

BEFORE THE HONOURABLE COMMISSION CONSTITUTED BY THE HONOURABLE SUPREME COURT OF PAKISTAN VIDE ORDER DATED DECEMBER 30, 2011 PASSED IN CONSTITUTION PETITIONS NOS. 77 TO 85 & 89 OF 2011 & CMA NO. 5505/2011 IN CONSTITUTIONAL PETITION NO.79 OF 2011

IN THE MATTER OF INQUIRY IN TO THE  
QUESTIONED MEMORANDUM

APPLICATION FOR IDENTIFYING THE FORENSIC SPECIALIST  
AND DEPUTING HIM TO VISIT BERKSHIRE, ENGLAND SERVER  
AS WELL AS IRVING, TEXAS, USA SERVER FOR COLLECTION  
OF THE REQUISITE DATA

Respectfully Stated:

1. That the Honourable Supreme Court in its order dated 30-12-2011 held in paragraph 10 that:

*“It is to be noted that the reply submitted before the Court by Mr. Mansoor Ijaz, inter alia, comprises of certain documents including exchange of e-mails and other communications using the BlackBerry Messaging service commonly known as BBM between them i.e. Mansoor Ijaz and Husain Haqqani were in constant touch either through BBM, e-mails or voice calling w.e.f. 9th to 12th May, 2011. In fact during relevant days, as many as 85 BBMs, voice calls and e-mails were exchanged between the two. Prima facie these communications form the most important piece of evidence regarding purported contacts between the two for the purposes of drafting the alleged Memo. In addition to these dates, Mansoor Ijaz also claims that he had electronic /telephonic interactions with Husain Haqqani on October, 28 and November, 1 2011. Therefore, in the interest of justice, it is appropriate to get the confirmation about the veracity and authenticity of these communications from the original company known as Research in Motion (RIM) based in Canada being the sole and exclusive custodian of such information. Therefore, the learned Attorney General is directed to contact the said Company RIM through Secretary, Ministry of Foreign Affairs for getting confirmation about the authenticity of the above mentioned electronic communications exchanged between Mansoor Ijaz and Husain Haqqani. This confirmation may be obtained at the earliest and in order to save and protect the forensic evidence and to scrutinize the same it should be produced before the Commission. As forensic evidence is likely to be collected from the company Research in Motion*

*(RIM) based in Canada, therefore, the High Commission of Pakistan in Canada is directed to cooperate and assist the Commission as well.”*

2. That pursuant to this order a notice has been sent to Research in Motion Ltd (hereinafter referred to as “RIM”) Canada at the following address: 295 Phillip Street, Waterloo, Ontario, Canada N2L 3W8.
3. That in fact, it is submitted with great respect and humility that it could be much faster for expeditious compliance with the deadline set by the august Supreme Court that this Honourable Commission in terms of its order dated 2<sup>nd</sup> January 2012 appoints its forensic specialist and directs him to visit the CEO of RIM at the site of its server for European communications at Berkshire, England,

**RESEARCH IN MOTION EUROPEAN HQ**  
**Research In Motion**  
**200 Bath Road**  
**Slough, Berkshire, SL1 3XE**  
**United Kingdom**

and at Irving, Texas, USA,

**RESEARCH IN MOTION USA HQ**  
**122 West John Carpenter Freeway**  
**Suite 430**  
**Irving, Texas 75038**  
**U.S.A.**

for collection of the requisite data, and to ease the burdens on this Honourable Commission in the collection of key evidence, Applicant Mansoor Ijaz shall voluntarily and willingly waive his privacy rights with regard to his two PIN numbers as they relate to all communications that took place with the two PIN numbers set forth below as allegedly belonging to Mr Husain Haqqani:

**PIN used in 09-12 May BBM chat exchanges: 2100A04F**  
**PIN used in 28 Oct until 4 Nov chat exchanges: 21A5EC74**

The PIN numbers used by former Ambassador Haqqani were:

**PIN used in 09-12 May BBM chat exchanges: 2326A31D**  
**PIN used in 28 Oct until 4 Nov chat exchanges: 287EF1E9**

4. It may be expedient in the ends of justice to issue process to the Chief Legal Officer of RIM, Mrs. Karima Bawa, and to the Head of European Operations, Mr. Stephen Bates, and the Head of USA Operations in Irving, Texas where the two data servers are located that would hold the technical data and record of communications that the Honourable Commission seeks access to between the Applicant and Mr. Husain Haqqani. As Applicant Mansoor Ijaz is willing to waive his privacy rights with RIM, it is therefore only necessary for the Honourable Commission to issue process to RIM with respect to the two PIN numbers allegedly utilized by Mr. Haqqani during the May and Oct/Nov time periods. In doing so, the Honourable Commission avoids lengthy and protracted subpoena procedures that may not offer the results desired in the timeframe of the Honourable Commission's mandate.
5. The communications records of all PIN numbers through which communications take place on servers managed by RIM continue to be available even if the communicating parties delete the same from their own devices as apparently has been done by Mr. Haqqani.
6. This Honourable Commission has rightly issued process to the corporate headquarters of RIM in Canada, but retrieval through traditional subpoena approaches of these records is likely to take long time given stringent privacy laws in the United Kingdom and the United States, and RIM's own internal privacy policies. The proposed procedure herein will, in our humble opinion, speed the process of discovery.
7. That as Respondent Mansoor Ijaz is waiving such rights to facilitate full disclosure of the facts, we believe it is only just and fair that the Honourable Commission require the same of Mr. Haqqani in the interests of justice.
8. It is further, most respectfully requested that this Honourable Commission may kindly issue process to the telephone service providers of Mr. Husain Haqqani (presumably either ATT,

Verizon or Sprint) in the United States to obtain records of his telephone calls made during the periods in question from April 22, 2011 until November 30, 2011. These records shall be requested for both his numbers, +1 202 270 2570 and +1 617 953 2835. We respectfully inform the Honourable Commission that Mr. Mansoor Ijaz will instruct his service provider in the United Kingdom to provide a copy of the relevant telephone records directly to this Commission upon his presence in front of the Honourable Commission to present his testimony.

9. It is further, most respectfully requested that this Honourable Commission may kindly direct Counsel General of Pakistan at its High Commission in London to immediately issue Mr. Mansoor Ijaz the necessary visa to visit Pakistan and may also further direct the relevant agencies of the Federation to take all possible measures for his safety, security and similar concerns as he is coming to depose contrary to an apparently conflicting point of view with the Federal Government.
10. That his safe return may also be ensured by this Honourable Commission after making this deposition.
11. It is most respectfully submitted that this task/process of visiting by forensic specialist of the PTA may not be possible to be achieved earlier than Monday the 16<sup>th</sup> January 2012 on which date and up till 20<sup>th</sup> of January, the Applicant undertakes to remain available for his testimony before this Honourable Commission. The Applicant is also willing to submit his handsets to this Honourable Commission for forensic investigation under an agreed upon procedure with this Honourable Commission's forensic specialists.

**PRAYER:**

It is therefore, most respectfully prayed that in order to render unquestionable obedience to the order of the Supreme Court dated 30<sup>th</sup> December 2011 and the order of this learned and distinguished Commission dated 2-1-2012 and further, to have the objectives of the

Supreme Court order for expeditious disposal of the matter within mandated time stipulated by the apex court the forensic specialist may kindly be deputed to visit the two server sites of RIM having custody of the relevant data of communication i.e the server of Berkshire, UK and Irving, Texas, US.

The appropriate and designated functionaries may also be directed to issue process to the Chief Legal Officer of RIM and the Heads of the European and USA divisions of RIM where the Servers are located and that this task may be directed to be completed within one week commencing 9<sup>th</sup> of January 2012 enabling the Applicant/ Respondent to appear before this most distinguished and learned commission for making his depositions and for having the relevant record of communication duly forming part of the evidence.

**APPLICANT  
(Mansoor Ijaz)**

**Through Counsels**

**Mohammad Akram Sheikh  
Senior Advocate**

**Natalya Kamal  
Advocate High Court**

**Sajeel Sheryar  
Of Lincoln's Inn, Barrister &  
Advocate High Court**

**Dated: 06-01-2012**