shall be deemed void or unlawful, on the ground that such law or provision of any such law is consistent with, or repugnant to, any of the provisions of this constitution."

Article 47 A. (1) block the way to the suspected war criminals for seeking remedy as granted in article 31, 35 (1) & (5) and article 44. Article 31 ensures right to protection of law. Article 35 (1) provides protection in respect of trial and punishment, (5) provides protection against torture or cruel, inhuman, degrading punishment or treatment. Article 44 says about the scope for going to High Court Division for enforcement of fundamental rights.)

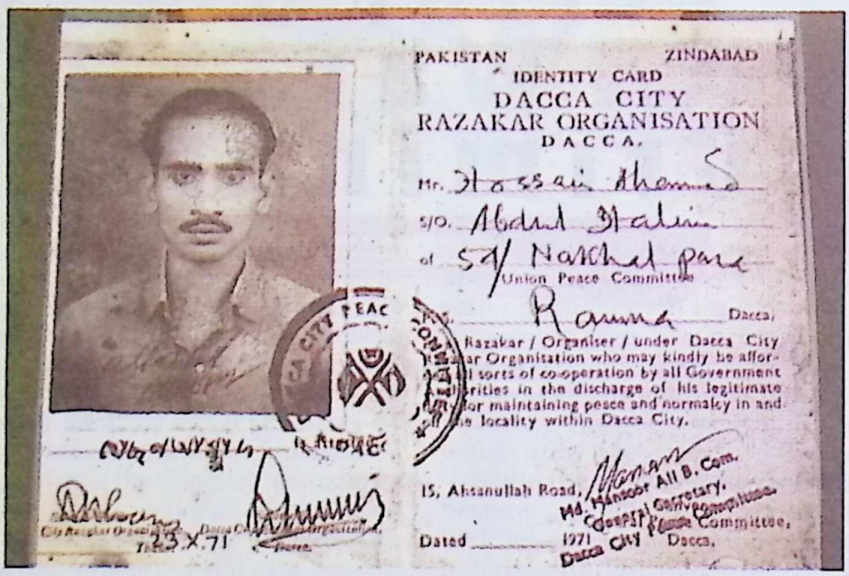
Article 47 A. (2), says, "Notwithstanding anything contained in this constitution, no person to whom a law specified in clause (3) of article 47 applies shall have the right to move to Supreme Court for any remedies under this Constitution."

The above amendment authorises the government to take any legal measure for trial of war crimes and other international crimes without the risk of being challenged as being anti-constitutional.

International Crimes (Tribunals) Act 1973 was promulgated for the trial of suspected war criminals. The said Act provides authority to the government to set up tribunals for carrying out trial of war crimes. The law allows newspaper reports and photographs of war crimes admissible in court. A crime has to be proved beyond any reasonable doubt in normal cases. Whereas, under International Crimes Act 1973, it is not needed, making it easier to ensure punishment. The act also limited the scope of appeal against verdicts of the war crimes tribunals by allowing the convicted person only to go to the appellate division of the High Court.

Bangabandhu Sheikh Mujibur Rahman granted general amnesty on December 16, 1973 for those who collaborated with the Pakistani armed forces. But, there was exception as those who committed international crimes against unarmed civilian population of Bangladesh were not allowed the benefit of this amnesty. So there was always and still is scope for trial of collaborators under Internal Crimes (Tribunals) Act 1973. Furthermore, in the first amendment to the Constitution provides a blanket coverage for the formulation of any supporting legislature as and when needed.

Bangladesh, India, Pakistan signed an agreement on April 9, 1974, allowing 195 alleged criminals belonging to the Pakistan Armed forces who were suspected of indulging in international crimes in Bangladesh during 1971, to go free under an act of clemency. The question is: Did the leaders who allowed the clemency the authority to do so? Those crimes were done not only to the people of Bangladesh but towards the entire human race. International crimes are the jurisdiction of the entire world and not of the three countries that allowed the clemency. As such, should the fresh demand for trial of those 195 suspects now be considered as irrational?


PAKISTAN ZINDABAD
IDENTITY CARD
DACCA CITY
RAZAKAR ORGANISATION
DACCA.
Mr. Hossain Ahmed
S/O. Abdul Hakim
of 57/ Nakhal para
Union Peace Committee
Rauna Dacca.
Razakar / Organiser / under Dacca City
Razakar Organisation who may kindly be afforded all sorts of co-operation by all Government authorities in the discharge of his legitimate duty for maintaining peace and normalcy in and around the locality within Dacca City.
15, Ahsanullah Road,
Dated 1971
Hd. Munshi Abdul Mannan B. Com.
General Secretary,
Peace Committee,
Dacca City Dacca.
23 X 71

Khemer Rouge Communist leaders including the former President Khieu Samphan are being tried under a war criminal tribunal in Cambodia for their involvement in killing of 1.7 million people, more than 28 years after the killing stopped with the assistance of the UN. Late President Slobodan Milosevic of Yugoslavia was brought to the Hague, the Netherlands and put to trial at the International Criminal Court in 2002 on charges of genocide, war crimes and crimes against humanity during the Bosnian conflict till he died in custody on March 11, 2006.

It is one of our duties now to start the process of trial of those who violated international laws and carried out atrocities against the people of Bangladesh during 1971. It is necessary that the guilty should get due punishment. Otherwise we may be considered a nation without a conscience in the eyes of the international community. We owe this to the human race for the sake of human dignity.

(Some of the information were taken from the article "International Laws and trials in Bangladesh" by Barrister Harun ur Rashid, The Daily Star, January 2 2008.)

GM Quader is a former member of the national Parliament.