

A National Tribunal for 'International Crimes', Not an 'International Tribunal'

MUHAMMAD MOHI-US SUNNAH

THE Economist, in its November 7 article titled 'Fears in the shadows', stated that "Top leaders of Jamaat have been sentenced by a self-styled International Crimes Tribunal --". Unlike many persons or organisations of international reputation the columnist did not directly raise the issue of 'international standard', but use of the expression 'self-styled' hinted disrespect to the procedural standard of the tribunal. This domestic or national tribunal of Bangladesh has meticulously avoided the weaknesses of Nuremberg, Tokyo or Moscow Tribunal and has been always at par with Rwanda or Former Yugoslav Tribunal in terms of ensuring due process. Inam Ahmed, in his November 9 article in The Daily Star, explained this issue briefly. Yet the confusion seems to dominate comments of persons or organisations about the procedural standard.

Perhaps the very word 'International' in 'International Crimes Tribunal' has created the perception of a misnomer. At the time of drafting of the London Charter of the International Military Tribunal, war crimes, crime against humanity and crime of aggression were known as international crimes and subsequently, genocide, terrorism, etc. also became known as international crimes. In

Bangladesh, International Crimes Tribunal Act, 1973 was drafted to try the criminals who committed international crimes like war crimes, crime against humanity, genocide, etc. And the tribunal formed under this law is known as the International Crimes Tribunal. This is not an international tribunal; this is simply a domestic or national tribunal. And the procedural standard it follows is no less than any international tribunal. International criminal lawyers are not allowed to represent any defendant in this tribunal because Bangladesh Bar Council law does not allow any person to practice law in Bangladesh unless the person passes the bar exam. The word 'International' in its name may have attracted the attention of the international communities, and their comments seem to reflect that they consider it an international tribunal.

To reflect slightly on the procedure, the case of Delwar Hossain Sayeedi, who was sentenced to life imprisonment by the Appellate Division of the Supreme Court, can be mentioned. The case started with the presumption of innocence at the tribunal level and the burden was on the prosecution to prove that he was guilty. Therefore, the defendant was not required to prove anything by bringing in evidence or witnesses on his behalf unless he wished to take an



affirmative defence. In the criminal justice system the defendant takes such a position only when he thinks that the prosecution has enough evidence to prove the case and he does not contest it except for the fact that he was not involved. In such a case, the burden of proof shifts to the defendant to prove that he was innocent. Sayeedi took the stand that he is not the same Delwar Hossain who committed the crime as alleged by the prosecution. He requested the court to allow him to bring witnesses to prove that he is a different Delwar

Hossain. The Tribunal allowed him to do so. Sayeedi would have been the best person to tell the court who he is, but he brought in other people as witness to prove who he is. While the prosecution never forced Sayeedi to become a witness against himself, surprisingly he chose not to become a witness in his own favour either. During the cross-examination his witnesses miserably failed to establish their credibility.

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The writer is a lawyer and an occasional contributor to The Daily Star.

Quality: A Mindset

In an email interview with **The Daily Star**, Subir Chowdhury discusses with Amitava Kar what quality really means, his latest philosophy and upcoming books. Born in Chittagong, Chowdhury is one of the world's leading experts in Quality Management and author of 13 books, including international bestsellers *The Power of Six Sigma* and *The Ice Cream Maker*. He was recently appointed an Adviser to the World Bank President Leadership Council.

How do you define quality?

Quality is a *mindset* that impacts everyone. It is more than a process or programme to be implemented by workers on an assembly line. It impacts every decision we make, and isn't just limited to the workplace—it impacts us at home, work and school. It is the difference between being "good enough" and the best you can be. Quality is everyone's business. The problem for many organisations and even individuals is that they think quality is someone else's job.

Which management tool works the best? Programmes and processes such as Total Quality Management, Six Sigma, Lean Six Sigma, and ISO can make a difference. But they aren't enough. There are many organisations that have deployed these programmes successfully. However, other companies have failed. The fact that two companies, virtually identical, can implement the same processes but see vastly different results has shown me that these processes are actually part of the problem. For many organisations, managing quality means addressing problems as we become aware of them. As a result, we stop being proactive and focus on being reactive—and the problems snowball. It is not enough to fix problems after we notice them—the real challenge is to catch them before they happen.

You once said quality is also the relationship between people in an organisation. What did you mean? People who really "get" quality understand it's more than a programme. They have a



Subir Chowdhury

caring mindset, and are truly exceptional. Quality is not just a process to them, something they check off their to-do list before going home for the evening. When I think of the people who have this mindset, I think of the hotel manager who drove two hours in her own car, on her own time, to return a credit card to a Japanese guest boarding a flight to Europe. I think about the hydraulics engineer who volunteered to parachute into a wilderness area to fix one of his company's new water pumps. I think about the shipping clerk who shouldered past jokes and ridicule from fellow employees as he carefully packaged every

order as crisply and neatly as possible. I've seen with my own eyes the kinds of leaders who inspire. These are managers and executives who walk the talk of quality—at every moment, with every encounter, and at every level of the organisation. For the transformation of the organisation to be complete, every employee needs to embrace this mindset.

Why did you write your international bestseller *The Power of Six Sigma* in the form of a story? Six Sigma is a management strategy that helps organisations of any size to deliver defect-free

products and excellent services. *The Power of Six Sigma* is targeted towards the mass audience from the lowest level employee like an assembly line worker to the CEO. The book was adopted by thousands of companies, big and small, in both public and private sectors as it is the only book on the subject of Six Sigma that explains the methodology in an entertaining way.

What is your latest philosophy LEO all about?

If we want to inspire quality, we need to encourage communication, interaction, and implementation. I define this as LEO (Listen, Enrich, and Optimize), and first introduced the concept in my bestselling book *The Ice Cream Maker*. LEO is a revolutionary process management strategy that is custom-delivered to organisations based on their strengths and weaknesses. LEO has saved millions of dollars to many organisations around the world and increased revenues.

What steps can organisations in our country take to improve quality of goods and services?

The problems are deeply systemic. At the core, we must change as a people and demand quality from our leaders, in both the private and public sectors. The quality of an organisation or a nation will not improve unless, and until, we have a country of people with a caring mindset. Here is what I've seen: hundreds of organisations in Bangladesh are achieving ISO Certification, but their product or process quality is not good. The fundamental reason for this is that almost all lead-

ers in most private or public organisations in Bangladesh do not have a quality (caring) mindset; many of them don't even feel that quality is their own responsibility. We must start by recognising our weakness first—leaders must embrace quality as their personal responsibility and must demonstrate quality in their behaviours and actions before they can expect people to trust or follow them.

In organisations that revolutionise their quality processes, everyone in the organisation is completely engaged. People are encouraged to participate in conversations, interact with each other about the particulars of the organisational mission and operation, and rewarded when they implement changes that are productive. People throughout the organisation become energised and mobilised. Only then will you experience true quality.

What are you working on now? In January 2016, my 14th book titled *Robust Optimization* will be released worldwide as Wiley's Lead engineering title. Currently I am authoring a book titled *THE DIFFERENCE* that will be coming out in spring of 2017 as a lead business title from Random House. The book will address the importance of the 'quality of people' in an organisation. LEO or Six Sigma only addresses the 'quality of processes' in an organisation. True quality is a combination of People quality and Process quality.

[Subir Chowdhury currently works as the Chairman and CEO of ASI Consulting Group, LLC, Bingham Farms, Michigan, USA.]

BABY BLUES



by Kirkman & Scott

A WORD A DAY



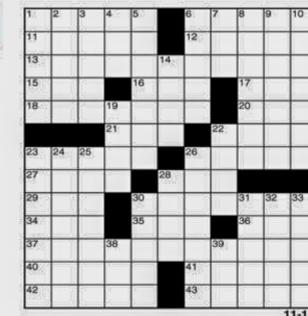
ACUSTRINE

[lə'kɑstrɪn]

relating to or associated with lakes

CROSSWORD BY THOMAS JOSEPH

- ACROSS
- Major (Sirius setting)
 - Egypt's Anwar
 - Make amends
 - Friendly seniorita
 - Contradictory
 - Golfer Ernie
 - Fuss
 - Suit accessory
 - Didn't get up early
 - Road-house
 - Poet's contraction
 - Party giver
 - Use money
 - Suit piece
 - Like lemons
 - Storage site
 - Quarter back Manning
 - Sentence using all 26 letters
 - Fido or Fluffy
 - Bullring call
 - Wisdom bringer
 - Like leeches
 - Put in office
 - Skilled
 - Plane count
- DOWN
- Valentines gift
 - Targets for bulls
 - Even a little
 - Like Thor
 - "Not million years!"
 - Drugged
 - Invader of England
 - "-- Blue?"
 - Style of wording
 - Opposed to
 - Natural gifts
 - Valhalla VIP
 - Cooped (up)
 - Put on the wall
 - Treeless plains
 - Sudan neighbor
 - Batter's aid
 - Indonesian island
 - Fence supports
 - Track events
 - Visibly stunned
 - Liquefies
 - Do something
 - Wedding words



YESTERDAY'S ANSWER

S	N	U	B	S	C	A	D	S
H	O	L	E	Y	U	S	E	P
A	F	T	E	R	T	A	M	P
M	A	R	I	I	E	R	R	
S	T	A	L	A	C	T	I	T
			A	N	Y	M	E	M
C	R	I	B	S	A	P	R	O
A	O	N	E	A	L	E		
S	T	A	L	A	G	M	I	T
B	A	R	G	O	O	A	A	H
A	T	A	L	E	N	O	L	T
H	O	G	A	N	D	R	I	E
R	E	S	T	S	E	A	R	S

জালালাবাদ গ্যাস টি অ্যান্ড ডি সিস্টেম লিঃ
(পেট্রোবাংলার একটি কোম্পানি)
গ্যাস ভবন, মেদিনীয়া, সিলেট-৩১০০

দরপত্র নং-২৮১৬.৯১০০.১২৬.১০.০০৭.১৫/০৪৫ তারিখঃ ০৯-১১-২০১৫

গ্যাস ব্যবহারে সশরী হোন সময়মত গ্যাস বিল পরিশোধ করুন

শিল্পে প্রাকৃতিক গ্যাস গৃহস্থালীতে বিকল্প জ্বালানি

দরপত্র বিজ্ঞপ্তি

১	মন্ত্রণালয়/ডিস্ট্রিশন	বিদ্যুৎ, জ্বালানি ও খনিজ সম্পদ মন্ত্রণালয়/জ্বালানি ও খনিজ সম্পদ বিভাগ।
২	সংস্থা	বাংলাদেশ তৈল, গ্যাস ও খনিজ সম্পদ করপোরেশন (পেট্রোবাংলা)।
৩	সংস্থার স্বত্বাধিকারীর নাম	জালালাবাদ গ্যাস ট্রানমিশন অ্যান্ড ডিস্ট্রিবিউশন সিস্টেম লিমিটেড।
৪	সংস্থার জেলা	হবিগঞ্জ।
৫	আবেদনকৃত কাজের ধরণ	পূর্ত নির্মাণ কাজ।
৬	কাজের নাম	আঞ্চলিক বিতরণ কার্যালয় হবিগঞ্জে দুই ইউনিট বিশিষ্ট দু'তলা অফিসার ডরমিটরী ভবন নির্মাণসহ আনুসঙ্গিক অন্যান্য কাজ, হবিগঞ্জ।
৭	সংস্থার পদ্ধতি	উন্মুক্ত দরপত্র।
৮	অর্থ বরাদ্দের উৎস	কোম্পানির নিজস্ব অর্থায়ন।
৯	দরপত্র তফসিল বিক্রয়ের শেষ তারিখ ও সময়	২৯-১১-২০১৫ (অফিস চলাকালীন সময়ে)।
১০	দরপত্র দাখিলের সর্বশেষ তারিখ ও সময়	৩০-১১-২০১৫ তারিখ দুপুর ১২.০০ ঘটিকা পর্যন্ত।
১১	দরপত্র খোলার তারিখ ও সময়	৩০-১১-২০১৫ তারিখ বিকাল ৩.০০ ঘটিকায়, উপস্থিত দরদাতা/প্রতিনিধিদের সম্মুখে (যদি কেউ উপস্থিত থাকেন)।
১২	দরপত্র তফসিল বিক্রয়ের স্থান	ক) ক্যাশ কাউন্টার, গ্যাস ভবন (২য় তলা), জালালাবাদ গ্যাস, মেদিনীয়া, সিলেট। খ) উপমহাব্যবস্থাপক-এর দপ্তর, আরডিডি-মৌলভীবাজার জোন, জালালাবাদ গ্যাস, শ্রীমঙ্গল রোড, মৌলভীবাজার।
১৩	দরপত্র গ্রহণের স্থান	ক) কমিটি রুম (৫ম তলা), জালালাবাদ গ্যাস, গ্যাস ভবন, মেদিনীয়া, সিলেট। খ) উপমহাব্যবস্থাপক-এর দপ্তর, আরডিডি-মৌলভীবাজার জোন, জালালাবাদ গ্যাস, শ্রীমঙ্গল রোড, মৌলভীবাজার।
১৪	দরপত্র খোলার স্থান	কমিটি রুম (৫ম তলা), জালালাবাদ গ্যাস, গ্যাস ভবন, মেদিনীয়া, সিলেট-৩১০০।
১৫	দরদাতার যোগ্যতা	পেট্রোবাংলা ও এর অধীনস্থ কোম্পানি/সরকারি/আধা-সরকারি/স্বায়তশাসিত প্রতিষ্ঠানে পূর্ত নির্মাণ/সেৱামত কাজের কমপক্ষে ৫ (পাঁচ) বৎসরের অভিজ্ঞতা এবং দরপত্র তফসিল এর Tender Data Sheet অনুযায়ী অন্যান্য যোগ্যতা।
১৬	দরপত্র দাখিলের মূল্য	৬৪,০০০/- (ছয় হাজার) টাকা প্রতি সেট (অফেন্ডেড)।
১৭	দরপত্র জামানত	৬২,১০,০০০/- (দুই লক্ষ দশ হাজার) টাকা মাত্র।
১৮	কার্য সম্পাদনের সময়সীমা	৩০০ (তিনশত) দিন।
১৯	বিশেষ শর্তাবলী	(ক) বিপত ০৫ (পাঁচ) বছরের মধ্যে একক কার্যাদেশ/ছিন্নপত্রের আওতায় ন্যূনতম ৫০ (পঞ্চাশ) লক্ষ টাকার পূর্ত নির্মাণ কাজের অভিজ্ঞতার প্রমাণস্বরূপ কার্য সমাপ্তির সন্দেহ ও কার্যাদেশ/ছিন্নপত্রের এর সত্যায়িত কপি দরপত্রের সাথে জমা দিতে হবে। (খ) পাবলিক প্রকিউরমেন্ট আইন ২০০৬ ও পাবলিক প্রকিউরমেন্ট বিধিমালা ২০০৮ এর সর্বশেষ সংশোধনী অনুসরণে ঠিকাদারের যোগ্যতা যাচাইসহ দরপত্র প্রক্রিয়াকরণ করা হবে। (গ) বিস্তারিত শর্তাবলী দরপত্র তফসিলে অন্তর্ভুক্ত রয়েছে যা আবশ্যিকীয় শর্ত হিসেবে গণ্য হবে। কর্তৃপক্ষ কোন কারণ দর্শনো ব্যতীতকে যে কোন অথবা সকল দরপত্র বাতিল অথবা যে কোন দরপত্র গ্রহণ করার ক্ষমতা সংরক্ষণ করে।
২০	দরপত্র গ্রহণ ও খোলার নির্ধারিত তারিখে সরকারি ছুটি বা অনিবার্য কারণবশত বন্ধ থাকলে পরবর্তী কার্যদিবসে একই স্থান ও সময়ে উপস্থিত দরদাতা/প্রতিনিধিদের সম্মুখে (যদি কেউ উপস্থিত থাকেন) দরপত্র গ্রহণ ও খোলা হবে।	

জিডি-৩৫৪৫