

## 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.

## Israeli-Palestinian Agreement

# 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.*

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 leadership 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. The uncertainty over the target date of the final agreement appears to be over.

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 Palestinian 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" will 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 Palestinian 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.

A firm commitment from the Palestine authority to ensure peace and security in Israel and its controlled areas would be received well by the Israelis. Under the previous government Jewish settlements were established in the West Bank and the Jewish settlers would be in a vulnerable position once the Israeli troops would withdraw. This concern has been met by the Palestinian undertaking that all possible steps would be in place to prevent any terrorist attacks on the Jews. This implies more arrests of the undesirable elements would be carried out by the Palestinian authority and guns floating in the Palestinian community would be seized.

Israeli Prime Minister realises peace in the Middle East is not possible unless a peace deal is concluded with Syria, the key player in the comprehensive peace process in the region. Prime Minister Ehud Barak was known to have committed to withdraw troops from Lebanon within a year of his assumption of power last July. Therefore there is a political pressure on him to fulfill his promise. Mr. Barak has achieved a deal with the Palestinians which would pave the way to withdraw the Israeli troops from Lebanon and strike a peace deal with Syria.

Mr. Barak cannot withdraw Israeli troops from Lebanon unless he comes to peace with Syria. Syria-Israeli talks need to be resumed after a lapse of three years and Madam Albright's visit to Damascus will focus on the resumption of talks between Israel and Syria. A peace agreement with the

Palestinians 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 seems to be determined to conclude a peace deal first 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 Israelis want 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 a 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

Continued from page 1

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 guts to go ahead with 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 should not be 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 stranger. 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 the executive branch 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.

## To the Editor...

### Student politics

Sir, August 27, 1999. Another day in the calendar filled with varieties of news and happenings. But "HSC success rate 53 per cent" — this headline drew my attention. Somehow high hopes are setting in, thinking that 290,627 thousand students passed and they are ready for the life ahead. Actually it generates a feeling of reassurance and optimism. It is another day when we know that we are richer than yesterday in terms of educated people or who would be highly educated people in due course. The important question which lies in front of us is that how would we mobilise this significant number of people who have a high potential of fruition in order to achieve socio-economic emancipation of our country.

Noticeably one thing is common amongst the students who have passed their HSC examination — "fear of student politics and its function as an impediment towards goal accomplishment". I am sure readers would appreciate the love that students have towards their country as well as their apprehensions regarding student politics.

Today we are losing out in the game of harnessing and development of human resources. Our students are in similar situation as any other endangered species that we know of. To survive and to make use of their potential, they fly in flocks to the so-called land of opportunity. Naturally, most of the students who have been interviewed after the HSC results leave clues of paranoia about student politics.

Amazing enough that this so-called student politics has turned into an industry where students are being employed to destroy their fellow students' lives and future of the country. Because of student politics which is rampant in the educational institutions, the atmosphere of education is gradually disappearing. Quality education is becoming scarce and we are seeing waste of our young tal-

ents and their potential. Politicians and power holders of today have the greatest responsibility to set the society right. If we have to build the society and a future for the country, students and coming generations have to be guided properly. They must seek knowledge, learn and work and if necessary should be ready to make sacrifice for the country. The guardians of the society must ensure that peaceful atmosphere prevails in the educational institutions and know-

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

Rasheed Rahman  
2nd Year  
Department of Economics  
East West University.

### 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.

### What's going on at the Zoo?

Sir, I fully endorse the views expressed by Mr. Masih-ul 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

its choiced bovine species to land on first? Mind you, we do not import anything such as might carry this parasite all the way from Africa to Bangladesh.

Now comes the question of 'virus'. Mr. Alam tells us Trypanosoma is not a virus. And perhaps rightly so. For we did not hear of any viral symptom preceding the successive deaths of the four tigers, nor of others suffering similar ailments fol-

lows (more than one for any one, it being fragile and vulnerable to damage and/or loss) are supposed to be maintained at institutions teaching the vets anywhere in the world now. And we do have such institutions!

What disease actually the mammals were suffering from? Were they really ill? Many questions come in mind. Then such large carnivores as tigers need to be anaesthetised before handling them for treatment. Were they given measured dose, not in excess? The probe body, reportedly formed, should look into all these allegations and suspicions to find out the fact and clear the public mind. Laymen are not necessarily low in understanding.

Meanwhile, in a news item published on September 7 in a vernacular daily (Janakantha) suspicion whether it was a case of planned killing was expressed and the allegation was of overdose of anesthetic drug. Even if it is not a case of planned killing, it questions the competence of the vets concerned and suspects efficiency of the zoo authorities. The Government owes a credible explanation to all these questions. After all the Zoo is a national asset and the taxpayers have the right to know what is really going on over there.

Manik Chowdhury  
Wari, Dhaka.

Frankly speaking we, the innocent bill-paying users, were held as captives all this time. Whether one wants 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 BT&T authorities. They could not impose a ban upon the usage of e-mail facilities, because they too have started their own. So we thank gratefully, each and every mobile companies which have spread their service thus rescuing us from the clutches of BT&T.

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 pays 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 only Tk 250. Why is the company ripping off their customers like this?

A Cellphone User  
Dhaka

### Are they aware...?

Sir, Thank you for the editorial on the bank incident published on 25 August. We endorse the points raised and would like to know whether we are living in a state where private property is not safe!

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 spreading 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 Zabr  
Dhaka