

BANGABANDHU MURDER CASE

Verbatim Text of Cross Examination of Seventh Prosecution Witness

Continued from yesterday
Abdur Razzak Khan, defence counsel for Hon Capt (Retd) Abul Wahab Joardar, continued his cross-examination of Lt Col (LPR) Abul Bashar on Tuesday.

Following are the excerpts from his cross-examination:
Q: You used to see the daily programme of President Bangabandhu and review those.

A: No.
Q: You were not aware of the programmes, particularly of the programmes of August 14 and 15.

A: Officially, I was not aware, but from newspapers I came to know that the President will go to Dhaka University to attend a programme on August 15 morning.

Q: Was that at 10 am.
A: I cannot remember the time.

Q: There were more than one maid at Bangabandhu's residence.

A: I don't know.
Q: You did not enquire about it even after the incident.

A: No.
Q: DSP Nurul Islam was in charge of police on that night.
A: I don't remember the name.

Q: You never had any talks with that DSP.
A: Probably not.

Q: You did not enquire about him on that day (August 15).
A: The situation was not favourable.

Q: Nalik Subedar Motaleb was in charge of arms, ammunition and the platoon at the camp on Road-31.
A: Yes.

Q: He (Motaleb) used to maintain the records and register.
A: Yes.

Q: Army chain of command did not take any action against you for August 15 incident.
A: No.

Q: Can you name some of your captain colleagues who were with you when you went back to your regiment in Comilla after the August 15 incident.
A: Capt Taib, Capt Atiqur Rahman, Capt Hai, Capt Anwar Farid. All of us, except the married officers, used to stay in officer's mess.

Q: Who as the MP from your area, Nalchati in Jhalakathi district till August 15, 1975.
A: A man was elected as an MP with Awami League ticket in 1973 parliamentary elections. He was later killed, but I don't remember whether he was killed before or after August 15.

Q: The statement you made in the court was based on your memory.
A: I have said what I knew and from my memory.

Q: You have said that you saw Abul Wahab Joardar at Bangabandhu's house wearing the rank and badge of a lieutenant—that is a blatant lie.
A: He was wearing the rank and badge of second lieutenant and I saw that.

Q: You have given a false

witness.

A: It is not true.
Cross-examination of Lt Col Abul Bashar by Abdur Razzak Khan, instead of Haji Nazrul, defence counsel for Lt Col (ret) Sultan Shariyar Rashid Khan:

Q: Chief Justice Mahmud Hossain administered the oath of the new cabinet on August 15.
A: I was not present at the oath-taking function.

Q: Did you read the news in the newspaper?
A: I don't remember.

Q: Former President Abu Sayed Chowdhury and Mohammadullah also became the ministers.
A: So far I remember Abu Sayed Chowdhury did not become a minister and I could not say about the other.

Q: Khandaker Mostaque Ahmed handed over the charge to the then Chief Justice Abu Sadat Md Sayem.
A: I don't remember.

Q: You did not arrange the burial of the dead bodies.
A: No.

Q: The distance between Ganobhaban and Road-32 was short. If any firing incident takes place at Road-32, can it be heard from Ganobhaban.
A: It can be.

Q: The headquarters of Rakshi Bahini was beside the lake behind the Ganobhaban.
A: That was in the east of Ganobhaban, but in a separate boundary which was intervened by the lake.

Q: The lake was on two to three acres.
A: Probably.

Q: When did you serve in the BDR.
A: In two tenures, first from November, 1975 to March, 1978.

Q: What was the strength in BDR headquarters.
A: I don't know.

Q: What was the strength of Rakshi Bahini.
A: I did not have any relation with the Rakshi Bahini.

Q: While giving statement, you wrongly mentioned Col Shahriyar's name and you gave a false witness.
A: It is not true.

Cross-examination of Lt Col Abul Bashar by Khan Saifur Rahman, defence counsel for Lt Col (ret) Syed Farooqur Rahman:
Q: Although you are in LPR, you are still subject to Army Act.
A: Yes.

Q: After joining the army you grow up the habit of reading all newspapers, magazines, weeklies, periodicals and journals.
A: My habit grew up before I joined the army and I regularly read newspapers and magazines.

Q: General Osmany was the Commander in Chief of Bangladesh Armed Forces during the War of Liberation.
A: Yes.

Q: When Osmany was the C-in-C, the eldest son of Banga-

bandhu Sheikh Kamal was his ADC.

A: I heard about it.
Q: The post of ADC for a general is a military post.
A: Yes.

Q: Commissioned officers in the defence services take oath of office.
A: Yes.

Q: Was there any irregularities in the routine works at Bangabandhu's house before the incident.
A: No.

Q: Batman provision was there at that time.
A: Yes, I also had, but he did not stay with me.

Q: Your batman knew where you were staying at the time of incident.
A: Yes.

Q: What was the name of your batman?
A: I did not have any fixed batman. Sometimes my driver worked as my batman.

Q: Name one who worked as your batman.
A: Mostafa, he used to work partially as batman.

Q: What was the job of a batman.
A: To keep officer's uniform tidy, brush the pips, shoe polish and such things.

Q: How many pairs of army boot and shoes you had?
A: Probably two pairs of boot and two pairs of shoes.

Q: From where Mostafa used to collect those, from your residence at "China Building" or from Ganobhaban?
A: Driver used to carry those and handed those to Mostafa at Ganobhaban.

Q: As per army law, batman can't stay with other families.
A: I am not sure of the law, but I did not keep Mostafa with me.

Q: From Mostafa we came to know that you used to stay at Ganobhaban.
A: It is not true.

Q: Bangabandhu's son Sheikh Jamal was an army officer.
A: Yes.

Q: He came to the house on leave on the day of incident.
A: I don't know.

Q: If any army personal stays out of the station, he is called a deserter.
A: It is not true.

Q: If remains unauthorised.
A: Many factors are considered to call an army personal a deserter. And court declares it after contacting the unit.

Q: If an army person commits a civil offence and is wanted by a court, will he be called a deserter.
A: If he remains in the unit, he will not be called a deserter. If the army confirms that he is not available in the unit only then he can be declared as an absentee.

At this stage, prosecution lawyers raised objection saying that it is not a question at all and in such case law of the land will prevail.
Q: Did you receive any order

on August 14 from army of changed timing of hoisting the flag.

A: I don't remember.
Q: Does the sentry from the battery remain present at the time of hoisting the flag.
A: Yes.

Q: Did all of your soldiers have separate beddings.
A: Yes.

Q: Your soldiers used to bring their beddings with them all the time while coming to the guard room to resume their duties.
A: I can't recollect it.

Q: Guard timing was to be fixed with even number of timing... like from 1600 hrs till 2000 hrs.
A: There was no such hard and fast rule. Military Secretary to the President used to fix the timing for shifting of guards.

Q: On August 14 and 15, the timing for shifting of guards was the same.
A: I don't remember.

Q: Time for shifting of guards was not fixed at havalider level.
A: Not officially.

Q: You were to go to Bangabandhu's house at 7:30 am on the day of incident.
A: I didn't have any fixed programme and normally I used to go there to check my guards.

Q: Was there any contemplation of going to Bangabandhu's house on August 14 and 15.
A: I was to go, but the time was not fixed.

Q: Was Bangabandhu's house within your duty station?
A: Yes.

Q: Was there any other station?
A: Ganobhaban and Bangabandhu's residence.

Q: No condolence message was sent either by Indira Gandhi government or any other Indian governments.
A: I don't know.

Quoting a recent report published in the daily Inqilab, the counsel said famous Indian writer Annada Sankar Roy wrote an article over the killing episode at that time, but that was not published and later Indian Premier Indira Gandhi in a letter asked him not to write anything about the issue.
A: I did not read it.

Q: How long Syed Farooq Rahman is known to you?
A: On August 2, 1975, I first saw him. On that day (August 2) Major Syed Farooque Rahman led his lancer squadron according to the guard of honour to Bangabandhu at Ganobhaban.

Q: Army security guards carry ammunition.
A: Where there are arms there is ammunition.

Q: Did any shell hit Bangabandhu's house on that day.
A: I heard that a shell was fired, but that hit a place at Mohammadpur.

Q: Were you an eyewitness.
A: I was not at the place of occurrence when the incident took place, but witnessed the af-

termath.

Q: Did you see any evidence of shell fired at Bangabandhu's house.
A: No.

Q: The shelling incident at Mohammadpur was a 'tell tell account'.
A: I am telling you hearing it from others.

Q: Why did you go to Mohammadpur?
A: I went to a filling station for fuel.

Q: Was that a filling station of military?
A: Martial Law was imposed and under that circumstances I took patrol on voucher.

Q: Did you go to Mohammadpur to verify the deaths caused by shelling.
A: No.

Q: Did you report to your higher authority about the situation on that day.
A: Verbally I reported to my CO, but not in writing.

Q: What kind of arms your guards used to carry?
A: Soldiers used to carry SLR and PFOs stenguns.

Q: I presumed from your statement after the incident that you were concerned about the valuables of Bangabandhu's house.
A: That was not my responsibility. And considering the situation, I did not do anything.

Q: Was it the collective responsibility of our battery?
A: I don't think so.

Q: Was the house sealed on that day.
A: No.

Q: After the incident, under whose responsibility was the house? Was it under police or army?
A: So far I remember it was the responsibility of police.

Q: Under whose responsibility was the house before the incident?
A: Security responsibility was with police and army was there to help the police.

Q: Did you share any responsibility?
A: Yes, but in the way of helping the police.

Q: Were you on duty from the beginning of the day of the incident.
A: My duty began since I rang up at Bangabhaban at 7:30 am.

Q: Were you on duty till you arrived at the place of occurrence at 12 noon.
A: Yes.

Q: Facing similar situation did the members of your battery flee away? The way you were on your duty at China Building, the other members of your battery were also on duty.
A: All were in their respective duty places.

Q: Under special situation you could not say where the members of your battery were.
A: I think, in that situation, the soldiers might have been misguided by some disgruntled army officers.

Q: The army, including you, were waiting for the event. And for that reason you were waiting at your house till 12 noon.
A: It is not true.

Q: You did not come out of the house till 12 noon and did not give any report in writing as you were involved in the incident.
A: It is not true.

Q: You knew that you along with other members of your battery would face court martial if you submit a report in writing narrating the facts.
A: Not true.

Cross-examination of Lt Col (LPR) Abul Bashar by advocate TM Akbar, defence counsel for accused Lt Col (LPR) Muhiuddin:
Q: You were at one field regiment in 1975. How many batteries were there at that regiment?
A: Four.

Q: Where all the batteries comprise of equal manpower?
A: Organisation of headquarters was different. The rest three were supposed to be comprised of equal manpower.

Q: In which battery were you?
A: Papa battery commonly known as Mujib battery.

Q: Was it the official name? Was it mentioned in official papers?
A: Yes.

Q: According to army act or rule, an officer of which rank was the commander of a battery?
A: A major ranking officer.

Q: Who was commander of Mujib or Papa battery?
A: I can't recall the name.

Perhaps he was Major Salzar Rahman. To the best of my knowledge he was in a training course at that time.

(Court: Where?)
A: In Jessore.

Q: In the absence of him?
A: The next senior.

(Court: Was he also a major ranking officer?)
A: No, he was a captain. The post was called battery captain.

Q: His name?
A: I can't remember the name.

Q: The security personnel, who were posted at Ganobhaban and Bangabandhu's house, were from which battery?
A: They were from Mujib battery.

Q: What happened to the 2nd in command of the battery?
A: To best of my knowledge he was on leave.

Q: How many NCOs and JCOs were there in a battery?
A: It depends on organisation and equipment.

Q: How many NCOs and JCOs were there in your Papa or Mujib battery?
A: I can't recall the exact numbers right now.

Q: Where will we get the number?
A: It may be gotten... but many things have been changed from 1975 to 1997.

Q: Where can we get the numbers?
A: At army headquarters if the papers were not destroyed. A destruction takes place after some days.

Q: After how long a destruction takes place?
A: Normally after three or five years.

Q: Does it depend on classification of the papers?
A: Yes. The papers on financial matters are destroyed after a long time.

Q: You took over the charge after coming from Comilla to Dhaka. Was the handing or taking over written?
A: It should be taken into account that there was no handing over of arms or ammunition. It was only handing over to duty.

(Court: Another troop was deployed before you).
Q: Was the duty handing over written?

A: As far as I can recall it was not written.
Q: When did you take over the duty? Was it in the morning, afternoon or evening?

(Prosecution lawyer Kamrul Islam told the court that the date was recorded. It was August 1 or 2, 1995).

Q: So far I can remember we came to Dhaka on July 27. My troop started their security duty from August 1.

Q: What was the time when you started the duty?
A: At 6 am on August 1, 1975.

Q: After watching some papers you told the IO that you received the charge from 1st Bengal Lancer on August 2.
A: To the best of my knowledge I said August 1.

Q: If you told him August 2 or not.
A: So far my knowledge goes I didn't tell him.

(At this stage, Bashar requested for repeating a question on duty allotment saying the defence lawyer had asked the question thrice in three ways. Judge Kazi Golam Rasul told Akbar to ask question in a simple way).

Q: Did you allot the duty after receiving charge from the 1st Bengal Lancer?
A: The duty allotment was made earlier and it was executed after receiving the duty charge.

Q: Your duty was from 7:30 am on August 15.
A: Yes.

Q: If you are alive and in service, you are bound to attend your workplace at just time. Whether car comes or not, it cannot not be an excuse.
A: The situation on that day was such that I could not go to office in just time.

Q: Can we call the house at road number 31 an army camp?
A: We can call it an army barrack.

Q: There was also separate security measures for that house.
A: Yes.

Q: From where food, fuel and other necessary materials were supplied for your sub-unit?
A: From Dhaka base supply depo.

Q: Did they reach those?
A: No.

Q: Did you bring the materi-

als?
A: No.

Q: Who?
A: An NCO.

Q: His name?
A: I can't recall his name.

Q: If he was not present?
A: Another NCO in absence of him.

(At this time, prosecution lawyer told Akbar to ask about shell of Cannon. With a laughter, Akbar asked Bashar that was it possible to push a shell of SLR in a cannon. All, including the Judge and witness, joined the laughter).

Q: Where the armymen, who discharged duties under you, in Dhaka on August 16?
A: All, excepting Lance Nayek Shamsu.

Q: This is not correct that you went to a petrol pump on August 16.
A: Your statement is not correct.

Q: Being asked by the prosecution, you gave a false statement to Hujur.
A: Your statement is not true.

Q: Was there any post of gun position officer (GPO) in artillery?
A: Yes. There is also a post of assistant GPO.

Q: What were their ranks?
A: The GPO was major ranking while the AGPO lieutenant or 2nd lieutenant.

Q: What is the function of a GPO?
A: All responsibilities of gun positioning. He, being asked by commander, directs the position of gun. He also conducts firing.

Q: Is it a must to inform higher authorities the situation in writing?
A: If the statement is asked for in writing.

Q: All statements in your deposition that you heard or knew are false.
A: Your comment is not true.

Q: You are an arranged witness of a concocted case.
(The suggestion, however, was not accepted and cross-examination by TM Akbar concluded. Judge Kazi Golam Rasul commented the name of Taheruddin Thakur did not come in his deposition when

his counsel Sharfuddin Mukul stood up for cross-examination).

Excerpts from cross-examination of Bashar by Sharfuddin Mukul, defence counsel for accused Taheruddin Thakur:

Q: Do you feel proud of a member of army?
A: Yes.

(Some prosecution lawyer said we also feel proud of a lawyer. One commented Mukul feels proud that he is lawyer of Taheruddin Thakur).

Q: You served the army under several army chiefs since 1975. Who are they?
A: General Shafiullah, General Ziaur Rahman, General Ershad, General Atiqur Rahman, General Nooruddin Khan, General Nasim and General Mahabubur Rahman.

Q: You are a lieutenant Colonel following the continuation of the service from where you were on August 14, 1975.
A: Yes. Yes, I am now on LPR as a Lieutenant colonel following the service where I joined in 1970.

Q: You didn't tell the IO of police that you went to Comilla on August 16 and returned on the same day.
A: I told him.

Q: You were not on security duty at Bangabandhu's house what you claimed.
A: Your statement is not correct.

Q: Prosecution have brought you from another unit of army and showed you were on security duty. You gave a false statement to be benefited in future.
(Prosecution side raised objection saying he is now on LPR and so how he will be benefited in future. Mukul, with a laughter, replied he might be an ambassador in future).

A: Not true.
With this, the cross-examination of Lt Col (LPR) Abul Bashar, the 7th prosecution witness in Bangabandhu murder case, concluded. Major (ret) Shahadat Hossain Khan will make his deposition when the court resumes at 10:30am on Wednesday.

Further verbatim texts of cross examination will be published as and when received.

Women's Right: UN Support



Ms Salma Khan, Chairperson of the UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) met the Secretary-General of the United Nations Mr Kofi A. Annan during the 17th session of CEDAW at his office in the UN Headquarters in New York to discuss global trends and obstacles to women's human right issue. During the session, the Committee considered the combined Third and Fourth Periodic Report of Bangladesh including reports from eight other UN member-countries. The Secretary-General expressed his satisfaction over the withdrawal of two reservations from the Convention by the Government of Bangladesh.

The Chairperson of CEDAW informed the Secretary-General about the major concerns and recent works of the CEDAW Committee including its emphasis on immediate withdrawal of reservations and the importance of the proposed celebration of the 50th anniversary of the Human Rights Declaration in 1988 which will give new impetus to women's human right. Ms. Khan requested the Secretary-General for greater support from the UN in programme activities of developing countries to reflect universality of women's human right and sustained effort to prevent their violation.

Keeping the Child at Focal Point

by Farida Chowdhury

A three-day convention on "Focus the Child" was held recently at the newly-opened Science City in Salt Lake, Calcutta. It was attended by 350 delegates from all over India and a few overseas delegates. The delegates were school teachers, educationists, educational administrators both government and private, psychologists and paediatricians.

As the name implies, primary education of children was the focal point of the convention. The key objectives were to create general awareness, narrow down and identify key imperatives to bring about change and evolve practical methods for effective implementation of schemes and generate momentum for action. Keeping the child at the focal point, the convention made a threadbare discussion on the present situation vis-a-vis the problem of primary education and what it should be.

A number of important papers were presented by well-known specialists. These included the child, the teachers, methods of teaching, curriculum and strategy—which encapsulated the totality of the prevailing problem and its overall impact on the child and on the future quality of our citizens.

Extensive group discussions followed by comments from the

delegates. The last session framed some recommendations highlighting the need to:

a) reduce pressure of textbooks at the primary level, b) introduce more modern child-friendly methods such as the Environment Studies Method.

c) abolition of formal examination and grading at the primary level and introduction of continuous assessment by the teachers, and

d) training of teachers in modern methods of teaching.

The convention also felt a strong need to educate public in general—and policy makers in particular—regarding the importance of the modern methods and supporting to make changes in primary education.

The convention also included three workshops on Environmental Studies in the Learning Process, Instant Reading and Active Science and Mathematics. An exhibition of modern resource materials from India and abroad was also held along with the convention.

The convention and exhibition were organised by the New Wave Display Services and supported by the Teachers' Centre, Calcutta with contributions from the British Council Division, Calcutta.

The writer is a teacher at Chittagong Grammar School, Chittagong.

Tom and Jerry



Metropolitan

Weather

Heavy fall likely