

Ershad reiterates innocence in written statement

## Defence fails to produce witnesses

By Staff Correspondent

The Defence Counsel of deposed President Ershad Tuesday failed to produce the defence witnesses in the wealth amassing case and delayed the submission of Ershad's written statement under Section 342 by three hours.

Chief Defence Counsel Advocate Sirajul Haque submitted in the Court that the submission of the written statement was delayed due to unavoidable circumstances and an unforeseen incident. However, he sought to fix another date for hearing of the defence witnesses.

Judge Mohammad Ali Khan assembled the Court at around a quarter past one in the afternoon when the Defence Counsel told him that the person who went to type the statement had not turned up till then.

Judge Mohammad Ali Khan said that if the statement was not ready the defence could produce its witnesses. As no witness was present the Defence Counsel sought to fix another day.

At this stage Attorney General Aminul Haque quoting a relevant law told the Court that it was not necessary that Ershad's statement be read out as that could only be submitted in writing in the Court.

Attorney General Aminul Haque said that the prosecution was closed on September 24 and since then the defence was unnecessarily wasting time in making a statement under Section 342.

After hearing the Attorney General, Judge Mohammad Ali Khan fixed October 5 as the date for beginning the arguments in the case.

Defence Counsel Sirajul Haque then humbly submitted in the Court that the defence be allowed to produce at least a few witnesses and to fix a date for examining them.

Attorney General Aminul Haque however agreed with the defence saying that it could be given a day's time to examine the defence witnesses.

Judge Mohammad Ali Khan said that Tuesday was the due day for submission of the statement under Section 342 and the production of defence witnesses. He said that as per law defence witnesses were not necessary.

However he fixed October 5 for production of defence witnesses.

According to the Evidence Act the defence should also provide the addresses of the witnesses so that the Court can issue summons to them. But in this case the Defence Counsel have not yet provided the addresses of the witnesses.

However Judge Mohammad Ali Khan asked the defence lawyers to obtain summons for the defence witnesses from the Court immediately.

Earlier, on September 29, the defence named 10 Jatiya Party leaders including six Jatiya Party MPs as defence witnesses. They included Mizanur Rahman Chowdhury, Shah Moazzem Hossain and former minister Tajul Islam.

Meanwhile after the next hearing date was fixed, Ershad's written statement was brought to the Court by Defence Lawyer Yousuf Hussain Humsayun.

The Judge allowed Ershad to read out the five-page statement.

As a part of the statement was not relevant to the case, Judge Mohammad Ali Khan issued a stricture that all the irrelevant remarks would not be entered in the proceedings.

Ershad in his written statement reiterated his innocence as he did on September 29.

Giving an account of the money found in the Sena

### Coup quelled in Togo

LOME, Oct 1: Togo's military president Gnassingbe Eyadema quelled an army bid to oust a civilian transitional government today, ordering soldiers who seized state radio back to barracks. "I, general Gnassingbe Eyadema, President of the Republic and supreme chief of the armed forces, order all soldiers who took up arms this morning to lay them down immediately and return to barracks," Eyadema said in a radio statement. The soldiers, proclaiming their loyalty to Eyadema, earlier broadcast a message saying they had dissolved the high council of the republic a civilian transitional government formed at a pro-democracy conference reports Reuters.

Bhavan and the prices of the articles recovered from the Sena Bhavan and the Bangabhaban Ershad said that the total value of the articles and money amounted to Taka 2,94,86,765.

He said that if his total income during his services in different ranks, that amounted to Taka 73,21,527, was deducted the total amount from beyond his known sources of income stood at Taka 2,21,65,238.

Besides, an amount of taka 1,90,81,565 in cash found in the Sena Bhavan was the money for the Jatiya Party.

He said that an amount of Taka 1 crore 47 lakh was collected from the primary membership subscription of the JP while Taka 53 lakh was donated by the Vice-President, Ministers, State Ministers and District Council Chairmen. He said that the defence witnesses would prove this in the Court.

He also said that the Taka five lakh against a television antenna should not be imposed on him because it was a gift from the Crown Prince of Kuwait, and denied the ownership of two Toyota jeeps valued at Taka 15 lakh.

He said that the balance amount of Taka 10,83,674 was nothing but the inflationary rate accounted for on different articles. He also claimed that the construction costs for his houses in Rangpur and Gulshan were exaggerated.

Ershad said that investigation officer Mattur Rahman Sardar, Prosecution Witness No 48, had not asked him about the articles and the money during the investigation and that he also did not engage his brother-in-law as his representative.

He further said that it was not possible on the part of Mostafizur Rahman to identify his articles procured during 40 years of his family life.

General Ershad said that foreign donations and aid generally come as project aid, commodity aid, technical aid, balance of payment support and sectoral aid and are deposited in the Bangladesh Bank.

The External Resources Division, he said, is the sole authority to regulate foreign aid. He said that a commission set up by the Acting President regarding foreign purchases also failed to gather any evidence on transfer of money from the country. The Fairfax investigation team also failed to trace out any evidence of wealth transfer from Bangladesh, he added.

He said that the deposition of 48 prosecution witnesses showed that the government had failed to prove corruption charges against him.

He said that the case was filed against him just to malign his personal reputation.

Many of the prosecution witnesses who deposed in the Court were not experienced in determining the prices of different articles found in the Sena Bhavan and the Bangabhaban.

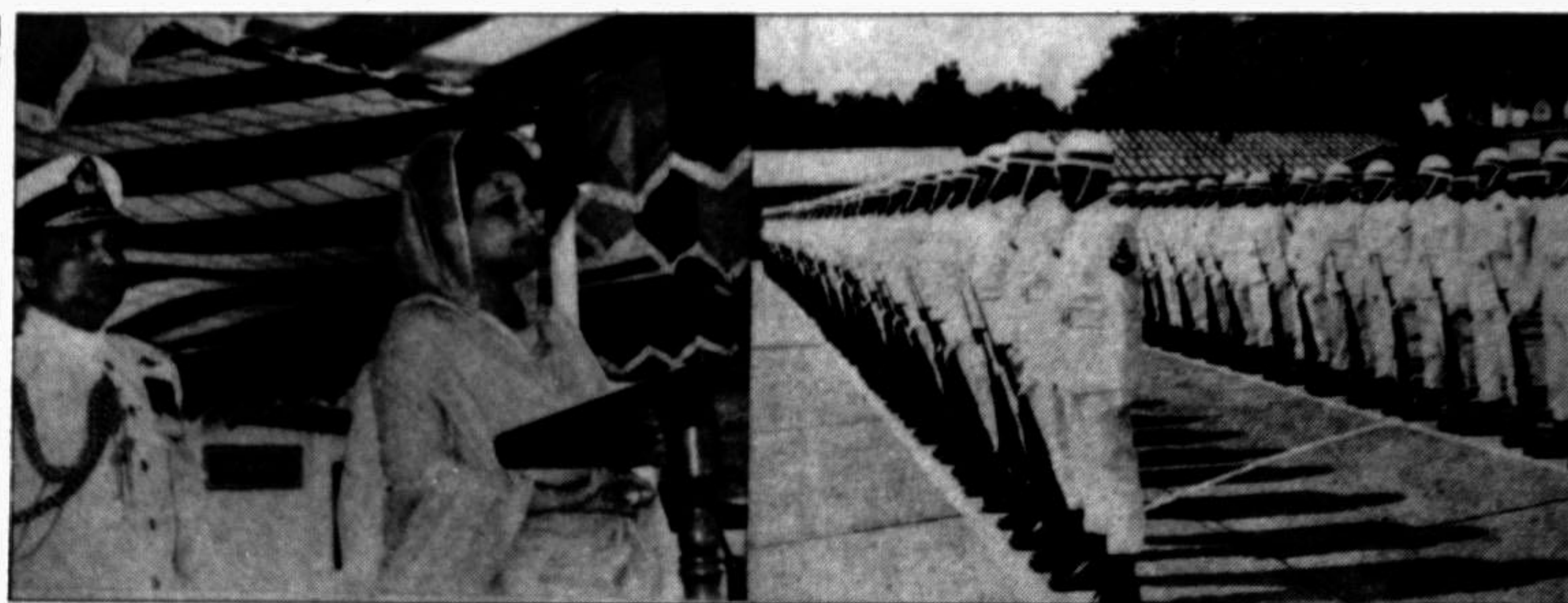
Ershad, in the last part of his statement also gave the background of his assumption to power in 1982. He said that Justice Sattar handed over power to him when he failed to control the corruption of the then administration and the law and order situation.

He said that he assumed power at the request of the then President to take responsibility of the broken economy of the country.

He also gave a vivid description of the achievements of his government during the last nine years. He also sought the blessings of the countrymen so that he could overcome all odds.

### Shootout at Dhaka College: BCL leader hurt

UNB adds: several activists of Awami League-backed Chhatra League, including its Dhaka College unit President, were injured during a clash between two rival groups of students at the College compound Tuesday morning. Abdul Awal Shamim, President of the Dhaka College unit of Bangladesh Chhatra League (A-A), received bullet injury in his hand. He was admitted to a private clinic. Witnesses said the clash occurred at about 11 am when the Chhatra League activists brought out a procession in the college compound protesting the alleged plot to kill Awami League leader Sheikh Hasina.



Prime Minister Begum Khaleda Zia addressing the officers and crew of Bangladesh Navy at the BNS Haji Mohsin Base at Dhaka Cantonment on Tuesday. Naval Chief Rear Admiral Mohaiminul Islam was present on the occasion. —PID photo

## BNP assesses reaction

From Page 1 Col. 6

Barrister Jamiruddin Sircar drafted the Ordinance in consultation with the Deputy Speaker Sheikh Razzak Ali and got it signed by the Acting President through the Prime Minister herself.

In the meeting the Education Minister was snubbed by the Information Minister for a non-political decision against his own party members.

Meanwhile a group of the BNP MPs unhappy about the Ordinance met to create pressure on the BNP high command to withdraw the Ordinance which they termed 'a black law' and against the fundamental rights of the representatives of the people.

LT Gen (Retd) Shawkat Ali, Col (Retd) Akbar and many other MPs unhappy over their exclusion from the cabinet but still stood for the BNP candidate on president election also expressed their utmost dissatisfaction over the promulgation of the Ordinance.

Meanwhile the constitutional experts of the BNP gave a suggestion to the party high command that the Ordinance should be withdrawn immediately otherwise it would accelerate nothing but the erosion in the popularity of the BNP.

Meanwhile, Jamaat-e-Islami, an ally of the BNP, was utterly frustrated over ruling party's behaviour regarding the presidential election.

Jamaat sources told The Daily Star that the Majlis-i-Shura met last night to decide the party's role in the presidential election.

Acting Ameer Abbas Ali Khan regretted that the BNP did not contact the Jamaat-e-Islami since the crisis over the presidential election. He, however, admitted that the ruling party took the Jamaat into confidence before the nomination of Abdur Rahman Biswas.

A detailed report would be drawn up and submitted next week to the United Nations Security Council, which was called for the elimination of Iraq's nuclear weapons potential.

## AL supporters, police clash

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any security measures for the Opposition leader even after the reported plot to assassinate her was unearthed.

They demanded immediate trial of the self-confessed killers of Bangabandhu Sheikh Mujibur Rahman.

After the situation calmed down following the clash, a group of city AL leaders were allowed to submit a memorandum at the Ministry of Foreign Affairs at about 2 pm.

The memorandum demanded adequate security measures for Hasina both at home and abroad. The memorandum also demanded that the self-confessed killers employed in the countries abroad be dismissed, brought back home and their passports impounded, including those of Faruk and Rashid of the Freedom Party, so that they cannot leave the country before the passage of the Indemnity (Repeal) Bill.

Later, the BCL also submitted a similar memorandum at the Foreign Office.

Our DU Correspondent adds: The BCL (S-A) activists while returning from the 'Shikha Bhaban' area pelted stones on several vehicles on the way and later set fire on a minibus in front of the Bangla Academy.

The driver of the minibus tried to drive off in that condition and was again caught by the students in front of the TSC. It was again set on fire and gutted completely.

Police present near the TSC obstructed the activists causing a series of chases and counter-chases.

Police fired several teargas shells and the students pelted stones in reply.

At this moment, according to witnesses, Golam Faruk Obhi and his associates came to the scene. Several shots were fired and some crackers were blasted during that time.

The chase and counter-chase, however, continued for about an hour.

BCL activists brought out several processions on the campus throughout the day and chanted slogans protesting police action on its procession towards the Ministry of Foreign Affairs.

AL leaders also criticised the government for not taking

A mid-level leader of the Jamaat told this correspondent that the party high command was under pressure to maintain a distance from both the ruling party and the opposition Awami League.

A Jamaat source indicated that if the BNP takes Jamaat into confidence over the presidential election the Majlis-i-Shura meeting may decide in favour of Abdur Rahman Biswas, the BNP candidate.

A BNP source told The Daily Star that the ruling party high command would discuss the latest situation with the Jamaat

## Iraq going ahead with N programme

MANAMA, Oct 1: Iraq is still trying to pursue a 'sophisticated' nuclear programme despite the UN crackdown on its arms of mass destruction, the head of a UN inspection team said here Monday on arrival from Baghdad, reports AFP.

"Some areas have continued to work after the end of the Gulf war," David Kay told reporters in Bahrain, after a mission in Iraq during which his team was detained for four days.

"The Iraqis are trying to keep the nuclear programme alive," said the American official who works for the International Atomic Energy Agency (IAEA).

He said 25,000 pages of documentation, 19 hours of videotape and 700 photographs that the UN team seized from a site in downtown Baghdad were already on their way to IAEA headquarters in Vienna.

A detailed report would be drawn up and submitted next week to the United Nations Security Council, which was called for the elimination of Iraq's nuclear weapons potential.

The inspectors, whose investigations were mandated by a UN Security Council resolution following the end of the Gulf war last February, have been using Bahrain as their regional headquarters.

leadership.

There were clear indications that the Jamaat would not vote for Badrul Haider Chowdhury. If the BNP fails to handle the situation properly Jamaat may opt for abstaining from voting to maintain its opposition stance.

Jatiya Party leader Moudud Ahmed did not categorically say whether his party would vote for B H Chowdhury.

He said that the Jatiya Party would decide only a day before the election depending on the latest situation.

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Kay said his mission was a success but that some nuclear facilities in Iraq had still not been located.

The seized documents which were at the centre of a showdown with Iraqi authorities, focus on the technical aspects of Iraq's nuclear programme for enriching uranium, he said.

Enriched uranium is a key element for the production of a nuclear bomb.

Kay said his team had confiscated copies of Iraqi transactions with foreign companies for the purchase of equipment needed to pursue a 'sophisticated' nuclear programme.

"We covered six sites. The original plan had eight sites. The basic aims of the mission have been fulfilled," Kay said earlier in Baghdad after the 10-day UN mission.

The inspectors, whose investigations were mandated by a UN Security Council resolution following the end of the Gulf war last February, have been using Bahrain as their regional headquarters.

## Navy

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to keep our maritime boundary safe and also for harnessing our marine resources.

Begum Zia said the floating Sunderban dock and the hospital for navy were set up at his initiative.

The Prime Minister said, "We want to build up our Navy as per requirement of the time." She said the process of modernisation of Bangladesh Navy would continue through procurement of materials and imparting training.

Begum Khaleda Zia said the members of Navy had always discharged their duties during the time of natural disasters by carrying out relief operations.

She said, "You were the first to stand beside the distressed people during the April cyclone."

The Prime Minister lauded their role during the Liberation War and said the nation would always remember them.

Begum Zia also recalled their services in curbing smuggling, keeping maritime zone safe for commercial vessels and protecting marine resources.

On her arrival at the BNS Haji Mohsin, the Prime Minister was received by the Chief of Naval Staff, Rear Admiral Mohaiminul Islam.

She was given a ceremonial guard of honour by a smartly turned-out contingent of the Navy. Begum Zia took salute.

Begum Zia was introduced to the senior officers there. Later the Prime Minister visited the Naval Headquarters at Banani. She was briefed on the Navy there.

Defence Secretary Anisur Rahman was also present on the occasion.

PSO to the Supreme Commander, Brigadier MSA Bhuiya, accompanied the Prime Minister.

## JCD activist

From Page 1 Col. 5

dent of the Bangabandhu Hall of Dhaka University and also the Assistant General Secretary of the hall students union.

Meanwhile, a cracker was thrown at the microbus of The Daily Star near the JN Hall when it was passing through the campus late Monday night. None was however injured.

## Writ petition

From Page 1 Col. 4

Haider Choudhury was holding a closed door meeting at his residence till the time of writing this report last night.

The Presidential Election (Amendment) Ordinance 1991 promulgated by Acting President Shahabuddin Ahmed on September 28 states that the election of President by members of the parliament will be treated as proceedings of the House and the provision of Article 70 of the Constitution against floor-crossing will be applicable.

The Election of President Act of 1991 provides for casting of votes by the MPs in open ballot.

Challenging the Ordinance and the Act, the petitioners in their writ petition said: "The Ordinance fraud upon the Constitution and the legislation is in negation of democracy. It is a device for terrorism. The voters, namely the members of the parliament will be dictated by the party bosses, not by their own consensus. It is the legislation of 'in terrorism' and hence fully mala fide and as such to be fully void."

The petitioners further stated that the Ordinance was total violation of secrecy and sanctity of ballot.

Other six petitioners of the writ are: Tofael Ahmed MP, Mohammad Nasim MP, Motia Chowdhury MP, Rahmat Ali MP of Awami League, Suranjit Sengupta MP of Ganatantri Party, and Abdul Hafiz MP of NAP.

Barrister Amirul Islam who appeared before the Acting Chief Justice on behalf of the petitioners told newsmen Tuesday afternoon that the main concern of the petitioners was not to delay the ensuing presidential election but to uphold the right of the parliament members which was under threat after promulgation of the Ordinance.

The Communist Party of Bangladesh (CPB) also termed

## The Midnight File

### US suspends aid to Haiti

WASHINGTON, Oct 1: The United States on Tuesday suspended all economic and military aid to Haiti in retaliation for the military coup that ousted President Jean-Bertrand Aristide, the State Department announced. Department spokeswoman Margaret Tutwiler strongly condemned the coup and called for the immediate restoration to power of the elected government, reports AP.

### Bildt proposed as next Swedish PM

STOCKHOLM, Oct 1: The Speaker of Parliament on Tuesday proposed conservative leader Carl Bildt as Prime Minister after he declared he will be able to form a four-party coalition government. The Riksdag, or parliament, was expected to vote Thursday on Speaker Inggerd Tredsson's proposal to have Bildt form a government, reports AP.

## Opposition

From Page 1 Col. 4

Ordinance filed by seven opposition MPs earlier on the day.

The meeting of the opposition MPs was attended, among others, by Jatiya Party leaders, Mizanur Rahman Chowdhury, Moudud Ahmed, Monirul Haque Chowdhury, Tajul Islam, Jamaat leaders Abdus Sobhan and Sheikh Ansar Ali, CPB leader Shamsuddoha, NAP leader Abdul Hafiz and Awami League leaders Amir Hossain Amu, Tofael Ahmed, Motia Chowdhury, Mohammad Nasim, Rahmat Ali and independent MP Nurul Islam Moni.

In a joint press briefing after the meeting, the opposition leaders demanded immediate repeal of the Ordinance, which they termed 'undemocratic and unconstitutional.'

Reading out a resolution of the meeting Chief Whip of the Opposition Mohammad Nasim said that the black Ordinance promulgated by the Acting President plunged the country into a deep political and constitutional crisis.

The opposition MPs termed the Ordinance as 'ultra-vires' and said that the Ordinance had curbed the fundamental rights of the people and their representatives. The resolution also stated that the Ordinance was 'quite detrimental' to the constitutional provisions of Article 65 to Article 92 (A) which relate to presidential election. The opposition MPs said that as per the relevant Articles, the president's election can never be a part of the parliament proceedings.

Clarifying the point Suranjit Sengupta later said that the Election Commission has called a meeting of the MPs in the parliament chamber for the purpose of election of the president on October 8 while the parliament session has been convened by the Acting President on October 12.

He said that the Ordinance was a "gross interference" in the activities of the Election Commission.

The resolution stated that the Election schedule was announced on September 21 and different candidates for the post of President started campaign as per set rules under the existing procedure.

But the promulgation of the Ordinance in the process of the elections is tantamount to violation of the Articles 7, 11, 27, 31, 39, 70, 72, and 78 of the Constitution. Moreover, after the summoning of the session of the parliament the President should not promulgate any Ordinance as per existing convention.

The resolution further added that the 'undemocratic' Ordinance not only threatened the presidential election but also the democratic process. "We deeply express our resentment at this undemocratic and unlawful Ordinance and demand immediate repeal of such a black law," it added.

Later, Ganatantri Party leader Suranjit Sengupta talking to the press said that the Ordinance was promulgated by the government to control its own Members of the Parliament.

He said that the opposition at this stage was striving to establish the constitutional rights by demanding withdrawal of the black Ordinance. He said that the Ordinance was promulgated just for curbing the rights of the MPs.

Meanwhile different Opposition political parties and also some professional and socio-cultural groups in separate statements expressed strong reactions and demanded repeal of the Ordinance.

Acting President of Awami League and Deputy Leader of the Opposition in the Parliament, Abdus Samad Azad said promulgation of the Ordinance was 'unconstitutional, undemocratic and contrary to fundamental rights.'

"It is illegal, curbs the rights of the people and their representatives and reflects the inner conflict and negative politics of BNP," he said.

It has proved as 'farce' the BNP's avowed utterances of establishing democracy and has created political crisis and instability for the nation, he said.

He demanded immediate repeal of the Ordinance.

The Communist Party of Bangladesh (CPB) also termed

the Ordinance as undemocratic and demanded its repeal.

It said the Ordinance was against the fundamental rights and made the election of President meaningless.

The Five-Party Alliance at a meeting with its convener Bimal Biswas in the chair said promulgation of the Ordinance was an 'autocratic' act by BNP which went against the spirit of the anti-autocratic movement. It was not expected that such an 'autocratic Ordinance' would befall the nation for the necessity of a party, it said.

Nirmal Sen, Acting First Secretary of Samik Krishak Samajbadi Dal said the Ordinance was contrary to the aspirations and pledges of the anti-autocratic movement. He said the people had fought for free election, but the Ordinance was promulgated to curb free polling.

National Republican Party also termed the Ordinance as a move to interfere in the fundamental rights of the Parliament members.

BSS adds: Two leaders of Bangladesh Muslim League (BML) expressed their deep concern at what they said the creation of a political confusion by a particular quarter on the plea of electing a President on the basis of a national consensus.

Mohammad Ayenuddin, a former MP and MA Salam, a former Secretary General of the party, in a joint statement said, active cooperation should be given to the elected government for electing a President who, in the greater interest of the nation, could work with the government with an open mind to give democracy an institutional shape.

The BML leaders appealed to all concerned to evaluate the issue from a national point of view to come to a decision.

UNB adds: Jatiya Party leader Moudud Ahmed said the Ordinance promulgated has violated the Constitution.

"Rights and obligations given by the Constitution can not be extended by a simple law," he told reporters at the Supreme Court premises this afternoon.

Terming the Ordinance as mala fide and contradictory, the Jatiya Party parliamentary group leader said it was made bypassing the constitutional provision.

It will be illegal to term voting by the MPs in electing the President as part of parliament's proceedings without summoning parliament into session.

Shamsul Haq Chowdhury, convener of the Coordination Council of the Bar Associations, demanded immediate abrogation of the Ordinance.

"Such Ordinance is flagrant violation of the right to franchise of the honourable members of parliament and constitutional provisions relating to rules of procedure of parliament," he said.

Chowdhury said by incorporating the presidential election in parliament's proceeding and controlling the voting rights of MPs, the Ordinance tried to interpret certain important provisions of the Constitution from partisan view point.

Chowdhury urged the people, political parties and professional groups to build united resistance forcing the government to withdraw the Ordinance.

Bangabandhu Parishad in a statement condemned promulgation of the Ordinance said the nation was stunned by it.

### DMC classes

From Page 1 Col. 5

Students Union however said the bombs were exploded by outsiders.

Tuesday's examinations however began on schedule at 10 am under police protection and was completed peacefully.

Prof Z Mowla, Principal of DMC announced at around 11 am that no lecture classes would be held till next Wednesday. He said it was also a protective measure for the peaceful holding of 3rd professional MBBS examination.

Earlier, a group of 4th year (old) students demanded the shifting of the date of the examination but the Principal declined.

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Published by the Editor on behalf of Mediaworld Ltd., 52 Motijheel C/A, Dhaka-1000 and printed by him at Offset Printing Dialogue Publications Ltd., 19 Kazi Nazrul Islam Avenue, Dhaka-1215. Editorial, News & Commercial offices: 28/1, Toyne Circular Road, Dhaka-1000. Tel: Editorial & News: 863036. Commercial: 863035. PABX-246023-4. Fax No: 88-02-863035. CPO Box No. 3257 GRAM: DAILY STAR, DHAKA.