

# Execute verdict quickly

*Demand families of those killed in BDR carnage*

RASHIDUL HASAN and SHAHEEN MOLLAH

Relatives of a number of army officers killed during the Pilkhana BDR carnage yesterday expressed satisfaction over the High Court judgment.

Talking to The Daily Star after the verdict, they said souls of the martyred army officials and others would get peace if the verdict was executed immediately.

The HC confirmed death penalty for 139 out of 152 accused who were previously awarded capital punishment by a lower court for their involvement in the massacre during the BDR mutiny in 2009.

Seventy-four people, including 57 high- and mid-ranking army officers, were killed in the mutiny on February 25-26.

Elahi Boksh, father-in-law of victim Maj Mosharrof, said, "We want immediate execution of the verdict. We want exemplary punishment of the perpetrators so that no one in the future dares to get involved in such brutal killings."

"My son-in-law took shelter inside a school of BDR [Now Border Guard

Bangladesh] and requested the mutineers not to kill him. But the butchers didn't pay heed and killed him," he said while talking to The Daily Star correspondents at his home in the capital's East Shewrapara.

"The elder son of Mosharrof, a class-VI student, still asks of his father. He is yet to fully recover from the shock that he had after seeing his father's body," Elahi said in a voice choked with emotion.

Mosharrof's younger son, who was born a few weeks after the killing of his father, often wants to know about him when he sees old photographs of his father, mentioned Elahi.

"We want no individual to escape through the loopholes in the law. And at the same time, we also want no innocent to get punished," added Elahi.

Syed Md Ismail Parvez, younger brother of another victim Maj Idris Iqbal, said they were happy with the verdict.

"Now, we want immediate execution of the verdict. Because justice delayed is justice denied," he told this newspaper over telephone.

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**Zinnatul Ferdous breaks down on the High Court premises yesterday after the court upheld death penalty for her father Zakir Jamal, a former BDR Subedar Major, and life term imprisonment for her two brothers and two uncles over the 2009 BDR mutiny. The twenty-five-year old girl's mother, who was a nurse, was also killed during the carnage at Pilkhana, headquarters of BDR.**

PHOTO: AMRAN HOSSAIN

## Intelligence

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As part of the conspiracy, they held several meetings before the mutiny and decided how they would loot the armouries.

But the Rifle Security Unit (RSU) of BBDR members failed to alert the authorities.

It could not be known if there was any probe into the failure of the RSU, and if anyone got punishment.

Investigation into the intelligence failure is one of the seven recommendations made by the HC bench yesterday.

A lower court judge in his verdict in the same case four years ago had found many weaknesses in the intelligence wing of the border force.

He had observed that the RSU was undoubtedly weak. It could not predict how deep the conspiracy was and the intensity of it and that was why the intelligence wing ought to be strengthened, the judge said.

Following recommendations by different committees, the BGB restructured and strengthened its intelligence unit. It also implemented many other reforms based on the BGB Act, 2010.

The BGB now has a three-layer intelligence -- Border Security Bureau at HQ level, Region Intelligence Bureau at regional HQ level and another tyre at the battalion level.

The national enquiry formed with former secretary Anis-uz-Zaman as its chairman had also recommended reconstitution of BDR, redistribution of responsibility and duty of all intelligence agencies, and formation of a permanent Central Intelligence Coordination Committee (CICC) at the highest level.

It also suggested formation of counter intelligence forces for all intelligence agencies, including the RSU.

Talking to a number of police and intelligence agency officials it was learnt that no committee like the CICC had been formed.

Nur Mohammad, who was the inspector general of police during the mutiny in 2009, told The Daily Star yesterday that as far as he knew, there was no committee like the CICC.

The former police boss, however, said security coordination meeting are regularly held where forces share information.

## Rohingyas

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the border with Myanmar since the agreement was signed.

An estimated 624,000 Rohingya have fled a military crackdown in Myanmar since August described by UN and US authorities as ethnic cleansing.

The repatriation agreement applies to Rohingya refugees living in Bangladesh who fled Myanmar in two major outbreaks of violence since October 2016.

It does not extend to an estimated 200,000 Rohingya refugees who were living in Bangladesh prior to that date.

The UN refugee agency UNHCR has raised concerns over the terms of the arrangement, saying conditions for the safe return of the Rohingya were not yet in place.

Bangladesh said at the weekend those returned would initially live in temporary shelters or camps.

Rohingya leaders have said they will not return to Myanmar unless they are recognised as citizens with full rights and ensured protection from violence.

Myanmar does not recognise the Rohingya, denying them citizenship and restricting their movement.

The UNHCR says any repatriation deal must include "the informed consent of refugees".

## Gallows only recourse

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society so long as they are alive," it said, stressing the necessity of capital punishment in this case.

"In order to ensure that the society is completely protected from these dangerous murderers, the only recourse is the finality of capital punishment," said Justice Md Nazrul Islam Talukder while delivering the judgment in a jam-packed courtroom.

"Accordingly, we are of the view that the application and imposition of death penalty as a punishment will certainly and clearly enhance the law and order situation of the country and help reduce and prevent the gruesome murders and inhuman offences of rape in the society as a whole."

The two other judges of the bench -- Justice Md Shaukat Hossain and Justice Md Abu Zafar Siddique -- agreed with the observations.

The HC bench started delivering the judgment on Sunday after it had held hearing on the death references and appeals for 370 days.

In the verdict, the court commuted death sentence of eight among the 152 to life imprisonment and acquitted four others. One died during the HC hearing of the appeals and death references.

The court upheld life imprisonment of 146 out of 160 who were handed down the sentence by the trial court. Twelve got acquitted while two had died.

The HC upheld 10 years' term for 182 out of 256 who were given one to 14 years' imprisonment.

The HC sentenced eight accused to seven years and four others to three years in jail and acquitted 29, Deputy Attorney General KM Zahid Sarwar Kazal told The Daily Star.

Three passed away during the HC

proceedings.

Of the 256 accused, 28 did not file appeal against the lower court verdict and the HC did not say anything about them. Therefore, their conviction by lower court will remain in force.

Of the remaining two, each got 10 years and three years in jail. The sentences will run concurrently, meaning they will have to serve 10 years.

Now both the defence and the state can file appeals before the Appellate Division of the Supreme Court within 30 days from receiving the certified copy of the HC verdict.

The bloody mutiny on February 25-26, 2009 left the nation benumbed, as people stood aghast at the extent of the barbarity perpetrated at the Pilkhana headquarters of the paramilitary force, later renamed Border Guard Bangladesh (BGB).

On November 5, 2013, a Dhaka court awarded death sentence to 150 BDR members and two civilians, and life imprisonment to 160 others in the case.

It also handed down rigorous imprisonment of different terms, ranging from one year to 14 years, to 256 people, mostly BDR soldiers. It acquitted the remaining 278, but the government later appealed against the acquittal of 69 of them.

The HC bench scrapped acquittal of 31 and sentenced them to life imprisonment. Among them, four will have to serve seven years in jail. It upheld the acquittal of remaining 34.

A total of 185 people have now been given life term.

Replying to a query, DAG Kazal said those who got acquitted by the lower court are yet to come out of prison as they stand accused in a case filed under the Explosive Substances Act.

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### SEVEN-POINT HC RECOMMENDATIONS

BGB has to make quick payments of pending TA and DA bills, if any, to its members

BGB should resolve all problems relating to leave and other matters of its members

BGB should form a committee to probe why Rifles Security Unit failed to provide information of the massacre beforehand, and make the findings public as early as possible

Around one year might be needed to execute death sentences of the convicts, if the Appellate Division confirms their convictions after hearing and disposing of their appeals on priority basis.

The HC Division of the SC may take some time for writing and releasing the full text of yesterday's verdict and then both the state and defence may move appeals before the Appellate Division.

If a special bench of the apex court is not constituted for hearing the appeals or the case proceedings are run on normal course, three to five years' time might be needed to finish the next procedures of this case, according to the state and defence

## Shots ring out, hell descends

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people thought some firing exercises were going on inside the BDR headquarters.

But the deep loud noise of weapons continued to echo. No one could imagine that a bloody mutiny brewed up in Pilkhana which would jolt the newly formed government.

Within hours, the area turned into a battlefield with the sound of frequent firing. Inside the BDR HQ, a group of heavily armed border troops indulged in an act of mindless violence.

The mutiny that rolled on for the next 30 hours left the nation benumbed, as people stood aghast at the extent of the barbarity perpetrated on the officers. It left 74 people dead, 57 of them were army officers. As things started to unfold, many theories popped up centring the mutiny.

Four years after the mindless killing that shook the nation to its core, a Dhaka court awarded death sentence to 150 BDR members and two civilians, and life imprisonment to 160 others for their roles and involvement in the carnage.

The court also handed down rigorous imprisonment to 256 people, mostly BDR soldiers. It acquitted the remaining 278 accused, but the government later appealed against the acquittal of 69 of them.

Yesterday, the High Court delivered the verdict on the death references and appeals in the sensational carnage case, upholding capital punishment of 139 out of the 152 convicts.

The court commuted the death sentences of eight to life-term imprisonment and acquitted four others. Another death row convict died earlier. It also upheld the life imprison-

ments of 146 out of 160 people. Two of them have died while 12 others were acquitted.

### THE MUTINY

The mutineers chose February 25, 2009, to revolt, as the day was scheduled for the yearly Darbar (assembly) of the force during the BDR week.

As the Darbar began around 9:00am and former director general of BGB Maj Gen Shakil Ahmed was addressing the gathering of officers and lower tier personnel, some rebellious jawans created a commotion pressing for some demands, including pay and benefits.

As the jawans kept on arguing, another group suddenly opened fire on the dais. The former DG was believed to be killed first.

The mutineers took many officers hostage and seized control of the headquarters within a few minutes, spraying bullets indiscriminately in the HQ compound. Thick plumes of smoke were billowing out of the headquarters.

The rumble of gunfire left the locals of neighbouring areas in panic. Army personnel reached the spot around 11:00am and took position at various points. Before them, members of the Rapid Action Battalion arrived at the scene.

Vehicular movement on nearby roads came to a halt. Shops and schools in the area were closed. As the day wore on, many families living around Pilkhana opted to flee their homes. Those living close by watched in horror as army personnel ringed the compound and their choppers hovered overhead. The entire capital was overcome by panic.

Around 12:30pm, State Minister for LGRD and Cooperatives Jahangir

Kabir Nanak and Jatiya Sangsad Whip Mirza Azam arrived at the headquarters to hold talks with the mutineers.

The mutineers talked to reporters of various television channels and newspapers demanding an end to the army's control over the force. They demanded withdrawal of army personnel from areas around the headquarters and also talks with the prime minister and the home minister.

Around 2:00pm, Jahangir Kabir Nanak and Mirza Azam entered the headquarters with a white flag. The then home minister Sahara Khatun followed them.

Around 3:40pm, a team of mutineers reached the prime minister's then official residence Jamuna for talks and the premier announced amnesty for the rebel soldiers following the meeting.

The mutineers stopped firing around 7:30pm and many injured including women and children were allowed to leave the headquarters.

But around an hour later, the rebels started firing again near the gate-1. Additional army personnel were deployed. The mutineers put forward a condition of withdrawing the army personnel from Pilkhana by that night for laying down their arms.

Around 9:30pm, a team of four BDR members met Sahara Khatun, Jahangir Kabir Nanak, Mirza Azam and Fazle Noor Taposh at Ambala Inn on Dhanmondi Road-2. Eight more members joined the team within a few minutes for talks with the government representatives.

The army personnel started retreating from their positions at New Market, Nilkhet and Balaka

lawyers.

"The apex court will then hear and dispose of the appeals. It may take another one year to deliver the final judgment and to finish the next relevant procedures even if a special bench is constituted and the proceedings are run on priority basis," defence counsel, advocate Aminul Islam, told The Daily Star.

Yesterday, the three-member bench sat at 10:53am to deliver the verdict. A number of relatives of the accused waited outside the court amid tight security.

Justice Md Nazrul Islam Talukder described establishment of BDR and its glorious role before coming up with some observations and recommendations.

He said the BDR carnage was carried out to create a political crisis and damage the country's democracy.

From the facts and circumstances of the case, it appears that there was a plot and conspiracy from either internal or external sources to overthrow the newly formed government headed by Prime Minister Sheikh Hasina, he added.

"The BDR rebels in collaboration with the others sharing their common intention and common object following a criminal conspiracy hatched in secrecy deliberately killed the army officers with a view to exterminating them from the BDR and establishing their full control and supremacy over the force."

He went on, "No provocation, no criminal conspiracy, no dissatisfaction and no grievance can justify this sort of atrocities and massacre committed in the Pilkhana atrociously killing 74 persons, including 57 high-ups and promising army officers, unless

there was a plot or conspiracy behind the BDR carnage.

"The incident is an unprecedented event in the history of crimes. By that carnage, the nation has lost some promising, bright, distinguished, luminous and outstanding army officers and it will take a long time to fill up the vacuum."

The offences committed by the disgruntled BDR rebels are very shocking, gruesome and diabolical in nature, which cannot be accepted and tolerated by the civilised society and the same exceeded all limits of barbarism and incivility, he added.

In his observation, Justice Md Shaukat Hossain, who presided over the bench, called for bringing a change in the "colonial attitude" towards subordinates.

Sharing an experience, he said that during a visit to one of his brother's place in Rangpur in 1981, he saw an official ordering his peon to put on his socks and shoes on his feet for him. "I felt ashamed."

Attitude towards jawans should be humane, he said. "They are our men; they are brothers and sons of somebody.... We can go a long way if we get rid of the colonial attitude."

After the pronouncement of the verdict, Attorney General Mahbubey Alam said now the convicts can appeal to the SC.

Replying to a question, he said if the death-row convicts file appeals, the process of execution will be automatically halted. He, however, avoided a reply when asked if the government will appeal against the acquittal.

Defence lawyer Aminul Islam told reporters that he will advise his clients to file appeals after going through the full text of the judgment.

to end the standoff.

Following her speech, a convoy of armoured personnel carriers and tanks from the army's 9 Division in Savar and 46 Brigade in Dhaka Cantonment went into Dhanmondi area.

The arrival of the army commandos had apparently intimidated the mutineers into hoisting a white flag on the main gate of their headquarters around 6:00pm. Many fled Pilkhana through its Azimpur and Hazaribagh gates.

With the surrender of the mutineers, police and the Armed Police Battalion took control of the headquarters and its armoury in an evening push. The army with around 20 tanks and APCs took position on Satmasjid Road near the Abahani playground.

The ordeal for more than 100 family members of BDR officers and jawans -- trapped inside or held hostage -- finally ended. They came out with tears in their eyes.

The following day was more shocking. Army and Rab rescuers found a mass grave inside the BDR headquarters and recovered bodies of officers and the DG of the paramilitary force. The sheer scale of the savagery as witnessed in the mass grave left the nation numb with grief.

Pilkhana looked like a battlefield as hundreds of thousands of bullet shells, several hundred pairs of boots and as many caps had littered the compound.

The government decided to form a special tribunal for trying those guilty of criminal acts during the mutiny.