

# Pakistan used

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according to the proceeding of the case filed by Pakistan.

Therefore, Pakistan said, if India transferred these POWs to Bangladesh for trial, it would be an illegal act on part of India. So Pakistan wanted the International Court of Justice to pass an order blocking the imminent transfer of the prisoners, according to the case proceedings.

Pakistan's argument was, in fact, the same that was put forward by the defense of the Gestapo chief Adolf Eichmann who was responsible for the implementation of Adolf Hitler's infamous Final Solution involving the deportation, robbery and murder of approximately six million Jews in the Second World War.

Eichmann was captured by Israeli agents in Argentina, brought over to Israel, and put on trial. His counsel told the court that Israel had no jurisdiction to try the war criminal as no state named Israel existed during the Second World War. As such no law of Israel was violated by Eichmann.

This argument was however tossed out by the court. It said any crime against humanity or war crime is a grievous offense everywhere in the world and so any country can try such criminals.

And Pakistan in probability knew that its line of argument had been nullified a decade ago in Jerusalem during the Eichmann trial and this is why it held hostage the Bangladeshis stranded in Pakistan and blocked Bangladesh's membership in the UN using the veto power of China.

The Hague court held a hearing on June 4 in which the Pakistani attorney general argued that "the territory now constituting Bangladesh was universally recognized as part of Pakistan and therefore, Pakistan has the exclusive jurisdiction to hold such trials."

India declined to appear before the tribunal but sent a letter contending that the court had no jurisdiction to entertain Pakistan's suit, wrote SM Burke, a former Pakistan ambassador and professor of the University of Minnesota, in his article "The postwar diplomacy of the Indo-Pakistani war of 1971."

This legal wrangling strained the Indo-Pak relationship afresh as an Indian spokesperson charged that in taking the issue to the International Court of Justice, Pakistan had committed a breach of the Simla Agreement 1972 following the 1971 war under which the two countries had promised to settle their differences through bilateral negotiations.

Pakistan was so desperate to get its POWs freed that in the summit between Indian prime minister Indira Gandhi and Pakistan president Zulfikar Ali Bhutto during the Simla Agreement, Bhutto is said to have proposed that India negotiate to reduce the number of military men sent to war crimes trial.

Pakistan later withdrew its petition from The Hague court when Bangladesh yielded to the hostage pressure and agreed to return the POWs in exchange of the release of its 203 hostages.

Pakistan's going to The Hague court in May followed the Bangladesh-India joint declaration of April 17, 1973. The declaration read: "The two governments are ready to seek a solution to all humanitarian problems through simulta-

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neous repatriation of the Pakistani prisoners of war and civilian internees, except those required by the government of Bangladesh (meaning the 195 POWs), repatriation of the Bangalees forcibly detained in Pakistan and repatriation of Pakistanis in Bangladesh, that is, all non-Bangalees who owe allegiance and have opted for repatriation to Pakistan."

Three days later, Pakistan in a statement rejected the right of Bangladesh to try any among the prisoners of war on criminal charges because "the alleged criminal acts were committed in a part of Pakistan." But Pakistan expressed its readiness "to constitute a judicial tribunal of such character and composition as will inspire international confidence" to try the persons charged with the offences, SM Burke, the former Pakistan ambassador wrote.

In the same breath, Pakistan threatened to try Bangalis stranded in Pakistan for "subversion, espionage and high treason."

It also used the recognition of Bangladesh as a bargaining chip for the release of the POWs. It is then that Bhutto sought the Supreme Court's advice in July 1973 on the legal aspect of according recognition to Bangladesh. The court unanimously gave the decision that there was no legal bar. Pakistan National Assembly then passed a resolution authorizing Bhutto to recognize Bangladesh "when it was in the best interest of Pakistan to do so," Pakistan Times reported on July 11, 1973.

Bhutto then played his hand once again saying: "recognition of Bangladesh was not yet appropriate because of the detention of Pakistani POWs in India and Bangladesh government's insistence of the trial of selected prisoners of war."

Bangladesh finally signed a tripartite agreement in New Delhi on April 9, 1974. Bangladesh, represented by foreign minister Dr Kamal Hossain, said the crimes that these 195 POWs did constitute crimes against humanity and genocide and that they should be held accountable and tried.

Pakistan's state minister for defence and foreign affairs Aziz Ahmed said Pakistan "condemns and deeply regretted any crimes that may have been committed." He said Pakistan prime minister had appealed to the people of Bangladesh to forgive and forget the mistakes of the past.

In response, Bangladesh Prime Minister Bangabandhu Sheikh Mujibur Rahman said he wanted a fresh start in relationship saying: "the people of Bangladesh knew how to forgive."

In view of this greatness of the Bangali nation, it was then decided that the 195 POWs would be returned to Pakistan with the commitment that Pakistan would try its own soldiers.



Prime Minister Sheikh Hasina cuts a cake at Bangladesh Military Academy in Chittagong yesterday during the commissioning ceremony of cadets of the 43rd Special Course of the 73rd BMA Long Course.

PHOTO: PID

## River training

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reduced to 4.6km from 10km for construction of the Bangabandhu bridge. However, the same could not be done in case of Padma bridge, as experts believe reducing the river's width will increase the risk of river-bank damage.

Dr Maminul Haque Sarker, deputy executive director of the Centre for Environment and Geographic Information Service, who was involved in designing phase, said, "No problem will arise if the quality of river training work is ensured."

He said extensive work is required at the Janjira end since the site is more vulnerable than Mawa.

Both the experts said controlling the riverbed scouring is also crucial for safety of the bridge.

"There should be no compromise on river training. If the job is not done properly, the riverbank will be shifted and the bridge will be at risk," said Prof Sabbir.

As a precautionary measure, extra viaducts will be placed on both ends of the bridge considering that the bridge would be safe even if there is erosion and damage of riverbanks in future.

China's Sinohydro Cooperation Ltd is doing the river training at a cost Tk 8,707 crore.

During a recent visit to the bridge sites, workers were seen building around 80 lakh concrete blocks, which would be placed on the riverbed and banks to control scouring, erosion and flood in the area.

A Bridges Division engineer said river erosion and change of course

are frequent at Janjira site. So, a vast area at this end has been bought under river training job.

"The Janjira end is vulnerable to erosion and this is why we are extra cautious while doing the river training job," he told The Daily Star at Janjira site.

Shafiqul Islam, director of Padma bridge project, too identified river training as one of the major challenges because of the river's unpredictable behaviour.

Local and foreign consultants studied the river and helped design the river training.

"We are working on the approved design. The unpredictable nature of the river is always in our consideration and we will take alternative measures if any crisis emerges," he told this newspaper.

## Eight robbers killed in N'ganj

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He said at least 25 robbers stopped their truck near the market around 4:15am and four to five of them got down and told him that there were rice in the truck for Gafur Bhuiyan's shop.

"At one stage of our conversation, they tied me and Motalib up, gagged us and pushed us to the ground," he said, adding that the robbers then broke into Gafur Bhuiyan's shop named "Bhai Bhai Store".

Several robbers were on guard while others loaded the rice onto their truck, he said.

Around 20 minutes later, Zaman was able to get loose and he went straight to Purindabazar Jame Mosque, which was about 20 metres away from the market.

Zaman said he told the people at the mosque about the incident and an announcement was made from the mosque's horn speakers. He later heard similar announcements from nearby mosques as well.

This prompted villagers, many of whom were up for or on Fazr prayers, to attack the alleged robbers with iron rods and sticks. The mob chased the robbers and beat them up merci-

lessly, police and locals said.

Additional Superintendent of Narayanganj Police Mohibul Islam Khan's account of what had happened was very close to Zaman's. He said the victims were members of a gang.

A case for murder and another for robbery were filed with Araihaaz Police Station. Police seized the truck loaded with 118 sacks of rice, some local weapons, and four mobile phones.

Of the injured, Sabbir, Manik, and Sajib Mia received treatment at Dhaka Medical College Hospital and were later taken to Araihaaz Police Station. Lokman was taken into police custody after first aid.

Most of the victims hail from Mymensingh. According to Lokman, one Mizan employed him "for a rice loading" job. He also told police that they set off from Tejgaon with 10-15 men on the truck in the wee hours and more people joined them in Jatrabari, reports our Narayanganj correspondent.

Identifying the body of Ghotok Rony at Araihaaz Police Station yesterday afternoon, his wife Nazma Begum and seven-year-old daughter

Sadia Moni broke down in tears.

Nazma told The Daily Star that Rony was a trucker and that she did not know anything about his involvement in any robbery.

"My husband went out for work from our Shanir Akhra home around 10:00am on Wednesday and I could not reach him since Wednesday evening," she said.

Talking to this paper, a good number of locals said they were fuming as at least 10 major robberies were carried out at businesses and homes in Purindabazar in this year alone. They claimed that police had done nothing after those robberies.

They also said police was late in coming to the scene yesterday even though they had a check post just a kilometre away.

Only a month ago, robbers made away with 196 sacks of rice from a shop at Bagbari market around two kilometres away.

Meanwhile, Home Minister Asaduzzaman Khan Kamal at a programme in the capital said there was no conspiracy behind the deaths of the eight people. It had happened following a robbery.

## Most AL rebels defy party ultimatum

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"NOT QUITTING"

The AL central command on Wednesday night gave its rebels 24 hours to quit their mayoral bids or face tough organisational actions including expulsion.

The notice was faxed to them immediately after the meeting chaired by AL President Sheikh Hasina at the Gono Bhaban.

However, AL rebels Saiful Islam Rana in Raozan municipality and Quamrul Islam Chowdhury in Rangunia of Chittagong vowed to contest the elections.

Safiu Alam, incumbent mayor of Sitakunda municipality of Chittagong, became a rebel candidate after failing to secure party ticket.

Following the party ultimatum, he decided to quit the party citing health issues. He said he would run for the mayor.

Nurunnabi Apu, AL dissident in Dewanganj municipality of Jamalpur too wants to stay in the race.

"I don't think I am a rebel. I am an independent candidate," he told The Daily Star.

In Jaldhaka municipality of Nilphamari, Hlias Hossain Bablu said he would not quit the run even if he was expelled from the party.

AL rebels Imani Ali in Shibganj municipality of Chapainawabganj, Al Mahmud Shanto in Khoksa of Kushtia and Abdul Halim Ukil in Nalitabari of Sherpur too choose to contest the



Defying the Election Commission's ban on campaigning with electoral symbols until December 14, supporters of Awami League mayor aspirant in Chapainawabganj municipality Samiul Haque Liton distribute leaflets among voters yesterday in his presence.

elections despite the party ultimatum.

But not all AL rebels are as headstrong as them.

Ali Munsur in Darshona municipality of Chuadanga has already withdrawn from the mayoral race while Abul Khayer in Trishal of Mymensingh, and MA Aziz Hawlader in Muladi and Abu Saleh in Banaripara of Barisal have announced pullout from the elections in compliance with the party directives.

AL dissenter Jahangir Alam of Jibannagar municipality of Chuadanga said he was yet to decide whether he would give up his mayoral bid.

According to AL sources, the party initially had 75 rebel candidates but it has managed to dissuade 25 of them from contesting the December 30 polls. Of them, the party thinks 20-25 party dissidents are threats to the party favourites.

REBEL-BACKER MPs UNDER SCANNER

The AL has made a list of the lawmakers working for the rebel candidates, putting the party-backed contenders in a tight spot.

According to party sources, the MPs on the list include Rajiuddin Ahmed Raju of Narasingdi-2, Abul Kalam Azad of Jamalpur-1, Shamim Osman of Narayanganj-4, AM Naimur Rahman Durjoy of Manikganj-1, Mohibur Rahman Manik of Sunamganj-5 and Abdul Matin of Moulvibazar-2.

Abul Kalam Azad of Gaibandha-4, Shibli Sadique of Dinajpur-6, Manoranjan Shil Gopal of Dinajpur-1, Golam Mostofa of Nilphamari-3, Abdur Rouf of Kushtia-4, Mir Showkat Ali Badsha of Bagerhat-2, Mozammel Hossain of Bagerhat-4, Ali Azgor Tagor of Chuadanga-2, Kazi Nabil Ahmed of Jessore-3, Kabirul Hoque of Narail-1, Dhirendro Debnath Shambhu of Barguna-1 and Didarul Alam of Chittagong-4 too are on the lists.

The rest of the MPs being monitored by the party include ABM Fazley Karim Chowdhury of Chittagong-6, Abu Reza Muhammad Nezamuddin of Chittagong-15, Golam Rabbani of Chapainawabganj-1, Mokbul Hossain of Pabna-3, Golam Faruk Khandakar Prince of Pabna-5, Hasibur Rahman Swopon of Siranganj-6, Shamsul Hoque Bhuiyan of Chandpur-4, Habibur Rahman of Bogra-5 and Mahjabeen Khaled (Women

Constituency-18).

BNP PLANS MASSIVE CAMPAIGNS

BNP Chairperson Khaleida Zia will form 19 teams headed by senior party leaders to carry out campaigns from December 16 for the party favourites.

Khaleida, however, will not directly participate in the electioneering on security and health grounds, sources said.

On the rebel situation, BNP Joint Secretary General Mohammad Shajahan told The Daily Star that 27 dissidents were still active in the field.

"We have assigned the organising secretaries of seven divisions to convince the rebel candidates to withdraw their nominations," he said.

## Venezuela president warns of 'conflict' after vote loss

AFP, Caracas

Venezuela's President Nicolas Maduro warned Wednesday of "great conflict" in the recession-mired country if his socialists do not overcome the setback of losing control of the legislature to the opposition.

Hardening the conciliatory tone he struck after his defeat in Sunday's legislative election, the 53-year-old vowed a radical turn in the "revolution" movement that brought to power his late predecessor Hugo Chavez.

PHULPUR MUNICIPALITY

## RO asked to explain steps against 'polls code violation'

STAR REPORT

The Election Commission yesterday asked the returning officer of Phulpur municipality in Mymensingh to explain what steps had been taken following the allegation of violation of electoral code of conduct by two ministers in the municipality.

"We've asked the returning officer to explain before the commission about the incident, which was reported in the media, and what steps have been taken following the incident," EC Secretary Sirazul Islam told The Daily Star.

On December 3, Information Minister Hasanul Haq Inu and Religious Affairs Minister Matiuur Rahman joined a rally at Phulpur where both of them urged local party men to remain united and work together to ensure victory of the AL-nominated mayor aspirant there, according to news reports.

The EC is likely to direct the authorities concerned to issue show-cause notices or take other actions against five more MPs for violating rules in different municipalities.

"Some news reports on violation of electoral code by MPs at different places have caught our attention. The commission is likely to issue letters to returning officers concerned, asking them to take actions," an EC official told The Daily Star.

"From now on, the EC will not directly issue show-cause notices or take punitive measures against the rule breakers. Rather, it will give directives to the returning officers and they will take necessary steps," Sirazul added.

On December 6, the EC served show-cause notices on ruling Awami league lawmakers - Safiqul Islam Shimul (Natore-2), MA Malek (Dhaka-20), Shawkat Hasnur Rahman (Barguna-2) -- for violating electoral code. They apologised later.

Meanwhile, a six-member delegation led by Shirin Sultana, general secretary of Jatiyatabadi Mahila Dal, yesterday met the EC's secretary and demanded that the electoral symbols for women councillors (reserved seats) be changed.

They claimed that the symbols were disgraceful for women.

However, the EC secretary told reporters that the symbols would be changed in future.

Elections to 234 municipalities will be held on December 30, marking the start of the country's first local government polls on party lines.

Following a writ petition, the High Court on Wednesday stayed for six months the process for holding election to Ranishankoil municipality of Thakurgaon over boundary disputes.

## Corrigendum

The designation of Sunnydale Vice-Principal Yasmeen Habib has been mistakenly mentioned as "Vice-President" in The Daily Star report on a roundtable on "Safe Internet: The Next Generation and Our Responsibilities" published on November 29. Her designation was wrongly published as "Principal" in a special supplement on December 9 as well. The Daily Star regrets the errors.

## Illiterates can be barred from contesting polls

Says Indian SC

TNN, New Delhi

In a landmark verdict, the Indian Supreme Court yesterday held that illiterates can be barred from contesting polls saying that it is a reasonable restriction on people's constitutional right to contest polls.

The court upheld Haryana govt's decision to fix minimum educational qualification for contestants in Panchayat polls. It also upheld state govt's decision that polls aspirant must have toilets in their homes to be eligible to contest polls.

The court dismissed plea of a bunch of women contestant challenging the validity of a law mandating educational qualifications - Class 10 pass for men, Class 8 pass for women and Class 5 pass for Dalits - for those contesting panchayat polls, terming it a device to deprive an overwhelming majority of the population from taking part in grassroots-level elections.

The women from Fatehabad, Hissar and Jhajjar moved the court challenging the Haryana Panchayat Raj (Amendment) Act, 2015, saying 83.06% of rural women above 20 years of age in the state would be disqualified from contesting panchayat polls as they did not possess the requisite educational qualification. "Almost 67% of women in urban areas will also be disqualified," they said.