

# Prosecution failed to prove charges

## Claims Qaisar's counsel

STAFF CORRESPONDENT

The defence counsel of war crimes accused Syed Mohammad Qaisar yesterday claimed that prosecution had failed to prove any of the 16 charges brought against his client over his alleged involvement in crimes against humanity and genocide during the Liberation War in 1971.

"I beg your lordship to acquit him [of the charges]," said defence lawyer SM Shahjahan before the three-member International Crimes Tribunal-2 led by Justice Obaidul Hassan.

Shahjahan, on the eighth day of defence arguments, placed his submission on a genocide charge against Qaisar. The prosecution is expected to rebut defence's arguments today and with that the proceedings of the case will come to an end.

According to the charge, on November 15, 1971, Qaisar led a group of members of 'Qaisar Bahani' and the members of Pakistani armed forces to Daura, Nishcintapur and 20 other villages under Nasiragar Police Station of Brahmanbaria between 07:30am and 03:30pm.

They created terror by indiscriminate shooting, killing 108 civilians, most of whom were Hindus, and set houses on fire, the charge said.

Displaying a book titled 'Muktijuddhe Brahmanbaria', the defence counsel said the book mentioned the same incident to have taken place from November 10 to November 11.

He also mentioned that Qaisar's father was taken to India by freedom fighters and remained confined there from April 14 to

April 30 and that the crimes for which seven charges were framed against the accused took place between April 27 and April 30.

Shahjahan questioned the probability of Qaisar's involvement in any crimes mentioned in the charges as his father was held captive in India at that time.

He also argued over the genocide issue and questioned the reliability of hearsay witnesses.

The tribunal did not accept his arguments as these matters, the tribunal said, had already been settled in earlier judgments in war crimes cases.

TRIBUNAL-1

Meanwhile, in another war crimes case against Jamaat-e-Islami Assistant Secretary General ATM Azharul Islam, prosecutor Tapas Kanti Baul, during the closing arguments, tried to establish how the accused had facilitated the killings of 11 innocent civilians at Dakhiganj Cremation Ground in Rangpur on April 3, 1971.

Quoting the deposition of four witnesses, Tapas said Azhar, the then president of Rangpur district unit Islami Chhatra Sangha (ICS), used to visit Rangpur Cantonment on his 50cc motorcycle, hoisting the Pakistani flag, and hold meetings with Pakistani army officers.

Proceedings in the case were adjourned until today. The prosecution is supposed to continue placing arguments at the tribunal-1 led by Justice M Enayetur Rahim.

Azharul, who is facing six war crimes charges for his alleged involvement in the crimes against humanity and genocide, was produced before the tribunal.

# Ferry services

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Rahman at Chandanbaisha union of the upazila. His parents took refuge on a dyke after floodwater washed away their home, said UP member Tozammel Haque.

Shakib fell in floodwater and drowned around 11:00am when his parents were busy working, he added.

Meanwhile, about 50 metres of an embankment near Baniajan area under Dhunat upazila in Bogra collapsed yesterday, inundating nearly 400 houses in 12 villages.

Nurul Islam Sarkar, executive engineer of Water Development Board (WDB) in Bogra, said they were repairing the embankment with sand-filled bags.

Apart from Bogra, thousands of people in some northern and north-eastern districts have been marooned yesterday due to fresh floods. Many of them have moved to dykes, reports our correspondents.

The river points that saw rise in water level yesterday include Kanaighat in the Surma river and Bahadurabad, Sariakandi and Atrai in the Jamuna river, according to the National Disaster Response Coordination Centre (NDRCC).

"Though the water level declined in the Surma in Sunamganj and Kangsho in

Netrakona, water was still flowing above the danger level there," NDRCC official Dalil Uddin told this newspaper.

In Sirajganj, some 8,500 houses in Kazipur, Belkuchi and Sirajganj Sadar upazilas were submerged yesterday.

The district relief and rehabilitation office put the number of affected families at 14,815.

In Gaibandha, a crack has developed in a 200-feet dyke at Dashani under Gaibandha Sadar upazila.

Croplands and thousands of houses in a vast area would go under water if the dyke collapsed, said Abdul Awal Mia, executive engineer of Gaibandha WDB. Workers of WDB were trying their best to repair the crack, he added.

Water levels in the Teesta, Dharla, Dudhkumar and Brahmaputra in Kurigram remained unchanged yesterday. The Brahmaputra was flowing above the danger level at Chilmari point.

Flood victims in Dimla and Jaldhaka upazilas of Nilphamari have been suffering from shortage of dry food and drinking water.

NDRCC official Dalil Uddin said the disaster management ministry has already allocated 7,500 metric tonnes of rice and Tk 12 lakh for the worst-affected 12 districts.

# Manipulation

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On July 22, a Dhaka court sentenced the company's director Helena Pasha, manager Mizanur Rahman and production officer Nigendra Nath Bala to 10 years in jail for manufacturing adulterated drugs that killed 76 children in the 1990s.

The report, submitted to the law ministry on Monday, said only 10 percent of the time (about 11 months) was wasted in the trial because of legal wrangling by the defence.

Prepared by the three-member commission headed by Justice ABM Khairul Haque, the report made 16 recommendations to ease the sufferings of justice seekers.

"It is the call of the time to improve this intolerable legal crisis," reads a line in the report before offering recommendations for a judicial reform.

"Although this kind of reform cannot be made straightaway, it must be ensured that it is initiated right at this moment."

Punishment for witnesses defying summons from court, improvement in police performance in producing witnesses, witness protection and facilitating their travel to court, prioritising deposition of witnesses, and modernising the court in terms of providing alternatives to the existing practice of the judge himself writing testimonies from witnesses are some of the proposals for the reform.

Getting rid of the practice of imposing stay on case hearings unless there is really any crisis and stipulating the effectiveness of High Court stay orders by a deadline of six months are two other recommendations.

"It is necessary to maintain adequate cautionary measures in cases of a rule and a stay order coming from the High Court division," said the report, stressing the role of the chief justice in discouraging "unreasonable" rulings.

The report said the Adflame trial was a "classic example" of procrastination in case disposal.

"It is uncertain how long it may take in disposing of the trial [against Adflame] finally [through the higher court division and the appellate division]," it said.

The report said the Adflame trial should have been completed in two years after the filing of the case in 1993.

It added the HC "terribly failed" in managing cases, resulting in the long delay.

Proceedings of two other pending drug cases involving adulteration had been stayed for 18 years, following an HC stay order in 1994.

Still, it took one year for the HC order vacating the stay to reach the trial court, situated no more than a kilometre from the HC. This means 19 years were wasted in the "legal process", and it took another two years for the trial to begin.

It took 13 months for the drug court to see the Adflame case argument completed, said the report.

Citing the HC order that ended the 14-year-stay on the proceedings of the case in 2007, the report said the order bore testimony to the "utmost irresponsibility of people concerned with our judiciary".

# Mujibur's driver

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BNP, Mujibur, 56, is also a former vice-president of the party's UK chapter.

During their captivity, the two had been held hostage separately. Mujibur could only see his driver when they were freed, said Anwar, quoting the BNP leader as saying.

Mujibur has been undergoing treatment at the capital's United Hospital and is supposed to return home today.

A physician at the hospital said the patient was suffering from haemoglobin and iron deficiencies.

Meanwhile, two British High Commission officials yesterday visited Mujibur at the hospital, according to family sources.

"We can confirm we are providing British national Mr Mujibur Rahman with consular assistance," a British High Commission spokesperson told this newspaper.

The abductors had blindfolded Mujibur and Rezaul and made them wear burqas before dropping the two off in Tongi, said Anwar.

Proficient in both Bangla and English, the kidnappers enquired of Mujibur about BNP Senior Vice-Chairman Tarique Rahman and any probable link of Mujibur with Tarique. They also grilled Mujibur about BNP politics in the UK.

The abductees were brought down from the first floor of a building on Monday before being released in Tongi.

Family members of Mujibur had lodged a general diary with Sunamganj police in this connection.

# Israel hits Gaza

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people injured in one strike in Gaza City.

Another eight people were hurt in earlier air raids across the strip, they said.

An Israeli military statement said that at least eight rockets were fired at Israel, with six falling on open ground and two more being intercepted by missile defences.

The rocket fire began several hours before a 24-hour truce was to expire, prompting Israel to order its negotiators back from ceasefire talks in Cairo and launch a new round of air strike on Gaza.

They hit at least 10 targets, according to army radio.

The fighting shattered nine days of relative quiet in the skies over Gaza and cast a dark shadow over Egyptian-mediated efforts to hammer out a longer-term truce.

# Inqilab office

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against the daily or the journalist.

But journalists of the newspaper said the police action might be linked to a front-page report on Monday headlined "A police official enjoying unchallenged authority using the prime minister's name".

They told The Daily Star that a team of some 25 law enforcers stormed the newsroom around 11:00pm and stayed there for an hour.

One of the detectives was carrying a video camera and shooting the activities there. Just before leaving with the news editor, the policemen talked with him about the report, they added.

Contacted, Sub-Inspector Sultan Mahmud of Wari Police Station said he had heard about the incident but no journalist was taken to the station as of filing the report at 2:30am today.

The Inqilab office falls within the jurisdiction of Wari police.

It was the second raid on the newspaper house since January 16. In the previous raid, the office was sealed off following the publication of a report, for which the daily later apologised to readers.

# Fakhrul, 72 other

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policemen injured and vandalised vehicles on the streets.

Later, a case was filed with Paltan Police Station against 200 to 300 leaders and activists of the BNP-led 18-party alliance the same day. Thirty-seven other cases were also filed with different police stations in the capital in this connection.

Fakhrul was earlier shown arrested in the case and later got bail from the High Court. Sixty-eight others were also arrested in the case and they also got bails from different courts on different dates.

Earlier on August 5, detectives pressed charges against 41 BNP leaders including its acting secretary general Mirza Fakhrul Islam Alamgir and Standing Committee member Moudud Ahmed in a case filed for vandalism and blasting bombs on March 2 last year.

# 3 Bangladeshi workers killed

FROM PAGE 1

Milon Hossain, elder brother of Elahi, told The Daily Star.

"When they were here, they couldn't spend time together in the daytime. But they would meet in the evening after their work regularly," Milon said over the phone yesterday.

"They sometimes argued over different issues. But they used to take all decisions together," he said.

Alauddin was married and has three children aged between one and six years. Elahi was single.

"My husband could not hear our little daughter Ashfa speak the word Baba [father]. He asked me at noon on Monday if our daughter had learnt to speak," Shampa Khatun, wife of Alauddin, lamented with her one-year-old daughter in her lap.

"I can't see my future. How will I take care of my daughter?" she cried at her home in Joynagar in Ishwardi.

Their families spent Tk 4 lakh each to send them to Malaysia in the hope of better days coming in their lives.

"I have lost my son. I have lost my dreams and everything," said Elahi's father Abdus Sattar, 70, as he mourned the youngest of his four sons.

Meanwhile, the bereaved family members of Alauddin could not talk to us over the phone. The family of the third victim, Faruk, could not be contacted.



Alauddin



Elahi

The three used to work legally as construction workers for Malaysian Mass Rapid Transit Corporation (MRT Corp).

The bodies were sent to Sungai Buloh Hospital near Kuala Lumpur for autopsies and will be sent back home by today or

tomorrow, according to the Bangladesh mission in Malaysia.

Embassy official Jebin said the employer had assured them of financial support to send back the bodies and due compensations to the victims' families.

Meanwhile, MRT Corp CEO Datuk Azhar Abdul Hamid resigned yesterday following the accident, the Malaysian daily The Star reported.

"I have done my best, but I have evidently failed and therefore will be handing over my duties. I was told that some security measures were not followed by the sub-contractors and if that really is the case, I will make sure that MRT Corp never works with them again," he told a press conference at the site yesterday.

He said that despite his departure from the company, he would ensure that the families of the deceased were given justice.

Malaysian Prime Minister Datuk Seri Najib Tun Razak has expressed his shock and called for an investigation into the incident.

Our Pabna correspondent Ahmed Humayun Kabir Topu contributed to this report.

# Govt out to gag media

FROM PAGE 16

We have to take a tough line to oust the illegal and unethical government. There is

no alternative to waging a tougher movement by all of us irrespective of our political ideology and opinion," BNP acting secretary general Mirza Fakhrul Islam Alamgir said at a rally at Suhrawardy Udyan in the capital.

The opposition alliance organised the rally as part of a programme declared earlier to protest the National Broadcast Policy-2014.

The policy has already been approved by the cabinet and a gazette has been issued on it amid criticism by media personnel, civil society and rights groups that it creates the scope for restricting media freedom and right to information.

Although BNP Chairperson Khaleda Zia, who is also the chief of the opposition parties combine, was supposed to address the rally as the chief guest, she did not in the end show up.

"Questions might be raised among many of us about her absence from the rally. That is why I want to let you know that I had a conversation with her. She expressed regret that she could not attend the rally due to her illness," Mirza Abbas, new chief of Dhaka city BNP, announced at the end of the programme without elaborating.

Party insiders said Khaleda's security officials and her motorcade were ready to take her to the rally. But around 4:00pm she

decided not to attend the rally due to the hour-long torrential rain that worsened the condition of the venue ground.

Talking to The Daily Star, a number of leaders of the alliance expressed disappointment over the opposition leader's sudden decision.

Braving the rain, several thousand opposition men, many of whom belong to the Jamaat-e-Islami and its student wing Islami Chhatra Shibir, however, joined the gathering, the second of its kind since January 20.

Speaking of the government's move to restore parliament's authority to impeach judges, Fakhrul said the present parliament did not represent the people as it had been formed through a voterless election and that 154 MPs had been elected unopposed.

"That's why any decision by the present parliament to impeach judges will be considered a partisan decision by the Awami League," he added.

Jamaat Naye-e-Ameer Mujibar Rahman said the "illegal" government had moved to destroy the Islamic party by killing its leaders in the name of trying war criminals.

Describing the International Crimes Tribunal as controversial at home and abroad, he demanded that the government release all Jamaat leaders from jail.

The chiefs of the Liberal Democratic Party, Islami Oikya Jote, Bangladesh Jatiya Party, Jatiya Ganatantrik Party, among others, also spoke at the programme.

# Form CJ-led body

FROM PAGE 16

The recommendation has been made in the backdrop of huge backlogs of pending cases with the court, he added.

In Monday's report, the commission suggested appointing HC judges from the judges of lower courts and lawyers of the Supreme Court, having a work experience of 20 years.

The lower court judge also must have at least a three-year experience of serving as a district judge, it said.

As per existing provisions of the constitution, an SC lawyer and a lower court judge having 10 years' experience of practising law and performing judicial duties are qualified to become HC judges.

The commission also recommended that the minimum age for the new HC judges

would be 50 years and the retirement age would be 75 years.

Currently, the retirement age of an HC judge is 67 years. But the constitution does not mention anything about the minimum age.

The report said although the number of HC judges has increased in recent years, the court has failed to reduce the number of pending cases.

Currently, over 3.2 lakh cases are pending with the HC which has 90 judges and six of them are dealing with war crimes cases, according to court sources.

In August 2012, the commission had recommended passing a law allowing appointment of legal experts from different occupations as HC judges. But the government ignored the move.



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Companies involved in trade and investment between Australia and Bangladesh can express their interest in membership of ABCCI by writing to the ABCCI by Tuesday 30th September 2014, stating their involvement and interest in bilateral business.

All Correspondence should be addressed to:

**Australia Bangladesh Chamber of Commerce and Industry**  
C/O. Australian High Commission  
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Telephone: 880-2-8813105  
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Tender in sealed covers to be dropped in the tender box kept in the Office of the Manager Commercial Stores, Procurement & Logistic Support Directorate, Biman Admin. Building (1<sup>st</sup> Floor), Room No. 205, HSI, Dhaka as well as Office of the Divisional Commissioner, 1<sup>st</sup> Floor, Room No. 205, 1<sup>st</sup> 12 Storeid Govt. Office Building, Segunbagicha, Dhaka-1000 latest by 11:30 hrs (BST) on 18.09.2014. Offers via Postal Mail/Courier Service will also be accepted but no offers shall be accepted after closing time & date. Tender will be opened on the same day at 14:30 hrs (BST) in the Tender Room, P & LS Directorate, HSI, Dhaka in presence of the bidder(s), if any. Biman authority reserves the right to accept or reject any or all tenders without assigning any reason whatsoever.

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