



RIGHTS investigation

## Displaced Kenyans face uncertain future

Thousands of displaced people are on the move in Kenya, leaving Nairobi and the surrounding region for centres further south and east. The Kenya Red Cross, with the support of the ICRC, is providing food and material support. Bernard Barrett reports.

"I have lived here for the past 27 years," says David Kibaara. "My wife joined me 15 years ago and since then we have been building a life and a home here. Now our only possessions left are in these three plastic shopping bags." David, his wife and two of their children are waiting at the Kisumu airport for a flight to take them out of the region after the violence that followed the December 27 elections in Kenya.

Three days after the worst of the rioting, the commercial centre of Kisumu is marked by broken glass, burnt out buildings and long lines of people outside the few stores that are still open. "It degenerated into a looting spree," explains John of the Kisumu Branch of the Kenyan Red Cross. "Stores were attacked because of the merchandise they contained, and not just the ethnic origins of the owners."

The Kenya Red Cross had counted over 350 people who had taken refuge during the first few days in three camps in Kisumu town. Many of those who fled their homes in Kisumu are business people, professionals and others who had established themselves in the area to work. Some hope to return at a later date, but others say they are leaving for good.

When security forces dismantled roadblocks erected by local gangs, more people came from outlying areas to the camps, while those with the means to leave by air or by road moved to other regions of the country. In the town of Kakamega, north of Kisumu, over a thousand people are camped in an area around the police station. Trucks are parked nearby containing what they have salvaged of their possessions while other families are living out in their Matatus, the mini-buses used for public transportation in Kenya. A large number had left Kakamega earlier, and those remaining are hesitating because of fear of travelling or a reluctance to abandon what remains of their homes and property.

"Many displaced people are moving from several areas to larger centres further south and east," explains Pascal Cuttat, the head of the ICRC Regional Delegation in Nairobi. "With the Kenya Red Cross, our people in the field are closely monitoring these shifts to determine what kind of assistance is required and where it should be delivered."

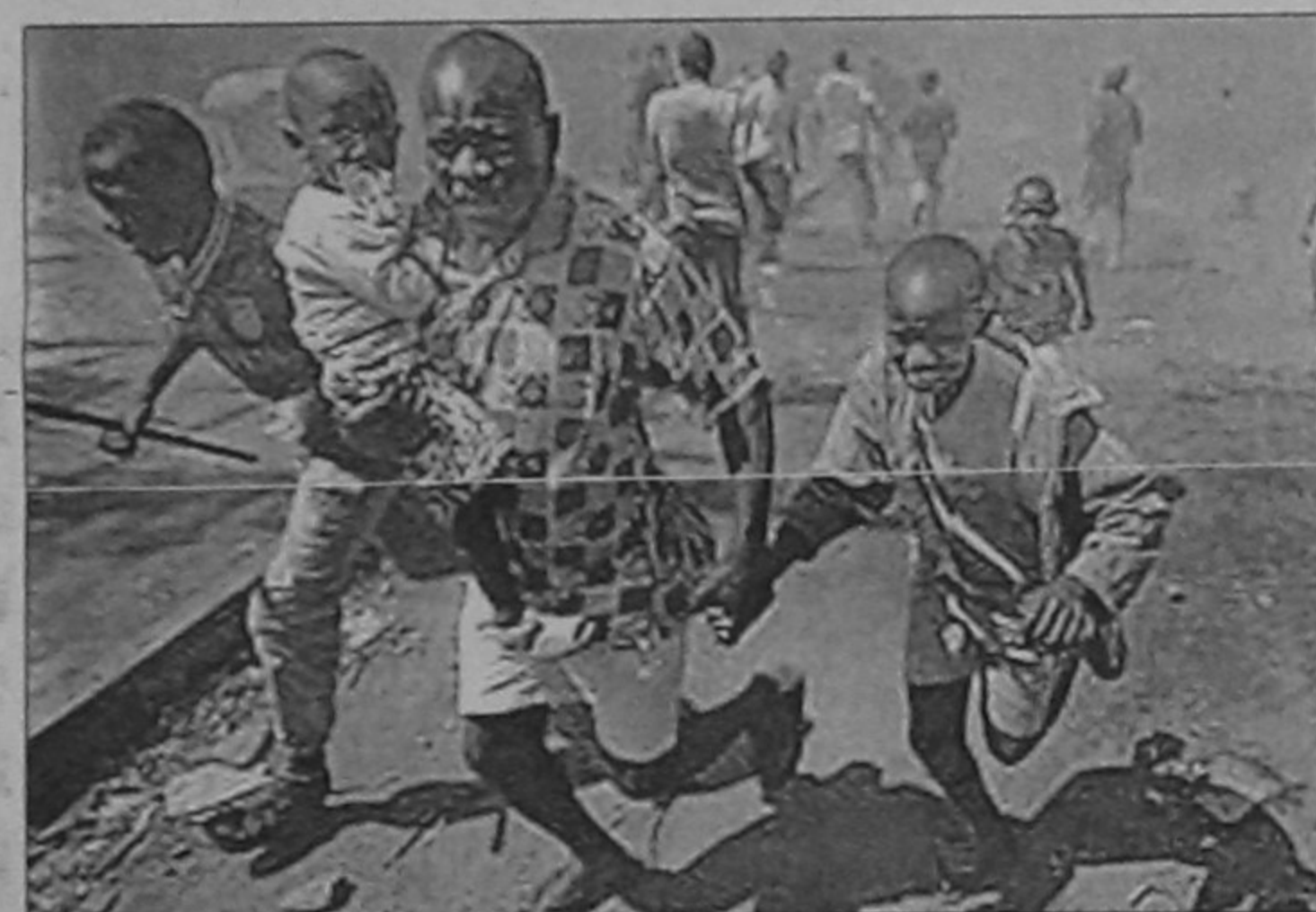
The Kenya Red Cross with the support of the ICRC has already provided food in some areas such as Eldoret, Nakuru and the slums of Nairobi and more material is being delivered.

"We must also help reconnect families who have been separated," says Cuttat, "and where there are large gatherings of the displaced, we will have to ensure proper water and sanitation facilities. Some will require basic household items such as blankets, mosquito nets and cooking pots. We are also ensuring medical facilities are adequately supplied."

An ICRC surgical team has been placed at the disposal of the Ministry of Health and is currently working at the Eldoret hospital, performing operations and helping hospital officials organize to best respond to the crisis.

"Even if all the present tension disappears, many people will need help for months to come, because their houses and possessions have been destroyed, or because they have decided to rebuild their lives in other regions," concludes Cuttat.

Source: ICRC.ORG



Star LAW analysis

TRUTH COMMISSION

## Rewarding repentance

KAZI ALAUDDIN AHMED

TRUTH Commission the emergence of such a novel term in our legal documents is bound to be once startling and ominous. On the face of it, Truth Commission, when installed, shall be an innovative mechanism to obtain voluntary confession from the persons convicted or are about to be convicted on charges of corruption. It shall concurrently require the repentant person(s) sentenced or likely to be sentenced to imprisonment surrender all the money earned illegally to the public exchequer. In lieu, they will be set free to lead a new life.

We have on record for centuries seven deadly sins or capital sins which, jointly or severally, have been persistently playing foul with human values and morals. They are: pride, avarice, lust, anger, gluttony, envy and sloth. Each of these features contains tremendous insinuating elements as would compel every human being falling prey to their outrageous impact. Not even one in a million can resist the temptation to be proud in the first place. And once pride is instilled in any human being he can easily succumb to the other intriguing obsessions in a row. His attachments soon become so very overbearing that his greed turns out limitless. He is totally bludgeoned by the 'sin' he commits. He is terribly betrayed by the so-called 'status symbol'.

Truth Commission is likely to present before the whole nation yet another highly controversial and mutually conflicting issue like 'induced' versus 'spontaneous' repentance. As things stand now the second option remains a far cry with most of the men and women now behind bars or absconding with the numerous charges of corruption. So, the first option becomes the lone intervention. It wouldn't be 'repentance' by any means. It would be rather a crude mechanism offering conditional freedom. Most interestingly the proposition of 'Truth Commission' is not supposedly intended for universal application. Only the big businessmen belonging to different group of companies now in jail for corruption are reportedly the ultimate beneficiaries. Their return to normal life and to their business installations is considered very essential in the interest of national economy, it is argued.

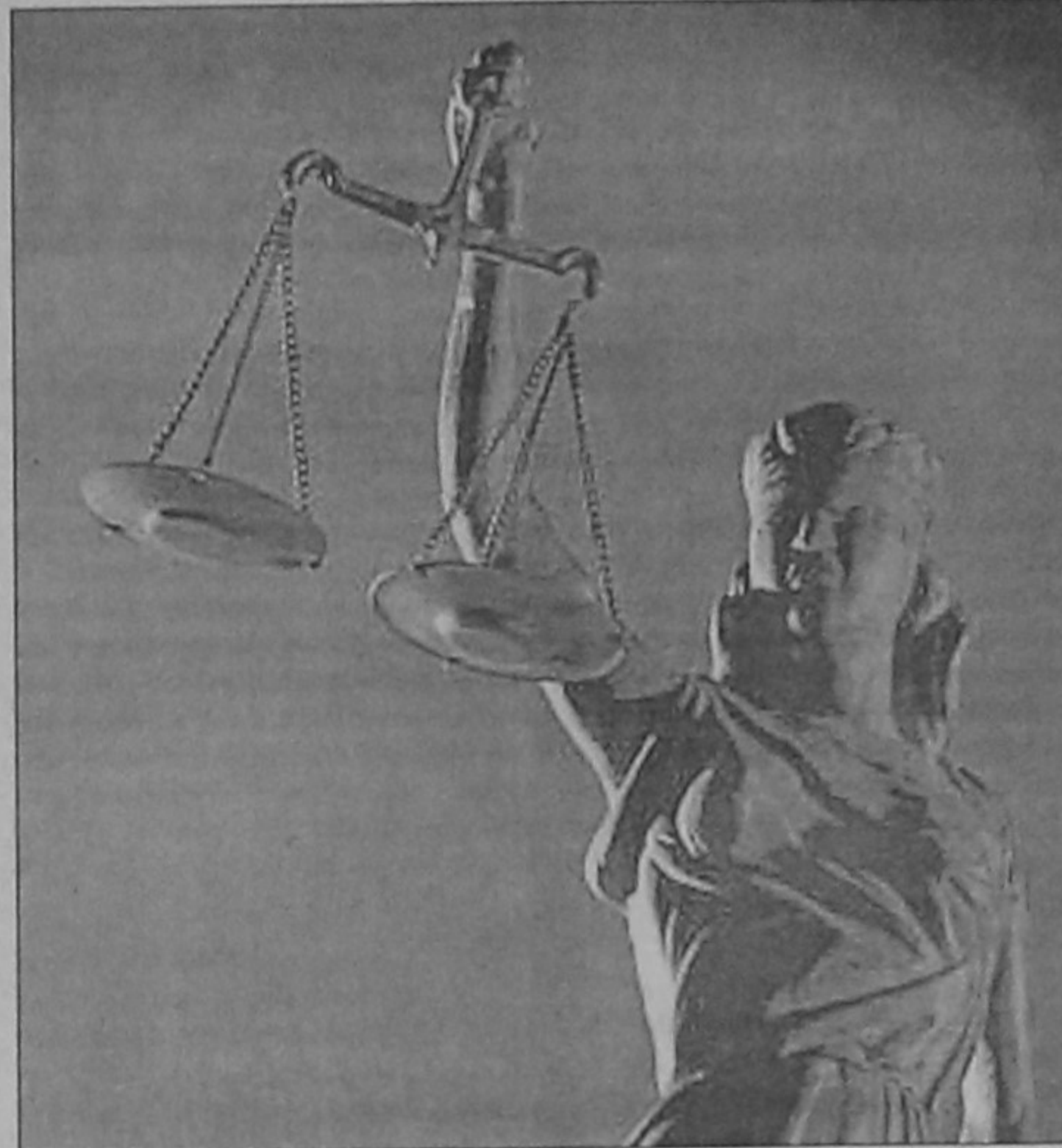
Eminent English essayist, historian, biographer and philosopher Thomas Carlyle (1795-1881) looked at repentance this way. In his consid-

ered opinion he said: "Of all acts of man repentance is the most divine. -- The greatest of all faults is to be conscious of none." Such a thought-provoking observation of a great man upholds the inimitable magnanimity of God Almighty -- His commitment in the Holy Book to forgive the sinners when they repent their misdeeds.

Words are in the air that the proposed 'Truth Commission' is held out only for the businessmen intent captive on charges of corruption in different shapes. Apparently excepting the politicians the proposition doesn't specify if businessmen directly or indirectly involved in political activities will not get the benefit of the provisions in the envisaged law.

This is a very pertinent point since to our knowledge there are many businessmen in the country who are either representing one political party or the other as parliament members or as indirect activists. So, excluding this group of businessmen from the list of the probable beneficiaries of the new law, precisely the provisions in the Truth Commission package, will break the entire range of the offenders into three segments. They will be: (i) businessmen without any involvement directly or indirectly in politics; (ii) businessmen-cum-politicians and (iii) exclusively politicians. If only pure businessmen are segregated for the purpose of granting benefit of the Truth Commission dispensation, the larger part will be left out. Ad seriatim the percentage will be 20, 50 and 30 approximately. In consequence the national exchequer will get only 20 percent of the illegally earned money surrendered where 80 percent will have to be confiscated through arduous legal process.

On the face of it the proposition, however, innovative and novel, shall evoke the time-old thematic message conveyed in the Bangla perception saying which reads: "Compensating the killing of a cow with a pair of shoes". Nevertheless, the human element prompting the proposed Truth Commission approaches cannot be altogether ignored. Yet the factor of discrimination in the original thinking, if not excepted, will make the whole process utterly controversial. It was good to hear from the lips of the Law Adviser that the government has had a positive realisation to be incorporated in the ultimate order. He told us that the benefits would be extended to the politicians as well to make the eventual dispensation uniform in all the three groups of people stated in the



foregoing paragraphs. Among others, one condition will be that the persons released from captivity will never be allowed to contest in any election in future.

Notwithstanding the possible backbone of such a magnanimous gesture on the part of the government there is no guarantee about the number of people who would be eventually interested in the envisaged conditional offer of clemency. Much would also depend on the process by which they would be set free. With such a very pertinent question is linked the future of the ultimate beneficiaries. Their family and social life, life of their children and dependents already in a terrible swoop, is most likely to take a worst turn.

Yet some of them might go for the option and accept the preconditions to earn freedom. And many others might prefer appeals in higher courts to prove their innocence, get bail after emergency rule is over.

Since Truth Commission is yet to be a reality those experts who are currently working out the pros and cons may like to develop the document incorporating some of the observations above subject to their relevance. In any case, it is expected that the rationale of all the provisions in the document will uphold the human element to justify its introduction.

Meantime, there is a growing

demand among the non-commercial political parties and intellectuals, social elites that the proposed Truth Commission takes within its ambit the cases of the war criminals as well. They have also insisted or are insisting upon the Election Commission not to register the religion-based political parties and those led by the war criminals. Even the Chief Adviser of the caretaker government has expressed his unanimity with the demand of the people at large and agreed that the war criminals can still be proceeded against in the court of law by the aggrieved.

At the latest the army personnel who led the Liberation War, such as General Shafiqullah, Mir Showkat Ali, Air Vice Marshal AK Khondokar have made a renewed vow to file legal suit against the Jamaat-e-Islam leaders against whom they have enough proof of collaboration with the Pakistan Army in 1971. They have also made a firm pledge to mobilise all the freedom fighters to realise the set goal of punishing the war criminals. Their demand coincides with the suggestion that a Truth Commission be set for the purpose of taking legal measures against the known war criminals. Hopefully the present government will act accordingly to meet the popular demand.

Kazi Alauddin Ahmed is a management consultant.

LAW week

HC rejected the writ petition

Govt continues to be called caretaker

The High Court (HC) rejected a writ petition that sought a change in the nomenclature of the present government to call it an 'interim government' instead of a 'caretaker government', and sought permission to appoint more advisers for it for smooth functioning of the administration. Saying that there is no mention in the country's constitution of any interim government, an HC bench that was hearing the petition said the incumbent government will continue to be termed a 'caretaker government'. The rejection also blocked expansion of the cabinet. The two-member HC bench, however, said the court might hear a new petition regarding failure of the Election Commission (EC) to hold the pending general election within 90 days of dissolution of the last parliament, if the petitioner files one. Advocate Masood R Sobhan, who filed the public interest litigation writ petition on December 13 last year, told The Daily Star that the court rejected his petition as 'not pressed'. He said he is pondering filing of a new petition challenging the EC decision to hold the election in 2008 'in violation of the constitution through failing to hold it within the stipulated 90 days period'. During the hearing, Sobhan said the present government that took over office after dissolution of the eighth parliament was called a 'caretaker government'. -- The Daily Star, January 8.

EC to redraw outline of constituencies

The Election Commission (EC) announced a plan for redrawing the boundaries of parliamentary constituencies in 61 districts of the country based on densities of population in an effort to maintain a consistency in the number of voters for each seat. According to the EC guidelines for redrawing the constituencies, the number of parliamentary seats for urban areas will significantly increase, particularly for city corporation areas, while rural areas are set to witness a decrease in the number of seats representing them. Each of the 300 newly demarcated constituencies will be made up of over 4 lakh people as the 2001 population census report says the enumerated population of the country stood at over 12.3 crore at the time of the census while the total population including the heads not counted was estimated at 13 crore. Urban areas will have more seats representing them in the parliament due to a massive migration of the population especially to metropolitan cities for employment in the past decade. For instance, Dhaka City Corporation areas with a population of around one crore is likely to have over 20 constituencies instead of the current eight. -- The Daily Star, January 9.

Make sure new HR body has teeth to try everyone

Amnesty International (AI) Secretary General Irene Khan called on the government to ensure that the new human rights commission has the teeth to try everyone, and to ensure fair trials for imprisoned politicians. She also asked the government to make the police transparent, and to respect human rights. The AI chief, a Bangladeshi national, expressed her concern at government restrictions on the media and human rights activists, and at reported curbs on websites, adding that the interim administration will lose public confidence if it does not uphold human rights. Irene said democracy and human rights are meaningless if issues such as poverty and women's rights are not addressed, as she endorsed a citizens' charter for laying out the fundamental rights of the people for sustaining the democratic process. She was speaking as the keynote speaker at a seminar titled 'Overcoming Disappointments of Democracy' organised jointly by The Daily Star and the Prothom Alo. Other speakers at the seminar, economist Wahiduddin Mahmud and former attorney general AF Hasan Arif, also called for a national consensus on key issues to sustain democracy in Bangladesh. -- Prothom Alo, January 9.

Due process not followed in some cases

Amnesty International (AI) Secretary General Irene Khan said due process under the state of emergency is "not being followed in some cases" and called for lifting restrictions on the media. "Some regulations were made under the state of emergency, and in some cases due process is not being followed," she told reporters after a meeting with Foreign Adviser Iftekhar Ahmed Chowdhury. Irene called for lifting emergency restrictions on the media "although those are not being imposed" and for scrapping the criminal liability act. About holding trial of the war criminals of 1971, she said the Amnesty International always demands the trial of war criminals. She urged the government to seek help of the United Nations in holding the trial as she said the UN has extensive experience about this issue. In this context, she mentioned the case of Cambodia where war criminals were tried. The international human-right watchdog's chief executive, who visited the victims of JMB militants in Rajshahi, said the victims of JMB militants want to return to their own houses but they could not go back out of fear. Now, of course, they feel secured, she observed. -- The Daily Star, January 9.

Five new advisers take oath

Five new advisers to the caretaker government were sworn at Bangabhaban to replace the advisers who resigned in the last few days. The new advisers are AMM Shaukat Ali, former agriculture secretary, AF Hassan Arif, former attorney general, Hossain Zillur Rahman, executive chairman of Power and Participation Research Centre, Major General (ret'd) Ghulam Quader, former director general of National Security Intelligence, and Rasheda K Choudhury, chief executive officer of Campaign for Popular Education. Chief Adviser Fakhruddin Ahmed is likely to distribute today the portfolios of over 16 ministries among the newly appointed advisers, sources in the cabinet division said. Six to seven assistants will also be appointed in a couple of days to assist the administration as it failed earlier to expand the advisory council because of the constitutional obligation not to have more than 11 advisers including the chief adviser, sources said. -- The Daily Star, January 10.

Ex-director of NBR sued for ill-gotten wealth

Former National Board of Revenue (NBR) director Jahurul Haque and his wife were sued for amassing wealth beyond their known sources of income and concealing information in the wealth statement submitted to the Anti-Corruption Commission (ACC). ACC Deputy Director Moniruzzaman Khan filed the case with Ramna Police Station against Jahurul and his wife Afia Haque for amassing Tk 1.53 crore beyond known sources of income and concealing information about wealth worth Tk 1.25 crore in the statement. Afia submitted the wealth statement on March 3 on behalf of her absconding husband after the High Court ordered the ACC to accept it. Earlier, the ACC had asked Jahurul to submit the wealth statement in person. But he sent his nephew Tauhidul Islam to submit it prompting the commission to deny accepting the wealth statement. It was mentioned in the first information report (FIR) that Jahurul concealed information about his wealth including 238 tolas of gold and several plots. The complainant said Afia was accused in the case for abetting her husband in amassing wealth illegally. -- The Daily Star, January 10.

HUMAN RIGHTS advocacy

## Domestic violence and women's mental agony

KONIKA BISWAS

SALEHA Begum of Bagerhat's Chitalmari upazila was married off in 1975 with a school-teacher when she was only 16. The adolescent bride did not get the mental support from her in-laws what she needed. Her husband, Sajedur Rahim, used to move to town leaving Saleha back in the village because of his job. In his absence, Saleha had to endure all the mental and physical tortures by her in-laws.

As she was married off at an early age, it took some time for Saleha to have a baby. And this had provoked her in-laws to raise question even about her fertility. Saleha's husband

used to feel sorry for her but could not protest. By the time the couple got two daughters and moved to Dhaka despite his family's objection. Saleha had thought she would now leave a happy life. But her in-laws were not ready to spare her yet. They continued to interfere in her personal life. Having failed to endure the long ordeal, the poor lady broke down mentally in 1999. Initially, no one cared a great deal about it. But, at one stage, her mental distress went out of control. Under pressure from the relatives, Saleha's husband first resorted to unscientific methods conducted by fakirs (holy men).

Last of all, Saleha was taken to a psychiatrist only to know that she

had been suffering from schizophrenia. Unhappiness, mental torture and negligence were blamed for the psychological problem. Take the example of Sabrina's mom. She is also a victim of negligence and mental torture. Sabrina, a second year university student, says, "My dad is the second husband of my mom and he could not normally accept her first marriage. So he had a lack of passion for her. My dad never gives my mom the attention she deserves as a wife. My father humiliates and lets others humiliate her. As a result, my mother broke down psychologically."

Let's turn to the much-talked-about two sisters -- Mita and Rita. One is doctor and another engineer.

These two talented women are also suffering from schizophrenia. Misbehavior by their close relatives is blamed for this. The two sisters gradually withdrew themselves from everything and chose to confine themselves in their huge house. Meanwhile, with the help of media and other organizations they were provided medical treatment and they got cured. But the problem has relapsed for lack of all-time support.

All the three case studies point at the severity of the problem. More or less it exists in almost all the families of the country. Intolerant behaviour towards women by the family members, including husband and children, causes the mental breakdown. This mental distress, in many cases, leads women to schizophrenia.

Dr Rezvana Kadri, a psychiatrist of Lab Aid Hospital, says, "If a mental problem persists for a longer period an individual may suffer from any disease. In case of schizophrenia it has to be seen if a woman is being respected."

In our society, a mother or wife does everything apart from earning money. But they have no say when it comes to decision making. Mothers, usually, do not have any say in matters like timing of having a baby, children's education and their marriage. In many cases, this negligence causes an adverse reaction among the women, particularly those belonging to middle class and educated families.

Any person may suffer from schizophrenia. Psychiatrists have identified depression as a great extent and sadness as the main reasons for this disease. Dr Mohit Kamal, a psychiatrist of National Mental Health Institute, says, "Schizophrenia is such a mental disease where people's thoughts are faulty. Perception becomes faulty. One becomes unaware how

he or she is behaving." According to specialists, if an individual has certain symptoms for two months or more primarily he or she can be considered as a schizophrenic patient. These symptoms are delusion, hallucination, disorganized or catatonic behaviour and negative symptoms (lack of human quality).

The tendency of schizophrenia among men and women is the same. But there is a difference in terms of age. On average, men are more affected at age between 20 and 25 while women between 25 and 30. But the prevalence of getting affected after 40 is also predominant among women.

Although the tendency of this disease is equal among men and women, the number of female victims in Bangladesh is greater than that of men. As women become the victims of complication of the society, they are vulnerable to this disease. Another reason is that schizophrenia is a hereditary disease. Dr Zahir of National Mental Health Institute says, "One percent people has the tendency of this disease. It's not that there should be an expression of that."

Schizophrenia is actually a result of compilation of many causes such as family history, mental and social condition and violence at home. Women in Bangladesh are more vulnerable to this disease because they are humiliated at home in many ways by their close relatives. "Family troubles can deteriorate the condition of a victim to a great extent when his or her perception does not work," says Dr Zahir.

In most cases, schizophrenic women find themselves in a devastating situation in the third-world countries. Usually, they are tortured inhumanly by fakirs and exorcists thinking that they have been influenced by demons and ghosts.

Instead of helping, the relatives turned their back on the victims. According to experts, there is a suicidal tendency among 50 percent of the schizophrenic patients. Of them, 20 percent of the victims under treatment become successful in their efforts to commit suicide.

Previously, 70 percent patients had to be on medication for the rest of their life. But due to the development of medical science in recent time 25 percent get cured completely. Those who do not stay 50 percent well through proper medication, love and care. In this regard, Dr Mohit says, "If the family and relatives want schizophrenic patients can lead a complete normal life. But, lack of security and love may cause the relapse of this disease in case of 40 percent patients."

All the experts are of the opinion that provided rehabilitation, love, care and compassion of the family members, schizophrenia is not at all an incurable disease. The good news is family ties are very strong in our country. Therefore, husband's love and care can increase the self-control and courage of a mentally distressed woman.

Dr Zahir says, "Pakistan is on top in case of rehabilitation of schizophrenic patients, as their family ties are strong and love for each other is profound. And, Bangladesh is no exception."

A housewife is the life of a family. Her mental devastation will influence her future generation very badly. Therefore, all-out efforts are essential to address the issues for which women may suffer from this dangerous disease. Besides, mass awareness is very important about reduction of violence against women and various types of mental diseases.

-News Network



Corresponding with the Law Desk

Please send your mails, queries, and opinions to: Law Desk, The Daily Star 19 Karwan Bazar, Dhaka-1215; telephone 8 1 2 4 9 4 4, 8 1 2 4 9 5 5, fax 8 1 2 5 1 5 5; e mail dslawdesk@yahoo.co.uk, lawdesk@thedailystar.net