

Try war criminals, ensure

FROM PAGE 1
victims quite properly aggrieved, and ultimately undermines the rule of law for future."

"Criminals of the Second World War went on being sought after, and being prosecuted around the world. So, I certainly believe that there should still be a degree of justice possible for the crimes of 1971," said Martin.

He, however, rooted for a genuinely impartial and non-politicised process of justice. "I think having set up the tribunal, it is no longer a matter for the government, and the government and politicians should stand away from the process, and ensure that it operates without being subject to political pressures of one direction or another," suggested Martin, adding that the government's attitude to trying these crimes will also be judged by others abroad.

In 1971, he was working for the Ford Foundation in East Pakistan, and unlike many in the world of non-governmental human rights and transitional justice organisations of today, he had a fair knowledge of the mind-boggling crimes against humanity and genocide that were being carried out starting from the night of March 25.

He strongly believes that the 1972 report of the International Commission of Jurists was right to conclude that there was a strong case not only that the Pakistan army and its collaborators had committed war crimes and crimes against humanity, but that acts of genocide had been perpetrated against the Hindus.

"Few of the human rights organisations working internationally today, existed in 1971," Martin cited it as one of the reasons why the genocide in Bangladesh has not been featuring prominently in the world's concerns.

The Bangladesh government often seeks help from foreign governments for evidence on war crimes of 1971. He is not sure if the evidence are in their possession. But if they have those evidence, those should be made available, he said.

On that night of March 25, Martin, along with his colleagues stood on the roof of a guest house in Gulshan, listening with helpless horror to the automatic weapons fire and explosions of shells, watching the evidence of attack in the sky, which they

realised was targeting Dhaka University, EPR (East Pakistan Rifles) in Pikhana, and Rajarbagh Police Line.

Close by them, troops sent to arrest an elected Awami League leader, gratuitously murdered the staff in the house, finding him gone.

When the curfew was lifted by the Pakistani army after the massacre, Martin drove around the city. He found the famous Kali Temple in the middle of Race Course totally obliterated, and gradually came to know about the extent of killings that had gone on the university campus.

"Notes of my days in Dhaka in March 1971 were taken from me when I was searched by Pakistan security before boarding a flight back to Islamabad," said Martin. Months later, he however managed to visit refugee camps in West Bengal and friends in Mujibnagar, where the Bangladesh government in exile was situated after the declaration of independence.

The revered British -- who returned to Bangladesh in 1988 heading the first human rights mission to Chittagong Hill Tracts as well as to press Amnesty's other concerns with the military dictator HM Ershad's regime -- arrived in Dhaka this time at the invitation of the Liberation War Museum to its 15th founding anniversary celebration.

He was found quite moved by the intense desire of the people to see the trial of war crimes held.

But, one of the most challenging tasks for the state is to gather acceptable enough evidence to try the war criminals of 1971 after forty years. Martin thinks plenty of evidence will come into light through the series of trials of war criminals, but those evidence cannot produce a complete picture of what occurred in 1971.

"The only evidence will come into court is the evidence that was brought into court against particular individuals. So if Bangladesh wants, if the society wants a full picture of the period of major human rights crimes, then it would not achieve that through a limited or even the largest possible number of individual criminal prosecution," observes Martin.

He suggested, "That is why many countries have set up truth commissions which are charged with creating such a full picture, and which can examine what occurred without necessarily having

evidence of who the individual perpetrators were."

"I feel that there is perhaps a case for a broader examination of what occurred in 1971. But again that is a matter for people to debate here, and their interest in debating it. With considerable international experience, I refer to the experience of East Timor, which I know particularly well, on how a truth commission can build up a very full and credible picture of a mass human rights violation," said Martin, who worked in East Timor on crimes against humanity committed there.

From his experience of working in East Timor, Martin sees a similar problem in Bangladesh.

"One problem is that the most of the major perpetrators were Pakistani army officers who are beyond the reach now of any proceedings in Bangladesh. That is a context I am very familiar with because I worked in East Timor where crimes against humanity in my opinion were committed by the Indonesian army and the local militia," said Martin.

"In the end of the day it was only the local militia, who were nationals, could be prosecuted because the Indonesian military officials were effectively protected in Indonesia. So that limits what can be achieved. But I still think it's right, and there should be a process of justice," he observed.

"I think in principle, where there have been war crimes, crimes against humanity, genocide -- the worst perpetrators should be prosecuted whoever they are irrespective of nationality. But if that's not possible, I still think major perpetrators should be prosecuted even if it is not possible to achieve that in all cases," Martin replied to a question regarding whether he sees any problem in trying Bangladeshis war criminals without trying the Pakistani perpetrators.

About the possible role of International Criminal Court (ICC) in this case, Martin said ICC cannot clearly play any role in trying the war criminals of 1971, because ICC cannot have jurisdiction on anything that occurred before the treaty in Rome in 2002. So there is no way ICC can be involved in trying the crimes of 1971.

He said, "I think international human rights organisations have a strong general

position that there should be justice for major crimes, whenever they have occurred. Of course they will then go on to be concerned that justice is done according to international standards, and due process."

"So they would scrutinise the proceedings according to how fair they are, and the legal frameworks being practiced, and that is right too. But I think they should start from the fact that there should never be impunity for major crimes," he continued.

Bangladesh's move to try its local war criminals of 1971 has drawn special attention across the globe as the country is going to try the accused under a domestic law that was passed by its own legislature in 1973.

Regarding the law Martin said, "There are still some concerns, I know, amongst lawyers working for human rights organisations, transitional justice organisations regarding the legal framework even after the amendments that the governments introduced in the 1973 Act."

"But I think there is also still some openness in the part of the tribunal to ensure that its regulations -- if they need any further amendments -- can take those concerns into account."

There is a provision of capital punishment in the International Crimes Tribunal Act 1973. But as a human rights activist and a former secretary general of Amnesty International, Martin is not only personally opposed to death penalty under all circumstances, he also campaigned against death penalty in countries like the United States and Iran.

"I would like to see Bangladesh abolish the death penalty for any offence. I think that would be a real progress. But of course I recognise, as long as the death penalty is there for the worse of ordinary criminal offences -- murder and etc. -- it's going to be hard to argue that it's wrong to include it for terrible crimes of 1971," said Martin.

"But I certainly hope that there will in the end be no execution, in the end of this process, because I believe there has been too much killings in Bangladesh over the years, and I think that is a cycle that needs to come to an end, and I hope one day Bangladesh as a society will decide that it wants to get rid of death penalty in all cases," said Martin.

3 arrested

FROM PAGE 20

Dharma Kirti Mohathero with a sharp chopper, sources said.

Mohathero was rushed to a private clinic in the city.

Villagers said the clash resulted due to a feud regarding the temple's control between two rival parties of village Damdama.

Mohathero's brother Dhona Barua filed a case in connection with the incident on the same night.

Police has deployed several teams to arrest the criminals, said Humayun Kabir, officer-in-charge (OC) of Mirsarai Police Station.

446 more

FROM PAGE 20

The rest 23 crossed over to Al Salloum border checkpoint in Egypt. The foreign ministry has finalised arrangements for their repatriation, the release said.

The ministry anticipates the flow of 300-400 Bangladesh nationals every day through the Libya-Tunisia border to continue for the next few days.

The press release added that the 48 Bangladeshis stranded in Ain-Amenas in Algeria are yet to be flown home.

Arrangements are being made by the Bangladesh embassy in the Greek capital Athens to repatriate the 10 bodies of Bangladesh nationals who died after they jumped from a ship in the sea while being evacuated from Libya to Greece.

The bodies are expected to arrive between today and Monday by different flights.

So far, 31,749 Bangladeshis have been repatriated from Libya. In addition, some 288 people were expected to return yesterday, and 300 are expected to be repatriated on Monday.

With this, the number of reported returnees from Libya would total 32,337.

Bhutan's

FROM PAGE 20

hydro-power, has already signed a project with India for generation of 10,000MW of electricity by 2020.

On water management, Prime Minister Hasina and King Jigme Khesar stressed four-nation collaboration among Bangladesh, Bhutan, India and Nepal.

Briefing reporters after the meeting, Foreign Minister Dipu Moni said that if this cooperation becomes fruitful, "many tensions among us will be diffused and all will be benefited."

The two leaders also discussed increasing trade and commerce and connectivity between Bangladesh and Bhutan.

They also discussed cooperation in the pharmaceutical sector as Bangladesh is strong in pharmaceuticals while Bhutan in traditional medicines.

Bhutan earlier had proposed to recruit specialist and general physicians from Bangladesh to improve their health sector. Dipu Moni said much progress has been made in this matter.

Foreign Minister Dipu Moni, Food Minister Dr Abdur Razzaque, PM's Economic Advisor Dr Mashur Rahman, Ambassador at-Large M Ziauddin, Foreign Secretary Mijarul Quayes and PM's Press Secretary Abul Kalam Azad were present.

2 muggers

FROM PAGE 20

Hasan, deputy director of Rab-3 told The Daily Star.

Sensing their presence, the criminals opened fire at the elite force members, prompting them to retaliate. At one stage, the gang fled leaving behind two of their bullet-hit cohorts.

Ashik received a bullet on his right leg while Sani injured his left leg. They were taken to Dhaka Medical College and Hospital (DMCH) following the incident.

Rab recovered two knives and four rounds of bullets from their possession.

Libya attacks

FROM PAGE 1

Nicolas Sarkozy said France and Britain were readying a "political and diplomatic" solution on Libya, reports AFP.

Referring to talks in London next Tuesday, Sarkozy said "there will certainly be a Franco-British initiative to clearly show the solution is not only military but also political and diplomatic."

The London meeting of a so-called contact group on Libya to discuss coalition military action in Libya is to bring together Britain, France, the United States and all other coalition partners plus the African Union, the Arab League, and "all interested European nations."

Western-led operations to enforce a no fly zone to stop a violent crackdown against a popular uprising won more Arab support when the United Arab Emirates said it would take part, but France cautioned the conflict would not be quick.

"I doubt that it will be days," Admiral Edouard Guillaud told France Info radio. "I think it will be weeks. I hope it will not take months."

Guillaud said a French plane destroyed an army artillery battery near the eastern frontline town of Ajdabiyah, 150 km (90 miles) south of Benghazi. Ajdabiyah is strategically important for both sides as it commands the coastal highway to the west.

In London, the Ministry of Defence said British Tornado aircraft had also been active there, firing missiles overnight at Libyan military vehicles threatening civilians, Reuters.

In Brussels, a Nato official said yesterday planning for Nato's no-fly operation assumed a mission lasting 90 days, but this could be extended or shortened as required.

Rebel forces on the road to Ajdabiyah seemed more organized than in recent days, when fighters' disarray stirred doubts about their ability ever to pose an armed challenge to Gaddafi.

They had set up road blocks at regular intervals and Reuters counted at least four truck-based rocket launchers -- heavier weaponry than had been seen earlier this week.

In the eastern rebel bastion of Benghazi, rebel spokesman Mustafa Gheriani said he expected Ajdabiyah to fall on Friday or Saturday following the overnight British and French strikes.

"This (the strikes) will weaken their forces and more importantly their morale," he said, adding the level of

Western strikes was "sufficient. We feel safe under their protection."

He repeated that rebels did not want ground troops and said that if Gaddafi was prevented from bringing in mercenaries, the rebels could win the ground war on their own.

The rebels' main concern was the western cities of Misrata and Zintan, besieged by government troops, he said.

"They are starting to run short of basic needs," he said.

A resident of Zawiyah, just west of Tripoli, said the city resembled a ghost town after heavy fighting, with some residents subject to beatings and kidnappings.

"It's a ghost town. Gaddafi's men are still firmly in control but they are facing resistance from the rebels in some streets," said Mohsen, who fled to the Tunisian border on Wednesday. Gaddafi's forces took back control of Zawiyah, about 50 km (30 miles) west of Tripoli, two weeks ago.

Nato said on Thursday that after four days of tough negotiations that it would enforce the no-fly zone but stopped short of taking full command of UN-backed military operations to protect civilians from forces loyal to Gaddafi.

Differences over the scope of the UN resolution gave for military action against Gaddafi's army led to days of heated arguments within NATO about its role in the operation.

The United States, embroiled in Iraq and Afghanistan, is keen to step back and play a supporting role in Libya in order to preserve alliance unity and maintain the support of Muslim countries for the U.N.-mandated intervention.

SUDAN SAID TO SUPPORT NO FLY ZONE

Despite the apparently cumbersome structure of the planned new command and Arab jitters on the use of force, the operation continues to receive support from beyond Western ranks.

At the United Nations, envoys said Sudan had quietly granted permission to use its airspace to nations enforcing the no-fly zone. Sudan's U.N. ambassador, Daffa-Alla Elhag Ali Osman, neither confirmed nor denied that report.

South of the Sahara, local media quoted a cabinet minister as saying Uganda would freeze Libyan assets worth about \$375 million in line with a U.N. resolution imposing sanctions on Libya following Gaddafi's violence crackdown.

The United Arab Emirates said it would send 12 planes

to take part in operations to enforce the no-fly zone.

Qatar has already contributed two fighters and two military transport planes to help enforce the no-fly zone.

According to Greek Defense Ministry source, two Qatari and two French Mirage warplanes took off from air base of Souda in Crete, southern Greece, for patrolling mission in Libya. They would not bomb ground targets, and had no air-to-air weapons.

Western jets pounded targets in southern Libya on Thursday but failed to prevent government tanks re-entering the western city of Misrata, whose main hospital was besieged by armor and government snipers. SNIPERS STILL IN MISRATA Western commanders hope rebel forces in eastern Libya will overthrow Gaddafi, but the return of tanks to Misrata under cover of darkness highlighted the difficulties they face in trying to force the Libyan leader to cease fire.

Guns fell relatively silent in Misrata overnight, although government snipers were still in the city centre, a rebel spokesman said yesterday.

"The snipers are still hiding in buildings located on Tripoli Street," Sami said. "We don't know how many of them are still there. The rebels have so far killed 30 of them."

Rebels say they have regained control of the port from government forces. The port is the city's lifeline to food and medical supplies, international officials say.

Residents say electricity, water and regular land and cell phone service to the town are not functioning.

In Tripoli, a Libyan energy official said on Thursday Libya was short of fuel and needs to import more, but a ship with fuel now bound for Tripoli may be stopped by Western forces.

UN Secretary General Ban Ki-moon told the Security Council there was no evidence Tripoli was complying with UN resolutions. His special envoy to Libya had warned Gaddafi's government of possible "additional measures" if Libya failed to comply with its ceasefire demand.

The Libyan government denies its army is conducting any offensive operations and says troops are only defending themselves when they come under attack.

In Tripoli, officials and hospital workers said civilians, including women, were among those killed in the latest Western air strikes in the Libyan capital. There was no way to independently verify the report.

Proteas choke again

FROM PAGE 20

for 172 in 43.2 overs in reply to the Kiwis 221 at the Sher-e-Bangla National Stadium in Mirpur.

In the end, gentle medium pace bowler Jacob Oram was the hero of the match as the big man's four-wicket haul shattered the dream of the Proteas, who were outstanding in the group stage to make many believe that they were going to erase the infamous tag of chokers.

The Kiwis will take on the winners of today's quarterfinal between Sri Lanka and England in the first semifinal in Colombo on March 29 and this is now the sixth occasion that the Black Caps have qualified for the last four.

With the end of the exciting match, the curtain fell on the Bangladesh part of the World Cup; a successful ending indeed and the fans, who have proved throughout the tournament that they are among the most sporting audiences in the world, deserve some praise for making the showcase event successful for the country.

There was no shortage of cheering from the stands once the ball rolled into the pitch and the fans were unbiased throughout the match as every single run, fall of wicket and good fielding was roundly cheered by them.

After three poor matches at Mirpur some sort of sanity was restored after New Zealand set a 222-run winning target, after recovering from an early hiccup of 16 for two, thanks to a 114-run third wicket partnership between Jesse Ryder and

Ross Taylor.

South African skipper Graeme Smith said before that match that patience will be key for the batsmen in these conditions, and the two New Zealand batsmen built the innings by batting sensibly. They didn't look at the run-rate, rather intelligently concentrated on picking up the singles to repair the damage. Left-handed Ryder checked his shots and played mostly along the ground during his 121-ball 83 that contained eight sweetly timed boundaries while Taylor gave him good company before the right-hander was dismissed for 43 off 72 balls by attacking leg-spinner Imran Tahir, who also got the prize wicket of Ryder.

Kane Williamson was the other notable scorer with an unbeaten 38 off 41 balls that featured one four and a six. Left-arm spinner Robin Peterson started the carnage by taking a stunning return catch to send back danger man Brandon McCullum in the very third over and then Dale Steyn removed Martin Gupthill to put the New Zealanders under pressure, but Taylor joined Ryder to give them a fighting total.

Like their opponents, New Zealand also started the bowling with spinner Nathan McCullum who gave them an early breakthrough by removing Hashim Amla but Jacques Kallis (47) joined the early initiative away but both the batsmen failed to carry their innings as South Africa raced to 108-3.

After the dismissal of the Kallis-Smith partnership, South Africa lost wickets at

regular intervals under pressure and New Zealand turned the tables on their opponents when the inform AB de Villiers was dismissed in a nonsensical run out.

Francois du Plessis's 36 runs innings only valiantly reduced the margin of the defeat.

Oram got the man-of-the-match award for his match-winning bowling performance but one must also give credit to spinner Nathan McCullum who picked up three wickets for 24 runs to write another sorry tale for South Africa's cricket history.

SCOREBOARD

Scoreboard of the World Cup quarterfinal between New Zealand and South Africa at the Sher-e-Bangla National Stadium on Friday:

NEW ZEALAND			
Gupthill c Botha b Steyn	1		
B McCullum c & b Peterson	4		
Ryder c sub (Ingram) b Tahir	83		
Taylor c Kallis b Tahir	43		
Styris b Morkel	16		
Williamson not out	38		
N McCullum c Duminy b Steyn	6		
Oram b Morkel	7		
Vettori b Morkel	6		
Woodcock not out	3		
Extras: (b-4, lb-4, w-6)	14		
Total: (For eight wkts in 50 overs)	221		

Did not bat: Steyn. Fall of wickets: 1-5, 2-16, 3-130, 4-153, 5-156, 6-188, 7-204, 8-210.

Bowler O M R W			
Peterson	9	0	49
Steyn	10	0	42
Botha	9	0	29
Morkel	8	0	46
Tahir	9	0	32
Kallis	3	1	6
Duminy	2	0	9

Duminy b N McCullum	3
Du Plessis c Southee b Oram	36
Botha b Oram	2
Peterson c B McCullum b Oram	0
Steyn c Oram b N McCullum	8
Morkel c sub (How) b Woodcock	3
Tahir not out	0
Extras: (lb-2, w-1)	3
Total: (All out in 43.2 overs)	172
Fall of wickets: 1-8, 2-69, 3-108, 4-121, 5-121, 6-128, 7-132, 8-146, 9-172.	

Man-of-the-match: Jacob Oram.

Gates holds talks with Jordan king

AFP, Amman

US Defence Secretary Robert Gates arrived yesterday in Jordan on a previously unannounced visit for talks with key ally King Abdullah II, as anti-regime protesters rallied in Amman.

Gates is calling on Arab leaders to move quickly to adopt major reforms in the face of popular anger.

US officials say the king has been more active in pursuing reforms compared to other leaders in the region.

And as western aircraft kept up bombing raids over Libya, Gates is expected to give the king an update on coalition operation against Muammar Gaddafi's regime.

AL leaders out to slam

FROM PAGE 20

are speaking in his favour only for political gain. We will also launch a campaign in this regard," said Awami League Joint General Secretary Mahabubul Alam Hanif.

Hanif, who is also a special assistant to Prime Minister Sheikh Hasina, and Mohammad Nasim yesterday criticised Prof Yunus at two separate discussions.

Addressing a discussion at the Jatiya Press Club, Hanif said Prof Yunus has introduced Bangladesh as a nation of beggars in the globe although Bangabandhu Sheikh Mujibur Rahman had introduced it as a brave nation that won independence in 1971.

"Whenever Prof Yunus goes anywhere, he takes a poor woman with a goat or hen with him and portrays Bangladesh as a poor nation," he said at the Jatiya Party (JP-Manju) organised discussion. Jatiya Party Chairman Anwar Hossain Manju chaired the meeting.

He said the western countries are favouring Prof Yunus in their own interest. Mentioning that the Norwegian government first noticed money being illegally transferred, the Awami League leader said the Nobel laureate evaded tax of crores of taka and siphoned off the money abroad and for this reason foreigners are mounting pressure on the government.

He said Prof Yunus never placed floral wreaths at the

Central Shaheed Minar or stood beside the victims of natural calamities.

Addressing another discussion at Dhaka Reporters' Unity, Nasim, a former home minister, said it is not right to get respect through foreign pressure without showing confidence in the country's court and its people.

Condemnation of Blake's statements

Engineers Institutions Bangladesh, Agriculturalists Institution Bangladesh and Bangladesh Medical Association yesterday in a joint statement described US Assistant State Secretary for South and Central Asian Affairs Robert O Blake's statements on the Prof Yunus issue and bilateral relationship as diplomatic aggression.

It said the laws relating to financial institutions in the country determine who would be the managing director of Grameen Bank.

Prof Yunus should be respectful to the laws of the country, said the statement signed by IEB President Nurul Huda, honorary General Secretary Abidus Sabur, AIB President Nitish Chandra Debnath and Secretary General AFM Bahauddin Nasim, who is also a central organising secretary of Awami League and BMA President Mahmud Hasan and its acting Secretary General MA Aziz.