

ICTB and violations of Right to Fair Trial a comparative study

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ABSTRACT

Right to a fair trial is recognized internationally as a fundamental human right and countries are bound to respect it. Therefore the war crime tribunals of former Yugoslavia (ICTY) and Rwanda (ICTR) fully accepted the fair trial right and with the mandate of United Nations, incorporated it in their statutes as a guarantee against the unlawful actions. While the domestic war crime tribunal of Bangladesh (ICTB) follows its own special procedures and rules, which is lacking the fair trial guarantees to ensure a free and fair trial. In terms of rights ensuring fair trial guarantees, procedure, statutes and working, there are huge differences found between the ICTB and the other two internationally recognized tribunals (ICTY & ICTR). The ICTY and ICTR appear more transparent and fair than the ICTB. The ICTB has repeatedly deviated from the recognized judicial norms and principal of fair trial. Moreover, non-compliance with the ICCPR, violations of the domestic laws of the country and the revealed Skype scandal makes the tribunal (ICTB) illegal.

INTRODUCTION

After the creation of Bangladesh, the first government of Bangladesh, headed by Sheikh MujiburRahman, issued a law to try war crimes¹, and accordingly a list of suspected war criminals was prepared.

The list contained 195 Pakistani soldiers and there were no civilians among those accused of war crimes. Another law was issued to try Bangladeshis who collaborated with the Pakistan army². Under this law, more than 100,000 people were arrested but were later released due to a public amnesty announced by Sheikh Mujibur Rahman³. Zulfikar Ali Bhutto⁴ who came to power in West Pakistan managed to secure the release of the Pakistani soldiers, taken as prisoners of war by India, following his negotiations with the Indian Prime Minister Indira Gandhi. There were some suspected war criminals among these soldiers. With this, the trials of war crimes suspects seemed to come to an end. However, 40 years after the creation of Bangladesh and the general amnesty declared by Sheikh MujiburRahman with his famous saying "I want the world to know that Bangladeshis can forgive and forget"⁵, his party, the Awami League, which came to into power by winning the second last elections⁶, had restored the law aimed at trial of those who were suspected of committing war crimes under the International Crimes Tribunal Bangladesh (ICTB). This was not done with the purpose of putting on trial the Pakistani troops suspected of committing war crimes, but rather was aimed at investigation of the political rivals of the Awami League and even those who were not earlier accused of war crimes.

First part of this research will compare the International crimes tribunal Bangladesh (ICTB) with the International crimes tribunal of former Yugoslavia (ICTY) and the International crimes tribunal Rwanda (ICTR) in terms of fair trial guarantees. Second part of the study will analyze the allegations imposed on ICTB regarding the adopted procedure and fair trial violations.

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appropriateness and ads effectiveness do matter to employees where ads accuracy does not show any significant relationship with advertisements related employee's attitudes which might be the cause of culture prevailing in the country as employees may have perception that it's just marketing and slight exaggeration in figures or information is normal to attract customers but there is no compromise on values depicted in the advertisement. Management can use effective advertising as a tool to increase its employee's performance as well as its customer base.

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Dependent Variable: EP

Method: Least Squares

Included observations: 360

Variable	Coefficient	Std. Error	t-Statistic	Prob.
C	1.226375	0.138788	8.836330	0.0000
ARA	0.497787	0.061730	8.063881	0.0000

Analysis

Above table shows that there is positive and significant relation between Employee performance and Advertisements related employee's attitudes as t-statistic value is greater than 3 which also supports research hypothesis H5 and our conceptual model.

Dependent Variable: ARA

Method: Least Squares

Included observations: 360

Variable	Coefficient	Std. Error	t-Statistic	Prob.
C	0.865001	0.116499	7.424959	0.0000
APP	0.206532	0.039228	5.264932	0.0000
ACC	0.051711	0.037760	1.369450	0.1717
EFF	0.349134	0.043121	8.096602	0.0000
R-squared	0.297560	Mean dependent var		2.177722
Adjusted R-squared	0.291641	S.D. dependent var		0.559638
S.E. of regression	0.471014	Akaike info criterion		1.343190
Sum squared resid	78.98004	Schwarz criterion		1.386369
Log likelihood	-237.7743	Hannan-Quinn criter.		1.360359
F-statistic	50.26832	Durbin-Watson stat		1.944266
Prob(F-statistic)	0.000000			

Analysis

Above table shows significant and positive relation of Advertisements related employee's attitudes with advertisement appropriateness and advertisement effectiveness which supports our study hypothesis H4a and H4c where advertisement accuracy has insignificant relation with Advertisements related employee's attitudes. The value of Adjusted R-sqaure is .291, which shows the 29.1% variation on dependent variable which is "Advertisements related employee's attitudes" is explained due to change in independent variable "advertisement appropriateness, advertisement accuracy and advertisement effectiveness".

5.0 Conclusion

The findings of the study help to explore the relationship between advertising of the organization and performance of its employees. Results show that organizational advertising do effect employee's performance as ads

Dependent Variable: EFF

Method: Least Squares

Included observations: 360

Variable	Coefficient	Std. Error	t-Statistic	Prob.
C	1.647218	0.094778	17.37983	0.0000
APP	0.210437	0.040902	5.144946	0.0000

Dependent Variable: EFF

Method: Least Squares

Included observations: 360

Variable	Coefficient	Std. Error	t-Statistic	Prob.
C	1.890559	0.104173	18.14824	0.0000
ACC	0.091737	0.041719	2.198926	0.0285

Analysis

Above tables show that there is significant and positive relation between advertisement effectiveness and advertisement appropriateness, there is also positive and significant relationship between advertisement effectiveness and advertisement accuracy which also supports our hypothesis H2a and H2b.

Dependent Variable: ARA

Method: Two-Stage Least Squares

Included observations: 360

Instrument specification: APP ACC EFF OI

Variable	Coefficient	Std. Error	t-Statistic	Prob.
C	1.321328	0.096700	13.66422	0.0000
OI	0.397041	0.043108	9.210366	0.0000

R-squared	0.191565	Mean dependent var	2.177722
Adjusted R-squared	0.189307	S.D. dependent var	0.559638
S.E. of regression	0.503889	Sum squared resid	90.89780
F-statistic	84.83084	Durbin-Watson stat	1.862679
Prob(F-statistic)	0.000000	Second-Stage SSR	90.89780
J-statistic	71.83980	Instrument rank	5
Prob(J-statistic)	0.000000		

Analysis

Above table shows that there is significant and positive relation between advertisements related employee's attitudes and organizational identification where advertisement appropriateness, advertisement accuracy and advertisement effectiveness are mediators. This supports our study hypothesis H3 and our conceptual model.

**Table 4.1 Cronbach's Alpha
Reliability Statistics**

Cronbach's Alpha	N of Items
.809	26

Analysis

The Cronbach's Alpha data reliability table shows that data is reliable and good for the use in study as Cronbach's Alpha is ".809" in our study where the threshold value of data shows that it must be more than 0.5 to be considered as valid.

4.2 Analysis of Regression

Regression

Dependent Variable: ACC

Method: Least Squares

Included observations: 360

Variable	Coefficient	Std. Error	t-Statistic	Prob.
C	1.883776	0.141876	13.27764	0.0000
OI	0.230741	0.063247	3.648257	0.0003

Dependent Variable: APP

Method: Least Squares

Included observations: 360

Variable	Coefficient	Std. Error	t-Statistic	Prob.
C	1.572476	0.139026	11.31062	0.0000
OI	0.288395	0.061977	4.653270	0.0000

Dependent Variable: EFF

Method: Least Squares

Included observations: 360

Variable	Coefficient	Std. Error	t-Statistic	Prob.
C	1.303486	0.105941	12.30389	0.0000
OI	0.373464	0.047228	7.907754	0.0000

Analysis

Above tables show that there is significant and positive relation between organizational identification and ads accuracy, appropriateness and ads effectiveness as t-statistic values of Organizational identification is above 3 in all tables which supports hypothesis H1a , H1b, H1c.

AGE

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 20-30 years	236	65.6	65.6	65.6
31-40 years	83	23.1	23.1	88.6
41-50 years	32	8.9	8.9	97.5
51 years & above	9	2.5	2.5	100.0
Total	360	100.0	100.0	

Analysis

The frequency of Age depicts that majority of participants age is 20-30 years which is 65.6 percent of total participants where as participant with the age of 51 and above are few which is 2.5 percent.

EXPERIENCE

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1 year	77	21.4	21.4	21.4
2 years	101	28.1	28.1	49.4
3 years	57	15.8	15.8	65.3
4 years	41	11.4	11.4	76.7
5 years & above	84	23.3	23.3	100.0
Total	360	100.0	100.0	

Analysis

The frequency of Experience depicts that majority of participants have two years experience with current organization which is 28.1 percent of total participants where as participant with the experience of 5 years and above is second largest which is 23.3 percent .

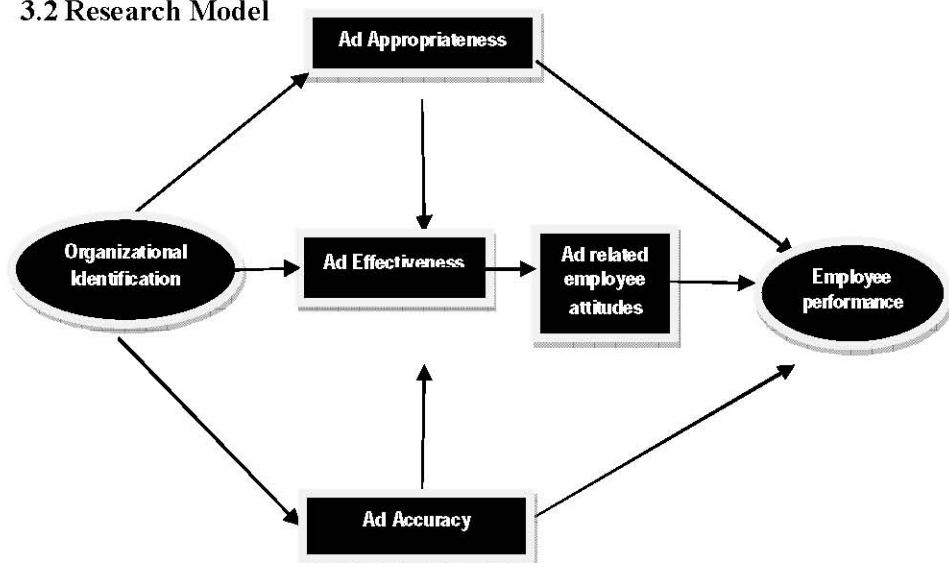
SEGMENT

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Business	176	48.9	48.9	48.9
Support	184	51.1	51.1	100.0
Total	360	100.0	100.0	100.0

Analysis

The frequency in segment depicts that, 184 participants belong to support segment and rest of 176 belongs to business.

3.2 Research Model



4.0 Analysis of Results

Analysis of results mentioned in this section obtained by putting the data of questionnaire in EViews 7. By analyzing these tables we have seen the outcome of our study and interpreted its results.

Statistics

		GENDER	AGE	EXPERIENCE	SEGMENT
N	Valid	360	360	360	360
	Missing	0	0	0	0

Analysis

The statistics table indicates that there is a data conducted from 360 people and no data is missing.

Table 4.0 Frequencies Statistics

GENDER

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid MALE	285	79.2	79.2	79.2
FEMALE	75	20.8	20.8	100.0
Total	360	100.0	100.0	

Analysis

The frequency in gender depicts that, 285 males and 75 females took part in filling the questionnaire.

effectiveness) where (Advertisement related employees attitude) play a role of mediating variable. Through quantitative research approach, researcher is able to apply the statistical technique and analyze the result.

The researcher used explanatory research to examine the relationship between dependent and independent variable. Explanatory research helps to identify why certain action happens. It will also help to present new theories and prediction. The research design is co-relational research, because researcher wants to check the relationship between the variables and also wants to check its impact. Primary data is collected through questionnaire from the employees of several companies which do have advertisement of their product and services (including different banks and mobile companies) situated in Karachi. The instrument used in this research is self developed questionnaire.

The population targeted in this research are employees' of Mobilink, Telenor, Warid, Ufone, Zong, KASB Bank, Silk Bank, Bank Alfalah, Habib Bank, Bank Al Habib, MCB Bank, Allied Bank, Faysal Bank, Tameer Bank, Dollar Industries, Shan foods and National foods. The sample size used in this research is 360.

The statistical technique used in this research is frequency statistics, descriptive statistics, multiple linear regressions two stage least square method. The data is collected through questionnaire and analyzed it with Likert scale (1 to 5). 1= strongly Agree and 5= strongly disagree.

3.1 Research Hypothesis

H1a: Organizational Identification has impact on Employees to perceive that organization advertising is accurate.

H1b: Organizational Identification has impact on Employees to perceive that organization advertising is appropriate.

H1c: Organizational Identification has impact on Employees to perceive that organization advertising is effective.

H2a: Advertising appropriateness has impact on Advertising effectiveness.

H2b: Advertising accuracy has impact on Advertising effectiveness.

H3: Organizational Identification has impact on employees' advertisement related attitudes

H4a: Advertising appropriateness has impact on employees' advertisement related attitudes.

H4b: Advertising accuracy has impact on employees' advertisement related attitudes.

H4c: Advertising effectiveness has impact on employees' advertisement related attitudes.

H5: Employees' advertisement related attitudes have impact on employees' performance.