

Behind extra-judicial killing

MUHAMMAD NURUL HUDA

THE prime minister's categorical denunciation of extra-judicial killing comes as a very positive development. To this scribe and many law-abiding citizens, those untenable custodial killings of recent years were a burden on the nation's conscience. As such, the chief executive's forthright resolve to punish the guilty and the foreign minister's international commitment at Geneva to put a total stop to extra-judicial killings give cause to hope.

Cynics, however, say that somehow our enforcement culture had developed such a macabre liking for extra-legal modus-operandi in the recent past that it may be difficult to eschew such a pernicious practice and still be able to maintain law and order. Such an observation, according to experienced enforcement practitioners, may not be an outright exaggeration.

Upon closer scrutiny, one would find that the extra-judicial killings were indicative of the uncontrollable state of crime and the helplessness of the regulatory authority in this regard. Under such circumstances, it would not be improper to say that the failure to lawfully conduct the affairs of public order necessitated those extra-judicial killings. Any far-sighted consideration will, however, convince us that such extra-judicial killings could not be an effective and realistic method of crime control. The reasons are simple, because if we fail to protect the legal rights of the accused we will not be able to ensure the rights of the innocent members of the public.

A lawfully constituted government cannot resort to killing in this way, and cannot issue license to any outfit to

indulge in such killing. If this continues to happen then the criminal trial process, and indeed the whole judicial system, is bound to be dangerously undermined. The deaths, under the garb of so-called crossfire, were only highlighting the failure of law-enforcement and the judiciary.

It is not for the ordinary members of the public to take a look at such extra-legal killings because they got immediate relief from the depredations of the local bully or the entrenched tormentor. However, a civilised government cannot be a prisoner of such damaging retrograde thoughts. A very significant aspect, which demands serious attention, is that the so-called terrorists killed in the crossfire were in fact politically patronised and blessed. As a result, there was no guarantee that such killings will prove positive, as was implied by the then responsible establishment personalities.

"Operation clean heart" also resulted in the extra-legal killings of identified terrorists and criminals. The law and order or crime situation did not register much of a change for the better. In fact, extra-judicial killings have not succeeded in controlling crime anywhere in any country. Crime and terrorism do not cross the bearable limit on their own. There are always cogent and credible factors behind such abnormalities. One needs to probe into those with the concern of a protector. Extra-judicial killings cannot be a sensible alternative proposition.

As a civilized nation, if we expect our enforcement institutions including the police to regularly brush up their professional skills, we cannot create a scenario wherein one would be willing to believe that those perpetrators of crime who cannot be brought under the law have to be dealt with beyond the law.

Everyday experience tells us that quite often the fun-seeking delinquent of yesteryears turns into uncontrollable don of the day due to the patronage of powerful quarters and the unexplained inaction of the enforcement outfit. Therefore, when deaths occur in "crossfire" some myopic elements may be satisfied, but a civilised society which wishes to live by the cannons of law cannot but be concerned.

In such an assumption lies the suicidal admission that the criminal justice administration of a democratic polity has failed to act, and the state has forsaken one of its primary functions. Since no right-thinking Bangladeshi would reconcile to a scenario that smacks of a failed government, they have a duty to find out why some organs of the state have to resort to apparent vigilante action. The nation needs to know if law-enforcement personnel are deliberately deviating from the statutory directives in anti-crime operations.

Eulogising the so-called "crossfire actions" created an environment wherein result-oriented investigating officers were increasingly getting inclined to resort to short-cut methods to please the boss or the political masters. The worrisome part is the threat to put an alleged criminal or an ordinary suspect under the so-called "crossfire" scenario in order to gratify ulterior motives. Since most crossfire deaths were not seriously pursued for establishing the suspected culpability, the culprits in the enforcement and investigative apparatus discovered a macabre win-win situation in such patently illegal acts.

Accountability and fear receded into

background and investigation by the book became a pathetically low priority. Professionally speaking, this was an instance of heightened jeopardy because, in Bangladesh, the crime fighting machinery already stood accused of not cultivating a scientific modus-operandi and quite often relapsed into the untenable third-degree methods.

Do we want sustained laborious action under the law to strengthen our democratic foundation, or do we need rash desperate action without the cover of law? The extra-judicial killings, undoubtedly, does not fit in with the first proposition. We need to be absolutely clear about that.

The ultimate punishment in the alleged "crossfire," about whose credibility many are not convinced, appears as summary response from desperate executives of law enforcement. The legality of actions leading to such extreme action apart, any responsible citizen might like to know if in our often over-zealous anti-crime operations, we were just treating the symptoms without venturing to study and assess the objective conditions promoting criminality. We do not need sociologists and criminologists to tell us that present-day crime is a complex social phenomenon caused by a multiplicity of

factors, and determining culpability is an extremely mind-exacting task.

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The alleged deaths in "crossfire" did forestall the benefits of thorough investigation, wherefrom the citizens could have known the pathetic yet compelling factors behind the growth and maturing of criminals, the shady role of the patrons and the alleged inertia of the regulatory units. The apprehensive public may have known about the unstoppable lure of huge cash of sleazy transactions in some sectors of the economy, and the mechanics of retaining control over such illegal extraction of unaccounted money.

The fact that successive governments have failed to put any effective brake on such unlawful activities in the sensitive sectors raises disturbing doubts about the sworn commitments to control crime and corruption. Under such circumstances, it is difficult for the worried public to believe that the fearsome deaths in "crossfire" should be the preferred alternative. Spectacular but dangerous palliatives cannot understandably be the substitute for painful sustained action.

What we need is adequate provision of witness protection and victim support in the criminal justice administration. To make those effective we need large injection of governmental funds. Any further delay will only swell the ranks of summary-justice seekers and the admirers of

vigilante action. The decapitating adversity of the victims of crime demand mainstream support of the system.

We now have misguided citizens and law enforcers in our midst who think that if a criminal is known, whatever the process of such identification, there is not much harm in doing him away for the good of the society. Little do they realise that their logic is queer because the worst criminal on earth can also justify the blackest crime on the pretext of good motive.

If the government, in the person of law-enforcers, becomes law-breaker it breeds contempt for law. To declare that the government may commit crimes to ensure punishment of criminals would invite terrible retribution. The objective of a civilised government is not to score points or play to the gallery but to ensure that justice shall be done. Law is the means and justice is the goal.

The need for creating an overall environment in which the enforcers can perform their legal duties with a sense of pride and fulfillment, without feeling hamstrung on account of legal, administrative, financial or political problems, can hardly be overemphasised. At the same time, the supervisory leaders have to make a conscious endeavour towards bringing about the much needed attitudinal changes in the enforcement culture and practices.

Finally, we all have to remember that anti-insurgency or crime operations require a sustained and patient approach, and a lawfully constituted government cannot rush into legally untenable spectacular action as that saps the credentials of a democratic polity.

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Sexual abuse of minors: Return of the barbarians?

The fact that gangsters operate under the protective umbrella of their godfathers has made the situation worse. No amateurish effort to dislodge the professional criminals can succeed unless all parties in the country agree to rein in the criminals without fear or favour.

MD. ASADULLAH KHAN

THE gruesome murder of a eight year old girl after rape by some unidentified hoodlums has shattered the nation. To violate an eight-year-old girl who did not understand the meaning of sex is simply barbaric. On the morning of February 4 when people read the news, a chill ran up the nation's spine.

Just weeks before, the nation learnt about the rape of Sheuly, a five year old. She was strangled to death after rape by a neighbouring youth.

Sadly enough, both the murders were committed in broad daylight. Sheuly was taken to a lonely place in the morning, and the killer was no stranger to the child. Moyna was abused while she was playing with her younger brother in their house. As people learn about the dastardly sexual assault on minors in Bangladesh through the internet, they might comment: "There are no devils left in hell, they are all in Bangladesh now."

The spurt of violence against children is more than alarming. Precisely true, crimes and criminality exist in every society, but sexual violation of minors manifests a sort of depravity which unless checked immediately will tear apart the entire social fabric.

Years ago two such incidents of rape provoked violent public outcry. In both the cases, the offenders could not be apprehended, or there was hardly any vigorous attempt to bring the culprits to book. Coming back to either Sheuly or Moyna's case, the poor victims were killed when they screamed and tried to resist violation.

Sure enough, the resentment generated in the conscious citizenry and the outrage stoked are far from ebbing even days after the incident. Even as conscious citizenry hang their head in shame, a nation with the slightest of human virtue still alive must go numb with shock and trepidation. It is as if we all have a personal bereavement. What is more disturb-

ing is that such "grotesque" crimes have a tendency to catch on. Those acts occurring with such alarming frequency prove that a sizable section of the society is being quickly criminalised.

"What ails our society? Why are such criminal and murderous instincts increasingly getting the better of self-restraint, ethics, and religious virtues? If some deep-rooted psychological factor is interfering with decent living and societal balance, it should be diagnosed and the cause identified. It is not very unnatural in our country that every time such dastardly acts take place, people are naturally outraged and loud protests are voiced by all, especially the human rights activists. But, as it often happens, when the alleged offenders go away with impunity, they feel emboldened to commit crimes of greater enormity.

The law enforcers' reluctance to tackle such crimes makes the situation worse. In many cases, the law enforcers themselves are to blame. If the present rate of criminalisation of the whole society, including the police personnel, goes unabated, every democratic norm and value will be thrown to the wind.

The society must root out the fast spreading cancer. Some human rights groups and women activists voice their protests the moment the news comes out, but unfortunately the policy makers and law-makers do not seem to be seriously perturbed. Security of children is the most essential part in the growth of a democratic and healthy society. It must be guaranteed by the state.

Sexual abuse hurts children both physically and psychologically. When such violence keeps on occurring one may think that, apart from individual aberrations, a lot of other things are wrong with the society and the culture that allows such perverse propensity. It may be that due to social conflict and unrest, some individuals are becoming dehumanised. The other cause; the pressure of population and unwholesome living condition is desensitising some



people to all tenderness and human values to the point that animal lust is getting the better of the inhibitions they had inherited.

Nevertheless, instances where the judiciary has stepped in to amend a blatantly discriminating sexist law are nowhere to be seen. Also there are gaping holes in the legal system itself. On the other hand, many of the rapes had a lot to do with the presence of musclemen trying to establish their domain everywhere.

It makes us shudder with shock and trepidation to see how people are suffering due to a malignant social growth -- the emergence of musclemen. Their sphere of activities is expanding day by day as people, scared of retaliation, prefer to remain silent. And that's why Delwar, father of Moyna, says in a voice charged with grief and despair: "I know I will get justice for the crime committed on my loving daughter. I want to prefer appeal to Allah for punishment of this brutality." Such helplessness means a vast populace of the country are hostage to these evil forces.

The fact that gangsters operate under the protective umbrella of their godfathers has made the situation worse. No amateurish effort to dislodge the professional criminals can succeed unless all parties in the country agree to rein in the criminals without fear or favour.

Until and unless we can stop repetition of such grisly crimes, every Bangladeshi shall consciously remain guilty of the of the sexual abuse of Moyna, Shewly, Afroza and many others that remain unreported. That calls for every man, woman and child to be united as never before; by a collective sense of revulsion.

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Promises, promises

JOSEPH EPSTEIN

ON Tuesday, this past Nov. 4, I voted for John McCain for President of the United States. On Wednesday morning, I woke feeling glad that he lost. Had McCain won, a spirit of gloom would have spread over the land, a deadening feeling of "Oh, God, business as usual," part of that business being that a man tied to failed economic policies was once again at the helm and a non-white candidate for president still hadn't a chance. But Barack Obama was our new president. Great day in the morning; a new age in American politics is upon us.

Or is it? Like Augie March, I am an American, Chicago-born, but unlike Augie--a follower of Leon Trotsky--I have never been able to take politics with an entirely straight face. So often, I find my antipathies divided; faced with two equally outrageous candidates, a plague, usually pronounce, on both their condominiums. The source of this is genealogical. When I was a boy, my father remarked that the aldermen of the City of Chicago, who were then paid an annual salary of \$20,000, were spending as much as \$250,000 to win election. "The arithmetic doesn't quite work out," he said, pausing, as if to say (though the phrase hadn't yet been invented), "You do the math."

Politicians, my rich Chicago heritage tells me, are all guilty until proven innocent. When the great Rod Blagojevich scandal broke a few months ago, I, like most Chicagoans, wasn't in the least scandalized. All I found remarkable in it was the now former governor's efficiency, in the realm of corruption, in eliminating the middleman and asking for the money himself.

Nigel Dempster, the late English gossip columnist, who specialized in exposing the sexual peccadilloes of British politicians, once remarked: "No one cares what politicians say--they're all liars, cheats and fools." I've met a few--a very few--who weren't: Daniel Patrick Moynihan, Paul Simon, Jeane Kirkpatrick. At the same time, whenever I see Joe Biden, with those hair plugs and those too-large dental caps, I imagine him, perhaps unfairly, in traffic court signaling me into the men's room, where in a husky whisper he lets me know that, for three grand, he can get me off that DWI, no sweat.

But even hardened Chicago-bred cynicism breaks down from time to time, and hopeless idealism not only threatens but actually does break through. Barack Obama's presidency seemed such an occasion. He was young, handsome in an elegant yet inoffensive way, he had the gift of even temperament, he was articulate; if not as eloquent as advertised, next to

bumbling George W. Bush he seemed a veritable Edmund Burke. True, over several years in politics he seemed to have accomplished nothing but election, which some would say is the real point of politics in any case, but so much about him seemed promising.

Obama himself wasn't short on promises. He promised to change the very game of politics. He would bring transparency to government, toss out the lobbyists, encourage bipartisanship, unite the country, making us one people again. As a tremendous step toward doing so, he ran a magnificently race-free campaign, never once suggesting that America was a racist country or that he was in any way a victim, nor that he was deserving of election for any other reason but his pure inspirational quality and solid intellectual merits.

All politicians disappoint, to ring a change on Tolstoy, but every politician disappoints in his own way. The first inkling of the disappointment with Barack Obama, as we know, came with his appointments. Two major ones--Bill Richardson and Tom Daschle--had to drop out for tax and more intricate delinquencies; Nancy Killefer, his chief performance officer, fell by the wayside for similar reasons. Timothy Geithner, nominated as secretary of the Treasury, was given a pass. But Obama's lectures on the purity that he would bring to government were over. The high moral ground he had picked out for himself, he was finding, was swamper than he had supposed.

Promises, promises, as the Burt Bachrach song had it; unkept, they come back to bite a man. Obama's promise of a new bipartisanship hit heavy water as soon as his stimulus-package debate was set adrift. For one thing, only the idea for a stimulus package--but not the package itself--ever felt as if it were really his. From the outset it was instead the work of that fun couple, maestros Nancy Pelosi and Harry Reid, the Frick and Frack of heavy federal spending. And those two are as interested in bipartisan participation as Lord Byron was in marriage counseling. When the going on the package got rough, Obama said, in effect: "Well, I won the damned election, so we'll do things my way, though of course I still invite bipartisan participation."

Such has been the steamroller effect of it all that Obama lost another cabinet officer, the Republican Sen. Judd Gregg, who was to fill the job of secretary of commerce left unfilled by Bill Richardson. Secretary of commerce begins to look like a job that may need to be advertised in the classified section.

Meanwhile, Secretary of the Treasury Geithner, after laying out a plan to save the banks that satisfied no one, a plan that

has been judged vague where not vapid, appears to be going the way of all geniuses. Alan Greenspan, Robert Rubin, Hank Paulson, Ben Bernanke--economic geniuses are falling like cats on the rack at the county fair in Texas. Enough of geniuses; a simple expert would come in handy. But not many of those are around, either, or at least not credible ones, which makes the new Obama presidency feel wobbly, weak, if not inept on the major crisis of the era.

Victims of the general ineptitude that the Obama administration has so quickly shown are transparency in government and the new (we hardly knew ye) bipartisanship. The stimulus package itself is felt to be suspect.

Which brings us back to disappointment and politics. It is in the nature of politicians to make promises; it is what they do. Some do so without the least intention of delivering on their promises. Some fully intend to deliver, but find the world obdurate, unwilling to go along with their fine intentions. Barack Obama now finds himself among the latter. With loony jihadists threatening from without, a crumbling economy terrorizing its citizens from within, Obama knew he needed straightaway to demonstrate utmost competence to stem fear and instill confidence. The reason for his wanting to assemble an able cabinet more quickly than any other administration in recent history was to show that, though the nation had major problems, they were under study and would soon be attacked by the most capable minds of our time. He needed to calm the country down, and show, in a measured but forceful way, that a strong hand was at the wheel.

This he has thus far failed abysmally to do. Very disappointing, to the country at large, and not least, I have no doubt, to Barack Obama himself. Viewed from Chicago, up whose greasy political pole the president has himself climbed, the jolt is a lot less jarring. "Them guys in the black suits and narrow ties, them Ivy League types, them 'goo-goo's," the Chicago alderman Mathias (Paddy) Bauler long ago said, "they think the whole thing is on the square." Old Paddy, of unblemished memory, also said that "Chicago ain't ready for reform." Were he alive today to witness the sad early beginnings of the Obama presidency, he might add: "And maybe the rest of the country ain't either."

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Transit phobia once again

DR. MD. SHAIRUL MASHREQUE

WE have reverted to the 1996 phobia syndrome hovering around possible transit agreement between AL government and India. No sooner had AL formed government in 1996 staging a comeback after 21 years than the rightist camps both extreme and moderate were found active fanning the flames in a frantic attempt perhaps to fish in troubled water. The issue that immediately came up as a debatable one related to transit to India. The then AL government deferred the issue for some ostensible reason. The opposition tried once again to upset the AL led Mahajot government from the very beginning using transit question as a favourite topic of their anti-government campaign. This is to create a lot of furor among the public on transit issue. It is as if the ruling AL is a synonym for transit. The opposition still

thinks that people nourish anti Indian sentiment.

So they are out to make political situation volatile at the point of possible transit agreement immediately after AL leading the grand alliance came back to power with a grand triumph in 2008 parliamentary election. The oppositions seems to speak louder against the issue crying wolf about Indian hegemony. Anti-Indian campaign with the erroneous notion that sovereignty is at stake is pointed at ruling AL. This behaviour is deeply ingrained in the anti-Awami mindset.

Now anti-transit demonstration with the instrumental role of the opposition has started hitting news headlines. This is not a responsible opposition role. It goes without saying that Awami League is a patriotic democratic force. Sovereignty is safe in its hand. Whatever trade deal it would have with any foreign power it would definitely protect national interest.

The present government has categorically made it clear that it is not going to sign any deal, transit or TIFA or task force, keeping public in the dark. So, there should be no murmur at the transit/transshipment/corridor -- the matter is shelved for threadbare discussion.

We are disarrayed by the state of confusion so far as transit is concerned. Already transit issue has triggered debate among the think tanks. There are disconcerting views on the reincarnated transit issue. Transit has become a vexed question as some habit of mind look at it from pessimistic and skeptical angles of vision apprehending Indian domineering attitude and its tendency to dictate terms and conditions. So transit treaty would not be a diplomatic gain for the Bangladesh government. A round table conference on "Transit and Task Force: Our Sovereignty" observed that transit move under bilateral agreement would imperil our sover-

eignty.

There was an apprehension that the north East Indian insurgents might attack containers plying Bangladesh highways and railways carrying goods to the states called seven sisters in the northeast region of India on the suspicion that those containers are carrying arms and ammunition to curb rebellion. Such move may well be taken within SAARC framework.

Some expressed utter optimism trying to uphold transit as full of prospects and potentials criticizing anti-transit stance as merely political. They are ready to defend government stand on transit as an important item of Indo-Bangla trade agreement. This is non-political and economic issue.

There should be a balanced view based on objectivity and pragmatism. We should have a thorough reading of the geo-social realities and economic expediency in the context of global recession. We

should take a note of recent global economic strategies. Things would not turn into a zero sum game if the issue is pondered over meticulously by the technical and diplomatic think tanks. Thing is that the trade minister advocated a new trade term with India bringing transit into the bilateral dialogue. Now all eyes are set on how things move onwards realizing the vibes around civil societies on 250 miles corridor in the name of transit.

Well transit may be one of the issues of bilateral trade with India and Nepal. There is no need thinking about transit so early going faster with working on modalities. In fact gravity of Indian concern about using Bangladesh water, road and railway to facilitate inland trade with the north east is more apparent than real as is clear from the recent visit of Indian foreign minister Mr. Pranab Mukherjee.

Transit and terms of trade thereto are so complicated that it is not wise to give a

value judgment at this moment. We can think of formation of a technical committee to do the feasibility study in terms of available road and other infrastructures, markets, ports, safety nets against trafficking of arms and undue infiltration of Indian goods to the detriment of local markets and tight security measures against terrorism with check posts at strategic points.

Transit matter discussed in talk show may provide useful feedback. Before going to the whole hog so far as transit is concerned major irritants in Indo-Bangla bilateral relation like lopsided trade, maritime border, cable TV and disputes in border areas need to be addressed. Let us think to use transit agreement to find a bargaining point to develop a meaningful trade relation with India based on partnership not exploitation.

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