

# War criminals

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any country where constitutional court was present.

Referring to the people's tribunal set up by Bertrand Russell in 1963 Rafiqe said that Russell had to go to the jail for forming the tribunal although he formed the tribunal in Rome and not in England.

Moreover, Rafiqe said, deliberations on the issue were now subjudice as the Appellate division of the Supreme Court had issued a Rule Nisi against the government as to why the detention order given to Gohar Azam would not be considered illegal.

Advocate Shudhansu Shekhar Halder of the AL taking the floor argued that Gohar Azam was unquestionably a foreigner and thus he had violated the Article 38 of the Constitution by being elected the chief of Jamaat-e-Islami Bangladesh.

In favour of his comment the AL MP said that Bangladesh government issued him a visa to enter the country on March 11, 1978 as a Pakistani national.

"Not only this, Shudhansu said, 'Gohar Azam did not submit the certificate expressing his allegiance to the sovereignty to Bangladesh even after he applied for the citizenship of the country.'

In favour of this argument, Shudhansu read out a letter issued by the Home Ministry to Gohar Azam on December 3, 1986 which had asked him (Gohar Azam) to submit the allegiance certificate.

Shudhansu in a bid to prove that Azam was a non citizen further referred to the text of the detention order of the government before the arrest of Gohar Azam on March 24 which read: 'You (Gohar Azam) are a registered foreigner'.

Then the AL MP proceeded to argue that Article 38 of the Constitution did not allow a foreigner to lead a political party of the country.

The Speaker at this stage, in a bid to interpret Article 38 of the Constitution, said that this article ensured the basic right of the citizens to form associations but did not clearly forbid foreigners to form association. He asked the AL MP to come out with other arguments that did not permit the foreigners to be involved in local politics.

Responding to the speakers call, Shudhansu Halder referred to the political parties regulations, PPRI 1978.

The PPR, Shudhansu said, forbids foreigners to be involved in local politics.

involved in local politics. Foreign aided party was also illegal under the PPR Shudhansu said adding the PPR was ratified in Parliament, along with a number of martial law ordinances, through the Fifth Amendment to the Constitution in 1979.

In a bid to refute Barrister Rafiqe's argument that Delhi Agreement did not allow Gohar Azam to be tried as war criminal, Shudhansu Halder claimed that the Delhi Agreement did not supersede the law of the country.

Suranjit Sengupta of Ganatantri Party viewed that the solution to the Gohar Azam issue lay in the political will of the government.

"It's more a political question than a legal one," the noted lawyer told the House being asked by the Speaker to deliberate on the legal aspects of the Gohar Azam issue.

'Say it specifically whether you want trial of Gohar Azam on five charges (he mentioned earlier in his speech), Sengupta asked the Treasury benchers, "We all will then extend our utmost cooperation."

Gohar Azam must be tried for unleashing genocide, rape and other anti-humanity crimes during Liberation, spreading anti-Bangladesh propaganda after the country's Liberation, illegally staying in the country for the last 14 years, indulging in national politics and violating the country's constitution by becoming the chief of the Jamaat-e-Islami party, the senior parliamentarian categorically said.

Referring to widespread public opinion favouring Azam's trial, Sengupta warned the government of the consequences of ignoring the people.

Gohar Azam must be tried on this soil for the five crimes. He remarked amidst cheers and thumpings.

Contradicting the Treasury benchers, Sengupta opined that the state should initiate Gohar Azam's trial since his offences were against the nation.

Saying that laws are made for the people, Sengupta demanded formation of special tribunal to try Gohar Azam and other war offenders.

Regarding to the accusations that the Awami League government failed to try the collaborators of the occupation Pakistani forces, he asked, what did the next government do on the trial issue?



Jahanara Imam and others leaving the CMM Court after being granted bail yesterday. — Star photo

## Trial body

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bail as per the directive of the High Court.

One of the persons accused Mostaq Hossain was not present in the court because of illness while Borhanuddin Khan Jahangir was granted bail on Monday by the same court.

Earlier a Division Bench of the High Court Division granted bail to the 24 persons against whom warrants of arrest were issued by the Chief Metropolitan Magistrate Court and directed them to surrender before Chief Additional or any Metropolitan Magistrate within three weeks and furnish bonds to the satisfaction of the Deputy Commissioner, Dhaka.

The 24 were charged with sedition and attempt to murder.

Dhaka Bar Association President Syed Mahbub Ali and General Secretary Khondoker Abdul Mannan signed the 25,000 taka bail bond for each of the accused.

Barrister Amirul Islam appeared on behalf of the accused and briefly described the case seeking bail and exemption of personal presence of the accused during hearings.

He was assisted by Advocate Mahbub Ali, Abdul Mannan, Mujibur Rahman, Bashir Ahmed, Abdul Rob and KM Rahman.

The hearing of the case begins in the court of the District Judge on April 27.

The persons who surrendered in the Magistrate Court included Jahanara Imam, Chairman of the People's Court, Advocate Gazul Haq, Dr Ahmed Sharif, Architect Mazharul Islam, Barrister Shafique Ahmed, Faiz Ahmed, Prof Kabir Chowdhury, Kalim Sharafi, Moulana Abdul Awal, Lt Col (Retd) Kazi Nuruzzaman, Lt Col (Retd) Abu Osman Chowdhury, Barrister Shawkat Ali Khan, Advocate ZI Panna, Advocate Umme Kulsum Rekha, Advocate Shamsuddin Babul, Advocate Nazrul Islam, Dr Anisuzzaman, Syed Shamsul Haq, Shariar Kabir, Yahia Mahmud, Ali Zaker and Abdul Mannan Chowdhury.

PM: Accountability

From Page 1 Col 7

opment and blooming of democracy could only be ensured with the improvement of law and order.

She called upon the new Assistant Police Super to serve the people with strict sense of discipline, responsibility and patriotism.

Earlier, the Prime Minister reviewed the parade held on the occasion and took the salute of the smartly turned out contingents of the trainee ASPs.

Begum Zia distributed awards among the three trainee ASPs for their outstanding performances during the training.

On her arrival the Prime Minister was received by Home Minister Abdul Matin Chowdhury.

Later, the Prime Minister distributed certificates among the 38 trainees who received training from the Academy this year.

Speaking on the occasion the Prime Minister reiterated that the job of the police force was mainly service oriented.

She said the success of the profession of police was inherent in the patriotism, honesty and dutifulness.

Obhi

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fag end of the anti-autocracy movement on the DU campus.

A lackey of Obhi said Wednesday he (Obhi) had stayed in Thailand during the last few months and returned recently.

Campus sources said this home-coming was heralded by Tuesday midnight's conflict between the activists of the Obhi group and the Gopalganj group of students resulting in today's violence.

His cronies allegedly attacked and stabbed three students at Salmullah Hall this noon.

The police official said they had taken precautionary measures sensing that the campus situation may deteriorate.

## Boy's body found in leather bag

By DMCH Correspondent

Police recovered the body of a 10 years old boy concealed in a bag at Gabeli Bus Terminal in the city Wednesday morning.

Mirpur police said that they recovered the body from the bag which was left at the ticket counter of Rajdhani Express at the bus terminal by one Shamsul Haque Tuesday evening.

The employees of the ticket counter told police that Shamsul Haque bought two tickets Tuesday evening and left the leather bag in their premises saying he would come to take it within half an hour, police informed.

When the employees smelt a stink from the bag they informed police Wednesday morning and later police recovered the body and sent it to the DMCH for autopsy, the body could not be identified till last night, said police.

Suicide

Two persons including a

Quake shakes country

NEW DELHI, Apr 15: A moderate earthquake shook parts of eastern India and Bangladesh Wednesday, the Seismology Department said, but no casualties or damage were reported, says AP.

A department spokesman said the earthquake measuring 5.4 on the Richter scale had its epicenter near the India-Myanmar border in the eastern state of Manipur.

The tremor, recorded at 7.02 am (0132 GMT), also was

felt in Bangladesh's capital Dhaka and southeastern cities of Chittagong, Sylhet and Sherpur. Dhaka is 375 kilometers (230 miles) west of the epicenter.

A magnitude 5 earthquake on the Richter scale can cause considerable damage. United News of India news agency quoted officials as saying no casualty or damage had been reported so far. Bangladesh authorities also issued similar reports.

at the Mandir for the peace and progress of the country.

Dhaka City Khelaghar, Bangladesh Buddhist Federation, Abbas Uddin Academy, Bangladesh National Museum and Kranti Cultural Group were among the scores of organisation which drew up programmes separately to mark the day.

Radio Bangladesh and Bangladesh Television also put up many entertaining programmes on the occasion.

Bangladesh Film Directors' Association presented musical programmes in front of Jatiya Press Club, Bangla Academy, TSC and other areas in the capital from a mobile stage erected on a truck.

The main function of the association was held at gate number one Ramna Park. Hasan Imam, Gohar Mostafa and Hannan recited poems at the function.

The UN Development Programme (UNDP) Staff Association in Bangladesh held a cultural function at its premises Tuesday. This was for the first time that the UN system in Bangladesh celebrated the Bangla new year.

Padma

From Page 1 Col 6

area and talked to teachers, students and villagers who gathered there on hearing about Begum Zia's arrival.

The Prime Minister assured them of looking into the problems of the area.

Reports says the flow of Padma dwindled to the lowest this season owing to withdrawal at the upper riparian which, coupled with a persisting dryspell, has thrown country's northern districts into a drought-like situation.

The sub-soil water level in northern and southwestern districts has subsided several feet, while rivers, canals, beels and ponds dried up, endangering standing crops and delaying cultivation of the next ones.

Officials of the Agricultural Directorate said cost of farm production had increased as the quantity of water required for irrigation nearly doubled because of the dry spell.

## BNP leader murdered in Jhenidah

JHENIDAH, Apr 15: A local leader of the ruling BNP was killed Tuesday night allegedly by members of the outlawed Purbha Banglar Communist Party, reports UNB.

Police said Abbas Ali (35), President of Madhuhati unit of BNP, was called out of his house in village Bazar Gopalpur by a group of about 15 people at midnight following Tuesday and struck by sharp weapons to death at a nearby field.

They suspected that he was killed following old political rivalry.

BNP's Sadar upazila unit said Abbas, who had been associated with the Biplobi Communist Party, joined BNP three years ago.

## China

From Page 1 Col 2  
that country so that dislodged Muslims can return home," the news agency said.

Asked to comment on the report, a Chinese Foreign Ministry spokesman said on Wednesday:

"We always hope that Myanmar and Bangladesh will through direct dialogue and conversation make a proper settlement of the issue that has arisen recently on the boundary of the two countries."

Ghali: Rohingyas

From Page 1 Col 4

the Arakan province of Myanmar to escape atrocities and persecution.

Another report says: The European Community and its member states urged Myanmar to cooperate with neighbouring countries and concerned agencies to resolve the refugee problems of Bangladesh and Thai borders.

They hoped the Myanmar authorities would cooperate with the neighbouring governments.

UN High Commissioner for Refugees and NGOs facilitating return of the Myanmar refugees on "appropriate assurances that their civil and human rights be respected," according to a press release issued here today.

They also urged the Myanmar government, on strictly humanitarian grounds, to refrain from further military and any other repressive action against minorities in Myanmar.

## Afghan base

From Page 1 Col 4

Jamiat-e-Islami and Hezb-e-Islami, two rival guerrilla groups each claiming control of the base and the Salang Highway, the crucial supply route between Kabul and the former Soviet Union.

Security forces wearing helmets and carrying extra ammunition patrolled the crowded streets of Kabul, a city of 1.5 million ringed by mountains.

The rebels' offensive generated rumors around the already nervous capital that Najibullah had gone into hiding. Key government leaders dismissed the suggestion and said loyal troops had been placed on high alert to try to calm fears the rebels were ready to storm the city.

## BCL feud

From Page 1 Col 8

Dhaka Medical College Hospital where police took both under custody for their alleged involvement in campus violence.

Shahadat, Literary Secretary of Zahurul Huq Hall Union was admitted to a private clinic with severe stabs.

Police said Shamim was a terror on the university campus and a wanted criminal.

This was the maiden violence on the campus after Eid vacation, and witnesses said it erupted Tuesday midnight as a result of rivalry between the Barisal and Gopalganj factions in the pro-Awami League student organisation.

During the incident, campus sources said, some activists were seen holding cut rifles and revolvers while others stabbing and cutting the veins of one leg each of Shamim and Haliz.

Chhatra League sources said the incident occurred over capturing a seat of the hall last night.

They further said two central leaders — Kamruzzaman Ansari and SM Kamal Hossain — went to the hall to resolve the feud, but failed.

And the atrocity started in presence of the two leaders, witnesses said.

Ansari and Kamal ran away from the spot fearing attack on them, too.

The activists of the Barisal group, known on the campus as the Obhi group, was blamed for the indiscriminate stab-bings.

Tension was prevailing in three halls — Zahurul Huq, Salmullah and Jagannath — known as strongholds of Chhatra League.

## The Midnight File

### Dhaka elected ESCAP confce Vice-Chairman

BEIJING, Apr 15: Minister for Planning Zahiruddin Khan, who is leading the Bangladesh delegation to the 48th session of ESCAP, has been elected Vice-Chairman of the conference. Chinese Foreign Minister Qian Qichen, has been elected Chairman. The election took place yesterday, following the inaugural of the session by Premier Li Peng, reports BSS.

### Winnie gives up ANC post

JOHANNESBURG, Apr 15: Winnie Mandela stepped down Wednesday as social welfare director of the African National Congress, saying she was acting in the best interest of the organization. There was no mention of her position on the ANC's governing body, the national executive, reports AP.

## Seen from the Gallery

From Page 1 Col 5  
Treasury and the Opposition benches were represented by two lawyers each.

Barrister Rafiqul Islam Mia and Barrister Jamiruddin Sircar represented the BNP while law practitioners Shudhansu Sekhar Halder and Suranjit Sengupta took part from the Opposition side.

They were asked to interpret the different aspects of the issue for the Speaker Shaikh Razaque Ali, who need the opinion of the legal practitioners in order to arrive at a decision on the issue. Like a judge of the higher courts the speaker intervened, asked questions and occasionally made it difficult for all of the four.

While the Barristers of the Treasury bench heaped various law books on their desks to support their arguments the lawyers of the Opposition bench depended more on the photocopies of relevant laws and ordinances they got readied for them.

Taking the floor, Rafiqul Islam Mia began with a quotation from Tagore saying 'Bangalees love to start something but fail to complete it.' Reciting a quotation usually turns out to be dramatic but Mia failed.

Tracing back the history of laws relating to trial of war criminals and those who acted against the independence of the country, he however, successfully could make his point that Gohar Azam should be tried according to the law of the land.

He also argued that the issue, being sub judice, should not be discussed in the House.

Quoting from Kaul, an authority on parliamentary practices, Mia justified that these

issues should be avoided on the floor of the House.

Shudhansu Sekhar Halder, taking part in the discussion, gave a detailed account of how Gohar Azam came to the country and read out from the correspondences he received from the government.

Before he could make the political justification from the trial of Gohar Azam, the Speaker asked him to explain the legal points under which Gohar Azam could be tried.

Terming Gohar Azam a Razakar, Sudangsu Sekhar, quoting from an ordinance said Razakars were part of the auxiliary force. But he avoided the repeated quarry from the Speaker whether this auxiliary force was put under the control of Pakistan army at that time.

Halder, resorting to the evasive practices of a lawyer, when tried to elude the speaker on the point it became clear to all those who were witnessing the gripping scene that the International Crimes Act of 1973 has a big hole.

Under the Act, a member of the auxiliary force can be tried if it was placed under the control of the army.

Halder took a long time to finish his deliberation which infuriated the Information Minister Barrister Nazmul Huda.

Raising a point of order Huda commented that the valuable time of the House was being spent on irrelevant points. But the Speaker took exception to the comment and replied: How do you say that?

Suranjit Sengupta, the lone member from the Ganatantri Party, when given the floor vacillated between the legal points on and the political justifications of the issue.

## Bangladesh Shilpa Bank

Head Office: Dhaka

Assets Disposal Department

### Sale Notice

Mortgaged Assets of M/s Banani Metal Limited

Chandra, Nabinagar, Kaliakoir, Gazipur

Jute and Textile spare parts mfg unit

Mortgaged land, building and machinery of M/s Banani Metal Limited, Gazipur will be sold by the Bangladesh Shilpa Bank (BSB) on cash payment and on "as-is-where-is basis" for realising BSB's arrear loan and dues of Tk 1,02,79,567 as on 31-12-91 plus additional interest and other expenses until realisation of this amount from the above company and its directors as per Article 34 of BSB Order, 1972 (P.O. No 129/72) read with BSB (Direct Sale of Mortgaged Property) Rules, 1980.

2. The following persons are the directors of the company:

(a) Mr Mostafa Gausal Haque  
(b) Mr Syed Nurul Islam  
(c) Mr Shahjahan Chowdhury  
(d) Mrs Nilmun Nahar  
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3. Schedule of Property: All that piece and parcel of land measuring 66 decimals bearing CS and SA plot No 798, 799 - RS plot No 1163, 1216, 1163/1633 under mouza Chandra, JL No 420 (New JL No 154), CS and SA Khatians No 210/245 and RS Khatian No 193, Kaliakoir Upazila, together with all super structure.

4. Tender Schedule containing the details of the assets and property (along with the list of machinery) may be obtained from the Assets Disposal Department, BSB, Head Office, Dhaka on cash payment of Tk 250/- (Taka two hundred fifty) only (Non-refundable).

5. Intending tenderers/buyers may drop their tenders/offers in sealed cover along with Earnest Money (refundable) 5% of the quoted value in Bank Draft/ Pay Order in favour of Bangladesh Shilpa Bank in the Tender Box kept at the BSB Head Office on 10-05-92 at 12.00 Noon.

6. On acceptance of offer, the successful bidders/ tenderers shall have to deposit 50% of the bid or tendered money within 7 (seven) days and the balance within 30 (thirty) days from the date of acceptance of tender. In case of failure in making payment of the bid amount within stipulated time, the Earnest Money or the tender money (as the case may be) shall be forfeited and the mortgaged property may be resold. The project assets will be handed over to the successful bidder (s) by the bank on fulfillment of the conditions.

7. Tenders will be opened on 10-5-92 at 12-30 PM at the Assets Disposal Department, BSB, Head Office in presence of the tenderers (if any). For further information, if any, the undersigned may be contacted. Bidders may purchase the above mentioned movable and immovable property in a lot or separately.

8. The BSB reserves the right to accept or reject any or all tenders/offers without showing any reason.

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