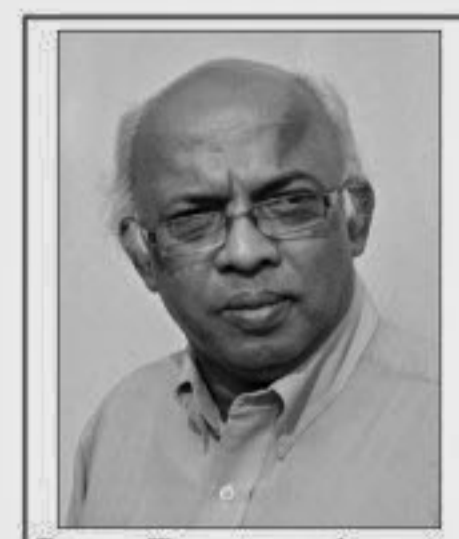


GROUND REALITIES

Their mistakes . . . our misfortune



SYED BADRUL AHSAN

IN the build-up to the movement for a free Bangladesh in March 1971, Shahjahan Siraj was one of a band of radical Bengali students with clear perspectives on what needed to be done at the time. His was a major role in a shaping of thoughts among the young, especially among the students of Dhaka University, and carrying the young forward to the overall national goal of territorial freedom.

Fiercely loyal to Bangabandhu Sheikh Mujibur Rahman, he -- with Nur-e-Alam Siddiqui, Abdul Quddus Makhani, Sirajul Alam Khan and ASM Abdur Rab -- made sure that the nation as a whole comprehended the voice of its young as it swerved away from thoughts of Pakistan and towards a secular Bangladesh.

And then Shahjahan Siraj moved on, in 1972, to build a new platform of opposition to Bangabandhu and the politics of the Awami League. He and his friends called the enterprise Jatiyo Samajtantrik Dal, which was just as well. Perhaps at that point, with the Awami League so overwhelming a presence in national politics and in power, with the Communist Party of Bangladesh and the National Awami Party (both factions) weakened for reasons of organisational shortcomings, the JSD was a necessary historical formulation.

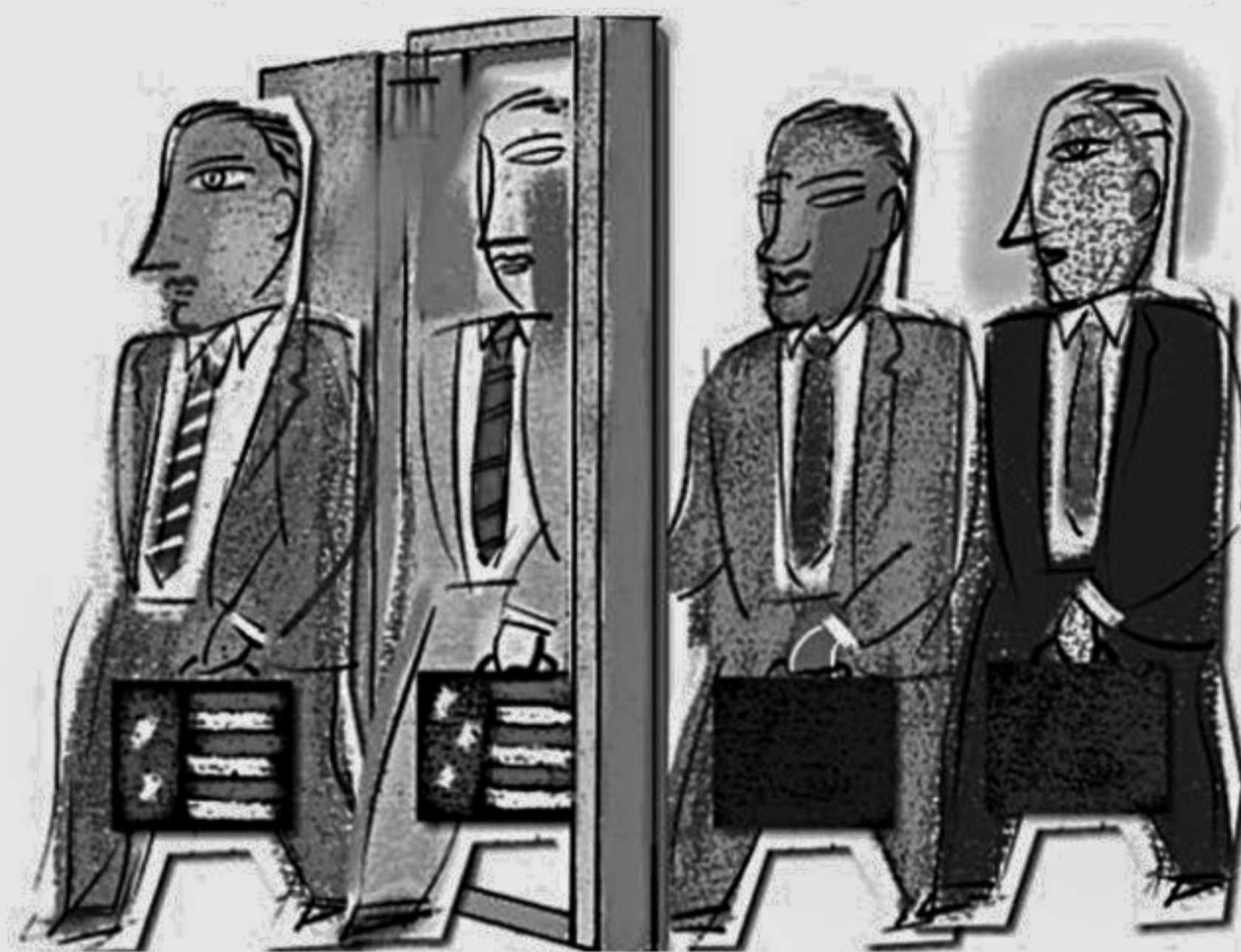
The men behind it were young, maybe even callow. But that did not matter, for it was in them that thousands of young men in Bangladesh spotted a new idealism at work. The question is of course academic as to whether the JSD symbolised idealism or was basically an instance of political adventurism. The point, though, is that in the early 1970s young men like Shahjahan Siraj were fired by nationalistic zeal and saw in the War of Liberation their true calling in life. You may not have agreed with them. But you looked upon them with respect.

Things were to change, of course,

after the murder and mayhem of August-November 1975. Everything seemed to change. Men we thought were with us, with people still holding on to the spirit of 1971, went over to the other side. The JSD splintered into a number of factions. And then came a time when Siraj linked up with the

than to engage in the politics of the BNP.

Ah, mistakes! In our times, many good men have committed many bad mistakes which have left our faith in them shaken beyond belief. Professor Yusuf Ali was transformed into an intrinsic presence in national history



SUSAN LEVIN

Had politicians not deserted their principles and their idealism, Bangladesh's Parliament would not today be brimming over with businessmen, former bureaucrats, former soldiers and with actors and music makers.

Bangladesh Nationalist Party, rising to the coveted niche of a minister in the last government of Khaleda Zia.

Those of us who have borne in our political sensibilities that old image of a youthful, radical Siraj were disappointed when he turned his back on Bengali nationalism and embraced a brand of politics that has done this nation incalculable damage. And now Shahjahan Siraj tells us, through speaking to a newspaper, that being part of the BNP has been the biggest mistake of his life, that it is a far better thing to die

when he read out the Proclamation of Independence in Mujibnagar on April 17, 1971. A devoted follower of Bangabandhu, a thorough gentleman, he nevertheless saw nothing wrong in joining the regime of General Ziaur Rahman through being part of a newly formed BNP.

We were disappointed, as we were to be disappointed years down the road when men like Mizanur Rahman Chowdhury happily served General Hussein Muhammad Ershad as prime minister. It was pretty mind-boggling,

for Chowdhury, young and almost alone, had kept the momentum for the Six Point programme going by organising and supervising the hartal of June 7, 1966.

With all senior leaders of the Awami League in prison, it was left to Chowdhury and Amena Begum to carry the torch forward. Their places in history were assured. Should Chowdhury then have regressed to being a recipient of Ershad's largesse? For that matter, should A.S.M. Abdur Rab have agreed to be leader of the opposition in a parliament that lacked legitimacy?

Mistakes were made by other men as well. General M.A.G. Osmany quickly became the object of popular admiration when he gave up his membership of the Jatiyo Sangsad in January 1975 to protest the Fourth Amendment to the Constitution. He defied Bangabandhu, which was an incredibly brave thing to do. And then, to our consternation, he decided to take up Khondokar Moshataque's offer to be his defence advisor.

He should have publicly condemned Bangabandhu's assassination in the spirit in which he had only months earlier excoriated Baksal. He did not. Our perception of him was to change forever, not necessarily for the better. For that matter, the original perceptions we had about good, hardy, left-wing politicians like Kazi Zafar Ahmed and Sirajul Hossain Khan -- and they were men who could have done us proud had they held on to socialistic principles -- ceased to be once they walked across to a landscape we did not feel comfortable with.

Yes, politicians do make mistakes, do commit blunders. But when men like Major M.A. Jalil swing through a whole pendulum, from scientific socialism to religion-based democracy, you tend to wonder where principles might have gone missing. Had politicians not deserted their principles and their idealism, Bangladesh's Parliament would not today be brimming over with businessmen, former bureaucrats, former soldiers and with actors and music makers.

The writer is Editor, Current Affairs, The Daily Star. E-mail: bahsantareq@yahoo.co.uk

The High Court has spoken

Awaiting the appeal process

THE High Court has rejected Prof. Muhammad Yunus' writ petition against the Bangladesh Bank order relieving him of his position as managing director of Grameen Bank. On our part, we bow to the judgement of the High Court. As stated by Yunus' lawyer, there will be an appeal to the higher court whose adjudication and verdict we now look forward to.

It is a sad day not only for Yunus but also for the country as a whole. We have said earlier and we say again that the government could have handled the case against the Nobel laureate in a different way, a more civil way, a more decent way. The manner in which matters came to pass is deeply disturbing. It is the simple tale of an individual who, despite being the brightest face of Bangladesh in present times, has been subjected to inexplicable humiliation. Our assessment of Muhammad Yunus and his organization is simple: the man is not an ordinary man and Grameen Bank is not a run-of-the-mill institution. Yunus' contribution to Bangladesh has been extraordinary to a point where his role has been eulogized by the world outside our frontiers. He planted the seeds of a concept which today is an acknowledged anti-poverty measure across the globe. The Nobel Prize for Peace came to Yunus and Grameen because as MD over the last ten years, a period now deemed illegal by the HC, that concept had been perfected and made acceptable everywhere. Rare is the instance of an organisation at the national level, which Grameen is, coming by a Nobel. It is Yunus who achieved that feat and by so doing gave the world a positive image of Bangladesh.

There will certainly be more to dwell on where Yunus' battles are concerned. For the moment, though, we must not leave anyone in doubt about the fact that we have all been left befuddled by everything that has so far happened with and about Muhammad Yunus.

Railway dues with others

Default culture eating into its vitals

STARTLING revelation by the communications minister in the parliament Monday leaves us awe struck. He informed the house that 240 organizations, out of which 206 being government, owe over Taka 12,600 crore to the Bangladesh Railway. He also said that most of the organizations did not pay heed to railways repeated appeals for payment.

The major heads of dues are level crossing, duty for delay, under charges, license fees, sale of railway land and commission bills for unloading goods. The ministry has been trying to realize the dues since 1994 and a committee was also formed for the purpose, but with no tangible outcome. Several inter-ministerial and inter-division committees were formed last November for recovery of the dues.

This is disquieting news for the losing railway sector and also shows poor performance of the ministry and the committees formed to realize the defaulted money.

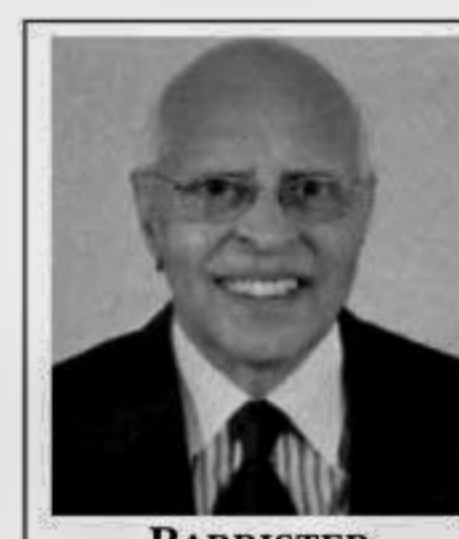
This huge amount did not accrue overnight. The non-payment of dues by various organizations have gone on for years without being challenged effectively. More surprising and unforgivable is that among the defaulters 206 are government organizations.

Railway has been suffering for a long time now in a context where its modernisation is overdue besides its wholesale overhauling. A smooth and well-organized railway will go a long way to solve the communication problem. The huge unpaid amount lying with different organizations should come in handy to ease up its financial problems and bring a turn around of the vital service sector.

The Ministry, if necessary with the help of other government departments, should go all out to realize the sums owed to railways. Just because the default is within the government does not necessarily preclude tough actions. We must strictly deal with the default culture by applications of all legal means.

BOTTOM LINE

Gaddafi and the International Criminal Court



BARRISTER HARUN UR RASHID

IN the corridors of the UN there was a joke that if a person intentionally killed someone, the accused would be sentenced to life imprisonment or death. If a

person killed five or more people, the accused would be sent to a psychiatric hospital, but if a person became a mass murderer, he would be invited to Geneva for a peace conference.

Observance of fundamental human rights of the citizens of a state is no more a matter of domestic concern but has become a subject of international responsibility. The joke is an out-dated one because of the strict monitoring and enforcement of human rights by the international community through various UN institutions.

On February 27, 2011 the UN Security Council adopted a unanimous and historic resolution in response to Libyan leader Col. Muammar Gaddafi's continued assaults on civilians in the country. It is reported that between 1,000 and 2,000 civilian protesters have been killed.

The Council imposed an arms embargo on Libya, along with financial sanctions and travel bans against Gaddafi and his family and associates. Most importantly, it referred the situation to the Hague-based International Criminal Court for investigation and potential prosecution of those involved in what was referred to as possible crimes against humanity.

Crimes against humanity include murder, extermination, enslavement, deportation, torture, abduction and other inhumane acts committed against any civilian population.

It may be recalled that in 2005, at the

UN World Summit, more than 150 heads of states and governments unanimously adopted a declaration on the responsibility of the international community to protect the civilian population of a state from genocide, war crimes, crimes against humanity, if that state is unable or unwilling to protect its citizens or worse, as in the case of Libya, if that state is the author of such criminality.

The right to protect has replaced the earlier concept of "right to intervene" for humanitarian reasons. Sovereignty does not mean that a state can commit international crimes such as crimes against humanity against its citizens within its borders.

The old concept of sovereignty is gone because the state has to exercise

According to Amnesty International certain crimes pose so serious a threat to the international community as a whole that states have a logical and moral duty to protect and prosecute individuals responsible for them; no place should be a safe haven for those who have committed genocide, crimes against humanity, war crimes, torture and forced disappearances.

The right to protect civilians from crimes against humanity is closely linked to the idea that certain international norms are erga omnes, or owed to the entire world community, as well as the concept of jus cogens -- that certain international law obligations are binding on all states and cannot be modified by treaty.

In the past, international crimes were

A dictator cannot violate fundamental human rights with impunity without expecting hostile reaction from the international community represented by the UN.

sovereignty responsibly within certain bounds of common decency and for human dignity. The state's sovereignty is neither invulnerable nor impermeable. There are now obvious constraints on the exercise of sovereignty insofar as international crimes are concerned.

For example, the apartheid system in South Africa followed by the minority white racist regimes was dismantled by the UN. South Africa invoked "domestic jurisdiction" under Article 7(2) of the UN Charter to justify the racist regimes but the UN rejected it on the basis of the 1970 UN Declaration of the General Assembly which states that every state has the duty to promote through joint and separate action the realisation of equal rights of people in accordance with the UN Charter.

restricted to piracy, drug trafficking or hijacking of airplanes. But in recent years, the jurisdiction has been extended to genocide, crimes against humanity, war crimes, torture and forced disappearances of individuals.

The days of such immunity for mass murderers have gone and states have been alert to implement the doctrine right to protect civilians. The state backs its claim on the grounds that the crime committed is considered a crime against all, which any state is authorised to punish, as it is too serious to tolerate for protection of human dignity.

The concept received a great deal of prominence with the case of the late Chilean dictator Augusto Pinochet in the late 1990s. When an extradition request to the United Kingdom was

made by a judge in Spain for alleged torture by the Pinochet regime on Spanish citizens, the former president was arrested in England. However, this case never came to trial for medical reasons -- but it had a very broad legal impact.

Before Pinochet's case, the implementation of right to protect was more a proposition than one which governments were willing to act on.

As a result of the precedent of the Pinochet case, other leaders (Slobodan Milosevic of Yugoslavia and Charles Taylor of Liberia) who have allegedly committed international crimes have been pursued, including the issuing of warrant of arrest by the International Criminal Court against current Sudan's President Omar al-Bashir for his alleged crimes against humanity in Darfur. President Bashir has restricted his international travel and curtailed his movement, which represents a victory for the International Criminal Court.

It is acknowledged that the international community is not ready to permit egregious wrongful abuse or misuse of human rights within a territory. A dictator cannot violate fundamental human rights with impunity without expecting hostile reaction from the international community represented by the UN.

The reference of civilian deaths in Libya, brought about by the Gaddafi regime, for investigation to the International Criminal Court sends a very strong message to all dictators that exemption from prosecution for crimes against civilians is over and they will be accountable for their misdeeds. On March 2, the prosecutor of the International Court, Luis Moreno Ocampo, said that he was formally opening an investigation into crimes against humanity in Libya.

The writer is a former Bangladesh Ambassador to the UN, Geneva.

THIS DAY IN HISTORY

March 9

1842

The first documented discovery of gold in California occurred at Rancho San Francisco, six years before the California Gold Rush.

1847

Mexican-American War: The first large-scale amphibious assault in U.S. history is launched in the Siege of Veracruz.

1916

Pancho Villa leads nearly 500 Mexican raiders in an attack against Columbus, New Mexico.

1956

The British authorities order the deportation of the Greek Cypriot leader, Archbishop Makarios, in the hope of restoring law and order to the island.

1956

Soviet military suppresses a mass demonstrations in the Georgian SSR, reacting to Nikita Khrushchev's de-Stalinization policy.

1967

Svetlana Stalin, daughter of the Soviet dictator, requests asylum at the United States Embassy in India.

1973

The people of Northern Ireland vote overwhelmingly to remain within the United Kingdom.

1996

The mainstream opposition political parties start an indefinite non-cooperation movement demanding cancellation of the Feb 15 elections, resignation of the government and holding of fresh election under a caretaker government.

Birth

1934

Yury Gagarin, the world's first man in space.