

Enforced Disappearance: Bangladesh's Darkest Hours

SULTAN MOHAMMED ZAKARIA

MICHAEL Chakma, a youth leader of United People's Democratic Front (UPDF) based in the Chittagong Hill Tracts, was forcibly disappeared in broad daylight from the outskirts of Dhaka on April 9 this year. He was, sadly, one of many victims of suspected disappearances in recent years. According to a report released by International Federation of Human Rights, at least 507 people have been forcibly disappeared between January 2009 and the end of 2018. Among them, 62 people were found dead, 286 were released and the fate of 159 remains a mystery. State officials either deny they are in their custody or refuse to say where they are.

The disappeared persons are at risk of torture and other human rights violations—even death by their unknown captors. Those who live to see the light of day once again carry with them the physical and psychological scars of their ordeal. Those who are killed leave behind families who never recover from the loss. Disappearances are nothing short of a tool of terror, striking not just individuals or their families, but societies as a whole. This is why they are crimes under international law. If such incidents are widespread or systematic, they constitute a crime against humanity.

In Bangladesh, disappearances have taken place in disparate parts of the country, but they are not a series of random events. Rather, there is an alarming pattern that emerges. The victims are mostly members of political groups that oppose the government. The families often allege that it was state officials from law enforcement agencies who were responsible for the crime. In the cases where people have been released, a strong sense of fear still grips them, stopping them from speaking about their gruesome ordeal.

When confronted about this dismal record, the government officials have sought refuge in evasions. In the recently held UN session of the Committee Against Torture (CAT), Bangladesh's Law Minister Anisul Huq has denied that enforced disappearance occurs in Bangladesh frequently—contrasting reports of hundreds of enforced disappearance cases from the civil society organisations.

Earlier, when speaking on the subject in parliament in November 2017, Prime Minister Sheikh Hasina referred to people who have gone missing for other reasons. The home minister,

Asaduzzamn Khan Kamal, went as far as blaming the disappeared persons for their fate, claiming that they had staged their disappearances to escape their debts or for unexplained "social reasons". However, the government cannot evade their constitutional and human rights obligations of keeping track of its own citizens. If so many people have disappeared, then the government has an obligation to find out what happened to them. If the current culture of impunity continues, this can eventually erode citizens' trust in the state and weaken the very foundation of the social contract.

lack political will. The institutions of accountability, especially judiciary, which are supposed to protect the citizens from executive excesses, have arguably failed to restrain such incidents. The vertical accountability and the voices outside the government, have been tamed or suppressed through fear and intimidation.

Where domestic accountability mechanisms are inadequate to protect people from enforced disappearance, international legal and human rights instruments and mechanisms have a role to fill that void. There are several international human rights instruments

is to safeguard its citizens from heinous crimes.

There are, however, other international human rights instruments that Bangladesh has signed and ratified with little impact on the ground. Bangladesh has ratified the 1998 Rome Statute of the International Criminal Court, which considers enforced disappearances a "crime against humanity" when committed as part of a "widespread or systematic attack directed against any civilian population" and allows for its prosecution by the International Criminal Court (Article 7).

Bangladesh has also ratified the International Covenant on Civil and Political Rights (ICCPR) that guarantees right to life (Article 6) and clearly prohibits arbitrary arrest or detention [Article 9]. However, neither of these instruments have had any significant impact on the domestic reality or the behaviour of the domestic actors.

It is high time for authorities to address the menace of enforced disappearances and strengthen trust and confidence of the people in the system. The requirements are not a tall order. To begin with, the government will be well-advised to amend the code of criminal procedure to make enforced disappearances a crime with the provisions of appropriate punishments for the perpetrators.

Second, an independent judicial commission may be formed to thoroughly investigate all disappearance cases, which must lead to prosecuting the perpetrators responsible for the crimes.

Third, we need to strengthen the independent judiciary as it is a *sine qua non* for ensuring the rule of law and for making sure that the citizens can seek remedies against any violation or abuses committed by any entity or actor. The executive branch and the legislature must adhere to the constitutional provision of separation of power and strengthen the independent functioning of the judiciary.

Fourth, the authorities should consider signing and ratifying ICPPED and create a commensurate domestic legal regime. Last, but not the least, there must be a determined political will. Because, in the end, no law or instrument can restrain the perpetrators from the execution of such heinous crimes if there is insufficient political will to allow institutions to work independently and impersonally. A country born out of the sacrifice of three million people does not deserve any less.

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The problem of enforced disappearance in Bangladesh goes beyond the official denials. The country's criminal code does not even acknowledge enforced disappearance as a crime. Repeated calls from civil society and human rights groups to criminalise enforced disappearance through amending laws have fallen on deaf ears.

Article 32 and 33 of Bangladesh's Constitution declare that "no person shall be deprived of life or personal liberty" and guarantee against arbitrary arrests while also giving the detainees the right to consult or to be defended by a legal practitioner. However, the people who would execute the laws apparently

prohibiting enforced disappearance. The most pertinent one is the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), which defines the crime of enforced disappearance (Article 2) and obligates each state party to act appropriately to investigate the allegations of enforced disappearance (Article 3).

Bangladesh chose to opt out of the convention and did not sign it. This is hardly expected from a country that gained its freedom through a prolonged struggle for all sorts of freedom that came at a huge expense of human lives to shy away from committing to a human rights instrument, the sole purpose of which

Maimed for life because of reckless driving

Bus owners and drivers must be held accountable

LAST Tuesday a BWTC official Krishna Roy Chowdhury was badly injured by a speeding bus as she was walking on a pavement in Bangla Motor. The driver of the bus was recklessly speeding and ran over Chowdhury resulting in injuring her badly. After being treated at the hospital, Chowdhury's left leg had to be amputated. The incident displays the arrogance and sense of infallibility these unscrupulous drivers of buses have acquired as a result of the indulgence they enjoy by the system. But as citizens of this country, do we not have the right to be protected from such reckless sociopaths who think nothing of speeding in a busy road and running over people on the pavement?

There is nothing anyone can do to change the fate of Chowdhury, who has been permanently maimed by this incident and is still going through unbelievable trauma, both physical and mental. Thus the paltry sum of Tk 2 lakh offered by the owners of the bus is humiliating and does not recognise the enormity of the crime.

Chowdhury and her family want justice and have filed a case with Hatirjheel Police Station against the bus owners, driver and his helper, all of whom are to be blamed for this tragedy. We, the ordinary citizens of this country, also want to see justice. It seems the passionate road safety movement that young school students started after two of their fellow students were ruthlessly killed by a speeding bus, has had no effect on bus owners or their employees. Nor has there been much success in the government's efforts to enforce traffic rules. Buses continue to speed, dangerously overtake vehicles, race against each other, and are driven by apprentice drivers or helpers, taking precious lives on the road or disabling people for life. Despite campaigns and public outcry against such disregard for traffic rules, the system continues to be tilted in favour of the culprits who have no value for human life. We want an end to this callousness regarding road safety. The law must clamp down on bus drivers and bus owners guilty of road crashes that could have been avoided. The guilty parties no matter how powerful, must not be allowed to absolve themselves of responsibility.

VGF rice is not for the rich!

Investigate and punish the culprits

IT is outrageous that a much-needed programme like the vulnerable group feeding (VGF) be misused like this. A number of well-to-do families in Narayanpur union under Chougachha upazila of Jashore district got the shock of their lives when they received VGF rice before Eid-ul-Azha. Not only that, VGF rice in the area was supposed to be distributed before the Eid holidays and when the news about corruption taking place broke, local representatives hurried to prepare a list and get rid of rice stocks. Unfortunately, as so happens when criminals are pressed for time to cover their tracks, a number of wealthy persons ended up on the list and that is how we came to know about the scam. Rice was distributed to some 830 families in three villages of ward No. 7. Even the head of Jamaat-e-Islami of Narayanpur union got rice, although by his own admission, he does not qualify to be on the VGF list. Dead people, too, are on the list, and this is where the misappropriation is taking place in earnest. Upazila parishad members have been trying to shift the blame onto others, claims that are hotly contested by the accused persons. Given the circumstances, it is high time that the concerned ministry launch a probe into the whole programme nationwide to find out what is going on elsewhere and take legal actions against the guilty parties. The importance of VGF cannot be understated as it ensures food security for poor and destitute people and contributes to poverty reduction through temporary support to poor populations.

SAYED AHMED

DONALD Trump. Boris Johnson. Marine Le Pen. Norbert Hofer. Are they ignorant? Short-sighted? Populist? Call them whatever you want. But the problem doesn't lie with them, it is with the people at large who lack the skills needed to think and decide reasonably.

President Trump wanted Denmark to sell Greenland. He could do such a thing only because he had no idea how much revulsion any Greenlandic could feel at this absurd proposition. Or perhaps he did, but hoped to get away with his antics as he often does. The Greenlandic are fiercely independent, so much so that they left EEC (the predecessor of EU) in 1985 and is moving towards full independence. To them, the slightest notion of Denmark having such an authority on their island would be deeply offending, to say the least.

Trump is not alone. There are many such political leaders in all major democracies who are thriving on the ignorance of the people at large. They have adopted abrasive nationalism, fear of migration and globalisation, intolerance, Islamophobia, religious bigotry, racism, and so on, to strengthen their political base.

Never before, in human history, have so much information been available to so many people, yet we seem to live in an age of stubborn ignorance. We often take a piece of information out of context and arrive at a wrong interpretation due to sheer ignorance of its broader aspects. We do not judge events based on facts, rather we judge facts based on our pre-existing bias. We seem to have totally lost the skills to engage in logical debates, to arrive at an objective view.

In the 1330s, Tuscan scholar Petrarch coined the term "Dark Ages", meaning human knowledge originated in Greece, went to the Romans, then there was a period of intellectual darkness (Dark Ages), followed by the Age of Enlightenment (Renaissance, 1300-1800). Since the advent of postmodernism, scholars started to avoid the term, because it was understood that during the so called "Dark Ages", significant cultural, mathematical and scientific activities were going on in other parts of the world. However, the original idea of the term became popular and

remains so to this day.

There have been several versions of American history, each trying to prove a certain narrative. One such was *The Light and the Glory: 1492-1793 (God's Plan for America)* by a preacher called Peter Marshall (1973). Marshall portrayed the whole story from Columbus's sailing to the settlement of the Pilgrims at Plymouth as God's will. Historians never considered this book as any serious work. Nevertheless, it received a good amount of readership among the "educated" Americans and is still rated highly by the readers (4.6/5 on Amazon and 4/5 on GoodReads).

Interpretation of historical facts to suit a particular narrative has been happening all along. But how can we explain this happening in our time! We don't anymore live in a world where

past controls the future, who controls the present controls the past", which has come to be the mantra of today's politicians.

Here is a recent example. When Audrey Truschke from Rutgers University published her 2017 book *Aurangzeb: The Life and Legacy of India's Most Controversial King*, it stirred a huge controversy in India because it didn't conform with the view of the dominant political power wanted to propagate. Truschke had to endure scathing criticisms and countless personal attacks for her work. "You cherry-pick instances from the past because your loyalties are to the present", Truschke told a packed auditorium at the Indian Habitat Centre in August 2018.

Dispassionate judgement of historical facts is getting increasingly difficult because we learn less and less from



Dispassionate judgement of historical facts is getting increasingly difficult because we learn less and less from history.

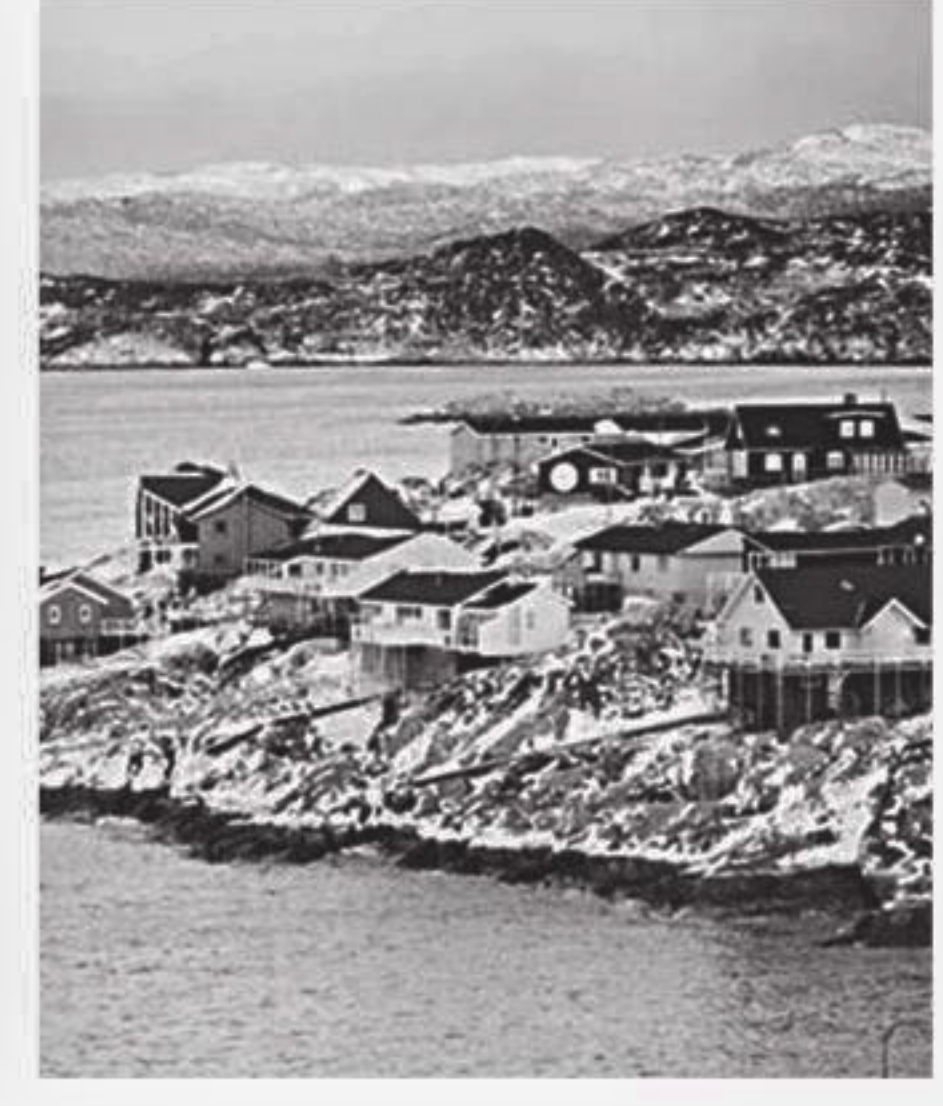


PHOTO: AFP

information was available only to a handful of scholars, in high ceiled grand libraries. Public education is now widespread and information is literally at our fingertips. Yet, we are unable to form reasonable opinions by objective interpretation of facts and evidences.

Meanwhile, our politicians use, abuse, change and change again the past to fit their present interest. George Orwell saw it coming in his dystopian fiction *1984*, first published in 1949. It's in this fiction that he made this painfully correct statement: "Who controls the

history, and more and more from Google, Facebook, Twitter, films, computer games, TV serials, popular songs, political rhetoric, and so on. Politicians are frequently making ahistorical assertions for short term gains. State machineries are distorting history in a systematic manner, by using every means of mass communication including school textbooks, often portraying the most vulnerable population as enemies, pushing millions to extreme distress.

We live in a world where information is aplenty, but wisdom is not. We prefer

Never before, in human history, have so much information been available to so many people, yet we seem to live in an age of stubborn ignorance. We often take a piece of information out of context and arrive at a wrong interpretation due to sheer ignorance of its broader aspects.

information shortcuts, not a whole body of knowledge, to come to a quick conclusion, ignoring that effective use of such shortcuts requires pre-existing knowledge (*Democracy and Political Ignorance: Why Smaller Government is Smarter* by Ilya Somin). We reject fundamental rules of evidence and refuse to make a logical argument. Our IQ is going up, not knowledge. Learning has become the endpoint, not beginning of education (*America's Cult of Ignorance* by Tom Nichols).

I will end with a quote from Walter Lippmann (1889-1974), American writer, journalist, political commentator, who stated in 1919, "Men who have lost their grip upon the relevant facts of their environment are the inevitable victims of agitation and propaganda. The quack, the charlatan, the jingo... can flourish only where the audience is deprived of independent access to information" (*The Basic Problem of Democracy*, *The Atlantic*). Lippmann might well have rephrased this as "... deprived of the ability to think independently and make a proper judgement based on facts".

We will have more of the quacks, charlatans, and jingoes, unless we raise the quality of well-rounded education, not just IQ or learning. But if our leaders were to understand so much, the problem wouldn't have arisen in the first place.

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LETTERS TO THE EDITOR

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The fatigue of Dengue news

The current record-breaking outbreak of dengue in Bangladesh, and other Asian countries, is a nightmare for any nation. Thousands of people have been hospitalised, with many losing their lives.

The situation in Dhaka, in particular, points to the inadequacy of suitable health care provision in low-income countries to deal with an epidemic on this scale. While dengue may have lost its newsworthiness in the West, the burden of the disease has certainly not lost its impact; rather without adequate control measures in affected regions, the situation will only take a graver turn.

Continued high profile reporting by respected news agencies in Bangladesh plays a pivotal role to counterbalance this relative global neglect and highlight the urgent need for medical support. The government should not stop taking preventive measures at any cost and keep raising awareness in both the capital and rural areas.

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