

Law and Our Rights

INTERVIEW

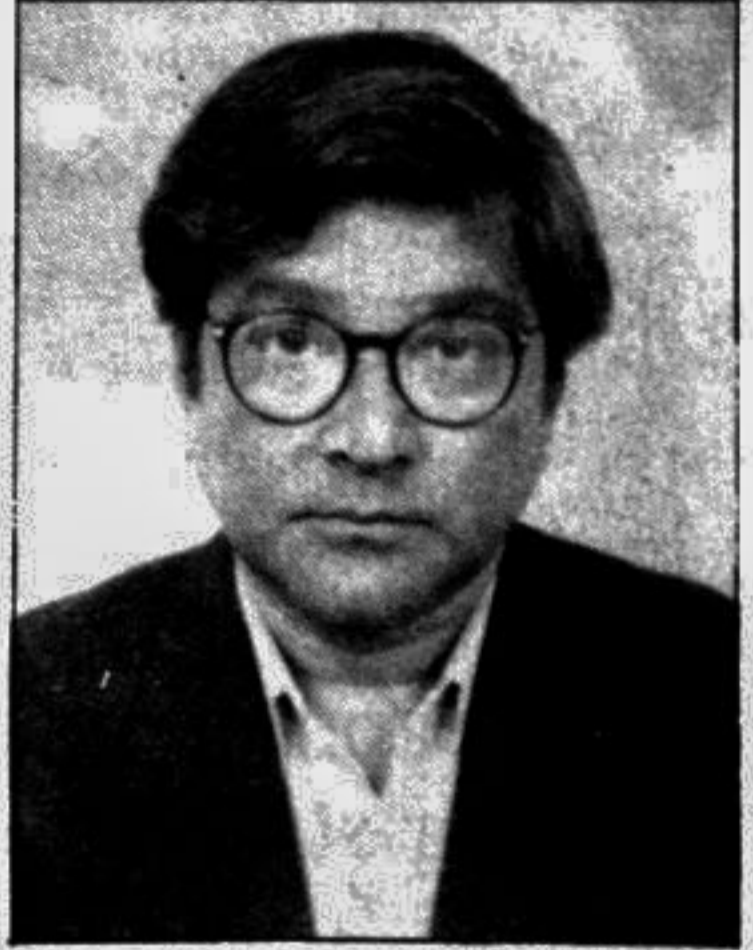
"The Ultimate Price will have to be Paid by the People"

Monjurul Kabir: *Have you been to Bangladesh before?*

Tapan Bose: Yes, I was initially here for a very brief period. I worked with a filmmaker from India in 1970-71. We made a film called *Nine Months to Freedom*. I did the research, worked with him. It was one of my first assignments for documentary.

MK: *And this time, what's the purpose of your visit?*

TB: I have remained basically a documentary film maker. I deal with issues con-



cerning people. You can call it human rights, civil rights, democratic rights. Also issues concerning civil society.

Outside film making I have also taken up issues on violation of the rights of the people by the state, in India, Kashmir, Punjab, in Sri Lanka. Here also.

I am now working as the Secretary General of a South Asia Forum for Human Rights which is based in Kathmandu. It has staff members from all the countries of South Asia. I have come here in connection with a programme of ours which we are proposing to hold

here on 17-19 July. It is a regional consultation on minority rights, of minorities. We will bring in academics, activists concerned with the minorities from all the countries of South Asia, Pakistan, Sri Lanka, Nepal, India, Bhutan and Bangladesh, not Maldives. I've come here to discuss with some of our colleagues. Also make contact with people of this area.

MK: *You mentioned the term 'civil society'. In our country this is often used, but not properly defined. How do you define it?*

TB: It is not very difficult. It is defined in social sciences. Basically by civil society we refer to the body which is larger than the state and the government. The government is the organ of the state. The state is the political expression of the people. But the society is much larger than that. What has happened in countries like ours, the post colonial governments have usurped personal law, marriage, divorce, education, even things which should be done by municipalities. Things which should be done by local communities, 'mohallas'. Before there were these communities in the localities which would form peace committees and do all such things. All these things have gone. Now there are so many issues. There is religious conflict, conflict between men and women. All these are matters of civil society. But we call for laws, governmental action now. Civil society has retreated. But society is much larger than the state. After all, where is the sanction of the state coming from? It's coming from the people. This has a history, a continuity, a cultural significance.

MK: *How did SAFHR come into being?*

TB: SAFHR came into being in 1993 formally just before the World Congress of Human Rights. There was an NGO meeting in New Delhi in which a

Last week, Tapan Bose, Secretary General of South Asia Forum for Human Rights (SAFHR) visited Dhaka as a part of regional consultation programme with concerned human rights groups, organisations, activists, lawyers etc. In an exclusive interview with The Daily Star, he underscored the need for a concerted regional move for peace and stability in South Asia. Daily Star's A.H. Monjurul Kabir spoke with Tapan Bose who is also actively involved with Pakistan India Peoples' Forum for Peace and Democracy.

very large number of human rights groups met. The meeting was sponsored by the human rights unit of the Jawaharlar Nehru University. About a hundred South Asian human rights groups felt the need of having their own forum because we felt that we need to know each other more. We also realised that we have been divided by national frontiers and barriers. Human rights groups in Bangladesh don't know what human rights groups in India are doing. We in India did not know what CCHRB is doing or what Odhakar is doing. In Pakistan too there are similar groups doing similar work but there is no contact. So there was a strong desire expressed by all to form a regional forum. But there is a wide gap between wanting the forum and actually forming it. It calls for a lot of work. So we decided to start with a simple bulletin. It initially started in Dhaka. Father Timm took the responsibility of convening and carried it on for about three years but somehow it didn't take off. Then in 1995 we had a

meeting, our annual meeting. We met in Kathmandu and Father Timm suggested that the bulletin be shifted to Kathmandu, to the present secretariat. In Nepal there is no visa problems. It's an advantage for South Asian people to meet and get together. And the Nepalese government had no objections at all. So it was started there. But it was actually born in Dhaka. Father Timm, and then Akram Chowdhury were on our board. Now there is Dr. Meghna Guhathakurta and Md Nur Khan (Odhakar).

MK: *At this moment, what are the priorities of SAFHR?*

TB: SAFHR's priorities primarily are to work for universal standards of human rights in South Asia. Then the international commitments made by our governments, like IC-CPR, CEDAW, children's rights, we will monitor whether these are being implemented properly. We will create an awareness of these. We do not launch movements. We work with the national organisations. They tell us, these are the issues, like custodial death. Not just in Bangladesh, in India police station deaths go over 600-700 annually. Then the 'encounter'

They are not protected. We want to discuss these issues with the governments. On one hand we deal with the activists on the other we want to deal with the governments, to lobby with them.

MK: *How do you evaluate the situation prevailing in north east India?*

TB: We support the right to struggle against domination of all people. There is no confusion on that. But we don't necessarily believe that the only solution is making more and more independent countries. That is no solution. Over the last 50 years, our sub-continent has been divided into three national states. But if you go on and on breaking up, where will it end? What is the logic? What is the viability? What is the rationality? Look at the Jammu people. To fight against extreme Bengali nationalism, to find political space, do they have to found another nation state? The logic of nation state is that you will become a majority but at the same time you will pro-

unthinkable. They (Government) take things from there, but don't give anything in return. Look at the tea industry, but what does Assam get?

Look at Tripura. In 1949 the indigenous people made up nearly 75 to 80 per cent of the total population. In 1990s, they are 30 per cent, i.e., minority in their own land. We have neglected the issue. Same in CHT. The complaints of the people are very real. So these must be changed. Unless these things are changed, there can be no peace in these regions. A new political theory is needed.

MK: *Do you have any plan to do something about the north east region, a regional conference or anything?*

TB: We are having a national conference in India to abolish the Armed Forces Special Powers Act, by which the most of the oppression and torture takes place and for which the army has been there for about 50 years, the undeclared martial law. Recently a national convention was held in Gauhati. We attended this. We

won't say I am satisfied with it, but we were very critical at first. We said it would be just another window dressing, but over the period, we found that it has become quite an effective instrument of protection. It has given an access to remedy and its process is very transparent. It is headed by a former Chief Justice. A former Chief has a dignified position. Out of the five, three of the members are from judiciary. Retired senior police DGs are in the investigation department. The three chairman so far have had very strong positions concerning custodial death. They have spoken to the state governments, to the chief ministers, to the police.

Over radio and television, they again and again say what rights one has when one is arrested and what is the responsibility of the police. As a result, an awareness regarding human rights has been evolved. Some protections have been increased. I think that this must be considered in all countries, including Bangladesh.

The law must be reformed. The state will not draw up any revolutionary law. You can't have revolution through the court. You can get protection through the court. For changes in the law, civil society can give pressure by speaking out, writing in the newspapers and so on. And the parliament is not away from the people.

It took us 10 years to get rid of TADA. It may take another 10 years to get rid of the Armed Forces Special Powers Act in India. In Nepal, the government wanted an act similar to TADA. There the human rights community held repeated meetings with the parliamentarians and have stopped enacting such the law so far.

MK: *Do you support the Indian government's request to extradite Mr. Anup Chetia from Bangladesh?*

TB: This is not a question of supporting or opposing it. The government of India has requested for extradition. It has to be decided on the merit of the request. It has to be decided by the judiciary on the basis of facts and law. For example, the Indian government issued an extradition order against Rumiun Kurley. We opposed it and insisted he has the right to defend himself in the courts. Until then, he cannot be handed over. It cannot be a political decision between two countries. Whether he is a criminal or not must be decided by the law. The governments, in principle, have no such rights. If the law goes in favour of the government decision, that's fine. They must follow the law. Political interference must be avoided at all costs. It will be decided in court. Let Anup Chetia die or didn't. Let the court decide. Let Anup Chetia get a chance to defend himself without any intimidation. He may feel that he won't get a fair trial in India, we know he won't, so let him defend himself here. Then it becomes the duty of the Bangla-

desh government, primarily the Bangladesh judiciary, to make sure that he gets a fair trial.

MK: *South Asia has entered into a new era of nuclear warfare. How do you evaluate this situation and what should be the concern of the civil society?*

TB: We are opposed to militarisation. We are opposed to nuclearisation. SAFHR immediately after the Indian bomb issued a statement condemning it and also called on the government and the people of Pakistan to desist from falling in the trap. We were hoping that Pakistan wouldn't follow suit. Unfortunately Pakistan did not desist. We feel very demoralised. The primary responsibility for this new arms race falls squarely on the shoulders of the government of India. The present government of India is the main culprit for the nuclear arms race in the sub-continent. It will pull in everyone, including Bangladesh. If Bangladesh feels we won't be affected by this, this will be a misconception. India has shattered chance for long awaited peace. They did this for very petty considerations. It shows that the BJP government is a very irresponsible government. Internationally they have behaved in a very irresponsible manner. Efforts have been made by the people of both the countries over the last five years to bring about friendship between India and Pakistan, by the Pakistan India Peoples' Forum for Peace, Indo-Pakistan Friendship Society, Chambers of Commerce, traders, the children of Lahore, poets and all. But all these efforts have been destroyed, pushed back to the dark ages. The ultimate price will have to be paid by the people. By exploding the five bombs,

what has Nawaz Sharif given to the people? A state of emergency, closure of banks! Prices will shoot up. Who will pay? Nawaz Sharif won't pay for it out of his pocket. Gauhar Ayub is not paying for it. Pakistan army is not taking a salary cut. The Indian army is not taking a salary cut. Vajpayee is not eating less. Who is going to pay? The ordinary people are going to pay.

When the economy of India and Pakistan is further depressed. When the pressure is increased upon the people, the impact of the economic crisis will also be on Sri Lanka, on Bangladesh, on Nepal. This is totally irresponsible. It is not acceptable. It will be communalised.

BJP is a totally communal force. They did this to increase their own strength. For very petty political gains.

MK: *Have you any immediate plan in this regard?*

TB: We are already in dialogue. There are protests and we plan to hold a meeting with the Pakistan Peoples' Forum this year. We will start a joint programme. A concerted regional people's move for peace and stability in South Asia is a must.

Transcription: Probe

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Law of Internet

by Barrister Tanjib-ul Alam

H ON Sir Robin Jacob feared that there might be some misconception among common people including internet user that internet will throw laws or many of them into chaos. Given the slow process of evolution in the development of laws (this is particularly true in case of Bangladesh) there has been wide speculation that the law can not cope with the breakdown of national barriers, the cross-border implications of the interlinking of computers world-wide. A superficial observation of internet activities might lead someone to think that internet is a 'lawless dimension' with lawyers and client having no idea what to do or how to control the activities of others. We have already seen that in the developed world numerous legislation has taken place with the aim of preventing abuse of computer network.

Almost all of those legislations are penal legislation. Computer Misuse Act 1990, Data Protection Act 1984 etc are examples of some UK legislation. The area of law which is still unexplored by the legislators is the civil law like contract, tort, electronic banking, taxation etc.

The internet has opened up the flood gate for commercial activities. Electronic transaction is predominantly expanding through internet. It is estimated that by the end of the century amount of internet user will cross 100 million. Among the total internet user a large number of them are private users. No doubt business enterprises is taking the advantage of such a big member of global consumers. Although initially world wide web was used primarily for the purpose of promoting the business by opening a web site. It is now apparent particularly with enhanced security, that web sites offer international and cost effective opportunity for selling goods and services to the consumers.

Advantages of web site shopping is many fold. It is rapidly and easily accessible. It can include static or moving graphics, it can be interactive as well. It is easily updated and purchase can be made immediately. A web site can work like a shop window as well as cashier and till. In the appropriate circumstances product can be transferred directly to the consumer by digital transmission.

Every expansion of human activities leads to new question of rights and liabilities. Since we are concentrating on the commercial activities, necessarily law of contract will govern the activities. This cross border transaction raised unique question in the law of contract which hitherto has been unexplored. Following, inter alia, issues may be considered as relevant for the consumer contract:

1. Requirement for a binding contract in internet.
2. Time and place of entering into contract.
3. Role of digital form of payment in binding contract.
4. What type of contract should be used to provide digital information over

the internet?

5. What law will govern the online contract (choice of law)?
6. Which court will have the jurisdiction (lex fori)?

Space may not allow us to deal with all the matter in one occasion. I wish to discuss the preliminary point of formation of contract which is the starting point for a commercial transaction. Since Contract Act-1872 largely reflects English Common Law my discussion on formation of contract in the internet will be based on English Law. Under common law a legally binding contract must contain four elements namely offer, acceptance, consideration and an intention to create legal relation.

Offer and invitation to treat: Law creates a distinction between an offer and an invitation to treat. While acting in accordance with the former constitutes an acceptance and thus creates a binding contract if other ingredients are present, compliance with the latter does not create any binding contract. Examples of invitation to treat are display in the shop-window (Fisher V. Bell); advertisement (Carhill v. Carbolic Smoke Ball Co.) display of goods in shelves of a supermarket (Pharmaceuticals Society of Great Britain v. Boots Cash Chemists Ltd.). This status of display and advertisement may cause problems to the web advertisement. Although web site apparently advertise product and services like a billboard, but its functions are more than mere billboard. An internet user may complete the sale through website. A consumer can examine the product in a restricted form (software can be downloaded from a website in a 'crippled' form) and then may complete the transaction (re-access the website to form a contract to receive the uncrimping key).

The internet in effect fuses the advertising and shop. As we have seen above, the law in con-

trast, distinguishes between advertising and shop displays. How then law can provide a solution to this unique situation? At present best solution seem to be that web site should be designed in a manner that a distinctive feature should be maintained.

Sometimes advertisements may constitute an offer if the offer is unilateral in nature. An unilateral offer is one in which a reward is offered to another party to perform some act without that person promising anything in return. A person accepting the offer does not need to communicate this fact to the offeror to complete the contract he simply needs to do what is required of him eg Carhill v. Carbolic Smoke Ball Co.

Website users should bear in mind that they might be browsing a web site mere access to which may constitute an acceptance. At the same time website owners should not design (in a broader sense) their website in a manner that it would constitute an unilateral offer in which case there might be unlimited acceptance by the website users.

One method of avoiding risk of creating an unilateral offer through web advertisement is for the owner of the website to state that it will not be bound by any communication from a third party, rather the site owner will inform that party if it accepts the communication. This will create two factors in favour of the site owner. First it would prevent a person to think that offer has made an offer and second it would provide evidence to a court that the site owner did not intend to make an offer.

This article only dealt with one of the preliminary point of the law of contract and internet. There are lot more important issues remaining not only in contract but also almost in every branch of law.

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LAW WATCH URGENT APPEAL

PEOPLE of Sazek, Bagakhali, Dumdumia, Barkal, Moidong, Shilachari, Jarulchhari of Rangamati and Khagrachari district including other inaccessible areas of Chittagang Hill Tracts (CHT) are starving to death. 'Joom' cultivation is the sole means of food supply, for the survival of the inhabitants of these localities. But there is a severe food crisis as the 'Joom' cultivation was hampered due to some natural reasons. People are trying to survive by having bamboo-shoot, roots of different plants and potatoes. As the areas are very inaccessible, so they cannot bring food stuffs from cities and they are not accustomed with trade system, which means there is no market or trading place in these localities. In April and May, 23 people including 13 children and 5 elderly women died due to starvation, only from Sazek union. Medical facilities are not even available in these areas.

Odhakar, a coalition for human rights is expressing its grave concern at the deteriorating situation of the localities. According to its own sources, the situation will further deteriorate if necessary steps are not taken on an urgent basis. As a consequence the death toll may rise at an alarming rate.

Odhakar urges to all the government and non-governmental organisation to supply food stuffs to the inaccessible areas of Chittagang Hill Tracts (CHT) including Sazek, Bagakhali, Dumdumia, Barkal, Moidong, Shilachari, Jarulchhari of Rangamati and Khagrachari district as soon as possible to avoid any further deterioration.

killings in north east India, Kashmir, these run into thousands. In Sri Lanka there are 12,000 cases identified in this regard. There are forced disappearances, custodial deaths, custodial rapes. In all these countries the police and armed forces have certain immunities or impunity. The police can beat you up but you can't file a case against them until the IG gives you the permission because the police did this in pursuance of duty. This impunity increases the police's tendency towards violence. So lawyers, former judges, human rights activists, academics, former officials of the police or jail are dealing with this.

We are trying to form a Regional Human Rights Commission. It is nothing revolutionary. But it gives the human rights movement due strength.

Some say that civil and political rights are not important, development rights are important. But we say that all rights are important. The universality is very important. Civil rights, cultural rights, social rights, development rights are all inter-dependent. If you violate one, the others are violated.

GENOCIDE, to state the obvious, was committed on a massive scale during our war of liberation in 1971. One may squabble over figures — the exact number of deaths, injured, raped and degraded — but these relate to the quantitative aspect and not the fact of genocide.

Unfortunately, more than a quarter of a century after this fact of genocide, it's consequences in terms of the societal notions of justice and morality do not appear to have been sufficiently analysed, nor necessary inferences drawn.

In our few and occasional deliberations on the genocide, aspects of justice and morality seem to have been influenced by various political ideologies: the Ghatok Dalal Nirmul Committee represents one strong viewpoint while some far right groups even deny any notion of responsibility, let alone the relevance of justice for the genocide. Still others are swayed by various 'external' considerations, often terming the issue a 'political one' and hence finding a convenient avenue for 'avoiding' a definite position.

Recently, comments by some Pakistani politicians, summing up our Ambassador for the foreign office in Islamabad, a somewhat similar encounter for the Pakistani Ambassador at our foreign office here in Dhaka and other 'events' have again attracted some attention to the debate about the 'consequences' of the genocide. Not that the incidents such as these are terribly important. Nevertheless, these do provide some impetus and contextuality for comment and analysis. Hence, this write up.

Proceed by way of outlining three fundamental propositions about justice and morality in the context of genocide and indicate three different positions which are possible. These three fundamental propositions may be subdivided and analysed further. However, the broad outlines of the notions of justice as contained in the three propositions may suffice for our present purpose, i.e., initiating an analysis of genocide in terms of notions of justice and morality.

The fundamental proposition which inevitably follows from the fact of genocide is: "should the perpetrators be prosecuted"? There are, at a simple level, three responses to

duce another minority within you.

The Indian government has been extremely brutal from the beginning. If we think of independence, then perhaps the Nagas have the most rights. They never were part of the Assam rule. They had even almost reached an agreement with the British that after ten years of independence there would be a plebiscite there. Even Mahatma Gandhi gave them such an assurance before independence. Nehru rejected it. The rest is history. There is a lot of bloodshed in north eastern region of India, kidnapping, extortion. People not involved in the armed warfare are also being killed. There is a sort of ethnic cleansing like the Bodos with the Shantals, the Shantals who were displaced by the British. Those poor Shantals, the lowest grade of tea garden workers were killed and oppressed by the Bodos. The Nagas don't drive away others. They don't say "You are a Bengali, or Punjabi, or whatever, so go from here. You can't do business here." From that aspect, the Naga movement is very clean. The number of rapes and killings by the Indian army is

worked with some Naga human rights groups, lawyers and so on. We look at the problems in the human rights perspective.

There is urgent need for new discussion. There is inter-tribal warfare in the north east — Kuki-Naga conflict; Bodo-Shantal conflict etc. The Assamese are driving away Bengalis. There is also a 'drive-away-Muslims' move. These can not just go away. These call for serious discussion. Today they will demand for an independent Assam state, tomorrow there will be demand for an independent Bodo state. Then there would be accusations that they are killing Shantals or Bengalis. But human rights is for the protection of everybody's rights. You can uphold the rights for the preservation of your community, but you don't have the right to kill or throw out anyone from your community.

MK: *To give the human rights an institutional shape a human rights commission is being formed here. Are you satisfied with the performance of the Indian Human Rights Commission?*

TB: In the entire South Asia, there is only one National Human Rights Commission. I

Justice and Morality

by Dr Shahdeen Malik

Lastly, the acceptance of the proposition that perpetrators of genocide must be punished also implies our taking responsibility for ensuring such punishment. If we, nevertheless, hide from taking this responsibility, if we hide from demanding justice for genocide, can we demand or ensure justice in other instances of lesser crimes. Justice is not a matter of choice. Justice, however, can be made to be a matter of choice, as we appear to have done. But then such a justice is hardly anything more than selective injustice and our morality a matter of convenience.

this question. First; there should be no prosecution at all, nor can there be; secondly, the perpetrators should be prosecuted, but can not be; and, thirdly, they must be prosecuted for justice to be done.

If we accept the first proposition (response) that there should not be any prosecution, we imply that either genocide was not committed or genocide must not automatically entail punishment. To put it differently, we insinuate that either genocide is not a crime and hence no punishment, or genocide is simply a 'wrong' for which no one needs to be made responsible and punished. It is a 'wrong' which is not terribly important for the society as a whole and hence the society or state need not take any corrective measure.

Since genocide has been accepted by both national and international criminal laws as the most heinous crime against humanity, the proposition that "there should not be prosecution for genocide" is untenable unless one denies all the fundamental notions of the criminal justice system, which is rationally impossible. The relevant national law is the Collaborators Act while the two most important international legal instruments are the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.

The second proposition, i.e., the perpetrators should be prosecuted, but can not be, implies that we accept genocide to be a crime and at the same time concede that such a crime can not

be punished for 'practical' reasons. The practical reasons in this context may include lack of evidence, impunity of the perpetrators or the perpetrators are out of our jurisdiction, absence of will or resources to prosecute, and similar other factors. A principal aspect of this second proposition concerns the question of the person who decides or agrees or concedes not to prosecute. This issue may be illustrated with the example of the current trial for the murder of Bangabandhu and his family members. The Indemnity Ordinance was clearly a decision "not to prosecute" for the killing of Bangabandhu. The fact that at a special ordinance was promulgated implied the culpability of the act of killing, necessitating immunity, i.e., a decision not to prosecute. The subsequent repeal of the Indemnity Ordinance, by a later Act of the Parliament, manifested an opposite decision, i.e., a decision "to prosecute". Clearly, two sets of actors made two different decisions regarding the prosecution for those killings.

Now, one can forgive and forget. If my neighbour hurts my feeling, damages my property or even commits a crime against me, I can, theoretically, forgive him. Most religions enjoin such forgiveness. I can expand such notions of forgiveness to include in it the decision not to prosecute — non-prosecution as a form of forgiveness. I can forgive for damages and harms done to me by my neighbour. But can I forgive the murderer of other people's children? Can others forgive on my behalf the perpetrators for the murder of my children or can I forgive on their behalf.

If I can forgive in the name of others, I can also forgive myself in their name for the crimes I have perpetuated. If other can forgive or I can forgive on other's behalf, the logical and inevitable consequence of such a proposition would surely rationales and justifications for each and every punishment or the very basis of the criminal justice system. That, obviously, is an absurdity. A society, we have long ago decided, can not survive without a rational criminal justice system in which no one can forgive on behalf of others for crimes committed against the others.

The other putative foundation for the second proposition would be: too much killings have been committed and blood has been shed; let us put an end to bloodletting and not indulge in revenge. Also, national reconciliation requires that the past be buried for a new leaf to be turned over.

There can be, again at a simple level, two counter arguments to the above. A new leaf in pages of national history can be turned only and only after having meted out the punishment for heinous crimes. Also, it is not only in order to cleanse the pages of history that crimes are punished. The motive is to restore the balance of justice as far as humanly possible. As a second counter argument, let us assume (an assumption which is too close to reality in our context) the situation where veteran mass murders and other perpetrators of genocide and related crimes continue to live in the same conditions as every-one else, or, for that matter, in better ones. It would convey a simple message: Whatever they do, however criminal their acts

are, they will get away with them. People will only be anxious to turn over a new leaf and no one will bother about their deeds and they will remain unpunished. Aren't shontrash, mastan, chadabazi as politics sufficient consequences of this turning a new leaf argument?

So it leaves us with the third proposition, i.e., the perpetrators of the crime of genocide must be punished. The basis of this third proposition can be related to, what I consider, the most universalist foundation of all systems of justice — Kant's categorical imperative. Should one, for example, return a deposit even when the depositor alone was aware of the arrangement and has since died? The categorical answer, obviously, is yes, for any other alternative would ultimately destroy the essential foundation of all societal values.

On a speculative plain, a somewhat related notion, though may not be directly relevant, is that of evil and, more popularly, Satan. Satan does not do any evil by himself. He did not eat the apple. He is Satan or evil because he induces other people to commit wrong or crime by persuading them that evil is right. He makes a case for evil by confusing our capacity to distinguish between good and evil, right and wrong. Satan makes evil maxims acceptable.

Have we, by our collective inaction and, may be, amnesia, made evil and wrong acceptable? Probably, and as long as we can not punish and restore justice for the most heinous crimes committed in our history, we may be doomed to suffer injustice for a very long time to come.

Lastly, the acceptance of the proposition that perpetrators of genocide must be punished also implies our taking responsibility for ensuring such punishment. If we nevertheless, hide from taking this responsibility, if we hide from demanding justice for genocide, can we demand or ensure justice in other instances of lesser crimes. Justice is not a matter of choice. Justice, however, can be made to be a matter of choice, as we appear to have done. But then such a justice is hardly anything more than selective injustice and our morality a matter of convenience.

Dr. Shahdeen Malik, an advocate, is Advisor, Bangladesh Legal Aid and Services Trust.