No one could kill Bangabandhu's ideology: PM

UNB, *Dhaka*

Prime Minister Sheikh Hasina yesterday said none could kill Bangabandhu's ideology and neither will be able to do so in future as it will remain alive forever.

She was addressing the inaugural function of a three-day photo exhibition titled Chitrrogathai Shokgatha at the South Plaza of Jatiya Sangsad.

The Dhaka North City Corporation (DNCC) organised the programme to mark the 40th death anniversary of Father of the Nation Bangabandhu Sheikh Mujibur Rahman. The function is dedicated to the new generation.

Quoting some words from Bangabandhu's historic 7th March speech, Hasina said the Bengali nation has now proved that it could no longer be suppressed. "The Bangalees have stood tall, keeping their heads high… Bangladesh is moving ahead and would continue to march forward."

Describing the incident of August 15, 1975 as a black chapter in national life, the PM said when the nation started dreaming of its prosperity, the tragedy befell it.

Bangladesh is now regarded as a role model of development and has also graduated to a lower middle-income country, she added.

Blasting Ziaur Rahman for patronising Bangabandhu's killers through promulgating an indemnity ordinance and rewarding them with postings in various foreign missions, she said killings had ruled supreme in the country after Bangabandhu's assassination.

With the killings of August 15, the nation had not only lost its Father, but also got the spirit of Liberation War and its history twisted and distorted, noted the premier.

Later, the PM witnessed renowned artist Shahabuddin Ahmed painting a portrait of Bangabandhu.

Prime Minister Sheikh Hasina, DNCC Mayor Annisul Haque and government high-ups look at a rare photo of Bangabandhu Sheikh Mujibur Rahman at an exhibition organised to mark the National Mourning Day at the South Plaza of Jatiya Sangsad Bhaban yesterday. PHOTO: BSS

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Executive Editor Swadesh Roy wrote the piece headlined "Saka Paribarer Totporota! Palabar Path Kome Gechhe (Lobbying by Salauddin Quader's family! Escape route got narrowed).

Among other things, the opinion piece said a member of the SC bench that was hearing the appeal of the condemned BNP leader met with the convict's family members.

The verdict against the paper's Editor and Publisher Atiqullah Khan Masud and Swadesh was delivered by a six-member SC bench headed by Chief Justice Surendra Kumar Sinha.

The five other judges are Justice Md Abdul Wahhab Miah, Justice Nazmun Ara Sultana, Justice Syed Mahmud Hossain, Justice Md Imman Ali and Justice Hasan Foez Siddique.

Atiqullah and Swadesh remained seated in the courtroom to serve the sentence till rising of the court at 1:15pm from around 10:00am when the court passed the order.

The apex court warned the media, lawyers and litigants against making unfair comments about the court and its judges, and said it would give some guidelines for them in its full verdict.

"Since various questions arise in the mind of the people of the country, the litigants, the lawyers, persons in the print, electronic and social media regarding the power of this court to punish for contempt of court any citizen of the country, being the highest court of the country, this Division feels it proper to give some guidelines which will be reflected in our detailed judgment," it said.

"Article 39 of the constitution has given freedom of thought and conscience to the citizens of the country but such freedom of thought and conscience is subject to reasonable restrictions imposed by law in the interest of the security of the state, decency or morality or in relation to contempt of court.

"That is to say, any publication during the pendency of any matter in any court of law, which tends to interfere with the course of justice in any substantial or real manner by prejudicing the mind of the public against persons concerned in the case before the cause is finally heard, is also contempt.

"In determining this effect, the intention of the printer or author in the publication is not of any consequence. What we are concerned with is that we should not permit anyone to poison the fountain of justice. This would be a grave interference with the administration of justice", said the SC judges.

The top court said it had the power to draw a contempt proceeding if any person undermined the authority or lowered the dignity of the court, or if any person scandalised the court or any judge or interfered with the administration of justice, or if any person made comments to undermine public confidence in the judges and the justice delivery system.

"Scandalisation, to express shortly, includes an attack upon any judge in his public capacity, for such attack would be calculated to malign the judge and to lower the authority of the court over which the judge performs his judicial function.

"At the same time, it also amounts to interference with course of justice and the proper administration thereof. Criticism of judges of the highest court in respect of acts done in their administrative capacity, which contain improper imputation, amounts to contempt," said the court.

"If the chief justice is criticised for acts done in his administrative capacity this also amounts to contempt.

"The criticism should be fair and not made with oblique motive or with the object of maligning the justice delivery system and lowering the majesty of the law and dignity of the court in the estimation of the public."

The SC said a litigant or a judge is not entitled to have any say in the selection of any judge or judges who are to constitute a particular bench.

"It is the chief justice of Bangladesh in exercise of powers under Article 107(3) of the constitution who is to decide such constitution of benches."

It said the Contempt of Courts Act, 1926, is not applicable to Appellate Division, and it should be amended.

Attorney General Mahbubey Alam told reporters after the verdict that criticisms could be made about the activities of the court and its judges, but they could not be scandalised and their administrative functions could not be questioned.

Salahuddin Dolon, the counsel for Atiqullah and Swadesh, told The Daily Star that his clients would decide whether to seek review of the verdict after receiving its full text.

Earlier in August 2010, the SC had sentenced Mahmudur Rahman, acting editor of the daily Amar Desh, to six months' imprisonment for contempt over publishing an article headlined "Chamber bench means stay order in favour of the government".

Fatal deaf ear

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Mujib dismissed Kao's concerns with a wave of his hand. "These are my own children and they will not harm me," he said.

Kao did not argue with Mujib. He however said the information was reliable and he would send him more details of the conspiracy.

Following the December 1974 meeting, Kao sent one of his trusted RAW officers to Dhaka in March 1975 to brief Bangabandhu further about a possible coup.

The officer gave Bangabandhu exact details of the units and ranks of the serving and dismissed officers who were planning a coup against him.

But again, Bangabandhu was not convinced.

Faruk and Rashid had begun the conspiracy to overthrow Bangabandhu much before that June, 1974 meeting at Ziaur Rahman's residence.

Major Faruk had made a surreptitious visit to the US embassy in Dhaka in 1972 to discuss about procurement of arms. The government was in the dark about it.

In less than a year, another major, Abdur Rashid, brother-in-law of Faruk, went to the US embassy on July 11, 1973 seeking arms. This time he claimed that he went there to negotiate on behalf of a committee headed by then Brigadier Ziaur Rahman for the purchase of arms.

In May 15, 1974 Faruk, on the directive of a senior army officer, sought assistance from the US government through the US embassy in Dhaka. The US ambassador Davis Eugene Boster forwarded the message to the US State Department in a secret document sent to Washington.

Meanwhile, there were unusual goings-on inside the cantonment.

Col Moinul Hossain Chowhdury, the then adjutant general of the army, had a chat with Zia in the evening of March 20, 1975 in the lawn of Zia's residence. While leaving, Moinul found Major Faruk standing in the front of the residence alone.

"What are you doing here?" asked Moinul.

Faruk replied he had come to meet Ziaur Rahman.

Major Faruk was very cautious at his meetings with Zia. He was apprehensive that if he bluntly told the deputy chief that he wanted to overthrow the President like that there was a very good chance Zia would arrest him. So Faruk decided to be circumspect.

He began his discussion by focusing on corruption. At one stage, Faruk said the country required a change.

Zia said: "yes, yes. Let's go outside and talk."

Zia led him to the lawn.

"We are professional soldiers who serve the country, not an individual. The army and the civil government, everybody, is going down the drain. We have to have a change," Faruk said, "We, the junior officers, have already worked it out. We want your support and your leadership."

Faruk's initial fears about Zia were unfounded. Zia did not react negatively at his plan to overthrow the president let alone have Faruk arrested for presenting a plot of such enormity.

"I am sorry I would not like to get involved in anything like this. If you want to do something, you junior officers should do it yourselves. Leave me out of it," replied Zia. He had his own reasons to feel disgruntled. He was disappointed with the government for picking Gen Shafiullah as chief of army instead of him.

Major Faruk understood Zia's mood.

Next day, Col Moinul informed Zia about Faruk's presence in front of his house. Zia replied: "yes, Faruk came to see me."

Col Moinul had a bad feeling about Faruk's presence in front of Zia's residence on March 20, 1975.

The political situation of the country had changed in June, 1975 with the establishment of BAKSAL. In this changed situation Major Rashid went to meet Col Moinul in early July of 1975.

In the afternoon that day, Rashid was waiting at the entrance of Moinul's residence inside the Dhaka cantonment. As soon as Rashid saw Col Moinul, he started to speak in an excited voice about the army, politics and BAKSAL.

Moinul, who was transferred from Dhaka brigade by that time, advised Rashid to talk with his brigade commander Col Shafayet Jamil about his misgivings.

Col Moinul believed Rashid might have thought that the transfer had made him [Moinul] aggrieved and he would be able to instigate Mainul against the government, Mainul later wrote in his book.

It seems the prevailing uncertain political situation with the introduction of the one-party system, BAKSAL, following the constitution's fourth amendment in January 1975, came as a blessing for the conspirators.

They conspirators continued with their plans unhindered. Major Rashid was maintaining contact with Khandaker Mushtaque Ahmed, the then commerce minister, all along.

Rashid convinced the other conspirators that BAKSAL must be brought down by any means. He impressed it upon his partners if needed Mujib should be killed or the country and the nation would not survive. Rashid assured them of having Ziaur Rahman on their side if they were to eliminate Mujib.

With Mushtaque on board, the conspiracy started gathering political momentum.

They started holding more meetings to finalise their plans.

In May or June of 1975, defying army protocol, they decided to meet at the Shalna High School ground of Gazipur on the occasion of a conference of self-reliant movement of Dhaka Division. Four to five army officers including Major Noor, Major Shahriar and Major Faruk went there to meet Khandaker Mushtaque.

They talked to Mushtaque. He wanted to know of their progress. They informed him that everything was moving along as planned.

Mushtaque also had good relations with two army generals, Lt. Gen Khawza Wasiuddin and Maj Gen MI Karim. Both generals were repatriated from Pakistan after the country's Liberation War. Gen Karim was sent on retirement for his role in cooperating with the Pakistan army in 1971. Gen Wasiuddin served as ambassador in different countries.

To finalise the plan, the conspirators also held several more meetings at Major Rashid's residence in Dhaka cantonment, BARD in Comilla, residences of Khandaker Mushtaque in Comilla and Dhaka, at Ramna Park and at the residence of Major Shahriar in Dhaka cantonment.

The roles of the intelligence agencies remain unclear to this day. There is no information available of any reports or warnings of any conspiracy coming from any agency all through the period.

Brig Gen Abdur Rouf was chief of the DGFI, directorate general of forces intelligence, a military intelligence service of the armed forces. He was repatriated from Pakistan after the War of Liberation.

Col Jamil Uddin Ahmed, who was military secretary to President Mujib, was appointed as chief of the DGFI on August 12 or 13. Col Jamil was poised to take over his charge from Brig Rouf. It was not to be as Jamil was shot dead in the morning of August 15 at an army checkpoint set up by Faruk-Rashid's men at Sobhanbag when he was rushing to Bangabandhu's residence responding to the president's call.

A senior police officer, ABM Safdar was chief of the national security intelligence (NSI) in 1975. He was director general of special branch during the Liberation War and was in service for the East Pakistan government. His loyalty to Bangladesh and Bangabandhu government was questionable. He had reported links to CIA.

Police officer EA Chowdhury was director general of the special branch. He was not a freedom fighter. He had served the then East Pakistan government in 1971. But he did not help the Pakistani army in 1971 to carry out atrocities against freedom fighters.

Being the chief of SB, he was concerned about the security of Bangabandhu. He often visited Bangabandhu taking Anwarul Alam, deputy director of Rakkhi Bahini, and Sarwar Hossain Mollah, another official of Rakkhi Bahini.

Sometimes in May or June of 1975, they again met Bangabandhu at his residence at Road 32 at Dhanmondi.

"Sir, you can no longer stay in this house. You will have to live in Bangabhaban. This house is not safe for you," EA Chowdhury had told Bangabandhu.

Anwar and Sarwar were of the same opinion as Chowdhury. But as before, Bangabandhu was unconcerned.

By this time the conspirators were putting finishing touches to their sinister plan.

Mushtaque, who had lost his foreign ministry portfolio after the Liberation War for his secret link with the CIA and secret negotiations to scuttle the Bangladesh Liberation War, now emerged again with his true character.

One of his meetings with Taheruddin Thakur, state minister of information of the Bangabandhu-led government, exposed it. They had met at around 1:00 pm of August 14, 1975 in Bangladesh secretariat.

"Brigadier Zia came [to me] twice this week. He and his men have become restless to do something fast," Mustaque had told Thakur.

"They want to bring a change in power by force. They are ready to do anything," he had said.

"I have given my opinion. Because, I do not have any other alternative, but this," Mushtaque had said.

This conversation was in the final hour of their plan to carry out the barbaric assassination.

[The report is prepared based on the books "Mission R&AW" by RK Yadab, "Inside R&AW" by Asoka Raina, "Bangladesh: A Legacy of Blood" by Anthony Mascarenhas, "Silent Witness of a General" by Maj Gen (retd) Moinul Hossain Chowdhury, "Truth-false of Rakkhi Bahini" by Anwar Ul Alam, "Mujib murder in US documents" by Mizanur Rahman Khan and charge sheet and confessional statements of some accused in the Bangabandhu murder case.]

Mahmudur gets 3yrs for not giving wealth info

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three-year jail term, Abu Ahmed Jamadar, judge of the court, said.

Mahmudur's lawyer Tajul Islam said the "verdict was full of errors" and it was a "perverse verdict", a claim that was refuted by an Anti-Corruption Commission Public Prosecutor Mosharraf Hossain Kajal.

Mahmudur is now facing a total of 69 cases. But this is the first case in which he was convicted, Tajul told The Daily Star. They would challenge the verdict with the High Court, he added.

Tajul said Mahmudur had already spent more than three years in jail in connection with the case. So he does not need to serve jail anymore in the case.

Court sources, however, said Mahmudur was shown arrested in the case on July 13, 2010, and he was released on bail on November 15 the same year. Later, he was shown arrested in the case again on September 25, 2013.

Mahmudur is now in jail in connection with seven other pending cases for which he did not seek bail. In other 61 cases, Mahmudur obtained bail or the cases were stayed by the High Court, Tajul said.

The ACC filed the case against Mahmudur, also former chairman of Board of Investment, on June 13, 2010, as he did not submit his wealth statement after receiving an ACC notice to this end.

On July 15, 2010, ACC Deputy Director Nur Ahmad, also investigation officer of the case, submitted charge sheet against Mahmudur and the Special Judge's Court-3 framed charges against him on April 28, 2014.

Yesterday, Judge Abu Ahmed Jamadar said he had gone through the testimonies of nine prosecution witnesses and the HC orders, which were related to the cases.

The prosecution, by submitting testimonies and documentary evidence, had been able to prove that Mahmudur Rahman had received the ACC notice that asked him to submit his wealth statement in seven working days but he "deliberately" did not submit it.

Thus, he committed crimes under section 26 (2)(a) of the ACC Act-2004, said the judge while reading out the summery of the 35-page judgment.

The judge said Mahmudur Rahman had submitted a written statement where he made some "unexpected comments" about the incumbent government and its chief, which the accused should not have done.

From his speech and statement, it was revealed that Mahmudur Rahman did not repent his offence, said the judge at the makeshift courtroom set up on Alia Madrasa ground at the capital's Bakshibazar.

Earlier in the day, police produced Mahmudur before the court around 10:10am. Wearing a blue and white chequered panjabi and a pair of white pyjamas, Mahmudur sat on a chair outside the dock, and was seen hearing the judgment carefully.

When, Mahmudur was taken to a prison van, he chanted: "Fight against curbing of freedom of speech will continue ... Fight against the Sheikh Hasina government will continue."

After the verdict, Tajul Islam said the court had made "errors of law, facts, in framing the issue and giving findings" in the verdict.

He said it was true that his client had received the ACC notice that asked him to submit wealth statement, but his client was not bound to obey the "illegal order" of the ACC. The ACC could issue such a notice only after being satisfied that a person had committed corruption, he added.

But, the ACC admitted before the court that it did not find any evidence of corruption against his client, Tajul added.

On behalf of Amar Desh, its executive editor Syed Abdal Ahmed said they did not get justice.

However, Mosharraf Hossain Kajal said Mahmudur had challenged the issuance of the ACC notice and also the case in different courts, including the High Court, but lost every time.

After a long legal battle, the court gave the verdict being satisfied with evidence they [the prosecution] submitted before the court, Kajal said. He termed defence allegations "unfortunate".

Mahmudur was first arrested on June 2, 2010, in a case filed on charge of preventing police from discharging their duties. Later, he was sentenced to six months' imprisonment for a contempt of court proceeding. He was arrested for the second time on April 11, 2013, in a sedition case.

Gunmen kill AL leader

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Abdul Jalil, officer-in-charge of Badda Police Station, said it was not clear who shot them or why. But another police source suspects it was the result of an internal feud.

The shooting happened around 9:00pm at the Badda Adarsha Nagar Panir Pump area.

Eyewitness Harun-Ar-Rashid, also a local AL leader, said he and six to seven others were discussing the programme of Bangabandhu Sheikh Mujibur Rahman's death anniversary (August 15).

"Three to four people came out of the blue and started shooting. I jumped aside and escaped unhurt," Harun, organising secretary of ward-6 AL, told this correspondent.

The gunmen shot seven to eight times and left the scene on foot, he said.

He said he could not identify any of the shooters. All the victims were friends and were involved with AL and its various associated organisations.

Police and locals said a number of criminal groups were active in the area and they had rivalry over extortion, land grabbing and jhut (garment waste) business.

Gama's father Matiur Rahman said his son was the chief executive officer of a local NGO, Sonar Bangla Somaj Kalyan Sangstha. But locals said he was involved in jhut business.

Sheikh Maruf Hasan, additional police commissioner of Dhaka Metropolitan Police, said they started investigating the shooting taking into consideration all the possibilities.

Two girls

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handed over to the police.

The OC, quoting doctors, said there were signs of poison inside both the victims' mouth.

He said primary interrogations of the detainees suggested that the girls "committed suicide following a feud over a love affair".

Ziaul said they victims yesterday had a quarrel with one Rana, a student at Nazimuddin College at Madaripur Sadar, over the matter.

Police suspect that at one stage of the quarrel, the girls took poison.

He said they were investigating the incident also keeping in mind the allegation by the family members.

Rana went into hiding after the incident.