

International Crimes Tribunal-1
CONTEMPT PETITION NO. 03 of 2013
Chief Prosecutor versus Channel 24 and others

Order No. 1

Dated: 26.09.2013

Today is fixed for passing an order on the application for contempt under section 11(4) of the International crimes (Tribunals) Act, 1973 filed by the learned Chief Prosecutor praying for drawing up proceedings against Channel - 24 represented by its Managing Director and 7 others who have been cited as opposite party Nos. 1 to 8 in the application.

The Chairman and two members of the Tribunal are the Judges of the Supreme Court of Bangladesh. This Tribunal was law fully constituted by the Government to try offences of Crimes against humanity genocide, War Crimes and other crimes as specified in section -3(2) of the Act of 1973.

Mr. Zead-Al-Malum, the learned prosecutor submits that this Tribunal by observing all the provisions of law and rules thereunder completed the trial process of the case of accused Salauddin Quader Chowdhury on 14.08.2013 and now the case is awaiting for delivery of its judgment (CAV). He has further submitted that the case of Salauddin Quader Chowdhury is very much pending before the Tribunal but opposite party Nos. 1 to 5 the executives of Channel 24 arranged a Talk-show named “ Muktobaak” on 18.09.2013 at 11.00 p.m. which was participated by opposite party Nos. 6 to 8. The petitioner has produced a DVD of the talk- show programme which was broadcasted on 18.09.2013. We have witnessed the DVD of the said ‘Muktabaak’ programme for our satisfaction.

It is expected that opposite party No. 1 to 8 are very much in the know that final verdict of the case of Salauddin Quader Chowdhury has not yet been delivered and as such the case is still pending.

On perusal of the application for contempt and witnessing the ‘Muktobaak’ talk-show of channel -24 held on 18.09.2013 through DVD, we find that Opposite Parth No. 7 Mr. Dr. Zafrullah Chowdhury without knowing the facts has criticized the court proceedings in the following manner as quoted below:-

“ আজকে সালাউদ্দিন কাদেও চৌধুরী আমরা চিরকাল জেনে অসেছি, এটা আমি বিশ্বাস করছি আজকে সে বলেছে। সে নাকি ছিলনা। এটা সত্য যাইহোক সে ৪ টা সাক্ষী করেছে একটা তো বললাম আমাদেরও সালামান আর একজন হলেন সিটিং জজসাহেব এই হাইকোর্টেও বর্তমান জজসাহেবকে সে সাক্ষী মেনেছে এবং উনি বলেছেন উনি সাক্ষী দিনে চান। উনি নাকি দরখাস্ত দিয়েছিলেন। আমাদের মোজাম্মেল হোসেনের কাছে সাক্ষী দেয়ার অনুমতি চেয়ে ছিলেন তাকে অনুমতি দেওয়া হয়নি এবং একজন প্রাওস্ন রস্ট্রদুত দিয়েছেন। উনি শুনেছেন। এই যে জিনিসটা এর ফলে কি হবে? সন্দেহটা মানুষের মনে থেকে যাবে। ”

Opposite party No. 7 further said “ সালাউদ্দিন কাদেও চৌধুরীকে মনে প্রানে ঘৃণা করি আমি, এই লোক দাবী করেছে সে ছিলোনা, সে হাসনাইন নামের এক জজ সাহেবকে সাক্ষী মেনেছে, সেই জজ সাহেবকে কেন সাক্ষী দেন নাই, এটাকে যদি না দেওয়া হয়, তাহলে কি বিচারের বানী নিভূতে কাঁদবে না? - এই বিচারক কেন সাক্ষী দেবে না ?”

Opposite party No. 8 Mr. Mahfuzullah without knowing the facts criticized the pending proceedings of accused Salauddin Quader Chowdhury in the following manner as quoted below:-

“ জনাব জাফরউল-হা চৌধুরী যে প্রশ্ন উত্থাপন করেছেন , সেটা হলো উনি সালাউদ্দিন কাদের চৌধুরী ৪ জন সাক্ষীর নাম দিয়েছেন সেটা অন্যদের ক্ষেত্রে গ্রহন করা হয়েছে শুধু তার (সালাউদ্দিন কাদেও চৌধুরী) ক্ষেত্রে সাফাই সাক্ষীদের গ্রহন করা হয়নি। এই জন্যই উনি জাফরউল-হা চৌধুরী বলেছেন যে, এই জন্যই প্রশ্ন গুলি বারবার উত্থাপিত হয়েছে। ”

Upon scrutiny of the criticisms made by opposite party Nos. 7 and 8 on subjudic matter, we are of the opinion that the opposite parties have made false and fabricated statements on sub-judic matter. Thus, there are reasonable grounds to draw up contempt proceedings against the opposite party Nos. 1 to 8.

Let it be registered as Misc. Case No. 03 of 2013.

Allegations of the proposed contempt proceedings:-

- 1) That opposite party Nos. 7 and 8 have deliberately criticized the trial process of the case of accused Salauddin Quader Chowdhury knowing well that the matter is sub-judic one. That opposite party Nos. 7 and 8 without knowing factual aspects of the case, they most unethically tried to give a message to the people that accused Salauddin has been deprived to prove his defence case.

- 2) That the opposite party Nos. 7 and 8 have deliberately tried to make the trial process of the Tribunal questionable with intent to undermine confidence and also to create hatred in the minds of the people about the functions of the Tribunal.
- 3) That the opposite party Nos. 1 to 8 in co-operation with each other they have facilitated and contributed in broadcasting the said talk-show on 18.09.2013 giving untrue statements on sub-judice matter with intent to lower down the image of the Tribunal in the estimation of the people at-large.

Therefore, for the reasons stated above, notice be issued upon opposite party Nos. 1 to 8 to give reply within 10 October 2013 as to why contempt proceedings under section 11(4) of the International Crimes (Tribunals) Act, 1973 shall not be initiated against them.

Opposite party No. 7 Dr. Zafrullah Chowdhury and opposite party No. 8 Mr. Mahfuzullah are directed to appear before this Tribunal in person on 10.10.2013 at 10.30 A.M. to explain their positions, if any. Opposite party Nos. 1-5 are hereby directed not to broadcast the said talk-show dated 18.09.2013 in future.

Let a copy of the order containing notice be served upon the opposite parties at their respective addresses given in the application.

The Registrar shall take necessary measure to serve the notices upon the opposite parties as early as possible.

Let the matter be placed on 10.10.2013 for further order.

(A.T.M. Fazle Kabir, Chairman)

(Jahangir Hossain, Member)

(Anwarul Haque, Member)