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MiG-29 CASE
Gen Mustafiz
granted bail
until June 2
STAFF CORRESPONDENT

A special court yesterday granted bail to former army chief Gen (retd) Mustafizur Rahman, an accused in the MiG-29 purchase graft case, until June 2.

Judge Golam Mortuza Majumder of the Special Court for Dhaka Division, set up at the Jatiya Sangsad Bhaban complex, passed the order following a bail prayer by the defence.

The court also fixed June 2 for the next hearing on charge framing against detained former prime minister Sheikh Hasina, Gen (retd) Mustafiz and five others in the case.

In addition, the court ordered the authorities to allow Hasina's five counsels to meet her in the sub-jail on Saturday to consult about the case.

Gen (retd) Mustafiz was taken to the court in the morning by an ambulance from the Apollo Hospital in the city where he had been undergoing treatment. He was produced before the court in a stretcher due to his illness.

Sheikh Hasina was brought to the court at 9:40am.

As the court resumed at 9:45am, Gen (retd) Mustafiz's counsel advocate Syed Rezaur Rahman submitted the bail petition to the

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Dialogue only after Khaleda, Hasina freed

Say BNP, AL; govt still hopeful

STAR REPORT

The Awami League (AL) and BNP yesterday separately said they would boycott the ongoing dialogue unless their chiefs are released "unconditionally," sending a blow to the government efforts to persuade the two biggest parties into the talks.

Shaken but still optimistic, the government has, meanwhile, stepped up its unofficial negotiations with the two parties as it admitted their doubts about the dialogue's success without the participation of the AL and BNP.

The business community and the diplomatic community also stepped into the foray yesterday, saying both the government and political parties must reach a "compromise" to break the deadlock.

The dialogue enters the fourth day today as the government sits with the Islami Shashantantra Andolon, the party that was at the forefront of the protests against the Women Development Policy 2008.

The AL yesterday gave its bluntest message to boycott the polls, saying it would not take part in the talks without the unconditional release of former prime minister and party chief Sheikh Hasina, even if she is freed on parole.

"The Awami League will not take part in any dialogue with the government without Sheikh Hasina. We will not even join the dialogue if she is freed on parole. She must be freed unconditionally and only then we will think about joining the dialogue," AL acting General Secretary Syed Ashraful Islam told a meeting of the AL Central Working Committee, the party's highest decision-making body.

Asked how they expect Hasina's release as she is under trial, Syed Ashraful rejected the current trial process. "All the cases are false, baseless and motivated and the trial is nothing but show-off... We do not accept this trial process," he told reporters.

"We have urged the government repeatedly to release her and send her abroad for treatment, but the government did not pay any heed to our demands... We wanted to

make the dialogue a success but they instead of cooperating resorted to repression and brought false charges against Sheikh Hasina one after another. How can the Awami League join the dialogue?" Ashraf said.

"The government will have to shoulder the responsibility if any untoward incident occurs in the country," the meeting cautioned.

Held at Hasina's political office in Dhanmondi with acting President Zillur Rahman in the chair, the meeting decided to convey its decisions to Chief Adviser Fakhruddin Ahmed through a letter within a few days.

BNP Secretary General Khandaker Delwar Hossain also said yesterday that they would boycott the dialogue unless former prime minister and party Chairperson Khaleda Zia is released.

As part of his efforts to revamp the organisation, he has started holding discussions with district unit and front organisation leaders of the party. The Jatiyatabdhi Mukti Joddha Dal and Jatiyatabdhi Tanti Dal has already been reconstituted.

Meanwhile, the party leaders who had been avoiding the political scene to avert arrest during the

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Efforts are underway to strengthen BNP by reorganising and bringing discipline in the party under the leadership of Khandaker Delwar Hossain, the chairperson-appointed secretary general of the party.

Delwar, who replaced Abdul Mannan Bhuiyan as secretary general, has apparently gained overall control over the party that witnessed the arrest of its chief Khaleda Zia and bitter factional disputes in the last 18 months.

In a bid to make the party more functional and united under the leadership of its detained chairperson, Delwar recently directed all district committees of the BNP to take disciplinary actions against the dissident leaders all over the country.

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EPR bail prayers to be heard on 3 grounds

States SC in full text of April 23 verdict

STAFF CORRESPONDENT

A full text judgment of the Supreme Court (SC) published yesterday observed that the High Court (HC) may consider bail petitions in cases filed under the Emergency Powers Rules (EPR), on three grounds.

According to the SC observations, the HC may entertain petitions for bail in cases filed under EPR if they are filed with mala fide intentions, on suspicion, or with a court which does not have jurisdiction over the matter.

The SC earlier on April 23 this year delivered a judgment only saying, "The appeal is allowed," in light of a government petition challenging an HC verdict that it has jurisdiction to hear bail petitions in cases filed under EPR.

Following the earlier SC judgment, hearings of bail petitions in the HC have been suspended.

The latest SC judgment, however, still allows the government's appeal against the HC judgment, while setting aside the HC judgment with seven point observations allowing it to hear, on three

grounds, bail petitions in cases filed under EPR.

Legal experts termed the latest SC judgment as "self-contradictory," as the apex court set aside the HC judgment while empowering the HC to grant bail in cases filed under EPR, and that made the lawyers anxious.

After the publication of the copy of the judgment today, we think that the HC can now grant bail in cases filed under EPR on some grounds. Still a petition has been filed with the Supreme Court for more clarification," he said.

Barrister M Amir-ul Islam said the executive branch of the government cannot control court proceedings by framing rules.

"If court proceedings are controlled by the government through framing of rules, that will be violation of the constitution," he said.

Dr M Zahir said, "The latest SC judgment is not as bad as what we thought of the earlier judgment."

"The observations of the Supreme Court will be clearer, if the court gives an explanation with clarifications," he added.

Barrister Rafique-Ul Huq said amid strong protests from different sections including the Supreme

had delivered its earlier judgment, bail seekers thought they will not be able to go to the HC seeking bail in cases filed under EPR, and that made the lawyers anxious.

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AI REPORT

Special court weakens fair trial safeguards

'Politically motivated' charges brought

STAFF CORRESPONDENT

The caretaker government has brought "politically motivated" charges against individuals and weakened fair-trial safeguards by setting up special courts, according to the latest global report of Amnesty International (AI).

The "Amnesty International

Report 2008: State of the World's Human Rights" released yesterday also says the police and army personnel have violated human rights in Bangladesh with impunity.

These are parts of a larger global trend observed by the AI, which also include suppressing dissent and promoting torture and ill treatment to gather intelligence.

"Fair trial safeguards were weakened by the use of Special Courts which imposed tight restrictions on defendants' access to lawyers, and by the denial of bail to defendants charged under emergency regulations," reads the report on Bangladesh.

According to the report, many were detained "arbitrarily" and held under emergency rules over the past year. "Some were then charged with politically motivated criminal offences," says the report.

The AI has accused the security

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Logs strewn in the Buriganga and on its banks are polluting the river further, filling the riverbed and choking the waterway. Wood traders keep the logs floating on water before seasoning them.

CG-formed PAC set to be scrapped

The ad hoc body 'violates constitution'

SHAKHAWAT LITON

The ad hoc Public Accounts Committee (PAC) created by the caretaker government in December last year to scrutinise reports of the Comptroller and Auditor General (CAG) is now about to be cancelled as it violates the constitution.

With the consent of President Iajuddin Ahmed, the finance ministry formed the ad hoc PAC on December 18 to scrutinise audit reports on government accounts in absence of parliament.

But the ad hoc PAC is yet to begin functioning as objections were raised from different quarters including the speaker of the last parliament saying that the constitution does not allow anyone other than an elected parliament to form the committee, sources in the finance ministry said.

In the wake of the criticism, the finance ministry is now pondering cancellation of the circular that declared the formation of the ad hoc PAC, a senior official of the ministry told The Daily Star on condition of anonymity.

Sensing that the committee could not be effective due to the

legal debate, the finance ministry did not move to reconstitute the committee following resignation of its chairman, the erstwhile law adviser to the government, in early January of this year, the senior official added.

Speaker Jamiruddin Sircar has been opposing the government move to form the ad hoc committee from the very beginning.

Talking to The Daily Star yesterday, the speaker said he again sent his legal opinion over a week ago to the government saying the formation of the ad hoc PAC contradicts with the constitution which authorises only a parliament to form a PAC and other such committees, comprising only its members.

"Duties of elected lawmakers cannot be discharged by non-elected persons. Functions of the committee [ad hoc PAC] will be illegal," Sircar said.

Sources in the office of CAG and finance ministry said the military-backed caretaker government formed the ad hoc PAC on suggestion of the World Bank and the CAG office.

But, CAG officials said they

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First Co-branded ATM in Bangladesh

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Mr. Kazi Md. Shafiqur Rahman, Managing Director of Mutual Trust Bank (MTB) inaugurated co-branded ATM at MTB's branch premises (Satmasjid Road, Dhanmondi, Dhaka) on 28 May 2008. The Managing Director of Dutch-Bangla Bank Limited and Senior Executives of both the banks were present on the occasion.