

Versus

1. General Ashfaq Pervez Kayani Chief of Staff, Pakistan Army, GHQ RAWALPINDI
2. Lt. General Ahmed Shuja Pasha Head the Inter Services Intelligence Government of Pakistan ISLAMABAD
3. Mansoor Ijaz contributor of an article title "Time to take on Pakistan's Jihadist Spies" % Ministry of Foreign Affairs ISLAMABAD.

RESPONDENTES

PETITION under Article 184(3) of the Constitution of Islamic Republic of Pakistan

Respectfully states;

1. The petitioner has the honour and pride of being a citizen of Pakistan. He is also blessed to be a humble common Pakistani without any titles including being the president of any political party or the officer in armed forces, and has the continuous privilege of serving the nation by contributing in gross domestic product of the country by sheer hardwork. Gravely dismayed by the disclosure of certain facts which threaten the very existence of his motherland. So petitioner approaches this August Court craving for its indulgence and intervention to come to the aid of his homeland and to rescue it from the clutches of those who wish it dead.

2. That the petitioner had been appalled to read an article titled "Time to take Pakistan's jihadist spies" published in an issue of the Financial Times dated October 10, 2011 authored by Mansoor Ijaz respondent wherein it had been claimed, inter-alia, that:

" Early on May 9, a week after US Special Forces stormed the hideout of Osama bin Laden and killed him, a senior Pakistani diplomat telephoned me with an urgent request. Asif Ali Zardari, Pakistan's president, needed to communicate a message to White House national security officials that would BYPASS Pakistan's MILITARY AND INTELLIGENCE CHANNELS. The embarrassment of bin Laden being found on Pakistani soil had humiliated Mr Zardari's weak civilian government to such an extent that THE PRESIDENT FEARED A MILITARY TAKEOVER WAS IMMINENT.....

Gen Ashfaq Kayani, the army chief, and his troops were demoralised by the embarrassing ease with which US special forces had violated Pakistani sovereignty. Inter-Services Intelligence, Pakistan's FEARED SPY SERVICE, was charged by virtually the entire international community with complicity in HIDING BIN LADEN for almost six years. BOTH (ISI & ARMY) CAMPS WERE LOOKING FOR A SCAPGOAT; Mr Zardari WAS THEIR MOST CONVENIENT TARGET was their most convenient target."

3. That later on, a frightfully disturbing comment also came from the spokesman of Admiral Mike Mullen to the effect that:

"Adm. Mullen had no recollection of the memo and no relationship with Mr. Ijaz. After the original article appeared on *Foreign Policy's* website, he felt it incumbent upon himself to check his memory. He reached out to others who he believed might have had knowledge of such a memo, and one of them was able to produce a copy of it," Kirby said. "That said, neither the contents of the memo nor the proof of its existence altered or affected in any way the manner in which Adm. Mullen conducted himself in his relationship with Gen. Kayani and the Pakistani government. He did not find it at all credible and took no note of it then or later. Therefore, he addressed it with no one."

This confirmation of the existence of the memo in question and its receipt by Chief of Staff of the U.S. Armed Forces, was a shocking disclosure of how brazenly, the democratic government was threatened by the military yet again, if all this was true, and that also only for the power hungry generals.

4. That Mansoor Ijaz released the Black Berry Message conversation which inter-alia mentions that:

"I was just informed by senior US intel that GD-SII (read DG-ISI) Mr P asked for, and received permission, from senior Arab leaders a few days ago to sack Z."

Where, according to Mr. Mansoor Ijaz, Mr. P referred to DG ISI General Pasha. It is also a known fact that during this period DG ISI visited the Arab countries during that period.

5. That a further blow to a patriotic mind came from the availability of the said memo, which had since been made public by those possessed of the same. The said memo which now stands published and is available even on the internet reads as under:

CONFIDENTIAL MEMORANDUM

BRIEFING FOR ADM. MIKE MULLEN, CHAIRMAN, JOINT CHIEFS OF STAFF

During the past 72 hours since a meeting was held between the president, the prime minister and the chief of army staff, there has seen a significant deterioration in Pakistan s political atmosphere. Increasingly desperate efforts by the various agencies and factions within the government to find a home - ISI and/or Army, or the civilian government - for assigning blame over the UBL raid now dominate the tug of war between military and civilian sectors. Subsequent tit-for-tat reactions, including outing of the CIA station chief s name in Islamabad by ISI officials, demonstrates a dangerous devolution of the ground situation in Islamabad where no central control appears to be in place.

Civilians cannot withstand much more of the hard pressure being delivered from the Army to succumb to wholesale changes. If civilians are forced from power, Pakistan becomes a sanctuary for UBL s legacy and potentially the platform for far more rapid spread of al Qaeda s brand of fanaticism and terror. A unique window of opportunity exists for the civilians to gain the upper hand over army and intelligence directorates due to their complicity in the UBL matter.

Request your direct intervention in conveying a strong, urgent and direct message to Gen Kayani that delivers Washington s demand for him and Gen Pasha to end their brinkmanship aimed at bringing down the civilian apparatus - that this is a 1971 moment in Pakistan s history. Should you be willing to do so, Washington s political/military backing would result in a revamp of the civilian government that, while weak at the top echelon in terms of strategic direction and implementation (even though mandated by domestic political forces), in a wholesale manner replaces the national security adviser and other national security officials with trusted advisers that include ex-military and civilian leaders favorably viewed by Washington, each of whom have long and historical ties to the US military, political and intelligence communities. Names will be provided to you in a face-to-face meeting with the person delivering this message.

In the event Washington s direct intervention behind the scenes can be secured through your personal communication with Kayani (he will likely listen only to you at this moment) to stand down the Pakistani military-intelligence establishment, the new national security team is prepared, with full backing of the civilian apparatus, to do the following:

1. President of Pakistan will order an independent inquiry into the allegations that Pakistan harbored and offered assistance to UBL and other senior Qaeda operatives. The White House

can suggest names of independent investigators to populate the panel, along the lines of the bipartisan 9-11 Commission, for example.

2. The inquiry will be accountable and independent, and result in findings of tangible value to the US government and the American people that identify with exacting detail those elements responsible for harboring and aiding UBL inside and close to the inner ring of influence in Pakistan's Government (civilian, intelligence directorates and military). It is certain that the UBL Commission will result in immediate termination of active service officers in the appropriate government offices and agencies found responsible for complicity in assisting UBL.

3. The new national security team will implement a policy of either handing over those left in the leadership of Al Qaeda or other affiliated terrorist groups who are still on Pakistani soil, including Ayman Al Zawahiri, Mullah Omar and Sirajuddin Haqqani, or giving US military forces a "green light" to conduct the necessary operations to capture or kill them on Pakistani soil. This "carte blanche" guarantee is not without political risks, but should demonstrate the new group's commitment to rooting out bad elements on our soil. This commitment has the backing of the top echelon on the civilian side of our house, and we will insure necessary collateral support.

4. One of the great fears of the military-intelligence establishment is that with your stealth capabilities to enter and exit Pakistani airspace at will, Pakistan's nuclear assets are now legitimate targets. The new national security team is prepared, with full backing of the Pakistani government - initially civilian but eventually all three power centers - to develop an acceptable framework of discipline for the nuclear program. This effort was begun under the previous military regime, with acceptable results. We are prepared to reactivate those ideas and build on them in a way that brings Pakistan's nuclear assets under a more verifiable, transparent regime.

5. The new national security team will eliminate Section S of the ISI charged with maintaining relations to the Taliban, Haqqani network, etc. This will dramatically improve relations with Afghanistan.

6. We are prepared to cooperate fully under the new national security team's guidance with the Indian government on bringing all perpetrators of Pakistani origin to account for the 2008 Mumbai attacks, whether outside government or inside any part of the government, including its intelligence agencies. This includes handing over those against whom sufficient evidence exists of guilt to the Indian security services.

Pakistan faces a decision point of unprecedented importance. We, who believe in democratic governance and building a much better structural relationship in the region with India AND Afghanistan, seek US assistance to help us pigeon-hole the forces lined up against your interests and ours, including containment of certain elements inside our country that require appropriate re-sets and re-tasking in terms of direction and extent of responsibility after the UBL affair.

We submit this memorandum for your consideration collectively as the members of the new national security team who will be inducted by the President of Pakistan with your support in this undertaking.

6. That a bare perusal of the above quoted memorandum in question and its content would reveal that Pakistani nation was once again live under the fear of military junta take-over which the honourable judges of this August Court and the people of Pakistan are quite familiar, to say

the least, the said contents, inter-alia :-

a, Reveal that the generals of Pakistan once again planned a coup against the democratic elected government, following the tradition of their predecessors.

b, declare the generals of Pakistan military and her agencies to be guilty of “..... THEIR COMPLICITY IN THE UBL (Usama bin Laden) MATTER.”

c, Civilian government is threatened and is put under pressure and generals plan to make the democratically elected president of Pakistan a scapegoat and dismissed through extra-constitutional measures.

7. That the contents of the MEMORANDUM in question reflect the current state of affair in the country, the generals have put the gun on the heads of people of Pakistan and are continuously busy in planning coup d'etat against the democratically elected government and derail the democratic process of which honourable judges, this August Court and the common people of Pakistan are major stakeholders.

8. That since the very existence of the State stands put at stake thereby threatening the fundamental rights of the people to life, liberty, property, trade, and profession as guaranteed by the Articles 9, 14, 15, 16, 23, 24, of the Constitution, therefore the petition which involves serious question of public importance related to the enforcement of the said fundamental rights, deserves immediate attention of this August Court.

WHEREFORE, it is respectfully prayed, in the name of Pakistan, in the name of those who founded it with their sweat and blood and in the name of common people of Pakistan who work hard to keep the ideal of Pakistan alive, that:

a, all the respondent be summoned to appear, before this Honourable Court in person to explain their position on the contents of this MEMORANDUM.

b, the dreadful conspiracy to undermine, overthrow the democratically elected government and derail the democratic process, be un-earthed, and

c, the culprits exhibiting grave disloyalty to the State, the constitution of Pakistan and people of Pakistan and who are found guilty of the crimes as afore-said be brought to book.

d, the Cheif of Army Staff General Ashfaq Pervez Kayani (Respondent Number 1) and Director General Inter Services Intelligence General Pasha (Rrespondent Number 2) be immediately refrained from exercising their duties so that during the investigation they can not exert any pressure due to their position.

Any other, better and appropriate relief or action warranted by the stated or the discovered facts, may also be graciously granted or taken.