/Respondent No.3, Swiss Bankers, Association/Respondent No.4, The Stolen Assets Recovery (StAR) Initiative, Washington D.C./Respondent No.5, Global Financial Integrity, Washington D.C./Respondent No.6, Transparency International, Pakistan/Respondent No.7, Transparency International Secretariat, Germany/Respondent No.8, The Ambassador of the Switzerland in Pakistan/Respondent No.9, the Ambassador of the U. S. A. in Pakistan/Respondent No 10, the Ambassador of the U.K. in Pakistan/Respondent No.11, the Ambassador of Canada in Pakistan/Respondent No.12, the Ambassador of Germany/respondent No.13, the Ambassador of France//respondent No.14, the Ambassador of Spain in Pakistan/Respondent No.15, the Ambassador of South Korea in Pakistan/Respondent No.16, the Ambassador of Malaysia in Pakistan/Respondent 17 and the Ambassador of the U.A.E. in Pakistan/Respondent No.18 have been impleaded as parties. Respondent No.3 is the chief executive of the United Nations, while respondent No.5 is an institution designed to investigate, quantify and identity the money laundered from poor countries and stashed in rich countries. With the march of time, the aforesaid countries have awakened to the realities on the globe and are helping impoverished countries to make claims for the black money received through kickbacks and being retained in the banks of the safe haven countries, Switzerland, U.S.A.,

Canada, U. K. Germany, France, Spain, South Korea, Malaysia and U. A. E. The United Nations has devised comprehensive strategies for the restitution of illegally-gotten money of the poor countries and the afore-stated countries and United Nations has arranged for repatriation of such money from the banks of these countries. It appears that sanity and justice is coming to the rescue of the poor countries like Pakistan. The aforesaid countries have evolved comprehensive system of investigation and identification of the looted money from the poor countries and are also helping these countries to regain such moneys.

2. Respondents Nos. 3 to 18 have been impleaded in this petition in consonance with their noble cause and working for high values. No summon or order can be sent to these respondents for appearance before this Hon'ble Court. In view of the above, this application is being filed for the purpose of issuing them letter of request by the Supreme Court of Pakistan to respondents Nos. 3 to 18 for the purpose of helping Pakistan and setting in motion machinery of the United Nations and their own anti-corruption agencies for investigation and identification of the looted money from Pakistan and being stashed in the above safe haven countries. The United Nations has full authority to undertake such investigations under its institutions like StAR (Stolen Assets Recovery Initiative). Pakistan has to pay foreign loan of approximately more than sixty billion dollars while approximately more than 400 billion dollars, looted from Pakistan, are being kept in the banks of the aforesaid countries. Now the situation has reached such a pitch that President Obama has asked the Swiss Government to give a list of those

businessmen who have laundered money from the U. S. A. and stashed in the banks of Switzerland. This is the most laudable precedent and the people of Pakistan want to make similar request to the United Nations, investigative institutions and all other officials starting from respondents Nos. 9 to 18.

PRAYER

Under the circumstances given above, it is respectfully submitted that letters of request be graciously sent from the Supreme of Pakistan to respondents Nos. 3 to 18 requesting them to help the down-trodden and impoverished people of Pakistan to identify and quantity the moneys looted from Pakistan through kickbacks, commission, corruption, jobbery and nepotism by the kleptocratic politicians, kleptocratic, bureaucrats, kleptocratic businessmen, kleptocratic members of the armed forces, kleptocratic members of superior judiciary and stashed in the safe haven countries, namely, Switzerland, U.S.A., Canada, U. K. Germany, France, Spain, South Korea, Malaysia and U. A. E. and send report of their noble effort to the apex Court of Pakistan.

(Mian Allah Nawaz)
Sr. Advocate Supreme Court
2nd Floor, Annexe Aiwan-e-Auqaf
Near Lahore High Court,
Lahore
Phone No.37355679

(Mehr Khan Malik)
Advocate-on-Record
Supreme Court of Pakistan,
Islamabad

Dated 8.9.2011