

INDEX

No.	Title	Pages
1.	Introduction	6
1.1	Supreme Court's Order Constituting the Commission	6
1.2	Review Petition filed against the Order	6
1.3	Public Notices	6
1.4	Advance Notice to the Government of Balochistan	7
1.5	Letters Written by the Commission	10
1.6	Commencement of the Commission's Work	11
1.7	Scope of the Work	11
1.8	Objections by the Advocate General	13
1.9	Recusal	14
1.10	Workings of the Commission	15
1.11	Extension of Time	15
2.	Mr. Bilal Kasi's Murder	15
2.1	Mr. Bilal Anwar Kasi	15
2.2	His Murder	16
2.3	Transporting Mr. Bilal Kasi to the Hospital	16
2.4	Casualty of the Hospital	16
2.5	First Crime Scene	16
2.6	The Killers of Mr. Bilal Kasi	17
3.	Choice of Target	17
4.	FIR and Crime Scene of Mr. Bilal Kasi's Murder	17
4.1	FIR	17
4.2	Securing the First Crime Scene	17
4.3	Matters left Unattended at the First Crime Scene	18
4.4	Forensic Examination After the Commission's Intervention	18
5.	Lawyers, Mortuary, X-Ray Room and Explosion	19
5.1	Lawyers Congregate	19
5.2	Mortuary and X-Ray Room	19
5.3	Place of Explosion	20
5.4	Type of Explosion	20
6.	The Suicide Bomber and his Identification	20
6.1	The Suicide Bomber	20
6.2	Detonation	21
6.3	The Suicide Bomber's Head	21
6.4	Purchasing Shoes & Socks and Identity of Suicide Bomber	21
6.5	Identification of Suspects	22
6.6	Who was the Suicide Bomber?	22

6.7	The Second Crime Scene and its Forensic Examination	23
6.8	Forensic Examination upon the Commission's Intervention	23
6.9	The Importance of Forensics	24
7.	The Terrorists	24
7.1	Reconnaissance of the Area	24
7.2	Luring Lawyers into a Trap	24
7.3	Familiarity with the Hospital Layout	25
7.4	Foreign Involvement	25
8.	The Bomb Making Premises	25
8.1	An Unassuming House	25
8.2	Explosives, Bomb Making Equipment and Weapons	26
8.3	Forensic Examination	26
8.4	Connections with other Attacks	26
9.	The Terrorist Hideout – Fourth Crime Scene	27
9.1	Hurumzai, District Pishin	27
9.2	House in Hurumzai – Fourth Crime Scene	27
9.3	Neighborhood Friends	27
10.	Terrorists Attacks in Pakistan and Balochistan	28
10.1	Number of Terrorist Attacks in Pakistan and Balochistan	28
10.2	Proscription of Terrorist Organizations	28
10.3	Action to be Taken Against Terrorist Organizations	28
10.4	Proscription of Jamat-ul-Ahrar & Lashkar-e-Jhangvi Al-Almi	29
10.5	Proscription by Federal Government or NACTA	29
10.6	Antecedents of Jamat-ul-Ahrar	31
10.7	UK's Proscription of Jamat-ul-Ahrar	32
10.8	Public Disclosure that an Organization has been Proscribed	33
10.9	Jundullah and Proscription	33
10.10	Nexus between Sepah-e-Shaba Pakistan, Milat-e-Islamia Pakistan and Ahle Sunnat Wal Jamat and their Rebranding	33
10.11	Minister Meets with Maulana Muhammad Ahmed Ludhianvi	33
10.12	Meetings by Proscribed Organizations	34
10.13	ASWJ's Public Meetings	34
11.	The Terrorism Case Judgment	35
11.1	Judgment of the High Court	35
11.2	Circulation of the Terrorism Case Judgment	36
12.	The National Counter Terrorism Authority Act	37
12.1	Preamble	37
12.2	NACTA Board and Executive Committee	37
12.3	NACTA	38

12.4	Abject Failure	39
13.	National Action Plan, National Internal Security Policy and the National Security Advisor	39
13.1	The National Action Plan ("NAP")	39
13.2	National Internal Security Policy	40
13.3	National Security Advisor	40
14.	Counter Narrative to the Terrorist Ideology	42
14.1	Terrorism and its Effects	42
14.2	Media	42
14.3	Commission's Task	43
14.4	Adherence to the Holy Qu'ran	43
14.5	Commands of Almighty Allah against Killing	43
14.6	Suicide Bombers	44
14.7	Killing Christians and People of other Faiths	45
14.8	Tolerance	45
14.9	Sectarianism	45
14.10	Disagreement and <i>Fitnah</i>	46
14.11	Salvation in Unity, Brotherhood, and Love	47
14.12	Consequences	48
15.	The Responsibility of the State	49
15.1	An Islamic State	49
15.2	The Acquisition of Reading and Writing Skills & of Knowledge	49
15.3	Educational Institutions	49
15.4	Wifaq-ul-Madaris (Educational Boards of <i>Madaris</i>)	49
15.5	The Ministry of Religious Affairs	50
15.6	Ministry of Religious Affairs Treatment of Non-Muslims	51
15.7	Duty of an Islamic State towards Non-Muslims	52
16.	Reaction of LEAs after the Blast	52
16.1	Creating Further Panic	52
16.2	Aerial Firing	52
16.3	Dangers of Aerial Fighting	53
16.4	No Action Taken against those who resort to Aerial Firing	53
17.	The Situation at the Hospital after the Blast	53
17.1	Injured left Unattended	53
17.2	Callous Disregard of Human Life	54
17.3	Lack of Stretchers and First Aid Kits	54
17.4	Lack of Fire Fighting Equipment	54

18. Chronic Absenteeism at the Hospital	54
18.1 Absence of Hospital Staff	54
18.2 Biometric Attendance System Vandalized	55
18.3 Government Condones Criminal Conduct	55
18.4 The Commission and the Biometric System	56
19. The Hospital Case Judgment	56
19.1 Failure to Implement the Hospital Case Judgment	56
19.2 Absenteeism and the Hospital Case Judgment	57
20. Pre-Attack Security of the Hospital	57
20.1 Security Personnel	57
20.2 Training	57
20.3 CCTV Cameras	58
21. Visiting Hours	58
21.1 No Designated Visiting Hours	58
21.2 Visits by VIPs and Media Proves Disruptive	59
21.3 Visiting Hours and the Hospital Case Judgment	59
22. Cleanliness of the Hospital	59
22.1 Complete Lack of Cleanliness	60
22.2 Cleanliness and the Hospital case Judgment	60
23. Ambulances	60
23.1 The Hospital's Ambulances	61
23.2 The Ambulances' Compound	61
23.3 Registration Numbers	61
23.4 Commission's Intervention	62
23.5 Access of Ambulances Restricted	62
24. The Medical Superintendent of the Hospital	62
24.1 A Figurehead	62
24.2 The New MS of the Hospital	62
24.3 Management Cadre in the Health Department	63
25. Combined Military Hospital ("CMH")	63
25.1 Shifting the Injured to CMH	63
25.2 Treatment at CMH	64
26. The Financial Cost of Terrorism	64
26.1 Cost of Terrorism in Pakistan	64
26.2 The Financial Cost of the Two Attacks	65
26.3 Thrifty and Shortsighted	65
27. Government of Balochistan's Unreliability	65
27.1 Home Minister's Announcement	65
27.2 Chief Minister's Proclamation	66

27.3	Spokesman's Clarification	66
27.4	Waste of Time and Erosion of Credibility	66
27.5	Truth the First Casualty	67
27.6	Publication of Proscribed Organization's Views	67
27.7	Lashkar-e-Jhangvi Al-Almi's Claim	68
28.	Illegal Appointments	68
28.1	Appointment of Secretary Health – A Case of Nepotism	69
28.2	Appointment of Non-Cadre Persons as Secretaries	69
29.	Undermining Balochistan's Civil Service Structure	71
29.1	Erosion of Good Governance	71
29.2	Notable Exceptions	71
30.	Different Law Enforcement Agencies	71
30.1	Police, Levies, and Frontier Corps	71
30.2	Lack of Coordination and Clarity	72
31.	International Borders	72
31.1	Border Crossings are not Monitored	72
31.2	Terrorism Facilitated	73
32.	Government and Official Correspondence	73
32.1	Official Stationery and Contact Details	73
32.2	The Inter Services Intelligence	74
33.	Findings	75
34.	Recommendations	80
35.	Concluding Remarks	85
36.	Maps	87
37.	Images	91
38.	References	106
39.	Book Index	109

1. INTRODUCTION

1.1 **Supreme Court's Order Constituting the Commission:** The Supreme Court, by Order dated October 6th, 2016 ("**the Order**"), passed in Suo Motu Case No.16 of 2016, constituted an Inquiry Commission. The relevant paragraphs of the Order are reproduced:

"6. Mr. Hamid Khan learned ASC for the members of the Balochistan High Court Bar Association etc, has strongly suggested for the constitution of an Inquiry Commission headed by some Honourable Judge of the Supreme Court of Pakistan, to hold inquiry and submit his report about the two incidents which took at Quetta on 8.8.2016, look into from all the relevant aspects of this multi dimensional tragedy.

7. The learned AG, Balochistan has opposed such request, however, according to the demand of the members of the Bar, who have been severely victimized in these two incidents, Justice Qazi Faez Isa is nominated as one member Commission for the purpose of holding such inquiry and to submit his report in this regard within a period of 30 days, commencing from 17-10-2016. After the receipt of such report, further steps will be taken in this Suo Moto proceedings on its next hearing at Islamabad. It is clarified that constitution of this one member Commission will not hamper any other on going proceedings/investigations by the law enforcing agencies, who may continue with it, at their own level. The Commission will start its proceedings at Quetta from 17th October 2016, and thereafter at any other suitable place from time to time."

1.2 **Review Petition filed against the Order:** The Government of Balochistan filed a civil review petition, No. 402 of 2016, seeking review of the Order, but it then decided against pressing it. Consequently, the review petition was dismissed. The relevant portion of Order dated October 19th, 2016, is reproduced:

"Mr. Amanullah Khan Kanrani, learned Advocate General, Balochistan as well as Khawaja Haris Ahmed, learned Sr. ASC for the applicant (*in CMA No.6840 of 2016*) reposing their full confidence in the learned Commission do not press the listed Review Petition, which is accordingly dismissed."

1.3 **Public Notices:** The Commission vide Letter No.001, dated October 8th, 2016, addressed to the Chief Secretary, Government of Balochistan, directed that enclosed notices be published in three Urdu and three English newspapers of wide circulation¹.

These notices were published on October 9th and 10th, 2016, and informed the public about the constitution of a Commission that would commence work in Quetta at the Balochistan High Court premises on October 17th, 2016. It was also announced that:

“Anyone having any information with regard to the said two incidents is invited to attend the hearing. Information can also be provided confidentially at the following:”

Telephone numbers, a cell number (0317-8058884), an email address (quettainquirycommission.scp@gmail.com), and a mailing address were provided. Public notices were also published on October 22nd and November 5th, 2016. Some of the notices that were published are attached hereto and marked as “**Public Notices**”. In Letter No.001 the Government of Balochistan was also asked to nominate a “*competent focal person to assist the Inquiry Commission*” and they did so.

1.4 Advance Notice to the Government of Balochistan: To enable the Government of Balochistan sufficient time to gather the requisite information and fully prepare, Letter No. 002, dated October 10th, 2016, was addressed to the Chief Secretary², Government of Balochistan, which sought the following answers, information, and views:

“Attack on Mr. Bilal Anwar Kasi”

1. The time and place of the murderous attack on Mr. Bilal Kasi with site plan showing surrounding roads.
2. The number of persons who attacked the late Mr. Bilal Kasi and their mode and manner of escape to be shown on a map.
3. The nearest Police, Balochistan Constabulary and Frontier Corps check post / picket from the place of the incident, with a map showing distances and whether those manning them heard the shooting and/or were informed about the incident and their follow-up action, if any.
4. The time the body of the late Mr. Bilal Kasi was brought to the Hospital.
5. The injury statement and postmortem report of Mr. Bilal Kasi.
6. Whether any bullet/s and bullet casings were recovered from the body / car / area and whether they were sent for forensic examination, and if so the reports thereof.

Explosion at Sandeman Provincial Hospital (“the Hospital”)

7. The time and exact place of the explosion shown on a site plan.
8. Whether there were security cameras installed at the Hospital, and if so, the location of all such cameras and their recorded content of 8th August 2016, which should include the recordings of at least two hours before the explosion, of the explosion itself and thereafter.
9. The particulars of the explosive device used to carry out the explosion at the Hospital, including:
 - (1) Whether detonated by any form of remote control or by a suicide bomber.
 - (2) If a suicide bomber had detonated the explosives, whether any part of his body etc. was recovered from the crime scene, and if so, whether it was sent for forensic examination and the report/s issued in this regard.
 - (3) The quantity of explosive and the projectiles used.
 - (4) Whether the timer / detonation switch / suicide jacket / explosive material or other such material was recovered from the crime scene, and if it was, whether the same was sent for forensic examination and the report/s issued in this regard.

Investigation of the Attacks

10. The authority / authorities investigating both the incidents with particulars of the persons (with ‘cell numbers) heading the respective teams. If subsequently someone else was made to head the investigation their particulars and the date that they took over the investigation.
11. Which, if any, forensic authority was contacted for assistance and the assistance that was provided.
12. Whether the two crime scenes (place of murder of Mr. Bilal Anwar Kasi and the place of explosion in the Hospital) were examined by forensic experts, and if so, provide their report/s.
13. Was the explosive substance that was used in the explosion at the Hospital sent for forensic determination to ascertain its type, origin etc.? And if so, provide the result thereof.
14. Whether the assistance of the National Counter Terrorism Authority (NACTA), the Ministry of Interior, the Ministry of Defence and / or the Inter Services Intelligence (ISI) was sought or provided, and if so, the particulars thereof, including the result of any investigation conducted by them.
15. Whether any information with regard to the identity of the attackers has been received / discovered and if so the particulars thereof, including name/s and contact details of the informant/s.

Pre-Attack Information

16. Whether there was any information that such an incident was likely to take place available with the Government of Balochistan or provided by NACTA, Ministry of Interior, Ministry of Defence and / or ISI?

Post Attack Developments

17. Whether any individual/s or organization had claimed responsibility for carrying out the murder of Mr. Bilal Anwar Kasi and the subsequent explosion at the

Hospital. And if so, the actual message that was delivered / received and whether the same was done telephonically or through social media or by any other means, and whether the source of call / message has been traced and, if so, provide the particulars thereof.

18. Whether the person/s or organization that professed to carrying out the attacks are proscribed under the Anti-Terrorism Act, 1997, and if so, provide the requisite notification issued in this regard.

Linkages

19. Whether the said two attacks that took place on 8th August 2016 bore similarity with any other attack/s, and if so, the common or linking methodology and material.

Victims, Treatment and Compensation

20. A list of persons who lost their lives and the amount of compensation, if any, that was paid.
21. A list of persons who were injured, who bore the expense incurred in their treatment, and the amount of compensation, if any, paid to the injured.

The Prevailing State of Affairs at the Hospital at the Time of the Attack

22. Provide a complete list of doctors who were supposed to be on duty at the Hospital at the time of the attack; and identify those who were absent.
23. A complete list of the persons who were in charge at the Emergency and at the Hospital on 8th August 2016 when the explosion took place, supported by official duty roster and attendance register.
24. The reason necessitating the transfer of the injured to other hospitals.
25. The details of persons sent for treatment to other hospitals, and who was sent where, and whether they have been discharged from these hospitals.

Trauma / Emergency Centre and SOPs

26. Whether there is a trauma / emergency centre in Quetta or Balochistan to attend to a large number of victims of accidents and terrorism?
27. Whether there are any standard operating procedures (SOPs) in place to inform what is to be done when such incidents happen.

Specialist Cell to Deal with Terrorists and Terrorist Acts

28. Whether there is a specialized cell / unit / division in respect of such terrorist acts in the province of Balochistan or the Federation of Pakistan, including at NACTA and ISI, and if so, provide particulars thereof.

Forensic Laboratory

29. Whether there is a forensic laboratory in the province of Balochistan, and if there is, can it: (1) determine the type and origin of explosive material and (2) can it undertake DNA sampling/testing.

Previous Attacks

30. Brief particulars of other terrorist attacks carried out by explosives, whether by suicide bombers, by improvised explosive devices or by other means that have taken place in the province of Balochistan the last ten years from the date of this

letter. This information should include (1) date (2) number of casualties (3) type of explosion and (4) claimed to have been carried out by whom.

Any Other Information

31. Do provide any other material or information that you may consider relevant or which may assist the Commission

Introspection and Reflection

32. If, in your opinion, there was a failure on the part of any department / agency of the Government either before, during or after the attacks, what were these failures and by which department / agency, and can you also identify the individuals responsible for these failures?
33. In retrospect do you think that the attacks could have been prevented or their effect mitigated, and if so, what measures require to be taken in this regard?"

1.5 Letters Written by the Commission: The Commission numbered all sent letters progressively from 001 onwards (excluding those of a mundane nature). Altogether the Commission sent out 59 numbered letters; copies are attached and marked as "**Letters**". A number of these letters were written to different entities to gather information and, whenever considered necessary, their views too. The Order required the Commission to look into the matter, "*from **all** the relevant aspects of this multidimensional tragedy*" and the Commission has tried to ensure that it has done so.

1.6 Commencement of the Commission's Work: The Commission assembled on October 17th, 2016, in the Court room situated on the ground floor of the High Court Building in Quetta. A large number of lawyers, the Chief Secretary Government of Balochistan, relevant Secretaries, Inspector General of Police and other senior police officers, medical personnel, families of victims, the injured, media, and members of the public were present. The Deputy Attorney General ("**DAG**") and Advocate General ("**AG**") respectively representing the Government of Pakistan and the Government of Balochistan were also present. It was announced that the Commission would conduct proceedings publicly and anyone who wanted to do so could attend. It was further announced that anyone who wanted to give evidence or had any information to provide may do

so, which would be done publicly unless secrecy required in-camera proceedings.

1.7 Scope of the Work: The Commission had been tasked to submit a report regarding the two incidents that took place on August 8th, 2016, namely the murder of Mr. Bilal Anwar Kasi ("**Mr. Bilal Kasi**") and the suicide attack that followed on the same day within the premises of the Sandeman Provincial Hospital ("**the Hospital**") that killed and injured a very large number of people, the overwhelming majority of whom were lawyers. Consequently, different questions pertaining to these incidents were raised and then examined in depth, including:

- How did the police and other law enforcement agencies respond to the attacks?
- Were the crimes scenes forensically secured and examined?
- Was material collected from the crime scenes forensically examined?
- Were the injured promptly attended to?
- Was there any negligence in providing treatment?
- Did anything or anyone hamper the investigation?
- Did the investigators consider all aspects of the crimes?
- Were the crimes effectively investigated?
- Were there any protocols or standard operating procedures in place to respond to attacks and emergencies?
- What was the financial cost incurred by the State in respect of these two attacks?
- What was the status of compensation to the injured and the legal heirs of those that died?
- How did the terrorists succeed in carrying out the attacks?
- Who were the terrorists and what ideology did they espouse?

- What, if any, organizations in Pakistan espouse similar ideologies?
- Has any action been taken to counter the type of ideology espoused by such organizations?
- Has the terrorist organization claiming responsibility for carrying out the attacks carried out other attacks? If so, whether it has been proscribed under the law, if not, then why not?
- Should the Federal Government and Federal agencies have provided assistance in the investigations? Was such assistance provided?

Furthermore, since the Commission was also required to look into the matter, *"from **all** the relevant aspects of this multidimensional tragedy"*, therefore the interconnectedness of the two attacks with the following matters was also considered:

- The number of terrorist attacks in Pakistan and the number of victims;
- The financial cost borne by Pakistan with regard to terrorism;
- The causes of extremism;
- The propagation of hate speech and literature;
- The extent to which extremist viewpoints, hate speech, and literature propagate terrorism;
- The manner of proscribing organizations and persons under the Anti-Terrorism Act of 1997, and whether it is done promptly;
- The stipulated legal consequences of proscription and whether the same are implemented;
- The investigation methodologies employed in terrorism cases, and whether they are effective;
- Whether comprehensive / complete information of terrorism cases is being kept, and if not, whether there should be a central depository of such information / data;
- The role of different governments in preventing and combating terrorism;

- The role of concerned ministries / departments;
- The effectiveness of the different bodies set up pursuant to the National Counter Terrorism Authority Act of 2013;
- The role and effectiveness of the National Counter Terrorism Authority ("NACTA"); and
- Whether the Federal and Provincial governments are in accordance in attending to the menace of terrorism in the country?
- The methodology employed in selecting the best person for the job, including that of the Medical Superintendent of the Hospital.

1.8 Objections by AG: At the outset the learned AG stated that the Government of Balochistan had filed a petition seeking review of the Supreme Court's Order dated October 6th, 2016, (referred to above) on two grounds; firstly, that the Commission should not have been constituted, and secondly it objected to me (Qazi Faez Isa) heading it as I had written a letter to the legal heirs of the deceased and the injured expressing sympathy, therefore, I should recuse myself. As I could not review the Order, the learned AG was told to proceed with the review petition filed by the Government of Balochistan before the Supreme Court. However, with regard to recusing myself I called upon the learned AG to state why I should do so. He responded by stating, repeatedly, that he completely agreed with the sentiments expressed in my letter, but I should still recuse myself. The letter which was written by me in Urdu immediately after the terrorist attacks is reproduced hereunder:

شہداء کے ورثاء اور غازیوں کے نام

اگر میری آنکھیں آبشار ہوتیں تب بھی ان میں آنسو کم پڑ جاتے۔ میرے شہید دوست مجھ سے ہٹھڑ گئے ہیں اور بہت سارے شدید زخمی ہیں۔ میں یقیناً آپ ہی کی طرح پہلے تو شدید رنج و غم سے نڈھال ہو گیا پھر بے پناہ غصہ اور پھر مایوسی کا عالم۔ مگر پھر میں نے کلام الہی کی طرف رجوع کیا اور بہت سے احکامات و کلمات روزِ اجل کی طرح دل کی گہرائیوں میں سما گئے۔ شہید مرتے نہیں وہ زندہ ہیں (سورۃ البقرہ، آیت ۱۵۴)۔ شہیدوں کا

خون ضائع نہیں ہوتا۔ جس نے ایک انسان کا قتل کیا گویا اس نے تمام انسانیت کو قتل کیا (سورۃ المائدہ، آیت ۳۲)۔ اور قاتل ہمیشہ کے لئے دوزخ میں رہیں گے اور اللہ تعالیٰ کا ان پر عذاب اور لعنت پڑتی رہے گی اور بے انتہا سزا ملے گی (سورۃ النساء، آیت ۹۳)۔ اور اللہ تعالیٰ ہمیں نصیحت کرتے ہیں کہ مایوس نہ ہوں اور صبر کا دامن نہ چھوڑیں (سورۃ ہود، آیت ۱۱۵)۔

قاتلوں نے بے دردی سے قتل کئے۔ قاتلوں کی مقتولین سے کوئی دشمنی نہیں۔ قاتلوں نے اپنے منصوبے کو پایہ تکمیل تک پہنچانے کے لئے جائے شفاء کا انتخاب کیا۔ قاتلوں نے کوئی تفریق نہ کی۔ ان کی زد میں بوڑھے اور بچے، ان کی زد میں ہر دین و مذہب، ان کی زد میں مرد اور عورت، ان کی زد میں قانون اور آئین کے محافظ، ان کی زد میں انسانیت۔

قاتلوں کو اگر جانوروں سے تشبیہ دیں تو جانوروں کی تضحیک ہوگی۔ قاتلوں کے دل سنگ نہیں کیونکہ پتھروں سے بھی کبھی چشمے پھوٹتے ہیں۔ قاتلوں کے دل نفرتوں اور مایوسیوں کا مجموعہ ہیں۔ انسان، انسانیت سے نفرت، جائے شفاء سے نفرت، قانون کے پاسداروں سے نفرت، قوم اور ملک سے نفرت، اللہ کی مخلوق سے نفرت، دین الہی سے نفرت۔

قاتلوں کی مایوسی کہ وہ ہمیشہ کے لئے دوزخ میں مقیم ہوں گے۔ مایوسی کہ وہ شرم سے اپنے چہرے چھپاتے ہیں۔ مایوسی کے بغیر جبر، بغیر بندوق، بغیر ہم ان کے پیغامِ نفرت کی آواز ہی نہیں۔ مایوسی اس بات کی کہ جن مایوسوں نے انہیں جنم دیا ان کے ہونٹوں سے اگر کوئی دُعا نکلتی ہے وہ یہ کہ ان کو صراطِ مستقیم پر لے آئیں۔ مایوسی اس بات کی کہ جب ان کی کھالیں از حکم اللہ تعالیٰ جلیں گی (سورۃ الملک، آیت ۱۱) ٹوہید جنت کی چھاؤں میں بہتے پانی کے ساتھ ہمیشہ اور ہمیشہ آرام پذیر رہیں گے (سورۃ الغاشیہ آیت ۱۰ اور ۱۲)۔

اب سوال اٹھتا ہے کہ اس آزمائش کے دورانیے میں ہم کیا کریں؟ کیا ہم اپنے رنج و غم کو غصہ اور نفرت میں تبدیل کر دیں؟ کیا ہم شہیدوں کے خون کو ماتمی چھاپ تک ہی محدود کر دیں؟

شہداء اور زخمی پاسبانِ آئین و قانون تھے اور ہیں۔ مفلسوں کے ترجمان تھے اور ہیں۔ انصاف کی فراہمی میں مدد کرتے تھے اور کرتے ہیں۔ جی شہداء بھی کیونکہ وہ آج بھی زندہ ہیں، کل بھی زندہ رہیں گے۔ ان کی نشست ہمارے ساتھ ہے۔ ان کا خون ہمارے قلموں میں اتر آیا ہے۔ انہوں نے اپنے خون کے عطیے سے بھائی چارے، انسان دوستی اور قانون پر عمل کرنے کی مثال قائم کی اور اب اس مشکل وقت میں ان کی نظریں ہم پر ہیں کہ ہم بھی بھائی چارے، انسان دوست رویہ اور قانون کی پاسداری کر سکیں گے؟ کیا ہم انصاف کو زیادہ احسن طریقے سے مہیا کر سکیں گے۔

میرے شہید دوست آپ نے مجھے، ہم سب کو، بہت ہی مشکل امتحان میں ڈال دیا ہے۔ میں پروردگار سے دُعا گو ہوں کہ مجھے اور شہداء کے ورثاء اور زخمیوں کو صبر عطا فرمائے اور آپ کے قانون و علم کے محبت کے جذبے کو مستحکم کرے اور آپ کے فراہمی انصاف کے اہداف کو ہماری مشعلِ راہ بنائے۔ آمین۔

آپ سب کا مخلص
جسٹس قاضی فائز عیسیٰ

1.9 **Recusal:** The learned AG did not give any plausible reason why I should recuse myself. The sentiments expressed by me in the above letter are likely those of any judge, lawyer, and citizen, and with which the learned AG incidentally was also in complete agreement. Therefore, to object on these

grounds effectively meant that no judge, at least in Pakistan, could preside over such a Commission. Since there was no plausible reason to recuse myself and decline to carry out the grave responsibility assigned to me I had no option but to proceed with the Inquiry. I may add that the decisions either to constitute the Commission or to head it were not my own and I was assigned the responsibility without prior consultation with me. Subsequently, the Government of Balochistan itself decided not to press the review petition meant that they no longer had any objection both with regards to the Order constituting the Inquiry Commission and with me being its sole member.

1.10 Workings of the Commission: Altogether 45 persons testified before the Commission; 40 did so in Quetta and 5 in Islamabad; amongst whom was an injured advocate who had testified in Quetta wanted to further testify in Islamabad with reference to aerial firing³. The Commission was also given in-camera briefings by the Police and intelligence agencies in Quetta. The Commission also visited the Hospital. The Commission worked in Quetta from Monday, October 17th, 2016, through to Saturday, November 12th, 2016. In view of the time constraints, investigation, evidence gathering and sharing, with the consent of everyone, proceeded into the evening and also on Saturdays and on Sundays.

1.11 Extension of Time: The testimonies of 45 persons had to be read and exhibits, documents, and letters had to be examined, analyzed, and assimilated which was not possible to conclude within the sanctioned time for submitting the report, therefore, a request for extension of time for submitting the report by an additional three weeks and then by another week was sought and the Supreme Court conceded to the requests; the time for submitting the report thus stood extended till 14th December 2016.

2. MR. BILAL KASI AND HIS MURDER

2.1 Mr. Bilal Anwar Kasi: The late Mr. Bilal Anwar Kasi ("Mr. Bilal Kasi") was a lawyer and held the post of President of the Balochistan Bar Association; The Balochistan Bar Association, office bearers including that of its President, had completed their term and elections for the different posts of the Balochistan Bar Association were scheduled for Saturday, August 13th, 2016.

2.2 His Murder: On Monday, August 8th, 2016, Mr. Bilal Kasi left by car from his home, which is situated on Mano Jan Road in the Hudda area of Quetta, for the courts in the City Centre⁴. After turning onto Mengal Road from Mano Jan Road he reduced speed to be able to smoothly ride over the speed-breakers constructed on the road⁵. After he negotiated two of the speed-breakers he was repeatedly shot at from close range at around 8.45 am. Mr. Bilal Kasi's younger brother, Mr. Shoaib Kasi, who lived in a separate house in the same compound, heard gunshots and was told by his neighbor that his brother had been attacked therefore he immediately rushed to the crime scene in his car⁶. He later measured the distance from his house to the crime scene, which is a distance of about 160 paces⁷.

2.3 Transporting Mr. Bilal Kasi to the Hospital: When Mr. Shoaib Kasi reached his brother's car he found that his brother had been repeatedly shot. His uncle and others helped put Mr. Bilal Kasi's body into Mr. Shoaib Kasi's car who then took his brother straight to the Hospital's emergency, which is known as Casualty⁸. The Casualty's entrance is from the Jinnah Road side of the Hospital's entrance. Mr. Tariq Kasi, Mr. Bilal Kasi's elder brother, also drove to the Hospital, but in a different car⁹.

2.4 Casualty of the Hospital: Mr. Shoaib Kasi stated that when he reached the Casualty of the Hospital he had to repeatedly shout before a stretcher was brought out by a paramedic. With the help of people who were present, Mr. Bilal Kasi's body was transferred onto a stretcher and wheeled into Casualty. Mr. Shoaib Kasi stated that he remained in the Casualty for about twenty minutes and then went home and that in these twenty minutes no official from the police came to inquire about the incident¹⁰.

2.5 First Crime Scene: When Mr. Shoaib Kasi returned home he traveled on Mengal Road, the same road on which his brother had been murdered, and so crossed his brother's abandoned car. He noted that it had not been cordoned off by the police nor were there any policemen at the crime scene¹¹. An eyewitness recalled seeing three assailants escaping from the crime scene where Mr. Bilal Kasi was murdered ("**the First Crime Scene**") on one motorcycle, two of whom were seated on the pillion seat holding guns¹². These assailants took the route, traveling on Mano Jan Road, going right in front of the house of Mr. Bilal Kasi and his brothers, one of whom is a District and Sessions Judge and who has a gunman¹³. The area in which Mr. Bilal Kasi's

house is located, and the two roads, Mano Jan Road and Mengal Road, on which he had traveled, primarily serve the residents of the area and is not a thoroughfare.

2.6 The Killers of Mr. Bilal Kasi: The killers of Mr. Bilal Kasi chose his own neighborhood to kill him, and carefully chose the place to carry out his murder in daylight on a working day and at a time when there would normally be quite a few people about. They also knew the exact road that Mr. Bilal Kasi would be traveling on. The killers had a thorough knowledge of the area, did not fear apprehension, were audacious, well experienced in killing, and went about it calculatedly and heartlessly.

3. CHOICE OF TARGET

The terrorists apparently chose to kill Mr. Bilal Kasi as he held a leadership position amongst lawyers, being the President of the Balochistan Bar Association, and had undoubtedly calculated that an attack on him would draw out the lawyers' community. Earlier, on June 8th, 2016, unknown assailants in a somewhat similar manner murdered Barrister Amanullah Achakzai, who was the Principal of the Law College of the University of Balochistan, but a follow-up suicide attack did not take place. The possibility that the same group had carried out both these murders cannot be ruled out, particularly as the forensic expert noted the similarity between the two attacks¹⁴. The killers of Barrister Amanullah Achakzai probably expected that his murder would draw out the lawyers' community since he was the Principal of the Law College. However, in the aftermath of the murder of Barrister Amanullah Achakzai, lawyers did not congregate in large numbers at a particular place as there was some confusion about where his body was taken.

4. FIR AND CRIME SCENE OF MR. BILAL KASI'S MURDER

4.1 FIR: In respect of the murder of Mr. Bilal Kasi, his brother, Mr. Shoaib Kasi, lodged the first information report ("**FIR**") No. 65/2016 on August 8th, 2016, at the Saddar Police Station in Quetta¹⁵.

4.2 Securing the First Crime Scene: Mr. Shoaib Kasi stated that the First Crime Scene, where Mr. Bilal Anwar Kasi was murdered, had not been cordoned off or secured even when he passed it after returning from having left

his brother's body at the Hospital, which would have been about forty minutes after the attack¹⁶. The First Crime Scene was also not comprehensively videotaped or photographed for later analysis.

4.3 Matters Left Unattended at the First Crime Scene: The following matters were left unattended at the First Crime Scene:

- (1) Eight bullet casings (colloquially referred to as 'empties') were found, but these were not collected and secured so as to preserve finger prints;
- (2) The eight bullet casings were sent for forensic examination only to determine calibre of weapon and whether they matched with the casings of other crimes, however, their examination to capture any finger prints was not sought;
- (3) No effort was made to find the bullets fired at Mr. Bilal Kasi; this would have been fairly easy as he was shot in his car and his car could have been inspected to find the bullets;
- (4) The Police retained the custody of the car, in which Mr. Bilal Kasi was killed for almost a month, but throughout this period they did not look for the fired bullets;
- (5) The surroundings were not examined to check for the fired bullets;
- (6) Forensic examination of the car in which Mr. Bilal Kasi was shot was not undertaken;
- (7) The crime scene was not forensically examined nor secured for later examination;
- (8) Forensic assistance at the crime scene was not sought from any forensic laboratory;
- (9) The crime scene was not comprehensively videotaped or photographed for later analysis; and
- (10) An eyewitness had informed the police that three assailants escaped on one motorcycle and had even pointed out the direction of their escape, but no attempt was made to trace the escape route or look for tire tracks, which could have been found in the mud, or pursued other eyewitness reports.

4.4 Forensic Examination after the Commission's Intervention: The Commission inquired during the proceedings why the crime scenes had not been examined. The Commission also wrote Letter No.004¹⁷, dated October 18th, 2016, to the Punjab Forensic Science Agency ("PFSA"):

“During the hearing of the Inquiry Commission at Quetta on 17th October 2016, it transpired that a forensic examination of the sites where the two incidents took place, i.e. the murder of Mr. Bilal Anwar Kasi, former President, Balochistan Bar Association and the subsequent explosion at the Sandeman Hospital, Quetta has not been undertaken as yet. Moreover, there are a number of forensic issues where your assistance will be required by the Commission including ascertaining the identity of the bomber, types of explosive used and its sources.

The Director General of PFSA with his expert came to Quetta and went to the different crime scenes: where Mr. Bilal Kasi, Barrister Amanullah Achakzai and a sub-inspector of police had been murdered and of the suicide attack in the Hospital. The crime scene of Mr. Bilal Kasi’s murder was recreated¹⁸; his car was sent for and placed in the same position as it was found by Mr. Shoaib Kasi. The denter who had repaired the car was sent for, door panels were removed, the angles of the fired bullets was determined, a 9mm bullet was found in the upholstery of a headrest¹⁹. Upon examination of the bullet casings it was determined by the PFSA that they had been fired from two different 9mm pistols²⁰. A comparison of the cartridges matched with other crimes, and linkages with three other crimes was established, as under:

- The murder of Police Sub-Inspector Mushtaq on July 4th, 2016;
- The murder of two Hazara ladies on October 4th, 2016 and
- The murder of two constables of Frontier Corps on October 14th, 2016²¹.

5. LAWYERS, MORTUARY, X-RAY ROOM AND EXPLOSION

5.1 **Lawyers Congregate:** Monday, August 8th, 2016, lawyers, as part of their normal working day went to the courts (the *Katchery*, the District & Sessions Court and the High Court) when they learnt of the attack / murder of Mr. Bilal Kasi; some knew he had been murdered while others thought that he had been seriously injured and so brought to the Hospital²². Lawyers hurried to the Hospital where Mr. Bilal Kasi had been taken. The first of the lawyers reached around thirty minutes after Mr. Shoaib Kasi had taken his brother to the Hospital. The lawyers, upon reaching the Hospital, primarily congregated outside the Casualty, at the side of the Casualty building, which is accessible from the Anscomb Road entrance of the Hospital.

5.2 **Mortuary and X-Ray Room:** Mr. Bilal Kasi had already passed and his body was placed in the Mortuary of the Hospital²³. A doctor stitched the bullet wounds on Mr. Bilal Kasi’s face, and his body was then taken to be x-rayed in

the X-Ray Room, within the Casualty building²⁴. An x-ray of the head of Mr. Bilal Kasi was taken and his torso was to be x-rayed next when there was an explosion outside the Casualty on the Anscomb Road side, where the lawyers had congregated.

5.3 Place of Explosion: The explosion took place in a cul-de-sac. At the end of the cul-de-sac is the Casualty building. The cul-de-sac can be accessed from Anscomb Road, which is one of the Hospital's entrances. On either side of the cul-de-sac there is the male surgical department and the female surgical department.

5.4 Type of Explosion: The explosion was caused by a suicide bomber detonating a vest packed with explosive material and ball bearings. He wore the suicide vest hidden under his clothing. The detonation caused the ball bearings to be propelled in all directions with tremendous force, the immensity of which can be gauged from the ball bearings embedded deep in the concrete and brick walls surrounding the blast site; the ball bearings also damaged the adjacent Male Surgical Ward, including striking a lady doctor (Dr. Dareen Gul, W-22) with such force that she was flung across the room and was quite seriously injured²⁵. It killed 75 people, including a child and a woman, and injured 105 people.

6. THE SUICIDE BOMBER AND HIS IDENTIFICATION

6.1 The Suicide Bomber: The suicide bomber can be seen in the recordings that were taken from the closed circuit television ("**CCTV**") installed in the Hospital. The suicide bomber is wearing a white *shalwar kameez*, a hip length black short unbuttoned *sherwani*, and black shoes²⁶. He is seen holding a brown file in his left hand and slowly paces up and down the road (one end of which ends at the Casualty and the other at Anscomb Road). When he is not pacing he stands on the pavements on either side of the road²⁷. The suicide bomber is an adult male and appears to be around thirty years of age. He has a black beard and oily longish hair which is brushed back. He remains on the periphery of where the lawyers have congregated, possibly to avoid being encountered or questioned. Because of his attire and the fact that he is carrying a file one could easily mistake him for an official or even a lawyer as some lawyers wear *sherwanis* in Quetta. Subsequently, evidence is discovered

which corroborates this. His attire was chosen to enable him to blend in and to avoid drawing attention to himself. His composure is calm and he does not appear to be under the influence of any psychotropic substance.

6.2 Detonation: The suicide bomber did not detonate his suicide jacket when lawyers started to arrive. He waited, probably for the congregation to increase or for the High Court judges to arrive²⁸. When the late Mr. Dawood Kasi announced that Mr. Bilal Kasi's body was to be removed from the Hospital and he is seen beckoning his colleagues to follow him (which can be seen in the corner of one recording) the suicide bomber detonates his suicide vest²⁹. One assumes he chose this particular juncture to do so as this may have been his only opportunity to cause maximum death and destruction because by now a large number of lawyers had assembled as is visible in the recordings. Just before he detonates his vest he is seen moving into the crowd of lawyers and there is a discernible movement of his left hand, which may be the pressing of the detonation switch that is covered by his sleeve and also by the file that he is clutching³⁰.

6.3 The Suicide Bomber's Head: The suicide bomber's head was not found. The Director General PFSA states that generally the head of a suicide bomber is found intact because it detaches from the body and is flung away from it³¹. However, recently those preparing suicide vests are doing so more skillfully and place the explosives in a manner that spreads the projectiles around the suicide bomber, which is considerably more lethal and devastating to those around or near the suicide bomber. In this latest type of suicide vest the projectiles are not spread downwards. This type of suicide vest usually destroys the head and face of the suicide bomber as well³².

6.4 Purchasing Shoes and Socks and Identity of Suicide Bomber: Two legs severed from below the knees were found at the blast site and the investigators suspected that they belonged to the suicide bomber; the feet had new socks and shoes, which had not been burnt or damaged in the blast. The shoes had the "Borjan" brand label, which took the police investigators to the Borjan shop in Quetta to make inquiries. The shop had a CCTV camera which recorded those making purchases and these recordings were stored, and so the recordings of the day when the said shoes and socks were bought were located. The man seen standing and walking near the congregation of lawyers at the Hospital, as shown in the CCTV recordings of the Hospital, was seen alongside

his companion in the shop³³. The CCTV recordings of the Hospital were revisited and the companion of the suicide bomber seen in the Borjan shop was also located in the CCTV recordings of the Hospital³⁴. The suicide bomber's much taller companion wore a white scarf on his head, the corners of which he had crossed over the sides of his face, which partially covered his face. The recordings show that the suicide bomber's companion paid for the shoes and socks.

6.5 Identification of Suspects: Although the suicide bomber and his companions had been spotted in the recordings, the police did not know who they were. The Government placed a public notice on August 13th, 2016³⁵, in the newspapers, seeking information about the attacks, but received no response. During the in-camera briefing given to the Commission by the Inspector General ("IG") of Police and his subordinates, the Commission inquired why the photographs of those seen in the recordings had not been printed in the newspapers, and why hadn't a reward been offered for identifying the persons. The Police responded by stating that the pictures were not very clear and NADRA, where the photographs had been sent, had limited capacity to enhance them. I further inquired why the help of forensic experts had not been sought. Thereafter, the recordings were sent to PFSA for enhancement³⁶. PFSA managed to enhance the images of the suspects. Once the images had been enhanced they were again published in the newspapers and a reward of ten million rupees offered for providing information of the suspects³⁷. This resulted in an informant coming forward who recognized the suicide bomber and told the investigators where he resided³⁸. To conclusively verify the identity of the suicide bomber an oral swab from the suspect's father was taken³⁹. The DNA from the oral swab was matched with the DNA of the bone fragments that had been earlier taken from the severed legs of the suicide bomber and a lineage was established⁴⁰.

6.6 Who was the Suicide Bomber: The Police now conclusively knew the identity of the suicide bomber. He came from a broken home as his parents were divorced and his mother had remarried. He was weak academically, merely scoring a third division in Matric and FA⁴¹, and failed his graduation having elected not to take the examination⁴². His grandfather was a member of the Awan clan from Punjab and had settled in Quetta. His father had worked as a peon in a school.

The suicide bomber's name is Ahmed Ali. He was born on August 10th, 1987⁴³, and killed himself two days before his twenty-ninth birthday. Ahmed Ali obtained a domicile certificate of Quetta on September 6th, 2011⁴⁴. Ahmed Ali was well assimilated in Quetta and spoke a number of local languages, including Brahvi, which the Borjan shop attendants recalled him speaking with his companion. Ahmed Ali's home in Killi Deeba, Quetta was not far from Mr. Bilal Kasi's house and the place where he was murdered. Ahmed Ali appears to be an ordinary and unremarkable man in every respect. The Police gathered important details and clues from his house.

6.7 The Second Crime Scene and its Forensic Examination: The crime scene in the Hospital where the suicide bomber detonated his suicide vest ("**the Second Crime Scene**") was not forensically secured and examined nor secured for later forensic examination⁴⁵. However, the Police did collect debris from the blast site, which would prove very useful later and should be complimented for doing so⁴⁶. Additionally, the Police lodged FIR No. 134/2016⁴⁷ at the Civil Lines Police Station with regards to the suicide bomber's attack at the Hospital.

6.8 Forensic Examination upon the Commission's Intervention: During the in-camera briefing by the Police it transpired that neither the First Crime Scene nor the Second Crime Scene had been forensically examined. The Commission directed the Police to have both these crime scenes forensically examined from the reputable Punjab Forensic Science Agency ("**PFSA**")⁴⁸. PFSA's dedicated Director General himself visited the crime scenes with his expert. These forensic experts also examined the debris that had been collected from the crime scene of the blast and recovered the detonator that had been used in detonating the suicide vest, a very valuable piece of evidence⁴⁹. The forensic team also visited the crime scene where Barrister Amanullah Achakzai was murdered and the mosque in which a sub-inspector of police, whilst saying his prayers, was murdered⁵⁰.

The video recordings of the suspects were also sent to PFSA upon the direction of the Commission. The experts of PFSA managed to considerably enhance / improve the quality of the recorded video images and produced photographs of the suspects. When these photographs were published an informant enticed by the reward money came forward. The reward money was offered only because the Commission had directed that this be done⁵¹.

6.9 The Importance of Forensics: What became apparent in this case was that if the video recordings' photos had not been improved / enhanced and printed in the newspapers with an offer of reward money, if DNA testing had not been conducted and subsequent findings matched, and if the debris from the blast site had not been forensically examined the investigation would not have progressed. All this was long after the two attacks and only as a result of the intervention by the Commission. The Police had not made any progress till then. In view of the thousands of terrorist attacks in Pakistan, including suicide bombings, it is reasonable to expect that at the very least every crime scene of a terrorist attack would be thoroughly examined by forensic experts and data compiled and stored in a central repository. However, sadly even the IG of Police did not appear to be familiar with the importance of a forensic examination of a crime scene. As was demonstrated in this case, without the assistance of technical experts who enhanced the images and produced good quality photographs, and forensically examined the crime scenes these crimes would have almost certainly remained unsolved.

7. THE TERRORISTS

7.1 Reconnaissance of the Area: The two attacks were extremely well planned and coordinated and ruthlessly and clinically executed. Three, if not more, terrorists positioned themselves to murder Mr. Bilal Kasi at a place where he would slow down and so become an easy target. It is apparent that they had earlier monitored his movements and ascertained his habitual route, as there is also another route from his house to the courts. Mengal Road, on which Mr. Bilal Kasi was murdered, is not a common thoroughfare and is mostly used by the locals of the area. It later transpired that the suicide bomber and his accomplices also live in the vicinity⁵². Two terrorists shot at Mr. Bilal Kasi with 9mm caliber pistols from close range⁵³. Later, three terrorists were seen escaping on a motorcycle from the crime scene; confident enough to pass right in front of Mr. Bilal Kasi's house, where his brother, a District and Sessions Judge, lived and where he had a gunman posted at the entrance⁵⁴.

7.2 Luring Lawyers into a Trap: As soon as the news of the attack spread amongst the lawyers they started converging at the Hospital. Mr. Bilal Kasi was murdered to lure lawyers to the Hospital. The terrorists understood human

nature, correctly predicted how lawyers would react, managed to avoid pre-attack detection, had the requisite technical know-how and resources, and were intelligent enough to avoid detection and arrest.

7.3 Familiarity with the Hospital Layout: From the CCTV recordings it appears that the terrorists had also familiarized themselves with the complicated layout of the Hospital. A person visiting the Hospital for the first or second time would feel quite lost within the Hospital premises. The Hospital CCTV recordings show that the suicide bomber had a number of accomplices, who were monitoring the situation and determining when and where the suicide bomber should detonate his suicide vest⁵⁵.

7.4 Foreign Involvement: The investigators think that there is some connection between the attackers and their handler to Afghanistan. However, neither the first attack on Mr. Bilal Kasi nor the subsequent attack by the suicide bomber could have been possible without local assistance and participation. The suicide bomber was a Pakistani national and so too were a number of his accomplices⁵⁶.

8. THE BOMB MAKING PREMISES – Third Crime Scene

8.1 An Unassuming House: After the public notice was printed in the newspapers with the promise of a large reward, with clear pictures of the suspected suicide bomber and two of his accomplices, an informant came forward, which led the Police to the house of the suicide bomber, discovering his identity and eventually to the house ("**the Third Crime Scene**") which was used to manufacture suicide vests and improvised explosive devices ("**IEDs**"). This house is situated in the area of New Sariab police station, on the periphery of Quetta City about nineteen kilometers from the Hospital, a couple of hundred yards off the road going to Sibi on the right just before the Sibi Railway Crossing⁵⁷. The place resembles an ordinary house both from the inside and outside. The perimeter wall is built of cement blocks and measures about 65 feet by 30 feet and the house is divided into two portions⁵⁸. One first enters through a steel gate. As one enters there is a toilet and a room to one side⁵⁹. In the inside portion of the house, which is accessed through a smaller steel door, there are two rooms, one toilet and a deep underground water tank on the left⁶⁰. The house stands alone and does not adjoin any other house

though there are houses in the vicinity. The house appears to have been constructed recently and is still not complete⁶¹. There is nothing unusual other than a very large rectangular pit of a depth of about ten feet situated on the right of the entrance gate as one enters the house⁶². The earth excavated from this large pit was piled inside the premises, and it may be presumed that the pit was used to dispose of the items that had been used in the making of suicide vests, IEDs or consumed items, as there was a discarded bag of saw dust that is used in bomb making and a few plastic bottles⁶³.

8.2 Explosives, Bomb Making Equipment & Weapons: Two blue plastic drums buried into the ground were found in the first portion of the house⁶⁴. These drums were covered with wooden planks which in turn were covered with earth, thereby completely concealing them⁶⁵. These drums contained explosives, bomb making equipment and weapons, including 3 suicide jackets, eight IEDs, 408 electric detonators, 208 non-electric detonators, 2 pencil type detonators, 83 receivers, 7 remote controls, 2 rolls of detonating (prima) cord, 8 hand grenades, three pistols with ammunition, two Kalashnikovs with ammunition, a large quantity of explosives and ball bearings, chemicals and bomb making equipment ("**the said cache**")⁶⁶. The large quantity of the said cache suggests that the terrorists planned to carry out further attacks.

8.3 Forensic Examination: Once again the Commission instructed the Police to contact PFSA to examine the Third Crime Scene and the said cache. The Director General PFSA immediately sent a crime scene investigator who examined the Third Crime Scene and the different items of the said cache. The report of PFSA is pending⁶⁷.

8.4 Connection with other Attacks: The PFSA report regarding the bomb making premises and the said cache may reveal connections with other terrorist attacks. Needless to state that if the crime scene of each terrorist attack is forensically examined the results obtained could easily be compared with the forensic results of subsequent attacks / crime scenes. Adopting this methodology would also determine whether the same group is involved. Forensic evidence would also prove extremely useful in connecting suspects with crimes and thus facilitate their convictions.

9. THE TERRORIST HIDEOUT – Fourth Crime Scene

9.1 Hurumzai, District Pishin: By analyzing 'phone records, determining their location and assisted by an informant a very large compound enclosed with over 12 feet high walls⁶⁸ in the Hurumzai Tehsil of District Pishin was identified to be the place where the perpetrators of the two attacks were staying. The information proved correct because when the Police together with the personnel of other law enforcement agencies and Levies approached it in the early morning of December 5th, 2016, they were fired upon from inside it. Two members of the law enforcement agencies were injured, one very seriously with a bullet injury in his head; the injured were shifted to Hospital in Quetta. The Frontier Corps was sent for, but hadn't arrived even after three hours. However, since police reinforcements had arrived from Quetta the compound was raided⁶⁹ and in the exchange of fire five terrorists were killed, who amongst them had two Kalashnikovs and three pistols⁷⁰. One person was also arrested. FIR No.18/2016 was lodged at the CTD police station Quetta later the same day on 5th December, 2016, at 10 am⁷¹.

9.2 House in Hurumzai - Fourth Crime Scene: The said house is situated in a place that is not far from the international border with Afghanistan. It is in an area categorized as "B Area" where the Levies Force, under the Deputy Commissioner, exercises policing powers. In addition to the weapons (mentioned above) that were used by the terrorists, the Police also recovered detonating (prima) cord, which was the same type as was recovered from the Third Crime Scene, a wireless base set, chemicals and pieces of steel that could be used in making IEDs.

9.3 The Terrorists: The police think that the local ring leader of the group was 25 year old Jehangir Badini⁷² who had attended Khuzdar Engineering University from where he got an Engineering degree. Another member of the group was 21 year old Ali Hasan⁷³, 23 year old Habibullah⁷⁴, 26 year old Sameer Khan and 33 year old Noorullah⁷⁵. Jehangir Badini, Ali Hasan, Sameer Khan and Ahmed Ali (the suicide bomber) all resided in Killi Deebea, Quetta. Syed Noorullah was a resident of Paizai Saeedaan, Qilla Abdullah and Syed Muhammad Naseer, who has been taken into custody, is a resident of Hurumzai.

10. TERRORISTS ATTACKS IN PAKISTAN AND BALOCHISTAN

10.1 Number of Terrorist Attacks in Pakistan & Balochistan: Three terrorist attacks a day take place in Pakistan. There have been 17,503 terrorist attacks in Pakistan from January 1st, 2001, to October 17th, 2016⁷⁶, of which 2,878 have taken place in Balochistan. The population of Balochistan is only about seven percent of the total population of Pakistan, but it compromises of sixteen and a half percent of the total attacks, or almost three times the national average. The figures provided for Balochistan do not include the terrorist attacks on the Police Training College in Quetta that took place on October 24th, 2016, which caused the deaths of 61 and seriously injured another 165, nor the suicide attack in the Shah Noorani Shrine in Lasbela District on November 12th, 2016, which caused the death of 52 men, women, and children and seriously injured another 100.

10.2 Proscription of Terrorist Organizations: If the Federal Government has reasons to believe that an organization "*is concerned in terrorism*" it can proscribe it under section 11B of the Anti-Terrorism Act of 1997 ("**ATA**"). When the Commission commenced its work on October 17th, 2016, there were 61 proscribed organizations⁷⁷. However another two were proscribed on November 11th, 2016, therefore, now the total number of proscribed organizations is 63.

10.3 Action to be Taken Against Proscribed Organizations: Section 11E of the ATA prescribes the actions that are required to be taken against proscribed organizations, which include: (1) sealing its offices, (2) seizing / freezing its money and property, (3) not issuing passports to its members, (4) stopping their banking transactions, (5) cancellation of arms licenses that were earlier issued to them and not to issue them new ones, (6) mandatory disclosure of all income and expenditure accounts, (7) prohibition of publication, printing or dissemination of any press statements, press conferences or public utterances. Section 11F of the ATA stipulates that "*a person is guilty of an offence if he belongs or professes to belong to a proscribed organization*", "*solicits or invites support for a proscribed organization*", "*arranges, manages or assists in managing, or addressing a meeting*" which supports a proscribed organization, or furthers its activities or enables a meeting that is addressed to by a member of a proscribed organization. Section 11EE of the ATA also restricts the movement of a member of a proscribed organization to a particular place or area and if he has to go beyond this particular area he has to obtain "*written*

permission of the officer in charge of the police Station within whose jurisdiction such place is situated."

10.4 **Proscription of Jamat-ul-Ahrar and Lashkar-e-Jhangvi Al-Almi:**

Section 11B of the ATA stipulates that the Federal Government is vested with the power to proscribe a terrorist organization, therefore provinces are dependent on the Federal Government to do so. In the aftermath of the August 8th, 2016, attacks the Government of Balochistan on August 16th, 2016, wrote to the Ministry of Interior of the Federal Government to proscribe Jamat-ul-Ahrar⁷⁸ as, in addition to having claimed to have carried out the August 8th attacks, it was also responsible for: the explosion on February 14th, 2014 (FIR No.51/2014), had attacked a police officer on July 6th, 2016 (FIR No.115/2016), and had attacked a Frontier Corps vehicle on July 27th, 2016 (FIR No.128/2016). The Government of Balochistan wrote another letter also dated August 16th, 2016, to the Ministry of Interior of the Federal Government to proscribe Lashkar-e-Jhangvi Al-Almi⁷⁹ and referred to five specific FIRs that recorded their crimes, which included the murder of policemen and Frontier Corps personnel. The Ministry of Interior did not respond to either letter of the Government of Balochistan nor proscribed the said organizations.

10.5 **Proscription by Federal Government or NACTA:** On September 5th, 2016, the Director General (Counter Terrorism) NACTA wrote to the Inter Service Intelligence ("**ISI**") and *"requested [ISI] to provide a comprehensive report to this office regarding veracity of claims, association of Jamat-ul-Ahrar and Lashkar-e-Jhangvi Al-Almi for getting them proscribed under section 11B (b) of ATA, 1997"*⁸⁰. In NACTA's letter to ISI, in addition to the mentioned terrorists attacks carried out by Jamat-ul-Ahrar, it also referred to the five terrorist attacks carried out by Lashkar-e-Jhangvi Al-Almi. It was illogical for NACTA to seek "verification" from ISI as to whether the said two organizations had carried out the attacks, particularly when both these organizations had claimed that they were responsible, and had not retracted their claims nor contradicted the earlier news reports which reported that they had claimed responsibility⁸¹. The relevant testimony of the Secretary Interior in this regard makes shocking reading:

"Q41. Different publications state that two organizations, namely, Jamat-ul-Ahrar and Lashkar-e-Jhangvi Al-Aalmi are responsible for the attacks that took place on 8th October 2016, however these have not been proscribed by the Federal Government, why?

Ans. I do not have the answer for it.

Q42. In your personal opinion should they be proscribed?

Ans. They should definitely be proscribed.

Q45. The Government of Balochistan vide letter dated August 16th, 2016, wrote to you to ban the said two organizations, then why did you not do so?

Ans. NACTA has asked for the views and comments of the ISI and IB, however we are still awaiting their views.

Q46. In other words, you have shelved the request of Government of Balochistan?

Ans. No.

Q47. What is the purpose of soliciting the views of ISI and IB in this matter?

Ans. It is essential to consult the security agencies because they are the ones who know in great detail about the activities of such organizations and we would proscribe these organizations if they recommend so.

Q48. I am mystified to learn that even when organizations have publicly proclaimed carrying out terrorist acts and after a lapse of eighty days, during which period there has been no retraction on their part, that you still have not proscribed these two organizations. Would you like to clear the mystification in my mind?

Ans. There is an unwritten process which the entire Government knows, which is that organizations are proscribed once their credentials are verified and commented upon by the security agencies.

Q49. Has the Ministry of Interior followed up on this matter?

Ans. I am not aware whether the Ministry of Interior has followed up on this matter.

Q60. On the last date you gave your personal opinion stating that Jamat-ul-Ahrar and Lashkar-e-Jhangvi Al-Aalimi should definitely be proscribed, have they been proscribed till date?

Ans. Till this morning they have not been.

Q61. Is the Ministry of Interior facilitating these organizations?

Ans. No.

Q65. During the in-camera briefing by a Colonel working in the ISI the question with regard to proscription in respect of these two organization was asked and he had stated that proscription is the responsibility of the Federal Government and whilst the Federal Government may seek the opinion of ISI but if no opinion is rendered by the ISI it does not mean that the Federal Government should not proscribe an organization if it considers that it merits proscription. He further stated that he is not aware of the letter that had been written in this regard to ISI, however assuming that it was, the Federal Government should not wait indefinitely for ISI's response and should do its job. Do you agree with what the representative of the ISI said?

Ans. Yes, I agree.

Q66. Then why have these two organizations not been proscribed by the Federal Government?

Ans. This is some thing that NACTA has to do. Within the Federal Government there are different wings which are each supposed to carry out certain things and NACTA is the

body which does this work ever since it has been formed and has been made functional. NACTA is one to do this and it is still waiting for certain responses to come their way to complete this.

Q67. To state the obvious NACTA is not the Federal Government but is a statutory body set up under the National Counter Terrorism Authority Act, 2013, however your answer seems to suggest that you do not know what constitutes the “Federal Government”, would you like to add any thing?

Ans. No.

I want to state that during the break I was informed that NACTA has recommended for the proscription of Jamat-ul-Ahrar and Lashkar-e-Jhangvi Al-Aalmi and their recommendation has been received in the Ministry of Interior today. However, the decision in this regard has to be taken by the Minister for Interior.

Q94. Are you saying the decision to proscribe an organization falls within the domain and discretion of the Minister for Interior?

Ans. Yes.

Q95. Under the Rules of Business of the Government of Pakistan would this be categorized as a policy decision?

Ans. Yes.

Q96. Would it then be correct to state that these two organizations have not been proscribed because the Minister for Interior did not want to do so?

Ans. No, this would not be correct as no recommendations from NACTA in this regard had been received.

Q97. Is not it amazing that organizations which claimed the responsibility of the attack that took place on August 8th, 2016, which was three months and six days ago, is only now being referred to the Minister for Interior to take a decision in this regard?

Ans. I would not categorize this as strange.”

Even though section 11B of the ATA clearly stipulates that it is the “Federal Government” who proscribes terrorist organizations, people at the highest levels of Government appear befuddled. And it is in all probability that because the Commission had questioned the Ministry of Interior and the ISI that the requisite notification proscribing these two terrorist organizations was eventually issued on November 11th, 2016.

10.6 Antecedents of Jamat-ul-Ahrar: In addition to the attacks mentioned in the Government of Balochistan’s above mentioned letter, Jamat-ul-Ahrar had also claimed responsibility (through Ehsanullah Ehsan, the very same

spokesman) to have carried out attacks on two churches in Lahore on March 15th, 2015, which resulted in many deaths. Chaudhry Nisar Ali Khan, was also the Minister for Interior then, and, as reported in the media, had condemned the attacks and had "*sought report*" about the attack. The *sought report* must still be awaited because Jamat-u-Ahrar was not proscribed even a year and five months afterwards, when the attacks of August 8th, 2016, took place. It would be an understatement to describe such inaction as callousness.

10.7 UK's Proscription of Jamat-ul Ahrar's & its Public Disclosure:

Whereas the Ministry of Interior showed little urgency in proscribing terrorist organizations, the United Kingdom proscribed Jamat-ul Ahrar in March 2015, and its reason for doing so was because it had carried out terrorist attacks in Pakistan. The UK Government's information regarding proscribed organizations, and its reason for doing so, is available on a publicly viewable website of the Home Office - (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/538297/20160715-Proscription-website-update.pdf) - and it is titled "Proscribed Terrorist Organisations".

10.8 **Public Disclosure that an Organization has been Proscribed:** In contrast to the United Kingdom's public disclosure of proscribing organizations and reasons for doing so, no Pakistani entity did so until recently. Strangely enough this information was also not available on the websites of the Ministry of Interior / NACTA. In this regard the following extract from the judgment of the Supreme Court in the case of the 21st Amendment to the Constitution, that is District Bar Association, Rawalpindi v Federation of Pakistan (PLD 2015 Supreme Court 401, at page 1203) makes disturbing reading:

"A disturbing fact has come to light; there appears to be no official website that discloses the names of even the 61 proscribed organizations. To verify if a list of the proscribed organizations was available in the public domain the Court associate conducted an internet search of the websites of the concerned authority, agency and ministries, but regretfully none displayed the information. The National Counter Terrorism Authority's website was shown to be "*under construction*" (<http://www.nacta.gov.pk/>), the Government of Pakistan, Federal Investigation Agency's website was "*under maintenance*" (<http://www.fia.gov.pk/resourcecenter.htm>), and the websites of the Government of Pakistan's Ministry of Interior, Ministry of Defence and Ministry of Law, Justice and Human Rights did not display the same. The general public therefore may have no knowledge whether a particular organization has been proscribed and may provide money to it or even join it in all innocence. Ironically, as demonstrated by the learned Attorney-General, terrorist organizations conduct their propaganda on the internet with aplomb."

Though the names of the proscribed organizations can now be viewed on the internet on the Government's websites, no information about the organization is provided, nor about the terrorist acts claimed to have been carried out by them or their antecedents. Moreover, the website is maintained in English, which the vast majority of the public can't read. The names of the proscribed organizations are also not circulated to those who need to know about them.

10.9 Jundullah and Proscription: On September 21st, 2013, two suicide bombers carried out attacks at a church in Peshawar killing 80 people and injuring over a 100. Chaudhry Nisar Ali Khan, happened to be the Minister for Interior then too. The English newspaper DAWN of 22nd September 2013 reported that he was "*shocked by the brutality of the attack and condemned it in the strongest terms*". Three days of national mourning were also declared however Jundullah was not proscribed by the Federal Government, nor has it been proscribed till date.

10.10 Nexus between Sepah-e-Shaba Pakistan, Milat-e-Islamia Pakistan and Ahle Sunnat Wal Jamat and their Rebranding:

"Sepah-e-Sahaba Pakistan" ("**SSP**") and "Millat-e-Islamia Pakistan (Ex SSP)" are respectively mentioned at serial numbers 5 and 10 of the Ministry of Interior's "List of Proscribed Organizations by (MOI)⁸²". The National Internal Security Policy issued by the Ministry of Interior (at page 58) states that both organizations were headed by "Mualana Muhammad Ahmed Ludhianvi", however against the name of Ahl-e-Sunnat Wal Jamat" his name is not mentioned, even though he styles himself as its leader or head.

10.11 Minister Meets With Maulana Muhammad Ahmed Ludhianvi: Chaudhry Nisar Ali Khan, the Minister for Interior, on October 21st, 2016, met with Maulana Muhammad Ahmed Ludhianvi, the head of the three banned organizations (SSP, Millat-e-Islamia and ASWJ), heard his demands and conceded to them as per media reports⁸³. The meeting took place in the Punjab House, which is situated within Islamabad's Red Zone.

The Chief Secretary of the Government of Balochistan expressed his dismay about the inconsistency of approach in dealing with proscribed organizations; in his reply to question 23⁸⁴, "*In your experience what further steps can be taken to combat the menace of terrorism, extremism, hateful speeches and literature?*" he replied, as under:

Ans. “I would like to respond to the question in some detail. Firstly, I’ll attend to what can be done at the National level and what can be done at the provincial level. At the National level what is lacking is a national narrative and a counter narrative to negate the extremist thought and propaganda of terrorist organizations and those indulging in hate speech and in failing to do so terrorism continues to breed. This is connected with the second problem which is that we cannot compartmentalize proscribed organizations or take efforts provincially alone. I can better illustrate this by giving an example; Balochistan does not permit Ahl-e-Sunnat Wal Jamaat (“ASWJ”) from holding any meeting or propagating its views but the efforts of the Province stand defeated if the very same organization manages to hold a public demonstration at the Minar-e-Pakistan in Lahore or is permitted to become a member or part of a larger organization, i.e. Difa-e-Pakistan Council. This example is not a notional example but has happened recently.”

10.12 Meetings by Proscribed Organizations: In the meeting of the Executive Committee of NACTA held on December 31st, 2014, which is the only time it has ever met, chaired by the Minister for Interior who incidentally was Chaudhry Nisar Ali Khan, it was decided (as mentioned under Item No.7 of the Minutes) that, *“Proscribed organisations not to be allowed to conduct public gatherings / meetings”* and that *“Action be taken against the office bearers and activist of such organizations”*⁸⁵. The Chief Secretary Government of Balochistan has clearly stated that ASWJ holds public meetings. On Friday, October 28th, 2016, AWSJ held a public meeting in the Hockey Ground, situated in Aabpara Sector G-6, Islamabad, as widely reported in the media.

10.13 ASWJ’s Public Meetings: The Commission vide Letter No. 036 dated November 4th, 2016⁸⁶, wrote to Chaudhry Nisar Ali Khan, the Minister for Interior, asking a number of questions, including, *“Why was ASWJ permitted to hold a public meeting?”* The Minister responded thus: *“It is not my responsibility to grant or deny permission for public meetings. It falls within the purview of District Administration. On inquiry, I was informed that neither ASWJ sought permission nor such permission was granted”*. The Minister did not answer the question; instead he stated that permission for holding the meeting was neither sought nor granted⁸⁷. If one takes the Minister’s answer at face value, it follows that if a meeting is held in a public place without seeking or being granted permission it can be held, even if it is held by a proscribed organization, and the functionaries of the State would look the other way. The Minister’s response disregards the law of Pakistan. He also negated his own Ministry’s decision, taken in the meeting of December 31st, 2014, and reproduced above,

which had clearly prohibited such meetings; the Minister for Interior is also the Chairman of the Executive Committee of NACTA and had chaired the meeting on December 31, 2014.

11. THE TERRORISM CASE JUDGMENT

11.1 **Judgment of the High Court:** A Divisional Bench of the Balochistan High Court in its judgment, which was authored by me when I was Chief Justice of the Balochistan High Court, in the case of High Court Bar Association v Government of Balochistan (PLD 2013 Balochistan 75) ("**the Terrorism Case Judgment**") had issued a number of directions which have a direct bearing on the present matter. The relevant directions from paragraph 42 are reproduced hereunder:

- “(vii) We direct the Government of Pakistan and the Government of Balochistan to coordinate and develop an effective mechanism, including sharing of information, for monitoring potential terrorists, and apprehending the perpetrators of this and other terrorist crimes;
- (viii) We direct the Government of Pakistan and the Government of Balochistan to develop and maintain a data-bank with information of perpetrators / suspects of heinous crimes and terrorist organizations, including their names, aliases, parentage, addresses, photographs, thumb impressions, DNA, telephone number and telephone details, weapons used, particular type of explosives used and their respective modus operandi;
- (ix) We direct that access to the above data-bank be provided to senior investigators to help determine similarities and linkages between different crimes and criminals so that they can be traced, arrested and prosecuted;
- (x) We direct the Federation of Pakistan, through the Ministry of Interior/Defence, to issue requisite instructions to the Frontier Corps ("FC") deployed in Balochistan to come to the immediate assistance of the local law enforcement agencies when called upon to do so. Standing operating procedures in this regard should be developed, which should detail how best an effective cooperation methodology between the local law enforcement agency and the nearest FC post be developed;
- (xi) We direct that a specialized cell/unit/division be established in respect of terrorist acts committed in the Province and such crimes be investigated by senior and experienced officers of police and/or under their supervisions and all Provincial law enforcement personnel are directed to cooperate with them, including the Levies Force operating in Balochistan;
- (xii) We direct that in respect of serious crimes or terrorist acts the local police/levies should immediately inform the nearest police station, the Police Headquarters and the office of the Home Secretary, who should in turn immediately inform the Interior Ministry;
- (xiii) We direct the Federal Government and the Government of Balochistan to complete the Forensic Laboratory being setup in Quetta at the earliest;

- (xiv) We direct payment of adequate compensation to the legal heirs of the victims of the said crime, if the same has not already been paid;
- (xv) We direct that the Ministry of Information, Press and Publications Department, Intelligence Bureau, Special Branch and all other intelligence gathering agencies of the Federation and the Province to closely monitor extremist and hate literature and its propagation and to bring the same to the notice of the concerned authorities for proceeding against the perpetrators in accordance with the law;
- (xvi) We direct the Government of Pakistan and the Government of Balochistan to ensure that the organizations proscribed under section 11-B of the Anti-Terrorism Act, 1997 ("Act") and those in respect of which observations and orders have been passed under section 11-D, must not be allowed to propagate their views, and strict compliance with section 11-W of the Act be made against the transgressors, including the electronic and print media;
- (xvii) We direct strict compliance with the Balochistan Prohibition of Expressing Matters on Walls Ordinance, 2001 ("Ordinance") and that prosecutions be launched against those violating section 2 thereof;
- (xviii) We direct all local councils through their respective heads/administrators to immediately remove wall-chalking within the area of their respective jurisdictions in terms of Section 3 of the Ordinance, and wall-chalking be removed in the following manner:
 - (a) On brick walls by scrubbing it off with a wire brush or grinder;
 - (b) On painted walls by painting over it with matching paint;
 - (c) On cement walls by applying liquid cement; and
 - (d) On mud walls by applying mud thereupon.
- (xix) We direct all Deputy Commissioners serving in Balochistan to ensure that the officers of the local councils under their jurisdiction are bringing prosecutions under Section 2 of the Ordinance, and undertaking their obligations under Section 3 of the Ordinance, failing which disciplinary action against the recalcitrant officers be initiated; and
- (xx) We direct the Secretary, Local Government, Government of Balochistan and the Commissioners of all the Divisions in Balochistan to seek periodical reports from the Deputy Commissioners under their jurisdiction with regard to compliance of the provisions of the Ordinance."

11.2 Circulation of the Terrorism Case Judgment: To ensure that all concerned would immediately implement the Terrorism Case Judgment the High Court took the extra measure to send it to all of them, and in this regard the last three paragraphs of the judgment are reproduced:

"The declarations and directives issued by us are contained in paragraph 42, which the respondents and all concerned have to implement. The Office is directed to send copies of paragraphs 1 and 42 of the judgment ("the said paragraphs") for information and compliance to the Government of Pakistan, through Cabinet Secretary, Secretary Interior, Secretary Defence, Secretary Information and Inspector General Frontier Corps Balochistan. Secretary Defence and Secretary Interior are further directed to send copies of the said paragraphs for information and compliance respectively to the head of the Inter Services Intelligence and to the heads of the Intelligence Bureau and

Federal Investigation Agency. Secretary Information is directed to circulate the said paragraphs to all national newspapers, radio and media channels.”

“Office to also send the said paragraphs for information and compliance to the Government of Balochistan, through the Chief Secretary, Home Secretary, Secretary Local Government, Inspector General of Police, Director General Levies, all Commissioners, all Deputy Commissioners and Director Press and Information Department. Secretary Local Government is further directed to circulate the said paragraphs to all local councils throughout the province. The Home Secretary is directed to circulate the said paragraphs to all Assistant Commissioners, Tehsildars, Naib-Tehsildars and Risaldar Majors. Director Press and Information Department is directed to circulate the said paragraphs to all local newspapers, radio and media channels.”

“Office to send copies of the entire judgment for information to the Secretary Election Commission of Pakistan and the International Commission of Jurists.”

However, neither the Federal nor the Provincial Government took any steps towards implementing any of the aforesaid directions. One can now retrospectively state that if they had been implemented it may have prevented the attacks. In addition to gross negligence in not implementing the judgment those who failed to do so may have also committed contempt of the Balochistan High Court.

12. THE NATIONAL COUNTER TERRORISM AUTHORITY ACT

12.1 **Preamble:** The National Counter Terrorism Authority Act, 2013 (“**NACTA Act**”) was enacted, as its Preamble states:

“WHEREAS, the menace of terrorism and **extremism is becoming an existential threat to the state and needs to be responded to and addressed comprehensively**; [emphasis has been added]

AND WHEREAS, in order to eliminate this menace, a focal institution to unify state response by planning, combining, coordinating and implementing Government’s policy through an exhaustive strategic planning and necessary ancillary mechanism is needed.”

12.2 **NACTA’s Board and Executive Committee:** It is the legal responsibility of the Board of Governors of NACTA “*to provide strategic vision*” (clause (b) of section 7 of the NACTA Act), however, this body has never met⁸⁸, despite the fact that the law requires it to “*meet at least once in each quarter of a year*” (sub-section (4) of section 6 of the NACTA Act). And the Executive Committee, which “*shall ensure effective implementation of the decisions of the Board*” (sub-section (5) of section 8 of the NACTA Act) has met all of once; in

this meeting, held on December 31st, 2014, the Executive Committee decided to, *"Launch de-redicalization program with community support and media"* and that a *"Counter narrative against extremism and militancy be developed in local language and disseminated through media and progressive religious leaders"* (No.15 of the Minutes), however it has not implemented its own decision nor has it ensured that NACTA do so.

12.3 **NACTA:** NACTA is required to implement the decisions of the Board and the Executive Committee. NACTA is also required to *"carry out research on topics relevant to terrorism and extremism and to prepare and circulate documents"* develop *"counter extremism strategies"*, to *"review them on periodical basis"* and *"report to the Federal Government about implementation of these plans on periodical basis"* (clauses (b), (c) and (d) of section 4 of the NACTA Act). Unfortunately, NACTA has not carried out research, nor prepared documents pursuant thereto, or developed any counter extremism strategy, nor carried out any periodic review and has not submitted the requisite reports to the Federal Government regarding implementation of its counter narrative plans. The functions that NACTA is required to perform are mentioned in clauses (a) to (g) of subsection (1) of section 4 of the NACT Act, reproduced hereunder:

- (a) to receive and collate data or information or intelligence, and disseminate and coordinate between all relevant stakeholders to formulate threat assessments with periodical reviews to be presented to the Federal Government for making adequate and timely efforts to counter terrorism and extremism;
- (b) to coordinate and prepare comprehensive National counter terrorism and counter extremism strategies, and review them on periodical basis;
- (c) to develop action plans against terrorism and extremism and report to the Federal Government about implementation of these plans, on periodical basis;
- (d) to carry out research on topics relevant to terrorism and extremism and to prepare and circulate documents;
- (e) to carry out liaison with international entities for facilitating cooperation in areas relating to terrorism and extremism;
- (f) to review relevant laws and suggest amendments to the Federal Government; and
- (g) to appoint committees of experts from Government and non-Government organizations for deliberations in areas related to the mandate and functions of the Authority.

12.4 **Abject Failure:** What distinguishes NACTA, its Executive Committee and its Board is their collective failure to comply with their statutory mandate. The NACTA Act has now been in place for over three and a half years and it was enacted because extremism had become "*an existential threat to the state and needs to be responded to and addressed comprehensively*", but this remains overlooked and unaddressed.

13. NATIONAL ACTION PLAN, NATIONAL INTERNAL SECURITY POLICY AND THE NATIONAL SECURITY ADVISOR

13.1 **National Action Plan ("NAP"):** This one-page document lists twenty points⁸⁹. It was "*approved by the All Party Conference*" and then adopted by the Government of Pakistan, as stated by the Secretary Interior. The twenty points of the National Action Plan are in actuality twenty areas which in the opinion of its formulators needed to be addressed, reproduced:

1. Implementation of death sentence of those convicted in cases of terrorism.
2. Special trial courts under the supervision of Army. The duration of these courts would be two years.
3. Militant outfits and armed gangs will not be allowed to operate in the country.
4. NACTA, the anti-terrorism institution will be strengthened.
5. Strict action against the literature, newspapers and magazines promoting hatred, extremism, sectarianism and intolerance.
6. Choking financing for terrorist and terrorist organizations.
7. Ensuring against re-emergence of proscribed organizations.
8. Establishing and deploying a dedicated counter-terrorism force.
9. Taking effective steps against religious persecution.
10. Registration and regulation of religious seminaries.
11. Ban on glorification of terrorists and terrorist organizations through print and electronic media.
12. Administrative and development reforms in FATA with immediate focus on repatriation of IDPs.
13. Communication network of terrorists will be dismantled completely.
14. Measures against abuse of internet and social media for terrorism.
15. Zero tolerance for militancy in Punjab.
16. Ongoing operation in Karachi will be taken to its logical end.

17. Balochistan government to be fully empowered for political reconciliation with complete ownership by all stakeholders.
18. Dealing firmly with sectarian terrorists.
19. Formulation of a comprehensive policy to deal with the issue of Afghan refugees, beginning with registration of all refugees.
20. Revamping and reforming the criminal justice system.

Though the document is categorized as a 'plan' it does not have timelines for achieving any of the twenty goals that have been set. It does not stipulate who will be responsible for implementing its different components. It does not mention who will monitor progress or lack thereof, and in the case of failure to achieve compliance, the follow-up action to be taken and by whom.

13.2 **National Internal Security Policy:** The Ministry of Interior has formulated and issued a document titled the "National Internal Security Policy 2014-2018"⁹⁰ ("**the Policy**") which stipulates the need to construct a counter-narrative and a "National De-Radicalization Program"; the relevant sections regarding this in the Policy are reproduced:

"National-Narrative

20. Constructing a robust national narrative on extremism, sectarianism, terrorism and militancy is the corner stone of an ideological response to non-traditional threats. Such a narrative is essential for coming up with common ideological denominators in a diverse society. Religious scholars, intelligentsia, educational institutions and media are the key stakeholders for constructing and disseminating the National Narrative. NACTA will facilitate a dialogue with all stakeholders to strengthen democratic values of tolerance respecting diversity of the society.

21. NACTA in consultation with other institutions supporting NISP will develop a National De-Radicalization Program."

"57. In present time of free media, narratives have great power to influence all segments of society including children and young people. There is also a need for countering propaganda of the terrorists that rests primarily on imagined grievances, exaggerated accounts of victim hood and irrational justification of use of violence. Narrative weaved by groups sympathetic to extremists and terrorists have harmed society by incentivising intolerant attitude and creating a comfort social abode for such elements. Using national reach of the media, public opinion can be formed against the terrorist groups by showing how they have damaged the national culture and values of tolerance and why they are enemies of the people and the state."

Unfortunately, there has been no work executed on the counter-narrative or on a de-radicalization program.

13.3 **The National Security Advisor:** The Prime Minister of Pakistan has constituted an "*Implementation Committee for National Action Plan*" ("**NAP**") and appointed Lt. Gen (Retd) Nasser Khan Janjua, the National Security Advisor

("NSA"), as its Convener vide Notification dated August 31st, 2016⁹¹, of the Ministry of Interior ("**the Implementation Committee Notification**"). The Commission wrote letter No. 053 dated 18 November 2016⁹² to the NSA asking questions in relation to NSA's role in combating terrorism:

“Q1: Does combating terrorism or implementing measures to combat terrorism fall within your mandate?

Ans: Combating terrorism or implementing measures to combat terrorism does not directly fall within my mandate being domain of the Provincial Governments particularly after the 18th Amendment in the Constitution however, being the Convener of the Implementation Committee for NAP, NSA is overseeing the Implementation of NAP through relevant authorities. I also oversee the combating and counter terrorism measures being an important aspect of NAP which is being executed through the Ministry of Interior, NACTA, Civil Armed Forces and Law Enforcing Agencies of the Provincial Government.

Q2: Do you have any role with regard to the National Internal Security Policy and / or the NAP formulated by the Ministry of Interior, Government of Pakistan? If so, please provide the details thereof.

Ans: I do not have any role in National Internal Security Policy ("**NISP**"), however, I am the convener of the Implementation of the NAP.

Q3: Has the office of the NSA been created pursuant to any law or through an administrative order? Kindly provide the relevant law / order.

Ans: The office of the incumbent NSA has been created through an administrative order by the Prime Minister.

Q4: Does the office of the NSA maintain data of the terrorist attacks in Pakistan, and if so, whether in electronic or paper form?

Ans: NSA does not maintain data of the terrorist attacks in Pakistan, however, such data is compiled by NACTA which assists the NSA on Counter terrorism measures.”

From the Implementation Committee Notification and the NSA's response it appears that the work of NACTA, its Executive Committee and its Board of Governors (each of which have been established by the NACTA Act) has been outsourced to the NSA.

It further transpires that though the matters covered by the NAP and the Policy overlap and pertain to the same subject the NSA has no role with regard to the Policy.

Another surprising feature of the Implementation Committee is that other than the NSA, who is its convener, all its members are the members of the Executive Committee of NACTA, who are also members of the Board of

Governors of NACTA. The National Coordinator of NACTA, however, is not a member of the Implementation Committee.

"Director General NACTA" has also been made a member of the Implementation Committee. NACTA, however, has five Director Generals and the Notification does not specify which particular Director General is a member of the Implementation Committee.

The NSA wrote that data of terrorist attacks "*is compiled by NACTA*", however, both NACTA's National Coordinator and Director General (Counter Terrorism) NACTA testified that they do not compile nor maintain such data.

The aforesaid discrepancies show that at the highest levels of government the subject of terrorism and combating it is epitomized with confusion.

14. COUNTER NARRATIVE TO THE TERRORIST IDEOLOGY

14.1 **Terrorism and its Effects:** Directly or indirectly everyone in Pakistan has been affected by terrorism; loved ones and friends, they have been killed, injured or brutalized. Thousands have lost their lives and hundreds of thousands have been injured in terrorist acts, but there continues to be a dearth of analysis of the problem in Pakistan, and after investigation one is cognizant that there appears to be no counter-narrative, and no implementation of plans. We sometimes forget the devastation that terrorist attacks cause in individual lives. How many know that the widow of the late Mr. Baz Mohammad Kakar Advocate gave birth to his son three months after he had been killed by a suicide bomber? Can we possibly fathom the pain that has come to permanently reside in the widow's heart? Or of the twenty-four year old lady doctor⁹³, who whilst working in the Hospital, got injured in the blast. How many know that she has had three surgeries and her hip bone has been grafted onto her arm, about her scars, and above all about her remarkable courage to return to work? She has limited movement in her right arm and worries whether her dream of becoming a surgeon will materialize. Do the victims get the same coverage in the media that the perpetrators do?

14.2 **Media:** It is a very positive development that the media has won its freedom to print, publish, and broadcast. However, in reporting terrorism cases, at times the media overlooks the responsibility that is expected of it. Publications and broadcasts must never propagate the views of terrorists. Views which may glorify them or which may justify their acts of terrorism.

Section 11W of the Anti-Terrorism Act, 1997 makes it an offence, punishable with imprisonment which may extend to five years and with fine, to print or publish acts "*which glorifies terrorists or terrorist activities or incites religious, sectarian or ethnic hatred or gives projection to any person convicted for any terrorist act, or any person or organization concerned in terrorism or proscribed organization or an organization placed under observation*", however, printing or publishing a "*a factual news report*" is permissible. Though the law is often transgressed, rarely if ever is action taken, which only encourages disregard of the law. Major television networks with a view to ostensibly present a "balanced" standpoint invite those whose opinions may justify the views of the perpetrators; with regards to a proscribed organization focused on blowing up girls' schools, a guest was invited and allowed to speak justifying these criminal and condemnable attacks. The media needs to focus more on publishing and broadcasting the effects of terrorism, which subsequently may instil greater awareness against the killers and their ideologies of death and destruction.

14.3 Commission's Task: The Commission was tasked to look into the attacks "*from all relevant aspects of this multidimensional tragedy*", which includes the counter narrative to the terrorists' ideology. Terrorism is ignited by the fuse of hatred; religious, sectarian, and ethnic. Who are these terrorists launching attacks, killing and maiming people, destroying public and private property? The overwhelming majority, over 75 percent of the organizations that have been proscribed don the garb of religiosity clearly indicating a certain type of terrorist. Appropriate strategies are required to deal with them.

14.4 Adherence to the Holy Quran: Pakistan is predominantly inhabited by Muslims; therefore the commands contained in the Holy Qur'an should find easy acceptance and adherence. *Jabr*, that is violence or force, has no place in Islam. The word *Islam* means peace, but we are not living in peace. Terrorism is being justified by terrorists and many others around them in complete derogation of the Faith. The commands of Almighty Allah, contained in the Holy Qur'an, are very clear.

14.5 Commands of Almighty Allah against Killing: Almighty Allah made life sacred; He is the Creator and abhors the killing of any human being, He says:

أَنَّهُ مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا بِإِذْنِ اللَّهِ ثُمَّ إِنَّ كَثِيرًا مِّنْهُمْ لَفِي سُلْطَانٍ لَّا يُرْضَوْنَ لِمُؤْسَرِّهِمْ فَوْنًا

“If anyone killed a person ...
It would be as if he killed all mankind,
And if anyone saved a life,
It would be as if saved the life of all mankind”
Surah Al-Maidah (5) verse 32

Each and every human on Earth is of utmost importance to the Creator. He equates the killing of a single person as equivalent to the killing of everyone and the saving of a single life equal to saving everyone. Almighty Allah elevates our lives to the highest degree. The murder of a believer earns the killer a place in Hell and the Wrath and Curse of Allah:

وَمَنْ يَقْتُلْ مُؤْمِنًا مُّتَعَمَّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا

“And for anyone who kills a believer intentionally,
His recompense is Hell, to abide therein;
And the Wrath of Allah is upon him and His Curse,
And a tremendous punishment has been prepared for him.”
Surah An-Nisaa’ (4) verse 93

Almighty Allah detests those who kill life (*nafs*). The killers of men, women, and children are admonished in the strongest possible terms. There is nothing complicated about this message and Muslims cannot take a view different from what the Holy Qur’an commands. But those who claim to be Muslims still kill, and kill, and kill. If those professing to be Muslims resort to killings and bombings they have either not read the Qur’an or they are under the sway of an ostensible teacher or phony *aalim*, one who teaches falsehoods.

14.6 Suicide Bombers: A suicide bomber detonates his suicide vest, packed full of explosives and ball bearings, killing and injuring the people around him and exterminating himself too. The sanctity of life in Islam is supreme, including the life of a suicide bomber. Killing oneself too is a grave sin.

وَلَا تَقْتُلُوا أَنْفُسَكُمْ الَّتِي حَرَّمَ

“Don’t kill anything with a soul, which Allah hath made sacred”
Surah Al-An’am (6) verse 151

لَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

“And do not kill yourselves. Verily, Allah is Most Merciful to you”
Surah An-Nisa’ (4) verse 29

The person who blows himself up commits a crime against both Allah's Creation and His Command; in blowing himself up he kills others and himself, and all of these lives, including the suicide bomber's, are sacred lives. If those running a *madrassa* or mosque claim the contrary they should be stopped and proceeded against.

14.7 Killing Christians and People of other Faiths: Christians and people of other faiths have also been attacked; several churches in Pakistan have been bombed. The Holy Quran enjoins all places of worship to be safeguarded, making specific mention of, "*monasteries, churches, synagogues and mosques*" (*Surah Al-Hajj* (22) verse 40).

يَنْ أُوْخَرْ جُوَا مِنْ دِيَارِهِمْ يَنْعِيْفُوْلُوْهُ لِيْلَا اَللّٰهُ اَوْ لَوْ لَا دَفْعُ اَللّٰهِ النَّاسَ بَعْضَهُمْ بِبَعْضٍ لَّهَدَمَتْ لَوْدَاتُ اَمَوْعٍ مُّوسِدٍ لِّجَعْدُ وَذَكَوْ فِيْهَا اَسْمُ اَللّٰهِ كَثِيْرًا وَّ لِيَنْصُرَنَّ اَللّٰهُ مَنْ يَنْصُرُهُ اِنَّ اَللّٰهَ لَقَوِيٌّ عَزِيْزٌ

The Prophet Muhammad (peace and blessings be upon him), said: "*Whoever hurts a Non-Muslim citizen of a Muslim state hurts me, and he who hurts me annoys God*" (Bukhari). "*He who hurts a Non-Muslim citizen of a Muslim state, I am his adversary, and I shall be his adversary on the Day of a Judgement*" (Bukhari). "*Beware on the Day of Judgement; I shall myself be complainant against him who wrongs a Non-Muslim citizen of a Muslim state or lays on him a responsibility greater than he can bear or deprives him of anything that belongs to him*" (Al-Mawardi).

14.8 Tolerance: It is an article of Faith for a believer to be tolerant. Forced conversions, persecution, and any sort of compulsion is an anathema in Islam:

لَا اِكْرَاهَ فِي الدِّيْنِ

"There is no compulsion in religion"
Surah Al-Baqarah (2) verse 256

The believers of other faiths can also not be insulted because Almighty Allah Commands us not to do so:

وَلَا تَسُبُّوا الَّذِيْنَ يَدْعُوْنَ مِنْ دُوْنِ اَللّٰهِ فَيَسُبُّوا اَللّٰهَ عَدْوً عَنِّيْ عِلْمٌ ط

"Reville not ye those whom they call upon
Beside Allah, lest they out of spite
Reville Allah in their ignorance"
Surah Al-Anam (6) verse 108

14.9 Sectarianism: Most of the proscribed organizations advocate extreme sectarianism and want to have Pakistan declared a sectarian state of their ilk.

These protagonists remain remiss of Almighty Allah's Commands which deprecate, sect, division (*firqa*), dissension (*fitnah*) and groups (*hizb*). The Holy Qur'an, states:

وَلَا تَتَفَرَّقُوا فِيهِ

“Do not be divided in it (religion)”
Surah Ash-Shura (42) verse 13

The Almighty despises those who divide Islam and Muslims, and claim superiority of their sect which boils over into hatred.

مُنِيبِينَ إِلَيْهِ قِيَمْتُوا وَاصْلُوا ۖ وَلَا تَكُونُوا مِنَ الْمُشْرِكِينَ
 مِنَ الَّذِينَ فَرَّقُوا دِينَهُمْ وَكَانُوا شِيعًا ۚ كُلُّ حِزْبٍ بِمَا لَدَيْهِمْ فَرٍّ حُونَ

“Turn in repentance to Him,
 And be afraid and dutiful to Him;
 And perform *As-Salat* and be not of *Al-Mushrikun*
 Of those who split (*farraqu*) up their religion
 And become sects, each sect rejoicing
 In that which is with it.”
Surah Ar-Rum (30) verse 31 and 32

He ordains that that we must not differ nor become divided:

تَكُونُوا كَالَّذِينَ تَفَرَّقُوا وَاخْتَلَفُوا مِنْ بَعْدِ مَا جَاءَهُمُ الْبَيِّنَاتُ ۚ لَا إِلَهَ إِلَّا اللَّهُ لَهُمْ عَذَابٌ عَظِيمٌ

“And be not as those who divided (*tafarraqu*)
 And differed (*ikhttalafu*) among themselves...”
Surah Al-Imran (3) verse 105

إِنَّ هَذِهِ أُمَّتُكُمْ أُمَّةً وَاحِدَةً وَأَنَا رَبُّكُمْ فَاعْبُدُونِ

“Truly, this, your community (*ummah*) is one religion,
 And I am your Lord, therefore worship Me.”
Surah Al-Anbiya (21) verse 92

14.10 Disagreement and *Fitnah*: Prophet Muhammad (peace and blessings be upon him) expanded on the Divine Message, warning: “*Do not engage in disagreement thereby causing discord among your hearts*”. When two Muslims were loudly arguing in disagreement about the meaning of a Quranic verse he said: “*People before you perished only because of their disagreement about the Scripture*.” In his famous sermon delivered at mount Arafat he said that, “*Every Muslim is a Muslim's brother, and that Muslims are brethren*”. He abhorred dissension (*fitnah*). Shortly before his death he said, “*O people the fire has been kindled, and dissension has set in like segments of a dark night*.”

14.11 **Salvation lies in Unity, Brotherhood and Love:** The message of unity, brotherhood, and love reverberates throughout the Holy Book, but we ignore at our peril the Creator's (*Al-Khaliq's*) guidance:

وَاَعْتَصِرْ مُوَابِدَ بَلْفَرِ الْفُجَّوْا جَمَاعَةً وَلَا تَعْتَدِ عَلَىٰ كُنُوزِكُمْ اِذْ كُنْتُمْ اَعْدَاءَ فَاَلَفَ بَيْنَ قُلُوبِكُمْ
 ذُنُوبُكُمْ بِرِئَاسَةِ الْخُلُوفِ اَنَا وَكُنُوزُكُمْ عَلَىٰ شَفَا حُفْرَةٍ مِّنَ النَّارِ فَاَتَقْتُمُوهَا كَمَا تَمْلِكُ يَدِيْنُ اللّٰهُ لَكُمْ اٰيٰتِهٖ
 لَعَلَّكُمْ تَهْتَدُوْنَ

“And hold fast, all of you together, to the Rope of Allah,
 And be not divided among yourselves (*tafarraqu*),
 And remember Allah's Favour on you,
 For you were enemies one to another
 But He joined your hearts together,
 So that by His Grace, you become brethren
 And you were on the brink of Fire, and He saved you from it.
 Thus Allah makes His signs (*ayat*) clear to you,
 That you may be guided.”
Surah Al-Imran (3) verse 103

14.12 **Consequences:** The menace of terrorism is spreading unchecked in Pakistan because functionaries of the State are not proceeding against them and those responsible for countering the extremist narrative have not demonstrated any capacity do so, let alone invalidate the extremist narrative. The extremist and hate riddled ideology that is being embraced and disseminated has resulted in many younger Muslims turning away from the Faith. Islam's answer to many issues, including the environmental crisis, remains unheard. By their conduct the terrorists also try to curtail the stature of Prophet Muhammad (peace and blessings be upon him), who is a blessing for the worlds (*Rehmat-ul-aalameen*) and not just a blessing for Muslims (*rehmat-ul-muslimen*) which their pettiness and small mindedness cannot comprehend. Abominable criminal acts are propelled by unbridled hate which is generated by self-importance, self-righteousness, and obdurateness. Such people are addressed by the Almighty Allah:

قُلْ اَنْعَلِمْ مِّنَ اللّٰهِ لَعَلَّكُمْ تَهْتَدُوْنَ اِنَّ فِي السَّمٰوٰتِ وَمَا فِى الْاَرْضِ لَرِزْقًا لّٰكُم مِّنْهُ شَيْءٌ عَلَيَّمْ

Say: “What! Will ye
 Instruct Allah about your religion?
 But Allah knows
 All that is in the heavens and on earth:
 He has full knowledge of all things”.
Surah Al-Hujurat (49) verse 16

15. THE RESPONSIBILITY OF THE STATE

15.1 **An Islamic State:** Pakistan is described as the “Islamic Republic of Pakistan” (Article 1 of the Constitution) and the laws of Pakistan are required to conform to “the Injunctions of Islam” (Article 227 of the Constitution). The Principles of Policy require that, “*Steps shall be taken to enable Muslims of Pakistan, individually and collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam and to provide facilities whereby they may be enabled to understand the meaning of life according to the Holy Quran and Sunnah*” (Article 31 of the Constitution). It is, however, becoming difficult for Muslims, those who actually believe in and adhere to the Almighty Allah’s Commands of peace, love, abhorrence to spreading *fitnah* and killing, to lead their lives in accordance with Islam. Those preaching hatred and violence and their sympathizers have come to occupy the public space and the voices of those who propagate Islam truthfully are being drowned out; the State must support the latter and take action against the former.

15.2 **The Acquisition of Reading and Writing Skills and of Knowledge:** Islam focuses on reading, writing, learning, and acquiring knowledge. *Iqra* is the first word of the Holy Quran and means to “Read”; the word (*Iqra*) has been used in the verbal form that does not ask but commands to “Read!” The first revealed *surah* (*Al-Alaq*) of the Holy Qur’an after the Almighty’s Commands to “Read” goes on to “*the use of the pen*”, then teaching and onto the acquisition of knowledge. The significance of these first words of the Holy Qur’an cannot be underestimated. These Commands of Almighty Allah are directed to everyone; men, women, boys and girls. Despite this clear message of Islam some have crossed all limits by attacking schools too. The ideologies and dogmas of these extremists have to be confronted intellectually. Reading, learning, teaching and the acquisition of knowledge have traditionally been the hallmark of Muslim societies, the disruption of which is a more recent phenomenon; the connection to Islamic ethos and metaphysics needs to be reestablished.

15.3 **Educational Institutions:** The State has the responsibility to ensure that educational institutions that teach Islam, including *madaris*, do so in accordance with the Commands of Almighty Allah. If they are found to be teaching or spreading hate, *fitnah* or extremism then those running them should be stopped and proceeded against in accordance with the law. Regrettably, the functionaries of the State have stayed clear of *madaris*.

15.4 **Wifaq ul Madaris (Educational Boards of *madaris*):** The Commission wrote letters to the five educational boards (*wifaqs*) of *madaris* operating in the country: (1) Wafaq-ul-Madarise-ul-Salfia⁹⁴, (2) Wifaq-ul-Madaris-al-Arabia⁹⁵, (3) Wifaq ul Madaris Alshia Pakistan⁹⁶, (4) Tanzeem-ul-Madaris Pakistan⁹⁷ and (5) Rabita-ul-Madaris Al-Islamia⁹⁸ and their association, the Ittehad Tanzeem Madaris⁹⁹. A specimen of the Commission's letter written to each of the aforesaid organizations is reproduced hereunder:

جناب عالی!

یہ کہ بجکم مورخہ 6 اکتوبر 2016 جاری کردہ مقدمہ نمبر S.M.C NO. 16/2016 جسٹس قاضی فائز عیدالہی، تحفظِ اسلامی پاکستان پر مشتمل ایک رکنی کمیشن قائم کیا گیا ہے۔ یہ کمیشن 8 اگست 2016 کو کوئٹہ میں ہونے والے دو واقعات (جناب بلال انور کاسی، صدر بلوچستان بار ایسوسی ایشن کے قتل اور سینڈیمین صوبائی ہسپتال میں بم دھماکہ) کی تحقیقات کر کے تیس دن کے اندر رپورٹ پیش کرے۔ ان واقعات میں ستر (70) سے زائد ہلاکتیں اور سو (100) سے زائد لوگ شدید زخمی ہوئے۔ ان واقعات کی ذمہ داری جماعت الاحرار اور لشکرِ جہدہ گوی العالمی نے قبول کی۔

پاکستان میں 2006 سے لیکر اب تک 17000 ہسبہ یہ گوردی کے واقعات ہو چکے ہیں۔ لہذا اس پس منظر میں آپ سے درج ذیل سوالات کے جواب / رائے مانگی جا رہی ہے۔

- 1- کیا آپ جانتے ہیں کہ کوئی مسجد / بلا واسطہ جماعت الاحرار یا لشکرِ جہدہ گوی العالمی سے منسلک ہے؟
- 2- کیا آپ کسی ایسی مسجد یا مدرسہ کے بارے میں جانتے ہیں کہ جس کے روابط بالواسطہ یا بلاواسطہ جماعت الاحرار یا لشکرِ جہدہ گوی العالمی یا لشکرِ جہدہ گوی العالمی یا ایسی تنظیم جس کا اندراج انسدادِ ہسبہ یہ گوردی قانون 1997 میں درج ہو۔ جن کا فہرست لف میں ذکر ہے؟
- 3- اگر آپ کو یہ پتہ چلے کہ کوئی مسجد یا مدرسہ تشدد کو اکسارہا ہے یا نفرت پھیلا رہا ہے تو کیا آپ کا ادارہ اُس مسجد یا مدرسہ کے منتظمین کے خلاف کوئی کارروائی کرتے ہیں۔ نیز کیا آپ اس بابت حکومت کو اطلاع دیتے ہیں؟
- 4- آپ کے ادارے کیساتھ کتنی مساجد اور مدارس کا اندراج منسلک ہے؟
- 5- کیا آپ کے علم میں یہ ہے کہ کوئی مسجد / مدرسہ کے منتظمین تشدد پر اکسارہا ہے یا نفرت پھیلا رہا ہے؟
- 6- کیا آپ کا ادارہ مساجد / مدارس کے منتظمین کو یہ احکامات جاری کرتے ہیں کہ وہ تشدد پر نہ اکسائیں اور نفرت نہ پھیلائیں نیز اگر ایسے احکامات جاری کئے گئے ہیں تو اس کا مثالی نمونہ پیش کریں؟

7- آپ کی رائے میں مختلف کالعدم / غیر کالعدم تنظیموں یا ایسی شخصیات جو کہ تشدد کو بڑھاوا دیتے ہیں اور نفرت پھیلاتے ہیں تو ان کے خیالات اور احکامات کی نفی کا احسن طریقہ کیا ہے۔ اگر آپ کے پاس اس ضمن میں کوئی تحریری نمونہ ہے تو پیش کیجئے۔ اور اگر ایسا کوئی نمونہ نہیں ہے تو براہ کرم اپنا تفصیلی جواب قرآنی احکامات کی روشنی میں دیجئے۔

آپ کے ادارے نے دہشت گردی اور نفرت کے خلاف کوئی مخصوص تعلیمی درس مرتب کیا ہے تو براہ کرم مکمل تفصیلات لف کریں۔

درج بالا سوالات کے جوابات تنظیم کے سربراہ خود دیں اور اگر کسی وجہ سے وہ دستیاب نہ ہو تو ان کے بعد نائب جوابات دیں۔

آپ کے جوابات کے ہم منتظر رہیں گے اور اُمید رکھتے ہیں کہ یہ جوابات بذریعہ ای میل درج ذیل پتہ quettainquirycommission.scp@gmail.com پر ارسال کریں۔ یا پھر عدالت عظمیٰ کوئٹہ تحقیقاتی کمیشن بلوچستان ہائی کورٹ بلڈنگ، حالی روڈ کوئٹہ یا پھر دونوں مذکورہ پتوں پر مورخہ سات نومبر 2016 تک ارسال کریں۔

یہ خط جسٹس قاضی فائز عیسیٰ، جج عدالت عظمیٰ پاکستان / تحقیقاتی کمیشن کی ہدایات اور اختیارات کے تحت جاری کیا جا رہا ہے۔

The Commission received responses from all the *wifaqs* and informed that a total of 26,465 *madaris* were affiliated with them, particulars whereof are as follows: Wafaq-ul-Madarise-ul-Salfia = 695¹⁰⁰, Wifaq-ul-Madaris-al-Arabia = 14,590¹⁰¹, Wifaq ul Madaris Alshia Pakistan = 470¹⁰², Tanzeem-ul-Madaris Ahle Sunnat Pakistan = 9,210¹⁰³ and Rabita-ul-Madaris Al-Islamia Pakistan = 1,500¹⁰⁴. All the *wifaqs* expressed a commitment against the spread of hatred and extremism and stated that if any *madrassa*, which is affiliated with them, does so they will proceed against those running it. The Tanzeem-ul-Madaris Ahle Sunnat Pakistan, however, mentioned the difficulty in monitoring each *madrassa*, and that this task was the responsibility of the State.

15.5 **The Ministry of Religious Affairs:** The Commission also sought information and views from the Government of Pakistan's Ministry of Religious Affairs and Inter Faith Harmony¹⁰⁵, by writing:

- “(1) Is there any mosque or madrassa directly or indirectly linked with Jamat-ul-Ahrar, Lashkar-e-Jhangvi or Lashkar-Jhangvi-al-Aalami?”
- (2) Is there any mosque or madrassa which is directly or indirectly affiliated or linked with any organization proscribed under the Anti-Terrorism Act, 1997 including those that are under observation as mentioned in the attached list (“the List”)?

- (3) Which, if any, department monitors mosques / madrassas to ensure that they do not incite violence or criminal offences or spread hatred?
- (4) If it is detected that a mosque / madrassa is inciting violence or criminal offences or spreading hatred what, if any, action is taken against it?
- (5) Provide the total number of mosques and madrassas in Pakistan?
- (6) The number of mosques / madrassas in Pakistan which incite violence or criminal offences or spread hatred?
- (7) Are any instructions given to mosques / madrassas not to incite violence or criminal offences or hatred, and if given, provide samples of these instructions.”

The Ministry responded¹⁰⁶ to the aforesaid queries:

- “(1) The matter relates to M/o Interior (NACTA) and Provincial Home Departments. The information may kindly be obtained from them through Ministry of Interior and Chief Secretaries.
- (2) -do-
- (3) -do-
- (4) -do-
- (6) -do-
- (7) -do-

As far as para-5 is concerned, it is informed that this Ministry obtained information in 2015 relating to province and region wise (*sic*) data of registered madrassas under Ittehad Tanzeem ul Madaris Pakistan (ITMP) which is enclosed.”

The list enclosed with the Ministry’s reply, mentioned a total of 11,852 registered *madaris*, but states that from Wifaq-ul-Madaris Al-Arabia’s “*data is still awaited*”. The Ministry does not possess even basic data nor does it appear to have the ability to obtain it. As per the information provided to the Commission by the *wifaqs* there are 26,465 *madaris* in the country. However, not all *madaris* are affiliated with the five *wifaqs*. Surprisingly, there is no central depository of basic data, including the number of *madaris* and their particulars, nor is the Ministry, or any other authority in Pakistan, even now attempting to obtain and collate it. The State needs to have a complete record of all educational institutions in the country, including *madaris*. Without such information it will not be possible to formulate and implement any strategy regarding them, nor take action against the errant ones.

15.6 Ministry of Religious Affairs Treatment of Non-Muslims: The nomenclature of the Ministry of Religious Affairs was changed and to its name was added, “Inter Faith Harmony”. However, all that the Ministry appears to be concerned with, as per its own website (www.mora.gov.pk), are matters relating to

Hajj and Umrah. It does not attend to religious education nor to matters of *inter faith harmony*.

15.7 Duty of an Islamic State towards non-Muslims: An Islamic state takes upon itself the duty to protect religious minorities. Early Islamic history is replete with examples of the extreme care taken to ensure that religious minorities and their places of worship were absolutely safe. To cite just one example, Hazrat Umar (Allah be pleased with him) triumphantly marched into Jerusalem (637 AD) but declined the invitation of the Patriarch to say his prayers within the Church of the Holy Sepulcher because his followers may subsequently seize it as a mosque. Whilst the matter of arranging security may not fall within the Ministry's domain it can certainly strive to ensure that hate and extremist thought is intellectually countered and put a stop to.

16. REACTION OF LEAs AFTER THE BLAST

16.1 Creating Further Panic: Aerial firing was resorted to by the policemen who were present at the time of the blast at the Hospital¹⁰⁷. As per the Police version, the only person who did so was a guard, SP Tariq, who had fired four shots from his Kalashnikov, and he did this to scare away the terrorists¹⁰⁸. The IG of Police during the in-camera briefing sought to justify aerial firing, but in his written response to the Commission's questionnaire had a change of heart. Some of the lawyers and doctors, who were present in the Hospital when the blast occurred, stated that in addition to the firing by the said policeman they had also heard two or three "bursts" of automatic fire from Kalashnikovs or some other type of sub-machine gun¹⁰⁹. Witnesses also testified that the firing had further terrified them as they thought the terrorists were still there and continuing to attack; consequently, valuable minutes were lost that could have been used to provide immediate first aid to the injured. Therefore, in addition to the said policemen, other members of law enforcement agencies ("**LEAs**") had also resorted to aerial firing too.

16.2 Aerial Firing: Aerial firing is frequently resorted to by law enforcement agencies in the aftermath of terrorist attacks ostensibly to scare away the terrorists. However, aerial firing proves counterproductive as it further terrorizes the victims and keeps doctors, nurses, and paramedics who may want to come forward to provide first aid away. Pakistanis have suffered from

terrorist attacks for decades, and continue to do so, but still there are no protocols or standard operating procedures (“SOPs”) instructing law enforcement agencies personnel how best to respond in the aftermath of a terrorist attack.

16.3 Dangers of Aerial Firing: There is a lack of knowledge about the destructive potential of a bullet fired in the air even amongst LEAs. During the in-camera briefing the IG of Police had no clear idea about the destructive potential of a bullet fired into the air when it returns back to earth. PFSA's firearms expert testified that bullets fired in the air can cause serious injuries and fatalities¹¹⁰. Information about this dangerous practice is also easily accessible on the internet. The IG of Police was shown a couple of such articles and he agreed with them¹¹¹.

16.4 No Action Taken against those who resort to Aerial Firing: LEAs take no action against the daily occurrences of aerial firing; throughout the Commission's stay in Quetta aerial firing was heard, but no action by LEAs was taken. This all prevailing culture of lawlessness has serious consequences. Since there is no distinction between the sound of firing by terrorists and those carrying out 'recreational' aerial firing LEAs may not respond to firing by terrorists.

17. THE SITUATION AT THE HOSPITAL AFTER THE BLAST

17.1 Injured Left Unattended: The injured and the uninjured lawyers testified that, except for a notable exception, doctors and other staff of the Hospital did not render medical or any assistance to those lying wounded at the blast site¹¹². The video recordings also establish this fact. The blast took place in the heart of the Hospital, therefore, the absence of doctors and other Hospital staff is inexplicable. There were a few exceptions; the only one, of whom it can be stated with certainty, to have rushed to the blast site, and to have provided first aid was Dr. Shehla Sami (W10)¹¹³. Dr. Shehla Sami is a gynecologist and was at quite a distance from the blast site when she heard the blast. She ran towards the blast site while everyone else was running away from it. She provided first aid to the injured and it is reasonable to assume that she saved quite a few lives¹¹⁴.

17.2 Callous disregard of Human Life: In the aftermath of the explosion, there was generally a callous disregard for human life by doctors and health carers. Dr. Shehla Sami's motivation and dedication was expected from every doctor at the Hospital who was not already attending to an emergency, but sadly this was not witnessed. If this is the caliber of doctors graduating from the local Bolan Medical College one can only pity the people they are supposed to serve and who pay for their services. The absence of doctors and other staff of the Hospital contributed to the misery of the victims, some of whom undoubtedly perished for not receiving timely treatment.

17.3 Lack of Stretchers and First Aid Kits: The Hospital was completely unprepared to attend to emergencies involving a large number of injured. Only a couple of stretchers could be found to carry the injured. Heavy beds from the wards were dragged out by volunteers to carry the injured ones, and more than one injured was placed on them¹¹⁵. Certain injuries have to be attended to immediately to save lives and the lack of stretchers was probably a major factor in some lives being lost. There were also no first aid kits or bags containing minimal essential medicines and bandages, either in the Casualty or anywhere else in the Hospital¹¹⁶. A doctor, nurse, or even a paramedic could have rushed to the blast site with these kits providing a few additional crucial moments of life to an injured till he could be taken to a ward or operating theatre.

17.4 Lack of Fire Fighting Equipment: There were no fire extinguishers, fire-buckets or fire-blankets. The fact that there has been a number of attacks in the Hospital made this complete lack of preparedness incomprehensible. An almost identical attack had taken place on April 16th, 2010, by a suicide bomber, at the very same place when the terrorist of Lashkar-e-Jhangvi had first attacked the son of the President of the Balochistan *Shia* Conference and thereby lured members of the *shia* community; 11 lives were lost and another 40 were injured.

18. CHRONIC ABSENTEEISM AT THE HOSPITAL

18.1 Absence of Hospital Staff: A very large number of doctors, nurses, dispensers and paramedics who ought to have been on duty in the morning shift on August 8th, 2016, were absent without explanation. In the absence of a credible attendance marking system the mobile 'phone data of the Hospital's

staff was checked by an intelligence agency to ascertain the whereabouts of the Hospital staff and the results that emerged were shocking: 81 doctors, 18 nurses and 15 dispensers and paramedics were found to be absent, whilst the presence of an additional 52 doctors was considered "doubtful"¹¹⁷.

18.2 Biometric Attendance System Vandalized: A biometric attendance system was installed at the Hospital in 2014. To record attendance each employee has to place his/her thumb on a small thumb print reader. Once this system is installed it clearly shows those employees that are present and those that are absent. As such it does not suit those who do not want to work, but want still to be paid. Therefore, before the biometric attendance system at the Hospital could be made operational a number of doctors and paramedics on May 15th, 2014, viciously attacked the contractor's employee who was collecting the data of the Hospital staff to feed into the system to make it operational¹¹⁸. They also grabbed the laptop which contained the data that had already been collected, and threw it outside the office of the Medical Superintendent ("MS") after damaging it¹¹⁹. Surprisingly, neither was the system repaired and made functional nor the attackers disciplined, or criminally prosecuted, even though the MS had informed the Secretary Health about the incident¹²⁰. It appears the Government abdicated its responsibility and also surrendered itself to the dictates of the doctors and paramedics associations operating in the Hospital.

18.3 Government Condones Criminal Conduct: The Secretary of the Health Department professed complete ignorance about the identity of those who had launched the abovementioned attack. His pretence at ignorance was exposed when during the Commission's hearing a CCTV¹²¹ recording of the incident was projected onto a screen in public, and where one could clearly see those who were attacking the employee of the contractor. The Government of Balochistan in failing to act against the attackers and in failing to get the biometric system operational sent out four very clear messages. Firstly, the destruction of public property and physical attacks would not result in criminal prosecution. Secondly, those who did so would not even have to face disciplinary proceedings. Thirdly, if the Hospital staff did not want to have a credible attendance marking system then this wish would become the Hospital policy. And fourthly, the doctors and paramedics associations would go from strength to strength at the cost of the public.

18.4 The Commission and the Biometric Attendance System: The Commission inquired from the Chief Secretary and the Health Secretary of the Government of Balochistan as to why no action had been taken against the perpetrators of the attack, and why the biometric attendance system had not been made operational. It was only then, after two years and four months, that show cause notices were issued to two doctors and one paramedic (though more attackers could be seen in the recording). The biometric attendance system was also made operational¹²². The complete lack of a sense of responsibility and accountability in the Government of Balochistan appears to be endemic. Doctors are paid from the public exchequer, but do not work, a biometric attendance system is paid for from the public exchequer but not allowed to function. The resources of the province are squandered. Failure to discipline recalcitrant doctors and paramedics, who took the law into their hands to ensure that the biometric system did not function, demoralizes the few conscientious doctors and other staff of the Hospital and strengthens the association of doctors and paramedics operating in the Hospital to the public's detriment. A tragedy of epic proportions.

19. THE HOSPITAL CASE JUDGMENT

19.1 Failure to Implement the Hospital Case Judgment: If the orders and judgment passed in the case of Hukam Bibi v Government of Balochistan Health Department and two connected petitions (C. P. Nos. 37/2005, 245/1998, 432/2002 and CMA No.517/1999) (hereinafter collectively referred to as "**the Hospital Case Judgment**") were implemented it may have deterred the attack taking place in the Hospital and many of the prevailing problems in running of the Hospital would have been resolved. The last three paragraphs of the judgment are reproduced hereunder:

“8. These petitions are disposed of with the direction to comply with all the interim directions that have already been issued and to further ensure compliance of the directions hereinabove contained.

9. That an effective regime for inspection of the said hospitals must be put in place to ensure that the aforesaid directives are being implemented and the said hospitals are operating effectively and efficiently. It will remain open for any person to come forward if hospitals are not providing the medical relief commensurate with the resources made available. It will also be open for anyone to point out if the funds provided to hospitals are being misused, misappropriated or pilfered.

11. Copy of this judgment to be sent to the President of Pakistan through his Principal Secretary, the Governor of Balochistan through his Principal Secretary, Chief Minister through Principal Secretary, Chief Secretary, Secretary Health, Director General Health and the Medical Superintendents of the Sandeman Provincial Hospital Quetta and the Bolan Medical Complex Hospital.”

19.2 Absenteeism and the Hospital Case Judgment: With regards to the matter of absenteeism the following direction was given in an interim order which was specifically incorporated in the Hospital Case Judgment dated August 5th, 2013:

“Absenteeism (order dated 03.03.2010):

Medical Superintendents of SPH and BMC are directed to ensure that ... there is no absenteeism. In case any person is found absent from duty without obtaining leave, action should be initiated against such person.”

20. PRE-ATTACK SECURITY OF THE HOSPITAL

20.1 Security Personnel: There were 19 *chowkidars* and 75 guards on the Hospital payroll¹²³. In addition to them the Hospital had engaged the services of a private security contractor (Yaldram Security) at an annual cost of three million and three hundred thousand rupees. Yaldram Security was supposed to provide 24 guards and 2 supervisors¹²⁴. However, as to how many of the security personnel of the Hospital or those of Yaldram Security were actually present at the time of the blast or had come on duty was anyone’s guess in the absence of a credible attendance system. Despite employing a large number of security personnel there was no monitoring of the people who entered the Hospital.

A doctor narrated that once the members of a proscribed organization armed with Kalashnikovs had brought their companion and had him treated at gunpoint, and, during the half hour that it took to extract the bullet, the security personnel of the Hospital, the Police and the Frontier Corps remained absent¹²⁵. With regards to prohibiting the entry of armed persons an interim order, incorporated into the Hospital Case Judgment, had directed, that:

“Weapons-free zone (order dated 19.09.2009):

No private armed person is to be allowed into the Hospital and if any armed person tries to enter the hospital premises the concerned SHO, should be informed to act against him/them in accordance with law.”

20.2 Training: There was no fire, security or emergency drills, nor any instructions or training given on how to respond to an attack in the Hospital.

This complete lack of attention constitutes abject negligence when viewed in the backdrop of earlier attacks that had taken place within the Hospital. No lessons were learnt from the past attacks and there wasn't even a semblance of preparedness.

20.3 CCTV Cameras: A number of CCTV cameras installed in the Hospital were not functioning and no effort was made to repair them. Cameras that were positioned to monitor entrances were installed at a considerable distance from such entrances, they were affixed at an angle that was unable to clearly record the faces of all those entering the Hospital premises, and so recordings made were inadequate in the identification process. No training was imparted to the Hospital staff monitoring the screens in the control room, including what to look for and who to contact in case they saw someone or something suspicious; there was also no extension 'phone or wireless walkie-talkie system to communicate with the security personnel. The CCTV cameras were not of high definition (HD) and as such the recordings were of poor quality; at least in sensitive locations and at the entrances HD cameras should have been installed to clearly monitor and record the people entering the Hospital. The failure to monitor the hospital entrances, non-monitoring of the attendance of security personnel, and not having a proper security regime in place was surprising since the Hospital and the Bolan Medical College hospital had suffered similar attacks. As mentioned above on April 10th, 2010, when the suicide bomber detonated his suicide vest in the Hospital and when the Bolan Medical College was attacked on June 15th, 2013, leaving 25 dead and a number of injured.

21. VISITING HOURS

21.1 No Designated Visiting Hours: Most hospitals designate a period of the day as "Visiting Hours" when patients may receive visitors. The Hospital does not have any such time allocated for visitors nor does it restrict the number of people, nor movement of those visiting¹²⁶. Anyone can come to the Hospital and freely roam anywhere in the Hospital. If the companions of a patient want to gain access to an operating theater they can easily force their way there as well¹²⁷. Failure to implement visiting hours and controlling the number of visitors makes the Hospital look like a congested bazaar, rather than a place of healing and recuperation.

21.2 Visits by VIPs & Media Proves Disruptive: After the blast at the Hospital very important persons ("VIPs") started visiting the injured. Before their scheduled visits the Hospital was subjected to thorough security sweeps, and if the VIP happened to be the Prime Minister or the Army Chief, then the sweep included the operating theaters that were checked by security and bomb disposal personnel, but unfortunately without donning the required sterilized aprons and slippers¹²⁸. In addition, mobile jamming devices accompanied VIPs, obstructing cellular telephone signals and preventing people from contacting the hospital and or doctors from contacting each other in an emergency. During these visits different areas of the hospitals are also cordoned off even from doctors. Such visits clearly disrupt the working of hospitals and expose patients to avoidable risks. A witness also testified that during the Army Chief's visit to Quetta, the Cantonment area was locked down therefore preventing access to the Combined Military Hospital ("CMH") which is situated in the Cantonment¹²⁹.

Whilst it is commendable that important personages want to express their concern and show solidarity with the victims of terrorism, this need not be done by visiting the injured in hospitals immediately after an emergency, and that too in the company of a very large number of security personnel and accompanying media. The presence of an intrusive media also hampers a hospital's working. It needs reminding that hospitals are places of treatment and convalescence and their working must not be disturbed or disrupted in any manner.

21.3 Visiting Hours and the Hospital Case Judgment: With regard to visiting hours the following interim order was passed which was incorporated in the Hospital Case Judgment:

"Implementation of visitors' programme and visiting hours (order dated 19.09.2009):

DG Health also pointed out that the visiting hours are not being observed. He stated that during visiting hours maximum of two visitors can visit a patient in the wards. Deputy MS and RMOs are directed to immediately put in place a system in this regard and issue two plastic-coated passes to each bed in a ward when the patient is admitted, which card should disclose the ward and number of the bed. If more than two visitors come to visit a patient, they should wait in the designated waiting area and be permitted to visit when the visitor(s) in attendance have handed the card(s) to the other visitor(s). Every visitor should be required to wear the visitor cards around his/her neck during the duration of the visit. Necessary instructions in English and Urdu to be affixed at the entrance of the hospital for the information of all visitors

and media should be contacted for dissemination of the same. Within one month the visitors program must be fully operational.”

22. CLEANLINESS OF THE HOSPITAL

22.1 Complete lack of Cleanliness: The complete lack of cleanliness in the Hospital was shocking¹³⁰. The level of cleanliness was far below what one would expect in a hospital, let alone in the principal Hospital of the province. Even the surgical wards (Male Surgical Unit I and II), which one would expect to be the cleanest part of the Hospital, were grimy and soiled and the toilets in the wards disgustingly filthy; not a single one of the toilets were functional nor appeared to have been cleaned for some time. There was also water on the tiled floor of the toilets making it slippery. The fact that these toilets were to be used by those who had been recently operated made the prevailing pathetic situation utterly tragic. There was also graffiti inscribed on the walls. The incinerator of the Hospital was not functional and the MS said that the hospital waste was sent to the Bolan Medical College hospital for disposal.

22.2 Cleanliness and the Hospital Case Judgment: With regard to the matters of cleanliness the following directions were given through interim orders, which were specifically incorporated in the Hospital Case Judgment:

“Ensuring attendance of cleaners (order dated 19.09.2009):

The RMOs [Resident Medical Officers] are directed to ensure that each and every sweeper attends work and stays of the premises during the entire duration of his shift. Attendance register should be maintained for each and every shift, which should be signed by the staff each and every day that he starts his shift and also when he ends his shift and countersigned by the concerned RMO. The RMOs are further directed to ensure that all sweepers wear prescribed uniform with name tags whilst on duty time and in case of non-wearing of uniform the RMOs should take disciplinary action against them. The RMOs are further directed to ensure that the hospital is kept clean.”

“Drains and sewerage (order dated 19.09.2009):

Learned amicus pointed out that the sewerage lines are not cleaned and manhole covers are broken and missing resultantly, rats and cockroaches are found within the Hospital which is a grave health hazard. The DMS [Deputy Medical Superintendent] and RMOs are directed to periodically have the sewerage lines cleaned and ensure that covers of all manholes are in place and to take effective measures to get rid of rats and cockroaches.”

“Graffiti and wall chalking (order dated 03.03.2010):

All graffiti / slogans to be removed from the premises within a period of 10 days.”

“Disposal of hospital waste (order dated 14.09.2009):

It is expected that the [Health] department’s representative will visit each and every hospital and laboratory in Quetta city and the place of incineration of the said waste. The manner in which waste is collected and transferred should also be reported.”

23. AMBULANCES

23.1 The Hospital’s Ambulances: A number of witnesses testified that it was only after the lapse of some time that the ambulances started arriving to transport the injured to other hospitals in the city. The Commission was informed that the Hospital has seven ambulances, of which one was not functional; no apparent effort was made to get it functional¹³¹. It would, however, not be strictly correct to describe these vehicles as ‘ambulances’, because they are primarily vehicles that can accommodate a stretcher; they didn’t have the necessary life saving equipment or medicines, nor are they accompanied by a paramedic, much less one trained to provide first aid.

23.2 The Ambulance Compound: The compound where the ambulances were parked was strewn with junk. There were also two derelict ambulances there, one a proper ambulance marked with the inscription *“Donation by the Government of Japan”* and the other a four wheel-drive which had been involved in an accident¹³². No attempt was made to get these two ambulances repaired so they could be put to use. A state of the art ambulance without number plates or any marking was also parked in the compound. The Commission, on its visit to the Hospital, was told by the MS that this ambulance had brought a patient from Panjgur. Surprisingly, the Police and Levies permitted the ambulance to travel all the way from Pangjur, despite it not having registration number plates. This is yet another example of dereliction of duty and breakdown of governance in the province.

23.3 Registration Numbers: Except for two none of the functional ambulances had proper registration numbers and the following type of number plates were affixed on them: “AFR-016”, “Ambulance-1” and “QAF-2001”. No register or other record was kept at the ambulance office to enable tracking of ambulances, when and where they had been taken, or if they had returned and

were once again able to attend to emergencies. However, log books were stated to be kept inside the ambulances. There was no reason not to obtain registration numbers for the ambulances and affixing them unless in all probability it was to facilitate their misuse.

23.4 Commission's Intervention: It was only once the matter of the ambulances was inquired into that the Health Department obtained registration plate numbers for 122 ambulances in the Province and stated that these had been affixed. It appears that the Health Department, like most others, would do what they were required to do only when a query was publicly raised by the Commission¹³³.

23.5 Access of Ambulances Restricted: At the Hospital, there was no designated place for doctors and other Hospital staff to park their vehicles¹³⁴. Entry-parking stickers were also not issued for their vehicles. Any vehicle could enter the Hospital premises and park anywhere, which obstructed easy access of the ambulances and vehicles transporting injured people or those who required emergency treatment.

24. THE MEDICAL SUPERINTENDENT OF THE HOSPITAL

24.1 A Figurehead: If the Medical Superintendent ("MS") wants to initiate disciplinary action against any staff member of his Hospital he can not do so, because in respect of the Hospital employees of up to grade 17 he can only send a complaint to the Director General Health Services ("DG"), who may if he deems necessary initiate disciplinary action. The MS and the DG are of the same rank and so the methodology adopted to initiated disciplinary action is incomprehensible. With regards to doctors and those in grades higher than 17, the disciplinary action can only be initiated by the Secretary Health¹³⁵. Neither the DG nor the Secretary Health initiated any disciplinary action against those Hospital employees who had viciously attacked the man who was installing the biometric attendance system in the Hospital.

24.2 The New MS of the Hospital: The Secretary Health removed Dr. Abdur Rahman from the post of MS of the Hospital because he was not cooperating with the Fact Finding Committee and replaced him with Dr. Fareed Ahmed Sulamani. The position of MS is a grade 20 post, however both Dr. Abdur

Rahman and Dr. Fareed Ahmed Sulamani were grade 19 officers, though the latter was junior to his predecessor. Dr. Fareed Ahmed Sulamani also did not have a meritorious educational record, having obtained a third division in both his Matriculation and Intermediate examinations and had initially failed two subjects when he took his MBBS examination¹³⁶.

24.3 Management Cadre in the Health Department: A Diploma or Masters in Public Health is a prerequisite to be placed in the management cadre of the Health Department and to be posted as a MS of a hospital. Dr. Fareed Ahmed Sumalani stated that he has been awarded the degree of Masters in Public Health and had obtained an 'A plus' grade from the Institute of Public Health, Quetta. He, however, made me doubt such a qualification when he categorized the Hospital, as the "best" hospital in the province¹³⁷. Upon further enquiry it transpired the Institute of Public Health, Quetta, arranges visits to the Hospital and the Bolan Medical College Hospital and not to any well run hospitals¹³⁸. If the Institute of Public Health showcases these two hospitals as well run hospitals than one can legitimately question the benefit of such degrees. One may also form an opinion that the teaching / training provided by the Institute of Public Health, Quetta, may not be sufficient to prepare someone to attend to the many challenges that the job of a MS at the Hospital requires.

25. COMBINED MILITARY HOSPITAL ("CMH")

25.1 Shifting the Injured to CMH: Though the blast took place within the premises of the Hospital, all the injured were not given treatment there or it was felt that they could not be properly treated. There should have been immediate access to first aid and treatment in the Hospital, but in its absence many of the injured were shifted to CMH¹³⁹. CMH is situated at some distance and entry to it is restricted, as it lies within the Cantonment, entrances to which are checked by army personnel¹⁴⁰. The MS, the Health Secretary, and other government servants stated that the shifting to CMH resulted in avoidable loss of life on account of available health care at the Hospital. They further stated that if the injured had to be shifted they should have been taken to the Bolan Medical College hospital or to the Khalifa Shaikh Ziyad hospital, as both these hospitals had many more operating theatres than the CMH¹⁴¹. The irony of saying this was lost on them; as was the absence of public confidence in civilian public sector hospitals, and their own failure in not

directing the ambulance drivers to take the injured to the said two hospitals. Highly distraught and distressed civilians at the blast site who had seen their colleagues killed in front of them or severely injured were left to make decisions regarding an appropriate place of treatment. This ought to have been done by doctors or at least by nurses or paramedics, but unfortunately, they were nowhere to be found. The callous disregard for the injured demonstrated by the Hospital staff left the victims to fend for themselves and for their injured colleagues.

25.2 Treatment at CMH: The witnesses testified that the injured were not attended to promptly at the CMH and some even attributed gross negligence to the CMH staff¹⁴². Witnesses testified that the endotracheal tube inserted in the neck of Mr. Ghani Jan Agha Advocate, who had undergone tracheotomy, was removed for no reason at CMH and the removal of this tube caused his death at the CMH, which was not explained by CMH¹⁴³. The visit of the Army Chief and the lock down of the Cantonment area also disrupted access to CMH; two anesthetists could not get to the CMH because of it¹⁴⁴. The injured and their treatment merited priority over everybody else. Unfortunately, the ingrained VIP culture is not sensitive to such needs.

26. FINANCIAL COST OF TERRORISM

26.1 Cost of Terrorism in Pakistan: Each person killed by terrorists is irreplaceable and human life is priceless. However, governments do pay compensation to the legal heirs and to the injured, spend money on their treatment and replace damaged and destroyed property, etcetera, and all this costs public money. The financial cost of terrorism in Pakistan from 2002 till March 2016 was calculated to be an astronomical amount of US \$118,300,000,000 or about twelve and a half trillion rupees¹⁴⁵. The country suffers further on account of the outflow of capital and foreign investors shying away from investing. Borrowing costs for the Government of Pakistan also increase, so too does the insurance premium, etcetera. Thus, terrorism not only destroys lives but also deals a crippling blow to the economy. Walls are raised, and then raised higher, guard rooms are built, bullet proof and bomb resistant vehicles purchased, security personnel are deployed and the number of those already deployed are increased to safeguard public office holders; and

all this is paid out from the public exchequer. In the “2015-16 Annual Report” of the State Bank of Pakistan (“**SBP**”) at page 96 it is stated that:

“Unfortunately, Pakistan has been afflicted with the war on terrorism for the past many years. Both economic growth and social sector development have been severely hampered by terrorism-related incidents. Apart from causing immeasurable human suffering (casualties and displacements), these have also resulted in: (i) foreign investors shying away from the country; (ii) domestic investors adopting a wait-and-see stance; (iii) exporters being unable to fulfill their orders (due to disruptions in supply chains, among other reasons); and (iv) general slowdown in intra-country trade. According to an estimate [Economic Survey of Pakistan], the country has suffered direct and indirect losses from terrorism to the tune of US\$ 118.3 billion from FY 2002 to FY 2016, which are almost double the level of Pakistan's external public debt.”

26.2 The Financial Cost of the two Attacks: The financial cost incurred in respect of just these two attacks that occurred on August 8th, 2016 was one billion, two hundred forty three million, four hundred and twenty two thousand rupees¹⁴⁶.

26.3 Thrifty and Shortsighted: Unfortunately, neither the Federal Government nor the Government of Balochistan is prepared to spend a fraction of this amount to combat the menace of terrorism, to take preventive measures, to spend on proper investigations, to develop and maintain data banks of terrorists and their organizations and networks, to invest in forensic science, to provide basic life saving first aid kits in hospitals, provide necessary life saving equipment or even have a semblance of operational ambulances. It will be difficult for the country to be able to extricate itself from this morass unless certain necessary measures are taken, some of which have been identified in this report.

27. GOVERNMENT OF BALOCHISTAN'S UNRELIABILITY

27.1 Home Minister's Announcement: Immediately after the attack, and before the investigation had even begun, the Home Minister of the Government of Balochistan stated that he was ninety-nine percent sure that the intelligence agencies of two of Pakistan's neighbouring countries were behind it. If the concerned Minister had already determined and declared who the perpetrators were it would hamper the investigation and also undermine the credibility of the Government; as the investigators would either not investigate the crimes because the Minister has already predetermined who had committed them, or

in order to appease the Minister proceed to investigate with a view to arrive at the stated conclusion. Moreover, if it later transpired that the Minister's assumption was correct the investigation that came to this conclusion would not be deemed to be credible.

27.2 Chief Minister's Proclamation: On November 10th, 2016, the Chief Minister proclaimed that the "mastermind" of the attacks had been arrested; his announcement was widely reported on the electronic media the same day and made front page headlines in all the newspapers on the following day¹⁴⁷. On November 11th, 2016, the DIG Quetta, who was heading the investigation, testified that the announcement was incorrect¹⁴⁸. Since the DIG's statement negated the Chief Minister's proclamation therefore the Advocate General and the Government of Balochistan representatives who were present, were called upon to cross-examine the DIG in case they disputed his statement, but they elected not to¹⁴⁹.

27.3 Spokesman's Clarification: The very same day (November 11th, 2016) in the evening the embers of confusion were again ignited by the "Spokesman" of the Government of Balochistan on '*Dunya News*' who stated that the Chief Minister's choice of words was inappropriate, as the "facilitators" and not "mastermind" had indeed been arrested. In view of the Spokesman's statement, and the fact that it had not been retracted nor disputed by the Chief Minister, the DIG of Police was sent for. The recording of what the Spokesman had said on television was played and the DIG was asked about it, he said, "*No facilitator, mastermind or anybody else regarding the two incidents of August 8th, 2016, have been arrested*"¹⁵⁰. Once again the office of the Advocate General and the representatives of the Government of Balochistan were called upon to cross-examine the DIG in case they disputed his statement. They were also permitted to produce the Chief Minister and /or the said Spokesman as witnesses; however, they elected not to do so and stated that the DIG's testimony was not disputed.

27.4 Waste of Time and Erosion of Credibility: To clear up the confusion created by the so called announcement, proclamation and clarification wasted time. This was not the only occasion when it was found that certain members of the Government of Balochistan had a tenuous relationship with the truth. The statements by the Chief Minister and his Spokesman had created headlines, however, when the truth finally emerged their credibility was

tarnished, for which they only have only themselves to blame. When the Home Minister on December 5th, 2016, announced in a press conference that five of the terrorists had been killed in Hurumzai he hardly got media coverage. The following day's English newspaper 'DAWN' made no mention of it and 'The News' had a small story on the bottom of page four.

27.5 Truth the First Casualty: The first victim of the terrorists is the truth. It, however, ill behoves members of the Government to follow suit. A wrongful boast is easily exposed; if indeed the "mastermind" or the "facilitator/s" had been arrested then: Who were they? How many were they? Where were they when they were apprehended? Where were they being kept? Why weren't they produced? A myriad of other questions also arise. Lies are not sustainable, and can be easily exposed by adherence to the truth.

27.6 Publication of Proscribed Organization's Views: After five terrorists were killed in the police encounter in Hurumzai, an attempt was made to subvert the truth by the associates of the terrorists. The 'JANG' newspaper published from Quetta on December 8th, 2016 refers to a report by NNI news agency, and printed a statement of the spokesman of Lashkar-e-Jhangvi Al-Almi, whose spokesman stated that his colleagues had not been killed in an encounter, but rather had been killed after being arrested, and tried to bolster his claim by referring to the abovementioned proclamation of the Chief Minister and his spokesman's clarification.

27.7 Lashkar-e-Jhangvi Al-Almi's Claim: Since the claim by Lashkar-e-Jhangvi Al-Almi has been printed it becomes necessary to comment upon it. The Commission had already publicly determined on November 11th and 12th, 2016, and in the presence of the media, that the statements by the Chief Minister and his spokesman, with regard to the arrest of mastermind/facilitator/s, were incorrect. Under such circumstances the news agency (NNI) should not have circulated Lashkar-e-Jhangvi Al-Almi's statement nor should the newspaper have printed it. The statement of Lashkar-e-Jhangvi Al-Almi is also belied by the facts, including: (1) Tracking of the suspects, cordoning them off in their hideout, being fired upon by them and returning fire; (2) Injuries sustained by two members of a law enforcement agency, one whose bone was shattered and the other who received a bullet in the skull and whose condition is precarious; (3) Recovery of two Kalashnikovs, three pistols, detonating (prima) cord, wireless set, and other incriminating material; (4)

Linkages of the five terrorists with other crime scenes; and (5) photographic evidence.

27.8 Propagating the views of a Proscribed Organization: Lashkar-e-Jhangvi Al-Almi was proscribed by the Federal Government on November 11th 2016, therefore, to print, publish or disseminate its views is a punishable offence under section 11W of the Anti-Terrorism Act. Since the abovementioned publication is not a "*factual news report*" it may not be protected by the proviso to the said section.

In addition to disseminating and printing the views of a proscribed organization the news agency and the newspaper also seem to have disregarded certain other laws as well. There is an entire chapter, titled "*Of Offences Relating to Religion*" (Chapter XV) in the Pakistan Penal Code ("**PPC**") which makes it an offence to *insult religion* (section 295-A PPC) and *to utter words to wound religious feelings* (section 298 PPC). By referring to killers as *shaheeds* (martyrs), the indiscriminate killing of innocent people as *jihad* (striving in the way of Almighty Allah), suicide bombing and murder as a mission to enforce Islamic *nizam* (way of life), offended and insulted Islam and Muslims.

Another chapter of the PPC titled "*Of Criminal Intimidation, Insult and Annoyance*" (Chapter XXII) makes it an offence to induce any person "*to commit an offence against the State or against public tranquillity*" (clause (b) of subsection (1) of section 505 PPC), to incite a person "*to commit any offence*" (clause (c) of subsection (1) of section 505 PPC) and to resort to "*criminal intimidation*" (section 506 PPC). The language that has been used in the publication may also attract these provisions of law.

Incidentally Article 19 of the Constitution of Pakistan specifically states freedom of speech and the press has to comply with laws enacted to prevent "*commission of or incitement to an offence*" or with regard undermining "*the glory of Islam*".

27.9 Bad Journalism: That leaving aside the different laws that the news agency and the newspaper may have violated, the journalists made no attempt to verify the news before circulating or publishing it. They simply printed what the terrorist dictated, albeit lies. They also completely disregarded the martyrs who had been mercilessly killed by the terrorists and the hurt they caused to their heirs, loved ones and friends. Such insensitivity and lack of empathy for human lives is inexplicable in journalists.

28. ILLEGAL APPOINTMENTS

28.1 Appointment of Secretary Health – A Case of Nepotism: The Secretary Health heads the Health Department, and is ultimately responsible for the provision of health care in the province. The deplorable state of the Hospital, and the pitiable provision of the health care to those who had been injured in the blast, was to be looked at by the Commission from different perspectives to get a complete picture. The Supreme Court has also required the Commission to look at the matter from "*all the relevant aspects*". On August 8th, 2016, when the blast took place in the Hospital, an illegal appointee was working as Secretary Health, Government of Balochistan. The Chief Secretary testified, that:

“When the name of Dr. Umar Baloch as Health Secretary was proposed by the CM, I in writing opposed his appointment as it was in violation of the rules because he did not belong to any cadre, that is neither Balochistan Civil Service cadre nor the Pakistan Civil Service cadre, however, the Chief Minister overruled my objection and directed that he be appointed.”

Dr. Umar Baloch is the brother of a retired Lieutenant General and a Federal Minister and it was probably for this reason that the Chief Minister violated the rules. When this suo motu case was being heard this fact came to the attention of the Supreme Court, it was only then he was removed after having held the position for about seven months¹⁵¹.

28.2 Appointment of Non-Cadre Persons as Secretaries: Although Dr. Umar Baloch had been removed as Secretary Health however on November 10th, 2016, when the Chief Secretary testified, three other non-cadre persons continued to hold the positions of Secretaries in the Government of Balochistan. The Chief Secretary, however, assured the Commission that they will be removed within the week¹⁵².

29. UNDERMINING BALOCHISTAN'S CIVIL SERVICE STRUCTURE

29.1 Erosion of Good Governance: Doctors and paramedics were seen committing crimes but went unpunished, hooligans got what they wanted, doctors and Hospital staff drew salaries from the public exchequer but didn't work. While terrorists are becoming better equipped and resourceful,

governance is imploding under the lack of indiscipline, incompetence, rule-violation, unstructured discretion, and nepotism. The Chief Secretary made some startling disclosures; his candor was refreshing particularly when most other government servants, both Federal and Provincial, when not being obtuse were sparse with the truth. The Chief Secretary disclosed that civil servants from grade 1 to 17 were posted by the concerned Minister and grade 18 and above officers were posted at the discretion of the Chief Minister¹⁵³. He stated that this system, which the Province had adopted, has serious and adverse consequences and brings civil servants in direct contact with politicians, which is prohibited by the rules. In making postings the minimum two year rule of keeping a civil servant at a particular post was also not observed. The Secretaries and the Chief Secretary's authority is eroded when they cannot post their subordinates. It will be appropriate to reproduce the following extract from the testimony of the Chief Secretary:

“...officers in grade 18 and above are transferred / posted on the approval of the Chief Minister except Deputy Secretary and Additional Secretary in the Civil Secretariat which is done by the Chief Secretary.

Previously the Chief Secretary used to make all posting orders except those of Secretaries and Commissioners which was done by the CM in consultation with the Chief Secretary. The system has now been compromised by giving the authority to the CM. The reason I say that the Chief Secretary would better make such postings is because the Chief Secretary would always adhere to the stipulated duration of the tenure which is to be between 2 to 3 years in a particular post, however, as now the discretion vests in the CM he does not observe the minimum tenure. In addition to this the Minister of a department has the power to post anyone in his department from grade 1 to grade 17 which has completely undermined the authority of the Secretary of the Department. The Ministers also do not observe this minimum tenure requirement. At times Ministers and CM are directly approached by the bureaucrats for a particular posting which is completely against the rules. This too did not happen previously. The Ministers and Chief Minister are required to be responsible for policy, however, the implementation of such policies and to run the administrative units should be the responsibility of the Secretary and Chief Secretary.

As regards the Divisions, which are headed by Commissioners, this system has also been completely destroyed. In this regard previously the Commissioner used to post the Assistant Commissioner who in turn used to post the Naib Tehsildar, Kanoongoh, Patwari and all other postings up to grade 14, and the Deputy Commissioner would make postings within his District from grade 1 to grade 16. Now all this is done by the Minister which is completely unsatisfactory. This new system has concentrated all the administrative powers in the hands of Ministers which is a very bad development. The Minister's power should be restricted to policy matters whereas the administrative powers in the tier mechanism of Commissioners, Secretaries and Chief Secretary. The prevalent system also has another dimension; the bureaucrats are made accountable when things go wrong, including being summoned to court and the Ministers are not so exposed despite the fact that it was the Minister who had made the posting but the blame has to be taken by the Chief Secretary, Secretary, Commissioner and other officers.

As regards the Province of Punjab the system which is now in vogue in Balochistan is not so in the Punjab there the powers of the Commissioner, Deputy Commissioner and Assistant Commissioner remain intact where and Ministers only exercises powers in respect of grade 16 and 17 officers. The system in Balochistan has been changed to accommodate Ministers and political parties. The previous system was much better and the last Chief Minister when such system still functional was the late Mr. Akbar Bugti.”

The aforesaid state of affairs, which has prevailed for some time, including some novel concepts introduced when constitutional rule was overthrown, has chipped away at discipline, demoralized competent civil servants, and engendered nepotism and corruption.

29.2 Notable Exceptions: It was, however, refreshing to see a few notable exceptions. The lady doctor who rushed to provide first aid to those that had been injured in the bomb-blast, the lady doctor who returned to work despite being operated upon three times, the personnel who were fired at and were seriously injured whilst doing their duty to accost terrorists, those working to crack open the terrorist network including those working in secret, those who had quickly compiled a Fact Finding Report of the prevailing state of affairs in the Hospital and the cooperation, commitment, and competence of the Director General and other scientists of the Punjab Forensic Science Laboratory.

30. DIFFERENT LAW ENFORCEMENT AGENCIES

30.1 Police, Levies, and Frontier Corps: The Province is divided into two areas, ‘A’ and ‘B’ areas; the former are policed by the Balochistan Police and the latter by the Levies Force. The Deputy Commissioner of the District heads the Levies Force in his district. The Chief Secretary categorized this duplicity to be problematic:

“As regards the problems faced at the provincial level the single biggest problem is that there are three different forces operating in the Province of Balochistan; less than 10 percent of the area of Balochistan is under the police force and such areas are referred to ‘A’ areas and the rest of Balochistan is under the Levies Force which areas are referred to as ‘B’ areas. In addition the FC provides internal security duties. Sometime back the Levies Force had been merged into the police service but then the Provincial Legislature enacted legislation undoing this. As there is no clear demarcation between the responsibility of different forces it makes it very difficult to affix responsibility. I may illustrate this with an example, the District of Mastung which is where in our opinion there are roots of terrorist organizations comes within the ‘B’ area and thus administered by the Levies. At the apex of the Police is the IG of the Province whereas the Levies Force of each District reports to the Deputy Commissioner. ... In my opinion reverting to the Levies Force was a retrogressive

step and should not have been taken. It is also a myth that Levies as compared to Police is a cheaper force.”

30.2 Lack of Coordination and Clarity: The Chief Secretary had also testified about the lack of coordination between police, the local administration, and the FC, as under:

“As regards the FC it reports to the Inspector General, FC. At the local level sometimes the coordination between the Police, Levies and FC is not as good as it should be and problems have also been encountered where the local commander of FC may not agree to have a meeting in the office of the Deputy Commissioner even though the Deputy Commissioner is the local head of the Committee constituted in this regard.”

The aforesaid point stood validated when the Police and the Levies, after being fired upon by the terrorists from inside their hideout in Hurumzai, had called for FC's assistance, but sadly after the lapse of three hours FC had still not arrived, the operation to accost the terrorists was undertaken without FC's assistance. The FC personnel were only prepared to proceed if its own commander directed them to do so and their commander could not be reached in the middle of the night.

It is also not clear what exactly is the FCs role in Balochistan, and whether it has policing powers, as was reflected in the confused response at the highest levels. The Chief Secretary and the Commandant Ghazaband Scouts of FC stated that FC had policing powers whereas the Secretary of Interior, Government of Pakistan stated that, *“no policing powers have been given”* to FC¹⁵⁴.

31. INTERNATIONAL BORDERS

31.1 Border Crossings are not Monitored: The international crossings on the Western borders of Pakistan are not monitored. No record is kept of anyone entering or leaving Pakistan. The official border crossing into Afghanistan is from Chaman and into Iran from Taaftan, but no record of immigration or emigration is kept. Sadly an unwritten “policy” was formulated when a General was ruling the country to throw open Pakistan's Western borders and no effort has been made by successive governments to undo this. There is a widely held perception that the illegal ingress and egress of people and goods is incredibly valuable and it serves the personal interest of some functionaries of the State and this extremely powerful lobby relegates the interests of the people and the State to the proverbial dustbin. This popularly held perception was to an extent

confirmed by the Chief Secretary of the Government of Balochistan, who testified that:

“Another issue at the Federal level which is not attended to properly is that the international border crossing, between Pakistan and Afghanistan and between Pakistan and Iran which are respectively at Chaman and Taaftan, are not properly monitored. Till date there is no monitoring system at either crossing as compared to other crossings from where a person leaves or comes into Pakistan by which I mean neither the photograph nor the thumb impression of the person either entering or leaving the country is taken or kept. However, the Federal Government has finally woken up to this and is now in the process of installing such equipment at Chaman and it is expected that such equipment will become operational within two months. In addition there are innumerable other unofficial crossing points which could be better monitored by the Federal Government.”

31.2 Terrorism Facilitated: If one wants to check if anyone (including a terrorist) has entered into or left Pakistan from either of these borders there is no record to check. Ammunition and explosives can also be transported, as the Customs check posts are not situated on the border, but are located quite far from the border. Terrorism has afflicted the nation and at the highest levels allegations are also made about the involvement of intelligence agencies of neighboring countries, but absolutely no effort is made by the Federal Government to monitor these borders. An advocate who hailed from Qilla Abdullah district put the following question to the Chief Secretary:

“Q53. (Question by Mr. Barkhurdar Khan, Advocate) I put it to you that the drug trade finances terrorist acts such as those of 8th August 2016, however, in the Gulistan Bazaar in Qilla Abdullah drugs and arms are openly sold and also poppy is openly grown and in District Qilla Abdullah, what do you have to say?

Ans. As far as funding of these two terrorist attacks by the drug and armed trade is concerned we do not have any information in this regard. As regards the illegal sale of drugs and arms is concerned I personally did not know that such illegal activities are taking place, however, now I shall look into the matter and I also welcome you send me a letter directly marked “secret” with any evidence you may have in this regard or may communicate such information through other modes.”

The Hideout of the Terrorists in Hurumzai was not far from the Gulistan Bazaar in Qilla Abdullah, referred to in the above question, and Pakistan’s border with Afghanistan¹⁵⁵.

32. GOVERNMENT OF PAKISTAN’S CORRESPONDENCE

32.1 Official Stationery and Contact Details: The Commission wrote letters to government functionaries seeking information and answers to questions.

The responses were received from the Establishment Division, Finance Division, Ministry of Interior, Ministry of Religious Affairs and Inter Faith Harmony, Ministry of State and Frontier Regions, Federal Investigation Agency (FIA), Inter Services Intelligence (ISI), National Counter Terrorism Authority (NACTA) and National Security Advisor were on plain pieces of paper. Not a single one of these responses was on a letter head nor mentioned an address, email or even a post office box number. The responses from the governments of Balochistan, Gilgit-Baltistan, Khyber Pakhtunkhwa, Punjab and Sindh followed the same pattern. Nebulous ministries, departments and agencies without a footprint! The Commission, which was constituted by the Supreme Court of Pakistan, had considerable difficulty in ascertaining the whereabouts of the government ministries, departments and agencies; one can but commiserate with the poor citizens who may have to interact with them. If such nebulousness serves a purpose it could only be to remain aloof and unapproachable and therefore unquestionable and unaccountable.

32.2 The Inter Services Intelligence: The Inter Services Intelligence (ISI) must be providing valuable input to combat terrorism but surprisingly it can't be contacted to convey information on suspicious or terrorist related activities. ISI does not have a website, address, email, or telephone number. The Commission checked whether the intelligence agencies of other countries were also unreachable. The Central Intelligence Agency ("**CIA**"), Federal Bureau of Intelligence ("**FBI**") and the National Security Agency of the United States of America ("**US NSA**") provide contact particulars on their publicly viewable websites. Military Intelligence Section 5 ("**MI5**"), Secret Intelligence Service ("**SIS**"), National Counter Terrorism Security Office ("**NaCTSO**") and the Counter Terrorism Command ("**CTC**") of the United Kingdom also provide contact details on their publicly viewable websites, respectively:

- FBI: <https://www.fbi.gov/>
- CIA: <https://www.cia.gov/index.html>
- US NSA: <https://www.nsa.gov/>
- MI5: <https://www.mi5.gov.uk/>
- SIS: <https://www.sis.gov.uk>
- NaCTSO: <https://www.gov.uk/government/organisations/national-counter-terrorism-security-office>
- CTC: <http://content.met.police.uk/Article/Counter-Terrorism-Command/1400006569170/1400006569170>

33. FINDINGS

These findings emerge from the testimonies, exhibits, correspondence and documents on record. A finding is only given by the Commission when its veracity has been confirmed.

Attacks and Terrorists

1. The two attacks on August 8, 2016, are inextricably linked and were carried out by the same group.
2. The identities of the suicide bomber and his companion were discovered only after the Commission's intervention, which involved directing the police to have photographs of the terrorists forensically enhanced and printed in the newspaper with an offer of a reward for further information. Consequently, an informant came forward and revealed the identity of the suicide bomber along with some of his accomplices.
3. These were not the first attacks committed by these terrorists. If the functionaries of the State had established a bank of forensic information on past attacks, and pursued the cases, they may have prevented the attacks of August 8, 2016; in this regard the 2012 Terrorism Case Judgment has still not been implemented.

Police, Crime Scenes, and Forensics

4. The IG of Police had limited understanding of basic protocols or standard operating procedures in the aftermath of a terrorist attack. The crime scenes were not secured nor were they forensically examined. Forensic examination took place at the direction of the Commission at a much later date.

Aerial Firing

5. (a) LEAs resorted to aerial firing in the aftermath of the suicide bomb blast at the Sandeman Provincial Hospital Quetta ("**the Hospital**") .
 (b) They did so without consideration of the serious consequences.
 (c) The Police had not received instruction in the proper protocols or standard operating procedures in the aftermath of a terrorist attack.

The Hospital and the Treatment of the Injured

6. The Hospital is completely dysfunctional:
 - (a) It is extremely filthy and unhygienic.
 - (b) There are no first aid kits available.
 - (c) There are no adequately equipped ambulances.
 - (d) There is no firefighting equipment.
 - (e) There are insufficient stretchers.
 - (f) Basic hospital instruments/equipment is not available, or where available, it is in a deplorable condition.
 - (g) There are no visiting hours.
 - (h) There is no monitoring or checkpoints at the entry/exit in the hospital or even supervision, visitors can enter the hospital premises at anytime and visit any part of the hospital.
 - (i) VIPs do not respect the sanctity of the Hospital.
 - (j) The existing security system is wholly inadequate.
 - (k) Most of the employees at the hospital appear to have no work ethic.
 - (l) The prescribed uniform is worn by almost none of the Hospital staff.
 - (m) There is no discipline and accountability of the Hospital employees.
 - (n) Hooliganism prevails amongst innumerable Hospital employees.
 - (o) A large number of Hospital employees do not come to work.
 - (p) Junior officers are appointed as medical superintendents.
 - (q) There are no protocols in place at the Hospital to attend to terrorist attacks.

7. Triage has not been established, that is, protocol for prioritizing sick or injured people for treatment according to the seriousness of their condition or injury.

8. The lives of numerous injured were saved upon receiving prompt treatment. However, there were innumerable staff members missing/absent at the time of the blast, and the ill equipped facilities available were insufficient to cover the needs of the injured, and so, many more injured were left unattended to and had to be shifted to another hospital. Had doctors, nurses, and paramedics come forward to treat the injured there would have been no need to shift them and consequently no further loss of life.

Government of Balochistan

9. There is a breakdown in the implementation of law and order, which has led to rules being repeatedly violated without consequences, and this has fostered a culture of nepotism. There are unabashedly clear instances of nepotism when unqualified individuals were illegally appointed. This includes the illegal appointments of at least four Secretaries, including the Secretary Health Department (brother of a retired Lt. General and Federal Minister).
10. Government Service has been undermined by arbitrarily disrupting the rules of business. This has increased Ministerial interference, politicized the service, weakened discipline, and engendered corruption.
11. Multiple problems have arisen due to the division of the province into 'A' and 'B' areas, respectively under the Police and Levies.
12. The Frontier Corps is not responsive to the civil administration, and the role of the Frontier Corps in respect to policing is unclear.
13. The Government's credibility was undermined by the Chief Minister, the Home Minister, and by their spokesman, when they made irresponsible statements to the press. In these statements, fabricated leads were widely broadcast, disrupting the investigation, and creating false expectations.

Government of Pakistan and Federal Institutions

14. The Ministry of Interior is without clear leadership and direction; consequently, it is confused about its role in combating terrorism. The Ministry's National Security Internal Policy is not being implemented. The Officers of the Ministry appear more interested in serving the Minister than the people of Pakistan.
15. The National Action Plan is not a plan in any structured or meaningful way, nor has its goals been accordingly monitored or implemented.
16. The Anti-Terrorism Act has been violated: Proscribed organizations continue their illegal activities and new terrorist organizations are proscribed after long delays. Some terrorist organizations have still not

been proscribed or prosecuted, even when their statements acknowledging terrorist attacks are broadcasted and printed.

The Minister for Interior

17. The Minister of Interior has:

- (a) Displayed little sense of ministerial responsibility,
- (b) Called only one meeting of the Executive Committee of NACTA in over three and a half years,
- (c) Violated the decisions of the Executive Committee of NACTA,
- (d) Met the head of a proscribed organization, widely reported in the media with his photograph, but still denied doing so,
- (e) Accepted the demands of the proscribed organization regarding CNICs,
- (f) Inexplicably delayed in proscribing terrorist organizations, and
- (g) Not proscribed a well known terrorist organization.

NACTA Act and NACTA

18. The NACTA Act is not being implemented and NACTA has categorically failed: NACTA is not fulfilling its statutory mandate, NACTA's law is also not implemented by the members of its Board of Governors, which has never met, and its Executive Committee, which has met only once in three and a half years. The oversight of NACTA, which normally vests in the Board and the Executive Committee, has been assigned to NSA, which is a non-statutory body and is headed by a retired government servant.

Counter Extremism Narrative

19. The complete lack of a counter extremism narrative is deplorable, lamentable, and totally tragic. No written counter narrative has been prepared by the Ministry for Interior, NACTA, Ministry of Religious Affairs and Inter Faith Harmony, any provincial department or any government institution, even though the people's representatives have sounded the alarm that the *"menace of terrorism and extremism is becoming an existential threat to the state"* (preamble to the NACTA Act).

International Borders

20. The Western borders are not monitored, and even from the official crossings there is a free and unrestricted flow of people and goods (including terrorists, weapons, ammunition, and other contraband).

Ministry of Religious Affairs and Inter Faith Harmony

21. The Ministry of Religious Affairs and Inter Faith Harmony is a moribund Ministry and is not fulfilling its most basic mandate for inter faith harmony.
22. There is no registration or monitoring of *madaris*.

Financial Costs of Terrorism and Misplaced Priorities

23. The country incurs huge financial costs as a consequence of terrorism, but spends little to minimize its effects or prevent it.

Stationery – How to correspond with governments and institutions

24. The stationery of the Federal Ministries and institutions and provincial departments do not have contact details, including a postal address, email, and telephone number. This makes basic tasks such as communication unnecessarily difficult and the veracity of the letters received from these departments is questionable.

Media

25. The media has very few stories about the victims of terrorism. Media coverage seems to converge around the propaganda of terrorists, which is disseminated in breach of section 11W of the ATA.

Deserving Praise

26. Certain organizations and individuals rendered exemplary service. The following are found deserving of commendation:
- (a) The Government of Punjab for setting up a state-of-the-art forensic laboratory in a very short time and for immediate payment of compensation.
 - (b) PFSA's Director General and scientists, proved to be thoroughly professional, competent, highly motivated and very dedicated. Balochistan owes them a debt of gratitude.

- (c) Dr. Shehla Sami for her dedication – a role model for doctors.
- (d) The person who identified and made a connection with the shoes of the suicide bomber, which thereafter led to the shop.
- (e) The persons responsible for collecting debris from the blast site.
- (f) The intelligence agency which helped the police.
- (g) The LEA personnel who were shot by terrorists at Hurumzai.
- (h) The *wifaq ul madaris* for their forthright and positive contribution.

34. RECOMMENADCTIONS

The people of Pakistan have been subjected to sustained terrorist attacks, which continue unabated, and deserve answers. Those who have failed the people of Pakistan need to be held accountable. Things cannot go on as they have been. Without top-tier accountability, it is unlikely systemic change will be possible.

Islam is being corrupted by extremist ideology. The public space needs to be reclaimed to counteract the virulent propaganda of the terrorists. If Pakistan is to be a tolerant citadel of peace and inter-faith harmony, where people abide by its laws, then the laws and Constitution have to be reestablished. The State, which has receded in the face of those spreading hatred and murder, must re-exert itself.

The solution to the menace of extremism and terrorism is straightforward. Abide by the laws: the Anti-Terrorism Act ("**ATA**"), the National Counter Terrorism Authority Act ("**NACTA Act**"), the Pakistan Penal Code, and above all the Constitution of Pakistan ("**the Constitution**"). It is an abomination to have laws, and not enforce them.

Terrorists Organizations

1. The Anti-Terrorism Act needs to be enforced, and terrorists / terrorist organizations must be proscribed without delay. They must not be permitted to hold meetings. Those claiming to be members of proscribed organizations should be prosecuted in accordance with ATA.
2. The people of Pakistan require knowing the reasons why an individual or organization has been proscribed. Acts committed by terrorists, or those claimed by them, should be listed.

3. The list of proscribed organizations and individuals must be displayed in English and in Urdu, on the websites of Ministry for Interior, NACTA, Ministry of Information, Ministry of States and Frontier Regions, Home Departments of all provinces and territories, and widely disseminated. Any addition to the list of proscribed individuals or organizations should be publicly announced.
4. ATA is equally applicable to public functionaries and they should not be cavorting with proclaimed members of banned organizations. Hypocrisy must stop. There needs to be a nationwide streamlining of national policy and all government servants need to abide by it, or face the consequences.

Data of Terrorists

5. *"The Government of Pakistan and the Government of Balochistan"* were directed (in the Terrorism Case Judgment in the year 2012) to *"develop and maintain a data-bank with information on perpetrators / suspects of heinous crimes and terrorists organizations, including their names, aliases, parentage, addresses, photographs, thumb impressions, DNA, telephone number and telephone details, weapons used, particular type of explosive used and their respective modus operandi"*, but this has not been done. It is painful to see what the Balochistan High Court directed four years ago, and what the law of Pakistan mandated three years and nine months ago, lies unattended to.

The NACTA Act (which was enacted after the said judgment) also requires NACTA to *"collate data"* and to *"disseminate and coordinate between all relevant stakeholders"*. It has to date not done so.

Forensic Laboratories

6. The Terrorism Case Judgment had also directed *"the Federal Government and the Government of Balochistan to complete the Forensic Laboratory being setup in Quetta at the earliest"*. This has not been done. Despite heavy expenditure; the money remains unaccounted for.

The Government of Punjab (after The Terrorism Case Judgment) commenced work on, and established a state of the art, forensic laboratory. Other provinces should consult PFSA regarding all the crucial

information relating to the establishment of equally well equipped forensic laboratories in all the provinces.

In the expert opinion of the accomplished Director General of PFSA, forensic laboratories should be not under the jurisdiction of the police, but of scientists.

It is crucial that all forensic laboratories that are being established purchase the same equipment as PFSA has already done. This will ensure that results / tests can be uploaded in a central data bank and easily accessed from any province when required.

Crime Scenes

7. All crime scenes should be professionally secured, forensically examined, and extensively photographed as soon as possible.

If the investigating officer fails to comply it should be so recorded in his personal file and disciplinary action needs to be taken against him.

Aerial Firing

8. Aerial firing must be stopped throughout the country and immediate criminal cases instituted against those who resort to it.

LEAs must be instructed and directed not to resort to aerial firing in the aftermath of terrorist attacks as it further terrorizes the victims and dissuades doctors and emergency personnel to come forward to render first aid and assistance.

Protocols / Standard Operating Procedures

9. Protocols or standard operating procedures should be developed with the help of experts as how LEAs should act / react after a terrorist attack and disseminated immediately. Protocols or procedures should also be developed for hospitals, including triage.

NACTA

10. NACTA must be activated. It must do what the NACTA Act mandates. Periodic meetings need to take place of the Board of Governors and Executive Committee.

The National Action Plan should be made into a proper plan, with clear goals, a comprehensive monitoring mechanism, and periodic reviewing. It should also be translated into Urdu for wider dissemination and understanding.

Counter Extremism Narrative

11. The Commission prepared a counter narrative to extremism ideology, as there continues to be a lacuna even after three years and nine months since the NACTA Act was enacted. This has been set out in paragraphs 14.4 to 14.12 and 15.1 to 15.2 (above) of this Report.

Measures set out in the Terrorism Case Judgment, reproduced above (paragraph 11.1) against hate speech and literature, and in respect of slogan mongering on walls, needs to be followed.

Shortcomings

12. The shortcomings of the Hospital, Government of Balochistan and Balochistan Police noted above (under Findings) need to be addressed and removed.

Educational Institutions (including *Madaris*)

13. All educational institutions, including *madaris* need to be registered. Electronic registration should also be enabled. Each and every institution should be required to provide:

- a) name of owners (person/s or organization/s), including (address/email/telephone), CNIC/NICOP/Passport,
- b) name of administrators (person/s), including (address/email/telephone), CNIC/NICOP/Passport,
- c) all teachers employed, including details (address/email/telephone), CNIC/NICOP/Passport
- d) information on whether the institution is affiliated with any board or *wifaq*,
- e) name of students including details of parents (complete name, address, CNIC/NICOP/Passport information of parents). Computerized / hand written forms should be completed at date of entry of each student, and yearly updated.

Western International Borders

14. Entry into and departure from Pakistan needs to be PROPERLY monitored; all persons must have the requisite documentation and be photographed and thumb impressed by the personnel of FIA. The Customs authorities should ensure that contraband is not brought into the country.

Frontier Corps

15. When the police surrounded the terrorist hideout in Huramzai, they called the FC for reinforcements. Even after three hours, the FC did not come to their aid. Therefore, one can only repeat what the Balochistan High Court in its Terrorism Case Judgment had directed four years ago: *"We direct the Federation of Pakistan, through the Ministry of Interior/Defence, to issue requisite instructions to the Frontier Corps ("FC") deployed in Balochistan to come to the immediate assistance of the local law enforcement agencies when called upon to do so. Standing operating procedures in this regard should be developed, which should detail how best an effective cooperation methodology between the local law enforcement agency and the nearest FC post be developed"*.

Stationery of Government and its Institutions

16. The Federal Ministries, with its institutions and the provincial departments with its institutions should only use stationary which provides contact details, including postal address, email, and telephone number.

Media

17. If the media broadcasts and propagates the views of terrorists, then those doing so must be prosecuted in accordance with the law.

Compensation

18. The amount sent by the Government of Punjab as compensation and the amount earmarked by the Government of Balochistan as compensation for the legal heirs of the deceased and for the injured should be expeditiously distributed

35. CONCLUDING REMARKS

The Supreme Court, exercising powers under Article 184 (3) of the Constitution, took a timely and important decision to constitute a Commission. Soon after the appointment of the Commission, the terrorists struck again in Balochistan; at the Police Training College on October 24th, 2016, and at the Shah Noorani Shrine on November 12th, 2016, killing and maiming hundreds. The menace of terrorism continues. The two terrorist attacks that the Commission inquired into were not isolated as it was established that these terrorists had struck before, and the ongoing investigation may further reveal involvement in other attacks.

The Commission continuously worked for 56 days in finalizing this Report. Having examined concerned persons and obtained responses from all relevant ministries, departments and institutions, the monumental failure to combat terrorism and perform basic protocols emerged.

Forensic tools are not being used to aid in tracing the perpetrators of terrorist attacks, and rudimentary methodologies to examine crime scenes, etcetera, have just not been developed or standardized.

However, when there is considerable executive oversight, including making use of forensics, seeking out public help, and making investigators work deliberately and dedicatedly, then results can be achieved. The solving of the August 8th, 2016, terrorist attacks prove this.

Another monumental failure has been the lack in silencing extremist speech, literature, and propaganda. There has been a complete failure in producing and then disseminating a counter narrative; an attempt has been made to attend to this void.

To effectively combat extremism and terrorism public support is essential; therefore I recommend that this Report be made available to the media and to the public, and also uploaded on to the Supreme Court website. I wanted to translate this Report into Urdu but could not do so within the allotted time, and as such would recommend its translation into Urdu by the staff of Supreme Court, subject to my review to ensure accuracy. This Report may also be sent to every ministry, department, and institution mentioned in it.

This country was created by those who wanted to ameliorate the condition of the Muslims of the subcontinent, and to uphold the freedoms of those of every faith. The message of Unity, Faith, and Discipline was

unfortunately sabotaged by hypocrites and extremists and needs to be rejected. The original motto needs to be reclaimed, and in doing so, we will come closer in ensuring that fundamental freedoms are safeguarded.

December 13, 2016

JUSTICE QAZI FAEZ ISA

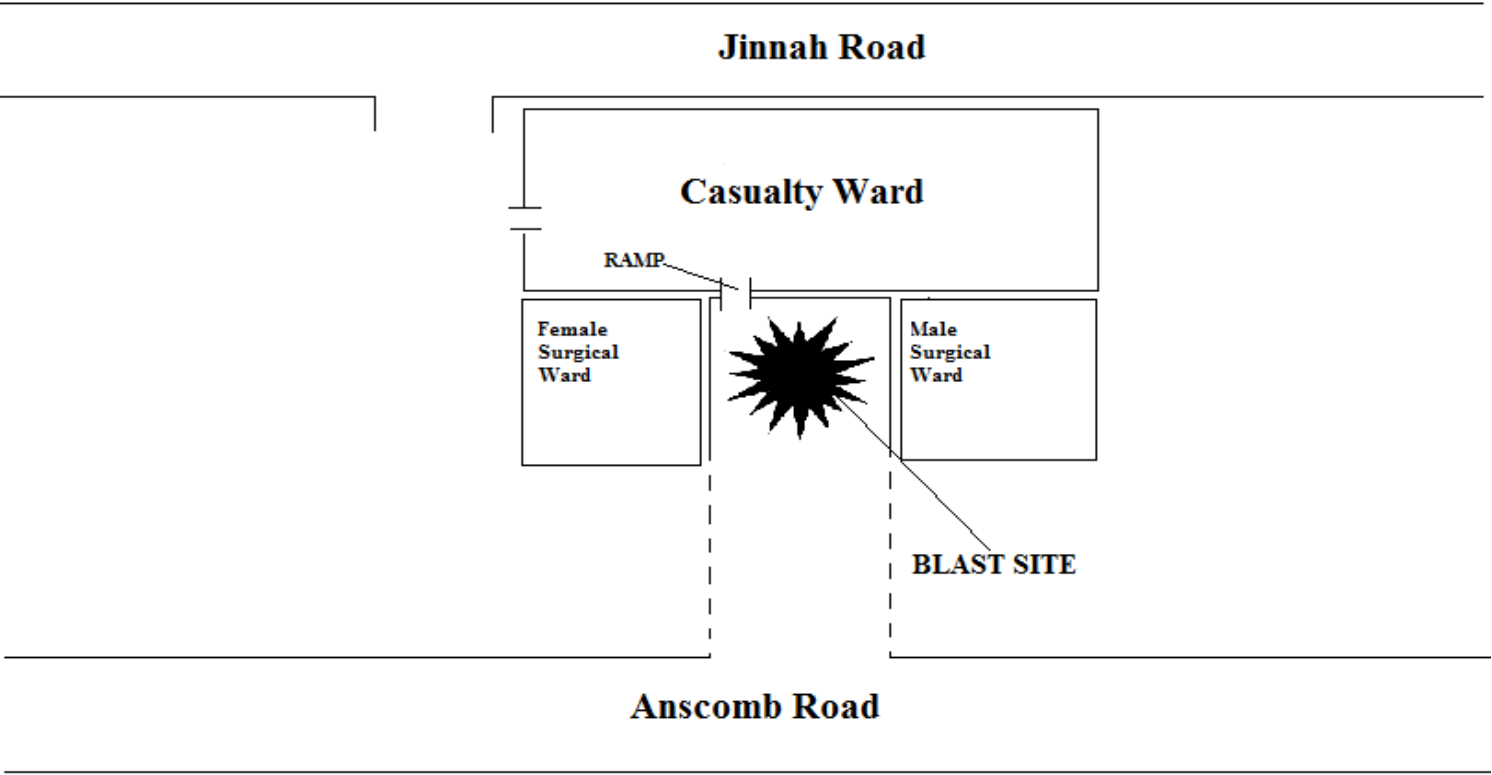
MAP 1

PLACE OF MURDER OF MR. BILAL KASI
(FIRST CRIME SCENE)



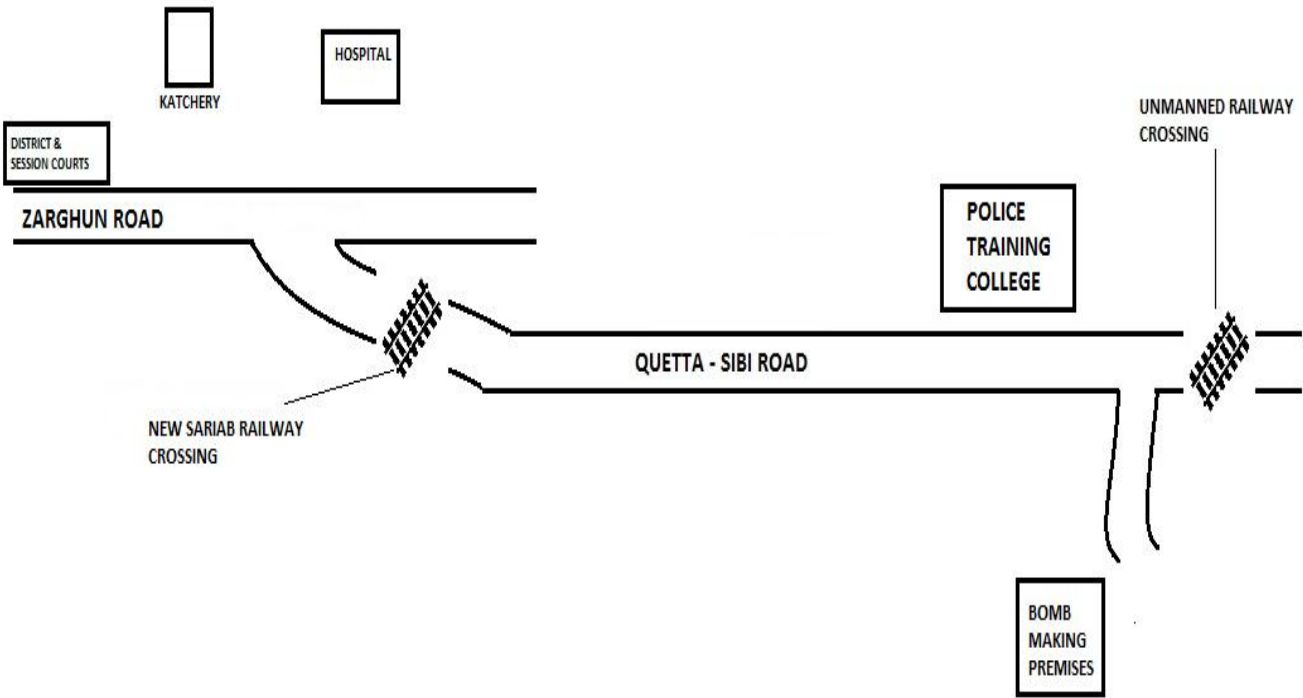
MAP 2

SANDEMAN PROVINCIAL HOSPITAL
(SECOND CRIME SCENE)



MAP 3

BOMB MAKING PREMISES
(THIRD CRIME SCENE)

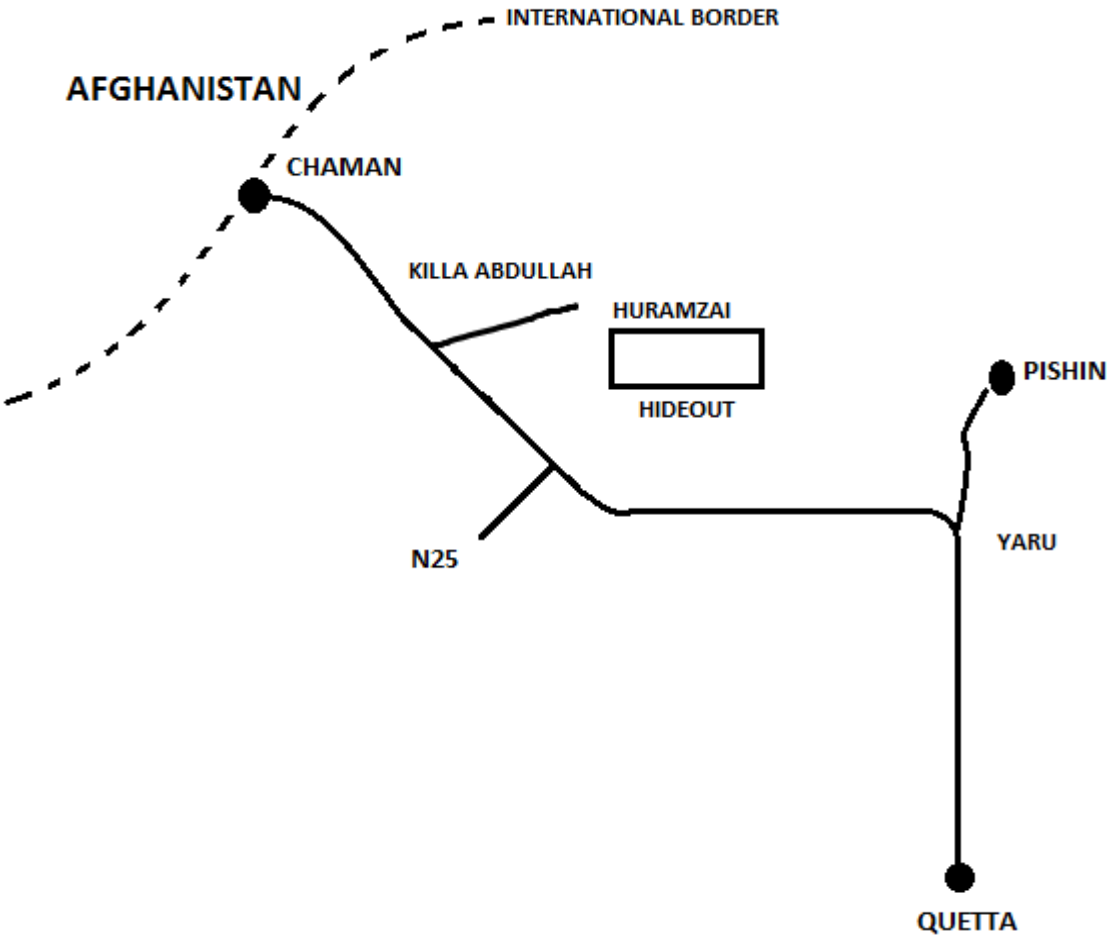


Distances:

District & Session Courts to Police Training College = 13.3KM

Police Training College to Bomb Making Premises = 4.7KM

MAP 4
HURAMZAI HIDEOUT
(FOURTH CRIME SCENE)



Recoveries made at the Bomb Making Premises

Image 1



Hand Grenades

Image 2



Detonator

Image 3



Manufacturing material for Suicide Vest

Image 4



Ball Bearings

Image 5



Detonating (Prima) Cord

Image 6



Kalashnikovs and Bandoliers

Image 7



Tools for manufacturing suicide vests

Image 8



Pistols and other recovered items

Image 9



Improvised Explosive Device

Image 10



Sawdust

CNICs of the Terrorists

Image 11

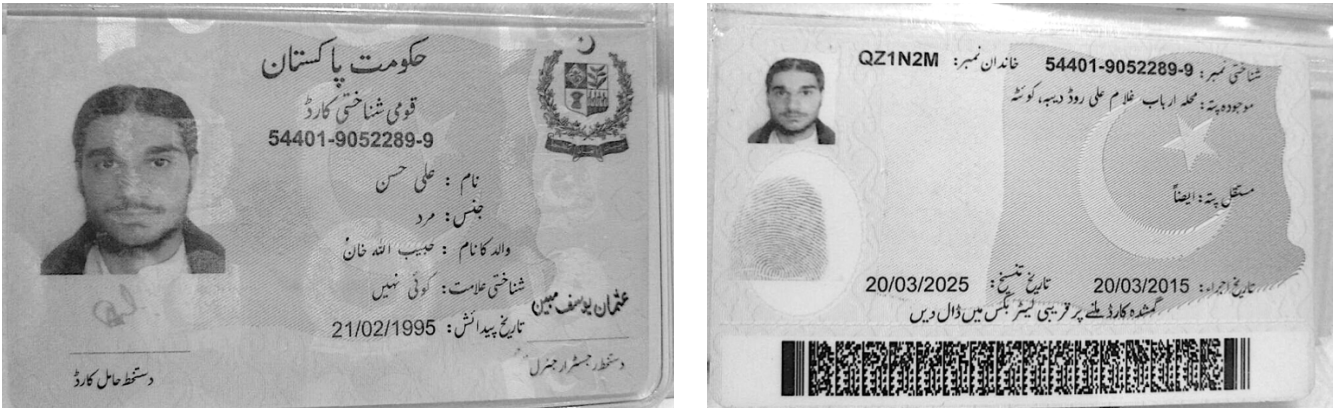


Image 12

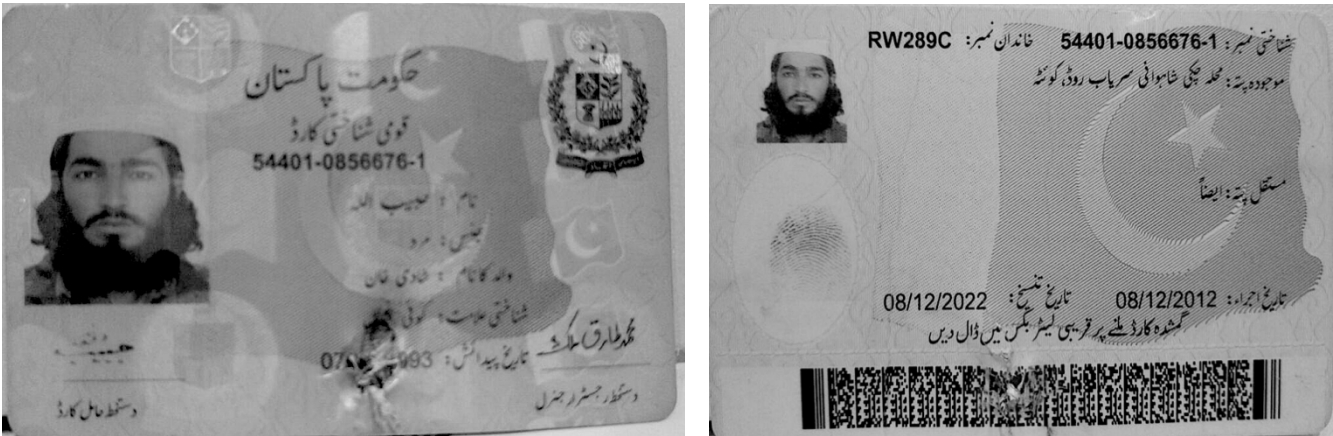


Image 13

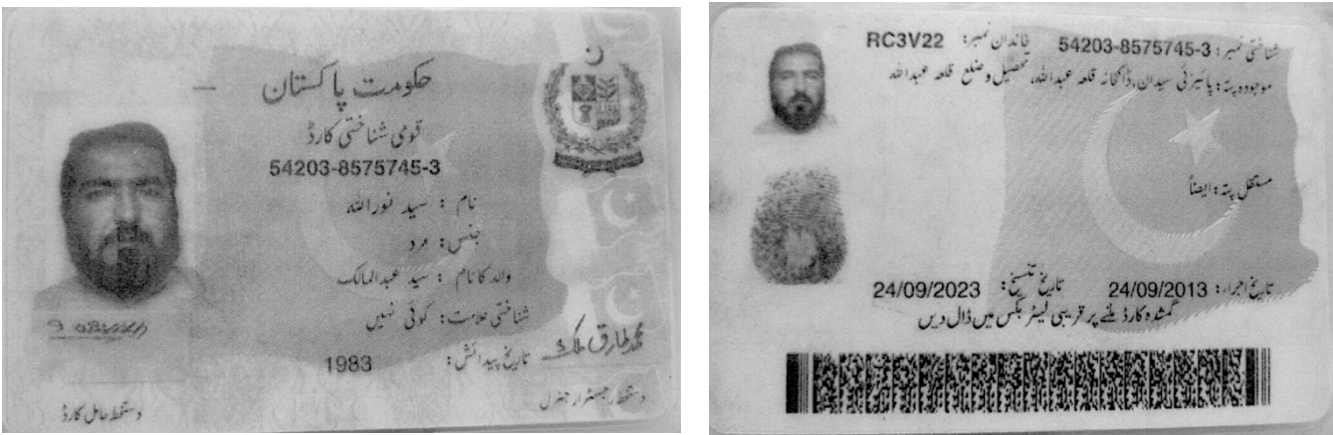
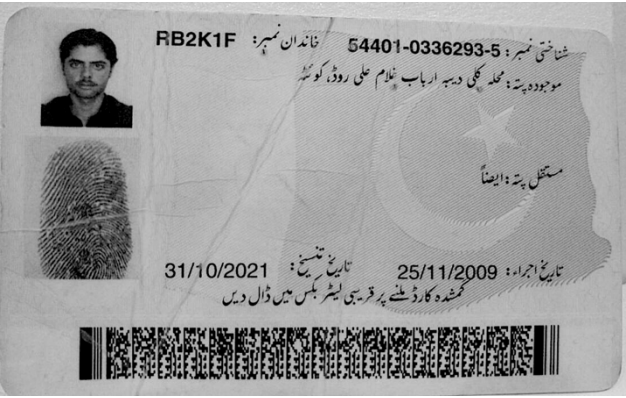
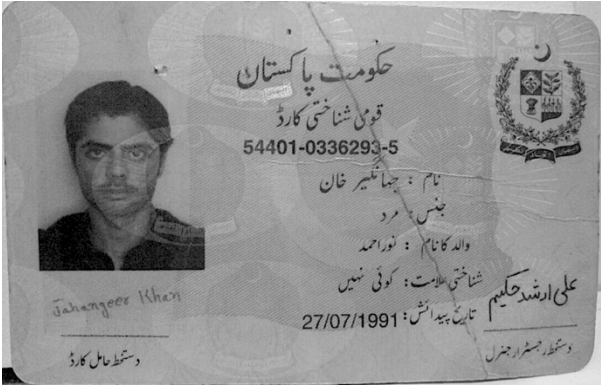


Image 14



Identification of the suicide bomber

Image 15

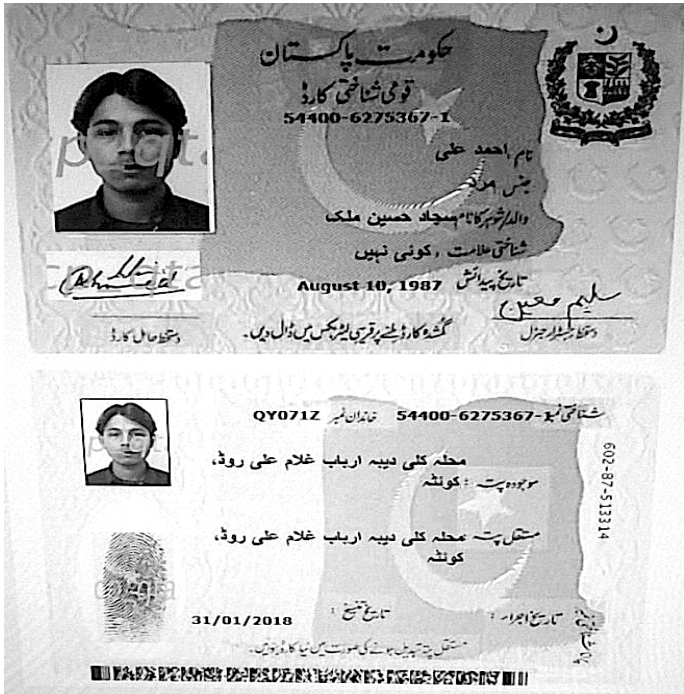
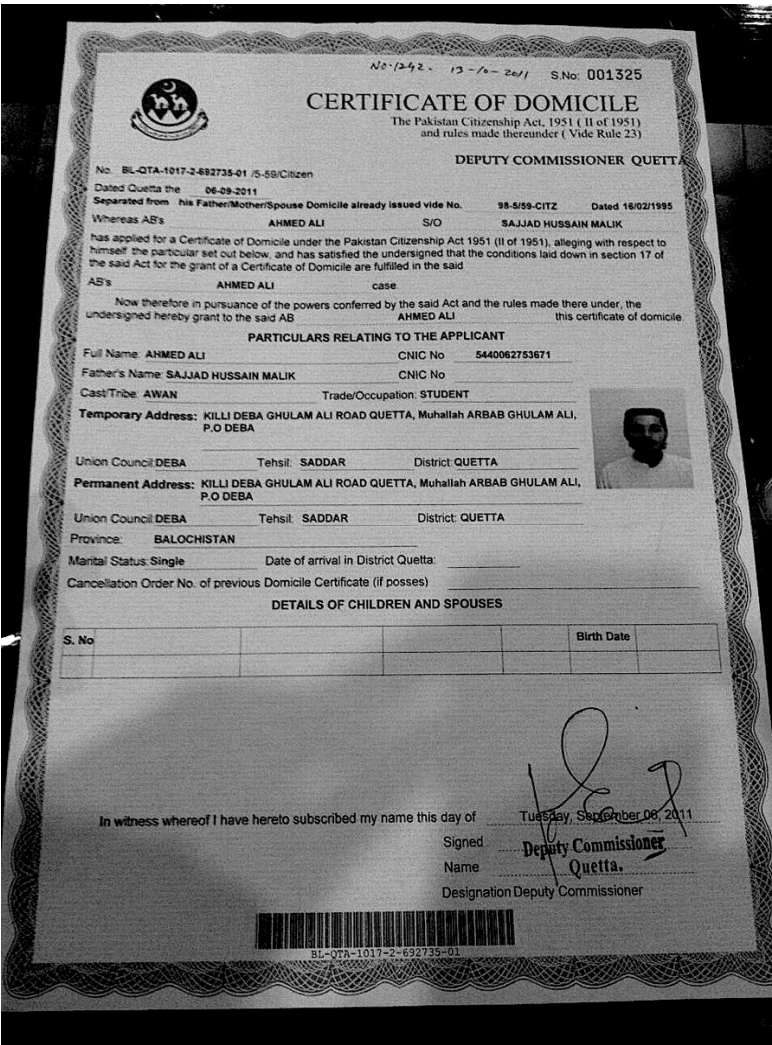


Image 16



Educational Record of the Suicide Bomber

Image 17



Image 18

BALUCHISTAN BOARD OF INTERMEDIATE & SECONDARY EDUCATION QUETTA
SECONDARY SCHOOL CERTIFICATE
RESULT CARD OF SCIENCE GROUP PART IS-II

ROLL NUMBER: 22009 CARD NUMBER: 03917
REGISTRATION NO: 9857/2003 EXAMINATION: BI-ANNUAL 2004
NAME: AHDAD ALI
FATHER'S NAME: SAJJAD HUSSAIN

SUBJECTS	PART-I MARKS OBTAINED	PART-II MARKS OBTAINED	AGGREGATE MARKS OBTAINED	AGGREGATE REQUIRED	MAXIMUM MARKS
URDU	29	32	61	49	150
ENGLISH	18	25	43	49	150
ISLAMIAT/ ETHICS	13	12	25	25	75
PAKISTAN STUDIES	19	12	31	25	75
MATHEMATICS	21	23	44	33	100
PHYSICS	17	16	33	27	80
PHYSICS	5	07	12	6	20
CHEMISTRY	13	16	29	27	80
CHEMISTRY	4	08	12	6	20
BIOLOGY/	13	19	32	25	75
COMPUTER	6	08	14	8	25
TOTAL			344	280	850

MARKS OBTAINED: (in words) Three Hundred Forty Four
DIVISION OBTAINED: THIRD
GENERAL REMARKS: PASS


DATE OF BIRTH: (in figures) 25/08/1987
(In words) Twenty Fifth August Nineteen Eighty Seven

Dated 04th December 2004 Checked by Deputy Controller Result

Note: Errors and omission excepted. This result card is issued as a notice only. An entry appearing in it does not itself confer any right or privilege independently to the grant of a proper certificate, which will be issued under regulation in due course.

Image 19

N^o 280135



UNIVERSITY OF BALOCHISTAN
Result Card For B.A/B.Sc. Annual/supplementary
Examination, 2012

Roll No. 68759 Registration No. 2004UB-2012(AQ)54189

Name: Ahmad Ali S/D of: Sajid Hussain

Candidate mentioned above is hereby informed that he/she has passed the Examination and obtained FAIL in English Division.

The marks obtained by him/her in the various Subject are given below:-

The candidate is hereby informed that he/she is eligible to re-appear in the following subject/s till Annual/Supplementary Examination 2014

Subjects	Marks obtained
1. English (Compulsory)/200
2. Islamic Education/50
3. Pakistan Studies/50
4./200
5./200
6. Optional/100
Total/800

Prepared by: [Signature]

Checked by: [Signature]

Date of declaration: 28 FEB 2014

[Signature]
Assistant Controller of Examinations
(Certificates)
University of Balochistan, Quetta.

BOMB MAKING PREMISES

Image 20



Entrance to Bomb Making Premises

Image 21



Large Pit 10+ feet deep

Image 22



Blue Drums Buried in the Ground

HURAMZAI - TERRORIST HIDEOUT

Image 23



Front view of wall 12+ feet high

Image 24



Side view of wall

Image 25



Inside the hideout

Image 26



Inside the hideout

Image 27



Inside the hideout

Recoveries of weapons from Huramzai Hideout

Image 28

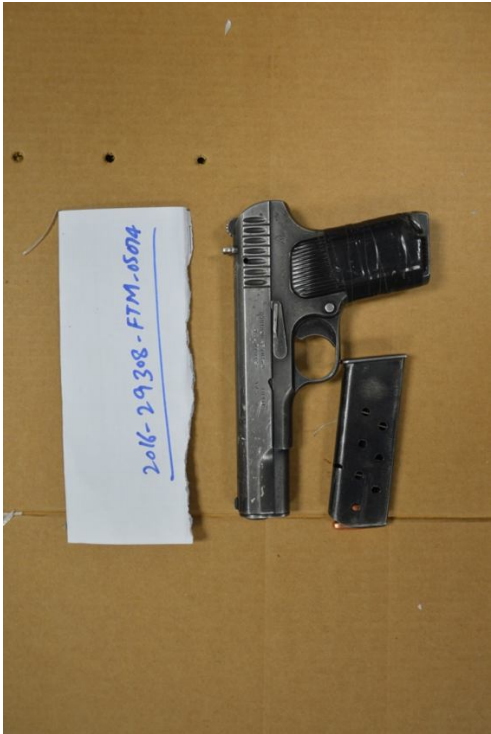


Image 29

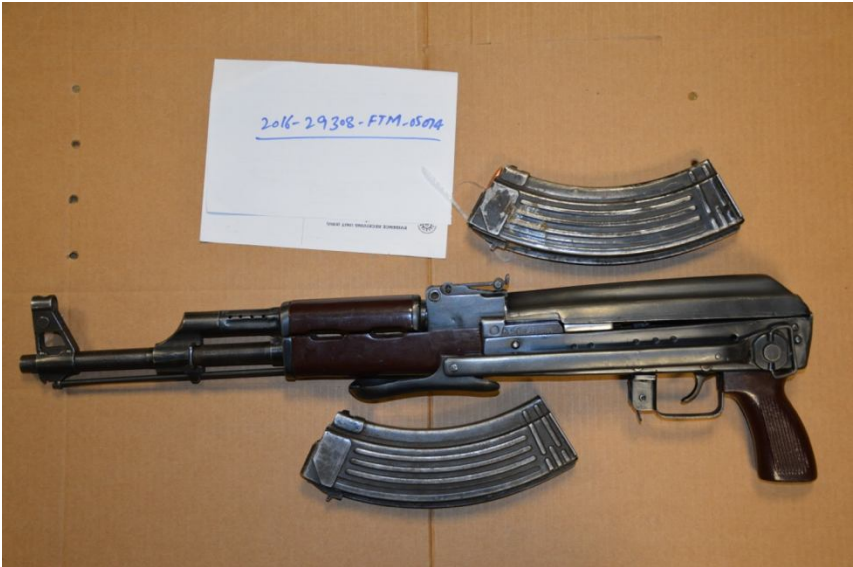


Image 30

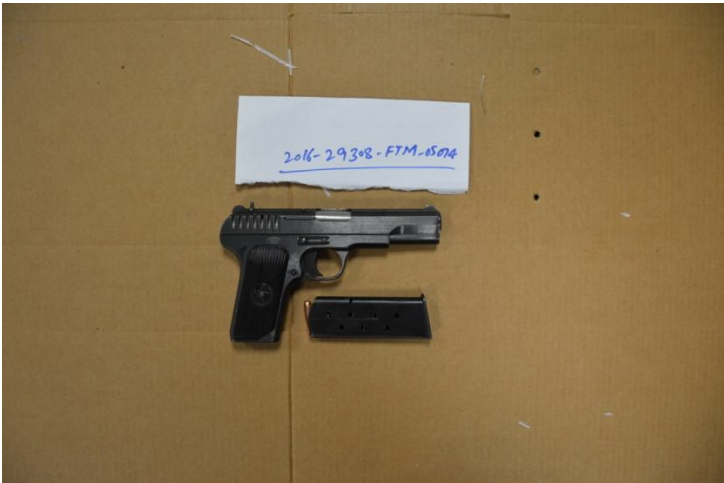


Image 31



Image 32



-
- ¹ Book No. 4, Letter No. 001: Letters, page 1
 - ² Book No. 4, Letter No. 002: Letters, pages 2 to 6
 - ³ Book 3, Witness No. 33: Witness Statements – Part II, page 231
 - ⁴ Book 3, Witness No. 41: Witness Statements – Part II, page 255
 - ⁵ Book 3, Witness No. 41: Witness Statements – Part II, page 258
 - ⁶ Book 3, Witness No. 41: Witness Statements – Part II, page 255
 - ⁷ Book 3, Witness No. 41: Witness Statements – Part II, page 258
 - ⁸ Book 3, Witness No. 41: Witness Statements – Part II, page 256
 - ⁹ Book 3, Witness No. 41: Witness Statements – Part II, page 256
 - ¹⁰ Book 3, Witness No. 41: Witness Statements – Part II, page 256
 - ¹¹ Book 3, Witness No. 41: Witness Statements – Part II, page 256
 - ¹² Book 3, Witness No. 41: Witness Statements – Part II, page 258
 - ¹³ Book 3, Witness No. 41: Witness Statements – Part II, page 258
 - ¹⁴ Book 3, Witness No. 42: Witness Statements – Part II, page 262
 - ¹⁵ Book 11, Exhibit W14 – D: Exhibits, pages 160
 - ¹⁶ Book 3, Witness No. 41: Witness Statements – Part II, page 256
 - ¹⁷ Book 4, Letter No. 004: Letters, pages 13
 - ¹⁸ Book 3, Witness No. 42: Witness Statements – Part II, page 261
 - ¹⁹ Book 3, Witness No. 42: Witness Statements – Part II, page 261
 - ²⁰ Book 3, Witness No. 43: Witness Statements – Part II, page 269
 - ²¹ Book 18, Exhibit W43 – A: Exhibits, page 5
 - ²² Book 3, Witness No. 33: Witness Statements – Part II, page 228; Book 3, Witness No. 35: Witness Statements – Part II, page 234
 - ²³ Book 3, Witness No. 37: Witness Statements – Part II, page 241
 - ²⁴ Book 3, Witness No. 37: Witness Statements – Part II, page 241
 - ²⁵ Book 2, Witness No. 22: Witness Statements – Part II, page 172
 - ²⁶ Book 19, Disc 1, CCTV Footage, Exhibits,
 - ²⁷ Book 19, Disc 1, CCTV Footage, Exhibits,
 - ²⁸ Book 19, Disc 1, CCTV Footage, Exhibits,
 - ²⁹ Book 19, Disc 1, CCTV Footage, Exhibits,
 - ³⁰ Book 19, Disc 1, CCTV Footage, Exhibits,
 - ³¹ Book 3, Witness No. 42: Witness Statements – Part II, page 263
 - ³² Book 3, Witness No. 42: Witness Statements – Part II, page 263
 - ³³ Book 19, Disc 1, Borjan CCTV Footage, Exhibits,
 - ³⁴ Book 19, Disc 1, Borjan CCTV Footage, Exhibits,
 - ³⁵ Book 17, Exhibit W32 – E, Exhibits, page 19
 - ³⁶ Book 3, Witness No. 32: Witness Statements – Part II, page 281
 - ³⁷ Book 17, Exhibit W32 – G, Exhibits, page 21
 - ³⁸ Book 3, Witness No. 32: Witness Statements – Part II, page 281
 - ³⁹ Book 3, Witness No. 32: Witness Statements – Part II, page 282
 - ⁴⁰ Book 3, Witness No. 32: Witness Statements – Part II, page 282
 - ⁴¹ Image 17 & 18, Educational Record, Report, Page 113
 - ⁴² Image 19, Educational Record, Report, Page 114
 - ⁴³ Image 15, Identification of the suicide bomber, Report, Page 112
 - ⁴⁴ Image 16, Identification of the suicide bomber, Report, Page 112
 - ⁴⁵ Book 3, Witness No. 42: Witness Statements – Part II, page 262
 - ⁴⁶ Book 3, Witness No. 42: Witness Statements – Part II, page 262
 - ⁴⁷ Book 11, Exhibit W14 – E: Exhibits, pages 163
 - ⁴⁸ Book 4, Letter No. 004: Letters, pages 13
 - ⁴⁹ Book 3, Witness No. 42: Witness Statements – Part II, page 262
 - ⁵⁰ Book 3, Witness No. 42: Witness Statements – Part II, page 262
 - ⁵¹ Book 3, Witness No. 32: Witness Statements – Part II, page 281
 - ⁵² Book 3, Witness No. 32: Witness Statements – Part II, page 282
 - ⁵³ Book 3, Witness No. 43: Witness Statements – Part II, page 269
 - ⁵⁴ Book 3, Witness No. 41: Witness Statements – Part II, page 258
 - ⁵⁵ Book 19, Disc 1, CCTV Footage, Exhibits,
 - ⁵⁶ Image 11 to 14, CNICs of the terrorists, Report, Page 110 to 111

-
- ⁵⁷ Book 3, Witness No. 32: Witness Statements – Part II, page 283; Map 3, Report, page 92
- ⁵⁸ Book 3, Witness No. 32: Witness Statements – Part II, page 283; Image 20, Bomb Making Premises, page 115
- ⁵⁹ Book 3, Witness No. 32: Witness Statements – Part II, page 283
- ⁶⁰ Book 3, Witness No. 32: Witness Statements – Part II, page 283
- ⁶¹ Book 3, Witness No. 32: Witness Statements – Part II, page 283
- ⁶² Book 3, Witness No. 32: Witness Statements – Part II, page 283; Image 21, Bomb Making Premises, Report, page 115
- ⁶³ Image 21, Bomb Making Premises, Report, page 115
- ⁶⁴ Image 22, Bomb Making Premises, Report, Page 115
- ⁶⁵ Book 3, Witness No. 32: Witness Statements – Part II, page 283
- ⁶⁶ Book 3, Witness No. 32: Witness Statements – Part II, page 283
- ⁶⁷ Book 3, Witness No. 32: Witness Statements – Part II, page 284
- ⁶⁸ Image 23 to 24, Huramzai Hideout, page 116
- ⁶⁹ Image 23 to 27, Huramzai Hideout, page 116
- ⁷⁰ Image 28 to 32, Recoveries of weapons from the Huramzai Hideout, Report, page 119
- ⁷¹ Book 19, FIR, page 6 to 7
- ⁷² Image 14, CNICs of the terrorists, Report, Page 111
- ⁷³ Image 11, CNICs of the terrorists, Report, Page 110
- ⁷⁴ Image 12, CNICs of the terrorists, Report, Page 110
- ⁷⁵ Image 13, CNICs of the terrorists, Report, Page 110
- ⁷⁶ Book 2, Witness No. 3: Witness Statements – Part I, page 39; Book 9, Exhibit W5 – D: Exhibits, page 12
- ⁷⁷ Book 8, Exhibit W3 – B: Exhibits, pages 8 to 9; Book 19, Notification, page 4
- ⁷⁸ Book 8, Exhibit W3 – E: Exhibits, page 12
- ⁷⁹ Book 8, Exhibit W3 – F: Exhibits, page 13
- ⁸⁰ Book 8, Exhibit W3 – E: Exhibits, page 13
- ⁸¹ Book 2, Witness No. 3: Witness Statements – Part I, page 27
- ⁸² Book 8, Exhibit W3 – B: Exhibits, pages 8 to 9; Book 19, Updated list of proscribed organizations, page 5 to 6
- ⁸³ Book 3, Witness No. 44: Witness Statements – Part II, page 274 to 275
- ⁸⁴ Book 3, Witness No. 30: Witness Statements – Part II, page 209
- ⁸⁵ Book 18, Exhibit W44 – B: Exhibits, page 9
- ⁸⁶ Book 4, Letter No. 036, Letters, pages 68 to 67
- ⁸⁷ Book 18, Exhibit W44 – A: Exhibits, page 2
- ⁸⁸ Book 2, Witness No. 3: Witness Statements – Part I, page 32
- ⁸⁹ Book 9, Exhibit W5 – B: Exhibits, page 3
- ⁹⁰ Book 9, Exhibit W5 – W: Exhibits, page 42
- ⁹¹ Book 8, Exhibit W4 – B: Exhibits, page 11
- ⁹² Book 4, Letter No. 58, Letters, page 92
- ⁹³ Book 3, Witness No. 22: Witness Statements – Part II, page 172
- ⁹⁴ Book 4, Letter No. 028, Letters, pages 52 to 53
- ⁹⁵ Book 4, Letter No. 033, Letters, pages 62 to 63
- ⁹⁶ Book 4, Letter No. 031, Letters, pages 58 to 59
- ⁹⁷ Book 4, Letter No. 030, Letters, pages 56 to 57
- ⁹⁸ Book 4, Letter No. 032, Letters, pages 60 to 61
- ⁹⁹ Book 4, Letter No. 034, Letters, pages 64 to 65
- ¹⁰⁰ Book 6, Wifaq ul Madaris Al Salafia: Response to Commission Letters, page 181
- ¹⁰¹ Book 6, Wifaq ul Madaris Al Arabia: Response to Commission Letters, page 204
- ¹⁰² Book 6, Wifaq ul Madaris Al Shia: Response to Commission Letters, page 195
- ¹⁰³ Book 6, Tanzeem-ul-Madaris Ahle Sunnat: Response to Commission Letters, page 193
- ¹⁰⁴ Book 6, Rabita-ul-Madaris Al-Islamia: Response to Commission Letters, page 201
- ¹⁰⁵ Book 4, Letter No. 025, Letters, pages 48 to 49
- ¹⁰⁶ Book 5, Ministry of Religious Affairs: Response to Commission Letters, page 178
- ¹⁰⁷ Book 2, Witness No. 14: Witness Statements – Part I, page 142
- ¹⁰⁸ Book 2, Witness No. 14: Witness Statements – Part I, page 143
- ¹⁰⁹ Book 3, Witness No. 33: Witness Statements – Part II, page 228

-
- ¹¹⁰ Book 3, Witness No. 43: Witness Statements – Part II, page 269 to 270
- ¹¹¹ Book 3, Witness No. 14: Witness Statements – Part I, page 145
- ¹¹² Book 3, Witness No. 37: Witness Statements – Part II, page 242; Book 2, Witness No. 38: Witness Statements – Part II, page 247; Book 2, Witness No. 40: Witness Statements – Part II, page 253
- ¹¹³ Book 2, Witness No. 10: Witness Statements – Part I, page 117
- ¹¹⁴ Book 2, Witness No. 10: Witness Statements – Part I, page 117 to 124
- ¹¹⁵ Book 3, Witness No. 37: Witness Statements – Part II, page 242
- ¹¹⁶ Book 2, Witness No. 10: Witness Statements – Part I, page 123
- ¹¹⁷ Book 10, Exhibit W7 – B: Exhibits, pages 124 to 130
- ¹¹⁸ Book 2, Witness No. 1: Witness Statements – Part I, page 6
- ¹¹⁹ Book 2, Witness No. 1: Witness Statements – Part I, page 6
- ¹²⁰ Book 7, Exhibit W1 – C: page 7 to 8; Exhibit W1 – D: page 9; Exhibit W1 – E: page 10; Exhibit W1 – F: page 11;
- ¹²¹ Book 19, Exhibit W16: Exhibits, Disc 2;
- ¹²² Book 3, Witness No. 16: Witness Statements – Part II, page 154 to 156
- ¹²³ Book 2, Witness No. 1: Witness Statements – Part I, page 7
- ¹²⁴ Book 7, Exhibit W1 – B: Exhibits, page 3 to 6
- ¹²⁵ Book 3, Witness No. 19: Witness Statements – Part II, page 165
- ¹²⁶ Book 3, Witness No. 23: Witness Statements – Part II, page 177
- ¹²⁷ Book 3, Witness No. 19: Witness Statements – Part II, page 165
- ¹²⁸ Book 3, Witness No. 30: Witness Statements – Part II, 205
- ¹²⁹ Book 3, Witness No. 30: Witness Statements – Part II, 205; Book 2, Witness No. 9: Witness Statements – Part I, page 112
- ¹³⁰ Book 19, Exhibit W23 – A: Exhibits, Disc 3
- ¹³¹ Book 2, Witness No. 23: Witness Statements – Part II, page 178
- ¹³² Book 19, Exhibit W23 – A: Exhibits, Disc 3
- ¹³³ Book 4, Letter No. 059, Letters, pages 93
- ¹³⁴ Book 2, Witness No. 23: Witness Statements – Part II, page 179
- ¹³⁵ Book 2, Witness No. 1: Witness Statements – Part I, page 9
- ¹³⁶ Book 3, Witness No. 23: Witness Statements – Part II, page 176
- ¹³⁷ Book 3, Witness No. 23: Witness Statements – Part II, page 180
- ¹³⁸ Book 3, Witness No. 23: Witness Statements – Part II, page 180
- ¹³⁹ Book 2, Witness No. 1: Witness Statements – Part I, page 11
- ¹⁴⁰ Book 2, Witness No. 1: Witness Statements – Part I, page 11
- ¹⁴¹ Book 2, Witness No. 1: Witness Statements – Part I, page 11
- ¹⁴² Book 3, Witness No. 34: Witness Statements – Part II, page 233
- ¹⁴³ Book 3, Witness No. 35: Witness Statements – Part II, page 235
- ¹⁴⁴ Book 2, Witness No. 9: Witness Statements – Part I, page 112
- ¹⁴⁵ Book 5, State Bank of Pakistan: Response to Commission Letters, page 309
- ¹⁴⁶ Book 3, Witness No. 30: Witness Statements – Part II, page 211
- ¹⁴⁷ Book 3, Witness No. 32: Witness Statements – Part II, page 224; Book 17, Exhibit W32 – B: Exhibits, page 16
- ¹⁴⁸ Book 3, Witness No. 32: Witness Statements – Part II, page 224
- ¹⁴⁹ Book 3, Witness No. 32: Witness Statements – Part II, page 225
- ¹⁵⁰ Book 3, Witness No. 32: Witness Statements – Part II, page 225
- ¹⁵¹ Book 3, Witness No. 30: Witness Statements – Part II, page 217
- ¹⁵² Book 3, Witness No. 30: Witness Statements – Part II, page 217
- ¹⁵³ Book 3, Witness No. 30: Witness Statements – Part II, page 213
- ¹⁵⁴ Book 2, Witness No. 4: Witness Statements – Part I, page 59
- ¹⁵⁵ Map 4, Fourth Crime Scene, Report, page 104

BOOKS

BOOK NO.	CONTENT
1	Report
2	Witness Statements Part I
3	Witness Statements Part II
4	Letters
5	Response to Commission Letters – Part I
6	Response to Commission Letters – Part II
7	Exhibits W1 – A to K
8	Exhibits W2 – A to B Exhibits W3 – A to F Exhibits W4 – A to B
9	Exhibit W5 – A to E
10	Exhibits W7 – A to K
11	Exhibits W14 – A to E
12	Exhibits W14 – F to H
13	Exhibits W9 – A Exhibits W11 – A to P
14	Exhibits W16 – B to C Exhibits W22 – A to C Exhibits W25 – A to D Exhibit W26 – A Exhibit W28 – A
15	Exhibits W30 – A to D
16	Exhibit W30 – E
17	Exhibits W31 – A to E Exhibits W32 – A to D Exhibit W39 – A
18	Exhibit W43 – A

	Exhibit W44 – A to D
19	Miscellaneous Documents