

# An open letter to Awami League General Secretary Abdul Jalil

**You still have a chance to control the damage by scrapping this deal. If you want to have any shred of political credibility for the future, you will want to scrap this deal. Otherwise, you will not find the friends with you when you need them, and believe me, you will need friends a lot sooner than you think. Scrap or no scrap, do know this, that from now on we will make it very, very expensive for you to take our support for granted.**

ASIF SALEH

DEAR Mr Abdul Jalil: Ever since this morning, I am feeling very sick to my stomach. I feel like vomiting all day. It is not because of something I ate but it is because something you did, which is proving very hard to digest. You left us, who fought for some ideals, cheated. You betrayed the policy that you championed the last 5 years just for some petty short-term interest of getting to power.

Today, we watched with disbelief and horror your 5-point agreement with a little known party Khelafat-e-Majlish. You termed it as a "tactical electoral ploy." My utter disbelief turned into shame when I turned on ATN Bangla to find you defending the "good fatwas" against the bad ones.

When pressed on by the journalists, you say with total nonchalance: "I know what I signed" without providing any explanation why you did it. You couldn't even defend the stand that you took and lied on camera that didn't sign anything regarding the Ahmadiyas.

Excuse me, Mr General Secretary! Have you got no

shame? Have you ever thought there are actually people who follow politics because they support a principal? Before throwing this slap at these people who have been supporting AL for a return to non-religious politics, did you even care to think about them?

Or Mr GS, sitting in that well-cushioned office for the president of Mercantile Bank, have you become so tone-deaf that you can't hear the pulse on the street? Just when we have to digest your open embrace with Ershad, you decide to slap us again with this new deal?

Mr GS, do you know that there was once a time you had a party, which actually stood for something? In 1971, it brought upon secularism and social justice in the Constitution? As much as it is hard for you to believe, there is a sizable population in Bangladesh who still believe in these ideals and there are people who believe in religious identity and our Bangladeshi Muslim identity. You are making a huge mistake by taking them for a ride.

Dear Mr Jalil, you think the people who support secular politics and who are scared of by the politics of BNP-Jamat have no choice

but to vote for you? Think again. If there is so little difference between BNP-Jamat and Awami League, then they will just stay home on election day.

If this deal is not cancelled, we will know that you care very little about the support for progressive force and are not afraid to plank down years of earned credibility and principles for the little gain, if any, you will make with the Moulana votes.

Dear Mr. Jalil, it is by no accident that Awami League has been in power only for 5 years in the last 30 years. It is years of political ineptitude, inconsistencies and perception of opportunism by its leaders, which caused this. More importantly, it is because of monumentally fatal decisions like these in the past 20 years, which sealed its fate. But still we were willing to give you guys a second chance this time around seeing the long-term danger of Jamat in politics. We chose to ignore years of Awami hypocrisy and inconsistencies.

You went in election in 1986, 24 hours after declaring the participants of election under martial law will be known as national traitor. You brought Jamaat in the same

table with you and gave them the first legitimacy. You first resuscitated Ershad in national politics to get into national alliance.

All the time, critics said that there was no difference between BNP-Jamaat and AL. Your supporters said there was a lot at stake in this election and we simply cannot afford another 5 years of accountability-less governance and religious infiltration in Bangladeshi politics of BNP. But your desperation to go to power at the cost any thing makes our head to bow down in collective shame.

Mr GS, how dare you ridicule and make light of our support for the ideals to which this country was founded? Mr GS, you may think that this is election time and every thing you do is justified under the name of "tactical ploy." Well, I have some news for you. In this election, if AL wins, it will be not because of they are a better party than BNP. It will be because people are so turned off by BNP, they like to vote for anyone but BNP.

It is our misfortune that the ideals that we cherish are hijacked by people like you in Bangladeshi politics, who has no sincerity for ideals or principle. To you, principles can change with every news cycle as long as you can provide your own self-made rationalization for your stand and say that the people are with you.

But do know that winter does not go away after one December. Next time, you need friends in the progressive circle; please do know that will not forget this backstabbing. If they stay passive and do not treat

you any differently than BNP-Jamaat, please don't be surprised.

Because, after all, parties are judged by their actions and your actions, dear sir, are not much different from those of BNP-Jamaat. We will rather wait for the party that truly believes these progressive ideals rather than support a morally bankrupt party such as yours, who just uses these as lip service when it suits them and dumps them before election when they think it's a liability.

Mr GS, please don't underestimate the hurt and anguish that has been caused by your action. If you don't cancel this deal, you will be repaid for your betrayal for a long time to come.

Dear Mr Jalil, you have very little credibility after your April 30 deadline in 2004. In any other country, you would have been thrown into the political dustbin after that monumental political failure. Still it's a miracle that you lived through that to cause another similar proportion catastrophic failure yesterday by signing this 5 point agreement with a little known fundamentalist Islamist party and effectively stabbed in the back of your party workers and supporters. You owe them an explanation.

For a party that regularly tries to milk the liberation war for its own advantage and for a party that got a lot of mileage from the 2001 Hindu oppression and 2005 Ahmadiya discrimination, you owe them an explanation for signing a deal that goes completely against your previous political stands.

You still have a chance to con-



trol the damage by scrapping this deal. If you want to have any shred of political credibility for the future, you will want to scrap this deal. Otherwise, you will not find the

friends with you when you need them, and believe me, you will need friends a lot sooner than you think. Scrap or no scrap, do know this, that from now on we will make it

very, very expensive for you to take our support for granted.

The author is the founder of Dristipat.

## When justice falters

**The police in our country have, many times in the past, been accused of pressing charges against eminent persons when the latter found themselves on the wrong side of politics. But how can this happen when a neutral caretaker government is in power, and when the police are directly under the control of the chief adviser-cum-president?**

ALI AHMED

NEVER was much of a TV watcher. The other day, however, while watching a local channel, my ears pricked when they were breaking the news of charges having been pressed against Dr. Kamal Hossain, Barrister Amir-ul-Islam, Barristers Rakanuddin Mahmud and Tania Amir, along with nine others, for vandalism in the Supreme Court premises.

Although the case filed against them was for sedition, the enquiry officer of the CID was very judicious in dropping it and, instead, pressed charges for vandalism, including damaging, and finally putting on fire a very expensive vehicle belonging to one of the former state ministers, which happened to be parked in the court premises.

The news editor of the TV channel, with the obvious intention of putting on display the offences while they were being committed, re-ran the footage, and we again

watched, awestruck, as the court building and car window panes were being broken, and the car being set on fire by club-wielding, T-shirted adolescents; and not a lawyer of any kind was there on the TV image. Still, the charges have been pressed against some very eminent and internationally acclaimed jurists and lawyers of the country!

Abetting, we know, is as great an offence as the perpetration of the offence itself, and is punishable in the eyes of law. The lawyers named above have been charge-sheeted, and are told, because they incited the vandalism.

The police in our country have, many times in the past, been accused of pressing charges against eminent persons when the latter found themselves on the wrong side of politics. But how can this happen when a neutral caretaker government is in power, and when the police are directly under the control of the chief adviser-cum-president?

Just a few years ago, people would have said that the entire proceedings of such an apparently politically motivated case would be stopped when the accused approached the High Court Division. But that faith appears to have been shaken.

We do not mean to be disrespectful to, or even distantly contemptuous of, the highest court of law, and the people's last bastion for justice. But some of the decisions handed down by that court in a couple of cases having political implications appear to have thrown that house of justice into harmful controversies, tending to bring down its otherwise impeccable image.

The chief justice, no doubt, has the authority under law to assign or change benches in the High Court Division with regard to any case under consideration of that court. He may also stop proceedings of any on-going case. But the way the case challenging the authority of assumption of the office of the chief adviser of the caretaker govern-

ment by the president himself was stopped by the chief justice has been criticised very widely.

I am no expert in law, and do not have the audacity to advise the chief justice, especially in matters of law and legality. But as an ordinary citizen of the country, I feel genuinely concerned when the highest court of law in the country gets involved in apparently injudicious decisions, mirroring itself into controversies. The same has been said of the High Court Division's orders in the appeal case of General Ershad. The court, I feel, was very much within its legal jurisdiction to pass the orders it did, but the manner in which it has been done has been questioned by many.

The famous saying "justice must not only be done, but should also be seen to have been done" comes to mind in this context. Since the justice handing down the decision in the case was himself the subject of a fierce controversy not so long ago, he should, in my opinion, have been extraordinarily careful in handling the case, at least in order to establish his own bona-fides.

The latest in a long series of controversial decisions by the Supreme Court has been the one with regard to furnishing of certain vital information by the candidates

seeking election to the parliament. This was an across-the-board decision of the High Court Division applicable in case of all aspirants to membership of parliament from all the parties.

Under the now-stayed orders of the High Court, every candidate seeking election to parliament was required to furnish certain information to the Election Commission, which was supposed to be made public for information of the electorate so that they could know, beforehand, who they were going to vote for. This, I repeat, would be applicable to all who stood for election as MP.

Some of the information each candidate was supposed to furnish are: (a) his educational qualification; (b) his sources of income; (c) assets in his and in his family members' name; (d) debts he owed to banks and/or any other financial institutions; (e) the promises he makes to his electorates; (f) his criminal records etc.

This, in the opinion of all who care for a responsible parliament manned by committed people of integrity and competence, would be a step forward in the direction of good governance. This order by the High Court was so popular that nobody is on record as having uttered a word against this. But, just

two days before the expiry of the deadline (the first one) for filing of nomination papers, this decision of the High Court has been stayed by a chamber judge of the Appellate Division.

There has rightly been a hue and cry in the media and in all manners of forums against this decision, and the justice delivering the decision has come under public scrutiny, and some unpalatable things have been said and written about him. Journalists have also dug out misinformation given to the court regarding the appellant in this case, which undoubtedly proves that the appellant was picked by certain quarters to serve their ulterior motive of hiding the information stipulated by the High Court Division. The presence in court of the ex-law minister while this case was being heard and decided upon does not throw a very flattering light on him.

The way the judgement was delivered, the hurry with which the Election Commission implemented it, vis-a-vis the delay in following the highest court's orders regarding the voter list, and the presence in court of the former law minister while the judgement was being delivered has made the entire thing look sinister.

The writer is a former member of the National Board of Revenue.

## Added importance of international election observation

**Anyway, nowadays, it has become almost a general practice that national elections are observed by outsiders, and an assessment of the aspects of a foreign country's political, economic or human rights situation is carried out by many international institutions and organizations for an understanding of the political process in the host country.**

ZAHIH HOSSAIN

THE importance of international observation of the ninth parliamentary election has gained added dimension because of the partisan attitude and continued mismanagement, and willful as well as motivated mis-handling, of the country's major political issues by the caretaker government headed by President Dr. Iajuddin Ahmed, and the existing faulty, inaccurate and fictitious voter list prepared by the present election commission led by Justice MA Aziz.

And possibly that is why the European Union alone is expected to send around 400 observers to observe the election, and to ensure that it conforms with international standards in order to increase confidence in the democratic process. More international organizations and election-related bodies are also going to observe the coming election.

At present Bangladesh is really in a politically volatile state. In such a conflicting situation the holding of a successful and credible election would be a positive contribution toward the long-term stability of the country. But the new condition imposed by the Election Commission, not to allow the elec-

tion monitors to announce any of their election related observations before the announcement of the election results may, to some extent, act as imposition of restriction in conducting their job.

But in any case, to make the observation efforts really effective and meaningful, the international observers have to closely examine and scrutinize the role of the Election Commission, specially after the appointment of Justice MA Aziz as the chief election commissioner and SM Zakaria and Justice Mahfuzur Rahman as commissioners, in compilation of the existing faulty and fictitious voter list containing 1.22 crore extra or duplicated names (NDI report).

The performances of about three hundred Upazilla election officers, appointed purely on political consideration during the BNP-Jamaat government, also need to be evaluated properly.

Since the non-party caretaker government headed by a partisan chief adviser has, in the meantime, made several controversial decisions, specially on deployment of armed forces in aid of the civil administration, the international observers must make it a point to thoroughly monitor the impact of such a deployment on the overall voter turn-up in the areas where the

percentage of non-Muslim voters is significant.

Anyway, nowadays, it has become almost a general practice that national elections are observed by outsiders, and an assessment of the aspects of a foreign country's political, economic or human rights situation is carried out by many international institutions and organizations for an understanding of the political process in the host country. And the impact of the election observer mission, as the International Human Rights Law Group has rightly mentioned, is not limited to its effect on political rights instruments alone. It has got a broader and more far reaching national and international impact as well.

The task of an International Observer Mission should be clear and distinct during each stage of the electoral process. At the pre-election stage the processes and arrangements to be observed should be the provision of infrastructure, voter education, training of electoral officers, the host country's election campaign, media coverage, prevailing public attitudes to the election, voter registration and ensuring that electoral supervisory bodies are in place.

Qualitative and quantitative methods of observation should be

clearly differentiated. Whenever a dispute arises about the correctness or fairness of an election, reference is automatically made to the rights and freedoms embodied in the constitution, and to the rules reflected in the legislation. This would be a matter for the observer mission, requiring a qualitative analysis best undertaken by a member of the observer mission with a sound legal or political science background. A qualitative approach is also applied to the:

- Evaluation of the voter registration process.
  - Content and extent of media coverage of the electoral process.
  - Voter education and information process.
  - Election campaign.
  - Administrative process of election.
  - Handling of complaints.
  - Voting and counting processes.
- Generally, observer missions use the quantitative method, particularly when observing the electoral process over a short period. It has developed into a form of compulsory assessment through standardized observation by means of well-structured questionnaires or surveys prepared in advance. Its aim is to collect representative and reliable data that can be professionally processed and interpreted.

The success of an observer mission rests on the clear terms of reference agreed upon by the observer mission and the host country. The observers are obliged to recognize and respect the sovereignty of the host country and its institutions.

They are subject to the laws of

the country, and should strictly adhere to a policy of political neutrality. Observation should not be seen as an inquisition casting doubt on the capacity of a host country to conduct its election effectively. This does not exclude observer missions from identifying and reporting activities that are detrimental to holding free and fair elections, as well as areas prone to unfair electoral practice.

Complete neutrality is an obligation. An observation mission is a temporary guest in the host country and should act accordingly, respecting domestic laws, lawmakers, their executives and the people of the country. Non-interference does not preclude the right to evaluate whether the electoral law has provisions for a sufficiently open and equitable election process.

Particular attention should be paid to the adherence to human rights principles. Inappropriate behavior on the part of any player in the electoral process should be observed and reported, always with care and objectivity. All statements should be carefully verified before being sworn as fact.

One of the principal tasks of an observer mission is to determine whether a competent and trustworthy electoral authority is in place, and if it has the quality, capacity and knowledge to conduct credible and successful elections in an impartial and objective manner. The public and the political role players must have absolute trust in the impartiality and independence of the electoral body.

Sometimes observer missions are confronted by many claims emanating from political parties,

particularly the opposition. Typically, opposition parties claim that the ruling party uses public resources during election campaigns, monopolizes the state-owned media and harasses the opposition and its supporters.

Officially, the case of Bangladesh is different as the election is supposed to be conducted by a non-party caretaker government. However, all such claims must be taken seriously and handled sensitively and objectively. Observer missions should remain impartial and objective as partisan behavior could result in an abrupt termination of a mission or loss of credibility.

Finally, an assessment of the prevailing political climate before, during and after elections is essential. Observers should learn whether the general political situation and ambience are supportive and conducive to free and fair elections. The government should level the political playing field to enable all political parties and candidates to campaign freely and equitably, and ensure that the deficiencies identified in the country's electoral history have been addressed, and the required changes introduced in the Electoral Act are applied effectively.

Moreover, the role played by the present caretaker government should also be included in the agenda of the international observer missions pinpointing the political color of their acts, decisions and other priority areas, if any, and their recommendations may be of some help.

Zahid Hossain is a political analyst.

## Bush still clueless

IMRAN KHALID

"ABSOLUTELY, we are winning ... We are winning, and we will win, unless we leave before the job is done," said US President George W. Bush while describing the situation in Iraq in his news conference in the White House on October 25.

Just two months later, on December 19, in an interview with the Washington Post, he proclaimed: "We are not winning, we're not losing in Iraq." And one day later, in his traditional end-of-year news conference in the same White House, he said: "I believe that we're going to win, I believe that ... My comments yesterday reflected the fact that we're not succeeding nearly as fast as I had wanted."

And a further two days later, in his Christmas message to US troops, he said: "I want our troops to know that while the coming year will bring change one thing will not change, and that is our nation's support for you and the vital work you do to achieve a victory in Iraq."

He is visibly confused. At times he talks about "victory," and then suddenly changes the tone and tries to project it as "not losing." He is not clear about the current happenings in Iraq, and he is equally not sure about the future course of events. And this is the most dangerous aspect of the Iraq quagmire.

With a new, hostile Congress knocking at the door, pressure is building up on him from all sides. Some experts are urging him to send more troops to Iraq to gain a victory, while others are calling for withdrawal. Some reports are arguing in favor of a divided Iraq, and some are asking for a united Iraq.

But the problem is congenital in nature. From the very outset, the so-called Iraq strategy was ill-planned, and the defective blueprint that was devised at the whim of hawks like Dick Cheney and Donald Rumsfeld who, with their xenophobic vision, compelled George W. Bush to send the Marines to Iraq to uproot the Saddam regime, to dig out the weapons of mass destruction so as to safeguard national security interests, and to implant democracy there.

These hawks convinced President Bush, who had little vision of his own of the emerging ground realities in the Middle East, about a quick and prompt victory in Iraq. They were talking about conquering Iraq within weeks and months. They were extremely sure about swift and complete control over Iraq.

Just before the Iraq operation, Donald Rumsfeld proclaimed, "The Gulf War in the 1990s lasted five days on the ground. I can't tell you if the use of force in Iraq today would last five days, or five weeks or five months. But it certainly isn't going to last any longer than that."

This is the message that mesmerized President Bush and kept him from analyzing the situation with a multi-dimensional approach. After initial setbacks, the myopic Bush camp then tried to play the ethnic and sectarian card to divided Iraq. Instead of weakening the resistance, the sectarian and ethnic

division has played havoc there.

Today, there is complete mess with no victory in sight for the United States. The Iraqi society has been disintegrated into a quagmire of insecurity, sectarian and ethnic violence, political fragmentation and economic instability.

The Sunni-Shia feud has completely destroyed the very fabric of the Iraqi society. The mutual distrust, insecurity and skepticism has attained indescribable heights -- never heard or imagined of before the arrival of US and its allies in Iraq. Shias and Sunnis are scared of moving, or doing business, in each others' areas. So far, 2.3 million Iraqis have left the country, with 40,000 Iraqis entering Syria every month.

The average death toll has reached a minimum of 100 a day. According to a survey published in the British Lancet Medical Journal in October, over 600,000 Iraqis have died due to violence after the US-led Iraq invasion. The unofficial reports estimate unemployment at more than 60 percent, with 70 percent inflation in a year, starting from July 2005 to July 2006.

In a recent report, the World Food Program has estimated that, if the situation remains uncontrolled, some 8.3 million Iraqis -- 31 per cent of the total population -- are likely to be bracketed as "food insecure." And, on top of all, the Al Qaeda-sponsored resistance is getting increasingly irrepressible.

The mess created by President Bush and his coterie is extremely dense and intricate. Robert Gates, who went to Iraq last week to have first-hand acquaintance with the situation, must have taken back the message given by the US Marines who almost unanimously urged him to send more troops. Thus bringing more confusion in the Bush camp, which is currently working to overhaul the Iraq strategy.

The recent reports of the Iraq Study Group (ISG) -- spearheaded by James Baker and Lee Hamilton -- and the International Crisis Group, which re-emphasized the withdrawal of troops and initiation of political dialogue with the warring factions and insurgents as the most suitable option, have definitely put President Bush under severe pressure.

The exit of Rumsfeld -- in the wake of the Republicans' electoral defeat -- was the most defining moment in President Bush's approach towards the Iraq problem. He is now forced to show a palpable "shift" in his Iraq strategy, but he has very little time to do so.

But the main concern is that he is seriously confused now. He had no strategy of his own at the beginning of the Iraq operation, and neither does he have any at the moment. His impulsive approach, coupled with the myopic and belligerent inputs from the likes of Condoleezza Rice and other hawks at the Pentagon, has already taken matters to the limits of irreversibility. Everybody is now eagerly waiting for his State of the Union address on January 23.

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