

BANGABANDHU MURDER CASE

Verbatim Text of Cross Examination of Eleventh Prosecution Witness

Continued from Friday
Cross-examination of the 11th prosecution witness in Bangabandhu murder case, LD (ret'd) Bashir Ahmed concluded at Dhaka District and Sessions Judge Court on September 2.

Advocate Khan Saifur Rahman, defence counsel for accused Lt Col (dismissed) Syed Farooqur Rahman, completed his Wednesday's incomplete cross-examination. Following are the excerpts:

Q: Are the majors and the captains in army provided with jeeps for their movement?
A: Yes.
Q: Is a tank moved by a driver?
A: Yes.
Q: Was ALD Siraj a member of your squadron in the headquarters?
A: Yes.
Q: Were all members of the HQSA, who took part in the night parade, issued G-3 rifles?
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A: No, in separate places.
Q: You didn't know the truck was from which unit and who was the CO of the unit?
A: I didn't know.
Q: Did your unit have any truck?
A: Yes, there were two or three trucks.
Q: How many trucks were there for the night exercise?
A: I can't say the exact number.

Q: Was there any night exercise of Infantry on that night?
A: I don't know.
Q: The artillery personnel were deployed at Bangabandhu's house for security.
A: I heard.
Q: They fled after you reached there.
A: I didn't see anyone fleeing.
Q: Did the nayeek was with you when you got in the truck?
A: Yes.
Q: Was there any night exercise of Artillery on that night?
A: Yes, we all were called out for the night exercise.

Q: There is no relation between the chain of commands of Lancer and Artillery.
A: Yes.
Q: Both the heads of the two chain of commands were under the Army Chief of Staff.
A: Yes.
Q: Major General Shafiqullah was the Army Chief of Staff at that time.
A: Yes.
Q: You couldn't ask your superior officers as to why the Artillery personnel at the vehicle of Lancer because such question is not allowed in the Army.
A: I didn't ask the question.

Q: Because, a question from a junior to a senior in the Army is not allowed.
A: A junior can ask his senior a question to realise something or for further explanation.
Q: But such a question is not allowed.
A: I had no scope to ask such a question.

Q: You had been asked not to allow anyone to come out or enter the house of Bangabandhu when you were on duty there. Did you carry out the order properly or ask the seniors for explanation?
A: I didn't want explanation.
Q: No question is allowed over such order.
A: Yes.
Q: Then it's the provision in the Army to carry out orders from the seniors. Otherwise, a court-martial will take place.
A: Yes.

Q: In the Army one can ask question another when he is of the same rank. None can ask the seniors.
A: In the Army one will not give order to anyone who holds the same rank. In this case, he has to mention the name of any superior and then can say he (the superior) has asked you to do it.
Q: Then, no question is allowed to order the seniors.
A: Yes.
Q: Why didn't you ask to return cantonment even after 8

am?
A: We were bound to stay there until further order.
Q: Where you at the north side of the house?
A: I was at the south side.
Q: Was there no guard at the back side of the house?
A: I don't know.
Q: Would you know that there were Armour soldiers at road number 31?
A: I didn't know it.
Q: After the incident, civilians were assembling on the south side of the lake. You were asked to disperse them. What time was it?
A: Approximately 5:30 am.
Q: Were you not carrying any watch?
A: No, I did not.

Q: How far was the south bank of the lake?
A: 50 to 60 yards from the north bank.
Q: What was the distance between east and west banks?
A: It was so long, I can't say exactly.
Q: Was it under your range?
A: Not all the points.
Q: It will be north-south what you mentioned as east-west.
A: Not true.
Q: Armour personnel were guarding the house till 5 pm after the incident on August 15.
A: Guards of that house as well as from outside were on security of the house.
Q: Lancer personnel came after the incident.
A: They were present during the incident and also came after the incident.

Q: Would you know the timetable of night exercise?
A: We were not given any schedule.
Q: Was there Dafadar Major Mosaddek with you?
A: He was not with me.
Q: I am mentioning some names. Please, tell us whether they were with you or not: Nayek Risaldar Nurul Islam, Risaldar Sayeed, Risaldar Abdul Rahman, Nayek Risaldar Saleh, Risaldar Haq, Nayek Risaldar Momin, RDM Arshad Ali, SMD Abdul Hye or Bashir, SMD Joyal Abedin, Dafadar Abdul Kalam, Dafadar Gaffar, Dafadar Nurul Islam, Md Nurul Haq, LD Khorsheed Alam, LD Tajul Islam, LD Sirajul Haq, ALD Tajuddin, ALD Mainul Islam, ALD Golam Kader and ALD Joyal Abedin.
A: None of them was with me.

Q: According to the chain of command, which is the immediate senior post to LD (Lance Dafadar).
A: Dafadar.
Q: You, intentionally, did not mention some names as per the chain of command of your unit.
A: This is not true.
Q: Had you been withdrawn from the house of occurrence at a time or by turns?
A: By turns.
Q: What was the total number of Lancer members who returned?
A: We returned in a group of

four or five. I don't know the exact number of Lancer who returned.
Q: Did the trucks come by turns for withdrawal?
A: I didn't see any truck when we returned to the cantonment. We returned in a blue car.
Q: Had you been withdrawn first?
A: I don't know.
Q: Who had selected you to return by the blue car?
A: I can't say it.
Q: Was there any roll call for returning by the blue car?
A: No.
Q: Can you mentioned the names of passengers of the blue car?
A: Risaldar Sarwar, Dafadar Abul Kalam, I myself LD Bashir and others were from the Armour.

Q: Did the car go to the Armour directly?
A: The car straight went to the quarters guard.
Q: Who had driven the car?
A: Risaldar Sarwar.
Q: Was it a private car or military vehicle?
A: It was a private.
Q: What did you do after coming to the quarters guard?
A: Sarwar saheb asked us to deposit our respective arms and ammunition.
Q: Did you deposit the arms falling in line?
A: I was alone when I deposited my arms and ammunition.

Q: And during receiving the arms?
A: Then we were in line.
Q: And you were the senior most among them.
A: No, I was not the senior most at the armoury while receiving the arms and ammunition. My CO Major Mohiuddin was also present there. He took a G-3 rifle.
Q: Did you sign when you received and returned arms and ammunition?
A: It's the provision that the receiver will sign when he will receive arms and ammunition. But during deposition, the NCO of the armoury will sign.
Q: You didn't return any ammunition.
A: I returned all ammunition what I had taken from the armoury.

Q: All, who went with you, could not return all of your ammunition.
A: I returned my ammunition. I don't know about others.
Q: Was there any court of enquiry of court-martial on the incident?
A: I don't know.
Q: You didn't meet Mohiuddin on the night. You had no scope to ask him anything.
A: This is not true.
Q: Did you see Captain Bashir, Lt Col Hamid and Captain Shahadat Hossain Khan at the house of occurrence after the incident?
A: I saw many army officers. But I didn't know them whom you mentioned.
Q: Were you afraid of court-martial after the incident?
A: I was not afraid of court-

martial after the incident?
A: I was not afraid of court-martial as I went there only under the command of my senior officers. But I was panicked and afraid of the incident.
Q: After the incident, did you ask Md Nurul Haq whether he received less ammunition that he distributed on that night?
A: No, I didn't ask him.
Q: All the incidents took place since August 14 night were under the order of the Chief of Army Staff, Major General Shafiqullah.
A: I don't know it.
Q: There was no court-martial as all the incidents took place under the supreme command of the Army.
A: This is not true.
Q: A Sepoy Revolution took place after the August 15 incident. Were you in job at that time?
A: I retired on September 15, 1975.

Q: Didn't you hear that the sepoy killed many officers?
A: I didn't hear such news.
Q: The August 15 incident was caused by JCOs, NCOs and rankers of the Army.
A: This is not true.
Q: Would you know accused Farooq Rahman since the Pakistan regime or after you were repatriated to Bangladesh?
A: I know him since Pakistan regime.
Q: You might be an accused in this case. For this you, being taught by the police, have given statement to the magistrate even after the chargesheet was submitted. Being a killer, you have given false statement to the court.
A: Your statement is not true.

Examination by advocate Abdur Razzaq Khan, defence counsel for accused Lt Col (ret'd) Abdul Wahab Joardar:
Q: Eighteen trucks of the Artillery came out from the Cantonment on August 15.
A: I don't know the exact number.
Q: You didn't count the trucks. There was one more truck.
A: I don't know. I had been informed only about my truck.
Q: Do you know anyone named Subedar Major Sayeed?
A: No.
Q: Can you say who were deployed at the house at road number 32 when you were deployed there?
A: No.
Q: Had you been given any promotion since your repatriation to retirement?
A: No.
Q: You are able to identify the rank badges of a subedar and a subedar major.
A: Yes.
Q: You didn't tell the investigation officer that there was a subedar major of Artillery at the house at road number 32.
A: I told him.
Q: Did you tell him that he would be subedar or subedar major of the Artillery?
A: Yes.
Q: What did you tell the IO — a subedar came out or a subedar major?
A: I told him a subedar or a subedar major.
Q: Quoting the officers present there, you told IO that they asked a subedar to confirm whether all were finished or not.
A: I didn't say subedar. I said subedar or a subedar major.
Q: So, you could not confirm whether he as a subedar or a subedar major.
A: Yes.

Examination by advocate Abdur Razzaq Khan, defence counsel for accused Lt Col (ret'd) Sultan Shariyar Rashid Khan:
Q: Did you go to the night parade for the first time on that day or you attended such parade earlier?
A: Many times earlier.
Q: Normally, when the night parade comes out?
(Judge: did any night parade came out earlier that you attended?)
A: All the night parades in which I took part in Bangladesh Army were limited within the respective units.
Q: Normally, a night parade starts at 8 pm and ends at dawn.
A: Yes.
Q: The ending means back to the Cantonment.
A: Yes.
Q: What was your position in the night parade on August 15?

witness mentioned. He described about him and told the court that Major Mohiuddin was from Lancer, not Artillery. Following are the excerpts:
Q: How many JCOs and NCOs were in the ration store with you?
A: There were two NCOs, including me, and a JCO.
Q: Who was your officer?
A: Capt Delwar Hossain.
Q: Who was his Commanding Officer?
A: He was under the command of Major Mahiuddin.
Q: Was the parade order written or verbal?
A: It was verbal.
Q: Was there any roll call in parade?
A: No.
Q: Did all the four squadrons take part in the night parade?
A: No.
Q: Did all the four squadrons take part in the night parade?
A: I can't say.
Q: Was there anyone else other than you, who was exempted from the parade?
A: Armoury NCO, Signal NCO, training NCO and few others like were exempted from taking part in the parade.
Q: What was the name of your Squadron?
A: Headquarters Squadron.
Q: How long was your ration duty on August 14?
A: From 7 am till 2 pm.
Q: Where did you go after your duty?
A: Straight to the barrack.
Q: How long you stayed in your barrack?
A: Almost all the time, except coming out twice after 4 pm and 8 pm for some works.
Q: Did you go out for ration job?
A: Yes.
Q: How many times you went to your ration duty places from the barrack?
A: I went to the ration store at 8 pm and to the Quarter Master's office after 4 pm.
Q: With whom you submitted the accounts of ration shop on that day?
A: I had no connection with accounts.
Q: What was your job then?
A: To verify the receipts and supply the ration materials.
Q: You had your lunch and bathing at the barrack in between 2 pm and 4 pm on August 14.
A: Yes.
Q: Why did you go to the store at 8 pm?
A: I went in front of the store at the order of my Havildar Major to attend the parade fall-in.
Q: There was no documentary evidence of the order of the Havildar Major.
A: No written order was

given.
Q: Did you need to wear uniform while on duty at the ration shop?
A: Yes.
Q: When did you arrive at Bangabandhu's residence?
A: We arrived at Road-32 at about 4:30 to 4:45 am.
Q: You were deployed for duty on the road.
A: Yes.
Q: Your duty was not to allow people from passing the road and shoot, if they did not comply.
A: Yes.
Q: Col Jamil was shot dead on a road.
A: Yes.
Q: He was shot by your arms.
A: No.
Q: In which direction is the lake on the southern side of Road-32?
A: East-West.
Q: Had you seen in your own eyes the gathering of some civilians on the southern side of the lake?
A: Yes.
Q: How many civilians were there?
A: They were about 100 to 150.
Q: Were the civilians from that locality?
A: Probably.
Q: Did you tell the IO about the gathering of the civilians?
A: Yes.
Q: Were you performing your duty sitting in one place on that day till the sunrise?
A: I was walking around.
Q: You saw the civilians from the south side of the lake.
A: From the northern side.
Q: How far was the gate of Bangabandhu's house from that place?
A: About 20 to 25 yards.
Q: You were not on duty at the ration store on August 15.
A: No.
Q: Who was your next man in the store?
A: None.
Q: Had you seen Shafiqullah at Bangabandhu's residence on August 15?
A: No.
Q: Shafait Jamil?
A: I don't think so.
Q: Brig Khaled Mosharraf?
A: No.
Q: You were involved in the incident took place at Bangabandhu's residence.
A: Not true.

Advocate Sharfuiddin Mukul, defence counsel for accused former minister Taheruddin Thakur declined to question Bashir as he didn't name his client.
Dafadar (ret'd) Siraj made his deposition when the court resumed at 10 am on Tuesday.
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Q: How far was the gate of Bangabandhu's house from that place?
A: About 20 to 25 yards.
Q: You were not on duty at the ration store on August 15.
A: No.
Q: Who was your next man in the store?
A: None.
Q: Had you seen Shafiqullah at Bangabandhu's residence on August 15?
A: No.
Q: Shafait Jamil?
A: I don't think so.
Q: Brig Khaled Mosharraf?
A: No.
Q: You were involved in the incident took place at Bangabandhu's residence.
A: Not true.

Advocate Sharfuiddin Mukul, defence counsel for accused former minister Taheruddin Thakur declined to question Bashir as he didn't name his client.
Dafadar (ret'd) Siraj made his deposition when the court resumed at 10 am on Tuesday.
Q: There was no documentary evidence of the order of the Havildar Major.
A: No written order was

given.
Q: Did you need to wear uniform while on duty at the ration shop?
A: Yes.
Q: When did you arrive at Bangabandhu's residence?
A: We arrived at Road-32 at about 4:30 to 4:45 am.
Q: You were deployed for duty on the road.
A: Yes.
Q: Your duty was not to allow people from passing the road and shoot, if they did not comply.
A: Yes.
Q: Col Jamil was shot dead on a road.
A: Yes.
Q: He was shot by your arms.
A: No.
Q: In which direction is the lake on the southern side of Road-32?
A: East-West.
Q: Had you seen in your own eyes the gathering of some civilians on the southern side of the lake?
A: Yes.
Q: How many civilians were there?
A: They were about 100 to 150.
Q: Were the civilians from that locality?
A: Probably.
Q: Did you tell the IO about the gathering of the civilians?
A: Yes.
Q: Were you performing your duty sitting in one place on that day till the sunrise?
A: I was walking around.
Q: You saw the civilians from the south side of the lake.
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