

## A momentous ruling by the World Court

### The world must not remain silent any more

FINALLY, what the Rohingyas have been crying out about and what Bangladesh has been saying at the top of its voice has been recognised at the World Court. We hope the whole world is now listening at last.

The International Court of Justice (ICJ) in The Hague, in a momentous decision, ordered Myanmar to carry out emergency, “provisional” measures to protect its Rohingya population from genocidal violence and preserve evidence of alleged crimes against them. Declaring there is *prima facie* evidence of breaches of the 1948 genocide convention, the court found that the Rohingyas remaining in Myanmar were “extremely vulnerable” to violence at the hands of Myanmar’s military. And, therefore, the panel of 17 judges, in its unanimous ruling, asked Myanmar to report back to it within four weeks on the actions it has taken to prevent any serious harm being done to the Rohingyas—and every six weeks thenceforth.

We owe a debt of gratitude to The Gambia for bringing this matter to the attention of the ICJ. Despite the fact that the ruling dealt only with the Gambia’s request for so-called preliminary measures, the equivalent of a restraining order for states—not the court’s final decision—it nevertheless could pave the way for Myanmar to finally be held accountable for its atrocities against the Rohingyas. Sadly, some of these atrocities could have been prevented, had the international community acted faster to protect the Rohingyas.

This genocide, which the world is yet to recognise, is a good example of how so-called proponents of justice and fairness are unwilling to recognise the most egregious crimes against a helpless population, for their own convenience. Bangladesh has even had to witness two of its closest friends, China and India, refusing to condemn the seriousness of the crimes Myanmar committed against the Rohingyas. India, with which Bangladesh’s relationship is at an all-time high, as both sides never fail to proclaim, has also refused to acknowledge the reality which was happening next door to them.

Now that what Bangladesh has been saying has found a voice at the World Court, we once again appeal to the entire world to step up its effort to assist Bangladesh in protecting the Rohingyas, and to hold Myanmar accountable for its many crimes that must not be ignored any longer.

## BCL’s terror tactics

### End the culture of impunity on campus

WE are appalled at yet another incident of torture of four students by Bangladesh Chhatra League (BCL) activists on the premise of Dhaka University on January 21. Labelling the four students as “*shibir* activists,” the BCL members tortured them for three hours—with hammers, wires and cricket stumps—before handing them over to the police. According to one of the students beaten up that night, although the house tutor of the hall came to the spot during the torture, he did not do anything to stop the BCL members. What is more, the BCL members handed over the four students to the police in the presence of a team of officials from the DU proctor’s office.

The repeated violence by BCL members on the general students of DU is extremely worrying, and we are particularly concerned about two things. First, the trend that BCL has established—to give a label to an individual or group and then torture them—mostly to establish their supremacy in the residential halls. Second, the failure of the hall administrations to play their due role and save the students from being tortured.

It has now become almost a norm for the BCL to justify violence on general students by giving them a label. The BCL members who tortured Buet student Abrar Fahad to death had labelled him as a *shibir* activist, without any justification or proof.

The role of the proctor’s office was also shameful. We do not expect the proctor’s office to be silent spectators when torture is taking place on their watch.

The university administration as well as the hall authorities should take stern action against the BCL members for torturing the four students of Zahurul Haq hall. BCL’s continuous violence on campus has already done enough damage to the academic environment of the university and to ordinary students’ lives. We also demand that the authorities concerned be questioned why they failed to take adequate action to protect the students on their watch. How many more students need to bleed before we end the culture of impunity enjoyed by the BCL on public university campuses?

## LETTERS TO THE EDITOR

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### DMCH in dire condition

With a sense of pride, I took my grandchildren recently to Dhaka Medical College and Hospital (DMCH) to show them the place from where I graduated. But upon reaching the premise, I was totally shocked and ashamed to see the condition of the place that I feel so dearly about. It didn’t even look like an educational/medical institution, to say the least! The walls were plastered with bright multi-coloured posters all over. The heavy iron rods between the corridors and verandas were reminiscent of a jail instead of an educational institution. It seemed dirty and messy, and to make matters worse, the unbearable stench from the nearby drains made it impossible to stick around.

I was so disappointed that one of the most prestigious and biggest medical colleges of Bangladesh was in such a sorry state. Needless to say, there are other such hospitals and colleges across the country which are operating in similar situations, if not worse. I urge the responsible authorities to immediately fix the horrible conditions surrounding DMCH and other such vital institutions for the benefit of the country and its people.

Dr Sabrina Rashid, Dhaka

## EDITORIAL

### BANGLADESH IN CORRUPTION RANKING

# Do we have the political will to improve?



IFTEKHARUZZAMAN

TRANSPARENCY International (TI) released its Corruption Perception Index 2019 on January 23, 2020. Bangladesh has scored 26 out of 100, the same as in 2018. Counting from the lowest score, implying worst affected by corruption, Bangladesh has been ranked 14th, one place higher than last year. From the highest score, meaning least affected by the menace, we have been ranked 146th among 180 countries, three steps higher than 149th in 2018.

Although ranking is never ignored, more importance is attached in this index to the score received by the country independently. Therefore, despite some upward movement in ranking—one step from below and three steps from above, attributed to worse performance of comparable countries—there is no scope for complacency.

In the context of the government’s high-profile zero tolerance policy against corruption repeatedly pronounced by the Prime Minister during the period covered by the surveys contributing to this year’s index (December 2017-October 2019), it was reasonably expected that Bangladesh would score better. Such expectation could also be attributed to the Prime Minister’s declaration in the context of the high-profile anti-corruption drive that no one involved in corruption would be spared, irrespective of political affiliation, including her own party.

Among reasons that such factors for potential positive perceptions seem to have been neutralised, is firstly, a deficit of trust as to how much the initiative would yield the desired outcome of bringing to justice everyone involved. There are reasons to believe that multi-dimensional collusions facilitated almost every identified instance of irregularities, including the involvement of the so-called “big fish” or “godfathers”, as a powerful minister is referred to.

The second vital factor is the growing concern about the intrinsic linkages between politics, big money, and corruption, which has been taking an institutional shape. This has resulted in a detachment of public interest in decisions and actions of statecraft, undermining, in turn, the structure of transparency and accountability. This second factor appeared prominently as a global trend as reported by the index, which also shows that countries with robust political integrity and accountability have performed better while countries that represent deficit in political integrity and accountability are found to perform poorly.

Among the eight South Asian countries, Bangladesh continues to be the second worst after Afghanistan. In the Asia-Pacific region, we are the fourth

lowest among 31 countries, better than only Cambodia, Afghanistan, and North Korea.

No country has scored 100 percent; hence no country is free from corruption. As many as 131 countries (72 percent) have scored below 50; 108 countries (60 percent) have scored less than the global average. Compared to 2018, scores have declined in 68 (38 percent) countries, increased in 60 (33 percent) and remained same in 52 (29 percent) including Bangladesh.

Overcoming the agonies of being the lowest scorer for five successive years during 2001-2005, Bangladesh has in recent years somewhat improved, although the remains stagnant in the 20s. A long way remains if we want to reach the global average of 43.

year’s index (December 2017-October 2019), there were reports aplenty about some unprecedented scandals involving swindling of public money in procurement in multiple sectors. In almost all these instances of corruption, the common feature was a pernicious collusion of business and politically linked power with a section of individuals in law enforcement agencies and relevant officials of the concerned public entities.

The state structure and governance process are often captured by agents and beneficiaries of corruption, the striking example of which is the banking sector bedevilled by loan default and all possible forms of swindling public money. Policies and decisions often reflect demands of swindlers and defaulters rather than public interest, the cost of which is passed

be insulated from the influence of big money and criminality. One crucial gap is the absence of legal provisions to transparently and accountably manage conflict of interest and beneficial ownerships. Conflict of interest regulations can prevent abuse of entrusted power while beneficial ownership regulations can substantially prevent tax evasion and money laundering.

Some progress has been made in terms of updating the anti-money laundering law and relevant institutional capacity. Much more needs to be done consistent with the evolving capacity under digitalisation of the banking sector. There is no reason why Bangladesh should stay away any longer from the international standards set up in 2014 to enable countries to internationally exchange bank information automatically, already joined by more than a hundred countries including some of our regional neighbours. In addition to opportunities opened by the UN Convention against Corruption, which Bangladesh is yet to fully take advantage of, this will greatly help prevent tax avoidance and money laundering and facilitate repatriation of stolen assets.

Public policies and enforcement must be free from the influence of the politically and financially powerful at the expense of public interest. The culture of impunity of the corrupt must be uprooted. The Anti-Corruption Commission must overcome inhibitions against acting independently and bring the corrupt to justice irrespective of identity, status and political or other linkages.

A crucial aspect of strategy to prevent and control corruption is to ensure electoral integrity including electoral finance transparency. Without compliance of electoral laws and rules by the political parties and strict enforcement by the relevant institutions, especially the Election Commission, there is no way that elections can be meaningful or corruption can be controlled.

No less important is the need to promote a culture of openness, tolerance for disclosure and dissent as key to public participation in anti-corruption movement, as mandated by the constitution ensuring freedom of expression, association, and dissent. It is the responsibility of the government to create a conducive environment for participation of civil society, NGOs, media, and citizens at large in the anti-corruption movement. Drastic and comprehensive amendment of the digital security act is indispensable. The more a society considers critics as well-wishers and change agents to strengthen the scope of compliance and accountability rather than treating them as enemies, the better will be the performance in anti-corruption.

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ILLUSTRATION: BIPLOB

Zero tolerance against corruption is easier pledged than implemented, especially in a context where conventional processes and institutions of checks and balances and accountability in governance and statecraft have been converted into a monopolised territory of the ruling party. It is more challenging when many of those who are mandated to implement the pledges are themselves among the beneficiaries, colluders, protectors, and promoters of corruption.

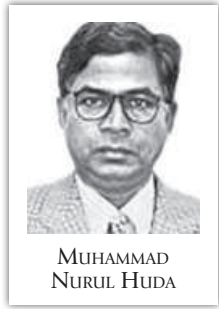
Examples are rare in which corruption is a genuinely punishable offence and the corrupt cannot be allowed impunity. During the period of data for this

on to the common people.

There is hardly any public institution or sector that is not affected by corruption. Even the Anti-Corruption Commission carrying the baggage of integrity deficit since it was created has been subject to embarrassing revelation of corruption by its officials, including very senior level ones, during the data period of the index.

Without a paradigm shift in political culture towards integrity, neither can corruption be controlled effectively nor can our performance in CPI be expected to improve. Politics, political parties, processes, and positions must

# Extrajudicial execution has no place in democracy



MUHAMMAD NURUL HUDA

WHEN ordinary people whose life is mostly dictated by the day-to-day compulsions speak in desperate terms, they can be excused. The norms and nuances of an orderly, law-bound existence may sometimes elude them or, even if they don’t, may not be of much significance to them. So few would be surprised if discussions on the dynamics of a civilised society appear fruitless to the ordinary people. But when lawmakers sitting in parliament speak in a rash and brazen manner, and fail to appreciate the gravity of such action, it is worrisome indeed. We are talking about the recent statements by some lawmakers in support of extrajudicial killings to punish rape suspects without giving them the benefit of the due process of law.

In view of the lawmakers’ endorsement of “crossfire” as a means to address the scourge of rising rape crimes, it bears repeating that the practice of breaking the law in the name of law enforcement is totally unacceptable, and has no place in a democratic society bound by the law. It is also objectionable because it is arbitrary as a process and random in its effects. A democratic polity venturing to maintain order by repression and criminality is actually creating the ultimate disorder because, by resorting to such measures, it makes rule of law contingent on violence and subject to individual interpretations.

We have to remember that law enforcement is a field of activity where the powerful and the powerless come face-to-face, metaphorically speaking, and the responsibility of the law enforcement is to make sure this “interaction” takes place following the law. The law enforcement agencies are expected to uphold the spirit of the law at all times. Therefore, the theory that those who cannot be taken care of within the law should be dealt with *outside* the law is preposterous and, not to mention, has no place in the world of law enforcement.

Unfortunately, what we are seeing today is a worrisome trend in which result-oriented investigating officers are increasingly inclined to resort to short-cut methods to please their bosses or political masters. The worrisome part is the threat to put an alleged criminal or an ordinary suspect in a “crossfire” situation as part of some ulterior motive.

Since most crossfire deaths are not seriously investigated for establishing culpability, the culprits in the enforcement and investigative apparatus take advantage of this situation. Elements of accountability and fear recede into the background, creating a culture of impunity, while investigation by the book becomes less of a priority.

Professionally speaking, this is an instance of heightened jeopardy because, in Bangladesh, the crime fighting machinery already stands accused of not cultivating a scientific modus operandi and, quite often, relapsing into the role of a force using third-degree methods.

The question is, do we want a sustained, laborious undertaking under the law to strengthen our democratic

foundation, or do we want rash, desperate action unsupported by the law? The crossfire incidents, undoubtedly, do not fit in with the first proposition. We need to be absolutely clear about that.

One can also interpret these incidents as a summary action from the desperate executives of law enforcement struggling with the high crime rates. Leaving aside the issue of the legality of actions leading to adoption of such means, any

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responsible citizen might like to know if, in our often-over-zealous anti-crime operations, we are just treating the symptoms without venturing to make an objective study of the conditions promoting criminality.

We do not need any sociologist or criminologist to tell us that present-day crimes are a complex social phenomenon caused by a multiplicity of factors, and so determining culpability can be a very

tricky and exacting job at times.

Everyday life experience tells us that often the fun-seeking delinquent teenagers grow to become a threat to society thanks to the patronage of powerful quarters and the inaction or negligence of the law enforcement outfit. Therefore, when deaths occur in so-called “crossfire” incidents, some myopic elements may be satisfied but a civilised society that wishes to live by the cannons of law cannot but be concerned.

The culture of extrajudicial killings in “crossfire” is forestalling the benefits of thorough investigations, which could give the citizens a better picture of the pathetic yet compelling factors responsible for the rise of criminals, the shady role played by their patrons, and the alleged inertia of the regulatory units.

What we need, therefore, is adequate provision of witness protection and victim support in the criminal justice administration. To make these effective, we need a heavy injection of government funds for the purpose. Any further delay in the process will only swell the ranks of summary justice seekers and the admirers of vigilante action. Also, the plight of the victims of “crossfire” incidents needs mainstream attention.

A criminal, whatever their crime and however gruesome it may be, has a right to the due process of the law. Their alleged crime does not give anyone a license to resort to illegal measures to punish them because a democratically elected government must always strive to demonstrate—through words as well as action—that law enforcement and civil liberties can co-exist in society.

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