

## INQUIRY REPORT REGARDING ALLEGED ENCOUNTER OF NASEEMULLAH @ NAQEEBULLAH MEHSOOD

In continuation of the Interim report submitted by the Enquiry Committee vide letter No. Addl: IGP/CTD/CMC/2018 Karachi, Dated: 19.01.2018, (Annex A), the following final report is submitted.

### 1. BRIEF FACTS OF ENCOUNTER FIR

SP District Malir Karachi vide letter No. SP/M/RDR/- 41 /2018 dated 13.01.2018, (Annex-B) reported that on 13.01.2018 at about 1500 hours, on the information of Intelligence Agencies regarding presence of some militants affiliated with banned organization Lashkar-Jhangvi / Daish in the area of Usman Khaskheli Goth, the police party reached at above place. The terrorists on seeing the police party opened fire and also blasted one hand grenade. In the cross firing, 04 terrorists were killed. Two of them were carrying CNIC cards and were identified as Molvi Ishaq, an important commander of Lashkar-e-Jhangvi and terrorist Nazar gunman of Ex-TTP commander Hakeem Ullah Mahsood. The two others were not identified. The identified terrorists were involved in attack on Airport, PNS Mehran and Imam Bargah at M.A Jinnah Road and also in many murders of Police, Rangers and Army officials. 03-TT Pistols, 01 Rifle and 01-Motorcycle were also recovered from the place of offence. In this connection, a case FIR NO .17/2018 u/s 353/324/34 PPC 3/4 Explosive Act r/w 7-ATA was registered at Shah Lateef Town PS & investigation of said case was handed over to SIO Shah Lateef Police Station. (Annex C)

On 17.01.2018, one of the accused was identified as Naseem Ullah @ Naqeeb Ullah s/o Mohammad Khan. This caused uproar on electronic and social media as the family and friends of Naqeeb negated the police claim that he was a terrorist. They claimed that he was an innocent young man, father of 3 kids and an aspiring model who had nothing to do with terrorism.

As reported by Capital TV SP Malir Rao Anwar claimed that Naqeeb Ullah was a TTP Commander of South Waziristan. He was involved in D. I. Khan Jail break and was also gunman of Baitullah Mehsood from the year 2004 to 2009. (Annex D)

### 2. CONSTITUTION OF THE ENQUIRY COMMITTEE

The Inspector General of Police Sindh, vide order No. 2345-51 dated 18.01.2018 constituted this Enquiry Committee (henceforth mentioned as the Committee) to conduct a detailed enquiry into the alleged encounter of Naseem Ullah @ Naqeeb Ullah, under the following TORs: (Annex E)

- i. To assess and conduct genuineness of encounter of Malir Police.
- ii. To dig out the profile of deceased namely Naseem Ullah @ Naqeeb Mehsood.

### 3. ENQUIRY PROCEEDINGS

#### a). VISIT OF THE SCENE OF INCIDENT

The Committee members visited the place of encounter on 18.01.2018, and 19.01.2018. The police party pointed out the place of encounter that was located at Usman Khaskheli Goth, PS Shah Latif Town. The place of encounter consists of three small rooms and an open area with

short height walls of approximately 5 -1/2 feet. This place of encounter was a deserted poultry farm.

During inspection of the crime scene the Committee observed that there was no angle of fire from inside out and the different fire marks on the room walls seem to be post incident and fabricated. There was no evidence of firing marks on the wall of the rooms, which could establish that the police party was attacked from inside the room as mentioned in the F.I.R.

During the visit of the scene, the SIO, in presence of the enquiry team, collected over 26 SMG empties from outside a window. This is a sign of aerial firing instead of targeted shooting. These 26 empties were collected 5 days after the incident during the visit of the enquiry team. The team minutely observed the scene of encounter and reached to the conclusion that prima facie, the encounter looked fake and staged.

**b). STATEMENTS OF THE POLICE PARTY INVOLVED IN ALLEGED ENCOUNTER**

Police party which was involved in encounter consisted of (i) SIP AmanUllahMarwat, SHO Shah Latif (ii) ASI Gada Hussain, (iii) HC-15448 Sadaqat Ali Shah, (iv) HC-17701 Mohsin Abbas, (v) PC-27970 Raja Shamim, and (vi) Driver/PC-28320RanaRiaz Ahmed. During his verbal statement, SHO Shah Latif SIP Amanullah informed the inquiry team that on an intelligence information, as they reached the place of encounter, the terrorists opened indiscriminate fire on police party with the intention to kill them. Police party opened fire in self-defense and as a result the following got killed:

- I. Muhammad Ishaq s/o RaheemBux (with NIC card in pocket)
- II. Nazar Jaan s/o Attam Jan (with NIC card in pocket)
- III. Unknown terrorist. (Subsequently identified as Naseem Ullah @ Naqeeb Ullah).
- IV. Unknown terrorist. (Subsequently identified as Muhammad Sabir s/o Muhammad Buksh r/o Ahmedpur District Bahawalpur)

SP Rao Anwar informed the Committee that Naqeeb Ullah was an absconding accused in FIR No. 281/2014 u/s 324/353/34 PPC, 4/5 Explosive act, 23(i)a r/w 7-ATA dated 28.07.2014 of PS Sachal, in which 04 terrorists were killed in an encounter. Whereas, Naqeeb Ullah along with 4 other accused managed to escape from the scene of encounter. He further told the Committee that Qari Ehsan (confined in Central Prison) has remained close associate of Naqeeb Ullah in different crimes. The Committee members proceeded to Central Prison Karachi and Rao Anwar and the police party was directed to come to DIG East Office after the Friday prayers for further statements. However, the police party escaped from DIG Office before arrival of the Committee. SP Rao Anwar and the police party involved in the encounter did not join the enquiry proceedings after that.

**c). VISIT OF CENTRAL PRISON BY THE COMMITTEE**

The Committee proceeded to Central Prison Karachi for investigating the matter from Qari Ehsan who is arrested in case FIR No.92/2014 of PS Gadap under section 365-A PPC. In the same case, three persons 1).Mohammad Aijaz s/o Abdul Aziz, 2).Qaiser s/o Yaar Muhammad, and 3).Naqeeb Ullah s/o unknown are absconders.

The Committee showed different pictures of Naseem Ullah @ Naqeeb Ullah and inquired whether he is the same co accused of above FIR No.92/2014 PS Gadap. After closely seeing all the pictures, Qari Ehsan Ullah, in front of the Committee members refused to identify him as a co accused.

d). SCRUTINY OF POLICE RECORD OF THE ENCOUNTER

The record of the wireless control was checked and it was found that there is no wireless set at PS Shah Latif, as it was found out of order since months. Hence no wireless log of the encounter is available.

In charge investigation of PS Inspector Nasrullah stated in his statement that when he visited the scene of encounter with SHO, nothing was recovered from the spot. He was provided the unsealed weapons by the SHO Amanullah Marwat, recovered on 16.01.2018, three days after the incident (Annex F).

As per recovery memo of FIR of the alleged encounter (Annex G), two pistols and five 30 bore empties were recovered from room No. 1 and FIR No. 18/18 and 19/18 were registered. However, FSL report (Annex H) revealed that six empties were fired from the above mentioned pistols. Furthermore, the recovery memo shows one 30 bore pistol and three 30 bore empties recovered from room No. 2. However, FSL report revealed that two 30 bore empties were fired from the pistol recovered in FIR 21/18.

The post mortem report of Naseem Ullah @ Naqeeb Ullah shows two bullet marks on the back of the chest, whereas the firing on the spot took place from the front side. There were no firing marks from the back side of the house (Annex I).

The record is not consistent with a genuine encounter and flow of events and a cover up is evident.

e). CRIMINAL RECORD OF ALL ACCUSED KILLED IN THE ALLEGED ENCOUNTER

The Inspector General's of Police, Punjab, K.P.K, Baluchistan, Azad Kashmir, Gilgit Baltistan, Islamabad and DIGs of all ranges and Zones of Sindh were approached to provide the criminal record of the following accused killed in the alleged encounter :( Annex J)

S No.	Name of Accused	CNIC of Accused	Address
1	Muhammad Ishaque s/o Raheem Bux	31201-0316082-5	Basti Lang, P.O Hyderpur Lang Grawan Teh, Ahmed Pur East, District, Bahawalpur.
2	Nazar Jaan s/o Attim Jaan	21702-5261079-1	Village Shaktoi P.O &TahLaddha South Waziristan Agency.
3	Naseem Ullah @ Naqeeb Ullah s/o Muhammad Khan	21703-5302916-9	Village Baderkhail post office Makin South Waziristan Agency.
4	Muhammad Sabir s/o Muhammad Bukhsh	31201-8857717-9	Post Office, Uch sharif, Lang Garden, Tehsil Ahmedpur, District Bhawalpur.

There is no criminal record of the above mentioned accused persons in the province of Sindh (Annex K). However, the reply from other provinces is still awaited.

f). SOCIAL MEDIA PROFILE OF NAQEEB

Social media profile of deceased Naseem Ullah @ Naqeeb Ullah does not portray any extremist tendency. He seems to be a liberal citizen and appears to lead a happy family life with future goals for his son. In his Facebook profile his surname goes as 'Maseed' rather than 'Mehsood'. He joined Facebook almost four years ago, and had been living in Sohrab Goth area. His posts do not indicate any signs of radicalization or his association with any militant elements. He also went by the nickname 'Veer', which he vehemently highlighted on most of his

pictures on Facebook. The pictures on his profile suggest that he was looking to venture into the modeling business (Annex L).

**g). TECHNICAL ANALYSIS OF CDR OF NAQEEB**

5 mobile sims were registered on the CNIC No. 21703-5302916-9 of Naseem Ullah @ Naqeeb Ullah. One number 0345-2088489 is in use of some family member. Another number 0336-0851852 is inactive since 07-06-2017. Three numbers were said to be in use of Naqeeb Ullah at the time when he was picked by Police on 03.01.2018. These numbers were switched off on 04.01.2018 in the area of Al-Asif Square. This corroborates the statements of the eye witnesses of abduction of Naqeeb Ullah.

The CDR of these numbers was matched against the terrorist's CDR database of Counter Terrorism Department Sindh and no match except a number of a PTCL PCO of North Waziristan was found. This also suggests that Naqeeb Ullah was not in contact with individuals with terrorist/extremist background/record. (Annex M).

**h). TECHNICAL ANALYSIS OF CDRs OF POLICE OFFICIALS ALLEGEDLY INVOLVED IN ENCOUNTER**

The technical analysis of available CDRs of the cell numbers in use of the following police officials, who are known as close associates of Rao Anwar, was carried out.

i.	SP Rao Anwar	03002023318
ii.	ASI Khair Muhammad	03008990362
iii.	SI Muhammad Anar	03052133085
iv.	ASI Gada Hussain	03018313669
v.	SI Amanullah Marwat	03452046776
vi.	SI Shoaib	03232642543
vii.	HC Faisal Mehmood	03122919203
viii.	HC Mohsin Abbass	03072637203
ix.	PC Raja Shamim	03152368546

The CDRs of the above police officials show their presence on the scene of encounter or in its vicinity at the time of encounter. The detailed reports showing the positions, time frames and google images of the RBS Locations is enclosed as (Annex N).

**h). VISIT OF COMMITTEE TO MEET ELDERS OF MEHSUD TRIBE AND FATHER OF NAQEEB**

The Committee visited Sohrab Goth and met the elders of Mehsud community, who had gathered there from across the country to offer condolence on the death of Naqeeb Mehsud. They were assured that a transparent and impartial enquiry will be conducted in the incident to meet the ends of justice. The committee was informed that a grave sense of insecurity prevails amongst the residents of the area and they are not willing to come forward to testify due to fear of reprisal from police. The committee met Muhammad Khan Mehsud, father of deceased Naseem Ullah @ Naqeeb Ullah Mehsud who informed that his son was innocent and was killed without any fault. According to his statement, Naqeeb was picked up on 3<sup>rd</sup> January afternoon with two of his friends Hazrat Ali S/O Shakir Ali and Qasim S/O Daud from a roadside teashop on Abul Hassan Ispahani Road by SP Rao Anwar's men in plain clothes. Later, his two friends were released on 6<sup>th</sup> January at 10:00 pm but Naqeeb was kept in illegal confinement. But after a

few days on 17<sup>th</sup> January, the family came to know through news channels about the killing of Naqeeb in an encounter.

FIR of the incident was registered vide case No 40/18 u/s 365/302/109/344/34 PPC, r/w 7 ATA, PS Sachal, District Malir and investigation was entrusted to SSP Investigation Malir Mr. Abid Qaimkhani (Annex O).

**i). STATEMENTS OF WITNESSES OF KIDNAPPING INCIDENT OF NAQEEB**

The Committee waited for two 2 to 3 hours for the eyewitnesses to arrive. It was informed that it took a lot of effort from the elders of the Mehsud community to persuade the eye witnesses to come and record their statement. As per statement of Hazrat Ali s/o Shakir a friend of Naqeeb Ullah that on 03.01.2018, he alongwith Naqeeb and Qasim were having tea at a teashop namely Sher Agha Hotel located at Abul Hassan Ispahani Road. 8/9 police officials in plain clothes picked them and took them to Sachal Police Post and then to another location, kept in illegal detention and tortured. After 72 hours he and Qasim were released and asked to keep quite. On 17.01.2018 he came to know through media that SP Rao Anwar has killed Naqeeb in a fake encounter. (Annex P)

The eyewitness Qasim s/o Dawood also corroborated the statement of Hazrat Ali (Annex Q).

**4. EFFORTS OF COMMITTEE TO PROCURE ATTENDENCE OF SP RAO ANWAR AND HIS PARTY**

SP Rao Anwar persistently avoided to attend the enquiry proceedings after the first brief attendance. He was contacted on his mobile phone; however, he did not attend the enquiry proceedings. He was also informed through wireless control but he deliberately avoided joining the enquiry. He kept on interacting with the media and gave an impression that the Committee did not call him. He was again given a chance to join the enquiry in front of media at 11:00 pm on 21.01.2018. But he failed to do so. On 22.01.2018 at 10:30 am he was called to come to Central Police Office to join a meeting with a team of Human Rights Commission of Pakistan that was on a fact finding visit on the instructions of Speaker National Assembly. He again preferred staying away from the proceedings. This clearly showed that he did not want to join the process of enquiry. However, he constantly appeared in the media interviews and was in contact with the media persons. He showed extreme indiscipline and disobeyed the lawful command. He is constantly trying to hamper and obstruct the process of justice.

**ATTEMPT BY SP RAO ANWAAR TO FLEE FROM THE COUNTRY**

On 23.01.2018, SP Rao Anwar having Passport No. MU4112255 tried to leave for Dubai from Benazir Bhutto International Airport Islamabad, via Emirates Airline flight EK615, scheduled to depart at 0110 hrs. He checked in from official Rawal Lounge but was offloaded by FIA staff for being not in possession of a valid Departmental NOC. Additional Director FIA Immigration Islamabad informed that as per the IBMS record Rao Anwar has 74 previous travel permits to Dubai from Karachi Airport (Annex R). As reported in media that the Chief Minister and Home Minister Government of Sindh have disowned the grant of any ex-Pakistan leave to SP Rao Anwar. However, a letter has been moved to Secretary S&GAD Government of Sindh to that effect (Annex R). SP Rao Anwar attempted to flee the country on forged documents in order to avoid the legal process.

## 6. FINDINGS

- a) The police encounter on 13<sup>th</sup> January 2018 in the jurisdiction of PS Shah Latif, that resulted in death of Naseem Ullah @ Naqeeb Ullah Mehsud was prima facie a fake/staged encounter.
- b) Naseem Ullah @ Naqeeb Ullah Mehsud was picked up by police alongwith his two friends Hazrat Ali and Qasimon 3<sup>rd</sup> January 2018 from a teashop namely Sher Agha Hotel, located at Abul Hassan Ispahani Road Karachi. They were kept in illegal confinement and badly tortured. Hazrat Ali and Qasim were released on 6<sup>th</sup> January and Naseem Ullah @ Naqeeb Ullah was killed in a police encounter on 13<sup>th</sup> January 2018. It appears to be a coordinated fake encounter, shifting Naqeeb Ullah from one place to another by different police officers.
- c) As per FIR of the alleged encounter, SIP Aman Ullah Marwat, ASI Gada Hussain, HC Sadaqat Ali Shah, HC Mohsin Abbas, PC Raja Shamim, and Driver/PC Rana Riaz were present at the place of incident at the time of encounter. However, CDR analysis indicates that Rao Anwar and the members of his close team namely SIP Amanullah Marwat, SIP Shoaib, SIP Muhamamd Anar, ASI Khair Muhammad, ASI Gada Hussain, HC Faisal Mehmood, HC Mohsin Abbass and PC Raja Shamim were present on the scene of incident or its vicinity at the time of encounter.
- d) Contrary to the persistent claim of Rao Anwar in media and statement before the Committee, there is no evidence of involvement of Naseem Ullah @ Naqeeb Ullah in any terrorist act/activity. His social media profile shows Naqeeb as a liberal and fun loving young man with a penchant for modeling.
- e) As per available record, the criminal record of one Naqeeb Ullah presented to the Committee by SP Rao Anwar is not that of Naseem Ullah @ Naqeeb Ullah who was killed in the alleged encounter.
- f) SP Rao Anwar and his team deliberately avoided to join the enquiry proceedings and committed gross misconduct by showing indiscipline and disobeying the lawful orders of his seniors in an attempt to hamper and obstruct the process of justice.
- g) SP Rao Anwar tried to flee the country from Islamabad Airport on forged documents, although he was in the knowledge that he is facing an enquiry with serious allegations and is bound by law to join the enquiry proceedings.
- h) SP Rao Anwar remained posted in District Malir for about six and half years in different stints. There is extreme fear prevailing amongst the witnesses who are fearful of their security, resultantly they are afraid to cooperate during enquiries and investigations against police.

6. RECOMMENDATIONS

- a) FIR of the case has been registered against SP Rao Anwar and his team. However, the Committee recommends that keeping in view the importance of the matter, and in the interest of justice, the investigation may be carried out by another team, headed by an officer of the rank of Additional Inspector General of Police.
- b) The witnesses of the case may be provided protection under the provisions of Sindh Witness Protection Act 2013.

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No. Addl: IGP/CTD/CMC/402 /2018 KARACHI.

Dated: 25.01.2018.

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