

Break-in at railway offices

Swift, thorough action against culprits must be taken

THE daring break-in at railway headquarters in Dhaka as well as its offices in Chittagong is stunning in its scope and dimension. The very fact that 56 rooms at the headquarters in Dhaka were left ransacked, along with a theft of documents from the Chittagong office, gives every indication of its being an inside job carried out to near perfection by those involved. The question naturally arises, therefore, of what might have motivated the perpetrators of the act. And the answer, in all likelihood, is that the break-in was related to sweeping dirty linen under the rug. Important documents, are said to be missing from Dhaka and Chittagong offices. Those engaged in corruption over the years and now feeling the heat quite properly may have organised the raids as a way of removing evidence of their crime.

The government has by now initiated moves for an inquiry into the incidents. We suggest that an independent inquiry be instituted in place of departmental inquiries that have had a way in the past of shielding real culprits. If acts of criminality can be perpetrated in government offices with such impunity and if employees themselves are involved in the theft or destruction of important files and other documents, it is the entire matter of security and the safe-keeping of important papers that comes under threat. In fact, what has happened at the railway offices in Dhaka and Chittagong can rightly be regarded as acts of sabotage that must be handled decisively and in deterrent manner. We have earlier experienced instances of government files being burnt to ashes in offices, with no one being made to answer for the act. Such a nonchalant attitude must not be applied in the present instance if a repetition of such crimes at other government offices and departments is to be avoided.

We believe that the nocturnal raids on the railway offices on Sunday in Dhaka and Chittagong are a wake-up call to the government. Unless adequate, foolproof security is provided to government department premises as well as what they hold inside them, there is a danger that governance might be put at risk. The Bangladesh Railway authorities have put seven of their employees on suspension. That act must be followed by a rounding up of everyone involved, both in the break-in and its planning. Let the police department and other security agencies do the job in earnest.

Lying one's way to impunity

Truth Commission has only helped it

AS has been revealed by the Anti-Corruption Commission (ACC), while the 270 graft suspects had admitted before the Truth and Accountability Commission (TAC) to having only Tk 28 crore, the actual figure could be as high as Tk 400 crore. Such a glaring discrepancy has emerged between the findings of the ACC and the confessions made by clemency seekers.

Not long ago, when TAC was being set up, we had pointed out the folly of such an arrangement that actually established a parallel justice system in the country. There were inherent lacunae in the system that were apparent to all. We had cautioned the commission of the need to verify the statements submitted by the clemency seekers before passing their orders. Events have proved our apprehensions true. Reportedly, all except one have gotten away with corruption by lying their way out, as one had feared they would. In other words, except for one all the confessional statements are blatant lies. After all, can we expect the corrupt to give the actual figure of the money they have accumulated illegally?

We find it very difficult to accept the comment of the chairman of the erstwhile commission that the commission was under no obligation to have the statement of the applicants verified by any other agency, not even the ACC. We feel that there is always the moral as well as procedural side to dispensation of justice that the adjudicators cannot afford to overlook. In the fitness of things, each and every statement submitted before the commission should have been verified with the relevant agencies including the ACC in particular.

The shoddy work of TAC admits of no excuse. If time was a constraint, the chairman, being himself a justice, should have pointed that out to the government for the sake of justice and rule of law. We feel that neither has justice been served nor the rule of law been upheld by absolving the corrupt and making them immune to prosecution basing on their unverified statements. The exercise has thus been fruitless and instead of solving problems TAC's action has given rise to new ones, apart from proving counterproductive to the anticorruption drive.

According to the ordinance of the erstwhile commission, giving false statements or withholding facts are liable to action. We suggest that the cases be reinvestigated and those found guilty of wrongful confessions be subjected to due process of law. After all, we cannot live with a bad precedent.

Shoes in the mosque, villainy in the soul

It was a truth that soon made itself manifest the moment they took off their shoes, went looking for their enemies in faith and, discovering them within the sacred precincts of the mosque, gleefully plunged into a flinging of the shoes at them and so creating perfect mayhem.

SYED BADRUL AHSAN

THERE are places where you do not go for a demonstration of shoes, not even if it is an American president whose policies you are repelled by. And when it comes to mosques, or similar places of worship, it is your shoes that must stay in the right place. In cultures across the world, shoes are often an apt symbol of disrespect that you must not demonstrate beyond what is absolutely necessary. Certainly, you will not, you must not use it in mosques. You take them off, until such time when your interaction with the Lord of the Universe is over and you are ready to go back home, shoes back on your feet.

That is the basic principle where shoes are concerned. But when on two Fridays, one immediately after the other, a group of faithful Muslims (that is what they are supposed to be, aren't they?) stumbled on the notion that much more important than Juma prayers was the matter of deciding who could or could not be the *khatib* of Baitul Mukarram mosque, they did not quite realise that they were, consciously or otherwise, abandoning the call of faith.

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The problem was a serious one: should those gathered for prayers remember God behind the new *khatib* or should they carry on as they had carried on with the *peish imam*, or acting *khatib*, as the man leading the prayers? Interesting question, that. It makes you wonder why people who turn up

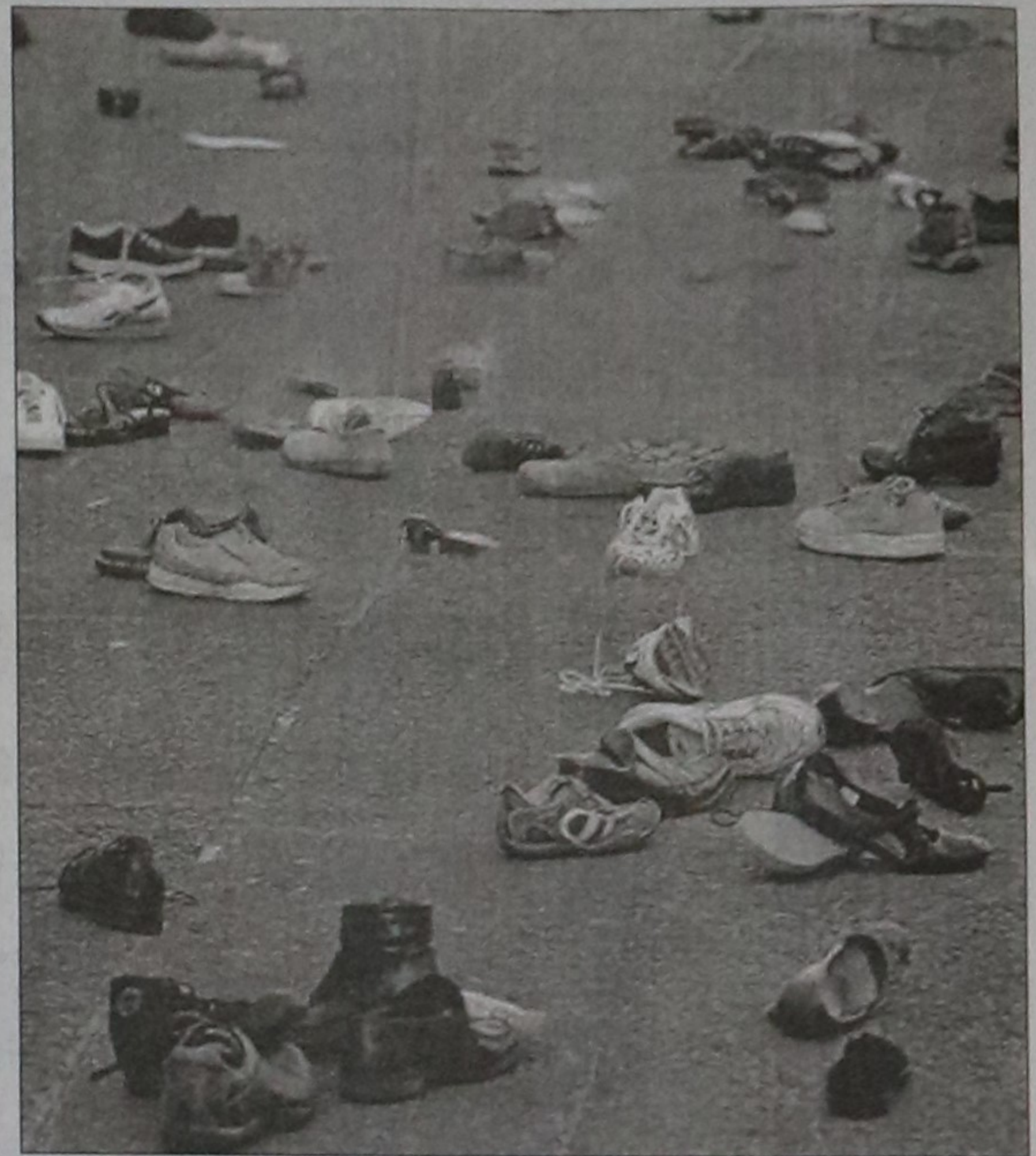
at Baitul Mukarram mosque, or any mosque for that matter, should at all be worried about who happens to be the *khatib*.

Ah, but once you go delving a bit into the politics that has been played out at Baitul Mukarram over the years, you will perhaps not be surprised that those shoes have actually been flying around the prayer hall of the mosque. There used to be a time when an earlier *khatib* of the mosque (he lives no more) once told a Friday congregation that in a country administered by women, it was inevitable that the wrath of Allah would fall. The prime minister, a woman named Khaleda Zia, said nothing. Neither did her government.

It was this same *khatib* who once demonstrated his umbrage at those who, he thought, had conspired to break up Pakistan in 1971 by going for a war of liberation for themselves. Even that audacity went unpunished. Meanwhile, through the years, adherents of a rightwing political party, notorious for its contribution to the genocide of Bengalis, undertook a program of a steady infiltration of the mosque through placing its cadres and its patrons there.

Recall, if you will, the sheer nefarious manner in which one of these men egged on some ruffians from the safety of the mosque into what he thought was a battle for faith. Those who died, he cried hoarse, would be *shaheeds*; and those who lived would be honoured as *ghazis*. That was on October 28, 2006. Where is that man today?

No one knows. But that is just a hint of how mosques have been made good use of by the unscrupulous and the sinful in a furtherance of their designs on the state. In the 1971 war, it was the Pakistanis who, in the name of Islam, went into the bad business of doing things un-Islamic. They razed



Missiles in a mosque!

the Central Shaheed Minar to the ground in the early hours of their program of Bengali murder and swiftly put up a couple of bricks on the spot, to mark it off as space for a future mosque. In the late 1990s, human remains were recovered from the premises of a mosque in Mirpur, a potent sign of the murders that the Pakistanis and their local Bengali and Bihari collaborators had committed in 1971, even as the Mukti Bahini regained the country inch by difficult inch. There are other, similar stories. There will be time to talk about them some other day.

Faith is not for the weak of heart. Prayers

are not for those who do not see the spiritual beyond the temporal. Those who drive God away from hallowed spots in mosques and churches and temples through a villainous demonstration of ugliness are men and women who have led wasted lives. The trouble is that their presence in the sacred precincts of religious devotion sometimes leads to a wasting away of other lives, other dreams.

And then, everything palls, everything pales, everything falls.

Syed Badrul Ahsan is Editor, Current Affairs, The Daily Star. E-mail: bahrul@bdnews24.com

Crime and punishment

It is argued that those persons who were accused of assisting or abetting the Pakistan military in the country could be prosecuted under the 1973 International Crimes (Tribunals) Act because the law provides for trial and punishment of any member of "auxiliary forces."

HARUN UR RASHID

THE term "war criminal" is a generic term. It refers to a person who allegedly commits any of the three international crimes: (a) genocide, (b) crimes against humanity and (c) grave breaches of the 1949 Conventions, 1949, relating to war to protect civilian populations. The first two can be committed in war or in peacetime.

The atrocities perpetrated by Pakistani soldiers in Bangladesh on civilian population during the 1971 Liberation War constitute all the three international crimes: genocide, crimes against humanity and war crimes.

Genocide, crimes against humanity, and war crimes may be tried by any state under universal jurisdiction. The corollary of this principle is, besides Bangladesh, both India and Pakistan have jurisdictions under international law to put any accused person under trial for such crimes.

For the crimes of 1971, two sets of laws were formulated in the country. The first set was proclaimed on January 24, 1972 -- titled the "Bangladesh Collaborators (Special Tribunals) Order 1972." This law was to

prosecute certain persons or members of organisations that, directly or indirectly, aided or abetted the Pakistan armed forces in committing international crimes.

The second set was enacted on July 24, 1973 -- titled the International Crimes (Tribunals) Act, and Article 47(3) of the Constitution was inserted in July 1973 to implement the International Crimes (Tribunals) Act. This law was enacted to try and punish any member of the armed forces or auxiliary forces accused of international crimes, not only war crimes.

The preparation of the 1973 Act took some time because of the complexities of the principles of international law involved (I was representing the Foreign Office in the committee that prepared the draft of this law), and partly because, in May 1973, Pakistan lodged a case against India before the International Court of Justice at The Hague, asking the Court not to hand over to Bangladesh the 195 Pakistan prisoners of war accused of international crimes. The case at The Hague could not proceed because India did not accept the jurisdiction of the International Court of Justice.

Bangladesh confronted certain ground

realities in the early years (1972-75). They were: the *mufti* from *zill* *soning* *boon* *and* *and* Bangladesh civilian and military officers remained stranded in Pakistan because the Pakistan government held them as hostages unless Pakistani POWs (prisoners of war) were released.

90,000 Pakistani POWs, including senior military officers (195 in number), who had allegedly committed international crimes were in custody in India.

The Bangladesh government announced the first clemency on May 16, 1973, under the 1972 Order for persons convicted or charged with offences under this law.

A second clemency was announced under the same law on November 30, 1973, for those who were convicted or accused of serious crimes.

Many legal experts argue that the aforesaid acts of clemency under the Collaborators Order are legally untenable because the president is empowered under Article 49 of the Constitution to grant pardon only to convicted persons and not to accused charged with crimes.

With the change of regime in 1975, the Collaborators (Special Tribunals) Order of 1972 was repealed on December 31, 1975. Under the law, all proceedings in any tribunal, magistrate, or court, and all investigations or other proceedings before any police officer or other authority "shall abate and shall not be proceeded with."

In September 1973, India (with the agreement of Bangladesh) and Pakistan concluded a deal to exchange Pakistani

POWs, except the 195 senior military officers, for Bangladeshi civilian and military officials, stranded in Pakistan to return to Bangladesh. (Bangladesh could not directly negotiate with Pakistan on any matter because Pakistan did not recognise Bangladesh until February 1974.)

The Bangladesh government, on 17 April, 1973, announced its decision to put on trial the 195 senior Pakistani army officers accused of international crimes.

However, the international community was much less concerned with commission of international crimes than it is now, and India was keen on maintaining peace and harmony in South Asia and was not interested in the trial of Pakistani officers who remained in India.

Given the external environment at the time, Bangladesh announced clemency for the 195 Pakistan POWs after Pakistan's plea of "forgive and forget," and they were allowed to return to Pakistan under the Tripartite Agreement of April 9, 1974.

It is argued that those persons who were accused of assisting or abetting the Pakistan military in the country could be prosecuted under the 1973 International Crimes (Tribunals) Act because the law provides for trial and punishment of any member of "auxiliary forces." The newly elected government has rightly decided to ask for assistance of the UN in the matter.

Barister Harun ur Rashid is a former Bangladesh ambassador to the UN, Geneva.

Reaching out

It seems Hasina is making every effort to reach out to her opponents as well, especially to BNP and its leader. All her post-election reconciliatory words of reaching out to BNP are well taken in all circles.

ABDULLAH A. DEWAN

IT is heartening to know that both AL and BNP are planning changes in their leaderships by replacing many of the older leaders with young, honest and competent party loyalists in various echelons.

While AL's move is enticed by its desire to keep the momentum it generated through its electoral victory, BNP's move is propelled by the fear of not being taken as a strong political force following its cataclysmic debacle in the election.

The attempt to restore the glorious days of BNP while removing the stain of corruption won't be easy, but not impossible. AL's handling of the opposition and its governance may also help BNP to come back in the 2013 election.

One of the issues is that the problems of the country and the plight of the people have been caused by the failure of political institutions. All right minded politicians will agree that party leaders are to blame

In the past, governance had a special element the efforts to undercut the opponents and achieve self-aggrandisement without shame or fear.

Young party activists were bypassed by the party sharks, although the former built the bridges between the rulers and the ruled. Hasina made some adjustments in the nomination process and was rewarded. Pragmatically, she continued with the adjustment in assigning cabinet portfolios. Khaleda, on the other hand, stayed trapped with the aging, and allegedly corrupt, leaders.

BNP's debilitating defeat can be partly ascribed to its being in disarray on the eve of the election. Leaving aside the much talked about corruption and association with the alleged war criminals, the alliance's preparation for elections was no more than slapdash improvisation.

The party in power must give priority to managing state affairs, meeting the aspira-

tions of the people, and reaching out to political opponents and listening to their voices of dissents. Party interests have to be put on the backburner.

When it comes to reaching out to political opponents, Barack Obama has set the standard. During the primary election campaign, he told *U.S. News & World Report* that he would reach out to his critics including Republicans.

"You know, very rarely do you hear me talking about my opponents without giving them some credit for having good intentions and being decent people," he said. "I think that I would explicitly reach out to disaffected Republicans and remind them of some of their traditions. You know, a lot of the virtues I talk about are virtues that are deeply embedded in the Republican Party.... The Democrats don't have the monopoly on wisdom, but we have to make some sharp breaks from the failed administration policies of the past."

Obama has followed through his reaching out strategy immediately after getting elected president and forming his cabinet.

It seems Hasina is making every effort to reach out to her opponents as well, especially to BNP and its leader. All her post-election reconciliatory words of reaching out to BNP are well taken in all circles. But the one that became a quotable quote is the pronouncement that the opposition bench

wouldn't be treated by its size; instead parliament would be made effective by ensuring the opposition's active participation.

While this is a statesman-like gesture, what else could Hasina say given that the electorate is fed-up with the antagonistic politics of the past?

Under the same rationality of pent-up public pressure, BNP has no option but to respond; thus it decided to join the opening session of the ninth parliament.

The gist of my argument is that whichever party makes a misstep more so the AL because it is the super majority party the people and the news media will jump on it (example: Home Minister Sahara Khatun's statement concerning BNP's involvement in some post-election violence). AL must restrain itself from reacting to BNP's insinuations and post-election misinformation campaign (e.g. AL's promise of Tk. 10 per kg of rice, free fertilizer, and so on).

In a democracy, the bipartisan approach always works better and faster. The elected politicians must also remind themselves at all times that the days of getting elected and changing one's fortune may be over. There is no guarantee they will be around the next time don't see over 175 MPs of the eighth parliament around us any more.

Dr Abdullah A. Dewan is Professor of Economics at Eastern Michigan University.