

A landmark HC verdict

Lessons to learn

THE High Court judgement upholding the death sentence on three policemen for raping and murdering a 17-year-old domestic worker named Yasmeen is a milestone that must be welcomed. It has provided a glimmer of faith in the justice system. It has also become an example, the first of its kind, against custodial crime in this country. Three policeman who raped and killed young Yasmeen after she had trustingly agreed to take a ride home in their van outside Dinajpur town, some seven years ago, have been sentenced to death.

But justice for Yasmeen and her family has taken a long time to come. This is one of the most daunting lessons to be gleaned from this landmark case. Yasmeen's rapists and murderers might never have been brought before a lower court because initially, a swift cover up was launched to falsify the autopsy report and remove evidence of foul play. It was only after the people of Dinajpur exploded, with public demonstrations that led to seven deaths, and this was followed by a groundswell of protests by a strong feminist lobby, as well as by the media, that the authorities took steps to expose the true culprits. Yasmeen's body was exhumed, another autopsy was performed, a case was ultimately framed and the unprecedented process of prosecuting members of the police force was started, and pursued.

Is this what must be done for every victim who is raped or killed by the police? Do the public have to raise an outcry each time another custodial death is reported? The need for such an option only goes to show the weakness in the justice system, especially in cases where the law enforcers themselves are the criminals.

The loopholes now present in making a case stick against a law enforcer must be plugged. Exemplary punishment as well as reform of the penal code and evidence law are necessary, but mechanisms of swift accountability are critical. As we have said before, in cases where the police themselves are accused or implicated in a crime, an independent authority with clearly mandated objectives must move in swiftly to prevent any undermining of justice. We urge the authorities to undertake steps immediately to provide for such a mechanism to ward off police excesses, especially custodial tyranny leading to deaths.

Cost of deforestation

Enforcement of law is the only way out

CERTAINLY, a lecture on global warming and how large-scale deforestation expedites it would be wasted on illegal loggers and timber traders. Their myopic perception of profit would not allow them a look beyond the booty of a few lakh or crore takas that bending the rule here and bribing some government officials there would bring them. Therefore, the question is more of enforcement than of sensitisation. Unfortunately, enforcement, especially in the case of environmental transgression, is simply non-existent.

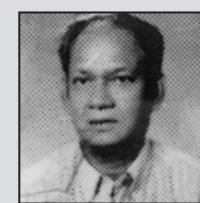
At the inter-governmental level, Bangladesh is one of the pioneers when it comes to signing and ratifying different global conventions against environmental degradation. In fact, just a few days back, Dhaka signed the historic Stockholm Convention that seeks ban on the "dirty dozen" of persistent organic pollutants (POPs). The government's activism, however, ends then and there more often than not. As a result, deforestation, encroachment on natural water bodies, indiscriminate dumping of toxic effluents into canals and rivers, etc take place with disdainful regularity.

As we understand, laws on environmental degradation are plentiful. Time has come to take them out of the pages of the books of law, apply these against the transgressors. The arm of the illegal timber trader is longer than the authorities believe. It is highly probable that high-ups at the relevant ministries, directorates and departments and, needless to say, on the local administration are also part of the sinister circle.

The task for the enforcement agencies is well cut out. There is a ban on collection of timber from reserved forests till 2005. So, there cannot be any permit, 'jote' or whatever, issued to any timber traders. Whoever issues it, no matter how high a position he or she holds in the department or the ministry, is liable to criminal procedure. Easier said than done, it may sound like. However, it has to start at some point.

Ideally, 25 per cent of a country should have forest cover. In Bangladesh, it is now less than seven per cent. If we fail to stop deforestation now, we risk desertification. There is one other thing the authorities must know: the damage that the felling of full-grown trees does to the ecosystem cannot be offset by occasional and highly publicised plantation campaigns.

India and Pakistan: Burying the hatchet?



ARSHAD-UZ ZAMAN

abroad. Sensing trouble, Prime Minister Nawaz Sharif prepared to arrest him and went to the length of disallowing the plane carrying the General to land on Pakistani soil. It was too late. The military overthrew Nawaz Sharif and interned him. Gen. Musharraf assumed power and after a few months sent Nawaz Sharif to exile in Saudi Arabia. Thus Sharif met a similar fate with his predecessor Prime Minister Benazir

former US President Bill Clinton. Nawaz Sharif travelled to Washington DC and signed the agreement. The act of Prime Minister Nawaz Sharif was deeply resented by the powerful Pakistani military establishment, who started a whispering campaign against Sharif accusing him of cowardice and sell out. The inevitable result was the coup that overthrew him.

The infiltration of Pakistani forces

ies.

It is this aspect that must have galled Vajpayee for he must have genuinely wanted reestablishment of friendly links. When this was in progress that the Pakistan military establishment would strike in the high Himalayas and reinflame the Kashmir dispute, may have been too much for Vajpayee to swallow.

Pakistan found no support for her coup. Indeed we live in a time, free

with Gen. Musharraf.

This situation continued for a year and a half. When Pakistan was feeling the pinch of isolation from the international community, a life line was thrown by China, a longtime Pakistan ally. Chinese Premier Zhu Rongji paid an official visit to Pakistan and praised Pakistan leadership effusively. This was like music in the ears of Gen. Musharraf and he was full of praise for the excellent

There have been so many false starts between India and Pakistan over the last half of a century of their independent existence that it is impossible not to be extremely wary. There are many points of discord but the most serious one is Kashmir. The two sides have fought three wars and the result is a stalemate. From a bilateral dispute between India and Pakistan it has become a near triangular question with the Kashmiris wanting to have their voice included as well. Although China has remained aloof from the dispute, it is impossible not to get a sense of their presence.

In their mad rush to compete with each other India and Pakistan have become nuclear powers. Thus India and Pakistan are the only developing nations who possess the bomb. For two impoverished nations, where live teeming millions, this is a situation fraught with dangerous possibilities. Since the world is not ready to shed its nuclear arsenal, we have to live with this dangerous situation. After half a century of endless bickering both India and Pakistan must have come to the conclusion that it was time to bury the hatchet and turn a new page.

THE HORIZON THIS WEEK

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FTER a year-and-a-half of stand-off, almost suddenly India and Pakistan are going to resume negotiations at the highest level. This is a welcome development for the sub-continent. In the light of past unfortunate experiences, there is need for caution and not allow euphoria get the better of the situation.

Indo-Pakistan relations have had many ups and downs, mainly downs. The latest derailment of relations took place nearly a year and half ago, when the present Chief Executive of Pakistan, Chief of the Army Staff Gen. Pervez Musharraf toppled the elected Government of Nawaz Sharif. In the coup prone Pakistan this was a curious one. Gen. Musharraf was travelling

Blutto, who lived in exile since her defeat at the hands of Nawaz Sharif in the polls. Benazir was tried and convicted of charges of corruption.

The fate of Nawaz Sharif was sealed following the events in Kargil, where Pakistani intruders had taken possession of Indian territory. Indian forces retaliated and drove Pakistani infiltrators away. A cease-fire was arranged through the good offices of

in Kargil was taking place when Prime Minister Nawaz Sharif of Pakistan and Prime Minister Atal Behari Vajpayee of India were basking in mutual friendship over joint bus ride between Delhi and Lahore. Indian and Pakistani families were visiting each other after a lapse of decades and a veritable outpouring of friendship ensued between the two longtime adversaries.

Sino-Pakistani friendship. It is tempting to speculate that the remarks of the Chinese Premier may have set a chain reaction and we witness the Pakistani coup leader getting out of isolation. Indeed India has withdrawn her ban on Pakistan and has signalled her readiness to resume relations within SAARC and start playing cricket!

A welcome development, indeed



ZAUKUL AHMED CHOWDHURY

IT is something like a "great event" in the existing south Asian scenario: Vajpayee and Musharraf are going to meet late June or early July. The developments over the last nearly two years have spelt only some sort of doom for the region, there has hardly been anything to cheer about. The overall political climate has nose-dived.

The meeting of the heads of government of seven-national South Asian Association for Regional Cooperation (SAARC) still hangs in the balance although it was scheduled to take place in November, 1999.

The SAARC brings the member states on a common platform jettisoning the divide as far as possible but its summit could not be held because of increasingly worsening political environment that has gripped the region, even the cricket teams of India and Pakistan refusing to play against each other. What an undesirable situation persists in the area where nations often boast of "commonality" because of their historical background. True, this "commonality" and neighbourliness have also spawned some bitterness and enmity but a regional feeling should also act positively as much as it did in the formation of the SAARC overcoming many a hurdle.

South Asia has several countries but there is no denying that the atmosphere here is bedevilled mainly because of the rivalry and traditional animosity between the two principal actors India and Pakistan. When these two nations greet each other with a friendlier approach, things move for the good and conditions deteriorate when they demonstrate hostilities and belligerence. True, the bilateral ties between other countries also at times contribute to an unhealthy situation in the region but it is broadly the Indo-Pak relationship that casts considerable impact in the area. It is in this context that there has been an unexpected "big news" and it is of the forthcoming

summit between the leaders of two countries. Till the surprise announcement was made in New Delhi that Indian prime minister Atal Behari Vajpayee has invited Pakistan's military ruler General Pervez Musharraf for talks on the bilateral issues, little likelihood was discernible that the two countries would resume their earlier talks at the official level in the near future. The foreign-secretary level discussions are stalled for nearly two and a half years and the composite talks covering different fields in the bilateral ties have also been discontinued for a long time.

Indo-Pak contacts have virtually been frozen for about two years and the fallout of this terribly disappointing condition has extended even to the field of sports, specially cricket which is a passion in south Asia. Against such a background, the news that the Indian prime minister has shown the olive branch and that too in a big way like inviting the chief executive of Pakistan for talks obviously came as a big but pleasant surprise to many. When impression was gaining ground that a meeting of the foreign secretaries of the SAARC countries in Colombo on June 8 and 9 is likely to pave the ground for a conference of SAARC foreign ministers which in turn may encourage a summit of their leaders, the news of Indo-Pak summit is indeed refreshing. For, it is the stalemated relations between these two countries and more pointedly the known reluctance of the Indian prime minister to meet the army ruler of Pakistan that have made the SAARC summit difficult. The summit was called off at the request of India as New Delhi's ties with Islamabad had reached a sort of nadir in the aftermath of "Kargil". Then the military take-over in October, 1999 in Pakistan by toppling the elected government of prime minister Nawaz Sharif came as a further blow. The seizure of power by army chief General Pervez Musharraf had adverse effect on two counts as far as relations with India were concerned. First, India did not relish the removal of a democratically chosen government in the neighbouring country regardless of the differences between the two countries and secondly the person who was seen by New Delhi as largely responsible for the "Kargil" crisis rose to power there. India gave no reason for the postponement of the SAARC summit except saying that the atmosphere was not conducive, but it was a known fact that prime minister Vajpayee wanted to avoid meeting Gen. Musharraf in the summit where bilateral meetings also take place on the sideline of the main event.

Indo-Pak contacts have not improved much since then but some positive indications were discernible over the last few months. The devastating earthquakes in Gujarat in India prompted neighbour Pakistan to express sympathy and send relief materials for the victims and the gesture was appreciated in India. The decision to hold SAARC foreign secretary level meeting in Colombo is also a step in the right direction since such a meeting was also put in limbo for long. But the sudden development centering a summit between the two countries in the near future has overshadowed all other occurrences that have taken place in a positive spirit. The offer of the Indian prime minister has been accepted without any condition by Gen. Musharraf, who had earlier expressed his willingness to talk to the Indian leader anytime anywhere. Now the stage is set for the talks barring any unforeseen development late June or early July. It could be delayed if the officials take longer time to prepare the ground. Whatever the timing of the meeting and whatever comes out of it, both countries deserve kudos for the decision. India certainly be given extra felicitation for taking the initiative for the summit.

Arguably, summits between the two hostile neighbours in the past failed to produce anything of much substance and, consequently, no qualitative change took place in the relationships. While the ties are marked by unfriendliness, at times they are reasonably good in the given situation. The last Indo-Pak summit took place in

February, 1999, when prime minister Vajpayee and his Pakistani counterpart at that time Nawaz Sharif met in Lahore and vowed to improve ties based on the "Lahore declaration." It was a sad story that within few months the spirit of the declaration evaporated and they were on the verge of war on "Kargil" in which India saw Pakistan at faults while Islamabad blamed New Delhi for not giving Kashmiris their due.

The disputed territory of Kashmir, two thirds of which is controlled by India and one third by Pakistan, is

the main bone of contention between the two countries. The positions of two neighbours, which fought more than one war on this dispute, are wellknown. India while extending invitation to the Pakistani military ruler for talks, also scrapped a ceasefire in the troubled region against the Kashmiri militants. Pakistan criticised this decision of India, saying hardline postures would not help attain peace in Kashmir. One should not expect that big differences on Kashmir would disappear easily. In fact, it is so

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MATTERS AROUND US

"Peace must be given a chance" and this chance must not be exhausted. The summit is not only seen as a landmark for two countries in the current circumstances but also for the whole south Asian region. It will at least lead to one positive outcome-- the official decision of two sides to continue efforts towards improving ties.

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