

## Ramna Batamul Case becomes a legal mystery

*It's not a political issue but about how the legal process works*

**T**HE issue of granting bail to those accused in the Ramna Batamul bomb blast case has now become an issue with questions raised about the process in which it was handled. The High Court granted bail on the ground that the medical report enclosed in the annexure of the bail petition stated that the persons accused were injured by bullets and not by a bomb blast which was the cause of the incident. But the Law Minister Barrister Moudud Ahmed has said that no medical report was enclosed with the application. It has become a major mystery and not just of the medical variety. The question on most minds is obviously regarding how the legal system actually operates.

The Law Minister has also accused the Opposition of turning this into a political issue and declared that he will sue the AL leader Zillur Rahman for "tarnishing" his image. Meanwhile the file has been sent back to the original court that had granted bail for review. It's clearly an unusual situation in every sense of the term.

As the matter is in the Court of law, we aren't going to comment but what we can say is that there is serious unease about the entire matter. That this is not about law anymore but how the justice management and dispensation system works and as it affects us. This has become serious because the case in question -- the Ramna Batamul bomb blast case -- is a highly sensitive one and the emotional wounds inflicted are still very raw. That's why the extreme necessity of the hour is to deal with the case as transparently as possible and be above board in solving the mystery.

Unfortunately, the period for reticence is slightly over as the media has picked up many loose threads and till they are untangled and laid out for all to see, things will remain murky. And the last thing one wants with regard to this case is a ongoing cloud of doubt. The political fall out will be enormous.

But the core matter of this is not about law. It's about delivering justice and a process, which is proper and befitting the matter it deals with. But so many questions have been raised and so many matters opened up which defy explanations that emergency and specific actions are immediately necessary. It's in the interest of the judicial process that the matter be thoroughly examined and a verdict given as to how such a major confusion arose. It's no longer about who did what or didn't. It's about a question on the legal system itself which needs to be answered.

## WB recommendations anger local experts

*But shouldn't we get our act together?*

**T**HE foreign consultants and donors seem to have decided that they don't have to be responsible in their words and deeds when it comes to Bangladesh. This sense of unblemished superiority is only on display when it comes to income poor countries like ours and sadly, we have a legion of people who are willing to provide friendly ear. The world has already documented the near total failure of the World Bank in its advice giving business. Thus, the remarks made by one of the consultants on trade barriers which was strongly criticized by the local economists and trade leaders comes as a bit of a puzzle. After all, shouldn't they be doing their homework before they speak?

Admitted that the economy is badly managed and we continue to pander to donor whims because of our focus on meaningless political issues, the World Bank also doesn't have a basket of successes to display either. However, if such meetings are held on the recognition of mutual limitations and past failures, they tend to be more productive.

The problem may lie also in our lack of courage in developing policies of non-dependence. Multi-lateral agency bailouts are no longer credible packages and whether we like it or not, acute hardship is staring us in the face. Of course this is beyond and above the usual that we face and the long line of laid off workers are a sign that the new global economic system has little space for the marginalized economies like ours. Since the new construction has been a product of institutions like the Bank, we need to assess the advantages. The message is clear that we had better listened to our own counsel and built our homes. The only problem is that while we may contradict foreign experts, we can't agree on our own prescription. It's through this space of disagreement that such unwarranted advice walks in.

Best is if we can agree on a common vision and strategy. There's no shortage of intellect but the problem is in application. We also need to recognize that public patience for failure has fallen dramatically and we need to provide policies made by us that work. And fast.

Neither donors nor experts will respect us or even bother to provide advice if we grovel constantly at their feet. The millions of poor rarely benefit from such advices anyway. Our experts and our trade leaders must know that in case of a crash, they will be held responsible and nobody is going to chase the fly by night consultants with useless recommendations which only generate more consultants and consultations.

Ultimately, it's about us and that is the message. Repair our own minds to become enabled to help ourselves.

## They lay dead because they reported facts



AFSAN CHOWDHURY

IN the green but violent cities of Nigeria, during the black days when none dared to speak out against the military regimes that occupied the seats of power, the media stood out. While there were those who took the official line, many didn't. Most of these were magazines and one was *Tell* which that vividly described official corruption. Its offices were raided many times and it was banned regularly but it always

Bangabandhu Sheikh Mujibur Rahman, established one-party rule incorporating a supporting cluster of pro-Soviet Union parties into a single party, which he headed. The only politics was that of Bangladesh Krishak Sramik Awami League (BKSAL). All newspapers except four state sanctioned ones were still and it was the closest to an iron-fisted rule that has been seen in this part of the world.

so many even when Col. Taher took over Bangladesh and the Bangladesh Betar on November 7, 1975 and lost it before lunchtime. In the Moscow radio programme I was asked, "What has impressed you most about Russia?"

"I have seen the legendary snowfall of Moscow. Something I had read in literature but now am seeing in real life. And I am seeing the women of Moscow. I had no idea

the huge oligarchy which rules Russia now, who have made millions helped by the US will rule on." It's amazing how scared I felt when he said these words. He showed me a hotel where journalists had been shot dead. So many had died since freedom arrived.

"Be careful. Don't ask too many questions. Not unless you want to be a risky player."

I was glad my aim was to docu-

me if some of our readers don't believe that one has the right to dissenting thought and the right to hold his own belief no matter with what or with whom that disagrees, we do believe in that. We won't let hate or personal vilification find space but barring that, you are welcome.

But even as we read the many letters everyday, we recognize that freedom of thought and speech are not as popular as we would like it to be. There is a terrible attraction in the assassination of the rainbow, and many long for the single bugle call to arms and intolerance. But if you want the democratic space to exist and survive, you must defend it too, we realize.

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"WHERE is my poem on the benefits of good accounting and audit systems?"

"I swear we haven't lost. It's there. We are looking, we are looking. As soon as we find it will be published."

"Do you know who I am?"  
"The Chief Accountant?"  
The phone is banged down.

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A poisonous stream of intolerant thought and spirit killed Harunur Rashid and Pearl in the anonymous mud and sands from where they had reported. Rashid and Pearl, strangers to each other are united in the common identity and ideas of the killers. They have become brothers in death.

If someone has taken pleasure in the murder of a man who had reported on the murder in Khulna, he too is a murderer. If some of us have drawn secret pleasure in the death of an American with a Jewish background, he has participated in a slaughter. To be killed for reporting facts is the murder of truth. If we in our heart believe that the killers were on the right, we must then congratulate every time the hammer of the censor strikes and the killer's sword swoops down the thoughts of a child.

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THERE is a fundamental contradiction between dogma and facts. A basic difference exists between the infinite truth and the multiplicity of realities. I see that even in the humblest pages of The Daily Star where the readers write to the Editor, the letters to the Editor is already a parallel existence within the paper. It has been taken over by the readers, the most democratic coup d'état possible as they decide what gets written and read.

But not everyone has got the same message. The soldiers frisked people at the slightest excuse. The mafia had replaced the security police. And the beautiful women of Moscow were mostly the new wealthy ones who didn't have to eat potato and cabbage anymore. For millions life had gone dead.

Yet Kershaw, who saw my regulation BBC Sony Walkman recorder and introduced himself told me about the hazards of journalism in a land unused to freedom.

"The KGB is still in power. Yeltsin is their puppet. Zuganova will be defeated by fair means or foul and

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Alsan Chowdhury is a Senior Assistant Editor of The Daily Star.

## STRAIGHT FROM THE HEART

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resurfaced. The journalists providing chilling accounts of how the powers that be behaved. When I met some of them, what started was their laughter despite such hardship. Bonyface was an Ibo, an East Nigerian who was on the run, working as a carpenter, hiding from the seriously fierce looking police and writing whenever possible. He was on the hit list.

"We haven't died but our souls are under fire. We were great once and we are being crushed now. That's why we hide and work. One day we will show the world."

He was brought down in what was described as an accident when the truck he was in was stopped and the passengers' shot in a distant part of northern Nigeria. No one knew if it was he they were looking for or just a case of the usual robbery. He would have been happy with the Nigeria free from military rule. But he would still write what he would feel. He wasn't there to see.

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HOW does one explain the death of Harunur Rashid, killed by the same brand of assassins that killed Shamsur Rahman 20 months ago? There is as yet no trial of his murderers and there will probably not be of martyred Rashid either. Given the law and order situation under the past and the present government, there can only be the shroud of silence and images of the helpless weeping of the family. The grave is the only reminder of our sense of press freedom in this country. When politics is only about power, non-partisan journalists are a serious threat to the system.

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IT was 1974 and BKSAL had been introduced. For those who don't remember or have preferred to forget or never have known, BKSAL was a strange and odd phase in our history. In this period, the Awami League government under

Journalists were suddenly redundant and just as there was no opposition, there was no news. There were only praises for the Chief.

I was a student then but many of my friends had already started to work in the media, some part-time and some full. I met a young political correspondent.

"What are you going to do now?"

"I am trying to learn the breast size of various actresses. You may not be able to discuss politics but sex and films will be allowed. So I am learning about the females of the tinsel world. Did you know that a woman in the USA has a body measurement of 46-24-36."

Geometry? Statistics? Alitany of numbers describing death? What did he actually describe?

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I was inside the Moscow Radio station and being interviewed by the South Asian service in 1996. It consisted of one entire lady who had done her Ph.D on "the Chariot of Jagannath" in Orissa. But before we reached the studio room for coated soldiers toting sub-machine guns surrounded me and gave a shake-down that wasn't exactly gentle. I have never seen so many soldiers inside a radio station. There weren't

that they were so beautiful. I don't know which is better looking. The snow or the women of Moscow." Quite positive and friendly one must admit.

I was told that Moscow Bengalis always gave the payment cheque to the lady. She was such a nice person and it was the least we could do given her hardship. I did that gladly. I asked her which life was better? Before or after Communism?

"After communism. All my savings are gone and I am dependent on others today. My pension is meaningless but I can speak, be free, and be able to move. I don't have to be scared. This is better."

But not everyone had got the same message. The soldiers frisked people at the slightest excuse. The mafia had replaced the security police. And the beautiful women of Moscow were mostly the new wealthy ones who didn't have to eat potato and cabbage anymore. For millions life had gone dead.

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ment the new rich Bangladeshis that had sprouted in half-legal Moscow and no more. They needed a journalist to tell the world that they had made it in that snow draped city of fear.

In the Putin era, life is no better for those who want to report on facts, comment on issues. Censors and high costs compete with each other to shut down media shops.

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BSP-BJP alliance. Mr Ajit Singh is balking at this. Without his 14 MLAs, the BJP-BSP can't form a government. Some BJP leaders are making a virtue out of necessity by "choosing" to sit in opposition.

The SP is clearly the single largest party. But to form a government, it must get credible support from the Congress (26 seats), and independents. These numbers will add up to a simple majority if even half of Mr Ajit Singh's MLAs join, or if the BSP splits, as is possible.

Governor Vishnu Kant Shastri should discourage any bid by a party (BJP) which has lost an election, to return to power via an alliance. He should make a fair and dispassionate judgment on who can provide a viable government.

Here, an SP-Congress-RKP-RLD-Independent coalition seems far better placed than the BJP-BSP. Tragically, Mr Shastri is a hardcore RSS man, lacking in fairness. Thus, we might see a political mess in UP. However, no one should miss the writing on the wall.

**Postscript:** Godhra is part of that wall, but the writing is in blood. It arises from the provocative, officially aided, Ayodhya campaign, compounded by fanatical Muslim overreaction. There have been terrible planned reprisals since. When will our communalists stop playing with fire?

Praful Bidwai is an eminent Indian columnist.

## Categorical poll verdict: The BJP is unhinged

PRAFUL BIDWAI writes from New Delhi

**U**TTAR Pradesh, Punjab, Uttarakhand and Manipur have handed out a scorching, damning verdict to the Bharatiya Janata Party. The election results are likely to alter the terms of competition in India's politics, slow down neo-liberal economic policies, and further discredit *Hindutva*. They constitute a popular wave against the BJP.

Look at India's political map. Four years ago, the BJP straddled half the country, from UP to Gujarat, Punjab to Madhya Pradesh, Assam to Maharashtra. As the Congress declined, the BJP seemed unstoppable.

Today, the BJP rules in just three states. In Gujarat alone does it rule on its own. Nationally, it trails behind the Congress, which is in power in 14 states.

The BJP's shrinking is nowhere more evident than in UP. Since 1991 until last week, the BJP was UP's largest party, with a 30 to 36 percent vote. This has shrivelled to just 21 percent. In UP's 403-strong Assembly, the BJP's 88-seat tally puts it 10 seats below the Bahujan Samaj Party, and way, way, behind the Samajwadi combine (146 seats).

The BJP's Assembly strength has shrunk by half, and its vote by a

whopping 12.5 percent since 1996. This popular rejection is even greater than the infamous defeat of the Congress in the 1997 post-Emergency election. By contrast, the SP and the BSP have gained three percent plus in votes.

Take the setback to the BJP in the other three states. In Punjab, it was the Akali Dal's junior partner. It only

won -- despite Mr Vajpayee's furious campaigning -- three seats, as against 17 in 1997. (The Akalis got 41, and could have done better absent a split).

In Uttarakhand, the BJP was trounced thanks to rapid popular disillusionment with its misgovernance.

In Manipur, the BJP-Samata alliance performed dismally. The Manipur State Congress Party, its NDA ally, has deserted it.

Top BJP leaders now strenuously claim the elections are no referendum on the party, on *Hindutva*, or the NDA. They have been shielding themselves thus-as in 1998 or 2001 ever since opinion polls gave

government.

For the public, the results signify a forceful rejection of *Hindutva*. This recently took two forms: revival of the VHP's Ram temple agitation, and a campaign on "terrorism", backed by war-mongering and a huge military build-up.

The temple proved a complete dud. The people also refused to be swayed by the BJP's hysterical "anti-terrorism" campaign, which tarred all Muslims and Islam with the fundamentalist brush.

The quality of the BJP's defeat cannot be explained by "anti-incumbency". The vote-swing against it is much too high.

"Anti-incumbency" is related to a

rejection of the BJP's market fundamentalist economics and conservative social policies. These added up to a appalling misgovernance: 16 hour-long power cuts and non-payment of government salaries in UP, neglect of people's needs in Uttarakhand, massive corruption in Punjab, and collapse of public services in all four states.

The election results may not immediately destabilise the Vajpayee government. But they will erode the NDA's -- and Mr Vajpayee's -- already diminished legitimacy.

The BJP is becoming dysfunctional in leading a national-level

However, the biggest impact will be on national coalition-making. If the SP and Congress come together for tactical reasons in UP, they will generate a new national alliance.

If, on the other hand, the BJP and BSP ally, the NDA will get a boost-along, though, going by past experience, this won't be durable.

The UP situation is fluid. Many BJP leaders, especially Messrs Advani and Rajnath Singh, are against this with the BSP. They feel this will further discredit the BJP and antagonise the upper castes. The party could be wiped out in the next Lok Sabha.