

Independent initiative for election monitoring

A.H. MONJURUL KABIR

MONITORING election by independent, non-partisan observers, both local and international, has now become an essential component of election affairs all over the world. It increases the credibility of the election process and helps deter fraud, irregularities and contributes to the overall credibility of the process. Effective monitoring also encourages acceptance by all parties of the election result. Monitoring election has taken its firm root in Bangladesh also. A number of citizens groups, NGOs, and coalitions are active in election monitoring.

Recently an Election Monitoring Working Group (EMWG) is formed comprising a good number of NGOs, groups and coalitions to consolidate the work of election monitoring and to avoid duplication of identical exercise. Non-Government actors including ADD, CCHR, Odhakar, FEMA, JANIPOP, Khan Foundation, Mass Line Media Centre, Democracy Watch, BNPS, BHRM and Nari Pokkha are instrumental in forming the Group. A number of civil society organisations e.g., Brotee, CSPA, ASA etc. have joined the group later making it the biggest coordinating group of election monitors in the country. The Asia Foundation (TAF) is actively sharing with the Group its expertise and experience on coordinated election monitoring. TAF has a track record of involvement with similar efforts initiated in other Asian countries.

Adelegation of the group already met the Chief Election Commissioner M. A. Sayeed and apprised him of the initiative. The delegation placed a number of demands before the Commission for its active consideration. The group regards the demands crucial for holding a free and fair election. The group has formed two sub-groups to work in details on the practical details of the monitoring strategy. The group is also revising the existing provisions concerning election monitoring and

monitors/observers for the consideration of the Election Commission.

Rules of the game: the existing policy

While there is no specific provision of law allowing election monitoring or observation, the Election Commission has adopted a liberal policy of entertaining local/International Observers to observe all elections conducted by the Commission. The following facilitator guidelines have been drawn up by the Election Commission for both foreign and local observers willing to observe the elections.

Role of the Observers: The observers may watch activities prior to polling day and observe actual polling including count of votes on the election day. It may be noted that on the election day (a) the observers may only observe the proceedings in the polling station and shall not participate in activities like campaign, voting, counting etc.; (b) they will not interfere with any of the election activities going on at the polling station; (c) announcement of any result of voting of a centre or constituency must not be done by the observers/observer groups; (d) the observers are to be completely neutral and non-partisan and are required to satisfy the Election Commission on this.

Foreign Observers: (1) Foreign Observers (FO) who like to observe polling in Bangladesh may get in touch with concerned Bangladesh Embassy abroad. (2) FOs on arrival in Bangladesh are advised to enlist their names with the Ministry of Foreign Affairs (MOFA) to obtain necessary assistance from the assistance cell in the MOFA. (3) During their stay in Bangladesh they (FO) are to remain fully responsible for their board, lodging and transport. (4) FOs are issued appropriate accreditation cards.

Local Observers: (1) Such Observers shall not be supporters of any political party and shall not do anything covertly or overtly, which may compromise the quality of the election. Election Commission/Returning Officers reserve the right

to cancel permission in cases of violation. (2) Such Observers are to obtain clearance individually or in a group from the Election Commission/Returning Officers, as decided by the Election Commission.

particulars of the observers to be fielded. The Returning Officer of any Electoral area will have the authority to deny issue of ID to any Observer group if the Returning Officer is not satisfied with their

enter inside a polling centre to avoid crowding and to facilitate the entry of others who may be waiting outside. A Presiding Officer may ask any observer to withdraw from the centre at any time if he thinks that the observer's presence may prejudice the voting in the centre. (4) During their visit to the polling centres the observers are to abide by all the legal and administrative requirements of the Presiding Officer Presiding Officer. (5) It is expected that a copy of the written report by the Observer Group will be given to the Election Commission soon after the conclusion of the poll.

Issues of concern

There are, unfortunately, a number of official obstacles that lessen the effectiveness of proper monitoring. It would be difficult for the independent monitors to observe the election effectively if the obstacles remain the same.

1. Currently only one observer is allowed to enter a polling station. As there are normally three to four polling teams with separate booths and ballot boxes in every polling station, one observer cannot monitor everything.

2. Observers are only allowed in a station for a limited period. This creates serious problems for stationary monitors who want to monitor the election at a particular polling centre from the beginning to end. The Election Commission should change the existing restriction.

3. The identity card for the observers issued by the Election Commission in the last general election lacks any security code. The quality of the card should be better. The instructions printed at the opposite side of the card are inconsistent with the dignity of the election monitors/observers. The Commission should issue the card to the genuine observers at least, two weeks before the election.

4. At present, non-partisan election observers have limited opportunity to observe the counting process. In many countries, the counting of votes is done publicly to

enable observers and ordinary citizens to verify that the marks on the ballots are accurately recorded. The Election Commission should allow the monitors to be present in the counting process.

5. Domestic observers are barred from observing in their own Thana. As well as increasing the cost of observation, this regulation means that observers who wish to remain at a station the entire day would not have the opportunity to cast their own ballot. It is also more difficult for an outsider to be effective as a local observer, who will know most of the people on the list and at the station. Another rule requires observers to be at least 25 years old, although the minimum qualification to vote is 18. This restriction prevents college students, and others, from being observers. In other countries, many observers are college students, since they often have the interest and time to volunteer.

Monitoring the monitors

Undoubtedly election monitoring has become an inseparable part of election. It directly contributes to establish the transparency of the election affairs. However, care must be taken to recruit impartial and efficient observers. Some relatively small organisations are promising to deploy incredible number of observers in the forthcoming election. It is alleged that they are, in fact, depending on the strengths of some other big NGOs. There were allegations against some of the monitoring organisations for being partial towards their favoured political parties in the last general elections. Such allegations go against the basic norms of monitoring. The newly formed Election Monitoring Working Group should be careful about these critical issues to live up to the expectation of the people.

Source of Information: The Election Commission; LAW WATCH, A Centre for Studies on Human Rights Law; The Asia Foundation.

East Timor Voter Opinion Survey

The Asia Foundation and the NGO Forum's Working Group on Voter Education (KKPP) published a report of results from the first ever Random nationwide survey of voter opinion in East Timor. Conducted at the end of March 2001, the survey involved 1,558 in-person interviews of potential voters in 196 villages in all 13 districts in East Timor. "Through this survey we, and others involved in voter and civic education initiatives can gain a better understanding of the opinions and knowledge of East Timorese voters, enabling us to better target our programs," said Tessa Piper, of The Asia Foundation. The survey results reflect a relatively polled mood among the East Timorese electorate, with 75% of those polled saying that the country is heading in the right direction. The survey also reveals strong enthusiasm for voting: 94% of those polled said that they would vote in the upcoming election, although only 30% are aware that an election is scheduled for August 30. "Of particular concern is that so few people - just 5% - know that the

purpose of the upcoming election is to elect a Constituent Assembly," said Tessa Piper. Sixty-one percent mistakenly think that the election is to choose a president and 22% think that the election is to achieve full independence. The survey also reveals low levels of knowledge about the constitutional drafting process and fundamental principles of democracy, as well as concern about political party competition. While recommending general information campaigns, the report also makes several specific recommendations for civic and voter education programs based on the survey findings. Such recommendations include programs to address high levels of concern in eastern East Timor about the potential for political party related violence, and programs promoting equal political participation by men and women targeting women and youth, those least likely to support an equal role for women in political leadership. "For those involved in civic and voter education, this survey reflects reality where previously we relied on assumptions," said Jose Luis, Coordinator of the NGO Forum's KKPP. The Asia Foundation has supported human rights and civil society strengthening initiatives in East Timor since 1991. Following the momentous political events in the past two years, East Timor is now looking ahead to its first democratic elections, due to take place in August 2001.

Requirements: (1) All observers are expected to inform the Election Commission of the district/locations they want to visit during polling, so that the District Administration may assist them during the visit. They may be required to obtain IDs from the Returning Officer after having furnished the names and other

antecedents. (2) While in the districts they are advised to act in accordance with the advice of the Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer, as the case may be, and to refrain from doing things, which may disrupt poll proceedings. (3) At any given time not more than one Observer (Local and Foreign) may

Human rights violations during 2000 in Bangladesh

AMNESTY INTERNATIONAL

THE Amnesty International Report documents human rights violation during 2000 (covering events from January - December 2000) in 149 countries and territories. It is published in Amnesty International's 40th anniversary year. Since 1961, Amnesty International members have campaigned to defend prisoners of conscience and other victims of human rights violations including torture, "disappearances", political killings and executions. Amnesty International activists have worked on more than 45,000 cases, and have responded to more than 16,600 urgent appeals on behalf of men, women and children in immediate danger. Many of these appeals were on behalf of people at risk of torture. Indeed, in the majority of countries surveyed in this report, there were credible allegations of torture or ill-treatment during 2000. Amnesty International's aim, however, is not only to describe the shocking prevalence of these abuses but also to devise a strategy to eradicate them. In October 2000 Amnesty International launched a new campaign to mobilize people around the world in a collective effort to combat torture. As this report shows, the powers ranged against the human rights movement are formidable. However, so are the forces marshalled in support of human rights. The international human rights movement, of which Amnesty International is proud to be a part, is growing, diversifying and gaining strength. The outrage at injustice that led to the founding of Amnesty International 40 years ago continues to inspire and motivate millions of people determined to build a better world.

The Bangladesh profile

Rampant corruption at all levels of society and government continued to dash hopes for improvement in the human rights situation and to thwart efforts to tackle widespread poverty and political instability. Torture, including rape in custody, continued to be reported, and impunity for past human rights violations persisted. The government failed to address the issue of corruption. In particular there was concern that the government failed to implement the recommendations of the Public Administration Reforms Commission aimed at making the country's burdensome bureaucracy transparent, accountable and accessible to ordinary people. Despite promises, the government took no action to set up the National Human Rights Commission or to appoint an ombudsman. The long-running opposition boycott of parliament continued. The Public Safety (Special Provisions) Act 2000 was adopted in January amid concerns that some of its provisions breached international human rights standards and would allow the police to detain people without a warrant for a bribe, or on politically motivated grounds.

Torture/ill-treatment

Widespread and persistent reports of torture were routinely ignored by the authorities. Victims included children, women, the elderly, political dissidents and criminal suspects. Police frequently attacked demonstrators and beat

journalists reporting on the protests.

More than 50 people died in custody, reportedly as a result of torture. Methods of torture reported included beatings with rifle butts, iron rods and bamboo sticks; hanging by the wrists from the ceiling; rape; "water treatment" in which nose-pipes were fixed into each nostril and taps turned on full for two minutes at a time; the use of pliers to crush fingers; and electric shocks. Police officers tortured people to extract money, to ensure compliance with their own illegal activities, as a favour to local politicians in return for a bribe, and to obtain confessions.

The perpetrators were able to continue committing such violations with impunity. None of the political parties under whose successive governments torture has been widespread responded to AI's request in September to state whether they planned to take action against torture.

Women

Rape in custody continued to be reported. As in the past, government action was only taken after a public outcry. Police, on payment of a bribe, often chose not to act against private perpetrators of violence against women. Over a dozen women were sent to prison by magistrates under a practice known as "safe custody". The majority were young women who had married against their families' wishes and whose husbands were accused of kidnapping them. While the husbands were often released on bail pending a court hearing, magistrates invariably sent the women to jail, against their will, purportedly for their own "safety". Such women can remain imprisoned "in some cases for years" without being accused of any offence.

Death penalty

At least 37 death sentences were imposed, but no executions were carried out. At the end of 2000, more than 160 prisoners were reported to be on death row. On 14 December, the High Court upheld the death sentences on 10 of the 15 people sentenced to death by a lower court in November 1998 for the killing of Sheikh Mujibur Rahman and his family in August 1975. A split judgment in the case of the other five was to be clarified by a judicial panel.

Chittagong Hill Tracts

The government did not bring to justice those responsible for past human rights violations during the armed conflict, which lasted from the mid-1970s until 1997. Further tension emerged between the main tribal group, which had signed a peace accord with the government in December 1997, and the smaller dissident groups whose demands for full autonomy had not been met by the accord. Each group accused the other side of targeting their members. There were reports that Bangladesh army personnel were responsible for human rights violations against tribal people, including killing at least three Jumma people and setting on fire several Jumma homes.

Low-tech democracy: the miracle of FM band radio

THOMAS L. FRIEDMAN

THE information revolution has come to Africa, and last December it had a direct impact on bringing about the first-ever peaceful transition from one elected civilian government to another in Ghana. This was a hugely important political event for West Africa, but it got lost in America's post-election ruckus. Ghana's turnout would not have happened, though, without the information revolution here.

That's right, a simple transistor radio and a couple of batteries did the trick. In 1995 Ghana's previous government, led by Jerry Rawlings, gave up its monopoly on the airwaves and permitted the establishment of private FM radio stations. Since then, more than 40 have cropped up around Ghana, broadcasting in both English and native Ghanaian languages. They play local music, read their own news and, most important, offer hours and hours of live talk radio, where Ghanaians can tell the government and each other whatever's on their minds.

Fact: The four most democratic countries in West Africa today -

Benin, Ghana, Mali and Senegal - all have private, flourishing FM talk radio stations. Sure, all of Africa will get the Internet one day, but for now, the real information revolution here will be based on cheap FM transmitters and even cheaper radios. So let's stop sending Africa lectures on democracy. Let's instead make all aid, all I.M.F.-World Bank loans, all debt relief conditional on African governments' permitting free FM radio stations. Africans will do the rest.

For Ghana's poor, illiterate masses, being able to call the radio, or be interviewed in the market by a radio reporter with a tape recorder, has given them a chance to participate in politics as never before. It was this national conversation, conducted over FM radio, that was critical in enabling J. A. Kufuor, a free-market democrat, to defeat Mr. Rawlings's tired, floundering party, which had run Ghana into the ground during 20 years in office.

"Everyone knew that [President Rawlings's] wife, if she didn't like a program on our [state-owned] station, could just order it off the air," Said Yawowusu Addo, the director of the state-run radio GBC. "No one could do that with the private stations. When people saw

something, they just called in with the news. These FM radios helped us liberate ourselves. The public found their voice. The politicians could all hear ordinary people talking about the problems - corruption, unemployment. People were fed up and they told each other, and they told Rawlings."

Ghana is divided into 10 provinces. Eight of them have flourishing private FM stations, two don't. Mr. Kufuor won the eight provinces where there were FM stations, and Mr. Rawlings's party won the two that had no private stations. Not an accident.

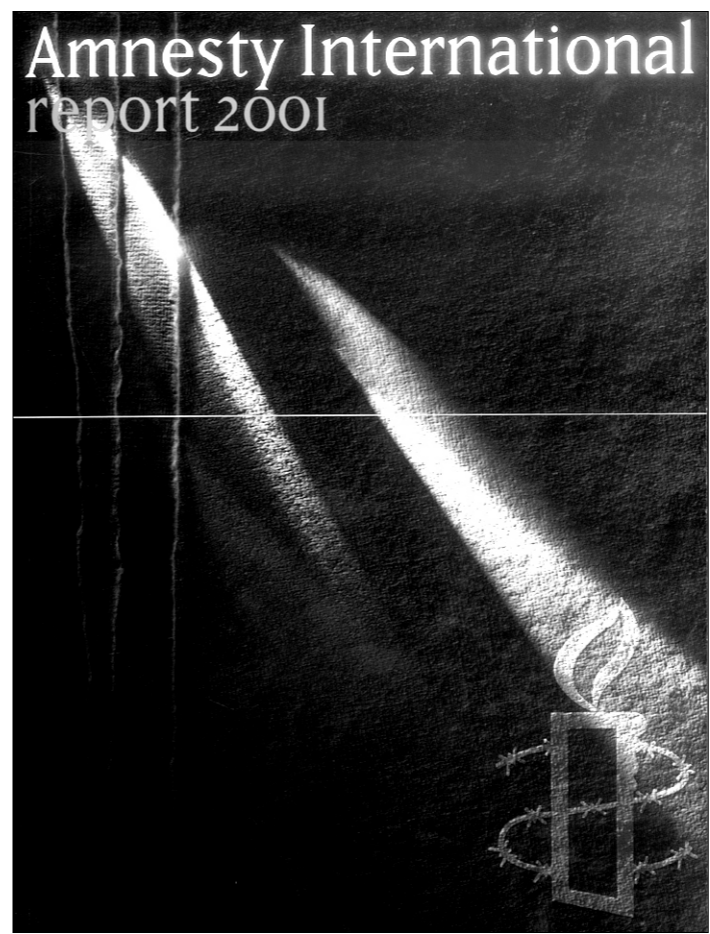
Indeed, the FM stations were critical in making sure that Ghana's election was not stolen by the Rawlings team. Ghanaians going to the polls would call their local FM station if they saw any shenanigans, and it would be broadcast in seconds. The radios were monitored by the election board and it would quickly respond.

"On the day of the elections there was a polling station in Accra where soldiers started destroying voting boxes," recalled Joseph Ebo Quarshie, president of the Ghana Bar Association. "Immediately, someone called an FM station and it was reported on the air. I was at my

bank at the time. A guy walks up to me, a pharmacist I know, and says, 'Have you heard what's going on at this polling station in Accra? What is the Bar Association doing about it?' So I got in my car and turned on SKY FM. Minutes later I got a call from JOY FM. I told them to call me back in a few minutes. Meanwhile, I got a copy of the Constitution. JOY FM called me back and I read over the radio the article in the Constitution which says that citizens had the right to resist interference in a polling station. JOY FM kept playing my interview over and over. A couple hours later the soldiers were chased off by voters."

Now that the elections are over, the FM radios, which are all run by young Ghanaians who were either educated or had worked in the West, are playing an important role in forcing transparency on the new government. "The minute people were able to talk freely and anonymously - on the radio, and ask what officials were up to, was the beginning of accountability for government in Ghana," said Nana Akufu-Addo, the new minister of justice.

Source: This article is from NYTimes.com



There were continuing concerns about the slow pace of the implementation of all provisions of the peace accord.

LAWSCAPE

The security syndrome

ADILUR RAHMAN KHAN

NEWSPAPERS, quoting the Law Minister and other government sources, reveal that the government has almost completed a draft bill for ensuring lifetime full security for the present Prime Minister Sheikh Hasina, her sister and also for members of both their families. According to the proposed bill, the State will also provide all other facilities including pensions, protocol and separate housing for them.

The proposed bill did not say anything about the question of people's security. Ever since this government has come to power in 1996, it promised many things - including a transparent government, free media (including the autonomy of the radio and television), separation of judiciary from the executive and security for the people. Unfortunately, almost after five years at the time of the completion of the tenure of the present government, it transpires that nothing has been done as per those promises.

According to the Transparency International report, the government institutions have become more and more non-transparent and corrupt, the media is under constant attacks from pro-government elements, the question of autonomy of the radio and television is still a dream, separation of judiciary from the executive appears not to be implemented and peoples security has become almost non-existent because of continuous use and enactments of national security laws.

The government has even backed out from its commitment regarding the establishment of a National Human Rights Commission, a watchdog that could have addressed the issues of human rights violations and crimes committed by the law enforcing agencies.

The enactment of the Public Safety (Special Provisions) Act 2000, the Father of the Nation Portrait Act 2001 and the proposed bill for the lifetime security of Sheikh Hasina and her family members (also by bringing some amendments in the Special Security Force Ordinance of 1986 for this purpose) will further make the people insecure.

If the caretaker government or the future elected government feel the necessity to provide security to a particular person, it may easily do so by issuing administrative orders or by providing security under section 8 of the Special Security Force ("SSF") whose primary function is to protect the Prime Minister, the President and other VIPs. Sheikh Hasina may take shelter under the word "other VIPs".

At the time when thousands of innocent victims are languishing in the prisons, political opponents are facing repression, human rights activists and organizations are constantly monitored by the government agencies, abduction and murder has become almost a regular happening, journalists are scared to write freely and exercise freedom of thought and consciousness; and when the abductors and killers of Advocate Nurul Islam, Advocate Habibur Rahman Mondol and Advocate Kalidas Boral get blessings from the establishment; and the journalists like Tipu and Probir lie on their hospital beds while their influential perpetrators are still at large; the justification of the Law Minister in passing such bill raises many questions in the hearts and minds of the citizens of this country.

The UK based human rights watchdog, Amnesty International, in its 2001 report mentioned Bangladesh as, "Widespread and persistent reports of torture were routinely ignored by the authorities...Police frequently attacked demonstrators and beat journalists reporting on the protests". When this is the state of the security of the people how one can think of her/his personal security?

Senior Lawyers have already expressed their opinion that a law should not be enacted for a particular person or for a family. Furthermore, this will become contradictory to the concept of caretaker government. If the caretaker government or the future elected government feel the necessity to provide security to a particular person, it may easily do so by issuing administrative orders or by providing security under section 8 of the Special Security Force ("SSF") whose primary function is to protect the Prime Minister, the President and other VIPs. Sheikh Hasina may take shelter under the word "other VIPs". Instead of doing that, the present government has opted to go for enacting another national security law in the garb of protecting Sheikh Hasina, her sister and their family members.

The trend of introducing repressive laws is nothing new to the people of this country. Whenever the political elite feel threatened, mainly due to their own failure in delivering service to the common people; when the administration loses its transparency and bad governance becomes the policy of the day, then is the time to opt for draconian and repressive laws in order to gain protection from the wrath of the masses. Historically, it has been proven that although governments enact draconian or repressive laws in the name of peoples security, ultimately these laws are always used to suppress the legitimate and democratic voice of the common people and the opposition movements.

People of this country have bitterly experienced the enactment of national security laws by different regimes and they have always been vocal against such enactments in the past. The governments never listened and yet the people continued their struggle. The time has come again to raise voices and protest against such enactments for the protection of rule of law, democracy and human rights.

Adilur Rahman Khan is an Advocate of Bangladesh Supreme Court

LAW WATCH

Celebrating 40 years of activism



Amnesty International (AI) members around the world are this month gearing themselves up for a series of celebrations to mark the organization's 40th anniversary. Concerts, festivals, publicity drives, fundraising events and firework displays are being organized in countries around the world to celebrate AI's landmark birthday. Many are using it as a basis for mobilizing new members. On the theme of '40', AI Palestine is planning to recruit 40 new members and host a major event with local personalities. AI Germany hopes to attract 40,000 new members and establish a

foundation for big gifts. AIUK is holding a major comedy fundraising event at Wembley Arena in London hosted by famous comedian Eddie Izzard and AI South Africa is planning a concert around the time of the UN World Conference against Racism in September. AI New Zealand is collecting illustrations of its activities and successes to create a visual history exhibition and AI Spain is producing a 2001 calendar and books on AI's history. AI Denmark hopes to have a commemorative stamp issued in AI's honour. Some sections will have something extra to celebrate, as they mark their own anniversary. To celebrate its 20th birthday, AI Portugal is holding a major televised concert in two cities featuring 20 bands and musicians. AI Paraguay is celebrating its 10 years with a massive recruitment campaign. It was on 28 May 1961 that British lawyer Peter Benenson launched an Appeal for Amnesty '61 with an article in the Observer newspaper. He had been moved to take action after reading of the imprisonment of two Portuguese students whose 'crime' had been to raise their glasses in a toast to freedom. The appeal was reprinted in papers across the world and within six months, what had started as a brief publicity effort was developing into a permanent, international movement. In April 2001, Peter Benenson was presented with a lifetime achievement award from Cherie Blair, lawyer and wife of Prime Minister Tony Blair, at the prestigious Pride of Britain awards. Today AI has more than one million members and subscribers in over 140 countries and territories. There are more than 7,500 local groups, youth and student groups and other specialist groups, as well as individual members and coordinators in 100 countries and territories.

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Law Desk

The Daily Star
19 Karwan Bazar

Dhaka -1215

Fax: 8125155

E-mail: lawdesk@thedailystar.net

lawdesk20@hotmail.com