

EC's Credibility

There are many casualties of the extremely flawed election of 15 February. Of them, the one which is most tragic and of long standing impact is the loss of credibility of the Election Commission itself. EC's fundamental mistake was to go ahead with an election boycotted by all the major opposition parties. However the legal point of Constitutional obligation of the EC did carry a lot of weight, and in spite of grave reservations on our part, we did understand the necessity of holding the election to guarantee constitutional continuity. What, however, we cannot understand is the business as usual attitude of the EC after the elections, as if no questions have been raised about it. We know for a fact that hundreds of polling officials refused to perform their election duties because they feared for their security. Who performed the duties on their behalf? There were newspaper photographs of open vote stamping. All newspapers, including this one, reported that in most instances no polling agent of any other contestant, except of the ruling party, was present during casting of votes and later, during counting. The CEC himself, in a post election comment to the press said that turn-out has been very low because of the halt by the opposition. On another occasion he said he would investigate all cases of unusually high turn-out. This decision was rescinded soon after, without a reasonable explanation, greatly damaging EC prestige.

The argument that EC can act only if there is a written complaint about some irregularity sounds like a desperate attempt to shrug off the obvious responsibility of looking into the election process about which there exists serious doubt in the public mind. Level of turn-out in an election is not EC's job. But if a participating party attempts to affect it, rendering the election process questionable, then it becomes EC's job to do everything in its power to remove every shred of public doubt.

Now comes the question of gazette notification. Comments to the press by high level EC officials — on lingering doubts about authenticity of the election, and especially about how many results have been finalised and about the total number of votes cast in many constituencies — lead us to suggest that EC had better taken some more time to complete the process before going in print.

The CEC must wake up to the reality around him and face the fact that both nationally and internationally the election he has just conducted has been found wanting in every respect, greatly harming the honour and the exalted status of the prestigious body he heads.

Stop It, Here and Now

Government yesterday arrested Matiya Choudhury in an action never before witnessed in the volatile history of Bangladesh. Two other woman political activists — one of them a DCC commissioner, were arrested in the same manner — by unseemly application of force.

Later in the evening police mounted raids on the residences of opposition leaders and could nab only Moudud Ahmed, Mohammad Nasim and Anwar Hossain Monju. Other leaders kept away from their residences and could not be touched last night.

What is their big idea behind these most unwarranted and almost suicidal action? Isn't the Prime Minister still maintaining a posture of sending overtures to the opposition and trying to persuade them to devise ways to get the nation out of the morass. Is this the way she proposes to go about her business? Unless she withdraws from such a course forthwith and with express thoughts congenial for creating a climate for a dialogue — which should include a realistic appraisal of the conduct of the election — she stands dangerously to lose the trust the nation reposed in her sincerity in her moves during the run-up to the election.

There is a very positive hope that some kind of mechanism would be devised by all to get the new Parliament to pass a constitutional amendment permitting a fresh election to be held under a caretaker government. The police action against political activists — including some of the very highest leaders, is sure to belie such hopes and disenchant a whole range of responsible people. As we see it, there is nothing to be gained by arresting opposition leaders, and as such BNP should stop such actions, here and now.

Let Us Resist an Obituary

In these columns this journal has tried to record our as also the society's appreciation of the life and work of remarkable persons of home and abroad on the occasion of death. We are well aware that in great many cases of our eminent ones' death, something better could be done than a late lament, something that could recede further the occasion for the lamentation.

Such is the case with Rani Sarkar, who had hardly been better in this generation in histrionic power or even sheer cinematic presence. In a feature on the pages of a national daily she appeared yesterday in a pensive mood, devoid of poses but exuding a pathos born of feeling that life was all regrets for her. The sylvan background to the portrait was superimprinted with the words: She has acted in about 300 films in all. Now she is bedridden. She is now a paraplegic. She walks with the help of crutches.

Some two years back in a road accident her left foot was fractured. Untreated, it became malformed, making her unable to walk normally. She has been told that some orthopaedic surgical intervention, costing around Tk 50,000, may still set her foot right. And then she can again take up her acting life actively. Unbelievably this small amount has eluded her in spite of her being a most known and one of the best liked actresses of our films.

We appeal to all, specially our readers, to come to her help, which is indeed helping ourselves — our art and our values.

Why the World Needs Both the White Knight and the Excalibur

Richard Halbrooke wants to go. Nobody is indispensable; so one would say, is Richard Halbrooke. Didn't Clemenceau say, "The graveyards of the world are full of indispensables." But wait a moment: the present-day white knight is still needed by the world — and his sword Excalibur.

RICHARD Halbrooke, the architect of the Dayton Peace Accord is in a hurry. He wants to go back to private life and have more time with his family. He, therefore, called all three protagonists of Bosnia, Croatia and Serbia Montenegro to Rome on 18 and 19 February to give them his last salute.

A diplomat par excellence, and quintessentially American, Richard Halbrooke, with a healthy mix of the old diplomacy of the continent, the realist approach wedded to the general principles of the idealists, an American virtue, made the three Balkan leaders give fresh commitment towards the Dayton Peace Agreement.

While the European leaders, were more concerned with domestic issues, imminent elections in some countries and the ghost of Maastricht transfixing the others, Richard Halbrooke had to apply fresh imprimatur of the American political will to the Dayton Peace Accord.

Halbrooke, termed by many as the modern-day white knight, displayed equal determination in telling his supreme commander that he will go. One cannot perhaps blame him for his desire to call it a day. But his imprint on the Bosnian Peace Accord is already a part of historic achievement. The flip-flop approach, sometimes hesitancy, sometimes distracting by Secretary Cyrus Vance and the British doctor-turned-diplomat Lord Owen, more widely known for his poppinay diplomacy, failed to lend the kind of momentum needed to convince the Bosnian Serb leaders that in the long run accommodation was more to their interest than aggressive and irredentist behaviours. These vacillating peace moves were thus doomed to failure from the very beginning; they looked like more to appease the aggressors than giving them a blunt warning about the consequences of war-mongering. In the worst days of the Bosnian crisis, with the UN

Security Council taking a rather hollower-than-thou attitude, one could hardly recall Lord Halifax' outburst on the Czechs — "His majesty's government cannot undertake a guarantee which would oblige them to go to the assistance of Czechoslovakia in circumstances in which effective help could not be rendered!"

Excepting Mr Bonnet, the French Foreign Minister, others were rewarded! Daladier was vindicated by the French parliament, even Chamberlain was eulogised for a while and Halifax was sent to Washington as ambassador(!) while the rape of Czechoslovakia was complete and Hitler's dream of Lebensraum was going on at breakneck speed. It was Churchill, and later the Americans who had to put their heads together to call Hitler's bluff. But the world, by then, had witnessed one of history's worst tragedies: six million Jews in the Nazi gas chambers, over twenty million Russians, and millions of others were sacrificed at the altar of Hitler's greed and lust.

In Bosnia-Herzegovina too, one end-of-century's worst crimes were perpetrated, mostly by militarily powerful Bosnian Serbs on the relatively weak and ill-armed Bosnian Muslims and Croats. Richard Halbrooke, therefore, appeared on the scene, with a clear message to the aggressors, Karadzic-Mladic duo, that they cannot repeat what the Nazis did. When they balked, Halbrooke called the bluff of the Balkan aggressors with NATO warplanes as Hitler was eventually stopped by the Allied war machine. Strange justice, but the eye-for-an-eye philosophy of Hammurabi's tablets still works in a world we call civilized. But that is the reality. The strange trait of

human character, which Bertrand Russell termed as "pugnacity," if left unrestrained, causes man to be a society as much as in a country.

The Rome encounter on 18 and 19 February was important for two reasons: one, telling the world that the strong needs to be restrained as the weak needs to be supported — look up the Charter of the United Nations. Doesn't Article 1 of the Charter categorically state: "To maintain international peace and security, and to that end, to take effective

measures, but more important, building confidence, the War Crimes Tribunal at the Hague must continue in pursuing its objective. That is: punishment of those who committed crimes against humanity, no matter how powerful and mighty they are. Justice Richard Gladstone's work is therefore more difficult than Henry-Stimson's and Justice Jackson's, his counterparts in Nuremberg. But he can do it because the world is with him.

Two important developments, largely unnoticed

Criminal Law. Bangladesh tragedy of 1971 provided a fit case of accountability through a tribunal.

As current president of the European Union, Foreign Minister Susanna Agnelli of Italy, herself representing the great values of the old continent, gave a good start. The fragile peace in Bosnia was given another shot in the arm in the presence of the architect of the peace accord. They all renewed their commitments but they need to be told that they must honour their commitments.

In parallel, any hesitation to pursue the objections of War Crimes Tribunal must now be overcome — particularly after the visit of John Shattuck, White House Human Rights Envoy. Instances of massacres are coming to light with every passing day. US satellite pictures have incontrovertibly shown evidences of genocides — the latest one in a mine-shaft in Bosnia by the Serbs; a grim reminder of Auschwitz and Buchenwald.

General Douglas MacArthur in 1946 while confirming the death sentence of General Tomoyuki Yamashita said, "The soldier, be he friend or foe, is charged with the protection of the weak and unarmed. It is the very essence and reason for his being. When he violates this sacred trust, he not only profanes his entire call but threatens the very fabric of international society. The tradition of fighting men are long and honourable. They are based upon the noblest of human traits — sacrifice."

Yamashita was put to death by hanging. He failed to control his troops in the Philippines. It thus establishes the reach of criminal responsibility for numerous episodes in Bosnia-Herzegovina. The principle exemplified in the Yamashita case clearly overrides the 12th

century Canon Law compiled by Gratian — "The soldier who kills a man in obedience to authority is not guilty of murder."

The Nuremberg principles, drawing upon The Hague Conventions of 1907 and Geneva Conventions, 1949 on protection of civilians, endow the present War Crimes Tribunal on Bosnia ample moral and legal legitimacy to try those involved in crimes of genocide and crimes against humanity. The additional protocols negotiated under ICRC auspices in 1973/74 provide further possibility to The Hague Tribunal in pursuing their objectives. As some one said, "If you need moral authority to try war criminals go to St Augustine and St Thomas Aquinas; if you need legal authority start with Kellogg-Briand to The Hague and Geneva Conventions, and to the Nuremberg principles.... One who has been injured may not exploit his just grievance as an opportunity to gratify a lust for revenge."

It is in this context that the appeal made by the ICRC in early December 1995, for establishment of a permanent War Crimes Tribunal needs to be considered seriously. Attended by over 135 member countries, this meeting was yet another watershed in mankind's effort to reduce the effect of war, ban war materials like land-mines, and finally draw sharper distinction between just and unjust wars.

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ENCHIRIDION

Waliur Rahman



positive collective measures. For the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of peace.

Two, as Richard Halbrooke stated unequivocally that crime committed against humanity cannot go unpunished. "Our support for war crimes trial is non-negotiable now, non-negotiable before Dayton, non-negotiable after Dayton", as quoted on February 4, 1996. Nuremberg set the precedent, but with a difference. The victors then had total control of the vanquished. Hitler committed suicide in the Berlin bunker with Eva Braun, and Mussolini was killed by his own people in Milan. Japan's Tojo surrendered.

It is therefore essential that the Dayton agreement is implemented in both letter and spirit. While the NATO peaceniks are working ceaselessly on the ground in build-

though, are taking place with regard to Rwanda and Cambodia. Millions of tribal people, Hutus and Tutsis, were victims of senseless massacre before the world could take note of that. In Cambodia the number is going up from 1/2 million to 3 million people killed by the Pol Pot regime. Mass graves are still being unearthed and with that stories of cruelty of man against man is being bared. The story is unending. It won't perhaps stop. But our efforts have to go on to stop the repetition of these genocides, murders, and mayhems.

The saga remains incomplete if reference is not made here to one of history's worst macabre tragedies which took place in this very land of ours: millions were killed and thousands raped. To quote Prof. Jeschke and Otto Triffterer of Max Planck Institut, Freiburg, Baden Baden, Europe's premier Institute on International

A Disquieting Moment for Bangladesh

by M Saifur Rahman

Some foreign officials stationed in Bangladesh for a short duration make comments on our political situation which is indicative of their shallow understanding of the depth and dimension of socio-cultural orientation of our part. This is most unfortunate.

BANGLADESH is at a very disquieting and agonising moment. The General Election to the sixth Parliament has just been substantially concluded and a new Government is expected to be formed soon. Upholding this democratic process has however gone through severe turmoil over the last twenty months. The demand of a "caretaker government", which does not exist anywhere in the world and not to be found in any constitutional handbook based on conventional wisdom led to a big divide and polarisation of the organised major political forces. Even then, in the interest of social equilibrium and political consensus, our government invited these parties to mutually discuss the issue and its different aspects.

Efforts of mediation and facilitation was also made by many others including the international community. However, the combined opposition continued their programme of destructive agitation and lawlessness violating the democratic rights and privileges of innocent citizens for days and weeks. They refused to accept any reasonable solution within the constitutional framework.

At this with a ~~unpleasant~~ business I would like to add that since our party, BNP believes in unfettered democracy, freedom and rule of law, we permit unlimited access to foreign press and TV reports to report on our social and political situation. But at times their reports betray facts; but their fancies and their total ignorance of socio-political, cultural and geographical context of Bangladesh. They collect their reports from some isolated places in Dhaka city, but Dhaka is only small part of Bangladesh. Situation in the whole of Bangladesh could be quite different to what are seen in Dhaka. Consequently quite often their reporting is not representative of the Bangladesh. Some foreign officials stationed in Bangladesh for a short duration make comments on our political situation which is indicative of their shallow understanding of the depth and dimension of socio-cultural orientation of our part.

This is most unfortunate. Consequently we are the victims of misinformation. We are fully aware that the present situation does not offer the best option for a pluralistic and participatory democracy. On the contrary, it contains the seeds of further disharmony and the danger of irreparable damage to the economy. Since the ultimate goal of our gov. is to improve the conditions of our people and to eradicate poverty of the teeming millions, at the quickest possible time, we must find a solution to our current political impasse which is eroding the economic progress achieved so far. We shall, therefore, be persistent in our efforts to find a way soon to bring the major opposition parties to a constructive dialogue. Only then can we redirect our efforts to complete the unfinished task of economic reforms.

During the first four years of our government we successfully achieved substantial progress in leading our country to the economic growth path. We achieved significant macro stability through major restructuring and a wide range of economic reforms. The success of Bangladesh's macro-economic policies were also commended internationally. We, so to say, almost reaching the "take off" stage for a faster economic growth. The political instability during the last about twenty months dealt a severe blow to all that we accomplished.

Our government also adopted a market-based open and liberal economic policy encouraging private sector to play an increasingly prominent role in national development. We also emphasized the poverty reduction programmes with increased allocative resources to the social sector, including primary education, primary health care and rural infrastructure.

The author is the finance minister of the Govt. of Bangladesh. The write up is extracted from his speech at the banquet on 18 February '96 for the visiting German minister for economic cooperation.

menfolk. The Daily Star in one of its recent issues published a photograph of a woman pickpocket caught while indulged in her newly acquired profession; the issue of February 12, 1996 carried the photograph of a woman political activist brandishing a stick and making a dash to smash the window pane of a passing motorcar.

We already have too many mastans around in the arena. Our law-enforcing agency finds it tough to contain them. With our sisters now deciding to join the force and opening a new front, where would we head for? Let the society move quickly and nip in the bud before adventurous acts of this nature get into a trend. We are optimistic. The contribution our women community makes towards preservation of our social sanctity will always outweigh the element of negative forces tending to peer round the corner. The society after all gives birth to more sane thinking people than does it breed the sinners.

Farhad Chowdhury
Dhaka

Construction of underpasses

Sir, We congratulate the Dhaka City Corporation for taking in hand the construction work of three underpasses (underground road crossing for the pedestrians) at Gulistan, Kawanbar and Gabtali.

These underpasses when completed would facilitate the pedestrians to cross the roads underground on the one hand and ensure movement of motor vehicles and rickshaws overhead on the other hand without causing any obstruction of traffic to a halt and thus help us remove traffic jams on the busy roads to a great extent.

O H Kabir
Dhaka-1203

To the Editor...

Letters for publication in these columns should be addressed to the Editor and legibly written or typed with double space. For reasons of space, short letters are preferred, and all are subject to editing and cuts. Pseudonyms are accepted. However, all communications must bear the writer's real name, signature and address.

Voters list

Sir, I want to cast my vote as I believe in democracy under which the vote is the right of every citizen. My address is as mentioned below and my voter No is 447 as is written in "ভোটার তালিকা" (Kmmrel). As I do every time, I had been to the Dhaka College premises to cast my vote. To my utter surprise, even the presiding officer could not find my particulars in the voters list.

On going through the list, I found that about 40 names were serially missing from the list. One of the polling officers deputed a person to find out whether my name was included in any other centre nearby that is TT College and Government Laboratory School. The deputed man on his return told me that my name was not included in the voters list and though my voter No was 447 it remained untraced. So I could not cast my vote.

I believe lots of money is being spent on this voting and the EC has sufficient staff to check all documents carefully. I wonder whether this type of voters list has been printed in other areas also thus depriving genuine voters to cast their votes?

I know the EC office staff may not allow this letter originally addressed to the CEC to reach him. Therefore I intend to publish in newspaper so that the CEC might read this and charge the staff for not performing their duty properly.

Dr A Q Badur Rahman
235/5 Elephant Road, Dhaka

Rohingyas: An appeal

Sir, At present, we over one and a half million Rohingyas have been living in different countries like Bangladesh, India, Pakistan, UAE, Saudi Arabia, Malaysia etc. often in terrible grief and distress which is not graphically known to the world. Most of us are deprived of fundamental human rights in our own country. Now, we do not want to lead a gypsy life any more in foreign lands as 'stateless people'. We want to return to our motherland, Burma under a congenial democratic atmosphere, for which we saw a ray of hope after the release of the Noble laureate, Daw Aung San Suu Kyt.

For the last few years, the Pakistan government has been imposing drastic restrictions regarding the issue and renewal of passports for over two lakh Rohingyas living in Saudi Arabia with Pakistani passport. The Bangladesh government is also considering seriously not to issue passport for the Rohingyas and not to renew the passport of the Rohingyas living in Saudi Arabia with Bangladeshi passport. This type of move is pushing tens of thousands of Rohingyas to uncertain future and, because of this, over four lakh Rohingyas will remain stranded in Saudi Arabia. Mentionably, the Hon'ble Prime Minister of Bangladesh, the Resident Representative of the UNHCR, different embassies and the international agencies were apprised of the matter through

memorandum. Hence, we hope that the international humanitarian community as well as the world bodies would take necessary steps for restoration of our rights as refugees and for our repatriation to our motherland with the guarantee of freedom and security.

Md Mujibur Rahman
Secretary General
Council for Restoration of Democracy in Burma

Misdirected trend

Sir, Our womanfolk is marching ahead. At the helm of our state craft is a lady; the force in action to tear her down is also headed by a lady. Another keeping abreast and may well be in the race soon.

The country has been experiencing an unprecedented uncertainty. The party in power on the plea of preserving constitutional sanctity is not prepared to budge a hair-line that could pave the way for a negotiated settlement and thereby give the nation a right direction. The opposition are equally keen to ensure that in the clash of ego win they must! The price the nation pays for the senseless and dangerous manner of their leadership is enormous by any judgment, but to them it is all peanuts. So, the nation was forced to go for a poll, no matter whether it accepted it or not; the force opposing it went for a large-scale rampage of national assets and properties, called for work-stoppages and hartals, no matter people liked it or not. The price, after all, is nothing more than a peanut!

The macro-level indifference is making its mark on micro-level social behaviour. The down-to-earth general women citizenry have started taking the brunt of it. Some are now gaining confidence to take up some of the "macho" misdeeds so far thought to be the exclusive domain of the

OPINION

Let the Supreme Court Guide the Nation's Destiny

A K M A Quader

The parliamentary election of February 15, 1996 shall perhaps remain a landmark in the history of Bangladesh for establishing the truth that a fair and free election is impossible under the ruling party even when the party itself is the only credible contestant in such an exercise. The February 15 election has been proved to be a crude and cruel joke. In the process many of the state machineries and establishments have lost their credibility in the eye of the common man and they stand disgraced. The Election Commission has once more proved its hollow-ness disastrously to conduct a free and fair election even with its so-called strengthened power; and it has finally surrendered to the whim of the ruling party.

The first casualty of the February 15 election is the loss of trust by the people in the government of the day who vowed to safeguard the Constitution and democracy. The government party shall now carry the full responsibility for rigging and ballot stuffing during the election in different constituencies. One of the contestants from the ruling party is in custody for rigging and ballot stuffing including possession of illegal arms. Results of a number of constituencies were supposed to be investigated by the Election Commission for rigging and ballot stuffing. The contestants included the Prime Minister herself and some of her cabinet colleagues. Examination of the credentials of some of these contestants reveals that University Professors; Ex-Cabinet Secretaries; retired Generals; Air Chief Colonels and Majors etc. were also in the list of ballot stuffers.

Large scale abstinence of the voters in the election has made the Election Commissioners chilled about the worth of the election results which showed unbelievable voter turnout creating many new records. Let the Election Commission finish its job it has initiated and prove its worthiness. Whether the Election Commission investigates into the ballot stuffing or not, its initial reaction to ballot stuffing and rigging has clearly made the election look doomed to be a farce.

Should we forget this election or should we do something about it? Since the President of the Republic has not yet indemnified the contestants for their misdeeds on the election day as already reported by different news media, they shall be investigated into and tried in public on two counts, namely: Firstly, they (the ruling party and the government of the day) have betrayed their constitutional obligation by stuffing ballot boxes; and secondly, they have rigged the election and thereby violated the sanctity of the holy Ramadan.

The Chief Justice of the Supreme Court of the country may kindly look into it seriously and let him take sumo moto action to assure the nation that none whoever he or she is can be above law. We firmly believe legal loopholes shall not uphold amoral acts.

Why did the people resort to such mean tactics? It is a mystery. Is it that they got panicked? Irrespective of their background and high profile, they have proved themselves corrupt and dishonest. The Election Commission and the ruling party have made the people of Bangladesh victims of trustworthiness on February 15 in the name of election and Constitution. Can they trust the ruling party to run the government and lead the nation any longer after this farcical election?

Before the election and on the election day, the Army, BDR, Police, Ansar and VDP were engaged in full force to ensure a free and fair election. Surprisingly, the rigging and ballot stuffing were reportedly carried out in their presence. Supposedly the armed ballot stuffers moved from booth to booth, reportedly with open display of arms, to fulfill their combat missions of vote capturing. Why did the Magistrates, Returning Officers and Commanders of the law enforcing agencies fail to prevent ballot stuffing and other irregularities? Was it intentional or was it under directive? But in the process they have proved their total incompetence in performing their duties and thereby destroyed the election process and, unfortunately, brought disgrace to their respective profession. Let there be a Public Commission for investigating into the issue of incompetence of the engaged officials and try the incompetents.

The Election Commissioners and the Secretary of the Commission shall be held responsible for the deaths of people while in custody at the hands of law enforcing agencies during the so-called arms recovery and those killed on the night of February 19 at Nilphamari and Pirgachha following the announcement of the non-existent election results. The Election Commission cannot remain unaccountable for its mysterious and shady acts. As it stands now the Supreme Court alone can make the Election Commission answerable for these unwarranted deaths. Things are changing all over the world. The so-called strongmen and their boot lickers are now being tried elsewhere after decades for their past crimes and unjust encroachment on the people's right. Let it happen to-day in Bangladesh.

The uncompromising leader of the government elected in 1991 has now become the leader of also such "people's representatives" as election riggers and ballot stuffers by her own admission. It is an irony that such vote stuffers would form the government and would take oath in the name of God to safeguard the Constitution and democracy! Let us fervently pray to God that it does not happen and the people do not deserve it, because God does not like those who flinch the people's "amanat". Let good sense and sanity prevail.

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