

THE SEQUENCE OF THE SIGNALS

We now propose to examine how the situation developed from the beginning of the war, i.e. the 21st November, 1971 till the surrender and it will be necessary for this purpose to quote extensively from the signals exchanged during the period between the relevant authorities for only then will it be possible to paint the full picture.

2. The first relevant signal is dated 21st November, 1971 numbered G-1104 from the Commander to the Chief of General Staff.

“from COMD for CGS (?) one (.) as you must have noticed, INDIANS have aggressed and started attacking in strength along with rebels (.) fighting taken place in areas JESSORE, BHURANGAMARI, SYLHET, CHITTAGONG AND DACCA suburbs (.) JESSORE airfield shelled by INDIAN med guns (.) in view this pressure own razakars stated blowing up bridges and laying ambushes against own troops (.) two (.) highly grateful for having allotted additional infantry battalions (.) three (.) move programme for all elements very slow (.) time against us (.) therefore request move all battalions on emergency basis as done during war (.) new raising likely to take time therefore despatch battalions already raised (.) also since full DIV NOT being provided, provisions of two more infantry battalions raising total to ten battalions, squadron tanks, one BDE HQ extremely essential which be considered and despatched immediately (.) request confirm.”

3. It will be seen that, right from the commencement, the note struck by the Commander is far from a happy one, although not quite as dismal as the later signals were. The picture given is of fighting having started in various areas and a demand is made for two more battalions, i.e. in addition to the 8 already promised him.

4. From the record of the signals we do not find any answer to this request; the next signal, that is on record is dated 22nd November and numbered G-1086 from the Chief of Staff to the Commander warning him that the enemy is aiming at capture of CHITTAGONG from land and sea and requiring him, therefore, “to reinforce defences CHITTAGONG area by pulling out troops from less important sectors as necessary.”

5. One the 28th November, 1971 the Commander sent a signal in the following terms:

“G-0866 (.) CONFD (.) for COMMANDER IN CHIEF from COMD (.) G-022, of 27 Oct. (.) most gratefully acknowledge your kind consideration in conveying highly inspiring appreciation at performance of our basic duty EASTERN COMMAND and myself (.) indeed indebted for great confidence that is reposed in us (.) nevertheless reassure you that all ranks by grace of ALL are in high morale and fine shape and imbued with true spirit of extreme sacrifice to zealously defend the priceless honour, integrity and solidarity of our beloved PAKISTAN (.) rededicating at this critical juncture of our history I pledge on behalf of all ranks that we are at the highest STATE of readiness to teach a lasting lesson to HINDUSTAN should they dare cast an evil eye on our sacred soil in any manner, may be through open aggression or otherwise (.) trusting in GOD and your kind guidance, the impactful and glorious history of our forefathers would INSHALLAH be fully revived. maintaining highest traditions of our army in case such a GRAND Opportunity afforded.”

It will be noticed that at this stage the Commander not only expresses his determination to fight but even boasts of hoping to teach a lasting lesson to Hindustan and looks upon the coming events as a “grand opportunity afforded”.

6. As we have noticed elsewhere the Indian intention to attack openly and .declare an all out war was not merely a possibility but a distinct anticipation of which the Commander had

been forewarned much earlier, nevertheless, on the 5th, December, 1971 by message numbered G-0338 the Chief of Staff stated this clearly in the following terms:

“exclusive for COMMANDER from CHIEF OF STAFF (.) it is now evident from all sources including intelligence channels that INDIANS will shortly launch a full scale offensive against EAST PAKISTAN (.) mean total war (.) the time has therefore come when keeping in mind current situation you re-deploy your forces in accordance with your operational task (.) such positioning would of course take into consideration areas of tactical, political and strategic importance we are all proud of our EASTERN COMMAND (.) well done.”

a clear command was thus given to the Commander to redeploy his forces in accordance with his operational tasks. The fact the message also talks of taking into consideration areas of tactical, political and strategic importance implies, we think, liberty to give up other territory if necessary. However, that has been made clearer later.

7. On the 5th December, 1971 again by message numbered G-0235 the Chief of Staff informed the Commander as follows:

“personal for COMMANDER from CHIEF OF STAFF (.) the enemy has stepped up pressure against you and is likely to increase it to maximum extent (.) he will attempt to capture EAST PAKISTAN as swiftly as possible and then shift maximum forces to face WEST PAKISTAN (.) this must NOT be allowed to happen (.) losing of some territory is insignificant but you must continue to concentrate on operational deployments in vital areas aiming at keeping the maximum enemy force involved in EAST PAKISTAN (.) every hope of CHINESE activities very soon (.) good luck and keep up your magnificent work against such heavy odds (.) may Allah bless you”.

It will be noticed that now, at any rate, if not earlier, the question of territory had become of minor importance; far more material was now the defence of East Pakistan in the sense of continuing to occupy the bulk of it or, in the last resort, a vital part of it so as not to allow the occupation of East Pakistan by Indian forces to become a reality. It is characteristic of the methods of G.H.Q. at this juncture, however, that most unrealistically and even without any foundation, the hope of Chinese activities starting very soon is being held out. We cannot help observing that not only at this stage but elsewhere the GHQ held out vague or even fraudulent promises of foreign help. We are not detracting from General Niazi's share of responsibility when we say that GHQ on its own part also led him up to entertain expectations which could not possibly be fulfilled.

8. In answer the Commander on the 6th December, 1971 by a signal numbered G-1233 said:

“for MO DTE (.) special sitrep 4 (.) general comments (.) one (.) since 3 dec on start all out hostilities, intensity and weight enemy offensive in all fronts this theatre highly increased (.) enemy strength comprising eight divisions supported by four tank regiments, full compliment of support service elements in addition to 39 battalions BORDER SECURITY FORCE and 60-70 thousand trained rebels now fully committed (.) besides all enemy offensive supported by air (.) INDIAN AIR FORCE causing maximum damage 9.) have started using rockets and napalm against own defensive positions (.) internally rebels highly active, emboldened and causing maximum damage in all possible ways including cutting off lines means of communication (.) this including destruction of roads/bridges/rail ferries/boats etc. 9.) local populations also against us (.) lack of communications making it difficult to reinforce or replenish or readjust positions (.) CHITTAGONG likely to be cut off and thus depriving that line of communication also (.) additional INDIAN NAVY now seriously threatening this sea port with effective blockade of all river approaches (.) DINAJPUR, RANGPUR, SYLHET, MAULVI BAZAR, BRAHMANBARIA, LAKSHAM, CHANDPUR and JSSORE under heavy pressure (.) situation likely becoming critical (.) two (.) own troops already involved in active operations since last nine months and now committed to very intense battle (.) obviously they had NO rest or relief (.) due pitched battles fought since last 17 days own casualties rate both in men and material fairly increased 9.) absence of own tank, artillery and air support has further aggravated situation (.)

defection of razakars/mujahids with arms also increased (.) none the less, in process defensive battle, own troops inflicted heavy casualties on enemy and caused maximum possible attrition on them(.) enemy thus paid heavy cost for each success in terms of ground (.) three (.) based on foregoing and current operations situation of formations this command now reaching pre-planned line of defensives (.) resorting to fortress/strong point basis (.) enemy will be involved through all methods including unorthodox action will fight it out last man last round (.) four (.) request expedite actions vide your G-0235 of 5 Dec 71”.

9. This is a fairly detailed statement of the situation and clearly now depicts a more pessimistic picture. there are passages, however, in this which we find it difficult to regard as being accurate. The statement, for example, that there had been pitched battles for the last 17 days with increased casualty rates is not really supported by the evidence which does not justify the statement either that heavy casualties had been inflicted on the enemy and maximum attrition caused to them. The last words in the message are significant but, of course, entirely natural since they asked for expedition of the action promised, namely that of Chinese activity.

10. On the same day desperately by message numbered G-1234 the Commander signalled to the Chief of Staff to inquire when the likely help was to come.

11. The next signal is from the Governor of East Pakistan to the President and before we quote the same it is necessary to state the circumstances we have now learnt from the evidence and which led to the message. A meeting had apparently taken place and a quotation from the statement of Major General Rao Farman Ali is worth reproduction:

“On the evening of 6 December, Governor Malik asked me about the situation as he was receiving disturbing reports from all over the province. I suggested that he should visit the Corps HQ and get a direct briefing from Gen Niazi. Gen. Niazi briefed him. I did not accompany the Governor. On 7 December, after I returned from the Corps HQ morning briefing the Governor asked me to arrange for transportation for the ministers to go to their districts to mobilize public opinion. He said that Gen. Niazi had told him that the situation was under control and that the Corps could provide Helicopters to the ministers. (There were only four/five helicopters). I told him that situation had perhaps changed a bit since yesterday and suggested if he could have another meeting with Gen. Niazi. Gen. Niazi came. He was in a terrible shape, haggard, obviously had no sleep. The chief Secretary Mr. Muzaffar Hussain was also present. The Governor had hardly said a few words when Gen. Niazi started crying loudly. I had to send the bearer out. The Governor got up from his chair, patted him and said a few consoling words. I also added a few words saying “your resources were limited. It is not your fault etc.” We discussed the situation after he regained his poise. the governor suggested that an effort was required to be made to bring about a peaceful solution to the problem. After the conference I went out to see Gen. Niazi off. He said, in Urdu that the message may be sent for the Governor’s House. “I agreed as I thought it was important for the morale of the troops to keep up the image of the Commander.”

12. The account of the meeting is substantially corroborated by Mr. Muzaffar Hussain, the Chief secretary.

13. The message that the Governor then sent on the 7th December, 1971 numbered A-6905 is as follows:

“for PRESIDENT OF PAKISTAN (.) it is imperative that correct situation in EAST PAKISTAN is brought to your notice (.) I discussed with GEN. NIAZI who tells me that troops are fighting heroically but against heavy odds without adequate artillery and air support(.) rebels continue cutting their rear and losses in equipment and men very heavy and cannot be replaced (.) the front in EASTERN and WESTERN SECTOR has collapsed (.) loss of whole corridor EAST OF MEGHNA RIVER cannot be avoided (.) JESSORE has already fallen which will be a terrible blow to the morale of PRO-PAKISTAN elements (.) civil administration ineffective as they cannot do much without communication (.) food and other supplies running short as nothing can move from CHITTAGONG or within the province (.) even DACCA city will be without food after 7

days(.) without fuel and oil there will be complete paralysis of life (.) law and order situation in areas vacated by army pathetic as thousands of PRO-PAKISTAN elements being butchered by rebels (.) millions of non-BENGALIS and loyal elements are awaiting death (.) No amount of lip sympathy or even material help from world powers except direct physical intervention will help (.) If any of our friends is expected to help that should have an impact within the next 48 rptd 48 hours (.) If no help is expected I beseech you to negotiate so that a civilised and peaceful transfer takes place and millions of lives are saved and untold misery avoided (.) Is it worth sacrificing so much when the end seems inevitable (.) if help is coming we will fight on whatever consequences there may be (.) request be kept informed”.

It must be conceded that this is a message which depicts a very grim picture indeed but we are unable to say that it was inaccurate. The statement that Dacca city itself would be without food after 7 days is not irreconcilable with what has been said by General Niazi that he had stocks to last much longer: General Niazi was thinking of perhaps, provision for troops while the Governor was thinking of the over-all position of Dacca. It is true also that there is an appeal in this message which questions whether it is worth sacrificing so much when the end appears inevitable, but the appeal is not for permission to surrender but for permission to negotiate a political settlement, of course, involving a civilised and peaceful transfer. General Niazi claims that this message issued without his concurrence, but we are entirely unable to agree that this was so. The evidence is that the message itself was shown to him and in any case, we are wholly unable to believe that Dr. Malik would have stated in this message that General Niazi said that he was fighting against heavy odds without adequate artillery and air support and, so far as the message talks of the military situation, he is expressly saying that he is depending on what General Niazi told him.

14. On the same day the Chief of Staff by his message numbered G-0908 informed the Commander that his message G-1234 quoted above in regard to the Chinese help was under consideration.

15. Also on the same day the Chief of General Staff sent a message numbered G-0907 which reads thus:

“for COMMANDER from CHIEF OF GENERAL STAFF (.) your G-1233 of 6 december refers (.) position as explained fully appreciated and the outstanding combat performance of all ranks is a matter of great pride (.) your tactical concept approved (.) hold positions tactically in strength without any territorial considerations including CHITTAGONG with a view to maintaining the entity of your force intact and inflicting maximum possible attrition in men and material on the enemy”.

It is upon the words “your tactical concept approved” that General Niazi bases his claim of the approval of his tactical concept. This reference, however, is really to the Commander’s signal already quoted of the 6th December, 1971 and numbered G-1233 in which he speaks of “reaching pre-planned lines of defence.” It is not, therefore, a new approval that has been given, but implies an acceptance of the timing of withdrawing to these pre-planned lines.

16. The President also on that day sent a message to the Governor numbered A-4555 which is in response to the Governor’s own message which we quoted above (No. A-6905) and read thus:

“from PRESIDENT for GOVERNOR (.) your flash signal number A-6905 dated 7 december refers (.) all possible steps are in hand (.) full scale and bitter war is going on in the WEST WING (.) world powers are very seriously attempting to bring about a cease-fire (.) the subject is being referred to the general assembly after persistent vetoes in the security council by the RUSSIANS (.) a very high powered delegation is being rushed to NEW YORK (.) Please rest assured that I am fully alive to the terrible situation that you are facing (.) CHIEF OF STAFF is being directed by me to instruct GENERAL NIAZI regarding the military strategy to be adopted (.) you on your part and your government should adopt strongest measures in the field of food rationing and curtailing supply of all essential items as on war footing to be able to last

for maximum period of time and preventing a collapse 9.) GOD be with you (.) we are all praying”.

This is characteristic of the kind of messages which the President has sent giving full but vague assurances. He talks of all possible steps being in hand and of world powers seriously attempting to bring about a cease-fire. He mentions efforts going on in the United Nations and gives advice as to food rationing.

17. On the 8th December, 1971 there are two messages from the Chief of Staff to the Commander numbered G-0910 and G-0912 which it is unnecessary to quote, but in regard to which it suffices to say that once again General Naizi was being told that actual territory was becoming of less and less importance.

18. The 9th December, 1971 was an important date by reason of exchange of several critical signals also. The first of these is No. G-1255 from the Commander to the Chief of Staff and reads thus:

“for CHIEF OF THE GENERAL STAFF from COMMANDER (.) one (.) regrouping readjustment is NOT possible due to enemy mastery of skies (.) population getting extremely hostile and providing all out help to enemy (.) NO move possible during night due intensive rebel ambushes (.) rebels guiding enemy through gaps and to rear (.) airfields damaged extensively, NO mission last three days and not possible in future (.) all jetties, ferries and river craft destroyed due enemy air action (.) bridges demolished by rebels even extrication most difficult (.) two (.) extensive damage to heavy weapons and equipment due enemy air action (.) troops fighting extremely well but stress and strain now telling hard (.) NOT slept for last 20 days (.) are under constant fire, air, artillery and tanks (.) three (.) situation extremely critical. We will go on fighting and do our best (.) four (.) request following (.) immediate strike all enemy air bases this theatre 9.) if possible reinforce airborne troops for protection DACCA”.

We consider that no more hopeless a description could have been given from a Commander in an independent theatre to his distant Supreme Commander than than this message was. Every possible element which would total up to a situation of utter helplessness is present in the message. Despite the fact that the Commander does say “we will go on fighting and do our best” we cannot be feel that these were empty words and the impression conveyed and intended to be conveyed was of an army on the verge of capitulation. The request for re-enforcement by airborne troops for the protection of Dacca was unreal for the Commander knew very well that even if troops were available the physical means of sending them to Dacca were not existent. The Dacca airfield was no longer useable and the Commander himself refers to enemy air action. In these circumstances we cannot believe that the Commander meant the request to be seriously taken. We are of the view that the request was deliberately put in for the purpose of providing an excuse for himself.

19. On the same day some nine hours later, clearly after having consulted General Niazi the Governor sent signal No. A-1660 to the President which reads thus:

“A-4660 of 091800 (.) for the PRESIDENT (.) military situation desperate (.) enemy is approaching FARIDPUR in the WEST and has closed up to the river MEGHNA in the EAST by-passing our troops in COMILLA and LAKSHAM (.) CHANDPUR has fallen to the enemy thereby closing all river routes (.) enemy likely to be at the outskirts of DACCA any day if no outside help forthcoming (.) SECRETARY GENERAL UN'S representative in DACCA has proposed that DACCA CITY may be declared as an open city to save lives of civilians specially NON-BENGALIS (.) am favourably inclined to accept the offer (.) strongly recommend this be approved (.) GEN. NIAZI does not agree as he considers that his orders are to fight to the last and it would amount to giving up DACCA (.) this action may result in massacre of the whole army, WP police and all non-locals and loyal locals (.) there are no regular troops in reserve and once the enemy has crossed the GANGES or MEGHNA further resistance will be futile unless CHINA or USA intervenes today with a massive air and ground support (.) Once again urge you to consider immediate cease-fire and political settlement otherwise once INDIAN TROOPS are

free from EAST WING in a few days even WEST WING will be in jeopardy (.) understand local population has welcomed INDIAN ARMY in captured areas and are providing maximum help to them (.) our troops are finding it impossible to withdraw and manoeuvre due to rebel activity (.) with this clear alignment sacrifice of WEST PAKISTAN is meaningless”.

20. The President answered back immediately by his signal No. G-0001 which read thus:

“from PRESIDENT to GOVERNOR Repeated to COMMANDER EASTERN COMMAND (.) your flash message A-4660 of 9 dec received and thoroughly understood (.) you have my permission to take decisions on your proposals to me (.) I have and am continuing to take all measures internationally but in view of our complete isolation from each other decision about EAST PAKISTAN I leave entirely to your good sense and judgement (.) I will approve of any decision you take and I am instructing GEN NIAZI simultaneously to accept your decision and arrange things accordingly (.) whatever efforts you make in your decision to save senseless destruction of the kind of civilians you have mentioned in particular the safety of our armed forces, you may go ahead and ensure safety of armed forces by all political means that you will adopt with our opponent”.

In view of what followed this is a very interesting response. In clear words General Mahya (?) says “you have my permission to take decisions on your proposals to me”. Although he says that he is continuing to take all measures internationally he leaves the decision about East Pakistan entirely to the Governor’s good sense and judgement and undertakes in advance to approve of any such decision and also to instruct General Niazi to accept his decision. We cannot see how any interpretation can be placed on this message other than one of leaving the Governor entirely free to reach a political settlement.

21. Accordingly on the 10th December 1971 by message No. A-7107 the Governor informed the president what he had done. (By some clerical mistake two messages bear the same number A-7107 as is the case in respect of two other messages both of which bear the number G-0002):

“for PRESIDENT OF PAKISTAN (.) your G-0001 of 092300 DEC (>) as the responsibility of taking the final and fatal decision has been given to me I am handing over the following note to ASSISTANT SECRETARY GENERAL MR. PAUL MARK HENRY after your approval (.) note begins (.) it was never the intention of the armed forces of PAKISTAN to involve themselves in an all out war on the soil of EAST PAKISTAN (.) however a situation, arose which compelled the armed forces to take defensive action (.) the intention of the GOVERNMENT OF PAKISTAN was always to decide the issue in EAST PAKISTAN by means of a political solution for which negotiations were afoot (.) the armed force, have fought heroically against heavy odds and can still continue to do so but in order to avoid further bloodshed and less of innocent lives I am making the following proposals (.) as the conflict arose as a result of political causes, it must end with a political solution (.) I therefore having been authorised by the PRESIDENT OF PAKISTAN do hereby call upon the elected representatives of EAST PAKISTAN to arrange for the peaceful formation of the government in DACCA (.) in making this offer I feel duty bound to say the will of the people of EAST PAKISTAN would demand the immediate vacation of their land by the Indian forces as well (.) I therefore call upon the UNITED NATIONS to arrange for a peaceful transfer of power and request (.) one (.) an immediate cease-fire (.) two (.) repatriation with honour of the armed forces of PAKISTAN TO WEST PAKISTAN (.) three (.) repatriation of all WEST PAKISTAN personnel desirous of returning to WEST PAKISTAN (.) four (.) the safety of all persons settled in EAST PAKISTAN since 1947 (.) five (.) guarantee of no reprisals against any person in EAST PAKISTAN (.) in making this offer, I want to make it clear that this is a definite proposal for peaceful transfer of power (.) the question of surrender of the armed forces would not be considered and does not arise and if this proposal is not accepted the armed forces will continue to fight to the last man (.) note ends (.) GEN. NIAZI has been consulted and submits himself to your command.”

22. We then come to the 9th December, 1971 on which date the well known message, which General Rao Farman Ali is alleged to have issued, was delivered to the Assistant

Secretary of the United Nations Mr. Paul Mark Henry. There is no denying that this message had a disastrous effect upon our stand in the United Nations; at that time it was thought, and it certainly was our impression also when we wrote the Main Report, that General Rao Farman Ali apparently issued this on his own. We are now convinced that this is not in fact so. He acted on the direction of the Governor and with the concurrence of General Niazi. His own version of it, which in the light of all other evidence now available to us, we see no reason to doubt, is as follows:

"On 9 Dec. Asstt Secretary UN Mr Paul mark Henry saw the Governor. I was not present during their meeting. After the meeting and after he discussed it with Gen Niazi on telephone he initiated the signal A-1660 of 091800 hrs. a copy is attached at Anx 'C'. Main recommendation was: "Once again urge you to consider immediate cease-fire and political settlement". (The president's reply (below Anx 'C') was received at night. The Governor and the Chief Secretary discussed it. I was not present. They concluded that the responsibility to take the historic-decision was being placed on the shoulders of the Governor. I may add here that before the war a High Powered Committee had been established which could take decision acting as the Central Government under a situation where communication broke down between the Centre and Dacca. The Committee consisted of the Governor, Minister of Finance, Gen. Niazi, Chief Secretary and I was to be its member Secretary. The Chief Secretary drafted a signal (Anx'D') to the President with a copy to UN Secretary General. (The draft clearly shows that it is a civilian type message). I was asked by the Governor to take it to Gen. Niazi and get his approval for the step proposed. I along with the Chief Secretary went to Gen. Niazi. Present were Gen. Jamshed and Admiral Sharif. "After I had read out the proposals to UN. Gen Jamshed was the first one to speak with a enthusiastic response of: " That's it. This is the only course open now." Or words to that effect. Admiral Sharif Approved in Gen. Niazi asked in what capacity was the required to approve the proposed move. The chief Secretary said. "In your capacity as member of the High powered Committee." He gave his approval, I returned to the Governor House where I found the Governor and Mr. Paul Mark Henry in my office (In my earlier report I had said that the Chief Secretary was also present. It was, perhaps, a case of misrecollection. The chief Secretary tells me now that though he had arranged for Mr. Paul Mark Henry to be at the Governor House he himself was not there). The Governor asked me to hand over a copy of the signal to Mr. Henry which I did. "The signal bore my signatures as it was to be transmitted though Army channels. Mr. Henry said that it will be discussed between Mr. Agha Shahi and the Secretary General and if M. Agha Shahi approved it will be taken up."

It is true that this statement was counter-manded by the President but the damage that it could cause was done. With that aspect of the matter, however, we have already dealt in the Main Report.

23: Although this message is of the 10th and uses the words "I am handing over the note to Assistant Secretary General Mr. PAUL MARK HENRY after your approval" the note had been handed over on the 9th Clearly the Governor gave directions to General Farman Ali and, at the same time, dictated the message.

24. This completes the story of the note which was handed over to Mr. Paul Mark Henry and now it is clear not only that Major General Rao Farman Ali handed over his note with the Governor's approval but that the Governor himself acted under the belief that he was authorising it in turn with the President's approval. We consider it in the circumstances a wise settlement and indeed the only settlement which by this time was possibility of the proposal being treated a surrender for the expressly says that no such question will even be considered and that if his proposal is not accepted the armed forces will continue to fight to the last man.

25. We are, therefore, astonished to read the President's re-action to this message which he conveyed by his message of the same date

No.G-0002 which reads thus:

"from PRESIDENT OF PAKISTAN (.) your flash message A-7/07 of 10 Dec.(.) the proposed draft of your message his gone much beyond what you had suggested and I had approved(.) it gives the impression that you are talking on behalf of PAKISTAN when you have mentioned the

subject of transfer of power, political solution and repatriation of troops from EAST TO WEST PAKISTAN(.) this virtually means the acceptance of an independent EAST PAKISTAN(.) the existing situation in your areas requires a limited action by you to end hostilities in EAST PAKISTAN (.) therefore suggest a draft which you are authorized to issue (.) quote(.) in view of complete sea and air blockade of EAST PAKISTAN by overwhelming INDIAN armed forces and the resultant senseless and indiscriminate bloodshed of civil population have introduced new dimensions to be situation in EAST PAKISTAN(.) the PRESENT OF PAKISTAN has authorised me to take whatever measures I may decide (.) I have therefore decided that although PAKISTAN armed forces have fought heroically against heavy odds and can still-continue to do so yet, in order to avoid further bloodshed and loss of innocent lives I am making the following proposals() one(.) an immediate cease-fire in EAST PAKISTAN to end hostility(.) two(.) guarantee of the safety of personnel settled in EAST PAKISTAN since 1947(.) three(.) guarantee o reprisals against any person on EAST PAKISTAN(.) four(.)I want to make it clear that this is definite proposal of ending all hostilities and the question of surrender of armed forces would not be considered and does not arise.) unquote(.) within this frame work you may make addition or(blurred print).....

26. That the President, in fact earlier, really authorised the Governor fully is indicated by the message of the Chief of Staff to the Commander of the 10th December, 1971 numbered (1-10237, the time of which is precisely the same s the President's own message. i.e. 7.10 P.M. and reads thus:

"for COMD from COS ARMY(.) PRESIDENTS signal message to GOVERNOR copy to you refers(.) PRESIDENT has left the decision to the GOVERNOR in close consultation with you (.) as no signal can correctly covey the degree of seriousness of the situation I can only leave it to you to take the correct decision on the spot(.) it is however, apparent that it is no only a question of time before the enemy with its great superiority in numbers and material and the active cooperation of rebels with dominate EAST PAKISTAN completely(.) meanwhile a lot of damage is being done to the civil population and the army is suffering heavy causalities(.) you will have to assess the value of fighting on if you can and weigh it against the heavy loses likely to be suffered both civil and military(.) based on this you should give your frank advice to the GOVERNOR who will give his final decision as delegated to him by the PRESIDENT(.) whenever you feel it is necessary to do so you should attempt to ...by maximum military equipment so hat it does not fall into enemy hands (.) keep me informed (.) ALLAH bless you."

It will be seen that the Chief of Staff re-affirms that the Governor will take the final decision. As the power to do so had been delegated to him by the President. We confess to a sense of bewilderment: so express are these messages from the President and his Chief of Staff that the President's repudiation of the Governor's decision is unexplainable.

27. On the 10th December also the Commander signaled to the Chief of Staff s follows:

"from COMMANDER for CHIEF OF THE GENERAL STAFF(.) operational situation(.) one(.) all formations this command in every sector this under extreme pressure(.) brave(.) formations troops mostly isolated in fortresses which initially invested by enemy now under heavy attacks and may be liquidated due overcoming strength of enemy(.) Charlie(.) enemy possesses mastery of air and freedom to destroy all vehicles at will and with full concentration of effort (.) delta(.) local population and rebels not only hostile but all out to destroy own troops in entire area(.) echo(.) all communication road river cut(.) two(.) orders to own troops issued to hold on last man last round which may NOT be too long due very prolonged operations and fighting troops totally tired(.) any way will be difficult to hold on when weapons ammunition also continue to be destroyed by the enemy rebels actions besides intense rate battle expenditure(.) three(.) submitted for information and advice."

The again is consistent with the situation so far reported. Indeed , now Commander admits that the orders that he had issued to his own troops to hold out to the last man and the last round may not be for too long and he asked for information and advice."

28. On the 11th December, 1971 the President sent another message to the Governor which is numbered G-0002 and reads thus:

“for GOVERNOR from PRESIDENT(.) do NOT repeat NOT take any action on my last message to you(.) very important diplomatic and military moves are taking place by our friends(.) is essential that we hold on for another thirty six hours at all costs(.0 please also pass this message to GEN. NIAZI and GEN. FARMAN.”

29. Presumably the order not to take any action on the last message refers to his message in which he gives directions for further proposals. It cannot be merely a repudiation of his earlier authorisation of the Governor for that had been already countermanded. It would seem by reason of the reference to General Rao Farman Ali that it had come to the notice of the President that it was General Rao Farman Ali who had handed over the note to the representative of the United Nations Secretary General. Plainly General Yahya Khan was hoping to retrieve the situation in the United Nations. It is to be remembered that Mr. Z.A. Bhutto then deputy Prime Minister designate, had already reached the United Nations and found his hands tied. We do not enter into a detailed discussions of this aspect of the matter now as it has been adequately dealt with in the main Report.

30. Having been advised and even ordered to hold on for 36 hours at least and also having been assured of intervention by friends on the 11th December the Commander sent signal No.G-127 to the Chief of staff in these terms:

“from COMMANDER FOR CHIEF OF STAF(.) enemy has helidropped approximately one brigade SOUTH OF NARSINDI and at 1630 hours dropped one PARA brigade in TANGAIL area(.) request friends arrive DACA by air first light 12 dec.”

31. The Chief of Staff, no in answer to this message, but in response to earlier messages sent signal No.G0011 on the 11th December, 1971 to the Commander as follows:

“for COMMANDER FROM chief of staff(.) your no.G-1275 dec and PRESIDENTS message to GOVERNOR with a copy to you vide signal no.G-0002 of 110-130 December refer(.) one(.) for your personal information UNTTED STATES SEVENTH FLEET will be very soon in position() also NEFA front has been activated by CHINESE although the INDIANS for obvious reasons have not announced it(.) two(.) very strong pressure internationally has been brought upon RUSSIA and INDIA by UNITED STATES(.) INDIA is therefore desperately in a hurry to take maximum possible action against you in EAST PASKISTAN to achieve a fait accompli before vents both political and military are against them (.) three(.) it is therefore all the more vital for you to hold out as the PRESIDENT had desired in his signal no.G-0002 o 10430 DEC (.) four(.) good luck to you.”

On what basis the Chief of Staff was stating that the Unites State's Seventh Fleet would soon be in position and also that the NEFA front had been activated by Chinese we can not even conjecture.

32. The Commander's next message dated the 12th December, 1971 and numbered G-127 makes interesting reading:

“from COMD for COS(.) your G-0011 of 110245 dec(.) one(.) thanks for info and good wishes(.) two(.) vide my previous sig Comm 1 had issued orders to troops to fight out last man last round in their respective areas by estb fortresses(.) three(.) situation own doubtlessly extremely critical but will turn DACCA into fortress and tight it out till end.”

As to fighting to the last man last round we have already seen his earlier signal but it is to be stressed that he now talks of turning Dcca into a fortress and fighting it out ill the end. Presumably in Dacca. The sudden change in the tone of the signal of 12th December and afterwards, appears to be the result of the COS signal G-0011 of 11th December informing “also NEFA front has been activated by Chinese etc.”

33. The next signal is by the Commander on the 12th Dec ember, 1971 numbered G-1279:

"from COMD for COS(.) one(.) of our officer taken PW sent to COMILA FORTRES by enemy with following messages(.) quote(.) if your all do not surrender we will HAND over all your prisoners to MUKTI-FAUJ for butchery(.) unquote(.) two(.) request immediately take up with world red cross authorities and C in C INDIA (.) matter serious."

It is interesting in the first place to notice that this was an unclassified .. and secondly to note that the only purpose of this signal was to complain of a threat that unless the Pakistan army surrendered prisoners would be handed over to the Mukti Fauj for butchering. As we think that this threat might have played some part in the final decision to surrender we merely take note of this for the present and will comment upon it later.

34. On the 13th December, 1971 the Commander sent message No.G-1282 which read thus:

"For MO DTE(.) special situation report number 4(.) One(.)g enemy(.) Alfa(.) build up at MATTARL SO 7344 by heliborne troops cont (.) enemy at MATTARL 7344 now advancing along road MATTAR-DMR RL 5624(.) bravo(.0 details contact by para troop awaited (.) charlie(.) enemy cone also reported at DAUDKANDI RL 7903 and two helicopters landed SOUTH OF NARAYANGAJ RL 5713(.) details awaited(.) delta(.0 enemy making all out efforts to capture DACCA ASP(.) two(.) DACCA fortress defenses well organised and determined to fight it out."

Of immediate interest to us is only the part which states that Dacca fortress defences are well organised and that the Commander is determined to fight it out. It may also be pointed out that the information of helicopters landing was incorrect.

35. On the same date he sent another message numbered G-1286 which reads thus:

"from COMD for COS(.) one(.) alfa(.) fortresses in all sectors under heavy pressure(.) I am though with formations only n wireless(.) NO replenishment of even ammunition(.) bravo(.) DACCA under heavy pressure rebels have already surrounded by city and firing with RRS and mortars supported by IAF armed helms (.) INDIANS also advancing(.) situation serious(.) fortress defence organised and will fight it out(.) two(.) alfa(.) Promised assistance must take practical shape by 14 dec(.) brvo(.)CHINESE fighting in NEFA will have NO effect(.) is effect can only be felt in SILLIGUR and by engaging enemy air bases around us."

Obviously an even more grim situation is now reported and even Chinese fighting, the Commander asserts, will have no effect. Nevertheless, he re-affirms that the fortress defence is organised and that he will fight it out.

36. The need, however, for holding on for some time is stressed again by the Chief of Staff on the 14th December, 1971 by message numbered G-012 which reads:

"for COMMANDER from CHIEF OF STAFF(.) your G-1286 of 3 Dec(.) the UNITED NATION SECURITY COUNCIL. is in session and is most likely to order a cease-fire(.) knowing his the INDIANS ARE DOING all they can to capture DACCA and form a BANGLA DESH GOVERNMENT before the cease-fire resolution is passed (.) as far as we can anticipate it is only a matter of hours(.) I need not therefore urge you to hold out till the United Nation Resolution is passed(.) I am saying this with full realization of the most critical situation that you and your command are facing so valiantly(.) ALLAH is with you."

The emphasis is on holding out until the United Nations Resolution is passed which, it is anticipated, will be only a matter of hours.

37. Apparently this message was not clear to the Commander who by message No.G-1288 asked for clear instructions and upon this message there is an endorsement of the Private Secretary to the Chief of Staff as follows:

"Have spoken to commander Eastern Command at 0825 hours. He is now quite clear on the action to be taken. Have told him that Security Council is in session in spite of Russian veto. It

is imperative that Dacca is held on at least till the decision is taken by the Security Council.”

38. On the 14th December 1971 the President sent Signal No. G-0013 to the Governor and General Niazi as follows:

“for GOVERNOR and GENERAL NIAZI from PRESIDENT(.) GOVERNOR’S flash message to me refers (.) you have fought a heroic battles against overwhelming odd(.) the nation is proud of you and the world full of admiration(.) I have done all that is humanly possible to find an acceptable solution to the problem(.) you have now reached a stage where further resistance is no longer HUMANLY possible nor will it serve any useful purpose(.) you should now take all necessary MEASURES TO STOP THE FIGHTING AND PRESERVE the lives of all armed forces personnel all those from WEST PAKISTAN and all loyal elements(.) meanwhile I have moved UN to urge INDIA to stop hostilities in EAST PAKISTAN forthwith and guarantee the safety of the armed forces and all other people who may be the likely target of miscreants.”

The time given on the signal is 1332, i.e. 1.32 P.M. West Pakistan time. On the other hand the witnesses who were then in Dacca are unanimous that the message came at night. We have made all efforts to verify from the original and it is clear that the original does bear this time. Two circumstances moreover confirm that the time is correctly stated in the message. Signal No. G-0012, which we have quoted and which advises the Commander that the United Nations Security Council is in session, and, therefore, urges him to hold on was sent at 1235 A.M., i.e. West Pakistan time. Signal No. G-1288 from the Commander which asks that this signal be clarified is timed 8.45 A.M. (East Pakistan time) corresponding to 7.45 A.M. (West Pakistan time). On this last there in the endorsement which we have quoted and which speaks of the PS(C) to the Chief of Staff having spoken to the Commander at 8.25 A.M. West Pakistan time. Clearly these signals could not have been exchanged nor the conversation held to which this endorsement refers if the disputed time is 1.32 A.M. for obviously the commander would then say that neither the message nor the telephone conversations make any sense after the signal. We think, therefore, that the time is correctly mentioned on the message (signal G-0013) as 1.32 but are unable to explain the contradiction in the oral evidence.

39. We consider this is the most significant message of all the various messages that we have referred to and think it necessary to make some analysis of it. In the first place it might be noticed that it is an unclassified message. i.e. it was sent in clear and was, therefore, capable of being listened to and, probably was listened to by India, as indeed by any other country. N itself and without reference to any other factor this alone must have had disastrous effect. The United Nations Security Council was in session, but it is difficult to see how we could with any confidence expect to secure any success there with this open confession of our weakness and clear willingness to accept any terms. Even those nations upon whose help we could have in some degree relied were hardly able to help after this.

40. Besides this important effect on Pakistan’s case in the United Nation we think that it might we have prompted General Manekshaw to insist upon a surrender even though General Niazi was only proposing a cease-fire.

41. We have not been able to understand how such an important message came to be unclassified. Some mistake has occurred for it is both the duty of the Staff Officers and that of the signal centre to ensure that some classification is given. The word “clear” although we have used it is not a classification used and when we have used it we mean only that bearing no classification it is , as we would put it in non-technical language, is clear.

42. The fact that it was unclassified also led to the feeling in the mind of those in Dacca that it might not be an authentic message but a hoax. Quite naturally, therefore, the Commander wanted to verify this and also to be sure whether this was meant to be surrender. It would be profitable to reproduce the following passage from General Niazi’s written statement to us:

“This signal being unclassified was probably intercepted by the Indians in clear. As a first reaction we thought that it might be an Indian plant. However, I wanted to confirm its authenticity

and also its implications:-

a. I was not fighting an independent war as commander of an independent army of a different country. I wanted to check about the overall GHO plan or cease-fire with India and its terms etc.

B. If I was to negotiate my independent ceasefire, I would not be from a position of strength. It would tantamount to surrender.

Brigadier Janjua on request from my COS confirmed that this signal was meant to be UNCLAS on telephone. By about noon 14 December i.e. 9 hours after the receipt of the President's signal, I could get through to the CGS, Lt. Gen Gul Hassan Khan, and told him about the order of the President. He asked me as to what signal and what cease-fire or surrender I was talking about. When I explained to him he replied that he did not know about this order and since the President had issued these orders, I should talk to him and he then banged the telephone.

Earlier in the day, 14th December 1971, Governor A M Malik talked to me on telephone about the President's order. I told him that I had asked for clarification of the signal from the GHQ. He asked me whether I am going to agree to stopping the war or not. I replied him that I still had every intention to continue fighting. I heard about Governor's resignation in the afternoon and after strafing of the Government House same day he moved to Hotel Intercontinental. With him moved his ministers and all civil and police officers. He wrote me a letter on the subject on 15th December as under:-

"My dear Niazi,

May I know if any action has been taken, from your side, on PAK ARMY Signal No.G-0013 dated 14-12-71 from the President to you and to me as the Governor. This message clearly said "you should take all necessary measures to stop the fighting and preserve the lives of all armed forces personnel, all those from West Pakistan and all loyal element." The signal also says "you have now reached a stage where further resistance is no longer humanly possible nor will it serve any useful purpose." Hostility is still continuing and loss of life and disaster continue. I request you to do the needful.

With regards.

Yours Sincerely,
A.M. Malice
Phone 25291-12"

43. It is a sad reflection on the state of affairs then prevailing at Rawalpindi, though in view of what we have said in the Main Report this can only be now a side light -, that at this critical juncture the Commander could not immediately get through on the telephone to the Chief of Staff, much less the President. The only person to whom he could speak immediately was Brigadier Janjua who, however, confirmed that the signal was meant to be unclassified. Not until about noon could the Commander speak even to the Chief of the General Staff who apparently did not even know what orders were being talked about. It does not seem that at any time the Commander could speak to the President himself and the highest hat he could reach was only the Chief of Staff and that not until the evening of the 14th and the Chief of Staff, according to General Niazi, merely said "act accordingly" and the Air Commander-in-Chief, Ali Marshall M. Rahim Khan also insisted that the President's order be obeyed.

44. General Niazi has claimed both in view of the language of the message itself and of his subsequent conversations with officers at Rawalpindi that it amounted to an order to surrender. For reasons which we shall elaborate a little later we are unable so to read it, but only as a permission to surrender. On the other hand, however, we are not impressed by the contrary argument that it did not refer to a surrender at all, for this, we think, amounts to mere quibble

on words. It is true that the actual word "surrender" has not been used, but it is expressly stated that further resistance is no longer humanly possible. This surely means surrender; at the most it might be interpreted to mean surrender on the best terms that could be obtained, but, if necessary, unconditionally.

45. There follow some signals in regard to destruction of war material which it is not necessary for our present purposes to quote.

46. Whether or not General Niazi understood this message as an order or permission to surrender he did convey through the American Counsel General to the Indians his request for cease-fire under the following conditions:

- a. Regrouping of Pakistan Armed Forces in designated areas to be mutually agreed upon between the commanders of the opposing forces.
- b. To guarantee the safety of all military and para-military forces.
- c. Safety of all those who settled in East Pakistan since 1947.
- d. No reprisals against those who helped the administrations since March, 1971.

47. In the meantime the Indians dropped by airmail a message from General Manekshaw to General Rao Farman Ali Khan which reads thus:

"I have sent out two messages already but there has been no response from you so far.

I was to repeat that further resistance is senseless and will mean deaths of many poor soldiers under your command quite unnecessarily.

I reiterate my guarantee of complete protection and just treatment under the Geneva Convention to all Military and Quasi-military personnel who surrender to my forces. Neither need you have any apprehension with regard to the forces of the Bangladesh as these are all under my command and the government of Bangladesh has issued instructions for the compliance with the provisions of the Geneva Convention.

My forces are now closing in and around Dacca and you ... positions there are within the range of my Artillery, I have issued instructions to all my troops to afford complete protection to foreign nationals and all ethnic-minorities.

It should be the duty of all Commanders, to prevent the useless shedding of innocent blood, and I am therefore appealing to you once again to cooperate with me in ensuring that this human responsibility is fully discharged by all concerned.

Should you however, decide to continue to offer resistance may I strongly urge that you ensure that all civilians and foreign nationals are removed to a safe distance from the area of conflict. For the sake of your own men I hope you will not compel me to reduce your garrison with the use of force.

48. In response to General Niazi's proposal General Manekshaw sent a radio broadcast message to General Niazi, the gist of which was that he expected General Niazi to issue orders to cease-fire immediately and to surrender. In return he promised that they would be treated with dignity and consistently with the Geneva conventions and that the wounded would be looked after as the dead would be given proper burial. He also arranged for radio links between Calcutta and Dacca.

49. In response specifically to General Niazi's message General Manekshaw replied on the 15th December, 1971 as follows:

"Firstly, I have received your communications of cease-fire in Bangla Desh at 1430 hours

today through the American Embassy at New Delhi.

Secondly, I had previously informed General Farman Ali in two messages that I would guarantee (A) the safety of all your military and para-military forces who surrender to me in Bangla Desh (B) complete protection to Foreign Nationals. Ethnic minorities and personnel of West Pakistan origin no matter who they may be. Since you have indicated your desire to stop tightening I expect you to issue orders to all forces under your command in Bangla Desh to cease-fire immediately and surrender to my advancing forces wherever they are located.

Thirdly, I give you my solemn assurance that personnel who surrender shall be treated with the dignity and respect that soldiers are entitled to and I shall abide by the provisions, of the Geneva Conventions. Further as you have many wounded I shall ensure that they are well cared for and your dead given proper burial. No one need have any fear for their safety, no matter where they come from. Nor shall there be any reprisals by forces operating under my command.

Fourthly, Immediately I receive a positive response from you I shall direct General Aurora the Commander of Indian and Bangla Desh Forces in the Eastern Theatre to refrain from all air and ground actions against your forces. As a token of my good faith I have ordered that no air action shall take place over Dacca from 1700 hours today.

Fifthly, Assure you I have no desire to inflict unnecessary casualties on your troops as I abhor loss of human lives. Should however you do not comply with what I have stated you will leave me with no other alternative but to resume my offensive with the utmost vigour at 0900 hours Indian standard time on 16th December.

Sixthly, In order to be able to discuss and finalise all matters quickly I have arranged for a Radio link on listening from 1700 hours Indian standard time today 15th December, The frequency will be 6605 (6605) KHZ by day and 3216(3216) KHZ by night. Call signs will be Cal(Calcutta) and DAC(Dacca). I would suggest you instruct your signallers to restore micro wave communications immediately(.)”

50. It is to be noticed that the word “surrender” is for the first time used in these messages from India.

51. I here then follows a signal on the 15th December, 1971 numbered G-0015 from Chief of Staff to General Niazi as follows:

“for COMMANDER for CHIEF OF STAFF ARMY(.) your G-1310 of 15230 dec refers(.) I have seen your reply to the PRESIDENT and I have also heard over all INDIA RADIO GENERAL MANEKSHAW’s reply to your message to him through UNITED STATES DIPLOMATIC channels(.) while I leave to you the decision I suggest that you accept the terms laid down by Chief of Staff INDIA as they appear to meet your requirements (.) this is a purely local military decision and has NO repeat NO bearing on the political outcome which has to be decided separately(.) mutual decisions now arrived at by you will not be acceptable if repugnant to any UNITED NATIONS DECISION.”

General Niazi asserts that although the Chief of Staff used the word “suggest” this amounted to an order. This might be true in general but in the peculiar context with which we are dealing we are not impressed by General Niazi’s claim, for as we have said, he had been authorised and not ordered to surrender.

52. The reply of the Commander to the President to which reference is made in this signal is one dated 15th December and is as follows:

“G-1305(.) SECRET(.) from Command for PRESIDENT(.) your signal G-0013 14 December(.) I met AMERICAN Council General and gave him following in writing(.) quote(.) One(.) in order to save further hostilities in the major cities like Dacca I request you to arrange for an immediate cease-fire under the following conditions(.)

ALFA(.) regrouping of PAKISTAN armed forces in designated areas to be mutually agreed upon between the commanders of the opposing forces(.

BRAVO(.) to guarantee the safety of all military and para military forces(.

Charlie(.) safety of all those who had settled in EAST PAKISTAN since 1947(.

TWO(.) on these conditions, the PAKISTAN armed forces and para military forces would immediately cease all military operations (.0 THREE(.) I would further abide by any resolutions which the security council of the UNITED NATIONS may pass for the permanent settlement of the present dispute(.

FOUR(.) make this proposal with full authority vested in me by virtue o my position as martial law administrator of ZONE B (EAST PAKISTAN) and commander EASTERN COMMAND exercising final authority overall PAKISTAN military and paramilitary forces in this area(.

unquote(.) reply still awaited.

53. This completes the sequence of the message exchanged during the period immediately before the surrender.