

SC hearing ends

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After the judgement date was fixed by the court yesterday, Attorney General Mahbubey Alam and chief state counsel for the case Advocate Anisul Huq hoped that the apex court will deliver a historic judgement, and there will be no reason for any side to be dissatisfied with the verdict.

Advocate Khan Saifur Rahman, the lawyer for convicts Syed Farooq Rahman and Muhuiddin Ahmed, and Advocate Abdur Razzaque Khan, the lawyer for Sultan Shahriar Rashid Khan, however declined to make any comment when asked if they were optimistic about getting justice.

ARGUMENTS OF COUNSELS
Advocates Khan Saifur Rahman and Abdur Razzaque Khan placed submissions before the court during the last day's hearing yesterday.

Khan Saifur Rahman told the court that the incidents of August 15, 1975 were the result of a mutiny in the army, and killing Bangabandhu was not purpose.

He cited an interview given by convicts Farooq and Lt Col (retd) Khandaker Abdur Rashid to Granada Television, where they described the incidents as a mutiny.

He argued that the case should be retried in a military court under the Army Act. He also said the state counsels failed to give any satisfactory explanation for the delay in filing of the case.

Abdur Razzaque Khan claimed that Sultan Shahriar Rashid Khan was not among those who had gone to Bangabandhu's house on August 15, 1975 and he did not have any connection with the incidents.

The main theme of the defence during the whole hearing was that the incidents of August 15, 1975 were the result of a mutiny, and should be retried in a military court following scrapping of the current convictions and sentences of the defendants.

The state on the other hand argued that the incidents were pre-planned murders to wipe out an entire family, and the High Court verdict upholding the lower court convictions and death sentences should also be upheld by the SC Appellate Division.

MEDIA BRIEFING
BY STATE COUNSELS

Mahbubey Alam and Anisul Huq yesterday at a media briefing in the auditorium of the Supreme Court Bar Association told reporters that the nation is eagerly waiting for the verdict in this case.

Barrister Sheikh Fazle Noor Taposh, one of the state counsels, said he would also be waiting for the November 19 verdict along with the nation.

Taposh is a son of Sheikh Fazlul Haque Moni, who was also killed on August 15, 1975.

Abdul Matin Khasru said the path to the trial of Bangabandhu's murder was opened on November 12, 1996 by the revocation of the Indemnity Ordinance.

"The trial of the killings has concluded after 34 years. We hope we will get justice," he added.

RECENT HEARINGS

On October 5, the Appellate Division started hearing the appeals on five points -- whether Bangabandhu was killed along with most of his family members as a result of a mutiny in the army; whether the witness statements were contradictory; whether the delay in filing the first information report had been reasonable as thought by the lower court; whether there was any conspiracy behind the murders; and whether disposal of the death references appeals of six defendants out of 15 by the 3rd judge in the High Court was correct and legal.

Earlier on September 23, 2007, a three-judge special bench of the Appellate Division comprising Justice Md Tafazzul Islam, Justice Md Joynul Abedin, and Justice Md Hassan Ameen granted the leave to appeal petitions filed by the five convicts.

VERDICTS OF TRIAL COURT, HIGH COURT

On November 8, 1998, Dhaka Sessions Judge Golam Rasul handed down death sentences to 15 of the 20 defendants in the case.

The condemned were Lt Col (dismissed) Syed Farooq, Lt Col (retd) Sultan Shahriar Rashid Khan, Lt Col (retd) Muhuiddin Ahmed, Lt Col (retd) AKM Mahiuddin Ahmed, Maj (retd) Bazlul Huda, Lt Col (retd) Khandaker Abdur Rashid, Maj (retd) Shariful Hossain, Maj (retd) Ahmed Shariful Hossain, Lt Col (retd) AM Rashed

293 more cases

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the penal code. No case against BNP-led opposition alliance leaders or workers however was on the list for consideration.

Asked about the matter, the state minister for law said, "No case of opposition political parties was on today's list. If their cases come up, we will discuss those with due consideration."

A division bench of the High Court comprising Justice Md Ruhul Amin and Justice ABM Khairul Haque on December 14, 2000, delivered split verdicts on death reference appeals in the case.

First judge Justice Md Ruhul Amin upheld the death sentences of 10 and acquitted five -- Muhuiddin Ahmed, Ahmed Shariful Hossain, Md Kismat Hashem, Nazmul Hossain Ansar, and Nazmul Hossain Ansar, and Moshleuddin.

Second judge Justice ABM Khairul Haque upheld the death sentences of all 15 convicts.

On January 15, 2001, Justice Mohammad Fazlul Karim was appointed as the third judge to adjudicate the appeals.

He delivered the final High Court verdict in the case on April 30, 2001, affirming the convictions and death sentences of 12 of the 15 defendants. The three that he acquitted are Md Kismat Hashem, Ahmed Shariful Hossain, and Nazmul Hossain Ansar.

DELAY IN ADJUDICATING APPEALS
The High Court bench of Justice Md Ruhul Amin and Justice ABM Khairul Haque started hearing the death reference appeals on June 28, 2000 and concluded the hearing on November 28, 2000.

Attorney General Mahbubey Alam yesterday told The Daily Star that the adjudication of the case was delayed at the High Court because seven judges were embarrassed to hear the case, without giving any clear cut explanation.

The hearing of the case was also delayed at the Appellate Division due to shortage of judges there, he said.

Then BNP-led four-party alliance government did not appoint judges to the Appellate Division to constitute a bench for the purpose, although a chief justice had recommended appointing judges for disposal of the case.

Sources said condemned convict Khandaker Abdur Rashid is hiding in Libya, Shariful Haque Dalim is in Pakistan, Rashed Chowdhury is in the US, Noor Chowdhury is in Germany, Abdul Mazed and Moshleuddin are in India.

Another condemned Aziz Pasha died in Zimbabwe, according to the sources.

Ctg grenades
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Rahman Rokon Uddin is a rukon (member) of their organisation is "false and misleading".

He said as a matter of principle, Jamaat disapproves of running party activities within the armed forces. It is always in favour of keeping the military above party politics and opinions. So for Jamaat having a member in the army is out of the question.

In his rejoinder, now sacked Brig Gen Abdullahil Amaan Azmi said neither Brig Gen (retd) Habibur Rahman Rokon Uddin nor Lt Col (dismissed) Saiful Islam Joarder is his friend.

He also refuted what he said was the report's indication of his possible involvement in the recent bomb attack on Awami League lawmaker Fazle Noor Taposh.

The two also told him not to say any curiosity about the sources of the grenades.

Babar mentioned that all grenade attacks were made in the country after the arms haul at Chittagong Urea Fertiliser Jetty on April 2, 2004 when a huge number of grenades and arms went missing, CID sources said.

Meanwhile, detained Harkatul Jihad al Islam leader Abdul Majid admitted that he received the grenades from Laskar-e-Taiba leader Moulana Tajuddin, also brother of Pintu, for carrying out attack on the AL rally. But he was not sure from where Tajuddin collected them, said sources.

CID sources said Babar however denied his involvement in supplying the grenades saying he came to know about it after the attack.

Babar also said he didn't know then the number of missing grenades as intelligence agency personnel did not give him any information about it.

Meanwhile, Huji founder Moulana Sheikh Abdus Salam divulged that the plan to assassinate Sheikh Hasina was finalised after the masterminds received some of the missing grenades. Tajuddin collected the grenades from them, he added.

CID interrogated Babar, Salam and Majid together to crosscheck information.

Babar would be produced before the court today as his remand for third phase ended yesterday.

The court also fined them Tk 8.3 crore and ordered confiscation of company's property worth Tk 22.5 crore.

As per a legal provision, the convicts will have to serve five years' jail term as both the sentences will run concurrently.

Know true history

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the past, by inserting untrue information into the textbooks, children and new generation like you have been confused," she said.

The PM was addressing the National Standard Presentation Parade of the East Bengal Regiment (EBR) of Bangladesh Army at Chittagong Cantonment.

Hasina observed that acquiring true history about the country's independence and democracy is national responsibility of every patriotic citizen.

"I believe that actual history of the country will be established someday," she told the function.

The PM also requested the people of all walks of life to project the authentic history of Bangladesh and the sacrifices made by the freedom fighters to liberate the country for the new generation.

After her arrival at the helipad of Chittagong Cantonment, the prime minister was brought in a ceremonial motorcade to the Parade Ground.

She was received by Chief of Army Staff General Md Abdul Mubeen, Chittagong Area Commander Major General Md Shamim Chowdhury and EBR Commandant Brigadier General Abu Sohel.

A smartly turned out contingent of the EBR presented a parade on the occasion. The premier inspected the parade and took the salute.

Hasina expressed her government's firm commitment to continue its effort to improve professionalism of the members of Bangladesh Army and ensuring their development in every field of work.

"We are pledge-bound to build a modern, digital Bangladesh. In line with our pledge, our efforts to increase capacity of Bangladesh army would be continued."

She described the Bangladesh Army as the most disciplined force of the country which has been formed with the representation of the people of all regions, classes and social strata.

She noted that their excellent harmonious coexistence irrespective of religions and colours in the army would encourage all.

The PM said her previous 1996 government had implemented several programs for the development of Bangladesh Army.

She listed a number of steps implemented by her previous 1996 government, including setting up a Composite Brigade, Special Works Brigade in Sylhet, Reverie Engineering Battalion, a Support Battalion, Ordnance Company as well as a Field Ambulance.

She informed the army function that the government has already requested the United Nations to increase members of Armed Forces' officers in the UN peacekeeping mission.

Amnesty Int'l

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abuses by members of the Bangladesh Rifles, which killed at least 74 people, including six civilians.

The mutiny broke out at the BDR headquarters in Dhaka on February 25, 2009, just two months the newly elected government took office, and quickly spread across the country.

The premier greeted 28th, 29th, 30th and 32nd EBR batches on their attaining the capacity of carrying the national flag, saying that the regiment had played an outstanding historic role in the emergence of an independent and sovereign Bangladesh in 1971.

She recalled that despite resource constraints, Bangabandhu took massive programs to build up strong and independent armed forces in the war-ravaged Bangladesh immediately after the country's War of Liberation.

Hasina said on return home on January 10, 1972, he (Bangabandhu) requested the Indian allied forces to go back to their country and the quick return of the Indian forces.

The report, based on the testimony of BDR members and their relatives, alleges that the methods of torture used against those suspected of taking part included sleep deprivation, beatings, the use of pliers to crush testicles, inserting needles under suspect's nails and administering electric shocks.

Forty-eight members of the BDR died in custody between 9 March and 10 October 2009.

Abbas Faiz, Amnesty International's Bangladesh Researcher said, "The reports of torture that Amnesty International has received are consistent with the previously documented torture and ill treatment of detainees in Bangladesh."

"It's not good enough for the authorities to deny that torture is taking place."

"There must be greater accountability on this issue."

Amnesty International has welcomed the Supreme Court's clarification that army courts martial have no jurisdiction to try BDR personnel accused of mass killings but urges the government to reconsider its decision to use the Speedy Trial Tribunal because the time limit it imposes on the length of trial may lead to a miscarriage of justice.

Amnesty urges the Bangladeshi authorities not to seek the death penalty, to which it is opposed, and recommends that Bangladesh ratifies the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.

"At around 5pm (1000 GMT) we decided to expel a Cambodian diplomatic official in retaliation for Cambodia's expulsion of one of our diplomatic officials earlier this afternoon," Foreign Ministry spokeswoman Vimon Kidchob said.

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