

A quiet but eloquent protest

Let it be heeded by the government

THE silent demonstration by hundreds of people, who lined up in the city for half an hour on Friday, was indeed a unique way of protesting the killing of SAMS Kibria and others at Habiganj on January 27. It was spontaneous and amply demonstrated the public outrage over the grenade attack against the backdrop of failed investigations into the past incidents which gave the perpetrators a sense of impunity and the people in general a feeling of great insecurity.

What was special about the Friday's rally is that the demonstrators made their point without causing any disruption to public life. It was, like the human chains organised in recent times, a welcome departure from the show-down-prone protestations. It was also a homage to the man who always believed in the rule of law and constructive politics.

The message of the demonstrations is two-fold. First, there was the emotional outpouring which showed the depth of the wound left by the Habiganj killings on the public psyche. People could not accept the fact that a dignified politician had been murdered by the forces of intolerance. Second, they have appealed to the government to catch the killers and punish them. Only justice can bring some solace to the aggrieved.

The government's compulsion to succeed in the investigation is overwhelming. It is more than a question of meeting out justice; for, the government has to respond in a result-oriented way to the popular demand based on cumulative outrage over past investigations stumbling at every step. The decision-makers can ill afford to keep on telling us that investigation is going on. People want a credible breakthrough in apprehending the stealthy grenade throwers who threaten to destroy democracy and all other decent things in our political arena. We believe there are two more questions that need to be addressed as part of the inquiry: First, why the regulation emergency treatment could not be given to Kibria at Habiganj. Second, why a helicopter could not be sent to bring him to Dhaka thereby reducing the odds against his survival?

Nepal under lock-down

Situation going from bad to worse

THE ostensible reason behind Nepalese King Gyanendra's dismissal of the country's coalition government and imposition of a state of emergency last Tuesday was that the government had failed to hold elections and failed to quell the Maoist insurgency that has killed over 10,000 people in the past decade.

It was the ineffectualness of the government and the divisiveness within the Nepali body politic that the King claimed as justification for his taking over the reins of government for the next three years and indefinite suspension of all fundamental rights.

However, the unrest that has rocked Nepal since the "monarchic coup" has proved the hollowness of the claim that the government needed to be dismissed in order to unify the country and bring stability.

In the first place, there seems to be little connection between suspending democracy and fighting the Maoist insurgents -- why democracy and fundamental rights need to be suspended in order to counter the Maoists remains unclear. In fact, one unwelcome conclusion that can be drawn in consequence of the King's actions is that he is preparing to launch a bloody offensive against the insurgents and does not wish to be restrained by niceties such as concern for human rights or public opinion, both inside the country and out.

Nor has the sacking of the coalition government united the people of Nepal. Indeed, with ex-PM Koirala echoing sacked PM Deuba's appeal for broad opposition to the suspension of democracy and calling for the public to take to the streets in protest, the climate of anxiety and instability has increased markedly since the King's take-over.

Democratic space in the country seems to have been shut down in the aftermath of the take-over. Contact with the outside world continues to be cut off so that it is very hard to get news of what the situation is, senior politicians continue to remain under house arrest (some have even allegedly been taken away to undisclosed locations), and all fundamental rights remain in suspension.

We fear for what will happen next and urge the new government under the King to restore democracy and fundamental rights as soon as possible, or at the very least, to open Nepal up to the outside world to ensure that abuses are not committed under the cover of the present darkness.

KAZI ANWARUL MASUD

IN a move, thought by many officials and analysts as "a dangerous course" of action, the Nepalese King has dismissed Prime Minister Deuba and taken over all executive powers. In a nation wide television address King Gayendra claimed to have taken this action "in the larger interest of the people". The King accused the Deuba government of failing to maintain security in the face of the Maoist rebellion and to hold elections in time. Prime Minister accused the King of flagrant violation of the Constitution and termed the King's actions as "anti-democratic step". He issued an appeal for broad opposition to the King's move "for the cause of the nation, democracy and the Constitution".

Landlocked Nepal is located between China in the north and India in the east, west and south. Declining to comment on the King's actions Chinese Foreign Ministry spokesman considered the developments as "internal affairs" of Nepal. Terming Nepal as "a close and friendly neighbour" the spokesman hoped that "Nepal will achieve social stability, economic development and national reconciliation". Given the current situation, the spokesman added that China respected the Nepalese choice of the road of development. Clearly China is unwilling at this stage to take any position critical of the King. Indian government, on the other hand, sees the developments constituting "a serious set back to the cause of democracy in Nepal and cannot but be a cause of grave concern to India". Reacting to reports that some of the prominent politicians have been put under house arrest India has stressed the need for their safety and welfare and hoped that the political parties would be allowed to function as provided under the Constitution.

According to Indian government multi-party democracy and constitutional monarchy are "two pillars of political stability in Nepal" and the King by forming a government

under his chairmanship has violated this principle. The latest developments in Nepal, apprehends the Indian government, have the distinct possibility of bringing the monarchy and mainstream political parties into direct confrontation with each other undermining not only democracy but also the institution of monarchy in Nepal. Evidently New Delhi which has been providing military assistance to Kathmandu to fight the Maoists, a policy supported both by Washington and London, and has been urging the Nepalese authorities to exercise caution and deal politically with the Maoists, is

Indian Foreign Minister paid a visit to Nepal to demonstrate Indian government's proactive policy towards rebellion-ridden Nepal during which the Indian Foreign Minister pledged Indian support "that will help Nepal put down the insurgency" without abandoning Indian policy to resolve the rebellious situation through a combination of military and political measures.

At the time of Natwar Singh's visit to Nepal India is believed to have a three pronged strategy: (a) to ensure that elections are held in 2005, (b) to limit the influence of the

of "regression" in Nepalese politics that had set in when the King had sacked Deuba the first time for alleged incompetence though Deuba then enjoyed the confidence of the parliament.

Political analysts have blamed wrangling among political parties as being primarily responsible for the demise of the 1959 constitution, dissolution of parliament and introduction of partyless system of government by King Mahendra in 1960. For the next thirty years the implementation of top down donor driven development projects lacking coherence, socio-economic

ence at Harvard University identified political and legal, social and ethnic, economic and regional and international factors as most significant aspects of insurgency in Nepal. Nepalese scholar Nilambar Acharya considers the Maoist rebellion as basically a political movement created by extreme poverty in rural Nepal and sustained by organisational skill of the Maoists.

As it is the situation in Nepal is very complex and the latest move of the King is likely to compound the danger facing the country and its institutions. It is believed that the Maoist leadership dislikes King

held between the Maoists and governmental authorities on different occasions. Dr. Bhattarai once said that there existed two states with two armies in Nepal but three political forces -- the monarchial force, the Maoists and the political parties -- and there would be no peace if any of the forces were left out. The Maoists want a constitution in which people would be the sovereign power in totality; formation of an integrated national army by making structural changes in the Royal Nepalese Army and the rebel People's Army; immediate cessation of the presence and movement of any foreign army, military aid and of any pact which could adversely affect the current negotiations in the guise of fighting terrorism; right to education, health and employment to be declared as fundamental rights; land reforms to establish "right of the tiller" etc.

Like Sri Lanka Nepalese authorities may wish to associate the UN/EU or any other foreign entity as proposed by the Maoists several times in the past for a resolution of the conflict. Instability in any South Asian country can adversely affect peace and development in the regional countries. Because the causes of Nepalese insurgency is so deep rooted and the sense of deprivation is deeply engraved in the minds of such a large number of people the Nepalese authorities may consider that the Maoist rebellion cannot be put down by force alone and should be resolved through political dialogue. In the ultimate analysis the concept of power and law does not rely on command-obedience relationship but in a form of government where the rule of law, resting on the power of the people, would put an end to the rule of men over men. One hopes that the Nepalese conundrum would find a peaceful resolution where Nepalese of all strata of society would find opportunities to realise their potentialities to the fullest.

Kazi Anwarul Masud is a former Secretary and Ambassador.

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disappointed over the setback to the democratic process in Nepal.

Nepal did not have to suffer post-colonial trauma like other South Asian countries as it was never colonized, had mostly remained in anonymity and its borders had remained virtually closed to the world till the middle of the 20th century. But at the beginning of 1950 Nepal was at the point of becoming a buffer state between Communist China and the West. Beijing signaled its intention to take over Tibet on Nepal's northern border, which would have resulted in the formation of a communist state bordering India. This prompted Indian Prime Minister Pandit Nehru to declare that "a threat to Nepal is a threat to India" and "India cannot tolerate any invasion of Nepal from anywhere". In July 1950 India and Nepal signed a treaty of peace and friendship and a treaty of trade and commerce. Since then the two countries are enjoying a "special relationship" which India believes gives her the right to lead global intervention to stabilise Nepal. After the formation of the UPA government in India following the last general elections

Maoists by training the Nepalese army, and (c) evolving a multi-party government that would help create a situation for holding elections and also for tackling insurgency. Indian influence in Nepal can also be gauged by the fact that after the resignation of Surya Bahadur Thapa, Madhav Kumar Nepal the leader of CPN(UML), the E largest party in parliament following division in the Nepali Congress was not invited to form the government because his party wanted a review of the 1950 Indo-Nepal treaty which made it possible for the citizens of both countries to freely visit each other's country, get education, job or start a business and even acquire property. CPN(UML) wanted Nepal to become a secular state, hold peace talks with Maoists to draft a new constitution, and hold parliamentary elections under UN norms and procedures. Indian choice G.P.Koirala could not be appointed Prime Minister as he had lost the King's favour and Sher Bahadur Deuba got the job. But Madhav Kumar Nepal welcomed Deuba's appointment as he considered it his "reinstatement" and therefore arrest

justification or long range sustainability widened the gap between the rich and the poor, urban and rural population and eastern and western regions of the country. Number of people living below poverty line increased. Though Panchayat (partyless) system was replaced by 1990 constitution declaring Nepal "multi-ethnic, multi-lingual, democratic, independent, indivisible, sovereign, Hindu and Constitutional Monarchical Kingdom" multi-party democracy could not deliver prosperity to the Nepalese people. World Bank estimated that half of the population lived below US dollar one a day, GDP growth rate was below one percent, and the richest ten percent controlled fifty percent of the national income.

Jugal Bhurtel and Salim Ali (of ITT Kathmandu and Vermont University) ascribe endemic and persistent poverty, inequitable distribution of wealth and lopsided regional policies, social injustices and political disparity, as well as chronic failure of governance as the most visible factors responsible for armed insurrection in Nepal. A web confer-

Gyanendra. As soon as the news of the royal massacre of King Birendra was made public the Maoists issued a statement that the "killing was premeditated and part of a conspiracy". Dr. Baburam Bhattarai, Mikhail Suslov of CPM(Maoist) had nothing but praise for King Birendra though the Maoists aim at abolishing the monarchy and establishing a people's republic in Nepal. It is estimated that armed insurgents number thirteen thousand and are spread throughout the country. It has often been questioned as to how the Maoists could have so many people under arms despite a report that from the start of the "People's War" in 1996 till the end of last year about eleven thousand people lost their lives out of which seven thousand were killed by the state. One reason was lack of unanimity among political parties about using the army to crush the rebellion and also their inability to decide whether the insurgency is to be treated as a political problem or as terrorism.

Despite inter-party differences several rounds of negotiations were

Grenade and garrulity: Time for pragmatism

MUHAMMAD NURUL HUDA

THE latest grenade attack of 27th January last at Habiganj has once again brought to the fore the helplessness of our society against this undeterrred menace. Nobody knows for sure as to the progress achieved in the investigation of the case relating to the deadly grenade attack of 21st August 2004 at Dhaka. Once again we are hearing that the help and assistance of foreign governments and their investigative outfits have been sought in unearthing the mystery of the latest explosion. The near relations of the victims of such explosion have expressed their lack of confidence and trust in the capability of the government and the investigation agency in the discharge of its duties. All around there is an atmosphere of debilitating despondency that is all set to shake our democratic foundation.

Citizen's concern

What, however, all right-thinking citizens should ask, is whether foreign governments and their investigative agencies shall be the appropriate answer for relief and remedy every time a fatal explosion occurs resulting in so many tragic deaths? Are we preparing, willy-nilly, to forsake one of the primary functions of a vital state institution? Requesting foreign nationals and organisations to do what precisely is a national responsibility point to an unhealthy state, howsoever well-intentioned the government's concern may be in this regard. The actions relating to the investigation of a criminal offence is a basic regulatory function of a sovereign government and state. In conducting and supervising such functions expert help and latest technological support of developed countries may be obtained to plug some gaps but the primary effort of proper investigation lies squarely on the Police/CID who have to go by the statutory provisions.

The trust factor

Properly investigating a criminal offence particularly that relating to deaths of persons, mostly political, as a result of explosions mentioned hereinbefore, has become an extremely disconcerting assignment. We have allowed a situation to develop wherein there is open distrust of the capability and neutrality of the state investigative apparatus by the victims of the explosion and their near relations. The commonly leveled allegations are inaction and waiting for instructions from

Regulation 255(a) of the Police Regulations of Bengal says that "The general responsibility for all investigations within the limits of his jurisdiction will rest with the senior sub-inspector of the police station."

In view of the above statutory requirements there is practically very little scope of not entrusting the police or the CID with the investigation of the criminal cases relating to the grenade attack or the bomb blasts. One has to bear in mind that the horrendous acts of grenade hurling or bomb blasting constitute

intelligence gathering for proper detection and therefore, the required empowerment of foreign agencies to collect intelligence on our soil is likely to create a host of unwarranted complications.

The admissibility or otherwise of the evidence and depositions of foreign agencies and their readiness to subject themselves to our legal requirements may pose another problem. Investigation may be done by an individual or a team but when investigators are from different nations the question of

body formed by the government to ensure expeditious investigation will not be energised by official pressure and public demand to do their job in an upright manner. Simultaneously, expert help from foreign and international agencies should be sought with an open mind.

Securing the scene of occurrence for optimal use of latest scientific investigative aids should be a foremost priority. This is very important because in the recent past there have been complaints of indifference in this regard. Intelligence

The menacing reality of physical annihilation of political opponent is a phenomenon of comparatively recent origin. With the administrative acumen available at our disposal it should not be difficult to tackle violence in public life if the major political parties disown their rogue elements. If it is earnestly done then the field executives will understand the signals. In such an eventuality the needful will be accomplished sooner than later.

higher authority. Somehow these allegations cannot be brushed aside readily as informed observers will perhaps find some substance in such accusations. The painful reality is that, as of now, these incidents relating to explosions and bomb blasts have to be investigated by the institutions branded as ineffective, untrustworthy and partial until the legislature has found an alternative agency to do the onerous job or the existing arrangements have demonstrated sufficient credibility to let the institutions to go ahead with their assigned job.

Investigation by the police: Search for alternative

Our criminal procedure code in section 4 defines investigation as under:

"Investigation" includes all the proceedings under this code for the collection of evidence conducted by a police officer or by any person (other than a magistrate) who is authorised by magistrate in this behalf.

criminal acts as per our laws and they must be reported to appropriate authority having jurisdiction, be investigated by competent agencies as per regulation and report submitted to competent court for trial in accordance with laid down regulations and evidentiary requirements. It is only proper to remember that any deviation in the above process can only prejudice the proper investigation.

The demand for investigation of the explosion incidents by foreign or international agencies have to be seen in the above-mentioned context. The question is do foreign agencies have a legally valid locus-standi to conduct and supervise criminal investigations in the background of their being considered essential by some in the present socio-political scenario? As far as this writer understands, as of now, there is no scope for foreign or international agency to conduct substantive criminal investigation of an offence taking place in Bangladesh. The process of criminal investigation, amongst others, includes

command and control assumes significance. Such significance has to be appreciated in the light of the legal stipulations having an impact on the correctness of the investigating process.

The appropriate course

Therefore, when exemplary swift actions are demanded by every quarter to commence and complete the criminal investigation in an efficient manner, would it be beneficial and prudent to insist on exclusive foreign investigations? There is one view that all efforts be made immediately to take advantage of our existing legal provisions to ensure impartial investigation. Since this is a national necessity, one may think of closer judicial scrutiny during the investigation, made possible through appropriate directions from the highest court. As the cases relating to grenade attack or bomb explosions are considered public interest proceedings, the apex court may find it necessary to intervene in an appropriate manner. This, however, does not mean that the high-powered administrative

sharing with foreign agencies regarding the perpetrators/groups must be in the interest of impartial investigation, unaffected by partisan considerations. The investigators must remain immune to the acrimonious deliberations of the political divide in so far as it relates to the substance of their professional enquiry. These are seemingly tall orders in our present circumstances but we have to prove ourselves equal to the professional standard expected at home and on the international parlance. In so doing our sovereign credentials will rest on a firmer footing and our governance potentials shall earn the due recognition.

Political imperatives

The discussions made hereinbefore principally relate to reactive measures and as such has limited effectiveness in striking at the core of the problem and offering durable long-term remedies. What, therefore, should engage the serious attention of our leaders is the dispassionate study of the rise of violence and extremism in our

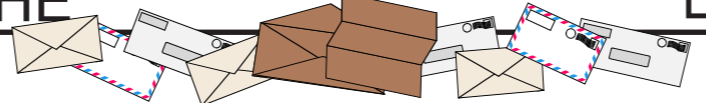
political life. It needs to be seen whether some institutions are promoting violence as a means to achieve partisan political objective and what actions could be taken to convince young people to abjure violence as a way of life. At the same time the areas affected by extremist/fundamentalist activities must come under special surveillance to nab the incorrigible hardscores. The government's authority must be conspicuous in such places.

The menacing reality of physical annihilation of political opponent is a phenomenon of comparatively recent origin. With the administrative acumen available at our disposal it should not be difficult to tackle violence in public life if the major political parties disown their rogue elements. If it is earnestly done then the field executives will understand the signals. In such an eventuality the needful will be accomplished sooner than later. Therefore, what is needed is strong political will resulting into demonstrable actions. The decriminalisation of the political process will surely prove to be a challenge of an uphill task. In this task there is no alternative to success because we have committed ourselves to a democratic way of life and undoubtedly no democrat can allow the aberration of violence to interpose between the nation and the polity.

We have to decide if violent deaths from grenade attack and bomb blast should be allowed to continue as a pathetic recurrent reality on the national scene as is the situation now. Civility demands that all instances of such deaths be treated apolitically and efforts made to de-link violence from the mainstream politics. The language of reason must take precedence over the language of weapon to prevent us from sliding further.

Muhammad Nurul Huda is Former Inspector General of Police and Secretary to the Government.

TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR



Letters will only be considered if they carry the writer's full name, address and telephone number (if any). The identity of the writers will be protected. Letters must be limited to 300 words. All letters will be subject to editing.

Kibria's death

I did not know much about the former finance minister SAMS Kibria. I have learned a lot about him, reading the dailies and watching the news on television. There is no doubt that he is one of those persons who worked for the betterment of this country with a true heart. I send my deepest condolences to his family on this tragic loss.

With great power comes great responsibility. The government should take the responsibility of what has happened. We as 'Bengalees' love power but do not want to take responsibilities that come with it. Suspending the SP and OC of Habiganj will not undo what has happened. Surely, anyone up in the hierarchy, unable to perform his Duties, should resign.

Everyone talks about democracy - the party in power, the opposition. The irony that can be noticed is that nobody practises it. It is my democratic right whether I will support hartal or not. One cannot be compelled to support it by picketing and throwing petrol bombs on buses. Five persons got burnt in the 60-hour hartal; 11 people were burnt to death last year when a double-decker bus was set on fire during hartal. Who is to be blamed for these? The opposition should take the responsibility for their actions.

Abdul Monem Khan
Banani

Save the students

Since the death of SAMS Kibria, the country has gone through a series of strikes which has brought life to a standstill. The economy has been

struggling to keep up its pace and the commoners are the ones who suffer. Students are getting frustrated as the schools are closed and the pressure of study is increasing, as they have to finish their syllabus in a shorter time. If this continues, we will have no one to lead us in future, as the nation builders of tomorrow will be lost to darkness. In protesting the death of one Kibria we are sealing the production of our future Kibrias. Do our politicians want to see a future where anarchy, massacre and treachery rule supreme and where our youth will have turned into an unruly mob? The self-centred politicians do not think of the people who have voted them to power but only care about their own interests.

All politicians must come together in the greater interest of the people if they are to stop this country from

becoming a state of disgrace.

Nayeem Islam
The Aga Khan School, Dhaka

Memories

The demonic picture of General Yahya Khan drawn by our famous artist Quamrul Hossain is still fresh in our memories. He also inscribed a very popular slogan "Kill these beasts". An artist of QA's calibre should draw a similar picture of the so-called Bangla Bhai (who already looks like a devil) and use the same slogan beneath the picture, enlarge it in the form of a poster and hang the same in every corner of Bangladesh. Because this devil and his followers do not have the right to live in the sacred soil of Bangladesh. Islam does not permit anyone to behave like a hypocrite indulging in anti-Islamic activities and trying to impose an illegal jungle law.

We, as members of the public, would like to make it clear that the people of Bangladesh will not allow these anti-Islamic fundamentalists to raise their heads to make this country a Taliban-like state. If necessary, the people will fight another war to liberate the country from these offenders. Therefore, I would like to urge upon the people to resist these beasts immediately.

Dr. SM Rahman
One e-mail

Free speech

Wonderful proposition indeed! The people working at the nucleus of power totally lack the experience needed to "STOP THE FREE SPEECH" around the world. What a coincidence! US President George W. Bush in his State of the Union address vowed

to spread freedom around the world and the government of Bangladesh, in a recent decree, vowed to take action against that freedom, thanks to BNP-Jamaat activists who have unleashed unprecedented repression on minorities. They have expanded their ambition to eliminating all progressive and secular intellectuals who come in their way to protest.

We have seen the government's attempt to hide its misdeeds by shredding the pages of Time Magazine. We have seen the government's vehement denial of Bangla Bhai that made headlines in New York Times. The same government tortured journalist Shahriar Kabir and arrested the visiting journalists from Channel 4 of UK for their alleged role in reporting repression on minorities. The same govern-

ment repeatedly failed to solve the high profile killings and to uncover the men behind the country's biggest arms hauls. The list will go on and on.

With the invention of the Internet, people now have instant access to information without restraint. I am glad that the government of Bangladesh does not have much control over how the Internet works.

I would suggest the policy makers of the government to pay attention to the problems, instead of denying them.

Prodiq Saha
On e-mail

Griswold's report

Bangladesh embassies and consulates in America have stated categorically that Ms. Eliza

Griswold did not apply for a visa to enter Bangladesh from any of their offices in the US. Instead, Ms. Griswold obtained a Bangladeshi visa on her visit to Nepal and India. Does this not make Ms. Griswold's motives behind entering and writing a derogatory article on Bangladesh, suspicious and foreign-sponsored?

Taher Salaam
New York

Dear readers,
We have a new e-mail address for the Letters to the Editor page. Please send your letters to letters@thedailystar.net