

SC hearing ends

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After the judgement date was fixed by the court yesterday, Attorney General Mahbub 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 Muhiuddin 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 its purpose.

He cited an interview given by convicts Farooq and Lt Col (ret'd) 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
Mahbub 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 Joydul 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 Rahman, Lt Col (ret'd) Sultan Shahriar Rashid Khan, Lt Col (ret'd) Muhiuddin Ahmed, Lt Col (ret'd) AKM Mahiuddin Ahmed, Maj (ret'd) Bazul Huda, Lt Col (ret'd) Khandaker Abdur Rashid, Maj (ret'd) Sharif Haque Dalim, Maj (ret'd) Ahmed Sharif Hossain, Lt Col (ret'd) AM Rashed

Chowdhury, Lt Col (ret'd) SHMB Noor Chowdhury, Lt Col (ret'd) Md Abdul Aziz Pasha, Capt (ret'd) Md Kismat Hashem, Capt (ret'd) Nazmul Hossain Ansar, Capt (ret'd) Abdul Mazed, and Risaldar (ret'd) Moslemuddin.

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 -- Muhiuddin Ahmed, Ahmed Sharif Hossain, Md Kismat Hashem, Nazmul Hossain Ansar, and Moslemuddin.

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

On January 15, 2001, Justice Mohammad Fazul 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 Sharif 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 Mahbub 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, Sharif Haque Dalim is in Pakistan, Rashed Chowdhury is in the US, Noor Chowdhury is in Germany, Abdul Mazed and Moslemuddin are in India.

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

Ctg grenades

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After the August 21 incident Harris Chowdhury asked him to go to Hawa Bhaban where former BNP deputy minister Abdus Salam Pintu was also present.

Both Harris and Pintu had threatened Babar to strip him of ministerial post when he refused hiding the truth and saving the perpetrators, Babar said.

The two also told him not to show 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, Hujji founder Moulana Sheikh Abdus Salam divulged that the plan to assassinate Sheikh Hasina was finalised after the 'naster-minds' 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.

293 more cases

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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."

Among the cases the committee recommended for withdrawal, three are against entrepreneur Salman Faruk Khan, one against Awami League lawmaker Kamal Ahmed Majumder, one each against former lawmakers Haji Mohammed Selim and Mizanul Haque, four against Khulna Mayor Talukder Abdul Khalek, four against Manikganj Municipality Mayor Ramzan Ali Sheikh, and one against Tongi Municipality Mayor Azmat Ullah.

With yesterday's pick the committee so far recommended scrapping of 1,183 such cases.

"Today we recommended withdrawal of 21 cases filed by the ACC," said the state minister, adding that 28 remaining ACC cases, also submitted yesterday for review, will be discussed in the next committee meeting.

Among the cases filed by other government agencies under the penal code, 272 were recommended for withdrawal, 313 will be reviewed in the next meeting while 25 failed to qualify for withdrawal, said Qamrul, who is also the chairman of the committee.

Awami League, after taking over the helm of the government in early January this year, announced that it would look into 'politically motivated cases' filed against politicians and others during the immediate past caretaker and the preceding BNP-Jamaat-led alliance governments.

The new government then formed district level committees and one at the central government level under the home ministry for scrutinising the cases, and also invited applications seeking withdrawal of such cases.

ACC chief

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He told this to the reporters after distributing certificates among the deputy directors of the commission, who participated in a foundation training course at the commission.

The ACC had lodged a lot of cases against the corrupt who could not be punished because of a lengthy legal process. So there is a necessity to reform the legal system, said the ACC chief.

Rejoinders

FROM PAGE 1
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 Abdullahi Amani Azmi said neither Brig Gen (ret'd) Habibur Rahman Rukon 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.

OUR STORY
Our story has quotes from Habibur's wife dismissing the claim of her husband's involvement with Jamaat.

The report in no way suggests Brig Gen Azmi bears links to the bomb attack. We however stand corrected about relations between Saiful Islam Joarder and Azmi. We regret the error.

Bashundhara

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"We have nothing to do with it as the case is not compoundable," he said.

The NBR chairman also said taxpayers would be able to submit their tax returns online from January next year.

The NBR had been considering an application of the company for an out-of-court settlement of the case.

The NBR filed the case in July 2007 against 11 people including Bashundhara Chairman Ahmed Akbar Sobhan, his wife and sons, and several company high-ups under emergency power rules for evading Tk 8.48 crore in income tax between fiscal years 2004 and 2007.

On September 30, 2007, a special court sentenced the Bashundhara chairman and his family members in absentia to five years' rigorous imprisonment for concealing information and three years' imprisonment for giving "false" information.

The court also fined them Tk 8.3 crore and ordered confiscation of company's property worth about 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 a 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 like procurement of sophisticated weapons, imparting modern training, increasing manpower, introducing medicare facilities for the close relatives of army personnel in combined military hospitals, infrastructural development, introducing rice in their lunch and Tiffin allowances.

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 formula-

Cambodia, Thailand expel diplomats

AFP, Bangkok

Cambodia expelled a Thai diplomat and Thailand reciprocated yesterday in a row over Phnom Penh's naming of fugitive former premier Thaksin Shinawatra as an adviser, a Thai government spokesman said.

"We decided to expel the Cambodian first secretary after Cambodia expelled our first secretary from the Thai embassy in Phnom Penh," Panitan Wattanayagorn, a spokesman for Thailand's government, told AFP.

He said that Thailand had given the Cambodian diplomat 48 hours to leave the country.

"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 Vimoon Kidchob said.

ble military to their country was a rare example in the world history.

Later, she said, Bangabandhu set up military academy, combined arms school and a separate centre and school for each of the military services for imparting modern and sophisticated training to them.

Apart from this, Bangabandhu procured modern and sophisticated weapons, fighter jets, tanks and cannons to enhance the capacity of the Armed Forces.

"Eventually, Bangladesh has now got smart, skilled and professional armed forces which are working as a vanguard of protecting the country's independence and sovereignty," she told the function.

The PM paid tributes to the army officers and others slain in the Feb 25-26 BDR carnage at the Pithkhana headquarters.

Among others, Commerce Minister Faruk Khan, Primary and Mass Education Minister Afsarul Amin, former president HM Ershad, former Army Chief Lt General (rt'd) Mahbubur Rahman, local MPs, diplomats and high civil and military officials were present on the occasion.

Later, the prime minister addressed the Regimental Commanders' Conference 2009 at the Cantonment.

She called upon the members of the Bangladesh Army to play leading role in guiding the people to face any disastrous situation of the country being imbued with the highest degree of patriotism.

The premier said the members of the Armed Forces have to "update their mentality, faith and belief making them harmonious with the ever-changing global situation."

She said the country is now having efficient, capable and strong Armed Forces which have to be kept up in future in greater national interest.

Hasina said like in the past, her present government also is implementing a number of steps for the welfare of the members of the armed forces and their families.

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 to BDR barracks across the country.

The only publicly available official investigation failed to establish its cause, however government officials allege it was a conspiracy to unseat the newly elected government.

Following the mutiny, thousands of BDR personnel were confined to barracks and denied access to a legal representative for weeks or months.

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 or Degrading Treatment or Punishment.

Separate pay

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of government and monthly payment order (MPO)-enrolled schools to attract brilliant youths to teaching with the assurance of a decent career.

The announcement came a day after the government declared a new national pay scale for public officials with substantial payraises.

Talking to reporters at the education ministry office, Nurul Islam Nahid also said he had received the final report of the inquiry committee on the arson at the National Curriculum and Textbook Board warehouse. "It was an act of sabotage," he said quoting the probe report.

"Aiming to foil the government's plan to distribute free textbooks at the beginning of academic year 2010, a vested quarter set fire to the warehouse that burnt papers worth over Tk 7 crore," he said.

The government formed the seven-member probe body headed by Additional Secretary of the education ministry Razia Begum on October 18, asking it to submit its final report within 15 days.

The committee has not specifically named individuals responsible for the fire, he said adding the ministry has requested the home ministry to track down people involved in the sabotage.

Nahid said three teachers of Bangladesh University of Engineering and Technology have been assigned to measure the extent of damage to the warehouse.

The minister also said as per the recommendations of the probe committee, departmental action will be taken against those found negligent to duties.

Jasim ignores

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The Appellate Division of the SC on October 18 rejected Jasim's leave to appeal petition against the High Court verdict that declared illegal the Election Commission's (EC) decision to allow Jasim to contest parliamentary election.

He was ineligible to contest the December 29 parliamentary polls since five years were not over since the date of his compulsory retirement from army.

But after the judgement, Jasim, who was elected from Bhol-3 constituency on Awami League, joined the House sittings on October 29, November 1, 2, 3, 4 and 5 in its third session, according to the attendance register.

He also participated in the House proceedings during question-answer hour and disposal of call attention notices. The third session was prorogued on November 5.

"After the verdict of the Appellate Division, he [Jasim] clearly knew that he was no longer a member of parliament. His conduct is tantamount to violation of article 69 of the Constitution," eminent jurist Shahdeen Malik said.

Respect for rule of law should have led him not to attend parliament sittings, he told The Daily Star when contacted.

Officials in the parliament secretariat also questioned legality of Jasim's participation in the House proceedings after the SC verdict. "Jasim Uddin should not have joined parliament sittings showing respect to constitutional provision," a senior official said.

But Jasim claimed that he joined the House sittings in consultation with the speaker. "I contacted the speaker and he told me that I will remain a member of parliament until a gazette notification is issued vacating my seat," Jasim said when contacted yesterday.

"I am still a member of parliament since the gazette notification has not been issued," he said.

The speaker however could not be contacted for his comment.

Following the SC verdict, Jasim held a press conference on October 22. "I am thinking about taking actions against the Election Commission when I get a copy of the verdict," he said.

Asked about the matter, Suranjit Sengupta, chief of the parliamentary standing committee on law, justice and parliamentary affairs, said Jasim ought to have refrained from attending parliament sittings.

He also said something has to be done now to implement the SC judgement.

Following the SC judgement, the advocate-on-record on October 19 issued a certificate saying that the apex court rejected the leave to appeal petition of Jasim, and so the order of the HC has been upheld.

On receipt of a copy of the certificate, the EC has decided to ask the parliament secretariat to take necessary measures to this effect.

Koko charged

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information report, was included as a charge-sheeted accused, as investigation found his involvement in money laundering.

The IO pleaded with the court to issue a warrant for his arrest and orders for attachment of his property.

Simon has been on the run since filing of the case, while Koko has been abroad for treatment on parole.

It was the first investigation to have been conducted by ACC teamed up with any overseas authorities.

During the course of the probe, the graft watchdog obtained many an essential document from Singapore following a legal assistance request under the UN Convention against Corruption during the last caretaker government rule.

The Attorney General's Office too played a vital role in this regard.

ACC filed the case with Kfarul Police Station on March 17. It said Koko had laundered huge sums he received from a Chinese company, Siemens and some other sources in return for helping them win lucrative government contracts.

In the complaint, the anti-graft body detailed his alleged underhand dealings with China Harbour Engineering Company Ltd over a Tk 351-crore contract for setting up New Mooring Container Terminal and with Siemens over a Tk 239-crore contract for supplying and installing equipment for the state-owned Teletalk mobile phone operator.

Besides, he took money from a few other individuals.

So far ACC has detected five Singapore bank accounts where Koko stashed his dough.

Of the accounts, four are with the United Overseas Bank and the other with the CIBC Bank.

IO Abu Sayeed said Koko had used his clout as the son of the then prime minister to earn the ill-money between 2001 and 2006.

The allegation that he sent abroad \$28,84,603.15 and US\$9,32,672.81 to conceal his illegal sources of income has been primarily proved, reads the five-page FIR.

"This is a punishable offence under section 4(2) of the Money Laundering Prevention Act 2009," it continues.

In his income tax returns and wealth statement to the anti-graft commission, Koko did not mention the transactions involving his accounts with the Singapore banks.

Besides, the FIR says, he did not have any business relations with the sources of this illegal money. These sources--business organisations and individuals--seem to have given him financial benefits to secure legal or illegal business interests.

Koko had \$2.58 million from China Harbour in three instalments on May 6, May 31 and August 1 of 2005.

He received another \$3.03 lakh from German company Siemens on October 6 the same year.

He had deposited \$2.8 million in the United Overseas Bank account

(No.1093101397). He and local businessman Lim Seu Chang jointly own the account holder, ZASZ Trading and Consulting Pte Ltd of 9 Changy South Street in Singapore.

On November 16, 2007, Koko deposited US\$9.32 lakh in another account with the bank. Opened for Fairhill Consulting Private Ltd, a firm owned by Koko, the account's number is 352015542-0.

ACC however is not clear how he had the amount or who gave him the money for what purpose.

The ACC investigation found more of Koko's accounts with the United Overseas Bank where a Dubai-based person named Habibur Rahman had deposited an amount for him.

It also gathered that Koko used to withdraw and deposit money from his United Overseas Bank accounts by cheque.

He gave \$8.30 lakh to Simon, who was present during some of the dealings.

Koko also stands accused in four more cases--three on graft charges and one on extortion.

He went to Bangkok for treatment on July 19 last year after getting out on parole.

He was arrested on September 2, 2007, along with