



FROM LEFT, Prof Kazi Abdul Mannan reads Bangabandhu some lines from Prof Anwar Pasha's "Rifle, Roti, Aurat" at the Gono Bhaban in 1973; some of the books written and edited by Prof Anwar and the file photo of bodies on the intellectuals' killing field at Mirpur.



PHOTO: COLLECTED

Dream of the dawn

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A professor of Bangla department at Dhaka University (DU), Anwar Pasha, was picked up from his house two days before the victory and brutally killed.

"In April [1971], my father had predicted that Bangladesh will be independent. And the country became liberated, but at the cost of lives of people like my father," said Rabiul Aftab, a son of Prof Anwar.

Sensing imminent defeat, the Bangalee collaborators, particularly the members of notorious killing squad Al-Badr, executed the Pakistan army's blueprint for elimination of teachers, writers, doctors, lawyers, journalists and other professionals.

This final act of atrocity was carried out to destroy the future of the newly independent country and maim the nation permanently by annihilating its brightest minds.

The youngest among two children, Rabiul, now a mechanical engineer of Bangladesh Biman, shared the memories of those turbulent days of 1971 with The Daily Star at his Anwar Pasha Bhaban residence on DU campus.

With his father's books and old newspaper clippings in hands, he spoke about "Rifle, Roti, Aurat" (Rifle, Bread and Women), narrated how his family managed to escape death during the Black Night of March 25, and how his father helped freedom fighters and was abducted.

Looking back at 1971, Rabiul, who was a little over six years when the war

began, sought help from his mother in narrating the events. She usually does not give any interview.

As the Pakistani military junta launched "Operation Searchlight" on the night of March 25, Prof Anwar's family was at Nilkhet teachers' quarter.

Screams and fierce sound of gunshots were all around. They also heard sounds of boots on the roof. The Pakistan army attacked and set fire to the slum near Nilkhet and many slum dwellers took shelter on the rooftop of the four-storey building.

After a while, the army men stormed the house by breaking open the main door. Anwar Pasha, his wife and Rabiul were inside the living room hiding under the cot. The door of the room was locked. Rabiul's elder brother Masarul Aftab and a cousin were in another room, hiding behind sacks of rice.

Entering the house, the army started firing indiscriminately.

"For some unknown reason, they did not enter our room. But they entered the room where my brother and cousin were hiding. They fired bullets on the walls," Rabiul Aftab said. The two were unhurt.

"The night was so horrible that whenever I recall it, I get emotional. We passed all the night fearing death."

His father later told them about the heaps of corpses on the rooftop. They did not come out of their home even on March 26.

When the curfew was withdrawn on

March 27, the family moved to a relative's in Rayerbazar. There perhaps, Prof Anwar started writing the novel.

First published in 1973, it was based on the situation in claustrophobic Dhaka on March 25-27. It was his last book. He also wrote several anthologies, novels, short stories.

"Being a sensitive person, he put into words his hatred, grievances, pain, expectations and his convictions in this book," said Rabiul.

"He did realise that he would die if the Pakistani forces got the book. Yet he wrote it. He perhaps felt the necessity of documenting history."

The days were getting turbulent gradually.

Like many other teachers, Prof Anwar rejoined the university following tremendous pressure from the authorities. His family shifted to another quarter on Isha Kha road on DU campus in May. But the family found itself in a new trouble. Many pro-Pakistani teachers often pressurised him to make statement in favour of Pakistani junta.

"But my father never did so," said his son.

Prof Anwar Pasha was blacklisted by Pak rulers long before. While a teacher of Edward College in Pabna, he led a programme marking the birth centenary of Rabindranath Tagore, irking the Pakistani government. Practice of Tagore was labelled by West Pakistanis and non-Bangalees as "anti-Pakistan" and "anti-Islam" activity.

His passport was suspended for six years for this.

"He had a great passion and love for Bangla language, Bangalees and Bangalee nationalism," Rabiul said.

Citing a memorial lecture of Prof Wakil Ahmed, a former teacher of Bangla department of DU, Rabiul said his father got connected with freedom fighters and started helping them through collecting money from colleagues.

One day, the family was tipped off about a Pak army raid on their quarter. Prof Anwar hid the manuscript of "Rifle, Roti, Aurat" in the kitchen cupboard.

Then came December. It was a chilly morning of December 14 when Prof Anwar Pasha was abducted.

"It was between 9:00am and 9:30am. We, the children, were playing carrom on the veranda. My father, Rashidul uncle [SMA Rashidul Hasan], Neely Apa [Rashidul's daughter Roquaiya Hasina Neely] and others were chatting on the drawing room."

Rashidul Hasan, a teacher of English department of Dhaka University, was their close neighbour. His family used to spend nights in Anwar's house in December.

Rabiul said they suddenly they saw a microbus stop in front of the house and some people get down from it.

Hearing knocks, Rabiul's cousin Delwar Hossain opened up the door to see a group of six to seven people.

"Who is Anwar Pasha?" asked one of them in Bangla.

"My father approached and said, 'I am'." Rabiul recalled.

The men then asked for a towel. Getting no towel, they blindfolded Anwar with a shawl he was wearing.

Then the men asked Rashidul Hasan his name. As he told them his name, they checked a list and asked him to go with them.

The men then took the two to the vehicle and shot a blank fire before leaving.

Around half an hour later, one of their distant relatives Nawajesh Ali Khan, a former minister of Pakistan government, came to their house to take his family members who were sheltered there after the joint force bombed the ministers' colony.

He came again to their house around 3:00pm and said Prof Anwar was taken by Al-Badr and kept at Ramna Police Station.

Later they came to know that five other DU teachers and a physician of DU medical centre were abducted from the campus in similar fashion. They were: Giasuddin Ahmed, Faizul Mahi, Abul Khair, Serajul Haque Khan, Santosh Chandra Bhattacharyya and Mohammad Martuza.

According to Banglapedia, around 991 academics, 13 journalists, 49 physicians, 42 lawyers and 16 other intellectuals were murdered during the war.

Anwar Pasha's family started search-

ing for after the victory, but to no avail. Later, with the help of Mafizuddin, a minibus driver, they found his body from the killing field in Mirpur, where the Martyred Intellectuals' Memorial was built after liberation.

"My family could identify my father's body because of the shawl," said Rabiul.

The family's bad times were not over. Rabiul's elder brother Masarul Aftab, a bright student, was arrested by police in 1972 for his suspected involvement in far left Naxalite politics.

Police, however, got nothing to prove against him. He was released following intervention of Bangabandhu Sheikh Mujibur Rahman. The then police chief apologised to his mother.

But Masarul started suffering from hallucination and later psychiatrist diagnosed him with mental illness.

"It was a second blow for us after losing my father," he said, adding that his brother has lost vision of one of his eyes and now is having kidney problem.

Rabiul himself passed difficult times. "There was no one around me to share my pain," he said.

However, he was satisfied to see the trial of war criminals after so many years. He said, "It was beyond my imagination that the trial would ever be held. I doubt whether this could have been possible without the firm determination of Prime Minister

Miladunnabi on Dec 25

UNB, Dhaka

Eid-e-Miladunnabi, the day of birth and demise of Prophet Hazrat Muhammad (SM), will be observed on December 25.

The decision was taken in a meeting of the National Moon Sighting Committee as the moon of Rabiul Awal was not sighted anywhere in Bangladesh on Saturday, said a handout.

The meeting was held at the Islamic Foundation's Baitul Mukarram office with committee vice-chairman and Religious Affairs Secretary Chowdhury M Babul Hasan in the chair.

Secretary of Islamic Foundation M Obidul Islam, senior imam of the Baitul Mukarram National Mosque Muhammad Mizanur Rahman and Chief Information officer Tasir Ahmed, among others, attended the meeting.

SAUDI ARABIA POLLS

Women elected first time in history

AFP, Riyadh

At least nine women won municipal council seats in Saudi Arabia's first ever election open to female voters and candidates, officials said yesterday, in a milestone for the ultra-conservative Muslim kingdom.

"Even if it was only one woman, we're really proud of that. Honestly, we weren't expecting anyone to win," said Sahar Hassan Nasief, a women's rights activist in the Red Sea city of Jeddah.

But with 2,106 seats up for election, the nine women would comprise less than one percent of Saudi Arabia's elected council membership.

"We need more than nine," said Aljazi al-Hossaini, who was defeated in Diriyah on the edge of Riyadh, where three women won seats, according to Saudi news channel Al-Ekhabar.

She hoped women would be included among the one third of council seats which are appointed by the municipal affairs ministry.

In the first announcement of a woman winner, Salma bint Hizab al-Oteibi was elected in the holy city of Makkah, the official SPA news agency reported.

Another woman, Hanouf bint Mufrih bin Ayid al-Hazmi, won in the northwestern region of Jawf, SPA said, adding that neighbouring Tabuk elected two women.

In the kingdom's east, Sanna Abdel Latif Hamam and Maasooma Abdel Mohsen al-Rida were elected in Ihsa province, it added.

Fugitives' list gets longer

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and the prosecution has sought their arrest for the sake of "proper investigation."

Two war crimes tribunals have so far convicted 24 accused. Of them, five have been convicted in absentia.

When a convict remains absconding, victims' family members find it "almost meaningless" that the government was spending a huge amount of money and the prosecutors and investigators were doing a laborious job for justice, prosecutors and investigators said.

They recommended amendment to the law so that the investigation agency itself could arrest suspects without warrant during the probe.

INITIATIVES

In February 2014, the government formed an eight-member monitoring cell, led by additional secretary of the home ministry, to secure the arrest of the fugitive convicts and war crimes accused.

But after holding only a single meeting, the cell largely remained inactive, sources said.

As the number of fugitives continued to increase, the International Crimes Tribunal-1 in May this year

ordered the government to form a monitoring committee to secure arrest of the fugitive convicts and accused.

The government in the same month formed a five-member committee led by a deputy inspector general of police and comprising representatives of the Detective Branch and Special Branch of police, Rapid Action Battalion, and the tribunal's investigation agency.

On September 14, the tribunal's prosecution wrote to the home and law ministries, inspector general of police, all metropolitan police commissioners and police superintendents of all districts, seeking "strong measures" to immediately arrest the fugitives.

However, these steps brought little change to the situation.

REASONS

Sanaul Huq, co-coordinator of the tribunal's investigation agency, said when an accused learns about investigation going on against him, he goes into hiding.

The accused, against whom investigations and trials are currently going on, are not high-profile or well-known figures and when they go into hiding, it is difficult for law enforcers to catch

them, he said.

"Besides, in many cases, we've found a lack of sincerity on the law enforcers' part."

Some of the accused had left the country while the rest, the agency believes, were still in Bangladesh, Sanaul added.

Prosecutor Tureen Afroz said, "To some extent, the law enforcers are responsible for this."

However, a lack of a comprehensive strategy in this regard was one of the main reasons, she said, adding, "The accused are going into hiding, taking advantage of the loopholes in the total process."

IMPACT

Sanaul said the agency was facing a huge challenge to bring in witnesses in cases in which the accused were being tried in absentia.

When a witness finds the accused was on the run, he or she loses interest in testifying, said Sanaul, adding, "We've had such experiences in several cases."

Tureen said victims' family members find a trial "almost meaningless" when an accused remains absconding even after conviction. "It may amount

to a moral victory [for justice seekers], but it [trial in absentia] is not real justice in any sense," she added.

Prosecutor Rana Dasgupta said, "In trials in absentia, victims' family members get justice but don't get solace or closure... Until the execution of the sentence, the trial is meaningless for them."

Contacted, Home Minister Asaduzzaman Khan Kamal said, "If they [accused] flee the country, what can police do?" Yet the law enforcers were trying to find them and arrest them all, he told The Daily Star on December 9.

SUGGESTIONS

Rana Dasgupta said the International Crimes (Tribunals) Act-1973, under which the trial was being conducted, should be amended empowering the investigation agency to arrest a war crimes accused without warrant so that the agency officials could arrest a suspect during the probe.

Sanaul echoed him.

He said the investigation agency should have the power to arrest an accused after preliminary investigation so that an accused could not run.

The Anti-Corruption Commission

Act and the Narcotics Control Act empowers investigators concerned to arrest any accused during the probe, he said.

Besides, under the existing criminal law, a court could order attachment of properties of a fugitive to force him or her to surrender. But, the ICT act had no such provision and for this reason, a fugitive could use his property through family members.

Several war crimes tribunals in other countries have such provisions, Sanaul said, adding, "So, the ICT act should be amended incorporating such provisions, which can solve the current problem to a large extent."

Keeping in view the offenders' propensity to go into hiding during a probe, the investigation agency in April last year proposed the Law Ministry for amending the act.

But the ministry was yet to take any steps, Sanaul added.

Abdul Hannan Khan, the coordinator of the investigation agency, said it would be "very difficult" to stop the fugitives fleeing unless the agency was given the power to arrest suspects without warrant.

195 Pak soldiers still can be tried

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prosecution.

After a long-drawn stressful negotiation over the POWs, Bangladesh finally signed a tripartite agreement in Delhi in April, 1974 in which Bangladesh said "having regard to the appeal of the Prime Minister of Pakistan to the people of Bangladesh to forgive and forget the mistakes of the past," and Bangladesh decided not to proceed with the trials as an act of clemency.

But Bangladesh inked the agreement because Pakistan held 203 Bangladeshi officials hostage for its 195 officers of very high ranks. It also made the repatriation of four lakh Bangladeshi uncertain and put intense international pressure on Bangladesh.

However, this "clemency" has no bearing on the trial of those who committed genocide as the UN High Commissioner for Human Rights report of 2009 titled "International Law and United Nations Policy on Amnesty" said: "Under various sources of international law and UN international policy, amnesties are impermissible if they prevent prosecution of individuals who may be criminally responsible for war crimes and genocide."

An amnesty for genocide would violate the Genocide Convention and Customary international law.

"Amnesties that prevent the prosecution of war crimes... are inconsistent with the State's obligations under the widely ratified Geneva Convention of 1949 and their 1977 Protocols, the UN said.

Countries which have signed the Geneva Convention are obliged to search out such criminals and try them.

The European Court of Human Rights also made similar observations during the trial of Fred Margus, a Croatian army commander accused of killing Croatian-Serb civilians during the war in the early 1990s.

The Court found that there was a growing tendency in international law to view granting of amnesties in respect of grave breaches of human rights as unacceptable.

Not only that, under long-settled rules of international law, any court may exercise universal jurisdiction over acts amounting to crimes against humanity, such as widespread or systematic murder, torture, forced disappearance, arbitrary detention, forcible transfer and persecution on political grounds, and heads of state and former heads of state do not enjoy immunity under international law - whether in international or national courts - for crimes under international law, including crimes against humanity and torture."

So, Bangladesh has every right now to go to the international court and demand trial of the Pakistani soldiers who committed all kinds of war crimes including genocide, rape and looting. The Delhi tripartite treaty would not stand in any way to bar it.

Geoffrey Robertson QC, who worked as the president of UN's war crimes court in Sierra Leone, in a report in 2015 titled "REPORT ON THE INTERNATIONAL CRIMES TRIBUNAL OF BANGLADESH" had rightly put the context to the tripartite agreement when he said Bangladesh holocaust came before the world had any will to intervene in faraway countries of which the major powers knew little.

"This was the era of impunity - for mass killings in Indonesia, for General Pinochet's tortures, for the Argentinian Junta's death squads, for Idi Amin's butchery in Uganda, Mugabe's massacres in Matabeleland, for Papa Doc and (for thirty years) for the genocidal behaviour of the Khmer Rouge," he wrote.

It was not until 1994 that the Nuremberg legacy began to be delivered - for the mass murders by Milošević in the Balkans (the ICTY), and the genocide in Rwanda (the ICTR) and later for Charles Taylor (the UN Special Court in Sierra Leone) and, finally, for Pol Pot's lieutenants in Cambodia.

"Now, with the International Criminal Court (ICC) established with 132 member states, it is broadly accepted that crimes against humanity committed in civil war should receive punishment, however belatedly," Robertson maintained.

Bangladesh can still carry out Bangabandhu Sheikh Mujibur Rahman's original resolution when he said, "How can you expect me to abandon it? Three million people were cold-bloodedly murdered. Two hundred thousand girls have been raped by the Pakistan army. Ten million people had to migrate to India and another 15 million moved from place to place out of fear. The world should know what has happened" (New York Times, July 21, 1972).

And why an amnesty cannot be used to bar trial for genocides had been eloquently conjured up in 1764 by Cesare Beccaria, an Italian criminologist, jurist, philosopher, and politician, who is widely considered as the most talented jurist and one of the greatest thinkers of the Age of Enlightenment.

He said "The conviction of finding nowhere a span of earth real crimes were pardoned might be the most efficacious way of preventing their occurrence."

So Bangladesh has every moral right to hunt them down and drag them to trial.

RESHUFFLE IN ADMIN

6 secretaries transferred

STAFF CORRESPONDENT

In a reshuffle in the civil administration, the government yesterday transferred six secretary-level public servants to new offices.

The public administration ministry issued a gazette notification to this effect.

Land Appeal Board Chairman Abdur Rob Howlader has been made a planning commission member, while Primary and Mass Education Ministry Secretary Mesbah-ul Alam given the responsibility of the land ministry secretary.

Member of planning commission Humayun Khalid was made secretary to the primary and mass education ministry, and Rector of BCS Administration Academy Sohrab Hossain given the charge of the education ministry secretary.

Director General of Immigration and Passports Department NM Zeaul Alam has been given the role of acting cabinet secretary, while Additional Energy Secretary Nazimuddin Chowdhury promoted to acting secretary of the same ministry.

Posts of education, land and energy secretaries were vacant.