

DOCUMENTS (JULY-DECEMBER 2007)

DOCUMENT 1

FEATURES OF PAKISTAN'S TRADE POLICY 2007-2008

Government of Pakistan has announced trade policy for year 2007-2008 on 18th July 2007. Following are the main features of the trade policy:

1. President Musharraf's economic reforms agenda has led Pakistan through a period of impressive economic growth.
2. Pakistan is now confidently on the road to achieve the dual objective of sustainable economic growth and eradication of poverty.
3. For the first time in history, Pakistan's exports have crossed the barrier of US \$ 17 billion.
4. Services exports for 11 months of the year 2006-07, were US \$ 3.1 billion
5. Defence exports for 2006-07 were US \$ 63 million.
6. During the first 11 months of 2006-07, the exports of Textiles Group increased by 6%, Engineering goods by 8.7%, Gems by 15.9%, and Jewellery by 120%.
7. Exports of some textile products have almost doubled in the first 11 months of 2006-07.
8. We need to address a host of challenges like low competitiveness, low productive capacity, export diversification, low quality products, export industries, unprecedented demand for energy, market access for the EU and US requirement of compliance with social, environment, and health standards.
9. Pakistan likely to benefit from Global tariff reductions, expansion in Services sector and growth in Electronics and electrical goods.
10. Rs 49 billion disbursed under Long Term Financing of Export Oriented Projects (LTF-EOP) scheme.
11. The government shares 50% of the financial transfer cost for relocation of export oriented industry to Pakistan.
12. Sales tax regime reviewed for the entire Textile Chain, and for Leather products, Surgical Goods, Carpets, and Sports Goods.
13. Sales tax on textiles machinery and on most raw materials, intermediaries and finished goods zero-rated.
14. Customs duty and sales tax on import of machinery for marble and granite, poultry and meat, gems and Jewellery, horticulture and pharmaceuticals sectors also zero rated.
15. Research and Development (R&D) support being provided to textiles, clothing and leather footwear.
16. Expo Pakistan now held annually at Expo Centre in Karachi since 2005.
17. TDAP is executing the Industrial Cluster Development Programme in collaboration with UNIDO.

18. Financial Assistance up to 50% being provided to pharmaceutical companies for registration of their products in foreign countries for export.
19. Textiles and Garment cities being set up.
20. Rs 69.4 million disbursed to the Textile Garments and Home Textiles Skill Development Board.
21. Major institutional reforms have been carried out during the past year.
22. TDAP has replaced EPB.
23. Trade Bodies Law revamped and Rules framed.
24. Reforms carried out to energize the Insurance Sector in Pakistan.
25. On recommendation of Ministry of Commerce, a new band of zero tariff announced by CBR.
26. Specific action plans and projects being developed to improve the state of domestic commerce.
27. Foreign Trade Institute of Pakistan being restructured into Trade Competitiveness Institute of Pakistan.
28. The role of NTC being Re-defined to fit the emerging global scenario,
29. Trade Competitiveness indicators developed and under constant review for meaningful policy recommendations and interventions:
30. The Ministry to support the development of Transit Trade and Transport Logistics to propel the country's trade, particularly its exports.
31. National Trade Corridor Improvement Programme (NTCIP) is a roadmap for improving the transportation logistic chain.
32. Pakistan School of Fashion Design will also offer its curriculum at the Karachi & Islamabad Chapters of the School.
33. With China, a historic comprehensive FTA is now effective as of 1st July 2007.
34. In order to gain a foothold in ASEAN, Pakistan is working on a two-pronged strategy.
35. FTA with Malaysia will be enforced within this year.
36. SAFTA (The South Asian Free Trade Area Agreement) is operative since 1st July 2006.
37. The Pakistan-Sri Lanka FTA operational since June 2005.
38. Pakistan vigorously pursuing an FTA with the Mercosur countries.
39. Pakistan pursuing PTA negotiations with Russia.
40. Sub-Group on trade formed under the aegis of the Pakistan-EU Joint Commission.
41. Pakistan seeking FTAs with certain Non EU countries in Europe.
42. Reconstruction Opportunity Zones would qualify for duty free entry into the United States.
43. Ministry of Commerce to continue with the Rapid Export Growth Strategy (REGS).
44. Our LTF-EOP amended to cover both the export-oriented units and compact spinning.
45. New scheme introduced for of Export Oriented Units (EOUs).
46. Equity Fund created for brand acquisition, and encouraging SPS Compliance.

47. First Year Allowance on investment in Plant Machinery and Equipment allowed for investment in selected sectors.
48. PEFGA Board to be restructured for better export credit risk management.
49. Social, Environmental & Security, Compliance Board to be set up in TDAP.
50. Export Skills Development Council to be established in TDAP.
51. International consultants to be hired for selected companies for Reaching International Standards.
52. Support for various Compliance Certifications increased to 100%.
53. Government to provide assistance for opening exporters' offices abroad.
54. Government to provide assistance for brand promotion.
55. Increase cost sharing of rentals to 4 years, @ 75%, 50%, 25%, and 10% per year Retail Sales Outlets.
56. Overseas Business Support units to be set up in three countries.
57. Government to share 50% cost of BRC Certification to rice exporters with established their brands.
58. Sales tax or duty drawbacks as well as federal excise duty refund against goods exported to ISAF and Defence Logistics Agency zero-rated.
59. Tools and equipment for jewellery production, which are not available or are substandard, will now be importable.
60. New value addition requirements for export of gold jewellery manufactured from imported gold prescribed.
61. Import of silver and platinum for the manufacture and export of jewellery made there from allowed.
62. Import of semi-finished carpets allowed on temporary basis for processing.
63. Financial assistance to be provided to investors for developing export quality slaughterhouses.
64. Government to share cost of audit/accreditations and bio-equivalence for pharmaceutical exporters.
65. International consultants to review Japonica rice opportunities from an international perspective and develop concept for increasing production of the right variety.
66. Vegetable oils exported to Afghanistan to have ingredients information printed in 'Dari' and 'Pushto' languages.
67. Import of duty free footwear samples extended to manufacturers as well.
68. Domestic Commerce to be revitalised.
69. Our import policy based on liberalisation, deregulation, and facilitation.
70. Increase in imports reflects higher imports of machinery and raw materials and high prices of petroleum products.
71. The bulk of the increase in imports is made up by the Petroleum group (31%), machinery (30.2%), raw material for textiles (10.6%), and chemical industries (6.5%).
72. Imports of mobile phones have increased by 27.6%.
73. Construction companies registered with Pakistan Engineering Council can now import second hand Plant, Machinery and Equipment.

74. Prime movers of 380 Horsepower and above EURO III compliant, up to four year old, allowed for import.
75. All Pakistan based Associations and individual companies allowed the facility of temporary import of permissible products for display in exhibitions.
76. Charitable institutions and hospitals allowed to import motorized wheel chairs whether new or in used condition as donations and gifts.
77. Import of mountaineering equipment and materials by mountaineering expeditions on import-cum-export basis allowed without having recourse to Ministry of Commerce.
78. Authority to grant exemption from sales tax registration delegated to Collector of Customs concerned.
79. Import of formaldehyde allowed only to industrial consumers with valid licenses.
80. Importers to be liable to penalty on import of stolen and chassis tampered vehicles under the personal Baggage, Gift and Transfer of Residence schemes.
81. HS code in the Trade Policy to be harmonized with the HS 2007 version.
82. Eight digit PCT codes to be reflected in IPO to facilitate the automated clearances.
83. Rules of origin to be defined and made part of Import Policy Order.

Pakistan High Commission London, 2007-2008
<http://www.phclondon.org/commsection/tradepolicy0708.asp>

DOCUMENT 2

TEXT OF SHORT ORDER RESTORING CHIEF JUSTICE OF PAKISTAN

For detailed reasons to be recorded later, the following issues arising out of this petition are decided as under:

- 1) Maintainability of cop#21 of 2007 filed under art. 184(3) of the constitution. This petition is unanimously declared to be maintainable.
- 2) Validity of the reference issued by the president under art. 209 of the constitution. By a majority of ten to three (Mr. Faqir Muhammad Khokhar, J., Mr. M. Javed Buttar, j. And Syed Saeed Ashhad, J. Dissenting), the said direction to reference in question dated march 9, 2007, for separate reasons to be recorded by the honourable judges so desiring, is set aside.
- 3) Vires of judges (compulsory leave) order (president's order no. 27 of 1970) and the consequent validity of the order dated march 15, 2007 directing that the Chief Justice of Pakistan shall be on leave. The said president's order no. 27 of 1970 is unanimously declared as ultra-vires of the constitution and consequently the said order of the president dated 15th march 2007 is also unanimously declared to have been passed without lawful authority.

4) Validity of the order of the president dated 9 march 2007 and of the order of the same date of the supreme judicial council restraining the chief justice of Pakistan from acting as a judge of the supreme court and as chief justice of Pakistan. Both these orders are unanimously set aside as being illegal. However, since according to the minority view of the question of the validity of the direction of the reference in question, president has competently filed the said reference. Therefore, this court should pass a restraining order under article 184(3) read with article 187 of the constitution.

5) Validity of the appointment of the honourable acting chief justices of Pakistan in view of the annulment of the two restraining orders and the compulsory leave order in respect to the chief justice of Pakistan. The appointments in question of the honourable acting chief justices of Pakistan by notification dated 9th march 2007 and the notification dated 22nd march 2007 are unanimously declared to have been made without lawful authority. However, this invalidity shall not affect the ordinary working of the Supreme Court or the discharge of any other constitutional and/or legal obligation by the honourable acting Chief Justices of Pakistan during the period in question and this declaration is so made by applying the de-facto doctrine.

6) Accountability of the honourable chief justice of Pakistan. It has never been anybody's case before us that the chief justice of Pakistan was not accountable. The same issue therefore does not require any adjudication and other legal and constitutional issues raised before us shall be answered in due course through the detailed judgments to follow.

Order of the Court:

By majority of ten to three (Mr. Faqir Muhammad Khokhar, J., Mr. M. Javed Buttar, J. And Syed Saeed Ashhad, J. Dissenting), this original constitutional petition no. 21 of 2007 filed by Mr. Justice Ifikhar Muhammad Chaudhry, the chief justice of Pakistan is allowed as a result whereas the above mentioned direction the reference of the president dated march 9, 2007 is set aside.

As a further consequence thereof, the petitioner Chief Justice of Pakistan shall be deemed to be holding the said office and shall always be deemed to have been so holding the same.

The other connected petitions shall be listed before the appropriate benches in due course for their disposal in accordance with law.

[Signatures of judges on the 13-member bench.]
Supreme Court of Pakistan, July 20, 2007

http://www.pakistani.org/pakistan/constitution/events/cjp_ref_2007/sc_ref_order.html

DOCUMENT 3

JOINT STATEMENT ON PAKISTAN-INDIA TALKS ON ECONOMIC AND COMMERCIAL COOPERATION

Following is the text of Joint Statement issued at the end of the 4th Round of Pakistan India talks on Economic and Commercial Cooperation:

The Fourth Round of India-Pakistan talks on Economic and Commercial Cooperation within the framework of the Composite Dialogue was held on 31 July-1 August 2007 in New Delhi.

The Indian delegation was led by Commerce Secretary, Shri G.K.Pillai and the Pakistani delegation was led by Syed Asif Shah, Secretary, and Ministry of Commerce.

The talks were held in a cordial and constructive atmosphere. The two sides recognized the satisfactory progress on the initiatives agreed during the Third Round of the talks held in Islamabad on 28-31 March 2006.

The two sides agreed on the following:-

- Both sides emphasized the importance of having bank branches in either country to facilitate trade. Both sides agreed to finalise the processing of the applications for the two bank branches in either country within six months of the receipt of applications or by 31st December 2007 whichever is later.
- To facilitate import of cement from Pakistan, the Indian side informed that India will complete all statutory certification related formalities on a fast track. The Indian side informed that it is also in the process of making appropriate policy changes to accept third party certification.
- To facilitate import of tea from India it was agreed to facilitate and encourage the trading of tea through rail. Pakistan side noted the request for providing duty concessions on import of Indian tea,
- Pakistan will nominate representatives to the Joint Working Group to discuss the issues relating to joint registration of Basmati rice as GI and the first meeting of the Group will be held at an early date. The Pakistan side raised the issue of Notification issued by India declaring 'Super Basmati rice' as an approved variety for export. India agreed to look into this issue.
- The Indian delegation handed over a list of 484 tariff lines for inclusion in the Positive List of items importable from India. The Pakistan side agreed to examine the request in consultation with stakeholders.
- The Indian side informed that a Task Force comprising of representatives from various ministries and departments of Government of India has been constituted to address the issues of Non-Tariff Barriers (NTBs) and Para-tariffs. The Task Force will make recommendations in a time bound manner for removing these barriers to provide greater market access to all members of SAARC.
- In order to address the issue of imbalance in bilateral trade, the Indian side invited the Pakistan side to identify twenty products of its export interest so that India could inform Pakistan about the detailed import regime on these products with a view to facilitate their import into India.

- Both sides will facilitate holding of trade exhibitions in each other's country. The Indian side invited Pakistan to organize a "Made in Pakistan" Trade Fair in India.
- A delegation from Pakistan was invited to visit India to see some of the IT-enabled tele-medicine facilities, with the objective of exploring avenues of cooperation in this field.
- The Indian side agreed to convey a response by 30th September 2007 to the draft MOU on Assistance of Mutual Cooperation in Capital Markets conveyed by Security and Exchange Commission of Pakistan (SECP) to Security Exchange Board of India (SEBI).
- Both sides noted with satisfaction the progress made on laying of the optical fiber link and agreed to establish connectivity at an early date.
- The Export Credit Guarantee Corporation of India Limited (ECGC) will provide detailed proposals for capacity development in the field of export insurance cooperation for consideration by Pakistan by 30th September 2007.
- The Pakistan side raised the issue of amounts outstanding against the Indian Post Office. The Indian side handed over an aide memoir to the Pakistan side. Both sides agreed to discuss the matter further for settling the issue.
- The Indian side made a presentation on the state of development of Integrated Check-post (ICP) planned to be developed at Wagah/Attari Border at the Indian side. The Pakistan side also briefed on the state of infrastructure and proposed plan for development on its side. Both sides agreed to continue the exchange of information on the development of ICPs on either side.
- Both sides noted with satisfaction the initiative to allow cross border movement of trucks, up to designated points at Wagah/Attari, for unloading/reloading of cargo. It was decided that the first technical level meeting to work out modalities would be held on 20th August 2007 at the Wagah border on the Pakistan side.
- To facilitate movement of cargo it was decided that Technical Teams from Pakistan and Indian Railways will meet to decide the modalities for inter change of air braked stock and containers.
- Indian side also proposed that in order to reduce pressure on Attari-Lahore Rail route and to improve trade, the Munabao-Khokrapar route should be opened for freight movement. Pakistan side noted the proposal.
- Both sides agreed to constitute a Joint Group headed by Joint Secretaries of Commerce of both countries to monitor and coordinate the decisions taken during the Fourth Round of talks on economic and commercial cooperation within the framework of Composite Dialogue.

Ministry of Foreign Affairs, August 1, 2007

http://www.mofa.gov.pk/Press_Releases/2007/Aug/PR_201_07.htm

DOCUMENT 4

PRESIDENT'S MESSAGE ON INTERNATIONAL YOUTH DAY

It is my proud privilege to greet the youth of Pakistan and the world on the occasion of International Youth Day.

To the Pakistani youth, I would like to say that I believe in you and your abilities. The future of Pakistan rests in your hands. You have it in you to be remarkable human beings and inspiring citizens of the country. The following Chinese proverb provides the secret of life in how honest intentions and hard work can lead to fulfillment of dreams.

Sow a thought, reap an action. Sow an action, reap a habit. Sow a habit, reap a character. Sow a character, and reap a destiny. Life is just as simple as the words above convey, please do not let any one dissuade you from this fact. I will draw your attention to an ever-inspiring message of Allama Iqbal.

Amal sy zindagi bunti hai, junnat bhi, jahannum bhi Yeh kbaki apni fitrat mein, na noori hai, na naari hai. May your families, friends and fellow citizens feel your presence to be source of strength and support in their lives. I would leave you with an advice to help you in the years to come. It is important to have a balanced well-rounded personality, which encompasses the following:

- Intellectual Development: You must be able to go beyond academic excellence. Acquiring a broad base of knowledge.
- Moral Development: Honesty, truthfulness, humility and contentment from its pillars.
- Physical Development: A healthy mind and body are vital for an overall balance in one's personality.
- Social Development: Your personality should be such that you enjoy respect of your superiors, peers and subordinates. This requires a balanced, harmonious interaction with each.

I represent the going generation while you belong to the coming generation. You are the future of Pakistan. My strongest wish and desire is to hand over the baton to you while Pakistan is on the ascendant and rising Insha Allah, I will do it. I have no doubt that you then steer the country to future glory.

May Allah Almighty to be our Protector and Guide. Aameen!

President of Pakistan, August 12, 2007
<http://www.presidentofpakistan.gov.pk/FilesSpeeches/SpecialDays/811200714059PMPresiden%20Youth%20Speech.pdf>

DOCUMENTS 5

TEXT OF PAK-AFGHAN PEACE JIRGA DECLARATION

In the name of God Almighty, the most Merciful and the most Beneficent

To reaffirm and further strengthen the resolve of two brotherly countries to bring sustainable peace in the region, the Afghan-Pak Joint Peace Jirga was convened

in Kabul, Afghanistan from August 9 to August 12, 2007 as a result of an initiative taken by the presidents of the Islamic Republic of Afghanistan and the Islamic Republic of Pakistan on September 27, 2006.

This was the first historic event of its kind that opened a channel of people-to-people dialogue in which around 700 people including members of the parliaments, political parties, religious scholars, tribal elders, provincial councils, civil society and business community of both countries participated.

The inaugural session was addressed by Hamid Karzai, President of the Islamic Republic of Afghanistan and Shauket Aziz, Prime Minister of the Islamic Republic of Pakistan. The concluding session of the Joint Peace Jirga was addressed by Hamid Karzai, President of the Islamic Republic of Afghanistan, and General Pervez Musharraf, President of the Islamic Republic of Pakistan.

The main recommendations made by the first Joint Peace Jirga are summarised as follows:

1. The Joint Peace Jirga strongly recognises the fact that terrorism is a common threat to both countries and the war on terror should continue to be an integral part of the national policies and security strategies of both countries. The participants of this Jirga unanimously declare to an extended, tireless and persistent campaign against terrorism and further pledge that government and people of Afghanistan and Pakistan will not allow sanctuaries/training centers for terrorists in their respective countries.
2. The Joint Peace Jirga resolved to constitute a smaller Jirga consisting of 25 prominent members from each side that is mandated to strive to achieve the following objectives:
 - a. Expedite the ongoing process of dialogue for peace and reconciliation with opposition.
 - b. Holding of regular meetings in order to monitor and oversee the implementation of the decisions/recommendations of the Joint Peace Jirga.
 - c. Plan and facilitate convening of the next Joint Peace Jirgas.
 - d. Both countries will appoint 25 members each in the committee.
3. The Joint Peace Jirga once again emphasizes the vital importance of brotherly relations in pursuance of policies of mutual respect, non-interference and peaceful coexistence and recommends further expansion of economic, social, and cultural relations between the two countries.
4. Members of the Joint Peace Jirga in taking cognizance of the nexus between narcotics and terrorism condemn the cultivation, processing and trafficking of poppy and other illicit substances and call upon the two governments to wage an all out war against this menace. The Jirga takes note of the responsibilities of the international community in enabling Afghanistan to provide alternative livelihood to the farmers.
5. The governments of the Islamic Republic of Afghanistan and Islamic Republic of Pakistan, with the support of the international community, should implement infrastructure, economic and social sector projects in the affected areas.
6. The comprehensive and important recommendations made by the five working committees of the Joint Peace Jirga for implementation are attached as

annexure and form part and parcel of this joint declaration.

Daily Times, August 13, 2007

http://www.dailytimes.com.pk/default.asp?page=2007%5C08%5C13%5Cstory_13-8-2007_pg7_48

DOCUMENT 6

PRESIDENT'S MESSAGE ON INDEPENDENCE DAY

To all who care about Pakistan, our country has come a long way since its independence. Recently included in the global "next 11" emerging economies, Pakistan is on a sure and sustainable macro-economic footing with investment and entrepreneurial activities spreading across sectors. The last six years have witnessed a radical transformation of the socio-economic landscape of the country. The economic upsurge can be seen permeating down to the welfare and quality of life of the people. The Government hopes to sustain this trend. Ever since we deregulated the media in 2000, the government and the independent television, radio and print media have been strengthening the social fabric of the nation through open discourse around issues concerning both state and society. I have no doubt that our nation's rich cultural heritage will rise above the challenges associated with the freedom of speech and expression. Home to the only egalitarian ancient (Indus Valley) civilization, the people of Pakistan embody the historical, cultural and commercial links between the people of Central, West and South Asia. Few nations provide the kind of diversity of thought and experience that our country offers, and even fewer within the proximity of a two-hour flight. Pakistan's wide spectrum of geographic, cultural, racial, social, political and economic variance is its unique allure. I would like to take the liberty to substantiate this diversity that is:-

- Climatic – arctic north, hot desert south, and temperate mid country. Temperatures varying from +50 C to -50 C.
- Geographic – sea level in south, highest mountains of the world in the north including second highest peak K2 (8,611m).
- Racial - Dravidian, South-Asian, Caucasian, African.
- Linguistic – Urdu, English, Punjabi, Pushto, Sindhi, Balochi, Hindko, Balti, others.
- Spiritual – home to Islam, Christianity, Hinduism, Zoroastrianism, Cradle of Buddhism and Sikhism.
- Culture and Heritage – Mughal, Persian, Arab, British Colonial. Even Alexander the great came to our land. Turned back from the Indus. Such diversity needs strong efficient governance to optimize its potential. Our achievements of empowering the masses through an ingenious local government system, empowerment of women, empowerment of minorities and institution of a system of checks and balances in the form of a National Security Council for ensuring a sustainable democracy, conveys our resolve towards this end. In such momentous times for our country, I feel extremely optimistic that together we will overcome the

short term challenges to put our country on a sustainable path of progress and prosperity. As the first elections in an open media environment approach, I urge all Pakistani citizens to get involved in the electoral process and become the instruments of enlightened moderation in their beloved country. May Allah Almighty be our Protector and Guide, Ameen!

President of Pakistan, August 14, 2007

<http://www.presidentofpakistan.gov.pk/FilesSpeeches/SpecialDays/813200715830PMPresidents%20Message%20on%20August%202014,%202007.pdf>

DOCUMENT 7

JOINT STATEMENT ON THE TECHNICAL LEVEL MEETING BETWEEN PAKISTAN AND INDIA

The technical level meeting between Pakistan and India to work out the modalities to allow cross border movement of trucks, up to designated points at Wagah/Attari, for unloading/reloading of cargo was held at Wagah on August 20, 2007. The Pakistan side was led by Mr. Ali Salman Abbasi, Collector of Customs, Lahore and the Indian side was led by Mr. S. K. Swami, Director (BM), and Ministry of Home Affairs.

2. The talks were held in a cordial and constructive atmosphere recognizing the importance of trade facilitation measures, the two sides agreed on the following:

- i) Trucks from one side would be allowed to go to designated points on the other side at the Wagah/Attari border for unloading of cargo.
- ii) A hotline would be established between the two Customs authorities at the Wagah/Attari border.
- iii) To obviate the need for passports, visas and international driving license, a system of computerized single entry permits would be introduced. These permits, which would be issued in triplicate by the respective Customs authorities, would contain a picture, ID of the driver, his name, address, number and details of the vehicle.
- iv) Initially, trucks of up to the size of ten-wheelers would be allowed to cross over to the other side.
- v) The drivers of these trucks would wear bright yellow jackets/vests with "Driver-Pakistan" inscribed on the back of the Pakistani drivers and "Driver-India" inscribed on the back of the Indian drivers.
- vi) The operation of trucks shall take place between 0700-1400 hours PST and 0730-1430 hours IST.
- vii) In case of force majeure, the Customs authorities of the two sides at Wagah/Attari border shall establish hotline contact to work out the modalities of further action.
- viii) The Customs authorities of the two sides may also consult each other to resolve local issues as and when required.
- ix) To operationalise the system by October 01, 2007.
- x) To further facilitate this procedure, the two sides shall open a dedicated cargo gate towards South-East of the existing Pakistan Customs House

and South-West of the existing Indian Customs House at the Wagah/Attari border. A fenced path shall connect the two Customs Houses through this gate.

- xi) Upon completion of this dedicated cargo gate, all cargo traffic shall pass through it.

Ministry of Foreign Affairs, August 21, 2007

http://www.mofa.gov.pk/Press_Releases/2007/Aug/PR_221_07.htm

DOCUMENT 8

JOINT STATEMENT ON BANGLADESH-PAKISTAN FOREIGN SECRETARY LEVEL TALKS

The Fourth Round of Foreign Secretary level consultations between Bangladesh and Pakistan were held in Dhaka on 29-30 August 2007. The Bangladesh side was led by Mr. Md. Touhid Hossain, Foreign Secretary and the Pakistan side was led by Mr. Riaz Mohammed Khan, Foreign Secretary. During his stay in Dhaka, Foreign Secretary of Pakistan called on the Hon'ble Chief Advisor H. E. Dr. Fakhruddin Ahmed and the Hon'ble Advisor for Foreign Affairs H. E. Dr. Iftekhar Ahmed Chowdhury.

2. At the talks between the two Foreign Secretaries, the two sides took stock of the whole gamut of bilateral relations, reviewed the progress made since the last Foreign Secretary-level talks and explored areas of possible cooperation. Regional and international issues also featured in the discussions. The two sides expressed satisfaction at the progress made since the last Foreign Secretary-level talks and reiterated their commitment to work together to realize the full potential of friendly bilateral relations.

3. The two sides underscored the importance of their economic and commercial relations and decided to consider adopting measures such as Early Harvest Programme to reach the target of USD 1 billion per annum in the two-way trade as well as to address the issue of trade imbalance. They agreed that the private sector and the Chamber bodies of the two countries have an important role to play in this regard. They took note of the successful holding of the first meeting of Joint Working Group (JWG) under the aegis of Bangladesh-Pakistan Joint Economic Commission (JEC) held in Islamabad in July 2007 and hoped that the JWG meetings will be held in regular intervals as decided. It was decided that the next meeting of the JEC would be held in Islamabad in early 2008. They also shared the view that fresh impetus through activities such as trade fairs, seminars and exchange of delegations are needed to promote commercial and investment cooperation.

4. While expressing satisfaction over the existing level of cooperation in the field of education, the two sides agreed to work to explore the potential areas of cooperation including higher education and scientific research. They agreed to bolster cooperation in the fields of sports and culture. The two sides also agreed to examine at an appropriate level the issues related to the existing Consular regime with a view to facilitate greater people-to-people contact.

5. The two sides noted the recent conclusion of a MoU in the field of Civil Aviation and expressed optimism that its early implementation would help bring

peoples of the two countries closer. They underlined that steps should be taken to realize the provisions of the recent MoUs between the two sides on cooperation in the fields of Tourism and Agriculture, Fisheries & Livestock.

6. The Pakistan side informed that the gift of 10,000 metric tons of wheat would reach Bangladesh next month. It also indicated its readiness to sell coarse rice required by Bangladesh. The Bangladesh side noted the offer with appreciation.

7. The Bangladesh side raised the issues of repatriation of stranded Pakistanis and division of assets. The Pakistan side stated its position.

8. The two Foreign Secretaries expressed their satisfaction at the level of cooperation under SAARC and renewed their commitment to work closely to implement the decisions taken by the regional body for the betterment of the lives of the people of South Asia. While noting with happiness the dynamism infused in the SAARC process through the regular holding of meetings at different levels, the two sides also expressed their commitment to proceed in a focused manner about the project-based cooperation.

9. The two sides reiterated commitment to their continued efforts to realize the objectives of the OIC Charter and to promote the cause of the Islamic Ummah. They also exchanged views on the Middle East situation and expressed hope that to ensure peace and stability in the region all concerned would continue the process of dialogue and engagement. They expressed support for the inalienable rights of the Palestinian people.

10. As members of the UN, the two sides recalled the contribution being made by their respective governments particularly in the area of peacekeeping around the world and agreed to remain engaged in furthering the objectives of the United Nations.

11. The talks were held in a friendly atmosphere characteristic of the existing relations between the two countries. The Pakistan Foreign Secretary conveyed his deepest appreciation for the warm welcome and hospitality extended to him and the members of his delegation. He invited his Bangladesh counterpart to visit Islamabad for the next round of Foreign Secretary level consultations. It was agreed that dates for the talks would be finalized through diplomatic channels.

Ministry of Foreign Affairs, August 30, 2007

http://www.mofa.gov.pk/Press_Releases/2007/Aug/PR_235_07.htm

DOCUMENT 9

JOINT STATEMENT ON PAKISTAN-INDIA TALKS ON WULLER BARRAGE

As part of the Composite Dialogue between India and Pakistan, the delegations of the two countries met in New Delhi on 30-31 August 2007 for discussions on the Wullar Barrage/Tulbul Navigation Project. The Indian delegation was led by Mrs. Gauri Chatterji, Secretary, Ministry of Water Resources, Government of India and the Pakistan delegation was led by Mr. Muhammad Ismail Qureshi, Secretary, Ministry of Water and Power, Government of Pakistan.

2. The talks were held in a cordial and constructive atmosphere. The two sides further discussed their respective positions on the project and had a better appreciation of each other's views. They reaffirmed their commitment to the Indus Waters Treaty of 1960.

3. The two sides emphasized the need for an early and amicable resolution of the issue in accordance with the provisions of the Indus Waters Treaty of 1960 for the socio-economic development of the peoples of the two countries. The Secretaries agreed to hold discussions including at technical-level on mutually acceptable dates. Both sides looked forward to the next round of talks under the Composite Dialogue with a view to resolve the issue at an early date.

4. The Pakistan delegation also called on H.E. Prof. Saifuddin Soz, Minister for Water Resources, Government of India.

Ministry of Foreign Affairs, August 31 ,2007
http://www.mofa.gov.pk/Press_Releases/2007/Aug/PR_236_07.htm

DOCUMENT 10

TEXT OF TRANSPLANTATION OF HUMAN ORGANS AND TISSUES ORDINANCE 2007

President General Pervez Musharraf has promulgated Transplantation of Human Organs and Tissues Ordinance 2007 to prevent unlawful human organs trading in the country. Under the ordinance now transplantation of human organs will be done through proper legislation as a regulatory framework has been designed for the first time to stop heinous practice of organs trading.

Following is the text of Ordinance:

Ordinance No.XLIII of 2007.

An Ordinance to provide for removal, storage and transplantation of human organs and tissues for therapeutic purposes.

WHEREAS it is expedient to provide for the regulation, removal, storage and transplantation of human organs and tissues for therapeutic purposes and for matters connected therewith or ancillary thereto;

AND WHEREAS the National Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:-

1. Short title, extent and commencement.- (1) This ordinance may be called the Transplantation of Human Organs and Tissues Ordinance. 2007. (2) It extends to the whole of Pakistan. (3) It shall come into force at once.

2. Definitions,- In this Ordinance, unless there is anything repugnant in the subject or context,-

(a) "brain dead" means irreversible loss of brain and brain stem functions simultaneously;

- (b) “death” means an irreversible cessation of the entire function of brain-stem;
- (c) “donor” means a person who donates any part of his body, organ, tissue or cell;
- (d) “Evaluation Committee” means a committee appointed under section
- (e) “human organ” means any part of a human body, organ or tissue;
- (f) “Monitoring Authority” means an authority constituted under section 8 to monitor the process of transplantation of human organs or tissues and matters relating therein;
- (g) “payment” means payment in money or money’s worth but does not include any payment for defraying or reimbursing, -(i) the cost of removing, transporting or preserving the human organ to be supplied; or (ii) any expenses or loss of earnings incurred by a person so far as reasonably and directly attributable to his supplying any organ from his body;
- (h) “Prescribed” means prescribed by rules made under this Ordinance;
- (i) “Recognized medical institution or hospital” means a medical institution or hospital for practice of operative surgery in transplantation of human organs or tissues to be recognized by the Monitoring Authority;
- (j) “recognized transplant surgeon or physician” means Surgeons or Physicians possessing appropriate qualifications, experience, and trained in the relevant field, to investigate, examine and carry out transplantation surgery of human organs or tissues; and
- (k) “Transplantation” means the grafting of any human organ or tissue of and living or deceased person to some other living person for therapeutic purposes.

3. Donation of organ or tissue by a living person.- (1) Notwithstanding anything contained in any other law for the time being in force, a living donor who is not less than eighteen years of age, may during his life-time voluntarily donate any organ or tissue of his body to any other living person genetically and legally related, who is a close blood relative and the donation of organ or part or tissue by such person for therapeutic purpose shall be regulated in the manner as may be prescribed. In the case of regenerative tissue, i.e. stem cells, there is no restriction of age between siblings.

Explanation. - For the purpose of this section

(a) The expression close “blood relative” means parent, son, daughter, sister, brother and includes spouse:

Provided that transplantation shall be voluntary, genuinely motivated and without any duress or coercion.

(b) In case of non-availability of a donor as explained under sub-section (1), the Evaluation Committee may allow donation by a “non close blood relative” after satisfying itself that such donation is voluntary.

4. Donation of human-organs or tissues after death - (1) Any person who is not less than eighteen years of age may before his death, in writing duly signed and verified by the respective Evaluation Committee, donate any of his organ or tissue for transplantation and for this purpose may authorize any medical institution or hospital

recognized by the Monitoring Authority. The cases of unclaimed brain dead hospitalized patients shall be presented to an Evaluation Committee for transplantation after an intense search for their relatives within twenty-four hours. (2) On the death of a donor referred to in sub-section (1) any close relative of the deceased shall inform the Evaluation Committee about the deceased and cause the removal of the human organ or tissue in accordance with the authorization. (3) A donation under this section may be executed in such form and manner as may be prescribed and may be revoked at any time during the lifetime of the donor in the presence of two witnesses.

5. Evaluation Committee (I) As soon as may be after the commencement of this Ordinance the Federal Government may, by notification in the official Gazette, appoint as many Evaluation Committees as may be necessary which shall consist of a surgical specialist, a medical specialist, a transplant specialist, a nephrologist, and a neuro physician and an intensivist where available and two local notables having a good record of social service. The Evaluation Committee shall be established for every recognized medical institution and hospital where at least twenty five transplants are being carried out annually. (2) The Evaluation Committee shall:

(a) ensure that no organ or tissue is retrieved from non-related living donors without the prior approval of the Evaluation Committee; (b) determine brain death of a person; (c) determine propriety of removal of a human organ from any living person using brain death protocol to be formulated; and (d) determine fitness or otherwise for transplantation of a human organ into any other body.

6. Transplantation to be carried out by the team of transplant surgeons and physicians, etc. - (I) The transplantation of human organ or tissue or removal of any part of human organ for the purpose of transplantation shall only be carried out by the recognized professionals who shall, before the removal of any human organ from the body of the deceased, ensure dial written certification has been obtained from the Evaluation Committee that death has occurred. (2) For the purpose of sub-section (1) a person shall be deemed to be medically and legally dead at the time when in the opinion of the Evaluation Committee, based upon acceptable standard of medical practice, there is- (a) An absence of natural respiratory and cardiac functions and attempt at resuscitation are not successful in restoring those functions; or (b) An irreversible and permanent cessation of all brain-stem functions and future attempt of resuscitation or continued supportive maintenance would not be successful in restoring such natural functions. (3) On the commencement of this Ordinance, the Federal Government shall on the recommendation of the Monitoring Authority, by notification in the official Gazette, publish the list of medical institutions and hospitals as recognized medical institutions and hospitals for practice of operative surgery in transplantation of human organs and tissues. The Federal Government may revise the list from time to time. (4) No hospital or medical institution shall carry out transplantation of human organs and tissues unless it is recognized as provided in sub-section (3).

7. Effects etc., to the donor and the recipient- (I) No transplantation of a human organ and tissue from a donor other than defined in sub section (I) of section 3 shall be carried out without prior permission of the appropriate Evaluation Committee and only at such medical institutions and hospitals which have been notified under sub section (3) of section (6) provided that such donation by Pakistani citizens shall not be

permissible to citizens of other countries. (2) No human organ or tissue shall be removed from the body of a living person except for the purposes of section 3 and no transplantation team of a recognized medical institution or hospital shall undertake the removal or transplantation of any human organ or tissue from a living donor unless they have explained the effects, complications and hazards connected with the removal of organ or tissue for transplantation to the donor and its outcome in the recipient respectively in such manner as may be prescribed.

8. Monitoring Authority - (1) The Federal Government shall, by notification in the official Gazette, constitute a Monitoring Authority consisting of the following, namely: - (i) Minister for Health Chairman (ii) Secretary Ministry of Health Member/Secretary (iii) Surgeon General, Pakistan Army Member (iv) President, Transplantation Society of Pakistan, Member (v) Executive Director, Pakistan Medical Research Council Member (vi) President, Ophthalmological Society of Pakistan Member (vii) President, Pakistan Medical Association of Pakistan Member (viii) President, Pakistan Society of Gastroenterology Member (ix) Surgical Transplant Specialist Member (x) Any other outstanding Medical Specialist whom the Federal Government may nominate. (2) The Authority so constituted shall: (a) Monitor transplantation and enforce prescribed standards for recognized medical institutions and hospitals; (b) Investigate and hold inquiry into the allegations of breach of any provision of this Ordinance; (c) Inspect recognized medical institutions and hospitals for examination of quality of transplantation, follow up medical care of donor and recipient and any other matter ancillary thereto and also periodically inspect institutions wishing to be recognized; (d) cause establishment of a National Registry and national and regional networks for evaluating quality and outcome of transplant centers and cause enhancement and promotion of transplantation; and (e) Due to shortage of available human organs for transplantation to meet lifesaving patient needs, the Monitoring Authority will explore and support the international collaboration of xenotransplantation in future, after considering all ethical and safety risks and also continue to examine and collect global data on the practices, safety, quality, efficacy and epidemiology of stem cell as well as non-human organ transplantation. (3) The Monitoring Authority shall appoint an Administrator, preferably from the medical profession, in consultation with the Federal Government and also appoint such other officers as may be required, on terms and conditions, to be determined by it, to carry out the day to day business of the Authority, for which the Federal Government shall provide a reasonable annual grant. (4) The Federal Government in consultation with the Monitoring Authority shall establish a fund consisting of grants by the federal and Provincial Governments and contributions by NGOs, philanthropists and other individuals for the transplantation of indigent patients including post transplant care and medicines. (5) The pool of voluntary donors and registry of potential recipients shall be established and regulated as may be prescribed.

9. Prohibition of removal or transplantation of human organs for any purpose other than therapeutic purpose.- No donor and no person empowered to give authority for removal of any human organ shall authorize the removal of any human organ for any purpose other than the therapeutic purposes.

10. Punishment for removal of human organ without authority.- (1) Whoever renders his services to or at any recognized medical institution or hospital and who for

the purposes of transplantation, conducts, associates with or helps in any manner in, the removal of any human organ without authority, shall be punished with imprisonment for a term which may extend to ten years and with fine which may extend to one million rupees. (2) Where any person convicted under sub-section (1) is a registered medical practitioner his name shall also be reported to the Pakistan Medical and Dental Council for appropriate action including removal of his name from the register of Council for a period of three years for the first offence and permanently for subsequent offence.

11. Punishment for commercial dealings in human organ. Whoever- (a) makes or receives any payment for the supply of, or for an offer to supply, any human organ; (b) seeks to find a person willing to supply for payment of any human organ; (c) offers to supply any human organ for payment; (d) initiates or negotiates any arrangement involving the making of any payment for the supply of, or for an offer to supply any human organ; (a) takes pain in the management or control of a body of persons, whether a society, firm, or company, whose activities consist of or include the initiation of negotiation of any arrangement referred to in clause (d); or (b) publishes or distributes or causes to be published or distributed any advertisement,- (i) inviting persons to supply for payment of any human organ: (ii) offering to supply any human organ for payment; or (iii) indicating that the advertiser is willing to initiate or negotiate any arrangement referred to in clause (d), shall be punished with imprisonment for a term which may extend to ten years and with fine which may extend to one million rupees.

12. Punishment for contravention of any other provision of this Ordinance-Whoever contravenes any provision of this Ordinance or any rule made, or any condition of the registration granted thereunder for which no punishment is separately provided in this Ordinance, shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to three hundred thousand rupees or with both.

13. Offences by companies.- Where any offence, punishable under this Ordinance has been committed by a company, its Chief Executive or Director or any other person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of offence and shall be liable to be proceeded against and punished accordingly:

Provided that a company shall be liable to pay fine only:

Provided further that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

Explanation.-for the purposes of this section,- (a) "company" means any body corporate and includes a firm or other association of individuals; and (b) "director" in relation to a firm, means a partner in the firm.

14. Cognizance of offences.- (1) No Court inferior to that of the Magistrate of First Class empowered under section 30 of the Code of Criminal Procedure, 1898 (Act V of 1898) shall try an offence punishable under this Ordinance. (2) No court shall lack cognizance of an offence under this Ordinance except on a complaint in writing made by- a) The Monitoring Authority or its Secretary; or b) An aggrieved person who

has given notice of not less than fifteen days, in such manner as may be prescribed, to the Monitoring Authority, of the alleged offence and of his intention to lodge a complaint. (3) Notwithstanding anything in section 32 of the Code of Criminal Procedure, 1898 (Act V of 1898) it shall be lawful for a Magistrate referred to in subsection (1), to pass any sentence authorized by this Ordinance even if such sentence exceeds his powers under the said section. (4) Notwithstanding anything in the Code of Criminal Procedure, 1898 (Act V of 1898) the offences punishable under this Ordinance shall be non-bailable.

15. Savings. - Neither the grant of any facilities of any authority for removal of any human organ from the body of the donor deceased or alive in accordance with the provisions of this Ordinance nor removal of any human organ or tissue from the body of a deceased person with due care in pursuance of such authority shall be deemed to be an offence punishable under section 297 of the Pakistan Penal Code (Act XLV of 1860).

16. Protection of actions taken in good faith. - (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done in pursuance of the provisions of this ordinance or rules made thereunder. (2) No suit or other legal proceedings shall lie against the Federal Government for any damage caused or likely to be caused for anything which is done with due care in good faith or intended to be done in pursuance of the provisions of this Ordinance.

17. Power to make rules. - The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

Removal of difficulties.- If any difficulty arises in giving effect to any provision of this Ordinance, the President may make such order as he considers necessary or expedient for the purpose of removing the difficulty.

September 5, 2007

http://www.app.com.pk/en/index2.php?option=com_content&do_pdf=1&id=16011

DOCUMENT 11

PRESIDENT'S ADDRESS ON DEFENCE DAY

Defence Day of Pakistan is observed every year on the 6th of September with solemnity and reverence to commemorate the unparalleled show of unity, courage and supreme sacrifices rendered by the Pakistani nation and our valiant Armed Forces, who stood steadfast against overwhelming odds and thwarted nefarious designs of the adversary. The supreme sacrifices rendered by our Shuhada and Ghazis on this day in 1965, serve as beacon of light and source of strength for us all, and the nation can rightly be proud of their outstanding deeds of valour in the defence of the motherland. We have traveled a long way towards progress and strength since then. Alhamdollah, Pakistan today has a strong and robust economy and our defence, based on strong conventional and non-conventional capabilities, remains impregnable against any external threat. As a result of prudent policies and far-reaching reforms, we are moving in the direction of greater socio-economic progress and realizing our rightful place in the comity of nations. On the other hand, the nation is faced with grave

internal threats by forces of extremism, militancy and obscurantism existing on the fringes of society. The people of Pakistan desire a bright future for our country as an enlightened, moderate and progressive nation, which is politically stable, as well as economically and militarily strong. In order to achieve this objective we must defeat these retrogressive forces. In keeping with their lofty traditions and professional excellence, the Armed Forces are presently engaged in helping the nation in combating the threat of terrorism, for which they deserve not only plaudits, but total support of the people.

If ever there was a need for unity and solidarity in the country, it is now. Therefore urge all Pakistanis to revive in themselves the spirit of 1965, and resolve to make Pakistan a truly dynamic, prosperous and democratic welfare state for the present and future generations.

May Allah Almighty be our Protector and Guide. Ameen!

President of Pakistan, September 6, 2007

http://www.presidentofpakistan.gov.pk/FilesSpeeches/SpecialDays/919200722127AMDefense_Day.pdf

DOCUMENT 12

TEXT OF ANTI-MONEY LAUNDERING ORDINANCE 2007

President General Pervez Musharraf Saturday promulgated “Anti-Money Laundering Ordinance 2007” for prevention of money laundering.

Following is the text of ordinance: Ordinance No. XLV of 2007.

AN ORDINANCE: To provide for prevention of money laundering

WHEREAS it is expedient to provide for prevention of money laundering and forfeiture of property derived from, or involved in, money laundering and for matters connected therewith or incidental thereto;

And Whereas the National Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:-

1. Short title, extent and commencement.- (1) This Ordinance may be called the Anti-Money Laundering Ordinance, 2007. (2) It extends to the whole of Pakistan. (3) This section shall come into force at once and the remaining provisions shall come into force on such date as the Federal Government may, by notification in the official Gazette, appoint.

2. Definitions. - In this Ordinance, unless there is anything repugnant in the subject or context, - (a) “Accounts transaction” means any facility or arrangement by which a financial institution does any one or more of the following acts, namely; - (i) Accepts deposits of currency; (ii) allows withdrawal of currency or transfers into or out of the account; (iii) pays cheques or payment orders drawn on a financial institution or collects cheques or payment orders on behalf of a person; (iv) provides a facility or arrangement for a safety deposit box; (v) wire transfer; or (vi) allows any transaction which has the effect of any debit or credit entry in respect of particular

accounts; (b) “attachment” means prohibition of transfer, conversion, disposition or movement of property by an order issued under section 8; (c) “CTR” means report on currency transactions exceeding such amount as may be specified by the National Executive Committee; (d) “Court” means the Court specified under section 20; (e) “Director General” means the Director General of FMU appointed under section 6; (f) “financial institutions” means entities licensed or supervised by SBP and non-banking finance companies as defined under the Companies Ordinance, 1984 (XLVII of 1984), and includes a foreign exchange company and a company managing, conducting or supervising a foreman, agent or, in any other capacity, any person or entities which conduct or engage in one or more of the financial activities or business, including insurance, trading in transferable securities and commodity futures trading; (g) “fiscal offence” means an offence punishable under the Income Tax Ordinance, 2001 (XLIX of 2001), the Federal Excise, Act, 2005, the Customs Act, 1969 (IV of 1969), the Sales Tax Act, 1990 and any other law as the Federal Government may notify in this behalf; (h) “FMU” means the Financial Monitoring Unit established under section 6; (i) “Foreign serious offence” means an offence- (i) against the law of a foreign State stated in a certificate issued by, or on behalf of, the government of that foreign State; and (ii) which, had it occurred in Pakistan, would have constituted a predicate offence; (j) “intermediary” means a stock-broker, sub-broker, share transfer agent, banker to an issue, trustee to a trust deed, registrar to an issue, merchant banker, underwriter, portfolio manager, investment adviser and any other intermediary associated with securities market and registered under the Securities and Exchanges Commission of Pakistan Act, 1997 (XLII of 1997); (k) “investigating or prosecuting agency” means the National Accountability Bureau (NAB), Federal Investigation Agency (FIA), Anti-Narcotics Forces (ANF) or any other law enforcement agency as may be notified by the Federal Government for the investigation or prosecution of a predicate offence; (l) “investigating officer” means the officer nominated or appointed under section 24; (m) “National Executive Committee” means the National Executive Committee constituted under section 5; (n) “non-financial business and professions” means real estate agents, jewelers, dealers in precious metals, precious stones, lawyers, notaries and other legal professionals, accountants, trust and company service providers and such other non-financial businesses and professions as may be notified by the Federal Government; (o) “offence of money laundering” has the meaning as defined in section 3; (p) “person” means an individual, a firm, an entity, an association or a body of individuals, whether incorporated or not, a company and every other juridical person; (q) “Prescribed” means prescribed by rules made under this Ordinance; (r) “proceeds of crime” means any property derived or obtained directly or indirectly by any person from the commission of a predicate offence or a foreign serious offence; (s) “property” means property or assets of any description, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and includes deeds and instruments evidencing title to, or interest in, such property or assets, including cash and monetary instruments, wherever located; (t) “predicate offence” means an offence specified in the Schedule to this Ordinance having nexus with money laundering, but does not include fiscal offence; (u) “record” includes the records maintained in the form of books or stored in a computer or any electronic device, or such other form as may be prescribed; (v) “SBP” means State Bank of Pakistan established under the State Bank of Pakistan Act, 1956 (XXXIII of 1956);

(w) “Schedule” means schedule to this Ordinance; (x) “SECP” means Securities and Exchange Commission of Pakistan established under the Securities and Exchange Commission of Pakistan Act, 1997 (XLII of 1997); (y) “Suspicious Transactions Report” means the report on suspicious accounts transactions specified under section 7; and (z) “transfer” means sale, lease, purchase, mortgage, pledge, gift, loan, or any other form of transfer of right, title, possession or lien.

3. Offence of money laundering.- A person shall be guilty of offence of money laundering, if the person: (a) acquires, converts, possesses or transfers property, knowing or having reason to believe that such property is proceeds of crime; or (b) renders assistance to another person for the acquisition, conversion, possession or transfer of, or for concealing or disguising the true nature, origin, location, disposition, movement or ownership of property, knowing or having reason to believe that such property is proceeds of crime.

4. Punishment for money laundering.- Whoever commits the offence of money laundering shall be punishable with rigorous imprisonment for a term which shall not be less than one year but may extend to ten years and shall also be liable to fine which may extend to one million rupees and shall also be liable to forfeiture of property involved in the money laundering.

5. National Executive Committee to combat money laundering.- (1) Within thirty days of the commencement of this Ordinance the Federal Government shall, by notification in the official Gazette, constitute a committee to be known as the National Executive Committee which shall consist of the following members, namely:-

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|---|-----------|
| (a) Minister for Finance or Advisor to the Prime Minister on Finance | -Chairman |
| (b) Senior Advisor to the Prime Minister on Foreign Affairs, Law, Justice, and Human Rights | -Member |
| (c) Minister for Law and Justice | -Member |
| (d) Minister for Interior | -Member |
| (e) Governor SBP | -Member |
| (f) Chairman SECP | -Member |
| (g) Director General | -Member |
| (h) Any other Member to be nominated by the Federal Government. | |

(2). The Director General shall also act as Secretary of the National Executive Committee. (3) The National Executive committee shall— (a) Meet regularly to develop, co-ordinate and publish an annual national strategy to fight money laundering; (b) determine offences existing in Pakistan that may be considered to be predicate offences for the purposes of this Ordinance; (c) provide guidance and sanction in framing of rules and regulations under this Ordinance; (d) make recommendations to the Federal Government for effective implementation of this Ordinance and framing of national policy to combat money laundering; (e) issue necessary directions to the agencies involved in the implementation and administration of this Ordinance; (f) discuss any other issue of national importance relating to money laundering; and (g) undertake and perform such other functions as assigned to it by the Federal Government, relating to money laundering. (4) The National Executive Committee shall be assisted by a General Committee to be composed of—

- | | |
|------------------------|----------|
| (a) Secretary Finance | Chairman |
| (b) Secretary Interior | Member |

| | | |
|-----|---------------------------|--------|
| | Secretary Foreign Affairs | Member |
| (d) | Secretary Law | Member |
| (e) | Governor SBP | Member |
| (f) | Chairman SECP | Member |
| (g) | Director General | Member |

(h) any other Member to be nominated by the Federal Government.

(5) The Director General shall also act as Secretary of the General Committee. (6) The General Committee may invite any person to participate in the meeting as it deems necessary. (7) The General Committee shall, inter alia- (a) take measures as necessary for development and review of performance of investigating agencies, FMU and the financial institutions and non-financial businesses and professions, relating to anti-money laundering; (b) review training programs for Government, financial institutions, non-financial businesses and professions and other persons, relating to anti money laundering; (c) provide necessary assistance to the National Executive Committee in carrying out its functions and duties under this Ordinance; (d) discuss any other issue of national importance relating to money laundering; and (e) undertake and perform such other functions as assigned to it by the National Executive Committee.

6. Financial Monitoring Unit.- (1) The Federal Government shall, by notification in the Official Gazette, establish a Financial Monitoring Unit which shall be housed in SBP or at any other place in Pakistan. (2) The FMU shall have independent decision-making authority on day-to-day matters coming within its areas of responsibility. (3) A Director General who shall be a financial sector specialist who shall be appointed by the Federal Government in consultation with SBP to head FMU and exercise all powers and functions of the FMU subject to the supervision and control of the General Committee. (4) The FMU shall exercise the following powers and perform the following functions, namely:- (a) to receive Suspicious Transactions Reports and CTRs from financial institutions and such non-financial businesses and professions as may be necessary to accomplish the objects of this Ordinance; (b) to analyse the Suspicious Transaction Reports and CTRs and in that respect the FMU may call for record and information from any agency in Pakistan (with the exception of income tax information) concerning the person in question. All such agencies shall be required to promptly provide the requested information; (c) to disseminate, after having considered the reports and having reasonable grounds to suspect, the Suspicious Transaction Reports and any necessary information to the investigating agencies concerned as described in clause (k) of section 2; (d) to create and maintain a data base of all Suspicious Transaction Reports and CTRs, related information and such other materials as the Director General determines are relevant to the work of the FMU and in that respect, the FMU is authorised to establish necessary analytic software and computer equipment to effectively search the data base, sort and retrieve information and perform real time linkages with databases of other agencies both in and outside Pakistan as may be required from time to time; (e) to co-operate with financial intelligence units and appropriate law enforcement authorities in other countries and to share and request information and documents; (f) to represent Pakistan at all international and regional organisations and groupings of financial intelligence units and other international groups and forums which address the offence of money laundering and other related matters; (g) to submit to the National Executive Committee an annual report containing recommendations based upon

necessary information and statistics regarding countermeasures which can be taken to combat money laundering and such reports shall provide an overall analysis and evaluation of the Suspicious Transaction reports limited to details of the investigations and prosecutions that have been or are being conducted in relation to the offence of money laundering in Pakistan; (h) to frame regulations in consultation with SECP for ensuring receipt of Suspicious Transaction Reports and CTRs from the financial institutions and non-financial businesses and professions with the approval of the National Executive Committee; (i) to engage a financial institution or an intermediary or such other non-financial businesses and professions or any of its officers as may be necessary for facilitating implementation of the provisions of this Ordinance, the rules or regulations made here under; and (j) to perform all such functions and exercise all such powers as are necessary for, or ancillary to, the attainment of the objects of this Ordinance. (5) Subject to the regulations sanctioned by the National Executive Committee in this behalf, the Director-General may, if there appear to be reasonable grounds to believe that any property is involved in money laundering, order freezing of such property, for a maximum period of fifteen days, in any manner that he may deem fit in the circumstances.

7. Procedure and manner of furnishing information by the financial institutions.- (1) Every financial institution shall file with the FMU, to the extent and in the manner prescribed by the FMU, Suspicious Transaction Report conducted or attempted by, at or through that financial institution if the financial institution knows, suspects, or has reason to suspect that the transaction (or a pattern of transactions of which the transaction is a part): (a) involves funds derived from illegal activities or is intended or conducted in order to hide or disguise proceeds of crime; (b) is designed to evade any requirements of this section; or (c) has no apparent lawful purpose after examining the available facts, including the background and possible purpose of the transaction: Provided that Suspicious Transaction Report shall be filed by the financial institution with the FMU immediately, but not later than seven working days after forming that suspicion. (2) All CTRs shall, to the extent and in the manner prescribed by the FMU, be filed by the financial institutions with the FMU immediately, but not later than seven working days, after the respective currency transaction. (3) Every financial institution shall keep and maintain a record of all Suspicious Transactions Reports and CTRs filed by it for a period of five years subsequent to termination of its business relationship with the particular client whose transaction was reported by it under sub-sections (1) and (2). (4) The provisions of this section shall have effect notwithstanding any obligation as to secrecy or other restriction on the disclosure of information imposed by any other law or written document. (5) Notwithstanding anything contained in any other law for the time being in force, any Suspicious Transactions Reports required to be submitted by any person or entity to any investigating and prosecuting agencies shall, on the commencement of this Ordinance, be solely and exclusively submitted to FMU to the exclusion of all others.

8. Attachment of property involved in money laundering.- (1) The investigating officer may, on the basis of the report in his possession received from the concerned investigating agency, by order in writing, with prior permission of the Court, provisionally attach property, which he reasonably believes to be proceeds of crime or involved in money laundering for a period not exceeding ninety days from the date of the order. (2) The investigating officer shall within forty-eight hours immediately after

attachment under sub-section (1), forward a copy of the order, along with the material in his possession, referred to in that sub-section, to the head of the concerned investigating agency, in a sealed envelope, in the manner as may be prescribed, and the concerned investigating agency, shall keep such order and material for such period as may be prescribed. (3) Every order of attachment made under sub-section (1) shall cease to have effect after the expiry of the period specified in that sub-section or on the date of the finding made under sub-section (2) of section 9 whichever is earlier. (4) Nothing in this section shall prevent the person interested in the enjoyment of the immovable property attached under sub-section (1) from such enjoyment. Explanation.- For the purposes of this sub-section, "person interested", in relation to any immovable property, includes all persons claiming or entitled to claim any interest in the property. (5) The investigating officer who provisionally attaches any property under sub-section (1) shall, within a period of thirty days from such attachment, file a complaint stating the facts of such attachment before the Court.

9. Investigation.- (1) The investigating officer shall, not later than seven days from the date of order of attachment made under sub-section (1) of section 8 or, seizure of property under section 14 or section 15, serve a notice of not less than thirty days on the person concerned. The notice shall call upon such person to indicate the sources of his income, earning or assets, out of which or by means of which he has acquired the property attached under sub-section (1) of section 8, or, seized under section 14 or section 15, the evidence on which he relies and other relevant information and particulars, and to show cause why all or any of such properties should not be declared to be the properties involved in money laundering and forfeited by the Federal Government: Provided that where a notice under this sub-section specifies any property as being held by a person on behalf of any other person, a copy of such notice shall also be served upon such other person: Provided further that where such property is held jointly by more than one person, such notice shall be served upon all persons holding such property. (2) The investigating officer shall, after- (a) considering the reply, if any, to the notice issued under sub section (1); (b) hearing the aggrieved person; and (c) taking into account all relevant materials placed on record before him; record a finding whether all or any other properties referred to in the notice issued under sub-section (1) are involved in money laundering: Provided that if the property is claimed by a person, other than a person to whom the notice had been issued, such person shall also be given an opportunity of being heard to prove that the property is not involved in money laundering. (3) Where the investigating officer on the basis of report received from the concerned investigating agency decides under sub-section (2) that any property is involved in money laundering, he shall, apply to the Court for an order confirming the attachment of the property made under subsection (1) of section 8 or retention of property or record seized under section 14 or section 15. Such attachment or retention of the seized property or record shall-(a) continue during the pendency of the proceedings relating to any predicate offence or money laundering before a court; and (b) become final if it is proved in the court that the property is proceeds of crime or involved in money laundering and order of such court becomes final. (4) Where the provisional order of attachment made under sub-section (1) of section 8 has been confirmed under sub-section (3), the investigating officer shall forthwith take possession of the attached property: Provided that where the property seized is perishable in nature or subject to

speedy and natural decay, or when the expense of keeping it in custody is likely to exceed its value, the Court may, on the application of the investigating officer, order immediate sale of the property in any manner deemed appropriate in the circumstances. (5) Where on conclusion of a trial for any predicate offence or money laundering, the person concerned is acquitted, the attachment of the property or retention of the seized property or record under sub-section (3) and net income, if any, shall cease to have effect. (6) Where the attachment of any property or retention of the seized property or record becomes final under clause (b) of sub-section (3), the Court shall, after giving an opportunity of being heard to the person concerned, make an order for forfeiture of such property.

10. Vesting of property in Federal Government.- Where an order of forfeiture has been made under sub-section (6) of section 9 in respect of any property of a person, all the rights and title in such property shall vest absolutely in the Federal Government free from all encumbrances:

Provided that where the Court, after giving an opportunity of being heard to any other person interested in the property attached under section 8, or seized under section 14, is of the opinion that any encumbrance on the property or leasehold interest has been created with a view to defeat the provisions of this Ordinance, it may, by order, declare such encumbrance or leasehold interest to be void and thereupon the aforesaid property shall vest in the Federal Government free from such encumbrances or leasehold interest:

Provided further that nothing in this section shall operate to discharge any person from any liability in respect of such encumbrances, which may be enforced against such person by a suit for damages.

11. Management of forfeited properties.- (1) The Federal Government may, by order published in the Official Gazette, appoint as many trustees and receivers as it thinks fit to perform the functions of an Administrator. (2) The Administrator appointed under sub-section (1) shall receive and manage the property in relation to which an order has been made under sub-section (6) of section 9 in such manner and subject to such conditions as may be prescribed. (3) The Administrator shall also take such measures, as the Federal Government may direct, to dispose of the property, which is vested in the Federal Government under section 10;

Provided that, where the property seized is perishable in nature or subject to speedy and natural decay, or when the expense of keeping it in custody is likely to exceed its value, the Administrator may sell it at once after reasonable notice to the Federal Government.

12. No civil or criminal proceedings against banking companies, financial institutions, etc., in certain cases.- Save as otherwise provided in section 7, the financial institutions, non-financial businesses and professions, intermediaries and their officers shall not be liable to any civil, criminal or disciplinary proceedings against them for furnishing information required under this Ordinance or the rules made hereunder.

13. Power of survey.- (1) Notwithstanding anything contained in any other provisions of this Ordinance, where an investigating officer, on the basis of material in his possession, has reasons to believe that an offence of money laundering has been committed, he may, with the permission of the Court, enter any place,- (a) Within the limits of the area assigned to him; or (b) in respect of which he is authorized for the purposes of this section by such other authority who is assigned the area within which

such place is situated, at which any act constituting the commission of such offence is carried on, and may require any proprietor, employee or any other person who may at that time and place be attending in any manner to, or helping him in, such act so as to,- (i) Afford him the necessary facility to inspect such record as he may require and which may be available at such place; (ii) afford him the necessary facility to check or verify the proceeds of crimes or any transaction related to proceeds of crimes which may be found therein; and (iii) Furnish such information as he may require as to any matter which may be useful for, or relevant to, any proceedings under this Ordinance.

Explanation.- For the purpose of this sub-section, a place, where an act which constitutes the commission of the offence is carried on, shall also include any other place, whether any activity is carried on therein or not, in which the person carrying on such activity states that any of his records or any part of his property relating to such act are or is kept. (2) The investigating officer referred to in sub-section (1), shall, after entering any place referred to in that sub-section and within forty-eight hours immediately after completion of survey, forward a copy of the report on survey, along with the reasons and copies of the material in his possession, to the head of the concerned investigating agency in a sealed envelope and shall keep such record and material in such manner and for such period, as may be prescribed. (3) The investigating officer acting under this section may,- (a) Place marks of identification on the records inspected by him and make or cause to be made extracts or copies there from. (b) Make an inventory of any property checked or verified by him, and (c) record the statement of any person present in the place which may be useful for or relevant to any proceeding under this Ordinance.

14. Search and seizure.- (1) Subject to sub-section (2), where the investigating officer, on the basis of information in his possession, has reason to believe that any person,- (a) Has committed any act which constitutes money-laundering, (b) Is in possession of any proceeds of crime involved in money laundering, or (c) is in possession of any records relating to money-laundering, then, subject to the rules made in this behalf, he may either authorize any officer subordinate to him, or himself to,- (i) enter and search any building, place, vessel, vehicle or aircraft where he has reason to suspect that such records or proceeds of crime are kept; (ii) break open the lock of any door, box locker, safe, almirah or other receptacles for exercising the powers conferred by clause (a) where the keys thereof are not available; (iii) seize any record or property found as a result of such search; (iv) place marks of identification on such record or make, or cause to be made, extracts or copies there from; (v) make a note or any inventory of such record property; (vi) examine on oath any person, who is found to be in possession or control of any record or property, in respect of all matters relevant for the purposes of any investigation under this Ordinance. (2) The powers to search under sub-section (1) shall be exercisable by the investigating officer with the prior permission of the Court. (3) The investigating officer shall, within forty-eight hours immediately after search and seizure, forward a copy of the report on search and seizure, along with the reasons and copies of the material in his possession, to the head of the concerned investigating agency in a sealed envelope and shall keep such record and material in such manner and for such period, as may be prescribed. (4) Where the investigating officer, upon information obtained during survey under section 13, is satisfied that any evidence shall be or is likely to be concealed or tampered with, he may, for reasons to be recorded in writing,

enter and search the building or place where such evidence is located and seize that evidence. (5) The investigating officer, seizing any record or property under this section, shall, within a period of thirty days from such seizure, file an application, requesting for retention of such record or property before the Court.

15. Search of persons.- (1) If an investigating officer, has reason to believe (the reason for such belief to be recorded in writing) that any person has secreted about the person or anything under his possession, ownership or control, any record or proceeds of crime which may be useful for or relevant to any proceedings under this Ordinance, he may, with the prior permission of the Court, search that person and seize such record or property which may be useful for or relevant to any proceedings under this Ordinance. (2) The investigating officer shall, within forty-eight hours immediately after search and seizure, forward a copy of the report on search and seizure, along with the reasons and material in his possession, to the head of the concerned investigating agency in a sealed envelope and shall keep such record and material in such manner and for such period, as may be prescribed. (3) Where an investigating officer is about to search any person and if arrest of such person is necessary, he shall take such person within twenty-four hours to the nearest Judicial Magistrate: Provided that the period of twenty-four hours shall exclude the time necessary for the journey undertaken to take such person to the nearest Magistrate's Court. (4) If the requisition under sub-section (3) is made, the investigating officer shall not detain the person for more than twenty-four hours and if the detention of such person is required for more than twenty-four hours, the investigating officer shall obtain order from Judicial Magistrate which period shall in no case exceed fifteen days. (5) The Magistrate before whom any such person is brought shall, if he sees no reasonable ground for search, forthwith discharge such person. (6) No female shall be searched by any one except a female. (7) The investigating officer shall record the statement of the person searched under sub-section (1) or sub-section (5) in respect of the records or proceeds of crime found or seized in the course of the search. (8) The investigating officer, seizing any record or property under sub section (1) shall, within a period of thirty days from such seizure, file an application requesting for retention of such record or property before the Court.

16. Power to arrest.- (1) If the investigating officer or any other officer of the agency referred to in sub-section (2) of section 24 authorized in this behalf by the Federal Government by general or special order, has, on the basis of material in his possession, reason to believe (the reason for such belief to be recorded in writing) that any person has been guilty of an offence punishable under this Ordinance, he may after obtaining warrant from the Court or the nearest Judicial Magistrate arrest such person and shall, as soon as may be, inform him of the grounds for such arrest. (2) The investigating officer or any other officer, as the case may be, shall, immediately after arrest of such person under sub-section (1) forward a copy of the order along with the material in his possession referred to in that sub-section to the head of the concerned investigating agency in a sealed envelop in the manner, as may be prescribed and such agency shall keep such order and material for such period as may be prescribed. (3) Every person arrested under sub-section (1) shall within twenty-four hours taken to a judicial magistrate having jurisdiction: Provided that the period of twenty-four hours shall exclude the time necessary for the journey from the place of arrest to the Magistrate's court.

17. Retention of property. - (1) Where any property has been seized under section 14 or section 15 and the investigating officer has, on the basis of material in his possession, reason to believe that such property is required to be retained for the purposes of adjudication under section 9 such property may be retained for a period not exceeding sixty days from the time such property was seized: Provided that the investigating officer shall duly inform the Court about any peculiar nature of the seized property and, where necessary, seek appropriate directions for its proper care during retention. (2) The investigating officer, immediately after he has passed an order for retention of property for purposes of adjudication under section 9, shall forward a copy of the order along with the material in his possession, referred to in sub-section (1) to the head of the concerned investigating agency, in a sealed envelop, in the manner as may be prescribed, and the agency shall keep such record and material for such period as may be prescribed. (3) On the expiry of the period specified under sub-section (1), the property shall be returned to the person from whom such property was seized unless the Court permits retention of such property beyond the said period. (4) The Court, before authorizing the retention of such property beyond the period specified in sub-section (1), shall satisfy itself that the property is prime facie involved in money laundering and the property is required for the purposes of adjudication under section 9. (5) After passing the order of forfeiture under sub-section (6) of section 9, the Court shall direct the release of all properties other than the properties involved in money laundering to the persons from whom such properties were seized.

18. Retention of records.- (1) Where any record has been seized under section 14 or section 15 and the investigating officer has reason to believe that any of such records are required to be retained for an inquiry under this Ordinance, he may retain such records for a period not exceeding sixty days from the time the record was seized. (2) The person, from whom records were seized, shall be entitled to obtain copies of records retained under sub-section (1). (3) On the expiry of the period specified under sub-section (1), the records shall be returned to the person from whom such records were seized unless the Court permits retention of such records beyond the said period. (4) The Court before authorizing the retention of such records beyond the period mentioned in sub-section (1) shall satisfy itself that the records were required for the purposes of investigation under section 9. (5) After passing of an order of forfeiture under sub-section (6) of section 9, the Court shall direct the release of the records to the person from whom such records were seized.

19. Presumption as to records or property in certain cases.- Where any document of public record is found in the possession or control of any person in the course of a survey or a search relating to any predicate offence or where any records have been received from any place outside Pakistan duly authenticated by such authority or person and in such manner as may be prescribed in the course of proceedings under this Ordinance, the Court or the investigating agency as the case may be, shall (a) presume, that the signature and every other part of such record which purports to be in the hand writing of any particular person or which the Court may reasonably assume to have been signed, by or to be in the hand writing of, any particular person, is in that person's hand writing; and in the case of a record executed or attested, that it was executed or attested by the person by whom it purports to have so executed or attested; and (b) Admit the document in evidence, notwithstanding that it is not duly stamped, if such document is otherwise admissible in evidence.

20. Jurisdiction. - (1) The Court of Sessions established under the Code of Criminal Procedure, 1898 (V of 1898) shall, within its territorial jurisdiction, exercise jurisdiction to try and adjudicate the offences punishable under this Ordinance and all matters provided in, related to or arising from this Ordinance: Provided, - (a) where the predicate offence is tri-able by any court other than the Court of Session, the offence of money laundering and all matters connected therewith or incidental thereto shall be tried by the Court trying the predicate offence; and (b) where the predicate offence is tri-able by any court inferior to the Court of Session, such predicate offence, the offence money laundering and all matters connected therewith or incidental there to shall be tried by the Court of Session.

21. Offences to be non-cognizable and non-bailable.- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898) and subject to sub-sections (2) and (3),-(a) every offence punishable under this Ordinance shall be non- cognizable and non-bailable; (b) no person accused of an offence punishable under this Ordinance for a term of imprisonment of more than three years shall be released on bail or on his own bond unless- (i) the Public Prosecutor has been given due notice; and (ii) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail. (2) The Court shall not take cognizance of any offence punishable under section 4 except upon a complaint in writing made by,- (a) the investigating officer; or (b) any officer of the Federal Government or a Provincial Government authorized in writing in this behalf by the Federal Government by a general or special order made in this behalf by that Government: Provided that where the person accused is a financial institution, the investigating officer or any other authorized officer, as the case may be shall, before filing such complaint, seek the approval of the FMU. (3) The Court shall not take cognizance of any offence punishable under sub-section (1) of section 33 except upon a complaint in writing made by the FMU. (4) The power and discretion on granting of bail specified in clause (b) of sub-section (1) are in addition to the power and discretion under the Code of Criminal Procedure, 1898 (Act V of 1898), or any other law for the time being in force on granting of bail.

22. Application of Code of Criminal Procedure, 1898 (Act V of 1898) to proceedings before Courts.- (1) The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898) shall, in so far as they are not inconsistent with the provisions of this Ordinance, apply to arrest, bail, bonds, search, seizure, attachment, forfeiture, confiscation, investigation, prosecution and all other proceedings under this Ordinance. (2) The Federal Government may appoint a person who is an advocate of a High Court to be a Public Prosecutor on such terms and conditions as may be determined by it and any person so appointed shall be competent to conduct proceedings under this Ordinance before a Court and, if so directed by the Federal Government, to withdraw such proceedings: Provided that a person shall not be qualified to be appointed as a Public Prosecutor under this section unless he has been in practice as an Advocate for not less than seven years in the High Court. (3) Every person appointed as a Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (t) of section 2 of the Code of Criminal Procedure, 1898 (Act V of 1898), and the provisions of that Code shall have effect accordingly. (4) When a Prosecutor appointed under sub-section (1), is, for any

reason, temporarily unable to conduct proceedings before the Court, the proceedings shall be conducted by such person as may be authorized in this behalf by the Court.

23. Appeal to High Court.- Any person aggrieved by any final decision or order of the Court may prefer an appeal to the High Court within sixty days from the date of communication of the decision or order on any question of law or fact arising out of such decision or order: Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be submitted within a further period not exceeding sixty days.

Explanation.- For the purposes of this section, "High Court" means,- (a) the High Court within the jurisdiction of which the aggrieved party ordinarily resides or carries on business or personally works for gain; and (b) where the Federal Government is the aggrieved party, the High Court within the jurisdiction of which the respondent, or in a case where there are more than one respondent, any of the respondents, ordinarily resides or carries on business or personally works for gain.

24. Appointment of investigating officers and their powers.- (1) The investigating agencies, as provided in clause (1) of section 2, may nominate such persons as they think fit to be the investigating officers under this Ordinance from amongst their officers. (2) The Federal Government may, by special or general order, empower an officer not below BPS-18 of the Federal Government or of Provincial Government to act as an investigating officer under this Ordinance. (3) Where any person other than a Federal or Provincial Government Officer is appointed as an investigating officer, the Federal Government shall also determine the terms and conditions of his appointment. (4) Subject to such conditions and limitations as the Federal Government may impose, an investigating officer may exercise the powers and discharge the duties conferred or imposed on him under this Ordinance.

25. Officers to assist in inquiry, etc.- The officers of the Federal Government, Provincial Government and local authorities, financial institutions are hereby empowered to assist the investigating officers and agencies and other authorities in the enforcement of this Ordinance.

26. Agreements with foreign countries.- (1) The Federal Government may enter into an agreement on reciprocal basis with the Government of any country outside Pakistan for- (a) enforcing the provisions of this Ordinance; (b) exchange of information for the prevention of any offence under this Ordinance or under the corresponding law in force in that country; (c) seeking or providing of assistance or evidence in respect of any offence under this Ordinance or under the corresponding law in force in that country; (d) transfer of property relating to any offence under this Ordinance or under the corresponding law in force in that country. (2) The agreement in terms of sub-section (1) shall be subject to such conditions, exceptions or qualifications as may be specified in the said agreement: Provided that the agreement shall not be enforceable if it may, in any manner, be prejudicial to the sovereignty, security, national interest or public order. (3) In this section and the succeeding sections, unless the context otherwise requires,- (a) "contracting State" means any country or place outside Pakistan in respect of which arrangements have been made by the Federal Government with the Government of such country through a treaty or otherwise; (b) "identifying" includes establishment of a proof that the property was derived from, or used in, the commission of an offence under section 3;

and (c) "tracing" means determining the nature, source, disposition, movement, title or ownership of property.

27. Letter of request to a contracting State etc.- (1) Notwithstanding anything contained in this Ordinance or the Code of Criminal Procedure, 1898 (Act V of 1898), if, in the course of an investigation into an offence or other proceedings under this Ordinance, the investigating officer or any officer superior in rank to the investigating officer believes that any evidence is required in connection with investigation into an offence or proceedings under this Ordinance and he is of opinion that such evidence may be available in any place in the contracting State, he may, with the prior permission of the head of that investigation agency, issue a letter of request to a court or an authority in the contracting State competent to deal with such request to - (a) examine facts and circumstances of the case; and (b) take such steps as he may specify in such letter of request. (2) The letter of request shall be transmitted in such manner as the Federal Government may specify in this behalf. (3) Every statement recorded or document or thing received under sub-section (1) shall be deemed to be the evidence collected during the course of investigation.

28. Assistance to a contracting State in certain cases.- Where a letter of request is received by the Federal Government from a court or authority in a contracting State requesting for investigation into an offence or proceedings under this Ordinance or under the corresponding law in force in that country, the Federal Government may forward such letter of request to the Court or to the authorized officer or any authority under this Ordinance as it thinks fit for execution of such request in accordance with the provisions of this Ordinance or, in the manner sought by the contracting state so long as doing so would not violate laws of Pakistan or is, in any manner, not prejudicial to the sovereignty, security, national interest or public order.

29. Reciprocal arrangements for processes and assistance for transfer of accused persons.- (1) Where a Court, in relation to the offence of money laundering, desires that,-(a) a summons to an accused person; (b) a warrant for the arrest of an accused person; (c) a summons to any person requiring him to attend and produce a document or other thing or to produce it, or (d) a search warrant, issued by it shall be served or executed at any place in any contracting State, it shall send such summons or warrant in duplicate in such form, to such court, judge or magistrate through such authorities as the Federal Government may specify in this behalf and that court, judge or magistrate, as the case may be, shall cause the same to be executed. (2) Where a Court, in relation to an offence punishable under section 4, has received for service or execution,-(a) a summons to an accused person; (b) a warrant for the arrest of an accused person; (c) a summons to any person requiring him to attend and produce a document or other thing, or to produce it; or (d) a search warrant, issued by a court, judge or magistrate in a contracting State, it shall cause the same to be served or executed as if it were a summons or warrant received by it from another court in the said territories for service or execution within its local jurisdiction; and where; (i) A warrant of arrest has been executed, the person arrested shall be dealt with in accordance with the procedure specified under section 16; (ii) search warrant has been executed, the things found in this search shall, so far as possible, be dealt with in accordance the procedure specified under section 14 and 15: Provided that the provisions of this sub-section shall not have effect if the exercise of power hereunder is, in any manner, likely to prejudice the sovereignty, security, national interest or

public order. (3) Where a person transferred to a contracting State pursuant to sub-section (2) is a prisoner in Pakistan, the Court or the Federal Government may impose such conditions as that Court or Government deems fit. (4) Where the person transferred to Pakistan pursuant to sub-section (1) is a prisoner in a contracting State, the Court in Pakistan shall ensure that the conditions subject to which the prisoner is transferred to Pakistan are complied with and such prisoner shall be kept in such custody subject to such conditions as the Federal Government may direct in writing.

30. Attachment, seizure and forfeiture etc., of property in a contracting State or Pakistan.- (1) Where the investigating officer has made an order for attachment of any property under section 8 or where the court has made an order confirming such attachment or forfeiture of any property under section 9 and such property is suspected to be in a contracting state, the Court on an application by the investigating officer, may issue a letter of request to a Court or an authority in the contracting state for execution of such order. (2) Where a letter of request is received by the Federal Government from a court in a contracting State requesting attachment or forfeiture of the property in Pakistan derived or obtained, directly or indirectly, by any person from the commission of an offence under section 3 committed in that contracting State, the Federal Government may forward such letter of request to the investigating agency, as it thinks fit, for execution in accordance with the provisions of this Ordinance or permit execution of the request in the manner sought by the contracting state so long as doing so would not violate Law of Pakistan or is, in any manner, not prejudicial to the sovereignty, security, national interest or public order. (3) The Federal Government may, on receipt of a letter of request under section 27 or section 28, direct any investigating agency under this Ordinance to take all steps necessary for tracing and identifying such property. (4) The steps referred to in sub-section (3) may include any inquiry, investigation of survey in respect of any person, place, property, assets, documents, books of accounts in any bank or financial institution or any other relevant matters. (5) Any inquiry, investigation, or survey referred to in sub-section (4) shall be carried out by an agency mentioned in sub-section (3) in accordance with such directions issued in accordance with the provisions of this Ordinance. (6) The provisions of this Ordinance relating to attachment, adjudication, forfeiture vesting of property in the Federal Government, survey, search and seizures shall apply to the property in respect of which letter of request is received from a court or contracting State for attachment or forfeiture of property.

31. Procedure in respect of letter of request,- Every letter of request summons or warrant, received by the Federal Government from, and every letter of request, summons or warrant, to be transmitted to a contracting State under this Ordinance shall be transmitted to a contracting State or, as the case may be, sent to the concerned Court in Pakistan in such form and in such manner as the Federal Government may specify in this behalf.

32. Punishment for vexatious survey and search.- Any investigating officer exercising powers under this Ordinance or any rules made hereunder, who, without prior permission from the Court, - (a) surveys or searches, or causes to be surveyed or searched, any building or place; or (b) detains or searches or arrests any person, shall for every such offence be liable on conviction for imprisonment for a term which may extend to two years or fine which may extend to fifty thousand rupees or both.

33. Liability for failure to file Suspicious Transaction Report and for providing false information.- (1) Whoever willfully fails to comply with the suspicious transaction reporting requirement as provided in section 7 or give false information shall be liable for imprisonment for a term which may extend to three years or with fine which may extend to one hundred thousand rupees or both. (2) In the case of the conviction of a financial institution, the SBP or SECP, whosoever is the regulator, may also revoke its license or take such other administrative action, as it deems appropriate.

34. Disclosure of information. - (1) The directors, officers, employees and agents of any financial institution, non-financial business or profession or intermediary which report a suspicious transaction or CTR pursuant to this law or any other authority, are prohibited from notifying any person involved in the transaction that the transaction has been reported. (2) A violation of the sub-section (1) is a criminal offence and shall be punishable by a maximum term of three years imprisonment or a fine of rupees one hundred thousand or both. (3) Any confidential information furnished by a financial institution, non-financial business and profession, intermediary or any other person under or pursuant to the provisions of this Ordinance, shall, as far as possible, be kept confidential by the FMU, investigation agency or officer as the case may be.

35. Bar of jurisdiction.- (1) No suit shall be brought in any Court to set aside or modify any proceeding taken or order made under this Ordinance and no prosecution, suit or other proceedings shall lie against the Federal Government, or any officer of the Government, or FMU, its officers or any agency controlled or supervised by the Government, or members of the National Executive Committee or General Committee, for anything done or intended to be done in good faith under this Ordinance. (2) No Court shall have jurisdiction to entertain any suit or proceedings in respect of any matter which the investigating officer and Committee or the Court is empowered by or under this Ordinance to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Ordinance.

36. Notices, etc. not to be invalid on certain grounds.- No notice, summons, order, document or other proceeding, furnished or made or issued or taken or purported to have been furnished or made or issued or taken in pursuance of any of the provisions of this Ordinance shall be invalid, or shall be deemed to be invalid merely by reason of any mistake, defect or omission in such notice, summons, order, documents or other proceedings if such notice, summons, order, document or other proceeding is in substance and effect in conformity with or according to the intent and purpose of this Ordinance.

37. Offences by companies.- (1) Where a person committing a contravention of any of the provisions of this Ordinance or of any rule, direction, or order made hereunder is a company, every person who, at the time the contravention was committed, was responsible for such contravention in the conduct of the business of company shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention. (2) Notwithstanding anything in sub-section (1) where a contravention of any of the provisions of this Ordinance or of any rule, direction or order made hereunder has been committed by a company and it is proved that the

contravention has taken place with the consent, connivance or knowledge of any director, manager, secretary or other officer of any company, such director, manager, secretary or other officer shall also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly. Explanation.- For the purposes of this section,- (a) "company" means any body corporate and includes a firm or other association of individuals; and (b) "director" in relation to a firm, means a partner in the firm.

38. Continuity of proceedings in the event of death or insolvency.- (1) Where,- (a) any property of a person has been attached under this Ordinance and no representation against the order attaching such property has been preferred; or (b) any representation has been preferred to the Court, and (i) in a case referred to in clause (a) such person dies or is adjudicated as insolvent before preferring representation to the Court; or (ii) in a case referred to in clause (b), such person dies or is adjudicated as insolvent during the pendency of representation, then it shall be lawful for the legal representatives of such person or the official assignee or the official receiver, as the case may be, to prefer representation to the Court, or as the case may be to continue the representation before the Court, in the place of such person. (2) Where,- (a) after passing of a decision or order by the Court, no appeal has been preferred to the High Court under section 23; or (b) any such appeal has been preferred to the High Court,- then- (i) in a case referred to in clause (a), the person entitled to file the appeal dies or is adjudicated an insolvent before preferring an appeal to the High Court, or (ii) in a case referred to in clause (b), the person who had filed the appeal dies or is adjudicated as insolvent during the pendency of the appeal before the High Court, then, it shall be lawful for the legal representatives of such person, or the official assignee or the official receiver, as the case may be, to prefer an appeal to the High Court or to continue the appeal before the High Court in place of such person and the provision of section 23 shall, so far as may be, apply, or continue to apply, to such appeal. (3) The powers of the official assignee or the official receiver under sub-section (1) or sub-section (2) shall be exercised by him subject to the provisions of the Insolvency (Karachi Division) Act, 1909 (III of 1909) or the Provincial Insolvency Act, 1920 (V of 1920) as the case may be.

39. Ordinance to have overriding effect.- (1) Subject to sub-section (2), the provisions of this Ordinance shall have effect notwithstanding anything inconsistent contained in any other law for the time being in force. (2) The provisions of this Ordinance shall be in addition to, and not in derogation of, the Control of Narcotics Substances Act, 1997 (XXV of 1997), the Anti-terrorism Act, 1997 (XXVII of 1997) and the National Accountability Ordinance, 1999 (XVIII of 1999).

40. Members etc, to be public servants.- The Director General, Members of the National Executive Committee and General Committee, and other officers and employees of the FMU, investigating officer and the officers subordinate to him shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

41. Ordinance not to apply to certain offences.- Nothing in this Ordinance shall apply to fiscal offences.

42. Power to amend the Schedule.- The Federal Government may, by notification in the official Gazette, amend the Schedule to this Ordinance so as to add any entry thereto or modify or omit any entry therein.

43. Power to make rules.- The Federal Government may in consultation with the National Executive Committee and by notification in the Official Gazette, make rules for carrying out the purposes of this Ordinance.

44. Power to make regulations.- Subject to the supervision and control of the National Executive Committee, FMU may, by notification in the official Gazette, make such regulations as may be necessary for carrying out its operations and meeting the objects of this Ordinance.

45. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Ordinance, the Federal Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Ordinance as may appear to be necessary for removing the difficulty.

SCHEDULE

[See section 2(w)]

- (1) The Pakistan Penal Code, 1860 (XLV of 1860)
 - 1 121 Waging, or attempting to wage war, or abetting of war against Pakistan.
 - 2 2121-A Conspiracy to commit offence punishable by section 121.
 - 3 122 Collecting arms, etc. with intention of waging war against Pakistan.
 - 4 161 Public servant taking gratification other than legal remuneration in respect of an official act.
 - 5 162 Taking gratification, in order, by corrupt or illegal, means, to influence public servant.
 - 6 163 Taking gratification, for exercise of personal influence with public servant.
 - 7 164 Punishment for abetment by public servant of offences defined in section 162 or 163.
 - 8 165 Public servant obtaining valuable thing, without consideration from person concerned in proceeding or business transacted by such public servant.
 - 9 165A Punishment for abetment of offences defined in section 161.
 - 10 300 Qatl-i-amd
 - 11 15 Qatl Shibh-i-amd.
 - 12 337K Causing hurt to extort confession or to compel restoration of property.
 - 13 359 Kidnapping.
 - 14 360 Kidnapping from Pakistan etc.
 - 15 365A Kidnapping or abducting for extorting property, valuable security etc.
 - 16 370 Buying or disposing of any person as a slave.
 - 17 378 Theft; 380 Theft in dwelling house, etc.
 - 18 381 Theft by clerk or servant of
 - 19 Property in possession of master.
 - 20 381A Theft of a car or other motor vehicle.
 - 21 382 Theft after preparation made for causing death, hurt or restraint, in order to the committing of the theft.
 - 22 383 Extortion
 - 23 385 Putting person in fear of injury in order to commit extortion.
 - 24 390 Robbery; when theft is robbery; when extortion is robbery.
 - 25 391 Dacoity.
 - 26 405 Criminal Breach of Trust.

- 27 411 Dishonestly receiving stolen property,
 28 412 Dishonestly receiving stolen property in the commission of a dacoity
 29 413 Habitually dealing in stolen property.
 30 415 Cheating.
 31 416 Cheating by personation.
 32 421 Dishonest or fraudulent removal or concealment of property to prevent
 distribution among creditors
 33 422 Dishonestly or fraudulently preventing debt being available for creditors
 34 423 Dishonest or fraudulent execution of fees of transfer containing false
 statement of consideration
 35 424 Dishonest or fraudulent removal or concealment of property
 36 463 Forgery.
 37 464 Making a false document.
 38 467 Forgery of valuable security, will, etc.
 39 468 Forgery for the purpose of cheating.
 40 477 Fraudulent cancellation, destruction, etc or will, authority to adopt, or
 valuable security.
 41 477A Falsification of accounts.
 42 489A Counterfeiting currency-notes or bank notes.
 43 489B sing as genuine, forged or counterfeit currency notes or bank-notes.
 44 489C possession of forged or counterfeit currency-notes or bank notes.
 45 489 D making or possessing instruments or materials for forging or
 counterfeiting currency-notes or bank notes.
 46 489E Making or using documents resembling currency-notes or bank notes.
- (2) National Accountability Ordinance, 1999 (XVIII of 1999)
 47 9 Corruption and Corrupt Practices.
- (3) Control of Narcotic Substance Act, 1997 (XXV of 1997)
 48 Prohibition of cultivation of narcotic plants.
 49 6 Prohibition of possession of narcotic drugs.
 50 7 Prohibition of import or export of narcotic drugs.
 51 7 Prohibition on trafficking or financing the trafficking of narcotic drugs.
 52 10 Prohibition on owning, operating premises or machinery for manufacture
 of narcotic drugs.
 53 11 Prohibition on aiding, abetment or association in narcotic offences.
 54 12 Prohibition of acquisition and possession of assets derived from narcotic
 offences.
 55 41 Prohibition of alienation of freezed property.
 56 42 Prohibition of acquiring property in relation to which proceedings have
 been taken under the Act.
- (4) The Anti-Terrorism Act, 1997 (XXVII of 1997)
 57 All offences under this Act prescribing minimum punishment for a period of
 over one year.
- (5) The Securities and Exchange Ordinance, 1969 (XVII of 1969)
 58. All offences under this Ordinance prescribing minimum
 punishment for a period of over one year.

General Pervez Musharraf, President, September 8 , 2007

http://www.app.com.pk/en/index.php?option=com_content&task=view&id=16234&Itemid=2

DOCUMENT 13

PRESIDENT'S MESSAGE ON DEATH ANNIVERSARY OF QUAID-E-AZAM

It is my honour and privilege to join the entire nation today in observing the death anniversary of the Father of the Nation, Quaid-e-Azam Mohammad Ali Jinnah with solemnity and reverence.

While commemorating the death anniversary of the Quaid, we must not lose sight of his unrivalled qualities of leadership and character, which include impeccable integrity, incorruptibility and a truly remarkable capacity for hard work. His life and achievements bear testimony to the fact that with faith in the righteousness of a cause, honesty of purpose and unflinching perseverance, even the most daunting of odds can be overcome. It was the leadership of the Quaid, complimented with the determination of the Muslims of South Asia that led to the creation of Pakistan. The greatness of the Quaid's achievements have been very aptly summed up in the words of his biographer, Professor Stanley Wolpert, Quote, "Few individuals alter the course of history. Fewer still modify the map of the world. Hardly anyone can be credited with creating a nation-state. Mohammad Ali Jinnah did all three", unquote. The Quaid always stood steadfast in the face of adversity, never compromised on principles nor allowed expediency to influence his judgment. We (all Pakistanis) are the custodians of the vision of the Quaid-e-Azam, and our government is endeavoring to make Pakistan a modern and progressive Islamic State as envisaged by our great leader and founder.

The comprehensive reforms undertaken by the present Government in all vital sectors of national life are testimony of our sincere commitment to Ideology of Pakistan. Although the Quaid is no longer with us, his speeches and statements serve as the guiding light, which we must follow in letter and spirit if we are to emerge as a strong and stable country standing with dignity and honour in the comity of nations. Let us pledge on this solemn occasion that we will abide by the guiding principles of Unity, Faith and Discipline given to us by the Father of the nation and strive for making Pakistan a moderate, enlightened and dynamic Islamic Welfare State as envisaged by him. May Allah Almighty be our Protector and Guide. Ameen!

President of Pakistan, September 11, 2007

<http://www.presidentofpakistan.gov.pk/FilesSpeeches%5CSpecialDays%5C919200723508AMdeathAni.pdf>

DOCUMENT 14

SECOND ROUND OF PAKISTAN-U.S. STRATEGIC DIALOGUE

Opening Remarks by Foreign Secretary Mr. Riaz Mohammad Khan and U.S. Deputy Secretary of State Mr. John D. Negroponte at the Joint Press Conference, Ministry of Foreign Affairs, Islamabad, 12 September 2007

Foreign Secretary Riaz Mohammad Khan:

Ladies and gentlemen of the Media, Good afternoon.

I thank you for coming to this press conference and I take great pleasure in welcoming His Excellency Mr. John Negroponte, the U.S. Deputy Secretary of State, to

Islamabad. We have just concluded the 2nd round of the Strategic Dialogue, which was established when President Bush visited Islamabad in March 2006. The first round was held in Washington last year in April, and this is the second round.

We had wide-ranging talks. Both sides reaffirmed commitment to a broad-based, long-term and sustainable relationship, which is to the mutual benefit of both countries and a factor of peace and stability in the region and beyond. We welcome the growth of interaction in a variety of dimensions, especially bilateral trade, investment and economic cooperation. As you would recall, in the Declaration issued at the conclusion of the visit by President Bush, four areas were identified for particular focus. These included education, science & technology, energy, and economy. So we had focused discussion on these areas.

The lead persons in these 4 areas also had separate meetings with each other and in the concluding session they gave us their reports. Earlier, I had the opportunity to elaborate on this. In education and science & technology, we have a number of proposals, which include capacity building, exchanges, and establishment of an Institute for Advanced Technology and also health. In education, as you recall, the U.S. has one of the largest Fulbright programs. There is also a great deal of help in capacity building in that area. We also focused on better coordination in these programs on our side and the U.S. side. In terms of economy there was focus on the establishment of Reconstruction Opportunity Zones (ROZs). The U.S. side informed us that very soon they would be introducing legislation for ROZs. This is a very important arrangement and would help this region, specially the FATA areas, because there would be privileged access for products from these areas, which would be part of the legislation.

We focused on energy as well. I had the opportunity to explain to the Deputy Secretary of State about Pakistan's plans for expansion and development of energy in various sectors to meet our energy requirements, including expansion of the production of hydro electricity, thermal power, renewable sources of energy, and nuclear energy. In all these areas, Pakistan looks forward to assistance from the international community. In the case of U.S. there is particular focus and request for production of energy from thermal resources, especially coal, and also to help us for getting energy from Central Asia.

We reviewed our ongoing counter-terrorism cooperation. The Deputy Secretary of State expressed the U.S. appreciation for Pakistan's efforts and sacrifices in countering terrorism and extremism. We also agreed on the need to improve intelligence sharing and understanding with reference to the assessments in the National Intelligence Estimate of July 2007. I did point out that there were no safe havens for terrorists in the tribal areas. Pakistan is determined not to allow anyone to use its territory for terrorist activity.

In this context, I also underscored our concerns about some of the Pakistan-specific observations and provision in the 9/11 Commission Recommendations Act of 2007, which places conditionalities on bilateral cooperation.

We also exchanged views on regional and global issues of common interest. I also briefed the Deputy Secretary on Pakistan-India composite dialogue process and our efforts for the resolution of outstanding disputes between Pakistan and India, including Kashmir. We appreciate the U.S. support for the peace process and resolution of disputes.

I underscored Pakistan's vital stake in a strong and stable Afghanistan. We exchanged views on Afghanistan and welcomed the positive outcome of the recent joint Pakistan- Afghanistan Peace Jirga.

We have agreed to hold the Dialogue every 6 months.

Thank you very much, and now I invite the Deputy Secretary to make his remarks and that would be followed by question and answers session.

Deputy Secretary John D. Negroponte:

I am extremely pleased to be here in Pakistan again. Your country is both a close friend and a long-standing reliable ally of the United States. Today's second round of the US-Pakistan Strategic Dialogue has been very useful. The continuing discussion between our two countries highlights the commitment both our nations have made to a wide-ranging, substantive, and long-term bilateral relationship.

Our relationship with Pakistan and the Pakistani people is very important. Pakistan has long been a strong US ally, but now more than ever; Pakistan stands as an important and pivotal nation in the world.

Pakistan is a large, moderate Muslim nation with a diverse population in a very critical region. It serves as the gateway, the crossroads, to both Central and South Asia. Pakistan's continued progress and development are vital not only for its own people, but also for the stability of the region, the United States, and the rest of the world.

We welcome Pakistan's leadership as a voice of moderation and reason in the Islamic world. Your nation remains a valuable ally in the war on terror. The United States recognizes the tremendous sacrifices the people of Pakistan have made in this struggle. We stand with all of those Pakistanis who have been wounded or who have lost loved ones, and we hold a special place of honor for those who sacrificed their lives in protecting not only Pakistanis but also the entire world from acts of terrorism. Facing these challenges strengthens our mutual resolve against terrorism and extremism. Pakistan's efforts against extremism are a matter of record. We welcome and look forward to working with Pakistan in the new three-pronged strategy in the Tribal areas. Promoting security, dialogue, and development is a truly visionary approach. This holistic solution is a comprehensive and positive path towards resolving the issues in the Tribal Areas. The United States recognizes this. We have pledged \$750 million to support Pakistan's plan.

The United States continues to stand in partnership with Pakistanis as they build on their nation's many strengths. Our relationship with the Pakistani people goes far beyond security and counter terrorism. Our long-term programs, such as USAID's 5-year \$100 million Education Assistance Program, seek to ensure Pakistan's own efforts to build a democratically and economically vibrant country. Pakistanis are working to improve their nation in many other areas, including health, energy, technology, and democracy. Our continued Strategic Dialogue and our long-term assistance programs in Pakistan exemplify the forward-looking, broad and deep nature of our bilateral relationship.

The United States appreciates and fully understands Pakistan's commitment to peace and stability in Afghanistan. Results from the recent peace Jirga were very promising. We appreciate your nation's constructive role.

We realize there are many challenges ahead: be it fighting terrorism, expanding literacy, or spreading economic prosperity. We came here today to face

those challenges head-on in our continued Strategic Dialogue. The only way to achieve long-lasting peace, stability, and development is by thinking strategically and by exchanging ideas through frank and regular discussions. By doing this, the United States and Pakistan actively reaffirm our broad-based bilateral relationship. We will continue to meet regularly. We will seek further opportunities to enhance this dialogue.

At this critical juncture in history, Pakistan has the opportunity to forge ahead as a vibrant, moderate, successful, and democratic Muslim nation. We stand ready to assist you whenever you may call upon us.

Ministry of Foreign Affairs, September 12, 2007

http://www.mofa.gov.pk/Press_Releases/2007/Sep/Strategic_Dialogue.Htm

DOCUMENT 15

AMENDMENT TO THE PRESIDENTIAL ELECTION RULES 1988

In the wake of divergent views being expressed in the Press about the Amendment in the Presidential Election Rules, 1988, the Chief Election Commissioner of Pakistan has been pleased to clarify that Article 41(2) of the Constitution of the Islamic Republic of Pakistan, 1973 provides that: “A person shall not be qualified for election as President unless he is a Muslim of not less than forty-five years of age and is qualified to be elected as member of the National Assembly.”

2. Attention in this respect is invited to the decision of the Supreme Court of Pakistan in the case reported as “Pakistan Lawyers Forum and others v. Federation of Pakistan and others” (PLJ 2005 SC 1241) wherein a five-member Bench of the Apex Court, following the dictum laid down in the case of “Qazi Hussain Ahmed v. General Pervaiz Musharraf, Chief Executive and another” (PLD 2002 SC 853), has held that the President is only required to be qualified to be a member of Parliament as provided by Article 62 and is consequently not hit by the disqualifications contained in Article 63 of the Constitution.

3. In view of the provisions of Article 41(2) of the Constitution and in the light of observations made in the above said Judgments of the Apex Court, clause (a) to sub-rule (3) of Rule 5 of the Presidential Election Rules, 1988 was required to be amended so as to exclude from it the words: “or is subject to any disqualification from being elected as, and from being, a member of the National Assembly” occurring therein, with a view to bring it in conformity with the provisions of Article 41(2) *ibid* and the decisions of the Apex Court referred to above.

4. Therefore, in exercise of the powers under paragraph 22 of the Second Schedule to the Constitution of the Islamic Republic of Pakistan, the Chief Election Commissioner of Pakistan has made the requisite amendment, with the approval of the President, in clause (a) to sub-rule (3) of Rule 5 of the Presidential Election Rules, 1988, which relates to discretionary summary inquiry to be conducted at the time of scrutiny of nomination papers.

5. It may be further clarified that the aforementioned Rule has only been updated and is not person specific. It will apply to all the Presidential Candidates at the

time of scrutiny of the nomination papers which will be conducted strictly on merits.

Election Commission of Pakistan, September 17, 2007
<http://www.ecp.gov.pk/content/press/Sep2007/17.htm>

DOCUMENT 16

FORTY-THREE CANDIDATES FOR THE OFFICE OF PRESIDENT

Islamabad, the 27th September, 2007.- For Election to the office of the President of Islamic Republic of Pakistan, today was the date for filing of Nomination Papers with the Returning Officer/Presiding Officer at Islamabad and with each of the Presiding Officers at Lahore, Karachi, Peshawar and Quetta.

Mr. Justice @ Qazi Muhammad Farooq, Chief Election Commissioner received Nomination Papers at Islamabad, whereas, the respective Chief Justices of the High Courts in the Provinces received Nomination Papers from the candidates up to 12:00 Noon. However, no Nomination Paper was filed with the Chief Justice of the High Court of Balochistan.

Kanwar Dilshad, Federal Secretary, Election Commission of Pakistan informed that in all 71 Nomination Papers have been filed by 43 candidates at Islamabad, Lahore, Karachi and Peshawar. The Province/Area-wise detail is as under:

| Province/Area | No. of Nomination Papers filed | No. of Candidates |
|---------------|--------------------------------|-------------------|
| Islamabad | 41 | 15 |
| Punjab | 12 | 11 |
| Sindh | 15 | 14 |
| NWFP | 03 | 03 |
| Balochistan | -- | -- |
| Total: | 71 | 43 |

Secretary, Election Commission further told that the scrutiny of all the Nomination Papers, received at Islamabad and at the Provinces will be held by the Hon'ble Chief Election Commissioner/Returning Officer at Islamabad on the 29th September, 2007 at 10:00 AM in the Election Commission Secretariat, Islamabad in the presence of the candidates/proposers/ seconders of their authorized agents.

Election Commission of Pakistan, September 27, 2007
<http://www.ecp.gov.pk/content/press/Sep2007/27.htm>

DOCUMENT 17

ELECTION COMMISSION NOTIFICATION ON VALIDITY OF NOMINATED CANDIDATES

No. F.4(1)/2007-Cord.- In pursuance of Paragraph 5 of the Second Schedule to the Constitution of the Islamic Republic of Pakistan, the Chief Election Commissioner of Pakistan hereby announces the names of the following persons, who have been Validly Nominated for Election to the office of the President of Pakistan:

- (1) General Pervez Musharraf
- (2) Mr. Mohammedmian Soomro
- (3) Ch. Amir Hussain
- (4) Mr. Wajihuddin Ahmed
- (5) Makhdoom Mohammad Amin Faheem
- (6) Mrs. Faryal Talpur

By Order of the Chief Election Commissioner and Returning Officer.

(Kanwar Muhammad Dilshad)
Secretary

Election Commission of Pakistan, September 29, 2007
<http://www.ecp.gov.pk/content/notification/sep2007/29.htm>

DOCUMENT 18

FOREIGN SECRETARY'S ADDRESS AT THE 62ND SESSION OF THE UN

Mr. President,
Distinguished delegates,
Ladies and Gentlemen,

I would first congratulate you, Mr. President, on your election to this prestigious office. Your vast political experience and diplomatic skills will undoubtedly guide the General Assembly towards success in dealing with its important agenda.

I wish to express our deep satisfaction and pride at the significant achievements of your predecessor Her Excellency Sheikha Haya Al-Rashid Al-Khalifa during her Presidency. Her stature and accomplishments symbolize the prominent role that women are playing in the Muslim world.

Let me also express our high appreciation to His Excellency Mr. Ban Ki-moon for the distinctive and assiduous manner in which as our new Secretary General he has engaged himself to address crises and humanitarian situations. We support the Secretary General's commitment to improve the United Nations to respond to the contemporary challenges and opportunities.

Mr. President,

The end of the Cold War at the dawn of the Twenty-first century had given rise to hopes for a better future. A decade later, the world is in the grip of deepening uncertainty and aggravating turbulence. There are new threats of terrorism and violence and of widening divisions among cultures and societies driven by suspicion and prejudice. At the heart of these growing malaise is not a clash of values or civilizations; it is the failure of the international community to address festering disputes and our collective inability to universalize opportunities and benefits offered by the phenomenal advances of technology and globalization for the betterment of all peoples.

Conflicts continue in Palestine, Iraq and Afghanistan. In South Asia, the Kashmir dispute is yet to be resolved. Old disputes are compounded by new

confrontations. Also, serious challenges are emerging in the shape of climate change, energy security, financial and trade imbalances.

In this complex world, the United Nations provides a critical and indispensable role. The UN is at the apex of the expanding international interaction and remains the only acknowledged instrument to regulate global affairs on the basis of agreed principles and norms.

Mr. President,

Terrorism is a grave and pervasive threat. Terrorism destabilizes societies. It must not be associated with any faith or culture. It must be countered and rejected addressing both its manifestations and the root causes.

Equally disturbing are trends to malign other cultures and faiths and reinforce divisions especially between the West and the Islamic world. Tolerating Islam phobia, in the guise of freedom of expression, is dangerous. More than ever before, in this globalised world, we need understanding, harmony and building of bridges among all cultures and peoples through initiatives such as the Alliance of Civilizations, Interfaith Dialogue and Enlightened Moderation.

Mr. President,

Conflict and violence in the Middle East is fundamentally linked to the Palestinian issue that has agitated two generations of Palestinians and Muslims around the world. Essentially, Palestine is an issue of freedom. Security cannot be ensured by denying the Palestinians their freedom. The salvation lies in what the Arab nations had proposed in Beirut five years ago. Pakistan supports that position. The world has a historical responsibility to end the tragedy of the Palestinian people by enabling them to establish their own state in Palestine consistent with the Security Council resolutions 242 and 338 and the Arab Peace Plan. Israel must also withdraw from the other occupied Arab territories and fully respect the territorial and sovereign integrity of Lebanon. Efforts that deflect from these basic imperatives would only prolong agony and turmoil in the region.

Pakistan is deeply concerned over the grave situation in Iraq. We deplore the internecine bloodshed. Peace in Iraq can only emerge through dialogue, mutual cooperation and tolerance. It is vital both for the Iraqi people and for the region to ensure the preservation of the unity and territorial integrity of Iraq and full respect for its sovereignty.

Pakistan is also disturbed by the ominous confrontation over Iran's nuclear issue. We have insisted on recourse to diplomacy because resort to use of force could lead to incalculable consequences for this already inflamed and highly sensitive region.

Mr. President,

In our region, violence and the rise of terrorism and extremism owe to the developments of nearly three decades when neighbouring Afghanistan became the last front of the Cold War. Ironically, in the 80s, the struggle in Afghanistan had helped consolidation of freedom movements that culminated in the surge of freedom signified by the fall of the Berlin wall. In the 90s, however, Afghanistan suffered international neglect and indifference until the shock and horror of 9/11 refocused international attention on this war ravaged country.

The unfortunate happenings in our neighbourhood impacted on our society-giving rise to terrorism and extremism especially in the tribal regions bordering Afghanistan. We are fighting Al Qaeda and other terrorist elements with resolve and determination. We have deployed nearly 100,000 troops for this purpose. A large number of our troops have sacrificed their lives. In the tribal regions, we have taken political and administrative measures and have plans to bring about socio-economic transformation. As part of a comprehensive strategy we have introduced reforms to counter extremism.

We are cooperating internationally and reject irresponsible comments and insinuations especially in certain sections of the international media casting aspersions on our intentions and efforts. It must be appreciated that the challenge is enormous and requires a sustained and protracted endeavour both locally and at the international level.

Mr. President,

Pakistan desires a peaceful environment in the region. No country stands to gain as much as Pakistan from peace and stability in Afghanistan. We therefore support every initiative that could help the Afghans to achieve national reconciliation and to rebuild their country. The recently convened Grand Jirga in Kabul offers hope. A great deal will depend on the effectiveness of the follow up mechanisms especially the 50 member joint Council that is mandated to reach out to the opposition to promote peace in the area.

The international community also has an important responsibility to help Afghanistan with a Marshall Plan-like programme for reconstruction.

Mr. President,

Pakistan is engaged in a peace process with India that has led to significant improvement in bilateral relations. The two countries must now seize the opportunity provided by the conducive international and regional environment to address problems especially the Jammu and Kashmir dispute that has been at the heart of conflict and tension in South Asia. Both sides will have to demonstrate political will, courage and flexibility. We are pursuing a solution that is acceptable to India , to Pakistan and above all to the people of Jammu and Kashmir .

President Pervez Musharraf has offered important ideas that have resonated with the Kashmiri people who must be involved with the process. At the same time it is essential to create an environment free of human rights violations in Kashmir for a sustainable peaceful solution. A peaceful settlement responding to the aspirations of the Kashmiri people will usher in a new era of mutual trust and cooperation in South Asia.

Mr. President,

In our region, the incipient US-India nuclear deal injects a new element. We have concerns over strategic stability, which we will maintain despite our firm opposition to an arms race in South Asia. Secondly, we also have a strong interest in developing civil nuclear power generation under international safeguards.

Our nuclear and strategic assets are solely for defensive purpose. We started pursuing the nuclear option only after 1974 when the strategic balance was disrupted

by the first Indian nuclear test. Our initiatives for keeping South Asia free of nuclear weapons received scant response internationally. In 1998, again we were faced with a dilemma and had to respond to the Indian tests to establish deterrence. Our failure to do so would have created a dangerous ambiguity about our capability with the risk of miscalculation.

I wish to reaffirm that our strategic capability is solely for deterrence and defence. We are opposed to an arms race and want to maintain minimum credible deterrence. We will not be the first to test in our region. We will never use our nuclear capability against non-nuclear weapon states. We remain fully committed to the objective of general and complete disarmament and nuclear non-proliferation. We want to be treated as a partner rather than a target of the global nuclear non-proliferation regime. We are committed to developing nuclear power generation under international safeguards to meet our growing energy needs.

Mr. President,

It is evident that global consensus on disarmament and non-proliferation has been seriously eroded. There are several reasons for this. The disavowal of nuclear disarmament by the NPT nuclear weapon states, the emergence of de-facto nuclear weapon states not parties to the NPT, the failure to address the security concerns of non-nuclear weapon states and the discrimination in the conduct of peaceful nuclear cooperation. There is an obvious need for a new and universal consensus on non-proliferation, disarmament and peaceful nuclear cooperation that eliminates dangers and risks and establishes cooperation on an equitable basis. In the coming months, the NSG states have a heavy responsibility as any endorsement of a selective or discriminatory approach could fatefully damage the existing consensus on disarmament and non-proliferation.

Mr. President,

The world is slowly recognizing the existential threat posed by climate change. The special event held on 24 September has been useful in crystallizing the issues, which must be addressed.

Environment is a responsibility and an opportunity. Responsibility is to heal the Earth that is scarred and degraded. The challenge goes far beyond Kyoto. Collectively, we need to restrain our avaricious and extravagant living. Opportunity lies in developing environment as an employment sector to absorb a part of the world human resource in a meaningful activity. We must realize that with technological advances it would no longer be feasible to rationally utilize the entire global work force in production, manufacturing and service sectors.

Mr. President,

Against the backdrop of the new challenges, large parts of humanity continue to suffer from hunger, poverty and disease. This is tragic in these modern times where the miracle of technology has empowered the world to effectively overcome the vestiges of our primitive existence. The Group of 77 has, therefore, insisted on a broad endeavour for sustainable development based on economic growth, social development and environmental protection. We should adopt coherent and mutually reinforcing policies and actions to advance in these three directions with the same

degree of political and legal commitment. The United Nations has a central role in the realization of Millennium Development Goals and other Internationally Agreed Development Goals.

Pakistan, as the current Chair of G-77 & China, has suggested steps to enable developing countries to coordinate and enlarge their national development cooperation effort. In accordance with the mandate of the second South Summit, we will convene a Panel of Eminent Experts of the South to further develop the common positions for developing countries in critical areas like trade finance, technology, energy and climate change.

Mr. President,

Pakistan agrees that the UN's management and secretariat should be reformed and modernized especially to improve the coherence and effectiveness of the system. Prime Minister Shaukat Aziz is the Co-chair of the UNSG's High-level Panel on UN System-wide Coherence. The reform process must, however, remain sensitive to the fundamental principle of sovereign equality of states in the decision making process. This specially applies to the issue of the expansion of the Security Council. The Security Council reform must enlarge the representation of all member states rather than expand the circle of the privileged. The Security Council functions must also be developed in a manner that these do not eclipse the Charter responsibilities of the UN General Assembly or those of the other principal organs of the United Nations

Mr. President,

In Pakistan, our aspirations are the same as elsewhere to accelerate our socio-economic development, build knowledge based society and contribute to peace and development in the world consistent with the deeply held values of our faith and our vision for a modern progressive Islamic state. This has been the orientation for setting priorities and introducing reform programmes by the government of President Musharraf. There have been significant accomplishments in strengthening institutions, promoting democratic polity and building a sound economy.

To give a few examples, today, we have robust grass-root level democratic institutions with mandatory one-third women representation. Our minorities have been integrated into the political mainstream. Our media is free, vibrant and assertive. Our economy has seen stable growth over the past eight years, and in this period, Pakistan's national output and per capita income has doubled. We are now preparing for elections as our elected national and provincial assemblies will shortly complete their full term of office. As we enter this important phase in our political life, we do so with deep awareness that a strong and stable Pakistan is pivotal for peace and progress of our region.

I thank you.

Ministry of Foreign Affairs, October 2, 2007
http://www.mofa.gov.pk/press_releases/2007/oct/pr_242_07.htm

DOCUMENT 19**TEXT OF NATIONAL RECONCILIATION ORDINANCE 2007**

AN ORDINANCE to promote national reconciliation

WHEREAS it is expedient to promote national reconciliation, foster mutual trust and confidence amongst holders of public office and remove the vestiges of political vendetta and victimization, to make the election process more transparent and to amend certain laws for that purpose and for matters connected therewith and ancillary thereto;-

AND WHEREAS the National Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:-

1. Short title and commencement. (1) This Ordinance may be called the National Reconciliation Ordinance, 2007. (2) It shall come into force at once.

2. Amendment of section 494, Act V of 1898. In the Code of Criminal Procedure, 1898 (Act V of 1898), section 494 shall be renumbered as sub-section (1) thereof and after sub-section (1) renumbered as aforesaid, the following sub-section (2) and (3) shall be added, namely:- (2) Notwithstanding anything to the contrary in sub-section(1), the Federal Government or a Provincial Government may, before the judgment is pronounced by a trial court, withdraw from the prosecution of any person including an absconding accused who is found to be falsely involved for political reasons or through political victimization in any case initiated between 1st day of January, 1986 to 12th day of October, 1999 and upon such withdrawal clause (a) and clause (b) of sub-section (1) shall apply. (3) For the purposes of exercise of powers under sub-section (2) the Federal Government and the Provincial Government may each constitute a Review Board to review the entire record of the case and furnish recommendations as to their withdrawal or otherwise. (4) The Review Board in case of Federal Government shall be headed by a retired judge of the Supreme Court with Attorney-General and Federal Law Secretary as its members and in case of Provincial Government it shall be headed by a retired judge of the High Court with Advocate-General and/or Prosecutor-General and Provincial Law Secretary as its members. (5) A review Board undertaking review of a case may direct the Public Prosecutor or any other concerned authority to furnish to it the record of the case.

3. Amendment of section 39, Act LXXXV of 1976. (1) In the Representation of the People Act, 1976 (LXXXV of 1976), in section 39, after sub-section (6), the following new sub-section (7) shall be added, namely:- (7) After consolidation of results the Returning Officer shall give to such contesting candidates and their election agents as are present during the consolidation proceedings, a copy of the result of the count notified to the Commission immediately against proper receipt and shall also post a copy thereof to the other candidates and election agents.

4. Amendment of section 18, Ordinance XVIII of 1999. In the National Accountability Ordinance, 1999 (XVIII of 1999), hereinafter referred to as the said Ordinance, in section 18, in clause (e), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:- Provided that

no sitting member of Parliament or a Provincial Assembly shall be arrested without taking into consideration the recommendations of the Special Parliamentary Committee on Ethics referred to in clause (aa) or Special Committee of the Provincial Assembly on Ethics referred to in clause (aaa) of section 24, respectively.

5. Amendment of section 24, Ordinance XVIII of 1999. In the said ordinance, in section 24,- (i) in clause (a) for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be inserted, namely:- Provided that no sitting member of Parliament or a Provincial Assembly shall be arrested without taking into consideration the recommendations of Special Parliamentary Committee on Ethics or Special Committee of the Provincial Assembly on Ethics referred to in clause (aa) and (aaa), respectively, before which the entire material and evidence shall be placed by the chairman, NAB.; and (ii) after clause (a), amended as aforesaid, the following new clauses (aa) and (aaa) shall be inserted, namely:- (aa) The Special Parliamentary Committee on Ethics referred to in the proviso to clause (a) above shall consist of a chairman who shall be a member of either House of Parliament and eight members each from the National Assembly and Senate to be selected by the Speaker, National Assembly and Chairman Senate, respectively, on the recommendations of Leader of the House and Leader of the Opposition of their respective Houses, with equal representation from both sides. (aaa) The Special Committee of the provincial Assembly on Ethics shall consist of a Chairman and eight members to be selected by the Speaker of the Provincial Assembly on the recommendation of Leader of the House and Leader of the Opposition, with equal representation from both sides.

6. Amendment of section 31A, Ordinance XVIII of 1999. In the said Ordinance, in section 31A, in clause (a), for the full stop at the end a colon shall be substituted and thereafter the following new clause (aa) shall be inserted, namely:- (aa)

An order or judgment passed by the Court in absentia against an accused is void ab initio and shall not be acted upon.

7. Insertion of new section, Ordinance, XVIII of 1999. In the said Ordinance, after section 33, the following new section shall be inserted, namely:- 33A. Withdrawal and termination of prolonged pending proceedings initiated prior to 12th October, 1999. (1) Notwithstanding anything contained in this Ordinance or any other law for the time being in force, proceedings under investigation or pending in any court including a High Court and the Supreme Court of Pakistan initiated by or on a reference by the National Accountability Bureau inside or outside Pakistan including proceedings continued under section 33, requests for mutual assistance and civil party to proceedings initiated by the Federal Government before the 12th day of October, 1999 against holders of public office stand withdrawn and terminated with immediate effect and such holders of public office shall also not be liable to any action in future as well under this Ordinance for acts having been done in good faith before the said date; Provided that those proceedings shall not be withdrawn and terminated which relate to cases registered in connection with the cooperative societies and other financial and investment companies or in which no appeal, revision or constitutional petition has been filed against final judgment and order of the Court or in which an appellate or revisional order or an order in constitutional petition has become final or in which voluntary return or plea bargain has been accepted by the Chairman, National Accountability Bureau under section 25 or recommendations of the Conciliation Committee have been accepted by the Governor, State bank of Pakistan

under section 25A. (2) No action or claim by way of suit, prosecution, complaint or other civil or criminal proceeding shall lie against the Federal, Provincial or Local Government, the National Accountability Bureau or any of their officers and functionaries for any act or thing done or intended to be done in good faith pursuant to the withdrawal and termination of cases under sub-section (1) unless they have deliberately misused authority in violation of law.

October 5, 2007

[http://www.app.com.pk/en/index.php?option=com_content&task=view&id=18069
&Itemid=2](http://www.app.com.pk/en/index.php?option=com_content&task=view&id=18069&Itemid=2)

DOCUMENT 20

TEXT OF PRESS, NEWSPAPERS, NEWS AGENCIES AND BOOKS REGISTRATION (AMENDMENT) ORDINANCE 2007

President General Pervez Musharraf on Saturday promulgated an ordinance to amend the Press, Newspapers, News Agencies and Books Registration Ordinance, 2002. Following is the text of the ordinance: Ordinance No LXIV of 2007.

An ordinance to amend the Press, Newspapers, News Agencies and Books Registration Ordinance, 2002. Whereas it is expedient to amend the Press, Newspapers, News Agencies and Books Registration Ordinance, 2002, (XCVIII of 2002), for the purposes hereinafter appearing;

And whereas the National Assembly is not in session and the circumstances exist which render it necessary to take immediate action; Now, therefore, in exercise of the powers conferred by clause (I) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following ordinance:-0

1. Short title and commencement. (1) This ordinance may be called the Press, Newspapers, News Agencies, and Books Registration (Amendment) Ordinance, 2007. (2) It shall come into force at once.

2. General amendment, Ordinance XCVIII of 2002. In the Press, Newspapers, News Agencies and Books Registration Ordinance, 2002 (XCVIII of 2002), hereinafter referred to as the said ordinance, after the words "District Co-ordination Officer", wherever occurring, the words and commas "or, where the district government has not come into being, the deputy commissioner" shall be inserted.

3. Insertion of new section 5A, Ordinance XCVIII of 2002. In the said ordinance, after section 5, the following new section shall be inserted, namely:- "5A. Restriction on publication of certain material. (1) No printer, publisher or editor shall print or publish in any book, periodical or paper any material, which consists of, -

- (a) Photographs or pictures of suicide bombers, terrorists (except as required by law enforcing agencies for purposes of investigation), bodies of victims of terrorist activities, statements and pronouncements of militants and extremist elements and any other thing which may, in any way, promote, aid or abet terrorist activities or terrorism.

- (b) Graphic or printed representation or projection of statements, comments, observations or pronouncement based on sectarianism, ethnicism or radicalism.
 - (c) Any material, printed or graphic, that defames, brings into ridicule or disrepute the head of state, or members of the armed forces or executive, judicial or legislative organs of the state.
 - (d) Any material that is likely jeopardise or be prejudicial to the ideology of Pakistan or the sovereignty, integrity or security of Pakistan.
 - (e) Any material, photographic or in print, that is likely to incite violence or hatred or create interfaith disorder or be prejudicial to maintenance of law and order; and
 - (f) Any material that is in conflict with the commonly accepted standards of morality and decency and which promotes vulgarity, obscenity, and pornography."
4. Amendment of section 19, Ordinance XCVIII of 2002. In the said ordinance, in section 19, after sub-section (2), for the full stop, at the end, a colon shall be substituted and thereafter the following provision shall be inserted, namely:-
- "Provided that in a situation of emergency, pending action under this section, the district co-ordination officer, or as the case may be, the deputy commissioner, may suspend the declaration for a period not exceeding 30 days, as deemed appropriate in the circumstances."
5. Amendment of section 44, Ordinance XCVIII of 2002. In the said ordinance, in section 44, for the word "government" the words "federal government in consultation with the provincial governments" shall be substituted.

<http://www.brecorder.com/index.php?id=647573&currPageNo=2&query=&search=&term=&supDate=>

DOCUMENT 21

TEXT OF ELECTRONIC MEDIA REGULATORY AUTHORITY (THIRD AMENDMENT) ORDINANCE 2007

President General Pervez Musharraf on Saturday promulgated an ordinance to amend the Pakistan Electronic Media Regulatory Authority Ordinance, 2002. Following is the text of the Ordinance:

(TEXT BEGINS) Ordinance No. LXV of 2007 AN ORDINANCE further to amend the Pakistan Electronic Media Regulatory Authority Ordinance, 2002.

WHEREAS it is expedient further to amend the Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (XIII of 2002) for the purposes hereinafter appearing;

AND WHEREAS the National Assembly is not in session and circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following ordinance: -

1. Short title and commencement. - (1) This Ordinance may be called the Pakistan Electronic Media Regulatory Authority (Third Amendment) Ordinance, 2007. (2) It shall come into force at once.

2. Amendment of section 20, Ordinance XIII of 2002.- In the Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (XIII of 2002), hereunder referred to as the said Ordinance, in section 20,- (a) in clause (d), after the word "rules" the words "and regulations" shall be inserted; (b) in clause (h), at the end, the word 'and' shall be omitted; and (c) in clause (i) for the full stop at the end, a semi colon shall be substituted and thereafter the following new clauses shall be added, namely:- "(j) not broadcast video footage of suicide bombers, terrorists, bodies of victims of terrorism, statements and pronouncements of militants and extremist elements and any other act which may, in any way, promote, aid or abet terrorists activities or terrorism; (k) ensure that no anchor person, moderator or host propagates any opinion or acts in any manner prejudicial to the ideology of Pakistan or sovereignty, integrity or security of Pakistan; (l) not broadcast any programme inciting violence or hatred or any action prejudicial to maintenance of law and order; (m) not broadcast anything which defames or brings into ridicule the Head of State, or members of the armed forces, or executive, legislative or judicial organs of the state; (n) not broadcast any programme or discussion on a matter which is sub-judice; and (o) not broadcast anything which is known to be false or baseless or is malafide or for which there exist sufficient reasons to believe that the same may be false, baseless or malafide."

3. Amendment of section 25, Ordinance XIII of 2002. In the said Ordinance, in section 25, in clause (d), after the word "organization" the words "including any foreign non-governmental organization" shall be added.

4. Amendment of section 27, Ordinance XIII of 2002. In the said Ordinance, in section 27, after the word "operator" the words "or owner" shall be inserted.

5. Insertion of section 27-A, Ordinance XIII of 2002. (I) In the said Ordinance, after section 27, following new section shall be inserted, namely:- "27A Prohibition of foreign broadcasts:- A person who is issued a broadcast media license or a landing rights permission under this Ordinance shall not enter into an agreement with any foreign broadcaster to sell its air time or otherwise provide its air time to another foreign broadcaster without prior written permission of the Authority."

6. Amendment of section 29, ordinance XIII of 2002. In the said Ordinance, in section 29, in sub-section (6), for the word "one" the word "ten" shall be substituted.

7. Amendment of section 30, Ordinance XIII of 2002. In the said Ordinance, in section 30,- (a) in sub-section (1), for clause (b), the following shall be substituted, namely:- "(b) the licensee has contravened any provision of this Ordinance or rules or regulations made thereunder or an order passed under section 27;" ,and (b) after sub-section (3), the following new sub-section shall be inserted, namely:- "(4) Notwithstanding anything contained in sub-section (5) of section 29 or any other provision of this Ordinance, where the Authority takes action under sub-section (3) without notice by reason of necessity in the public interest, the Authority or the Chairman, as the case may be, may seize broadcast or distribution service equipment or seal the premises of the licensee: Provided that in a situation of

emergency the Authority or the Chairman may direct closure of any broadcast or distribution network for such period as it may determine."

8. Amendment of section 31, ordinance XIII of 2002. (1) In the said Ordinance, in section 31, after sub-section (2), the following new sub-sections shall be added, namely:- "(3) Notwithstanding anything contained in this Ordinance the live coverage of incidents of violence and conflict shall not be broadcast. (4) A licensee or permission holder shall ensure that nothing is transmitted or broadcast in violation of the provisions of this Ordinance, rules, regulations and Code of Conduct and for this purpose shall install time delay equipments within its system to prevent any such violation."

9. Amendment of section 33, Ordinance XIII of 2002. In the said Ordinance, in section 33,- (a) for sub-sections (1) and (2) the following shall be substituted, namely:- "(1) Any broadcast media licensee or its representative who violates or abets violation of any provision of this Ordinance shall be punishable with imprisonment for a term which may extend to three years or with a fine which may extend to ten million rupees or with both. (2) Any distribution service licensee or its representative who violates or abets violation of any provision of the Ordinance shall be punishable with imprisonment for a term which may extend to one year or with a fine which may extend to five million rupees or with both".

10. Substitution of section 34, Ordinance XIII of 2002. In the said Ordinance, for section 34 following shall be substituted, namely:- "34. Offences to be cognizable and compoundable: The offences under this Ordinance shall be cognizable and compoundable". 11. Omission of section 34-A, Ordinance, XIII of 2002.- In the said Ordinance, section 34-A shall omitted.

General (Pervez Musharraf) President, November 3, 2007

http://www.app.com.pk/en/index.php?option=com_content&task=view&id=20144&Itemid=2

DOCUMENT 22

TEXT OF THE PROCLAMATION OF EMERGENCY

This is the full text of the proclamation of the emergency:

PROCLAMATION OF EMERGENCY

Whereas there is visible ascendancy in the activities of extremists and incidents of terrorist attacks, including suicide bombings, IED explosions, rocket firing and bomb explosions and the banding together of some militant groups have taken such activities to an unprecedented level of violent intensity posing a grave threat to the life and property of the citizens of Pakistan.

Whereas there has also been a spate of attacks on state infrastructure and on law enforcement agencies;

Whereas some members of the judiciary are working at cross purposes with the executive and legislature in the fight against terrorism and extremism, thereby weakening the government and the nation's resolve and diluting the efficacy of its actions to control this menace;

Whereas there has been increasing interference by some members of the judiciary in government policy, adversely affecting economic growth, in particular;

Whereas constant interference in executive function, including but not limited to the control of terrorist activity, economic policy, price controls, downsizing of corporations and urban planning, has weakened the writ of the government; the police force has been completely demoralized and is fast losing its efficacy to fight terrorism and Intelligence Agencies have been thwarted in their activities and prevented from pursuing terrorists;

Whereas some hard-core militants, extremists, terrorists and suicide bombers, who were arrested and being investigated were ordered to be released.

The persons so released have subsequently been involved in heinous terrorist activities, resulting in loss of human life and property. Militants across the country have, thus, been encouraged while law enforcement agencies subdued;

Whereas some judges by overstepping the limits of judicial authority have taken over the executive and legislative functions;

Whereas the Government is committed to the independence of the judiciary and the rule of law and holds the superior judiciary in high esteem, it is nonetheless of paramount importance that the honourable Judges confine the scope of their activity to the judicial function and not assume charge of administrations;

Whereas an important constitutional institution, the Supreme Judicial Council, has been made entirely irrelevant by a recent order and judges have, thus, make themselves immune from inquiry into their conduct and put themselves beyond accountability.

Whereas the humiliating treatment meted to government officials by some members of the judiciary on a routine basis during court proceedings has demoralized the civil bureaucracy and senior government functionaries, to avoid being harassed, prefer inaction;

Whereas the law and order situation in the country as well as the economy have been adversely affected and trichotomy of powers eroded;

Whereas a situation has thus arisen where the government of the country cannot be carried on it Accordance with the constitution and as the constitution provides no solution for this situation, there is no way out except through emergent and extraordinary measures;

And whereas the situation has been reviewed in meetings with the Prime Minister, governors of all Provinces, and with chairman joint chiefs of staff committee, chiefs of the armed forces, vice chief of army Staff and corps commanders of the Pakistan army; Now, therefore, in pursuance of the deliberations and decisions of the said meetings, I, General Pervez Musharraf, Chief of the Army Staff, proclaim emergency throughout Pakistan.

I hereby order and proclaim that the constitution of the Islamic Republic of Pakistan shall remain in abeyance.

This Proclamation shall come into force at once.

Dawn, November 3, 2007

<http://www.dawn.com/2007/11/03/images/proclamation.pdf>

DOCUMENT 23

TEXT OF PRESIDENT'S SPEECH: EMERGENCY IMPOSED

Dear Pakistani Brothers and Sisters,
Assalam-o-Alaikum!

As I speak to you today, Pakistan is facing a very dangerous situation. It is suffering from an internal crisis and whatever is happening now is related to the internal disturbance. During such moments for nations, a time comes when difficult decisions have to be taken. For Pakistan too, we will have to take certain important and painful decisions. And if we do not take timely action, then God forbid it could be dangerous to Pakistan's sovereignty.

Before speaking on anything else, I would like to promise one thing to the nation that whatever I will do and the decision that I take will be on the basis of "Pakistan First", and this will always remain my guiding principle-. "Pakistan First", by rising above personal considerations and personal interests, Pakistan First, and I have the same expectation from the nation that it too will think on similar lines.

My dear Brothers and Sisters!

In the past few months, the situation in Pakistan has been changing swiftly and I would like to talk frankly about it. The first thing is that extremism and terrorism are at their peak. At this time, suicide bombings are happening all over the country. Whatever happened in Karachi, followed by the incidents in Rawalpindi and Sargodha, their intensity has increased all over the country.

Extremists are roaming freely without any hindrance in the country, and are not afraid of the law enforcing agencies. In fact, there is hardly any fear of the law enforcing agencies left. In the Frontier province, a lot was already going on and we have been already dealing with it. Its impact has also reached the settled areas and now we will also have to tackle the situation in the southern districts. But the sad thing is that extremism has also spread to Islamabad, the heart of Pakistan, the capital of Pakistan, and the people are extremely worried about it. These extremists are taking the writ of the state in their own hands and want to have a government within the government. And the biggest thing is that these extremists want to foist their own religious ideas, their obscurantist view of Islam, on moderate people. In my view, they are throwing a direct challenge to Pakistan's sovereignty. This is a very dangerous situation of extremism and terrorism.

Now move a little further. How is the system of governance working? In my view it stands semi-paralyzed today. All senior functionaries of the government have to frequently run to the courts, especially the Supreme Court, they are being sentenced, and they are being subjected to humiliation in these courts, which is resulting in their not taking any decisions. Around 100 suo moto cases are being processed in the Supreme Court and I have been told that there are thousands of applications lying to be taken up. And all these suo moto cases are concerned with the executive, the government departments. So now the system of governance stands paralyzed.

Let's look at the law enforcement agencies. In my view, these are demoralized, particularly in Islamabad they are in a hopeless situation. They are having no courage left. Why? It is because of the fact that their officers are being punished and they have to visit the Supreme Court, the courts regularly. Among these ten officers, which include two IGs, have been suspended. They have been convicted. This demoralized force, with its morale down, is afraid to take action. They do not want to do anything. They are sitting idle.

Apart from that, let's take a look at the democratic system. Hurdles are being created in it. In 1999, when our government came into power, I prepared a strategy of three-stage transition to take the country towards democracy. As in 1999, the country was a failed, defaulted state, the democratic system had been shattered and no government was completing its term. It was a democracy in the name only. Therefore, in Stage One, from 1999 to 2002 that we completed under a certain strategy I had a total control. I ran the government.

Then came, Stage Two, which went on from 2002 to 2007. It was a democratic system, with an elected National Assembly, Senate, Provincial Assemblies, Local Governments, a system of elected governments as part of democracy. During this period I did oversee the affairs of the state but the government functioned on its own and I remained the President and Army Chief. We completed this stage smoothly. There were some problems, but we created a record, where the Senate, National Assembly, local governments and provincial assemblies completed their term.

Now we are in the final stage of this transition, the Third Stage. Now I had hoped that after the assemblies, that are completing their term by November 15, Presidential election would be held smoothly. Then there were the general elections and whoever won; a new phase of full democracy was to be ushered in as part of political reconciliation. As I said earlier; this transition to complete democracy was intentionally introduced and we wanted to implement it, but in my view, and I am saddened to note, that some elements are creating obstacles in this process and are not allowing it. Now since the time has come and in the next three months we were about to complete this third phase, hurdles are being created.

I think that it is by design, for personal and political gains, and to the detriment of Pakistan, chaos is being created. All these things that I have mentioned, terrorism, extremism, paralysis of government system, demoralized Law Enforcement Agencies, interference in the democratic system, and the resulting obstacles in the democratic system, is beginning an unnecessary chaos and hurdles, have unfortunately had a negative impact on the economic situation of the country and there has been a change in our economic upsurge, the upward movement in our prosperity and now God forbid there are indications that it might show some downturn trends, though it has not yet done so, provided we are able to stop it in time.

I can also see that all investors that were coming to Pakistan, and I can see with great pain that it all is moving down, and now they have stopped whatever the investment that was coming to Pakistan and they are now seeing what is happening in Pakistan, whether it will continue to move forward in a stable manner or we stop investing our money here and invest it somewhere else. I fear that our efforts of the past seven years—, the efforts that we have done for the economic betterment of the people do not get wasted. There has been an infrastructure development, coming up of new roads, sea ports, airports, railways, mobile telephones, land lines, rural

communication, building and a construction boom all over the country. Hundreds of new industries are being set up. Moreover development in irrigation system, new dams, canals, brick lining of water courses, construction of all levels of educational and primary and secondary level of health care institutions, all these areas signify a growing and prosperous Pakistan. But I fear that all this may go in waste. And I feel very strongly about it as I have been involved with the entire process and all these development projects and cannot bear to see all this go down.

Overall due to all these reasons, the entire nation has become a victim of uncertainty and I am getting telephone calls from all over country and abroad, from people who want to know what is happening and some even taunt me, question at my decision making ability and ask that why I am not taking some decision. I have been listening to all these taunts and have been witnessing whatever has been going on with a state of disbelief. I had hoped that the judiciary and the government institutions would be able to tackle these issues. But it could not happen, and the situation continues to go from bad to worse and Pakistan is fast moving towards a negative side.

Here I would also like to say that, sitting before the media, before the television, that in the media, at least some channels did not play their role in averting this downslide, this negativism, negative thinking, negative projection, and rather enhanced this atmosphere of uncertainty.

I also feel very sorry for that, because that it is the same media that in 1999 was only the PTV and there was no independence. It is the same media that got independence from me, from my government, as I believed that media should be independent, as I believe that it was the way forward in civilized societies, I have said several times to go towards positivism and stop negativism.

The media must be independent, but it should be with responsibility and I am sad to point out that some channels did not show such tendency. I would like to ask the nation, as to why that happened? Why this situation developed? For me, it is judicial activism and interference of the judiciary, which is a pillar of the state with the other two pillars, the legislative and the executive pillar. It is interference with the system of government and a clash with the other two pillars, the legislative and executive pillars, and interference in their affairs. Because of this, both these institutions, the law-making institutions, are facing difficulties as their writ is being challenged, and the government's functions paralyzed in all spheres, in all manners. This is the basic issue and began from March 9 when I, sent a reference against the Chief Justice on the recommendation of the Prime Minister, to the Supreme Judicial Council. This was a fully constitutional process and in accordance with all legal requirements. There was nothing personal about it. There were serious allegations and I took a constitutional step. However, let's leave it aside. But the situation that developed later turned worse. There was breakdown of law and order, and some political elements entered into it, that further deteriorated the situation. I would not like to go in its details. All I would like to say is that if an official of the law enforcement agency committed a mistake, it does not mean that as a result the entire country is destabilized.. The other thing is that this reference, following serious allegations, was referred to the Supreme Judicial Council, and whatever transpired, its judgment, whether I agree with it or not, in my view that the reference with serious allegations was not examined and a verdict was given. This decision was fully accepted

by me in complete good faith as it was a decision by the Supreme Court and I accepted it, and showed an attitude of reconciliation, so that the quarrel must end, and one must rise above self-interest to work for Pakistan's stability and in the country's favour. However unfortunately, the issue could not be resolved, despite cooperation with maximum and sincere efforts. This was the reference and the judicial issue.

Then in Islamabad, we saw that the tragedy of Lal Masjid came before us, where extremists challenged the writ of the government in the heart of Pakistan, in the capital city of Pakistan, and caused great embarrassment to the country, throughout the world, and only I know how much bad name we earned, that we despite being such a big power could not have our capital in control where they had created a state within a state. Our image, our standing, our stature suffered a great deal. These people resorted to whatever they could do. They martyred police personnel, they held them hostage, and they set shops on fire, they abducted the Chinese, our great friends, held them hostage and beat them up. This caused great embarrassment to me and I had to personally apologize to the Chinese leadership that we are ashamed that despite you being our great friends this has happened to you. And then they set on fire the Ministry of Environment and the vehicles. What should we have done? We were humiliated for several months and the people kept on saying that we were not taking any action. And we were not taking any action because we wanted to protect lives and not take lives. Therefore, when as a last resort we took action, and I again pay tribute to all law enforcing agencies, that they took action and brought to an end all this humiliation and embarrassment. Many of these were martyred and I pray for them. May Allah send them to paradise as they undertook this mission for this nation and this country and not for their own sake, and laid down their lives.

After that unfortunately there was the decision of Supreme Court. And now the situation is that 61 of the terrorists that were declared black, meaning they were confirmed terrorists by the intelligence agencies, were released, and they are all roaming around freely. No one knows that the Rawalpindi blast, or the Karachi or Sargodha blast were their doings. They are now at large, and no one knows what action they will continue to take and keep on causing severe damage to us.

Then those Madaris that were involved in extremism were also ordered to be opened. We in the government want to open up Madaris. It is the government's plan to establish model Madaris, meeting all standards, for the most poor children, provide them boarding and lodging. There is no such thing that there is someone in the government who is against the Madaris. These children need to be taken to the best places and get the best education and have best places to live. The government is working on a comprehensive plan to provide such facilities. The courts ordered opening of those places that were shut down and now it is being said that the security system will remain the same as it was before and some of these people will look after the security of the mosque. Now a mosque does not need security and we do not know whether these security people will once again take rifles and enter the mosque and we end up from where we started. And now all those elements who were first challenging the government, now their relatives are challenging the government, and the law enforcement agencies are being blamed for whatever action they are taking against extremists. They are also openly showing solidarity with extremists all over the country, while sitting in Islamabad. Now this is the other situation that we are facing.

Now came the Presidential elections. Only a month has passed. During this a procedure was adopted fully according to the law and the constitution. The Election Commission gave a schedule under a time frame. The Chief Election Commissioner examined the nomination papers and these were accepted and then some references were filed, particularly against me that were taken up in the Supreme Court for consideration. Now there is no problem in it. It is a legal process. But then a seven—member bench was set up, later it was made into a nine—member bench, and later an eleven—member bench. The case was thus being prolonged, no decision was being taken and there was a situation of uncertainty. In the presidential election, I am grateful to the assemblies for electing me by giving me 57 per cent votes in the National Assembly, Senate and the four Provincial Assemblies, but the case still lingered on. Unofficial result was announced, but the decision came that there should be no notification. Now the case is continuing, without decision. Now one personality said that he has to attend the marriage ceremony of his daughter so the dates were further extended and the case is hanging and the nation continues in a state of uncertainty.

The Prime Minister too took stock of the situation and wrote to me that the government's functioning in such circumstances was very difficult.

My Brothers and Sisters!

What is happening in Pakistan? What is happening to us? What is happening to this country? In which direction are we moving?

This country lives in my heart, in my blood and in my soul. I cannot see it go down. Therefore a time for action has come. I reviewed the entire situation. How to stop this downside? In my view, these three pillars of state; judiciary, executive and legislative - all need to work in harmony so that we can have good governance and can fight extremism and terrorism with full force. This is the sway to bring back the derailed government back on its tracks, before we completely run aground.

After reviewing this situation and after discussing it with all military, government functions, political and non-political friends and expatriate Pakistanis, I took a decision and this decision is basically part of the third Phase of transition to democracy that I have already mentioned. This phase has to be completed, InshaAllah. The hurdles in the way to democracy have to be removed. And what is, and has been my decisions, of completing this third phase, will InshaAllah be completed.

To do this I have declared emergency. I have issued a Provisional Constitution Order that was on the television and you might have seen it. In this respect there will be no change in the government, Prime Minister, Governors, Chief Ministers, all will continue to function, all assemblies — Senate, National Assembly, Provincial Assemblies — will continue to function as they are working now and this process will continue. I have taken this decision. For me this was the easiest way to put Pakistan back on the tracks and the progress on the economic developmental aspects to continue unabated, and the last transition phase to democracy to be completed.

I would like to take this opportunity to speak to the world in general, but particularly to our friends in the West, United States, European Union and the Commonwealth.

I would ask you to kindly understand the criticality of the environment inside Pakistan and around Pakistan. Pakistan is on the verge of destabilization, if not

arrested in time now, without losing any further time, or delaying the issue. The saddest part of everything that saddens me the most, is that after all we have achieved in the past seven years, I see in front of my eyes, Pakistan's upsurge taking a downward trend. I personally, with all my conviction and with all the facts available to me, consider that inaction at this moment is suicide for Pakistan. And I cannot allow this country to commit suicide.

Therefore I had to take this action in order to preserve the democratic transition that I initiated eight years back. I would like to repeat that what I have already said in Urdu that I started with a three-staged transition. The first stage from 1999 to 2002 where I remained in control, the second stage from 2002 to 2007, five years of democratic rule, all assemblies functioning, local government functioning, I only oversaw it as the Chief of the Army Staff and the President combined. And now I was launching the third phase that was to be completed in a few months, with complete democracy, return to civil rule, myself being only a civilian president, if elected.

It is this third stage that is being subverted today and it is this third stage, which I want to complete with all my conviction. And if we don't take action, I don't think we are going into this third stage, I don't know what chaos and confusion may follow- So, therefore, I request you all to bear with us.

To the critics and idealists against this action, I would like to say, please do not expect or demand your level of democracy, which you learned over a number of centuries. We are also trying to learn and we are doing well. Please give us time. Please also do not demand and expect your level of civil rights, human rights, civil liberties, which you learned over the centuries. We are trying to learn and we are doing very well also. Please give us time.

I would at this time venture to read out an excerpt of President Abraham Lincoln especially to all my listeners in United States. As an idealist, Abraham Lincoln had one consuming passion during the time of supreme crisis and this was to preserve the Union because the Union was in danger. Towards that end, he broke laws, he violated the Constitution, he usurped arbitrary power, he trampled individual liberties. His jurisdiction was necessity and explaining his sweeping violation of constitutional limits, he wrote in a letter in 1864 and I quote:

My oath to preserve the constitution imposed on me, the duty of preserving by every indispensable means that government, that nation of which the constitution was the organic law. Was it possible to lose the nation and yet preserve the constitution? By general law, life and limb must be protected. Yet often a limb must be amputated to save a life but a life is never wisely to be given to save a limb. I felt that measures otherwise unconstitutional might become lawful, by becoming indispensable to the preservation of the constitution through the preservation of the nation. Right or wrong, I assume this ground and now avow it.

We are also learning democracy. We are going through a difficult stage. It is the nation, which is important, and for every Pakistani, and me Pakistan comes first and any one else's considerations come after that. I look at this from this point of view. So, whatever I do is for Pakistan and whatever anyone else thinks, comes after

Pakistan with all my sincerity. Whatever I am doing is in the interest of Pakistan and therefore, I am doing it with full conviction and my full heart and soul and mind in it.

My Dear Brothers and Sisters!

I hope that you all will understand the criticality of this serious situation. In my view at this stage, whatever I did, there was no other option. I will have no hesitation if I have to render my life for this country. I know how to face the challenges. I never surrender. I always resist and will fight back. Not for me, but for this country and for the people of this nation, for their welfare and prosperity. If you stand by me, I have no doubt that if you keep on supporting with me, InshaAllah Ta' Allah we will take Pakistan forward on the same path of growth, prosperity and will put it back on tracks. I have no doubt that the nation wants to progress, wants to move forward. The people have concern about the prices of everyday commodities, unemployment and poverty. The people are sick of the state of uncertainty in the name of democracy. The people are sick of these extremists and terrorists who every other day are killing Muslims in the name of Islam. The people are sick of all this.

I want to say to all my brothers and sisters that we will together fight it and will take Pakistan forward. May Allah help you and Pakistan.

Pakistan Paindabad always.

President of Pakistan, November 3, 2007

http://www.Presidentofpakistan.gov.pk/filespeeches/addresses/1217200741657amspeech_No_v_03-2007.Pdf

DOCUMENT 24

TEXT OF THE PROVISIONAL CONSTITUTIONAL ORDER NO. 1 OF 2007

Following is the text of the Provisional Constitutional Order (PCO) promulgated by Chief of the Army Staff General Pervez Musharraf on Saturday in pursuance of the proclamation of the November 3, 2007 and in exercise of all powers under the Proclamation of Emergency.

Following is the text of the Provisional Constitutional Order:

“In pursuance of the Proclamation of November 3, 2007, and in exercise of all powers enabling him in that behalf, the Chief of Army Staff under the Proclamation of Emergency of November 3, 2007, is pleased to make and promulgate the following Order:

1. (1) This Order may be called the Provisional Constitution Order No 1 of 2007. (2) It extends to the whole of Pakistan. (3) It shall come into force at once.

2. (1) Notwithstanding the abeyance of the provisions of the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, Pakistan shall, subject to this Order and any other Order made by the President be governed, as nearly as may be, in accordance with the Constitution: Provided that the President may, from time to time, by Order amend the Constitution, as is deemed expedient: Provided farther that the Fundamental Rights under Articles 9, 10, 15, 16, 17, 19 and 25 shall remain suspended. (2) Notwithstanding anything contained in the Proclamation of the 3rd day of November, 2007, or this Order or any other law for the time being in

force, all provisions of the Constitution of the Islamic Republic of Pakistan embodying Islamic injunctions including Articles 2, 2A, 31, 203A, 227 to 231 and 260 (3) (a) and (b) shall continue to be in force. (3) Subject to clause (1) above and the Oath of Office (Judges) Order, 2007, all courts in existence immediately before the commencement of this Order shall continue to function and to exercise their respective powers and jurisdiction: Provided that the Supreme Court or a High Court and any other court shall not have the power to make any order against the President or the Prime Minister or any person exercising powers or jurisdiction under their authority. (4) All persons who immediately before the commencement of this Order were in office as judges of the Supreme Court, the Federal Shariat Court or a High Court, shall be governed by and be subject to the Oath of Office (Judges) Order, 2007, and such further Orders as the President may pass. (5) Subject to clause (1) above, the Majlis-e-Shoora (Parliament) and the Provincial Assemblies shall continue to function. (6) All persons who, immediately before the commencement of this Order, were holding any service, post or office in connection with the affairs of the Federation or of a Province, including an All Pakistan Service, Service in the Armed Forces and any other Service declared to be a Service of Pakistan by or under Act of Majlis-e-Shoora (Parliament) or of a Provincial Assembly, or Chief Election Commissioner or Auditor General shall continue in the said service on the same terms and conditions and shall enjoy the same privileges, if any, unless these are changed under Orders of the President.

3. (1) No court including the Supreme Court, the Federal Shariat Court, and the High Courts, and any tribunal or other authority shall call or permit to be called in question this Order, the Proclamation of Emergency of November 3, 2007, the Oath of Office (Judges) Order, 2007 or any Order made in pursuance thereof. (2) No judgment, decree, writ, order or process whatsoever shall be made or issued by any court or tribunal against the President or the Prime Minister or any authority designated by the President.

4. (1) Notwithstanding the abeyance of the provisions of the Constitution, but subject to the Orders of the President, all laws other than the Constitution, all Ordinances, Orders, Rules, Bye-laws, Regulations, Notifications and other legal instruments in force in any part of Pakistan, whether made by the President or the Governor of a Province, shall continue in force until altered, or repealed by the President or my authority designated by him.

5. (1) An Ordinance promulgated by the President or by the Governor of a Province shall not be subject to any limitations as to duration prescribed in the Constitution. (2) The provisions of clause (1) shall also apply to an Ordinance issued by the President or by a Governor which was in force immediately before the commencement of the Proclamation of Emergency of the 3rd day of November, 2007.”

Daily Times, November 4, 2007

http://www.dailytimes.com.pk/default.asp?page=2007%5C11%5C04%5Cstory_4-11-2007_pg7_27

DOCUMENT 25

TEXT OF THE PROVISIONAL CONSTITUTION (AMENDMENT) ORDER, 2007

Text of Ordinance:

Now, therefore, in pursuance of the Proclamation of Emergency of the 3rd day of November, 2007 and in exercise of all powers enabling him in that behalf, the Chief of Army Staff is pleased to make and promulgate the following Order:-

1. (1) This Order may be called the Provisional Constitution (Amendment) Order, 2007. (2) It shall come into force at once and shall be deemed to have taken effect on the 3rd day of November 2007.
2. In clause (1) of Article 2 of the Provisional Constitution Order No. 1 of 2007, in first provision, after the word "constitution" the words "and amend or repeal this Order" shall be inserted.
3. In the Provisional Constitution Order No. 1 of 2007, after Article 5 the following new article shall be added, namely:- 6. The President may revoke the Proclamation of Emergency of the 3rd day of November, 2007 on such day as he may deem fit.

http://www.pakistani.org/pakistan/constitution/post_03nov07/pco_amend_2007.html

DOCUMENT 26

TEXT OF OATH OF OFFICE (JUDGES) ORDER 2007

Whereas in pursuance of the Proclamation of Emergency of the 3rd day of November 2007, and the Provisional Constitutional Order No. 1 of 2007, the Constitution of the Islamic Republic of Pakistan has been held in abeyance;

Whereas Pakistan is to be governed, as nearly as may be, in accordance with the Constitution and the President has, and shall be deemed always to have had the power to amend the Constitution;

Whereas all Courts in existence immediately before the commencement of this Order will continue to function and to exercise their respective powers and jurisdiction subject to the Proclamation of Emergency and the Provisional Constitutional Order No. 1 of 2007;

And Whereas to enable the Judges of the Superior Courts to discharge their functions, it is necessary that they take Oath of their office;

Now, Therefore, in pursuance of the aforesaid Proclamation and the Provisional Constitutional Order No. 1 of 2007, and in exercise of all other powers enabling him in that behalf, the President is pleased to make and promulgate the following order:-

1. Short title and commencement. (1) This Order may be called the Oath of Office (Judges) Order, 2007. (2) It shall come into force at once.
2. Interpretation. In this Order, 'Superior Court' means the Supreme Court of Pakistan, the Federal Shariat Court or a High Court, and 'Judge' includes Chief Justice.

3. Oath of Judges. (1) A person holding office immediately before this Order as Judge of the Supreme Court, the Federal Shariat Court, or a High Court shall cease to hold that office with immediate effect: Provided that a person who is given and does make, Oath in the form set out in the Schedule, before the expiration of such time from such commencement as the President may determine or within such further time as may be allowed by the President shall be deemed to continue to hold the office of a Judge of the Supreme Court, the Federal Shariat Court or a High Court, as the case may be. (2) A Judge of the Supreme Court appointed after the commencement of this Order shall, before entering upon office, make Oath in the form set out in the Schedule. (3) A person referred to clause (1) and (2) who has made Oath as required by these clauses shall be bound by the provisions of this Order, the Proclamation of Emergency of the 3rd day of November, 2007, the Provisional Constitutional Order No. 1 of 2007, and notwithstanding any judgment of any court, shall not call in question or permit to be called in question the validity of any of the provisions thereof. (4) A Judge of the Supreme Court or the Federal Shariat Court shall make oath before the President or a person nominated by him, and a Judge of the High Court shall make oath before the Governor or a person nominated by him.

The schedule

*Chief justice of Pakistan, the federal Shariat court or a high court or judges of supreme court,
the federal Shariat court or a high court*

(In the name of Allah, the most Beneficent, and the most Merciful)

I _____ do solemnly swear that I will bear true faith and allegiance to Pakistan:

That, as Chief Justice of Pakistan or a Judge of the Supreme Court of Pakistan, the Chief Justice of the Federal Shariat Court or a Judge of the Federal Shariat Court, or the Chief Justice or Judge of the High Court for the Province of _____, I will discharge my duties and perform my functions honestly and to the best of my ability and liability in accordance with the Proclamation of Emergency of the 3rd day of November, 2007, the Provisional Constitutional Order No. 1 of 2007, and the law.

That I will abide by the provisions of the Proclamation of Emergency of the 3rd day of November, 2007, the Provisional Constitutional Order No. 1 of 2007 and the Code of Conduct issued by the Supreme Judicial Council.

That I will not allow my personal interest to influence my official conduct or my official decision.

And that, in all circumstances, I will do right to all people, according to law, without fear or favour, affection or ill-will.

May Allah Almighty help and guide me (Amen).

November 3, 2007

http://www.pakistani.org/pakistan/constitution/post_03nov07/judges_oath_order_2007.html

DOCUMENT 27

TEXT OF PAKISTAN ARMY (AMENDMENT) ORDINANCE 2007

President, General Pervez Musharraf on Saturday promulgated Pakistan Army (Amendment) Ordinance, 2007 to amend the Pakistan Army Act 1952. Following is the text of the ordinance: Ordinance No LXVI of 2007 An Ordinance further to amend the Pakistan Army Act, 1952.

Whereas it is expedient further to amend the Pakistan Army Act, 1952 (XXXIX of 1952), for the purpose hereinafter appearing; And Therefore, the National Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action:

Now, therefore, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan read with Proclamation of Emergency of the third day of November, 2007 and the Provisional Constitution Order (PCO) No 1 of 2007, the President is pleased to make and promulgate the following Ordinance:

1. Short title and commencement - (1) This Ordinance may be called the Pakistan Army (Amendment) Ordinance, 2007. (2) It shall come into force at once and shall be deemed to have taken effect on the 1st day of January 2003.

2. Amendment of Section 2, Act XXXIX of 1952. In the Pakistan Army Act, 1952 (XXXIX of 1952) in Section 2, in sub-section (1) in clause (d), in sub-clause (ii), for the semi-colon at the end a comma and the word "r" shall be substituted and after sub-clause (ii) amended as aforesaid, the following new sub-clause shall be inserted. Namely: "(iia) any offence, if committed in relation to defence or security of Pakistan or any part thereof or Armed Forces of Pakistan, punishable under the Explosive Substances Act, 1908 (VI of 1908), Prejudicial conduct under the Security of Pakistan Act, 1952 (XXXV of 1952), the Pakistan Arms Ordinance, 1965. (W.P.Ord. X of 1965), the Prevention of Anti-national Activities Act, 1974 (VII of 1974) or Anti-terrorism act, 1997 (XVII of 1997), Sections 109, 117, 120B, 121, 121A, 122, 123, 123A, 124, 124A, 148, 302, 353 and 505 of the Pakistan Penal Code, or attempt to commit any of the said offences."

General, (Pervez Musharraf) President.

November 10, 2007

http://www.app.com.pk/en/index.php?option=com_content&task=view&id=20627&Itemid=2

DOCUMENT 28

TEXT OF PRESIDENT'S PRESS CONFERENCE

Ladies and Gentlemen, as you all know the National Assembly and the provincial assemblies are about to complete their tenure as laid down in the constitution of Pakistan. National Assembly completes its tenure of five years for the first time in history on the 15th of November and therefore they shall stand dissolved on the 15th of November. The provincial assemblies had different days of completion of tenure, the Frontier government has already been, they resigned and, therefore there is a

caretaker government already there since 9th of October. The Punjab Assembly completes its tenure on the 24th of November the Balochistan Assembly completes its tenure on the 26th of November. Sindh Assembly completes its tenure on the 10th of December. The question was whether we should allow them to complete their tenure as stipulated or we should bring them on to one date and have elections on one day for the National and Provincial Assemblies.

I had a good discussion with the Chief Ministers of all the provinces and we have consonance of views on the issue that we should have election on the same day and therefore let us dissolve the assemblies on the same, on one day. So therefore the Chief Ministers of all provinces are in agreement to dissolve the provincial assemblies on the 20th ...

This is history, ladies and gentlemen because this is the first time that all assemblies are completing their tenure.

Now allowing the Election Commission sixty days maximum that they are supposed to take for the elections and forty-five days minimum that they need for the elections. I would request the Election Commission to hold elections as soon as possible as fast as possible which means if you calculate 45 to 60 days from 20th November we should have the elections before the 9th of January which happens to be the start of Muharram. So, therefore, I leave it to the Election Commission to decide on the exact date according to their own requirement but I very much hope it will be before the 9th of January. So, any day towards the end of the first week of January, we will hold the general elections in all the provinces of Pakistan simultaneously to the National Assembly and the provincial assemblies. I wish, I could also give a date, exact specific date or my taking oath as a civilian President. I always said that I will abide by the constitution and that oath as a civilian President would have been on the 15th of November. But, now since the case is subjudice in accordance with the decision of the Supreme Court, the sooner they give, they allow for the notification to be issued which has been held in abeyance. The notifications cannot be issued according to their judgment although they accept my election from the assemblies with the fifty seven per cent vote, from the Senate, the National, all the national assembly and the four provincial assemblies. The moment, they give a decision allowing us the notification; I shall take oath of office as a civilian president of Pakistan. And I hope that happens as soon as possible. This sets aside aspersions, distortions, and rumors, doubting intentions about my intentions.

I would like to challenge anybody to point out at any stage where I said, I will not follow the constitution and there will be a postponement of elections or the issue of my oath taking. I think since the last three months, I have been talking of three stages of transition. The first stage from 1999 to 2002 where I was solely In-charge. The second stage from 2002 to 2007 where all assemblies are functioning and the governments at the centre and the provinces are there and I was only overseeing and the last stage as I always said the transition stage where I become a civilian president if elected and we now go on to a stage of total, complete democratic dispensation. I have always been saying this and I was always being saying that I will follow the constitution and I think this is my. I would like to say that in Urdu...[Text in Urdu]

Now, I will come to my action on the 3rd of November. It was indeed a bitter pill to swallow. There is no doubt about it. There is no doubt that this was the most difficult decision I have ever taken in my life. Why did I take this decision? I

could have preserved myself but then it would have damaged the nation. I found myself between a rock and a hard surface. I have no egos, personal egos and personal ambitions to guard. I have the national interest foremost on whatever terrorism and extremism is going on, over which I am going to talk, about the destabilization that had taken place all over the country, a country in a stage of turmoil and shock and confusion, I had to select between what I need to do. Take a drastic measure to save the democratic process first of all. This very democratic process, which I have just enunciated, was the one, which was being derailed, had I not taken action. I would even say that the government, which was in a state of paralyses, needed reinvigoration; it would have gone more into paralyses. So, these were the dangers, So, I personally thought after consultations, discussions with everyone of tile society. I discussed with the politicians, individually in groups. I discussed with the Prime Minister and the cabinet, individually and groups. I discussed with the civil society, industrialists and businessmen, individually and in groups, I discussed with the military, individually and in groups, all of them and then only did I come to a conclusion that here is a situation where I need to see Pakistan as a whole, I knew International perceptions. I knew the fall out internationally.

Anyone knows It, any one with the little bit of commonsense would know it, I had to take a decision whether I need to take a decision in the interest of this nation, to preserve this nation, to safeguard it and risk myself or to let go hoping that the nation may improve later.... I am not going into the details of I have already spoken to the nation but I just want to say that the environment was the judiciary, the clash between the three pillars of the state. The judiciary, I wouldn't say the whole judiciary, only one individual in the judiciary or may be very few in the judiciary, clashing with the Executive and the Legislative. In that, the government found itself in a state of semi-paralyses, not acting, the government functionaries not acting, they being humiliated in the courts and therefore refusing to act, refusing to take decisions. Then law enforcement agencies, the police totally demoralized and shattered, not prepared to take any action. Terrorists encouraged and those fighting against terrorism demoralized. Political uncertainty was in the state, who is to be the President, whether there will be elections, how. The economic downturn, as a result of all this the most painful thing, economy which was on an upsurge. I see a down turn. Our credit rating with the Standard and Poors and the Moody's have declined for the first time in eight years. And the terrorism gaining ground because of this whole state of confusion and turmoil. Therefore, the decision and whatever it costs I bear responsibility and I stand by it. I stand by it because I think it was in national interest. Whether it was not in the interest of anybody seeing it from abroad but it was in Pakistan's interest and I stand by it and I will answer any questions subsequently from anyone especially from those from abroad.

The turmoil, ladies and gentlemen, started on the 9th of March with the initiation of the reference against the Chief Justice. I just want to touch on this issue because, yes indeed everything was going fine, this disturbed the whole situation. If somebody asks me today, with hind side, should you have done it, may be I say no, should not have been done. But if somebody asks me whether you did the right or wrong I will say I did the right. There are two issues involved in this. One is the filing of the reference; the other is the content of the reference. Let us take the filing of the reference. There were accusations against the Chief Justice of Pakistan. No body is

above the law ladies and gentlemen. President can be impeached in the Assembly and the constitutional situation on the Chief Justice is, that a reference can be moved against him in the Supreme Judicial Council; that is the constitutional position.

So, therefore, the Prime Minister initiates a reference, accusations come to me and I follow the constitutional legal path of giving it over to the Supreme Judicial Council. So there was no lapse on the filing, whatsoever. On the content, ladies and gentlemen, does anyone know the content, was it heard in the court, no. We did not deliberate on the contents, what were the accusations. And I just want to very shortly and briefly tell you about it because lot has been said about it and the other side of the story is going unheard. I had no personal problems with the Chief Justice. He has come to my house, visited me social callings. He has come to my office several times. Never did I request him, he came on his own and obviously, there was a relationship. That was not the issue. But this in running of state, there are other more important issues on seeing the merit of the case. Let me tell you what is in the reference. This is no secret now. It is supposed to be in the courts, it is supposed to be open. It is not a secret but nobody knows it because the court did not consider it. There was no sense of justice in him. Judges were being appointed on his favourites. He used to refuse to accept judges nominated by, through the legal courts, through the High Courts, the High Court Chief Justices, the Judges for the High Courts. He would put in his own name, he would reject the names being given by them as a result of which this tussle always remained between the high courts and the supreme court and we had to mediate between them as a result of which most of the High Courts would [remain]under-strength. The Shariat Court Chief Justice, where he has no jurisdiction, he imposed a person that he has to be put there.

Many other violations of judicial norms like giving a verbal decision but then the written decision next day opposite of the verbal decision. Illegal interference in the courts cases. In one of the Chief Justice of a High Court humiliated by one individual abused in his court. He gives him contempt of court. The next day the man is released because he had some linkages with the Chief Justice. Harassment of civil servants to the extreme, IGs, Secretaries, going and standing outside the Supreme Court and High Courts for minor protocol lapses. If somebody has not received him well somewhere, a high police official from Hyderabad coming to Supreme Court here because, proper protocol was not given to him. And innumerable suo moto cases where the IGs, Federal Secretaries, Chief[s] of Pakistan and bringing it almost to a complete halt today. On the personal side may I say his personal corruption which is all laid down on his medical bills on his travel TA/DA bills, on his use of fuel bills, and then he would want the best vehicles for himself, wanted by name and escort for himself and if the vehicle is an older one, he would call the Chief Secretary, he will humiliate senior officials. So these were and then his son's case and all that I don't want to go into those details.

The issue that I wanted to highlight, why I took time, this is all in the reference against the Chief Justice. I would like to ask anywhere in the world what should be done if these are the accusations and known to be correct, what should be done to a person. I would like to ask from those of you sitting from the West, what you would do to a Chief Justice if these were the accusations against somebody. Is he above the law, should you not do anything. So, therefore I did what exactly, legally and constitutionally. I was allowed. I did not violate the constitution and the law of this

land and I tried to correct the situation and allowed the judiciary to decide, the Supreme Judicial Council. Unfortunately, the mishandling in all that, at the technical level that was most regrettable. But the case itself, unfortunately, has gone unheard and the judicial body of the Supreme Judicial Council today stands absolutely, it has been, negated. A constitutional body has become irrelevant.

Another point I want to touch is the Lal Masiid affairs here. I don't want to go into details, I just want to say, Ladies and Gentleman, there were so many aspersions being cast on me in the foreign media that there is some nexus between those terrorists and myself and the government that we are trying to manipulate things to our advantage nothing could be more wrong, baseless than these allegations, but they respond, they were written without realizing what is the difficulty with the government to act against about three thousand men of about two three thousand women. What it would have cost to act there. So therefore, the handling the delay was because we wanted to save lives. And the action I think was very excellent; it was late for a reason. But the aspersions, I am shocked as the aspersions, which were, cast allegations of delays, allegations of indecision, allegations of all kinds of mischief being done by the government itself.

I would like to touch on now the most significant aspect of terrorism and extremism or terrorism. This is what we are fighting with all our force, it was in the FATA in the tribal agencies, and it is spreading to the settled districts of Frontier. A block of northern districts, a block of southern districts, we have to fight them there and then with all tile suicide bombings all over Pakistan it is spreading elsewhere into Pakistan. We have to attack their source. We have to eliminate them at sources. This is no easy job. Again aspersions, allegation, lack of understanding of the realities on ground, are therefore, let me give this audience that not only had we made a plan which will be given to you, very regularly from the military operations directorate as well as Eleven Corps. We have a plan of action to strengthen the second line forces; this is under implementation from June this year up to the December, it will be completed in January 2008. We have fifteen thousand policemen about 120 platoons of Frontier Constabulary, about seven thousand Levies, twelve wings of Rangers are being raised and four more will be raised, sixteen. All this will take a little time, but we have inducted the army there.

And now in Swat area, army is in the lead role. They have taken over, the Frontier Corps and constabulary will be there, but the army will be in the lead role in the operation.

There have been aspersions on me that I am foot dragging, I may be in league with the extremists and terrorists may be I had a soft corner for Taliban, all kinds of aspersions.

Ladies and Gentlemen, in 99, I inherited a government policy whatever its policy was in Afghanistan. It was I who tried to moderate actually with the Taliban. Because, we had diplomatic links with them. All that I would like to say on terrorism and extremism ... [Text in Urdu]

All organs of State have to combine in unison to defeat terrorism and extremism, whether it is the judiciary, whether it is the government, federal and provincial all law enforcement agencies, the army and the second line forces and the media. If the media is going to make heroes of terrorists and villains of the law

enforces. God save our battle against terrorism, I would like to lastly come on to media and say a few words.

I am for independence of the media and that is what I gave to the media in Pakistan. I am using this word I because there was a lot of opposition to do it. But we still gave it the independence and I still stand by it. But all that I desire, all that the government desires is responsibility and what is responsibility, it is not that you should not criticize us or the government, do please criticize the government, do please criticize me but there has to be checks on deformation by designs, distortion of facts, projecting non truth, humiliation ... [Text in Urdu]

We have made a code of conduct, and I would like you to see that code of conduct. I do not wonder whether we are issuing ... [Text in Urdu]

You must read that code of conduct. We have taken the codes of conducts from many countries including western, and has been made absolutely a code, which brings responsibility. May I say that it is only a few channels that are by design or for their own political agenda doing this and a few people in those channels. Therefore, if everyone shows responsibility in accordance with the code of conduct, we have no problem whatsoever with the independence of the media. But play a role also in fighting terrorism. Play a positive role, help the forces fighting terrorism, and reinforce their hands. That is all that I have to say ... [Text in Urdu]

Thank you very much Ladies and Gentlemen. I am available for any number of questions and short questions.

[Linzy Hyre- Channel IV news]: Mr President, can you tell us whether in the current circumstances Ms Benazir Bhutto is your ally or your opponent?

President Musharraf: I want to have fair, transparent elections. We are now launching a political election process. In this, I am going to be absolutely above board. Rules of the game are going to be set by the Election Commission, which should be adhered by all equally. Now after the elections, whatever happens will be seen later, but I in my position as the President of Pakistan, if at all the Supreme Court decision comes out and I take oath, will remain above board and neutral.

[James Pace: Al-Jazeera English]: You have given us a date for the election. You have not given us a date for lifting the state of emergency. How can a free and fair election take place if there is still a state of emergency with opposition politicians locked up?

President Musharraf: No, they will be in the election process. Let me tell you that in view of the disturbed environment-the terrorist environment, the bomb blasts, the suicide bombs, and the situation in the Frontier, which has to be tackled, in Swat, in the southern districts, I can assure you that it is the emergency which reinforces the hands to control all this and keep it in check. And I think it is quite the opposite that you are saying; it will ensure absolutely fair and transparent elections because we are not going to interfere in the process of the elections. We would like anybody from abroad, observers to come and see the fairness. Certainly, if any one was disturbing the law and order situation, the arrests have been done because of that. But I would expect that all of them get released and then participate in the elections, and they will be free to go and do electioneering as per the rules given by the Election Commission. But if they disturb law and order and if they want to create anarchy in Pakistan in the name of elections, in the name of democracy; we must not allow that. So therefore,

certainly, the emergency is required to ensure peace in Pakistan to ensure an environment conducive for elections in Pakistan.

[Allex - Sky News]: Could I ask a question about the first foreign journalists to be deported, the three Daily Telegraph reporters. Can you tell us what criticism of yourself is acceptable?

President Musharraf: Yes, I didn't know why they have been deported. I know it now. I wonder whether you know it. I wonder whether you know what words they used, you do it and you accept such words in your country. You accept a word of that sort if I was to use it if anyone of my reporters were to use against your president?

[Second question]: Say, is it just specific word. Mr. President. What is it?

President Musharraf: Yes indeed, that's what I said. Let us remain in the norms of behavior. Now if there is anybody who does not have a sense even of what how to speak and how to write? What conduct and behavior? I am really shocked. So, therefore the action was taken because of absolute. I mean. I cannot. I don't have words to express what I can say about it. In fact I would say, I expect an apology.

[Hassan Khan-Khyber News]: Is it not very unfortunate that always you are looking towards the foreign ... in your televised, nationwide speech. You also request them to please give me some time and then the other day addressing the foreign diplomats you again put that request to them. Is it not you are belittling one hundred and sixty million people of Pakistan by requesting the foreign people to give you some time to rule Pakistan?

President Musharraf: Who has told you that...

[Second question] I have to repeat my question, In your televised speech to the nation, in the English version you requested the international community to give you time then later on addressing the foreign diplomats you again put a request that please give me some time...

President Musharraf: O.K. I have got the point. I did not, at that time I think if you understand the language that I used, it was not time to me, and it was time to the nation, if you remember. What I was saying was, democracy I remember, isn't it. you are talking of when I said democracy, we are learning democracy, give us time, give Pakistan time to learn democracy. I spoke of human rights, that you are concerned about human rights, individual liberties. We are learning, Pakistan is learning, give us time to learn, give Pakistan to learn. I was not asking for myself. Please understand that is not the thing. I didn't say give me time so that I teach democracy and human rights to Pakistan. No sir, I was talking of generalized statement and that I will say to the whole western world I was addressing I was addressing to the whole western world that in the developing countries if you see, let me clarify a little with you;

Look nations or societies are vibrant, they are living organism, they move in a certain direction and that direction is set over centuries. They start moving in a certain direction because of their environment that they live in and they start moving there. Now if you think that that movement and that direction may be wrong and should be changed. You can not impose a sudden change in that direction and tell them O.K., you have been going wrong now you have to follow human rights that we are telling you and please start phasing this way. Society will gradually transform. You cannot impose a change on the society. It is in that context that I was talking. Please allow

time for our society for Pakistan to learn democracy and to learn human rights and keep progressing on that path and keep moving in that direct direction.

Mohammad Akmal Khan: Rang TV ... [Text in Urdu]

President Musharraf: ... [Text in Urdu]

[Ahtesham- *Dawn*]: Mr. President. if this emergency continues, do you expect the suspension of aid by donor agencies and international financial institutions?

President Musharraf: I don't expect that, I don't hope that at all. They do understand our ground realities here, mainly the issue of terrorism, how we have combated it. And what is required to reinforce us to fight terrorism. Now the other concern of there certainly I do understand, and let me you, now that you asked this question. A lot of leaders have rung me up. While they do show concern about elections and the issue of my being a civilian President, doffing of uniform; but at the same time each one of them and I don't want to name them, each one of them have shown understanding of the environment here in Pakistan, and therefore, if we go on the path of democracy I am sure they will understand and no such problem will occur. And let me say by adopting the course I have, actually, I have put the derailed path of democracy back on the rail. What have done today in announcing elections was being derailed actually through the Supreme Court's action against the Legislative and the Executive. So, that is what I put back on rail actually. And that, the West should understand, and should accept the ground realities of Pakistan.

[Grag Tocat - Fox News] Mr President, I must return to the question about state of emergency. Can you give us a day, can you give us some kind of a timeframe, Attorney General was suggesting one month. I know hearing from the White House and others in Washington. There are concerns about the state of emergency. Here in this country and what effects it might have on your own war on terror that it might affect its function. Can you give us a timeframe when we might expect it to be dropped?

President: The emergency reinforces the war on terror; I really don't know how you see emergency as countering or negating the war on terror. It means, I just said it is this emergency, which has reinforced our hands to use the army in the lead role in Frontier. Otherwise, the army was not being requisitioned. So, therefore, emergency contributes towards better law and order, better fight against terrorism itself. So therefore, all that I can say I do understand that emergency has to be lifted. But, I cannot give a date for it. We are in a difficult situation. And therefore I can not give a date... [Text in Urdu]

[John Right -ICB News]: The state of emergency seems to have deepened divisions here and raised very much the popularity of Benazir Bhutto. In deed this week she described you as representing the forces of dictatorship. I wonder why she resorted to this rhetoric, I wonder ... of her attempt to bring her people on the streets this week and I wonder if you think that will undermine any kind of power sharing deal with her?

President Musharraf: Did you say raised her popularity. I wonder whether you know the rural areas of Pakistan. Islamabad where there were 150 people at one time outside her residence and another on one day there were about 200 people at the barricade who created nonsense that is what you think is the popularity. This country is the country of 160 million people. Seventy percent of them are in rural areas. Your information is of Islamabad. Islamabad is some hundreds of thousand of people, right.

You please go into the rural areas and the rural areas, see the feel what her popularity there is, I wonder whether you are correct. Please have a correct feel of Pakistan and Pakistan is the rural area. Seventy percent of Pakistan and in that 55 per cent may be or if not more is Punjab. Go into the rural areas of the Punjab, go into the cities of Punjab and see whether she is gaining popularity or gone down in popularity because of certain actions, certain comments that she has been making in the past. So, I would not like to comment on that and as far as coalition, I said before, I am the President of Pakistan and now we want fair, transparent elections, we must give an equal chance to all political parties. So, we are going into the elections. How can I say now? I mean in the West. I know through your papers and through your remarks. You think that she is the next Prime Minister of Pakistan? I don't know.

Who has given you this impression? How you have counted this vote and what your calculations are based on? She has to win the election. If her party wins the elections then only will be going to the other stage of whether to see who is going to be the prime minister. I wonder whether our assessments are correct at all. As far as I am concerned, fair, transparent elections, let any party win and then it is the political parties who need to get into coalitions and understandings with each other. There is no point in a personality getting in touch with me. I mean what is the use of any one having a relationship with me. It is the political parties I am not heading a political party so therefore I would say, for the sake of future of Pakistan; I have been saying that there has to be a political reconciliation in all the parties. So that we face this menace of terrorism with political strength and government and administrative strength. I would leave at this. There is no, from my point of view at the moment, any decision that we have to be sort of. Let the political parties decide the future course of action after the election results.

[Cho Ro Fun- Chinese Daily]: would you like to just give some assessment on the security situation in Swat and South Waziristan. Is right now, the military operation is just a temporary one with the time of emergency or after that if there is till some thing like a suicide attack or some certain kind of terrorist attack, what will your government do in that kind of situation?

President Musharraf: The military operation will continue till we defeat terrorism. There is no time limit on that. The emergency reinforces our strength, our hand to use forces more strongly wherever we want against terrorists. But, even when we remove emergency, the fight against terrorism by military will continue till it is defeated.

[D. Damascus BBC]: How will you set aside the presidential aspersions when you are locking up opponents, judge, locking up politicians, appointing new judges as to get yourself reconfirmed all under the state of emergency, because it appears that the only thing that may have been derailed is your own re-election as President, not forthcoming parliamentary elections. Emergency is an issue about your elections not about parliamentary elections.

President Musharraf: I have tried to explain it in the beginning but you are asking a question again. As far as locking up of people, yes indeed, if there is any disturbance in the law and order, agitation, disturbing the peace in the land, we will act against them. However, when you are talking of judiciary, yes a judicial correction had to be done. Why it had to be done? I have explained. I have explained the rationale for it. What was the problem that the country was facing? When I look this action, I told

you it was a bitter [pill] to swallow. One was in action. Don't do anything. What should have been the result of not doing anything and then of doing something if I had to act, where do I act. There was the problem. The problem was some elements in judiciary being in class with Legislative. How? In that 57 percent of Senate, National Assembly and four provincial assemblies have given me a vote to be the president. But they say no, hold on. That is not the case. We will try this case in court. They start trying and they have a seven-member bench. After sometime, then they decide no, it should be eleven-member bench. They became eleven-member bench. And then they allowed that unofficial result to be announced, and they said no notification should be issued. So this suspended totally, totally overruling what the Legislative had done. What the parliament had done. Secondly, direct interference in their executive branch. In that, as I told you, the government [was] in semi-paralysis. The law enforcing agencies totally demoralized. This was the situation, where Pakistan found itself? As a result of which, economic downturn, Pakistan almost becoming nonfunctional, government becoming nonfunctional. Now, if one has to act as I said the choice is either don't act or act, one of the two. So if you don't act, to me and all those I discussed with, every one thought not acting is doing damage to this country. Therefore I found myself between a rock and a hard surface. And if I had to act, I had to correct the source of the problem. And the source of the problem happened to be some elements of judiciary, and therefore we had taken action.

[Abdulwadood Qurish Roznamaa Jang] : ...[Text in Urdu]

President Musharraf: ...[Text in Urdu]

[Kam Asher- Middle East Magazine]: Given your comments about the Chief Justice, Iftikhar Muhammad Chaudhry, can we assume that there can be no resolution of this crisis that would involve his reinstatement as the Chief Justice of Pakistan and all the reinstatement of the other sacked judges who refused to take oath under PCO, in other words, is his dismissal and their dismissal a red line that you no longer prepared to negotiate?

President Musharraf: Absolutely, absolutely, there is no question. Those who have not taken oath are gone. They are no more judges. The Supreme Court has been formed and the High Courts are there and these are the final High Courts and Supreme Court, and those who have not taken oath are no more Judges.

President of Pakistan, November 11, 2007

<http://www.presidentofpakistan.gov.pk/FilesSpeeches/Addresses/1115200723023AMPresident.pdf>

DOCUMENT 29

TEXT OF JUDGMENT ON ELIGIBILITY OF GENERAL MUSHARRAF TO CONTEST ELECTION

A 9 member bench of Supreme Court heard the Constitution Petitions No. 58, 59, 61, 62, 63 and 67 of 2007 filed by the petitioners under article 184(3) of the Constitution of Islamic Republic of Pakistan, 1973, on 17th to 21st & 24th to 28th September, 2007. The petitions challenged the eligibility of General Pervez Musharraf, chief of the

army staff and the President of Pakistan to be a candidate to contest the forthcoming election for the office of president for the second term on various grounds. The bench comprised of Mr. Justice Rana Bhagwandas, Mr. Justice Javed Iqbal, Mr. Justice Abdul Hameed Dogar, Mr. Justice Sardar Muhammad Raza Khan, Mr. Justice Muhammad Nawaz Abbasi, Mr. Justice Faqir Muhammad Khokhar, Mr. Justice Falak Sher, Mr. Justice Mian Shakirullah Jan and Mr. Justice M. Javed Buttar.

Muhammad Akram Sheikh, learned Sr. ASC, Hamid Khan, learned Sr. ASC, Mr. AK Dogar, learned Sr. ASC, represented the petitioners in Constitution Petitions and Malik Muhammad Qayyum, learned Attorney General for Pakistan, Syed Sharifuddin Pirzada, learned Sr. ASC assisted by Raja Muhammad Ibrahim Satti, learned ASC, appeared on behalf of the respondents. Mr. S. M. Zafar, learned Sr. ASC, Mr. Abdul Hafeez Pirzada, learned Sr. ASC and Mr. Aitzaz Ahsan, learned Sr. ASC, assisted the Court as *amicus curiae*.

The counsel for the petitioners had focused their arguments on the points that notwithstanding 17th Amendment in the Constitution or any other law for the time being in force, General Pervez Musharraf, the present incumbent of the office of President being not qualified to be elected or chosen as member of National Assembly is lacking the requisite qualification to contest the forthcoming election of President of Pakistan. The precise argument of the learned counsel was that apart from the qualification of a candidate for the election of President mentioned in Article 41(2) of the Constitution that he should be a Muslim of not less than 45 years of age and should also possess the qualifications mentioned in Article 62 of the Constitution to be elected or chosen as a member of Parliament, he must not be suffering from any disqualification contained in Article 63 of the Constitution.

Learned counsel while challenging the validity of the Act-VII of 2004 namely "President to Hold Another Office Act, 2004" promulgated under Article 63(1)(d) of the Constitution on 30th November 2004 which was enforced on 31.12.2004, contended that the enactment of this law was mala-fide and beyond the scope of the legislative competence of the Parliament. The learned counsel submitted that the respondent while occupying the office of Chief of Army Staff (COAS) in violation of the Army Regulations Vol I (Rules) 1998 and his oath as Member of Armed Forces under Article 244 read with 3rd Schedule of the Constitution, is not qualified to contest the election for the office of President.

Malik Muhammad Qayyum, learned Attorney General for Pakistan and Syed Sharifuddin Pirzada, learned Senior ASC, counsel for the President opposed these petitions on the grounds, firstly that no question relating to the enforcement of any of the fundamental rights conferred by Part II Chapter I of the Constitution (Articles 8 to 28) is involved in these petitions to invoke the original jurisdiction of this Court under Article 184(3) of the Constitution and secondly these petitions have also no substance on merits in the light of provision of Article 41(7)(b) read with Article 62 of the Constitution as well as Act VII of 2004 and the law laid down by this Court in above referred judgments.

The main thrust of the arguments of the learned counsel for the petitioners was that General Pervez Musharraf is not qualified to contest the election for the office of President for the next term, whereas the learned Attorney General and learned counsel for the respondents emphasized that no doubt the election of the President is a matter of public importance but no question with reference to the

enforcement of any of the fundamental rights guaranteed under the Constitution is involved in the matter to maintain these petitions under Article 184 (3) of the Constitution.

Supreme Court in its short order in the case on 28th September had said:

“For reasons to be recorded later, as per majority view of 6 to 3, these petitions are held to be not maintainable within the contemplation of Article 184 (3) of the Constitution.

2. As per minority view of Mr. Justice Rana Bhagwandas, Mr. Justice Sardar Muhammad Raza Khan and Mr. Justice Mian Shakirullah Jan, all the petitions are held to be maintainable under Article 184 (3) of the Constitution and are hereby accepted. Constitution Petition No. 63 of 2007 re: Dr. Anwarul Haq v. Federation of Pakistan and another is disallowed to the extent of seeking permission to contest the election to the office of the President.

3. As per majority view, these petitions are hereby dismissed as not maintainable.”

The detailed judgment, authored by Mr. Justice Muhammad Nawaz Abbasi, has observed that:

- (i) Notwithstanding the public importance of the subject matter of these petitions, the questions raised therein do not as such relate to the enforcement of any of the fundamental rights guaranteed in Part II Chapter-1 of the Constitution (Articles 8 to 28) to invoke the original jurisdiction of this Court under Article 184 (3) of the Constitution.
- (j) The question as to whether a person is or is not qualified to contest the election for the office of President in terms of Article 41(2) read with other provisions of the Constitution, does not relate to the enforcement of any of the fundamental rights of the petitioners or any other person, therefore, the direct petition before this Court under Article 184(3) of the Constitution is not maintainable.
- (k) The Parliament, pursuant to its legislative competence under the Constitution, has enacted Act VII of 2004 which having been found not in conflict to any provision of the Constitution, was validated by this Court in the case of Pakistan Lawyers Forum Vs. Federation of Pakistan (PLD 2005 SC 719) and pending a review petition against the judgment in the above case, a separate petition on the same subject with a delay of more than two years may not be entertainable.
- (l) The question relating to the application of Article 63 read with Article 62 of the Constitution for the purpose of determination of eligibility of a candidate in the election for the office of President squarely falling within the jurisdiction and domain of Election Commissioner of Pakistan, a constitutional forum of exclusive jurisdiction, cannot be directly brought before this Court in its original jurisdiction under Article 184 (3) of the Constitution.

The Court observed that there are two essential conditions for invoking the jurisdiction of Supreme Court of Pakistan under Article 184(3) of the Constitution. The first condition is that subject matter of the petition under this Article must be of

public importance and second condition is that it must relate to the enforcement of any of the fundamental rights conferred by Part-II Chapter-1 of the Constitution.

The Court observed, "The rule is that Supreme Court will not interfere under this Article unless it is satisfied that infringement of the right being complained is the fundamental right and breach of such right is a matter of public importance."

The order says, "The right to contest the election may be a constitutional right which is regulated by the limitation imposed by the Statues and consequently, the provision of law relating to such right or right to vote may not as such fall within the purview of fundamental rights in Part-II of Chapter 1 of the Constitution to bring the matter relating to such rights within the ambit of Article 184 (3) of the Constitution as the right to file a petition under Article 184(3) of the Constitution arises only in a case of infringement of the fundamental right or a serious threat to infringe such a right. The mere apprehension of breach of fundamental right is not enough to invoke the extra-ordinary jurisdiction of the Supreme Court as the Court is always reluctant to answer the hypothetical question even if such a question in its substantial context may be of public importance relating to the enforcement of fundamental rights and similarly the Supreme Court may not grant relief in exercise of its original jurisdiction in a case, filed with inordinate delay notwithstanding the fact that delay would not effect the jurisdiction of the Court.

It further says, "In the light of foregoing discussion, there can be no departure to the Constitutional mandate that unless a matter of public importance concerning with the enforcement of fundamental rights conferred by Part II of Chapter-1 of the Constitution is involved in a petition under Article 184(3) of the Constitution, it is not maintainable. In the present case, the matter to the extent of the Presidential election is certainly has public importance but we have not been able to digest that the questions raised therein really relates to the enforcement of the fundamental rights conferred by Part II Chapter-1 of the Constitution (Articles 8 to 28) to invoke the jurisdiction of this Court under Article 184(3) of the Constitution".

The order reads, "The petitioners in the present petitions, have sought a declaration that General Pervez Musharraf, a prospective candidate in the forthcoming Presidential election while holding the office of Chief of Army Staff, is not eligible to contest and participate in the election and even otherwise, by virtue of Article 63 (1) (d) (k) and (o), he is not qualified to contest the election of President. However, the learned counsel for the petitioners have not been able to satisfy us that in what manner the disqualification of General Pervez Musharraf if any has caused infringement of any of the fundamental rights of the petitioners or any other person guaranteed under the Constitution and in what manner it relates to the enforcement of such rights under Article 184(3) of the Constitution".

It adds, "In the light of nature of rights guaranteed under Article 17 and 25 of the Constitution, the learned counsel for the petitioners have not been able to point out that which particular right under these articles required enforcement and in what manner these rights of the petitioners or any other person, were infringed to bring the matter within the ambit of Article 184 (3) of the Constitution".

The Court order says that in the light of above discussion and in view of the facts and circumstances of the present cases, the court is of the considered opinion that the questions raised therein are beyond the scope of Article 184 (3) of the

Constitution and these petitions being not maintainable are accordingly dismissed.

sd/-

(M. Arshad Muneer)

PRO

Supreme Court of Pakistan, November 13, 2007

http://www.supremecourt.gov.pk//press_release/pr-13-11-2007.htm

DOCUMENT 30

TEXT OF CONSTITUTION (AMENDMENT) ORDER 2007 TO SET UP HIGH COURT IN ISLAMABAD

President General Pervez Musharraf Wednesday promulgated an Order to set up High Court in Islamabad Capital Territory (ICT), to meet the long-standing demand of the residents. The President's Order No.5 of 2007 also validates all orders and ordinances, promulgated and issued since November 03, 2007. Accordingly, the Supreme Court has the power to withdraw any case or appeal from the High Courts and dispose of the same.

Under the order, with setting up High Court in ICT, the composition of the Election Commission has been enhanced from four to five members.

This Order may be called the Constitution (Amendment) Order, 2007 and it shall come into force at once.

Following is the text of the Ordinance:

President's Order No.5 of 2007.

AN ORDER

further to amend the Constitution;

WHEREAS pursuant to the Proclamation of Emergency of 3rd Day of November, 2007, the Chief of Army Staff has promulgated the Provisional Constitution order No.1 of 2007, by virtue of which the Constitution of the Islamic Republic of Pakistan has been placed in abeyance;

AND WHEREAS the said provisional Constitution order provides that the President may from time to time amend the Constitution, as is deemed expedient;

AND WHEREAS it is expedient to amend the Constitution for the purposes hereinafter appearing;

NOW, THEREFORE, the President is pleased to make and promulgate the following Order:-

1. Short title and commencement:- (1) This Order may be called the Constitution (Amendment) Order, 2007. (2) It shall come into force at once.
2. Amendment of Article 175 of the Constitution:- In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 175, in clause (1), after the word "Province" the words "and a High Court for the Islamabad Capital Territory" shall be inserted.

Explanation: The words "High Court" wherever occurring in the Constitution shall include the High Court for Islamabad Capital Territory".

3. Amendment of Article 186A of the Constitution:- (1) In the Constitution, Article 186A shall be renumbered as clause (1) thereof and in clause (1) renumbered as aforesaid, after the word “High Court” occurring at the end the words” or withdraw any case, appeal or other proceedings pending before a High Court to it and dispose of the same” shall be added.

4. Amendment of Article 198 of the Constitution:- In the Constitution, in Article 198, after clause (1), the following new clause shall be inserted, namely:-
“(1A) The High Court for Islamabad Capital Territory shall have its Principal seat at Islamabad.”

5. Amendment of Article 218 of the Constitution:- In the Constitution, in Article 218, in clause (2), in sub-clause (b), for the word “Four” the word “Five” shall be substituted and after the word “Province” the words “and Islamabad Capital Territory” shall be inserted.

6. Addition of Article 270AAA to the Constitution.- In the Constitution, after Article 270AA, the following new Article shall be added, namely:-

“270AAA. Validation and affirmation of laws etc.- (1) The proclamation of Emergency of 3rd November, 2007, all President’s Orders, Ordinances, Chief of Army Staff Orders, including the Provisional Constitution order No.1 2007, the Oath of Office (Judges) Order, 2007, the amendments made in the constitution through the Constitution (Amendment) Order, 2007 and all other laws made between the 3rd day of November, 2007 and the date on which the Proclamation of Emergency of the 3rd Day of November, 2007, is revoked (both days inclusive), are accordingly affirmed, adopted and declared to have been validly made by the competent authority and notwithstanding anything contained in the Constitution shall not be called in question in any court or forum on any ground whatsoever. (2) All orders made, proceedings taken, appointments made, including secondments and deputations, and acts done by any authority, or by any person, which were made, taken or done, or purported to have been made, taken or done, on or after the 3rd day of November, 2007 in exercise of the powers derived from any Proclamation, Provisional Constitution Order No. 1 of 2007, President’s orders, ordinances, enactments, including amendments in the Constitution, notifications, rules, orders, bye-laws, or in execution of or in compliance with any orders made or sentences passed by any authority in the exercise or purported exercise of powers as aforesaid, shall, notwithstanding anything contained in the Constitution or any judgment of any court, be deemed to be and always to have been validly made, taken or done and shall not be called in question in any court or forum on any ground whatsoever. (3) All proclamations, President’s orders, ordinances, Chief of Army Staff Orders, laws, regulations, enactments, including amendments in the Constitution, notifications, rules, orders or bye-laws in force immediately before the date on which the Proclamation of Emergency of the 3rd day of November, 2007 is revoked, shall continue in force until altered, repealed or amended by the competent authority. Explanation.- In this clause, “competent authority” means,- (a) In respect of President’s orders, ordinances, Chief of Army Staff Orders and enactments, including amendments in the Constitution, the appropriate Legislature; and (b) In respect of notifications, rules, orders and bye-laws, the authority in which the power to make, alter, repeal or amend the same vests under the law. (4) No prosecution or any other legal proceedings, including but not limited to suits,, constitutional petitions or complaints, shall, notwithstanding anything

contained in the Constitution or any other law for the time being enforce, lie in any court, forum or authority against any person or authority on account of or in respect of issuance of the legal instruments referred to in clause (1) and on account of or in respect of any action taken by the Chief of Army Staff, the President or any other in exercise or purported exercise of the powers referred to in clause (2). (5) For purpose of clauses (1), (2) and (4) all orders made, proceeding taken, appointments made, including secondments and deputation, acts done or purporting to be made, taken or done by any authority or person shall be deemed to have been made, taken in good faith and for the purpose intended to be served thereby.

7. Amendment of Article 270B of the Constitution - in the Constitution, in Article 270B after the word "Assemblies" occurring for the second time, the comma, words and figure", and the General Elections 2008 to the National Assembly and Provincial Assemblies" shall be inserted.

8. Amendment of Article 270C of the Constitution - In the Constitution, in Article 270C after the brackets, figures and word "(1 of 2000) the words, brackets, figure and comma" or the Oath of Office (Judges) Order, 2007" shall be inserted and for the words "that Order" the words "the said Orders" Shall be substituted

Islamabad, November 21, 2007

http://www.app.com.pk/en/index.php?option=com_content&task=view&id=21447&Itemid=

1

DOCUMENT 31

STATEMENT OF THE COMMONWEALTH MINISTERIAL ACTION GROUP

1. The Commonwealth Ministerial Action Group on the Harare Declaration (CMAG) met at the Serena Hotel, Kampala on 22 November 2007. The meeting was chaired by Hon Michael Frendo, Minister of Foreign Affairs of Malta. Other members of the Group who attended the meeting were Hon Mohlabi Kenneth Tsekoa, Minister of Foreign Affairs of Lesotho, Hon Rohitha Bogollagama, Minister of Foreign Affairs of Sri Lanka, Hon Bernard Membe, Foreign Minister of the United Republic of Tanzania, Hon Samuel Abal, Minister for Foreign Affairs, Trade and Immigration of Papua New Guinea, Rt. Hon David Miliband, UK Foreign Secretary, Hon Helena Guergis, Secretary of State for Foreign Affairs and International Trade, Canada, and Hon Dato' Joseph Salang, Deputy Minister of Foreign Affairs of Malaysia. A statement was read out on behalf of the Prime Minister and Foreign Minister of St. Lucia.

Pakistan

2. CMAG recalled the CHOGM Communiqué of November 2005, in particular the statement by Heads of Government that "the holding by the same person of the offices of Head of State and Chief of Army Staff is incompatible with the basic principles of democracy and the spirit of the Harare Commonwealth principles...until the two offices are separated, the process of democratization in Pakistan will not be

irreversible...(They) urged Pakistan to resolve this issue as early as possible, and not beyond the end of the current Presidential term in 2007 at the latest.”

3. CMAG also recalled its statement of 12 November 2007, following its extraordinary meeting on Pakistan in which it had “urged the Government of Pakistan to fulfill its obligations in accordance with Commonwealth principles through the implementation of the following measures:

- Immediate repeal of the emergency provisions and full restoration of the Constitution and of the independence of the judiciary. This should also include full restoration of fundamental rights and the rule of law that have been curbed under the Proclamation of Emergency;
- President Musharraf to step down as Chief of Army Staff as promised;
- Immediate release of political party leaders and activists, human rights activists, lawyers and journalists detained under the Proclamation of Emergency;
- Immediate removal of all curbs on private media broadcasts and restrictions on the press;
- Move rapidly towards the creation of conditions for the holding of free and fair elections in accordance with the Constitution.

CMAG agreed that at its next meeting on 22 November, if after review of progress, Pakistan has failed to implement these necessary measures, it will suspend Pakistan from the Councils of the Commonwealth.”

4. The Group expressed disappointment that while there had been some progress, these conditions remained substantially unfulfilled--the State of Emergency had not been lifted, the Constitution and independence of the judiciary had not been restored, and fundamental rights and rule of law remain curtailed.

5. Although there have been indications that President Musharraf may remove his uniform in the coming days, the Group noted that despite repeated promises made to remove his uniform, President Musharraf continues to hold the offices of both Head of State and Chief of Army Staff, even after the expiry of the Presidential term on 15 November 2007. CMAG acknowledged President Musharraf’s intention to remove his uniform and looked forward to him doing so as soon as possible.

6. CMAG welcomed the release of detainees in recent days but, at the same time, expressed concern at the journalists, lawyers and human rights activists who continued to be in detention and at the recent further arrest of many journalists who were protesting against continuing Government curbs on private media broadcasts.

7. CMAG noted the announcement by the Election Commission of Pakistan that parliamentary elections will be held on 8 January 2008. While it welcomed this important step it nevertheless concluded that Pakistan would need to move rapidly towards the creation of conditions for the holding of free and fair elections.

8. The Group took note of the letter received by the Secretary-General from the Caretaker Prime Minister of Pakistan, and seriously considered the points raised in it. CMAG warmly welcomed the commitment to continued engagement with the Commonwealth expressed in that letter. It also noted Pakistan’s own decision not to attend the Kampala CHOGM. It appreciated the invitation for a CMAG delegation to visit Pakistan.

9. CMAG agreed that, notwithstanding some progress by the Pakistan Government since its last meeting, the situation in Pakistan continued to represent a serious violation of the Commonwealth's fundamental political values. CMAG regretted that the Government of Pakistan had failed to implement the necessary measures set out in the CMAG Statement of 12 November 2007. Accordingly, consistent with that decision, CMAG suspended Pakistan forthwith from the Councils of the Commonwealth, pending the restoration of democracy and the rule of law in that country. [1]

10. The Group recognised the mutual interest of the Commonwealth and Pakistan in remaining engaged in this critical period. CMAG therefore requested the Secretary-General to remain engaged and to deploy his good offices as appropriate and in consultation with the Chairperson of CMAG. It also affirmed its strong commitment to remain engaged with Pakistan, as a valued member of the Commonwealth, to work to assist the return to democracy in that country.

11. CMAG renewed its call to the Government of Pakistan to implement the necessary measures listed in its Statement of 12 November as soon as possible. It agreed to review progress following the conduct of scheduled parliamentary elections in January 2008, including possibly through a visit of a CMAG Ministerial delegation to Pakistan.

12. The Group reiterated its support for and solidarity with the people of Pakistan who have a right to enjoy the provisions and protections of its Constitution, with fundamental freedoms of expression and assembly, and the rule of law.

[1] The implications of such a suspension would be: the exclusion of representatives from participation at all inter-governmental Commonwealth meetings and in other inter-governmental Commonwealth activities including CHOGM.

Commonwealth Secretariat, November 22, 2007

<http://www.thecommonwealth.org/press/31555/172912/221107cmag.htm>

DOCUMENT 32

TEXT OF DECISION ON PROCLAMATION OF EMERGENCY AND OATH OF OFFICE (JUDGES) ORDER

(Original Jurisdiction)

Present:

Mr. Justice Abdul Hameed Dogar, Hcj

Mr. Justice Ijaz-Ul-Hassan

Mr. Justice Muhammad Qaim Jan khan

Mr. Justice Mohammad Moosa K.Leghari

Mr Justice Ch.Ejaz Yousaf

Mr. Justice Muhammad Akhtar Shabbir

Mr. Justice Zia Perwez

Constitution petition nos.87 and 88 of 2007 C.P.o.87/07

Tika Iqbal Muhammad Khan Petitioner

Versus

1. General Pervez Musharraf
Chief of Army Staff, Rawalpindi
2. Federation of Pakistan through
Ministry of Law, Justice & Parliamentary
Affairs, Govt. of Pakistan, Islamabad
3. Pakistan Electronic Media Regulations
Authority through its Chairman ...

Respondents

For the petitioner: Mr.Irfan Qadir, ASC
Mr.Arshad Ali Ch., AOR

For respondent No.1: Syed Sharifuddin Pirzada, Sr.ASC
Raja M.Ibrahim Satti, ASC

Mr.Ejaz Muhammad Khan, AOR

For respondent No.2 &3: Malik Muhammad Qayyum,

Attorney General for Pakistan
Ms.Nahida Mehboob Elahi, DAG
Sardar Muhammad Ghazi, DAG
Raja Niaz Ahmed Rathore, DAG
Haji M.Rafi Siddiqui, ASC
Mr.M.Asam Nagi, ASC
Ch.Naseer Ahmad, ASC
C.P.No.88/07

1. Watan Party through its Chairman
Barrister Zafarullah Khan
2. Barrister Zafar Ullah Khan ... Petitioners

Versus

1. Federation of Pakistan through
Cabinet Secretariat, Islamabad
2. President of Pakistan, Islamabad.
3. Prime Minister of Pakistan, Islamabad
4. The Chief of Army Staff ... Respondents

For the petitioner : Barrister Zafar Ullah Khan,ASC
Mr.G.N.Gohar, ASC

For respondent No.1&3 : Malik Muhammad Qayyum,
Attorney General for Pakistan
Ms.Nahida Mehboob Elahi, DAG
Sardar Muhammad Ghazi, DAG
Raja Niaz Ahmed Rathore, DAG
Haji M.Rafi Siddiqui, ASC
Mr.M.Asam Nagi, ASC
Ch.Naseer Ahmad, ASC

For respondent No.2&4 : Syed Sharifuddin Pirzada, Sr.ASC
Raja M.Ibrahim Satti, ASC
Mr.Ejaz Muhammad Khan, AOR

Dates of hearing : 19, 20, 21, 22 & 23 November, 2007

ORDER

The above Constitution Petitions are directed against the Proclamation of Emergency of the 3rd day of November 2007 and the Provisional Constitution Order No.1 of 2007 issued by the Chief of Army Staff, as also the Oath of Office (Judges) Order, 2007 made and promulgated by the President of Pakistan.

2. We have heard Mr. Irfan Qadir, learned ASC for the petitioner in Constitution Petition No.87/2007 and Barrister Zafarullah Khan in Constitution Petition No.88/2007 as well as Syed Sharifuddin Pirzada, Senior Advocate Supreme Court and Malik Muhammad Qayyum, Attorney General for Pakistan on behalf of the respondents in both the petitions. We find that –

- i) In the recent past the whole of Pakistan was afflicted with extremism, terrorism and suicide attacks using bombs, hand grenades, missiles, mines, including similar attacks on the armed forces and law enforcing agencies, which reached climax on 18th of October 2007 when in a similar attack on a public rally, at least 150 people were killed and more than 500 seriously injured. The extremists/terrorists resorted to abduction of foreigners, which badly impaired the image of Pakistan in the comity of nations, and adversely affected its economic growth. The situation in Islamabad and various places in NWFP, Balochistan and tribal areas were analogous to “a state within the state”. Unfortunately, no effort by the government succeeded in curbing extremism, terrorism and suicide attacks. The Prime Minister apprised the President of the situation through his letter of the 3rd of November 2007;
- ii) The Constitution of Pakistan is based on the principle of trichotomy of powers. All the three organs of the State, namely, the legislature, the executive and the judiciary are required to perform their functions and exercise their powers within their specified sphere. Unfortunately, some members of the superior judiciary by way of judicial activism transgressed the constitutional limits and ignored the well-entrenched principle of judicial restraint. Thousands of applications involving individual grievances were being processed as suo motu cases ostensibly in the exercise of power under Article 184(3) of the Constitution, which provision is resorted to the enforcement of fundamental rights involving questions of law of general public importance. Instances of transgression of judicial authority at large scale may be found in the cases of determination of prices of fruits, vegetables and other edibles, suspension and transfers of government officials, frequent directions to enact particular laws, stoppage of various development projects, such as New Murree City, Islamabad Chalets, Lahore Canal Road and many more. They rendered the state machinery, particularly legislative and executive branches of the government paralyzed and nugatory. They made ineffective the institution of the Supreme Judicial Council set up under the Constitution for the accountability of the members of the superior judiciary;

- iii) The sum total of the circumstances led to a situation where the running of the government in accordance with the provisions of the Constitution became impossible for which the Constitution provided no remedy or satisfactory solution. There was a strong apprehension of disastrous consequences that would have followed in case the action of the 3rd day of November 2007 was not taken by the Chief of Army Staff/President;
- iv) The situation which led to the issuance of Proclamation of Emergency of the 3rd day of November 2007 as well as the other two Orders, referred to above, was similar to the situation which prevailed in the country on the 5th of July 1977 and the 12th of October 1999 warranting the extra-constitutional steps, which had been validated by the Supreme Court of Pakistan in *Begum Nusrat Bhutto V. Chief of the Army Staff (PLD 1977 SC 657)* and *Syed Zafar Ali Shah V. Pervez Musharraf, Chief Executive of Pakistan (PLD 2000 SC 869)* in the interest of the State and for the welfare of the people, as also the fact that the Constitution was not abrogated, but merely held in abeyance;

Sufficient corroborative material has been produced by the respondents, which justifies the taking of the extra-constitutional measures by the Chief of Army Staff and the President.

3. We, therefore, hold that –

- (i) The Constitution of the Islamic Republic of Pakistan, 1973 still remains to be the supreme law of the land albeit certain parts thereof have been held in abeyance in the larger interest of the country and the people of Pakistan;
- (ii) The extra-constitutional steps of Proclamation of Emergency of the 3rd day of November, 2007, the Provisional Constitution Order No.1 of 2007, the Provisional Constitution (Amendment) Order, 2007, the Oath of Office (Judges) Order, 2007 and the President's Order No. 5 of 2007 are hereby declared to have been validly made by the Chief of Army Staff/President subject to the condition that the country shall be governed, as nearly as may be, in accordance with the Constitution. All acts and actions taken for the orderly running of the State and for the advancement and good of the people are also validated. In absence of the Parliament, General Pervez Musharraf, Chief of Army Staff/President, in pursuance of the Proclamation of Emergency of the 3rd day of November 2007 may, in the larger public interest and the safety, security and integrity of Pakistan, under the principle of *salus populi suprema lex*, may perform – (a) All acts or legislative measures, which are in accordance with, or could have been made under the 1973 Constitution, including the power to amend it; (b) All acts which tend to advance or promote the good of the people; and (c) All acts required to be done for the ordinary orderly running of the State.

4. We further hold and direct as under: -

- (i) The old Legal Order has not been completely suppressed or destroyed, but it is a case of constitutional deviation for a limited transitional period;

- (ii) Constitutional amendments can be resorted to only if the Constitution fails to provide a solution for the attainment of the declared objectives of the Chief of Army Staff/President, but without affecting the salient features of the Constitution, i.e. independence of Judiciary, federalism, parliamentary form of Government blended with Islamic provisions;
 - (iii) The President, the Federal Government and the Election Commission of Pakistan shall ensure the holding of fair, free and transparent elections as required by the Constitution and the law;
 - (i) The Superior Courts continue to have the power of judicial review, to judge the validity of any act or action of the Chief of Army Staff, or the President notwithstanding the ouster of their jurisdiction by the aforesaid extra-constitutional measures;
 - (ii) The Chief Justices and Judges of the superior courts (Supreme Court of Pakistan, Federal Shariat Court and the High Courts) are subject to accountability only before the Supreme Judicial Council in accordance with the procedure laid down in Article 209 of the Constitution;
 - (iii) The learned Chief Justices and Judges of the superior courts, (Supreme Court of Pakistan, Federal Shariat Court and the High Courts), who have not been given, and who have not made, oath under the Oath of Office (Judges) Order, 2007 have ceased to hold their respective offices on the 3rd of November 2007. Their cases cannot be re-opened being hit by the doctrine of past and closed transaction; and
 - (iv) The Proclamation of Emergency of the 3rd day of November , 2007 shall be revoked by the President and/or the Chief of Army Staff at the earliest so that the period of constitutional deviation is brought to an end. However, this Court may, at any stage, re-examine the continuation of the Proclamation of Emergency if the circumstances so warrant.
5. The petitions are disposed of in the above terms.

Supreme Court of Pakistan, November 23, 2007
http://www.supremecourt.gov.pk//press_release/PR-23-11-2007.htm

DOCUMENT 33

ELECTION COMMISSION CONFIRMS MUSHARRAF AS NEXT PRESIDENT

The Election Commission of Pakistan on Saturday formally confirmed President General Pervez Musharraf's October 06 election for another five-year term by sending the return of election to the Cabinet Division (CD).

"The Chief Election Commissioner Justice (Retd) Qazi Muhammad Farooq has sent the return of presidential election to the Cabinet Division on Saturday," said the Commission's Secretary Kanwar Muhammad Dilshad while talking to The News here.

The details of the result of presidential election, he pointed out, had been sent to the Cabinet Division in the light of the Supreme Court judgment. He made it clear that the CEC in the capacity of returning officer could not announce result of the presidential election, but only could send it to the cabinet. The return of election consists of the number of votes President Musharraf and his opponent Justice Wajihuddin Ahmed obtained from the four provincial assemblies as well as the Senate and the National Assembly. ...

The News, November 25, 2007
http://www.thenews.com.pk/arc_default.asp

DOCUMENT 34

TEXT OF THE LEGAL PRACTITIONERS AND BAR COUNCILS (AMENDMENT) ORDINANCE 2007

President General Pervez Musharraf has promulgated the Legal Practitioners and Bar Councils (Amendment) Ordinance 2007.

Ordinance No. LXIX of 2007.

WHEREAS it is expedient further to amend the Legal Practitioners and bar Councils Act 1973, (XXXV of 1973) for the purposes and in the manner hereinafter appearing;

AND WHEREAS the National Assembly stands dissolved and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan read with the Proclamation of Emergency of the 3rd day of November 2007 and the Provisional Constitution Order No. 1 of 2007, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

1. Short title and commencement:

(1) This Ordinance may be called the Legal Practitioners and Bar Councils Amendment Ordinance, 2007.

(2) It shall come into force at once.

2. Amendment of section 9, Act XXXV of 1973.- In the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973), hereinafter referred to as the said Act, in section 9, in sub-section (1), in clause (a), the words 'and to remove advocates from such roll' shall be omitted.

3. Amendment of section 10, Act XXXV of 1973.- In the said Act, in section 10, in sub-section (1), clause (aa), shall be omitted.

4. Amendment of section 13, Act XXXV of 1973- In the said Act, in section 13,

(i) in sub-section (1), clause (c) shall be omitted;

(ii) for sub-section (2), the following new sub-section shall be substituted, namely.- "(2) Any person aggrieved by any decision, order or resolution of Pakistan Bar Council, a Provincial Bar Council, the Supreme Court Bar Association, or any other Bar Association may within thirty days of such decision, order or resolution

prefer an appeal to the Chairman of the Pakistan Bar Council, whose decision in such matter shall be final.”

5. Amendment of section 15, Act XXXV of 1973- In the said Act, in section 15, in sub-section (1), clause (a) shall be omitted.

6. Substitution of section 41, Act XXXV of 1973- In the said Act, for section 41, the following should be substituted, namely: “41. Punishment of advocates for misconduct- (1) Where on receipt of a complaint or otherwise, the Supreme Court or the High Court, as the case may be, has reason to believe that any advocate has been guilty of professional or other misconduct, it may for reasons to be recorded and after giving an opportunity of hearing pass any of the following orders:

(a) dismiss the complaint; (b) reprimand the advocate; (c) suspend the advocate for practice for such period as it may deem fit; (d) remove the name of the advocate from the roll of the advocates;

Provided that it shall not be necessary to give any notice for passing any ad-interim order of suspension during the pendency of proceedings.

(2) The Supreme Court or High Court may constitute a disciplinary committee comprising of at least two judges of the said court for exercising the powers under this section and may if it so desires co-opt one advocate of the Supreme Court to be a member of the Committee.

(3) Notwithstanding anything contained in section 55 and 56, the Supreme Court or the High Court [as] the case may be, may make rules for giving effect to section 41 and 42 and the procedure to be followed in this regard.”

7. Substitution of section 42, Act XXXV of 1973,- In the said Act, for section 42, the following shall be substituted, namely:

“42. Appeal:

(1) An appeal shall lie against the final order passed by the High Court or its disciplinary committee under section 41 to the Supreme Court within thirty days of passing of such order.

(2) An intra-court appeal shall lie to the Supreme Court against the final order of the disciplinary committee constituted under section 41 by the Supreme Court, which shall be heard by three or more judges of the said Court and shall be decided within thirty days of the passing of the impugned order.”

8. Omission of certain sections, Act XXXV of 1973- In the said Act, sections 43 to 54, shall be omitted.

9. Amendment of section 55, Act XXXV of 1973- In the said Act, in section 55, clause (s) shall be omitted.

10. Amendment of section 56, Act XXXV of 1973- In the said Act, in section 56, clause (i) shall be omitted.

11. Amendment of section 59B, Act XXXV of 1973- In the said Act, in section 59B, in sub-section (1),-

(i) for the word “removed” the words “expelled or removed shall be substituted; and
(ii) in the existing proviso, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added namely:-

“Provided further that no member of a Bar Association shall be expelled or removed from membership by any bar Association without giving him opportunity of being heard and except with the prior approval of the Chairman of the Pakistan Bar Council.”

12. Consequential amendment in the Rules- As a consequence of the amendments made through this Ordinance, namely, the Legal Practitioners and Bar Councils (Amendment) Ordinance, 2007, rules 117 to 127 of the Pakistan Legal Practitioners and Bar Councils

Rules 1976, rules 6.1 to 6.10 of the Punjab Legal Practitioners and Bar Councils Rules 1974, rules 54 to 63 of the Sindh Legal Practitioners and Bar Councils Rules 1975, rules 54 to 63 of the Balochistan Legal Practitioners and Bar Councils Rules 1975 and rules 6.1 to 6.2 of the NWFP Legal Practitioners and Bar Council Rules, 1974, shall stand omitted.

President General Pervez Musharraf

Daily Times, November 25, 2007

http://www.dailytimes.com.pk/default.asp?page=2007%5C11%5C25%5Cstory_25-11-2007_pg7_52

DOCUMENT 35

PRESIDENT'S ADDRESS TO THE NATION

(In the name of Allah, the Beneficent, and the Merciful)

My dear countrymen, brothers and sisters, I am extremely happy that I have taken oath as a civilian President. The promise of complete democracy that I had made with the nation stands fulfilled today. Eight years ago we had taken stock of our failure to establish democracy and had made a determination to restore democracy in three phases. The first phase was spread over three years, from 1999 to 2002. During this period our first priority was to confront the economic crisis and pull Pakistan out of it. In these three years we ran government under a centralized authority and I retained four positions i.e. I was President, the Chief Executive, the Chairman of Joint Chiefs of Staff and the Chief of Staff of the Army. I am proud of our performance during this period as we were able to pull the country out of economic crisis and now it is economically very strong and the development activities are progressing with full vigour. During this period, in 2001 we established the system of local government by holding elections. The second phase started from 2002 and ended in 2007. During this phase democracy was restored in full by first empowering the people through the local government set-up investing them with financial, administrative and political authority and making them autonomous to enable them to undertake development of their district by providing them the required resources. We empowered women by allocating fixed seats for them and also allowed them to contest on general seats against men. In this way there are nearly 30 per cent women representatives in the local government. The women have fixed seats and joint seats and in the dissolved National Assembly they had 22 per cent seats.

Apart from that we empowered the minorities by allocating reserved seats and they enjoyed double advantage. We empowered the youth as we reduced the voting age from 21 to 18 years. That is how we established real democracy and held elections to the Senate, National Assembly and provincial assemblies. So an elected parliament and elected government came into being. We gave freedom to the media and decided to open private television channels. Now you see dozens of private

television channels operating alongside PTV. During these five years I retained dual position of President and Army Chief that enabled me to effectively handle the supervisory role. I was overlooking the governments at the federal level as well as in the provinces so that wherever required I could render a helping hand. The third phase is now in progress in which Presidential elections were to be held followed by tackling the uniform issue and holding general elections. I was fully determined and was declaring since three months that I shall act in accordance with the Constitution. The Presidential Elections were to be held between 15th September and 15th October. The uniform had to be retained till 15th November and General Elections were scheduled within two months of the completion of the Assemblies' tenure.

I was determined to implement this programme but unfortunately a conspiracy was hatched to undo all this and derail the country. That is what I felt. I feel sorry that it was conspired to impede the legal and constitutional process under which the parliament had elected me as President with 57 percent votes. When on the one hand impediments were being created in the way of the sovereignty of the Parliament on the other terrorism was on the rise and from FATA a new spate of terrorism was entering the settled areas of NWFP, especially Swat and some areas of Southern districts. We had to check that onslaught. It was also observed that apart from the NWFP, suicide attacks were launched all over Pakistan, which took a heavy toll of life. When all this was happening I am constrained to point out with a heavy heart that some elements in the media fanned that fire. To me the situation was posing a grave danger to the security and integrity of the country. Efforts were being made to hinder sovereignty of the Parliament and spread political uncertainty. Terrorism was being unleashed with deadly perils and some elements in the media were heightening it which was detrimental to the stability and integrity of the country. To cope with the grave situation it had become absolutely essential to take an emergent action, as half measures could not yield any result. In these circumstances I held in-depth consultations with Government functionaries, all politicians, businessmen, industrialists and military commanders and finally under absolute compulsion decided to impose emergency. I took this decision in keeping before the motto "Pakistan First" as I was seeing with my own eyes that whatever we had built was facing the danger of demolition. I was also sensing that the economic edifice, which we had built with such hard labour, was tumbling down. I say with pride and a sense of elation that due to the steps we took the country is back on the path of democracy. It had been derailed but it has been again put on the rails. My election had been declared legal and I have taken oath as President. Election date has been fixed as January 8, 2008. Exactly in accordance with my promise I have retired from the rank of Chief of Army Staff and General Ashfaq Pervez Kiani has been invested with this responsibility. I consider him an officer and commander who possess the required professional attainment. I shall always pray for his success. I take pride in saying that I have relinquished this office after 46 years of service including nine years as Army Chief. Whatever I am is due to Almighty Allah's kindness, the good wishes of the people of Pakistan and Pakistan's Armed Forces. This Army is the protector of Pakistan's integrity. I am proud of this Army.

My brothers and sisters! The emergency has not only preserved democracy but has helped successfully fight terrorism. Due to the kindness of Allah military operation in Swat is continuing successfully and terrorists' back has been broken. I am

confident that complete peace will return to that disturbed area. At this moment I thank the people of Swat and Mingora and also convey to them the gratitude of Pakistan Armed Forces for their willing cooperation in the fight against terrorism. Now these are things of the past that democracy was being derailed under a conspiracy and how we succeeded in putting it back on the rails. Let us now think of the future. As I had said earlier, for the country's future, national consensus, political reconciliation and good governance are indispensable. If we wish to maintain the continuity of rising Pakistan, that challenge has to be understood through national consensus and met through political reconciliation and with good governance we will have to take the country's economy to great heights. That is the only way that the country can progress and the journey to prosperity maintained. It is in this context that Benazir Bhutto and Nawaz Sharif have returned and level-playing field has been provided to the Peoples Party and Pakistan Muslim League (N) and the democratic process is going on. Now it is the responsibility of these two parties as well as all other political parties to fully participate in the elections. As I see the situation has taken a turn for the better. The democratic system is functioning as per the programme terrorism has been controlled to a great extent. I wish to make an announcement. It is my firm opinion to lift emergency on 16th December. PCO would be withdrawn and elections would be held in a fair and transparent manner under the Constitution. On this occasion I wish to express the hope that any destabilization of the democratic process or any impediments in its way would not be allowed. God willing (Insha Allah) elections will be held on January 8 as per the Constitution. Please do not create hurdles in this respect. I would like to ask the elements who are talking of boycott to leave such talk and instead go for the election campaign and take full part in the elections.

My brothers and sisters! At this moment I wish to pay my tributes to Ex-Prime Minister Shaukat Aziz, his cabinet and all-Ex-Chief Ministers and their cabinets. I am grateful to them for running the government for five years in difficult circumstances and keeping Pakistan on the path of progress. I thank them from the depths of my heart. In the end, my brothers and sisters! I wish to tell the whole nation and the people very sincerely that whatever I have done so far and whatever I shall do in future will be in consonance with the principle of "Pakistan before everything else". That is my promise with you, which I will always fulfill. Almighty Allah may help you and grant you success and keep you in his protection. Pakistan "Paindabad"

President of Pakistan, November 29 2007

<http://www.presidentofpakistan.gov.pk/FilesSpeeches/Addresses/1212200733601AMNew%20Microsoft%20Word%20Document.pdf>

DOCUMENT 36

STATEMENT OF THE FOREIGN SECRETARY AT THE MIDDLE EAST CONFERENCE AT ANNAPOLIS

Following are the Remarks by the Foreign Secretary at the Middle East Conference at Annapolis on 27 November 2007.

Quote

Secretary of State Dr. Rice,
Excellencies,

We greatly appreciate your invitation to Pakistan to participate in this important conference.

We thank President Bush and especially thank you Madam Secretary of State for your untiring efforts that have helped to launch this new initiative in the establishment of the joint understanding read out by President Bush this morning. The important statements that have been made in support of the initiative also reflect a new resolve by the international community to address the Palestinian issue.

Pakistan has strong and longstanding commitment to the Palestinian cause, restoration of all occupied Arab territories and the establishment of an independent State in their own homeland. Pakistan supports all sincere efforts and initiatives in that direction especially the Beirut Declaration of Arab League.

The Annapolis understanding has all the ingredients for an auspicious beginning:

- It proposes to draw upon all other initiatives and promises to address the issue comprehensively.
- It contemplates Syrian and Lebanese tracks in addition to addressing the Palestinian issue.
- It clearly calls for the establishment of a Palestinian State and promises to address all final status issues.
- Importantly, it has a time-line for reaching a comprehensive agreement by end-2008.
- It has a mechanism in the establishment of a steering committee.

It is important that progression in this initiative and the peace process is not allowed to be derailed for any reason or by any incident. We must adhere to the time-line of 2008. The end of the Palestinian tragedy will calm the conflict and turbulent environment in the Middle East and beyond. It will remove the principal impulse for violence in the region.

We fully support the initiative launched today. Much will depend on the follow-up. It remains our hope that Annapolis will become a historic turning point in the search for a just solution of Palestine and for bringing enduring peace in the Middle East.

I thank you.

Ministry of Foreign Affairs, November 29, 2007

http://www.mofa.gov.pk/Press_Releases/2007/Nov/PR_290_07.htm

DOCUMENT 37**NOTIFICATION OF GENERAL MUSHARRAF'S RETIREMENT AS CHIEF OF ARMY STAFF**

The Ministry of Defence on Wednesday issued the notification of General Pervez Musharraf's retirement after his relinquishment from the post of Chief of Army Staff.

"No, 3(1)/D-2 (A-II)/2007. On relinquishment of the appointment of Chief of Army Staff, PA-6920 General Pervez Musharraf, NI (M), T.Bt shall stand retired with effect from 28 November 2007," a notification issued by with the signatures of Kamran Rasool, Secretary, Ministry of Defence said.

The copies of notification were sent to COS to the President and his Secretariat, Principal Secretary to the Prime Minister, PM Sectt, Chairman JCSC, JSHQ, Chaklala, Chief of Naval Staff, NHQ. Similarly, the copies were also dispatched to Chief of Air Staff, AHQ, Additional Secretary-1, MoD, Rawalpindi, PSO to Secretary Defence Secretary, Ministry of information & Media Development.

November 29, 2007

<http://www.brecorder.com/index.php?id=657604&currPageNo=1&query=&search=&term=&supDate=>

DOCUMENT 38**FOREIGN MINISTER AT 29TH SESSION OF SAARC COUNCIL OF MINISTERS**

Foreign Minister, Mr. Inam ul Haque led Pakistan delegation to the 29th Session of SAARC Council of Ministers, which commenced today in New Delhi.

2. Speaking at the meeting, the Foreign Minister stated that Pakistan is committed to the SAARC process and desires to transform it into a vibrant regional entity. Pakistan has made substantial contribution towards various SAARC processes and taken a number of initiatives in furthering the goals of regional cooperation.

3. The Foreign Minister said that implementation of the five point roadmap proposed by Pakistan during the 14th SAARC Summit was a way forward for SAARC's success. The roadmap, emphasized on creating an environment of genuine regional peace and security, and building mutual trust and confidence among the member states, upholding the principles of peaceful co-existence, building inter dependencies and sharing of best practices as well as promoting a level playing field for all member states.

4. The Foreign Minister welcomed the SAARC decision for early operationalization of SAARC Development Fund and implementation of identified projects from the available funds.

5. Mr. Inam ul Haque endorsed the call for rationalization and prioritization of SAARC activities as well as strengthening of SAARC regional centers. Pakistan is host to two SAARC regional centers: SAARC Energy Centre and SAARC Human Resource Development Centre.

6. The Foreign Minister reaffirmed Pakistan 's commitment to implementing tangible projects in pursuance of the SAARC Social Charter including those relating to women development, child welfare and health.
7. In pursuance of the theme of "Regional Connectivity" adopted by the 14 th SAARC Summit held in New Delhi in April 2007, the Foreign Minister called for developing through mutual consultations the pilot projects identified by the SAARC Ministers of Transport.
8. The Foreign Minister recognised the serious challenge posed by climate change to SAARC member states and in this context welcomed the common position evolved by SAARC.
9. The Foreign Minister welcomed the SAARC decision to grant observer status to Mauritius.
10. Besides attending the SAARC Council of Ministers meeting, the Foreign Minister held bilateral meetings with his Indian counterpart Mr. Pranab Mukherjee and Foreign Ministers of Bangladesh, Sri Lanka , Nepal , Bhutan and the Maldives .
11. The Foreign Minister will call on Indian Prime Minister Dr. Manmohan Singh along with other SAARC Foreign Ministers tomorrow.

Ministry of Foreign Affairs, December 7, 2007

http://www.mofa.gov.pk/Press_Releases/2007/Dec/PR_297_07.htm

DOCUMENT 39

PRESIDENT'S MESSAGE ON INTERNATIONAL HUMAN RIGHTS DAY

Every year 10th December is celebrated to mark the significance of human respect and dignity on the anniversary of the adoption of the Universal Declaration of Human Rights by the United Nations in 1948. The Government of Pakistan is endeavoring to create a society free of human suffering and deprivations. In Pakistan, even in the interim Government, a full fledged Minister for HR has been appointed to establish a workable frame-work on human rights, envisage the elimination of injustice, poverty and safeguard human dignity by establishing the rule of law.

In pursuance of the last Sermon of the Holy Prophet Muhammad (P.B.U.H) and the provisions of the Constitution of the Islamic Republic of Pakistan (regarding fundamental rights and principles of Policy as well as the Universal Declaration of Human Rights) Pakistan stands committed to the promotion and protection of Human rights not only of its people, but also of people every where in the world. Special emphasis is being given to safeguard the rights of women, children, minorities and under privileged in the country.

The government will be providing institutional machinery in the form of National Commission for Human Rights, which will be entirely independent in their jurisdiction. This is our way to provide safeguards and fool proof security to the citizens, in accordance with fundamental Rights and Principles of Policy, as enshrined in the Constitution of the Islamic Republic of Pakistan. These provisions are also in line with the Universal Declaration of Human Rights.

May Allah Almighty, be our Protector and Guide, Ameen.

President of Pakistan, December 10, 2007

<http://www.presidentofpakistan.gov.pk/PRPressReleaseDetail.aspx?nPRPressReleaseId=1934&nYear=2007&nMonth=12>

DOCUMENT 40

TEXT OF NATIONAL COMMAND AUTHORITY ORDINANCE 2007

President Pervez Musharraf has promulgated "National Command Authority Ordinance, 2007" here on Thursday. The ordinance shall come into force at once and it extends to the whole of Pakistan and shall apply to any person who commits any offence under this ordinance.

The ordinance says it is necessary and expedient to establish an authority for complete command and control over research, production and use of nuclear and space technologies...

HERE IS THE TEXT OF THE ORDINANCE: The following ordinance promulgated by the President is hereby published for general information:

Ordinance No LXX of 2007. AN ORDINANCE to provide for the constitution and establishment of National Command Authority.

WHEREAS, it is necessary and expedient to establish an authority for complete command and control over research, development, production and use of nuclear and space technologies and other related applications in various fields and to provide for the safety and security of all personnel, facilities, information, installations or organisations and other activities or matters connected therewith or ancillary thereto;

AND WHEREAS, the National Assembly stands dissolved and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

1. Short title, commencement, application and extent - (1) This Ordinance may be called the National Command Authority Ordinance, 2007. (2) This Ordinance shall come into force at once. (3) It extends to the whole of Pakistan and shall apply to any person who commits any offence under this Ordinance, wherever, he may be.

2. Definitions. In this Ordinance, unless there is anything repugnant in the subject or context, - (a) "Authority" means the National Command Authority established under section 3 of this ordinance; (b) "Chairman" means the President of the Islamic Republic of Pakistan; (c) "employee" means any official, employee etc, whether in the service of the Authority or the strategic organisations, serving or retired and includes those on deputation of secondment within Pakistan or abroad, and those studying abroad; (d) "Strategic Organisation" means such body notified by the Authority to be a Strategic Organisation and includes Pakistan Atomic Energy Commission, Dr A.Q. Khan Research Laboratories (KRL and Space and Upper

Atmosphere Research Commission; and (e) "prescribed" means prescribed by rules under the Ordinance.

3. Establishment of the Authority. (1) The National Command Authority already established by the competent authority shall deem to be the Authority established under this Ordinance. (2) The authority shall be having perpetual succession and a common seal with powers, subject to the provisions of this Ordinance, to hold and dispose of the property both movable and immovable and shall by the said name sue and be sued. (3) The Chairman of the Authority shall be the President of Pakistan. (4) The Vice-Chairman of the Authority shall be the Prime Minister of Pakistan. (5) The other ex-officio members of the Authority shall be the, - (a) Minister for Foreign Affairs; (b) Minister for Defence; (c) Minister for Finance; (d) Minister for Interior; (e) Chairman Joint Chiefs of Staff Committee; (f) Chief of Army Staff; (g) Chief of Naval Staff; (h) Chief of Air Staff; and (i) Director General Strategic Plans Division. (6) The Director General Strategic Plans Division shall act as the Secretary of the Authority. (7) The National Command Authority shall form such committees and entities as it may deem fit in order to regulate matters relating to the objects and purposes of this Ordinance. (8) The National Command Authority shall supervise the functions and administration of all the strategic organisations.

4. Powers of the Chairman. All the powers and functions of the Authority shall vest in the Chairman who may, subject to such limitation as he may specify, delegate all or any of these powers and functions to Director General Strategic Plans Division or such other person as he may deem appropriate.

5. Secretariat of the Authority. The Strategic Plans Division shall function as the Secretariat of the Authority and shall be headed by a Director General to be appointed by the Chairman.

6. Meetings of the Authority. (1) The Authority shall meet at such time and place and in such manner as may be prescribed. (2) The Authority may, if required, invite any head of the strategic organisation, or any person or an expert etc, to participate in its meetings.

7. Powers and functions of the Authority. The Authority shall have the powers to perform all such functions that are necessary to implement the objects and purposes of this ordinance which include, without being limited, to the following, namely:

(a) to exercise complete command and control over all nuclear and space related technologies, systems and matters; (b) to supervise, manage and co-ordinate the administration, management, control and audit of budget, programmes and projects etc, of the strategic organisations; (c) to authorise undertaking of specialised scientific and technological work; (d) to prescribe specific terms and conditions of the employees including but not limited to, appointments, removals, promotions, transfers, integrity and reliability assessment and other related matters; (e) to create classification amongst employees based on the sensitivity of the functions, nature of assignment, security considerations and in the interest of security of Pakistan; (f) to take measures regarding employees in respect of their movement, communication, privacy, assembly or association, in the public interest or in the interest of integrity, security or defence of Pakistan or friendly relations with foreign states and public order; (g) to place such restrictions and limitation on the employees that are necessary in the interest of the confidentiality of the functions, assignments, jobs etc, being

performed by the said employees or the class of employees; (h) to ensure security and safety of nuclear establishments, nuclear materials and to safeguard all information and technology relating to said matters; (i) to ensure security and safety of establishments and facilities etc, of the strategic organisation; (j) to render security and ensure safety of serving or retired employees or any other person; (k) authorise possession and use of firearms to security force personnel who are in the service of the Authority; (l) to take actions, issue appropriate orders and instructions as it may deem fit or in order to advance or achieve the purposes of its establishment and in order to facilitate the performance of actions or functions that are incidental and ancillary thereto; (m) take implementing measures and assist the federal government pursuant to any obligation on Pakistan relating to non-proliferation, safety, security, accidents, terrorism and any other related matters; (n) to take measures in respect of the movement, communication and interaction etc, of any employee or person who is suspected of an attempt to commit an offence under this Ordinance; (o) to carry out the functions of fact finding, inquiry, investigation, prosecution etc, of offences under the ordinance and to that end authorise any official of the Authority or entrust any or all of the said function to any official outside the Authority partly or fully, as the case may be; (p) to declare application of any other existing law, provisions of law, rules, regulations etc, to its employees, procedures, establishment, sites, building, lands, assets, equipment, partly or fully, as the case may be; (q) to acquire property movable or immovable in its own name or in the name of a designated official or a strategic organisation; and (r) to enter into agreements, contracts and other like transactions.

8. Strategic Organisations: All the organisations working under the control, regulations and directions of the Authority and such bodies as may be notified by the Authority shall be the strategic organisations under this Ordinance.

9. Employees of Authority: (1) Notwithstanding anything contained in any other law, judgment of any court or tribunal for the time being in force or any procedure etc, hitherto followed by the Authority, all employees and officials working in the strategic organisations, upon notification of the said organisations under section 7, shall with immediate effect be deemed to be the employees in the service of the Authority: Provided that no employee shall be treated on terms and conditions less favourable to the ones, which he was availing as per his terms and conditions of employment. (2) The Authority shall regulate all the matters relating to terms and conditions of the service of the employees in the service of the Authority, including their appointment and removal, promotion, transfer, integrity assessment, reliability, security clearance, and other related matters: Provided that the employees working in the service of the Authority who are subject to the Pakistan Army Act, 1952 (XXXIX of 1952), Pakistan Air Force Act, 1953 (VI of 1953) and Pakistan Navy Ordinance 1963 (XXXV of 1963), shall also be governed by this Ordinance and rules made thereunder: Provided further that the Pakistan Army Act, 1952 (XXXIX of 1952) shall be made applicable in respect of employees in the service of the Authority to whom section 2 of the said Act applies or employees in the service of the Authority for whom a notification under section 7 of the aforesaid Act is issued. (3) The Authority shall categorise the nature of service of the employees on the basis of the sensitivity of the functions and then shall frame rules, criterion, assessment basis for each set of employees and no employee shall have a vested right for any post, assignment, emoluments, promotion, privileges, transfer, deputation etc.

10. Powers of inquiry and investigation etc: (1) The Director General Strategic Plans Division or any official authorised by him may order fact finding inquiry or investigation of any suspicious conduct or violation of any rule, regulation, procedures, direction or orders issued pursuant to this Ordinance. (2) During the said inquiry or investigation, Director General Strategic Plans Division shall have the power to order any measure or step that may be necessary in the interest of national security or to prevent the consequences of the violation etc. (3) The Director General Strategic Plans Division may upon receiving the report of the said inquiry or investigation may recommend to the Authority to impose any penalty or penalties under the service rules.

11. Appellate Authority: (1) Any employee if aggrieved by any order, action or inaction in respect of his terms and conditions of service in the Authority may in accordance with the prescribed rules, prefer an appeal to the prescribed appellate authority. (2) The appellate authority may provide personal hearing to the applicant and pass appropriate orders within ninety days of the receipt of application.

12. Offences and trial: (1) Whosoever commits, attempts, abets or continues the breach of national security shall deem to have committed an offence under this Ordinance and shall be liable to punishment of imprisonment of either description for a term which may extend up to twenty-five years.

Explanation. For the purposes of this section, breach of national security means if any person including an employee in the service of the Authority or the strategic organisations acts in a manner which is prejudicial to the security or integrity or stability of Pakistan or attempts or commits or continues the breach of confidentiality or leakage of secured information directly or indirectly or in any way acts or conducts himself that endangers the security or secrecy of any aspect of the programmes or projects or activities under the Authority. (2) If any employee of the Authority or the strategic organisations, commits any offence listed in the Schedule I of the Ordinance, he shall deem to have committed an offence under the ordinance; Provided that nothing herein shall prevent the criminal or other proceedings against an employee under the Pakistan Army Act, 1952 (XXXIX of 1952), Pakistan Navy Ordinance 1963 (XXXV of 1963) and the Pakistan Air Force Act, 1953 (VI of 1953), to whom the concerned Act or the Ordinance, as the case may be, is applicable. (3) The investigation and prosecution of the offences under the Ordinance, wherever appropriate, shall be carried out under the authority of Director General Strategic Plans Division or by any official duly designated by him or by any other person or agency under any other law, authorised to do so and such person shall have all the powers of an official in charge of the police station as are entrusted under the Code of Criminal Procedure, 1898 (Act V of 1898).

13. Jurisdiction. (1) A district and session judge notified by the federal government shall have the jurisdiction to try offences under this Ordinance.

14. Industrial Relations Ordinance 2002 (XCI of 2002) not to apply to employees of Authority. Nothing contained in the Industrial Relations Ordinance 2002 (XCI of 2002) shall apply to or in relation to the employees in the service of the Authority and the strategic organisations.

15. Power to make rules. The Authority may make rules for carrying out the objectives of this Ordinance.

16. Amendments in the Schedule. On the recommendation of the Authority, the federal government, may by notification in the official gazette, amend the schedule to this Ordinance.

17. Funds of the Authority. Ministry of finance shall ensure provision of funds in local and foreign currencies to the Authority through Strategic Plans Division.

18. Declaration of fidelity and secrecy. All officers, employees, advisors, consultants and any other person appointed by the Authority in connection with the affairs of the Authority and affairs of the strategic organisations coming under the control and management of the Authority shall execute declaration of fidelity and secrecy in a prescribed manner.

19. Savings: (1) All orders and directions issued, proceedings taken, appointments made including secondments and deputation's, and acts done by the Authority, or by any person, authorised by the Authority and taken in respect of employees in the service of the Authority and strategic organisations, which were made, taken or done since the establishment of the Authority, shall be deemed to be and always to have been validly made, taken or done and shall not be called in question in any court or forum on any ground whatsoever. (2) All inquiries undertaken, authorised, carried out, or continuing, shall deem to have been validly carried out and those continuing shall deem to be carried out under the present Ordinance. (3) All rules, regulations, procedures made and already applicable to the employees, establishments, installations and sites etc, of the Authority and the strategic organisations shall deem to have been validly made and shall continue as the rules, regulations and procedures made under the ordinance.

PRESIDENT-ORDINANCE-5-ISLAMABAD:

20. Indemnity:- No suit, prosecution or other legal proceedings shall lie against the Authority, the Chairman, Members, and employees in respect of anything which is done in good faith or intended to be done under this Ordinance or the rules, instruction or directions made or issued thereunder.

21. Ordinance to override other Laws:- The provision of this Ordinance shall have effect notwithstanding anything to the contrary contained in any law for the time being in force particularly the Civil Servants Act, 1973 (LXXI of 1973) or Pakistan Atomic Energy Commission Ordinance, 1965 (XVII of 1965), or the Pakistan Space and Upper Atmosphere Research Commission Ordinance, 1981 (XX of 1981) or any other law or rules made thereunder for the time being in force and applicable to Strategic Organisations.

22. Jurisdiction barred:- Save as provided under this Ordinance, no order made or proceeding taken under this Ordinance, rules or regulations made thereunder by the Competent Authority or any officer or Authority authorised by it shall be called in question in any court or administrative tribunal and no injunction shall be granted by such court or tribunal in respect of any decision made or proceedings taken in pursuance of any power conferred by or under this Ordinance, rules or regulations made thereunder.

23. Removal of Difficulties:- If any difficulty arises in giving effect to the provisions of this Ordinance, the Chairman may make such orders, as may be deemed necessary for the purpose of removing the difficulty.

SCHEDULE I: Under section 12(2) of the NCA Ordinance:

1. Offences under the Pakistan Penal Code, 1860 (XLV of 1860).
2. Offences under the Import Export and (Control) Act, 1950 (XXXIX of 1950),
3. Offences under the Pakistan Nuclear Regulatory Authority Ordinance, 2001 (III of 2001).
4. Offences under the Export Control on Goods, Technologies, Material and Equipment Related to Nuclear and Biological Weapons and Their Delivery Systems Act, 2004 (V of 2004).
5. Offences under the Pakistan Arms Ordinance, 1965 (XX of 1965).
6. Offences under the Official Secrets Act, 1923 (XIX of 1923).
7. Offences under the Explosive Substances Act, 1908 (VI of 1908).
8. Offences under the Defence of Pakistan Ordinance, 1971.
9. Offences under the High Treason Punishment Act, 1973 (LXVIII of 1973).
10. Offences under the Prevention of Anti-National Activities Act, 1974 (VII of 1974).
11. Offences under the National Accountability Ordinance, 1999 (XVIII of 1999).
12. Offences under the Prevention of Corruption Act, 1947 (II of 1947).
13. Offences under the Customs Act, 1969 (IV of 1969).
14. Offences under the Anti-Money Laundering Ordinance, 2007.
15. Offences under the Anti Terrorism Act, 1997 (XXVII of 1997).
16. Offences under the Explosives Act, 1884 (IV of 1884).
17. Offences under the Security of Pakistan Act, 1952 (XXXV of 1952).
18. Offences under the Surrender Illicit Arm Act, 1991 (XXI of 1991).
19. Offences under the Arms Act, 1878 (XI of 1878).
20. Offences under the Pakistan Space and Upper Atmosphere Research Commission ordinance, 1981 (XX of 1981).
21. Offences the Pakistan Atomic Energy Commission Ordinance, 1965(XVII of 1965).

December 13, 2007

http://www.app.com.pk/en/index.php?option=com_content&task=view&id=23443&Itemid=2

DOCUMENT 41

TEXT OF CONSTITUTION (SECOND AMENDMENT) ORDER 2007

President Pervez Musharraf has promulgated “constitution (second amendment)” order on Friday.

The ordinance shall come into force on and with effect from December 14, 2007.

Here is the text of the order:

The following president’s order promulgated by the president is hereby

Published for general information:-

President’s order no. 6 of 2007

An Order

Further to amend the constitution

Whereas pursuant to the proclamation of emergency of 3rd day of November, 2007 and the provisional constitution order no. 1 of 2007, the constitution of the Islamic republic of Pakistan has been held in abeyance;

And whereas the provisional constitution order provides that the president may from time to time amend the constitution, as is deemed expedient;

And whereas it is expedient to amend the constitution for the purposes hereinafter appearing;

Now, therefore, the president is pleased to make and promulgate the Following order:-

1. Short title and commencement.- (1) this order may be called the constitution (second amendment) order, 2007.

(2) it shall come into force on and with effect from the 14th day of December, 2007.

2. Amendment of the constitution and removal of difficulties.- (1) the constitution of the Islamic republic of Pakistan is hereby amended to the extent and in the manner specified in column 3 of the schedule annexed to this order.

(2) if any difficulty arises in giving effect to any of the provisions of this order, the president may make such provisions and pass such orders as he may deem fit.

(3) the validity of any provision made or orders passed under clause (1) and (2), shall not be called in question by or before any court, including supreme court, federal Shariat court, a high court, any forum or authority, on any ground whatsoever.

The schedule(see article 2(1))

| S.no | article/chapter of | amendments made |
|------|--------------------|-----------------|
| (1) | (2) | (3) |

1. 41. In clause (3); the words, brackets and figure “to be elected after the expiration of the term specified in clause (7)” shall be omitted and shall be deemed to have been omitted with effect from the 17th day of august, 1988.

2. 44. In clause (2), for the words “subject to the constitution” the words “notwithstanding anything contained in the constitution” shall be substituted.

3. 193. (i) in clause (1), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added namely:- “provided that in case of appointment of a judge of the high court for Islamabad capital territory, consultation with the governor shall not be required. (ii) in clause (2), for the words “forty-Five years’ the words ‘forty years’ shall be substituted.

4. 194. In article 194, for the full stop at the end a colon shall be substituted and thereafter the following provision shall be added, namely:- “provided that in the case of the chief justice of the high court for Islamabad capital territory, the Oath Shall be made before the president Or A person nominated by him.”

5. 208 In article 208, for the full stop at he end a colon shall be substituted and thereafter the following provision shall be added, namely:-“ provided that in case of the high court for Islamabad capital territory the rules may be made with the approval of the president”.270c article 270c shall be re-numbered as Clause(1) thereof and after clause (1) re-numbered as aforesaid, the following new clause shall be inserted, namely:-“(2) notwithstanding anything contained in the constitution or any other law for The time being in force,-(i)

a judge including the chief justice, of the supreme court, a high court or federal Shariat court who had, not been given or taken oath under the oath of office (judges) order, 2007, had ceased to hold office on and with effect from the 3rd day of November, 2007; and(ii) a judge including the chief justice, of the supreme court, a high court and federal Shariat court appointed and/or continued as such judge or Chief justice by virtue of the oath of office (judges) order, 2007, shall, on revival of the constitution, take oath as set out in the third schedule and shall be deemed to have been appointed, and/or shall continue to hold office, under the constitution”.

Pervez Musharraf
President

December 14, 2007

http://www.app.com.pk/en/index.php?Option=com_content&task=view&id=23544&Itemid=

DOCUMENT 42

TEXT OF REVOCATION OF PROCLAMATION OF EMERGENCY ORDER 2007

Following is the text of the order that lifted the emergency and revived the Constitution by repealing PCO.

“Whereas it is expedient to withdraw the Proclamation of Emergency dated 3rd November 2007, to repeal the Provisional Constitution Order No.1 of 2007 and to revive the Constitution and for the matters ancillary thereof;

NOW, THEREFORE, in pursuance of the Provisional Constitution Order 1 of 2007 and in exercise of all powers enabling him in this behalf the President is pleased to make the following order:

1. Short order title and commencement: (1) This Order may be called the Revocation of Proclamation of Emergency Order, 2007.
(2) It shall come into force on the 15th day of December 2007.
2. Revocation of Emergency: The Proclamation of Emergency issued on the 3rd day of November 2007, shall stand revoked on and with effect from 15th day of December 2007.
3. Repeal of Provisional Constitution Order: the Provisional Constitution Order No.1 of 2007 shall stand repealed on and with effect from 15th day of December 2007.
4. Revival of Provisional: 1) The Constitution as amended by the Constitution (Amendment) Order, 2007 (P.O. No.5 of 2007) and the Constitution (Second/Amendment) Order, 2007 shall stand revived on and with effect from 15th day of December, 2007 and upon the revocation of Proclamation of Emergency of the 3rd day of November, 2007 and repeal of the Provisional Constitution Order No.1 of 2007.(2) The Chief Justice Pakistan and judges of the Supreme Court, The Chief Justice and the Judges of Federal Shariat Court and Chief Justice and the Judges of the High Courts holding office at the time of the revival of the Constitution shall take oath under the Constitution in the form set out in the third Schedule to the Constitution.

5. Effect of revocation of emergency and repeal of provisional constitution order no. 1 of 2007.-(1) Notwithstanding anything in the constitution or any other law for the time being in force, the revocation of the proclamation of emergency of the 3rd day of the November, 2007 and repeal of the provincial constitution order no.1 of the 2007 shall not be invalidate , nullify or render ineffective any order passes or action taken under the proclamation of emergency, the provisional constitution order no1 of 2007 and the oath of office (Judges) order, 2007 as upheld by the supreme court or Pakistan in CP no 87 and 88 of 2007 dated 23-11-2007 nor shall the said revocation or repeal revive anything not in force existing at the time of the revocation or repeal or affect the previous operation of any law or anything done on purported to or suffered to have been done under the proclamation of emergency, the Provincial Constitutional Order and the oath of office (Judges) order 2007 and all such acts and actions shall be deemed to have been validity an legally done notwithstanding any thing contained in the constitution of any law for the time being in force. (2) The revocation of the proclamation of emergency or the repeal of the provisional constitution order shall not affect any right, privilege, obligation or liability acquired, accrued or incurred under the proclamation of emergency, the provisional constitution order and the oath or office(judges) order 2007.

6. General elections-(1) the general election to the national and provincial assemblies shall be held as scheduled. After the elections, the National Assembly shall meet on a date specified by the President for election of the Speaker and Deputy Speaker and for transaction of such other business as the President may specify. (2) The first meeting of a Provincial Assembly shall be held on a day to be specified by the President for the election of the Speaker and Deputy Speaker, and for transaction of such other business as the President may specify.

7. Order to override other law and removal of difficulty;- (1) The provisions of this Order shall have effect notwithstanding anything contained in the Constitution or any other Order or law for the time being in force. (2) If any difficulty arises in giving effect to any of the provisions of this Order, the President may make such provisions and pass such orders as he may deem fit. (3) The validity of any provision made or orders passed under clause (1) and (2) shall not be called in question by or before any Court, including Supreme Court, Federal Shariat Court, a High Court, any forum or authority, on any ground whatsoever”.

December 16, 2007

http://www.pakistani.org/pakistan/constitution/post_03nov07/emergency_revocation_order.html

DOCUMENT 43

PAKISTAN-AFGHANISTAN JOINT STATEMENT

At the invitation of H.E. Pervez Musharraf, President of the Islamic Republic of Pakistan, H.E. Hamid Karzai, President of the Islamic Republic of Afghanistan paid an official visit to Islamabad from 26-27 December 2007.

During the visit, the two Presidents and their respective delegations held exchange of views over a range of subjects. Their talks mostly focused on the

common threat of terrorism and extremism, bilateral cooperation and regional and global issues of mutual interest.

President Hamid Karzai congratulated President Pervez Musharraf on his re-election and taking oath of office as the President of Pakistan for the second term. President Pervez Musharraf thanked President Hamid Karzai for his special gesture of visiting Pakistan at this important juncture of its history.

The two leaders agreed that terrorism, extremism and the phenomenon of Talibanization posed a common threat to both Afghanistan and Pakistan.

They reaffirmed their commitment to intensify cooperation and coordination between the two countries in countering terrorism, extremism and the phenomenon of Talibanization, bilaterally and within the framework of international coalition against terrorism.

They expressed satisfaction over the outcome of the first round of Joint Peace Jirga held in Afghanistan and resolved to continue this process so that its desired objectives could be achieved.

Both leaders expressed their resolve to further consolidate, expand and deepen cooperation in all the fields.

They emphasized the need for further strengthening of economic ties and boosting bilateral trade in order to realize its full potential. Similarly they agreed to identify new areas of collaboration in the Afghanistan reconstruction field.

President Hamid Karzai appreciated Pakistan's offer to host the third meeting of Regional Economic Cooperation Conference on Afghanistan, which is scheduled to be held in Islamabad in the last week of March 2008. He also informed that Afghanistan would avail one thousand scholarships offered by Pakistan.

Other engagements of President Hamid Karzai during his stay in Islamabad included attending a state banquet hosted by Pervez Musharraf and a meeting followed by lunch with the Prime Minister Mohammadmian Soomro.

In the meeting with the Prime Minister bilateral trade, transit trade including Pakistan's transit trade with Central Asia via Afghanistan, increasing communication links including establishment of rail links and countering of terrorism figured prominently. They also emphasized the need for greater international support for countering drug trafficking and breaking its nexus with terrorism.

President Hamid Karzai also held very useful meeting with leading figures of Pakistani businesses and investors. In his address he invited them to invest in Afghanistan for the mutual benefit of both the countries and assured them that the government and private sector of Afghanistan will be forthcoming in responding to their desire to increase trade with Afghanistan.

President Hamid Karzai expressed thanks for the hospitality extended to him and his delegation during their stay in Islamabad and extended a cordial invitation to President Pervez Musharraf to visit Afghanistan. President Pervez Musharraf accepted the invitation with thanks. The dates for his visit to Afghanistan will be finalized through diplomatic channel.

Ministry of Foreign Affairs, December 27, 2007

http://www.mofa.gov.pk/Press_Releases/2007/Dec/PR_306_07.htm

DOCUMENT 44**PRESIDENT'S ADDRESS TO NATION ON BENAZIR'S
ASSASSINATION**

Following is the text of President Pervez Musharraf's brief address to the nation, after the death of former Prime Minister and PPP Chairperson Mohtarma Benazir Bhutto on Thursday.

Text begins

"My dear Pakistani brothers and sisters, today in Liaquat Bagh Rawalpindi, Mohtarma Benazir Bhutto was killed by a cruel, brute terrorist in an assassination attempt. Innahlillah-e-wa innah elaihe Rajaioon. This is a big tragedy for the nation, which cannot be explained in words. I am deeply grieved and condemn it strongly. On this occasion, I condole with Begum Nusrat Bhutto, Asif Zardari, Sanam Bhutto and the whole family of Mohtarma Bhutto. My prayers, my sentiments and my sympathies are with Bilawal, Bakhtawar and Asifa, the children of Mohtarma Benazir Bhutto. My sympathies are also with all the innocent countrymen who lost their lives in this incident and their families who will have to suffer this grief. May Allah Almighty rest the departed souls in eternal peace. On this tragic incident, in the respect of Mohtarma Benazir Bhutto, I announce three days of national mourning and the national flag will fly at half-mast. This brutality is the handiwork of those terrorists with whom we are fighting. I have always been saying that Pakistani nation faces the biggest threat from these terrorists. Today on this tragic incident, I express a resolve, and I also want the nation to get united and to cooperate, that we will not sit idle unless the terrorists are eliminated. The very survival and progress of the country is linked with it because the terrorists are the biggest hurdle in the way of our progress. On this occasion, I would appeal to the nation to remain peaceful and demonstrate patience and tolerance. May Allah Almighty protect us all and the country."

December 27,2007

http://www.app.com.pk/en/index.php?option=com_content&task=view&id=24557&Itemid=2