

# HC summons

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concerned authorities of government and the persons involved to maintain status quo over its possession for the next three months.

## HC for keeping

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moved by Manzill Murshid on behalf of Human Rights and Peace for Bangladesh (HRPB).

HRPB leaders Asaduzzaman Siddiqui and Sarwar Ahad Chowdhury filed the petition yesterday morning following media reports that a five-star hotel will be constructed at the place of Wonderland after its land is recovered.

directed to evict the persons occupying the historic palace and prosecute them accordingly.

The HC bench of Justice A H M Shamsuddin Choudhury Manik and Justice Jahangir Hossain Selim passed the order after Assistant Attorney General Yeadia Zaman drew the judges' attention to the newspaper report.

The five against whom the summons were issued were made respondents to the rule along with the land secretary, the deputy commissioner and superintendent of police of Dhaka.

Yeadia Zaman told The Daily Star that she placed the report published in the Daily Sun under the headline "Zamindar palace is judge's palace now!" before the HC judges.

According to the report, an influential local family has allegedly occupied the magnificent palace of a former Hindu zamindar at Kolakopa under Nawabganj upazila.

Built during the British rule on several acres of land, the palace now has "Joj bari (judge's house) engraved on its entrance wall, the report stated.

The property of Madhusudan Roy, Shyamal Roy, Kanailal Saha and Hormohon Saha was declared vested property, and a total of 20.6 acres of land was leased out to Ansar Academy in 1979 and 1981.

However, a section of unscrupulous people grabbed a portion of the property along with the beautiful palace, the report added.

# Heat wave to continue

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heat.

According to the Department of Meteorology, the highest temperature in Dhaka yesterday was 35.5 degree Celsius and the lowest 27.5 degree. The highest temperature in the country was 38 degree Celsius in Rajshahi.

The heat spell is likely to continue in central and northern regions of the country today, met officials said.

"I am suffering from diarrhea caused by this scorching heat. I am carrying packets of oral saline with me all the times," said Nabidul Alam, a resident in city's Gopibagh area.

"The top floor of the five-storey building where I live is so hot I feel like being

roasted alive," he told The Daily Star yesterday.

Rakib Hasan, a private service holder, who commutes regularly between Mohakhali and Moghbazar on motorcycle said, "When the bike is running, it is not much of a problem. But when I have to stop in the traffic, I cannot bear the heat. Sometimes I leave the bike on the road and move to the footpath to find some shade," he told The Daily Star.

Mithila Rahman, a housewife from Azampur in Uttara, said living conditions are worsening each day in this heat with regular power outages every two to three hours.

"On top of all this, the water supplied to our house is often stinky. How can we

live in a city like this?" she asked.

Silvi Rozario from Tejgunipara said her child sweats so much during the frequent power outages in his school at Monipuripara that he suffers regularly from colds and cough.

"Authorities must look into the power issue with the highest importance," she said.

"The number of cholera and diarrhea patients at ICDDR,B hospital stands between 550 to 600 at present, which is double the number of such patients we usually have," said Dr Rafiqul Islam, acting head of the Diarrheal Diseases Unit at ICDDR,B in Mohakhali.

He advised all to drink purified and boiled water and eat fresh food.

# Opposition

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anonymity.

The opposition had been boycotting budget sessions since 2009 which led the House to pass the national budgets for three consecutive years without the participation of opposition lawmakers.

President Zillur Rahman yesterday announced the budget session to commence from May 27.

"We will seriously consider joining the upcoming budget session. But before that, we need to hold a formal meeting of BNP Parliamentary Party," Moudud Ahmed, a member of BNP national standing committee, told The Daily Star yesterday.

He said if they joined the budget session, they would

raise various issues including crisis of essentials, disappearance of Ilias Ali, construction of Tipaimukh Dam, transit with India, rationale of filing cases against 72 opposition leaders, slide in law and order, former railway minister's corruption and restoration of caretaker government system.

Finance Minister AMA Muhith earlier said the budget for fiscal 2012-13 was likely to be placed in parliament on June 7.

This would be the fourth budget of the Awami League-led government since it assumed office in January 2009. Before its tenure expires, this government will place one more budget next year.

# President, watch who you

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The constitutional provision does not clarify in what circumstances or in which stage the president may or may not pardon, he said, adding that the recent HC observations can be considered and followed as a law as long as the judgment is not challenged in the Appellate Division of the Supreme Court.

Khandker Mahub also said the HC judgment has created a scope for a final directive to come from the Appellate Division, which can make it clear that no fugitive convict shall be granted presidential pardon.

"According to laws, a fugitive cannot challenge his conviction until he surrenders before court," he said.

During the 2007-08 military-backed caretaker government rule, many politicians and businessmen were

tried in absentia. After the rule ended, they challenged their convictions at the HC and sought bail instead of surrendering before trial court.

At that time, the Appellate Division cautioned a few HC judges for granting bail to some convict fugitives. The apex court also blocked ways to bail for those who were convicted in absentia.

Sarwar Kamal, whose petition brought out the April 25 HC judgment, was jailed by the trial court and the High Court in 1989 and 1992 respectively in a case filed for beating a man to death. The case was filed with Teknaf Police Station in Cox's Bazar in July 1981.

Kamal, now 58, was in jail during the trial in the lower court.

But following an appeal against the trial court verdict, the HC in August 1991 granted him bail till disposal of the appeal. Subsequently, he was freed from jail.

However, in September 1992, the HC in its judgment on the appeal petition sentenced Kamal to eight years' imprisonment and ordered him to surrender before the trial court.

Meanwhile, in 1991, Kamal's wife submitted a mercy petition to the then president Abdur Rahman Biswas, who pardoned Kamal in April 1993.

Seven months before the clemency, the HC had ordered Kamal to surrender before the trial court, but he did not comply.

Assistant Attorney General Gazi Md Mamunur Rashid, who was counsel for the state in this case, told this paper recently that Kamal did not provide all the facts to the president.

Asked about going to the Appellate Division for guidelines, Attorney General Mahubey Alam said they would decide on the matter after getting a copy of the full HC judgment.

From his initial understanding of the issue, the attorney general said the case was not about the president's power to grant clemency.

He added that Kamal did not fulfil the required pre-conditions for getting such mercy.

Since BNP's formation in the late 1970s, Kamal has been actively involved with

the party and is currently secretary general of Teknaf Upazila BNP and also vice-president of Cox's Bazar district BNP.

Talking to this correspondent late last month, Kamal said he would appeal to the chamber judge of the Appellate Division for staying the HC verdict.

He said he would surrender to the trial court only if he failed to secure a stay, as the HC on April 25 ordered him to do so in six weeks.

Kamal, however, hopes his party will deal with the issue politically because the mercy was granted by a president nominated by the BNP.

The exercise of the president's power to pardon first came under huge criticism during the 2001-2006 BNP-Jamaat rule. In 2005, the then president Iajuddin Ahmed granted mercy to Mohiuddin Ahmed Jhantu, founder president of the BNP chapter in Sweden.

Jhantu along with two accomplices was sentenced to death by a martial law court in 1982. His two partners, who were in jail, were executed, but he escaped the punishment by fleeing the country.

Fugitive from justice, Jhantu had been liaising closely with the home ministry and law ministry to get the president's clemency. He even had met the then prime minister Khaleda Zia, according to media reports at the time.

He surrendered before the court just 10 days before getting the clemency.

The process of pardoning Jhantu had raised many eyebrows. The roles of the home and law ministries, especially that of the then law minister Moudud Ahmed, also came under heavy criticism.

Since then, it has been widely debated whether the president's power to pardon should be exercised on political considerations.

The issue surfaced again in 2009, when the incumbent President Zillur Rahman granted mercy to Shahadab Akbar, son of Deputy Leader in Parliament Syeda Sajeda Chowdhury, who did not surrender before the court.

Shahadab was given 18 years' imprisonment in absentia in four cases filed by the Anti-Corruption Commission and the National Board of Revenue during the last caretaker government rule.

A number of top lawyers have observed that the president's power to grant mercy has become controversial because of its political use.

"In the light of the recent exercise of the president's power to pardon convicts, it seems that the power belongs to the ruling party," said Shahdeen Malik, a jurist and human rights activist.

"This High Court judgment [of April 25] will restrict such clemency at least for fugitives, and this restriction will pave the way for limiting unreasonable and biased exercise of this power," he added.

However, some lawyers point out that in democratic countries, the heads of state do have this prerogative to pardon. But it needs to be ensured that the power is not exercised arbitrarily.

A clear guideline is needed to prevent abuse of this power, the lawyers feel.

# NBC footage

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officer of the case and the 28th and last prosecution witness, said it was not true. Helal had provided the court with the footage.

Helal, during his testimony, had also presented footage of US broadcaster CBS's news report as evidence against the Jamaat-e-Islami leader who is facing 20 specific charges of crimes against humanity allegedly committed during the Liberation War.

The three-member tribunal of Justice Md Nizamul Huq, Justice Md Anwarul Haque and AKM Zaheer Ahmed yesterday recorded the cross-examination of the witness for the sixth day yesterday.

The NBC and CBS footage from 1972 gave an account of the atrocities committed in Bangladesh during the Liberation War.

Helal yesterday said the CBS news report did not mention anything about Sayedee or about Pirojpur district where the Jamaat leader had allegedly committed the crimes. He went on to add that atrocities were committed all over the country and some of those atrocities were described in the

CBS report.

"Sayedee committed similar crimes. I investigated those crimes and submitted a report accordingly," he had said but the tribunal omitted his answer for the proceedings as it was irrelevant.

In reply to other questions, the investigation officer admitted that he did not know where CBS was based in and that he did not try to contact the journalists who produced the report.

Helal said the CBS report was collected in the same way the NBC report was collected, meaning the foreign ministry provided the investigation agency with the reports.

He, however, said he did not know how the two reports of the two channels came to be in the same video file that the investigator submitted as exhibit before the tribunal.

The investigation officer also faced questions on other exhibits he had presented before the court during his testimony.

The questions were related to an ATN Bangla documentary on the atrocities committed in the country in 1971 and ETV footage on Sayedee's involvements

in the atrocities.

The cross-examination would resume on May 13.

Sayedee was produced before the court yesterday. The nayab-e-ameer of Jamaat-e-Islami is among three Jamaat and a BNP leader facing such charges at the tribunal-1.

Meanwhile at the International Crimes Tribunal-2, the proceedings against former BNP lawmaker Abdul Alim were adjourned until May 14 as his defence counsel was sick.

Tribunal-2 was yesterday scheduled to hear the defence argument on a petition seeking discharge of Alim from the charges of crimes against humanity allegedly committed during the Liberation War of 1971.

When court proceedings started at 10:40am yesterday, Muhammad Tarikul Islam, a lawyer of the defence, told the tribunal that Tajul Islam, the conducting lawyer of the case, was sick since Wednesday night.

Tarikul sought an adjournment saying that it was not possible for Tajul to appear before the tribunal.

Prosecutor Rana Dasgupta did not oppose the defence plea.

The three-member Tribunal-2, headed by Justice ATM Fazle Kabir with members Justice Obaidul Hassan and Judge M Shahinur Islam, adjourned yesterday's case proceeding and fixed the new date.

Alim who is facing 74 charges of crimes against humanity was present at the courtroom during yesterday's 10-minute proceedings.

Meanwhile, newly appointed registrar to the two tribunals AKM Nasiruddin Mahmud yesterday briefed the journalists on the ground floor of the tribunal building on the present status of the cases against suspected war criminals.

Nasiruddin, district judge of Brahmanbaria, joined on May 7, as the post remained vacant after the previous registrar M Shahinur Islam was appointed as member of the International Crimes Tribunal-2 on March 22.

Six Jamaat and two BNP leaders are facing crimes against humanity charges at the two tribunals. Besides, the second tribunal issued an arrest warrant against expelled Jamaat member Abdul Kalam Azad for the same charges.

**World Health Organization**  
Country Office for Bangladesh

House No. CWN (A) 16, Road No. 48, Gulshan-2, Dhaka-1212  
Tel: 8831415, Fax: 880-2 8831423

**SALE NOTICE**

Sealed bids are hereby invited from the interested bidders for the disposal of one lot of obsolete items (103 items) "As is where is" basis as per the bid schedule. Bids, along with an earnest money of 25% of the quoted price in the form of Pay Order/ Bank Draft (returnable to unsuccessful bidders) issued from any of the scheduled bank of the country in favor of the World Health Organization, Bangladesh must be submitted in the Tender Box kept at the security reception of the office of WHO Representative to Bangladesh located at House-16, Road-48, Gulshan-2, Dhaka-1212 on or before 14:00 hrs, 20 May 2012. The envelope shall be marked with "BID FOR SALE OF OBSOLETE ITEMS" and addressed to WHO Administrative Officer. Bid for partial items or quantities shall not be accepted.

Interested bidders may inspect the sale items in the WHO EPI Office located at House-1, Road-23, Gulshan-1, Dhaka 1212 between 14:00hrs to 16:00 hrs and collect the bid documents from the security reception of the office of WHO Representative to Bangladesh from 9:00 hrs to 16:00 hrs through Sunday to Thursday till 19 May 2012.

Please note that the sale process will be governed by the applicable financial/administrative rules and procedures of the World Health Organization and the relevant Standing Regulatory Orders (SRO) issued by National Board of Revenue of Bangladesh Government, if any.

WHO Bangladesh reserves the right to accept or reject any bid in full or in part without assigning any reason whatsoever.

**Vacancy Announcement (Re advertisement)**

**United Nations Development Programme in Bangladesh announces a vacancy for the position of "Operations Manager" under the service contract modality for the "Upazila Governance" project. The duration of the project is until July 2016.**

*The duration of the Service contract is one year initially, subject to renewal on an annual basis upon satisfactory performance and availability of funds.*

For detailed job description and instructions to apply, please visit our website: <http://www.undp.org.bd/jobs>. Applications should be received no later than **18 May, 2012**.

**Only short-listed candidates will be contacted.**  
Female candidates are particularly encouraged to apply.

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**CAREER OPPORTUNITY**

Fareast Islami Life Insurance Company Ltd. invites applications from Bangladeshi citizen for the following positions:

SL. #	Name of the post	Age (Maximum)	Qualifications	Experience
01	Head of IT	45 Years	B.Sc. in Computer Science or B.Sc. in Computer Science & Engineering	<ul style="list-style-type: none"> <li>7 (Seven) years working experience as programmer in a reputed life insurance company.</li> <li>At least 3 (Three) Years working experience as Head of IT.</li> <li>Experience in Oracle Database 9i / 10g.</li> <li>Experience in Developer 6i / 9i and Developer Suite.</li> <li>Oracle Application Express (oracle Apex)</li> <li>Oracle Certified Professional (OCP) 10g.</li> <li>Monitor and configure networks to optimize performance and resolve faults.</li> <li>Evaluate, select vendor and cost effective solution for fareast operation, ensuring compliance with regulatory requirements.</li> <li>Sound knowledge and work experience of Network design, solution, technical clarification &amp; planning.</li> <li>Experience with OLAP tools for reporting and analysis.</li> <li>Perform R&amp;D to identify the scope of test ideas that may scale up the output level.</li> <li>Familiarity with client-side programming including JavaScript, AJAX and JQuery is preferred.</li> <li>Commitment to abide by the security policies and code of conduct of organization.</li> </ul>
02	Assistant Programmer	35 Years	B.Sc. in Computer Science or B.Sc. in Computer Science & Engineering	<ul style="list-style-type: none"> <li>3 (three) years working experience in Programming Language in a reputed life insurance company/Computer firms and fair knowledge in Oracle Database 9i, 10g, Developer 6i / 9i / Developer Suite, Oracle Application Express (oracle Apex)</li> </ul>

Higher starting salary may be given in the case of well experienced and deserving candidates.

Interested candidates having requisite qualifications and experience are requested to send detailed CV, recent two passport sized photographs & copies of all academic, professional & experience certificates to reach the undersigned by May 21, 2012.

Name of the post applied for shall have to be written on the Envelope.

Managing Director

**Eastern University**  
(A Leader in Quality Education)

**CAREER OPPORTUNITY**

**ADMINISTRATIVE POSITIONS**

**DEPUTY DIRECTOR: ACCOUNTS & FINANCE**  
Candidates must have Master's degree with CA/ICMA or MBA major in Accounting/ Finance with 5 years experience as Assistant Director or equivalent position in any reputed university or institution.

**DEPUTY DIRECTOR: ADMISSION**  
Candidates must have MBA or Master's degree with a minimum of 12-15 years of work experience in relevant field, preferably in a private university. The candidate must be output-driven and experienced professional with initiative and marketing orientation. Fluency in both English and Bangla is required and the candidate should be well conversant with admission and computer related work. The candidate must be capable of working independently and be able to guide and supervise other employees in the admission section. Age limit is 45 years. Attractive Remuneration package.

Application must accompany a complete CV, two passport size photographs, attested copies of all certificates & mark sheets and a bank draft/pay order of Tk. 100/- payable in favour of Eastern University. Only short listed candidates will go through the selection process. **Compensation package will commensurate with qualification and experience.**

**Applications should reach:**  
The Registrar, Eastern University, House 15/2, Road 3, Dhanmondi R/A, Dhaka-1205 on or before **May 17, 2012**. For more information visit EU website- [www.easternuni.edu.bd](http://www.easternuni.edu.bd)