

Blanket shedding of corruption cases diminishes rule of law

Independent anti-corruption commission is the answer

THIS is obviously more serious than former and incumbent governments playing ping-pong with corruption charges against one another. In a sense, it's more worrying than even dropping criminal proceedings against party activists on the plea that they were all politically victimised. Because what we are going to focus on is corruption, abuse of power and irregularities allegedly committed by people in high places who are supposed to be trend-setters, albeit in a positive sense.

Newspaper reports suggest that 69 corruption cases filed by the preceding AL government against former BNP ministers and high functionaries, several of whom are in the present cabinet, have been placed under review. In fact, the government seems set to phase the cases out or deactivate them on an accelerated basis. Not stopping short at that, it is keen to project *all-corruption-is-on-the-other-side* image as is evidenced by its preparations to institute 63 corruption cases against former AL leaders, of which some 40 are likely to be ministers, state ministers or deputy ministers. Already, 18 cases have been filed against 14 erstwhile AL ministers, including former Prime Minister Sheikh Hasina herself.

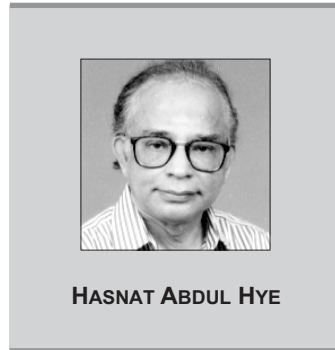
It is not our responsibility as a newspaper to pass any judgement on the veracity, validity or overall merit of the cases nor do we venture any pretense to even a quasi-judicial opinion on the subject. All we would like to say is this: the process through which the cases are being withdrawn smacks of political intervention. The truth of this statement will be borne out if one should take a close look at the reported four-some procedure being followed here: In the first category falls cases where charge-sheets were submitted and which awaited trial before a court. Only the other day, four cases instituted under the erstwhile AL rule against former Air Force chief and present Home Minister Altaf Hossain have been dropped. Secondly, some of the accused will make a plea before the court that they were victims of political vendetta and as such are entitled to reconsideration and relief. The public prosecutors may not oppose such petitions with the result that the cases could automatically fall through. In some instances, the law officers could move for a reprieve and get it, too. Finally, where investigations were going on, the officer concerned could file a final report saying nothing was found against the person being alleged of corruption. Former minister Shaikat Ali and erstwhile and incumbent ministers Tariqul Islam and Musarrat Hossain have been likewise cleared of allegations, it is learnt.

The cases on the exit list include some whose origins could be traced to even Ershad's days and which continued into BNP rule 1991-96. Erasing the cases from record books mocks at rule of law.

One reads several implications into such a blanket withdrawal or deactivation of corruption cases by an executive decision instead of juridical opinion sought *a priori* and received by the government to act on it with unquestionable legal propriety. In the first place, this does not show any respect for rule of law; in fact, it is repugnant to that corner-stone of constitutional rule in the country. Secondly, it has all the portents of encouraging corruption within the ruling party. Ministers, state ministers, deputy ministers and MPs might revel in the knowledge that since power alternates between the BNP and the AL, they are always in with a chance for impunity or reprieve at the end of the day even though corruption charges would be levelled against them with the reversal of fortunes.

The answer lies in having an anti-corruption commission that is fully independent of executive control like in India and the USA, to cite the two obvious examples. The anti-corruption bureau we have had being an appendage to the Prime Minister's office in our country, it sees corruption in high places through the eyes of the ruling party and always in the past tense.

Crime and punishment



HASNAT ABDUL HYE

IT is tempting to draw an analogy between the legend and the contemporary event, both involving the Dutch. The act that freed the Flying Dutchman of the legend caught in doldrums was nothing short of a miracle. The news about the resignation of the Dutch government brought that to mind because, in its incredible display of self-acusing ingenuousness, it was no less spectacular. The event of resignation of the government was mundane but extraordinary nevertheless by virtue of the circumstances. Drawing parallel to another story, a myth, a town called Srebrenica hung like a dead albatross round the neck of the Dutch since the brutal massacre of Bosnian men in that UN declared safe haven. Moral probity and a higher sense of obligation to humanity triumphed over pusillanimous vacillation and pettifogging prevarication, greatly relieving the Dutch from the gnawing burden of guilt. The absolution came from the redemptive act of collective expiation articulated through the resignation of the Dutch government, which owned up the responsibility for the failure of the Dutch soldiers on duty at the safe haven. It was a rare display of moral rectitude and transparent penance. By instituting an inquiry into the massacre at Srebrenica and later accepting the findings, the Dutch have established a very high standard of conduct in international affairs, particularly over human rights. In one fell swoop the landmark decision of the Dutch government has redefined international justice and, in the

process, highlighted various nuances of culpability for crimes against humanity.

For crimes committed against individuals national laws and institutions have come a long way from the days of the code of Hammurabi. All national laws in the world today recognise crimes against life and freedom of individuals as among the most heinous. The laws, accordingly, provide for and sanction maximum punishment to offenders in these crimes. But sadly, establishment of universal laws and

only recently that a consensus has emerged that crimes against humanity even in peacetime can be on a massive scale and is no less brutal and repugnant than horrific war crimes.

Only a few days before the Dutch government bedazzled the world community with its decision to resign acknowledging guilt and responsibility the long awaited good tidings came that the world's first permanent war crimes tribunal will come into force on July 1, 2002. After receiving more than the mini-

where the final decision was taken hundreds rose to their feet in a standing ovation. The world outside rejoiced with no less enthusiasm and joy. There was, however, one great disappointment and a sense of dismay. The US seat in the crowded chamber was empty. The United States boycotted the ceremony, just as it has not attended meetings preparing for the court's operation since last year. Though the former US President Bill Clinton signed the treaty during his administration, the Congress refused to ratify it. Three weeks ago the Bush

cannot be over emphasised.

America's apprehension of its soldiers and officials being subjected to false and frivolous prosecutions is unfounded or at best exaggerated. Unless it has designs to commit war crimes or crimes against humanity in future it has no reason to behave differently than other countries which have ratified the treaty. It should not be impervious to the reasoning that even if false cases are brought against its citizens or government these will fail at the first scrutiny by the Court and

ity and the countries involved will not be absolved by history. For instance, America needs a catharsis for the guilt of killing innocent civilians by atom bombs in Hiroshima and Nagasaki. There are thousands My Lais in Vietnam for which it will always be weighed down by guilty conscience. Going further back in history it cannot shirk culpability for cruelty against and marginalisation of the American Indians. Memories of slavery and inhuman exploitation of the slaves continue to appear in bits and pieces in various contexts of her national life (e.g. present claim for reparation). These are all crimes of one type or another against humanity and the burden of guilt can only be laid down through formal expression of contrition and apology. Likewise countries like Spain should own responsibility for extermination of local population by conquistadors. Brazil should join them in collective expiation for the policy of attrition against Amazon Indians in recent times. Pakistan should apologise to Bangladesh for genocide committed in 1971 and India should accept guilt and express regrets for chronic failure to protect minorities. The names are illustrative and it is not necessary to lengthen the list. What is being stressed here is the lingering impact of crime, however defined and whenever committed which call for action by courts of law or by dictates of conscience. For criminals like Radovan Karadzic, Slobodan Milosevic and Ariel Sharon absolution will not come through individual or even collective expression of contrition. Their crimes cry out for justice through due process of law. For others, both individuals and countries, the mere act of confession of guilt and expression of remorse may be enough to let justice prevail. The Dutch have just done that without coaxing and cajoling from others. As a result their stature as a nation has grown bigger enjoying the esteem of all people who stand for justice and fair play. They have driven home the fact that there is no better dispensation of justice than one dictated by the heart and the mind.

Hasnat Abdul Hye is a former secretary, novelist and economist.

IN MY VIEW

For criminals like Radovan Karadzic, Slobodan Milosevic and Ariel Sharon absolution will not come through individual or even collective expression of contrition. Their crimes cry out for justice through due process of law. For others, both individuals and countries, the mere act of confession of guilt and expression of remorse may be enough to let justice prevail. The Dutch have just done that without coaxing and cajoling from others. As a result their stature as a nation has grown bigger enjoying the esteem of all people who stand for justice and fair play. They have driven home the fact that there is no better dispensation of justice than one dictated by the heart and the mind.

enforcement of the same covering crimes against humanity are either still lacking or patchy. Till today there is no permanent court of justice to try cases involving war crimes and crimes against humanity. The war crimes tribunals at The Hague and Arusha are temporary and specifically meant for war crimes in Serbia and genocide in Rwanda. The trial of Germans and the Japanese for war crimes during the second world war were also of makeshift nature decided upon by the victors according to their perception of the crime. The courts at Nuremberg and Tokyo had no precedents to follow nor led to any formulation of international law on war crimes or establishment of a permanent tribunal. For crimes against humanity there has been a few conventions covering genocide, biological warfare, etc, but these have not crystallised into a coherent body of law enforceable in a court. The recognition that even in peacetime illegal incarceration of people, torture and brutal killing (on grounds of race and creed) can take place has come slowly and haltingly. It is

um 60 required ratifications the Rome Treaty signed in 1998 became a reality establishing the International Criminal Court. The Treaty has now been ratified by a total of 139 countries, a record which led the UN Secretary General to say, "Those who commit war crimes, genocide or other crimes against humanity will no longer be beyond the reach of justice." He waxed eloquent adding that, "humanity will be able to defend itself responding to the worst of human nature with one of the greatest achievements: the rule of law".

After the Nuremberg and Tokyo trials of war criminals many countries and organisations recognised a gap in 1948 and campaigned for years for a permanent international court to fill it. Since then conventions and treaties have been made covering genocide, poison gas and biological weapons but no institutional mechanism was devised to hold individuals or countries responsible for war crimes or crimes against humanity. It was, therefore, not surprising that in the council room

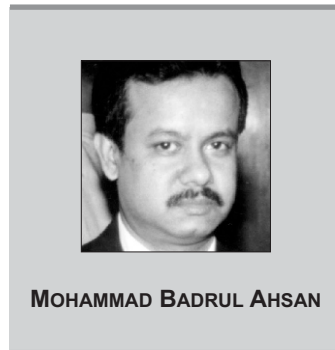
administration announced that it was considering 'unsigned' the treaty to stress that it won't be bound by its provisions. The US has been the only vocal opponent of the international court, fearing that its citizens would be subject to frivolous or politically motivated prosecutions. As the price for its support it has campaigned to exempt American soldiers and officials from the purview of the international court.

It is simply mind-boggling that America, which is supposed to be the champion of democratic values and human right, should oppose a much belated institutional arrangement to protect these. The surprise and shock are compounded by the fact that the war-crimes trial in Nuremberg and Tokyo were held mostly at the initiative of the Americans. Moreover, the world today is neither free from war nor immune to crimes against humanity. The prognosis for the future does not appear brighter or very much different. This being the case the paramount and urgent need for an international war crimes tribunal

thereby be quashed. Further guarantee against harassment is given by the provision that the Court will step in only when countries are unwilling or unable to dispense justice themselves for war crimes and crimes against humanity. If America is apprehensive about charges against it for crimes committed against civilians in Hiroshima, Nagasaki, Vietnam and in other places it should feel assured by the provision that the international tribunal will take cognisance of crimes committed after the Treaty enters into force from July 1, 2002. Given all these safeguards and guarantees America's opposition cannot but be seen as negative, reactionary and anti-human rights.

The international war crimes tribunal is now a fait accompli. It is a major step forward for the protection of human rights. Because of the mandate given to it to take cognisance of crimes committed after its establishment on July 1, 2002 many outrageous and horrendous crimes against humanity will be left out. These will keep on haunting human-

Martyrs and enemies



MOHAMMAD BADRUL AHSAN

THESE days in Palestine, people are wearing death like a badge of honour. Families are doing something even more bizarre; they are putting newspaper notices of the martyrdom of their sons and daughters. The children are growing up in the cult of death, playing martyrdom as a game. There are also emoluments of death such as cash bonuses and health benefits for the families of martyrs. Last but not the least, there is hope to be pictured on key chains and T-shirts and to enter heaven after one will have died as a martyr.

In fact, the Palestinians are marketing their martyrs instead of mourning their death. Khalil Takafka, whose 20-year-old daughter Andaleeb blew up herself and six others at Jerusalem's Mahane Yehuda market, chirpily said that he was happy his daughter had died for a cause. He then suggested that all girls should do the same, because death was more honourable than living under Israeli occupation.

Compare that to the reasons why our children die, and you will hardly

find anything that makes you proud. Recently, several adolescents cut up a young schoolboy and buried different parts of his body in different locations as if by scattering the remains of their victim, they meant to diminish the horror of their crime. Last week, a youth was allegedly killed in police brutality and his body was found floating in a river. Human lives have become disposable syringes to inject daily dosage of atrocities in our lives.

Although death is common in both worlds, the reasons for dying are so different. In Palestine, parents send their children to death,

expands the contour of despair. Multiply it with the number of wives who are killed, children who are thrashed to death, snatchers who are beaten to pulp, girls who are raped, political activists who are shot and stabbed. One will be convinced that this is a nation that exists in the contradiction of its own equanimity between prolific birth and prolific death.

To born is to die and who doesn't know it? Let us say every death is fated and dated; one must die at the appointed time in the appointed way. But even firewood burns for a cause, and it is hard to believe that

lives at their prime? Which enemies did we kill at the cost of their lives? In a sense, each of these deaths was a suicide for us because those who killed and those who died are our very own people in the end. For the Palestinians, every life is precious as if it is the last bullet of a man, who has to defend himself against a hounding enemy. Judging by that standard, we are like an undisciplined army, which squanders its stock of ammunition in frivolous shooting.

Different people inhabit different world, and the Palestinians are different from us. But if we look at

the media, a video documenting the bomber's last triumphant words. It also pays for the funeral, including a tent outside the family's home for neighbours to come and offer their condolences. The survivors of the bombers receive a permanent monthly pension of up to US\$600. Iraqi President Saddam Hussein funds a one-time payment of US\$25,000 to show his solidarity with them.

Thus death is an event in Palestine where families of the participants are guaranteed to win their prizes. Young Palestinians are inspired to sacrifice their lives in the

shores. So we kill as cheaply as we die because we seem to exist in the glut of life where supply creates its own demand and human lives are wasted at dirt-cheap price.

Only if we could turn that game on the head, and knew how to use the sacrifice of our sons and daughters! Just think what could happen if those who die in crossfire, shootout and needless violence could die in battles against crime and corruption! Just think what could happen if they could die to rescue an abducted girl or a kidnapped child, and to defend terrorised men and women! Just think what could happen if they could die in protest of bad governments and unjust laws! Think what could happen if they died standing up against bribe taking, nepotism, profiteering, smuggling, drug-dealing, greed, sloth, and all other vices!

We need to find out why our sons and daughters don't die for a good cause. One reason could be that we haven't identified our enemies, that our own moral delusions are creating havoc for them, who are perishing in senseless deaths. Another perhaps is our inability to convince them that it is not worth dying unless there is a cause.

We need people who are willing to die and we need people who believe in a cause. We need to bring them together so that death becomes an aspiration, which will turn into an inspiration for us. We need martyrs and enemies, people who will aspire to die and inspire death. Until then martyrs and enemies are going to exist in grisly crimes as we kill and die in a vicious circle.

Mohammad Badrul Ahsan is a banker.

CROSS TALK

We need people who are willing to die and we need people who believe in a cause. We need to bring them together so that death becomes an aspiration, which will turn into an inspiration for us. We need martyrs and enemies, people who will aspire to die and inspire death. Until then martyrs and enemies are going to exist in grisly crimes as we kill and die in a vicious circle.

whereas our children die in vain although their parents do everything to protect their lives. Ironically, their parents often become misfortune for them. The school kid died because his father is an affluent man. He was kidnapped for ransom, and death became his destiny only when his captors fouled up by accidentally killing their hostage, who had screamed for help.

How can we justify this senseless death, a death that evokes the futility of a complete waste? And throw in the young lives of those who have been arrested for committing this crime, and it further

human lives could be expendable to perish without ever being cherished for a goal. The kidnapped boy vanished on a fine day, the chubby and privileged son of well-off parents whose body would be chopped into pieces like logs of wood and stashed under the ground until found months later! The young man, who was picked up by police, would appear dead overnight, his body dumped in the river like chemical waste!

The question is why did they have to die? The suicide-bombers of Palestine die to kill their enemies. Why did we lose these two young

the loss of life around us, it is hard to believe that the Palestinians could wear every death as a badge of honour. It is an irony that they die to enhance life, while we die to diminish it. People, who die in campaign violence, turf wars, police brutality, or family feuds are somewhat ridiculous or pitiable because their deaths remind us of the disgrace hidden in the futility of life.

Contrast death with death and life with life, and the Palestinians are more focused in both compared to us. Every suicide bomb is a campaign to promote life, sponsored by an organisation, which distributes to

equality of zeal between them and their survivors so that the life that goes up in explosion will be regretted by none, its bits and pieces flying in the air to embody the jubilation of a firework.

To sum up, death is a psychology in Palestine, whereas it is an ecology that surrounds us. Death elevates the Palestinians to a new moral height, but it mires us in the ever-widening swamp of moral conundrums. We kill in the same confusion in which we die, while the free-floating rage churns within us, its swelling waves unleashing Kafkaesque angst on our moral

OPINION

Where do you want to lead us to, Mr. Editor?

MOSTAFA FARUQUE MOHAMMED

AFTER reading your three-part commentary on 'Taliban in Bangladesh' the question that is upper most in my mind is: Where do you want to lead us to, Mr. Editor? Do you want us to shut our eyes to the lurking danger of terrorism from the extreme religious right? Wishful thinking will not save us against the onslaught of well-trained and motivated terrorists. Like an ostrich you seem to think that by ignoring the objective reality you can somehow overcome the danger to liberal and secular democracy in Bangladesh. Have you not read the statements made by Nizami and Saidi? Have you not heard of Al Badar and Al Shams? You think nothing of the countless women victimized by the pronouncement of Fatwa! Those who are walking with their tendons in good shape will not be able to appreciate the feelings of the victims of the Shibir's vicious attacks (on life and limbs including the tendons). All the patriotic people of Bangladesh are hurt by the provocative description of the country given in the cover story of the Far Eastern Economic Review but while we should protest against the unfair story written by Bertil Lintner, we should also try to see if there is any truth to what he said. How can you be so sure that Mr. Lintner is totally

wrong in his analysis? You don't see even a grain of truth in what he wrote! Emotion often blinds the vision and it seems that your conclusions are driven more by emotion than reason and objectivity.

You are so sure of the absolute truth of everything that you have written that you have not realized how your commentary appeared to your readers and impartial observers. Let me point out, for whatever it is worth, that the commentary gave me the impression that you are driven by a messianic mission to defend the BNP-Jamaat government. You are determined to shove under the carpet any trace of Taliban connection in Bangladesh and paint a picture of pristine innocence of the Jamaat and others. You cling to the naive belief that Bangladesh is a model of democracy. In which model democracy the members and supporters of the defeated political party are subjected to a countrywide terror campaign of persecution and victimization? Are the minorities punished in a model democracy for voting for a party of their choice? You call for an open debate in a free atmosphere and in the next breath make a most unfair attack on the Awami League as if this party is deliberately damaging the image of country. Obviously you put your own sense of patriotism at a higher level than that of the Awami

League. Is it because it lost the election? Bangladesh Awami League should protest against your arrogant attack because any impartial observer will agree with me that the image of the country was vastly improved during the Awami League period. GDP growth rate close to 6%, low rate of inflation, successful management of the 1998 floods, the Ganges Water Treaty, Chittagong Hill Tracts Accord and self-sufficiency in foodgrains production are some of the achievements of the Awami League government that have been acclaimed both at home and abroad. As a major political party with a stake in the country's future, Awami League has the right and indeed the duty to sound the alarm bell whenever it feels that the nation needs to be vigilant. Was it not the Awami League that stood up for the rights of the Bengali nation in the fifties and sixties? Was it not Awami League that fought relentlessly for secular democracy? Was it not this party that led the nation through the glorious Liberation Struggle? Yet you find fault with the Awami League president who simply pointed out that the cabinet of Begum Zia has two Jamaat ministers whose ideas, views and plans for the future are similar to the Afghan Taliban. Do you deny that these Jamaat ministers believe in a state similar to the one that

Molla Omer and his Taliban followers had established?

Let me point out to you some of the reasons why the people of Bangladesh should be alert and vigilant about the possibility of religious fanatics overturning the democratic system of government in Bangladesh.

In the first place, it is no secret that hundreds, if not thousands, of our citizens went to Afghanistan and received training in guerrilla warfare that included terrorist tactics including the use of sophisticated explosives. Many of them returned to Bangladesh after the fall of the Taliban regime. American intelligence was aware of these extremist elements and that was the reason for President Clinton's decision, when he visited Bangladesh, to avoid going out of Dhaka. Recently, American special forces, according to press reports, arrested in Afghanistan some Bangladesh citizens, fighting alongside Molla Omer's men. The linkage of the Bangladesh extremists to the attack on the Calcutta US Consulate-General has been alleged.

According to information gathered from the internet, reports about the armed Islamic extremists started appearing in the local and foreign press after the attack on poet Shamsur Rahman in January 1999. A reporter of The Daily Star wrote

about training camps in Lalkhan Bazaar in Chittagong, claiming his source to be an official of the joint investigating cell, he wrote that in 14 years the Harkat-ul-Jehad had trained 25 thousand young men in three states. Quoting the intelligence sources, The Daily Star report further said that the arrested Pakistani citizen Shajid was the officer-in-charge of Harkat-ul-Jehad in South Asia. The network's Amir in Bangladesh was Maulana Nazrul Islam who was arrested by the police from Sirajganj. Official sources said that the detained South African Sadek Ahmed Sadek, was a close associate of Osama bin Laden. Reuters carried a report dated January 28, 1999 saying that the two foreigners arrested in connection with the attempt on the life of poet Shamsur Rahman confessed that they received funds from Osama bin Laden for running the training camps. Would you please care to refresh your memory about this report from your own records? Houston Chronicle of September 20, 2001 carried a list of organizations in different countries with links with Osama bin Laden. The Harkat-ul-Jehad of Bangladesh is very much there in the list.

At the Jamaat conference in Gopalganj in April 2001, public statements were made on the goal to establish Islamic rule similar to the

Taliban regime in Afghanistan. Soon thereafter, the Kotalpara bomb to kill Sheikh Hasina was planted. The bomb was so sophisticated and deadly that foreign experts have commented that it was the work of professionals. Thank God that Sheikh Hasina's life was spared but obviously you think these attempts are not so serious. Is it also to be taken as similar to 'friendly tendon-cutting'? Jamaat and Shibir's brutal record starting with the killing of our freedom-fighters in 1971 and in particular, the killing of our intellectuals on December 14, 1971, does not seem to move you. The planned attempt, by force, to take control of Chittagong and Rajshahi Universities, mean little to you. Press reports including report by your own correspondent about the training camps in the jungles of Chittagong do not ring any alarm bells for you. Apart from these mysterious training camps, there are also reports from time to time about mysterious consignments of arms being smuggled into these jungles. You talk about evidence of Taliban connections. What kind of evidence will satisfy you? Unless you are blinded by prejudice and pre-conceived anti-Awami League bias, you would surely see the writings on the wall. The senior leaders of Jamaat have made no secret of their aim of an Islamic state that would be identical

to the one that was overthrown by the United States in Afghanistan. The word 'Taliban' may not be used by the Jamaat leaders these days but that is only for tactical reasons. They did raise slogans only about a year ago to the effect that 'We will be Taliban and Bangla will be Afghan.'

The question of madrasa has become a critical factor in the reform programme of Pervaz Musharraf of Pakistan. Thousands of these madrasas were practically factories turning out Taliban fanatics. What makes you think that the madrasas in Bangladesh are any different? Are they producing youth with a modern education? Do they teach them to be committed to democracy and supremacy of the will of the people? No, Mr. Editor, you are sadly mistaken. These sixty-two thousands madrasas are producing millions of angry young men who are alienated from the modern times and who want to take the country backward by force, if necessary. If you fail to see the danger ahead it is your problem. But it is unfair to attribute evil motive in those who feel concerned about the future.

There was indeed no religious strife in Bangladesh following the riots in Gujarat state in India. The civilized world condemned the carnage of Gujarat. But have you

decided that the post-election attacks on the minorities were mere friendly attacks and must not be taken seriously? Your own paper has published numerous reports on the attacks, organised and led by BNP and Jamaat activists, on the Hindus, Christians and Buddhists. Vivid evidence of the repression of the minorities was produced at the Convention on Crimes against Humanity held in Dhaka in late March. Bangladesh is certainly not a terrorist state at this time and Mr. Lintner's unfair story deserves to be condemned. But it would be very wrong for the nation to take an ostrich-like attitude and refuse to consider the looming danger to secular democracy from the extremists operating in the name of our religion. Our leaders may have many failings but you seem to be inviting us to a quagmire from which there will be no escape.

Mostafa Faruque Mohammed is a former Ambassador to Russia and former High Commissioner to India.

I leave it to the readers to judge how fair, factual and relevant the criticisms made by the writer are about my commentary.

-- Editor