

CHAPTER-B.

FACTS OF THE INCIDENTS

DATED 25.7.2009, 30.7.2009 & 1.8.2009

AND

APPRAISAL

BY

THE TRIBUNAL OF INQUIRY

PART-I.

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INQUIRY.

Although, it is obvious from the contents of Notification of my appointment as One Man Tribunal of Inquiry that the terms of reference are prima facie confined to the incident dated 01.08.2009, however, the circumstances as referred to in Chapter A, clearly show that all the three incidents constitute a suture, therefore, true picture of the facts cannot be peeled off and the terms of the reference cannot properly be met with unless their sequence-wise narration and dilatation is made.

INCIDENT DATED 25.07.2009.

PER FIR

According to the contents of FIR NO. 426/09 dated 30.07.2009 P/S Sadar Gojra, one Muhammad Ashraf S/o Sher Muhammad, caste Cobbler R/O Chak No.95/JB (Gill), presented a written complaint to Zulfiqar Ali Sub-Inspector containing a version that on 25-07-09 at 9.00

p.m. when he, Abdul Ghafoor son of Barkat Ali and Muhammad Afzal were present in front of his PCO situated at Izaffi Abbadi, Talib Masih s/o Sadiq Masih along with others while taking Mehndi of daughter of Mukhtar Masih to her house passed from there who while dancing at beat of drum were showering currency notes and leaves of papers on each other. When in the following morning, he came at his shop, it was noticed by him and others that the leaves of papers having been showered in the night were lying in the street contained Arabic Text. It further revealed that the said pieces of papers were in fact cuttings of the pages of the Holy Quran which were collected and shown to the people for verification as a result whereof the news of desecration spread in the village whereupon, the matter was taken up with Mukhtar Masih who confessed desecration of the Holy Quran in Rasm-e-Mehndi and while passing the buck to Talib Masih undertook to produce him before the Muslims of Izaafi Abadi to face inquiry and beseech. Consequently, a Panchayat was convened in the evening of 30-07-2009 in

Izaafi Abadi which was attended by Ghafoor Jatt, Muhammad Afzal Shahid, Abdullah Shoukat Jatt and other respectables wherein, Talib Masih instead of showing repentance or to beseech not only abused the members of the Panchayiat but also used filthy language about the Holy Quran & Hadith which stirred up and provoked religious feelings of the Muslims. (Copy of FIR is annexure C)

PER POLICE

Jamshed Iqbal Nasir (witness No.564) who on 30.7.2009 was SHO of P.S. Sadar Gojra stated that at 08:05 p.m. he received a wireless message that one Muhammad Afzal son of Asghar Ali caste barber resident of Chak No.95/JB (Gill) by calling at 15 had informed that in the said Chak the Christians who in a Rasm-e-Mehndi had desecrated the pages of Holy Quran had been made to sit by the Muslims, therefore, the police be sent to take their custody whereupon he instructed Zulfiqar Ali Sub-Inspector to reach the stated place and he himself after bringing the incident into the notice of the high ups

along with other officers & officials left for the site. He disclosed that upon his arrival, he found there Zulfiqar Ali Sub-Inspector along with other officials and a mob of many stick-wielding emotionally charged protestors who had already set the houses of Christians Colony on fire. He maintained that earlier to it, no information about happening of the alleged incident of desecration of the Holy Quran had been received by the Police through any source.

Raja Ghulam Abbas, the then DSP/SDPO Gojra (Witness No.560) stated that on 30.7.2009 at 08:15 p.m. when he was sitting in his office, he got a telephonic information that in Izaafi Abadi Korian, the Muslims of Chak No.95/JB (Gill) had made to sit Talib Masih and Mukhtar Masih holding them responsible for an incident of desecration of the Holy Quran in a Rasm-e-Mehndi whereupon, he telephonically instructed Jamshed Iqbal Nasir (Witness NO.564), the then SHO P.S. Sadar Gojra to reach the said place and after wearing the uniform he himself proceeded towards **Izaafi Abadi**. During the

transit he also checked positions of the other police personnel of the Sub-Division who all were found on their way to the said site. He has added that he reached the place of occurrence at 09:15 p.m. but at that time approximately one thousand people had assembled at Bus Stop Korian who had blocked the road by setting the tyres on fire whereas, 30/40 houses of **Izaafi Abadi** had already been torched. Consequently, he checked the position of the SHO who along with other officials was found in **Izaafi Abadi** but the protestors did not let him (witness No. 560) to go ahead. He has also maintained that earlier to it, he did not get any information about happening of any incident of desecration of the Holy Quran from anywhere.

Inkasar Khan, the then DPO T.T. Singh (Witness No.512) has stated that previously the incident of desecration of the Holy Quran was never reported by any agency to the local police and such news for the first time broke out in the evening of 30th July, 2009 when the crowd started torching the houses of Christians. Nothing

dispersed. It was after the mid night when the relief activities were started.

Imran Sikandar Baloch, the then DCO Toba Tek Singh (Witness No.557) has stated that upon his arrival at the site, TMO Gojra, the DPO and Bilal Asghar Warraich MPA told him that the mob was infuriated because allegedly one Talib Masih from Chak No. 95/JB had desecrated the Holy Quran on 26th July 2009. It was only on that day i.e. 30.07.2009 when the people came to know of the incident whereafter, a group of protestors gathered at the spot, arrested Mr. Talib Masih and handed over him to the police but police let him off whereupon, the mob burnt the village and was now raising slogans against police.

Mr. Tahir Hussain, Commissioner Faisalabad (Witness No.567) has stated nothing about having any information regarding the incident of desecration of the Holy Quran in Izaafi Abadi village Korian prior to happening of the incident of arson there. Nadeem Hassan Asif, Secretary, Home Department, Government of the

Punjab (Witness No.579) has stated that on 30.7.2009, it was learnt that violent protest had erupted at Gojra over the alleged desecration of the Holy Quran by one Imran Masih son of Talib Masih resident of 95/JB.

APPRAISAL

To have true picture of this incident it is necessary to peel off the blurring shades of the story with the help of evidence recorded during the inquiry and for that purpose the following propositions are formulated:-

- a). Whether the incident of desecration of the Holy Quran took place in the middle night of 25 & 26 July, 2009 in Izaafi Abadi of Village Korian located in the area of Chak No.95/JB (Gill) Tehsil Gojra District TT Singh?
- b). If so, then how did it pave way to the incident of ransacking and arson on 30.07.2009?

It has positively been asserted and there is also no denial of the facts that at about 9.00 p.m. in the middle night of 25 & 26 July, 2009 which happened to be conjoining night of Saturday & Sunday, M/S Talib Masih took Mehndi to the house of Mukhtar Masih with whose daughter marriage of Imran (his son) was to be

solemnized. There is a specific allegation that while celebrating the said ceremony some pieces of paper along with currency notes were showered at the dancing participants during the transit which in the following morning were found in the street and it transpired that the cuttings contained the Verses of the Holy Quran.

Muhammad Ashraf S/o Sher Muhammad (Witness No.511) the complainant of case FIR No.426/09 registered U/S: 295-B PPC with P.S. Sadar Gojra has deposed that he himself saw the Christians while showering the pieces of paper along with the currency notes over the dancing boys & girls and in the following morning he, Abdul Ghafoor alias Kudda (Witness No.497) and Muhammad Afzal (Witness No.499) noticed that the said showered pieces of paper lying in the street were in fact the cuttings bearing the Verses of the Holy Quran whereupon they went to the house of Mukhtar Masih where they found that some ladies of Abadi had already assembled there and were discussing the matter. Mukhtar Masih was asked about the incident of

desecration of the Holy Quran who while confessing the allegation pleaded that so had been done by M/S. Talib Masih etc. who had brought Mehndi to his house and undertook to produce him before them to clarify his position.

The said version of the complainant is not supported by Abdul Ghafoor alias Kudda (Witness No.497), Muhammad Afzal (Witness No.499) and Muhammad Abdullah (Witness No.498) because they did not state that they were accompanying Muhammad Ashraf (Witness No.511) and saw the cuttings bearing the Verses of the Holy Quran in the morning of 26.07.2009. Rather they have put forward their own versions about having knowledge of the incident of desecration of the Holy Quran. It may be pointed out that Abdul Ghafoor, Muhammad Afzal and Abdullah Shoukat are the persons who allegedly acted as arbiters in the evening of 30.07.2009. It is also worth mentioning that all the said persons are occupants of the shops of the market owned by Abdul Ghafoor alias Kudda in which the shop of

Muhammad Ashraf (the complainant) situates and it is the place where Panchayat was convened and held on 30-07-2009 whereafter, the incident of ransacking and arson took place

Abdul Ghafoor alias Kudda (Witness No.497) has categorically deposed that at about 5.00 p.m. on third or fourth day after the middle night of 25 & 26 July, 2009, it came into his knowledge through mouth of wife of **Sardar Kumhar** (a resident of the same Abadi) that the Christians in Rasm-e-Mehndi had desecrated the Holy Quran by cutting its pages into the pieces equal to the currency notes and throwing the same on the dancing boys and girls during the transit from the house of Talib Masih to the house of Mukhtar Masih. He has further disclosed that the said lady had called him in her house where she was sitting with her husband and she by showing the cuttings of the Holy Quran told the story of the incident of desecration. Similarly, Muhammad Afzal (Witness No.499) while denying his presence with Muhammad Ashraf (Witness No.511) in the morning of 26.07.2009

has stated that on the day of incident which happened to be Thursday, Abdul Ghafoor alias Kudda (the landlord of his shop) at about 05:30/05:45 p.m. brought some pieces of paper containing the Holy Verses in the Market and said "he was illiterate therefore, we should see that what was in his hands"?. Whereupon the said pieces of paper were shown to Dr. Shahid Nazir (a veterinary practitioner) who had eventually come there. The said doctor told that the pieces of paper were in fact the pieces of the Holy Quran. Many people were already present in the Market whereas some more people gathered there upon hearing a noise to whom the pieces of paper were shown. To a question put by the Tribunal of Inquiry he categorically answered that earlier to the day of occurrence it did not come to his knowledge from any corner that the desecration of the Holy Quran had been done, however, Abdul Ghafoor used to talk during the preceding period stretching on three or four days that something like that had happened in the village because the ladies and kids were gossiping about it. Muhammad

Abdullah (Witness No.498) has stated that he for the first time got information about the alleged desecration of the Holy Quran on the day of occurrence which happened to be 30.07.2009 and earlier to it he knew nothing in that regard.

The other Muslims of Izaafi Abadi or haling from its vicinity who got recorded their statements as witness Nos. 455 to 477 & 482 to 487 have narrated another story about seeing the pieces of papers bearing the Verses of the Holy Quran. Some of them deposed that they saw the cutting on 30.07.2009 in the hands of Abdul Ghafoor alias Kudda during the melee whereas the others particularly the ladies have maintained that they saw the cuttings of the Holy Quran in the hands of Mst. Abida Parveen (Witness No.503). However, Mst. Abida Parveen in her deposition has deposed that neither she nor her daughter showed the pieces of papers which had been collected by them to anyone except Mst. Haleema Bibi w/o Sardar Kumhar.

All the Christian witnesses including the affectees of the incident dated 30.7.2009 while making their statements either showed their ignorance or kept mum about the incident of desecration during the course of enquiry. Reference is made to the statements of witness Nos.3 to 23 and witness Nos.42 to 61. Even the witnesses who referred to the incident under discussion in their depositions did not state that they had been having any direct knowledge in this regard.

The account rendered by Police as narrated above also lacks any positive piece of evidence on this issue of fact. At the most status of their depositions can be rated as Res-gestae. Same is the position of the facts disclosed by the Administration in their statements as witness Nos.321, 557, 567 and 579.

Be that as it may, the evidence having come on the record during the Inquiry suggests that some pieces of paper containing the Verses of the Holy Quran were found by the Muslim's residents of Izaafi Abadi village Korian located in the area of Chak No.95/JB (Gill) out of whom

Muhammad Ashraf (Witness No.511) (the complainant of case FIR No.426/09) and Abdul Ghafoor alias Kudda (Witness No.497) while accusing Talib Masih and Mukhtar Masih to have desecrated the Holy Quran went on agitating the matter in their own style. According to the reports of the Intelligence Agencies, the pieces of paper containing the Verses of the Holy Quran were in fact the cuttings of the pages of book of Islamiyat meant for 9th Class. The news of defiling of the Holy Quran spread in the village as well as in the area particularly on the fateful day i.e. 30.07.2009 when the Christians accused of the desecration were called at market of Abdul Ghafoor alias Kudda to answer the allegations leveled against them but the affairs stood mismanaged.

Despite recording of statements of as many as 580 witnesses, no positive legal evidence has come forward to the effect that there existed any dispute between the complainant of case FIR No.426/09 and the accused. The record also lacks even a clue towards presence of animus between the witnesses cited in the FIR and the nominated

accused. Nothing spells out from the record that there had been any communal fuss of any nature in Izaafi Abadi. It is an admitted position that no one from the village or the adjoining area reported the matter of happening of any incident of desecration of the Holy Quran to Police. No report of any Intelligence Agency having been initiated prior to the incident dated 30.07.2009 exists in the file in which happening of any incident of desecration of the Holy Quran by the Christians of Izaafi Abadi would have been mentioned. References is made to the statements of Zia Ullah Khan, Incharge Special Branch Faisalabad (witness No. 113), Mr. Masood Ahmad Pervez, District Officer Intelligence Bureau (witness No. 132), Muhammad Ijaz Akram, Joint Director General Intelligence Bureau (witness No. 577), Muhammad Ashraf Khan, Deputy Director Inter Services Intelligence (witness No. 170) and Shoukat Ali Director ISI (witness No. 578). Muhammad Ashraf Khan, Deputy Director Inter Services Intelligence (witness No. 170) has mentioned in his statement that it was verbally reported on

26-07-2009 that due to desecration of the Holy Verses in a Mehndi Ceremony by the Christians of New Abadi Korean, a sense of resentment was prevailing in the Muslims of the village and the vicinity. However, the versions of the said Gentleman is neither supported by any record nor he or the persons working under his control parted any information in this regard to the Law enforcing Agencies.

As to the second issue of fact, according to Abdul Ghafoor (Witness No.497), it was one master Muhammad Afzal (a resident of Chak No.95/JB (Gill)) who passed from the place where Talib Masih etc., were being questioned about the desecration of the Holy Quran and got made the announcements in the Mosques whereafter the people attacked Izaafi Abadi. No one else including Muhammad Ashraf (the complainant of the case) has stated that as to how the news of desecration of the Holy Quran spread in the area and provoked the Muslims who went on attacking, ransacking and burning the houses of the Christians. None from the Christian

witnesses including the affectees stated about hatching of any conspiracy by the assailants prior to mounting of the attack. The account rendered by Police & Administration is also silent in this regard. The Intelligence Agencies till now have also not digged out any clue in this respect. Hence, it prima facie stands ruled out that there had been any planning or conspiracy behind the incident of desecration of the Verses of the Holy Quran or there existed any motive to make it an issue for causing communal disharmony or clash.

INCIDENT DATED 30.07.2009.

Sentiments of persons of all religious persuasions or creeds have always remained highly susceptible towards profanities which without importation of any motive, design or planning may explode on a slightest ignition and cause damage to any extent regardless of all considerations, morality and civic discipline. It is so because loyalty to belief is one of the innate trends of human being which possesses hormonal characteristics capable of shaping their aptitudes, attitudes and behaviors.

It may hibernate or temporality become recessive but can spontaneously get revival and assume a dominating character without there being any visible cause. The said innate trend may be tamed from being restive for the time being yet it cannot sub side permanently. Consequently, the above referred to Achilles' heel always remains vulnerable to exploitation by the miscreants. Hence it appears that spreading of the news of desecration of the Holy Quran coupled with irresponsible overt acts of a few people paved way to happening of this second unfortunate incident;

PER FIR

According to the contents of FIR NO. 429/09 Dated 31.07.2009 P/S Sadar Gojra, on 31.7.2009 one Master Mehnga Masih s/o Lal Masih R/O of New Abadi Chak No. 362/JB (Korian) presented a written complaint to Zulfiqar Ali, Sub-Inspector alleging therein that on 30.07.2009 at about 07:00 p.m. a group of people comprising (1) Ramzan Gujjar Nazim (2) Rana Taj (3) Mouti Gujjar (4) Amjad Nai (5) Afzal Nai (6) Abdul

Ghafoor alias Kudda (7) Shahzad s/o Shoukat (8) Aslam Butt (9) Shahzad s/o Aslam Butt (10) Babar But s/o Aslam (11) Iftikhar alias Achha (12) Sadaiq Mistri (13) Rafiq Mistri (14) Sharif Mistri (15) Arshad s/o Rafiq (16) Asghar s/o Sharif (17) Ramzan s/o Sharif (18) Akram S/o Sharif (19) Sharif s/o Muhammad Ali (20) Ishaq (21) Sarfraz s/o Bashir Patwari along with hundreds unknown persons while wielding-sticks, having fire arms, kerosene and chemicals attacked Izaafi Abadi, torched the houses, robbed the articles lying therein, took away the animals of the Christians, defiled the churches and also desecrated the Noble Books because Talib Masih etc. had falsely been blamed to have desecrated the Holy Quran whereas Qari Noor Muhammad, Abbas Qadri and Aleem Raza had fanned the issue by provoking the people to act against the Christians through the announcements made in loudspeakers of the Mosques. He maintained that the said actions of the said persons resulted into creation of sense of fear and insecurity among the Christian Community.

(Copy of the FIR is annexure D)

to it, there had been no information of any nature in that regard.

Raja Ghulam Abbas, the then DSP/SDPO Gojra (Witness No.560) stated that on 30.7.2009 at 08:15 p.m. when he was sitting in his office, he got a telephonic information that in Izaafi Abadi Korian, the Muslims of Chak No.95/JB (Gill) had made to sit Talib Masih and Mukhtar Masih holding them responsible for an incident of desecration of the Holy Quran in a Rasm-e-Mehndi whereupon, he telephonically instructed Jamshed Iqbal Nasir (Witness NO.564), the then SHO P.S. Sadar Gojra to reach the said place and after wearing the uniform he himself proceeded towards Izaafi Abadi. During the transit he also checked positions of the other police personnel of the Sub-Division who all were found on their way to the said site. He has added that he reached the place of occurrence at 09:15 p.m. but at that time approximately one thousand people had assembled at Bus Stop Korian who had blocked the road by setting the tyres on fire whereas, 30/40 houses of Izaafi Abadi had already

been torched. Consequently, he checked the position of the SHO who along with other officials was found in Izaafi Abadi but the protestors did not let him (witness No. 560) to go ahead. He has added that number of the people kept on increasing whereafter Bilal Asghar Warraich a local MPA was called at the site. In the meanwhile, DPO & DCO Toba Tek Singh also reached there. Negotiations were carried out with the mob through courtesy of Bilal Asghar Warraich MPA as a result whereof, the protestors dispersed. After having controlled the situation necessary deployment of the police personnel was made at the site whereafter, RPO and Commissioner Faisalabad also came there.

Inkasar Khan, the then DPO T.T. Singh (Witness No.512) has stated in his affidavit W-512/A.1-14 that in the night of 30th July at around 09:00 p.m. it was learnt by him that an incident of arson had occurred at Chak NO. 95 Korian, P/S Sadar, Gojra in pursuance of which SHO Sadar and DSP Gojra were immediately dispatched to the spot whereas DSP/HQ was also sent with additional

reinforcements from District Line, however. DSP Gojra despite having knowledge of the situation at 08:15 p.m. failed to take any step and even after lapse of an hour did not go to the site of occurrence despite that he had been directed in that regard whereas, the then SHO Sadar had reached there. He has disclosed that when he talked to DSP Gojra he told that the situation was under control. He has added that after managing the initial deployment he along with DCO reached the place of occurrence where the crowd was charged and had already torched some houses in spite of the fact that DSP Gojra had been there for more than one hour. However, the situation was controlled through negotiations by engaging Mr. Bilal Asghar Warraich MPA. He has disclosed that the crowd through Qari Noor Ahmad put across the demands that the concerned police officers who had beaten up some of the demonstrators be suspended and the accused of the reported incident of the desecration be arrested.

Nothing material has been said by Ahmad Raza Tahir, RPO Faisalabad Division (Witness NO.514)

except that he in the company of Mr. Tahir Hussain, Commissioner Faisalabad (Witness NO.567) reached the site. Tariq Saleem, Provincial Police Officer Punjab (Witness No.580) has not rendered any account on this issue.

PER ADMINISTRATION

Asghar Majeed Baloch, DDOR Gojra (Witness No.321), has stated that on 30.07.09 at 09:30 p.m. he was telephonically informed by DCO T.T. Singh that some miscreants had broken fire in Christians Colony Chak No.95/JB therefore, he should go there and also ask TMO to arrange for fire brigade whereupon he contacted TMO who was already found at the site along with fire brigade contingent whereafter he himself went to the stated place of incident and found a large number of people having been gathered and rioting. In the meanwhile DCO & DPO, T. T. Singh came and negotiated with the mob through courtesy of Bilal Asgher Warraich and one Qari Noor Ahmad as a consequence, whereof the protesters dispersed. It was after the mid night when the relief activities could be started.

Imran Sikandar Baloch, the then DCO Toba Tek Singh (Witness No.557) in his affidavit W-557/1-18 has made the following statement:-

"22:37 hrs: While I was at home, the Commissioner Faisalabad called and asked whether any village burning incident had taken place at Gojra? I told him that I had no such information but I would check and let him know in a while. I called Asghar Majeed Baloch, Deputy District Officer (Revenue) Gojra, who also denied knowing any such incident. I then called Rana Nawaz, Tehsil Municipal Officer Gojra who told me that a village Chak 95 JB Gill, few kms on the Pansera - Gojra Road, had been burnt by an angry mob as some alleged incident of desecration of the Holy Quran by a Christian had occurred at the said village. I asked him to call the fire brigade from Gojra and Tehsil Municipal Authority Toba Tek Singh. Then I called the Commissioner and told him of what had happened. Thirdly, I called Executive District Officer (Health) Toba Tek Singh to reach Gojra, put Tehsil Head Quarter Hospital Gojra on high alert, supplement it with

additional ambulances from neighboring Rural Health Centers and call all available Doctors.

23:00 hrs: I left for the site of incident along with Mr. Inkisar Khan, the District Police Officer, Toba Tek Singh. Meanwhile, I informed the Commissioner Faisalabad regarding the latest development and that I was proceeding at the site.

23:22 hrs: We reached the Gojra By-Pass on the Pansera side and found DSP Gojra along with a convoy of police vehicles lined up behind him, at some half a km before the Korian Adda. Further away we could see light of flames and a mob chanting. The mob had burnt two wooden carts and had not only blocked the road but had also held the fire trucks at bay. The DSP Gojra advised us not to go ahead, but I and the DPO decided to proceed. We stopped some 100 meters away from the mob and got off our vehicles. Both of us observed the mob for a while and met the TMO Gojra and Mr. Bilal Warraich, MPA. They both told us that the mob was infuriated as allegedly one Talib Masih from the Chak 95 JB had desecrated the Holy Quran on 26th July 2009. It was only that day that the people had

come to know of the incident so consequently a group of protestors had gathered at the spot; arrested Mr. Talib Masih and handed him over to the police. The police had let off the accused and consequently the mob had burnt the village and was raising slogans against the police. Fortunately the villagers had already evacuated.

30th-31st July 2009 (Night):

00:05 hrs: I apprised the Commissioner Faisalabad, Dr. Tauqir Shah; Secretary to the Chief Minister and the Home Secretary from my cell phone, about the situation. The Commissioner guided me to disperse the mob and start relief activity; meanwhile he too was on his way to Gojra along with the Regional Police Officer, Faisalabad. The TMO told me that one Qari Noor Muhammad was leading the mob and he might be the one to talk to. We requested Mr. Bilal Warraich to go inside the mob and fetch Qari Noor Muhammad. which he accordingly did. Qari Noor Muhammad demanded:

- a. SHO Sadar Gojra to be suspended instantly.
- b. S/I Sadar Gojra to be suspended instantly.

- c. The main accused of blasphemy to be arrested within 24 hours.
- d. Christians are never to return to Chak 95

JB Gill.

The DPO instantly agreed suspension of both the above mentioned officials and promised arrest of the accused at the earliest. We remained quiet on the last demand but Mr. Bilal Warraich announced that the Christians wouldn't come back. Finally negotiations were successful, I and the DPO addressed the crowd, and the crowd finally dispersed.

01:06 hrs: After successful negotiations and monitoring the fire extinguishing activity I and the DPO reached the DDO (R) office Gojra, where Qari Noor Muhammed along with local religious leaders Rana Tariq, Maulana Muhammad Shafique and Qari Muhammad Asif were present. They had announced a strike call for Friday morning and for one hour I negotiated with them and had Qari Noor Muhammad commit that no untoward incident would take place on Friday, otherwise he would personally be responsible.

02:13 hrs: The Commissioner, RPO and the CPO Faisalabad arrived at the DDO (R) office. I briefed them on the incident and the subsequent negotiations.

Mr. Tahir Hussain, Commissioner Faisalabad (Witness No.567) has stated that he received the message from local sources around 11:15 p.m. on 30.07.09 that some miscreants were burning Christian's houses in Korian whereupon he contacted DCO who informed that he was already on the spot and trying to negotiate with local religious leadership. He has added that he informed CM Secretariat and contacted RPO where after he and the RPO left for Gojra where they contacted local religious leadership who assured to remain peaceful while offering Juma Prayer.

Nadeem Hassan Asif, Secretary, Home Department, Government of the Punjab (Witness No.579) has stated that on 30.7.2009 it was learnt that violent protest had erupted at Gojra over alleged desecration of the Holy Quran by one Imran Masih son of Talib Masih resident of 95 GB. It was conveyed that during the protest number of houses of Christian community had been set on fire. He immediately contacted Commissioner, Faisalabad and RPO Faisalabad who were already on the way to Gojra to control the situation. Later on Commissioner, Faisalabad informed him that law and order situation was under control for the time being.

APPRAISAL.

As far as the motive, the modus and consequences of this incident are concerned, the version narrated by

Mehanga Masih (Witness No.500) (the complainant of case FIR No.429/09 registered with P/S Sadar Gojra), the eye witnesses i.e. Samuel Qamr (Witness No.501) & Fanyas Masih (Witness No.502), the account rendered by the Police & the Administration and the facts having come on the record during the inquiry are in consonance with each other. The news about the incident of desecration of the Holy Quran acceleratedly achieved hype within a span of hours as a consequence whereof, some emotionally charged people without resorting to verify the basic incident went on doing the worst. No credible evidence has come on the record that any planning or conspiracy existed behind this unfortunate incident.

Nomination of the abettors-cum-inciters and henchmen of the incident is disputed, however, it would be just and proper to exercise constraint upon myself to give any finding in this regard because this fact is premised on facts and would require prescribed evidence which of course would be recorded during a regular trial

of the case wherein, they are prospectively to be tried. Anyhow one fact is categorically stated by the persons of Police and Administration who were present at the place of occurrence in their statements that the members of the mob were being represented by one Qari Noor Muhammad who spoke on their behalf and put forward the demands before the DPO & DCO Toba Tek Singh. The reports of Intelligence Agencies though mention names of some other private persons as inciters of the incidents yet no witness from public or law enforcing agencies uttered name of any one with reference to such like allegations. Therefore, I leave it for the Investigators and the trial court to determine and adjudicate upon this aspect of the matter.

It has already been said supra that there had been no visible animus or planning existing behind the incident dated 30-07-2009. In fact irresponsible, aggressive and misguided attitudes of the members of our socio logical set up paved way to misfortune which gave nothing but grief, sorrow and shame to the nation. Accrual of the

dispute about desecration of the Holy Quran was not stemmed in any motive, or design or planning. The people of one religious community being unaware of the consequences went on leveling a serious allegation against another religious community without verifying the heard facts. They just conjured upon the suppositions, presumed happening of the incident of desecration of the Holy Quran and went on doing the ugliest actions. They did not probe in "whether the alleged actus reus was coupled with requisite mense rea despite that law of the land i.e. section 295-B PPC provided for co-existence of action and intention for the purpose of bringing any eventuality within its mischief. It is a sorry state of affairs that even in 21st Century, majority of us are fond of adopting mobish behaviours which may be due to illiteracy, poverty, frustration, catharsis, non-availability of effective social, religious and political leadership but factually it is so. Hence, the main cause of the incident was happening of the incident of the alleged desecration of the Holy Quran.

There can be no second opinion that our police are always reluctant to register the cases of sensitive or heinous nature even at the cost of violation of mandatory provisions of law probably to avoid wrath of their high ups but so far as the incident dated 25.7.2009 is concerned, such an occasion astonishingly did not arise. It is claim of none that he ever reported the matter of desecration of the Holy Quran to the police. Muhammad Ashraf (the complainant of the case FIR # 426/2009) (Witness No. 511) though has mentioned in his deposition that he called police at Rescue-15 but the time of making the said call by him was that when much water had already gone down under the bridge. The police had no reaction time when they reached the site of occurrence where hundreds of emotionally charged people had assembled and the assemblage was speedily swelling. Even before arrival of police, the members of the mob had indulged themselves in ransacking, looting and torching the houses. However, it has positively come in the evidence through mouths of many witnesses that

provoking announcements were made in the Mosques of adjacent villages of Izaafi Abadi village Korian located in Chak No.95/JB. The places from where the said announcements were made had not been far away from Police Station i.e. P.S. Saddar Gojra or Dowakhari Police Post which situated at distances of six and seven kilometers respectively. The personnel appointed at the Police Station and the Police Post must have realized the prospective gravity of the situation being created through provoking announcements and they should have reacted in a prompt way to take precautionary/preventive steps. They should have immediately rushed to the site and also informed the high ups because the matter was of a sensitive nature capable of causing unexpected damage to any extent. However, so was not done either by police of Police Post Dowakhari or police of Police Station Saddar Gojra. According to the statement of Raja Ghulam Abbas the then SDPO Gojra (Witness # 560), Mr. Ibrar ASI was Incharge of the Police Post whereas Liaqat Sub-Inspector was the Beat Officer. In this

situation, it is observed that Liaqat Sub-Inspector and Ibrar ASI both failed in discharging their duties as required under the law.

Although, it has feebly been voiced that mishandling of the affairs by police aggravated the situation because Zulfiqar Ali Sub-Inspector (Witness No.1) released Talib Masih etc., when their custody was handed over to him and he along with his subordinates maltreated the members of the gathering yet no reliable evidence in this regard came forward during the inquiry proceedings. Zulfiqar Ali Sub-Inspector while appearing as Witness No.1 denied the allegation by submitting his statement in writing when he was recalled and re-examined. Moreover, Muhammad Ashraf the complainant of the case FIR No.426/2009 (witness No.511) or any of the witnesses cited in the said FIR did not support the said allegation against Zulfiqar Ali Sub-Inspector. No medico legal report has been produced to show subjection of any one to torture by police prior to happening of the incident as alleged. According to W-496-Q/1-4 (the progress

report) submitted by ASP Gojra (Witness No.496), investigation of the case is near to its completion but nothing has been collected in support of the allegation against police to have released the accused of desecration of the Holy Quran or any such eventuality added insult to the injury at any stage.

In fact when police came on the scene, the situation had already deteriorated to an extent that they could have only tried to avoid happening of further damage. It is obvious from the record that police succeeded in achieving the said object, of course, with active participation and assistance of Administration as the situation stood calmed down in the late night. The success of Police and Administration in controlling the situation can be construed from the fact that the following day i.e. 31.7.2009 despite being Friday which usually is considered sensitive for religious matters passed in peace and no physical damage anywhere happened in Gojra Sub-Division. Therefore, no one from police except the said two i.e. Liaqat Sub-Inspector and Ibrar ASI and

the field officers of Administration can be held responsible for any commission or omission with regard to the incident dated 30.7.2009.

However, I must say that the mechanisms of collection of informations which worked for Police and Administration since centuries have been deteriorated if not diminished. MUKHBARI system of police and the revenue hierarchy used to be the main sources for provision of advance or at least prompt information about any incident in a specific area to the concerned Authorities. MUKHBARI mechanism of police has not remained effective probably due to lack of confidence between them and the public or due to the reason that the touts have substituted committed informers whereas the revenue hierarchy has also gone weak because of its deprivation from administrative powers due to introduction of diarchy on account of promulgation of the Local Government Ordinance resulting into loss of interest in the matters of maintenance of law and order in its respective areas.

As it has come on the record during the instant probe that our Intelligence Agencies have developed habit of sitting in the offices instead of working in the field. No doubt, they have got very small establishments which are insufficient to cater for the needs of the time but they also do not put effective efforts to arrange for the sources of information to achieve their objects. It is quite astonishing to note that none of the Intelligence Agencies i.e. Special Branch of the police, Intelligence Bureau, Crime Investigation Department or even ISI initiated any report prior to the unfortunate incident dated 30.7.2009 to alert the Law Enforcing Agencies about its happening. The statements of Witnesses Nos.113, 132, 170 and 577 read with the reports submitted by them (W-113/A/1-8, W-113/B, W-113/C, W-113/D/1-2 and W-113/E/1-2) (W-132/A/1-2, W-132/B, W-132/C/1-3, W-132/D/1-4 and W-132/E/1-4), (W-170/A/1-5, W-170/B/1-9 and W-170/C/1-3) and (W-577/A) are referred to in this regard. It appears that the said Intelligence Agencies themselves had no knowledge about existence of communal fuss on

sympathy-cum-favour towards Christians on account of their subjection to oppressive as well as mischievous acts. Eventually, 31.7.2009 happened to be Friday, therefore, in routine the Muslims were to assemble for Juma prayer in the Mosques where they were to be addressed by the religious leaders and Khateebis (Speakers).

Besides the said routine assemblages of Juma prayer two public meetings were also held at Malkanwala Chowk in the Town. The first one was convened by Ahal-e-Sunnat-Wa-Jamaat (Sunny Tehreek) in the forenoon which reportedly was attended by a few people. During the Juma sermons the leaders and the speakers condemned the incident of desecration of the Holy Quran and objected to lenient attitude of the Law Enforcing Agencies towards the Christians. Second public meeting had been convened and organized by a number of religious and political parties and various organizations of business community of the Town. Some proscribed organizations also took part in the same. The meeting was attended by considerable number of people and addressed

by prominent figures of the Town like Abdul Khaliq Kashmiri (SSP), Mujahid Noorpuri, (PML(N), Nafees-ur-Rehman Baloch(SSP), Syed Sarfraz-ul-Hassan (MIP), Mian Muhammad Saleem (Ahl-e-Hadith), Maulana Muhammad Aslam (retired Khateeb Makki Masjid) and Rehmatullah Arshad (Jamaat-e-Islami). In the meeting a call to observe strike was given on 1.8.2009 whereas Jamaat-e-Ahl-e-Hadith announced to hold a public meeting in Malkanwala Chowk in the forenoon of 1.8.2009. The announcements to observe strike and attend the meeting were made in the Mosques w.e.f. 31.7.2009 to 1.8.2009 whereas holding of the meeting was also publicized through other available means. Reference is made to the statements of Rehmatullah Arshad (Witness No.257), Muhammad Saleem (Witness No.425), Zia Ullah Niazi, SP Special Branch (Witness No.113) and Director IB (Witness No.115) read with the Intelligence Reports.

On the other hand, Police & Administration started reconciliation process between the communities by

convening meetings of the stake holders and also took the other precautionary as well as preventive measures to avoid happening of any untoward incident on 31.7.2009 or thereafter. Mr. Asghar Majeed Baloch DDO(R) Gojra while appearing as witness No.321 has stated that after controlling the situation at Korian, Commissioner, Faisalabad and RPO Faisalabad reached the site and then came to his office where they separately had meetings with Ulamas and Christian leaders which were also attended by DCO and DPO T.T. Singh wherein the participants of the meetings were appealed to keep peace and to abstain from disturbing law and order. He has further stated that on 31.7.2009 DCO T.T. Singh (Witness No.557) again visited Gojra and after contacting the Christian leaders, Ulamas as well as prominent figures of civil society directed him to convene another meeting. However, due to non-availability of a prominent figure i.e. Syed Israr-ul-Bahar Shah the meeting had to be scheduled on 1.8.2009 at 9.00 a.m. but the same could start at 10.00 a.m. due to late arrival of the participants.

ordinary protest will take place but no untoward incident would take place on Friday morning.

02:45 hrs: The high ups left, then I held a meeting with the DSP Saddar, DDO R and Tehsildar Gojra. We decided that all these officers would start contacting important stake holders from Fajar prayers onwards. I assessed that the situation was under control from the administration's perspective and we were in touch with all concerned.

31st July 2009 (Morning):

09:30 hrs: In anticipation of any violence I issued instructions to TMO Gojra, MS THQ Gojra and DO Civil Defence to make necessary arrangements for the day wide letter no. 4198-4200/DCO/Dated 31.07.2009.

10:00 hrs: I called the Zila Nazim apprised him of the situation. I suggested that he should mobilize all UC Nazims and establish a communication channel. We had a dinner planned the same night, so we decided to meet along with all EDOs. Secondly, I called Hamza Sb. a senior politician of PML (N) in Gojra. I shared the developments with him and took him on board.

11:30 hrs: I and the DPO left for Gojra together.

12:20 hrs: At Gojra the following met us in a delegation: Mr. Kamran Michael, Minister for Human Rights, Government of Punjab, Khalil Tahir Sindhu MPA, Amir Sahotra MPA, Mr. M.A. Joseph Francis – a member of HRCP and other notables from the Christian community. All these leaders had publically denied any blasphemy incident taking place so I requested them to be soft in their stance and publically show faith in the process of law and to help police nab Talib Masih.

Meanwhile, we were constantly receiving reports that the morning protests had subsided and the gatherings had dispersed after few speeches. However the speakers were increasingly pressing for the arrest of the accused and religious leaders had given police 24 hours to arrest the blasphemy accused.

13:02 hrs: I assessed the situation for Friday prayers and apprised Commissioner Faisalabad regarding negotiations that had taken place that morning as well as preparation for the Friday prayers.

16:02 hrs: Once the Friday prayer was over and the city was peaceful as per our expectations I sent a Special Situation Report to the Commissioner Faisalabad, along with an early assessment of the damages at Chak 95 JB for compensation purposes. Therein I also recommended Judicial Enquiry into the incident of blasphemy and burning of Christian houses vide Subject: Report Regarding Disgrace of Holy Quran , letter no : 115/DCO/ Dated 31.07.20009

17:55 hrs: I and the DPO reached 95 JB to receive Mr. Shehbaz Bhatti, Federal Minister for Minorities. We met the Minister at 95 JB where he was accompanied by a large gathering of media and his own security personnel. After visiting the site we accompanied him in a cavalcade wherein I traveled with him in the same car and apprised him of the situation and suggested that the situation would remain in control as long as the Christian community cooperates and hands over the blasphemy accused and remains calm for another 24 days. At the Bishop House at the Mission Road, the Minister along with Bishop John Samuel stated that no incident of