

Blaming the Judiciary is Wrong

THE Home Minister has set an example in audacity and repugnance. In an unprecedented verbal attack on the person and office of the Chief Justice he has accused the highest judiciary of 'patronising' terrorists by granting them bail. This being in reaction to a justified remark the CJ made recently at a seminar to the effect that 'the notorious were not being subdued nor the civil nurtured' in the society, we find no words strong enough to condemn it. More so because it is a dig attempted by an executive minister against the highest office in the country's judicial system.

We have observed with trepidations that the government and the Prime Minister herself have been taking an anti-judiciary stance for sometime now. The PM in a recent meeting with newspaper editors asked why the judiciary and the press should not be accountable for their respective conducts in the same way that the government is expected to be. It is an open secret that recently evicted slum-dwellers were mischievously goaded by some quarters in the government or the ruling party to pitch their tents on the High Court premises causing embarrassment to the highest seat of the country's judiciary.

What is at issue here? That the accused are getting bail indiscriminately is what the Home Minister is apparently despaired of; but the operative question to ask him is: what is he doing to ensure that indiscriminate arrests are not made by his officials in the first place? He has to strike the problem at the root. Moreover, by the standard maxim of law, one has to be assumed innocent until proven guilty so that the grant of bail while being in consonance with the basic legal principle is not an acquittal as such. But, by far the most cogent reason for bail orders to be issued, especially by the higher courts of the country, is either the misapplication of a particular section of law, or flawed preparation of a case or lack of witnesses and evidence or a mixture of some or all of these. Most of the detentions made under the SPA had come under the higher court's censure because there was a political arbitrariness about its application, by and large.

Rather than passing the buck on to the judiciary the home ministry should earnestly try to make the police efficient, upgrade quality of their investigations, improve charge-sheeting of the accused and give special facilities to the judiciary to enable it to function properly.

We call for an immediate end to the executive's tirade against the judiciary because essentially it is a self-defeating exercise. Good governance is a myth, nay, an impossibility without the existence of a fair and impartial judicial system. By pointing out a government's mistake the judiciary acts as a friend of the government. By defending the Constitution of the country it protects the rights and interests of the public. Thus it is in the government's ultimate interest to uphold the honour of the highest judiciary. Respect to the judiciary will mean compliance with the rule of law.

What could be a greater proof of the misdirected government approach to the justice system than the news that the draft Public Security Act, 1999 which the Cabinet has just endorsed contains a provision for trying some specified offences in Special Tribunals. Not only will the sections of that Act be non-bailable, no appeal would also lie in any other court against the verdict delivered by such a Special Tribunal. Some legal experts feel that the law so drastically impinges on the fundamental rights guaranteed by the Constitution that the Supreme Court may declare it ultravires of the Constitution. We urge the government to step right back from this kind of confrontation with the judiciary.

A Lesson for All

UNDP Resident Representative David E Lockwood's remarks on the opposition boycott of the just-concluded Asian Parliamentarians' Conference for Peace and Co-operation, and subsequent rebuttal from former finance minister and opposition legislator Saifur Rahman have given rise to an unwarranted situation, to say the least. His observation might have been in good faith, but, in our view, the UN high-up certainly crossed the line on this occasion. Even worse, by reiterating his position following Rahman's riposte, he has only double-faulted. The war of words has assumed embarrassing proportions, thanks to Lockwood's unmitigated indiscretion. His behaviour has been, in plain and simple terms, unbecoming of an international civil servant. The ruling party is equally culpable, for it should have had the decency and deontological dedication to come forward and criticise Lockwood's unwarranted remarks. On such instances of foreigners intruding into the country's internal affairs, people expect opposition from our politicians regardless of party affiliations. Regrettably, sobriety has never been the signature of Bangladesh's politics. As a result, more often than not, foreigners are given a handle to publicly comment on our national policy.

However, while censuring the UNDP resident representative's position on the issue, we would like to question the opposition's rationale behind boycotting the conference. The international conference of parliamentarians was unquestionably an excellent opportunity for our legislators, ruling and opposition alike, to share experience of and exchange views on parliamentary practices in the continent. Moreover, the assemblage of law-makers from 31 countries also opened up the avenue for strengthening regional co-operation. Besides, the BNP, as the single largest opposition party, could have accorded a reception to the legislators, who are in the opposition in their respective countries. It would surely have been an enlightening experience for them. Unfortunately, the BNP leadership failed to fathom the import of the occasion and, their decision for the boycott was totally misplaced.

While the UNDP representative's action and the opposition's imprudent strategy are not above reproach we earnestly hope that it would be a lesson for all — our politicians as well as our development partners.

What Does Each Party Get in the Deal?

by Harun ur Rashid

Never before has Israel set a target date for a comprehensive Middle East peace since it signed the first Arab-Israeli peace agreement with Egypt in 1979. It appears the Middle East has not seen anything like it since 1979 when the parties involved are eager to lash out in all directions to terminate regional tensions. We hope they succeed to turn the Middle East into a region of durable amity and harmony.

PRIME Minister Ehud Barak of Israel and Chairman Yasser Arafat have finally signed their breakthrough agreement on Saturday, 4th September at an Egyptian holiday resort of Sharm El-Sheikh in the Sinai peninsula. King Abdullah of Jordan, President Hosni Mubarak of Egypt and the US Secretary of State Dr. Madeleine Albright were among others present at the ceremony. Since this peace deal is a part of the Oslo Accord of 1993, a Norwegian representative was also present at the ceremony.

Mr. Barak's acknowledgement of the sufferings of the Palestine people in his statement at the signing ceremony appears to mean that he is sincere to end the deadlock in the peace process. He admitted that he could not undo the past but was determined to secure peace for land to enable both the Israelis and the Arabs to live side by side peacefully. After all both Jews and Muslims are monotheists and Moses, the founder of Jewish religion is one of the holy prophets recognised by the Muslims.

This agreement sets a precedent in Israeli-Palestinian relationship. It is for the first time that an agreement was negotiated solely between the two parties without the mediation of the US and this was exactly what the new Israeli Prime Minister wanted. Mr. Barak was determined to create an atmosphere of trust and confidence between Israelis and Palestinians. He felt that such political climate was a crying need of the hour to enable the two parties to resolve their own problems. Mr. Barak asked the US Secretary of State to put back her trip in August so as not to become involved in the nitty gritty of the deal.

There was a last minute hitch on the signing of the agreement because of the disagreement on the issue of the release of the Palestine prisoners by the Israeli authorities. This was because the original Wye agreement did not contain any specific reference to the release of Palestinian prisoners. It was a verbal commitment by

the Israeli team to other party that Israel would release 750 prisoners. Israel released 250 common criminals and not security prisoners. Palestinians wanted to include the security and political prisoners in the release by the Israelis.

The US Secretary of State came to the Middle East with the intention to witness the signing of the agreement in Alexandria prior to her departure to Syria. When she arrived, the deal could not be concluded because the solution to the issue of release of prisoners bogged down. Albright had to speak to both of the leaders of Israel and Palestine and her intervention led to conclude the agreement two days later than the scheduled date.

Palestinian leaders had to agree because Israeli Prime Minister declared that in the event of disagreement by the Palestinian, he would go ahead to implement unilaterally the Wye agreement. Chairman Yasser Arafat replaced the leader of the Palestinian team and installed a new person to negotiate with the Israelis.

How Do the Palestinians Benefit?

Political analysts maintain that the Palestinians are much better in terms of this modified agreement than they were under the old Wye agreement. This deal presages a easy path for the stage of the finality of the peace agreement as it contains a specific date for conclusion of peace deals which the earlier Wye agreement did not mention.

The new agreement states that within five or six months, the two sides should negotiate the outlines of a final status agreement and that within one year the final accord should be concluded. Palestinians now can claim that a time-frame has been earmarked for the final stage of the peace agreement.

Under the terms of this agreement, the Palestinians will release the number of Palestinian police force and would seize the unlicensed guns from the Palestinians. The agreement commits the Palestine authority to take a series of firm security steps. This means that the Palestine au-

thority will have to crack down on the Hamas militants and other factions who carry out the terrorist attacks on the Israelis.

Under the terms of this agreement, Israel will release 350 Palestinian prisoners including security prisoners, will provide roads for free passage between the Gaza and the West Bank, set up a seaport in the Gaza Strip and withdraw Israeli troops from 11 per cent of the West Bank, constituting 42 per cent of lands under Israeli control in the West Bank. The withdrawal of troops and the release of prisoners will take place within a few days, probably in two stages after the Israeli Cabinet approves the agreement.

The Israeli authorities will not release Palestinian prisoners who were involved in the murder of the Israelis. That means those who are accused of "blood on their hands" would not be released. This is a setback for the Palestinian leader because he is known to have promised that such categories of prisoners would be released. However, to the Palestinian leader Yasser Arafat, 70, there is a clear race between his health and the march to history. He can claim that Israel will pull out troops from the West Bank and will release 350 prisoners, many of whom are security prisoners. This will assuage the bitter sentiments of the Palestinians and will be a comfort to Chairman Arafat.

What Do the Israelis Get?

In exchange of the Israeli obligations, the Palestinians would reduce the number of Palestinian police force and would seize the unlicensed guns from the Palestinians. The agreement commits the Palestine authority to take a series of firm security steps. This means that the Palestine au-

thority will add to Mr. Barak's standing and credibility to the Syrian leadership. This is one of the crucial gains for the Israeli Prime Minister.

Where Do We Go from Here?

Since he took power in July, Mr. Barak maintained that his peace process would be simultaneously carried out both with the Palestinians and Syria. The talks with Syria began in 1991 but was broken off in 1996 after the assassination of Israeli Prime Minister Yitzhak Rabin, Mr. Barak's mentor. At present both the countries remain "nominal enemies" and have no direct communication between them. However, signals are being made between the two parties via third countries. In order to have secure borders Israel needs to normalise relations with Syria and Lebanon. It appears that the next phase is to commence talks with Syria to conclude a peace agreement and Israel needs to be determined with Syria prior to the conclusion of final agreement with the Palestinians.

The sticky issue with Syria rests on the Israeli withdrawal of Golan Heights seized during the 1967 Arab-Israeli War. Syria wants to regain the control of the territories of Golan Heights prior to the 1967 war while Israel wants to pull back to the international border, dating from the time of the British mandate rather than to the pre-1967 war border — more favourable to Syria than Israel. Syria maintains that the previous Israeli government assured Syria of pulling out troops to pre-1967 border. Furthermore Israel does not want "cold peace" from Syria in exchange of the land. Israel wants a warm relationship with Syria in all spheres —

business, tourism and co-operation in the development of water resources. Here lies the difficulty to resolve the problems with Syria.

At the end of this year, the Palestinians and Israelis are to undertake negotiations on the final status of the peace agreement. This will involve the issues of the status of Jerusalem, the resettlement of Palestine refugees, water rights for the Palestinians and declaration of Palestine State and its borders with Israel. Again Jerusalem would be the most thorny issue. Israel maintains that it is Israel's capital while Palestinians also want Jerusalem as its capital of their state. Mr. Barak at one stage insisted that there would be no compromise on the issue of the status of Jerusalem. However, it appears both sides will have to compromise their position to enable them to clinch a deal and the US's role will become increasingly important.

Conclusion

This agreement could be described as one which stands for peace, security and prosperity. It modifies the Wye Agreement concluded last October with the previous Israeli government and leads much smoother way to the stage of final status agreement between Israelis and Palestinians. This agreement lays out a clear road map with a time-frame showing where the parties want to go in the peace process and is only a step in the right direction. Difficult days are ahead to both sides. There would be many hard bargaining familiar to both parties.

Never before has Israel set a target date for a comprehensive Middle East peace since it signed the first Arab-Israeli peace agreement with Egypt in 1979. It appears the Middle East has not seen anything like it since 1979 when the parties involved are eager to lash out in all directions to terminate regional tensions. We hope they succeed to turn the Middle East into a region of durable amity and harmony.

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Press Freedom under Threat?

Commentary by Mahfuz Anam

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Our other concern is that threat to the free press which seems to be contained in the draft of the new Public Safety Act. We congratulate the Cabinet for having the good sense of not accepting the media related provisions of that Act. But we criticise them for having deferred it only and not rejecting it outright. According to reports, the deferred portion dealt with amendments to the present law that will permit the public prosecutor to go for defamatory cases against newspapers for publishing "false reports" against state and government functionaries. The Cabinet on Monday night decided to send it to the Law Ministry for further consideration before finalising it.

What baffles us is that what has led the government to focus on the free press? What have we done that we need a new law to harness us? Obviously, this direction of the government's thinking has come directly from the very top. During her last meeting with the editors of newspapers, on the 19th of last month, the Prime Minister clearly stated that both the judiciary and the press needed to

be more accountable. She further stated that if elected representatives of the people, meaning the government thereby, could be accountable then why the press and the judiciary should not be. It appears now that she is preparing a new law to translate her thoughts into acts.

Let us clarify a few points for the benefit of our democratic Prime Minister. First, the issue of accountability that seems to agitate her mind quite a bit lately. Professionals like doctors, lawyers, engineers, architects, journalists and what have you, are there by the dint of their professional capability. Each of us enters our profession with a minimum academic qualification and specific professional aptitude and training, and then go up the ladder (or down) depending on our capability. Each of us is accountable to the people we serve, and, of course, to our own professional and ethical norms and standards.

Accountability of journalists and newspapers is even stronger. Every day we have to make our newspaper acceptable to our readers. Each day our readers pay six taka and CHOOSE to buy our paper. There are many newspapers from which our readers can choose from. He or she can choose NOT to buy any of them and get their news and analysis from television channels like BTV, BBC or CNN. They can also listen to news from radio, both national and international. By CHOOSING to buy our respective newspapers and paying hard earned money for them our readers are expressing their confidence in our journalism. If our newspaper is bad our readers will abandon us. Therefore, we are not only accountable to our readers, but also we are accountable ON A DAILY BASIS.

On top of that we have defamatory laws and the Press Council to govern us. But above everything else we have our journalistic ethics to guide our work. In fact, it is the adherence to our ethical norms that makes us acceptable to our readers. That is precisely why one paper is more popular than another, and ultimately only a few achieve large circulation. Our accountability is to our readers, and it is on a daily basis.

Second, our task is to play the role of a watchdog. It is our job to report how honestly or efficiently a government is functioning. It is our job to keep track of the work of public representatives and report when public interest is not being served. It is our job to reflect the plurality that exists in a democracy and by giving voice to all sections of the society, create the democratic polity that is the hallmark of our civilisation. It is our job to watch over the government, the opposition, the business community, and, in fact, all the branches of the society. It is on the basis of the information we provide that public opinion is formed.

Governments, however democratic, are always weary of the press because it reveals the uncomfortable truth. The more the government has things to hide, the more it is antagonistic to a free press. We have seen how communist countries treated the press and we have also seen who ultimately won. When governments and politicians attack the free press, they do so mostly in the name of the "people" as if elected politicians have a monopoly of representing the people; only they speak for them and rest of us have no right to do so.

Third, democratic political system has an in-built mechanism to ensure smooth functioning of democracy and supremacy of the will of the people. Democracy has set up three pillars — independent judiciary, free press and elected parliament, the majority part of which forms the government and, that too, for a specific period of time. The press is guaranteed freedom by the Constitution in every democracy, only because if left to the executive the press would be totally suppressed. Therefore, Prime Minister Hasina's unhappiness with the free press is both natural and common. As long as she continues to demand accountability of the press we welcome it. But when she begins to legislate on the matter our alarm bells should ring, as it has done now.

Accountability of the elected representatives of the people should in one way be compared to that of any other section of the society. Politicians come to power only when people VOTE for them. Those who vote have a right to demand accountability from those they have voted to power. A doctor, a lawyer, a judge, a journalist etc. are not voted to their professional position. So, the Prime Minister is wrongly focused when she compared the accountability of politicians to that of the judiciary and others.

We would like to clearly state that we vehemently oppose the latest moves to curb freedom of the press. We want to declare in no uncertain terms that freedom of expression and that of the press is a fundamental right guaranteed by the Constitution and sustained by the support of the people of Bangladesh. Any attempt to tamper with it, to curtail it in one form or the other, to harness it on the pretext of public safety or national security will be resisted by the people of this country. We would like to warn the government not to waste its energy on these undemocratic efforts and concentrate its effort where it is most needed, that is on the development work of the country.

only watch BTV for their own satisfaction and listen to their own people who are surrounding them for "favourable" information. All this never reflects the real situation to the leaders.

Syed Tariqul Islam
Dhaka

Addiction and genocide

Sir, One angle of serious drug addiction in the country is not being pointed out; namely, if there are reasons to suspect the existence of secretly planned campaign by foreign or local vested groups of stealthily introducing and encouraging drug addiction in selected sections of the society, for political, economic and other gains in the long-term perspective.

For example, a prosperous member state of ASEAN had a tough time cracking the drug addiction in its younger generation in the 1980s, culminating in the passage of a bill empowering death sentence for possession or use of narcotics. It was reported in the press (in that country) that a particular community was interested in inflicting long-term damage to the majority community by weakening its youth population to gain advantage in the future.

The present narcotic drug business is of huge dimension, and the sources of such black investment have to be identified and analysed to spot the real enemies of the society. We catch the addicts but very few suppliers and the hidden and powerful godfathers who manipulate the business at the top level. How many of the latter have so far been prosecuted; and what are their foreign links and contacts? What is the outcome of the discussions in the Parliamentary Standing Committee on the overall view of the drug addiction menace? The authority's silence on the issue might be misunderstood.

A Zabur
Dhaka

What's going on at the Zoo?

Sir, I fully endorse the views expressed by Mr. Masihul Alam in his letter "Death of tigers..." published in *The Daily Star* of September 6. How come a story like "Tsetse" suddenly invading a protected sanctuary in Bangladesh and attacking a feline species can be cited as a fact leading to the death of tigers there (Dhaka Zoo) and we are made to believe it? The dreaded fly is found in

edge pursued by the students. Politicians must not use students for their narrow political end.

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Cellphones

Sir, There's absolutely no doubt whatsoever that the cellular telephone companies have brought a sigh of relief to all those frustrated T&T users.

Frankly speaking we, the innocent bill-paying users, were held as captives all this time.

Whether one wanted to get a new connection or repairs, one had to give donations to everyone, down from the man who would type the papers all the way up to the ministers and secretaries. What is more surprising is that this does not even include the computer printed bills or the illegal connections.

But those days of horror are gone now. We have now entered the era of mobile telecommuni-

cations. A massive slap is therefore rewarded to the BTTB authorities.

They could not impose a ban upon the usage of e-mail facilities, because they too have started their own. So we thank, graciously, to each and every mobile companies which have spread their service thus rescuing us from the clutches of BTTB.

However, I have been a cellphone user for half a year now. I'm using mobile-to-mobile connection, because the company says there are no more connections. Even though one company is still giving TNT lines. We have to pay for incoming calls too, because there was a time when the companies promised that there would be none. Suddenly we see a new system, the "Pre-Paid Card System". Apparently, the users of this new system, pay in advance by a card thus reducing the headache of cueing up.

The users pay a Tk 2 extra per minute call. And the company says because of that there will be no line charge to be paid. So, let us do some arithmetic here. My calls on average per month comes to approximately 600 units, which means a bill of over Tk 2000. But, with this system I would pay Tk 3600 instead. And the line charge is