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Letter dated 15 April 2010 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Commission of Inquiry into the facts and circumstances of the assassination of the former Prime Minister of Pakistan, Mohtarma Benazir Bhutto.

I commend the Commissioners and their staff for completing their difficult mandate expeditiously and professionally, and urge the relevant authorities in Pakistan to act upon the Commission's useful findings. The duty of carrying out a criminal investigation, identifying the perpetrators and bringing them to justice remains with the competent Pakistani authorities. I strongly hope this effort will contribute to the fight that only Pakistanis can carry forward against impunity and for the strengthening of the rule of law in their country.

I should be grateful if you would bring this matter to the attention of the members of the Council. I am also transmitting the report to the Government of Pakistan.

(*Signed*) **BAN** Ki-moon

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Report of the United Nations Commission of Inquiry into the facts and circumstances of the assassination of the former Prime Minister of Pakistan, Mohtarma Benazir Bhutto

Summary

On 27 December 2007, the former Prime Minister of Pakistan, Mohtarma Benazir Bhutto, was assassinated as she left a campaign event at Liaquat Bagh, in the Pakistani city of Rawalpindi. In the attack on Ms. Bhutto, 24 other people were killed and 91 injured.

After a request from the Government of Pakistan and extensive consultations with Pakistani officials as well as with members of the United Nations Security Council, the Secretary-General appointed a three member Commission of Inquiry to determine the facts and circumstances of the assassination of the former prime minister. The duty of carrying out a criminal investigation, finding the perpetrators and bringing them to justice, remains with the competent Pakistani authorities.

The Secretary-General appointed Ambassador Heraldo Muñoz, the Permanent Representative of Chile to the United Nations, as head of the Commission as well as Mr. Marzuki Darusman, a former Attorney-General of Indonesia, and Mr. Peter FitzGerald, a former Deputy Commissioner of the Irish Police, the Garda Siochána. The Commission commenced its activities on 1 July 2009 and provided its report to the Secretary-General on 30 March 2010.

In the course of its inquiry, the Commission received significant support from the Government of Pakistan and many of its citizens. The Commissioners and staff travelled frequently to Pakistan in the furtherance of its mandate. The Commission conducted more than 250 interviews, meeting with Pakistani officials and private citizens, foreign citizens with knowledge of the events in Pakistan and members of the United Kingdom Metropolitan Police (Scotland Yard) team that investigated aspects of the assassination. The Commission also reviewed hundreds of documents, videos, photographs and other documentary material provided by Pakistan's federal and provincial authorities and others.

The Commission also met with representatives of other governments such as Afghanistan, the United Arab Emirates, the United Kingdom and the United States. Some relevant senior officials were not made available to the Commission, but the Commission is satisfied that this did not hinder its ability to establish the facts and circumstances of the assassination. Pertinent information from these sources, including on threats to Ms. Bhutto, nevertheless, was already in the possession of Pakistani authorities and eventually came to be known by the Commission.

The Commission was mystified by the efforts of certain high-ranking Pakistani government authorities to obstruct access to military and intelligence sources, as revealed in their public declarations. The extension of the mandate until 31 March enabled the Commission to pursue further this matter and eventually meet with some past and present members of the Pakistani military and intelligence services.

The report addresses the political and security context of Ms. Bhutto's return to Pakistan; the security arrangements made for her by the Pakistani authorities, who bore the primary responsibility to protect her, as well as her political party, the Pakistan Peoples Party (PPP); events immediately before and after the assassination; and the criminal investigations and actions of the Pakistani Government and police in the aftermath of the crime.

Ms. Bhutto's return to Pakistan on 18 October 2007 and assassination on 27 December 2007 culminated a year of intense political conflict, revolving largely around the elections scheduled for later that year and their potential for opening a transition to democracy after eight years of military rule. It was also one of the most violent years in Pakistani history. She returned in the context of a tenuous and inconclusive political agreement with General Pervez Musharraf, as part of a process facilitated by the United Kingdom and the United States.

Ms. Bhutto's assassination could have been prevented if adequate security measures had been taken. The responsibility for Ms. Bhutto's security on the day of her assassination rested with the federal Government, the government of Punjab and the Rawalpindi District Police. None of these entities took the necessary measures to respond to the extraordinary, fresh and urgent security risks that they knew she faced.

The federal Government under General Musharraf, although fully aware of and tracking the serious threats to Ms. Bhutto, did little more than pass on those threats to her and to provincial authorities and were not proactive in neutralizing them or ensuring that the security provided was commensurate to the threats. This is especially grave given the attempt on her life in Karachi when she returned to Pakistan on 18 October 2007.

The PPP provided additional security for Ms. Bhutto. The Commission recognizes the heroism of individual PPP supporters, many of whom sacrificed themselves to protect her; however, the additional security arrangements of the PPP lacked leadership and were inadequate and poorly executed.

The Rawalpindi district police's actions and omissions in the immediate aftermath of the assassination of Ms. Bhutto, including the hosing down of the crime scene and failure to collect and preserve evidence, inflicted irreparable damage to the investigation. The investigation into Ms. Bhutto's assassination, and those who died with her, lacked direction, was ineffective and suffered from a lack of commitment to identify and bring all of the perpetrators to justice. While she died when a 15 and a half year-old suicide bomber detonated his explosives near her vehicle, no one believes that this boy acted alone.

Ms. Bhutto faced threats from a number of sources; these included Al-Qaida, the Taliban, local jihadi groups and potentially from elements in the Pakistani Establishment. Yet the Commission found that the investigation focused on pursuing lower level operatives and placed little to no focus on investigating those further up the hierarchy in the planning, financing and execution of the assassination.

The investigation was severely hampered by intelligence agencies and other government officials, which impeded an unfettered search for the truth. More significantly, the Inter-Services Intelligence conducted parallel investigations, gathering evidence and detaining suspects. Evidence gathered from such parallel investigations was selectively shared with the police.

The Commission believes that the failure of the police to investigate effectively Ms. Bhutto's assassination was deliberate. These officials, in part fearing intelligence agencies' involvement, were unsure of how vigorously they ought to pursue actions, which they knew, as professionals, they should have taken.

It remains the responsibility of the Pakistani authorities to carry out a serious, credible criminal investigation that determines who conceived, ordered and executed this heinous crime of historic proportions, and brings those responsible to justice. Doing so would constitute a major step towards ending impunity for political crimes in this country.

I. Introduction

1. On 27 December 2007, the former Prime Minister of Pakistan, Mohtarma Benazir Bhutto, was assassinated as she left a campaign event at Liaquat Bagh, in the Pakistani city of Rawalpindi. In the attack on Ms. Bhutto, 24 other people were killed and 91 injured.

2. In May 2008, the Government of Pakistan requested the Secretary-General of the United Nations to establish an international commission for the purpose of investigating the assassination of Ms. Bhutto. After extensive consultations with Pakistani officials as well as with members of the United Nations Security Council, the Secretary-General decided to appoint a three member Commission of Inquiry to determine the facts and circumstances of the assassination of the former prime minister. It was agreed with the Government of Pakistan that the international commission should be fact-finding in nature and not be a criminal investigation. The duty of carrying out a criminal investigation, finding the perpetrators and bringing them to justice, remains with the competent Pakistani authorities. On the basis of this agreement, the Secretary-General wrote to the President of the Security Council, on 2 February 2009, informing of his wish to accede to the request and establish a three member Commission of Inquiry. The President of the Security Council responded on 3 February 2009 and took note with appreciation of the intention stated in the Secretary-General's letter. That exchange of letters, including the agreed terms of reference of the Commission, is attached (see enclosure).

3. The Secretary-General appointed in February 2009 Ambassador Heraldo Muñoz, the Permanent Representative of Chile to the United Nations, as head of the Commission. Two additional Commissioners were later appointed: Mr. Marzuki Darusman, a former Attorney-General of Indonesia, and Mr. Peter FitzGerald, a former Deputy Commissioner of the Irish Police, the Garda Siochána. The Commissioners were supported by a small staff that included professionals with expertise in criminal investigation, law and political affairs.

4. The Commission was mandated to submit its report to the Secretary-General within six months from the start of its activities. The Secretary-General was to share the report with the Government of Pakistan and submit it to the Security Council for information. The Commission was to commence its activities on a date to be determined by the Secretary-General and officially communicated to the Government of Pakistan. The Secretary-General announced the commencement of activities of the Commission of Inquiry on 1 July 2009, after a period during which

the Secretariat raised voluntary funds to support the work of the Commission and built its staffing and administrative structure. In December 2009, the Secretary-General announced an extension of three months of the Commission's mandate to 31 March.

5. The Commissioners travelled to Pakistan in July and September 2009 and in February 2010 in furtherance of the inquiry. They met with and interviewed a wide range of Pakistanis, both officials and private citizens. They also conducted interviews at locations outside Pakistan and met with representatives of other governments. Commission staff travelled frequently to Pakistan during the mandate period. Commissioners and staff conducted more than 250 interviews with Pakistanis and others both inside and outside Pakistan. Many of the persons interviewed by the Commission requested anonymity. Therefore, the report does not include a list of those interviewed. The Commission also reviewed hundreds of documents, videos, photographs and other documentary material provided by federal and provincial authorities in Pakistan and others.

6. In the course of its inquiry, the Commission received significant support from the Government of Pakistan and many of its citizens. The Commission wishes to express its gratitude for this cooperation. At the United Nations, Pakistan's Permanent Representative, Ambassador Abdullah Haroon, provided valuable support as well. The Commission was mystified, however, by the efforts of certain high-ranking government officials to obstruct access to Pakistani military and intelligence sources, as revealed in their public declarations. The extension of the mandate until 31 March enabled the Commission, among other things, to pursue further this matter and eventually meet with some past and present members of the military and intelligence agencies. The Commission also made contact with representatives of several foreign governments and, in some cases, with their intelligence services. Pertinent information from these sources, including on threats to Ms. Bhutto, nevertheless was already in the possession of Pakistani authorities and eventually came to be known by the Commission.

7. This report sets out the Commission's findings on the facts and circumstance of Ms. Bhutto's assassination.

II. Facts and circumstances

A. Political context

8. Ms. Bhutto's assassination occurred against the backdrop of a political power struggle in Pakistan over the continuation of military rule under General Pervez Musharraf, the President of Pakistan, or the restoration of democratically elected civilian government. Ms. Bhutto's return to Pakistan was a flashpoint in this struggle, the outcome of which would have significant consequences for the country's major political actors. In addition, as will be described below, 2007 was an exceptionally violent year in Pakistan, which saw sharp increases in violence carried out by Islamist extremists and by the state.

Political assassination and impunity in Pakistan

9. Ms. Bhutto's assassination was not the first time in Pakistan's brief national history that a major political figure had been killed or died in an untimely fashion. The country's first prime minister, Liaquat Ali Khan, was assassinated in 1951 in the same park where Ms. Bhutto was assassinated; the assassin was killed by police on the spot, but broader responsibilities, including who might have been behind the killing have never been established. Ms. Bhutto's father, Zulfiqar Ali Bhutto, president of Pakistan from 1971-1973 and prime minister from 1973-1977, was deposed in a military coup in 1977, charged with the murder of a political opponent's father and hanged in 1979. Many believe that the judicial process against Mr. Bhutto was deeply flawed and politically motivated. Later, General Zia ul Haq, the military leader who deposed Mr. Bhutto and ruled Pakistan for 11 years, died in a plane crash together with the United States ambassador to Pakistan in 1988; investigations by the United States and Pakistan into the crash came to conflicting conclusions, and it remains the object of much speculation. Other killings of political figures that have never been solved include the deaths of Ms. Bhutto's two brothers, Shahnawaz, who was killed in France in 1985 and Murtaza, killed in Pakistan in 1997. The list continues to grow, more recently with the killings, among others, of Nawab Akbar Bugti, a 79-year-old Balochi nationalist leader in a military operation in August 2006 and three other Balochi nationalist leaders in April 2009, including Ghulam Mohammed Baloch.

10. There has been little concerted effort by law enforcement and justice sector institutions to bring to justice those who planned, supported, financed or carried out these and similar crimes. This situation has contributed to a widespread expectation of impunity in cases of political killings. People do not expect the perpetrators — beyond those at the lowest levels — to be identified and brought to justice.

Political and security context

11. Ms. Bhutto's return and assassination culminated a year of intense internal political conflict in Pakistan. This revolved, in large measure, around the elections scheduled for late 2007, with their potential both for opening a transition to democracy after eight years of military rule and for engendering significant changes in the political forces that would head the new government. It was also one of the most violent years in Pakistani history, with dramatic increases both in extremist attacks carried out by radical Islamists against local targets, including suicide bombings, and in the use of force by the authorities against opposition movements. Finally, the year unfolded in a context of heightened international concerns about the strength of the Taliban and Al-Qaida in the region and increased pressures on Pakistan to take on a heavier role in the fight against them.

12. Pakistan had been under military rule since 1999, when General Musharraf, Chief of Army Staff, led a military coup that deposed an elected government. His regime first suspended the constitution and then modified it to provide a legal framework for the government and to strengthen presidential powers. Within that framework, power was concentrated in the person of General Musharraf, who, after elections in 2002, was both Chief of Army Staff and President of Pakistan. With this dual authority, General Musharraf drew on the power of the military, while at the same time building an alliance of political parties in the national and provincial assemblies, which ensured additional control over other important power centres.

This alliance included the Pakistani Muslim League-Quaid-e-Azam (PML-Q), which controlled the provincial government in Punjab, the country's largest and wealthiest province, and in Sindh; the Muttahida Qaumi Movement (MQM) with its historic base in Karachi; and, during most of the period, the Mutahiddah Majlis-i-Amal (MMA), which comprised the bulk of the Islamist parties. General Musharraf's decision to consent to the United States request for Pakistani collaboration in the war on terror after 11 September 2001 also meant that he enjoyed the firm backing of the United States and its western allies.

13. General Musharraf also had the full support of what is known in Pakistan as the "Establishment", the de facto power structure that has as its permanent core the military high command and intelligence agencies, in particular, the powerful, military-run Inter-Services Intelligence (ISI) as well as Military Intelligence and the Intelligence Bureau. The capability of the Establishment to exercise power in Pakistan is based in large part on the central role played by the Pakistani military and intelligence agencies in the country's political life, with the military ruling the country directly for 32 of its 62 years as an independent state. General Musharraf finally stepped down as Chief of Army Staff on 28 November 2007, handing the post over to his hand-picked successor, General Ashfaq Parvez Kayani. This did not, however, change the military nature of the regime.

14. The post of prime minister has been suspended five times in Pakistan due to martial law or another form of military intervention, and no elected civilian prime minister has ever served a full five-year term in Pakistan. Most were deposed or dismissed through some form of direct or indirect military intervention. Before the election of 2007, Ms. Bhutto, as the head of the Pakistan Peoples Party (PPP) had twice served as prime minister, from December 1988 to August 1990 and from October 1993 to November 1996. Her first government ended after just 20 months, and her second lasted less than three years. Both times, she was dismissed by the sitting president, Ghulam Ishaq Khan and Farooq Leghari, respectively, based on allegations of corruption and nepotism. While both men were civilians, each had close ties to the military. Ms. Bhutto and the PPP believed that it was the military, or more broadly, the Establishment, that forced her out.

15. By 2007, when new parliamentary elections and the Electoral College vote for the presidency were scheduled, there were increasing pressures for an end to direct military rule, both internally and internationally, including from the United Kingdom and the United States. Pakistan's two main opposition political parties, Ms. Bhutto's PPP and the Pakistani Muslim League-Nawaz (PML-N), had put aside their long-term rivalry and worked together since early 2005 to define a common framework for a return to democratic rule. This agreement, the "Charter for Democracy", was signed in May 2006 by Ms. Bhutto and Mr. Nawaz Sharif, the respective leaders of the PPP and the PML-N.

16. Tensions deepened in the country after 9 March 2007, when General Musharraf suspended Chief Justice Iftikhar Muhammad Chaudhry. The Government brought an action for his removal based on allegations of his interference in matters before the lower courts and the abuse of power to gain favours for his son and to access state resources beyond those due his office. Nonetheless, numerous observers have identified two key issues at stake, both central to the political context. The first involved Supreme Court actions to summon and question senior military and intelligence officials in dozens of cases of people who had disappeared in recent

months, brought by relatives who feared they had been illegally detained by state security forces. The Government maintained that the Court was undermining its efforts to combat terrorist groups. The second issue pertained to the composition of the Court and its increasingly independent decisions, which took on great relevance, given its authority to determine the legality of the upcoming presidential election, which was certain to face constitutional challenges.

17. Public response against General Musharraf's action was strong, especially from legal professionals, who cited the actions as a clear infringement on judicial independence. Organized by the country's Supreme Court Bar Association and local bar associations, they held scores of public debates, rallies and street demonstrations calling for the reinstatement of the Chief Justice. This opposition soon became the "lawyers' movement", growing over the year into one of the largest mass movements in Pakistan's history, as it galvanized a broad range of sentiments opposed to continued military rule. The movement became a key factor in the political dynamics that year, and its activities formed a backdrop for the intensifying struggle for political power.

18. Chief Justice Chaudhry was reinstated on 20 July 2007, by a 13-member panel of the Supreme Court. The dispute had not only sparked mass public protests, it also led to an unusually well-documented disclosure of participation by Pakistan's intelligence agencies in political and judicial matters. Chief Justice Chaudhry's affidavit to the Supreme Court in reference to the charges against him described how he was called to Army House by General Musharraf and told that he was being suspended. General Musharraf was accompanied at the meeting by Prime Minister Shaukat Aziz, five other active duty generals and one brigadier, including the Directors General of Military Intelligence, the ISI and the Intelligence Bureau and the President's military Chief of Staff. Affidavits by the Directors General of Military Intelligence and the Intelligence Bureau as well as the president's Chief of Staff were presented as part of the Government's case against the Chief Justice.

19. The year also saw a dramatic increase in political violence both by the state and by radical Islamists. Thousands of participants in the demonstrations called by the lawyers' movement were beaten and jailed; its leaders were put in solitary confinement, and many charged with terrorism or sedition. Police raided at least two major television stations, some 250 journalists were arrested in the course of the year and severe restrictions were placed on the media. At the same time, reports by credible human rights organizations documented the disappearance of hundreds of Balochi nationalists and the extrajudicial killings of some, whom the government claimed were members of Islamist terrorist groups. Staged "encounters" in which detained terrorism suspects were killed by security forces, were on the rise, as well; according to the Human Rights Commission of Pakistan, 234 people were killed in police encounters in Punjab province alone.

20. There was a steep increase in extremist violence by radical Islamists, especially after the government's attack in July on pro-Taliban militants and their supporters at the Red Mosque, in the heart of Islamabad, which led to a week-long battle. The Special Investigations Group of the Federal Investigation Agency (FIA), which supports investigations in these cases, informed the Commission that 44 suicide bombings took place in 2007, killing some 614, a dramatic rise from eight such incidents in 2006. Of these bombings, 35 occurred after the Red Mosque siege. Credible non-governmental sources put the total number of suicide bombings at

closer to 70, with more than 900 dead. The territorial reach of these actions was significant, with suicide bombings occurring in the North West Frontier Province, Punjab and Sindh and most major cities, including the capital, Islamabad, and Rawalpindi, where Army Headquarters is located. Suicide bombings and other attacks were often directed against police and military personnel. Other attacks were carried out in public places, causing many civilian casualties.

21. The government's long-running campaigns against radical Islamist militants punctuated by intermittent truce attempts, particularly in the Federally Administered Tribal Areas and the Swat region of the North West Frontier Province, faced serious difficulties in 2007. In July, shortly after the Red Mosque siege, militants declared an end to a 10-month truce in Waziristan and launched a series of bombing attacks that took 70 lives in just two days. The military suffered important losses in the region, with at least 250 soldiers taken as hostages in August by the Taliban, led by Baitullah Mehsud. After negotiations between the government and Mr. Mehsud, the hostages were exchanged in November for about 57 captured militants. Earlier, in Swat, the provincial government of the North West Frontier Province, closely allied to General Musharraf, had struck a truce in May 2007 with the Tehrik-e-Nifaz-e-Shariah Muhammadi, which eventually joined up with Baitullah Mehsud's Tehrik-i-Taliban Pakistan (TTP). The truce was seen by many analysts as giving the militants de facto control of Swat, but it soon broke down and fighting resumed there in September.

The negotiations for Ms. Bhutto's return

22. Ms. Bhutto left Pakistan to live in Dubai in 1998, two years after she was deposed as prime minister in November 1996. She continued to lead the PPP during her nine years of self-imposed exile and was deeply involved in party affairs from afar. During this period, she fought against the corruption charges levelled against her in Pakistan, Spain and Switzerland, and struggled to have her husband, Asif Ali Zardari, released from Pakistani prison, where he faced charges both for corruption and his alleged involvement in the murder of Murtaza Bhutto. In her final book, *Reconciliation*, she wrote of the difficulties of being a *persona non grata* for years in international political circles because of the charges. Her determination to return to full political life in Pakistan led her to engage in a dialogue towards this end with General Musharraf, despite her sharp criticism of his military government.

23. Serious efforts at rapprochement between Ms. Bhutto and General Musharraf had begun in 2004. Some of General Musharraf's closest advisers told the Commission that they encouraged him to open channels with Ms. Bhutto believing that it would be better if General Musharraf had a broader base of political support for his next presidential term and that there were sufficient common interests between the two to make such an alliance feasible. A discreet process was set in motion, with at least five meetings in 2005 and 2006 between Ms. Bhutto and General Musharraf's team, which included Tarik Aziz, former Secretary of the National Security Council, General Ashfaq Parvez Kayani, then Director General of ISI and, in later meetings, Lt. General Hamid Javed, General Musharraf's Chief of Staff. While these meetings were important for identifying areas of common interest, they did not produce any concrete agreements. To break the stalemate, a direct meeting between Ms. Bhutto and General Musharraf was arranged, and the two met secretly on 24 January 2007 in Abu Dhabi. They met again on 27 July in Abu Dhabi. She and a few close advisers, which included Mr. Rehman Malik and Makhdoom Amin Fahim, had ongoing contacts with General Musharraf's team.

24. The discussions were facilitated by the governments of the United Kingdom and the United States, which were deeply involved in the process. Both governments gave priority to ensuring a continued leadership role for General Musharraf, as they believed this was vital for the ongoing war against terror, while at the same time they believed the effort could be strengthened with a credible civilian partner heading the government. The United Kingdom played an early role (2004-05) in urging Ms. Bhutto and General Musharraf to engage in discussions and in encouraging the United States to see Ms. Bhutto as a potential partner. Later, the United States would play an increasingly active role in persuading General Musharraf to agree to an "accommodation" with Ms. Bhutto. Both General Musharraf and Ms. Bhutto had numerous contacts about the process with United States State Department officials at the highest levels throughout 2007.

25. In September 2007, after she announced the date she would return to Pakistan, Ms. Bhutto began to raise her concerns and needs regarding her personal security in these discussions, especially with her contacts in the United States Government. Representatives of the United States Government told the Commission that they provided advice to Ms. Bhutto on hiring Pakistani private security firms used by diplomatic missions and spoke at least once with the Musharraf camp about her security arrangements. The same officials said, however, that the United States had not accepted any responsibility for Ms. Bhutto's security in Pakistan. Other sources close to Ms. Bhutto told the Commission that she had expected the United States to play a strong role in urging General Musharraf to provide her with all of the security support she needed.

26. General Musharraf informed his close political allies, including the PML-Q leadership, about the process after his January 2007 meeting with Ms. Bhutto. Throughout the year, most of them continued to express their deep reservations, even arguing against seeking PPP support for General Musharraf's re-election as president, confident that they could win alone, sure that they would carry the day in the parliamentary elections and concerned that a broadened alliance would diminish their power. Similarly, few in the PPP senior leadership believed that an alliance with General Musharraf would benefit the party.

27. As recounted to the Commission by interlocutors from all parties to the discussions, Ms. Bhutto laid out several issues of concern in the meetings. The most central of these were: (i) her return to Pakistan to participate in politics; (ii) free and fair elections in 2007; (iii) Musharraf's resignation from the Army; (iv) amnesty in the criminal cases against her and her husband, Asif Ali Zardari; and (v) the elimination of the ban on third terms for former prime ministers, which would impede her from holding that office again. The same sources indicated that General Musharraf's chief goals were to accommodate international interests in having Ms. Bhutto return and to ensure his continuity in power.

28. Media coverage of the process led to a generalized perception that they would likely govern together after the elections, with General Musharraf continuing as president and Ms. Bhutto serving as prime minister. A number of sources interviewed by the Commission confirmed that this option had been under discussion, but that the outcome depended on the results of the general elections. The PML-Q leadership had also been assured by General Musharraf that if they won the elections, their leader Chaudhry Pervaiz Elahi, would become the next prime minister. Other options, such as Ms. Bhutto becoming Senate Chairperson had also

been raised. The specific terms of a power-sharing agreement between Ms. Bhutto and General Musharraf were fluid and never unequivocally finalized.

29. In August and September 2007, there were intense behind the scenes discussions between Ms. Bhutto and General Musharraf and their respective teams. Both shared an increasing sense of urgency, but had different priorities. For Ms. Bhutto, the most pressing concern was the creation of a legal mechanism to eliminate old criminal corruption charges against her and her husband; for General Musharraf, the most immediate issue was ensuring PPP support for his re-election as president. After a meeting in Dubai, other meetings in Islamabad and many last minute discussions, compromise agreements on both core issues were reached in the first week of October, less than two weeks before Ms. Bhutto's announced return.

30. Negotiations on the question of the old cases were turned over to high-level representatives of the PML-Q and PPP, who met in September at an ISI safe house in Islamabad at least twice. During these and later meetings, they drafted what would become the National Reconciliation Ordinance, which provided a virtual amnesty for political figures "found to have been falsely involved for political reasons or through political victimization in cases" brought against them between 1986 and October 1999. On 5 October 2007, General Musharraf signed the Ordinance. On 6 October, General Musharraf was re-elected president by the Electoral College, composed of the members of the sitting Parliament and Provincial Assemblies. While the PPP members abstained from the vote, they stayed in the session, which was required for a quorum after other opposition party members refused to participate and withdrew. This allowed the PML-Q votes in favour of General Musharraf to carry the day.

31. According to several sources, General Musharraf was unable to convince the PML-Q to agree to support the lifting of the ban on third terms. Party leaders were deeply opposed to the measure, as they feared it would ultimately diminish their power, facilitate Mr. Nawaz Sharif's return and give a boost in the elections to both Ms. Bhutto and Mr. Sharif. Thus, there was never any agreement to create the legal possibility of a third term for Ms. Bhutto.

32. This situation increased the importance for Ms. Bhutto that the elections be carried out in a free and fair manner. She wrote extensively in her book, *Reconciliation*, about election rigging in previous elections, detailing her assertions that the ISI and Military Intelligence had played the key role in these actions. In addition to this history, there were well-documented problems with the voter lists in 2007, which had to be redone at midyear, along with thousands of complaints from PPP and PML-N activists that PML-Q authorities were preparing the ground for local rigging. Yet for Ms. Bhutto to become prime minister, the PPP would have to win the elections with a sufficient majority and build the needed alliances to ensure that, in a new National Assembly, they could pass legislation allowing a third term. This placed additional pressure on her, not only to be vigilant on potential rigging, but also to carry out a vigorous public campaign to win votes.

Benazir Bhutto's return to Pakistan

33. Ms. Bhutto's announcement on 14 September that she would return to Pakistan on 18 October 2007 to lead the PPP electoral campaign was made in this context. It was also a major point of contention with General Musharraf. He and others close to him believed that he had a firm agreement with her that she would return only after

the elections, then scheduled for November. Several persons interviewed who have first-hand knowledge of the situation told the Commission that General Musharraf was furious when Ms. Bhutto made her announcement and, according to one source, believed that her action represented "a total breach of the agreement". Other informed sources said that Ms. Bhutto seemed equally stunned by General Musharraf's reaction.

34. The PPP had decided in July 2007 at a meeting of its Central Executive Committee meeting in London that Ms. Bhutto would continue to head the party, that her participation in the campaign was critical to raising the chances of victory and that she would announce the date for her return in September.

35. Throughout the negotiations, General Musharraf's principal argument for insisting that Ms. Bhutto postpone her return until after the elections was security concerns. He and his team emphasized the threats against her by extremist groups and the great risks of campaigning. When Ms. Bhutto announced her decision to return to campaign, General Musharraf's team reiterated those arguments to her, as they continued to do after her return.

36. While Ms. Bhutto expressed to many of her closest associates her fears about these and other threats, they say that she did not fully trust the warnings on threats that General Musharraf and his government passed on to her. According to diverse sources, she had a clear understanding of the serious risks she faced. However, Ms. Bhutto believed that General Musharraf was using the security issue as a ploy to intimidate her, to keep her out of Pakistan and to prevent her from campaigning. Ms. Bhutto's underlying distrust of General Musharraf and her fears that the elections would be rigged led her to carry out a very active campaign, with much public exposure, despite the risks she faced.

37. On 18 October 2007, Ms. Bhutto returned to Pakistan from exile, flying into Karachi from Dubai. Her husband stayed behind, a deliberate decision made on security grounds. Enormous crowds met her at the airport in Karachi and along the Sharea-e-Faisal highway, slowing the progress of her cavalcade to her destination at the mausoleum of Muhammad Ali Jinnah, the founder of Pakistan, where she had intended to deliver a speech. Shortly after midnight, near the Karsaz neighbourhood, an explosion went off near the armoured truck in which she was riding. A second, much more powerful explosion followed. Ms. Bhutto was not hurt, but many others were, with the official toll put at 149 deaths and 402 injuries.

38. Ms. Bhutto stated shortly after the attack that she was not accusing the government for the attack. However, on 21 October 2007, she attempted to lodge a formal complaint in the form of a First Information Report (FIR) to supersede the Karachi police's FIR, which she believed to be too narrow in scope. In her FIR, which was only registered long after her death, after a protracted court process, she referred to the threat against her posed by persons she named in a 16 October 2007 letter she sent to General Musharraf. While Ms. Bhutto's FIR application does not name these persons, Pakistani and foreign media soon reported that Ms. Bhutto's letter referred to Lt. General (ret) Hamid Gul, Director General of MI under the General Zia ul-Haq dictatorship and Director General of the ISI during her first tenure as prime minister; Brigadier (ret) Ejaz Shah, Director General of the Intelligence Bureau and former ISI official; and Mr. Chaudhry Pervaiz Elahi, PML-Q Chief Minister of Punjab, one of General Musharraf's closest political

allies. The Ministry of the Interior later discounted any involvement by these men in the attack.

39. The Sindh police investigation of the attack never advanced. A former high-level ISI official told the Commission, however, that the ISI conducted its own investigation and near the end of October 2007, captured and detained four suspects from a militant cell; the whereabouts of these four could not be confirmed by the Commission as of March 2010.

40. The relationship between General Musharraf and Ms. Bhutto deteriorated further with General Musharraf's decision on 3 November 2007 to declare emergency rule, suspend the constitution, promulgate a series of measures that amounted to martial law, and again sack Chief Justice Chaudhry, together with a number of other high court justices. The Chief Justice and two thirds of the country's senior judges were put under house arrest. General Musharraf explained the decision as necessary to contain the rise in extremist violence. Virtually all of the sources who spoke with the Commission about this decision, including some close to General Musharraf, believe that the decisive factor was, instead, the imminence of the Supreme Court ruling regarding the legality of General Musharraf's recent re-election as president and his eligibility to hold dual posts as president and Chief of Army Staff. General Musharraf believed that the Court was going to rule against him.

41. Led by the PPP and PML-N, political protests flared throughout the country against the emergency rule measures and against military rule. Violent confrontations between police and protestors occurred in a number of cities, with hundreds of injuries reported in the media. In November alone, the Government acknowledged the arrest of some 5,000 protesters; a number of PPP and PML-N candidates were among them. Some in the PML-Q began to call for a postponement of the elections, adding an additional degree of uncertainty to the situation. On 9 November, Ms. Bhutto was briefly placed under house arrest. The next day in a speech in Islamabad, she broke with General Musharraf, denouncing his actions, calling for an end to the military government and announcing that any deal with him was off.

42. A number of sources close to the situation told the Commission that once back in Pakistan, Ms. Bhutto increasingly understood that by contemplating plans for governing together with General Musharraf, she risked having to share with him the growing public ire against his government. She feared that her ongoing political relationship with him could potentially weaken her politically, diminish her legitimacy and lessen possibilities for a solid PPP victory.

43. While Ms. Bhutto reportedly later re-established contacts with General Musharraf through intermediaries, she turned more of her energies towards her campaign and to strengthening her relationship with Mr. Nawaz Sharif and the PML-N. On 25 November, Mr. Sharif was allowed to return to Pakistan from Saudi Arabia, following a failed attempt in September when he was detained at the airport and deported for violating the terms of an agreement that sent him into exile for 10 years after he was deposed as prime minister by General Musharraf in 1999. The PPP and the PML-N continued to discuss strategies for the elections, and in some districts decided to run a single candidate. Both Ms. Bhutto and Mr. Sharif reconfirmed their commitment to the Charter of Democracy and believed that there could be a strong PPP and PML-N alliance after the elections.

44. General Musharraf lifted the emergency rule measures on 16 December. Ms. Bhutto was assassinated 11 days later. By the time of her assassination, the possibility of rehabilitating the relationship between the two had clearly waned. The Commission received no compelling evidence that either Ms. Bhutto or General Musharraf believed that she or he still needed the support of the other to achieve their ultimate political goals.

B. Security arrangements for Ms. Bhutto

Government security for Ms. Bhutto

45. As Ms. Bhutto's determination to return to Pakistan on a date of her choosing became clear, the Musharraf government began to make security arrangements for her. These arrangements included relaying intelligence warnings of threats against her, providing some security measures as well as deputing a police officer to act as Ms. Bhutto's liaison with local authorities.

Threat warnings

46. The Commission reviewed numerous documents provided by the Ministry of the Interior as well as provincial governments that noted intelligence warnings of threats against Ms. Bhutto. The authenticity of these documents was confirmed through numerous interviews. These threat warnings were regularly communicated by the Interior Ministry or intelligence agencies such as the ISI and Military Intelligence directly to Ms. Bhutto, and through Mr. Rehman Malik and Major (ret) Imtiaz Hussain, a police officer deputed as her liaison and personal protection officer.

47. The documents reveal significant threats to Ms. Bhutto, particularly around three time periods — from just before her return to Pakistan in October, from early to mid-November, and from mid- to late December. For instance, on 20 December, the Military Operations Directorate informed Interior Secretary Syed Kamal Shah that Osama bin Laden had ordered the assassination of General Pervez Musharraf, Ms. Bhutto and Maulana Fazal ur Rahman, a religious and political leader. Another warned that an attack on Ms. Bhutto and Mr. Malik could be launched on 21 December.

48. The Commission was told by present and former senior officials of the ISI that they had received intelligence regarding threats to Ms. Bhutto from representatives of the Governments of Saudi Arabia and the United Arab Emirates. In the case of the United Arab Emirates, their officials confirmed to the Commission that government to government information-sharing occurred. The ISI officials stated that, on at least two occasions, representatives from both countries flew to Pakistan to provide this and other information, which generally coincided with their own. Some threat warnings were also relayed directly to Ms. Bhutto or people close to her by foreign governments. The Commission learned that one such instance occurred in Dubai when she was urged by a high authority not to return due to the grave security situation in Pakistan. Ms. Bhutto also mentioned in her final book that she was given specific information that four different groups were planning to send suicide bombers to attack her. Mr. Rehman Malik informed the Commission that he received information from a "brotherly country" about another significant threat aimed at Ms. Bhutto and himself. Mr. Malik did not specify the details of the

threat. Notwithstanding the warnings received directly by Ms. Bhutto or her aides, the main conduit of information flow regarding such warnings was between the ISI and foreign intelligence agencies.

49. The Director General of the ISI, Major General Nadeem Taj, met with Ms. Bhutto in the early morning hours of 27 December at Zardari House in Islamabad. Directly knowledgeable sources told the Commission that they spoke both about the elections and about threats to Ms. Bhutto's life; versions differ as to how much detail was conveyed about the threats. The Commission is satisfied, that at the least, Major General Taj told Ms. Bhutto that the ISI was concerned about a possible terrorist attack against her and urged her to limit her public exposure and to keep a low profile at the campaign event at Liaquat National Bagh (Liaquat Bagh) later that day.

50. The Interior Ministry, as a matter of routine, passed on many of these threat warnings, often in writing, to provincial authorities and advised them to take "foolproof" security measures. The Commission found that none of these documents contained clear and specific instructions to protect Ms. Bhutto, and the federal Government took no measures to ensure that its advice was followed by provincial authorities.

51. In meetings with the Commission, the then Interior Secretary Mr. Syed Kamal Shah minimized the federal Government's role in her security, noting that these communications from the federal Government were merely advisory since under Pakistan's federal structure, responsibility for policing and law and order are with provincial authorities. Several senior federal and provincial officials, however, asserted to the Commission that it was rare for provincial authorities to ignore or reject a federal request. "These are taken as instructions," was how Mr. Khusro Pervez, the then Home Secretary of Punjab, put it to the Commission. Similar views were expressed by then Inspector General of Punjab Ahmed Nasim. Moreover, when the federal and provincial governments are headed by the same political party or alliance, as was the case in 2007, then it is even rarer for provincial authorities to ignore a federal request.

52. The Commission has reviewed one Interior Ministry letter, dated 22 October 2007, which is clearly a federal directive. Sent to all provincial governments, it orders them to provide stringent and specific security measures for Messrs. Shaukat Aziz[1] and Chaudhry Shujat Hussain as ex-prime ministers. Both were from the PML-Q party and were General Musharraf's close allies. The annex to the Interior Ministry letter instructed provincial authorities to provide VVIP-level security for the two ex-prime ministers, listing the specific measures to be implemented. Despite a search of their archives, at the request of the Commission, Punjab provincial authorities could not find a similar directive from federal authorities in the case of Ms. Bhutto, also an ex-prime minister. The Commission was told by the then Interior Secretary Mr. Kamal Shah that the 22 October directive was the result of an instruction from Prime Minister Shaukat Aziz. When asked why no such directive was issued to safeguard Ms. Bhutto, he did not provide a clear answer, noting only that federal authorities had issued a directive on 18 October to Sindh provincial authorities to protect Ms. Bhutto when she arrived from exile. The Commission

[1] Mr. Aziz was prime minister when the letter was written, but was expected to step down in favour of a caretaker government. He did so on 15 November.

finds it inexcusable that federal authorities did not issue a similarly clear directive as the 22 October directive for ex-Prime Ministers Aziz and Hussain to protect Ms. Bhutto. This is all the more troubling as she had been attacked in Karachi just three days prior to the 22 October directive, and intelligence agencies had specific, ongoing and credible threats to her.

Security measures

53. Mindful of the complex security situation in Pakistan and of the threats against her, Ms. Bhutto and her aides made frequent and specific requests to federal and provincial governments to augment her security. They asked for bulletproof vehicles and vests, frequency jammers, permission to allow tinted windows for her vehicles, and additional trained security personnel as well as the Pakistani Rangers to protect her entourage and her residences. The Government partially acceded to these requests.

54. Among Ms. Bhutto's first requests was permission to be accompanied by a foreign security detail when she returned to Pakistan from exile. General Musharraf rejected the request on national sovereignty grounds.

55. Federal and provincial authorities responded positively to some of Ms. Bhutto's requests. For example, they posted policemen outside Zardari House in Islamabad and Bilawal House in Karachi and provided some police escorts when she travelled, but these escorts were generally minimal. The requests for jammers were met in some cases, but the PPP often complained that they did not work properly. Particularly in Sindh and the North West Frontier Provinces, the provincial governments provided some security support for Ms. Bhutto in response to several specific requests by provincial and national PPP leaders, as well as by Ms. Bhutto's security officer Major Imtiaz.

56. In November, citing security threats, the Government took two specific and controversial measures. Acting on the request of the Punjab Home Department, the federal Government restricted Ms. Bhutto from leaving Zardari House in Islamabad on 9 November and thwarted a planned protest at Liaquat Bagh against General Musharraf's emergency declaration. The Punjab Home Secretary also issued a detention order against her on 9 November, citing the security threats against her as well as the vulnerability of the Liaquat Bagh venue to terror attacks. Although she was allowed to venture outside Zardari House on 10 November, she was again put under house arrest on orders of the Punjab Home Secretary in Lahore on 13 November, preventing her from leading a Long March for Democracy from Lahore to Islamabad to protest emergency rule.

57. Ms. Bhutto, the PPP and many observers believed that these drastic measures were politically motivated. The Punjab Chief Minister at that time, Mr. Chaudhry Pervaiz Elahi of the PML-Q, justified the house arrests as a preventive measure for her protection, considering the specific threats against her. While security may indeed have been a consideration, given the circumstances and timing of the house arrests, politics also played a key role. Indeed, one senior Interior Ministry official had no doubts that the motive for the house arrests was "political". Even the Punjab Home Secretary who issued both the detention orders told the Commission that they were for her protection and "administrative" reasons.

58. On 26 December, the Peshawar police made stringent security arrangements for Ms. Bhutto's public meeting in that city. The Peshawar police chief Tanveer ul Haq noted that the local PPP cooperated with him in planning the event, although it took him three days to convince them to shift the original venue of the public meeting from a vulnerable location to the more secure local stadium. Reports that the police had arrested a potential suicide bomber at the venue were unfounded. The police did arrest a boy who was found to be carrying minute amounts of explosives without a detonator in his trouser pocket, the remnants from a wedding celebration he had attended earlier that day. Mr. Haq said that the boy was released after the police were satisfied with his testimony.

Official security liaison

59. Just before Ms. Bhutto returned to Pakistan, the government offered her two candidates to serve as her personal protection officer and more importantly as liaison with the Pakistani authorities. She chose Major (ret) Imtiaz Hussain, a Senior Superintendent of Police whom she trusted as he had served with her during her tenure as Prime Minister in 1993-96. The ISI also offered three other candidates, according to ISI Deputy Director General, Major General Nusrat Naeem, but Ms. Bhutto turned them down.

60. Major Imtiaz was the only permanent government-provided security officer for Ms. Bhutto. His main role was to be with Ms. Bhutto at all times and to liaise with the local administration and police. He also made requests to federal and provincial authorities for specific security support such as jammers, bulletproof vehicles and vests and trained police personnel to escort Ms. Bhutto's entourage. Major Imtiaz did not receive adequate support from the government to carry out his duties effectively. No support staff was assigned to him by the government; nor did it accede to many of his specific requests. Despite the Commission's efforts, it could not establish whom Major Imtiaz reported to other than Ms. Bhutto while carrying out his duties, but he did coordinate with the other PPP security people surrounding Ms. Bhutto.

61. Major Imtiaz also advised Ms. Bhutto on her own security responsibilities. He noted that he had advised her many times not to expose herself by standing through the escape hatch of her armoured car to wave to the crowds, but she would usually ignore his advice and sometimes express anger at being told what to do. On the day of her assassination, Major Imtiaz did not advise Ms. Bhutto not to stand up through the escape hatch.

62. The Commission finds that the federal Government did not have a comprehensive security plan to protect Ms. Bhutto. It also failed to fix responsibility for her security in a specific federal official, entity or organization. Instead, the federal government expected provincial authorities to provide foolproof security for Ms. Bhutto, but did not issue the necessary, specific and detailed instructions commensurate to the threats and never followed up to ensure effective measures were undertaken. She was treated in a discriminatory manner in comparison to other ex-prime ministers. Despite the many threat warnings relayed to them, the provincial authorities, particularly in Punjab, failed to strengthen Ms. Bhutto's security in December 2007.

Pakistan Peoples Party security for Ms. Bhutto

63. The PPP is a political party, not a security agency. The responsibility for Ms. Bhutto's security rested with the Government. Nevertheless, Ms. Bhutto believed that the Government of General Musharraf could not be trusted to provide adequate security for her. The PPP therefore made its own security arrangements for Ms. Bhutto to augment whatever level of protection the Government afforded to her.

64. Mr. Asif Ali Zardari, Ms. Bhutto's husband, was deeply involved in planning Ms. Bhutto's security for her return to Pakistan. Ms. Bhutto and Mr. Zardari relied to a significant extent on persons close to them to plan and organize the PPP's security for her. They included former senior FIA official Mr. Rehman Malik and Sindh PPP leaders Mr. Zulfikar Ali Mirza and Mr. Agha Sirraj Durrani.

65. Mr. Malik described his role to the Commission as Ms. Bhutto's "national security advisor", not her physical security adviser. He also liaised with the federal authorities on behalf of Ms. Bhutto and participated as her representative in negotiations with General Musharraf and his aides. However, most PPP leaders understood Mr. Malik's role as encompassing all aspects of Ms. Bhutto's security. Many also said that he coordinated with Ms. Bhutto's protection detail, including with Major Imtiaz and Mr. Tauqir Kaira. The Commission finds that, in addition to what Mr. Malik himself described, he performed a significant role in the overall management of Ms. Bhutto's security. His letters to the authorities regarding threat warnings and requesting specific security support reflect this involvement.

66. The PPP made specific security arrangements for Ms. Bhutto in each of the provinces, but focused particular attention on Sindh and Punjab Provinces. The initial focus was on Sindh. The security arrangements for Ms. Bhutto's return to Karachi were organized by Mr. Mirza, a former army doctor who headed the PPP's reception committee in Karachi to welcome Ms. Bhutto from exile. He was supported by Mr. Durrani. They were soon joined by a Major General (ret) Ahsan Ahmed, who was appointed to head the PPP's security committee for Ms. Bhutto's arrival. Messrs. Mirza and Durrani, however, continued to function as the primary people responsible for Ms. Bhutto's security in Karachi. Mr. Mirza oversaw the construction of a bulletproof truck for Ms. Bhutto and her entourage to use in the planned procession from the Karachi airport to the mausoleum of Pakistan's founder Muhammad Ali Jinnah.

67. Messrs. Mirza and Durrani drew volunteers from the PPP's student and youth wings and organized them into the "Jaan Nisaar Benazir" (JNB).[2] The JNB's main task was to form a human chain around Ms. Bhutto to stop suicide bombers from reaching her, but they also performed additional security duties. According to the organizers, the JNB numbered around 5,000 of whom about 2,000 were uniformed and formed the human chain around Ms. Bhutto's truck on 18-19 October. Mr. Mirza said that he and some of the JNB volunteers were armed. The remaining 3,000 were and posted at key points along the procession route to deter potential trouble. Combined with the Sindh police security cover, the PPP security arrangements formed a formidable barrier. Despite this, two blasts hit the procession. Most of those killed were the JNB volunteers. In her posthumously published book, *Reconciliation*, Ms. Bhutto credited the JNB with saving her life in the Karachi attack.

[2] The Urdu term Jaan Nisaar Benazir means those willing to give their lives for Benazir.

68. Messrs. Mirza and Durrani described the Karachi police cooperation as initially lukewarm but it improved as Ms. Bhutto's arrival date neared. They also described Sindh government security deployment on 18-19 October as inadequate, but they credited the deployed policemen with doing a commendable job. The PPP's Sindh security committee and the Karachi police worked closely on all aspects of security for Ms. Bhutto's return from exile, including an evacuation plan in the event of just such an attack. Messrs. Mirza and Durrani said the evacuation worked as planned.

69. After the Karachi attack, the PPP reviewed the security arrangements for Ms. Bhutto. In light of the threat against her, Messrs. Mirza and Durrani decided that a core group of 250-300 JNB volunteers would always travel with Ms. Bhutto throughout Sindh. A smaller number of them were also sent on two occasions to Punjab Province as added protection for Ms. Bhutto, although they did not accompany her to Liaquat Bagh, the public park in Rawalpindi where Ms. Bhutto held her last public meeting on 27 December.

70. The PPP's security for Ms. Bhutto in Punjab was not as elaborate as in Sindh, partly due to a lack of leadership and the absence of a JNB-like corps. Even so, Ms. Bhutto was surrounded by two groups of PPP security throughout her travels in Punjab. These groups also accompanied her to Peshawar and Jammu and Kashmir.

71. One group of PPP security comprised 14 unarmed men under the leadership of Mr. Chaudhry Muhammad Aslam, who coordinated his activities with Major Imtiaz and Mr. Tauqir Kaira, leader of the second group. These men travelled with Ms. Bhutto's entourage in Islamabad, Punjab, Peshawar and Jammu and Kashmir. Their main task was to form a security cordon around Ms. Bhutto. All were PPP party activists, and many told the Commission that they had been with Ms. Bhutto since 1986.

72. The other group of PPP security around Ms. Bhutto was led by Mr. Kaira, whose men were armed. This group provided the first line of defence around Ms. Bhutto. Mr. Kaira also had the role of coordinating Ms. Bhutto's convoy, checking the vehicles and ensuring their place in the convoy. He coordinated his daily tasks with Major Imtiaz and Mr. Chaudhry Aslam. The Commission could not establish whom he reported to on a daily basis, especially as the campaigning picked up in December. Mr. Kaira died on 27 December while trying to protect Ms. Bhutto.

73. Mr. Khaled Shahenshah, a PPP supporter since his student days, accompanied Ms. Bhutto on her travels in Pakistan and served as her personal bodyguard. He was with Ms. Bhutto on the stage in Liaquat Bagh on 27 December and in her car when the fatal attack occurred. Mr. Shahenshah was killed in Karachi a few months after Ms. Bhutto's death. Media reports at the time attributed the killing to his alleged links in the Karachi underworld. Some people have pointed out to the Commission Mr. Shahenshah's strange hand gestures while on the stage in Liaquat Bagh and alleged that he was involved in a conspiracy to assassinate Ms. Bhutto. But others, including several PPP leaders, dismissed such notions. The Commission did not uncover any new facts that support the conspiracy theory surrounding Mr. Shahenshah's behaviour.

74. Ms. Bhutto's convoy included two main vehicles — an armoured white Toyota Land Cruiser and a bulletproof black Mercedes-Benz car — and other vehicles for

security staff and senior PPP leaders. She would choose one of the main vehicles for a trip, and the other would accompany as the decoy and back-up vehicle.

75. Ms. Bhutto was acutely aware of the threats to her and had gone to considerable lengths to protect herself. Although the PPP had no standard operating procedures regarding security, she devised ad hoc security drills and, according to her closest aides, frequently wore a bulletproof vest. However, she was also determined to campaign vigorously and openly, often interacting with crowds, thus exposing herself to potential attackers.

76. Despite considerable and valiant efforts by individual PPP members to protect Ms. Bhutto, the PPP as an organization was inadequate to handle the challenges. There was no person in overall charge of the PPP's provision of security. As a result, the PPP's security for Ms. Bhutto was characterized by a lack of direction and professionalism. However, the Commission reiterates that the responsibility for failing to protect Ms. Bhutto lies with the Government of Pakistan.

Liaquat Bagh security arrangements on 27 December

77. A public meeting at Liaquat Bagh, an open park located in Rawalpindi, was set for 27 December as part of Ms. Bhutto's hectic campaign schedule. Rawalpindi, a city of some three million people, is located in the province of Punjab about 30 kilometres from Islamabad. The Pakistani Army is headquartered there. Liaquat Bagh is bordered by Liaquat Road to the north, Murree Road to the east, and Press Club Road to the south. Adjacent to Liaquat Bagh, on the Liaquat Road side, an outer gate leads to a general parking area; a second, inner gate, leads to a VIP parking area.

78. The Rawalpindi district administration and police held one formal meeting with the local PPP committee to prepare for the public meeting. According to the minutes of the meeting made available to the Commission, it was held on 25 December and was chaired by the District Coordinating Officer (DCO), Mr. Muhammad Irfan Elahi, the highest-ranking civilian bureaucrat in the district. The PPP side was led by Mr. Zamurrud Khan, the local PPP committee chair. A number of senior police officers were also present. The participants discussed the Code of Conduct for the Liaquat Bagh public meeting as well as issues relating to the management of the public meeting.

79. The local PPP committee members said that they understood the local administration to be responsible for all security measures for the Liaquat Bagh public meeting. Nevertheless, the PPP undertook to secure the stage where Ms. Bhutto delivered her last speech and stationed its workers at key entry points to the park to identify people and assist the police in maintaining security.

80. The Rawalpindi District Police prepared a written plan dated 26 December 2007 for security arrangements to cover two political meetings scheduled to take place the next day ("Security Plan"), one of which was at Liaquat Bagh for the PPP, which Ms. Bhutto was to attend, and the other, at Gujar Khan, organized by PML-N, which Mr. Nawaz Sharif was to attend. The Security Plan for Ms. Bhutto was more complex in that it envisaged security for Ms. Bhutto's convoy by an Elite Force unit under the supervision of Assistant Superintendent of Police Ashfaq Anwar, which was to establish a box formation around Ms. Bhutto's vehicle during movement. The police said that the Elite Force unit formed a box around Ms. Bhutto's vehicle at the

Faizabad junction, which is the jurisdictional limit between Islamabad and Rawalpindi. The Commission, however, believes that this did not occur.

81. The Security Plan listed a number of police officers responsible for various sectors in and around Liaquat Bagh. Senior Superintendent of Police Yaseen Farooq was responsible for overall supervision and was assisted by SP Khurram Shahzad. A command post was to be established at a building on the edge of Liaquat Bagh, called Rescue 15, used by local emergency services. City Police Officer (CPO) Saud Aziz — the police chief of Rawalpindi, DCO Irfan Elahi and members of intelligence agencies were present at the command post during the meeting.

82. The Security Plan provided for two security cordons at the PPP event: an inner cordon securing Liaquat Bagh and an outer cordon covering the area surrounding Liaquat Bagh, including Liaquat and Murree Roads. According to the plan 1,371 police officers were to be deployed at Liaquat Bagh. Three walk-through gates with metal detectors were placed at the public entrances to the park. The plan also provided for the deployment of police constables on the rooftops of the buildings surrounding Liaquat Bagh. According to the plan, these constables were supposed to carry automatic rifles and binoculars. However, none of the seven constables interviewed by the Commission had binoculars; they were not even aware that they were supposed to have carried them. The police were also expected to conduct random searches of people attending the meeting. According to the police, the park was closed to the public by the Special Branch, who swept it for explosives and handed it over to the police at 0700 hours on 27 December.

83. The Commission finds that the Security Plan was flawed as it placed inadequate focus on Ms. Bhutto's protection and concentrated more on the deployment of police for crowd control. Furthermore, it was not implemented properly. Video footage and photographs examined by the Commission raised questions as to the number of police officers deployed at Liaquat Bagh. PPP officials who accompanied Ms. Bhutto do not recall an Elite Force unit box around Ms. Bhutto's vehicle on the way to the event, only a traffic escort. These and other matters related to the Security Plan's implementation are discussed below.

C. Assassination timeline

84. In order to ascertain the timeline of the assassination, the Commission reviewed extensive video footage and hundreds of photographs, obtained from the Government of Pakistan, open sources and professional photographers. It also met in London with members of the Metropolitan Police (Scotland Yard) team that investigated aspects of the assassination. The Commission closely reviewed the analysis behind Scotland Yard's full report[3] and interviewed Scotland Yard officers on their methodology and forensic analysis.

85. On the evening of 26 December 2007, Ms. Bhutto arrived in Islamabad by road from Peshawar in the North West Frontier Province and went to her family's residence, Zardari House. She had a campaign event in neighbouring Rawalpindi scheduled for the next day. On the morning of 27 December, Ms. Bhutto left Zardari

[3] A team of analysts and investigators from Scotland Yard travelled to Pakistan on 4 January 2008 to "assist the local authorities in providing clarity regarding the precise cause of Ms. Bhutto's death". For more details on the Scotland Yard report, see paragraphs 188-196.

House for a meeting at the Serena Hotel in Islamabad with Mr. Hamid Karzai, the President of Afghanistan. She returned to Zardari House in the early afternoon and remained there until her departure for the event.

The day of the assassination: 27 December 2007

Departure from Zardari House for Liaquat Bagh

86. Around 1400 hours, Ms. Bhutto left Zardari House, for Liaquat Bagh, in a convoy of vehicles. The convoy consisted of a black Toyota Land Cruiser used by Mr. Tauqir Kaira, followed by Ms. Bhutto's white armoured Land Cruiser and two of Mr. Kaira's vehicles on either side of Ms. Bhutto's vehicle. The latter two were a Mercedes-Benz van on the right and a four-door double cabin vehicle on the left. Immediately behind those vehicles were two Toyota Vigo pick-up trucks, positioned side by side. A black Mercedes-Benz car was behind these Vigos. This Mercedes-Benz, from Zardari House, was bulletproof and served as the backup vehicle for Ms. Bhutto. The two Vigo pick-up trucks were also from Zardari House.

87. Mr. Kaira was inside the lead vehicle with his security men. Accompanying Ms. Bhutto in her vehicle were Mr. Javed-ur-Rehman (driver, front-left seat), Senior Superintendent of Police Major (ret) Imtiaz Hussain (front-right seat), Makhdoom Amin Fahim (senior PPP member, second row-left seat), Ms. Bhutto (second row-centre seat), Ms. Naheed Khan (senior PPP member and political secretary of Ms. Bhutto, second row-right seat). Seated in the back of the vehicle on two benches facing each other were Senator Safdar Abbasi (senior PPP member, rear-right bench), Mr. Shahenshah (rear-left bench, facing Senator Abbasi) and Mr. Razaq Mirani (personal attendant of Ms. Bhutto, rear-right bench next to Senator Abbasi and to his left). Mr. Kaira's two vehicles on either side of Ms. Bhutto's Land Cruiser carried his men. The Vigo pick-up trucks carried members of Mr. Chaudry Aslam's security team. Riding in the black Mercedes-Benz car were the driver, PPP official Mr. Faratullah Babar in the front passenger seat and, in the rear passenger seat from left to right, two PPP officials Mr. Babar Awan and Mr. Rehman Malik and General (ret) Tauqir Zia.

Arrival at Liaquat Bagh

88. Ms. Bhutto's convoy reached the Faizabad junction at about 1415 hours, according to the Rawalpindi District Police, who were to assume responsibility for security of the convoy. According to the police and the Security Plan, an escort was to be provided composed of a traffic police "pilot" jeep, a regular police jeep leading the convoy and three Elite Force Toyota pick-up trucks protecting Ms. Bhutto's Land Cruiser on three sides. People in Ms. Bhutto's vehicle claim, however, that there was no such escort except for one traffic police vehicle.

89. At about 1456 hours, Ms. Bhutto's convoy turned right at the Murree Road-Liaquat Road junction and headed towards Liaquat Bagh. Video footage shows Ms. Bhutto's convoy driving from the Murree Road-Liaquat Bagh junction to the inner security gate leading to the VIP parking area at Liaquat Bagh. The footage shows Ms. Bhutto standing through the roof escape hatch of her Land Cruiser and waving at the large crowd around the vehicle while it moved slowly on Liaquat Road.

90. Both Assistant Superintendent of Police Ashfaq Anwar who was the supervisor of the Elite Force unit and Inspector Azmat Ali Dogar, the unit's commander, told the Commission that they accompanied Ms. Bhutto all the way to the back of the stage according to the Security Plan. However, video footage and pictures show that as Ms. Bhutto drove on much of Liaquat Road, her vehicle was flanked only by her private security vehicles. The Elite Force vehicles were nowhere near her vehicle. In fact, the Commission has identified Inspector Dogar among the crowd some distance from Ms. Bhutto's vehicle. Contrary to the police assertion, there was no police-provided box formation around Ms. Bhutto as she arrived at the rally, and the Elite Force unit did not execute their duties as specified in the security deployment. Furthermore, the Commission does not believe that the full escort as described by the police was ever present.

91. At about 1516 hours, Ms. Bhutto's convoy stopped for a few minutes at the inner gate of the parking area waiting for that gate to be opened, during which Ms. Bhutto remained standing through the escape hatch. The police and some PPP members disagree as to the reason for the delay in opening the gate. While the PPP asserts that the police did not have the key to open the gate, the police said that they did not want the large crowd following Ms. Bhutto to get into the VIP parking area. Altogether, Ms. Bhutto stood through the escape hatch for the approximately 20 minutes it took to drive from the Murree Road-Liaquat Road junction to the gate of the parking area. This calls into question the claim of the Rawalpindi District Police that they were surprised when Ms. Bhutto emerged from the escape hatch on her way out of Liaquat Bagh.

92. Once the convoy passed through the inner gate, at about 1531 hours, it drove through the VIP parking area to the rear of the stage. At least the following three vehicles were in the VIP parking area: Ms. Bhutto's Land Cruiser, Mr. Kaira's lead vehicle and the black bulletproof Mercedes-Benz car. Temporary wooden stairs had been built for the rally to access the rear of the stage directly from the parking area. Ms. Bhutto climbed the stairs, went to the stage to wave to the crowd and took her seat before addressing the crowd.

93. Near the rear of the stage, a scuffle broke out between some workers of the PPP and police who tried to prevent them from climbing to the stage. This created tension between PPP workers and the police officers posted in that area. Accounts given by PPP representatives and the police with regard to the degree and nature of this event differ significantly. The police state that the dispute was minor and was settled immediately, whereas some on the local PPP side claim it was serious and led to bitter reactions from the police during the rest of the rally. They say that the police felt insulted and became more passive in their security role. The Commission finds that the police were indeed passive in their provision of security and believes it unprofessional if the Rawalpindi District Police reduced their level of alert to any degree as a result of wounded pride.

Exit from Liaquat Bagh

94. Several thousand people attended the event. Ms. Bhutto was joined on the stage by a number of national-level PPP leaders and all of the parliamentary candidates from Rawalpindi district. The crowds were enthusiastic, and PPP leaders and activists considered the event to have been a great success. They say Ms. Bhutto

gave a strong and rousing speech, one of the best of her campaign, and describe her as having been radiant that day.

95. The public gathering concluded and, at about 1710 hours, Ms. Bhutto descended the wooden stairs and entered her Land Cruiser. The occupants of the Land Cruiser and their seating positions were the same as for the trip in to Liaquat Bagh. The composition of passengers in the black Mercedes-Benz car also remained the same.

96. The black bulletproof Mercedes-Benz car was the first to leave the parking area. It is not clear how much distance there was between this vehicle and the rest of Ms. Bhutto's convoy at the moment of the blast. Credible reports range from 100 metres to 250 metres. Some of those in the car said that they were close enough to Ms. Bhutto's vehicle to feel the impact of the blast. Others at the site of the blast have said that the Mercedes-Benz left Liaquat Bagh so quickly that it was nowhere to be seen when the blast occurred. Indeed, the Commission has not seen this vehicle in the many video images of the exit area it reviewed. Despite the acknowledgement of some occupants of the vehicle that they felt the impact of the blast, the Commission finds it incredible that they drove all the way to Zardari House, a drive of about 20 minutes, before they became aware that Ms. Bhutto had been injured in the blast. They should have stopped at a safe distance when they felt the blast so as to check on Ms. Bhutto's condition, the condition of her vehicle and whether the backup vehicle was required. Indeed, as the backup vehicle, the Mercedes-Benz car would have been an essential element of Ms. Bhutto's convoy on the return trip even if the occupants of that car had confirmed that Ms. Bhutto had been unscathed in the attack.

97. Mr. Kaira's vehicle was the next to leave the inner parking area after the Mercedes-Benz car, with Ms. Bhutto's vehicle right behind it, followed by another of Mr. Kaira's vehicles. The two Vigo pick-up trucks then followed from the outer parking area located between the inner and outer gates.

98. At 1712 hours, Ms. Bhutto's Land Cruiser exited from the outer gate. Crowds of people who were already on Liaquat Road drew closer to the vehicle as it began to turn right on to Liaquat Road. In addition, many people left the park, swelling the crowd around the Land Cruiser, contrary to the police assertion that they did not allow anyone to leave the park before the departure of Ms. Bhutto's convoy. Ms. Bhutto emerged through the escape hatch of the vehicle and started waving to her supporters. When the vehicle approached the central road divider, it was slowed further by the crowd.

99. Major Imtiaz, who was sitting in the front seat of the Land Cruiser, said that he was worried that the convoy was being slowed down by the crowd. He wanted to call CPO Saud Aziz by cellphone, but he did not have the CPO's direct number. Instead he called CPO Saud Aziz's operator and the operator at the police station in Multan, another town in Punjab Province (where Major Imtiaz had recently served). The Commission finds that this lack of preparation was a major flaw in the security arrangements and reflects badly on the professionalism of Major Imtiaz who should have had full and rapid access to the Rawalpindi police command.

100. Questions remain as to the nature of the crowd that gathered around the Land Cruiser. Passengers in the Land Cruiser and some local PPP members recalled that they were mostly PPP workers, and they did not see any strangers or irregular

movements among them. The Rawalpindi District Police and other PPP members, however, suggested that a group of people had deliberately stood in front of the Land Cruiser to prevent it from moving. Regardless of the accuracy of either account, it remains that the police did not control the crowd outside of Liaquat Bagh. As a result, the attacker was able to get as close as he did to Ms. Bhutto's vehicle.

101. The Rawalpindi police authorities and some PPP workers dispute the exact exit route agreed for Ms. Bhutto's convoy. The Rawalpindi District Police and DCO Elahi claim that the planned route for the convoy was to turn right on to Liaquat Road and then left on to Murree Road, retracing the convoy's entry route. Only in case of an emergency was the convoy to make a left turn after exiting from the outer gate; a decision to take the emergency route had to be made by the senior police officer in charge of security on the scene. Some local PPP workers who attended the preparatory meeting with the police disagree with this account. They claim that the original plan was to make a left turn on to Liaquat Road and that the minutes provided by the DCO, which did not indicate this left turn, were inaccurate. In any event, photographs show two stationary police vehicles on Liaquat Road blocking the left-side drive lane where the left turn would have been made. As a result, even in an emergency, it would have been impossible for Ms. Bhutto's convoy to make a left turn and use the escape route unless those police vehicles were quickly moved. The Commission learned that these vehicles were official vehicles of senior Rawalpindi police officers. The Commission finds it irresponsible that these vehicles were parked in such a way as to block the emergency exit route.

102. The Rawalpindi District Police claim that police vehicles from the Elite Force unit headed by Assistant Superintendent of Police Ashfaq Anwar were waiting outside the outer gate to escort Ms. Bhutto's convoy and that they were about to go into a protective box formation when the attack on Ms. Bhutto took place. However, forming the box at this point was impracticable given the narrow width of Liaquat Road and the number of people who had already started to surround Ms. Bhutto's vehicle. In any event, video footage shows very few uniformed police on the scene available to push back the crowd to create space for the box formation. Furthermore, video and photographs taken shortly before the blast as well as Commission interviews indicate that the Elite Force unit was not in position to go into a box formation. The Elite Force unit was in place neither for the entry nor the exit of the convoy and did not afford the protection they were tasked with, thus failing spectacularly in their duty.

103. Overall, video and photographic materials as well as the Commission's interviews establish that there were very few police deployed outside the outer gate and on Liaquat Road as Ms. Bhutto's convoy attempted to depart the scene.

The attack

104. From the exit, Ms. Bhutto's Land Cruiser started to make a right turn on to Liaquat Road. As it slowly approached the central divider on Liaquat Road, the crowd began chanting slogans. There is some dispute over whether Ms. Bhutto made the decision to stand up on her own or was urged to do so. Before she stood up, Ms. Bhutto asked Ms. Naheed Khan to make a phone call to Mr. Nawaz Sharif, PML-N leader, to convey condolences for the deaths of some of his supporters who had been shot during the PML-N rally earlier that day. It had been reported that the

shooting incident occurred between supporters of the PML-N and those of the PML-Q parties.

105. While Ms. Khan was trying to reach Mr. Sharif, Ms. Bhutto stopped her and asked Senator Abbasi, who was sitting in the rear seat, to chant slogans to the crowd using the vehicle's loudspeaker. Ms. Bhutto then stood on the seat and appeared through the escape hatch, with her head and shoulders exposed.

106. Ms. Bhutto waved to the crowd. The vehicle continued to move slowly into its right turn on to Liaquat Road. At this point, a man wearing dark glasses appeared in the crowd on the left side of the Land Cruiser. Around 1714 hours, while the vehicle continued into its right turn, the man pulled out a pistol, and from a distance of approximately two to three metres, fired three shots at Ms. Bhutto. According to video analysis conducted by Scotland Yard, the three shots were fired in less than one second.

107. The Commission examined video footage taken from a back angle, which shows Ms. Bhutto's *dupatta*, her white head covering, and her hair flick upwards after the second shot. However, there is no evidence of a link between the second shot and that movement. After the third shot, she started to move down into the vehicle.

108. After the third shot, the gunman lowered the gun, looked down and then detonated the explosives. At the time of the blast, the gunman was near the left rear corner of the vehicle. Video footage shows that at the time of the explosion, the Land Cruiser was still making the right turn. The Scotland Yard team's analysis shows that it took 1.6 seconds from the time of the first shot to the detonation of the bomb.

In the Land Cruiser

109. Ms. Naheed Khan recalled that immediately after she had heard the three gunshots, Ms. Bhutto fell down into the vehicle onto her lap. Ms. Khan said that she felt the impact of the explosion immediately thereafter. The right side of Ms. Bhutto's head came to rest on Ms. Khan's lap. Ms. Khan saw that Ms. Bhutto was bleeding profusely from the right side of her head. She noticed that Ms. Bhutto was not moving and saw that blood was also trickling from her ear. Makhdoom Amin Fahim recalled that Ms. Bhutto fell heavily and showed no sign of life after falling. According to Scotland Yard's video analysis, the flash of the blast appeared just over two thirds of a second after Ms. Bhutto disappeared from view.

110. No one else in her vehicle was seriously injured.

Transfer to the hospital

111. After the explosion, Senator Abbasi told the driver to drive to the hospital (initially having in mind a hospital in Islamabad). Although all four of its tyres were punctured by the blast, the Land Cruiser managed to drive along Liaquat Road for approximately 300 metres towards the junction with Murree Road where it turned left. As the Land Cruiser moved along Murree Road, it became increasingly difficult for the driver to manoeuvre on the metal rims of the wheels. The Land Cruiser made a U-turn at the Rehmanabad junction, located approximately four kilometres from the Liaquat Road-Murree Road junction, in order to get to the other side of the road where Rawalpindi General Hospital was located. The occupants of the Land Cruiser

recalled that at this point there was only one traffic police vehicle ahead of the Land Cruiser. No other vehicles were visible — neither the bulletproof black Mercedes-Benz car nor any Elite Force unit vehicle. Following the U-turn, the Land Cruiser stalled. The party had to wait for some time on Murree Road until a private vehicle that belonged to Ms. Sherry Rehman arrived and took Ms. Bhutto to the hospital.

At Rawalpindi General Hospital

112. Ms. Bhutto was received by the Accident and Emergency Department of the Rawalpindi General Hospital (later renamed Benazir Bhutto Hospital) at around 1735 hours. In the resuscitation room, she was treated by Dr. Saeeda Yasmin. At this time, staff was busy in the resuscitation room treating victims of the shooting at the Nawaz Sharif rally earlier that day.

113. Dr. Saeeda told the Commission that Ms. Bhutto was pale, unconscious and not breathing. There was a wound to the right side of her head from which blood was trickling and whitish matter was visible. Ms. Bhutto's clothes were soaked in blood. Dr. Saeeda immediately began efforts to resuscitate her. Dr. Aurangzeb Khan, the senior registrar, subsequently joined Dr. Saeeda to assist. Both doctors said that they did not observe any other injury. As there was no improvement in Ms. Bhutto's condition, she was moved to the Emergency Operating Theatre located on the level above the ground floor to continue resuscitation efforts.

114. At around 1750 hours, Professor Mohammed Mussadiq Khan, the hospital's senior physician, arrived and took over. The doctors still had not detected a pulse. At 1757 hours, Professor Mussadiq opened Ms. Bhutto's chest and carried out open heart massage. These efforts were unsuccessful.

115. At 1816 hours, Professor Mussadiq stopped resuscitation efforts and declared Ms. Bhutto dead. He ordered all the men to leave the room so that the female doctors and nurses could clean the body. Only medical personnel had been in the operating room throughout this process.

116. Dr. Qudsiya Anjum Qureshi cleaned Ms. Bhutto's head, neck and upper body and checked Ms. Bhutto's body for further injury. She saw no wounds other than the one to the right side of her head and the thoracotomy wound. Ms. Bhutto was next dressed in hospital clothing and her clothes given to her maid. The doctors stated that they had not seen her *dupatta*. The *dupatta* remains missing.

117. On three different occasions, Professor Mussadiq asked CPO Saud Aziz for permission to conduct an autopsy on Ms. Bhutto, and the CPO refused each request. On the second request, CPO Saud Aziz is reported to have sarcastically asked the Professor whether an FIR had been filed,[4] a matter that the CPO should know, not the Professor. DCO Elahi, who was also present outside the operating room, supported CPO Saud Aziz's position. The authorities however deny that the CPO deliberately refused to allow an autopsy. They insist that they wanted to get permission from Ms. Bhutto's family. As will be discussed below, the police's legal duty to request an autopsy does not require permission from a family member.

118. Because he could not obtain police consent to carry out an autopsy, Professor Mussadiq called in X-ray technician Ghafoor Jadd, who took two X-rays of

[4] In Pakistani police procedure, an FIR (First Information Report) is a record of the criminal complaint which is registered at a police station and initiates an investigation.

Ms. Bhutto's skull with a portable X-ray machine. He did this without notifying or seeking the consent of CPO Saud Aziz. Though not present at the time, a radiologist examined the X-rays the next day.

119. Ms. Bhutto's death certificate was completed and signed by the senior registrar, Dr. Aurangzeb, who recorded the cause of death as "To be determined on autopsy".

120. An ISI officer, Rawalpindi Detachment Commander Colonel Jehangir Akhtar, was present at the hospital through much of the evening. At one point, the ISI Deputy Director General, Major General Nusrat Naeem, contacted Professor Mussadiq through Colonel Jehangir's cellphone. When asked about this by the Commission, Major General Nusrat Naeem initially denied making any calls to the hospital, but then acknowledged that he had indeed called the hospital, when pressed further. He asserted that he had made the call, before reporting to his superiors, to hear, directly from Professor Mussadiq that Ms. Bhutto had died.

121. Ms. Bhutto's body remained in the operating room until it was placed in a wooden coffin and removed from the hospital at about 2235 hours that evening and transported to the nearby Chaklala Airbase. Ms. Naheed Khan signed for Ms. Bhutto's body at the hospital. At around 0100 hours on 28 December, at the Chaklala Airbase, the remains were transferred to her husband, Mr. Asif Ali Zardari, who had flown from Dubai and who signed an acknowledgement note to that effect. Following this, Ms. Bhutto's body was flown to her home-town Larkana, in Sindh Province, for burial.

The day after the assassination: 28 December 2007

122. On the morning of 28 December, the doctors who treated Ms. Bhutto were convened at the hospital by DCO Elahi who requested that they submit a report concerning the treatment given to Ms. Bhutto. DCO Elahi instructed the doctors to bring the original to him directly and further instructed that neither hard copies nor electronic copies of the report should be retained. A request for such a report had never been made before or after this incident. The report was prepared and submitted to DCO Elahi. On the afternoon of 28 December, Professor Mussadiq Khan gave a brief press conference on the orders of the DCO who received his instructions from the Home Secretary of Punjab Province. Senior Punjab officials told the Commission that this issue was discussed at a cabinet meeting of the government of Punjab.

123. On the evening of 28 December, a separate press conference was held by the Ministry of the Interior in which the Government, through Brigadier (ret) Javed Iqbal Cheema, spokesperson of the Ministry of the Interior, set out the cause of death as well as who was responsible for the attack. The main points of this press conference and the controversy it generated are discussed below.

124. In the afternoon of 28 December, Ms. Bhutto was laid to rest in her family's mausoleum at Gahri Khuda Baksh in Larkana. Her death was followed by enormous grief and anger among her supporters. There was widespread violence throughout Pakistan over several days following her death.

D. The criminal investigations

125. This section discusses the criminal investigations into the assassination of Ms. Bhutto and those who died with her. It also addresses government actions which impacted on the investigations, including two press conferences, the involvement of intelligence agencies and the PPP's interaction with the investigative agencies.

The hosing down of the crime scene

126. Soon after the blast outside Liaquat Bagh on the evening of 27 December, CPO Saud Aziz left the crime scene for Rawalpindi General Hospital; Senior Superintendent of Police Yaseen Farooq followed shortly thereafter. The most senior Rawalpindi police official remaining at the crime scene was SP Khurram Shahzad, who continued to take instructions from CPO Saud Aziz by telephone. The management of the crime scene and the collection of evidence by the Rawalpindi police during this time have generated considerable controversy.

127. Video footage immediately following the blast shows shock, fear and confusion among the people at the scene and little police control. The crime scene was not immediately cordoned off. The police did collect some evidence. Officers from intelligence agencies, including the ISI, the Intelligence Bureau and Military Intelligence, were present and also collected evidence, using, as one Rawalpindi police officer noted, better evidence collection equipment than the police. Within one hour and forty minutes of the blast, however, SP Khurram ordered the fire and rescue officials present to wash the crime scene down with fire hoses. He told the Commission that the police had collected all the available evidence by then. Police records show that only 23 pieces of evidence were collected, in a case where one would normally have expected thousands. The evidence included mostly human body parts, two pistols, spent cartridges and Ms. Bhutto's damaged vehicle.

128. According to SP Khurram and other senior Rawalpindi police officials, including some who were not present at the scene, hosing down the crime scene was a necessary crowd control measure. They claim that some at the scene, mainly PPP supporters, were very upset when they learned that Ms. Bhutto had died and that some supporters were dipping their hands into the blood on the ground, believing it to be Ms. Bhutto's, and rubbing it on themselves. SP Khurram asserted that the PPP supporters could have become disruptive. Therefore, the police needed to wash away the blood from the scene as a public order measure. SP Khurram and other police officials also stated that there were reports of vandalism not far from the crime scene, requiring the redeployment of the police who were at the scene. Once the crime scene was hosed down, they claim, the crowd did disperse, going to Rawalpindi General Hospital, which permitted the police at the scene to redeploy to those other crowd control situations.

129. Others, including police officials familiar with the case, dispute the assertion that there was a public order problem in Rawalpindi. They further disagree that the presence of an unruly crowd would prevent the establishment of a police cordon around the scene of crime and justify hosing it down. No one apart from SP Khurram told the Commission that they saw anyone smearing blood on themselves. Even SP Khurram, himself, ultimately told the Commission that he saw only one person doing that. Sources have also pointed out that Rawalpindi was not a stronghold of the PPP and that, therefore, the police allegations were exaggerated.

Sources have noted also that even at Rawalpindi General Hospital, where many PPP supporters were gathered, the disturbance was minimal.

130. One eyewitness said that there were about 100 to 200 people present at the crime scene after the blast and about 20 to 30 police officers. One police official stated that there were about 40 police officers at the scene. The Commission finds that SP Khurram had a number of options for controlling the crowd at the crime scene short of the drastic measure of hosing it down. He could have ordered the police officers present to form a cordon around the immediate vicinity of the crime scene; he could have redeployed any of the 1,371 police officers on duty; he could have called for reinforcements. He made no attempt to do any of these things. Senior police officials told the Commission that SP Khurram could, indeed, have redeployed police officers or sought reinforcements and should have.

131. Many senior Pakistani police officials have explained to the Commission that in law and practice, the ranking police official at the scene of the crime takes decisions relating to crime scene management. SP Khurram asserted that he made the decision to hose down the scene. Before issuing the order to the rescue and fire services, SP Khurram called his superior, CPO Saud Aziz, to seek permission, which was granted. Sources, including police officials familiar with the case, have questioned the veracity of SP Khurram's claim that the decision was his initiative.

132. CPO Saud Aziz's role in this decision is controversial. Many senior Pakistani police officials have emphasized that hosing down a crime scene is fundamentally inconsistent with Pakistani police practice. While they acknowledge that there is no uniformity of practice in crime scene management in Pakistan, the hosing down of a crime scene is considered extraordinary. Indeed, with the exception of some Rawalpindi police officials, nearly all senior Pakistani police officials have criticized the manner in which this crime scene was managed. One senior police official has argued that hosing down the crime scene amounted to "criminal negligence". Several senior police officials who know CPO Saud Aziz were troubled that an officer with his many years of experience would allow a major crime scene to be washed away, thereby damaging his reputation.

133. Sources informed the Commission that CPO Saud Aziz did not act independently in deciding to hose down the crime scene. One source, speaking on the basis of anonymity, stated that CPO Saud Aziz had confided in him that he had received a call from Army Headquarters instructing him to order the hosing down of the crime scene. Another source, also speaking on the basis of anonymity, said that the CPO was ordered to hose down the scene by Major General Nadeem Ijaz Ahmad, then Director General of Military Intelligence. Others, including three police officials, told the Commission that CPO Saud Aziz did not act independently and that "everyone knows" who ordered the hosing down. However, they were not willing to state on the record what it is that "everyone knows". This is one of the many occasions during the Commission's inquiry when individuals, including government officials, expressed fear or hesitation to speak openly.

134. Some senior Pakistani police officials identified further factors suggesting that CPO Saud Aziz was not acting independently. They point out that, while the deliberate hosing down of a scene is unheard of in police practice, it has occurred on a few occasions, in each case when the military has been the target of such attacks and the crime scene was managed by the military directly. Even CPO Saud Aziz, when asserting to the Commission that there were precedents for hosing down a

crime scene, acknowledged that all the incidents which he posited as precedents actually involved a military target. The police officials who point out this pattern saw it as further indication that the military was involved in having the crime scene hosed down.

135. Some media reports tied the hosing down of the Rawalpindi crime scene to the alleged washing of the crime scene in the October attack in Karachi. However, in Karachi, the need to put out fires in the vicinity of the blast led to the presence of water at the crime scene. The police collected debris from the crime scene and did not in fact hose it down. The Karachi police actions, while flawed, led to better preservation of the crime scene and better evidence collection, ultimately permitting investigators from the Federal Investigation Agency to recover the suicide bomber's striker sleeve.

136. The extraordinary nature of the hosing down of the crime scene generated such controversy that Punjab provincial officials recognized that some response was necessary. A committee of inquiry was set up by the Chief Minister of Punjab, to look into the washing down of the crime scene. The committee was composed of three senior Punjab officials. The Commission requested meetings with these individuals, which the facilitation committee was not able to arrange. No credible reason was provided.

137. The Punjab committee's mandate was limited to the following:

(a) Inquire into the circumstances leading to the washing down of the scene;

(b) Determine whether it was done with any *male fide* intention;

(c) Determine whether it posed any difficulty in reaching a conclusion on the cause of death.

138. The committee started work on 14 February 2008 and concluded its work the next day on 15 February. While acknowledging that a crime scene should in principle be preserved "at least till a detailed search and thorough forensic examination" has been carried out, it accepted the Rawalpindi police explanation that the decision to hose down the crime scene was formed by the investigating police officer at the scene, SP Khurram, with permission from CPO Saud Aziz, on grounds of public order. It further found that the decision was not made with any *male fide* intention and that washing the crime scene did not negatively impact on the conclusion as to the cause of death.

139. Several senior Pakistani police officials told the Commission that they did not consider the Punjab committee's findings credible. Indeed, it is difficult for the Commission to credit the committee's work. The terms of reference cast doubt on that committee's independence. The objective of crime scene management is the collection and preservation of evidence with the overall aim of solving the crime. By limiting its inquiry to the narrow question of whether washing the crime scene impeded the reaching of a conclusion as to cause of death, the committee inexplicably failed to consider the impact that hosing down the scene had on the broader criminal investigation. It was only because of the persistent efforts of FIA investigators that critical evidence was found in the sewers near the blast scene.

140. The very brief time spent by the Punjab committee in the conduct of its inquiry further compels the Commission to question its findings. In short, the Punjab committee constituted a whitewash of the actions of the Rawalpindi police in failing

to manage the crime scene and destroy evidence. Not surprisingly, the work of the Punjab committee was counterproductive in that it further deepened the suspicion of many in Pakistan over the conduct of the police on 27 December 2007.

Preservation of evidence

141. Even after the hosing down of the crime scene, questions continued to arise over the preservation of evidence by the Rawalpindi police, particularly in the period before investigators from the JIT started their work.

142. Ms. Bhutto's Land Cruiser was initially taken to the City Police Station by Inspector Kashif Riaz some time after midnight early on 28 December and then taken to Police Lines.[5] In the early hours of 28 December, CPO Saud Aziz went to see the Police Lines, together with others, including ISI officers, who were the first to conduct a forensic examination of the vehicle. An investigating police officer on the orders of the CPO, removed Ms. Bhutto's shoes and took them to the City Police Station. Sometime thereafter, the shoes were ordered back into the car. This was clearly interfering with the integrity of the evidence. Furthermore, while the vehicle was parked at Police Lines, it was not properly preserved. The Commission was told that during a visit by some JIT members, people were seen in the vehicle cleaning it even though investigations were still ongoing. When the JIT carried out its physical examination of the vehicle, they did not find any hair, blood or other matter on the lip of the escape hatch. Forensic analysis of swabs of the lip of the escape hatch later carried out by the JIT and Scotland Yard also found nothing. It is impossible to establish whether the interference with the vehicle resulted in the elimination of any matter that may have been present on the lip, or whether there was no such matter in the first place. It is clear, however, that such interference would have damaged any forensic evidence present.

On the decision not to carry out a post-mortem examination

143. The Commission was told that CPO Saud Aziz on three occasions refused the request of the doctors for permission to carry out a post-mortem examination on Ms. Bhutto's remains. Pakistani law provides that, in the case an unnatural death, the police must have a post-mortem examination report as part of their investigations. This requirement places the responsibility for initiating the examination on the police and not the hospital authorities. Indeed, hospital authorities must get a request from the police before proceeding. Numerous people interviewed, including all doctors and nearly all senior police officers, have reiterated this rule. Even CPO Saud Aziz himself acknowledged that this is the law in Pakistan.[6] Only a District Magistrate may waive the need for a post-mortem examination. If the family of a deceased person does not wish to have a post-mortem examination carried out, it must apply to a judge for an order waiving the requirement.

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[5] Police Lines is an administrative centre for Rawalpindi District Police that includes barracks and other facilities.

[6] Doctors have noted that autopsies were not normally conducted at Rawalpindi General Hospital, but rather at District Headquarters Hospital also in Rawalpindi. Had the police requested one or acceded to the doctors' plea to have one, Ms. Bhutto could have been moved to a different hospital for the post-mortem examination, or a pathologist from another hospital could have gone to Rawalpindi General Hospital.

144. Some people have suggested to the Commission that the practice is different from the legal requirement. Due primarily to religious considerations, permission from the family might be sought. There are sensitivities around conducting a post-mortem examination of a woman in Pakistani culture. However, due to the forensic importance of the examination, the police might take steps to overcome any religious or cultural objections. One senior police officer explained that, in his experience, when family members have been reluctant to have a post-mortem examination, the police have taken time to convince them to change their position because the post-mortem examination is so central to the conduct of any investigations.

145. While denying that the doctors requested his authority for a post-mortem three times, CPO Saud Aziz told the Commission that because of the importance of the person of Ms. Bhutto, he could not just have a post-mortem examination without first seeking her family's consent. He first sought the approval of the President of the PPP, Makhdoom Amin Fahim, for a post-mortem examination. Mr. Fahim told him that he was not in a position to give such approval and asked him to wait for Mr. Zardari who was on his way to Pakistan from Dubai. When Mr. Zardari arrived at Chaklala Airbase, the request for permission was made to him and he declined.

146. The Commission does not find that there are credible reasons for failing to carry out an autopsy on Ms. Bhutto. The body had already undergone invasive medical procedures when the open heart massage was undertaken. Moreover, a post-mortem examination limited to a complete external examination and not involving any invasive surgery could have been carried out. Even that limited exam was not conducted in this case. While one doctor did take a general look over the body, the doctors admit that this did not constitute a proper external post-mortem examination.

147. It is odd that Ms. Bhutto's remains were moved to the Pakistan Air Force base (Chaklala Airbase) in Rawalpindi before Mr. Zardari's arrival from Dubai. According to sources, the body was taken from the hospital around 2300 hours, on 27 December. The note signed by Mr. Zardari accepting his wife's remains is timed 0110 hours on 28 December. If the police were genuinely waiting for Mr. Zardari's permission before requesting a post-mortem examination, they should have left Ms. Bhutto's remains at the hospital. Instead they moved her remains to Chaklala Airbase, thereby rendering such an examination more difficult. When questioned about this, senior Punjab officials stated that the plan was to carry out the examination at the base which also had medical facilities. However, the fact that Ms. Bhutto's coffin was not taken to the medical facilities, but placed in a room at the base, makes this assertion doubtful.

148. There was a series of memos from CPO Saud Aziz and his superiors regarding the absence of a post-mortem examination. The CPO wrote a memo to his immediate superior, the Inspector General of Police of Punjab, dated 27 December, but actually written in the morning of 28 December, in which he reported that an autopsy could not be conducted because her husband had refused to authorize one. The Inspector General then sent a memo, also dated 27 December (and written on 28 December), to the Home Secretary of Sindh Province reporting Mr. Zardari's refusal and suggesting that the matter be taken up by the Home Department of Sindh Province. On 28 December, a letter was written from the Punjab Additional Secretary, Internal Security, to the Sindh Home Secretary, requesting that the latter

seek Mr. Zardari's permission to conduct a post-mortem examination on Ms. Bhutto's remains prior to burial.

149. The Commission finds the letter written by CPO Saud Aziz to be fundamentally misleading. Nothing in the letter explains why the autopsy had not been carried out earlier, during the preceding five hours while Ms. Bhutto's remains were at Rawalpindi General Hospital. Rather, the letter focuses solely on Mr. Zardari's refusal to approve an autopsy — and portrays even that refusal in misleading terms. The letter is clearly intended to hide CPO Saud Aziz's fundamental failure to carry out his legal obligation regarding the autopsy and, instead, to redirect blame for this failure to Mr. Zardari. The effort to pin responsibility for this failure on Mr. Zardari is unacceptable. No autopsy had been carried out even though five hours had passed since Ms. Bhutto had been declared dead. The body had been placed in a coffin and brought to the Pakistan Air Force base. CPO Saud Aziz placed Mr. Zardari in an impossible situation — one which almost compelled Mr. Zardari to refuse the request for an autopsy.

150. The subsequent letter by the Inspector General of Punjab reiterating the misleading summary of events set out in CPO Saud Aziz's letter reflects the willingness of his administrative superior to further this shift of responsibility and perpetrate a cover-up of the true reason behind the lack of a post-mortem examination.

151. In short, CPO Saud Aziz did not fulfil his legal obligation to order an autopsy. Having failed in that regard, he sought to cover up his failing by putting Mr. Zardari in a situation designed to elicit his refusal of an autopsy. CPO Saud Aziz's further effort to cover his failings by writing a memo pinning blame on Mr. Zardari was highly improper. On their face, these factors taken together strongly suggest a preconceived effort to prevent a thorough examination of Ms. Bhutto's remains.

152. CPO Saud Aziz, an experienced senior police officer, refused to allow a post-mortem examination. He certainly knew the requirements of the law and the practice of law enforcement in such cases. He need not have waited for Mr. Zardari. He was, furthermore, aware of the importance and status of the person involved. All these factors together support the view held by many Pakistanis that CPO Saud Aziz did not act independently in this matter. CPO Saud Aziz's insistence on justifying his actions has made it difficult for the Commission to inquire any further and attempt to unearth who might have been behind the decision.

On whether Ms. Bhutto was shot

153. Although a number of PPP members asserted publicly and in private shortly after the assassination that Ms. Bhutto had been shot, none of the many PPP members, both senior and low-ranking, interviewed by the Commission could confirm that assertion. Some PPP members told the Commission that at least one of the doctors had initially stated that Ms. Bhutto had suffered gunshot injuries, implying that the doctors must have deliberately altered their findings subsequently. The Commission was unable to find any basis to support this view, however honestly held. Rather, some doctors do indeed acknowledge that they openly discussed the possibility of gunshot injuries early in their efforts to resuscitate Ms. Bhutto, but excluded that possibility in their final assessment. There is one doctor who arrived during the evening at Rawalpindi General Hospital who continues to assert that there was a gunshot wound. He was, however, an

examining doctor and does not base his views on direct observation of a gunshot injury.

154. The Commission also interviewed some PPP supporters who had been injured in the blast. None had received any bullet wounds, as previously reported in some media reports. According to the police, over 25 people were also interviewed in the immediate aftermath of the incident, and none received bullet wounds. They were injured by ball bearings, but not bullets.

155. The Commission has not been provided with any credible, new information showing that Ms. Bhutto had received bullet wounds. A senior PPP official, who had earlier publicly asserted that she had seen Ms. Bhutto's gunshot injuries, retracted that statement when interviewed by the Commission. In fact, she had not seen Ms. Bhutto's head wound and had been told to tell the media that she had seen bullet wounds. The Commission found that, although her supporters may have justifiably assumed that Ms. Bhutto had been shot in the confusion surrounding the assassination, the continued assertion that she had been shot, without evidence, as well as the assertion of untrue eyewitness accounts, was and remains misleading. The Commission recognizes that the confusion and urgency at Rawalpindi General Hospital when Ms. Bhutto was brought there would naturally have generated some discussion among the staff there about the possibility of a gunshot wound. Such discussions may have been misinterpreted by some as a medical finding.

The Government press conference

156. At about 1700 hours on the day following the assassination the Government held a televised press conference, conducted by Brigadier Cheema, the spokesperson of the Ministry of the Interior at which he announced that:

(a) Ms. Bhutto died from a head injury sustained when from the force of the blast she hit her head on the lever of the escape hatch;

(b) Mr. Baitullah Mehsud linked with Al-Qaida was responsible, presenting an intercepted telephone conversation between Mr. Mehsud and one Mr. Maulvi Sahib in which Mr. Mehsud was heard congratulating Mr. Maulvi on a job well done.

157. The decision to hold the press conference was made by General Musharraf, during a meeting on the morning of 28 December at a facility in General Headquarters known as Camp House. That meeting, at which General Musharraf was briefed on the intercept and on medical evidence, was attended by the Directors General of the ISI, Military Intelligence and the Intelligence Bureau. Brigadier Cheema was summoned to a subsequent meeting at ISI Headquarters and directed by the Director General of the ISI to hold the press conference. In attendance at this second meeting, in addition to Brigadier Cheema, were Interior Secretary Kamal Shah, Director General of the ISI, Director General of the Intelligence Bureau, Deputy Director General of the ISI and another ISI brigadier.

158. The Musharraf Government asserted that the evidence for the cause of death was clear. According to the Government, video footage showed that the shooter's bullets did not hit Ms. Bhutto. Based on the medical report indicating that she died of heavy bleeding from a head wound on the right side of her head, the Musharraf Government set out its conclusion, through Brigadier Cheema, that she must have hit her head on the lever of the vehicle's escape hatch.

159. The press conference was met with widespread public scepticism and media outrage in Pakistan. The PPP and others accused the Government of a cover-up. Many questioned the sudden and timely appearance of the telephone intercept as well as the speed with which its contents were analysed and interpreted. Many also challenged the view that Ms. Bhutto had not been shot and questioned how quickly that purported analysis had been done. Furthermore, many senior PPP officials believed the Government was suggesting, in an effort to demean Ms. Bhutto, that she had caused her own death by emerging from her vehicle. In short, the press conference not only failed to provide credible answers to essential questions arising from the assassination, it triggered widespread suspicion that government authorities would not be conducting a genuine search for the truth.

The first Joint Investigation Team (Punjab-led)

160. On 28 December, Punjab authorities set up a Joint Investigation Team (JIT) for the assassination. The JIT declared its work finished on 17 February 2008. This section will provide an overview of the constitution, internal dynamics and focus of the first JIT established shortly after Ms. Bhutto's assassination. It does not seek to set out in detail the JIT's findings.

161. Under the Anti-Terrorism Act, when a terrorist offence has been committed, the establishment of a JIT is mandatory. The relevant provision is broad, defining a JIT as an investigation involving one law enforcement agency working together with other agencies, either law enforcement or intelligence. With other types of crimes, it is usually the provincial police that has primacy in the investigation of a crime, and for the Federal Capital Territory of Islamabad, the Federal Government takes the lead. But in terrorism cases, either the provincial police or the Federal Government can initiate a JIT. When initiated by a province, the provincial government takes the lead in selecting the team members. Due to the expertise of the Special Investigation Group (SIG) of the Federal Investigation Agency, the FIA generally assigns some of its officers from that section to the JIT.[7] When a JIT is set up by a province, a notification is sent to the FIA inviting the assignment of SIG staff to the team.

162. The JIT was headed by Mr. Abdul Majeed, Additional Inspector General (AIG) for Punjab. In addition to police officials from Punjab, the JIT included three senior members of the FIA, including an explosives expert, a senior CID police officer at the rank of DIG, an expert on forensic photography and nine middle ranking police officers. At the time the JIT was established, AIG Majeed was out of the country and, for the first two days, the JIT was headed by the next most senior police officer on the team, the DIG/CID in Lahore, Mushtaq Ahmad Sukhera. DIG Sukhera and his team started work on 28 December 2007.

163. On the evening of 28 December, members of the JIT went to Police Lines where they met CPO Saud Aziz. Rather than proceeding directly to the crime site, CPO Saud Aziz laid out tea for the JIT investigators in a conference room. While the JIT members were still in the conference room, the television aired the press

[7] The Federal Investigation Agency was established under the FIA Act 1975. It has powers to investigate all offences that are set out in the Schedule to the Act, including terrorism. Expertise in the investigation of terrorism cases rests with the Special Investigation Group (SIG) within the FIA. The SIG was established after 11 September 2001 and became operational in April 2003.

conference given by Brigadier Cheema. According to a credible source, at the end of the press conference, the CPO rhetorically asked the JIT members what they intended to investigate, since the perpetrator had been identified. When the JIT members pressed to visit the crime scene, CPO Saud Aziz, noting that it was already dark, stated instead that he would arrange for a visit to the scene in the morning. The source noted above interpreted these actions as a means of hindering the JIT investigators' access to the crime site.

164. On 29 December, the following day, the JIT investigators returned to Police Lines where they were able to inspect Ms. Bhutto's vehicle. They discovered early in their inspection that there was no blood or tissue on the escape hatch lever that would be consistent with the gaping injury to Ms. Bhutto's head, suggesting strongly to the investigators that Ms. Bhutto had not hit her head on the lever.

165. Following that inspection, rather than taking the investigators directly to the crime scene, CPO Saud Aziz hosted a lunch that went into the late afternoon, at the end of which he again, according to the same source cited above, indicated that it would be dark by the time the team arrived at the crime scene. It was only at around 1700 hours that the JIT investigators were taken to the crime scene at Liaquat Bagh. The Commission finds it inexplicable that the investigators were not in a position to conduct on-site investigations until two full days after the assassination. Such conduct further hampered the gathering of evidence and, at the very least, was contrary to best practices.

166. Once at the scene, the investigators could see that it had been hosed down. Despite the late hour, they spent seven hours there. They followed the water current, including wading through the drainage sewer and collected evidence from the debris. They were able to recover one bullet casing from the drainage sewer, later established through forensic examination to have been fired from the pistol bearing the bomber's DNA. The JIT members left the scene around midnight. The Rawalpindi police provided security for them, and the road was cordoned off during the entire time. The next day, the team returned to continue the search. Upon their request, the scene remained cordoned off and the road closed. They eventually recovered other evidence in the course of their crime scene examination, including the partial skull of the suicide bomber from atop one of the buildings near the site.

167. On 31 December, AIG Majeed returned from his trip and took over the leadership of the JIT. This change at the JIT's helm resulted in a shift in the internal dynamics of the investigation. Mr. Majeed effectively sidelined the senior and more experienced officers who had started the investigations and dealt directly with the most junior investigators of the JIT. Two senior officers invited into the JIT from the Sindh police decided to return to Sindh after only two days with the JIT. Much of the work carried out by the JIT from this point was led by information Mr. Majeed received from the intelligence agencies, which retained sole control over the sharing of information with the police, providing it on a selective basis.

168. The scientific analysis of the suicide bomber's remains by the Scotland Yard team established that he was a teenage male, no more than 16 years old. According to the JIT's investigations, this young man was named Bilal also known as Saeed from South Waziristan. This was established through the links that the accused persons admitted having had with the bomber and the ISI telephone intercept of Baitullah Mehsud's conversation with Maulvi Sahib.

The accused persons

169. Five persons were arrested by the JIT: Aitezaz Shah, Sher Zehman, Husnain Gul, Mohamad Rafaqat and Rasheed Ahmed. In addition, the JIT charged Nasrullah, Abdullah, Baitullah Mehsud and Maulvi Sahib as "proclaimed offenders". Baitullah Mehsud was killed in a drone attack in August 2009, and Nasrullah is reported to have been killed in an attack in the Federally Administered Tribal Areas.

170. The Commission will not address in any detail the case against these individuals. It notes generally, however, that the accused are alleged to have served as handlers and logistics supporters of the suicide bomber, or as persons who were knowledgeable about the plans to assassinate Ms. Bhutto but failed to provide such information to the police. The charges against them include aiding and abetting terrorism, murder and concealing information about the commission of a crime.

171. The JIT focused its efforts on investigating the alleged role of these low-level individuals. Little to no focus was placed on investigating those further up the hierarchy in the planning and execution of the assassination. In particular, the JIT did nothing to build a case against Mr. Mehsud, treating the contents of the intercept presented to the public by Brigadier Cheema as determinative of his culpability. AIG Majeed told the Commission that he saw no need to establish the authenticity of the intercept or the basis for its analysis, including the voice identification and the interpretation of the conversation as a reference to Ms. Bhutto's assassination. The Commission finds this approach to the investigation contrary to best practices and inconsistent with a genuine search for the truth.

172. The Commission notes also with some concern the discrepancy in the detention record of some of the accused persons, particularly in light of the well-known controversy over extrajudicial detention by intelligence agencies prior to their arrest by law enforcement agencies.

Baitullah Mehsud

173. The then Government's assertion that Baitullah Mehsud was behind the assassination of Ms. Bhutto was premature at best. Such a hasty announcement of the perpetrator prejudiced the police investigations which had not yet begun. Other flaws in the JIT's approach to investigating Baitullah Mehsud's alleged role in the assassination are also inconsistent with a genuine search for the truth.

174. The communication intercepted by the ISI is purported to be a telephone conversation between Emir Sahib (said to be Baitullah Mehsud) and Maulvi Sahib. In it, the two speakers congratulate each other on an event which Brigadier Cheema asserted was the assassination. The ISI asserts that they already had the voice signature of Baitullah Mehsud and were in a position to identify his voice on the intercept. In the English translation of transcript of the intercept, Emir Sahib at some point asked Maulvi Sahib: "who were they?" Maulvi Sahib replied: "There were Saeed, the second was Badarwala Bilal and Ikramullah was also there." Mehsud asked: "The three did it?" Maulvi Sahib replied: "Ikramullah and Bilal did it". The conversation did not mention Ms. Bhutto by name. The Commission is not in a position to evaluate the authenticity of the purported intercept. Any further investigation into Ms. Bhutto's assassination must include steps for such authentication.

175. It is not clear how or when the intercept from the ISI was recorded. A former senior ISI official told the Commission that the ISI had been tracking Baitullah Mehsud's communications closely and was, therefore in a position to identify his voice. Furthermore, he asserted that the ISI had been tracking Taliban-linked terrorist cells that were closely pursuing Ms. Bhutto, targeting her at a series of successive public gatherings. According to this ISI official, it was one of these cells which finally assassinated Ms. Bhutto in Rawalpindi.

176. The ISI was highly confident of the accuracy of its investigations, much of which were based on the analysis of intercepts, through which it was possible to identify each cell and also the link of each of these cells to Baitullah Mehsud. On the basis of its investigations, the ISI detained four persons for involvement in the Karachi bombings within two weeks of that attack. According to the former ISI official cited above, interrogations confirmed their intercepts analysis. The Commission is not in a position to assess the credibility of this information from the ISI. However, this information does raise important questions, which are addressed further below.

177. There are media reports that Mr. Mehsud denied responsibility for the assassination. Mr. Saleh Shah Qureshi, Senator from South Waziristan, told the Commission that Mr. Mehsud had categorically denied any involvement in the assassination attempt of 18-19 October and the subsequent assassination of Ms. Bhutto on 27 December, questioning also the authenticity of the telephone intercept ascribed to Mr. Mehsud. The JIT took no steps to investigate the veracity of any such denial. Rather, some government officials from that time told the Commission that any such denials would have no credibility, implying that such investigative steps would not be worthwhile.

178. After the arrest of the five accused persons, the JIT essentially ceased investigating the possibility of other perpetrators, particularly those who may have been involved in planning or directing the assassination by funding or otherwise enabling the assassination. The JIT even ended its efforts to identify the suicide bomber.

Persons accused by Ms. Bhutto in a letter dated 16 October 2007

179. On 16 October 2007, Ms. Bhutto, writing from Dubai to General Musharraf, identified three people she considered a threat to her security: (i) Brigadier (ret) Ejaz Shah, Director General of the Intelligence Bureau at the time of the assassination, (ii) General (ret) Hamid Gul, a former Director General of the ISI, and (iii) Mr. Chaudhry Pervaiz Elahi, Chief Minister of Punjab until 22 November 2007.

180. The Ministry of the Interior responded to Ms. Bhutto in a letter dated 6 November 2007, stating that the threats she related had "neither tangible basis nor is there any evidence to support the perception" contained therein. The Commission spoke with two of those named in the letter and others close to them, all of whom hold the view that the letter was baseless and politically motivated. With respect to Ms. Bhutto's close aides, none of those who met with the Commission affirmed having seen the letter before it was written, and they had varying interpretations of its contents and intentions. One believed that the letter was intended to put political pressure on General Musharraf by naming two people closely associated with him and putting him on notice of her concerns. Other sources, including a former high-

ranking foreign official, thought the men posed genuine threats to her security, linking them to the Establishment and its long-standing enmity towards the PPP and the Bhutto family. The Commission received no information of specific threats that they may have directed against Ms. Bhutto.

181. In the course of their investigations, neither the Karachi nor the JIT investigators interrogated or interviewed any of these people. Karachi and JIT investigators explained that they could not summon and interrogate them on the basis of Ms. Bhutto's accusations, without more information. Ms. Bhutto made indirect reference to these individuals in the FIR she filed in Karachi after the attack on 18-19 October. However, while the FIR referred to the 16 October letter, it did not provide the names, nor was a copy attached. Nor did any PPP member provide the names to the investigators. These factors were raised by Karachi and JIT investigators in explaining to the Commission why they declined to approach these three men.

182. While recognizing that Ms. Bhutto and other PPP members were not forthcoming with the police on this issue, the Commission believes that police investigators should nonetheless have invited the three individuals to meet with them, on a voluntary basis. The names of the three individuals had been widely circulated in the press, as Karachi and JIT investigators acknowledged.

Interaction of the Pakistan Peoples Party with the investigations

183. The relationship between the PPP and the Pakistani police was characterized by mistrust on the part of the PPP. This was evident in their lack of cooperation with the Karachi police following the attack of 18-19 October 2007, and their lukewarm attitude towards the Rawalpindi investigations.

184. Apart from Major Imtiaz, the JIT never interviewed the people in the car with Ms. Bhutto at the time of the incident. When asked about this, AIG Majeed explained that those persons had been summoned to be interviewed, but they refused to appear. However, some members of the JIT acknowledged that, while they could confirm that the letters summoning PPP members for interviews had been sent, they did not have any confirmation that they had been received. In general, the limited efforts of the JIT to reach out to the PPP are highlighted by a comparison to the efforts of the Karachi police after the October attack. There, although relations between the Karachi police and the PPP were tense, bordering on antagonistic, the Karachi police made efforts to accommodate PPP concerns by, among others things, replacing the initial lead investigator at the PPP's request.

185. PPP members deny that the police contacted them, asserting that they would have appeared if contacted. To underscore that willingness, they point out that when contacted by Scotland Yard they did, in fact, respond. In addition, they point out that they had spoken to several media outlets about the assassination and related events. They maintained that having been so close to Ms. Bhutto, it was only natural that they would want the truth regarding her death to come out.

186. At the same time, several PPP members explained to the Commission that the PPP did not have faith in the integrity of the investigations and that, as a result, they did not cooperate with the police. Some senior PPP members acknowledged to the Commission that the PPP had, accordingly, adopted a policy against cooperating with the Karachi police investigation because the police had refused to register their

FIR. This distrust of the police by the PPP was reflected also in Ms. Bhutto's efforts to lodge a second FIR following the Karachi attack.

187. The Commission recognizes that the PPP distrust of the police investigations in both Karachi and Rawalpindi contributed to the party's unwillingness to cooperate with the criminal investigations. However, the PPP's refusal to cooperate with the Karachi and Rawalpindi investigations was not constructive. The Commission notes that PPP members clearly did not have to wait to be formally notified to talk to the police. As in any law enforcement matter, PPP members were free to take the initiative to speak to investigators.

Scotland Yard

188. Following discussions between the Prime Minister of the United Kingdom, Gordon Brown, and General Musharraf, it was agreed that a team of forensics experts and investigators from the Metropolitan Police's Counter Terrorism Command (SO15) would carry out a limited investigation to assist the Pakistani police investigation into Ms. Bhutto's assassination. The team's work resulted in a confidential report.

189. The terms of reference for Scotland Yard's assistance, agreed between the United Kingdom Foreign and Commonwealth Office and the Interior Ministry of Pakistan, were made public through a statement issued on 11 January 2008 by the British High Commission in Pakistan. The main objective of the Scotland Yard team was "to assist the local authorities in providing clarity regarding the precise cause of Ms. Bhutto's death". According to the Scotland Yard report, a team of experts and investigators arrived in Pakistan on 4 January 2008 and spent two-and-a-half weeks carrying out their investigation. The British High Commission in Pakistan released an executive summary of the Scotland Yard report on 8 February 2008. The main body of the report has not yet been made public.

190. According to the summary, the team's key findings included the following:

(a) although not possible to "categorically … exclude" the possibility of a gunshot wound, the available evidence suggested there was no gunshot wound;

(b) Ms. Bhutto died of a severe head injury caused by impact in the area of the escape hatch lip as a result of the blast;

(c) the same individual both fired the shots and detonated the explosives.

The summary notes that the "task of establishing exactly what happened was complicated by the lack of an extended and detailed search of the crime scene, the absence of an autopsy …". However, it goes on to assert that "[n]evertheless, the evidence that is available is sufficient for reliable conclusions to be drawn". This latter comment has been seized upon by some Pakistani officials as support for the performance of the Rawalpindi District Police in the crime scene management and as support for their failure to allow the autopsy. It is unfortunate that the poor performance of the Rawalpindi police was excused in the executive summary.

191. Since only the executive summary is public, critical elements of the Scotland Yard report are not widely known. In the Commission's view, it is important to note that, in the Scotland Yard team's view, there was no forensic examination of the

crime scene by the police on 27 December 2007.[8] The team found chaos and confusion understandable in the "immediate aftermath" of the blast and during the evacuation of casualties, but noted that there was never any organized or structured scene control or forensic examination that evening. For what evidence was collected, the Rawalpindi police often did not note their original location accurately. The Scotland Yard team was told by one police officer that the scene was searched for 45 minutes. Scotland Yard found that the scene was hosed down "within an hour" after the blast and, as a result, the "opportunity for a thorough forensic examination was lost".

192. Dr. Nathaniel Cary, the pathologist appointed by Scotland Yard, confirmed that the force of the blast caused Ms. Bhutto's fatal injury. However, Ms. Bhutto did not suffer her injuries from hitting the latch of the escape hatch, as announced in the Ministry of the Interior's press conference on 28 December 2007. Rather, Dr. Cary asserted that her head struck somewhere on the lip of the escape hatch opening. While Scotland Yard's finding was arrived at after investigation, the Ministry of the Interior's was conclusory.

193. As noted above, officials at the time sought also to invoke the Scotland Yard report to excuse the failure to conduct an autopsy. The report does not offer any support for that failure. Rather, the report cites Pakistan's Criminal Code of 1898 (as amended by Act II 1997, section 174(3) which mandates that a police officer shall submit a body for an autopsy and notes that Dr. Aurangzeb had written that the cause of death was "[t]o be ascertained by autopsy". The team's executive summary noted that "[t]he task of establishing exactly what happened was complicated by [among other things] the absence of an autopsy". Furthermore, the summary expressly explains that Dr. Cary was unable to categorically exclude the possibility of a gunshot wound because of the "limited X-ray material, the absence of a full post mortem examination and CT scan".

194. A number of officials from the Pakistani Government at the time of the assassination and a number of police officials from the Punjab police have sought to cite the Scotland Yard report as support for, or ratification of, the Rawalpindi police's security arrangements for Ms. Bhutto or its management of the crime scene on 27 December 2007 and other actions or inactions of the Rawalpindi police and government officials at that time. There is no factual or logical basis for such assertions. The Scotland Yard team stated clearly that they were not reviewing the security arrangements for Ms. Bhutto and that identification of those responsible was not within the team's terms of reference.

195. Given its extremely narrow mandate, much of the context in the Scotland Yard report was — as Scotland Yard emphasized — taken on good faith from the Pakistani police. That good faith was, in many respects, abused by officers of the Rawalpindi District Police, particularly with respect to security arrangements. The Commission's inquiry shows the accounts of the Rawalpindi police provided to Scotland Yard to be largely untrue.

196. At the request of the Commission, the Netherlands Forensic Institute (NFI) conducted a review of Scotland Yard's investigation of the cause and manner of death of Ms. Bhutto. Based on its analysis of the Scotland Yard report, the NFI

[8] The Scotland Yard team makes no reference to the collection of evidence by intelligence agencies.

prepared its own report for the Commission in which it concluded that there were no important inconsistencies in Scotland Yard's investigation.

The further investigation: second Joint Investigation Team (FIA-led)

197. In October 2009, 18 months after the PPP Government had come into power in Pakistan, the Ministry of the Interior initiated further investigations, for which a JIT was formed, in order to investigate aspects of the case not covered by the first JIT. This JIT is federally led, with officers of the FIA/SIG leading the investigation, which is currently ongoing. The Commission will not comment in any detail on the work of this second JIT.

198. The Commission does note, generally, that this second JIT has been more rigorous in carrying out its investigations. The investigators have been vigorously pushing certain areas of the investigation and appear to have made some further progress. Nevertheless, it is unclear to what extent even this investigation will be free to conduct an unfettered pursuit of the truth, including in freely investigating those who may have borne the greatest responsibility for the planning and execution of Ms. Bhutto's assassination.

III. Threats, responsibilities and possible culpabilities

199. A determination of criminal responsibility for planning, organizing, funding, supporting and carrying out the assassination can only be made by the competent authorities of Pakistan. This Commission has neither the authority nor the means to reach such conclusions. Indeed, if it were to do so, it could jeopardize future prosecutions or make it difficult for future accused persons to receive fair trials. This section, instead, assesses hypotheses regarding possible culpabilities of individuals and entities that appeared to pose threats to Ms. Bhutto. In addition, this section reviews the performance of those who were responsible for Ms. Bhutto's security and the investigation of her assassination. This section also reviews the role of Pakistan's intelligence agencies in this case.

A. Threats and possible culpabilities regarding the assassination

200. The Commission's inquiry has resulted in a picture of the significant threats that Ms. Bhutto faced on her return to Pakistan. In her writings and speeches, and in discussions with her colleagues as described to the Commission, Ms. Bhutto was outspoken about her perception of the threats posed to her.

201. The conditions in Pakistan that resulted in threats to Ms. Bhutto must be understood against the backdrop of Pakistan's recent history. Under the military dictatorship of General Zia ul Haq from 1977 to 1988, a once secular military was aligned with political Islam, and jihad was used as a tool to recruit and support insurgents fighting against the Soviet-backed government in Afghanistan. The Pakistani military organized and supported the Taliban to take control of Afghanistan in 1996. Similar tactics were used in Kashmir against India after 1989. These policies resulted in active linkages between elements of the military and the Establishment with radical Islamists, at the expense of national secular forces, and the entrenchment of religious extremist and other militant groups in the tribal areas

and Punjab. Ms. Bhutto's return from exile in 2007 occurred against this backdrop. Therefore, a discussion of the threats to Ms. Bhutto and of the forces that felt threatened by her potential return to power in Pakistan must include the following: Al-Qaida, Taliban and local jihadi groups and elements of the Establishment.

Al-Qaida

202. The Musharraf Government and Ms. Bhutto disagreed on much, but they both identified threats to her arising from Islamist extremist groups. Ms. Bhutto had concerns that Al-Qaida might have reason to do her harm. Her public positions against Al-Qaida-inspired Islamist violence, on the need to check extremism in the tribal areas, and on the perception among many that she was acting on behalf of the United States, are factors that could have made her a target for Al-Qaida and allied groups. She asserted in her 2007 book, *Reconciliation*, that Osama bin Laden funded the ISI's attempt to oust her first government in 1989 through a no-confidence motion in parliament. A close associate remembered that during the election campaigning, Ms. Bhutto told her, "Osama bin Laden would take out a lot of money to have me killed."

203. Al-Qaida posed a general threat to all Pakistani politicians, including Ms. Bhutto, who were not in line with their thinking. But as her return to Pakistan neared, and as she vigorously campaigned for the election, the threat to her increased and became specific. The Al-Qaida threats to Ms. Bhutto were relayed to her by the Pakistan Government and United Arab Emirates authorities.

204. After the Karachi attack, on 23 October, senior PPP leader and Ms. Bhutto's lawyer, Mr. Farooq Naek, received a handwritten letter at his office from a person claiming to be the "head of suicide bombers and a friend of Al-Qaida" and threatening that Ms. Bhutto would be assassinated in a gruesome manner. Mr. Naek notified the Supreme Court, urging that the threat be passed on to the Government with a request to strengthen Ms. Bhutto's security.

205. Further indications of the Al-Qaida threat to Ms. Bhutto emerged two days after her death when Al-Qaida spokesman Mustafa Abu al Yazid claimed responsibility for her assassination in a telephone interview with *Asia Times Online*. He stated: "We have terminated the most precious American asset who vowed to defeat mujaheddin." Al Yazid said that Al-Qaida had ordered the assassination, which was carried out by operatives of Lashkar e Jangvi, a Punjab jihadi group with a strong anti-Shia bias. Al-Qaida stood to gain from the political destabilization of Pakistan that followed her assassination. Given the above, the Commission believes that the competent authorities of Pakistan should vigorously pursue the possible role of Al-Qaida in Ms. Bhutto's assassination.

The Pakistani Taliban and other local jihadi groups[9]

206. The Pakistani Taliban is an agglomeration of Pashtun militant Islamist groups operating in the tribal areas. They are closely aligned with the Afghan Taliban, and with Al-Qaida. Several of these groups banded together in late 2007 to form the Tehrik-e-Taliban Pakistan (TTP) under the leadership of Baitullah Mehsud, a

[9] The term jihadi is understood in Pakistan to denote those groups that fought against the Soviet Union in Afghanistan, and later carried out actions in Kashmir. Several of these groups and their splinters have established links with Al-Qaida and the Afghan and Pakistani Taliban.

Taliban commander from South Waziristan. Beginning initially as a support network for the Afghan Taliban and Al-Qaida in Pakistan's tribal areas, the Pakistani Taliban became an actor in its own right after General Musharraf was perceived to have sided with the United States' anti-terror efforts. As a result, the Pakistani Taliban now constitutes a significant threat to Pakistan's internal stability.

207. The jihadi organizations are Sunni groups based largely in Punjab. Members of these groups aided the Taliban effort in Afghanistan at the behest of the ISI and later cultivated ties with Al-Qaida and Pakistani Taliban groups. The Pakistani military and ISI also used and supported some of these groups in the Kashmir insurgency after 1989. The bulk of the anti-Indian activity was and still remains the work of groups such as Lashkar e Taiba, which has close ties with the ISI. A common characteristic of these jihadi groups was their adherence to the Deobandi Sunni sect of Islam, their strong anti-Shia bias, and their use by the Pakistani military and intelligence agencies in Afghanistan and Kashmir.

208. Given this background, it is not surprising that they posed a threat to Ms. Bhutto and what she stood for. Ms. Bhutto was not only a modernist politician and the leader of a major secular party, she also spoke out strongly and publicly against the extremist Islam espoused by these groups. She was supportive of the United States approach to terrorism, and it was open knowledge that the United Kingdom and United States were aiding in her return to Pakistan. And despite her differences with General Musharraf, she had supported his crackdown on militants, including in the Red Mosque episode in July 2007. Indeed, she had repeatedly castigated General Musharraf for doing a half-hearted job on the terror front. Many believe that Ms. Bhutto's gender was also an issue with the religious extremists who believed that a woman should not lead an Islamic country. She was perceived as a Shia, at least by some militants, because her mother and husband are Shia.

209. Just before Ms. Bhutto's return to Pakistan in October 2007, a newspaper report quoting Senator Saleh Shah Qureshi of South Waziristan, noted that Baitullah Mehsud had threatened to welcome Ms. Bhutto with a wave of suicide bombers. The report was emphatically denied by Senator Saleh Shah. However, several sources in Pakistan have told the Commission that Baitullah Mehsud presented a credible threat to Ms. Bhutto. Along these lines, two of Baitullah Mehsud's aides, when escorting a British Broadcasting Corporation journalist in South Waziristan in early October 2007, said that they were convinced that Ms. Bhutto's impending return to Pakistan was part of a power-sharing deal with General Musharraf that was meant to strengthen the already strong pro-Americanism of the Pakistani Government. "She is actually a Shia, so what else can we expect", one of the aides told the journalist, according to the BBC report.

210. Pakistani Taliban leader Baitullah Mehsud was also blamed for the assassination by the Government of General Musharraf in its 28 December 2007 press conference. Former senior intelligence officials told the Commission that in November and December, they had been tracking multiple suicide bomb cells that targeted Ms. Bhutto in Larkana, Mardan, Peshawar and Rawalpindi. Senior officials of the current Pakistani Government have expressed their belief in Mr. Mehsud's involvement, although they continue to believe that he was part of a larger conspiracy.

211. Taliban and Al-Qaida culpability was also supported by Mr. Michael Hayden, the Director of the United States Central Intelligence Agency. He alleged in a

Washington Post interview on 18 January 2008 that Ms. Bhutto was killed by fighters allied with Baitullah Mehsud with support from Al-Qaida's terrorist network. The United States Government did not permit the Commission to meet with United States intelligence officials to ascertain the basis for Mr. Hayden's assertion.

212. These factors alone are insufficient to gauge possible Taliban and jihadi culpability for Ms. Bhutto's assassination. Nevertheless, almost no one the Commission has interviewed, including Ms. Bhutto's PPP colleagues, deny that the militants (Taliban and jihadi groups) posed a threat to Ms. Bhutto. One retired general, quite critical of the Musharraf regime, admits: "Baitullah Meshud would be one of those who would have wanted [Ms. Bhutto] killed." The Commission believes that the competent authorities of Pakistan should aggressively pursue the possible role of the TTP and Pakistani jihadi groups in Ms. Bhutto's assassination.

Threats from the Establishment

213. The Establishment is generally used in Pakistan to refer to those who exercise de facto power; it includes the military high command and the intelligence agencies, together with the top leadership of certain political parties, high-level members of the bureaucracy and business persons that work in alliance with them. The military high command and intelligence agencies form the core of the Establishment and are its most permanent and influential components.

214. Ms. Bhutto, through her writings and public statements, was outspoken as to the sources of the threats she faced; key among these were elements of the Establishment, whose tactics and reach she knew well. She and many others held the military and the intelligence agencies responsible for a number of "dirty" campaigns against her when she ran for office in the 1980s and 1990s, as well as for orchestrating the sacking of her governments. She believed that the policies she advocated — a return to civilian rule and democracy, human rights, negotiations with India, reconciliation with the non-Muslim world, and confrontation with radical Islamists — threatened the Establishment's continued control of Pakistan.

215. Ms. Bhutto's relevant policy proposals, including those laid out in the PPP's Manifesto for 2007, called for restrictions on the power of the military and intelligence agencies. She proposed bringing them under civilian, democratic controls, with provisions for transparency and control of the military budget and spending. She vowed publicly to use reforms to rid the intelligence agencies of elements driven by political or religious motives. Some of the positions taken by Ms. Bhutto that touched Establishment concerns included:

(a) Her publicly stated position on the need to eliminate all remnants of the military-militant nexus. Her proposal was to eliminate the military and intelligence ties to the Taliban and jihadis, although many in those institutions still publicly regarded these groups as important foreign policy tools to advance national interests against India in the subregion. In this vein, Ms. Bhutto denounced the military's various truces with Taliban militants in Swat and the tribal areas, arguing that they amounted to appeasement;

(b) Her independent position on the urgent need to improve relations with India, and its implications for the Kashmir dispute, which the military had regarded as its policy domain;

(c) Her frequent denunciation of the role of the military and the intelligence agencies in domestic politics;

(d) The perception of her willingness to accommodate Western concerns. While the military and others in the Establishment were willing to cooperate with the United States, United Kingdom and other Western States, Ms. Bhutto was portrayed as overly pliant;

(e) Her alleged willingness to compromise Pakistan's nuclear programme and allow greater Western access to it. The military has kept a tight grip on its nuclear secrets and its persistent refusal to allow international access to Dr. A. Q. Khan, the Pakistani nuclear scientist who sold nuclear weapons knowledge to other countries. Ms. Bhutto had said that she would give the International Atomic Energy Agency access to Dr. Khan, although her statement was twisted in some media stories.

216. Many sources interviewed by the Commission believe that the Establishment was threatened by the possibility of Ms. Bhutto's return to high public office and that it was involved in or bears some responsibility for her assassination. Their analysis is based on years of observation and knowledge of how the Establishment works, although they do not offer any specific evidence with regard to the Bhutto assassination.

217. Several of these sources spoke of the existence of elements within the Establishment who saw her return to an active political life in Pakistan as a threat to their power. These elements included, in particular, those who retain links with radical Islamists, especially the militant jihadi and Taliban groups and are sympathetic to their cause or view them as strategic assets for asserting Pakistan's role in the region. The development of these organizations and the spread of Islamist extremism, which marginalized secular democratizing forces, was promoted during the General Zia ul Haq military regime (which overthrew the civilian government headed by Ms. Bhutto's father and later executed him); the ISI cultivated these relationships, initially in the context of the Cold War and the anti-Soviet war in Afghanistan in the 1980s and later in support of Kashmiri insurgents. While several Pakistani current and former intelligence officials told the Commission that their agencies no longer had such ties in 2007, virtually all independent analysts provided information to the contrary and affirmed the ongoing nature of many such links.

218. Ms. Bhutto's own concerns about threats to her by Al-Qaida and other militants resulted in part from her knowledge of their links with people who had worked with or been assets of the ISI. She feared that the authorities could activate these connections, using radical Islamists to harm her, while hiding their own role in any attack. This was the basis for her allegations against Lt. General (ret) Hamid Gul and Brigadier (ret) Ejaz Shah, in her 16 October letter to General Musharraf. Gul was Director General of MI under Zia ul Haq and then Director General of the ISI when Ms. Bhutto was Prime Minister in 1988-90. Although he was retired, Ms. Bhutto believed he still maintained his former close ties with the militant jihadis. Brigadier Ejaz Shah, Director General of the Intelligence Bureau in 2007 and a former ISI officer, was a member of General Musharraf's inner circle. When Omar Saeed Sheikh, the main accused in the Daniel Pearl murder case, was cornered in 2002, he requested to surrender to Brigadier Shah. Some believe this was because of Brigadier Shah's reported intelligence connections with Mr. Sheikh; Brigadier

Shah vigorously denied this and told the Commission that the surrender was facilitated through family ties in their home community.

219. Militants of particular concern to Ms. Bhutto and others included Qari Saifullah Akhtar, one of the founders of the extremist Harkat ul Jihad Islami (HuJI), whom she accused of involvement in a failed coup attempt against her in 1995, during her second government. Mr. Akhtar, who was living in Pakistan when Ms. Bhutto returned from exile, was reportedly one of the ISI's main links to the Taliban regime in Afghanistan and is believed to have cultivated ties to Mr. Bin Laden, who lived in Afghanistan during that period. Ms. Bhutto believed that Mr. Akhtar was connected to the Karachi attack against her in October 2007. Mr. Akhtar's one-time deputy Ilyas Kashmiri, who had ties with the Pakistani military during the Afghan and Kashmir campaigns, had been a senior aide to Mr. Bin Laden's deputy, Ayman al Zawahiri.

220. It was such links and connections between elements in the intelligence agencies and militants, which most concerned Ms. Bhutto and many others who believed that the authorities could activate these connections to harm her. Given their clandestine nature, any such connection in an attack on her is very difficult to detect or prove.

221. Ms. Bhutto also emerged as a potential threat for General Musharraf, as she increasingly challenged his plans to maintain his hold on power, first by returning to Pakistan to campaign, then by focusing on the potential for election rigging, and finally by campaigning directly against the military dictatorship during the weeks of martial law. Some believe that he became increasingly angry at Ms. Bhutto for criticizing him and his regime so strongly, after having engaged in negotiations with him. Along the same lines, General Musharraf's allies, the PML-Q were also threatened by Ms. Bhutto, as they had the most to lose if the PPP were to win the elections and displace them from their majority position in Parliament.

222. Over the course of her campaign in Pakistan before her assassination, Ms. Bhutto developed the view that General Musharraf was the main threat to her safety. As she saw it, his government was not providing the security she was warranted and deserved due to the threats against her and her status as a former prime minister. An email she sent to her United States-based adviser, Mr. Mark Siegel, stressed her security concerns and stated: "I have been made to feel insecure by Musharraf and his minions."

223. The Commission believes that the criminal investigation of both attacks against Ms. Bhutto, first in Karachi and in Rawalpindi when she was killed, must include a focus on those who may have been involved, not only on the direct operational level, but also in their conception, planning and financing. In this regard, the pertinent authorities should follow all leads and explore all reasonable hypotheses in this regard, including the possible involvement of those who form part of the Establishment.

Other hypotheses of culpability

224. The assassination of Ms. Bhutto has led to a proliferation of hypotheses regarding possible perpetrators. These include other governments and Bhutto family members, close associates and security aides. The majority of these hypotheses do not assert any basis in evidence, with some seeking to do no more than name

persons believed to have benefited in some way from Ms. Bhutto's death, including those closest to her. The stubborn persistence of these hypotheses is attributable almost entirely to the abject failure of the government authorities at the time to carry out an investigation with vigour and integrity. The Commission need not address each of these many theories in turn. It is sufficient to note that the proper response is an unfettered criminal investigation — a meaningful search for truth — which has thus far been frustrated.

B. Responsibilities

Security provided by the Pakistani authorities

225. The Pakistani Government failed in its responsibility to protect Ms. Bhutto. Her status as a former prime minister and a leading political candidate and the existence of credible threats on her life should have prompted an effective security response.

226. There was no overall federal security plan to safeguard Ms. Bhutto. The federal nature of the organization of the Pakistani police made the establishment of a uniformly high level security programme difficult, but this does not absolve the federal Government of responsibility.

227. Provincial police did not receive from the Ministry of the Interior security instructions for Ms. Bhutto like those provided for the protection of other former prime ministers. As a result, security provisions for her varied from election rally to election rally depending on the capacity and motivation of the provincial and local police. In addition, the effectiveness of the police security plans relied to a great extent on the supplemental security provided by the PPP. There was no overall security plan to provide protection to Ms. Bhutto between campaign events.

228. The provision of security equipment from the authorities for Ms. Bhutto was inadequate, and the equipment provided often did not work.

229. The Pakistani authorities identified threats to Ms. Bhutto and urged her not to return to Pakistan. There is little evidence of efforts by the authorities to act against those threats. Given the seriousness of the threats identified by the Government and the dangerous individuals and institutions presenting those threats, the federal response to the danger to Ms. Bhutto was extremely inadequate. The federal authorities took on no effective responsibility for her security, merely passing on threat warnings to Ms. Bhutto and provincial authorities, and agreeing to the appointment of Major Imtiaz as a liaison between the authorities and the PPP.

230. The appointment of Major Imtiaz as a liaison between the authorities and Ms. Bhutto proved to be insufficient. There was little support for Major Imtiaz by the federal or local authorities. Since he travelled with her most of the time, he was not able to work effectively with federal or local authorities to plan security arrangements in advance or receive adequate information from them. Major Imtiaz's appointment gives the impression of federal support, but it was ineffectual.

231. At Liaquat Bagh, on 27 December 2007, security for Ms. Bhutto by the Punjab police was ineffective, insufficient and passive. Her assassination could have been prevented with proper security. The security plan was not adequate, and there is little evidence that it was even implemented. The plan called for the deployment of

1,371 police, but the Commission does not believe that the number of police actually deployed came close to that figure. The performance of the police demonstrated a lack of seriousness of purpose, a lack of leadership at the top and insufficient commitment among the ranks.

232. On Ms. Bhutto's departure from the rally, the police did not control the crowds outside Liaquat Bagh and coming from within the park. As a result the crowd was able to surround her vehicle thereby slowing it down. Video footage and photographs show very little police presence at this time. The delay in the departure of Ms. Bhutto from the scene is due to the crowds blocking her car. The Elite police unit that was supposed to provide a "box" security for Ms. Bhutto's vehicle were not immediately present to do so. The police had a responsibility to ensure that the departure proceeded quickly and smoothly, and that if the primary route was blocked, an alternative route could be used. That the only alternative route was blocked by parked police cars is inexcusable. Their failure to clear Liaquat Road to allow for a rapid departure from the rally was a critical failure.

233. There was no emergency plan in place in case of an attack. Once the attack occurred, chaos ensued. Her vehicle was not accompanied by a police escort to get her to a hospital quickly. It is extraordinary that her vehicle was stuck alone on Murree Road until the arrival of Ms. Sherry Rehman's car which took her to the hospital. Save for the people in her vehicle, Ms. Bhutto was alone, without police escort or support from the backup armoured vehicle that was supposed to be part of her convoy.

234. The inadequacy of the Rawalpindi District Police's security arrangements for Ms. Bhutto is further underscored when compared to those of the Karachi police for Ms. Bhutto's arrival there on 18 October 2007. The event of Ms. Bhutto's return to Pakistan clearly had a higher profile than the Rawalpindi public gathering. However, that difference cannot account for the fundamental differences in the security arrangements. Unlike the Rawalpindi District Police, the Karachi police engaged in an extensive series of meetings with the PPP to develop security arrangements cooperatively. The Karachi police also had a more coherent written security plan, which emphasized coordination with PPP security elements, and integrated them into the plan. The seriousness of purpose with which the Karachi police made their security arrangements was also reflected in the concrete efforts they undertook to test the efficacy of their security plan. These efforts included a full rehearsal of the security plan on 17 October 2007, involving thousands of police officers.

Security provided by the Pakistan Peoples Party

235. The PPP was forced, by the nature of the threats to Ms. Bhutto and a perception that the authorities would not adequately protect her, to devise supplemental security arrangements.

236. While the PPP did not bear responsibility for Ms. Bhutto's security, its own provision of security was characterized by disorganization and a lack of professionalism. Each senior PPP official the Commission spoke with on this issue described the PPP security arrangements differently. Even though Mr. Rehman Malik claimed that he was not an adviser on physical security, the letters he wrote to authorities, and his liaison role with security and intelligence agencies shows that he was deeply involved in the overall management of Ms. Bhutto's security. His

departure from the scene at Rawalpindi after the attack allowed her damaged vehicle to become isolated. The rapid departure of the only backup vehicle, in which Mr. Malik and other senior PPP leaders rode, was a serious security lapse. After moving a safe distance away from the scene of the attack, the occupants of the vehicle should have waited to see for themselves if Ms. Bhutto's vehicle was able to depart safely and if there was a need for a backup vehicle. As the backup, their vehicle would have been a necessary part of the convoy whether Ms. Bhutto's vehicle was damaged or not.

237. Major Imtiaz did not provide leadership after the attack, although he was assigned to the team precisely for this reason. It is understandable that others in the vehicle would be overwhelmed by the shock of the attack, but as the lead security professional in the vehicle, he would have been expected to provide leadership at that critical moment.

The criminal investigations

238. There was not an effective or active criminal investigation of either the Karachi or the Rawalpindi attacks. This is inexplicable in terms of the basic principles of effective police work and contrary to the legal responsibilities of the relevant authorities.

239. There is no evidence that the Rawalpindi police made any attempt to seal the crime scene in the aftermath of Ms. Bhutto's assassination despite the purported 1,371 strong police deployment. The decision to use a fire hose on the crime scene within one hour and forty minutes of the attack — allegedly because of civil unrest and in order to prevent rioting — is not acceptable, and effectively destroyed evidence. This destruction made it extremely difficult if not impossible to gather more DNA evidence than the minimal amount already gathered. This massive loss of evidence did irreparable damage to the crime scene. Contrary to the 23 pieces of evidence gathered by the police, attacks of this type would typically result in the collection of thousands of pieces of evidence.

240. The Commission is not convinced that the decision to wash the scene was made by CPO Saud Aziz alone. The attack was too significant and the target of the attack too important to Pakistani society to make such a decision solely on his level. Sources told the Commission that CPO Saud Aziz was constantly talking on his mobile phone while at the hospital. In the Commission's view, he has not adequately explained who called him during that time. Other sources have provided credible information about the intervention of intelligence agencies in the case. Whoever was responsible for this decision, and for whatever reason, acted in a manner that is contrary to the most basic police standards and hampered the proper investigation of the assassination.

241. The handling of other important items of evidence, most significantly the failure to preserve the vehicle in which Ms. Bhutto rode and other vehicles for technical examination prevented the gathering of important evidence.

242. The absence of an autopsy caused serious damage to the investigation. The lack of a clear cause of death established by an autopsy severely affected the credibility of the Government among the general public and has given rise to wide speculation as to the cause of Ms. Bhutto's death. CPO Saud Aziz again appears in a setting in which he seems to have been able to impede the effective investigation of

the crime. Again, it is unlikely that a police officer of his level could make such significant and ultimately destructive decisions on his own and wield such power. CPO Saud Aziz maintains that he did not deny any requests for an autopsy.

243. The Government press conference of 28 December 2007 — the day after the assassination and the day that the Joint Investigation Team was formed — prejudiced the investigation and eroded public confidence. This problem is especially acute because Pakistan was led by a military government in a society in which the military has significant and broad authority. The Commission concludes that the decision for the press conference was made by General Musharraf.

244. The investigation of the JIT, apart from the first few days after the attack, was characterized by inaction.

245. After the early actions of the members of the JIT, particularly by the Federal Investigation Agency members, the JIT relied almost exclusively on information received from intelligence agencies without follow-up police work. They did not engage in the most basic police procedures, such as interviewing the occupants of Ms. Bhutto's vehicle. Even if those persons and others within the PPP did not wish to cooperate with the authorities, the Pakistani police had the means to summon participation, and it is surprising that they did not, given the seriousness of the crime.

246. There has been essentially no communication between the Karachi police officials investigating the Karachi attack and the Rawalpindi police officials in the JIT investigating the assassination. The two police investigations remain unconnected, despite the need for full communication and cooperation in these linked complex cases.

247. The Commission is concerned that its existence enabled the authorities responsible for the investigation to slow their activities. For example, the Government, which has been in office since April 2008, only commenced the further investigation in October 2009. The Commission's effort to determine the facts and circumstances of Ms. Bhutto's assassination is not a substitute for an effective, official criminal investigation. These activities should have been carried out simultaneously. Ms. Bhutto was killed more than two years ago. A Government headed by her party, the PPP, has been in office for most of that time, and it only began the further investigation, a renewal of the stalled official investigation, in October 2009. This is surprising to the Commission.

Role of intelligence agencies[10]

248. A number of knowledgeable and credible persons with whom the Commission spoke cited the pervasive reach, control and clandestine role of intelligence agencies in Pakistani society. In the course of this inquiry, the Commission encountered

[10] Pakistan has three major intelligence agencies. The Intelligence Bureau is the main civilian intelligence agency and focuses on domestic intelligence; however it reports to the Prime Minister rather than the Minister of the Interior and has generally been led by a high-ranking military official. Military Intelligence, is the section of the Army specialized in intelligence and reports to the Chief of Army Staff. Inter-Services Intelligence (ISI) draws on the intelligence capacity of the three military service branches, in addition to its own more autonomous capacity; considered to be the pre-eminent agency among the three, nominally it reports to the Prime Minister, but generally its effective practice has been to report to the Chief of Army Staff.

abundant confirmation of this not only in law enforcement matters, but also in various aspects of the country's political life during 2007.

249. Particularly noteworthy was the intense involvement of intelligence agencies in criminal investigations. While it is often necessary, especially in terrorism cases, for intelligence agencies to provide significant assistance to police investigative authorities, in the investigation of Ms. Bhutto's assassination, the role of intelligence agencies far exceeded an assisting role, with the effect of subordinating law enforcement institutions.

250. The agencies, and in particular the ISI, carried out parallel investigations into both the Karachi attack and the assassination in Rawalpindi. A former intelligence official with direct knowledge of the matter told the Commission that the ISI had conducted its own investigation of the Karachi attack and had successfully detained four men who provided logistical support for the attack. None of the police or other civilian officials interviewed by the Commission regarding Karachi reported any knowledge of such detentions. The same source told the Commission that ISI agents covering Ms. Bhutto's meeting in Liaquat Bagh on 27 December were the first to secure her vehicle and take photos of it after the attack there, among other actions. One very prominent and directly knowledgeable former government official informed the Commission that the ISI was, in fact, responsible for the investigation of Ms. Bhutto's assassination. Others have asserted that the Intelligence Bureau had and still has a significant role in the investigation.

251. Members of the JIT that investigated Ms. Bhutto's assassination all but admitted that virtually all of their most important information, including that which led to the identification and arrest of those suspects now in prison, came from intelligence agencies. The Commission is satisfied that this was the case given that there is little indication that the JIT considered any other hypotheses, followed leads or developed its own evidence beyond the framework set by those agencies.

252. Several high-ranking law enforcement officials expressed concerns to the Commission that resources to build investigative capacity, especially in terrorism cases, have gone to the intelligence agencies, while police resources and capacity lag. Indeed, in the aftermath of the attempts on General Musharraf's life, the capacity of the ISI was strengthened to allow it to engage more effectively in such investigations. This tendency has led to a distortion and imbalance in the functions of these institutions and presents a challenge for the future in ensuring the democratic rule of law.

253. Given the historical and possibly continuing relationships between intelligence agencies and some radical Islamist groups that engage in extremist violence, the agencies could be compromised in their investigations of crimes possibly carried out by such groups.

254. Wiretapping can, of course, be a legitimate intelligence and law enforcement tool. Yet in its efforts to determine the provenance and authenticity of the phone intercept used to implicate Baitullah Mehsud in the assassination of Ms. Bhutto, the Commission received credible information regarding the systematic wiretapping by the ISI and the Intelligence Bureau not only of suspected terrorists and other criminals, but also of politicians, government officials, journalists and social activists. These activities are not authorized or overseen by judicial authorities and are not in keeping with the operations of such agencies in a democratic society.

255. Beyond their involvement in criminal investigations, the Commission encountered a far-reaching presence of intelligence agencies in several key aspects of the tumultuous events of 2007, which formed an important part in shaping the circumstances and context of Ms. Bhutto's return to Pakistan. This pervasive presence at times called into question the ability of other institutions to exercise their full, independent mandate and functions.

256. The electoral process was one such area. The involvement of intelligence agencies, and specifically the ISI, in influencing electoral outcomes in past elections is well-documented and was confirmed to the Commission by a former senior intelligence official. Ms. Bhutto had her own concerns and reportedly asked General Musharraf that ISI interference in the elections be curbed as part of guaranteeing free and fair elections. The day after her July meeting in Abu Dhabi with General Musharraf, an aide to Ms. Bhutto was sent secretly to Islamabad on her behalf to review the work of the firm hired to create the new electoral lists; his site visits for this purpose were facilitated directly by General Kayani and other ISI staff. The former senior intelligence official also explained that in 2007 the ISI had guaranteed that there would be no rigging. While by all accounts, the 2008 elections were "the most fair" in recent Pakistani history, constitutionally, the task of safeguarding the electoral process is the role of the Pakistan Electoral Commission.

257. The deep and direct involvement of the ISI, through its most senior leadership, in the political negotiations between General Musharraf and Ms. Bhutto in all of its stages and the role of all of the intelligence agencies in efforts to sack the Chief Justice and influence the composition of the Courts are additional examples of their central function.

258. This pervasive involvement of intelligence agencies in diverse spheres, which is an open secret, has undermined the rule of law, distorted civilian-military relations and weakened some political and law enforcement institutions. At the same time, it has contributed to widespread public distrust in those institutions and fed a generalized political culture that thrives on competing conspiracy theories.

IV. Main findings

259. The Commission has come to the following findings:

i. After nine years in exile, former Prime Minister Mohtarma Benazir Bhutto returned to Pakistan on 18 October 2007, during an exceptionally violent year, marked by sharp increases in violence carried out both by Islamist extremists and by the state. She returned in the context of a tenuous and inconclusive political agreement with General Pervez Musharraf, as part of a process encouraged and facilitated by the Governments of the United Kingdom and the United States. While their discussions included the issue of an eventual power sharing arrangement, the final terms were never agreed. Indeed, the Commission received no compelling evidence that, by the time of her assassination, either Ms. Bhutto or General Musharraf believed that she or he still needed the support of the other to achieve their ultimate political goals.

ii. Ms. Bhutto was murdered on 27 December 2007 when a 15-and-a-half-year-old suicide bomber detonated his explosives near her vehicle as she was leaving the PPP event at Liaquat Bagh. No one believes that this boy acted alone. A range of government officials failed profoundly in their efforts first to protect Ms. Bhutto and second to investigate with vigour all those responsible for her murder, not only in the execution of the attack, but also in its conception, planning and financing.

iii. Responsibility for Ms. Bhutto's security on the day of her assassination rested with the federal Government, the government of Punjab and the Rawalpindi District Police. None of these entities took necessary measures to respond to the extraordinary, fresh and urgent security risks that they knew she faced.

iv. The federal Government under General Musharraf, although fully aware of, and tracking, the serious threats to Ms. Bhutto's security, did little more than pass on those threats to her and provincial authorities and were not proactive in neutralizing them or ensuring that the security provided was commensurate to the threats. The federal Government failed in its primary responsibility to provide effective protection to Ms. Bhutto on her return to Pakistan.

v. The federal Government lacked a comprehensive security plan for Ms. Bhutto, relying instead on provincial authorities, but then failed to issue to them the necessary instructions. Particularly inexcusable was the Government's failure to direct provincial authorities to provide Ms. Bhutto the same stringent and specific security measures it ordered on 22 October 2007 for two other former prime ministers who belonged to the main political party supporting General Musharraf. This discriminatory treatment is profoundly troubling given the devastating attempt on her life only three days earlier and the specific threats against her which were being tracked by the ISI.

vi. Ms. Bhutto's assassination on 27 December 2007 could have been prevented if the Rawalpindi District Police had taken adequate security measures. The security arrangements for Ms. Bhutto by the Rawalpindi District Police were ineffective and insufficient. The police's security plan, as written, was flawed, containing insufficient focus on Ms. Bhutto's protection and focusing instead on the deployment of police for crowd control purposes. In many respects, the security plan was not implemented. Although the plan called for deploying 1,371 police officers, the actual deployment did not approach that number. Among other failings: the police coordinated poorly with the PPP's own security; police escort units did not protect Ms. Bhutto's vehicle as tasked; parked police vehicles blocked the emergency route; and, the police took grossly inadequate steps to clear the crowd so that Ms. Bhutto's vehicle would have safe passage on leaving Liaquat Bagh. The performance of individual police officers and police leadership was poor in areas of forward planning, accountability and command and control.

vii. The additional security arrangements of the PPP lacked leadership and were inadequate and poorly executed. The Commission recognizes the heroism of individual PPP supporters, many of whom sacrificed themselves to protect Ms. Bhutto. However, Ms. Bhutto was left vulnerable in a severely damaged vehicle that was unable to transport her to the hospital by the irresponsible and

hasty departure of the bullet-proof Mercedes-Benz which, as the backup vehicle, was an essential part of her convoy.

viii. The Rawalpindi District Police's actions and omissions in the immediate aftermath of the assassination of Ms. Bhutto, including the hosing down of the crime scene and failure to collect and preserve evidence, inflicted irreparable damage to the investigation. The collection of 23 pieces of evidence was manifestly inadequate in a case that should have resulted in thousands. The one instance in which the authorities reviewed these actions, the Punjab committee of inquiry into the hosing down of the crime scene was a whitewash. Hosing down the crime scene so soon after the blast goes beyond mere incompetence; it is up to the relevant authorities to determine whether this amounts to criminal responsibility. Furthermore, CPO Saud Aziz impeded some Joint Investigation Team investigators from conducting on-site investigations until two full days after the assassination. The failure of provincial authorities to otherwise review effectively the gross failures of the senior Rawalpindi police officials and deal with them appropriately constitutes a broader whitewash by Punjab officials.

ix. The deliberate prevention by CPO Saud Aziz of a post mortem examination of Ms. Bhutto hindered a definitive determination of the cause of her death. It was patently unrealistic for the CPO to expect that Mr. Zardari would allow an autopsy on his arrival in Pakistan at Chaklala Airbase nearly seven hours after his wife's death and after her remains had been placed in a coffin and brought to the airport. The autopsy should have been carried out at Rawalpindi General Hospital long before Mr. Zardari arrived.

x. The Commission is persuaded that the Rawalpindi police chief, CPO Saud Aziz, did not act independently of higher authorities, either in the decision to hose down the crime scene or to impede the post-mortem examination.

xi. The Government press conference conducted by Brigadier Cheema on 28 December 2007, the day after the assassination, was ordered by General Musharraf. The Government's assertion that Ms. Bhutto's death was caused when she hit her head on the lever of her vehicle's escape hatch and that Baitullah Mehsud and Al-Qaida were responsible for the suicide bomber were made well before any proper investigation had been initiated. This action pre-empted, prejudiced and hindered the subsequent investigation.

xii. An unequivocal determination as to the cause and means of Ms. Bhutto's death would have required an autopsy. The Commission has uncovered no new evidence to suggest a gunshot injury to Ms. Bhutto. Instead, a senior PPP official who publicly purported soon after the assassination to have seen indications of a bullet injury admitted to the Commission that she did not have direct knowledge of such an injury.

xiii. Ms. Bhutto faced serious threats in Pakistan from a number of sources; these included Al-Qaida, the Taliban and local jihadi groups, and potentially from elements in the Pakistani Establishment. Notwithstanding these threats, the investigation into her assassination focused on pursuing lower level operatives allegedly linked to Baitullah Mehsud. The Commission finds it disturbing that little was done to investigate Baitullah Mehsud himself,

Al-Qaida and any individuals or organizations that might have worked on, supported or otherwise been involved directly or indirectly in the planning or execution of the assassination. Investigators also dismissed the possibility of involvement by elements of the Establishment, including the three persons identified by Ms. Bhutto as threats to her in her 16 October 2007 letter to General Musharraf.

xiv. The Commission has identified other significant flaws in the Joint Investigation Team investigation led by the Punjab Additional Inspector General Abdul Majeed. It lacked direction, was ineffective and suffered from a lack of commitment to identify and bring all of the perpetrators to justice. This delay further hampered the gathering of evidence. Despite indications that there are links between the Karachi and Rawalpindi attacks, there has essentially been no communication between the investigators on those two cases.

xv. The investigation was severely hampered by intelligence agencies and other government officials, which impeded an unfettered search for the truth. Despite their explanation to the Commission that they do not have a mandate to conduct criminal investigations, intelligence agencies including the Inter-Services Intelligence agency were present during key points in the police investigation, including the gathering of evidence at the crime scene and the forensic examination of Ms. Bhutto's vehicle, playing a role that the police were reluctant to reveal to the Commission.

xvi. More significantly, the ISI conducted parallel investigations, gathering evidence and detaining suspects. Evidence gathered from such parallel investigations was selectively shared with the police. What little direction police investigators had was provided to them by the intelligence agencies. However, the bulk of the information was not shared with police investigators. In fact, investigators on both the Karachi and Rawalpindi cases were unaware of information the ISI possessed about terrorist cells targeting Ms. Bhutto and were unaware that the ISI had detained four persons in late October 2007 for the Karachi attack.

xvii. More broadly, no aspect of the Commission's inquiry was untouched by credible assertions of politicized and clandestine action by the intelligence services — the ISI, Military Intelligence, and the Intelligence Bureau. On virtually every issue the Commission addressed, intelligence agencies played a pervasive role, including a central involvement in the political negotiations regarding Ms. Bhutto's return to Pakistan and the conduct of the elections.

xviii. The Commission believes that the failures of the police and other officials to react effectively to Ms. Bhutto's assassination were, in most cases, deliberate. In other cases, the failures were driven by uncertainty in the minds of many officials as to the extent of the involvement of intelligence agencies. These officials, in part fearing involvement by the intelligence agencies, were unsure of how vigorously they ought to pursue actions that they knew, as professionals, they should have taken.

V. Concluding remarks

260. It is essential that the perpetrators of the assassination of Benazir Bhutto be brought to justice. The Pakistani authorities should ensure that the further investigation into the assassination of Ms. Bhutto is fully empowered and resourced and is conducted expeditiously and comprehensively, at all levels, without hindrance.

261. The Commission found that the performance of the Pakistani police was severely inadequate to the task of investigating the assassination of Ms. Bhutto and lacking in independence and the political will to find the truth, wherever it may lead. The Pakistani authorities should consider conducting an independent review that would fix responsibilities and make those individuals found seriously wanting accountable for their actions or inactions.

262. The Commission found that security arrangements for Ms. Bhutto were fatally insufficient and ineffective. In this regard, as well, the Pakistani authorities should consider conducting an independent review to determine responsibilities and hold accountable those individuals who seriously failed in their duties. In addition, the Government of Pakistan may wish to consider a review of its security arrangements for all persons who require the highest level of security and consider measures to assign responsibility, with accountability, to an office at the federal level that would work with local police to implement the standing order and standard operating procedures.

263. In light of the deeply flawed performance and conduct of many of the police officials involved in the events addressed in this report, the Commission believes it would be appropriate for the Government of Pakistan to consider undertaking police reform measures consistent with the principles of democratic policing and operating in a structure of accountability for protecting the rights of the individual, as set out in the Universal Declaration of Human Rights.

264. Pakistan, like any other state, needs strong and effective intelligence agencies. However, the autonomy, pervasive reach and clandestine role of intelligence agencies in Pakistani life underlie many of the problems, omissions and commissions set out in this report. The actions of politicized intelligence agencies undermine democratic governance. Beyond the recent steps that have reportedly been taken to curb the involvement of intelligence agencies in political matters, the democratic rule of law in Pakistan could be greatly strengthened with a thorough review of intelligence agencies based on international best practices in this area.

265. The assassination of Benazir Bhutto occurred against the backdrop of a history of political violence that was carried out with impunity. To address this issue, Pakistan should consider establishing a transitory, fully independent Truth and Reconciliation Commission to investigate political killings, disappearances and terrorism in recent years and to provide victims of political assassinations and terrorism material and moral reparations. The United Nations principles for the protection and promotion of human rights to combat impunity provide guidelines for such a commission.

266. It is difficult to overstate the effect on the Pakistani people of the shock of the assassination of Benazir Bhutto and the loss to her country. These events have been variously described to the Commission by Pakistanis as earth shattering and

traumatic, and the loss as incalculable. This is made worse by the pattern of impunity for political crimes in Pakistan. The Commission hopes that this report will help shed light on the truth behind this heinous crime and support steps towards ending impunity. It is solely up to the competent authorities to make this happen.

New York, 15 April 2010

(*Signed*) Heraldo Muñoz Valenzuela

(*Signed*) Marzuki Darusman

(*Signed*) Peter FitzGerald

Enclosure

Letter dated 2 February 2009 from the Secretary-General to the President of the Security Council*

I have the honour to inform you that I have received from the Government of Pakistan a request that I establish an international commission in connection with the assassination on, 27 December 2007, of the former Prime Minister of Pakistan, Mohtarma Benazir Bhutto. I am mindful of the determination and efforts made by Pakistan to search for the truth and bring to justice all financiers, perpetrators, organizers, sponsors and conspirators of this terrorist act so that they will be held accountable.

Following receipt of the request from the Government of Pakistan, and after extensive discussions with the Pakistani authorities as well as with members of the Security Council, it has been agreed that the international commission should be fact-finding in nature and that its mandate would be to determine the facts and circumstances of the assassination of former Prime Minister of Pakistan, Mohtarma Benazir Bhutto.

On this basis, I wish to accede to the Pakistani request and intend to establish a three-member Commission of Inquiry.

I enclose with the present letter the draft terms of reference for the proposed commission (see annex). You will note that the commission's mandate would be of a limited duration (a maximum of six months), and would not extend to carrying out a criminal investigation. The duty of determining criminal responsibility of the perpetrators of the assassination would remain with the Pakistani authorities. The international commission would enjoy the full cooperation of the Pakistani authorities and be accorded the privileges, immunities and facilities necessary for the independent conduct of the inquiry, including, in particular, unhindered access to all relevant sources of information. The international commission may request cooperation of a third State in the collection of materials or information relevant to the case. I count on the full cooperation of Member States with such a request.

The international commission would be composed of a panel of three eminent personalities having the appropriate experience and a reputation for probity and impartiality. It would be staffed in a manner to enable it to carry out its duties effectively. The specific details of the logistical, financial, security and human resources requirements of the commission would be determined based on the results of a small security and technical mission that would be dispatched to Pakistan and other places, as necessary, in light of the Security Council's support for the establishment of the commission.

The international commission would be funded by voluntary contributions from Member States. Pakistan has offered to provide "seed money" to an appropriate United Nations trust fund to help an early deployment of security and technical assessment missions. The Secretariat is engaged in discussions with the Pakistani authorities as to the size and nature of a Pakistani contribution, mindful of the importance of maintaining the independence and impartiality of the commission.

* Previously circulated under the symbol S/2009/67.

I shall decide upon a date for the international commission to commence its operations once I have received sufficient voluntary contributions to cover the work of the commission in its entirety.

(*Signed*) **Ban** Ki-moon

Annex

Terms of reference of the Commission of Inquiry

1. At the request of the Government of Pakistan that the Secretary-General establish an international commission for the purpose of investigating the assassination, on 27 December 2007, of the former Prime Minister of Pakistan, Mohtarma Benazir Bhutto, and after extensive consultations with Pakistani officials as well as with members of the Security Council, I have decided to appoint a three-member Commission of Inquiry to determine the facts and circumstances of the assassination of the former Prime Minister.

2. In the conduct of its inquiry, the Commission shall enjoy the full cooperation of the Government of Pakistan. The Government shall comply with the requests of the Commission for assistance in collecting the required information and testimony, and shall provide it with the necessary facilities to enable it to discharge its mandate. It shall, in particular, guarantee to the Commission:

(a) Freedom of movement throughout the territory of Pakistan, including facilities of transport;

(b) Free access to all places and establishments relevant to the work of the Commission;

(c) Freedom of access to all sources of information, including documentary material and physical evidence, freedom to interview representatives of governmental, as well as other institutions and, in principle, any individual whose testimony is considered necessary for the fulfilment of its mandate;

(d) Appropriate security arrangements for the personnel, documents, premises and other property of the Commission;

(e) Protection for all those who appear before or provide information to the Commission in connection with the inquiry; no such person shall, as a result of such appearance or information, suffer harassment, threats of intimidation, ill-treatment, reprisals, or any other prejudicial treatment;

(f) Privileges, immunities and facilities necessary for the independent conduct of the inquiry. In particular, members of the Commission shall enjoy the privileges and immunities accorded to experts on missions under article VI of the 1946 Convention on the Privileges and Immunities of the United Nations, and to officials under articles V and VII of the Convention.

3. The Commission may approach third States with a request for cooperation in the collection of material or information relevant to the case and provision of expert personnel. In so doing, it may seek the assistance of the Government of Pakistan.

4. The Commission shall be composed of a panel of three eminent personalities having the appropriate experience and a reputation for probity and impartiality. The panel shall be assisted by the necessary staff as well as by administrative, security and technical staff.

5. The location of the Commission of Inquiry shall be determined by the Secretary-General.

6. The Commission shall submit its report to the Secretary-General within six months from the start of its activities. The Secretary-General will share the report with the Government of Pakistan and submit it to the Security Council for information.

7. The Commission shall be funded by voluntary contributions from Member States. A United Nations trust fund will be utilized to receive such contributions.

8. The Commission shall commence its activities on a date to be determined by the Secretary-General, which will be officially communicated to the Government of Pakistan.

Letter dated 3 February 2009 from the President of the Security Council to the Secretary-General**

I have the honour to inform you that your letter dated 2 February 2009 (S/2009/67), concerning your intention to accede to the request from the Government of Pakistan and establish an international commission in connection with the assassination, on 27 December 2007, of former Prime Minister of Pakistan, Mohtarma Benazir Bhutto, has been brought to the attention of the members of the Security Council. They took note, with appreciation, of the intention expressed in your letter. On behalf of the members of the Security Council, I would like to confirm your intention to submit the report of the commission to the Security Council for information, as stated in the draft terms of reference for the proposed commission.

(*Signed*) Yukio **Takasu**
President of the Security Council

** Previously circulated under the symbol S/2009/68.