

Terror issue sidetracked!

Lack of intra-party talks as bad as lack of inter-party talks

WE are astonished that the recent meeting of the BNP executive body -- the first such meeting for five years, mind you -- did not take up the burning issue of the day, the terror threat that the nation faces.

Indeed, not only was there no discussion of the extremist menace, but the chair of the meeting BNP Secretary General and LGRD Minister Abdul Mannan Bhuiyan apparently ruled out terrorism as a topic of discussion.

This is the latest example of how the BNP high command seems to be reluctant to convene a free and open discussion on the subject, even among themselves. To the best of our knowledge, there has been no special cabinet meeting convened to address this issue, and it seems as though the ruling party high command is shying away from addressing the issue in a substantive manner either among themselves or with the party rank and file.

It seems to us that this is precisely the wrong tack for it to be taking right now. One, the issue must be discussed openly and the high command should specially be receptive to what its lower level workers and activists have to say on the issue. In the second place, the BNP has in place, as a political party, a highly developed network of workers and party men, who could be mobilised to counter the threat. This has not happened.

We have been critical of the main opposition's refusal to sit with the government for talks on this issue, which we consider a folly. However, if anything it is even greater folly for the ruling party to refuse to meaningfully discuss the issue among its own members. If they are not willing to discuss the issue internally, it raises the question of how sincere they are in discussing the issue with the opposition.

To make matters worse, the executive body meeting focused exclusively on how to counter the opposition rally that is scheduled for December 21. It seems to us that the BNP is more concerned with fighting the opposition than it is with fighting terrorism. What other conclusion can one draw from the subject matter of this first executive body meeting after five years?

Turner's endearing trip

His encouraging words will keep ringing

UN Foundation Chairman and founder of CNN, Ted Turner, who saw for himself a changing spectacle in rural Bangladesh has been greatly impressed by the performance of microcredit borrowers at the grassroots. He has seen rural Bangladesh in its beautiful best and has had a glimpse of the people striving to attain economic freedom in an exemplary way. These people are determined to come out of the vicious cycle of poverty. Turner has been further impressed by people's resilience and the ability to make the most out of the available resources.

Microcredit has played the crucial role in their attempt to extricate themselves from poverty. And Ted Turner has very rightly appreciated the fact that the Grameen Bank model is now universally recognised as an effective vehicle for poverty alleviation. The achievements of our people, particularly rural women, have also been acknowledged in glowing terms by development experts and economists.

What we also take note of with a sense of relief is that the recent incidents in the country did not stop his trip. And that is a measure of his love for the people of Bangladesh and how serious his commitment is to the cause of the poor people here.

The message that philanthropists like Turner bring for the people in a society like ours is very inspirational. They help the poor discover their strength to act as change-agents among themselves. The development planners and thinkers having a global perspective keep people's hopes alive. The mission is doubly important for a society grappling with widespread unemployment and the resultant ill effects of it. Even the rise of religious extremism that we are now witnessing could be dealt with effectively through a marked expansion of opportunities for employment in the country.

MUHAMMAD NURUL HUDA

THE chief executive, the Prime Minister of the country, has indicated recently the necessity of a tough anti-terrorism law for coping with the apparently unbearable law and order situation. The law minister has said that relevant terrorism-related legislations of USA, UK, India, and Pakistan are being examined and scrutinised and that the government may place a bill in the next parliament session for enacting an effective legislation on terrorism. According to the law minister, the different facets of terrorism would be taken into consideration for effective deterrence and prosecution.

Past experience and precaution

While the government's intent should not be doubted, there is always some apprehension about the efficacy and salutary impact of tougher legislations in our parlance. Past experience in independent Bangladesh and even before during Pakistan times lend credence to such premonitions. There is cause for worry now when we live in a perilously polarised polity where even national level politicians are not on talking terms. Added to that is the lamentable deterioration in the operational standards of the regulatory outfit. Quite often we hear vociferous complaints of highhandedness and motivated actions of the investigative and preventive units from public figures.

A case in point to illustrate the aforementioned malfunctioning is the investigation of the murder case relating to the death of former Finance Minister, Mr. Kibria. Near relations of the deceased continue to complain that a prime accused of the incident has not been allowed to narrate the actual facts and circumstances. Family members of the victim have been consistently hinting at the planning and conspiracy that were allegedly done by persons, placed in the high and mighty office.

Nothing very substantial has been done till to date to clear the air of the suspicions of the victim's immediate relations. The accusing fingers remain pointed.

It is in the backdrop of such a scenario that one has to be cautious about the probable indiscriminate use of the intended draconian laws. This is not unusual because while the proposed law may serve the so-called political strategy of a political party, the suspected human rights violations will undoubtedly blacken the democratic credentials of our polity. Coming to specifics, one has to say that the process of identifying a terrorist should be discreet and transparent and that administrative and enforcement efforts should be geared towards that. In this regard special precaution has to be taken so

social development. There has to be a dividing line brought in between mindless violence and violence aimed at a larger purpose. Our proposed law should aim at removing the possibility of subversive activity cloaking itself as 'conflicting ideology'.

The rationale and attitude

Since the terrorists in Bangladesh have the objective of spreading fear and alarm and want to gain concessions, our law makers should appreciate the logic of separating an act of violence from its so-called political context because our intention will be to criminalise a certain mode of political expression. We must be able to reject the right to legitimise violence as part of a larger socio-religious movement. At the same

Clearly, there are instances where the use of ideology has been an alibi. Our legislators should be able to ensure that acts of terror are divorced from context and we should look at terrorism as any act that tries to disrupt attempts at reconciliation.

Making the law work

First of all, we must be clear about the foreground, background and history relating to the issue of trying to tackle terrorism legally since existing laws have failed. The UK experience tells us that the main obstacle to dealing with terrorists in ordinary courts was the intimidation of jurors and witnesses by terrorist organisations. Therefore, we may consider:

I) All terrorist type offences could be categorised as "scheduled offences".

scribed organisation should be clear and precise with the objective of targeting the group instead of becoming just an executive tool.

The United States government probably attaches maximum importance to proscription. Their Terrorism Prevention Act empowers the secretary of state to designate a terrorist organisation. The purpose of the power is to sap a terrorist organisation of its material base, stopping routes of material replenishment and seizing its existing assets. Can we think of incorporating administrative and legal measures along this line in our proposed terrorism legislation?

Intercepting communications

Interception of communications has

The executive layer of interception, if approved, could be at the level of Superintendent of Police and equivalent. We could also think of ordering the interception by a judge to keep suspicions above board.

Arrest and detention

Our proposed legislation may think of expanding the powers of arrest for the police with a view to enhancing the pre-emptive element in combating terrorism. In other words, the police may have to be given an opportunity to act against suspects under surveillance instead of waiting for the surveillance to reach fruition before actually carrying out the arrest.

In order to minimise misuse of powers of arrest, there should be adequate judicial scrutiny to prevent law-enforcers turning into law-breakers. It is true that anti-terrorism laws are in a sense emergency provisions but that should not warrant an obfuscation of the legal process.

It is up to the wisdom and ingenuity of the government to turn proposals into real, enforceable acts. Let us not forget that while the terrorism threat is painfully real, the other reality of our enforcers not experiencing sudden qualitative change with respect to skill and attitude should not be lost sight of. There is no debate now whether we need an anti-terrorism law. The question and concern relate to the details of what shape such a law should take.

We can possibly emulate some aspects of anti-terrorist laws of western democracies, in particular that of UK. These relate to procedural matters such as the norms for the collection of evidence, powers of arrest and detention and proscription. However, we should not be in favour of lifting entire parts of foreign law because neither is the context the same nor the degree of sensitisation of those who are meant to enforce the law.

Muhammad Nurul Huda is a former Secretary and IGP.

It is up to the wisdom and ingenuity of the government to turn proposals into real, enforceable acts. Let us not forget that while the terrorism threat is painfully real, the other reality of our enforcers not experiencing sudden qualitative change with respect to skill and attitude should not be lost sight of. There is no debate now whether we need an anti-terrorism law. The question and concern relate to the details of what shape such a law should take.

that our politicians do not remain under a pernicious impression that interpretation of terrorism laws is their personal turf and the laws shall not be subjected to their personal prejudices and opinion. One must not be oblivious of the fact that even the very prudently crafted law may have loopholes and can be used against innocents and political opponents. In respect of tough laws it is not uncommon in our situation to see the political party in power adopting a hawkish line and then turning into doubting Thomases while out of power.

Citizens in Bangladesh would be happy if the present acts of terrorism do not get the benefit of being treated as political violence. This is natural because the bigoted elements are undermining our pluralistic civil society thereby having adverse consequences on the economic and

time, it has to be ensured that every criminal is not given a terrorist label only to set in motion the expected stringent provisions of the proposed terrorism legislation. This is so because while every terrorist may be a criminal, every criminal cannot be a terrorist.

The rationale of a tougher law entailing discrimination between terrorists and ordinary criminals is that the bigots in our situation have mercilessly killed the poor, public officials, security personnel and a host of other innocent and defenceless people. No one can deny these stark facts and naked truth by adopting an ostrich-like attitude completely ignoring the manifest danger.

Some ambiguity stems from the use of ideology to justify acts of terror. The terrorist groups are now known to use a careful mix of ideology and violence to achieve their ends.

II) Trial of scheduled offences could be carried out by a senior judge, sitting alone in a tribunal.

III) Bail in scheduled cases to be given by the High Court only if stringent precautions were taken.

IV) The period of detention by police of a suspected terrorist could be extended to 72 hours from the usual 24 hours.

Proscription

In view of our urgent need to fight the so-called religious militancy we may consider if the element of proscription could be a prominent feature of the proposed anti-terrorism legislation. Membership of a proscribed organisation could be a punishable offence although the power to proscribe has been associated with fears that it infringes on the rights of freedom of association and expression. Therefore, the definition of a pro-

been found to be an essential tool to the collection of intelligence about terrorist organisations. The strategy is to collect evidence to charge terrorists who plan and direct terrorist activities but do not actually execute them. In UK where lawful interception of communication has been allowed this apparent invasive provision in 1996 and 1997 played a crucial part in securing

- * 1200 arrests
- * Seizure of 450 firearms
- * Seizure of nearly three tons of class A drugs and 112 tons of other drugs, worth over \$800 million.

We may, therefore, consider using intercepted material as evidence in those cases only that are terrorism related. The point to note is that an intelligent use of information culled through intercepts is essential to building a case against terrorism.

The people's right to know

ROBAET FERDOUS and ABU NASER RAJIB

AS students of journalism, we had studied many theories regarding media: One of them was the media under authoritarian rules. The theory describes the relationship between the press and the government in pre-democratic and authoritarian state systems, where the government consists of a very limited and small ruling class. The government has direct control over the press in an authoritarian state structure.

In this system it is assumed that the government is infallible. Any criticism of the government and centres of power are not tolerated in this system. If the press criticizes the government, it is throttled, license is cancelled and journalists are sent to jail, and sometimes killed by secret agents. In this state structure, not only domestic press is throttled, foreign press is also not allowed to enter into the country in the name of "state security".

Side by side, the government shows noticeable energy in formulating and applying new laws deterrent to the press. Why are we referring to the theory to the knowledgeable readers of The Daily Star? The reason is that the extreme government attitude toward the newspapers and the journalists reminds us of the theory of press under the authoritarian rule. The question arises whether the government wants to return to the sick relationship that exists between the government and the press in the pre-democratic and authoritarian state structure. Why do ruling party parliamentarians raise demands for new laws to gag journalists when the slogan for free flow of information is gaining momentum in the rest of the world?

On November 22, several ministers and parliamentarians launched diatribes against newspapers and suggested taking measures against journalists under the Speedy Trial Act. State Minister for Public Works Alamgir Kabir has said that newspapers have been acting against the

interests of the country and the people. Therefore, it has become imperative to adopt a new law against journalists and newspapers.

Please take note of these remarks: Wadud Bhuiyan reviled against journalists. He has said that the newspapers with a special assignment are publishing false reports against popular BNP parliamentarians to undermine their image. So, laws are necessary against journalists. The matter does not end here.

Going one step forward, Major (retired) Manzur Kader has said that laws to take actions against journalists must be adopted to save the country. He said that newspapers

newspapers is not only regrettable, but also amounts to a backward journey. The CPJ report termed Bangladesh as one of the riskiest places for journalists. The recent government activities against journalists have added fuel to the fire. But people are praising the role being played by the journalists despite severe pressure and death threats. The newspapers have courageously published reports on the ongoing political crisis, extremism, and acts of terrorism. One minister was compelled to resign over Niko scandal. Another minister had to depart due to the mismanagement with Hajj. All these were embarrassing for the

pers? The track record of the ministers and the parliamentarians will answer the question. A few days earlier, State Minister Alamgir Kabir reportedly physically assaulted a journalist in the secretariat. Wadud Bhuiyan, MP from Khagrachari, often hit the headlines for his negative activities. Ziaul Huq Zia and Manzur Kader are no exception.

It is not surprising that Jamaat MPs are angry with newspaper reports on their involvement in the recent extremist activities. Jamaat's top leader Nizam has already declared "jihad" against the newspapers. Once he said: "Bangla Bhai is the creation of the media and he does

not exist in reality." He has now retracted from that position and blames the media for the misdeeds of Bangla Bhai. After the diatribes against the media in the parliament by the parliamentarians, the annual report of the Bangladesh Press Council for the year 2004 was placed in the parliament. The report suggested formulating a new law amending the existing law. The Chairman of the Press Council mentioned in the annual report that the President, the Prime Minister, and the Information Minister desired amendment of the existing law. He claimed that three top executives of the country favoured amendment of the Press Council Law 1974. He hoped that the Information Ministry would soon take initiatives to formulate a new law. It seems that the government has taken decisions to formulate a new law to stifle the journalists. The Press Council is being used to create public opinion in favour of a new law.

We think that the government's undemocratic reaction against the

government. Does the government want to throttle newspapers with a new law to prevent publication of reports on terrorism and corruption? It is true that the government could avoid embarrassment if information was gagged. Then the entire nation would have to bear the consequences.

Our belief is the newspapers should be allowed to publish more truth and more information when the entire nation is gradually raising its voice against terrorism and corruption. If questions arise to reform laws in this situation, then it should be done in an effort to make more scope for publishing more information and not imposing restrictions on publishing information. We would like to emphasize that if a new law is made, it should be made to ensure public access to information where the government will be obligated to provide information as demanded by the people. All should raise their voices against any undemocratic, unconstitutional and repressive law to impede the free flow of information.

flooded with corruption, terrorism, and injustice. Journalists must continuously write against these. Who will be the loser if the journalists cannot write freely? We think it would be a loss for the democracy. The idea of putting journalists behind bars by making a law against publication of reports in this age of free flow of information is nothing but regrettable.

Unfortunately, there is no noticeable effort to ensure people's rights to information. The application or practice of the constitutional provision for the freedom of expression has not been established in the country. The state, on one hand, has created obstacles for the issues of national security, contempt of court and privacy of individual while, on the other hand, it has repeatedly curbed the legal rights of the people to know and let others know. We never noticed any positive outlook taken by the state for people's access to information. Article 39 of the constitution reads: "39.(1) freedom of thought and conscience is

granted. (2) Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence- (a) the right of every citizen to freedom of speech and expression; and (b) freedom of the press, are guaranteed."

The Pakistani constitution of 1962 had an evil influence on our constitutional provisions. Note that the condition of restrictions has been made long unjustifiably. It is unjust to keep information imprisoned with such secretive and ambiguous law because the area that is off limits to journalists is also forbidden for the people. This hampers the people's rights to information, and the journalists' role as representatives of the people are also questioned. Journalists gather information for the people and on behalf of the people. Therefore, when journalists are barred from information, people's rights to information, in fact, is under siege.

Executive branches in all the democratic countries of the world strengthen the press. We see just the opposite in our country. The journalist community should raise their voices on the issue of the freedom of the press and the freedom of expression, and they should resist any legal attempt to deter journalists and demand a comprehensive Freedom of Information Act immediately. The vested interest group does not favour the free flow of information because of its narrow outlook. We, therefore, have to struggle for the establishment of people's rights to information. The struggle is not for the press only; it is for democracy, development and for a society free from corruption and extremism and to make the country habitable for the people.

Robaet Ferdous is Assistant Professor, Department of Mass Communication and Journalism, University of Dhaka, and Abu Naser Rajib is Lecturer, Department of Media and Communication, Independent University, Bangladesh (IUB).

TO THE EDITOR TO THE EDITOR TO THE

Letters will only be considered if they carry the writer's full name, address and telephone number (if any). The identity of the writers will be protected. Letters must be limited to 300 words. All letters will be subject to editing.

Counter suicide bombing

Suicide bombing has been a new phenomenon in Bangladesh. After the assassination of Bangabandhu, successive governments created opportunities for the Jamaat by authorising them to get entry into politics. Islam has come to our land not by bombing. Our spiritual leaders have preached Islam in this subcontinent not by killing people. All of us, irrespective of political faith, have to be united to face the onslaught of the bombers. Following are some suggestions.

1. The Jamaat, supporters of religious extremism and suicide bombing, should not be in the cabinet.
2. Arrange dialogue between political parties.
3. Take stringent measures to control madrassah and institutions dominated by fanatic parties.
4. Curtail relationships with them politically, socially and religiously.
5. Form community-based

committees consisting of religious leaders, political leaders and others to combat terrorist activities.
Malik Akram Hossain
Hong Kong

Let's remain alert

Far away from home, I have been reading the news about the recent horrendous bombings in different parts of Bangladesh. It tore my heart apart to think that Bangladesh is also becoming an unsafe land to live in. My sympathies are with all the victims and my prayers are for all the family members who lost their near and dear ones in those attacks.

What makes me even sadder is the wild guessing from our intellectuals and political leaders. Both the government and opposition leaders are making statements from their wildest imaginations, but completely overlooking the real problem. I am not sure what evidences they have to implicate others. If we continue to do this without any hard evidences, we

may actually protect the real culprits who masterminded the whole thing.

I request everyone to come to the senses and behave in a proper way. All political parties, the learned intellectuals, the journalists and people from all walks of life should be united and oppose these bombings. If we have a united society, these killers will not get any place to hide. As long as we try to use this delicate situation to our benefit (such as party or personal benefit), the problem will not be solved. May Allah save Bangladesh from the hands of these criminals!
Muhammad Imadur Rahman
One-mail

Who's going to stop them?

The nation has been held hostage by the Jihad extremists lately. Young men in their twenties, mostly from villages, have been flocking to the country's court premises and blowing themselves up to kill others. The fear for death

has spelled a chilling effect on ordinary folks, particularly on the progressive elite, politicians and left-leaning intellectuals.

These young and mostly ignorant fanatics have very convincingly been brain washed with the mantra that anyone who'd sacrifice his or her life would be rewarded financially (BDT 2,600,000.00) and spiritually (guaranteed "behest").

The trump card for any religious party is the "fear of God and punishment or reward hereafter". Sheikh A. Rahman, Khalib, Siddique are all foreign trained Jihad fighters who met the most dangerous fundamentalists in the world. They have seen the worst, experienced the most unforeseen circumstances and became seasoned players in the game of terrorism. They are capable of collecting money and recruiting boys and girls systematically and methodically. There are the most disciplined and structured organisations that can persuade people to just die for them!

The recruits are extremely motivated and committed to follow their leaders' fatwa. The most dangerous element that works here is that the suicide squads truly believe that it is a holy thing to sacrifice lives and that Allah will reward them with Jannat. The monetary gain is just a bonus; a free pass to "Behest" is their main goal. The motivation is so strong that putting one or two behind bars would do absolutely nothing to sway any of this army of young people from their determination to kill and be killed!

Suicide bombing is not a new phenomenon, starting from middle age to modern era extremists like Tamil Tigers, PLO and insurgents in Iraq all have used this "inhuman" tactic.

Many Muslims tacitly supported the Palestinian Fatah, who blew themselves up to destroy their enemies, many times innocent civilians. The Palestinian cause was somewhat "justified" at least in the Muslim world since their land, their jobs, their security and livelihood have been confiscated; they have been living under extraneous circumstances in refugee camps of Gaza or the West Bank for decades, many children were born smelling gunpowder and they die bathing in blood. Palestinians asked for help and the world did nothing but watching them perish.

But in Bangladesh and Indonesia the scenario is rather different and even more dangerous, because Muslims have turned against Muslims and the cause is mostly ideological.

JMB and JMB want Bangladesh to turn into a "Mollah" ruled country. These banned organisations want Bangladesh to be governed by Islam and Shariah laws but what they have been doing is rather contrary to the Islamic laws. They have been misusing "Islam" to fulfill their crazy idea of liberating Muslims from being westernised and enlightened.

These people cannot win, because fear tactic works temporarily and it dies in the long run. Unless a country of hundred and

thirty million people is convinced that the guys like Bangla Bhai or Sheikh Rahman are good for Islam, humanity and the people of Bangladesh they cannot sustain. But certainly, these criminals can create lots of trouble including destroying the country's image, economy, growth, security and normalcy without which Bangladesh may turn into a failed country. We are one of the poorest, if not the poorest and most corrupt country in the world -- we cannot afford to be worse than that.

Now, who'd stop them? You'd think well, isn't it the government? Prime Minister Mrs. Khaleda Zia has invited all irrespective of party or religious affiliation to come forward and talk and find a way out of this menace. It seems that she's honest in her appeal but her action in governance does not support her will.

All the top brass of JMB and JMB are still absconding, the people who have been caught in the net are merely small fishes. Therefore, the government's inten-

tion though noble but obviously, is not effective. The JMB and JMB have friends among high ups.

Now as ordinary people how can we fight the new phenomenon?

Mehbubur Rehman
Columbus, Ohio, USA

Terrorism and PM's appeal

It is difficult to take the Prime Minister's so called plea to the opposition for unity and talks to curb terrorism seriously, when she at the same time accuses them of creating the bombers and the terror. When will the petty politicking stop? Both our opposition leaders may find themselves living in exile as that will be the only safe place for the elites while the rest of us are left behind suffering the worst scenarios -- unless they take a sincere stand to put a stop to this madness.

Sanjoy Kumar Nath
Chittagong