

# Convicts term it 'politically

**FROM PAGE 1**  
in the presence of arrested and bailed accused.

In an instant reaction, relatives and lawyers of the convicts rejected the judgement terming it an injustice. They said they would challenge the verdict in the higher court.

Relatives, friends and supporters of the acquitted, who were waiting impatiently outside the court building, shouted in joy and chanted slogans to welcome the verdict.

"I've got justice lastly," said a jovial KM Obaidur Rahman. "I was falsely implicated in the case and sent to jail for damaging my political image. But they are defeated now."

"I was put into jail for three years but now I am free. I will file case against all the people responsible for it," the ruling BNP lawmakers vowed.

He said he would talk to his counsels soon to decide on filing a case against former prime minister Sheikh Hasina, former home minister Mohammad Nasim and investigation officer in the case Abdul Kahar Akand.

Nurul Islam Manzoor, another acquitted of the case, said, "The truth always prevails and I am

happy that the truth has won finally in this case."

"I would be happier if all were acquitted."

Expressing his gratitude to almighty Allah for his acquittal, former minister Shah Moazzem said, "I am happy to get justice." "I had to suffer in jail for four long years as I fell victim to political vengeance," he said.

Major (ret'd) Khairuzzaman also heaved a sigh of relief at his acquittal and said, "I was in the jail for five years without justice...."By the grace of God I am free now."

Taheruddin Thakur claimed he had fallen a victim to political vengeance. "The case has ruined my family and damaged my social life."

While the acquitted blamed politics for their implication in the case, Lt Col Syed Faruk Rahman who was awarded life imprisonment in the case said, "It has nothing to do with law and justice, it's merely a political issue."

As the judge passed the verdict, Lt Col Sultan Shahriar Rashid Khan shouted in protest, "How can I be awarded life imprisonment while others are freed for the statements of the same witnesses?"

"I have been awarded punishment although the charge against

me could not be proved," he said in disappointment. "This is an injustice," he shouted from the prison van as he was being taken back to jail.

"Political leaders are acquitted, but army men are found guilty," Shahriar's wife Masu Ara Khana said inside the courtroom at the top of her voice. "It is political leaders who took the decision of the killings and the army personnel are victimised," she alleged.

"Those who fought for independence are punished and those who passed time in hotels in Kolkata during the Liberation War are freed," said Shahriar's brother-in-law Babul.

Sohel Mallick, lawyer of Shahriar, said, "The verdict is full of contradictions." He said the judgement proves that invisible hands were at play.

Bazul Huda, another convict, avoided making any comment on the verdict but said, "I've been made a third-class prisoner, I have nothing to say."

"This is a mockery of justice," Lizi Pasha, wife of Aziz Pasha and sister of Huda, told The Daily Star rejecting the judgement. "We know won't get justice in Bangladesh."

Abdul Majid Munshi, counsel of Obaidur, Moazzem and Manzoor, expressed dissatisfaction at the investigation. "All the accused should have been acquitted as the conspiracy could not be proved."

Public Prosecutor Abdullah Mahmood Hassan said the verdict could be tougher had not the investigation officer neglect to perform his duty.

Asked whether the state would appeal against the verdict, he said, "Whom to appeal?"

## Kumari

**FROM PAGE 12**  
Kumari puja is held on Mahasthami or sometimes on Mahanabami. This year Kumari Puja is being celebrated on Mahasthami.

Devotees will join Kumari Puja at Ramakrishna Mission Temple at 4:00pm today.

Meanwhile, Minister for Local Government, Rural Development and Cooperatives Abdul Mannan Bhuiyan, Dhaka City Mayor Sadeque Hossain Khoka, State Minister for Home Affairs Lutfozzaman Babar yesterday visited Dhakeswari National Temple, Jagannath Hall puja mandap and Ramna Kali Madir and exchanged greetings with Hindu devotees.

Indian High Commissioner in Dhaka Veena Sikri visited Jagannath Hall puja mandap on Tuesday.

## Verdict fully

**FROM PAGE 12**  
Rahman) innocent, it is natural that he would be acquitted," the law minister told the BBC.

Regarding charge of public prosecutors (PP) Moudud said after assuming power the BNP- led government did not change the PP and proceeded the case with the PPs appointed during Awami League (AL) rule.

"After the death of special PP Sirajul Haque, other junior PPs were given termination naturally," the law minister added.

The government appointed PPs for the jail killing case as per suggestion of the deputy leader of opposition, Moudud said, adding that these PPs resigned at the last stage of the trial process.

He also alleged that AL was trying to reap political benefit through rejecting the verdict.

"The government always wanted the real criminals to be punished and everybody should accept the verdict," the law minister added.

"The government will scrutinise whether there is any weakness in the verdict and will decide regarding appeal after review," Moudud said.

## AL decides

**FROM PAGE 1**

huge pressure from its lawmakers for returning to parliament. "The MPs criticised party policymakers' position on keeping the AL away from parliament. They asked the meeting to decide whether they should join JS or resign from it," said a senior AL leader.

"We have decided to join parliament to protest against misdeeds of the government," AL General Secretary Abdul Jalil told reporters after the meeting.

The oust-government agitation on the street apart, the AL lawmakers were rally in the House against spiralling prices of essentials, deteriorating law and order, grenade attacks on leader of the opposition and 'government manoeuvred verdict' in the Jail Killing Case.

The AL deputies will also raise their voice against 'corruption' and 'misdeeds' of the BNP-Jamaat-led coalition government through participating in the session, Jalil said.

The main opposition walked out of the House on September 14 on the Speaker's refusal to discuss the August 21 grenade attack on the AL rally postponing House businesses. The AL then boycotted rest of the session days.

On Tuesday, the AL lawmakers joined for the first time the parliamentary standing committee meetings on different ministries after about a year of their formation.

# 3 to die, 12 awarded

**FROM PAGE 1**

jam-packed courtroom amid beefed up security, Judge Mohammad Motiur Rahman came down heavily on the investigation officer (IO), saying all the killers could not be punished due to the "farical investigation."

The verdict came about 29 years after the brutal assassination of four national leaders, who led the government in exile of Bangladesh during the Liberation War.

The infamous Indemnity Ordinance blocked the investigation and trial of the killings for about 21 years until the law was scrapped during 1996-2001 Awami League regime. The trial was delayed for repeated interventions by governments and judicial tangles.

The verdict was deferred twice last month.

Syed Nazrul Islam, acting president of Bangladesh government in exile, Tajuddin Ahmed, prime minister, M Mansur Ali, finance minister, and AHM Qamaruzzaman, minister of home affairs, relief and rehabilitation, were killed inside Dhaka Central Jail on November 3, 1975.

The killing seen as a desperate bid of power usurpers came 79 days after the assassination of Bangabandhu Sheikh Mujibur Rahman and most of his family on August 15, 1975.

Three of the 12 awarded life term in jail -- Lt Col (dismissed) Syed Faruk Rahman, Lt Col (ret'd) Sultan Shahriar Rashid Khan and Maj (ret'd) Bazul Huda -- were sentenced to death in Bangabandhu Sheikh Mujibur Rahman murder case. They are in Dhaka Central Jail now.

Relatives, friends and supporters of the five acquitted chanted slogans outside the court building to welcome the judgement while those of the punished burst into protest and said they would challenge the verdict.

Shahriar and his family members shouted inside the courtroom in an instant outburst of protest after pronouncement of the verdict, terming it an injustice while Faruk said, "It is nothing to do with law and justice, it's merely a political issue."

The prosecution, however, was silent about the judgement. Public Prosecutor Abdullah Mahmood Hassan was prompt to blame the IO, Abdul Kahar Akand, and said the verdict might be stronger had he (IO) done his work properly.

**CONVICTION**

The court convicted and ordered to hang Resalder (ret'd) Muslemuddin, Dafadar (dismissed) Marfat Ali Shah and Dafadar (dismissed) Abdul Hashem Miridha, all on the run, until death as the charge against them "was proved beyond doubt."

They were also awarded life imprisonment and fined Tk 10,000 each. In default, they will have to serve another six-month rigorous imprisonment.

The three can appeal against the verdict in seven days.

Those who were awarded life imprisonment are Lt Col (dismissed) Syed Faruk Rahman, Lt Col (ret'd) Sultan Shahriar Rashid Khan, Maj (ret'd) Bazul Huda, Lt Col (dismissed) Khondaker Abdul Rashid, Lt Col (relieved) Sharif Haq Dalim, Lt Col (ret'd) SHMB Noor Chowdhury, Maj (Ret'd) AKM Mohiuddin Ahmed, Lt Col (ret'd) AM Rashed Chowdhury, Major (relieved) Ahmed Shariful Hossain, Capt (ret'd) Abdul Majed, Captain (relieved) Kismet Hasem, Captain (relieved) Nazmul Hossain for abetting the murderers.

As Faruk Rahman, Shahriar Rashid and Bazul Huda are in jail, their imprisonment in this case will be counted from the day they have been serving in jail.

The jail term of 12 absconding convicts will begin from the day of their arrest or surrender.

Taheruddin, Shah Moazzem, Obaidur and Manzoor, state ministers of the government of Khondaker Mushataque Ahmed during the jail killing, and Khairuzzaman were acquitted as their involvement in the conspiracy of the assassinations could not be proved. Khairuzzaman, who was an army major during the assassination, later joined foreign ministry.

**BEEFED-UP SECURITY**

Over 2,500 undercover and uniformed members of the police, Armed Police Battalion (APBn) and paramilitary Bangladesh Rifles (BDR) guarded the court building, high-rises in the court area, Chawkbazar, Bakshibazar and Chankharpool crossings and roads in and out of Dhaka Central Jail where the Metropolitan Sessions Judge's Court was set up.

The security men allowed the vehicles of only the accused and their relatives, law enforcers and journalists and let other people go into the court area after metal detector checks. They also closed all shops close to the court. An archway metal detector was set up at the main entrance of the court.

**ARRIVAL OF ACCUSED**

Whistles filled the area and security personnel lined up from the main entrance of Dhaka Central Jail to the court entrance as a police prison-van carrying Faruk, Shahriar and Huda came out of jail gate at 9:25am.

They had chats inside the courtroom with their relatives and had foods.

Taheruddin Thakur along with his wife appeared in a CNG-run three-wheeler at 9:41am, followed by ailing Shah Moazzem in a land cruiser jeep. Nurul Islam Manzoor came at 10:04am in a black jeep and Khairuzzaman five minutes later in a white microbus.

Obaidur Rahman did not appear until 10:30am when the verdict was scheduled to begin. In the meantime the judge had come and the defence and prosecution sides, journalists, accused and their relatives were waiting for delivery of the judgement.

Accompanied by his daughter, Obaidur arrived at 10:38am, 20 minutes after the judge had sat in his chamber.

As the accused arrived with their relatives, the security men rushed to escort them to the courtroom.

Former president Khondakar Mushataque Ahmed who is accused of masterminding the assassinations and former secretary Mahbubul Alam Chashi were dropped from the charge-sheet, as they died during the investigation. Charge-sheeted accused Major (ret'd) Aziz Pasha died last year.

Eleven convicts in the Bangabandhu Murder Case were among the 21 acquitted.

**DELIVERY OF VERDICT**

Judge Motiur Rahman who took seat in the courtroom at 10:50am read out the FIR (first information report) prior to beginning the delivery of judgement.

At the beginning, he pointed out the faults of the IO in investigating the case saying, "He (IO) blackened the image of the police administration."

The IO did not investigate many important aspects, failed to prove many things including the conspiracy behind the assassinations and presented faulty documents, said the judge.

He (IO) violated the Code of Criminal Procedure during deposition of some witnesses, did not submit the original copy of the FIR and any map of Bangabhaban where the conspiracy was alleged to have taken place.

"The IO did not mention the place where Shah Moazzem, Obaidur and Manzoor had allegedly been engaged in a conspiracy for the killings and he also suppressed the information of the three leaders' participation in the Liberation War," the judges said.

The judge said it could not be proved that Moazzem, Obaidur, Manzoor and Taheruddin were involved in the conspiracy (of the assassinations).

Although Taheruddin made a confessional statement implicating Shah Moazzem, Obaidur and Manzoor, there was no corroboration of witnesses in support of it, the judge observed.

The IO did not made it clear what crime Khairuzzaman had committed by performing his duty as in-charge of tanks at Bangabhaban during the jail killing, he said.

"He did not investigate into the activities of the accused at the Bangabhaban."

"Although he was a government officer, the IO was a supporter of a political party," he said, adding the IO acted on his whims during the investigation.

The judge said it was proved that Faruk, Rashid and Shahriar, who were in Bangabhaban during the incident, kept contact with Dhaka Central Jail over phone and assisted the main killers.

"The jail guards did not try to prevent the killers, rather assisted them," the judge said, adding the IO did not produce them to trial and kept them away for a mysterious reason.

Some witnesses did not give any clear statement against any of the accused, he said. The witness no 11 gave false statement against Obaidur, Shah Moazzem and Manzoor.

"The prosecution has failed to prove beyond doubt the conspiracy in Bangabhaban that had led to the gruesome killings in jail," said the judge.

**BACKGROUND**

In the first information report (FIR) filed with Lalbagh Police Station on November 4, 1975, Kazi Abdul Awal, deputy inspector general (prisons), accused Captain Moslemuddin and four army officers of the November 3 killings.

The Indemnity Ordinance blocked the investigation and trial for about 21 years until officers of the Criminal Investigation Department (CID) opened a probe on August 18, 1996 following scrapping of the black law during the Awami League regime.

Investigation Officer Abdul Kahar Akand, assistant superintendent of CID, arrested Syed Faruk Rahman, Sultan Shahriar Rashid and Khairuzzaman on September 9, 1996.

The IO also arrested Moazzem, Obaidur and Manzoor on September 29, 1996. Taheruddin, shown as an arrestee in the case on November 3, 1996, gave a confessional statement.

The court framed charges against Obaidur and 20 others on October 12, 2000 and began its trial on April 12, 2001.

The trial was complete in 282 workdays with the deposition of the complainant Kazi Abdul Awal. Sixty four of 75 witnesses gave their statement in the court.

Six judges who sat the case are Golam Rasul, Sheikh Rezwana Ali, AK Roy, Ahmed Jamil Mostafa, Molla Mostafa Kamal and Motiur Rahman.

Scheduled to be pronounced on September 7, the verdict was deferred due to illness of the judge until September 21. But it was deferred again as the court held hearing of two fresh petitions submitted for Taheruddin and granted one that asked for deposition of key witness and second investigation officer Saifuddin Ahmed eight days later.

But 84-year-old Saifuddin could not appear in the court on September 29 due to severe illness. A three-member commission formed to check whether he is fit for deposition submitted its report on October 9, saying Saifuddin is unfit for deposition. Accepting the report, the court dropped Saifuddin's name and set a date for judgement.

## Long-drawn

**FROM PAGE 12**

confirmed by the High Court.

The other convicted can appeal against the judgment in 30 days.

A fugitive convict can appeal to the High Court only after his surrender to the court.

The High Court will hear the death reference and appeal (if filed) simultaneously.

It may need more than a year to prepare the paper book of the case comprising the judgment and all other documents pertaining to the case.

Then it will be forwarded for hearing. But it still may need more time to be enlisted, as there is already a backlog of death references in the death reference bench of the High Court.

The bench is now hearing cases that had already waited for several years to be heard.

Earlier in 1998, a Dhaka court passed the judgment in Bangabandhu Murder Case and the hearing on the death reference was completed in April 2001. In that case, a special bench was comprised to hear the death reference. But the leave to appeal against the confirmation of the judgment is pending because of shortage of judges.

The four national leaders were assassinated inside Dhaka Central Jail on November 3, 1975. The Criminal Investigation Department (CID) was tasked with the investigation on November 21, 1975.

But the investigation had been stalled for years and was reopened on August 18, 1996. On October 15, 1998, charges were pressed against 21 people.

## Indo-Pak

**FROM PAGE 12**

Talks on trade issues are set for December 9-10, also in the Indian capital. A confidence building measures meeting in the sphere of conventional sources will be held in Islamabad on December 15-16.

Pakistani and Indian officials will meet on December 14-15 in the southern port city of Karachi for a joint survey of boundary markers in the marshy stretch called Sir Creek off the western Indian state of Gujarat.

Khan said Pakistan has proposed a meeting of foreign secretaries of the two countries in the third or last week of December to wrap up the second phase of the dialogue process.

Kashmi, the cause of two of three wars between the two countries, will be discussed between the two foreign secretaries along with Peace and Security, he said.

Pakistan hope that the step-by-step dialogue process will lead to a resolution of Kashmir dispute in line with the aspiration of Kashmiri people.

## Some killers

**FROM PAGE 1**

papers and documents from the army headquarters," he said.

Information on all the people directly involved in the killings could not be found due to the severe flaws in his investigation, the judge added.

Abdul Kahar Akand was the fourth IO of the case who started his investigation into the case in 1996 and submitted the charge sheet in 1998.

"There was severe weakness in the investigation," Public Prosecutor Abdullah Mahmood Hassan told journalists, adding, "The IO did not mention the supplementary charge sheet during his deposition."

The verdict might be tougher had the IO not acted on his whims, he commented.

Meanwhile, BNP lawmaker KM Obaidur Rahman told journalists after his acquittal that he would soon file a defamation case against the IO.

"I'm going to discuss it with my attorney," he said, adding, "I suffered three years in jail for nothing. My name was intentionally added into the charge sheet in 1998."

## It was an attack

**FROM PAGE 1**

violation of the constitution and recurrence of such violations will make the rulers lose their right to govern," said a joint statement of the two political groups.

The systematic destruction of rule of law by subordinating the police and administration to the ruling party's arbitrary and unlawful directives cannot be allowed, it added.

The statement further said the people cannot accept gross failure of the government to discharge its basic duty of protecting their life and property and to render the administration and police helpless in the face of unruly elements who were reported to be members of the student and youth wings of the ruling BNP.

Badruddoza said the superintendent of police of Rangpur pretended to be sick while the deputy commissioner went to a local upazila on the day just to avoid responsibility.

There is no doubt that the attackers belonged to the BNP. The Oikya Mancha and the BDB also filed a first information report (FIR) with Rangpur Kotwali thana accusing 12 local Jubo Dal and Chhatra Dal leaders of the attack on their dialogue programme.

Explaining the significance of the programme, Dr Kamal said it aimed to provide all citizens an opportunity to make their voices heard for drawing up a Gonoshtehar (people's manifesto) on the basis of national consensus.

The programme started from Dinaipur and the process will continue, Kamal said.

# Rab won't raid

**FROM PAGE 12**

Humayun Mahmud Chowdhury said.

"I talked with Rab officials who agreed not to raid the markets any more without consulting the chamber leaders," said the CCCI president.

Rab Commander of Chittagong Kazi Emdadul Huq said they postponed raiding the city markets following requests from the leaders of CCCI.

Amir Humayun, meanwhile, termed the Rab raid 'sabotage' against Rab. "I think some quarters are out to use Rab against business community. Rab was not supposed to go for sudden raids at Khatungonj," said Amir Humayun, adding that such move can not help bring down the prices in the market.

Some of the traders, however, still don't feel free to import rice, onion, and other essentials fearing further action by Rab.

Ctg Rab on Monday launched raids on different onion wholesale shops at different markets in Khatungonj, Chaktai and Asadgonj as part of anti price-hike drive when the dealers were forced to sell onion at Tk15 a kg. Rab also raided Reazuddin Bazar in the heart of the city on Tuesday.

Yesterday's meeting of the home ministry also observed that despite a ban on ageing passenger buses, they are still plying the city roads, tampering with registration and engine numbers.

"A section of Bangladesh Road and Transport Authority (BRTA) officials are carrying on these illegal activities for bribe," a participant told the meet.

He said unscrupulous BRTA officials are also responsible for giving fake registration numbers to over 12,000 CNG-run auto-rickshaws now on the streets without valid documents. The government has allowed only 13,000 CNG-run auto-rickshaws in the city.

The meeting has decided to

launch block raids in the city from today to cut crimes during the Durga Puja and Ramadan. It also decided to deploy around 650 policemen in the city markets. Besides, 45 mobile police teams each comprising 10 members will be on patrol.

Chaired by State Minister for Home Lutfozzaman Babar, the meeting discussed fixed bus, rail and launch fares during Eid vacation, law and order, activities of police detectives and mobile courts and measures to stop extortion.

Babar suspects a rise in illegal dealings of forged currencies during Ramadan and directed police to check such activities.

The home secretary, inspector general of police, directors general (DG) of paramilitary Bangladesh Rifles, Ansar and Rab, commissioner of Dhaka Metropolitan Police and other top ministry and police officials, among others, were present.

## Franklin

**FROM PAGE 12**

Manzarul, who ended with 2-54, sent back Scott Styris for two. The big-hitting all-rounder was dismissed in a bizarre fashion. Styris pushed the ball onto Rajin's knees and the Bangladesh vice-captain, fielding at short-leg, palmed an easy catch on the rebound.

The tourists' innings was halved with 133 runs on board when Rafique captured the wickets of Astle, caught at slip and Sinclair trapped lbw.

Sinclair's patient 219-minute essay was studded with eight hits across the park. Rafique is now one wicket away from 50 Test wickets.

# Most corrupt

**FROM PAGE 1**

Economic Forum were used to determine Bangladesh's ranking in the CPI. The report does not take into account anti-graft measures.

Law Minister M Moudud Ahmed however rejected the TI assessment and said: "We do not accept the criteria for such an index. There are other countries in the world, which are much more corrupt than Bangladesh."

Health Minister Khondaker Mosharraf Hossain told The Daily Star last night that the government does not agree with such a ranking as it is not based on 'correct information'.

"They blow up small discrepancies in big projects. They also do not go to the bottom of media reports to judge whether the allegations are true," said Mosharraf.

"Comparison with other countries is not realistic because of differences in social perceptions and definitions," he said. "Some people define fundamentalism or human rights differently from us."

Finland was found to be the least corrupt country in the world, closely followed by New Zealand, Denmark and Iceland. Nigeria, Myanmar and Chad are hot on the heels of Bangladesh and Haiti as countries to have the most corrupt public officials and politicians.

TI Bangladesh (TiB) Treasurer Prof. Muzaffer Ahmad told reporters at the Dhaka launch of the report that right to information for the media and sincere fulfilment of the government's commitments to appoint an independent ombudsman for the anti-corruption bureau and separation of judiciary are required to reduce corruption.

He also cautioned that labelling a country as the 'most corrupt' is perhaps incorrect as it is a matter of interpretation.

"Inter-country comparisons also have to be done very carefully as the data reliability for each country differs from case to case," he added.

"Corruption robs countries of

their potential," said TI Chairman Peter Elgen at the Berlin-based organisation's CPI 2004 simultaneous launch round the globe yesterday from London.

"Corruption in large-scale public projects is a daunting obstacle to sustainable development, and results in a major loss of public funds needed for education, healthcare and poverty alleviation, both in developed and developing countries," observed Elgen.

"Tenders should include objective award criteria and public disclosure of the entire process," says the TI in a press release. "Exceptions to open competitive bidding must be kept to a minimum and explained and recorded, since limited bidding and direct contracting are particularly prone to manipulation and corruption. Public contracting must be monitored by independent oversight agencies and civil society."

TI Vice Chair Rosa Ines Ospina Robledo said: "Tough sanctions are needed against companies caught bribing, including forfeit of the contract and blacklisting from future bidding."

Sixty countries scored less than 3 out of 10, indicating rampant corruption. And 106 of the 146 countries scored less than 5, according to the CPI. Countries with a score higher than 9, with very low levels of perceived corruption, are predominantly the rich countries. "But the poorest countries, most of which are at the bottom half of the index, are in the greatest need of support in fighting corruption," said Elgen.

This year's CPI draws on 18 surveys provided to the TI between 2002 and 2004, conducted by 12 independent institutions. The index includes only those countries that feature in at least three surveys. As a result, many countries, including some which could be among the most corrupt, are missing because there are simply not enough survey data available, explained the TI press release.

# Top lawyers term

**FROM PAGE 1**

Dhaka Metropolitan Sessions Judge's Court yesterday in the historic jail killing case sentenced three retired non-commissioned army officers to death and 12 retired senior military officers to life imprisonment. The court acquitted five accused of murder of four national leaders in Dhaka Central Jail.

The three, who were awarded death sentence, are fugitives. Of 12, who got life sentence, the same punishment they received in the Bangabandhu Murder Case, three are behind bars while the rest are on the run.

Of the acquitted, four are out on bail now while the other one has recently been promoted to the rank of additional secretary.

Dr Kamal Hossain yesterday told The Daily Star that the judgment raises many a question.