

Death sentence to 7 JMB

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In the quickest disposal of a case in the history of Bangladesh, the trial of the sensational case for the first suicide bomb attack in the country was completed in just 131 days from framing of the charges in the lower court.

Senior assistant judges Jagannath Pandey and Sohail Ahmed were killed in the suicide bomb attack at Purba Chadkali in Jhalakathi town on November 14 last year in the wake of a series of bombings by the militants across the country.

On May 29, Additional District and Sessions Judge of Jhalakathi Reza Tarik Ahmed ordered for hanging the seven JMB men, including its chief Abdur Rahman and his top aide Siddique Islam alias Bangla Bhai, until death and acquitted one.

Other convicts in the case are JMB members Shorna members, Anam Rahman Sunny, Abdul Awal and Faruk Hossain Khan alias Khaled Saifullah, suicide bombers Iftakhar Hasan Al Mamun and absconding Asadul Islam alias Arif.

"The additional sessions judge did not commit any illegality by handing death sentences on the seven accused. There is no ground to interfere in the judgment passed by the additional sessions judge Jhalakathi," the HC bench comprising Justice Ali Asgar Khan and Justice Emdadul Haque said while confirming the death sentence in a crowded courtroom yesterday.

Security was beefed up on the Supreme Court premises yesterday but no special security was arranged for the two judges who delivered the verdict.

"They [the seven convicts] carried out terrorist activities in the name of Islam. Islam does not support terrorist activities," the court said, adding that the prosecution has proved the case beyond reasonable doubt.

The court pronounced its decision around 12:45pm on completion of passing the judgment that started on Tuesday. After a day's adjournment, the court resumed yesterday.

Expressing his satisfaction over the HC decision, state lawyer Deputy Attorney General Haid Uddin Mollah told The Daily Star, "No other country in the world has succeeded in completing trials of militants in such a short period."

"The verdict will glorify Bangladesh's image abroad. It has also proved that the judiciary in Bangladesh is independent, he said."

"The quick trial and verdict proves that Bangladesh does not support any militant activities in the name of Islam," said Helal Uddin.

He said the verdict can be executed within the tenure of the government if the convicts do not appeal against the verdict with the Appellate Division in 30 days.

"If anyone appeals, the matter will remain pending at the Appellate Division. But those who will not appeal within the stipulated time can be hanged after 30 days," he said.

The state lawyers believe none of the convicts will appeal against the HC decision as all of them said after the court judgment that they will not move for appealing against the verdict because they did not acknowledge the trial held by a "Taguti" (non-Islamic) court and not by an Islamic jury board.

After the trial court verdict, six of the seven convicts did not appeal against it. Only Mamun appealed through the jail authority but the HC did not grant his appeal.

As they did not appoint any counsel, the government appointed three state defence lawyers for the seven.

Advocate Muhammad Salahuddin, one of the state defence lawyers, declined to make any comment on the HC decision. "Our main task was to see whether the prosecution produced the evidence properly before the court to prove the charges against the accused beyond doubt," he said.

"I have tried to point out the anomalies and flaws in the evidence," he added.

While delivering the order, the HC bench, however, said, "Contention of the defence lawyer is not sustainable in the eye of law."

The investigating officer of the case Special Assistant Superintendent of Police (ASP) Munshi Atiqur Rahman of Criminal Investigation Department, who was present at the court yesterday, also expects that the verdict will be executed during the tenure of the present government.

Celebrations all

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Wednesday night.
Normalcy came to the upazila town, nearly 40km east of Dinajpur, after the government signed the memorandum with National Committee to Protect Oil, Gas, Mineral Resources and Electricity-Port.

All the upazila administrative offices, markets, banks and other institutions and road and railway communications were opened yesterday morning.

In spite of being happy with their victory, the leaders and locals still doubt if the government would be sincere enough to fulfil their six-point demand it agreed to meet on Wednesday night.

"I still don't believe the government agreed to meet the six-point demand we had bargained for," the Phulbari committee unit convenor, along with many others said yesterday, expressing their surprise.

Thousands of people yesterday brought out colourful processions on the streets of the town dancing and singing and beating drums. They squirted each other with coloured water.

"We took oath not to leave the streets until Asia Energy left the land, but could not imagine this would come so early... which makes us a bit dubious," said Manik Sarkar, a local leader and secretary of Bank Samity of the town.

A few of the leaders, who gained fame and popularity among the 22,000 voters in the municipality, are thinking about contesting the next municipal and local administration elections.

Around 5,000 people attended the victory procession and the rally that

Asked what will happen to other cases that also accuse these seven militants after execution of the death sentences, he said, "Their names will be excluded from the charge sheets."

Asked if hanging them will hamper the investigation and trial of the other militant cases, Munshi Atiqur Rahman replied in the negative, saying, "They have already made their statement."

WHAT NEXT
Under article 103 of the constitution, the seven condemned prisoners must individually file appeal, if they want to, before the Appellate Division. The time for such appeal under the Limitation Act is 30 days. The time for getting the certified copy of the judgment-if applied for-will be deducted, said criminal law expert Anisul Haq.

But if no certified copy is applied for, then any appeal will be time-barred on the expiry of 30 days and the condemned prisoner may be executed if he does not apply for mercy to the president, he said.

After expiry of 30 days, the jail authority will ask the convicts if they want to seek mercy from the president. "If they send mercy petition through the jail authority, the matter will be resolved basing on the decision of the president," he said.

The condemned prisoners may be executed if they do not apply for the presidential mercy or remain silent about it, he said.

"In this case, the 30-day period expires on September 30. So, the judgment can be executed on any date from October 1 provided the condemned prisoners do not prefer appealing before the Appellate Division or seek mercy from the president," said Anisul Haq.

Law Minister Moudud Ahmed on Tuesday said he is hopeful that it will be possible to execute the death sentence awarded on the seven militants during the tenure of the present government.

BACKGROUND
On their way to the court, Jagannath Pandey and Sohail Ahmed were waiting in a microbus in front of Assistant Judge Abdul Awal's house in Quarter Pali area in Jhalakathi town on November 14 last year when suicide bomber Mamun blasted a bomb on their vehicle.

Sohel died on the spot while Jagannath died later at the hospital. Suicide bomber Mamun was arrested from the spot with grave injuries.

Two separate cases were filed with the Jhalakathi Police Station-one for murder and another for bomb explosion.

On February 20, Barisal Divisional Speedy Trial Tribunal awarded 40 years' rigorous imprisonment to Abdur Rahman, Bangla Bhai, Molla Omar (killed in Bab action in Comilla) and Khaled Saifullah in the bomb explosion case filed under the Explosives Act.

The charge sheet of the murder case was submitted on March 21 and the court framed charges against Mamun. The judgment was delivered on May 29 following examination of 45 witnesses and hearing of arguments of both sides.

Asur from the seven condemned, the investigators found proof of six others' involvement in the conspiracy to kill the two judges. They, however, did not press charge against Molla Omar as he died by them in Bab action.

Although the charge was primarily proved against Mehedi, Moaz, Talha and Mahmud, they were not accused in the charge sheet as their full address could not be found. The investigators said they would submit a supplementary charge sheet later if they can collect the addresses.

Chargesheeted accused Sultan Khan was acquitted by the court as the charge could not be proved against him.

Immediately after the verdict, the government took steps for quick disposal of the militants' death reference case as over 500 cases still await paper-book preparation (history of the case) and death reference hearing in the HC.

The HC later granted permission for preparing the paper-book of the case on priority basis. On completion of the paper-book, hearing of the death reference began on August 1 and was completed on August 23 after 10 working days. The HC examined statements of 44 witnesses before delivering the verdict.

MOUDUD'S REACTION
Law Minister Moudud Ahmed yesterday said the militants convicted of

took place at the government college ground at noon yesterday. The rally observed a minute's silence for the deceased in Bangladesh Rifles firing on August 26.

Locals and leaders of the National Committee to Protect Oil, Gas, Mineral Resources and Electricity-Port spoke in the rally.

Bangladesh Communist Party President Monjurul Islam Khan, Central Coordinator of Gonofront Tipu Biswas also attended the rally and expressed their gratitude to the people of Phulbari and its adjacent area for forcing the government to bow to people's demands.

The leaders urged the people to be alert so that no more companies like Asia Energy can take their lands.

Locals announced the names of missing people in loudspeakers in the municipality areas yesterday. The committee members however are yet to prepare a list of the missing.

One killed
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among the passersby and people in the market building, the witnesses said.

A large portion of the concrete slab of the footpath over the sewer was destroyed due to the explosion.

Fire service sources said that the explosion occurred due to the leakage of gas from the supply line of Bakhrabad Gas System Limited road, which was brought there.

Fire fighters extinguished the fire caused by the explosion and cleared out smokers and gas trapped inside the sewer making several holes on the footpath.

Jatiya Oikya Front

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Kamal and Badruddoza Chowdhury answered journalists' questions.

JOF pledged to strengthen the ongoing movement for reforms and said they might have agreements with other political parties and alliance, which are moving against the four-party alliance to ensure people's victory by organising minimum agitation programmes.

"We shall not go for the elections without reforms. We cannot take part in an election that is being engineered by the four-party alliance and will be shameful for the nation," said Badruddoza Chowdhury.

He said they would never leave the parliament regardless of their being in the government or in the opposition. The Speaker of the parliament must be non-partisan and there should be two deputy speakers, one from the ruling party and the other from the opposition, he added.

On Ershad's inclusion in the four-party alliance Chowdhury said, "He [Ershad] has several options. His joining the four-party alliance is still not certain. Even if he joined, he would participate in the elections with his election symbol Langol [plough]. He may also leave the alliance after the elections."

When asked if there were any possibilities of Ershad joining JOF he said, "That option is also there."

JOF leader Dr Kamal Hossain urged the alliance government 'not to ruin the nation any further' at the fig end of their tenure and advised them to hold a 'function of seeking apology' in the next 50 days.

Kamal avoided answering when asked from which alliance he would compete in the election, 14-party alliance or the JOF as he is in both alliances.

Asked if the new alliance would request Justice KM Hasan, the possible chief adviser to the next caretaker government under the current system, not to take the post, Kamal said, "We have to think over structural issues for achieving any target."

Stay order

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Star the posting order of the 52 DADs, who were inspectors of now defunct Bureau of Anti Corruption (Bac), is valid now and there is no bar for them to work for the ACC.

The HC had stayed the order following a writ petition filed by former Bac inspector Jahangir Hossain challenging legality of the posting order.

The ACC after screening Bac staff retained 52 inspectors and appointed and posted them as DAD in different position in July. Jahangir was excluded after the screening.

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New agitation

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declined to accept a compromise proposal placed by the wage board's independent member who recommended Tk 1,800 as the minimum basic wage for the workers and gross salary of about Tk 2,650 a month. Minimum wage for the workers is now Tk 950 that was fixed around 12 years ago.

Workers' leaders, however, have hinted that they are ready to accept a 'reasonable' offer.

Anisul Haq, representative of Bangladesh Garment Manufacturers and Exporters Association (BGMEA) in the wage board, said: "It is true that there is no substantial progress on the table. But it would be possible to settle the issue by mid-September."

The government, garment owners and workers' leaders at a tripartite meeting on 12 June 2006 inked a 10-point memorandum of understanding (MoU) after a series of discussions on May 24, June 1 and June 4 among the stakeholders in the garment sector and decided to implement those in phases to address the labour unrest, ensure labour rights and peaceful atmosphere in the factories.

Endorsing the wage board formed on May 31, the MoU set a one-month deadline for addressing nine other issues within one month.

The nine issues include giving appointment letters and identity cards to the workers, allowing them one day weekly holiday and other government holidays according to the existing labour laws.

As per the agreement, the female workers would get maternity leave with regular salary and an worker would be entitled to get overtime if he works more than eight hours a day.

The MoU included withdrawal of all the cases filed against the workers by the owners and not terminating.

AL leader dies
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Chakaria Police Station told The Daily Star that the cause of death was heart attack. "As his condition deteriorated, we rushed him to Chakaria Sadder Hospital, where he died," he added.

But Alam's family claimed that he was subjected to 'inhuman torture' in police custody and died as a result a couple of hours into his arrest.

They also complained that no autopsy was performed and the body was buried under police supervision adding that without an autopsy report, they are now unable to file a case against the police.

The OC, however, told that the body was buried on orders of the superintendent of police (SP) of Cox's Bazar.

The main opposition AL, Mohila League, Anjibi Samannay Parishad and other organisations brought out processions and held rallies at places in the town yesterday to protest Alam's death.

8 JMB men

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to the UNB.

Of the six convicts, Rashidul Islam and Shaiful Islam were held absconding since the bombings in the district town.

According to the prosecution, the JMB militants exploded six bombs at five points in the town as part of serial bombings across the country on August 17 last year.

After the incident, police arrested 38 people, including the six JMB militants, at different places of the district.

The arrested JMB activists confessed to the police that they were involved in the bombings. Police later pressed charges against the JMB men.

After examining records, judge M Golam Rabbani handed down the judgment in a crowded court amid tight security.

Our Staff Correspondent from Rajshahi reported that the Divisional Speedy Trial Tribunal yesterday awarded life imprisonment to JMB Chapainawganj district leader Shahidullah Faruk and bomb expert Abul Kashem Tufan in an arms case filed with Tanore Police station last year.

Handing down the verdict, the tribunal judge AFM Aminul Islam fined the convicts Tk 5000 each, in default, they are to suffer five years more in jail.

Faruk and Tufan were arrested along with four firearms, bomb-making materials and some book of Laskar-e-Taiyeba at Pakchandpur in Tanore upazila on September 16, 2005.

Faruk's father Maolana Meserullah Nasir Uddin is a teacher of Nacol Madrasa and his elder brother Obaidullah is a Jamaat leader of Tanore upazila.

Revised voter

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reporters visited the BNP office at Sher-e-Bangla Nagar. But they found the building to be under construction and there were no arrangements for the updated voter list to be posted for public inspection.

From there, the reporters went to the residence of Afroza Parveen, president of BNP ward No 40, but she was not present at that time.

Members of her family told them that she had gone outside, locking the voter list in a safe.

Hasan Mansur Mahmud, hailing from Bogra, had served as a secretary to the post and telecommunications and defence ministries on contractual basis.

Earlier, the government appointed Justice MA Aziz as the chief election commissioner (CEC) on May 23 last year and two other election commissioners-Justice Mahfuzur Rahman and SM Zakaria-on January 16 this year, ignoring the opposition's demand for consensus appointments.

The 14-Party opposition combine led by Awami League (AL), which had rejected the previous appointments, has long been calling for resignation of all the members of the EC and new appointments on the basis of consensus.

Saher Hossain Chowdhury, AL organising secretary and political secretary to AL President Sheikh Hasina, in his reaction told The Daily Star last night that yet another politically motivated appointment came at a time when reconstitution of the EC has grown to be a national demand.

He observed that the appointment was given as part of the ruling alliance's plot to engineer the upcoming election, and it further exposes the hostile and confrontational attitude of the government.

Asia Energy

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In a statement, the company said it has not received any communication from the government that it is cancelling all existing agreements with the company.

It is seeking to clarify the reported remarks of Food and Disaster Deputy Minister Asadul Habib Durr that the government has decided to cancel its open pit coal mine project.

Asia Energy is also seeking to determine the government's position towards the project.

The company's shares will remain suspended from trading pending a further announcement, it added.

Saudi prince

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The technical offers of the Saudi prince include introduction of online banking, global banking and investment banking. The new administration also aims at opening branches of Rupali Bank across the subcontinent.

In the early 1980s, Pubali Bank was sold out for \$6.4 million only (Tk 16 crore) when the exchange rate for US dollar was Tk 25.

"So, we are getting an attractive price for Rupali Bank," the Privatisation Commission official said.

However, the government will have to spend a good chunk of the amount for realising the bank's liabilities in phases, he added.

The government will bear the liabilities of the existing pensioners and the accrued rights of the current employees with cash payments made from the government budget.

"For this, the government will have to spend about Tk 500 crore," the source said. Besides, there are bad loans of around Tk 1,000 crore from the bank by different state-owned enterprises.

The owners will have to inject Tk 400 crore for capital when the bank will go private and the government will have to bear 27 per cent of it as per its shares.

The Saudi prince offered such a huge amount of money for buying Rupali Bank with a view to bringing in remittance from around five lakh Bangladeshis in Saudi Arabia through online banking. Privatisation Commission sources said.

Govt's handling

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Port to stage a massive demonstration? And then why did it kill people?

Seeking anonymity he said, "It is not the fault of Asia Energy that it has such a deal. Our government signed it, and it must take the onus of all the disasters that happened at Phulbari."

A geological expert expressed similar views, saying it had always been up to the government to change, modify or not to approve Asia Energy's proposal. "The company has so far done exercises relating only to exploration, feasibility and environment. If the government has okayed these even if they were not up to the standard, it is again the fault of the government," he said.

"But following the Phulbari killings, Asia Energy executives made some audacious remarks about the protestors. This has irritated every body."

The expert pointed out that Asia Energy's field level staff did a bad job with public relations at Phulbari. "Those who were assigned to negotiate with locals about relocation had practically talked against the company to the locals or gave cash to the disgruntled ones, and gave positive reports to the company. This created the image of a corrupt company among Phulbari people."

"The truth is Asia Energy is a novice company with zero project experience. People started questioning why did the government sign a deal with such a company. The disastrous instances of Niko Resources at Tengrhatla or Occidental at Magurhara have also fuelled public suspicion about the company," he observed.

DEAL CANCELLATION ISSUE
Cancellation of the contract that allowed Asia Energy to explore and conduct survey and prepare project feasibility study must follow some steps permissible in the deal, says former chief of the Bureau of Mineral Development (BMD) M Muminullah, who was involved in the original deal.

The government signed this contract with Australian coal company BHP in August 1994 on the basis of an unsolicited negotiation, which was transferred to Asia Energy in 1998 as per the country's Mines and Minerals Rules, 1968.

The contract can be cancelled if Asia Energy violates different aspects of mining. But before the cancellation, the company has to be warned. If the warning is ignored, the company will be penalised. And further violation can lead to termination of the contract, Muminullah said.

"In 1998, when the government okayed the transfer of BHP contract to Asia Energy in the shape of Assignment Agreement of Exploration Licences under the Mines and Minerals Rules, 1968, the government had formed a 12-member inter-ministerial national advisory committee to look into the deal. This committee was also supposed to monitor the activities of Asia Energy. But it did not do so," he said.

Following the 1998 transfer, Asia Energy's activities in Bangladesh were slow and focussed on survey and occasional drilling of holes to collect coal samples. It started its activities in full swing in 2002 after having an understanding with the government on open-pit mining.

Ex-bureaucrat

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would take place after the week-ends.

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Babar sees

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meet the demands of the workers as per the tripartite deal.

"During my visit to the affected factories, I found some definite reasons for the unrest behind the workers' logical demand. So, you (garment owners) have to meet their demands as much as possible immediately," Babar said at a seminar organised by Bangladesh Garment Manufacturers & Exporters Association (BGMEA).

The tripartite contract recognising due rights of the garment workers was signed on June 12, 2006 among the government, the owners and the workers of garment factories in an effort to pacify the labour unrest that had hit the industry hard.

The home minister, addressing the seminar, urged the factory owners to develop relationship with the workers to prevent any further unpleasant incident. "I know most of the garment factory owners have not maintained much communications with the workers for a long time. As a result, the mid-level management have taken advantage of the absence of owners and engaged themselves in various unethical activities against the workers."

Babar said most of the garment factories do not comply with the fire safety standards, which is very unfortunate. "BGMEA should strengthen its activities to ensure the minimum

compliance in the garment sector".

The garment factory owners fear further unrest following the announcement of minimum wages and urged the minister to take measures to tackle any kind of untoward incident in the garment sector.

SM Fazlul Haque, BGMEA president, said "We will implement the directions of the wage board when it is announced, but we are worried about further unrest after the announcement."

"There is a possibility of another unrest in the sector if the wage is not satisfactory to all the workers," echoed Anisul Haq, director of BGMEA, who is also a member of the wage board.

BGMEA handed over two police vans to the home minister for providing security to garment factories.

Babar assured the garment factory owners that the government would take adequate measures and different intelligence agencies are working on this issue. "We have added industrial police in the organogram of the police, which will come into being shortly."

However, he advised garment leaders to develop BGMEA's own intelligence wing to inform the law enforcement agencies of any further unrest.

Anwarul Iqbal, inspector general of police and MA Aziz Sarkar, director general of Rapid Action Battalion also spoke at the meeting.

Telecom Secy hid

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again for Huawei, approved. Whereas, on July 7 the CPTU asked the telecoms secretary to suspend processing Huawei's bid until the planning ministry's review panel decides its fate.

Subsequently, on July 24 the review panel informed the telecoms secretary that Huawei's bid was evaluated without imposing 50 penalty points for "material deviation". The panel has also found all bidders being disqualified in this tender and, therefore, it recommended re-tendering.

Although the telecoms secretary has brushed aside this directive, the BTB has, however, decided to be compliant. On August 15, the BTB sought the telecoms secretary's administrative approval to re-tender the VoIP platform supply project, as suggested by the planning ministry's review panel.

Instead of responding to BTB's plea, the telecoms secretary processed the VoIP platform purchase proposal hiding Huawei's shortcomings and the cabinet purchase committee has approved it too.

"Both the deals are perfect recipe for anti-corruption prosecution,

but we are safe since the telecoms ministry has unilaterally handled them," said a BTB high official requesting anonymity. He alleges the cabinet purchase committee could have rejected these deals if the telecoms secretary would have presented the planning ministry's reservations.

Telecoms Secretary AKM Shamsuddin, however, pleads not guilty and claims to have "verbally" informed the cabinet purchase committee about the CPTU's reservations on these two deals with Huawei. "I could not present the CPTU's remarks in writing as they came after processing the purchase proposals," he said.

The telecoms secretary, however, could not clarify why he did not send supplementary notes stating the CPTU's remarks afterwards. "I was extremely busy with various issues since I am retiring soon," he said.

Sources said the telecoms minister has recently strongly recommended for an extension of Shamsuddin's service. The matter is now waiting for the prime minister's assent.