



A woman and her relatives break down in tears as she leaves for India from former Indian enclave Dashiarsara in Kurigram's Phulbari upazila yesterday.

PHOTO: STAR

FORMER ENCLAVES 120 more go to India *Another batch to leave Bangladesh today*

STAR REPORT

As part of the process to relocate former enclave dwellers, 120 people of two districts went to India yesterday.

Seventy-two people from now-defunct enclaves of Kurigram entered India through the Bagvandar-Shahebganj border and 48 from Panchagarh crossed the Chilahati-Holdibari border point in search of new homes in the neighbouring country.

A heartbreaking scene emerged at the border yesterday as many of the former dwellers found it hard to leave the land they had been living in for generations.

As they were about to step into Indian territory, some started crying while some just squatted on the ground, wiping their tears.

Then there were some who stopped on the edge of the border, turned back, took one last look at the land they were born and raised in, and hurried off to the other side of the border.

On August 1, Bangladesh and India swapped 162 enclaves -- tiny pockets of adversely possessed land -- ending the stateless existence of some 52,000 people. They all were given the freedom to choose their nationalities. A total of 989 people of former Indian enclaves surrounded by Bangladeshi territories chose to be Indian citizens.

In the first batch, 67 of them went to India from Lalmonirhat on November 19. Another 130 of the district would leave Bangladesh today.

However, some of those who initially wanted to go to India changed their minds at the eleventh hour.

For example, 305 people of two former enclaves in Kurigram signed up for Indian nationalities during the India-Bangladesh joint survey between July 6 and 16. But, a few days ago, 70 of them appealed to the district administration for permission to live in Bangladesh, sources in the Kurigram deputy commissioner's office said.

So, with 72 people having already left Bangladesh, the district now has 163 more in the line. They will go to India in three phases -- on November 24, November 26 and November 29.

In Panchagarh, 55 people were supposed to go to India yesterday but seven opted out.

One of them is Bissheshwar Roy of Nazirganj village.

"I cannot imagine how I would live in a new place, in a new country, leaving my ancestral home here. It's painful. Very painful. This is why I have cancelled my decision to go to India," said the 55-year-old.

His wife and two sons too chose to stay with him.

The relocation process has also left some families in fragments.

Nipendranath Barman, 45, of Nazirganj went to India yesterday and so did his wife and younger son.

But the elder son decided to stay in Bangladesh with his wife and son.

"It is a very difficult moment for us. My wife is crying all the time and fainting every now and then," said Nipendranath, with tearful eyes, moments before he crossed the border into India.

[Our Correspondent from Thakurgaon, Kurigram, Nilphamari and Lalmonirhat contributed to this report.]

Another step towards justice

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trials of collaborators. The regime led by General Ziaur Rahman released over 11,000 people who had been put behind bars on charges of war crimes.

In his effort to create a political base for himself, Zia, though himself a freedom fighter, brought into politics known razakars and all the Jamaat war criminals who went into hiding after independence and thus opened up the path for Jamaat-e-Islami's revival, the party that fought tooth and nail against our freedom struggle and participated, alongside the Pakistani army, in the genocide of our people. He also allowed Ghulam Azam into the country in 1978 on the pretext that the Jamaat leader wanted to see his mother.

Because of capture of power by the very forces that opposed the birth of Bangladesh, the issue of genocide and crimes against humanity were never raised at the international level and no one was ever held accountable for these crimes. As one martial law regime was followed by another and as army engineered and handcrafted political parties became a part of the regular feature of politics, our liberation war history was deliberately allowed to fade from public memory and more pernicious narrative was inserted that included forbidding naming Pakistan army as the one that

killed and raped the innocent and freedom-loving people of what was then called East Pakistan and was then substituted by a meaningless term, "Hanadar Bahini" (Marauding forces).

So, suddenly our freedom struggle was fought against an undefined and "unnamed" marauding force whose activities were perfunctorily described as some sort of attack on the people and our whole liberation war gradually became "a period of disturbance". For nearly two decades school children were taught that "Hanadar Bahini" fought against our freedom fighters, that Bangabandhu all but "surrendered" to Pakistan army and that Ziaur Rahman had "declared independence" and basically spear-headed the struggle.

It was against this background that the first significant voice demanding the trial of war criminals was raised by Jahanara Imam, whose son Shafi Imam Rumi, himself a freedom fighter, was arrested and tortured to death. She took the initiative to form "Ekattorer Ghatok Dalal Nirmul Committee" (popularly called Nirmul Committee) and led the movement to hold the trial of war criminals when Ghulam Azam, a notorious war criminal, was appointed ameer of Jamaat. She also took the initiative in March 1992 to constitute and convene Gono Adalat or People's Court and to hold

the first ever public "trial" of the war criminals. Though this trial had no basis in law, as an expression of public wish it caught the imagination of the people in general and a ground swell of public opinion started to form in favour of holding war crimes trial. After the murder of Bangabandhu, and following the state-supported activities to distort and blur the memories of our independence struggle, Jahanara Imam's Gono Adalat was the most significant initiative that can be said to have culminated in the present trial. The BNP government took a hard line against this initiative and filed sedition charges against 28 of its organisers, including Jahanara Imam. She later died of cancer in 1994 at the age of 65. This case was withdrawn by the caretaker government headed by Justice Habibur Rahman. The Nirmul Committee was deftly steered by her successors, especially Shahriar Kabir who, to his great credit, kept the issue of the trial of war criminals alive even when political focus appeared to have shifted away from it.

The Awami League, which supported the movement of Jahanara Imam but later got deeply involved, from 1994 onwards, in the campaign to establish the caretaker government system to oversee election, gradually shifted its attention away from the Gono Adalat. Also, its desire to form a

broad coalition against the ruling BNP, thus bringing Jamaat into a broader coalition in support of the caretaker government movement, made its anti-Jamaat stance rather muted.

After the nineties, the issue came to the fore again when the AL included in its 2008 election manifesto the pledge that it would hold the war crimes trial if elected to office.

Belying skepticism that the AL will not hold the war crimes trial and that it was only an election ploy, Sheikh Hasina took personal leadership in setting the process afoot. With some initial hiccups in formulation and launching of the trial, the international war crimes tribunal acquired experience and gathered momentum delivering for the first time some judicial redress to what has been a long cherished goal of the people of Bangladesh to bring those responsible for the genocide in 1971 to justice.

Today, it can be said without any doubt, and we have done so before, that without the firm determination and personal commitment of Prime Minister Shiekh Hasina the war crimes trial would not have taken place. Her clear vision, singular focus and exemplary courage made the trial possible which, after 40 years, in 2010 when it all started, seemed like a dream.

Like most trials of events from the

(Sunday) said the DIP also could not avoid its share of responsibility for the mess as all the passports were supposed to be printed at their office for delivery to the migrants.

"Had the mission not taken the MRP issue seriously and depended only on the outsourcing company, the situation would have been much worse," he added.

He urged the DIP authorities to ensure that the passports reach the migrants soon.

The government awarded IRIS contracts to enrol Bangladeshi expatriates in Saudi Arabia, the UAE and Malaysia for the issuance of MRPs last year.

Despite the company's shocking performance, the government did not cancel its contracts as a section of senior officials at the home ministry and the DIP always backed IRIS.

"It is very clear that the company will not get punished even if it does not provide the passports or pay the money," said an official of the DIP.

Home ministry, the DIP, and MRP project officials held a meeting with IRIS on November 11 but they did not raise the issues of the passports and the money the company kept in its pocket.

Contacted, DIP Director General NM Zeaul Alam did not explain why IRIS was not providing the passports.

Dhaka reacts sharply

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of Sunday for the war crimes they committed during the 1971 Liberation War. The two sided with the Pakistan occupation forces and committed atrocities against pro-liberation people and the Hindus.

In the statement, a spokesperson of Pakistan foreign ministry said, "We have noted with deep concern and anguish the unfortunate executions... Pakistan is deeply disturbed at this development.

"As emphasised earlier, we have also been noting the reaction of the international community on the flawed trials in Bangladesh related to events of 1971.

"There is a need for reconciliation in Bangladesh in accordance with the spirit of Pakistan, India, Bangladesh Agreement of 9th April 1974. The Agreement calls for a forward looking approach in matters relating to 1971. This would foster goodwill and harmony."

In their instant reaction to the Islamabad statement, Bangladesh ministers, politicians, war crimes campaigners and freedom fighters said it was a blatant violation of diplomatic norms and interference in Bangladesh's domestic issues.

"Pakistan has no right to make any comments about internal issues of Bangladesh. Surely, we will take action by tomorrow [today] through diplomatic channels," Shahriar Alam, state minister for foreign affairs, told this newspaper in the evening.

This is not the first time that Pakistan has voiced concern over the trial of 1971 war criminals.

In December 2013, Pakistan foreign ministry issued a statement, and Pakistan National Assembly and Punjab Provincial Assembly adopted resolutions over the execution of war criminal Quader Mollah, prompting Dhaka to lodge a formal protest with the Pakistan high commissioner to Bangladesh.

Talking to The Daily Star yesterday, Awami League Presidium Member Nuh-Ul-Alam Lenin said, "Pakistan has dishonoured the people of Bangladesh by issuing this statement

today. It misinterpreted the Simla Agreement.

"We are trying the war criminals in accordance with our constitution, and it is our internal matter. Pakistan has no right to interfere in our domestic issues," he said.

Civil Aviation and Tourism Minister Rashed Khan Menon said Pakistan showed extreme audacity by making the statement.

"Pakistan showed audacity just like Salauddin Quader Chowdhury did in his entire life," said Menon, also president of the Workers Party.

Mofidul Hoque, a trustee of the Liberation War Museum, said Pakistan cannot interfere in the trial by the International Crimes Tribunal.

"[It [the issuance of the statement] is like interfering in our sovereignty. It is a gross violation of the genocide convention and diplomatic norms."

Pakistan should be careful about issuing any statement, as it had committed acts of genocide in Bangladesh in 1971, he added.

Abdul Ahad Choudhury, former chairman of Bangladesh Muktiyoddha Sangsad, said Pakistan's statement was totally unfortunate and unexpected.

"Where was their concern when their soldiers massacred our people in 1971?" he asked.

Tureen Afroz, a prosecutor of the International Crimes Tribunal, said, "I am not shocked by their [Pakistan] reaction. They [Salauddin and Mojaheed] were their men. It was expected that they would be disturbed by the execution of the two."

"Reconciliation is possible among the people of the same country. We are no longer in East Pakistan, we are in an independent state.

"[It [the statement] is a clear violation of the Vienna Convention on diplomatic relations," she said.

Shahriar Kabir, a veteran war crimes campaigner, also found Islamabad's statement "very usual".

"Why won't they feel disturbed when their man was hanged? They [Pakistan] suffered a military defeat in 1971 and now they face a political

defeat as their man [Salauddin] was hanged."

Shahriar said the tripartite agreement between Bangladesh, India and Pakistan is invalid now.

As per the Vienna Convention, to which Bangladesh is a signatory, there are some crimes that no government can forgive, and genocide is one of those, he explained.

Under the agreement signed on April 9, 1974, Bangladesh agreed not to proceed with the trial of 195 prisoners of war repatriated to Pakistan.

In its 2013 judgment in the case against Abdul Quader Mollah, the International Crimes Tribunal-2 said: "Amnesty shown to 195 listed war criminals are opposed to peremptory norms of international law. It is to be noted that any agreement and treaty amongst states in derogation of this principle stands void as per the provisions of international treaty law convention [Article 53 of the Vienna Convention on the Law of the Treaties, 1969]."

"Despite the immunity given to 195 listed war criminals belonging to Pakistani armed force on the strength of 'tripartite agreement', the Act of 1973 [International Crimes (Tribunals) Act-1973] still provides jurisdiction to bring them to the process of justice," it said.

Meanwhile, Geo TV reported that Pakistan's Interior Minister Chaudhry Nisar Ali Khan said a "group" in Bangladesh is averse to restoration of amicable atmosphere between the people of Pakistan and Bangladesh.

In a statement, the Pakistani minister said it is high time the thirst ended now for taking revenge against anyone, "who is supportive of Pakistan".

"The people of Pakistan and Bangladesh wish to cultivate amicability and brotherhood by putting behind bitterness of the past."

Nisar said he is surprised to witness the silence of the world, particularly, the institutions of human rights over what he called the "killing of justice".

Of commitment

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been tremendous national and international pressure to stop the war crimes trial that began in March 2010.

Local political parties, international organisations and lobby groups made all-out efforts to obstruct the trial process and create confusions over the court proceedings, describing the war crimes tribunal as "very flawed," they added.

But overcoming all these obstructions, conspiracies and campaigns, the Awami League government in line with its electoral pledges went ahead with trying those who committed ruthless atrocities and also helped the Pakistani occupation forces butcher innocent civilians during the Liberation War, they observed.

Also, there was a huge popular demand for the trial, which gave the government an upper-hand to go ahead with the long overdue trial, they added.

"Today, when the family members see that two hated war criminals face the ultimate justice, it makes us cry with joy, satisfaction and a feeling of gratefulness to the country," said Nuzhat Chowdhury Shampa, daughter of martyred intellectual Alim Chowdhury.

She said it had been a long, cruel journey for the martyrs' families. All these years, they were not only deprived of justice, but they also had to see the killers of their loved ones become "president, prime minister, ministers and lawmakers of the country".

"Since the brutal assassination of Father of the Nation Bangabandhu Sheikh Mujibur Rahman, war criminals and people who opposed the Liberation War had been in power until 1996," she said.

"On behalf of the family members of the martyred, I would like to salute the honourable prime minister and her government for being so resolute to carry out this long overdue trial of the war criminals."

The war crimes trial has been through much difficulty. There has been vehement opposition from the beginning in efforts to stop the trial. Also, there have been attacks on citizens, prosecutors and witnesses and on the houses of judges dealing with war crimes cases.

Different international rights bodies questioned the trial process. Even, before the execution of the war criminals, these organisations and several countries, including the US, issued statements asking the government to halt the

execution.

At a press conference in May last year, Prime Minister Sheikh Hasina herself acknowledged that there had been such pressures from abroad, but vowed to continue the trial.

Things were no different in the cases of Jamaat leader Mojaheed and BNP leader Salauddin. Human Rights Watch (HRW), which has already faced legal proceedings in Bangladesh for making controversial remarks over the trial, had called upon the government to halt their execution.

Stephen Rapp, former US ambassador for war crimes, had also called upon the government to commute their sentences, and immediately place a moratorium on the imposition of the death sentences until there is full compliance with international law.

Shahriar Kabir, a veteran war crimes researcher, thinks that the trials of Salauddin and Mojaheed were most challenging since there has been a tremendous pressure from outer world, including the US and the Middle East.

"We have seen how Pakistan went out of the way and did everything to save Salauddin who was its most favoured man and served their purpose," he said.

Expressing his gratitude to Hasina, he said of all things she had done so far, trying the war criminals, especially Salauddin and Mojaheed, was the most successful one.

"She [Hasina] has proved that she has the courage," said Shahriar, also executive president of Ekattorer Ghatok Dalal Nirmul Committee, which champions the war crimes trial.

Tureen Afroz, a prosecutor of the International Crimes Tribunal, said the cases against Mojaheed and Salauddin were among the most challenging for some obvious reason.

As Mojaheed held a top post in Jamaat, the entire network of the party, both at home and abroad, was involved in lobbying against various aspects of the trial. On the other hand, Salauddin had strong international connections.

"So there was huge national and international pressure on the government, I guess," said Tureen.

Prafulla Kumar Sinha, whose father Natan Chandra Sinha was killed by Salauddin and Pakistan army men, said they are relieved of the agonising pain they had been in for the last 44 years.