

## Killing of Intellectuals

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Over the years, eminent jurists said all this evidence has now become ancient documents according to the evidence act, and is more effective than any other evidence in trying a case. And the government won't have to gather fresh evidence for trying the killers of intellectuals.

The Evidence Act, 1872, says documentary materials, which are more than 30 years old, are to be treated as ancient documents.

To resume the trial process, the jurists said, the government could enact a new law, or revive the Bangladesh Collaborators (Special Tribunals) Order, 1972, which was revoked on December 31, 1975, burying the process of trial of the killers.

The government can revive the cases any time, if it wants. In the absence of parliament, the president can promulgate an ordinance to this effect. Vice-Chairman of Bangladesh Bar Council Khander Mahbub Hossain told The Daily Star yesterday.

He was chief prosecutor of the cases under the collaborators order.

Echoing his views, Ghulam Rahmani, former judge of Appellate Division of the Supreme Court, said people who collaborated with the occupation Pakistan army should be punished. He pointed out that according to globally acclaimed jurist Lord Denning the main justification for punishment of a criminal is not that it is deterrent, but it is the emphatic denunciation of a crime by a community.

"Therefore, the collaborators order should be put into force again, and it will not affect the fundamental rights as stated in Article 35 of the Constitution. Secondly, Article 35 will not stand in the way of such revival of the order," Rabbani said.

After the independence, the then government of Bangladesh Sheikh Mujibur Rahman promulgated the collaborators order and set up 73 special tribunals, including 11 in Dhaka to try Razakar, Al-Badr and Al-Shams forces, defined as collaborators in the order.

The families of many martyred intellectuals filed a large number of cases under the order, and the government initiated a move to try the criminals.

Trials started in June 1972 at a special tribunal with the first case being that for killing Abul Kalam Azad, a professor at the Institute of Advanced Science and Technology Teaching. The charge sheet in the case was submitted on June 13.

Information gathered from the families of martyred intellectuals, lawyers of the cases and newspaper reports of those days say six cases were disposed of and five persons convicted.

But the August 1975 changeover stopped the trial process since the collaborators order was revoked on December 31 that year and almost all the convicted collaborators were released in the early days of the regime of General Ziaur Rahman.

"I presume that necessary documentary materials for convicting the collaborators including the killers of intellectuals are lying with the home ministry. Since the materials are more than 30 years old, according to the evidence act those are to be treated as ancient documents. No other evidence is required as those at the disposal of the ministry would be sufficient as exhibits in the case records, and conviction and sentence on the basis of that are very much possible," Rabbani said referring to Section 90 of the Evidence Act, 1872.

Section 90 of the act says where any document, purporting or proved to be 30 years old, is produced from any custody which the court in the particular case considers proper, the court may presume that the signature and every other part of such document, which purports to be in the hand writing of any particular person, is in that person's hand writing, and in the case of document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested.

Furthermore, there are sufficient admissions, as admissible under the evidence act, in the statements, news or photographs published at that time in the newspapers," he said.

Besides, the home ministry regularly kept contact with the occupation army since the Pakistan government sent messages to it, and the ministry also forwarded information about the activities of collaborators to the Pakistan government during the Liberation War. And it has evidence of those.

The government of Bangladesh had formed a committee comprising the late Supreme Court lawyer Sirajul Haque and the late attorney general Aminul Huq to

## SC upholds bail to Tarique, Koko

UNB, Dhaka

The Supreme Court yesterday upheld the High Court orders granting bails to Tarique Rahman and Arahat Rahman Koko, the two sons of detained former prime minister Khaleda Zia, in three extortion cases.

The apex court asked the government to file separate applications for leave to appeal against the High Court orders.

Despite the highest court's orders, Tarique and Koko will not be released from jail as they have been shown arrested in other criminal offences.

Meanwhile, the Supreme Court rejected a government plea for stay to file a leave-to-appeal petition against the High Court judgement that declared illegal a tax-evasion case filed by NBR against ex-state minister for power Iqbal Hasan Mahmud Tuke.

enquire into the genocide. The committee compiled evidence and submitted a report on about 1,500 cases to the home ministry in July 1972.

The report listed the war criminals in two categories -- 195 members of Pakistani army and bureaucracy, who had been taken into custody in New Delhi and were subsequently handed over to Pakistan in 1974 following the Simla Agreement, and about 12,000 of their local collaborators, including members of Razakar, Al-Badr, Al-Shams and the peace committees.

**HOW MANY INTELLECTUALS WERE LOST**  
When it became clear that the Pakistani forces headed for a defeat, they and their collaborators targeted the intelligentsia, dragging academics, journalists and professionals out of their homes, mostly on December 14, 1971, and killing them one after another.

In a statement on December 20, 1971, a spokesman of the Mujibnagar government said the Pakistani army and their henchmen had killed 360 intellectuals before they surrendered on December 16.

"Bangladesh", a documentary publication of the government in 1972, said the Pakistani occupation forces and their collaborators had killed 637 primary and 270 secondary school teachers, and 59 college teachers during the war of independence.

Bangla Academy in its encyclopaedia of martyred intellectuals named 'Shaheed Buddhijibi Koshgrantha', put the number at 232. The encyclopaedia, reprinted in 1994, however said the list was neither complete nor comprehensive.

The encyclopaedia defined martyrs as people who had been either killed by the Pakistani army or their collaborators or had gone missing between March 25, 1971 and January 31, 1972. It also defined intellectuals as writers, scientists, artists, singers, teachers at any level, researchers, journalists, lawyers, physicians, engineers, architects, sculptors, government and non-government staff, persons involved with film and theatre, and social and cultural workers.

Immediately after the discovery of a mass grave of martyred intellectuals at Rayer Bazar in the capital, Buddhijibi Nidhan Tathyanusandhan Committee was formed on December 18, 1971, under the initiative of a group of leading civil society members for enquiry into the killings.

The late filmmaker and litterateur Zahir Raihan was made convener of the 17-member committee. The committee started recording depositions on December 20, 1971 and worked on the lists and other documents recovered during raids on the killers' camps at Dhanmondi, Motijheel and elsewhere in Dhaka.

The lists, some short and others long, contained the names of 20,000 of the best brains of the nation, according to the members of the committee.

## EC, UNDP to fund 30m euro for voter registration

UNB, Dhaka

The European Commission (EC) and the United Nations Development Programme (UNDP) yesterday signed three agreements of euro 30 million (Tk 300 crore) to finance voter registration, local government reform and the activation of village courts.

In response to a funding request from Bangladesh government, the European Commission is providing euro 15 million (Tk 150 crore) for the preparation of a digital electoral roll with photographs, which will be used for local and next general election, said an EC release.

The EC funding for this project takes effect from the beginning of implementation of the project on July 1, 2007.

On the occasion, head of the EC delegation to Bangladesh Dr Stefan Frowin said the European Commission has voiced strong support for the voter-roll project as a necessary step to restore public confidence in the electoral process following the postponement of the January 2007 elections.

"We are delighted to be the largest donor to this important project, which is being coordinated by the UNDP, signalling our commitment to the democratic process in Bangladesh," Stefan observed.

## HC asks govt

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equipment and take sufficient precaution to save the lives of workers during the demolition of the Rangs Bhaban.

A Division Bench comprising Justice ABM Khairul Haque and Justice Abdul Awal, responding to a public-interest litigation writ filed by Human Rights and Peace for Bangladesh, passed the twin-rules.

The HC bench directed the government to constitute an inquiry committee, excluding Rajuk people, to identify causes of the collapse of the multi-storied Rangs Bhaban and to take "legal actions" against those responsible for the "negligence".

"The rule is made returnable within two weeks," says the court order, as fire fighters, in the meantime, resumed their operation for clearing the wreckage and pulled out four more bodies in decomposed state.

Advocate Manzill Murshed appeared for the petitioner.

## 4 bodies recovered

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The vibrations caused by the machineries almost led to the beginning of fresh collapse of the pile of debris. To avoid this, the rescue team had to change its methods to get through to the bodies located on different floors of the building.

Earlier yesterday experts on the site had suspended rescue efforts when the firefighters had been attempting to rescue the same bodies on security grounds.

Seven more labourers and a security guard of Rangs Bhaban still remain missing, six days after the cave-in incident at the building.

Survivors have said a group of labourers were sleeping on the seventh and eighth floors of the building when the accident occurred.

The dead were identified as Aminul Islam, 20, Ruhul Amin, 48, his two brother-in-laws Delwar Hossain, 45, and Zahid Mollah, 25.

Aminul's body was recovered from the eighth floor. The other three bodies were recovered from the seventh floor.

Ruhul, Zahid and Delwar hailed from Uzandia village under Madhukhali upazila in Faridpur district while Aminul Islam was from Kadamari village under Fulchhari upazila in Gaibandha district.

Fire Service and Civil Defence (FSCD) sources said at least 84 fire fighters took part in the operation yesterday.

Dr Istiaq Ahmed, Associate Professor of Civil Engineering Department of the Bangladesh University of Engineering and Technology (Buet), said that the bodies that remained missing now might be buried under damaged slabs.

Ahmed is a member of the three-member committee set up to probe the incident.

He estimated that there was around 2,000 metric ton of debris on the different floors of the building and it would take quite some time to remove this and recover the other bodies missing.

A Rajuk engineer, preferring anonymity, said it would take at least 10 days more to complete the operation.

## Wife, son

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ined Mashfiq Tk 4 crore and he would have to spend one additional year behind bars if he fails to pay the fine.

Furthermore, the court ordered the state to confiscate 83 acres of land and nine tolas of gold belonging to Nasima. It also ordered to confiscate Tk 1.2 crore worth of properties owned by her son Mashfiq.

Nasima was sentenced to one year's imprisonment for not submitting her tax returns to National Board of Revenue (NBR) in tax years from 2002-03 to 2006-07 and another five years for evading tax by concealing information about properties worth Tk 1.78 crore.

However, Nasima would have to serve only five years' prison term since the court ordered her sentences to be effective concurrently.

## Pasi

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disaster, the United States worked very closely with the civilian and military agencies of a number of countries," she said during a live chat on the Internet last night.

Asked if she thinks the election roadmap is interrupted by the present crisis, Pasi said, "We are pleased that voter registration continues according to schedule despite the challenges associated with responding to the cyclone. We fully expect that elections will be held on schedule, by the end of 2008. We urge the caretaker government to restore democracy as soon as possible."

Pasi said the US military forces who came to Bangladesh in the immediate aftermath of cyclone Sidr did a tremendous job in ensuring that critical humanitarian assistance could reach the most affected areas where infrastructure had been destroyed.

The envoy said, "Now that the immediate phase of relief is finished, some of our military colleagues have departed, as naturally happens in similar circumstances."

But, Pasi said the United States will be here for the long-term and very difficult task of reconstruction and rehabilitation in the cyclone-affected areas.

She said the US has so far delivered more than \$19.5 million in aid—that is money spent and delivered, not pledged.

Asked about experience the US military gathered from Sea Angel II in Bangladesh, Pasi said the cooperation between the US and Bangladeshi military forces was mutually beneficial.

## Sigma

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A division bench comprising Justice M Mozammel Hossain and Justice Syed AB Mahmudul Huq granted the bail following separate petitions.

This is for the first time the High Court granted bail to two convicts who were tried and punished by a special court under the Emergency Powers Rules.

On August 27, a special court sentenced Sigma Huda to three years simple imprisonment while her husband Huda to seven years rigorous imprisonment.

## Govt plans

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On rehabilitation efforts, Karim said alongside working to meet the immediate relief needs, the government is trying to help the victims' build back better livelihoods.

He said it is important to build improved and more adaptable livelihoods, such as building more durable fishing trawlers.

He also said the government is still trying to figure out a way to ensure that farmers reap the benefits of the Tk 700 crore budgetary allocation in diesel subsidies.

Karim said the Sundarbans had served as a 'natural buffer' for the rest of Bangladesh against the November 15 storm. It has been playing the role for centuries. "We should leave the Sundarbans alone and let it grow on its own. Our interference would only destroy its biodiversity," he observed.

He warned that the country's long-term agricultural production outlook appears grim as every year it loses 1 percent of its cultivable land. However, the government has adopted a 'vertical cultivation' strategy focusing on planting high-yield hybrid plants. The grains shortage would still remain though, he added.

On fertiliser crisis, he said the agriculture ministry is trying to cut out the middlemen, but farmers' overuse of fertiliser bought at a cheap subsidised price has made it difficult.

The adviser said Bangladesh would have to bear the brunt of climate change despite having an emission rate as low as 280 kilograms of carbon dioxide per person. In the developed countries, that is 20 tons.

He said that cyclones like Sidr will be more frequent because of global warming and "what's com-

ing next is horrendous and will be devastating for the country."

"Inaction is not an option for us. We must act now," he said, as extreme droughts and rainfall patterns would completely change agricultural production realities and threaten the country's biodiversity.

He said some estimates put the amount of agricultural land loss at 17 percent due to climate change, while the country's already high population density could shoot up to 2000 people per square kilometre for mass displacement.

Karim warned that poverty alleviation would be pushed back decades as food and housing security is expected to worsen as a result of climate change.

In this context, he said, the country is in dire need of adaptation technologies and transfer of clean technologies from overseas.

"We definitely need financial help. We are not going to beg for the money and there is no legal basis for compensation. But, it is the moral obligation of polluting countries to pay for Bangladesh's adaptation efforts," he said.

Curbing emissions of greenhouse gases is a must if they are to minimise the effects of global warming on Bangladesh.

Karim said Bangladesh has to lead with more local research focused on the country's adaptation needs, for which an International Centre for Climate Change Adaptation has been proposed.

The adviser, a physicist by training, also said that the World Trade Organisation's Trade Related Intellectual Property Rights need to be modified to be more conducive to transfer of clean technologies to poorer nations.

## Tales of the Biranganas

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inaugurated the festivities.

They are: Hasna Banu, Ayesha Begum, Rahima Begum, Asia Begum, Noor Jahan Begum, Rahela Begum, Surya Begum and Bahatur Begum.

Several renowned personalities accompanied them. They also paid tribute to the martyrs of Liberation War placing floral wreaths at the Shaheed Minar.

Following the inauguration, war veteran Hasna Banu in her speech in Sirajganj dialect, said, "After the independence we returned to the village, but village leaders did not accept the Biranganas and their families. The country became independent but Razakars and Al-Badr, who killed freedom fighters and violated us, still remained powerful."

Later Bangabandhu Sheikh Mujibur Rahman kept the Biranganas and their families in a rehabilitation centre.

"But only after three years, they killed the Bangabandhu and we lost our last hope. As long as Bangabandhu was there, we did not have any sufferings," she said.

"Even after so many years of freedom, we did not receive justice. If Bangabandhu was here, Razakars would have been punished," said Hasna Banu as she was losing her voice.

"In the twilight of my life, there is nothing I want except the trial of Razakars and Al-Badr," she said.

Sammilito Sangskritik Jote launched the victory festival across the country simultaneously. The inaugural session began with the

National Anthem and a minute's silence to pay respect to the martyrs of the Liberation War.

Prof Anisuzzaman, Ramendu Majumdar, Asaduzzaman Noor, Mohtul Haque, Nasiruddin Yusuf Bachchu, Golam Quddus, Salauddin Badal, Mannan Hira, Afroza Banu, Sabina Lohani, Joytsna Biswas and other cultural personalities were also present.

The speakers demanded immediate trial of the war criminals by forming a special tribunal. They vowed to continue their movement until the trial of all Razakars, Al-Badr and other war criminals were held.

Prof Anisuzzaman said in an independent country, its anti-liberation forces recently said the Liberation War was a civil war; freedom fighters went to war out of lust for women and wealth and there are no war criminals in the country.

"They dared to make comments like this because we could not take measures against them all these years," he said.

He said, "There is a surge of public opinion for the trial of war criminals. We urge the government to let the war criminals be tried in a special tribunal. Let there be a commission formed to collect information about their misdeeds during the Liberation War."

Members of cultural organisations—Rhirshijo, Kranti, Padatik and Bonhisshikha—sang patriotic songs while Shwattik Natya Sampraday and Kotha Aritriti Kendra staged a play and recited poems.

## People feel safe

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Battalion senior under officer M Touhidur Rahman was awarded the coveted Sword-of-Honour as the best all-round cadet in the 57th BMA Long Course.

Midshipman Yasir Hasnat got the Sword-of-Honour award for his best performance in all subjects of the Naval Academy.

Flight cadet under officer Mohammad Tanbir Adib was given the Sword-of-Honour award for his best performance in all subjects of the Air Force Academy.

Earlier, a guard of honour was given to the CA by a contingent of cadets of the three services at the parade ground. He reviewed the parade in an open jeep.

The head of the caretaker government asked the newly commissioned officers to move ahead with determination keeping in mind that all members of the armed forces are sons of this soil and inseparable part of this country.

Recalling the two terrible floods and devastating cyclone Sidr in recent times, the CA said the armed forces played a leading role in rescue, relief and rehabilitation programmes and earned people's love and confidence.

Moreover, he said, the role of the armed forces in maintaining democracy, protecting people's rights and assisting the civil administration is praiseworthy.

He observed that the people are heaving a sigh of relief in the wake of the armed force's courageous role in building a corruption and terrorism-free country. Besides, peace is prevailing in the Chittagong Hill Tracts due to their farsighted role.

Bangladesh has made its own prestigious position by winning Nobel Prize in world peace and different international and regional forums, he noted.

He said the members of the

## EU to give 33.6m

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providing high-quality statistical data related to food security.

The goals also include strengthening the implantation monitoring and evaluation capacity of a comprehensive, equitable and gender-sensitive pro-poor National Food Policy and Action Plan, promotion of optimal farming practices for enhanced production and access by vulnerable households of nutritious food through crop diversification and sustainable improvements in soil fertility.

"Although poverty rates in Bangladesh have gone down by about 10 percentage points since the early 1990s, it still has the third-highest absolute number of poor and malnourished people in the world, affecting almost half its population. Women and children remain especially vulnerable," says the European Commission.

## Horrors

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Noor said, "I always prayed to Allah... I did not understand why they abducted me."

After around three months, Noor heard them mention the word "khalash" in their conversations. At first, he could not catch the meaning of the word. But later, when they mentioned Bangladesh, he thought it was about his release.

"They then shifted me to a different place with my eyes tied and left me alone," Noor said, adding that Afghan security personnel rescued him from there and gave him food and shelter that night.

"I was then handed over to Brac Country Director in Afghanistan Gunendra Roy. I stayed at his residence for a few days," he said.

Noor thanked the media, saying, "Reporting in newspapers on my abduction has helped a lot for my release."

## Waiting

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"Ill-fated relatives and take those home for burial as soon as possible.

Nazrul Islam, a 60-year-old survivor, has also been waiting for the last six days although none of those trapped inside is his relative.

"They have been my fellow workers for a long time. How can I leave them trapped inside the debris? It is my duty and responsibility to take their bodies home or hand over those to their relatives," the old man said.

The relatives said they have been staying around the Rangs building almost without any food and money.

Many said they are not sure if they will get the bodies of their relatives.

Four bodies have been recovered and eight others remained missing since the Rangs Bhaban collapsed on Saturday night.

The recovery work could not advance much because of the risky condition of the collapsed building.

## Power import

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the private sector has to come forward to remove the roadblocks.

"We need to involve the private sector of the two countries in any initiative... Nothing can move forward without support of the private sector," he told the function.

Responding to a query from the audience, Tapan Chowdhury said Saarc Food Security Bank was established about 20 years ago, but it was just in paper, not in function.

Prof Rehman Sobhan in his remarks pointed out that a 4,000MW power plant is being implemented under the joint venture of private and public sectors.

As Bangladesh is facing severe power shortages, it can import electricity from the project.

Indian MP from Orissa MAK Swain, who belongs to BJP, said there is mistrust because Bangladesh people feel India is doing something secretly, which will be disastrous for Bangladesh.

He cited Farakka Barrage project, a bone of contention between the two next-door neighbours.

On the other hand, the Indian people felt that Bangladesh is not giving proper honour to the sacrifice made by the Indian soldiers during the Liberation War.

"But, now, India started realising that without prosperous neighbour, its dream to become a superpower by 2025 will not be achieved... that's why we're supporting neighbour's development."

Former Jatiya Party lawmaker GM Quader said Dhaka-Kolkata train service is now facing problem on the question of security.

"But what should get priority—is it security or the benefit of the people of the two countries?... if it is the benefit of the people, the governments of both the countries should resolve the issue as soon as possible," he said.

Former Indian high commissioners to Bangladesh Muckund Dubey and Deb Mukherjee, AMA Muhi and CPD Executive Director Prof Mustafizur Rahman, among others, took part in the dialogue.

## Govts overlooked

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she told this paper.

Asked whether she now plans to appeal to the present government to revive the issue, Farida said Chief Adviser Fakhruddin Ahmed's remarks about the war criminals encouraged her but the law adviser's comments about a recent similar case took no time to dampen her enthusiasm.

One Fazlur Rahman filed the sedition case with Chief Metropolitan Magistrate's Court against Jamaat-e-Islami Secretary General Ali Ahsan Mohammad Mujahid, Assistant Secretary General Abdul Quader Mollah and Md Abdul Hannan, former chairman of Islami Bank.

His case statement said the three accused acted against the liberation war and carried out massacres through al-Badr, al-Shams and Razakar forces in 1971, thus committing sedition.

The CID, after long investigation into Prof Farida's case, forwarded its report to the home ministry twice, in 1998 and 2002, with the observations that the government needs to file a case under International Crimes (Tribunals) Act 1973 to ensure punishment to the killers.

It mentioned that the case is not maintainable under the existing criminal laws. Subsequent governments, however, did not make any move to file a case under the act.

CID's senior ASP and investigation officer of the case Munshi Atiqur Rahman had done intensive investigations on the basis of the case papers.

He talked to the families of martyred teachers and students of Dhaka University and other educational institutions. The investigators also watched War Crimes File, a programme aired by British broadcaster Channel 4, in the hope of getting more leads on the case.

The CID eventually named 40 persons as witnesses and submitted final report of the case.