

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the government could enact a new law, or revive the Bangladesh Collaborators (Special Tribunals) Order, 1972, which was revoked on December 31, 1975, burying the process of trial of the killers.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 Khandker Mahbub Hossain told The Daily Star yesterday.

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

Echoing his views, Ghulam Rabbani, former judge of Appellate Division of the Supreme Court, said people who collaborated with the occupation Pakistani army should be punished. He pointed out that according to a 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 revision of the order," Rabbani said.

After the independence, the then government of Bangabandhu Sheikh Mujib 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.

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 Bangabandhu 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 bail to Tarique Rahman and Arafat Rahman Koko, the two sons of detained former prime minister Khaleda Zia, in three extention 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 Tuku.

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 in 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 Katlamari village under Fulchupai in Gaibandha district.

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

Dr Iftiqar 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.

Immediately after the discovery of a mass grave of martyred intellectuals at Rayer Bazar in the capital, Biddhi i b i N i d h a n 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 Dhamondi, 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 Bangladeshi 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 Frowein 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 Syed AB Mahmudul Huq, 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-storyed 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.

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.

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.

Curbings 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 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, the rate 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 biodeversity.

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.

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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.

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