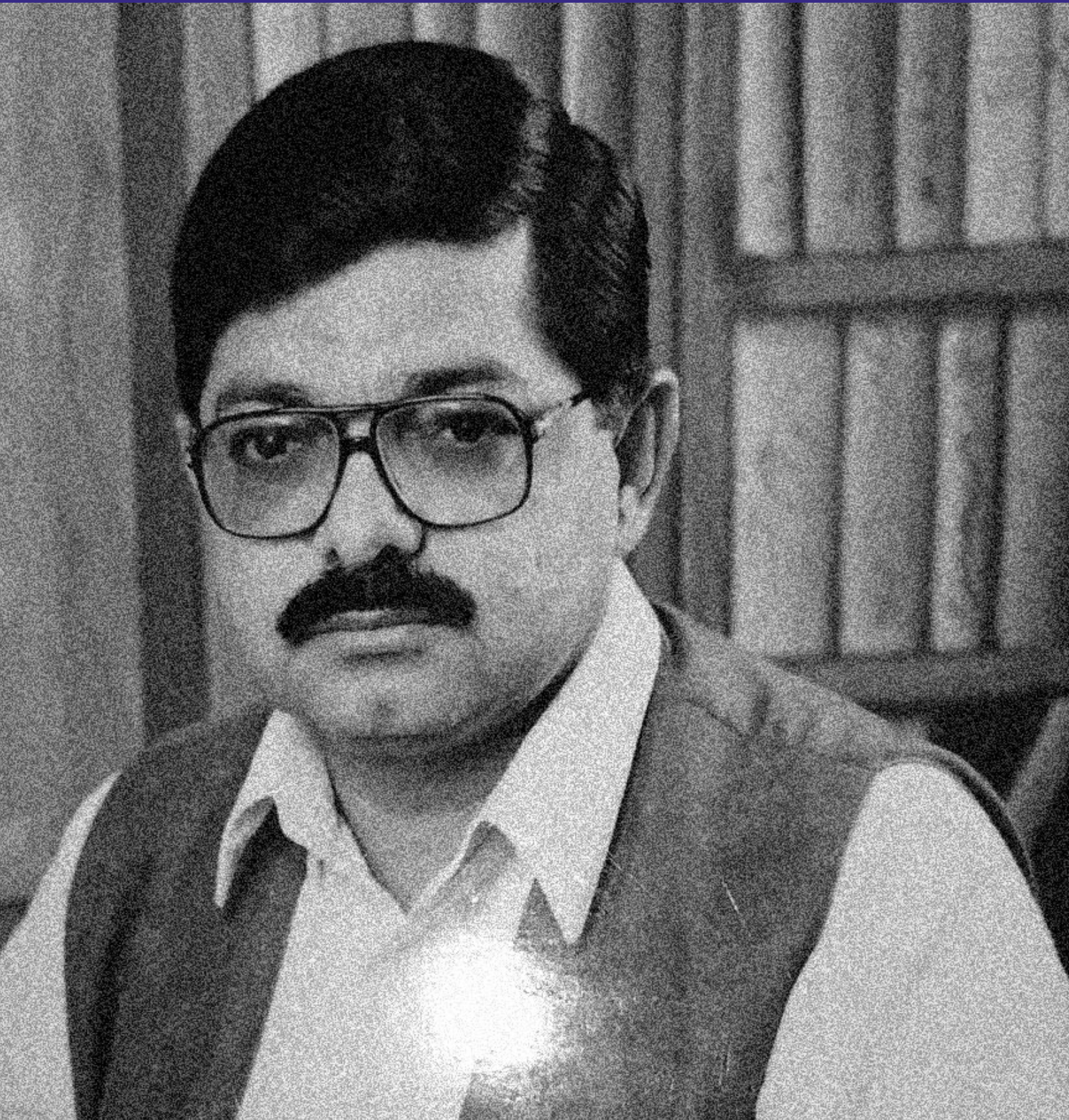


A Safer World For The Truth

**Breaking the Silence:  
*An Investigation into the  
Murder of Zubair Mujahid***



## **A Safer World For The Truth**

A Safer World for the Truth works towards the pursuit of justice for crimes committed against journalists. The project consists of a series of investigations of cases where a journalist was murdered for doing his/her job. Through these investigations, new facts and information around the killings will be revealed, paving the way for pursuing justice. A Safer World for the Truth is a collaborative initiative of Free Press Unlimited, the Committee to Protect Journalists and Reporters without Borders.



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Portrait from the family archive, courtesy of the family of Zubair Mujahid

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# Table of Contents

<b>Executive summary</b>	4
<b>Abbreviations</b>	6
<b>1. Context of the murder: the turbulent downfall of the Musharraf regime</b>	7
National politics: the rise and fall of General Pervez Musharraf	7
Local dynamics in Sindh province: local journalism under threat	8
<b>2. Zubair Mujahid's life and work: speaking truth to power</b>	10
Life and career as a journalist	10
Sensitive publications before the murder	11
Reports and columns on the plight of Munno Bheel	11
Reports and columns on suspected incidents of police misconduct	12
Critical reporting on the MQM in Sindh	13
Threats received by Zubair Mujahid prior to the murder	13
<b>3. The murder</b>	15
The day of the murder	15
Reconstruction of the murder	16
<b>4. The official investigation</b>	18
No attention for the motive of the murder	19
No analysis of the most-mortem report	19
No forensic analysis of the bullet	20
Police case diaries indicate a lack of direction	21
Unreliable records of witness statements	22
Misguided identification of suspects	23
The need for re-investigation into Zubair's murder	23
<b>5. Avenues for further investigation</b>	24
Possible involvement of the Mirpurkhas Police	24
Possible political involvement in the murder	25
<b>6. Conclusions and Recommendations</b>	28

# Executive summary

Zubair Mujahid was a journalist from Mirpurkhas (Pakistan) whose stories exposed corruption and human rights abuses. His stories and columns were published in the Daily Jang, an Urdu language newspaper based in Karachi, Pakistan's largest urban centre. On 23 November 2007, Zubair was shot while he was sitting on the back of his colleague's motorcycle, driving home after a long working day.

An investigation into Zubair's murder was conducted by the local police department in Mirpurkhas, but failed to identify a suspect. A second round of investigations was conducted by the Crime & Investigation Branch in Hyderabad, a specialised unit for murder investigations, but this did not yield any results either. In the thirteen years that have passed since the murder, no one has been convicted for the murder and the killers are still at large.

To break the silence around Zubair's murder, A Safer World for the Truth conducted its own investigation into the case. Our investigation team reviewed the official police files and interviewed twenty witnesses with the aim of uncovering new evidence to support the road to justice for Zubair. The investigation also included an analysis of Zubair's publications prior to the murder, and threats he received in response to his writing. This report presents the findings of our investigation.

The investigation finds that Zubair reported extensively on alleged wrongdoings of the Mirpurkhas police that occurred in the course of 2007. He exposed several instances of police misconduct, including cases of alleged torture. As a result of Zubair's reporting, some of these incidents were brought before Pakistan's Supreme Court, leading to the eventual removal of a number of police officers from their posts. As these events unfolded, Zubair started receiving worrying threats from individuals within the Mirpurkhas police in relation to his reporting. He was still receiving these threats a few days before he was murdered.

Against the backdrop of Zubair's reporting on the Mirpurkhas police and the impact his reporting had on the police department, it was unlikely that the department would conduct an unbiased investigation into his murder. In fact, individuals within the Mirpurkhas police may have had motive for the murder and should have been considered as potential suspects.

Our review of the official police files documents significant errors and anomalies in the investigations carried out by the Mirpurkhas police and by the Crime & Investigation Branch in Hyderabad. These errors include the careless handling of physical evidence – including the bullet and the bullet casing – and the apparent lack of forensic analysis that could have significantly advanced the investigation. Witness statements recorded in the police files were found to be potentially unreliable as they were contradicted by these same witnesses during interviews with our own team of investigators. Overall, the police files indicate the absence of a coherent strategy to investigate the murder.

In light of these serious errors in the official murder investigation, the report concludes that a re-investigation of the murder is necessary to achieve justice for Zubair. Based on information gathered through our own investigation, the report identifies two potential avenues for further investigation.

Firstly, the possible involvement of the Mirpurkhas police must be explored. The aforementioned threats received by Zubair in the period leading up to his murder are an indication that individuals within the police unit may have had motive to murder him.

Secondly, the possible involvement of the Muttahida Qaumi Movement (MQM) – a political party in Pakistan – must also be explored. The MQM's armed wing was reportedly responsible for some of the political violence that took place in Sindh in 2007. Our investigation found indications that the MQM attempted to pressure Zubair into reporting more favorably about the MQM. This report also documents threats that Zubair received from MQM-members in the 1990s.

The report closes with the following concrete recommendations:

1. **A complete re-investigation of the murder must be conducted by an effective and impartial investigation team.** This re-investigation must be done under the auspices of the High Court of Sindh. Article 199 of Chapter 1 of the Constitution of Pakistan grants Zubair Mujahid's family the right to seek remedy when their fundamental rights are undermined. In light of the errors and bias found in the official investigation, the High Court of Sindh has the jurisdiction to evaluate whether Article 10a of the Constitution - the right to a fair trial - has been violated. Thereafter, the High Court of Sindh can give directions to re-investigate the case.

In order to safeguard the impartiality, effectiveness and safety of a future investigation, the renewed investigation must be monitored by an independent mechanism and adequate protection of witnesses must be guaranteed.

The re-investigation must explore the possible involvement of the Mirpurkhas police and the possible involvement of the MQM in the murder, as detailed in this report.

2. **Information regarding past investigation efforts must be disclosed to Zubair Mujahid's family.** The Crime & Investigation Branch in Hyderabad must inform the family of Zubair Mujahid about the efforts it has made to find the perpetrators of Zubair's murder. Further, the Magistrate Court of Mirpurkhas must notify the family of any directions given to the Crime & Investigation Branch of Hyderabad with regards to the case, should this be requested by the family. In Sindh, judicial propriety demands that the judicial magistrate - who has supervisory jurisdiction - 'shall maintain records' and 'keep calling reports' from the police authorities that investigate the case.
3. **Efforts to investigate murders of journalists must be stepped up and justice must be pursued.** Pakistan has seen almost total impunity for the murder of journalists over the past decade, according to figures from Reporters Without Borders and the Committee to Protect Journalists.<sup>1</sup> Increased efforts are needed to achieve justice for the murder of journalists, for example by setting up a special unit which is mandated to investigate and prosecute unresolved murders of journalists.
4. **Support must be provided by the international community to achieve justice for Zubair Mujahid and for Pakistan's fight against impunity.** The international community must monitor progress on the re-investigation of Zubair Mujahid's murder. If requested by the Pakistani authorities, resources and expertise must be made available to help resolve the murder. The international community must further increase its support for Pakistan's efforts to break the cycle of impunity.

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<sup>1</sup> Pakistan ranks 145 on RSF's latest World Press Freedom Index (<https://rsf.org/en/pakistan>) and consistently features in the top 10 of CPJ's Global Impunity Index, (<https://cpj.org/reports/2020/10/global-impunity-index-journalist-murders/>)

# Abbreviations

**CPJ** - Committee to Protect Journalists  
**DPO** - District Police Officer  
**DIG** - Deputy Inspector General  
**FIA** - Federal Investigation Agency  
**GDA** - Grand Democratic Alliance  
**IJT** - Islami Jamiat-e-Talaba  
**JI** - Jamaat-e-Islami  
**MQM** - Muttahida Qaumi Movement  
**PCO** - Provisional Constitutional Order  
**PMLF** - Pakistan Muslim League-Functional  
**PML-N** - Pakistan Muslim League-Nawaz  
**PPP** - Pakistan People's Party  
**PSP** - Pak Sarzameen Party  
**ISI** - Inter-Services intelligence  
**PML-Q** - Pakistan Muslim League-Quaid (King's Party)  
**RSF** - Reporters Without Borders  
**SHO** - Station House Officer  
**MPA** - Member of Provincial Assembly1.

# 1. Context of the murder: the turbulent downfall of the Musharraf regime

Pakistan has a vibrant media landscape and its press is among the most outspoken in South Asia.<sup>2</sup> However, press freedom in Pakistan is severely restricted and journalists systematically face detention, arbitrary arrest and unfounded criminal prosecutions, which are used as instruments of press censorship<sup>3,4</sup> On the most recent World Press Freedom Index published by Reporters Without Borders (RSF), the country ranks 145 out of 180.<sup>5</sup> Pakistan is also one of the most dangerous places for journalists; the Committee to Protect Journalists (CPJ) has documented the killing of 61 journalists since 1992, of whom 34 were murdered in direct relation to their work.<sup>6</sup> For 91% of these murders, the perpetrators were never punished and Pakistan therefore consistently features in the top 10 of CPJ's Global Impunity Index.<sup>7</sup>

While threats towards journalists have been persistent throughout Pakistan's modern history, Zubair Mujahid's murder occurred during a particularly violent time. Towards the end of General Pervez Musharraf's military rule, the country saw widespread protests and riots, and attacks on the press were rampant. This section will provide a brief sketch of relevant political developments at the national level and how this impacted the situation of journalists in Sindh province, where Zubair lived and worked until he was murdered.

## National politics: the rise and fall of General Pervez Musharraf

When General Pervez Musharraf seized power through a bloodless coup d'état in 1999, this marked a new episode in Pakistan's turbulent political history. Musharraf declared himself President of Pakistan in 2001, and further consolidated his hold on power through general elections in 2002.<sup>8</sup> By that time, Pakistan's most prominent opposition leaders – including Benazir Bhutto and Nawaz Sharif – had already gone into exile and were disqualified from running in the elections.<sup>9</sup> Musharraf's newly created Pakistan Muslim League (Quaid) – regularly referred to as a “King's Party” – won control of the parliament.<sup>10</sup> Musharraf would stay President until 2008, when he resigned in order to avoid impeachment.<sup>11</sup> His time in office was marred by systematic human rights violations and repression.<sup>12</sup> As a result of Pakistan's participation in the U.S.-led Global War on Terrorism, the international community appeared willing to turn a blind eye to Musharraf's poor human rights record.<sup>13</sup>

Freedom of expression declined during the Musharraf era, along with other civil liberties. While he publicly lauded himself as a champion of freedom of expression, his rule saw increased control of the Pakistani press

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2 RSF. 2021. <https://rsf.org/en/pakistan>, Clingendael. 2010. Media and Governance in Pakistan: A controversial yet essential relationship, [https://www.clingendael.org/sites/default/files/2016-02/20101109\\_CRU\\_publicatie\\_mmezzera.pdf](https://www.clingendael.org/sites/default/files/2016-02/20101109_CRU_publicatie_mmezzera.pdf)

3 RSF. 2021. <https://rsf.org/en/pakistan>

4 Human Rights Watch. 2020. Pakistan's Hypocrisy on Press Freedom, <https://www.hrw.org/news/2020/09/11/pakistans-hypocrisy-press-freedom>

5 RSF. 2021. <https://rsf.org/en/pakistan>

6 CPJ. 2020. Global Impunity Index, <https://cpj.org/reports/2020/10/global-impunity-index-journalist-murders/> The database documents attacks on the press since 1992 when the database was started

7 CPJ. 2020. Global Impunity Index, <https://cpj.org/reports/2020/10/global-impunity-index-journalist-murders/> Percentage indicates instances of total impunity for cases in which journalists were murdered because of their work

8 Madiha Afzal. 2019. Why Pakistan's former ruler Musharraf was sentenced to death and what it means. Brookings Institute, <https://www.brookings.edu/blog/order-from-chaos/2019/12/19/why-pakistans-former-ruler-musharraf-was-sentenced-to-death-and-what-it-means/>

9 Human Rights Watch, 2013. Pakistan: Hold Musharraf Accountable for Abuses, <https://www.hrw.org/news/2013/03/23/pakistan-hold-musharraf-accountable-abuses>

10 Dawn. 2013. An overview of 2002 general elections: Democracy on a tight leash, <https://www.dawn.com/news/802628/an-overview-of-2002-general-elections-democracy-on-a-tight-leash>

11 BBC, 18 August 2008, Pakistan's Musharraf steps down, [http://news.bbc.co.uk/2/hi/south\\_asia/7567451.stm](http://news.bbc.co.uk/2/hi/south_asia/7567451.stm)

12 Human Rights Watch, 2013. Pakistan: Hold Musharraf Accountable for Abuses, <https://www.hrw.org/news/2013/03/23/pakistan-hold-musharraf-accountable-abuses>

13 Center for Public Integrity, 2007, Billions in Aid, with no Accountability, <https://publicintegrity.org/national-security/billions-in-aid-with-no-accountability/>

and maltreatment of journalists.<sup>14</sup> Human Rights Watch reports that: “Throughout Musharraf’s rule, security forces repeatedly coerced, abducted, arbitrarily detained, beat, and tortured journalists working for both local and international media.”<sup>15</sup> Institutional control over the media was increased through the installation of a new regulatory body for electronic media: the Pakistan Electronic Media Regulatory Authority (PEMRA). As a licencing body, PEMRA controlled access to the electronic media market. In 2007, its mandate was expanded to enforce far-reaching defamation regulations. PEMRA was given authority to cancel licences of any TV channel it believed to be broadcasting defamatory content, and to seal any building where such activities were suspected to be taking place.<sup>16</sup>

Musharraf’s eventual downfall was caused by his administration’s ongoing conflicts with the judiciary.<sup>17</sup> These conflicts largely resulted from the judiciary’s independent investigations into cases that were politically sensitive.<sup>18</sup> In March 2007, these tensions culminated in Musharraf’s dismissal of chief justice Iftikhar Muhammad Chaudhry, evoking country-wide protests.<sup>19</sup> Later that year, protests further escalated after a siege on Islamabad’s Red Mosque turned into a bloodbath. Public outrage and riots followed, and the call for Musharraf’s removal grew louder.<sup>20</sup>

In November 2007, in a final bid to hold on to power, Musharraf suspended the constitution, imposed a state of emergency, and placed dozens of senior judges under house arrest.<sup>21</sup> A turbulent month followed, marked by the arbitrary detention of hundreds of lawyers, human rights activists and political workers across the country.<sup>22</sup> Musharraf relentlessly cracked down on the media: over 30 television channels were shut down, while some media offices were violently attacked by security forces, including Geo News and Aaj television.<sup>23,24</sup> Journalists received threats and were pressured to cease their coverage of anti-government protests.<sup>25</sup> Hundreds of journalists were arrested in Pakistan in November 2007 alone.<sup>26</sup>

Zubair Mujahid was murdered during this turbulent month of 2007, in the city of Mirpurkhas in Sindh province.

## Local dynamics in Sindh province: local journalism under threat

With almost fifty million inhabitants, Sindh is Pakistan’s second most populated province, surpassed only by the province of Punjab.<sup>27</sup> Sindh further accounts for around 30 percent of Pakistan’s GDP, mostly resulting from its main commercial centre, the city of Karachi.<sup>28</sup> Sindh has traditionally been a stronghold for the Pakistan People’s Party (PPP): a party that was pushed into opposition when Musharraf took power.<sup>29</sup> Its leader at the time, Benazir

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14 Reuters. 2008. Musharraf champions rights, but only with limits, <https://www.reuters.com/article/uk-pakistan-rights-musharraf/musharraf-champions-rights-but-only-with-limits-idUKL2559961620080125?edition-redirect=in>

15 Human Rights Watch, 2013. Pakistan: Hold Musharraf Accountable for Abuses, <https://www.hrw.org/news/2013/03/23/pakistan-hold-musharraf-accountable-abuses>

16 Clingendael. 2010. Media and Governance in Pakistan: A controversial yet essential relationship, [https://www.clingendael.org/sites/default/files/2016-02/20101109\\_CRU\\_publicatie\\_mmezzera.pdf](https://www.clingendael.org/sites/default/files/2016-02/20101109_CRU_publicatie_mmezzera.pdf)

17 Madiha Afzal. 2019. Why Pakistan’s former ruler Musharraf was sentenced to death and what it means. Brookings Institute, <https://www.brookings.edu/blog/order-from-chaos/2019/12/19/why-pakistans-former-ruler-musharraf-was-sentenced-to-death-and-what-it-means/>

18 Al Jazeera. 2009. Why Pakistan cares about Chaudhry, <https://www.aljazeera.com/news/2009/03/16/why-pakistan-cares-about-chaudhry/>

19 BBC. 2020. Pervez Musharraf: Pakistan’s military leader who was found guilty of treason, <https://www.bbc.com/news/world-asia-21861989>

20 Der Spiegel. 2007. Are Musharraf’s Days in Power Numbered? <https://www.spiegel.de/international/world/after-the-red-mosque-bloodbath-are-musharraf-s-days-in-power-numbered-a-494604.html>

21 Brookings Institute. 2019. Why Pakistan’s former ruler Musharraf was sentenced to death, and what it means, <https://www.brookings.edu/blog/order-from-chaos/2019/12/19/why-pakistans-former-ruler-musharraf-was-sentenced-to-death-and-what-it-means/>

22 Amnesty International. 2007. Fatal erosion of human rights safeguards under emergency, <https://www.amnesty.org/en/documents/ASA33/040/2007/en/>

23 Human Rights Watch, 2013. Pakistan: Hold Musharraf Accountable for Abuses, <https://www.hrw.org/news/2013/03/23/pakistan-hold-musharraf-accountable-abuses>

24 The Express Tribune. 2012. When Musharraf silenced the media, <https://tribune.com.pk/story/459782/when-musharraf-silenced-the-media>

25 Human Rights Watch. 2008. World Report 2007, <https://www.hrw.org/world-report/2008/country-chapters/pakistan#eaa21f>

26 BBC. 2007. Journalists arrested in Pakistan, [http://news.bbc.co.uk/2/hi/south\\_asia/7103538.stm](http://news.bbc.co.uk/2/hi/south_asia/7103538.stm)

27 Pakistan Bureau of Statistics. Blockwise provisional summary results of 6th population & housing Census-2017, <https://www.pbs.gov.pk/content/block-wise-provisional-summary-results-6th-population-housing-census-2017-january-03-2018>

28 Centre for Risk Studies at the University of Cambridge Judge Business School. 2021. Lloyd’s city risk index, [https://web.archive.org/web/20161124092115/http://www.lloyds.com/cityriskindex/locations/fact\\_sheet/Karachi](https://web.archive.org/web/20161124092115/http://www.lloyds.com/cityriskindex/locations/fact_sheet/Karachi)

29 The News. 2016. Dilemma of Sindh’s politics, <https://www.thenews.com.pk/print/127438-Dilemma-of-Sindhs-politics>



Bhutto, was exiled. The PPP remained popular in Sindh during Musharraf's repressive rule, with a constituency that mainly drew from the Sindhi-speaking population of the province.<sup>30</sup>

Another political party that traditionally occupied a key position in Sindh's local political landscape was the Muttahida Qaumi Movement (MQM), led by London-based Altaf Hussain.<sup>31</sup> The MQM made itself an ally of Musharraf's military government and even became one of its most loyal supporters.<sup>32</sup> The MQM's strength was partially derived from its armed wing, which engaged in Mafia-style intimidation and violence.<sup>33</sup> During Musharraf's rule, the party saw several electoral victories, most notably in 2005 when it won control of Karachi city council.<sup>34</sup> Its prominence in Sindh had a serious impact on journalists who worked in the province. The MQM openly threatened critical journalists which led to self-censorship, preventing critical reporting on the MQM.<sup>35</sup>

When Musharraf declared a national state of emergency as his final attempt to stay in power in November 2007, this had a massive impact on journalists working in Sindh. More than 180 journalists were arrested in Karachi alone during the state of emergency.<sup>36</sup> Four journalists were charged with offenses related to disturbing the peace, and one journalist was severely beaten and abducted.<sup>37</sup> Media agencies received threats that their journalists would be attacked and properties burned, while newspapers were instructed not to publish stories about the state of emergency.<sup>38</sup> Broadcasters and publishers in Sindh were required to sign a 'code of conduct' barring them from criticising the government, and only channels that signed the document were allowed to continue their work.<sup>39</sup>

It was in this overall atmosphere of chaos, marked by large-scale state-sponsored attacks against the media, that Zubair Mujahid was murdered in Mirpurkhas on 23 November 2007.

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30 The News. 2018. What keeps PPP in power, <https://www.thenews.com.pk/tns/detail/566824-keeps-ppp-power>

31 The Guardian. 2013. Altaf Hussain, the notorious MQM leader who swapped Pakistan for London, <https://www.theguardian.com/world/2013/jul/29/altaf-hussain-mqm-leader-pakistan-london>

32 Observer Research Foundation. 2020. Closing of MQM chapter in Pakistan's politics, <https://www.orfonline.org/expert-speak/closing-mqm-chapter-pakistan-politics-68469/>

33 WSJ. 2007. Pakistan's Embattled Leader Embraces Maverick Partner, <https://www.wsj.com/articles/SB119678840024113272>

34 The Guardian. 2010. Imran Farooq murder: the bloody past of the MQM, <https://www.theguardian.com/world/2010/sep/17/imran-farooq-assassination-mqm-pakistan>

35 Amnesty International. 2014. "A bullet has been chosen for you" Attacks on journalists in Pakistan, <https://www.amnesty.org/download/Documents/8000/asa330052014en.pdf>

36 Committee to Protect Journalists. 2007. Mass arrest of journalists in Karachi, <https://cpj.org/2007/11/mass-arrest-of-journalists-in-karachi>

37 Committee to Protect Journalists. 2007. Mass arrest of journalists in Karachi, <https://cpj.org/2007/11/mass-arrest-of-journalists-in-karachi>

38 The Express Tribune. 2012. When Musharraf silenced the media, <https://tribune.com.pk/story/459782/when-musharraf-silenced-the-media>

39 The New York Times. 2007. Pakistan's News Media No Longer Silent, but Musharraf Has Muted his Critics, <https://www.nytimes.com/2007/12/11/world/asia/11pmedia.html>

## 2. Zubair Mujahid's life and work: speaking truth to power

### Life and career as a journalist



From the family archive.

Zubair Mujahid was born on 31 July 1958 in the town of Jhuddo, located about 114 kilometres from the city of Mirpurkhas in Pakistan's southern Sindh province. He came from a simple family and completed his primary education in Jhuddo, where his father ran a small restaurant.<sup>40</sup> During his high school years at Digri college, in the nearby town of Digri, he became active in school politics as a member of the Islami Jamiat Taleba (IJT), the student wing of the Jamaat-e-Isami party.<sup>41</sup> In 1985 he married his wife Rasheeda and their first son was born three years later.<sup>42</sup>

Zubair began his journalistic career in the late seventies, when he started working at the Urdu language daily 'Jasarat'. Soon after, he joined the Daily Jang: Pakistan's largest Urdu language newspaper. Zubair initially started at the Daily Jang as their correspondent in his hometown Jhuddo, where he reported on local events. But Zubair's most notable journalistic contribution took off in 1992, when he started writing a fortnightly column under the title Crime and Punishment (*Jurm o Saza*).<sup>43</sup> In this popular column, Zubair focused on local crime and corruption and he was often critical of the performance of local law enforcement and judicial institutions.<sup>44</sup> In 2006, he moved to Mirpurkhas to become the Daily Jang's correspondent there, while continuing to write his column.

Some of Zubair's reports were picked up by Pakistan's national press, which was quite rare for a reporter from a small city.<sup>45</sup> As a consequence, Zubair became an influential figure in the city of Mirpurkhas, known for speaking truth to power.<sup>46</sup> Zubair's colleague and friend Khalid Sadaf describes him as someone with "an unblemished

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40 Interview 2, Mirpurkhas, 3-00. 5 November 2020., interview 8, Mirpurkhas. 5 November 2020

41 Interview 6, Jhuddo, 3-00. 4 November 2020

42 Interview 5, Jhuddo, 20:00. 4 November 2020

43 RSF. 2007. Daily Jang correspondent gunned down in Sindh province, <https://rsf.org/en/news/Daily-Jang-correspondant-gunned-down-sindh-province>

44 RSF. 2007. Daily Jang correspondent gunned down in Sindh province, <https://rsf.org/en/news/jang-correspondant-gunned-down-sindh-province>

45 Interview 13, Karachi. 26 October 2020

46 Interview 2, Mirpurkhas, 3-00. 5 November 2020

reputation” who was widely respected by his colleagues for the integrity of his reporting.<sup>47</sup> Two other colleagues emphasised that Zubair’s prolific reporting managed to create national attention for local issues in the city of Mirpurkhas.<sup>48, 49</sup>

While praising his journalistic style, one colleague mentioned that his writing could also be aggressive and opinionated, sometimes to the point of being biased: “Mujahid often had arguments with the desk concerning his copy, which the desk felt needed to be edited in line with editorial policy, journalistic principles and concerns of brevity,” he explained.<sup>50</sup>

## Sensitive publications before the murder

To identify possible actors who may have had a motive for the murder, our investigation team collected and analysed the columns and reports written by Zubair in the two years leading up to his murder.<sup>51</sup> Our analysis identified three sensitive issues that Zubair reported on in his columns, which will be detailed below. The first two relate to reported wrongdoings by the Mirpurkhas police.

### REPORTS AND COLUMNS ON THE PLIGHT OF MUNNO BHEEL

A local scandal that received regular attention in Zubair’s reports and columns was related to a bonded labour scheme run by a local landlord, Abdur Rahman Marri, and six other men in the Sanghar district of Sindh.<sup>52</sup> Bonded labor is a form of modern slavery, where landlords provide cash loans to poverty-stricken families. In return, these families are forced to work for the landlords in order to pay off their debt. Forced labor of this kind is common in Pakistan, especially in the agricultural sector in Sindh and areas of Punjab.<sup>53</sup>

Abdur Rahman Marri had run a lucrative scheme for years when Sindh authorities intervened in 1996, rescuing 56 workers from his estate. Among the liberated laborers was the family of Munno Bheel. After their liberation, the Bheel family took up residence in Mirpurkhas. Two years later, in 1998, Marri and his henchmen abducted nine of Munno Bheel’s family members, including his wife and children, who remain missing until today.<sup>54</sup> Munno Bheel himself had been away from home when the abduction took place. During the years that followed, he petitioned authorities and courts to take action and locate his missing family members.<sup>55</sup> As developments unfolded over the years, Zubair Mujahid reported extensively on the plight of Munno Bheel.

Partially due to Zubair’s consistent reporting on the issue, the case became a national scandal, which was eventually brought to the Supreme Court. In 2007, the Supreme Court ordered the Mirpurkhas police to investigate the case<sup>56, 57</sup> and to locate the missing members of Munno Bheel’s family.<sup>58, 59</sup> The investigation was entrusted to Saleem Ullah Khan: Deputy Inspector General (DIG)<sup>60</sup> of the Mirpurkhas police. Reportedly, this evoked opposition among some police officers within the Mirpurkhas police. One of the opposing police officers was District Police Officer’s (DPO) Abdullah Shaikh.<sup>61</sup>

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47 Interview 1, Mirpurkhas. 5 November 2020

48 Interview 8, Mirpurkhas, 9-00. 4 November 2020

49 Interview 19, Mirpurkhas, 01-00. 5 November 2020

50 Interview 13, Karachi. 26 October 2020

51 The database includes 38 articles. Articles were collected from the Daily Jang archive and coded by two coders. The database included the question: ‘Who was implicated in the article?’

52 The New Humanitarian. 2006. Slave labour still common in Sindh, <https://www.thenewhumanitarian.org/fr/node/228593>

53 ILO. 2007. Promoting the Elimination of Bonded Labour in Pakistan, [https://www.ilo.org/global/topics/forced-labour/WCMS\\_083188/lang-en/index.htm](https://www.ilo.org/global/topics/forced-labour/WCMS_083188/lang-en/index.htm)

54 Index on Censorship. 2007. Bound by Debt, <https://journals.sagepub.com/doi/pdf/10.1080/03064220701251176>

55 The New Humanitarian. 2006. Slave labour still common in Sindh, <https://www.thenewhumanitarian.org/fr/node/228593>

56 Dawn. 2005. KARACHI: Police given two weeks to recover Bheel family, <https://www.dawn.com/news/166713>

57 In formal terms, Chaudry exercised it’s suo moto jurisdictions. As explained, during his term (2005 - 2013) Chief Justice Iftikhar Chaudhry exercised this jurisdiction more often, such as in the case of enforced disappearances

58 The News on Sunday. 2007. ‘If I have to lose my life in the line of duty I will.’ - Former DIG Saleem Ullah Khan remains defiant, <https://DailyJang.com.pk/thenews/jun2007-weekly/nos-10-06-2007/kol.htm>

59 The News on Sunday. 2007. ‘If I have to lose my life in the line of duty I will.’ - Former DIG Saleem Ullah Khan remains defiant, <https://DailyJang.com.pk/thenews/jun2007-weekly/nos-10-06-2007/kol.htm>

60 The Deputy Inspector General (DIG) is the highest ranking police official after the Provincial Police Chief

61 Dawn. 2006. Case against suspended DIG registered, <https://www.dawn.com/news/216208/case-against-suspended-dig-registered>

It is important to note that Sindh's Chief Minister at the time of this investigation, Arbab Ghulam Rahim, reportedly had strong ties with the accused landlord.<sup>62</sup> Rahim had taken office as Sindh's Chief Minister in 2004 and was an ally of Musharraf.<sup>63</sup> According to a source interviewed for this report, Rahim tried to stop the investigation into the case of Munno Bheel.<sup>64</sup> The same source indicated that he used DPO Abdullah Shaikh for this purpose.<sup>65</sup>

Zubair wrote about the Munno Bheel case on multiple occasions, addressing the accusations against landlord Abdul Rehman Marri.<sup>66</sup> Zubair's columns also discussed the connections between landlord Marri and the Chief Minister,<sup>67</sup> as well as the alleged role of DPO Abdullah Shaikh in obstructing the investigation.<sup>68</sup> Zubair explicitly wrote that the investigation of the Munno Bheel case was sabotaged by Abdullah Shaikh and several other police officials.<sup>69, 70</sup> In his last article on the case, published on 14 November 2007, Zubair wrote about how Mirpurkhas had seen seven police chiefs come and go in the last 12 months.<sup>71</sup> The article revealed that every policeman who investigated the Munno Bheel case had been reassigned or removed.<sup>72</sup>

Zubair's reporting on the wrongdoings within the Mirpurkhas police formed an embarrassment for the police unit, especially since the case was monitored by the Supreme Court.<sup>73</sup> But the impact of Zubair's reporting was not limited to embarrassment alone: in 2007, DPO Abdullah Shaikh was eventually removed from his position as a result of Zubair's writings.<sup>74, 75</sup>



From the archive of Daily Jang. Column of Zubair Mujahid in the upper left corner.

## REPORTS AND COLUMNS ON SUSPECTED INCIDENTS OF POLICE MISCONDUCT

In addition to his reporting on the Munno Bheel case, Zubair covered suspected incidents of torture, reportedly committed by the Mirpurkhas police. In an article published on 28 February 2007, Zubair discussed a particular incident that involved Naveed Pathan: the Station House Officer (SHO) of one of Mirpurkhas' neighborhood police stations. Naveed Pathan reportedly tortured people who attempted to file a complaint against him.<sup>76</sup> Zubair also reported regularly on a case involving the reported torture of Naem Arain, a citizen of Mirpurkhas, by the local police.<sup>77</sup> As a result of Zubair's reports on the Naem Arain case, four station house officers (SHO) and a total of 12 police officials were arrested in March 2006.<sup>78</sup> On the evening of their court hearing, Zubair reported that one of the arrested officers, Abid Qaimkhani, had attempted to intimidate Naem Arain by pointing a gun at him.<sup>79</sup> On 18 April 2007, Zubair wrote that another one of the arrested police officers had been taken to a

62 The News on Sunday. 2007. "If I have to lose my life in the line of duty I will." - Former DIG Saleem Ullah Khan remains defiant, <https://DailyJang.com.pk/thenews/jun2007-weekly/nos-10-06-2007/kol.htm>

63 Dawn. 2007. Ex-Dig acquitted of charges, <https://www.dawn.com/news/273478/newspaper/newspaper/column>

64 Interview 1, Mirpurkhas. 5 November 2020

65 Interview 1, Mirpurkhas. 5 November 2020

66 This section relied on translations of Mujahid's columns published in the last 12 months prior to his murder in Nov 2007.

In: Database written articles Zubair Mujahid

67 A Chief Minister is the elected head of the State in Pakistan, equivalating a governor in the U.S.

68 Daily Jang. 2006. Kidnappers demand to release industrialist's son. In: Database written articles Zubair Mujahid

69 Daily Jang. 2006. Kidnappers demand to release industrialist's son. In: Database written articles Zubair Mujahid

70 Daily Jang. 2007. Police performance is zero, court observes during hearing of Munno Bheel case. In: Database written articles Zubair Mujahid

71 Daily Jang. 2007. Seven DIGS changed in one year. In: Database written articles Zubair Mujahid

72 Daily Jang. 2007. Seven DIGS changed in one year. In: Database written articles Zubair Mujahid

73 The News. 2007. No headway in Mannu Bheel case, <https://www.thenews.com.pk/archive/print/72070>

74 The exact date on which Abdullah Shaikh was removed from his position is not known. Interview 1, Mirpurkhas, 3-00. 5 November 2020

75 Interview 8, Mirpurkhas. 5 November 2020

76 Daily Jang. 2007. Affected people desperate for justice. In: Database written articles Zubair Mujahid

77 Daily Jang. 2006. Ex-husband accused of killing wife and her sister. In: Database written articles Zubair Mujahid

78 Interview 8, Mirpurkhas. 4 November 2020

79 Daily Jang. 2007. Under custody police officer disappears from the hospital for 13 hours. In: Database written articles Zubair Mujahid

hospital for treatment, and disappeared from there for an entire night.<sup>80</sup> According to Zubair's colleague Khalid Sadaf, Zubair's articles on the Arain case managed to bring the case to the attention of the Supreme Court.<sup>81</sup> The Supreme Court then took up the case on a suo motu basis as a result of Zubair's articles.<sup>82, 83</sup>

### CRITICAL REPORTING ON THE MQM IN SINDH

Zubair also reported on the MQM, attracting the party's attention. There are indications that the MQM was generally unhappy with Zubair's transfer from Jhuddo to Mirpurkhas city in 2002. Prior to Zubair's transfer, the Daily Jang had only had one correspondent stationed in Mirpurkhas city, Saleem Azad.<sup>84</sup> Azad was generally sympathetic towards the MQM and mostly wrote favourably about the party.<sup>85</sup> With Zubair's appointment as second correspondent in Mirpurkhas, the Daily Jang started to report more critically about the local government and about the MQM. Zubair's critical reports brought attention to the problems of the area, particularly the deteriorating state of law and order. For example, some of his stories published in 2007 highlighted the failure of the MQM-run district administration of Mirpurkhas to bring lawlessness and corruption under control.<sup>86, 87</sup> Given that the Daily Jang is Pakistan's largest Urdu language newspaper, it is an important forum for the MQM which largely draws its constituency from the Urdu-speaking population.<sup>88</sup>



From the archive of Daily Jang. Column of Mujahid in the lower left corner.

### THREATS RECEIVED BY ZUBAIR MUJAHID PRIOR TO THE MURDER

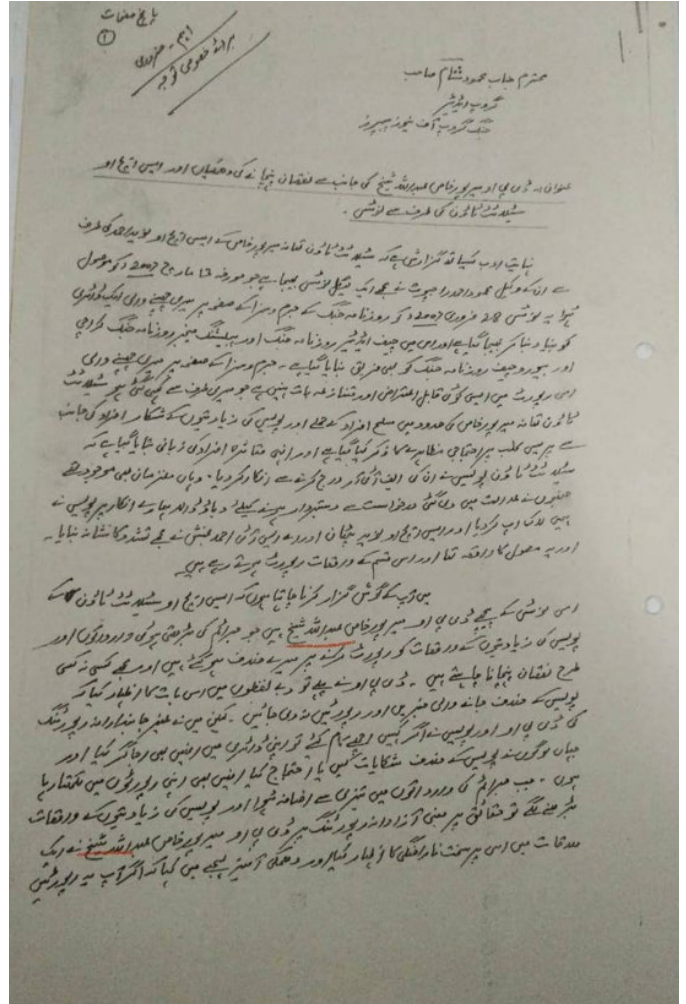
Due to his reporting on the alleged misconduct at the Mirpurkhas police, Zubair received multiple worrying threats. According to Zubair's eldest son Salman, DPO Abdullah Shaikh threatened Zubair on multiple occasions.<sup>89</sup> Zubair's wife Rasheeda believes that these threats were intended to harass and intimidate Zubair and force him to stop writing critical articles on the Mirpurkhas police.<sup>90</sup>

Concerned for his safety, Zubair wrote a letter to his chief editor, Mahmood Sham, on 14 March 2007. In his letter, Zubair writes that he had been receiving threats from DPO Abdullah Shaikh.<sup>91</sup> According to Zubair, these threats were a direct consequence of an article he published on 28 February 2007, concerning the alleged torture committed by Naveed Pathan. Zubair's letter also mentions that Abdallah Shaikh tried to collaborate with a former Member of the Provincial Assembly (MPA), Khadim Ali Shah, to deter Zubair from any further critical reporting on the Mirpurkhas police,<sup>92</sup> although the details of these reported attempts to silence Zubair remain unclear.

80 Daily Jang. 2007. Under custody police officer disappears from the hospital for 13 hours. In: Database written articles Zubair Mujahid  
 81 Interview 1, Mirpurkhas. 5 November 2020  
 82 The News. 2006. SC orders drive against private torture cells, <https://www.thenews.com.pk/archive/print/12061-sc-orders-drive-against-private-torture-cells>.  
 83 Interview 5, Jhuddo. 5 November 2020  
 84 Interview 14, Mirpurkhas. 27 October 2020  
 85 Interview 8, Mirpurkhas. 4 November 2020  
 86 Interview 19, Mirpurkhas, 01-00. 5 November 2020  
 87 For an article about the issue, see: Daily Jang. 2007. After streets, even homes are no longer safe. In: Database written articles Zubair Mujahid  
 88 Interview 13, Karachi. 26 October 2020  
 89 Interview 5, Jhuddo. 4 November 2020  
 90 Pakistan Press Foundation. 2016. Police clueless about accused after 9 years of journalist's murder, <https://www.pakistanpressfoundation.org/police-clueless-about-accused-after-9-years-of-journalists-murder/>  
 91 Zubair Mujahid. 2007. Subject: Threats from DPO Mirpurkhas and legal notice from SHO Satellite Town Police Station. Translated letter  
 92 Zubair Mujahid. 2007. Subject: Threats from DPO Mirpurkhas and legal notice from SHO Satellite Town Police Station. Translated letter from colleague's archive

Interviews with Zubair's colleagues conducted for this report revealed that the Mirpurkhas police also arrested Zubair a few months before he was murdered, which his colleagues believe was an attempt to intimidate him.<sup>93</sup> In June 2007, the Mirpurkhas police took him into custody over an 'old and fictitious case' at the behest of Abdullah Shaikh.<sup>94, 95, 96</sup> Zubair was released the same day.<sup>97</sup>

Zubair was reportedly still receiving threats just days before the murder. Yousuf Ghangro, a colleague and friend of Zubair, published a column two days after the murder mentioning a conversation between him and Zubair that took place 36 hours prior to his murder. During this conversation, Zubair told him that he had received threats from police officers, warning Zubair that he would face 'dire consequences'. These threats were a response to his writing on the Munno Bheel and Naeem Arain cases.<sup>98</sup>



From the family archive.

93 Interview 1, Mirpurkhas, 4-00. 5 November 2020

94 Interview 8, Mirpurkhas, 11-00. 5 November 2020

95 Interview 1, Mirpurkhas, 4-00. 5 November 2020

96 The information about the arrest was confirmed by two former colleagues of Mujahid. However, neither of them remembered who the complainant was. They both emphasised that they believed it to be a false case

97 Interview 1, Mirpurkhas, 4-00. 5 November 2020

98 Daily Jang. 2006. "A policeman threatened me with dire consequences" Last meeting with Zubair Ahmed Mujahid, who sacrificed his life for truth. (Translated from Urdu)

# 3. The murder



Zubair was murdered on 23 November 2007 at around 11:00 PM on the Old Powerhouse Road in Mirpurkhas. This section provides a reconstruction of the course of events on the day of the murder.

## The day of the murder

Before turning to the course of events on the 23rd of November, it is important to mention a conversation that took place on the day before the murder, which was mentioned above. On 22 November, Zubair visited the headquarters of the Daily Jang in Karachi, where he met his colleague Yousuf Ghangro.<sup>99</sup> During their meeting, Zubair told him that he had received worrying threats from police officers in relation to his reports on misconduct at the Mirpurkhas police related to the Munno Bheel and Naeem Arain cases.<sup>100</sup>

The next day, 23 November, started off like any other working day. As usual, Zubair left home between 11:00 and 12:00 in the morning, together with his neighbour and fellow journalist, Wahid Pehlwani. In line with their regular routine, they went to the Mirpurkhas press club, Gulistan-e-Baldia, on MA Jinnah Road. They would usually go there several times during their working days, to kill time in between assignments, and to submit their news stories to their respective editors by fax.<sup>101</sup>

In the early afternoon, they left the Mirpurkhas press club to cover two political rallies happening in Mirpurkhas that day.<sup>102</sup> Afterwards, they returned to the press club to submit their stories.<sup>103</sup> Wahid Pehlwani told our investigators during an interview that, after finishing work at the press club, the two men returned to their respective houses between 3:00 PM to 4:00 PM to rest.<sup>104</sup>

99 Daily Jang. 2007. "A policeman threatened me with dire consequences" Last meeting with Zubair Ahmed Mujahid, who sacrificed his life for truth. (Translated from Urdu)

100 Daily Jang. 2007. "A policeman threatened me with dire consequences" Last meeting with Zubair Ahmed Mujahid, who sacrificed his life for truth. (Translated from Urdu)

101 Interview 2, Mirpurkhas. 5 November 2020

102 Interview 2, Mirpurkhas, 4-00. 5 November 2020

103 Interview 2, Mirpurkhas, 4-00. 5 November 2020

104 Interview 2, Mirpurkhas. 5 November 2020

In the evening, Wahid Pehlwan picked up Zubair from his home again around 8:30 pm and they went to the office of Zubair's friend, Lala Khaliq, where Pehlwan dropped Zubair off.<sup>105</sup> This office was located on the Main Station Road, approximately two kilometres from Zubair's home.<sup>106</sup> According to Zubair's colleagues Wahid Pehlwan, Qamaruddin Shaikh and Khalid Sadaf, it was common for Zubair to spend his evenings sitting with friends outside Khaliq's office.<sup>107</sup> While they were sitting on the pavement outside Khaliq's office, two people on a motorbike passed by and almost ran them over.<sup>108</sup> During an interview for this report, Khalid Sadaf mentioned that Zubair was on the phone with another friend when this incident happened.<sup>109</sup> This was also confirmed by Pehlwan, who told our investigators that when he picked up Zubair from Khaliq's shop later that evening, Zubair dismissed this close call as a coincidence. Zubair left the shop with Wahid Pehlwan around 10:30 PM, planning to return to their homes located in Satellite Town's Scheme 2, a couple of kilometres away.<sup>110</sup>

Zubair would not reach his home that night. On the way from Lala Khaliq's office to his residence in Satellite Town, he was shot while sitting on the back of Pehlwan's motorcycle. He died from his injuries in the Mirpurkhas Civil Hospital.<sup>111</sup> There are different versions of the exact course of events from the moment he left the shop up to the moment of his death. Based on the official case files and our own interviews with witnesses Wahid Pehlwan, Javed Arain and Shahid Hussain, the next paragraph offers a reconstruction of the murder.

### Reconstruction of the murder

On their way home, at around 10:30 PM, after crossing the Kareemabad area and the railway crossing, Zubair and Wahid Pehlwan turned off onto the Walcott Road route. When crossing the Imambargah Kazmain, a place of worship for Shia Muslims on the Old Powerhouse Road, Pehlwan heard a loud noise.<sup>112</sup> Zubair then collapsed onto Pehlwan's shoulder and lost consciousness. With the help of Javed Arain, a nearby resident who rushed to the scene,<sup>113</sup> Pehlwan lifted Zubair off the ground and into Arain's car.<sup>114</sup> They drove to the Civil Hospital of Mirpurkhas.<sup>115</sup> On the way to the hospital, Pehlwan noticed another journalist, Shahid Hussain riding his motorcycle along the same road, and he asked him to follow their vehicle to the hospital.<sup>116</sup> They all arrived at the hospital at 11:30 PM on 23 November 2007.<sup>117</sup>

There is a discrepancy between the witness testimonies recorded in the police files and the witness interviews conducted for this investigation, with regards to the moment at which it was discovered that Zubair had been shot. According to the case files,<sup>118</sup> Pehlwan told the police that a motorcycle carrying two people overtook them from the left and not the right,<sup>119</sup> which is contrary to Pakistan's rule of driving on the left. When the motor cyclists passed, Pehlwan heard the sound of a shot being fired and realised Zubair had been shot.<sup>120</sup> Since Pehlwan was the sole eye witness, his statement formed the basis of the police's theory regarding the murder. In the final report submitted by the Crime & Investigation Branch of Hyderabad, it is concluded that "...[Zubair Mujahid] was shot dead by unidentified killers with a firearm", adding that "the culprits have not been identified and no solution of the case has been found."<sup>121</sup>

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105 Interview 2, Mirpurkhas, 5-00. 5 November 2020

106 Interview 8, Mirpurkhas. 4 November 2020

107 Interview 2, Mirpurkhas, 5-00. 5 November 2020

108 Interview 2, Mirpurkhas, 5-00. 5 November 2020

109 Interview 1, Mirpurkhas, 10-00. 5 November 2020

110 Interview 2, Mirpurkhas. 5-00. 5 November 2020

111 CPJ. 2007. Zubair Ahmed Mujahid, <https://cpj.org/data/people/zubair-ahmed-mujahid/>

112 Interview 2, Mirpurkhas, 6-00. 5 November 2020

113 Interview 4, Karachi, 00-00. 7 November 2020

114 Case Files. 02 December 2007. Mirpurkhas Police. Case Diary: Javed Arain's witness statement

115 Interview 2, Mirpurkhas, 9-00. 5 November 2020

116 Interview 3, Mirpurkhas, 0-00. 4 November 2020

117 Case Files. 24 November 2007. Civil Hospital Mirpurkhas. Post Mortem Report

118 Both the investigation by the Mirpurkhas police and the Crime & Investigation Branch Hyderabad state this

119 Case Files. 02 December 2007. Mirpurkhas Police. Case Diary: Wahid Pehlwan's witness statement

120 Case Files. 02 December 2007. Mirpurkhas Police. Case Diary: Wahid Pehlwan's witness statement

121 Case Files. 7 October 2010. Crime & Investigation Branch Hyderabad. Final report to Civil Judge Mirpurkhas seeking disposal of case



During interviews for our investigation, both Wahid Pehlwan and Shahid Hussain stated that neither they nor the doctors initially noticed that Zubair had a bullet wound.<sup>122, 123</sup> Pehlwan explained that Zubair had been complaining about his blood sugar level earlier that day and that he assumed Zubair's collapse might have been related to heart-related complications or that his blood sugar level had dropped.<sup>124</sup> According to Wahid Pehlwan, doctors even tried to treat him for cardiac arrest,<sup>125</sup> and two doctors performed CPR with the help of other medical staff.<sup>126</sup>

During an interview for this report, Shahid Hussain stated that it was only when the doctors were trying to revive Zubair and lifted his shirt, that he spotted the hole on the left side of Zubair's vest.<sup>127</sup> The hole, accompanied by a few drops of blood, was located on the abdomen. After Hussain pointed this out to the doctors, they immediately realised it was a bullet hole.<sup>128</sup> The doctors then examined the body for an exit wound but they could not find one.<sup>129</sup> They did discover swelling on the right thigh, where the bullet had lodged. Immediately after, at 00:10 AM on 24 November 2007, Zubair passed away and the doctors declared him dead.<sup>130</sup>

Our investigation found many more discrepancies between information presented in the official police files and witness accounts collected by our investigation team. The next section will discuss these discrepancies in more detail.

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122 Interview 3, Mirpurkhas, 2-00. 4 November 2020

123 Interview 2, Mirpurkhas, 11-00. 5 November 2020

124 Interview 2, Mirpurkhas, 9-00. 5 November 2020

125 Interview 3, Mirpurkhas, 0-00. 4 November 2020

126 Interview 7, Mirpurkhas. 5 November 2020

127 Interview 3, Mirpurkhas, 2-00. 4 November 2020

128 Interview 3, Mirpurkhas, 2-00. 4 November 2020

129 Case files. 24 November 2007. Civil Hospital Mirpurkhas. Post Mortem Report

130 Interview 3, Mirpurkhas, 2-00. 4 November 2020

## 4. The official investigation

Two separate rounds of police investigations were conducted into Zubair Mujahid's murder. The first round commenced immediately after the murder, on 26 November 2007, and was carried out by the Mirpurkhas police department. A year later, when no progress had been made on the case, Zubair's widow filed a request to transfer the case to a specialized investigation unit in Hyderabad. The request was granted and on 15 October 2008 the case was transferred to the Crime & Investigation Branch of Hyderabad.<sup>131,132</sup>

Our investigation team obtained and analyzed the official documentation of both police investigations into Zubair Mujahid's murder.<sup>133</sup> Our team also interviewed witnesses, some of whom were also interviewed by the police during the official investigation. Analysis of the police files and the witness accounts collected by our team, reveals severe anomalies in the way the police handled the investigation into Zubair's murder. This chapter outlines these anomalies in detail.

### Legal status of the case

The investigation into the murder of Zubair Ahmed Mujahid commenced on 24 November 2007, when a first information report (FIR) was submitted at a local police station in Mirpurkhas.<sup>134</sup> This led to a first round of investigations, conducted by Inspector Muhammad Bux Kunbhar and Inspector Ataullah Jatt. When no progress had been made for nearly a year, Zubair's widow, Rasheeda Zubair, filed an application for the transfer of the investigation. This led to the transfer of the case to the Crime & Investigation Branch Hyderabad on 15 October 2008. Two days later, on 17 October 2008, Inspector Qadirdad Siyal was appointed to conduct the reinvestigation. However, as she was not satisfied with the actions taken by Inspector Qadirdad Siyal either, Rashida Zubair filed an application for a different investigation officer to be appointed.<sup>135</sup> On 5 November 2008, responsibility for the investigation was transferred to Inspector Pathan Khan Jamali, who was instructed to finalise the investigation within 10 days.<sup>136</sup> The investigations did not yield any substantial progress, and Inspector Pathan Khan Jamali submitted the Report under Section 168, Cr.P.C., 1898, whereby he recommended the disposal of the case under 'A' Class to the District Public Prosecutor.<sup>137</sup> Under Pakistani law, Magistrates apply 'A' Class to a case if it is confirmed that a criminal act has taken place, but the perpetrators remain unidentified or untraceable.<sup>138</sup> Following case law from the High Court of Sindh, a case treated as 'A' Class is not closed: the police and relevant judicial authorities remain responsible for the investigation.<sup>139</sup> The 'A' Class-status therefore does not exclude the possibility of applying for a re-investigation of the murder of Zubair Ahmed Mujahid.<sup>140</sup> On 20 February 2021, the lawyers of Zubair's family formally initiated this process by submitting a request for information concerning the

131 Case Files. 24 November 2007. Mirpurkhas Police. Case diary: First Information Report

132 Case Files. Mirpurkhas Police. 15 August 2008. Order of re-investigation

133 The case files comprise the following documents: 1) case diaries of the Mirpurkhas police; 2) Case diaries of the Crime & Investigation Branch Hyderabad; and 3) the Post-Mortem report. 4) Transfer orders and other documents pertaining to the case

134 Siddiqi, Vawda, Usman & Menon Law Associates, Legal opinion in relation to the murder of Zubair Ahmed Mujahid [internal document], 16 November 2020. Par. 3

135 Siddiqi, Vawda, Usman & Menon Law Associates, Legal opinion in relation to the murder of Zubair Ahmed Mujahid [internal document], 16 November 2020. Par. 3

136 Siddiqi, Vawda, Usman & Menon Law Associates, Legal opinion in relation to the murder of Zubair Ahmed Mujahid [internal document], 16 November 2020. Par. 4

137 Siddiqi, Vawda, Usman & Menon Law Associates, Legal opinion in relation to the murder of Zubair Ahmed Mujahid [internal document], 16 November 2020. Par. 4

138 Sindh Judicial Academy. Criminal Court Proceedings. April 2009, <https://sja.gos.pk/wp-content/uploads/2017/09/BENCH-BOOK-APRIL-09-tittle.pdf>. p. 30.

139 Siddiqi, Vawda, Usman & Menon Law Associates, Legal opinion in relation to the murder of Zubair Ahmed Mujahid [internal document], 16 November 2020. Par. 5

140 Siddiqi, Vawda, Usman & Menon Law Associates, Legal opinion in relation to the murder of Zubair Ahmed Mujahid [internal document], 16 November 2020. Par. 6

progress of the case to the Inspector General of Police in Sindh and the Additional Inspector General of Police in Hyderabad.<sup>141</sup>

In the course of both investigations, four different inspectors have been responsible for the investigation of Zubair Mujahid's case:

- Inspector Muhammad Bux Kunbhar, Mirpurkhas police – until 25 November 2007
- Inspector Ataullah Jatt– head of six-member team, Mirpurkhas police – from 26 November 2007, to 15 October 2008
- Inspector Qadir Dad Siyal, Crime & Investigation Branch Hyderabad – from 17 October 2008, to 5 November 2008
- Inspector Pathan Khan Jamali, Crime & Investigation Branch Hyderabad – from 5 November 2008, to 7 October 2010

## No attention for the motive of the murder

Analysis of the investigation files of both the Mirpurkhas police and the Crime & Investigation Branch of Hyderabad, indicates that neither investigation paid attention to the possible motive for the murder. The case diaries, in which the day-to-day activities of the police are recorded, describe efforts to gain intelligence in various neighbourhoods located near the crime scene, by approaching neighbourhood sources. However, the files indicate no effort to investigate Zubair's journalistic work as a potential motive for the murder. None of Zubair's colleagues were approached for information, nor do the files mention the threats Zubair received prior to his murder.

Because no effort appears to have been made to investigate the motive for the killing during the initial investigation by the Mirpurkhas police, our investigation team interviewed Inspector Muhammad Bux Kunbhar on this matter. During the interview, he stated that he believed Zubair Mujahid's death was an accident.<sup>142</sup> He suggested that Zubair died as a result of an accidental discharge of his own firearm, which he carried for personal protection. This contradicts the conclusion of the official investigation, submitted to the Mirpurkhas Civil Judge by Crime & Investigation Branch Hyderabad's Inspector Pathan Khan Jamali, which states that Zubair "was shot dead by unidentified killers with a firearm".<sup>143</sup>

## No analysis of the most-mortem report

The official police files do not document any in-depth analysis of the post-mortem report, even though this forms a crucial element of any murder investigation.

Our investigation team analysed the post-mortem report, which contains details of the examination of Zubair's body. According to the report, Zubair was brought into the emergency ward of the Mirpurkhas Civil Hospital at 11:30 PM on the night of 23 November 2007.<sup>144</sup> At 00:10 AM on 24 November he was declared dead as a result of 'severe internal haemorrhaging' resulting from a firearm wound. According to the report

839  
26-11-07  
PM No. 4011107

CIVIL HOSPITAL, MIRPURKHAS  
POST MORTEM REPORT  
Date 24/11/2007

To: The Station House Officer, Police Station: Satellite Town, Mirpurkhas

SUBJECT: POST MORTEM REPORT IN RESPECT OF DECEASED  
ZUBAIR AHMED MUJAHID & AMBERDIN AKAIN  
Age: 48 years. Place Address: JHADO presently Satellite Town  
Mirpurkhas

Brought by: MR. Nadeem Hashmi. Identified by: 1) Arshad Rehman So. Saadul  
Muhammad Akain (close relative) 2) Ibrahim Hassan Hashmi  
Post mortem started: 4:00 PM on 24/11/2007. Post mortem finished: 2:30 AM, 24/11/2007  
Post mortem locality: not present. Rigor Mortis: not present

Duration between death and injuries: Immediate  
Information furnished by Police: death by fire arm injury

Condition of Clothes: White cotton shirt, white trousers, white socks, white  
slippers. A shoe present at left side of trousers.

General Examination: A middle aged man with healthy built seen.  
Shaved with short moustache.  
Anatomical fully distended and bleeding gushes out from  
wound - a (of entrance wound) on passing the abdomen.

Surface Wounds & Injuries: 1) A single fire arm injury with wound of  
entrance at left lumbar region (at mid distance from last  
costal angle) with increased painless human size. 4cm in  
diameter with fresh bleeding from wound. No visible injury  
following on previous present in body on clothes near the body of  
deceased. No wound on face, forehead, back or extremities. Single  
bullet found under death stain at upper one third of right back.  
Bullet extracted by incision and handed over to police.

Injuries seen: None. Mortem.  
Internal Examination: Not done according to police letter and  
also obvious cause.

Hand: also obvious cause.

Post Mortem Report

141 Siddiqi, Vawda, Usman & Menon Law Associates, Progress in the investigation of case Crime NO. 167/2007, P.S. Satellite Town (District Mirpurkhas) [internal document], 20 February 2020

142 Interview 10, Karachi. 26 September 2020

143 Case Files. 7 October 2010. Crime & Investigation Branch Hyderabad. Final report to Civil Judge Mirpurkhas seeking disposal of case

144 Case files. 24 November 2007. Civil Hospital Mirpurkhas. Post Mortem Report

filed by the relevant doctor, the post-mortem examination began that same night at 1:40 AM and was completed at 2:30 AM.<sup>145</sup> The post-mortem examination included an x-ray that was conducted to locate the bullet.<sup>146</sup> The x-ray<sup>147</sup> showed that the bullet was lodged in Zubair's right pelvis, after which the bullet was extracted by the post-mortem examiner and handed over to the police.<sup>148</sup>

The post-mortem report provides a clue with regards to the distance from which Zubair was shot. Given the characteristics of the bullet wound, Zubair must have been shot from a medium to long range. The post-mortem report states that "there was no sign of blackening, tattooing or burning present on either clothes or body"<sup>149</sup> According to forensic experts, close-contact gunshot wounds create gunpowder residue and ring-shaped blackening around the bullet hole.<sup>150, 151</sup> "As the distance between the muzzle and target increases, the pattern of particles on the target increases in diameter and the density of particle dispersion decreases. In a long distance shot, the gun smoke will not reach the target."<sup>152</sup> These observations indicate that Zubair was shot from some distance, although the exact distance cannot be discerned. It is striking that the post-mortem report was not used by police investigators.

### No forensic analysis of the bullet

When it comes to the two most important pieces of evidence - the bullet and the bullet casing - our review identified two flaws in the official investigation. First of all, the chain of custody was broken. According to the official documents, the bullet casing was found at the crime scene on the night of the murder.<sup>153</sup> The post-mortem report states that the bullet itself was dislodged from Zubair's body and subsequently handed over to the investigation officer, Muhammad Bux Kunbhar.<sup>154</sup> It is unclear what happened to the bullet after it was handed over to Officer Bux Kunbhar. Two days after the start of the investigation, Bux Kunbhar was removed from his post for unknown reasons and he was transferred to another department. DPO Ali Ahmed Junejo issued a notification on 26 November 2007, establishing a new investigation team under Inspector Attaullah Jatt to investigate Zubair Mujahid's case.<sup>155</sup> The case files do not report whether or how the bullet and the bullet casing were handed over to Jatt. In an interview with Bux Kunbhar for this report, he stated that he handed the bullet over to Jatt.<sup>156</sup> We were unable to confirm this information with Attaullah Jatt.<sup>157</sup>

The second conspicuous issue with regards to the bullet and the bullet casing is the lack of any reported forensic analysis on these key pieces of physical evidence. The case diary does not report any effort to establish whether the bullet found in Zubair's body matched the bullet casing found at the crime scene. According to an expert at Pakistan's Federal Investigation Agency, the investigators in Mirpurkhas did have the facilities to conduct this type of forensic analysis of bullets and weapons.<sup>158</sup> The Sindh police's forensic lab also keeps a database of weapons and bullets fired at different crime scenes, which should have been used to identify the weapon.<sup>159</sup> The bullet and the bullet casing could have been cross-checked with this database. According to the expert, this would have been the most logical first step in any murder investigation. "Even if it doesn't match with any other crime scene, at least the investigation team could be certain that the recovered casing and bullet found in Zubair's body

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145 Case files. 24 November 2007. Civil Hospital Mirpurkhas. Post Mortem Report

146 Case files. 24 November 2007. Civil Hospital Mirpurkhas. Post Mortem Report

147 The x-ray is mentioned in the post-mortem report, but we did not see the x-ray itself during our investigation

148 Case Files. 24 November 2007. Civil Hospital Mirpurkhas. Post Mortem Report

149 Case files. 24 November 2007. Civil Hospital Mirpurkhas. Post Mortem Report

150 Interview 7, Karachi. 5 November 2020

151 For further explanation of the issue, see: US Department of Justice. 1980. Injury by Gunfire, <https://www.ojp.gov/ncjrs/virtual-library/abstracts/injury-gunfire-medicolegal-investigation-death-p-216-294-1980>

152 US Department of Justice. 1980. Injury by Gunfire, <https://www.ojp.gov/ncjrs/virtual-library/abstracts/injury-gunfire-medicolegal-investigation-death-p-216-294-1980>

153 Case Files. 24 November 2007. Mirpurkhas Police. Case Diary: Initial investigation report

154 Case Files. 24 November 2007. Civil Hospital Mirpurkhas. Post Mortem report

155 Case Files. 26 November 2007. Mirpurkhas Police. Case Diary: Office Order

156 Interview 10, Karachi. 26 September 2020

157 Multiple attempts by our investigators to follow up with Attaullah Jatt failed to elicit a response

158 Interview 15, Karachi. 15 November 2020

159 Interview 15, Karachi. 15 November 2020

were fired from the same weapon,” he pointed out.<sup>160</sup>

Although the case files do not report forensic analysis of the bullet or the casing, the case files conclude that the bullet casing found at the crime scene belonged to a TT pistol, while not providing any support for this conclusion.<sup>161</sup> Bux Kunbhar said during a phone interview that Zubair had been shot with a 30-calibre bullet.<sup>162</sup> The lack of forensic analysis of the bullet and the bullet casing raises doubts about either of these conclusions. It also raises questions regarding the professionalism with which the investigation was carried out.

### Police case diaries indicate a lack of direction

The case diaries record the steps that were taken during the police investigation of Zubair Mujahid’s murder. They constitute the core of the official files concerning the investigation, and were recorded for the two rounds of investigation conducted by the Mirpurkhas police and the Crime & Investigation Branch of Hyderabad. Our review of the case diaries raises further doubts whether police investigators made a serious effort to solve the murder.

First of all, while the case diaries describe activities undertaken by the police as part of the investigation, they do not make clear what purpose these activities served. For example, it is mentioned that certain neighborhoods were visited to interview residents. But the purpose of these interviews is not clear. The diaries also do not provide details regarding the persons they spoke to during their visits or where evidence – such as the bullet - was stored. Instead, the diaries provide vague descriptions of activities such as the following two entries:

“Then we left the above mentioned location and visited other nearby areas. We met with police spies and other local notables and asked them to continue their efforts until actual suspects in this case have been arrested. After that, we went back to PS Satellite Town.”<sup>163</sup>

“After the above-mentioned meeting, we visited other nearby areas and drove back to Satellite Town Mirpurkhas city where we asked about the identity of suspects. But nothing has come to our knowledge. Then we returned to the Police Station.”<sup>164</sup>

None of the case diaries report details of persons interviewed or the reasoning behind the steps that were taken.

The majority of the case diary entries are almost identical to each other; investigation officers seem to have copy-pasted diary entries, changing only the date and name of the neighbourhood. For instance, on 1 December 2007, Inspector Jatt wrote: “Sir, it is respectfully stated that we send you case diaries regularly to keep you informed on the case investigation. Today, we and other staff members went to *Gulshan Colony* for the case investigation, where we inquired about unidentified suspects in this case, but no information was received. Then we called local police informants who came to meet us. We exchanged some aspects of the case and asked them for possible information regarding case suspects but they shared nothing. We asked them to gather specific information regarding this case.”<sup>165</sup>

On 6 November 2009, almost two years after the murder, Inspector Jamali wrote: “Sir, for your information we are disclosing that we are actively pursuing the investigation of this case on a regular basis. [To] keep you informed of the process, case diaries have been sent to you. Starting the investigation of the case today, accompanied by staff, we left from the Crime & Investigation Branch Hyderabad and arrived at Mirpurkhas city. In Mirpurkhas we tried to search for unidentified suspects. For that purpose, we met police informants and notables. But no information with regard to actual offenders was received.”<sup>166</sup>

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160 Interview 15, Karachi. 15 November 2020

161 Case Files. 24 November 2007. Mirpurkhas Police. Case Diary: MoU regarding Inspection of Crime Scene

162 Interview 10, Karachi. 26 September 2020

163 Case Files. 01-12-2007. Mirpurkhas Police. Case Diary: Investigation report

164 Case Files. 01-12-2007. Mirpurkhas Police. Case Diary: Investigation report

165 Case Files. 01-12-2007. Mirpurkhas Police. Case Diary: Investigation report

166 Case Files. 06 November 2009. Crime & Investigation Branch Hyderabad. Case Diary: Investigation report

The similarity of these entries, in combination with the lack of detail provided, raises doubt about the actual efforts made by investigators to make progress in the case.

## Unreliable records of witness statements

The witness statements recorded by the investigators reveal more irregularities in the official investigation. The only eye witness of the murder, Zubair's colleague Wahid Pehlwani, was interviewed in both rounds of the investigation and the same statement was recorded in both instances.

The first interview was conducted by Inspector Ataullah Jatt of the Mirpurkhas police on 2 December 2007. This statement reads: "I saw that Zubair Mujahid had been hit by [a] bullet in [the] left abdomen and blood spots [were] visible on that part of his body." He then states that he sought help to move Zubair to the hospital.<sup>167</sup> According to the statement, Pehlwani heard a gunshot and then saw the bullet wound when Zubair fell off the bike soon after. The second time, the interview was conducted by Inspector Jamali of the Crime & Investigation Branch of Hyderabad on 3 January 2009. This statement provides exactly the same narrative.<sup>168</sup>

Another important witness statement that was recorded in the police files was drawn from an interview with Javed Arain, the man who arrived at the scene and helped carry Zubair into his car. According to the police files, Javed Arain testified that he had heard gunfire.<sup>169</sup> The recorded statements from two other witnesses, Dileep Kumar and Manoj Kumar, who owned medical stores near the murder scene, also mention that they heard gunfire.<sup>170</sup>

The police files thus indicate that gunshots were heard by several witnesses and that both Wahid Pehlwani and Javed Arain noticed that Zubair had been shot immediately after the incident happened. However, our investigation team interviewed Wahid Pehlwani and Javed Arain again for this report and recorded a conflicting narrative.

Wahid Pehlwani stated that the narrative attributed to him in the police report is incorrect.<sup>171</sup> Instead, he told our investigation team that he had initially assumed Zubair was experiencing diabetic problems, which caused him to fall off the motorcycle. He only found out that Zubair had been shot after they arrived at the hospital.<sup>172</sup> Javed Arain confirmed to our investigators that he only discovered that Zubair had been shot when they were at the hospital.<sup>173</sup>

We also interviewed an additional witness, Shahid Hussain, who worked as a journalist at the Daily Sobh, and who followed the car carrying the wounded Zubair to the hospital.<sup>174</sup> Shahid Hussain confirmed that they only found out that Zubair had been shot when they arrived at the hospital. These interviews directly contradict the statements attributed to witnesses in the case files.

The post-mortem report further supports the statements that the gunshot wounds were only discovered in the hospital. The bullet had been lodged in Zubair's pelvis, and there was no exit wound. A doctor from Mirpurkhas Civil Hospital interviewed for this report explains that most of the bleeding of a gunshot wound usually occurs through the exit wound.<sup>175</sup> When there is no exit wound, internal bleeding can be fatal for the victim.<sup>176</sup>

It is also worth noting that the official investigation relies on only one eye witness: Wahid Pehlwani. The police

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167 Case Files. 02 December 2007. Mirpurkhas Police. Case Diary: Witness interview - Wahid Pehlwani

168 Case Files. 03 January 2009. Crime & Investigation Branch Hyderabad. Case Diary: Witness interview - Wahid Pehlwani

169 Case Files. 02 December 2007. Mirpurkhas Police. Case Diary: Witness interview - Javed Arain

170 Case Files. 29 March 2009. Crime & Investigation Branch Hyderabad. Case Diary: Investigation Report

171 Interview 2, Mirpurkhas. 5 November 2020

172 Interview 2, Mirpurkhas.11-00. 5 November 2020

173 Interview 4, Karachi, 02-00. 7 November 2020

174 Interview 3, Mirpurkhas. 4 November 2020

175 Interview 7, Mirpurkhas. 5 November 2020

176 Interview 7, Mirpurkhas. 5 November 2020

investigation does not mention any effort to identify more eye witnesses, even though the murder took place on a busy street with multiple shops.

### Misguided identification of suspects

While neither of the two rounds of the official police investigation resulted in the prosecution of suspects, the police files document a few attempts to identify suspects. These attempts, however, do not seem to bear any relation to the evidence collected by the police.

For example, on 11 December 2007, the police recorded the statement of Mir Amjad, described as 'an unlawful kind of person from a nearby village'.<sup>177</sup> According to the files, Mir Amjad stated: "I am a labourer and I have no knowledge regarding this crime (Zubair Mujahid's murder). I am blameless and I am hereby requesting that I please be spared from any kind of police process."<sup>178</sup> The diary entry for the following day contains statements from two additional persons, Abid Hussain<sup>179</sup> and Nadeem Ahmed.<sup>180</sup> The file states that they were in police custody in connection with a different case at the time of the interview. The statements attributed to these suspects are identical to the statement attributed to Mir Amjad.<sup>181</sup> No justification is provided for interviewing these individuals and it is unclear what their assumed link is to the crime.

### The need for re-investigation into Zubair's murder

This section's review of the official case files highlights multiple errors and irregularities in the official investigation into Zubair Mujahid's murder. These relate to the handling and analysis of evidence, the reliability of witness statements and the omission of basic investigative steps that could have helped solve the murder. As a result of these flaws, neither the Mirpurkhas police nor the Crime & Investigation Branch of Hyderabad managed to identify a suspect for prosecution. More than thirteen years have passed since Zubair's murder and no justice has been done.

To correct these errors and to ensure that justice is served, a re-investigation of the murder is therefore needed. The next section of this report will present two lines of inquiry that should be pursued in such a re-investigation, drawing from our own investigation into the case.

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177 Case Files. 11 December 2007. Mirpurkhas Police. Case Diary: Suspect statement Mir Amjad

178 Case Files. 11 December 2007. Mirpurkhas Police. Case Diary: Suspect statement Mir Amjad

179 Case Files. 12 December 2007. Mirpurkhas Police. Case Diary: Suspect statement Abid Hussain

180 Case Files. 12 December 2007. Mirpurkhas Police. Case Diary: Suspect statement Nadeem Ahmed

181 Case Files. 12 December 2007. Mirpurkhas Police. Case Diary: Investigation report

# 5. Avenues for further investigation

This section details two important avenues that should be explored in a future re-investigation of Zubair's murder. The first and most pertinent line of inquiry focuses on the possible involvement of the Mirpurkhas police in the murder. The second avenue to be pursued relates to the possible involvement of MQM-militants in the murder.<sup>182</sup>

## Possible involvement of the Mirpurkhas Police

Errors in the official investigation that were documented in the previous section of this report could be the result of a lack of capacity of the police investigation teams. They could have also, however, resulted from the lack of a genuine effort to solve the case, or even a deliberate attempt to cover up the murder. A future re-investigation must aim to establish the reasons behind the flawed investigations carried out by both investigation teams. In doing so, consideration must be given to the possibility that the Mirpurkhas police itself, or individuals within the Mirpurkhas police, were involved in planning and executing the murder. Our own investigation into Zubair's murder found the following grounds to further explore the possible involvement of the police.

Firstly, it is important to consider Zubair's publications that covered misconduct at the Mirpurkhas police department. Our analysis of Zubair's publications in the two years preceding the murder, shows that he directly and indirectly implicated various police officers. This included DPO Abdullah Shaikh who was eventually even removed from his position after a departmental inquiry.<sup>183 184</sup> Moreover, twelve policemen spent several months in custody following Zubair's reporting on the Naeem Arain torture case.<sup>185 186</sup>

A second reason to consider possible involvement of the Mirpurkhas police in the murder is found in the threats Zubair received from individuals within the Mirpurkhas police. Zubair's colleagues<sup>187</sup> and family members<sup>188</sup> explained that he received these threats because of his writing on the Mirpurkhas police department, and that the threats continued until just a few days before his murder.<sup>189</sup> Zubair himself wrote a letter on 14 March 2007 to the then editor-in-chief of the Daily Jang, Mahmood Sham. In this letter, of which our investigation team obtained a copy, Zubair specifically mentioned the threats he received from DPO Abdullah Shaikh.<sup>190</sup> He wrote: "Shaikh holds a personal grudge against me because of my reporting on police excesses and brutality. He wants to cause me harm" and "he threatens me with 'dire consequences'".<sup>191</sup>

Our investigation found further confirmation that Zubair was threatened by individuals within the Mirpurkhas police. An article by Zubair's colleague Yousuf Ghangro, published in the Daily Jang a week after the murder, stated that Zubair had been threatened with 'dire consequences' because of his publications on the Munno Bheel case.<sup>192</sup> Finally, Zubair's nephew Farooq Zulfikar told our investigators that Abdullah Shaikh threatened Zubair on several occasions, including in March 2007.<sup>193</sup>

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182 This chapter outlines two possible leads to be pursued in a re-investigation into Zubair Mujahid's murder. These suggestions should not be confused with accusations of involvement in the murder. Only an independent investigation by qualified Pakistani authorities can establish culpability

183 Daily Jang. 2007. Globally known cases in court once again. In: Database written articles Zubair Mujahid

184 Interview 1, Mirpurkhas. 5 November 2020

185 The News. 2007. From Mannu Bheel case to <https://www.thenews.com.pk/archive/print/57439-from-mannu-bheel-case-to>

186 Interview 1, Mirpurkhas, 03-00. 5 November 2020

187 Interview 8, Mirpurkhas, 28-00. 5 November 2020

188 Interview 5, Jhuddo, 20-00. 4 November 2020

189 Interview 5, Jhuddo. 4 November 2020

190 Zubair Mujahid. 2007. Subject: Threats from DPO Mirpurkhas and legal notice from SHO Satellite Town Police Station. Translated letter from colleague's archive

191 Zubair Mujahid. 2007. Subject: Threats from DPO Mirpurkhas and legal notice from SHO Satellite Town Police Station. Translated letter from colleague's archive

192 Daily Jang. 2007. "A policeman threatened me with dire consequences" Last meeting with Zubair Ahmed Mujahid, who sacrificed his life for truth. (Translated from Urdu)

193 Interview 17, Jhuddo. 5 November 2020



Finally, our investigation found evidence that the general opinion within the Mirpurkhas police department after the murder was that Zubair “got what he deserved”.<sup>194</sup> Our investigation team interviewed a police officer who was involved in the investigation into Zubair Mujahid’s murder. This police officer, who asked to remain anonymous, mentioned that Zubair was extremely proud of his work and was someone who had made everyone within the department unhappy with his writing.<sup>195</sup> He also explained that several people within the Mirpurkhas police department said that Zubair “got what he deserved”. This source also revealed that high-ranking officers did not want the case to be pursued seriously or solved.<sup>196</sup> Another police officer who had been involved in the case, conveyed in an interview that he had wanted to arrest ‘an influential person’ in connection with Zubair’s murder, but that he was prevented from doing so by his superior officer.<sup>197,198</sup> He did not explicitly mention the name of the officer involved or the influential person.

Given the Mirpurkhas police’s history with Zubair, it was unlikely that the department would conduct an unbiased investigation into his murder. The investigation should therefore have been referred to another department. Given Zubair’s reporting on wrongdoings within the department, individuals within the Mirpurkhas police even potentially had a motive to murder him. The possibility of involvement of the Mirpurkhas police must therefore be explored in a future re-investigation of the case.

### Possible political involvement in the murder

A renewed investigation must also explore the possibility of political involvement in Zubair Mujahid’s murder. Considering the extremely turbulent context in which the murder took place, marked by intense political violence, it is possible that Zubair was killed by MQM militants. Our investigation found several pieces of information that provide ground to further investigate the possibility of MQM involvement.

Firstly, the style in which the murder was committed was typical for MQM target killings at the time. Although the police investigation did not result in a complete reconstruction of the murder, Zubair was most likely shot by an assailant passing by on another motorcycle.<sup>199</sup> This type of drive-by shooting is a known modus operandi of certain political groups that were active in 2007. One of these groups was the MQM, whose militants were responsible for many of the political killings in Sindh during 2007.<sup>200</sup>

Mazhar Abbas, a senior analyst for The News and Secretary General of the Pakistan Federal Union of Journalist, specialises in political killings. In an interview for this report he explained: “This style of killing was a common way of killing. It was adopted by outlawed groups. Also by MQM-militants, but not only them. A killing carried out by people on a motorcycle indicates the targeted nature of the killing. MQM-militants used to carry out these types of operations, mostly in urban centres like Karachi. The thing is, the Daily Jang was also distributed in Karachi, which means that the journalist was in their territory.”<sup>201</sup> Also, according to a senior police officer in Karachi who took part in two crackdowns against the MQM-militants in the nineties, MQM-militants used to murder rivals in exactly the same manner deployed in the murder of Zubair.<sup>202</sup> The senior police officer added that criminal gangs did indeed copy that style of killing but it was most prominently used by MQM-militants.<sup>203</sup>

Another ground for exploring possible involvement of MQM-militants in the murder is Zubair’s history with the party. Zubair had been associated with anti-MQM parties since the 1990s. He even ran as an independent candidate in the 2001 Mirpurkhas municipal election against an MQM candidate, and was elected as deputy head

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194 Interview 10, Karachi. 26 September 2020

195 Interview 10, Karachi. 26 September 2020

196 Interview 10, Karachi. 26 September 2020

197 Interview 11, Mirpurkhas. 6 November 2020

198 He was unable to recollect the name during the interview

199 Interview 2, Mirpurkhas. 5 November 2020

200 BBC. 2007. MQM activists arrested over Karachi riots, <https://www.bbc.com/news/world-asia-31296027>

201 Interview 21. Amsterdam. 24 March 2021

202 Interview 18, Karachi. 11 October 2020

203 Interview 18, Karachi. 11 October 2020

of the Jhuddo Municipal Committee.<sup>204</sup> During municipal elections in 2005, he campaigned for a PPP-backed candidate against an MQM-candidate.<sup>205</sup> He also had close ties to PPP-leader Aftab Hussain Shah Jilani at that time.<sup>206</sup>

During our investigation, we found information regarding a threat made by an MQM leader against Zubair in 1992. Our investigation team obtained a copy of a complaint that Zubair filed at the Jhuddo police station in 1992 against MQM's main local leader Anis Ahmed.<sup>207</sup> According to the written complaint, Ahmed publicly encouraged MQM workers to use violence against Zubair. Zubair wrote that he feared for his life,<sup>208</sup> and that if anything were to happen to him, the MQM and its leader would be responsible.<sup>209</sup>

According to Mujahid's wife and friends in Jhuddo, Zubair became extremely cautious after receiving this threat from the MQM leader.<sup>210</sup> During that period, he changed his schedule and route to work every day.<sup>211</sup> For example, instead of going directly to the district headquarters of Mirpurkhas, he would first take a bus to another city and drive to Mirpurkhas from there.<sup>212</sup> Zubair's friend and colleague Khalid Sadaf told our investigators: "Every time he travelled outside Jhuddo, he would disclose his plans to one of his friends or colleagues in Jhuddo and to one in Mirpurkhas and always informed at least one of them when he arrived at his destination."<sup>213</sup>

As mentioned in previous sections of this report, there are indications that Zubair's transfer from Jhuddo to Mirpurkhas city in 2002 was not welcomed by the MQM. Zubair's arrival brought reporting that was more critical towards the MQM than had previously been common for the Daily Jang.

During our investigation, former colleagues of Zubair explained that Zubair's appointment as second correspondent in Mirpurkhas was also not welcomed by Saleem Azad, who was Mirpurkhas' first correspondent for the Daily Jang.<sup>214</sup> Saleem Azad and Zubair Mujahid had once been good friends, but a conflict developed between them after Zubair was appointed as the second Mirpurkhas correspondent.<sup>215</sup> The MQM reportedly put pressure on Azad to stop Zubair's critical reporting.<sup>216</sup> In the letter that Zubair wrote to his editor-in-chief, which was discussed in the previous sections, Zubair also stated that he assumed Azad was colluding with DPO Abdallah Shaikh to secure his dismissal.<sup>217</sup>

Finally, several local journalists interviewed for this report explained that in the aftermath of Zubair's murder banners were put up in the streets, calling for justice for Zubair Mujahid. These were taken down by MQM activists.<sup>218, 219, 220</sup> Zubair's nephew Farooq Zulfiqar also confirmed to our investigators that certain 'powerful elements' of the MQM were involved in the removal of the banners, under supervision of the local police.<sup>221</sup> Abdul Rehman Rind, a journalist with Sindhi language daily, Kaavish, confirmed this claim and said that the MQM was

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204 Interview 5, Jhuddo, 24-00. 4 November 2020

205 Interview 1, Mirpurkhas, 5-00. 5 November 2020

206 Interview 8, Mirpurkhas, 7-00. 5 November 2020

207 Interview 5, Jhuddo. 4 November 2020

208 Interview 6, Jhuddo. 4 November 2020

209 Interview 5, Jhuddo, 03-00. 4 November 2020

210 Interview 5, Jhuddo. 4 November 2020

211 Interview 1, Mirpurkhas. 5 November 2020

212 Interview 1, Mirpurkhas. 5 November 2020

213 Interview 1, Mirpurkhas. 5 November 2020

214 Interview 13, Karachi. 26 October 2020

215 Interview 5, Jhuddo, 19-00. 4 November 2020

216 Interview 1, Mirpurkhas. 5 November 2020

217 Zubair Mujahid. 2007. Subject: Threats from DPO Mirpurkhas and legal notice from SHO Satellite Town Police Station. Translated letter from colleague's archive

218 Interview 3, Mirpurkhas, 4 November 2020

219 Interview 20, Mirpurkhas. 5 November 2020

220 Interview 19, Mirpurkhas. 5 November 2002

221 Interview 5, Jhuddo, 7-00. 4 November 2020

also responsible for the cancellation of a planned protest seeking justice for Zubair Mujahid.<sup>222, 223</sup>

These findings provide ground for further exploring the possible involvement of the MQM in Zubair's Mujahid's murder, during any re-investigation of the case.

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222 Interview 3, Mirpurkhas. 5 November 2020

223 Journalists Muhammad Saleem and Kamil Kazmi said that the protest was called off after the organisers were informed that Mujahid's family didn't want to go ahead (See: Interview 3, Mirpurkhas. 5 November 2020). This has been categorically denied by Mujahid's family during our investigation (see: Interview 5, Jhuddo, 5-00. 4 November 2020 and Interview 5, Jhuddo, 6-00. 4 November 2020). According to Khalid Sadaf, the MQM pressured the journalists to stage this miscommunication (see: Interview 3, Mirpurkhas. 5 November 2020)

# 6. Conclusions and Recommendations

Zubair Mujahid, a journalist working for the Daily Jang as its Mirpurkhas correspondent, was fatally shot on the night of 23 November 2007.

Following the murder, two rounds of police investigations were conducted. The first round was conducted by the Mirpurkhas police, but did not yield results. The case was then referred to the Crime & Investigation Branch of Hyderabad for a second round of investigation. Neither of the two investigation teams succeeded in identifying the perpetrators of the murder.

Based on a thorough review of the official case files and interviews with witnesses, this report has documented severe errors in both rounds of the official investigation. One of the most important errors is the lack of attention for Zubair's work as a journalist as a potential motive for the murder. Even though he had received worrying threats as a result of his work, these threats were never investigated. We also found that witness testimonies recorded by the police were contradicted by these witnesses in interviews with our own investigation team. Strikingly, both rounds of investigation failed to conduct basic forensic analysis of the bullet and the bullet casing and no analysis was carried out of the post-mortem report. Such analysis would have been part and parcel of any professional murder investigation, and could have ensured progress in the investigation. Overall, there is no indication that the official investigation was conducted in a coherent and professional manner.

Given the errors identified in the official investigation, a renewed investigation into the murder case is needed. This must be done under the auspices of the High Court of Sindh, which has the jurisdiction to do so according to Article 199 of the Constitution. Two avenues for further investigation have been identified in this report: the possible involvement of the Mirpurkhas police and the possible involvement of the MQM.

To ensure justice for Zubair, we make the following concrete recommendations:

- **A complete re-investigation of the murder must be conducted by an effective and impartial investigation team.** This re-investigation must be done under the auspices of the High Court of Sindh. Article 199 of Chapter 1 of the Constitution of Pakistan grants Zubair Mujahid's family the right to seek remedy when their fundamental rights are undermined. In light of the errors and bias found in the official investigation, the High Court of Sindh has the jurisdiction to evaluate whether Article 10a of the Constitution - the right to a fair trial - has been violated. Thereafter, the High Court of Sindh can give directions to re-investigate the case.

In order to safeguard the impartiality, effectiveness and safety of a future investigation, the renewed investigation must be monitored by an independent mechanism and adequate protection of witnesses must be guaranteed.

The re-investigation must explore the possible involvement of the Mirpurkhas police and the possible involvement of the MQM in the murder, as detailed in this report.

- **Information regarding past investigation efforts must be disclosed to Zubair Mujahid's family.** The Crime & Investigation Branch in Hyderabad must inform the family of Zubair Mujahid about the efforts it has made to find the perpetrators of Zubair's murder. Further, the Magistrate Court of Mirpurkhas must notify the family of any directions given to the Crime & Investigation Branch of Hyderabad with regards to the case, should this be requested by the family. In Sindh, judicial propriety demands that the judicial magistrate - who has supervisory jurisdiction - 'shall maintain records' and 'keep calling reports' from the police authorities that investigate the case.
- **Efforts to investigate murders of journalists must be stepped up and justice must be pursued.** Pakistan has seen almost total impunity for the murder of journalists over the past decade, according to figures from Reporters

Without Borders and the Committee to Protect Journalists.<sup>224</sup> Increased efforts are needed to achieve justice for the murder of journalists, for example by setting up a special unit which is mandated to investigate and prosecute unresolved murders of journalists.

- **Support must be provided by the international community to achieve justice for Zubair Mujahid and for Pakistan's fight against impunity.** The international community must monitor progress on the re-investigation of Zubair Mujahid's murder. If requested by the Pakistani authorities, resources and expertise must be made available to help resolve the murder. The international community must further increase its support for Pakistan's efforts to break the cycle of impunity.

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224 Pakistan ranks 145 on RSF's latest World Press Freedom Index (<https://rsf.org/en/pakistan>) and systematically features in the top 10 of CPJ's impunity index (<https://cpj.org/reports/2020/10/global-impunity-index-journalist-murders/>)

*A Safer World for the Truth has reached out to the Mirpurkhas Police, the Crime & Investigation Branch of Hyderabad and the MQM for a response to the main findings of the investigation. None of the institutions provided a response.*

# A Safer World For The Truth