

SUNDAY POUCH

Degrading treatment of DU student

Time to discipline law enforcers

WE welcome the swift move taken by the High Court on the police maltreatment of Dhaka University student Abdul Kadar last week. It has ordered investigation by a committee and directed the IG Police to place the two concerned police officials under suspension during investigation.

The horrendous manner in which the police have conducted themselves through arresting Kadar on questionable charges of carjacking and then subjecting him to inhuman and degrading treatment in custody reflects badly on their professionalism. We are reminded of Limon Hossain, whose leg needed to be amputated -- thanks to a trigger-happy RAB officer.

Events centring around Kadar are indicative of what the public have always known, that all too often it is the innocent and the unsuspecting who come under the wrath of the law enforcers. In Kadar's case, his teachers and others have testified to his record. He has himself informed the court how a police officer inflicted a bad wound on his leg with a cleaver to prove that he had been beaten by an angry mob. As a report in this newspaper the other day makes it clear, there is nothing to indicate that there was a robbery in the area from where Kadar was picked up and hence the question of a mob pouncing on the student is nothing but a cooked-up story. The learned judges of the High Court made this same point when they told the Khilgaon thana OC that he was lying.

Those whose duty it is to enforce law and protect the weak and vulnerable are themselves acting criminally, torturing innocent people and making up cock-and-bull story to defend their criminality. Whenever exposed by the relatives of the victims, other members of community and, above all, the media the police swiftly brand the tortured as robbers or having criminal antecedents. What is more dangerous, police show a clannish mentality of rallying round a cause of self-defence thereby shielding the guilty. When the custodian becomes the torturer, where do the people turn to for security?

Deaths again at the beach

Safety considerations can't be left to chance

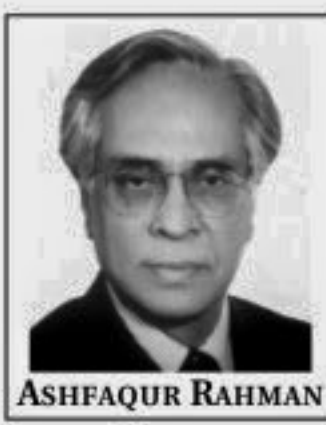
WITH more people crowding the seashore round the year the incidence of drowning has increased at Cox's Bazar. In the latest tragedy, three young men, one of them a promising singer, were swept away by the waves while swimming at Kolatoli point on Friday evening. Worse, they were suspected to have been trapped in quicksand.

Let's not forget, Cox's bazaar being the longest sea beach in the world draws five lac tourists every year. In stark contrast to the high level of its attraction it has some of the poorest safety standards in the world. This is in spite of the fact that, unlike at other popular beaches, like Miami in the US and Brighton in England, the sea in Cox's Bazaar is quite turbulent, especially during the summer.

Colourful hotels and motels have come up, communication to the place has also improved and facilities are expanding, yet there seems to be no system at work in the coastline that would help the visitors to be watchful about the timing and selection of spots for swimming, especially the use of beach after dusk.

The beach authorities should have adequate number of bay-watchers including volunteers who would keep alerting the fun-seekers with do's and dont's topped off by availability of life guards and other safety gears in case of emergency. Essentially, the individuals and the groups should be fully aware of the risks involved in venturing out to the sea.

The tourism ministry and private tour operators should work in concert to provide facilities to make the beach safer and more enjoyable place. Raising awareness and constant watch over the visitors, especially the young ones should be an effective tool to prevent accidents in future. Night time swimming should be totally



ASHFAQUR RAHMAN

AN electrifying drama is being played out now at the UN Headquarters in New York. On one end is a state called Palestine. On the other end is a

Zionist entity which has the trappings of a state called Israel. The entity is nervous.

This September, when the UN General Assembly is convened, Palestine will bid for UN membership. Israel will block this attempt. But she might not be alone in this effort. The United States will also be with her.

It is inconceivable that both these states will allow Palestine to be a member of the UN on her own volition.

But why is Palestine seeking membership to the UN now and on her own steam?

Ever since 1988 when the Palestine Authority started representing the interest of all Palestinians around the world, it has been able till today to get 122 countries to recognise Palestine as a state.

But in the last six months, many more countries have agreed to grant her statehood.

In addition, Denmark, France, Ireland, Italy, Norway, Portugal, Spain and the UK have upgraded the Palestinian General Delegations in their capitals to diplomatic missions or embassies. Such a status is normally reserved for states.

Mahmoud Abbas, Chairman of the Palestinian Liberation Organization and President of the Palestinian National Authority (PA) has been encouraged by this development.

He wrote a post-editorial article in the *New York Times* on May 17 this year, saying: "This September, at the UN we will request international recognition of the State of Palestine on the 1967 border and that our state be admitted as a full member of the United Nations."

Thus Mahmood Abbas has outlined

the Palestinian Authority's two-pronged strategy. First, to seek international recognition of Palestine as a state, and then her membership to the UN.

About 150 countries have said that they will recognise a Palestinian state within 1967 borders (that is the borders existing before Israel attacked in 1967) in September. The recognition of Palestine as a state in this sense is considered "constitutive" (statehood is a matter of recognition only).

But if the recognition is "declaratory" (recognition alone cannot confer statehood, but must be accompanied by other factors, independence being an

The signal is that the US would veto Palestinian membership in the UN Security Council.

important component), then with Israeli occupation of its territories, Palestine recognition as a state becomes difficult.

Based on "constitutive" recognition, Mahmood Abbas is now seeking membership of the UN under Article 4(2) of the UN Charter. Membership to the UN is given to any state by a decision of the UN General Assembly upon receiving a recommendation from the UN Security Council.

It is this provision of "recommendation from the Security Council" to membership of UN that the US and Israel are likely to exploit and deny Palestine her UN membership.

US President Obama, on May 19, has already declared that "symbolic actions to isolate Israel at the UN in September won't create an independent state." Thus the signal is that the US would veto Palestinian membership in the UN Security Council. In that case there would be no recommendation forthcoming from there to the General Assembly for Palestine to be an UN member.

So Palestine faces a dilemma and she is desperately seeking a way out.

In any case there are several countries that are not UN members but are states that receive benefits that accompany such a status. One such case is that of the Vatican. It is a state since 1929 but is not yet a member of the UN. Kosovo is recognised by many states, including the US, but is also not a member of the UN. Switzerland has been a state since 1848, but joined the UN only in 2002.

Denying UN membership is not without precedent. In 1972, China objected to our (Bangladesh) application. In 1975, US voted against application of Vietnam.

South Korea was denied UN membership for many years.

One option for the Security Council before it faces US veto is to include a clause about the ongoing peace process in a resolution. This was done in the case of Macedonia in 1993. Macedonia was admitted acknowledging differences.

Palestine Authority has hinted that in case of US veto in the Security Council to recommend her case, she will opt for an upgrade from an observer status to a "nonmember state status," which requires approval by the General Assembly only.

So what is Palestine to do? Many experts suggest that the Palestinian Authority should continue to push for international recognition as a state.

By getting support of 150 states Palestine would be able to formally level the diplomatic playing field with Israel. Internationally, Palestine would not be considered a non-state actor, but a state like Israel. Thus, future negotiations on the matter of West Bank settlements,

Jerusalem, etc would be between two states, rather than with an occupied people.

It would allow her to ratify international treaties. It could then ratify the Rome Statute of the International Criminal Court (ICC), where she has already lodged a complaint against Israel for war crimes and crimes against humanity. Once ICC accepts Palestine as a state, investigations on the allegations can begin.

Palestine, by obtaining recognition as a state, can also claim sovereign immunity from political lawsuits now being hoisted against her in the US. Palestinian diplomats will then be able to claim diplomatic immunity and also have the legal right to offer consular assistance to Palestinians in jails in Israel and elsewhere in the world.

Recognition of Palestine as a state would also help to enhance her image. The Palestinian fighters would not be termed terrorists and they could begin to claim prisoner of war status.

The Palestinians, however, has a last resort for UN membership. They can turn to the UN General Assembly and request it to consider membership under a "Uniting for Peace" resolution. Such a resolution can be resorted to only when the UN Security Council is deadlocked. But this can have serious implications. It was resorted to in 1950 during the Korean War. This can subvert the well-calibrated balance of power within the United Nations.

Come September, an exciting time awaits the Palestinians and their supporters in the lobbies and chambers of the United Nations.

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Milia Ali's column will appear on Tuesday, August-2.

INJUSTICE ANYWHERE IS A THREAT TO JUSTICE EVERYWHERE

Abu Taher and the Supreme Court of Bangladesh (PART-3)

LAWRENCE LIFSCHULTZ

IN this regard, let me turn the clock back to the period of September-October 1977. I was then living in England. I had taken a sabbatical from my work as a journalist and took up a place up at Cambridge University to pursue graduate work in economics. In the autumn of 1977 Amnesty International approached me for my views on a developing crisis in Bangladesh. At the time Amnesty was receiving a flood of confidential reports describing mass executions that were taking place in Bangladesh following an apparent revolt in the armed forces.

In December 1977, the Secretary General of Amnesty International, Martin Ennals, made a special journey to Dhaka to discuss the executions with senior government officials in Bangladesh. Ennals met General Zia and received assurances from Zia that "executions of those accused of having been involved in the September and October attempted coups had ceased."

But, after Ennals' return to London, Amnesty reported: "In spite of these assurances [by General Zia], Amnesty International has strong reasons to believe that executions of military men...were still continuing...In a cable of January 19, 1978, the Secretary General expressed profound concern at reports alleging that hundreds of military men had been executed since October 2 and that executions were continuing."

On March 5, 1978, *The Sunday Times* of London reported: "About 600 servicemen have been executed in Bangladesh since October in a bloodbath only partially exposed by last week's Amnesty International report...A former senior air force officer told *The Sunday Times* that more than 800 servicemen were convicted by military tribunals -- in some cases little more than kangaroo courts -- after the uprisings in Bogra on September 30 and Dhaka on October 2. About 600...were executed by firing squad or hanging in Dhaka."

On March 25, 1978, the *Economic & Political Weekly* of Mumbai reported: "Although Amnesty is only prepared to say 'at least 130 and perhaps several hundred' have been executed, some informed sources in Dhaka have put the figure as high as seven hundred. There is

no way to confirm an accurate figure. One description circulating in Dhaka in typewritten form alleges that executions were carried out on telephonic orders from Army Headquarters. No documents are being kept for fear of future accountability. In one instance at Dhaka Central Jail detained soldiers were said to have been awakened late in the night and told to pack up."

"They were told orders had come through for their release. A general atmosphere of jubilation spread through the cell block, as *jawans* gathered up their belongings and were led to the front jail gate. There, it is reported, they confronted an army officer and a special paramilitary force. Death sentences were suddenly read out, and amidst near hysterical cries that their lives be spared, *jawans* were taken off and hanged seventeen or eighteen at a time.

Throughout, according to the report which also lists the names of those hanged that night, "the authority remained cool and composed amidst the cries and wailings of the soldiers being hanged. There are other stories circulating in Dhaka of soldiers in firing squads being arrested for refusing to shoot when ordered. No newspapers dare print any of this, and therefore, an authoritative confirmation within the country's press is impossible to find."

As the grim news continued to reach London, I was asked by Amnesty International what I might recommend they do in order to attempt to bring these mass killings to an end. I suggested to Stephanie Grant, the Director of Research at Amnesty, that she urgently organise a meeting between a small group and Sean MacBride, the founding father of Amnesty International. MacBride was also the man most responsible for the establishment of the European Court of Human Rights.

The meeting was arranged on short notice. The four of us -- Sean MacBride, Stephanie Grant, Yvonne Terlingen and I -- sat in Yvonne Terlingen's tiny room at Amnesty's London headquarters to craft an improbable plan. Yvonne Terlingen was then Director of South Asian Research at Amnesty International. Although Sean MacBride was 74 years old, Stephanie Grant thought he could be very effective. I fully shared her view.

I knew Sean MacBride's history well. MacBride's father, Major John MacBride,

was executed by firing squad after Ireland's Easter Uprising that took place in Dublin in 1916. He died alongside the Irish socialist leader, James Connolly. Sean MacBride was twelve years old when his father was executed by the British. His mother was the famed Irish actress and legendary beauty, Maud Gonne, over whom William Butler Yeats, broke his heart. She was known to others, as Yeats' Muse but she was always her own woman, and refused Yeats' entreaties to marry him.

At the age of 23, Sean MacBride became Director of Intelligence of the IRA. He ultimately became the Minister of External Affairs of an independent Ireland for which his father had fought and died. In that position during the 1950s Sean MacBride would play a critical role in drafting the European Convention on Human Rights that became the foundation stone for the European Court of Human Rights. In 1974 he received the Nobel Peace Prize as a man, who according to the Nobel Committee, "mobilised the conscience of the world in the fight against injustice." In 1975 he was awarded the Lenin Peace Prize.

When Sean MacBride met with us there were mass executions taking place in jails all around Bangladesh. It was a nightmarish situation. What I remember most clearly from that meeting was one very specific quality about Sean MacBride. He said almost nothing to begin with. He listened. I explained the political conditions in Bangladesh that framed the background and the context for the mass killing that was underway. I spoke about the Taher trial and the descent into a lawless state of military rule. I was struck by how completely focused MacBride was on what I was saying.

After twenty minutes of talking and answering his questions it was clear to me that Sean MacBride knew not only exactly what I was saying but also where I was going. He was now ahead of me. He asked: "What can I do?" I told him the only way I thought the killings could stop would be if he flew to Dhaka and met General Ziaur Rahman, the military strongman responsible for the ongoing executions. While he had the power to continue the mayhem, Zia also had the power to call it to a halt.

I explained why I thought this might

work. But I thought to myself only in the hands of a seasoned master did the plan have a chance. Here was a man who had been in and out of the IRA and in out of jails from the age of 18. This man knew what he was doing. Sean MacBride accepted the proposal. Within a day or so through legal contacts in Dhaka he quickly arranged an invitation for himself to speak to the Bar Association in Dhaka. He flew to Dhaka with Yvonne Terlingen. His decision to act without hesitation and to promptly leave for Bangladesh was in my view rooted in the searing experience of his own father's execution. He didn't need to be told anything about the pain of a relative being sent before a firing squad. He lived it as a child.

Within days Sean MacBride had met General Zia. As he would later tell me, he found Zia "unbalanced" and somewhat "deranged." Apparently, this was not surprising for a man running a programme of mass executions. MacBride asked Zia to stop the hangings and the firing squads. He recalled how Zia seemed to shudder slightly on hearing this request. He told Zia that he had the power to make that very important decision. Sean MacBride urged him to make an intelligent decision.

MacBride also told Zia that if he did not stop the executions he would return to London and condemn him before the world. Sean MacBride had spoken out on behalf of Bangladesh in 1971 as the Secretary General of the International Commission of Jurists and his stature in Europe assured him a wide audience.

Even Zia recognised that as a Nobel Peace Prize recipient, MacBride could make it very difficult for him in the future. Sean MacBride was not a man to cross. Indeed, after the first execution, Zia had placed himself "beyond the pale" of MacBride's moral universe. Still there was a risk for Zia were he to go up against MacBride.

Remarkably, the MacBride intervention worked. The executions stopped very soon after this meeting. During the winter and spring of 1978 nothing was certain. Sean MacBride's presence in my view brought this particular phase of the nightmare to a close.

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THIS DAY IN HISTORY

July 31

- 1658** Aurangzeb is proclaimed Moghul emperor of India.
- 1941** Holocaust: under instructions from Adolf Hitler, Nazi official Hermann Göring, orders SS General Reinhard Heydrich to "submit to me as soon as possible a general plan of the administrative material and financial measures necessary for carrying out the desired final solution of the Jewish question."
- 1991** The US and the Soviet Union sign the Start treaty to reduce stockpiles of nuclear warheads by about a third.
- 1992** Georgia joins the United Nations.
- 2006** Fidel Castro hands over power temporarily to brother Raúl Castro.
- 2007** Operation Banner, the presence of the British Army in Northern Ireland, and the longest-running British Army operation ever, comes to an end.