

BANGABANDHU MURDER CASE

Verbatim Text of Cross Examination of Ninth Prosecution Witness

Continued from yesterday
Following are the excerpts from cross-examination of Lt Col (ret) M A Hamid by Khan Saifur Rahman, defence counsel for Lt Col (ret) Syed Farooq Rahman:

Q: Army officers stay at their official residence.
A: Yes. But they can stay outside taking permission from competent authority.
Q: Batman will stay at his officer's residence.

A: Batman is attached to an officer. Taking permission from his officer a batman can stay outside.

Q: Considering the incident (August 15, 1975) as historic, you wrote a book.

A: Yes. I wrote the book on the incident.

Q: In your consideration, the incident of 15 August was a mutiny.

A: In my consideration, it was not a mutiny and I have given an explanation about it in my book. Two units of army had committed it.

Q: In the preface of your book, you wrote "Fortunately, I had the opportunity to watch three historic mutinies from very close." Didn't you write it?

A: Yes, I wrote it. But I have an explanation about it.

Q: You wrote about three mutinies and the August 15 incident was included in it.

A: The witness brought out a book from his bag and pointing at page-19 said that he had given an explanation about it.

Court at this stage wanted to know whether he mentioned about the 15 August incident in his book.

A: I wrote about five mutinies. The August 15 incident was also written, but I did not think that it was a mutiny.

The defence lawyer then told the court that the witness is giving deposition with the book in his hand.

Q: I got the opportunity to write on the mutinies that took place on 15 August, 3 November and 7 November as I could closely watch the historic mutinies being the Dhaka Station Commander at that time.

A: In the third edition of my book, the comment was slightly changed. There was a wrong information in the second edition of the book. The above mentioned paragraph was not in the second edition.

Q: How long did you serve as station commander?

A: From 24.9.74 to 11.11.75.

Q: You were not present among the senior army officers when Major Shahadat Hossain (PW-8) was sent to Bangabandhu's residence along with two other senior officers.

A: No.

Q: Did you have consent to sending them there.

A: No. I did not have any knowledge about it.

Q: Lt Col Matir Rahman, Commanding officer of Major Shahadat's regiment, is still alive and is residing in Dhaka.

A: Yes, he is now a Major General.

Q: In such a situation, visiting the place of occurrence and the system of reporting on it are tantamount to court of enquiry.

A: Not necessarily. But if higher authorities think that a crime has been committed then there can be a court of enquiry.

Q: You had to collect information while writing the book.

A: Yes.

Q: While collecting the information were you in service?

A: No.

Q: In collecting information how many officers did you interview. How many of them are still in service?

A: I don't remember whether I had taken interview of any officer while they were in service.

Q: Whether the chain of command of army was broken or not when the incident (August 15) took place.

A: Chain of command was broken in two units, in Artillery and 1st Bengal Lancer.

Q: The partial breaking of chain of command could be termed as mutiny or insubordination.

A: It was neither a mutiny nor an insubordination.

Q: Army killed Col Jamil and Lt Sheikh Jamal while they were in service.

A: I did not see who killed them. But those who killed them were in uniform and in service.

Q: Was there any court of enquiry for the killing of those two army officers.

A: I don't know.

Q: A sepoy was also killed.

A: I heard about it.

Q: As per Army Act, was it fixed which section of army was personally or collectively liable?

A: I don't know.

Q: Did you think that a crime was committed after you reached the place of occurrence at 3 pm on August 15.

A: Yes. Killings took place.

Q: Was there any other crime committed there besides the killings?

A: Yes. Looting.

Q: Did you bring into consideration that crimes were committed under the Army Act.

A: Yes.

Q: Couldn't you bring mutiny or insubordination in your consideration.

A: Killings and looting took place and chain of command of two units were broken, and those fell under Army Act.

Q: As a commander you informed your higher authority of the incident as part of your duty.

A: The superior authority was earlier informed of the killings, so there was no necessity of informing them about the killings.

Q: In your investigation, did you find it that Bangabandhu's sons Sheikh Kamal and Sheikh Jamal fired on the killers or the attackers resulting in the death of a soldier?

A: I was not there at that time.

Major Huda and Major Pasha told me about that and quoting them I wrote it in my book. It was not my observation, it was rather statement of those two officers.

Q: It is also written that the attackers had a plan to take Bangabandhu to Dhaka Cantonment forcibly or by arresting him from his house.

A: I mentioned the statement of Col Farooq and Col Rashid.

Q: You had inspected all the bodies after you went to the place of occurrence at 3 pm.

A: Yes. The bodies of Bangabandhu, his family members and Col Jamil and a police officer.

Q: Did you find the house under guard.

A: Major Huda, Major Pasha and few jawans of Artillery and Armour were guarding the house. There was no proper guard.

Q: It could not be said that the house was not under guard.

A: Yes.

Q: Could you say how many army officers had visited the place of occurrence?

A: No.

Q: Under which establishment was the helicopter that carried the body of Bangabandhu to Tungipara.

A: Under the Air Force.

Q: Who was the military authority to avail the helicopter to carry the body of Bangabandhu to Tungipara?

A: Air Force Chief, AK Khandaker.

Q: The decision to take Bangabandhu's body to Tungipara by helicopter was taken by the military high command.

A: It was not clear as to who took the decision. Probably, it was a decision of military or a political decision.

Q: You don't know who was the authority that took decision about the disposal of the dead bodies.

A: The decision was taken at the highest level at Bangabandhu.

Q: Did you see any abandoned arms in the house of occurrence.

A: No.

Q: The inventory of goods was made when you were the station commander.

A: I heard about it. The inventory was made three months after the incident.

Q: During your investigation, you found that 30 to 40 guards from Rakshi Bahini were in the house of occurrence.

A: I mentioned the statement of Col Farooq and Col Rashid.

Q: You had supervised the burial.

A: Col Rab supervised the burial.

Q: Was Major Shahadat an officer in Col Rab's regiment.

A: I don't know.

Q: There is no limit of version of this incident as there was no witness of the incident.

A: It is not true.

Q: You could not take any step as you yourself was puzzled over different versions and opinions about the incident.

A: Your statement is not true.

After the lunch break

Q: You have written yourself that there were so many heavy weapons — 20 to 25 Chinese rifles, stenguns, machineguns, grenades and even an anti-aircraft machinegun — at that house.

A: Not at that house. Major Pasha showed me the weapons near the lake. I told him that the weapons were not from that house. There were police guards at the house. Probably, the weapons belonged to the police force and those had been seized.

(Prosecution lawyers requested to allow the witness to see his book as Khan Saifur was asking question from the book.

Saifur sought protection from the court. Advocate Ramjan Ali Khan said if you can ask question seeing the book then why he cannot reply seeing it.)

Q: The explanation was given in the third edition of your book.

Judge Golam Rasul asked the witness whether he borrowed the information from any other source. Hamid said it was a printing mistake.

Q: The book was based on your collected information and also you put your own comments.

A: It was a printing mistake.

Q: There was a difference between the third edition and the first and second editions.

A: There is no difference, there are some additions.

Q: Where the undressing and dressing of the dead bodies took place before those were buried.

A: Col Rab supervised the burial.

Q: Was Major Shahadat an officer in Col Rab's regiment.

A: I don't know.

Q: There is no limit of version of this incident as there was no witness of the incident.

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Q: The explanation was given in the third edition of your book.

A: Yes.

Prosecution lawyers at this stage said that Rakshi Bahini portion was mentioned in the book under the sub-heading of "Different comments about the killings." They claimed that it was not the comment of the author.

Court at this stage asked the witness if he mentioned that he took this information from any other books or sources. Hamid said he took versions of many people and read the book "Legacy of Blood" written by Mascarnas.

Q: You have written the book based on information.

A: Yes.

Prosecution lawyers at this stage said that Rakshi Bahini portion was mentioned in the book under the sub-heading of "Different comments about the killings." They claimed that it was not the comment of the author.

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