

## STRATEGICALLY SPEAKING

# To ban or not to ban Jamaat



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**T**HIS is the question that most of us are seized with, and one which the students and the youths in

Shahbaghs all over the country have given their verdict on. The very interesting aspect is that the call is against Jamaat exclusively.

There is of course demand from certain quarters to ban religion based politics in keeping with the provision of the constitution. That is a matter for deeper inquiry. But for now suffice it to say that the PM on several occasions after the Supreme Court (SC) ruling on the 5<sup>th</sup> Amendment in 2010, had categorically stated her opposition to the idea of banning religion based political parties, because, she felt, banning them would make these parties go underground.

But Jamaat is a completely different ball game. But one notices signs of diffidence on the part of the government to move against Jamaat even when there is a clear verdict of the SC to ban religious parties. And although very recently the PM had publicly stated that Jamaat had no right to do politics in the country whether she would now proceed from here to ban the party she did not say.

Given that a bill, that allows for trial of not only individuals but also organisations and parties that abetted the occupation army, was

passed in the parliament on February 17, it can be assumed that it is the first step towards banning Jamaat. However, within the AL there is divided opinion on the issue because of the many imponderables that might confront the nation if Jamaat were to be proscribed.

To put the matter in perspective, military governments found religious based party a good support base. Not only was Jamaat rehabilitated post August 15, 1975, regrettably, it had been lent validity by both the major parties particularly after the restoration of democracy in 1991. Jamaat has fully utilised the inherent animosity between the two major parties to acquire a political space that has been reflected in the election results in terms of number of votes obtained.

However, between 1991 and 2008 Jamaat had never bagged more than three seats except in 1991 elections, when they managed to capture 18. And an interesting aspect is that although Jamaat's percentage of votes obtained in the parliamentary elections has varied, the total votes obtained by the party has been decreasing from 12.1% in 1991 to 4.6% in 2008.

In spite of the 15<sup>th</sup> Amendment and Article 38 of the Constitution of 1972, and in spite of the fact that its

links with proscribed organisations have been revealed by captured terrorists, there are a few questions that the government needs to address in this regard.

Firstly, should it not bring into consideration the fact that more than three million voted for the party in the last general election. Are all these voters anti-liberation? In which case how do we deal with them?

Secondly, how well-founded is the fear that that banning Jamaat will cause it to go underground?

Thirdly, will banning Jamaat create adverse reactions internation-

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ally? And it is not only that some Middle-Eastern countries that view Jamaat differently than what we do at home, also some western countries see it as a "moderate Islamic" party.

It is a noteworthy that Jamaat vote base is denuding gradually, more so as its political past is coming more and more into public

discourse. And if it were to contest election today outside an alliance I will wager that Jamaat would get even less votes. Therefore, one need not worry too much about its vote base. However, its voters will have to be convinced that Jamaat is not the only flag bearer of Islam in the country, and that its politics is exclusivist. And all three million of them will not, and cannot, go underground all

of a sudden even if we were to believe that all of them were hardcore Jamaat cadres.

As for Jamaat going underground, the corollary question is, with what purpose. No party devoid of public support can subsist too long as a subterranean group. Going underground without an attainable political aim is futile, as we saw happen in the case of many leftist groups in Bangladesh, which have become extinct since going underground immediately post-Liberation. And even if Jamaat goes underground the state should be prepared to handle them.

As for the diplomatic front, there is, and will be, tremendous opposition to the banning of the party. But the government should make it clear to our friends who are rooting for Jamaat that they are choosing a party in preference to the rest of the nation. Of course, our diplomatic efforts will have to be more robust than what we have seen so far when it came to the issue of the trial of the war criminals.

There can be no better justification to forfeit Jamaat's right to exist as a political party than its role in 1971. However, it would be better to combat the party politically in a way that their kind of politics is made irrelevant and the party redundant. Banning them outright might make them "martyrs" and provide them a lifeline to remerge. Let our head not heart guide our policies.

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## The Language Martyrs' Day

*An eternal fountain of inspiration*

A little more than six decades ago today, we raised our fists demanding Bangla's rightful place in the then Pakistan. We were arrayed against a powerful state machinery hell-bent on suppressing our struggle to defend our mother tongue against vicious onslaughts on it. Some of our young people took up the cause from where it was left off from 1948 to early 1952, when their seniors had powerfully articulated an opposition to the imposition of Urdu solely as state language. But for the ultimate sacrifice of Salam, Barkat, Jabbar and others who laid down their lives, the language movement wouldn't have gathered the momentum it did. As we pay homage to our first martyrs, we also recall the contributions of the other heroes in strengthening the movement for establishing our cultural identity.

In fact, voicing a right to defend our language was at the heart of our struggle for establishing a distinct cultural identity against the forces of linguistic subjugation and communalism. The rest is history replete with one success after another: Cultural emancipation leading to emergence of independent Bangladesh through processes of education movement, launch of 6-point charter of demand 1966, 1969 popular uprising against totalitarian Pak regime, freedom struggle of 1971 and the anti-autocracy movement in 1990. And now we have a renewal of youth resurgence at Shahbagh square in a splendid replay of history upholding the cause of justice.

The UNESCO's appellation of the day as International Mother Language Day bears a number of messages for us. It is the world's way of paying homage to our language heroes and a tribute to our mother tongue. But there are other points of significance and pride associated with the internationalisation of the day. Actually, it has increased our obligation manifold to not just develop our own language and literature but also to get connected with the languages and literatures of other countries. Moreover, it is a clarion call for saving mother tongues that risk being extinct.

Specifically, our endeavour should be to grow effectively bilingual in the very least like India and Sri Lanka where people speak English with ease and competence, communicating with the business world in a more proficient way than us.

## Unbecoming of an HC judge

*An act of indiscretion*

**I**N the face of lawmakers' demand in the Jatiya Sangsad, to remove High Court judge Mizanur Rahman for his alleged 'misconduct,' on Tuesday, law and parliamentary affairs minister assured them that he would discuss the matter with the chief justice.

HC judge Mizanur Rahman drew the wrath of the MPs and many in the legal profession after distributing among his colleagues some newspaper cuttings that contained blasphemous imputations about the slain blogger Rajib.

First, it was completely unprofessional on the part of a sitting HC judge to lower himself in this manner by circulating unverified news reports with slanderous contents against Rajib.

Second, he went beyond the remit of his judicial province by engaging himself in such an uncalled-for initiative.

Third, some people read political implications into this.

Terming his behaviour 'misconduct,' the law minister has suggested that the president might ask the chief justice to form a supreme judicial council to take necessary action against the judge in question.

We agree with the lawmakers' sentiments. The judge's action, as reported in the media, appears to have been a motivated one, which is highly exceptionable for someone holding an office as exalted as an HC judge's. And the speaker minced no words to express his disappointment over the issue saying, 'where will the people go, if judges themselves engage in such activities?'

The public hold judges, particularly those of HC, with high esteem and expect them to be people of integrity and principle, strong morality and having an impartial mindset.

Obviously, HC judge Mizanur Rahman has failed to use his discretion that attracted widespread opprobrium.

We would be awaiting the president's or the speaker's move in this regard for an early end to the embarrass-

# Shahbagh: Its international significance

PETER CUSTERS

**I**S Bangladesh just trying to process its dark legacy, the trauma of the genocide that took place during the country's Liberation War in 1971? Or is there something afoot? On February 5, activists of a network called 'Blogger and Online Activist Network' occupied a key intersection in Dhaka, Shahbagh, and started protesting against the verdict pronounced by the International Crimes Tribunal in the case against Abdul Quader Mollah.

The verdict was considered too lenient by the activists. Hence, they demanded capital punishment. The public's reaction to the Shahbagh occupation has been so overwhelming, and the movement's advance so sweeping, that it might surprise foreign observers not acquainted with the dynamics of Bangladeshi politics. Within no time, the demand for capital punishment reverberated throughout the country, forcing the government to change gear and strengthen its commitment to bring justice for the victims of 1971.

Moreover, the focus of the protests has shifted towards the demand that the Jamaat-e-Islami, seen as the party that embodies the legacy of war crimes, be banned.

The Shahbagh protest was not initiated by any of the established political parties. Nor was it started by any of the forces which in the past had been instrumental in building public opinion around the demand for adjudication of war crimes. The principal role is being played by independent activists, and by students and youngsters. Whereas people from all walks of life participated in the mass rallies and demonstrations, it is the students of universities and high schools who have been coming out in largest numbers.

Some of the key steps of the movement so far: the grand rally held at

Shahbagh on February 8, which was attended by tens of thousands of people; the 3 minutes of silence observed countrywide by people forming human chains on February 12; and the candlelight protests staged on the evening of February 14. Particularly impressive also was the hoisting of national flag at thousands of educational institutions throughout the country on Sunday. The principal force carrying the mass movement forward is indeed the generation of youngsters. They are showing a keen interest in events they did not experience themselves -- those leading to the country's independence 42 years back.

We also need to take a look at the political polarisation around the protests. First, the nature of the

which murdered innumerable numbers of intellectuals, members of the Hindu minority and other civilians. Moreover, Jamaat leaders never apologised for the terrible role they played in 1971. Since the start of the trials against a selected number of war criminals, the party has tried its utmost to obstruct the court's proceedings. Over the last months, party militants have repeatedly confronted the police in street battles, protesting the holding of the war crimes trials!

What about the attitude of Bangladesh's government which is led by the daughter of the country's founder, Sheikh Mujibur Rahman? Several leading politicians belonging to the ruling Awami League, including the party's joint general

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target the youngsters are up against. People are not protesting just the court's leniency in the case against one war criminal; they are not just insisting that all those leading politicians who helped the Pakistani army implement its policy of mass murder be given capital punishment. The 6 point charter of demands, which a delegation of the bloggers and online activists brought to the speaker of the parliament on February 10, included the demands that the Jamaat-e-Islami be banned and that its financial wealth be confiscated.

There is indeed ample evidence proving that this party's leaders in 1971 offered their services to the Pakistani military. They set up paramilitary forces and death squads

secretary, were refused permission to speak at Shahbagh. Indeed, whereas the chief demand of the activists matches with official government policy, the mass movement from below is largely an expression of public frustration with the way the government has handled the war crimes trials.

And yet one can't say that the government has not responded to the restlessness of its young generations. Prime Minister Sheikh Hasina has publicly hailed the Shahbagh protesters, and several ministers have visited Shahbagh to express their solidarity. Equally significant is the fact that whereas the government in the past seemed lukewarm, to say the least, about de-legislating the Jamaat-e-Islami, on February 17

the Parliament passed a bill enabling the International Crimes Tribunal to put the party on trial -- in line with what the post-World War II Nuremberg trials did with Germany's Nazi party. It seems only a question of time before the Jamaat will be banned. Clearly, the government is not sitting idle or waiting for the situation to run out of hand.

It is perhaps too early to discuss the international significance of the current protests fully, as it remains to be seen how Bangladesh's foreign donors will respond to events. Nevertheless, it is possible to initially comment on the dynamic interconnection between the people's upsurge and Arab Spring. Given the fact that the country's population is overwhelmingly Muslim, it is only natural that Bangladeshi citizens closely follow the changes taking place in Egypt and the Middle East.

Again, from the way the Shahbagh protests were launched it is evident that Bangladeshi activists have drawn lessons from their Egyptian counterparts who started their encampment at Tahrir square with a call via Facebook. Bangladesh's youth has been late in reacting. Yet the agenda of the Shahbagh protests goes beyond the agenda of the democratic movements in most parts of the Middle East. After all, here is a movement which does not just have an uneasy relation with Islamist parties. Bangladesh's mass upsurge, from its inception, has borne the seal of secularism and tolerance, and is opposed to fundamentalist politics. Indeed, the South Asian country is not just re-living its own historical legacy, i.e. the secular spirit that pervaded the struggle for the country's independence. Perhaps it is on its way to setting a fresh example for the Muslim world and for the West.

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## THIS DAY IN HISTORY

February 21

**1848**  
Karl Marx and Friedrich Engels publish *The Communist Manifesto*.

**1921**  
Reza Shâh takes control of Tehran during a successful coup.

**1952**  
The Bengali Language Movement protests occur at the University of Dhaka in East Pakistan (now Bangladesh).

**1972**  
President Richard Nixon visits the People's Republic of China to normalize Sino-American relations.

**1974**  
The last Israeli soldiers leave the west bank of the Suez Canal pursuant to a truce with Egypt.