

EXECUTIVE SUMMARY

Syed Saleem Shahzad, a prominent Pakistani journalist, was abducted during broad day light from the heart of the capital on May 29, 2011. His abduction and subsequent brutal murder left everyone in a state of shock - not just his family and the community of journalist but also the public at large. Citizens were alarmed since the net of suspicious was cast, amongst others, on institutions of the state itself. The alarm soon turned into outrage, manifesting itself in the form of protests.

In response, the Government of Pakistan constituted the present Commission of Inquiry. The Commission, comprised a judge of the apex Court, the Chief Justice of the Federal Shariat Court, Inspector Generals of Police for Punjab and Islamabad and the President, Pakistan Federal Union of Journalists (PFUJ). It was assigned the task of inquiring into the background of this incident and identifying the culprits involved in it. The Commissioners have also been asked to probe the constitutional implications of this situation, and to recommend measures to prevent the recurrence of such incidents in the future.

For six months, the Commission has done everything in its capacity to discharge its burden. The Commission held as many as 23 formal meetings, examined no less than 41 witnesses and went through a large volume of documents comprising the writings of the deceased, emails, telephone records and investigation reports as well as the reports of Commissions which have investigated similar incidents in the past. It is on the basis of this extensive inquiry that the present report has been compiled.

The Commission has recorded all its findings and proposals in this Report, annexed by the appropriate records. In brief, the Commission concludes thus:

Firstly, in all probability, the background of this incident is provided by the War on Terror.

As an investigative reporter, Saleem's writings probably did, and certainly could have, drawn the ire of all the various belligerents in the War on Terror – the Pakistani state, the non-state actors such as the Taliban and al-Qaida, and foreign actors. Any of these could have had the motive to commit the crime. Clearly, he was also in close contact with all of these. The incident may also have been linked, as asserted by some of the witnesses examined, to the subsequent drone attack on Ilyas Kashmiri.

Secondly, the Commission has been unable to identify the culprits behind this incident.

The Commission looked very hard for the kind of substantial evidence/tangible material - direct or circumstantial - which would allow it to single out the culprits from the various suspected quarters. Yet such evidence has not surfaced. From what is available on the record, unfortunately, the culprits cannot be identified. Nonetheless, the Commission urges the Government to provide substantial compensation and support to the family of the deceased, and to deliver on promise already made.

Thirdly, the such incidents, and the climate of fear they give rise to, imperil the citizen's fundamental rights such as the right to life (Article 9), freedom

of speech (Article 19), and freedom of information about public matters (Article 19A). The concept of rule of law, under Article 4, is also put in danger.

Fourthly, noting the gravity of the situation, the Commission recommends, *inter alia*:

- that in the light of our Constitution, based as it is on democratic principles, the uncovering of Truth before the public is very much in our National Interest;
- that the Press be made more law-abiding and accountable through the strengthening of institutions mandated by law to deal with legitimate grievances against it.
- that the balance between secrecy and accountability in the conduct of intelligence gathering be appropriately re-adjusted, with the aim of restoring public confidence in all institutions of the state;
- that the more important Agencies (ISI and IB) be made more law-abiding through a statutory framework carefully outlining their respective mandates and role; that their interaction with the media be carefully institutionally stream-lined and regularly documented;
- that all the Agencies be made more accountable through effective and suitably tailored mechanisms of internal administrative review, Parliamentary oversight, and judicial redressal of citizens' grievances against them.

Ultimately, however, the Commission's recommendations should be considered only as well-considered and research-based suggestions.

Ultimately, all organs of the state will have to effectively play their role if we are to achieve the goal stated in the preamble of the Constitution: "*the preservation of democracy achieved by the unremitting struggle of the*

people against oppression and tyranny” In that regard, where the work of the Commission stops, the work of the others starts.

Islamabad,
the 10th January, 2012

(Justice Mian Saqib Nisar)
President
Commission of Inquiry