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Bangladesh

Ever murkier

Nov 19th 2012, 15:26 by T.J.

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WHAT explains the apparent abduction of a defence witness, just before he was to testify at Bangladesh's International War Crimes Tribunal in Dhaka? Shukho Ranjon Bali was bundled away at the very gates of the tribunal, a domestic court that is charged with bringing to justice some of those accused of killing huge numbers (the government claims as many as 3m) of people in the bloody 1971 war of secession from Pakistan.

Mr Bali was snatched as the defence team and its witness arrived at the tribunal on November 5th. They were ordered from their car and told to identify themselves. Hasanul Banna Sohag, a defence lawyer, says one of four men, who claimed to be from the police Detective Branch, "snatched [Mr] Bali from my hand" and forced him inside a white police van, which then drove off.

The witness was to have spoken in the case of Delwar Hossain Sayedee, the prosecution's strongest. Mr Sayedee is one of seven leading figures of Jamaat-e-Islami (Bangladesh's biggest Islamic party) who is on trial. He is charged with crimes against humanity, genocide, murder, religious persecution and 16 other counts. He pleads not guilty. Mr Bali was originally a prosecution witness but he never appeared in court to testify to what he is alleged to have told investigating officers that he saw: the killing of his brother on the orders of Mr Sayedee in 1971.

Instead, says a defence lawyer, Mr Bali was going to tell the court that Pakistani army officers killed his brother and Mr Sayedee was not involved. It is not the only allegation of forced testimony: Tajul Islam, a defence lawyer, asserts that the prosecution has adopted a deliberate strategy of not producing witnesses so that their written rather oral testimony in court can be allowed as evidence. "They abducted him because this government plans to hang Mr Sayedee", claims Mr Islam. On November 14th the prosecution called for the defendant to receive the death sentence.

One might have expected that elected political figures, who have been the driving force behind the trial, would now be determined to show that the legal process is not becoming a travesty. Yet the official response to a daylight abduction of a witness is hard to fathom. The tribunal meekly asked the prosecution to "look into the matter", which found that the story of an abduction had been fabricated. The police refused to file a complaint. On November 11th, Bangladesh's attorney-general testified before the High Court on a writ habeas corpus that the abduction claim had been fabricated by the defence to bring the tribunal into disrepute.

None of this brings confidence that the trial is being conducted to the highest standards. Even observers who have long insisted that there is merit in the process now see a rush to get the trial finished. The goal may be to wrap up before a general election that is expected in a little over a year. An indication of this is the tribunal's decision to limit the number of defence witnesses. In Mr Sayedee's case 28 of 46 witnesses were not allowed to give testimony. The court limited the number of witnesses to 12 in the case of Ghulam Azam—the head of the Jamaat in 1971, who is accused of having created pro-Pakistan death squads. Such squads carried out many killings and rapes during the nine-month war that pitted Bengali-dominated East Pakistan against West Pakistan.

The trial was always going to be awkward, and the defence's tactics, for example submitting a list of 2,000 defence witnesses in the case of Mr Azam, have not always helped. The greatest problem, however, is that the main perpetrators, former Western Pakistani officers, are not in the courtroom but in Pakistan. This month Bangladesh demanded an apology from Pakistan for war crimes committed by its army, but as usual Pakistan's government refused. Perhaps as a result, Bangladesh's prime minister, Sheikh Hasina, has spurned an invitation to visit Islamabad, Pakistan's capital.

(Photo credit: AFP)

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