



## INTO THE FRAY

On the final day of submission yesterday, members of different student groups at Dhaka University handed in their nomination papers for the DUCSU election.

CLOCKWISE FROM BOTTOM LEFT: Umama Fatema, contesting for VP with an independent candidate; Abu Baker Mojumder, a July movement coordinator, contesting for GS from BGCS; Abidul Islam Khan, the Jatiyatatabadi Chhatra Dal nominee for VP, with his panel; Meghmalla Bosu, contesting for GS from Gonoantik Chhatra Jote; and Sadek Kayem, the Chhatra Shibir nominee for VP, with his panel, who submitted his nomination form on Tuesday. With the polls slated for September 9, the nomination papers will be scrutinised today, after which a draft list of candidates will be published.

PHOTOS: PALASH KHAN

## Wait for justice

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The final judgment in the cases is now pending with the Appellate Division of the Supreme Court as their trial proceedings have already been completed at the lower court and High Court Division.

A six-member bench of the Appellate Division, led by Chief Justice Syed Reftat Ahmed, has been holding hearing on the appeals filed by the state challenging the High Court verdict that acquitted BNP acting chairman Tarique Rahman, former state minister Lutfozaman Babar, and others in the cases.

The SC started the hearing on July 17 and held it for four working days.

"The state and defence counsels are now placing arguments on the appeals before the Appellate Division. Once the arguments are completed, the apex court will deliver a judgment. I hope the proceedings of the cases will be completed soon," Additional Attorney General Aneek R Haque told The Daily Star recently.

It cannot be specifically said when the apex court proceedings will end, he added.

Mohammad Shishir Manir, one of the defence counsels, told this correspondent, "This case is a classic example of abuse of the processes by the executive and the judiciary. Different regimes abused different authorities to distort evidence and thereby materialised a short-term political goal. Moreover, the judicial fabric of Bangladesh has also been tainted by high-handedness. We all should get rid of this type of awkward situation. Let's bid farewell to the abuse of process."

Yesterday, the SC bench continued hearing appeals for the fourth day and decided to resume today.

Earlier in the day, senior defence counsel SM Shabujahan told the Appellate Division that there is no evidence of the accused persons' involvement in the grenade attack or in the conspiracy.

"If the political changeover had not taken place last year in the country, none of the persons detained in connection with this case could have been released from jail," he said, adding that all the detained were released after August 5 last year.

The lawyer appealed to the apex court to uphold the HC verdict that acquitted all the accused in the cases.

On Tuesday, Deputy Attorney General Abdullah Al Mahmud Masud placed arguments on behalf of the state, praying to the apex court to scrap the HC judgment and affirm the trial court verdict.

On October 10, 2018, the Speedy Trial Tribunal-1 of Dhaka delivered the verdicts in the cases, sentencing 19 people, including Babar to death, Tarique, now in London, and 18 others were sentenced to life in jail while 11 others got different prison terms.

Delivering the judgments in the two cases, the tribunal observed that it was a well-orchestrated attack executed by abusing state power.

On December 1 last year, the HC delivered its verdict, acquitting all the 49 accused and scrapping the lower court judgment.

The court on December 19 that year released the full text of the verdict observing that the August 21, 2004, grenade attack case should be referred to the home ministry for a fresh probe by a proper and expert investigation agency to ensure justice.

"It is a heinous tragic incident in the history of this country, where a lot of people lost their lives, including that Awami Leader leader Ily Rahman. This killing needs to be investigated properly, and independently to ensure justice, which has totally been absent till today in this case..." the HC bench of Justice AKM Asaduzzaman (now a judge of the Appellate Division) and Justice Syed Enayet Hossain said in the 79-page full text of the verdict.

Following the HC judgement, all the arrested accused got released from jail.

## What notes of dissent could mean

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they called the BNP's attempt to keep space open for one party advantage, warning that it risked undermining the charter's credibility as a roadmap for reforms.

They suggested the BNP's notes of dissent reflect more than mere disagreement and provide a moral ground to justify the party's refusal to implement some of the key provisions if voted to power.

For its part, the BNP has defended its stance as a political necessity, saying that leaving its objections on record was the only way to protect its electoral pledges.

Party leaders argue that the dissent does not amount to rejection, but rather serves as a safeguard should they return to office and wish to legislate along their own lines.

### RIVALS' CONCERN

These objections have caused unease among other political groups, who fear that the BNP may use its dissent as a pretext to ignore reforms once in office.

Jamaat-e-Islami Nayeb-e-Ameer Syed Abdullah Mohammed Taher said there is uncertainty about what will happen to the recommendations after the election.

"As there is such an apprehension, the charter will have legally binding provisions. We will not concede any ground on that issue."

"Our argument is that, historically, those in power have failed to fulfill the promises they made to the nation. So, suddenly claiming that they've all become virtuous—needs to be proven," he said.

He added that consensus does not mean unanimity but majority support. "The higher the percentage of agreement, the stronger the consensus."

"Those who say, 'No, we don't agree,'—their dissent has been noted. That's for the record, but not as a decision. Changing a decision has no legitimacy," Taher said.

National Citizen Party's Joint Convener Javed Rasin explained his party's apprehension with an example. "There is general agreement to form an upper house through proportional representation. But BNP's dissent gives them moral ground to avoid implementing it later. If they are voted to power, they will simply say, 'I had already registered my objection.'"

For this reason, he argued, all recommendations should be implemented before the election and formalised through a constituent assembly.

Bazlur Rashid Firoz, general secretary of the Socialist Party of Bangladesh, said expecting the BNP to implement reforms it had opposed was unrealistic. "They are not obligated to do so, as they have already registered their objections," he said.

Sajedul Hug Rubel, secretary of the Communist Party of Bangladesh, noted that during the discussions, the BNP explicitly stated they were issuing notes of dissent on matters they believed would pose challenges if they came to power.

"This has raised concerns that the BNP may choose not to implement those provisions once in office," he said.

### COMMISSION'S INTERPRETATION

The commission took a cautious view

on the notes of dissent.

Prof Riaz noted that BNP's dissents served a political function. "They have issued notes of dissent to formally register their objections, allowing them the flexibility to adopt a different stance in the future based on party considerations. They have kept that door open. However, we expect that they will revisit these issues before the charter reaches its final stage."

Riaz also emphasised the significance of the charter, the necessity of which emerged after the fall of the Awami League regime through the July uprising.

"Whether the differences are moral, political, or legal—we must ensure their implementation. Otherwise, the sacrifices of so many people risk being in vain," he said.

"BNP is a significant party, and in the future political landscape, they will have to operate within that framework. Surely, they will consider things politically," he added.

Riaz emphasised that the BNP, having been deeply engaged in the process, would also be bound by the provisions where consensus was overwhelming.

"They didn't just witness the opinions; they also witnessed the sentiments. What we hope is that they will show respect toward those sentiments and try to accommodate them."

For many, the heart of the debate is not the specific dissent notes, already well-documented, but whether the July Charter can deliver meaningful reform if its most powerful signatory holds back.

Commission member Badiul Alam Majumdar said, "If the vital issues with notes of dissent are not implemented, especially if they are withheld, then we will remain stuck in the old framework. We will continue along the same outdated path, and that will not lead us to a new destination."

"This raises the possibility of a return to autocracy."

A member of the consensus commission, who requested anonymity, echoed this concern, arguing that too many carve-outs would reduce the charter to little more than a partisan document.

"During the discussions, BNP spoke as if they were certain they would be voted to power. Therefore, once in power, they want absolute, unchecked authority."

"They are unwilling to restrain the accelerating criminalisation of politics and elections. They want every institution to remain subordinate to their control. It seems the party wants the prime minister to have unchecked powers," he said.

The BNP's dissent on the process to appoint the caretaker government chief indicates it wants the parliament to play a role at one point if certain options fail, he said.

"In other words, whichever party is in power will determine the caretaker government. So, what kind of caretaker government will that be? We had proposed that it be decided through consensus among all parties," the commission member said.

### BNP'S RESPONSE

Speaking to this newspaper, several top BNP leaders said the party issued notes of dissent for political reasons.

They said they were generous on

issues that posed minor implications for state governance, and rigid on matters where they anticipated facing challenges in governing.

One of them, wishing anonymity, hinted at flexibility over the issues.

"The fate of the issues on which our leaders have given notes of dissent during the talks depend on the political situation once they are voted to power. The desire of the top leaders will also be a factor," he said.

Standing Committee member Salahuddin Ahmed dismissed concerns outright. "There is no reason for concern on this matter."

He, however, added that if the BNP is elected, it will implement the reform proposals on which it issued notes of dissent, "according to our proposals".

"Isn't it natural that the party receiving the mandate will act according to that mandate?"

Asked about the charter's legal status, Salahuddin said, "The charter will be made legally binding keeping the notes of dissent unchanged. Another issue is that there has been no discussion yet on how the charter will be made legally binding. Let's see what comes up in the talks."

### BNP'S OBJECTIONS

On the election time caretaker government, the BNP opposed the commission's plan to expand the selection panel by adding senior judges and using ranked choice voting if the first options failed.

Instead, BNP proposed that parliament itself should intervene in such a scenario -- an arrangement they argue would strengthen the elected legislature. Critics, however, fear this could let the ruling party of the day control the outcome.

The party also gave a note of dissent on the proposal to form an upper house of parliament through proportional representation based on the national vote share, contending it should reflect the seat share in the lower house.

On executive authority, BNP resisted the consensus view barring party chiefs from serving as prime minister, and demanded tighter restrictions on MPs crossing party lines, arguing that greater discipline was essential, while critics warned it could limit dissent within parliament itself.

The party also dissented from provisions that would grant the president power to appoint the Bangladesh Bank governor and the head of the Energy Regulatory Commission, maintaining that such powers should remain with the government of the day.

On judicial appointments, BNP insisted on retaining flexibility for future governments, saying its manifesto would include the option of choosing the chief justice from among the two most senior Appellate Division judges, rather than strictly by seniority.

Finally, it disagreed with others on proposals for search committees to appoint oversight officials such as the Ombudsman and Comptroller and Auditor General, and heads of Public Service Commission and Anti-Corruption Commission. Such panels, it argued, would be ad hoc and unaccountable, while clear legislation would ensure a stronger, more transparent framework.

## July frontliners

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BGCS announced its "Baishommyo Birodi Chhatra Sangsad" panel with Abdul Kader for VP, Abu Baker Mojumder for GS and Ashrafa Khatur for AGS.

Chhatra Front leader Aditi Islam, students said, was among the organisers at DU's Kuwait Maitree Hall.

### PANELS HONOUR INJURED PROTESTER

In a unique move, Chhatra Dal, BGCS, Islami Chhatra Andolan, and Pratirodh Parishad did not field any candidate for research and publication secretary in honour of Sanjida Ahmed Tonni, who was injured in a Chhatra League attack while protesting on DU grounds on July 15 last year.

A photo of her bloodied face became one of the iconic images of the movement.

Tonni, a psychology student, will contest independently. In a Facebook post, she pledged to serve students with dedication. "With your support, I will turn this vision into reality."

### 509 NOMINATIONS SUBMITTED

Meanwhile, Chief Returning Officer Prof Zashim Uddin said 509 of 658 nomination papers were submitted yesterday.

"Tomorrow we'll know the number of candidates contesting for each post. We'll scrutinise the papers and then publish a draft list." The draft is expected at 1:00pm today.

Candidates may withdraw until 1:00pm on August 25, after which the final list will be published the next day. Campaigning will run from 4:00pm August 26 till September 7 midnight.

Voting will be held on September 9, from 8:00am to 3:00pm, with counting and results the same day.

Apart from the top three posts, there are posts of Liberation War and democratic movements secretary; science and technology secretary; common room secretary; international affairs secretary; literature and cultural affairs secretary; research and publication secretary; sports secretary; students' transport secretary; social service secretary; career development secretary; health and environment secretary; and human rights and legal affairs secretary.

The remaining 13 are member posts. The last DUCSU election was held in 2019, after a 29-year hiatus, though it is supposed to be annual.

## Israel okays plan to conquer

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"I didn't hear about Israel's decision, but I saw my neighbours fleeing, so I fled too," she told AFP by telephone.

Anis Daloul, 64, said he fled Zeitoun with his family on Sunday for a neighbourhood northwest of Gaza City.

He told AFP by telephone that the Israeli military had "destroyed most of the buildings in Zeitoun and displaced thousands of people".

Israel's security cabinet chaired by Prime Minister Benjamin Netanyahu approved the plan to conquer Gaza City in early August, sparking fears it will worsen the already catastrophic humanitarian crisis in Gaza.

The remaining captives would be released in a second exchange within the 60-day period, during which negotiations for a permanent ceasefire would take place, the sources said.

Israel and Hamas have held on-off indirect negotiations throughout the war, resulting in two short truces during which Israeli hostages were released in exchange for Palestinian prisoners.

Qatar, one of the mediators in the talks, said the latest proposal was "almost identical" to an earlier version agreed by Israel, while Egypt said Monday that "the ball is now in its (Israel's) court".

Israeli Prime Minister Benjamin Netanyahu has yet to publicly comment on the truce plan, but said last week that his country would accept "an agreement in which all the hostages are released at once and according to our conditions for ending the war".