

Revenge or justice?



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THE recent execution of Troy Davis has evoked massive reactions globally about the legitimacy of capital punishment. Davis, who was accused of allegedly killing a police officer in 1991, had claimed his innocence since the beginning of his arrest. Seven out of the nine witnesses either recanted or contradicted their versions of the story. The grey areas and increasing evidence that this case needs to be re-examined did not stop the courts from carrying out the execution, very possibly taking the life of an innocent man for a crime he did not commit.

The legal reasoning, or lack of it, behind the court's decisions is just a minor piece of the entire discussion which involves the moral legitimacy of the existence to this day of capital punishment. That we are still debating, and with great difficulties on this issue, in the 21st century, and in a world power such as the United States, can and should send shivers down anyone's spine. Why, even if there was the slightest shadow of a doubt, was the execution of Troy Davis not stopped is incomprehensible.

Why capital punishment still exists in the US, whether the belief is truly that even against all the statistical proof, capital punishment is a deterrent to crimes, is a mystery. Many can argue that it is sim-

ply a reason to make someone pay for the crime, whether this "someone" is innocent or guilty.

In sharp contrast to the 34 out of 50 US states that still carry out capital punishment, the European Union has called for a universal abolition of the death penalty, stating that it can no longer be regarded as an acceptable form of punishment from a human rights perspective. Countries wishing to enter into the EU must respect human rights and fundamental freedoms and therefore abolish the death penalty.

The United Nations has endorsed a moratorium on executions. The International Criminal Court Treaty, which is signed by the US, excludes the death penalty. The General Assembly of the Organization of American States also obligates state parties to not apply the death penalty. Amnesty International states that the death penalty is the ultimate denial of human rights and "opposes it in all cases without exception, regardless of the nature of the crime the characteristics of the offender or the method used by the state to kill the prisoner."

It is crystal clear and in black and white. The global reactions, and even those within many in the US, sparked once again due to

the execution of Troy Davis could not be more telling. Is it not high time to re-think this system of punishment?

Some points that the remaining states within the US that still uphold capital punishment should give serious credence to are as follows:

- The death penalty is a serious contradiction to the very concept of human rights. Does anyone, for any reason, have the right to take a life (except of course in times of war)?

The death penalty, which is irreversible, always carries the risk of executing the innocent, as was most likely the case of Troy Davis. It seems clear that someone had to pay for the crime of a policeman being shot and Davis was the unfortunate person to have done so.

- Research has shown that the death penalty has not demonstrated that it is effective in the deterrence of crime more than life imprisonment. An essential question seems potent here: do two wrongs make a right? Does the killing of one human being truly bring justice for the killing of another? Where does the vicious cycle end?
- It is seen time and time again that the death penalty is discriminatory. The poor and the underprivileged, who have

much less access to competent and experienced lawyers, are usually the victims;

- The death penalty can also be misused as a tool of oppression by authorities. One such horrific reminder is that usually the governor of the state in which the execution is to take place has the power to reverse the decision even until the very last moment before the execution is to take place. In the state of Georgia however, where Davis was executed, that is not the case. A board has the authority to make this decision. A demonstration of power? This possibility certainly cannot be ignored.

Despite the requests of President Jimmy Carter, Pope Benedict XVI, the director of the FBI, a presidential candidate, Amnesty International, and hundreds and thousands of people around the world to just simply re-examine the facts of the case due to the many grey areas to not actually proceed with the execution of Davis, it was still carried out.

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have done so.

What has always shocked me further is that there are convicted criminals of much more heinous, pre-mediated crimes such as Charles Manson and The Son Of Sam, just to name a couple, who have not been put on death row. As if capital punishment was not illogical and senseless enough in and of itself, what, if any, is the logic of keeping these criminals in jail? Any explanation would help!

The political and judicial aspects of the existence of capital punishment in the US are chilling. Due to the popularity of the death penalty in the US, judges cannot be elected unless they are strong advocates of it.

The United States clearly loses credibility with its allies on this issue which so blatantly violates basic human rights.

With the US presidential elections coming up in November of 2012, we are once again being reminded of the advocacy of capital punishment by some leading contenders. For some perhaps, there is the fear that without this strong leaning towards capital punishment, the vote count may decrease.

French philosopher Albert Camus aptly put it when he wrote: "Capital punishment is the most premeditated of murders." When will the US lawmakers finally stop turning a blind eye and a deaf ear to this? How many more Troy Davises do there have to be?

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What happened to Teesta water?

M. INAMUL HAQUE

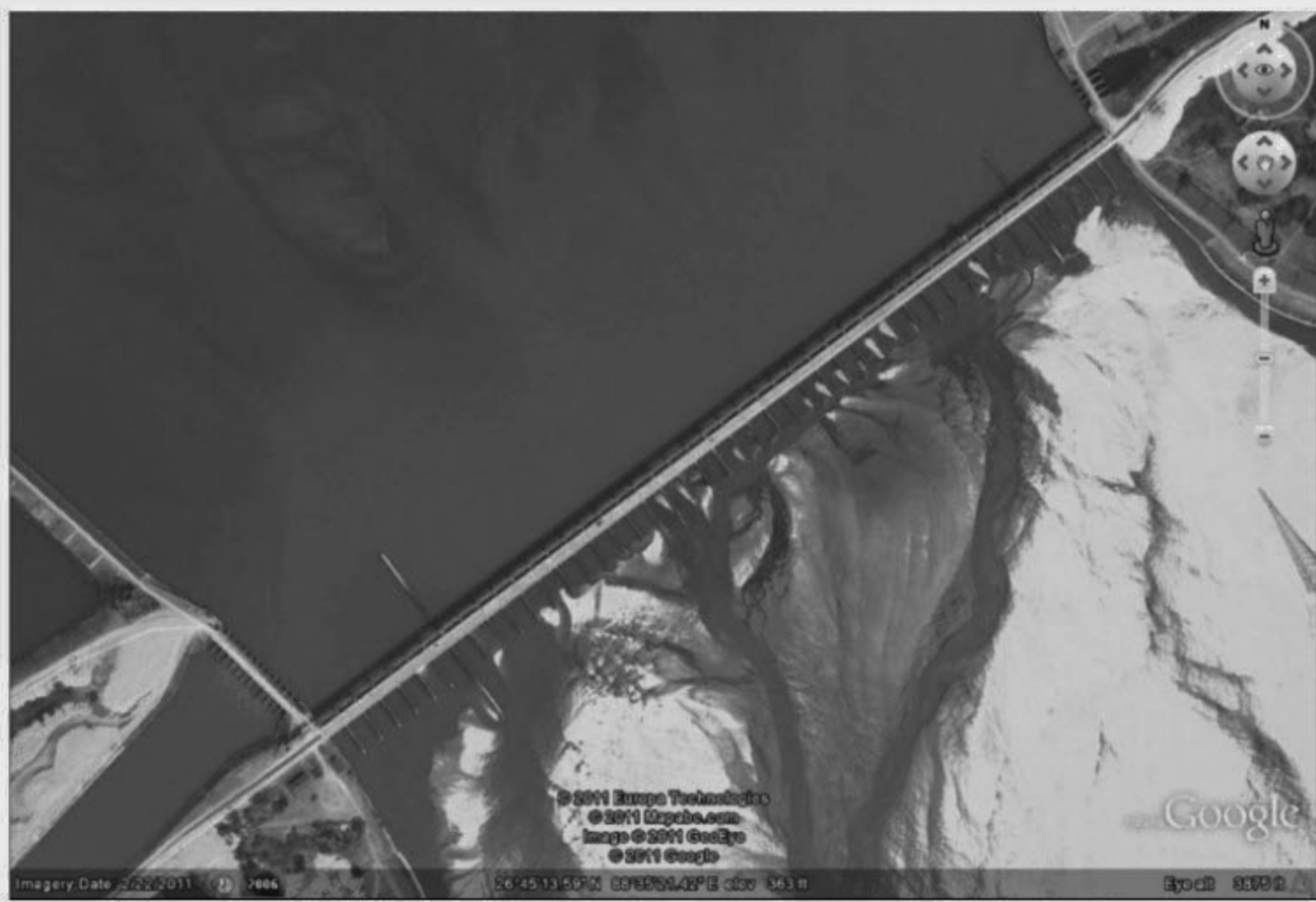
ON September 4, 2011 *The Hindu* reported that Paschimbanga Chief Minister Ms. Mamata Banerjee was not joining Prime Minister Manmohan Singh on his visit to Bangladesh. It also reported that she was opposing the Teesta water sharing agreement. Two Bangladesh ministers claimed to the press that the agreement would be signed whether somebody came or not.

Despite their claims, frustration built up in the public. The root cause of the frustration was that BDNews on 3 September, quoting *Anandabazar Patrika*, reported that, Mr Abu Hashem Khan Chowdhury a member of the Lok Sabha from Maldah has said: "Retaining 460 cusec of water the Teesta water shall be distributed on 48-52 basis to Bangladesh & India." He further said: "Bangladesh shall get 25% and India 75% of the Teesta water." So long the Bangladesh government had been assuring the people that the river would get 20% for its environmental flow, and the rest would be distributed 48-52 to Bangladesh and India.

Confusion emerged among experts about the quantity of water the Teesta River carried, particularly in lean periods. The flow increases from March, as summer arrives and the glaciers melt. During monsoon, rainfall over its catchment sometimes causes flood in the plains of Duars. Kalyan Rudra, an expert in India writes: "This flow can be as low as 90 cumecs at Anderson Bridge. The peak discharge in 1968 flood was measured 19,800 cumecs at Jalpaiguri. The Anderson Bridge was destroyed in that flood (*Taming the Teesta*)." Bangladesh had a record of minimum average 200 cumec discharges for Teesta River at Kaunia Bridge.

Google Earth satellite pictures showed the Gazaldoba barrage east of Siliguri town; where the pictures (dated 22/2/2011) revealed that no water was being released down towards Bangladesh from the barrage. I could locate the Anderson Bridge (new) on the road from Darjeeling to Kalimpong, the Coronation Bridge at Sivoke on the Siliguri Assam highway, and the Domohani Bridge on Jalpaiguri Cooch Behar Highway also. These are important landmarks over Teesta River in India, and are often referred to in water related discussions. It was clear that, with the added catchment areas in West Bengal, the lowest flow of Teesta River inside Bangladesh should be double that of Anderson Bridge, if not diverted. But the scenario is the opposite. India was diverting its water towards the Teesta Project Irrigation areas and releasing huge quantity of water towards Bihar through the Mahananda/Mechi River.

The Teesta River had an average historical flow of 2,80,000 cusec maximum and 10,000 cusec minimum at Dalia, upstream of the Teesta Barrage in Bangladesh [1 cumec (cubic meter per second)=35.3 cusec(cubic feet per second)]. Due to increasing withdrawal in the upstream, this flow has come down to about 1,000 cusec to even 500 cusec in droughts. India constructed the Gazaldoba Barrage in 1982 and started diverting its water for irrigation and transfer to the Mahananda River.



India is diverting Tista River total flow at Gazaldoba Barrage. (Google Earth 22.02.2011).

How much water shall Bangladesh get? If it is on the basis of 10,000 cusec flow, Bangladesh shall get 6,000 cusec, which is a comfortable offer. Anyway, it should not be less than 3,500 cusec.

was around 10,000 cusec only! However, after that meeting, it was in the air that the Teesta water sharing agreement was imminent, with the formula of dividing the flow 50-50, keeping aside 20% of the total flow for the river.

Here we arrive at the final question, how much water shall Bangladesh get with this formula? If it is on the basis of 10,000 cusec flow, Bangladesh shall get 6,000 cusec, which is a comfortable offer. Anyway, it should not be less than 3,500 cusec as we can expect from the 37th JRC meeting. So, we demanded a guarantee clause in the agreement. If the flow in Teesta is not enough to meet the demands of both parties, it can be augmented by releasing stored water from the Sikkim dams. But, when the *Anandabazar Patrika* reported that by keeping aside 460 cusec of water, it shall be divided 48-52 between Bangladesh and India; then we got a heavy shock. If 460 cusec is 20%, then the total flow (100%) becomes 2,300 cusec. If the water is divided keeping 460 cusec undistributed, Bangladesh gets only 900 cusec. Altogether, it is about 25-75 distribution to Bangladesh and India! On September 4, 2011 the Indian minister for water resources did not arrive in Dhaka. As a result, the 38th meeting of Joint Rivers Commission scheduled for September 5 was not held. By September 5 evening, it was clear that no agreement would be signed on Teesta waters.

The Hasina-Manmohan Summit ended with no agreement on Teesta. On September 8, the Foreign Affairs Secretary of Bangladesh Mijarul Quayes said:

"Teesta agreement is finalised; we are not to give any more concessions." Our question is, what is there in the document? What is the amount of flow to be distributed? On sharing 33,000-50,000 cusec of water, Kalyan Rudra said on September 6: "Teesta water comes down to 3,500 to 4,000 cusecs only in lean periods. 23 Low Flow dams in Sikkim shall obstruct Teesta water flow to the Gazaldoba Barrage (twocircles.net)." According to Kalyan Rudra, we cannot get more than 2,000 cusec in lean periods by any distribution formula. Is it acceptable when we were getting 3,500 cusec without asking? *The Daily Star* report on September 3, quoting PM's advisor Mashiur Rahman, said: "In fact we do not know how much water is flowing through the Teesta River. We are to measure it for 17 years, then the agreement shall be signed."

Kazi Golum Mostofa, a former director of JRC, said in a talk show on *Desh TV* on September 10: "The Teesta deal shall be on percentage basis, not on quantity basis. The Indian side claims that water down to the Gazaldoba Barrage is added with other stream flows joining it, within Indian territory. This should also be measured." The Indian side is correct: the flow of Dharla River in India joins the Teesta River upstream of the Domohani Bridge near Jalpaiguri. Mostofa said: "The proposed 15 year deal provides measurements at (1) upstream of the Gazaldoba Barrage, (2) diversion through the canals, (3) release through the Gazaldoba Barrage, and (4) water received upstream of the Teesta Barrage in Bangladesh. Thus, it shall be clear (i) what amount of water is available before distribution, (ii) what amount is released to Bangladesh, (iii) what amount is received in Bangladesh." The difference between (ii) & (iii) shall be the water added in the flow on its way down to Bangladesh.

The agreement which was about to be signed is not yet public. But by stitching the information collected together, we can generate a picture of the proposed deal. But opposition from Mamata has deferred this deal. Can we not understand it gives us an opportunity to collect further information about many things happening upstream and downstream of the Gazaldoba Barrage? This information shall help us in our negotiation. Information about Sikkim dams is available in websites. India has covered only 20% of its irrigation area in the Teesta Project. So, it is diverting and transferring the Teesta water to Bihar by releasing through the Mahananda Barrage near Banglabandha. Be careful, the water released there does not reach Mahananda in Chapai Nawabganj, but flows towards the Mechi/Fulhar River upstream of the Farakka Barrage. In the present circumstances, I suggest the Bangladesh side should demand:

- Stopping of dam building in Sikkim that shall obstruct lean period flows in the Teesta tributaries. 'Low Flow' hydroelectricity dams shall also obstruct the lean period flows.
- No linking or release shall be allowed to the Mahananda/Mechi River to the west or to the Jadhaka River to the east. These links/releases shall lead to inter-basin water transfer.
- The commanded area in the Indian Teesta Irrigation Project must be reduced to a realistic size. A too large area shall end up with major conveyance loss and failure.

Protesting by not bathing



Nury Vittachi

EWWW! Supporters of Anna Hazare, the Indian anti-corruption activist, stopped taking baths.

They did this to mark the fact that their hero was denied bathing facilities at Tihar jail.

"Not only the residents of Ralegan Siddhi, but all the residents of the Parner Taluka sub-district refused to take a bath today," legislator Vijay Avti proudly told the Indian news media. Guys, guys, think: this protest does no harm whatsoever to whoever you want to harm but causes immense suffering to your own side. I just hope my children don't hear about this. "I'm supporting Anna Hazare by not having showers or cleaning my room for a year." Tragically, this is only the second Most Misguided Protest of the past 12 months. First prize also goes to workers in India. In New Delhi in March, unhappy passport office staff organised a "Work Through Lunch" protest followed by a "Work On Saturdays" protest.

The government of China's state TV operation is broadcasting a series of exposes accusing Internet firm Baidu of being "non-transparent." That's ridiculous.

That would be like a top Beijing communist flying to Hong Kong to give that city's ultra-capitalists lectures on how to manage money. Wait. That just happened.

A man in Sudan was forced to marry a goat. Goat owner Alifi accused neighbour Tombe of having an unnatural level of affection for the animal, according to a BBC piece sent to me by an alert reader.

The council of elders in Upper Nile State, ordered Tombe to take the goat as his wife, the *Jubal Post* newspaper said. "We have given him the goat, and as far as we know they are still together," Alifi explained.

This seems kind of weird to me. I mean, Bill Clinton had an unnatural level of affection for jalapeno cheeseburgers, but that doesn't mean he should go off and live with one.

But then again, I know Hillary would disagree.

An Asian couple was jailed for conducting a fake marriage in the UK last week when officials noticed the bride miss-spelt the groom's name.

I publish this as an urgent warning (!) to a friend of a friend called Brzczyszczkiewicz (that's his real name) and other Poles, Sri Lankans, Thais, etc.

"Marriage socialises men," the *Economist* reported. "It is associated with lower levels of hormones and less criminal behaviour."

After reading this, my wife now introduces herself as my "probation officer."

A professional footballer said that he had no money to pay child support because he had a Ferrari to maintain, a welfare agency in London revealed last week.

Never mind the death penalty, where's the campaign to re-instate castration?

Have a good weekend. Remember to be crazy. Everyone else is.