

February 17, 2005

The Assassination of Shah A.M.S. Kibria: The Government's Failure to Ensure a Credible Investigation by Dr. Reza Kibria

Yesterday the team appointed by the BNP-Jamaat Government to investigate my father's assassination came to visit our family at our Dhanmondi residence. We were impressed by the earnestness of the team and welcomed their assurances to make every effort to find my father's killers and bring them to justice. However, despite the evident professionalism and experience of the team, my mother, my wife and I expressed our concern that the investigation team would be unable to successfully fulfill the task assigned to them due to the ill-intentions of powerful individuals in this Government. The Government's past record and the failure to make public the results of any past investigation simply cannot be ignored.

Newspaper reports (see the *Janakantha* article of February 9, 2005) of Government interference – such as the necessity of obtaining clearance from “higher authorities” before arresting or questioning people – suggest that however noble their intentions, this investigating team will not be able to carry out its duties without the involvement of a truly independent agency such as the FBI. For example, it is reported that a key local BNP leader who is yet to be arrested or questioned is closely associated with a powerful Minister in the BNP-Jamaat Government. Another concern is that the Rapid Action Battalion (RAB) has become involved in the investigation. Given the record of the RAB isn't there a real danger of lower-level operatives being eliminated in “cross-fire” in order to protect the real masterminds behind my father's assassination? Our family will not be satisfied with any “partial” investigation that merely results in the punishment of low-level agents of those behind my father's killing. **Most importantly the results of any investigation under this Government that does not involve the FBI will never be accepted by my family.**

Various BNP-Jamaat Ministers have stated that the Government is determined to find the killers of my father. Does not the record of this Government regarding investigations of previous attacks raise some justifiable concerns? Has not this Government completely lost credibility with any but its most blind supporters and those driven by mercenary interests? It is widely accepted that for any investigation to be credible it must operate independently of the Government. For example, an Amnesty International Press Release of 28 January 2005 (AMR/14/001/2005) said that,

[The latest grenade blast at an opposition party rally is part of a pattern of violent attacks against the party leadership, and the government's failure to fully investigate previous attacks is deeply concerning...

Amnesty International is urging the Bangladesh government to fully investigate the attacks and bring the perpetrators to justice. It should establish an investigating body *independent of the government* (my italics), with a mandate to investigate not only the recent attack but any possible links to the previous attacks. It is of crucial importance that inquiry into these attacks is conducted by

people known for their independence and impartiality, and trusted by the human rights community as well as the opposition.

At the same time the government must ensure that all evidence relating to the attack is kept intact. Any state institutions or employees whose negligence may have facilitated the attacks should be removed from any position where they could influence the inquiries.

“The government has failed to investigate previous attacks with the rigour and determination they deserve,” (my italics) said Catherine Baber. “Unless such inquiries are conducted thoroughly and impartially, they will lack credibility and the culprits will be sheltered from justice”.

Following the 21 August grenade attack, the government instituted a judicial inquiry, but its impartiality was brought into doubt when Prime Minister Begum Khaleda Zia was reported to have announced before its conclusion that the opposition might have carried out the attack themselves in order to tarnish the government’s image.]

The implications of Amnesty International’s insistence on an investigation independent of the government and the clear statement regarding the need to ensure that those carrying out the investigation have the trust of the human rights community and opposition should be clear to all. The reference to keeping evidence intact must also reflect the general uneasiness about the intentions of those managing the investigation. Do not the comments of BNP-Jamaat Ministers also reflect an irresponsible tendency to put forward accusations without awaiting the results of any investigation? Is this not an effort to influence the investigators – by signaling to them what the Government wants them to “find”?

The statements of BNP-Jamaat Ministers at public meetings and as reported in the press are deeply worrying. There is a shameful unwillingness to accept responsibility for the Government’s actions - or inaction – in relation to the killing of my father. For example, the particularly despicable comments of Dr. Khondokar Mosharref Hossain, Minister for Health, as reported in the *Janakantha* of February 17, 2005, caught my attention. In order to deflect attention from his own miserable failure to properly manage the public health services – something for which any self-respecting individual would have resigned for long ago - Dr. Hossain has made statements blaming the Awami League for being unable to arrange proper medical attention for my father. The Awami League does not control the administration or indeed, any of the levers of power in this State. He has also repeated the lies spread by other Government Ministers (notably Mr. Mannan Bhuiyan) regarding the offer of a helicopter to transport my father to Dhaka. No such offer was made – in fact, repeated requests for such assistance were denied. This will no doubt be the subject of inquiry when an FBI team finally reaches Bangladesh. I have already noted elsewhere that the Speaker’s own much-publicized comments in this regard will surely interest any serious independent investigators.

In addition, Dr. Mosharref Hossain has made some false statements about my father. First, he has stated that my father did not want to go to Habiganj for political meetings

but that Sheikh Hasina forced him to go. This is a lie. In fact, Sheikh Hasina asked my father to avoid going to his constituency in view of the overall deterioration in the country's law and order situation under the BNP-Jamaat Government. My father had told me (and my mother confirms this) that Sheikh Hasina had suggested that as he was in no danger of electoral defeat, it would be much more useful if he stayed in Dhaka and concentrated on his writing and the task of strategic planning for the Awami League. My father felt he had an obligation to visit his constituency frequently and he went there despite the fact that my mother and Sheikh Hasina advised him not to go there. I would also like to ask how Dr. Musharraf Hossain can claim to know the conversations between my father and Sheikh Hasina better than my parents? As for comments my father made about Sajeeb Wazed Joy, I would like to expose the lies concocted by Dr. Mosharraf Hossain in this regard. I personally know that my father was impressed with this well-educated, intelligent and personable young man. My father told me that Joy had that very rare attribute of charisma – something that the BNP-Jamaat may one day realize cannot be “artificially manufactured” for anyone. My father also said that Joy reminded him of his illustrious grandfather, Bangabandhu Sheikh Mujibur Rahman, whom my father knew personally. I do not think there can be any greater compliment than that.

The BNP-Jamaat Government's failure to provide police protection, its refusal to provide helicopter transportation to Dhaka or ensure proper medical facilities or a fully equipped ambulance, are all well-documented. The truth will one day be known about all these things. It has been reported that the news of the public meeting to be attended by my father was in the local Habiganj newspapers well before the 27th and was broadcast by microphone in the locality. Surely even the local police intelligence services would have had the capability of picking up the widely known news of his meeting.

My family will not tolerate the BNP-Jamaat Government's campaign of lies and misinformation following my father's assassination. In order to deflect attention from the Government's failure to provide any assistance to my father after the attack – and the newspaper reports of the apparent involvement of local BNP leaders in the attack on my father – there is a desperate attempt to assign blame to the Awami League. It is an attempt doomed to failure and I predict that it will bring this Government into further disrepute.

Dr. Musharraf Hossain also put forward his own theory on who killed my father, joining his colleagues Messrs. Saifur Rahman, Nizami and Mannan Bhuiyan in the list of persons that any serious investigating team must question. Does anyone seriously expect that a Bangladesh Government investigating team – however professional and competent – would dare to pose awkward questions to these powerful Ministers? **Under this BNP-Jamaat Government can there be any doubt that the only way to ensure a proper investigation of my father's killing is to bring in a respected (and independent) external agency such as the FBI?** Time is running out. It has been three weeks since my father's assassination. I hope that the BNP-Jamaat leadership recognizes how critical it is - for them as well as the nation - to ensure that the FBI arrives here soon.

www.kibria.org