

Why are they smiling?

If you look at the state of 1971 war crimes trials, you can see what happens when enthusiasm and emotion replaces the more mundane, non-glamorous, back-breaking work of evidence gathering. Too busy with songs, slogans and emotions, we gathered little evidence, recorded few witness statements. We thrilled at abstract, performative, and emotive events, rallies and slogans about "war crimes." No international war crimes tribunals, no truth and reconciliation committees, no methodical prosecution process. Three decades later, there's a big fat zero in the justice and accountability column.

NAEEM MOHAIEMEN

SINCE January, we have been gulping down a steady daily diet of chomok (shock), washed down with a drink of conspiracy cola. Big guns arrested, crown prince in the dock, bank statements seized, Hummer H2 impounded, peacocks in the pen, Bagan Bari locked up.

And then dheu tin (corrugated tin), why is this such a hot commodity? Well it isn't really, but it's the one thing that's hard to get rid of quickly. You can shred documents, stash guns, squirrel money away in Swiss accounts, release a pet croc into Hosni Dalan (very James Bond). But dheu tin -- those are heavy suckers. Na pari khaithe, na pari falaithe (can't eat it, can't throw it away).

When I wake up and leaf through the papers, I'm disappointed if there isn't a new arrest, a new revelation, a big name brought low. But this insatiable appetite for chomok also masks a structural weakness.

We are busy being entertained, and then we forget about it just as quickly as new thrills (or distractions) arrive. Look up in the sky! Nagorik Shakti! Chittagong Seaport! Indo-Markin conspiracy! Shushil Shomaj's Revenge! On to the next story ...

Dhaka, city of bazillion conspiracy theories, is so busy with this daily kathu-kuthu, not many are bothered about the hard work needed to actually successfully prosecute.

The same Special Powers Act we used to protest is now our temporary saviour (temporary because one day we will have to face this law that has been abused by both AL and BNP). Of the SPA's "prejudicial acts" clauses (sovereignty, defense, friendly relations with foreign states, public safety, communal hatred, law and order, etc), perhaps only "economic or financial interest of the state" clause is relevant to mass looting, corruption and abuse of power now on the dock.

Given the inevitable irregularities in detention, interrogation,

and evidence gathering, you can see how a sharp, well-paid lawyer can start taking apart the cases.

No doubt the CTG is in hyper-drive to try to lock away as many of the black money all-stars as possible. But what are the resources they have? A new Attorney General (Fida Kamal) and AAG (Salahuddin Ahmed), but underneath them the same team -- including almost 100 staffers appointed by the BNP-Jamaat coalition (some lawyers have started discussing reform proposals to remove about 60 on grounds of inefficiency and partisanship).

Consider all the political interference we saw in the lower courts in last fifteen years, and even in the Supreme Court in last five years: partisan appointments, cancellation of previous regime appointments, leapfrogging in appointments of judges (including chief justice), new appointments without consultation, mark sheet forgery, Supreme Court musical chairs, vacation bench manipulation, phantom litigants, chief justices revoking judge's powers

to rule ... the list is very long.

When you probe through these recent maneuvers, you wonder how there can be effective prosecution for the detainees in a court stacked with contradictions, bad precedents, and partisan appointments

Consider also, the imbalance in resources between the accountability police and those who are hell bent on avoiding it. Knee deep in conspiracy chatter, people imagine the CTG as a steamroller that is rumbling along Dhaka streets according to a master plan.

But in fact, everything is done with stopgaps and minimal resources. And because Fakhruddin already faces heat about structure demolitions, economy slowdown, election deadlines, "US conspiracy," etc., there are multiple fires on many fronts.

Consider the resources (and partisan, and in some cases not highly competent, lawyers) the government has to track down the money trail and actually put the rui kathla (big fish) away.

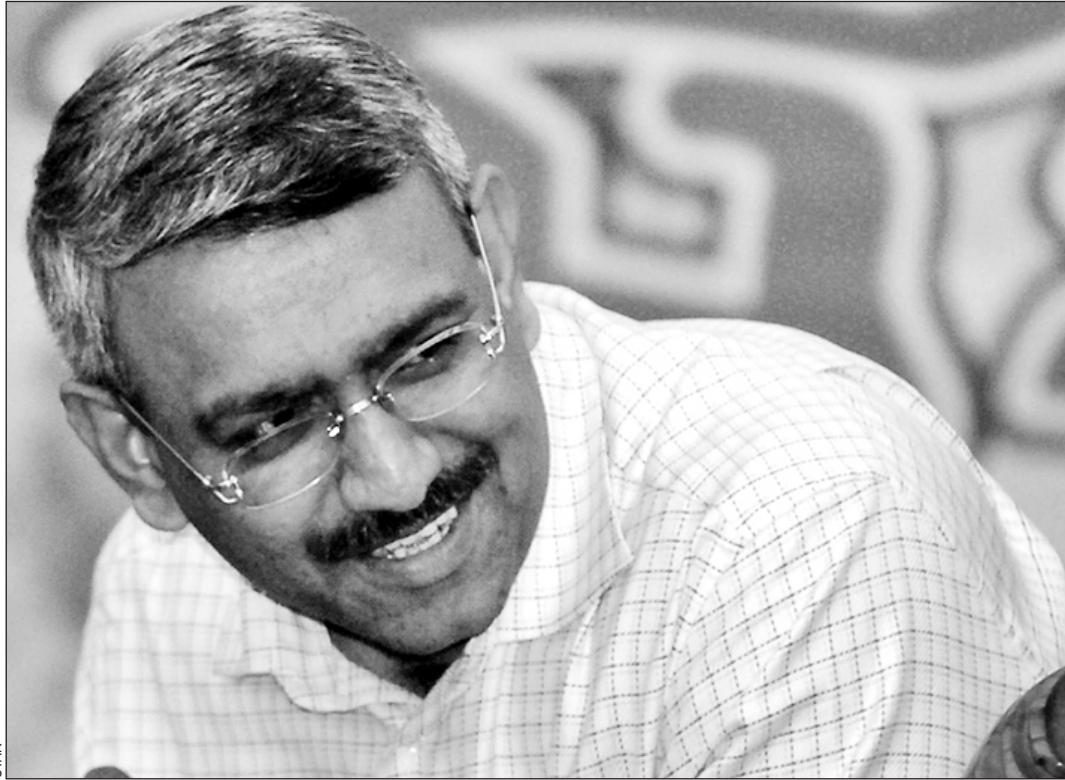
Then contrast that with the resources the government had for the Ershad cases. Instead of 40+ detainees, there was only one man on trial. The government committed serious resources, including top lawyers and international investigation teams. But after all those efforts, they landed him only on charges of weapons and cash possession.

There were also some charges about a "machine at home for watching foreign TV channels" (kids, it was once illegal) and a "mobile satellite phone." But high profile detainees are sometimes caught on precisely these small charges (Al Capone was in the end busted on income tax evasion, this may explain the current dheu tin seizures).

Scimitar, Jamuna boat purchase case: all of these big cases have stalled. And of course, with BNP-AL election games, Ershad is out. Oh, wait, he's being retried. No out again ... makes you dizzy.

Some analysts have looked beyond the BMW shine in newspaper headlines and called for more resources for prosecution teams, replacement of partisan lawyers on government teams, more comprehensive investigation of the allegations of corruption and bias brought against certain judges, professional investigators, clean evidence gathering teams, appointment of independent lawyers (if private lawyers won't take pay cut to go to AG's office), and forensic accountants. And always making sure these are fair trials, and not kangaroo courts. Will all that happen, or are we too busy cooking up theories and being entertained to concentrate on hard work?

Here's a small motivation -- if you think last fifteen years were bad, imagine a scenario where all the cases fall apart and the big guns come out of jail -- fed up of



that jail pocha bhat diet and ready to rumble. The revenge games would reach every inch of the country. No time for fence sitters. Like Howard Zinn said, you can't be neutral on a moving train.

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Can we control our fundamental windbag tendencies? Take a little break from raised fists, slogans, rallies, and utthejona (excitement). This time around, let's have a little less emotion, and a lot more hard work, thorough research, and follow through.

Naeem Mohaiemen does film/art interventions.

Confession

SULTANA NAHAR

HOW do you do, Madam, and what do you think about these rampant arrests that are going on by the caretaker government," I was asked by the general manager of a bank as I went there to encash my cheque.

My answer to his first question was: "I never felt so good in my life of 59 years," and my response to his second question was: "If I am also arrested yet I welcome this purging of corruption by way of arrest and investigation."

Only a handful of people holding official power refrain from making money through illegal means. It has been a common practice for most of the officials and politicians to take bribe just for doing their official duty. Our bureaucrats intentionally remain forgetful that they are pledge-bound to do their duty for which they are paid from public exchequer both in cash and kind.

Many say with pride that they never force anybody to give them bribe rather people pay them out of pleasure and gratitude for releasing their files in time. Releasing files is considered a favour.

Those who claim that they do not force anybody for money call themselves honest. There is another



AMRUL RAHMAN

group who does not hesitate to commit any kind of illegal act to be rich. They maintain a low profile while depositing huge amount in different banks in different names.

To keep track of their bank accounts they have to maintain a diary with meticulous description. Diary of bank accounts of an honest person will differ from that of the diary of a dishonest person. Many have accounts in foreign banks and many send their family members abroad to take care of their wealth.

In the year 1972 I had gone to Calcutta. I was received by the then assistant collector of customs who was holding charge of DumDum airport. I stayed with this family for a

few days. I felt ashamed to see the difference between my lifestyle and that of theirs.

They lived within their legitimate means. The gentleman would drive a motorcycle to go to his office. He told me that he traveled only in third class whenever he had to go to his village home.

The mosquito net they fixed on my bed had several patches. I was very young at that time; nevertheless I was gripped by some uneasiness and some sort of an inferiority complex. I was neither mature nor wise enough to take lesson from such example.

I came back to Bangladesh after about a week and started living in

material affluence as usual. I must confess today that this affluence did not enrich me in any way, rather made me shallow and I learnt to imitate those who were engulfed with still more illegal affluence.

Bureaucrats' wives lived lives where want of any commodity was unknown. Most of them spent time in jeweler shops and their discussion revolved around sarees, gold, and precious gems. It took me a long time to realise the futility of such life and since then I started advocating that only legitimate income of each citizen can save this country.

It is time to realise and admit our faults. We were in an ominous grip of corruption. If the head gets rotten the other part cannot remain healthy.

Allow me to say that no amount of fortune that lacks rightful basis can bring any good to family or society. Earner of legitimate income tends to be diligent in spending. Children of such family grow up with vision and entrepreneurship.

When supply is unlimited for our basic needs, evils take the driving seat to lead us towards a destination that lacks any specific goal or achievement. Earner of such fortune plunges in the dark world of raw pleasure, bringing untold misery to family life. Children get derailed and parents find solution in sending them

abroad. Most of them come back without degree to enjoy their father's accumulated wealth.

As a Muslim I emphasise on the point that who lives on illegitimate income curse of Allah befalls upon him. I cannot but mention in this connection my father's remark who had the opportunity to observe the nature of English and American people. My father believed that they would be rewarded by Allah for they follow the saying of Quran and Hadit by way of doing their duties honestly and by way of taking care of nature.

As a wife of a retired government officer I can confidently say that there will be hardly any government official who will say that what I am saying is untrue. How many of us can justify our way of living? Has anybody ever marked the amount of fund disbursed by different government departments for picnic, sports, and other amusement?

If such fund is saved for five years half of a flyover can be constructed. Will the caretaker government kindly take note of it and check previous records to substantiate my submission?

I do not want to lengthen my confessional statement. Let me only say that it is high time to bring an end to this deep-rooted corruption. We should not find ways to escape from truth rather we should take a vow to

practise accountability and transparency.

Caretaker government must not hold any election till the country is prepared to accept it. It is annoying that these two respected ladies are calling for election. As a citizen of Bangladesh I am saying on behalf of many like me that we have seen enough of Hasina and Khaleda.

We have also seen how they have institutionalised democracy. We have seen our previous prime minister's expensive dresses and opposition leader's expensive car. Who arranges all these things for them and for what consideration?

We no more want the repetition of the past. We want something else, where the shadow of vicious past will not scare us. I believe that Allah has come down from heaven to guide this country through Dr. Fakhruddin and advisors like Barrister Moinul Husein and others. Please do not disturb them in doing the needful.

US and Pakistan: An insecure alliance

Little in Pakistan, and in its region, will improve until the military understands that the time for its rule has passed. Under no circumstances should the US force, or appear to force, a change of regime. But if Bush seeks a stable, well-grounded, respected alliance between the US and Pakistan, he will have to push for an elected, representative government that can negotiate such an alliance, fulfill its mission, and salvage security for the entire region.

PAULA R. NEWBERG

IT'S hard to know whether US President George W. Bush's visit to Pakistan is a desperate act to shore up an ailing ally, a cheerleading trip to spur on the American anti-terror campaign, or a simple photo opportunity on the road to India. No matter. When President George Bush arrives in Islamabad he will find a deeply troubled government and a country suffused with discontent. Pakistan's governance problems are significantly affected by its relationship with the US just now and it's President Bush's job to help craft a long-term solution to southwest Asia's security problems and Pakistan's own stability.

The American-led anti-terror campaign lies close to the heart of Pakistan's many woes. Despite almost 70,000 Pakistani troops deployed near the Afghan border, the Pakistan government's seeming impotence in fighting militancy which the US uses to justify its own clandestine border operations appears politically ham-handed, tactically incompetent, diplomatically awkward, remarkably inconsiderate of public opinion and thus, oddly complicit with Al Qaeda supporters.

US bombing campaigns along the border with Afghanistan leave civilian fatalities and public disapproval in their wakes. To Pakistani villagers, it looks as if a foreign army is waging war on their territory.

Gathering and analyzing intelligence are not public sports. Pakistan and the US claim that their most successful collaboration is in sharing information and say no more. The current global climate of distrust and fear, and a long, troubled diplomatic history with the US, call for both governments to handle their alliance carefully and above all, sensitively. Instead, both traffic in secrecy, duplicity and dishonesty in dealing with their own citizens, and in so doing, foment further distrust among their own citizens. The wages of this shadowy war tax Pakistan's clumsy political system more than it can bear.

A renewed local insurgency in Baluchistan is stoking the fires of national discontent. Bush's advisors have no doubt told him the province is a unruly place whose old-fashioned guerrillas score points against the central government while they skirmish among themselves and hence, today's battles, like those of old, will fade away with little cost to Islamabad. Such optimism would be

unwarranted. It's true that tribal politics can be nasty but it's also true that Islamabad has never treated Baluchistan as a full partner in its unwieldy federal system, whether in the distribution of natural gas revenues or encouraging political participation.

What Baluchistan has been good for, sad to say, is its astonishingly permeable border with Iran and Afghanistan good for war, smuggling, corruption and rebellion. Indeed, the porous border areas between Pakistan and Afghanistan have always helped define security policy for both states. But all roads run in two directions: Baluch insurgents found refuge in Afghanistan in the 1970s, Pakistan supplied the Afghan mujahidin in the 1980s through Baluchistan, refugees have ranged freely across the mountains and plateaus in all directions, and today, weapons travel toward Pakistan to fuel insurgency anew.

Although Pakistan and its allies express support for the idea of closing the Pakistan-Afghan border, success has been limited: Weapons and militants continue to move, even when revenues from black market activities shrink. This is why Afghan President Hamid Karzai is so keen to

keep the borders closed and step up the hunt for Al Qaeda. But with army installations now insurgent targets, it's easy to see how Islamabad and potentially, the US might wrap these secular Baluch nationalists under a broader terrorist flag.

What a mistake. As the anti-terror campaign holds larger meaning for Pakistan's domestic politics it's equally about the fundamental, if ignored, role of citizens in making policy so Baluchistan continues to remind Pakistan's government, and should remind the US, that tribal and ethnic identities provide a political vocabulary when national identity and enfranchisement are absent.

That fragile national identity, framed by almost six decades of unresolved debate about the country's political structure, has left society open to many competing visions of its future. Little wonder, then, that Islamist parties can so easily provoke disturbances by renting crowds to protest policies or events. It is also easy to turn all the people's anger whether about Danish cartoons or a missile attack on suspected Al Qaeda against General Pervez Musharraf's principal backer, the US.

Pakistan keeps edging toward the moment when it won't be able to govern itself, but recovers almost miraculously from each moment of crisis. Musharraf's military government is demonstrably weak, even as the military enriches itself on the backs of civil society, takes over civic institutions and cumulatively unravels the country's frayed social compact. As a result, more than 35% of Pakistanis are profoundly poor, borders are inadequately defended

and citizens cannot redress grievances against the government, militant groups, foreign interlopers or allied armies.

Musharraf has had many opportunities to correct these ills -- but hasn't. He has pilloried opposition politicians when they criticize military rule, given the army free rein in civil life, and diminished vital civic institutions, including courts and legislatures. Musharraf has failed to reconcile the army's shallow modernism and the increasingly recondite sectarianism of militant if officially powerless political parties. It's an uneven match: Pakistan's Islamist parties are more often loud than correct and generally fare poorly in elections unless they cooperate with the military.

President Bush will soon step onto this disputed landscape. If past experience is a guide, he will see Pakistan solely through the focused lenses of the anti-terror campaign, view the military as the only effective national institution what a military government always says -- and thus limit his vision of a future, constructive US-Pakistan relationship. If he does so, he will misread this complex country, and the US and Pakistan will miss an opportunity to correct course for their relationship and for the Pakistani state.

Although Pakistan's present predicaments are neither solely the result of this complicated alliance nor only the outgrowth of tired and misguided military rule, it has become the joint responsibility of the President and the General to turn their alliance to domestic political good. To Pakistan's profound detriment, this never hap-

pened when Field Marshal Ayub Khan, General Yahya Khan and General Zia ul Haq ruled from the 1960s through the 1980s. Following his illegitimate seizure of power and subsequent misrule, Musharraf's broken promises to cede power to civilian rule have indelibly marked his tenure, too. This time, the first step small as it may seem in the shadow of global terror is a fundamental shift in Pakistan's governance.

Little in Pakistan, and in its region, will improve until the military understands that the time for its rule has passed. Under no circumstances should the US force, or appear to force, a change of regime. But if Bush seeks a stable, well-grounded, respected alliance between the US and Pakistan, he will have to push for an elected, representative government that can negotiate such an alliance, fulfill its mission, and salvage security for the entire region.

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When I remember, he lives

Today is my father's fifth death anniversary. And almost everything I am, I owe to my father believing in me and my mother telling me I could do it. It breaks my heart every moment to think that I cannot share anything anymore with my father. Some days it feels like it was a world away, but usually, every day almost every hour, I remember it.

SCHEREZAD J. MONAMI LATIF

HOW does one live in world without one's father? When my father, Shahed Latif, died exactly five years ago to this day, I hadn't considered living in a world where he didn't exist. Where we wouldn't discuss how I'd gotten harassed in an American airport after 9/11 or how abominable the Iraq war has been or whether or not I should take this job or the other one or my spending and my increasing prejudice with the world.

Wait. He existed before 9/11, before Afghanistan, before the Iraq war, before I turned 30 and before all the pain in our lives that was our lives before he had passed. The last time I wrote something that was published was my father's first death anniversary, and now it is his fifth.

I seem incapable of being inspired by anything but his loss, living with it, remembering it, trying not to forget and as the years roll by one after the other probably forgetting and not even realizing that I have forgotten so many little things here and there.

One night on the subway I thought of my father's fingers and I couldn't remember what they looked like. The more I tried the more hysterical I became. The panic that gripped me was like the panic I felt was similar to the one I'd felt when they'd told us he was terminally sick. What were his fingers like? How could I not remember what his fingers looked like when I'd looked at those fingers for 29 years of my life? Then I began to look for old pictures around the apartment to see if I could identify his fingers. I couldn't really find any but I peered at all of them in a mad panic looking for the way his fingers looked. I went to bed sobbing as if I'd lost him all over again, this time forever. But by morning, I'd remembered his fingers, the way they were stubby in the bottom and the way the looked holding mine.

There is sea of people who

share the pain of a lost parent. A pain I had no idea I could feel and strength in being able to keep on living, working, playing and doing most things I always enjoyed doing. I never knew I could bring back myself to what I was. Perhaps it was from somewhere in my overly loved more than comfortable upbringing that I was able to go on. I have friends who have lost a parent and one always reads accounts of unknown people talking of their loss, what they did afterwards, how they coped. Not everyone can boast a great dad or a great childhood but somewhere within us I feel that most of us can understand the pain of a lost loved one, of a constant of the sort that one's parent is in one's life.

Today is my father's fifth death anniversary. And almost everything I am, I owe to my father believing in me and my mother telling me I could do it. It breaks my heart every moment to think that I cannot share anything anymore with my father. Some days it feels like it was a world away, but usually, every day almost every hour, I remember it. Not that he has passed but what he would've said to something, the way he would've reacted to something else and most of all, I remember how he was with me, my mother, my brother, and his close ones. I remember all of it and over the five years, the remembrance of the good has outweighed the initial trauma of his passing and of being able to only remember the intermittent period in our lives when he was ill.

Can he see me? Can he hear me? I have little faith in the afterlife and in those lost to us being able to see and hear what we do. I will never know. One can never know for sure, even those with the strongest of faiths. But the important thing I tell myself over and over is that I remember, and when I remember, he lives.