

## Chief Justice's pointer

*Amending laws is of prime importance*

The Chief Justice has raised an issue that has never received due attention in the functioning of our criminal justice system. He has rightly pointed out that the inadequacy of proper legal protection to the victims and witnesses in criminal cases has been hampering successful prosecution of cases. We totally agree with him that the guarantee of protection to the victims as well as the witnesses is essential not only for ensuring justice but also for strengthening the judiciary as an institution and increasing its efficacy.

The existing laws of the land do not have any specific provisions to provide protection to either the victims or the witnesses. As a result, victims are continually intimidated by the accused, who force them not to seek the help of law while the witnesses are in a state of constant insecurity, that greatly discourages them from testifying before the court of law. Such a state of affairs has a negative impact on the judicial process as a whole. Needless to say, providing protection to the victims and witnesses is a must to ensure fair trial. When the victims and the witnesses are unwilling to play their due role in the trial process due to insecurity, the outcome will be flawed justice.

There is yet no definition of 'victims' or 'witnesses' in our laws, though some provisions have been incorporated in our legal system to ensure victims' protection. But surely those are not enough. Victims and witnesses have the right to be treated with dignity and respect, to be protected from intimidation and harm, to have privacy and legal shelter if and when required. Human rights organisations, NGOs, civil society and media have already begun a motivational campaign to highlight the need for protecting the victims and witnesses. But the ultimate responsibility lies with the state when it comes to protecting its citizens from harassment and intimidation.

In view of the existing legal lacunae, we hope the law ministry will immediately take necessary steps to amend the relevant laws.

## Arrest of militant kingpin

*Unabated action needed till all are nabbed*

The law enforcing agencies must be commended for the dramatic capture of Mufti Hannan, a kingpin of the Islamic militants in Bangladesh. This is indeed a big success. Hannan is known to be the commander of the Bangladesh chapter of the international Islamist militant organisation Harkat-ul-Jihad who, given his antecedents, may well be involved in the countrywide bomb blast of 17th August. The capture of the prime accused in the plot to kill the then Prime Minister Sheikh Hasina is a very welcome development, which is definitely a feather in the cap of the intelligence and the law enforcing agencies.

This is a big success and one that we hope will lead to further arrests, particularly of the masterminds behind these acts, and also of the Islamic extremists in Bangladesh that are active to destabilise the country.

However, we cannot but note the strange claims that Hannan has made of official assurances of 'no fear' which of course the current minister for commerce and the then home minister, has rebutted.

We are convinced that a determined police force can unearth any mystery or apprehend any criminal if allowed the space and opportunity to operate freely, as they have so amply demonstrated in the recent spate of arrests post 17th August.

This major step forward in roping the suspects of the bomb blasts must be carried forward with grit and determination, knowing fully well that there may be extraneous pressure to bridle the activities of the agencies.

We feel that there is no alternative but to have the masterminds and the party cadres of the Islamist underground organisations, involved in the nefarious activities in Bangladesh, brought to justice. And to this end there must be neither any let up in the resolve of the government nor of the ceaseless activities of all the agencies concerned.

What these religious extremists are up to has nothing to do with Islam and even less to do with the bettering the lot of the people. And the sooner they are nabbed the better it will be for us.

# The tempest within



M ABDUL HAFIZ

THE BNP-led four party alliance celebrates the completion of its four years in power despite all oppositions, condemnations and its own chronic inability to deliver. In its own right the alliance deserves kudos for the marvellous feat enabling it to step into the final year of its mandated period. It would however be a celebration over the ravages wrought by its misrule, imperious conduct and non-challenge to the miseries of the millions. But the alliance couldn't care less so long the rein of power was held by them; no matter how the power bestowed on them by the people had been abused for the latter's perdition.

Take any front of the governance, it has been a miserable sight! The country by now is not left even with a semblance of traditionally understood law and order -- let alone the question of a stable internal order hinged to which are the country's security and development. When the

underworld dons and marked outlaws rule the roost often with official patronage or indifference it is another face of anarchy which is what prevails today in the society wreaking havoc among the citizenry.

One is fortunate if he is spared of the scourge but he is likely to be entangled in one or other of the numerous traps laid in layers: the cheating, kidnapping for ransom, extortion and so on if he is not, in the

Bureau of Statistics reveals that the income differential between the poorest 10 per cent of the population and the richest 10 per cent has increased to 24.5 times by last year. Dhaka's streets are now swamped with flashy cars that include even Porsches as well as Cadillac escalades and, of course, the swarm of destitutes. Is a society of such a great disparity workable? Few can deny its connection with the rising tide of

price tag and even the hands of the members of the law enforcing agencies are to be greased almost at every step. The corruption stymies the economic life and discourages the potential investors to invest. The precipitation seems inexorable as evident from Bangladesh becoming champion in corruption for several consecutive years during the alliance's rule. Even the donor agencies and countries pointed their finger to

country's affairs. The unusual alacrity of the half-baked fanatics has for the first time put the issue of our national security to question. Does the alliance government which is playing with the fire, realise the danger involved in the rise of fundamentalist forces who opposed the independence of the country?

The BNP has obviously given itself to cheap religious politics aimed at garnering electoral gains. Notwith-

standing grave danger looming large it appears that the BNP would give priority and primacy to its alliance with the Jamaat. It also gives priority to election engineering and not social engineering which could bring about a balance in the society by reducing the gap between the rich and the poor. Again the ruling alliance couldn't care less. Instead it desperately seeks the elixir of power to prolong its rule.

When the country's teeming millions are gasping with the soaring prices of the essentials the alliance leaders would surely celebrate with their Goebblian humbug of great progress and prosperity during their tenure. In the meantime public sufferings have seldom been so blatant and naked with no remedial measures in sight. The response of the government if any, has only been cosmetic with the parliament hurrying up to increase the pay and packages only of the ministers, MPs and high officials with the argument that the relief was essential for them in view of the higher cost of living as if the cost did not affect any one else in the country.

Would the public get rid of the prevailing agony -- the net product of the misrule of an apparently incompetent government? There are few signs. Because the political opponents of the alliance have proved to be equally nincompoop not to be able to exploit the most fertile background for a changeover. The opposition can neither take to the street nor wait for a verdict in its favour in an organised constitutional way. The progeny will never forgive either the government or opposition for failing them crucially.

However, a tempest must be in the making in public emotion which will catalyse a metamorphosis in our polity. And any change is usually for the better. If that happens its propriety will remain solely with the people. Neither the government nor the opposition will be able to claim any credit in that.

Brig (ret'd) Hafiz is former DG of BISS.

## PERSPECTIVES

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meantime, mortally disposed off. The alliance government has gifted us a society in last four years. The law enforcing agencies, although multiplied, are of no avail. The crimes also have multiplied by leaps and bounds. The establishment is incapable to fathom the depth of the crisis which is not merely an issue of law and order. The government always willy-nilly overlooked its socio-economic dimension wherein lies the crux of the problem.

Another monster created by the alliance government is an unbridled corruption. It is an irony that the alliance promised to wipe out corruption from the country but today it is institutionalised. The country was seldom free of corruption even in the past and for that matter some corruptions are there also in rich advanced countries. But what causes concern in our country is its alarming spread permeating the hitherto unaffected recesses of the polity. No public service in the country is without its

this abnormal state of corruption. The country has suffered a jolt with the rise of militant clerics -- apparently with the government's acquiescence, if not abetment. The preliminary interrogation of those apprehended in connection with 17th August bombing across the country reveals the militants' nexus with Jamaat-e-Islami, a vital component of the alliance government. Imagine the shape of things in the country if the obscurantist clerics bereft of the perception of a modern state craft and a clear world view sit at helm of the

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# Race for the UN Secretary General

## Who will replace Kofi Annan?

SYED MUAZZEM ALI

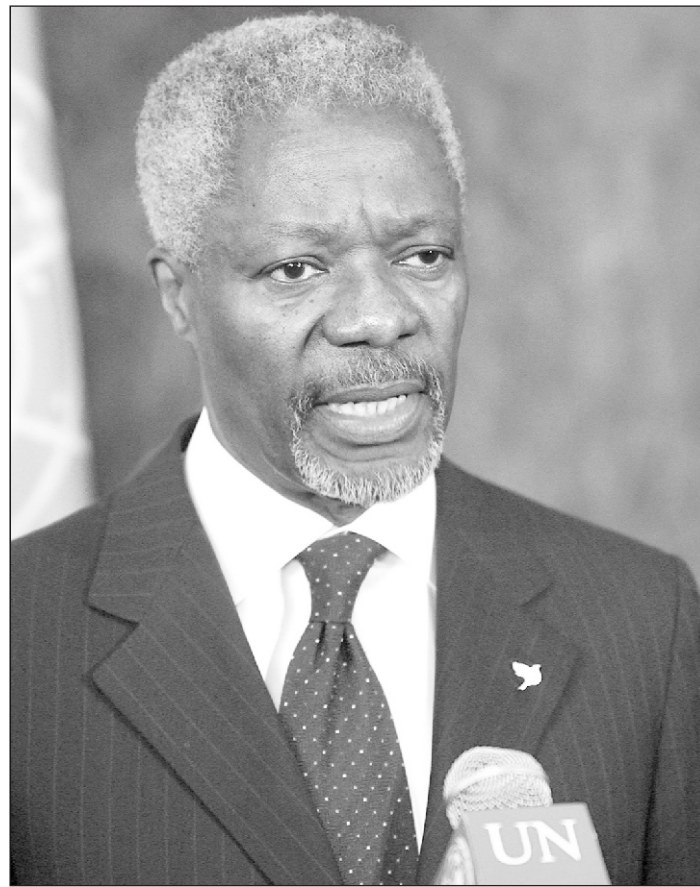
SECRETARY General Kofi Annan completes his second five-year term in December 2006. Kofi Annan, badly damaged by Volker Commission's report on corruption and bungling of the UN "oil for food programme" in Iraq, has already announced his decision not to seek a third term. According to the UN Charter, the UN Security Council elects the Secretary General and the General Assembly confirms it. The Council will start the election process next September.

The race has already begun and Asian members have sought to establish their claim for this top UN job on the basis of existing informal system of geographical rotation among different regional groups. The late U Thant of Myanmar was the only Asian who had served as the Secretary General (1962-71). His successors were Austrian Kurt Waldheim (1972-81), Peruvian Javier Perez de Cuellar (1982-91), Egyptian Boutros Boutros-Ghali (1992-96). Kofi Annan, Ghanaian, has occupied the world's most coveted diplomatic job since 1996.

The East Europeans are also trying to lay their claim by highlighting that their group has never served in that high post. The outgoing UN General Assembly President Aleksander Kwasniewski of Poland has expressed interest for the post. It is necessary to point out here that after the dissolution of Soviet Union, the East Europeans have lost their distinct political identity as most of the members of the group have already joined the NATO and the European Union.

The support for an Asian candidate is definitely gaining ground as the largest vote bank in the UN, -- the African group has agreed to support the Asian candidature. More impor-

**Election is still about eleven months away and surely many things can happen. Any one who has worked in UN or, for that matter, in any multilateral organisation, should be ready to "expect the unexpected". Currently, the Thais have an edge. Nonetheless, it may all change as the date grows closer and becomes more intense for the "world's most impossible job", as the first UN Secretary General Trygve Lie of Norway had once said.**



tantly, two permanent members of the Security Council, Russia and China, have already pledged support for an Asian Secretary General. The other three permanent members, that is United States, France and United Kingdom have not so far made any

public pledge. Support of the veto wielding permanent members is essential as any one of them can block any candidate.

So far Thai Deputy Prime Minister Surakiart Sathirathai and Sri Lankan former UN Under-Secretary General

for Disarmament Jayantha Dhanapala have formally declared their candidature. South Korean Foreign Minister Ban Ki-moon is another possible candidate. Names of more candidates will surely surface as the race gains more momentum.

Experts believe that Asians, in order to clinch the job, should strive to nominate a competent and respected candidate who enjoys broad based support within the UN and more particularly of all permanent members of Security Council. Here they would be well advised to learn from the African experience.

In 1981, the Africans had unanimously endorsed the Tanzanian Foreign Minister Salim Ahmed Salim to replace Waldheim. Salim, a capable and well-known diplomat, had earlier served as the President of 34th Session of the UNGA. However, the UN veteran had somehow angered United States during his long stint at the world body. Washington had publicly stated its decision to veto Salim's candidature and privately urged Africans to come up with an alternative candidate.

Africans did not agree and Washington did veto Salim's candidature every time it came up for vote, while China vetoed the unprecedented third term bid of Waldheim. In order to break the deadlock, both the candidates withdrew and the Africans finally came up with a list of alternative candidates. It was too late and Africa lost the bid. The post went to

the Latin American candidate Javier Perez de Cuellar of Peru.

Washington played equally crucial role in the election of Ghali in 1991 and his subsequent dumping in 1996. Ghali had antagonised them through his pronouncements on Israeli bombings of Lebanon and America decided not to give him the usual second term.

After the Salim episode, the Africans were more pragmatic and flexible. While they initially backed Ghali's reelection bid but once it was apparent that Washington would not change its mind, they quietly backed the candidature of Annan. The pragmatic course of action helped them keep an African as the Head of the UN for the last three terms. Message for Asian is simple and clear: be pragmatic and flexible.

The Thai candidate, who announced his candidature first, has the advantage of high political position as well as his country's close ties with Washington. Thais are playing an active and prominent role in the UN and it was their former Prime Minister Anand Panyarachun who had chaired the 16-member high-level panel of experts, which formulated the important UN reform proposals.

The Thai high profile candidate is currently globe-trotting to gain wider support and, to please Washington and other Western countries, has pledged that he would make UN operations more transparent. Surakiart, a Harvard-educated lawyer and economic expert took over

as Deputy Prime Minister last March and had earlier served as Thai Foreign Minister. Thais claim they have already received backing of more than 70 countries including the ten-member ASEAN.

Dhanapala, a career diplomat, is a UN veteran. He served as his country's Permanent Representative to the UN in Geneva and then as the Under-Secretary General for Disarmament for five years. He believes his ten years of experience as a Chief delegate and as the Under-Secretary General would be an asset at a time when the world body gets ready to implement the reform package adopted by the recent Summit. Dhanapala, who also served as his country's Ambassador to Washington, is currently a senior adviser to Sri Lanka's President Chandrika Kumaratunga and is the coordinator of negotiations with the Tamil militants. Both Thai and Sri Lankan Governments are trying hard to obtain the crucial support of Washington.

The South Korean possible candidate Foreign Minister Ben is a career diplomat who earlier was his country's Chief envoy to the UN from 2001-03. How Russia and China views the South Korean candidature remains to be seen.

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Syed Muazem Ali is a former Foreign Secretary.

## OPINION

# Politicising the Election Commission?

AR SHAMSUL ISLAM

IT is through the courtesy of the newspapers that the nation has learnt, with growing concern, about the appointment of 150 activists of the Jatiyatabadi Chhatra Dal (JCD) to the post of Upazila Election Officer (UEO) out of a total recruit of 300 UEOs made very recently.

The same report of the newspapers, that remain uncontradicted as yet, gives out that of the 150 appointees from the JCD cadres, 80 come from the JCD activists of the Dhaka University alone and the rest from Rajshahi, Chittagong and Jahangirnagar Universities as well as Agriculture University in Mymensingh, Islamic University in Khulna and from other colleges of different districts.

From Bogra alone, despite being a mofassil district, 15 UEOs have come up allegedly in consideration of the privilege it enjoys to be the district of founder President of the BNP late Ziaur Rahman and his successor the Prime Minister Begum Khaleda Zia. In the same vein Leader of the Oppo-

sition's district is alleged to be penalised with none coming into the list of UEOs.

It is further reported that the controversial appointment list of UEOs may have contained more names, loyal to the coalition government, than those 150.

Reportedly, out of 328 selected for appointment as UEOs, 28 were dropped on police verification. It is alleged that they were victimised on being suspected of their loyalty to the existing government.

In sheer haste all the appointees were asked to join their respective posts by September 25, according to an Election Commission notification.

Next followed the usual game of ignorance, denial and justification from the government officials and ruling party leaders. When asked about the appointment of the JCD activists as UEOs, one Election Commissioner Mr AK Mohammad Ali said that if it really happened then it was a matter of concern. He further told that the Election Commission (EC) had no responsibility in this matter. The PSC was to testify to the eligibility

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of the candidates and the police was to verify if the candidates had any political identity (the Prothom Alo of Sept 21).

Another Election Commissioner Mr. M M Munif Ali told that the appointments were made by the PSC, they had no information on this matter in their hand, hence they should not make any comment (ibid of Sept 21).

Answering a press query the CEC Justice MA Aziz was overenthusiastic to certify the process of the PSC to recruit UEOs and he over-smartly asserted, in advance, if a UEO failed in his job, action would follow. The government may arguably feel happy that their choice for CEC did not fall on a wrong person.

One top JCD leader said that the JCD was composed of young, talented

students bound to fare well in examinations. It was not anyway unusual if 50 percent of the total appointees came out from this cadre. He continued, a greater percentage should have come out from them.

If there were any fault that obstructed the access of greater percentage of JCD activists to the appointment of UEOs, it was with the scheming of five top JCD leaders, present and past, reported to have jointly prepared the list of their nominees for recruitment as UEOs, duly endorsed by the Hawa Bhaban, reported to be the alternative power base. It is these five top leaders of the JCD who alone could say why they did not send a fatter list containing more names recommending for appointment to that post.

The chief opposition AL with leftist

political parties clamoured for appointing CEC on the basis of a consensus among the political parties. The government totally ignored their claim and appointed Justice MA Aziz as CEC on government's own choice.

The new CEC expressed the optimism that he would be accepted by all political parties and would justify his neutrality by his acts and deeds.

Soon after assuming the office the CEC jumped upon an unnecessary exercise of holding a dialogue with all political parties. The main opposition AL and other leftist parties boycotted the dialogue. The CEC remarked that their non-participation had not affected the purpose of the dialogue, though the people could not understand what the EC achieved by conferring with over several scores of

political parties mostly existing in name and letterhead only.

As and when the newly recruited UEOs will start working, particularly in the field preparing new voters lists or updating the old ones, people may experience the might and manoeuvring of the ruling cadre UEOs who will be difficult to be restrained by their controlling officers from doing fictitious jobs and harmful excesses.

To detect a crime the investigators' first problem is to find out the clues following which they can reach the truth. Here in this case of alleged fabricated appointment of UEOs, abundant clues remain bare inviting an investigator, if any, to link them up into making a complete thriller exposing the network of perpetrators literally sunk under government favour and indulgence.

politicisation mechanism.

The newly appointed CEC has already proved his fealty to the BNP. Inducting 150 JCD activists as UEOs is only a tiny cog in the giant wheel of the election machination machinery now being speedily trimmed to render it to be tip-top.

The AL with 14-party alliance have declared that if the government does not admit of their proposal for reforms in the existing structures and systems of the CTG and the EC, they would launch all out movement bringing people on their side to oust the coalition government to realise their demand. Till now the threat does not promise any close to be fruitful.

Taking too much medicines sometimes damages health. Likewise injecting excessive parochial steroids into the body politic without considering relevant factors may ruin the state. What a disaster will befall the nation if drunk with power the present coalition government led by the BNP misses this blatant truth.

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