

Contempt charge against David B

TIBRA ALI

I was reminded of Franz Kafka's famous novel *The Trial* when I heard that the charge of contempt of court has been brought against the Bangladesh based journalist David Bergman for three posts on his blog <http://bangladeshwarcrimes.blogspot.com>, which reports on the proceedings of the Bangladesh International Crimes Tribunal's (ICT) for war crimes committed during the Liberation War of 1971. Although recognised by many in Bangladesh (myself and Bergman included) as a long overdue, necessary step towards coming to terms with the traumatic birth of Bangladesh, and bringing justice to the victims, the trials have nonetheless been mired in controversy.

Though most of the posts on David Bergman's blog involve daily notes and transcripts of tribunal proceedings, some of the posts have involved commentary and have been critical of the trial process which he sees as falling short of the standards that both national and international courts dealing with international crimes generally follow.

For example, in one of the blog posts for which contempt charges have been brought against him, he points

out that the standards for in-absentia trials have fallen short of the standards of the European Court on Human Rights, as well as the UN supported Special Trial for Lebanon, in the case of Abdul Kalam Azad ("Bachchu Razakar"). The post also deals with the choice of the defence lawyer appointed by the state, who seemed to have definite political leaning towards the ruling party and who, blaming "Bachchu Razakar"'s family's lack of support, made little independent initiative to investigate the charges brought against his (absent) client.

In general, David Bergman's blog posts come across as unemotional with precise and detailed analyses of the facts, which show that he knows what he is writing about.

Another one of the blog posts in question deals with the issue of the accuracy of the official figure of 3 million people killed in the war of 1971. In Bangladesh this is a highly emotive number and by calling it into question David Bergman has, according to the contempt application to the ICT, "caused grave hurt to the emotion of the nation and also belittled the authority of a court of law."

I find it strange that precisely when historians and writers around the world are calmly discussing this number for the sake of historical under-

standing of the conflict, some believe that Bergman, by the mere fact that he has pointed out that there is such an international debate, could be in contempt of the court. How does discussing a debate "hurt the emotion of the nation"?

I grew up in Bangladesh under various military dictatorships during which time there was severe censorship in the media and public discourse on history. For example, I remember that the name of Sheikh Mujibur Rahman was edited out of our school textbooks. Now that we are in parliamentary democracy, shouldn't we be committed to talking and discussing the truth regardless of how much "hurt" it causes?

Recently in Bangladesh we have seen a continual silencing of dissenting voices. This gradual elimination of contrary opinions from the public sphere has created an atmosphere of intimidation such that we have started censoring ourselves. It does not bode well when an independent and politically non-partisan voice like Bergman is being silenced.

David Bergman's first significant visit to Bangladesh was in 1994 to investigate Chowdhury Mueen Uddin who at that point was a British citizen living in the U.K. for many years, and a leader of the Muslim community in

London. What David Bergman's film *"The War Crime Files"*, which he made in collaboration with Gita Sahgal, and several Bangladeshi journalists, unearthed was the extensive evidence for the active role that Chowdhury Mueen Uddin allegedly played in the killings of the pro-independence Bengali intellectuals in the final days of the Liberation War as well as his complicity in routine torture and mass killings in Feni which was his hometown.

"The War Crime Files" should be recognised as an important milestone in the history of Bangladesh's search for truth and justice for atrocities of 1971 which continues and builds upon an important tradition by brave individuals such as Jahanara Imam.

Many have argued that by critiquing the ICT in his blog David Bergman has "helped the cause" of Jamaat-e-Islam and its incarcerated leaders who are awaiting trials for crimes against humanity by the ICT. Even if criticism of the fair standards of a trial benefits defendants, that cannot be a reason against criticism. Instead of seeing Bergman's criticism as helping to improve the trials, we go for extreme simplification and conspiracy theories. Bergman's insistence on asking for fair trial standards is because he is deeply invested in the

process of bringing the war criminals to justice, in the truest sense of the word.

David Bergman's contribution to Bangladesh becomes clear when we remember his documentary *"The War Crimes Files."* Like his blog, it is a detached, emotionally restrained movie based on solid investigative journalism (made at a time when there were no such movies, Bangladeshi or otherwise). Its purpose was something more concrete: to uncover new facts that would lead to the trials of three British nationals who possibly committed war crimes in the then East Pakistan in 1971.

Milan Kundera, in his book *"The Book of Laughter and Forgetting,"* explores the ways in which human beings continually forget the past -- but in doing so he also discovers something deep about memory. Repeating a thin litany of "facts" like mantra is not remembering or honouring the past -- it is its exact opposite, it is forgetting the past. From this point of view David Bergman is an extremely important person for Bangladesh because he discovered some crucial and forgotten facts about Bangladesh in his film *"The War Crime Files"*. Thus, he is deeply tied to our memory of ourselves.

I believe that our disquiet about David Bergman and the silence of

many of the intellectuals and the self-declared human rights activists in our country regarding his trial by the ICT is related to the tendency to reedit history to their own advantage. As long as David Bergman's work served the grand narrative that the Bengali nation had erected for itself we were happy to embrace him and celebrate him. But now that David Bergman is deconstructing (in a logical and detached manner) the ICT proceedings and pointing out procedural problems with the trial that he himself helped give rise to with his documentary, he is no longer a person who serves our grand narrative. And therefore he needs to be silenced and erased from memory.

I believe that David Bergman's work on the ICT represents an important part of our memory project: he reminds us constantly of the contradictory aspects of our national identity where we gloss over unpleasant and inconvenient facts that don't fit the grand national narrative. His work is a reminder that we can only honour the memory of the dead by holding the tribunal to proper standards, and not by hasty demands for revenge.

Truth is an inconvenient thing but at the end of the day it is all we've got.

Dr. Tibra Ali is a scientist and writer.

Untenable security law

MOZAMMEL H. KHAN

THE government is allocating Sheikh Rehana a house on one and a half bighas of land in Dhaka's upscale Gulshan. The formalities to allot House no. 10 on Road no. 84 at a token price of Tk. 1,001 have been completed. "The process is being finalised to allocate a house in Gulshan to Bangabandhu's daughter Sheikh Rehana under the Father of the Nation Bangabandhu Sheikh Mujibur Rahman's Family Members Security Act, 2009," Housing and Public Works minister disclosed to newsmen on Wednesday.

Bangladesh Parliament, on October 13, 2009, passed a bill under the title "Father of the Nation's Family Members Security Act, 2009" providing lifelong special security arrangement and secured residences to Sheikh Hasina, Sheikh Rehana and their children. According to the act, Bangabandhu's immediate family members will enjoy state security provided by Special Security Forces (SSF), and will get well secured residences. The previous Awami League government had enacted an almost similar bill in June, 2001, allocating Ganabhaban, official

residence of the prime minister, to Sheikh Hasina and a Dhanmondi house to her sister. The BNP-Jamaat-led alliance government repealed the act in 2001 after assuming power in October 2001.

It was generally assumed that before enacting any such law once again, the government would go over the pros and cons of the tenability of the law when the AL would not be at the helm of the state. However, as it appears, the current act contains more untenable elements vis-à-vis the one that was enacted in 2001.

In every society, leaders who are responsible for creating watershed in history invariably become targets of violence. One person is enough to perpetrate any heinous act with the intention of creating a roadblock in the course of history. Dr. Martin Luther King and Mahatma Gandhi are examples of how revered leaders whose main philosophy was non-violence became victims of violence themselves.

In Bangladesh, Bangabandhu never ever contemplated that he could be a victim of such ruthless assassination by his 'own' people. If he had an iota of mistrust on any one or group, he would be staying within the secured walls of

The second part of the privilege, getting 'well secured residences' for the members of the extended family of Bangabandhu, is redundant on one hand and in violation of the principle of equal privilege for every citizen of the Republic on the other.

the Bangabhaban, rather than the modest personal residence that was accessible anytime to ordinary constituents whom he called 'my people.' After what happened to Bangabandhu and most of his family members, the numerous threats to the lives of the two surviving daughters of Bangabandhu, especially Sheikh Hasina, are real and cannot be taken lightly.

Unlike the earlier law that stipulated providing some privileges for Sheikh Hasina and Sheikh Rehana, the law enacted in 2009 extended the same to their children as well. Privilege could be of two types: protection and benefit. Protection is given to help the powerless. The protection, as mentioned in the bill, is in the form of providing SSF security.

Of the extended family members of

Bangabandhu, as envisaged in the bill, only Sheikh Hasina lives in Bangladesh and is in public life. As the current PM, she is already getting the highest degree of protection the state could possibly provide. However, when she is out of office, the government of the day would decide, irrespective of the provisions of security act, how much security she should be given. The other members, all of whom are currently residing outside the country and are private citizens, do not fall within the purview of the law. When they visit Bangladesh, they reside in the secured zone of the PM's residence.

However, when they venture out, it is not clear how the SSF security will be provided to them as private citizens even when the AL is in the government,

let alone when the party is out of it. Therefore, the only tenable part, as far as the 'protection' part of the act is concerned, could be applicable only to Sheikh Hasina when she ceases to hold the office of the prime minister and still remains in public life.

The second part of the privilege, getting 'well secured residences' for the members of the extended family of Bangabandhu, is redundant on one hand and in violation of the principle of equal privilege for every citizen of the Republic on the other. All the members of the Bangabandhu family, except Sheikh Hasina, are either citizens or residents of other countries. Sheikh Rehana has been residing in UK with her children for many years. Both of her children are well-educated and one of them is already in British politics. Taking into cognisance their bright careers, there is no reason to believe that they would need any financial gratuity from the state to secure a residence in Bangladesh if they wish to do so. Likewise, Sheikh Rehana does not need the state to gift her a house in Dhaka just for her casual visits to Bangladesh. Not very many people in Bangladesh are fortunate enough to own a house in the capital city of

Bangladesh.

It is this government which evicted the BNP chief from her Cantonment house, although the allotment was given on a logically acceptable humanitarian ground. The government invoked the constitutional provision for equal right for each citizen in favour of her eviction. Against this backdrop, it would appear to be difficult for the government to make the current decision acceptable to the people in general, let alone to its detractors. In the broader perspective, people will view it as an abuse of authority.

Allocation of Ganabhaban to Sheikh Hasina in 2001 played a detrimental role in her party's electoral debacle in 2001. Likewise, the decision of allotting a house for Sheikh Rehana will inflict a severe blow to the already dwindling public support for the government, in addition to irreversibly diminishing the love the family members of Bangabandhu enjoy in the heart of the millions. Will the supreme leadership of AL come out of the narrow assembly of sycophants to the broader arena to listen to the voices of the common masses?

The writer is Convenor, Canadian Committee for

BEETLE BAILEY

by Mort Walker



HENRY

by Don Tranchte



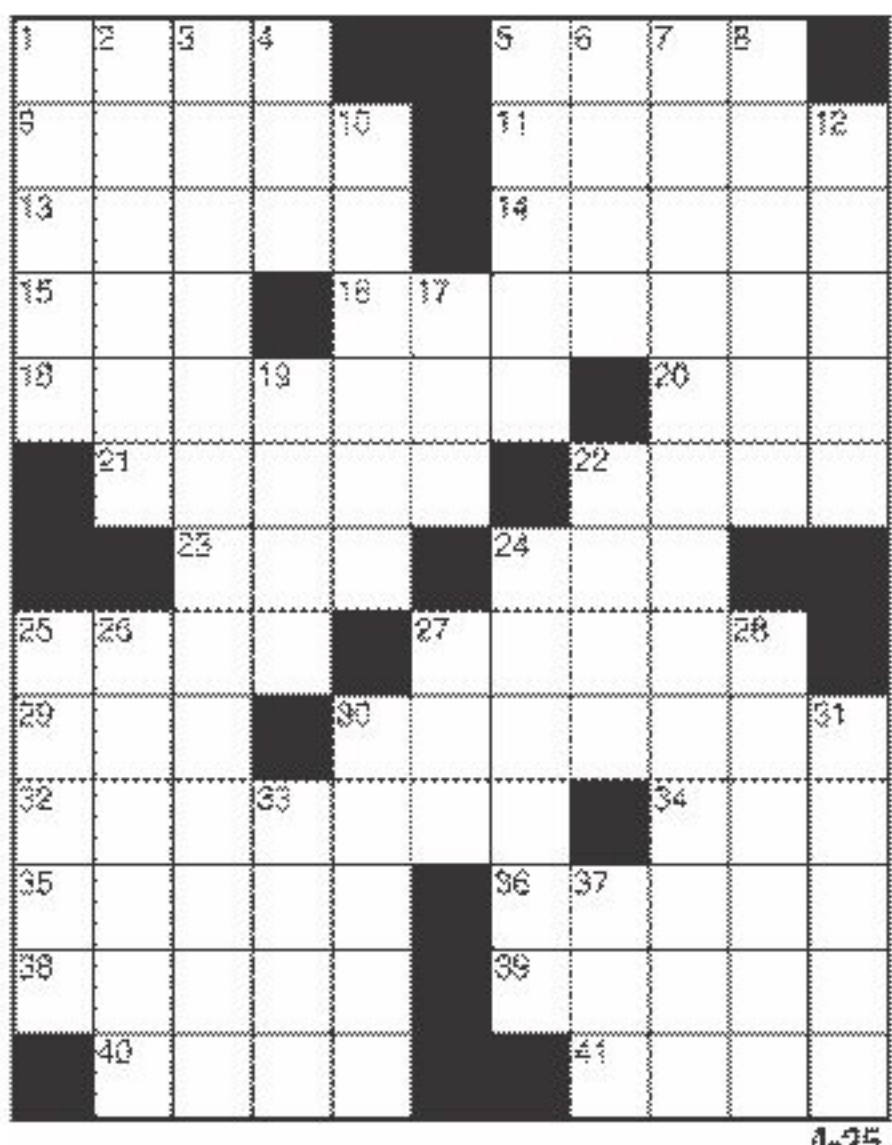
CROSSWORD by Thomas Joseph

ACROSS

- Obligation
- Top ten records
- Theater worker
- Orange shade
- New Hampshire city
- Irritate
- Dict. abbr.
- Big hammers
- Rank cigars
- NYC sub-way line
- Missouri tribe
- Birds, to biologists
- Gaul invader
- Vegas-set series
- Music's Simon
- Palette stuff
- Writer Tarbell
- Central American capital
- Decorative design
- Hal of hex
- Snowy wader
- Brings in
- Baseball's Pee Wee
- Sword material
- Hardens
- Simple

DOWN

- "The Sorcerer's Apprentice" composer
- Familiar with
- 1987 U2 album
- Longing
- Aspirations
- Tea type
- 1964 Shel Silverstein book
- Harsh
- Quite
- Work breaks
- Gettysburg loser
- Ancient France
- China setting
- Film festival city
- Pan, for one
- Wise sayings
- Golf goal
- British landscape painter
- Doles (out)
- Super-market section
- Trial
- Money machine, for short



Yesterday's answer



CRYPTOQUOTE

FAUZU PC MV JGCCPVM FV HU NVDX
JTGKPM L COGTT - PM CUFFT PML NVZ G
TPNU FAGF PC TUCC FAGM FAU VMU KVD
GZUYGJGHTU VN TPWPML.
- MUTCVM OGMXUTG

3-29

Yesterday's CRYPTOQUOTE:
ISN'T IT NICE TO THINK THAT
TOMORROW IS A NEW DAY WITH NO
MISTAKES IN IT YET?

- L.M. MONTGOMERY

QUOTABLE Quote

*The difference
between a
smart man
and a wise
man is
that a smart
man knows
what to
say, a wise
man knows
whether
or not
to say it.*

Frank M. Garafola

শেলটেক্ SHELTECH
THE ULTIMATE IN HOUSING

শেলটেক্ দেশের সেরা
নির্মাতাদের অন্যতম...

শেলটেক্-এর রেডি ও চলমান প্রকল্পের অ্যাপার্টমেন্ট ও
কমার্শিয়াল স্পেস থেকে ১০০% টাকা পরিশোধ সাপেক্ষে
আলোচনার মাধ্যমে মূল্য নির্ধারণ করে অ্যাপার্টমেন্ট
কেনার সুযোগ এখনই।

সর্বনিম্ন বাজার মূল্যে অ্যাপার্টমেন্ট কেনার
এই সুযোগ স্টক থাকা পর্যন্ত চলবে...

বনানী : ১০৪০-২১৫০ বর্গফুট

উত্তরা : ৮০৫-২২২৫ বর্গফুট

পরীবাগ : ১৩২০-১৭৮০ বর্গফুট

মোহাম্মদপুর : ১৪৬৫-১৫৭০ বর্গফুট

সেন্ট্রাল রোড : ১৪৬৫ বর্গফুট

পাছপাথ : ১৪৭০ বর্গফুট (কমার্শিয়াল)

মিরপুর : ১২৯৫-১৭৩০ বর্গফুট

বসুন্ধরা : ১৬৪০-১৮১০ বর্গফুট

কাঁঠাল বাগান : ১১৮০-১২৩০ বর্গফুট

মতিঝিল : ৮৯৫-১১৭০ বর্গফুট

মগবাজার : ১৪৭০-১৬৭৫ বর্গফুট

বাসাবো : ১১৭০-১১৮৫ বর্গফুট

আসুন, দেখুন
এবং দামে জিতুন!



01713-091704, 01713-091721
01713-091724, 01713-091749
01713-091710, 01713-091703
01713-091705, 01713-091708