

R E P O R T

OF

THE COMMISSION OF INQUIRY
comprising

Mr. Justice Anwar Zaheer Jamali, President
Mr. Justice Ejaz Afzal Khan, Member
Mr. Justice Iqbal Hameedur Rehman, Member

Appointed *vide*
Notification (S.R.O.) No.2/125/2014(ops)-8221 dated 21.4.2014

to inquire into

The incident of firing

at

Mr. Hamid Mir
Anchor Person GEO NEWS TV CHANNEL
on April 19, 2014
at Karachi

Presented
to
The Government of Pakistan on 18 December, 2015

REPORT

Anwar Zaheer Jamali, President – On 19.4.2014, Mr. Hamid Mir, a renowned journalist and media person, received bullet injuries in an incident of firing at him while he was travelling in a car from Quaid-i-Azam International Airport, Karachi through Shakra-e-Faisal. The incident received wide coverage in the national and international electronic and print media. It was followed by agitation by the media people and members of civil society. The Government of Pakistan *vide* Notification (S.R.O) No.2/125/2014(ops)-8221 dated 21.4.2014¹, issued under section 3(1) and 5(1) of the Pakistan Commissions of Inquiry Act, 1956 with the concurrence of the then Hon'ble Chief Justice of Pakistan appointed a Commission of Inquiry comprising the following: -

- (i) Mr. Justice Anwar Zaheer Jamali, President
- (ii) Mr. Justice Ejaz Afzal Khan, Member
- (iii) Mr. Justice Iqbal Hameedur Rehman, Member

The terms of reference were as under: -

"The Commission shall ascertain facts, identify culprits and fix responsibility for the incident of firing on Mr. Hamid Mir on 19.4.2014 in Karachi. The Commission shall also make recommendations to avoid such incidents in future."

2. On 23.4.2014, a preliminary meeting of the Commission was convened wherein it was decided to issue a public notice² in the print and electronic media inviting the general public to provide to the Commission information pertaining to the incident. In response to such notice published in the Daily Jang (Urdu), the Daily Express (Urdu), the Daily News (English), the Daily Dawn (English) and the Daily Ibrat (Sindhi) and also aired on some of the TV channels on 27.4.2014, telephone calls/SMS/ emails were received,

¹ Annexure-1

² Annexure-2

which were brought on record for examination by the Commission at the appropriate time.

3. An email³ dated 27.4.2014 was received from Mr. Hamid Mir wherein he proposed certain questions for consideration of the Commission in finding truth as well as in helping rule of law, justice and free speech in the country. Those questions read as under: -

- (1) Who had Hamid Mir told of threats to him and from whom and what were those threats?
- (2) What happened to previous investigation of the bomb found under Hamid Mir's car in November 2013? Why did it stop?
- (3) On 29.8.2013 Major Wajahat threatened Hamid Mir through an SMS, which was broadcast live in the Capital Talk and later aired on Geo News. What was the background of Major Wajahat and was any investigation ever conducted into it?
- (4) Were there any security agencies which were monitoring or tracking the whereabouts or the telephonic conversations of media people and journalists? If so, reasons and justification therefor?
- (5) Was Hamid Mir's phone conversation being recorded at the time? Was his movement being tracked? If yes, why?

4. On 24.4.2014, notices/letters were issued to the following officers/officials to appear before the Commission: -

- (1) The Secretary, Home Department Sindh, Karachi
- (2) The Inspector General of Police, Sindh
- (3) The Director General, Pakistan Rangers, Karachi
- (4) The Senior Superintendent of Police Traffic, Karachi
- (5) The Deputy Inspector General, Special Branch, Karachi
- (6) The Joint Director General, Intelligence Bureau, Karachi
- (7) The Deputy Inspector General, (T&T), Karachi and
- (8) The Deputy Inspector General, East Zone, Karachi

In response to above notices/letters, following persons appeared before the Commission on 28.4.2014:-

- (1) Mr. Niaz Ali Abbasi, Secretary, Home Department

³ **Annexure-3**

- (2) Mr. Iqbal Mehmood, IGP, Sindh
- (3) Maj. Gen. Rizwan Ahmad, DG, Pakistan Rangers, Sindh
- (4) Mr. Shahid Hayat, Addl. IGP, Sindh
- (5) Mr. Arif Hanif, DIG, Traffic, Karachi
- (6) Mr. Munir Ahmed Sheikh, DIG, Sindh Police East Zone, Karachi
- (7) Mr. Moin Habib Khan, Joint Director, Intelligence Bureau
- (8) Mr. Muhammad Munir, Director, Intelligence Bureau

5. IGP Iqbal Mehmood stated that although DSP Ayub Bhurgari, SDPO, Police Station Airport, Karachi had been nominated as Investigating Officer (IO) of the crime, but looking at the sensitive nature of the incident, after registration of FIR at the Airport Police Station on 23.4.2014, various Agencies had been jointly engaged in its investigation. A presentation attended by the aforesaid officials was given so as to apprise of the Commission about up-to-date progress of investigation from various angles. During the presentation, it was informed that wide net of investigation had been thrown in different directions so as to reach to the real culprits involved in the commission of the crime. Besides, Additional IGP Shahid Hayat, on his request, was allowed to give in-camera briefing. Accordingly, on 15.5.2014, DIG East Munir Ahmed Shaikh played a video clip of about 10-15 minutes showing the efforts being made by the investigation team in apprehending culprits involved in the crime. The aforesaid officers were required to submit their respective reports along with relevant documents. A report from the office of Joint Director, Intelligence Bureau, Karachi, was received the same day, which was placed on record.⁴ It was mentioned therein, *inter alia*, that explicit warning was communicated to IGP Sindh and DG Rangers of impending threat against Geo officials as well as assets in Karachi as early as 25.2.2014. The IO was also required from time to time to submit progress report. In consequence, reports dated 2.5.2014, 6.5.2014, 9.5.2014 and 13.5.2014 were received.⁵ All these reports were found unsatisfactory as the

⁴ **Annexure-4**

⁵ **Annexures-5, 6, 7 & 8**

same appeared to be stereotyped and prepared without due application of mind. Therefore, the IO was directed to appear before the Commission on 3.6.2014 at 2.30 p.m. along with the material collected by him during the investigation process. On that date, SP Investigation Dr. Abbas Rizvi, DSP Ayub Bhurgari, IO and Inspector Mubeen, Member JIT, appeared before the Commission and assured that a detailed report of investigation made by the JIT constituted for this crime would be submitted. On 16.7.2014, in compliance with the notice dated 15.7.2014, SSP Investigation East-II/Head of JIT Dr. Abbas Rizvi and Sub-Inspector Tariq Javed Bhatti/Incharge Legal Branch appeared before the Commission and submitted following documents:-

- (1) Progress report of JIT
- (2) Progress report dated 3.12.2014 containing report under section 173 Code of Criminal Procedure (Class-A) and order dated 11.6.2014 passed by SSP Inv.II, East Zone/Head, JIT

The above reports/documents were placed on record.⁶

6. In the course of the proceedings of the Commission, statements⁷, mostly in the form of affidavits, of following persons were recorded: -

- (1) Mr. Mukhtar Ahmad (affidavit not filed)
- (2) Mir Ibrahim Rahman
- (3) Mr. Muhammad Umar Farooq Cheema
- (4) Mr. Motashimul Haq Thanvi (affidavit not filed)
- (5) Mr. Hamid Mir
- (6) Mr. Muhammad Iqbal Khattak
- (7) Ms. Amina Masood Janjua
- (8) Syed Aizaz Hussain Shah
- (9) Mr. Maqbool Ahmed Khan (affidavit not filed)
- (10) Mr. Doulat Khan (affidavit not filed)
- (11) Brig. Zahid Mehmood Khan
- (12) Mr. Matiullah Jan

⁶ Annexures-9 & 10

⁷ Annexures-11

- (13) Lt. Col. (R) Inam-ul-Rahiem
- (14) DSP Muhammad Ayub Bhurgari
- (15) DSP Fakar-ul-Islam Usmani

7. On 30.4.2014, Mr. Mukhtar Ahmad appeared before the Commission and deposed that on 19.4.2014 at about 5:15 p.m., he was sitting in his shop situated at *Shahrah-e-Faisal*, Karachi, where he was running the business of courier service under the name of 'Sky Net'. He heard the noise of firing. He and many other people from the surrounding area rushed towards the place of occurrence, opposite Falak Naz Tower, *Shahra-e-Faisal*. At that time, from a distance of about 60/65 feet, he saw that one person was loading magazine in his pistol. He also saw that one white colour car, at which firing was made, had speeded up and gone towards Downtown *Shahrah-e-Faisal*. He further saw that another person driving a motorcycle reached the place of occurrence, whereupon the person who had fired at the car jumped and sat on its back seat and both of them fled away.

8. On a query from the Commission, he stated that the distance of his shop was about 75 feet from the place of occurrence. About 50 persons from the locality were attracted to the place of occurrence. He clarified that he as well as others had not rushed to the place of occurrence, but had witnessed the incident of firing from a distance of about 60/65 feet. The person, who had fired at the car with his pistol, appeared to be of 30/35 years of age with normal physique/height. However, he could not say definitely what dress that person was wearing when he saw him. The motorcycle in question was Honda 125 CC of black colour having black cover over it. He further stated that if the culprit was produced before him, he would not be able to identify him. He would also not be able to identify the other person who had picked him on his motorcycle. Two persons, namely, Nawaz and Yasir, were standing at a distance of about 30 feet from the person who had fired at the car. However, he did not proceed towards them

nor did he talk to them. Nobody had tried to apprehend the culprits as they were away from them and had fled away immediately. There was no traffic signal at the place where the incident had occurred and no Traffic Constable or other police personnel were present there.

9. Mir Ibrahim Rahman, CEO of GEO TV submitted affidavit⁸, which was followed by an additional affidavit⁹. On 6.5.2014, he appeared before the Commission and affirmed the contents of his affidavits. He stated that whatever was stated therein was based on the facts disclosed to him by some other persons and sources as well as the emails received from Mr. Hamid Mir. He had no personal knowledge about the incident in question as at the relevant time he was in the aeroplane travelling from Dubai to Karachi. Mr. Hamid Mir had expressed apprehension of threats from ISI using some people in *Taliban*. He stated that certain media groups were active in a campaign of disinformation against Geo Group, which had for the first time come on social media. He expressed a suspicion that this too was being done at the instance of security agencies. Replying to the question "did you ever talk to any officer of ISI", he stated that he had talked to Brig. Iftikhar who was posted in ISI and had also met him in Karachi one and a half years ago. He further stated that the said officer had told him that Geo Group was reporting against ISI, Armed Forces, General (Retd.) Pervez Musharraf and the action being taken in Balochistan, and that it would be better for them to tone down their reporting on those issues. He further stated that DG ISPR Major General Asim Saleem Bajwa had also met him 5/6 times within a span of last two and a half years, including twice at his residence in Islamabad, once in Serena Hotel, Islamabad and twice in Dubai. He became intimate with him through the good offices of his friend. According to him, since his friend was too scared, it would not be in the fitness of things to disclose his name. Nonetheless, on no occasion was he threatened by anyone. He added that the threat, if any, was in a veiled tone and he never felt threatened. He

⁸ Annexure-12

⁹ Annexure-13

was told not to speak against General (Retd.) Musharraf, Agencies, Forces, Balochistan issue and missing persons, as it would not be in the interest of institutions, democracy in general, country in particular and also the relationship between Geo Group and the Armed Forces. Whenever DG ISPR talked to him, he would complain about the reporting of Najam Sethi and Saleem Safi in general, and Mr. Hamid Mir in particular. Many a time, he politely asked him (deponent) to warn Mr. Hamid Mir of the consequences of the way he reported. The Geo TV programme 'Aman Ke Aasha' on Pakistan-India relations was also criticized by saying that it was for the State and not for the media to formulate the foreign policy.

10. On 12.5.2014, Mr. Motashimul Haq filed affidavit¹⁰, wherein he stated that after the incident in question a campaign was launched against ISI. Mr. Aamir Mir, brother of Mr. Hamid Mir attributed the incident to that agency, which was affirmed by Mr. Hamid Mir after he regained his health. He was astonished as to why the FIR was lodged against unknown persons when the allegation against a State agency had specifically been levelled.. He stated that the incident was the result of conspiracy hatched by the intelligence agency of a neighbouring country to defame the Armed Forces/ISI. He alleged that M/S Hamid Mir, Aamir Mir, Mir Shakilur Rahman and Ansar Abbasi were also involved in such conspiracy. On 13.5.2014, he appeared before the commission and stated that whatever he had stated in his affidavit was based on information collected by him from the electronic/print media and other sources, and that he had no personal knowledge of those matters. He stated that FIR was lodged probably after one week of the incident. In conclusion, he stated that he did not know as to who was involved in the commission of the crime, who was at its back or who had aided and abetted it.

¹⁰ **Annexure-14**

11. Mr. Hamid Mir filed his affidavit¹¹ on 2.5.2014, and additional affidavit¹² on 13.5.2014. His brother Mr. Aamir Mir also filed his affidavit¹³ on 2.5.2014 and additional affidavit¹⁴ on 17.5.2014. Mr. Hamid Mir appeared before the Commission on 19-20.5.2014. He affirmed the contents of the affidavits. On a query from the Commission, he stated that 3-4 days before the incident, Programme Producer of Geo had contacted him and requested him to visit Karachi on 20.4.2014 for a live programme. Since he was of the view that he had threats to his life and would be more vulnerable and exposed to danger in Karachi, he was trying to avoid visiting Karachi. That time, he tried to maintain secrecy of his visit to Karachi and for that reason initially he had not taken any direct flight from Islamabad to Karachi but flew via Quetta, which later got converted into a direct flight from Islamabad to Karachi. When he reached at the Karachi Airport, he immediately informed his wife through SMS about his safe arrival in Karachi and then left the Airport in a Toyota Corolla car. While sitting on the rear seat of the car, he was messaging different persons about his arrival and arrangements for live programme scheduled on Sunday, when all of a sudden he heard two fire shots. He felt that those fires had hit the car in which he was travelling. These two initial fires were aimed towards the Driver. However, soon thereafter he felt that one fire had hit him on his shoulder. At that time also, he was engaged in messaging. Realizing the gravity of the situation, he asked the Driver to speed up the car, which he did, but the assailants, who may be one or more than one, followed the car *en route* to the Agha Khan Hospital and continued firing at them on the road. As the Driver was speeding up the car towards the hospital, it also met with two minor accidents with motorcycles, but he noticed that the assailants were still following the car and continuing firing at it. After a while, before his arrival at

¹¹ **Annexure-15**

¹² **Annexure-16**

¹³ **Annexure-17**

¹⁴ **Annexure-18**

the hospital, he found that few bullets had hit him on his stomach and thigh, as blood was oozing out and collecting in his shoes and other places. During his attempts to establish contact with the management of Geo from his cell phone, he also received calls on his way to hospital. The last fire that hit his car was just near the hospital, which was also responded by his Security Guard, who by that time had come on to the rear seat to protect him. It took them about 10-12 minutes to reach the hospital. The reason for his apprehension that he was exposed to greater danger in Karachi was that an incident had happened with him in the year 2013 too, when one Shafique-ur-Rehman Mengal had invited him to visit *Totak* on his way from Karachi to *Khuzdar via Hub*. When he went to *Khuzdar* to meet certain politicians, some persons claiming to be relatives of deceased police personnel had blocked the road and did not allow him to enter the Press Club. The people of the locality told him that those persons belonged to a banned terrorist organization, which was controlled by ISI. At that point of time, Mr. Usman, MNA told him that Shafique-ur-Rehman was a man of the agencies, who was involved in the assassination of Abdul Haq Baloch, Joint Secretary, *Khuzdar Press Club*. On a query from the Commission, he stated that despite realizing the fact that he would be exposed to greater risk while visiting Karachi, he had not disclosed his visit to any of the law enforcing agencies of Karachi to seek protection. Voluntarily stated, he had no trust in them, therefore, he did not deem it necessary to make any security arrangements through them. However, it was the duty of the Geo Management at Karachi to make the security arrangements for him during his visit to Karachi. The Geo Management had provided him one Security Guard, who was initially sitting on the front seat of the car. That Security Guard had also accompanied him during his earlier visits to Karachi. He did not know whether the Security Guard provided to him was trained in handling such a situation or he was simply equipped with a pistol but had no expertise to operate the same. At the time of occurrence, his Security Guard did not jump out of the car to

provide necessary protection to him or to encounter the assailants, who were firing at his car. The Guard did not even respond by making any fire from his pistol at that time. As the Driver was speeding up the car towards the hospital to save him from the assailants, the Security Guard was in no position to get out of the car or to fire back at them with his pistol. He stated that the details of the facts narrated in his two affidavits were based on his suspicions/apprehensions due to happening of events with him from time to time. He had the occasion of appearing before the Commission of Inquiry in Saleem Shahzad's murder case. His apprehension of involvement of the agencies was for the reason that even after that incident, agencies were contacting his friends and telling them that whatever had happened to Saleem Shahzad was an example for others to set them right and he was being pressurized time and again through various sources, including high-ups of the Government, for settlement of controversy with the agencies. In the process, the stance of the agencies was that he was a victim, they were ready to apologize to him in private, but their real confrontation was with Geo Group, and he being part of the Group had to suffer because of it. He had informed in writing to the Geo Management that if there was any compromise based on apology with the agencies, he would not become a party to it. He had further told them that they ought to wait for the report of the Judicial Commission. He did not know the actual culprits who attacked him on 19.4.2014, however, he had reasons to believe that they belonged to the agencies. In his statement before the Inquiry Commission in Saleem Shahzad's murder case too, he had expressed suspicions of threats from *Taliban*, who were acting at the behest of the agencies. In the present day scenario, print and electronic media are commercial ventures. On a query, he stated that he did not know that at times print and electronic media, being commercial ventures, were also used by different sources for the purpose of promoting their agenda. Voluntarily stated, he had written a lot in the print media about the role of agencies as to how by taking dollars,

they were engaged in implementing foreign agenda in Pakistan. He stated that as a result thereof the media groups had professional rivalries *inter se*. However, he suspected ISI as the sole agency behind the incident in question. He stated that a large number of ethnic groups and criminal gangs were operating in various parts of Karachi and the law enforcing agencies had no control over their illegal activities despite specific orders of the Supreme Court of Pakistan, wherein certain guidelines were provided for that purpose. Voluntarily stated, agencies were also part of those criminal activities. It was also a matter of common knowledge that killing of innocent people and kidnapping for ransom were a daily phenomenon in Karachi. Although he mentioned many things in his two affidavits about the lack of security arrangements and non-functioning of CCTV cameras at the time when he was attacked by unknown persons, he reiterated that it was the same day when General (Retd.) Pervez Musharraf had reached Karachi under high security alert. For that purpose, many law enforcing agencies were engaged, but despite all that when his car was followed by the assailants for about 7-8 kilometres, CCTV cameras footages were not available nor any law enforcing agency intercepted the assailants who safely disappeared from the scene of occurrence. He clarified that he was not holding ISI as an institution responsible for the incident. On the other hand, few high ranking officials of that agency who were extremely inimical to, and critical of, him were responsible for it. Those included the head of ISI, Lt. General Zaheer-ul-Islam and Brig. Zahid, which fact had also been conveyed to him through various sources, including the Geo Management. He also named DG ISPR, Major General Asim Saleem Bajwa, who contacted him and conversed with him on two occasions – first in his office and later on in Serena Hotel, Islamabad. The said officer forbade him from doing any programme with Mama Qadeer Baloch and on the issue of General (Retd.) Pervez Musharraf. However, when he did not show his inclination to fulfil the demand, the officer asked him not to do any such programme at least for a week.

However, the DG ISPR never held out any threat, veiled or open, whenever he met him, but whatever he could infer from the tone and tenor of his conversation was that his message was not different from that of ISI. The rapprochement being brought about in Swat between the ANP Government and Sufi Muhammad, was entirely overseen by ISI. At that time, a girl was gang-raped in *Mengora* of which he collected material including a medico-legal report and also did a programme. After the programme, the then Major General Zaheer-ul-Islam called him to his office. He told him that the aforesaid talk show was done on the bidding of Musa Khankhel, who was a bad *Taliban* chief. After a few days, Musa Khankhel was done to death. That incident also furnished a clue that whosoever did anything against the wishes of the high-ups of ISI, he would be done away with.

12. Mr. Hamid Mir further stated that in a TV programme in the year 2011 when he confronted Kh. Muhammad Asif with the statement of Mr. Attaullah Mengal about the Punjabi character of the Armed Forces, he received threatening messages from cell phones No.0333-5245252 and 0331-8175319. The messages he received were "*We will beat you on the road. An army officer will teach you a lesson. You'll be naked. You are MOSSAD agent and CIA agent.*" After receiving those messages, he reported them to the Committee to Protect Journalists (CPJ) and thereafter took on board the Government by writing a letter. Pursuant to it, the matter was debated in the National Assembly. The Speaker of the National Assembly formed a Special Committee to investigate the issue of threats to journalists. The Committee submitted its report on 13.3.2013. Following the uproar in the National Assembly, Col. Khalid, then posted in ISI, came to his residence. He apprised him of the messages sent to him by the officers of ISI. In response, the Colonel said that the messages so sent were the fallout from anger. Another proof of anger according to the Colonel was that the officers sending the messages used their own mobile phones. The said officer was in Islamabad at the relevant time. His office was housed in a building situated

near Peshawar Morr. Mr. Hamid Mir further stated that in November, 2012, a bomb was planted under his car while it was parked in Rana Market. The said Colonel had come to him at that time too, and asked him to visit his office, but he did not do so. Back to the incident in question, he stated that the side windows of the car in which he was travelling on 19.4.2014, were curtained. He added that the *modus operandi* of the agencies was to tame a person first, and in case he would not succumb to their pressure, the management and high-ups of his employer were pressurized. Mir Shakilur Rehman, the top person of the Geo Management, was also pressurized by the officers of ISI in the case in hand. The officers of ISI had gone to Dubai and had asked him to advise him (Mr. Hamid Mir) to mend his ways.

13. On 6.5.2014, Muhammad Umar Farooq Cheema filed affidavit¹⁵. On 7.5.2014, he appeared before the Commission and deposed that at the time of incident, he was at Karachi Airport and about to leave for Islamabad. He stated that he did not visit the place of occurrence or Mr. Hamid Mir, who was hospitalized in Karachi. The facts which he had mentioned in his affidavit were disclosed to him by Mr. Hamid Mir during their conversations and meetings. He also narrated the incident of his own kidnapping which had taken place somewhere in September, 2010 regarding which he had lodged FIR against unknown persons. During investigation of that crime by the JIT, he had cast a suspicion on ISI. There was no final outcome of those proceedings except that at one stage he was told that a group named '*Tehrek-e-Tahaffaz-e-Pakistan*' had claimed responsibility of his kidnapping and maltreatment. Regarding that incident, a Judicial Commission was also constituted by the Federal Government, which had submitted its report, but contents of the report were never made public. He had no personal knowledge or information pertaining to the case in hand and whatever he had stated in his affidavit was gathered by him from here and there.

¹⁵ **Annexure-19**

14. Mr. Muhammad Iqbal Khattak, a representative of Pakistan Coalition on Media Safety (PCOMS) addressed letter dated 30.4.2014 to the Commission¹⁶ and also filed affidavit¹⁷. On 29.5.2014, he appeared before the Commission. On a query from the Commission, he stated that PCOMS was a platform, which had a single point agenda, i.e., to improve the security environment for the media persons in Pakistan. The platform consisted of 18 members/persons, who were not elected but were nominated with their consent. However, he did not know who was financing PCOMS. Threat to media people was an international phenomenon. He stated that the emails received from Mr. Hamid Mir were kept secret/confidential except sharing the same with some foreign press freedom institutions at the latter's instructions. No initiative was taken by PCOMS to provide any safety measures to Mr. Hamid Mir. He clarified PCOMS was not a platform for entertaining complaints of media persons regarding threats to them. It was meant to create an environment where more positive steps could be taken for the safety of media people in Pakistan and to provide them assistance, including services of special prosecutors in such cases. In such a situation, he as representative of PCOMS was working to minimize the risk and threats to the media people in Pakistan by taking benefit of similar working systems in Mexico and Colombia. Only emails of Mr. Hamid Mir, as referred to in his affidavit, had been received on the said platform and nothing else. The media people in Pakistan had security threats from different quarters, i.e., political and non-political figures, ethnic groups, the agencies and other non-State actors like *Taliban*. He had no personal information about the incident in question and had come to know about it through electronic and print media. According to him, media was an important component of the national security of the country, therefore, its confrontation with any other State institution was likely to cause serious harm to national unity and security. It was in the larger interest of the nation as a whole that all differences ought to be

¹⁶ **Annexure-20**

¹⁷ **Annexure-21**

resolved in a respectable manner and all organs of the State ought to function within their respective domains. He presented a book recently published by Adnan Rehmat, which contained details about the incidents with the media people within Pakistan. He stated that whenever any untoward incident attempting at, or doing away with, the life of a media person took place, they could guess the hands behind it and say on the strength of their experience whether it was political, non-political, ethnic or from amongst the non-State actors. In so doing, what they would see was the work of the media person, nature of his reporting and the person affected at the other end. In his estimation the incident of Mr. Hamid Mir could well be attributed to the people, who were hinted at by Mr. Hamid Mir in his programmes aired on 5 April 2014 and 16-19 April, 2014.

15. On 3.6.2014, Ms. Amina Masood Janjua appeared before the Commission and affirmed the contents of her affidavit¹⁸. On a query from the Commission, she stated that it was correct that whatever she had stated in her affidavit as regards Mr. Hamid Mir, particularly, about the incident in question was hearsay, as she had come to know all about it from print/electronic media and other sources. She had not mentioned the persons who had been threatening Mr. Hamid Mir because he too himself had not nominated anyone. But in any case, it was the establishment which was behind it.

16. On the same day, Syed Aizaz Hussain Shah appeared before the Commission and was examined with reference to his affidavit¹⁹. On a query from the Commission, he stated that he was employed as a Senior Correspondent in Geo Group. It was correct that he had no personal knowledge of the incident in question. He had received all information via his cell phone. He had lodged a complaint with the police wherein he had nominated the then officers of ISI. Later on, the concerned SHO had told him that the complaint lodged by him had been misplaced. Thereafter he lodged

¹⁸ Annexure-22

¹⁹ Annexure-23

another complaint, but with no result. However, despite failure to get any result of both complaints, he did not take any further step to follow any other legal remedy because the Institution i.e. ISI against which he had grievance was very powerful and it was very difficult to get any relief in that regards. In addition to it, as a result of such complaints, he had also faced difficulties in his day-to-day reporting as certain bureaucrats avoided meeting him due to that background. He did not produce any report concerning the incidents, which had happened with him on 19.1.2010 and 7.5.2010 referred to by him in his affidavit. He admitted that whatever he had stated in his affidavit about Mr. Hamid Mir was stemming from his suspicion and observations based on his experience. He stated that *Taliban* were also annoyed with Mr. Hamid Mir on the stance taken by him vis-à-vis the incident of Malala Yousafzai, and had also extended him threats. In that regard, he had a detailed conversation with Senior Leader of *Taliban* Ihsanullah Ihsan, who had reaffirmed that position. It was correct that all the Media Houses in Pakistan, some of whom were also running TV Channels, were commercial ventures. Voluntarily stated, they were doing the business of providing information and entertainment to the people. He stated that whatever he had stated in his affidavit about Major General Asim Saleem Bajwa was based on oral conversation with him and he had no documentary proof in that regard. In his opinion, ISI was not established as an anti-State Institution. However, some officers in ISI had been committing acts of foolishness against the national interest. On 19.1.2010, his house was locked from outside. Somebody came on the rooftop of his house, thumped the door and went away after creating a lot of fuss. When the dust settled, he came to know that his car was also broken. On 7.5.2010, shots were fired at the door of his house, which could well be observed from the bullet marks on the door. Before those incidents, Raja Haider, probably Deputy Director in ISI and Col. Tariq, who was head of Islamabad Detachment called him to their office. They told him that the person at the top of ISI was concerned about his

reporting on the secret meetings between the DG ISI, the Chief Minister Punjab and Ch. Nisar Ali Khan, the then Leader of the Opposition in the National Assembly. They also asked him about the text of the message, which he had already sent to Hussain Haqqani's wife, in which he asked her about the threat she received from the then DG ISI. In those days, he was also working on, and collecting material about, Islamuddin Siddiqui, who was convicted by a military court in the case of attack on General (Retd.) Pervez Musharraf and then was executed without allowing him any recourse to the courts of the land.

17. On 2.7.2014, Maqbool Ahmad Khan appeared before the Commission and deposed that he was working as a Driver for the last 27/28 years. He was employed with M/S Hertz Optimus Ltd. for the last 7½ years. On the day of incident at about 3:00 p.m., when he got free from his earlier assignment, he contacted his officer in charge, who gave him cell number of Mr. Ahmad in the office of Geo TV to establish contact with him. He reached at the office of Geo TV situated at I.I. Chundrigar Road, Karachi at about 3:15 p.m. He was asked by Mr. Ahmad to wait as the Security Guard, who had to accompany him, was yet to arrive. After about 10-15 minutes, the Security Guard came there, upon which he was directed by Mr. Ahmad to go to *Quaid-e-Azam* International Airport, Karachi to pick a passenger. Till the time he reached airport, he was not aware as to who was the passenger whom he had to pick from the airport. When he was on his way to the airport along with the Security Guard, he received a telephone call from Mr. Ahmed of Geo asking him to come back to the office and pick some other person from there, who would accompany him to the airport along with Security Guard. He did not know who that person was. On his way back from the airport, he made a phone call to Mr. Ahmad to inquire about flight number and the name of the person who was to be picked from the airport. Mr. Ahmad gave him the flight number and also name of Mr. Hamid Mir. Previously also on some occasions he had performed duty with Mr. Hamid

Mir. When he picked Mr. Hamid Mir from the airport, another Driver from Marriot Hotel was also present there to pick him, who talked to Mr. Hamid Mir and disclosed that fact to him. However, Mr. Hamid Mir chose not to travel with the Driver of Marriot Hotel. The incident of firing on the car carrying Mr. Hamid Mir occurred just at the place where the road coming from the airport connects *Shahra-e-Faisal* under the overhead bridge. He saw only one person firing at his car. He did not see his face. That is why, even if the said person was brought before him, he would not be able to identify him. The said person made 7-8 fires at his car. That person was holding a TT pistol in his hand. During the incident fires at his car were made at the same spot and out of those fires two were made from behind, while he was speeding up his car on *Shahra-e-Faisal* after taking right turn from the place of occurrence. He also heard two fires when he was near National Stadium, but he was not sure whether that sound was due to some rickshaw silencer fault or otherwise. No other bullet penetrated his vehicle except those which had hit the car at the initial point of occurrence. He could not say whether Security Guard sitting with him at the front seat of the car made any fire as he speeded up the vehicle from there. The police personnel had contacted him soon after the occurrence when he was still in the Agha Khan Hospital. He did not know the name of police officer who contacted him in the hospital. He was taken to New Town Police Station, where he was investigated and his statement was recorded. After 3-4 days, he was called to Police Headquarters Malir where he was again investigated and his statement was recorded. He did not know the name of the police officer, who conducted investigation from him and recorded his statement. Voluntarily said, while taking Mr. Hamid Mir in an injured condition to the Agha Khan Hospital, he had seen in the back view mirror two motorcyclists and one car following him. He was not sure as to whether they were following him because he had hit a motorcycle on his way to the hospital or they were from the side or persons who had fired on his car when he was entering *Shahra-e-Faisal* from

Airport Road. He had no clue who was/were the person/persons responsible for such assault on Mr. Hamid Mir. Thereafter, he shifted to a house in DHA where his son was employed as a Chowkidar. After more than two weeks of the occurrence, he found a letter²⁰ at the outer gate of the said house wherein threats were extended to the Driver and Security Guard of Mr. Hamid Mir for saving his life. However, upon a query he stated that the letter was allegedly written by TTPP and was addressed to driver and gunman of Mr. Hamid Mir, asking them to leave the country otherwise they would be targeted at any time.

18. On the same day, Doulat Khan appeared before the Commission and deposed that he was working as Security Guard in Geo Group for the last three years. He was driving the car, which was sent to pick Mr. Hamid Mir from the airport. At the time of the incident, he was having an automatic .30 bore pistol with him. He had no experience of serving in any agency or any security company before being appointed as Security Guard in Geo Group. He had not undertaken any training as a Security Guard or did not know how to use a weapon, particularly, in a situation when the person with whom he was deployed as a Security Guard was attacked. Voluntarily said, it was Almighty Allah who saved everyone. He was sitting at the front seat of the car when it was attacked. When the Driver, after parking the vehicle at the parking lane, had gone to the airport to pick Mr. Hamid Mir, he was dropped with the instructions that from there he would again pick him in his vehicle after taking the passenger from the airport. Earlier, on three different occasions, he had accompanied Mr. Hamid Mir as a Security Guard. At the time of attack, he kept on sitting on his seat and did not retaliate by making any fire at the assailant(s). The moment Mr. Hamid Mir told him that he had suffered bullet injury, he came onto the rear seat. At that time, from the broken glass of window he made one fire in the air. When their vehicle was nearing the Agha Khan Hospital, he was busy in looking after Mr. Hamid Mir, therefore,

²⁰ **Annexure-24**

he had not seen whether any other motorcycle or vehicle was chasing them or not. He was an illiterate person, therefore, he could not say how much time was consumed in taking Mr. Hamid Mir from the place of occurrence to the Agha Khan Hospital. He had no arms license of his own to hold any weapon. The company owned the arms license, which was provided to him. He produced his security company card²¹, which was in his possession at the time when the incident occurred. Only one person had fired various pistol shots at the vehicle. He had not seen the face of the culprit(s), therefore, even if he was brought before him, he would not be able to identify him.

19. On 10.7.2014, Matiullah Jan appeared before the Commission and affirmed the contents of his affidavit²². He stated that he was in Islamabad on the day Mr. Hamid Mir was attacked in Karachi and hence he could not be a direct witness of the incident, but being a journalist, he would like to assist the Commission in ascertaining the already well-established and acknowledged influence and role of the intelligence agencies, including ISI, in affecting people's right to information and freedom of speech guaranteed under the Constitution through intimidation and coercion of journalists. He stated that he strongly believed that the writings and programmes of Mr. Hamid Mir, which reflected true political situation of Pakistan, were misinterpreted by intelligence agency as against national interest and a propaganda campaign was started against him long before the attack on him. He also stated that the facts of the case of attack on Mr. Hamid Mir could not be separated from circumstances and ground realities of civil-military imbalance in Pakistan. On a query from the Commission, he stated that his affidavit was based on his assumptions/beliefs about the happening of events in Pakistan relating to the incident in question. It was his point of view about the incidents happening to the persons associated with the electronic and print media. He had also personally faced attack for intimidation as a result of his working on some news items/reports. He had appeared before the

²¹ Annexure-25

²² Annexure-26

Inquiry Commission constituted to investigate into the death of late Saleem Shehzad and got recorded his statement before the said Commission. He had gone through the report of the said Commission and also seen recommendations made therein. The suggestions made by the Commission, though insufficient, were a positive step in the right direction, but the same were not acted upon. In those days, he and Aizaz Syed were working on a story regarding Abdul Islam Siddiqui, a soldier of Pakistan Army, who was not allowed to have recourse to the constitutional courts of the country for redressal of his grievance. Before he could have adopted such course, he was hanged. He received this information from the lawyers and family members of Abdul Islam Siddiqui. The name of the lawyer was Col.(R) Muhammad Akram. He referred to a statement of Umar Islam Siddiqui, brother of Abdul Islam Siddiqui in that regard wherein it was stated that ten days before the scheduled execution of his brother, he accompanied by his lawyer reached Multan Jail, but the prison authorities refused to allow them to meet his brother saying that the Army had strictly forbidden it. He further stated that he could not name the jail officials because the brother of Abdul Islam Siddiqui did not name anyone. There was no contradiction or clarification issued by the military authorities subsequent to the publication of the story. As per information provided by Aizaz Syed, he was taken to ISI Headquarters, where he was asked not to work on such story. The deponent did not know whether he gave any such statement in that regard. To his mind, the incident of intimidation by brick pelting on his car and that of Aizaz Syed, could well be attributed to ISI. Aizaz Syed was also intimidated through aerial firing at his residence. That too was attributed by him to ISI. When certain incident takes place in any particular environment, the only presumption in the circumstances would be that the agency affected by such story would have reacted and retaliated. He did not report the incident of intimidation through brick pelting. However, the incident of intimidation through firing at the residence of Aizaz Syed was reported by him to the

police. As per information given by Aizaz Syed, police took no action on the report thus made. In the scenario, which was prevailing at the moment, he suggested that the intelligence agencies, particularly, ISI ought to be made accountable for their operational and financial activities in order to bring the constitutional balance of power in favour of the elected Government. The persons attached with print and electronic media, like any other walk of life, were not free from black sheep. However, those black sheep were required to be dealt with according to law. The associations of journalists at different levels, both belonging to print and electronic media, had their own regulations/byelaws to control/regulate their activities, but it was only on paper.

20. On 15.10.2014, Lt. Col. (R) Inam-ul-Rahiem Advocate appeared before the Commission with reference to his affidavit²³ and affirmed its contents. He stated that he had been a practicing lawyer since the year 2007. On a query from the Commission, he stated that on the day of the incident in question, he was in Rawalpindi. He came to know about it through the breaking news flashed in the electronic media, but had no personal or direct knowledge of the incident. He had met Mr. Hamid Mir after about one month of the incident when he visited him along with other friends. He had made suggestions in his affidavit, *inter alia*, that the agencies ought to be made answerable by bringing them under the umbrella of civilian authorities, who would be answerable to Parliament. He stated that the suggestions so made by him were based on his personal experience. Voluntarily stated, his interview regarding the incident of attack on him was telecast in Mr. Hamid Mir's talk show in the evening following the incident. During the said talk show, Mr. Hamid Mir had received a telephonic call from DG, ISPR, who was quite upset with Mr. Hamid Mir for inviting him to his show. Within 2-3 days of the said talk show, an explosive was planted under the car of Mr. Hamid Mir. He placed on record copies of two letters dated 30.5.2014 and

²³ **Annexure-27**

12.6.2014²⁴ to show as to how after filing of affidavit before the Commission he was victimized by torturing of his son Hasnain Inam. He added that on the day of incident due to arrival of General (Retd.) Pervez Musharraf in Karachi, strict security measures were put in place, therefore, only someone from the agencies could have enacted such an incident.

21. On 2.5.2014, affidavit²⁵ of Mr. Yasir Jamal, GM MIS, Geo TV Network was also received wherein it was stated that he was produced before the JIT on 29.4.2014. He was asked to give statement to the effect that there was a possibility that TTP had made the attack on Mr. Hamid Mir. However, he did not make such a statement. He also stated that another person present there asked him, "wasn't Mr. Hamid Mir doing a 100 days of Drone Transmission, so wasn't it obvious who got him?" However, he did not appear before the Commission for examination.

22. On 9.5.2014, Mr. Absar Alam, a Senior Journalist, in his affidavit²⁶ dated 14.5.2014 reiterated the assumptions of Mr. Hamid Mir that ISI was behind the incident, which Mr. Hamid Mir had communicated to him on numerous occasions. Mr. Hamid Mir had also mentioned to him that he was receiving threats to his life. He was being regularly followed and his phones were also being tapped. However, he had never shared any threatening emails/messages with him. He further stated that being a journalist he was aware of the fact that the security/intelligence agencies would usually resort to issuing threats to silence media persons in matters pertaining to abuse of powers by such agencies. He lastly stated that he was of the considered view that Saleem Shehzad Commission's recommendations ought to be implemented to ensure accountability of the intelligence agencies and prevent misuse/abuse of power such as the aforesaid. He also filed a supplemental affidavit dated 16.5.2014²⁷ wherein he stated that during

²⁴ **Annexures-28 & 29**

²⁵ **Annexure-30**

²⁶ **Annexure-31**

²⁷ **Annexure-32**

Nadeem Malik Live Show aired on SAMAA TV on 5.5.2014, Sheikh Rashid Ahmed had mentioned his name along with the names of M/S Imtiaz Alam, Najam Sethi, Umar Cheema and others and stated that international agencies, such as RAW or MOSSAD could cause a threat to their lives, but the blame would ultimately fall upon ISI. He thus believed that Mr. Sheikh Rashid Ahmed might be having some information pertaining to the inquiry in hand, therefore, he ought to be summoned. However, he did not appear before the commission to get his statement recorded.

23. Considering the material in the shape of emails, affidavits and statements brought on record in the course of the proceedings of the Commission, the Secretary, Ministry of Defence was required to produce the statements in the form of affidavits of DG ISI Lt. General Muhammad Zahir-ul-Islam, Brig. Zahid, Col. Khalid and Major General Asim Saleem Bajwa, DG ISPR. Accordingly, a joint affidavit sworn by DG, ISI, Brig. Zahid Mahmud Khan and Lt. Colonel Khalid Taimur Akram was filed²⁸. It was stated in the affidavit, *inter alia*, that the deponents were functioning under strict discipline of a most organized and premier intelligence apparatus of the country. The news of the incident of firing upon Mr. Hamid Mir was shocking for them, however, their Institution was unfortunately blamed and scandalized without any evidence for 8 continuous hours on Geo TV network in sheer disregard of PEMRA regulations and the law of the land. It was asserted that they knew the value of human life as the Armed Forces of Pakistan had suffered more losses than any other Army in the region in recent past. It was their duty to protect the nation and motherland. The blame and aspersions cast upon them through the media trial were untrue and the same were vehemently denied. It was stated that none of the deponents had any knowledge or was concerned with the said incident. Finally, it was stated that a member of ISI was part of JIT constituted by the Government of Sindh and that the representatives of ISI were extending all

²⁸ **Annexure-33**

possible assistance to JIT to bring the perpetrators of crime against Mr. Hamid Mir to book.

24. Brig. Zahid Mahmud Khan, one of the deponents of the above affidavits, appeared before the Commission on 2.7.2014. He affirmed the contents of the affidavit filed by him and two other aforesaid officers of ISI. He stated that the inquiry into the incident was conducted in Karachi by JIT, which included a member from ISI. However, he had absolutely no clue about the incident, wherein Mr. Hamid Mir suffered bullet injuries. On a query from the Commission, he stated that he was working as Sector Commander (Central) in ISI since the year 2009. He stated that during the period of his posting, he had met with Mr. Hamid Mir only once and had very little contact with him. Probably, it was two years back when he met him. Mr. Mir being a media person, his meeting with him was just introductory in nature. Mr. Hamid Mir had met him in his office of his own accord. Mr. Hamid Mir had sought appointment and had interacted with him through the persons who were working with him (deponent). As a matter of fact, media people always have some interaction with the persons working in his position. Mr. Hamid Mir, during their meeting, discussed the situation in the country in general, and in the tribal areas in particular. Mr. Hamid Mir did not discuss anything with him regarding any person kept in any Internment Centre. The discussion centred around terrorist activities in the tribal areas. He knew that Mr. Hamid Mir had been very vocal against ISI in certain programmes, but at the same time he was supportive as well. As a matter of fact, his institution graded him as one of the good anchor persons and political analysts. He never communicated anything to Mr. Hamid Mir showing disapproval or any type of criticism against his programmes. He knew that in many programmes Mr. Mir held ISI responsible for missing persons and so did the participants of his programmes, who happened to be the relatives of the missing persons. He had heard that in many programmes, Mr. Hamid Mir had voiced concerns about threats from ISI, but he did not personally watch any such programme

in which he had voiced any such concerns. Despite knowing that Mr. Mir was a critic of ISI and other intelligence agencies, he, at his level, took his criticism as his personal view and did not care to see what he was up to, and who was at the back of it. He did not know what prompted Mr. Mir to accuse ISI for what happened to him on 19.4.2014. The journalists of all the categories had been interacting with them. The purpose of interaction with the journalists was none other than to have acquaintance with each other. At times, they would share intelligence or information having bearing on national interest. Since they had no specific source, at no stage they tried to refute the accusations such as in the case of the incident of firing upon Mr. Hamid Mir. The perception that ISI was an adversary of the media men was a bald allegation, which was used as a *modus operandi* to seek popularity. In late Saleem Shahzad's case, allegation was levelled against ISI, but no concrete evidence could be brought forth in the matter. The intelligence gathered by ISI was mostly strategic having bearing on the national interest.

25. A separate affidavit sworn by DG ISPR Major General Asim Saleem Bajwa was also filed²⁹ wherein it was stated that he was serving as DG ISPR since 4.6.2012. The news of unfortunate incident of firing on Mr. Hamid Mir reached him through TV news at about 17:45 hrs. It was unfortunate that within an hour and a half after the incident allegations were levelled on Geo TV against ISI and DG ISI in relation to the said firing incident without any evidence. He lastly stated in his affidavit that ISPR had issued a press release condemning the incident and praying for the health of Mr. Hamid Mir. The allegations levelled against ISI without any basis were regretted and holding of an independent inquiry to ascertain facts was demanded in the press release.

26. On 29.1.2015, DSP Muhammad Ayub Bhurgari appeared before the Commission and affirmed the contents of his affidavit³⁰. He stated that he had been in the service of Police Department since 13.7.1986, when he was inducted as ASI. On a query from the Commission, he stated that on the day

²⁹ **Annexure-34**

³⁰ **Annexure-35**

of the incident he was working as DSP/SDPO, Airport Police Station, Karachi and the site of occurrence fell within the territorial jurisdiction of that Police Station. As at the level of DSP, there was no bifurcation in the police department for the purpose of operation and investigation, therefore, he was given the charge for both the purposes. It being a high profile case, its investigation was entrusted to him. On 25.4.2014, he was appointed as IO. Upon a query from the Commission as to why FIR regarding the incident was not lodged immediately, he stated that it was a high profile case and they kept waiting for some person from the family of injured Mr. Hamid Mir to come forward and lodge FIR. For that purpose, many high ranking police officials had also contacted them. Other than that he had no explanation for delay in the lodging of FIR. He admitted that it was not necessary that FIR of a cognizable offence could only be lodged by some relative of the injured or the deceased, as the case may be. He stated that the investigation at the spot vis-à-vis collection of crime empties, preparation of sketch, etc. was started soon after the occurrence before the lodging of FIR. Besides, CCTV footage was collected before lodging of the FIR. On a query, he stated that he had not personally seen the CCTV footage, therefore, he could not say whether in that footage any person or persons were identified as suspects in the commission of the crime. He did not remember exactly the number of witnesses whose statements were recorded under section 161 of the Code of Criminal Procedure. However, in his estimation, they were about 10 in number. In his capacity as SDPO, he visited the place of occurrence the same day. The crime empties recovered from the place of occurrence were sent to Forensic Science Laboratory for examination. Sketches of the suspects were prepared. With the help of geo-fencing data, seven suspects were apprehended and thoroughly interrogated. The CCTV footage was shown to many persons so as to identify the persons seen therein near, around or following Mr. Hamid Mir on his arrival at the lounge and exit therefrom. He had entered in his diaries the names of the persons who were shown in the

footage for the purpose of tracing out the persons involved in the crime. The report under section 168 of the Code of Criminal Procedure dated 9.6.2014 was prepared by him, which was approved by the SSP concerned on 11.6.2014, and submitted before the Special Judge, ATC-I, Karachi on 13.6.2014. On a query, he stated that he did not know whether any identification parade was held through the injured Mr. Hamid Mir as regards the seven suspects apprehended by the law enforcing agencies in the context of the incident. He further stated that no record of entry and exit was being maintained at the airport. Such entries were mentioned in the police diaries, but he could not refer to the same at that moment. What was done by him was done independently and what had been done by the high ups in connection with the investigation of this case was also done by them independently. Despite the fact that many of the movements of Mr. Hamid Mir and the persons following him were preserved in CCTV cameras, investigation was not conducted on scientific lines to have the said pictures verified from NADRA. He could not account for the fact as to why the matter was not taken to its logical end by the high ups in the Police Department. Even after submission of the report, still there was no clue about the actual culprits involved in the incident. Eventually the police remained unsuccessful in tracing the culprits.

27. On 29.1.2015, DSP Fakar-ul-Islam Usmani appeared before the Commission and affirmed the contents of his affidavit³¹. On a query from the Commission, he stated that on the day of incident, he was posted as SDPO in Alfalah Sub-Division, District East, Karachi. He was basically serving as SDPO Malir City, Karachi in the operational field. However, he was given the additional charge of post of SDPO Airport Sub-Division, as the concerned DSP Mr. Barakullah had been posted abroad for a period of two years. He had taken over the charge as SDPO, Airport Police Station about 25 days ago. He was not aware of the investigation of the incident in question. He further

³¹ **Annexure-36**

stated that after having been given the charge of the post of SDPO Airport Sub-Division, he had gone through the police papers of the crime and came to know that 'A' class report in respect of the crime had been submitted by DSP Muhammad Ayub Bhurgari on 9.6.2014. In that regard, his knowledge was confined only to that extent. He had no further information about the culprits involved in the said crime.

28. Notice dated 26.5.2014 was issued to the following persons requiring them to participate in the proceedings of the Commission and to furnish recommendations for consideration of the Commission in the course of preparation of the report with the object of avoiding such incidents in future: -

- (1) Mr. Hameed Haroon
- (2) Mr. Muhammad Hanif
- (3) Mr. Mazhar Abbas
- (4) Mr. Muhammad Iqbal Khattak
- (5) Mama Qadeer Baloch
- (6) Mr. Muhammad Umar Cheema
- (7) Mr. Adnan Rehmat
- (8) Mr. Nadeem Malik
- (9) Mr. Shakil Turabi
- (10) Ms. Jugnoo Mohsin
- (11) Mr. Najam Aziz Sethi
- (12) Rana Jawwad
- (13) Mr. Muhammad Akram Sheikh, ASC
- (14) Mr. Rauf Kalasra
- (15) Mr. Raza Rumi

In response, M/S Najam Aziz Sethi and Shakil Ahmed Turabi filed their recommendations³².

29. Mr. Najam Sethi, in his letter addressed to the Commission, stated that there was no doubt in his mind that Mr. Hamid Mir, like several others including himself in the past, was the victim of repressive and intimidating tactics by State and non-State actors. The basis for such assertion was in the form of threats given directly and indirectly by phone/text/personal meetings/media. Since such State and non-State actors were powerful, they were fearful of naming them without adequate protection, which was not forthcoming from the custodians of the law. Along

³² **Annexures-37**

with his letter, he attached the statement he gave before Saleem Shahzad Commission. He also referred to the book by Elizabeth Rubin on the media in Pakistan, which was available online.

30. Mr. Shakil Turabi, in his letter³³ addressed to the Commission, stated, *inter alia*, that the journalists were tortured during the military rule more than during the civilian regimes. He condemned the incident of firing upon Mr. Hamid Mir and stated that instead of ensuring proper investigation of the incident, the authorities were engaged in targeting his Group and arranging demonstrations. In the process, certain anchor persons and young journalists also used frivolous language against Mr. Hamid Mir. He narrated the incident of alleged disappearance of his own son Hassan Sharjil. He also criticized the Press Council of Pakistan and other regulatory authorities for enjoying perks and privileges, which, according to him, were white elephants and had also become corruption dens. He suggested that the irregularities could be overcome not through bullet, but by dialogue. The Government, judiciary, civil society and the journalists all ought to play their respective role in evolving code of conduct. The Government ought to re-organize the regulatory authorities as well as the Press Council of Pakistan by appointing not the favourites of the political parties, but experts of the field.

31. Mr. Mazhar Abbas sent an email³⁴ wherein he stated that he was also a part of PCOMS. That body had already formulated recommendations/suggestions for safety of journalists and forwarded to the Commission by Mr. Iqbal Khattak, which, according to him, were good enough. And in case he got something more useful, that too would be sent to the Commission, however, nothing further was received from him.

32. A perusal of the material brought on record shows that the incident of firing upon Mr. Hamid Mir occurred on 19.4.2014 at about 5:15 p.m. On the said date he had reached Karachi in connection with a TV programme. He came out of the airport and boarded the car provided to him

³³ **Annexure-38**

³⁴ **Annexure-39**

by Geo TV Management. The car was driven by Maqbool Ahmed Driver who was accompanied by Security Guard Daulat Khan. When the car reached under the Jinnah Overhead Bridge intercepting *Shahra-e-Faisal*, the Driver had to slow it down because of the sharp turn. Suddenly firing was made at the car from its right side. Mr. Hamid Mir received bullet injuries on different parts of his body. The Driver accelerated the car and took the injured to Agha Khan University Hospital, where he was provided medical treatment. The incident was immediately reported on electronic media. On Geo News TV, it was specifically alleged that the incident had taken place at the behest of an Intelligence Agency, namely, ISI. Thereafter, Mr. Amir Mir, brother of Mr. Hamid Mir, named the then DG, ISI behind the attack. Few days later, Mr. Hamid Mir endorsed his brother's statement and reiterated the allegation without naming the then DG, ISI. He, in a written statement, said that if anyone from his family was harmed in anyway, the responsibility would fall on 'State elements'. It was further stated that he had informed his organization's management, family members and friends about potential threat to his life. It was also stated that he had informed a member of the agency, who had come to his house, that he was feeling threatened by ISI. High officials of the State, namely, the President of Pakistan, the Prime Minister as well as other political leaders, strongly condemned the attack. The DG ISPR issued a press release wherein the allegations levelled against ISI were denied and the same were termed as misleading. It was stated that raising allegations against ISI or head of ISI without any basis was highly regrettable. An independent inquiry into the matter was asked for to ascertain the real facts. Consequently, the instant Commission was constituted.

33. Both Mr. Hamid Mir and his brother, Mr. Amir Mir, had filed affidavits in support of the allegations so made. Mr. Hamid Mir also appeared before the Commission and was examined in depth by the Commission. However, nothing concrete came forth on the basis of which the Commission

would have moved in any particular direction in unearthing the truth and identifying the real culprits involved in the commission of the crime. It was so because he was unable to give any clue about the culprit(s) involved in the incident. Only one person from the locality, namely, Mukhtar Ahmed appeared before the Commission, however, he too could not furnish any clue towards identification of the actual culprit(s). Some persons from print and electronic media appeared before the Commission. Almost all of them in their respective affidavits/statements, directly or indirectly, raised their fingers towards one Federal Agency (ISI). However, on queries from the Commission, all of them stated that their assertions were simply based on their assumptions and apprehensions, their approach and their peculiar mindset, and that they had no tangible proof in support of such assertions. None of them could refer to any direct or conclusive circumstantial evidence pointing to the involvement of any particular individual or organization including ISI in the attempt on the life of Mr. Hamid Mir. The information/material provided by them was of no material assistance to the Commission in identifying either the culprits of the crime or the hands behind it. Whatever was said by them was hearsay in nature, hence the same could not be made a basis for giving any definite finding *pertaining to* culpability of any individual or organization. In any case, the incident in question is essentially criminal in nature, therefore, assumptions or apprehensions, howsoever strong they may be, cannot be made the basis of culpability of anyone. In this behalf, the statement made by Mr. Aizaz Syed during his deposition before the Commission that *Taliban* were annoyed with Mr. Hamid Mir on account of the stance taken by him on the issue of Malala Yousafzai also cannot be ignored. In the above scenario, no finding vis-à-vis the identity of the culprit(s) or fixing responsibility of the incident on any individual, group, or organization can be given.

34. It is pertinent to mention here that alongside the proceedings of the Commission, the investigation of the case was continued by the IO/JIT.

In this regard, progress reports were submitted before the Commission from time to time. Lastly, report dated 3.12.2014 was presented in the following terms:-

"On 19.04.2014 at about 1730 hours, the SHO of P.S. Air Port received message through Police Control regarding a firing incident at Natha Khan Bridge Shahrah-e-Faisal, Karachi. SHO Air Port Police Station alongwith police party reached at Shahrah-e-Faisal Natha Khan Bridge, but no incident of firing was reported there. It was evening time and business/office closing hours, due to there was heavy traffic flow which was moving at a snail's pace from Karsaz towards Malir that was causing difficulties to find out exact place of incident. However, in order to determine the exact place of incident the SHO as well as Police Mobiles of PS Air Port made queries from the People available at various points from Natha Khan Bridge up to Air Port. Meanwhile the Crime Scene was determined opposite Madam Apartment beneath Jinnah overhead Bridge. As soon as the place of incident was determined, higher officials of Karachi Police reached at the scene of incident. The eye witnesses of the incident namely Mukhtiar Ahmed, Yasir Freed and Muhammad Nawaz were also present. They stated that at about 1715 Hours one white Toyota Corolla car, coming from Airport side, heading towards Shahrah-e-Faisal, when reached beneath the Jinnah overhead bridge the car slowed down due to a sharp turning. Suddenly one person who was wearing shalwar kameez and already present at the foot path started shooting at white Toyota Car from the right side. The driver accelerated the speed and fled away. The perpetrator also decamped from the Scene on a Motor Cycle with his accomplice. The area was cordoned off and the SHO of Air Port P.S collected evidence from the place of incident and sealed in the presence of above said eye witnesses and sent to FSL for examination and report.

At about 1855 hours the Security Supervisor Javed Khan of Aga Khan University Hospital telephonically informed at airport police station that one Hamid Mir aged about 40 years of Geo TV has brought at Aga Khan Hospital with the history of gunshot injuries received near Madam Apartment Shahrah-e-Faisal Karachi. He also mentioned his M.R. No. that is M.R.196-22-24/14. The call was received by duty officer SIP Shahadat Ali Khan and admitted accordingly in station diary vide entry No. 16 dated 19.04.2014. Upon information from Aga Khan Hospital, duty officer SIP Shahadat Ali Khan was dispatched to Aga Khan University Hospital for legal Proceedings.

On presenting the letter for recording statement of injured Hamid Mir, Duty Incharge of the Ward gave in writing that the injured is not in the position to record his statement. Thereafter he met with driver of white Toyota corolla AWC 294 Maqbool Ahmad and Gun man Daulat Khan present in Hospital. They stated that on the day they received Mr. Hamid Mir from Karachi Air Port who came from Islamabad and boarded on Toyota corolla AWC 294 for Geo TV Office. At about 1715 hours at approaching under the Jinnah Over Head Brigade the driver slowed the Car being Sharp turning and cat eyes, suddenly firing started upon the Car from right side and caused injuries to

Hamid Mir. The driver accelerated the speed of the car and took him to Aga Khan University Hospital for treatment. Despite request the driver and the Gun man refused to record their written statements under section 154 Cr.P.C.

The ill-fated Toyota corolla AWC 294 Car in which the incident had taken place was stationed in the Aga Khan Hospital, which was inspected by SIP Shahadat Ali Khan, secured blood stained pieces of Seat Cover & Foot mat & one empty of 30 bore Pistol which was said to be fired by the Gun man Daulat Khan upon the culprit in retaliation. After inspection, the car & blood Stained pieces of seat covers & others were sent to FSL & Chemical Examiner for examination and report.

The SHO of Air Port P.S. and the Senior Officers reached at Aga Khan Hospital and contacted to the brother of Hamid Mir namely Amir Mir and other Geo Officials to register the FIR but they were reluctant and stated that Hamid Mir himself would register the case as and when he would gain his senses. Despite repeated visit to Aga Khan Hospital, the Doctors neither allowed to record the statement of the injured Hamid Mir nor any other person found willing to record his statement under section 154 Cr.P.C. Due to non co-operation of Geo Administration and the family members of injured Hamid Mir in lodging the FIR there was no alternative except to lodge the FIR on behalf of State, as there was serious apprehension, the delay in lodging the FIR will hamper/damaged the investigation. Since the incident had taken place within the local jurisdiction of P.S. Air Port, therefore, SIP Shahadat Ali Khan lodged the FIR vide FIR No.60/2014, under section 324/427 PPC r/w Section 7 ATA & 15 PPO.

After registration of the case the investigation of the case was assigned to at time SDPO airport DSP Ayub Bhurgari under the Supervision of higher senior officers of police. Investigation Officer DSP Ayub Bhurgari received the case file including CCTV footages - of arrival of Hamid Mir from Karachi Airport, his departure from the Airport Car Parking, record of Cameras installed at Drigh road, Rashid Minhas Road Flyover, Drigh Road near SSP East Office, Colony Gate Shah Faisal Bridge, Karsaz Bridge, Maritime Museum, Time Medicos and footages of privately installed CCTV Cameras at Speedy CNG near Chota gate, Total pump Natha Khan, Hascol Pump near PAF Shakra-e-Faisal and Aga Khan University Hospital. the Sketches of the culprits made with the help of eye witnesses from CPLC Karachi, Finger Prints, Manifest of Flight No. PK-369. The entire papers/Memos/reports were verified and also scrutinized the CCTV Footage record.

That on 24.04.2014 the statement of injured Hamid Mir was recorded by Inspector Asadullah Ansari SIO of Airport P.S. in the presence of case IO, DSP Airport Mr. Ayub Bhurgari and SSP Investigation East II.

Case IO, at time DSP Airport Mr. Ayub Bhurgari wrote a letter for "GEO FENCING DATA" of Islamabad Air Port, Arrival Lounge of Karachi Air Port, Car Parking Karachi Air Port, Place of incident, Central Jail Karachi, Central Jail Hyderabad and Central Jail Sukhur. He also wrote a letter to FSL Wing for examination

of crime empties secured from the place of incident with the empties secured in other crimes.

The initial report of "GEO FENCING DATA" has been collected which was scrutinized by the Professionals/Experts, However in pursuance of Scrutiny report of Geo Fencing Data 07. Suspects were apprehended and thoroughly interrogated but no fruitful results were achieved.

Despite repeated reminder the final report of Geo Fencing Data is still under process, however in the light of initial report of Geo Fencing Data several searches & raids were conducted within the jurisdiction of several Police Stations of Karachi but the culprits could not be traced out.

More over few suspects have been run on through the help of CID technical wing to correlate them with criminal data base. The results given by them were being worked out through field checking. It is necessary to mention here that a letter dated 08.06.2014 was also sent to Incharge FSL of Terrorism in Karachi with the empties of the subject matter.

During the course of investigations 10 DSP Mr. Ayub Bhurgari recommended/asked permission to delete the section 15 PPO as the attack on Mr. Hamid Mir is not a case waging war against Pakistan that was accepted and deleted.

It is further submitted that in pursuance of such letter FSL test was conducted and reported that on 13.05.2014 murder of MLO (JPMC) Dr. Manzoor Ahmed Memon and his driver Ashique Ali had taken place within the Jurisdiction of P.S. Frere South Karachi, for which Crime No. 125114, under section 302134 r/w. 7ATA was registered at P.S. Frere. The result of FSL reveals that Crime empties of that matter are matched with the empties of the case in hand, meaning thereby that the in both incident Crime weapon is same. This case has submitted for disposal before ATC court as final report "A" class and yet not approved.

Lastly it is submitted that the investigation Team is also working on secret information continuously but unfortunately success has not been achieved till yet. The investigation team is hope full about tracing out the case soon, as it is working on positive clues including suspicious footages obtained from Air Port. The case has been disposed as final reports "A" class vide No. 40/2014 dated, 11.06.2014, final report submitted before the Court ATC-I Karachi. Investigation of the case is ongoing with undersigned."

35. A perusal of the above report shows that the instant case was treated as 'A' Class and report in terms of section 173 of the Code of Criminal Procedure was filed before the concerned Court on 11.6.2014. However, it may be mentioned here that filing of such report does not absolve the investigation agency of its duty to continue pursuing the case. Efforts must be continued to trace the culprits even after filling of such report and whenever any clue is found, further progress must be made accordingly and

the matter taken to its logical end. With this proposition in mind, the IO was called from time to time so as to apprise the Commission of any further progress made in the matter, but he always came up with a negative report. During the proceedings of the Commission, which continued for almost nine months, directions were issued to different law enforcing agencies repeatedly to fulfil their legal obligations in this regard, but always a very casual and routine response was received. Even the JIT remained clueless uptill now as is evident from its final report³⁵.

36. When we closely look at the material brought on record pertaining to the incident of firing at Mr. Hamid Mir right from its inception, we find that there was complete failure on the part of all the law enforcing agencies in the performance of their duty to properly investigate the instant case. So much so the FIR of the incident was lodged on 23.4.2014 at 7:05 p.m., although the occurrence had taken place on 19.4.2014 at about 5:30 p.m., and on the same day *Roznamcha* Report No.16 was prepared by the complainant SI Shahadat Ali Khan Khichi. Immediate lodging of FIR was mandated under the law to set the machinery of law into motion. However, it was not done by any of the police officials.

37. It may also be mentioned here that during the in-camera proceedings of the Commission, CCTV footage was shown to the Members of the Commission in presence of high ranking officials belonging to different departments/organizations. Two persons were shown in the CCTV footage moving in a suspicious manner at *Quaid-i-Azam* International Airport at the time of arrival of Mr. Hamid Mir on 19.4.2014 and immediately thereafter. On the basis of such footage, it was stated time and again before the Commission that there was a likelihood of breakthrough in the investigation and that the agencies undertaking such exercise would be able to reach to the actual culprits. However, at the end of day, report in terms of section 173 of the Code of Criminal Procedure was filed treating the case as "A" Class.

³⁵ **Annexure 40**

This cannot be termed as diligent functioning of the investigating agencies. As per report of the IO dated 3.12.2014, initial report of geo fencing data was collected and scrutinized by the experts and seven suspects were apprehended, but they were not found involved in the incident. In this regard, final report on geo fencing data was also not received. Considering the nature of the incident, it is not believable that before and at the time of occurrence, the culprits had no communications with each other or with anyone else. A thorough analysis of the geo fencing data was called for in the matter. Had such exercise been undertaken with due diligence, it would have definitely provided the investigating agencies clue towards the perpetrators of the crime. Such lapse clearly hinted at inefficiency, lack of commitment and dedication to duty on the part of the law enforcing agencies as well as absence of coordination and cooperation among them. In the process, improper considerations also could not be overruled.

38. The assumptions, apprehensions or suspicions of Mr. Hamid Mir and other journalists of the print and electronic media apart, we cannot remain oblivious of certain other facts and circumstances, such as the ever deteriorating state of law and order, particularly over the last one decade during which several armed groups and terrorist organizations had come up and in literal sense waged war against the State of Pakistan following the agenda of certain foreign powers working against the independence, integrity and sovereignty of the country. The sectarian and ethnic conflicts have been brought about, which are ruthlessly aired by different means. This eventually is aimed at weakening the foundations and fabric of the State and society. All means are adopted to malign not only the country as a whole, but each and every institution and organization of the State as well. Every attempt is made to make everything controversial. It is unfortunate that a number of individuals or groups of individuals are employed in the process. The mad race for breaking news and getting lead makes the things from bad to worse. Falsehood is propagated brazen-facedly and truth obliterated or worse

confounded. Indeed, the journalists are the eyes and ears of the society, however, the manner and method of reporting in the modern days, gives rise to a question whether the media houses are providing information to the people or creating panic in the society? It is an alarming state of affairs. All the stakeholders are required to be careful and cautious in conducting themselves in their respective spheres lest the damage resulting from an irresponsible approaches, actions and reactions becomes irreparable.

39. What we have noticed during these proceedings is that, *prima facie*, there was a tug of war among some members of print and electronic media on the one hand, and a Federal Agency on the other. It was so because according to the members of print and electronic media, who had appeared before the Commission, the said agency was not happy with their reporting. As such, it had been trying to regulate their working in defiance of the norms of journalism, which was considered to be an important ingredient of democracy in any civilized society. As mentioned earlier, the officers of the ISI/ISPR in their affidavits expressed their complete disassociation with the incident. However, as against it, all persons belonging to the print and electronic media, in their affidavits/statements did raise their fingers towards a Federal Agency (ISI). We have held hereinabove that the assertions so made by them were essentially based on suspicions, assumptions or apprehensions and were in the nature of hearsay evidence, hence of no material assistance to the Commission in determining the culpability of any individual or organization, particularly in the face of affidavits/statement filed by the concerned officials in rebuttal. Nonetheless, we cannot lose sight of an important aspect of the matter, viz., the interaction of the media persons with the agencies in the course of their professional duties. In the process, there are concerns raised on behalf of the agencies vis-à-vis reporting on sensitive issues of national security. Such concerns have their genesis in various Articles of the Constitution, including Article 5 (loyalty to State and obedience to Constitution and law) and Proviso to Article 10(7) *ibid*. It is

noteworthy that the safeguard as to arrest and detention enshrined in the latter provision does not apply to a person who is employed by, or works for, or acts on instructions received from, the enemy or who is acting or attempting to act in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof or who commits or attempts to commit any act which amounts to an anti-national activity as defined in a Federal law or is a member of any association which has for its objects, or which indulges in, any such anti-national activity. Similarly, the right to freedom of speech is also subject to reasonable restrictions imposed, *inter alia*, in the interest of integrity, security and defence of Pakistan or any part thereof, friendly relations with foreign States and public order. On the other hand, there is a constant and consistent pattern of complaints emanating from the members of the print and electronic media including their family members made not only before this Commission in the affidavits/statements, but in the past as well whenever any media person went missing, or suffered torture at the hidden hands, or lost life in mysterious circumstances. Such incidents do constitute grave violations of various Articles of the Constitution, e.g., Article 4 (right of individuals to be dealt with in accordance with law), Article 9 (security of person), Article 10 (safeguards as to arrest and detention), Article 10A (right to fair trial), Article 14 (inviolability of dignity of man), Article 19 (freedom of speech) and Article 19A (right to information), which all subjects of the Constitution are mandated to uphold and guard against. This apparent conflict calls for a rational resolution so as to bring reconciliation, harmony and balance in the working of the two sides. In this backdrop, an appropriate mechanism would be required to be put in place to deal with such complaints so that the individual concerned is dealt with according to law. The Commission constituted to probe into the death of late Saleem Shahzad whose report was made public in the recent past, and to which references were made by some of the journalists in their depositions before the Commission, in a more or less similar scenario, had come up with

certain recommendations. We have gone through those recommendations and would reiterate the same.³⁶ In this behalf, the recommendations made by a Special Working Group of Pakistan Coalition on Media Safety (PCOMS) to investigate attacks against media persons, namely, provision for appointment of a special prosecutor, legal aid unit, family counseling unit and primary case investigation unit are also worth consideration at the appropriate level.

40. Before parting with the report, we would like to mention here that the recommendations made by the aforesaid Commission, as rightly pointed out before us, were regrettably not given any consideration insofar as no further progress appeared to have been made in the matter by the Government at the appropriate level. Had any concrete steps been taken in line with the recommendations so made, recurrence of such incidents would have been avoided.

(Justice Anwar Zaheer Jamali)
President

(Justice Ejaz Afzal Khan)
Member

(Justice Iqbal Hameedur Rehman)
Member

NOTE: The Annexes form part of the Report.

³⁶ **Annexure-41**