

## Bangladesh and war crimes

# Blighted at birth

### The odds are still stacked against an effective tribunal

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How they dealt with collaborators in 1971

NEARLY 40 years after perhaps 3m people died in Bangladesh's war of secession from Pakistan, the government insists retribution is looming for those guilty of war crimes. Three months ago the government, led by the Awami League, of Sheikh Hasina, the prime minister, set up a war-crimes tribunal to try alleged perpetrators. This was one of the League's main promises in the campaign for the election that it won in a landslide in December 2008. Many Bangladeshis, however, still doubt that the promise will be kept.

Bangladesh, formerly East Pakistan, became independent in December 1971 after a nine-month war against West Pakistan. The West's army had the support of many of East Pakistan's Islamist parties. They included Jamaat-e-Islami, still Bangladesh's largest Islamist party, which has a student wing that manned a pro-army paramilitary body, called Al Badr. It is these collaborators the government wants to try, not the main culprits in the former West Pakistan army.

As far as the League and many citizens are concerned, this is a simple matter of validating the historical truth, which included appalling massacres and a concerted drive to wipe out the new nation's intelligentsia. In 1995 a self-appointed panel of eminent citizens, co-ordinated by the current law minister, Shafique Ahmed, compiled "evidence" on individuals they accused of war crimes. The list includes many of the most senior figures in Jamaat-e-Islami. So far, no one has been charged, but the government has banned roughly 50 suspects from leaving the country. This week three senior Jamaat leaders were arrested on unrelated charges. To the opposition this smacked of petty harassment.

The United Nations and Western governments are wary of lending support to a tribunal unless it conforms to international standards of due process. But without foreign funds and technical support, those standards are unlikely to be met. Technical disputes over the process, however, mask a more fundamental worry: that in hunting those with four-decade-old blood on their hands, Sheikh Hasina is conveniently hounding her enemies. If the trials confirm the conclusions of the 1995 inquiry, the outcome might conceivably be the execution of nearly all of Jamaat's leaders.

Posing perhaps an even bigger obstacle than Western scruples is Saudi Arabia, which sells its oil to Bangladesh at subsidised prices and employs more than 2m of its citizens. It is concerned about plans to reinstate the country's 1972 constitution, with four "pillars" that include secularism (the others are nationalism, socialism and democracy). Saudi Arabia recognised Bangladesh as an independent country a few months after the assassination in 1975 of the country's first prime minister, Sheikh Hasina's father, Sheikh Mujibur Rahman. That paved the way for a return of religion-based parties, banned by the 1972 constitution. So reinstating and enforcing that original constitution might amount to an outright ban on Jamaat, the standard-bearer in Bangladesh for a conservative strain of Islam, and a staunch Saudi ally.

As for war-crimes trials, Mr Ahmed says Saudi Arabia has given the "green light". Indeed, it has denied allegations that it opposes them. But the number of Bangladeshis taking up jobs in Saudi Arabia has dropped to under 800 a month, down from an average of 11,000 in 2008 and 17,000 in 2007. Not everyone blames the economic downturn.

Asia

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