

ROHINGYAS GETTING NID ACC arrests 2 EC officials

STAFF CORRESPONDENT, Ctg

The Anti-Corruption Commission yesterday arrested two Election Commission officials in Chattogram and Bandarban for their alleged involvement in making Bangladeshi National Identity (NID) cards for Rohingya people.

The arrestees are Nirupam Kanti Nath, data entry operator of Bandarban EC office, and Rishi Kesh Das, office assistant of Chattogram EC office, said Lutful Kabir Chandon, deputy director of ACC Integrated District Office Chattogram-1.

Both of the arrestees were temporary workers of the respective EC offices, he added.

Earlier on the day, the anti-corruption watchdog filed two cases against eight persons, including four EC officials, over money laundering and wealth amassment.

The accused are Joynal Abedin, office assistant of Chattogram Double Mooring Zone EC office; his wife Anisun Nahar Begum; Jafar, a Rohingya broker; Satya Sundar Dey, a former EC staff; Rishi Kesh Das, office assistant of Chattogram EC office; Nirupam Kanti Nath, data entry operator of Bandarban EC office;

Bijoy Das and his sister Sima Das alias Sumaiya Akhter.

Of them, Joynal, Satya, Bijoy and Sima were already behind the bars in a case filed over NID forgery.

Of the two cases that were filed yesterday, one was filed against Joynal for amassing wealth worth Tk 69.7 lakh. The case was filed by Muhammad Jafar Sadek Shibli, deputy assistant director of ACC Integrated District Office Chattogram-2.

Another case was filed by Sharif Uddin, deputy assistant director of ACC Integrated District Office Chattogram-2, against all eight persons. This case was filed for laundering Tk 57.83 lakh.

THREE BANK ACCOUNTS USED
ACC's DAD Sharif yesterday told The Daily Star that they found three bank accounts of Joynal that were used for transacting illegal money.

The bank accounts were with Anwara branch of Al Arafah Islami Bank, Chawkbazar branch of Islami Bank Limited, and Bankkhali branch of Prime Bank Limited.

Sharif said, "These three accounts had huge amount of money deposited and withdrawn during the Rohingya mass exodus in 2017."

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Discharges from dyeing factories nearby polluting the Buriganga in Keraniganj on the outskirts of the capital yesterday. The High Court had ordered installation of effluent treatment plants in all factories.

PHOTO: AMRAN HOSSAIN

SINGLE DIGIT INTEREST RATE

Make govt deposits interest-free

Says govt committee, suggests bringing down banks' cost of funds

AKM ZAMIR UDDIN

It has always been the law of supply and demand that determined the interest rate at which one can borrow.

When the demand is up and the supply is down the price goes up -- and this is exactly what is happening in case of lending rates.

Instead of fixing the problems in the supply side of funds, instead of mending the ills, the government is coming up with one impractical solution after another to bring down the interest rate on lending to single digits.

For instance, the government committee on implementing the single digit lending rate has now come up with the idea of making government's deposits of its project funding interest free.

About Tk 230,000 crore of the government's development budget is currently parked with banks, which is 20 percent of total deposits in the banking sector.

Having to pay no interest against

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The misleading claims

During Myanmar's defence at the International Court of Justice, a day after the Gambia presented their arguments, Myanmar leader Aung San Suu Kyi and her team called the allegations against the country an "incomplete and misleading factual picture of the situation in Rakhine state". The Daily Star analysed five contentious statements made by Myanmar at the court to gauge whether those too were incomplete, misleading or outright false.

Suu Kyi: Please allow me to clarify the term clearance operation. Its meaning has been distorted. As early as the 1950s has been used against communists. It simply means to clear an area of insurgents or terrorists.

What we found: The so-called clearance operations were not only about clearing an area of insurgents or terrorists. According to the UN Fact-Finding Mission report, there was ample evidence that clearance operations also targeted civilians. For instance, in Tulatoli village, attackers wearing military uniforms indiscriminately shot Rohingya men and methodically killed the survivors, including the children. Furthermore, "Largescale gang rape was perpetrated by Tatmadaw soldiers in at least 10 village tracts of northern Rakhine State," found the report.

Suu Kyi: Can there be genocidal intent in an establishment that punishes its officers for wrongdoings? ... Accountability through domestic system is the norm. Only when domestic systems fail, can an international criminal justice take place.

What we found: Indeed, the "domestic systems" had failed. For example, in the only instance of accountability by "domestic systems", seven soldiers were

Finding Mission's report stated that "They continued for more than two months, and for a considerable period after the Government claimed their completion on 5 September 2017." This is what led to the exodus and those who fled violence in Myanmar have on numerous occasions said they did it to escape the military crackdown.

William Schabas: On several occasions, the court is told the number of buildings and villages destroyed, yesterday the counsel told us of many hundreds of deaths in 3 villages totalling a little more than 1000. They tried to put this as a representative sample -- but these were three of the worst cases.

What we found: The claim that only three villages had been burnt is untrue. Human Rights Watch analysed satellite imagery and found that as many as 354 villages in Maungdaw, Buthidaung, and Rathiduang were partially or completely destroyed between August 25, 2017 and the end of that year. The destruction continues to this year with Al Jazeera reporting in July that "40 percent of the villages originally identified by the United Nations' satellite tracking service UNOSAT as burned, damaged or destroyed during the 2017 crisis have since



court martialled in August 2018 for the Inn Dinn massacre, where 10 Rohingya men and boys were killed by the soldiers. The soldiers were then granted a military pardon and released after serving less than one year of their 10-year sentence. Two Reuters reporters who reported the incident were jailed for 14 years.

Suu Kyi: We are, however, dealing with an internal armed conflict started by coordinated and comprehensive attacks by ARSA to which Myanmar's defence services responded. Tragically, this armed conflict led to the exodus of several hundred thousand Muslims from three northern-most townships of Rakhine, to Bangladesh.

What we found: The claim that the exodus is down to the insurgency is "incomplete" and "misleading". On August 25, 2017, the ARSA attacked 30 police outposts in Maungdaw, killing 12 members of the security forces, and having 59 of their own members killed. There was a similar attack on Hpaung Taw Pyin in Buthidang, where two security officers were killed. But Myanmar responded by summarily attacking Rohingya villages and executing thousands including children and infants. The UN Fact

been entirely razed." **William Schabas:** We are told that there are an estimated 10,000 deaths. Every death is tragic but 10,000 out of a population of 1 million suggests something else other than an intent to physically destroy the group.

What we found: The number of deaths cannot be used to prove or disprove intent, but precedence has been set as to their importance. During the genocide case brought to the ICJ by Bosnia and Herzegovina against Serbia and Montenegro, the court in its judgement noted that while the defendant contested the "veracity of certain allegation, and the number of victims, or motives of perpetrators....it never contested, as a matter of fact, that members of the protected group were indeed killed in Bosnia and Herzegovina." There is no universally-accepted barometer of how many deaths constitutes a genocide. The number of Rohingyas killed, put at 10,000 by Schabas, is significant because according to the UN, it was achieved in 20 days and this number of Rohingyas killed is not disputed by Myanmar.

[Compiled by Zyma Islam, Osama Rahman and Maliha Khan]

Defiant Suu Kyi in denial

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genocide by a UN fact-finding commission.

The ICJ case is the first international legal attempt to hold Myanmar accountable for the Rohingya crisis. Based in The Hague, the 17 judges of the ICJ are tasked in part with settling legal disputes between states.

Suu Kyi is leading a delegation representing Myanmar at the ICJ responding to allegations brought by the tiny African nation of Gambia that Myanmar, also known as Burma, committed "genocidal acts" that "were intended to destroy the Rohingya as a group" through mass murder, rape, and destruction of communities.

Her main argument rested on the premise that the country was dealing with an armed conflict in Rakhine that was challenging the "sovereignty and security of Myanmar."

Myanmar defence forces were responding to "coordinated and targeted" attacks on villages and police outposts from a Rohingya insurgent group called the Arakan Rohingya Salvation Army (ARSA), she said.

She characterised those "clearance operations" by the military as legitimate counter terror operations against the ARSA.

However, Suu Kyi did not address the alleged atrocities laid out by the Gambian delegation in the opening hearings on Tuesday, admitting only that "disproportionate force" could not be ruled out in some cases, or that the military "didn't distinguish clearly enough between ARSA fighters and civilians."

Suu Kyi also told the court that Myanmar's own independent investigators had the capacity to investigate and if war crimes or human rights abuses were committed by the military or civilians, "they will be prosecuted."

Only seven soldiers have ever been prosecuted on charges relating to the Rohingya crisis. They served less than one year of a ten-year sentence for the killing of 10 Rohingya men and boys in the village of Inn Din.

"Can there be genocidal intent on the part of the state that actively investigates?" she asked.

Following the presentation, the Global Justice Centre said the picture Suu Kyi built up of an "internal military conflict with no genocidal intent" was "completely false."

"Multiple independent agencies and experts, as well as Rohingya themselves, have documented mass killings, widespread rape, and wholesale destruction of land and property intentionally inflicted on innocent civilians. The government has discriminated against the Rohingya for decades. This is genocide and it's precisely what the Genocide Convention set out to prevent," Akila Radhakrishnan, Global Justice Centre president, said in a statement.

Many in the international community have questioned how a Nobel laureate renowned for fighting for democracy and human rights is now justifying her government's persecution of the Muslim minority.

Yanghee Lee, the UN Special Rapporteur on human rights in Myanmar, told CNN before the hearings yesterday that ever since Suu Kyi's party the National League for Democracy came to power after winning landslide elections in 2015, she has been "singing from a different song sheet."

'A GREAT LIAR'

The case is being followed closely across Rakhine State's border in Bangladesh, where more than 1 million Rohingyas are now crowded into the world's biggest refugee camp.

Yesterday, some refugees shouted "liar, liar, shame!", as they watched Suu Kyi defend Myanmar's case on television, reports Reuters.

"She is a liar. A great liar, shame on her," said Abdur Rahim, 52, while watching a live telecast of her testimony at a community centre in the Kutupalong camp.

Meanwhile, in Myanmar's commercial capital Yangon, where there have been demonstrations in support of Suu Kyi in recent days, several hundred people, including monks and government staff, watched a live broadcast of the hearings in a park. Some recorded her comments on their phones.

Suu Kyi was on the side of the generals when she opened the majority-Buddhist nation's defence at the ICJ.

"Regrettably, The Gambia has placed before the court a misleading and incomplete picture of the situation in Rakhine state," said the Myanmar leader, wearing traditional Burmese dress and flowers in her hair.

Addressing judges in the wood-paneled courtroom, the 74-year-old said Myanmar was dealing with an "internal armed conflict" in the southwestern state where the alleged atrocities took place.

"We are dealing with an internal armed conflict, started by coordinated and comprehensive attacks by the Arakan Rohingya Salvation Army, to which Myanmar's defence services responded," she told the court.

"Tragically, this armed conflict led to the exodus of several hundred



thousand Muslims from the three northernmost townships of Rakhine into Bangladesh -- just as the armed conflict in Croatia with which the court had to deal led to the massive exodus of first ethnic Croats and later ethnic Serbs."

Under the rules of the ICJ, member states can initiate actions against fellow member states over disputes alleging breaches of international law -- in this case, the 1948 convention on the prevention and punishment of the crime of genocide.

Suu Kyi disputed the genocide convention as a basis for the case and asserted in court that the principle of international law is that it should compliment domestic justice.

She said if war crimes or human rights violations had been committed

they would be dealt with by Myanmar's justice system, adding that in one case soldiers had been punished for the execution of civilians.

"There will be no tolerance of human rights violations in Rakhine or elsewhere in Myanmar," she said. "No stone has been left unturned to make domestic accountability work..."

"Please bear in mind this complex situation and the challenge to sovereignty and security in our country when you are assessing the intent of those who attempted to deal with the rebellion."

"Surely under the circumstances genocidal intent cannot be the only hypothesis."

One of the lawyers representing Myanmar, Prof William Schabas of Middlesex University, said the Gambia had not addressed an intent to conduct genocide or stated the number of victims, writes The Guardian.

UN investigators last year concluded that Myanmar's treatment of the Rohingya amounted to genocide while rights groups have detailed a catalogue of alleged abuses.

The Gambia filed an application in November accusing Myanmar of breaching the 1948 genocide convention and asking the court to take emergency measures to stop further violence.

A day after sitting through hours of graphic accounts of violence read out by The Gambia's lawyers, Suu Kyi admitted there may have been civilian casualties including some killed when a helicopter opened fire.

But she argued these were an inevitable part of the conflict.

Myanmar was undertaking its own investigations and "if war crimes have been committed", then its justice system would deal with them, she added.

Suu Kyi said the court, set up in 1946 to rule on disputes between member states, had not confirmed genocide in cases of mass expulsions of civilians in the 1990s Balkans war.

Lawyers for Myanmar also zeroed in on what they said was the lack of proof of "genocidal intent", which is notoriously difficult to prove in international law.

It all started ages ago

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Faiz Ahmad.

He said this in regards to the arguments presented by Myanmar State Counsellor Aung San Suu Kyi and other lawyers on the second day of the hearing at the International Court of Justice (ICJ) at The Hague.

The Gambia, which filed a lawsuit against Myanmar, accusing it of genocide against the Rohingya on November 11, presented its arguments on Tuesday.

Yesterday was Myanmar presented its defence, the salient features of which were that Myanmar military's attack on August 25 in 2017 was a response to the attacks by the Arakan Rohingya Salvation Army (ARSA) and that there was no sign of ongoing genocide in Rakhine.

Suu Kyi said the Gambia had not taken into account the ongoing internal armed conflict between the Arakan Army and the Myanmar military.

She said that Myanmar had taken a number of initiatives for establishing harmony, peace and development in Rakhine state.

Munshi Faiz, chairman of the Bangladesh Institute of International and Strategic Studies (BIISS), said even if the incidents since August, 2017 are considered, there are a lot of questions over those.

He then posed some of the more pressing questions.

"Myanmar army was mobilised in Rakhine in high numbers for some five months before the August attack by ARSA. Many think it was a staged drama," he told The Daily Star over phone.

The Rohingyas have been living in Rakhine for generations. They were citizens and had all rights before 1982. In that year, the citizenship bill came into effect. It robbed the Rohingyas of their legal rights as citizens and took away their citizenship.

Restrictions on freedom of movement, denial of basic rights, including education, health, marriage, birth, Rohingya ethnicity -- all were aimed at eliminating the Muslim group, he said.

These all came to the fore after the new citizenship bill was introduced.

"The denial by Myanmar lawyers that there is no ongoing genocide against the Rohingya in Rakhine now is also a lie," Faiz said.

He added that Rohingyas are still denied citizenship, their movements are restricted and their ethnicity is not recognised.

Myanmar has deliberately promoted the racial narratives that caused religious and ethnic conflicts, Munshi Faiz Ahmad said.

There comes an obvious question as to why there is now an armed conflict and that is because Myanmar is a state that is oppressive towards its

ethnic groups. Rohingyas are the worst victims of it, he said.

Prof Imtiaz Ahmed, director at the Centre for Genocide Studies at Dhaka University, said Myanmar made no mention of the rapes by the Myanmar army though it was an important element of genocide.

"They focused only on the incidents of 2016 and 2017, but not the slow genocide that has been happening since 1948," he told The Daily Star over phone from The Hague, where he is attending the ICJ hearing.

If there is no violation of Rohingya rights now, why is Myanmar not allowing independent journalists, UN investigators and UN's Special Rapporteur Yanghee Lee to visit the Rakhine State, he added.

Forty Rights Senior Human Rights Researcher John Quinley said they have documented how the Myanmar government is trying to erase the Rohingya.

"There is an ongoing genocide in Myanmar...there is an urgent need for provisional measures," he told The Daily Star over phone from Malaysia.

Barrister Sara Hossain said it was very disturbing to see how Suu Kyi, once an icon of democracy and human rights, was denying the serious forms of human rights violation of the Rohingyas.

Momen bins Amit's allegations

BSS, Dhaka

Foreign Minister AK Abdul Momen yesterday ruled out the allegations raised in Indian parliament that Bangladeshi minority communities were being tortured and feared the neighbouring country's new citizenship law could rather affect its historic character as a secular nation.

"It's not true that torture on minority is taking place in Bangladesh," he told reporters as approached for comments on the allegations made by the Indian Union Home Minister Amit Shah in Lok Sabha, the lower house of Indian parliament.

"Whoever gave them the information, it is not correct," he added.

The foreign minister simultaneously added that the "Citizenship Amendment Bill, 2019" passed two days ago in Lok Sabha and could weaken the country's "historic position" as a tolerant and secular country.

"India is historically a tolerant country which believes in secularism... their historic position will be weakened if they deviated from that," Momen said emerging from back to back meetings with Japanese ambassador and US ambassadors in Dhaka Ito Naoki and Earl R Miller.

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