

Ershad stares in despair as lawyers battle

## Deposition of PWs in corruption case ends

By Staff Correspondent

Deposition of prosecution witnesses in the corruption case against deposed President Ershad ended Wednesday with the Defence Counsel regretting to continue the cross-examination of the investigation Officer Mattur Rahman Sardar.

The Chief Defence Counsel Sirajul Haque told the Special Judge Court that the defence was prejudiced, by way of "the court's giving undue favour to the Prosecution at the cost of the Defence."

Sirajul Haque said this in the special court of Judge Mohammad Ali Khan who allowed the Attorney General Aminul Haque to recall the last Prosecution Witness in the case to prove some documents that the accused had been asked about the money and the belongings before submission of the chargesheet.

Advocate Sirajul Haque said, "No useful purpose will be served" adding, "I have been prejudiced" before drawing the curtain on the cross-examination of the prosecution witnesses.

During the whole procedure of the case which continued for 33 days the Defence Counsel tried to take a political stance in the case harping to prove that the accused was not given the opportunity to defend himself and say about the money and other materials found in his official residence.

At a later stage of the deposition by the prosecution witnesses the Defence Lawyers only picked up one point that Ershad was not asked about his money and other belongings.

But talking to The Daily Star the Attorney General Aminul Haque said that the judicial documents also contained the proof that the investigation Officer (IO) in the case met Ershad and interrogated him about the money and the materials.

The Prosecution witnesses however did never mention that Ershad was interrogated by the investigation Officer, which according to the Attorney General was not necessary as it was submitted with the judicial documents to the court and the written statement of Ershad in this regard was properly preserved with the police department.

However when the Defence Counsel enquired about the interrogation of Ershad by the Investigating Officer, the Prosecution recalled him (IO) on Tuesday to prove certain documents related to the interrogation.

Chief Defence Counsel Sirajul Haque was not present on Tuesday. However Yusuf Hossain Humayun the second Defence Counsel protested the recall of the Prosecution Officer by the Prosecution.

## AL joins race

From Page 1 Col. 7

(Retd) Majidul Haq and Chief Whip Khandakar Delwar Hossain proposed and seconded the third nomination paper of Abdur Rahman Biswas while the fourth nomination paper was proposed by State Minister for Youth and Sports Sadek Hossain Khoka and seconded by Neamatullah MP.

The fifth nomination paper of AR Biswas was proposed and seconded by Energy Minister Dr Khandakar Mosharrar Hossain and Syed Shahidul Haq Zaman MP.

The nomination paper of Justice Badrul Haider Chowdhury was proposed and seconded by Deputy Leader of the Opposition Abdus Samad Azad and AL MP Tofael Ahmed.

Two other AL MPs Shahjahan Khan and Tajul Islam Farukh proposed and seconded the nomination of Mokbul Hossain.

Chief Election Commissioner Justice MA Rouf will scrutinize the nomination papers today. The last date of withdrawal of nominations is September 30. The election will be held on October 8.

Under the parliamentary system now in force the President will be elected by the Members of Parliament. Under the Election of President Act, 1991 the election will be conducted by the Chief Election Commissioner.

The BNP leaders who submitted the nomination papers of Abdur Rahman Biswas were BNP Secretary-General Abdus Salam Talukder, Deputy Speaker Sheikh Razzak Ali, Barrister Rafiqul Islam Mia, Abdul Matin Chowdhury and Barrister Zamiruddin Sircar.

terday (Wednesday) Advocate Sirajul Haque said that whatever prosecution lacunae came out during the deposition and cross-examination of the witnesses were sought to be plugged by recalling the witnesses.

He said that he was not wholly opposed to their recall, but that they should not be allowed to bring in new matters.

Refuting the Defence charges Attorney General Aminul Haque said that nothing illegal was done by recalling the prosecution witnesses which was quite in the ambit of the law and evidence and nothing was deposed beyond the law.

He said that the Defence could not show any evidence or cite any law regarding its plea, not to allow recall or expunge the deposition during the recall of the Prosecution Witness, made on Tuesday.

As the two sides locked in the legal battle Ershad looked at the lawyers in despair.

Judge Mohammad Ali Khan however rejected the Defence plea asking Advocate Sirajul Haque to continue the cross-examination.

However, Sirajul Haque declined to continue cross-examination. At this stage Yusuf Hossain Humayun brought another petition seeking to expunge the deposition of Mattur Rahman Sardar. The Judge also rejected the petition, and adjourned the hearing till September 29.

On September 29 the statement of the accused under section 342 will be recorded. The Defence has already sought permission that the accused give a written statement. It also reminded the Judge that the Defence will seek two hours time to allow it to talk with the accused before reading the written statement under Section 342.

A total of 48 prosecution witnesses have deposed and have been cross-examined in this case.

Defence Counsel Sirajul Haque said that he would name five Defence witnesses in this case including Ershad himself. Ershad may also appear as a witness in his case as it is permissible under the given section of the case.

The other Defence witnesses likely to be named are the Acting President of Jatiya Party Mizanur Rahman Chowdhury, Secretary General of the Jatiya Party Shah Moazzem Hossain, Ershad's brother-in-law Mostafizur Rahman and former minister of the Ershad regime Tajul Islam.

The third case against Ershad involving him in the controversial purchase of ATP planes will resume on September 28.



IGSAC representatives called on Prime Minister Begum Khaleda Zia at her office on Wednesday. —PID photo

## No-confidence motion against Premadasa

COLOMBO, Sept 25 : Sri Lanka's political crisis took a dramatic turn today with the opposition moving a no-confidence motion against the government of beleaguered President Ranasinghe Premadasa, sources here said, reports AFP.

Opposition sources said the motion of no-confidence against Premadasa's government and his Prime Minister DB Wjetunga was presented to the parliament Speaker Mohammad Haniffa Mohammad.

They said the motion contained allegations that Premadasa's government armed separatist Liberation Tigers of Tamil Eelam (LTTE) guerrillas during 14 months of failed peace talks which ended in June last year.

The motion is on the issue of the government arming the LTTE during the peace talks. This is a very serious allegation which has to be dealt with quickly," an opposition MP who did not wish to be named, said.

The no-confidence motion came almost a month after the Speaker entertained an unprecedented impeachment motion against Premadasa signed by the opposition and 47 ruling party lawmakers.

Earlier report said Sri Lanka's Speaker asked for time today to consider moves to impeach President Ranasinghe Premadasa, accused of treason, bribery and corruption.

Mohammad said he would give a ruling later on the oral and written submissions from legislators on a resolution to impeach Premadasa.

Mohammad is expected to decide within the next two weeks whether there should be a debate on the charges against Premadasa.

Constitutionally, Premadasa cannot dissolve Parliament when the Speaker has accepted a resolution of impeachment.

Sri Lanka's parliament approved today the extension by another month of tough emergency regulations which give security forces sweeping powers of arrest and detention.



British High Commissioner Colin Imray called on Awami League leader Sheikh Hasina on Wednesday.

## Nomination surprises others

From Page 1 Col. 7

candidate and I was never an Awami League and shall never join Awami League," he asserted.

A senior ruling party politician told The Daily Star that Chowdhury's expectation was devoid of any reality as the President under parliamentary democracy in all democratic countries is being elected from party. However, his nomination has created interest in the political circle.

As Jamaat is not going to back Badrul Haider Chowdhury and Workers Party MP Rashed Khan Menon ruled out the possibility of supporting him, the prospect of unity among the Opposition looks bleak. So, Badrul Haider Chowdhury's wish of having the total opposition backing may not come true.

Deputy Leader of the Opposition Awami League leader Abdus Samad Azad, Awami League General Secretary Sajeda Choudhury and Ganatantri Party leader Suranjit Sengupta of a common candidate.

Meanwhile, "skepticism grew in Opposition circle about the seriousness of Awami League Chief Sheikh Hasina about the presidential election as she is leaving for London along with party Secretary General Sajeda Choudhury today (Thursday). Sheikh Hasina is likely to come back on October 6 and Sajeda Choudhury contacted the Chief Election Commissioner to know whether she could cast a postal ballot from London.

After talking to Opposition political leaders, it was clear that the ruling party did not talk to them about putting up a common candidate in the presidential election. All the Opposition leaders regretted the ruling party's policy of going alone in making major decisions.

Political observers strongly felt that BNP should have consulted the Opposition on this vital issue. Consultations should be the practice in nurturing democracy and avoiding any misunderstanding to strengthen the fragile democracy.

Justice Badrul Haider Chowdhury told this correspondent that Abdus Samad Azad and Tofael Ahmed contacted him Wednesday morning to seek his consent to open a dialogue with the ruling party to make him President. He gave the consent. But nothing emerged till noon and they proposed to him to become the presidential candidate.

Suranjit Sengupta said that Prime Minister Begum Khaleda Zia should open dialogue with the Opposition to arrive at a consensus on the presidential election. When asked whether he saw any possibility of consensus on this issue, he said, "if Prime Minister talks to MPs things may change."

Talking to this correspondent a Jamaat leader said that

Jatiya Sangsad and Awami League leader, Abdus Samad Azad, said here Wednesday that Justice Badrul Haider Chowdhury had been nominated for the election to the post of country's President as an "acceptable personality to all."

He was talking to newsmen at the Election Commission Bhaban immediately after filing the nomination paper in favour of Justice Chowdhury.

Replying to question Azad said: "We have nominated Justice Badrul Haider Chowdhury, a former Chief Justice on the basis of national consensus."

Asked when they took the decision to run in the presidential election, Azad said: "We have decided to nominate Justice Chowdhury to contest the election at the initiative of the Leader of the Opposition and Awami League chief Sheikh Hasina for consolidating the democracy. Justice Chowdhury is not an Awami League candidate. But he has been chosen for the post as he (Chowdhury) is acceptable to all."

Replying to a question, whether there is any chance of withdrawal of the candidature of Justice Chowdhury, Azad said: "Let us try to elect such a candidate like Justice Chowdhury as the president of the republic under parliamentary form of government. Justice Chowdhury is known to the nation for his courage, conviction and neutrality."

Replying to another question, the Deputy Leader of the Opposition said that they had held discussions with other parties regarding the nomination of Justice Chowdhury. "Of course we have talked with the other parties."

Replying to a question regarding the filing of nomination paper by Al-Haj Mokbul Hossain, who contested the recently held by-elections from Dhaka-9 seat of the Jatiya Sangsad, Azad said: "I don't know about Mokbul Hossain."

Badrul

From Page 1 Col. 7

the majority in Parliament and the government would be a political government. "But the polity should not be politicized," he added.

Justice Chowdhury said that the possibility of keeping this polity of national consensus should not be marred only because some party has got a majority.

Later he said that some of his friends including the Awami League leader Abdus Samad Azad approached him to be a presidential candidate. He said it was not an approach from the Awami League but from his friends that convinced him to contest the election.

When asked whether there was any scope of his getting elected as the voting in this election would be held through an open ballot, Justice Chowdhury said that it did not matter as the electorate in this election were public representatives.

When asked whether this was his entry into politics, Justice Badrul Haider Chowdhury said that he was never an Awami League and that he would not join the Awami League in future also.

When asked whether there was any possibility of his withdrawing his candidature, Justice Chowdhury said that he would stick to contesting the election till the last.

Replying to another question he concluded by saying, "My election to the post of President will keep the highest seat of the republic from being politicized at this nascent stage of democracy."

Former Chief Justice Badrul Haider Chowdhury after his retirement had said in an interview that he would not do politics but quoting Indian Congress leader Mahatma Gandhi he said that he did not receive any call from any quarter.

After that he had been approached by BNP leaders to join the party and contest in the Parliament elections. But Badrul Haider Chowdhury politely regretted the offer saying that he had obligations to his family, that asked him not to join any political forum.

However, prior to the Parliament elections when the BNP raised questions over the neutrality of Acting President Justice Shahabuddin Ahmed, Justice Badrul Haider Chowdhury had also echoed the voice of Begum Khaleda Zia and warned the Acting President at a gathering in National Press Club to remain alert about the allegation.

None could expect that Justice Badrul Haider Chowdhury would listen to the proposal of the Awami League leaders.

Deputy Leader of the Opposition Abdus Samad Azad, Awami League leaders Tofael Ahmed, Amir Hossain Amu and Ganatantri Party leader Suranjit Sengupta went to obtain the signature of Justice Badrul Haider Chowdhury on the nomination papers at around a quarter past one yesterday afternoon and he signed the nomination papers at around 1.30 pm, after the submission of nomination papers by Speaker Abdur Rahman Biswas.

During earlier parleys some of the BNP leaders also proposed to nominate Justice Chowdhury for President within the party forum. They also tried to convince the party leadership on this issue. But later the proposal did not get through in the party forum.

Earlier when asked whether he would contest the presidential election if the ruling BNP approached him he told this correspondent that he did not know whether the BNP would make any such approach.

Justice Badrul Haider Chowdhury was made Chief Justice of the Supreme Court and held the post for one month during the Ershad regime.

Justice Chowdhury earned the respect of the people for his historical verdict on the Eighth Amendment to the Constitution introduced by the Ershad regime.

When he was made chairman of an election system reform committee during the period of Ershad he gave an interview to the press saying, "The existing system is quite well but the problem is to hold a free and fair elections is not just the system but the intention."

## The Midnight File

### France claims restoring order in Zaire

PARIS, Sept 25: France said today its troops had restored order in Zaire's capital Kinshasa after two days of widespread riots and looting, and again warned President Mobutu Sese Seko to pursue democratic reforms. Defence Minister Pierre Joxe said the mission of 600 French troops rushed to Zaire on Tuesday was purely to protect and evacuate foreign residents, not to intervene in the country's internal politics, reports Reuter.

### Sunshine over Japan drops

TOKYO, Sept 25: The amount of sunshine over Japan has dropped by an average of seven per cent due to dust thrown high into the atmosphere by Mount Pinatubo, the meteorological agency said today. Tough careful monitoring of dust from the Philippine volcano is necessary, the drop in sunshine is unlikely to immediately affect farm production in Japan, the Agency said, reports AFP.

### C'wealth for phased relaxation of Sanctions on Pretoria

LONDON, Sept 25: International pressure on South Africa can not be fully relaxed until the majority black population obtains full voting and constitutional rights, Commonwealth Secretary-General Emeka Anyaoku said in his 1991 report. In his first report since taking office in July 1990, Anyaoku said the "real, if sometimes faltering steps" towards a non-racial and democratic South Africa, had led the Commonwealth Committee of Foreign Ministers on Southern Africa to agree a phased relaxation of sanctions as concrete objectives were met, reports AFP.

### Ganges, Brahmaputra flood more areas

## Diarrhoeal death toll rises to 509

By Staff Correspondent

Rain-swelled Brahmaputra and Ganges rivers again inundated some northern districts Wednesday amid alarming spread of diarrhoea and other water-borne diseases.

The Brahmaputra has swelled at all points and the Ganges at some points inundating vast areas of Bogra, Sirajganj, Gaibandha and Chilmari districts.

The flood forecasting centre warned that the Brahmaputra at Chilmari, Bahadurabad, Sirajganj, Aricha and Mymensingh and the Ganges at Goalunda and Bhagyakul may rise further. Surma, Kushira and Khowai rivers may experience flash flood which will inundate the low-lying areas in Sylhet, Sunamganj and Habiganj.

Buriganga at Dhaka may also rise by 1cm during 24 hours till Thursday morning. Officials Wednesday recorded the highest 24-hourly death of 42 and attack of another 2866 people by the diseases. Previous record of attacks were around two thousand in such a period. Wednesday's death toll raised the total number to 509 since September 1.

The situation aggravated mainly because of shortage of life saving drugs and water purifying tablets, said a doctor at the ICDDR,B. People take impure water and unwholesome food due to lack of drinking water and scarce relief supplies.

According to control room sources of the Directorate of Health, 1156 medical teams are working round-the-clock in the affected districts. Senior officials of the Directorate have already reached the areas for supervising and coordinating work of the field workers and doctors.

The sources said so far medicines worth over Taka two crore have been sent to the affected districts. The Ministry of Health and the

### Medicos threaten to boycott professional exam

By DMCH Correspondent

Student leaders of four medical colleges under the Dhaka University yesterday said that they had decided to boycott the third professional examination scheduled for September 29.

In a press conference at the Dhaka Medical College all the student leaders of the DMCH, Mymensingh Medical College, Sher-e-Bangla Medical College and Sir Salimullah Medical College said that they wanted the examination shifted to January 1992.

They said that the reason for their wanting the date to be shifted was that the Sher-e-Bangla Medical College was still closed and the Mymensingh Medical College and the Sir Salimullah Medical College had just been reopened after serious student clashes.

They further said that most of the students in those medical colleges had lost their books and notes in the clashes and their rooms ransacked by rivals had not yet been repaired.

The press conference was addressed by student leaders Momen and Moshir of the DMCH, Hadi and Mitu of MMC, Tariqul and Nazir of the Sher-e-Bangla Medical College and Zahir and Titu of the SSCH.

Directorate are monitoring the situation in the affected areas.

UNB adds : Some 500 houses were damaged as heavy downpour worsened flood situation in Bogra again inundating fresh areas.

With the rise of flood water at least 400 villages in 11 upazilas of the district have been inundated over the last two days. Kahaalu, the only upazila so far out of flooding, came under the flood onslaught.

The river Bangali was flowing 77 cm above danger level, while the Jamuna, the Karotoa and the Ichamati passing over the district recorded a sharp rise during the period.

The overall flood situation in Sirajganj deteriorated further due to heavy downpour since Tuesday noon.

About 4 inches of rainfall were recorded during the last 24 hours while the river Jamuna swelled by 18 centimetres during the same period.

The river was, however, flowing 53 centimetres below the red mark.

### Foodgrains

From Page 1 Col. 4

acres of land for 1991-92. Over 95 per cent of crops in 148 upazilas under 23 northern districts were affected by the floods, the sources said.

The floods in the northern areas will lead to unmet production target for aman crop in 1991-92. The country's overall production target under annual development programme (ADP) was earlier set at 205 lakh tons for 1991-92. This target included 25 lakh tons of aus, 98 lakh tons of aman, 70 lakh tons of boro and 12 lakh tons of wheat and other grains.

In addition to aman production shortfall in the wake of the floods in current fiscal year, an acute shortage of seeds is also feared. Besides, the experimental crop fields under Bangladesh Agricultural Research Council (BARC) have been badly hit. Seed cultivation beds have been washed away and some new experiments on seeds will have to be conducted now, the sources said.

The foodcrop production loss will widen the country's gross food deficit much beyond what was envisaged earlier. Food imports in first two and a half months (July to mid-September) of current fiscal year stood at 0.70 lakh tons against 3.37 lakh tons in the corresponding period last year.

The off-take from government stocks under the public food distribution system (PFDS) through various channels from the government stocks had so far been higher in current fiscal year than that of the last fiscal year. Between July and mid-September 1991, the off-take of foodgrains was about four lakh tons compared to about three lakh tons in the corresponding period last year.

Domestic procurement of IRR-Boro rice by the government totalled 1.67 lakh tons till early September this year against 1.47 lakh tons in the corresponding period last year. The overall foodstocks with the government totalled 8.43 lakh tons in mid-September, '91. Though about four lakh tons short of the level in the corresponding time last year, the stocks are considered "quite comfortable" to meet any exigencies during the "lean period" until mid-November.

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