

LATE S. M. ALI DHAKA WEDNESDAY JULY 26, 2006

# Five years of unlawful incarceration!

Prevent similar fate falling on others

T is simply deplorable that a person was kept in custody for five years after the court had issued his release order. Jahangir, a young man of 20 has been ordered by the court to be released from jail recently, after being in confinement for 5 agonising years. He was arrested under the Public Safety Act in June of 2001. However, after due investigation, his name, along with four others, was dropped from the charge sheet and the IO appealed for their release, which the concerned Judge ordered, in July 2001

And Jahangir languished in the jail till 2006 because the court order had not been sent to the jail authority at all, a situation we find not only abominable but also outrageous. This has not only caused dire stress on the family, it has also taken away 5 valuable years from the young man's life. As it is, our legal system has become an instrument of harassment for the members of the public, without such gross derelictions by officials ruining innocent lives even further.

In this instance we find that the 'peshker', the one responsible for dispatch of the court order, is at fault. We strongly feel that wherever he may be, he should be tracked down and brought to justice on charges of denigrating the image of the court by his gross negligence of duty. Having said that, was it not the duty of also the police to keep a tab on the progress of the case? Had they done so, the poor boy and his family would have been spared the misery.

As it is, our judicial system is beset with innumerable problems of different dimensions. As much as this is not the platform for discussing those issues, however, the fact remains that there is no reason why it should not be possible to put a stop to such lapses on the part of the court staff.

Jahangir's is not an isolated case; there are perhaps many more Jehangirs languishing in the jails, crying out for justice. Would the government take a stock of cases of persons in unduly long period in custody due to inordinate procedural delays, to prevent the fate of Jahangir falling on others?

## How safe is a train journey?

Certainly not an experience to savour any longer

OT very long ago a train journey used to be an experience to remember. The comfort of the carriages and the laid back atmosphere of calm and ease was almost infectious. No wonder our teachers at the school would often task us to pen down our experience of a journey by train immediately after the school break. One wonders how many of the teachers would be inclined now to assign the same topic to the students?

There are several reasons why train travel has become a hazardous undertaking these days, most of all because of the inherent lack of safety of the passengers, many of whom have no option but to take the train as the mode of travel.

The recent incident of dacoity in an express train brings into true perspective the perils of travelling by train. And it is not as if there are no appropriate agencies specifically for the purpose of ensuring the safety of the passengers. There was once the Watch and Ward and now the GRP, for this task. But the irony is that those that are entrusted with the safety of passengers are very seldom visible, if at all, and hardly at the service of the passengers in distress.

Lack of security in the trains is a common concern. The pervasive presence of pickpockets, the common occurrence of mugging and robbery, along with the unchecked movement of people of all definitions throughout the length of the train, many without tickets, and encroachment of the upper class compartments, are disincentives to train travel. It is not understood how the robbers could enter a first class compartment when there were members of the railway authority who were supposed to be on duty to prevent this sort of breach. That is why some feel that there may be some sort of collusion between the robbers and the train officials in such incidents. It is also not a secret that the trains are common means of carriage of contraband goods that are taken on board, not without the knowledge of the officials, and jettisoned at predesignated places in collusion of these very officials in the train. It was time the railway authority girded up the safety of the trains. Would it be asking too much of the authority to make train travel an experience to savour once again?



SYED BADRUL AHSAN

AWRENCE Lifschultz has been giving us much food for thought lately. More pointedly, he has been informing us, to our undying shame, of all the things we have not done in this country over the past three decades and more. When he speaks of Colonel Abu Taher and the macabre manner of his murder (it was murder pure and simple) in July 1976, he revives within our souls all the pains we have either carefully pushed under the rug all these years or have not

been allowed to feel through the long march of untruth in this country. There are people in Bangladesh who have some very valid reasons to think that Taher's decision in November 1975 to back Ziaur Rahman against Khaled Musharraf was a new phase in the disaster which had already befallen the country in August 1975. He simply backed the wrong horse, a course he ought not to have taken. But that is not what we mean to speak about here. What concerns us is the terrible manner in which the life of a good soldier, a valiant freedom fighter, was put to an end through what was clearly a sham of a trial in July 1976. Of course, we have known that all these years. Unlike

Those holes need plugging. How we go about doing that is something suggested by Lifschultz. Let there be a Truth Commission, or a series of them. Since history is a long tale of events that have become irreversible through force of time, all we can do in our enlightened self-interest is to delve

into the details of the wrongs that have been done, locate the witnesses to these wrongs, go looking for the men responsible for such gross errors of judgement or travesty of history, as the case may be, and arrive at the truth.

GROUND REALITIES

community in Bangladesh have not sought all these thirty years to raise the question of the wrong that was done to Taher. His murder, in effect, was the killing of idealism.

There was the profoundly reflective in Taher. In March 1971, once the Pakistan army had begun its murder of Bengalis in a soon to die East Pakistan, he walked the streets of distant Quetta brooding over his own political state of being. The intellectual in him was not ready to acknowledge any reality of physical distance. It was inconceivable for the scholar in him to prevent the man of action which lurked within him from making his way to the war front. He did make his way to his battered country, and fought for its freedom, losing a leg in the process. If that is not sacrifice, what is?

And yet there was the bigger sacrifice that Taher was fated to pay. On July 21, 1976, after a trial that was no trial but a farce enacted under the dark spotlight of a ruthless dictatorship, he lost his life on the gallows. The men who had decreed that he mount those final steps in living form -- President Sayem, General Zia, the judges and the prosecutor -- were to live on, unre-Lifschultz, though, we have stayed pentant and happy. No one in this quiet about it. We in the journalists'

country wrote about Taher's predicament. And many among the journalists who today cheerfully identify themselves with either Bengali nationalism or the jatiyotabadi way of looking at life staved guiet at a time when it was an absolute necessity to speak up.

Lifschultz speaks of the remorselessness which marked Justice Sayem, a good man who had always believed in the rule of law. This same good man did not protest, or not much anyway, when the soldiers he was surrounded by informed him that Taher needed to die. And what was Taher's guilt? He had, said the dictatorship, engaged in conspiracy to overthrow an established government. That is a good point. When does a junta, having ascended to power by sheer force of arms, become a legally established government? The answer here is that no government set in place by a military coup can be a legal one. You can have all the constitutional amendments in the world (and we have the fifth and the seventh. especially) towards ensuring that a violation of law becomes a fact of recognized law. They do not change a thing. Morality cannot be overridden by the passage of a bill that will

have the citizen swearing fealty to a soldier suddenly desirous of becoming a democratic politician.

It is these questions that worry us. When Lifschultz speaks, thirty years after the hanging of Taher, about all the dirt and mud we have not yet removed from our society, he speaks for us. To this day, no government (except for the one in office between 1996 and 2001) has tried telling us of the conspiracy that went into the murder of the four national leaders in jail in November 1975 The truth, it has been made sure, remains under the lid. Or perhaps it has gone to the grave with the dead men?

But the psychological predicament that people are often left facing once truth is denied or run out of town is that they cannot then relate to the world around them. Their silence in the face of all the questions regarding the murder of their illustrious men is then fundamentally a condoning of the crime that has taken place. As long as you do not finger the men who killed the Mujibnagar leaders in prison, as long as you do not name them and shame them, you will remain part of a nation that is willing, regrettably, to live with shame

There are the sad, sordid stories of the army officers who died without probably knowing about their crimes. Brigadier Mohsinuddin maintained till the end, in 1981, that he was not aware of why he was being tried for the Zia murder. Those others who were executed with him were guite clearly home to similar sentiments. Justice Sattar, as the nation's interim president, signed the order of execution.

Does it not worry you that some of the costliest mistakes in Bangladesh's history have been made by men who have risen to the highest perches of the law? Savem sent Taher to death, with Zia making sure he did so. And Sattar dispatched those officers to perdition. It was Ershad and his men who stood watch over him as he did so. Neither of these legal luminaries was able to withstand the power of the military in staying the execution of all these valiant men

freedom. And the rest of us? We stayed conveniently silent, afraid of the repercussions of protest. But truth does have a way of coming back to us and at us. It has now come to us in the form of Lawrence Lifschultz. When he wrote about Bangabandhu's assassination and Taher's murder, we were, most of us, impressed with the details of his inquiries. That was all,

almost all of whom, you will note,

had waged war for the country's

Now that we reopen the old books of record, we realize with shock smeared with crimson shame how opportunistic we have been in saving our own skins and thereby legitimizing the power of the grasping men who have sent some of our best men, all of them our own fellow patriotic citizens, down the road to swift and prema-

ture death. The four hundred

soldiers hanged by the Zia regime in the 1970s, the murder of General Manzoor, the conspiracy behind the killing of General Ziaur Rahman and the horrible end of the Mujibnagar leaders have left gaping holes in our political history. And do not forget that not a

single government has ever tried to launch an inquiry into the murder of General Khaled Musharraf. Colonel Huda and Major Haider. Many of the men who instigated their killing as well as the men who forced the life out of them are yet around. No one has taken them in for questioning. The holes have remained, and grown bigger and deeper.

Those holes need plugging How we go about doing that is something suggested by Lifschultz. Let there be a Truth Commission, or a series of them Since history is a long tale of events that have become irreversible through force of time, all we can do in our enlightened selfinterest is to delve into the details of the wrongs that have been done. locate the witnesses to these wrongs, go looking for the men responsible for such gross errors of judgement or travesty of history, as the case may be, and arrive at the truth.

As for reconciliation, that will take time, a lot of patience and thorough psychological preparation on the part of the families that have suffered through three decades of bruising pain.

It is a fractured society we are part of. And fractures trouble the body and the sensibilities as long as pretence serves as an alternative to truth

Sved Badrul Ahsan is Executive Editor, Dhaka Courier

Is the UN going the League of Nations way?



The way Americans have used the UN in the case of Iraq and Afghanistan and are now threatening North Korea and Iran is a sad commentary on the UN. The UN is not an agent moderating great powers' clout and enabling the weak to have their say. The UN has been used ruthlessly and often wantonly. It is surviving as a handmaiden of America. Is it worthwhile to continue having it?

specified area in Palestine where the Zionists could establish a Jewish state. This UN action too was questionable. As the Iranian president has argued, Zionists had no claim on Palestine; their mythological-cum-religious traditions do not constitute a historical proof or claim.

The Israeli state was an aggression on Arabs, its whole career ayy Palestinians and Lebanese. It acquired extra territory in 1948, 1956 and in 1967 it annexed large parts of Palestine, leaving some areas notionally for Palestinians but under its occupation. Military occupation of Palestine is 38 years old and Israelis have inflicted massive atrocities. While an invasion of Lebanon is continuing, one asks can no one do anything for the miserable victims. Palestinians and Lebanese? Everyone knows why Israel is doing this. There are two reasons One is that, thanks to western aid and support, Israel is far more powerful and technologically advanced than all Arabs. It has unstinted support of US and Britain. if not of others. Israel is an informal extension of the US mainland. By acquiescing in Israel's aggressions, the US has reduced the UN having sanctioned only a small

to its instrument; scores of General Assembly resolutions and many by the Security Council were vetoed by the US. The UN was rendered totally powerless to do anything for aggression's victims.

Soviets were a partial check on American power because they also had a veto. Some UN support could theoretically be had if the interests of Americans or Russians were not olved. Thankfully China, Britair and France have exercised their veto rights sparingly. But the Americans have slapped their veto all too frequently, mostly for Israel. The world is now a uni-polar one after Soviet Union disappeared in 1991. The US, the only superpower, believes in unilateral and pre-emptive military action. Its interests are worldwide. Israel is meant to activate American purposes in Middle East. This is the second reason why it transgresses international law as and when it pleases, talking of it when it suits. The way Americans have used the UN in the case of Iraq and Afghanistan and are now threatening North Korea and Iran is a sad commentary on the UN. The UN is not an agent moderating great powers' clout and enabling the

wantonly. It is surviving as a handmaiden of America. Is it worthwhile to continue having it?

There is talk of reforming the UN. Smaller nations want it to be a representative of the world's people. Its failings are familiar; it gives undue privileges to P5 and its decision-making is heavily influenced by them. Unless it is made more democratic, why waste time so-called if they merely aim at bureaucratic efficiency. Specifically, the P5's veto is resented. Recent proposals of adding three new great powers to permanent membership of the Security Council, without veto is neither here nor there. If great powers retain their control over the world organization. no democrat would be interested. There would be pained voices about UN's great utility. It performs well after a disaster. Its specialized agencies -- World Health Organisation, World Food Organisation and so forth -- have great usefulness; they have done good work. Some of these organizations are a carryover from the League of Nations, They can again be passed on to another world organization, if it can be set up. Or weak to have their say. The UN has these bodies should stay as indebeen used ruthlessly and often pendent world bodies. Factually,

UN cannot ensure international law being respected. It is far too dependent on the US for its financing and habitually suffers insults from American law makers. What is the point of having an ineffective UN?

This is not said with a light heart. One recognizes the importance and size of issues involved. Brute military power remains the only arbiter. Anyone who possesses huge military power can get away with whatever he wants no matter if some blabber on about international law, morality, economics, and all the other fine words. It is only the weak and the vulnerable that require the protection of international law. Earlier a veneer of civilization required a League of Nations. Earlier still international law fulfilled the needs of nascent capitalism. The powerful agreed to

Well, the world is still a fairly large place with a population of six billion. There are many middle ranking powers; some are emerging as such. Some former European great powers have shaped a union, the EU. It had the potential to emerge as a third superpower. In the end it is tamely being manipulated through enlarged NATO into a subordinate arm of America. The spectacle of EU echoing America on Iran, North

Korea and ME is truly dis-spiriting. Need remains of multi-polarity, especially after the Soviets demise. New powers are emerging. Perhaps EU might yet realize its potential. Multi-polarity is a possibility. It is also desirable. The world needs more respect being shown to international law. Enforcement of international law would anyhow require a world body. If UN has not been equal to the task. let there be



M B NAQVI writes from Karach

**BSERVE** the helplessness of the UN in Iraq. Gaza and Lebanon. It reminds one of the 1930s when the League of Nations could not stop the aggression of Fascist states. The League soon died unwept and unsung. Will the UN go the same way?

The Israelis have attacked Gaza's civilian population under their military occupation and deprived them of the means of subsistence by destroying electricity generation, provision of water, a virtual blockade that hinders food supplies coming in. By systematically destroying infrastructure, it is forcing Gazans and Lebanese Arabs to live in a literal dark age where no modern amenity is available. Lebanon is again a killing field. Lebanese are forced to flee. Beirut is being reduced to rubble again. Where is the UN or any great powers that can prevent the wanton vandalism of Israel?

**Colonel Taher, Lifschultz and our collective guilt** 

Israeli actions are shocking beyond belief. A state with questionable legitimacy is killing, maiming, imprisoning and depriving the civilian population of Palestine of all human rights by occupying the entire Palestine despite the UN abide by international law to promote their trade interests. That included apparent respect for smaller nations' sovereignty.

The UN was an improvement on the League, because of its chapter on collective security; it was supposed to have a military teeth of its own to enforce international law and justice. Well, the great powers prevented the UN from having any teeth. They preferred a toothless tiger that ate paper and produced more paper. Ex-colonies used to find some security with one or the other superpower's support. Most of them gathered around men like Marshal Tito, Jawaharlal Nehru, Ahmad Sukarno, Gamal Nasser and set up a Non-aligned Movement. But it petered out with the death of its founders. One is told it still exists. But one of its major member and leader. India. is now a new one, though Americans would wish to preserve this UN as their stooge. Small nations would remain its members

A possibility is that another organization is founded by those who want multi-polarity and a democratic world body that can impartially enforce international law and resolve crises. But saying it is not doing it. It is a huge task. How many would support the idea? One problem would be finance, perhaps also location of its headquarters. More funding has to be found than what small powers can pay. Bulk of the financing will have to be done by a few big powers. That will mean a defect. Need for a world body with some teeth is clear.

MB Naqvi is a leading columist in Pakistan unior partner of the US with pacts binding them. What can be done?

# **Our dysfunctional democracy**

This is certainly not the norm, nor the Ideal, for which we sacrificed our lives and properties to gain independence from Pakistan army rule. One terrible mistake that our present-day leadership always commits is to mix the past method to gain independence and the present struggle to establish democratic rule. What was correct for the pre-independence movement against an occupying army cannot be followed in our post-independence society.

#### AMM SHAHABUDDIN

OW dare we pose as one of the most politically conscious nations of the world when the country is going to the dogs because of the fighting between two major parties, BNP and Awami League (AL), led by two "rival families," either to capture power or to remain in power at any cost! But who cares? We know what to do to put our house in order. If necessary, we will knock down the house into pieces and enjoy the booty!

As some wise guy had said, when one finds oneself in a hole of one's own making, it is a good time to examine the quality of workmanship." But who will examine "the quality of workmanship" of our leaders, both in position (i.e. govthrough hartals.' ernment) and in opposition, who

have created a "black hole" in our political arena where the people in general are gasping for breath? **Criminalisation of politics** Whether we like it or not, the World

Bank (WB) rightly pin-pointed that iminalisation of politics" is at the root of all socio-political maladies in Bangladesh. In fact, the disease has now spread all over the bodypolitic of the country. The WB report, inter alia, bluntly said that "political power is concentrated in two major parties (BNP+AL), led by rival families that have dominated Bangladesh's politics since independence," adding, "Parliament has been ineffective in its role as a check on the executive," while the opposition "prefers to mobilise

public support in the streets and

Of course, "muscle power" has a big role in increasing "political violence." But will this open the eyes and ears of our leaders or will the nation continue to suffer as a hostage in the clash of personalities and so-called "dynasty rule"?

## How democracy thrives

Our leadership should try to learn how democracy is being run in other countries including our neighbour, India, where two opposite forces, secularist National Congress and Hindu nationalist. BJP, are the two major parties that run the show. Recently, LK Advani, a front rank Hindu nationalist leader and an opposition leader in the Indian parliament, had set a unique example as an opposition leader

which our leadership can learn

Commenting on the recent devastating bomb blasts on trains in Mumbai, killing some 200 persons and wounding 700, Advani said that it was "time for the government and the people to work together" to meet the situation. He. as opposition leader, had not called for countrywide hartals and street demonstrations for the ouster of the Manmohan government for its failure to ensure security of lives. Had it happened in our country, we would have been "enjoying" 36 to 72 hours continuous hartal and all sorts of vandalism, including the burning and destruction of properties and vehicles. Can we deny it?

Great Britain is another example where the government and the opposition work in a more civilised way than we do here. After the London bomb blasts, both on the trains and streets, how many hartals were called by the opposition, or countrywide demonstrations held? Does it not prove that Bangladesh has grown its own "brand" of democracy to suit our taste and mentality? Our democracy is a unique product, different in taste and colour from the traditional

democracy practiced in civilised countries

The difficulty with our leadership, belonging to the two dominant parties, is that their first preference will be to hit the streets to gather support of the people instead of sitting at the conference table to find an honourable way out from a national crisis. They will try to keep the political kettle boiling to fish in the troubled waters. Each party claims that patriotism is its monopolv. party whose leaders won the independence of Bangladesh from the colonial rule of Pakistan. Whether others consider this claim to be a myth does not matter at all.

### Cutting baby into two pieces?

But the only hope that can be a beacon of light for the nation as a whole is that of the growing consciousness of the people, particularly the voters, that would ultimately triumph over all the machinations of narrow-minded selfish leadership to gain power. It is a universal truth that a criminal will never confess that he has committed any crime. But invariably he will leave behind certain clues that will

help others to trace and expose the criminals.

It all depends on whether the people can free themselves from the smoke-screen of political trickeries played by our leaders, by misguiding the innocent people to run with them, and posing as the only saviours of the country. To achieve their selfish ends to occupy the seat of power, they can go to any length. Perhaps they wouldn't stop short of cutting the country into two pieces, each part going to the two contending major parties, led by two families. Or is it far-fetched imagination!

This reminds me of the classic story of two women who came to the court of King Solomon for iustice, each claiming motherhood of a baby. After hearing both sides, the king adopted a novel idea to find out who the real mother was. He ordered that the baby be cut into two pieces and the two women given their equal share. At this one of the women jumped with joy accepting the royal decision, while the other woman opposed the royal order to cut the baby into two pieces and pleaded that the baby should be given to the other woman, foregoing her claim as

mother. This revealed the real picture of the two women. The king then ordered that the baby should be given to the woman who had opposed the cutting of the baby.

This judgement of King Solomon

still continues as a writing on the

wall for all of us to read and learn, to

find out who is real and who is fake

in our national politics. Perhaps we

have already reached a ridiculous

stage in our so-called struggle for

democracy. Sometimes, it seems

that democracy has become an

anathema for us, either because

we are not fit for democracy, or

democracy is unfit for a people who

always prefer violent street agita-

tions to gaining people's support

nor the ideal, for which we sacri-

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This is certainly not the norm,

Anathema

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feuding leadership go to the extremes to establish their authority at the cost of others. There would never be another King Solomon to blow the final whistle!

independence society. It shows

another anomaly and irregularity

that we have created. Let not our

#### Young leadership

But the people, who generally line up behind either this party or that party, almost identifying themselves as part and parcel of what is now hanging over us as political dynasty rule, or family rule, will have to free themselves from this phenomenon to put things on the right track. It would not only save the nation from going to the dogs but also help to regain its name and fame as an independent state. Let our old leadership also call it a day and say good-bye to politics as they have had enough of it and let the new young leadership (but certainly not by inheritance) come up with new modern ideas to run the country as part of the civilised world. Is that too much to expect? Only time will show

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and they are the victorious