

Defence starts placing final arguments

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During a four-hour submission, chief defence counsel Abdur Razzaq placed arguments on the first charge and probative value of hearsay witnesses. At one point of his arguments, Razzaq, also an assistant secretary general of Jamaat, said war criminals should be tried. "War criminals should be tried if there is one among the 15 crore people of the country. But, no innocent person should be punished," Razzaq added. The three-member tribunal led by Justice Obaidul Hassan with members Justice Mozibur Rahman Miah and Judge M Shahinur Islam heard his arguments before adjourning the proceeding until today when Razzaq is set to place further arguments. In the beginning, Razzaq said he would not place submission on legal points, on which, the tribunal had given their conscious view in the earlier judgement. He,

however, prayed to the tribunal to keep the matter in the judgement so that the defence could argue over the matter in case of appeals. He then started arguments on the first of seven war crimes charges framed against his party colleague Kamaruzzaman, another assistant secretary general of Jamaat. The first charge says a group of Al-Badr members under the leadership of Kamaruzzaman on June 29, 1971 abducted Badiuzzaman, son of Md Fazlul Haque, in Ramnagar village under Jhenagati upazila in Sherpur. The victim was tortured at Ahammednagar army camp all night long and shot to death the following day. Razzaq said fourth prosecution witness Fakir Abdul Mannan and sixth prosecution witness Md Hasanuzzaman, Badiuzzaman's brother, had given their testimonies in support of the charge. But both of them were hearsay witnesses. Razzaq said there were

"inconsistencies" between the testimonies of Mannan and Hasanuzzaman. Mannan testified that Badiuzzaman had taken shelter in Ahammednagar as he could not go to India, but Hasanuzzaman said his brother had gone to his father-in-law's house at Ahammednagar to receive the nearby army camp, Razzaq pointed out. Mannan testified that Al-Badr men and Pakistani army had abducted Badiuzzaman, while Hasanuzzaman said a group of armed men had taken his brother to Ahammednagar army camp, said Razzaq, adding, "This is a material inconsistency." At that point, the tribunal asked, "How much value does such inconsistency carry in minor details in such cases after so many days?" Razzaq said the "burden of proof" and "standard of proof" for the prosecution remained the same even after 40 years of the commis-

sion of crimes. He added Mannan had testified that Ahmed Ali Member, father-in-law of Hasanuzzaman, was a Peace Committee member, but Hasanuzzaman refuted it during cross-examination. "He was not telling the truth before the court. So, you [judges] could not rely on him [to prove the charges]," Razzaq added. On September 3, 2012, Hasanuzzaman testified that Kamaruzzaman and his accomplices had abducted his brother, who was tortured at a military camp in Sherpur and was later gunned down on June 30, 1971. Citing Mannan's testimony, Razzaq said Sayadur Rahman, who was uncle-in-law of Hasanuzzaman, had heard about the abduction, but Sayadur's brother Makbul Hossain had seen the incident. But Hasanuzzaman testified that Sayadur Rahman had clearly identified Kamaruzzaman on that night. This was "material incon-

sistency", said Razzaq, questioning, "How you [judges] will be satisfied that the prosecution could have proved the charge beyond reasonable doubts?" But citing Mannan's rest part of the testimony, the tribunal said Mannan had talked to Makbul after talking with Sayadur and Makbul told him "it was a true incident". Makbul told Mannan that Al-Badr members and Pakistani army had also picked him, but he had managed to flee on the way to Ahammednagar camp, Mannan said. "I asked him [Makbul] whether he could have identified anyone [of Al-Badr men]. He said he had identified one Kamaruzzaman who lived in Sherpur," Mannan had testified, adding, "There is huge hearsay in Sherpur that the present assistant secretary general Kamaruzzaman is the person whom I mentioned." The tribunal asked whether Razzaq found

inconsistency in that statement of Mannan. "The event of taking the victim [Badiuzzaman] to the [Ahammednagar] army camp and his killing, do you dispute these facts?" asked the tribunal. "We are not disputing the killing of Badiuzzaman, but we dispute the description of his abduction given [by witnesses] implicating the accused [Kamaruzzaman]," replied Razzaq. After lunch break, when Razzaq resumed arguments, he said Hasanuzzaman, in his testimony, had said after independence, he talked with Sayadur, Makbul and others about his brother's death. But Hasanuzzaman said during cross-examination his relative Jamshed Ali had informed them about his brother's killing within a few days of the incident. "After the Liberation War, I talked with Sayadur Rahman, Makbul Hossain

and Jamshed Ali as well as the labourers who had seen my brother's murder," Hasanuzzaman had testified, adding, "Upon their information, I filed a case against 11 people including A l - B a d r l e a d e r Kamaruzzaman [after the war]." Citing Hasanuzzaman's testimony, the tribunal said Hasanuzzaman had got "knowledge about the killing" from Jamshed during the war but got details from his in-laws after the war. But Hasanuzzaman did not mention the matter in his testimony, which was "contradiction", Razzaq said. "Why it would be contradiction? It was additional information," observed the tribunal chairman, while another member said, "It [the additional information] affirmed the incident." Citing from the statements Hasanuzzaman and Mannan had given to the

investigation officer of the case, Razzaq said their testimonies, in many cases, contradicted with their statements. He added their testimonies "contradicted" with each other and even with their statements before the investigator so their testimonies were "totally unreliable". Citing instances from the Supreme Court and different war crimes tribunals abroad, Razzaq said, "Corroboration, either direct, circumstantial witness is a must for hearsay witnesses." But on March 31, prosecutor Tureen Afroz, citing instances from different war crimes cases, said it was very much "settled jurisprudence" of international law that hearsay evidence was admissible and even the tribunal admitted hearsay evidence in the case against war crimes convict Abdul Quader Mollah.

Saudi-funded UN cash to support Gaza families

AFP, Jerusalem
The United Nations is to provide financial support to thousands of Gaza families affected by last year's conflict with Israel thanks to a Saudi donation of nearly \$16 million, it said yesterday. "Over 7,000 refugee families in Gaza will receive financial support from UNRWA to repair and reconstruct homes damaged during the November conflict," the Palestinian refugee agency said in a statement. UNRWA's Gaza operations director Robert Turner praised the "quick and generous donation by the Saudi Fund for Development.

Defence claims four charges

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imposed on newspapers during the Liberation War and, therefore, there were possibilities of distortion of news items published in newspapers. The tribunal then asked the defence since the censorship was imposed on newspapers during the Liberation War, whether there was any possibility that the newspapers only ran the facts. The defence counsel replied, "It could be possible." During cross-examination, the IO of the case said he had not verified the objectivity of the reports, Siddiq told the tribunal. The defence counsel also argued that there were different ways to verify the reports but the IO had not

done that. The IO just collected the news clippings from Bangla Academy and submitted those before the tribunal. Prosecutor Tureen Afroz, on the contrary, told The Daily Star that the tribunal was empowered by the International Crimes (Tribunal) Act, 1973, to take any evidence into consideration that had probative value. Section 19 (1) of the act reads: A Tribunal shall not be bound by technical rules of evidence; and it shall adopt and apply to the greatest possible extent expeditious and non-technical procedure, and may admit any evidence, including reports and photographs published in newspapers, periodicals and magazines, films and tape-recordings and other materials as may

and planning to commit crimes against humanity. The proceedings of the case were adjourned until today. Earlier, the defence prayed to the tribunal to recall its Tuesday's order as senior defence lawyers were not present at the court on that day. On Tuesday, the tribunal had directed the defence to complete their closing arguments by today (April 4). Saying that the time limit would seriously "prejudice" the defence, chief defence counsel for war crimes accused Jamaat leaders Abdur Razzaq urged the tribunal to allow the defence two more days after the April 4 deadline expired. The tribunal would pass an order in this regard today.

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IA & E, Gazipur Cantonment

Invitation for Tender

1. Sealed tenders are hereby invited from reputed exporter firms or their authorized supplier enlisted in Bangladesh Army for supply of the following equipment:

S/No	Nomenclature	Qty	Date of selling tender documents		Last date of submitting tender	Currency
			From	To		
1.	Digital Rockwell Hardness Machine	01	15-04-13	18-04-2013 (excluding holiday)	18-4-13 (up to 1200 hrs)	Local

2. Tender documents showing technical specification with terms and conditions may be collected by Taka 750.00 within 0800 to 1200 hours during the period of selling tender from IA&E, Gazipur Cantt. Tender may be dropped up to 1230 hrs. of 18 April 2013 in the tender box at the office premises of IA&E (Main Gate of BOF). The tender box will be opened at 1300 hrs on the same day in presence of tender bidders or their representatives (if any).

3. Authority reserves all the rights to increase or decrease and accept or reject any or all the offers against the tender without assigning any reason thereof.

Chief Inspector
IA&E, Gazipur Cantt.

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GD-1303

SC hears govt appeal

FROM PAGE 20
Quoting from a war crimes trial verdict, he said some notorious people including Akter Gunda, Hakka Gunda, Hasib Hasmi and Abbas Chairman dragged Pallab from Nawabpur to Mirpur Shah Ali Mazar on April 5, 1971 on Quader Mollah's orders. The gang took Pallab to an eidgah ground and hanged him in a tree and killed him as per Mollah's instructions, added MK Rahman. The additional attorney general was placing arguments before the apex court on the second day of the hearing on the government's appeal filed on March 3. The appeal was filed seeking death penalty for Mollah for committing crimes against humanity during the Liberation War. The International Crime Tribunal-2 on February 5 handed down lifetime imprisonment to Mollah for his wartime offences. After concluding yesterday's proceedings, the Appellate Division fixed today for further hearing on the appeal. At one stage of the proceedings, Chief Justice Md Muzammel Hossain asked the state counsels to speed up the hearing as there is time limit for the court to dispose of the appeal within 60 days from the date of its filing. On March 4, Mollah filed the appeal with the SC seeking acquittal on the charges of the case. The convicted Jamaat leader yesterday filed two separate petitions with the Supreme Court, urging that its two judges abstain voluntarily from the proceedings for separate reasons. The judges are Justice Surendra Kumar Sinha and Justice AHM Shamsuddin Choudhury. He said Justice Sinha had indirectly interfered in a tribunal by reportedly assuring its former head Justice Md Nizamul Huq of elevating him to the Appellate Division. Mollah added Nizamul Huq reportedly told Ahmed Ziauddin, an expatriate Bangladeshi legal expert, during "Skype conversations" that Justice Sinha assured him [Nizamul] of elevation after delivery of his verdicts against three war crimes accused. "This amounts to an unlawful interference in the proceedings pending before the tribunal. In doing so, he has disqualified himself from sitting as a judge in any appeal from any judgment of the tribunal," Mollah said in the petition. The Jamaat leader in another petition said Justice AHM Shamsuddin Choudhury had attended some meetings in London in 2010 and 2011 to support his (Mollah's) trial as a war criminal, and therefore, the judge might be biased in dealing with the case. The Appellate Division bench of six judges including Justice Sinha and Justice Shamsuddin is now dealing with the appeals in the war crimes case against Mollah.

Directorate General Defence Purchase
Ministry of Defence
New Airport Road, Tejgaon, Dhaka-1215
Web: www.dgdp.gov.bd
E-Mail: infor@dgdp.gov.bd

Re-Tender Notice

1. Sealed tenders are invited in local currency from bonafide manufacturer/dealers/suppliers/indentors (enlisted firm) for supply of the following items for "Bangladesh Army".

Ser No	Nomenclature	Remarks
1.	Tools and accessories for different vehicles (Qty-01 line item)	a. Date of selling: 04-04-2013 to 16-04-2013 b. Date of opening 17-04-2013. c. Currency: Local d. Tender number 214.791.12

2. Tender schedule with details specifications & conditions will be available on payment as per I/T selling rate (Not refundable) during office hour between 0800 hours to 1300 hours. The tender can be dropped latest by 1000 hours and opened at 1005 hours on the specified date of opening in presence of tenderers (if present).

Lt Col
For Director General

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GD-1302

Directorate General Defence Purchase
Ministry of Defence
New Airport Road, Tejgaon, Dhaka-1215
Web: www.dgdp.gov.bd
E-Mail: info@dgdp.gov.bd

Tender Notice

1. Sealed tenders are invited in foreign currency from bonafide manufacturer/dealers/suppliers/indentors (enlisted firm) for supply of the following items for "Bangladesh Army":

Ser No.	Nomenclature	Remarks
1.	Cover Outer Various Sizes for Different Vehicles (Qty-04 Line Items) (3 rd Time)	a. Date of selling 04-04-2013 to 23-04-2013 b. Date of opening 24-04-2013 c. Currency-Foreign d. Tender No. 214.808.12

2. Tender schedule with details specifications & conditions will be available on payment as per I/T selling rate (not refundable) during office hour between 0800 hours to 1300 hours. The tender can be dropped latest by 1000 hrs and opened at 1005 hours on the specified date of opening in presence of tenderers (if present).

Lieutenant Colonel
For Director General

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GD-1304

Chittagong City Corporation

Invitation for Tender

www.ccc.org.bd

01. Ministry/Division	Local Government, Rural Development & Cooperatives.		
02. Agency	Chittagong City Corporation.		
03. Procuring entity name	Engineering Department, Chittagong City Corporation.		
04. Invitation for	Tender.		
05. Invitation Ref. No.	Not applicable.		
KEY INFORMATION			
06. Procurement method	Open tender method.		
FUNDING INFORMATION			
07. Budget & source of fund	Revenue Fund.		
PARTICULAR INFORMATION			
08. Tender package No.	Not necessary.		
09. Tender package name	Supply of Amphibious Excavator.		
10. Tender publication date	01-04-2013.		
11. Tender last selling date	21-04-2013.		
12. Tender closing date & time	Date	Time	
	22-04-2013	02:00	
13. Tender opening date & time	Date	Time	
	22-04-2013	02:30	
14. Name & address of the offices	Addresses		
- Selling tender document	Chief Engineer, CCC, Superintending Engineer and PD CCC, Chief Account Officer CCC, Divisional Commissioner, Ctg Division, Ctg.		
- Receiving tender document	Engineering Department, Chittagong City Corporation, Ctg, Divisional Commissioner, Ctg Division, Ctg.		
- Opening tender document	Tender Opening Committee, Chittagong City Corporation.		
INFORMATION FOR TENDERER			
15. Eligibility of tenderer	1) Up-to-date trade licence. 2) Vat registration certificate. 3) Up-to-date income tax clearance certificate. 4) Bank solvency certificate. 5) All activities in connection with the said procurement of supply will be guides as per PPR/2008. 6) All necessary papers in connection with all supplying vehicles shall be submitted along with tender. 7) The original catalogue must be submitted with tender document. Without this tender will be not valid. 8) The tenderer shall be submitted financial & technical offers should be two different enclosed envelope. If the technical offer comply then the financial offer will be open. 9) The invitation of tender is open for any manufacturer/authorised dealer/authorised supplier of having past experience to supply of Amphibious Excavator in any govt/semi-govt/autonomous body.		
16. Brief description of works	Mentioned in schedule.		
17. Price of tender document	@ Tk 7,000/- per schedule, Mayor, Chittagong City Corporation as Pay Order.		
18. Tender security amount	Amphibious Excavator Tk 17,38,500/-, security amount "Mayor, Chittagong City Corporation" as Pay Order/Bank Draft/Bank Guarantee.		
DESCRIPTION OF WORK			
19. SI No.	Name of the work	Location of work	Tender security amount
1	Supply of 02 (Two) Unit Amphibious Excavator	Dampara Yard	17,38,500/-
			7,000/-
			As per schedule
PROCURING ENTITY DETAILS			
20. Name of the official inviting tender	Engr. Md. Abdul Malek.		
21. Designation of official inviting tender	Superintending Engineer (Mech).		
22. Address of official inviting tender	Chittagong City Corporation.		
23. Contact details of official inviting tender	Phone No. 031-631389.		
24. This IFT will be available in the website of	CPTU.		
25. Remarks	1) The procuring entity reserves the right to accept any or reject all tenders. 2) Notice of award will be given after getting recommendation of tender evaluation committee and administrative approval of appropriate authority. 3) All conditions of tender mentioned in schedule. 4) Details information of tenders to collect from mechanical engineering division.		
26. Special instructions	1) If the last date as selling, closing & opening date of tender is disturbed by any holiday unavoidable circumstances, the next working day will be applicable for the same respectively. 2) Manufacturer performance guarantee on equipment should be submitted at the time of delivery.		

Engr. Md. Abdul Malek
Superintending Engineer (Mech)
Chittagong City Corporation, Chittagong

CCC/PRD/59/2013
GD-1284