

# The Daily Star

Founder-Editor : Late S.M. Ali

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## One Step Closer to Justice

THE High Court has upheld the death verdict against ten out of a total number of 15 retired army officers who had been ordered executed by the Dhaka District and Sessions Judge's Court more than two years ago in the Bangabandhu murder case. It has passed a split judgement on the remainder five. In the essence though, it is the death reference which the HC Division has ruled upon in disposing of the appeal which is why the legal import of the latest verdict assumes such critical importance. Now the matter goes to the Chief Justice for a review.

On the other hand, with the penultimate stage in the legal process nearing completion the convicted will be left with an option to appeal before the Supreme Court Appellate Division. So the law will not only have taken its course, it will also have run its full cycle. However long-winded it may have been, it has eventually caught up with the accused topped by a sense of satisfaction as well that the latter were given facilities to be heard. It seems we are close to listing ourselves with those few countries where the rule of law has ultimately prevailed.

**Since it is the normal procedures of law we had creditably settled for, instead of yielding to the temptations of a summary trial, let's go the whole hog to help prove the supremacy of law.**

What a terrible burden of shame and guilt have we carried during the last three decades or so for our dismal failure to put the killers of Bangabandhu and most members of his family on trial.

Here was the case of the architect of our beloved Bangladesh and the principal figure of the freedom movement having been consigned to oblivion by successive governments for years on end. At long last, with the AL government inducted in power only four years ago, the wheels of justice started moving in late 1996. But the spanner in the works evidently was the Indemnity Ordinance which had been put in place by former president Mushtaque Ahmed and subsequently incorporated in the Constitution as an amendment by General Ziaur Rahman. It was the worst specimen of legal arbitrariness to be seen anywhere in the world reflect as did the horrendous criminality of purpose to debar the trail of the killers of Bangabandhu.

The AL government annulled the law to clear the deck for the trial whose final outcome in the shape of a vindication of the rule of law we await with a bated breath. On that note, **we urge the government of countries where most of the convicted killers have taken refuge to extradite them to Bangladesh enabling her to implement the judicial verdict.**

## Friday Mailbox

### Irfan Raja

Sir, A lot has been written and discussed about the derogatory remarks of the Pakistani diplomat Irfan Raja about our war of independence. But, surprisingly some of us are talking about forgetting the past. The recent article of Mr MM Rezaul Karim in *The Daily Star* on Dec 9 has reiterated the same by quoting Bangabandhu Sheikh Mujibur Rahman 'Forget the past... and forgive'. However, I do not remember Bangabandhu making any public comment about forgetting the past.

To forgive one does not have to forget. A nation builds its future on its past and present. So, urging us to forget the mistakes of the past and build the future is a futile and dangerous call. The Japanese have not forgotten the horrors of Hiroshima and Nagasaki, nor have the Jews of the Nazi holocaust.

A K Shamsuddin  
Ontario, Canada

Sir, We, the common people of Bangladesh, are very much shocked at the derogatory and audacious remarks by Pakistan's errant diplomat Irfan Raja. The Pakistan government has already recalled the diplomat. But mere withdrawal is not enough for such a heinous crime. We have achieved our independence at the cost of millions of lives. Such remarks against our independence are very insulting and hurt our national pride. The Pakistan government as well as Irfan Raja should apologise formally to Bangladesh and its people for the highly derogatory remarks.

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Dhaka University

Sir, This is in reference to the letter written by Shubha Rahman Khan, dated 5 December. I agree that the remarks made by Irfan Raja were totally uncalled for and being in such a position he should have known better. Pakistan saved itself and us in the process, by removing him from his post and from our country. But the fact of the matter is that we should not be so emotional and should think about the future and not hold on to the past. 1971 is a reality. But it is also a thing of the past. What will we achieve if Pakistan does apologise to us for the heinous crimes it has committed? Will it make us richer, as human beings or as a country?

I think this very attitude towards these things is what is holding us back from progress. We should be looking forward and not look back. When I say not to look back, I don't mean forget about the Liberation War or not to celebrate our Independence Day. In no way should we ever belittle our achievements of 1971. The fact remains that Irfan Raja has made such a comment and Pakistan has taken the appropriate steps. That should be the end of it. Speaking strictly from an economic point of view, we can't afford to damage our diplomatic ties with our neighbouring countries and yes, I would include Pakistan in that list.

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SOAS, London  
UK

Views expressed in this column are the writers' own. The Editor may or may not subscribe to those views.

The Editor reserves the right to decide which letters should be published.

THE two events, one at the southern tip of the globe, the other in the Northern Hemisphere, were coincidental. But they are very much part of the same unfolding tragedy. The first, a flock of Antarctic penguins reaching the Brazilian shore in a state of confusion after being lost in their swim, brought home the distant rumblings of an approaching apocalypse. The other, failure in the UN Sponsored Summit at The Hague on global warming to fully comprehend the looming catastrophe and to get the acts together to stave it off highlighted the pre-ponderance of national interests of a few countries over the global. Such dismal divergence of interests over issues of common concern to humanity is ironic. It does not bode well for the future of planet earth.

For many years the leaders of nations, North and South, have been warned by scientists and green movement activists alike, of the impending doom that awaits the people of the world from global warming. These attempts to link specific natural disasters to the greenhouse effect were at first either termed as hot-headed or as scientific bunk.

The sceptics pointed out the inchoate stage of the science of climate change and imperfect climate modelling in support of their reservations. Even those who grudgingly accepted the phenomenon of global warming doubted the degree of man's contribution to it. There may not be a consensus on the issue but the balance of evidence now suggests that global warming is indeed happening and much of it has been man-made. The forthcoming report by the UN's Intergovernmental Panel on Climate Change, comprising the world's topmost climate scientists, has concluded that man's actions have largely contributed to the observed warming over the last 50 years.

Conjectures and projections about greenhouse effects or global warming are not new. A climatologist named Joseph Fourier guessed 150 years ago that the earth's atmosphere lets in sun's heat more quickly than it releases the same into space. The difference in the rate of absorption and release of solar heat is exacerbated by greenhouse gases. The key greenhouse gases have been water vapour and carbon dioxide (released when coal, oil and gas are burnt) and CFC (chlorofluorocarbons from industrial processes, use of aerosol, refrigerator and air-conditioners). The greater is the volume of the greenhouse gases in the atmosphere, the slower will be the release of sun's heat from earth's surface resulting in global warming. Depletion of ozone in the stratosphere by chlorofluorocarbons lets in more of sun's heat including ultra-violet ray while carbon dioxide and

other greenhouse gases like methane and nitrogen oxide (released by agriculture), halocarbons (released by industries) trap sun's heat released from earth in the atmosphere. Recent studies have established that the earth's surface temperature has risen by about half a degree since 1975, the highest level in a thousand years. In the UN report the scientists have expanded the range of likely warming to 1.5 degree by 2100. Since the industrially developed countries discharged the bulk of the greenhouse gases they have been identified as the major source of causing global warming.

Increase in global warming has been linked by many to natural disasters through climate change. Frequent and unprecedented floods and storms in England, France, Australia, Mozambique and Central America recently have provided an empirical basis for relating these disasters to climate change as cause and effect. According to a recent study much of southern Europe would suffer severe water shortages, crop failures and even desertification because of climate change. Over time, megadisasters and freakish weather in general may become more commonplace. Under faster climatic change climatic zones could move towards the poles shifting entire ecosystems that will transform and even threaten the lifestyle of different living species. Scientists worry that the rising temperature leading to abrupt breakdown of the ocean circulation system in mid-Atlantic would bring harsher winters in Britain and in neighbouring countries. The

Magellanic penguins reaching the shore of Brazil following the trail of a newly developed cool current is the concrete evidence of such a breakdown of the ocean circulation system in mid-Atlantic. A bigger reason to worry about global warming is a rising sea level. A hotter earth means expansion of oceans through direct warming and through melting of glaciers and ice. A large swathe of humanity, whether living in Mumbai or in low-lying countries like Maldives, Bangladesh and the Pacific Islands, is vulnerable to even a tiny rise in

1997. The Earth Summit's agenda was broader than the issue of global warming but it set a target for reduction of chlorofluorocarbons, particularly by the developed industrialised countries. Though a timeframe was fixed for such reduction very little progress has been made so far. In fact it is not being discussed at all as if the danger has passed. The Kyoto Summit ended with a Treaty that requires mandatory cuts in the emission of greenhouse gases by an average of five per cent below the level in 1990. All the 180 countries

countries accepted the obligation to curb global warming through reduction of greenhouse gas emissions and they agreed to do it before requiring the poor countries to comply. In case of difficulties in meeting the Kyoto target the treaty included provisions for the international trading of emission rights (bigger polluters buying rights from smaller polluters) and the use of forests as 'carbon sinks'. At the Hague Summit last fortnight, along with updating of data the mechanism for availing of the flexibility clauses (trading and carbon sink) were the main items in the agenda. It was on these flexible approaches that the Summit ultimately founded and ended in a fiasco.

In a dramatic turn of events in the Summit at The Hague the European Union sans UK made common cause with the developing countries and the green movement activists while USA supported by the UK took a different stand.

Though UK tried to smooth over the differences through a last minute compromise agreement the Summit failed to give teeth and put on flesh to the bare bones of Kyoto Treaty. As a result of the failure the targets fixed in Kyoto to reduce emission of greenhouse gases remain a pious wish without agreement on the mechanisms to reach the same. In the recently concluded Hague Summit America, worried about the impact of reducing greenhouse gas emissions on her present booming economy, sought to have unlimited credit for 'trading' with countries that emit the gases at a much lower level. This would allow USA to go on emitting the same volume of gas or near be shown as exhibit 'A'.

about it. The European Union and others refused to give credit for trading with other countries that would allow any country more than half of its emission cuts i.e. 2.5 per cent. Similarly, Americans were keen to have the broadest and most generous definition of 'sinks' that give credit for absorbing carbon in forest and untilled soil. The Europeans and other countries balked on this pointing out that it was tricky to define what exactly a 'sink' is and how much 'sinking' a country can really achieve. On the basis of this reasoning they wanted to put sharp curbs and a limitation on the use of 'sinks'. On

compliance to fulfil the Kyoto targets the Europeans and others argued for a harsher line than the Americans did, insisting on economic sanctions for failure to meet the target by 2012. America also insisted on 'meaningful participation' by the developing countries who in turn contended that it was the rich developed countries which were responsible for putting nearly all the man-made pollutants in the air. The big oil producing countries, on the other hand, tried to block the Kyoto Treaty's implementation on the ground that it will damage their economies. All these constituted a veritable witch's brew of fables and brimstone.

With so many differences of views and conflict of interest it was a small wonder that the Hague Summit ended the way it did. It once again brought out the preference given by the Americans to their national interests overriding global ones. But there is a silver lining in the dark cloud. As harbingers of a new ice age about to freeze the north hemisphere because of global warming, the lost penguins of Antarctica may swim all the way to the North American shore. Faced with the signs of impending harsh winter of their own making, the Americans may relent at the end. In the next summit the lost penguins should be shown as exhibit 'A'.

the sea-level. Even before sea level rises, it could cause rough seas, more storms wearing down coastal protections and increased flooding. Such damages are more likely in countries that are poor and ill equipped to tackle the crisis. Ironically, they are least responsible for causing the disasters and damage. For example, Bangladesh has contributed almost nothing to accumulation of greenhouse gases in the atmosphere (trapping sun's heat) and CFCs in the atmosphere (thinning the ozone and letting in more of sun's heat) but it will be affected far more than developed countries like the USA.

It was these predictions of gloom and doom that led UN to convene the Earth Summit in Rio in 1992 and the Kyoto Summit in

attending the summit signed up to the Treaty and agreed to reach the target by 2012. Greens pointed out with great indignation that five per cent was an insignificant amount given the scale of the problem. Since the developed countries were most to blame for emitting greenhouse gases the green lobby wanted the countries to emit no more per person than the poor, an approach called 'contraction and convergence.' A number of scientists, including those in Britain's Royal Commission on Environmental Pollution, supported this idea. However, the proposal was considered as unpractical and unrealistic by some, particularly the developed countries.

The main significance of the Kyoto Summit was that rich

through that phase of history and conscience at once, looking back to the atrocities its soldiers committed in wartime Algeria. What has prompted the French to this guilt trip all of a sudden?

It started when a French newspaper carried interviews of an Algerian woman, who remembered the torture she endured in gruesome detail, and the French military doctor who had rescued her. The interviews led to nationwide controversies as a few

aberration, not really France, and the admission of guilt couldn't be more honest and explicit.

The ex-Communist countries used their secret police establishments to extract confession from their suspects. Germany, which used to kill people for trying to flee, has chosen a different course of confession. It has opened up archives to let people know the information, which were once classified and restricted. Again, in the Czech Republic, publishing secret records of government officials hasn't gone smoothly.

Despite the fact that different nations may choose different methods to deal with their past indiscretions, there is no escape from reckoning with it however long it may take for the survivors to face the old facts. The United States, which has not yet fully dealt with Vietnam and is only recently beginning to recover emotionally from the Civil War, still has slavery and the righteous liquidation of American Indians on its conscience.

All nations, therefore, show the urge to confess under the burden of conscience, which again is seen in the urge to feel decent. In 1971, the Pakistan army butchered millions in Bangladesh and it has never bothered to show any sign of regret. Recently, a Pakistani diplomat in Bangladesh tried to deflect the course of history by playing monkey with its facts. Robert Sole, *Le Monde's* ombudsman, wrote that before France turned the page on the Algerian episode, it should first read that history.

That is the least Pakistan can do after all these years to understand the intensity of its guilt instead of hiding it in the hopes that it can feel decent.

We don't know what was the outcome of the meeting in Tokyo: how those women tackled the trial of a dead Emperor over a forgotten issue? But they surely succeeded in bringing alive the horror of atrocities, which would have otherwise slipped through the cracks of our memories. Even if they do not succeed in seeking retribution or recompense, they have already succeeded in winning our attention. It worked for the Algerian woman who got the attention of the French nation 40 years after its army had perpetrated crime against her people. Whereas hundreds of years later the senseless slaughter of the American Indians still hovers in the American psyche like a wind blowing in the prairies.

But then justice isn't like a boiling egg that can be timed. It rises through many layers of eventualities until history, like human destiny, arrives at its designated slot. Pakistan may not have arrived at their slot to take responsibility for the crimes of 1971, and we may not have arrived at our slot to get an apology from them. Meanwhile, we need to keep trying until we get the right attention. And Pakistan can do even better. It can take initiatives to heal what has been hurting us for all these years so that it can feel decent.

### CROSSTALK

Mohammad Badrul Ahsan



veterans of the Algerian war spoke up and some generals, while trying to defend their policy, confirmed that the French army had used brutal tactics to put down the revolution in Algeria. *Le Monde*, the French newspaper, summarised the public opinion surrounding this issue, and many people expressed their indignation that atrocities were undertaken while the French public knew nothing about it.

In other words, crime, punishment and conscience formulate the same unbreakable cycle of guilt and justice for nations and individuals. It means, unless punishment closes the gap between crime and conscience, guilt torments the criminal as much as shame does his victim. Thus remorse and retribution remain locked in a crisis of conscience until both inflictor and sufferer of cruelty goes through layers of time in the arrogant pursuit of justice?

The answer is perhaps not any of these. Maybe these women wanted to take one last chance before their death to get the world to know that they had been wronged. But there is one thing obvious in the whole thing. An unresolved guilt persists through layers of time in the arrogant pursuit of justice?

In Bangladesh police is led by bribe-hungry S.P.s. Thana level police personnel are beset with their own anxieties and agonies. They are busy to collect bribe for their superiors. They have no good payment, no social status, no vehicle, no scope of promotion, no peace, no rest, nothing. Thana level police personnel have to work as the private force of corrupt S.P.s. There is no standing rules and regulation regarding their transfer and posting. Is it appropriate to give so much authority to the hand of men like S.P.s who are totally destitute of ethics and morality? Lastly, as a sub-inspector of police and also as eye-witness of the 'inner corruption' of our police force, I think the authority of transfer, posting, training, punishment of lower level police official should be given to an independent commission and there must be enough scope and opportunity of promotion even up to IGP for the lower level police officers.

### A Sub-Inspector of Police Dhaka

### DU needs more buses

Sir, The number of students of Dhaka University at present is about twenty-seven thousand. A large number of student dwell at various areas of the city and these students need to go to the university campus regularly by the buses conducted by the university authority. But unfortunately, only twelve to thirteen buses ply through different routes of Dhaka. And the students face immense trouble on account of limited number of buses. The number of buses is too inadequate in comparison with the number of the students who have to use them. Almost all the buses always remain overcrowded, which run the risk of serious accidents.

The problem demands a quick/early solution. Students are now badly in need of more buses. Therefore, adequate number of buses should be introduced for DU students so that they can reach university campus safely.

It is high time that the concerned authority take necessary steps in this regard.

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Dept. of Management  
University of Dhaka

## Lost Penguins

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that its memories would disappear. For as long as we celebrate Independence Day and Victory Day in Bangladesh, Pakistan will be remembered for that harrowing chapter of history, which stands like an unwieldy wedge between the two nations. The purpose of tribunals, confessions and apologies is to assuage the reflex of seeking revenge and prolonging hate, which keeps societies from healing. Why is Pakistan reluctant to take forward that healing process? Why does it hesitate to confess to its guilt and write off the hatred once for all?