

# Charter change

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Even the Jamaat leaders will not be able to take part in the polls with its ally BNP's ticket, since a person has to be the member of a political party for at least three years to be eligible for the parliamentary election.

They however can contest the polls as independent candidates, but will not be allowed to use BNP's or any other party's electoral symbol, as the electoral laws prohibit it.

Meanwhile, the party can still carry out political activities since the registration with the EC is mandatory only for participating in elections.

Chief Election Commissioner Kazi Rakibuddin Ahmad yesterday said none could take part in the election under the banner of Jamaat-e-Islami after the High Court verdict had declared the party's registration with the EC illegal.

Asked about the future of the two lawmakers elected on Jamaat tickets in the last parliamentary election, he said they would decide on it after going through the verdict.

EC officials said if the HC order was upheld by the Appellate Division, the EC would complete the procedure for cancelling

Jamaat's registration. Abdur Razzak, chief counsel for Jamaat, however, observed that it could not be yet said that Jamaat would not be able to contest the next polls since they were going to appeal against the HC verdict.

The party has so far contested on its own three polls, in 1986, 1991 and 1996. In 1986, it won 10 seats while in 1991, 18 seats and in 1996, three.

Since then Jamaat contested elections as an alliance partner of BNP. It bagged 17 seats in 2001 polls and only two in 2008.

This is being considered as the strongest blow for Jamaat since the party's revival after the August 15, 1975, bloody changeover, although since 2010, top leaders of the party have been brought under trial for committing crimes against humanity during the Liberation War.

By now, six of them, including its expelled leader Abul Kalam Azad also known as Bachchu Razakar, have been convicted, four getting the death penalty.

Interestingly, BNP has been keeping a distance with Jamaat leaving the party alone to protest against the war crimes trials.

# Killing worries

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disappearance had been taking place in the recent times.

The commission believes the incidents of disappearance and extra-judicial killing are a grave violation of human rights.

Whoever is guilty must be brought under trial, says the NHRC release, adding that their trials have to be held in a complete and transparent manner.

Extra-judicial killings are an impediment to the rule of law and human rights, it says.

The NHRC has requested the government to direct the authorities concerned to stop such practices, it releases adds.

Meanwhile, Ain O Salish Kendra (ASK), a human rights body, also expressed concern over the deaths of two persons, including Jubo League leader Jahid Siddique Tarek, in a "shootout" on the capital's Airport Road on Wednesday.

It was alleged that Tarek had shot dead another Jubo League leader Riazul Haque Khan Milky

in the capital's Gulshan area on Tuesday around 1:07am.

Referring to it, the rights body said the incident had raised questions about the judiciary and the administration, and shaken up people's sense of security.

The rights body demanded a fair judicial enquiry into the incident to find out the people involved in the killing, and urged the government to take necessary steps to prevent recurrence of such incidents.

Meanwhile, another rights body, Odhikar, in a report released yesterday claimed that in July, a total of 31 people had been killed and 1,253 others injured in political violence across the country.

It held responsible for the killings the clashes between Jamaat-e-Islami supporters and law enforcers centring verdicts on two top Jamaat leaders.

The report also mentioned killings in mob beating, crossfire, and those by Indian Border Security Force.

# Jamaat calls hartal

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worry among Eid holidaymakers, as they will face problems in returning to their workplaces after the vacation.

The party also announced countrywide demonstrations for tomorrow protesting "the government's conspiracy to destroy Jamaat".

Last month, Jamaat and its student wing Islami Chhatra Shibir enforced five days' countrywide hartal, four of them at a stretch, protesting the verdicts in the war crimes cases against Jamaat Secretary General Ali Ahsan Mohammad Mojaheed and its former ameer Ghulam Azam.

Meanwhile, different political parties except the main opposition BNP yesterday hailed the HC verdict on Jamaat's registration with the EC.

Talking to The Daily Star, two members of BNP standing committee said acting secretary general Mirza Fakhrul Islam Alamgir was supposed to give the party's formal reaction.

They declined to speak further on the issue.

Leaders of Awami League (AL), Workers Party of Bangladesh, Jatiya Samajtantrik Dal expressed their satisfaction over the verdict, and hoped that the EC would now take proper steps to cancel registration of Jamaat.

"Through the verdict, it has been proved once again that Jamaat is a terrorist organisation. If it tries to create anarchy, actions will be taken against the trouble-

makers," AL presidium member Kazi Zafrullah said.

He said Jamaat should have been banned long time ago. Zafrullah, however, said they would have to wait until the final judgment comes from the Appellate Division.

Another AL presidium member Nooh-Ul-Alam Lenin said it had been proved from the verdict that Jamaat was a fascist organisation.

"Although the party had opposed our independence, it did not show any remorse for its actions in the last 42 years," he added.

AL Joint Secretary General Mahubul Alam Hanif said "We hope the EC will take necessary measures to cancel registration of Jamaat."

Workers Party President Rashed Khan Menon said "We had long been waiting for this verdict."

"As they [Jamaat] were against the country's independence and did not abide by our law, they must be banned," he added.

Sharif Nurul Ambia, general secretary of Jatiya Samajtantrik Dal, said people's expectations had been fulfilled through the verdict.

"But the spirit of our Liberation War will not be fulfilled until the final judgment comes," he added. Sammilito Samajik Andolan and Samprodaikota-Jongibad Birodhi Mancha, a pro-liberation organisation, hailed the verdict and demanded its immediate execution.



Prime Minister Sheikh Hasina talks to Jatiya Party Chairman HM Ershad after an iftar party for political leaders at the Gono Bhaban yesterday. Hasina's son Sajeeb Wazed Joy is also seen in the photo. PHOTO: PMO

# Jamaat unfit for polls

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democracy in its charter, though the party's ultimate aim is to implement Islamic rule in the country.

The party secured the registration on November 24, 2008.

The next year, some 25 petitioners, including several Islamist parties, organisations and individuals, filed a writ petition with the HC challenging the EC decision to allow Jamaat's registration.

In violation of article 65(1) of the country's constitution, section 2(5) of Jamaat charter fails to recognise parliament or parliament's legitimacy to enact laws for the republic, the petition said.

It added that Jamaat has offices abroad in violation of the country's constitution.

Around 2:30pm yesterday, a three-member special HC bench pronounced a short verdict on this much-talked about petition.

Justice M Moazzam Husain, who was the presiding judge, in a packed courtroom said the majority view of the bench is that Jamaat's registration is illegal and unlawful. "It [the registration] has no legal effect."

But he did not mention who among the three judges had disagreed with the majority view. Lawyers said it will be known after the copy of the full judgment is released.

Two other judges of the bench are Justice M Enayetur Rahim and Justice Quazi Reza-Ul-Hoque.

Moments after the verdict, Jamaat's counsels stood before the bench and prayed for issuing certificate so that they can directly appeal to the Supreme Court against the judgment.

The court granted the prayer. Otherwise, Jamaat would have required filing leave petition with the SC for permission to appeal.

Jamaat's lawyer Tajul Islam, who was in the courtroom, in his immediate reaction told The Daily Star, "We are very unhappy with the judgment; we will file appeal."

Soon after the judgment, Jamaat's counsels rushed to the chamber of Justice Syed Mahmud Hossain, chamber judge of the Supreme Court for the day, with a prayer to stay the verdict.

As the proceedings of the chamber judge's court had ended earlier, he did not hear Jamaat's stay petition.

Later in a press briefing, barrister Abdur Razzak, Jamaat's counsel and assistant secretary general of the party, said they would move

the stay petition before the apex court on September 15, when it reopens after one and a half months' vacation starting today.

As the HC issued the certificate, Razzak said, this case is still sub-judice. So the party can continue its function and even take part in elections.

According to the Jamaat's counsels, the HC issued the certificate according to the constitution's article 103 (2) (b) and this means the case involves a substantial question of law as to interpretation of the constitution.

"Jamaat will survive as a political party; Jamaat can function as political party. Only it will be without registration as long as the HC verdict is valid," Tajul Islam said.

In his immediate reaction, Chief Election Commissioner Kazi Rakibuddin Ahmad yesterday said they would take the next step after receiving the copy of the verdict.

He, however, said none can take part in elections under the banner of Jamaat after the execution of the HC verdict.

"After the execution of the verdict, anybody from the party [Jamaat] will be able to take part in elections individually. Nobody can take part in the polls from the party platform either," he said while replying to questions from journalists at the commission.

Eminent Jurist Shahdeen Malik told The Daily Star last night, "Jamaat has become disqualified to contest the parliamentary elections as a political party."

Jamaat, a key component of the BNP-led 18-party opposition alliance, has two seats in the present parliament and it gets four to five percent votes in national elections.

The religion-based political party was highly active in its notorious mission to wipe out the Bangalee nation in collaboration with the Pakistan occupation army in the name of protecting Pakistan's integrity.

Controversial Islamist thinker Sayyid Abul A'la Mawdudi formed Jamaat in undivided India under British colonial rule in 1941.

According to the subcontinent's history, when the movement for the creation of Pakistan began, then Jamaat ameer Mawdudi opposed the idea of a separate state for Muslims, read an international crimes tribunal verdict.

After 1947, Jamaat has become a widely-criticised Islamist party in Pakistan because of Mawdudi's con-

troversial interpretation of Islam and statements provoking communal riot.

Jamaat had East Pakistan wing till liberation of Bangladesh in 1971.

Ghulam Azam, recently convicted top war criminal was the ameer (chief) of East Pakistan Jamaat.

Incumbent Jamaat ameer Motiur Rahman Nizami and another leader Ali Ahsan Mohammad Mojaheed during the Liberation War were top leaders of Islami Chhatra Sangha, then student wing of Jamaat.

Nizami, now in jail, is facing a trial for war crimes committed during the nine-month war and Mojaheed has already been convicted on war crimes charges.

The government of independent Bangladesh in its first decision banned five communal outfits including Jamaat, which not only opposed the nation's independence but also actively helped Pakistani occupation forces commit genocide and other war crimes.

The banned parties, including Jamaat, were given the green light to do politics during the rule of Ziaur Rahman after the assassination of Bangabandhu Sheikh Mujibur Rahman in 1975.

One court document in Jamaat leader Mojaheed case says Jamaat in 1979 took part in parliamentary elections under the name of Islamic Democratic League [IDL] led by Mawlana Abdur Rahim and secured six seats in parliament.

Jamaat leader barrister Abdur Razzak told The Daily Star yesterday, IDL was political front of Jamaat in 1979 election as Jamaat-e-Islami was just a religious Islamic organisation that later emerged as a political party in independent Bangladesh.

Another Jamaat lawyer said, "Jamaat-e-Islami Bangladesh was officially founded in a convention chaired by its late acting ameer Abbas Ali Khan at Hotel Eden in Dhaka on 25-27 May in 1979."

The war crimes tribunals in their judgments elaborately described about the Jamaat's role in 1971.

In the verdict in the trial of Ghulam Azam, judges termed Jamaat a criminal organisation while discussing the party's role in 1971.

The judgment said, "Taking the contextual circumstances coupled with documentary evidence into consideration, we are led to observe that Jamaat-e-Islami, as a political party under the leadership of accused Prof Ghulam Azam, intentionally functioned as a criminal

organisation especially during the War of Liberation of Bangladesh in 1971."

The judgment reads: "And after 42 years, it is noticed that some of the anti-liberation people are still staying at the helm of the Jamaat-e-Islami. As a result, the young generation belonging to the Jamaat-e-Islami are being psychologically reared up and nurtured with anti-liberation sentiments and communal feelings, which is a matter of great anxiety for a nation.

"There is no proof before the nation that those who played an anti-liberation role in 1971 have ever changed their attitude towards liberation war by expressing repentance or by showing respect to the departed souls of 3 million martyrs."

Some war crimes judgment's also said Jamaat played leading role to create Pakistani occupational army's auxiliary forces like Al-Badr, Razakar, Al Shams and Peace Committee which actively took part in atrocities on Bangalees.

Tureen Afroz, prosecutor for the war crimes cases, told The Daily Star they have been working to prepare a case with a tribunal against the Jamaat-e-Islami for its crimes against humanity committed during the Liberation War.

## PETITIONERS' ARGUMENTS

After release of the judgment's full text, it will be known on which grounds the judges gave the verdict.

Barrister Tania Amir, counsel for the petitioners, during the case proceedings argued that the EC's decision to allow Jamaat-e-Islami as a political party was illegal and unconstitutional, as this organisation was a religion-based a communal political party and it did not believe in independence and sovereignty of Bangladesh.

Tania told the court that some provisions of Jamaat charter are contrary to Bangladesh's constitution, the RPO, and the Charter of Medina.

The Charter of Medina, signed and executed by Prophet Hazrat Muhammad (pbuh) and representatives of other religions around 1,400 years ago, was inherently secular and essentially democratic, she added.

"The people have won," Tania, who went abroad later in the day, told the Ekattor TV over phone. "Today it has been established in Bangladesh that if any political party goes to people, begging for votes, it must accept that all powers in the republic belongs to the people."

# Let's not weaken EC

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(RPO). Just after two days, the EC decided not to retain its sweeping authority to cancel the candidature of an MP hopeful for violation of electoral laws.

The RPO is a legal framework for conducting the Jatiya Sangsad polls.

Defending the move, Chief Election Commissioner Kazi Rakibuddin Ahmad on Tuesday told newsmen that this power was "meaningless" and exercising such powers would go against the philosophy of creating a level playing field for all candidates.

At the roundtable yesterday, all the speakers observed that if the EC sticks at its proposal, incidents of violation of electoral law would increase sharply and a chaotic situation would prevail ahead of the next election.

Former election commissioner M Shakhawat Hossain said the EC should have a strong monitoring system to check any violation of electoral law. He suggested the commission withdraw its proposal for introducing "tick mark" system in the ballot paper. It is very difficult to hold

election in 300 constituencies in a day without the help of the military, observed Shakhawat.

Presenting the keynote paper, Sujan secretary Badiul Alam Majumdar said the EC's proposals for amending the RPO are not acceptable as it will curb the commission's power and weaken the institution.

He made a seven-point proposal to amend the RPO. The proposals include inclusion of defence forces in the list of law enforcement agencies, introduction of "no vote" system and empowering the EC to cancel an election for violation of electoral law.

Convener of Nagorik Oikko Mahmudur Rahman Manna said the RPO should have a provision to allow party rebels to contest the polls. This is important to break the "autocratic" attitude of the two chiefs of the two major political parties, he added.

Noted columnist Syed Abul Maksud, Jatiya Party presidium member Anisul Islam Mahmud, eminent academician Ajoy Roy spoke at the programme, moderated by Sujan president M Hafiz Uddin Khan.

# This time he faces

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On November 30, 1973, the then government had declared a general amnesty for the collaborators of 1971 but those punished for or accused of rape, murder, attempted murder, looting or arson did not get the amnesty.

On May 8 this year, the prosecution pressed 15 war crimes charges against Yusuf but on July 14, the defence filed a petition seeking his discharge claiming that Yusuf had been arrested in 1972, tried, convicted, and sentenced to life imprisonment under Collaborators Order, 1972.

He was released on December 15, 1973, when his appeal was pending with the High Court, the defence said.

Chief defence counsel Abdur Razzak on July 24 questioned before the tribunal as to why Yusuf was being charged with murders now when he had not been charged with such grievous crimes in the early 70's.

Razzak argued that Yusuf could have been prosecuted for the charge of "murder" together with other charges under the Collaborators Order, 1972, if he really had been involved in any murder.

Razzak claimed that charges were brought against Yusuf after 42 years with ill intentions.

The three-member tribunal, led by Justice Obaidul Hassan, yesterday indicted Yusuf on 13 charges for his alleged involvement in murders, genocide, arsons, lootings and forced conversion of religion during the

Liberation War.

The tribunal in its order said Yusuf had been convicted on three charges -- waging a war or attempting to wage a war or abetting waging a war against Bangladesh; attempting to incite against or disaffection towards the government of Bangladesh; and attempting to aid or aid the occupation army.

Justice Hassan said the mere fact that he had not been prosecuted in 1972 for murder and that he had been released on amnesty did not mean he could not be prosecuted under the International Crimes (Tribunals) Act, 1973, now.

The court said defence submission deserved consideration but not at this stage.

"It may be well adjudicated at trial whether prosecuting the accused for the charge of 'murder' as crimes against humanity and genocide is mala fide, by taking the evidence and relevant facts into account at trial," said Justice Hassan.

Out of around 37,000 sent to jail on charges of collaborating with the enemy in 1971, under 26,000 were freed following announcement of the general amnesty.

Around 11,000 were behind bars when the government of Justice Sayem and General Ziaur Rahman repealed the Collaborators Order on December 31, 1975. An appeal glut and release of criminals en masse followed the scrapping of the law, according to records.

# Queen's Cold War era nuke speech revealed

BBC ONLINE

The Queen was expected to urge Britons to pray and remain united and resolute in the event of the "madness" of nuclear war, papers from 1983 show.

The script for a hypothetical broadcast has the monarch describing the threat to the "brave country" as "greater" than any other in history.

It also mentions the Queen's son Prince Andrew, then in the Royal Navy.

The speech, devised by Whitehall officials at one of the most fraught Cold War periods, was never recorded.

The document, released by the government under the 30-year rule, was drawn up as part of a war-gaming exercise in the spring of 1983, which worked through potential scenarios.

The script, which starts off by referring to the Queen's traditional Christmas address, reads: "The horrors of war could not have seemed more remote as my family and I shared our Christmas joy with the growing family of the Commonwealth.

"Now, this madness of war is once more spreading through the world and our brave country must again prepare itself to survive against great odds.

"I have never forgotten the sorrow and the pride I felt as my sister and I huddled around the nursery wireless set listening to my father's [George VI's] inspiring words on that fateful day in 1939 [at the start of the World War II].

"Not for a single moment did I imagine that this solemn and awful duty would one day fall to me."

"But whatever terrors lie in wait for us all, the qualities that have helped to keep our freedom intact twice already during this sad century will once more be our strength."

Striking a personal note, the script continues: "My husband and I share with families up and down the land the fear we feel for sons and daughters, husbands and brothers who have left our side to serve their country.

# Rab set up the killing

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drama, BNP standing committee member ASM Hannan Shah said the government has done it to avoid the revelation of "important information."

Two people including Tarek, joint secretary of the Dhaka city (south) unit Jubo League, were killed in a "shootout" between his cohorts and Rab on Wednesday night.

Early on Tuesday, Tarek allegedly shot dead Riazul

Haque Khan Milky, organising secretary of the same unit of Jubo League, in the capital's Gulshan area.

UNB reports: Speaking at a discussion at the Institute of Diploma Engineers in the capital, Suranjit said AL does not support any extrajudicial killing.

The drama staged by Rab has claimed the lives of two people yesterday (Wednesday), he told the meeting organised by Nouka Samarthak Gosthi.

With the national election nearing, the opposition will spread propaganda against the ruling party cashing in on the extrajudicial killings, added the minister.

Suranjit feared that the killing of Jubo League leader Milky by his party men will incite people's hatred of the ruling party.

Those who lost their lives in Rab's "crossfire" had the right to justice, he observed.

Meanwhile, BNP leader Hannan Shah said the govern-

ment has staged the "drama of crossfire" in fear of the revelation of information about its high-ups.

Addressing a programme at the Jatiya Press Club, he asked the government why Tarek was being taken to Khilkhet instead of jail after his arrest.

"Questions have arisen in the minds of people whether it was an incident of crossfire or merely an act by them [government]," he noted.