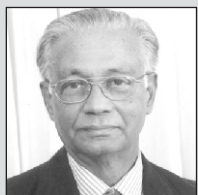


# CEC and the future of Bangladeshi democracy



MUSLEHUDDIN AHMAD

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 MA Syed, but that there was no response."

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

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 country, though people of the country gave enough blood to end autocratic rule and for the purpose of establishing democracy.

It is high time for our leadership to think seriously in the matter so that congenial political environment could be established to rescue the people from this intolerable political situation. It is, however, noteworthy that Bangladesh has been doing better than others including India on different social sector issues like education and particularly women education, women empowerment, maternity health care, water and sanitation, etc in the context of Millennium Development Goals (MDG) set by the UN. The credit goes to all political parties that were involved in the government over the last decade.

We, in the civil society, do feel that our leaders barring some arrogant and greedy ones, have the potential to do well for the country. The problems, however, are rampant corruption under political patronage, non-existence of mutual respect and political tolerance. For the sake of the people of the country they must get over them and work for the improving the people's lot.

To return to the issue of the appointment of the new CEC without any consultation with the opposition, one must admit that this has already made Bangladesh election ground very slippery to say the least. The opposition knows that this action of the government is irreversible unless the CEC, being a former Justice, feels "embarrassed" and leaves of his own free will which, however, is highly unlikely. So it would have been in order, indeed within the opposition's right, to criticize the system or the procedure adopted to such a crucial appointment. But the direct attack, apparently out of total frustration, on the new CEC that his appointment was done to rig the election was, to a certain extent, a reflection on the integrity of the person himself. This might have made him sad, but hopefully not angry.

However, the good and indeed remarkable thing is that the new CEC has reportedly responded well to these remarks by saying that he is the CEC for all or the CEC for none. This speaks of his soft approach to the situation, which is expected of him. This clearly shows that he is fully aware of the political turmoil that prevails in the country and he must remain above it. Let his clear thought and realistic understanding of country's politics lead him well to the great task ahead of him. 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.

Muslehuddin Ahmad is a former Secretary and Ambassador.

# 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

**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**

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

Convention and US laws, therefore, rendition is strictly prohibited if the rendered person would be subjected to torture.

Sadly, such has become the nature of law in the United States that fertile minds trained in top law schools can find believable exceptions to even the clearest provisions of law. Law is a game and talent lies in finding loopholes. Accordingly, the laws against shipping detainees to torture chambers tickle the legal imagination of government lawyers and, surely, they find ways to dodge legal texts. To escape the reach of law, US agents seek verbal assurances from friendly governments that no torture would be committed. Friendly governments nod and receive the cargo. No one winks an eye but all know the script. As soon as men are thrown into torture chambers, lips are sealed. US agencies do not ask and friendly



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 genitals 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.

Dr. Khan is a professor of law at Washburn University School of Law in Kansas.

## 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-storey 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?**



Nine-storey garments factory building collapse in Savar made bare administration's lapses.

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

the ground floor. The first couple of days passed in confusion, not really knowing how to start and where to start. When heavy rescue machinery started arriving, no one knew how to take them there to the right place, as the approach was not accessible. By the third day trapped workers began dying of blood loss, hunger and a lack of fresh air. Even on the fourth day rescue workers could hear frail voices of people trapped beneath the rubble, writhing in pain and crying for help. Some rescue workers have said later that a few more lives could have been

saved at the cost of a few limbs, but they did not know just how to reach those victims and how to perform the amputations. By the seventh day, the atmosphere was far too heavy with the stench of putrefied flesh. Rescue workers started to fall sick from exhaustion and inhalation of unhealthy air. Maggots reached the dead bodies far before rescue workers could. They ate to their heart's content, disfiguring the unfortunate victims beyond recognition. It gives me the shivers to think that I too could be one of these victims in the event of a major earthquake.

This country does not have enough equipment, enough trained personnel, and enough technical know-how to handle a major earthquake.

If a moderate earthquake strikes Dhaka, and say, if a few buildings in the old parts of the city collapse, even with the limited equipment that we have, are the roads wide enough to take such heavy equipment there? Even with the limited number of trained personnel and with the limited technical knowledge, will the rescue teams be able to intervene in time so that a few more lives could be saved? Will the maggots again win the race against the rescue workers?

If suddenly a few hundred injured victims are rushed to the already saturated Dhaka Medical College Hospital or the Mitford Hospital, will there be adequate doctors and other personnel to take care of the immediate needs of so many additional patients? Will there be adequate medical supplies available to cope with this sudden overload? Will vascular surgeons be available to repair the ruptured arteries and

veins, or will the victims be amputated right and left like in the injured cases of older day battlefields? Will there be any follow up psychosocial care for the freshly created disabled persons, or for those who have lost their near and dear ones, their entire life's possessions, and all their livelihoods? What would happen if the age-old hospital buildings themselves cave in, where would the victims be taken?

Will there be enough security personnel to ensure that whatever possessions are standing tall, would not be further robbed by miscreants? That the women would not be abused or that the children would not be picked up for trafficking them off as camel jockeys?

Will there be any coordinated effort to feed the hungry and provide makeshift yet safe shelters to those who have lost all their earthly possessions? In times of such sorrow and grief, will the feeding shelters or relief centers still discriminate against who were or weren't in favour of our liberation war three and a half decades ago? Will these centres, showing utmost disrespect to human sufferings, keep blaring loudspeakers with "Ebarer shongram" or "Prothom Bangladesh amar" to ensure that the victims know from whose pockets these handouts are flowing?

Since I live on the top floor of an apartment building, immediately after the Savar tragedy, as I followed almost every news bulletin on TV watching the rescue in slow progress, I was musing to myself that, if, in the case of an earthquake my apartment collapses, I myself and my dear family probably would be one of the luckiest to be pulled out first. Letting my imagination go wild, I would lay in bed visualising how the rescue operations would probably go at a snail's pace. But then some thought struck me really hard! If my building would collapse, that definitely it would not be the only one. The houses of so many VIPs, VVIPs and VIIIPs would also be affected. And frankly speaking, I am a nobody. How could I ever imagine

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 tragedy 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. 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?

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?

Dr Nafeesur Rahman is Director, National Forum of Organisations Working with the Disabled (NFOWD).