

# Navy to turn into builder from buyer

## Bangladesh to export warships in future, hopes PM

UNB, Chittagong

Prime Minister Sheikh Hasina yesterday expressed hope that Bangladesh Navy would gradually be turned into “builder Navy” from a “buyer Navy” as the government took various steps in this regard.

“We’ll be able to build warships and export those as well,” she told a programme at Bangladesh Naval Academy here.

The programme was organised marking the winter parade of Midshipmen-2015 and Direct Entry Officers 2017/B Batch.

Mentioning various steps taken by her government to modernise the Navy, she said work was underway to construct the largest naval base with aviation facilities in Patuakhali and Bangabandhu Sheikh Mujib naval base in Dhaka.

Besides, work was going on to set up a submarine base in Kutubdia for ensuring proper management and

maintenance of submarines and providing jetty facilities, she added.

Hasina said the construction of the fleet headquarters, with ship-berthing facilities, in Chittagong’s Sitakunda-Sandwip channel has started. “So, I believe that the overall security of the country’s sea areas will be stepped up further.”

Modern warships were being made with local technology in Khulna Shipyard and Narayanganj dockyard, run under the competent management of the Bangladesh Navy, she mentioned.

Two large anti-submarine warfare patrol crafts -- “Durgam” and “Nishan” -- were commissioned into the naval fleet last month. A modern frigate was being constructed in Chittagong Dry Dock Limited as well, the premier added.

She said her government was able to establish Bangladesh’s sovereign rights in a vast sea area through peaceful

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Prime Minister Sheikh Hasina presenting the Sword of Honour to Sohanur Rahman for becoming the best all-round midshipman during the winter parade of Midshipmen-2015 and Direct Entry Officers 2017/B Batch held at Bangladesh Naval Academy in Chittagong yesterday.

PHOTO: BSS

## MUGGING GONE WRONG

# Suspect in infant’s death arrested

STAFF CORRESPONDENT

Police yesterday arrested a youth in connection with the death of infant Arafat who died after his mother fell off a moving rickshaw with him in her lap in the city’s Doyaganj area on December 18.

The police said the arrestee, Rajib, 20, a drug addict, pulled the bag from Arafat’s mother Aklima’s hand forcing her to fall off the rickshaw.

A team of law enforcers arrested the lone accused raiding a slum in Doyaganj around 1:30am, Farid Uddin, deputy commissioner of Dhaka Metropolitan Police’s Wari Division, told The Daily Star.

Rajib later confessed before a magistrate to snatching the bag to manage money for drug without any intention to kill the baby, the DC said.

Farid also said the accused admitted that he took Tk 1,600 from the bag and dumped it in a dustbin.

He added as part of their investigation they collected CCTV footages and spotted a young man walking near the mugging spot at 6:18am that day.

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# Christmas

FROM PAGE 1

Christians, is the celebration of rebirth, new beginning, forgiveness and peace, and renewing relationship with God and human beings.

Decoration of Christmas trees with colourful lights, offering special prayers, distribution of gifts among children and exchange of pleasantries are the main features of the day’s festivities.

Christmas carols and hymns will be sung before and after the prayer sessions at the churches.

President Abdul Hamid and Prime Minister Sheikh Hasina issued separate messages on the Christmas eve.

In his message, the president said Bangladesh is a country of communal harmony where people are tied with the bond of love and friendship.

He called upon all to work together to build a happy, prosperous and non-communal Bangladesh.

The premier said Bangladesh is a country of communal harmony where people of all religions enjoy full freedom of practicing their respective religious rituals.

She hoped that this Christmas would further strengthen the relations between the Christians and the people of other communities.

President Hamid will exchange greetings with members of the Christian community at the Bangabhaban on the occasion of Christmas Day today.

Archbishop of Bangladesh Patrick D Rozario, ambassadors and representatives from foreign missions, distinguished persons of the Christian community, religious leaders and professionals will join the reception.

A group of singers will perform the Christmas carol at the programme.

Later, the president will cut a Christmas cake with members of the Christian community.

The state-run Bangladesh Television, Bangladesh Betar and different private TV channels and radio stations will air special programmes highlighting the significance of the day.

# Government seeks review

FROM PAGE 1

In the review petition, the government has sought cancellation of the 39-point code of conduct, formulated by the apex court for its judges under article 96 of the country’s charter, according to sources at the attorney general’s office.

It said only Bangabandhu Sheikh Mujibur Rahman has been recognised as Founding Father of the Nation and the apex court committed an error (apparent on the face of record) observing a plural word namely “Founding Fathers” of the country.

The error is liable to be reviewed/ expunged, read the petition.

The article 96, which was scrapped by the 16th amendment, deals with the procedure for formation and functions of the SJC and formulation of the code of conduct.

After filing of the review petition, Attorney General Mahbubey Alam told reporters that the SC would now fix a date for holding hearing on the petition.

He said the government in its petition sought cancellation of the code of conduct formulated by the SC for its judges.

The SC cannot formulate its judges’ code of conduct through a verdict. Those who will probe allegations of misconduct or incapacity against the judges formulate the code of conduct, headed.

Approved by parliament in September 2014, the 16th amendment had abolished the SJC and restored the House’s power to remove the judges. The amendment was challenged with the High Court through filing a writ petition.

The HC in May last year declared the 16th amendment unconstitutional and void as it found the changes went against the principles of the separation of powers and the independence of the judiciary.

The government later filed an appeal against the HC verdict. On July 3 this year, the Appellate Division of the SC rejected the appeal and upheld the HC verdict.

In the full verdict released on August 1, the apex court said the provision of the SJC has been reinstated in the constitution.

The independence of judiciary has been undermined and curtailed by

making the judiciary “vulnerable to a process of removal of the judges by parliament”, it said.

The procedure entailed in the SJC is more in consonance with the spirit of the constitutional scheme, the SC said, adding that the provision of the SJC was not only for the interest of justice, but also for the independence of judiciary.

The scrapping of the 16th constitutional amendment has been widely talked about among politicians from the ruling party as the SC in its full verdict made some observations critical of the country’s present political culture.

The government in the review petition said, “Because, in the Supreme Judicial Council, a forum of enquiry and recommendation, having incorporated in the Supreme Judicial Council provision and in view of 16th amendment under article 96(3) necessary laws to be enacted providing a forum of inquiry, method of inquiry and recommendation, regarding allegation of misbehavior or incapacity of a judge and no enactment having been made as yet under article 96(3), this division [Appellate Division]

committed an error apparent on the face of record, in not holding that the instant writ petition is premature and thus, the instant judgement requires to be reviewed.”

The petition said the SC, having not treated any law made under martial law proclamation as valid, took a contrary view in respect of SJC provision and thereby has committed an error (apparent on the face of record) in taking such contrary view and as such the instant judgement requires to be reviewed.

The object for incorporating article 70 in the constitution by the constituent assembly is to ensure the stability and continuity of the government and also to ensure discipline among the members of political parties, so that corruption and instability can be removed from national politics, it said.

The prayer said the apex court committed an error (apparent on the face of record) in holding “If the members of parliament are suspected to indulge in horse trading, if no such provision is contained in the constitution, how they may be reposed with the responsi-

bility of the onerous task of removal of justice of the higher judiciary”.

And the aforesaid remarks and findings being unwarranted is liable to be reviewed/ expunged, read the petition.

The SC finding that “We must get rid of this obnoxious ‘our men’ doctrine and suicidal ‘I alone’ attitude” is baseless, unwarranted and aspersions to our political leaders and is being beyond the issue of the case and those were liable to be reviews/ expunged, the petition stated.

It said the SC committed an error (apparent on the face of record) in arriving at the findings/observations that “Our election process and the parliament remain in infancy” and “people cannot repose trust upon these two institutions”.

The remarks are not correct and beyond the issue of the instant case and such remarks by the judiciary against legislature being unwarranted, uncalled for and contrary to the judicial norms and therefore the instant judgment requires to be reviewed/ expunged, the petition said.

# Is another Bosnia in the making?

FROM PAGE 1

Goldstone of South Africa, and Sir Geoffrey Nice QC of the UK were working as commissioners for a report called “Crimes in Burma” which was prepared in 2009 by the law school of Harvard University.

Justice Wald, who served as the chief judge for the US Court of Appeals for the District of Columbia, was a judge at the international criminal tribunal for former Yugoslavia. Justice Goldstone, who served as a judge of the Constitutional Court of South Africa, was the chief prosecutor at the international criminal tribunals for former Yugoslavia and for Rwanda. Sir Nice was deputy prosecutor of the international criminal tribunal for former Yugoslavia and the principal prosecution trial attorney in the case against Slobodan Milosevic at The Hague.

Milosevic was the world’s first president to be indicted for war crimes by an international criminal court.

As judge and prosecutors at the two international crimes tribunals set up by the UN, they worked relentlessly to complete trials of perpetrators of genocides in Rwanda and Bosnia.

Judge Pedro Nikken of Venezuela, a former member of the executive committee of the international commission of jurists, and Ganzorig Gombosuren, a former judge at the Supreme Court of Mongolia, worked with them.

In their examination, they found that UN documents have included a range of human rights and humanitarian law violations in Myanmar since 1992.

The International Human Rights Clinic of the Harvard Law School prepared the report by reviewing four types of crimes perpetrated in Myanmar: forced displacement of the population, sexual violence, murder, and torture that had been documented in various UN reports since 2002.

Based on the report’s findings and recommendations, the five jurists called on the UN Security Council to urgently establish a commission of inquiry to probe and report on crimes against humanity and war crimes in Myanmar.

The world cannot wait while the military regime continues its atrocities against the people of Myanmar, they said in the report, adding that the day may come for a referral of the situation to the International Criminal Court or the establishment

of a special tribunal to deal with the country and member states of the UN should be prepared to support such action.

The law school of Harvard has moved further and open another inquiry in 2011 regarding the situation in Myanmar.

In 2014, the inquiry released its report where it said three military commanders and a combat division of Myanmar army committed war crimes and crimes against humanity in Kachin and northern Shan State of Myanmar in 2005-06.

The report documented how soldiers fired mortars at villages; opened fire on fleeing villagers; destroyed homes, crops, and food stores; planted landmines in civilian areas; forced civilians to work; and captured and executed civilians.

The law school accused the three senior army officials, one of whom later became the home minister, of committing war crimes. It said, “The abuses perpetrated by the military have been too widespread, too persistent, and too grave to be ignored.”

It said it found enough evidence for International Criminal Court at The Hague to press war crimes and crimes against humanity charges against the trio and for issuing arrest warrants.

But nothing happened to the three. In a legal analytical report the following year, the law school of Yale University documented atrocities perpetrated by Myanmar military against the Rohingyas. It found atrocities committed against the Rohingyas had increased precipitously since 2012.

The report concluded that the available evidence strongly suggested that all the elements of genocide were present in Rakhine State.

It too urged the UN to adopt a resolution to establish a commission of inquiry on the human rights situation in Rakhine State. “Myanmar may be responsible under the Convention on the Prevention and Punishment of the Crime of Genocide for failing to prevent genocide from occurring within its borders,” it stated.

Again, nothing happened to the perpetrators and like before, the Myanmar authorities denied all allegations.

The world waited and the inaction resulted in painful consequences. Over the years the situation worsened. The Rohingyas faced much worse than the people in Kachin and

Shan states.

Like on previous occasions, UN senior officials kept voicing concern. After Myanmar military’s crackdown on the Rohingyas in October 2016, the UN special rapporteur for human rights in Myanmar in March this year said the situation in northern Rakhine state was far worse than anticipated.

“I would say crimes against humanity. Definite crimes against humanity... by the Burmese, Myanmar military, the border guard or the police or security forces,” Yanghee Lee told the BBC in March.

At least 87,000 Rohingyas fled Myanmar in the wake of the violence.

Lee has been banned by Myanmar government for her strong voices against human rights abuses.

A few months later, Myanmar refused entry to members of a UN investigation focusing on allegations of killings, rapes, and tortures by security forces against the Rohingyas.

Keeping the eyes of the world away, Myanmar military continued its brutalities.

The intensified atrocities perpetrated by the Myanmar military against the Rohingyas since August has already been labelled by UN and right bodies as “text book example of ethnic cleansing” and genocide and crimes against humanity. Over 6.5 lakh Rohingyas have fled to Bangladesh since then.

According to Doctors Without Borders at least 6,700 Rohingya were killed in attacks during the first month of the military crackdown.

Rights bodies presented evidence in piles, about the burning of Rohingya villages, raping of women, and indiscriminate murder of the Rohingyas.

**DEMAND FOR JUSTICE LOUDER** In September, an international people’s tribunal in Malaysia held Myanmar guilty of “genocide” against the Rohingyas and said the “systematic targeting of civilians” and other acts committed by the Myanmar army qualified as war crimes.

The seven-member bench of Permanent People’s Tribunal, holding proceedings on alleged atrocities and state crimes against the Rohingya, Kachin and other ethnic minority groups in Myanmar, said the Myanmar army was committing the crime in the “context of official duties”.

“On the strength of the evidence presented, the tribunal reached the consensus ruling that the State of

Myanmar has the intent to commit genocide against the Kachin people and the other Muslim groups,” read the judgement delivered in a court-like setting at the University of Malaya’s Faculty of Law.

New York-based Human Rights Watch on November 3 urged the UN Security Council to refer Myanmar to the International Criminal Court because of its failure to investigate massive atrocities perpetrated against the Rohingyas.

The European Parliament recently urged its member states to adopt disciplinary sanctions against the perpetrators of violence and “human rights abuses” in Myanmar.

The UN High Commissioner for Human Rights Zeid Ra’ad al-Husseini said he would not be surprised if a court one day ruled that acts of genocide had been committed against the Rohingyas in Myanmar.

In a recent interview with the BBC, he said that attacks on the Rohingyas had been “well thought out and planned” and he had asked Myanmar’s leader Aung San Suu Kyi to do more to stop the military action.

Zeid called the campaign “a text-book example of ethnic cleansing”.

During her visit last month, Pramila Patten, UN special representative of the secretary general, promised to put the guilty soldiers in the dock of the International Criminal Court at The Hague.

If the UN could do what it had done in the cases of genocides in Rwanda, Bosnia and Darfur, there could be hope.

**UN’S TRACK RECORD**

After its shocking failure to act on time to prevent the Rwanda genocide in 1994 in which more than 800,000 Tutsi were massacred by the Hutu majority, at least two former UN chiefs and some world leaders had apologised to the Rwandans.

The UN got the opportunity in 1998 to boast about its stance against genocide when trials were being held for the genocide perpetrators, including the then Rwanda prime minister. The first verdict was delivered in early September 1998 against a Rwanda politician.

In a discussion on the trial of Rwanda genocide perpetrators, the UN in October 1998 hoped the legacy of the International Criminal Tribunal for Rwanda laid the foundation for a new era in international criminal justice.

The UN’s failure to act comprehensively was again seen in Bosnia. More

than 8,000 Bosnian Muslims were massacred in Srebrenica in July 1995. The then UN secretary general Kofi Annan in a report in the General Assembly in 1999 concluded “the tragedy of Srebrenica will haunt our history forever”.

Yet, sentencing of Ratko Mladic, the former Bosnian Serb military commander known as the Butcher of Bosnia, to life in prison on November 22 by a UN criminal tribunal for genocide and his role at Srebrenica demonstrated the UN’s stance against the heinous crimes.

Less than 10 years after Rwanda, genocide unfolded in Darfur of Western Sudan, exposing once again the failure of UN and international community to protect civilians.

In 2005, the UN Security Council passed a resolution and referred Darfur to the International Criminal Court to investigate and prosecute serious crimes committed in Darfur.

In 2010, the international criminal court charged Sudan’s president Omar al-Bashir with three counts of genocide in Darfur.

**THE HURDLES**

Myanmar is not a state party to the Rome Statute establishing the International Criminal Court. Therefore, the situation in Myanmar needs to be referred to the international criminal court by the UN Security Council through a resolution, which will empower the court to investigate human rights abuses and prosecute the abusers.

But passage of such a resolution by the Security Council looks almost impossible due to China, a close supporter of Myanmar for decades for its strong economic and business interest there.

Since 2007, China backed by Russia has killed several efforts taken by the Security Council on Myanmar with their veto power.

China’s support helped Myanmar military generals to remain above the law for decades. This impunity gave them the licence to carry out the genocide.

Time has come for China to reassess its strategy so that in future it is not branded as a partner of genocide in Myanmar.

If China supports a UN move to refer the Myanmar situation to the International Criminal Court, there will be no dearth of evidence to prosecute the alleged perpetrators.