

How did they murder Bhutto

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Nation

On completion of five years of his government Shaheed Zulfikar Ali Bhutto, the first elected Prime Minister of Pakistan, announced on January 1977 that general elections would be held in March same year. No one was surprised as charismatic Bhutto and his Pakistan Peoples Party were immensely popular in the country.

The subsequent victory of PPP was also not unexpected. However it was some "more loyal than the king" kind of politicians and bureaucrats whose misdeeds cast shadow on these results. Even the worst enemies of Bhutto knew that he would have got simple majority without such misadventures on about thirty-five National Assembly seats.

When Bhutto sat down with the opposition leaders following street demonstrations, it was agreed that elections would be held in these disputed constituencies. The agreement was reached on the night of 4th July, 77 and was scheduled to be signed the next day. The information got leaked. General Ziaul Haq the Chief of Army Staff staged a coup d'etat on night 4-5th July 77 with Zia announcing that fresh elections would be held within ninety days.

Z.A. Bhutto was arrested and taken to Murree. He was released on 28th July 77 and he flew to Lahore. A sea of people advanced towards Lahore airport. In spite of strict restrictions by martial law authorities, hundreds of thousands of people surrounded the airport giving their verdict loud and clear.

The first amongst those arrested on the night of the coup were Masood Mehmood Director General Federal Security Force and Rao Rasheed Chief of Intelligence Bureau. On 6 August 77, Mian Abbas one of the Directors of FSF was also arrested.

Zia started a non-stop malicious campaign against ZAB and his government. Simultaneously, he announced punishments like chopping the hands of thieves, giving lashes on conviction to a number of crimes etc. At least three were hanged in public while number of those who were flogged in public rose to hundreds including journalists and political opponents. When the public was terrified to the limits, Bhutto was re-arrested in early hours of 3, September, 77.

He was kept in a bungalow in complete darkness and was prevented from sleep as the soldiers kept on marching around with long boots on. He could meet his lawyers after two days. On 5, September, 77, he was shifted to Kot Lakhpat jail and was produced before Justice Samdani on 13 September on allegation of conspiracy to murder. This charge was made up using a FIR lodged by Ahmed Raza Kasuri in 1974 alleging that some people fired at his car on night of 10, November 74 with the intention to kill him but his father

sitting next to him got killed.

Kasuri was a mawkish MNA who alleged that his speeches in the parliament annoyed Bhutto so much that he conspired to murder him and instead his father got killed. In fact, he was keen to be taken in the cabinet but ZAB disappointed him as he thought Kasuri lacked the required ability and temperament. The case was based on statements of Masood Mehmood and Mian Abbas who had become state's approved witnesses. Justice Samdani gave the judgement that evidence in the case being insufficient and contradictory, Mr Bhutto is to be released forthwith and not to be re-arrested unless ordered by the court. He was released amongst scenes of tremendous excitement and joy of party workers and the public.

Bhutto was celebrating Eidul Fitr on 16, September 77, in his ancestral home in Larkana when the army personnel armed with automatic weapons entered 'Al Murtaza.' ZAB was re-arrested against the orders of Justice Samdani under Martial Law Regulation No: 12, which empowered Chief Martial Law Administrator to arrest any person even without an allegation for a period of three months with provision to extend such imprisonment further. Bhutto ended up again in Kot Lakhpat jail. The same case, in which Justice Samdani had, bailed him out was again produced in sessions court and speedily transferred to Lahore High Court against all norms of justice as ZAB was refused his right to appeal against sessions court verdict if he would have been convicted.

He was thus devoid of one stage of appeal. The election campaign started on 18 September, 77, and the very first public meeting addressed by Begum Nusrat Bhutto made it clear beyond doubt that PPP would win the elections. On 30 September, 77, Zia cancelled the elections indefinitely without bothering that Agha Shahi had assured the UN General Assembly only two days earlier that election would be held as announced. The party based elections were held after eleven years in 1988 only after the death of Zia.

In addition to the murder charge, more than sixty cases were registered against ZAB. He wrote a hundred page documents in his defence and produced it in the court on oath. However, while the entire print and electronic media was blasting government propaganda at full volume, Bhutto's defence documents were not allowed to be published. Later media was banned from even mentioning his name. The military dictator was scared to death from a civilian politician par excellence rotting in jail on trumped up charges. It is amazing how history is repeating itself in the next generation. Those who do not learn from history are condemned to repeat it.

The entire world appealed for Bhutto including heads of governments of USA, USSR, China, and UK.

Acting Chief Justice Moulvi Mushtaq was superseded during Bhutto's rule and had personal animosity against him. It is imperative to note that Justice Mushtaq was also made Chief Election Commissioner while holding the post of Acting CJ LHC. One does not have to hold a law degree to realise that under these circumstances, Justice Mushtaq should not have been on this bench what to talk about heading it.

He made no efforts to show his contempt towards ZAB often passing abrasive remarks about him during the proceedings. At one stage, Bhutto boycotted the proceedings in protest against unending personal slights from the CJ. The other members of the bench included Justice Aftab Hussain having open links with Jamaat-e-Islami. Justice Zakiuddin Pal was known for his anti-Bhutto views. Justice Gulbaz Khan and Justice M. S. H. Qureshi were bureaucrats. The two judges who had given relief to ZAB earlier were excluded from the bench.

The proceedings started in LHC on 11 October, 77. A large number of well-known lawyers from abroad attended the court from time to time. One famous barrister from UK attended the court in November 77 and wrote "whenever some part of evidence given by a prosecution witness started to go in favour of the accused, the bench would stop him then and there. The typist would not record the evidence simultaneously as the witness would speak but the bench would dictate to the typist when the witness would stop speaking. The CJ kept on loosing his temper from time to time. If there would have been no political motives and if the accused would not have been ZAB, such a weak case should not have been brought to the High Court in the first instance."

Due to unhygienic conditions in the jail, Bhutto's health started deteriorating. He kept on getting frequent bouts of flu and malaria. At one point, he became so ill, he couldn't attend the court for many days. As per law, an accused facing the charge of murder/conspiracy to murder has to be present in the court all the time when evidence is being recorded. In this case, however, evidence of fifteen witnesses was recorded in the absence of ZAB due to illness.

At one stage, CJ even held a press conference about this case thus tear-

ing to pieces all norms of justice and fair play. When Bhutto was allowed to speak in his defence, the bench suddenly announced that proceedings would be held in camera barring the public and foreign lawyers to listen to his defence.

On 18 March 78, LHC gave a unanimous decision of capital punishment to ZAB. The time allowed to file appeal was only seven days instead of ninety days allowed under the rules. Begum Nusrat Bhutto and Benazir Bhutto remained under house arrest in Lahore and Karachi respectively. A Supreme Court bench consisting of nine judges started to hear the appeal. It was headed by Justice Anwar ul Haq who had earlier given the judgement in favour of imposition of martial law immediately after being appointed as CJ. He had migrated from Julhander (India) just like Justice Moulvi Mushtaq of LHC, Gen Zia ul Haq & Gen Chishti, the right hand person of the dictator. Justice Qaiser Khan got his retirement orders on 30 July 78. He was the only judge who was an expert in criminal law.

Although, he could have been kept on the bench as an ad hoc judge till completion of the appeal, this was not done because by that time it had become clear that he was hearing the appeal with a non-partisan mind. Justice Waheeduddin who had shown similar trends got sick. Although he sent a message that he would like to hear the appeal after getting fit, the CJ decided to continue the proceedings without him. Unfortunately, he remained sick for the rest of the period. ZAB thus lost two crucial votes on the bench.

The military government published two "white papers" in July and August 78 consisting of one thousand pages and containing a long description of numerous misdeeds allegedly committed by Bhutto's government. It was a brazenly open attempt to interfere in a subjudiced case but SC failed to take any suo motto action. Bhutto wrote a massive rejoinder to these so-called white papers, which was smuggled out of the jail and published abroad in the form of a booklet titled "If I am assassinated."

On 6 February 79, SC announced the judgement rejecting the appeal. It was a divided judgement of 4-3. As per norms of practiced law, capital punishment is not given on divided judgements. Of course, the dilemma of the military dictator was that the accused person was Zulfikar Ali Bhutto, the living legend and founder of PPP. If the two judges, who got removed from the bench for different reasons, had been on the bench, Bhutto would have won the appeal by a 5-4 decision.

The whole world was shocked to hear the verdict. Mr Ramsay Clark former Attorney General of USA who had attended part of proceedings