

## **PART 1**

### **INTRODUCTION**

#### **REASONS FOR SUPPLEMENTARY REPORT**

This commission of Inquiry was appointed by the President of Pakistan in December, 1971 to inquire into and find out "the circumstances in which the Commander, Eastern command, surrendered and the members of the Armed Forces of Pakistan under his command laid down their arms and a ceasefire was ordered along the borders of West Pakistan and India and along the ceasefire line in the State of Jammu and Kashmir." After having examined 213 witnesses the Commission submitted its report in July 1972.

2. Before we submitted that report of necessity we did not have the evidence of most of the persons taken as prisoners of war including the major personalities, who played a part in the final events culminating in the surrender in East Pakistan with the exception only of Major General Rahim. Although we did our best to reconstruct the East Pakistan story with the help of such material, as was then available, inevitably our conclusions had to be of a tentative character. We also felt that since we had found reasons adversely to comment upon the performance of some of the major figures involved it would have been unfair to pass any final judgment upon them without giving them an opportunity of explaining their own view point. For this reason we said that "our observations and conclusions regarding the surrender in East Pakistan and other allied matters should be regarded as provisional and subject to modification in the light of the evidence of the Commander, Eastern Command, and his senior officers as and when such evidence becomes available." (Page 242 of the Main Report).

#### **Commission Reactivated**

3. Accordingly, after the prisoners of war and the civil personnel who had also been interned with the military personnel in India returned to Pakistan, the Federal government issued a notification directing "that the Commission shall start inquiry at a place and on a date to be fixed by it and complete the inquiry and submit its report to the President of Pakistan, with its findings as to the matters aforesaid, within a period of two months commencing from the date the commission starts functioning." A copy of this notification is annexed as Annexure A to this Chapter. Lt. Gen.(Retd.) Altaf Qadir, who had also previously acted as Military Adviser to the Commission, was reappointed as such as also was Mr. M.A Latif as Secretary to the Commission. At the request of the commission the government also appointed Col. M.A Hassan as Legal Advisor.

4. The commission issued a Press Release on the 1<sup>st</sup> June, 1974 offering an opportunity to the prisoners of War and others repatriated from East Pakistan to furnish such information as might be within their knowledge and relevant to the purposes of the Commission. A copy of this Press Release is in Annexure B to this Chapter.

#### **Proceedings**

5. Commission held an informal meeting at Lahore on the 3rd June, 1974 to consider various preliminary matters and then decided to resume proceedings at Abbottabad from the 16th July, 1974. In the meantime a number of questionnaires were issued to various persons, including those who were at the helm of affairs in East Pakistan, at the relevant time and others whom we considered likely to have relevant knowledge. Statements were also sent from members of armed forces, civil services and the police services involved and we then proceeded after scrutiny of these statements to summon the witnesses. We recorded evidence of as many as 72 persons and these included particularly Lt. Gen. A.A.K. Niazi, Commander Eastern Command, Major Generals Farman Ali, Jamshed ad the generals who held during the relevant time commands of

divisions, Rear Admiral Sharif, who was the senior most Naval Officer, Air Commodore Inam, the senior most Air Officer, and civilian personnel, including the then Chief Secretary Mr. Muzaffar Hussain and the Inspector General of Police Mr. Mahmood Ali Chaudhry. Besides, Maj. Gen. Rahim was re-examined. The only exception which was unavoidable was that of Dr. Malik, who till very nearly was the Governor of East Pakistan. But in his case also we had first-hand evidence of every important event and we, therefore, now feel ourselves competent to submit our final conclusions.

6. After the examination of evidence the Commission, finding itself unable to submit its report for a number of reasons by the 15th of September 1974, asked for some more time which was extended till the 15th November 1974 and again till the 30th November 1974. At the conclusion of the recording of evidence on the 5th September 1974 we had to disperse principally because two of us were required to attend the special session of the Supreme Court at Karachi from the 9th to the 21st September, 1974 and the President had also to proceed to Geneva to attend an International Conference. We, therefore, re-assembled on the 23rd of October, 1974 at Abbottabad to prepare this Supplement to our main report.

### **Scheme of the Supplementary Report**

7. In general although we have examined a considerable volume of fresh evidence we have found no reason whatever to modify the conclusions that we reached and stated in the Main Report; if anything by reasons of more detailed information we are confirmed in those conclusions. We, therefore, propose to avoid a repetition of what we stated in the Main Report except to some slight degree necessary for re-stating briefly some of the conclusions with which we are principally concerned in this supplement. There are also some matters upon which our information was then scanty if not negligible and, these we, therefore, propose to deal with in some detail. We do, however, propose to write this, supplement, following the same pattern as far as is practicable, as we did in the main report. In Part II of that report we dealt with the political background and to this we now intend to add only matters which occurred in 1971, or to be more specific on and after the 25th March, 1971. We have nothing to add to Part III of the Main Report dealing with International Relations. As to Part IV we propose to say nothing in regard to the military aspect in so far as it concerned West Pakistan except to a limited extent as to its repercussions in East Pakistan and as to some controversy that has been raised before us as to the wisdom of opening the Western Front at all.

Of necessity in this part, however, we shall deal in greater detail with the matters dealt with in Chapters II, III, IV, V, VI, VII, VIII and IX of the Main Report in so far as they concern East Pakistan. We then propose to deal with the subject of discipline of the armed forces in East Pakistan which would include the questions of alleged military atrocities in East Pakistan. We shall of necessity, mainly in this part, have to deal with the individual conduct of several persons though aspects of this will emerge from earlier Chapters. We shall then need to discuss some evidence which has come before us suggesting that there were during the period of captivity in India concerted efforts on the part of some high officers to present a consistent account of what took place. We propose finally to wind up this supplement by making the recommendations.