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Crime against humanity versus war crimes

Crimes against humanity are only distinguishable from war crimes in that they not only apply in the context of war -- they apply in times of war and peace. In the context of the trial in question, this refers to crimes committed during the 1971 liberation war.

MOZAMMEL H. KHAN

At last, the BNP has come up with its official position on the government initiative to hold the trial of war criminals. Over the last many months different BNP leaders came up with different positions vis-à-vis the proposed trials. Even the BNP secretary general a few days ago gave probably his personal opinion that his party "has no objection to a fair trial of war criminals." However, he expressed doubts whether the investigation and the trial would be transparent.

On April 2, after the meeting of its standing committee, BNP came up with an altogether different observation about the trial. Now the secretary general said: "The government has stepped away from the trials of war criminals and now they are holding the trials for crimes against humanity, deviating from the election manifesto." So, according to the official position of BNP, war crimes and crimes against humanity are two separate matters, and the government does not have the mandate to do that. The BNP even opposed the formation of a special tribunal to carry out the trial since, in its opinion, it could be done under the existing criminal law.

I am not at all surprised by BNP's stand since I have no doubt about the main agenda

of BNP since its formation by late Ziaur Rahman. BNP and the values and virtues of our liberation war are mutually exclusive. It was Ziaur Rahman who rehabilitated the alleged collaborators and gave them entry into the political arena. BNP has never deviated itself from the course of that rehabilitation, and the current position of BNP is in keeping with the policies set forth by Ziaur Rahman.

Since Ziaur Rahman was a freedom fighter BNP was able to successfully fool the people, making them believe that it was also pro-liberation political party. In that pursuit, BNP has even proven Abraham Lincoln's famous saying, "you can fool some of the people all of the time, and all of the people some of the time, but you cannot fool all of the people all of the time" wrong.

Through the "golden touch" of BNP even decorated war heroes transform themselves into defenders of the alleged war criminals. When the citizen's committee was organising a public trial for Golam Azam in 1992, the then independent MP Major (Retd.) Hafizuddin demanded an open vote for the trial in the parliament. Currently, as a member of BNP, I do not think he would differ with the comments of his party secretary general on the proposed trial.

A senior journalist who used to refer very often to our 3 million martyrs in his famous columns in a weekly, started ridiculing that number and even brought it down to thirty thousand as soon he became a de facto adviser to BNP chief. To the contrary, whoever, for one reason or other, gets disconnected from the BNP starts speaking the truth of our history and takes a logical stand relating to our war of liberation. Dr. B. Chowdhury and Mannan Bhuiyan, two former secretaries general of BNP, are now solidly behind the trial of war criminals.

BNP is trying to confuse the people by making a differentiation between crime against humanity and war crimes. As set out in the Statute of International Criminal Court (ICC) signed in Rome in 2002: "Crimes against humanity include crimes such as the extermination of civilians, enslavement, torture, rape, forced pregnancy, persecution on political, racial, national, ethnic, cultural, religious or gender grounds, and enforced disappearances -- but only when they are part of a widespread or systematic attack directed against a civilian population." Crimes against humanity are only distinguishable from war crimes in that they not only apply in the context of war -- they apply in times of war and peace. In the context of the trial in question, this refers to crimes committed during the 1971 liberation war.

To maintain international standard and to meet the pre-requisite of being a signatory to the Rome Statute, the Bangladesh cabinet, upon recommendation of the law commission, approved the International Crimes Tribunal (Amendment) 2009 on July 6, 2009, aiming to try those involved in acts against

humanity during the 1971 liberation war. It is a matter of great pride for Bangladesh that, according to a press release from ICC in Hague on March 24, "Bangladesh has become the first South Asian country to ratify the pact that established the International Criminal Court (ICC) and gave it a mandate for trying people accused of genocide, crimes against humanity and war crimes.

So BNP's observation that no new law is required to try crimes against humanity and this is different from war crimes is not only baseless but also a deliberate attempt to mislead the people.

The BNP secretary general also alleged that the AL wanted to eliminate its political opponents under the cover of the trial. The names of those fifty or so well-known people that appeared in the news media are neither new nor created by the current government. The list was published by different groups, including the Sector Commanders' Forum, much before the trial process was initiated. The evidence against them, which appeared in the news media and known in the localities of the perpetrations, is overwhelming.

The BNP's belief that it could win an election with the support of the alleged war criminals was proven wrong in the last general election. Consequently, it was only logical to assume this time around that BNP would cooperate with the trial process since we owe this trial to our martyrs as well as to our future generation. But, as is obvious now, BNP will never do so.

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A war without end

While President Medvedev has pledged to fight terror "until the end," Prime Minister Putin said it was a matter of honour for Russian law enforcement to scrape from "the bottom of the sewers" those responsible for the twin suicide bombings in Moscow.

HARUN UR RASHID

The terrorist attack by two women suicide bombers (locally known as "Black Widows" because their husbands were killed in Chechen war) in the heart of Moscow on March 29, killing 39 and wounding 70, has destroyed the myth that Chechen militants have been exterminated, and represents a chilling affirmation that terrorism is again back in Moscow.

Some analysts see the Moscow attack as revenge for the slaying of two Islamist militant leaders this month in Ingushetia and Kabardino-Balkaria.

Women are used by the Chechen rebel leader Doku Umarov mainly because they are less likely to be detected than men,

but also because they can have a greater psychological effect on a society.

Muscovites had not been confronted with the images of terror in their city in six years. Newspapers took the government to task for failing to prevent the bombings.

The newspaper *Vedomosti* editorialised: "In recent years, the authorities and state television have been singing a lullaby to Russians with the thought that terrorism is localised in the North Caucasus and does not threaten ordinary citizens. Reality has shattered the illusion of security in everyday life."

The bombings at Moscow's underground stations -- Lubyanka and Park Kultury -- during the morning rush hour demonstrated that the attacks were well-

planned and efficiently executed.

Observers say the explosion at the Lubyanka station was clearly aimed at the offices of the Federal Security Service (former KGB) directly above. The second station, Park Kultury, not far from the foreign ministry, is a very busy station because it connects the Red Line to the Circle Line that runs around the centre of Moscow.

Despite the presence of large numbers of police at the underground station entrances, the apparent ease with which the two female suicide bombers were able to penetrate the network has alarmed the public.

Only last month the Chechen rebel leader Umarov warned: "Blood will no longer be limited to our cities and towns. The war is coming to cities." Umarov, 46, fought in both of Chechnya's wars against the Russian army in the '90s, and has waged a guerilla campaign for the past decade.

It may be recalled that Vladimir Putin, who is now prime minister, launched a pitiless war on Chechnya in 2000 and sought to stabilise the land by appointing

the local strongman Ramzan Kadyrov as the president of Chechnya.

The iron-fisted Chechen regime of Kadyrov, after years of brutal fighting, has restored order using extensive aid from Moscow. The strategy appeared to be successful to the extent that Kadyrov once boasted that he had made Chechnya "the safest place in the world."

President Medvedev lifted a state of emergency in April last year, convinced that his security services had broken the back of the rebellion that had raged for a decade after two separatist wars in the 1990s. But the fact is; the militants have not been destroyed.

Where did the strategy go wrong? There are several factors that deserve mention: When Kadyrov was fighting against Chechen separatists, they fled into neighbouring republics of Dagestan and Ingushetia, fuelling unrest and giving rise to local terrorist campaigns against the authorities.

The insurgency has transformed into a loose web of militants who hope to create an Islamic regime across the Russian republics that make up the North

Caucasus.

Furthermore, militants have moved from a quasi-military structure to individual cells that are more dispersed and more difficult to infiltrate says Andrei Soldatov, a Moscow-based analyst.

Kyrgyzstan-based Paul Quinn Judge, an analyst of Central Asia and the Caucasus International Crisis Group reportedly said: "What we have had is a complete conceptual shift in the nature of war. Go back [...] even to the early 2000s and this was still a war being fought for independence by an armed force that was in its majority secular. Now we have a religious war."

The transition from a largely secular to a religious war for independence did not take place overnight. Observers believe that by 1999, top Chechen military commander late Shamil Basayev (killed in 2006) had broken with the then Chechen president and launched an unsuccessful attack on Dagestan -- aimed at establishing a Chechen-Dagestan republic.

Some analysts say Russia's recognition of Georgia's breakaway republics of Abkhazia and South Ossetia after Russia's

war with Georgia in 2008 gave a further boost to rebel movements in the North Caucasus with the hope that their dream could be realised.

With Moscow preparing to stage celebrations in Red Square in May to mark the 65th anniversary of victory in the Second World War, the authorities faced urgent questions on whether terrorists had the capacity to mount an attack in the capital and what could be done to prevent it.

While President Medvedev has pledged to fight terror "until the end," Prime Minister Putin said it was a matter of honour for Russian law enforcement to scrape from "the bottom of the sewers" those responsible for the twin suicide bombings in Moscow.

The question is whether tough policy will work because the policy, according to analysts, has little that can deal with chronic social issues. In the long run, it's not soldiers but services that count -- electricity, water, food, health care, justice, and jobs for people in the North Caucasus.

Barrister Harun ur Rashid is a former Bangladesh Ambassador to the UN, Geneva.



Guys: How to be good with kids

PANIC! With a deadline approaching, I was typing so fast that my fingers were distorting the space-time continuum and causing a small black hole to suck paperclips off my desk.

Then the phone rang. I snatched it up, expecting to have to tell my boss that I would be finished in a matter of seconds.

But out of the phone came an unearthly wail. "Daaaaaad," said my daughter's voice. "My pink thing broke. The pink thing with the red things on."

I had to ask: "What pink thing?"

"The one with the red things on," she screamed. I could hear her collapsing with the phone onto the floor, in need of a major remote comforting session.

All hope of meeting my deadline vanished.

Weep for us fathers of girls. What a burden we carry! Men, let's be honest, find women to be strange, unpredictable creatures. We also find children to be frightening, irrational beings. So when we find ourselves raising female children, it's a double whammy so scary it's off the chart.

Almost everything about raising girls is a "girl thing", i.e., an unfathomable mystery that men can never understand.

Such were my thoughts as I surveyed the scene at a "Dads and Daughters Dance" at a club.

Men in identical dark grey suits sat having identical conversations over identical drinks.

Their girls, undeniably a different species, flitted around like peacocks at a fancy dress party.

A reporter once asked me whether raising a girl differed from raising a boy. "It's like comparing apples and chalk," I said. "You can quote me on that."

There are many books about the incredibly strong and complex emotions in mother-daughter relationships. These are so powerful that when mommy and daughter have a row, you can actually see your windows bulging outwards.

My advice: leave the room.

Leave the city.

Leave the country.

But there's one men-only skill that works very well with female children. It's an important Guy Trait that rarely gets appreciated.

Women are always telling men that they never grow up. They say it as if it's a bad thing.

The day before writing this article, I visited a woman with whom I once worked. She had been arguing with her eight-year-old daughter for four hours. The little girl was lying on the floor, hammering her feet and fists on the parquet. The woman was giving her long lectures about Behaviour and Respect.

I sat down beside her and said: "I'm going to throw a watermelon off the roof to see what happens. It's going to explode everywhere. Then I'm going to pick up the bits and eat them."

The child stopped crying immediately and turned to face me. "Eww," she said. "That's so gross. Can I watch?"

I said: "Sure."

She sprang to her feet, tantrum forgotten, and followed me out of the room.

"How did you come up with that?" her mother asked. "What a brilliant way to capture a child's attention."

I wondered whether to tell her the truth. I didn't come up with that idea to distract her daughter. I really had been planning to throw a watermelon off the roof to see what happens. Is there anything more fun than mindless destruction? It just seemed to me such an obvious way to pass a weekend afternoon.

But I decided to keep my mouth shut. She wouldn't understand. It's a guy thing.

To learn more on how become popular with the kids, visit our columnist at www.vittachi.com.