

## Hartal called

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countrywide daylong hartal protesting the administration's repeated denial of permission to it for holding a rally in the city.

BNP Chairperson Khaleda Zia's adviser Shamsuzzaman Dudu withdrew the hartal through a press conference at 6:45pm at the party's Nayapaltan central office. Earlier in the morning, he had announced the hartal.

"We have come to know that the cyclone might hit Cox's Bazar, Chittagong and other coastal areas. That's why we are withdrawing the hartal on instructions of BNP Chairperson Khaleda Zia," he told newsmen.

The BNP chief, said Dudu, has called upon the 18-party leaders and activists to stand beside the victims Mahasen might claim.

Besides, a monitoring team will work from tomorrow (today) at the BNP central office to carry out relief work for the victims, he added.

Last week, the opposition alliance had announced to hold a rally before the Nayapaltan office of BNP on May 13 to press home its demand for restoration of the caretaker government system. But failing to get permission from Dhaka Metropolitan Police (DMP), it rescheduled the rally for May 15.

The DMP on Tuesday night again refused to give permission to the opposition to stage the rally on "security grounds."

While announcing the hartal programme in the morning, Dudu told reporters that the opposition alliance had no option but to enforce the hartal on Sunday, although it was aware of cyclone Mahasen.

The 18-party alliance and its key component Jamaat-e-Islami have already enforced four countrywide hartals this month protesting "police atrocities" on Hefajat-e-Islam activists on May 5 in Dhaka and capital punishment to Jamaat leader Muhammad Kamaruzzaman for war crimes.

## Life term for 46

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case against 63 people on September 30, 2004.

The judge examined 25 prosecution witnesses and pieces of evidence before reaching the verdict yesterday.

One of the accused could not be tried following his death during the trial process.

The plaintiff, Jahangir's father, had already expired.

However, Abdul Kuddus, elder brother of victims Sahajahan and Biddut, in his reaction said they had expected the killers to walk the gallows. He expressed his satisfaction.

PP Entajul said the victims' rivals had hired the PBCP outlaws for the murder, as there was a long-standing conflict over the lease of some water bodies in the village.

Prior to the murder, the PBCP men had also threatened the victims to face dire consequences for being in disputes with Akkas, Ekhlash and Robiul Alam of the village, he added.

The victims took cautionary measures following the threat and started living in a hidden chamber inside their houses.

On the fateful day, the PBCP men, carrying machetes and cleavers, attacked Jahangir's house first around 3:00am and killed him by slitting his throat.

They then moved on to an adjacent house and killed the remaining victims in the similar fashion after getting them out from the hiding place.

The PBCP members also chanted slogans while fleeing the scene.

## Witness testifies on killing

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On July 27 night, he got news that his neighbours Nur Alam and Nur Mohammad, brothers of Mahbub Alam, were picked up by Pakistani army, the witness told the tribunal.

At about 4:00pm the next day, Nur Alam and Nur Mohammad returned home and the witness went to meet them.

Quoting the victims, Kamal said Pakistani army with the help of a local came to their house to detain Mahbub. As they did not find Mahbub, they took Alam and Mohammad to Goods Hill.

"From the Goods Hill, they [Alam and Mohammad] were taken to their tea shop at Chaktai from where Mahbub was caught. All of them were then taken to Goods Hill again," the witness said.

Kamal then said all the brothers were tortured.

"Among them, Mahbub was brutally tortured," he said, adding that Mahbub was kept detained, though Alam and Mohammad were released.

Kamal also said, "The two brothers [Alam and

Mohammad] think that their brother [Mahbub] might have been killed there [Goods Hill]."

Following the deposition, defence counsel Ahsanul Huq Hena cross-examined the witness.

On November 14, 2012, Faiz Ahmed Siddiqui, a prosecution witness, gave a description of torture on Mahbub at Goods Hill.

Faiz said he had heard from an eyewitness that Mahbub was forced to lie on a bed of nails at 'Goods Hill' and he [Mahbub] died there due to severe torture.

On August 28, 2012, freedom fighters SM Mahbub-Ul-Alam and Qazi Mohammad Nurul Absar also gave deposition on Mahbub's killing at Goods Hill.

Ejab Uddin Mia, assistant librarian of Bangla Academy, and the 36th witness in the case, yesterday also gave deposition on different newspapers clippings seized by the prosecution.

He was also cross-examined by the defence counsel.

The proceeding of the case was adjourned until May 19.

## Rapp has 4 'concerns'

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trials were going to continue no matter what happened at the next election. "It's my expectation it would continue. This is a process. It should be done in such a way that it's not a question which party is in power but a question of establishing justice," he added.

On the four verdicts delivered by the two international crimes tribunals, Rapp said, "Fundamentally, I think progress has been achieved... the set of recommendations that I made were incorporated. But I'm very concerned about the death penalty."

"I think many people want to see the death penalty because of the severity of overall crimes. But there should be individualised determination, what the proof was as to a particular person, what the role was of that individual, how cruel it was, what they did, and whether those justify the death sentence," he observed.

He said, "It can be done only with the greatest care. The death penalty cannot be undone. It's important, therefore, to be preserved for cases where proof is overwhelming and not just linkages of evidence between the crime scenes and the accused."

Responding to another question on whether the verdicts were influenced by the Shahbagh movement, he

said, "I have to trust the judges to make decisions. People may not be happy and can be emotional. My hope and expectation is that the cases will be decided on the facts, not on polls, politics or demonstrations."

The US official added that the Shahbagh movement had happened after the Quader Mollah verdict. "Again I trust in judges... in a political process that may reflect in the decisions in terms of legislation as the legislators naturally respond to people, but judges do not respond to politics, they respond to facts and laws," he observed.

"Guilt or innocence cannot be determined by polls, by demonstrations in the street and certainly not by the threats of violence. It must be done according to the laws in court."

"It is a judicial process and it has got to be done on the facts, according to the law and according to the process," Rapp added.

He said the judgement should be such that after 20 years people would say "we got that right".

Rapp said when there were serious crimes, people asked why criminals got the rights to defence. "People can be falsely accused. There has to be presumption of innocence, evidence has to go beyond reasonable doubt."

"And if it is not done that

way, then at some time in the future none of us anywhere is safe as we could be falsely accused of serious crimes and ourselves could be convicted."

He said he respected Bangladesh for taking the responsibility of trying the perpetrators of the Liberation War in 1971.

**RESPECT FOR VERDICTS** Rapp said there was a possibility that everybody irrespective of their political affiliation would show respect to the war crimes verdicts as the matter was still pending before the Appellate Division of the Supreme Court.

He visited the international crimes tribunals yesterday and talked to reporters on the trial process.

He told reporters that the defence had told him about their concerns over standards of judgement and that he thought that the issue should be dealt with in the appeals.

"... so this process is yet to be done and should be well done and still be possible for the judgement to be right and respected by everybody, no matter what political party and no matter what associates they have," he said.

On the bloody clashes after Jamaat-e-Islami leader Delawar Hossain Sayedee was sentenced to death, Rapp said no one should be violent as the matter should only be decided by fact and law.

LAW MINISTER

Law Minister Shafique Ahmed yesterday said Rapp had expressed satisfaction over the trials regarding the four judgements delivered so far.

"Stephen J Rapp feels that there is no element for creating a controversy over the trial procedure," the minister told reporters after a meeting with the US envoy at his Secretariat office.

Rapp did not raise any question over the procedure as the trial was being held transparently through maintaining international standards, the minister claimed.

"Stephen J Rapp's observation about transparency, credibility and standard of the trial of the crimes against humanity is good," he said.

Shafique informed the reporters that Rapp had asked him about the Bangladesh government's stance over the death penalty to the convicts.

In reply, the minister said there was no option but death penalty to those who had committed crimes against humanity, like killing of intellectuals and unarmed innocent people, forcing people to leave the country and carrying out genocide.

Shafique said there was no pressure from the US on the government in connection with the war crimes trials.

## Mollah's plea for division in jail rejected

STAFF CORRESPONDENT

The Supreme Court yesterday rejected convicted Jamaat-e-Islami leader Abdul Quader Mollah's petition seeking division in jail.

The Appellate Division of the SC passed the order after hearing the arguments from both the counsels for Quader Mollah and the state on the petition on Monday.

Deputy Attorney General Ekramul Haque Tutul told The Daily Star that the SC rejected the petition of Quader Mollah as the Bangladesh Jail Code does not permit the government to provide a convict with division facilities in prison.

Ehsan A Siddiq, a lawyer for Quader Mollah, said his client, who is now in jail at Kashimpur of Gazipur, would not get division facilities following the apex court order.

Quader Mollah, assistant secretary general of Jamaat, recently filed the petition with the SC seeking its directives on the jail authorities to give him division facilities in jail.

On February 5 this year, the International Crimes Tribunal-2 sentenced Quader Mollah to life imprisonment for committing crimes against humanity during the Liberation War in 1971.

Meanwhile, the Appellate Division yesterday continued hearing for the 12th day on the government's appeal that sought capital punishment to Quader Mollah, one of the top Jamaat leaders, for his role during the independence war.

Abdur Razzaq, chief defence counsel for Quader Mollah, appeared for him.

Visiting US Ambassador-at-Large for War Crimes Issues Stephen J Rapp observed the hearing on the appeal at the Appellate Division for about half an hour.

The court also fixed today for further hearing on the appeal.

## Govt caught napping

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Narayanganj and Chittagong are properly constructed through appropriate legal formalities.

The HC rule has yet to be adjudicated in so many (eight) years, due to negligence of the parties of the case in taking steps for its hearing.

The parties include the secretaries of the ministries of home, labour and employment, industries, food and disaster management, land, and environment.

Dr Kamal Hossain, principal counsel for the petitioners, told The Daily Star that he would now examine the file of the case to take a decision on the matter.

On the same day (May 24, 2005), the HC had granted bail to managing director of the collapsed sweater factory Shahriar, alias Sayeed Hossain, and a director of the factory, Abul Hashem Fakir in a case filed regarding the building collapse.

The accused later were discharged from a trial court as the case was filed by the police, not any of the victims' families or the injured.

The HC had made 20 people, including some government high officials, respondents to the rule.

The respondents are the deputy commissioner of Dhaka, chairman of Rajuk, chief inspector of factories under the ministry of

labour, chief executive officer of Savar Cantonment Board, director general of fire service, president of the BGMEA, and three owners of the Spectrum Sweater Factory.

But none except the then president of Bangladesh Garment Manufacturers and Exporters Association (BGMEA) had made a reply to the rule.

The BGMEA president in 2005 submitted a reply to the HC, saying that they had formed a 14-member committee to inquire into the incident of collapse and found that there was no legal approval for constructing the building for Spectrum Sweater Industries

Ltd, another lawyer for the petitioners Iqbal Kabir Lytton told The Daily Star.

Disposal of the rule did not take place since the petitioners and respondents did not place the matter before the court for hearing, he said.

Lytton also said the HC rules over the disasters at Tazreen garments factory at Savar last year and Nimtoli in 2010 were yet to be disposed.

Attorney General Mahbubey Alam said that he was not aware of the HC ruling over the collapse of Spectrum building.

He, however, said that an initiative would have to be taken for hearing and disposing of the matter.

## আমরা যাদের গর্বিত সহযোগী



নির্মাণাধীন যাত্রাবাড়ী - গুলিস্তান হাইওভার, ঢাকা



নির্মাণাধীন কুড়িল হাইওভার, ঢাকা



নির্মাণাধীন মা ও শিশু হাসপাতাল, চট্টগ্রাম



দপদপিয়া ব্রিজ, বরিশাল



এস পি এল গার্ডেন, ইক্সটেন, ঢাকা



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All other elements are kept near traces.



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