

Remembering August 21, 2004

Deposition of the dead

KAZI ALAUDDIN AHMED

My right to live is usurped. My right to die a natural death is also curtailed. My right to talk is strangled. My right to listen to the people I love is deafened. My vision is blurred. My thoughts are blunted. I lie dead on the street. Many other dead, and the half-dead are all around in pools of blood. My departing soul halts for a moment at the sound of some men picking up hurriedly some selected inert or severely wounded bodies in some vehicles and leaving the scene.

Prior to this, the men in uniform use batons and tear gas on the fleeing people to make room for accomplishing their important assignment as pre-planned. A number of ambulances are there in a desperate bid to reach the dead and the grievously wounded. They are not given access instantly and are held back deliberately. Those who are still on their feet entreat the policemen frantically to come to their rescue, but the latter are cold, unmoved, and are in sullen silence.

My last breath is yet to bid me adieu. I lie head down in a pool of blood on my stomach. Many panic-stricken men and women run helter-skelter, trampling on my almost inert body. Perhaps, in the darkness of the tear gas smoke they mistake my corpse as a part of the bituminous street. I see someone in a desperate bid to lift the body of a lady -- both her legs are severed from the body, having been struck directly by the killer grenades. Could she be Ivy Apa, a front ranking female leader of Awami League, I wonder.

Instantly, I am still able to conjure up the brutal murderous act of Jallianwallah Bagh during the British rule as described in the pages of history. The tragic episode doesn't end here. Some men are readily available to give their own part of the story as to the vantage points where from the killer grenades were hurled. To me it appears to have been a deliberate attempt at misleading the investigation that soon follows. They are in desperate bid to convince their listeners that the grenades were thrown from within the crowd in the street. To me this claim sounds absurd and ridiculous. The crowd has been so thick here that there has not been hardly any elbow space to gain momen-

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Let us never forget Ivy Rahman and the others who lost their life on August 21, 2004.

tum. The mischief of such a misleading information appears to me very much linked with a purpose -- the purpose to protect the occupants/owners of at least one multi-storied commercial building opposite the make-shift dias. I understand that the caretaker of the building denies the suggestion that the intruders had access to the roof, since the door to the roof is claimed to have been locked all the

time. Some others suggest that the killers used the windows of the fifth floor. In any case, no clue to the crime perpetrated is instantly available. I am now lifted along with my fellow travelers to the other world for a yet more excruciating and trying experience in the mortuary. On arrival here to the so-called "long hand of law" appears to be longer yet. Near ones of the "dead" are running back and forth to find out if

their kith and kin are in the morgue. They are swinging between hope and desolation. After a lot of hassles at the place of massacre due to some ominous delay in getting clearance from the outrageous "high levels" the dead are now huddled together on the floor of DMCH mortuary. Here too, the policemen on duty are stiff-necked. They literally beat back the anxious men and women in their frantic bid to identify their near ones. Those



Aftermath of the carnage at Bangabandhu Avenue on that fateful day.

who succeed after much efforts are yet to be sure as to how soon they shall be able to take home their dead relations. Hours pass by in waiting as if unto eternity. At long last the autopsy starts to meet the requirements of law. It is again a brutal knifing of the dead who like me fell prey to the grenades thrown by the assailants. There are yet many more grievously wounded men and women who have no chance of medical attention

here in the Dhaka Medical College Hospital. Well-wishers and relatives move them out to other private clinics and hospitals wherever there is room. In the process of such transfer, some succumb to their injuries. They are not accounted for in the ultimate list of the twenty dead. Concurrent wild gossip is in the air, I understand. The whole dastardly act and attempt to wipe out the entire Awami League leadership

was conceived and planned by some vested interests in the party with the tacit blessings of Sheikh Hasina herself! That's how, the gossip-mongers claim, she escaped unhurt, and some of her closest allies in the party purposefully kept themselves away from the scene of occurrence, because they knew such diabolic things would happen. A Jaamati leader rejects in a hurriedly called press conference

that there is any "fundamentalist" party in Bangladesh and that the grenade attack must have been the work of some extremists planted from alien soil to create law and order problems in the country. He claims too that the Jaamat-e-Islami party has no connection or link with any such extremist group.

The Prime Minister, who until recently sarcastically discounted the news that the leader of the opposition was threatened via telephone with death when she was in Istanbul, Turkey, expresses agony at the news of the grenade blasts at the Bangabandhu Avenue meeting of Awami League. She sends a lesser emissary with a letter to Sudha Bhaban, desiring a personal meeting with Sheikh Hasina to express her sympathies. She fails due to the resistance of the party workers. In such a compelling situation she soon makes a rethinking, specifically rejecting the notion that the four-party alliance had any involvement. She re-tunes herself with the usual blame on "internal rift."

The whole would is rocked. International condemnation gets large publicity in the global media. The world leadership expresses serious concern. Under pressure, the government accepts Interpol and FBI assistance, but before their arrival, many of the clues have been effaced, not only by ignorance, but perhaps deliberately.

There are a lot of misleading words and acts. The Interpol and FBI are nowhere close to the actual fact of the crime. They are guided by the same intelligence of Bangladesh who have failed miserably to find any clue to the crime.

Keeping conformity with the date of the mishap, that is August 21, the official number of dead is now twenty one. This number is indeed a bearer of many a sad story linked with our history language, literature, and life. It takes us back to February 21, 1952 -- the mournful day many of our brethren lost their lives for our mother tongue, Bangla. It is a terrible pity that our Jatuya Sangsad couldn't have any opportunity to discuss the August 21 incident. Isn't it a shame I ask, before I am interred in the darkness of the grave -- my eternal shelter.

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State of denial?

MOZAMMEL H. KHAN writes from Toronto

The worst did not happen, but could have happened. The perpetrators of last Wednesday's country-wide bomb attacks were somewhat kind for the fact that they did not use the deadliest weapons as available in the arsenals of their international comrades. If they had, there would have been a national catastrophe of astronomical magnitude. The precision with which half a thousand or so bombs were detonated in every district town of the country except one, with the utmost accuracy in a time span of only thirty minutes, not only underscored their superb technical know-how, but reflected the discipline and synchronicity of their network as well. Next time around, God forbid, people of the country may not be so fortunate.

The act of unprecedented terrorism that was inflicted on the nation on Wednesday might have caught the highly politicised -- just like any other organs of the state -- intelligence agency of the country by surprise, but not the concerned citizens, local media, and to some extent the international media analysts who bothered to write about the impending danger of rising Islamic militancy in Bangladesh.

But the current government since the publication of an article: "Bangladesh: A Cocoon of Terror" in the Far Eastern Economic Review is constantly in a state of denial. The Economist in its June 16 issue commented: "The government makes it hard for foreign journalists to visit. When they do, it tends not to like what they write, especially recent suggestions that Bangladesh is witnessing a rise in Islamic extremism, and becoming a haven for international terrorists."

In direct contrast to the situation prevailing under the current government vis-a-vis those of its predecessor, the Economist wrote: "Rich-country diplomats say that whereas, three years ago, their main focus was on economic development, it is now on defending democracy."

If there is one thing consistent about our government, it is to be in a state of denial. This is why all the stories about the rising Islamic militancy, including the New York Times Magazine's unflattering story: "The Next Islamic

**The lion's share of the responsibility to protect our value systems and democracy rests with the government, which, in the first place, needs to pull itself out of the state of denial, and protect it with the help of the people, acknowledging the fact that the opposition political parties are an integral part of the process. The stakes could not be higher: the nation and the freedom of its people -- and the BNP and its current allies have not been given the exclusive right to them.**

Revolution?" provoked similar words of denial from the government, so much so that it completely refused to acknowledge even a shred of authenticity in any of the reports.

Anyone subscribing to the views of the international media was dubbed as "unpatriotic" and have been accused of undermining the "image" of the country. The media analysts were labelled Indian, Jewish, or American agents, who were all out there to "tarnish the image" of the country. In tune with the borrowed phrase of the government from an erstwhile US ambassador that "Bangladesh is a moderate Muslim country," some of our expatriate compatriots, who enjoy their lives in free and democratic societies, in joy and in grief, wrote pieces dismissing the vivid stories of activities of the Islamic militants and the potential threat they possess to our traditional free society. Their vision of patriotism excludes the cognisance of the forces who are identified as a potential threat. These one-eyed patriots fail to comprehend the fact that militancy and extremism do not engulf the nation in pursuance of the free will of the people.

One after another, when the secular institutions or personalities were targeted, the government not only accused the opposition secular political parties for committing the crimes, but also took their leaders into custody and inflicted inhuman torture on them. But so far none of them has ever been indicted for any of the crimes, and all of the crimes, till date, including the carnage of August 21, remain unsolved.

Right after the current very well-orchestrated bomb attacks, the government leaders took no time, in their traditional practice, to blame the opposition AL for the heinous acts. Starting from the senior ministers to the leaders of the youth wing of the BNP, they have not only blamed, "those who try to tarnish the country's image have committed the heinous crime," a phrase commonly reserved for AL, but some youth leaders went as far demanding the

taking into remand of some AL leaders including the leader of the opposition and former PM, a common practice initiated by the current government.

BNP partner, the Jamati Islami, was not as ambiguous about the allegation since its Secretary General was very explicit and squarely blamed the AL, which, in his words, "conducted the unprecedented blasts as part of a blue print to make the country politically unstable." Without contesting the seemingly ridiculous logic behind the allegations, it would be sufficient to comment that if AL had such organised power to carry out these massive and disciplined operations, there would have been martyrs on both sides, not in the AL camp only, over the last four years of the alliance rule.

One might argue that the opposition leaders are similarly blaming the government for the bomb attacks. However, one has to take cognisance of the fact it is the government, which has all the machinery under its control to prove that the opposition is wrong, not the other way around. Opposition has no power to take anyone on remand or to interrogate anyone to investigate the accusations and counter-accusations. Since both sides are accusing each other for the crime, an opposition suggestion to invite a neutral body such as FBI to carry out the investigations carries logical merits. This practice is followed in many countries (including Canada) in spite of the fact that it has a very well powered de-politicised agency by the name RCMP to carry any criminal investigation. This would be possible only if the government abandons its policy of embracing any foe of AL as its friend.

Some members of parliament and ministers of the ruling alliance belonging to the northern area where Bangla Bhai and his comrades are trying to re-establish their reign of terror flatly denied, even after the countrywide attacks, the existence of the thug leader, even though the so-called Banglabbhai

has been featured in a number of stories relating to Bangladesh in the international media including the recent one in The Economist.

Even their own government has been doing mock attempt to arrest the person who was non-existent in its radar before his organisation was banned. Some political analysts who are in cahoots with the government in its state of denial spared no time on casting doubt on the ability of the Jama'atul Mujahideen Bangladesh (JMB), who claimed the responsibility through leaflets, to carry out such massive and well-orchestrated attacks, as if they are well aware of the nitty-gritty of this organisation.

In fact, the credibility of the government leaders and their cohorts has never been at such low ebb. The more vociferous the denial of the government, the greater the chance that the denied story might just be true. It seems that the only way one could find out if something has gone wrong is when the government leaders issue denials that anything has gone wrong anywhere.

The dress rehearsal of the impending danger should force the government to withdraw itself from its state of denial. The danger is hypothetical no more, and if (though already very late) not taken seriously would destroy the foundation of the free society that bulk of our citizens so much cherish.

The lion's share of the responsibility to protect our value systems and democracy rests with the government, which, in the first place, needs to pull itself out of the state of denial, and protect it with the help of the people, acknowledging the fact that the opposition political parties are an integral part of the process. The stakes could not be higher: the nation and the freedom of its people -- and the BNP and its current allies have not been given the exclusive right to them.

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Constitution and the president

M. ABDUL LATIF MONDAL

The framers of the constitution of Bangladesh that was adopted on November 4, 1972 and came into effect on December 16 of the same year opted for a parliamentary system of government, but the conditions necessary for the successful functioning of a parliamentary democracy did not exist in the new republic. The result was the replacement of the multi-party parliamentary system by a dictatorial one-party presidential system in 1975. After staying fifteen plus years under various military and presidential rules, the country reintroduced parliamentary democracy in 1991.

Under the parliamentary system of government that we have, the President is a ceremonial head of state and the Prime Minister occupies the central position. The President acts in accordance with the advice of the Prime Minister. The Prime Minister heads the cabinet. The ministers hold office during her pleasure. As the chief executive, she controls the entire administrative machinery. She advises the President for appointing judges in the Supreme Court. As the leader of the House, she exercises enormous influence on the functioning of parliament. To sum up, the entire constitutional machinery revolves round the Prime Minister and she wields great power, influence and prestige. This has given rise to the question as to whether the President has any role to play in the affairs of the state.

It is a fact that constitutions of the countries that have parliamentary system of government provide for elected president or hereditary monarch as the ceremonial head of state. But the most significant feature of the constitution of Bangladesh regarding the President is that in the exercise of all his functions, save only that of appointing the Prime Minister and the Chief Justice, the President shall act in accordance with the advice of the Prime Minister [Article 48(3)].

Further, some powers enjoyed by the President of India and the King (or Queen) of Britain have not been given to the President of Bangladesh. For instance, the Indian constitution envisages a parliamentary system of govern-

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ment, but it has not written in emphatic terms that in the exercise of all his functions the President shall act in accordance with the advice of the Prime Minister.

The Indian constitution has even gone to the extent of vesting the executive power in the President. The council of ministers with the Prime Minister as its head aids and advises the President and he, in the exercise of his functions, acts in accordance with such advice. The President may require the council of ministers to reconsider such advice, either generally or otherwise, and the President shall act according to the advice tendered after such reconsideration. The parliament of India consists of the President, the Council of States, and the House of the People.

In Britain, which is known as the birthplace of parliamentary democracy, the Crown (the Queen is an institution which never dies, and the King or the Queen is the individual who holds the institution) is the supreme executive authority and its powers are exercised by the Queen (or King) as advised by the ministers. The British parliament consists of the Queen (or King), the House of Lords, and the House of Commons. The Queen (or King) very often acts as a mediator and uses her prestige to settle political conflicts or diminish the violence of the opposition.

The President of Bangladesh, unlike his counterpart in India, is not the chief executive of the republic. Decisions of the cabinet meetings are sent to the President for perusal. Unlike his Indian counterpart, he cannot ask the cabinet to reconsider any of its advice or decisions. Unlike the Indian President or the British monarch, he is not a part of the parliament. It is not clear as to why these powers were not given to the President.

The following paragraphs discuss how the President can play his due role in the affairs of the state with whatever power he has.

First, according to Article 56(3) of the constitution, the President

appoints as Prime Minister the member of parliament (MP) who appears to him to command the support of the majority of MPs. Article 57(2) provides that if the Prime Minister ceases to retain the support of a majority of the MPs, he shall either resign his office or advise the President in writing to dissolve parliament, and if he so advises, the President shall, if he is satisfied that no other MP commands the support of the majority of the MPs, dissolve parliament. Here the President enjoys discretion. If he is satisfied that some other MP can command the necessary support, he will appoint that MP as the Prime Minister instead of dissolving parliament. The President has thus an important role to play in such a critical situation.

Second, the President does not require the advice of the Prime Minister in appointing the Chief Justice. Although the constitutional provision to consult the Chief Justice for appointing judges in the Supreme Court was omitted by the Constitution (Fourth Amendment) Act, 1975, there exists the practice of consultation with the Chief Justice for such appointments. The recommendation(s) of the Chief Justice receives due consideration of the executive. The President's choice to appoint a suitable person as the Chief Justice can immensely benefit the judiciary.

Third, Article 48(5) provides that the Prime Minister shall keep the President informed on matters of domestic and foreign policy, and submit for the consideration of the cabinet any matter which the President may request him to refer to it. This enables the President to express his views on various important issues and thereby influence the decisions and policies of the government. In India, the President often writes to the Prime Minister and expresses his views on various matters.

Fourth, the President takes an oath to preserve, protect, and defend the constitution. If it comes to the notice of the President that a

certain provision of the constitution is being violated, he has to take necessary action to protect it.

Fifth, every bill passed by parliament has to be presented to the President for his assent. Although the President has no power to veto a bill passed by parliament, he may return a bill to parliament with a message requesting that the bill or any particular provisions thereof be reconsidered and that any amendments specified by him in the message be considered. If the President so returns a bill, parliament shall consider it together with the President's message, and if the bill is again passed by parliament with or without amendments it shall be presented to the President for his assent, whereupon the President shall assent to the bill. This means that if the President offers cogent reasons in favour of his proposal(s), it might be accepted by parliament. The President thus can contribute to the process of making of law even if he is not a part of parliament.

Last but not the least, during the period the non-party caretaker government functions, the President wields enormous power. The caretaker government remains collectively responsible to the President. His guidance can greatly help the caretaker government in the discharge of its functions and responsibilities, particularly for holding the general election of MPs peacefully, fairly, and impartially.

To conclude, the Presidency is what its occupant makes of it. The President must have a dynamic personality, political wisdom and independence of mind and intellect. His influence will be strictly in proportion to the quality of his personality and character. His activities must prove that he is non-partisan. The scope is there for the President to play his due role with the limited power he has.

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