

50 hurt

FROM PAGE 1
Pro-hartal activists battled with police near the BNP central office at Naya Paltan in Dhaka, city's outskirts. Neighbouring districts Gazipur and Narayanganj and other districts including Sylhet, Tangail, Pabna, Kishoreganj, Sirajganj, Sherpur and Rangamat.

Law enforcers picked up 17 BNP and Jamaat men from Sirajganj, 17 from Sherpur, 34 from Dinajpur, 18 from Manikganj, three from Bogra, four from Pabna, 12 from Tangail, seven from Narayanganj, six from Kishoreganj, six from Tongi, five from Gazipur, 48 from Sylhet, 27 from Comilla, five from Noakhali, 12 from Kurigram, 12 others from Barguna, two from Netrokona and 13 from Khagrachhari district.

Police charged batons and picked up eight BNP activists near its central office at Naya Paltan when the party men brought out a procession.

In Dhaka, seven buses were torched at Mirpur, Niketan, Shyamoli, Farmgate, Gulistan and Old Dhaka, three taxicabs at Bonorupa, Savar, Rupnagar and two human haulers at Nilkhet from 6:00pm to 10:00pm yesterday. In different parts of the city at least fourteen vehicles were damaged.

Five cocktails were exploded at Dhaka University, Shahbagh and near City College.

In Tongi, police charged batons on BNP men injuring at least 10 to disperse a procession around 3:30pm.

Police barred BNP men from opening its office in the Paurasobha area.

Our staff correspondent, Sylhet, reports, about 30 persons suffered wounds as police charged baton on BNP men in

the city yesterday afternoon. Police also foiled an attempt to bring out a procession by BNP men in the city's Surma Market point and Registry Maidan.

The BNP activists set a minibus afire and vandalised a microbus at the city's Shibganj at about 4:00pm. Meanwhile, several processions were brought out and human chains were formed in the city by different ward units of Awami League, Chhatra League and Jubo League.

Our Pabna correspondent adds, police arrested 10 BNP leaders and activists at Chatmohar, Vangura and Sujannagar upazilas and foiled several bids of the party to form processions.

Chatmohar police said they arrested the opposition men on suspicion of carrying out subversive activities during the hartal.

Meanwhile, Ishwardi police filed a case against 230 leaders and activists of Chhatra Dal, Jubo Dal and BNP for rampaging.

Our Tangail correspondent reports, 12 leaders and activists of BNP and its front organisations were arrested in separate raids.

Six BNP men were arrested in Kishoreganj at 11:30am, adds our correspondent from the district.

Our Rajshahi University correspondent reports, Chhatra League members drove out the leaders and activists of Jatiyataabadi Chhatra Dal from the campus yesterday as the student wing of the main opposition was arranging a pro-hartal procession.

A correspondent from Chittagong reports, police detained a BNP activist from a procession at Kazir Dewry area around 5:00pm.

Key accused wants all to be tried

STAFF CORRESPONDENT

Prime accused in a Pikhana BDR mutiny case Subedar Major Gofran Mallick told a BDR special court yesterday that all the 8,500 jawans present at the BDR headquarters on February 25-26 last year should be tried on charge of mutiny.

Gofran made the remark when Special Court-7 allowed him to cross-examine witness Habildar Habibur Rahman who said in his deposition Gofran was one of the key persons behind the mutiny.

Earlier, replying to a question from Gofran in the court headed by BDR Director General Maj Gen Rafiqul Islam, Habibur said he had heard Gofran telling some soldiers sitting under the Gol Ghar of 24 Rifle Battalion that army personnel are entering Pikhana through Gate No 1 and 3 to kill BDR jawans, but you people are still sitting here.

Habibur also said he had found subedars Ashraf Ali Mridha and Sheikh Ashraf Ali sitting under the Gol Ghar on February 25 and discussing which post they would grab after the mutiny.

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He added: "From the first day of getting lawyer's certificate I was taught by my senior colleagues that an advocate is deemed to be an officer of the court and is duty-bound to obey and respect each and every order though that may not be in their favour."

He said this is also the rule of law. If it is not maintained, fascism will crop up leading to the end of the rule of law. "I hope the learned lawyers, most of who were my colleagues at the Bar, will not behave like that in future as they did not do so in the past," Justice Rabbani added.

DR M ZAHIR
FROM PAGE 1
of court petition first and then the leave-to-appeal petition as there is no strict rule as to which petition will be heard first.

On the opposition leader's lawyers' insistence to hear the contempt of court petition first, he said, "This is a political case. The lawyers seemed to have done what they thought would save their own interest and so I cannot and should not make any comment about it."

Regarding the procession of a section of pro-BNP lawyers demanding resignation of the chief justice, he said, "I am not in any agreement with anybody who demands resignation of a judge because I think it wrenches down the reputation of the judiciary."

ROKAN UDDIN
FROM PAGE 1
politically sensitive and one of the political parties has made an issue out of it.

As a political party has kicked up the dust centring this case, the court could have adjourned hearings of the all the civil petitions in order to defuse the situation, he added.

Criticising the lawyers who brought out a procession demanding "resignation" of the chief justice, he said, "Such expression of protest against the order of the Supreme Court by the lawyers should be avoided as it diminishes both the image of the lawyers and the SC.

Judiciary insulted

KAMAL HOSSAIN
FROM PAGE 1
and the judicial process.

"We should all rise above partisan politics and seek to uphold the rule of law," he added.

GHULAM RABBANI
FROM PAGE 1
Constitution, everybody is constitutionally bound to act in aid of the Supreme Court.

"The learned advocates did not behave, as it seems to me, as advocates appearing before the court, or in other words, as officers of the court. Their behaviour was like that of politicians on the streets," Rabbani said.

He added: "From the first day of getting lawyer's certificate I was taught by my senior colleagues that an advocate is deemed to be an officer of the court and is duty-bound to obey and respect each and every order though that may not be in their favour."

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They wanted to create confusion

Justice Syed Amirul Islam

Justice Syed Amirul Islam observed that the court has rightly moved the case.

The pro-BNP lawyers filed the leave petition, hearing of which was supposed to be held yesterday, but they were not interested to move the leave petition which means they apprehended that the petition would be dismissed, he said.

Actually, the lawyers wanted to create confusion by hanging the leave appeal, he said, adding, lawyers cannot do that.

On the lawyers' procession for the CJ's resignation, he said the behaviour tarnishes the image of the CJ as well as of the judiciary.

The chief justice has no extrajudicial power when he sits as a judge. All three judges have equal power and yesterday's order was made according to their decision, he said.

This sort of behaviour of lawyers amounts to contempt of court, he said.

Court followed correct procedure

Shahdeen Malik



Eminent jurist Shahdeen Malik said it is needless to say that technically the court followed the correct procedure and it was up to the lawyers of Khaleda Zia as to why they did not properly proceed with the case. He feels the court did not have any option but to pass the order as it did.

He said it also seems the judgment of the highest court is being deliberately and calculatedly turned into a political issue. This is very ominous for stability of the country, he asserted.

"One may disagree with the court verdict and also express disagreement. But it must be done in a civilised manner and more so by lawyers of the court."

In the recent past, there were also one or two uncivilised and unacceptable protests. It seems instead of correcting our wrong behaviour, we are unwisely repeating similar behaviour, which is not good for the judiciary and the country," Malik added.

US diplomacy

FROM PAGE 16
and a narcotics trafficker."

Several diplomatic documents leaked showed that key US allies in Europe and the Middle East were privately pushing for tough action against the Iranian nuclear threat, despite their moderate public posture.

In another document, US Defence Secretary Robert Gates told his French counterpart that Israel could strike Iran without US military support but the operation might not be successful.

The Guardian newspaper reported that a classified directive sent to US diplomats under US Secretary of State Hillary Clinton's name in July 2009 sought technical details about the communications systems used by top UN officials.

The directive also sought intelligence on UN Secretary General Ban Ki-moon's "management and decision-making style," said to the report. UN officials declined to comment.

The New York Times, Britain's The Guardian, Germany's Der Spiegel, France's Le Monde and Spain's El Pais published the first batch of the documents on Sunday, saying more would follow in the coming days.

WikiLeaks chief Julian Assange described the release as a "diplomatic history of the United States" that would cover "every major issue."

Despite coming under a cyber attack that took down its main website earlier in the day, WikiLeaks started publishing the 251,287 cables -- 15,652 of which are classified "secret" -- from 274 US embassies around the world on a sub-website <http://cablegate.wikileaks.org>.

In an introduction, it painted the United States as a hypocritical superpower and attacked "the contradictions between the US's public persona and what it says behind closed doors."

The White House hit back, saying the release was a "reckless and dangerous action" that put lives in danger.

The Pentagon, already infuriated by the website's publication of secret Afghanistan and Iraq war logs earlier this year, unveiled new steps to prevent future leaks.

US officials had raced to contain the diplomatic fallout by warning more than a dozen governments of the impending leaks, but Washington refused to negotiate with WikiLeaks, saying it had obtained the cables illegally.

The existing crisis of official residence for army officers at Dhaka Cantonment has reached to such extent that the officers who are posted in this cantonment cannot stay at the official residences and get transferred before the process of allocating houses at cantonment ends.

A high-ranking army officer said they are initially proceeding with the idea of constructing the buildings on the Moimul Husein Road land.

But before finalising any such plan and demolishing

Earlier on November 9, a meeting with Finance Minister AMA Muhiht in the chair decided that a committee headed by a representative of the commerce ministry would be formed to prepare the rules and fix fees for transit and transshipment. Immediately after that the finance minister proposed some guidelines in writing to the commerce minister on the members and the terms of reference of the committee.

Sources said the finance minister's letter mentioned that the committee should consist of the representatives of the ministries of foreign affairs, communications and shipping and the National Board of Revenue. The committee may take advice from experts on transit and transshipment issues.

M Rahmatullah and Sadiq Ahmed are likely to be appointed as consultants for preparing the rules, the sources added.

Commerce Secretary Golam Hossain yesterday told The Daily Star that the commerce ministry would hold a meeting on Thursday to decide on how the guidelines can be implemented.

NBR chief Nasiruddin Ahmed at a press briefing at the NBR conference room yesterday said the commerce ministry has been assigned to prepare the rules and it will soon form a committee comprised of representatives of related ministries.

The committee will analyse the studies and also look into how other countries deal with transit and transshipment facilities.

The finance ministry has already collected some information in this regard including that of Switzerland.

Earlier in October this year, the NBR chairman at a press conference said they would organise a seminar on November 10 regarding the rules for transit and transshipment. The NBR was supposed to present a study report at the seminar.

Replying to a query the NBR chairman yesterday said the seminar could not be held on that day, as the finance minister was busy. The seminar will be held later.

Khaleda's lawyers feel

FROM PAGE 16
court did not grant our prayer," he said.

The issue over the residence of BNP Chairperson Khaleda Zia was pending in the Supreme Court, but the government had evicted her from the residence in order to insult her, he said.

He said government had also dishonoured the apex court by evicting her.

"The court passed the order dismissing the petitions on the ground that those were not placed before the court for hearing, although we never said we wouldn't place the petitions," he said.

Mahbub Uddin Khokon, another lawyer for Khaleda Zia, told The Daily Star that the Appellate Division had not followed the established rules of first hearing on the interim petitions (like contempt of court petition) before the original petition (like leave-to-appeal petition).

Asked whether they would appear before the SC today for moving the contempt of court petition of Khaleda Zia, he said there was no place for them to go now.

He, however, said there was every possibility of interpreting the Supreme Court order to examine whether the case can reopen or the chapter regarding the cantonment residence of Khaleda Zia has been closed.

Khokon said they would not

accept Chief Justice ABM Khairul Haque, if he would be made the chief adviser to a caretaker government in future, as he has become controversial.

Rafiqul Islam Mian, president of Jatiyataabadi Ainjibi Forum, an association of pro-BNP lawyers, at a meeting at the Supreme Court Bar Association's south hall yesterday said they were shocked, anxious and concerned with the court's move over the case.

Attorney General Mahbubey Alam said the petitions of Khaleda Zia over the cantonment residence were not moved by her lawyers at the Appellate Division due to their politicisation over this issue.

He said Khaleda Zia's lawyers have killed 90 minutes' time of the court, but did not place arguments on the leave-to-appeal petition filed by the BNP chief against the High Court verdict that upheld the government notice asking her to leave the residence.

He questioned, TH Khan was fit for hearing the contempt of court petition, but why did he feel unfit for hearing the leave-to-appeal petition?

The SC has said it would hear all the petitions of Khaleda Zia one by one, but her lawyers did not move the leave-to-appeal petition to make the issue a political one, Mahbubey Alam added.

Army now mulls

FROM PAGE 1

the buildings would greatly help meet the residence crisis of the army officers.

Originally, there was a one storey building on this land which was allocated to the army after the independence of the country. If we construct high-rises now, we can have official residence for several hundred army officers to meet the existing residence crisis in the force," a high-ranked officer told The Daily Star yesterday.

Another top-ranking official said the idea of constructing multi-storied buildings is still on the cards, but the authorities concerned would take further steps after receiving the copy of the SC judgement.

There are some offices in the army and under the defence ministry, which are responsible for dealing with further steps, such as finishing legal process and receiving approval from different government offices.

The army may formally place a proposal to the government once the plan of constructing the buildings takes a concrete shape.

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He also added Khaleda Zia was deprived from justice and AL has to pay in future for this injustice. "Government made a peaceful situation chaotic by grabbing the house of leader of the opposition and countryman will not take it easily,"

Joint General Secretary of AL Mahbubul Alam Hanif said they are respectful to court decision and he thought the SC dismissed the petition following the laws properly.

"Khaleda called hartal prior to the final judgement as she has no respect for the apex court," he said, adding "She [Khaleda] knew the verdict would go against her and for that reason she announce hartal earlier."

Jamaat-e-Islami Acting Secretary General ATM Azharul Islam, however, said Khaleda Zia's lawyers had urged the SC for more time, but the court did not allow time which is unfortunate and against the rule of law.

Khandaker Mosharraf Hossain, another standing committee member of BNP, told The Daily Star last night that party Secretary General Khandaker Delwar Hossain will give formal reaction over the court decision later.

the existing structure on the land, army authorities will have to complete the process of returning Khaleda her rest of the household belongings.

During a visit to the house on November 14, the day after Khaleda "left" the house, journalists found at least 64 cartons, suitcases and tin boxes stuffed with household items.

After the Pikhana BDR mutiny in February last year, Prime Minister Sheikh Hasina announced to compensate the families of 57 army officers slain in the mayhem if Khaleda spares her cantonment residence.

On PM's announcement an army high up said plots have already been awarded to the victim families at DOHS in the capital. So the necessity of the families' residential facilitation on the land would be considered later.

It would, however, take several years for the families to construct buildings on the allocated plots in DOHS and so the issue of distributing the houses on the cantonment land among the families would be considered if the planned multi-storied buildings in Dhaka cantonment are constructed before the DOHS houses, said sources.

BNP won't
FROM PAGE 16
opposition chief whip in the House, expressed the views of the main opposition's parliamentary party at a press briefing at the Jatiya Sangsad Media Centre.

Speaker Abdul Hamid on Sunday called upon the BNP-led opposition lawmakers to join the seventh session of parliament beginning on December 5. He assured the opposition that it would be given "enough time" to speak in parliament.

The BNP-led opposition that includes Jamaat-e-Islami and Bangladesh Jatiya Party has been boycotting parliament since the inaugural day of the fifth session on June 2. The opposition deputies walked out of the House protesting the arrest of the acting editor of Daily Amar Desh, Mahmudur Rahman.

They did not return to the sixth session of parliament that prorogued on October 6.

"The speaker has not met even a single demand of the opposition. He [Abdul Hamid] has failed to place our demands before the government," said Faroque, flanked by opposition deputies.

He alleged that the speaker did not accept any of their adjournment motions on important issues in the previous sessions.

"It is no use joining the parliament session if we are not allowed to speak against the government's misrule and wrongdoings," the opposition chief whip said.

Faroque said they would consider returning to the House if the speaker can give assurance that they would be allowed to discuss important issues such as law and order, price hike of essentials, carnage at the BDR headquarters, transit and the ruling party's repression on political opponents.

Khaleda loses

FROM PAGE 1

follow the cause list chronologically.

The BNP chief's lawyers pressed for adjourning the hearing on the leave to appeal prayer and insisted on the petition, filed by Khaleda, which accused the government of being contemptuous of court in dealing with the disputed house.

Chief Justice ABM Khairul Haque who led a three-member full bench of the apex court presided over the session.

Amid a tensed environment, some pro-BNP lawyers were behaving in an unruly manner. When the court asked a lawyer (who was shouting) to come close to the bench, a senior pro-BNP lawyer asked all to be quiet. Other senior lawyers remained silent.

At one point, the court asked Khaleda's lawyers to keep the SC "functional by starting the hearing on the leave to appeal petition", which the lawyers ignored continuing to push their own statements.

And finally when the counsels defied the court's requests and refrained from placing their submissions according to the serial number on the cause list, the court decided to pass the orders on the three petitions as those were on top of the list.

Following the dismissals, the attorney general said the legal chapter regarding Khaleda Zia's previous residence in cantonment ended. But Khaleda's lawyers said one could reach such a conclusion only after seeing the full text of the court order.

The apex court dismissed the petitions around 11:00am, as those were not placed before it for hearing within 90 minutes of the court's commencement around 9:20am amid tight security in and around the compound.

After the orders were pronounced, the court went into recess for an hour, deciding to hear the contempt petition after the break. When it reconvened at 12 noon none of Khaleda's lawyers turned up. The judges waited for them for 20 minutes, and then adjourned the hearing till this morning.

Soon after the court dismissed the three petitions, pro-BNP lawyers marched to the Supreme Court Bar Association Building chanting slogans against the judgment, and in favour of today's hartal called by the party. They also demanded resignation of the chief justice.

Yesterday's sessions began amid unprecedented security measures around the court premises. Rab and police -- in uniform and plain clothes -- jointly set up checkpoints at various points on the premises, from the gate to the courtroom.

The security did not allow anyone inside except for those who had court affairs to deal with. As a result, a large number of court visitors remained stranded at the High Court Mazar gate almost the whole

day.

Khaleda on November 8 filed two petitions with the apex court challenging the HC verdict that had declared the government notice to vacate the disputed cantonment house valid.

The opposition leader filed two more petitions with the SC on November 23 following her departure from the disputed house on November 13 -- one for a status quo order on the house and seeking an order so that she could move back to the house, and the other was the contempt of court petition against the government.

Khaleda claimed that she was "evicted illegally".

On November 10, the Appellate Division adjourned the hearings of the first two petitions till November 29. On that day, TH Khan, principal counsel for Khaleda, appealed to the court to adjourn the hearing of the leave to appeal petition on grounds of him being ill and his co-counsel Rafique-ul-Huq being abroad.

A judge on November 23 fixed November 29 for the hearing of the two new petitions as well.

The apex court in its order scheduled to hear the petition for leave to appeal and the application for the stay on the HC verdict before hearing the status quo petition and the contempt of court petition.

At the beginning of yesterday's session, at 9:30am, the court asked the petitioner's counsel TH Khan to place the leave-to-appeal petition for hearing. TH Khan, however, began his arguments asking the court to hear the contempt of court petition first and insisted that Rafique-ul-Huq and Moudud Ahmed made the first submissions.

The judges assured TH Khan of the hearing and disposal of all the petitions one after another, and that they would allow Rafique-ul-Huq and Moudud Ahmed to place their arguments. As the senior most lawyer of the petitioner he should make the first submission, the judges added.

But Khan sought to adjourn the hearing on the leave to appeal petition saying that he needed instructions from his client.

This prompted Chief Justice ABM Khairul Haque to say, "You have consulted a lot with your client since November 10. Now the law will take its own course."

Yesterday's court order explained the dismissal of the petitions as saying, since TH Khan kept the court waiting for 90 minutes without starting the arguments in the leave to appeal petition, that petition along with the petition for mandatory injunction were dismissed.

The government on November 13 allegedly evicted Khaleda from the cantonment residence on the grounds that the SC did not issue a stay order on the HC verdict.

Hartal

FROM PAGE 1
country for the last few days. It urged people to make the hartal successful whereas Dhaka Metropolitan Police (DMP) commissioner said police will take tough action if anyone is forced