

NA passes crucial bill to meet FATF requirement

ISLAMABAD: The National Assembly on Monday passed a crucial bill — for exchange of information and criminals with countries — to meet a requirement of the Financial Action Task Force (FATF) after the treasury overcame the opposition's customary resistance in the house.

The opposition parties initially tried to block the passage of the bill by challenging Speaker Asad Qaiser's ruling on a voice vote allowing Minister of State for Parliamentary Affairs Ali Muhammad Khan to move the bill, but after a 87-83 vote defeat it participated in the process and moved four minor amendments — two of them were even incorporated in the bill.

As soon as the minister took the floor to present the Mutual Legal Assistance (Criminal Matter) Bill 2019, parliamentary leader of the Pakistan Peoples Party (PPP) Syed Naveed Qamar termed the bill against the fundamental rights of the citizens of Pakistan, claiming that after passage of the bill, the government would be able to seek information from foreign countries and extradite its own citizens on the demand of the other countries even without signing a treaty.

Mr Qamar said presently the countries did not entertain any request from the Pakistan government to hand over any wanted person to it because of the perception that cases were filed on a political basis in Pakistan. He said the bill had given "unfettered powers" to the federal interior secretary to seek information about foreign bank accounts and transactions made by any citizen.

Opposition terms bill against fundamental rights of citizens of Pakistan

In the past, he said, such information was shared only with those countries with which they had such agreements or arrangements. He said that while fulfilling the FATF requirements, the government must protect the rights of its citizens.

The parliamentary leader of the main opposition Pakistan Muslim League-Nawaz (PML-N) was of the view that by approving the bill, they would be "surrendering" the country's sovereignty. He alleged that efforts were being made by international financial institutions to colonise countries like Pakistan which were financially dependent on them. "Please do not rush the bill to meet someone's deadline. Let us debate the matter," he went on saying while opposing the bill.

PPP's Abdul Qadir Patel claimed that there was a clause in the bill which allowed the government to hand over individuals to countries even without demand.

Another vocal PPP MNA Shazia Marri pointed out some drastic spelling mistakes in the draft, saying this showed that the bill was being passed in haste.

Besides the parliamentary affairs minister, newly appointed Planning and Development Minister Asad Umar and Science and Technology Minister Fawad Chaudhry defended the bill and criticised the opposition for creating unnecessary hurdles in the way of the passage of such an important legislation.

Ali Muhammad Khan said no Pakistani would like to see the country being blacklisted by the FATF. He explained that the main purpose of the bill was to nominate the interior ministry as the focal point as previously a number of ministries and institutions like the foreign ministry and the National Counter-

Terrorism Authority (Nacta) were dealing with such matters on their own. Now, he said, no department or institution could make a direct contact with any country without the approval of the interior ministry.

Fawad Chaudhry in his usual style lashed out at the opposition for opposing the bill, alleging that it was the previous two governments which were responsible for putting Pakistan into the FATF trap. He said all the countries shared information on criminal matters under FATF.

Mr Umar said the title of the bill itself suggested that the exchange would take place under mutual understanding. "What fear do you have?" he asked the opposition, adding that it seemed that the opposition wanted that the government should not be able to seek information about the hidden wealth stashed in foreign banks. "Our sovereignty compromises due to money laundering," he said, adding that even the UK and the UAE had changed their laws and they were going towards transparency.

Responding to Mr Patel's objections, Mr Umar said that in the past they used to hand over terrorists to other countries after receiving calls from their capitals. He was of the view that they would be able to extradite any wanted person to a country even if that country was not aware of his presence in Pakistan.

"This Act shall regulate the procedure for rendering and soliciting mutual legal assistance in criminal matters by Islamic Republic of Pakistan subject to the provisions of this Act, the mutual legal assistance may be provided by Islamic Republic of Pakistan to a country on the basis of an agreement or reciprocal arrangement," says the draft of the bill, which is yet to be passed by the opposition-dominated Senate.

Clause 3 of the bill says: "Where the federal government considers it expedient to provide mutual legal assistance in a criminal matter to a country which has not entered into an agreement or reciprocal arrangement with Islamic Republic of Pakistan, it may, by notification in the official Gazette, direct that the provisions of this Act shall, subject to such modifications and conditions as may be specified therein, have effect to that country."

Clause 5 of the bill reads: "Where the central authority considers it expedient, it may initiate transmitting of any information relating to criminal matters confidentially to the appropriate authority in a country concerned with such criminal matters, without prior request by that country."

Under the law, the government would be able to make mutual legal assistance request to a country to "inquire about the location and identification of witnesses, suspects, perpetrators and offenders; have evidence taken or documents or other articles produced; obtain search warrants or other lawful instruments authorising a search for evidence relevant to investigations or proceedings in Islamic Republic of Pakistan, located or as permissible under the domestic law of that country believed to be located in that country and if found, to seize them as permissible under the domestic law of that country; freeze or seize properties that may be the subject of investigations or proceedings through relevant legal process in that county; and transfer in custody to Islamic Republic of Pakistan a person in foreign country who consented to assist Islamic Republic of Pakistan in the relevant investigation or proceedings".