

Human Rights

The Amnesty International's annual report, 1988, has made some thought-provoking observations on the human rights situation in Bangladesh. Except for some positive remarks on the CHT peace accord and investigation of past human rights violations especially the killing of Bangabandhu Sheikh Mujibur Rahman and his close relatives, the government has generally drawn criticism for what the AI report called 'widespread incidents of violation of human rights' in 1997. These included alleged detention of political activists without charge or trial, rape in custody and death in custody following torture. Acquittal of four police officers accused of rape and causing death of Shima Chowdhury was referred to recalling in the same breath that "the judge reportedly criticised the prosecutor for presenting a weak case." The death of three prisoners in Narayanganj district jail in December after falling ill and while awaiting trial underscored the deplorable prison conditions, among other things.

The AI report only serves to reinforce the concern that legal and civic rights activist groups inside the country have voiced from time to time for an overall improvement in our human rights ambience.

The Human Rights Commission and Ombudsman's office should come into existence without ado. Then police reform and prison reform will have to be put in place in a year's time at the latest. And as we strengthen the Attorney General's office we may seriously give a second thought to the retention of SPA, an instrument that cannot earn a democratic government any credit whatsoever.

A locally generated survey attribution to Gana Sahajya Sangstha claims that there were 218 incidents of human rights violations in the country during the last month alone. The report highlights the gap between the number of occurrences and that of cases filed and between the number of persons accused and that of those actually arrested. While a home ministry's clarification on the subject will be highly appreciated, let the media and activist groups vigorously campaign for the victims to come out and seek justice in a larger number.

Gap between Ban and Halt

In a landmark action the government has banned for five years hunting of all wild birds and animals. The alarming rate of depletion of our rich array of fauna has led the government to the action. This is expected to provide a kind of reprieve or a chance for the many species endangered or nearly so in Bangladesh — to increase in number and attain the survival minimum. How should we feel about this five-year comprehensive ban? How are they going to make it meaningful? This cannot yield any result if left only to seeking people's co-operation. It has to be enforced. This is easier said than done; for the government cannot be as pervasive as to force all harbouring contrary taste to fall in line and behave. The challenge lies there.

There has for long, perhaps eternally, been a gap between *sadh* and *sadhya*, light years more than that exists between the proverbial cup and the lip. A government's job is, of course, to know and cherish the right *sadh* or intention. But that isn't enough for a government which, to do justice to the institution, must reduce that proverbial gap and translate the intentions into facts of society. How will the government stop killing all wild life when it has for years failed to enforce the long existing ban against killing or catching the migratory birds? Up to now not one of those who hawk these birds at the more important traffic points of the capital city, has been caught and punished. It is impossible that the ministers and the IG of police haven't come across these hawkers. How are we to explain the hawkers' immunity to law?

Hunting game and birds is done by gun. And who owns a gun? Those that have money and power. The apprehension is this five-year comprehensive ban might go the way of the ban on catching migratory birds unless it is launched in an iron-plated manner.

Social motivation can do the trick. It must be instilled in the people's mind that bio-diversity and dynamic balance in nature are essential ingredients for the survival of the human kind. This cannot be done by policing. Vigil at the community level will be helpful.

Can we expect newspaper displays, radio and TV spots and thousands of billboards to declare that hunting and catching of birds are punishable crimes — any sooner than a year?

Brokering for Clinics!

What a box-item on the front page of a national daily dwelt on yesterday beats everything else in that class we have come to know so far. It described how some staff of the country's lone hospital for treatment of the disabled at Mohammadpur have formed a vigilante group to resist the brokers who lure or bully away its patients to the adjacent private clinics. Most of these brokers are drug addicts who were previously engaged either in rickshaw-pulling or hotel jobs. They now 'drive' patients to the clinics they work for because it is paying. Understandably they would have not been able to do it so successfully for a long time had they not got support from within. Reportedly junior doctors of the hospital who are associated with these clinics send these brokers on 'patient-hunting'. Not only that. Although they are supposed to see patients at the hospital until 5 p.m., majority of them, the report alleges, leave for their private practice a good deal earlier.

On one side there is a vigilante group bristling in rage to take on anyone swooping on the incoming patients and on the other there are these vacant counters with no attending doctors in sight. Patients have been reduced to the level of muted helplessness being either driven into the hospital or to the adjacent clinics.

This undesirable turn of events could be averted if accountability had been promoted as an inviolate element in the administration of government hospitals. We would demand the health ministry address the issue immediately with firmness and a sense of purpose. Once the hospital administrations start performing in a way they should, law enforcers would be able to bring a swift end to brokers' reign.

'The Policy of an Eye for an Eye would Leave Everyone Blind'

by Anam A Choudhury

Public no longer appreciates Sheikh Hasina's business-as-usual brand of politics. Her critics stress that this government is gradually slipping back into many of its old ways.

people are increasingly turning against their neighbours in brutal ethnic conflicts. From the 1950s on, India and Pakistan were ruined by mistaken policies. India, world's second most populous nation accounts for less than 0.5 per cent of the global commerce. Both the countries consistently lagged behind not only Asia's fast developing nations but, embarrassingly, the poor world as well.

Both the countries are firmly in the ranks of Asia's failed states. And behind every failed state there is a failed development process. A recent German survey found Pakistan as the second most corrupt country in the world, beaten only by Nigeria. Rightly or wrongly, Pakistan's Presidents had to sack three successive governments, two led by Benazir Bhutto and one by Mr Sharif because of corruption and incompetence.

Public no longer appreciates Sheikh Hasina's business-as-usual brand of politics. Her critics stress that this government

is gradually slipping back into many of its old ways. Economic and social problems that are emerging in Bangladesh require new development vision. Time is not on her side. Two years have already passed and this government yet to put forward a balanced and integrated set of social, economic and financial policies.

The working age population is increasing, more women are in the job market and more and more people are moving to urban areas in search of job. The result is an environment of chaos, misery, homelessness, child labour, crime and violence.

This government is yet to streamline bureaucracy. Most of the popular despair in Bangladesh stems from the widespread belief that the country's bureaucrats are irredeemably corrupt. People of this country have lost confidence not just in individual officials, but in many of the rules and habits by which they have long been governed.

In fact, bureaucrats make all

important decisions about education, environment, health-care, taxing, spending, agricultural and industrial planning. Public life is run by an overweening bureaucracy that still regards elected politicians as mere "passersby" unfit to be trusted with the responsibilities. The elite administration officials are certainly the best and brightest product of our education system and they are also best at shifting the responsibilities away from the bureaucracy and heap it on the politicians whenever their policies fail or backfire.

Government Ministers must not think that years of blundering and misrule will be forgotten by the people, if they can produce a few months of the ineffable "feel good factor" before the election.

To spark the sort of economic growth for which the people of this country yearn, Government will have to find a way to restore the confidence of businessmen and investors.

Privatisation has suffered a decade of political blight. Previous Governments failed mis-

erably to promote privatisation. Despite years of promises not a single large state enterprise has yet been sold. Banks, insurance companies and huge chunks of industry are still in the state hands. So are gas, electricity, telecom railway and Bangladesh Biman, the national flag carrier. Most of these are propped up by subsidies. By removing these from public sector, privatisation will eliminate much of the tension and corruption within the Government.

With globalisation in full swing and western world having a merger boom, we must realise that the days of operating in isolation within one's border are gone. The time to get bigger has arrived. Production capacities of our firms are to be expanded to achieve the economies of scale needed to be truly competitive and to catch up with fast growing economies of the other Asian countries.

Development experts reckon that Bangladesh can expand further its labour intensive industries as garments, footwear and textiles and can also gradu-

ally nudge the economy towards such high value goods as electronics and machinery, although Bangladesh's poor education system may limit its ability to move up the value added chain rapidly.

In the United States, Harvard, MIT and Stanford University scholars and professors take the lead in spinning of new high technology firms and helping technology transfer from university laboratories to private firms. They are major economic influences in the nation's industrial life, but grim irony is that in our country 'campus politics' is a growth industry and most of our scholars and professors, instead of fostering education and research, actively practising party politics. Justice Shahabuddin Ahmed a popular president of an apparently unpopular government gave wildly applauded public speeches in which he denounced whole political class and urged them to end political use of our innocent students. But Bangladesh's political game does not just need such players.

Perhaps, this government has not yet run out of ideas, but surely is running out of time.

The United States and South Asian Syndrome

If the situation in South Asia now has assumed a "dangerous direction" which most people believe it has, then the US can and should come out with a more effective role to improve the political climate here even though the task is complex.

Mr. Karl Inderfurth, the US assistant secretary of state for South Asian affairs, has said in Washington that the two neighbours of the South Asian region should have direct talks to control the escalation of tensions. He has said that the nuclear explosions by the two countries have led the South Asian region to a "dangerous direction" and direct talks between the two are essential for reducing the tensions. But how this objective can be achieved?

This is a common knowledge that it is not only the two nations involved in the atomic power rivalry that have entered into the vortex of an alarming situation over the latest development but the area itself has become the global flashpoint. International area analysts are somewhat horrified to foresee the condition of the region if the current trend of worsening political environment continues unabated. Two countries while seeking to assert that they are for peace and stability in the region, are in fact enormously engaged in furthering their military prowess.

It is clear that New Delhi and Islamabad are sparing no efforts to walk an extra mile to achieve more and more mili-

tary capability and despite the announcement of moratorium on further nuclear explosions — both seem endeavour to strengthen their atomic ability. Pakistan says India is likely to conduct another nuclear test in early July while New Delhi accuses Islamabad of seeking to enlarge its new found nuclear power. Whatever the accusations and counter-accusations

including the South Asian neighbours of the two countries are unlikely to produce any tangible results since both countries have their priorities and also for the ruling party or groups the constituencies at home that have to be kept satisfied at least for electoral purposes.

New Delhi and Islamabad will expectedly respond to the

mediation between their problems. But this has later turned out to be a visit with more emphasis on the bilateral matters. Not surprisingly, the visit to Islamabad too may be characterised in the same pattern. However, it is once again no surprising in the given conditions.

So this makes abundantly clear that a major push in necessary from important quarters to reduce the tensions in the South Asian region. When it is said "important quarters", it is meant to take into account the possibility of effectiveness of the effort. The United States has been showing a lot of interest in the region in the near past. Apart from creating the South Asian bureau in the foreign ministry a few years ago and assigning a senior official for the purpose, Washington has dispatched its top diplomats to this region in the recent times like secretary of the states Ms. Madeline Albright and permanent representative to the United Nations Bill Richardson.

Mr. Inderfurth, the current assistant secretary of state for South Asian affairs, also made his routine visits. Earlier, this position was held by more high-

profile Ms. Robin Raphel. Their visits to the South Asia helped Washington to speak more seriously for peace in the region as complex discussions in the area mostly took place in New Delhi and Islamabad.

Now that the United States is greatly concerned over the situation revolving around the recent nuclear detonation of the two countries and in its own words south Asia is moving towards a "dangerous direction", it may be more appropriate if Washington makes more serious bid for peace in the region like facilitating a dialogue between the two countries or in helping other mechanism to ease the tensions.

For instance, Mr. Richard Holbrooke, who brokered the Bosnian peace agreement in 1995 and is scheduled to replace Mr. Richardson as the UN ambassador, can pay a fleeting visit to the region and talk to the leaders of India and Pakistan about the dangerously developing situation. Visits always make a difference than just reiterating the positions or calling for peace in a ritualistic manner from the Capitol Hills. If the situation in South Asia now has assumed a "dangerous direction" which most people believe it has, then the US can and should come out with a more effective role to improve the political climate here even though the task is complex.

Crisis in Kosovo

by M. A. Obaydullah

The international community has warned Yugoslavia's President Slobodan Milosevic that it will not tolerate "another Bosnia" — referring to the 1992-1995 armed conflict where civilians were the targets of appalling human rights violations during military actions because of their ethnic nationality.

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The international community has warned Yugoslavia's President Slobodan Milosevic that it will not tolerate "another Bosnia" — referring to the 1992-1995 armed conflict where civilians were the targets of appalling human rights violations during military actions because of their ethnic nationality. Nevertheless, one of the lessons so far to be learned from previous armed conflicts in the region is that the international community will not sustain its outrage. All but two of the suspects known to be indicted by the International Criminal Tribunal for the former Yugoslavia (Tribunal) who remain at large were part of Serbian military, paramilitary, policing or civilian authorities in Bosnia-Herzegovina and Croatia.

The haste with which some host governments wish to rid themselves of a perceived "refugee burden" has resulted in repatriation policies which are only cementing the previous conflict objectives — the creation of territories inhabited by a single nationality. If the international community wants to send a message to President Milosevic that it is serious about holding human rights violators to account, it should also do so by showing its resolve in other areas of the re-

gion. In light of the above, the international community should seriously think over the following:

Reactions so far to the crisis have primarily dealt with the eruption of armed conflict. The international community, and particularly the members of the UN Security Council, should condemn the violations of human rights and humanitarian law in Kosovo. In determining concrete responses to recent events in Kosovo, governments should put the protection of human rights, which have been gravely and consistently violated over many years in Kosovo, prominently on their agenda. They should commit themselves to providing financial resources and political support to an enlarged human rights monitoring programme of the Office of the United Nations High Commissioner for Human Rights (OHCHR), enabling its field operation to effectively monitor human rights in Yugoslavia as a whole as well as in Kosovo on the ground.

National judicial institutions should ensure full accountability for any violations of human rights or humanitarian law committed. In Yugoslavia, the Tribunal has a specific mandate and responsibility to investigate and pro-

ceed breaches of international humanitarian law, genocide and crimes against humanity. The international community should assist the Tribunal in its efforts to investigate the situation in the province and provide the Tribunal with all the necessary financial and other support required to carry out its mandate effectively.

More than 60,000 people have fled their homes in Kosovo during the recent crisis. The majority of these people remain displaced within the borders of Yugoslavia. However, many people have fled their country to seek asylum, and many more could do so. In light of the pattern of serious human rights violations in Kosovo, states are reminded of their obligations under the international law to allow access to their territories to those fleeing in search of safety. States should respect the fundamental principle of non-refoulement and refrain from turning back at their borders those who seek asylum. The international community should meet its obligations to share responsibility for those in need of international protection.

Any action by the international community should not include measures which violate the fundamental human rights to leave one's country and to seek asylum. The international community should not pursue

any policies that prevent those fleeing from obtaining effective protection across borders if necessary.

In addition to those who are currently in flight, there are an estimated 150,000 rejected asylum-seekers from Yugoslavia, most of them Kosovo Albanians, in Western Europe. The recent announcements by some states hosting rejected asylum-seekers from Kosovo to suspend returns are commendable. All states should suspend returns to Kosovo, until such time as there is no risk of returnees facing threats of serious human rights violations.

Of course, the prime responsibility to improve the human rights situation rests with the national authorities. The international community calls upon all governments to insist that, and on Yugoslav and Serbian authorities themselves to: issue clear instructions to all police and other security personnel in Kosovo that deliberate and indiscriminate attacks on civilians, arbitrary arrests and expulsions and other human rights violations will not be tolerated under any circumstances and that those responsible will be held criminally responsible for their actions.

allow immediate and unhindered access to the area for humanitarian agencies and UN human rights monitors. The

OHCHR should now be granted the facilities to establish a constant presence in Prishtina.

allow the ICRC unrestricted access to all areas of Kosovo and permit the organisation to visit all prisoners it requests to see, in accordance with established procedures.

cooperate fully with the Tribunal into any investigation it may wish to conduct in Kosovo and permit forensic experts to carry out their professional duties without restrictions.

disclose the identity and whereabouts of those detained and to instruct the police and other armed forces to allow those detained prompt access to lawyers, measures vital for the prevention of torture and to safeguard against disappearances.

order prompt and impartial investigations into reports of human rights violations, ensure that those responsible are held fully accountable and that victims receive effective reparation.

The international community is also deeply concerned by killings and other human rights abuses reportedly committed by armed opposition groups in Kosovo, and has recommended that:

the KLA and any other armed opposition groups in Kosovo province should ensure that all forces under their control abide by basic humanitarian law principles as set out in Common Article 3 of the Geneva Conventions of 1949 which prohibit the killing of those taking no part in hostilities and hostage-taking.

(bottom priority) Now the second-govt-operated TV channel (for rental on hourly basis) is now coming. Both the broadcast and Telecom National Policies may be published in full (forget the impotent JS) for public opinion, as confusing press comments are appearing in the local and foreign media, especially on the autonomy of privately generated news bulletins.

The private sector will be allowed terrestrial network for radio/TV? BD Telecoms can provide the micro wave links for 2nd/3rd private networks? The telecom network will have capacity left after the state cellular phones are made available at Tk 5,000? The Telecom Regulatory Chief (if there is one) may hold a press conference, once the policy draft is circulated.

A Husrain Dhaka.

To the Editor...

No problem is problem

Sir, No problem is fully unsolvable. At the moment we in Bangladesh are faced with the unimaginable problem of terrorism which ranges from child abuse and rape up to gangsterism and murder. The university halls are being possessed and dispossessed. Young students are being shot dead. Think of the impossible mental and physical burden on the families that have been the victims of all these atrocities! And yet we are hearing of many of the criminals coming out on bail!

In fact many of them are reportedly already at large for lack of proof etc. How come the police force and what is that law that goes in favour of the criminals and further victimises the innocent members of the public? Can't we amend these laws immediately so that no one charged with crimes

like rape, murder, loot and arson can be set at large on whatever ground they may plead?

We are aware of the lapses in investigation and the foulplay that takes place in and around the courts but we are warned of dire consequences under the law of contempt of court! It is time this law was also amended to establish that none is beyond law.

After the law and order problem, the other issue that is plaguing the entire national life is the power failure. We are reportedly running short of power by about 500-600 MW. What have we been doing all these days? Even if we really start the large-scale projects now we can have power early next year. We would get it if we had started last year when the authorities were wasting time blaming others. Since we have little time to lose, it is better to take positive steps now or else we will be in the dark not only this year but also next year and can we afford that? We must remember power

shortage is going to affect our overall national output both in agriculture and industry. This will lead to lower overall output of GDP and decline in exports. So it is time we take quick steps and see that we are not going to incur further losses in terms of production, income and welfare.

But have all these to be attended to by the PM herself? What are all the ministers for then? And what are all the chiefs doing? Let's ask ourselves: 'have we done our duty or are still completing to do?'

F Ahmed
5, Bank Bhaban
Minto Rd, Dhaka

Free-style democracy!

Sir, During the BNP regime we had seen and faced several 'crises' of various kinds. The major ones were the fertiliser crisis in which 18 farmers were shot dead; then there were the

text-book crisis due to the so-called paper crisis and, ultimately, the turning point with the crisis in good governance.

The present government is following the same footsteps but in a different way. Although it claims that it has given full freedom to the media, yet it does not mean it.

However, the crisis in the educational institutions appear to be of no headache either to the journalists nor to the government. The salt crisis, the sugar crisis, the onion crisis, the electricity crisis, the water crisis, the crisis involving just and lawful steps in the government machinery are all that can be overlooked.

Then of course there is no crisis in toll-collecting, raping of young and minor girls, killing in broad daylight, robbing lakhs of taka under the very nose of law enforcing personnel, carrying out unsocial activities of all sorts day and night and of course, the soaring prices or the non-availability

of rice, salt, sugar, onion, powdered milk, tea, oil, spices, and what not.

The PM and her League of ministers have proved to be unique! No power on earth can and never could do what they are able to do without any criticism from the print media. What are the members of our Court of Law supposed to do in this kind of situation is difficult to understand!

Are we to suffer in this manner physically and mentally? And for how long?
Nizhat Sumona
Dhaka.

TV/Radio autonomy

Sir, While endorsing the DS editorial on the above subject, all the regimes adopted a go-slow policy on granting autonomy to the electronic media. The presents regime, other transparent lip-service for two years, are finding a lot of lame excuses on the slow processing