

ISLAMABAD

Reference No. /2020

The State

Vs.

1. **Syed Yousaf Raza Gillani,** (Not arrested)
S/o Syed Alamdar Hussain Gillani
Ex-Prime Minister of Pakistan
R/o H. No. 1, Gillani House, Ghous-ul-Azam Road, Multan
CNIC No: 35201-2687345-5
2. **Asif Ali Zardari, S/o Hakim Ali Zardari,** (Not Arrested In this case)
Ex-President of Pakistan
R/o (i). H. No.34-B, Street No.19, Nazimuddin Road,
F-8/4, Islamabad
(ii). Zardari House, Nawabshah
CNIC No: 45402-7533699-1
3. **Muhammad Nawaz Sharif,** (Not arrested)
S/o Mian Muhammad Sharif
Ex-Prime Minister of Pakistan
R/o (i). 180-181, Block-H, Model Town, Lahore.
(ii). Jati Umra, Raiwind Road, Lahore
CNIC No: 35201-5369836-7
4. **Khawaja Anver Majid** (Not Arrested In this case)
S/o Khawaja Abdul Majid
R/o H # 12, Mohalla Rani Maid, Clifton, Karachi South
CNIC No: 42000-3036006-3
5. **Khawaja Abdul Ghani Majid** (Not Arrested In this case)
S/o Khawaja Anver Majid
R/o H # 12, Mohalla Rani Maid, Clifton, Karachi South,
CNIC No: 42301-7764135-5

.....Accused

**REFERENCE UNDER SECTION 18 (g) READ WITH SECTION 24 (b) AND OTHER
ENABLING PROVISIONS OF THE NATIONAL ACCOUNTABILITY ORDINANCE
(NAO), 1999 AS WELL AS ANTI-MONEY LAUNDERING ACT (AMLA), 2010**

Respectfully Sheweth:

1. That the instant case has been referred by Hon'ble Supreme Court of Pakistan vide order dated 07-01-2019 in HRC No. 39216-G of 2018 wherein NAB has

been directed to inquire, investigate and file references, in case, cognizable offences are made out, as per recommendations of JIT contained in paragraph 300 at page 124 of the Final (Synthesis) Report. The relevant para No. 37 of the order dated 07-01-2019 is reproduce hereunder for reference:-

“v. NAB is directed that if it considers expedient and appropriate to conduct any further or additional probe, inquiry or investigation involving the matters which are the subject of the report of the JIT from a point of view of determining the true facts, it shall be free to do so at Islamabad. However, such probe, inquiry or investigation shall be completed within a maximum period of two months. Thereafter, in case, cognizable offences are made out, the recommendations contained in paragraph 300 at page 124 of the Final (Synthesis) Report shall be acted upon and the requisite Reference shall be filed in the concerned Accountability Court.

vi. We also direct that in view of the fact that the entire record of the JIT is to be submitted with NAB at Islamabad and further inquiry (if any) is also to be conducted there, the Reference shall be prepared and presented before the Accountability Courts at Islamabad/Rawalpindi.

vii. We further direct that the Chairman, NAB shall designate a competent Director General, NAB who shall ensure preparation and filing of References in a timely manner and follow them up till their final conclusions. Further, a team of competent and experienced investigators and prosecutors shall be constituted to prepare and prosecute the References and take them to their final conclusions. The NAB shall file periodic reports before this Court which shall be placed before an Implementation Bench to be constituted by the Hon'ble Chief Justice of Pakistan for the said purpose.”

- 2. That in pursuance to the Orders of Honourable Supreme Court of Pakistan dated 07-01-2019, the undersigned delegated the powers u/s 34 of NAO, 1999 to the Director General NAB Rawalpindi to authorize inquiries / investigations against the Holders of Public Office, Legal Persons and Others involved in Fake Bank Accounts Scam vide letter dated 30-01-2019. Accordingly, DG NAB Rawalpindi authorized an inquiry u/s 18(c) of NAO, 1999 and 24 of AMLA 2010 against the Holders of Public Office, Legal Persons and others involved in Fake Bank Accounts Scam regarding taking vehicles from "Tosha Khana" by accused No.2, Ex-President of Pakistan and payment of import duty / taxes from Fake Bank Accounts and entrusted to the I.O vide letter dated 04-02-2019.

The inquiry was then converted into investigation and entrusted to I O vide letter dated 21-05-2019.

3. That evidence collected during the course of inquiry and investigation has established that accused No.1 in order to extend illegal benefit to accused No.2 and 3, illegally allowed the retention of vehicles gifted to them by different foreign states and dignitaries which at that time belongs to Central Pool of Cars, Cabinet Division by illegally relaxing the procedure of **Tosha Khana**, whereby the beneficiary accused persons No.2 & 3 through dishonest and illegal means for their personal benefit and interest retains the said vehicles against a nominal payment of 15% of total value of vehicles.
4. That the accused No.2 made the payments for vehicles and duties of these vehicles through accused No.4 & 5 respectively for which he has no plausible justification. It was established during investigation that these amounts are in context of illegitimate laundered proceeds for the benefit of accused No.2.
5. That the accused No.1, being the Prime Minister of Pakistan and Minister-in-Charge of Cabinet Division in between 2008 to 2012 in exercise of his official functions and in connivance with co-accused person No.2 & 3 the then President of Pakistan and Ex-Prime Minister of Pakistan, dishonestly and illegally relaxed the procedure for the acceptance and disposal of gifts, issued by the Government of Pakistan vide Cabinet Division O.M. No.9/8/2004 - TK dated 25-06-2007 which expressly stipulates that vehicles shall not be allowed to be purchased by the recipients and be given to the Central Pool of Cars of the Cabinet Division. Thus, the accused No.1, by virtue of positions he held, had the duties attendant to such offices specifically to perform his functions in the public interest. The accused No.1 floated and suppressed the law and procedure to grant undue concession and benefits, thus, resulting in wrongful loss to State/National Exchequer and corresponding wrongful gain to accused No. 2 & 3.
6. That the accused No.2, being the President of Pakistan accepted and received the armored vehicles as Gifts from United Arab Emirates i.e. BMW 750 Li Model 2005, Lexus Jeep Model 2007 and Libya i.e BMW 760 Li Model 2008 in Sep-Oct 2008. It was obligated to immediately report and deposit the vehicles with **Tosha khana** of Cabinet Division but he neither reported the gifted vehicles nor deposited the same. Thereby, converted those vehicles to his own use, entrusted to him or under his control till the time he showed his desire to retain the same. The accused No.2, by virtue of position he held, had the duties

attendant to such office specifically to perform his functions in the public interest. The accused No.2, preferred to his personal interests and obtained undue concession and benefits, thus, resulting in wrongful loss to State / National Exchequer and corresponding wrongful gain to himself.

7. That the accused No.3, held the office of Prime Minister of Pakistan from 1997 to 1999 and did not hold any public office in year 2008. However, from April to December 2008, the accused No.3 without giving any application or request, in connivance with accused No.1 the then Prime Minister of Pakistan, dishonestly and illegally obtained relaxation, for his benefits, of procedure for the acceptance and disposal of gifts, issued by the Government of Pakistan vide Cabinet Division O.M. No.9/8/2004 - TK dated 25-06-2007 which expressly stipulates that vehicles shall not be allowed to be purchased by the recipients and be given to the Central Pool of Cars of the Cabinet Division. The accused No.3 knowingly and with dishonest intention obtained illegal favour in connivance with the then Prime Minister accused No.1 by obtaining the relaxation of said Procedure for the Acceptance and Disposal of Gifts.

8. That the investigation has also established that the accused No.4 having control of and by operating accounts of M/s Ansari Sugar Mills Ltd transferred Rs.9.2 Million from Bank Account No.3172-2 maintained with NBP Avari Tower Branch, Karachi vide cheque dated 23-04-2009 to the Account No.0023-011009761001 of accused No. 2 maintained with Silk Bank, Karachi. The accused No.4 also made another payment of Rs.11,117,557/- from Account No.4108080922 maintained with NBP Shaheed e Millat Branch, Karachi to Govt of Pakistan Treasury on behalf of accused No.2. The accused persons, as part of their overall illicit scheme (mutual illicit interests), made payments totaling to Rs.20,317,557/- for the undue benefit of accused No.2 , thus, assisted and acted in connivance with him in obtaining of pecuniary advantages / property through corrupt and / or dishonest means.

9. That the accused No.5 made payments of Rs.37.16 Million to Collector of Customs, Islamabad against the duties of gifted vehicles retained by accused No.2. These payments were made through 03 x Pay Orders (No.118020, 118021 and 118019) issued from Summit Bank, Uni Tower Branch, Karachi on 30.05.2014 from the fake Account No.1-2-1-20620-714-135339 of M/s Lucky International maintained at Summit Bank, Uni Tower I.I Chundrigar Road, Karachi which is declared by the accused No.5 in the Amnesty Scheme 2018 with FBR. The accused No.5, as part of their overall illicit scheme (mutual illicit interests), made payments totaling to Rs.37.16 Million for the Benefit of accused

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No.2, thus assisted and acted in connivance with him in obtaining of pecuniary advantages / property through corrupt and / or dishonest means.

10. That the investigation has established that accused persons have committed the offence of corruption and corrupt practices as defined under section 9(a)(ii)(iv)(vii)&(xii), punishable under section 10 of the NAO, 1999 and Schedule thereto and also committed the offence of Money Laundering as defined u/s 3, punishable u/s 4 of the Anti Money Laundering Act, 2010.

11. That on appraisal of the material and the evidence placed before me, I am of the opinion that it would be proper and just to proceed further against the above mentioned accused persons as there is sufficient incriminating evidence to justify the filing of this Reference. Therefore, I hereby refer the matter to the Honorable Accountability Court under Section 18(g) of the NAO, 1999. Investigation report, list of witnesses and documentary evidence as per list are enclosed herewith and may kindly be considered as an integral part of this reference.

In view of the foregoing facts, reasons and circumstances, it is, respectfully prayed that accused persons may kindly be tried by this Hon'ble Court or any other Court of competent jurisdiction at the designated place and they may graciously be punished in accordance with law.

Justice
(Javed Iqbal)
Chairman, NAB

National Accountability Bureau
Islamabad.

Dated: 18 / 02 / 2020

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