

## Now to bring home the killers at large

*We urge all countries to cooperate*

**N**OW that the legal process of the Bangabandhu murder trial has run its due course and the verdict is as it should be, the government must get the six other killers, who are presently residing in various countries, extradited to Bangladesh to face justice.

It has taken long 34 years for the nation to free its conscience of guilt, but justice will remain half done if the killers, who have been found guilty and handed down the sentence of death, continued to remain at large.

We feel that there should not be any legal obstacle for countries, where the fugitives are now residing, to deport them to Bangladesh once the Bangladesh apex court has given its verdict on the case. We are confident that no country that subscribes to the rule of law or conforms to the values of civilised society, or to the tenets of universal human rights would allow anyone associated with one of the most gruesome killings of our time, to use its land as a safe haven by the self-confessed killers of Bangabandhu and his family.

The AL government has been trying to get the fugitives extradited ever since it first came to power in 1996. But its effort has stumbled for one reason or the other particularly because, as we understand, there was no extradition treaty between Bangladesh and some of the countries concerned. We feel that, where necessary, process of concluding extradition treaty should be commenced without delay.

We are sure that the Bangladesh government would take all necessary steps to bring the on - the - run killers of Bangabandhu home, and we welcome the government steps to involve the Interpol in this regard. However, we feel that there should be renewed diplomatic offensive on the part of the government, particularly since it has a pretty good sense where the six fugitives are at the moment. If need be, special emissaries may be sent to the countries of refuge in order to convey to them the transparent and open legal process that was followed in the case and that all due process of law had been strictly adhered to. The fact that it has taken 13 years for the trial to be completed testifies to this. Also the media of the countries concerned could be briefed and persuaded to publicise this issue.

It is much more than a matter of law and of a legal process being completed. It must be understood by all that the matter has great moral, ethical and emotional significance for the people of Bangladesh since it is related to the killing of the man who led us in affirming our identity as Bengalees and giving us a renewed sense of dignity and self-esteem.

## Bangladesh Bank stepping out of the box

*Gets into rural development engineering*

**T**HE central bank cast in the traditional mould of being the bankers' bank, lender of the last resort, the powerhouse of money issue and monetary policy and the regulator of inflation and the banking system, always held an inherent potential for taking on a fuller development financing role. But there are growing signs now that it is coming out of the confines of agricultural credit operations and stepping into the realm of financing small and medium enterprises.

Bangladesh Bank has decided to go rural in a big way. It has a five-year strategic vision and plan for 2010-2014 for taking its services to the rural areas. Beginning with next year it will introduce 'one banking product in each upazila' to cater to the critical need for employment in the outlying areas.

Side by side with extending farm credit micro loans will be distributed at nominal interest rates to the landless, unemployed, marginal and vulnerable in rural communities. The purpose is extremely encouraging in that it seeks to create a new, large breed of small entrepreneurs. The scheme itself begins with a generation of jobs, let alone its avowed aim to create employment opportunity in large scale. For a 30,000-strong workforce is going to be commandeered to take loans at the doorsteps of the jobless.

Multiple benefits are to be derived from the strategic vision and plan which is being given a final shape after consultation with the finance and commerce ministries, Securities and Exchange Commission, Board of Investment, Economic Relations Division and various donor agencies and business bodies. When implemented, the massive undertaking will help alleviate poverty, increase employment, raise productivity, reduce dependence on import and above all create wealth in the rural nooks and crannies. Concomitantly and very importantly it will stem the tide of internal migration to the urban areas.

There is one final point which is that in order for the entire scheme to be successful it has to be linked to an overall plan envisaging a rapid growth of rural infrastructures.

## Triumph of truth and justice

Defying all odds, the day has at last come where truth and justice have triumphed over distortion and injustice, the dignity of the judiciary has triumphed over frustration, the optimists' assertions have prevailed over the pessimists' apprehensions, and the nation is the on verge of indemnifying itself from its long-haunting nightmare.

MOZAMMEL H. KHAN

**A**T last all the road-blocks to indemnify the nation from the torment and tribulation caused by the assassination of the Father of the Nation have been removed. The five-member Appellate Bench of the nation's highest court has unanimously announced its verdict, upholding the ultimate sentence handed down some nine years ago by the High Court to twelve self-confessed killers of Bangabandhu and members of his family.

The tragedy of epic proportion happened some 34 years ago, not only annihilating the architect of our nation but also setting the stage for a reverse journey of the nation and undoing all the values and virtues which had crystallised through two-decades of tireless struggle for Bengali nationhood culminating in the great War of Liberation.

In my own reflection, the most shattering moment of our national life was the tragedy of August 15, 1975. It was a Friday, I had just come back from the University (in USA) after defending my Masters' thesis when the provost of my hall gave me the news of the tragedy. I was distraught and tried to understand whether this tragedy was tantamount to the denial of the merits of our causes for which three million of our people met martyrdom. Was I one of those who were misled by the leader to fight for the causes, which were proved to be no causes within a span of 44 months? What could I have replied when Pakistan's ambassador to Washington said to me: "At last you Bengalees have realised and corrected your mistake?"

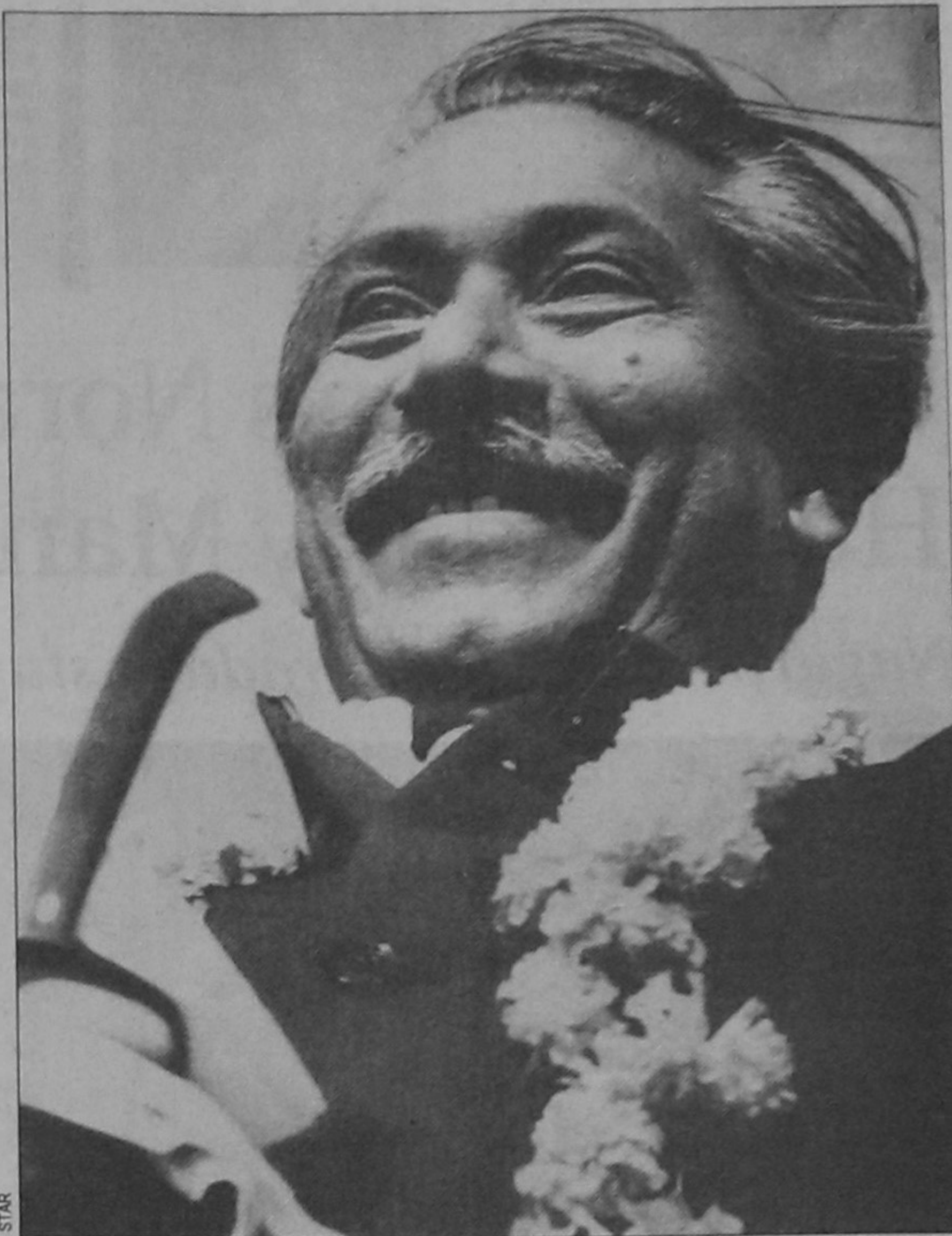
In 1984, I had an occasion to meet one of the convicts in a foreign land when he was posted as a diplomat to our embassy. When

he introduced himself I refused to shake his hand, telling him flatly on his face the reason for my not shaking his blood-soaked hand. I also take a bit of solace from my role, along with thousands of my compatriots in Canada, in sending one of the convicts, A.K.M. Mohiuddin home in the face of his impending asylum to Canada when he was deported from the United States in June 2007.

Mohiuddin's family members misled the media and his lawyer by a sensationalised appeal that he would be taken to the gallows right after he landed at Dhaka Airport. His lawyer argued in the media that "the judicial system in Bangladesh was corrupt and the trial of Mohiuddin was conducted in a kangaroo court while his government appointed lawyer never contacted him."

Over the long span of 34 years, though the blood of the victims had long dried up, the tears of the millions who were fortunate to live through the day never ceased to remain fresh. The perpetrators and their obvious beneficiaries never believed that this day would ever come, and tried in all their ways to prevent this moment from arriving. After the infamous indemnity act was dissolved in the parliament, trials of the self-confessed killers were held in the Session Court, and the sentences were subsequent re-confirmed by the High Court.

In February 2002, the then foreign minister of Bangladesh visited Montreal to meet his party's local supporters. In the congregation, a local reporter asked the minister if his government had any plan to bring home the absconding convicted killers of Bangabandhu. The minister flatly answered no, since, in his opinion, his government had other important pressing priorities. In their tenure, the minister kept his words and no effort was ever made to



open the death reference in the Supreme Court and consequently no endeavour was made to bring any of the fugitives back to the country.

A very similar sentiment was echoed by the then law adviser of the last CTG, Mainul Hossain, when he commented (June 2007) vis-à-vis the demand for holding the final phase of the trail: "The case is an old one and political in nature, dating back to 1975, and something that is not on the list of priorities of the caretaker government."

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the judiciary has triumphed over frustration, the optimists' assertions have prevailed over the pessimists' apprehensions, and the nation is the on verge of indemnifying itself from its long-haunting nightmare.

Let the dispensation of justice upholding the rule of law become the rule of the day and not the exception and, most of all, let the nation vow at this auspicious moment in history to start afresh and resurrect the lost defining values and virtues that went down with the Father's assassination.

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## Strengthening the rule of law for the poor

From the above perspective, legal empowerment of the poor can be best understood as the process of systemic change through which the poor are protected and enabled to use the law to advance their rights and their interests as citizens and economic actors. From this point of view it is not only a means to an end but also an end in itself.

MUHAMMAD ZAMIR

**T**HERE is no scope for disagreement on the issue that legal empowerment of the poor is both a development strategy and a development objective. I believe in this thesis because poverty is among the gravest human rights challenges in the world. It embodies a range of interrelated and mutually reinforcing deprivations, and is associated with stigma, discrimination, insecurity and social exclusion.

As is clear in Bangladesh, or in several other sub-regions in South Asia (with its high concentration of poverty affliction), poverty is not simply the deficiency of material goods and opportunities such as employment, ownership of productive assets and savings. It is also the lack of intangible assets and social goods, such as legal identity, good health, physical integrity, freedom from fear and violence, organisational capacity, the capacity to exert political influence, and the ability to claim rights and live in respect and dignity.

It would also be correct to acknowledge here that the poor are not a homogeneous

group and that vulnerability and challenges vary among those mired in poverty. It is this aspect that leads me to state that there needs to be a human rights approach to development and the eradication of poverty. This context will then recognise that poverty results from disempowerment and multiple exclusions.

A report prepared by the United Nations in 2008 and its Resolution 63/142 of December 2008, noted that in many developing countries, laws, institutions and policies governing social and economic interactions do not afford equal opportunity and protection to a large segment of the population -- the mostly poor, minorities, women and other disadvantaged groups. This is partially exacerbated sometimes by rural values and misplaced traditions.

In such situations, instead of fostering inclusive and equitable growth, some laws and institutions tend to impose barriers and biases against the poor. Within such paradigms it is also sometimes evident that even though there might be laws that protect and uphold the rights of the poor, they are often too ambiguous, cumbersome and

costly for them to access.

One needs to also record here that in many developing countries, including Bangladesh, informal norms, practices and non-secular institutions govern the everyday life of the poor. This often forces the poor to survive by mixing customary practice with ingenuity, creating informal structures that can at times be more effective than their formal counterparts. However, even this format, a means of last resort, sometimes suffers because customary laws and practices discriminate against women and juveniles, who face multiple and intersecting grounds of exclusion.

From the above perspective, legal empowerment of the poor can be best understood as the process of systemic change through which the poor are protected and enabled to use the law to advance their rights and their interests as citizens and economic actors. From this point of view it is not only a means to an end but also an end in itself.

As has already been proven in certain areas within Bangladesh, legal empowerment fosters development through empowering and strengthening the voices of individuals and communities, starting at the grass roots and from within.

It is clear that legal empowerment promotes a participatory approach to development and recognises the importance of organising civil society and community-based organisations to ensure that the poor and the marginalised have identity and voice. I believe that this approach facilitates the strengthening of democratic governance and accountability, which, in turn, can play a critical role in the achievement of the internationally agreed development goals, including the Millennium Development Goals.

Strengthening the rule of law for the poor in Bangladesh will help to establish the rule of law and ensure equal and equitable access to justice and tackle the root causes of exclusive, vulnerability and poverty. This will be particularly helpful for the millions in Bangladesh who live in chars, the coastal belt and on disputed land inhabited by the indigenous people. Security of livelihoods, of shelter, of tenure and of contracts can enable and empower the poor to defend themselves against possible violation of their rights, especially after natural disasters. It can then ensure protection for all and can prevent and protect against abuse of authority (by both the executive as well as the law enforcing agencies), bias and discrimination, which are often the root causes of social unrest.

violence and conflict. From that point of view one could describe legal empowerment as being both preventive and curative.

I am emphasising today on the human rights viewpoint and its close relationship with the eradication of poverty because the enjoyment of human rights involves the interaction of claims on entitlements and corresponding duties. It also lends a human rights perspective in development and aims to develop the equation of social contract.

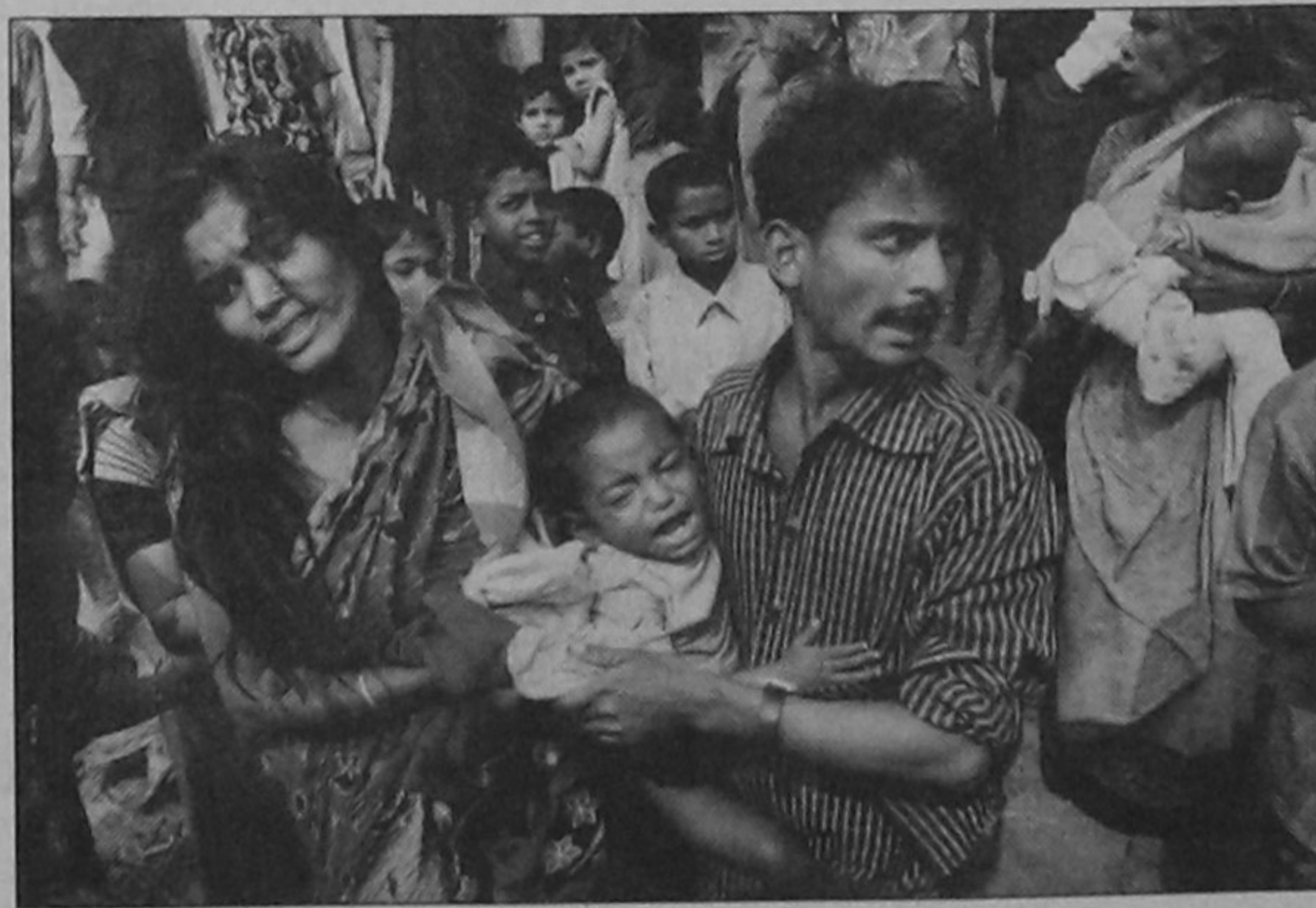
In this regard, I will refer here to the 2008 report (A/HRC/8/4, paragraph 26) submitted to the Human Rights Council by the Special Rapporteur on the independence of judges and lawyers. He correctly stressed the importance of free legal aid programs (generally the only legal assistance accessible to large portions of poverty-stricken populations) and emphasised the need to support the work of non-governmental organisations and bar associations, and their initiatives to bring justice to traditionally neglected regions and social groups. The rapporteur also significantly hit the button when he said that "nothing mirrors the indivisibility and interdependence of human rights better than extreme poverty, since anyone living in extreme poverty is adversely affected in every aspect of life."

The concept of strengthening the rule of law for the poor has now been embedded in the current UNDP Strategic Plan 2008-2011. This has been done because UN members have agreed that "effective reduction of poverty, inclusiveness and equity depend on the ability of institutions to deliver public good and social services" and providing "legal access to economic assets and opportunities in ways that are fair and equitable."

This has led UNDP to undertake its own constructive engagement in Bangladesh. That has included developing capacity of government entities at national and local levels and assisting in the undertaking of necessary legal and institutional reforms to deliver legal empowerment to the poorer sections of the community by engaging grassroots level organisations.

I have written this article with the hope that our responsible partners will now undertake steps to carry out an impartial audit to assess whether the steps taken are working. It is also necessary to evaluate whether the process of engagement is functioning meaningfully and effectively.

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Living without any rights.