

A Birthday—and New Battles—for Amnesty

by Jeff Silverstein

Democracy and the Campus

A great deal of tension continues to bubble underneath the surface of Dhaka University campus. A lot of manoeuvrings are going on, all of which point to a re-orientation of student politics. The less-than-amicable closing of the All-Party Student Unity (APSU) chapter, although a disappointment, was not entirely surprising in the post-Ershad, post-election scenario, given the intense rivalry between its two largest components, the Jatiyatabadi Chhatra Dal (JCD) backed by the Bangladesh Nationalist Party (BNP) and the Awami League-supported Bangladesh Chhatra League (BCL).

The re-surfacing of the rivalry, which was the main feature of campus politics before the advent of APSU on October 10, 1990, was inevitable once a BNP government took power following the February 27 polls, and the ideological division between the JCD and the BCL became a conflict of interest.

The problem now facing the country's highest seat of education is what form or shape this rivalry is likely to assume. If the incessant parade of armed young men in various halls of residence is indicative of things to come, then it is a pretty bad omen indeed. The practice of physically capturing halls is an old one, but the fortification of what are essentially dormitories have contributed to the growth of a confrontationalist mentality. Unfortunately, such trends do not in any way help the development of democracy which is principally a philosophy of tolerance. Freeing halls from control of musclemen by a re-assertion of the university's administrative authority over them, has now become an urgent necessity. It is well recognised on and off the campus that unless major student parties actually decide to give up using "mastans" for political end, guns will continue to pose a threat to the pursuit of education in the university. It is the responsibility of all the major parties, particularly the biggest two, to initiate the process of disarmament, without which their claim to represent the student community as a whole will be brought into serious question.

The situation is highly critical at present, because the process now in motion is for, on the one hand, control of the campus, and on the other, to project that control to have a greater impact on the wider political arena of the country. Consequently, as the date for elections to the Dhaka University Central Students Union (DUCSU) draws closer, the more urgent becomes the need to open a dialogue among rival groups, to reach a minimum level of accommodation, without which the practice of electoral politics may become difficult. We have no doubt the student community has the capacity to behave in a democratic manner (they set an example to the nation last year by conducting a peaceful and fair elections to DUCSU), and this year ought not to be an exception.

Students will have to ask themselves, what this is all about. The university, first and foremost, is for education. Politics there will be, nobody is seriously seeking a de-politicised campus. But let the battle be fought politically, through reasons, arguments, speeches, and elections.

Finally, the government itself bears an enormous responsibility to seriously address the grievances of the student community. There is a 10-point demand of the former APSU on the table, agreed to by all the student parties. This is a truly all-party charter, and the government can start with that charter, which will automatically lead to a diffusion of the current tension.

Human Rights

In observing its founding anniversary today, the Amnesty International (AI) has a great deal to be pleased about, first with the changes which have taken place in the field of human rights in most parts of the world and then with the role the organisation has played at least in making people aware of the need for these overdue changes. While playing a role, more catalytic than symbolic, in raising the consciousness about human rights in our societies, the AI has provided the inspiration for the setting up of over a thousand organisations, big and small, in recent years throughout the world, including Bangladesh, which uphold individual liberties, often in most hostile environments.

In broad general terms, the world seems a safer place today than in the past for individuals who profess beliefs, social and political, contrary to the opinions held by the establishment, be it the government, the majority community or the ruling party. With the fall of communist regimes in East European countries, the collapse of authoritarian administrations in some South Asian countries, including Bangladesh, and the wind of change blowing through the Soviet Union, China and several African countries, many of yesterday's dissidents and the so-called prisoners of conscience have regained their rightful place in the society. However, in a world where liberal democratic regimes can often adopt authoritarian methods, under varied circumstances, the need for constant vigilance remains strong. On the other hand, despite the changes in many parts of the world, there are still countries, a few in Asia and some in Africa, Latin America, and the Arab world, whose record in human rights belongs to another age, another time.

It is for the Amnesty International to review the overall situation carefully. Perhaps the organisation should also take a look at its own performance, its working style and tactics. For all these years, the AI has focussed its attention on the rights of individuals and has done a splendid job in turning their plight into global concern. Unfortunately, as critics say, it has paid little attention to what is generally known as people's rights, like those of the Palestinians in the occupied territories or of ethnic minorities, like the Kurds. Questions have also been raised about the organisation's system of collecting data and information. Far from being negative, these criticisms underline the expectation among the supporters of AI that in the years ahead, the organisation will gain in both strength and credibility and thus serve the cause of human rights better than it did during the past 30 years.

AMNESTY International, the organisation that coined the phrase "prisoner of conscience", is 30 years old today.

Its technique of publicising the individual, personal stories of prisoners of conscience — political prisoners — has secured thousands of releases.

Amnesty was a pioneer among human rights organisations. Now there are more than 1,000 of them worldwide.

The organisation had its beginnings in 1960 when Peter Benenson, a 40-year-old commercial lawyer, read a newspaper article about two Portuguese students in Lisbon who had been arrested and sentenced to seven years imprisonment for raising their glasses in a public toast to freedom.

Angered, Benenson began to consider ways in which the Portuguese authorities and other oppressive regimes, could be persuaded to release such victims of injustice.

He spelled out an idea in an article he wrote for the Observer newspaper on May 28, 1961. He suggested bombarding governments with letters of protest at the imprisonment of prisoners of conscience.

The response was extraordinary. Letters of support and donations poured into the newspaper. Readers wrote in with details of prisoners, and others volunteered to work for the release of prisoners of conscience.

Amnesty doesn't plan to turn the birthday into a celebration, but human rights campaigners can be forgiven some satisfaction. Today, Western and much of Eastern Europe are free of dictatorship and, for the first time, there is some tough talking about linking aid with human rights.

Amnesty bases its actions on the Universal Declaration of Human Rights, a document which went all but unnoticed for years although lip service was, and still is, amply paid to it.

Today, human rights is big business. Amnesty International has a staff of 260 and a membership of a million people in 60 countries. It has an annual budget of nearly \$20 million.

Since it began it has campaigned on behalf of some 42,000 prisoners, and has been able to close over 38,000 cases.

Human rights abominations continue, however, as the Gulf war demonstrated. Torture remains a part of life in 96 countries, more than half the world's nations.

Marking its 30th anniversary, Amnesty plans to highlight the cases of 30 people to illustrate the range of its concerns. These include:

- The case of American Dalton Prejean, a black juvenile offender who was executed by electric chair in May last year for the murder of a white police officer—the fourth juvenile offender executed in the US since the death penalty was

Three decades ago, one man's outrage at the plight of Portuguese students who were jailed for publicly toasting freedom, led to the formation of Amnesty International. This is the group which, championing the rights of prisoners of conscience, has made human rights campaigning respectable. And powerful. The organisation on its 30th birthday is facing new challenges.

- reintroduced in the 1970s.
- There is Erhan Tuskan in Turkey, who was tried more than 20 times and sentenced to a total of 123 years in jail for "making communist propaganda" in the magazine he once edited.
- In the Soviet Union, Oleg Gorkhine is serving an 18-month sentence for refusing to join the army.
- In China, Wang Xizhe, a political activist in the country's pro-democracy movement in the late 1970s, was sentenced to 14 years' jail for belonging to a "counter-revolutionary" group aimed at destroying the one-party dictatorship.

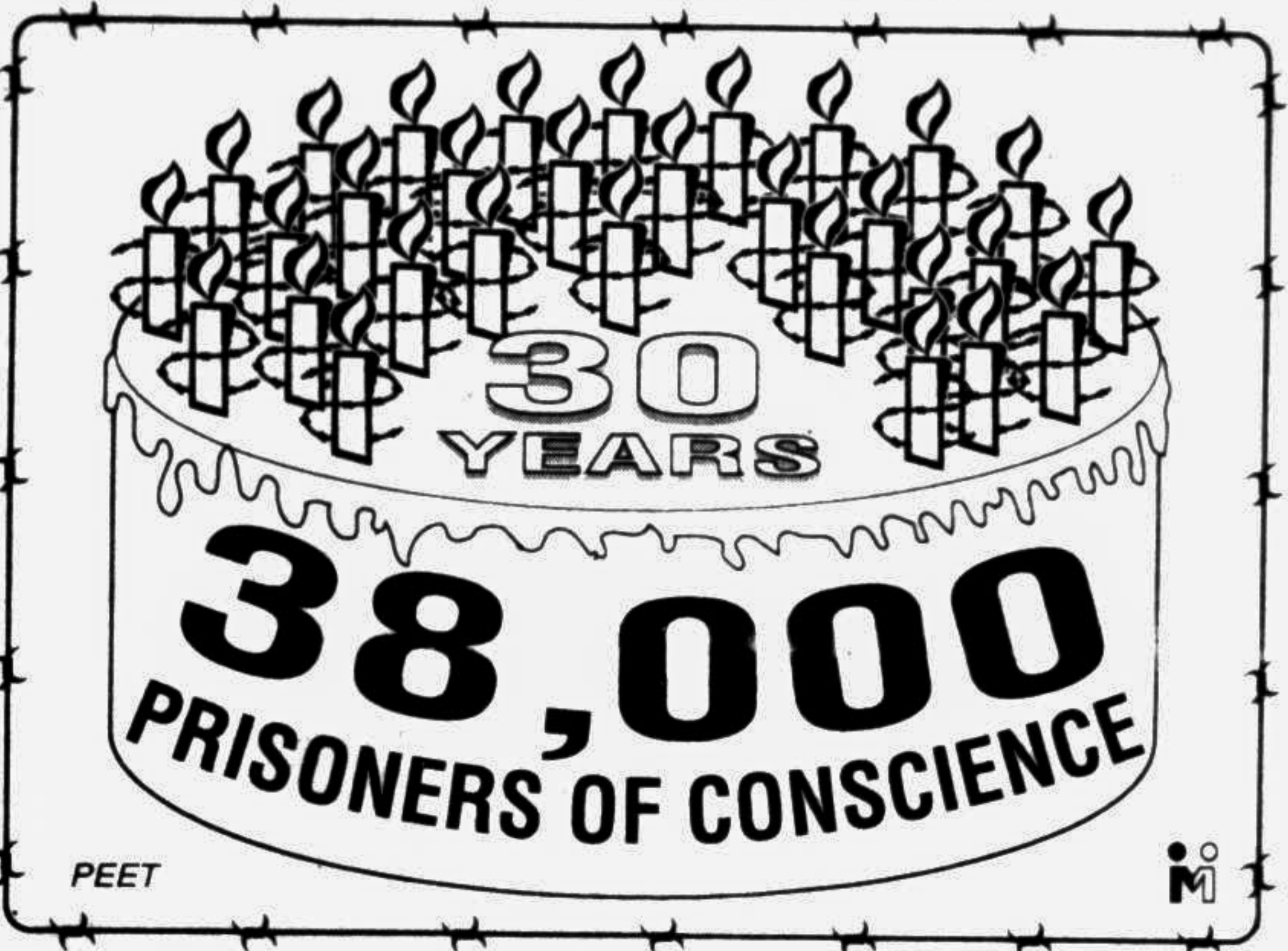
The Amnesty campaign "No More Excuses" which got under way this month (May) will draw fire from governments of both right and left. But it is precisely the organisation's

political neutrality that has been the key to its success.

Until 1961, the work of human rights groups was plagued by partisan loyalties. Says Benenson: "I'd been in this work of trying to help political prisoners for a number of years, and I realised to what extent that work had been made virtually useless because of the political overtones of those who intervened."

Amnesty's reports are published worldwide, and are believed. The organisation has become a major resource for governments, international agencies and human rights activists everywhere.

Its basic technique has remained virtually unchanged—that of publicising the personal stories of prisoners of conscience and encouraging its members to bombard offending governments with letters.



Manila Resorts to Tradition in Settling Disputes

Manolo B. Jara writes from Manila

A programme described as "very Asian in character," is helping the government hasten the administration of justice as well as relieve the courts of their heavy backlog of cases.

Called the *Katarungang Pambarangay* (Barangay Justice), the programme has been in operation for 15 years now. And it has proven to be an effective alternative system in resolving disputes in a *barangay* (village).

In his report to President Aquino in 1988, Secretary Luis Santos of the Department of Interior and Local Government (DILG), said: "For the past 10 years of its implementation, the (village justice system) has accomplished so much... in the attainment of its basic objectives."

These objectives are to promote the speedy administration of justice; perpetuate the time-honoured tradition of settling disputes amicably; implement the constitutional mandate to preserve and develop Filipino culture; and relieve the courts of heavy congestion of cases and thus enhance the quality of justice dispensed by them.

Although problems remain, the programme is already in full swing, said Director Gaudioso Sosmena Jr. of DILG's Bureau of Local Government Supervision, who is in charge

of the village justice programme.

Since its implementation, he added, much of the objectives has already been attained. For instance, from 1980 to 1987 a total of 805,503 cases were referred to the programme. Some 716,262 cases were settled — an 89.2 per cent success rate in the settlement of cases.

The assumption is that lawyers reduce the chances of settlement

The settlements resulted in savings for the government, totalling more than 2 billion pesos (US \$74 million) in adjudication costs. Moreover, the courts, already burdened with a heavy docket congestion, have been relieved of cases which would have been referred to them for settlement.

Because of its creditable performance, Supreme Court Chief Justice Marcelo Fernan is "keenly interested in ensuring the programme's success," according to Director Sosmena.

In particular, he said, Mr. Fernan considers the programme as an effective instrument in speeding up and enhancing the administration of justice and unlogging the courts of cases waiting judicial settlement for many years.

The programme revives the ancient Filipino custom of settling disputes amicably at the village level "in order to preserve peace and harmony in the community."

Presidential Decree 1508, which authorised the programme provides for the compulsory settlement of certain

cases at the barangay or community level.

The law creates in each of the country's more than 40,000 villages a conciliation body which is empowered to bring together parties to a dispute for amicable settlement.

Each conciliation body is composed of the village chairman as head, and a 20 members appointed by him. The body does not act as a whole in the actual conciliation of disputes but rather through the village chairman and the conciliation panel composed of three members.

If the village chairman fails to settle the dispute, the case is referred to the three-man panel. If still unsettled within a certain prescribed period, the case may then be filed in court

or a proper government office for adjudication.

A significant feature of the programme is that lawyers or third party representatives are prohibited from the conciliation. The reason is simply to facilitate amicable settlement on the assumption that the assistance or intervention of a lawyer or representative reduces the chances of settlement.

As a DILG official put it, "The theory is that a party assisted by another person is bolder in opposing the other side and less open to an amicable settlement."

As such, the official added, "the programme has afforded the poor an alternative system to resolve disputes without going through the expensive and oftentimes long-delayed court litigations."

The programme is not unique to the Philippines. Other Asian and Pacific nations — as well as those in the West — have adopted similar programmes and attained varying degrees of success.

In China, for instance, disputes are resolved by "neighbourhood committees" at the community level. The committee, composed of seven volunteers, mostly retired men

and women, settles disputes even during nighttime, if necessary.

Mediation is also commonly used in Singapore in industrial and even matrimonial disputes. In Indonesia, the village council primarily acts as a mediating body. In Thailand, a "compromising house" acts as a village court to settle civil and penal cases like land disputes, adultery, defamation, illegal detention or breach of contract.

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Lok Adalats in India also provide a voluntary way for contending parties to meet, talk to each other and try to come to a mutually acceptable settlement.

All of these indicate "the universal search for alternative modes of settling disputes, even with the use of indigenous institutions in some countries to improve the administration of justice," DILG Director Sosmena explained.

— Depthnews Asia

OPINION

Corruption and Social Justice

There is an old English saying, "Everybody talks about the weather but nobody does anything about it." Similarly, the topic of corruption is the most talked about subject in the country. Possibly, because everyone is a victim of this practice in one way or another — even the same people who are perpetrators of corruption in their own sphere of activity. And very little is done to receive redemption and relief from this social evil.

Little will be accomplished by discussion or analysing the cause and effect of corruption as no doubt enough of this has been done already. Truly, if corruption was a live animal it would have been long dead out of shame because of its bad reputation.

The point I would like to make here is that there would be no relief from this social evil unless and until we acknowledge and accept the fact that as a group — the perpetrators, abettors and beneficiaries of corruption in general are the middle and upper class people of the society.

The types corruption most people are aware of or concerned about are the most obvious and flagrant ones: the petty thievery of petty official — some bureaucrat withholding a file or a decision to extract money, or some trader selling adulterated food, cooking oil or spurious medicine. An unending list of corrupt practices that are common and every day occurrence can be narrated, and all these have been accepted as part of life in a poor society. Though these practices are not condoned but tolerated without any expression of outrage and no recourse or relief is sought.

There are also other forms of corruption which are widely practiced and are not recognized as such, some of these are — officials who do not attend office on time or are negligent or slothful in carrying out their duties or government employees who use their official position to obtain personal gain. Professionals are also not above indulgence. There are lawyers who unnecessarily prolong court cases to extract

more money from clients, or doctors who prescribe unnecessary medicine.

Another type of corruption which is mostly invisible but more insidious is the corruption at the highest level where a fertilizer factory, a textile mill, a power plant, a sugar mill or a steel mill is set up at a highly inflated cost — sometimes at a price several times the actual cost and the difference is pocketed by the top decision makers. For corruption of this type everyone becomes a victim, as everyone ends up paying higher price for food, clothing, electricity, telephone calls etc., etc.

The injustice of all these thoroughly reprehensible and malignant practices befall mostly on the lower rung of the society — the landless peasants, the day labourers and the generally disenfranchised. Because, the middle and upper class somehow knowingly or unknowingly are in the corruption circle and cycle — and are able to derive some benefit and can sustain themselves. But, the deprived — the under class — have no recourse and can not maintain themselves at the most basic level of human existence.

The most tragic victims of corruption in the society are the children of the underprivileged. Thus it is a common sight in any urban area of the country — the children of the privileged going to school in neat school uniforms to get their lessons (some times in a foreign language) and not very far away there are other children rags who spend their days collecting firewood or work from dawn to dusk as "tokais" (waste pickers) — misery and malnutrition is their lot.

These children who number in countless millions are the real victims of the corrupt system. I might also add that corruption in the society and public life spreads its tentacles in many pernicious forms and also has a demonstration, multiplier and an acceleration effect.

Naz Shafiq
Dhaka

To the Editor...

Letters for publication in these columns should be addressed to the Editor and legibly written or typed with double space. For reasons of space, short letters are preferred, and all are subject to editing and cuts. Pseudonyms are accepted. However, all communications must bear the writer's real name, signature and address.

Aid develops Bangladesh

Sir, Bangladesh received foreign aids and grants worth over 21,000 million US dollars during 16 December, 1971 and 28 February, 1991. Japan, USA, France, Germany, UK, and Saudi Arabia were among the major donors apart from international organizations.

Bangladesh is one of the favoured countries for aids. Aids are offered in different terms for different purposes, such as grants or loans for researches, development projects, industrial/commercial investments, humanitarian causes, etc. Hundreds of developmental schemes funded and/or managed wholly or partly by foreign establishments are in progress in the country.

So, Bangladesh is not capable of developing herself without foreign aids. Bangladesh, with optimism, has had so many foreign donors involved in national de-

velopmental affairs and now joined by US troops for post-cyclone operations, which are justified by official rhetorics as though lion share of national prosperity belongs to foreign interests, that may put sovereignty in question sooner or later even if faintly.

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Age limit and session jam

Sir, The newly elected government has raised the age at the entry point in government service from 27 years to 30 years to remove frustration of the students and thus to unfold employment opportunity. By raising the age limit we are going to accept the present session jam to the University as a permanent feature. The authorities of Education Boards and Universities will go slow to hold examination and finish the courses. Thus the

guardians will be taxed to bear expenditure of education for the extended periods. But the total span of service will be limited if retiring age is not increased.

The University teachers if take pain to examine the scripts quickly and arrange to hold examinations in due time and can publish the result quickly the session jam can be removed to an extent. If employment opportunities are not increased, mere raising of age limit will be fruitless. If limitation for holding examinations and script examination is not fixed, the raising of age limit will not work.

The authorities of higher educational institutions should take a crash programme to hold all previous examinations at a time even at the cost of concession of time and courses, so that the train can be put on rail and set to its regular motion.

Mahbubul Haque Chowdhury
Kalabagan, Dhaka

Trial of Ershad

Sir, I endorse the view expressed by Farhana, Fazle Rabbi and Winny in their letter published in your daily on May 20. I want to add a few lines.

The first session of the fifth parliament has failed to even raise the question whether the deposed President Ershad

should be held responsible for usurping power from an elected government; if so, whether he should be tried for high treason. When the parliament has failed to discharge its duty, any individual or political party may come forward and set the law into motion. If the government or any individual sets the law into motion, a question arises, whether Ershad's usurpation of power was saved under the 7th Amendment to the Constitution. My humble view is that it is not saved. This matter may be tested in the light of the ratio laid down by our Supreme Court in Anwar Hossain's case known as 8th Amendment Case. Ershad's trial is necessary to deter future adventurist. Ershad had used his arms and compelled President Sattar to exercise or refrain from exercising in any manner the lawful powers of the President (please see section 124 P.C.).

For Ershad's trial no new legislation is necessary. He may be tried under Penal Code read with Arms Act and Special Powers Act.

I pray to the authority concerned to look into the matter seriously and take necessary action immediately.

M. Saleemullah
Advocate,
Dhaka