

LAW alter views

## Who's Security?

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THE news media, quoting the Minister for Law, Justice and Parliamentary Affairs, has reported that this Ministry was drafting a stringent law against terrorism to track and counter terrorist financing, bomb explosion, bomb making, deposition of bombs, the collection of bomb making material and so on. The punishment of such crime would be severe and may also include the death sentence. The same report also mentioned that at present there were several laws as deterrent against such crimes, including the Explosive Substance (Amendment) Act 1884, the Arms Act 1878, Explosive Substance Act 1908, the Special Power's Act 1974 and the Speedy Trial Act 2002.

We must take account of the fact that the event of 9/11 and its aftermath, including the war against Iraq, are brutal, violent and tragic inci-

ing to immense discontent and desperate resistance. The manipulative role of the global media has further degraded the capacity of communities, peoples, nations and states with different views and perceptions to communicate effectively and settle matters guided by universally accepted principles such as human rights and personal freedom, rights for self determination and the sovereignty of the States. The dominant discourse of constructing 'the other' as a terrorist and a potential source of terrorism has complicated the issue further and demands an examination as to why certain cultures, religions, values and ways of life are seen as threats to the corporate world, to the 'west' or to the so called 'civilised' countries.

It is widely accepted - and somewhat proven - that the war against Afghanistan was waged to ensure the geopolitical interest of the rich and powerful countries and that the alibi to attack Iraq was based on the false information that Iraq was in possession of weapons

recurrence of the 9/11 incident, but in reality for curbing the constitutional rights of their citizens and in violation of the universal human rights on many counts. The terrible idea that in a globalised world, national security could be achieved only through a militaristic approach to suppress dissent and by conducting war against a non-state enemy is breeding paranoia, violence and terror in every country. This has been extended beyond specific groups to encompass any act of dissent against the unjust and exploitative world as being an act of 'terrorism' through the mere expansion and extension of the definition of terrorism itself. The legitimacy to further curtail human rights is in place.

The present nature of globalisation is eroding the possibility of a diverse but global world, despite the fact that advances in human knowledge, science and technology could easily ensure economic equity and a higher standard of living for all. Sweeping changes in existing legislation has been made at the behest of the WB-IMF-WTO combined so that they protect corporate interests and those who are globally powerful. Natural and biological resources and associated knowledge are 'enclosed' through patenting and intellectual property rights, excluding communities' rights to manage as well as conserve and use. They now come under the purview and control of capital. Fast mobility of finance capital, the concentration of economic power with increased exclusiveness of the privileged class along with the marginalisation and exclusion of the oppressed are all too visible. Vulnerability of the States in the global periphery has increased, precipitating crisis in governance.

Local and global security has become increasingly inter-linked and the margins between them blurred. This points to the fact that the denial of the livelihood base of millions is also a local and global security issue. Privatisation and bringing means of life and production under the exclusive control of the market to be plundered cannot be discussed only in economic terms, or in terms of social justice alone. Concentration and accumulation in a few hands of the global rich is a security concern for all. The rights of communities to the means of survival and their resources are preconditions to balance social fabric and global relations. Vast numbers are displaced from their traditional abode, directly and indirectly, or are denied access when the rights

of these resources are transferred to the big business and when the market prices them out. Vast sections become the victims of this 'development' induced migration into the cities in slums to face a dehumanised environment and add to the trafficking of women and children. Consequently Asian countries face increased economic, social and political crisis.

Nevertheless, the issues of human rights, security concerns and construction of the 'other' as different from 'we' should be addressed in their autonomy in the context of the shrinking access to the meager resources and opportunities amongst the marginalised. It is restructuring relationships within and between social classes. The social fabric is twisted and torn through manipulation with increased social tensions. The rulers of Asian governments distinctly prefer to call these assertions of the marginalised and those excluded from the right to survive and develop in dignity, 'security threats'. The evolving post 9/11 regimes are then systematically extended to suppress the organisations that seek to address the real crisis.

Furthermore, construction of the notion of 'terrorism' and indeed various forms of State and non-State violence need to be addressed without falling into the quagmire of manipulation of the corporate media and imperial discourse. Consequently, security regimes that emerged before and after the 9/11 incident need to be understood. This will create an understanding of how to identify and challenge the root cause of social tensions and break down of communication within and between communities that have resulted in violence, ethnic conflict, racism and communalism. The general practice of the governments in labelling peoples organisations and personalities who are critical of their policies as 'terrorists' needs to be challenged in order to understand the difference between political resistance and criminal violence. Since 9/11, human rights and other concerned organisations have documented an alarming increase in human rights violations ranging from civil and political to economic, social, environmental and cultural rights. Invariably the victims of globalisation are also the victims of security actions of the states. The indigenous and tribal peoples and minorities, in this context, face serious threat and are often doubly victimised.

This trend of introducing repressive laws is nothing new to the

people of this country. Whenever the political elite feels threatened, mainly due to their own failure in delivering justice to the common people, when the administration loses its transparency and bad governance becomes the policy of the day, the adoption of draconian and repressive laws in order to gain protection from the wrath of the masses becomes imminent.

Historically, it has been proven that although governments, either independently or due to foreign dictations or to impress certain quarters, enact draconian or repressive laws in the name of people's security but ultimately these laws are mostly used to suppress the legitimate and democratic voices of the common people and the opposition movements.

Although Pakistan inherited some of these draconian laws from the British Raj, no such law was made part of the Bangladesh national legal system since the birth of its Constitution in December 1972. The Second Amendment to the Constitution in 1973 provided the scope for enacting draconian or repressive laws in the name of 'emergency provisions'. The notorious Special Powers Act, 1974 was enacted through the scope provided by the Second Amendment, which was immediately enforced to suppress the voices of the then opposition groups, who succeeded in waging a campaign against corruption, repression and injustices of the first Bangladesh Awami League government. As a result, thousands of political activists, mostly belonging to the radical left camp, were put behind bars.

There were widespread allegations of custodial death and torture by the law-enforcing agencies and by a special paramilitary force, the 'Jatiyo Rokkhi Bahini'. Top ranking political leaders were killed at that time. Siraj Sikdar, the leader of the Shorobhara Party, died on 2nd January 1975, while he was in the custody of the law enforcing agents. As claimed by the opposition, about thirty thousand people, mostly belonging to or supporters of the radical left camp were killed during this time.

This was only the beginning. The subsequent martial law regimes continued to use the Special Powers Act, 1974 for their own benefit. Thousands of people belonging to opposition groups languished in prisons under this Draconian law during their regimes. The downfall of the Ershad regime in December 1990 brought a scope for repealing all repressive laws and putting the country on course for a democratic order. But the changed



global scenario has given a new life to the repressive laws or paved the way for such enactments in the name of countering 'terrorism'.

The promulgation of the 'The Suppression of Terrorist Activities Act 1992', by the Bangladesh Nationalist Party (BNP) government for a period of two years, recreated a sense of insecurity in the minds of the common people, who viewed it as an undemocratic act to suppress the voice of opposition. 'The Suppression of Terrorist Activities Act 1992' treated minor and major offences alike. The scale of punishments provided for offences under this Act ranged from 5 years imprisonment to the death sentence. Several thousand people suffered under this Act. Thankfully, it died a natural death in 1994, leaving a deep scar in the political history and psyche of the people of Bangladesh.

The present leader of the opposition declared many times that if she came to power, she would scrap the 'Special Powers Act, 1974' - this declaration never saw light. Furthermore her government introduced another repressive law - the 'Public Safety (Special Provision) Act-2000 on 14 February.

The present government has created a new elite force, RAB, on March 2004 by amending the Armed Police Battalions Ordinance, 1979 and enacting new law the Armed

Police Battalions (Amendment) Act, 2003. RAB has been in operation since June 2004. As per the law, RAB is assigned to investigate any offence on the direction of the government. It can investigate and work for all security purposes, especially as an elite law and order enforcement agency, which is to have a special focus on curbing organised crime and eliminating top criminals. Since its formation, a trend of 'death in crossfire' has been created. However, there are also an alarming number of deaths in RAB custody and few of these can be interpreted as being political. From January to October 31, 2005, 91 people were extra-judicially killed by RAB.

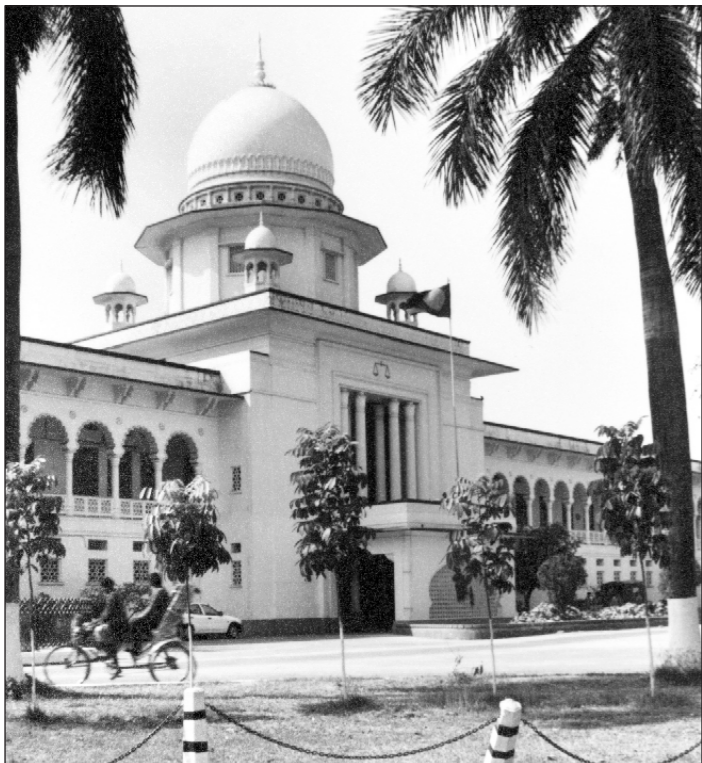
Political opponents of the present regime and various human rights groups fear that, as in the past, nothing other than the suppression of the voice of dissent will happen under the new Anti-Terrorist Law, which, according to the press report, the Law Minister has already mentioned will be following in the foot steps of the Patriot Act of USA, Anti-Terrorist Act of UK and TADA of India - all repressive laws. The fear is that in the name of 'public security' public bashing will become routine with the help of corrupt and politicised administration.

According to press reports, approximately 218 people were apprehended immediately after the August 17 countrywide bomb blast.

Among these people, many were innocent madrasa teachers or students and they were initially apprehended mostly due to mistaken identities or simply because of their appearance. There are also allegation of coercion and intimidation in respect of getting statements under section 164. Instead of amending the age old Penal Code and Criminal Procedure Code and curing the police department and criminal justice system from corruption, the government is joining the global security syndrome by taking initiatives to enact new repressive laws. The proposed Anti-Terrorist law will bring nothing but nightmares to the ordinary citizens of the country, particularly the oppressed masses and this will only increase the number of people in the custody of law enforcing agencies and many more will become the victims of torture.

With the Special Powers Act still in full force and with the present xenophobic global trend of the security situation, the introduction of another repressive law can only place the citizens of Bangladesh in double jeopardy.

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dents. The terror unleashed is horrifyingly spectacular but most importantly, we are witnessing the breakdown of international law and norms, blatant violation of human rights and naked resurfacing of 'might is right' as the unilateral foundation of international relations and means to settle economic, political and cultural differences. Along with this, the rise of racism and xenophobia is rapidly contribut-

of mass destruction; the delivery of death is still continuing despite the blatant exposure of the reality and the double standard. Disarming a country from (till now fictitious) weapons of mass destruction by applying weapons of mass destruction is the greatest farce of history.

In support of the neo conservative global policy the governments and states enacted laws and policies supposedly to prevent the

## HUMAN RIGHTS monitor

# Why did French Riots erupt?

BARRISTER HARUN UR RASHID

THE unprecedented nature of riots for days together by ethnic minorities from Africa in France has shaken its social fabric to the core. Rioters burnt more than 4,000 cars, and police made more than 300 arrests. Ethnic tension continued for more than two weeks across France. More than 30 police were injured. Curfews were declared in many areas.

It all started on October 27, when two African-French youths died at a power station in a Paris suburb and rumour spread the youths fled from police. The youths were - one from Mauritania, the other from Tunisia. They died accidentally while fleeing a police identity check.

Prime Minister Dominique de Villepin said: "we will not accept any lawless zone." French Interior Minister Nicolas Sarkozy hinted that Islamic militants might be manipulating angry teenagers to challenge law and order.

French President declared that he would adopt firm measures with justice to arrest the social upheaval in the country of "Liberty, Equality and Fraternity".

### The question is why did the riots erupt?

There are many reasons for it and some of them deserve mention.

First, France unlike other nations, practices integration with respect to its ethnic minorities, from North Africa, in the sense that they are French nationals and does not recognise their culture and traditions. It is a case of when in France, do as the French do.

French governments, socialist and conservatives, have adopted the assimilation/integration policy and not multi-cultural policy. The problem in France is that France never tried policy of multi-culturalism as has been adopted in Britain, Canada and Australia. This means that anyone residing in France is expected to act or behave like the French. There seems to be no recognition or appreciation that immigrants to France or their children might like to preserve some of their ethnic culture or language while they live in France.

This integration policy has alienated the immigrants because on the ground it does not work. If they apply for jobs, they are not regarded as 'white French' and are discriminated. Many immigrants have

claimed such discrimination because of their 'skin colour'. Because they are unemployed, they reside in apartments which are in a dilapidated state or lack modern facilities. One Moussa Diallo, 22, an unemployed French-African in Clichy-sous-Bois, the Parisian suburb where violence started on October 27, reportedly said: "This is just the beginning".

Second, because of adherence to integration policy, French authorities do not even monitor the results of population movement within the country. There is no statistics in France in which the ethnic variety in the country is to be found. It is because France does not recognize ethnic diversity because they are all French. There is no French-Algerian or French Moroccan or French-Sengalese.

Third, the economy of France is not in a good shape. Unemployment is 10% per cent, while youth unemployment is more than 20% per cent. Unemployment in the public housing areas, where immigrants live, is over 30% per cent. The economic performance is poor because French government has been unwilling to engage in economic reform as well its regulated industrial relations system.



Furthermore trade unions are very strong and any reform in economic or industrial relations will bring France to a halt by the powerful unions.

Fourth, the immigrants are

grouped together. They were not scattered in many places. The concentration of immigrants in one place or in one area has not been a good public policy. The immigrants could not mix well with the French

and remained isolated. Furthermore neither local nor state officials have engaged in permanent dialogue with them. They have been allowed to feel alienated from the mainstream society.

Fifth and finally, the above policies of French authorities have angered the immigrants or their children. They are unemployed, frustrated and live in deplorable conditions in areas where immigrants are concentrated.

When people are angry, any spark on a potential divisive issue leads to conflagration. This demonstrates that the ingredients of social unrest were there and when it erupted from an incident, the unrest led to an unprecedented height of car burning and property destruction including schools for more than two weeks not only in Paris, but also in other 200 municipal areas across France.

### Conclusion

Many human right activists believe that integration policy is against basic human rights because it does not recognize the cultural rights of immigrants as contained in the 1966 UN International Covenant on Economic, Social and Cultural Rights

France has confronted one of the worst social unrest in the country. There appears to be two Franceone is calm, comfortable, concerned with good things of life and another one kilometer away, is the stainer concrete slabs and high-rise blocs,

home to people for whom, the good things in life might one day include a short-term, minimum-pay job, humping bags at the Charles de Gaulle airport, if they are lucky.

Such disparity of life-style is no good for social cohesion and integration of people from diverse background. One good thing for the authorities is that riots have lacked a political focus. The French government must address quickly the root cause of riots and there will lie the solution.

Justice and fair play will be the motto in engaging the immigrant population in the country. The sooner the French government realises that the riots were greatly due to discrimination and unemployment, it will be quicker to resolve the social malaise. Otherwise indifference to them will create monsters in future, manipulated by militants.

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