

**ICT-BD [ICT-2] Misc. Case No.05 of 2015**  
**[Application under section 11(4) of the Act of 1973]**

Monoronjon Ghoshal [Freedom Fighter] and 04 others  
Versus  
Dr. Zafrullah Chowdhury

Order No.03

**Dated 12.07.2015**

The record is taken up for passing order.

1. This is an application initiated on 06 July 2015 by one Mr. Monoronjon Ghoshal and four others [first three are freedom fighters] praying for drawing up contempt proceedings under section 11(4) of the International Crimes (Tribunals) Act 1973 against **Dr. Zafrullah Chowdhury**, founder of the Gono Sasthya Kendro on the grounds stated in the application.
2. We have gone through the application and meticulously perused the reports published in the online news media, such as *banglanews24.com*, *bdnews24.com*, *jamunanews24.com*, *amarbangaldesh-online.com*, and print media, such as daily Janakantha, daily Manabkantha [ attached with the application as Annexures A,B,C,D,E,F ] and also watched the CD [Annexure-G] containing briefing made by the opposite party to electronic media. We have also gone through the transcript of the briefing as contained in the CD.
3. The Tribunal notes that the reports published in online and print news media [Annexure-A.B.C.D.E, F] and the briefing made by the opposite party before the electronic media relate to the reaction and expression demonstrated by the opposite party Dr. Zafrullah Chowdhury directing the decision on contempt proceeding against him and 22 others rendered on 10 June 2015 by this Tribunal [ICT-2].
4. It is to be noted that 10 June 2015 was fixed for delivery of decision on contempt proceeding against Zafrullah and 22 others. The Tribunal by its order exonerated 22 contemnors and convicted and sentenced Zafrullah to suffer one hour sentence in the dock and to pay a fine of Taka 5,000 within seven days from the date in default of which to suffer sentence of imprisonment for one month.
5. We have carefully watched the briefing made by Dr. Zafrullah Chowdhury to the media instantly after coming out of Court's dock suffering the sentence of one hour. It transpires that the briefing the opposite party made to the electronic media demonstrates his reaction made instantly after the order convicting him in the contempt proceeding [ICT-2 Miscellaneous case No.03

of 2015] at the Tribunal premises. The reports published in print and online news media echo the statement the opposite party vomited at the court premises, after serving out one hour sentence in the dock.

- 6. It also appears from the briefing made by the opposite party as contained in the CD and the reports published in print and online news media that the opposite party emerging from court's dock, after suffering the one hour sentence in the dock, briefed the media when he uttered -

**ÒAvRtKi Av`vj Z Aegubvvi i vqUv wZbRb wPvi tKi gubmK AmYZvi cgb|  
 GLvb wPvi ciZiv mgv jvPbv mn` Ki tZ cftibbv| thLvb Zviv mgv jvPbv mn`  
 Ki tZ cftib bv, tmLvb b`vq wPvi nq bv|Ó**

- 7. The judiciary must be protected against unfounded attacks. Prima facie the above comments made by the opposite party, in the name of expressing reaction on judicial decision, appears to be 'scurrilous abuse' of the judges of the Tribunal that resulted in an imputation of 'inability' and 'inefficiency' against the Tribunal and its judges. In expressing reaction of his own, the opposite party *prima facie* appears to have imputed lack of 'mental sanity' to the Judges in the discharge of their judicial duties.
- 8. As the guarantors of justice in a law-governed State, now we cannot remain mute particularly when the reports and briefing made to the electronic media go to show a demeaning attack made by the opposite party directing the Tribunal and its judges, without any valid reason and basis. Right to freedom of expression does not mean that a person does have unfettered license to make comment whatever he likes, in the name of expressing reaction on a judicial decision. The reports and the transcript of the CD also go to show that the opposite party further commented, in his briefing to the electronic media that –

**ÒAvRtK hv` AvRtK hv` f`Lvq hvq, D`PZi tKvU`hv` f`Lv hvq th, Zvt` i GB i vqUv f`j, Zvt`j  
 Zviv wK Augvi Rv`tbi GB mgqUv vclv`tq w`tZ cvit`eb, bv H 3 Rb wPvi ciZ Augvi RvqM`tZ I Lvb  
 [Av`vj tZi WtK] vM`tq etm`\_vK`teb 1 N`Uv.....Zviv AZ`š– Av`tePbvc`hZ e`3e`, m`v`y`  
 i vqUvB hv` cto f` tLb meP` D`y` Avi i vM.Ó**

- 9. The above comments of the opposite party made instantly after serving out the one hour sentence in the dock *prima facie* appears derogatory and a threat to the lawful authority of the Tribunal which is likely to diminish the public confidence. Therefore, we deem it appropriate to extend our hands to prevent the wrong doers. Public confidence upon this judicial machinery is to be upheld and protected.

10. Above illegitimate conduct, actions and attack displayed by Dr. Zafrullah were visibly contemptible and scandalizing the Tribunal and its Judges. *Prima facie* it transpires that the opposite party deliberately attacked the judges of the Tribunal and their lawful authority by using extreme scurrilous language that is likely to shake public confidence in the justice delivery system of the Tribunal, a court of law.

11. Therefore, taking the above conduct and actions of Dr. Zafrullah Chowdhury into cognizance, proceeding for the offence of contempt under section 11(4) of the Act of 1973 is drawn against him. Let **22.07.2015** be fixed for further order. The opposite party contemnor Dr. Zafrullah Chowdhury is hereby directed to appear in person before the Tribunal on the date fixed at 10:30 am without any fail to show cause as to why he shall not be punished for his conduct constituting the offence of scandalizing the Tribunal.

The Registrar is asked to do the needful for communicating notices as ordered above.

Sd/-Justice Obaidul Hassan, Chairman  
Justice Md. Mozibur Rahman Miah, Member  
Justice Md. Shahinur Islam, Member