

Bangabandhu

FROM PAGE 1
was made available yesterday after a month of delivering the verdict by the bench in an open court headed by Justice Md Tafazzul Islam, who has recently been appointed as the chief justice.

"Find the accused including the appellants in a planned manner committed the heinous crime with their knowledge of the consequences. And therefore, they do not deserve any special sympathy in awarding the sentence," commented the senior-most judge of the bench Justice Tafazzul analysing judgments of many criminal cases in different countries.

On November 19, the Appellate Division upheld the death sentence to a dozen killers earlier handed down by the High Court. The verdict removed the darkness that had hung over the nation for 34 years following the heinous assassination of Bangabandhu and his wife, two daughters-in-law, three sons including 10-year-old Sheikh Russell and a brother on August 15, 1975.

That day the court gave a "short order" dismissing the appeal petitions of five convicts against the third judgment of the High Court that gave capital punishment to them and seven others.

The court now finalised its full judgment where three judges of the five-member bench -- Justice Aziz, Justice Md Muzammel Hossain and Justice SK Sinha -- gave their own observations besides agreeing with the judgment and order of Justice Tafazzul, who has written 134 pages of the total judgment as the author judge.

The other member of the bench, Justice BK Das, did not make any separate observation but agreed with the judgment and order of the author judge.

Justice Md Muzammel Hossain in his observation said, "It is a pity that the surviving family members of Bangabandhu Sheikh Mujib Rahman and the nation, as a whole, had to wait for about long 34 years to get justice by disposing of the criminal case of the gruesome murder."

He said after the killing of Bangabandhu the then government of Khandaker Moshtaque Ahmed promulgated the Indemnity Ordinance, 1975 and the subsequent governments took some other steps to stop initiation of any criminal case in respect of the gruesome murders of August 15.

"Having gone through the evidence of the witnesses and the materials on record, we have been shocked to notice that the then government of Khandaker Moshtaque Ahmed and the subsequent governments, who were the beneficiaries of the 1975 killings, to the utter surprise and dismay of the nation as a whole and the civilised society of the world rewarded the murderers of the 15th August, 1975," Justice Muzammel observed.

"Being dismissed army officers, the convicts were illegally appointed in the government service and subsequently absorbed permanently in the Ministry of Foreign Affairs for employment in various Bangladesh missions abroad. This undermined the constitutional process and fundamental human rights, conscience of the people and the ideals of the martyred freedom fighters who sacrificed their lives for independence of the country," he continued.

Justice Muzammel added, "It is unfortunate to note that some of those accused according to the prosecution were self-proclaimed killers and subsequently they were also promoted to higher posts and some of them were posted as diplomats in Bangladesh missions in various countries."

"We totally disapprove the aforesaid conduct, behaviour, mentalities and activities of the governments who were in power at the relevant time. We hope that these undesirable activities which are shocking to the conscience of the nation should not be repeated by any future government. We earnestly hope and believe that rule of law, fundamental human rights, democratic institution, and above all, constitutional supremacy should prevail in this country," Justice Muzammel said in his observation.

Justice Aziz observed, "We are shockingly in dearth of proper words to deprecate, condemn, disapprove and denounce such treacherous, immoral and unauthorised activities of the beneficiary governments and their misuse of government machineries."

"No bereaved family should be deprived of their right to get justice, nor should they move with pain, agony and humiliation seeking justice for decades against government obstruction under the blanket of black law. Nor any learned judge should feel embarrassed beyond their code of conduct to dispense justice being faithful to our oath, out of fear and favour."

"Such activities of the government are highly irresponsible, regrettable, disgraceful and shameful not only to the nation but also to the civilised community of the world and lowered down the image of the country

AL amends

FROM PAGE 1
Secretary Mrinal Kanti Das turned in the letter signed by AL General Secretary Syed Ashraful Islam.

Last year, the party made a number of provisional changes to its constitution to meet the RPO-stipulated criteria for registration with the EC and contest the general election.

Those changes, which made Bangladesh Chhatra League and Sramik League cease to be AL's associated bodies, were ratified at the party's national council on July 24.

But in a letter to AL on November 22, the EC said a few provisions still ran counter to the RPO and the party must amend those.

Asked if the party chief can amend the constitution, Mrinal Kanti said the July 24 council had empowered her to bring necessary amendments.

"The latest changes have been brought in exercise of that power and in consultation with the party leaders," he added.

He was talking to reporters at the EC Secretariat after submitting the letter.

The Copenhagen Accord, only passed by procedural motion after two weeks of intense negotiations, has been widely condemned as a backdoor deal that excluded the poor and doomed the world to disastrous climate change.

Legal analysts however say the AL constitution does not have any such provision. It empowers the party chief only to give ruling if any of its section should require explanation.

Besides, the amendments approved at the July 24 national council too did not include any proposals authorising the party president to amend its constitution.

One of the two provisions in question had it that Swadhinata Chikitsal Parishad, an organisation of pro-AL doctors, is an associated body of the ruling party.

The other one allowed the expatriate Bangladeshis to form organisations keeping trust in AL "aims, objectives, ideals and policies" and following laws of the country concerned.

Justice Aziz meanwhile said, "Murder of innocent unarmed men and women and children is the greatest sin in Islam and also in all other religions and a great crime against civilisation and mankind."

In Islam, death is the only punishment for murder. Similar punishment has also been provided in all other religions and under criminal law with exception to transportation for life in some circumstances."

THE CONVICTS

Of the 12 convicts, Lt Col Syed Farooq Rahman, Lt Col Sultan Shahrir Rashid Khan, Maj Bazlul Huda, Maj (Lancer) AKM Mohiuddin Ahmed and Lt Col (Artillery) Mohiuddin Ahmed, who appealed with the Supreme Court against the High Court verdict, are now behind bars.

On the other hand, Lt Col Khandaker Abdur Rashid, Lt Col Shariful Haque Dalim, Lt Col SHMB Nur Chowdhury, Lt Col AM Rashed Chowdhury, Capt Abdul Mazed and Risaldar Mosleuddin Khan are on the run.

The other convict Lt Col Abdul Aziz Pasha died in Zimbabwe in June 2001 where he had taken political asylum.

JMB

FROM PAGE 16
He briefed the newsmen about the arrest of five members of JMB, which made a number of attacks that left 71 people dead and 582 others injured since the JMB's clandestine activities began in the country.

Rab in an anti-militant drive from 6:30pm on Saturday to 5:30am yesterday held the five JMB men from Mymensingh, Narsingdi and Jhenaidah districts.

The Rab ADG also said JMB activities have almost come to a halt as its command system has been almost broken down and limited to only invitationary programmes.

He also said JMB's capability to carry out any subversive activity has been diminished to a great extent.

Replies to a question, Col Mizan, however, said JMB is trying to reorganise again through invitationary activities. "Since JMB is trying to regroup again, we are launching drive against them and nabbing them," he said.

About the present JMB Chief Moulana Saidur Rahman, the Rab ADG said they are closing in on Saidur but yet to arrest him as he shift his shelter quite frequently.

Of the five JMB men, Ehsar (full-time) members Hasmuz Ali alias Asgar Ali and Mohammad Yusuf were arrested in Mymensingh and Narsingdi respectively.

Gayeri ehsar (part-time) members Abu Raihan bin Sadek, Mohammad Hossain and Mohammad Kawser Jinnuraine alias Laltu were held from Mymensingh, Narsingdi and Jhenaidah respectively.

The Rab also recovered 20 books on jihad, 50 CDs, four cellphones sets, three lethal weapons and some bomb-making materials during the drive.

The arrestees in helmets were paraded at the press conference.

The Rab ADG said since 2005 they have arrested 12 majlis-e-shura (highest policy-making body) members, 44 ehsar, 22 gayeri ehsar members and 90 JMB activists.

Climate accord

FROM PAGE 1
"This breakthrough lays the foundation for international action in the years to come."

But even the US leader said "we will have to build on the momentum" and get the US Congress to pass mandatory cuts in greenhouse gases blamed for global warming.

Merkel, who will host a new international meeting in Germany in 2010, hit back at the critics.

"It is a first step toward a new world climate order, nothing more but also nothing less," she told Bild am Sonntag newspaper.

Those who are only putting Copenhagen down are helping those who want to blockade rather than move forward."

Germany will host a follow-up meeting of environment ministers in Bonn in June, ahead of another summit in Mexico City next December.

"We now need to build on Copenhagen," she said.

The Copenhagen Accord, only passed by procedural motion after two weeks of intense negotiations, has been widely condemned as a backdoor deal that excluded the poor and doomed the world to disastrous climate change.

The agreement was assembled by the leaders of the United States, China, India, Brazil, South Africa and major European nations, after it became clear the 194 nation summit was in danger of failure.

China, the world's top polluter, has given the warmest welcome to a summit that experts say it has been benefited from by making fewest concessions.

"With the efforts of all parties, the summit yielded significant and positive results," Foreign Minister Yang Jiechi said in a statement.

The summit set a commitment to limit global warming to two degrees Celsius (3.6 Fahrenheit), but did not spell out the important global emissions targets for 2020 or 2050 that are the key to holding down temperatures.

The summit promised 100 billion dollars for poor nations that risk bearing the brunt of the global warming fallout, but has not given a fixed payout plan.

So far, the United States has promised to contribute 3.6 billion dollars in climate funds for the 2010-2012 period, with Japan contributing a total of 11 billion dollars over the same period, and the European Union 10.6 billion dollars.

Even UN chief General Ban Ki-moon admitted the agreement had failed to win global consensus and would disappoint many who demanded stronger action against climate change.

"Many will say that it lacks ambition," Ban told the end of the summit. "Nonetheless, you have achieved much."

Rajendra Pachauri, chairman of the Nobel-winning

Diseases

FROM PAGE 16
Even the propensity of emerging new diseases would increase, said virologist Prof Nazrul Islam.

In its World Health Report 2002, the World Health Organisation estimated that climate change had caused 2.4 percent of worldwide diarrhoea endemic and 6 percent of malaria in some medium-income countries in 2000.

The Lancet medical journal declared in a commentary on May 16: Climate change is the biggest global health threat of 21st century.

Impacts of climate change would cause frequent natural disasters in the country. Soon after the natural calamities like cyclone, hurricane etc, a huge number of people will suffer from scarcity of food and drinking water, which has a long-term effect on human health.

Diarrhoea, skin diseases and malnutrition are also a few of the common experiences.

"Parliament cannot be effective without the opposition but the government is making aggressive statements against it causing a deteriorating situation. They (government) have made parliament a place for BNP leaders' character assassination," Delwar said.

He alleged that ruling Awami League (AL) leaders are vying for power.

He also said that the government's behaviour is not suitable for them. Now this perception will change."

The BNP secretary general bitterly criticised the government for its 'failures', saying it is doing nothing for the welfare of the people. The country is losing manpower market abroad and unemployment is increasing day by day, he said.

Asked whether BNP will launch a movement against all this, he said they don't want to destroy the democratic order.

They would go for agitation only if the situation forces them to do so. "BNP will announce programmes to resist the government's undemocratic behaviour and steps," he said.

BNP would no more sit idle, Delwar said, since a new leadership has emerged through its fifth national council held recently.

He resented that AL was conducting propaganda against the BNP council. "We arranged a successful council. Chairperson and senior vice chairman were elected at the council. We did not make any comment on Awami League council, so it is not fair for them [AL] to comment on BNP council," he said.

"If any law formulated by parliament contains any mistake, a judge can criticise it in his judgment. But in no way can he make indecent comments about the lawmakers," said Quamrul.

"Make sure that all those at the location are of age, that there are no children and so on. Insist on the locations and times where no Muslims or children are to be expected," one of the contributor said during the discussions.

"If machine guns are available, and explosive and expertise for (explosives) are not available, this is a good way ... The (Mumbai) operation is the ideal scenario for operations you are talking about," added another.

Quamrul slates

FROM PAGE 16
amendment to any law. Unfortunately, we do not see that and lawmakers do not even read the draft of a law."

State Minister Quamrul yesterday said by making the "ugly and indecent" gestures and comments Justice Nazrul crossed the limit of his right as a judge and violated the rights of the lawmakers.

"If any law formulated by parliament contains any mistake, a judge can criticise it in his judgment. But in no way can he make indecent comments about the lawmakers," said Quamrul.

Asked if his own criticism of the judge amounts to contempt of court, the state minister replied in the negative, saying, "Parliament is the highest forum."

Shibir, BCL clash

FROM PAGE 1
group of Chhatra League activists who were burning copies of the daily Amar Desh in protest against a news report on Sajeeb Wazed Joy, the son of Prime Minister Sheikh Hasina.

BCL activists also took out a procession that followed the Shibir demonstration. They were chanting slogans against

Shibir, BCL clash

the third floor of Altaf's four-storey building.

"I sold a flat to Tuhin for Tk 36 lakh in March, 2008 but Tuhin took control of my flat by paying me only Tk 9 lakh. The rest of the money has remained unpaid since then," Altaf said.

The OC called me to the police station around one and a half months ago and asked me to settle the feud. The OC demanded Tk 50 thousand from me. I then agreed and handed over the amount to the OC at a Chinese restaurant near the TV centre at Rampura," he said.

The cellphone conversation recorded on the CD goes:

"Bhai I did not give you less --- in phases I have given you Tk 1.70 lakh and I will give you Tk 20 thousand more; please let it be over."

In the next few weeks and months we will have to work very hard to see that, before the end of 2010 if not earlier, we get a binding agreement that really moves action in the direction we need," he told the Indian NDTV television channel.

"We really have to move on rather quickly to reduce the emissions of greenhouse gases. There is growing evidence of the impacts of climate change and if we delay action these impacts are going to become much worse, far more serious," he said.

The US presidency sought rally support for the contentious deal by listing prominent Americans who back the plan against global warming.

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