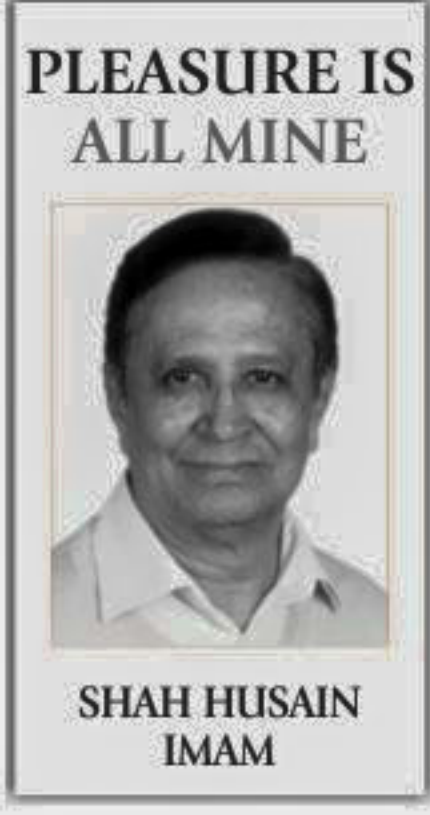


Baying as the Caravan passes ...



SHAH HUSAIN IMAM

PLEASURE IS ALL MINE
It was then Abdul Quader Mollah executed in December 2013 and now it is Jamaat-e-Islami chief Matiur Rahman Nizami sentenced to death by the International War Crimes Tribunal in Dhaka.

The notoriously nicknamed *butcher of Mirpur*, Quader, hanged for his crimes in 1971 evoked sympathetic outpourings from Pakistan. Left to sympathies it could be overlooked; but it was openly judgmental amounting to interference in the internal affairs of Bangladesh. The reaction from Islamabad did not come from any individual or group. It sprang from the mainstream elected leadership of Pakistan. The resolution expressing concern over Quader Mollah's execution was moved by Pak Jamaat-e-Islami and unanimously passed in Pakistan national assembly and the Punjab legislature.

Matiur Rahman Nizami, who is likely to appeal the verdict, has some way to go before the legal process draws to a close in his case. And, yet Pakistan interior minister Chaudhury Nisar Ali Khan hastily condemned the ICT for handing down death sentence to Jamaat-e-Islam chief Matiur Rahman Nizami.

Between the Pakistan assembly's protest resolution in December and the country's interior minister's barbed remarks, one reads the same script with similar wordings. Both blamed Bangladesh for "digging up the past and reopening old wounds" and patronisingly advised a "forget and forgive" approach.

The meddlesome Pak assembly resolution and its interior minister's denun-

ciation of late were quite significantly timed, if you look through the veneer of moral pretense. The first one came about when BNP-Jamaat campaign had peaked to counter the January 5 election but was frizzling out because of its naturally unpopular terrorisation tactic.

Minister Nisar Ali Khan has made those remarks as a spokesperson of a government irate over the unstoppable advancement of the war crimes trial process. Moreover, Pakistani establishment wants to discredit the war crimes trial because of its historic genocidal involvement in then East Pakistan.

Bangladesh is not 'reopening the old wounds,' rather she is striving to heal

of the courts. So their Bangladeshi collaborators, including Mr. Azam and Mr. Nizami, have been prosecuted in their stead."

Three points can be made about the weekly's observations: Mainly, Pakistani perpetrators escaped through a Bhattu contrivance that linked repatriation of stranded Bangladeshis in Pakistan to freeing 90,000 Pak war prisoners. Also Bhattu promised that the role of Pakistani soldiers will be probed and those found responsible for atrocities will be brought to justice.

Bhattu government constituted Hamoodur Rahman Commission with a focus around debacle of Pak army, and

to the then East Pakistan. An official apology has been long overdue from Pakistan.

The third point is that the collaborators deserve no less a punishment than the perpetrators: They opposed the freedom struggle, served as ancillary to Pakistani forces, led them in campaigns and themselves committed grievous crimes against humanity on a mind-boggling scale. That they have got a reprieve for more than four decades, and that too without remorse, is something they should be thankful about.

In the end, we are greatly confused as to which moral compass the world community is using in evaluating the work of the war crimes trial. When standard procedures of fair play and due process of law are followed under a global watch, where is the scope for miscarriage of justice? We are, however, aware of 84 lobbies being at work in Middle East and the West to weigh in with various governments to put pressure on Bangladesh to go slow on war crimes trial. In the process, public is only emboldened to see through to the end of the trials.

The EU representative in Dhaka draws a line between the war crimes trial and handing down of death penalties. He is not unsupportive of the trial process as such but is opposed to capital punishment. There are countries where death penalty is discarded and there are countries too where it is in vogue.

Where death sentence can be invoked in a murder, why should several counts of atrocious crimes not meet with the same outcome? As long as the process is transparent, and it appears very much so, why put morality and ethics in tiny capsules of set piece formulae? It is nothing short of fudging issues meriting rational and morally defensible closures in an imperfect world.

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those deep scars on the victims and survivors of the genocide by bringing the collaborators and perpetrators of the crimes against humanity to justice. On the contrary, Pakistanis stoke the wounds to fester, albeit unsuccessfully, by trying to bring the war crimes trial to disrepute.

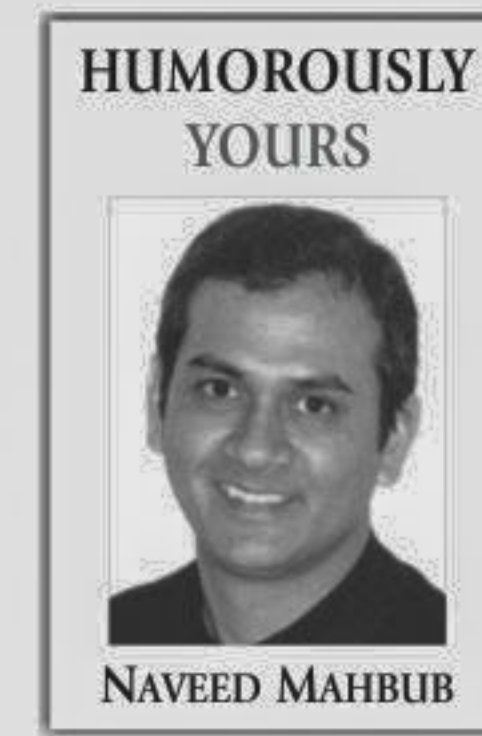
British weekly *The Economist*, in its November 1st-7th, issue commented: "Pakistani soldiers were the main perpetrators of an appalling bloody campaign against Bangladeshis seeking independence as well as others, notably Hindus." Then the magazine builds up the argument concluding: "Pakistani perpetrators have been always beyond the reach

not so much on the barbarity of the army. Even so, the Hamoodur Rahman Commission gave vivid and substantiated descriptions of the diabolic excesses including rape, murder, insidious corruption, elimination of minority community committed by the top army leadership going down the order. But Bhattu chose not to publicise the report, instead to bin it. He merely retired some army officials.

The second point is that even after 42 years of the breakup, Pakistan can still track down the surviving devils and bring them to justice. Pakistan has to come to terms with the dark crevices of its own history insofar as these related



Coffee Without CURRENT



NAVEED MAHBUB

HUMOROUSLY YOURS
Is it that a whole lot of people didn't pay their electric bills all at the same time? Or, is this a thought provoking tribute to the millions who live without electricity and in the dark anyway? Is somebody using the microwave oven and the hair dryer at the same time? Surely, nothing to do with the tax deadline (which eventually gets pushed back anyway)? Is it 'Trick or Treat' -- a hangover from

Halloween? A blown transformer (then blame it on Optimus Prime). Or is it an episode from the reality show, *A Day in Baghdad*? Maybe Ananta Jalil is charging his mobile phone.

Oh wait, Zimbabwe is here. Maybe it's a great strategy for Bangladesh to win against Zimbabwe (which initially starts as the world's first Test Twenty20). Nah. For Zimbabwe that's more like home ground advantage. At least there is no Bangladesh-Zimbabwe match going on, otherwise, it would have taken an extra twelve hours to watch our favourite team lose...

What we do hear is a nationwide, collective "damn!" (at home) and "woo hoo!" (at work).

The bar for the worst power outage has now been set very high.

It is a marathon concert -- unplugged. And all you see of the ardent fans are their eyes in the darkness. Mundane lunches everywhere go undocumentated on Facebook. How many trapped on the escalator? Ha, ha! Got you there!!

The country is dark and it is no metaphor. How will the file pushers now not work? We finally empathise with the Opposition (I mean the former Opposition) at being without power as it blames the power failure on failure in power.

160 million people without electricity. The US would burn down if it lost Wi-Fi for thirty minutes. Remember the looting during the New York blackout? As for us, we may not have power, figuratively and electrically, but we are the Powerless Rangers. We are used to power outages even when the cows belch. Load shedding finally makes its case -- years of acclimatisation from regular load shedding keeps us in business as usual, at least for quite some time till the generators start dying.

We don't think of it as a power outage, we think of it as turning Amish, or being grounded by God. Hey, it could have been worse, there could be *Zombies* -- a perfect scene from Michael Jackson's *Thriller*.

So what exactly happened? Well, two power stations 'tripped' almost back to back, resulting in a systemic failure. No, not a power surge, which to the layman (not the lineman) is the equivalent of a power grid getting a hot flash. I refrain from making any technical comments. That's like going to Mike Tyson for anger-management counseling...

Finally, it is not the blackout, but the power coming on, which is the biggest surprise, and a pleasant one. After all, current is in the hand of the beholder. The consumers reconfirm their beliefs that Thomas Edison is the greatest inventor ever invented, while through rain and sun, hail and wind, our linemen and engineers toil to get the lights on. Maybe we should thank them now. Step aside coffee, this is a job for plain old rice.

But it is a wake-up call (somebody has been napping alright...). Once we shed light (powered by electricity) on the root cause, we hope that we progress towards better planning. Otherwise, we will never have to worry about another power failure if we harness the power of our own bad planning.

Meantime, be prepared in case there is another nationwide power outage -- store dry food, water, batteries and most importantly, paper based Zee Bangla drama serials.

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Rape is rape, no matter the age

SUSHMITA S. PREETHA

CAN "forceful" sexual intercourse with a post-menopausal woman be treated as rape? The answer may seem obvious enough to most, yet the Delhi High Court on Friday acquitted an accused Achey Lal in the 2010 rape and murder of a 65-year-old woman because it wasn't convinced that the forceful intercourse constituted rape, even though there was medical proof of injuries on her sexual organ.

The judgement reads: "As regards the offence punishable under Section 376 IPC the deceased was aged around 65-70 years, thus beyond the age of menopause. We find force in the contention of the learned counsel for the appellant that even if the sexual intercourse was forceful it was not forcible and contrary to the wishes and consent of the deceased."

The ruling, when read carefully, is not as clear-cut as it might seem on outraged posts on social media, for it doesn't explicitly state that menopausal woman *cannot* be raped. Its lack of clarification doesn't, however, make it any less reprehensible. It begs the question: why, then, was her age and the fact that she was menopausal mentioned at all?

What is equally, if not more, concerning is the court's views on consent in rape cases. It states that since there were no other visible injuries on her body except in her sexual organ, there was no proof that she had, in fact, resisted to the act of intercourse; as such, it didn't constitute rape. This suggests that 'no resistance' is equal to consent, ignoring the multifaceted reasons that constrain a woman, in a given situation, to try and fend off her assaulter with her physical strength.

While there may be some ground to making a distinction between intercourse that was forceful but not forcible (i.e. rough but still consensual), to conclude that sex wasn't forceful simply from the lack of physical injury marks on her body seems crudely reductive. This judgement is especially concerning for India since it was

only in 2013 that, after a protracted legal and political battle by women's groups, amendments to India's rape law clarified that a woman who does not physically resist the act should *not* be presumed to have consented to sex.

But what does a HC ruling in India have to do with us? Beyond that need for building South Asian solidarity on social justice issues, the HC ruling might impel us to analyse our own problematic laws and legal practices when it comes to rape, as well as pay attention to an otherwise hushed subject of violence against older women.

Although rape is a reality for women of all ages, there is no statistics or even discussions to denote the exact magnitude of violence against elderly women in Bangladesh. The silence on this issue does not mean that such violence does not take place, but rather that these cases are not reported, or that even when they are, they are dismissed by society and state institutions as insignificant. For the most part, elderly women are seen as asexual and thus incapable of being desired and raped. In her research on "Marginalisation and Impunity: Violence against Women in the Chittagong Hill Tracts," Dr. Bina D'Costa writes that the police refused to take the case of a 70-year-old *adivasi* woman, arguing that she was incapable of being raped. In another case, a 68-year-old woman told me that she didn't reveal when she was raped by a member of her extended family because she thought everyone, including her own family, would think she was delirious. Economically impoverished women with makeshift homes in urban streets are particularly vulnerable to such violence, with no one to turn to for help.

For a vast majority of women, seeking justice is a luxury they cannot afford. Many others are afraid to report rape cases because they do not think justice will be served. The legal system further victimises survivors by making them go through invasive medical examinations and cross-examinations. Until this year, the two-finger test was routinely used for medical evidence of rape. Not only is the test abusive and traumatising but it

rests on a problematic premise -- that whether or not the survivors are 'virgins' or 'habituated to sexual intercourse' is somehow relevant to determining rape.

Thankfully, following a Supreme Court ruling and years of advocacy by human rights organisations, the Health Ministry eliminated the two-finger test in April 2014. It is imperative, however, that the Ministry monitors its ban on the two-finger test so that we can put this degrading practice behind us once and for all.

The Women and Children Repression Prevention Act 2000 says the victim is not responsible for proving that she was raped; rather the onus lies with the accused to prove that he was not guilty. However, the defence can use Section 155(4) of the Evidence Act of 1872 to discredit the rape survivor by showing that she was 'immoral' or had 'loose character'. If the defence displays that the woman had a previous history or that she had previously engaged in sexual acts with this or another man, the court can easily dismiss her claims of rape/sexual assault. Even though her sexual history has no rational relevance to whether or not she was raped, in Bangladeshi courts and culture it is established that a flirtatious woman can only have "asked for it."

Our laws only recognise 'penetration' as rape, ignoring the myriad other ways in which women are and can be abused and violated. In addition, rape within marriages is still legal, which means there is no protection for married women against sexual crimes committed against her by her husband.

Despite the progress we have made in the field of women's rights, our rape laws continue to be haunted by colonial era values. They need to be challenged and changed immediately if we are to address violence against women in a meaningful manner. Meanwhile, we need to stay alert to the ongoing violence against women who do not get mentioned in the media but who remain particularly vulnerable to sexual abuse.

The writer is a journalist of *The Daily Star*.

QUOTABLE Quote
Yesterday is a cancelled check. Today is cash on the line. Tomorrow is a promissory note.
Hank Stram

CROSSWORD by Thomas Joseph

ACROSS
1 Chore
5 Overagain
9 Western evergreen
10 Floppy cap
12 Protractor measure
13 Wander off
14 Keanu of "Speed"
16 Swiss peak
17 Store event
18 Attached shed
21 Historic time
22 Pants measure
23 Irritate
24 "Cool"
26 Cotillion girl
29 Burger topper
30 Like most sports casts
31 Greedy one
32 Straining gadgets
34 Boring tool
37 Deal maker
38 Student of Socrates
39 Strong winds
40 Place at the table
41 Makes a choice

DOWN
1 Musician's liability
2 Germany's Merkel
3 Puzzle out
4 Leg bend
5 Crunch targets
6 Tennis court divider
7 Off course
8 Riches
9 Analyze sentences
11 Keyboard goof
15 Jacket pair
19 Jealousy's kin
20 Historic time
22 Some July babies
23 "The Raven" writer
24 Evil Spirits
25 Bob Marley's music
26 Rid of
27 Calendar items
28 Out-does
29 Bloke
30 Advantage
33 "Othello" villain
35 Seventh Greek letter
36 Decay

CRYPTOQUOTE
XFKRHRJFHFWW YK VEGVYWF RW JDF WJTGJRHC VYRHJ YK TBB TMDRFOFZFHJ. -N. MBFZFHJ WJYHF

Yesterday's Cryptoquote: TWO ROADS DIVERGED IN A WOOD, AND I - I TOOK THE ONE LESS TRAVELED BY, AND THAT HAS MADE ALL THE DIFFERENCE. - ROBERT FROST

Yesterday's answer

CART PILOT
OZAWA AMAZE
MACON LAMAR
ELI TAMERK
TEASET INKRY
ALLSAINTS
YUCCA
ALLPOINTS
PRAY SNEAKS
ACT ATE HIT
LATEX SPIRE
IRENE SETUP
NOSES WINS

A XYDLBAAXR is LONGFELLOW
One letter stands for another. In this sample, A is used for the three L's, X for the two O's, etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.

BEETLE BAILEY by Mort Walker

THAT'S MY PLAN PERFECT! YOU'RE A GENIUS, SIR

IT CAN'T FAIL!

HENRY by Don Trachte

ALL THE ICE CREAM YOU CAN EAT 25¢

ALL THE ICE CREAM YOU CAN EAT 25¢