



Murtaza Bhutto

By:

Sani Hussain Panhwar

PREFACE

This book is based on the events, news reports, and enquiries right after the unfortunate murder of Mir Murtaza Bhutto. I have collected this information from different sources including leading English, Urdu and Sindhi newspapers, different magazines and some web sites.

The part that I have tried to cover is mostly the few months' right after the murder. You will see some very conflicting statements issued by the police officers and the contradiction between their statements given to different media personal at different occasions and the change in their statements before the tribunals.

There is no doubt in any one's mind that Bhutto family, who has served the nation most, was eliminated by conspricy. Shaheed Mir Murtaza was the third victim of this conspricy.

His eldest sister Mohtarma Benazir Bhutto, the only ray of hope of the demoralized Pakistani nation was also murdered in December 2007.

I will leave upto the reader to make the judgement on who was behind the murder of Bhuttos and who would benefit from eliminating Bhuttos.

Even though I have tried to put the events in chronological order but you may find some events out of order and you may also find some grammatical errors because while translating either from Urdu or Sindhi I tried to keep the theme of the news in place.

Please feel free to send me your comments to add in the next edition of this book.

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MURTAZA BHUTTO

Like his elder sister, Benazir, Murtaza Bhutto was a novice to active politics until 1978 when his father, Zulfikar Ali Bhutto, was sentenced to death by the Lahore High Court. In the span of 15 years, however, Murtaza has managed to gain considerable notoriety for a brand of politics that has moved in diametrically opposing direction to Benazir's.

Born in Karachi on September 18, 1954, Mir Murtaza received his early education at St. Mary's School, Rawalpindi. He later passed his 'O' levels from the Karachi Grammar School in 1971.

In 1972, Murtaza went off to Harvard University where he studied Government, specialising in strategic studies. He graduated with honours in 1976, and his thesis was entitled "Modicum of Harmony" which dealt with the spread of nuclear weapons in general, and the implications of India's nuclear capability for Pakistan in particular.

Murtaza went on to Christ Church College Oxford, his father's alma mater, for a three-year course to read for an M.Lit. degree. But the death penalty awarded to his father in 1978 seriously disrupted his studies. Murtaza was on the verge of rushing home when he received a message from his father asking him to remain abroad where he could mobilise an international campaign for his release.

Murtaza had been present in Pakistan when Zulfikar Ali Bhutto's government was overthrown on July 5, 1977. Along with other family members, Murtaza had returned to Al-Murtaza, Larkana, and at the time was busy helping in the preparations for the elections scheduled for October 1977. But on September 16, 1977 when Bhutto was arrested from Al-Murtaza, he ordered his son to leave the country.

After Bhutto was sentenced, Murtaza joined hands with his brother the late Shahnawaz Bhutto, to initiate a campaign to muster international support to revoke the death penalty looming over his father's head. Leaders from Syria, Libya, and the PLO were particularly supportive. Mercy appeals were sent by several heads of state to General Ziaul Haq which failed, however, to sway his decision.

Murtaza and Shahnawaz both cut short their respective educations and decided to devote themselves to avenge their father's death. Eventually they resorted to taking up arms, their main target being General Ziaul Haq. This marked the beginning of a new and more controversial era in Murtaza's life.

The Al-Zulfikar Organization (AZO) was born at this point, and disgruntled elements among the younger members of the PPP, disappointed in the party's leadership, flocked to Murtaza's side. The AZO, however, went on to earn the terrorist charge, a label which has dogged Murtaza ever since.

For his part, he has always denied the charge that he espouses the politics of terrorism. "Why is the AZO called a terrorist organisation? Why are we blamed for treason or sedition? What General Zia did to the constitution and to the elected prime minister of the country was real treason. What we did was something that every patriotic Pakistan should do in order to safeguard the interest of the country," Murtaza maintains.

The most controversial episode of Murtaza's career was the hijacking of PIA airliner by AZO activists, which resulted in the death of a passenger. Murtaza still faces a murder charge on this count.

From 1981, Mir Murtaza has spent most of his time in Damascus. Earlier, in the early '80s, he was based in Kabul and then in Libya.

With the mysterious death of Shahnawaz Bhutto in Paris in 1985, Murtaza Bhutto was left alone to carry on the struggle. During this period, his sister's politics had drifted further away from Murtaza's. The PPP, meanwhile, remained forever under the shadow of being labelled a terrorist party, and many of its activists were arrested and hounded for their alleged links with the AZO. Over the years, the PPP has moved steadily towards the center, coming to power once again, being unceremoniously ousted and making yet another bid for government again, but this time with a less hostile establishment breathing down its neck than ever before.

Murtaza has stayed away from Pakistan for the last 16 years during which time his name has been closely associated with the AZO.

Murtaza now claims that the AZO has been disbanded and it remains to be seen what new role he will take in the machiavellian politics of the '90s.

In this exclusive interview with the Herald, conducted long distance over the telephone, Murtaza Bhutto finally breaks his silence about his plans to return to Pakistan, criticises the line the PPP leadership has taken in recent years, reveals his decision to focus his attention on Sindh and vehemently denies charges of being a pawn in the hands of the intelligence agencies...

The Tragic Death of Murtaza Bhutto

On the night of Thursday 19th September 1996, the estranged brother of Pakistani Prime Minister Benazir Bhutto, and the only surviving son of the Martyred Lion of Sindh Mr Zulfikar Ali Bhutto, Mir Murtaza Bhutto was shot dead along with 6 other party activists in a police encounter near his residence.

Among the dead was Aashiq Jatoi, the acting provincial chief of the Pakistan Peoples' Party (Shaheed Bhutto Group). He was a brother in-law of Ghulam Mustafa Jatoi, the former Prime Minister of Pakistan. The injured list included six Party activists of Murtaza Bhutto's party and three policemen, including additional Superintendent of Police of Saddar area of Karachi and two other station house officers.

Just before his death Mir Murtaza Bhutto, 42, had slammed the government, warning it not to arrest him without warrant. "There would be trouble if the Police try to arrest me without a warrant," he had declared.

Prime Minister Benazir Bhutto rushed to the city when told about the encounter. Begum Nusrat, mother of Murtaza, was in London.

As expected the version of the encounter given by the injured party activists and the police widely differed. The police earlier claimed that they reached the residence of Murtaza Bhutto, 70 Clifton, at 8:30pm, to arrest him.

The policemen alleged that the security guards belonging to Murtaza, stationed at his house, opened fire, injuring several policemen. The fire was returned by the police party, which caused fatal injuries to the Prime Minister's brother and his supporters.

Sources said that after the incident the Rangers again cordoned off the area and searched the house number 70 Clifton. Murtaza was sought by the police on the charge of inciting attacks on two CIA Centers on Tuesday where it was thought that his party activist Ali Sunara was detained.

A Sindh government handout issued late in the night said that Murtaza Bhutto's vehicle was allowed to proceed to his residence by the SHO Clifton after it was stopped. The gunmen of Mir Murtaza Bhutto sitting on the land

cruiser vehicle resorted to indiscriminate firing injuring the ASP Saddar, SHO Clifton and a person in a taxi on the spot.

Mir Murtaza Bhutto's gunmen sitting in his vehicle also started firing straight at the police. The police under the command of ASP Drakshan and ASP Saddar retaliated in self-defence and after an encounter of 20 to 25 minutes, took control of the situation.

On the other hand Dr. Mazhar Memon Senior Vice President of the party's Hyderabad Division blamed the police for opening fire on Mir Murtaza Bhutto without any provocation.

"We were returning from a public meeting at Surjani Town, District West of Karachi, when the police and Rangers stopped near the 70 Clifton," Dr. Memon told at the JPMC casualty Department.

He said that Mir Murtaza Bhutto came out of the car to talk with the official. The policemen suddenly opened fire on Murtaza, seriously injuring him. Dr Memon said, "I also came out of the vehicle to help my injured leader who was on the ground and I received a bullet on my leg." Dr Memon added that when Murtaza's guards saw him on the ground in a pool of blood, they rushed out and opened fire on the police. Mir Murtaza Bhutto raised his hand in the air, urging the police to hold the fire. The policemen ignored Murtaza and continued firing.

Memon added that when the firing died down, the Rangers who were on the spot jumped out from their vehicles. Some eyewitnesses said that Murtaza after getting out of his car challenged the policemen to shoot him. A man was seen struggling for his life after being hit by police fire in front of DIG police residence. The firing continued for half-an-hour.

The firing caused great panic in the area. Soon after the incident when newsmen rushed to the Hospital they were beaten up by highly charged policemen. The personnel of the law-enforcement agencies snatched the cameras of photographers and cocked their guns. One of the police officers ordered his force to open fire at journalists should they ignore his orders and advance.

Later some of policemen who had stopped Murtaza Bhutto's vehicle claimed that they did not know whose car they had stopped. They said that they

could not have opened fire on the motorcade if they had known that it was Murtaza's. Other said that they had fired in panic and in self-defence. Senior police officials were tight-lipped about the tragedy.

When Murtaza was rushed to the Mideast hospital in an official car, sources said, that blood was oozing out from Murtaza's mouth. He tried to throw away the oxygen mask but the doctors kept putting it back. He then collapsed and lost consciousness. At this time Murtaza's wife Ghinva and daughter Fatimah reached the hospital. Both of them were crying. They were ordered out of the ICU, where the only official present was the Deputy Commissioner South Arif Elahi.

Soon the specialist doctors from Jinnah Hospital reached the Mideast Hospital, where the bullet-ridden body of Murtaza was taken. But no anesthetist was available at the hospital, which normally does not treat medico-legal cases. Mir Murtaza received bullets on his collarbone, chest, leg and in abdomen. His body refused to accept blood transfusion while he was being operated upon. Doctors revived Murtaza's heart once when it stopped but failed to do so the second time.

The only surviving son of Zulfikar Ali Bhutto died at 11:45pm but his death was announced at 12:25am by the hospital authorities.

Police said Murtaza's followers who were in three cars returning from a party fired first when asked to stop. Police returned fire, killing six people all members of Murtaza's faction. This was confirmed by the Deputy Inspector General of police Shoaib Suddle. He further said that the police had insisted on checking the vehicles because of tightened security after two bomb blasts in Karachi on Wednesday the 18th September 1996 in which one person was killed and at least four others were wounded.

Meanwhile, the body of the Murtaza Bhutto will be taken for burial on Saturday by air to Larkano. He will be laid to rest at the family graveyard in Garhi Khuda Buksh near Larkano, Sindh.

The party activists who were wounded identified as Dr Mazhar Memon, Siraj Hyder, Ismail, Ayaz, Asghar and Bachhal. The policemen who received bullet injuries were ASP Saddar Shahid Hayat SHO Clifton Haq Nawaz Sayyal and SHO Napier Junaid. Two injured remained unidentified. The injured were shifted to the Aga Khan Hospital and Civil Hospital.

Those who were killed with Murtaza were identified as Ashiq Jatui, Rehman Brohi, Sajjad Hyder, Abdul Sattar Rajpur, Yar Mohammed Baloch and Wajahat Jokhio. The bodies had reached JPMC Hospitalat about 3:30am.

The police arrested 12 supporters of Mir Murtaza Bhutto and seized about dozen AK-47 Rifles from their possession.

DIFFERENT NEWS ITEMS RIGHT AFTER THE INCIDENT

KARACHI SEP, 20 1996: The estranged brother of Prime Minister Benazir Bhutto Mir Murtaza Bhutto was shot dead along with 6 other party activists in a police encounter on Thursday night near his residence. Among the dead was Aashiq Jatoi, the acting provincial chief of the PPP (SB). He was a brother in-law of Ghulam Mustafa Jatoi. The injured list included six Party activists of the Murtaza Bhutto and three policemen, including additional Superintendent Police Saddar and two station house officers. Just before his death Mir Murtaza Bhutto, 42 had slammed the government, warning it not to arrest him without warrant. There would be trouble if the Police try to arrest me without a warrant he had declared. Prime Minister Benazir Bhutto rushed to the city when told about the encounter. Begum Nusrat mother of Murtaza was in London.

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When Murtaza was rushed to the Mideast hospital in an official car, sources said that blood was oozing out from Murtaza's mouth. He tried to throw away the oxygen mask but the doctors kept putting it back. He then collapsed and lost consciousness. At this time Murtaza's wife Ghinva and daughter Fatima reached the hospital. Both of them were crying. They were ordered out of the ICU where the only official present was the deputy commissioner south Arif Elahi. Soon the specialist doctors from Jinnah Hospital reached the Mideast. But no anesthetist was available at the hospital, which normally

does not treat medico-legal cases. Mir Murtaza received bullets on his collarbone, chest, leg and in abdomen. His body refused to accept blood transfusion while he was being operated upon. Doctors revived Murtaza's heart once when it stopped but failed to do so the second time. The only surviving son of Zulfikar Ali Bhutto died at 11:45pm but his death was announced at 12:25am by the hospital authorities. Police said Murtaza's followers who were in three cars returning from a party fired first when asked to stop. Police returned fire, killing six people all members of Murtaza's faction, Deputy Inspector General of police Shoaib Suddle said. Further he said the police had insisted on checking the vehicles because of tightened security after two bomb blasts in Karachi on Wednesday in which one person was killed and at least four others were wounded meanwhile, the body of the Murtaza Bhutto will be taken for burial on Saturday by air to Larkana. He will be laid to rest at the family graveyard in Garhi Khuda Buksh near Larkana (Sindh).

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MURTAZA BHUTTO LAID TO REST, TOP GOVT. FUNCTIONARIES, THOUSANDS PRESENT THERE

KARACHI, Sept 21, 1996:- Mir Murtaza Bhutto, son of former prime minister Shaheed Zulfikar Ali Bhutto and brother of Prime Minister Benazir Bhutto was laid to rest at his Garhi Khuda Baksh ancestral graveyard in Larkana Saturday evening. 42-year-old Murtaza Bhutto died at Mideast Hospital in Karachi Friday night after receiving bullet wounds in neck and abdomen during a clash between his guards and police.

The burial took place amid emotional scenes as numerous federal and provincial ministers, advisors, senators, members of National and Provincial Assemblies and thousands of admirers of Bhutto family, many of them wailing or sobbing, converged at the grave site. Earlier Murtaza's body was flown from Karachi onboard a helicopter of Edhi Ambulance Service. His funeral procession began from his native Al-Murtaza residence and reached Garhi Khuda Baksh in about an hour. His widow Ghanwa, Amir Bux Bhutto son of his uncle Mumtaz Ali Bhutto, his brother-in-law Nasir Hussain, accompanied the funeral. Namaz-e-Janaza (funeral prayer) was offered over the ground adjacent to the mausoleum of his father Shaheed Zulfikar Ali Bhutto, led by the Imam of local Jamia Mosque. A large number of people laid floral wreaths at Murtaza's grave following the burial. Several hundred women from adjoining and outlying towns as well as from Balochistan and Punjab provinces were also present.

Earlier Prime Minister Benazir Bhutto arrived in Larkana Saturday afternoon for the burial of her brother Mir Murtaza Bhutto. Her spouse and Minister for Investment Asif Ali Zardari accompanied her. Also accompanying her were Sindh Chief Minister Syed Abdullah Shah, Defence Minister Aftab Shaaban Mirani, President PPP Sindh Syed Qaim Ali Shah, Provincial Minister Agha Tariq and some relatives.

Grief stricken and somber looking Prime Minister, wearing a black scarf, later drove to Naudero. Earlier, body of Mir Murtaza Bhutto also arrived at Larkana Stadium onboard a helicopter of Edhi Ambulance Service for burial at ancestral graveyard Garhi Khuda Baksh Bhutto. Another helicopter brought his mother Begum Nusrat Bhutto who had arrived here from abroad in the morning, and his widow Ghunva.

BENAZIR VISITS MID-EAST HOSPITAL

KARACHI, Sept 21, 1996: Prime Minister Benazir Bhutto visited the Mid-East Hospital to have a glimpse of her deceased brother. The Prime Minister reached the hospital in early hours of the Saturday morning and remained by the body of her brother for about 45 minutes. The Prime Minister, who was in deep gloom, kept weeping holding her head in her hands. As a mark of deep mourning, Bhutto came barefoot to Karachi's Mideast hospital. She sat beside Murtaza's body for 45 minutes, wailing and later reciting Quran a holy book of Muslims witnesses said.

Bhutto cried loudly inside the hospital room where the body lay and when she met Murtaza's widow Ghinwa, the witnesses said. "What has happened?" Bhutto cried, as she pressed her head between her hands in sorrow and sat with Ghinwa.

ONLY HOURS BEFORE MURTAZA DENIES INVOLVEMENT IN BLASTS

KARACHI, Sep 21, 1996: Hours before his death, Murtaza denied his group was responsible for the bombs and told a news conference. Police had arrested at least 70 of his supporters in the previous 48 hours. He accused police of causing the blasts to implicate his group.

NO COMMENTS FROM BENAZIR & NUSRAT ON MURTAZA S' DEATH

KARACHI, Sept. 21, 1996: Prime Minister Benazir Bhutto and her mother Nusrat, who Saturday returned to Pakistan from London to attend her son's funeral, have so far made no comments on Murtaza Bhutto's death. Benazir went to the airport to receive her mother when she arrived but it was kept strictly a family affair and nobody else was allowed to accompany them. Sources in the Bhutto family said the ailing mother was not informed of her son's death until she reached Karachi.

THIRD LITTLE HELIPAD IN LARKANA FOR BHUTTOS

Larkana, Sep 21, 1996: The little helipad in Larkana has seen such crowds only twice before, once when Zulfikar Ali was hanged and again when Shahnawaz's body was flown in. The family has a very tragic history. Murtaza's father former prime minister Zulfikar Ali Bhutto was hanged by a military ruler Gen. Ziaul Huq on April 4, 1979 while his younger brother Shahnawaz was poisoned to death on July 18, 1985 in France.

MURTAZA'S SUPPORTERS CLING TO THE CHOPPER CARRYING HIS BODY

KARACHI, Sept 21, 1996: The pilot of one of the helicopters which carried the body of deceased Murtaza Bhutto felt difficulty in lifting the chopper as a number of supporters of Murtaza from Lyari clung to the base rod in a bid to board the machine. While the helicopter managed to lift off, many of the visibly moved supporters of Murtaza fell down but one of them remained clung to the helicopter. The helicopter flew up to sea side and then returned and landed at Bagh Ibn-e-Qasim where the youth clinging to helicopter's rod fell down and the chopper flew away. Earlier on photographer's request, Ghunva allowed them to take her photographs along with her six year old son Zulfikar Bhutto Junior. On the occasion Murtaza's supporters raised slogans "our leader Master Bhutto".

Meanwhile unruly people this morning got the shops closed in Lyari's areas of Gul Muhammed Lane, Nawa Lane, Hangora Abad, Agra Taj Colony, Miran Naka, Bihar Colony, and Chakiwara. They put up road blocks as a result of which traffic remained suspended in these areas.

Fearing a backlash the government closed all schools and colleges in Karachi. The situation was tense throughout Sindh, Bhutto's native province.

PEOPLE KILLED IN SHOOT-OUT BETWEEN POLICE AND PPP (SB) ACTIVISTS IDENTIFIED

KARACHI, Sept 21, 1996: Six persons who also died in the gun battle between police and activists of PPP (SB) Group here Friday have been identified as Ashiq Jatoi, Acting President PPP (SB) Group, Sindh (brother in law of Ghulam Mustafa Jatoi), Wajahat Jokhio, Finance Secretary Hyderabad Division, Sattar Rajpar, Chief Guard of Murtaza Bhutto, Rehman Mughal, Sajjad Baluch and Sarwar Baluch. The firing by guards of Murtaza Bhutto caused injuries to ASP Saddar, Shahid Hayat and SHO Clifton, Inspector Haq Nawaz Siyal.

BULLET HITTING NECK WAS FATAL

KARACHI, Sep 21, 1996: According to doctors of Mid-East Hospital where Murtaza was rushed for treatment, the bullet hitting his neck had proved fatal.

VALIANT MIR DIED WITH DIGNITY GHANVA BHUTTO

KARACHI Sept, 21, 1996: Following is the statement issued by Mrs Ghanva, on the death of her husband and six others in police shoot out near 70 Clifton last evening. With a heavy heart I announce the tragic death of my husband Mir Murtaza Bhutto and his valiant compatriots Ashique Jatui, President PPP (SB) Sindh, Wajahat Hussain Jokhio, Information Secretary PP (SB) Hyderabad Division, Yar Mohammed Baloch Security Guard and Sattar Rajpur. "Mir died as he had lived fearlessly and with dignity. He sacrificed his life because of a belief in this country and I pray that this dream for this nation will not die with him. I appeal to all those who believe as he did and who shared the dream to find answers through peaceful means, to struggle for the cause he espoused, with calm and dignity. Only then will have sacrifice not have been in vain. "To all those who have supported us through this devastating time to those who put their lives and their livelihoods on the line for us, my children is and my heartfelt thanks."

MURTAZA'S BODY TAKEN TO 70 CLIFTON:

KARACHI, Sept 21, 1996: The body of Mir Murtaza Bhutto was taken from the Mid-East Hospital, where he died in the operation theater, to his 70-Clifton residence Saturday morning. His body was received from the hospital at about 9.15 a.m. and taken to 70-Clifton in St. John's ambulance. His body was flown to Larkana accompanying the body was Nusrat Bhutto and Sister Sanam Bhutto. At 70 -Clifton the workers of PPP (SB) group were clad in black mourning dress. The women gathered there were wailing. The flag at 70-Clifton was lowered at half mast. The PPP (SB) workers were coming to 70-Clifton to have Murtaza's last glimpse.

INQUIRY TRIBUNAL CONSTITUTED TO PROBE INTO MURTAZA'S DEATH

KARACHI, Sept 21, 1996: Sindh Government Saturday constituted a one-person inquiry tribunal to be headed by a Judge of Sindh High Court to probe into the incident resulting in the death of Mir Murtaza Bhutto and six others on Friday.

IGP POLICE ORDERS ENQUIRY

KARACHI, Sept 21, 1996: The Inspector General of Police Sindh has ordered an enquiry into police conduct in the incident in which Mir Murtaza Bhutto, Chairman of his faction of PPP was killed along with six of his guards on Friday.

The IGP appointed DIG Inspection and Inquiries, Malik Mohammed Iqbal to conduct the inquiry.

CONDOLENCE ON THE SAD DEMISE OF MURTAZA BHUTTO

Islamabad, Sep 21, 1996: Speaker National Assembly Syed Yousaf Raza Gilani in separate condolence messages to the Prime Minister, Begum Sahiba and Ghanva Bhutto expressed shock over the sad demise of Mir Murtaza Bhutto who died Friday night in Mid-East Hospital Karachi due to serious injuries received during exchange of fire between police and his supporters. NWFP Governor Maj. Gen (Rtd) Khurshid Ali Khan and Chief Minister Aftab Ahmed Khan Sherpao have expressed profound grief and sorrow over the tragic demise of Mir Murtaza Bhutto, Chairman Pakistan Peoples Party Shaheed Bhutto Group in Karachi last evening.

President PML (N) Sindh, Syed Ghous Ali Shah, former Federal Minister Illahi Bux Soomro and Sahibzada Munir Ahmed, Saturday sympathized with Begum Nusrat Bhutto at the Clifton helipad on Murtaza Bhutto tragic killing Friday night.

GRIM SITUATION IN LARKANA

LARKANA, Sep 21, 1996: Situation in Larkana was reported grim as supporters of Murtaza Bhutto had the shops, schools, transport shut down as soon as the news of his demise spread in the morning and began converging at his Al-Murtaza residence. Reports from Nawabshah also said shopping centers and markets shut down soon after news of his death became widely known. Schools and colleges were also closed and students sent back home. Vice Chancellor Quaid-e-Awam Engineering University Prof. Jan Muhammad Keerio announced an indefinite closure of the campus and hostel residents were asked to vacate. Law-Enforcing Agencies were deployed at the University, railway station and other important buildings. Reports from Naushero Feroz and other towns also spoke of closure in those areas.

Lyari and Malir areas of Karachi also grew tense following spread of news of Murtaza's death. In Malir district shops closed in the residential areas while situation was normal on the main roads. According to Kalri police in Lyari a mob assembled near Mauripur Truck Stand and pelted stones. It however dispersed on arrival of police contingents. Residents of various sections of Lyari also reported hearing sporadic aerial firing in their vicinity. No major untoward incident was however reported.

Condolences over the demise of Mir Murtaza Bhutto, elder son of former Prime Minister Shaheed Zulfikar Ali and brother of Prime Minister Benazir continued to pour into news media offices. Among them were political leaders, various organisations and individuals from different walks of life.

LYARI TENSE AS NEWS OF MURTAZA'S DEATH SPREADS

Karachi, Sept 21, 1996:- Tension began gripping Lyari area of District South on Saturday afternoon as the news of the tragic death of Mir Murtaza Bhutto spread in the locality. Residents said sporadic firing was heard in various areas of the Lyari where Murtaza's supporters resorted to stone-pelting.

According to Kalri Police an unruly crowd pelted stones near Truck Stand on main Mauripur Road. The people, however, dispersed later when police reinforcements arrived. Gun shots were reported from Chakiwara, Baghdadi, Nawa Lane, Gharibshah, Kalakot and Usmanabad areas of Lyari, residents added. Shops at main Chakiwara Chowk and Lea Market remained closed and transport was reported thin. Shops were also closed in the residential area of Malir district while on the main roads, situation was reported as normal.

NA CONDOLES DEMISE OF MURTAZA

ISLAMABAD, Sep 21, 1996: The government and the opposition in National Assembly Saturday unanimously condoled the death of leader of his own faction of Pakistan People's Party, Mir Murtaza Bhutto. "We sympathize with Begum Nusrat Bhutto and Prime Minister Benazir Bhutto over the tragic demise," Interior Minister Naseerullah Babar said.

SHARIF EXPRESSES SHOCK

Islamabad September 21, 1996: Earlier, Opposition Leader Nawaz Sharif expressing shock over the tragic death of Murtaza Bhutto accused the government of carrying out "state-terrorism." "We should be told the circumstances which led to the killing of Murtaza Bhutto," he said. "Such a thing never happens in a civilized country," he added. He alleged that "the government had been using strong-arm tactics", in a claimed bid "to silence its opponents". "We condole with Begum Nusrat Bhutto, the widow and children of Murtaza Bhutto," the leader of the opposition said. He also expressed sympathy with former caretaker Prime Minister Ghulam Mustafa Jatoi whose relative was also killed in the shootout.

ARRANGEMENTS TO DISPATCH BODIES OF MURTAZA S' GUARDS TO ANCESTRAL VILLAGES

Karachi, Sept 21, 1996: The Edhi Ambulance service was making arrangements to dispatch the bodies of Mir Murtaza's guards killed in shoot out with the police, to their respective ancestral villages through ambulances. According to Edhi sources body of Yar Mohammed will be sent to Hala, Sajjad Haider to Badin, Abdul Sattar Rajpar to Naushahro Feroze, Wajahat Jokhio to Hyderabad and Rehman Brohi to Thatta.

SHAH ORDERS SUSPENSION OF POLICE OFFICIAL AND PERSONNEL INVOLVED IN FIRING CONSPIRACY CAN NOT BE RULED OUT: SHAH

Naudero (Larkana), Sept 21, 1996: Sindh Chief Minister, Syed Abdullah Shah, said here Saturday that he has issued immediate orders for placing them under suspension the police officials and personnel involved in firing near Murtaza Bhutto's house on Friday night. In an interview to newsmen at Naudero in Larkana Saturday, the Chief Minister asked the people to exercise tolerance and wait for the outcome of the judicial and crime branch police enquiries already ordered to ascertain the causes which led to the shooting and resultant death of Mir Murtaza Bhutto and others.

To a question Syed Abdullah Shah pointed out that for the moment he had only the police version with him according to which and as has been reported in newspapers police were stopping them (Murtaza and his gunmen). They did not stop instead opened fire on police which also returned fire resulting in this tragedy. When asked whether or not some conspiracy was involved in the matter as Late Z. A. Bhutto and his son Shah Nawaz Bhutto were also made victims of conspiracies, the Chief Minister said that nothing can be ruled out. But he will be in a position to say something only when a thorough inquiry is carried out. He said the crime branch has been asked to complete inquiry in three days whereas the judicial inquiry will take its own course. When asked there was no magistrate present on the occasion when shooting took place, the Chief Minister said that it was not a registered event that would have necessitated the presence of the magistrate. He pointed out that a few days back blasts had occurred in Karachi after which police had started checking for arms. He said every thing and all aspects would be inquired into under the judicial inquiry and investigation by crime branch police.

He said death of Mir Saheb was not an ordinary tragedy. We are a broken people. There could be political differences but he was son of Shaheed Quaid and brother of our Prime Minister. He said this tragedy should not be exploited in any way and it would not be proper to hurt other's feelings. He said these are the nature's decisions. A tragedy has occurred but we should bow before the nature's verdict. He said being Muslims it is our duty to exercise patience and tolerance. The Chief Minister recalled that his brother too was killed but today he was more grieved and shocked that this death

occurred at the hands of police. He said being the chief minister he owes some responsibility. He himself is sad and shocked and people should not get provoked so that situation is not allowed to be exploited as it would pain the departed soul.

MOVING SCENES AT MURTAZA'S BURIAL

GARHI KHUDA BAKSH, Sept 21, 1996:- Mir Murtaza Bhutto incidentally found his last resting place on the right hand side of his illustrious father and first elected Prime Minister of Pakistan Shaheed Zulfikar Ali Bhutto, and was buried there this evening amidst lot of weeping and wailing by several thousands people coming from different parts of country. His grave was raised in the middle of his father's grave and that of his younger brother Shah Nawaz Bhutto's grave, who died in mysterious circumstances on 18th July, 1985.

Moving scenes were witnessed at the time of burial and during Namaz-e-Janaza, and scores of people were seen mourning and throwing dust on their heads as a mark of shock and grief. Females also were seen in large number coming from distant places of Larkana division, and other adjoining areas. They were crying and rising. "We are orphans", "who will lead us". Several media teams from Karachi, Islamabad and some foreign correspondents had also come specially to cover the last rites.

Mrs. Ghinwa Bhutto, widow of Murtaza Bhutto also accompanied the Janaza procession from Larkana to Garhi Khuda Baksh Bhutto, but she kept sitting throughout in the ambulance which brought the body of Murtaza, and after burial proceeded to Al-Murtaza Larkana. The bereaved family members of Mir Murtaza, including Begum Nusrat Bhutto, Ghinwa Bhutto, and brother-in-law Nasir Hussain are at Al Murtaza, Larkana, where scores of people are pouring in for offering their condolence.

SON & BROTHER OF ELECTED PRIME MINISTERS MIR MURTAZA GOES INTO PERMANENT EXILE

KARACHI, Sep 20, 1996: The estranged brother of Prime Minister Benazir Bhutto Mir Murtaza Bhutto was shot dead along with 6 other party activists in a police encounter on Thursday night near his residence. Among the dead was Aashiq Jatoi, the acting provincial chief of the PPP (SB). He was a brother-in-law of Ghulam Mustafa Jatoi. The injured list included six Party activists of the Murtaza Bhutto and three policemen, including additional Superintendent Police Saddar and two station house officers. Just before his death Mir Murtaza Bhutto, 42 had slammed the government, warning it not to arrest him without warrant. "There would be trouble if the Police try to arrest me without a warrant" he had declared. Prime Minister Benazir Bhutto rushed to the city when told about the encounter. Begum Nusrat mother of Murtaza was in London.

As expected the version of the encounter given by the injured party activists and the widely differed. The police earlier claimed that they reached the residence of Murtaza Bhutto, 70 Clifton, at 8:30pm, to arrest him. The police men alleged that the security guards stationed at the house opened fire, injuring several of them. The fire was returned by the police party, which caused fatal injuries to the Prime Minister's brother and his supporters. Sources said after the incident Rangers again cordoned off the area and searched the 70 Clifton. Murtaza was sought by the police on the charge of inciting attacks on two CIA Centers on Tuesday where it was thought that his party activist Ali Sunara was detained.

A Sindh government hand out issued late in the night said that Murtaza Bhutto's vehicle was allowed to proceed to his residence by the SHO Clifton after it was stopped. "The gunmen of Mir Murtaza Bhutto sitting on the land cruiser vehicle resorted to indiscriminate firing injuring the ASP Saddar, SHO Clifton and a person in a taxi on the spot". Mir Murtaza Bhutto's gunmen sitting in his vehicle also started straight firing. The police under the command of ASP Drakshan and ASP Saddar retaliated in self-defence and after an encounter of 20 to 25 minutes, took control of the situation.

On the other hand Dr. Mazhar Memon Senior Vice President of the party's Hyderabad Davison blamed the police for opening fire on Mir Murtaza Bhutto without any provocation. " We were returning from a public meeting at Surjani Town District West , when the police and rangers stopped near the 70 Clifton" Dr. Memon told at the JPMC casualty Department .

He said that Mir Murtaza Bhutto came out of the car to talk with the official. "The policemen suddenly opened fire on Murtaza, seriously injuring him". Dr. Memon said I also came out the vehicle to help my injured leader who was on the ground and I received a bullet on my leg. Dr. Memon added that when Murtaza's guards saw him on the ground on a pool of blood, they rushed out and opened fire on the police. "Mir Murtaza Bhutto raised his hand in the air, urging the police to hold the fire,"he said." The policemen ignored Murtaza and continued firing.

Anwer Pirzado Writes

It was the grim news of a major political assassination in Pakistan that shocked every newspaper reader early morning Saturday, September 21, 1996. The city of Karachi which seldom accepts total influence of any political force gave a desolate look after the tragedy. There was thin traffic on the roads while most of the offices and business centers were already closed because of Saturday, the half holiday in Pakistan. The localities of Karachi inhabited by Sindhis and the pro PPP populace including Liyari, Gulshan-e-Hadeed and areas of Malir district were completely deserted and an undeclared strike was observed in mourning for Mir Murtaza Bhutto. The reaction in the rest of Sindh cities, towns and villages was that of a severe shock which left the people numb. Nobody could believe the banner headlines of the early morning newspapers of Sept 21 at first instance reporting killing of Mir Murtaza Bhutto. Of course it was very much in the air in Karachi prior to this tragedy that Mir Murtaza Bhutto would be arrested any time because he had been booked after September 18 bomb blasts in Karachi considered by the local administration as violent reaction by the PPP (Shaheed Bhutto) group led by the Mir himself on the arrest of Ali Mohammad Sonaro, an acting visit of the group. The police had alleged that Mir Murtaza Bhutto had 'attacked', the CIA Centers of Garden and Napier Road and after making a crash-door entry there inspected the prisoners which included his party men too. Mir Murtaza Bhutto also addressed a press conference on September 20 making it clear that he would not resist his arrest provided it was made in a legal way through a warrant of arrest. He, however sounded a warning that the government would be responsible for the repercussions if he was arrested otherwise. The police can land in trouble if any attempt is made to arrest me without legal document, he warned while addressing his last press conference in Karachi on September 20.

According to the reports reaching here from Islamabad, Prime Minister Benazir Bhutto was so shocked on receiving the news about assassination of her brother that she was unable to board her plane to fly for Karachi. She was reportedly supported by Ms. Naheed Khan and others to get into the plane. The largest circulate Urdu Daily Jang. Karachi reports that she had partially lost consciousness by wailing over the tragic death of her brother. However, when she arrived at Karachi at midnight and rushed to the Mideast Hospital to see the dead body of her brother the agitated workers of the PPP (SB) group didn't allow her do so and thus she returned to her residence Bilawal

House without having a look at her assassinated brother. Following assassination of Mir Murtaza Bhutto in Karachi on Sept 21 (at 12.10 am) the political analysts are deliberating on the possible repercussions (if the event vis-a-vis the political future of Bhuttos in Pakistan. Some of them believe that the elements identified as the legacy of Gen. Zia have perhaps decided finally to do away with whole of the family of late Z.A. Bhutto on the pattern of late Shaikh Mujeeb of Bangladesh. So with the tragedy of September 21 they have succeeded in eliminating all immediate male successors of the tragedy of September 21. They all believe that the assassination of Mir Murtaza Bhutto was also aimed at sounding an alarm even for Prime Minister Benazir Bhutto who herself has observed recently that the political adventures have started conspiring against my government'. Meanwhile the opponents of Benazir government have started saying that, 'Benazir government has no more justification for staying in power following killing of her brother by the law-enforcing agencies of her own government'. Qazi Hussain Ahmed of Jamat Islami who is engaged in a tirade against the government along with Mian Nawaz Sharif and both factions of the MQM besides the ANP, led by Ajmal Khattak have said, 'the government must go after Murtaza's killing. While the reaction by Mian Nawaz Sharif is not known so far, Altaf Hussain of MQM has directly held Prime Minister Benazir Bhutto responsible for the killing of Mir Murtaza Bhutto. Dr Zafar Arif, member central executive committee of PPP (SB) has said, 'the government misunderstands that by eliminating Mir Murtaza Bhutto it would establish its monopoly on the Sindh Card. We would bring an early end to the present rule'. Mairaj Mohammed Khan of Qaumi Mahaz (National Front for Freedom) has said; 'The assassination of Mir Murtaza Bhutto was the result of unlimited powers given to the law-enforcement agencies in the country for the last four years. However, according to some political observers sympathetic to the PPP, the tragedy of Sept 21 has made Benazir Bhutto a female heir of 'three political martyrs of the Bhutto family. Therefore they believe that instead of disowning her, the pro Bhutto masses would naturally give her added support especially when she succeeds in identifying any force other than her own government for the assassination of Mir Murtaza Bhutto.

HUNT FOR SONARA'S CLOSE ASSOCIATES, NO ARREST FROM RAIDING PARTY DIG EXPLAINS TRAGEDY

Karachi, Sep 22, 1996: There was neither any intention nor instruction to either question or detain Mir Murtaza Bhutto on that fateful evening of Friday, DIG Shoaib Suddle told newsman this morning. We had information that three gunmen (since killed) of Mir Saheb were RAW trained and we wanted to take them into custody. The police had first tried to get them when they came out of 70-Clifton for Surjani but failed. Police waited for their return. We were also apprehending that they (three gunmen) and others might go to other police stations for the search of detained Ali Sonaro and might repeat the ugly incident of the earlier night at Garden Police Station. He said the areas SSP was present when the motorcade arrived, and he instructed the ASP and other policemen to intercept the vehicle carrying the three wanted men. Their names were provided to the police by Ali Sonara. Describing the incident, DIG Suddle said police had not ruled out the possibility of resistance. The apprehension did not prove wrong. The first shot hit the ASP, and the firing started. Answering a question he said no one of the raiding party has been detained, some were suspended on the orders of the Chief Minister. He said hunt for Ali Sonara's associates would continue.

ONE MORE MURTAZA'S GUARD DIES. ASIF WAS ONLY SURVIVOR IN THE BACK OF MURTAZA 'S VEHICLE

KARACHI Sep 22, 1996: Another supporter of Murtaza Bhutto died of his wounds Saturday. A spokesman for Murtaza's Pakistan People's Party-Shaheed Bhutto group accused police of shooting to death Sunday a detained survivor of and witness to the fatal confrontation between police and Murtaza's men. He said the man, identified only as Asif, was in the back of Murtaza's vehicle, but escaped injury at the time. He said the party had no confidence in the high court judge appointed to head the inquiry, Ali Mohammed Baloch. The spokesman said security forces had detained 3,000 party members in the past few days. Karachi police confirmed only six arrests. Surviving members of the powerful but feuding Bhutto political dynasty came together at the family's ancestral home in Larkana to pay their last respects to Murtaza. Nusrat Bhutto, accompanied by Benazir and another daughter, Sanam, laid red roses on Murtaza's grave Sunday. The PPP-Shaheed Bhutto faction, who has called for 10 days of mourning and a three-day strike, accused Zardari Sunday of engineering Murtaza's death. A statement issued by Zafar Arif, a member of the central committee of Murtaza's faction, said Zardari held secret talks with "criminal elements" in the security forces last week. "The murder of Murtaza Bhutto is the direct result of these conspiracies," the statement said. No comment was immediately available from Zardari, who is also investment minister in his wife's government.

MIR MURDER FIR AGAINST BB, ZARDARI SOON: RAO RASHID.

LAHORE, Sept, 22, 1996: General Secretary of PPP's a Shaheed Bhutto Group Rao Rashid has said accused Prime Minister Benazir, and her husband Asif of involvement in the Mir Murtaza's murder. Rao said Murtaza was fast becoming a political challenge for his sister Benazir and a hurdle in the way of what he said a corrupt Asif Zaradi. Besieging 70- Clifton would have not been that easy for the people if Benazir herself had not permitted them to do it and there was no need for a head on collusion even if the police wanted to arrest Mir Murtaza he observed. He said "A murder case would be registered on Begum Bhutto's wishes and the party would reserve its right for a legal action against those involved in the murder. We will nominate Benazir and her husband in the FIR he added.

12 CASES REGISTERED AGAINST MIR MURTAZA & HIS SUPPORTERS

KARACHI Sep 22, 1996: The Clifton and Darakshan Police have registered on dozen cases against Mir Murtaza Bhutto and his supporters after the killings on Friday night. The source said that they had also shown the arrest of the deceased Mir Murtaza Bhutto, Aashiq Jatui, Sajjad Haider, Wajahat Hussain, Yar Mohammad, Mohammad Rahim Brohi, Sattar Rajper, Bachal and injured Ayaz, Ismail, Dr. Mazahar, Siraj Hyder, Asghar, besides the arrested Mustafa, Mahmood, Qaiser Hussain, Ali, Waqar Hssain and Qasiar Ali.

The FIR 386/96 was registered at the Clifton Police Station against Mir Murtaza Bhutto and his supporters under Sections 147,148,186,353,427 and 324 PPC while FIR 387/96 was registered under Section 154 CRPC at Darakshan PS. The case against Murtaza Bhutto was registered at 10:00 pm on Friday night, some 90 minutes after the incident which had taken place at 8:30pm. The police after lodging combined FIR 387/96 also registered separate cases under Section 13-D,FIR Nos 388/96 against Mahmood for recovering a TT pistol, 389/96 against Qaisar Hussain for recovering a TT pistol, 390/96 against Ali Asghar for seizing one.

POLICE LEFT VICTIMS DYING ON THE ROAD

KARACHI, Sept 21, 1996: The mystery surrounding the death of Mir Murtaza Bhutto and seven of his guards and party leaders, deepened on Saturday after new evidence revealed that the police deliberately hindered the shifting of the injured to the hospital and left them dying on the road.

Eye-witnesses accounts available to Dawn show that “many, many” minutes after the shoot-out, senior police officials heading the police parties left the injured unattended and crying for help. Among them was the Prime Minister’s younger brother, Mir Murtaza Bhutto, who was lying, seriously injured, in the seat of his vehicle, on the other hand the two injured policemen were immediately taken to hospital.

According to the police version, the encounter started at 8:40pm when the police tried to check one of the four vehicles allegedly carrying Murtaza’s guards. Encounter continued for about 20 to 25 minutes. At 9:15pm, when several Press photographers and newsmen arrived at the spot, the firing had stopped, but at least one injured was still there on the road crying for help.

Mir Murtaza Bhutto too, was there injured. A newsman who was present on the spot told Dawn that he himself asked the policemen to at least take Murtaza Bhutto to the hospital. And according to him it was 9:30pm when they finally took the injured Murtaza out of the vehicle and carried him to the nearby Mideast Hospital.

When Mir Murtaza was brought to the hospital he had already lost a lot of blood and according to his close friends his heart beat was very feeble. The doctors in the Intensive Care Unit managed to revive his heart.

No senior police official was available for comment as to why the police delayed in the shifting the injured to a hospital just a few hundred yards away from the site of the incident. Even at the hospital, this correspondent noticed the police creating hurdles for the people who wanted to leave the Mideast Hospital to obtain more blood for Mir Murtaza.

The shooting pattern was also one sided. Observation of the portion of Shahrah-e-Iran where the encounter took place revealed that the direction of the bullets was mostly one-sided towards the convoy. The trunks of the old

trees along this boulevard bore marks of heavy shooting. No such bullet marks were found on the walls on the other side of the road which should have had bullet marks, had supporters of PPP (SB) allegedly fired towards the police. Witnesses told Dawn that when the convoy reached 70 Clifton, policemen wearing bullet-proof jackets were posted along the entire road. Some of the staff of the nearby diplomatic missions, who were interviewed by this correspondent on Saturday morning, revealed that the shooting was also in one-direction. "You could feel that the firing was being made by only one party," said one of the witnesses.

MEDICAL BOARD TO EXAMINE CLIFTON SHO

KARACHI, Sept 24, 1996: The Sindh government has constituted a special medical board to determine within 24 hours whether the wounds suffered by Clifton SHO Haq Nawaz Siyal were self-inflicted or otherwise.

According to the Sindh health department, the board, which comprises Karim Siddiqui, professor of surgery, DMC; Mateen Ahmed Khan, professor of radiology, DMC; and Dr Nizamuddin Memon, police surgeon, has been constituted at the request of Ghinwa Bhutto, the wife of the late Murtaza Bhutto.

The Sindh government has also directed SSP, South, to produce the Clifton SHO before the board on Sept 25.

PROBE BODY: The level and composition of the judicial commission, set up to inquire into the circumstances of the violent death of Murtaza Bhutto , is expected to be revamped following a meeting at Bilawal House on Monday night, which was presided over by Prime Minister Benazir Bhutto, sources said.

Chief Minister Syed Abdullah Shah, Sindh PPP President Syed Qaim Ali Shah, Sindh police chief and DIG, Karachi, accompanied the prime minister when she left the city for Islamabad on Tuesday afternoon.

The departure of senior police officials for Islamabad has given rise to many speculations. At the Bilawal House meeting, the sources said, the chief minister, the Sindh PPP chief and the advocate-general, Sindh, were also present.

During the meeting, various aspects of Friday's incident were discussed, and suggestions for enlarging the composition of inquiry commission were offered, the sources said. The meeting also discussed the suggestion that the judicial commission should comprise three judges instead of one, the sources added.

Some political circles have demanded inquiry by a commission headed by a judge of the Supreme Court.

FATIMA CAN WEAR BHUTTO MANTLE

LARKANA, Sept 24, 1996: Fatima Bhutto, Murtaza Bhutto's 14-year-old daughter, controls her emotions as she talks about the last moments she shared with her father – the best father one could have. "It was at about 5:30 in the evening. We talked and joked around for about 10 minutes. He had to go out to meet some people. At around 8:45pm we heard the gunshots ... then I saw him struggling (for life) at the hospital," she said. "My father was a brave man who fought for what he believed in. I am very proud of him." Murtaza, chief of his faction of Pakistan Peoples Party – PPP (Shaheed Bhutto) – died around midnight Friday/Saturday near his Clifton residence in a confrontation with law enforcers. Several of his guards, party leaders, aides and a bystander also died while many others injured. In a country where dynastic politics plays a significant role, the Bhuttos are the single most powerful family. The Bhutto name on a ballot virtually guarantees a seat in parliament. Fatima was first seen in public when she campaigned for her father in the run-up to the 1993 elections with her mother, Ghinwa, and brother, Zulfikar Jr., touring remote areas and waving victory signs.

Her father Murtaza was a blunt and charismatic man who commanded attention. Benazir, her aunt and the two-time prime minister is eloquent and a skilled politician. Fatima, with her gentle smile, already carries the Bhutto name and observers say she has the ability to wear the Bhutto mantle of leadership as well. "We have only dreamt of personalities like Yasser Arafat and Muammar Qadhafi or read about them in books. Fatima has met them and came to know them through Murtaza," said Murtaza supporter Shahid Shah. "She has poise and grace." Many observers have likened her composure and demeanour to that of Priyanka Gandhi when her father Rajiv was assassinated in India. When Fatima sat by her father's body in Karachi the morning after he died, she wept softly, often biting her lip to keep from breaking down.

"I miss him a lot. My father was the best father, the best parent one can have. He was my best friend and an excellent companion," Fatima said. Born to Murtaza and his first wife, an Afghan, Fatima appears interested in politics. Her parents were divorced when she was a baby and Fatima was raised by her father while he was in exile in Damascus. Murtaza once said that he had not wanted his daughter to be raised by others and that he enjoyed looking after her. He taught her about politics and history at an early age. "My father

told me about the Palestinians and how they were forced out of their homeland, and all about the people of Pakistan,” Fatima said. “My father said to fight for what you believed in. “He taught me a lot of things. He had a great love for the people, sympathized with the poor people all over the world,” she said. “He told me to take care of them and to never turn my back on them.” Murtaza also had a son by his second wife, the Lebanese-born Ghinwa Bhutto, to whom Fatima is much attached. Ghinwa has been invited to chair PPP (SB), said the party’s secretary general Rao Rashid. She has already said she intends to remain in Pakistan, but wants time to make a decision. She has already played a major role in ensuring violence did not erupt after her husband’s death by asking his supporters to remain peaceful and calm.

MIR MURTAZA'S GUARDS WERE PROVIDED BY GOVT. PPP (SB)

LARKANA, Sept 24, 1996: The PPP (Shaheed Bhutto)'s acting president Sindh Chapter, Qazi Shafiq Mahesar said on Tuesday that Mir Murtaza had been travelling with official guards provided to him by the Sindh government in his capacity as MPA when his convoy was ambushed by Sindh police and indiscriminately fired upon. Giving the official version of the PPP (SB), Mahesar and provincial secretary general of PPP (SB), Maula Baksh Mashori said that Mir Murtaza was returning home from a corner meeting at Yusuf village Surjani town. About 100 yards away from his home in 70 Clifton, his convoy of four vehicles was ambushed by the Sindh police and fired upon without warning. This resulted in the instant death of Ashique Jatui acting president of PPP(SB) Sindh, Yar Mohammed Baluch, member Sindh Council, Wajahat Hussain Johkio, information secretary, Hyderabad Division of PPP(SB), Mohammed Rahim Brohi and Sattar Rajpar, party workers, critically injuring Mir Murtaza Bhutto. The firing also hurt the police guards provided by the government to Mir Murtaza Bhutto, namely Mohammed Bachal and Ayaz Dayo. Also injured were Mohammed Ismail, party worker, Dr Mazhar Memon senior vice president of PPP (SB) and Asghar Ali, personal servant of Mir Murtaza, the party alleged. The PPP (SB) related that the cross-fire between police and Mir Murtaza's party continued for half an hour. Afterwards, the rangers appeared on the scene and the police cordoned off the area. The area from Agha's supermarket to main Clifton helipad was crawling with police and rangers. Furthermore, they stated that the PPP (SB) party bled for about one hour after which they were shifted to the Mideast Hospital, hardly a furlong away from the scene of occurrence. According to them, there was no surgeon or anesthetist available to attend the injured. At about midnight, Mir Murtaza Bhutto was declared dead by the hospital authorities in the presence of his wife Ghinwa Bhutto, daughter Fatima Bhutto and legal consul Mir Mohammed Sheikh and others. The PPP (SB) contradicted the police version attributing that Mir Murtaza's guards began the firing. This was borne out by the fact that not a single policeman was fatally injured. They alleged that Mr Bhutto's convoy was neither stopped nor cautioned to stop by the police. As such, the question of opening fire on police did not arise. Qazi Mahesar pointed out that only four hours before his assassination, Mir Murtaza had held a press conference stating that the police could arrest him any time, provided they showed him the warrant of arrest.

PLOTS TO FINISH OFF BHUTTOS STILL ON: PM

By Shamim-ur-Rahman

KARACHI, Sept 23, 1996: Prime Minister Benazir Bhutto said on Monday that even after the killing of Mir Murtaza Bhutto the enemies of the Quaid-i-Awam were still conspiring to get the Bhuttos eliminated.

Speaking to people mourning the killing of Mir Murtaza at Bilawal House, she said: "The people are eager to know the truth and no one will be able to hide it from them as, in the end, truth will triumph."

A large number of Bhutto mourners who had gathered to offer Fateha, kept on weeping as Ms Bhutto said, in a choked voice, that the death of Mir Murtaza was a great tragedy for Pakistan and, particularly, for the Bhutto family. "It's a great tragedy not because he was a brother of the prime minister; it's a tragedy because he was a firm believer in democracy. He was the head of his party and an elected representative", the prime minister said.

Begum Nusrat Bhutto who was flanked by the prime minister and her younger daughter, Sanam, was a totally shaken mother, occasionally banging her forehead with her hand in grief, as Quranic verses were being recited and Ms Bhutto made a short but emotional statement to thank those who had gathered to share the grief of the Bhutto family.

Praising Mir Murtaza as a brave leader with a firm conviction in democracy, she said a high-powered judicial commission had been set up and anyone who could shed light on the police shooting in which Mir Murtaza Bhutto was killed near his 70 Clifton residence, should come forward. In this context she pointed out that the policemen who were involved in the shooting had been suspended.

Ms. Bhutto recalled her recent meeting with Mir Murtaza two months earlier at Islamabad and said: "It was a very good meeting between brother and sister but our enemies were not happy with that meeting. The enemies of Quaid-i-Awam were still conspiring to eliminate the remaining of his family."

The July 7 meeting had taken place between Mir Murtaza and Ms Bhutto amid reports that Begum Bhutto and some well-wishers were close to striking

an understanding between the two which could have made Begum Bhutto once again active in political life.

“Our approach was different but our objectives were the same – which is Islam, Pakistan and Musawat,” said the prime minister who described Mir as a courageous and principled man who would always be remembered for his uncompromising stand against military dictatorship. Because of his firm belief in democracy, Mir Murtaza had to leave the country, she said.

Thanking the supporters for standing with the Bhutto family in its hour of grief, she said the killing of Mir Murtaza had plunged the Bhutto family into turmoil. But she said the support of the people which had given the family the courage to surmount the grave tragedy of Zulfikar Ali Bhutto’s hanging at 50 and poisoning of Shahnawaz Bhutto at 27, would give the family the courage to face the death of Mir Murtaza at the age of 42. PPP workers wore black arm-bands. Sindh governor and chief minister, federal ministers and other party leaders were present on the occasion.

The prime minister would receive condolences on Tuesday at Bilawal House between 10am and noon. Later, she would return to Islamabad.

On 25th, at the Prime Minister’s House in Islamabad, she would receive condolences between 10am and noon from ministers, services chiefs, diplomats etc. The following day during the same hours she would receive condolences from parliamentarians.

TEN INJURED AS POLICE, RIOTERS CLASH IN LARKANA

LARKANA, Sept 23, 1996: Police resorted to firing and tear gassing as angry protesters took to the streets, torched a truck, pelted stones on vehicles and ransacked banks here on Monday to mourn the killing of Murtaza Bhutto. Eight PPP (SB) activists were allegedly injured in the firing.

Two constables — Shoukat Jatoi and Pir Bakhsh Khokhar — also suffered injuries and were admitted to Chandka Medical College Hospital.

Eyewitnesses said police opened fire on a procession at Lahore Regulator coming from Mirokhan Chowk to Al-Murtaza. Three persons identified as Nadim Qureshi, Aamir Abbas and Abdul Ghaffar Chandio, Deputy Secretary-General of PPP(SB) youth wing were injured. They were taken to Al-Murtaza where a camp had been set up to treat the injured.

Rao Rashid, secretary-general of PPP-Shaheed Bhutto, speaking at a news conference in Larkana on Monday called for a day of anti-government strikes, protests and marches on Thursday.

Khair Mohammad Magsi, district president of Sindh Taraqqi Pasand Party said police resorted to firing at Pakistan Chowk where activists of STPP were protesting against Mir Murtaza's killing. Four STPP activists Shahid Magsi, Ghulam Mustafa Brohi, Nabi Bakhsh Bhatti and Qamaruddin Kalhoro were injured.

Khair Magsi said 20 STPP workers had been taken into custody by the police. Police have also arrested Garho Sheikh, Shahnawaz Bughio, Akbar Dero of PPP (SB) from Allahabad locality, party sources claimed. They were whisked away to Dari police station.

Police have also registered FIRs against the protesters at different police stations. It was the third day of strike and rioting in Larkana on Monday and hide and seek between protesters and police continued throughout the day.

General Secretary of PPP (SB), Rao Rasheed, and acting President of PPP (SB), Sindh, Qazi Shafique, said they had been stopped at various places by the

police while returning from Betto Jatoi where they had gone to condole the death of Ashique Jatoi.

Heavy contingents of police were deployed at all the entry points leading to Larkana and intensive patrolling by police and law enforcement agencies continued throughout the day.

Soyem of Murtaza Bhutto was held at Al-Murtaza on Monday participated in by thousands of party workers. Ghinwa Bhutto, wife of slain Murtaza Bhutto, participated in the Quran Khawani at Al-Murtaza.

A large number of mourners were pouring in at Al-Murtaza to offer condolences. Sanam Bhutto was at Al-Murtaza with Ghinwa and Begum Nusrat Bhutto.

Meanwhile, the central executive committee of PPP (SB) met in Larkana on Monday and said in a statement afterwards that the “assassination of Mir Murtaza Bhutto and his six companions was no accident but a deliberate act of state terrorism.” – Agencies

PM, ZARDARI INVOLVED IN MURTAZA'S MURDER: PML By Faraz Hashmi

ISLAMABAD, Sept 23, 1996: The Pakistan Muslim League on Monday termed the killing of Mir Murtaza Bhutto “a cold-blooded murder” and alleged that the prime minister and Asif Zardari were involved in it.

Opposition members, one after the other, flayed the government for failing to protect the life and property of the citizens when the National Assembly took up an adjournment motion about the violent death of Mir Murtaza. Though there were two opinions about the supposed involvement of Ms Bhutto and Mr. Zardari, there was unanimity among the members that the killing was part of a well-hatched conspiracy rather than the result of an accidental shoot-out.

“If she cannot save the life of her own brother then how can she provide security to the people of this country,” shouted Shaikh Rashid Ahmed who opened the discussion on the motion.

Mehmood Khan Achakzai, however, did not blame the government and talked of the hand of other forces. “Those who have killed Murtaza because he was involved in crimes and anti-state activities then these people should be awarded state honour or if they had killed him for some clandestine reason, they should be tried and hanged,” he said.

“Those who have done it, perhaps it is their style to save the country,” said the Baloch leader who is known for his anti-establishment stance. He traced the current spell of violence and tragic events in Karachi to the very roots of society. “For good 15 years we have made the country a den of terrorists of the whole world,” he said.

Mr Achakzai asked the politicians to rise above their political interests and analyse the situation. “It seems the events being unfolded in the country are too big for us,” he remarked. He, however, criticized the government for giving too much power to the police. He said the members of the house had been clamoring for the past three years on the extrajudicial killings in Karachi but the government paid no heed.

Earlier, Shaikh Rashid and Javed Hashmi demanded that the interior minister tender his resignation owing to his failure. “ This is such a shameless government that nobody has resigned on the murder of the son of Zulfikar Ali Bhutto,” Mr. Rashid said.

He said it was the same Shoaib Sudlle (the DIG of Karachi) who had recovered a Kalashnikov from his residence and he had again found a number of illicit arms from a dead Murtaza Bhutto.

PM ASKS FOR A HIGH LEVEL FIA PROBE

KARACHI Sep 24, 1996: Prime Minister Benazir Bhutto has ordered high level FIA probe into the killing of Mir Murtaza Bhutto and seven others. According to latest reports, nine bullets hit Mir Murtaza's car, seven hit Mir Murtaza. One bullet passed through his neck and proved fatal.

The government of Sindh asked doctors on Tuesday to help investigate the killing of Prime Minister Benazir Bhutto's brother, amid accusations that police shot him in cold blood.

It said in a statement a medical board has been set up at the request of Murtaza Bhutto's widow Ghinwa to look into allegations that there was no exchange of gunfire between police and Murtaza's bodyguards when he was killed on Friday.

The statement said doctors would examine a policeman hurt in the incident to see if the "wounds purported to have been suffered by the policeman are self-inflicted or otherwise." The medical board is to report its findings within 24 hours.

Meanwhile reliable sources told newsperson that ASP injured in the cross fire who is under treatment in Agha Khan hospital Karachi refused doctors to examine the wounds and SHO injured in the cross fire bears the wounds like caused by knife have created doubts of so-called police encounter. But within next 48 hours a report from the newly formed medical board would be presented to the Sindh Government and the prime minister.

TOUCHING SCENES WITNESSED AT BILAWAL HOUSE

KARACHI, Sept. 24, 1996: -- Touching scenes were witnessed at Bilawal House here Tuesday as people from all walks of life and four corners of Pakistan, including weak, aged and emotionally- shattered women, turned up to offer their condolences to Prime Minister Benazir Bhutto over Friday's tragic demise of her brother Mir Murtaza Bhutto.

These ladies had come to the Bilawal House out of their sheer love and respect for Ms. Benazir Bhutto and the Bhutto family and to share the sense of grief over the passing away of Mir Murtaza. To cite a few places, they had come from as far as Gilgit, Parachinar, Muzaffarabad, Lahore, Sialkot, Multan, Dera Ismail Khan, Kalat, Zhob, Khuzdar, Sibi, besides interior Sindh.

A determined Ms. Bhutto advised the womenfolk to weep no more but to offer 'dua' and recite Holy Quran for the Shaheed Mir.

TEN INJURED AS POLICE RIOTERS CLASH IN LARKANA.

LARKANA, Sept 24, 1996: Police resorted to firing and tear gassing as angry protesters took the streets , pelted stones on vehicles, a truck was set on fire and ransacked banks here on Monday to mourn the killing of Murtaza Bhutto. Eight PPP (SB) activists were allegedly injured in the firing. Two constables- Shoukat Jatoi and Pir Bakhsh Kokhar also suffered injuries and was admitted to Chandka Medical College Hospital. Eyewitnesses said police opened fire on a procession at Lahore Regulator coming from Mirokhan Chowk to Al - Murtaza. Three person identified as Nadim Qureshi, Aamir Abbas and Abdul Ghaffar Chandio, Deputy Secretary-General of PPP(SB) youth wing were injured. They were taken to Al-Murtaza where a camp had been set up to treat the injured. Rao Rashid, Secreary-General of PPP-Shaheed Bhutto, speaking at a news conference in Larkana on Monday called for a day of anti-government strikes, protests and marches on Thursday. Khair Mohammad Magsi, district president of Sindh Taraqqi Pasand Party said police resorted to firing at Pakistan Chowk where activists of STPP were protesting against Mir Murtaza's killing. Four STPP activists Shahid Magsi, Ghulam Mustafa Brohi, Nabi Bakhsh Bhatti and Qamaruddin Kalhoro were injured.

Khair Mohammad Magsi said 20 STPP workers had been taken into custody by the police. Police have also arrested Garho Seikh, Shahnawaz Bughio, Akbar Dero of PPP (SB) from Allahabad locality, party sources claimed. They were whisked away to Dari police station. Police have also registered FIRs against the protesters at different police stations. It was the third day of strike and rioting in Larkana on Monday and hide and seek between protesters and police continued throughout the day.

General Secretary of PPP (SB) Rao Rashid, and acting President of PPP (SB), Sindh Qazi Shafique, said they had been stopped at various places by the police while returning from Betto Jatoi where they had gone to condole the death of Ashique Jatoi. Heavy contingents of police were deployed at all the entry points leading to Larkana and intensive patrolling by police and law enforcement agencies continued throughout the day. Soyem of Murtaza Bhutto was held at Al Murtaza on Monday participated in by thousands of party workers. Ghinwa Bhutto participated in the Quran

Khawani at Al-Murtaza. A large number of mourners were pouring in at Al-Murtaza to offer condolences. Sanam Bhutto was at Al-Murtaza with Ghinwa and Begum Nusrat Bhutto.

SHO's FOOT WOUND- SELF INFLICTED MEDICAL BOARD'S REPORT

From Riaz Pirzado

KARACHI, Sep 26, 1996: SHO Clifton Haq Nawaz Siyals foot wound mystery will not remain longer as Medical Board declared it self-inflicted. According to details the Sindh health department on Wednesday expanded the medical board with the inclusion of forensic and medicine experts to probe the genuineness the Clifton SHO Haq Nawaz Siyal's foot wound. The number of the board members was six with the addition of Shafi Qureshi and Tariq Mirza, professors of medicines and forensic, respectively.

Prof. Shafi Qureshi is also the principal of Dow Medical College. The other members of board was Karim Siddiqui, Professor of Surgery DMC, Mateen Ahmed Khan, professor of Radiology, Dr, Nizamuddin Memon, police surgeon and Dr. Umer Baloach, Medical Superintendent civil Surgeon of Services Hospital. Board has declared today (Thursday) Haq Nawaz Siyal's foot wound is self-inflicted. The articles which have been required by the board include the police official's shoes, he was wearing at the time when he allegedly received the bullet on his foot, the pair of socks, he was wearing and the handkerchief the police official claimed he had used to stop bleeding. Board was examined on the request of Ghinwa Bhutto, the widow of the late Mir Murtaza Bhutto to setup a board to ascertain the genuineness of the wound which she alleged was self-inflicted and necessitated a through examination of wound with graphic detailed.

GHINWA'S PETITION BEFORE SINDH HIGH COURT IB CHIEF, DIG, KARACHI, SSP, OTHERS NAMED AS MAIN ACCUSED

KARACHI, Sept, 26, 1996: Mrs Ghinwa Bhutto, widow of Mir Murtaza Bhutto and Mrs Zaib-un-Nisa widow of Ashiq Jatui, this morning filed a petition in the Sindh High Court accusing the chief of the Intelligence Bureau, DIG Karachi, SSP South, 2 SHOs, and 60 others police officials of conspiracy to kill Mir and seven others on Sept. The petitioners prayed that an FIR be registered against the accused persons and investigation of the case should be taken up under the supervision of the SHC. They also prayed that the investigation report should not be submitted to the government but to the high court, and that the hearing of the petition should be in open court. The petition was filed through their councils Mujeeb Pirzada and Ghulam Mohammed Baloch. When the petition was filed an objection was raised by a SHC official that it was not signed by Mrs. Ghinwa Bhutto. On the request of Mr Pirzada, an official of the high court went to 70 Clifton and gets the signatures of Ms. Ghinwa Bhutto. The petition is likely to come up for preliminary hearing early next week.

COMPLETE STRIKE OBSERVED IN KARACHI AND OTHER TOWNS OF SINDH.

Karachi, Sept 26, 1996: The protest strike at the call of PPP (SB) endorsed by the 10- Parties opposition alliance including PML (N), MQM, JI, ANP and others was effectively observed today in all parts of Karachi including the traditional strongholds of the ruling PPP. Traffic was thin and public transport was almost off the roads in response to the strike call given by the PPP (SB) to protest against the killing of Mir Murtaza Bhutto and six others last Friday.

Due to a visibly reduced presence of public transport, people found it difficult to reach their work places, and the attendance in most of the offices was reported as low. During the morning hours this scribe saw a number of commuters both men and women at the bus stops waiting for their respective buses, rickshaws and taxis. However private vehicles and a few KTC buses were seen plying on the roads.

Vehicles of Sindh Police, and Rangers were also seen patrolling in different city areas to avoid any untoward incident. Meanwhile private schools and educational institutions were also closed. Business centers too wore a deserted look and except for a few hawkers and road side vendors all shops were closed due to the call given by the PPP (SB) and the ten party Opposition alliance.

Reports from other towns of Sindh suggested complete strike in the cities, tehsil towns and the rural sectors. In Karachi's Trans- Lyari area some people made bonfires on roads and incidents of pelting of stones on the passing vehicles were also reported. However, by and large the strike remained peaceful. PPP (SB) sources however claimed that the police rounded up many persons as a preventive measure and most of the party workers have gone underground.

Rangers and personnel of the Frontier Constabulary were seen patrolling and police mobile were posted at sensitive points. In Karachi's suburban sectors, known as the stronghold of the ruling PPP, the strike was reportedly observed completely. Attendance in offices was thin, Schools remained closed and OPD's at government hospitals were virtually deserted Shopping centers and commercial establishments also remained closed. Life in the interior

Sindh has been completely paralyzed. The trade and transport were suspended in all other cities and towns of Sindh. Vehicular traffic on the highways was negligible. Hyderabad city which remained closed partially during MQM's strike calls was completely closed on Thursday.

Nawabshah, Mirpurkhas, Dadu, Khairpur and other towns also remained completely closed, where as in district Larkana a native village of Prime Minister Benazir Bhutto Nau Dero was a report of conflict between police and PPP(SB), where four persons were injured in police firing, one of them is reported serious. Although Ghinwa Bhutto, wife of late Mir Murtaza Bhutto earlier has appealed to the people to observe the strike peacefully.

PM HOLDS A MEETING WITH TOP OFFICIALS

Islamabad, Sept, 25, 1996: Soon after arrival in Islamabad from Karachi, where she mourned the murder of Mir Murtaza Bhutto, Prime Minister Benazir Bhutto held her first formal session with top federal and provincial officials on Tuesday night to take stock of the whole situation. Presence of Sindh Chief Minister Syed Abdullah Shah, NWFP Chief Minister Aftab Sherpao, Interior Minister Naseerullah Babar, Syed Qaim Ali Shah Pervaiz Ali Shah, IGP Sindh, DIG Karachi Shoaib Suddle and other senior persons was officially confirmed. An unconfirmed report said that Begum Nusrat Bhutto was also present in the meeting. "The prime minister held exhaustive discussion on the entire sequence of recent developments. She was also briefed on the progress of the inquiry commission, constituted to ascertain the causes that led to the death of Murtaza Bhutto," an official source said. The Sindh chief minister and the police chief presented their initial investigation reports in the meeting while the resume prepared by the Intelligence Bureau was also discussed. While the meeting was continuing, the capital buzzed with rumors that top level changes in Sindh had been ordered but officials were not ready to confirm that immediately.

What was partly confirmed was that some changes at the administrative level were expected in the next few days. Another report said that top officials of the Sindh administration had offered to resign in case the inquiry commission found them guilty in connection with the death of Murtaza Bhutto.

CLIFTON POLICE SI, ASI SUSPENDED FOR TRANSGRESSING POWERS

KARACHI, Sept 25, 1996: The SSP Karachi South has placed Sub-Inspector Tahir Hussain Shah and ASI Abdul Basit of Clifton Police Station under suspension on charge of transgressing their powers.

According to a press release of District South Police the SSP took the action following publication of reports in newspapers about taking away the Medico-Legal Register of Jinnah Hospital by police.

It may be mentioned here that according to these reports the Clifton Police officials had forcibly taken away the Medico-Legal Register of Jinnah Hospital which contained details about post-mortem of Mir Murtaza Bhutto who died of bullet injuries on Friday following a police shoot out. The matter was brought by JPMC doctors to the notice of senior police officials and after their intervention the register was returned. While returning the register the police personnel had taken the plea that the register was lying in bushes. The SSP South has ordered a departmental inquiry against the two police officers.

MURTAZA'S KILLING FINDINGS TO BE MADE PUBLIC: BHUTTO

ISLAMABAD, Sep 26, 1996: Prime Minister Benazir Bhutto on Thursday said the government has constituted a high-powered judicial committee to probe into the killing of her brother Mir Murtaza Bhutto and assured that the findings will be made public.

Which will tell whether the killing was accidental or planned," she told the mourners at Prime Minister House gathered to offer fateha for the departed soul and condole with her on the death of her brother. The Prime Minister said, she thought the killing of Murtaza was a pre-planned conspiracy. In this connection, she referred to the press statements of some people suggestive in nature that the country would have crisis in September and October.

She questioned if Murtaza's was not a target killing, then how did it happen that he was hit in the head? The Prime Minister said she had information of pamphlets saying that some of the opposition parliamentarians were feared to be killed by the supporters of Murtaza Bhutto. This propaganda, she said, *"was meant to divert her attention from the security of my brother."* *"I gave instructions for the security of opposition parliamentarians but lost my own brother,"* Ms. Bhutto added. She said she could differentiate between those who killed her brother and the genuine police force.

Ms. Bhutto said the inquiry committee will probe into the killing of Murtaza which, *"will expose the affiliations of the killers."* She said, *"the exploiters who had taken the country to the verge of being declared a terrorist state, who had sent army to Karachi and who ruined the peace of Sindh are spreading such rumors."* Ms. Bhutto said these people talked about the government comprising technocrats. *"What kind of government of technocrats - - one compromising country's position on CTBT, nuclear issue and Kashmir issue?"* she said and added, *"but democratic government will never do it."*

SANA CONDEMNS MURDER OF MURTAZA

NEW YORK Sep 26, 1996: The Sindhi Association of North America in a press release issued on Thursday condemned the recent tragic and brutal deaths of Mir Murtaza Bhutto, Mr. Ashiq Jatoi, Mr. Wajahat Jokhio, Mr. Sattar Rajpar, Mr. Rehman Mughal, Mr. Sajjad Baloch and Mr. Sarwar Baloch, and urged all Provincial and National Government authorities to immediately investigate, arrest and severely punish the individuals responsible for this terrible act.

SANA also expressed the deepest, heartfelt condolences to the family members of Mir Murtaza Bhutto, Mr. Ashiq Jatoi, Mr. Wajahat Jokhio, Mr. Sattar Rajpur, Mr. Rehman Mughal, Mr. Sajjad Baloch and Mr. Sarwar Baloch, and prays that their souls will rest with peace in heaven and for the comfort and strength of their loved ones. "We all share this sorrow together" the press release further said.

GHINWA TO MOVE SHC TO GET CASE REGISTERED

KARACHI, Sept 25, 1996: The widows of Mir Murtaza Bhutto and Ashiq Jatoi, who died in an alleged shoot-out with the police on Sept 20, will file a constitutional petition in the Sindh High Court on Thursday to have murder cases registered against the police. In related development, the provincial government announced a three-member inquiry tribunal consisting of the judges of the SHC to investigate shooting outside the 70-Clifton residence of the Bhuttos. They are Justice Ali Muhammad Baloch (president), and Justice Amanullah Abbasi and Justice Dr Ghous Muhammad as (members). In their eight-page petition, both Ghinwa Bhutto and Badrunnisa, sister of former caretaker prime minister Ghulam Mustafa Jatoi, rejected an FIR registered by the police allegedly on behalf of Mir Murtaza's injured driver, Asghar Ali, who was arrested after the shooting. They have requested that a murder cases be registered against the police, and described the murder of eight people, including their husbands, as "premeditated, in cold-blood and a targeted killing." Nizam Baloch, who drafted the constitutional petition with Mujib Pirzada, described the registration of an FIR by the police on Tuesday as a mockery of law. "How could the police register a case on behalf of an arrested driver? It is not understandable. We don't know in what circumstances the FIR was registered." Without disclosing the contents of the petition, Mr Baloch said it also contained the draft of an FIR proposed by Mir Murtaza's family. A copy the FIR was registered by the police on the complaint of Mir Murtaza's driver, and obtained by Dawn, showed that the police registered a case of accidental killing and attempt to murder under sections 319 and 324 of Qisas and Diyet Ordinance. After going through the contents of the "Asghar Ali FIR" it is amazing as to how ASI Mohammad Siddiq of Clifton police station, who registered the FIR, came to the conclusion that it was an accidental killing. The FIR which gives a sketchy account of the events, however, carries one crucial remark by Asghar Ali. It says: "I believe that the police overstepped their powers and killed Mir Sahib and other companions and injured me and others. Justice should be done."

This brief statement in the FIR in which Asghar Ali, who Mir Murtaza's lawyers feel was forced to lodge the FIR under duress, directly accuses the

police. But instead of registering a murder case on the basis of this statement, the police registered a case of accidental killing, ignoring that at no stage Asghar Ali described it as an accidental killing. In the FIR Asghar Ali mentions that he was sitting with Ashiq Jatoi and Mir Murtaza when their convoy was stopped by the police on the Shahrea Iran. His FIR says: "When we stopped, someone shouted that nobody would open fire. But after two minutes the shooting started." The FIR does not mention what happened in those 120 seconds. This factor creates doubts about the validity of the FIR because how could Asghar Ali, as the FIR claims if he willingly lodged the case, skip the events of those two minutes. Moreover, how come a police officer who was recording the statement of Asghar Ali – if that really happened – forget to ask the details of those two minutes? What happened in those two minutes alone could throw light over who fired the first shot, and whether it was an accidental killing or a murder in coldblood. When the shooting erupted, Asghar Ali ducked in his seat. Asghar further claims that after 10 minutes he called Murtaza and inquired about him. "He (Murtaza) grunted. This answer terrified me. When I saw his (Murtaza) face, blood was oozing out. Ashiq Jatoi lay on the steering. He (Jatoi) was faintly calling for an ambulance." "I juttud my face out of the window. I pleaded them to stop the shooting. In the meantime, I was also shot. After 10 to 15 minutes, I heard the sound of an APC which was near our vehicle. Then I heard someone saying: Come here. Bring out Mir Sahib. They brought out Mir Sahib. I also stepped out of the vehicle and asked them to take me to hospital but they refused and started carrying out my body search. Then they put me on the road alongwith the others. "A shortwhile later, they put clothes on our faces and took us to the Clifton police station. From there I was taken to hospital and was chained. There I came to know about the death of Mir Sahib. "Today I approached a constable and told him that I wanted to get registered a case," the FIR concluded.

SUSPENDED:

KARACHI, Sept 25, 1996: Two police officers, who snatched a medico-legal book from the Jinnah Hospital's MLO on September 20, have been suspended. They were identified as Inspector Tahir Hussain and ASI Abdul Basit. The MLO's book was snatched by them when the doctors refused to record any fake or cooked-up entries demanded by the police.

MEDICAL BOARD:

KARACHI, Sept 25, 1996: Meanwhile, a medical board constituted to investigate the injury of SHO of Clifton, Haq Nawaz Sial, has been expanded to six members. On Wednesday, the SHO who is being accused of making a self-inflicted injury appeared before the board.

PPP (SB) CALLS FOR STRIKE TODAY

KARACHI, Sept 25, 1996: The PPP (SB) has called for observing a strike throughout Sindh on Thursday to mourn the death of Mir Murtaza Bhutto and his colleagues killed in a shoot-out on Friday. The strike call was given to protest against the alleged excesses of law enforcement agencies held responsible by the party for the tragic incident. The PPP (SB) has appealed to the people of Sindh to observe a complete strike on Thursday and asked the businessmen and transporters to take part in it. The strike has been supported by all the major opposition parties including the nationalist parties. The MQM-led nine-party alliance on Wednesday decided to support the strike. The decision was taken at a meeting of the co-ordination committee which also condemned the alleged state terrorism against political opponents. The meeting observed that the government was deliberately eliminating its opponents. MQM chief Altaf Hussain has endorsed the strike call. The MQM-led alliance condemned the manner in which Murtaza was killed "in accordance with a well-thought-out plan." It rejected the police claim that Murtaza was killed in an encounter and said that the "killing of Murtaza Bhutto in an ambush and the way he and others were left unattended on the road for nearly an hour is highly deplorable." Meanwhile, various other political parties and organisations have also supported the strike. They have called for closure of all business houses and urged transporters to participate in the strike. The city looked partly deserted late on Wednesday amid fears of violence as the presence of people in the main shopping centres of the city was abnormally low.

The strike has been supported by ML (Q), and many other political parties, besides Islamic Lawyers Circle (Karachi), Sachal Sarmast Educational and Welfare Society, Dharki and Markazi Anjuman Miladunnabi. The action committee meeting was attended by the representatives of Muslim League, ANP, JUP (N), Markazi Jamiat Ahle Hadith, JWP, QMA, Muslim Conference and the MQM. The Pakistan National Party and the Jamaat-i-Islami have also backed the strike call. Meanwhile, MQM senators Aftab Shaikh and Nasreen Jaleel have condemned the alleged killings of thousands of innocent persons in fake police encounters throughout the country. The PPP, district east, has planned Quran Khwani for Murtaza.

MURTAZA'S DEATH TERMED A TRAGEDY

KARACHI, Sept 25, 1996: Speakers at a condolence meeting here on Wednesday termed the killing of Mir Murtaza Bhutto a great tragedy and a "pre-planned conspiracy" and urged the government to arrest the police officials who were on duty at the time of the "operation." Organised by the Pakistan National Party, the meeting was held at Baloch Hall, Chakiwara, to mourn the death of Mir Murtaza Bhutto and his partymen in a shooting on Friday. The meeting was largely attended by the workers of various political parties. Speaking at the meeting, PNP chief Yusuf Musti Khan described the death of Mir Murtaza Bhutto as a great tragedy, saying that the causes of this tragic incident were rooted in the decaying system where the police and law-enforcement agencies were given free hand to suppress the voice of dissent. The PNP leader claimed that the country is being run by these agencies and there is no rule of law. He criticised the successive rulers, saying that instead of strengthening democratic institutions and promoting a healthy political culture, they relied on the police and other security agencies in order to perpetuate their rule. Consequently, Mr. Mustikhan claimed, the country has been turned into a police state, where the writ of the agencies reigned supreme and the life of every political worker was in perpetual danger. He alleged although Mir Murtaza had become a victim of the misuse of power by these agencies, the rulers had no courage to expose the conspiracy. According to him, "it indicates that even our rulers are afraid of these forces. That is why they can not challenge them for fear of losing power." Quoting a foreign report that Pakistan had become a unmanageable country, Mr. Mustikhan accused the rulers of compromising with these anti-people forces for the sake of personal power. He said that under the present circumstances the country could not survive unless the people's right to govern was accepted and the rule of law was established. Provincial chief of PNP Usman Baloch said the untimely death of Mir Murtaza had stunned every political leader and worker, irrespective of party affiliation. According to him, Mir Murtaza's killing had raised many questions in the minds of political leaders and workers regarding the role of the Establishment in the country. He said it was generally believed that whenever any political leader or worker had posed a threat to the establishment, he was physically eliminated. He claimed that the day Mir Murtaza's challenged the authority of the Establishment and visited the CIA centre and police stations to ascertain the whereabouts of Ali Mohammad Sonara, it was decided to remove him physically. The PNP leader said he failed to understand why the government was hesitant to take

action against the police officials concerned. Usman Baloch said the political leaders should ponder this fact and hold seminars to discuss the excesses of the Establishment. Razik Bugti, the PNP's provincial chief of Balochistan, condemned the brutal killing of Mir Murtaza and called for strengthening of democratic institutions and fostering a healthy political culture in the country. He regretted that the parties which claimed to be the champions of democracy were working against democracy itself and compromised people's interests after coming to power. He stressed the need for a greater alliance of all democratic left-wing parties, so that they could play an effective role in national affairs. The meeting was also addressed by Lal Bukhsh Rind of the Awami Jamhoori Party, Jamshed Ahmed Khan of the Pakistan Muslim League, Comrade Samad Baloch and Haider Qaum besides others. They also termed the killing of Mir Murtaza a national tragedy and criticised the rulers for granting more powers to the police for eliminating and intimidating political workers. The meeting extended its full support to the call of the PPP (SB) for observing a strike on Thursday and urged the people of Lyari to make it a success.

SINDH GOVT RECONSTITUTES TRIBUNAL

KARACHI, Sept 25, 1996: Sindh Government Wednesday notified the re-constitution of the Tribunal of Inquiry to inquire into the firing incident resulting in the death of Mir Murtaza Bhutto MPA and seven others and injuries to six persons on September 20. The Tribunal constituted in consultation with the Chief Justice of Sindh High Court now comprises Mr. Justice Ali Mohammed Baluch, President, Mr Justice Amanullah Abbasi and Mr. Justice Dr Ghous Mohammed as its members, according to the notification issued by Home department tonight. According to the notification the terms of reference of the Tribunal will be:

- (a) To enquire into and determine the circumstances leading to the incident of firing in which the death of Mir Murtaza Bhutto MPA Sindh and seven others were caused and six injured.
- (b) To enquire into the justification for posting of a heavy police picket near 70-Clifton, Karachi, the residence of Mir Murtaza Bhutto, MPA, Sindh, at that particular time and that particular day.
- (c) To determine whether the police party had the lawful justification to fire upon Mir Murtaza Bhutto, MPA Sindh and his party.
- (d) To determine whether the incident of firing upon Mir Murtaza Bhutto and others could have been avoided by exercising proper care and caution.
- (e) To determine as to whether there was any delay in giving medical aid to Mir Murtaza Bhutto and others, if so, to fix the responsibility for the lapses.
- (f) To determine whether the incident occurred without any provocation from the side of Mir Murtaza Bhutto and his companions and even if there was any provocation whether the police party used excessive force.
- (g) To determine whether the incident was preplanned and whether the whole operation was carried out to cause the intentional death of

Mir Murtaza Bhutto and others, and if so, then to identify persons responsible for planning and executing the operation.

(h) To fix responsibility identifying the individuals/group of individuals allegedly involved in the incident.

In exercise of the powers conferred by sub-section (1) of Section 3 of the Sindh Tribunals of Inquiry Ordinance, 1969, the Government of Sindh is pleased to direct that the provisions of sub-section (2), (3), (4) (5) and (6) of Section 5 of the said Ordinance, shall apply to the said Tribunal.

The report of the Tribunal shall be submitted as soon as possible but not later than one month to the Provincial Government in the Home Department in writing and signed by the Tribunal.

POLICE ASKED TO PRODUCE SHO'S BELONGINGS

KARACHI, Sept 25, 1996: The Sindh health department on Wednesday expanded the medical board with the inclusion of forensic and medicines experts to probe the genuineness of Clifton SHO Haq Nawaz Siyal's foot wound. The number of the board members has now gone to six with the addition of Shafi Quraishi and Tariq Mirza, professors of medicines and forensic, respectively. Prof Shafi Quraishi is also the principal of the Dow Medical College. The other members of the board are Karim Siddiqui, professor of surgery, DMC; Mateen Ahmed Khan, professor of radiology, DMC; Dr Nizamuddin Memon, police surgeon, and medical superintendent/civil surgeon of Services Hospital. According to competent authorities, the board, which held its first formal meeting at the Services Hospital on Wednesday where the SHO appeared, has asked the DIG, Crime branch, to provide it with certain personal belongings of the injured police official before he is taken to an operation theatre for a check-up. In the meantime, the record of the National Liaquat Hospital has been requisitioned by the board to ascertain whether the SHO had gone there after getting treatment at the JPMC.

The articles which have been required by the board include the police official's shoes he was wearing at the time when he allegedly received the bullet on his foot, the pair of socks he was wearing and the handkerchief the police official claimed he had used to stop bleeding. According to the medico-legal report of the JPMC MLO, dated 21-9-96 and numbering 04820, Haq Nawaz Siyal who had a "gutter type of wound, skin deep measuring approximately 6cmx01cm....," was conscious when he himself came to the hospital. According to the history of the patient, the report said: "Gun shot wound as alleged on 20-9-96". The report added that on examination "blackening was present, mild tenderness and swelling was positive. No movement restriction". Asked why a medical board was constituted for the SHO Clifton, the sources said that the health department received a letter addressed to the Health Secretary who was requested by the wife of the late Mir Murtaza Bhutto to set up a board to ascertain the genuineness of the wound, which she alleged was self-inflicted and necessitated a thorough examination of the wound with graphic details. The sources said a medical board would also be set up for the injured ASP Khan Hayat Khan if someone from Mir Murtaza's family or any one else related to the victims made a

request in this regard. However, the medical-legal report of Shahid Hayat, son of Hayatullah Khan, said that his examination was also conducted by the JPMC MLO at the Aga Khan Hospital on the request of the police. The history of the case has been described in the report as "firing as alleged". The report says that the duty doctor who examined the ASP at the AKU said the depth of the wound could not be ascertained, and the investigating officer had been required to produce the concerned record from the AKU, and also the clothes of the injured for further disposal. The Sindh government constituted a special medical board to give its opinion within 24 hours on the injury of, SHO Clifton, on Tuesday.

Meanwhile, Mohammad Ismail, one of the six injured, who received gunshots in Friday's shoot-out in which Mir Murtaza Bhutto and six others were killed, is improving at the intensive care unit of orthopaedic ward at the JPMC. Mohammad Ismail has had a femur (thigh bone) fracture in the firing. Femur extends from the hip to the knee and is the longest and strongest bone in the skeleton. Dr Mazhar Memon and Ayaz, who were discharged from the JPMC on Sunday with Asghar Ali, were brought to the JPMC for treatment after they complained of pains in their wounds. Later, both of them were taken back to the Clifton police station. Mohammad Bachal Ujjan had received a gunshot wound in the firing on Friday and was brought to the JPMC, with five other injured, he succumbed to his injuries on Saturday. The sixth injured, Haq Nawaz, who came to the JPMC on Friday night was shifted to some other place the same night. On Tuesday, the SPP, South, was asked by the health department to produce SHO Clifton before the medical board on Wednesday at Services Hospital where he was examined by the board for quite some time.

MYSTERY SHROUDS SIAL'S DEATH

KARACHI, Sept 28, 1996: The death of a key police officer in the Murtaza Bhutto firing case took a twist on Saturday when his family described it as a murder in cold-blood denying the police version of suicide. Inspector Haq Nawaz Sial, 55, the station house officer of Clifton police station, was one of the three officers suspended after the Sept 20 shooting incident at 70-Clifton in which premier's younger brother and his seven associates died after an alleged 25-minute gun battle with the police.

Sial, the suspended officer who joined the police force as a foot constable was found dead in his well-guarded residence at 2 in the morning with a single bullet hole in his right temple only a day after a high-powered medical board accused him of a self-suffered bullet injury during the alleged shoot-out on Sept 20. "We were sleeping in the courtyard. We suddenly heard the cries of my mother from the bedroom. As we entered the bedroom my father lay dead in a pool of blood. A few moments earlier she saw two unidentified men fleeing the bedroom from the rear entrance," Muzaffar Sial, the victim's younger son and a law student told Dawn. "By the time we reached the rear lane of the house the killers disappeared. They came after scaling the rear wall. My mother was hysteric," the son added. Senior police officials who visited the spot came out with totally different version and said Haq Nawaz Sial committed suicide with his .38 calibre official revolver issued to him in 1984. "He could not bear the media trial.

So far all the facts leading towards a suicide. But we are also looking at other possibilities," the city police chief Sohaib Suddle told Dawn. But the close family members of Sial refused to change their version despite briefings by senior police officials. A police officer who was the first to reach the spot described the situation as follows: "When I entered the bedroom close family members told me that he had committed suicide. They told me that they removed the revolver from his hand and put it back in its casing. I examined the revolver and I could feel the smell of gunpowder. There was an empty in the revolver." Another senior officer told Dawn that the family retracted from their earlier stand over fears that this could rob them of would be financial benefits. "We believe that a neighbour, also a policeman, persuaded the family to change their version so that they could claim compensation and

other benefits as Sial was about to retire within next couple of years," a senior police officer told Dawn. The three policemen who were sitting near the front entrance as a security cover for the suspended police officer claimed they did not notice any unusual movement nor they saw anyone coming in the house or fleeing from there. Surprisingly, the neighbours and the close family members who were sleeping in the court yard claimed that they did not hear any gunfire. "They used a silencer," a young neighbour said. Soon after the incident, immediate family members and neighbours brought the body to nearby Civil Hospital. But took it away without post-mortem after doctors pronounced him dead.

On the intervention of senior police officers the body was again brought to the hospital where two medico-legal officers conducted the autopsy. It took them two-and-a-half hours. The case took another turn when four hours later after funeral prayers and a guard of honour his body was again brought to the Civil Hospital where it was put before a high-level eight member medical board to carry out another post-mortem. The second autopsy was conducted because none of the earlier two medico-legal officers were a forensic expert which is mandatory. The initial findings of both the autopsies confirmed the murder allegations of the family. Doctors were unable to observe any of the three indications or signs which they normally get in 90 per cent of cases in which the victims end their lives by shooting in the temple. "We could not find any residues of gunpowder in his hand which should have been there if he fired from his own hand. There was no cadaveric spasm in his palm. And finally the injury on the temple was not a "contract" injury as there was a distance of at least one cm to 12 cm between the temple and end of the pistol at the time of shooting," a team member told Dawn. "In 90 per cent of such suicide cases, the victims put the barrel on their temples to ensure death. "In Sial's case this did not happen which is abnormal," a doctor said. According to victim's younger son Muzaffar, the police officer went to bed at 11:15am. "I gave him two tranquillisers. He (Sial) complained that these give him lot of sleep," the son said. Another aspect which worried investigators was that if the officer was really murdered, as being claimed by the family, how come the two assassins directly went into his bedroom and escaped from the well-guarded residential quarters of the police.

THE MILLSTONES OF HISTORY GRIND PAKISTAN

By Dr Mubashir Hasan

“THE mainsprings of any society’s democratic foundations are the institutions that it nourishes. These institutions of the state are: the president as head of state; the prime minister as head of government; the judiciary; [and] Parliament. When these state institutions fall into irreconcilable discord concomitantly most often, with the distribution of authority among them having come into conflict, most societies degenerate into a fratricidal upheaval and civil war.”

That was Mir Murtaza Bhutto writing in *The Nation* on August 27, 1996. The entire article showed a fairly developed political insight. Pleasantly surprised, I called to congratulate him on his writing. Murtaza is no more with us. The nation should mourn the loss of an educated leader, a species rare in Pakistan.

For those who have removed Murtaza from our midst, the real problem has been and is Prime Minister Benazir. As long as Murtaza was alive, removing Benazir carried unacceptable risks. Murtaza could take over the mantle of the elder Bhutto’s legend. Else Murtaza and Benazir would be striving for a common cause, separately or jointly. That would have presented formidable political problems. Murtaza gone, the way is clear. Benazir stands perilously weakened. She is the next to go. Such are the brutal pathways of realpolitik.

Patrons of Benazir, the leaders of the executive, the judiciary and the parliament of Pakistan and the leader of the foreign powers, the United States, have reasons to feel perturbed by the prevailing conditions in Pakistan. The US is making little headway in achieving its economic, strategic and social objectives relating to Pakistan. Progress in the fields of nuclear non-proliferation, containing religious fundamentalism, Pakistan-India relations, curbing narcotics trade, balance of Pakistan’s trade, Pakistan’s capacity to service its debts, foreign investments etc., etc. is just not there. Benazir has become a liability for her Pakistani patrons also. The country has taken giant strides towards anarchy. Neither life nor property is any longer safe in Pakistan. Who else but Benazir is being held responsible for the

present state of social, economic and 'law and order' chaos? They have little option but to see her depart.

Unfairly, the politically backward and peculiarly corrupt ruling elites of Pakistan expect miracles out of their prime ministers and presidents. Little do they realise the predicament of the politicians and military leaders who come into positions of power in the countries of South Asia. The system of governance left by the British, to which this region is wedded for historical reasons, is awesomely powerful to be successfully, much less spotlessly, steered by even the greatest among them: Pundit Jawaharlal Nehru, Nawabzada Liaquat Ali Khan, Lal Bahadur Shastri, Field Marshal Ayub Khan and redoubtable Zulfikar Ali Bhutto. Since they strove to work through the system, they were destined to fail at their jobs. Our system of governance is a leader-eating monster endowed with insatiable appetite. Those who die at its hands have a better chance to go down in history as having done some good for the country or at least having the right intentions. Others are bound for instant oblivion.

Pakistan, Bangladesh and Sri Lanka (and now India is graduating to the familiar level) have taken a frightfully heavy toll of their heads of government. Pakistan has suffered fifteen changes of prime ministers in twenty-six years of its 'democratic governance'. In the remaining twenty-four years, three all powerful military dictators have bitten the dust.

The system of governance in the countries of South Asia has programmed itself for the worst possible option, namely, of developing serious antagonisms within itself. It does not take long for a new prime minister or a military dictator to plunge the institutions of the state to wage war among themselves.

Unfortunately, Benazir Bhutto has had more than her share in developing these antagonisms: president vs. prime minister, executive vs. judiciary, peoples vs. police, elected representatives vs. police, intelligence agencies vs. intelligence agencies, national capitalist vs. the newly emerging international order represented by the IMF, to name only the most important and the serious ones.

To prime the contraption of political guillotine, it is customary in Pakistan to raise the cry of 'corruption' against the principal ruler. However, it is naive to put all the blame of the system of governance on the corruption of the ruler or

rulers. Surely, corruption is a crime and all those who indulge in corrupt practices are sources of spreading corruption further down the line and deserve to be convicted. Corruption does make the governments poorer and the corrupt richer. Reputation of corrupt practices is as bad as the corrupt practice itself. And in this regard Nawaz Sharif's period is only surpassed by Benazir's, at least in reputation. These two leave the rulers of the rest of the forty-five-year period of Pakistan far behind.

But corruption is a symptom and not the disease, which is: the absence of the rule of law and of the process of accountability under it. When individuals in the apparatus of the state assume the role of the state in their discretion, they 'tax' citizens and corporations in favour of their own pocket. The rule of law gets replaced by the rule of the individual, in other words anarchy.

A change in the system of governance is now required. We must have a democracy where powers of accountability rest with the institutions of the people and not with the institutions of the elites. Political, economic and social power must be decentralised in all the organs of the state, legislative, judicial and executive, and transferred to the institutions of the people. But that will take time. The ruling elites of Pakistan, and for that matter of India and Bangladesh, still seem distant from the point of diagnosing the disease that afflicts their land.

Meanwhile, Benazir is best advised to abdicate. Our system of governance demands that the prime minister bears the responsibility for the gigantic blunders committed by Islamabad during the last three years. She must reflect over what has happened to Pakistan, Sindh, Karachi and 70 Clifton. The sacrifice her family has been forced to make is enormous. If she quits now, she is young enough to be called back again-ten, fifteen years later. She should inform the president of her desire to leave office and request him to make arrangements for her succession. That is what presidents are for.

SELF-INFLICTED INJURIES

PAKISTAN'S greatest tragedy is that its fate has always been tied to the shenanigans and the heedless ambitions of the most short-sighted political pygmies. Is it any wonder then that instead of moving forward the country should forever be expending its fiercest energies in erasing the consequences of yesterday's disasters? What is the nation engaged in today? Not in mapping its course for the future but in trying to come to grips with the legacy of the last three years of mounting corruption and soaring ineptitude. Benazir Bhutto's government now is a stricken one. Of that, after the assertion of presidential authority, there should be little doubt. It is a sobering thought to remember, however, that for the desperate straits in which she now finds herself she can scarcely blame her enemies. Like the injury suffered by the SHO Clifton, Nawaz Siyal, one of the minor players in the drama of Murtaza Bhutto's death, and who has now met an ill-fated end, her wounds too are self-inflicted. Till March this year her grip on power to all appearances was secure. Six months later she finds herself reduced to the plight of a cornered being. Where she is crying hoarsely of conspiracies, and trying desperately to turn the killing of her brother to her advantage, she should know that if there is any conspiracy afoot, the threads of it have been woven by her own blindness and arrogance. Who told her to open a front against the Supreme Court? Who told her to tempt the Fates by going estate-hunting in Surrey? And which demon of supreme self-assurance told her to take President Farooq Leghari for granted? An honourable man who could not easily forget his long association with the PPP, he put up with the antics and the royal ways of Ms Bhutto's court from hostile quarters. In the end even his monumental patience and forbearance gave way. Ghulam Ishaq Khan was a born conspirator.

Farooq Leghari is anything but a conspirator. If he has been goaded finally into upholding the responsibilities of his office, he has been driven to do so by Benazir's obstinate refusal to see the light or to listen to any opinion except her own. Did not the President try his best to convince her of the necessity, indeed the wisdom, of respecting the Supreme Court's judgment in the Judges Case? If she had heeded his counsel, would this terminal crisis in which her government now finds itself have been upon her? If, furthermore, she had accepted Nawaz Sharif's suggestion, as she easily could have done, to set up an accountability commission, she could have stolen a march on events

instead of being their helpless victim as she is today. As late as the beginning of September the political initiative was still hers to exercise. But instead of being alive to the sensitivity of her predicament, she chose to respond to it with what comes best to her: bluster and cleverness. In her National Assembly exchange with Nawaz Sharif she was brilliant in scoring points and in using sarcasm to dazzle her audience. But at the end of that long evening, having proposed nothing substantive, all that remained was the memory of a clever debater. If Pakistan's tragedy is that its fortunes have always been tied to the apron strings of ineptitude and shortsightedness, Benazir's tragedy is that for all her cleverness she has never been able to rise above the level of an extraordinary debater. Consider in this context the performance she put up at the condolence meeting held for her dead brother at the Prime Minister's house. Indirectly pointing a finger at the President, she said that Murtaza's killing and the steps being taken against her government – a less than guarded allusion to the President's reference to the Supreme Court and his message regarding accountability to the two houses of Parliament – seemed to be part of a well-planned conspiracy. Grief should be turned into strength. The Prime Minister here was trying transparently to turn grief into political advantage. But it is a measure of the presidential assertiveness which the nation is currently witnessing that the Presidency lost on time in issuing a statement of which the operative part reads: "The president hopes that all holders of public office will refrain from making statements and insinuations that cast doubts on the integrity of important institutions in the country. The President (further) hopes that the Prime minister will be able to handle this very difficult time with grace and calm, especially since she is proceeding abroad to represent Pakistan's position on important issues at world fora." Could a sharper rap be administered on the Prime Minister's knuckles?

I am writing these lines on Saturday morning that is before the Prime Minister's scheduled meeting with the President later in the day. But it takes no special gift of clairvoyance to see that the setting of this meeting will be tense with little of that bonhomie which marked Nawaz Sharif's meeting with the President a few days ago. Too much has happened and too wide a breach opened between the party leader and her former lieutenant for there to be a return to the camaraderie of old. What blinded Benazir in her response to Chief Justice Sajjad Ali Shah was the dark thought that a man whom she had favoured (Shah Sahib having been elevated above the heads of some of his senior colleagues) was now asserting his independence. Much the same Bhutto logic is at work in her attitude to Farooq Leghari. What should not be forgotten is that it took a long time for the President to ready his bow and

arrows. But having gone through a long apprenticeship of trial and patience, the President has shot his bolt. From now on events can only move forward, leading to the slow asphyxiation of the Bhutto government. They cannot regress into the comfortable complacency of the past when the Prime Minister was assured of the unthinking support of the President and the erstwhile army chief, General Abdul Waheed. The President is a converted man – converted not so much by his subjective feelings as by the scene of drift, decay and chaos before his eyes – and there is a new man riding the saddle in GHQ. The twin certainties which ensured the security of the Bhutto regime have thus been washed away, leaving in their wake a beleaguered politician trying to stave off the grim challenge facing her with the rhetorical tricks which might have served her well in the past but which are hopelessly inadequate to the task at hand today. No one except perhaps the Pirs whom the great ones of this land visit can say what the immediate future has in store. The easiest thing to do at this juncture is to apply the guillotine of Article 58(2)b and bring the government's misery to an end, the climate in the country being such that the chances of the Supreme Court demurring at such a decision are remote. But Article 58(2)b is not without its consequences. Once put to use, it sets in train the process for fresh elections. Are the President and the army convinced that therein lies the best answer to the country's troubles? This uncertainty is the only card at present in Benazir Bhutto's favour. But even if the outlines of the immediate future are murky, one thing is certain. To all intents and purposes Benazir's government is effectively paralysed. Having squandered its opportunities and as a result having forfeited the initiative, it must now keep up with the pace set by the forces opposed to it, forces whose opposition, it bears remembering, the Prime Minister herself, through her wilfulness, has actively cultivated. There is the presidential reference in the Supreme Court seeking clarification about the President's powers relating to the appointment of judges. There is his message to Parliament proposing new rules of accountability. The Lahore High Court is seized of the Manzoor Wattoo case. And there is no knowing where the inquiry into Murtaza Bhutto's death might eventually lead. Responding to all these incipient challenges will sap the government's strength, or what remains of it, and consume its energies. To this low point has Benazir Bhutto dragged her once bright fortunes? A world finally about an event, for it is no less, which has set tongues wagging all across the country: the new look which Mr Zardari is sporting. Even if the dire meanings being read into it are disregarded, the symbolism of this act is striking. Samson could hardly have chosen a less opportune moment to shave his locks.

A TIME FOR SORROW

By Mazdak

NOW that the spontaneous outpouring of grief and anger over Murtaza Bhutto's senseless and brutal killing has subsided, it may be possible to discuss the implications of this act of violence. It is a sad but accurate reflection on our society that it has taken the wanton slaying of one prime minister's brother and another's son to bring into sharp focus the extent to which we have become brutalised. Years of escalating violence and bloodshed on our streets have immunised us from the pain and cruelty inflicted on tens of thousands of Pakistanis by sundry security agencies. We all know the chilling implication of the words "intensive interrogation" while reading about the arrest of suspects in the newspapers, but we do not wish to know anything about the torture that lies behind this routine phrase. Similarly, we are all aware of the reality of the so-called "police encounters", but again, ostrich-like, we pretend ignorance. Because it suits us to let the cops beat and torture and kill, we don't protest at their methods. So in a sense, we share the responsibility for the crimes our police and other security agencies commit every day in the name of law and order.

But now that we have seen the PM's brother gunned down in cold blood – supposedly in an armed encounter with the police – we all feel we could be next. It is a measure of how powerful our law-enforcing agencies have become that they know they can now get away with the murder of the rich and the famous. To a great extent, our leaders have given the police a blank cheque in exchange for doing their dirty work, and this includes cracking down on the opposition whenever the need arises. Traditionally, our security agencies' first priority is to protect the interests of the government of the day, and all too often, this means cowing down those opposed to it, usually by force. Given the many conspiracy theories swirling around Murtaza Bhutto's killing and the government's low credibility, it is no surprise that nobody in the country is willing to believe the police's version of events. Reports of a major cover-up are doing the rounds, and the official position has been severely eroded by the Prime Minister's own statement to the effect that her brother was deliberately gunned down. However, it is clear that the scene for this tragedy was set in Islamabad. Newspaper reports suggest that powerful individuals had sanctioned strong action against Murtaza Bhutto's faction of the PPP. And in the context of the reputation Karachi's police force has

acquired in the last couple of years, only a very naive person would expect that violence would not occur in a confrontation between them and Mir Murtaza's armed bodyguards. It is significant that people driving past the Bhuttos' Clifton residence earlier that fateful evening had noticed the presence of scores of heavily armed policemen. The official line that the police did not recognise Murtaza Bhutto cannot be believed: at 6' 2", he was an imposing figure of a man. And even if a credulous person swallows the police's version of the sequence of events until the firing took place, what is incomprehensible and unforgivable is that he was allowed to bleed, unconscious and unattended on the street for nearly an hour before he was finally taken to a nearby hospital where the poor man succumbed to his multiple gunshot wounds. Conspiracy theory apart, this tragedy highlights the incompetence and indiscipline endemic in our police force. When you give illiterate, poorly paid and untrained men automatic weapons and a licence to kill, officially-sanctioned murder and mayhem should surprise nobody. Indeed the government's unwritten directive to the police to shoot to kill has resulted in hundreds of manufactured armed encounters of the type Murtaza Bhutto perished in. The two common features in these bloody incidents are that the police hardly ever suffer any casualties, and the victims are usually shot from point-blank range. One intriguing aspect of this killing is that despite the presence of so many officers, the trigger-happy cops could not be restrained as they went on a firing spree that lasted for over half an hour. But perhaps it is unfair to expect very high standards of our officers: many of them were nominated by the government for UN assignments in Bosnia last year, but almost every one of them flunked the English-language and driving tests.

It is a sobering thought that had Murtaza Bhutto not been accompanied by his armed bodyguards, he might have been alive today because the cops would have been less trigger-happy, and it would have been difficult to fabricate an "armed encounter" with an unarmed group. Indeed, this country is so awash with guns that the smallest altercation now leads to a shoot-out. The Interior Minister's contribution to solving this problem is to suggest that citizens should arm themselves to combat criminals and terrorists. He could have added the police to this list of potential danger. But ever since the arming of Pakistan began in earnest in the early eighties under Zia, successive governments have turned a blind eye to this dangerous trend. Instead of shutting down the arms bazaars of the northern areas, politicians flaunt armed bodyguards as a status symbol.

The political fallout of Murtaza Bhutto's killing is not easy to gauge, but it is likely that the PPP will have to pay a heavy price in rural Sindh in the next election. Although his party did not do well in 1993, he was a popular figure, especially among the youth. But at the national level, the fact that a serving prime minister's brother has been killed by the police signals serious political weakness. Unless the PM acts swiftly and decisively against those responsible for this tragedy, hers might well become a lame-duck administration until the next election, unless moves are made against her government even earlier. It is doubly sad that a death in the family could well be a harbinger for a decline in Benazir Bhutto's political fortunes. But it's a dog-eat-dog world, especially at the top. Meanwhile, I join the whole country in mourning the death of somebody I met only once, but Murtaza Bhutto impressed me with his charm, intelligence and presence. May his restless spirit find eternal peace, and may his star-crossed family find the courage to bear yet another loss.

SIAL'S DEATH WAS A CASE OF HOMICIDE, SAYS ORTHO EXPERT

KARACHI, Oct 1, 1996: The second post-mortem of Haq Nawaz Sial has revealed that it was a case of homicide and the injury on his left foot was self-suffered, orthopedic surgeon, Mohammad Ali Shah told newsmen on Tuesday.

Dr Shah, who was taken on the special medical board to take part in the second examination of the late SHO and later in an inquiry about the injury of ASP Shahid Hayat, said all the circumstantial evidence gathered from the examining of the piece of skin of his right temporal region revealed that the fire was made from a distance of three to four feet.

The surgeon said since both the right and left temporal regions where the bullet had made its entry and exit were stitched, his job to conduct the investigation was a bit difficult, but it was overcome through the examination of a piece of skin preserved by the forensic experts in a jar.

“Since the police officer was fired at from a fair distance of three feet, there took place no scorching of his hair because a shooting from the closest range does cause burning of hair, which could be detected with the help of a special lens.

He said the X-ray examination of his pillow also revealed that the police officer was lying on his left side and, normally, suicide was committed mainly in a standing or sitting position, or when someone was lying on his back. But in this case it was purely a homicide which, he said, he had written in his four-page report which also included the review of his left foot wound.

He said the most incriminating thing about his foot wound was the bullet found in the X-ray of his shoe which was not more than .25 of a revolver, but as the evidence suggested neither of the two parties were having such small weapons. In the case of ASP Shahid Hayat Khan, he said, the officer was hit by a gunshot. However, he said, the fire-arm could not be more than a TT pistol, notwithstanding the fact that the bullet that had hit him could not be retrieved as stated by the police.

“It is now up to the court or the tribunal to decide whether the fire was made by a friend or a foe for such an inquiry does not fall under my or the board’s jurisdiction,” he added.

Answering a question, he said, since he was a private practitioner he was under no governmental or any other pressure and the help he had extended in the course of inquiry was based on the cardinal principles of medicine.

A largely expanded special medical board which examined ASP Shahid Hayat Khan at the Services Hospital on Monday had reserved its findings for presentation to the tribunal of inquiry set up to investigate the killing of Murtaza Bhutto and others near 70 Clifton 11 days ago. The board which completed its inquiry under the chairmanship of Prof. Karim Siddiqui, head of the surgery department, Dow Medical College, arrived at the unanimous conclusion that it was not a self-inflicted injury and the police official was fired at from a distance of four to five feet.

Earlier, a six-man special medical board had declared unanimously on Thursday that the fire-arm injury received by the Clifton SHO, Haq Nawaz Sial, in a shooting near 70 Clifton, was “self-suffered.” The SHO died in mysterious circumstances on Saturday morning.

The inquiry team, which was headed by Shafi Quraishy, professor of medicine and principal of Dow Medical College, had also maintained that keeping in view the direction and nature of the wound on the easily accessible, least dangerous and non-vital part of the body, physical appearance of the left boot and pants, and radiological findings, it had been ascertained that the injury was self-suffered. The board for the late Mr Sial was set up by the health department on the request of Ghinwa Bhutto, wife of Mir Murtaza.

MEDICAL BOARD RESERVES FINDINGS IN MURTAZA CASE

By Sarfaraz Ahmed

KARACHI, Sept 30, 1996: A largely expanded special medical board which examined ASP Shahid Hayat Khan at the Services Hospital on Monday reserved its findings for presentation to the tribunal of inquiry set up to investigate the killing of Murtaza Bhutto and seven others outside 70 Clifton 10 days ago.

According to reliable sources, the board which completed its inquiry under the chairmanship of Prof. Karim Siddiqui, head of the department, surgery of Dow Medical College, arrived at the unanimous conclusion that

- a) It was a gunshot injury,
- b) There is no shadow of doubt that it was not a self-inflicted wound and
- c) The police official was fired at from a distance of four to five feet.

The eight-page report written by orthopedic surgeon, Mohammad Ali Shah, said it was a superficial wound that only razed the skin and the subcutaneous layer of the middle left thigh where the bullet made a tunnel, and did not cause any harm to the muscles. The members of the board had a good look at the injury and concluded that it was bruising with a discoloration of the skin around it.

The board could not determine why the colour of the pants of the official which was dark brown and not the khaki until the ASP said that he was not wearing the uniform when the shoot-out took place. But, there was uniformity in the hole in the pants and location of the injury.

A biopsy could not take place because the 10-day-old wound had been stitched—a fact which was also corroborated by the medico-legal officer of the JMPC who had gone to Aga Khan Hospital on police request on Sept 21.

The MLO had written in his report that the depth of the wound could not be ascertained, and the history of the injury he described as “firing as alleged.”

Besides, a contradiction was noticed in the measurement of the wound which, according to the MLO who appeared before the board, the length of the wound was 7.4 centimeters, but the board found it was of 15cm. The MLO, according to Dr Shah, said he might have erred in taking the correct measurement because he had not used any measuring tape. Moreover, no chemical examination was done of any of the injured official’s belongings such as his trousers because the bullet which had hit him was stated to have been lost and could not be retrieved in the darkness of the night. However, new X- rays were taken and it was found that there was no damage had been caused to his bones.

The board had divided its working in four categories, i.e., the story narrated by ASP Shahid Hayat himself, his clinical and radiological examinations, recording of the account of the medical officer who had treated the police official, and the opinion of the board.

The board meeting was attended by all the doctors except a forensic expert from Aga Khan University Hospital. However, two surgeons from that hospital were present. But, the doctor who attended the meeting was not the medical officer who had treated the police official, but it was his assistant.

A six-man special medical board had declared unanimously on Thursday that the fire-arm injury received by the Clifton SHO, the Haq Nawaz Sial, in a shooting near 70 Clifton, was “self-suffered.” The SHO died in mysterious circumstances on Saturday morning. The inquiry team, which was headed by Shafi Quraishy, professor of medicine and principal of Dow Medical College, had also maintained that keeping in view the direction and nature of the wound on the easily accessible, least dangerous and non-vital part of the body, physical appearance of the left boot and pants, and radiological findings, it had been ascertained that the injury was self-suffered. The board for the late Mr Sial was set up by the health department on the request of Ghinwa Bhutto, wife of Mir Murtaza.

SHC HEARS GHINWA, BADRUNNISA PETITION

KARACHI, Sept 30, 1996: A joint petition filed by the wives of the late Murtaza Bhutto and Ashiq Husain Jatoi, in the High Court of Sindh, was on Monday fixed for hearing on Oct 7, and pre-admission notices were issued by a division bench to the attorney general and the advocate-general.

The petition, filed by Mrs. Ghinva Bhutto and Mrs. Badrunnisa, is seeking direction from the court for the registration of an FIR by the two women, against the police personnel present near 70-Clifton, where Mir Murtaza Bhutto, Ashiq Husain Jatoi and six others were killed in police action.

Abdul Mujib Pirzada, counsel for the petitioners, submitted before a division bench, comprising Chief Justice Mamoon Kazi and Justice Majida Rizvi, that the petitioners had the right to lodge a report against the police for killing their husbands and others without any provocation, and the police by denying their right were violating their basic fundamental rights.

On Sept 20 eight men were gunned down in their vehicles near 70-Clifton, the house of the chairman of the PPP (SB), and it is alleged in the FIR that about 80 to 100 policemen had taken up positions much before the return of the victims from their meeting in Yousaf village in Surjani Town.

When the petition was taken up at 9:15am, a huge crowd had gathered inside and outside the courtroom to hear the court decision on the pleas made by the two widows.

GHINWA SAYS SHE HAS NO INTENTION TO LEAVE COUNTRY

KARACHI, Sept 30, 1996: The wife of late Mir Murtaza Bhutto, Ghinwa Bhutto, has categorically stated here that she has no intention to leave the country.

She was talking to newsmen briefly at 70-Clifton on Monday soon after the conclusion of a condolence meeting held to offer collective prayers for the departed leader and his colleagues.

An apparently worried but a composed and confident widow declined reports that she was planning to leave the country. She said her children had left the country temporarily because they were familiar to her mother who wanted to see them. According to her, they would return to the country after a short interval.

Though she has yet to decide her future plans but her decision to stay in Pakistan implied that she would ultimately lead the party of her slain husband. Earlier, speaking at a condolence meeting Mrs Ghinwa Bhutto expressed the hope that the blood of her husband would unite the country and put it on the road of peace and prosperity. She thanked the people for sharing her grief for 10 days, saying that "your presence shows it is yours as well as my loss".

Late Mir Murtaza Bhutto, his close confidant Ashique Jatoi and seven others were killed in a police firing on Sept 30. The Pakistan People's Party (SB) has announced a 10-day mourning programme to condole the death of the slain leader and his colleagues. Monday was the last mourning day. A condolence meeting was arranged on this occasion. It was attended by a large number of people including women. Present on the occasion were party leaders which included Abdullah Baloch, Ehsanullah Bhutti, Sohail Sethi, Ghulam Sarwar Bagh, Ishaq Khakwani, Qazi Shafiq Mehr and others.

ASP HAYAT'S STATEMENT DEEPENS MYSTERY

By Ghulam Hasnain

KARACHI, Sept 30, 1996: The statement of an injured police officer before a special medical board on Monday further deepened the mystery surrounding the Sept 20 shooting near 70-Clifton which claimed the lives of Mir Murtaza Bhutto and his seven companions.

ASP Shahid Hayat who was wounded in the alleged shoot-out, appeared before the board at Services Hospital and narrated the event shortly before he fell on the ground. Mr Hayat told the board he was approaching the armed guards of Mir Murtaza and was about four-and-a-half feet from them when some noises from the police force attracted his attention. And according to him those noises were not those of humans but of loading of AK-47 rifles by the policemen. It was the click-click of rifles which forced him to turn back and see what was happening.

It was exactly at that moment when someone from Mir Murtaza's side fired at him before he could issue any order. The bullet hit him in the leg and he fell on the ground, he said. ASP Hayat could not say who it was from Mir Murtaza's side who had fired from behind but the shot, according to him, triggered a heavy shooting. "I crawled towards one-side of the road and took a refuge behind a tree. Then I shouted at one of my men and asked them to bring a police mobile. I was then put in a police mobile and taken to the Aga Khan Hospital," Mr. Hayat told the medical board.

Mr Hayat did not know what happened afterwards.

After four-and-a-half hours' deliberation, the medical board was of view that ASP Hayat's injury was neither self-inflicted nor self-suffered and he was wounded by a bullet coming from Mir Murtaza's direction. Now the question is if the ASP was approaching Mir Murtaza's guards why the policemen, who had already ringed the convoy, started loading their guns before any provocation from Mir Murtaza's side. It appeared from the ASP's statement that he did not order the policemen to load their rifles and their action even surprised him and forced him to turn back and look what was happening.

Secondly, if the first shot was fired by Mir Murtaza's side why Clifton SHO Haq Nawaz Sial inflicted a self-suffered injury. Haq Nawaz Sial was murdered in his well-guarded house a day after the medical board said his injury was self-suffered. Initially, the police had described suicide as the motive of the death but later registered a murder case against unidentified people because the widow, who claimed that she herself saw two assassins fleeing the room, refused to agree to the suicide theory. The members of the medical board who conducted the autopsy had claimed on Monday that Sial was murdered beyond any doubt. "At the time of death he was sleeping with his left-side face resting on the pillow. We don't know a case in which the victim has committed a suicide in such a position. It was the most uncomfortable position for the victim to shoot himself on the right temple specially when there is more than 12 cm distance between the gun and the skin of the temple," a senior doctor told Dawn.

The doctors who interviewed Sial's widow, however, are puzzled as to how two assassins sneaked into his bedroom when both the entrances of the room were shut. The widow has been unable to explain as to how the assassin made their entry. The family claimed that they came in after scaling the wall for the rear portion of the house but how the assassins made their entry in the bedroom is still a puzzle for the doctors and investigators.

For the doctors the entire case of Mir Murtaza has become a mystery.

"It is strange. One police officer injured in the encounter and the second inflicting a self-suffered wound but murdered a day after it was exposed. It seems to us that Sial was a key man who probably knew everything," a senior doctor remarked. Soon after the Sept 20 shooting, senior police officer, had claimed that the police action was spontaneous and they fired back when Mir Murtaza's guard fired at them.

It has been confirmed by the senior officers themselves that the raiding party which stopped Mir Murtaza's convoy was specifically asked to disarm his armed guards. But some of the senior police officers feel that the policemen who ringed the Murtaza's vehicles were not properly briefed how to tackle it which led to the incident. "They were not dealing with any ordinary criminal. The senior police officers who were at the spot knew that they were dealing with the younger brother of the Prime Minister and knew very well that his armed guards are short-tempered and hot-headed. It is amazing why the

police party took the entire operation in such a non-serious way," a police officer said.

'MIR MURTAZA'S MURDER WAS PART OF PLOT TO ELIMINATE PM'

LAHORE, Oct 4, 1996: Pakistan People's Party's secretary-general Senator Rafiq Ahmad Sheikh feels that the murder of Mir Murtaza Bhutto may be a prelude to physical elimination of Prime Minister Benazir Bhutto and a planned conspiracy to finish the PPP.

"As long as Mir Murtaza Bhutto was alive, Mohtarama Benazir Bhutto was safe. Now there is a growing feeling in the party ranks that both the party chairperson and the PPP are exposed to the threat of elimination. As such, the killing of Murtaza is nothing short of a planned conspiracy to roll back the political and democratic process which largely owes to the heroic struggle of the People's Party", Mr. Sheikh told Dawn on Friday.

"The only conclusion one can draw is that killers of Murtaza Bhutto can be traced from among the opponents of the PPP and Ms Benazir Bhutto", he said. According to him, he knew that the prime minister had told her brother during their last meeting in the Prime Minister's House, that he could have been an asset for the party had he not parted ways. One could infer from this that Murtaza was destined to play a role in the PPP. He said after the meeting relationship between the brother and the sister had become "very cordial" and they used to exchange gifts on the birthdays of their children. This might have sent "danger signals" to the forces opposed to the PPP and Ms Benazir Bhutto, he said.

On the question of charges of rampant corruption, Senator Sheikh said the government was seized of the matter of drafting a bill "to eradicate corrupt practices at the highest level". The bill was being prepared with the objective of proceeding against all former and present legislators against whom charges of corruption were levelled. "We believe that an overwhelming majority of holders of public office, including presidents, prime ministers, governors, chief ministers and legislators in the past and at present, were honest and clean. We want all of them to clear their position in an inquiry." Those found guilty would face punishment. The bill provides penalties and forfeiture of property in addition to disqualification from taking part in political activity for seven years, he added.

The PPP secretary-general said the government was in agreement with the suggestions sent by President Farooq Leghari through special messages to the Senate and the National Assembly on amendments in PO 16 and PO 17 of 1977. But at the same time it felt that operation of law should not remain limited to the guidelines of the two presidential orders. "Should the scope of the law not be extended to those who level false charges", he asked and added that a false allegation should not go unpunished.

PRESIDENT: To a question about the president asserting his constitutional powers, Senator Sheikh claimed that recent developments had been to the disadvantage of the PML and its leadership rather than the government. "The evidence can be traced in the frustration shown by opposition leader Mian Nawaz Sharif and his colleagues. They have failed to achieve what they wanted".

As for the president's role, the PPP leader said, "We feel that he (the president) has been out to establish a true parliamentary democracy on the British pattern for which the constitution was to be so amended as to suit its dispensation. But the PPP also feels that the president may be loyal to the constitution, but his loyalty to his stand on the basis of which he was elected president appears to have been diluted for some reasons".

The constitution, he said, gave the president the right to dissolve the National Assembly and seek a fresh mandate of the electorate, but it was incumbent upon him to act only when a situation arose for such an action. "The present situation certainly is far from such a condition", he said. According to him, there was a stable PDF government at the centre and the alliance was running coalitions in three provinces. The governance had been smooth and a breakdown of constitutional machinery was not feared.

The PPP secretary-general said the government had pursued more vigorously the cause of Kashmir leaving a deep impact on the world community to help resolve the dispute. On the question of the CTBT, Pakistan had put the Indian government under international pressure. The armed forces were happy with the prime minister for procurement of large quantities of arms, including submarines and tanks.

Above all, he said, the government had restored peace in Karachi which Mr Nawaz Sharif was unable to do during his tenure as prime minister. Almost all terrorists, who had besieged Karachi, had either been identified or

arrested. As for sporadic acts of terrorism and violence, even countries like the United States and the United Kingdom, were not free from these, he said. The PPP had been able to effectively deal with the situation in Karachi because it was not restrained by any political expediency whereas the PML-led government had abdicated its role in favour of the MQM.

Mr Sheikh said the administration under the government had been able to identify and arrest terrorists and those behind incidents of sabotage had now been exposed. The massacres of Islampura in Lahore and Sheikhpura and several other similar incidents during Nawaz regime, however, remained clueless. "Who could forget that Mr Nawaz Sharif had promised that killers of Islampura would be arrested in 72 hours?" he asked.

The PPP leader said that the opposition parties were in a total disarray and the PML was no exception. One such example was trading of allegations in the National Assembly when the question of "fateha" for Dr Najib was raised by the ANP. "We feel that there is no threat to the government from any quarters", Senator Rafiq Sheikh said.

MURTAZA'S DEATH WAS ACCIDENTAL, SAYS DIG

KARACHI, Oct 8, 1996: The outcome of the incident (with Mir Murtaza Bhutto) is totally accidental and not pre-meditated as alleged, said Dr. Shoaib Suddle, DIG of Police, Karachi, in his comments filed before Sindh High Court (SHC).

The comments were filed in reply to a constitutional petition filed by Ghinawa Bhutto and Badarunnisa, widows of Mir Murtaza Bhutto, chairman PPP(SB), and his companion Ashique Jatoi, respectively. The DIG further maintained that the police intended only to stop the vehicle carrying gunmen of Mir Murtaza Bhutto and not the vehicle of Mir Murtaza. In fact, there were clear and unambiguous orders to the police not to stop or search Mir Murtaza Bhutto.

“The reason for stopping the gunmen was that there was a credible information that they were also suspected of crime Nos 270 and 106 of 1996 of Garden and Napier police stations, respectively. “As soon as the Clifton SHO signalled the red Toyota pick-ups carrying gunmen to stop, they aimed their weapons on the police and on the instigation of Mir Murtaza Bhutto sitting in the front seat of his vehicle, they started firing at the police party comprising two ASPs, SHO Clifton with 13 police personnel, thereby injuring the ASP Saddar and SHO Clifton. “The police also retaliated in self-defence. In the course of firing, Mir Murtaza was critically injured whereas his six companions/gunmen were killed on the spot, four were injured and six survived unhurt. “Mir Murtaza Bhutto was immediately removed to the Mid-East Hospital where he succumbed to his injuries two-and-a-half hours after the incident,” said DIG in his comments. “The remaining injured, along with taxi driver, was shifted to the JPMC for treatment. A number of Mir Murtaza Bhutto’s associates were, however, able to escape from the scene of the incident,” Suddle’s comments said.

The DIG also denied that any person of Mir Murtaza Bhutto’s side appeared at the police station to lodge FIR about the incident. The DIG also maintained that FIRs have been lodged regarding the Sept 20 incidents and thus no violation of constitution had taken place. He also stated that the officers present at the time of the incident have either been placed under suspension or transferred to ensure impartial and independent investigations and as such the investigations were transferred to the Crimes Branch.

DIG Karachi Dr. Suddle also cited the Sindh High Court's judgement in Altaf Hussain's case (D-2472/96) versus government of Sindh, and said on similar grounds, this petition be dismissed by the court. – APP

SHC HEARS ARGUMENTS ON FIR REGISTRATION

KARACHI, Oct 22, 1996: The petition filed by two widows, Mrs Ghinwa Bhutto and Badrunnisa Jatoi, came up for further hearing before the High Court of Sindh on Tuesday.

The bench, comprising Chief Justice Mamoon Kazi and Justice Majida Rizvi, heard the arguments of Abdul Hafeez Pirzada on the main petition for the registration of the FIR in the alleged incident of murders in Clifton on Sept 20.

Earlier, K. M. Nadeem, additional advocate general, answering the queries of the court made on Monday submitted that he was appearing in the petition on behalf of the government of Sindh and the SHO of Clifton Police Station (Respondents Nos. 1 & 2), who is a functionary of the police department under the control of the government, and that his obligation as additional advocate general are in accordance with the provisions of sub-Article 2 of Article 140 of the Constitution, which defines the function of the office of the advocate general to give advice to the provincial government on legal matters and to perform such other duties of legal character as may be referred or assigned to him by the provincial government.

He further made a statement that without prejudice to the preliminary objections as to the maintainability of the petition on legal and constitutional grounds, he is making an offer to the petitioners that the copy of their petition along with their proposed FIR can be attached with the earlier two FIRs for the purposes of investigations and that the petitioners and their witnesses may join the investigations, but this offer was rejected by Abdul Hafeez Pirzada, counsel for the petitioners, who insisted obtaining a decision for the registration of separate FIR on own merits of the petition.

The other query as to the deposit of the investigation papers in the High Court of the other two earlier FIRs and the miscellaneous applications of Mr Pirzada to have an opportunity of looking into the same was also considered by the court.

The court observed and inquired from K. M. Nadeem as to what harm would be caused if such an opportunity is afforded to the petitioners' counsel and such inspection could be made in presence of the representatives of the AG office under the supervision of a high court official.

Mr Nadeem submitted that the question of harm or no harm is not relevant, but the precise question is whether the court has such powers in a case which is under investigations by the police and whether the law permits such course of action.

On further inquiries from the court as to the relevant law, Mr Nadeem submitted four cases of the apex court including the Privy Council beginning from 1945 to 1994, wherein the Privy Council and the Supreme Court of Pakistan have disapproved such course of action and directions.

After hearing K. M. Nadeem, the court observed pointing out to Mr Pirzada that the legal objections raised by the AAG requires application of mind and this would amount to writing more than one judgement in one petition and, therefore, either Mr Pirzada file a separate petition for such purpose, particularly when the interim relief claimed in this interlocutory application is not germane to the main petition and the relief claimed therein.

Mr Pirzada submitted that the consideration of his miscellaneous application may be deferred till the main petition was heard and decided by this court and in case he succeeds in this petition; he will press this application at that stage.

The hearing then resumed on the main petition in which registration of FIR is requested for.

The main thrust of the argument was that one Nur Mohammad was present at the time of incident who escaped from the police and informed the petitioners about the incident whereupon on Sept 21, Abdullah Baloch along with another person went to the Clifton PS to lodge a report but the same was declined by the SHO on the ground that this report is against the police and therefore it cannot be registered.

Under these circumstances, a telegram was sent to the Chief Justices of Pakistan and the High Court of Sindh saying the conduct of the police officers is violative of Article 4 and Article 25 of the Constitution and he is seeking enforcement of his fundamental rights to get a case registered which is the mandatory obligation of the police and that the court in such circumstances is quite competent to issue a direction in the nature of mandamus.

The arguments were continuing when the court rose for the day and adjourned the hearing till Wednesday at 11 am.

HEARING OF GHINWA'S PLEA PUT OFF TO 29TH

KARACHI, Oct. 23, 1996: The hearing of the petition of Ghinwa Bhutto and Badrunnisa Jatoi resumed on Wednesday before a division Bench of the High Court of Sindh.

Abdul Mujeeb Pirzada, counsel for the petitioner, started arguments in support of the petition on behalf of the petitioner, Badrunnisa Jatoi, and submitted that the provisions of Section 154 Cr PC are mandatory and the police were duty-bound to register the FIR as being proposed for such purpose.

The refusal of the police to register the FIR was contrary to the law and was violative of Articles 4 and 25 of the Constitution, inasmuch as the petitioner was entitled not only to dealt with in accordance of with law but is also entitled to equal protection of law, he said.

In support of his arguments, he cited several reported judgements of the High Court of Sindh, Lahore High Court and Supreme Court of Azad Jammu and Kashmir wherein directions were issued by the superior courts to register such FIRs. He further submitted that lodging of the direct complaint in the case is not equally efficacious and that the relevant provisions are supplementary provisions and cannot be substituted for Sections 154 Cr PC. He also analysed the jurisdiction of the court in terms of Article 199 of the Constitution and submitted that the high court has all the powers to pass any order or directions in the case in the interest of justice.

Mujeeb Pirzada also referred to Article 184 (3) of the Constitution where under the Supreme Court of Pakistan have all the powers to pass any order for the enforcement of fundamental rights and submitted that similar powers are also available to the high courts under Article 199 of the Constitution. He referred to the FIR No. 399/96 stated to be registered on the report of Asghar Ali, a personal servant of Mir Murtaza, and submitted that this document is incomplete in the application of the offences whereas the proposed FIR of the petitioner disclosed commission of other offences as well which don't find mention in the registered FIR and, therefore, he pleaded that the petition be allowed and directions be issued to the police for registration of the cases on the basis of the proposed FIR.

The court was about to rise for the day when K. M. Nadeem, additional advocate-general, interrupted with the request that he may be allowed some time today to submit his preliminary reply to the arguments as the urgency of the case requires expeditious disposal.

The court acceded to the request whereupon Mr. Nadeem submitted that on Tuesday and on Wednesday emphasis has been laid with reference to judicial activism as being practised in other jurisdictions of other countries, particularly the British jurisdiction. He submitted that such course of judicial determination is not applicable to this country where there is a written constitution and the jurisdiction of the courts is determined by Article 177 (2) of the Constitution which is subject to the Constitution and the law.

He further submitted that similar arguments of unbridled power of the superior courts in terms of Article 199 of the Constitution were pressed into service before a full Bench, comprising five judges of this high court in 1980, and the matter was reported in PLD 1980, Karachi, page 498 at page 526, and the judgment has noted such manner of arguments and has repelled the same by holding that such untrammelled powers are not available to the courts because of the limitations imposed by Article 175 (2) of the Constitution and the courts are as much a slave of the Constitution and the law.

Mr Nadeem further assailed the argument founded on the provisions of Article 184 (3) of the Constitution. He submitted that this line of argument has confused the two jurisdictions into one, although the provisions of Article 184 (3) fall within the exclusive jurisdiction of the Supreme Court which can exercise all powers to ensure dispensation of complete justice and such jurisdiction is not subject to restraints and constraints as spelled out by Article 199 which is available to the high courts subject to its own limitations. Therefore, Article 184 (3) cannot be equated with Article 199, he said.

Reverting to the merits of the main petition, Mr Nadeem submitted that precisely in the context of the petition there are three questions for consideration and decisions, and he formulated the following three questions:

1. Whether there can be more than one information within the meaning of Sections 154 Cr PC;
2. Whether after registration of one information, under Section 154 Cr PC in respect of an occurrence, the police are under any legal obligations to register

another information under Section 154 Cr PC in respect of the same occurrence; and

3. Whether the high court in exercise of its discretion under Article 199 is obliged to issue such directions for registration of yet another information.

He submitted that he will submit decided cases of this court as well as those of the Supreme Court which answer these three questions in the negative.

The court noted the three questions and rose for the day, but Mujeeb Pirzada requested that he would not be available on the following day because of the Chehlum arrangements for Mir Murtaza, and, therefore, he requested that the matter may now be adjourned to Oct. 29 for further hearing.

Mr Nadeem and the deputy attorney-general, Farooq H. Naek, interposed and submitted that it can be heard earlier on Sunday as a special division Bench case, but on the request of Mujeeb Pirzada, the court adjourned the case for Oct. 29.

Earlier, three senior police officers, Wajid Ali Durrani, SSP (South); Shahid Hayat, ASP, Saddar; and Rai Mohammad Tahir, ASP Darakshan, Clifton (South) had filed their applications to become party to the petition as respondents and the court had issued notices to the other side for Wednesday.

Khwaja Sharful Islam, counsel, had filed the applications on behalf of the applicants and during the hearing on Wednesday, he raised an objection to the adjournment of his applications by saying that as soon the applications were filed, it ought to have been decided and heard on the first day of hearing instead of adjourning the same to a later date, keeping in view the fact that the main petitioners (Ghinwa Bhutto and Badrunnisa Jatoi) sought directions from the court for the registration of their FIRs against them. Therefore, unless they are made parties and given an opportunity of hearing the petition for the registration of the FIR cannot be decided. The court observed that it will take up their applications for a decision on the next date of hearing, that is Oct. 29.

HOME SECRETARY, IGP, DIG TO RECORD STATEMENTS

KARACHI, Oct. 24, 1996: The tribunal constituted to inquire into the circumstances leading to the incident of Sept 20 at Clifton, in which Mir Murtaza Bhutto and seven others were killed and six others injured, will record the statements of four witnesses on Monday.

A decision to this effect was taken by the tribunal on Thursday after hearing the Advocate-General and the advocate representing the then SSP-South Wajid Durrani. The tribunal, headed by Justice Nasir Aslam Zahid of the Supreme Court, has Justice Amanullah Abbasi and Justice Dr Ghous Mohammad of the Sindh High Court as its members.

The tribunal decided to record the statements of the Home Secretary, Sindh; the Inspector-General of Police, Sindh; the DIG, Police Range, and SSP of District South Wajid Durrani on Monday.

Earlier, the chairman of the tribunal, Justice Nasir Aslam Zahid, said the tribunal wanted to know why the operation was necessary and at what level the decision of the operation was taken. He said it was not the case of a layman, it was the case of the brother of the sitting Prime Minister, and no ordinary ASI could take such a major decision. He said the tribunal wanted to know where the initial decision had been taken and by whom it was taken to conduct the operation in the presence of Murtaza Bhutto near his residence. He said these were the basic questions which should be cleared.

The tribunal also heard arguments of the president of People's Lawyers Forum, PPP (SB), Manzoor Bhutta, who requested the tribunal to adjourn its hearing till Monday. He submitted that till the hearing on Monday Ghinwa Bhutto might take a decision whether to take part in the proceedings of the tribunal. He said Ghinwa Bhutto would decide it at the meeting of the central committee of the PPP (SB), to be held on Saturday at Larkana.

The Advocate-General of Sindh informed the tribunal that the government would welcome Ghinwa Bhutto's taking part in the proceeding of the tribunal. Ghazanfar Ali Shah, advocate, informed the tribunal that he would file his wakalatnama on behalf of Badrunnisa Jatoi as she had not yet taken

any decision to take part in the proceedings of the tribunal. However, he submitted a wakalatnama on behalf of Nazar Mohammad, the father of the late Mohammad Rahim Brohi.

Advocate K. M. Samdani informed the tribunal that he would submit his wakalatnama on behalf of ASP Shahid Hayat Khan and ASP Mohammad Tahir by the next hearing of the tribunal. The tribunal also gave an assurance that it would arrange meetings with the witnesses who were in custody with their counsel through the advocate-general.

At the request of the advocate-general regarding the recording of the proceedings for TV coverage, the chairman of the tribunal said that TV could film the witnesses and show them that they were the witnesses who appeared before the court and nothing else.

Justice Nasir Aslam Zahid rejected the recording permission for Radio Pakistan and said the tribunal had its own recording arrangement for the purpose. The Advocate-General of Sindh, Abdul Ghafoor Mangi, Additional Advocate-General Mohammad Bachal Tunio and Assistant Advocate-General Abdul Latif Ansari were also present during the proceedings of the tribunal on Thursday. – APP

ELEVEN COPS HELD IN MURTAZA CASE

Mohammed Riaz

KARACHI, Oct. 24, 1996: Eleven policemen, including an ASI, were arrested on Thursday for their involvement in the Sept 20 shooting near 70-Clifton, in which Mir Murtaza and seven of his colleagues were killed.

The Sindh police on Thursday evening issued a brief handout regarding the arrest of ASI Abdul Basit, head constables Faisal Hafeez and Muslim Shah, police constables Zulfikar, Ghulam Shabbir, Zafar Iqbal, Ghulam Mustafa, Ahmed Khan, Gulzar Khan, Zakir Mehmood and Raja Hameed.

They were arrested under the FIR No. 399/96, registered with the Clifton police station under Sections 319, 324, 302, Qisas and Diyat Ordinance and 148/149 PPC, lodged by complainant Asghar Ali, Mir Murtaza's driver on Sept 24. Asghar was an eyewitness and was injured in the shooting, the police handout said.

The decision for their arrest was taken at a meeting on Thursday after the return of Chief Minister Abdullah Shah from Islamabad on Wednesday night, sources told Dawn. They said the chief minister on Wednesday morning held a meeting with the prime minister and discussed the issue in the light of the FIR lodged by Asghar Ali. However, Ghinwa Bhutto, widow of Mir Murtaza, did not accept the contents of the FIR (399/96), asserting that it was a "manipulation of the police." She has been pleading that another FIR be registered, in which she has nominated the DIG of Karachi, SSP (South), ASPs Clifton and Saddar, the SHOs of various police stations and the IB chief here. The IGP of Sindh had, meanwhile, ordered an inquiry headed by the DIGs of Crimes, and Inspection and Enquiry, to determine the causes and the nature of the shooting.

According to reliable sources information so far gathered by the Crimes Branch team "has not established the claim that Murtaza and his colleagues were killed under a premeditated plan. The investigators are also inclined to believe that it is not a 302 case, but that of 319," the sources added.

The prime minister in her first reaction to the shooting, had refused to accept it as an incident or a case of shootout, and had termed it "target shooting" and part of the plots "to finish off the Bhuttos." But the DIG of Karachi has so

far refused to accept that Mir Murtaza was targeted and has claimed on several occasions that it was a shootout.

Initially, the arrest of the eleven policemen was kept a secret and the police and the provincial information department was undecided till late into the evening whether or not to disclose the names of those arrested. Finally, a Press conference was called by an advisor to the chief minister but it did not materialise owing to some differences among the officials concerned.

GHINWA VOWS TO UNMASK KILLERS

LARKANA, Oct 25, 1996: Ghinwa Bhutto, widow of Mir Murtaza Bhutto, said she would not rest until the killers of her husband were unmasked and punished.

Addressing a gathering of PPP (SB) workers who had gathered at the People's Stadium here on Friday on the occasion of chehlum of Murtaza, she said she would stand by the PPP(SB) workers and added it would be betrayal with Murtaza's principles if she forsook the party at this critical juncture.

She said her mission was to unmask the murderers of Murtaza and to bring to accountability those who had killed thousands of innocent people in fake encounters.

She vowed to carry forward the mission of Murtaza Bhutto, who she said, wished to see the countrymen prosper and added that with the efforts and co-operation of the workers his dreams would Insha'Allah be translated into reality. She said she had decided to establish a social welfare organisation to serve the downtrodden and the poor. She said she needed some time to decide about leading the party as she was not in a position to do so due to shock and grief. She, however, joined the party by filling in the membership form.

Ghinwa said the members of the central committee will run the affairs of the party as had been the practice when Murtaza Bhutto was alive. She concluded her speech saying Jeay Sindh, Jeay Pakistan.

Earlier, the gathering was addressed by Barkat Mirjat Ali Haider Shah, Bagan Khaskheli, Wali Mohammed Umrani, Mir Mithal Khan Mughiri, Taj Mohammed Jamal, Abdul Hayee Bangulzai, Moula Bakhsh and others. The burden of their speech was that Murtaza Bhutto was killed under a conspiracy.

The speakers castigated the government for its failure to apprehend the killers and vowed to avenge the death of their leader.

Mir Hazar Khan Bijarani, a former federal minister and the leader of PPP(SB), in his speech said that despite the murder of her brother, the prime minister was unable to get the killers arrested. He claimed that the prime minister was aware of the conspiracy that culminated in the murder of Murtaza and added that Sindh government should have been sacked the day Murtaza was killed. He lamented that nothing happened despite the passage of so many days. He alleged that Asif Zardari was involved in the killing and added that police, Sindh chief minister, Naseerullah Babar and Prime Minister Benazir Bhutto were equally responsible.

Makhdoom Khaliqzaman endorsing the contention of Mr Bijarani hoped that the assassins of Murtaza Bhutto would be awarded punishment one day.

The chehlum was attended by delegations of different political parties. Rasool Bakhsh Palejo was among the leaders who were on the stage. Ghulam Mustafa Jatoi and Ghous Ali Shah visited Al-Murtaza in the morning and condoled with Ghinwa Bhutto.

Later, Ghinwa Bhutto with the members of the central committee went to Garhi Khuda Bakhsh, offered fateha.

MURTAZA'S KILLERS TO BE BROUGHT TO BOOK: SHAH

KARACHI, Oct 25, 1996: Sindh Chief Minister Syed Abdullah Shah has vowed that the mystery of the killing of Mir Murtaza Bhutto will be resolved and those involved will be brought to book in accordance with the law.

He was speaking on the occasion of the Chehlum of Mir Murtaza Bhutto held at the Bilawal House on Friday under the auspices of the PPP, Sindh.

The Sindh chief minister told a large gathering that the Crimes Branch was investigating the killing of Mir Murtaza. He said that on the directive of the Prime Minister a three-member tribunal headed by a Supreme Court Judge had been formed. Syed Abdullah Shah further stated that on the directive of the PM, the government of Sindh had also invited a Scotland Yard team. The six-member team will reach Karachi on Monday.

“Being a chief minister it is my responsibility to get to the bottom of this tragedy and the people of the country as well as those of this province will be apprised of the facts,” he said.

Syed Abdullah Shah said the opponents of the party and the opponents of the Bhutto family wanted to sow the seeds of discord. He asked the people to frustrate all such conspiracies of opponents.

The chief minister also paid tributes to Mir Murtaza Bhutto on the occasion.

The president of the PPP, Sindh, Syed Qaim Ali Shah, in his speech on the occasion recalled the sacrifices of the Bhutto family for the cause of Pakistan and said this formed an important chapter of our history. He said the blood of the son of Zulfikar Ali Bhutto would not go waste. Syed Qaim Ali Shah said the facts would come before the people and those responsible for the killing would be brought to book. He said the need of the hour was that “we should forge unity in our ranks”. Syed Qaim Ali Shah prayed to Almighty Allah to rest the departed soul in eternal peace and grant courage and fortitude to the bereaved family to bear the loss. He said: “We should also

endeavour to make Pakistan strong and help resolve the problems of the poor.”

Speaking on the occasion, Federal Minister for Law and Parliamentary Affairs Prof. N.D. Khan described the killing of Mir Murtaza Bhutto as a senseless tragedy. He also recounted the sacrifices rendered by the Bhutto family. Prof N.D. Khan said a high-level inquiry commission had been formed to look into the incident. Prof N.D. Khan asked the workers of the party to exercise restraint.

Speaking on the occasion, an adviser to the Sindh chief minister, Ehtaram-ul-Haq Thanvi, expressed deep sorrow on the killing of Mir Murtaza.

The chehlum of Mir Murtaza Bhutto was attended by a large number of people, including ministers, elected representatives and people belonging to various walks of life. – APP

POLICE TAKES REMAND OF 11 COPS IN MIR'S CASE

KARACHI, Oct 26, 1996: Eleven policemen allegedly involved in the Sept 20 shooting near 70-Clifton, in which Mir Murtaza Bhutto and seven of his aides were killed, were remanded in police custody on Saturday by the special court for the suppression of terrorist activities (STA-1), for 14 days.

The Crimes Branch police produced them before Abdul Majeed Bhatti, special judge of the STA-1.

The eleven policemen are ASI Abdul Basit, head constables Faisal Hafeez and Muslim Shah, constables Zulfikar, Ghulam Shabbir, Zafar Iqbal, Ghulam Mustafa, Ahmed Khan, Gulzar Khan, Zakir Mehmood and Raja Hameed of the Clifton police station and police headquarters, District South.

The policemen were arrested on Oct 24, on the basis of the FIR (399/96) lodged on Sept 24 by Asghar Ali, a servant of Mir Murtaza.

According to investigation made by the Crimes Branch officials, "seventy-five rounds were fired with official weapons during the encounter".

Earlier, a SI tried to seek the remand of the 11 suspects without producing them in the court, but he was asked to present them physically. Then he escorted them from Gizri police station to the court.

MIR MURTAZA CASE: COUNSEL NAMES BABAR, ASIF & SHAH

KARACHI, Oct 28, 1996: Sindh Chief Minister Syed Abdullah Shah, Interior Minister Naseerullah Babar and Federal Minister for Investment Asif Ali Zardari were accused of being involved in a “conspiracy” to kill Mir Murtaza Bhutto and seven of his companions by the lawyer representing Ghinwa Bhutto, Badrunnisa and the PPP (SB) during the investigation tribunal’s proceedings on Monday.

“We would like to inform the court that the murder is the result of a conspiracy of the federal and provincial governments and three persons are involved. These three suspects are Sindh Chief Minister Syed Abdullah Shah, Interior Minister Naseerullah Babar and Federal Minister for Investment Asif Ali Zardari,” Abdul Mujeeb Pirzada, senior advocate of the Supreme Court representing Ghinwa Bhutto, told the tribunal which is headed by the Supreme Court Justice Nasir Aslam Zahid and includes Sindh High Court Justices Ghous Mohammed and Amanullah Abbasi.

The first to be cross-examined was Sindh Home Secretary Manzoor Bhutto from 11.40 am to 1.10 pm and then after the lunch break from 2 pm to 2.05 pm.

Mr Bhutto told the tribunal that he first heard about the incident at 11 pm on Sept 20. According to him the incident took place at 8.40 pm and he was informed about it while attending the wedding of his niece at a local hotel.

The home secretary, under oath, said he had been given no prior information before the Sept 20 incident by any authority or agency, either of the provincial or the federal government, about the proposed action.

The second witness was the Inspector General Police, Sindh, Saeed Khan, who was cross-examined for two hours from 2.07 pm to 4.07 pm.

GHINWA'S LAWYER ACCUSES CM, BABAR, ASIF OF CONSPIRACY

KARACHI, Oct 28, 1996: Sindh Chief Minister Syed Abdullah Shah, Interior Minister Naseerullah Babar and Federal Minister for Investment Asif Ali Zardari were accused of being involved in a "conspiracy" to kill Mir Murtaza Bhutto, by the lawyer representing Ghinwa Bhutto, Badrunnisa and the PPP (SB) at the enquiry tribunal's proceedings on Monday.

"We would like to inform the court that the murder is the result of a conspiracy of the federal and provincial governments and three persons are involved. These three suspects are Sindh Chief Minister Syed Abdullah Shah, Interior Minister Naseerullah Babar and Federal Minister for Investment Asif Ali Zardari," Abdul Mujeeb Pirzada, senior advocate of the Supreme Court and representing Ghinwa Bhutto, told the tribunal set up to investigate the Sept 20 shoot-out that led to the deaths of Murtaza Bhutto and seven of his companions.

The tribunal is headed by Supreme Court Justice Nasir Aslam Zahid and includes Sindh High Court Justices Ghous Mohammed and Amanullah Abbasi.

Two witnesses were cross-examined by it on Monday. The first to be cross-examined was Sindh Home Secretary Manzoor Bhutto from 11.40 am to 1.10 pm and then after the lunch break from 2 pm to 2.05 pm. The second witness was the Inspector General of Police, Sindh, Saeed Khan, who was cross-examined for two hours from 2.07 pm to 4.07 pm.

Both the home secretary and the inspector general of police said that they had no prior knowledge that such action was planned for Sept 20. Both said that they came to know of the incident after it had happened. The home secretary and the IGP also gave different statements regarding who had been told by the police about its investigation into the Sept 20 incident. The home secretary told the tribunal in his cross-examination that neither he nor the home department had been kept informed about the ongoing police investigations. However, in his cross-examination after the home secretary's, the IGP told the tribunal that the police had kept informed the home secretary and the home department about the investigation which was still continuing. He said this

information was being passed not in writing but verbally in meetings. The home secretary took the witness stand at 11.40 pm and was cross-examined till 1.10 pm by the tribunal, with most of the questions asked by Justice Zahid and Justice Mohammad, and by counsels of the involved parties.

Counsels present during the cross-examination, and who cross-examined the home secretary and the IGP, were: (1) Abdul Mujeeb Pirzada, counsel for Ghinwa Bhutto, Badrunnisa and the PPP (SB); (2) Abdul Ghafoor Mangi, advocate general for Sindh, and nominated by the Sindh government to assist the tribunal; (3) Syed Ghazanfar Ali Shah, representing the father of Rahim Brohi, a companion of Murtaza Bhutto and who died in the incident; (4) Khwaja Sharful Islam, counsel for suspended SSP (South) Wajed Ali Durrani and (5) K.M.A. Samdani, counsel for ASPs Shahid Hayat and Mohammed Tahir (and later filed a vakalatnama claiming the right to represent the DIG, Karachi Range Dr Shoaib Suddle).

The tribunal headed by Supreme Court Justice Nasir Aslam Zahid is made up of two judges of the Sindh High Court Justices Ghous Mohammed and Amanullah Abbasi.

All questions, including those asked by persons other than Justice Zahid, were addressed and routed through him. Similarly all answers given the home secretary and the IGP were addressed to Justice Zahid who repeated them so that they could be entered into the proceeding record.

HOME SECY'S CROSS-EXAMINATION: First was the cross-examination of Manzoor Bhutto, the Sindh Home Secretary, in charge of the department under which the police lie. Mr Bhutto took oath from Justice Mohammad telling the tribunal that he had been appointed to his present post on Aug 5, 1996. The cross-examination lasted around 100 minutes from 11.40 am to 1.15 pm and then another 5 minutes after the lunch break. Detailed excerpts are:

Members of the tribunal initiated the cross-examination. Questions by Justice Zahid or Justice Mohammad:

Q: Were you aware of this incident of Sept 20 in which the late Mir Murtaza Bhutto and seven others were killed?

Home Secretary (HS): This incident came to my knowledge at 11 in the evening.

- Q: Who informed you?
- HS: I was attending a wedding of my niece in a hotel where I received information about the incident from the Sindh chief secretary.
- Q: Prior to 20/9/96 were you aware of any proposed action for the arrest of Mir Murtaza Bhutto or any of his guards or associates?
- HS: Prior to 20/9/96, I was not aware of any such action.
- Q: The posting of the police near the place of incident was with your knowledge?
- HS: No, it was without my knowledge.
- Q: Have you been associated with the police investigation of this incident in any way?
- HS: I am not associated with the investigation of this case.
- Q: Are you not kept informed of the enquiry, the evidence being collected, or of the statements being made by people mentioned in the FIRs under Section 161?
- HS: No, I have not been informed of any investigation having been conducted in this matter or about the statements made by those mentioned in the FIRs.
- Q: Who is in charge of the investigation?
- HS: The DIG (Crime), Masud Piracha, is in charge of the investigation.
- Q: Who has nominated the DIG (Crime) for this job?
- HS: The IG police, Sindh, Saeed Khan, has nominated the DIG (Crime).
- Q: Are you aware or not that the federal government gave any instructions to the provincial government on any other investigating

or law-enforcement agency that the late Mir Murtaza Bhutto or his guards should not be touched?

HS: I am not aware of any such instructions. I haven't seen anything in writing but there is a practice.

The home secretary at this point was interrupted by Justice Zahid who told him not to talk about what might be the 'practice' but to answer the question directly.

Q: Is the home department not the administrative department as far as law and order is concerned and the entire Sindh police are under it?

HS: Yes.

Q: Are you the head of the home department?

HS: Yes.

Q: Are you aware of any reason why the home department or home secretary has been kept outside the investigation into this incident or the decisions that were taken for action against Mir Murtaza Bhutto? ("Suppose there are no instructions, but when action is taken against Murtaza Bhutto who is an MPA, head of a political party, brother of the PM, then the police action must be with the implied or expressed consent of a high authority," Justice Zahid remarked at this point.) Was there any other agency involved?

HS: I am not aware of any reason for not associating the home department with the investigation.

Q: Even after the incident, the concerned police authorities or law-enforcement agencies involved in the investigation have not made any reference to the home secretary or the home department?

HS: No, they have not.

Q: Is it not a fact that daily situation reports (DSRs) are sent to the home department and later sent to the chief minister?

- HS: The DIG, Special Branch, sends such daily reports.
- Q: In the daily reports of September 1996 and thereafter was any mention made about the proposed action, about the incident or about the investigation?
- HS: In the DSRs no mention was made about the proposed action on Sept 20, but after the incident the daily reports carried information about it and the crux of the matter was recorded. Later on, there is no mention in such reports about any investigation being conducted or arrest of any person.
- Q: Did the DIG (Crime) or any other agency submit any report on the actions and activities of Mir Murtaza Bhutto and his colleagues prior to 20/9/96 that they had taken action against any police station or CIA centre, and if so, what were the actions taken by you?
- HS: It was reported in the DSRs that Mir Murtaza Bhutto and his gunmen had raided two CIA centres in the early hours of 17/9/96 and that these are CIA centre, Garden, and CIA Centre, Riaz. (The home secretary was asked where CIA centre Riaz was located but he could not tell the tribunal but promised that he would supply the answer after the lunch break.)
- Q: What action was taken on the basis of this report?
- HS: I, receiving such reports, talked to the commissioner, Karachi, and he informed me that FIRs had been registered against the persons responsible. I do not have the DSRs of the concerned events right now but can produce them after the lunch break.
- Q: After receiving the report of the two raids on 17/9/96, did you talk to the CM or any other authority except the commissioner about the same and the proposed action to be taken against the persons involved?
- HS: Except the commissioner I did not inform either the CM or any other authority of the provincial or federal government. I may add that we don't deal with the federal government directly.
- Q: Is there a home minister?

HS: In fact, under the rules of business, the CM looks after the home department and I am under the CM directly. I may clarify my earlier statement and add that I did not inform the CM immediately about the two raids of 17/9/96 but later on, and before the incident of 20/9/96, I did inform the CM about the two raids. This information was given to the CM over the telephone. The CM was aware of the two raids. He did not give me any instructions.

Mr Abdul Mujeeb Pirzada, counsel for Ghinwa Bhutto, then cross-examined the home secretary.

Q: Are you aware of a constitutional petition filed by Ghinwa Bhutto and Badrunnisa in the Sindh High Court for lodging of an FIR for the incident in question?

HS: I am aware of such a constitutional petition.

Q: Is the provincial government opposing the FIR of the two ladies and under whose instructions?

HS: The government is opposing the prayer for registration of the FIR on behalf of Mrs Ghinwa Bhutto and Mrs Badrunnisa on legal grounds. If under the law another FIR can be recorded, we will have no objection otherwise. My minister, the CM of Sindh, had given me instructions to oppose the constitutional petition on such legal grounds.

Q: In respect of the activities of late Mir Murtaza Bhutto and his associates were any meetings held at CM House where the interior minister, director of the Intelligence Bureau, Masood Sharif, DIG Shoaib Suddle, SSP (South) Wajid Ali Durrani and the Minister for Investment Asif Ali Zardari were present?

HS: I am neither aware of any such meeting being held, and I also did not attend any such meetings.

Ghazanfar Ali Shah, representing a late companion of Murtaza Bhutto, Rahim Brohi, then cross-examined.

Q: Were any reports submitted by the home department to any provincial or federal authority in respect of the incident of 20/9/96? Has the Special Branch submitted any daily situation report to the home department giving details about the two raids on 17/9/96?

HS: Neither myself nor the home department has submitted any report to any provincial or federal authority. I have Special Branch reports and if called upon I can produce them for perusal of the tribunal after the lunch break. (The tribunal directed that this be done so.)

Khwaja Sharful Islam, counsel for suspended SSP (South) Wajid Ali Durrani, then cross-examined the home secretary.

Q: After the incident when the home department was not associated with the investigation and not kept informed of the investigation, did you find out the reason for such decision, and did you discuss the matter with the CM or any other superior officer as to why the home department is being kept away from the enquiry, or did any authority of the provincial or federal government say that this matter will not be touched by the home department?

HS: I had informed the CM Sindh about the incident and also apprised him about the fact that the home department was not being kept informed about the progress in the investigation to which he replied that once the enquiry is completed, the home department will receive a copy of the report. I did not discuss this matter with any other authority either of the provincial government or the Sindh government.

Justice Zahid then resumed the cross-examination of the home secretary.

Q: Were you aware or are you aware of the authority who directed action should be taken on 20/9/96? Who directed that the picket should be set up, that the guards of Mir Murtaza Bhutto should be arrested? (At this point Justice Zahid interjected that such decision did not involve the poor ordinary citizens of the country and reminded the home secretary that he was under oath.)

HS: I have already stated that I am not aware as who ordered the operation. Even till today I am not aware.

After the lunch break, the home secretary told the tribunal that he be excused from further cross-examination on the day since his son was to undergo an operation. The tribunal allowed the request and asked him to appear again on Tuesday at 12 noon.

He was also asked to bring with him all information he had on the two bomb blasts that occurred outside the Karachi Gymkhana and the Sindh Secretariat a couple of days before the Sept 20, incident.

SINDH IGP'S CROSS-EXAMINATION: The inspector general of the Sindh police, Mohammed Saeed Khan, came to the witness stand for cross-examination at 2.07 pm.

He said he was appointed to his present post by the Establishment Division of the federal government on Aug 15, 1995, and his services were placed at the disposal of the Sindh government. The cross-examination lasted two hours, and detailed excerpts are:

Justice Zahid, chairman of the enquiry tribunal, began the cross-examination after Mr Khan took oath from Justice Ghous Mohammed.

Q: When were you aware of the incident?

IG: On 19/9/96 I had taken leave from the CM to attend to certain family problems and went to Peshawer. The next day I came back from Peshawer at 8 pm and reached home at my official residence 5 - Bath Island at 10.30 pm. Till I reached Bath Island I did not know anything about the incident.

Q: Was there no wireless in your car?

IG: I have a wireless set in my official car and when I reached the Finance and Trade Centre on Sharea Faisal, I was getting some reports in the wireless. But there were a lot of confusing messages coming from the wireless and as such I did not get the message that the incident in question happened. But from whatever I could make out something serious had happened.

When I reached my house I immediately rang up the DIG, Karachi Range, at 10.30 pm who was available at his residence which is

opposite the place of the incident of 20/9/96 and asked him what had happened. The DIG, Dr Shoaib Suddle, informed me that a shoot-out had taken place in which 6 persons had died and 6 were injured out of whom 2 were policemen. He further said that Mir Murtaza Bhutto had been seriously injured but he had not died and had been taken to Mideast Hospital.

The DIG then told me that he was being disturbed by non-stop telephone calls and in the circumstances he could not give full details of the incident and that he would come to my house. After about 5 minutes he came.

When he arrived at my house he more or less repeated what he had told me over the telephone, adding that the operation in charge was SSP Wajid Ali Durrani. I put on my official uniform and both of us went to the scene of the incident at 11.05 pm. I was totally unaware of the operation that had been carried out. The daily situation reports that are received by me every day also made no mention of the proposed action.

(Justice Zahid asked further questions to which the answers continued as part of this narrative.)

On 17/9/96 at about 10 am the DIG, Karachi, came to my office and told me that during the night between 16th and 17th Sept, 1996, Ali Sonara, a member of the party of Mir Murtaza Bhutto and his gunman, had been arrested, and later in the day Mir Murtaza Bhutto with some gunmen came to the CIA centre located in Napier Police Station and the Riaz CIA centre located in Garden Police Station and threatened the police on duty and some of the police personnel were disarmed.

The information given to me was that the party wanted to locate Ali Sonara but he was not in either of the police stations. According to the DIG, the party of Mir Murtaza Bhutto went to all the areas of the police station searching for Ali Sonara but he could not be found and then they left after some time.

Q: What did you discuss with the CM about the incident of 20/9/96?

IG: At that time the CM was in Dadu, but as the PM was reaching Karachi the same night, the CM came back by road and was present at the airport when the PM landed. I briefed the PM and the CM about the incident. By that time Mir Murtaza Bhutto had already died but the PM was not aware of his death.

At about 10 am on 21/9/96 I called DIG (Crime) Masud Piracha and DIG (Inspection & Enquiry) Malik Mohammed Iqbal. I directed the DIG (Crime) to investigate the crime immediately and directed the DIG (Inspection & Enquiry) to departmentally ascertain the role of police officers present at the incident.

The DIG (Inspection & Enquiry) was given 10 days to submit his report which he did after 12 days.

(At this point, the report was handed over to the tribunal. Justice Zahid said that the report would be sealed and after its perusal by the tribunal, a decision would be taken whether it should be exhibited and copies made available to all the involved parties.)

IG: The DIG (Crime) has not yet submitted his report as the investigation is still going on.

Q: Are you being kept informed from time to time of the progress being made in the investigation?

IG: I am being kept informed regularly of the investigation. I might add that after a meeting of all the four IGPs with Interior Secretary I. M. Mohsin where I suggested to him that all the other Igs should suggest names of four officers who were above board to help in the investigation. Consequently, the SP (CID) of NWFP, Syed Akhtar Zaidi, came to assist the enquiry. He arrived in Karachi about a week back and has been associated with the investigation which is still in progress.

Q: Did you keep the home department and the home secretary informed of the investigation?

IG: Yes, sir.

Q: Was this in writing or orally in meetings?

IG: It was done orally, in meetings.

Q: Did you receive any instructions or directions or guidance from higher authorities including the CM, the federal government through the interior division or the Prime Minister's secretariat insofar as the late Mir Murtaza Bhutto and his party is concerned?

IG: No.

Q: Were any instructions received directly or indirectly by you that Mir Murtaza Bhutto or his bodyguards should be arrested?

IG: No.

Q: Are you aware of any such instruction to any authority in Sindh?

IG: There may be instructions but not to my knowledge.

The advocate general then stepped to cross-examine. His first question regarding the outcome of the report submitted by the DIG (Inspection & Enquiry) was disallowed by the tribunal.

Q: What are the names of the investigating team?

IG: DIG (Crime) Masud Piracha, SP (Crime) Noor Mohammed Pechohoo, SSP Syed Akhtar Zaidi of NWFP and the newly-posted SSP (South) Allah Dino Khwaja. The team is investigating both the FIRs.

Q: Have any extraordinary measure been taken by your department for the investigation?

IG: Yes. A British team of experts has been invited. They are 7 in number, they are coming at 11.45 am today, and include detectives and forensic experts.

Q: Who requested them to come? Who decided that the UK team should be called?

IG: (After a brief pause) I had discussed this matter with the CM of Sindh. Perhaps he had discussed it with the federal government. The final decision came from there but I don't know who passed the order. I can only say that it was the federal government.

Abdul Mujeeb Pirzada, counsel for Ghinwa Bhutto, now joined the cross-examination.

Q: You have mentioned about your briefing to the CM and the PM at the airport in the early hours of 21/9/96. For how long did you give the briefing?

IG: It was a very brief briefing to the PM. Lasted about 2 minutes. She arrived at 2.20 or 2.35 and she was in a precarious condition. Although by that time Mir Murtaza Bhutto had died, but on account of the PM's condition I informed her that 6 people had died and Mir Murtaza Bhutto was lying injured in hospital and that injuries had been suffered by his party workers.

Q: Were you present at the meeting in Bilawal House immediately after the PM landed at the airport?

IG: As the IG police I followed the PM's entourage in my official car but only went to the gate of Bilawal House and did not participate in the meeting.

Q: For how long did the meeting take place?

IG: I was at the gate for 10 to 15 minutes and then I came back to my house.

Q: You did not wait as to accompany the PM if she were to go somewhere?

IG: At that time I did not know her programme.

Q: Is Bhopal House in Clifton the headquarters of the director of the Intelligence Bureau.

IG: I don't know whether it's the headquarters of the DIB but there is an office of the DIB located there.

Q: Are there 7,000 persons working for the IB?

IG: I don't know.

Q: Do they have any investigation process?

IG: I don't know.

Q: Do you know if they are investigating the incident?

IG: I don't know. (Justice Zahid said that if he were the IG he would know who would be investigating. Then the police are investigating the crime, they are not. When a crime takes place within our jurisdiction there is no liaison between us and the DIB.

Q: Is it correct that in the two-month period prior to the Sept 20 incident, reports had been sent by the DIB to the interior ministry regarding the movement and activities of Mir Murtaza Bhutto?

IG: I don't know.

Towards the end of Monday's proceedings, which ended at 4.10 pm, K.M.A. Samdani, one of the lawyers representing ASPs Shahid Hayat and Mohammed Tahir, told the tribunal that he had been asked to represent the DIG, Karachi, Dr. Shoaib Suddle.

Mr. Suddle will again be cross-examined on Tuesday when the tribunal reconvenes at 12 noon.

MIR MURTAZA CASE TRIBUNAL

Riaz Pirzado

KARACHI, Oct 30, 1996: Mr. Shoaib Sadil, DIG Karachi range today told the 3-member inquiry tribunal that by 9.30 pm Mir Murtaza Bhutto critically injured in the police firing on September 20 last was shifted to the Mid-East hospital. During cross examination by Mr. Mujeeb Pirzada, the Counsel for two widows, Ms. Ghinwa and Ms. Badrunissa and the party, he admitted that Ashiq Hussain Jatoi, a front rank leader of the PPP (Shaheed Bhutto) group also injured in the firing was brought to the Jinnah Post Graduate Medical Centre. Late in the night the delay was due to his having been declared already dead. The tribunal headed by Mr. Justice Nasir Aslam Zahid, a judge of the Supreme Court of Pakistan consists of Mr. Justice Dr. Ghous Mohammed and Mr. Justice Amanullah Abbasi.

On the date of incident, by 10.30 pm, the injured persons were shifted to various hospitals. He said, he got this information from the then SSP South Wajid Ali Durrani, who had come to his official bungalow just opposite the place of occurrence at about 9.20 pm.

He said, that from the interrogation of Ali Mohammad Sonara who was arrested from near the Eidgah Police Station on the night of September 17, it was revealed that some criminals and terrorists were accompanying Mir Murtaza Bhutto on the date of the incident. He said that since his take-over in July last year as the DIG Karachi, not a single person of some stature belonging to any organization or political party had been arrested prior to the September 20th incident. He said that after the two bomb blast incident each near the Karachi Gymkhana and the Sindh Secretariat respectively less than ten workers belonging to Mir Murtaza's party were taken in custody. He said, it was not correct to suggest that over two hundred PPP (Shaheed Bhutto Group) workers were apprehended.

He said, that he had met twice the Intelligence Bureau Chief Masood Sharif from September 15 to September 20 in connection with some official business. He had also seen him at the Karachi Airport when the Prime Minister Ms.

Benazir had arrived here at 2.30 am (night) after the incident around 8.30 pm of September 20.

The Chief Minister Syed Abdullah Shah had also come to the airport to receive the Prime Minister. The IB Chief had come to the airport in his own vehicle. The IGP Sindh Saeed Ahmed who had gone to his ancestral home at Peshawar had also returned and was at the airport at the time of the Prime Minister's arrival here. He said, he accompanying the IGP Sindh followed the Prime Minister's motorcade upto the Bilawal House.

He said, he along with the IGP Sindh stayed at the Bilawal House for ten to fifteen minutes and were informed by the military secretary to the pm that she would be visiting the Mid-East Hospital to see her brother Mir Murtaza Bhutto early morning. Accompanied by IGP Sindh, he went to the Bhopal House where the offices of the intelligence bureau are located with a view to informing the SSP South about the Prime Minister's programme about her visit to the Mid-East Hospital.

He said, he goes to the airport whenever the Prime Minister arrives here. At the airport, the IGP Sindh briefed the Chief Minister Sindh on the occurrence as had taken place earlier in the evening resulting in the demise of Mir Murtaza and his seven companions and bullet injuries to his party six workers. Mr. Sadal said, that on September 18, he met the Chief Minister and attended the meeting presided over by him (the CM) on the law and order situation. He briefed the CM about the arrest of the Sonaro and his statement he had given to the investigating police on the two bomb blasts. He also met the Governor Sindh on the same day as the Governor had to go to the hospital. Prior to the September 20th incident, one such meeting on law and order situation was held at the Chief Minister's house but he did not recollect its actual date. To a question, he said, he normally goes to the airport whenever the Prime Minister visits Karachi. He said, he did not receive any written complaint about the demonstration staged by the PPP (Shaheed Bhutto) Group workers in front of the Zardari House near Avari Towers against Asif Ali Zardari some three to four days before the September 20th incident. He, had, however, come to know about the demonstration against Asif Ali Zardari through a story published in a section of Press.

On September 20, the date of occurrence, he informed the Chief Minister Sindh Syed Abdullah Shah on wireless while he was at Dadu, at about 9.30 pm. He said, he also informed the Chief Minister Sindh about the demise of

Mir Murtaza Bhutto later on. To a question, he said that he was not related to the Federal Interior Minister General (Rtd) Babur. According to the Press reports, Masood Sharif, Chief of the Intelligence Bureau might be related to General (Retd) Babur.

Cross examined by Manzoor A. Bhutta, Legal Advisor to Begum Nusrat Bhutto and President of PPP Shaheed Bhutto Group lawyers forum, Mr. Sadil said, that Sonaro arrested from near Eidgah Police Station on the night of September 17 was involved in the case of rapid firing on the police party registered against him last year.

He said, that the police officials were supposed to give orders of firing in self-defence notwithstanding the presence of the magistrate. The rank of the police official for giving such order may not be below the SHO. He said that in case the fire comes from the opposite party, the SHO is entitled to retaliate in self defence. The presence of the magistrate is felt necessary when there was an apprehension of clash with a big mob of militant persons. To a question from Syed Ghazanfar Ali Shah the counsel representing the party, Mr. Sadil said, that he came out of his official residence on the date of incident at 11 pm.

He did see the vehicles as were apparently involved in the incident. He also saw some persons dead and injured. He did not take over the command of the operations as the SSP South Wajid Ali Durrani was capable enough to handle the situation. Normally the command of the operations is taken over when he incharge was found in-capacitated.

After the firing had stopped SSP Durrani came to his bungalow at around 9.25 pm and gave him an account of the incident. He said, he directed Durrani to arrange the shifting of the injured persons to the hospital. He had seen the dead bodies and the injured persons from the other gate of his bungalow.

He said that no higher authority had given him instructions about the establishment of police pickets and the deployment of armed police force near Clifton residence of Mir Murtaza Bhutto on the night of September 17, he was informed at about 4 am about the raid conducted by Mir Murtaza Bhutto and his workers on the two CIA Centres each at the Garden and Napier Police Stations respectively. The SSP CIA had sent to him a report in writing which he forwarded to the SP prosecution for his opinion.

Later he ordered for the registration of case against Mir Murtaza Bhutto and his workers and his workers as had accompanied him, next day that is September 18. To a question, he said that since his take-over last year over hundred fifty police criminals cum-terrorists encounters had taken place resulting in the killings of hundred seventy gangsters and twenty to twenty five policemen.

Some of these encounters were led by the Dy. SP Hafeez Qadri, and SHO's Nadeem, Akbar and Zeeshan Kazmi. Generally, the SHO's concerned select their own teams. If there is a serious matter, the SHO's refer it to the concerned SSP. On the date of incident (September 20), SHO Zeeshan Kazmi was not in the police party.

SUDDLE SAYS SSP DURRANI ACTED ON HIS OWN

KARACHI, Oct 29, 1996: The DIG Police, Karachi Range, Dr. Mohammad Shoaib Suddle, told the three-man tribunal on Tuesday he had not given any instructions to SSP South Wajid Ali Durrani about the operation, which he had initiated himself as he was a very senior and competent police officer and had been in charge of seven districts before. The DIG said he came to know of the operation near 70-Clifton when the shots fired at the scene also hit his compound wall and one of the bullets also hit the main door of his house, which is located nearby. Question from the tribunal: Were you aware of the bomb blasts near Karachi Gymkhana and near the Sindh Secretariat and the raids conducted by Mir Murtaza and his men in search of Ali Sonara?

A: Yes.

Q: When did you come to know about the Clifton incident?

A: I came to know about it at 8:45 pm.

Q: Prior to the incident were you aware that the action was being taken?

A: I came to know from SSP Wajid Ali Durrani between 8:15 and 8:30 pm on the same night. The information was given to me on phone and I did not ask him in so many words and since the bomb blasts and subsequent raids by PPP(SB) people at the police stations and CIA centres, I wanted that no more blasts should take place. The decision was taken, including the one for the arrest of suspects on the basis of information obtained from Ali Sonara. The decision was also to search the people entering 70-Clifton with arms. The DIG further said he was aware that Mir's men were armed and the reply given by the SSP was that he (the SSP) was there to supervise the operation and prevent any incident involving Mir.

Q: Till the firing started did you receive any instructions from the authorities that no action should be taken against Mir Murtaza?

- A: I was not aware of any such instructions ever since I was made a DIG on June 19, 1995.
- Q: When the SSP brought to your notice the ongoing operation. Did you instruct him as to how to act?
- A: I did not give him any instructions as he had sufficient experience and had worked in seven districts. The SSP was personally there to see that everything goes smoothly and he is able to handle the situation correctly.
- Q: You heard firing at 8:45 pm and what action did you take as head of the Karachi Range police?
- A: I was sitting on my lawns wearing shorts after a one-hour walk in a park (Aunti's Park) and sitting with another officer. I got a message before the incident from the interior minister who wanted to know about the bomb blasts so that on the next day he could inform the National Assembly.
- Q: When you heard the firing at 8.45pm., what was your action and reaction?
- A: I did not change my dress and was still wearing shorts. Some shots that were fired passed over my head and some hit my walls. Then I went inside the house and contacted the SSP. Questions from the tribunal: When did you come to know about the operation at Clifton?
- A: At 8:45 pm I heard the shots and my house is opposite the scene of the incident.
- Q: Prior to the incident were you aware of the action to be taken?
- A: I came to know that SSP Wajid Ali Durrani is conducting an operation and the information was given to me on phone. I again received a phone call from interior minister Babar who wanted to brief the MNAs in the National Assembly. I was sitting in the lawns and in fact one bullet pierced through the main door. It was dangerous and I did not move. The phone was in the lawn and I contacted the SSP again about 9 pm but he was not at the police kiosk. Then I got a call from the SSP

himself. I asked the SSP whether Mir's car has been allowed to go to his house, to which he replied that he was not sure. I asked him whether Mir has been apprehended or not, I was told that he was also injured in the firing. The DIG told the tribunal that he asked the SSP to do what ever could be done to evacuate him in an armoured personnel carrier. I stayed on in my house and received three more phone calls concerning the incident of firing. Somebody spoke from 70- Clifton to the prime minister, and the interior minister wanted clarification on that and the minister in turn called me to find out the details. "I told the minister that firing is going on and when I received the first call from the minister I was not sure it was about the same incident", the DIG said.

Q: Did you come to know later on that the operation that was going was in connection with Mir Murtaza and his party?

A: Not before I spoke to the SSP.

Q: Was the SSP not supposed to get your clearance regarding this operation as he was your subordinate?

A: Not necessarily as he was head of the police district and to my perception SSP Durrani was completely in charge of the situation and he did not need any instructions or guidance. When I left for my evening walk at 7 pm and returned at 8 pm, I did not see any police in the area and if I had seen them there I would have definitely stopped such operation and the picket might have been somewhere near the Police Kiosk.

Q: When did you come to know about the raids at CIA centres by Mir Murtaza men?

A: I came to know about 4 am on the morning of Sept 17.

Q: Did you inform the IG Police, the minister of Interior or the chief minister about the raids by Mir Murtaza and his guards?

A: In the morning I left a message for the chief minister and he was not there. I also informed the interior minister who told me that legal action be taken against the raiders in accordance with the law. The CM

while in Islamabad told me to go ahead with it in a legal manner and the IG Police also gave similar instructions. "I met the CM the next day on Sept 18 and he again asked me to take action against those who raided the police stations and CIA centres. The CM had also asked me at that meeting to proceed with the guards and for the time being no action be taken against Mir Murtaza but we will see what can be done about it as to his presence at the centres", the DIG said.

Q: Were the directions of the chief minister and the interior minister not withdrawn till the action was taken on Sept 20?

A: The orders remained in force except that no action be taken against Mir Murtaza.

Q: In view of the chief minister's instructions, you must have given instructions to the SSP in the light of your conversation with the chief executive.

A: We were already raiding the suspected places for the accused. So far we knew only that Mir Murtaza was also present at the CIA centre, but Ashiq Jatoi himself made a statement that he was also there in the raids. Therefore, I had asked the SSP on phone that we should get hold of Jatoi to get more information from him about those incidents. Before giving instructions to the SSP, I got in touch with Shukaib Qureshi, SP, Investigations, and repeated the same instructions.

Q: Despite the CM's orders why did you allow the operation to go ahead?

A: I did inform the SSP that in any case Mir Murtaza will be in the party in the cavalcade. As the SSP was a very experienced officer, he knew his job very well, and, therefore, I did not stop him from going ahead.

Q: What types of weapons were used by your men?

A: Sub-machine-guns and even the foot constables were equipped with SMGs.

Q: What is the normal channel between the government of Pakistan and the government of Sindh. Is it directly between the chief minister, home secretary or the IG Police?

- A: It all depends on the circumstance and depending on the nature of the incident or event. Whoever is available they talk to and this is the normal practice. The normal channel in routine is chief secretary, home secretary at the provincial end and the secretary, interior division, at the federal end. The interior division gets in touch with any police officer available.
- Q: In the incident of bomb blasts, the interior minister contacted you directly because the chief minister or the chief secretary was not available to him.
- A: I did not ask the minister about it.
- Q: Who is responsible for the posting of SSPs in particular districts?
- A: The chief minister who sometimes consults IG police, but it is up to him. He does not consult me in matters of transfers.
- Q: Who orders postings of SHOs and since when the late Haq Nawaz Sial was SHO of Clifton Police station and who was in charge of the police station prior to him?
- A: There were 42 transfers made by him, in consultation with the SSPs, based on inefficiency, suspensions, and in not a single case other considerations from outside were entertained although recommendations are received. I will submit the details after checking the record. At this stage, the tribunal adjourned the hearing at about 4 pm to re-assemble on Wednesday at 11 am.

ARGUMENTS ON ISSUE OF THIRD FIR CONTINUE

KARACHI, Oct 29, 1996: The petition filed by Ghinwa Bhutto and Badrunnisa Jatoy seeking directions from the High Court for the registration of their version of the FIR came up for further hearing before the division bench of the court. Additional advocate-general K. M. Nadeem, after repeating the three questions earlier formulated by him and noted by the court, resumed his arguments in support thereof.

Initially, he referred to the provisions of Section 154 of Cr.P.C. and submitted that a bare reading of the provisions of law clearly indicates that the right to give information in a cognizable offence is not confined to any individual or group or for that matter to legal heirs or any aggrieved party.

He said there is no such conception under section 154 Cr. P.C. Any person and every person can give such information to the police and that even the police themselves can lay such information by virtue of Section 23 and 24 of the Police Act, 1861. Therefore, it will be wrong to claim that this course of action is the exclusive right or privilege of any particular person. Even if it is a right, it is a right common to all citizens and shared by all and if such right has been exercised by one, the other cannot have a preferential claim to lodge such information.

Secondly, he submitted that the Section deals with the giving of information and it does not have any relationship with the versions of the parties to the incident. It cannot be claimed that the version of any particular party should be registered and the only requirement of law that this should be a piece of information sufficient to induce the police department to launch investigations and if this has taken place, which is a fact in this case, the second piece of information cannot be registered as first information.

He said inasmuch as any subsequent information will constitute a statement received or given to the police during the course of investigations, which is covered by Sections 161 and 162 Cr.P.C. and thus the same would be rendered inadmissible in evidence. Earlier, he said the investigation agency cannot be pinned down to the information registered as FIR because this document is never considered a complete thesis of the prosecution case, it is

not in the nature of a formal charge requiring precise particulars and details. The investigating agency will continue with the investigations without any impediments and may collect evidence if other facts are found during the course of investigations.

He submitted that despite the legal requirement of one FIR, the number of investigations is not curtailed. There can be as many investigations as warranted on the receipt of additional information. The AAG further submitted that in the beginning of the hearing of the petition, he had made a bona fide offer to include the proposed FIR into the FIR already registered in respect of the incident in question.

But, he said, he was ridiculed and the offer was rejected with contempt, although it was the only legal course open to the petitioners to communicate their versions to the investigating agency. In support of his submissions, he relied upon one full bench judgement of the Lahore High Court of 1965 and a judgement of the Supreme Court of 1967. In both judgements, the findings were that the additional information can be legally conveyed to the on-going investigations and the police were duty-bound to ascertain the facts correctly and report truly to the court for adjudication. He said the same offer is still open as the government is itself willing to find out the truth. Regarding the legal impediments for the registration of a second or third FIR, he relied upon four judgements of the Supreme Court, which have laid down that once an FIR has been registered, a second such FIR cannot be registered about the same incident, although the proposed FIR may contain a divergent version from that of the earlier registered FIR.

To amplify further, he also referred to the several judgements by the Lahore High Court and also by the High Court of Sindh. He made a particular reference to a earlier judgement delivered at Sukkur by a division bench of the High Court of Sindh of which the chief justice was himself a member. The bench has held that there can be only one FIR of an incident and for lodging a counter version, the filing of a complaint as contemplated by the Cr. P.C. is an inadequate remedy.

To a court question, Mr Nadeem submitted that there is no bar in law itself on registering information in respect of the same incident, but simultaneously there is no compulsion upon the police to take such a course and a writ of mandamus can only be issued when there is a mandatory obligation imposed by law and not otherwise.

To another question by the court, Mr Nadeem submitted that the latter part of Article 199 of the Constitution which requires that the high court may issue directions only in the absence of an adequate remedy doesn't bar the exercise of jurisdiction. It only regulates the manner and the occasion for exercise of such a jurisdiction and the relevant question for such an exercise has already been taken in the case law of the superior courts cited by him. The court pointed out that the other side maintains that the filing of a complaint is not equally effective and adequate as a report under section 154 Cr.P.C.

Mr Nadeem submitted that this is a misconception inasmuch as a report under section 154 is made to a police officer, whereas a complaint is made to a court which is undoubtedly a superior forum with more powers than the police have and even while entertaining a complaint the court can direct the police to undertake investigations in terms of Section 156 (3) Cr.P.C. Lastly, he referred to a judgement of the SC reported in PLD 1966, page 708, and explained the case law by submitting that there was a conflict between a police case and a complaint case, concerning the accused persons involved in the case. In both cases the set of accused persons were different. The problem came before the SC for determining the mode and manner of trial and the SC has held that the complaint case shall have primacy and prevalence upon the police case. If, after the trial, the accused listed in the complaint case are convicted, the police case would be quashed and in case the accused of a complaint case are acquitted, the accused named in the police case will be tried.

Farooq H. Naek, deputy attorney general, began his arguments and pointed to a basic defect in the petition and said that no affidavits of the three persons alleged to have gone to lodge a report at the Clifton police station have been filed in support of the petition, whereas the petitioners themselves were neither eyewitnesses of the incident nor did they go to lodge a report. He further read out the contents of the FIR No. 399/86 lodged by Asghar Ali, an injured eyewitness, now in detention, and submitted that this FIR is complete inasmuch as there is a direct allegations against the police party to the effect that the police exceeded their powers and murdered Mir Murtaza Bhutto and his companions.

He also submitted that the names of the accused persons are not mentioned specifically, but the same was not mentioned in the telegrams sent to the Chief Justice of Pakistan. He submitted that the proposed FIR is the result of

technically trained mind wherein allegations are made after due deliberations and persons have been named. The arguments would continue when the court rose for the day to meet against on Wednesday at 11am.

EXPERTS MAY EXHUME MURTAZA'S BODY

KARACHI, Nov 1, 1996: The UK experts team is set to exhume the bodies of Mir Murtaza Bhutto and Ashiq Hussain Jatoi, killed in shooting near 70-Clifton on Sept 20, sources told NEWSMAN.

However, it has not been confirmed whether the experts will also ask for the exhumation of the bodies of Sajid Haider Jakhro, Wajahat Hussain Jokhio, Yar Mohammad Baloch, Sattar Rajpar, Mohammad Rahim Brohi, all killed on Sept 20, and Bachal Ujjan. The last man was hit in the shooting by a high velocity missile from a fairly close range and died on Sept 21 in hospital.

PPP (SB) TO RESIST EXHUMATION OF MURTAZA'S BODY

KARACHI, Nov 1, 1996: Rao Abdul Rashid, Secretary General of the PPP (Shaheed Bhutto Group) expressed deep concern of his party that the body of Mir Murtaza Bhutto was to be exhumed for its examination by the British team of detectives hired and engaged by Asif Ali Zardari during his visit to UK.

INQUIRIES AGAINST POLICE BUT NO ACTION

H.A. Hamied

KARACHI, Nov. 4, 1996: DIG Karachi Shoaib Suddle told the inquiry tribunal investigating the killing of Mir Murtaza Bhutto and his party men that 125 judicial inquiries were conducted against the police in Karachi, but none of their findings were sent to him for taking action.

He informed the tribunal, comprising Justice Nasir Aslam Zahid, Justice Amanullah Abbasi and Justice Dr Ghous Mohammad, that the judicial inquiries were conducted under section 176 Cr.P.C. and were headed by the SDMs.

Answering questions from his counsel K. M. A. Samdani during his cross-examination on the fifth day of his appearance before the tribunal, the DIG said he had written to the IGP, Sindh, requesting him that the government might be asked to probe judicially the alleged extra-judicial killings in the so-called police encounters.

The counsel had asked him what actions were taken by him when complaints were made in newspapers about such encounters and killings. "I never hesitated in taking any action, and 150 of my own men have been booked under various charges since January this year," the DIG said.

To a question from the tribunal how many policemen were charged with the offences, he said he had not received any reports from the Home Department about any of such findings in the 125 enquiries.

Question from his counsel: Was any police officer exonerated of the charges on the basis of 125 judicial enquiries?

A: As reports have not been received by me, I would presume they are still pending action.

Question from Justice Ghous Mohammad: How many police stations were involved in the incidents for which judicial enquiries were held?

A: I don't have the details now, but I can provide later.

Q: Were any police officers of the rank of SP or above called as witnesses?

A: I have no knowledge and I was not called for examination and it is the people on the spot who are called.

Question from his counsel: Why were the two constables of Mir Murtaza not checked about their antecedents and what types of weapons were given to them?

A: One of the constables, Ayaz, whose services were provided to Mir Sahib at his own request, was given G-3 rifle by the Larkana district police which had approved his appointment because the MPA was elected from there.

Question from the tribunal: Did the Karachi police try to find out the antecedents? A: I came to know on Sept 19 that he was a RAW agent and the incident took place the next day.

Question from the counsel: You were asked certain questions relating to inspector Haq Nawaz Sial. Have you any information about him?

A: SHO Sial died on the night of Sept 27. Initially, it was felt this was suicide and the FIR was registered against unknown persons for murder on the basis of medical reports which suggested that he was murdered.

"I have ordered SSP A. D. Khwaja to investigate the Sial's murder case. I also wrote to the IGP on Sept 30 that there were serious lapses as the man was murdered despite the fact he was provided three guards for his security.

The tribunal asked the DIG to submit in writing the progress being made in the investigation of the Sept 20 incident.

"The statement in writing should be submitted on Tuesday morning, with copies to other parties," the tribunal ordered.

Advocate General Abdul Ghafoor Mangi: Were the Rangers also present at the scene of the incident?

A: No.

Q: Who controls the Rangers?

A: The Rangers are controlled by the Interior Division of the Interior Ministry and a director-general of Rangers is heading them in Sindh, with headquarters in Karachi.

The districts of Karachi are being headed by commandants, and sometime one commandant heads two districts.

Q: Had there been any vehicles of the Rangers in the Clifton area on the scene of the incident?

A: No.

Q: Since when do you know Gen. Naseerullah Babar?

A: I know him since 1989 when he was the special assistant to the Prime Minister and I was in the FIA working as director of economics wing.

Khwaja Sharful Islam, counsel for SSP South Wajid Ali Durrani, now under suspension cross-examined the witness next.

Q: Did you submit your comments before the High Court on a petition of Ms Ghinwa and Ms Badrunnisa?

A: I was not the respondent in the petition. The SHO of Clifton was the respondent. I did not submit or sign the comments. The SHO of Clifton had submitted the comments through the office of the IGP.

The DIG Police was shown a copy of the comments and at the end of page three, it was signed "for the DIG Police". It was signed by one of his staff officers.

Q: Was that signed under your instructions?

A: In this particular case, I was not shown the copy. Normally, any document signed on behalf of the DIG is under my instructions. I had neither seen the comments, nor had authorised anybody to sign it.

Q: You are incorrectly saying you were not consulted on these comments?

A: I own these comments as they had been issued from my office.

Q: Is it correct that you had the interrogation report about Ali Sonara from inspector Zeeshan Kazmi, SHO of Khokhrapar?

A: I received two reports from the SHO, one interim prior to Sept 20 and the second was received before I appeared as a witness in the tribunal which were addressed to the SSP East and were forwarded to me.

Q: Is it correct to say that the companions of Mir Murtaza (including those dead or injured) were involved in the bomb blasts?

A: Not all of them. But some were involved according to the investigations made by Zeeshan Kazmi, and they were trained in India.

Q: Did you constitute any enquiry committee to investigate the raids at the CIA centres?

A: These were serious cases and I had ordered that investigations be carried out by SP (Investigations) Shakaib Qureshi.

Q: Did you receive any instruction from the high-ups before you ordered the registration of cases in respect of the raids on CIA centres?

A: Yes, from the IGP and the chief minister. I had informed them about it.

Q: How many were killed on Sept 18 bomb blast?

A: One died on the spot and four or five were injured. Q: On the day of the incident you directed the SSP South to check arms, whether they were licensed or not held by Mir Murtaza's men?

A: No such directions were given on that day.

Q: Was any direction given on any other day prior to the incident of Sept 20?

A: After the blast, we were expecting more such blasts, and instructions were given to the police that such acts should not be repeated again and that the suspected people must also be checked before entering 70-Clifton.

Q: Is it correct that the raids conducted by Mir Murtaza and his men at the two CIA centres (in search of Ali Sonara) and disarming of the police, their humiliation and other acts created a reign of terror in the police?

A: They were serious cases and the police were terrorised by such raids.

Q: Is it correct to say that in the bomb blasts near Karachi Gymkhana and near the Sindh Secretariat, some guards of Mir Murtaza were involved?

A: So far no one has been charged with the blasts. The armed guards of Mir Murtaza might have been involved.

Q: Did all the bomb blasts take place to get the release of Ali Sonara? Was Mir Murtaza responsible, along with his guards?

A: Those two raids were to get Ali Sonara's release. The bomb blasts were also widely believed to be for the same purpose. So far as the investigations about who was involved are not complete. Some of the guards now in custody are being interrogated. What is their connection with them, it is not known.

Q: Did you give any specific instructions to the police on the raids?

A: Yes. The place where Ali Sonara was lodged should be properly secured as he (Sonara) had stated that there was a possibility that the guards of Mir Murtaza might be involved in such incidents, and such persons must be identified and taken into custody if residing outside 70-Clifton.

Q: Was Mir Murtaza involved in the Shah Bunder case?

A: I was not posted at that time as DIG. It was a case registered in Thatta district.

Q: Do you have information prior to your appointment that the armed men who used to accompany Mir Murtaza should be checked for unlicensed arms, and as the instructions were not followed, many policemen were suspended?

A: Yes. Some were suspended and all of them were exonerated later.

Q: Do you know that under the rules many arms licences cannot be issued to one single person, like the 85 given to Begum Nusrat Bhutto?

A: This question should be addressed to the Home Secretary, Sindh, and the secretary to the ministry of interior.

Q: Are you aware of the rules that unlimited licences are not issued in the name of one person?

A: I don't know the rules.

Q: Did you meet the arrested policemen after the incident?

A: No. On the second, or third day, the scene was reconstructed by the Crimes Branch. I believe they were there and I did not talk to any one of them, except SSP Durrani.

Q: Did the armed guards posted outside your house where the incident occurred tell you about the movement of the police and vehicles? Did they also fire back at them or were they just watching?

A: No.

Q: On Sept 18, you had said that the Chief Minister had ordered that action must not be taken against Mir Murtaza for the time being.

A: The decision was taken at the time of oath-taking ceremony of the acting governor of Sindh and I had made it clear to the SSP South that Mir Murtaza should not be arrested. As the instructions were already with the SSP, I did not press them further.

Q: Whatever action was taken by the SSP on Sept 18 was in accordance with your instructions and in consultation with him?

A: There were no such instructions from me. He took the action on his own.

At this stage, Azizullah K. Shaikh, counsel for the Chief Minister of Sindh, submitted that he was not filing the vakalatnama on behalf of Asif Ali Zardari and he wanted to withdraw the undertaking given by him earlier that he would do so. So far there was no response from the minister.

The tribunal's hearing concluded at 4:30 pm to meet again on Tuesday at 11:30 am to further cross-examine the DIG and to examine other witnesses.

DURRANI TESTIFIES TODAY; DIG'S CROSS-EXAMINATION ENDS

By H.A. Hamied

KARACHI, Nov 5, 1996: During the last cross-examination of one hour on Tuesday, DIG Karachi Shoaib Suddle informed the inquiry tribunal that the 11 policemen were arrested to defuse tension prior to the chehlum of Mir Murtaza Bhutto.

The three-man tribunal, headed by Supreme Court judge Nasir Aslam Zahid, is probing the causes of murder of Mir Murtaza Bhutto and seven of his associates in the Clifton incident on Sept 20.

The tribunal will record the statement of SSP Wajid Ali Durrani on Wednesday who he was in charge of the entire operations and is now under suspension.

On his cross-examination by Nehal Hashmi, counsel for the arrested policemen, Mr Suddle said: "It's true that they were arrested a day before the chehlum of the deceased leader, but this question might be directed to the crimes branch.

To another question from the counsel, Mr Suddle said he had no information whether they were arrested on the orders of Gen. Naseerullah Babar.

Earlier, the DIG submitted his statement before the tribunal on two points as directed by the tribunal a day before:

- i) facts and circumstances relating to the criminal case (FIR No. 278/96, PS Garden), pertaining to the death of inspector Haq Nawaz Sial, the then SHO of Clifton, and;
- ii) The telephonic conversation between him and Gen. Babar on the evening of Sept 20.

About the murder of SHO Sial on the night of Sept 27 at his home in District South Police Lines, the DIG said he had directed the new SSP (South) A D

Khwaja (who had already taken over on that day), to personally supervise the investigation of the case.

The DIG said he had given these instructions personally to SSP Khwaja during his meetings with him over the next few days and had also directed him to send a team to Jhang for an early finalisation of the investigation.

He also disclosed that the IGP Sindh had also directed SSP Khwaja to look into the security lapses, if any, and other circumstances surrounding the death of inspector Sial.

The DIG said: "On Oct 15, the IGP had ordered that SSP Khwaja be associated with the investigation team already constituted under the DIG Crimes for the investigation of cases relating to the incident of firing on main Clifton Road on Sept 20".

Mr Suddle further said that in a separate order, the IGP, in consultation with him, had directed SSP Khwaja to devote full time to the investigation of the cases relating to the firing incident of Sept 20. In the same order, the IGP had asked Shakaib Ahmed Qureshi, SP Investigation, South, to look after the law and order situation and other routine activities in District South as the SSP South would be pre-occupied with the investigation of the cases, he added.

The DIG further said the investigation of the case pertaining to the death of inspector Sial was with SSP Khwaja as he had become part of the DIG Crimes investigating team dealing with the firing cases at Clifton and because he enjoyed the confidence of Ghinwa Bhutto.

Because of this impression, he said, he did not feel it appropriate to issue any further directions concerning the investigation of the case pertaining to the death of inspector Sial from that time onward so that it might not amount to interference in the investigation.

It was in this background, he said, that he had deposed before the tribunal on Nov 3 that investigation of the case was with the crimes branch, though it was not formally transferred and was actually with SSP Khwaja who for investigation purposes of cases relating Mir Murtaza had become part of the Crimes Branch.

He also added that on enquiry he had been informed by SSP Khwaja that in pursuance of his (DIG's) earlier directions, he had sent a team to Jhang on Oct 19 which returned without making much progress in the investigation as the family did not co-operate with the police.

The DIG in his cross-examination by PPP(SB)'s counsel Abdul Mujeeb Pirzada said he had asked the IGP to transfer the investigation outside the Karachi region, which was accepted.

Q: Was SHO Sial under police custody after the incident until he was killed?

A: No.

Q: Was any FIR lodged against Ayaz Ali, a police constable, under section 124-A PPC on the ground that he was a RAW agent and working for India?

A: Ayaz Ali was with Crimes Branch and it was SHO Zeeshan's report that he was a RAW agent. If it is established by the Crimes Branch investigations, headed by the DIG Crimes) that he is a RAW agent, a case would be registered.

On being cross-examined by the counsel for 11 policemen arrested in the case, the DIG said they were arrested because they took part in the operation.

Q: Are you aware who ordered their arrests?

A: The Crimes Branch which is investigating the case.

Q: Why were others who were senior in ranks were not arrested and why were only low ranking policemen arrested?

A: The 11 had used their fire-arms.

Q: When did you first come to know as to the use of fire-arms?

A: That is for the Crimes Branch to know.

Q: Were they arrested on the orders of Gen. Babar?

A: I have no information.

The DIG produced the standing orders which specify who are entitled to have constables as their guards.

On the basis of the standing orders, MPAs were allowed to have two constables and in the case of Mir Murtaza they were selected from his own people, who had not served the police before.

The constables were Ayaz Ali and Ghulam Mohammad, who were recruited by the police on a two-year contract and it was Ayaz Ali who was found to have been trained in India and was a RAW agent. Each of them was given a G-3 rifle, with five magazines and 150 rounds.

The tribunal at this stage asked the DIG to submit the detailed information about the 125 judicial enquiries held in Karachi against the police for various incidents, reports of which were not submitted to him, so far, for taking any action.

Later, the tribunal examined four witnesses, one of whom was a gardener at New Clifton Garden and three others working as guards at the consulates of Iran, Dubai and Indonesia. They were Mohammad Iqbal, son of Gulzar Khan, on guard duty at the Iranian Consulate and residing at Police Colony, near Hasan Square Base II; Maqbool Shah, son of Gulab Shah, working at the Indonesian Consulate, at 88 Clifton; Mohammad Akram, son of Muzaffar, a resident of 181, Neelam Garden, near Clifton, gardener at New Clifton Garden; and sub-inspector Nasiruddin, working at the Dubai Consulate, at 84 Clifton.

They deposed that the incident took place near their place of work and they had not seen any police vehicles parked around the scene.

About the telephonic conversations he had with the then interior minister, the DIG said he had nothing more to add to what he had stated on Nov 3 and 4.

The tribunal will reassemble on Wednesday at 11 am.

ACTION IN LINE WITH OUR DEMAND: RAO

By Latif Baloch

KARACHI, Nov 5, 1996: The PPP(SB) on Tuesday called for initiating an effective and transparent process of accountability to punish all those politicians and bureaucrats who plundered national wealth and built palaces for themselves outside the country.

“Not only that the sacked rulers be made accountable and looted property and wealth be recovered from them, they should also be disqualified from contesting the elections,” said PPP (SB) secretary-general, Rao Rasheed.

Speaking at a crowded news conference at 70-Clifton on Tuesday evening after the conclusion of the central committee meeting of the party, Rao Rasheed welcomed the dissolution of the National Assembly and the dismissal of the Benazir government.

The action, he said, was in line with the party’s persistent demand for the removal of corrupt rulers who had ignored the people’s mandate and indulged in loot and plunder”. The PPP(SB) leader also demanded immediate dissolution of provincial assemblies and removal of governors appointed by the previous government on political grounds and called for appointment of neutral and honest set-up in the provinces.

Mr Rao said one of the factor for the dismissal of Benazir government was the murder of late Mir Murtaza Bhutto. He, therefore, urged the caretaker government to accept the FIR lodged by Ms Ghinwa Bhutto and Begum Badurunissa and all the nominated accused be immediately arrested and put on trial so that justice could be done. He also demanded release of the party workers arrested during raids or put behind bars by the former rulers.

He said the party has decided to take part in the forthcoming polls.

Also present in the Press conference were Ishaq Khakwani, deputy secretary-general, information secretary Inayat Husain and Qazi Shafiq Mehser.

DURRANI SAYS SUDDLE OKAYED THE OPERATIONS

H. A. Hamied

KARACHI, Nov. 6, 1996: SSP Wajid Ali Durrani, who is under suspension, informed the tribunal inquiring into the police firing on Mir Murtaza that he had informed the DIG, Karachi, Dr Shoaib Suddle, about his plans to intercept the guards of the MPA, following two bomb blasts and the raiding of the two CIA centres allegedly by his party men.

Mr Durrani who is in the protective custody of the rangers at a rest-house in Malir since early Tuesday morning, told the tribunal that he had planned everything in detail through ASP Darakhshan Mohammad Tahir for the operation.

The inquiry tribunal comprising Justice Nasir Aslam Zahid, judge of the Supreme Court (chairman); Justices Amanullah Abbasi and Dr Ghous Mohammad, judges of the SHC (members) is investigating the Sept 20 Clifton firing incident in which Mir Murtaza and his associates were killed.

The key witness in the inquiry, who had conducted the entire operation in which eight people were killed, six of them instantly, said on the day of the incident he had contacted the DIG from Askari Apartments where he had gone in connection with the death anniversary of the father of a friend.

The witness, who was in not very good health and was allowed to be seated during the evidence, said he had explained to the DIG, who is his immediate boss, about "my planning on phone and the DIG gave me his consent to go ahead with it and he (DIG) was fully satisfied about the operation." He said when he first tried to contact the DIG, he was told that he had gone for a walk and later when he talked to him about the plans, he gave his full consent and blessings.

The SSP, explaining the reasons for the operation, said it was a follow-up to the two bomb blasts that occurred on Sept 18 and raids by the PPP(SB) at two CIA centres, led by the party chief in search for Ali Sonara who was earlier taken into custody.

Earlier answering questions, Mr Durrani gave his personal background. He said he joined the police in 1979 as ASP, and served in Dadu.

“I went to Islamabad as section officer and later posted as SP, Nawabshah; then posted as SSP Central, Karachi, AIG (Establishment at Central police office), SSP at Sukkur, then OSD for four months; SSP of Nawabshah, again AIG (Establishment for one month), SSP (Karachi East), SSP CIA, and SSP (South) since May 8, 1996.

Answering a question, he told the tribunal that he had worked as SP, Nawabshah, from 1989 to April 1990 and as SSP from 1983 to November, 1984. He said he had first worked as SP, Nawabshah, and his second posting as SSP was from December 1993 to December 1994.

Question from the tribunal: How were you involved in this operation?

A: On the morning of Sept 17 at 3:45am I was informed by my SP that he had heard that Mir Murtaza and some of his guards while looking for Ali Sonara had raided the CIA Garden Centre. He apprehended they will also raid other police stations in the district South and all the police stations needed to be vigilant. Accordingly, all police stations in the district were informed about this.

Mir Murtaza had also raided another CIA centre, known as Riaz centre, near Napier PS, at 3:45 am on the day, he said.

“On the same afternoon, the DIG rang me up between 2 and 2:30pm and asked me if I knew about it and that in the evening Mir Murtaza was to hold a Press conference at the Karachi Press Club and I was asked to check his guards for the illegal arms”, he said.

“I directed the DSP of Preedy to verify whether it is true if he (Murtaza) was going to the KPC to hold a Press conference, and that before taking any action he (DSP) should take my permission. “I also came to know at 2 pm that inspector Zeeshan Kazmi, SHO of Khokhrapar, had arrested Ali Sonara. The IB in charge for Karachi, Inspector Abbas, confirmed to me that Mir Murtaza was not going to the KPC, and instead Ashiq Hussain Jatui is holding a Press

conference. I asked him (SHO) to find out and inform me as to what he (Ashiq) had stated there”.

According to information provided to him by inspector Abbas of IB, Ashiq Jatoi had demanded the release of Ali Sonara and that he was apprehending that he would be killed in a fake police encounter. The SSP said he informed the DIG on phone about this.

The witness said: “On Sept 18, at 7:40am, the city was rocked by bomb blasts near the Karachi Gymkhana and near the Sindh Secretariat. I informed the DIG on phone and on wireless and I was asked to reach the place immediately and that the DIG and IGP would also be there. I reached the site at 8:10 am. After about five minutes, we inspected the site, but luckily there were no casualties but the buildings facing the Gymkhana were slightly damaged”.

“One heartening point was that some girl students, about 15- 20, escaped unhurt as these students from the President House School had passed by that place only a few minutes earlier. While we were still there, we heard another blast that occurred near the Sindh Secretariat. The DC and I went there at 9:45 am. In that incident, one man got severe head injuries and died. He was identified as Mushtaq, a vendor. “Another victim, Safdar, is still in Civil Hospital and one of his legs was amputated. Two shops were damaged, including the windows of the Secretariat.”

The SSP, continuing, said: “What added to our miseries were hoax calls that bombs have been planted at Clifton phone exchange. There were no further blasts and I gave instructions that all government buildings and other key places, which were not secure, should be protected”.

According to the Bomb Disposal Squad, the bombs were indigenous, and squad chief Moeen had said they had a timer mechanism. Later, in the evening on Sept 18, I got instructions from the IB regarding two cases relating to the previous incidents at two CIA centres. There were also instructions from the DIG signed by Ashfaq, a DSP, on behalf of the DIG regarding the registration of FIRs, and the directions were that special teams should investigate.

The DIG's directions were to the effect that special teams, headed by SP (investigations and enquiries) Shakaib Qureshi, should investigate the incidents, the witness said and added that such instructions were given in serious matters only.

The SSP said: "I marked the letter to SP (investigations and enquiries) for compliance. He formed teams consisting of ASP Saddar, DSP Frere, SHO Clifton, SHO Garden, SHO Nabi Bux, all from district south, for their participation in the inquiries on the raids at CIA centres".

He further said the DIG later informed him that Yar Mohammad alias Yaru, Bashir Baloch, Jehangir Baloch, Wasim Baloch, Ramazan Baloch, Sajjad and Jakro were very close companions of Ali Sonara and there was every possibility that they might involve themselves in other such destructive actions.

DIG Suddle gave instructions that these people might attack again as revealed in the investigation and interrogation of Ali Sonara. The SSP said that, side by side, he also told IB official Abbas Ali to check IB's records about the people named by Ali Sonara whether the IB has any such information about them.

The IB official informed the SSP about a case registered against Sajjad and Rahman Brohi at the Sharea Faisal Police Station. At this stage, after a brief break of the proceedings, Khwaja Shamsul Islam put a question to his client, SSP Durrani.

Q: Is it correct you are under great stress and strain at the moment since Monday morning? If so, give some details?

SSP: I was called by the IGP at 3:30am on Monday. DIG Malik Iqbal (Enquiries and Investigations) called on me and took me to the IGP in Bath Island and there I was handed to the rangers commandant who took me to the DG Rangers, Maj.-Gen Akram.

The DG Rangers had explained to the SSP that he was being kept under protective custody as his life was in danger. He was kept at a Malir rest house and he was brought from there in a Rangers vehicle. He said he was not being put to any inconvenience there.

Questions from Tribunal: What happened on Sept 18 and thereafter?

A: On that day, the SHOs of Kalakot, Baghdadi, Chawkiwara were contacted by me and given orders to arrest the associates of Mir Murtaza belonging to Lyari, because I had been given specific orders by the DIG for the arrest of the people named by Ali Sonara as, according to DIG, they might be suspects in bomb blast cases.

The SSP had ordered the police that all routes to 70-Clifton be checked so that whoever entering the house should not carry unlicensed arms. The DIG had agreed to my decisions to check the entire routes to Clifton and he also instructed me to arrest such people whose names were provided by Ali Sonara.

On the night of Sept 18 the three SHOs gave the names of Yaru alias Yar Mohammad, Wasim Baloch and Sajjad who were not found outside 70-Clifton and they might be residing inside that house.

On Sept 19, the witness said, the chief minister was going to Razaqabad in Malir from a helipad at Clifton in a helicopter and on that occasion when he was there to see the CM, IGP and DIG off to attend a police parade, the latter had expressed his dissatisfaction about the security force posted outside 70-Clifton and had desired that the checking party should be increased. As there was only one mobile of the police for the job, he (SSP) then increased one more mobile and the DIG again discussed this issue and expressed dissatisfaction over the checking of weapons.

“I told him that more than 80 licenses had been issued to Begum Nusrat Bhutto and her guards. The DIG did not believe because so many licences have been issued in the name of one person.” SSP Durrani said he called for the entire record of licences she was holding as it was incumbent upon the licensees that the entries must be made in the police station of the area.

He said he directed SHO Sial to send a copy of such list of licences to him and another one to the DIG. The list showed that there were 84 licences issued in the name of Begum Nusrat Bhutto.

The DIG, he said, rang him up to say that Ashiq Jatoi had accompanied the PPP(SB) men at the time of raids, and he (SSP) was asked by the DIG not to

apprehend Mir Murtaza. He also said he wanted from the SHOs of Garden and Napier the names of the armed guards of Mir Murtaza who raided the two CIA centres.

Mr Durrani said he also beefed up security arrangements around 70-Clifton and the DIG was of the view that he and his men are not performing their jobs properly. The DIG told Mr Durrani that he was incompetent as there was no progress in the bomb blasts cases.

From Sept 18 onward and until the incident there was no movement of armed men going in and coming out of 70-Clifton, the SSP said and added that he asked the ASP of Darakhshan talk to the witness as to why and how five vehicles entered the house, to which it was replied by the SHO of Clifton that they had come from Yousuf Goth and they were to take Mir Murtaza to Surjani Town.

The witness said on the day of the incident ASP Rai Tahir did not go to Clifton in time and the party had already left for Surjani Town, before any checks were carried out.

Mr Durrani said “this was the time when I decided I should check them on their return and I asked the ASP to make arrangements and if he wants, I can provide the services of more police. I informed him if there is any problem, he should not hesitate in contacting me.”

The reason why Mr Durrani wanted quick action was that no progress was made in the blast cases and more delay would mean that the suspects would increase their activities and they will cause more disturbances and more blasts. And because of all this, the DIG gave the SSP full support to carry out the operation so that the armed men are flushed out of the 70-Clifton and he sought permission at 6:30 pm on Sept 20.

The SSP said while he was at his friend’s house in Clifton, he tried to contact ASP Tahir of Darakhshan PS to know whether he had completed the arrangements. Then he contacted the DSP of Frere PS but he was not there. He left a message for the DSP that for further support he should contact him.

The SSP said he left the flat at 8:10pm and reached the scene of incident in eight to 10 minutes and found that pickets had been set up about 100 yards from 70-Clifton. The expected time of arrival of the cavalcade was about two

to three hours after participating in the function at Surjani Town. The actual incident occurred between 8:20 and 8:40pm. I was in touch with the control to know about the movement of the cavalcade and he was checking the movement even from Askari Apartments.

“I made it a point to be there much before their arrival. I was at the scene in half an hour before the party returned. On phone I had instructed the ASP that at each of the three points there should be APCs deployed. Pickets were deployed at 8:10pm.

“When I arrived at the scene of the incident, the SHOs of Napier and Garden were there with their forces and the arrangements were ready”, he said, and added that except that the DSP Saddar was not there, he (SSP) was satisfied with the arrangements made by the police and they were also deployed at the Russian trade centre, rear lane of the main Clifton Road and on the main road, opposite the house of the DIG.

For further reinforcement, he said, he provided his personal guard and three other constables and they were asked by him to report to the ASP Darakhshan. He said he had thoroughly briefed the police that the object of the mission was to check and arrest those holding arms without licences and that Mir Murtaza should not be stopped or his vehicle searched.

Mr Durrani informed the tribunal that Mir Murtaza usually travelled in the first vehicle and other vehicles followed him. Keeping this in his mind, he said, his orders were that his vehicle should not be stopped.

If after stopping the other vehicles, Mir Murtaza returns to find out what was happening, the police should be very polite with him and only SHO Sial should respectfully talk to him and explain the position. After this, he decided to talk to the DIG and reached the nearest check-post from where he could establish contact but he could not get him as he had gone for a walk.

Later, he said, he talked to the DIG on several times and he met him only after the incident. Before the operation the DIG had asked him to submit a report to him on the bomb blasts because the then interior minister had to report to the National Assembly on the subject the following day. He said at 8:40 or 8:42pm the cavalcade returned to Clifton at the road crossings.

Question from tribunal: Why were you there at Three Talwar and not at the site.

A: I was there with a phone and wireless, I could reach the scene within a minute and the distance was only 300 yards. As I was commanding the operations, I had to be away from the scene and not exposed.

Q: Were all the policemen equipped with automatic and semi-automatic weapons?

A: Yes.

Q: Was there any chance of armed conflict between the two parties, because both were armed with sophisticated arms?

A: There was a very remote chance, because in the past four such encounters had taken place and the guards behaved and did not resort to firing at any time in the presence of their boss.

Q: Did you know how many guards were carrying weapons of what types and how many police stations were on the way to Surjani Town?

A: There were about 12 to 15 guards travelling with Murtaza and had a mixture of automatic and semi-automatic weapons. Such numbers of guards usually travelled with him. There are about three to four police stations between Clifton and Surjani Town.

Q: Did you ask them to inform you from their areas when the vehicles passed by or how did you get information about their movements?

A: ASP Saddar had directed the police stations for information.

Q: Did you ask any police to inform you?

A: I did not. I could get information from control. ASP Saddar informed me when the party had left Surjani Town.

Q: You had no information whether Murtaza was travelling in the first or second vehicle?

A: No. We were expecting him to be in the first vehicle. He was in his own Pajero but was in the second vehicle in the cavalcade.

Q: Did you cover the meeting and was there any surveillance?

A: We did not deploy more people, fearing the plan may be leaked out.

Q: Was there any necessity to deploy APC?

A: APC could not have stopped it and it would have aggravated the situation.

Q: Did you see the guards at DIG House and escort vehicle? A: I did not see it. If it was there, it must have been inside the house.

Q: Was any inquiry conducted about the incident?

A: The DIG (investigation and inquiries) conducted the inquiry. I believe there was no contradiction in what I have stated there and what I am stating here.

Q: Was any proper briefing given to the police before the incident?

A: I gave instructions for care and caution only to ASP Tahir which was heard by others. I checked later, the ASP briefed the force what their specific mission was.

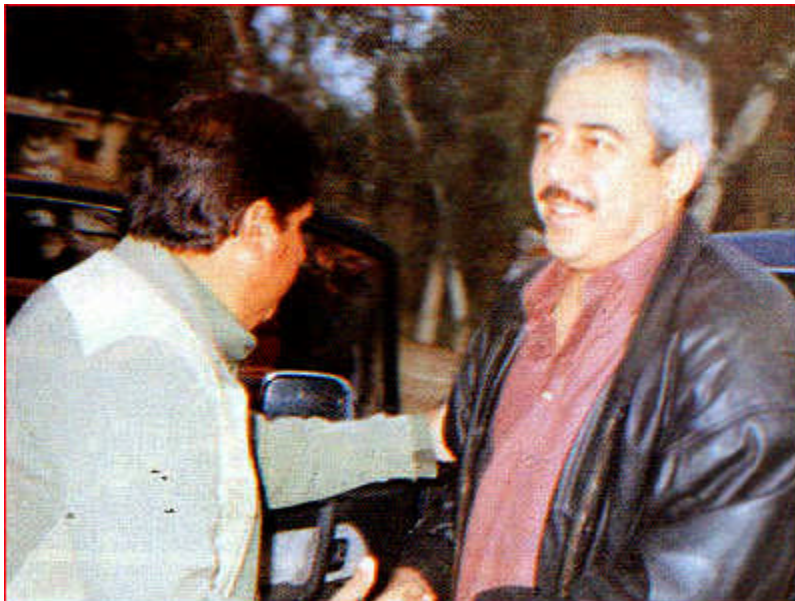
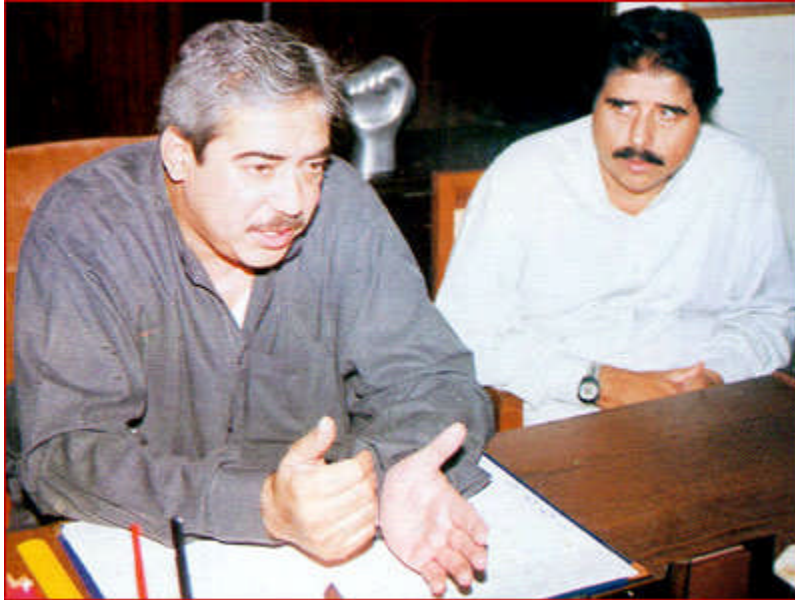
Q: Did you check the antecedents of the policemen who were taking part?

A: I left this to the ASP.

The proceedings were adjourned at about 4:30pm to re-assemble again on Nov. 19 at 11am.

Correction: In the report (Dawn, Nov. 6), the first paragraph should have read: "During the last cross-examination of one hour on Tuesday, DIG Karachi Shoaib Suddle informed the inquiry tribunal that the 11 policemen were arrested not to diffuse tension prior to the Chehlum of Mir Murtaza Bhutto. The word 'not' was inadvertently deleted.

Mir Murtaza & Ashiq Jatoi



SHARIF, SUDDLE, DURRANI, 7 COPS NAMED IN GHINWA'S FIR

By Perwaiz Ahmed Khan

The FIR on behalf of Ms Ghinwa Bhutto was registered at Clifton Police Station yesterday and inter-alia alleges that the police party opened fire without provocation and did not attend to the injured for 50 minutes.

The FIR names SSP Wajid Durrani, ASP Shahid Hayat, ASP Darakhshan, late Clifton SHO Sial, SHO Zeeshan Kazmi, SHO Napier Agha Jamil and SHO Garden besides ex-IB chief Masood Sharif. According to the FIR, the incident occurred nearly 100 yards from the 70-Clifton residence of Mir Murtaza by 80 to 100 fully armed policemen who had already taken up positions on the orders of the main accused who signalled the convoy to stop. "As soon as the convoy stopped and Mir Murtaza lowered the window pane of the Pajero jeep the said police officers shouted 'FIRE' whereupon Yar Mohammad Baloch, Wajahat Jokhio, and Sajjad Haider rushed towards Mir Murtaza Bhutto to provide cover around him but in the meantime the police started target-shooting, killing Yar Mohammad, Sajjad Haider, Wajahat, Ashiq Jatoi, Mohammad Rahim Brohi, and Abdul Sattar Rajpar on the spot and critically injured Mir Murtaza, Ayaz Dayo, Ismail, Bachal, Asghar and Dr Mazhar Memon". The FIR further stated that the "accused police personnel left Mir Murtaza and the above named injured to profusely bleed at the place of the incident for about 50 minutes and then Mir Murtaza was taken to nearby Mid East Hospital and the others were taken to JPMC".

The FIR stated that earlier that day Mir Murtaza had told newsmen at a Press conference about "a conspiracy that had been hatched by the government through DIG Karachi Shoaib Suddle, SSP Wajid Durrani, SSP CIA Ramzan Channa to arrest him and his workers on a large scale on false and concocted charges..." It also said that the "federal and provincial government of Sindh, jealous of his rising popularity had conspired to eliminate him and, in league with the accused police officers named above and one Maj (ret'd) Masood Sharif, a senior officer of Intelligence Bureau, have cold-bloodedly murdered Mir Murtaza ..." and injured others with "intention to kill". It also claimed that "in order to forestall false defence against the cold-blooded murder of

Mir Murtaza Bhutto, a bogus FIR is registered by police ...” showing a fake encounter whereas in fact pre-planned and pre-meditated murders are committed by the accused”. The FIR was registered by one Noor Mohammad of 70-Clifton at 12.45 p.m. under the directives of DIG Karachi. SSP South has been named as the investigation officer. Noor Mohammad is a staunch activist of PPP (SB) and is an eye-witness. The registration of the FIR follows the 17-page judgement of a division bench of Sindh High Court on Thursday on this matter on a petition filed by Ms Ghinwa Bhutto and others.

DURRANI HELD IN MURTAZA CASE

By Mohammed Riaz

KARACHI, Nov 10, 1996: The police arrested Wajid Ali Durrani, former SSP-South, on late Saturday night following an FIR registered earlier against him and nine other officials allegedly involved in the Sept 20 shooting outside 70-Clifton, in which Mir Murtaza Bhutto and seven others were killed. ASPs Shahid Hayat Khan of Saddar and Roy Tahir of Darakhshan areas had sought an interim bail before arrest on Saturday from the Sindh High Court till Monday. Both have been nominated in the FIR (443/96) lodged by Noor Mohammad, public relations secretary to the late Mir Murtaza. SHO Zeeshan Kazmi (Khokhrapar), former SHOs of Napier and Garden, Agha Jamil and Shabbir Qaimkhani, respectively, are said to have gone into hiding after the registration of the FIR against the 10 police officials, including IB chief Masood Sharif. The police have been conducting raids on their residences. Sources said Mr Kazmi was last seen at the Khokhrapar police station on Sunday. However, a duty officer at the police station said he (Kazmi) was on patrol duty in the area. Mr Kazmi had not been arrested and the news of his arrest was a mere lie. "Allah Na Karey Woh Giraftar Hon," he added. A duty officer at the Napier police station drew a blank about the arrest of Jamil and said: "Agha Sahib was transferred on Sept 22, we don't know his whereabouts."

Mr Qaimkhani was transferred from Garden police station two months ago, a duty officer said. Masood Sharif has been already detained in Islamabad for interrogation. After his arrest on Nov 5, all the offices of the IB throughout the country were officially sealed. The Sindh government had transferred SPP-CIA Ramzan Channa and posted Haq Nawaz Mithani from Rato Dero in his place. The DIG of Karachi Shoaib Suddle, was posted in Karachi in June 1995, to control the law and order situation in the city. There was no information of his arrest till late Sunday night. He had opposed the arrest of the 11 policemen on Oct 24 and said "it would demoralise the police force which had survived terrorism in the city." Mr Durrani was supervising the police party when Mir Murtaza and his colleagues were killed.

He was placed under suspension after he was accused by the PPP (SB) of the killing. He was taken into custody by the rangers a few days ago. After his

formal arrest on Saturday, he was brought at the Clifton police station, but later, the sources said, he was shifted to the Artillery police station. A senior police official said politicians should settle scores among themselves and refrain from destroying the institutions. The home department confirmed the arrest of Mr Durrani through a handout issued on Sunday. It said: "Efforts for the arrest of ex-SHO Napier Inspector Agha Jamil, ex-SHO Garden Inspector Shabbir Ahmed Qaimkhani and ex-SHO Khokhrapar Inspector Zeeshan Kazmi were progress."

TWO ASP'S GRANTED INTERIM BAIL BEFORE ARREST

KARACHI, Nov 10, 1996: Two assistant superintendents of police Rai Mohammad Tahir of Darakhshan and Shahid Hayat of Saddar have been granted interim bail before arrests for one day by the High Court of Sindh. The ASPs' names were mentioned in the FIR registered by Noor Mohammad, an associate of Mir Murtaza Bhutto, on Saturday. The complainant had escaped arrest and he was part of Murtaza's party, which was intercepted by the police on Sept 20, and during the firing eight people were killed including Mir Murtaza and Ashiq Hussain Jatoi.

The application for pre-bail arrests were filed before the chief justice of the SHC on Saturday, at his residence, at about 8 pm, by Abdul Qadir Siddiqui and Karim Khan Agha, counsel for the police officers. The CJ referred them to Justice Kamal Mansur Alam. Both the counsels, accompanied by the applicants, then went to the residence of Justice Mansur Alam who, after hearing Mr Siddiqui and Mr Agha, granted interim bail before arrest in the sum of Rs 200,000 each and personal bonds in the same amount. The interim pre-bail will come up for confirmation on Monday morning. The counsel argued that there was no evidence to link the two ASPs with the Sept 20 incident, in which eight people were killed by the police in firing, including Mir Murtaza and Ashiq Jatoi. They submitted that there was only a bare allegation against the ASPs and there was nothing to link them with the alleged conspiracy. Rai Tahir and Shahid Hayat were not the aggressors according to the then SHO of Clifton PS Haq Nawaz Sial's FIR and, therefore, there was room for further investigations. They were not armed and were there at the scene, on the orders of their superiors. When the pre-arrest bail comes up for confirmation on Monday morning, K. M. Nadeem, additional advocate general, will represent the government of Sindh.

FIR REGISTERED AGAINST TEN PERSONS IN MURTAZA CASE

KARACHI, Nov 10, 1996: The Clifton police on Saturday registered a fresh FIR on the direction of the Sindh High Court on Thursday, against 10 persons for their alleged involvement in the Sept 20 shooting in which Mir Murtaza Bhutto and seven of his colleagues were killed. The case was registered by the Clifton police under Sections 148/149/120 (A and B), PPC, and 302 and 324, Qisas and Diyat Ordinance, on the report lodged by Noor Mohammad, the public relations secretary to Mir Murtaza. The persons nominated in FIR were Maj (ret'd) Masood Sharif of the IB, DIG of Karachi Shoaib Suddle, the then SSP-South Wajid Ali Durrani, SSP-CIA Ramzan Channa, ASPs Shahid Hayat Khan of Saddar and Roy Tahir of Darakhshan areas, the then SHO Clifton late Haqnawaz Sial, SHOs Zeeshan Kazmi (Khokhrapar), Agha Jamil (Napier) and Shabbir Qaimkhani (Garden). In the report, Noor Mohammad said: "Mir Murtaza had disclosed at a Press conference on Sept 20 that a conspiracy was hatched by the government through DIG of Karachi, Shoaib Suddle, Wajid Ali Durrani, SSP-South, and Mohammad Ramzan Channa, SSP-CIA, to arrest him (Murtaza) and his workers at large-scale on false and concocted charges." The SSP-South will investigate the case.

Text of the FIR:

- I. That on Sept 20, a public meeting was scheduled to be addressed by Mir Murtaza Bhutto, Chairman Pakistan Peoples Party (SB) at Yousif Goth, Sarjani Town Karachi (West), at about 6.00 pm, APP adds.
- II. That Mir Murtaza Bhutto, left his house, 70-Clifton, at about 5.45 pm, to address the said meeting and was accompanied by party leaders, workers and personal guards including Ashique Hussain Jatoi President PPP (SB) Sindh, Sajjad Haider Gakhro, Finance Secretary PPP (SB) Sindh, Yar Muhammad Baloch, Member Sindh Council, Dr Mazahar Memon, vice-president PPP (SB) Hyderabad division, Wajahat Husain Jokhio, information secretary Hyderabad division, Noor Mohammed Gugo, secretary (PR), two official guards Ayaz Dayo and Ghulam Mohammed Bhutto, personal servant Asghar, party workers Ismail, Bachal, and Waqar, Private Guards, Akhtar Mirani,

Qaisar Baloch, Mohammed Rahim Brohi and Abdul Sattar Rajpar, drivers Mehmood Bhalai and Asif and others, in four different vehicles.

- III. That on return from said public meeting, when Mir Murtaza Bhutto in Pajero jeep of Ashique Hussain Jatui, driven by Ashique Hussain Jatui himself and his companions named above and others reached at the distance of about 100 meters from main gate of 70-Clifton, on Shakra-i-Iran, 80/100 police personnel, duly armed with automatic weapons, had already taken positions at the place of incident. The police officers namely Wajid Durrani SSP South Karachi, Shahid Hayat ASP Saddar, ASP Darakhshan (Name not known) Haq Nawaz Sial SHO Clifton, Zeeshan Kazmi SHO Khokhrapar, SHO Garden (name not known), Agha Jamil SHO Nepair signalled the convoy to stop. As soon as the convoy stopped and Mir Murtaza Bhutto lowered the window pane of Pajero jeep, the said police officers shouted "fire" whereupon, Yar Muhammad Baloch, Wajahat Jokhio and Sajjad Haider rushed towards Mir Murtaza Bhutto to provide cover around him but in the meanwhile the police started target shooting, killing Yar Mohammad Baloch, Sajjad Haider Gakhro, Wajahat Jokhio and Ashique Hussain Jatui, Mohammed Rahim Brohi, and Abdul Sattar Rajpar on the spot and critically injured Mir Murtaza Bhutto, Ayaz Dayo, Israil, Bachal, Asghar and doctor Mazahar Memon.
- IV. That the accused police personnel left Mir Murtaza Bhutto and the above named injured to profusely bleed at the place of incident for about 50 minutes and then Mir Murtaza Bhutto was taken to nearby Mideast Hospital and others were taken to Jinnah Post Graduate medical Centre Karachi. Mir Murtaza breathed his last at about 23.55 hrs and Bachal succumbed to injuries next day at JPMC.
- V. That on the same day at about 1600 hours Shaheed Mir Murtaza Bhutto while addressing a Press conference at 70-Clifton, had disclosed that a conspiracy is hatched by the government through Shoaib Suddle, DIG Karachi, Wajid Durrani SSP (South) Karachi and Mohammed Ramzan Channa SSP CIA Karachi, to arrest him and his workers at large scale on false and concocted charges, but he had said that they face these atrocities politically.

- VI. That political opponents of Mir Murtaza Bhutto in the federal government and provincial government of Sindh, jealous of his rising popularity had conspired to eliminate him and in league with accused police officers named above and one Maj (Retd) Masood Sharif, a senior officer of Intelligence Bureau, have murdered Mir Murtaza Bhutto in cold blood, Ashique Jatoi, Sajjad Haider Gakhro, Wajahat Jokhio, Yar Mohammed Baloch Mohammed Rahim Brohi, Abdul Sattar Rajpar and Mohammed Badhal and accused fire arm injuries to Ayaz Dayo, Ismail, Dr Mazahar and Asghar with intention to kill them.
- VII. That in order to forestall false defence against cold blooded murder of Mir Murtaza Bhutto a bogus FIR is registered by police at police station Clifton, showing a fake encounter, where as, in fact pre-planned and premeditated murders are committed by the accused. The complainant seeks redress.

SUDDLE GRANTED PRE-ARREST BAIL

KARACHI, Nov. 11, 1996: The Deputy Inspector General of Police, Karachi range, Dr. Shoaib Suddle, was granted pre-arrest bail by the Sindh High Court in Murtaza Bhutto murder case. The DIG appeared before the High Court and was granted Rs 200,000 pre-arrest bail. Dr. Suddle is one of the police officers named in the FIR lodged by Noor Mohammad, one of the associates of Mir Murtaza Bhutto.

The pre-arrest bail application filed by Abdul Qadir Siddiqui, former provincial law secretary, has cited eight reasons which entitled the DIG to bail. The bail application said that the DIG was falsely implicated in the FIR and the charges levelled against him were baseless. He said that even the statement that Murtaza Bhutto had said hours before the incident that a conspiracy was being hatched to arrest him and his workers was wrong. The deceased had not spoken about any conspiracy against him in which the DIG was involved, the application said. He said his case comes within the ambit of the observations made by the high court in the petition for the registration of third FIR. There was no evidence to establish the charge that a conspiracy had been hatched to eliminate Mir Murtaza.

The DIG, in his application, submitted that mere allegations of the complainant (Noor Mohammad) regarding a conspiracy to eliminate the deceased could not establish even a prima facie case of commission of the offence against him (DIG). The commission of crime could not be sustained on surmises and conjectures, he maintained.

He further said that the FIR did not provide any direct evidence which could incriminate him. In the absence of any evidence against him, he deserved to be granted pre-arrest bail in anticipation of his arrest. He said the fifth reason why he should be granted a pre-arrest bail was that he was a very experienced and responsible police officer and that if bail was refused to him, he would be subjected to humiliation and unjustified harassment "in view of the hostile political situation prevailing in the country."

ZEESHAN KAZMI: Justice Kamal Mansur Alam, Judge of the Sindh High Court, on Monday ordered issuance of notice to the advocate general, on an application for pre-arrest bail submitted on behalf of inspector Zeeshan Kazmi, SHO of Khokrapar police station.

The notice was issued for Tuesday morning by the judge after hearing Zeeshan's counsel Suleman Habibullah and his daughter, Ms Mobina Suleman. The arguments of the counsel were heard in the judge's chamber. The inspector is one of the suspects in the Murtaza murder case in which a number of police officials have been named. Inspector Zeeshan Kazmi, in his application, said that he was not present at the site of the incident on Sept 20. He maintained that he had gone to New Karachi police station and was there from Sept 20 (12:15 hours) to Sept 21 (07:30 hours) in connection with the interrogation of some accused.

He maintained that there were three different versions of the same incident and that the offences alleged against him in the FIR had not been committed by him. On the basis of law of consistency, he should also be granted bail, as other police officers were allowed this concession by the same court. ASPs BAIL PLEA: The case of bail before arrest of two assistant superintendents of police, Rai Mohammad Tahir of Darakshan Police station and Shahid Hayat of Saddar Police Station in Murtaza murder case was deferred till Nov. 14. The two ASPs had been granted bail on Saturday night by Justice Kamal Mansur Alam, at his residence, which expired on Monday. For the confirmation or otherwise, both the police officers were present in the courtroom, but this was deferred till Nov. 14 morning and the bail granted earlier will continue to hold ground till then.

PRE-ARREST BAIL OF SHO ZEESHAN DISMISSED

KARACHI, Nov. 13, 1996: The pre-arrest bail application of inspector Zeeshan Kazmi, SHO of Khokhrapar, was dismissed by Justice Kamal Mansur Alam, judge of the High Court of Sindh, on the ground that he had not appeared before the court and was seeking the concession in absentia. The judge held that Zeeshan Kazmi, who was hiding in Karachi, was wanted in the Murtaza Bhutto murder case according to an FIR registered by Noor Mohammad, a PRO of the late MPA, pursuant to the orders of the High Court.

The FIR was registered on the intervention of the court on Nov. 7 and the incident had taken place in Clifton on Sept 20 in which Mir Murtaza and seven of his associates were killed in a police operation aimed at arresting the guards of the estranged brother of the former prime minister. The new advocate-general, M.L. Shahani, appearing for the State, opposed the grant of bail because under section 498 of-A Cr.P.C. the presence of the applicant in the court was essential.

The applicant was represented by Suleman Habibullah and Mobina Suleman. The same judge had earlier granted pre-arrest bail to the DIG, Karachi Range, Dr. Shoaib Suddle, and two of his ASPs, Rai Mohammad Tahir of Darakhshan police station and Shahid Hayat of Saddar police station, in the same incident and in the same FIR. The three officers were granted pre-arrest bail on an interim basis, which will come up for confirmation on Thursday.

IB CHIEF MASOOD ARRESTED IN CONNECTION OF MURTAZA'S MURDER

KARACHI, Nov 17, 1996: Former Director General, Intelligence Bureau, Masood Sharif, arrested by Crime Branch Police, Sindh on Sunday.

Masood Sharif was nominated in FIR, lodged by Noor Muhammed at Clifton Police Station in connection with September 20 firing incident which led to the death of Mir Murtaza Bhutto and his seven associates.

Earlier Masood Sharif, who was under detention at Lahore since November 5, was brought to Karachi on board a PIA aircraft. In Mir Murtaza Bhutto case the police have already arrested ex-SSP South Wajid Durrani and 11 other cops.

CRIME BRANCH INTERROGATING IB CHIEF

KARACHI, Nov 17, 1996: Crime Branch has started interrogating former Director General of Intelligence Bureau Masood Sharif after his arrest pertaining to his involvement in Mir Murtaza Bhutto and his men killing.

Former IB Chief who was picked up by FIA from his residence in Islamabad last night and was flown to Karachi amid tight security this morning and was first taken to Clifton Police Station for formal arrest in the case.

The Crime Branch high officials who are already investigating the case and have allegedly gained some ground after interrogation of former SSP South Wajid Ali Khan Durrani during his remand at Women Police Station would now start questioning the former IB Chief regarding his alleged involvement to proceed further.

Police and IB officials however, remained tight-lipped and refused to leak any details on the incident so far and it is yet to see when they formally come with the facts for the media and common man as every one has his fingers crossed.

941 MURTAZA MEN WERE TRAINED BY RAW:

DURRANI

H. A. Hamied

KARACHI, Nov. 24, 1996: Wajid Ali Durrani, the SSP under arrest, submitted before a three-member tribunal inquiring into the causes of the death of Mir Murtaza Bhutto and seven others that when he had decided to take action against the guards of the former MPA, there were 41 interrogation reports against them. These reports, he said, had suggested that 941 people belonging to Mir Murtaza had been trained by Indian intelligence agency RAW. They included Mohammad Hussain Khusk, who had given full details of the activities of the training.

The SSP, who was in the police custody until Sunday and later in the day remanded in judicial custody by a court, said that 198 bomb blasts had occurred in the province since 1988 the majority of them were in Karachi – and in 100 cases the men of Murtaza were involved.

He told the tribunal, comprising Justice Nasir Aslam Zahid of the Supreme Court (chairman) and two members, Justice Amanullah Abbasi and Justice Dr Ghous Mohammad of the SHC, that the bomb blasts in Karachi were reported in Bohri Bazaar, CPO, Sindh Secretariat and CIA centre, and Hamdard, which were all carried out by armed terrorists belonging to the party of Murtaza.

Mr Durrani, who completed his deposition on Sunday, said with this evidence he was disturbed, because, according to him, a 'chapattiwala' and an important person are both equal to him. The senior police officer was replying to a question from the tribunal at the end of his four-day examination if he had anything important which he might want to make clear, apart from the firing, if there was any relevant matter which may have a bearing for the tribunal, which he would like to disclose.

Mr Durrani was originally scheduled to be questioned by his own counsel, Khwaja Sharful Islam, for clarification of certain statements that he (Durrani)

had made, but as the proceedings started at midday on Sunday, he gave up and all the questions were put to him by the tribunal.

Question from Tribunal: Were you given any inducement by any quarter to say this or that?

A: I was not pressured from any quarter to give any statement.

Q: What is your assessment of the bomb blasts and other terrorist activities by Murtaza's men which were started before his return to Pakistan in December 1993?

A: Majority of the incidents occurred during Gen Zia's time and later the number came down because Murtaza had said on his arrival that "we will carry out political activities and not terrorist activities". Whoever was helping him, could they digest whatever was happening? Mir Murtaza had taken a turn around after his return to Pakistan, and in the matter of terrorist activities the investigators should look for the disgruntled elements in the party.

Tribunal: Knowing all this, can you give any reason why the people who were involved were not arrested earlier than the arrest of Ali Sonara?

A: I became involved when the series of bomb blasts occurred. If the immediate followers had done anything, I would have acted.

Q: You mentioned about dealings in narcotics in Nawabshah. Were FIRs registered in those cases?

A: The cases were registered at A-Section police station in which the CIA had acted and my transfer from Nawabshah early in November 1994 was part of the action taken by the CIA. It was a case relating to possession of heroin, a substantial quantity of which was found.

Q: Were the men responsible for the drug smuggling belong to the PPP?

A: They had affiliation with the PPP and they were arrested and kept at the CIA office and a group of people who were against their arrest had maltreated the CIA staff.

Q: You had stated that Syed Inayat Rind, president of the Nawabshah PPP, was also involved, and how long was he kept in custody?

A: I don't remember but the arrested people were released, either under section 169 Cr.P.C. or on bail, but they were released after his transfer to Karachi.

Q: Can you give any reason why was the then IGP helpless in the case of your transfer?

A: The general belief is that the chief minister ordered the postings and the IGP thought that I was right, but he was helpless in the matter and could not resist.

Q: What was the status of Zardari. Had he the status of chief minister, minister of interior or home secretary?

A: He was only an MNA from Nawabshah and the husband of the prime minister.

Q: According to you, Zardari could release anybody who was arrested.

A: At least not from me. Everybody else has his own point of view.

Q: Were many drug dens operated in the Nawabshah?

A: There were many dens of narcotics in Nawabshah district and in Daur town.

Q: Were even females also involved?

A: Yes.

Q: The actual operation was under the charge of ASP Rao Tahir and ASP Shahid and what was their experience in the past and had they taken part in similar operations?

A: After completing his CSS, ASP Tahir of Darakshan police station was inducted in the police service and he had two years of experience. When one is appointed as ASP directly, his next appointment is that of

SP and for about eight months he has been serving as ASP. When I took over as SSP in May this year, he was already serving in that capacity. During the last four months he has been conducting raids, but not the type of operation which took place on Sept 20. He had been conducting snap searches for arms on the roads working under me. The Clifton DSP, Mr Islam Khan, was on leave for four days and, therefore, he was specifically holding the charge. ASP Shahid Hayat of the Saddar sub-division had completed four years and was due for promotion as SP. He had a vast experience and had worked in the Orangi sub-division.

Durrani: I had selected the two ASPs for the job and SHO Sial who had 35 years of experience. ASI Fayyaz Bhatti of Ghizri police station was also in the team. He was selected by ASP Tahir. Bhatti had risen from the ranks with 10-15 years' experience.

Q: Why did you not inform the DIG Karachi Range of the timings of the operation?

A: The decision was taken at 6:20 pm or 6:30 pm on Sept 20 and I contacted him to tell him about it but he was not available.

Q: Why was that particular place selected for the picket?

A: The site of the picket was selected by Rao Tahir and when I inspected it, I approved because there was no shopping centres, very little traffic, we were more or less certain that Mir Murtaza's party will return through that route.

Q: You had earlier stated that you made an inquiry about the complaints of reporters and cameramen of maltreatment by the police, and that the cameras were broken, films taken away, your inquiry revealed there was no such maltreatment or breaking of cameras and the photographers had left their cameras on the road and went away. Can you tell us where were they stopped?

A: I reached the scene at 9:25pm or 9:28 pm, and about 100-150 yards the pressmen were stopped from going closer to the scene. I found three or four bags, greenish in colour, containing photographic equipment and cameras. I was not the person to stop them and on my query from the

SP (inquiries and investigations), Shukaib Qureshi, only one of them had not taken away his bag which was returned on the next day to a Dawn man when he approached the Clifton PS.

Q: If the pressmen were not allowed 150 yards, there would have been difficulty for the cameramen to take pictures of the injured and dead lying around the area?

A: I presume, yes. Such picture could have been taken. I may add I did not stop any reporter or cameraman from taking pictures. Later, at 10:20 pm, I met the pressmen at the Mid-East Hospital and there were no complaints from them.

Question from K. M. A. Samdani, counsel for the DIG Karachi and two ASPs:
ASP Darakshahan, Rao Tahir was given additional charge of the sub-division when DSP Islam went on leave for four days from Sept 19. Did you approve the selection of the check-post made by Rao Tahir, what about the other policemen?

A: I left it at the discretion of ASP Rao Tahir about the picket.

AAG Latif Abdul Ansari: Were any of the persons, including police, had walkies-talkies. Were they connected with the central police offices?

A: ASP Rao Tahir can answer that question.

Q: Were there mobile phones in use at that time?

A: Generally yes, wider range, I can't say about all or how many of them had such phones.

Q: Were all the messages transmitted through the system recorded?

A: Conversation between the district central and Karachi control were recorded, and it was preserved for a reasonable period.

AAG Ansari: Did you shout at any time during the operations: "stop firing", "stop firing"?

A: I said in Urdu at the time when massive firing started at the scene of the incident, which I could heard from a traffic kiosk, near Doo Talwar, saying “firing bund karo”, “firing band karo” and at that time there were no other police officers, as only traffic cops were coming in and going out.

Question from Manzoor Bhutta, counsel for Dr Mazhar Memon: Can you identify the two constables in the picture holding weapons in their hands standing near the injured lying on the road were those constables sent by Zardari? (Newsline magazine of October).

A: I could not identify the constables, but they were not sent by Zardari, because being a SSP I must know if outer force is entering the area. The injured lying on the ground is Dr Mazhar Memon and a dead body of an unknown person. The two cops are holding SMGs. Maybe, my other officers will be able to identify the two cops.

Q: Was any FIR lodged with any of the police station in your district against six guards of Mir Murtaza regarding the bomb blasts?

A: There were two bomb blast incidents; initially they were blind FIR as at that time the police were not aware of the names of the suspects.

Q: Was it a target-hitting or for search of the guards?

A: No, no, not for target hitting, but for search of the guards. Later, after the examination and cross-examination of the SSP, the tribunal examined three witnesses, ASI Zahiruddin who was in charge of APC (armoured personnel carrier), who deposed that he was called from Garden police station on the night of Sept 20 in an APC. He said he was called to the scene of the incident about 9 pm and asked to report to the ASP of Darakshan. He said he reached the area and heard senior officers of the police conversing on channel 6 and after a while he was contacted by the ASP himself on radio.

The ASI, who is holding a master’s degree in mass communication from Karachi University, said he was told by the ASP on wireless that none of the men inside the vehicle should come out of the APC and they should enter the scene and see the police were not threatened. He should protect the police from being attacked, and the APC men should only react only when police

were attacked. He was asked to go as near as possible at the scene. The ASI said he was called to provide relief work, which was in progress and there were two other APCs at the place. The APC men were ordered not to come out of the vehicle and fire only in defence of the police from inside (the APC).

“I saw an injured or dead people inside and outside the cars, because of the dim light I could not see whether one or more were injured or dead”, he said. The entire area was cleared of the injured and dead by 1 am and he remained at the scene till 9 am after his replacement team arrived and took over charge.

Question from tribunal: Do you know what was happening there?

A: I did not ask and I came to know of the incident from the newspaper at 8:30 am.

Q: Were you safe when you entered the scene?

A: The APC is bullet-proof and shots fired from SMG or AK-47 assault rifle cannot penetrate and injure the occupants.

The other two witnesses were Ghulam Abbas, a head constable working presently at the DIG Suddle’s house in Clifton, as guard commander, who said he saw nothing or heard nothing and told nothing to the DIG who sat all through the firing in the lawns in shorts and jersey after his walk. He was at the gate of the bungalow and bolted from inside when the firing started and some of the bullets entered the house.

The third witness was Feroze, a gardener at New Clifton Garden, an employee of KMC, who also made an identical statement, that he was confined in a store inside the garden, and saw nothing and made no inquiries from others after he completed his prayers. Both the witnesses said that the street -lights were on, while others said the lights were off.

The head constable, who was warned against making any false statements, said all through he had been serving as security guard at the residences of Ghulam Mustafa Jatoi, Home Secretary Roshan Zamir and SSP Traffic Nasir. Presently he is working at the residence of DIG Suddle. After their evidence concluded, the tribunal adjourned the hearing till Monday morning at 11:30

am when the two men APCs in charge and inspector Zeeshan Kazmi of Khokrapar PS will be examined.

DURRANI SHIFTED TO BUNGALOW

KARACHI, Nov 25, 1996: Wajid Ali Durrani, a former SSP-South, was shifted from the Karachi central jail to a bungalow, declared sub-jail, in a posh locality of District South, sources told Dawn on Monday. He has been on police remand since his arrest on Nov 10, but was remanded in the jail custody on Sunday. He had appealed to the court that since his life was in danger in the jail, he should be given in police custody. On his request, he was shifted to a bungalow which has been declared sub-jail and police guards have been posted there.

Mr Durrani was arrested on Nov 10 following an FIR registered earlier against him and nine other officials allegedly involved in the Sept 20 shooting outside 70-Clifton, in which Mir Murtaza Bhutto and seven of his colleagues were killed. Mr Durrani was placed under suspension on Oct 15 and transferred to the central police office. According to Khwaja Sharful Islam, Durrani's lawyer, rangers had taken him into their custody on Nov 5. But his formal arrest was declared on Nov 10 when the Clifton police arrested and escorted him to the women police station.

During cross-examination last week, a judge of the Inquiry Tribunal, headed by Justice Nasir Aslam Zahid, objected to his lodging in the women police station. Consequently, he was shifted to the Drigh Road police station, whereas Masood Sharif, a former IB chief, had been taken to the women police station. He will be lodged in the sub-jail till the challan against him was submitted in the court, said a police official.

TRIBUNAL EXAMINES EDHI AMBULANCE DRIVERS

By H. A. Hamied

KARACHI, Nov 26, 1996: Four ambulance drivers of Edhi Centres were examined on Tuesday before the tribunal which is inquiring into the causes of Mir Murtaza Bhutto's death, and all of them maintained that they were called at the scene of the incident to shift the six men to JPMC who had died in the police firing. The witnesses were unanimous in their evidence that the process of shifting of the dead which started with the arrival of the ambulances at around 10:00 pm on Sept 20 at Clifton was completed by 4:30 am, the next day.

The Edhi centres were contacted around 9:30 pm and the vehicles reached the scene of the incident from different centres in the city. They said the bodies were lying scattered and they were not lined up or covered with sheets, before the ambulances arrived at the scene. Two of the dead were lying on the island (central reservation) between the main two-way road to Clifton between plants and bushes. The bodies were picked up, on the orders of the police, by the drivers of the ambulances themselves as no one helped them at 2:30 am. These bodies were to have been taken to JPMC but later the drivers were ordered to take them to Clifton PS first and then to the hospital. The ambulances were escorted by two mobiles, one in front and the other in the rear. When they reached the police station, they were made to wait outside on the road. A man in handcuffs was brought out under escort to identify each one of these bodies. They were also numbered and it was written on their left hand wrists.

The ambulances which started arriving at the scene of the incident at about 10 pm completed their job by 4:30 pm, when they finally handed over the bodies at the mortuary of JPMC. The vehicles were asked to report again at Clifton PS for their clearance of having done their job and they were given certificates that they took the dead from the scene of incident to JPMC.

The witnesses were Sultan, son of Moosa, 25, resident of fourth floor, Madiha Square, F. B. Area, working at Edhi centre at Clifton; Hussain Ahmed

Qureshi, 34, resident of Sector 34/3, Korangi No. 3, working at Edhi centre on Tariq Road; Mohammad Rafique, 26, son of Ali Sher, resident of PC-10, Peoples Colony, Garden East; and Fardil Khan, 45, son of Khalid Khan, resident of 245, Mohajir Colony, Baldia Town, and working at Karsaz Edhi centre. The four ambulances carried the six bodies, although there were only four stretchers, one in each vehicle. Two others were put on mattresses and they were not covered with sheets, as enough number of sheets were not available in the vehicles. One sheet covered the two in a horizontal position, it was explained.

The drivers of the ambulances were the lone occupants of the vehicles and they assisted each other in lifting the bodies and they were not supported by the police at any stage, they deposed. When they reached the scene, they were first made to stop at the "Do Talwar" and later allowed to enter the area where the incident had occurred. When they reached the scene of incident, they said, firing had ceased. All the four were allowed to pass through the road opposite to the place where the incident had occurred, which was meant for one-way traffic. There was darkness as the lights were switched off by the police and the vehicles' head-lights were also ordered to be switched off. The drivers could see only from the natural light in the area and they all had seen the bodies scattered around the area and there were no arms near them.

One of them said two bodies were lying outside an Alto car, two outside a Pajero and two in the bushes on the island. One of the witnesses also said he had seen the police searching the bodies and also locating the bullets with which they were hit. It was also deposed by them that the bodies when handed over at the mortuary of JPMC, there were no doctors there, only sweepers, who actually performed the post-mortem examinations of all the bodies, and they were mainly Christian sweepers. The bodies were put on a platform at different levels and they were entirely handled by the ambulance drivers un-assisted by others, the tribunal was told.

The proceedings began at 11:50 am and concluded at 4:45 pm with a 45-minute break for lunch and prayers. The hearing adjourned until Wednesday, when the tribunal will re-assemble at 11:30 am.

PPP(SB) DISMAY OVER INVESTIGATION PROCESS

Latif Baloch

KARACHI, Nov. 27, 1996: The PPP (SB) has expressed its dismay at the investigation process of the late Mir Murtaza Bhutto case and termed it unsatisfactory.

At a Press briefing on Wednesday evening at 70-Clifton after the two-day session of the party's central committee, Mr Rao Rasheed, PPP (SB) Secretary-General, said the meeting reviewed the pace of investigation and concluded that there was no progress so far in this important case. He said that after the change of the government, it was expected that the case would be taken up seriously and the real culprits would be exposed. Mr Rao regretted that the case was being investigated by the police officials who were deputed by the previous government. He also read out a resolution adopted by the central committee on Nov. 25 which reviewed the progress in the police investigation and expressed its complete dissatisfaction on the following:

- 1: That the investigation team of the Sindh police has not been changed. The investigating officer is junior in rank and seniority to the persons accused in the FIR and therefore he cannot be expected to subject their senior colleagues to thorough investigation in order to extract the required information.
- 2: That since the accused persons nominated in the FIR are from Karachi police and investigation is being conducted by the same police it is highly improbable that fair and impartial inquiry can be conducted. The present state of investigation which is zero proves our point.
- 3: That as reported in the Press SSP Wajid Durani instead of being sent to jail has been lodged in a luxurious bungalow which has been declared a subjail. If Nawaz Khokar and Ms Naheed Khan can be sent to jail, why can not Mr Durani who is accused of a much more heinous crime.

- 4: That due to lack of interest of the caretaker administration the progress of the investigation has remained obviously unsatisfactory. Some of the eyewitnesses have revealed the name of SP Shaqeeb Qureshi having seen him pulling down late Ashique Jatoi from his vehicle, while he was still alive and nothing has been done by the investigating team or the police department of the Sindh government to investigate the conduct of Shaqeeb Quershi on the night of Sept 20.
- 5: That inspite of the lapse of two months, the murderers of Mir Murtaza Bhutto and his companions have not been traced and in some cases the individuals who were remanded to the police custody for interrogation have completed or completing their 14 days remand period without any revelation, being made public. The remand which should have yielded result to uncover the conspiracy has been completely wasted.
- 6: That the PPP (SB) had approached the Caretaker Sindh Chief Minister and the Prime Minister and informed them about their dissatisfaction over the poor manner in which the investigation were being carried out and they both had assumed that they would use their powers to transfer the investigation from the Sindh police to FIA, but so far no steps have been taken to fulfil their promise.

The PPP (SB) central body condemned the non-serious attitude of the caretaker administration for failing to identify the culprits involved in the murder of Mir Murtaza Bhutto and his colleagues and urged the President, the Prime Minister and the Sindh chief minister that the present investigation of the case be transferred from the Sindh police to FIA and DG Khawar Zaman be directed to personally supervise the investigation, and all the accused should be interrogated by a high-powered investigation team consisting of every senior police officers drawn from all the provinces, MI and FIU.

The resolution further says: one of the points of the charge sheet against the Benazir government's dismissal, as read out by the President, was the involvement of the government functionaries in the assassination of Mir Murtaza Bhutto. By saying this President and the caretaker administration accepted the responsibility of unearthing the conspiracy and bringing the real perpetrators of the crime to book but the casual and neglectful handling of the case till now the PPP (SB) is convinced that the President meant only to

exploit Mir Murtaza's murder for his political ends. The ousted prime minister has been accusing the President of having engineered the murder. We want to caution the President that if his administration fails to bring the real culprits to the book she will succeed in diverting the blame of the murder to him. So in his own interest, and in the interest of justice, investigation should be conducted in a more serious and responsible manner.

ELECTIONS: Another resolution called for holding the February elections in a transparent and fair manner and appointing credible high court judges of known honesty, integrity and strength of character.

To stop smugglers, racketeers and narcotic peddlers as well as those public representatives, who had looted the government exchequer, and encourage honest and able people to come into assemblies, the PPP (SB) called for making stringent election laws debarring the first category from contesting election and to reduce expenditure on the elections to help the second category. In a yet another resolution, the PPP (SB) also condoled the death of renounced scientist Dr Abdul Salaam and Makhdoom Shafiqu-uz-Zaman.

MURTAZA WAS HOSPITALISED IN CRITICAL CONDITION

H. A. Hamied

KARACHI, Nov. 27, 1996: Dr Abdul Ghaffar Jatoi, caretaker minister of communications, on Wednesday gave out the details of the condition of Mir Murtaza Bhutto, when he had been taken to his hospital, Mideast Medical Centre, at Clifton, and said at that time Murtaza was in a very critical condition and his survival was difficult from the medical point of view. He made his submissions before the three-member tribunal of inquiry which is investigating the causes leading to Murtaza's death on Sept 20 near his house in Clifton, in police firing. Seven other men, including Dr Jatoi's brother-in-law, Ashiq Hussain Jatoi, were also killed in the police firing.

The tribunal comprises Justice Nasir Aslam Zahid, judge of the Supreme Court (chairman), and two members, Justice Amanullah Abbasi and Justice Dr Ghous Mohammad, judges of the SHC. The condition in which Mir Murtaza was brought to Mideast Hospital and the type of injuries he had received were vividly described by Dr Ghaffar Jatoi, the managing director of the hospital, which is owned by his family, before the inquiry tribunal. It took more than two and a half hours to record his evidence, in front of clicking cameras, in a small room of the Supreme Court Rest House in Bath Island. He said the track of the bullet showed that it had come from above, coming out from the left side of the chest. He was hit from the bullet that came from the roof top of the vehicle which he was driving with Ashiq Hussain Jatoi in the driving seat, and the bullet penetrated the roof of the Pajero jeep. "If he was hit outside the car he might have been sitting on the ground, because it was not possible to hit him while standing, as he was a tall man," Dr Jatoi said. On a question from the tribunal: "Do you want to say anything about the incident, that is, any matter dealing with the background circumstances leading to the incident?"

A: I don't want to go back to that, since so much has already been printed about Mideast Medical Centre I would not like to say anything about the background.

Q: Are you related to any one who was involved in the incident?

A: My real sister's husband, Ashiq Hussain Jatoi. I knew his driver and I don't recall anybody else other than Mir Murtaza Bhutto.

Q: When did you first come to know about the incident?

A: At about 9:30 pm, my servant informed me about an emergency at the hospital and that Mir Murtaza was brought to the hospital. I immediately rushed to the hospital and informed the staff that all the needful be done about the medico-legal aid as our hospital is not allowed to take such cases. When I reached the hospital from Zam Zama Boulevard, I was stopped by the police and was not allowed to go to the hospital. I then turned back and reached the hospital from the other side and there, too, even at a point I was not allowed to go, but it took a lot of time to convince them that I was doctor. I went to the second floor of the hospital where the ICU is located where Murtaza was lying critically wounded with extensive bleeding from nose and mouth?

Q: What did you see then?

A: I saw him in a very restless position struggling to breathe. He was unconscious and I was definite about it. Blood was gushing out from nose and mouth. Through the gauze blood was coming out which was held on his neck by a hospital staffer. A junior doctor was holding an oxygen mask on his nose and mouth but there was difficulty in placing the mask for breathing, because of his restlessness.

The attendants were restraining his right hand so that the mask could remain in its position. After a couple of minutes, there was a cardiac arrest and the ECG showed a flat line. We tried to restore the oxygen from mouth or nose and to insert endotracheal tube which also failed because of the bleeding and his restlessness. At that time senior surgeons, Dr Ibrahim Soorma, of Mideast; Prof Haleem Kazi and surgeon Mushtaq, from AKUH, and Mumtaz Mehar, from JPMC, and surgeon Akhtar, from NICVD, had arrived and joined the team.

Q: Was your hospital entitled to receive medico-legal cases?

A: For medico-legal purposes we were not entertaining patients, but we are not rejecting any cases either, since we had been warned by the government about two years ago after such rejection of a Saudi student, who was brought to the hospital dead.

Q: Which ministry had warned and why?

A: The doctor after verifying from the files said the health department of the government of Sindh. They had said patients should not be refused to be entertained but should be given the best possible treatment, and later be shifted to the designated hospitals. The direction from the government was that first aid should be given to patients before shifting them to the designated hospitals.

On cardiac arrest having taken place in the case of Mir Murtaza, on account of blood oozing out, the doctors tried to give him oxygen to the entire system of his body and that was not found possible because of the disruption of the tongue by a bullet attack. Even the senior doctors were unable to give oxygen through the mouth or nose.

Dr Abdul Haleem Kazmi, an anaesthetist trained in England, was also unable to put the endotracheal tube through the mouth or the nose to supply oxygen, and we simultaneously pressed the heart for external cardiac massage. Then failing to pass the tube we cut through his neck in the wind pipe, to pass the tube to give oxygen to his entire body system, so as to bypass the obstacles from above, because the tongue was swollen and ruptured. But he had lost a lot of blood.

We started giving blood through volume plasma expanders as a replacement till such time as we could get the matching blood. At the same time, three teams were working to save his life, by inserting the endotracheal tube, giving external cardiac massage and providing plasma expanders. If oxygenated blood is given for more than three minutes, then there is irreversible damage to the brain.

We had realised very earlier that this exercise might be an exercise in futility as he had died neurologically at 10 pm because the brain was damaged and the pupils had dilated, and we continued to make all efforts hoping against hope to resuscitate his heart. We went on with our efforts and around 10:55 pm and the heart started ticking again,

but it did not start pumping fully. As at 11:05 pm the heart started functioning, we began looking at the various injuries he had received and then moved him to an operation theatre on the same second floor where all the specialists were present.

The heart again stopped and his chest was dissected by surgeon Akhtar from the NICVD. I was not present in the operation theatre, but I was told later that he had second cardiac arrest and the priority again was to resuscitate the heart afresh and the open heart surgery procedure was started and incision of the chest was done and the doctors failed to resuscitate his heart and they pronounced him dead at 11:50 pm.

“It was a traumatic situation for me. Further, my own sister was in the hospital on the ground floor sending me messages to help in looking for her husband. I could not see her on the ground floor as I was busy with Murtaza. She was trying to contact me to search for her husband.” She was with her son, Aneed, 17, and this was the most difficult and traumatic situation for me. I asked the deputy commissioner, Arif Illahi, who was all through at the hospital, for help to locate my brother-in-law. The authorities kept on saying till 2:30 am that they have not located him, and I was beseeching them and the DC kept on phoning all concerned to find out where Ashiq Jatoi was and in what condition.

Thinking that as Ashiq always used to drive Murtaza’s Pajero, he might be dead. So our people went from one hospital to another in search of him. Aneed and Dr Zahid Jatoi, brother of Ashiq, went to the JPMC mortuary in search of him but there was none. They returned to the hospital. Then we were told to go back again to JPMC and it will be there by that time. We sent different people to Clifton, Darakhshan, Gizri and Defence police stations, and wherever they went, they were told that he was not there. “If the man is dead or injured he should be immediately sent to the casualty department of the notified hospitals where medico-legal cases are handled or in their mortuaries, within five to 10 minutes after the incident,” he said.

It was between 2:30 am and 3:00 am when the second information was given to go to the JPMC mortuary to look for the body of Ashiq. Dr Kharal, a friend of Ashiq’s, went inside the mortuary and saw the body

and I did not enter the mortuary. There was darkness there as before, but through other lighting arrangements the body was identified. Until this time the deceased was not located and we were hoping against hope.

Tribunal: Why didn't you ask your hospital to shift Mir Murtaza to other hospital where better facilities are available to handle such cases ?

Dr Jatoi: If we had refused, we would have been in greater problem, because in the Saudi student's case, we were already warned not to refuse admission, but to give the patients first aid and then shift them to other hospital when the condition of the patients became stable. We lost our contract for treatment of personnel from the Saudi consulate because of the student's case.

Q: Is your hospital capable of handling such cases?

A: It is better than JPMC and CHK.

Q: You had seen the injuries and you also stated that the bullet had come from head and exited from the neck. Can you inform the tribunal, at what range the bullet had been fired?

A: It is not my expertise to comment on that.

Q: The efforts made at the hospital took a sufficiently long time till Murtaza was dead. Did you not consider shifting him to JPMC during that period ?

A: Murtaza's condition was critical. In such cases, it is always our attempt to bring the condition to such a level that the patient is able to undertake the journey and not pass away on the way. Murtaza's condition was such that he could not have survived the journey.

Q: How much time was lost between the occurrence of the injury and his arrival in the hospital?

A: A lot of blood was lost. I don't want to pretend because I have already read the account about the time lost, but his condition was very critical.

Q: At what time the body was removed from the hospital and to which place?

A: Initially, effort was made to save Murtaza's life, and my next priority was to find out about the condition of Ashiq Jatoi. I don't know at what time Mir Murtaza was shifted from the hospital.

Q: Were your relations very cordial with Ashiq Jatoi, and did he tell you at any time that his life was in danger because of his association with Mir Murtaza?

A: Relations between us were very cordial and I used to tell him about the danger to his life rather he telling me about it. He never expressed any apprehensions to me about his fears; rather I told him that he should be careful.

Q: While Murtaza was in the hospital did you receive any inquiries from the top people in the government?

A: None from the then prime minister, but President Farooq Leghari and Naseerullah Babar, the then interior minister, contacted to inquire after the welfare of the brother of the then prime minister.

Earlier, in the first half of the tribunal's session, two witnesses were examined and they were the drivers of Edhi Welfare ambulance centres. They were Osman Ghani, 29, from Clifton ambulance centre; and Mohammad Sarwar, 35, from Guru Mandir centre.

Osman Ghani informed the tribunal that an injured person in the same incident was handed over by a Land Rower jeep at his centre, and the driver of that vehicle only said that he was asked to hand over the injured to the centre for onward shifting to JPMC. He said he took that injured to JPMC and handed him at the casualty ward of the hospital.

Mohammad Sarwar said under instructions from his centre, he was asked to report at the Mideast Hospital at about 10:30 pm on the day of incident, which he complied with and remained there till next morning and returned to the centre and his services were not utilised. After the evidence of Dr Jatoi was recorded, the tribunal adjourned its hearing until Saturday, 11:30 am.

The counsel present at the tribunal were Azizullah K. Shaikh for Abdullah Shah and Asif Zardari; K. M. A. Samdani and Agha Karim Khan for the DIG Karachi Range, Dr Suddle, and the two ASPs of Saddar and Darakshan police stations, Rai Tahir and Mohammad Shahid; Suleman Habibullah for inspector Zeeshan Kazmi; Nehal Hashmi for sub-inspector Abdul Basit and 10 other policemen; Khawaja Sharful Islam for SSP Wajid Ali Durrani; Manzoor Bhutta for Dr Memon; and Nadeem Qureshi. The advocate-general was represented by Latif A. Ansari, assistant AG.

GHINWA AGREES TO HEAD PPP(SB)

KARACHI, Nov. 27, 1996: Ghinwa Bhutto, wife of the late Mir Murtaza Bhutto, has agreed to accept the chairpersonship of the PPP (SB), a competent party source confirmed this to Dawn on Wednesday. A formal announcement would be made by her at a Press conference in two or three days. It is also learnt that she has been granted Pakistani nationality and has applied for registration as a voter.

After the violent death of Mir Murtaza, the PPP (SB) central committee had formally requested her to head the party. Owing to the mounting pressure of party workers, she had signed the membership form of the party on the occasion of Chehlum of Mir Murtaza held in Larkana on Nov. 25. She had assured the workers that she would not leave the country and would work for the completion of the mission of the late Mir. However, she had sought some time from the party regarding the offer of chairpersonship.

The PPP (SB) central committee renewed its offer after the dissolution of the National Assembly and the dismissal of the Benazir government and announcement of fresh elections. A formal announcement was expected on Wednesday after the two-day session of the central committee which ended on Tuesday.

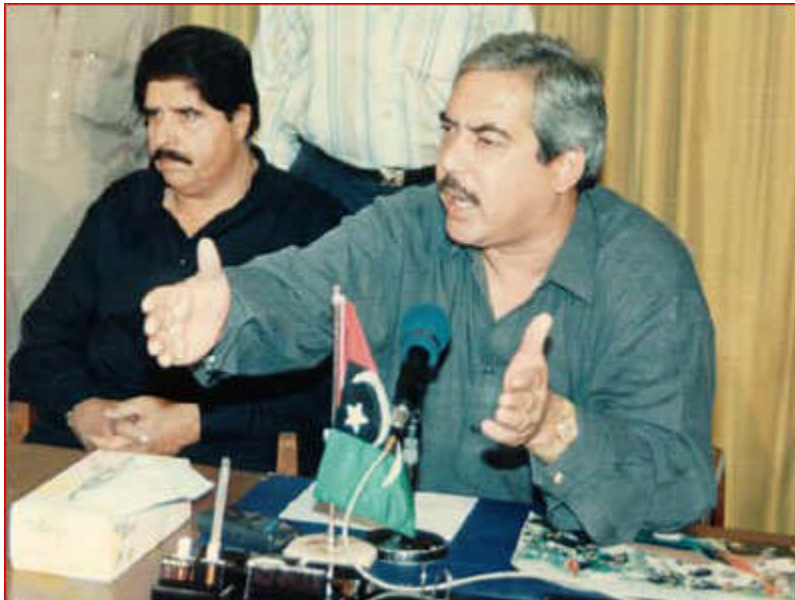
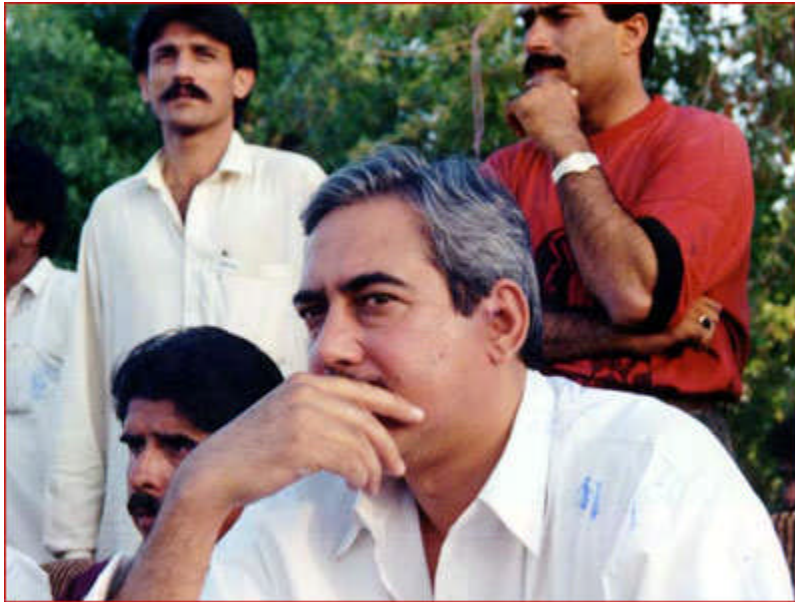
At a briefing to newsmen on Wednesday, PPP (SB) Secretary-General Rao Rasheed confirmed that the chairpersonship of the party would be announced by Ghinwa Bhutto herself within two or three days. He also announced Dr Zafar Arif has been appointed political secretary to Ghinwa Bhutto.

Mr Rao told newsmen that the central committee had set up a parliamentary board to be headed by Ghinwa Bhutto for awarding tickets. He said all those partymen who were interested in getting party tickets for NA seats should address their applications to Ghinwa Bhutto at 70-Clifton, with a bank draft of Rs 20,000 in the name of the party by Dec. 10. Similarly, he said, for the provincial assembly seats, the divisional presidents could recommend three persons with first second and third priority.

ALLIANCE: In reply to a question, Mr Rao said the PPP (SB) would enter into an electoral alliance with like-minded parties except the PPP headed by Benazir Bhutto. Without naming the Sindh National Front, he added that talks could not be held with parties whose manifesto's were not based on the 1973 Constitution.

In this regard, he said, talks were held with the leader of the National People's Party and further negotiations were going on with other like-minded parties. To a question, the PPP (SB) leader did not rule out the possibility of holding talks with the MQM.





ISI ALSO PROBING MURTAZA CASE

KARACHI, Nov. 28: The Sindh Home Department has clarified the points raised by the PPP(SB) in a Press briefing at 70-Clifton after its two days' session, published in newspapers of Nov. 28. "It is incorrect to say that the investigation of Mir Murtaza Bhutto's case has been entrusted to junior police officers. The investigation of the case is being conducted by crimes branch of the Sindh Police, headed by a DIG, along with a team of other senior and experienced officers," according to spokesman for the Sindh Home Department.

The spokesman further said that "the Sindh government has posted new DIG Karachi and a new DIG Crimes has also been posted whose services have been acquired from the federal government. At the same time, SSP South, Karachi, has also been transferred and a new SSP posted recently".

"It is also incorrect that the investigation team has not been changed. In fact, the present set-up of the investigation team has been drawn from experts of other specialised agencies of both the federal and provincial governments, including FIA, ISI, Intelligence Bureau and a SSP from other province to ensure that the investigation is not exclusively conducted by Karachi Police".

The spokesman further clarified that Mr Wajid Durrani has been kept in a bungalow in isolation for security reasons. "The provisions of Jail Manual are strictly applicable to the Sub-Jail where Mr Durrani is lodged. "It is also incorrect that the progress of the investigation is unsatisfactory. Contrary to this, all those police officials against whom prima-facie case was established or were nominated in the FIRs have been booked and arrested. They include SSP Durrani, Ex-DG, I.B Masood Sharif and other eleven police officials. However, some officers have been granted bail by the Superior Courts, including EX-DIG Karachi Shoaib Suddle, two ASPs and Inspector Zeeshan Kazmi.

The spokesman said: "In case any evidence is found against any other official, no one will be spared". "It would, therefore, be premature to say that no results have been yielded because the investigation of the case is still continuing and on completion of the investigation, the results would be known to the public," the spokesman added.

DETECTIVES HINT AT CONSPIRACY IN MURTAZA KILLING



LONDON, Nov. 29, 1996: Evidence collected by the former Scotland detectives about shooting of the Murtaza Bhutto in Karachi on Sept 20 last “points in the direction of a possible conspiracy” behind the shooting which Karachi police claimed at the time had been an accident. Reporting this on Friday, a British daily newspaper the Guardian quoted Mr Roy Herridge, a former Metropolitan police detective superintendent, who led a the 7-member team hired by the Sindh government saying last night that the report is due to be completed next week.

He told the newspaper that none of the 100 bullets shot in the confrontation with Mr. Bhutto – which would have revealed which weapons had been used in the killing – had been found and “appeared to have been removed for some reason”. Street lighting had been switched off in advance of the killing and the ballistics evidence showed that at least one gun had been fired from a position opposite that of the police, suggesting what Mr. Herridge called a “grassy knoll syndrome” – a reference to the 1993 assassination of US President John Kennedy. The newspaper report quoted Mr. Herridge as saying that his team had been unable to establish connection between police and political circles in the murder, which some people had initially blamed on the ousted Prime Minister.

Claiming the arrest of former High Commissioner Wajid Shamsul Hasan on what it called “appear to be trumped up charges” surrounding the investigation by former Scotland Yard detectives the newspaper says that the documents seen by it, confirm that seven British investigators, hired by the Sindh Chief Minister at Ms Bhutto’s prompting, were paid 200,000 pounds by the Pakistan Foreign Office while Mr. Hasan made the arrangements as the Islamabad government’s London representative. “This was also confirmed by the British team yesterday” the report said. – APP

IT WAS QUIET WHEN I ARRIVED ON THE SCENE: ARIF ILLAHI

H. A. Hamied

KARACHI, Nov. 30, 1996: The chairman of the three-member inquiry tribunal investigating the police firing in which Mir Murtaza and his seven companions were killed, Justice Nasir Aslam Zahid, on Saturday asked the then deputy commissioner of district south, Arif Illahi, why did he not even bother to find out how many people were injured and killed in the Sept 20 incident in Clifton and that why he stayed secluded in the hospital where the PPP (SB) leader, Murtaza Bhutto, was admitted.

The chairman, questioning the witness, asked why he continued to stay in the hospital and did not return to the scene of the incident to see whether the bodies were sent away or the wounded admitted to hospitals. The chairman asked him why as a deputy commissioner and in charge of the law and order situation in his district, did he not leave the hospital to find out other things, about the shifting of the dead or injured persons to hospital, when he saw that his SDMs had not done their jobs.

The witness, Arif Illahi, who is presently director of Inquiries-III in the Inquiries and Anti-Corruption Wing of the Services and General Administration Department, government of Sindh, replied that he spoke to the then SSP Wajid Ali Durrani, who was on the scene and that he had told him that six men had died, eight others were injured and six arrested.

For the arrest of Ali Sonara, the witness was asked, whether the SHO of Khokhrapar police station, in Malir district, was competent, without the permission or knowledge of the DC South or the police station concerned ?

The witness replied that in Karachi districts it is not happening that the police stations concerned should be associated with any arrest by the police of other district, while this is the practice in other districts of the province.

Mr Illahi denied any knowledge of the arrest of Ali Sonara in his district.

Tribunal: Since when this policy was changed and why permission is not being taken from the local police?

A: I say so because no such requests have been made.

The tribunal chairman, Justice Nasir Aslam Zahid, called for Dawn and Jang from his office and read a statement of the governor of Sindh, published on Saturday, in which he had said that there was no government in Karachi and mafia gangs were in control of the city.

Mr Illahi, 39, who relinquished the post of DC South on Oct. 1, answering another question, said before the incident took place, he was not consulted by the police where serious law and order question was involved.

A: For law and order problems where protest meetings and processions are held, yes.

Q: Were you aware that the incident had taken place or the services of any magistrate asked for?

A: No.

Q: When did you get involved in the incident?

A: It was a Friday. I was at my residence and was getting ready to go to a wedding party, when I received a message from the control south known as Adil South Base that shooting has taken place at Clifton and that the SHO Clifton PS and ASP Saddar were injured and taken to hospital. A couple of others were also injured and that the incident related to the apprehending of the guards of Mir Murtaza.

On this, I asked that the JPMC casualty should be ready to receive the injured and until then I was not quite sure of the whole incident.

Q: Was any of the higher authorities informed about it?

A: No. I could hear the message being transmitted on Channel 6 of the radio wireless system and also through this channel I came to know that there was a big traffic jam at Schon Circle in Clifton, therefore I took a long detour via Zam Zama Boulevard and reached the scene at

about 9:20 pm and saw SSP Wajid Durrani leaving in a Toyota jeep. When he saw me he came and sat in my vehicle and the time was about 9:25 pm.

Q: Was firing continuing at that time?

A: No. It had ceased.

Q: Did not the SSP say whether there was no danger then for them to move ?

A: The SSP was disturbed and he informed me that an encounter had taken place. We were hardly together for a minute.

Q: What was the situation on the scene of the incident?

A: ASP Tahir was there and he told me that Mir Murtaza was injured seriously and was bleeding profusely and had been shifted to nearby Mideast Hospital.

Q: What effect the scene had on you?

A: The impression was quite shocking.

Q: What did you see which shocked you?

A: I saw two bodies near a Pajero and one near the footpath and another body few paces away and two more bodies on the footpath, and a lot of blood.

Q: Did they look like dead bodies?

A: The bodies on the footpath of the DIG House were motionless and that the SSP was telling the ASP that one of the two was still breathing. I had never seen the six dead. The SSP said they have to be shifted. I was told by the ASP that Mir Murtaza was hit (by bullets) and he was in hospital. Then I went to the hospital.

- Q: When you reached near the scene of the incident, the street-lights were on. Did you see any police vehicles, APCs, police officers and men, private vehicles etc?
- A: I did neither see any police vehicles there nor any APCs, ambulances nor private vehicles.
- Q: Were any private vehicles caught up in the firing?
- A: When I reached the scene there was not much of movement there, all was quiet on either side of the road. ASP Tahir and two to three others were there. When I was leaving, SP Shukaib Qureshi was there.
- Q: Was the door of the DIG House open?
- A: No. It was closed.
- Q: Was his escort there?
- A: I don't recollect.
- Q: Any significant thing that the SSP might have told you?
- A: I was not told of Mir Murtaza's evacuation. ASP Tahir had told the SSP that he had evacuated Mir Murtaza and taken him to Mideast Hospital.
- Q: What about Ashiq Hussain Jatoi ? Did you know him?
- A: No.
- Q: Did you see the bodies?
- A: I did not see any bodies lying across the road next to the DIG's House, and one of the bodies on the other side of the road. I could not see properly.
- Q: Was the light sufficient to see the bodies?
- A: There was not much light.

Q: Were the street-lights on?

A: There was some light, but there was not much light on the other side coming from the Clifton.

Q: Did you inform the home secretary?

A: I rushed to the hospital immediately and the messages were transmitted on other channel other than No. 6.

Q: When did you inform the chief secretary?

A: I informed the chief secretary from the hospital's ICU, and he had already called me and he was already informed about it. I spoke to him three times and also informed about the condition of Mir Murtaza.

Q: You must have talked to the chief secretary about the post-mortem. When did you talk to him before and after his (Murtaza's) death?

A: I talked to the CS about post-mortem in the presence of the home secretary. Mir Mohammad Shaikh, an advocate, (member of the panel of legal experts of the PPP (SB) party) had said that post-mortem should be conducted at JPMC, to which I said it should be done here at Mideast.

Q: Did you know who else had died. Who gave that information?

A: I came to know when we were busy in the ICU. I called all my SDMs there.

Q: Till 1:30 am you did not know who else had died and also about Ashiq Jatoi?

A: The SSP did not tell me about Ashiq Jatoi and not even I asked for information. I had been repeatedly asking him about Ashiq Jatoi.

Q: When did you come to know about the death of Ashiq Jatoi?

A: Around 12:30 am and 1 am. Finally, at 2:30 am I came to know about Ashiq Jatoi, I had given different assignments to different SDMs. I had been asking the SSP about Ashiq Jatoi but until midnight or 1 am the body had not reached the JPMC mortuary. I sent one SDM to JPMC and another SDM to check at Clifton PS, to find out the whereabouts of Ashiq Hussain Jatoi, because Dr Ghaffar Jatoi had been requesting to find out Ashiq Jatoi's whereabouts.

Q: When you went to the place of incident at 9:25 pm, you saw no police cars present there. You were there and you must have made an observation?

A: I don't recollect having seen any police cars; they might have been involved in the encounter or shifted from the scene.

Tribunal: You may be absolutely correct but this is unbelievable.

Q: We will put it crudely that, suppose you were involved and your relations were involved. Would you say the same thing that you were not there and you have not seen?

A: I don't know whether those 2-3 police officers who were there were investigating the incident.

Q: Who was looking after Mir Murtaza?

A: A doctor and few attendants, and Dr Ghaffar Jatoi must have reached there after about 10 minutes.

Q: What was the condition of Mir Murtaza?

A: He was not lying peacefully. Drips were attached, he was in Shalwar-Kamiz, gasping for breath and oxygen was being given to him through the mouth and nose, when it was removed by the medical attendants.

Dr Ghaffar Jatoi was giving directions for the supplies and specialists. We arranged for blood, a cardiac surgeon, a general surgeon, and an anaesthetist. A thoracic surgeon was already there.

Q: When was Mir Murtaza pronounced dead?

A: At 11:55 pm.

Q: Was it considered necessary to shift him to JPMC?

A: I did not, the doctors were already attending the patient.

Q: Why there was delay in locating Ashiq Jatoi's body?

A: I was disturbed as the information given by the SSP was that Ashiq's body was there at JPMC, but actually when the search was made, it was not there.

Q: Why did you continue to stay in the hospital and did not return to the scene of incident to see whether the situation is being handled as it should be. Did Dr Ghaffar Jatoi ask you not to leave the hospital?

A: No.

Q: There was only one phone in the hospital and that was also connected through a exchange. Were you seriously prejudiced?

A: I was passing information through the SDMs. They were carrying out my instruction. Two more direct lines were established at the hospital through the General Manager, KTR, Capt. Zahir Mohammad Khan. By 11:30 pm two additional direct lines were provided.

Q: There was another injured in the hospital. Why was he made to lie on the ground floor?

A: He was on the ground floor. He was not being attended to and all the doctors were attending to Mir Murtaza. He was crying for help. He was quite restless. I ordered that he should be put on a police vehicle and sent to JPMC and my guard took him in a police mobile. I was sure that the doctors must have taken good care of him at JPMC.

Q: Why did you discriminate against the injured Dr. Mazhar Memon?

A: I didn't discriminate against him.

Q: Did you inquire of the SDM at JPMC about the condition of Dr. Mazhar Memon?

A: I was very happy that he survived. Now I don't recollect whether I inquired of the SDM who was made responsible.

On a question from assistant advocate-general Latif Abdul Ansari: Was any contact made by the then prime minister or any higher authorities. Have you submitted any report to the authorities?

A: I received two reports from the SSP which I had asked for.

Q: Did you ask the SDMs to submit any reports about the assignments you gave them?

A: Neither was any report called for nor they submitted any.

Khawaja Sharful Islam, counsel for SSP Durrani: Is it correct that you were concerned about Mir Murtaza only and not others to please the then administration?

A: It is not correct.

Q: Whom had you made responsible at JPMC to receive the dead and the injured?

A: SDM Mohammad Ali Shah of Saddar at the casualty ward and SDM Akram Saeed of Preedy at the mortuary.

Earlier, the tribunal examined two other witnesses and they were from the Edhi Ambulance control room in Kharadar, who had received wireless messages seeking the service of ambulances for the shifting of the dead and the injured from the scene. They were Syed Iftikhar Haider Shah, resident of B-47, Maria Square, Block-20, FB Area; and Abdul Sajid, resident of 2/581, Shah Faisal Colony No. 2.

SONARA IS THE BIGGEST RAW AGENT: ZEESHAN

H. A. Hamied

KARACHI, Dec. 1, 1996: Inspector Syed Zeeshan Hussain Kazmi, the suspended SHO of Khokhrapar police station, testified before the three-member judicial inquiry tribunal, which is investigating the police firing on Sept 20 in Clifton in which PPP (SB) leader Murtaza Bhutto and his seven colleagues were killed, on Sunday, and narrated the story as to how and why he arrested Ali Sonara who, he said, was a big terrorist belonging to the PPP (SB) party.

The 30-year-old police officer, who joined the police service in 1986 as ASI, gave testimony before the tribunal from 12:20- noon to 3:30 pm, with a break for lunch/prayer, and he relied on reports he had with him to give his evidence.

Tribunal: When the incidents of CIA raids, bomb blasts and Clifton incident took place?

SHO: The CIA raids on Sept 17, bomb blasts on Sept 18 and the incident at Clifton on Sept 20.

Q: When were you suspended and why?

A: On Nov. 10, when my name was mentioned in the third FIR by the complainant, and the department has not served any charge-sheet on me.

Q: Where did you arrest Ali Sonara?

A: At a building called Shantikunj in Eidgah police station limits.

Q: Who gave you the permission to arrest Sonara?

A: I talked to SSP Tanvirul Haq of district East and he gave me the permission.

Q: On what charges you arrested him? Was he involved in any case registered in your jurisdiction?

A: In Khokhrapar police station there was no case registered against him, but some terrorists living in Khokhrapar who were associated with AZO and Jeay Sindh men were said to have been meeting Sonara in Eidgah, according to my informers.

Q: When did the informers told you about Sonara?

A: On the same night. As Ali Sonara was living in another district, I asked for permission from the district East SSP, Tanvirul Haq, who asked me to go ahead.

Q: Did you inform the SSP (South) about your information and plans?

A: No.

Q: What force you had with you when the place was raided?

A: I had taken one APC and two mobiles and obtained one more mobile from Arambagh, which I returned after I realised the mistake about the jurisdiction of the police station.

I had a total strength of three mobiles and one APC. I got one mobile from Eidgah police station.

Q: How did you arrest him?

A: When Sonara realised that the police were after him, he was trying to run away and while making an attempt, he got down from the first floor of the building, and at the gate I nabbed him without any resistance.

Q: How did you know the man arrested was Sonara?

A: I had his full description and he also identified himself as Ali.

I took him to Eidgah PS where I made his entry and then took him to my police station.

Q: How long you detained him there?

A: After I had taken his remand, the SSP, D. M. Baloch, apparently on the advice of the DIG, informed me it would not be safe to keep him at my police station and it would be better if he was shifted to New Karachi, because his associates had stormed CIA centres for his search.

I took his remand from a STA court and confined him for 14 days for questioning.

Q: What were the cases in which he was arrested?

A: In a blind FIR registered with the New Town police station of the rocket launcher attack on Karachi TV station last year. His name was mentioned in the FIR and my informer, too, had told me that he was involved in the attack.

Q: For how long you know the informer?

A: Ever since I was posted at Khokhrapar police station he came in contact with me because there had been many firing cases in the area. Earlier, when I was SHO Clifton PS, the police used to talk about Ali Sonara for his involvement in several cases.

Q: Did you inform the authorities to locate him?

A: I did not inform or wrote to any body.

Q: Do you remember who were talking about Sonara?

A: No, I did not take this matter seriously. I don't remember the names of the policemen at Clifton PS at that time. I interrogated Sonara for 14 days. I did not get any other person connected with him.

Q: In any blind FIR if an informer tells you about a person, you arrest him?

A: Yes.

Q: In how many blind FIRs you arrested people on the basis of your informers' reports and later released them for lack of evidence?

A: There might be about 10-15 blind FIRs, and in case no evidence was available, some people were let off under Sections 169, 497 of CrPC.

Q: Were these blind FIRs of the period prior to your taking over as SHO or after you took over as SHO?

A: They were prior to my taking over as SHO, except one or two after my posting.

Q: How many informers you had in Khokhrapar?

A: There are about four or five.

At this stage, Suleman Habibullah, counsel for the SHO, objected to asking particulars of the informers which was not safe for them and the names and addresses of the relatives of Zeeshan, which might pose a threat to them from the terrorists.

The tribunal asked the counsel why he was raising objections to the retrospective evidence which had already come on record. The chairman said he should have objected to the questions when they were asked.

Q: Whenever a SHO is transferred and a new one takes his place, does he get the benefit of the informers associated with the outgoing SHO?

A: The new SHO is briefed about the informers.

Q: How do you verify the correctness of the information given by the informers?

A: They are generally correct.

Q: In the case of Ali Sonara, did the informer give the names of witnesses to support his information?

A: No, the informers had overheard some killers talking among themselves in a restaurant.

Q: Was it not necessary to arrest those killers also?

A: The killers had left the place, and if the informer had left the place earlier, he would have been killed on the suspicion that he was a police informer. After the killers had left the place, the informer came searching for me.

SSP Tanvirul Haq informed me that Ali Sonara had been involved in three cases previously, two of New Town PS and one from Sharea Faisal PS. In one case he had recovered a Kalashnikov in which a challan was submitted in court. Ali Sonara was involved in 10 more cases, and he submitted the list of the cases to the tribunal.

Q: How many terrorists have you arrested so far?

A: About 50.

Q: Were they connected with political parties?

A: Yes, they mostly belong to political parties.

Q: Any foreign agents arrested, may be RAW agents?

A: No, not foreign agents, but Sonara is the biggest RAW agent.

Q: Are your informers paid?

A: Yes, they are paid from the secret funds.

Q: Why did you consider it necessary to take permission for raids from your SSP?

A: If there is no time, I conduct the raid immediately without permission, but in other cases where time is available, I take permission from the SSP through the DSP.

Q: If Tanvirul Haq had refused permission, you would have not arrested Sonara?

A: No, I would have dropped the idea.

Q: The DIG had said there were 140 policemen against whom action was proposed for custodial deaths. Are you one of them?

A: No, I was not among them. Only one suspect had died in custody when I was the SHO of Nazimabad police station.

Q: How many policemen were killed or injured in encounters with you?

A: None was killed, but only 10 or more were injured.

At this stage, the recording of his evidence was adjourned until Monday morning.

Earlier, the tribunal examined Pervez, 21, who is working at Edhi Information Bureau at Mereweather Tower. He supplied the record of movement of Edhi's ambulances on the day of the incident to the tribunal.

The tribunal adjourned the hearing at 3:30 pm to re-assemble at 11:30 am on Monday when it will examine some journalists who were present on the scene.

SUDDLE, ASPs' GET PRE-ARREST BAIL FROM SC; 2 SHOS HELD

H. A. Hamied

KARACHI, Dec 2, 1996: The High Court of Sindh dismissed the pre-arrest bail applications of six policemen including the DIG, Karachi Range, Dr M. Shoaib Suddle, accused in the murder case of Mir Murtaza Bhutto and seven of his companions on Sept 20.

However, before the end of the day, the counsel for the DIG and two of ASPs, Rai Mohammad Tahir from Darakshan police station and Shahid Hayat Khan from Saddar Police station, K. M.

A. Samdani, succeeded in obtaining pre-arrest bail for them from the Supreme Court at Karachi, in the sum of Rs 200,000 each.

All the three accused kept waiting for the Supreme Court order from 2pm – the time when the Sindh High Court Justice Kamal Mansur Alam dismissed their pre-arrest bail – until 6pm. At 5pm, the courtroom of Justice Mansur Alam was closed and the accused had to leave the room and wait in the courtyard, until Mr. Samdani brought the order and showed it to the police.

There was a very large contingent of police inside and outside the court premises, which included over 20 mobiles and more than half a dozen other police vehicles. Two SDMs were also present to take the accused into custody in case the pre-arrest bail was not confirmed by the Supreme Court.

Police had made an offer to the accused that they may accompany them to the office of the investigation officer, AIG Noor Mohammad Pechoho and wait there until a legal remedy was put forward, and then go back home. This offer was not accepted by the three senior police officers, perhaps on the advice of their legal adviser. The other two accused, Garden and Napier SHOs Shabbir Qaimkhani and Agha Jameel who did not act swiftly to get an order from the Supreme Court were taken into custody by the police.

Another SHO involved in the case, Zeeshan Kazmi of Khokrapar police station, who was present in the court, did not stay there until the judgment

was announced and once again went into hiding, to re-appear before the Supreme Court at an appropriate moment for bail. He has to surrender before the court to get a fresh pre-arrest bail.

The order of the Supreme Court judge, Justice Saleem Akhtar said: "There are two petitions filed by Mr Mohammad Shoaib (Suddle), and Shahid Hayat Khan and Rai Mohammad Tahir challenging the order of the High Court of Sindh whereby pre-arrest bail granted to them has been rejected today. The office has raised objection that certified copy has not been filed."

"Mr K. M. A. Samdani, senior advocate, learned counsel for the petitioners states that the order was pronounced at 2:00pm and it was not possible to obtain certified copy immediately, although application has been filed by the petitioners. Learned counsel further states that the petitioners are sitting in the courtroom of the High Court of Sindh and the entire building has been surrounded by the police force for arresting them. "According to him there is imminent danger of their being arrested the moment they come out of the courtroom.

"Without going into the merits of the case which have been stated by the learned counsel, I allow all the three petitioners pre-arrest bail up to 4th December, 1996, which date the certified copy should be filed and the petitioners shall also be present in court. They are required to surrender in court on 3rd December 1996 at 9:30am. Pre-arrest bail is granted to the petitioners, each in the sum of Rs200,000 with one surety and P. R. Bonds in the like amount, to the satisfaction of the Assistant Registrar of Supreme court of Pakistan, Karachi. signed Saleem Akhtar, judge."

Earlier, the Sindh High Court Justice Kamal Mansur Alam in his nine-page order dismissed the pre-arrest bail application by observing that "there seems no dispute that as a result of police firing eight persons including Mir Murtaza Bhutto and Ashique Jatoi were killed and several others injured."

The order further said: "The controversy about Haq Nawaz Sial's injury being self-suffered and his subsequent death are matters which too cannot be overlooked. There is no reliable material available to suggest ulterior motive on the part of the police or the complainant. The fact that the applicant's name has not been mentioned in the interim challan would dispel any allegation of mala fides against the police. Incidentally, the omission of

applicant's name in the interim challan would perhaps suggest that there is also no 'genuine proved apprehension of imminent arrest' of the applicant.

"On the fact of this case, there appears no reasonable ground to suspect that the naming of the applicant in the FIR was mala fide or with ulterior motive. "For the foregoing reasons, I am of the view that this is not a fit case for the grant of pre-arrest bail to the applicant, as such; his application for pre-arrest bail is rejected. The earlier order granting interim pre-arrest bail to the applicant is recalled," the judge observed in his order on the application of inspector Zeeshan Kazmi.

The observation of the judge was made on the application of Zeeshan Kazmi, were similar in other applications of the suspects, the DIG and the two ASPs.

Suleman Habibullah appeared for inspector Zeeshan Kazmi, I. A. Hashmi for the complainant Noor Mohammad and M. L. Shahani, AG; Khawaja Naveed Ahmed for SHOs Agha Mohammad Jamil and Shabbir Qaimkhani of Garden and Napier police stations.

Suleman Habibullah said that he will move the Supreme Court for the bail of inspector Zeeshan Kazmi, on Tuesday morning, after filing the copy of the order of the high court, when his client will surrender before the court.

WE TOOK PHOTOS BY DODGING THE POLICE: PRESS PHOTOGRAPHERS

H. A. Hamied

KARACHI, Dec 2, 1996: The tribunal investigating the causes of the death of Mir Murtaza Bhutto and seven others in a police firing recorded the evidence of two Press photographers who said they had been beaten and maltreated by the police and their cameras seized, and one of them said he had not yet received his camera.

Zahid Hussain, 45, who has worked for Dawn, AP, Reuters and other newspapers and is now a freelancer, produced four photographs which he had taken and which had been published in Urdu daily 'Koshish,' where he was working on the day of the incident, and other dailies in the country and abroad. The photographs, taken in darkness after the firing, showed the bodies of the dead lying unattended and also showed one critically injured man sitting beside a Pajero vehicle, while armed policemen are standing by or moving around unconcerned.

Mr Hussain said the police had blocked all access to the place and the whole area was cordoned off, but he took advantage of the darkness on the scene of the incident to avoid being noticed and he spotted three bodies lying there, one of them beneath a car.

When he clicked his camera, the flash light alerted the police and they kept asking who was using the flash, but each time he retreated for a while by hiding behind the small trees on the central island and then moved again in search of his targets, that is, more bodies, and clicked the camera. Thus, he took four photographs and all of them in colour to the great annoyance of the police.

He said some of the cameramen were held by the police and when he had left the place and went to Mideast Hospital, his fellow photographers reported that they were still held up and their cameras had been seized and damaged.

At one stage, he said, he was told by the police to get lost (Bhag Jao) and he was also insulted and abused. Further narrating his story, he said he actually

dodged the police and went from place to place where the dead and the injured were lying outside the vehicles, whose doors were open.

The photographs were shown to the Press people also. The vehicles were neither damaged in the firing, nor were any weapons lying near the bodies. It looked that they were taken out of the vehicles and shot and most of them were clad in white shalwar- kurta.

Mr Hussain was asked by the tribunal to go in a car of the chairman to his former office of 'Koshish' and try to get some copies of the newspaper and return after lunch/prayers to resume his hearing. He returned with only one copy and promised to get more lately, if possible.

He also made a mention of the dead who were photographed at Clifton PS by one of his colleague from the same newspaper. The other witness was also a photographer, who is presently working for 'Mashriq,' and on the day of the incident he was working for 'Qaumi Akhbar.'

He presented a copy of the newspaper in which a number of photographs that he had taken on the scene of the incident and at the hospital were published.

The witness, Mohammad Azim, 28, said he had also taken a picture of Mir Murtaza when he was taken to the hospital and waiting near the lift on a stretcher. He described the condition of the PPP (SB) leader as very disturbing and he was struggling to breathe.

The witness also said he photographed the six dead men at the JPMC mortuary for his newspaper. He said between his assignments when he came to the hospital for the second time, his colleagues informed him that the police had beaten other photographers near 70-Clifton and their cameras had been seized, and the one belonging to Mr Bangash of AFP is yet to be returned.

When asked by the tribunal, he said he was carrying his Press card and despite that he had not been allowed to do his duty and it was at the will of the police, that is, what they should do. He said such Press cards are respected by the police when they have to highlight their "achievements" (karnamey).

At the end, Justice Nasir asked whether it would be acceptable to them if they are paid Rs 50 or more per witness, to which the newspapermen said it was not necessary that they should be paid.

The three-member tribunal, comprising Justice Nasir Aslam Zahid, judge of the Supreme Court (Chairman), Justice Amanullah Abbasi and Justice Dr Ghous Mohammad, judges of the High Court of Sindh, adjourned the hearing at 4 pm, to re-assemble again on Tuesday at 11:30 am to conclude the cross-examination of the witnesses related to the Press.

EXCEPT FOR THE DC & SSP, I SAW NONE AT THE HELIPAD: SDM

H. A. Hamied

KARACHI, Dec. 7, 1996: “Come back Mir, Come back Mir, your mother wants you, your Fatima wants you, and your Zulfikar wants you” were the words in English Ms Ghinwa Bhutto was uttering on the day Mir Murtaza Bhutto and seven others had been killed in the police firing on Sept 20. These words were recalled by the SDM Saddar, Mohammad Ali Shah, 41, resident of flat No. 15, GOR Colony, Bath Island, while testifying on Saturday before a three-member judicial tribunal inquiring into the circumstances that led to the murder of the PPP(SB) leader and others.

The witness said the injured was lying on a stretcher at Mideast Hospital in Clifton, and while holding his feet, his wife had been uttering those words, and it was then he realised she was the wife of the injured leader and until then he had not seen her. Then the time was about 10:30 pm when the deputy commissioner of South had summoned all the SDMs of his district to assemble on duty at the hospital. Mir Murtaza was bleeding from his neck and had been in great pain and his utterances were not audible, he said.

He said seven SDMs were summoned on the scene of the incident and six had turned up on time and the seventh came at 2 am because he was at a marriage ceremony and could not be contacted. The seventh SDM, Abdul Wahab Memon, was from Arambagh.

The witness said he first saw the DC South at the hospital when at 11:45 pm Irfan Qureshi, assistant police surgeon, arrived at the hospital with three MLOs from JPMC, and he inquired of them if any other body had arrived at JPMC. At 12:05 am two more injured had been shifted to JPMC and they were Ayaz Ali and Asghar Ali, both were out of danger. At that moment, the DC called him near to confer with him at Mideast Hospital and said Mir Murtaza had died. The DC and Dr Ghaffar Jatoi were in consultation with each other in the company of Mir Mohammad Shaikh, an advocate of Mir Murtaza, whether or not the post-mortem should be conducted.

At this stage, witness Mohammad Ali Shah again went to JPMC where he saw Dr Hameed Shaikh and inquired about the latest injured taken to the hospital and he came back to Mideast Hospital at about 1 am. He said the DC was there at the hospital discussing with him about the arrival of the chief minister, the prime minister and the arrangements for making available a helicopter to fly the dead out of Karachi.

Tribunal: Are the SDMs not provided with wireless sets to enable them to remain in contact with the administration?

A: There are wireless sets on the jeeps of the SDMs and the body guards monitor all the messages. The DC asked all of us to go home but remain in touch with the control and at 8 am I was asked to be present at Clifton helipad.

Tribunal: What was the arrangement at the helipad?

A: Mir Murtaza's family came first to the helipad at about midday and the body reached there later in an ambulance. The copter was surrounded by people and they clinched to the two aircraft.

Tribunal: Who were present at the helipad?

A: Except for the DC and SSP, I saw none at the helipad and they were the highest-ranking officials from the government.

Tribunal: What was the situation like at the helipad?

A: The atmosphere there at the time was one of agitation and protests from people who were demanding the arrest of killers and the crowd had been raising anti-police slogans.

Tribunal: What was the impact on your mind when you first came to know about the incident?

A: When I came to know of the incident, I first thought it was an encounter between the police and dacoits. But by the time the second or third injured came to the hospital, I realised that it was an encounter between the police and Mir Murtaza's men.

Earlier, Mohammad Akram Saeed, 38, assistant commissioner/SDM, was examined by the tribunal. On Sept 20 he was posted as SDM Preedy.

Tribunal: What was the first instruction given to you by the DC?

A: I was asked to locate Ashiq Hussain Jatoi's body, and at 1 am the first instruction given to me by the DC (South) was to search for the body of Ashiq Jatoi, in the company of his family members and four cars had left for JPMC, three belonging to the family and the fourth was his own. The party left for JPMC where they were told that Ashiq Jatoi was not taken there alive or dead.

There were two other injured who had been brought to JPMC, and till about 2 am none of the bodies were brought to the mortuary. From JPMC, the witness inquired of the control room where the bodies have been sent and why they were not sent to the mortuary of JPMC. Later, he said, six bodies were taken there in Edhi ambulances and they were off-loaded in the presence of a doctor and a paramedic.

Tribunal: Why did you not verify from other SDMs, such a SDM who was looking after the police station etc, as to where the bodies might be at that time?

The witness: Each of the six SDMs was assigned different roles and to look after different areas of operations and my job was to search for Ashiq Jatoi's body at JPMC.

Q: We are talking to a SDM, a responsible officer, who is concerned about law and order. Were you not supposed to look beyond the specific assignment, such as to talk to other SDMs, to find out where the bodies were? You should have been there with your eyes and mind open to look for information from any quarter and not to close your eyes to other sources?

A: Later, I was informed on control that one ASI is coming to the mortuary with the bodies in Edhi ambulances.

Q: When the bodies arrived at the mortuary did you see that they were covered with sheets as a mark of respect?

- A: I don't remember.
- Q: Who identified Ashiq Jatoi's body, was he bleeding?
- A: Friends and relatives of the deceased identified him in darkness with the help of lighted match sticks. He was bleeding from his wounds. They also identified another dead in the ambulance.
- Q: How long you remained in the hospital?
- A: I returned after the bodies were identified and informed about it to the DC. When I returned from there, the DC asked me to go home at 3:40 am or 4 am.
- Q: When you first arrived at the hospital what was the scene like? Were there many police and rangers' vehicles and private vehicles and was there a big rush of people around?
- A: There were a sizeable number of police and rangers' vehicles besides private vehicles and people had been going in and coming out of the hospital, but the Press corps were standing away as they were not allowed to take pictures inside at that time.
- Q: Did you see important government functionaries like the chief minister, chief secretary, commissioner, IGP, DIG, home secretary, MNAs or MPAs?
- A: I only saw Ms Ghinwa Bhutto and Jatois coming and going, but I did not see any other important people, like the governor etc, except SSP Durrani and the DC at about 3:45 am.
- Q: Did you come to know about the injured?
- A: Another SDM Mohammad Ali Shah, SDM Saddar, was made responsible for that and he had informed me that three people had been injured.
- Q: Did you made any inquiry as to why the dead were not taken to the JPMC mortuary?

- A: I didn't inquire, but as they were not being brought to the mortuary, there was no proper reply from the police and they had been evading a direct reply.
- Q: Did you go to Clifton PS to look for the dead?
- A: It was not my assignment to see to that.
- Q: Did you visit the scene of the incident in the next two days after the incident?
- A: No.
- Q: When you saw Press photographers at the fencing outside Mideast Hospital, did you find out what their problem was?
- A: No.
- Q: Was there any restriction on you that you should not visit the police station, especially to see where the bodies were?
- A: No, I didn't.
- Q: Did you ask Tariq Niazi, SDM of Civil Lines, if he had seen the bodies?
- A: I didn't ask him about this as my assignment was only to go to the mortuary and find out whether the dead and the injured had arrived there.
- Q: Did you contact the DSP of your area to know about the whereabouts of the dead?
- A: I had already sent messages to the DC and I didn't consider it necessary to find out from him.
- Q: Was every thing orally communicated and nothing in writing. Did you submit any report in writing to any senior official?
- A: I have not submitted any report to the DC or to anybody else till today.

Q: What type of messages were being transmitted on the radio channel 6 and who were using this channel?

A: The SDM, SSP, DIG and other senior officials and in connection with mainly security alertness and there was nothing about the incident as far as I remember.

Q: Did you inform the DC of non-cooperation of the police in giving out information about the dead, that is, as to where they had been kept?

A: This was in the knowledge of the DC.

Q: Was there any inquiry as to why there was such a long delay?

A: No.

Q: Was there any meeting held by the chief secretary on this issue. Whether this matter was discussed to locate where the lacunae or lapses were and those lapses or deficiencies should not be repeated?

A: No. Not in my knowledge. At the end of the examination of the two SDMs, the tribunal rose for the day to meet again on Sunday at 11:30 am to examine other witnesses.

MURTAZA BHUTTO TRIBUNAL PRESS REPORTER RECORDS HIS STATEMENT BEFORE TRIBUNAL

From: Iqbal Qureshi

KARACHI, Dec 11, 1996: Najeeb Ahmed, Crime reporter of the daily Jung , on Wednesday said that on September 20 last at about 9.15 p.m. he was near the 70-Clifton and on finding late Mir Murtaza and Ashiq Hussain Jatoi seriously injured shouted at the policemen standing nearby as to why were they not shifting the injured to the hospital.

After sometime an armoured carrier car reached near the four private vehicles parked in a row opposite the Clifton Garden and the ASP Roy Tahir got down from it and opened the left side door of the blue coloured Pajero. Mir Murtaza Bhutto seemed to be seriously injured got down on his own but staggered and with the support of Roy Tahir and some policemen was put in the police mobile in its rear portion.

He found Ashiq Hussain Jatoi, seated in the driver s seat with his head kneeled down on the steering wheel. As there was no movement in his body, he came to the conclusion that he was perhaps dead. Najeeb was recording his evidence before the 3-member enquiry tribunal probing into the causes and circumstances of the police firing on the motorcade of Mir Murtaza near his 70-Clifton on his return from Surjani Town after addressing a public meeting on September 20 last at about 8.35 p.m.

Headed by Mr. Justice Nasir Aslam Zahid, Judge of the Supreme Court of Pakistan. It consists of Mr Justice Amanullah Abbasi and Mr. Justice Dr Ghous Mohammad, of the Sindh High Court. Najeeb said that he knew ASP Roy Tahir before, but did not have intimate relations with him.

He did not know if the ASP Roy Tahir had accompanied late Mir Murtaza to the hospital. The policemen present there had threatened him for his presence on the scene of the incident and had been asking him to get lost. In the meantime, a group of Press reporters and photographers reached there near the DIG Karachi s bungalow and the policemen started manhandling the press people and snatching cameras from the photogrpahers. Giving the

background of his presence at the scene of the incident, he said that while he sat at the Karachi Press Club, an anonymous telephone call was received by him around 9 pm about the shoot-out near the 70-Clifton.

He rushed to the place and after dodging the police that he was one from amongst them at Schon roundabout the Do Talwar, roundabout reached near the DIG Karachi s bungalow just opposite the Clifton Garden and saw four private vehicles standing in a row. In the front was a pick-up, followed by a blue coloured Pajero, while Hi-ace Toyota and a Yellow Cab.

He saw some dead bodies lying on the road by the parked vehicles. He saw two dead bodies near the Pajero. He also noticed blood on the road near the vehicles. There was no police near the private vehicles. They were standing a little far away perhaps on account of fear. He was alone at that time watching the scene. While the police were pushing back the Press people, he hid himself by the boundary wall of the DIG Karachi. He saw the then SSP South Wajid Ali Durrani coming on foot from the *Do Talwar*, roundabout side and entering the bungalow of the DIG he was attired in shalwar, kameez, he looked at me but avoided to talk to me. He had the best of his relations with Durrani for the last two years when he was formerly as the SSP East. A little later, a police guard came out of the DIG s bungalow and asked him to go away from the place. He had perhaps been sent outside by Durrani.

The witness said that he then went to the Mideast Hospital and found Mir Murtaza lying in the emergency room of the hospital and the doctors attending him. He was unconscious, and profusely bleeding. He was of the view that Mir Murtaza had clinically died. Ms. Ghinwa and other members of his family and also of Ashiq Hussain Jatoi had also reached there and were weeping and sobbing.

He went to his office after midnight to file his story of the incident. After filing his report he contacted the doctors of the Jinnah and the M.E. Hospital as the follow-up of the incident. At about 1.30 - 2 am he went to the Jinnah Hospital and came in contact with two injured persons namely police constable Ayaz and Ashgar Ali. They had received bullet injuries. They were, however out of danger. He talked to them and obtained from them a brief account of the incident.

He had heard about the killings of six persons, but did not get any definite information in this behalf. He then went to the Mideast Hospital, but was not

allowed to go inside. There was a large number of police and the police mobiles and as well as the relatives and friends of late Murtaza.

He said, he was later allowed entry into the M.E. Hospital and saw there also Nasir Hussain the brother-in-law of late Murtaza. He however, did not see any high official including the Governor, the Chief Minister, IGP the Chief Secretary Sindh, the Commissioner Karachi or the DIG Karachi.

His statement about the incident has not been recorded by any agency including the police. He did not remember having noticed any arms lying besides the four private parked vehicles opposite the Clifton Garden. The information collected by him from different sources was that seven persons had been injured in the firing. He did not find any ambulance at the scene of incident. He had however, seen them outside the M.E. Hospital. Earlier the witness presented to the tribunal a copy of Jung, of September 21 issue carrying his byline first lead story.

The proceedings were then adjourned till Saturday at 9.am. Present at the proceedings were Barrister Azizullah Shaikh for Syed Abdullah Shah, Agha Karim Khan for the former DIG Karachi Shoaib Suddle and two ASPs Roy Tahir and Shahid Hayat, Sharaful Islam for the former SSP South Wajid Ali, Mr Manzoor Bhutta for the Shaheed Party and Mr. Nihal Hashmi for the arrested eleven cops including an ASI. Mr. Abdul Latif Ansari, the Assistant Advocate General Sindh was also present.

MIR HAD LITTLE CHANCE OF SURVIVAL WHEN BROUGHT TO MEH

H. A. Hamied

KARACHI, Dec. 9, 1996: Mir Murtaza Bhutto before his death at Mideast Hospital in Clifton was given blood transfusion donated by his daughter, Fatima, said Dr Syed Ejaz Shamim, 31, RMO at MEH, before a three-member judicial tribunal which is inquiring into the causes of Mir's death. Testifying before the tribunal on Monday, he said enough blood was available at the hospital, but in the ICU somebody brought a bag containing blood, saying it has been donated by the victim's daughter and that was transfused. He did not elaborate further as to who delivered the blood at the ICU. He also said that in his presence no official of the government was asked to procure blood from outside.

The tribunal, comprising Justice Nasir Aslam Zahid, judge of the Supreme Court; Justice Amanullah Abbasi and Justice Dr Ghous Mohammad, inquiring into the death of Mir Murtaza Bhutto and seven others, was informed by the witness during his one hour and 37 minutes deposition that there were conflicting views whether the post-mortem should be conducted in MEH or JPMC. Dr Shamim said as long as he was there in the hospital he did not come to know who was in favour and who was against the post-mortem to be conducted at MEH. On a question from the tribunal, the witness said he did not see MLOs examining the body till he was there until 6:15 am.

Q: What was the condition of Mir Murtaza when he was brought to the hospital?

A: He was brought to the hospital at 9:20 pm. He was struggling to breathe while lying on a stretcher near the lift and his condition was very critical, profusely bleeding from mouth and nostrils, with clothes drenched in blood. He was looking pale and unaware of his surroundings. The witness, who was the first doctor to start the treatment as a RMO, called anaesthetist, surgeons and other specialists, including Dr Ghaffar Jatoi, who is owner of the hospital.

Q: How the treatment was started and what measures were taken?

A: There was no blood pressure and through the intravenous method I pushed the plasma volume expanders, tried to stop the bleeding through pressure packing, manual pressure was applied to increase the level of breathing, and raised the level of his feet to increase blood circulation in upper parts of the body. Then Dr Ghaffar Jatoi arrived in the ICU and took control of the patient and at about the same time (the same night) RMOs Dr Niazi and Aziz Khawaja also arrived. Surgeon Ibrahim Soorma, a general surgeon, and Dr Haleem Kazi, anaesthetist, and other surgeons also joined the team.

Q: What was the man's condition like?

A: He was taking his own blood and in this condition it was difficult for anybody to survive. The chances were bleak and only a miracle could have saved his life.

Q: What was the condition of his heart?

A: The cardiac monitor showed a flat line from which it followed he had a cardiac arrest, that is, his heart had stopped beating.

Q: Had he been brought immediately, after being hit by bullets, were the chances of his survival better?

A: Maybe, the result would have been different, but I can't say he would have survived, and this was the view of the team of doctors present.

Q: What was the route of the bullet, where it entered from and exited from?

A: The bullet entered from the right side of cheek near the nose and exited from the left side of the neck. This had damaged his tongue and jaws. There was a pool of blood in his mouth which was obstructing the passage of an endotracheal tube to give him oxygen. There was abrasion where the bullet entered his face and a bigger wound from where it exited and it is normal to have such gunshot wounds.

He had no BP, was pulse-less, pale and unconscious and all this showed that a lot of blood was lost and when he had the first cardiac arrest at 9:50 pm, there was no movement in his body, it was motionless, but after one hour the heart revived which is a rare phenomenon. He said till he was taken to the operation theatre there were a large number of people, about 35, mostly relatives and friends of Mir Murtaza, watching the treatment being given in the ICU. The then prime minister, accompanied by the then chief minister; Yousuf Talpur, Munawar Suhrawardy, the speaker of the PA who was then the acting as governor, and Ms Naheed Khan also visited after 5 am. The post-mortem was not conducted till he was in the hospital until 6:15 am.

Dr Ibrahim Soorma, 63, was the next witness, who migrated from Burma (Myanmar) in 1978. The witness was called on emergency duty at 9:35 pm and at about 9:50 pm he reached the ICU after a long detour, because of the road blockade at Schon Circle. He said he knew Mir Murtaza personally as he had seen him a couple of times when he called on him as a doctor and he identified him in the ICU, where Dr Ejaz, RMO, was trying to pass through the endotracheal tube through the mouth to pass oxygen into the body, because of the bleeding and damage to the tongue and jaws.

The drips, he said, were on and the cardiac monitor was showing a flat line indicating the stoppage of the hear beats. After his arrival in the ICU, he got involved in giving medical attention and he also tried to pass through the endotracheal tube, but failed.

The doctors made a hole in the neck to pass a tube through which oxygen could be passed to the lungs, but it only worked as far as restoration of breathing was concerned. "We kept on resuscitation for restoration of blood supply so that he could have sufficient blood for the vital organs and his body could have enough oxygen for his brain, kidneys and liver," he said.

The doctor was of the opinion that if these organs start working again, they can be revived, and though he did not start breathing, "we were hoping that a time will come when his heart could start beating again, but the cardiac monitor was showing the line flat." The heart started beating again after sometime, but not immediately.

Q: If the heart stops, the blood doesn't reach the brain?

A: Maximum time allowed is five minutes. If oxygen is restored to the brain there is a chance of recovery within five minutes, and once the brain is damaged it cannot be revived again and the brain's higher functions stop.

The patient may be able to breathe and his body functions normally, but the brain damage is final and this stage is called vegetable, and to come to the conclusion, one has to look at the pupils to see the extent of damage to the brain. When the brain damage occurs, the pupils became dilate or else it contracts and would react to light.

Q: You said his heart started beating again, what did you do next?

A: It should be tried to secure the bleeding points, like the mouth, jaws, tongue and neck. He was taken to the operation theatre where he was lying on his back unclad, to look for the bleeding points. There was nothing on the right side and before anything could be done, his heart again stopped, which was the second time. We opened the chest for open cardiac massage which was tried for some time but there was no response and the man died at 11:55 pm. He was declared dead by all of us.

Q: Can you tell at what time he was brought to the hospital?

A: According to the information gathered by me later, the time was 9:20 pm.

Q: Looking at his condition, if he had been taken to other hospital, would that had made any difference?

A: I don't think so, chances were none, and only a miracle could have saved him in that condition. When I first saw him at 9:50 pm, he appeared dead.

Q: Had he bled profusely when you saw him first?

A: I guess so.

Q: When was he wheeled into the ICU?

A: I don't know.

Q: Was much time lost in taking him to the operation theatre from the ICU?

A: No. Both the places are on the same floor with no connecting door, only a passage between corridors of 10- 15 yards and the idea of taking to the operation theatre was to make him breathe.

Q: Any official agency recorded your statement about the incident etc?

A: None. This is the first time that I am being asked about it.

Earlier, when the proceedings resumed at 12:30 pm, the office of the AG had six doctors for their testimony, all from MEH, and the chairman observed that since not more than two witnesses can be examined in a day, why then six doctors were called for the testimony, and ordered that four others should be sent back as there might be some emergencies at the hospital to be taken care of.

The chairman said the tribunal is going into the details of the incident and it is not possible to examine six doctors in a single day. "We don't want to disturb the arrangements at the hospital and affect its working," he said. The session started at 12:30 pm and concluded at 4:30 pm, and the proceedings were adjourned to resume again on Monday at 12-noon.

THERE WAS ONE CALL FROM PRESIDENT'S HOUSE

H. A. Hamied

KARACHI, Dec. 8, 1996: Testifying before the inquiry tribunal, the additional commissioner/ADM of Karachi said "yes" to a question that the entire force deployed at Mideast Hospital were concentrating on Mir Murtaza Bhutto, because he was the brother of the then prime minister.

Niaz Hussain Shah, additional commissioner of Karachi, was answering questions from the tribunal, comprising Justice Nasir Aslam Zahid, judge of the Supreme Court; Justice Amanullah Abbasi and Justice Dr Ghous Mohammad.

To another question, the witness said: "You may say so, sir," when asked that the testimony shows that the liaison between various officials working on the scene of the incident and at the hospital was very weak. On the day of the incident, he was SDM and recently he has been made ADM.

Q: Everybody, including the DC and seven SDMs, it seemed were concerned only about the life of Mir Murtaza, and the other dead and injured men were not taken care of. Why was it so that no real and urgent action was taken for the injured which could have saved their lives? The seven dead men were also neglected, any reason for this obvious negligence?

A: Our job was to act on the advice of the DC and we acted according to the directions given by him.

Q: We are dealing with people, not buildings, where the lives of people are involved. Did you make any offer to shift the injured or the dead to safer places or to hospitals?

A: No.

Q: According to your knowledge, was any inquiry made, or action taken, specially when the DC was transferred 10 days later, about the lapses?

A: I was not told of any such thing.

Q: Was your appointment made on merit in the district administration?

A: Yes, 50 percent of the appointments for senior positions are made by the Sindh Public Service Commission; 38 percent from promotions and 12 percent from the secretariat and staff of the ministers, chief minister and the Board of Revenue through nomination. I was from the last category.

Q: None of the ministers and other VIPs was present either on the scene of the incident or at the hospital. Were you examined before by any official agencies about the incident?

A: No. It is for the first time that I am being examined to give evidence on the subject.

Nasir Hussain, brother-in-law of Mir Murtaza, was there all night and he was shouting at the police, saying that they have killed his brother. He was hitting the wall while cursing the police.

Q: Where did you get the details of the encounter and from whom?

A: The first information was from the control which said that an ASP, a SHO and Mir Murtaza were injured. At about 11:30 pm Dr Ghaffar Jatoi was talking to the DC about the welfare of Ashique Jatoi, his brother-in-law.

Q: Did you visit the scene of the incident to check about the injured and the dead. Or you remained at the hospital?

A: No.

Q: Were you aware that the DC had visited the scene of the incident where the dead were lying. Did he ask anyone of you to go and see whether the dead were lying on the road or not?

A: I did not hear any such directions. I also recollect that the DC (South) was asking the SP (South) about the bodies. It was at about 2:30 am

and 3 am that for the first time we came to know about the whereabouts of the dead.

After the death of Mir Murtaza, the DC said it was likely that the body would be taken to Larkana for burial and I was asked to arrange for helicopters. I got in touch with Col. Sajjad of Edhi Ambulance Service for a helicopter which was made available at Clifton helipad at 9 am. At about 3 am all the SDMs were asked to go back, except the SDM Civil Lines, Tariq Niazi, and were further asked to report back at 8 am at the helipad. At about 8:30 am we were back at the helipad and at 9 am the copter arrived there. But in Lyari indiscriminate firing had been going on and Mauripur Road was blocked with vehicles, and since the area was under my jurisdiction, I left for the troubled spot and the police from Baghdadi and Kalri police stations had already reached there.

Q: How did you clear the blocked road? By firing, by firing rubber bullets, water cannons, or what method you applied?

A: Near Gulbai the traffic was jammed. With the assistance of the police, we got the blockade cleared. Stone pelting and firing had stopped and that made the work easy to clear the road of all obstacles. Firing had been going till 10:30 am at other places like Gul Mohammad Lane and Bhitai etc. Shots were also being fired from the roof-tops in protest against the killing of Mir Murtaza and his men. As soon as the police mobiles moved in the firing stopped. I stayed there for the whole day on Saturday and I didn't go to the hospital in Clifton.

Recalling earlier developments before leaving for Lyari, he said Mir Murtaza's body was taken out at about 8:30 am from the hospital and taken to 70-Clifton. From Schon Centre to 70-Clifton, the area was cordoned off by the rangers who were in their vehicles. Another witness who was examined earlier was the SDM of Arambagh, Abdul Wahab Memon, who lives in Lyari, and had reached Mideast Hospital at 2 am, and at 3:30 am all the SDMs excepting one were asked to go home and returned at 8 am the same morning.

Q: Were there many people in the area?

- A: There were a large number of people around the area, especially on the main road.
- Q: Were there police and rangers vehicles present and also the Press people?
- A: Yes, but till about 2 am to 3:30 am there were no Press people.
- Q: Did you see any senior officials there?
- A: None, except the DC.
- Q: You have worked with the government and you must have known or met ministers and political personalities?
- A: Yes, but I did not see anyone of them.
- Q: At the hospital you came to know about the encounter between Murtaza's men and the police. During your two- hour stay there did you come to know about the number of the dead or the injured?
- A: No.
- Q: Did you come to know that Mir had died in the same encounter?
- A: Yes.
- Q: Did it not occur to you to find out what had happened and how many had died and injured?
- A: The position was not clear.
- Q: You went home and slept?
- A: Yes.
- Q: You came to know the details from the newspapers?
- A: Yes.

Q: Were any reports of the incident prepared as to what had happened. Any statement of yours recorded by any investigation agencies?

A: No.

Q: Any review meeting on the situation?

A: No.

Q: Given any task?

A: No.

Q: When did you first see the place of incident after Sept 20?

A: Three or four days later.

Q: While you were returning home at 3:30 am, did you visit the site?

A: No. It was too late at night. With the exception of the area SDM, Tariq Niazi, the other SDMs were allowed to go home.

Tribunal: Whether the SDMs are required in their present positions, after what they have stated before the tribunal that they were not concerned about any law and order situation because they saw nothing, did nothing, heard nothing and inquired nothing.

Another witness examined by the tribunal was Agha Zahiruddin, 35, SDM Eidgah, who is the son of a former judge of the High Court, Agha Saifuddin.

This witness testified that when he reported on duty at Mideast Hospital, he was asked by the DC (South) to procure four pints of blood of B-positive group from Civil Hospital's Patients Welfare Association. He said he got the blood and returned to the MEH and it was handed over to Dr Ghaffar Jatoi, and from that time onwards until 3:30 am when he left for home, he concentrated on the second floor of the hospital at the ICU.

On the morning of Sept 21 two helicopters took off from Clifton helipad. In one of them the family (Murtaza's) travelled and in the other Murtaza's body was placed. The helicopters took off at about 1:30 pm on that date. He said it

was his first statement recorded about the incident and never before he appeared to give any evidence. No meeting was either called or arranged where the commissioner or the chief secretary reviewed the incident.

Tribunal: What was the reaction of people who had assembled at the helipad?

A: The mood of the crowd was anti-police and the crowd was highly emotional. They were angry against the police and they were chanting the slogan “killers give the account of blood.”

Q: Any inquiries from the top about the incident?

A: Yes, one call came from the President’s House in Islamabad.

After examining the three witnesses, the tribunal rose for the day to re-assemble on Monday morning at 11:30 am to record more evidences.

PPP(SB) FILES LIST OF 22 WITNESSES

KARACHI, Dec. 8, 1996: The PPP(SB) party on Sunday filed a list of 22 witnesses which it would like to be examined before the three-member judicial tribunal, investigating into the circumstances which led to the death of Mir Murtaza Bhutto and seven others on Sept 20. The first 11 witnesses to be examined are those the party believes will prove the conspiracy and establish the motive for murder. They include Masood Sharif, former director general of the Intelligence Bureau.

Mr Sharif, arrested by the police in the same murder case, will be asked to produce the record of reports submitted by the bureau at Karachi, on the basis of which it sought permission for action against Mir Murtaza and his men. Another witness, secretary general of the PPP (SB), Rao Abdul Rashid, is also likely to establish the motive for and conspiracy to murder. Others cited in the same category of witnesses are: Ishaque Khakwani, and Dr Altaf Khwaja, deputy secretary general of the party; Kamran Khan, correspondent of The News; Ahsan-ul-Haq Bhatti and Abdullah Baloch, members of the central committee of the party; Dr.Zahid Hussain Jatoi, brother of the late Ashique Hussain Jatoi; Khalid Khan Dalmian, ex-MPA Rahim Bux Jamali; and Behram Khan Ujjan.

The list was submitted by Manzoor Bhutta, counsel for Dr Mazhar Memon and others and also on behalf of Mujeeb Pirzada and Abdul Hafeez Pirzada, counsel for the PPP(SB) and Ms Badrunnisa Jatoi.

The other half of the list includes Mahmood Bhalia, Ayaz Dayo, Qaisar Baloch, Ghulam Mohammad Bhutto, Akhtar Mirani, Waqar Hussain Zaidi, Noor Mohammad Gugo, Ismail, Asif, Asghar Ali and Dr Mazhar Memon. They were among the eye witnesses to the incident and those who were travelling with the motorcade of the late Mir Murtaza Bhutto.

HOW SEVEN SDMS COULD FAIL TO FIND THE DEAD, ASKS ZAHID

H. A. Hamied

KARACHI, Dec. 14, 1996: A photographer of AFP (Agence France Press), Saeeduddin Khan Bangash, submitted before the three- member judicial tribunal, investigating the causes of the death of Mir Murtaza Bhutto and seven others, that the police and rangers obstructed newsmen from performing their duties and his camera and other equipment were seized by the police on Sept 20 and had not been returned to him so far.

He said policemen were deployed on the scene of the incident and at the hospital nearby only to suppress newsmen's professional activities and he lost his Nikon camera, lenses and flash gun costing 3,200 US dollars. However, some lenses costing 600 US dollars and a flash gun costing about 300 to 400 US dollars, which were also seized, were returned.

The tribunal chairman, Justice Nasir Aslam Zahid, asked DSP Shamim Hussain, who is assisting the tribunal in producing the police witnesses, to inquire about the camera and other equipment, and later he reported back that there was no trace of it with the police and the SHO of Clifton PS came to the tribunal to say so. The police, the witness said, was not in good mood and looked desperate and was shouting at the Pressmen to get lost. He said photographic equipment of other photographers were also seized but were returned after several hours. Mr Bangash said efforts were made to recover the camera and other equipment, and in this connection his agency and he himself contacted SP Shukaib Qureshi, but in vain. On two occasions, the SP was not available and on the third occasion, when inquiries were made, he had gone on leave.

Q: Why the then DC (South), Arif Illahi, and the SDM could not find the whereabouts of Ashiq Hussain Jatoy till 3:30 am ?

A: I don't know. The police were panicky and were not correctly responding to queries, although all such information had to come from the police.

Q: Was the panic unusual?

A: Yes.

Q: What photographs did you take on the scene?

A: I took the photograph of a jeep with an injured man sitting near it on the road. I saw another body lying nearby and other vehicles, too, were there.

Q: Do you have those pictures?

A: The police may be having them, because the camera was seized. Two policemen had been deployed there and their main job was to obstruct the newsmen from performing their duties and they were aiming their guns at them. In a few seconds I had taken some 8-10 pictures.

The witness submitted the printouts of the pictures before the tribunal, comprising Justice Nasir Aslam Zahid, judge of the SC; Justice Amanullah Abbasi and Justice Dr Ghous Mohammad. He said whenever he flashed his gun, the police became alert. When the camera first clicked the police did not react and when it clicked for the second time, I heard a voice, saying "who are they, get hold of them," and the utterances were in abusive language.

"After my camera was seized by one of the two policemen, they also took my bag containing films, lenses and batteries which were later returned to me," the witness said.

I sent for another camera, which came immediately and I lost all the pictures taken earlier along with the camera. Another video film maker arrived and while he was approaching the scene, I shouted at him and warned him to beware of the police because they had already seized cameras of other photographers.

Q: What happened when your cameras were seized by the police?

A: I contacted the police and the AFP bureau chief in Karachi also contacted the SP (investigation and inquiries), Shukaib Qureshi, and he had called for a report which was submitted in his office. Later, I contacted the SP but he was not available, when I contacted again, I

got the same reply, and on the third occasion, I was told that he had gone on leave. The second witness examined was Kamran Mansur, 32, police reporter of an English daily, The News, who said he received the information about the firing incident at Clifton at 8:40 pm and within 10 minutes, after verifying the information, he was there on the scene of the incident. He said he was stopped by the rangers at Schon Circle and he stopped his vehicle there and walked the rest of the distance.

Q: What did you see?

A: I saw five dead men lying on the road in different postures and three private vehicles, two jeeps and one Hi-roof vehicle, besides three police vehicles.

Q: When there was darkness how did you see the dead and which vehicles were there?

A: In the light of the headlights of the police vehicles.

Q: Where were the dead and the injured lying and in what condition?

A: Four were lying on the footpath and the other two were shifted from the road to the footpath in my presence. There were not many policemen on the scene and I cannot say that the two policemen were guards at the DIG's House. Of the six injured, I saw Mir Murtaza was one of them.

Q: Were the injured shifted in your presence to hospital?

A: Yes. Two of the injured were shifted to hospital, and four policemen lifted Mir Murtaza and put him on a mobile and took him to hospital. A policeman was also seated in the front seat.

Q: What did you do next?

A: I immediately rushed to Mideast Medical Centre. The third witness examined was Syed Ali Murtaza, 26, SDM Garden. He said he received a call from the control at 9:30 pm about the firing incident at 70-Clifton.

When he reached there, he saw an APC, two rangers' vehicles at Do Talwar and the road leading to 70-Clifton was closed.

Q: What did you do after reaching the hospital?

A: I saw Murtaza on bed, and he was being attended by two to three doctors. Ms Ghinwa was also there. His Kamiz (long shirt) was taken off and he looked unconscious and I did not see much blood. His Shalwar was blood stained, and the DC asked me to arrange a direct telephone at the hospital.

Q: Did he ask for a hot line at the hospital?

A: The DC got in touch with Niaz Hussain Shah, SDM, to get a hot line from Clifton telephone exchange. Hameed Haroon was also inside the hospital and he had asked for an ambulance which perhaps meant that there was a possibility of shifting Murtaza to some other hospital. The impression I got was that the condition of the patient had not been good and, therefore, he was being shifted to some other hospital. I went to the second floor where the ICU is located.

The DC asked me to arrange for an ambulance. As the Edhi ambulances were not good, I reported back that AKUH ambulances were not available at that time either. Hameed Haroon then asked me to get one from St. John's Ambulance and also try to get one from the AKUH. The DC (South) was asked by Ashiq Jatoi's family about his whereabouts.

Q: Your job was to find out where Ashiq Jatoi had been taken to?

A: I asked the police to find out where Ashiq was taken. The control room again said they had no information about him. While I was downstairs three ambulances from Edhi, St. Johns and AKUH arrived in my presence and the time then was about 10:30 pm. There were around 10-20 policemen outside, and they were stopping photographers from entering the hospital.

Q: There were seven SDMs at the hospital, yet all of them put together could not locate where the dead and injured were.

- A: I came to know that some have died, the exact number is not known.
- Q: What did you do next?
- A: He (Murtaza) was taken to the operation theatre. He was dead at about quarter to 12 midnight. Tariq Niazi, another SDM, was in the hospital and policemen also came there on the second floor after the death of Mir Murtaza. I also saw Nasir Hussain, brother-in-law of Mir Murtaza, who was very angry with the police and abused them and possibly there was a scuffle between them.
- Q: Did Hameed Haroon ask you to call an ambulance, who told you that Mir Murtaza should be shifted?
- A: Hameed Haroon and others had not said that the injured is being shifted, but people looking after him gave me the impression that they wanted to shift him to some other hospital.
- Q: Did you go to the place of the incident?
- A: No.
- Q: Can you give any reason why the entire bureaucracy of the government did not know the whereabouts of the other dead men and of the injured persons.
- A: The injured or the dead could not be located only on wireless messages.
- Q: Can you give any reason why no effective answer was given as to why one or two SDMs did not go to any of the hospitals where possibly the dead and injured could have been taken?
- A: If one of the SDMs had been sent to a hospital, why did not you come to know about the number of the dead or the injured and where were they shifted?
- Q: Seven SDMs could not find out where the injured or the dead were lying?

- A: I did not get any definite information from the police.
- Q: If the police were not responding and that they were in panic, could not you have contacted the home secretary or the chief secretary?
- A: There was no response from the police, they were panicky. There was no trace of Ashiq Hussain and people were hurling abuses at the police, saying that they were Punjabi police.
- Q: Was any meeting held to review the situation after the incident to find out lapses on the part of the police and the administration? The SDMs were not doing anything on their own except on the directions of the DC?
- A: No. I did not do anything on my own. The tribunal adjourned the hearing at 3:30 pm to resume on Sunday at 9:15 am.

GHINWA RELEASES PARTY MANIFESTO

LAHORE, Dec 14, 1996: PPP(SB) Chairperson Ghinwa Bhutto is likely to contest from two national and two Sindh assembly seats from Larkana and Mirpurkhas. According to party sources, she will be contesting against Ms Benazir Bhutto from a National Assembly seat from Mirpurkhas. But in Larkana she will be a candidate from NA-164 from where Begum Nusrat Bhutto has been winning since 1988. As for Sindh Assembly seats, according to sources, Ms Ghinwa will be a candidate from PS-31 (Larkana-III) from where her husband was returned in 1993. She is also due to contest for a PA seat from Mirpurkhas where she expects support from the MQM. She will select either PS-50 or PS-51 from where MQM candidates won in the 1993 elections. Talks with the MQM leadership are said to be in progress. The PPP(SB) chairperson says she is yet to decide whether she will contest elections against Ms Benazir Bhutto or whether she will be a candidate from Lahore as urged by party workers.

In reply to a question at a news conference held after a meeting of the party's central executive committee here on Saturday, she ruled out an election alliance with the PPP headed by Benazir Bhutto. "Our main grievance is against her; she has deviated from the party programme and principles as enunciated by late Zulfikar Ali Bhutto", she added. She said her party was satisfied with the performance of the caretaker government to the extent that it was propounding the idea of accountability of the corrupt and that the process would continue in the future. "But we wonder why the process is so painfully slow. It must be geared up".

MANIFESTO: Explaining the salient features of the party's manifesto for the coming elections, Dr Mubashir Hasan, who has been assigned to give final shape to it, said it had kept the four fundamental principles as enunciated in the PPP's founding documents – Islam is our religion, democracy is our polity, socialism is our economy and all power to the people. The manifesto stands for abolition of the Eighth Amendment and the concurrent list of subjects in the constitution, restoration of women's seats in legislatures up to 20 per cent, giving constitutional protection to the local government system and ratification without reservations of the UN conventions and protocols on human rights and labour adopted by the government. It also ensures

protection of women and minorities rights and repeal of all laws which are discriminatory on the basis of religion and gender.

FOREIGN: On foreign policy, the PPP(SB) manifesto said that Pakistan should not become a front-line state of any power and there should be no foreign bases on the country's soil. As for India, the manifesto stands for resolving disputes peacefully under a policy outlined by the Simla Accord which was ratified by the National Assembly.

ECONOMY: The PPP(SB) stands for a mixed economy where national capitalists will be supported against an onslaught of fuedals and international capital. It says that the private sector should be permitted in all spheres of investment and production. Foreign investments will be welcome as long as it serves the national interest. It wants an institutional framework for active participation of the private sector in policy-making and monitoring economic policies. Asked whether the party's economic programme was not in conflict with its principles of socialism, Dr Hasan said the contemporary interpretation of socialism, as practised in the Scandinavian countries, does not bar the role of the private sector in economic dispensation.

I WAS NOT TOLD BY POLICE BEFORE THE ACTION WAS PLANNED

KARACHI, Dec. 10, 1996: Testifying before the three-member tribunal investigating the cause of death of Mir Murtaza Bhutto and seven others, Tariq Niazi, SDM Civil Lines, said he as an area magistrate was not informed by the police before the action was planned against Murtaza and his companions on Sept 20.

He said neither the deputy commissioner of district south was informed about the planned action. The tribunal, comprising Justice Nasir Aslam Zahid, judge of the Supreme Court; Justice Amanullah Abbasi and Justice Dr Ghous Mohammad, was informed by Mr Niazi that "I should have been present on the spot to negotiate or to pass any order through a magistrate or myself. I was the area magistrate. "They (police) did not inform me for which I cannot give any specific answer."

Q: There is no liaison between the police and the civil administration?

A: There is liaison between the two and we have been cooperating where public meetings, processions and agitations are organised.

Q: Did you protest about this lapse?

A: Yes, I told the DC about it and he also said it was strange that we were not informed.

Q: Are you aware of any inquiry held as to why the lights in the area were switched off?

A: No, I am not aware of any such inquiry into the incident.

Q: Did you check the daily reports of the police station to find out the movements of the bodies?

A: I did not, because the DC had already taken note of it.

Q: Can you tell us why the entire administrative set-up was concentrating on Mir Murtaza, leaving aside the other injured and the dead in the incident, except the arrival of the then prime minister, removal of Murtaza's body to 70-Clifton and the departure of helicopters to Larkana and a little effort for Ashiq Hussain Jatoi. Was it possible that the bodies could not be located?

A: Maybe, such impression was formed.

Q: Was that a false impression?

A: I don't say that a false impression was created.

Q: You are saying everything was obvious, but why don't you say what was obvious. Was there any enemy who could take away the bodies mysteriously?

A: I didn't contact the DC to know where the bodies were because he had himself taken note of.

Q: Did you visit the scene of the incident?

A: No, because the DC had already visited the site.

Q: When you were there, why didn't you keep your eyes and ears open to see things which were very obvious, such as noting down the numbers of vehicles, and there were seven SDMs performing minor duties such as providing blood, arranging for the helicopter, making efforts for search of bodies, installing direct phone etc.

A: We were doing what the DC had asked us to do.

Q: What else you did on the scene of the incident?

A: I sent for some children from the nearby Madressah for reciting from the Holy Quran on the directives of the then prime minister. I also arranged for ice slabs and the ambulance to take the body from the hospital to 70-Clifton.

Q: What was the situation like at the Clifton helipad at the time of taking the body of Mir Murtaza to Larkana?

A: An emotion-charged crowd of 2,000-3,000 was chanting anti-government and anti-police slogans. I could not control that crowd with the help of 30 policemen and I pulled back the police force.

Q: Have you submitted the account to any other authorities other than the DC?

A: No.

Q: Did you tell the DC that you saw three vehicles on the scene of the incident at the time you were going to Clifton police station and one of them was smashed?

A: I was sent to report about the bodies at the police station and not to report about the vehicles stranded on the scene.

Q: Did you consider that the condition of the three vehicles, the pool of blood and patches of blood were un-important. Did you note the numbers of the vehicles?

A: I thought it was very obvious and the DC had already visited the site. I did not note the numbers of the vehicles. At this stage the tribunal felt that no useful information was forthcoming from the witnesses and nobody wants to share such information to enable us to come to some conclusion.

Q: When did you go to Clifton police station in search of bodies and what did you see?

A: The SHO was not there and the duty officer was also not there. I looked around and there were no dead bodies there. I was told by the constables that they might have been taken to hospital from the scene of the incident and the other guards present there also gave the same answer.

Q: Did you check the lock-up at the police station?

A: No.

Q: Did you check at Darakshan police station which is in the same compound?

A: No, I went back to MMC (Mideast Medical Centre) and at that time the DC knew that the bodies had already arrived at the JPMC mortuary.

Q: When you visited Clifton PS from MMC, did you see any obstruction on the road?

A: I passed through the main road and three vehicles were stranded there, a blue Pajero, a Toyota Hi Lux and a small car. There was no traffic on the road as it was closed and no police vehicles either. It was darkness all around and no lights which could illuminate the place.

Q: Did you see any dead body on the road?

A: No, I saw pools of blood, patches of blood on the side of the vehicles and there were no police or rangers.

Q: What did you see when you reached the hospital where you were called by the DC?

A: The DSP and I reached at the same time and the former asked me what was the problem to which I replied I don't know. I went inside the ICU and was asked to call the anesthetist, a thoracic surgeon and an ENT surgeon from JPMC, which I did. I saw Mir Murtaza gasping for breath, there was a wound on his neck and he was bleeding from mouth and nose.

Q: What should have been your priorities when you reached the hospital?

A: Whatever directions were given by the DC were the priorities. I arranged for the doctors from JPMC but I don't remember their names, and the time was about 10:30 pm.

By that time I had heard that some deaths have occurred, and the DC asked me to find out where the bodies were and I went in search of them at Clifton police station and then the time was around 11 pm.

Earlier, Ali Asghar Jatoi, son of Kadir Bux Jatoi, special assistant to the managing director of MMC, Dr Abdul Ghaffar Jatoi, was examined for about 1 hour and 30 minutes. He said he heard the sound of gunshots at 8:35-8:45 pm and it was heavy and lasted about 10-12 minutes. It resumed after five minutes which was lighter and he did not visualise what had happened.

The witness, who was in his room at MMC, got down from the second floor at about 9:20 pm and saw Dr Ejaz Shamim, RMO, standing near a patient on a stretcher close to the lift. The patient was Mir Murtaza who had been profusely bleeding from mouth, nose and neck, and with his clothes drenched in blood, he was struggling to breathe.

He then made inquiries about Ashiq Hussain Jatoi, the PPP (SB) president of Hyderabad, because he always accompanied Mr Bhutto wherever he went. His brother, Dr Zahid Hussain Jatoi, had no knowledge about Ashiq and he was disturbed and the witness spent the whole night in search of the man.

He went to the police station once and to JPMC twice and no information, according to him, had been forthcoming despite the fact that the DC (South) was interested to find the missing man because Dr Ghaffar Jatoi, managing director of the MMC, was his brother-in-law. Finally at about 3:45 am his body and those of five others were traced in the JPMC mortuary where they had been taken from Clifton police station. Ashiq Jatoi's post-mortem was conducted at 6:30 am at JPMC and at 8 am the body was flown via Larkana in a helicopter to Beto Jatoi, district Dadu, for burial.

He said people who had gathered at the hospital were angry with the police and the administration. Mrs Ghinwa Bhutto and Nasir Hussain, brother-in-law of Mir Murtaza, had also visited the hospital and they remained there for almost the whole night, until the body was shifted to the residence nearby. The tribunal which started recording the evidences at 12:25 concluded the session for the day at 5 pm to resume again on Wednesday at 12-noon.

I SAW NO ARMED CIVILIAN ON THE SCENE: NEWSMAN

KARACHI, Dec. 11, 1996: A witness who had seen Mir Murtaza in injured condition in a Pajero on the scene of the shooting on Sept 20 and later at Mideast Medical Centre gave his testimony before the inquiry tribunal on Wednesday.

The 45th witness, Najeeb Ahmed, 35, police reporter of Urdu- daily Jang, told the three-member tribunal, comprising Justice Nasir Aslam Zahid, judge of the Supreme Court; Justice Amanullah Abbasi and Justice Dr Ghous Mohammad, that at about 9 pm he learnt about the firing incident and reached the scene by about 9:20 pm and he saw Mir Murtaza and Ashiq Hussain Jatoi in a Pajero jeep.

Mir Murtaza was sitting in a reclining position in the front seat next to the driver's seat with his hand on his chest and Mr Jatoi was resting his head on the steering wheel. The latter was motionless, he said.

He said at that moment a policeman came near the place and I asked him why the injured Murtaza is not being shifted to a hospital. On this, he was asked by the police to leave the place and they pushed him away and, in the meanwhile, more cameramen gathered there and their cameras were seized by the police.

He then moved to a guard's canopy to take shelter and then he saw an armoured vehicle that came near the vehicles, it stopped there for a while and reversed back and one of the policeman who got out of the vehicle shouted at others saying "don't fire, I am taking Murtaza to the hospital." Then, he said, he was taken away on the back seat of a mobile to the hospital and at that moment he saw SSP Wajid Ali Durrani, in civilian clothes, entering the DIG's House without looking at him directly, and a little later, a policeman came out of the house and asked him to leave the place, and I thought it was done on the orders of the then SSP. The witness said that both knew each other well, but he acted as if he had not seen him.

Earlier, the witness began his statement by saying that when he entered the area he saw some vehicles on the scene of the incident and also saw one man

lying near a vehicle, which was injured and was struggling for his life and bleeding.

Najeeb Ahmed said that some others had also been lying on the road and they were motionless and the police were not near those vehicles, because of fear and he was alone at the place and he gave the police the impression, when asked to leave the place, that he was one of them.

At that time everything was quiet and there was no firing and he left for the hospital to see the injured Murtaza at the hospital from a close range. At the hospital, too, when he was asked to leave the ICU by a hospital staffer, he told him he was with Mir Murtaza and then the hospital staffer asked him not to get closer to the injured. He saw that the condition of Mir Murtaza was very bad and, according to the hospital staff, he was clinically dead, as he had been bleeding profusely from his mouth and nose.

After seeing this condition both on the scene of the incident and at the hospital, he left for his office to file a report and the time was about 12 midnight. The witness was asked by the tribunal to submit the copies of the newspaper of Sept 21 which carried his reports.

After going through the lead story of the day, the members of the tribunal observed that the report had said so many things, such as Mir Murtaza was taken to the hospital 55 minutes after he was shot and that the firing started between the two groups when one of the ASP was being forced into their vehicles by the guards of Mir Murtaza.

The tribunal observed that the report carried more information than what he has stated before them. He was asked to name his sources so that they can be called for their testimony, to which the reporter said he did not know their names.

The reporter said after submitting his report to the newspaper, he went to JPMC to talk to the injured who were there by that time, according to information given to him by the medico-legal officers of the hospital. He said he talked to Constable Ayaz Ali and Asghar Ali, both of whom were hit by bullets, but their condition was described as not very serious.

He said he did not see the dead in JPMC because by that time none of them was taken to the mortuary. When information was sought as to when the

bodies were likely to be shifted, he said none gave any concrete information. He denied any knowledge of any civilians armed with weapons on the scene of the incident. The reporter's evidence was recorded in two separate sessions, before and after lunch/prayer break. The tribunal then adjourned at 5 pm to re-assemble on Saturday at 9:15 am.

HOW 7 SDMS COULD FAIL TO FIND THE DEAD, ASKS ZAHID

KARACHI, Dec. 14, 1996: A photographer of AFP (Agence France Press), Saeeduddin Khan Bangash, submitted before the three- member judicial tribunal, investigating the causes of the death of Mir Murtaza Bhutto and seven others, that the police and rangers obstructed newsmen from performing their duties and his camera and other equipment were seized by the police on Sept 20 and had not been returned to him so far.

He said policemen were deployed on the scene of the incident and at the hospital nearby only to suppress newsmen's professional activities and he lost his Nikon camera, lenses and flash gun costing 3,200 US dollars. However, some lenses costing 600 US dollars and a flash gun costing about 300 to 400 US dollars, which were also seized, were returned.

The tribunal chairman, Justice Nasir Aslam Zahid, asked DSP Shamim Hussain, who is assisting the tribunal in producing the police witnesses, to inquire about the camera and other equipment, and later he reported back that there was no trace of it with the police and the SHO of Clifton PS came to the tribunal to say so.

The police, the witnesses said, were not in good mood and looked desperate and were shouting at the Pressmen to get lost. He said photographic equipment of other photographers were also seized but were returned after several hours.

Mr Bangash said efforts were made to recover the camera and other equipment, and in this connection his agency and he himself contacted SP Shukaib Qureshi, but in vain. On two occasions, the SP was not available and on the third occasion, when inquiries were made, he had gone on leave.

Q: Why the then DC (South), Arif Illahi, and the SDM could not find the whereabouts of Ashiq Hussain jatoi till 3:30 am ?

A: I don't know. The police were panicky and were not correctly responding to queries, although all such information had to come from the police.

Q: Was the panic unusual?

A: Yes.

Q: What photographs did you take on the scene?

A: I took the photograph of a jeep with an injured man sitting near it on the road. I saw another body lying nearby and other vehicles, too, were there.

Q: Do you have those pictures?

A: The police may be having them, because the camera was seized. Two policemen had been deployed there and their main job was to obstruct the newsmen from performing their duties and they were aiming their guns at them. In a few seconds I had taken some 8-10 pictures.

The witness submitted the printouts of the pictures before the tribunal, comprising Justice Nasir Aslam Zahid, judge of the SC; Justice Amanullah Abbasi and Justice Dr Ghous Mohammad.

He said whenever he flashed his gun, the police became alert. When the camera first clicked the police did not react and when it clicked for the second time, I heard a voice, saying "who are they, get hold of them," and the utterances were in abusive language.

"After my camera was seized by one of the two policemen, they also took my bag containing films, lenses and batteries which were later returned to me," the witness said.

I sent for another camera, which came immediately and I lost all the pictures taken earlier along with the camera. Another video film maker arrived and while he was approaching the scene, I shouted at him and warned him to beware of the police because they had already seized cameras of other photographers.

Q: What happened when your cameras were seized by the police?

A: I contacted the police and the AFP bureau chief in Karachi also contacted the SP (investigation and inquiries), Shukaib Qureshi, and he had called for a report which was submitted in his office. Later, I contacted the SP but he was not available, when I contacted again, I got the same reply, and on the third occasion, I was told that he had gone on leave.

The second witness examined was Kamran Mansur, 32, police reporter of English daily, The News, who said he received the information about the firing incident at Clifton at 8:40 pm and within 10 minutes, after verifying the information; he was there on the scene of the incident.

He said he was stopped by the rangers at Schon Circle and he stopped his vehicle there and walked the rest of the distance.

Q: What did you see?

A: I saw five dead men lying on the road in different postures and three private vehicles, two jeeps and one Hi-roof vehicle, besides three police vehicles.

Q: When there was darkness how did you see the dead and which vehicles were there?

A: In the light of the headlights of the police vehicles.

Q: Where were the dead and the injured lying and in what condition?

A: Four were lying on the footpath and the other two were shifted from the road to the footpath in my presence. There were not many policemen on the scene and I cannot say that the two policemen were guards at the DIG's House. Of the six injured, I saw Mir Murtaza was one of them.

Q: Were the injured shifted in your presence to hospital?

A: Yes. Two of the injured were shifted to hospital, and four policemen lifted Mir Murtaza and put him on a mobile and took him to hospital. A policeman was also seated in the front seat.

Q: What did you do next?

A: I immediately rushed to Mideast Medical Centre.

The third witness examined was Syed Ali Murtaza, 26, SDM Garden. He said he received a call from the control at 9:30 pm about the firing incident at 70-Clifton.

When he reached there, he saw an APC, two rangers' vehicles at Do Talwar and the road leading to 70-Clifton was closed.

Q: What did you do after reaching the hospital?

A: I saw Murtaza on bed, and he was being attended by two to three doctors. Ms Ghinwa was also there. His Kamiz (long shirt) was taken off and he looked unconscious and I did not see much blood. His Shalwar was blood stained, and the DC asked me to arrange a direct telephone at the hospital.

Q: Did he ask for a hot line at the hospital?

A: The DC got in touch with Niaz Hussain Shah, SDM, to get a hot line from Clifton telephone exchange.

Hameed Haroon was also inside the hospital and he had asked for an ambulance which perhaps meant that there was a possibility of shifting Murtaza to some other hospital.

The impression I got was that the condition of the patient had not been good and, therefore, he was being shifted to some other hospital. I went to the second floor where the ICU is located. The DC asked me to arrange for an ambulance. As the Edhi ambulances were not good, I reported back that AKUH ambulances were not available at that time either.

Hameed Haroon then asked me to get one from St. John's Ambulance and also try to get one from the AKUH.

The DC (South) was asked by Ashiq Jatoi's family about his whereabouts.

- Q: Your job was to find out where Ashiq Jatoi had been taken to?
- A: I asked the police to find out where Ashiq was taken. The control room again said they had no information about him. While I was downstairs three ambulances from Edhi, St. Johns and AKUH arrived in my presence and the time then was about 10:30 pm. There were around 10-20 policemen outside, and they were stopping photographers from entering the hospital.
- Q: There were seven SDMs at the hospital, yet all of them put together could not locate where the dead and injured were.
- A: I came to know that some have died, the exact number is not known.
- Q: What did you do next?
- A: He (Murtaza) was taken to the operation theatre. He was dead at about quarter to 12 midnight. Tariq Niazi, another SDM, was in the hospital and policemen also came there on the second floor after the death of Mir Murtaza. I also saw Nasir Hussain, brother-in-law of Mir Murtaza, who was very angry with the police and abused them and possibly there was a scuffle between them.
- Q: Did Hameed Haroon ask you to call an ambulance, who told you that Mir Murtaza should be shifted?
- A: Hameed Haroon and others had not said that the injured is being shifted, but people looking after him gave me the impression that they wanted to shift him to some other hospital.
- Q: Did you go to the place of the incident?
- A: No.
- Q: Can you give any reason why the entire bureaucracy of the government did not know the whereabouts of the other dead men and of the injured persons.
- A: The injured or the dead could not be located only on wireless messages.

Q: Can you give any reason why no effective answer was given as to why one or two SDMs did not go to any of the hospitals where possibly the dead and injured could have been taken?

A: If one of the SDMs had been sent to a hospital, why did not you come to know about the number of the dead or the injured and where were they shifted?

Q: Seven SDMs could not find out where the injured or the dead were lying?

A: I did not get any definite information from the police.

Q: If the police were not responding and that they were in panic, could not you have contacted the home secretary or the chief secretary?

A: There was no response from the police, they were panicky. There was no trace of Ashiq Hussain and people were hurling abuses at the police, saying that they were Punjabi police.

Q: Was any meeting held to review the situation after the incident to find out lapses on the part of the police and the administration? The SDMs were not doing anything on their own except on the directions of the DC ?

A: No. I did not do anything on my own.

The tribunal adjourned the hearing at 3:30 pm to resume on Sunday at 9:15 am.

FOUR POLICEMEN BROUGHT MIR & LEFT IN A HURRY: WARDBOY

KARACHI, Dec 15, 1996: Mir Murtaza Bhutto, chairman of PPP (SB), was taken to Mideast Medical Centre in a police mobile and after being transferred on a wheeled stretcher outside the hospital he was pushed inside the main door of the centre and left at the mercy of a receptionist and a ward boy, said Dost Mohammad Jatoy, ward boy, and a receptionist, Amirali Almani, of the hospital.

They were giving testimony before the three-member judicial tribunal of inquiry on Sunday.

Dost Mohammad Jatoy, the first witness to be examined on Sunday morning, said a police mobile came to the hospital and an officer and a constable came and asked for a stretcher and before it could be provided, a constable pulled out a wheeled stretcher on his own. Four policemen who were in the mobile transferred the injured man onto the stretcher and brought him inside the hospital and left him there, saying it is an emergency case and left in a hurry. The officer and the police constable were in an agitated state of mind and when they were asked about the details, they gave no information and hurriedly left in the same police mobile. The ward boy said the police officer and the constable did not wait until a medical officer arrived at the entrance and the senior among the two did not even help in pushing the stretcher. The witness then called for the resident medical officer and the injured man was taken to the second floor where the intensive care unit is located.

The injured man was identified by both the ward boy and the reception as Mir Murtaza. They said he was in a very serious condition and his white dress was drenched in blood. The receptionist said the hospital never takes accident cases because of their medico-legal nature. But Mir Murtaza was taken in because the police had brought him and that no entries were made on the first day into the register, which was done later on the second day.

The third witness was Kamran Mansur, police reporter of The News, Karachi, who was told by the tribunal that, according to the statement he has given earlier, he was perhaps the first person who visited the place of the incident

and gave very important piece of evidence. The chairman of the tribunal, Justice Nasir Aslam Zahid, judge of the Supreme Court, listed eight points that the witness had stated:

- You had seen five dead on the place of incident;
- You had seen three vehicles of Mir Murtaza's group;
- You had seen three police vehicles at the site;
- The street-lights were off, and there was darkness all around;
- Lights of one police vehicle facing on the side you were standing were on;
- Policemen with torches were searching for the arms belonging to Murtaza's men;
- You were able to see in the darkness in the light of the head lights of the vehicle; and
- Five injured men were lying, three of them shifted apparently by the police to the central island and the other two were shifted in your presence and one of the three was identified as Mir Murtaza, who had been shifted by four policemen in a police mobile, and left towards the Do Talwar.

Q: Were all these important facts published in the newspaper of Sept 21 ?

A: All of them were not published.

Q: Did you mention all these facts in your story?

A: No. All these facts were not mentioned.

Q: Whether all the facts were published in any of the other editions of the paper?

A: No.

Q: Any reason for not publishing at all in any other editions of the paper which could have made a good reading as the event was big and an important man was involved?

A: I don't know. This question can be answered by the sub-editor, Abbas Rizvi. It is his discretion to retain any stuff or delete anything.

Q: Can you retrieve the original story which you wrote along with another reporter?

A: No. Because after a month I erase the stories from the computer.

Q: Did any other newspaper publish those facts which you had?

A: No. I don't read any other newspaper other than my own.

At this stage the tribunal, comprising Justice Nasir Aslam Zahid, judge, Supreme Court; Justice Amanullah Abbasi and Justice Dr Ghous Mohammad, adjourned the hearing until Monday morning at 9:15 when the doctors who performed the post-mortem would be examined.

POLICE FORCIBLY TOOK AWAY THE CERTIFICATE REGISTER: MLO

KARACHI, Dec 16, 1996: Testifying before the three-member judicial tribunal, inquiring into the causes of the death of Mir Murtaza Bhutto, one of the two medico-legal officers working at Jinnah Postgraduate Medical Centre said on Monday that the police from Clifton PS took away the medico-legal certificate register at gunpoint.

The witness, Shamsuddin Shaikh, 38, a senior medico-legal officer informed the tribunal, comprising Justice Nasir Aslam Zahid, judge, Supreme Court; Justice Amanullah Abbasi and Justice Dr Ghous Mohammad, that the police demanded from him a medico- legal certificate for the treatment given to the then SHO of Clifton PS, the late inspector Haq Nawaz Sial.

The MLO said he could not issue any certificate unless the patient who was treated at the hospital was not physically present.

This happened when the MLO was leaving the mortuary after performing the post-mortem of Ashiq Hussain Jatoi. A sub- inspector, Khurram, approached him for a certificate, to which he reiterated that “without seeing the injured I can’t issue any certificate.”

The police officer went away and another sub-inspector, Tahir, accompanied by another officer, came and demanded the same certificate and when it was refused again, SI Tahir took away the register at gunpoint in the presence of two other MLOs, Dr Karrar Abbasi and Dr Ahmed Ali, and Anwar Masih, a mortuary attendant.

The policemen then drove away in a mobile bearing No. 189 of Clifton PS and then the time was around 7:40 am on Sept 21, the witness said.

Q: What did you do then?

A: I informed the police control about it and also informed the commissioner control and DC control, and the register was later returned by the police after I had gone home at about 3 pm. The police said it was lying in the bushes in Clifton. A complaint was also lodged

with Saddar PS and head constable Majeed had registered the complaint. Between the incident and the return of the register an officer had gone to the mortuary to conduct inquiry and what the result was he didn't know.

Dr Akbar, senior MLO, later informed me by phone that SI Tahir had returned the register at 3 pm and he (the witness) was informed at his house at 4 pm that the register had been returned. A complaint was also made by the MLO to the police surgeon.

Q: Was this the first time that such an incident had occurred?

A: It was for the first time that such a thing had happened with me and I was also told by my fellow MLOs that after returning the register, they (the policemen) left in a hurry and did not stop to answer their questions about the incident.

Q: How many injuries Ashiq Jatoi had received on his body?

A: There were two gunshot wounds, one was on left upper arm and the other on the left side of the neck, and the latter wound could have proved fatal.

Witness Shamsuddin Shaikh informed the tribunal that on an average 600-700 bodies are brought to the JPMC mortuary every year for post-mortem.

He said he was called on emergency duty at 2:30 am on Sept 21 and asked to be at the mortuary immediately because an emergency has been declared after police firing in Clifton earlier in the night.

When he reached JPMC he saw no injured in the casualty ward at 3:20 am. Then he went to his office where he was alone for some time.

At 3:30 am six bodies were brought to the mortuary, including that of Ashiq Hussain Jatoi, and he (Ashiq Jatoi) was identified by his friend, Dr Salim Kharal, who had been waiting for a long time at the mortuary in his office.

He said Dr Zahid Hussain Jatoi, brother of Ashiq Hussain Jatoi, also came there and asked that his brother's body be handed over to him after the post-mortem.

The witness further deposed that at about 4 am ASI Shahzad from Clifton PS came with an inquest report under Section 174.

Q: Was there light in the mortuary or in its surroundings?

A: No. In the light of a match stick at 3:45 am we received the six bodies, and Anwar Masih, mortuary attendant, informed me about their arrival.

Q: What did you do then?

A: Then I called the police officer, Shahzad, who was waiting outside the mortuary because of the darkness and then I took the body of Ashiq Jatoi to M. I. Room. I then asked Dr Salim Kharal, a friend of the deceased, to call for an ambulance from Al-Mustafa, and in the meantime I conducted the post-mortem in the M. I. Room.

Q: What was the condition of the deceased then?

A: Even then he was bleeding and his clothes were soaked in blood. He was bleeding from the left side of the neck and from behind the head.

Q: At what time the post-mortem was conducted, was it at about 4 am, after eight hours of the death?

The witness said he issued a death certificate and gave it to Dr Zahid Jatoi in the presence of a police officer, stating the cause of death etc.

He produced the post-mortem report before the tribunal, the original of which was submitted to the police surgeon.

Q: What was the time gap between the arrival of the body at the mortuary and the finalisation of the post-mortem report?

A: About one hour and the whole thing was completed by 5 am and the body, too, was handed over to the deceased's relations.

He said other MLOs from Civil Hospital were also called by the police surgeon to conduct the post-mortem on the other bodies, and they were Dr Karrar Abbasi, Dr Ahmed Ali, Dr Dilip Kumar and others.

Another MLO, who was examined earlier, when the tribunal resumed hearing at 9:15, was Dr Mohammad Kaleem, son of Mohammad Siddique Shaikh.

Q: What is the arrangement at the mortuary and how many MLOs work there?

A: For the entire city of Karachi, the police surgeon is in charge of all such MLOs working in all hospitals. At JPMC one additional police surgeon is in charge, and against five sanctioned posts of MLOs, there are 20 doctors working there, including senior ones.

Q: What is the required qualification for an attendant?

A: No special qualifications, except that they should be non-Muslim, who work in BPS 1, 2 or 3 grades.

Q: Do you have any Muslim attendants in JPMC?

A: None.

Q: How many autopsies you have performed so far?

A: So far I have performed about 500 autopsies, and most of them at Abbasi Shaheed Hospital.

Q: The attendants there were also non-Muslims?

A: Yes.

Q: In any other hospitals have you come across any Muslim attendant?

A: No.

Q: What is the precise nature of work of the attendants?

A: To keep the area clean and to move the body from one position to other.

Q: Who helps you in the autopsy?

A: No one helps me in post-mortem and the entire work from A to Z is done by MLOs. Incision, final stitching is done by me.

Q: When and how you came to know of the Clifton incident?

A: At about 9:25 pm on Sept 20 I was informed by the DC (South) control that there was an emergency and that the casualty department has been strengthened, and nothing about the actual incident was told to me.

The first victim, a taxi driver, identified by the documents on his person as Mohammad Bachal Ujjan, 28, was brought to the casualty. According to the NIC, he was from district Khairpur Mirs, Drib Mehar Shah, village Ghulam.

He said the driver also had Rs 1,085 in his wallet and other papers, which he sealed on the day of the incident and opened before the tribunal. The tribunal asked the AAG and a DSP to re- seal the wallet and hand it over to the agency concerned to be returned to the family of the deceased.

Dr Kaleem Shaikh retained the personal belongings in safe custody after being sealed in the presence of two witnesses. The chairman of the tribunal made an observation that his was a good performance for preserving (the personal belongings) in safe custody.

Q: What were the injuries Bachal had?

A: Firearm injuries on the left temporal region and the bullet had exited from the left parietal region, a very serious injury in which the chances of survival were very remote.

Q: Were you examined by the police after you first attended Bachal Ujjan?

A: Not so far. It is the first time that I am being asked to give an account of the incident. However, a questionnaire was distributed among the MLOs through the office of the AIG Crimes around Oct 5 which were

filled up and returned and there had been no personal attendance. The statement was sent through the additional police surgeon, Dr Irfan Qureshi.

Q: What questions were asked in the questionnaire?

A: The questions were about the bore of the gun, the distance from where it was fired and the direction of firing. I could not describe the type of bore, but the gunshot was fired from a distance of more than three feet and the direction was obliquely 45 degrees. The entry of the bullet was in the lower portion and the exit at the higher level.

The witness produced a copy of the reply before the tribunal.

Q: In this case the police had asked you, through the police surgeon, answer to certain queries. You have earlier stated that you carried out about 500 autopsies. Did the police ever send you such questionnaires for replies in the past?

A: I have never received any such questionnaire in a medico-legal case in my whole career.

Q: Is it possible to give the distance from where he was fired upon?

A: It is not possible for me to say from what distance the shot was fired, but I can say it was from a high velocity weapon. Also, I can't say what the type of weapon was used.

Q: It is put to you that the entire post-mortem was conducted and processed and the MLOs did not check the body or even touch it?

A: No.

Q: What was the time taken between the actual firing and admission to the hospital ?

A: About an hour.

Q: What is the condition of mortuary at JPMC? Is it air-conditioned?

A: No. Only Abbasi Hospital's mortuary is air-conditioned. The JPMC's mortuary should also be air-conditioned.

Q: Any women MLOs in JPMC?

A: There are no women MLOs in JPMC, but they are there in Abbasi Hospital. All the female bodies are sent to Abbasi Hospital for post-mortem after the recent judgement of the Supreme Court. Previously, post-mortem was conducted on female bodies by male doctors.

The tribunal adjourned the hearing till Tuesday at 9:15 am.

MIR MAY HAVE SURVIVED

KARACHI, Dec. 18, 1996: The tribunal of inquiry, which is investigating the Sept 20 incident of Clifton in which Mir Murtaza Bhutto and seven others were killed, has held the view that the post-mortem conducted on the body of the PPP(SB) leader was defective and was handled in a routine manner without going into the details as prescribed by the law. A medico-legal officer of Jinnah Postgraduate Medical Centre, Dr Ayaz Ali Memon, who was giving his testimony about the post-mortem conducted on the body of Mir Murtaza at Mideast Medical Centre (MMC), was told that the medical officers merely did a “Kam chalao kam (did their job perfunctorily),” according to Justice Nasir Aslam Zahid.

The MLO was shown a book with colour photographs as to how the face of a dead man was incised and came to the conclusion about the damage done to the nerves and blood arteries, and the medical officer was told that in a similar case, Mir Murtaza had also received a gunshot which hit above the right cheek and it routed through and exited from the left side of the neck, thus damaging the tongue, jaws and arteries.

In the post-mortem, no incisions were carried out by medico-legal officers Dr Ayaz Ali Memon and Dr M. Ismail Rajpar, under the supervision of Dr Irfan Qureshi, additional police surgeon, JPMC, Karachi, and in the presence of Dr Nizam Memon, police surgeon, Karachi, and their finding was that the man died because of that gunshot after excessive loss of blood. Justice (Dr) Ghous Mohammad produced medical books to show how post-mortems are conducted and reports prepared. Justice (Dr) Ghous also pointed out that the document prepared was also defective because in the general particulars it has been stated that the corpse was sent by the SHO Clifton PS and it was brought by ASI M. Rasib, and both these inquiries were wrong, as the corpse was neither brought by anyone to the hospital nor it was sent by any individual police officer.

The witness, who had prepared the document, was told that the corpse was there at MMC, before the MLOs arrived there from JPMC to conduct the post-mortem examination. Mir Murtaza was brought alive at the hospital and he died there at 11:55 pm and his post-mortem was conducted at 6:15, after the then prime minister had visited the hospital and remained there from 5 am to 6 am.

The entries made in the “memorandum of post-mortem Examination held at the operation theatre of Mideast Medical Centre” and carried out by the doctors were factually wrong and they were thus described by Justice Nasir Aslam as “Kam Chalao.” He advised the medico-legal officers to be careful about what they write, because will have far reaching consequences. Merely filling up the forms would land them in trouble. Dr Ayaz Ali Memon said, in his testimony, that Mideast Medical Centre’s medical staff were not willing to give a medical certificate of Mir Murtaza, but when he insisted, it was given and an inquest report was given to him by the police, following which the post-mortem examination could be conducted.

About the post-mortem examination itself, the witness said no incisions were done on the body and on the basis of assumptions and the medical certificate the post-mortem report was prepared. The tribunal observed that the entire post-mortem report was based on the death certificate issued by Mideast Medical Centre and not on their own findings. According to the post-mortem report, death had occurred three to four hours after being shot at. The witness was also of the view that had Mir Murtaza been taken to JPMC or AKUH in time, say within 15 minutes of the firing, there were chances that he might have survived, because in both these hospitals the required facilities are available all the time. Of the eight wounds, he had suffered, two were most dangerous which caused the death because of excessive bleeding from mouth and nostrils and the wounds themselves. The bullet entered from above the right side of the cheek and exited from the left side of the neck, damaging all the internal parts, including the arteries.

Dr Ismail Rajpar, another MLO, was called to resume his testimony on Wednesday morning at 9:36 as his testimony had remained incomplete on Tuesday. Then Dr Shamsuddin Shaikh was called to testify on a tribunal question whether he had appeared before the team of British investigators who had also investigated the incident and the Crime Branch of Police had issued a questionnaire to report the distance the victims were fired from, the type of weapons they had used and the direction of the firing. The witnesses were asked by the tribunal whether they were directed by the authorities or others not to carry out incision on the body, which they denied.

Q: Do you agree that the post-mortem should have been carried out at the designated hospitals and only in exceptional circumstances it could have been carried out at other hospitals?

A: It was the very question which the additional police surgeon had asked the DC (South) and the latter had informed the former that because of the feared law and order situation, it was being done at the Mideast. Post-mortems should be conducted by neat and clean people and not by sweepers, because the medical and toxicology methods are not being followed by them and doctors hardly touch the bodies, the tribunal observed? The same witness also informed the tribunal, when asked, that it was possible to shift Mir Murtaza from Mideast Medical Centre immediately to another hospital. After the examination of three MLOs for seven hours, the tribunal adjourned hearing till Thursday at 9:15 am to examine one more MLO.

MLOS WERE QUESTIONED BY UK DETECTIVES

KARACHI, Dec. 17: Asghar Ali and police constable Ayaz Ali, both working for Mir Murtaza Bhutto, who were injured in the Sept 20 incident in Clifton, were taken by the police to the emergency trauma centre at Jinnah Postgraduate Medical Centre hand-cuffed for medical treatment and medico-legal certificates. Dr Mohammad Ismail Rajpar, a senior medico-legal officer at JPMC, testified before the three-member tribunal of inquiry, conducting investigations into the police firing resulting in the death of Mir Murtaza Bhutto and seven others, on Tuesday.

When the MLO asked the police sub-inspector, Sarwar of Clifton PS, to remove the hand-cuffs, he replied that he had no keys. The police had brought three such injured for medico-legal certificates. The injured who were taken by the police to JPMC for such certificates and treatment were Mohammad Ismail, Ayaz Ali, a police constable provided by the government to the late leader of his own choice; and Asghar Ali, a personal servant of the PPP (SB) leader. During the seven-hour examination by the tribunal, comprising Justice Nasir Aslam Zahid, judge, Supreme Court; Justice Amanullah Abbasi and Justice Dr Ghous Mohammad, both judges of the High Court of Sindh, the witness was asked whether it was a normal practice to bring the injured accused in hand-cuffs, and he said "yes."

In some serious cases the hand-cuffs are not removed but in other cases doctors' requests are met with approval, he said. He said Mir Murtaza's post-mortem was conducted by Dr Ayaz Ali Memon at Mideast Medical Centre, and he assisted Dr Memon. The post-mortem was conducted by examining the types of wounds on his body, which, according to him, determined the cause of death as being shot at.

The doctor was asked by the tribunal to explain the difference between a post-mortem and an autopsy. He explained that in autopsy incision is carried out from the neck downward and the organs and the food intake are examined to determine the cause of death, but in the case of post-mortem the cause of death can be determined by the type of gunshot wounds and other external wounds, and there were such evidences which were very apparent. The witness said post-mortem was also conducted on four unknown persons. Only Ashiq Hussain Jatoi's brother and friends were present to receive the

body. On a question from the tribunal, the AAG, Latif Abdul Ansari, stated that the bodies were later handed over to their relatives.

Dr. Rajpar said he and Dr. Ayaz Ali Memon, both MLOs, attended to the two of the injured, M. Ismail and constable Ayaz Ali. Both were brought to the hospital by the police with a letter of request for medico-legal certificates and their treatment at the hospital. Ismail had three bullet wounds and two of the bullets had exited. He was discharged from the hospital on Oct. 29 and the injuries he suffered were on the right arm and the right thigh.

The second injured was brought to the hospital at 12:05 am and he had two wounds and some fragments of the bullet remained in the body. Both the injured had shown their place of residence at 70-Clifton. Between his examinations, he was sent to the hospital to bring the register which was forcibly taken away at gunpoint by the police on the morning of Sept 21, to see what entries had been made about which patients etc. The tribunal also inquired of the MLO whether the police had removed any of the pages from the register or made any entries, to which he replied in the negative.

Dr. Rajpar also said he and other MLOs were presented before the British team of detectives which was invited to investigate the Sept 20 incident and to submit a report. The witness said two members of the visiting team had interviewed the MLOs in the office of the police surgeon on M. A. Jinnah Road and they were asked about the types of injuries by them. He will be further examined on Wednesday from 9:15 am about the other injured people whom he had attended in the hospital.

ASIF ZARDARI BOOKED IN MURTAZA CASE

KARACHI, Dec 19: The CIA police on Thursday formally booked Asif Ali Zardari in the Mir Murtaza Bhutto case and shifted him from Landhi Jail to the Women police station near governor house amid tight security. The area was without electricity when Mr Zardari was escorted in an APC (PS-9762) by the SSP CIA, Ali Gohar Mithiani, to the Women police station. The CIA police will produce him in the court of district and sessions judge, South, on Saturday to seek his remand for interrogation in the murder case, sources said.

His lawyers, who met him at 6.30 pm on Thursday, told Dawn Mr Zardari was very happy with the Sindh High Court's judgement regarding his illegal detention. According to his lawyers, Mr Zardari told them: "I have always, and still have great respect for and trust in the judiciary. I am innocent. They have implicated me in false cases." His detention, under maintenance of public order (MPO), was set aside by the Sindh High Court on Wednesday, but he was not released.

Meanwhile, deposed Prime Minister Benazir Bhutto on Thursday alleged that her husband Asif Zardari had been implicated in Mir Murtaza case at the behest of the president, and vowed to frustrate all "conspiracies" to blackmail and throw her out of the political process. She told reporters outside the Landhi jail where she had gone straight from the airport to see Mr Zardari but was not allowed because she had no written permission in that regard.

Tension mounted as PPP leaders Naheed Khan, Munawar Suhrawardy, Waqar Mehdi and others started banging the main gate of the heavily guarded prison, demanding the jail authorities to let Ms Bhutto in. Jail officials said they had no instructions but the PPP activists kept on pressuring while chanting slogans against the caretaker administration. As some of them tried to scale the gate, the police contingent deployed at the gate took up position. One of them pointed his gun at Ms Bhutto's vehicle.

The ousted prime minister, who arrived here to select party candidates, said the next elections would be a war between her and President Leghari, at whose behest, she alleged, Mr Zardari, Abdullah Shah and others were being implicated in "false cases to blackmail and pressurise her." "If witch hunting

and victimisation of the PPP continued we would invoke the option of launching a movement against the government,” she declared.

Ms. Bhutto said she would file her own nominations from Larkana and Tando Allahyar, although she gave the impression that the PPP could reverse its decision if the politics of vendetta continued. She was confident that ultimate victory would be hers and of the oppressed people. In the context of her husband’s detention, Ms Bhutto flayed the refusal to release him despite the high court’s decision declaring his detention unlawful, and said this indicated how much the caretakers respected the judiciary.

Ms. Bhutto alleged that despite the court’s decision her husband was not released because president had made it an issue of personal vendetta and ego. She claimed that on instructions from the president house, FIA officials had forced the SDM of Civil Lines, Tariq Khan Niazi, to record the statements of 11 arrested policemen in back dates. When he refused he was removed and the job was now being done by another official posted in his place. The former prime minister said she had intimated the chief justices of Pakistan and the Sindh High Court and Justice Nasir Aslam Zahid about the alleged conspiracy through a telegram. She said her husband was being implicated the same way her father, the late Zulfikar Ali Bhutto, had been sent to the gallows. She said the detention of the former chief minister; Mr Shah too was part of the same conspiracy. She said that the former chief of the KPT was tortured to get a statement extracted from him implicating Mr Shah in a land scam.

The deposed prime minister also referred to the resignation of Fakhruddin G. Ebrahim as law minister who had described the amendments in the Ehtesab Ordinance as improper. She said his reported statement clearly indicated that the caretakers were not impartial and were in fact working on an agenda to crush the PPP and the Bhuttos. She said there was a conflict in the cabinet on the amendments and the country’s economy was in a shambles. She feared that the people of Pakistan would be subjected to harsh fiscal measures after the return of Shahid Javed Burki from the United States.

Ms. Bhutto again demanded the resignation of the president to pave the way for a caretaker president and a caretaker set-up to be decided by mutual consent of the two major political parties –the PPP and the PML(N)– to oversee the next elections. Replying to a question, she said Makhdoom Amin Fahim would not accept the office of caretaker prime minister because his

association with the PPP is very old. Those present on the occasion included Sen Safdar Abbasi, Habibuddin Junedi, Agha Akbar Ali, Ram Jethmalani, Habibjan, Latif Mughal, Ejaz Durrani, and Haji Abdul Ghani.

SIAL'S DEATH WAS HOMICIDE: MLO

KARACHI, Dec 19, 1996: Testifying before the three-member tribunal on Thursday, Dr Qarrar Ahmad Abbasi, medicolegal officer at Civil Hospital, Karachi, said the death of inspector Haq Nawaz Sial, former SHO of Clifton police station, was neither a suicide nor accidental but homicide.

The tribunal, comprising Justice Nasir Aslam Zahid, judge of the Supreme Court; Justice Amanullah Abbasi and Justice (Dr) Ghous Mohammad, asked the witness whether he could specify by the nature of the wounds the late Sial had suffered, the death was a suicide, homicide or accidental.

A: It was not a suicide, but I can't say it was accidental either, so it was homicide.

Q: What was the distance from which the gun shot was fired ?

A: About two feet.

Q: What was the direction of the bullet which hit him ?

A: From up to a downward position, the shot had been fired. In this case from the entry and exit wound and the internal conditions, the path of the bullet is always from an upward direction to a downward direction and this is one of the basis on which I base my theory that it was a case of homicide. Secondly, he said, the general experience in case of suicide is that the wound is a contact wound where the muscles touch the weapon and because there was none of the three signs of charring, burning etc.

Q: Was he conscious after the firing and had he informed about the killers?

A: He may not have been conscious from the time of firing until his death.

Q: Was any treatment given to him before death after being wounded?

A: The post-mortem report suggests that no such treatment was given to him and he must have died instantly.

Inspector Haq Nawaz Sial, son of Ahmed Bux Sial, was attended by MLOs Dr Qarrar Ahmed Abbasi of Civil Hospital, Dr S. Farhat Abbas, MLO, Dr Zulfiqar Ali Sial, additional police surgeon, CHK, under the supervision of police surgeon Dr Captain Nizamuddin Memon.

Q: What does your post-mortem report say about the types of the wounds and where he was hit?

A: He was hit by only one bullet on the right side near the right ear and the bullet passed through and exited from the left side, damaging the brain.

Q: How long he survived after being hit by a bullet?

A: He died within an hour.

Q: Were you examined by any law-enforcement agency or the British team of detectives?

A: No.

Q: Was the post-mortem carried out on Haq Nawaz Sial on the same pattern as was done in the case of Mir Murtaza?

A: No. In this case, the body was dissected and all the three cavities were opened for nearly two hours at the mortuary of Dow Medical College. The incisions and dissections were done by me and I wrote the report. The body was fresh, healthy, there were no marks of any violence or struggle, the tongue was inside, the mouth slightly open, and there had been bleeding from the wounds.

Q: When was the post-mortem carried out after the death?

A: Within three to four hours after death.

Q: What caused the death?

- A: Head injuries followed by brain haemorrhage.
- Q: When did you conduct the post-mortem on the body of Haq Nawaz Sial?
- A: It was done on Nov 28 after his body was brought to the emergency department of Civil Hospital, Karachi. The body was brought to the hospital at 2:20 am. I informed the police on control and prepared a report. After about five minutes, the body was taken away by the family and others who had brought the body, which was also reported by me to the police on the control. Then the police surgeon, Dr Capt. Nizamuddin, and Dr Zulfikar Ali Sial, additional police surgeon, CHK, came to my office in CHK when Dr Farhat Syed Abbas was also with me.
- Q: When the body was brought back to the hospital for post-mortem examination by the police at 5 am by sub-inspector Hakim Ali of Garden police station with police papers ?
- A: Then the police surgeon formed a team to conduct the post-mortem which was headed by him (Dr Zulfikar Ali Sial, additional police surgeon) and included Dr Farhat Abbas and me. Earlier, Dr Qarrar Abbasi told the tribunal that he was called from home at 3:30 am by the police surgeon to immediately report at CHK, saying the seven who had died in the Clifton tragedy would be brought for post-mortem.

The police surgeon was called to Mideast Medical Centre and he left, leaving instructions for the MLOs to stay on at CHK. During this time, we came to know of the dead and the injured and also learned that Mir Murtaza was one of those who had died. At 5:00-5:30 am the police surgeon called both of us at JPMC to assist the doctors in conducting the post-mortem. Dr Shamsuddin Shaikh, senior MLO, was also there and through him we came to know that others are at Mideast. The witness said Dr Shamsuddin Shaikh had already performed the post-mortem of Ashiq H. Jatoi. We also came to know that there being no light in the mortuary, the post-mortem was conducted at the casualty ward and five other post-mortems were also to be conducted. At about 7:00-7:15 am police papers were made available and with the help of

the daylight the doctors worked which was sufficient to work on the bodies.

Dr Qarrar Abbasi also narrated the story about the seizure of the ML register which was forcibly seized by the police and taken away in a police mobile No. 189 of Clifton PS and there was another vehicle, too, in the party. The vehicle did not start and policemen gave a push to start it and the vehicle left with the register. The policemen did not explain why they were taking away the register. In the absence of electricity and under the light stealing in from outside, the witness said, he performed the post-mortem on an unidentified body which was only numbered as 3. Dr Memon conducted post-mortem on another body.

Justice (Dr) Ghous Mohammad produced a book on “Medicolegal post-mortems in India – Guidelines for Crime Investigation” by Dr C. K. Parikh which had coloured plates showing the opening of the head and exposing the brain, and the witness was asked whether he did his work in the same manner, to which he replied “yes.”

ASIF ZADRARI AND OTHERS PRODUCED IN THE COURT

KARACHI, Dec. 20, 1996: Asif Ali Zardari, husband of Benazir Bhutto, and the two ASPs – Shahid Hayat Khan and Rai Mohammad Tahir – would be produced in separate courts for their police remand in the Mir Murtaza Bhutto case on Saturday. CIA police had arrested Mr Zardari in the Mir Murtaza case and moved him from Landhi jail to the Women police station amid tight security on Thursday. Former ASPs Shahid of Saddar and Tahir of Darakhshan were arrested after the rejection of their interim bail by the Supreme Court on Dec. 16.

Sources said a joint investigation team comprising members of the Crimes Branch police, the CIA police, the FIA, the IB and the ISI interrogated them at the Women police station. However, some of the JIT members could not take part in the interrogation for some unknown reasons, they added. Asif Zardari's production before the courts will coincide with that of the former Sindh Chief Minister Abdullah Shah in a land scam case. The former chief minister was also named in the third FIR of the Mir Murtaza case. He has sought pre-arrest bail in the case.

ASIF ALI ZARDARI REMANDED

KARACHI, Dec. 21, 1996: The judicial magistrate, South, on Saturday remanded Asif Ali Zardari, former MNA, in CIA custody for a day. The CIA produced him amid tight security at 12.50pm in the court of Rashida Siddiqui, judicial magistrate, South, to seek a 14-day remand. The court, however, remanded Mr Zardari only for a day because the prosecuting inspector could not produce any evidence in the support of his arrest in the Mir Murtaza murder case. The court ordered the PI to produce all documents, including the medical reports of Mr Zardari, on Sunday. Barkat Chaudhry, the prosecuting inspector, prayed for the 14- day remand, but he could not produce any evidence in support of his request.

The PI had informed the court that Mr. Zardari had not been named in any of the three FIRs lodged by the former Clifton SHO, Haq Nawaz Sial, Asghar Ali, Mir Murtaza's bodyguard or Noor Mohammad, his public relations secretary, with the Clifton police station. He explained that Mr. Zardari had been booked in the case in the light of several statements made by the suspects during police interrogation under Section 161. PI Chaudhry also informed the court that he could not produce the statements, in which the suspects had accused the former minister for investment, of having conspired to kill Mir Murtaza. These statements, the PI said, were not available at the moment, because the police had produced them before the Supreme Court in a pre-arrest bail application of an SHO.

Farooq H. Naek, the lawyer for Mr. Zardari, informed the court that the police had arrested his client illegally and unlawfully. The police could not justify his arrest merely on the statements" extracted under duress by the investigators" from other suspects. He prayed that the court refer the case to the district and sessions judge, South, instead of remanding him in police custody.

Mr. Zardari complained to the court that he was not allowed to sleep in the night. "I have some neurological problem and suffering from headache. I am also a patient of peptic ulcer. "The police do not examine my food as they would do in Landhi jail to ensure that it was not poisoned."

The court directed the police to let Mr. Zardari sleep and also examine his food. Mr Zardari was formally arrested by the CIA on Dec. 19 under Sections 302, 324 and 120B in the Mir Murtaza murder case (443/96), after the Sindh High Court on Dec. 18 set aside his detention under the maintenance public order (MPO) ordinance.

I AM NOT AWARE OF POSTMORTEM RULES, SAYS POLICE SURGEON

By H. A. Hamied

KARACHI, Dec 23, 1996: "Medicolegal autopsy is a special type of scientific examination performed primarily to meet certain requirements of law; accordingly, it must be carried out personally by the medical officer so that he can provide a factual and objective medical report for the law-enforcement agencies," contents from Modi's textbook of medical jurisprudence and toxicology, read out to the additional police surgeon by the judges sitting on the tribunal, inquiring into the causes of death of Mir Murtaza Bhutto.

The judges, Justice Nasir Aslam Zahid and Justice (Dr.) Ghous Mohammad, on Monday read out the passage from the medical textbook to Dr. Irfanullah Qureshi, additional police surgeon of Karachi, when he said he was unaware of any rules, and it is under whom several medicolegal officers are working and conducting postmortems in various hospitals in Karachi.

The judges told the additional police surgeon that the MLOs do not perform their duties in accordance with the law and conduct postmortems in a routine manner.

In the case of Mir Murtaza Bhutto, his autopsy was not performed at a designated hospital, which is a requirement of law.

The Modi's textbook also highlights that "it must be remembered that a mortuary technician (known as sweeper in some institutions) can assist the medical officer during autopsy but (he) is neither qualified nor competent to perform it under any circumstances - even under the supervision of a medical officer.

Justice Nasir Aslam Zahid told the police surgeon that the medicolegal officers should go on making efforts to improve and streamline the system.

He said the impression given to us was that postmortems were not being conducted by the medical officers and this work is being done by others, who

are non-professionals and unqualified, that is, by a class called 'Bhangis' who are non-Muslims.

Q: Why a cursory examination was done in the case of Mir Murtaza and rules were not followed in such a "sensitive case"?

A: We found out the cause of death, age of the victim and the duration of injuries, as to when the injuries were caused which caused the death. All these things were obvious.

Q: When all these things were so obvious, what was the need of a postmortem?

A: Yes, there was no need.

Q: Was any indication given to the MLOs directly or indirectly that the body should not be subjected to any incisions?

A: No such instructions were given by any of the authorities.

Q: Is forensic science a part of the medical course. Did you attend any such course?

A: No. We have in Lahore some institutions providing diploma courses in medical jurisprudence, but I am not sure about the name of the institution. There is a postgraduate course of two years at the College of Physicians and Surgeons Pakistan, Karachi.

Q: Is any MLO trained in forensic sciences, holding a degree or diploma?

A: None.

Q: Of those injured in the Sept 20 incident brought to the JPMC, was anyone's condition serious?

A: Yes. Bachal (a taxi driver) was in serious condition.

Q: Did you see the injured?

A: No. I didn't see the injured. It was not possible.

Q: Is it your duty to check the injured or the dead?

A: No. The DC South, Arif Ellahi, rang up to say that Mir Murtaza has died and he called me to Mideast at about 12:15 am. I suggested that the body can be sent here (JPMC) for postmortem or we can go there for the purpose of postmortem, as there are precedents. I went there with two other doctors, Dr. Ayaz Ali Memon and Dr. Ismail Rajpar.

Q: You met the DC, what did you discuss with him?

A: I don't remember. But we, all three of us, went to see the body of Mir Murtaza.

Q: What was the purpose of seeing the body? What was your specific role?

A: To see external injuries, that is, to superficially examine the body. At that moment, Mir Mohammad Shaikh, a lawyer, asked me under what authority we were there. I told him if he didn't like, we will go away. We wanted to save the time in conducting the postmortem. We were asked to do that when we had the police papers.

Q: When the police papers were ready?

A: It took around four hours. I also understood that once or twice papers were prepared but they were tore off and new papers were prepared. The papers were finally handed over to us at 5:15 am which included the inquest report. On the third day I prepared a document listing what was done and when and the events up to Sept 29.

Q: When was the decision taken to conduct the postmortem?

A: Perhaps, some higher authorities decided about it, and we started the postmortem at 6:15 am and I was with the medical officers who performed the postmortem.

Q: Did you do anything apart from watching, we want to know?

A: I did nothing.

- Q: What was the police surgeon doing all the time?
- A: He only gave some explanations to the MLOs which I don't remember now.
- Q: Where was the postmortem report written?
- A: It was written on the same day by Dr. Ismail Rajpar in the office. He later showed it to me. I okayed it. I asked the police surgeon to sign the report, to which he said it was not necessary since I have already signed it.
- Q: Were any photographers or movie cameramen present at the hospital?
- A: I don't remember exactly.
- Q: It is put to you either the timing of the postmortem was incorrect or the postmortem did not take place as deposed by you. Evidences are also there that a number of photographers/movie cameramen were allowed to take pictures. We have seen you were not there.
- A: The answers given by me about the timing were correct. Photographers may have been allowed inside for only a few inside.
- Q: Were your photographs taken at the place and published anywhere?
- A: No.
- Q: How many injuries Mir Murtaza had suffered?
- A: The report shows eight injuries.
- Q: Kindly inform the tribunal what procedures were adopted by your team?
- A: No cavities were opened. We probed the six out of the eight injuries. No procedures were adopted on six of the injuries.
- Q: Only they were observed?

A: Yes. No incision was done. Only a soft rubber catheter was passed from injury No. 4 to 5, the point of entry of the bullet and its exit, which were serious injuries that might have caused the death.

Q: Why did you do that?

A: To see the track of the bullet.

Q: How could you find the track of bullets. In case of gunshot wounds, the route is determined by dissection, because a bullet takes a torturous and erratic course, according to Modi's book on medicolegal postmortems. What you have found is the passage, no damage inside could be seen.

A: Yes.

Q: What was the need of a postmortem when the internal injuries and damage to vital veins and arteries are not known?

A: Without incision the damage to minor vessels could not be determined.

Q: If the man was shifted to a well-equipped hospital within minutes, he could have been saved?

A: I think so.

Q: Heavy loss of blood contributed to the death?

A: Yes.

Q: When six bodies were moved to JPMC at 3:30 am, there was no electricity in the mortuary. Is no generator provided?

A: There was no power supply and no generator either. But we have instructions to perform the postmortems in the light of lanterns.

Chairman: Going back another 200 years.

Q: Were you legally competent to form the team to conduct the postmortems. Under what provisions of law, you went to Mideast unless you were authorized by the government. Only in exceptional circumstances, postmortem can be conducted where the body is found?

A: Because the DC asked me to do so.

Q: What were the exceptional circumstances which forced you to go to MMC?

A: In this case, the DC had called me saying it was an urgent matter.

Q: The remaining six bodies were lying at the SMC mortuary unattended and why this discrimination between man and man. The entire attention was focussed at MMC, with the exception of Ashiq Jatoi's body, where Dr. Ghaffar Jatoi had intervened?

A: There was no light in the mortuary. No police papers were ready, otherwise postmortems would have been conducted right away. It was due to the pressure from the relatives of the late Ashiq Jatoi that the postmortem was conducted at the M. I. Room at 5 am.

Q: You acted against rules in conducting the postmortem. Are you aware of the prescribed rules, the place where it should be conducted?

A: I am not aware of any rules.

Q: In Karachi thousands were killed in recent past. Did you visit any other hospital for postmortem with a team without directions from the government?

A: No such teams were formed to conduct postmortem in such killings and deaths. This was the first case in which we went out of our jurisdiction. We did it because it was a sensitive issue, and the victim was the brother of the former PM, an MPA, and head of a party, killed in a mass killing.

At this stage, the witness was told about the police rules of 1934 as to who and where the postmortem should be conducted and the whole passage from the book was read out to him by the judges.

The second witness examined on Monday was Dr. Ghulam Sarwar Channa, 36, MLO, at JPMC.

He was asked by the SDPO, Saddar, to examine ASP Shahid Hayat at AKUH on Sept 21 who was injured in the incident.

When he went to examine him, the doctor on duty, Dr. Tashfeen, did not allow him to open the stitches already sewed on his leg which he said measured 7.4 cm.

Q: How did you measure the wound which was sewn and bandaged?

A: I had no measuring tape and I did it with my finger and marked it with a pencil and later checked it as 7.4 cm.

Q: You were accompanied by the investigation officer?

A: Yes.

Q: Why didn't you ask the AKUH staffers to provide one for you?

A: They were not well disposed towards me and I didn't consider it necessary to ask for it. I was not allowed to open the stitches to examine the wound by the hospital doctor and neither the injured officer was willing.

Q: What report you gave then?

A: I reserved my opinion.

Judge: Those who go to the mortuaries should carry a measuring tape with them. If the government had not provided you one, why don't you buy one and keep it with you all the time?

After completing the evidence of two doctors, the tribunal adjourned the hearing till Tuesday at 9:15 am.

POSTMORTEM IS PRACTICALLY DONE BY US

KARACHI, Dec 24, 1996: Testifying before the tribunal of inquiry, investigating into the circumstances leading to the murder of Mir Murtaza Bhutto and seven others, Dr Nizamuddin Memon, police surgeon of Karachi, said on Tuesday the postmortem on the body of Mir “could not be termed a postmortem as such.”

“The required practice was not followed and there was no dissection of his body or face, because of the fear that his face should not be distorted,” the police surgeon, who has been working in this position since Sept 10 last in BPS 20, said. He told the three-member tribunal comprising, Justice Nasir Aslam Zahid, judge of the Supreme Court; Justice Amanullah Abbasi, and Justice (Dr) Ghous Mohammad, that “in the strict sense of the word that was not a postmortem, because what we wanted to know was gathered that (gunshot wounds) was the cause of death.

Q: You wanted to check on superficial examination of the body about the injuries?

A: We were satisfied that the cause of death was ascertained. It was not a postmortem, but a formal examination for assessing the cause of death. We got a death certificate from the hospital plus whatever was superficially seen and examined was sufficient to establish the cause of death. There were eight injuries on his body, two of which proved fatal, one bullet entry wound and the other exit wound. The bullet had entered from the right side of his ear and exited from the left side of the neck.

Q: Have you done any postmortems in your medical career?

A: No. I have supervised such postmortems in more than 50 cases.

Q: How many visits you have made to the mortuaries in the past three months?

A: At least three.

Q: Any specified training you have received in the field of forensic science and medicolegal examinations?

A: No.

Q: Are there any rules of medicolegal examinations in which instructions are laid down?

A: I know there are rules but I have not seen them.

Q: It was only a formal assessment that you have made in the case of Mir Murtaza, but were you legally competent to dispense a formal full-fledged postmortem on Mir Murtaza?

A: I don't know whether I am legally competent to do so.

Q: Why there was negligence on your part about five other bodies which were lying at the JPMC mortuary?

A: I came to know of a power breakdown when I reached there at 7:30 am.

Q: Did you feel your responsibilities that you and the additional police surgeon, Dr Irfan Qureshi, were both at Mideast Hospital and neither of you went to JPMC to see the unattended bodies so that the postmortems were not delayed and no disrespect was shown to the dead by delaying matters?

Q: If everything was being done by two MLOs, what was your role and necessity of remaining at Mideast?

A: The administration wanted us to be there at Mideast.

Q: The leadership responsibilities called for your equal attention to all other victims?

A: The two MLOs at Mideast wanted both of us there to provide relief.

Q: What is the role of the sweepers in the mortuaries? Do they open the cavities and stitch the wounds?

A: Yes. If they are asked to do it by the doctors. The sweepers' help is sought for opening and closing of the cavities, and their assistance is generally sought. Suture is an easy job and that is done by the MLOs themselves. The attendants are in BPS grade I and they work on a part-time basis with doctors in their private clinics.

Q: Not at a butcher's shop? Police surgeon: At present there are no qualified mortuary attendants because none are available. The reason being they are grade I.

Tribunal: Why don't you give them better grades and with higher qualifications recruit them and call them paramedics?

A: It is the government's responsibility and this has to be done as a policy matter. Heads and bones are cut with a saw and only recently we have bought an electric cutter to cut the skull and other bones. The police surgeon said his department is most neglected, the place where our people work emits foul smell, no fly-proofing, no drinking water is available and no airconditioning of the place. The chairman gave the example of Dr Adibul Hasan Rizvi, whose SIUT is as good as any in the world, and asked the police surgeon why they don't develop their institutions through donations etc to a higher level. When the tribunal asked the police surgeon if he had seen today's Dawn, he replied in the negative. He was told by the tribunal that the newspaper has reported in detail what your functions are and how they should be performed.

Q: As police surgeon, you are in charge of all the mortuaries in the city hospitals and where are they located?

A: They are at Abbasi Hospital, Civil Hospital and JPMC. The fourth one is at Qatar Hospital, Orangi Town, which is not in use because there is no staff and other facilities.

Q: The additional police surgeons and all the MLOs are working under you?

A: Yes.

Q: Is there any training for MLOs?

A: There is no formal training, but after they are appointed, they are attached with the seniors for 2-3 months, but there are no written regulations.

Q: For caution and better results, why don't you print the rules and convey them to the health secretary and observe them strictly instead of relying on verbal communication.

A: I will do so today.

Answering questions on the visit of British investigators in connection with the Clifton incident case, the police surgeon told the tribunal that two of the experts visited him in his office more than half a dozen times where all the MLOs were questioned about the postmortems, more particularly about Haq Nawaz Sial's foot injury and his subsequent murder, and the injury sustained by ASP shahid Hayat and Mir Murtaza's postmortem reports. The British detectives were experts in the field of pathology and crime detection, and the witness was not aware of their findings. Earlier in the day, one of the lowest in ranks at the mortuary, an attendant, who was actually recruited as a sweeper in BPS I, was examined, and according to the chairman of the tribunal, he was the most difficult one, who would not share his information and knowledge to protect himself and the doctors.

The attendant, Anwar Masih, with more than 11 years service as an attendant, said all those working with him are Christians, and he named them as Nishan Masih, Salim Masih and Nazir Masih. He said during his career no non-Christian attendants were ever appointed.

For not answering questions straight and thinking over each one of them, Justice Nasir Aslam warned him several times that he was under oath and that he can be handed over to the police for giving false evidence, which were contrary to what had been stated by the medical officers. But he was adamant until Justice (Dr) Ghous Mohammad raised his voice, then slowly and indirectly the attendant started saying that he could not refuse opening the bodies, carrying out incisions on bodies, suture them, clean them and take out organs and replace them back in the bodies. The attendant discredited the testimony of all the MLOs given earlier. He was even evasive about his education as he stated that he has passed 5th or 6th class. On Thursday morning, the police surgeon will appear again before the tribunal to submit

the reports of the three separate medical boards which were constituted by the provincial health secretary, relating to the foot injury and death of SHO Sial, and injury to ASP Shahid Hayat.

COURT REJECTS POLICE REMAND FOR ASIF

KARACHI, Dec 26, 1996: The judicial magistrate, South, on Thursday remanded Asif Ali Zardari, former investment minister and spouse of Benazir Bhutto, in judicial custody till Jan 2. In a compact order, the court observed that the prosecution had failed to justify further police remand of Mr. Zardari, as they could not obtain any statement from him in the last eight days. The court observed in its order that the prosecution had failed to reply questions raised by defense counsels to the satisfaction of the court and it would be contrary to the all norms of justice to remand him in the police custody.

The investigating officer, SSP-CIA Ali Gohar Mitiani, who is also holding additional charge of the AIG Crimes Branch, produced him (Mr. Zardari) in the court of judicial magistrate Miss Rashida Siddiqui and prayed for a six-day extension in the police remand. Mr. Mithiani submitted that Mr. Zardari had yet not confessed his "involvement" in the murder conspiracy. "Mr. Zardari is a conspirator and he should be handed over to the police for his further interrogation," he added. Barkat Chaudhry, prosecuting inspector, informed the court that the police had yet to complete investigation in the Mir Murtaza Bhutto murder case. Azizullah Sheikh and Farooq H. Naek, lawyers of Mr. Zardari, told the court that besides the Crimes Branch IO, personnel of some other agencies had tortured their client. The interrogators did not allow him to sleep in the night, Mr. Sheikh informed the court. IO Mithiani confessed that members of a joint interrogation team (JIT) had questioned Mr. Zardari about his alleged involvement in the case.

The JIT was constituted by the home department, he added. Mr. Naek told the court that constitution of the JIT was contrary to the police rules. "Neither the court nor the police rules allow them to interrogate him," he added. Mr. Sheikh said: "The court does not know who they are and why they have interrogated Mr. Asif." The court observed that no law enforcement agency other than the Crimes Branch could interrogate the accused. The court after hearing defense counsels, IO and IP passed the order for remanding the accused in judicial custody and remand for the police custody was refused.

MEDICAL BOARDS' REPORTS PLACED BEFORE TRIBUNAL

KARACHI, Dec 26, 1996: The police surgeon of Karachi, Dr. Nizamuddin Memon, on Thursday submitted three reports before the three-member judicial inquiry tribunal, which is conducting investigations into the murder of Mir Murtaza Bhutto. The reports pertained to the findings of the independent medical boards constituted by the government concerning the injuries to two senior police officers - ASP Shahid Hayat Khan, and the late inspector Haq Nawaz Sial, the then SHO of Clifton police station - on Sept 20. Sial had suffered another wound, which proved fatal, a week later.

The witness submitted the reports of the medical boards, of which he was a member, and described the injury in the left thigh of ASP Shahid Hayat as a gunshot wound. The first injury on the left foot of inspector Sial on Sept 20 at the place of incident was described as a self-suffered wound; and the second fatal wound seven days later was homicidal. ASP Shahid Hayat Khan's statement before the medical board was also taken into consideration before finalizing the report, in which the police officer now under arrest on the charge of murder had stated that he was standing at a distance of four feet from Mir Murtaza's men on the main road and the first fire was directed towards him when his back was towards the people who fired at him, resulting in a wound on his left thigh. The report said: "At the time he was in civilian dress. He fell on the ground and later crawled towards his men and took position behind a tree. He called for an APC but before that could arrive, he was taken to AKUH in a mobile."

The opinion of the medical board was that it was a case of firearm injury and the entry and exit wounds on the thigh indicated that he was fired from behind. It was fired from a distance of two to three feet and the wound measured 15 cm. The medicolegal officer, Dr. Ghulam Sarwar Channa, had in his evidence described the wound as 7.4 cm long and he had checked it with his finger in the absence of a measuring tape. The nine-member board comprised Dr. S. M. A. Shah, Dr. Tariq Mirza, Dr. Azhar Husain, Dr. Mateen A. Khan, Dr. Mohammad Ishaque Shaikh, Dr. Mushtaq Ahmed, Dr. Shuja H. Khan, Dr. M. Umer Baloch, and Dr. (Capt.) Nizamuddin Memon.

The second medical board constituted by the government of Sindh in the case had opined: "Keeping in view the direction and nature of the wound on the easily accessible, least dangerous and non-vital part of the body, physical appearance of left boot and pant, and radiological findings, the members of the board are of the unanimous opinion that the left foot injury of Mr. Haq Nawaz Sial, SHO Clifton Police Station, Karachi, has been caused by a firearm at close range and is self-suffered."

On a question from Karim Khan Agha, counsel for the DIG Karachi, and two ASPs, the police surgeon denied any knowledge that the bullet was fired from a helicopter and that he had been attacked from a helicopter, as reported in Dawn of Sept 27: "According to a member of the board, who sought anonymity, the examination of the policeman's belongings such as his shoes and socks proved that, if one goes by the injured's account, the direction of the bullet indicated that he was fired upon from a helicopter because the bullet had hit him in the inner side of his heel skin which did not hurt the bone, and the bullet seemed to be from a revolver, and the firearms seized from Mr. Murtaza Bhutto's men did not include such arms." This passage of the report was read out to the witness by the chairman and the latter denied any knowledge and even denied that there was any such suggestion at the meeting of the board.

The signatories of the board were Prof. M. Shafi Quraishy, professor of medicine and principal of Dow Medical College; Prof. Abdul Karim Siddiqui, professor of Surgery, DMC; Prof. A. Mateen Khan, professor of radiology; Dr. Tariq Mirza, associate professor and head of the department of forensic medicine and vice principal, DMC; Dr. Nizamuddin Memon, police surgeon; and Dr. Mohammad Umer Baloch, medical superintendent, Services Hospital, and civil surgeon. The third report pertained to the examination of the body of Haq Nawaz Sial on Sept 28 in the mortuary of CHK. He had two wounds on his skull, a wound of entry on the right temporal region with ecchymosis in a track from towards the right eye and the size of the wound was 3 cm which was stitched by the MLO. The size of the wound of exit on the temporal region was about one and a half cm. The eyes were closed and sunk. The actual point of entry in the skin was separately examined by the medical board. This piece of skin was already excised and preserved by the MLO.

The opinion of the board was: "After a careful examination of all evidence and thorough discussion, the medical board is of the unanimous opinion that

the injury to Mr. Haq Nawaz Sial was a firearm injury, fired from a close range of two to three feet, resulting from a homicidal act.

“It appears at the time of the incident he was lying on left side, with a pillow under the temporal region,” the report concluded. The X-ray of the skull showed a bullet entry from the right temporal region and exit from the left temporal region, making the track through the maxillae and the nasal area, making them dense and hazy due to bleeding. The multiple radio-opaque shadows seen on the skull around both holes in the small and soft tissues. No bullet seen in the skull, the reported concluded. The witness said the distance from which it was fired could be from two inches to three feet, because there was no burning, no loss of hair and there had been blackening. The report was signed by Dr. Akbar Siddiqui, Dr. M. Shafi Quraishy, Dr. Mateen Ahmed Khan, Dr. M. Ishaque Shaikh, Dr. Syed Mohammad Ali, Dr. (Capt.) Nizamuddin Memon, Dr. Mohammad Umer Baloch, Dr. Tariq Mirza and Dr. Azhar Hussain.

The day began with the screening of a PTV film on the Sept 20 incident showing thick blood on the road and Mideast Hospital humming with activity and the interview of Asghar Ali, who was apparently in a better shape, and of another injured in JPMC. The sound track was not good, and the tribunal has called for another film which will be screened later to see the film with sound. After the screening of the film on two TV sets, one facing the judges and the other the lawyers and journalists, the PTV senior news editor, Osman Ghani Memon, 47, was examined. The film was shown for nearly one hour and it included shots of the thick blood on the main road, Murtaza’s body being taken to 70-Clifton and then to Larkana from a nearby helipad amid rush of a crowd in mourning.

Asghar Ali, personal servant of Mir Murtaza, and a police constable, Ayaz Ali, both injured, were also interviewed by PTV which was shown several times on the network. Begum Nusrat Bhutto and Ghinwa were shown, besides Fakhri Begum, sister of Begum Nusrat, making a long telephone call to some one at Mideast Hospital. The then prime minister was also shown inside the hospital being escorted by some women.

The vehicles owned by Mir’s party were also shown at Clifton police station with marks of bullet shots and blood inside in almost all the vehicles, suggesting that Mir’s men were shot while still inside their vehicles. After watching the PTV camera shots by cameramen Pervez Ataullah, Mohammad

Asghar and Amir Mukhtar, the tribunal decided to call all of them in a single day hearing to find out the timings of their filming. Others who would be summoned from the television are Iqbal Jamil, reporter, and Mashkooor Najam, current affairs producer. The tribunal hearing was adjourned until 9:15 am on Sunday. On Thursday the government of Sindh was represented by M. Sarwar, additional advocate-general.

MEDICAL BOARDS WERE UNNECESSARILY LARGE

KARACHI, Dec 29, 1996: Testifying before the tribunal of inquiry which is investigating the causes of death of Mir Murtaza Bhutto and seven of his men, Dr. Abdul Karim Siddiqui, professor and head of the department of surgery, Dow Medical College, Karachi, said on Sunday the number of doctors on each of the special medical boards constituted by the government was in excess of the requirement.

The 58-year-old surgeon, an FRCS, told the tribunal, comprising Justice Nasir Aslam Zahid, a judge of the Supreme Court; Justice Amanullah Abbasi and Justice (Dr.) Ghous Mohammad, that the board was constituted to determine the nature of the foot injury of the late inspector Haq Nawaz Sial, SHO, Clifton police station, had six experts, and nine members were nominated on the board to determine the cause of his death; and 10 for examining the foot injury of ASP Shahid Hayat. The witness in answers to questions from the tribunal said three to four experts could have been enough for each of the incident and never before in his career, so many specialists were gathered to give their findings. The tribunal observed that the 10-member board constituted to examine the leg injury of ASP Shahid Hayat was unnecessary because when he was seen by the doctors on Sept 30, 10 days after the incident, the wound had healed and the doctors had no opinion to offer on the injury as they wholly depended on a medical certificate issued by Aga Khan University Hospital, where he was treated for his bullet wound across his thigh. The bullet had passed through his thigh leaving behind no foreign body, according to a certificate issued by Dr. Shuja Hasan Khan, consultant orthopaedic surgeon of the hospital. The 10-member board, the tribunal observed, was a waste of time as they had no role to perform as members of the special medical boards constituted by the health secretary to the government of Sindh.

About the case of examination of inspector Sial, the witness said when his shoe was examined; a bullet was tucked in it, which was taken out on Sept 26. The board gave the opinion that the injuries were self-suffered. He said Sial was made to wear the shoes and trousers which he had been wearing at the time of the incident, to find out those were his. There was gunpowder, the presence of which showed it was a gunshot wound, the witness said.

“We should have written as you are questioning” was the reply of the surgeon to the tribunal when he was told that the doctors should have made full observation of what they heard, what they were told, what they had seen and what they examined, so that everything should have been self-explanatory in the report. The tribunal said the experts had taken up the matter in a routine matter and if they had taken a little more care, there was no need to examine the witness.

The late inspector Sial was hit on the lower part of his body, in a non-vital part easily accessible and least dangerous and the direction of the firing was from above. “Somebody purposely hit him without causing serious injury,” he said.

Q: You have said the distance of firing was a “close range,” why did not you specify the distance?

A: Because we were not sure of it and approximately it could be between two and three feet.

Q: The injury could have been in the encounter?

A: No.

Q: On what basis you rule out this possibility?

A: It has been discussed in the report.

Q: Have you ever been a member of the PPP or the SB group?

A: No.

Q: How did you examine the body?

A: We already had a postmortem report before of us. Two thoracic and abdominal cavities had been opened. He was hit near his right eye and the bullet passed through and exited from the other side. His body was stitched and the board members did not re-open those portions.

Q: How long the body was examined by the specialists?

A: The body was examined for about an hour. What we were trying to do was to confirm the postmortem report conducted earlier. The left wound which was the exit wound for the bullet was opened and matched with the excised portion which was with the board members given by a medicolegal officer. The right side wound was 3 cm from the eye. The excised wound was also from the right and not the left side.

Q: What was the cause of death and the range of firing?

A: It was fired from a close range, from a distance of about three feet and the death was homicidal.

Q: Any difference of opinion on the point of distance among the board members?

A: No. There was no difference of opinion. Dr. Tariq Mirza had brought a book on jurisprudence to support the theory that there was charring and burnt hair and the distance was less than two feet. A detailed discussion took place on the point of distance and they came to the conclusion that he was fired from a close range and it could not be less than two feet.

Q: Are you aware of such firearms which when fired cause no charring?

A: No. I don't know.

Q: Why a handwritten report was issued and why it was not typed and there were additions, corrections made in the report?

A: There was no time for typing because no typist was available and the police wanted the report on the same day.

Tribunal: Our typists sits till 8 pm and they begin their work in the morning. The witness said the chairman of the board, Dr. Shafi Quraishy, wanted the report to be ready the same day to be submitted to the health secretary.

Q: The composition of the board shows that except Dr. Mohammad Ali Shah from A. O. Clinic, all the other eight were government doctors. Are there no orthopaedic surgeons available with the government?

A: There are Prof. I. Jokhio, Dr. Younus Soomro from CHK and Dr. M. A. Qureshi from Lyari General Hospital.

The witness said although there was no mention of the precise object of examination of the body, "we looked into all aspects because we knew of the background of the case and gave our opinion. We gave the details so that the issue should not come back to us. About the third medical board constituted in connection with the bullet injury to ASP Shahid Hayat, the witness said 11 doctors were nominated on the board with the witness as chairman.

Q: In the eight-page report the 11 doctors all put together have not specified which part of the thigh was hit and the entire report was based on the AKUH certificate?

A: He produced a copy of the report which was in the form a certificate. At the time we examined, we could not give any finding about the injuries, which is the entry point of the bullet and which is the exit point of the bullet.

Q: Was the composition of a board with 11 specialists justified. The board merely acted as a rubber stamp?

A: Only four persons would have been enough.

Earlier, DSP Sarfaraz Alpa, CIA, Garden, informed the tribunal that the second and the final challan in the case of Mir Murtaza would be filed before the trial court on Jan 2 when the remand of the accused expires. He said the AIG Crime Branch, Ali Gohar Mithiani, is investigating the matter and the joint investigation team is investigating other matters.

On questions from the tribunal, DSP Alpa said the first investigation officer of the case was sub-inspector Khurram Waris, followed by SP Crime Branch Noor Mohammad Pechoho and SSP (South) A. D. Khawaja held joint investigations and it is currently being investigated by the AIG FIA/Crime Branch, Ali Gohar Mithiani. As soon as final challans are submitted before the trial courts, the AIG Crime Branch will inform the tribunal about it and the

accused in the case will be asked to appear before the tribunal to record their statements.

TRIBUNAL WATCHES PTV FILM OF CLIFTON KILLINGS

KARACHI, Dec. 30, 1996: Four PTV news cameramen, a police inspector and a sub-divisional magistrate on Monday gave their testimonies before the three-member judicial inquiry tribunal which is investigating into the circumstances which led to the death of Mir Murtaza Bhutto and seven of his men in the police firing in Clifton on Sept 20. The tribunal, comprising Justice Nasir Aslam Zahid, judge of the Supreme Court; Justice Amanullah Abbasi, and Justice (Dr) Ghous Mohammad, both judges of the SHC, examined the PTV cameramen after the films they had made of the incident were screened before the members of the tribunal, lawyers and journalists. The TV cameramen examined were Ameer Mukhtar, 36, Iqbal Jamil, 42, news producer-cum-cameraman; Mohammad Asghar and Pervez Ataullah, 45, and all of them put together had produced a 45- minute film showing the blood on the main road, interviews of two victims of the firing, Ayaz Ali and Asghar Ali, in JPMC, three bullet-riddled vehicles of Murtaza's party at Clifton PS, blood stains on the two front seats of a Pajero jeep, besides Mideast Hospital where Ms Ghinwa Bhutto and the then prime minister, Benazir Bhutto, were shown entering and leaving and a number of other people. Before the television film was viewed, the tribunal overruled an objection from a Britain-born, Karim Khan Agha, counsel for the DIG Karachi Range and the two ASPs, who are accused in the case. His objection was that an interview of Asghar Ali has also been recorded alleging the police had fired upon Mir Murtaza and his men, and that since the police who are accused in the case are not present before the tribunal, it will prejudice their case.

The chairman of the tribunal did not agree with the counsel and said that Asghar Ali's statement might have been published in the form of interview elsewhere and his version is also there in his own FIR, registered as a counter to the FIR of the late inspector Sial. The shots included the body of Mir Murtaza lying in the operation theatre. When the tribunal inquired of the cameramen whether the PTV provides them safety equipment that are normally required while covering such incidents, to which they said no. Bullet-proof jackets were not provided to them, the tribunal was informed.

Asghar Ali, a personal servant of Mir Murtaza who was injured and hospitalised, said in his interview that as the vehicles carrying Mir Murtaza and his men returned from Surjani Town, the police suddenly fired at them and, according to him, Ashiq Hussain Jatoi died in his own Pajero which he was driving. Asghar Ali was sitting on the back seat of the vehicle ducked when the firing started and when he started appealing to get the firing stopped, he was also fired at injuring him on the left shoulder. He wanted to accompany his master, whom he called "Baba" to Mideast Hospital, but the police stopped him and made him to lie on the ground along with others and later they were taken to JPMC for treatment. The arrangements for the screening of the video films were made by the senior news editor of PTV, Osman Ghani Memon, who was also examined by the tribunal on Thursday. The next witness was SDM Mohammad Ali Shah, who was recalled and reaffirmed and asked a question whether he had ordered a medicolegal officer, Dr Ghulam Sarwar Channa, to visit AKUH to examine the wounds of ASP Shahid Hayat, to which he replied in the negative.

Police inspector Riaz from Saddar police station, who had accompanied the MLO to AKUH for the examination of the ASP's wounds, was also examined briefly. To a question from the tribunal, he said he was not aware of any rules or laws whether such examination was permissible in a private hospital. He said he merely carried out the orders given to him to accompany the MLO. The tribunal adjourned its hearing to meet again on Tuesday.

TEN TO TESTIFY BEFORE MAGISTRATE TODAY

KARACHI, Dec. 30, 1996: Ten witnesses to the killing of Mir Murtaza Bhutto and seven others will record their statements before a magistrate on Tuesday. All 21 accused in the case are to be produced together for the first time in the court.

The district magistrate of South, Irfan Ali, will hold the court inside the central prison where the witnesses would record their statements under section 164 of Criminal Procedure Code (CrCP) in the presence of the accused. Police sources said all arrangements had been made to ensure the production of the accused in the court. Former Sindh chief minister Syed Abdullah Shah and former DIG of Karachi Dr Shoaib Suddle are the only two accused who have obtained pre-arrest bail. The other 18 are in judicial custody. Former SHO of Khokhrapar Inspector Zeeshan Kazmi has not been arrested so far after his pre-arrest bail application was rejected by a superior court.

The sources said both Mr Shah and Dr Suddle had been served with notices to appear before the court on Tuesday and the Landhi jail authorities had been directed to produce Asif Ali Zardari, also an accused in the case, before the court. They said Mr Zardari would be escorted to the central prison from the Landhi jail by the CIA, Karachi.

MURTAZA CASE: WITNESSES SEEK TIME TO RECORD STATEMENT

KARACHI, Dec. 31, 1996: The witnesses to the killing of Mir Murtaza Bhutto and seven others could not record their statements under section 164 of the Criminal Procedure Code (CrPC) on Tuesday before the magistrate who put off the proceedings till Wednesday as the accused in the case sought time for consulting their counsel.

The court, headed by district magistrate Irfan Ali, started the proceeding for recording the statements of the witnesses inside the premises of the Central Prison at 10am which continued for two and a half hours. Except for Asif Ali Zardari, former investment minister; Syed Abdullah Shah, former Sindh chief minister; and former SHO of Khokhrapar Inspector Zeeshan Kazmi; all the accused, including former DIG, Karachi, Dr Shoaib Suddle, were present before the court. The accused present in the court sought time for consulting their respective counsel. They also requested the court for the statements of the witnesses they had given to the police under section 161 of the CrPC. The court directed the investigation officer of the case to provide copies of the statements to the accused. As per legal requirements the accused cross-examine the witnesses when they (witnesses) record their statements under section 164 CrPC. Sources said Mr Zardari, who is in the judicial custody at the Landhi jail, was served with a notice to appear before the court but refused to attend the proceedings. His counsel has submitted some reservation to the home department regarding his presence at the court being held in the jail.

They said the court on Tuesday issued a fresh notice to Mr Zardari to appear before the court on Wednesday when the witnesses would record their statements. Mr Zardari may be represented by his pleader (counsel) if he does not want to attend the proceedings, they added.

The 10 witnesses to the killing of Mir Murtaza Bhutto and seven others were to record their statements on Tuesday before the district magistrate with all 21 accused in the case to be produced together for the first time in the court. However only five witnesses turned up, who, too, did not record their statements. Former Sindh chief minister Syed Abdullah Shah, and former

DIG, Karachi, Dr Shoaib Suddle, are the only two accused in the case who have obtained pre-arrest bail, while 18 accused, including two assistant superintendent of police (ASPs), are in the jail custody. Former Khokhrapar SHO Inspector Zeeshan Kazmi, another accused, has not so far been arrested after his pre-arrest application was rejected by the superior court.

TRIBUNAL DISSATISFIED WITH MEDICAL BOARDS' REPORTS

KARACHI, Dec. 31, 1996: The chairman of the three-member judicial tribunal, Justice Nasir Aslam Zahid, observed on Tuesday that the 25-member government-appointed medical boards to examine the injuries sustained by the late inspector Haq Nawaz Sial and ASP Shahid Hayat in the Sept 20 killings in Clifton had not prepared "speaking reports." Had the medical experts in their respective fields of specialisation prepared professional reports covering all aspects of the injuries by referring to leading authorities and authoritative books, there was no need to call the members of the medical boards to testify before the tribunal to clarify various observations which were inadequately covered or not made at all in their findings, the chairman observed. The judge was of the view that merely on the basis of the reports no body can understand the injuries that the police officers had suffered and whatever the witnesses are saying now are not part of their reports. They are now giving the evidence on the basis of their recollections which have not been recorded in their official reports.

In the case of a 11-member medical board constituted by the government for the examination of ASP Shahid Hayat of Saddar police station, the tribunal observed that the entire report of the "learned 11-member board was based on the certificate issued by AKUH, and made no single contribution on their own." Not only that the ASP was examined by a medical board 10 days after the incidence of firing when his wound had almost healed, the board acted as a mere rubber stamp and what they should have done was to say that the surgeon who operated upon the ASP should have been asked to submit a report to the government. The 11-member board was headed by Prof Karim Siddiqui, chairman of the department of surgery, Dow Medical College, Karachi, and two of AKUH doctors were also members.

Dr Tariq Mirza, 45, associate professor of forensic medicine, DMC, was examined by the tribunal to seek explanations of the three reports submitted by the medical boards, on which he was also represented. The 71st witness examined so far said he took part in the deliberations of all three cases referred to the medical boards separately – Sial's foot injury, examination of his body six days after his death in shooting, and the injury sustained by ASP

Shahid Hayat in his left thigh on Sept 20. The boards had certified that the injury in the left foot of Sial was self-suffered and his death was homicidal and the injury of Shahid Hayat was caused by a firearm and it was not a self-suffered one. When asked why the report was not even typed, Dr Mirza said the members were in a great hurry to prepare it and hand it over to SP Shukaib Qureshi who was waiting outside the mortuary.

When the hearing resumed on Tuesday morning, the SDM Saddar, Mohammad Ali Shah, was recalled to clarify certain remarks he had made on Monday. The SDM said that on Sunday he had stated before the tribunal that he had not spoken to Dr Akbar Hussain, senior MLO, about the incident. Dr Akbar Hussain, 38, in his evidence said the SDM had telephoned him regarding the incident, in particular, about the injured Shahid Hayat, who was to have been examined by an MLO at AKUH, a private hospital. The SDM was recalled on Tuesday morning and he admitted that his earlier statement regarding his conversation with Dr Akbar was incorrect. He apologised to the tribunal, and he was warned of the possible consequences of giving false evidence.

The SDM said his today's statement was correct and the earlier statement was not, about which the tribunal observed that he was a non-serious man and his actions and judgment might jeopardise several lives, it will affect some body's conviction or acquittal wrongly. Dr Akbar Hussain, MLO, was also examined and in his statement he submitted that Dr Ghulam Sarwar Channa, MLO, had asked him, as a senior colleague, whether he could go to a private hospital to examine an injured person, as there was a precedence in the past of doctors having done so when asked by the police or law-enforcement agency to do so. The MLO cited three other such incidents when medicolegal experts had visited private hospitals on being asked to investigate such cases or examine injuries. The first case pertained to detection of a poisoning case at Hilal Ahmar on a request made by the police, the second incident pertained to examination of an injured person at PNS Shifa on a request from the naval hospital and the third case was for performing an autopsy of Senator Mohsin Siddiqui at his residence which was done at the request of the police surgeon and the deputy director of JPMC.

Chairman: What we understand is that you have acted without legal authority. In future you act on written rules and written orders. In none of the three cases no written orders were there from the police surgeon. They had stated that the decision to go to AKUH was on the

instructions from M. A. Shah, the SDM, which he denied later saying that he had not communicated any such instructions. Then all the three were questioned one after the other and finally SDM Shah confessed that his earlier statement was wrong for which he offered an apology, to which Justice Zahid observed "we don't want SDMs to make tentative statements."

"Do you know as a magistrate thousands turn up each day to seek justice and how can you deliver justice, you better seek a job elsewhere in the department of animal husbandry and fisheries," Justice Zahid observed. When SDM Shah was hesitant in answering questions he was allowed to listen to the recordings and the tapes were played back, and then he was asked to make a categorical statement, whether his statement made on Monday was correct or what he is saying today was correct. Tribunal: Yesterday you had said you had not talked to Dr Akbar Hussain on any matter relating to the Sept 20 incident?

A: I was under the impression that the tribunal was asking questions about ASP Shahid Hayat's examination in AKUH. It will not happen again. Tribunal: Everybody says he will not do that in future.

Q: What is the population of Saddar?

A: About 1 million.

Q: Rights of citizens should be protected or not?

A: I am sorry and I apologise.

The tribunal, however, observed that it has not decided about the apology. We may issue a show-cause notice later. Justice Ghous: Neither aware of law nor following the law. Justice (Dr) Ghous read out a law which prescribes seven years' imprisonment, including a fine for giving false evidence on oath. The tribunal adjourned its hearing until 9:15 am on Wednesday to record the statements of more witnesses.

MURTAZA'S SERVANT EXAMINED

KARACHI, Jan 1, 1997: Asghar Ali, 24, a personal servant of the late Mir Murtaza Bhutto, who was injured in the Sept 20 incident at Clifton, who is both accused and a complainant, was examined in jail premises by the deputy commissioner, South, under Section of 164 CrPC. The examination was under protest by the counsel representing Major (retd) Masood Sharif, former director-general of Intelligence Bureau, and others. Sharif was represented by Syed Amjad Ali Shah.

Asif Zardari was neither produced in jail for being present at the time of recording of Asghar's statement, nor his counsel was present. The third accused, Abdullah Shah, former chief minister, was not present but his counsel, Azizullah K. Shaikh, was present. The DIG Karachi Range, Dr Shoaib Suddle, and two ASPs, Rai Tahir and Shahid Hayat, were present, but they were un-represented. The other 11 accused policemen, including ASI Abdul Basit, and 10 head constables and constables were also present but only two of them were represented by Shaikh Liaquat and Ibn Abdullah Jafri.

The counsel for Masood Sharif and Abdullah Shah participated in the proceedings under protest which was recorded by the deputy commissioner. Their protest was that a statement under Section 164 of CrPC (statement of the accused or witness recorded before a magistrate) cannot be recorded by an executive of the government but only by a judicial magistrate after the separation of judiciary.

Amjad Ali Shah and Azizullah Shaikh filed written objections, saying only a judicial magistrate having exclusive jurisdiction can record such statements and the district and sessions judge (South) had already nominated Ms Rashida Siddiqui, a judicial magistrate, to record such a statement. They also maintained that under the law such statements should be recorded in open courts and not in jail, and the statement of Asghar Ali should also have been recorded in an open court. The deputy commissioner while overruling the objections of the counsel said it was being done in view of the law and order situation, to which the counsel maintained that the accused have been produced in courts for police or judicial remand and in this case how the situation has altered.

The counsel for Sharif and Shah sought orders from the DC so that they can file petitions for revision before a proper court of jurisdiction. The process was lengthy as it lasted from 11 am to 4:45 pm. Eight other prosecution witnesses are fixed for examination on Jan 5. Asghar Ali's cross-examination has also been reserved for Jan 5.

TRIBUNAL WARNS DOCTOR OF PERJURY CASE

KARACHI, Jan 2, 1997: Dr. S. M. A. Shah, a member of the medical board which had examined the injuries to ASP Shahid Hayat, informed the tribunal of inquiry on Thursday that the authorities wanted to “make meaningful changes” in the report but he refused to sign a second report. “I thwarted the move by refusing to sign a second report after a couple of days,” Dr. Shah, 50, owner of the AO Clinic, Nazimabad, told the tribunal.

He was one of the members of the 10-member medical board, constituted by the Sindh chief secretary, and the board had examined the wounded the ASP. Shahid Hayat had received a bullet wound in his left thigh. The board in its finding had stated that it was a case of firearm injury and that it was “not a self-inflicted” one. The distance of firing on his left thigh was between 2 and 3 feet. He said he was the author of the report and all the nine other members unanimously agreed and signed the report. But a few days later, he was contacted by the chairman of the board, Dr. A. Karim Siddiqui, to sign another report which was a typed one “with meaningful changes in it.”

The witness said he refused to sign although all the other members had done so, including the chairman, because its sanctity was destroyed, and was being done at the behest of those who had constituted the board. An attempt was made to change the report, he informed the tribunal.

Q: Who had brought the typed report for your signatures?

A: Dr. Karim Siddiqui, professor and head of the department of surgery, DMC and Dr. Tariq Mirza, vice principal of DMC and associate professor of forensic medicine, had come to my residence to get the signatures.

Q: What did they tell you and why they wanted your signatures on a new report?

A: They said the report which I had written in my handwriting was typed and they sought my signatures saying that minor alterations have been made. It had already been signed by eight doctors and Dr. Ishaque

Shaikh had not signed it because he was not available at his place. They said he will sign it later.

Q: What reasons the two doctors gave for typing out the documents and getting the signatures of all the 10, a repetition of exercise?

A: The reason the two doctors gave was that in a court a typed report is submitted and my view was that it should not have been signed before it was typed. Again! my point of view was "once written and signed, it should not be revised".

Q: Did anybody else approach you for signing the typed documents with alterations?

A: These two doctors remained in my house for over four to five hours pressuring me to sign it and during this period, Dr. Karim Siddiqui offered Zuhr, Asr and Isha prayers.

Q: Did any body else force you to sign?

A: Dr. Karim Siddiqui phoned the Health Secretary, Dr. Kamil Rajpar, from my house and I was also asked to talk to him. I did, but I refused to sign the documents. I had told them that if the defense lawyers in the case will ask me on oath whether there were two medical board reports, what shall I say. I also warned them of the consequences of signing the documents with alterations and that they will be "partners in the crime committed on Sept 20".

Finally, they tore the typed report in my presence and I was requested to attend a meeting at the AKUH the next day, and the original report remained in force.

Q: Any agenda given to the board to study and report.

A: Nothing. We were only required to examine the ASP's wounds. After completing his evidence, the tribunal called in Dr. Tariq Mirza, associate professor and head of the department of forensic medicine, to examine him again after being reaffirmed on oath.

The tribunal read out his earlier statement made before the three-member body on the subject and when he was asked whether he was pressured to change his statement, his answer was in the negative. He said the suggestion was absolutely incorrect.

Tribunal asks Tariq Mirza: On a question from Karim Khan Agha whether you were pressured after you signed the report about Shahid Hayat, you had denied it. About the changing of a report, do you maintain and reiterate what you had stated earlier? Tariq Mirza: I stand by whatever I had stated earlier.

Q: Two doctors, Dr. Shuja Hasan Khan of AKUH and Dr. S. M. A. Shah, had clearly stated that you had gone to Dr. Shah's house to get his signature with Dr. Karim Siddiqui. Now what have you to say today?

A: The chairman of the board after a few days of writing the report asked me to get the report typed and obtain the signatures of the members afresh.

After the report was written, it should have been typed and then signed again like the first one. This was decided by all those present. Dr. Shah and the two doctors from the AKUH, Dr. Shuja Hasan Khan and Dr. Mushtaq Ahmed had perhaps also left the place. This was a decision of seven doctors.

Q: Who decided to get it typed once it was handwritten and signed?

A: It was taken for granted that I will type the report like the previous one.

Q: How long it took you to type the seven-page report?

A: It took me three to four days. I then went to Dr. Karim Siddiqui. As he was busy, he asked me to go to all the doctors and get their signatures. Dr. Karim Siddiqui, Dr. Shafi Quraishy and I signed it. I being the junior-most was asked to get the signatures of the others. When all the nine signed it, we (Dr. Karim Siddiqui and Tariq Mirza) wanted to go to the house of Dr. S. M. A. Shah for his signature. He agreed to see us the next day. The two doctors of the AKUH agreed to sign it saying it was an altered report, but the courts will settle the issue.

Justice N. A. Zahid: "You are making a total farce of yourself being an associate professor. We could have overlooked if you were ordinary illiterate person, but a person who is holding high offices has handled it in such a way which is highly irresponsible and smacks of malafide. If a simple fact had come on record earlier that this attempt was made and failed, the matter would have ended then and there.

Chairman: Was that a child's play. Were you writing a story for children. Apparently, we will give you a notice of perjury. Once a board signs a report, it becomes functus. It cannot continue to function indefinitely until you correct all the procedures.

Witness: I am an open book.

Tribunal: You are a closed book.

Witness: When we finally went to the house of Dr. Shah, he refused to sign. He saw the original report written by him and the typed version and because there were changes, he refused to sign it.

Q: How long you were with him?

A: About one to one-and-half-hour. During this period, Dr. Karim Siddiqui offered Asr prayers in a mosque.

Q: Could you have stayed with Dr. Shah for four to five hours?

A: No.

Q: Did you or Dr. Karim Siddiqui talked to Health Secretary from the house of Dr. Shah?

A: He talked to the health secretary, Dr. Kamil Rajpar, and I don't know what did they talk.

Q: Was that an only call made or many more?

A: I don't remember how many times the calls were made. Nobody else was contacted other than the health secretary. In my presence, Dr.

Shah told Dr. Siddiqui that there was no sanctity of the report, and, therefore, I am not signing. Next day a meeting was held at the AKUH to talk to Dr. Shahzad, who operated upon ASP Shahid Hayat, but he was not produced. When Dr. Shah refused to sign the report, it was maintained that the new typed report was to be ignored and the original to be maintained.

The witness was asked to produce the typed version with nine signatures, minus the signature of Dr. Shah. This will be produced on Sunday morning, because he had torn the signature part of the document.

Question from the assistant AG, Latif Abdul Ansari: Did the health secretary know the contents of both the typed and hand-written reports and you and Dr. Karim Siddiqui were playing to the tunes of the health secretary who was invisible hand behind the scene to destroy the sanctity of the report?

A: No.

Tribunal: Justice may be blind, but we are seeing through the light. What might have happened if this matter was dealt by a subordinate court where there was no time to examine in such a details? The chairman observed that Prof. Siddiqui had created the confusion, if he had stated the facts briefly, there could not have been any need to call any of the members of the board to verify. Now all of them would be called.

Earlier, the tribunal examined Sarfaraz Ahmed, staff reporter of Dawn, who had reported on Sept 27 that "according to a member of the board, who sought anonymity, the examination of the policeman's belongings, such as his shoe and socks proved that if one goes by the injured's account, the direction of the bullet indicated that he was fired upon from a helicopter because the bullet had hit him in the inner side of his heel skin which did not hurt bone, and the bullet seemed to be of a revolver, and the firearms seized from Mir Murtaza Bhutto's men did not include such arms."

He was asked by the tribunal to state who the member of the board was, to which, he said, it has already been reported he was speaking on anonymity.

The reporter was asked whether the member volunteered to give the information or did he ask him to know the facts to which he replied that he had contacted him and that he knew him before.

Q: Did you contact any other member of the board?

A: Yes. But he declined to talk.

Q: Can you identify the person who spoke to you?

A: Our professional ethics do not permit us to divulge the source, otherwise our sources of information would be dried up. Nobody in future would talk to us.

The tribunal gave him another chance to think over it and reappear again and state what he wanted to say. The witness said that he will contact his editor and make a statement accordingly. He has been asked to appear on Monday.

DMC PROFESSOR ADMITS HE MADE A WRONG STATEMENT

By H. A. Hamied

KARACHI, Jan 5, 1997: A fourth medical board was also constituted by the government of Sindh after the Sept 20 killings to determine whether Mideast Medical Centre, where Mir Murtaza Bhutto was admitted after the police firing, had proper medical facilities or not. This was disclosed by Prof Abdul Karim Siddiqui, professor and head of the department of surgery, Dow Medical College, Karachi, before a three-member judicial tribunal which is investigating the causes of death of Mir Murtaza. The tribunal comprises Justice Nasir Aslam Zahid, judge of the Supreme Court; Justice Amanullah Abbasi, and Justice (Dr) Ghous Mohammad, judges of the High Court of Sindh. He did not elaborate further and the tribunal asked him to produce documents relating to the composition of the board and its findings by Monday morning.

Justice N. A. Zahid observed that it has been revealed for the first time that such a medical board was constituted by the government and it had submitted its report. Dr Siddiqui said this was the fourth medical board constituted after the Sept 20 killings, the first was created to examine the left foot bullet wound of Haq Nawaz Sial, SHO of Clifton police station; the second for examining the postmortem report on his body after his death six days later; and the third was in connection with the bullet injuries to the left thigh of ASP Shahid Hayat.

The 58-year-old surgeon was asked if there was any single incident during his entire career that a medical board's finding once made and initialled by all the members, was attempted to be revised. He said he could not recollect any such incident in the past and the witness was being questioned by the tribunal as to why it took seven days to type a report which was finalised and signed by all members of the board.

The tribunal told him that was it not a fact that the delay was caused in submitting the report to the government not because of typing but due to altering its contents in connection with the injuries of ASP Shahid Hayat.

The witness was warned several times that he was under oath and should testify as a truthful witness and his evidence should be very transparent although he had made everything black. The tribunal observed that the story about altering the medical report by making five changes on facts and two changes on opinion, was first made by Dr Shuja Hasan Khan of AKUH and later confirmed by Dr S. M. A. Shah of AO Clinic, that the medical board's findings were altered, once it was signed and full seven days were taken for forcing Dr Shah to sign it but he had refused to do so.

He was reminded by the tribunal that a letter was issued on Sept 29 for the composition of a medical board and on Sept 30 the members were assembled and they drafted a report which was formally signed. But its submission to the government was delayed because the chairman of the board had been unable to find Dr Shah, the only non-government doctor, as he had not been cooperating with them for making changes. Dr Shah in his earlier examination had described the changes as "meaningful." Dr Karim Siddiqui was summoned for the second time on Sunday for his evidence, because earlier in his evidence, which was recorded, he had stated categorically that he had submitted the report the same day when it was finalised.

The tape-recordings were played back to him by the tribunal and after listening, he was asked what he had stated then was correct or what he is stating now is correct. He said he had made a wrong statement earlier, and blamed his memory for that because he had to rely on his memory.

Karim Khan Agha, one of the counsel for the DIG Police and two ASPs, inquired of the tribunal whether the two doctors, Dr Karim Siddiqui and Dr Tariq Mirza, associate professor and head of the department of forensic medicine and vice principal of DMC, are being served with show-cause notices why action should not be taken against them for perjury for making false statements, on the basis of their own statements. The tribunal said the matter is under their consideration and explained that in a case of perjury the sentence of imprisonment is seven years or a fine, or both.

The tribunal observed that if these doctors in very senior positions have been found to be handling the medical reports in such a casual way, that is, they are prepared to alter it to suit the needs of their bosses in important cases like these. The tribunal wondered as to what might be happening with people who are less fortunate.

Q: Was any pressure put on you to change the contents of the report or dilute it?

A: This is not correct. The original report was unanimous and prepared after discussion. It was written by Dr S. M. A. Shah, and every member of the board signed it. I was the chairman of the board. I was to submit the report.

After signing the report some members had left, including Dr Shah and the two doctors from AKUH, Dr Shuja Hasan Khan and Dr Mushtaq Ahmad, and the remaining members while having a cup of tea in the office of the Civil Surgeon, at Services Hospital, decided on the recommendations of the police surgeon, Dr Nizamuddin Memon, that the report has gone beyond its scope and that, accordingly, it should be revised and also typed as the original one was not typed.

The health secretary while ordering the setting up of the medical board had ordered that ASP Shahid Hayat should be “examined” and the report has given details of the injuries and that it were not self-suffered wounds.

Q: You were to only “examine” the officer’s wounds and not to give any report because there was no such condition laid?

A: Yes. We four or five discussed the report after others had left.

Q: How did you start discussing the report after it was signed by all members?

A: We decided to call another meeting and the communication about it was oral because there was nothing in writing with them. The meeting took place in the office of Dr M. Umar Baloch, medical superintendent of Services Hospital and Civil Surgeon, Karachi. After 2-3 days the meeting was held at which the two doctors from AKUH, Dr Shuja Hasan Khan and Dr Mushtaq Ahmad; Dr S. M. A. Shah and Prof Mohammad Ishaque Shaikh were not present, but all others were present from among the 10 members of the board.

In the light of the order of the health department we got a fresh typed report and I asked Dr Tariq Mirza to get the signatures of all the doctors who were present at the board meeting to sign the new report.

Q: Was the intention to replace the original hand-written report with a typed one?

A: Dr Shah and Dr Ishaque did not sign the report. Dr Tariq Mirza had told me that Dr Shah had told him that he would like to talk before signing it and then I contacted Dr Shah.

Dr Shah had called us for a meeting on Oct 5 with Tariq Mirza. We reached his house at 4:15 pm and we remained there until 6:30 pm, and during more than two hours, I offered my Asr and Maghreb prayers. We had to wait for nearly 30 minutes to see Dr Shah. We showed him both the reports to which he said they are two different reports. Then Dr Shah suggested a meeting with the doctor who had operated upon ASP Shahid Hayat at AKUH.

Q: From the house of Dr Shah, how many time you contacted the health secretary over phone?

A: Only one call was made and I also gave the phone to Dr Shah to talk to the health secretary.

Q: In Dr Mirza's evidence it has come on record that more than 2-3 calls were made and one call was received from the health secretary.

A: Today's statement of mine is correct. I told the health secretary over phone that there would be some delay in submitting the report because Dr Shah had suggested to examine the doctor at AKUH for a first-hand account from him. Then we two returned from his house. Then we assembled at AKUH on Oct 7, except for one doctor all were present and Dr Shahzad, of AKUH, was not available to us because he was busy. Then I showed both reports to Dr Mushtaq Ahmed, to which he said there can't be two reports. We agreed to submit the original hand-written report.

The chairman observed that the way the doctors had handled the situation they have destroyed the credibility of their organisation and there is no discipline in their conduct and no yard stick for their judgments.

Q: The hand-written report of Sept 30 was kept secret until Oct 7. If the original hand-written report contained “mistakes” why did you allow the same after seven days to be sent to the health secretary, which meant that you are ready to submit any report and amend any report as long as it suits you.

A: The original report was more than what was asked from us, but it was not an incorrect one. At this stage, the tribunal called for a copy of Dawn of Oct 1 which carried a full report on the findings of the medical board, although the members had reserved their order. The contents were read out by the chairman and he asked the witness if he had read the account, to which he said “no.’

Q: The doctors on all the three medical boards were asked to examine people. If in two other reports the findings were not changed because in these two also they were merely asked to “examine” the injured or the dead. If it was not wrong in those cases, how it became controversial in the third which was tried to be amended.

A: The health secretary had asked us as to why information not asked for has been included; I said it was a unanimous report.

Q: What have you been telling the health secretary for seven days about the report, telling him each time that it has not yet been typed. Did you also tell him that you were trying to amend the report and what was his reaction?

A: He kept reminding us about the urgency.

Q: Your report not only opines that the injury was of firearm, it was from a close range, did you at any time thereafter consider that the report was not in compliance with the order?

A: Both the reports were identical, but the only thing was we had gone beyond the task assigned to us by the government. The tribunal made serious reservations to the continued absence of Nehal Hashmi,

counsel for 11 policemen, including an ASI, a head constable and nine constables.

The chairman of the tribunal observed that he was worried about the policemen who are being neglected by their counsel, who doesn't appear to defend them and he was making a mockery of human rights. The counsel was asked "not to talk of human rights before us." Once a while you drop in for a moment and then disappear for several days, saying you are busy elsewhere.

Other witnesses who were examined by the tribunal were Dr. Mohammad Umar Baloch who has just retired as civil surgeon; Dr. Tariq Mirza and Dr. M. Shafi Quraishy, principal of DMC and professor of medicine. The tribunal rose for the day after examining four witnesses at 5:15 p.m. to reassemble on Monday at 10 am.

POLICE SURGEON'S ROLE CRITICISED BY TRIBUNAL

KARACHI, Jan 6, 1997: Justice Nasir Aslam Zahid, chairman of the three-member tribunal investigating into the causes of death of Mir Murtaza Bhutto in the police firing on Sept 20 last, told the police surgeon of Karachi, Dr Nizamuddin Memon, on Monday that "we are finding one quality in you to see that you justify holding the position of police surgeon. We have not found one so far."

The chairman observed that the police surgeon, a prized post held by him, has been making vague statements before the tribunal such as "I don't know," "It didn't strike me," "I can't recollect now," "If I had made some observation that would have annoyed some other doctors," etc. The police surgeon was told by the tribunal, two other members of which are Justice Amanullah Abbasi and Justice (Dr) Ghous Mohammad, judges of the High Court of Sindh, that he was slow in action, slow to recollect, slow to act and a man in his position should be an example for being very upright and who always values principles and that no body should point fingers at him. It was further pointed out to him that character, integrity, discipline, courage and other similar qualities one could not find in him.

On a question from the tribunal whether there was a fourth medical board to find out if Mideast Medical Centre had the facilities to treat people where Mir Murtaza Bhutto was taken after he was injured on Sept 20 last?

A: I am not aware of any such inquiries from the government as I heard about it only a day before, when Dr Abdul Karim Siddiqui, professor and head of the department of surgery of DMC, was searching for the papers about the medical board. I was not a member of that board either.

Q: There was a time lag between the examination of ASP Shahid Hayat and submitting the report to the health secretary, and during this period you attempted to dilute the report?

A: I never made any such attempt to dilute the report of the injuries suffered by the ASP.

Q: In your earlier statement before the tribunal, you had denied by saying “it was absolutely incorrect,” that he ever made such attempts. The tribunal played back the tapes and then asked him “do you still maintain that your answer (statement) made earlier was correct?”

A: My earlier answer was not correct, and now I want to add some thing by way of explanation. Our job is technical and we needed time to write reports after the meeting. The report prepared by Dr S. M. A. Shah was a rough copy and a fair one will be prepared later and that was the idea I had formed after I and other members of the board had signed it. The government had only asked us to examine the injuries of ASP Shahid Hayat.

The witness gave five reasons why he thought the report should be modified:

- The government had only asked the board to examine the injury;
- He had not seen the excised wound;
- The fact that it had taken the ASP two hours to reach the hospital after the incident, what was he doing by then;
- The ASP provided civilian trousers which had already been washed for examination; and
- It was strange that a person in civilian dress should be fired at rather than policemen who were apparently all around.

Q: When did these deficiencies occur to you?

A: Some of the points occurred to me before the writing of the report. I didn't raise these objections at the time of signing of the report, because I didn't like to annoy doctors from AKUH who were already angry. Secondly, I thought there was time to finalise the report and the way the report had been prepared and signed was to my opinion a rough draft.

Q: From your answers does it follow that all the members had considered the report a rough draft and not a final report?

A: I don't know about others, because it was not discussed openly.

Q: Did anybody else give the same impression that the report was not a final one?

A: Usually, the members sign on a typed report and it was only a hand-written report.

Q: In your experience were there any hand-written reports sent to the government?

A: So far only two, in the case of Sial and ASP Shahid Hayat.

Q: Was there any urgency about the report in this case?

A: There was no urgency at that time.

Q: Did no body tell you that the health secretary was asking for the report urgently?

A: Honestly speaking, I can say that till the writing of the report, there was no urgency shown for the report. I thought there would be another meeting and the issue would be discussed and the report would be prepared, signed and submitted.

Q: You still maintain that the hand-written report was incorrect and incomplete?

A: It was in complete but correct. We had not seen the injury, before it was written.

Q: Are both reports correct?

A: The typed report with eight signatures was more complete.

Q: More complete means that it was more curtailed in facts and opinion?

A: Yes. The second report was based on what was asked for by the government.

The tribunal observed that it was he who started all this by challenging the original report and raising objections. It would have been appropriate to submit both the reports to the government. He was asked why he not suggested to the chairman to do so.

Q: Apparently you were told by some authorities on the basis of which you initiated necessary action for the compliance of their directives by changing the report?

A: No one gave me any directions to do so.

Q: The thrust was to submit a typed report different from the original one for which there was a delay of seven days?

A: The delay had not been on account of changing the report, but it was because the members were not available for a second meeting.

Q: How then the members were available when the board was first constituted on Sept 29 and on the next date the report was ready and signed by all 10 members. How only five or six members decided to alter the report. Was there pressure on you which you could not sustain and major improvements have been made?

A: Material improvements were made.

Q: Doubts have been cast when two reports were prepared of one medical board and the sanctity of the first report was destroyed?

A: The sanctity of the earlier report was affected.

Q: Did at any time in the past a medical board report was changed?

A: No. Because reports are not prepared immediately after examination and sometimes a month is taken to prepare a report. We have never examined a case where a person was treated and examined at two different hospitals.

Tribunal: There is no difference between a signature or thumb impression. You should have said that the report would only be submitted after examining the injured.

Witness: No serious efforts were made to convene another meeting to change the report. All the members could not assemble at AKUH.

Tribunal: With a person like you, no improvement can be seen. Everyone of you who came here has lied before us, we have doubts about your integrity, the integrity of Dr Karim Siddiqui and Dr Tariq Mirza, all of you have not told the whole truth.

Q: Did you talk about the weapons used in firing at Sial's foot at the meeting of the board?

A: Different firearms were discussed. The use of revolver was also discussed having been used for firing at the left foot of Sial. The use of helicopter was not at all discussed and before the release of the official report I have not talked about the deliberations to the Press.

Q: Did you inform the Press that the bullet was fired from a revolver?

A: I don't remember, but I might not have spoken to the Press. I have not stated to the Press that Mir Murtaza's men did not carry any revolver or that the firing was from a helicopter. I have also not said that it was fired from a revolver. To my mind, it was a 2.8 pistol which had been used. I didn't know what arms were recovered from Murtaza's men.

On a question from Manzoor Bhutta, counsel: Did Sial tell you when he appeared before the board for examination of his foot that he was involved by some important people who have now abandoned him. Now, I want to disclose their names?

A: No.

Earlier, Sarfaraz Ahmad, a reporter of daily Dawn, appeared as a witness, on an application filed by Counsel Karim Khan Agha, asking him to name the member of the medical board who had given him information about the type of injury which inspector Sial had suffered. The reporter submitted a statement that he may kindly be excused from answering questions requiring him to disclose the identity of the person from whom he received the information forming the basis of the report which appeared in Dawn of Sept 27.

He gave the following reasons:

1. The duty to protect the confidentiality of his source of information is an integral part of journalists' ethics observed and respected all over the world. Our profession requires us to protect the anonymity of source;
2. In the process of news gathering a reporter collects information from various sources and owes an obligation in relation to those who do not wish to be identified. In the absence of an undertaking to respect such confidentiality it may become impossible to perform the public duty owned by the Press; and
3. That the freedom of the Press guaranteed by the Constitution might become illusory unless protection against disclosure is afforded to journalists in the same manner as it is afforded to lawyers, doctors and public servants. I am informed that such privilege of journalists is lately being recognised in many legal systems on grounds of public policy.

The tribunal did not accept the plea advanced by him and afforded one more opportunity to him on Tuesday to state any law in Pakistan which provides privileges which he is claiming, not to divulge his source of information. He will appear before the tribunal at 12-noon on Tuesday with his counsel.

REPORT WAS PREPARED AS THE AUTHORITIES WANTED IT

KARACHI, Jan 7, 1997: Testifying before the judicial tribunal, investigating the causes of murder of Mir Murtaza Bhutto, on Tuesday a retired radiologist said the second report of the medical board on the injuries suffered by ASP Shahid Hayat was modified "as the authorities wanted." The witness who made this statement was Dr Matin Ahmed Khan, a former professor of radiology and head of the department of radiology of Dow Medical College, Karachi, who was one of the members of the medical board along with five other doctors.

Dr Khan retired in the middle of last year, was re-appointed on contract in the same position and was removed from service on Nov. 11 by the present caretaker government. He told the tribunal, comprising Justice Nasir Aslam Zahid, a judge of the Supreme Court; Justice Amanullah Abbasi, and Justice (Dr) Ghous Mohammad, judges of the High Court of Sindh, that he also served on the two other medical boards set up by the government to examine the wound on the left foot of inspector Haq Nawaz Sial, his post-mortem six days later, and in the case of the injuries on ASP Shahid Hayat's left leg.

Dr Khan was asked by the tribunal if any effort was made to prepare any other report other than the original one which was written in the handwriting of Dr S. M. A. Shah of A. O. Clinic. He said the report first prepared and signed by all 10 members of the board was unanimous.

Q: Did you sign the second report which was typed later and altered in contents of facts and opinion?

A: Yes. I don't remember when I signed the second report, perhaps it was after 3-4 days later.

Q: Did you compare the two reports?

A: I questioned the police surgeon why there are omissions and additions in the typed version of the copy. Tribunal: If changes were to be made, then proper methods should have been adopted, giving notice to all the members after informing the government about it.

- Q: The second report you signed was a verbatim copy of the first report?
- A: There were changes in the typed report.
- Q: If there were changes in the report why it was signed by most of them?
- A: Perhaps three of the doctors had not signed it. I also objected to the signing of the second report to Dr Karim Siddiqui, police surgeon, Dr Nizamuddin Memon, and Dr Tariq Mirza, a forensic specialist and vice principal of DMC. They were convinced and said the report was altered on the basis of a suggestion that it had included information which had not been sought by the health department, giving information about the distance from which it was fired and saying further that the injury was not a self-suffered one.
- Q: Were you convinced?
- A: I was convinced that the report be changed in accordance with what was asked for or else a wrong report will go to the court.
- Q: Should we be convinced that the report was not concluded properly?
- A: Yes. I am only a radiologist and my subject concerns X-rays etc and I was not concerned with the examination of injuries and the distance from which it was fired.
- Q: When did you come to know that the hand-written report is being replaced?
- A: When I was told by Dr Tariq Mirza who said that Dr S. M. A. Shah had objected to signing the second altered report. Therefore, a meeting has been called at AKUH.
- Q: What was decided at the meeting?
- A: The meeting was attended by Dr Karim Siddiqui, Dr Tariq Mirza and Dr Nizamuddin Memon and others. Dr Shah and Dr Mushtaq Ahmad both suggested that only one report should be submitted to the

government and it will be the first one, which had all the 10 signatures, and not the altered one, which was not signed by Dr Shah.

Q: First, you were convinced that a wrong report should not be submitted. Then you changed your mind and said the original report be submitted?

A: I am a radiologist and a simple member of the board, while others had agreed to submit the original report, to which I also agreed.

Tribunal: You are talking not as a first graduate of LMC. Now you are behaving as if you are a fresh graduate. You were made to change your opinion.

Q: Did you object to making changes in the report once it was approved and signed by all the members?

A: I agreed when many doctors had agreed to change the report, because the ministry (department) concerned had asked for a report what they had asked for.

Q: Did you inquire of Dr Siddiqui and Dr Mirza when they received fresh instructions?

A: Both informed that the change was needed. It was told that instructions were oral and not in writing. The authorities who gave the directive were not identified.

Q: You are the senior most in age and experience, why did you not suggest that a second report was not called for?

A: I may be senior but I was only an ordinary member and with no experience of examining the wounds of soft tissues. I did not made any suggestion in this regard because I was not an authority.

Q: With how many such medical boards you were associated?

A: About 100, and except in the present case, never before the reports were altered.

Q: Who was the member who suggested the report was required urgently by the authorities?

A: One of the four doctors, Dr Karim Siddiqui, Dr Tariq Mirza, Dr Nizamuddin Memon and Dr Umar Baloch.

The other two witnesses examined on Tuesday were Abdul Rahim, medical record librarian of JPMC; head constable Nazir Ahmed, wireless operator of Sindh police telecommunication department in the Governor's House. Rahim gave details of the procedure followed at the casualty department of JPMC and said that inspector Sial came to the hospital at 9:10 pm for treatment of his left foot injuries.

The next witness, head constable Nazir Ahmed, produced the record of message transmitted by the police at a senior level on channel No. 6 of radio transmission and all others on channel No. 10. The wireless operator produced the record of messages transmitted in which the operators can listen to the voices, but cannot record unless asked for further transmissions to various personnel. He said inspector Sial was taken to Liaquat National Hospital because at JPMC where he was taken first, and there was a big rush at the casualty ward of the hospital.

The operator had recorded a message for the DSP and SSP, that he was at LNH. At this stage, the tribunal observed that this fact has not come up before them and as the matter is being investigated, more and new details are coming forward which amounts to something like the tribunal is doing the job of the investigating officers. These jobs are supposed to have been done by the investigating officers, which we are now doing.

The tribunal expressed surprise that this witness was not called for recording his statement by the police so far, although the challan has been submitted. The investigators are looking into these matters as if it was a luxury litigation, in which nobody bothers about the loss of time and money. At this stage the chairman directed the assistant advocate-general,

Ansari Abdul Latif, and a police representative, DSP Shamim, to obtain the reports of all the investigating officers so far appointed in this case to submit their respective reports showing what they had done. These reports are to be submitted on Wednesday afternoon. The tribunal adjourned its hearing until 12-noon on Wednesday.

MEDICAL BOARD WAS SET UP ON GHINWA'S DEMAND

KARACHI, Jan 8, 1997: It was disclosed for the first time on Wednesday ever since the Murtaza murder case tribunal began its proceedings on Oct 22 that yet another report of the medical board dealing with the wound suffered by inspector Haq Nawaz Sial in his left foot was prepared.

This was revealed by Dr M. Kamil Rajpar, 57, secretary health, government of Sindh, during his examination before the three- member inquiry tribunal, comprising Justice Nasir Aslam Zahid, a judge of the Supreme Court; Justice Amanullah Abbasi and Justice (Dr) Ghous Mohammad, both judges of the High Court of Sindh.

He said this board had been set up for the re-examination of the foot injury of Haq Nawaz Sial when the then IGP, Saeed Ahmad Khan, and the DIG, Dr Suddle, complained to the then chief minister, Abdullah Shah, and to him that the doctors have done a great damage to the police by giving a medical report, stating that Sial had a self-suffered injury and because of that and for the sake of honour he committed suicide. Dr Rajpar told the DIG at the CM's House in the presence of the then advocate-general, Abdul Ghafoor Mangi, and the home secretary, Manzoor Hussain Bhutto, and the then IGP, Saeed Ahmad Khan, that "you have no right to question me like that."

The witness said he was then taken into another room by the AG and "I was called again by the CM and he asked me to include the name of Dr S. M. A. Shah on the board to re-examine Sial's injuries and later his postmortem, to which I said there was no precedence to have a private doctor on the official board."

The CM, IG, and DIG insisted to have Dr Shah, to which he (witness) said he will not change the main board and then they asked me to change the names of the board, to which he agreed and decided to include the name of Dr Shah. Under these circumstances, I reconstituted the board by including the name of Dr Shah. There was urgency in the findings of the report, because the body was to have been taken to Punjab.

At that time, he said, he left the CM's House, along with three others the home secretary, IGP and the DIG, and went to the office of the home secretary from where he contacted his deputy secretary to open his office, because it was a Saturday, and the offices were closed that day. "Through the deputy secretary, I conveyed the message to the additional secretary, technical, to reconstitute the board by including the name of Dr Shah. That was how the number of doctors was increased on the board to nine and also with the inclusion of Dr Azhar," the witness said. The tribunal then asked the health secretary to bring the report on Thursday which should have been appended with the report pertaining to examination of Sial's body at the CHK mortuary on September 28, 1996.

Q: Where is the other report on the basis of the first report of Sial's foot injury?

A: It is correct that this report doesn't confirm the first report and there must be another report with it.

Q: Everything has to be clear. Why all the medical board members who appeared before us have not made things very clear and they have kept up their sleeves and we have to pull them out?

A: As far as I remember there should be another report confirming the first report on Sial's injury. The DIG was insisting to confirm the opinion by examining the body and to confirm the first report of the foot injury.

The tribunal asked the health secretary to set everything right in his department because all the doctors who are coming before us are withholding the facts and they are not telling the whole truth, it has to be extracted from them.

Q: When did you first learn of the incident of Sept 20?

A: I was in Padidan town, Nausheroferoz district, where I had gone the same day and was to proceed to Dadu for the inauguration of Malaria Week by the chief minister. When the CM decided not to inaugurate the event, he returned to Karachi. I also did not go to Dadu and instead went to Larkana to attend the funeral of Mir Murtaza.

Q: As health secretary what part you played in the treatment of the injured at government hospitals in Karachi?

A: I asked the director-general of health to go back to his headquarters at Hyderabad, saying he should contact the additional secretary (technical), Dr Ghulam Sarwar Channa, (not MLO), and to direct him to look after the injured. There were four additional secretaries in my department. I came back to Karachi after attending the funeral. After reaching Karachi, I called the police surgeon, Dr Nizamuddin Memon, to find out more about the whole incident.

Q: Any orders given to him?

A: He should be ready to be available any time, to instruct the MLOs to be ready to meet the challenge.

Q: Did you visit the hospitals to see the injured and also the place of incident?

A: No. But on Sept 24 Mrs Ghinwa Bhutto wrote a letter to me in which she said that the injury to Sial should be examined and she declared it "self-inflicted." The letter said: "This is in reference to premeditated and pre-planned murder of my husband Mir Murtaza Bhutto on 20.9.1996. The Station House Officer, Police Station Clifton, has been found to have a minor bullet wound by the MLO Jinnah Post-Graduate Medical Centre. The said injury to SHO Haq Nawaz Sial is definitely self-inflicted but the MLO does not appear to indicate that. I, therefore, request that special medical board be constituted today to examine the injury of the Station House Officer and declare the said injury as self-inflicted. This may be treated as most urgent, otherwise valuable evidence will disappear. - signed G. Bhutto, 70-Clifton Karachi." On the basis of this letter I asked the additional secretary to constitute a medical board. I also asked the civil surgeon and police surgeon about it and usually the chairman is the principal of Dow Medical College, Karachi.

Q: Who nominated the members of the board?

A: The civil surgeon and the police surgeon.

Q: Do they nominate the members of the board in consultation with, and prior information to, you?

A: I don't nominate. I ask the additional secretary, technical, to nominate the members in consultation with the principal of DMC, the police surgeon and the civil surgeon. These four doctors constitute the board and they even seek my advice. The boards are constituted keeping in view the nature of the injuries.

Q: Was there any urgency to get the report after examining the injury to the SHO?

A: Yes. I gave instructions to the additional secretary, technical, that the board should be constituted immediately and the report submitted within 24 hours.

Q: Did anybody ask you apart from your own directions?

A: Nobody asked me, except Mrs Ghinwa. A short report was submitted by Prof Shafi Quraishy and police surgeon Dr Nizamuddin Memon. The report dated Sept 29 said the examination was conducted at Services Hospital and the opinion was that the injury was caused by a firearm and it was self-suffered.

Q: When did you receive a detailed report?

A: After about two to three days. Mrs Ghinwa Bhutto had written it was "self-inflicted" and the report said it was "self-suffered," and I had asked the doctors to explain to me the difference between the two. When the report was published in newspapers and the BBC broadcast it, then the chief minister asked for details and it was conveyed to him in Islamabad, where he was then.

Q: Why did you circulate the report directly and why not through the press information department?

A: No special reason.

Q: Are you authorised to constitute a medical board?

A: Yes.

Q: The report was confidential or secret?

A: No.

Q: Did you send Mrs Ghinwa Bhutto's letter to the chief minister or health minister or anybody else for their clearance to constitute a board?

A: I took the decision myself without consultation with anybody.

Q: Was there any reason why a short report was given to the Press and a detailed one was not awaited?

A: It was necessary because the matter was important and the people were keen to know.

Q: In the past also, have you given such reports to the Press?

A: No. There was no such occasion, and as health secretary, I was competent and no such occasion had arisen in the past since I took over as the health secretary on December 6, 1995.

On questions from Karim Khan Agha, counsel: At any time were you associated with the PPP or SB parties?

A: Never.

Q: Have you been allotted land at a reduced price?

A: Yes, a few months ago in DHA Phase-VII Extension, 500 square yards at a price of Rs 300,000, and since then I have paid half the amount and this was offered to all government of Sindh employees above the BPS 18.

Q: You already had land allotted elsewhere?

A: Yes. In KDA Scheme 36, Gulistan-i-Jauhar, about two years ago, 600 square yards for Rs 480,000.

Q: Were you required to mention you already own land in Gulistan-i-Jauhar?

A: No. There was no such requirement. The Gulistan-i-Jauhar land was allotted during the PPP regime.

The tribunal started its proceedings at 12:20-noon and will resume Dr Kamil Rajpar's examination on Thursday at 11 am, followed by the contempt of court case of a Dawn reporter.

POST-MORTEMS BE DONE BY DOCTORS ALONE: TRIBUNAL

KARACHI, Jan 9, 1997: The tribunal of inquiry investigating the murder of Mir Murtaza Bhutto asked the Sindh Health Secretary on Thursday to make it sure that all the post-mortems conducted at the three hospitals of Karachi should be performed by the doctors alone and not by the attendants who are generally sweepers.

The tribunal, comprising Justice Nasir Aslam Zahid, judge of the Supreme Court; Justice Amanullah Abbasi and Justice Dr Ghous Mohammad, observed that in all other countries except India, the post-mortem examinations are conducted (from A to Z) by the doctors and this practice should also be followed in our hospitals.

The health secretary, Dr Kamil Rajpar, only said that “the system and traditions are old throughout the country”. The tribunal told the health secretary that he must assign some officials to be present at the mortuaries to observe whether the entire post-mortem examinations are done by the doctors. Dr Rajpar said that he ‘shouted’ at the chairman of the medical board, Dr Abdul Karim Siddiqui, who had examined ASP Shahid Hayat as to what extraordinary thing they had done, in changing the medical report.

Q: Do you propose to take any action against Dr Siddiqui; and Dr Tariq Mirza, vice principal of DMC, for the delay in the submission of official report and for preparing another report making ‘meaningful changes’ in it?

A: I did ask them for not putting the department in an embarrassing position and I was not satisfied with their explanation. No final decision was taken about the proposed action against them.

Q: Was there any urgency in the matter?

A: The board was constituted on the suggestion of the DIG Police and there was no urgency. The report was not given to me on Oct. 7, but to the department.

- Q: What was the reason for the delay?
- A: There was equal urgency in this case also, because the body of Sial was to be sent to Punjab.
- Q: Just now you said 'there was no urgency' and now you say there was an 'equal urgency'.
- A: No reply was given.
- Q: The report was dated Sept 30 and you must have read the contents published in newspapers, including Dawn, on Oct. 1. Did you not find out why there was a delay?
- A: I have read it. I immediately got in touch with Dr. Karim Siddiqui. I asked Dr. Siddiqui that if report was not finalised, how it was published in details.
- Q: Why didn't you contradict it?
- A: It had been leaked out. Dr. Karim Siddiqui said it was not finalised and had told me that the report was signed and held up for discussions. On the basis of the publication of the report, I received a letter from the DIG Crimes on Oct. 2 for the report and I asked for the report immediately. The chairman of the board had told me that some of the doctors were not cooperating, including those from the AKUH, and a doctor who performed surgery on ASP Shahid was also not made available.
- Q: When you received the report on Oct. 7 and signed by all the doctors. Did you inquire from Dr Siddiqui why he was telling him all the seven days that there was a delay in submitting it. The report was prepared and signed on Sept 30?
- A: I talked to the chairman on phone who was at that time with Dr Shah in his house, perhaps on Oct. 4 or 5. He told me that he wanted to question the doctor who operated the ASP. Dr Siddiqui said he wanted Dr Shah's help to talk to AKUH doctor. I asked him to expedite the matter. When the report was submitted on Oct. 7, I didn't see it

because I was going to Lahore and had told the additional secretary to distribute it to those concerned.

Q: You said about the first report that in the interest of justice it should be done quickly? Why there was no interest of justice in this report. Why did you wait for so long. Is it because you were not interested in this case?

A: I wanted to find out from you.....?

Tribunal: You are not supposed to put questions on us.

Q: Did you not ask the chairman about the delay?

A: I saw the reports published in the newspapers on the basis of their (doctors) appearance in the tribunal and I am of the view Dr Karim Siddiqui was giving me incorrect reports from time to time.

Q: Did you come to know that another report was prepared which was different from the original?

A: I came to know of the typed report from the reports published in Dawn on the basis of the evidence Dr Shah gave before the tribunal on Jan 3. Dr Shah had stated that one typed report was brought to him with 'meaningful changes'. I now realise that some members were doing their own exercises.

Q: What was the purpose according to you to prepare another report. The two were different from each other. This all was kept back from you?

A: I was completely kept in the dark. I first came to know of the reports of the proceedings of the tribunal in Dawn . During the period from Sept 30 to Oct. 7, the chairman of the board informed me that according to the police surgeon, the board has gone beyond the terms of reference. No other member informed me prior to Oct. 7.

Q: Did you give any official report of the board relating to the injury of ASP Shahid Hayat?

A: I was advised by the department not to make any press statements because a tribunal has been formed to probe the matter.

Q: Do you propose to take any actions against the chairman of the board, Dr Tariq Siddiqui and a member, Dr Tariq Mirza?

A: I did ask them for putting the department in embarrassment for causing the delay and also for preparing an alternative report. I was not satisfied with their explanation. No decision was taken about the proposed action against these doctors. I told them what extraordinary thing was done by them and I rather shouted at the chairman what no new thing was added in the second report. In the hand-written report, the opinion was that the injury was not self-suffered and even a lay man can say that if you had said otherwise that might have made a difference. The members reconsidered the full report for another one on the advice of the police surgeon.

Q: Is the sanctity of the reports damaged on the basis of making two different reports of one medical board decision?

A: Unnecessary doubts have been created on account of making two different reports.

Tribunal: If these things can happen in such important cases, what might be happening in ordinary cases.

The health secretary challenged the authenticity of reports published in Dawn based on the evidence of Dr S. M. A. Shah, saying that the typed and the alternative report was torn by the members of the board in his (Dr Shah) presence, when they decided to finally submit the hand-written report.

Tribunal chairman and a member Justice Dr Ghous Mohammad asked him to read out the contents of the report and when he read out, both the judges said it had been very correctly reported and in verbatim. They might have torn the report, but there were several Photostat copies of the same available with the doctors and one of them was provided before us.

The health secretary also remarked with the permission of the tribunal that the way the reports are being published in Herald and Newline, it seems there are hidden hands, who wanted to cover up. He said apparently the

police were not happy with the first report and there was a move to discredit the health department and the reports of the doctors to see that the real accused should get the benefit.

Q: What did you talk to Dr Shah when you first spoke to him at his house on phone in the presence of Dr Karim Siddiqui?

A: I told Dr Karim Siddiqui who was present there as to why he was wasting time, and I asked Dr Shah what was the problem. He had told me that the doctors are going to AKUH to examine a surgeon who performed the surgery on the ASP, the next day.

Q: Did you talk to the chief minister now about the hidden hands?

A: No.

Concerning the second medical board for re-examining the left foot injury of Sial, the health secretary said a new board was created on the insistence of the police inspector general and the DIG in which there were two additional members, Dr S. M. Shah and Dr. Mohammad Ishaque Shaikh, professor of medicine, DMC. This board was created to re-examine the injuries and to give their own findings. The health secretary said the opinion of the two doctors was the same as that of the six doctors who sat on the board earlier: This is a close range injury, resulting from a gun-shot from a distance of two to three feet and definitely not more than this distance. It is evident that the injury is self-suffered and not resulting from a gun-battle.

The examination of the foot injury was held at the CHK mortuary on Set 28 at 6:30 pm after the death of the injured. The shoe of the victim was also examined and it had similar marks corresponding to the skin wound. X-rays also showed (reportedly) marks of gun powder. Bullet was reportedly found in the heel of the shoe. X-rays of the shoe also reportedly showed gun powder marks. A third member nominated on the board was not available at the time of examination. The health secretary said the report of the first board was challenged and the request was made by the DIG Police for a second examination to confirm whether the first finding was correct.

Q: Who suggested for the setting up of the second board?

A: The police, including the DIG, were bent upon having a second opinion in which Dr Shah should be included and I reluctantly included his name because the chief minister was also favouring the DIG's opinion. I had told the chief minister that competent orthopaedic surgeons were available in the government hospitals and I had told them that world renowned Dr Jokhio, Dr Mushtaq and Dr Soomro can be considered and any one of them could be included and even I can arrange surgeons from King Edward Medical College from Lahore. But the fact was that the DIG insisted Dr Shah should be included.

Q: What was the reaction of the chief minister?

A: He was also favouring the police.

Q: During your tenure as health secretary and your association with the health department did you come across any case in which any private practitioner was included?

A: This was the first time when in three boards a private medical practitioner was asked to sit on the boards, including two doctors from AKUH.

Question from Abdul Ghani Soomro's counsel: It is put to you that actually the chief minister had agreed to include a private doctor to make the board more authoritative or neutral?

A: I don't know the reason.

Q: Was there any suggestion to have all the six independent doctors or to include some from the PNS Shifa?

A: The IGP and DIG of police wanted a totally different board. It was not like a police station to change all the staff because continuity has to be maintained. It was not possible because I wanted the previous doctors should also be there to answer questions to the new doctors. The evidence of the health secretary concluded after two days and tribunal adjourned its hearing till Sunday at 12 noon.

TRIBUNAL MAY SUMMON BENAZIR

KARACHI, Jan 12, 1997: Former Prime Minister Ms. Benazir Bhutto may be summoned before the three-member tribunal investigating the murder of her brother, Mir Murtaza Bhutto, and seven of his men on September 20, 1996. The chairman of the tribunal, Justice Nasir Aslam Zahid, said he had received a fax message indicating her interest to appear before the tribunal of inquiry to make a statement on the alleged conspiracy of which her brother was a victim. The tribunal directed the assistant advocate-general, Latif Abdul Ansari, to contact her and find out if she was still interested in making her appearance before the tribunal that has two other judges of the High Court of Sindh, Justice Amanullah Abbasi and Justice (Dr) Ghous Mohammad. The tribunal also asked Manzoor Bhutta, counsel for Dr Mazhar Memon, one of the injured in the incident, to give the names of those whom he wanted to examine on behalf of the PPP (SB), for which he has already submitted a list.

When the counsel inquired if Ghinwa Bhutto also wants to appear, as the list suggests, he said definitely, but he could not say when. The counsel, who himself is a candidate in the Feb. 3 elections, said all his partymen are busy in the poll campaign, and he would provide the names of those who from the party's point of view should be examined first on Monday. The tribunal examined two assistant sub-inspectors and five head constables who were working or are still working as wireless operators in the Sindh Police Telecommunication Department.

The witnesses were ASI Zulfikar Hussain, 42, working in the DC office, district South, as wireless operator and ASI Zubair Ahmed, 39, working as wireless operator in sub-control, south, in the office of the SSP (South). The head constables working in the same positions who were also examined were Nazir Ahmed, Mohammad Nawaz, Khan Zaman, Mohammad Younus and Asif Mahmood. These wireless operators were recording messages which were ordered to be recorded and were conveyed to others as directed, on the night of the incident.

Khwaja Sharful Islam, counsel for suspended SSP Wajid Ali Durrani, submitted an application with a request for examination of six police officials, including SSP Traffic Moula Bux Khushk; head constables Mushtaq Ahmed

and Nazir Ahmed; and constables Muneer Ahmed, Mohammad Akram and Zulfikar Ali, who were all posted in traffic police, District South, and were on duty at the traffic police kiosk. The application said these policemen were on duty at the time of the incident on Sept 20 and were eye-witnesses to the happenings. The tribunal while accepting the application said it will consider it on Monday.

The tribunal has so far examined 89 witnesses since it started its proceedings on Oct. 22, including one woman journalist, many doctors, including Dr Ghaffar Jatoi, presently minister of communications in the caretaker government and owner of Mideast Medical Centre, policemen including the inspector-general, deputy inspectors-general, the home secretary and health secretary, etc.

On Jan 17 the term of the tribunal expires for the second time. Earlier, it was extended by the home department and this time, too, the time for submitting the report will be extended because of the fact that many witnesses are yet to be examined. Much of the time of the tribunal was lost by medicolegal officers, sub-divisional magistrates, the doctors on the medical boards, by giving either not full evidence or partially hiding it, which resulted in calling other witnesses to get hold of the facts. Many of the doctors have already been warned of perjury cases against them.

WOUNDED WERE TOLD BY POLICE TO STAY PUT

KARACHI, Jan 13, 1997: Testifying before the three-member tribunal, investigating the causes of the death of Mir Murtaza Bhutto, on Monday, a police officer said some injured people had also been lying on the scene of the incident after 10 pm, away from the six dead. ASI Shahzad Hussain, 28, working at Clifton police station since 1993, said some people who had been lying on the road were said to be injured because the policemen standing near them had been directing them not to move or get up. "They should lie in the same position." Later, he said, when he went back to the police station in a police mobile, he saw three of the injured who had been travelling along with the six dead. The witness was answering a question from the tribunal as to how he was sure that those sitting or lying on the road had been really injured and not dead.

A: Because they were being told not to move.

Q: Did you see any injured resting against the vehicle?

A: Yes.

Q: Did you also see anybody lying underneath a vehicle?

A: No.

Q: Were the injured handcuffed?

A: I don't remember now.

Q: When you left the scene of the incident with the dead and the injured, did you see the private vehicles of Murtaza's men parked on the road?

A: Yes.

Q: When were the bodies brought to the JPMC emergency?

A: After past midnight. First to arrive was the body of Ashiq Jatoi, and after a considerable lapse of time, the five other dead were brought to the emergency. Ashiq Jatoi's friends and relatives were present at the hospital before his body arrived at there and the post-mortem examination was conducted by the medicolegal officers, not in the mortuary but in another room, because there had been no electricity there.

ASI: The other five bodies were brought to the hospital after a considerable time. Their bodies were kept in the mortuary after being brought on ambulances and post-mortem had not been conducted immediately because there was no light in the mortuary. Their relatives were also not present.

Q: What was your role in the incident and when did you came to know about it?

A: When I reached the police station to report on duty on the day of the incident, at about 9:30 pm, I was called on the orders of the then SP Shukaib Qureshi, who wanted all officers at the PS called on the scene of the incident. When I reached the site, I saw the bodies were lying on the main road, where I saw SSP Durrani, SP Shukaib Qureshi and ASP Rai Tahir. By that time Mir Murtaza had already been shifted to Mideast Medical Centre. The bodies had been lying on the road as they were dropped dead, each in different posture. I performed the mashirnama of all the dead, giving details of the wounds, recoveries from their persons, their identifications etc. Since I was not aware of their names, I numbered them. The other two who were associated with this job, police constables Mohammad Khan and Gul Pir both from Clifton police stations, had not signed it. Mohammad Khan has been transferred to Darakhshan PS and Gul Pir is still with Clifton PS. SP Shukaib Qureshi had asked him to prepare the mashirnama, which he did on one single document.

Question from Justice Ghous: Do you know mashirnamas are prepared separately for separate individuals till action under Section 174 is not completed. Until then the bodies are not to be removed?

A: Yes.

Question from Justice Amanullah: Is it correct that some papers from your police station “Roznamcha” were removed?

A: No.

Q: Did you see any arms or empties lying on the scene of the incident?

A: No.

Q: Did you make entry in the “Roznamcha” when you reported for duty on that day?

A: No.

Earlier two engineers from the KESC were also examined about the reported power breakdown at the mortuary of JPMC. The witnesses were Rafique Ahmed Khanzada, 46, superintending engineer; and Naveed Iqbal, 30, assistant executive engineer. Both the witnesses, while answering questions from the tribunal, deposed that at past midnight a message was received from the wireless operator of DC (South) about the power breakdown at the mortuary and the call had been made by the SDM Preedy. They said a squad had been sent to JPMC to check the system and it was reported back to them that the supply was normal at the KESC’s end and if there was any problem, it was at the Pak PWD end, because the electricity supplied to the hospital in bulk and the internal distribution is the responsibility of Pak PWD. At this stage the tribunal rose for a brief break, but it did not resume its sitting and fixed the hearing for Tuesday at 11 am.

SPOT MEMO WAS NOT PREPARED ON THE SPOT

KARACHI, Jan 14, 1997: The first investigating officer of the case of the murder of Mir Murtaza Bhutto told the judicial tribunal of inquiry on Tuesday that the “Mashirnama” (spot memo) was not prepared on the spot as required under law and the contents were included as directed by the then SP investigations and inquiries, Shukaib Qureshi, and ASP Rai Mohammad Tahir, both of whom were present on the scene of the incident on Sept 20. Sub-inspector Khurram Waris said he was named the first investigating officer of the case in the FIR No. 386 lodged by the late inspector Haq Nawaz Sial, after being taken to JPMC, with a bullet injury in his left foot. This FIR was registered the same night when the incident had happened.

He admitted to questions that before leaving the police station and after returning from the hospitals entries should have been made in the daily register but was not done so, because the practice is different from what the principles are. In this case, he said, a strange situation had been created, because the SHO of the same police station was injured in an encounter between the police and Mir Murtaza’s men. SI Khurram, 27, with no specific duties in police lines, Karachi South, for the last about one week, deposed that on the day of the incident at about 8:45 pm a message was relayed on the wireless that there was an attack on the house of DIG Karachi Range, and in about five to seven minutes SHO Sial came to the police station in an injured condition in a police mobile.

He said the SHO was to be taken to JPMC and he accompanied him along with two ASIs, Badar and Fida, and when the doctor was about to attend to him, Sial decided to go to Liaquat National Hospital, because he was not feeling secured there. Sial’s family also came to the hospital and after treatment for the gunshot wound, they left for home and the police returned to the police station. The sub-inspector said the FIR of Sial was registered at 2200 hrs and he was named the investigator.

Q: What did you do then?

A: I then went to the site where I saw a large number of police, the entire area cordoned off, no electricity, and no dead or injured around and none in custody. There were also four vehicles of Murtaza party. I

collected empties from the scene and others were helped in collecting them which had been lying scattered along the footpath and the main Shahrah Iran on the side of the New Clifton Garden. The investigations were being conducted under the supervision of the SP, Shukaib Qureshi, and the ASP.

Q: Where else you found the empties?

A: From the four vehicles belonging to the party of Mir Murtaza, which were parked there.

Q: Were the police vehicles involved in the incident searched for the empties?

A: No. Because they were not there in their original positions. I was only told later by the police about their location at the time of shooting. Since then they had moved because they were in use of the police.

Q: Did you ask the SP or ASP why the police vehicles involved in the incident were shifted from their original positions unless the "Mashirnama" was not prepared?

A: I could not dare ask, because the investigations were being carried out under the supervision of the SP and ASP.

Q: Is it not correct that all the objects involved in the crime should not be disturbed until necessary investigations are completed and "Mashirnama" prepared?

A: Yes.

Q: Before the investigating officer reached the spot of inquiry, was it not considered unusual and extra-ordinary that the objects should not be removed?

A: It was not an unusual phenomena for me because it was being done in the presence of senior police officers higher than me.

- Q: You made no mention in the “Mashirnama” that the investigations had already started under the supervision of SP Shukaib Qureshi and ASP Rai Tahir?
- A: I made no mention about the presence of the SP or ASP who were in fact the in charge of the investigation. After I had prepared the “Mashirnama,” I did read out the contents to them.
- Q: Why did not you obtain their signatures on the document?
- A: I could not dare do that.
- Q: Is it not correct that when a “Mashirnama” is prepared it is signed by witnesses?
- A: This is correct, but this was not done so.
- Q: “Mashirnama” was prepared on the basis of information given to you by others and without their information it could not have been prepared. You have not stated who else contributed and what information was given to you?
- A: Yes.
- Q: Did you check whether the trees or walls were also hit by bullets?
- A: No real effort was made; neither was I told to do so.
- Q: Did you check whether the boundary walls of the DIG House or the interior was also hit by bullets?
- A: No. Nor I was asked by the senior officers present there.
- Q: Did you recover any arms from the spot?
- A: No. I came to know at the place that before my arrival the injured and serving members were arrested and taken into custody by sub-inspector Shahnawaz, SHO of Darakshan police station, along with the arms.

Q: Is it correct that you were investigating officer only on paper but actually SP Shukaib Qureshi or ASP Tahir were the investigating officers. You were told to do what they wanted you to do?

A: Yes.

Q: Did you seal the pieces of evidence such as blood samples on the spot?

A: No. The sealing material was not available at the place of the incident. It was done later at the police station. It is written in the Mashirnama that it was done on the spot in the presence of witnesses, but actually the objects were sealed at the police station.

Q: Earlier you had stated it was done on the spot but now you say it was done at the police station?

A: A rough paper was made on the spot and the final document was prepared at the police station after it had been cleared by the SP.

Q: Under the law, there has to be only one Mashirnama, there is nothing like rough or fair?

A: Yes.

Q: Is it correct that it is not a complete Mashirnama?

A: No. it is not correct.

Q: Why the sealing material was not taken to the scene of the incident?

A: It was never done during my entire service.

Q: Any statements recorded of the police officers on the spot?

A: No. There was no facility, no lights. Some statements recorded by ASP Rai Tahir were given to me at the police station. I was the investigating officer only for the first two days and I had handed over the charge and all material to the Crime Branch which took over the case on Sept 23.

Later, the tribunal called for the “Roznamcha” (daily reports) and it was submitted by inspector Mohammad Amin, 52, of Gulshan Base No. 1. It was produced under seal and the police have been asked to submit some of the relevant pages in Photostat and return the register after being sealed again.

Earlier, Karim Khan Agha, counsel for the two ASPs, Rai Mohammad Tahir and Shahid Hayat, submitted an application for the consideration of the tribunal on behalf of his clients that the eyewitnesses and the police accused in respect of the actual shooting may not be called to give their evidence on the ground that this might lead to some of the accused policemen having to reveal their defence prior to their trial in a criminal court.

The tribunal has reserved its order on the application. Manzoor Bhutta, counsel for Dr Mazhar Memon, one of the injured in the incident and others, was asked by the tribunal to give precise dates and names when he would be producing his witnesses. They will be testifying on the question of conspiracy.

On Saturday Dr Zahid Hussain Jatoi, elder brother of Ashiq Hussain Jatoi, Ehsanul Haq Bhatti, Rahim Bux Jamali and Abdullah Baloch would be summoned. On Sunday Behram Khan Ujjan and Dr Altaf Khawaja would be summoned, including Kamran Khan, a senior reporter of The News. Ishaq Khakwani and Rao Rashid would be summoned on Monday. About the appearance of Ghinwa Bhutto, the counsel emphatically said she would be appearing within the next few days and the date would be communicated to the tribunal shortly.

BLOOD SAMPLES WERE SENT TO LAB ON OCT. 21, IO TESTIFIES

KARACHI, Jan 15, 1997: The government of Sindh has extended the time limit for two months for the submission of the report of the tribunal of inquiry which is investigating the causes of the death of Mir Murtaza Bhutto and seven of his men on September 20, 1996. The last notification was issued on Oct. 17 for a period of one month (Nov. 16) which was extended up to Jan 17. Now the deadline has been extended up to March 17.

So far the tribunal has examined about 100 witnesses starting from Oct. 22, and the record of evidence runs into a couple of thousand pages, which is being typed daily by three persons. Simultaneously, the typed pages are being bounded.

The tribunal comprises Justice Nasir Aslam Zahid, judge of the Supreme Court; Justice Amanullah Abbasi and Justice (Dr) Ghous Mohammad. In addition to the tribunal work, these judges are also sitting on the Bench in their respective courts.

The tribunal on Wednesday completed the evidence of sub-inspector Khurram Waris of Police Lines, South, who was the first investigating officer in the case registered on the complaint of the late Haq Nawaz Sial, who was the SHO of Clifton police station at that time.

Q: As the IO whose statements were recorded by you in the case?

A: ASP Rai Tahir of Darakhshan police station, ASI Abdul Basit, SI Shahnawaz, SHO of Darakhshan police station, ASI Hameed, ASI Rasib, Behram Khan and Nazir Ahmed, relatives of Bachal, a taxi driver who died from bullet wounds; SI Sarwar, and constables Shahid and Tariq Anjum.

Q: Why did not you record the statements of eye-witnesses as the investigating officer?

A: The prepared statements of ASP Rai Tahir of Darakhshan police station, S. I. Shabbir Qaimkhani, SHO of Garden police station;

inspector M. Agha Jamil, SHO of Napier PS; S. I. Faryad Bhatti of Ghizri PS had been given to me which were kept on record. Many officers were assisting in the investigation on the orders of the SP. They were all helping me in the preparation of statements etc, because it was beyond my scope to do it alone.

Q: Were you completely in charge or there were more people present on the occasion to record the statements of eye-witnesses and others. The responsibility of the IO is to get into the details to search for the truth, but in this case you were the IO only on paper, and people senior to you were acting as they wished and preparing statements under Section 161 of CrPC.

The witness verified the pages from the Roznamcha of the police station which were copied and kept on record of the tribunal. Explaining the reports, he said I have already stated yesterday that I was IO only for two days. I had taken remand of the accused who were arrested on the scene of the incident and on Sept 23, the investigations were taken over by the Crime Branch.

Q: Did you record the statements of all witnesses till investigations were handed over to the Crime Branch?

A: No. Except ASI Abdul Basit, all others were not witnesses to the incident. In my view all the police and injured were eye-witnesses. Their statements were recorded in my presence at Clifton police station.

Q: Can you name the other officials, other than the SP and ASP, who were also associated with the investigations?

A: SHO of Artillery Maidan police station Nazir Tanoli, and SHO of Preedy police station Anwar Zeb.

Q: Did you examine any other witness?

A: ASP Shahid Hayat's statement was also recorded by me at AKUH where he was admitted.

Q: Why some of the pages in the "Roznamcha" are shorter than others and in some pages there are no printed words in Urdu and Sindhi at

the bottom of the pages, and why some of the pages are smudged and the colour is also lighter.

A: I can't say anything about it.

Q: When the specimen was sent to the chemical laboratory?

A: Ten samples of blood and of clothing were sent on Oct 21.

Q: The requirement of law is that samples are to be sent urgently. What was the reason for the delay of one month?

A: According to law, it must be sent immediately, but I don't know the reasons for delay.

Q: Were you examined by others in this case?

A: I was examined by the Crime Branch, ISI, British investigators, AIG Noor Mohammad Pechoho, SSP A. D. Khawaja and AIG Ali Gohar Mithiani and others.

Q: Do you know SHO Zeeshan Kazmi? Did you see him at the place of the incident?

A: I know him but I did not see him there.

Q: Can you give any reason why ambulances were kept outside the police station in Clifton with six bodies for two to three hours?

A: The identification was done by the SHO of Darakhshan police station. I can't give any reason for the delay.

The recording of the statements of witnesses was adjourned until 11 am on Saturday.

MIR HAD NAMED CONSPIRATORS HOURS BEFORE HE WAS KILLED

KARACHI, Jan 18, 1997: Mir Murtaza Bhutto in his last public address hours before he was killed in police action had named the people who had been conspiring against him and they were Asif Ali Zardari, Syed Abdullah Shah, the director-general of Intelligence Bureau, Masood Sharif, the deputy inspector-general of police, Karachi Range, Dr Shoaib Suddle; and the then SSP South, Wajid Ali Durrani. At a public meeting held in Surjani Town arranged by Maqbool Channa and members of the minority community, Murtaza Bhutto had named these people as those who were conspiring against him and others whose names have been mentioned in the last FIR lodged by one of the party supporter, Noor Mohammad.

Abdullah Baloch, a member of the executive committee of PPP (SB), on Saturday testified before the three-member judicial tribunal inquiring into the causes of the death of Mir Murtaza and seven of his men on September 20, 1996, at Clifton near his house. The tribunal comprises Justice Nasir Aslam Zahid, judge of the Supreme Court; Justice Amanullah Abbasi, and Justice (Dr) Ghous Mohammad, judges of the High Court of Sindh.

The witness said the tape-recordings of the event are available with him in which Mir Murtaza had also said that if the authorities wanted him, they only have to produce a proper warrant of arrest and that he was ready to go with them, irrespective of the fact from what level of authority the orders have come from. Mr Baloch, a founder member of the PPP-SB (the party was founded in March 1995), said that Surjani Town meeting was organised by the local organisers and he was one of the speakers at the meeting. Others who spoke were Ashiq Hussain Jatui, president Sindh PPP (SB); Malik Bagh, divisional president, and many others.

Q: What time the meeting concluded at Surjani Town?

A: At about 8:00 or 8:15 pm and from there I left for my home in Old Golimar. I received a phone call from 70- Clifton at about 9 pm or 9:15 pm, saying that the party chief and his men have been attacked by the police and he (Murtaza) has been taken to Mideast Medical Centre. My

law office is next to my house and the message was received by my children. Then I rushed to 70-Clifton and from there to the hospital.

Q: When did you reach the hospital?

A: I don't remember the precise time, it must have been about 10 pm. The area was heavily cordoned off by the police and three rangers and I reached the hospital pretending myself as a patient. At the hospital I met Ehsan Bhatti, a member of the central committee of the party, and he was with his daughter.

Q: What did Mr Bhatti told you about the incident?

A: I was informed that a police party had attacked the motor cavalcade and being legally minded persons, we should look for an eyewitness to the incident and lodge a report with the police. We found Noor Mohammad there who was with Murtaza at the public meeting. He was at 71-Clifton, which is used as an office.

Q: Did you go to the police station?

A: We took Noor Mohammad and went to Clifton police station to lodge the report but the police refused to entertain our complaint, saying that they have no instructions from their seniors.

Q: Then what did you do?

A: I went back home and Ehsan Bhatti also went home which was located behind the DIG's House in Clifton, where the incident had occurred. Later, a telegram was sent to the chief justice of Pakistan about the denial of the right to lodge an FIR.

Q: On the next morning did you go to see the place of the incident?

A: Yes. But there were no signs of what had happened during the last few hours. Everything was cleaned up and there were no motor vehicles around the place.

Q: Were you ever jailed?

- A: During the MRD movement for eight months.
- Q: Since when you knew Murtaza?
- A: When he returned to Pakistan and when he was appearing before the courts here.
- Q: Which party you were in before joining the PPP (SB)?
- A: I remained with the PPP, and with the SB party when it was formed, and for a short while I was also with the NPP and had been its president for Sindh. About a year ago, A. R. Kharal, who was the home secretary, Sindh, had told me that the government wanted to provide guards to Mir Murtaza and he communicated this to him (MMB), and he was not willing to take police guards provided by the government and he wanted his own men to guard him. I informed the home secretary about it and then it was suggested that he can have his own men to whom we will give official recognition as official guards.
- Q: Did Mir Murtaza mention at any time at party meetings that he is having opposition from any political opponents?
- A: He did not name any party by name but he always used to condemn Asif Zardari for his corrupt practices he was involved in.
- Q: Did he ever mention any danger to his life from foreign elements?
- A: No.
- Q: Did your party try to evaluate people around the party to see whether any of them were RAW agents?
- A: Mir Murtaza was always of the view that allegations had been made that there were RAW agents in his party and that these allegations were made by the government of Benazir Bhutto. If the allegations had any basis, Mir Murtaza was of the view that the government should charge them for the offences in the courts.
- Q: Anyone convicted for being a RAW agent?

A: No.

Q: Were you a member of the party which raided the police stations or CIA centres in search of Ali Sonara?

A: No.

Q: When the date of the meeting in Surjani Town was fixed?

A: I don't know.

Q: What was the position of Ali Sonara in the party?

A: He was one of the three vice presidents and was responsible for Karachi.

Q: Were you aware of Al-Zulfikar Organisation's activities?

A: No.

Q: Are Asghar Ali and Noor Mohammad, attendants of Mir Murtaza, from Larkana?

A: Noor Mohammad was either from Thatta or Badin, and Asghar Ali was from Larkana. The latter had also worked with Benazir Bhutto and I don't know whether he was paid by either of the two.

The next witness was Dr Zahid Hussain Jatoi, a medical doctor and a landlord, younger brother of Ashiq Hussain Jatoi, who had been killed in the incident. He started his evidence by saying that on every Friday the family used to meet and at one of these meetings I told my elder brother not to be involved in making speeches and statements. I explained to him that Murtaza and Benazir have brother-sister relationship and because of his (Ashique) political activities he might be put behind the bars in some fake case and what will happen to us poor people. Ashiq Jatoi was afraid of Durrani, who was the SP of Dadu in 1984, because at that time a gambling den was being operated with the connivance of the SP. My brother complained to the then martial law authorities and the place was raided on the orders of Brig Salim. We brothers were called by the SP of Dadu at that time and he was very rude to us because my brother had made a complaint to the brigadier. Durrani had

said they should have told him about it rather than going to the brigadier. My brother had told him about the den but he did not listen to him. Since then the SP used to threaten us and in Karachi as the SSP (South) he used to threaten him on trivial matters.

A day before the incident of Sept 20, SSP Durrani rang up 70- Clifton and wanted to speak to Mir Murtaza and he refused, he then talked to Ashiq. During that conversation, he threatened us for the bomb blasts that had occurred in Karachi three days earlier. He wanted to involve us in the bomb blast case, to which Ashique said we have nothing do with it. Dr Zahid Jatoi, who is not a practising doctor, narrated the alleged sufferings of the family at the hands of the police for not giving them information about Ashiq Jatoi after the firing.

From 9 pm onwards and until 3:30 am of the next morning we were not told of the whereabouts of Ashiq Jatoi. He was not traceable in an injured condition in any of the hospitals nor was his body available in any of the mortuaries. We had been running from place to place and nobody gave us any information, until at 3:30 am or even later, six bodies arrived at the JPMC mortuary, and his brother's body was one of them. The family had searched for him at JPMC and AKUH and we had no access to the police stations and or the place of the incident, as these were out of bounds for us, although through the courtesy of Dr Abdul Ghaffar Jatoi and the DC (South), the search was made and each time we were told there is no trace of him. Several persons went to the JPMC mortuary and to the emergency ward to look for him, but each time they returned without any information. It was for the first time that Asghar Ali, the personal attendant of Mir Murtaza when he was brought to JPMC, told me with tears in his eyes that Murtaza had been killed and my brother was seriously injured. That was the first specific information about Ashiq Jatoi.

I also saw Dr Mazhar Memon, another injured man from the same place, but he was not aware of Ashique. During these hectic and agonising period, my wife had been searching for my brother at AKUH and MEMC, but to no avail. At AKUH, she found ASP Shahid Hayat who had been taken there. Finally, when the bodies had been taken to the mortuary of JPMC, there was no electricity and the mortuary was closed and I got it opened with the courtesy of a doctor friend, Salim Kharal, but the bodies were not there. At 3:30 am the DC confirmed that the bodies were sent to JPMC, then all of us went there. I remained seated in the car and did not have the courage to enter the

mortuary and identify the body of my brother. The identification was done by my driver and other relatives, including Dr Salim Kharal, who was known to me, and we were together in the same medical college. Then I went home to inform my parents. I returned at 4:30 am when sub-inspector Khurram Waris of Clifton PS arrived with police papers and he deeply regretted the incident, describing the action as a black spot for the police and it was the result of the action taken by the senior officers. The sub-inspector offered to help me in any way possible. I then asked him to locate the driver of my brother. At the mortuary, the MLOs and SI Khurram Waris also took my signatures for handing over of the body.

Tribunal: Where were the bodies for six hours, they were either at the police station or on the scene of the incident?

Witness: I was not even allowed to go to the two police stations and the scene of the incident in search of my brother. I don't have a complete answer to this question.

On the orders of the special court, the police returned the wrist-watch and Rs 400 which were on the person of Ashiq Jatoi (Dec. 2). A gold ring and a chain in his neck were missing which were not returned given, and when I inquired of the police, they said some "Haram Khor" (dishonest parasite person) has taken away.

The blue Pajero jeep which he (Ashiq) was driving with Mir Murtaza was also returned by the police minus a tape-recorder, a console box with a radio. An FIR was lodged with the police against them for stealing but the things have not been recovered so far. Dr Jatoi will appear again on Jan 21 to answer questions from Khawaja Sharful Islam, counsel for Wajid Ali Durrani. The third and last witness of the day was ASI Badar Alam, son of former SSP Khurshid Alam, whose services are placed with the Services and General Administration Department, government of Sindh.

The 26-year-old witness said he took the six bodies in three ambulances and handed them over to another police officer at JPMC and returned. For full night, he was not aware what was happening around him, he did not talk to anybody, didn't hear anything and saw nothing about the incident. A tribunal member, Justice (Dr) Ghous Mohammad, described him as a patent liar. Working at the Clifton PS on the day of the incident he was not aware about it and who were involved and what happened until the next day.

He had not made entries in the "Roznamcha" about his entry into the police station on duty and there was again no entry made when he left. He did not also made entries in the daily entries register when he took the six bodies to the hospital and neither was it entered that he was back from the hospital. According to the "Roznamcha" and the entries made, he was not on duty and that he should be marked absent from duty on that date, the tribunal remarked.

The ASI when asked by the tribunal said he was making case diaries of old cases that night. When he was asked if he can produce anyone of them from the police station right then and he should go in a police mobile in the company of PDSP Shamim Husain, police liaison officer, to which he had no answer. The chairman of the tribunal observed that "we must make a recommendation that you should not be allowed to continue any longer as a police officer."

One of the counsel suggested that he was not at the police station, he didn't go to the hospital with the bodies and with a mala fide intention had given wrong information or he was suppressing facts. According to the witness, there are 21 officers, 115 men and three mobiles in the jurisdiction of the Clifton police station. The tribunal adjourned the hearing of the witnesses of Murtaza's party nominees on point of conspiracy, after the evidence of Abdullah Baloch and Dr Zahid Hussain Jatoi.

The tribunal will meet on Sunday at 9:30 am.

ENTRIES IN PS REGISTER HAD BEEN STOPPED FOR ONE NIGHT

KARACHI, Jan 19, 1997: Testifying before the three-member judicial tribunal on Sunday, a police officer from Clifton police station, assistant sub-inspector Azhar Iqbal, 32, said that on the day when Mir Murtaza Bhutto and seven of his men were killed in police action, the police station had suspended making entries in the daily entry register (Roznamcha) for the whole night.

The tribunal comprises Justice Nasir Aslam Zahid, judge of the Supreme Court; and Justices Amanullah Abbasi and Dr Ghous Mohammad, judges of the High Court of Sindh.

The ASI who reported on duty next morning on Saturday, Sept 21, was told by sub-inspector Khurram Waris that some pending entries are to be made in the "Roznamcha" and he did that between 9 and 10 am on the basis of what had happened on the previous night. He was unaware of the incidents until he came to the police station on duty.

The entries in the "Roznamcha" which was suspended on the previous night was filled by him as directed by sub-inspector Khurram Waris on the basis of what he had recorded of the events and also on the basis of some FIRs registered and the messages recorded in the log book by the wireless operator.

The SHO of Darakhshan PS, S.I. Shah Nawaz, had already recovered arms for which entry had been made.

Q: Was there any such single incident when the "Roznamcha" was suspended during his 14-year career?

A: No. But I have heard so.

Q: Any reason given why it was suspended?

A: No reason was given for suspension, but it is correct that the making of entries should not have been suspended.

Q: Does Police Rules permit you to do such a thing?

A: Perhaps not.

Earlier, a police constable, Abdul Majeed, had stated before the tribunal that the "Roznamcha" was suspended and no entries were made and while on duty he did nothing that night as he was responsible for making entries in the "Roznamcha" register.

Q: Who asked you to suspend making entries in the register?

A: Sub-inspector Waris who was in charge of the station at that time because of the injuries sustained by SHO Sial. The "Roznamcha" register was taken away by S. I. Khurram.

After the disclosure made by constable Majeed, ASI Azhar was called to verify his statement. The former was made to sit inside the tribunal when the ASI was summoned and testified. Then both were allowed to go.

PC Abdul Majeed, 42, has been in the service of Sindh Police for the last 24 years in the same position. He joined the force at the age of 18 having passed IX class. He lives in bachelors' barracks in Clifton PS premises. He comes from Attock.

Another witness examined was Ghulam Yasin, a head constable, who was posted at Clifton police station at the time of the incident, and is now posted at Kalakot PS in the same position. He was and is a head Moharrir at the PS and his responsibility is that of registering FIRs and maintaining other records. He said head Moharrir is appointed at police stations by the SSP of the district and his transfers etc are also done by the SSP or SP and not by other officers.

The head Moharrir was questioned about the duties and responsibilities.

He said all movements of officers and personnel are to be entered in the "Roznamchas," vehicles leaving the police station on duty, any accused shifted from the lock-up for interrogation room is to be entered in the "Roznamcha." But, he said, it is not done in practice. He said he was off duty on that day but it was not entered as such.

Q: Is it correct that some pages of the “Roznamcha” register were removed and replaced by other plain sheets?

A: No.

Q: The pages in the “Roznamcha” are numbered?

A: No.

Q: What duties you performed at the police station on the day of the incident?

A: Till 1 am I didn't come to know that the bodies of the victims had been brought to the PS, nor I was aware of what had happened in the night. I went to the police barracks at the PS the same night at about 1 am and slept there. I still don't know whether the bodies of the six dead were ever brought to the police station and they were identified outside the PS in the ambulances.

Q: Did any inquiry team or any other agencies called you for questioning about the incident?

A: The CIA team had called me and had threatened to hang me upside down forcing me to tell the truth about the removal of pages from the “Roznamcha” and change them with new pages. I had told them it was not done.

Later, the tribunal disposed of a number of applications made by Karim Khan Agha, counsel for the DIG Karachi Range and two ASPs Shahid Hayat and Rai Tahir.

One of his application still remains to be decided which relates to his plea that the police accused should not be allowed to be called to give evidence before the tribunal, because it was not in their interest to destroy their own defence before the actual trial starts before the trial court.

To sort out this issue whether they should be called or not, the tribunal has asked AAG Latif Abdul Ansari to come prepared on legality and Karim Khan Agha has also been asked to do a similar exercise in defence of his plea.

After the examination of three policemen, the tribunal adjourned the hearing until 9:30 am on Monday.

IO VIOLATED RULES TRIBUNAL EXAMINES 61 PICTURES TAKEN BY POLICE

KARACHI, Jan 21, 1997: The first investigating officer of the Sept 20 killings at Clifton was told by the tribunal of inquiry that he had not followed the rules and procedures for conducting the investigations. The tribunal investigating the Mir Murtaza Bhutto murder case told the IO on Tuesday that he did not follow the rules because he was holding with him 61 photographs in his office which he did not give to the crimes branch when the case was handed over to the agency on Sept 23. Sub-inspector Khurram Warris, formerly of the Clifton PS and now under suspension at the Police Lines, district South, who made his third appearance before the tribunal on Tuesday, was sent to the police station to bring with him the photographs. The IO had stated earlier that the pictures lying with him.

The witness and the PDSP Shamim Hussain, police liaison officer at the tribunal, were sent to bring the pictures and they were produced shortly afterwards. There were 61 of them in colour. They were mostly of the vehicles hit by bullets fired on the day of incident. The vehicles, belonging to the police, Murtaza's men and a taxi which was also hit accidentally, whose driver Bachal died of head injuries in hospital, a day later.

Q: Who photographed them and under whose instructions?

A: Some were photographed on my instructions and the other at the instructions of the then ASP Rai Tahir.

Q: Why did you not send these photographs to the Crimes Branch which took over the investigation of the case?

A: Since they were already seen by the Crimes Branch's DSP Saeed Ahmad Khan and inspector Asghar Baloch and since none of them asked for it, I thought the copies of which might already be with them, therefore, I did not thought it necessary to send them officially. Another reason was that a senior officer ASP Rai Tahir was in the full knowledge of the photographs taken and several copies made of them, I thought, one set might also be with them. I did what I was asked to

do, being a junior officer. I retained the set with me for the police station's record and for no other purpose.

Q: How did the DSP and inspector of the Crimes Branch saw those photographs?

A: They were with me and both showed no interest in them and I thought Rai Tahir had sent a set of them to all those who are concerned with it.

Q: For what purpose you kept them with you and what you intended to do with them and why not they were sent along with the investigation papers to the crimes branch?

A: They were received by me after the papers were dispatched to the crimes branch.

Q: Why didn't you ask Rai Tahir about the photographs?

A: Neither he asked me about it, nor I inquired from him.

Q: Were you or are you still thinking that these pictures are of help to the investigators?

A: Yes, it might be useful.

Q: Can you give any reason in this case why normal rules were not followed?

A: I did whatever was told or directed by the seniors. I have done whatever I know of investigation.

Tribunal: Your performance was one of carelessness or mala fide.

Q: Did you prepare a sketch of the area and marked the area from where the empty bullet shells were recovered or just picked them up wherever they were found by you and your men?

A: Everything was done in the presence of SP Shukaib Qureshi and when the collection of empty shells was over, he asked all of us to move.

Q: Did you seal the area and re-visited the place again in daylight and any finger-prints were taken from the place?

A: No finger-prints were taken and the site was not re- visited by me. At the end of his evidence, the tribunal decided to call the present investigation officer of the case, AIG Ali Gohar Mithiani, DSP Saeed Ahmed Khan and Asghar Baloch, inspector. The DSP has already made two appearances and on Tuesday he submitted 13 photographs taken at the scene of incident in which trees were hit by the bullets. At this, the counsel for SSP Wajid Ali Durrani, Khawaja Sharful Islam, stood up to say that had the trees not been hit, there would have been 13 casualties from the police side. Sub-inspector Khurram Warris was also confronted with the statement of Dr Zahid Hussain Jatoi, a landlord and a non- practising doctor, who had said earlier that Warris had sympathised with him at the mortuary of JPMC on the early morning of Sept 21 and that he had blamed the senior officers of the police for the action. The SI was also quoted as saying that the action of the police was a black spot on the police and that he was ashamed of his uniform. Dr Jatoi had asked the police officer to find out about Asif, driver of his brother, who was missing.

According to Dr Zahid's statement, the sub-inspector had offered his assistance and had told him that he would find out about him and inform him on telephone without mentioning his name. The tribunal played back the recordings made earlier of the remarks attributed to Dr Jatoi as having said by Warris.

Q: What do you have to say about it now. Did you say all that was attributed to you?

A: I did sympathise with Dr Zahid on learning he was the brother of the deceased, Ashiq Jatoi, and it was also true I offered him any assistance that I could offer. I informed his family the same morning about Asif saying that he was well and that he was in the lock-up. I had not said that I will not identify myself but the information was given to his family as promised. But about other remarks, he said he had not uttered those words of 'shame' or blaming the senior officers for the act. Dr Zahid Jatoi was recalled on Tuesday as a witness so that the counsel for Wajid Durrani, Khawaja Sharful Islam, could question him.

Q: There was nobody in the name of Brig Salim and that you have wrongly stated that on a complaint from Ashiq Jatoi a gambling den operated with the blessings of Durrani was raided and people arrested?

A: I maintain my earlier statement. I might have been wrong in the name but the officer was of the rank of brigadier serving in the area of Mehar in 1984 when Durrani was SP.

Q: It was wrong that your brother had made any such complaint to any of the military officers?

A: A verbal complaint was made. I don't know whether inquiry was made, but the gamblers were arrested.

Q: It is absolutely incorrect that a gambling den was run with the support and connivance of Durrani?

A: I stick to my earlier statement.

Q: Durrani had never given any threats to Ashiq Jatoi, Mir Murtaza or intimidated them on Sept 18 on telephone, two days before the actual shooting?

A: This is incorrect and whatever I have stated is correct.

Q: The allegations made by you are on the basis of a conspiracy to involve Durrani in this case?

A: No.

The witness after his examination was asked if he wanted to add anything to his statement. He said a raid was conducted by inspector Allah Bux Bhatti under the orders of the brigadier and the SP came to know of it after the raid and arrest.

DSP Saeed Ahmed Khan of the crimes branch brought with him 13 pictures from Clifton Police Station case FIR No. 386/96. He said SP Noor Ahmed Pechoho had sent back the pictures to the Clifton PS. The pictures relating to the gun-shots fired at the trees were produced before the tribunal on which

the tribunal asked him whether Ali Gohar Mithiani, the present investigation officer, should have not have seen them whether they are required for the investigation of the case?

Q: Has he seen these pictures?

A: He alone can answer that question.

Q: Are there any other pictures with the investigation officer?

A: There are none.

The tribunal decided to call Mithiani at 10 am on Tuesday.

The fourth witness was Mohammad Eijaz, head constable, 30, head moharir at the Clifton PS who produced the pictures before the tribunal. The photographs were returned back to the police. Some of the trees have been hit by more than one bullet.

The fifth witness was Gul Pir, 45, a constable working at the Clifton PS since January 1966 and he is in police service as a constable for 24 years. He denied having signed any mashirnama of the police station because he had gone up to the British High Commission when he heard firing and after remaining there for about five minutes returned back to the Arambagh PS where he is staying in the barracks.

He also denied that he drove a Clifton PS mobile No. 104 and signed the mashirnama prepared by ASI Shahzad as stated by him on Jan.13 before the tribunal. He said he came to know of signing of the mashirnama when he got a message for appearance before the tribunal on Monday evening. The constable also said he was on leave for one week from Sept 21 and when reported on duty on Sept 28 night, he was asked to report for morning duties from next morning, therefore, there was no question of his taking the body of the SHO from CHK on Sept 28 in the PS mobile No. 104. The sixth and the last witness was PC Mohammad Khan, 25, of Clifton PS. The tribunal will meet again on Wednesday morning at 9:30 am.

KILLERS WERE THEMSELVES PROBING THE CASES

KARACHI, Jan 22, 1997: Testifying before the Murtaza murder case tribunal on Wednesday, assistant inspector-general of police Ali Gohar Mithiani said people who killed Mir Murtaza Bhutto and seven others had themselves been investigating the case and they had systematically destroyed much of the evidence in the case.

The 57-year-old chief investigator of the case was answering a question from the tribunal whether it was true that everywhere things are deteriorating. The murderers were themselves investigating the case, he said.

Q: SP Shukaib Qureshi or ASP Rai Tahir had not informed you about the 61 pictures taken of the vehicles belonging to the police and Murtaza's party?

A: No. At the time when I took over the investigation, the SP had gone underground, but I have seen Rai Tahir twice who is under custody.

Q: When did you take over the charge of investigations?

A: On Dec. 19 from Agha Mir Alvi, DSP Crimes Branch, because AIG Crimes Noor Ahmed Pechuho had been placed under suspension.

Q: What is the position of the case before the trial court when the final challan is expected to be submitted?

A: The interim challan has already been submitted in all the three FIRs registered by the police and after making necessary additions, the final challan will be submitted within 15 days.

Q: Separate challan in each of the three FIRs or all of them together?

A: One final challan incorporating all the three FIRs, 386/96 filed by the late SHO Sial of Clifton PS, 399/96 filed by Ali Asghar and 443/96 filed by Noor Mohammad, both Mir Murtaza's men.

Q: Were you aware of the fact that earlier investigators had taken photographs of the vehicles damaged by firing?

A: Photographs were not there when we were delivered the police papers under Section 13(d) of the Arms Ordinance.

Q: After taking over of the case and before the investigations started were you aware that any photographs were taken on Sept 20, 21. Did anybody inform you about them?

A: We were in the knowledge of the pictures that were taken. We wanted to produce them along with a witness. There was a mention in the case diaries that photos were there.

Q: Are you aware of a bunch of 61 photographs taken on the occasion?

A: No. Pechuho had returned 13 photos to the police station on October 10, 1996, of the tree trunks taken after the incident showing firing at the trees on New Clifton Garden side.

Q: In the police record or other records was there no indication that other photographs were also taken other than of the trees?

A: During the statements recorded in the last three-four days, it was informed that a large number of pictures were taken, within one or two hours of the incident.

Q: Sixty-one such photographs taken on Sept 22 or 21 by the police were presented by S. I. Khurram, the first investigation officer, yesterday (Tuesday) on the direction of the tribunal which had been lying in his table drawer, were you aware of the existence of these pictures. Was he examined by your team as a witness?

A: I was not aware of these 61 photographs and I came to know only today (Wednesday) from newspaper reports. He is yet to be examined.

Q: Did anybody from Clifton PS inform you about these photographs by Asghar Baloch or DSP Saeed Khan of Crime Branch?

A: No.

The tribunal at this stage showed him the pictures and asked the witness to comment on it.

A: We should have asked for them (pictures), it was negligence on our part that we did not ask for them earlier.

Q: SP Shukaib Qureshi or ASP Rai Tahir had not informed you about these pictures?

A: No. At the time when I took over the investigations, the SP had gone underground, but I have seen Rai Tahir twice who is under custody.

The counsel for the DIG Karachi, ASP Rai Tahir and ASP Shahid Hayat, Karim Khan Agha, made an observation that his clients were not satisfied the way the investigations are being conducted.

Tribunal: You should go to the high court and then ask for change of investigators of the team and the courts have jurisdiction, but the high court cannot interfere with the investigations.

The next witness was Allah Dino Khawaja, 31, a former SSP of district South, and presently the director of Anti-Corruption Establishment, Sindh. He said he took over as SSP (south) on October 15, 1996 by a notification dated Sept 29 and he was to assist the team of investigators in all the FIRs.

For three days he was investigation officer in the FIR No. 443/96 lodged by Noor Mohammad and on Nov. 29 he was transferred from the post of SSP and asked to report to the Services and General Administration Department.

Q: Did you come across any pictures of the incident at the instance of the police?

A: I asked SP Shukaib Qureshi about them on the same night and he wanted to give them, but before he could do that, I was transferred.

Q: Any entries made of the pictures?

A: No.

Q: Did you ask SI Khurram Waris about the pictures?

A: Yes. He had told me that Shukaib Qureshi had arranged for the pictures but they were not with him at that time. The pictures taken of the trees supposedly with the marks of bullets were not reliable and genuine and, therefore, they were returned to the police station.

I had also examined those 13 pictures in which the trees were supposed to have been hit. I took the pictures with me and tried to connect them to the trees which were hit. I was unable to be convinced that they were genuine.

Q: The other 61 pictures were shown to you?

A: I had not seen them before and only today I see them here. They were taken of the vehicles during the daytime after the incident.

Q: Why he had doubts about the genuineness of those picture taken of the trees?

A: AIG Pechuho had told me about the doubts and when I visited there and saw the marks on the trees, it looked they were not of gunshots and the trees were on the police side.

The third investigation officer, AIG Noor Ahmed Pechuho, 48, was the third witness to give his testimony before the tribunal.

Q: When were you involved in the investigations of this case?

A: In all three FIRs were registered in the case, Nos. 386, 399 and 443. I was SP Crimes Branch, Hyderabad, when I was called to take up the assignment under the supervision of DIG Crimes Masood Ahmad Paracha on Sept 23. I was made head of the team for which orders had been passed on Sept 21 by the IGP.

At that time only one FIR 386/96 lodged by the late SHO Clifton was in the field and there were several other FIRs under Section 13 (d) of the Arms Ordinance which were also being investigated.

Later, FIR No. 399 was registered by Ali Asghar which also came under our investigations and on Nov. 9 the third FIR No. 443/96 was registered at the same police station and the complainant was Noor Mohammad.

Q: When were the cases transferred to the Crimes Branch?

A: On December 15, 1996. They were not transferred but I was suspended and I handed over the charge on Dec. 16. I served from Sept 23 to Dec. 15.

Q: While you were involved in investigations did you come to know that pictures of the site were taken.

A: When the papers were handed over to me there were no pictures. And on Oct. 7 the SHO Clifton had sent 13 photos to me and they were of the trees supposed to have been hit by gunshots as was maintained by the police station.

Later, when the matter was brought to the notice of the police, we went to the site to match the photos with the marks on trees, with the permission and concurrence of the DIG. They were not consistent with bullet marks, therefore we returned them on Oct. 10 to Clifton PS.

Q: Other than those pictures, were you told about some other pictures?

A: The pictures were not seen by me before. I am seeing them here for the first time. They were not taken on the same night but in daylight. I had called for the statement of sub-inspector Khurram Waris recorded under Section 161 CrPC. He did not mention it and Shukaib Qureshi had also not mentioned the pictures.

The pictures of the trees, according to my opinion, were marked by a knife, nail or metal object on the trees on the side of Clifton Garden. Rai Tahir had also not discussed about the pictures.

The fourth witness was DSP Saeed Ahmed Khan of the Crimes Branch.

Q: Sub-inspector Waris had said you had seen those pictures taken of the vehicles with gunshots?

A: I am seeing them for the first time. I never went to Clifton PS and I had not met him at JPMC on second or third day of the incident to collect inquest reports and he had been coming to the Crimes Branch for recording his statements.

Q: Yesterday (Tuesday) when you appeared before us, apart from the 13 pictures, we had asked you if you had seen any other pictures?

A: After seeing them now I can say no one had mentioned to me about them.

Q: SI Khurram had said that several officers had seen these pictures, including you, and there were several sets made of them?

A: This is incorrect. I had not seen them. I reiterate my previous answers.

The fifth witness was inspector Ghulam Asghar Khan, 52, of the Crimes Branch, in charge of West Unit, who has been a member of the investigation teams right from the beginning.

Q: Have you seen any other pictures other than the 13 taken of the trees?

A: Yes. Khurram Waris had shown me those pictures when I had been visiting Clifton PS during the investigations.

Q: When you saw those pictures did you talk to anybody else in the investigation team?

A: No. He did not tell me when they were taken.

Q: Why did you not take them in your possession and present to the IO?

A: I did neither inform anybody nor I produced the officer before the IOs.

Q: Did it not occur to you that these pictures should form part of the investigations?

A: The statement of Waris was recorded by AIG Mithiani and I have seen it, but now I don't remember the contents, if he had mentioned about the photographs.

The sixth and the last witness of the day was sub-inspector Khurram Waris, who made several appearances on the direction of the tribunal, and he was asked a final question if he had anything more to say as a clarification. He said he had nothing more to say.

It was for the first time that all the four investigators in Mir Murtaza Bhutto murder case made their appearances before the three-member judicial inquiry tribunal in a single day.

The tribunal adjourned the hearing to meet again on Thursday at 11 am to take up the case of Sarfaraz Ahmed, reporter of Dawn, on the point of refusal to divulge the source of his information about a story published on Sept 27 about the meeting of a medical board for the examination of the left foot of the late Haq Nawaz Sial.

JUSTICE ZAHID ASKS REPORTER'S COUNSEL TO FIND A WAY OUT

KARACHI, Jan 23, 1997: The proceedings of the three-member tribunal of inquiry, which is investigating the causes and circumstances leading to the death of Mir Murtaza Bhutto and seven others in the police firing on September 20, 1996 in Clifton, was adjourned on Thursday to a date to be notified later. The tribunal headed by Justice Nasir Aslam Zahid, a judge of the Supreme Court of Pakistan, allowed indefinite time to Ms Asma Jehangir, a lawyer from Lahore and chairperson of the Human Rights Commission of Pakistan, new counsel for Dawn reporter Sarfaraz Ahmed, to find a way out of the impasse created by the reporter's refusal to divulge his source of information.

The other two members of the tribunal are Justice Amanullah Abbasi and Justice (Dr) Ghous Mohammad, both judges of the High Court of Sindh. Ms Jehangir appeared today before the tribunal and made preliminary submissions, saying that her client has utmost regard for the judiciary and is willing to cooperate but the ethics of a professional journalist is coming in his way, which has always been defended by the honourable chairman of the tribunal, that is, the rights of journalists and all members of society in equal terms. She said the reporter is in a dilemma as he is facing the tribunal on one side and his professional ethics on the other.

Chairman: In ordinary circumstances we never interfere in their work and nor we have issued notice on our own and we were requested for this when an application was made by a counsel for the parties who are facing murder charges. We, therefore, want cooperation from the journalist so that we could arrive at the right conclusion about the incident in which eight people had been killed and six others injured a massive figure. If there is a murder case and if a reporter reports that he met a person who told him that he has seen the murder being committed; if the reporter when asked who was the person who said he had seen the murder being committed, is it not his duty as an ordinary citizen to disclose the name of the man who had seen the murder taking place to meet the ends of justice. Should he then hold back the information? We proposed to take action but we will not necessarily do it.

Justice Ghous Mohammad: Earlier, we had asked Munir Malik, counsel for the reporter, who appeared first to produce a single case law to cite where such privileges for the protection of the rights to withhold information have been extended. No single case was shown to us. We have volumes of legal cases and no such protection was made available. The counsel was asked why not name the source directly and instead of saying that the proceedings published on a particular day had suggested who he was.

Chairman: We are not bent upon taking action, but rather want a way out. We would not like to create a law. In my career as a judge for 17 years, I have taken action for contempt of court only in two cases. One was sentenced to six months' jail term and another was fined Rs 500. In the case of six months' imprisonment, I called back the counsel to find out if he was not making an application for the suspension of the sentence to enable him to go into appeal. He submitted an application and I had suspended the sentence. I had suspended the sentence on my own. Personally, I don't want to make this case a third case. Justice Nasir Aslam Zahid explained to the counsel that there are three viewpoints in this case – an encounter with the police, an ambush or a conspiracy – in which eight people had been killed, six others injured, a massive figure, on one side only and on the other side only two minor injuries. In this case, as reported by the reporter two things are very important. The report says that the bullet which hit SHO Sial on his left foot had come from above, as if it was from a helicopter and it was a revolver injury and that such a revolver was not in the armoury of Murtaza's men, which means this was not fired by Murtaza's men, suggesting there was no encounter, which means it was a one-sided affair.

The six doctors who were sitting on the medical board have said that they were not aware of what arms were recovered from Murtaza's men and the reporter is giving a definite information, that it was fired by a revolver. If we believe that it has not come from Murtaza's side, then it is not an encounter. The doctors, on the other hand, say that they have not given this information, about the type of weapon used and the direction. This is a very important matter, if the reporter denies this we will either believe him or the doctors that means, either of the party is lying.

Ms. Asma Jehangir: The law has changed in India and South America. Once this practice is opened then there will be no end to it for punishments. It is my wish, I want to look into the evidence which I have not been able to understand. It has been said that Sial had a self-suffered injury.

Chairman: We will also have to look into the reports of what the British investigation team had said. Suppose the reporter names the source, the matter will end there. If he maintains that the statement which he has given has named the source, then on oath he should answer all other questions before us.

Counsel: That will be fine and, in the meanwhile, I will study the evidences of the doctors that have already been recorded, because I have not gone through those so far.

The tribunal adjourned the hearing after about 45 minutes, the shortest session since October 22, 1996, when the tribunal began its proceedings. It has adjourned the hearing for an indefinite period because Justice Zahid will be sitting on a Supreme Court Bench in Islamabad during the next few days. He said the next date of hearing and who will be the next witness will be announced later.

UK DETECTIVES WERE PAID 200,000 POUNDS

KARACHI, Feb. 11, 1997: Testifying for the second time on Tuesday as a witness before the Murtaza murder case tribunal, Sindh home secretary Manzoor Hussain Bhutto said the British team of detectives had submitted a preliminary and final report to the government of Sindh.

The title of the report is "Fatal Shooting at Clifton Garden, Karachi, on 20 September 1996 - preliminary/final report of the independent inquiry team" for which the government had paid a sum of 200,000 pounds sterling in foreign exchange. The experts stayed in Karachi from October 28 to November 8, 1996.

The home secretary presented a copy of the report before the tribunal and, along with it, he submitted seven documents all related to the sanctioning of Rs 13 million. He said the finance department of the government of Sindh had sanctioned Rs 13 million for the payment to the British experts in Pakistani currency and the money was kept at the disposal of the IG Police, Sindh, and with the change in government at the Centre and in the province, no payment was made by the provincial government and the sanctioned amount was returned to the treasury.

According to Manzoor Bhutto's understanding, the money was paid by the federal government from its own resources.

The chairman of the tribunal, Justice Nasir Aslam Zahid, judge of the Supreme Court, observed that it was a lot of money paid from the public exchequer and the beneficiary may retire in Brazil for the rest of his life, and the money kept in deposit can earn and his family for the next 400 years. He also observed that many more lives were lost in the past but never the investigators from outside were called at such a heavy cost. Such lavish expenditure will affect the people of Pakistan who are deprived of schools, clean water, health facilities, good roads etc.

The witness said on Nov. 8, the IG police gave him a sealed envelope containing the preliminary report of the team of investigators and on Nov. 29, the final report was submitted to him by the additional secretary, ministry of interior. He said he first came to know of the British experts being called on

Oct. 12 when he was informed by the secretary to the chief minister, Rasool Bux, that a decision has been taken to call the British experts to investigate and to aid the police in their investigations.

A letter was sent by the chief secretary of Sindh to the interior secretary for calling forensic experts in order to hold a transparent inquiry. He said he was asked to get in touch with chief secretary Sayied Ahmad Qureshi, who wrote a letter to I. M. Mohsin, secretary interior on the same day.

“On Oct. 24 , the IGP and myself were called to the chief minister’s house. The IG gave me a fax message sent by Wajid Shamsul Hasan, the then high commissioner in London,” he said. The witness produced a copy of the fax message which gave the details of the experts and other particulars such as the directions given to all agencies in Karachi to assist the foreign team. “I don’t know whether it was a decision taken by the prime minister or the chief minister. The decision was taken by the federal government, according to what I later learnt,” he said.

On Nov. 4 last year he was called by the chief minister to say that the Britishers are not getting full cooperation and the CM asked me to issue a letter of authority and the law department had vetted the document. He said on Nov. 5 the government was dismissed and the letter of authority had lost its meaning.

Manzoor Hussain Bhutto denied the earlier statement made by the provincial health secretary, Dr Kamil Rajpar, that he (home secretary) was present at a meeting held at the chief minister’s house where the question of reconstitution of the medical board was raised. He said it was incorrect that he and the then advocate-general were present at the meeting which was later joined by Dr Kamil Rajpar. He said there were only three of us in the room, and the AG, IGP or DIG Karachi were not there at the meeting.

The chief minister had asked the health secretary under what authority the medical board was constituted, to which he had replied he had the authority. The CM then gave instructions for the reconstitution of the medical board.

He said after the meeting he left with the health secretary for his office which was open even on week-end holidays and on the way he received a wireless message that the IGP and the DIG Police were looking for him. He conveyed the message back that he was on his way to his office. “As I alighted from my

car at the Home Department, I saw the IGP and the DIG arriving just behind me.”

Q: What happened next?

A: In the meeting at my office there were only four of us, the IGP, DIGP, the health secretary and myself. The IG police insisted on two points, the main thing was that the medical boards be completely changed with a new set of doctors from PNS Shifa.

The health secretary was adamant that the board would not be replaced and he was prepared to include some new doctors because PNS Shifa doctors were not available as they were unwilling to involve themselves in the case. During the discussion it transpired that Dr. S. M. A. Shah, a private orthopaedic surgeon, be included in the board as there was a request from the police to include him.

Earlier, an ex-IG Police, Sindh, Saeed Ahmed Khan, was examined as a witness, who was recalled from Peshawar where he is heading the Narcotics Control Board. He was also confronted by the same question whether he was present at a meeting with the chief minister where the question of composition of the medical board came under discussion. He also denied the statement made by health secretary Dr Rajpar and said he did not attend any such meeting in which the discussion took place about the medical board’s composition.

Q: At the meeting you and DIG and other officials were present?

A: I did not attend any such meetings.

The health secretary had said that the body of SHO Sial was taken by the police and post-mortem was not allowed to be performed. The ex-IG Police said when he was told about it, he called the DIG and asked him to inquire into the matter, who later rang informed me to say the police had not taken away the body but his relations had taken the body away.

About a meeting at the CM House about the reconstitution of the medical board, the former IG Police said: “It is news to me. It is totally incorrect. “There was no such meeting held in the CM’s House where I was supposed to be present along with the DIG to press for the inclusion of a private

practitioner, Dr S. M. A. Shah, in the medical board”, he said, adding: “I had never known Dr Shah nor even seen him before.”

Q: Were you ever consulted or you suggested that Dr Shah be made a member of the medical board for the post-mortem examination of the body of inspector Sial of Clifton Police Station?

A: I was never consulted on this issue nor I suggested his name. On Sept 28, the DIG and I went to the health secretary. We requested for a board with PNS Shifa doctors for a credible medical board. When we reached the office of the home secretary, the health secretary was already there. The efforts lasted for 2-3 hours and during this period the DIG mentioned the name of Dr Shah.

The health secretary then talked to Dr Shah and prior to that I had neither seen him, nor met him, or heard of him.

The body of Sial had to be taken to Punjab. I talked to the chief minister and suggested for a new medical board with doctors from PNS Shifa for the post-mortem. The CM asked me to liaise with the home secretary and it was for this reason why the DIG and myself went to the office of the home secretary.

Q: At the briefing at Bilawal House, did the DIG Crimes submitted briefs on the progress of investigations in the case?

A: I was present in the meeting at Bilawal House in which briefing was given by Masood Paracha, DIG Crimes, relating to the murder of Mir Murtaza Bhutto.

Q: Was the then prime minister satisfied at that time with the briefings?

A: She did not appear to have been satisfied with the investigation and she was repeating her remarks that former intelligence bureau chief Brig Imtiaz Ahmed and PML leader Choudhry Shujaat were involved in the conspiracy of murder.

Q: Did you follow up with the remarks of the then PM?

A: There was no positive development to verify that Choudhry Shujaat and Brig. Imtiaz were in Karachi or that they had anything to do with

the crime. If there was any development he would have informed me about it. There was no conclusive evidence against the two men as suggested by the then PM and until I held the position of Sindh police chief on December 26, 1996.

Q: Were you satisfied with the progress of investigations until you were transferred?

A: Yes. I used to get written reports and also had verbal discussions about the progress of the investigations.

Q: Were the investigations conducted on scientific lines such as taking foot prints, finger prints, taking of swab, sealing of relevant material.

A: We have no competent people and systems to follow modern techniques. As the IG Police I didn't consider it necessary to check every detail, because the DIG Karachi, DIG Crimes, SP Shukaib Qureshi were already looking after the investigations, it was not considered by me to go into all the details, as I was also busy with other security arrangements as there were apprehensions that serious law and order situation might develop and the PM was also to visit Karachi and the body of Murtaza was to have been flown to Larkana.

Q: Were daily register, Roznamcha and mashirnama (recovery register) suspended from 8 pm onwards and the first investigator had not obtained signatures of witnesses on the Roznamcha of the vehicles of police were being used for other purposes. Did you take any action against the officers, under the disciplinary rules or Police Rules?

A: I had not come across any such irregularities.

Q: On the basis of the statements of witnesses in this tribunal, there was definite indications that the investigations had not been carried on sound lines. When a serious crime takes place, the entire scene of incident should have been frozen, photographs taken or movie films made, taking of foot prints, finger prints and recoveries made, bodies removed without leaving marks, cartridge shells recoveries without making mention of the place?

A: Ideally it should have been done, but we are not that efficient and no such competence.

Q: Photographs are normally taken at any such incident and this has been a normal practice?

A: Cameramen are employed in crimes branch, special branch and with two DIGs, and other senior officers, action should have been taken in accordance with the rules.

Q: Why so much delay?

A: The police system requires reform and improvement and no politicisation and more funds.

After the examination of the two witnesses, the tribunal adjourned its hearing till Wednesday at 11:30 am when Ghinwa Bhutto will appear in the witness box.

BENAZIR SUSPECTS INVOLVEMENT OF CH: SHUJAAT AND BRG. IMTIAZ FORMER IG SAEED S' DEPOSITION BEFORE MURTAZA BHUTTO TRIBUNAL

KARACHI, Feb 11, 1997: Ms. Benazir Bhutto, the deposed prime minister had suspected involvement of Ch. Shujjat Hussain and Brigadier Imtiaz in the murder of her younger brother Mir Murtaza Bhutto and his seven close companions including Ashiq Hussain Jatoi on September 20.

This was stated here today by Saeed Ahmed, the former Inspector General of Police Sindh while recording his statement before the 3-member enquiry tribunal headed by Mr Justice Aslam Zahid Nasir.

He said that Ms. Benazir Bhutto had expressed her apprehensions during the course of briefing of the case by the initial team of investigating officials headed by the then DIG Crime Masud Piracha and Noor Ahmed Pechuho at the Bilawal House next day of the incident on September 21.

He said, he was also present there. The former prime minister appeared to be dissatisfied with the investigation. In that meeting, discussions were also going on and the then prime minister was making remarks and suspecting that perhaps Brigadier Imtiaz and Choudhry Shujjat Hussain were involved in this incident. He said, he had checked up with Piracha but he did not give him any positive reply.

While he was verifying the allegation leveled by former prime minister, he was transferred from Karachi. The witness said, as there was no conclusive evidence in this behalf, he did not inform the then prime minister or the then chief Minister Sindh Syed Abdullah Shah. He was later transferred from Karachi on Dec 12, 1996.

Questioned by the tribunal, he said, he was satisfied with the investigation of the case being carried out by the crime branch investigating team. The witness, however, said that he did not go in details of the investigation of the incident including the snapping of photographs of the place of the occurrence or the sealing of the material etc, as he did not consider it necessary.

This was because the then DIG Shoaib Suddle, DIG Crime Branch Masud Piracha and other senior and experienced police officials were engaged in the investigation of the case. He was primarily concerned with the maintenance of law and order situation throughout the province of Sindh as he was anticipating eruption of turmoil and violent disturbances.

Further questioned by the tribunal, he said, he did not know that the roznamcha of the Clifton PS was closed soon after the happening of the incident, and that the investigation was conducted by the first investigating officer of the Clifton PS in a haphazard and primitive manner.

He replied in the affirmative when asked by the tribunal if the Sindh Police had any employed photographers. He however submitted that the introduction of reforms in the police force and availability of the required funds were the dire need of the hour.

Mr Saeed Ahmed said, that in the early hours of Sept 28 last, the home secretary informed him about the taking away the body of former SHO Clifton PS Haq Nawaz Sial from the Civil Hospital without completion of necessary formalities including the post-mortem. It were the relatives of late Haq Nawaz as had taken away his body.

He gave necessary instructions to the then DIG Karachi Shoaib Suddle and the body was returned to the Civil Hospital and the post mortem carried out. He said, on the same day he accompanied by former DIG Suddle went to the office of the home secretary for the formation of the medical board to examine the post mortem and also the foot injury of late Haq Nawaz Sial. He said that Dr Kamil Rajpar the provincial health secretary was also present in the office of the home secretary.

He said, he had suggested reconstitution of the medical board consisting of doctors of the PN Shifa as the earlier board had declared the foot injury of late Sial as self-suffered. The PN Shifa doctors had declined to be associated with the newly constituted medical board and during the course, former DIG Suddle had suggested the name of Dr Mohammed Ali Shah as the member of the new medical board.

He said, that constitution of a new medical board was suggested so that its finding is not disputed or contested. He said that the body of late Sial had to

be shifted to Punjab for burial and as such the constitution of an impartial medical board was being urged.

He said, it was correct that he had requested the then chief minister Sindh, Syed Abdullah Shah for the reconstruction of the medical board and the later had advised him to talk to the home secretary in this behalf. He said, after the examination of body of late Sial, the then DIG Karachi Suddle informed him that the death of Sial had been declared as the result of homicidal.

Questioned by Mr Abdul Latif Ansari, the Assistant Advocate general Sindh, the witness said, he was not aware of the report that on the date of incident, the police had snatched a costly camera of the Associated Press of France' photographer and that it had not been returned to him so far. He had not formed any board for the ballistic opinion of the arms allegedly recovered from the scene of the incident.

He, was not examined by the British team of investigators engaged by the government for the investigation of the incident, and as well as by the investigating team.

He said, that on receipt of a report from the then DIG enquiries, he had recommended to the provincial government of Sindh about the suspension of the former SSP South Wajid Ali Durrani. He had forwarded to the home secretary a copy of the report he had received from the British team of detectives.

He was appointed as the IGP Sindh on 15.8.1995, before that, he never served in the province of Sindh in any capacity.

Mr. Manzoor Hussain Bhutto, the provincial home secretary, said that on September 28 last, he was called by the then chief minister Syed Abdullah Shah. When he went to the chief Minister House, he found there Dr Kamil Rajpar, the provincial health secretary. In his presence, Syed Abdullah Shah expressed his annoyance and asked Dr. Rajpar as to why had he constituted the medical board for the examination of late Sial's body and as well as his foot injury and under what authority.

He, did not find there the then IGP Saeed Ahmed or the former DIG Suddle. After sometime, the IGP accompanied by the former DIG Suddle came to his

office and insisted on the formation of a new medical board for the examination of the body of late Haq Nawaz Sial and his foot injury.

He quoted Suddle as having said that the earlier medical board had lost its credibility by having declared the foot injury of Sial as self-suffered. He had also suggested the inclusion of Dr Mohammad Ali Shah in the newly constituted medical board, which was agreed to by Dr. Kamil Rajpar, the provincial health secretary. Dr. Rajpar, however, resisted to the constitution of new medical board consisting of non-official doctors.

On October 12, last, the witness said, he was called to the Chief Minister's House and PS to the then chief minister Syed Abdullah Shah informed him that the chief minister has decided to invite a British team of detectives for the purpose of holding transparent investigation of the September 20 last incident. He then called on the chief secretary Sindh Mr. Saiyeed Ahmed Siddiqi who wrote a letter to the federal interior ministry on the subject.

On October 24 last, he and the then IGP Sindh were called to the Chief Minister's House and shown a fax message from the then Pakistan's high commissioner in UK Mr Wajid Shamsul Hassan about the visit of the British team of detectives.

The witness produced a copy of that fax message which was exhibited in evidence. The witness said initially it appeared that the then chief minister Sindh, Syed Abdullah Shah had taken the decision in this behalf, but, it later transpired that the federal government had taken the decision in this respect.

The witness said, that on November 4, last, the then chief minister asked him to issue a letter on authorization to the British detectives so that they may not experience any difficulty in the investigation. The witness said, that on December 29 last, he received a final report from the British team of detectives through the federal interior ministry which he forwarded to the caretaker Chief Minister of Sindh on December 31 last.

Questioned by the tribunal, he said, he did not have any information about the remuneration paid to the British team of detectives. He said that the provincial finance department had sanctioned rupee 13 million for payment to the British detectives and he had passed on this amount to the IGP Sindh.

Before the disbursement of the amount to the British team the government was changed and as such the amount was re-deposited with the provincial exchequer. The witness understood that the amount might have been paid to the British detectives by the federal government; the hearing was then adjourned until Tomorrow (Feb 12).

Advocate present were Khawaja Sharaful Islam for former SSP Wajid Ali Durrani, Karim Aga for former DIG Suddle and two ASPs Roy Tahir and Shahid Hayat, Mr Manzoor Bhutta, for the PPP Shaheed Group and Mr Abdul Latif Ansari, the Assistant Advocate General Sindh.

UK DETECTIVES WERE PAID 200,000 POUNDS

H. A. HAMIED

KARACHI, Feb. 11, 1997: Testifying for the second time on Tuesday as a witness before the Murtaza murder case tribunal, Sindh home secretary Manzoor Hussain Bhutto said the British team of detectives had submitted a preliminary and final report to the government of Sindh. The title of the report is "Fatal Shooting at Clifton Garden, Karachi, on 20 September 1996 - preliminary/final report of the independent inquiry team" for which the government had paid a sum of 200,000 pounds sterling in foreign exchange. The experts stayed in Karachi from October 28 to November 8, 1996.

The home secretary presented a copy of the report before the tribunal and, along with it, he submitted seven documents all related to the sanctioning of Rs 13 million. He said the finance department of the government of Sindh had sanctioned Rs 13 million for the payment to the British experts in Pakistani currency and the money was kept at the disposal of the IG Police, Sindh, and with the change in government at the Centre and in the province, no payment was made by the provincial government and the sanctioned amount was returned to the treasury. According to Manzoor Bhutto's understanding, the money was paid by the federal government from its own resources.

The chairman of the tribunal, Justice Nasir Aslam Zahid, judge of the Supreme Court, observed that it was a lot of money paid from the public exchequer and the beneficiary may retire in Brazil for the rest of his life, and the money kept in deposit can earn and his family for the next 400 years. He also observed that many more lives were lost in the past but never the investigators from outside were called at such a heavy cost. Such lavish expenditure will affect the people of Pakistan who are deprived of schools, clean water, health facilities, good roads etc. The witness said on Nov. 8, the IG police gave him a sealed envelope containing the preliminary report of the team of investigators and on Nov. 29, the final report was submitted to him by the additional secretary, ministry of interior. He said he first came to know of the British experts being called on Oct. 12 when he was informed by the secretary to the chief minister, Rasool Bux, that a decision has been taken to call the British experts to investigate and to aid the police in their investigations.

A letter was sent by the chief secretary of Sindh to the interior secretary for calling forensic experts in order to hold a transparent inquiry. He said he was asked to get in touch with chief secretary Sayied Ahmad Qureshi, who wrote a letter to I. M. Mohsin, secretary interior on the same day. "On Oct. 24 , the IGP and myself were called to the chief minister's house. The IG gave me a fax message sent by Wajid Shamsul Hasan, the then high commissioner in London," he said. The witness produced a copy of the fax message which gave the details of the experts and other particulars such as the directions given to all agencies in Karachi to assist the foreign team. "I don't know whether it was a decision taken by the prime minister or the chief minister. The decision was taken by the federal government, according to what I later learnt," he said. On Nov. 4 last year he was called by the chief minister to say that the Britishers are not getting full cooperation and the CM asked me to issue a letter of authority and the law department had vetted the document. He said on Nov. 5 the government was dismissed and the letter of authority had lost its meaning.

Manzoor Hussain Bhutto denied the earlier statement made by the provincial health secretary, Dr Kamil Rajpar, that he (home secretary) was present at a meeting held at the chief minister's house where the question of reconstitution of the medical board was raised. He said it was incorrect that he and the then advocate-general were present at the meeting which was later joined by Dr Kamil Rajpar. He said there were only three of us in the room, and the AG, IGP or DIG Karachi were not there at the meeting.

The chief minister had asked the health secretary under what authority the medical board was constituted, to which he had replied he had the authority. The CM then gave instructions for the reconstitution of the medical board.

He said after the meeting he left with the health secretary for his office which was open even on week-end holidays and on the way he received a wireless message that the IGP and the DIG Police were looking for him. He conveyed the message back that he was on his way to his office. "As I alighted from my car at the Home Department, I saw the IGP and the DIG arriving just behind me."

Q: What happened next?

A: In the meeting at my office there were only four of us, the IGP, DIGP, the health secretary and myself. The IG police insisted on two points, the main thing was that the medical boards be completely changed with a new set of doctors from PNS Shifa. The health secretary was adamant that the board would not be replaced and he was prepared to include some new doctors because PNS Shifa doctors were not available as they were unwilling to involve themselves in the case. During the discussion it transpired that Dr. S. M. A. Shah, a private orthopaedic surgeon, be included in the board as there was a request from the police to include him.

Earlier, an ex-IG Police, Sindh, Saeed Ahmed Khan, was examined as a witness, who was recalled from Peshawar where he is heading the Narcotics Control Board. He was also confronted by the same question whether he was present at a meeting with the chief minister where the question of composition of the medical board came under discussion. He also denied the statement made by health secretary Dr Rajpar and said he did not attend any such meeting in which the discussion took place about the medical board's composition.

Q: At the meeting you and DIG and other officials were present?

A: I did not attend any such meetings. The health secretary had said that the body of SHO Sial was taken by the police and post-mortem was not allowed to be performed. The ex-IG Police said when he was told about it, he called the DIG and asked him to inquire into the matter, which later rang informed me to say the police had not taken away the body but his relations had taken the body away. About a meeting at the CM House about the reconstitution of the medical board, the former IG Police said: "It is news to me. It is totally incorrect. "There was no such meeting held in the CM's House where I was supposed to be present along with the DIG to press for the inclusion of a private practitioner, Dr S. M. A. Shah, in the medical board", he said, adding: "I had never known Dr Shah nor even seen him before."

Q: Were you ever consulted or you suggested that Dr Shah be made a member of the medical board for the post-mortem examination of the body of inspector Sial of Clifton Police Station?

A: I was never consulted on this issue nor I suggested his name. On Sept 28, the DIG and I went to the health secretary. We requested for a board with PNS Shifa doctors for a credible medical board. When we reached the office of the home secretary, the health secretary was already there. The efforts lasted for 2-3 hours and during this period the DIG mentioned the name of Dr Shah. The health secretary then talked to Dr. Shah and prior to that I had neither seen him, nor met him, or heard of him.

The body of Sial had to be taken to Punjab. I talked to the chief minister and suggested for a new medical board with doctors from PNS Shifa for the post-mortem. The CM asked me to liaise with the home secretary and it was for this reason why the DIG and myself went to the office of the home secretary.

Q: At the briefing at Bilawal House, did the DIG Crimes submitted briefs on the progress of investigations in the case?

A: I was present in the meeting at Bilawal House in which briefing was given by Masood Paracha, DIG Crimes, relating to the murder of Mir Murtaza Bhutto.

Q: Was the then prime minister satisfied at that time with the briefings?

A: She did not appear to have been satisfied with the investigation and she was repeating her remarks that former intelligence bureau chief Brig Imtiaz Ahmed and PML leader Choudhry Shujaat were involved in the conspiracy of murder.

Q: Did you follow up with the remarks of the then PM?

A: There was no positive development to verify that Choudhry Shujaat and Brig. Imtiaz were in Karachi or that they had anything to do with the crime. If there was any development he would have informed me about it. There was no conclusive evidence against the two men as suggested by the then PM and until I held the position of Sindh police chief on December 26, 1996.

Q: Were you satisfied with the progress of investigations until you were transferred?

A: Yes. I used to get written reports and also had verbal discussions about the progress of the investigations.

Q: Were the investigations conducted on scientific lines such as taking foot prints, finger prints, taking of swab, sealing of relevant material.

A: We have no competent people and systems to follow modern techniques. As the IG Police I didn't consider it necessary to check every detail, because the DIG Karachi, DIG Crimes, SP Shukaib Qureshi were already looking after the investigations, it was not considered by me to go into all the details, as I was also busy with other security arrangements as there were apprehensions that serious law and order situation might develop and the PM was also to visit Karachi and the body of Murtaza was to have been flown to Larkana.

Q: Were daily register, Roznamcha and mashirnama (recovery register) suspended from 8 pm onwards and the first investigator had not obtained signatures of witnesses on the Roznamcha of the vehicles of police were being used for other purposes. Did you take any action against the officers, under the disciplinary rules or Police Rules?

A: I had not come across any such irregularities.

Q: On the basis of the statements of witnesses in this tribunal, there were definite indications that the investigations had not been carried on sound lines. When a serious crime takes place, the entire scene of incident should have been frozen, photographs taken or movie films made, taking of foot prints, finger prints and recoveries made, bodies removed without leaving marks, cartridge shells recoveries without making mention of the place?

A: Ideally it should have been done, but we are not that efficient and no such competence.

Q: Photographs are normally taken at any such incident and this has been a normal practice?

A: Cameramen are employed in crimes branch, special branch and with two DIGs, and other senior officers, action should have been taken in accordance with the rules.

Q: Why so much delay?

A: The police system requires reform and improvement and no politicisation and more funds.

After the examination of the two witnesses, the tribunal adjourned its hearing till Wednesday at 11:30 am when Ghinwa Bhutto will appear in the witness box.

MURTAZA BHUTTO TRIBUNAL PROCEEDINGS ADJOURNED DUE TO GHINWA'S INDISPOSITION

KARACHI, Feb 12, 1997: The three-member enquiry tribunal probing into the causes and circumstances leading to the murder of late Mir Murtaza Bhutto, chairman of the PPP Shaheed party and his seven close companions on September 20 adjourned the proceedings till Thursday due to the indisposition of Ms. Ghinwa, chairperson of the party.

Her counsel Mujeeb Pirzada asked for some time after the recording of the statement of Ms. Benazir Bhutto, chairperson of the PPP on February 22. The tribunal told Pirzada that for the purpose, an application will have to be filed on her behalf specifying the reasons including the nature of her illness etc, and that the tribunal will give its decision after taking into account the allied factors.

The tribunal observed that it was entirely upto both the distinguished ladies Ms. Benazir Bhutto and Ms. Ghinwa to decide among themselves whether their statements may be recorded by the tribunal in connection with the incident or not.

It said the tribunal would not force their appearance. Mr Justice Nasir Aslam Zahid, presiding over the tribunal said, that the tribunal had decided to conclude its proceedings by Feb 27. He told Pirzada that it was not a good ground for seeking time as sufficient time had already been consumed in the proceedings.

The tribunal in consultation with the advocates of the parties concerned decided to record the statement of Sarfraz reporter of daily "Dawn", on Thursday. On Feb 15, evidence of Mr. Ehsan Ul Haq, Behram Khan Ujjan and Rahim Bux Jamal, the witnesses of Shaheed party will be recorded.

On Feb 16 three witnesses will record their statements. They are Rao Abdul Rashid, secretary general of the Shaheed party, Ishaq Khakwani, S.B central body member and Mrs. Amina Jilani.

Summoning of Mrs. Amina Jilani was requested by Khawaja Sharaful Islam the advocate for former SSP South Wajid Ali Durrani, which was granted by the tribunal.

On Feb 17, five traffic cops present on duty on the date of the incident will be examined by the tribunal. They are Headconstable Mushtaq Ahmed, H.C Nazir Ahmed, constable Muneer, Constable Mohammad Akram and constable Zulfikar Ali. On Feb 18, SSP Traffic South Muala Bux Khushk and Sub-Inspector Hakim Ali, investigating officer of late Haq Nawaz Sial's murder on the night of Sept 28 last will be examined.

Their examination was requested by advocate K.K. Agha for former DIG Karachi Shoaib Suddle and two ASPs Roy Tahir and Shahid Hayat. On Feb 19, Dr Shahzad of the Aga Khan Hospital will be examined. On Feb 22, Ms. Benazir Bhutto, former prime minister will record her statement. On the date, the tribunal granted the request of Barrister Shaikh Azizullah about the appearance of Syed Abdullah Shah, former Chief Minister Sindh to clarify certain points raised by Dr Kamil Rajpar the provincial health secretary in his statement recorded by the tribunal on Jan 8 last. On Feb 23, the tribunal will examine AIG Ghulam Abbas Jafri the ballastic expert.

About the accused persons, the tribunal decided that they may file their oral or in writing their statements if they so desired on Feb 24 and Feb 25, the latest. The tribunal said that the decision to this effect had been taken so that their statements may not prejudice their defence before the trial court.

GHINWA FAILS TO APPEAR BEFORE TRIBUNAL

KARACHI, Feb. 12, 1997: Ghinwa Bhutto, who was scheduled to appear on Wednesday before the three-member judicial inquiry tribunal investigating the murder of her 44-year-old husband, Mir Murtaza Bhutto, did not turn up and has reported sick, after her return from Larkana, a day earlier.

Her counsel, Abdul Mujeeb Pirzada, who talked to her by phone from the tribunal said she is unwell and wants to give her statement in the inquiry after Benazir Bhutto is examined on Feb. 22, on which the chairman of the tribunal, Justice Nasir Aslam Zahid, said: "This is no ground for not coming, although sufficient time was given to her and she was to appear on a date of her own choice." The tribunal, which has two other members from the High Court of Sindh, Justices Amanullah Abbasi and Justice (Dr) Ghous Mohammad, asked the counsel, Mr Pirzada, to make a statement before the tribunal on behalf of the chairperson of the PPP (SB) about the next date of her appearance, because there is not much time left for recording of evidence as the tribunal will close evidence before Feb. 27. Justice Zahid asked the counsel of Ghinwa Bhutto to make a statement before the tribunal about the next date of Ms Ghinwa's appearance for consideration on merits. The chairman observed that after giving evidence as scheduled, she could always add anything later either by appearance or by writing, and there is no point in not coming at all.

On Wednesday, apart from Ghinwa Bhutto, the only other witness called was sub-inspector Shahnawaz of Darakhshan police station. The sub-inspector was also not available as he was recording his statement under Section 161 CrPC before a court. Now he has been called on Feb. 16. The tribunal later fixed the dates for the examination of other witnesses in consultation with their counsel.

Saturday, Feb. 15: Ehsanullah Bhatti, ex-MPA Rahim Bux Jamali and Behram Khan Ujjan.

Sunday, Feb. 16: Ishaque Khakwani, Rao Abdul Rashid, Amina Jilani, a free lance journalist, and sub-inspector Shahnawaz.

Monday, Feb. 17: Head constables Mushtaq Ahmed, Nazir Ahmed, constables Munir Ahmed, Mohammad Akram and Zulfikar Ali, all, according to Khawaja Sharful Islam, counsel for SSP Durrani, were posted at the traffic police kiosk near the Do Talwar. Tuesday,

Feb. 18: SSP Maula Bux Khushk, traffic police, district south, sub-inspector Hakim Ali on the request of Agha Karim Khan, counsel for DIG and two ASPs; and Dr Shahzad, surgeon of AKUH.

Saturday, Feb. 22: Benazir Bhutto and Syed Abdullah Shah. The former chief minister, according to his counsel Azizullah Shaikh, will confine his statement to the evidence given by health secretary Kamil Rajpar recorded on Jan 23, in which he had stated about the reconstitution of the medical board at a meeting at the CM's House attended by the then advocate-general, IG Police and the DIG Police. On Tuesday, two other witnesses, the then IG Police, Mohammad Saeed Khan, and home secretary Manzoor Hussain Bhutto had denied that the AG, IG Police and the DIG Karachi Range were not present at the meeting. Also called as witness on the same day is AIG Police Ghulam Abbas Jafri, a ballistic expert. The tribunal also decided about the recording of evidence by those who are accused in the same case before a trial court. After hearing the views of the counsel, including AAG Ansari Abdul Latif, it has been decided that no accused will be forced to make a statement either in writing or orally. It will be open to each of the accused whether his statement be recorded, or he may file a statement in writing. The statements in writing can be filed or made before the tribunal on two consecutive days, Feb. 24 and 25. The contempt of court case against Sarfaraz Ahmed, staff reporter of Dawn, has been fixed for Thursday at 10:30 am.

CLIFTON KILLINGS SUMMARY OF BRITISH TEAM'S REPORT

KARACHI, Feb. 13, 1997: "Our major misgiving is the fact that neither bullets nor bullet fragments have apparently been recovered since the incident" in Clifton on Sept 20 last year when the police killed eight people, including Mir Murtaza Bhutto. This was the observation made by the seven-member British team of detectives investigating the incident in its preliminary report which it has submitted to the government of Sindh, the Inspector-General of Police, Sindh, and the Pakistan High Commission, London. The team had arrived in Karachi on Oct. 28 and left for London on Nov. 8, after submitting the 14-page preliminary report.

The team, which called itself as "the independent," would be most willing to return to undertake the final phase of work. It said that a considerable amount of work has been completed, and the final report includes a large number of findings and recommendations. However, for a variety of reason, there are still further inquiries that could be made. The terms of reference for the inquiry team were: Police practice and procedure, the collection and presentation of evidence, forensic pathology, forensic ballistics, and it was also to recommend for the future appropriate practices to assist in the rules of engagement by the police in firearms incidents, collection and continuity of forensic and ballistic evidence, police preparation and presentation of evidence.

The team repeatedly asked for a map of the scene that includes the positions of bodies and the recovered firearms and shells, but unfortunately this has not been forthcoming. "We understand that the person responsible for the preparation of the plan went on leave during our visit. This detailed plan would have been of utmost importance and value to us, both the time of the reconstruction and in reports covering aspects of ballistics and forensic pathology. It would also have been invaluable to the investigating officers."

– Ricochet marks on the carriageway outside the DIG's house and associated bullet marks on the kerb of the central reservation established that shots were fired from the general direction of the road junction immediately beside the DIG's house.

– We also saw apparent high velocity bullet impact damaged areas to the DIG's side-wall gate and house, which indicated firing from the Clifton Garden side of the road.

– A number of bullet holes and impact marks were found in the vehicles in Bhutto's convoy. These will be the subject of a detailed report to be submitted by Dr Renshaw. We believe the report will indicate the angles and possible trajectory of these bullets.

– Being able to interview ASP Tahir at the scene was particularly useful. He was the persons who on the night of 20 September helped Murtaza walk from his vehicle to an APC, and he then conveyed Bhutto to hospital. The ASP was unarmed, and as mentioned later he appears to have been exceptionally brave.

– We had hoped to interview those from Bhutto's entourage who survived and were arrested; Mrs Ghinwa Bhutto; all police officers and men involved directly or indirectly in the incident, including those under suspension, and those who investigated it; and anybody else who wanted to speak to us. Of these, the only ones we have been able to interview have been the police officers and men. Some of these interviews unfortunately took place in less than desirable conditions, and without the assistance of independent interpreters, although this had been requested earlier on.

– ASP Darakhshan Mohammad Tahir was interviewed. He has been the ASP at Darakhshan for the past nine months, and has a total of three years' service in the police force. The first two years and three months were spent in training. He appeared an intelligent young man and would seem to be honest. Before arriving at the incident, he received two very short briefings from the SSP South, Wajid Durrani. At the first of these, he expressed apprehension about the possibility of a shootout, but he was told not to worry. One being left at the scene by the SSP, he was given no further briefing, and assumed command as the senior officer present.

– ASP Shahid Hayat was similarly interviewed. He has five years' service, over two of which were spent in training. He said that shortly before the incident he was directed to the scene by the SSP South, Wajid Ali Durrani, who gave him a short briefing over the telephone. He arrived at about 20:30, and was wearing plainclothes. Although senior to the ASP Darakhshan in terms of length of service, the latter was already in command. The ASP

Saddar was in the group of officers that went forward after the convoy had been stopped. On hearing a noise behind him, he turned round and was immediately shot in the thigh. The shot came from behind him where Bhutto's supporters were standing. He crawled to the top of the road, where he sheltered until the firing stopped. Immediately after the shooting, he was driven to Aga Khan Hospital at his own request. When he had been wounded previously, he had been treated at Aga Khan Hospital and the doctors knew him. ASP Hayat said that he did not know if any planning had been undertaken before the incident.

– We next interviewed eight head constables and the constables who were involved in the incident, but apparently did not fire any weapons. Their lengths of operational service varied from 15 years to 17 days. They included gunmen and policemen drawn from normal operations. They substantially confirmed the statements of the ASPs of Darakhshan and Saddar. All these officers stated they were on the Clifton Garden side of the road, and none admitted to being on the other side.

– We then interviewed the 11 officers, who are currently under suspension until 7 November. They were suspended because they allegedly fired their weapons during the incident. They were head constables, constables, and ASI Abdul Basit. Their service ranged from seven months (including training) to 12 years. They included gunmen and policemen drawn from normal operations. They claimed to have fired 66 shots. Out of these policemen, two said they fired in bursts. All except three said they fired in the air. These three said they fired in the general direction of the Bhutto convoy, but at no particular target.

– Each member of the two groups of policemen said they received a short briefing from the ASP Darakhshan. They were told that the purpose of the exercise was Bhutto himself. There were no orders in relation to strategic planning, or contingencies should firing commence.

– We have been unable to interview SSP South Durrani due to his commitments in relation to the tribunal.

– Mrs Ghinwa Bhutto was telephoned on Nov. 3. She indicated that it should be possible to interview her; however she also wanted to put the request to "the Committee" and asked that a return telephone call be made in an hour for an answer. A number of return phone calls were made. Various male

members of the staff answered the telephone, but would not put us through to Mrs Bhutto. About 2 ½ hour later, a phone call was received at our hotel reception asking for “Mr Roy.” When he answered, Mr Herridge was met with a tirade of abuse asking what constitutional rights he had to speak to Mrs Bhutto. It became abundantly clear that further communication from our side would have been unwelcome, and we have waited in vain for Mrs Bhutto to contact us.

– Difficulty arose in relation to interviewing of those in custody from Bhutto’s escort in two ways. Firstly, our written request through the home minister and the local police may well have been held up due to the current political situation. Secondly, there appears to have been difficulty in relation to the appropriate constitutional and judicial authorities to permit such a interview. Our only comment in relation to this is that it was difficult to get an overall picture of the incident without these interviews.

– Despite several discussions on the subject, we have been unable to find a satisfactory way of inviting other potential witnesses to contact us.

The team has reached the conclusion after examining of the post-mortems and of the doctors’ examinations of Haq Nawaz Sial that “the fatal bullet was fired at close range, and most likely to be self-administered. We attach no blame to the Police Surgeon and his Department, as his judgment was based on information from textbooks that are woefully inadequate and out of date. We will be making recommendations in this and other matters pertaining to the organisation and training of the medico-legal department in our final report.

According to the report, the police have recovered 11 weapons from Murtaza Bhutto’s party and they include two G3 automatic assault rifles, one AK fully automatic assault rifle, four .30 bore calibre pistols, two 9mm Makarov calibre pistols, one Uzi sub-machinegun and one Beretta SMG. From the police 12 AK fully automatic assault rifles were recovered. A total of 141 cartridge cases have been recovered from the scene and the vehicles involved in the incident. Of these 123 have been matched to weapons of the Bhutto group’s weapons and five of the police Aks. The left foot injury to SHO Clifton Sial – “it was unlikely that the wound was self-inflicted or self-suffered.” “It would appear that a dark coloured Pajero was allowed to pass through the road block immediately before the first vehicle in Bhutto’s convoy. The police have so far been unable to trace this vehicle, whose occupants may be able to

provide some independent evidence about the positioning of the policemen and their vehicles at the start of the incident. "We have been told that the members of the SPG should have been available for deployment at the incident; and that these are policemen who are both trained and experienced in the use of firearms. They were never deployed." place, the entire scene of incident should have been frozen, photographs taken or movie films made, taking of foot prints, finger prints and recoveries made, bodies removed without leaving marks, cartridge shells recoveries without making mention of the place? A: Ideally it should have been done, but we are not that efficient and no such competence.

Q: Photographs are normally taken at any such incident and this has been a normal practice?

A: Cameramen are employed in crimes branch, special branch and with two DIGs, and other senior officers, action should have been taken in accordance with the rules.

Q: Why so much delay?

A: The police system requires reform and improvement and no politicisation and more funds. After the examination of the two witnesses, the tribunal adjourned its hearing till Wednesday at 11:30 am when Ghinwa Bhutto will appear in the witness box.

BENAZIR IS A SUSPECT IN MURTAZA MURDER CASE: GHINWA

HYDERABAD, Feb. 13, 1997: It is perhaps for the first time that Ghinwa Bhutto, the widow of slain PPP-SB chief Mir Murtaza Bhutto, has unequivocally declared that Benazir Bhutto was a suspect in the murder case of her husband.

Talking to newsmen at the residence of a local PPP-SB leader, Raees Allah Bux Magsi, here on Thursday she said that she had requested the inquiry tribunal to appear after Benazir Bhutto because, "for me she is a suspect because of the way she dealt with the murder case". She went on to say, "as I have always said I do consider her responsible for providing the circumstances of the killing. Now who is the real murderer, I leave it for the investigation to unfold it but I do consider her responsible for providing the circumstances for the conspiracy and I do have my doubts about the way the case was treated right after the murder of Mir Murtaza Bhutto by the then government". To a question about the possibility of the merger of the PPP-SB and the PPP as reported in a section of the Press, she categorically declared that "merger can never happen". "How can we merge or patch up when there is blood of Mir Murtaza Bhutto between us," she said and added the case was never treated well during the Benazir regime, the police people were not arrested and that is our main difference how we will never be merging".

Ghinwa Bhutto said: "she (Benazir) has been trying to give this impression in order to isolate us from the rest of the set-up but they will not succeed". Answering yet another question about the possibility of a reconciliation between her and her mother-in-law, the PPP-SB chief stressed "there is no problem between me and my mother-in-law at all, we are on good terms, I have all respect and love for her and she is always welcome in my life and she is always welcome in our home". Fielding another question whether Benazir Bhutto and Begum Nusrat Bhutto had dined with her at 70-Clifton as published in the Press, she replied in an emphatic "no". She said "this is not true" and added, "Benazir has been trying to give this impression to the people as I said before so she could come and form the government in Sindh". She made it clear that there was no reconciliation between her and Benazir Bhutto and said, "we will not support the PPP for forming the Sindh government". When asked whether she will support Nawaz Sharif and the

MQM government, Ghinwa Bhutto said her first priority was the murder case of Murtaza Bhutto and added that she will support that government which will help us in solving the murder case of Mir Murtaza Bhutto and finding the murderers.

Responding to another question whether her party had reached any understanding with the MQM and Nawaz Sharif, she said: “we all have the responsibility to run this province and this nation” and added that there should always be a dialogue and understanding between all parties that are on the ground.

Answering a question whether Nawaz Sharif should hold the accountability of Benazir Bhutto and Asif Ali Zardari, she observed, “Ehtesab should be on the top of the list”, and added that those who had looted the country should be held accountable. She cited the example of Zeal Pak Cement Factory and said that the workers were facing starvation and huge problems” because of one of the Zardari people, who jeopardised their lives and their rights and closed the factory”.

Replying to a question whether she is satisfied with the proceedings of the tribunal, she replied, “I will only be satisfied when the murderers are found.”

MURTAZA BHUTTO TRIBUNAL WITHDRAWS NOTICE AGAINST NEWSMAN

KARACHI, Feb 13, 1997: The enquiry tribunal probing into Mir Murtaza and others murder incident, today withdraw the notice it had earlier issued to Sarfraz, staff reporter of the daily "Dawn", for his refusal to disclosed the source as had given him the information about the finding of the first medical board relating to the examination of the foot injury sustained by former SHO Clifton PS late Haq Nawaz Sial.

The tribunal headed by Mr. Justice Nasir Aslam Zahid, sitting judge of the Supreme Court of Pakistan consisted of Mr. Justice Amanullah Abbasi and Mr. Justice Dr. Ghous Mohammad of the Sindh High Court.

The tribunal observed that no action against Sarfraz was considered necessary as the source as had furnished him the information had been identified. The tribunal had taken notice of the news item carried by daily "Dawn", in its September 27 last's issue and filed by Sarfraz on the observation of a 6-member medical board relating to the late Haq Nawaz's foot injury.

It was pointed out to the tribunal by Mr K.K. Agha the advocate for the former DIG Karachi Shoaib Suddle and two ASPs Roy Tahir and Shahid Hayat involved in Mir Murtaza's murder case. The tribunal, however, put certain questions to Mr Sarfraz before absolving him of the likely framing of charge against him under the provisions of the contempt of court act and perjury.

When the tribunal asked him if he was prepared to disclose his source, Sarfraz said that as his source had already been disclosed through his statement he had recorded before the tribunal on January 6 last, he may be excused from naming him. Sarfraz through his statement dated January 7, last had claimed his privilege of not disclosing his source.

The tribunal recalled that on January 6 last only two witnesses, viz-Sarfraz and Capitan Dr. Nizamuddin Memon the police surgeon and members of the six-member medical board were examined.

Sarfraz declined to offer any comment when questioned by the tribunal that there were six members of the medical board which had examined the foot injury of late Sial while he was alive. All of the six members had categorically stated that they had not given any Press statement. Only one doctor has stated that he had talked to the Press would you name him?

Q: Your source was only one doctor or more than one doctor?

Ans: In my report published in the daily "Dawn", of September 27th last issue, it is based only on the information given to me by one doctor of the board.

Q: If it is put to you that your source had not given to you the information which formed the basis of your report, would it be correct?

Ans: I stand by my report published in September 27th last issue, it was given to me by my source.

Q: No revolver was found from the firearms recovered from late Mir Murtaza's men and therefore your report of September 27th last is incorrect?

Ans: Whatever is stated by me in my report is correct.

My source had informed me that the bullet which had hit late Sial seemed to be of a revolver. This was the information given to me by my source and not by late Sial. In conclusion the tribunal wrote, the source of the newsitem has been disclosed and as such no further action is considered necessary. Notice to the witness (Sarfraz) is withdrawn.

Ms. Asma Jehangir, advocate represented Sarfraz later the newly engaged counsel of Ms. Ghinwa Mr Qureshi on a query from the tribunal said that he would make efforts that her client appears before the tribunal during the next 3-4 days for the purpose of recording her statement in the case.

The tribunal informed Mr Qureshi, that he would have to file an application for consideration of the tribunal, in case her appearance before the court was delayed without any genuine or valid justification.

The proceedings were then adjourned to Feb 15, when three witnesses, of the Shaheed Bhutto Party viz Rahim Bux Jamali, Behram Khan and Ishaque Khakwani will be examined.

MURTAZA BHUTTO TRIBUNAL BHATTI TESTIFIES BEFORE MIR CASE TRIBUNAL

KARACHI, Feb 15: Former Prime Minister Ms. Benazir Bhutto during her first tenure in 1988, had forewarned her younger brother in exile late Mir Murtaza Bhutto not to return to Pakistan.

This was stated by Ehasanulhaq Bhatti, one-time companion of late Mir Murtaza during his exile abroad, while recording his statement before the 3-member enquiry tribunal in connection with the murder by police firing of late Mir Murtaza and his seven close associates.

He was produced by the advocates representing the aggrieved party to throw light on the alleged conspiracy hatched among others by Asif Ali Zardari, and Syed Abdullah Shah, for the elimination of late Mir Murtaza and his party. He said that he always remained with late Mir Murtaza during the period of his exile. When Ms. Benazir Bhutto came to power in 1988, late Mir Murtaza decided to return to Pakistan, he was, however prevented from returning to Pakistan by Ms. Benazir Bhutto and as such, he dropped the idea. In 1993, he said, he along with Mir Murtaza returned to Pakistan by a plane provided by the Syrian president.

The plane was not allowed to land at the Karachi international airport and was diverted to Dubai. Late Mir Murtaza and himself wanted to come to Karachi by the PIA flight but were refused tickets or boarding the PIA flight. Mir Murtaza and himself then flew to Karachi by Eithiopian airlines and they both were arrested by a large number of police, rangers and army personnel. At the airport, Begum Nusrat Bhutto was present. The police did not show to late Mir Murtaza any arrest warrant when he asked for it.

They were then taken to the Landhi jail. The witness said that after about 2 hours, he was taken to the 70 Clifton and told that there was no case against him. It was in the early hours of November 4, 1993. Late Mir Murtaza was however, informed that he was involved in some criminal cases. He was later produced before the special court which remanded him to the police custody.

After two days of late Mir Murtaza's arrest, he was produced before the Sindh Assembly where he took oath of his office as the elected member of the

Sindh Assembly. He had contested the 1993 elections from Larkana during his absence from Pakistan.

Later, during the elections to the Senate, the witness said that on a query, late Mir Murtaza had told him that he would vote for the PPP-nominated candidate as it was the party founded by his late father and was dear to him. Late Mir Murtaza had also cast his vote in favour of Sardar Farooq Ahmed Leghari during his election to the office of the President of Pakistan as the PPP nominee.

The witness said, that he used to meet late Mir Murtaza during his production before the special court and that he Murtaza used to express his anger over the discrimination being meted out to the PPP activists, unemployment, lack of medical and educational facilities and transport misrule and corruption rampant by Ms. Benazir's government.

Late Mir Murtaza also used to say that if he was voted to power, he would concentrate on the total eradication of these evils and direct his engeries towards bettering the economic lot of the poor and the less fortune ones. The witness said that Mir Murtaza's Press statements had started making his party popular among the masses and this was disliked by Ms. Benazir partymen particularly Asif Ali Zardari.

In order to control PPP (SB's) growing popularity, political vindictiveness of the PPP(SB) workers was started as was evident from the fact that late Ali Mohammad Hingoro was made to come out from Begum Nusrat Bhutto's car when she was returning home after meeting late Mir Murtaza in the special court and involved in old cases registered against him during late Ziaul Haq's regime. Late Hingoro later died in the Karachi Central Prison for want of medical treatment, it was also because that he (Hingoro) had refused to give in when pressed hard to abandon supporting late Mir Murtaza's Party and revert his loyalties towards Benazir's PPP. Late Hingoro was also assured of his meeting with Asif Ali Zardari and monetary payments.

The witness said, that like late Ali Mohammad Hingoro two Mir Murtaza party's workers, Amin Baloch and Muala Bux were apprehended on fake and fictitious charges and were still languishing in jail. These tactics however did not prove fruitful and lot of people started joining the PPP(SB).

When Begum Nusrat Bhutto was unjustly and arbitrarily removed from the office of the Chairperson of the PPP, this had gravely hurt the feelings of late Mir Murtaza and other workers of the party. It was a message to the PPP workers that Asif Zardari could get it done whatever he desired.

It was also a message to late Mir Murtaza. On January 1994 last, while a procession of the PPP workers led by Begum Nusrat Bhutto left the Al-Murtaza House on way to the resting place of Shaheed Z.A. Bhutto, it was fired upon directly by the police as a result of which two PPP workers each Ghulam Kadir Jakhro and Shahid Rind died in an attempt to save Begum Nusrat Bhutto.

While this tragedy was being mourned at the Al-Murtaza the PPP leaders including Asif Ali Zardari were jubilantly celebrating the Birthday of late Z.A. Bhutto on the same evening at the Municipal Stadium just opposite the Al-Murtaza House. The people of entire Larkana were deeply grieved at the atrocities being perpetrated by the Benazir Government. Instead of healing the wounds of the aggrieved, case was registered against the PPP(SB) and the innocent arrested party workers after remaining behind the bars had recently been bailed out.

The witness said that it was an attempt to strike a severe blow to the PPP(SB). One Saifullah Khalid of the intelligence bureau was assigned this task. The witness said, that late Mir Murtaza Bhutto had given specific instructions to his security guards to respect the law of the land and stop their vehicles whenever signalled by the police and show to them the credentials and the arm licences they had been lawfully carrying.

He produced before the tribunal a number of photographs taken in this behalf. He said, that late Mir Murtaza after undertaking a tour of Peshawar had returned from Islamabad on the night of September 16. Asif Zardari had also travelled with him in the same flight. The witness said, that he had gone to the Karachi Airport to receive late Mir Murtaza and had come across there Siraj Durrani, former provincial minister who along with one Imdad had also come there to receive Asif Ali Zardari.

The witness said, that at about 1.30 am (Night between Sept 16 and 17 last), Tariq, came to his apartment and informed him about the arrest of Ali Mohammed Sonaro Vice President of the PPP(SB), Sindh from a flat near Eidgah. He immediately went to the 70-Clifton where he found the wife of

Sonara, late Mir Murtaza directed him to go to the party advocate for preparing a petition to be filed in the Sindh High Court next day and he (Late Mir Murtaza) went in search of Sonara.

On September 20 last, late Mir Murtaza had informed him that a conspiracy had been hatched against him and that he would divulge the details of that conspiracy on his return from a public meeting held at the Surjani Town. Earlier, late Mir Murtaza at a Press conference held at his residence, had also mentioned about the conspiracy engineered against him and had named the conspirators. They included Asif Ali Zardari, Syed Abdullah Shah and Retd General Naseerullah Babar.

The proceedings were then adjourned till tomorrow when Rao Abdul Rashid, Secretary General of the PPP (SB), Ishaq Khakwani of the PPP (SB), Mrs Amina Jilani and Sub-Inspector Shahnawaz of the Darkhshan PS will be examined. Advocates present were Barrister Azizullah Shaikh, his assistant Abdul Ghani Soomro for Syed Abdullah Shah, Mr Manzoor Bhutta for the PPP(SB), Khawaja Sharaful Islam for the former SSP South Wajid Ali Durrani, Mr. K.K. Agha for the former DIG Karachi Shoaib Suddle and two ASPs Roy Tahir and Shahid Hayat and Mr. Nihal Hashmi for eleven constables including ASI Basit.

Mir's men were pressured to change their loyalties

H. A. Hamied

KARACHI, Feb. 15: The tribunal of inquiry investigating the murder of Mir Murtaza Bhutto on Saturday recorded the testimony of Syed Ehsanul Haq Bhatti, a member of the executive committee of the PPP (SB), on the point of conspiracy to eliminate the brother of the former prime minister. Bhatti, 42, said he was a landlord and businessman and had lived in exile with his leader from 1980 to 1993. He said he was not a witness to the incident of Sept 20 at Clifton where Mir Murtaza and six of his associates had been killed by the police, during what the police called an operation to check for arms with his men. In the incident a taxi driver had also been killed.

He said he had returned to Pakistan in 1993 along with Murtaza Bhutto and both had been taken to Landhi jail from the airport, where the latter was lodged and he had been freed as there was nothing against him and he was dropped by the police at 70- Clifton. He said both had come to Pakistan in the Syrian President's plane and it was not allowed to land in Karachi by the government of the time. The plane was diverted to Dubai and from there they came on a Ethiopian Airlines' flight to Karachi.

The witness said Mir Murtaza had been elected to the provincial assembly of Sindh from Larkana while still remaining abroad in exile and on the second day of his arrival in Karachi he had been produced by the law-enforcement agencies in custody at Landhi jail to take oath of membership of the assembly.

He said right from those days and until his death in the police firing the government of her sister had been against him, and the former prime minister was not happy with his return to Pakistan and a number of cases had been instituted against him, and one after another, he had been granted bail by the courts. Mr Bhatti said not only that Murtaza was harassed but his associates were also taken into custody on various fake charges. One of them was Ali Mohammad Hingoro, a cancer patient, who later died in custody.

The witness said his party leader had been promising the people to get them their rights so as to relieve them of high cost of living, to provide health, transport, housing and employment, which was not liked by the then

government, especially by Asif Ali Zardari. He said Zardari had been telling people associated with Murtaza to change their loyalties in favour of his wife's party, and even warned them to mend their ways or else live the rest of their life in jail and some of the staunchest allies like Hameed Baloch and Maula Bux Maulvi were lodged in jail and they are still behind bars.

According to the witness, Zardari had told them that if he could take away the chairmanship of the party from Nusrat Bhutto, he could do many things. He recalled an incident of January 5, 1994 when the police had opened fire at Al-Murtaza in Larkana when Nusrat Bhutto was there and two party supporters, Ghulam Kadir Jhakro and Shahid Rind, had died in the firing. He said the police had fired direct at Begum Nusrat Bhutto but she escaped, adding that none of the occupants inside Al-Murtaza were armed and power supply to the premises was later disconnected. After the firing incident there were celebrations in the municipal garden with fireworks and dances, in which Benazir Bhutto and Asif Ali Zardari also participated. Asif Zardari was jubilant over the incident while the entire town of Larkana was grieved.

Mr Bhatti had appeared as a witness and his name was proposed by the PPP (SB) to disclose facts about the conspiracy to murder Mir Murtaza, and since he was not making any contribution to highlight any such thing, the tribunal asked him to connect his statements of enmity or difference with the conspiracy to eliminate the party chief, in which he failed saying he will come to that, but even after one hour of his deposition, he failed and the chairman of the tribunal, Justice Nasir Aslam Zahid, judge of the Supreme Court, called off his evidence by saying that political differences don't mean that there were conspiracies to eliminate people.

The judge remarked that positive evidence is needed to prove conspiracy and that the witness had not named anybody except the differences between people. Two other witnesses were to appear for giving evidence also on conspiracy and they were ex-MPA Rahim Bux Jamali and Behram Khan Ujjan, but the party withdrew their names.

Two applications filed by Karim Khan Agha, counsel for the DIG Karachi, Dr Shoaib Suddle, and two ASPs, Rai Tahir and Shahid Hayat, were turned down by the tribunal, and one of them was to call for the preliminary report of the British team of investigators and the other was to admit as evidence a report relating to the dislocation of the medicolegal register at JPMC which was later found in the bushes near Clifton PS.

The tribunal, which also has two other members, Justice Amanullah Abbasi and Justice (Dr) Ghous Mohammad, judges of the High Court of Sindh, adjourned the hearing until 11:30 am on Sunday.

KHAKWANI DEPOSES BEFORE MIR CASE TRIBUNAL

KARACHI, Feb 16: Ishaq Khan Khakwani, deputy secretary general of the PPP (SB) today told the three-member enquiry tribunal that the architect of the conspiracy relating to the murder of late Mir Murtaza and his six close companions was none else than Asif Ali Zardari and the people he used to achieve his end were Gen (Retd) Naseerullah Babar, D.G I.B Masood Sharif, CM Sindh Syed Abdullah Shah, DIG Karachi Shoaib Suddle, SSP South Wajid Ali Durrani and other police officials who took part in the actual operation on the fateful night of September 20 last.

He was recording his statement before the tribunal as the witness of the PPP (SB) in connection with the September 20 tragedy. Headed by Mr. Justice Nasir Aslam Zahid, sitting judge of the Supreme Court of Pakistan, the tribunal consisted of Mr Justice Amanullah Abbasi and Mr Justice Dr Ghous Mohammed of the Sindh High Court.

He said, once the operation against Mir Murtaza Bhutto's men were got cleared from the then Prime Minister Ms Benazir, a mini operation within the big operation was launched to eliminate Mir Murtaza Bhutto.

He said, that on September 18 last, late Mir Murtaza rang him up at a friend's house in Lahore where he had gone to have dinner. It was around 11 p.m. He (Mir Murtaza) told him that he was being pressurised by the government and he was expected to be implicated in "something" which may happen to Chaudhrys (Zahoor Ellahi's family).

He, asked him if he understood his coded words, as probably he could not deliberate due his telephone being unsafe. He replied that he had understood his apprehension. He (Mir Murtaza) further told him that he was sending a confidential fax to him and wanted his opinion about its contents.

When he returned home, he found late Murtaza's fax on his machine and he went through it over and over again to decipher it. He produced a photostat copy of the fax before the tribunal. He said, he could not talk to late Murtaza as it was very late at night.

Later at Larkana at one of the religious ceremonies (burial/qul) on September 22 last, he came to know from Najeeb Zafar a school mate of late Murtaza residing at Islamabad that he had sent that fax to late Murtaza and that it was given to him by Ms Rukhsana Bangash, close associate to Begum Nusrat Bhutto and Ms Benazir and that she had been given that fax by Ms Benazir.

He said, that reference to the contents of that fax was also made by Ms Benazir as prime minister in a speech before the people who had come to condole with her at Islamabad on September 26 last when she stated that the conspirators had been distributing pamphlets that Mir Murtaza was going to eliminate Pakistan Muslim League (Nawaz group) leadership. The version of Ms. Benazir was also carried out in the Khabarnama (9 o'clock Urdu news bulletin) on the same night.

According to his knowledge, the report contained in the fax was fabricated by the Intelligence Bureau and they showed it as if it originated from the Military Intelligence. He said, that it was on the basis of this fax that Ms Benazir had been saying in her public speeches that a conspiracy had been hatched against her and the Bhuttos.

It was also this fax on the basis of which Ali Mohammed Sonaro was picked up by the Sindh police and orders were given to launch an 'operation' to disarm and apprehend the bodyguards of Mir Murtaza.

It was on the basis of this fabrication of the Intelligence Bureau that orders were taken from Ms Benazir to revise her earlier instructions regarding not to take any action against Mir Murtaza, his bodyguards and to maintain the sanctity of 70 Clifton.

These were her (Ms Benazir) standing instructions to Naseerullah Babar which were revised under the pretext of this fabrication so as to protect Mir Murtaza from the so-called evil, RAW trained and anti-social companions.

The witness said, that Mir Murtaza had told him that his confrontation with Ms Benazir started when Benazir was returning to Pakistan in 1986 and late Murtaza went to drop her at the London airport when Benazir was expecting a big reception for her at Lahore during late Mohammed Khan Junejo's government.

On the way to the airport Benazir confided to Murtaza that she would take part in the future elections in Pakistan even if they were to be held under General Zia presidency and she showed her willingness to be prime minister like late Junejo under Zia. Late Mir Murtaza and Benazir traded hot words on this decision and sharp differences appeared between them onwards.

When in 1989, as the prime minister Ms Benazir visited Syria when Mir Murtaza was living in exile, Asif Zardari offered late Murtaza to start some business in Syria in which he offered to help financially, thereby suggesting for the first time that Murtaza should accept Syria as his permanent home.

Mir Murtaza told him that he was shocked at the suggestion and according to him (Murtaza) he politely brushed off Zardari's enticement by saying he would be very embarrassed to ask President Hafiz al-Asad for further hospitality as he had already done much more than any host could possibly do.

As for Ms Benazir, she vehemently opposed Murtaza's returning to Pakistan under the pretext of the strong opposition, a hostile president and an unfriendly army chief, as his return to Pakistan would further create problems for her government.

Again, according to late Murtaza, during Nawaz Sharif's government he wanted to return to Pakistan and politically face his opposition and legally contest his court cases. Ms Benazir again opposed his return for frivolous reasons saying that her problems were to multiplied by his return.

The witness said, that Asif Ali Zardari was involved in almost all the posting and transfers of most financial institutions of the country, all the coveted posts in the federal government and specially in the province of Sindh his interference was the maximum.

Major Masood Sharif got his induction into civil service because of being a friend of Zardari during Ms Benazir's government of 1988.

Normally a major gets grade 18 in civil service but Masood Sharif got grade 20. He later during the PPP's second tenure became head of the Intelligence Bureau in Benazir's government in 1993.

The witness said, Asif Zardari was also instrumental in posting of Wajid Durrani SSP in his home District Nawabshah and later as SSP (South) Karachi. Siraj Durrani ex-provincial minister of Sindh who has very close links with SSP Wajid Durrani is also a good friend of Asif Zardari.

Asif Zardari was also present in Karachi from 16th night to 19th September 1996 when he met Wajid Durrani in Karachi and also at the residence of Abdul Khaliq Soomro ex-MPA at village Janan Soomro.

He said, it has been learnt on good authority, that Shoaib Suddle, DIG Karachi got his posting on specific recommendation of General (Retd) Naseerullah Babar.

The witness said, that he knew that Masood Sharif D.G I.B had arrived in Karachi before 20th September, 1996 and was definitely present in Karachi on the night Mir Murtaza was ambushed by the Sindh police resulting in his death.

He refused the statement of the former SSP South Wajid Durrani that late Mir Murtaza travelled in front of the vehicle carrying his guards. He said that late Mir Murtaza always followed the vehicle carrying his guards. He did not recall a single instance when this pattern was altered.

Earlier the witness produced before the tribunal a copy of the fax sent to him by late Murtaza at his Lahore residence forming the basis of the conspiracy.

It read "subsequent to the meeting of Benazir Bhutto and Murtaza in Islamabad the following was decided:-

- (a) elimination of the key members of Muslim League leadership by terrorism,
- (b) elimination of the deserters of al-Zulfikar Organisation,
- (c) to provide help to People's Party in conducting acts of terrorism after they are not in power. Huge amount of compensation to Murtaza Bhutto has been provided for these acts. To achieve these objectives, al-Zulfikar Organisation has been re-organised under Murtaza Bhutto and two groups of terrorists called "death squads" has been formed for this purpose some of the names of these terrorists are listed below:-

1 Ayub Hingoro alias Ustad Shakoor (leader), (2) Sajjad Ghakro alias Ustad Abdullah, (3) Yaroo Baloch alias Ustad Sarwar, (4) Razzaq Baloch alias Razzaq Pajero, (5) Sohail Sethi alias Ali Bhai, (6) Ali Mohammed Sonaro alias Javed Bhai, (7) Ghulam Hussain Chandio alias Nabeel and (8) Ihsanulhaq Bhatti alias Habib Bhai. Some of the above persons are presently residing at 70 Clifton Karachi Murtaza Bhutto's house.

The witness said, when against all the opposition of Ms Benazir late Murtaza arrived in Pakistan in November, 1993, she (Benazir) confronted him with all the might of her government. His plane which was President Asad's personal aircraft, was refused permission for landing at Karachi airport, his supporters who went to the airport were stopped and lathi charged.

When eventually late Murtaza landed on a commercial flight from Dubai, he was picked straight from the plane and faced a solitary confinement for seven months in Karachi.

From then on Ms Benazir built an atmosphere of confrontation with late Murtaza. The witness went on, that all the judges who dealt with late Murtaza's cases and provided him relief as per law were displaced from their positions by Benazir government viz., Mr. Ali Ahmed Junejo, Mr Justice Nasir Aslam Zahid, Mr Watto, who was sent on retirement after he acquitted late Murtaza in the murder case of Choudhry Zahoor Ellahi.

He said, following the policy of stick and carrot, Benazir later made an effort to convince late Murtaza to maintain at least a brother and sister relationship with her.

On his refusal, she eventually wrote to him as the PM inviting him to meet her. Late Murtaza was then ready for a political dialogue and the meeting between Benazir and late Murtaza took place in Islamabad at the prime minister's house in July 1996.

The written invitation of the then PM was brought by Ms Rukhsana Bangash to Murtaza at the residence of Najeeb Zafar, a school friend where late Murtaza was staying.

As late Murtaza later told him at Lahore that during the meeting with the PM heated arguments took place between him and her on the poor performance

of her government and the betrayal of the promises of the PPP had made with the people of Pakistan.

On more than one occasion late Murtaza walked out of the meeting, because of the non-serious attitude of Benazir, when the other participants in the meeting intervened and requested Murtaza to stay on.

During the meeting, an altercation also took place between late Murtaza and Asif Zardari who joined the meeting half way, when Asif Zardari complained to late Murtaza as to why he was targeting him alone in his public meetings, and pronouncements before the Press. As for Asif Zardari, he had never uttered a word against late Murtaza in public.

To this, late Murtaza, as he told him (the witness) reacted and narrated the incidences of police firing at Al-Murtaza House at Larkana on January 5, 1994 in which three people died almost a few feet from Begum Nusrat Bhutto, jailing of number of PPP (SB) supporters on Zardari's order and death of Ali Mohammed Hingoro ex-MPA in jail as he was refused medical help because he would not change his loyalty from late Murtaza. If and when time came, late Murtaza threatened that he would also settle these matters with him.

At the end of the meeting, Benazir presented a gun to late Murtaza and told him that this present was being given to him as he had come to her house for the first time. On this late Murtaza replied that how naive she could be to think that this was her house, as in fact it was the official residence of the prime minister of Pakistan.

The witness said, that his conclusion from this narration was that Asif Zardari must have felt threatened on the following accounts:-

That a sister brother meeting had taken place and the ice had been broken. Though the first meeting had ended in a fiasco but he thought it a step towards other meeting in the future. Eventually leading to a diminishing role for himself from all that powerful position he enjoyed.

He also took very seriously the real threat of late Murtaza to settle score with Asif Zardari when the time comes. He opined that Asif Zardari then onwards in under two months planned his moves, which eventually resulted in the gruesome murder of Murtaza.

He said, all his favourites, Masood Sharif, Wajid Durrani, Shoaib Suddle and Abdullah Shah were already in place.

The witness said, though the confrontation between Benazir and President Leghari had been simmering for quite some time till it surfaced in the public in September 1996. Asif Zardari knew about this uneasy relationship for a few months. He must have calculated that if the President chose to back late Murtaza, in the event of a confronting Benazir's party, late Murtaza was the most formidable choice who could split the PPP.

He said, the extent to which both Benazir and late Murtaza carry the party with then can differ from person to person but late Murtaza being a viable alternative to Benazir, no one can doubt.

It was this alternative which Zardari would take away from President Leghari and thus he hatched a conspiracy to have late Murtaza killed.

As it was evident from the actions of President Leghari after the dissolution of the National Assembly, his choice of prime minister, the old guard of PPP, his choice of governor, chief minister Sindh, how could he leave Murtaza from supporting him who was a staunch opponent to Benazir-Asif Zardari's mis-rule and plundering of national wealth.

The witness said, that Zardari could very well reconcile with the idea of loosing the general elections in the country which were expected in 1997 anyway and sitting in the opposition in the National Assembly. He could accept all this as long as Benazir was able to take turns with Nawaz Sharif as the prime minister.

He also knew the limitations of Nawaz Sharif who had very little to show in the Punjab where he had the longest tenure as the chief minister Punjab and subsequently as the prime minister.

The witness said, what Zardari could possibly not stand was late Murtaza coming in their way to spoil a set pattern of sharing tenures alternatively with Nawaz Sharif. Therefore, eliminating Mir Murtaza became a compulsion with him not for sitting in government but even in the opposition.

SURGEON APPEARS IN TRIBUNAL

KARACHI, Feb. 19, 1997: A general surgeon of the Aga Khan University Hospital, with specialisation in orthopaedic field, told a judicial tribunal of inquiry on Wednesday that the bullet injuries suffered by one of the assistant superintendents of police, Shahid Hayat, was not self-suffered and it was neither a superfluous wound.

Dr Raja Mohammad Shahzad Khan, 35, who had performed surgical operation on ASP Shahid Hayat, was produced as a witness by counsel, Karim Khan Agha, appearing for the DIG Karachi, and two ASPs involved in the murder of Mir Murtaza Bhutto at Clifton on Sept 20. A bullet had passed through the ASP's left thigh and the tribunal asked him whether the injury could have been caused by his own people, to which he replied there was remote possibility.

Q: Was it self-suffered?

A: There is high percentage possibility it was not self-suffered.

Q: What is the proof?

A: A less dangerous point is selected, but in this case it was a vital part of the thigh and the wound was close to the blood vessel and the vein and if they were hit he could have lost his leg.

Q: According to his experience can he mention the distance from where it was fired?

A: It was fired from a distance of three to 30 feet and a high velocity fire-arm has been used.

Q: It would have been a low velocity fire-arm?

A: No.

Q: The AKUH is not designated as medicolegal hospital and how the ASP was admitted and treated?

A: During the unrest in Karachi, we received a large numbers of such cases. Police and civilians were brought to the hospital for treatment. Earlier, the three-member tribunal comprising Justice Nasir Aslam Zahid, Justice Amanullah Abbasi and Justice Dr Ghous Mohammad, heard the evidence of five traffic policemen who were on duty at the traffic kiosk, on the fateful night when eight people were killed and six others were injured in police firing and only two from the police were hurt. The policemen were ASI Mushtaq Ahmed, 32, head constable Zulfiwar Ali, 40, constable Munir Ahmed, 25, constable Mohammad Akram, 30 and head constable Mohammad Nazir, 35. These witnesses were called on the request of Khawaja Sharful Islam, counsel for the then SSP Wajid Ali Durrani. ASI Mushtaq Ahmed, HC Zulfikar, HC Mohammad Nazir confirmed that the SSP Durrani who was in charge of the operation was seen inside the traffic police kiosk.

About others who were unaware of the presence of senior police officers like Durrani, the tribunal chairman observed that they all should be charge-sheeted for inefficiency and removed because either they were ignorant of their duties or not telling the whole truth, to which Justice Dr Ghous Mohammad said none will be left in the police force. It is a small place where the presence of SSP was not felt and their vehicles were parked outside. One of the witness was not aware whether the lights on the main roads were on or off.

The tribunal was adjourned after examination of six witness for more than three hours to re-assemble on Saturday, at 11:30 am when Ms Benazir Bhutto is likely to appear, in the new SC building.

BENAZIR CLAIMS LEGHARI BEHIND MURTAZA'S KILLING

KARACHI, Feb 22, 1997: Former Prime Minister Benazir Bhutto claimed on Saturday that there was a hidden hand behind the conspiracy to murder her brother, Mir Murtaza, and named President Farooq Leghari, saying that the plan was to "kill one Bhutto to get another Bhutto." Appearing as a witness before a three-member judicial tribunal headed by justice Nasir Aslam Zahid, a judge of the Supreme Court, with two judges from the high court, Justice Amanullah Abbasi and Justice Dr Ghous Mohammad, she alleged that the president might have used Brig Imtiaz in the conspiracy. She said it was a single shot that hit Mir Murtaza in the neck and that meant it was a targeted murder, although the police called it accidental.

She said there was a pattern in the killing of Mir Murtaza: In this case her husband, Asif Ali Zardari, was dubbed a co-accused and when her other brother, Shahnawaz, was murdered, Mir Murtaza was blamed. She supported her allegation by claiming that in 1991-92 there was a plan to murder Asif and "blame me for the crime." Then in Sept 1993 there was a plan to kill herself at the Nishtar Park public meeting and very recently there was a plan to kill her husband by poisoning and again blaming her for that. Ms Bhutto also recalled that Mr Zardari had also been implicated in the kidnapping for ransom of a London-based Pakistan businessman, Murtaza Bukhari, but he was cleared by the court.

She said Mir Murtaza's was the murder story of a man, an MPA, a leader of a party, son of a former prime minister, son of a mother who had won her seat in the National Assembly several times and brother of a sitting prime minister and "full justice be done by spilling out the beans to find out the real killers who alone have motives and the stories which are being circulated are head to feet wrong." To unravel the truth, she wanted the tribunal to uncover the hidden hands. She said she fully supported the creation of this tribunal and right from the beginning wanted to appear as a witness to testify about the facts she knew of. Ms Bhutto appeared at the new Supreme Court building at the corner of Burns Garden, on M.R. Kiyani Road with many lawyers and her party associates, including Chaudhry Aitezaz Ahsan, Sen Iqbal Haider, Farooq H. Naek, Rashid Rabbani and Nahid Khan, and until the

tribunal started the hearing she sat in second row of the courtroom next to Mr Naek. She started her evidence in English after taking oath in Urdu at 11.34 am and the first part was concluded at 1.45pm. It will resume again on Sunday morning at 11.30am. When the tribunal chairman asked her for how long she would speak, she replied for about two hours more and at that stage it was decided to adjourn the hearing till tomorrow (Sunday). Ms Bhutto began her statement by saying that she wrote three letters to the tribunal on the subject of the British team of investigators, attempted to get a statement from an SDM and the on- tape recording played to her husband suggesting the overthrow of her government.

Describing herself as an “agriculturist and (who had) reluctantly entered politics”, the 44-year-old twice prime minister said the murder of her brother had been a “horrendous media trial” and asked the media not to give any judgment and also not to present a one-sided story. She also pleaded that no comments be made on her statement before the tribunal, as to what she should have said or what she should not have said.

On the day of the murder, on sept 20, she was in Islamabad and not an eye-witness. The chief minister of Sindh was in Dadu, and the interior minister was in Islamabad. It was a Friday and she read out a story book to her children and the next most important thing in her mind was the meeting of the National Assembly the following day at which the bomb blast incidents were to be the main item on the agenda. Around 8.55pm, Rukhsana Bangash, a staffer at the PM House, sent in a card saying she had received a call from Nagib Zafar, a childhood friend of Mir Murtaza, saying there was firing going on outside 70-Clifton and “the people were shrieking, shouting for help and dying.” She talked to Gen Babar and he told her there was nothing like that and the day was normal. She then phoned the DIG of Karachi. At 9.20pm she received a call from Gen Babar and he told her there was firing going on between the guards of Mir Murtaza and the police and that Mir’s car was allowed to pass through. She narrated the story to the minister of state for law and parliamentary affairs, Raza Rabbani, to ensure that her brother did not come out of the house. She also informed Mr Zardari about it, and both of them were concerned that in the shooting between the police and Mir’s guards, he should not come out of 70-Clifton.

The PPP chairperson said she received a phone call from Mr Abdullah Shah from Dadu, saying there was a bad news for her that Mir had a gun shot wound in his stomach and he (Mr Shah) was rushing to Karachi. She asked

the then CM to ring up her doctor, her sister Sanam and, in the meanwhile, she got a call from Gen Babar at 9.30pm saying that Mir's condition was critical and that the chances his survival were 50-50. On hearing that news she became hysterical, Ms Bhutto said. "On this I wanted to immediately leave for Karachi and asked my military secretary to arrange an aircraft and her husband was of the view that it (the situation) might not be very critical and advised me not to go to Karachi."

She said she picked up a copy of the Holy Quran which was near her bed and started reciting it and asked the then interior minister and others who had been continuously phoning her up to get in touch with her doctor in Karachi, get an ambulance, and the best of doctors from any where. Ms Bhutto said that night her mother was out of the country and her only sister, Sanam, had heard about it from Subuk Majeed, a friend of Mir's and a drug convict, and asked him how come he got into this and learnt of the murder before she did. It was Mr Majeed who had informed Sanam that Mir's heart had been revived. Sanam also rang her (Ms Bhutto) up at 10.15pm and she was informed that there were no doctors at the Mideast Medical Centre where Mir had been taken by the police. She said till 10.00pm, there had been no doctor, no anaesthetist, no phone except one, no drip facilities and that Mir should have been taken to some other hospital where all these facilities were available. Until 9.30pm it was still not too late to shift him to another hospital, but at 10 pm it was too late.

Ms Bhutto said her brother died of sheer negligence of the hospital and "I don't want that others be taken there." When she left Islamabad by a special plane, she said, the president and his wife came to see her off at the airport and sympathised with her. The former prime minister said: "At 8.45pm my niece, Fatima, heard the first shot outside her house (70- Clifton) and Mir's watch had stopped at 8.45pm." She said that proved that the fatal firing started at that hour.

She did ask how Najib Zafar knew of the shooting at a time when the interior minister Babar, the DIG and the SSP were not aware of it. She requested the tribunal to call for Subuk Majeed's telephone bills of that period to examine the calls he had made. She also asked whose was the hidden hand that has informed Subuk Majeed and who in return informed Sanam and also made a call to Ghinwa, and made a call to Nagib Zafar.

Ms Bhutto said she was not aware where Nagib Zafar was on that fateful night and there was confusion as to who received the calls and from whom and where. The phone bills of 70-Clifton be also examined to “see the moving hand and moving shadow,” she suggested and also expressed surprise at how could the press people receive the news at 9pm and who were those anonymous callers who were informing everybody about it. Benazir Bhutto also wanted to know who were those anonymous persons behind the shooting who also informed Rao Rashid, Ishaq Khakhwani, Kamran Khan (a journalist), and Masood Sharif, the then the DG of the Intelligence Bureau. They (anonymous callers), she maintained, had disseminated lies to distract the attention of the judges and the people through the cock-and-bull stories about Mr Zardari’s moustaches and other of their’s “Tota Kahanis” (parrot stories). “It was a hidden hand to kill a Bhutto to get a Bhutto and finish off the PPP, to incite hatred against me, the torch-bearer of the PPP and torch-bearer of the Bhutto legacy and finally to overthrow my government. The object was also to present us as shameless creatures,” she said.

“The incident had parallel to the death of Gen Asif Nawaz who was murdered by Nawaz Sharif, and was poisoned to death, the stories were the same and only the names were changed,” she claimed. She asked: “Who within the state was after her blood to kill her brother, how the hidden hand created the drop scene.” Ms Bhutto also mentioned Ali Sonara, vice president of PPP (SB), who was living in 70-Clifton, which had its sanctity like Nine-Zero in Azizabad.

He was arrested on Sept 17. Mir, who was scheduled to meet her on Sept 14 could not make it and returned to Karachi. She asked how come Ali Sonara, a former bodyguard of hers in 1986 and now described by her as a dangerous criminal, was given a phone in custody at 2.30am to ring up at 70-Clifton and to speak to Mir to get him out. He first spoke to Asghar, who was sleeping in the servant’s quarters and told him that he wanted to talk to Mir.

Mr Sonara in his talk to Mir past midnight gave his place of custody and asked him to get him out and, according to Ms Bhutto, it was a trap for Mir to go in search of him at the police stations, although his daughter, Fatima, had requested him not to go. She said Mr Sonara was not there where he was supposed to have been speaking from and Mir was actually trapped to be there in search of him and they did their job and a situation was created between the bodyguards and the police. “I want to know who the hidden hand is, “she pleaded. Ms Bhutto said under her instructions to the chief

minister of Sindh, Mir Murtaza was not to be touched and these guidelines were given after the shooting at Al-Murtaza in January 1994, and where four people were killed. She said she was not aware who the four people killed were, loyal either to Mir Murtaza, the police or the ISI. Mr Sonara had allegedly informed the police that there were weapons in 70-Clifton, rocket launchers and grenades and sophisticated arms. On Sept 17, she said the police wanted to raid the place to which she refused permission, saying "there is no need to do that and just keep watch on the movement of people" and under the same principle Nawaz Sharif's house was never raided.

On Sept 18, she said the police wanted to raid 70-Clifton but she again refused permission. On Sept 19, there was bomb blasts and she had asked the police for surveillance after Mr Sonara's arrest. The police wanted her to revise her instructions for a raid on Mir's residence, and a situation was being created to force her to allow the raid and then get blamed for any miscalculations on the part of the police. Ali Sonara, she said, was her bodyguard in April 1986 and later worked with the DG of IB, Brig Imtiaz Ahmed. At that time Mr Sonara was taking a lot of her pictures which she thought was to be used against her through the IB.

Coming direct to the point of conspiracy, Ms Bhutto said President Leghari wanted to sack her and one of the conditions for sacking was the murder of her brother and she never thought that he was discrediting her, because both knew each other for 20 years.

The president wrote a letter to the chief justice of Pakistan and endorsed a copy to her to know what the powers of the president and the prime minister on the appointment of judges to the superior courts were. This he did without taking her into confidence and the relations between her and the president thus far were cordial and all the issues were settled between them amicably and not referred to a third party without taking her into confidence.

On this reference which was made by the president to the Supreme Court, Gen Babar and Aftab Sherpao talked to him and he told them not to suspect him of any differences between him and the prime minister. She said she sent the president's letter to Yahya Bakhtiar who was in the US at that time for his advice, as it was an important matter. The president agreed to have a meeting on this issue on Oct 28 although I had sought a meeting on Oct 21. Before that such meetings were possible on a 15-minute notice. Ms Bhutto said she talked to the military also at a normal lunch meeting and from that time

onwards she started taking him seriously, as after Sept 20, she had a psychological breakdown.

She said on Sept 22, the president came to Larkana to “shed crocodile tears” and at that time nobody had told her that the president was trying to stab her in the back. In between this period, the president also met Nawaz Sharif and resignations of the judges were being set to him by the law ministry and half of them had been accepted. She described the president’s behaviour as unusual. The president was planning to overthrow her government and she realised she had trusted a wrong man.

Recalling her brother, she said everybody in the PPP respected him and on arrival at Karachi on the fateful day, she wanted to go straight to the hospital but she was advised against it for security reasons and, instead, she went home. She said, with tears rolling down her cheeks, that she lost her last “Sahara” (shelter), because when a married woman quarrels with her husband, she can pack up and go to a male member of her family and Mir was the last male member of her family. Sobbing, she paused for a while and asked cameramen not to take her pictures, at which Judge Ghaus Mohammad also ordered them to restrain. When she got to the hospital, she said she asked the staff not to raise the sheet because she could not face it, seeing his neck bleeding. That was the first time she came to know he was hit in the neck and until then she thought he had been hit in the stomach. Ms Bhutto said when she met the president on his return from the Central Asian tour, he denied his involvement saying he was a Baloch and a man of honour, and he was like her brother. He had asked her not to suspect him.

She said, according to her information her government was to have been dismissed either on Oct 26 or Nov 4. On Nov 4, she said the visiting Syrian defence minister also informed her that her government was to have been dismissed on Oct 22, on which Tariq Rahim and the military were willing to mediate between the two.

By dismissing her government, Ms Bhutto said, the president wanted to grab the party to secure his next term in his office and introduce a presidential form of the government. He wanted to be a de facto president and prime minister at the same time, she alleged. She described the intelligence agencies’ personnel as useless, because in their reports they reproduce whatever was printed in the newspapers and had nothing of their own.

The former prime minister said she believed Brig Imtiaz Ahmed, the former head of the ISI, had acquired huge property in the names of all his family members and he had a motive to be a party in the conspiracy against her, because that was the only way to retain his "illegal wealth and property." It was he who, as the intelligence chief, had dragged Mir Murtaza into the PIA hijacking and Singapore Airlines aircraft hijacking

GHINWA HOLDS POLICE RESPONSIBLE FOR MIR'S MURDER

KARACHI, Feb 24, 1997: Ghinwa Bhutto, chairperson of the PPP (SB), said here on Monday that her husband had been murdered under a conspiracy. She said she suspected the police were responsible for the killing and wanted that Gen Naseerullah Babar, who headed the police force at that time, be interrogated. She claimed that all culprits involved in the shooting were still at large.

The 34-year-old widow of Mir Murtaza Bhutto, testifying before a three-member judicial tribunal investigating the shooting on Sept 20 outside the Bhutto home at 70-Clifton, said when she asked the then premier, Benazir Bhutto, why the police had not been charged with murder, she (Ms Bhutto) had replied that "it would cause law and order problems."

Ms Ghinwa alleged that her sister-in-law (Ms Bhutto) had been applying all emotional and financial pressures on the family and, therefore, she (Ms Ghinwa) had sent her two children to Damascus. She said her complaint was not entertained at the Clifton Police Station and, therefore, she had to approach the high court to get an FIR registered against the police. For full 45 days, she continued, the Sindh government had resisted, saying the petition should not be allowed and that a third FIR should not be allowed to be registered. Ms Ghinwa said the policemen responsible were arrested only after the high court intervened and allowed her petition for the registration of an FIR. She claimed the Ms Bhutto had stated "I am not here to argue with you", when she told the former prime minister that the Mideast Medical Centre was not equipped to handle a case like Murtaza's.

Ms Ghinwa said she was not an eyewitness to the killing which took place after shooting started in front of 70-Clifton on Friday but she narrated the events from the time her husband had decided to contest election in the 1993 for a provincial seat from Larkana, while still in exile. He had contested the seat and won against the PPP's Munwawar Abbasi. He had decided to return to Pakistan after 16 years, on Nov 3, 1993, and when the Syrian president's plane by which Mir Murtaza was returning home, entered Karachi's airspace, it was not allowed to land by the government of Ms Bhutto and had to be diverted to Dubai, Ms Ghinwa alleged. From there, she added, Mir Murtaza

arrived in Karachi by a commercial flight but was taken into custody by the police at the airport and driven straight to jail, without arrest warrants, which were produced a day later. Ms Ghinwa said the authorities at that time were against the people who supported her husband. They were persecuted and victimised and the situation reached its climax when Mir Murtaza went to Larkana in January 1994.

At Larkana, she said, he and his mother had been “targeted” and fired upon by the police. In the shooting two people had died instantly, and Ms Bhutto had “celebrated the occasion through festivity which included dance and music, close to Al-Murtaza.”

Ms Ghinwa said many criminal cases had been registered against Mir Murtaza in Karachi and Lahore, and an STA court in Karachi had granted him bail in the last case. She claimed that the courts were pressed not to grant him bail and the judges who provided him relief were either suspended, transferred or removed. She said her husband did not want her nationality to be changed but, finally, an application was made in June 1994 and the authorities wanted her to surrender her Lebanese passport. But then “we decided to wait until he (Mir Murtaza) came out of jail”, she added. She said after his release on bail in all the cases, Mir Murtaza was persecuted again and was not allowed to go to Garhi Khuda Bux to offer Fateha at his father’s grave. Ms Bhutto did not have the grace to allow him to do so, and the police obstructed, intimidated and victimised him and his supporters, she alleged.

Ms Ghinwa said said Fatima’s teachers were also apprehending victimisation at the hands of the Benazir government and so did Zulfikar Ali Bhutto Jr’s friends who were not willing to visit 70-Clifton. She said her husband was hurt a great deal by reports of corruption and loot by Benazir and her husband and their cotery who had come to power in the name of Zulfikar Ali Bhutto. Mir Murtaza, she said, openly criticised Ms Bhutto and the then chief minister, Abdullah Shah, for the their style of government and extra-judicial killings that were going on.

She said Benazir wanted a meeting with Murtaza for which he had laid down conditions that a serious agenda be taken up and that a request for a meeting be sent in writing, which was done and the meeting took place on July 7, 1996, in Islamabad. At the meeting, Ms Ghinwa claimed that Ms Bhutto had asked her brother for the return of their father’s library and antiques, and Asif Zardari, who was also present, had accused Mir Murtaza of attacking

him to which “my husband said I am attacking you in the press and you are doing much more than that to me.” The meeting, she maintained, did not produce any positive results, rather the gulf was further widened.

Referring to the shooting near 70-Clifton, Ms Ghinwa said at about 8:30pm she heard gunshots and, before going to Surjani Town for a meeting, Mir Murtaza had told a press conference, the last one he held, that he was expecting some foul play from the government. He had even signed some school papers of his daughter Fatima, fearing his arrest, Ms Ghinwa claimed.

She said she sent her servants to see what was happening outside when she heard gunshots. They told her later that the police did not allow them to go where the shooting was going on. At about 9:30pm, Ms Ghinwa said, she was informed that Mir Murtaza had been arrested and three of his guards had been shot. When the firing was going on, she said, Fatima wanted to speak to her aunt in Islamabad and she phoned. Asif Zardari was on the line and he said: “Oh, your father has been shot at”, and then she (Ms Ghinwa) took the phone and talked to him and he repeated what he had said earlier.

She said when she went to the Mideast Medical Centre, Murtaza had been unconscious and, hoping that he would respond, she mentioned the names of Fatima, Zulfikar and his mother, Nusrat Bhutto. She said his heartbeat had become stable and she requested the doctors to save his life not for herself, “not for the children, not for his mother, but for the country and the people.”

After the announcement of his death, Ms Ghinwa said, Shaikh Mir Mohammad, a lawyer (now advocate-general of Sindh), asked her to get a postmortem report, but something was obstructing. Finally, after a long time, it was made available. She said Benazir had arrived at the hospital “very late”. The body was not being allowed to be taken home and her sister-in-law helped to straighten that out. Ms Ghinwa said Ms Bhutto had defended SSP Durrani immediately after the incident, saying he had nothing to do with it, “although he was there and had organised the raid.”

After her evidence, Ms Ghinwa responded to questions from lawyers representing the accused, including the DIG of Karachi, Dr Suddle, and two ASPs, Rai Tahir and Shahid Hayat. She said it was correct that Fatima had offered her blood to save her father’s life.

Q: Did you see the FIR of Noor Mohammad, a member of Murtaza's party, who is the complainant in a third FIR?

A: I had seen the written complaint which was later on taken to police station by someone on my behalf, which was not entertained by the police.

Q: The third FIR was which was registered on the orders of the high court was identical to that lodged earlier?

A: I don't know the details, it was being handled by my lawyers.

Q: Was there any difference between the complaints which were reduced to writing?

A: I don't know the details as I was depending on my lawyers.

Q: The third FIR of Noor Mohammad was not a direct complaint but was a fabrication?

A: I don't believe so.

Q: Do you suspect senior police officers were involved in the conspiracy?

A: I consider that the people in charge of the affairs of the state were responsible, like the interior minister.

Q: Who was Noor Mohammad, was he in the motorcade?

A: He was a member of the party and had gone to Surjani Town with the party.

Q: Did you refuse to cooperate with UK experts?

A: No. I had asked my lawyers to talk to them.

Q: Did Mir mention to you about danger to his life?

A: After he was released from jail, the cases were being delayed and all cases carried sentences. Benazir Bhutto was interfering with the delays and the possibility was there that his life was in danger.

Q: Did he tell you that he feared for his life, if so from whom?

A: He never said from whom, but he apprehended danger to his life. The tribunal, after the evidence of Ms Ghinwa, recorded the evidence of Dr Sikandar Ali Shah, senior medical officer of Lyari General Hospital, who, as chemical examiner, had signed certain documents. Half way through, the recording was called off because the doctor was not considered an expert in the field of chemical examination because as he had merely submitted reports prepared by others and signed by him. He could not read them either and explain how the examination had been conducted.

The tribunal asked the assistant advocate-general, Ansari Abdul Latif, to find out from the government whether the report of the tribunal could be made public by the tribunal itself, because in the past, no such findings had ever been made public. The AAG also submitted a letter from Masood Sharif, a former director-general of Intelligence Bureau, who did not want to appear as a witness because he had been named as one of the accused in the case and was now in custody, awaiting trial.

But two other accused, Agha Jamil Hussain, SHO, Napier Police Station; and Shabbir Hussain Qaimkhani, SHO of Garden Police Station, have now submitted letters that they both wanted to appear as witnesses. They have been asked to appear on Tuesday.

The tribunal decided to call Ms Bhutto on Thursday at 10am instead of Wednesday, because her statement had not been fully typed, which contained about 200 pages and till Monday only half of them had been typed. She would be examined by the lawyers on the basis of her statement.

SHO'S SAY THEY HAVE BEEN IMPLICATED IN MIR CASE

KARACHI, Feb 25, 1997: The SHOs of Napier and Garden police stations, who are accused in the Mir Murtaza murder case, appeared before a judicial tribunal inquiring into the killing and deposed that they were nowhere near the place of shooting and yet they had been implicated in the case. They claimed that senior police officers had “forced” them to sign the mushirnamas which showed them as having been present at the site.

Shabbir Ahmed Qaimkhani, SHO of the Garden police station, and Agha Jamil, SHO of Napier, were produced before the three-member tribunal comprising Justice Nasir Aslam Zahid, chairman; Justice Amanullah Abbasi and Justice Dr Ghous Mohammad, upon their own request that their statements could help meet the ends of justice. They maintained in their statements, written separately in Urdu, that they had been asked whether they had registered cases against Mir Murtaza and his men for having raided their respective police stations as well as a CIA centre located within the jurisdiction of the Napier PS by Mir Murtaza and his men in search of Ali Sonara who had been arrested on Sept 17.

They said the SP (Investigations), Shukaib Qureshi (who has gone underground after the registration of third FIR), had ordered that cases should be registered against the raiders and that compliance be reported to him. On the day of the shooting on Sept 20, both of them were called to the site and one of them was posted at the Russian Trade Centre and the other at the traffic police licensing office to stop movement of suspects or to give information about it. They informed the tribunal that there had been no movement of any suspects at the points where they had been posted on. They had heard shots being fired and after some intense shooting, the firing had stopped and they had moved out of their positions and went back to their respective police stations with the manpower they had brought with them.

They were again called near 70-Clifton where the ASP of Darakhshan and the SHO of Clifton were present. They were asked to go to the Clifton PS. The witnesses, who were produced from judicial custody, again claimed that he had been “forced” to sign the mushirnamas prepared by somebody else, and

that they had done so under the threat of losing their jobs, they alleged, held out by SP Shukaib Qureshi.

Agha Jamil, the SHO of Napier, said he was on duty at his designated place in a side lane near Old Clifton. There were seven other policemen with him, including sub-inspector Mohammad Akram, the investigation in charge of Napier PS, ASI Nasir Khan, head constable Saddhar Ahmed, and constables Mohammad Khan, Mohammad Yousuf, Salim Khan and Rahmat Ali. They, too, had been questioned by the investigators but no action had been taken against them but they should be able to testify to his own innocence.

Mr Qaimkhani, the SHO of Garden, also made a similar statement. He said he had been posted at the Russian Trade Centre to check the movement of any suspects. He said he was accompanied by ASI Irfan Ahmad and constables Mohammad Hanif, Pervez Akhtar, Shaukat Ali, Gul Hasan, Zahid Iqbal and Akhtar Ali, but none of them had been arrested. They all could testify to his innocence. Both the SHOs have stated that they were posted at places from where they could not see the site of the shooting and that they themselves had not fired a single shot and nor had any member of their respective parties.

Neither of the SHOs complained of any harassment and also stated that they had no complaints of maltreatment by the investigators in the jail. The tribunal addressed both of them separately and told them that whoever came here had said they were innocent and nothing to do with the killing. It could be that they were right but having suffered for their past actions of harassing innocent people, they might conduct their business in a legal manner once all this was over. Agha Jamil admitted, to a question, that there were corrupt people in the police force but said that there were also some honest ones among them.

They were asked to emulate the honest men. Kamran Khan, a correspondent of The News, appeared with a written request that he should be heard as a witness to reply to the statement made by the former prime minister, Benazir Bhutto, to clear his name, to which the tribunal said it was not holding a defamation trial. The tribunal said it was not concerned with who had said what and that the former prime minister had named 50 people in her statement and there was no time to allow all those who had been named in her statement the opportunity to hear them. "We have limited time and by March 17 the report has to be submitted to the government and we will not

allow you to examine Ms Benazir Bhutto and if we allow that there will be no end to it," the chairman observed. The chairman asked him to submit a written statement before March 17. He also observed that he (Kamran Khan) should have come forward earlier, when the messages were being sent to him. He was reminded by the tribunal that one of the reporters of The News, Maqbool Ahmed, was given the message to convey to him for his appearance when his name was mentioned in the list submitted by the PPP (SB) party counsel, Manzoor Bhutta. "You kept quiet when you knew about it through the newspapers. You did not wake up until she came and named you by saying 'if he could be used by me others can also use him.'" Kamran Khan said he did not know who Maqbool Ahmed was. He said Ms Bhutto had used the tribunal's platform to say things against him and, therefore, he wanted to reply to her from the same platform, to which the chairman said she had a locus standii, because her brother had been killed and her husband had been arrested in the case.

Dr Bashir Ahmad Shaikh, chemical examiner for Sindh and Balochistan, was also examined for his department had examined the clothing and other articles of Haq Nawaz Sial, Dr Mazhar Memon and Asghar Ali, to say whether the blood stains were those of human blood. The tribunal observed that he doesn't hold the qualification or experience for the job he was holding; he was only a medical graduate and holding an interchangeable post. The post of chemical examiner calls for a master's degree in biochemistry and with it a lot of experience and the reports which had been submitted were defective as they had not stated under what types of tests the objects had been examined. The tribunal adjourned the hearing to reassemble at 11:30am on Wednesday, to examine the ballistic expert from the police, AIG Jafri.

AIG PLACES ON RECORD EVALUATION REPORTS

KARACHI, Feb 26, 1997: Assistant inspector-general Ghulam Abbas Jafri, head of the criminalogistic division, on Wednesday placed on record before the tribunal investigating the Sept 20 killing of Mir Murtaza Bhutto, various reports dealing with the evaluation of clothing, firearms, empty shells and vehicles involved in the shooting outside 70-Clifton. Seven other people were killed in the shooting.

The tribunal comprising Justice Nasir Aslam Zahid, judge of the Supreme Court, and two judges of the High Court of Sindh, Justice Amanullah Abbasi and Justice Dr Ghous Mohammad, discontinued the AIG's evidence the middle because it felt that there was need for rearranging the copies of the reports and also because the witness had come without due preparation. The tribunal ordered that the witness and the assistant advocate general, Ansari Abdul Latif, would sit together and rearrange the whole documents, and present them in a proper manner so as not to leave any doubt for the tribunal or the counsel. The chairman of the tribunal observed that it was for the first time that a ballistic expert had been called before a court and asked to explain how, where, why, and when.

He said hitherto such reports went unchallenged in trial courts by both sides. It was perhaps for the first time that they were being questioned and evaluated to meet the ends of justice. The witness holds a master's degree in Botany, and a diploma from the Forensic Science Laboratory in Lahore in 1965. He also attended nine weeks of courses in the US in 1985 – three weeks each at the police institutes of Philadelphia, North Carolina and Medford.

The ballistic expert was sent the clothes, firearms and vehicles involved in the Clifton shooting for various tests and different physical evaluation. These included 141 empties, 25 weapons, the revolver of Haq Nawaz Sial, a used bullet sent by the Garden PS, the core of the bullet embedded in Mr Sial's boot as well as the boot. The AIG's department had also received live 20 cartridges of 9 mm, 20 live 30-bore pistol cartridges, ten 7.62 G-3 rifles, five SMG Kalashnikovs, one pistol of 30 bores with a magazine, two live cartridges and a 9mm pistol with an empty magazine.

When his reports have been properly documented with the help of the AAG, the witness will be examined again on Thursday and he is perhaps the last witness on record to be examined, with the exception of Benazir Bhutto who is to be cross-examined. Word has been sent through a police DSP, Shamim Hussain, a liaison officer with the tribunal, to the former prime minister that she would be called on Monday, at 11am. It is learnt that her evidence has been typed in 175 pages and would be finally ready to be delivered on Thursday evening to the counsel. The counsel submitted that they needed some time to go through the evidence before they could question Ms Bhutto.

BENAZIR DENIES HAND IN MIR'S ARREST

KARACHI, March 3, 1997: Former Prime Minister Benazir Bhutto said here on Monday that her brother, Mir Murtaza Bhutto, was arrested under an FIR registered in 1991-92 in what was then known as the Shah Bunder case, and that she had nothing to do with it. She informed a three-member judicial tribunal holding an inquiry into Mir Muratza's violent death that her government had ordered judicial inquiry into the Larkana shooting of Jan 5, 1994, in which four people were killed. She denied that celebrations that night at a nearby place were aimed at celebrating the shooting and claimed that they had been scheduled earlier "for the martyred leader (Murtaza)."

The tribunal comprising Justice Nasir Aslam Zahid, judge of the Supreme Court and two members from the High Court of Sindh, Justice Amanullah Abbasi and Justice Dr Ghous Mohammad heard the cross-examination of the former prime minister for nearly two-and-a-half hours, before adjourning the hearing till Tuesday when Ms Bhutto would answer questions from the lawyers representing various parties, at 11:30am. Akhtar Ali G. Kazi, former chief minister, concluded his cross-examination of the witness. Ms Bhutto said Ghinwa Bhutto's nationality was delayed by her husband himself, because he didn't want his wife to be a Pakistani citizen, nor did he want her to be a member of his political party. It was President Leghari who gave her the nationality to contest elections and be a member of the party in an effort to split and hijack PPP, she alleged. Ms Bhutto said Mir was her younger brother and she had offered him a provincial or National Assembly seat from anywhere, but his fiends had advised him against it. She said she had even asked her own party's candidate with an assured victory, to withdraw in Mir Murtaza's favour. About a meeting between the two, she said she thought he was in a fix whether to meet her at all, because his bodyguards had opposed the idea. Ms Bhutto said Mir had formed the Al-Zulfikar Organisation. That notwithstanding, she asserted, when she was married in 1987 to Asif Zardari, there was no animosity between them and her own relations with her late brother were very cordial. However, she continued, there were certain elements in Mir's his party who had been opposed to her and Mir Mutaza getting close together as brother and sister. Ms Bhutto said when Nishan-i-Imtiaz was conferred on her mother, Begum Nusrat Bhutto, an invitation was sent to Mir to attend the investiture ceremony but this invitation was withheld from him for some time by his aides. She added that an invitation

was also sent to her brother to join her on her official visits to Syria and Bahrain, but that, too, was ignored “on the insistence of his party people.” Describing the meeting between the two in Islamabad at the prime minister’s house in July last year, Ms Bhutto said: “There were tears in his eyes when we met for the first time. We were delighted, we joked and we were happily together for nearly two or three hours. He had a very good sense of humour. “We had planned a second meeting in September and on his birthday, I had a watch to present him, and that he died wearing the cufflinks given by me. We valued each other’s love and affection”, she said. “I remember kissing him goodbye. He turned around and looked at me. I had sent a gift for Ghinwa Bhutto and after receiving she wrote a letter of thanks,” she said. “This letter explains there was no animosity,” she maintained.

At the meeting, Asif Zardari was also present and there were no accusations between the two (Zardari and Murtaza). Mir, she said, was innocent. He was not in the habit of foul play or dirty tricks But his body guards kept them (Mir Murtaza and Ms Bhutto) away. “I felt and hoped he would (some day) understand that the bodyguards were abusing the sanctity of 70-Clifton. She said the telephone talk between Fatima and Asif Zardari took place 15 minutes after she had talked to the doctors and Mir’s love for Fatima was like mine with my father.

When she (Ms Bhutto) arrived in Karachi on the night of Sept 20 at about 2:30am on Saturday, nobody told her at the airport that her brother had been dead for two-and-a-half hours. She said she wanted to go to the hospital straight from the airport. “I was in my shock, pain and grief and the news of his death was given to me much later at Bilawal House.” She said it was wrong that Ms Ghinwa was denied the right to register an FIR. It was also wrong that she ever told Ms Ghinwa that the arrest of policemen in the case would create a law and order problem, she claimed.

There was a nexus between Ms Ghinwa and the president and if she believed in truth, she could have written to Mr Leghari about her complaint, because president had everything to gain and the chief executive (PM) had everything to lose, she said. Referring to Ms Ghinwa’s claim that there had been emotional or financial pressure on her family, Ms Bhutto stated that there was no such financial pressure on her and as far as the emotional pressure was concerned, “I made an effort to bring her (Ms Ghinwa’s) parents to Pakistan at my cost, I also asked her to come and stay at the PM’s house. I was also willing to drop her in London on her visit abroad.” Advocate Kazi, appearing

on behalf of the government of Sindh to assist the tribunal cross-examined her in a packed courtroom:

Q: When you arrived at Karachi on the night of Sept 20 who were the senior police officers who accompanied you to Bilawal House?

A: I don't know. The IG Police was there and normally the DIG, the commissioner and others are present and they might also have been there.

Q: Inside Bilawal House did any police officer meet you?

A: None.

Q: Did any police officer briefed you at the Karachi airport?

A: I asked the IGP. I wanted to know the condition of Mir. He was not fully aware.

Q: How long did you stay at Bilawal House before reaching the Mideast Medical Centre?

A: I arrived at the airport at about 2:30am and by 3am I was at Bilawal House. Within 15 minutes or so I was informed about the death and I can't say when I went to the hospital, but I was back home at 6am.

Q: Who broke the news about the death of Mir?

A: Asif Zardari and her doctors.

Q: When the news of death was given to you did you ask for details?

A: No. I was crying all the time.

Q: Was the chief minister present at that time?

A: No.

Q: Who else was present at the time the news was given to you?

- A: I don't know. At that time I did not know what was going on around me.
- Q: When you reached the hospital who did you see?
- A: I don't know.
- Q: Did you see SSP Durrani at the hospital?
- A: I don't know who I met or who I didn't at the Mideast. There was a lawyer, a doctor, and my political secretary. And some relatives were also present.
- Q: How long you remained in Bilawal House after you returned from the hospital. What had actually happened. Did you ask for details?
- A: I had already been informed by Gen. Babar that there was an encounter between the guards and the police.
- Q: Did you ask anybody to find out if any FIR had been registered?
- A: No. I was concerned about meeting my mother at the airport, my sister and make funeral arrangements.
- Q: Before you went to Larkana, from 6am to 12-noon had you met the DG of the Intelligence Bureau or any other officer. Did you give any instruction for the registration of an FIR because of its importance.
- A: No. I was busy trying to see my sister and meeting my mother. I was stricken with grief and sorrow and the question of the FIR did not occur to me.
- Q: Any police officer informed you about the lodging of an FIR?
- A: No. When I returned to Islamabad and at that time I asked the police officials to come along with me. They accompanied me to Islamabad.
- Q: Did Asif Zardari go with you to the hospital?

- A: No. It was considered not advisable from the security point of view, because the bodyguards had fired at the police, they might have done so again. Asif came and waited in the car and went back.
- Q: Was there any animosity at that time between Asif Zardari and Mir Murtaza and his party supporters?
- A: No. But only among the militants.
- Q: Was SB party against PPP?
- A: My brother formed AZO late in 70s, a revolutionary armed group.
- Q: Is it a fact that Mir contested elections in 1993 against the PPP candidate?
- A: The PPP contested against all parties and all candidates. When the PPP(SB) was formed I was happy that a political party has been formed replacing a militant party.
- Q: You had mentioned about the Jan 5, 1994 of Larkana. Were you aware of the FIR?
- A: I am not aware of the FIR. The police version was that the guards had fired at them.
- Q: Are you aware that the SB party members were in jail for a long time?
- A: Some persons belonging to the SB party remained in custody.
- Q: After Mir's release from jail was he not allowed going to his father's grave?
- A: No. He was free to move anywhere in the country.
- Q: Begum Nusrat Bhutto wanted to go from Larkana to Garhi Khuda Bux on Jan 5, 1994 to visit the grave of her husband and she was prevented by the police to do so?

- A: The police were there not to prevent Begum Nusrat Bhutto to go to Garhi Khuda Bux. Before she started, the guards started firing at the police. I was told that firing started from Al-Zulfikar.
- Q: Did you know the then SSP Durrani before the incident?
- A: No. May be he was present at many of the law and order meetings?
- Q: Did you know Siraj Durrani?
- A: Yes.
- Q: Was it because of Siraj Durrani that Wajid Ali Durrani was posted in Sindh?
- A: No.
- Q: Do you know Asghar Ali who works at 70-Clifton?
- A: I know him and he was shifted from the police custody to the CM's house?
- Q: The contents of his FIR were based on your instructions and those of the chief minister?
- A: I was not a party to the FIR and I was not aware of its contents. Ghinwa Bhutto had asked for his protection which was provided by shifting him to CM house.
- Q: Did you give instructions to file a counter FIR?
- A: No.
- Q: Was there any fight between your husband and your brother?
- A: No.
- Q: Did you know that Mir's life was in danger from the then CM?
- A: No.

Q: Was Mir critical of PPP policies?

A: It will be fair to say that he opposed the PPP.

Q: Had Mir apprehended danger to his life from the police in June, 1996 and this he had conveyed through an interview published in Jung?

A: I don't read Urdu newspapers. I may add that I don't recall about it. If there was any such thing, my mother would have informed me about it.

Q: Did you at any time decide that Mir should be arrested?

A: I had given specific instructions that he should not be arrested.

Q: Any follow-up meetings with the police about the incident?

A: There were follow-up meetings mostly held in Islamabad.

BENAZIR BHUTTO DEPOSES BEFORE TRIBUNAL ON TUESDAY

KARACHI, March 4, 1997: Ms Benazir the former prime minister of Pakistan today told the 3-member enquiry tribunal that Syed Abdullah Shah, the former chief minister Sindh had offered to resign on account of the September 20th incident resulting in the murder of late Mir Murtaza and his six close companions and bullet injuries to his party activists. During her cross-examination by Akhtar G. Kazi, the lawyer engaged by the Sindh government, at the resumed proceedings of the enquiry, she replied in the affirmative if she considered the chief minister's house at Karachi as the safe place for the protection of Asghar Ali, the domestic servant of late Mir Murtaza.

Questioned further, she said, she knew that Asghar Ali was at that time under arrest in connection with some case against him. She denied, that Asghar Ali, the eye-witness of the incident was taken to the chief minister's house to get his signatures on plain paper to provide cover to the police officials involved in the September 20 last incident.

Asked if the meeting held at the CM house on September 19 last was attended among others by Asif Ali Zardari, she said that he (Zardari) had left for Islamabad on September 27 last.

Q: Did Asif Ali Zardari mention to you about his having travelled in the same plane with late Mir Murtaza from Islamabad to Karachi, she said, that Asif had told her that in the plane late Mir Murtaza had greeted and shook hand with him in the plane.

Q: When did you realise that the September 20th incident was not an encounter?

Ans. I had directed for institution of a high-powered team of investigation after discussing the incident with her colleagues. She had also directed that senior and experienced police officials from other provinces may be included in that team.

Q: Hakim Ali Zardari was not on good terms with your late father and on account of his political differences with your father, he may have a hand in the September 20th last incident?

Ans. I am not aware of it. She, however replied in the negative if he (Hakim Ali Zardari) may have a hand in the incident.

Q: It is put to you that you have given statement before the tribunal to cover up the involvement of Asif Ali Zardari in the incident and that you had not met late Mir Murtaza after his return to Pakistan till July 7, 1996 when you invited him to the prime minister house at Islamabad?

Ans. I wanted to meet him even in jail and had sent him message through common friends. But late Murtaza had replied that his party was opposed to the idea.

Q: In order to save Asif Ali Zardari, you are providing a cover up to the police officials involved in the incident?

Ans. No. I wanted to get to the bottom of the incident. Questioned by Nihal Hashmi, the counsel for eleven cops arrested in the incident including an ASI named Basit, she said, she did not lodge an FIR against the President Leghari and Brigadier Imtiaz, as she wanted institution of an independent enquiry and investigation and it was with this end in view that the British team of detectives was assigned the task.

She might have met Masood Sharif former chief of the Intelligence Bureau, after the incident, but she specifically remembered that Masood Sharif was not present at the high-level meeting convened by her at Islamabad to discuss threadbare the September 20 the last incident.

Manzoor Bhutta, the counsel for Dr. Mazharul Haq the injured party activist, she said, she did not recollect if a list of 37 persons involved in the murder of late Mir Murtaza and others was presented to her during her tenure as the prime minister of Pakistan. She also did not recollect if, that list included important personalities like the federal and provincial ministers.

She was shown a news item published in daily 'Jang' being published from Karachi of October 24 last issue, which said that the persons responsible for

the killing of late Mir Murtaza has been identified and that former chief minister Sindh had flown to Islamabad to inform her (Benazir) about them.

Ans. This is a distorted version. I wanted to get to the bottom of the incident including as to who was the officer who had ordered opening of fire.

Q: Is it a fact that Agha Siraj former provincial minister, Agha Rafiq former judge of the High Court, and Dr. Zulfikar Ali Mirza ex-MNA were intimately friendly with Asif Ali Zardari?

Ans. It is correct that Dr. Zulfikar Ali Mirza was close to Asif, but the remaining two above mentioned were not so intimate with Asif.

Q: Is it a fact that on late Mir Murtaza's return to Pakistan in November 1993, he was put under arrest at the instance of Asif Zardari?

Ans. I am not aware of it.

About the arrest of Shah Nawaz Shani, an activist of the PPP (SB), she said, she was neither aware about his arrest nor his release.

Questioned by Syed Ghazanfar Ali, the counsel for Nazar Mohammed Brohi, one of the deceased in the incident, if it was a fact that Mr Ali Ahmed Junejo, judge of the suppression of the terrorists court, was sacked next day for granting bail to late Mir Murtaza, she said, she was not aware of it.

Asked about late Ali Mohammed Hingoro ex-MPA, she said that he (Hingoro) was close to her and eulogised his services he had rendered for the party. Hingoro was arrested during the tenure of late Jam Sadiq Ali as the chief minister Sindh. She does not know if he (Hingoro) was arrested during her tenure in 1993. She learnt about the demise of Hingoro and was shocked.

Questioned about the police firing allegedly on Al-Murtaza at Larkana in 1994, she said, she was told that the police had retaliated the firing by late Mir Murtaza men. She had, however, ordered about the setting up of a judicial enquiry and would call for the report of that enquiry for production before the tribunal.

Q: Is it a fact that hot words were exchanged between late Murtaza and Asif Zardari during the course of late Mir Murtaza's meeting with you at the PM house at Islamabad on July 7, 1996?

Ans. It is incorrect. It was a very cordial meeting.

Q: Is it correct that Ms Ghinwa never requested you for protection of Asghar Ali?

Ans. It is not correct.

Questioned by Mr. Justice Dr. Ghous Mohammed as to when did she come to know for the first time about the conspiracy, she said that it started since March 1996, and was informed about it by the journalists.

A series of events including the writing of letters to her by President Farooq Ahmed Leghari started on September 1, last. The conspiracy was aimed at elimination of Murtaza, followed by Asif Zardari and destabilising of her government.

Her doubts were confirmed on September 26 last. Her colleagues had, however advised her to remain cool and calm and not to retaliate. She gave benefit of doubt to President Leghari when he gave her solemn assurances that her duly peoples elected government would not be constitutionally or politically harmed.

About the September 20 last incident, she said, that it was the administration as had told her that it was an encounter between the police and late Murtaza men. On return from Larkana, she convened a high level meeting at Karachi on October 31, last and the report presented to her said that the incident was the result of the encounter. The first report mentioned about Ali Mohammed Sonara's arrest and the statement he had given to the police about the piling up of arms and ammunition, including the rocket launchers in the 70-Clifton residence of late Mir Murtaza.

The British team of detectives had told her that Sajjad Jakhro the bodyguard of late Murtaza had fired the first shot. She had inquired as to how Najeeb Zafar and Subak Majeed came to know about the incident well in advance.

She suspected Brigadier Imtiaz's involvement in the conspiracy as it was he, who had given the information about the fax message regarding her alleged plan in collusion with late Murtaza about the elimination of Chaudhry Shujaat Hussain. She had consented to the visit of the British team of investigators, as she wanted that the mystery was unfolded. When informed by Mr. Justice Ghous Mohammed that the Karachi administration and the police had miserably failed in conducting fair and proper handling of the incident so much so that the dead bodies including of Ashiq Hussain Jatoi, were left without any attendance till late in the night and the constitution of the medical boards were controverted, she said, that it was not for the first time and the performance of the police had not been up to the mark for the last twenty-five years.

She said, that the British team had told her that they would return for the completion of the left-over investigation.

She, however, accused President Leghari of obstructing their (British team) return. The decision about their being given the assignment was taken by former chief minister Sindh Syed Abdullah Shah. She had, however consented to the idea. She believed that the incident was triggered by a shot fire by Sajjad Jakhro, the bodyguard of late Mir Murtaza. The incident followed the arrest of Sonaro and the two bomb blasts in Karachi. There were no orders about the arrest of late Murtaza. During her tenure, never was state of emergency declared.

She believed that late Mir Murtaza would have survived, had he been taken to the well-equipped hospital in time. She was kept in dark as she happened to be at Islamabad on the date of the incident. She said that there was a plan to destabilise her government by creating hatred among the people against her government.

She did not agree with the administration's view that it was an encounter. When confronted with a huge amount paid to the British team, she said that the president was indulging in lavish spendings of the national funds on his hunting trips and that he is being given a free hand, by the concerned quarters.

She said that when her mother and sister were not blaming Asif Zardari, why President Farooq Ahmed Leghari is after his (Asif's) blood. She reiterated that there was a great deal of similarity as had taken place in respect of late Asif

Nawaz the then C-in-C. To her mind, she said, there was sufficient circumstantial evidence about the president's involvement in the murder of late Mir Murtaza.

At the end of her cross-examination, she filed seventeen applications before the tribunal including the one about a copy of the report of the British team. The tribunal observed that the report was in a sealed envelope and may be unsealed by the provincial home secretary.

To the tribunal's query, Abdul Latif Ansari the assistant advocate general Sindh, informed the tribunal about the official decision through the advocate general Sindh, Raja Qureshi that the question about the publication of the findings of the tribunal would be taken after it had finalised its report in accordance with the terms of the reference. The tribunal premises were jam-packed with among others the PPP fans.

Ms Benazir was lustily greeted with the party slogans, as by a sizeable number of the PPP activists including when she came out the Supreme Court of Pakistan's imposing building.

BENAZIR NARRATES EVENTS LEADING TO SHOOTING

KARACHI, March 4, 1997: The shooting on Sept 20, in which Mir Murtaza Bhutto was killed, occurred because of the arrest of a Mir Murtaza aide, Ali Sonara, his interrogation by the police, raids by Mir Murtaza and his men on CIA centres, and a series of bomb blasts in Karachi. The first shot was fired by someone. Benazir Bhutto, the former prime minister, assessing the situation, maintained that these were the four factors which led to the killing of her brother and seven of his party members. She was deposing before a three-member judicial tribunal of inquiry headed by Justice Nasir Aslam Zahid, judge of the Supreme Court, and comprising two judges of the High Court of Sindh, Justice Amanullah Abbasi and Justice Dr Ghous Mohammad.

Ms Bhutto said these four factors created a scene which led to the shooting between Mir's guards and the police. She claimed that never during her tenure excesses had been committed against the people in the posh Clifton area or in Korangi.

She agreed with the observation of Justice Dr Ghous Mohammad that she had been kept in the dark in Islamabad about the investigations and, therefore, she had been of the view that the federal interior ministry and police officers from other provinces should join the investigation for an independent evaluation of what had actually happened. The justice observed that all facts could have been deliberately washed away from the scene. No swabs were taken, no fingerprints, no footprints, or details of police vehicles on the scene were taken down, probably for use elsewhere. To this, Ms Bhutto said: "I don't agree that there was any sinister motive on the part of the government or that there was any cover-up."

She said with this in mind, the British team of independent investigators had been called in at a cost of 200,000 pounds (Rs 13 million) who, according to her, had submitted only a preliminary report and they returned for a detailed evaluation of the evidence they had collected, but President Farooq Leghari had not allowed them to come back for further inquiry.

The amount spent on the British team, she alleged, was now being spent on each hunting trip of President Leghari and, keeping that in mind, the money

spent on the investigation of the killing of the brother of a sitting prime minister was not much.

The entire police is badly managed and poorly trained and there is no update of any investigation, and it is always subjected to outside pressure, she remarked. She said the British team had called on her while she was still prime minister and she had quoted them as saying that Sajjad Jhakro and Yar Mohammad Yaroo, two members of the PPP(SB) party had been responsible for starting off the shooting.

The tribunal asked her about the “sanctity of 70-Clifton” as, according to Dr Ghous Mohammad, sanctity on earth was that of the Holy Ka’aba and Masjid-i-Nabvi. The judge asked the former prime minister what sanctity she was talking about, and according to her own statement, terrorists and dangerous criminals were residing there in the name of “sanctity.” “Dangerous criminals”, like Ali Sonara, lived there, he said referring to her earlier statement and asked why like other such places, it should not be allowed to be raided by the police.

Ms Bhutto replied that if places like 70-Clifton, or Nawaz Sharif’s home or Nine-Zero in Liaquatabad were raided it would be harmful to the interests of Pakistan, both internationally and internally. About payments made to the British team, she said they were paid by the government of Pakistan and not by the government of Sindh, although maintenance of the law and order situation was the provincial subject.

The tribunal also reminded her of the statement of the then home secretary of the province that the money was paid by the federal government, although the government of Sindh had set aside Rs13 million to be paid in foreign exchange through the high commissioner in London. On the negligence of the police in conducting proper and lawful investigation in the case, Ms Bhutto said this was not the first case in which negligence was shown, adding that the conditions have been bad for the last 25 years. All these years it could be seen that no attention was paid to their training and handling of the criminal investigations although her father had taken steps to improve the working of the force.

The tribunal asked her if she offered herself to be examined in the case to substantiate the charge of conspiracy and Justice Ghous Mohammad read out from a book to explain what a conspiracy meant.

A: Nobody told me at any stage to do that. We were told it was an encounter in the beginning but later events provided evidence that it was a conspiracy. I did not believe that it was an encounter in which Sajjad Jhakro fired the first shot.

Tribunal: When did you first come to know that it was a conspiracy?

A: When for the first time on Sept 26, I had called my intelligence chiefs, but this has been going on since June. My brother could not have been killed unless there was an assurance from the other side that they will be protected and that sort of assurance must have come from no less than the president. The proceedings began with questions from Akhtar Ali G. Kazi, the counsel nominated by the government of Sindh for rendering assistance to the tribunal. He asked:

Q: Is it correct that the then chief minister, Abdullah Shah, had offered to resign on account of the incident?

A: The CM had asked to resign around Sept 26. At this point. the chairman of the tribunal remarked that the tragedy is that nobody resigns in Pakistan. Mr Kazi continued:

Q: Do you consider CM House was a safe place for the protection of Asghar Ali, an accused-cum-complainant?

A: I do consider the CM house a safe place.

Q: Do you know he (Asghar) was under arrest?

A: I knew he was under arrest, but I don't know on what charges.

Q: Is it correct that Asghar Ali was made to sign papers to cover up certain officials?

A: It is not correct.

Q: Is it correct that a meeting took place in the chief minister's house a day before the incident in which Asif Zardari was also present?

A: I don't know.

Q: Is it correct that Asif Zardari, after leaving Islamabad for Karachi, talked to you about any incident either on board the aircraft or outside?

A: We always talked on phone at night. He said Mir (Mutaza), when he came to know about Asif's presence, got up and greeted him in the aircraft.

Q: Do you know Hakim Ali Zardari was not on good terms with your father and on account of this political difference he may have been involved in the incident?

A: I am not aware. I don't think he had any animosity. My aunt would not have agreed to this arranged marriage.

Q: It is put to you that the evidence you have given here is to defend Asif Zardari who is an accused in the case and certain police officers?

A: It is incorrect.

Q: You met Mir on July 7, 1996. Why did the meeting take place after a number of years.

A: I wanted to meet him in jail and it was considered embarrassing for a prime minister to meet him in jail because it could send a wrong signal to his (Mir's) party.

Nehal Hashmi, counsel for ASI Abdul Basit, 10 constables and head constables, also asked her some questions:

Q: Did you make any effort to lodge a complaint against President Leghari and Brig Intiaz Ahmed?

A: We wanted a non-administrative inquiry.

Q: Did you meet the director general of IB after the incident?

A: After the incident I may have met him but particularly relating to this incident, there was no meeting between the two of us. I don't remember that he was at the meetings in Islamabad.

Q: You have mentioned in your statement trying to find out who was behind the incident. Did you give any directions to get the phone bills of 70-Clifton during the interim period from Sept 20 and Nov 5.

A: I mentioned this to the police and also informed the British team of investigators at a meeting on Sept 30. Questions from Manzoor Bhutta, appearing for Dr Mazhar Memon and others:

Q: Is it correct that the names of 37 influential persons were presented to you, according to which there were ministers and MNAs, 14 of them shifted to Karachi and Islamabad? (The question was based on a news report of Mashriq).

A: I don't recall receiving such reports involving ministers and MNAs. If that were true, I would have definitely come to know and remember it, too.

Q: Quoting a report in Jung dated October 24, 1996, the persons responsible have been identified and the CM had left for Karachi from Islamabad. Did he make any such report to you?

A: This is a distorted version. To identify an accused, the policemen who had fired the shots should be interrogated to find out who gave them the orders to shoot. It was a probability that it was an accident.

Syed Ghazanfar Ali Shah, counsel for Nazar Mohammad Brohi, father of deceased Rahim Brohi, produced a photostat copy of the nationality certificate given to Ghinwa Bhutto in 1994 at which the tribunal observed that this was a new element brought to light. Ms Bhutto had been saying that Ms Ghinwa got her nationality after the incident which was given to her by President Leghari so that she could contest the elections.

The tribunal asked the counsel to present the photocopy with an application. Ms Bhutto was asked:

Q: Are you aware that Ali Ahmed Junejo, a STA court judge, who granted bail to Mir Murtaza in one of the cases was dismissed from service the next day.

A: No.

Q: Are you aware that Ali Mohammad Hingoro, a politician, died of cancer in custody?

A: He was arrested by Jam Sadiq Ali's government. I had funded his election campaign.

Q: He was arrested in 1993 by your government?

A: I had heard that he died in custody, it was very unfortunate.

Q: Do you know Rahim Brohi?

A: No.

Khawaja Sharful Islam, counsel for SSP Wajid Ali Durrani; and Karim Khan Agha, counsel for the DIG Karachi, and ASPs Shahid Hayat and Rai Mohammad Tahir, had no questions to ask from the former prime minister, because she had not named the four senior police officers, in her statement. With this, the cross examination of Ms Bhutto was over. The tribunal will continue with the examination of AIG Police, Ghulam Abbas Jafri, a ballistic expert, at 11:30 am on Wednesday.

Ms Bhutto appeared before the tribunal in the company of Mian Raza Rabbani, Iqbal Haider, Senator Imdad Ali Awan and Farooq H. Naek. Ansari Abdul Latif, assistant advocate general, in response to an earlier directive of the tribunal, clarified that the report is to be submitted to the government of Sindh, and the question of its publication in newspaper would be considered by the government.

POLICE USED 12 MACHINE-GUNS IN SEPT 20 SHOOTING

KARACHI, March 7, 1997: Twelve submachine guns were used by the police in the shooting on Sept 20 last year at Clifton, near the house of Mir Murtaza Bhutto in which Mir Murtaza and seven of his partymen were killed. According to a report submitted by the criminalistic division of Sindh Police, headed by assistant inspector general, Ghulam Abbas Jaferi, the weapons were used mostly by the low-ranking men, four constables, one head constable and one ASI, while names of six other users of the arms had not been supplied to the ballistic expert. The report has been submitted before the tribunal of inquiry at Karachi, which is investigating Sept 20 shooting. All the SMGs used by the police were of 7.62 mm bore.

The names of the six policemen who fired their weapons were: ASI Abdul Basit of Clifton Police Station; HC Muslim Shah of Gizri PS and PCs Ahmed Khan, a guard of ASP Saddar, Ghulam Mustafa, Zafar Iqbal, Ghulam Shabbir all from Gizri PS. Twenty one empties were also examined and compared with the weapons by means of different equipment and the opinion of the expert was all the bullets of which empties were recovered were fired from the submachine guns.

Opinion was also expressed that all the 12 SMGs were automatic and were in working conditions. The criminalistic division also latter received two more weapons 9 mm bore pistols recovered from ASP Rae Mohammad Tahir and head constable Faisal Hafeez.

Again on Oct. 27, sub inspector Hakim Ali of Garden Police Station deposited containing a .38 bore revolver and 13 live cartridges of .38 bore. The ballistic expert's office had also received 11 different types of weapons which were in the possession of Mir's men. They were handed over to the Criminalistic division in 19 sealed parcels, concerning 11 FIRs Nos. 387/96 to 397/96 under section 13-(d) of Arms Ordinance of Clifton PS, Karachi south, each sealed in separate parcels and different magazines, live cartridges as case property contained in three separate sealed parcels concerning FIR No. 390/96 under section 13 D..A. O., 391/96 under 13-DAO and 396 under section 13 DAO all FIRs of Clifton PS and 141 crime empties of different bores.

A 30 bore pistol recovered from Ghulam Mustafa, son of Mohammad Panah; 9 mm bore pistol from Mehmood, son of Allah Ditta; one 9mm bore pistol from Qaiser Hussain, son of Rasool Bux; a 7.62 mm ore SMG from Ali Asghar, son of Karim Bux; a 7.62 mm bore G-3 rifle from Ayaz son of Ali Murad; a 9mm bore UZI (SMG) from Waqar Hussain son of Karrar Hussain, a 30 bore pistol from Rehman Brohi, a 30 bore pistol from Sajjad Hyder, a 30 bore pistol from Abdul Sattar and 7.62 mm bore G-3 rifle and a 9 mm bore Beretta "K" Wajahat Jokhio. Along with the weapons 141 empties were submitted: 47 empties of 7.62 mm bore SMG, 32 of G-3 rifle of 7.6 bore, 40 of 9 mm bore and 22 of 30 bore.

The criminalistic division has also examined the bullet ridden three police vehicles and four belonging to the party if Mir Murtaza, excluding a taxi, whose driver was also hit and killed in the incident. The boot of Haq Nawaz Sial, his revolver and clothes of Sial and the trousers of ASP Shahid Hayat were also examined and reports submitted separately to the tribunal by the AIG.

Mr Jafri also visited the scene of incident on Sept 21 about which he says it was neither preserved nor secured by the then investigating officer.

POLICE OFFICER SAYS HE SAW THE AREA CLEANED UP ON SEPT 21

KARACHI, March 10, 1997: The assistant inspector general of police, (criminalistic division) of Sindh, Ghulam Abbas Jafferi, was confronted with the question that he had maintained that he had visited the scene of the shooting in Clifton on Sept 21 with the then DIG (crimes), Masood Paracha, while the latter in his evidence had earlier deposed that he had visited the site for the first time on Sept 23.

The AIG was being examined before a three-member tribunal inquiring into the death of Mir Murtaza Bhutto and seven others. In a 17-page statement, Mr Jafferi claimed that he had visited the site the next day and had seen the area cleaned up. "Lastly, I want to mention that on 21. 9. 1996, I visited the site of incident which was neither preserved nor secured by the then investigating officer", he said in his report which he read out before the tribunal for more than two hours, correcting the typing errors.

The witness made many suggestions in his post-script, to which the chairman of the tribunal, a judge of the Supreme Court, Justice Nasir Aslam Zahid, remarked that he (the witness) should have made a statement of facts on the basis of what had been asked to be done by the referring authority, not suggestions or his personal observations.

The tribunal read out the statement earlier given by the then DIG Crimes Masood Paracha, now in the Drugs Control Division in Peshawar, and reminded the witness that the then DIG could not have visited the site of shooting earlier than Sept 23, because he had received the orders for investigations on that day.

The clothes of Mir Murtaza were also highlighted in the evidence, as the police officer stated in the post-script that the shirt of Mir Murtaza had particles of sand at its backside which showed that the deceased had been lying on the ground.

The tribunal comprising two other members, Justice Amanullah Abbasi and Justice Dr Ghous Mohammad, observed that this comment and observation was uncalled for and beyond the task given to him (the witness). He was then

asked whether Mir had sand on his shalwar, to which he replied 'No.' The tribunal remarked that Mir had fallen out on his back without his legs touching the ground. It was also pointed out to the witness that there was no sand in the area, and it could at best have been dirt of some sort.

The witness was told that he should not have been involved in emotion or other feelings, but should have confined himself to facts that could be attributed to a ballistic expert.

Q: When you were called to go to the scene of incident, did you ask the DIG for what purpose?

A: No. It was a directive given on telephone.

Q: Are entries made of your movements and your presence before the tribunal are noted in your office?

A: No.

Q: Is there any record to show that you were really called there?

A: No.

Q: Were the clothes of Ashiq Jatoi received by your department for examination and if so was there sand on his clothes?

A: Yes, but there was no sand.

Q: There were other casualties on the scene and the clothes of all of them must have been sent to you for examination, but like Mir's clothes, their's too had such sand stains?

A: Yes. But no sand on their clothes.

Q: In you career as a criminalistic expert, did you file such reports giving details of sand or other marks?

A: Wherever asked for to do so.

Six paragraphs have been devoted by the witness in his report to his observations. The witness also produced an X-ray film of the boot of inspector Haq Nawaz Sial and the tribunal ordered him to produce more copies for the counsel. The X-ray showed fragments of a bullet in the boot.

At the close of the examination of the witness, Akhtar Ali G. Kazi, counsel for the government of Sindh assisting the tribunal, submitted that he would put some questions to the AIG to make the position clear. Other counsel, too, would examine him on Tuesday morning when the tribunal resumes its hearing at 11:30am.

TWO SHOTS WERE FIRED FROM PISTOL

KARACHI, March 11, 1997: The assistant inspector general of police, Ghulam Abbas Jafferi, head of the criminalistic division, giving his assessment of the shooting on the vehicles of Mir Murtaza Bhutto's convoy, said it mostly came from 7.62-bore submachine guns except for two shots which were fired from a 9m-bore pistol.

The approximate distance of shooting on the police mobiles was from four to 10 feet, he said before a three-member tribunal of inquiry comprising a judge of the Supreme Court, Justice Nasir Aslam Zahid, and Justices Amanullah Abbasi and Dr Ghous Mohammad of the Sindh High Court. The police witness in his 17-page report on the scientific work done by experts of his department, said all wounds on the bodies of Mir Murtaza and his deceased companions had been caused by the 7.62-bore submachine gun projectiles, but the two wounds on Ashiq Jatoi's body showed that they had been caused by shots fired from a 9m pistol. He said the angles of firing on the police mobile being shallow did not coincide with the positions of the vehicles of Mir's convoy.

During questioning by Akhtar Ali G. Kazi, counsel for the government of Sindh assisting the tribunal, the witness said there were standing orders from the inspector general of police to visit the scene of all shootings by the ballistic experts.

He said on the basis of the order No 134 of 1994 issued by the IG three separate teams were working, each consisting of three officers, to assist the scientific evidence in serious crimes and in such cases the teams had visited thousands of places. The teams worked to collect evidence independently to assist police investigators, and sometimes, he said, "we act independently."

On further questioning whether or not he had understood the standing order of the IGP, he said: "I may clarify what we meant was we collect the evidence independently to assist the investigators."

On this the tribunal chairman observed that there should be no hesitancy in answering the questions. The witness then informed the tribunal that there was a scientific laboratory equipped with wireless, flashes and sirens, etc, but

in this case, this particular mobile had not been taken for “security reasons” because it was an expensive unit and could not have been exposed to any danger.

What had been done was that the laboratory equipment had been taken out and sent to the scene of the shooting, he said. He said the teams were moved to the scene of incidents on the information given by the police stations or any senior officers’ advice. He maintained that the then DIG Crimes, Masood Paracha, also visited the site of the shooting the next day and he himself was there, having arrived there separately.

The tribunal asked the witness whether all his movements were entered in the station diary to which he said this was done by the staff. At this point the tribunal asked that DSP Shamim Hussain, the liaison officer of the police with the tribunal, to go to the office of the AIG and bring back the register, but for deciphering the writing in it, the man who had made the entries was called to appear on Wednesday morning. Karim Khan Agha, counsel for DIG Shoaib Suddle, ASPs Shahid Hayat and Rai Tahir, asked the AIG whether the report he had submitted and signed had not been actually written by him but by somebody else. The witness denied the suggestion.

Q: Any other documents still lying in your office, other than what you have submitted before the tribunal?

A: No document or report is left over and my statement is complete. The counsel then produced a two-page document signed by him which was not part of the papers submitted before the tribunal, but which pertained to 19 opinions about 61 photographs taken at the site.

AIG: I was advised by the AAG Latif Abdul Ansari not to include (this particular) document because those pictures had not been taken by him. “It is a report prepared by inspector Ghulam Abbas, a ballistic expert, and signed by both of us. I had not included this report because these pictures were not taken by my people.”

Tribunal: But he has given opinion about the pictures and, therefore, it was important to have been included.

Q: Did you get advice from the government of Sindh what reports be included and which ones not be included?

A: No.

Q: The board constituted to handle the material for examination at your laboratory was dissolved on your request because you wanted to have a free hand to tamper with the evidence as you liked?

A: I vehemently deny the suggestion.

The tribunal told the witness that there was no need to use the word 'vehemently'. The tribunal adjourned the hearing for further cross-examination of the witness till Wednesday, at 11.30am.

SEPTEMBER 20TH SHOOTING TO BE RE-ENACTED TOMORROW

KARACHI, March 14, 1997: The assistant inspector-general of police, Crimes, Sindh, was recalled on Friday by the tribunal of inquiry investigating the murder of Mir Murtaza Bhutto in police firing in Clifton on Sept 20 last year, to answer one question as to why it took the police four months to recover a weapon from one of the officers who is now an accused and sent for ballistic expert's examination.

The AIG Crimes, Ali Gohar Mithiani, was called by the tribunal on the request of Karim Khan Agha, counsel for the DIG, Suddle, and two ASPs, Rai Mohammad Tahir and Shahid Hayat. Mr Mithiani, 57, who had already appeared before the tribunal on Jan 22, was recalled to answer the question about the delay in securing the 9 mm pistol which was allegedly in the possession of ASP Rai Tahir on the day of the firing and the investigators recovered the weapon and sent it to the criminalistic division of the police for examination. The AIG, who is presently investigating the murder case, answering a question, said that during the investigation it had been found that the pistol had been in the use of ASP Rai Tahir, who is now in jail as one of the police accused, and the investigator asked for the weapon from the arms deposit section of the police. This weapon when examined matched the bullet that was fired at the scene of offence, according to an expert opinion given by the criminalistic division.

Earlier, the tribunal settled some of the issues relating to the 17 applications filed by Benazir Bhutto, with her counsel Farooq H. Naek. Mr Naek also was asked by the tribunal to ask questions from the AIG. On a question from Mr Naek, the AIG said he was not aware that two SDMs of Civil Lines were transferred when they refused to record the statements of witnesses under Section 164 CrPC. To another question from the same counsel, Mr Mithiani said the DC (South), Irfan Ali, had recorded the statement of one of the accused, Asghar Ali.

The tribunal has called for the record to find out when 12 sub-machineguns were issued to the police and when they were returned after the shooting occurred on Sept 20. The tribunal has called for the record to find out when the SMGs were returned and with how many remaining ammunition and the answer to this question was sought by Karim Khan Agha. It is also to be

found out whether Section 144 CrPC was imposed in district south, by its deputy commissioner in September last year.

The three-member tribunal, comprising Justice Nasir Aslam Zahid, judge of the Supreme Court, (chairman); Justice Amanullah Abbasi and Justice (Dr) Ghous Mohammad, ordered the police to re-enact the scene on Sunday near the New Clifton Garden, opposite the DIG's House and near 70-Clifton. The scene will be re-enacted by the police at 11 am and the tribunal has directed the police to place the vehicles of the type used on September 20, 1996 and for the deployment of police and that they should not be armed. The police have also been directed that there should not be any traffic jam because of the re-enactment of the scene.

This would be the second such re-enactment for the tribunal, the first one was held before Oct. 22, when the proceedings started. Such scenes were also created by the police for their own investigations and as well as for the benefit of the British team of detectives who visited Karachi from Oct. 28 to Nov. 8 last year.

RECORDING OF EVIDENCE IN MURTAZA CASE COMPLETED

KARACHI, March 17, 1997: The evidence recorded by the three-member tribunal headed by Justice Nasir Aslam Zahid in the Murtaza Bhutto murder case runs into 13 bound volumes, spread over about 2,600 pages. This was stated here on Monday by the chairman of the tribunal, Justice Zahid, who added that the tribunal's work has come to an end and that no more witnesses are to be examined. He said during the last nearly five months 135 witnesses had been examined in the alleged killing of Mir Murtaza. Seven others had also lost their lives in the shooting. The tribunal started the hearing on Oct 22 last. Meanwhile, the government of Sindh has extended the period of the tribunal for submission of the report by another month and it has been allowed time up to April 16. On Wednesday, the tribunal will resume its hearing at 11:30 am when arguments from counsel will be heard. It will begin with the counsel representing the government of Sindh, Akhtar Ali G. Kazi, who is assisting the tribunal. He was initially not ready to begin his argument as he had only lately been engaged by the government and wanted time to study all the evidence placed before the tribunal. Mr Kazi was asked by tribunal member Justice Dr Ghous Mohammad to "at least make a beginning" and then proceed and it would not be difficult for him to pick up the threads. He would be assisted by Ansari Abdul Latif, assistant advocate general, who had been regularly attending the hearings from the beginning.

On Monday, the last day for the examination of witnesses, the tribunal examined assistant inspector general of police, Crimes branch, Ali Gohar Mithiani, the current investigator of the case on limited questions. On a question from Khwaja Sharful Islam, counsel for the former SSP (South), Wajid Ali Durrani, who is now an accused in the case, Mr Mithiani said he was not aware that even now licensed arms holders were not allowed to take out their weapons in public without an NOC from the home secretary. To another question about his assignment before taking over as investigation officer in this case, he said he was SSP (CIA) and before that he was SP, Traffic, Central district. Answering another question from Mr Islam, Mr Mithiani said the final challan had not been submitted in the case and he had recommended for only one challan on the basis of the last FIR registered by the police. The other two registered earlier would no longer be valid, he added. The earlier two FIRs were registered by inspector Haq Nawaz Sial, the

then SHO of the Clifton PS, and Asghar Ali, a member of the Mir Murtaza's party.

The final challan will be on the basis of the FIR of Noor Mohammad which was registered by the police on the direction of the High Court of Sindh. He said investigations were not complete and were still going on. The AIG said his son, Zafar Ali Mithiani, is serving as a DSP and was suspended by the previous IG of Police but has been reinstated in the same position. The witness said he was reinstated before his appointment as investigation officer in the case. He was reinstated without any inquiries against him. Akhtar Ali G. Kazi also produced a copy of the FIR registered in Larkana on the firing at Al-Murtaza on Jan 5, 1994.

Earlier, the senior counsel had also been asked to submit before the tribunal a copy of the report of a judicial inquiry into the incident in which four people were killed in police firing at Al-Murtaza in Larkana. He said the judicial inquiry was conducted by Dargahi Mangi, a district and sessions judge, who had sent the copy of his report to the government of Sindh which could not be traced and neither it was published then. On this, the chairman of the tribunal remarked that he had also conducted a similar exercise in 1994 on the Shia-Sunni riots in Liaquatabad and it was also submitted to the government and there was no trace of that too. It was a 153-page report. The chairman said at the time when he was inquiring into the incident, he wanted to see an earlier report by Justice Dr I. Mahmood, which was also not available.

Khwaja Sharful Islam suggested to the tribunal that the written arguments might be allowed to be filed which would save the time of the tribunal as well as the counsel's and the documents might become part of the record, to which Justice Zahid said it was a good idea and if anybody wanted to file written arguments, he was welcome. The tribunal would start hearing arguments on Wednesday at 11:30 am.

ZARDARI, SHAH CONSPIRED TO KILL MURTAZA: COUNSEL

The preliminary arguments began in Mir Murtaza-killing case before the tribunal of enquiry established by the Sindh government. Akhtar Ali G. Kazi appearing for Sindh government said that as per his assessment Senator elect Asif Ali Zardari, former Sindh Chief Minister Syed Abdullah Shah, former DIG Karachi Range Dr Shoaib Suddle, former SSP South Wajid Ali Durrani, former DG Intelligence Bureau Masood Sharif, former SP Investigation, South Shakaib Qureshi, former ASPs Rai Tahir and Shahid Hayat former SHO's of PS Clifton, Napier, Garden and Khokhrapar, late Haq Nawaz Sial, Agha Jameel, Shabbir Ahmed Qaimkhani and Zeeshan Kazmi were the persons who conspired to kill Mir Murtaza Bhutto.

Kazi informed the Tribunal that names of former Federal Interior Minister Gen (Retd) Naseerullah Khan Baber and former SSP CIA, Ramzan Channa appeared in column 2 of the challan submitted in FIR 443/96 on the complaint of Noor Muhammad. Earlier the government's counsel read out notification of the Sindh government dated October 17, 1996 establishing the three-member tribunal having a judge of Supreme Court as its chairman. He also read out the terms of reference contained in the notification. He also read out the FIR 386/96 recorded on behalf of State on complaint of slain Haq Nawaz Sial, SHO Clifton.

According to the said FIR the time of the incident was 9 pm on Friday, September 20, 1996. The FIR said that after Sial was injured in the alleged encounter he proceeded to Jinnah Post Graduate Medical Centre (JPMC) for treatment from where he sent the complaint on a chit. ASI Abdul Basit of Saddar PS took the said chit of Sial to PS Clifton where the chit was treated as report under section 154 Cr.P.C transcribed as FIR (386/96) as per police record.

The Tribunal at this stage enquired about the original chit of late Sial and said that chit must had been incorporated in the record. The State counsel also informed the Tribunal that Sub-Inspector Khurram Waris of PS Clifton was entrusted the investigations in the case, which were transferred to the Crimes Branch Police next day (September 21).

Out of the nine FIR's registered under 13-D Arms Ordinance pertaining to alleged recovery of arms and ammunition from the arrested injured accused and those who died in the alleged encounter, two FIR's were read out.

As the photostat copies of the said FIRs were not legible, the Tribunal directed the PDSP Shamim Hussain, Liaison Officer of the Tribunal to have a true copy of FIR number 386,388 and 389 in Urdu in fair handwriting along with copies. The plain reading of these FIR's showed that FIRs were registered against even the four dead persons against the law. The Tribunal also asked that why not a single FIR under 13-D Arm Ordinance was registered. Kazi informed that under this law no joint complaint could be lodged. The counsel for Sindh government also read out FIR 399/96 lodged by Asghar Ali, domestic servant of Mir Murtaza. The FIR was lodged on September 24, 1996 at 1250 hours in which complainant has stated that Mir and his companions were killed by the police exceeding from their powers. The FIR 443/96 lodged by Noor Muhammad was also read out.

The Tribunal at this stage asked Akhtar Ali G. Kazi to inform about his assessment of the case and to keep in view the facts that whether it all happened at the "spur of time" or it was a case of intentional murder or a result of well-knit conspiracy. If there was a conspiracy then at what level, remarked the Tribunal.

The Tribunal also pointed out that name of Agha Siraj Durrani, a former Sindh minister was neither in FIR nor in Challan. His name was mentioned by some witnesses, said the Tribunal. The Tribunal also asked that out of the accused or co-conspirators as per government's case who were absconding.

Kazi informed the Tribunal that Syed Abdullah Shah was absconder in some other case while the two police officers Shakaib Qureshi and Zeeshan Kazmi were declared absconders in this case. Later the proceedings of the Tribunal were adjourned till March 29, Saturday.

MIR'S MURDER WAS INTENTIONAL: KAZI

KARACHI, March 19, 1997: Akhtar Ali G. Kazi, special counsel for the government of Sindh assisting the three-member tribunal of inquiry into the killing of Mir Murtaza Bhutto and seven others, started his arguments on an eight-point terms of reference and alleged that the late MPA had been murdered under a conspiracy by senior police officers and a number of highly placed civilians, "including Asif Ali Zardari and the then chief minister, Syed Abdullah Shah." Mr Kazi, a former chief minister of Sindh and also a former additional judge of the High Court of Sindh, whose term was not extended by the PPP government in 1993, read out the terms of reference for the tribunal and the three FIRs registered in the case.

"My assessment is that it was an intentional murder and the picket had been set up near 70-Clifton deliberately," he said and maintained that among the police officers responsible were DIG Dr Suddle; SSP Wajid Ali Durrani; SP (Investigations and Inquiries) Shukaib Qureshi; two assistant superintendents Shahid Hayat and Rai Mohammad Tahir, and the SHOs of Napier, Garden and Khokhrapar Police Stations, Agha Mohammad Jamil, Shabbir Ahmed Qaimkhani and Zeeshan Kazmi. He alleged that the highly placed civilians who were Mr Zardari, the then federal minister for investment, interior minister Naseerullah Babar and Sindh CM Abdullah Shah and others.

He said SP Ramzan Channa of the CIA and Agha Siraj Durrani, a former minister, were also a party to the conspiracy. However, their names were not mentioned in the FIRs or the chargesheets. The first FIR was registered by the SHO of Clifton police station, the second by the late Haq Nawaz Sial, both lodged by Asghar Ali, a personal servant of Mir Murtaza; and third was lodged by Noor Mohammad, a member of the PPP (SB). They were numbered 386/96, 387/96, 388/96 and the last one was filed when the high court directed the police to register it 45 days after the shooting. In the first FIR, the late Mr Sial had reported (from the JPMC where he lay injured in the shooting) when the police stopped the Mir's convoy near New Clifton Garden, his men in the vehicles, who were armed, pointed their guns at the police and their leader shouted loudly and ordered them to fire at the police, calling them "police dogs".

The counsel said the Clifton police station had registered six separate cases against the dead members of the SB party for being in possession of weapons, at which the tribunal asked the counsel how could a case be registered against dead persons? Four of the dead against whom cases were registered by the police under 13 (d) of the Arms Ordinance were Sattar Rajpar, Sajjad Ghakro, Yar Mohammad Baluch and Wajahat. On a question from the tribunal, which comprises Justice Nasir Aslam Zahid (chairman), Justice Amanullah Abbasi and Justice Dr Ghous Mohammad, the counsel said the police had not been able to track down Abdullah Shah, Shukaib Qureshi and Zeeshan Kazmi, all three of whom were believed to have gone into hiding.

The tribunal asked for the names of 11 policemen who were now under arrest for being in possession of weapons and for using them. They were identified as ASI Abdul Basit of Clifton police station, head constables Muslim Shah and S. M. Hafeez, and constables Zafar Iqbal, Zulfikar Ahmed, Ghulam Shabbir, Ahmed Khan, Raja Hameed, Gulzar Khan, Zakir Mahmood and Ghulam Mustafa. They were among the 33 personnel stated to have been present on the scene.

At one stage, Ansari Abdul Latif, assistant advocate general assisting Mr Kazi, claimed that right from the IG to a constable, everyone from the police was involved. Manzoor Bhutta, counsel for the SB party endorsed Mr Latif's statement, pleading the head of the police department be made responsible. Abdul Ghani Soomro, counsel, was asked by the tribunal whether Abdullah Shah was an absconder or not, to which the counsel replied he (Mr Shaha) was not available and also that the former CM was not being represented by him in the trial court. He said: "We are looking after his interest only before the tribunal of inquiry, because we were engaged to do so." The tribunal asked the government counsel how many shots had been fired by each of the two parties on Sept 20, to which there was no specific reply and it was submitted that a precise statement would be made in a day or two.

At this the chairman observed: "Nobody knows where we are. We are in the grey area." The tribunal chairman explained that its function was fact finding and its findings with recommendations would be submitted to the government of Sindh for implementation and that it had no power to punish or prosecute anybody. "We will make recommendations to do this or that and it is up to the government to implement or not." In this connection, Justice Zahid recalled the trial of the American football champion O. J. Simpson and asked Khawaja Sharful Islam, counsel for SSP Wajid Ali

Durrani, if he knew what the case was, to which the latter said he had not heard of him (Simpson), for he viewed the CNN and he thought the tribunal chairman was referring to the case of Snelson (Sir Edward Snelson, one time law secretary to the government of Pakistan who was convicted of contempt of court by the Lahore High Court).

At this Justice Zahid recalled the entire case in a nutshell and said OJ was tried for the murder of his former wife and her lover and a jury gave a verdict of 'not guilty' in a criminal trial and he was acquitted, but the father of the slain lover filed a civil case for damages and jurors in that trial held him 'guilty' and the court awarded a decree against him for payment of damages (\$ 8.5 million). Earlier, Farooq H. Naek, counsel, submitted 38 newspaper clippings on behalf of Benazir Bhutto in support of her statements made before the tribunal recently.

Two reports published in Washington Post written by Kamran Khan relating to the kidnapping of a UK based businessman, Mr Bukhari in 1990, a transcript of her speech made on the PTV on Sept 26, last year and a report in the Sunday Times of Feb. 1, claiming that she was planning to leave the country were not presented as they were not available with her. The tribunal adjourned the hearing till March 29.

FOWZIA SUING GHINWA FOR FATIMA'S CUSTODY

From Khalid Hasan

WASHINGTON - Fowzia Bhutto, the divorced Afghan wife of Murtaza Bhutto, who recently came back from Pakistan in a "heartbroken" state, having failed to meet her daughter more than once, has decided to sue Ghinwa Bhutto for custody of her biological child in a US court.

In an exclusive interview to the popular and widely-circulated Los Angeles-based weekly Pakistan Link, the first wife of Murtaza Bhutto said that she had only been allowed to meet Fatima for a "mere 45 minutes" at her school in Karachi's Clifton area. This was the first meeting between mother and daughter in six years. Fowzia lost her daughter when her marriage with Murtaza broke. At the time, Fatima, whom her mother lovingly calls Fati, was only three. Fowzia told Link editor Faiz Rehman in an exclusive interview obtained by The Nation a day before its publication that she now planned to sue Ghinwa Bhutto for Fatima's custody in a US court. She accused Ghinwa of deceitful conduct after Ghinwa promised her a longer meeting with her daughter than she was in the end enabled to have. The next day Fatima was taken to Larkana. As an additional precaution, all phones in the Larkana House were disconnected in order to isolate Fatima from her mother, according to Fowzia.

Fowzia (36), who now lives in a quiet Los Angeles suburb with her mother, Haleema, talked to Pakistan Link in detail about her daughter, Murtaza, the man she was once married to, her life during her late former husband's activities in exile and her "ordeal" after the "kidnapping" of her daughter.

Fowzia, Rehana and Farida are the daughters of a former Afghan diplomat. When the two brothers Murtaza and Shahnawaz moved to Kabul to form Al-Zulfikar in 1980-81, they met the sister by chance. Soon a romance developed. While Murtaza married Fowzia, Shahnawaz married Rehana. His tragic death in France as a result of poisoning, according to some, was linked to Rehana. The French authorities charged her with failure to having come to the rescue of a man in distress but in the end let her go. She now lives in California. Sassi, her daughter out of her marriage with Shahnawaz lives with her.

It is a sad and dramatic story of love, danger, betrayal and death. She said Murtaza chose a dangerous path for himself after his father's execution, obsessed as he was with vengeance, anger and hatred for his father's executors. When he first met her, she was 20 years old, daughter of an Afghan diplomat. "He just watched for almost a year and didn't say a word," Fowzia told the Link. On encouragement from his cousin Tariq, Murtaza finally told Fowzia that he loved her. "He introduced himself to me as an Indian journalist who he said was working on a project for Afghan colleges and I believed him. I didn't have any idea about his actual background and his activities," Fowzia said. "He was tall and very good looking." The two kept on meeting for some time until Murtaza proposed to her. "I was ready but my father, Syed Fasihuddin, did not like it. My mother convinced him and we were married in September 1981. In 1982 Fatima was born."

Here is the transcript of her full interview with Faiz Rehman:

Q. Let's come back to what happened in Pakistan during your recent visit before you tell us more about Murtaza.

Fowzia: It was my first trip to Pakistan and I can't thank the people of Pakistan enough for their hospitality and kindness. I was in a very emotional state of mind in Karachi. While staying with some Pakistani friends for a couple of days, I just wanted to pick up the phone and talk to my daughter. I had been in touch with Ghinwa and wanted to go to Pakistan to attend Murtaza's funeral but she was not cooperating. I was in touch with Fatima off and on over the phone and when Murtaza was killed Fatima called me. I was at the school where I teach. I had recently got my US citizenship and wanted to go to Pakistan right away but the next thing I heard was that they had sent Fati to Damascus. I could not get in touch with her. They did not give any numbers or any address.

And then she came back after Benazir's fall but Ghinwa told me not to come to Pakistan because the time was not right. But I couldn't take it anymore and decided to go to Pakistan. I did not inform anybody. I didn't tell Fati or Ghinwa. I knew she (Ghinwa) would not let me see Fati so I decided to show up at her school and asked the principal to bring Fati to the office. The staff of the school was shocked to see me and they did not allow me to see my daughter. They called Ghinwa. I said to them let me write a letter to Fati. Give the letter to her. If she said she did not want to see me then I would

leave. They took the letter to Fati and a few minutes later she came into the office.

It was a very emotional encounter. I wanted to tell her so much but just couldn't. Some time later Ghinwa also came and began to talk to Fati in Arabic. Fati herself told me that she wanted to see me in the evening. I agreed. But Ghinwa told her that she had a biology test. Fati said 'It's OK I will stay up like a vampire and study.' But Ghinwa said, 'No that's not possible. Maybe you could meet tomorrow at Salma's house,' (perhaps a friend). She warned me not to talk to anyone or the media otherwise I would never see Fati. I told Fati how she was taken away from me. She had tears in her eyes. I told Ghinwa that I am not here to create any problems. My intention was to see Fati. Fati asked if it had anything to do with her aunt Benazir. I assured her that this was not the case.

Q: Did Benazir know about your visit or did you speak to her during the visit?

Fowzia: No. Benazir didn't know anything about it. As a matter of fact, I am also surprised that nobody from her (side) has called me so far. They have my US phone number and always kept in touch with me in the past through Mark Siegal (former lobbyist for the Benazir government). One week after Murtaza's killing when Benazir came to the US to attend a UN session, we were invited to meet with her in New York. Well, coming back to the Karachi story, the next day when I called Ghinwa's house in Clifton, her secretary told me that she had left for Larkana, but Fati was still in Karachi. Later in the day, when I called again they told me that Fati was also in Larkana. I was shocked. I could not believe she would lie to me in such a way. Well, I found out the phone number in Larkana. Ghinwa came on the line. I asked her how she could do it. She said, 'It's been a long time. You need to build a relationship with Fatima. Lots of things have happened.' But I told her, 'How could I build a relationship with her if I am not allowed to see her? For God's sake try to understand. You are also a mother.' But she said Fatima could not come on the phone. She told me to call after half an hour. When I called back the phones were busy, off the hook. I called the operator but she said she couldn't help. I called the next day and it was the same; the phones were busy. Then I called the Press. They came right away. And the next morning, it was published all over Pakistan. It was a big story. Then Ghinwa issued a statement to

the Press saying that she was trying to locate me and that I was not available. So she put the blame on me.

Q: What is Ghinwa so afraid of?

Fowzia: I don't know. Maybe politics, the inheritance. It could be a variety of things. But I told her specifically that I have no interest in politics or the inheritance. My only intention is to see Fati and not to take her away. I also want to open a way for her to create a relationship with Shahnawaz Bhutto's daughter Sassi who is the same age as Fatima and lives close to us with her mother Rehana. Sassi is dying to see Fati because she is very close on both father's and mother's sides. I once read in Pakistan Link that Ghinwa wanted to bring the Pakistani nation together. I wonder if she could not bring together a mother and a daughter how could she bring a nation together. I am in contact with the US State Department and have written a letter to Assistant Secretary of State Ms Robin Raphel. I am also planning to sue her (Ghinwa) in a US court for my daughter's custody.

Q: Where did you meet Murtaza Bhutto?

Fowzia: In Kabul. We were living in the same neighbourhood. I didn't know who he was. He introduced himself to me as an Indian journalist and told me that he was on assignment to interview college students to write a book about government changes in Afghanistan. I was in college then and he said he was interested in interviewing me.

During her interview with the weekly, Fowzia was accompanied by her sisters Farida who joined the conversation at this point, recalling that when Murtaza first met the sisters, they, Fowzia and Farida, were walking their dog. Murtaza came over and said 'What a beautiful dog!' 'I told Fowzia he must be a foreigner because he spoke English.' Fowzia took over at this point.

Fowzia: In fact he told me that he had been following me for a year. He came to propose when I told him that we were planning to leave the country to go to Germany. He kind of panicked and that's when he said that he had lied to me about his background. He said he was not what he told me he was and that he was so and so. I didn't believe him so he brought some books and newspapers clippings. But my father

refused. Murtaza said to me, 'If your father doesn't agree I will kidnap you.' Well, he didn't kidnap me but he kidnapped my daughter. Then I talked to my mom and she convinced my father. Then we got engaged and waited almost a year. In the meanwhile, Shahnawaz and Rehana also met, got engaged and within a week they got married. It was just one week before our marriage. Then we went to Damascus in 1983. We got settled in Damascus but travelled back and forth to Libya and India. From Damascus we went to Switzerland and lived under a different name. But after a year, the Swiss authorities gave us 24-hour notice to leave the country because of Murtaza's activities. Then we went back to Damascus.

Q: How many times did you go to India and who did you meet?

Fowzia: About three times. We met some important Indian officials. I was present at all of the meetings along with Murtaza.

Farida rejoins the conversation.

Farida: We all loved him very much. But because of his activities I was worried about my sister. Because one time she was in Syria and another time she was in France. So I would tell Murtaza that I am very worried about my sister and he would say don't worry you don't know how much I love your sister. Once he swore on the Qur'an and said that he would take care of my sister forever. But I was worried because either they had a plane hijacking or had something else planned and you know when I went to see him in countries like Libya. Syria where there is no life, I was really afraid for my sister. We grew up in a very protected environment. We had the best father and good mother and all of a sudden my sister was living a dangerous life. Revenge was his mission.

Q: Did you remarry?

Fowzia: No. I did not re-marry. Just for Fati. Because otherwise she could have said 'Look at my mom!' Before Murtaza's death I knew Fati was with my mother-in-law and I was satisfied because she took good care of Fati but now there is no relationship between the two. As far as the relationship between Murtaza and Ghinwa is concerned, I know they did not have a smooth relationship. She left Pakistan and went

back after Murtaza called her. Six years ago when I went to Syria to see Fati which was arranged by my mother-in-law, very close friends told me about the problems between Murtaza and Ghinwa.

Farida: Murtaza had a mistress in Syria while he was married to Ghinwa.

Q: How did you two separate?

Fowzia: When Shahnawaz died mysteriously in France, I was basically the only one to take care of Sassi. My family was under the immigration process and could not leave and Rehana was under a lot of investigation. So I was the only one to feed Sassi and that's where the problems started. Murtaza said she cannot be here but how could I leave her. Because of problems with Rehana, I would spend nights with her and Sassi at their apartment and during the day I would spend my time with Fati and Murtaza. One day, Murtaza asked me to prepare Fati for a party. I couldn't go because of Rehana. Murtaza asked me not to worry because they would spend the night at the party place. He said they would see me next morning at 11 am. That was it. To cut the story short, after I found out the reality, I hired a lawyer and held a Press conference. At the Press conference, I called Murtaza a kidnapper. After he heard about the Press conference, Murtaza called me from Damascus and told me that I would never see Fati again because I had called him a kidnapper. He was always a threatening and blackmailing type. He did let me talk to Fati once or twice over the phone but that was it.

Q: Did Murtaza contact you after the separation?

Fowzia: Yes. He called me and asked me to sign the custody papers for Fatima and asked me to give her up. I said, 'Never!' I wanted to go to court to solve all the problems like divorce and the custody. But he was in Damascus being taken care of by Hafiz Al-Asad and I was in southern France. I could not go there so we never reached a conclusion. I was never formally divorced.

Q: Were you with Murtaza when the infamous hijacking of a PIA plane took place?

Fowzia: In fact, the plane was parked where our house was behind the hill. A lot of people used to come on the hill to watch the longest hijacking in the history of the world. There were lots of things but my main concern is not to hurt my daughter. I am very hurt. We had a wonderful relationship. It was a love marriage.

Fowzia also asked Pakistan Link to publish her letter to her daughter Fatima as she had no other means of getting it to her. Here is the text of the letter.

I would like to send this letter to my daughter through your newspaper, Pakistan Link.

My dearest Fati,

I departed from Karachi heartbroken, but savouring the treasure of my brief glimpse of you. I felt simultaneously, numb and overcome by emotions when we met. It was the fruition of years of longing for the opportunity to spend even a few moments with you.

I had spent three sleepless nights, driving around your house, wishing and seeking a way to see and hold you. Had I known or even suspected that you would be taken from me so quickly again, I would have memorised your every physical feature, mannerism and expressions. The fleeting time we spend together, coupled with details and descriptions of you gleaned from my mother, your grandmother are the basis of my memories of you.

Dear Fati, I travelled to Karachi so full of hopes and love. I came because I truly want to build a relationship between us and offer you the chance to know your cousins. I want us to know the meaning, comfort and love of family.

My motives are pure. As you know, since I was explicit to Ghinwa in your presence, I am not seeking political gain or an inheritance. I want to heal the heartache that has inflicted me daily for the past eleven years - a mother's natural, overwhelming desire to be with, love and care for her child. I am certain that when you are blessed with a child, you will fully understand the depth of this powerful bond. I had hoped that Ghinwa, herself a mother, would understand my anguish and act to reunite us.

You were welcomed with love to this world. I carried you for nine months, and held you in my arms, close to my heart throughout your first years. I, probably more than anyone else, understand the heartbreak and sorrow you have experienced since our abrupt separation when you were just three years old. I would give anything to relief you of this pain and to be a part of your life again.

Life is very short and for me, has been full of sorrow. While I have devoted my life to teaching children, there is no way for me to fill the void your absence from my life has created, I suffer this pain daily and it is only my faith that we will be reunited that enables me to continue.

Although you still do not completely understand the circumstances of our separation. I ask, can you find a spot in your heart for the mother who loves you? It is awkward and uncomfortable to express my deepest emotions in such a public forum as a newspaper, but today, it is the only available means to contact you.

Please know that I love you and treasure you with all of my heart. I have never loved anyone more. May God be with you.

Your heartbroken mother,

Fowzia

END