

FACT SHEET: Assassination of Shah AMS Kibria, MP, Former Finance Minister of Bangladesh and UN Under-Secretary General

Prepared September 2005 by the Kibria family

I. FACTS OF THE ATTACK

Date and place: January 27 2005, Baidderbazar Primary School, Habiganj (NE Bangladesh).

Grenade attack: Newspaper reports indicate “Arges” grenades of the type used in the August 21 (2004) attack on Sheikh Hasina (Leader of the Opposition) in Dhaka and the May 2004 attack on the British High Commissioner in Sylhet. Grenades are apparently the same type as those in the shipment of over 20,000 grenades intercepted in Chittagong in April 2004.

Number of persons killed and injured: 5 killed, including Shah Kibria and his nephew, over 80 persons injured.

II. LEGAL STATUS OF THE CASE

Two cases, a Murder Case and an Explosives Case, have been filed.

1. **MURDER CASE:** Filed by Advocate M.A. Majid Khan (“the informant”) on January 28th 2005 at 0005 hrs; General Register (G.R.) Case Number 26 of 2005 (Habiganj) under the Penal Code of Bangladesh.

Charge-sheet: On April 19th 2005, 10 persons, including Qaiyum Chowdhury, were charged. All persons are active, low-ranking members of the ruling party BNP. Of those charged, 8 arrested and 2 absconding.

Legal appeals: Three appeals have been lodged.

Appeal #1. On April 30th 2005, prayer for further investigation was lodged by the informant. It was rejected by the magistrate, on the following grounds:

- a. Four accused persons have mentioned the name of accused A.K.M. Abdul Quayum who has supplied grenades and as such there is no necessity for further investigation on this point. NOTE: *The existing investigation provides no explanation as to where Quayum obtained these grenades or how he obtained funding for the attack. Newspaper reports suggest the source was a foreign terrorist group with links to BNP leaders.*
- b. Police in the report has stated that accused Abdul Quayum refused to make any statements before the Magistrate. Thus any further investigation in this regard will not

give any result. NOTE: *This is false- on 16/4/2005 when the police report was being heard by the magistrate, Quayum expressed his desire to make a confessional statement.*

c. Nothing has been mentioned in the Police report that at the instance of some influential persons accused Abdul Quayum took decision to kill Mr. Kibria. Thus there is nothing to investigate on this allegation. NOTE: *This does not preclude the need for further investigation, particularly since the official police report was prepared under the direction of the Government. There is no separation of the executive from the judiciary in Bangladesh.*

d. Already some persons who were present in the place of occurrence have been made witnesses and as such there is no necessity to hold further inquiry in this matter. NOTE: *Only one of Shah Kibria's senior local party colleagues who were present at the incident was questioned by police but neither he nor any of his colleagues who were eye-witnesses to the crime were made witnesses in the case.*

Appeal #2. On May 4th 2005, Criminal Revision 6008 (for further investigation) was filed by the informant in the Court of the Sessions Judge, Habiganj. The case was heard and rejected on the following grounds:

a. There is no need to find out from where the accused Abdul Quayum collected grenades. Note: *This reflects the authorities' general refusal to probe into the source of the weapons used in all such attacks. Note that all the hundreds of bomb attacks under the BNP-Jamaat-I-Islami Government have gone unsolved.*

b. It has been stated that accused Abdul Quayum is politically ambitious person who wished to be nominated for election from the constituency of Shah A.M.S. Kibria and for this reason he planned to kill him but from where he was assured to be nominated is not a material fact to be investigated in this case. Note: *In fact, there were several more senior BNP leaders in Habiganj who would have had a far stronger claim to being the BNP nominee.*

c. After submitting the police report the investigating officer has every right to submit supplementary charge sheet at any time subsequent to the submission of police report if any facts comes out regarding the offence. Note: *In view of the Government's complete control over the police service, the investigating officer will not make such a request without instructions from his superiors.*

Appeal #3. The case was transferred to the Divisional Druta Bichar Adalat (Quick Trial Tribunal) on May 25th 2005. The informant filed an application before the High Court Division of the Supreme Court of Bangladesh re: Criminal Miscellaneous Case No. 6008 of 2005. Further proceeding of G.R. Case No. 26 of 2005 has been temporarily stayed.

NOTE: *The investigation is an incomplete one. If the case was to go to trial as it stands now, it would be virtually impossible to re-open it for further investigation. The case is no longer under active investigation by the police.*

2. EXPLOSIVES CASE: Filed by Advocate M.A. Majid Khan on January 28th 2005. General Register (G.R.) Case No. 27 of 2005 (Habiganj). The case under Explosive Substance Act was sent to the Special Tribunal No. 1, Habiganj (Special Tribunal Case No.16 of 2005) for trial.

Legal Appeals. The informant also filed an appeal for further investigation in this case. It was heard and rejected on the following grounds:

a. Where grenades were collected by A.K.M. Abdul Qaiyum is not a matter to be decided in a case under section 3/6 of the Explosive Substance Act. Note: *It is not clear why this should not be in fact one of the key issues for investigation.*

b. It has been stated that the accused A.K.M. Abdul Qaiyum is a politically ambitious person who wished to be nominated as M.P. in the constituency of Shah A.M.S. Kibria and for this reason he planned to kill him but from where he was assured to be nominated is not a material fact to be investigated in a case under section 3/6 of the Explosive Substance Act. Note: *In fact, there were several more senior BNP leaders in Habiganj who would have had a far stronger claim to being the BNP nominee.*

c. After submitting police report the investigating officer had every right to submit supplementary charge sheet at any time. Note: *In view of the Government's complete control over the police service, the investigating officer will not make such a request without instructions from his superiors.*

III. OVERVIEW

The legal cases re: the assassination of Shah AMS Kibria are currently on hold, pending a higher court ruling on our requests for a complete criminal investigation. The lower courts have consistently ruled against further investigation, despite the availability of leads which have not yet been exploited. This affirms our belief that some elements within the current BNP-Jamaat-I-Islami coalition Government have compromised the case and are working to ensure that those behind the attack are not prosecuted. *There is no separation of the executive from the judiciary in Bangladesh.* The government has been anxious to rush the case through the courts and declare the issue "closed". Once the current case is closed, it would be virtually impossible to re-open it for further investigation. The Kibria family is determined to ensure that the real culprits behind the assassination are caught and punished. The campaign for justice will continue until a full and independent investigation takes place. See: www.kibria.org