

SHEIKH MUJIB

Murder Enquiry



PRELIMINARY REPORT OF THE
COMMISSION OF ENQUIRY

**PRELIMINARY REPORT
OF
THE COMMISSION OF ENQUIRY**

into circumstances impeding processes of Law and Justice in relation to the prosecution of persons responsible for the murder of the founding father of Bangladesh, Bangabandhu Sheikh Mujibur Rahman and his family on 15 August 1975, and of four national leaders on 3 November 1975.

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FOREWORD

My father, Bangabandhu Sheikh Mujibur Rahman, members of our family, and four of my father's closest political associates were assassinated on 15 August and 3 November, 1975 respectively. Sheikh Mujib was the founding father of the Bangladesh Republic and both he and his colleagues were the democratically elected representatives of their people. They stood for secular democratic Bangladesh and it was the purpose of their murderers and fellow conspirators to defeat these ends and create a sectarian society.

Their deaths, which were part of a coup, signalled the end of democracy in the infant state and marked the beginning of military rule. The assassination was obviously part of a wider conspiracy involving leading figures in the country's military and political establishment. Thus, despite repeated promises by the Dacca regime, none of the murderers have been brought to book. Indeed, they and their fellow conspirators have, during these intervening years, enjoyed the protection and patronage of the Government. Some of them have been appointed to diplomatic missions abroad, while others occupy positions of privilege at home. In this instance crime has paid.

Unable to get satisfaction from the Bangladesh authorities, the families of the victims and their democratic minded supporters in Britain, determined that the matter must not be allowed to rest, persuaded a number of distinguished jurists to set up a commission to inquire into the murder of Bangabandhu and his family and of the four national leaders while under detention without trial in the Dacca Central Jail. Their names and reputations are a guarantee that the inquiry will conform to the highest standards of judicial propriety. Their findings will, we hope, arouse the world's conscience to these acts of terror and to the abuses of the rule of law that have disfigured the political and social life of Bangladesh these past seven years.

It is the right and duty of governments and peoples, who cherish democratic values, to support the democratic rights of peoples in all parts of the world. And when such norms are violated, they should express their abhorrence in every manner open to them. The Dacca junta is critically dependent on the largess of foreign governments and peoples. International opinion can, therefore, play an important part in helping to bring the murderers to trial as a first step towards restoration of the rule of law and democratic life in Bangladesh.

Sheikh Hasina
President
Bangladesh Awami League
London
3 November 1982

SUMMARY OF PRELIMINARY REPORT

1. The Commission of Enquiry was set up on 18 September 1980, its members being Sir Thomas Williams, Q.C., M.P., Mr. Sean MacBride S.C., Mr. Jeffrey Thomas Q.C., M.P. and Mr. Aubrey Rose. Its purpose was to enquire why the processes of law and justice had not taken their course regarding the murder of Sheikh Mujibur Rahman and his family and others on 15 August 1975 and of four national leaders while under detention in Dacca Central Jail on 3 November 1975.
2. Members of the Commission had at their disposal a large number of papers relating to affairs in Bangladesh, public statements and documents, the report of Amnesty International following their mission to Bangladesh in 1977 and other documents to enable them to ascertain the facts.
3. The Report confirms the killing of 22 people including Sheikh Mujibur Rahman and members of his family on 15 August 1975. Among those killed were a girl aged 4 and a grandson of Sheikh Mujibur Rahman aged 3 and various guests and servants and relatives. In addition, on 3 November 1975 four national leaders were killed whilst in Dacca Central Jail, including former Vice-President and former Prime Ministers. The Report then lists the identity of certain military officers involved in the murders, the departure of some of them from Bangladesh and their admission as to their involvement in the murders in public statements.
4. The Report refers to a Government Ordinance purportedly indemnifying those involved in the murders restricting taking of proceedings against them. Also noted was the setting up by the Government of a Judicial Enquiry Commission into the murders in Dacca Central Jail, the registration of a police case in connection with such murders and failure by the Government to publish any report by the Commission or action by the police.
5. The Bangladesh Gazette noted that overseas diplomatic appointments were given to persons involved in the murders.
6. The Commission considered the Report of the Amnesty International Mission in April 1977 and the statement made to one of its members by the then President of Bangladesh that the law would be allowed to take its course. In the absence of evidence that the law had been allowed to take its course the Commission of Enquiry decided that one of its members should visit Bangladesh to enquire into the position and, application for a visa for Mr. Jeffrey Thomas Q.C., M.P. and an assistant to visit Bangladesh in January 1981 was made to the High Commission in London. That visit could not take place as visas were not issued for

Mr. Thomas and his assistant, no letter of refusal was ever sent to the Commission or its Secretary, and, despite a number of letters and requests to the High Commission, no letter has ever been received from the High Commission in relation to the proposed visit.

7. The preliminary conclusions reached by the Commission are:
 - a) The processes of law and justice have not been permitted to take their course.
 - b) It would appear that the Government has duly been responsible for impeding their process.
 - c) These impediments should be removed and law and justice should be allowed to take their course.

London

Dated 20 March 1982

PRELIMINARY REPORT OF THE COMMISSION OF ENQUIRY

This Commission of Enquiry was formally constituted on 18 September, 1980, to enquire into the circumstances which were impeding the processes of law and justice from taking their course in relation to those responsible for the murder of Bangabandhu Sheikh Mujibur Rahman and his family on 15 August, 1975, and of the four national leaders Syed Nazrul Islam (Vice President), Tajuddin Ahmed (first Prime Minister), Monsur Ali (Prime Minister), and Qamruzzaman (Minister for Industries and former Party President) — while under detention without trial in the Dacca Central Jail on 3 November, 1975.

The initiative to constitute this Commission was taken by Sir Thomas Williams, Q.C., M.P., in response to an appeal made by Sheikh Hasina and Sheikh Rehana, surviving daughters of late Bangabandhu Sheikh Mujibur Rahman, and by Mr. M. Selim and Sayed Ashraf-ul-Islam, sons of murdered Prime Minister and Vice-President. This appeal had been widely supported in public meetings held in Bangladesh as well as abroad. The first meeting of the Commission was held in one of the Committee Rooms of the House of Commons on 18 September, 1980, under the Chairmanship of Sir Thomas Williams, Q.C., M.P. It was attended by Mr. Sean MacBride, S.C., Mr. Jeffrey Thomas, Q.C., M.P., and Mr. Aubrey Rose, Solicitor. After the meeting, a statement (Annex A) announcing the setting up of the Commission and its terms of reference was issued at a press conference held on the same day.

The Commission proceeded to examine the dossier of papers delivered to each of the members, containing available evidence relating to: (a) the murder of Bangabandhu Sheikh Mujibur Rahman and his family on 15 August, and four national leaders in the Dacca Central Jail on 3 November, 1975; (b) the persons who have publicly acknowledged responsibility of murders; and (c) the steps taken by the Government of Bangladesh in relation to these matters.

From the perusal of the papers, the following facts emerge:

- I That Bangabandhu Sheikh Mujibur Rahman and the following members of his family were assassinated in his residence at Road No. 32, Dhanmandi R.A., Dacca, in the early hours of the morning of 15 August, 1975:
 1. Begum Fazilatunnessa, wife of Sheikh Mujibur Rahman,
 2. Sheikh Kamal, eldest son of Sheikh Mujibur Rahman,
 3. Sheikh Jamal, 2nd son of Sheikh Mujibur Rahman,
 4. Sheikh Russel, youngest son of Sheikh Mujibur Rahman, (age — 9 years),
 5. Mrs Sultana Ahmed Khuku, wife of Sheikh Kamal,
 6. Mrs. Pervin Jamal (Rosey), wife of Sheikh Jamal, and
 7. Sheikh Naser, brother of Bangabandhu Sheikh Mujibur Rahman.
- II That on 15 August, 1975, at the same time, the following persons were also murdered:
 1. Mr. Abdur Rob Serniabat, brother-in-law of Sheikh Mujibur Rahman) Minister for Power, Irrigation and Water Resources),

2. Miss Baby (age-4 years), daughter of Mr. Serniabat,
 3. Arif, son,
 4. Babu, grandson, (age — 3 years),
 5. A visiting nephew,
 6. Three guests,
 7. Four servants,
 8. Sheikh Fazlul Huq Moni, a nephew of Bangabandhu and one of the Secretaries of the ruling party.
 9. Mrs. Fazlul Huq Moni (niece of Sheikh Mujibur Rahman and pregnant at the time).
- III On 3 November, 1975, the following national leaders were murdered in the Dacca Central Jail:
1. Syed Nazrul Islam (former Vice-President);
 2. Tajuddin Ahmed (first Prime Minister);
 3. Monsur Ali (former Prime Minister);
 4. A.H.Q. Qamruzzaman (former Minister for Industries, and former Party-President).
- IV That the above murders were carried out by a small number of army personnel, led by certain retired and serving military officers.
- V That the identity of the officers involved can be derived from the list of army personnel who negotiated their departure from Bangladesh to Bangkok on 3 November, 1975. Their departure followed a coup directed against the army personnel who were involved in the murder of Bangabandhu Sheikh Mujibur Rahman.
- Among the persons who left for Bangkok from Bangladesh were:
1. Lt. Colonel Faruque
 2. Lt. Colonel Abdur Rashid.
- VI That apparently the following persons were the leaders of the coup:
1. Lt. Col. Faruque;
 2. Lt. Col. Rashid;
 3. Major Shariful Huq (Dalim).
- VII That in a conference held in Bangkok, Lt. Col. Faruque acknowledged responsibility for the murder of Bangabandhu Sheikh Mujibur Rahman and his family as well as for the killings in the Dacca Central Jail of Syed Nazrul Islam, Tajuddin Ahmed, Monsur Ali and A.H.Q. Qamruzzam. Such responsibility was once again claimed in a press interview published in the London Sunday Times of 30 May 1976 and in a TV interview in London on 2 August 1976.
- VIII That the Government of Bangladesh, on 26 September, 1975 promulgated an Ordinance under the title: "The Indemnity Ordinance, 1975" (Annex B), purportedly "to restrict the taking of any legal or other proceedings against any personnel for any act or things done in connection with, or in preparation or execution of any plan for or steps necessitating, the historical change and the Proclamation of Martial Law on the morning of the 15 August 1975".
- IX That the Ordinance requires a certificate to be issued by the President

to the effect "that any act, matter or thing was done or step taken by any person mentioned in the certificate in connection with, or in preparation or execution of any plan for, or as necessary step towards, the change of Government of the People's Republic of Bangladesh and the Proclamation of Martial Law on the morning of 15 August, 1975, shall be sufficient evidence of such act, matter or thing having been done or step having been taken in connection with, or in preparation or execution of any plan for, or as necessary step towards, the change of such Government. Such a certificate would be deemed to provide conclusive evidence of the facts stated therein. It is not known whether any such certificates were issued. That the Government on 5 November, 1975, by a notification in the Gazette, No. 768, (Annex C) set up a three-member Judicial Inquiry Commission in the following terms:

"No. 768 – Law – A three member Judicial Inquiry Commission is hereby constituted to hold immediate judicial enquiry into the circumstances under which four prominent persons were brutally murdered in Dacca Central Jail recently. The Commission will be headed by Mr. Justice Ahsanuddin Chowdhury, Judge of the Supreme Court (Appellate Division) with Mr. Justice K.M. Sobhan, and Mr. Justice Syed Mohammad Hossain of the Supreme Court (High Court Division) of Bangladesh as members."

- XI That a police case had been registered in Lalbagh Police Station, Dacca on 5 November, 1975, regarding the killings in the Dacca Central Jail on 3 November 1975. It appears that after some investigation the matter was referred to the C.I.D.
- XII That despite the passage of more than six years, no legal proceedings have been instanced against the persons concerned.
- XIII That in April, 1977 an Amnesty International Mission, led by Mr. Sean MacBride, one of the members of this Commission, visited Bangladesh, and in his meeting with the authorities, including the then President, discussed about the Jail Killing, and was told that the law would be allowed to take its course. An extract of the report of the Mission is attached here as Annex D.
- XIV That thereafter, it appeared that the following officers involved in the murder, who had left Bangladesh for Bangkok on or around 3 September, 1975, were given diplomatic assignments. The given diplomatic assignees were:
 1. Lt. Colonel Shariful Huq (formerly Major) (Dalim),
 2. Lt. Colonel Aziz Pasha,
 3. Major Mohiuddin,
 4. Major Shariar,
 5. Major Bazlul Huda,
 6. Major Rashid Choudhury,
 7. Major Noor,
 8. Major Shariful Hussain,

9. Captain Kishmat Hussain,
10. Lt. Khairuzzaman,
11. Lt. Abdul Majid.

- XV That it appeared that the said persons had been confirmed in their posts as published in the Bangladesh Gazette.
- XVI That the Commission, having regard to the above facts and circumstances, decided that one of the members of the Commission should proceed to Dacca to inquire on the spot as to what was impeding the processes of law and justice from taking their course in relation to the murders referred to above.
- XVII That it was decided that one of the Members, Mr. Jeffrey Thomas, Q.C., should visit Dacca on 13 January, 1981, for such an on-the-spot investigation, accompanied by an aide. An application was made by the Secretary of the Commission, Mr. Aubrey Rose, Solicitor, for visas, to enable Mr. Jeffrey Thomas and his aide to visit Bangladesh.
- XVIII That the Bangladesh High Commission kept the matter pending indicating that the visas would be issued in due time to enable the members to visit Bangladesh.
- XIX That on the morning of 13 January, 1981, when an urgent request was made to enable the members to take the British Airways flight in the same evening, the Bangladesh High Commission in London indicated that passports and visas would be returned on that afternoon. When these were called for, it was said that the Consular Section was closed.
- XX That subsequently, the Bangladesh High Commission confirmed that they could not issue a visa for Mr. Jeffrey Thomas to travel to Dacca. The Secretary to the Commission confirms that despite letters, telephone calls, and personal visits to the Bangladesh High Commission in London, no letter of refusal to grant a visa or of explanation, or of any kind, has been received by the Secretary from the High Commission.

From the facts narrated above, the preliminary conclusions reached by us are:

- a) The processes of law and justice have not been permitted to take their course.
- b) It would appear that the Government has duly been responsible for impeding their process.
- c) These impediments should be removed and law and justice should be allowed to take their course.

Dated 20 March, 1982.

Address of the Commission of Enquiry: 14-18 High Holborn, London WC1

PRESS RELEASE

COMMISSION OF JURISTS TO INQUIRE INTO MURDERS OF SHEIKH MUJIB AND HIS FAMILY ON 15 AUGUST 1975 AND OF FOUR POLITICAL LEADERS IN JAIL ON 2/3 NOVEMBER 1975 IN BANGLADESH

There is continued concern in many quarters in Bangladesh, and in the international community, at the failure to bring to justice the murderers of Sheikh Mujib and members of his family on 15 August 1975 and of four political leaders killed in jail on 2/3 November 1975.

In response to an appeal made by the families of Sheikh Mujib and of the other victims, widely supported by persons deeply concerned, as expressed in public meetings held in different parts of Britain, Europe and in Bangladesh, a Committee has been formed under the Chairmanship of Sir Thomas Williams, QC MP, and consisting of Mr. Sean MacBride, S.C., former President of Amnesty International and former Secretary-General of the International Commission of Jurists and winner of the Nobel Peace Prize, Mr. Jeffrey Thomas QC MP, with Mr. Aubrey Rose as Secretary, to inquire into the circumstances which have impeded the normal processes of law and justice from having taken their course in these cases.

The Committee met in London on 18 September 1980 and agreed that it would take steps to inquire into this matter and to make its appraisal of the legal issues involved in order to determine action that may be initiated to bring those responsible for the commission of these grave crimes to justice. Members of the Committee expect to visit Bangladesh shortly in this connection.

Sd./Thomas Williams

19 September 1980

ANNEX B

Registered No. DA-1

THE

BANGLADESH



GAZETTE

Extraordinary
Published by Authority

FRIDAY, SEPTEMBER 26, 1975

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAW PARLIAMENTARY AFFAIRS AND JUSTICE
(Law and Parliamentary Affairs Division)

NOTIFICATION

Dacca, the 26th September 1975.

No. 692-Pub. — The following Ordinance made by the President of the People's Republic of Bangladesh, on the 26th September, 1975, is hereby published for general information:—

THE INDEMNITY ORDINANCE, 1975

Ordinance No. XLX of 1975

an
ORDINANCE

to restrict the taking of any legal or other proceedings in respect of certain acts or things done in connection with, or in preparation or execution of any plan for, or steps necessitating, the historical change and the Proclamation of Martial Law on the morning of the 15th August, 1975.

WHEREAS it is expedient to restrict the taking of any legal or other proceedings in respect of certain acts or things done in connection with, or in preparation or execution of any plan for, or steps necessitating, the historical change and the Proclamation of Martial Law on the morning of 15th August, 1975;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render immediate action necessary;

(2705)

NOW, THEREFORE, in pursuance of the Proclamation of the 20th August 1975, and in exercise of the powers conferred by clause (1) of article 93 of the Constitution of the People's Republic of Bangladesh, the President is pleased to make and promulgate the following Ordinance:—

1. SHORT TITLE — This Ordinance may be called the Indemnity Ordinance 1975.

2. RESTRICTIONS ON THE TAKING OF ANY LEGAL OR OTHER PROCEEDINGS AGAINST PERSONS IN RESPECT OF CERTAIN ACTS AND THINGS — (1) Notwithstanding anything contained in any law, including a law relating to any defence service, for the time being in force, no suit, prosecution or other proceedings, legal or disciplinary, shall lie, or be taken, in, before or by any Court, including the Supreme Court and Court Martial or other authority against any person, including a person who is or has, at any time, been subject to any law relating to any defence service, for or on account of or in respect of any act, matter or thing done or step taken by such person in connection with, or in preparation of execution of any plan for, or as necessary step towards the change of Government of the People's Republic of Bangladesh and the Proclamation of Martial Law on the morning of the 15th August, 1975.

(2) For the purposes of this section, a certificate by the President, or a person authorised by him in this behalf, that any act, matter or thing was done or step taken by any person mentioned in the certificate in connection with or in preparation or execution of any plan for, or as necessary step towards, the change of Government of the People's Republic of Bangladesh and the Proclamation of Martial Law on the morning of the 15th August, 1975, shall be sufficient evidence of such act, matter or thing having been done or step having been taken in connection with, or in preparation or execution of any plan for, or a necessary step towards, the change of such Government and the Proclamation of Martial Law on that morning.

KHANDAKER MOSHTAQUE AHMED
President

DACCA;
The 26th September, 1975.

M.H. RAHMAN
Secretary.

Printed by the Special Officer, Bangladesh Government Press, Dacca.
Published by the Assistant Controller-in-charge, Bangladesh Forms & Publications Office
Dacca

ANNEX C

Registered No. DA-1

THE

BANGLADESH



GAZETTE

Extraordinary
Published by Authority

WEDNESDAY, NOVEMBER 5, 1975

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
PRESIDENT'S SECRETARIAT
(President's Division)

ORDER
Dacca, the 5th November, 1975

No. 768-Law. — A three member Judicial Inquiry Commission is hereby constituted to hold immediate judicial enquiry into the circumstances under which four prominent persons were brutally murdered in Dacca Central Jail recently. The Commission will be headed by Mr. Justice Ahsanuddin Chowdhury, Judge of the Supreme Court (Appellate Division) with Mr. Justice K.M. Subhan and Mr. Justice Syed Mohammad Hossain of the Supreme Court (High Court Division) of Bangladesh as members.

The enquiry Commission will also investigate under which circumstances some of the criminals were given safe passage to leave the country.

KHANDAKER MOSHTAQUE AHMED
President

Printed by the Special Officer, Bangladesh Government Press, Dacca.
Published by the Assistant Controller-in-charge, Bangladesh Forms & Publications Office
Dacca.

(2911)

ANNEX D

EXTRACT FROM REPORT OF AMNESTY INTERNATIONAL ON THEIR MISSION TO BANGLADESH (4-12 April 1977)

During the Amnesty International visit, the delegates learned unofficially that the commission of inquiry, which had originally been set up to inquire into an incident taking place on the night of 2/3 November 1975, in which four of Sheikh Mujibur Rahman's closest associates were killed inside Dacca Central Jail, had not been allowed to convene. According to Press reports, the commission had been set up to "investigate the jail incident and to inquire into the circumstances under which some of the criminals were given safe passage out of the country".

It would be an important assurance to all those concerned with the safety of political prisoners in Bangladesh jails if the commission were to investigate the incident and make public recommendations to prevent such incidents from happening again.

THE DECLARATION OF INDEPENDENCE

Bangabandhu Sheikh Mujibur Rahman declared the independence of Bangladesh just before he was arrested on 25 March 1971. His message embodying the Declaration of Independence was sent to Chittagong shortly after midnight for transmission throughout Bangladesh over the EPR transmitter. On the basis of the Declaration of War of Independence by Bangabandhu, the Proclamation of Independence was made at Mujibnagar, Bangladesh, on 17 April 1971.

The following is the full text of the Declaration:

"This may be my last message. From today Bangladesh is independent. I call upon the people of Bangladesh wherever you might be and with whatever you have, to resist the Army of occupation to the last. Your fight must go on until the last soldier of the Pakistan occupation Army is expelled from the soil of Bangladesh and final victory is achieved."

SHEIKH MUJIB



From left to right: Mr. Sean MacBride, Sheikh Hasina and Sir Thomas Williams

Preliminary Report of the
Commission of Enquiry