

Report of Inquiry

Abdullah



Incident at Higher al-Quran Academy
Students in Model Town
Lahore

Mr. Justice Ali Baqar Najafi
(Tribunal of Inquiry)

Judge
Lahore High Court, Lahore.

Arshad

Arshad

Section Officer (Judl-III)
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Home Department



FACTS UN-EARTH

It was rather a consensus oriented atmosphere for the support of armed forces indulged in Zarb-Adab, an operation against the terrorists, as all major political parties *prima-facie* stood firmly behind them. An awaited offensive had already been launched with the support of the people of Pakistan to make it a better place to live in. The successive news of their success has been pouring in. The entire nation had committed to fully defend their motherland and to stand with their soldiers who have been giving and would continue to offer sacrifices.

Suddenly, it began when the national media and then the international media started covering the events at and around the Idara Mihaj-ul-Quran showing the "TAMASHA" staged since mid-night by the Punjab police contingents mainly came from more than 12 Police Stations of Lahore.

In fact a meeting had already taken place a day before at the Civil Secretariat, Chaired by the then Law Minister, Rna


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Sannah Ullah wherein the return of Dr Tahir ul Qadri on 23-6-2014 and his long march from Islamabad to Lahore was discussed in view of the the concerned reports submitted by the special branch, Pujab Police. Despite the reservations shown by the commissioner Lahore about the timing and without participation/ discussion by the Mr. Shafiq Gujjar, the then C.C.P.O., Lahore, and Dr.Tauqeer Shah , the then Secretary to Chief Minister, Punjab, the Chair firmly decided to remove the barriers around the Idara. The later two, in all fairness, consented to the decision. According to the Chief Minister, he came to know about the "stand-off" at 9.00 am in the morning through the T.V and about the decision from his then Secretary, thereafter, he immediately passed the verbal order to "dis-engage" which was statedly communicated to the law minister by 10.00 am. Meanwhile, the C.M. went to the Governor House at 10.30 am to attend the oath taking ceremony of the newly appointed Chief Justice, Lahore High Court, Lahore, Honourable Justice Khawaja Imtiaz Ahmed and from there at about 11.00 am he straight went to his Model



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Town residence to attend his meeting with the Foreign delegates. Until 1.00 pm he did not enquire about the situation at the Idara to know as to whether his order of disengagement was executed.

On the ground the standoff continued the whole night resulting into minor injuries of the police constables as well as the PAT workers. It was after 9.00 am that the DIG operation arrived at the site who called the SPs of different divisions of Lahore and as a result the policemen started increasing in response to the swelling up of the PAT activists. The aggression by the police outclassed the aggression shown by the PAT workers. At 11.00 am DIG convened on spot meeting in which decision was made to call the Elite Force and then move forward towards the Idara. There are both video clippings as well as snaps showing the direct fire shots towards the PAT activists. At about 12.00 the dead bodies as well as injured started coming to the Jinnah Hospital. At about 1.30 p.m the barriers were removed from and around



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the Idara. The police reported 9 deaths and **54 injured at the**
time.

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C O N C L U S I O N S



In the said meeting dated 16-6-2017 held under the chairmanship of the former Punjab Minister for Parliamentary Affairs, Local Government & Community Affairs, Rana Sanna Ullah, and attended by Chief Secretary, Secretary to Chief Minister, Home Secretary Punjab, Commissioner Lahore, C.C.P.O Lahore, Representative of Special Branch in which the later gave the source reports which came under discussion in the milieu of violations, ouster of the Government, system, and bringing in the revolution on account of return of Dr Tahir-ul-Qadri and his call to hold a long march from Rawalpindi to Lahore On 23 of June 2014. The then law Minister, Rana Sanna Ullah, had the strong point of view who decided not to allow Dr Qadri to take any opportunity to full fill his objective. As the Commissioner Lahore submitted the report about illegalities in placing the barriers and its erections on the roads which were considered and treated as encroachments

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around Idara Minhaj-ul-Quran, therefore, the chair decided to remove them with immediate effect. Dr. Tauqeer Shah also consented on behalf of the Chief Minister, Punjab, for the removal of the barriers. It also came on the surface that the participants were in knowledge of the orders passed by Lahore High Court in I.C.A NO.155/2011 and no legal opinion from Advocate General Punjab was sought prior to the decision to start the operation. Such facts and circumstances under which the meeting was held lead to the most unfortunate incident in the history of Pakistan.

According to D.C.O, Lahore, on public complaints, the staff of T.M.A Gulberg Town and T.M.As of Zone II reached the spot in the mid night of 16 June for removing the encroachments. The furious mob and sympathizers mainly young men commenced pelting stones on police. The police as retaliatory measure resorted to firing towards the protestors leaving many persons injured at the site of the incident and some of whom succumbed to their injuries afterward. (report from a security agency). Admittedly, such a level of offensive by



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police by any stretch of imagination did not commensurate with the level of resistance by unarmed PAT workers. Again such were the facts and circumstances under which 14 persons have been shot on the vital parts of their bodies.

The level of co-operation in digging out the truth is that no police official from top to bottom, whether actively participated in the operation or not, did utter a single word about the person under whose command the police resorted to firing upon the PAT workers. Understandably, all were in unison in withholding the information from this Tribunal. Unfortunately, such are the facts and circumstances in which they continued to proceed.

To deal suchlike situation, under the law, a proviso was added to section 128 of the Code of Criminal Procedure, 1898, according to which firing is to be ordered only under the specific directions of an officer of the police not below the rank of an Assistant Superintendent or Deputy Superintendent of Police. The Tribunal, therefore, remained conscious of the deliberate silence and concealment of facts by police



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officials/officers before this Tribunal, creating circumstances to think that the police had to abide by the command announced secretly (or openly) to achieve the target at the cost of even killing the unarmed but precious citizens of Pakistan. This led the tribunal to say that this motif of betrayal of law by the police aimed to bury the truth speaks volumes of their high handedness.

In future, to avoid such like situation it is imperative that legislative reforms be brought in to empower the magistrate to pass the order for releasing fire by the police so that the responsibility can be fixed after ascertaining facts and circumstances.

This tribunal would not restrain itself in expressing that the act of the Government not to empower this tribunal under section 11 of Punjab Tribunals Ordinance, 1959 regarding investigation of any matter coming before it is also a bad one, which this tribunal considers as the circumstances to circumvent the process of digging out the truth. The entire gamut of facts and circumstances speak volumes that there



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was no good intention of the Government to arrive at a definite and truthful result.

The Tribunal in exercise of its powers requisitioned the information from Federal Government about the reasons for replacement of I.G Punjab and as per report submitted by Secretary Establishment it was in the fallout of Zarb-e-Azab in Punjab. This tribunal views it as insufficient factor since the then IGP, namely, Khan Baig was not reportedly inefficient to manage or tackle the perceived or unknown threats in the province. Similarly, D.C.O Lahore was also changed just before the blood-bath. Such facts and circumstances obviously lead to an adverse opinion.

The day (17-6-2014) and time (between 10.30 am to 12.00 pm) both are very vital as I.G Punjab did not practically take over the command of Punjab Police and at the same time the Honourable new Chief justice was about to take oath. Had this Tribunal been empowered to investigate, the hidden truth might have been exposed. The Chief Minister Punjab in his affidavit took a specific position that on June 17th, 2014 his

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official engagement was started after about 9.00 am when he proceeded to Governor House to attend the oath taking ceremony of new Chief Justice of Lahore High Court. According to him having seen the standoff at 9.30 am on TV he immediately contacted his Secretary, Dr. Tauqir Hussain Shah, on phone to order the police to disengage forthwith. Dr. Tauqir Hussain Shah in his affidavit did mention the order of disengagement, telephonically conveyed to the Law Minister and Home Secretary, but in turn they informed that two field officers informed that the situation was likely to be normalized/controlled. Strange enough that Rana Sana-Ullah did not utter a single word about "disengagement". Likewise, the Home Secretary, Punjab did not mention in his report about the word "disengagement" but he indicated something in the following manner and style:

"During this period I also received a call from the Secretary to CM who conveyed the CM's concern regarding the ongoing stand-off and said that matter should be resolved peacefully. I informed him that DCO and DIG operations were on-site and trying to resolve the matter peacefully."

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Such facts and circumstances are bound to draw adverse inference .The collected reports from all concerned and the affidavits submitted by the police officers in the field do not depict that any order of “disengagement” by the Chief Minister , Punjab ,was ever conveyed/received. It is shocking to note that everyone has deliberately but unsuccessfully tried to cover each other from possible adverse legal effects. This tribunal has very carefully seen the CD of the first press conference of Chief Minister, Punjab, dt;17-6-2014 after the incident in which he did not specifically mention about his direction of “disengagement”, despite taking a notice of it in the morning. The record does not reveal its activation, effective communication, implementation, execution or follow up showing that the order, if any, may have been passed listlessly. While putting all the facts and the circumstances in juxtapositions, it has become crystal clear that order of disengagement was not passed at all, rather position taken by C.M. Punjab appears to be an afterthought defense not taken before the nation in the press conference.



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This Tribunal has also painfully noticed the attitude of the Government and its functionaries towards the orders passed by the High Court wherein ICA No. 155/11 dated 19-5-2011 wherein upon the assurance given by not less than SP (Operations), Model Town, the security barriers were installed to dissatisfaction of both inhabitants of the locality and the police which continued uninterruptedly and without any complaint from any quarter for more than three years, suddenly it was altogether ignored without contemplating the disastrous consequences. The operation planned and designed under the chairmanship of the then Law Minister resulted into gruesome killings could have easily been avoided. The orders passed by the courts such like the one under discussion, it is advised as well as warned, must be complied with in its letter and spirit to avoid such like incidents in future.

In criminology, it is a golden principle for assessment of evidence that man can tell a lie but circumstances don't. The facts and circumstances of the bloodbath clearly show that the police officers actively participated in the massacre. The


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apathy and recklessness of all authorities in Punjab in the matter under hand, created the genuine doubt about their innocence. As no offence can go unchecked, therefore, even registration of more than one FIR shall not perpetuate injustice as the version put forward by the PAT leader, namely, Muhammad Jawad Hamid, Director, Administration, Minhaj-ul-Quran International, does not appear to be an amplification of the version of the first FIR on the subject.

The actions of Police of firing and severely beating the people on the crime scene is irrefutably suggestive that the police did exactly for which they were sent and gathered over there. The police and all other concerned, without any exception, abetted being desperado, performed daredevil acts, which resulted into irreparable loss.


Keeping in view the above facts and circumstances the reader of this report can easily fix the responsibility of the unfortunate Minhaj-ul-Quran incident.


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After having concluded as above this Tribunal is especially thankful to the media in general to inculcate the confidence of the public in the proceedings notwithstanding the unnecessary boycott by the PAT leadership. The valuable suggestion from the participants came as a beacon light for this Tribunal. The Liaison Officer of Govt. of Punjab namely Assad Ullah Faiz, Additional Secretary, Home Department also helped this Tribunal for effective and prompt correspondence. The two Registrars, namely, Mr. Jawad-ul-Hassan, District & Sessions Judge and Mr. Sadiq Masood Sabir, Addl. Distt. & Sessions Judge and other members worked day and night as a result of which this Tribunal is able to send its report at a very crucial time.


(ALI BAQAR NAJAFI)
JUDGE/
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It is certified that this report comprising 74 pages, has been typed and signed by me.


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