

# The terrifying disappearing act

**NO STRINGS ATTACHED**



AASHA MEHREEN AMIN

It is hard to imagine the anguish of not knowing whether a loved one gone missing is alive or dead, whether it will be a live human being or a corpse that will return. This is the kind

of cruel, debilitating uncertainty that the families of Sajedul Islam Suman, Zahidul Karim Tanvir, Mazharul Islam Russel, Abdul Quader Bhuiyan Masum, Asaduzzaman Rana, Al Amin, Adnan Chowdhury and Kawsar Ahmed as well as many others go through every day. On December 4, families of these young men gathered together at the Press Club appealing to the government to intervene in bringing back these missing men who were all allegedly picked up by law enforcing agents, never to return. This was the second anniversary of their disappearance. According to Ain O Salish Kendra (ASK), last year, 88 people were reported as being abducted by law enforcers – 42 of them never returned and 23 came back as bodies. The year before the number of such missing persons was 68.

The relatives of the victims have gone to the offices of the law enforcement agencies only to be rebuffed as these agencies persistently deny having picked up any of the victims. Thus the most frightening aspect of these 'forced disappearances' is that the law enforcing agents involved cannot be held accountable because 'officially' such arrests or detentions have not taken place. At the most, they can file abduction cases though with very slim chances of them ever being solved or reaching the trial process.

The thought that citizens of a democratic, independent country can be picked up by law enforcement agents anytime, anywhere, without any kind of warrant and be whisked away into oblivion, is grossly contradictory. But



Families of victims of "enforced disappearance" at a press conference on December 4, 2015.

PHOTO: STAR

unfortunately, these occurrences are becoming increasingly frequent in our country with no visible sign that the government is at all concerned about such blatant violations of human rights. Keeping with tradition, the politicisation of law enforcement agencies continues with full force thus distorting the role of the law enforcers allowing them to turn from protectors to predators. The result is the license for more such forced disappearances, creating an atmosphere of terror and mistrust for law enforcers in the public mind.

Such a bone-chilling scenario has an eerie similarity with the forced disappearances of ordinary citizens of many Latin American countries that were in the grips of military dictatorships. Chile's infamous, brutal regime of Augusto Pinochet from 1973 to 1990 comes to mind. During this

military regime 28,000 people were tortured, 2,279 were executed, and 1,248 went missing. From September 11, 1973 to March 11, 1990, Chilean armed forces, the police and all those aligned with the military junta were involved in institutionalizing fear and terror in Chile. This included torture, sexual abuse, waterboarding and brutal beatings. The official number of deaths and forced disappearances is 3,065.

But wait, wasn't that a dictatorship where there was no such thing as civil liberties and no crime committed by the state could be proclaimed a violation of human rights? Wasn't Pinochet a ruthless general who led the coup d'état that overthrew an elected, popular, socialist government of Salvador Allende and put an end to civilian rule and hence civil liberties? So why the comparison with a democracy

that guarantees, through its constitution, a citizen's right to know why s/he is being detained, the right to consult and be defended by a legal practitioner of her/his choice [Article 33 (1)] and his/her right to be produced before the nearest magistrate within twenty four hours of the arrest?

Bangladesh acceded to the International Covenant on Civil and Political Rights (ICCPR) that prohibits the grave violations of rights. According to Article 6 and 2 of the ICCPR, Bangladesh has the obligation to ensure the right to life of its people and to ensure prompt and effective reparation where violations occur. Our constitution explicitly states that "no person shall be deprived of life or personal liberty save in accordance with law" (Article 32) and also that "no action detrimental to the life, liberty,

body, reputation or property of any person shall be taken except in accordance with law (Article 31)." There is therefore an overwhelming moral obligation for Bangladesh to protect and uphold such civil rights through its commitment to respect international covenants and its own constitution. The International Convention for the Protection of All persons from Enforced Disappearance (ICCPD), an international human rights instrument of the UN that aims to prevent forced disappearances, defines such abductions as crimes against humanity.

The tragic truth of our history is that though we have been able to shed ourselves the shackles of military dictatorship and all the violations of human rights that go along with such autocratic rule, we have not been able to free ourselves of the legacy of repression carried out by state agencies, a carryover from the days of the British rule. While we are nowhere near the gruesome levels of torture, murder and forced disappearances during Pinochet's rule or that of military dictatorships in many other Latin American countries, we cannot ignore the facts: individuals, many of them with perceived or real political leanings of the opposite camp, or just considered a threat by an influential, are being picked up by alleged law enforcing agents only to disappear without a trace. What is worse, law enforcers feel they have no legal obligation to investigate a missing persons report filed by relatives when the allegations are against their colleagues. The seven murder case of Narayanganj is a grotesque reminder of the terrifying level of human rights violations and the immunity enjoyed by rogue law enforcement agents. Forced disappearances are the most reprehensible crimes committed by state agencies. For a democratic government to allow such gross violations of rights of its citizens is unacceptable and severely damaging to its image.

The writer is Deputy Editor, Editorial and Opinion, The Daily Star.

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## Suu Kyi's journey to democracy

# A TEST OF TIME

MUHAMMAD RUHUL AMIN

An unprecedented victory has been achieved by Aung San Suu Kyi's National League for Democracy (NLD) in the recently held general elections of Myanmar, a country which has long struggled for democracy. The poll results, officially announced on November 25, indicate that the NLD has obtained 77 percent of total seats in the parliament. Despite this, Suu Kyi's journey to democracy may not be a bed of roses. The NLD spokesperson has already expressed concern over the peaceful transfer of power to the newly elected NLD leaders. The most important challenge for Suu Kyi would be to keep fair balance

between the sweet-sounding idealism she has preached for the last 25 years and the pragmatism that the present realities are demanding. Suu Kyi has to be clear of what theoretical model of democracy (the ideal one would maintain the balance between neo-liberal idealism and pragmatist Keynesianism) would suit a country which is hungry for democratic transformation. If she opts for the Keynesian paradigm, she might be accused of deviating from democratic values. However, she should adopt a policy of domestic capital generation for a country like Myanmar. But since Myanmar is not a

rich, capitalist country, her policy of neo-liberal capitalism may backfire. Ostensibly, economic restrictions in order to expedite the inward-oriented growth strategy of the country may be recommended for the initial years which may be followed by a phased transition to an outward-oriented growth strategy in line with neo-liberal capitalism.

Suu Kyi's path towards democracy could be impeded if she does not find a correct balance between idealism and pragmatism in fine-tuning external diplomatic relations with other countries. According to newspaper reports, as Western diplomats engaged in Myanmar are still prone to extend implicit or explicit support to the army-backed government, Suu Kyi may find it difficult to foreign policy priorities. She needs to keep cordial diplomatic relations with the western countries if she truly wants to be idealist in her political outlook. However, it's very difficult for her to adopt a pragmatist policy by building a friendly image in neighbouring countries such as China and India, the two emerging giants. Her East-leaning policy may clash with the US' pivotal policy surrounding the Asia Pacific and the grand global policy of the European Union. In reality, the West seems to

use prospective soils of South Asia, especially Bangladesh, as spring boats to jump on Myanmar and stretch its grip over China and elsewhere through Kunming and adjacent areas. The West thus may not want the new government of Myanmar to have an intimate bond with the neighbouring giants of East and South Asia.

Suu Kyi's arrival on the political platform of Myanmar happened almost by accident as she came to nurse her dying mother in 1988, and gradually began to tiptoe towards the stairs of the country's strife-torn politics. About two years into her entry in politics, she participated in the general elections of 1990 in which her party won around 80 percent of the seats in the Parliament. Despite the mandate she got from the people to form the government, she was forced to undergo house arrest for around fifteen years. Thus Suu Kyi understands that the road towards democracy in her country is historically, constitutionally and structurally interlocked.

The existing Constitution poses some serious challenges to the emerging democracy. The constitutional provision that 25 percent seats of the Parliament should be controlled by the military is a big problem. The 80 percent seats

gained by NLD stand at around 60 percent in real terms, if we exclude 25 percent of the reserved seats. It's realistically difficult for a Parliament comprising 60 percent to dominate parliamentary decisions vis-a-vis 40 percent of rival seats, predominantly led by military members. The proposition to amend the Constitution is a remote possibility. Any constitutional amendment requires support from the military, which at the moment, and possibly in coming days, is beyond the reach of Suu Kyi's NLD.

The fact that she married a foreigner and has two sons from that marriage is also obstructing her path to becoming a president, as per the Constitution. The provision of her nomination as a proxy-president might also not suffice to strengthen her purpose to anchor the ship of democracy.

The big task now for Suu Kyi is to work for a national reconciliation through creating strong national unity and solidarity among 135 ethnic groups of Myanmar, especially the clashing ethnic communities. Harsh oppression by the military against ethnic minorities, especially Rohingya Muslims of the Rakhine province which gained widespread global criticism, needs to be addressed. Apart from the threat of

attacks by Rakhine Buddhists and the country's police force, the fear of imprisonment and forced migration, Rohingyas also had to suffer the snatching of their citizenship under the Citizenship Law of the country, thereby limiting their civil and natural rights.

However, Myanmar's complex anthropological chemistry lays thin elasticity for Suu Kyi to resolve the Rohingya issue. Any efforts to relax laws and policies surrounding the community or attempting to take up this cause could jeopardise her sky-high popularity. Global media, including AFP, have evaluated that Suu Kyi's global image as a human rights activist and democratic icon has diminished in recent years as she plunged herself into Myanmar's febrile politics. AFP notes that she has been severely criticised as she now seems to prefer pragmatism to the idealism which she preached during her house arrest.

Along with Rohingyas, Katchin Christians are also fighting for freedom and autonomy in Myanmar. The clash that started in 2012 between the Armed Forces and the Katchin Independence Army (KIA) should be resolved through a credible way. The clash between the government and the Shan, Lahu and Karen minority groups in the eastern

side of Myanmar also needs to be stopped. The conflicts between ethnic Chinese rebels and the Myanmar Armed Forces in February this year, when 40000 to 50000 civilians were forced to flee to the Chinese side of the border, cannot be ignored.

The ethnic conflicts have prevented minority groups from electoral participation. Rights organisations estimate that about 4 million minority people have been unable to cast their votes this year. Another severe structural constraint for Myanmar's nascent democracy stems from the military control of the interior, defence and border security ministers, which obstruct the jurisdiction and curb the powers of the president from smoothly running the executive.

Despite the challenges, Myanmar's prospects for democracy seem to be bright if Suu Kyi can establish a sustainable democratic model, a pragmatic foreign policy, and an all-encompassing ethnic policy. If she succeeds in doing this, she can surely lead Myanmar to democracy.

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**BEETLE BAILEY** by Mort Walker

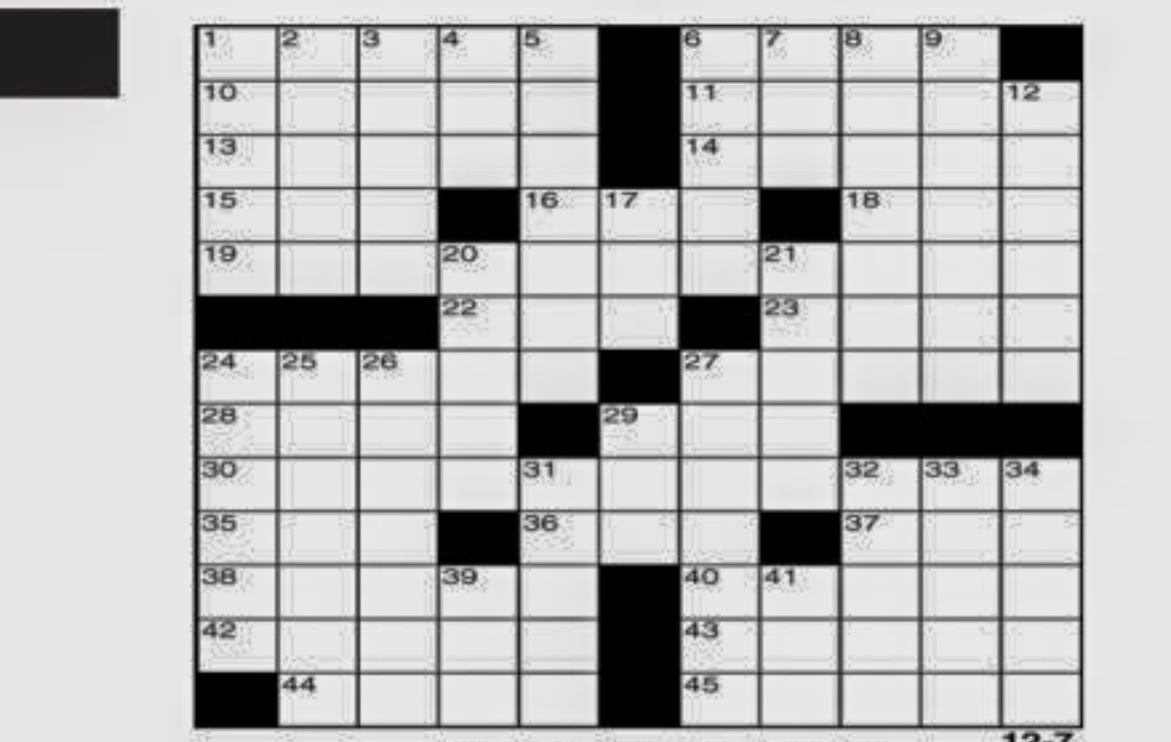


**BABY BLUES** by Kirkman & Scott



**CROSSWORD BY THOMAS JOSEPH**

- ACROSS**
- 1 Does a checkout job
  - 6 Brusque
  - 10 Mete out
  - 11 Sung drama
  - 13 France's longest river
  - 14 Michel-angelo statue
  - 15 Barbill
  - 16 Genesis woman
  - 18 Wedding words
  - 19 Omitted, in a way
  - 22 Writer Stout
  - 23 Copenhagen native
  - 24 Steer clear of
  - 27 Karate levels
  - 28 Time in office
  - 29 Auction unit
  - 30 Stumbled due to
  - 35 Chick holder
  - 36 Singer Orbison
  - 37 -- had it!
  - 38 "Keen!"
  - 40 Sly ones
  - 42 Mosque features
  - 43 Wide awake
  - 44 Three squared
- DOWN**
- 1 Bath additives
  - 2 Dagher's partner
  - 3 Suspect's story
  - 4 Negative link
  - 5 Soaked in hot water
  - 6 Like some messages
  - 7 -- tree (cornered)
  - 8 Comeback
  - 9 Prop for Poseidon
  - 12 Cherishes
  - 17 Puzzle
  - 20 Monopolize the mirror
  - 21 Beethoven's "--Joy"
  - 24 Go to
  - 25 Approach
  - 26 Folding art
  - 27 Gym patron's concern
  - 29 Zodiac cat
  - 31 Most writing
  - 32 One of Santa's team
  - 33 Tennis star Chris
  - 34 Breathers
  - 39 Toe count
  - 41 Bullring cry



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