

WAR CRIMES TRIALS

The lobbyists are at work again

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THE much-awaited verdict on the review petition against convicted war criminals Ali Ahsan Mohammed Mojahed (incidentally, my classmate in my hometown college) and Salauddin Quader Chowdhury, was given by a bench of the Appellate division of the Bangladesh Supreme Court last Wednesday upholding their death penalty awarded by the International Crimes Tribunal (ICT) and subsequently upheld by the apex court itself. Neither of them is unknown to the people. However, either prior to or following any verdict, some lobbyists in the guise of Human Rights Organisations (HROs) come up with statements finding fault with the trial process and lecturing the Bangladesh government on what it has to do to carry out 'proper' justice to the condemned war criminals. In many cases, these so-called HROs have overstepped their limit by impinging upon the domain of a sovereign country whose laws are enacted by its own sovereign parliament.

This time around, too, there was no exception. A few weeks ago, it was Amnesty International (AI) which came out with a statement that triggered condemnation from Bengalis all around the globe. Following the uproar, the AI held a press conference that did nothing to dispel the aspersions on its integrity. The much-known Human Rights Watch (HRW) also came out with a statement, as it did following the prior convictions of other war criminals. HRW has called upon the government to halt the execution of death row war criminals Mojahed and Salauddin. "Justice and accountability for the terrible crimes committed during Bangladesh's 1971 war of independence are crucial, but trials need to meet international fair trial standards," said Brad Adams, Asia director at HRW. "Unfair trials can't provide real justice, especially when the death penalty is imposed," lectured HRW.

The HRW has made it a routine exercise for it to issue statements that convey more or less identical messages. Following the conviction of war crimes mastermind Ghulam Azam, it issued a statement saying, "The trial of former Jamaat-e-Islami chief Ghulam Azam at the International Crimes Tribunal was deeply flawed and did not meet international fair trial standards." It even went further: "Judges improperly conducted an investigation on behalf of the prosecution and collusion and biasness among prosecutors and judges." At this point, the ICT took the HRW statement in serious cognizance

and observed, "The Human Rights Watch has committed the 'worst kind of contempt' by making comments without having adequate knowledge of facts," ruled ICT-1 issuing a warning against the HRW. The tribunal was lenient on the global rights watchdog as it was its first offence and asked it to be more 'circumspect' in making comments about Bangladesh's judiciary.

Salauddin Quader Chowdhury, the son of a former top ranking Muslim League leader, and a BNP lawmaker since 1991, was found guilty in 9 of the 23 charges brought against him. The International Crimes Tribunal-1 awarded him death penalty on four charges — foremost of which was his involvement in two acts of genocide. Pronouncing the verdict, ICT-1

rise in the East. The apex court, however, disbelieved the documents submitted in support of Salauddin's claim. The court termed false the certificate issued reportedly by Punjab University of Pakistan, which says he was studying political science there in 1971. The bench said there were many anomalies in the document and concluded them to be fraudulent.

To prove his presence in Bangladesh during the liberation war, the prosecution, on the other hand, submitted a daily newspaper headline narrating how Salauddin Quader Chowdhury son of a former Speaker of Pakistan parliament got wounded through 'miscreant's (read: freedom fighter) bullet and was admitted to a hospital. The prosecution even

tribunal killed Bin Laden and Anwar al-Awlaki (a US citizen), both of them unarmed civilians?

It seems that the HRW is selective, for reasons known only to itself, in expressing their concerns about death penalty and fairness of the trials. A few days ago, a Dhaka court awarded death penalty to an 18-year-old girl Oishee for killing her parents. No, she did not commit a 'crime against humanity'. However, the HRW did not have time to express any concerns for Oishee, a minor at the time, who killed 'only' two people while their concerns were categorical and vociferous for convicts who, in addition to other offenses, participated in cold-blooded mass killings.

In the US, the seat of HRW, 32 states

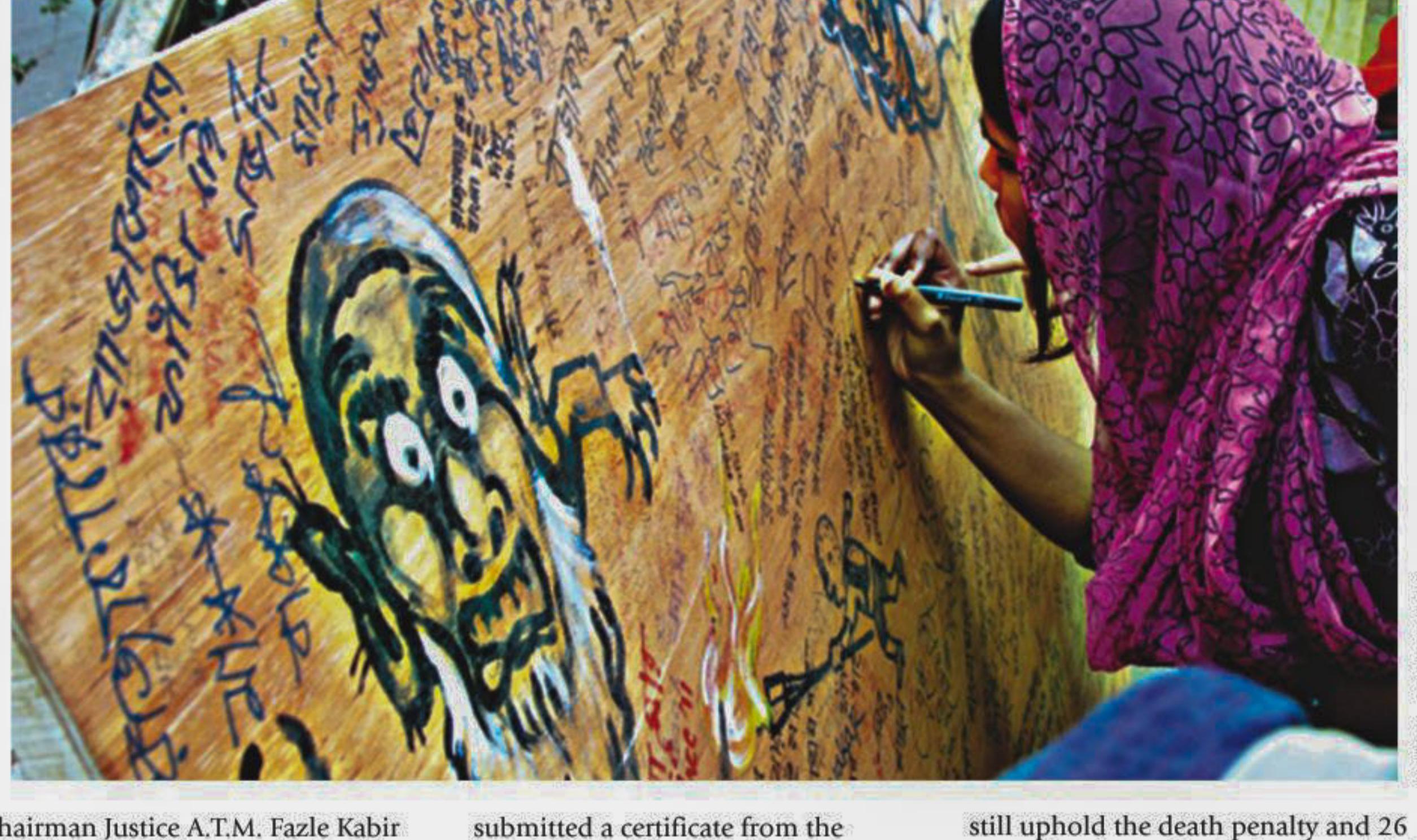


PHOTO: PRABIR DAS

Chairman Justice A.T.M. Fazle Kabir said: "We are of the unanimous view that the accused deserves the highest punishment as provided under law for committing such gravest crimes that tremble the collective conscience of mankind."

He was confident of getting released with the change of government and he threatened to bring the prosecutors to book." On January 1, 2013, he threatened the state counsels, saying if he got out of jail they would understand the consequences of their actions. "Let me get out of jail. You will see."

His last ditch attempt to prove through the review petition that he was not in Bangladesh during the nine months of genocide through some documents from Pakistan was equivalent to attempting to prove a hypothesis that the sun does not really

submitted a certificate from the hospital providing detailed information about his admission, treatments and release from hospital. Even the freedom fighter through whose bullet he was wounded testified as a prosecution witness.

In my limited research I have not come across any war crimes tribunal whose proceedings are so transparent and where the defendants are given VIP treatment. Does the HRW know how a 17-year old by the name of Omar Khadr, a Canadian citizen, has been tried in Guantanamo Bay for his alleged killing of a US soldier in the battlefield (war crime!) in Afghanistan? The US military used bone-chilling torture techniques. He was not even allowed to hire a Canadian lawyer while he was at Guantanamo Bay. Which judicial

still uphold the death penalty and 26 executions have already been carried in 2015 alone. In fact, the US ranks fourth in the world in terms of executing the death penalty. The critics will be doing themselves a favour if they go through the recently published, much-acclaimed book, 'Blood Telegram: Nixon, Kissinger and A Forgotten Genocide,' by the Harvard-educated Prof. Gary Bass of Princeton University.

They could thus know a bit more about the genocide in Bangladesh which included the participation of these convicts or alleged convicts, who unhesitatingly committed cold-blooded murder of an unarmed and innocent populace.

The writer is the Convenor of the Canadian Committee for Human Rights and Democracy in Bangladesh.

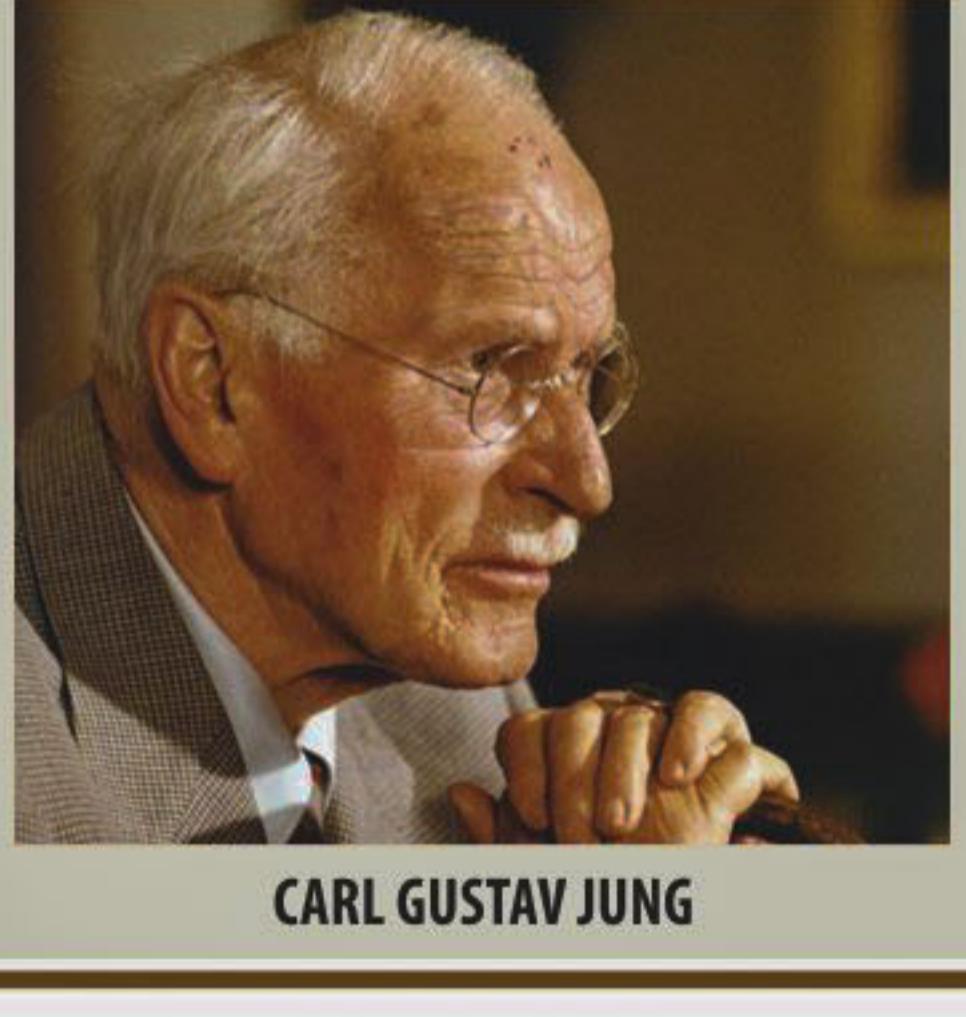
CROSSWORD BY THOMAS JOSEPH



YESTERDAY'S ANSWER



QUOTABLE Quote



The word "happiness" would lose its meaning if it were not balanced by sadness.

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