



Leaders

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Justice in Bangladesh

Another kind of crime

Bangladesh's war-crimes tribunal is sullyng its judicial and political systems

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IN 1961 Israel kidnapped Adolf Eichmann from Argentina and put him on trial for crimes committed 20 years earlier. Eichmann had been secretary at the Nazis' Wannsee conference that led to the Holocaust. His trial in Jerusalem was a model of meticulous process. The prosecutor was Israel's attorney-general; the defence lawyer, a leading German attorney; the proceedings were broadcast. They were everything the Holocaust was not: open, subject to evidence and challenge, and legal.

Now consider the trials under way at the International Crimes Tribunal in Dhaka, the capital of Bangladesh. There too, men are being tried for dreadful crimes committed many years ago, in this case in 1971, during Bangladesh's war of independence from Pakistan. The defendants have been accused of genocide, mass murder, mass rape and attempting to exterminate whole groups of people. But their trials have fallen a long way short of Israel's model of due process.

The government has interfered in the court's deliberations. Public discussion of the proceedings has been restricted. The number of defence witnesses was curtailed.

On 19 March 2013, the International Crimes Tribunal in Dhaka, Bangladesh, announced the conviction of 11

One was even kidnapped on the steps of the court. In one case, the presiding judge resigned and the death sentence was handed down by three men who had not heard all the witnesses. In another, the defendant was represented by a lawyer who did not have nearly enough time to prepare a case. That also ended in a death sentence. These are profound judicial failings, falling short not only of the standards of the Eichmann trial but also of the requirements of Bangladeshi law. They contradict repeated government assurances that the trials would be models of judicial process.

The ostensible and laudable aim of these trials was to help Bangladesh come to terms with its past by bringing to justice those responsible for the crimes that marred the nation's birth. By this measure, the trials have been an utter failure. Because most of the accused are linked to Jamaat-e-Islami, an Islamist group allied to the main opposition party, the court process has become enmeshed within the country's internecine politics. Jamaat thugs with home-made bombs have gone on the rampage; police have fought running battles with mobs; dozens have died. Bangladesh is descending into a spiral of intolerance. The government talks of banning Jamaat; the opposition is becoming more aggressively Islamist; rumours are spreading that an election due this year may be postponed.

The poisoned well

Sadly, most Bangladeshis are cheering on the tribunal's flawed proceedings. When the court passed a life sentence (rather than a death sentence), the crowds that gathered to protest against this leniency were the biggest that had been seen in Dhaka for 20 years. Now the government wants to rewrite the law to allow death sentences to be applied retrospectively. Few seem to care a jot for due process; rather, everybody thinks that the defendants are getting their just deserts.

The Economist has no sympathy for the views of Jamaat or its backers. But justice does not exist solely for those with a particular approved outlook. As the Eichmann trial demonstrated, due process is essential to provide true justice to the victims of genocide. Eventually Bangladeshis will also come to recognise this and demand a proper accounting. But by then it will be too late. The war-crimes tribunal is poisoning the well from which Bangladesh will one day want to drink.

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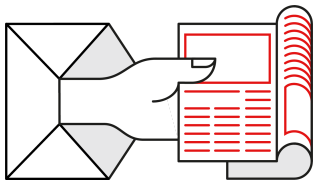
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