

# Biswajit's murder:

## A few are guilty, many are responsible

AHRAR AHMAD

SEEING Biswajit Das staggering out of a building drenched in blood, disoriented and helpless, was absolutely sickening. The sight of some "brave" and "patriotic" young men brandishing their weapons and poking, battering, hacking away at him was disgusting. The fact that no one could help him -- not the police, not the bystanders, not even the doctors when he finally made it to the Mitford Hospital (through the courage and kindness of a rickshaw puller) -- was incomprehensible.

The crime was deeply unsettling because of several other factors. First, Biswajit was "everyman" -- a decent, poor, hard-working person from a minority community, who lived honestly as a tailor, loved cricket, was devoted to his family, and was not involved in political activities, addictive behaviour or street corner hang-outs.

Second, while a few intrepid and resourceful journalists from *The Daily Star* and some other papers could find out relevant details within 48 hours of the incident (they identified the perps, investigated their backgrounds, published the pictures, interviewed their families, and so on), the police initially dithered, and some ruling party leaders made distracting noises.

Third, no one lamented his death. As both Mahfuz Anam and Asif Nazrul have pointed out, no parties claimed him as a martyr. There were no processions, seminars, or *manab bandhans*. There were no Shamsur Rahmans whose poetry could turn Biswajit's bloodied shirt into a national symbol of shame, grief, and outrage.

Fourth, it revealed something much more troubling and sinister about the supposedly "peace loving, tender-hearted, romantic" Bangladeshis in terms of their ability to commit dreadful acts. The last, however, is not unique to Bangladeshis.

In a celebrated experiment carried out in the 1960s, Stanley Milgram, a noted sociopsychologist, revealed that human beings are quite capable of being brutal to others when they do not have to be responsible for their actions. As long as there is an author-

ity figure who tells them that it is all right to proceed (even when they have the freedom not to do so), most people will agree to engage in behaviour that they know is wrong.

Similarly, Philip Zimbardo's famous prison simulations led him to formulate the "Lucifer effect" -- human beings are neither good nor evil, but respond to situational pressures and temptations depending on how that context is perceived, and how one's role is defined. It was clear that as long as one does not have to face personal costs, or be accountable for one's actions, human beings can be easily led to act in ways that violate the principles of reason and morality. All it needs is a slight push, a context and a cover.

Hannah Arendt has referred to the sheer banality of evil. Daniel Goldhagen's book on the Holocaust has detailed the utter ordinariness of people who could then embrace hateful sentiments and become complicit in horrific crimes against humanity. Rabbi Joshua Heschel (from whose writings I have derived the title of this essay) had indicated that even otherwise decent people may become responsible for the continuation of hurtful practices (such as racism or anti-Semitism, or women's oppression), because they neither challenged, nor even acknowledged, those realities.

It is noteworthy that human progress depends upon devising those ideals, habits and institutions through which we can contain those baser elements of our nature. Three efforts stand out. Through emphasising the virtues of compassion and mercy that come from faith; principles of the rule of law and justice that come from a legal and penal system; or the values of tolerance and temperance that come from democratic doctrines, human beings have always struggled to contain the problems of our own violence and viciousness that lurk so menacingly, and so treacherously, close to the surface.

What is unique in Bangladesh, however,

is that we are steadily marching backward. Our religion is being maligned and manipulated to provoke, at times, inspire, animus and aggression.

Our rule of law is increasingly jeopardised. Between January and November this year, according to statistics compiled by Odhikar, 67 people have been victims of "extra-judicial killings," 69 people tortured by law enforcement agencies, 24 people have disappeared (many at the hands of law enforcers themselves), and 120 individuals, who were merely suspected of crimes, were publicly beaten or lynched to death by citizens who took law into their

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own hands and dispensed vigilante justice.

Our democratic institutions and ideals become hostages to petty partisan ambitions, and are being systematically devalued. We see this in the hyper-sensitivity to any criticism, the lack of transparency in government, the hierarchical top-down style of party structures with leaders insisting on sycophancy and mindless support, the gradual irrelevance of the Parliament (consistently boycotted by the opposition), and in the relentless demonisation of "the other." We see this in the pervasive corruption that impedes development at home, and sullies our image abroad. We see this most clearly in both parties cultivating their constituencies for agitation and brinkmanship, encouraging confrontational activism, and using a rhetorical style that is full of coded messages about masculinity, resistance and combat, and resonant with threats and ultimatums. Politicians have become performers.

Politics has been reduced to street theater (of the absurd). The *tamasha* of politics (as Rajni Kothari had said about India) has become of the politics of *tamasha*. The next act always promises to be more sensational than the last.

Our leaders have helped to create a culture of impunity where, ultimately, very little matters. Whether it is 112 women burned to death because of the profit maximising compulsions of some factory owners; whether it is ministers and high officials caught with their greedy hands in various cookie jars; whether it is an innocent young man who has his leg ampu-

tated because of the mistakes of law enforcement officials (and is then charged with preposterous crimes); and whether scores of Buddhist monasteries and private residences are razed to the ground. The consequences will be minimal.

Professor Rehman Sobhan has referred to the "criminalisation of politics" as an unholy nexus of politicians and *mastans* or thugs. Politicians court them, protect

them, unleash them like pit bulls against their opponents, and use them as persuasive agents for fund raising purposes. The thugs gain confidence and security. Both have made their Faustian bargains.

But, there is also the politicisation of crime. A crime is no longer a crime. It is merely an event that, at best, has to be manipulated for political advantage or, at worst, compel some damage control. Our leaders with their considerable verbal skills will simply obfuscate, affix blame, slither away. There will be no embarrassment, no contrition, no accountability. Ministers under pressure will be re-assigned, criminal cases will be withdrawn, murderers will be quietly released from jail (or, at times, pardoned through Presidential decree), foreign visas will be arranged, and political or legal prices to be paid will only be temporary and slight. There will be fulsome talk of "conspira-

cies" (the most popular, and abused, word in the Bangladeshi political lexicon), and much chest-thumping bluff and bluster. The ruling parties will use their *mastans*, or times the instruments of the state, to hound the opposition. The opposition leaders will nurture their own goons and gangs, and prepare to exact revenge. Both sides will keep on stoking the fires of hate and retribution.

This is the environment in which Biswajit's murder became possible, and perhaps inevitable. Between January and November this year, 152 people have been killed in political violence (to be quickly forgotten as collateral damage), thousands have been injured, many hundreds of thousands intimidated, bullied and terrorised. Much of this is carried out by young men, many attending universities, most enjoying their status of social notoriety and political shelter.

Who has facilitated the enabling conditions for this to happen? Who has contributed to the gradual unraveling of the democratic tapestry? Who has helped to subvert the rule of law? Who has served to cause this sneering disdain for ethical values, reasonable political discourse, or social respect? Who has peddled the fears and fantasies, and exploited the social pathologies, that lead impressionable young men to acts of desperation and inhumanity? Who has silenced the "better angels of our nature" and provoked our worst demons, so that they could advance partisan agendas and fulfill their personal lust for power? Who has generated this culture of cynicism, nihilism and despair?

Biswajit's death was symptomatic of the moral vacuum that has been fostered. Ultimately, it is those who created it who must bear responsibility.

In the spirit of Emile Zola's blistering indictment of French society during the Dreyfus affair in France, it is time to say, "J'accuse, J'accuse, J'accuse."

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IN the aftermath of the leaks of Skype conversations, one of the sticking points is whether the trials at Tribunal No.1, of which the now-resigned Justice Md. Nizaml Huq was the Chairman, should be held afresh. Keeping with the norm, the politicians and civil society members are divided into two opposing camps on this issue.

Some commentators have taken a very straightforward line mainly based on a provision of the ICT Act, 1973. Section 6 of the Act provides, among other things, that a Tribunal, merely by reason of any change in its membership or the absence of any member from any sitting, is not bound to recall and re-hear any witness who has already given any evidence and the Tribunal may act on the evidence already given or produced before it.

On a strictly technical interpretation of this provision, there is no scope to argue that any of the four trials now pending in Tribunal No.1 or any part of these trials needs to be conducted anew. However, it seems, a narrow technical adherence to this legal provision may not serve the greater interest of justice, transparency and uprightness on this occasion.

Even the strongest supporters of the war crimes trails are genuinely concerned about the recent turn of events involving the ICT. Some of these supporters have been speaking about their discontent with the handing of the trials by the government almost since the inception of the first Tribunal. In the course of these trials, which started in March 2010, it has become increasingly clear that the party in power is more interested to score political points by reference to these trials than seeing the trials trough in the normal course.

Unsurprisingly, when this party was in power from 1996 to 2001, it was not at all interested to put Jamaat leaders on the dock, perhaps because it would be too awkward to make enemies of those who had been their strategic allies just days before. Petty party-politics has never been far away from the issue of war crimes trial.

There is no denying that the leaks of Skype conversations have considerably damaged the confidence of the public in the already weakened trial process. Assuming that the conversations that have been leaked are not fake (no

one involved has claimed them to be so), they demonstrate the interference of the government in the trials and also the weakness of character of the now-resigned presiding judge of Tribunal No.1. The judge was being pressurised by the government to hasten one of the trials so that the judgment could come out before a certain date, and yet he chose not to take a robust position and asset his independence. On the contrary, he seemed helpless and feeble. More worrying is the

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nature of his conversation with the Brussels based lawyer which gives the impression that the charge-sheet in the Golam Azam case and the structure of the judgment in the Saidee cases was prepared by persons not officially involved in the ICT trial process.

This nation has waited too long to see these trials happen. The last thing this nation deserves is an allegation that the infamous war criminals were punished through a murky process of so-called trials. There are strong grounds to apprehend that the government appears destined to achieve just that.

The ministers and party spokespersons appear to be trumpeting in favour of continuation of the trials in Tribunal No.1 as if nothing had happened. While the Tribunal is still considering an application filed by defence counsels praying for fresh trials, the government officials are heralding a conclusion strictly in terms of Section 6 of the ICT Act. Arguably, such a course will not help the cause of these trials.

David Bergman, a close observer of the

war crimes trials, has made an objective analysis of what could be the next course in the trials in Tribunal No.1. In his blog ([bangladeshwarcrimes.blogspot.com](http://bangladeshwarcrimes.blogspot.com)), he has made certain notable points. He argues that the Act could never have envisioned a situation in which the Tribunal No.1 is now in, which is: "One of the judges has heard no evidence, another judge has not heard any of the prosecution evidence, and a third judge has heard a very small part of the prosecution evidence." Therefore, the provisions of Section 6 should not be applied mechanically in this instance.

The Code of Criminal Procedure has a provision (Section 349A) which allows the judge to re-summon the witnesses and recommence the trial in the interest of justice. Although the ICT Act has a provision excluding the application of the Criminal Procedure Code to the trials under the Act, Bergman further argues that in circumstances where the Tribunal is now faced with an extraordinary situation, it may draw on the spirit of the provision of the Criminal Procedure Code and allow whole or part of these trials, as appropriate, to be re-conducted.

The ICT needs to regain confidence of the public and the stature of an independent judicial functionary. The ICT also need to put the episode of Skype leaks behind and rise above the controversy, and that is a tall order in the current state of affairs. To show that the judges are not prepared to succumb to pressure from the government for a gift in the form of a quick judgment, the Tribunal can afford to spend some extra days or even weeks for rehearing some of the oral evidence presented earlier. This will only bolster the image of the Tribunal in public estimation.

The families of the martyrs and victims of persecution in 1971 have chosen at great price the honourable means of redressing their grievance, by holding trials of the perpetrators. They deserve to see that the trials are free from allegations of bias or misconduct, and are not conducted callously. The judges and the prosecution must keep up to that expectation, and the ministers and party spokespersons must keep to a safe distance from the ICT.

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## What is two times two?



STUDENTS Easterners to the rescue! Over the next five years, Asia will take over as financial leader of the world, a committee of representatives from the region announced last night.

"But we are not going to make the same mistakes that Wall Street made," a spokesman added.

"Instead, we are going to produce a generation of characteristically Asian money-handlers: they will be well-rounded and holistic, with bad haircuts and 1980s eyewear."

A key aspect of the scheme is to encourage Asian women to follow a career in banking. "This proves two things," said the spokesman. "First, Asian men are not sexist, and second, we are chivalrous, as the women will be given only the simplest tasks, so as not to overtax their small brains."

To achieve this new paradigm, Asian headhunters have been ordered to hire financial staff of both sexes from all departments of Asian universities, including arts and humanities.

Critics from the banking sector blasted the scheme as unrealistic. The dean of a top business school, who did not wish to be named, said: "No offence intended, but everyone knows that arts and humanities students are utterly clueless morons." A spokesman for the Asian Arts and Humanities Association angrily retorted: "Oh, yes we are."

To ensure a basic degree of numeracy, candidates in the first round of interviews were asked to respond to a straightforward mathematical equation. The question was: "What is two times two?"

The responses were as follows: Music Student: "A polka." Architecture Student: "A pair of duplex semis."

Religion Student: "Marrying the same person after reincarnation."

Engineering Student: "Metric or imperial?" Drama Student: "Two twos? Or not two twos? That is the question."

Sociology Student: "The answer is: Not enough to live on, unless we augment the numbers with government grants."

Languages Student: "*C'est deux. Es ist zwei. Se trata de dos.* Het is twee." Food

Tech Student: "Twelve hundred calories, or a pair of cheeseburgers." Law

Student: "Before I answer that question, I will need you to sign this form indicating that I am not liable for any losses resulting from answers I give."

Economics Student: "Assuming compound interest, 4.025." Philosophy

Student: "It depends on whether the numbers exist, or indeed, whether the questioner exists, and on what proofs we can get on either question."

Computer Studies Student: "That's easy, it's 01010101." Mathematics Student: "Are we talking positive or negative integers? In a binary universe or base-4?"

Buddhism Student: "A tree." Physics Student: "Does the word 'time' in your question refer to the time-space continuum or Einsteinian fourth dimensional time?"

English Student: "A pair of rhyming couplets or a quatrain." Biology

Student: "In terms of asexual bacterial conjugation, the answer would be between four and five billion within 24 hours."

Dance Studies Student: "The answer is a glissade step followed by a quarter-spin, repeat and bow to your partner."

Stockbroking Student: "Depends on the margin." Chemistry Student: "Since two molecules of CO<sub>2</sub> are generated for each acetyl CoA molecule introduced into the citric acid cycle, the answer is a pair of acetyte CoA molecules."

Financial Analysis student: "A massive loss." Digital Media Student: "I have no idea what the answer is, but give me a week and I can make a 3D image of the question spin round at funny angles."

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