

## Scenario 147

### BALDIA TOWN INFERNO [2012]

#### THE HARD FACTS:

On 11<sup>th</sup> September 2012; fire occurred in a textile factory in the western part of Karachi. The fire was considered to be the most deadly and worst industrial factory fires in Pakistan's history, killing 257 people and seriously injuring more than 600.

*[Pakistan has one of the largest labour and manpower resources in the world, due to its large population. According to data produced by the CIA World Factbook, the total number of Pakistan's labour force is 58.4 million, making it the 10th largest country in terms of available human workforce. About 20.1% of labour force is involved in industry. {Source: Wikipedia 2015}]*

The garment factory named '*Ali Enterprises*'; located on Hub Road, Baldia Town Karachi, used to export its garments to Europe and the United States, and had employed 1200 - 1500 workers. Ali Enterprises manufactured denim, knitted garments, and hosiery; with capital worth of \$10 - 50 million; labour wages ranging from Rs:5,000 to Rs:10,000 a month each.

As per CNN report dated 13<sup>th</sup> September 2012;

*".....between 300 and 400 workers were inside the factory when the blaze erupted..... that all the exit doors in the factory were locked and many of the windows of the factory were covered with iron bars, which made it difficult for workers to escape at the time of the fire and consequently many of the deaths were caused by suffocation."*

On 14<sup>th</sup> September 2012; Justice Hassan Azhar of Sindh High Court Larkana Bench approved Rs:500,000 bail for factory owners Abdul Aziz, Shahid Bhaila and Arshad Bhaila. All the bank accounts of the owners and the company were already frozen and the owners were not allowed to leave the country; they were put on exit control list [ECL].

The Living History of Pakistan Vol-III

The Sindh Building Control Authority [SBCA] denied allegations that it was involved in the approval of the building plans for the 'Baldia Town' garment factory. The CEO of Ali Enterprises, Shahid Bhalia, son of the factory's owner, said that he was ready to appear before any court and provide compensation to the victims and their families.

Sindh Minister for Industry and Commerce, MQM's Rauf Siddiqui, announced his resignation as a result of the incidence. The MQM announced three days of mourning. Pakistan's parliament unanimously passed a resolution asking provincial and federal authorities to fully investigate the accidents. Under the Factory Act 1934, the owner would pay only Rs:5000 in penalty over negligence in the protection of workers – height of irresponsibility it was on behalf of successive parliaments.

On 16<sup>th</sup> September 2012: Federal Interior Minister Rehman Malik's official media statement indicated terrorism behind the Baldia factory fire; the record of the doomed Ali Enterprises showed only 255 people employed on record at the time of fire incident; 257 killed at the spot; the rest of all injured plus other supervisory staff and security people were also accounting nearly of same number – thus hundreds more men and women were working there off the record.

The police investigators dismissed the initial speculations that the fire was caused by a generator explosion. One of the owners of the factory, Shahid Bhaila, claimed while recording his statement with the police that the fire exacerbated because fire-fighters of the city district government did not respond quickly enough.

The owner denied that the factory had only one exit; the media's claims were declared false. The police were unable to salvage footage from the closed-circuit cameras inside the factory, thus had to rely on recorded statements of survivors. FIA had taken all the files and office record in custody and also requested the relevant banks to freeze the personal and business accounts of the three directors of the firm.

The interior minister Rehman Malik said that the 'element of terrorism' could not be ruled out from the investigation rather emphasized that:

*"It seems that there was an element of terrorism in this incident. What were their intentions, who were they .....it was not explained. ....the video footage giving 'insight' into the incident was also found later even though the police had said they did not find any closed-circuit cameras remaining intact inside the factory."*

The Living History of Pakistan Vol-III

However, the interior minister lauded the performance of the police, adding that nothing more could be said for sure until the investigation process was completed.

The report prepared by a Joint Investigation Team [JIT] was submitted to the Sindh High Court by Additional Attorney General, along with a statement of the deputy assistant judge advocate general of Rangers, Maj Ashfaq Ahmed.

On 28<sup>th</sup> September 2012; Justice Zahid Qurban Alvi of the Judicial Tribunal placed his report before the CM Sindh Mr Shah in which he slammed the police forensics division for its failure to submit a report on the tragic incident. The tribunal was informed by two senior medico-legal officers [MLOs] that a majority of casualties in the tragic incident were caused by inhalation of carbon monoxide.

The senior MLOs of Jinnah Postgraduate Medical Centre and Civil Hospital Karachi, Dr Jagdeesh Kumar and Dr Abdul Haq, informed the tribunal that:

*"....most of deaths were likely caused by inhalation of carbon monoxide, but a chemical examination of the bodies could help reveal the cause; Karachi's government hospitals do not have this facility."*

MLO Haq, however, informed the tribunal that the lower halves of almost 15 bodies were ripped off, it should have been a serious lead for the investigators. Five bodies were completely beyond recognition. The inhalation of gas and the extreme heat of the blaze could explain the condition of the bodies.

The tribunal noted that *the MLOs' report revealed valuable insight into how the fire had engulfed the whole factory within minutes.*

On 23<sup>rd</sup> November 2012; Justice Syed Hasan Azhar Rizvi of the Sindh High Court [SHC] refused to hear the pre-arrest bail plea of the owners of the Baldia garment factory; Ashad Bhaila and Shahid Bhaila, two of the three owners of the Ali Enterprises. The police had booked them under charges of murder, mischief by fire or explosive substance with intent to cause damage and attempt to murder.

In the bail application, their lawyer, Amir Raza Naqvi, had argued that the investigation was faulty and full of errors. Thus, the police implicated the factory owners to victimize them, he said.

The Living History of Pakistan Vol-III

Referring to 'the Express Tribune' dated 4<sup>th</sup> December 2012: A judicial inquiry tribunal headed by Justice Zahid Qurban Alvi concluded that a short circuit caused the fire but the 'entire system' was responsible for the cause of deaths.

This was the crux of the long-awaited report on the '*Baldia Factory Fire Tribunal*' which was submitted to chief minister Sindh.

From the setting up of the factory and its drawing plan; from meeting safety standards and the architects who did not make emergency exits; everything counted in the disaster - the owners responsible for fitting in maximum number of machines into minimum space. *"Not only the owners flouted the rules, officials of civil defence, labour departments were also negligent,"* the Tribunal's report stated.

The tribunal, headed by Justice (rtd) Zahid Qurban Alvi and Khalilur Rehman Shaikh, also referred to several incidents of fire that broke out earlier at the factory, saying all fires were caused by power short-circuits.

However, the facts remained that Ali Enterprises did not store highly flammable chemicals and the condition of the generators or boilers did not suggest the fire started from there. *'The tribunal found no evidence against the allegations that factory doors had been locked'*, wrote Justice Alvi.

The fire started in the factory warehouse stashed with large cloth rolls meant for stitching and cutting of jeans and shirts. The rolls were wrapped in polythene material. The mezzanine floor was made of wood and the flames spread to other places from there. The exits on several floors were blocked by fire and in absence of any emergency exits, human lives were lost.

Referring to Decan Walsh's report appeared in 'The New York Times' dated 7<sup>th</sup> December 2012: *'...that the local fire department arrived 75 minutes after the fire started.'* One of the factory owners in Karachi, Arshad Bhaila, had also claimed that the fire first broke out in the warehouse and that he called the fire brigade, which arrived about 90 minutes late.

The Justice Alvi Tribunal report had cited several other factors that exacerbated the situation, including the late arrival of fire tenders, the lack of fire hydrants, and traffic congestion. The tribunal was highly critical of the factory owners and government, which failed to enforce the law. It also criticized the police's forensic department for failing to conduct a scientific investigation.

The Living History of Pakistan Vol-III

The JIT report also contained several other disclosures about the involvement of MQM workers in several criminal cases as well as rigging in the 2013 general elections later.

The height of indifferent attitude of the government was that even after a year, the investigation of 257 dreadful killings was not completed. Speaking at the Karachi Press Club on 6<sup>th</sup> September 2013, the HRCP said *'that the people held responsible in the inquiry report compiled by Justice Zahid Kurban Alavi be prosecuted and punished.'*

The report was handed over to the chief minister of Sindh a year earlier but the PPP government remained engaged in appeasing those responsible for the disaster. For months after the incident, families kept standing outside the Edhi morgue in Sohrab Goth to identify their family members.

Astonishingly, an Italy-based certification and auditing authority had declared that Ali Enterprises was following the basic principles and standards for workers. A certificate was issued on 20<sup>th</sup> August 2012 by the firm and just twenty-one days later the inferno killed 257 workers in that factory.

The same Italian firm had issued similar certificates to more than 100 industrial companies across Pakistan. A team of lawyers from Italy, France and Germany were to file a case against that Italy-based certification authority to seek compensation for the Baldia factory workers, as well as unveil corrupt practices of high-profile companies.

The affected families and the HRCP were not at all satisfied with the investigations and onward judicial process. The counsel for the victims, Faisal Siddiqui, had been threatened over pursuing the case. *"He is still very much fighting for the cause of the poor who were killed in the factory fire. We are not going to back down."*

Investigations into the case revealed some lesser known facts about plight of the workers. Apparently, apart from a few "senior ranking officials" in the factory, most workers were not registered with the Employees Old-Age Benefits Institution or any other social security institution in the province. There was no investigation or even talks about ensuring the safety of workers and staff whatsoever.

A number of families were not compensated because of the fact that some of the bodies were completely "unidentifiable". Secondly, in compliance of an order by a commission set up by the Sindh High Court in April 2013, the relevant *Shariah* law was being followed to compensate the families which took more time than the normal procedures.

New investigation team:

Meanwhile; the Sindh Home department had set up a new investigation team to look into the incident with *'all possibilities and angles'*- headed by additional IG Khadim Hussain Bhatti, the team was set up on the recommendation of Sindh IG Ghulam Hyder Jamali. The other members of the team included DIG Mushtaq Mahar and an officer each from the Federal Investigation Agency [FIA] and Pakistan Rangers.

In the case of Baldia Town Factory fire itself, the available evidence provided a lot of information and leads but not the whole story; see the summary below:

- The factory was supplying Jeans for a single client, the German clothes retailer "KIK", which had annual revenues of €1.2 billion. The Baldia factory had failed safety assessments in 2007 – the authorities could have seen into this safety assessment failure report to see why the Factory failed the test.
- 
- Just one month before the fire, the local Karachi office of an Italian Company "RINA" conducted a safety assessment of the factory, and passed it according to international safety standards. However, CCTV evidence shows that the factory did not pass international safety standards. There were no open-able fire exits, windows were barred shut, and there was only one regular exit. Soon after the fire, KIK ended its relationship with RINA.
- 
- In December 2012, KIK agreed to pay \$1 million compensation to the deceased' families; no clue that where that money was received; where that had gone if received and where it was actually disbursed by the KIK of Germany.
- 
- In December 2014, the relatives of 5 of the deceased filed a suit against KIK in a German court demanding compensation – what progress.
- 
- A Sindh Government Tribunal headed by Justice (rtd) Zahid Kurban Alavi and Khalilur Rehman Shaikh published a report in December 2012 which concluded that the fire was caused by an electrical short circuit – was the clue carried forward.
- 
- No Insurance Claim Report, if the insurance claim was filed, then should have been published till now so the public could see what the owners claimed as the cause of the fire.

The Living History of Pakistan Vol-III

- 
- News channels at the time of the fire displayed the Factory's CCTV footage [12 cameras] showing that the fire started at around 18:55, just after sunset (18:41). No person, however, was shown in CCTV recordings if some miscreants were entering the factory or leaving during or after that time.

The Pakistani media had gone more vibrant than ever and called all political commentators in their live programs. One speaker conveyed the MQM-H's version:

*"The biggest terrorism in the history of Pakistan - 280 people were burnt alive by MQM terrorists. Muhajirs were burnt by the terrorist party that claim they represent Muhajirs. I demand the transfer of this mass terrorism case from Civil court to the Military Court.*

*MQM, previously also torched 6 lawyers and clients in Tahir Plaza on April 9, 2008 by locking these people inside and throwing the same chemical that was used in Baldia Town massacre of 280 people. MQM is the enemy of Urdu speaking people and systemically doing the ethnic cleansing of Urdu speaking people by either target killing or burning them alive."*

Many analysts openly declared that all political stake holders were responsible for that event. Karachi was a mess and to deny MQM's hand in it with their partners PPP and ANP was like accepting crime as a virtue.

The entire administrative and judicial machinery had been subjugated to the extent that no one was ever caught for daily target killings in Karachi. Proof would never be there as the culprits themselves were being asked to investigate and be the judge. Life, honour and property of the common man must be protected by the ruling PPP – but they themselves were the instrument of extortion.

Every business owner in Karachi has been paying *bhatta* since a decade and every single garment factory worker knew it.

JIT's INTERIM REPORT [2015]:

As per JIT Report; a suspect named Rizwan Qureshi disclosed [came on record on 22<sup>nd</sup> June 2013] during joint investigation of the factory inferno

that a "well-known party high official had demanded Rs:200 million as Bhatta (extortion money) through his front-man from Ali Enterprises, the owners of the ill-fated factory, in August 2012."

The Baldia Town factory inferno case took a dramatic turn when a JIT report, made public on 7<sup>th</sup> February 2015, claimed that the *Muttahida Qaumi Movement* [MQM] was behind the deadly fire that claimed the lives of at least 257 factory workers. Some more facts surfaced as:

*".....during the interrogation, the accused [named Rizwan Qureshi] revealed that well-known party higher official demanded extortion money [BHATTA] of Rs:200 million through his front man from the owner of Ali Enterprises in August 2012.*

[Rizwan Qureshi — was a political worker of the MQM and was arrested in an illicit weapon case in June 2013]

*On this demand of extortion money the factory owners met with sector in charge of Baldia town Asghar Baig and told him that in the name of the party high official someone asked them for extortion money. Sector in charge of Baldia town Asghar Baig talked to his brother Majid and they both took factory owners to 90 Azizabad and met with in charge KTC Hammad Siddiqui and Farooq Saleem and told them about extortion demands and that factory owners were their supporters.*

*After heard everything, Hammad Siddiqui and Farooq Saleem replied that this matter was beyond their skills. On this attitude sector in charge of Baldia unit Asghar Baig and his brother used harsh words with Hammad Siddiqui and Farooq Saleem and returned. After a few days Hammad Siddiqui suspended sector in charge of Baldia town Asghar Baig and assigned the sector to Rehman Bhola as sector in charge of Baldia Town.*

*Later, Hammad Siddiqui and Farooq Saleem ordered Rehman Bhola to collect the quoted amount of extortion money from the factory owners. Rehman Bhola, the new sector in charge Baldia Town, again made demand for extortion money of 20 Crore from factory owners. After the denial of factory owners on 11<sup>th</sup> September 2012, Rehman Bhola and his unknown accomplices threw some chemical substance in the premises which caused fire in factory.*

The Living History of Pakistan Vol-III

*On next day CID raided on Asghar Baig and Majid house in Gujrat Mohala Baldia Town and arrested Majid and after the pressure of MQM on factory owners they gave statement that Majid was not involved in the incident. On this statement CID released Majid.*

*The accused further stated that on the order of party high official, an ex-minister of MQM went to police station and got registered a case against factory owners. Factory owners got bail before arrest from Sindh High Court. After their bail, the MQM's former minister, by using his connections, got cancelled the bail of factory owners.*

*After that the then Prime Minister helped factory owners for having bail from Punjab High Court. After the interruption of MQM's Chief that it was provincial issue and forced [advised PM Raja Pz Ashraf] him to stay away, the then Prime Minister stepped back from the matter. There after one unknown front man of the MQM Party, a high official who was in government also, took 15 crore [Rs:150 million] from the factory owners for disposal of this case.*

*Accused told that more details were available with ex-sector in charge Baldia Town."*

MQM had officially and openly denounced the JIT Report.  
MQM held next day that:

*"Rangers investigation teams kept a history of feeding false information to their bosses. This was also the fault of their investigation teams, not the senior Rangers.*

*For example, in 2013, the former DG of the Sindh Rangers, Maj Gen Akhtar, presented a case before the Supreme Court. Gen Akhtar claimed that, in the prior tenure of MQM of Sindh's Ministry of Ports, 19,000 NATO's weapons containers had gone missing. The implication was that MQM had used its ministerial responsibility for Karachi's port to misappropriate 19,000 boxes full of weapons – well enough to equip a small army.*

*The former MQM Minister Ports & Shipping, Babar Ghauri, publicly denied any such theft had occurred. Many anti-MQM haters used this opportunity to call MQM terrorists, extortionists and so on, and urged military action against MQM. A few days later, the US Ambassador clarified that there had not been any theft of NATO weapons from Karachi. Therefore, the claim made by the DG Rangers turned out to be utterly bogus.*

*As the 19,000 boxes of weapons showed, and as that Baldia Town Fire allegation was being proved, MQM was often accused of the vilest criminal activity without a shred of evidence. This was a poor reflection of the state of policing in Karachi, and also reflected poorly on the investigative skills of Karachi Rangers."*

A two-judge SHC bench headed by Chief Justice Maqbool Baqar took the JIT report on record and put off the hearing to be later fixed by the court office. In its order, the court said:

*"As regards the change of the IO, we have already appointed DIG Sultan Khawaja to supervise the proceedings on behalf of police and would dispose of the present application by directing the trial court to proceed in the matter expeditiously so that the trial may conclude within one year from today."*

In respect of Baldia Town inferno, the federal interior ministry placed six names, including those of five suspects described as MQM's senior activists interrogated by and mentioned in the said JIT report, on the Exit Control List. The names included Syed Javed Shakil, Rizwan Qureshi, Hammad Siddiqui, Abdul Rahman alias Bhola, Asghar Baig and Majid Baig.

Among them, Rizwan Qureshi was the one whose statement in the JIT report gave a dramatic turn to the said case. Though the JIT report marked him as an MQM activist, the party denied any association with him.

Hammad Siddiqui was a former in-charge of the MQM *Karachi Tanzeemi Committee* [KTC]; Abdul Rahman alias Bhola was in charge of the Baldia Town sector at the time of the fire incident. The two others were MQM's former in-charge of the Baldia sector - Asghar Baig and his brother Majid Baig. However, there were no details about Syed Javed Shakil; neither on police record nor in the JIT report.

On 10<sup>th</sup> February 2015; Rangers personnel presented that JIT report to the Sindh High Court [SHC] which revealed that the MQM had set the factory ablaze; that report was based on the disclosures made by suspect Rizwan Qureshi, an alleged worker of the MQM, on 22<sup>nd</sup> June 2013.

In a press release issued that day, the Rangers spokesperson said that Siddiqui, who was presented in an Anti-Terrorism Court, had confessed to being given the task of killing by the MQM high-ups which allegations the party denied vehemently.

The Living History of Pakistan Vol-III

The accused allegedly received orders to form a team of target killers which included 23 MQM members belonging to various units. The said team was involved in the killing of approximately 120 people that opposed the party. Finally, the orders were formally approved and issued by Hammad Siddiqui, a member of MQM's Karachi *Tanzeemi* Committee, the press release stated.

Umair Siddiqui and his team of target killers also allegedly that they murdered the Rangers' Lance Naik Shaukat. Siddiqui was also involved in the murders of former senator Faisal Raza Abidi's guard and MQM's Amir Khan's nephew Sabihullah. Another MQM worker Tahir alias Nadeem SP was also murdered by the team, the press release said.

During interrogation, the suspect revealed that in 2008, MQM's Deputy Convener Anees Qaim Khani held a meeting at Khurshid Memorial Hall to speed up target killings on linguistic basis.

*[The suspect also revealed that he used a dealer in Quetta to procure weapons for MQM's armed wing. In one instance he confessed to buying 40 Kalashnikovs, 8 LMGs, 1 rocket launcher, 6 G3s, 5 China rifles and 3 MGs.]*

He went on to claim that in February 2015 all sector in-charges were directed to return their extra weapons to Nine-Zero to prevent being found during raids. The said *weapons were transferred from one area to another with the help of ambulances.*

*[The suspect further confessed that approximately 250-300 target killers reside, or are in hiding, in the neighbourhood of the MQM headquarters.]*

In 2013's general elections, on orders of the suspect Umair Siddiqui, 60-70 party workers in *Gulistan e Jauhar* transmitted fake votes in favour of MQM candidate Faisal Subzwari at the polling stations which were situated in the Maymar sector, the press release stated.

For this purpose, a day before the elections, the presiding officers were called to the sector office and were made to agree to the fake votes, Siddiqui allegedly confessed. He added that in every polling station, 15-20 boxes full of fake ballots were given to the presiding officers.

The suspect was turned over to the Rangers on physical remand for 90 days under the prevailing regulations.

The Living History of Pakistan Vol-III

Next day, MQM Chief Altaf Hussain said that the party was being deliberately maligned and targeted, while other criminals roamed free. He asserted that false statements were being coerced out of those arrested by the Rangers.

*The MQM supremo also disassociated himself from Umair Siddiqui. "Who is he?" Altaf questioned, adding that the suspect should be hanged if he is found to be guilty.*

A Press Release from Karachi Civil Administration dated 14<sup>th</sup> March 2015 said:

*"Detained Muttahida Qaumi Movement (MQM) worker Umair Siddiqui has been involved in 120 target killings. Siddiqui allegedly also confessed that MQM Sector In-charge Rehman Bhole was the man behind the deadly 2012 Baldia Town fire that consumed at least 258 factory workers."*

On 30<sup>th</sup> March 2015; a new investigating team was made to probe the Baldia Town factory fire incident; the fire incident of September 2012 had been investigated thrice earlier but the issue was highlighted once again when Rangers submitted its JIT report of accused Rizwan Qurashi before the court.

Earlier three inquires conducted by police officials, FIA officials and judges of apex court ruled out the possibility of involvement of criminal elements. Following the controversy Prime Minister Nawaz Sharif directed concerned authorities to reinvestigate the case and unearth facts related to the incidents within a month. But the month passed and police was not able to constitute a committee to investigate the case.

Finally some officers were assigned new duties – Inspector Jahanzaib of the SITE B police station was replaced by SITE division SP Sajid Sadozai; Criminal Investigation Agency [CID] chief DIG Sultan Khawaja was made the new chief of the newly formed JIT. Khawaja had replaced the DIG Aftab Pathan who was elevated as new chief of the JIT having been promoted as Additional Inspector General of the Sindh Police's Crime Branch. The new team was tasked to review the previous reports which blamed the MQM for setting the factory on fire over extortion money refusal.

JIT's FINAL REPORT 2016:

The Living History of Pakistan Vol-III

On 22<sup>nd</sup> February 2016; the JIT report was made public through Pakistan's print and electronic media which concluded that:

*"Based upon available evidence and expert opinions, the JIT has come to conclusion that factory fire was a planned sabotage / terrorist activity and not an accidental fire.*

*It added that the alleged terrorist act was carried out due to refusal to pay extortion [Bhatta] of Rs:200 million and partnership in factory profits by factory owners to office-bearers, namely Rehman Bholala and Hammad Siddiqi of MQM-A".*

JIT members were of the considered opinion that the incident had previously been dealt with 'unprofessional manner'. They termed it 'a classic manifestation of compromised and mutilated form of policing'.

*"The incident was handled from inception till end in a 'way and fashion' to benefit the 'offenders' rather than the 'victims of crime' for some 'motives and gains'."*

The JIT pointed out that the lodging of an FIR and subsequent investigations were carried out not only with 'clear malafide intentions' but also suffered heavily from 'tremendous influence both internal and extraneous'. It also added:

*"An event of 'terrorist activity' was portrayed / translated in FIR as simple murder [later converted into an accident] not against actual perpetrators of crime but against factory owners and its management. The way the incident was probed into speaks volumes about partisan and partial approach of police under influence."*

The JIT members were surprised to note that the FIR and the initial investigation nowhere mentioned extortion [Bhatta] and they [the JIT members] believed that it was the basic motive and crucial element to plan, prepare and carry out this dastardly act.

The JIT considered this omission as an 'element of prime and critical importance' AND a 'defining factor' to shape up later investigations. JIT members suggested:

*"Hence, the JIT recommended that FIR No: 343/2012 u/s 322/337/34 PPC of PS Site-B Karachi shall be withdrawn by the State. Instead, a fresh FIR should be lodged under relevant*

*sections of Pakistan Penal Code [PPC], read with the Anti Terrorism Act [ATA] 1997, against several actual accused persons."*

The JIT mentioned proposed suspects to be named in the fresh FIR as "Rehman Bhola, Hammad Siddiqui, Zubair @ Chariya, Omer Hassan Qadri, Dr Abdul Sattar, Ali Hassan Qadri, Mst Iqbal Adeeb Khanum and four unknown associates of Zubair alias Chariya".

It proposed that the suspects / accused absconding to foreign countries should be brought back and arrested and passports of all the absconding accused be cancelled and their names be placed on the ECL immediately. It called for providing protection to all witnesses under the Witness Protection Act. The JIT report also revealed that:

*".....the extortion extracted from the Baldia factory owners was used to purchase a bungalow of 1,000 sq yards in Lati-fabad [plot No. 175, Block C, Unit No. VI] in Hyderabad through 'post-incident bank transactions', and suggested to transfer back the attached property to the factory owners through a legal process."*

It recommended to the authorities that in order to minimise the losses to life and property by any such terrorist activity in future, new laws and safety procedures should be devised and factory owners and employees be trained to cope with such terrorist activities.

JIT members noted with concern that the rescue services available in Karachi having a population of 22 million were not capable enough to deal with such catastrophes of terrorism and mega accidents.

*"Hence a high-powered committee of experts in rescue services with relevant qualifications from public and private sectors may be constituted to submit a study report along with recommendations within three months for overhauling the present rescue services."*

JIT members appeared to be highly critical of the role of former police investigators of the Baldia fire case. They noted that:

*"The gruesome act of Baldia Factory Fire was a glaring example of police inefficiency in dealing and investigating this high-profile incident in right directions without any fear and favour."*

The Living History of Pakistan Vol-III

The JIT was of the view that it [police probe] showed *“classic police failure in ascertaining not only the truth but also in booking and apprehending the real culprits involved in the commission of crime from planning to execution stage”*.

It said that the incident history clearly manifested how police lodged a motivated FIR and subsequently raised eyebrows the way investigations into the incident were conducted. The JIT carried out a critique of the first investigation and concluded that *‘fear and favour’ were dominating factors* throughout and affected police performance ‘length and breadth’.

The JIT was led by the then Deputy Inspector General of CIA, Sultan Ali Khawaja, and comprised senior officers of FIA, police, Rangers and intelligence agencies. The JIT also strongly recommended introduction of police reforms in order to avoid recurrence of such catastrophic investigative failures in future.

*“The in vogue archaic policing system should be replaced with professionally independent but accountable policing system including up-gradation of its technical facilities, especially forensic laboratory that currently is devoid of modern facilities and fire experts.”*

Daily ‘the News’ dated 22<sup>nd</sup> February 2016 described and printed the whole JIT report as such but with additions that:

*“The facts [also] surfaced that the garment factory’s in-charge furnishing department, named Zubair, was involved in setting the factory ablaze. Plastic bags full of explosive chemical were thrown in the factory for that purpose with his active connivance.*

*It also revealed that Rehman Bhola, a famous bhattakhor [extortionist] of that time and one MQM office bearer Hammad Siddiqui ordered the terrorist act after the factory owners refused to give them partnership and extortion money.*

*Following the bail, Arshad Bhaila and Shahid Bhaila – owners of the garment factory – were pressurized by MQM to pay off Rs:59.8 million to victims’ families by depositing it in the party’s bank account after Bhaila brothers contacted Anees Qaimkhani’s close aide Mohammad Ali Hasan in that regard. Hasan Qadir and Anees Qaimkhani’s adopted son Dr Abdul Sattar had got the money in cash.*

*It also recommended bringing back all absconders from abroad and their names to be included in the Exit Control List [ECL]."*

After the JIT report went published in media, the intelligence scripts started appearing telling that:

*'....the name of Anis Kaimkhani, a disgruntled leader of MQM, later became founder of Pak Sarzameen Party [PSP] of Mustafa Kamal, was used for extorting money from factory owners on the pretext of providing compensation for victims.'*

Initially, police had charge-sheeted the owner of the ill-fated industrial unit, Abdul Aziz Bhaila, and his sons, Arshad Bhaila and Shahid Bhaila, a general manager and some gatekeepers in the tragic incident. However, the JIT [in March 2015] ordered reinvestigation into the case.

On 6<sup>th</sup> March 2016; the case came up for first hearing before Additional District and Sessions Judge [West] Maqbool Memon, where the incomplete *challan* [final report] submitted by SP Sajid Sadozai held that the factory fire was a planned terrorist activity involving some key members of MQM over non-payment of extortion money, adding that it was an act of arson and the miscreants used some highly reactive chemicals to torch up the factory.

It contended that former chief of MQM Karachi Tanzeemi Committee, Hammad Siddiqui, through his front man Abdul Rehman alias Bholi, the then sector in-charge of the party in Baldia Town, approached the factory owners to demand extortion of Rs:200 million and partnership, but the Bhailas only offered Rs:10 million to which the alleged extortionists did not agree.

The report alleged that *Hammad Siddiqui asked Abdul Rehman to set the factory on fire 'in order to teach the owners a lesson'*. Zubair alias Charya, an employee of the factory who was affiliated with the party, along with his four unidentified accomplices set the factory on fire by throwing chemicals in the warehouse located in the basement.

It further maintained that Hammad, his accomplices and their some closely-backed senior members of MQM allegedly influenced the investigations and got the factory owners and some employees booked in the FIR for their alleged negligence in ensuring the safety measures at the workplace and later blackmailed them by posing the victims as the workers and supporters of the party.

The Living History of Pakistan Vol-III

The report further contended that the owners were also harassed and threatened by different means not to reveal the facts to investigators, adding that the owners then contacted a Hyderabad based businessman, Ali Hassan Qadri, seeking his help to strike a deal with MQM leaders.

The businessman informed the owners that his brother, Umar Hassan Qadri, had close ties with the then MQM deputy convener, Anis Kaimkhani, and he would settle the matter after discussing it with him.

The report revealed that Ali Hasaan Qadri forwarded a proposal to the owners that the party had agreed to tone down the matter if they would pay Rs:59.8 million as compensation at the rate of Rs:250,000 for each dead and Rs:100,000 for each injured.

However, *the amount was never distributed among families of the victims* and instead it was used for purchase of a property in Latifabad area of Hyderabad in the name of a woman, Iqbal Adeeb Khanum, adding that the cost of the property was Rs:63.5 million. The amount was paid through a bank account held by Dr Abdul Sattar who is said to be a close lieutenant / adopted son of Anees Kaimkhani.

Since compensation cheques distribution ceremony was never organised, Ali Hassan Qadri informed the factory owners that the money they had paid was transferred to Anees Kaimkhani.

According to the report, the JIT had recommended that a new case be lodged under the anti-terror law and proposed Hammad Siddiqui, Abdul Rehman, Zubair, Ali Hasan, Umar Hassan, Abdul Sattar, Iqbal Adeeb Khanum and four unidentified persons as accused in it. Regardless of the fact that Anees Kaimkhani's alleged indirect role was mentioned in the report, *the JIT did not name him as among the proposed accused.*

The investigation officer informed the court that the JIT report was with the home department for approval of lodging a new case under the Anti-terrorism Act [ATA] 1997, against the proposed accused. The court directed the investigation officer to produce the complete report with a reply from the authorities about the fate of the case.

Referring to 'Dunya News' TV channel dated 2<sup>nd</sup> May 2016; hearing of Baldia Town factory fire case was adjourned while the city court refused to accept copy of the JIT report. The court re-issued non-bailable arrest warrant of fugitive, Mansoor, the General Manager of the ill-fated factory and ordered authorities to bring original report of investigation in next hearing.

The Living History of Pakistan Vol-III

Additional District and Sessions Judge West Maqbool Memon was presented a 214-page copy of JIT's report. The court ordered for the original one. One of the persons mentioned in the factory case, Anees Qaimkhani, a former MQM member had returned to Pakistan, but astonishingly his name was not there in the JIT's report.

The general populace took it as Qaimkhani's alleged deal with the Rangers in turn with the army administration in the better interest of Karachi.

On 28<sup>th</sup> May 2016; the former I O of the case, Inspector Jehanzeb, was issued a Show Cause Notice from the Central Police Office Karachi for his dreadful connivance with the actual culprits and twisting the investigation, involving 259 deaths till then, altogether in the opposite direction.

On 23<sup>rd</sup> August 2016; the Karachi police finally came up with a supplementary charge sheet carrying relevant sections of the anti-terrorism law before a judicial magistrate in that Baldia Town's fire case.

The report, which was submitted after a lengthy re-investigation of the case, said that only two men could be charge-sheeted in the case and around a dozen others were left out for lack of evidence while the owners of the industrial unit were listed among the prosecution witnesses.

It was in March 2016, when the police through a progress report informed the court that the factory fire was a planned terrorist activity and the JIT had recommended that a new case be registered under ATA. However, the police only charge-sheeted Hammad, Abdul Rehman and three to four unidentified suspects and showed them absconders.

Again another intrigue; the supplementary charge sheet was filed before a judicial magistrate (west) regardless of the fact that it also contained Sections 6 and 7 of the Anti-Terrorism Act 1997 and to be tried by an Anti-Terrorism Court [ATC]. The special public prosecutor Sajid Mehboob said that they wanted to follow a procedure in which the magistrate would send the charge sheet to the relevant Sessions court, where the case was already pending and then it would be referred to the relevant forum / ATC trial court.

Police incorporated Sections 302 [premeditated murder], 324, 337, 384 [punishment for extortion], 385 [putting person in fear of injury in order to commit extortion], 386 [extortion by putting a person in fear of death or grievous hurt], 435 [mischief by fire or explosive substance with intent to cause damage etc], 436 [mischief by fire or explosive substance with intent to destroy house etc], 109 [abetment] and 34 [common intention] of the

The Living History of Pakistan Vol-III

Pakistan Penal Code [PPC] read with Sections 6 and 7 of the Anti-Terrorism Act [ATA] in the supplementary charge sheet and a list of 58 prosecution witnesses was also attached with it.

On 21<sup>st</sup> October 2016; the Anti-Terrorism Court Karachi decided to place two accused of the Baldia Town Factory Fire Case [*already at large*] on the Exit Control List [ECL]; including MQM leader Hammad Siddiqui and sector in charge Abdur Rehman Bhola. The court had issued non-bailable arrest warrants for the accused earlier as well.

259 workers burnt to death in Sep 2012 Baldia Factory Fire.

The court decision came amid allegations by the Sindh Governor Ishratul Ebad and Pak Sarzameen Chairman Mustafa Kamal, each accusing the other for the factory fire. Kamal in a fiery presser a day earlier alleged that the governor was involved in the factory fire.

Governor Ebad on the other hand indirectly accused PSP leaders of orchestrating the factory fire.

On 2<sup>nd</sup> December 2016; Lumpini Police Station in Bangkok [Thailand]'s Crime Suppression Division [CSD] arrested a key suspect wanted by Interpol and Pakistani authorities for Baldia Factory incident, which had caused 259 deaths and scores of injuries till the latest reports. The Thai police traced him living in a five-star hotel in Bangkok's up-market area.

About 40 commandos raided the Royal Garden Home Hotel in Soi Nana in evening hours and arrested Abdul Rehman alias Bhola, 46, who was staying alone in the room. Thailand's Interpol Chief, Maj Gen Apichart Suriboonya told the media:

*"Thai Interpol tracked this suspect following an arrest warrant sought by the Pakistani authorities. He will be repatriated as soon as Pakistan is ready."*

On 6<sup>th</sup> December 2016; the Interpol in Bangkok recorded Rehman Bhola's statement and sent to the FIA in Pakistan. In his first statement before the Interpol after arrest he admitted that '*he is a political worker belonging to the MQM and was also a Sector In-Charge of .....*'

On 14<sup>th</sup> December 2016; Anti-Terrorism Court remanded Rehman Bhola in police custody till 19<sup>th</sup> December. The court expressed resentment over non-appointment of some senior police officer like an SSP as the investiga-

The Living History of Pakistan Vol-III

tion officer. Rahman pleaded not guilty in the court while saying that the allegations hurled at him were false. Asghar Baig had set the factory on fire.

Bhola was brought back to Karachi from Bangkok by the Federal Investigation Agency [FIA] just a day before.

A two-member FIA team went to Thailand on 12<sup>th</sup> instant to get custody of Rahman Bhola. After reaching Thailand the team requested access to Bhola, who was under treatment at a hospital of Bangkok prison for having kidney problems.

The FIA consisted a two-member team comprising Deputy Director Badar Baloch and Inspector Rehmatullah Domki for Bhola's extradition to Pakistan. The team arrived in Thailand along with documents and legal records pertaining to the Baldia factory tragedy, for taking custody of Rahman.

Bhola said several other Muttahida Qaumi Movement [MQM] members were also involved in the heinous act. The gang burned down the Ali Enterprises factory in September 2012 when the owners had refused to pay Rs:25 crore as extortion.

In November 2016, the AT Court had severely reprimanded the police authorities concerned for failing to arrest suspended chief of the MQM's Tanzeemi Committee, Hammad Siddiqui, and Sector In-charge Baldia Town Abdul Rehman Bhola, the two main suspects of the case. Pakistan police later found the suspect travelled to Thailand two weeks ago so they coordinated with Interpol and Thai police to track him down.

His wife told media that she last contacted Rehman couple of days ago but his mobile was off since a day before. Hospital management had informed her about the raid and that Rehman was arrested.

A joint investigation team probing the matter put the blame on some MQM members and activists including Siddiqui and Rehman; the party had repeatedly denied the allegations.

On 13<sup>th</sup> December 2016; another arrested culprit of Baldia Town incident, Yousaf alias *Gadha Gari* made startling revelations stating that sector in-charge, Asghar Baig was also involved in the horrific incident that claimed the 259 lives. Yousaf was the close aide to Rehman Bhola in all respects.

The Living History of Pakistan Vol-III

Yousaf told the authorities that he had received the said information from Asghar Baig's brother who was a manager in the factory, as well as his nephew who was also working there. He revealed that Asghar Baig had been involved in retrieving the dead bodies from the burnt factory for three days but it was just an eye wash with crocodile's tears.

During interrogation, Yousaf also confessed that he had been involved in killing 16 people at various other occasions in collaboration with Rehman Bhole and others. He further admitted that he had killed five workers of Awami National Party [ANP] at the instructions of Asghar Baig.