

# ***AFRIDI, SHAH & MINALLAH***

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**March 3, 2008**

**The SHO,  
Police Station,  
Secretariat,  
Islamabad.**

REGISTRATION OF CRIMINAL CASE AGAINST GEN ® PERVAIZ MUSHARRAF, MINISTER OF INTERIOR, SECRETARY INTERIOR, CHIEF COMMISSIONER ISLAMABAD, IGP ISLAMABAD, SSP ISLAMABAD, DC ISLAMABAD AND OTHERS FOR KEEPING THE CHIEF JUSTICE OF PAKISTAN JUSTICE IFTIKHAR MOHAMMAD CHAUDHRY, OTHER HON'BLE JUDGES AND THIER FAMILIES UNDER/IN WRONGFUL RESTRAINT, WRONGFUL CONFINEMENT, COMMITTING CRIMINAL TRESSPASS, CRIMINAL INTIMIDATION, ETC PUNISHABLE UNDER THE PAKISTAN PENAL CODE 1860 READ WITH OTHER ENABLING PROVISIONS.

**We** have been authorized and instructed by the respective Presidents of the High Court Bar Association, Rawalpindi Bar Association and Islamabad Bar Association to submit this application for registration of a criminal case under the relevant provisions of the Pakistan Penal Code and other enabling provisions. It is, therefore, stated as follows;

1. **That** on March 9, 2007 the then Chief of Army Staff, General Pervaiz Musharraf attacked the independence of the judiciary by illegally using the State machinery to criminally intimidate, coerce, threaten and assault the Chief Justice of Pakistan Justice Iftikhar Mohammad Chaudhry so as to illegally force him to resign from his office.
2. **That** on refusal to succumb to the illegal pressure and subjugate the independence of the judiciary, the Chief Justice of Pakistan was taken into custody and kept in illegal confinement and house arrest with the other members of the family for more than two weeks. The officials of the intelligence agencies and the administration at the behest and on orders of General (R) Pervaiz Musharraf trespassed the official residence of the Chief Justice and kept him and the members of his family confined to two rooms within the residence.

3. **That** General ® Pervaiz Musharraf publicly confessed and regretted the illegal and wrongful restraint and confinement.
4. **That** on July 20, 2007 a thirteen member bench of the Supreme Court honourably restored Justice Iftikhar Mohammad Chaudhry as the Chief Justice of Pakistan and held that the allegations in the Reference were malafide, illegal and unconstitutional. It is important to note that the evidence relating to the purported allegations in the reference had been withdrawn and the lawyers representing General (R) Pervaiz Musharraf and the Federation tendered apologies before the Supreme Court and the Bench of the Supreme Court imposed a fine of Rs. 100,000/- against the Federal Government.
5. **That** in a shameless act of revenge solely for his personal ego, General ® Pervaiz Musharraf committed high treason on November 3, 2007 when taking advantage of his position as the Chief of Army Staff, he issued an illegal and unconstitutional Proclamation of Emergency and a Provisional Constitutional Order. He, thereby not only committed high treason under Article 6 of the Constitution but also conspired to bring the Pakistan Army into disrepute merely for his personal gain and ego. He attacked the independence of judiciary yet again and the integrity and sovereignty of Pakistan as well.
6. **That** on November 3, 2007 a seven member bench of the Supreme Court headed by the Chief Justice of Pakistan suspended the Proclamation and the PCO. The authorities were restrained not to act in pursuance of the Proclamation or the PCO and held any act performed thereunder as illegal and unconstitutional.
7. **That** General ® Pervaiz Musharraf taking advantage of being the Chief of Army Staff and in flagrant violation of his oath as a member of the armed forces criminally abused his authority by taking control of the Supreme Court in the evening of November 3, 2007 through the law enforcement agencies. The Chief Justice of Pakistan Justice Iftikhar Mohammad Chaudhry and other Hon'ble Judges, except five who agreed to collaborate in this heinous crime, were taken into custody. The acts and omissions are also contempt of the Supreme Court. This also is contempt of the Supreme Courts order dated November 3, 2007.
8. **That** the officials of law enforcement agencies and the administration of Islamabad Federal Capital Territory at the behest of and on instructions from General (R) Pervaiz Musharraf criminally trespassed the official residence of the Chief Justice of Pakistan and other Hon'ble Judges of the Supreme Court. The Chief Justice and the judges, along with their families, were wrongfully confined and restricted in their respective official residences so much so that the outer doors were padlocked and chained. Barbed wires were put all around the residences and the roads leading to the judicial colony were also barricaded and barbed wires were placed.

9. **That** the eighteen year old daughter of the Chief Justice of Pakistan i.e Ifra Iftikhar was not allowed to leave the residence for taking his “A” Level examinations.
10. **That** eight year old physically challenged son of the CJP, Ballaj Iftikhar, who has been termed as the ‘Youngest Political Prisoner” by local as well as international media has not even been allowed to come out to the garden of the residence let alone allowing him to attend the school.
11. **That** sixteen year old Palwasha Iftikhar a student of ‘A’ Level has also not been allowed to leave the residence and attend her school.
12. **That** Justice Sardar Raza Khan, Justice Shakirullah Jan and Justice Nasir-ul-Mulk also remain under wrongful restraint and confinement.
13. **That** General (R) Pervaiz Musharraf and on his instructions and his behest the Minister of Interior, Secretary of Interior, Chief Commissioner Islamabad, IGP Islamabad, SSP Islamabad, DC Islamabad and other collaborators have committed offences, inter alia, punishable under the Pakistan Penal Code.

You are, therefore, advised to forthwith register a FIR against the above named offenders under sections 338, 334, 341, 344, 441, 442, 503, 506, 107, 102-A and other enabling provisions failing which further legal proceedings shall be initiated.

For the applicants  
President High Court Bar, Rawalpindi.  
President District Bar, Islamabad.  
President District Bar, Rawalpindi.

Through

**(ATHAR MINALLAH)**

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