Taher trial illegal

mander during the 1971

Liberation War of Bangladesh. His supporters say he had a role in the soldiers' uprising on Nov 7, 1975 that saw Ziaur Rahman's release from confinement in Dhaka Cantonment.

Taher was later arrested and put to trial by a military tribunal that sentenced him to death on charges of mutiny and treason. He was executed on July 21, 1976.

Sixteen others including politicians Sirajul Alam Khan, ASM Abdur Rab, Maj (retd) Zia Uddin, Hasanul Huq Inu, Sharif Nurul Ambia, and Mahmudur Rahman Manna were also tried on the same charges and sentenced to various jail terms.

Delivering a judgment on four separate writ petitions, the HC bench of Justice AHM Shamsuddin Chowdhury Manik and Justice Sheikh Md Zakir Hossain yesterday said, "Ziaur Rahman is not available now to face the murder charge as he is already dead, Abdul Ali will be prosecuted for killing Taher under the order of Ziaur Rahman. Abdul Ali is the only living judge of the military tribunal. Senior judge of the bench

Justice Shamsuddin Chowdhury Manik announced the verdict saying, "The so-called pretentious trial of Colonel Abu Taher, Hasanul Huq Inu, Mahmudur Rahman Manna, Major (retired) Zia Uddin and others was a hoax, a sham, and a fiction." "The sentence passed by

the fake tribunal is hereby set aside and quashed, as if it is set that such fictitious and farcical trial never took place." The court ruled that Col

Taher will be treated as a martyr and a patriot instead of a traitor, and the others tried and convicted on false sedition charges will be treated as patriots as well. The court directed the authorities to amend relevant records to that effect. Family members of Taher

and Hasanul Huq Inu were present in the courtroom during the delivery of the

verdict. US journalist and writer Lawrence Lifschultz, who had covered the trial of Taher in 1976, was also pres-

They termed the judgment historic, and expressed satisfaction.

Justice Manik said the military tribunal and the socalled trial was not in accordance with any recognised law of the country.

The camera trial, which was held inside a prison, was in total violation of all norms of justice, he went on.

The court said there was no process of charge framing against the so-called accused, no first information report or charge sheet, and the accused were not told about the charges they were about to face.

The accused were neither allowed to have access to lawyers, nor to cross examine the prosecution witness, they were barred from appealing against the verdict and from seeking a review, the bench said. They were not even allowed to submit mercy said. petitions, it noted.

The so-called tribunal had no document before it for holding the trial, and it did not allow the accused to defend themselves either, the HC observed.

"In short it was not even a show-trial as Lawrence Lifschultz stated before us. The purported trial was arranged only to justify Zia's decision to kill Taher with a view to establishing autocracy," Justice Manik said. The HC asked the govern-

ment to seriously consider the question of compensating the victims of the military tribunal including the family members of Taher for the wrongs done to them by Ziaur Rahman.

The court said apart from Lawrence Lifschultz, Hasanul Huq Inu, and Mahmudur Rahman Manna, Zia's close associates Gen (retd) Nurul Islam Shishu and Moudud Ahmed also confirmed that Zia alone had decided to kill Taher even before formation of the socalled tribunal.

those who had said that Lawrence Lifschultz had come to Bangladesh as a government-hired agent.

Although the remark is tantamount to contempt of court, the bench is not bringing any charge, said the court adding that the persons who made the comment must refrain from making such remarks on sub-judice mat-

The bench also directed the government to constitute a high profile committee to investigate the allegation that Ziaur Rahman was "directly involved in the killing of Bangabandhu Sheikh Mujibur Rahman" on August 15, 1975, and after 1975 in the killing of several thousand military personnel who had been freedom fighters.

The committee will be comprised of retired judges of the Supreme Court, lawyers, journalists, human rights activists, civil society members, retired senior military and police officials, and civil servants, the bench

Justice Manik gave a list of actions by Ziaur Rahman that "prove his anti-liberation stand".

The justice said Zia erased the slogan Joy Bangla; changed the basic principles of the liberation war including secularism; appointed Shah Azizur Rahman, one of the worst collaborators of the Pakistani occupying army, as the prime minister; and appointed other collaborators Mustafizur Rahman and Abdul Alim as ministers after usurping the state power.

Ziaur Rahman introduced the politics of religious fundamentalism in the country, accommodated all war criminals and collaborators of the occupying army, "immunised" the killers of Bangabandhu Shekih Mujibur Rahman, and gave them respectable jobs, Justice Manik said.

He also said Ziaur Rahman converted Suhrawardi Uddyan -- the relic of Bangabandhu's historical March 7 speech, and the place where Pakistani armed forces surrendered -- into Shishu Park only to wipe out the memory of the liberation war.

Ziaur Rahman also made the government-controlled media stop terming the then Pakistani forces as occupation forces, he added.

Taher's widow Lutfa Taher; his brother M Anwar Hossain; and Fatema Yusuf, wife of Yusuf Ali Khan, who was given life sentence by the military court; jointly filed a writ petition on August 22 last year challenging the legality of the military tribunal and the trial.

On August 23 last year, the HC issued a rule asking the government to explain why the martial law regulation under which Taher was tried and executed should not be declared illegal and unconstitutional.

Jatiya Samajtantrik Dal President Hasanul Huq Inu and its Vice-president Rabiul Alam, Maj (retd) Zia Uddin, and Abdul Majid, who were also tried and punished by the same military tribunal, filed three other writ petitions with the HC on similar

grounds in January this year. The HC on different days in January issued separate rules on the government.

During hearings on the rules, a number of senior lawyers placed submissions before the court as amici curiae (friends of the court), saying that the trial of Taher and others was illegal and unconstitutional.

Lawrence Lifschultz also placed separate statements before the HC bench.

Dr Kamal Hossain, Barrister M Amir-Ul Islam, Dr M Zahir, Barrister MI Farooqui, Advocate Yusuf Hossain Humayun, Dr Akther Imam, among others, placed submissions on the matter as well.

Barrister Rokanuddin Mahmud and Dr Shahdeen Malik argued for the petitioners, while Attorney General Mahbubey Alam, Additional Attorney General MK Rahman, and Deputy Attorney General ABM Altaf Hossain appeared for the

Gaddafi forces hit back

FROM PAGE 1

that Washington would be forced to retain leadership of air patrols that will replace the initial bombardment.

"We anticipate this transition to take place in a matter of days and not in a matter of weeks," Obama, facing questions at home about the US military getting bogged down in a third Muslim country, told a news conference on a visit to Chile. In the first apparent air

force casualty of the campaign, a US F-15E crashed in Libya overnight and its two crew members were rescued, the US military said. The crash was likely caused by mechanical failure and not hostile fire, it said. In the latest fighting

yesterday, Gaddafi's tanks shelled the rebel-held western city of Misrata and casualties included four children killed when their car was hit, residents said, adding the death toll for Monday had reached 40. Residents painted a

grim picture of the situation in Misrata which has been under siege by Gaddafi loyalists for weeks with doctors operating on people with bullet and shrapnel wounds in hospital corridors and tanks in the city centre.

REBELS PINNED DOWN

Al Jazeera news network said Gaddafi forces were trying to seize the western rebel-held town of Zintan near the Tunisian border in an attack using heavy weapons. Residents had already fled the town centre to seek shelter in mountain caves. Security analysts say it is

unclear what will happen if the Libyan leader digs in, especially since Western

powers have made clear they would be unwilling to see Libya partitioned between a rebel-held east and Gaddafi-controlled west.

city

Rebels in east Libya were positioned just outside Ajdabiyah on Tuesday, making no further advance on the strategic town despite a third night of Western air strikes on the north African oilproducing state. At the frontline in the

desert scrub about 5 km outside the town located at the gateway to the rebelheld east, rebels said air strikes were helping cripple Gaddafi's heavy armour. But there was no sign of a swift drive for-When asked why rebel units had not advanced

toward their objective, which is the eventual taking of Tripoli, Ahmed al-Aroufi, a rebel fighter at the frontline, told Reuters: "Gaddafi has tanks and trucks with missiles." Commenting on the air

campaign to protect civilians in this uprising against Gaddafi's 41-year rule, Aroufi said:

"We don't depend on anyone but God, not France or America. We started this revolution without them through the sweat of our own brow, and that is how we will finish

NATO TALKS 'EMOTIONAL'

British Prime Minister David Cameron said the intention was to transfer command to Nato, but France said Arab countries did not want the US-led alliance in charge of the operation.

talks in Brussels yesterday after failing to reach agreement at heated talks on Monday.

Some allies were now questioning whether a nofly zone was necessary given the damage already done by air strikes to Gaddafi's military capabilities, a Nato diplomat said.

"Yesterday's meeting became a little bit emotional," the Nato envoy said, adding that France had argued that the coalition led by France, Britain and the United States should retain political control of the mission, with Nato providing operational support, including command-and-control capabilities.

"Others are saying Nato should have command or no role at all and that it doesn't make sense for Nato to play a subsidiary role," the diplomat said. 'GADDAFI'S LIES'

Rifts are also growing in the

world community over the UN resolution, with Russian Prime Minister Vladimir Putin comparing the mandate to a call for "medieval crusades. China and Brazil urged a ceasefire amid fears of civilian casualties.

Defence Secretary Robert Gates said yesterday on a trip to Moscow that some people in Russia seem to believe what he termed Gaddafi's "lies" about civilian casualties in Libya.

"We've been very careful about this and it's almost as though some people here are taking at face value Gaddafi's claims about the number of civilian casualties, which as far as I am concerned are just outright Nato officials resumed lies," Gates told reporters.

FROM PAGE 1

But we don't realise it. We have to learn language. Why will people use the word 'honourable' before our names if we use such indecent words in the House?" Khasru asked.

Uproar in JS

Both the treasury and opposition bench lawmakers maintained pin-drop silence while Khasru was expressing his anguish for frequent use of indecent words in parliament for last couple of days.

been repeatedly urging and requesting the lawmakers not to use abusive and aggressive words.

yesterday's discussion on the thanksgiving motion, the speaker again urged the lawmakers to cooperate with him to run the House. "For God's sake, help me

speaker said. But like the previous days,

a number of lawmakers did not pay heed to the speaker's call.

on the thanksgiving motion on the president's address, Jatiya Samajtantrik Dal President Hasanul Haq Inu referred to yesterday's HC verdict that declared illegal and unconstitutional the trial of Col Taher and some other freedom fighters by a military tribunal in 1976.

execution of Taher was a coldblooded assassination, which was masterminded by late president Ziaur Rahman. In reference to the HC's

killer". His remark triggered huge

bench. Main opposition BNP lawmakers stood on their feet and started shouting in protest and demanded that the remark should be expunged. Amid noisy and stormy

sition lawmakers, Speaker Abdul Hamid said the word killer was expunged. He urged speech.

the speaker's call and went on shouting. Even they sped up shouting and some of them started chanting slogans against Inu without microphone. A number of BNP lawmak-

to the reserved seats for women in parliament were seen leading the slogans. "We will flay Hasanul Haq

Hasanul Hag er chamra tule nebo amra]" the chanting went on.

female lawmakers of BNP --Hasina Ahmed and Rumana Mahmood, who were elected from Cox's Bazar-1 and Sirajganj-2 constituencies respectively, remained silent.

Amid their noisy protests, CD lawmaker Inu sought the speaker's protection saying

however, expunged the word "killer" to defuse the opposition protests.

fixed for ablutions (ozu), he A number of treasury bench lawmakers also tried to shout the opposition law-

> Finally, the opposition lawmakers walked out of parliament at 7:20pm and

the capital.

Moudud, a former law minister, said: "If one asks army personnel about the trial, they will say the trial was fair, as 60 army men were killed at that time."

wise decision to take the "political issue" in the court, and the court should not side with anyone. It could be solved politically, he said.

meeting in remembrance of the party's just-deceased secretary general Khandaker Delwar Hossain, Senior Joint Secretary General Mirza Fakhrul Islam Alamgir said there is a huge effort to

The bench castigated Rejoinders, our replies

with the issue of repatriation of Bangladeshis from troubled Libya.

Here we publish both the rejoinders; first the foreign ministry's followed by our reply and then the IOM's and our response to that prepared by our special correspondent, who has been reporting on the issue from the spot at Libya-Tunisia border.

FOREIGN MINISTRY Our attention has been drawn to the editorial captioned "Repatriation hampered" appearing in The Daily Star dated March 20, 2011. This editorial is an exercise of less-thanprofessional journalism.

The editorial makes some sweeping remarks about the ongoing repatriation of Bangladeshis who had moved from Libya to the borders of Egypt and Tunisia, alleging that the government's "determination to bring back all Bangladeshis home" has not been backed by "concrete measures". The editorial would have us believe that officials of the ministry dispatched to oversee the repatriation process have "not contacted the IOM or UNHCR people working on the ground".

There have also been references to IOM officials being "plainly exasperated" at Biman flights not appearing "despite reports of Biman aircraft flying in to fly out the stranded Bangladeshis". We have also been sermonised to "strive" Saloum on the Libya-Egypt UNHCR) on the repatriation more energetically to orchestrate the repatriation exercise". It is sad, to say the least, especially when the diplomatic correspondent of The Daily Star regularly covers the briefings and updates given by the foreign secretary on the repatriation

exercise. The repatriation process has been thought through and conducted in a coordinated manner in which the ministries of Foreign Affairs, Expatriates' Welfare and Overseas Employment and

Civil Aviation and Tourism as well as other agencies concerned of the government are involved. We consulted with the IOM and other humanitarian organisations on a repatriation plan, including temporary shelter for the returnees at the borders. The IOM began repatriation on March 1 by chartered aircraft on an understanding of cost sharing with the government. It also mobilised additional resources from donors and partnered with other agencies. The ministry dispatched officers and consular staff from the headquarters and other missions in the region to the borders in Egypt and Tunisia as well as to Crete, Greece for servicing our nationals, especially with the issuance of travel documents. Biman was also mobilised to supplement the chartered flights, operating one flight a day from Alexandria in Egypt, beginning March 13. Till date, a total of 29,801 Bangladesh nationals have been safely repatriated home.

There is now a residual 2,500 Bangladeshis awaiting repatriation in Tunisia, while the case-loads in Greece or in Egypt have all been repatriated. The Biman flights are now being transferred to Djerba, Tunisia beginning March 21.

On March 13, Foreign Minister Dr Dipu Moni and the foreign secretary saw the first Biman flight off from Alexandria. The foreign minister also visited Alborder to see for herself the situation there and to meet the stranded Bangladeshis.

The foreign secretary

travelled to the Tunisia border, discussed the situation in the camps with heads of agencies working there, including Tunisian authorities, and met Bangladesh nationals at the border as well as those boarding return flights from Djerba airport.

Expatriates Welfare and Overseas Employment Bangladeshi migrants

Hossain is currently in March 19, he addressed with the governments returnees at Djerba airport and on March 20, he visited the camps at the border, was briefed by the agency heads and met Bangladeshis there.

OURREPLY Comments on the editorial by the foreign ministry are totally misplaced. The facts mentioned above have mostly been covered through our coverage of press briefings of the ministry. Our editorial comment was based on reports by our correspondent at the Tunisian-Libyan border. (see below and also see

today's editorial). We have printed various reports and editorials on how the government has been handling the Libyan issue. This editorial was meant for urging the government to do more for the stranded people in Tunisian

border. It has come to the notice of Internationa Organisation for Migration (IOM) office in Dhaka that reporting from and commentary attributed to IOM on the Bangladeshi migrants by The Daily Star correspondent Morshed Ali Khan from the Tunisian border is not accurate. Today's (March 20, 2011) editorial "Repatriation Hampered: Let our government do more to help" also inaccurately attributes comments to IOM (and the situation and that the Government of Bangladesh is not making any efforts to return its nationals.

The IOM would like to inform that IOM and the Government of Bangladesh have been working closely for the past three weeks to bring the Bangladeshis affected by the Libya crisis back from North Africa (Egypt and Tunisia). A total of 29,895 Bangladeshis have The Minister for returned till today--March 20--since repatriation of

them, 24,856 people have Tunisia also to oversee the been brought back by the repatriation process. On IOM and in coordination In Dhaka, the IOM is

UNHCR and ICRC. **OUR REPLY** On the ground in Choucha camp, where thousands of displaced migrant workers, mainly Bangladeshis who had been working in Libya, swarmed, there was no trace of any representative from Bangladeshi government. The local volunteers as well as host of international bodies, including the IOM, desperately trying to communicate with the Bangladeshi displaced workers, faced increasing challenges every day. Since my arrival at Choucha on March 13, until the arrival of the Bangladeshi minister on March 20, I did not meet anyone who saw any of our government representatives on the ground.

With the IOM drastically reducing flights for the Bangladeshi stranded workers since Friday, there was no word from the national career Biman. Had there been timely efforts to dispatch its own aircraft, the 2,200 Bangladeshis would have been home now.

Khandaker Musharraf started on February 28. Of Bangladesh, Egypt and

> working closely with the Ministry of Foreign Affairs, Ministry of Expatriate Welfare and Overseas Employment, Ministry of Civil Aviation and the Bangladesh Police. This massive repatriation operation has been possible through the excellent collaboration between the respective governments including Bangladesh and the IOM and other UN and international organisations such as

Aid workers here told me that they had heard of some Bangladeshi officials stationed at the airport. I rushed there to find none, even though some aid workers reported seeing "two Bangladeshi officials."

We stand by our report.

FROM PAGE 20 The new influx of Bangladeshis to Egypt

however, was insignificant. As of yesterday, only five Bangladeshis have crossed the Libya-Egypt border, said a foreign ministry press release. On Sunday, some Bangladeshis told The

eager to return home, but were afraid of travelling to Tunisia fearing looting, which is frequent there. The Bangladesh government is asking all the

Bangladeshis to stay

Daily Star from Tripoli over

the phone that they were

indoors. On return from Tunisia, expatriates' welfare minister Khandaker Mosharraf Hossain told reporters at the secretariat yesterday that the government advises the Bangladeshis in Libya not to take risky journeys, because they might get caught in

"crossfire" on the way. Quoting his telephone conversation with some Bangladeshi nurses and doctors in Libya, Ahsan Kibria, first secretary of Bangladesh embassy in Libya, who is now deployed in Tunisia, said there are a few hundred Bangladeshi nurses and doctors, but the Libyan authorities are asking them to stay to help continue the medical ser-

Many doctors and nurses of the Western and some Asian countries have left the North African country, and therefore the Bangladeshi health professionals' presence there is very important for the Libyan authorities, he said.

The workers still in

Libya are mainly in the western region where situation is not so volatile, said Kibria. He added that those still fleeing Libya to Tunisia are mainly families. If the new influx continues at the

According to a foreign ministry press release | sailors. yesterday, 30,532 Bangladeshis have been repatriated to Bangladesh. Of them, 3,287 returned with the help of their employers or on their own, 25,504 under IOM arrangements and 1,742 by

Bangladesh Biman flights.

them home.

Bangladeshis Nightmare on board **FROM PAGE 1**

earlier coursed the ship on a zigzag path creating waves in the sea to keep off the pirates' speedboat.

A chill ran down their spines when the pirates threatened them with life as an Indian navy ship came near MV Jahan Moni, receiving a distress call.

"Seeing the Indian ship, they became furious and pointed two rifles at the captain [Farid Ahmed]. They forced him to tell the Indian ship to leave in five minutes, otherwise they would kill all of us," Shahriar Rabbi, an engine

cadet, said. The Bangladeshi ship was hijacked in the Arabian Sea on December 5 last

The hostages were filled

with the second spell of fright after they reached Garacad, the first place where the pirates anchored MV Jahan Moni and another pirate gang was locked in a clash with the captors over the ship's control.

"The pirates warned us that the rival gang will use us as a human shield if they board the ship," Ruhul Amin, the man in charge of the anchor, told The Daily Star. "Bullets were flying in every direction."

They were afraid that such an incident could occur again. To worry them further,

what they have done in

other ships to "discipline"

the hostages who had disobeyed them. The crew members played obedient slaves. "We never wanted to see them lose temper. Because it is then they kill hostages.

So, we tried to comply with

whatever they ordered,"

said Rabbi. "We tried our best to do whatever they would ask us to do. May it be making present rate, Biman coffee, fetching water or Bangladesh flights might cook food," Rabbi said. need to continue to fly The pirates would sus-

> pect every move of the Last month, to avoid

rival groups, the pirates ordered the sailors to change location. As the ship was unable to speed up due to marine growth (plants and animals that find home on submerged part of a ship), they sweeter.

shouted that they would kill the chief engineer.

"They pinned down chief engineer to the floor and pointed an AK-47 at him. Our captain and some senior sailors rushed and did everything to convince them to spare his life," said Rabbi.

The sailors were struck dumb with terror when Leon, the interpreter, described the killings on a Chinese ship.

As an Indian navy ship tried to near the Chinese ship defying the pirates' order to go back, the pirates shot a sailor to death. They succeeded to send away the Indian vessel after killing two others.

The sailors could understand the underlying messages of the killing stories: the pirates would kill them if the ship owner does no pay the ransom. "They would allow us to

call our relatives or the owner, knowing well that we would convey the threat to them," Rukshana Gulzer, wife of the chief engineer, told The Daily Star. One day, crew member Nazimuddin was hurrying for Fajr prayers. Seeing a

long queue at the place

performed the task else-

Angered at this, the pirates tied his hands and legs behind his back and forced to lie down. the pirates would describe

> pirates? The sailors said it could have been suicidal. "Where could we go? There was no way to flee the heavily armed pirates. They were pointing guns at

us round the clock and we

had to take permission

Had they ever tried to

free themselves from the

"Secondly, the region was infested with pirates. If we could escape our captors, their friends scattered over the area could get us again. If not, there were other groups."

The deep-seated fears

even to sit," Rabbi said.

sailors said they were cautious and were watching each other so that nobody could even think about it. Their safe return is hence so cheering, home is

Speaker Abdul Hamid has

Even prior to resuming

run the House fairly," the

WALKOUT Taking part in the discussion

The court said the trial and

observation, Inu said Ziaur Rahman was a "cold-headed

protests in the opposition protests by the BNP-led oppo-

the opposition lawmakers to take their seats and allow the lawmaker to complete his But the opposition lawmakers did not pay heed to

ers were chanting slogans against Inu. Five MPs elected

Interestingly, two other

he was feeling insecure as his seat was near the opposition "The court used the word, what can I do now?" the speaker questioned. He,

But they did not take their seats, rather left their seats. Some of them came in front of the speaker's podium. A lawmaker even threw papers

makers out, triggering a brief pandemonium in the House.

returned after 20 minutes. It's a move

FROM PAGE 1 reporters after a meeting at the Engineers' Institute in

He added that it was not a

have reportedly forced some to make a suicide Speaking at a condolence attempt. The Bangladeshi

undermine Zia.