

## Reform Imperatives in Garment Sector

THE announcement that three garments owners associations, including the BGMEA, will compensate the victims of the recent garment factory fire in Narsingdi on November 25, is a pathetic gesture that can only be described as too little, too late. The fire at Chowdhury Knitwear Ltd was the worst of its kind in this country. It was the third fire in a garment factory since August. In this incident, no less than 48 young workers, mostly girls, were trapped and killed because the factory authorities had cold-bloodedly padlocked the only exit door from outside. In other incidents that have claimed more than 100 lives in the last ten years, fatalities have occurred because of the same callous attitude of owners and the absence of basic safety measures inside. We can only express our outrage that yet another tragedy has been allowed to occur and that once again the only visible reaction has been of compensation from the owners, and that only after precious, innocent lives have been lost.

We would like to know what has happened to the many assurances that we have been given that the relevant authorities would ensure safety standards in these factories? We would further like to know why no one, not one single factory owner, has been charged or convicted of criminal negligence to date, although the factory deaths have been clearly due to negligence. The government is fast losing our confidence for failing to ensure the most basic of working conditions for workers.

As for the garment factory owners, whose umbrella organisation, the BGMEA, has been so consistently supported in all its quests and endeavours, by this newspaper in particular, we have a message; they are in danger of destroying their credibility and support unless they undertake measures to upgrade conditions in the factories immediately. They know what to do. We ask them to get on with their side of the bargain. This lucrative export sector brings the BGMEA members millions of dollars in earnings every year -- but at what price? If it comes at the price of young and innocent lives, at the consistent exploitation and abuse of workers' vulnerability, then the price is simply too high. Both the BGMEA and the concerned authorities will lay themselves open to public outrage on a massive scale if they do not act quickly and heed the writing on the wall. Reform the garment sector thoroughly, now. Before it is really too late.

## Environment Courts in Bureaucratic Tangle

WHILE mindless degradation of the environment continues unabated, special courts to prosecute the eco-offenders remain a distant reality, some eight months after the Jatiya Sangsad passed the bill for their establishment at the five divisional headquarters. The whole concept appears to have got caught in red tapes and passed around from one ministry to the other. Immediately after the passage of the law, the environment and forest ministry intimated the law, finance and establishment ministries to take necessary actions towards creation of facilities, allocation of funds and recruitment of personnel respectively. Each of them, it seems, declined to make any move. They had their reasons all right; however refutable those might seem. For example, the finance ministry argued that since the request had been made at the end of the budgetary exercise, it could not be entertained. Logical indeed and technically foolproof, too; however, given the crucial significance of the proposition, couldn't there have been some exceptional arrangements?

Let us remind the government of some facts and figures. Indiscriminate logging has decimated the country's forest covering from 14 per cent in 1996 to less than ten per cent at present. The rivers and other natural water bodies have not been spared either. The river Buriganga, lifeline of the capital city, is nearly choked, with more than 200 illegal structures strutting its flow. Then there is indiscriminate dumping of industrial effluents. The Buriganga aside, the Shitalakhya, Turag, Dhaleshwari, etc are all victims of one mindless act or the other. On top of it, there is air pollution, by industries and flawed motorised vehicles, particularly autorickshaws. Brick kilns have become a major threat to environment these days.

The environment minister has repeatedly called for establishment of environment courts to combat environment degradation. Now that the JS has passed a law clearing the way, why is the bureaucratic pillow-passing? Are we to infer that the minister's self-professed commitment to environment is just empty rhetoric? The people have the right to know what is impeding establishment of the environment courts. The minister must immediately come out in public with an explanation on the cause of the delay and what she's planning to do about it.

# Pakistani Diplomat's Remarks and its Reaction

*If the Pakistani diplomat became ignorant of the susceptibilities of the people of the host country and decided to deride and belittle such historic issues on his own, he would be devoid of the acceptable norms and recognized attributes of a diplomat. If, on the other hand, he thinks he was reflecting the thought process or policy of the present Pakistani regime, it would be another matter to reckon with.*

T A seminar in the BIIS in Dhaka on November 23 Deputy High Commissioner of Pakistan Irfan Raja made some comments at a discussion on Bangladesh foreign policy that caused great stir and widespread criticism. On the question of Pakistan asking for forgiveness of Bangladesh for atrocities committed by its troops during the liberation war the Pakistani diplomat was reported to have quipped, "Asking for forgiveness? Why? For losing half of the country?" He alleged that atrocities committed in 1971 had been started by Bangladeshis themselves. He also derided the estimate of martyrs of the liberation war and put it to a paltry 26,000.

The remarks of the Pakistani diplomat are not only grossly untenable and totally unacceptable, it is most unbecoming of a diplomat of a "fraternal and friendly" country (called as such by Prime Minister Sheikh Hasina in her last Pakistan Day message) by severely hurting sentiments of the people of the host country. It was most surprising how a senior diplomat of any country could make an outburst of the nature as he did on a highly sensitive issue such as this one. As a diplomat, Irfan Raja should have been aware of the great significance the people of Bangladesh attach to the war of liberation in 1971 and all that is related to it. Bangladeshis are proud of the heroic deeds of their freedom fighters and their tales form legends to be passed on to successive generations.

The horrors and atrocities committed by the marauding Pakistani forces in the then East Pakistan during the liberation war were widely reported and publicized the world over in 1971 so much, so that the interna-

tional press and the community termed it as a genocide. It is a well-known fact that the great liberation war of Bangladesh was a sequel to Islamabad regime's pre-planned military crackdown on March 25, 1971 and perpetration of a reign of terror by Pakistani troops. If the Pakistani diplomat became ignorant of the susceptibilities of the people of the host country and decided to deride and belittle such historic issues on his own, he would be devoid of the acceptable norms and recognized attributes of a diplomat. If, on the other hand, he thinks he was reflecting the thought process or policy of the present Pakistani regime, it would be another matter to reckon with.

The Bangladesh Foreign Office called the Pakistan High Commissioner, apprised him of the gravity of the situation and asked for the recall of the diplomat. Islamabad heeded the demand and Irfan Raja with family have since left for Pakistan. There has been widespread demand for the withdrawal of remarks by the diplomat which has not been complied with. Nor any reaction has emanated from Islamabad to the demand led by the Awami League for Pakistan asking for forgiveness for having committed atrocities on Bangladeshi people during the liberation war. In spite of that, a section of both the people and the press in Pakistan itself became critical of the conduct of Irfan Raja as unbecoming of a diplomat and expressed happiness at his recall.

The question of expressing

regret and asking for forgiveness by one nation to an aggrieved one is not new. This has happened in the past and will, obviously, happen in future. It took over half a century for Japan to express due regret for the atrocities and repression committed by its occupation forces in China and also in Korea. The recent visit of US President Bill Clinton to Vietnam is interpreted as an exercise to convey remorse for the enormous loss of life and property

(Zulfikar Ali Bhutto) having asked for forgiveness and to forget the "mistakes" of the past and the Prime Minister of Bangladesh (Sheikh Mujibur Rahman) wanted the people (of Bangladesh) to "forget the past and to make a fresh start, stating that the people of Bangladesh knew how to forgive." The relevant Articles of the Agreement are quoted fully as under:

Article 13. The question of 195 Pakistani prisoners of war was



## Currents and Crosscurrents

by M M Rezaul Karim

caused by US forces in Vietnam. But leaders of Nazi Germany were not spared only by soliciting forgiveness for the crimes they had committed during the Second World War but were put on the dock in War Crime Tribunals, duly tried and sentenced for their misdeeds. If Pakistan asks for forgiveness for the events in 1971, it would, therefore, be neither unnatural nor unprecedented. As a matter of fact, a similar exercise had already taken place earlier.

The tripartite agreement signed by Foreign Ministers of Bangladesh, India and Pakistan in New Delhi on April 9, 1974 envisaged provisions for the Prime Minister of Pakistan

discussed by the three Ministers, in the context of the earnest desire of the Governments for reconciliation, peace and friendship in the subcontinent. The Foreign Minister of Bangladesh stated that the excesses and manifold crimes committed by these prisoners of war constituted, according to the relevant provisions of the UN General Assembly Resolutions and international law, war crimes, crimes against humanity and genocide, and that there was universal consensus that persons charged with such crimes such as the 195 Pakistani prisoners of war should be held to account and subjected to the due process of law. The Minister of State for Defence and Foreign Affairs of the Govern-

ment of Pakistan said that his Government condemned and deeply regretted any crimes that may have been committed. Article 14. In this connection the three Ministers noted that the matter should be viewed in the context of the determination of the three countries to continue resolutely to work for reconciliation. The Ministers further noted that following recognition, the Prime Minister of Pakistan had declared that he would visit Bangladesh in response to the invitation of the Prime Minister of Bangladesh, and appealed to the people of Bangladesh to forgive and forget the mistakes of the past, in order to promote reconciliation. Similarly, the Prime Minister of Bangladesh had declared with regard to the atrocities and destruction committed in Bangladesh in 1971 that he wanted the people to forget the past and to make a fresh start, stating that the people of Bangladesh knew how to forgive. Article 15. In the light of the foregoing and, in particular, having regard to the appeal of the Prime Minister of Pakistan to the people of Bangladesh to forgive and forget mistakes of the past, the Foreign Minister of Bangladesh stated that the Government of Bangladesh had decided not to proceed with the trials as an act of clemency. It was agreed that the 195 prisoners of war may be repatriated to Pakistan along with the other prisoners of war now in the process of repatriation under the Delhi Agreement.

These three Articles in the Tripartite Agreement amply describe the fact that the then Prime Minister of Pakistan had,

in fact, appealed to the people of Bangladesh to forgive and forget the past mistakes and then the then Prime Minister of Bangladesh wanted his people to forgive and forget the past atrocities and destruction committed in Bangladesh, and to make a fresh start. The latter also took pride with what he believed that the people of Bangladesh knew how to forgive. It may be noted that only 195 Pakistani prisoners of war had been selected for trial by Sheikh Mujibur Rahman's government on crimes committed on the people of Bangladesh and the rest of the 93,000 prisoners of war were set free and allowed to go back to Pakistan.

It is strange and difficult for ordinary people to understand why the general public, the intellectuals and the media appear quite oblivious of the existence of this important international treaty concluded by three sovereign states or, worse still, refuse to take due cognizance of what bind the governments and people of three major countries in South Asia on these important and relevant issues of forgiveness and clemency. This demonstrates lack of objectivity and straightforwardness of many in our society which hinders building of a healthy and democratic society, transparent and accountable politics as well as impartial and objective journalism. As for the Foreign Office in Islamabad, following enactment of Irfan Raja drama, they reportedly asked Bangladesh to forget the past, but at the same time Islamabad also forgot to ask for forgiveness for which the Prime Minister of Pakistan Zulfikar Ali Bhutto had appealed to the people of Bangladesh almost three decades ago and got it immediately from no less a person than Prime Minister Sheikh Mujibur Rahman himself.

## OPINION

# The Biggest Robbery of the Century

by Rafiq A Tschannen

DURING the gulf war 1991 the USA has destroyed the water distribution system of Iraq and thereby violated the Geneva war convention. Only recently an American High School teacher submitted a study which proved that the wilful destruction of a whole country was carried out with a strategic calculation. Nearly ten years later the whole population of Iraq continues to pay the price of the stubbornness of the USA and Iraq's leader Saddam Hussain. There is no end in sight in this situation. On the contrary during the US election campaign both candidates were eager to outdo each other in their anti-Iraq feelings. And quietly the robbing of Iraq continues as the work of the UNCC United Nations Compensation Commission shows, an obscure entity, which sucks off one third of all Iraqi export earnings.

The UNCC has existed for the last ten years and remains nearly unknown to the public. But actually this discretely operating institution is one of the most important instruments in the destruction strategy against Iraq. The economic sanctions against Iraq are being covered by the media. We see on TV malnourished children and hospitals where the most basic items are missing. We see a whole country and a whole culture being permitted to deteriorate further and further. But hardly any journalist seems to be interested in the work of the UN Compensation Commission and in their doubtful legality and their dubious practices. And this in spite of the fact that since December 1996, 11 billion dollars, approximately one third of the export earnings of Iraq, have flown into the coffers of this com-

mission.

In April 1991, shortly after the defeat of Iraq, the UN security council decided that according to international law Iraq will be liable for all losses, damages .... which other states, individuals, or foreign corporations have had as an immediate result of the Iraqi invasion and occupation of Kuwait. For the determination of such damages the UN compensation commission was created. The board of this commission is made up of representatives of the 15 members of the UN security council. The executive council, which has been dominated by its US members right from the start, is supposed to inform the commission, although disinform would be the more appropriate term.

The method chosen by the Security Council is without parallel in history -- at least not since the Versailles Agreement at the end of World War I, which laid the foundation for the Second World War. In article 231 of the Versailles agreement Germany was made to pay. Hitler took advantage of this agreement that went too far. It was easy for him to point out that "enough is enough". The United States had not ratified the Versailles agreement, but today is carrying on in the same way "Iraq will pay!" How will this time?

Iraq is not even recognized as a defendant party. Every petty criminal has the right of defence but the country of Iraq has no say in how and how much the country is bled. Every year 50 million dollars are being deducted from the Iraqi export earnings to finance the activities of the commission. Excellent salaries of the commission members and their travelling arrangements in busi-

ness class are financed. For the first time in the history of countries since the Second World War a state has absolutely nothing to say about a juristic case that directly relates to it.

Iraq has no right to vote at the UN because it did not pay its dues. At the same time the USA is in arrears for over one billion dollars. Just another small example of the double standards prevailing today. One law for the super power and another law for the rest of the world.

No doubt Iraq does have a duty to provide compensation. But how can a law case be fought and presented without giving the other side a right to present their own case? For instance: The state of Kuwait had presented a claim for 21.6 billion dollars in 1994. Baghdad was given a summary of the claim five years later in 1999. The Iraqi Government was given a deadline of 19th September 2000. Iraq requested permission to use some fund out of the commission's funds actually Iraq's own export earnings! to pay for a legal office to scrutinize all the documents. The commission refused. After a long discussion finally Iraq was given one hour on 14th December 1999 to present its point of view. One hour to treat a 20 billion dollar claim! In spite of Russian and French reservations the compensation was fixed at 15.9 billion dollars.

The UN Secretary General had recommended in 1991 that Iraq "be informed about all claims and to be given the right to present to the commission their point of view." The commission did not follow the Secretary General's directive (or probably thought they could claim to follow him by giving that one hour to Iraq to discuss a multi billion dollar

claim...).

The UNCC justifies these practices through the necessity to process hundreds of thousands of claims. In fact 2.6 million claims relate to individuals. These amount to 20 billion dollars, a small part of the total claims of approximately 320 billion dollars. The amount of 15 billion dollars approved for the Kuwait Petroleum Corporation amounts to about the total compensation approved for the 2.6 million individual persons. And it is double of what the Iraq central government was given from December 1996 to July 2000 for food and medicines of 15 million Iraqis.

In the C-category, individual compensation, the US citizen Michael F. Raboin is the key figure. He brought along another American Norbert Wuhler. This team is of course highly biased. Staff members were shocked to continuously hear such instructions as the criteria should be interpreted in such a way that maximum approvals can be given, and doctoring the samples. It was made easy by the fact that most persons could not provide proof of their claims and as such mere statements of claimants were considered sufficient.

Even more scandalous was the direct intervention of the US government to the executives of the commission to reinterpret the parameters in which the commission works. The practices of Washington remind one of the work of the UN special commission for the destruction of arms which were infiltrated by the CIA and totally manipulated by them (UNSCOM).

The largest claims are still under consideration. As at 16th June 2000 a total amount of 267

billion dollars in claims was still outstanding. A large number of them are totally absurd and might well be rejected. Friends of the USA, such as Kuwait, Saudi Arabia and Israel, are receiving preferential treatment. A good example how the commission works may be given in these instances: Many Israeli shops and businesses were compensated for lack of business during the war as for instance they were able to sell less flowers or less cinema tickets due to the political tensions of the Gulf war. Who would have got the idea that Great Britain could have claimed from Germany compensation for cinema tickets not sold during the Battle of Britain from 1939 to 1945?

The total value of claims amounts to 320 billion dollars. Out of this amount 180 billion are claimed by Kuwait, that is 9-fold of the gross national product of Kuwait for 1989. Considering that for these claims one third of the export earnings of Iraq is being confiscated it would mean that Iraq might have paid off these claims by the year 2060. What will be left of the hospitals and schools by then?

Is it justified to make a country pay without regard to its ability? In article 14 of the peace agreement between Japan and the United States dated 1951 it is stated: Japan must pay reparations to the allied powers for all damages occurred during the war. We however note that the resources of Japan and the economy will not be sufficient to pay for all such claims ... and at the same time meet all their other obligations. It may be reminded that at that time the Japanese Emperor was also considered a war criminal just like now

Saddam Hussain. UN resolution 687 does specially state that the requirements of the Iraqi people and the possibility to pay should be considered.

Many jurists deny that the UN Security Council has the right to fix the amount of a compensation. In several cases the Israeli attack on the airport of Beirut in 1968, the Portuguese attack on Guinea in 1970, the South African excursion into Angola in 1976 did the Security Council state that compensation should be made. However for instance in the case of Angola the British Ambassador stated that. The Security Council is not a court, and therefore not the right place to decide about compensation claims.

Shortly after the UNCC meeting of 28th September 2000 the Security Council decided to slightly amend the more scandalous points of the rules. As from December of this year the quota of the export earnings that will be confiscated by the commission will reduce from 30 to 25 per cent. Furthermore, the commission should consider the interest of Iraq a bit more. As a compensation to this improvement France and Russia agreed to the claim of 15.9 billion dollars, which is mostly going into the coffers of the Kuwait Petroleum Corporation. A deal which proves once more that it is the United States that plays the tune in the commission.

The above mentioned actions of a UN commission bear ill for all other UN activities. How can we believe that other UN agencies have the welfare of the people as a whole at heart when the same UN permits itself to be manipulated in this way?

The writer is a Swiss Muslim

## To the Editor ...

### Piracy and blacklisting

Sir, The abrupt, unbridled rise in piracy as reported in the news and print media speaks volumes against the relevant Ministry of Shipping, MMD, nay our armed forces especially the Navy. Will they only react when the international shippers' community blacklist our ports for such deadly piracy, corruption, congestion at the container terminals, unscrupulous trade union activities with the blessings of political parties both in power and out of power?

The only silver lining insofar as action is concerned apparently stems from the Master Mariner's Association, which held a press conference, according to various reports in the media on November 21. Heartfelt congratulations to their President, Captain M Anam Chowdhury for his outspoken courage, which deserves unqualified support and cooperation from the various chambers, trade and industrial bodies to face this deadly menace untidily.

Recently, on the directives of the Prime Minister the CPA also agreed to furnish 2 patrol ships to the Coastguards, undoubtedly a very commendable effort which we hope will not become mired in

red tape.

Let us be aware that international energy companies have been repeatedly cautioning the relevant authorities in the Ministry of Shipping about the lurking menace of piracy, and also to the huge potential dangers to lives from haphazard plying of marine vessels near and over their offshore gas pipeline. This, as stipulated in the international maritime laws must be earmarked with red flags to caution mariners. To be forewarned is to be forearmed. Furthermore, the navy should play a much bigger role in combating this menace as, indeed the navy(s) of Indonesia, Philippines, Malaysia and even tiny Singapore are doing. We do hope concerted efforts will be made sooner rather than later by the authorities to nip this Frankenstein in the bud, lock stock and barrel.

SY Jamal  
Chittagong

### Stop free advice

Sir, Is the AL chief running the BNP also (DS, Dec 2 report)? There is no point in giving unwanted advice as to when BNP should take action or react. It is

all right for the opposition to wait for the government's official reaction and action before responding to an issue. In many cases the opposition takes the initiative when the ruling party and the government are silent on issues vital to public interest. Sane criticism has a limit and boundary conditions.

Our politicians are very much devoid of humility; and tongue-lashing cannot provide good governance.

An Irritated Citizen  
Dhaka

### Vibrio parahaemolyticus: A new diarrhoea causing agent

Sir, Diarrhoea is a common disease in Bangladesh. The disease can be caused by many different agents. The most common are bacteria and viruses. Cholera-like diarrhoea is caused by a bacterium, Vibrio cholerae. It has about 200 sero-groups but only two groups (O1 and O139) are very commonly associated with diarrhoea and others rarely cause the disease. Another bacterium, Vibrio parahaemolyticus, of

the same family (Vibrionaceae) is also associated with diarrhoea. Vibrio parahaemolyticus has 13 sero-groups (O1 through O13) and almost all the groups can cause diarrhoea. These bacteria are mainly transmitted through contaminated water (mainly river and seawater) and foods.

Recently, a O3 sero-group (K6 in type) Vibrio parahaemolyticus is causing diarrhoea in many countries including Bangladesh, India, Thailand, Laos, Taiwan, Korea, Japan and USA. This O3: K6 serotype was first detected in Calcutta, India in 1996 and thereafter in other countries. In Japan there were 43 Vibrio parahaemolyticus outbreaks involving 1131 patients during the summer of 1998. Thirty of the outbreaks (70 per cent) were due to serotype O3: K6. The same serotype has also been detected from the stools of many international travelers in Japan. More recently, a research report from Taiwan showed that the occurrence of food-borne disease outbreaks in Taiwan increased dramatically in 1996, and the incidence has since remained elevated. This increase in outbreaks is correlated with a high rate of detection of Vibrio parahaemolyticus, which caused between 61 and 71 per cent of the

total outbreaks for the period 1996 to 1999. The O3: K6 serotype could have emerged in Taiwan as early as October 1995 and at that time accounted for only 0.6 per cent of the V. parahaemolyticus infections. This level increased suddenly to 50.1 per cent in 1996 and reached a peak (83.8 per cent) in 1997. Comparison of the outbreak profiles for the etiology groups indicate that the high incidence of food-borne disease outbreaks during 1996 to 1999 can be attributed to the extraordinarily high O3: K6 infections. In 1999, the O3: K6 serotype was still prevalent, and accounted for 61.3 per cent of all V. parahaemolyticus infections. Due to its extraordinarily high infection frequency and its capability to spread globally, this organism needs to be intensively monitored internationally. More important is that everybody should eat safe food and drinks. Proper cooking (sufficiently heated foods) may protect people from this and many other food-borne infections.

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## Who Wins the Race the Good or the Evil?

Engr. Shaheedul Islam

Who wins the race? The one who is in the good or right path or who is in the bad or wrong, to get things done in his/her favour, in the fulfillment of one's own good wishes or evil design, is now a big question in the human rights situation in our country. The country's justice system in the line of the adage justice delayed is justice denied' is going by an unnecessary procedural delay. Why? It is not understood. The ultimate time, however, proves in most cases that the good or the right prevails upon the evil or the bad. But, more often than not it is the long drawn process or the time that it takes, makes one eventually worried, impatient and frustrated. The best part of one's life is lost by the time the war is won. The system unless reformed, will continue to cause immense sufferings to the common man and in the process strengthen the hands of the evil. Really, the weakness in the existing judicial system, inherited from the colonial past is giving rise to social ills and it is now time for the civil society to rise to do away with these ills so as to bring our frustration to an end. It is the national demand in general and of the sufferers in particular.

And it is such a case of frustra-

tion to some that perhaps prompts one to highlight through the media for the necessary realization by the authorities concerned in the matter of law and justice with a view to mitigating the sufferings of the common man. And here is a case for instance. It is a story about a simple partition suit (batwara mamla), of three brothers and two sisters as complainants on one side, against a brother as the only defendant on the other, as per the law of inheritance, being heirs and successors in a plot of land say, in Gulshan Model Town. There is no reason why such a case should take long five years from the date of filing it and that too, without a single hearing so far. It is indeed surprising! The defendant, reportedly denying the rightful and respective property-shares to his own brothers and sisters, has thrown a challenge to them saying that he is capable of hanging the case in the court for long 30 years and is consequently depriving them of their rights. Interestingly, he is going ahead as it appears now, in accordance with his plan. Five years ago the case was filed. Hearing dates were fixed for as many as thirty-two times without any hearing held so far, following

prayers in one pretext or other, from the defendant. Surprisingly enough, objections by the complainants placed before the court fell flat on the floor for good which is indeed frustrating. Even then, they the complainants keep themselves in high spirit and morals to go on fighting with hope against hopes to win over finally, apart from being discouraged so. Let their rights be established sooner or later, so that lessons can be learnt from it by others who so matter.

Is it the test of patience to see who wins the race, the good or the evil. The human rights organizations must come forward to help and see that one's legitimate rights are established at any cost and not denied to any one in the country at any rate. For that matter necessary reform in the country's justice system for expeditious disposal of cases, has to be brought about, the sooner the better. In this respect, the press, the trusted friend of the people, has certainly a role to play to curb the rising incidents of the human rights violation in the country.

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