

LENGTHY CROSS-EXAMINATIONS

War crimes tribunal irked

STAFF CORRESPONDENT

The International Crimes Tribunal-2 yesterday said the defence of Jamaat-e-Islami leader Abdul Quader Mollah was not "cooperating" with the court and was lingering cross-examination "to kill time".

The three-member tribunal headed by Justice ATM Fazle Kabir with members Justice Obaidul Hassan and Judge M Shahinur Islam expressed discontent during the daylong cross-examination of a prosecution witness.

The tribunal, however, completed the cross-examination of Syed Abdul Kaium, 10th prosecution witness in the case against Quader Mollah, before adjourning the proceedings until October 1 when one of the two investigation officers is expected to testify.

During his one-hour testimony on September 18, Abdul Kaium said Quader Mollah and his accomplices killed journalist Khondaker Abu Taleb at Mirpur's Jalladkhana during the Liberation War.

Defence counsel Abdus Sobhan Tarafder yesterday cross-examined the 68-year-old schoolteacher for four hours and 50 minutes and asked questions, mostly over his teaching profession and the attack on him on March 23, 1971 by the anti-liberation force.

After lunch at 2:10pm, Justice ATM Fazle Kabir asked the defence to complete the cross-examination within one hour and the defence counsel said they would try to complete within that time.

At 3:23pm, Justice Kabir reminded Sobhan of the time.

"It's about 3:30pm, com-

plete [your] cross-examination," said the tribunal chairman.

"I am yet to enter the main part [of the cross-examination]," replied the defence counsel.

"Why you could not enter the main part?" asked Judge Shahinur Islam, adding, "It's a matter of time management."

After five minutes, Justice Obaidul Hassan said, "We are alerting you again. We will stop, if you cannot get to the relevant point."

At 4:00pm, when Sobhan said he would require half an hour more to complete the cross-examination, the tribunal apparently showed discontent over the defence.

Justice Fazle Kabir said, "We are not getting cooperation from you [the defence]."

"You [the defence] are not cooperative [with the tribunal]," echoed Judge Shahinur Islam.

"My lord, if you say this, we will feel helpless. It is a case of the death penalty," said Sobhan.

"It seems you are campaigning about the death penalty," said Judge Shahinur Islam, adding, "Isn't there any penalty in the case?"

"You are asking him [the witness] about the distance between Mirpur Bangla School and [Government] Mirpur College; is it relevant to the case?" said Justice Hassan, adding, "We are not unintelligent [to understand the relevance]."

Justice Fazle Kabir said, "You [the defence] are asking the witness, who has passed almost his entire life in Mirpur, the distance between Mirpur Bangla School and Government Mirpur College. It seems you are asking questions to a child."

"I might have done wrong unknowingly," responded

Sobhan. "No, you are doing this [questions] to kill time," said Justice Fazle Kabir.

"We [the defence] might have some lacking," said Sobhan. "Certainly," said judge Shahinur Islam.

"We need half an hour as we want to submit some documents," said the defence counsel.

"No, you won't get time anymore," said the tribunal chairman.

"He [the witness] is a hearsay witness and you have already cross-examined him for several hours," said Justice Hassan.

The tribunal, however, allowed the defence to cross-examine the witness further and the defence completed at 4:40pm.

After the cross-examination, Mohammad Ali, the conducting prosecutor of the case, told the tribunal the next prosecution witness would be the investigation officer of the case as all of their required "public witnesses" have given their testimonies.

Ten prosecution witnesses have so far given their testimony before the tribunal after the tribunal started recording testimonies on July 3.

On May 28, the tribunal indicted the Jamaat assistant secretary general with six specific charges of crimes against humanity committed during the Liberation War.

Mozaffar Ahmed Khan, a freedom fighter and the first prosecution witness, said Quader Mollah led a team of Razakars that killed at least 57 people at Ghatarchar in Keraniganj on November 25, 1971.

Abdul Majid Palowan and Nur Jahan, seventh and eight prosecution witnesses respectively, also narrated

the same incident. Majid said he while hiding behind a tree he saw Quader Mollah firing on the people at Ghatarchar School ground on November 25, 1971.

Syed Shahidul Haque Mama and poet Quazi Rosy, second and fourth prosecution witnesses, said Quader Mollah and his accomplices killed pro-liberation poet Meherun Nesa and her family members during the war. Shahidul Haque said Quader Mollah was the "key person" in the brutal killing of Mirpur Bangla College student Pallab during the war.

Shafiuddin Mollah and Amir Hossain Mollah, two eyewitness and sixth and ninth witnesses respectively, said Quader Mollah directly took part in the killing of around 400 Bangladeshes at Alubdi village in Pallabi of Dhaka on April 24, 1971.

The witnesses said they had seen Quader Mollah firing on the people at Alubdi. Khondaker Abul Ahsan, son of a martyred intellectual and the fifth prosecution witness, said Quader Mollah and his accomplices had killed his father during the war. Tenth witness Syed Abdul Kaium also narrated the same incident.

The third prosecution witness was a woman who has given her testimony behind closed doors.

Mohammad Ali, the conducting prosecutor of the case, told The Daily Star there were 49 prosecution witnesses in the case, including nine additional witnesses, but they thought 10 witnesses would be enough to prove the allegations brought against Quader Mollah.

"We think that the witnesses [10] have given sufficient evidence to prove the prosecution's case," added Ali.

8 WAR CRIMES SUSPECTS

Probe concludes by Dec

STAFF CORRESPONDENT

The investigation agency of the International Crimes Tribunals yesterday said it hoped to complete its probes against eight war crimes suspects by December.

"Probes against eight war crimes suspects are going on and we expect to submit reports after completing the probes by December," senior member of the agency M Sanaul Huq told The Daily Star last night.

The war crimes suspects are: Jamaat-e-Islami Nayebe-Ameer Maulana Abdus Subhan, its acting secretary general ATM Azharul Islam, Central Executive Committee member Mir Quashem Ali, Jamaat leader Moulana AKM Yusuf, former Jamaat leader Maulana Shakhawat Hossain, Faridpur BNP leader MA Zahid Hossain Khokon alias Khokon Razakar, Chowdhury Mueen-Uddin and Ashrafuzzaman Khan.

Earlier yesterday, Sanaul Huq told reporters at his Bailey Road office in the capital that the agency had been investigating some war crimes suspects and had made "significant progress".

On Mueen-Uddin and Ashrafuzzaman, Sanaul Huq told The Daily Star they were Al-Badr men, a collaborator force of the Pakistani army, and had played vital roles in the killings of intellectuals at the fag end of the Liberation War.

"We expect to complete the investigation early next month," said Sanaul Huq.

Abdul Hannan Khan, chief investigator of the agency, had earlier told The Daily Star that Mueen-Uddin, now a community activist and Muslim leader in Britain, was allegedly the "operation in charge" of the killings of intellectuals during the Liberation War.

He and Ashrafuzzaman, now in New York, co-led the Dhaka unit of Al-Badr, Hannan said.

Investigation against them began on September 25 last year, investigation agency sources said.

On Azharul Islam, Sanaul Huq told reporters that a 10-member investigation team visited Rangpur recently and had made "significant progress".

"We have [information about] his [Azharul] involvement in different crimes in Rangpur from different

sources," said the investigator, adding, "We have visited killing spots and talked with eye-witnesses, victims and victims' family members."

The Jamaat leader was "directly involved" in the killing of six Rangpur Carmichael College teachers and a teacher's wife during the Liberation War, said Sanaul, adding that 85 per cent of the probe had been completed.

Police arrested Azharul Islam in connection with crimes against humanity hours after Tribunal-1 issued an arrest warrant on August 22.

On Mir Quashem Ali, Sanaul said investigation into allegations against the Jamaat central leader was "in the last stages" and hoped to finish the probe within a month and a half.

Quashem was arrested at a newspaper office in Dhaka on June 17 in connection with war crimes.

Sanaul said a probe against Moulana AKM Yusuf was begun on January 22 this year and an investigation team would visit Bagerhat soon to obtain information.

According to "Genocide '71", a book that details the

accounts of the wartime killers and collaborators, in May 1971, Moulana Yusuf formed the Razakar force at a meeting of 96 Jamaat workers in Khulna.

Sanaul said a team would soon visit Pabna to inquire into the war crimes allegations against Abdus Subhan.

Subhan was arrested on September 20 in connection with a criminal case and on September 23 Tribunal-1 asked the prison authorities to keep him detained and produce him before the court on September 30.

Investigation into his alleged crimes began on April 15.

Sanaul also said investigation against BNP leader and Chairman of Nagarkandha Municipality MA Zahid Hossain Khokon and former Jamaat leader Maulana Shakhawat Hossain, who is now a Jatiya Party leader, was going on and teams would visit Jessore and Nagarkandha soon.

Investigation into Khokon's alleged crimes started on April 15 and Shakhawat's on April 1.

Nine other accused of war crimes are on trial at the two tribunals.

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