

CEC and the future of Bangladeshi democracy



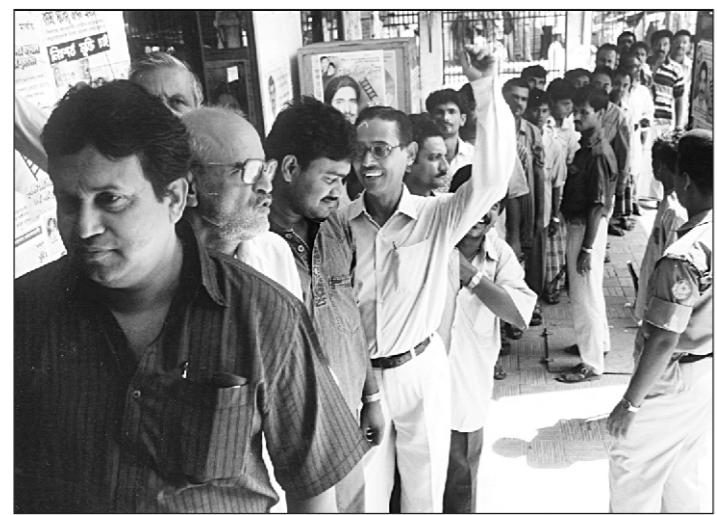
MUSLEHUDDIN AHMAD

discussions with him gave me the impression that India too has a similar system. The government appoints the CEC and probably there is no consultation with the opposition in the matter. At least this is the picture one gets about CEC appointment, but nobody knows whether there is any informal consultation or even understanding between the government and the opposition on such crucial appointments. But India does have a system of formal consultations with the leader of the opposition on some

Nothing happens without the approval of the government. This is not an independent ACC which the people of Bangladesh have been looking for such a long time.

On the appointments of the Election Commissioners another good thing that has developed in India over the years is that the seniormost Election Commissioner takes over as the CEC. So there is no misunderstanding on this crucial issue. Moreover, the advantage is that the CEC being the seniormost Election Commissioner, already has

The fate of the country's democracy and people's right must be uppermost in his mind and this should guide him to the right path. Let him establish a real independent Election Commission with an independent secretariat and full authority to run free and fair election in the country. The country needs it badly.



Adult franchise: Citizens queuing up to cast ballot.

other important appointments like the appointments of the Central Vigilance Commissioners (CVC), members of the Human Rights Commission, etc.

While discussing the issue of independence of various governmental bodies of public interest, it seems appropriate to mention that I, as the convener/chairman of the Movement Against Corruption (MAC), a civil society body recently formed in Dhaka, also had the opportunity to meet the chairman and the other members of the Central Vigilance Commission of India. It was very impressive to know that the CVC is a very independent body and the government never interferes in their work.

The tradition that India's former CEC TN Seshan, widely known as a very bold independent person, established is highly praiseworthy. The Election Commission is absolutely free of government intervention. It's really an independent body that runs the election of the country with so many states with over a billion people. Incredible indeed! India's tradition is certainly strong in terms of maintaining democratic system as apparently it has the tradition of regular consultations on different issues among the top leadership, particularly between the former Prime Ministers, of the country regardless of party belongings. This is what makes democracy but unfortunately in Bangladesh this tradition has not developed at all. The constant rivalry between the ruling party and the opposition and particularly at the topmost level has been seriously eroding the chances of firmly establishing democracy in

huge experience in dealing with the complicated matters like election. It is also important that the CEC, a key person in the system of democracy, then becomes a nationally tested person.

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THE inevitable has happened. The Chief Election Commissioner (CEC) has been appointed by the government, apparently without any consultation with the opposition and hence the critical remark right from the leader of the opposition in the parliament.

She reportedly said: "Sensing defeat in the next general elections, the BNP and Jamat-led alliance has politicized the appointment of the CEC. The alliance government has totally ignored the opposition demand for a dialogue to get an acceptable person in the crucial post." She also reportedly said that the CEC has been appointed "to clear the way for rigging the ballot in the coming general elections."

The expectation of the people was also that at least this time, given the present boiling political situation in the country, the government would try to take the opposition on board on the appointment of the CEC. It was not expected to have a complete consensus.

-- though that would have been best -- on the issue, but top level consultation would have taken out the political sting somewhat. At least the government could have a point to make to the people, but unfortunately this did not happen. There lies the faulty advice that the head of the government received from the concerned people of the ruling party.

It is true that the tradition has been for the government to appoint the CEC. The ruling party occasionally said that the last CEC was appointed by the past government without any consultation with the opposition. On this, the leader of opposition defended her position by saying that she "sent two letters to then the leader of opposition inviting her to a dialogue before appointment of immediate past CEC M A Sayed, but that there was no answer."

Anyway, the same government party went back on MA Syed, their own selected person, and blamed him for many things. But luckily his departing kick in the mayoral election of Chittagong was praiseworthy; this should help set the tone for the next elections, though many important changes must be made in the election rules and its entire system of operation.

While in Delhi, as the chairman of Civic Watch Bangladesh, which is also now seriously examining the Election Commission issues, I had the opportunity to meet the senior Election Commissioner of India. My

SAVAR BUILDING COLLAPSE AND EARTHQUAKE PREMONITION

Will this nation ever really wake up?

DR NAFEESUR RAHMAN

NOT TOO long ago, not too far from the heart of the capital city of Dhaka, a building simply collapsed like a house of cards. Authorities in charge of the rescue operations kept on informing the general public that "everything is under control." Yet the operation took too long a time, the number of lives that perished was far too many, the number of new cases of disability that were created was far too large, the livelihoods that have been lost and affected are too much.

Too many authorities, for too long a time, have paid too little respect to human lives and livelihoods. While much has been said about these issues, little has actually been done. Whenever such an incident or accident occurs, we try to find a quick solution. We do not look for the actual causes, which are far too deep rooted, with far too many untouchables involved. So a quick cover up job becomes the only possible option. We look for a scapegoat. Far too many investigations have been conducted, but too few have been made public so far. I wonder whether we still would have to wait before we reach a saturation point of our tolerance!

How could such an unlawful construction go on and then thrive within the territories of the people who are sworn in to protect the nation? I guess this question has also been asked by far too many people already. As usual, there have been far too few answers! For my own understanding, and possibly for that of a few others, let me try to analyse the case from a little different perspective.

A nine-storyed building was built on a foundation meant for four floors, on a marshy land, without proper piling work. This building was then loaded with too heavy machinery, which led to the collapse. Was this not obviously what would happen one day?

Now, will anybody say that this is a unique case? With all the water

bodies being gobbled up, with so many new multi-storied constructions coming up all over the city, is this really an isolated case of such faulty and criminal construction? I wish I could believe that, I really do! Trying to look at it very optimistically, let us, at least for argument's sake, believe that all the high-rise buildings that are coming up in Dhaka are all built very methodically, following all the guidelines in the book. That brings me on to my other concern.

On December 26 last year, the whole world saw with awe, how powerful the forces of nature could be. Being married to natural disasters, Bangladesh already has seen its fair share of disasters in the past; 1970 and 1991 are just two reminders. But the scale and breadth that the tsunami covered this time around, simply as an immediate aftermath to an earthquake that was just a bit too strong and lasted just a bit longer, showed us just how little and helpless we are. It was only a miracle that saved our country.

There are too many experts who are opining that a very big earthquake is overdue in Bangladesh. Too many experts claim that Bangladesh is geologically located in a very precarious position regarding earthquakes. Too many experts are saying that the country has been experiencing many of the events that could happen before a major earthquake. I have heard that we have only one machine, that also far too old, that can only barely measure the intensity after an earthquake strikes. But I also have heard that this machine gives faulty readings. I have heard that scientists and experts around the world are just beginning to learn how to predict earthquakes, even if it is at the last moment. I am not a scientist, neither am I an expert. But how I wish all these experts and all these predictions about an impending large earthquake in Bangladesh are all wrong. But what if they are all true? Isn't Chittagong city being jolted by mild tremors about once in almost every ten days? Are we really that far away from reality?

The country desperately needs some life-saving equipment, personnel, and technical knowledge! We have spent far too much time looking but not seeing, hearing but not listening, touching but not feeling, wondering but not thinking the hard reality. There is no price larger than human life. Have we not already sacrificed far too many? Should we not take this Savar tragedy as a wake up call?



I want to believe that all these modern day developers are constructing all these modern buildings, bridges and fly-overs, maintaining all standard procedures to withstand moderate earthquakes. An earthquake measuring suppose 5.8 on the Richter scale lasting even say 30 seconds, may not -- hopefully -- cause much problem for these modern constructions. But what about the older structures in Dhaka? Would they be able to take the toll? What if the tremor goes up to 8.5 and lasts just a bit longer? Would even these modern struc-

tures be able to stand tall? I myself also live in one of these apartment buildings in Dhaka. I have been told that the building is earthquake proof. How would I know that the information is true unless a really big one strikes? Can anyone simply visualise what this beautified city could look like if such a big earthquake strikes one fine day?

Now going back to Savar, with all our available equipment, involving all our possible rescue teams, and taking all kinds of support from the community at large, it took this country more than ten days to reach

Friendly renditions to Muslim chambers of torture

DR. LIAQUAT ALI KHAN

RENDITION is one of those words that bureaucracies craft to hide official monstrosities. As an artistic term, rendition means "a performance of a dramatic role." Webster's 1913 dictionary defines rendition as "the act of surrendering fugitives from justice at the claim of a foreign government." In its brand new usage, rendition has come to mean surrender of aliens. It is a quasi-legal practice under which US intelligence agencies "render terrorists" to friendly governments, mostly in the Islamic world, for detention and

interrogation and more.

Ghastly stories have surfaced about how Egypt, Syria, Afghanistan, Uzbekistan, and other Muslim states abuse and torture rendered men, inflicting more indignities on them than Muslim inmates have suffered at Guantanamo. Beatings, physical suspensions, electric shocks, and other cruel and degrading treatments have been reported. International human rights groups claim that in Uzbekistan two rendered prisoners

were boiled to death. Renditions are now firmly associated with America, torture, and Muslim states.

More than anything else, the law (or lawlessness) around renditions is most intriguing. Rendered men cannot be lawfully extradited because they have committed no crime in the Muslim state to which they are rendered. Sometimes, the friendly government has no clue about the identity or activities of the person before he is rendered. Sometimes, the rendered man is not even a national of the receiving state. Hence the contrast between extradition and rendition is vivid. Extradition is an open procedure under which a fugitive is lawfully sent to a requesting state where he has committed a serious crime. Rendition is a covert operation under which even an innocent person may be forcibly transferred to a state where he has committed no crime. It is like a bully dispatching a helpless prey to another bully in another town.

Rendition is not even deportation. A person may be deported under US immigration laws for a variety of reasons including charges of terrorism. Deportation however implies that the person is in the United States. Rendition is not territorial. US agencies can abduct a Muslim anywhere in the world and render him to a friendly government. In December 2003, US agents pulled Khaled el-Masri from a bus on the Serbia-Macedonia border and flew him to Afghanistan where he was drugged and tortured. But the man was a tad lucky. Though born in Lebanon, el-Masri had obtained German nationality. Germany came to his rescue for he was

no terrorist. El-Masri was released, though he would still be languishing in Afghan torture chambers if he were, say, the national of a Muslim state that does not care.

Defying international treaties and US laws, rendition works on the dark fringes of legality. The Torture Convention specifies that no signatory state shall expel, return, or extradite a person to another state where there are substantial grounds for believing that he would be in danger of being subjected to torture.

The Convention is so strict in its prohibition of torture that it allows no exceptions under which any such transfer may be justified. Additionally, it is a crime under US laws to commit torture outside the United States. If the victim dies of torture, the crime is punishable with death. It is also a crime for US officials to conspire to commit torture outside the United States. Under both the



Guantanamo Bay gulag. Prisoners being taken in (below).



governments do not tell what is being done to "terrorists."

One might ask why the US is abducting and rendering men to friendly states. There are many answers. Sometimes, men are rendered because they have nothing more to tell to US agents but still out of caution they cannot be freed; it is cheaper for the US to detain these men in Muslim prisons than here in America. Sometimes, the rendered men need "pressure" to disgorge their stories, and the torture techniques employed in friendly states are just perfect to do the job. Sometimes, men are rendered as a loyalty test, just to make sure that Muslim intelligence agencies are indeed supportive of the US war on terror.

Sometimes, it is safer to tuck away minor terrorists elsewhere because lawsuits in America may pester for truth and embarrass the government. No such pestering exists in friendly Muslim states where pro-American, autocratic governments are well removed from public accountability and would love to oblige their friends and masters.

And for American neo-conservatives, rendition stories are fun. Don't be surprised if at dinner tables, they drink and laugh and talk about Muslims degrading Muslims. Some of them are even talking about closing the Muslim prison at Guantanamo. Thomas Friedman of the New York Times, who vigorously supported the neo-conservative invasion of Iraq, recently wrote a column suggesting that the Guantanamo camp be shut down for it has become "corrosive" for America's standing abroad. Many good-hearted Americans who have nothing to do with neo-conservatives also favour the closure of this eyesore.

Ironically, though, the timing for shutting down the Guantanamo gulag is near perfect. The inmates have emptied their minds and their spirits are broken beyond repair. They are no longer useful though they are still considered dangerous. The time is ripe for their renditions. Men in orange, shown coiled in fetal position, will perhaps go home where, surely, no Quran will be desecrated but where their limbs will be hung on hooks, their entrails will be shocked with erratic electricity, and their fingernails will be plucked off with primitive pliers. America will get rid of its guilt, claiming moral superiority over the rest of the world. And the name of Islam will be further smeared with barbaric details coming from torture chambers, serving America, but maintained by friendly governments in not Kafir but Muslim states.

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that these scanty resources would be sent to pick up a nobody instead of the very interesting and immensely important persons. Can anyone simply imagine how great a time the maggots are going to have all over Dhaka?

What if an even larger earthquake jolts the city and most parts are affected? I just asked a friend, how many years did he think it could possibly take to clear the rubble? He thought for a while and opined "at least five years." Like me, he also is no expert, and this was just a wild guess. Who knows, he may be right.

This country already has about 14 million persons with some or other form of disability. With all the initiatives taken for their development by the government and non-government sectors together, the needs far outweigh what is available. Our national economy is already too stretched due to disability. Unnecessarily adding a further bulk of more disabled people, by one such disaster, to this already large list could make a huge dent to our slowly growing economy. This one earthquake at Savar should be a timely lesson for us.

With the national budgets coming up, I believe this is a very good time to start thinking a little further than doing "cover up" jobs. This country desperately needs some life-saving equipment, personnel, and technical knowledge!

We have spent far too much time looking but not seeing, hearing but not listening, touching but not thinking the hard reality. There is no price larger than human life. Have we not already sacrificed far too many? Should we not take this Savar tragedy as a wake up call?

The only problem is that it is far too difficult a task to wake up someone who sleeps with his eyes wide open. Will this nation ever really wake up?

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