

Supreme Court

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good for democracy and rule of law.

If we are to achieve the above within the ambit of our constitution the only way out is for the Supreme Court (SC) to permit a time extension, say for three months, to hold a free and fair election. It can be done through an appeal by the Election Commission through a reference by the President seeking the SC's advice.

Before we discuss in details the above course of action we need to clarify a few things. Why should the SC, one may argue, grant extra time for elections just because the AL and its allies refuse to join the coming one. Should we allow one group to hold the nation hostage and force our hand in playing their game? Well, if the situation was as simple as that we would have no qualms in siding with this argument. If the malafide of the 14-party's action was obvious then there would not have been the quantum of public support that the boycott move, in reality, enjoys. There are sufficient grounds, known to all as we have written about them a thousand times, concerning the activities of the caretaker government, especially of its chief, and the role of the election commission, especially with the present voters list (which is yet to be made public with just two weeks left for the election. This is a clear violation of the constitution), to give the 14-party's boycott some credence. Whether one supports the move or not, there is no denying the fact that with the AL and all its allies withdrawing from the polls its acceptability has come into serious question. Most importantly such a one-sided poll will not give us either peace or a credible government that we so desperately need. We'll be back to where we started from -debilitating political unrest that has done so much harm to our economy. A one-sided election will do nothing to quell the political rivalry that has been our bane for all these years.

The bottom line is the position of the so-called grand alliance cannot be brushed aside and ignored without serious damage to our democratic process and to our global acceptability and standing as a democratic nation. Nor can we, or should we, sidestep the constitution and its 90-day binding. The way out, therefore, is to go to the Supreme Court with an appeal for time extension. Grounds for this move is simple. Election must represent people's will, which can only happen if everybody participates. A one-sided election will only further fuel the social tension and political violence that will no doubt lead to further damage to our economy and the prospect of improving our economic lot.

The move for Supreme Court's (SC) reference has to be taken by the President and Chief Advisor. Given his track record one may seriously doubt whether he will do so. It is our hope that the reality of the situation will override whatever other proclivity he may have. The future of democracy, political stability, peaceful transfer of power, getting a truly representative government acceptable to all (which can only come from a free, fair and credible election), the chance to move forward with strength and unity -- they all depend on the President making such a move. This move must be preceded by a dialogue between the two principal rivals, which again he can bring about. Though the record of BNP-AL dialogue is not very encouraging, yet there is no alternative to it.

If and when the reference to the SC comes, we think the honourable judges may consider some related issues. It cannot just extend the time of election for the two rivals to waste it again on bickering. So it may consider giving some guidance as to how we can move forward. We think, as it did in the case of CEC MA Aziz, where specific guidance was given as to how the voter list should be prepared, here also the SC may specify steps needed to hold a free and fair election. For voter list the SC can insist on the proper implementation of the existing High Court order. It can also vacate its earlier stay order on disclosure of candidate's vital personal information. The SC can also call a group of eminent jurists, former chief justices and constitutional experts as amicus curiae (friend of the court) to put their collective wisdom together to serve the nation at this critical juncture.

In this connection, we must recall the fact that three writ petitions were placed before the High Court, which were 'stayed' by the Honourable Chief Justice (CJ). These included one that dealt with whether the President's taking over as Chief Advisor was done according to the provision of the constitution. The Honourable Chief Justice, in his wisdom, had 'stayed' the petitions. If the CJ had allowed the petitions to go ahead and if there were clear pronouncements then much of the present day debate could have been avoided. A clear judgment on whether the president's becoming CA was constitutionally correct or not could

have buried much of today's debate.

From what little we understand of the law and of our constitution, we think there is something called the spirit of the law and of the constitution, as against the letter of it. For novices like us it is perhaps the letter of the law that attracts us most. But for the more learned and the wise such as our highest judiciary, it is both the letter and the spirit of the law and of the constitution that matter. Sometimes the spirit may become far more important than the other. If the 90-day limit is important, so also is the fact that we must have an election that brings a stable, acceptable and popular government in place reflecting public will. In the past while both the BNP and AL questioned the elections they respectively lost, yet they, though grudgingly, accepted the results and the government it brought to power simply because the elections were not one-sided. The only one-sided one in 1996 had to be redone. That one-sided election could also be somewhat justified because holding it was the only legal way to institute the caretaker system that the AL, Jamaat, and others demanded at that time. There is no similar justification to go for another one-sided election today. So then, why hold such an election and at such a high expenditure to the exchequer? An election that will only divide us further, lead to more hatred, more violence and inevitably to more bloodshed. Can anybody in their right mind want it, leave alone the learned judges of our highest courts?

Today we need our supreme judiciary to rescue us from this political impasse. It may be said why should the highest courts get involved in political issues. Normally this should not be done. But these are not normal times, and the nation really has nowhere to go but seek 'light' from our learned judges. On many occasions in the past our judges came to our rescue. We recall with pride the role played by Chief Justice Shahabuddin in leading us through the uncharted waters of a untried caretaker government system and helping us to move away from autocracy to democratic rule. So also now our highest judiciary and especially our Chief Justice has to pronounce on the legality of the 90 day limit and show us a way out. If the 90 day limit is inviolable, then by all means lets go for the election, knowing that we are heading for endless political conflict but at least with the satisfaction that our constitution provided no way out. But if it does let our Supreme Judiciary show the way. Please rise to the occasion with no other interest but that of the Nation and its 14 crore people at heart. We are so desperately in need of a legal way out.

41 killed

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not think there are any more bodies in the wreckage."

"All of the bodies were burned beyond recognition," the DC added. The charred bodies were clustered together, making the body count even more difficult and it is feared the death toll might rise.

Mohibul said the fire service and police finished their rescue efforts early in the evening after the last of the human remains were recovered.

Witnesses and survivors said trapped passengers were heard screaming from inside the bus after it burst into flames but the ferocity of the flames made it almost impossible for the locals to attempt any rescue effort.

Yusuf, a survivor, was seen calling out the name of his friend Ramiz, aged 62, who he feared was burned alive in the bus. "I can't find him anywhere. I did not realise he was not with me when I escaped the bus," he said.

One of the handful of survivors told our Comilla correspondent the bus, which has the capacity to carry 52 passengers, was packed with nearly 70 passengers desperate to return to Chittagong after their Eid holidays and ahead of the blockade programme that the Awami League and its allies had called for.

The bus was already at capacity when it left Dhaka yesterday morning but it had picked up more passengers along the way, the survivors said. The dead were mostly women and children.

The DC also said no one was injured critically as the people who managed to escape the bus before it burst into flames had only suffered minor cuts and bruises. He said those were the only survivors of the accident.

Earlier, locals were seen chasing the firemen after two fire service units from Comilla arrived far too late to put out the flame.

While hundreds of locals thronged the spot, a large number of them were seen wailing under the shadow of the dark smoke.

Republicans join

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policy in Iraq, Bush is tapping new generals to lead the military campaign.

Bush will nominate Adm William Fallon, who commands American forces in the Pacific, to replace Gen John Abizaid as top US commander in the Middle East. Army Lt Gen David Petraeus, who headed the effort to train Iraqi security forces, is slated to replace Gen. George Casey as top American general in Iraq. Casey in turn will replace the retiring Gen Peter Schoomaker as Army chief of staff.

Lawmakers said they were pleased with Bush's selections. "I hope he matches it with a new strategy that will shift responsibility for security to Iraqis and begin the responsible redeployment of American forces," said Rep Ike Skelton, D-Montana, chairman of the Armed Services Committee.

EU poll mission

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"In the absence of this, the EU expresses concern that it will not be possible for the EU Election Observation Mission to proceed as hoped," the statement said adding that the future of the mission is currently under review.

This press statement from the German Embassy, which currently holds EU presidency, comes on the heels of similar statements made by the United States and Britain in the past three days.

Stressing the need for political stakeholders to refrain from violence, the EU also urged them to pursue solutions in the spirit of compromise.

The local EU presidency also expressed deep concern and disappointment at the major parties' boycott of the January 22 elections.

"A failure of the current electoral process would be a major setback for democracy in Bangladesh and for the international credibility of the country," the EU stated.

Expressing concern over the yet unsuccessful effort to secure electoral conditions that command the confidence of all parties and the electorate, the EU said that this threatens to deny Bangladeshis to fully enjoy their democratic rights to vote.

"It further raises the prospect of protracted instability costing the country in human, developmental and economic terms," the statement adds.

Cold claims

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Garadaha village, Jabeda, 55, Saiful Islam, 65, of Dhonghora village in Raiganj upazila, Fakir Ali, 60, of Khokshabari village in Sirajganj Sadar upazila and an unidentified boy in Ullapara upazila.

About 500 people were affected by the cold-related diseases and admitted to different health complexes, hospitals and clinics.

In Khulna and Bagerhat districts, the cold wave claimed four lives. They are Nazmul Khan, 55, of Kajdia village under Rupsha upazila of Khulna district, and Amina Begum, 60, of Halarbubania village, Kanchan Shaikh, 75, of Shibpur village and Nikhil Biswas of Halishahar village under Chitalmari upazila of Bagerhat district, according to our staff correspondent.

Our staff correspondent from Bogra adds: Three people died of cold and cold-related disease in the district yesterday.

Local sources said Habibur Rahman, 75, of Nayapara under Sherpur municipal area and Ahlahi Box, 65, of Raninagar village under Sharpur upazila died of cold-related diseases while Yeazar Uddin, 80, of Mahasthangarh area in Shibganj upazila died from severe cold.

In Chapainawabganj, two people died from severe cold on Friday night. They were identified as Razia Sultana, 20, of Hujrapur area in the district town and Darul Huda, 35 of Nabawajagir village under Sadar upazila.

Khaleda's claim

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EUEOM for the 2007 elections. "We are going through all our files and statements from the 2001 election observer mission to look for the figures, but we have not been able to find it yet," Elson told The Daily Star over telephone yesterday afternoon.

Elson said this when he was asked to clarify Khaleda's comments made at the BNP-led four-party alliance's press conference on Friday, where she said the EU in 2000 had expressed doubts about the voter list prepared under the then Awami League government.

"If you would remember, the European Union had said there could be nearly 13 million false voters in that voter list [of 2000]," said Khaleda.

Khaleda had also quoted the US-based National Democratic Institute (NDI) as saying in 2000 that the voter list then contained 6.8 million false voters.

An examination of the NDI survey reports show that they thought there could be 6.4 million duplicate registrations of voters.

The NDI, however, found no evidence of false names in the voter list.

Khaleda, on the other hand, said, "On the basis of the NDI and European Union critique we can conclude that the Awami League is the pioneer of false voter lists."

Polls to be held on time

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He said steps have been taken for the people who will choose their candidates by casting their vote fearlessly.

The government firmly believes that the January 22 election will be held in a "free, fair and impartial manner", the president said.

Dwelling on the standoff over the polls, the president/ chief adviser pushed the ball to next government's court as he said the elected government would have the scope for resolving the prevailing political crisis in accordance with the constitution.

Regarding the constitutional bindings for holding election within the stipulated 90 days, he cited the valedictory speech of former prime minister Sheikh Hasina on April 12, 2001 in parliament.

He quoted Sheikh Hasina as saying, "... our sacred constitution says in any situation whatsoever, the election must be held within 90 days after the parliament is dissolved. In case of by-election, the polls can be deferred or advanced beyond 90 days for reasons of an act of God".

Iajuddin Ahmed in his lengthy statement explained the situation he has been facing in dealing with the Awami League-led 14-party alliance's grievances and demands.

"I all along have tried to bring all political parties in the election process. But if any political party feels it's a right to withdraw from the race at the eleventh hour of the election process, nothing can be said," he said.

"Being a teacher, I always discharged my responsibility impartially. I had to ignore other parties in accommodating the demands of the agitating parties during the tenure of the caretaker government. Despite that question of my impartiality has been raised with a motive," he added.

Regretting the "sudden" withdrawal of the nomination papers by the grand alliance on the last day, the president said this announcement has led to a new crisis, which made him stupefied as well as

disappointed although they (grand alliance) had come to the election after "accepting everything".

About the task of the EC, President Iajuddin said since the Election Commission is an independent constitutional institution, the government cannot interfere in its function.

"The EC has nothing to do except for holding the polls after the nomination-withdrawal stage is over," he noted.

He said those already declared MP-elect unopposed by this time have the scope for taking shelter of court.

"At this stage of the election process, according to the constitution, there is no scope for sending reference to the court," the caretaker government chief categorically said to seal such an option suggested by many.

Suicide bombing

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ambushed an overcrowded bus, killing at least 67 passengers.

Suspected Tiger rebels attacked the main sea port of Galle, close to where the bus was hit Saturday, by using a flotilla of boats packed with explosives in October.

Saturday's attack came in the same district where Sri Lanka's aid donors are due to meet later this month.

The United States, Japan, the European Union and Norway have tied 4.5 billion dollars of aid to Sri Lanka to progress on a peace settlement.

The new violence came after both President Mahinda Rajapakse and the LTTE wished for peace in their New Year messages.

"We hope the New Year will bring the long awaited genuine and sustainable peace," Rajapakse said, while the Tigers called for global backing for their "sincere effort to seek a permanent peace through a just political solution".

The conflict has claimed more than 60,000 lives since 1972.

Nonstop blockade

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to the Bangabhaban on January 9.

The alliance has, however, kept vehicles carrying hajj pilgrims, journalists and medicine, all examinations, ambulances and other vehicles carrying life-saving materials out of the purview of the 72-hour blockade.

"Along side Sunday and Monday, the blockade will also be observed on January 9 [Tuesday] and at the same time Bangabhaban will be besieged," AL General Secretary Abdul Jalil said at a press briefing yesterday.

Earlier, he held a meeting with the leaders of the grand alliance at his Gulshan residence in the city.

Jalil said they set to finalise strategies to refrain people from taking part in the electoral processes.

He said an accurate voter roll is a prerequisite for holding an election. "But this illegal caretaker government headed by Iajuddin Ahmed has been conspiring to hold an illegal election without a voter roll," Jalil said, vowing to resist any "illegal" election in the country.

He called on President Iajuddin to quit the office of the chief adviser for holding a fair election.

"Any election in the country will have to be held only after Iajuddin's resignation from the post of chief adviser and preparation of a proper voter roll. If there is any move to hold a farical election on January 22, we will resist it," he said.

Jalil also urged the law enforcement agencies and all officials related to the election not to engage themselves in an "illegal" election.

Senior leaders of the grand alliance Amir Hossain Amu, Abdul Razzak, Tofail Ahmed, Kazi Zafar Ahmed, Ruhul Amin Hawlader, Maj (ret'd) Abdul Mannan, Suranjit Sengupta, Sheikh Fazul Karim Selim, Kazi Zafarullah, Obaidul Quader, Rashed Khan Menon, Hasanul Haque Inu, Mahi B Chowdhury, Munshi Abdul Latif, among others, attended the meeting.

JP urges army

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Lutfuzzaman Babar to Ershad's house asking him to join the 4-party alliance. Ershad was her favourite at that time, he added.

"She (Khaleda Zia) herself phoned Ershad in this regard," he said.

JP Presidium Member Anisul Islam Mahmud and Secretary General Ruhul Amin Hawlader spoke at the press briefing among others.

CG orders army

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and important government installations in the capital.

The authorities also slapped an indefinite ban on staging rally, demonstration and procession with firearms, explosives, oars and any other harmful material in the capital from early hours today.

An announcement on the clampdown came from Dhaka Metropolitan Police (DMP) a day before a planned countrywide siege programme of the Awami League-led grand alliance over electoral issues.

The alliance has withdrawn from the poll process and launched a fresh agitation aimed at resisting the January 22 general election and realising its demands for fair voting.

Transport crisis

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that enabled the unscrupulous ticket-sellers to skyrocket the ticket prices.

Besides, dense fog that had been continuing to blanket most part of the country for the third consecutive day greatly disrupted road and river communication throughout the country. This hazardous condition caused many passenger vessels, buses and trains to be delayed for hours and added to the passengers' sufferings.

Trains coming from the northern part of the country were more or less five to six hours late due to the heavy fog and overloaded passengers, said Ashok Kumar Dey, station manager of Kamalapur Railway Station, adding, "We had to delay all trains coming from the northern region as nothing was visible and tickets were not available either."

Sadarghat launch terminal was overflowing with people and witnessed one of the highest numbers of arrivals into the city in one day.

The passengers who reached Dhaka, especially the lower income group, found it very difficult to reach their final destination as rickshaw pullers, CNG-run auto rickshaw and taxi cab drivers also took advantage of the higher demand of transport by demanding excessive fare. Even some local city service buses charged higher fare from the returning passengers.

Rickshaw fare from Sadarghat to Gulistan reached to Tk 55 to 60 -- which usually runs between Tk15 and 20.

"I was compelled to hire a CNG auto rickshaw for Tk 300 from Sadarghat to Gabtoli as the driver refused to take me there for any less," said Abdul Hannan to this correspondent at Sadarghat terminal after waiting for two hours for a transport.

Hundreds others were seen hiring rickshaw vans or walking with their heavy luggage, failing to afford any other means of transport.

Bus fare from Gulistan to Farmgate shot up to Tk 20 -- which usually is not more than Tk 4.

Blockade begins today

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LDP already on Friday proposed a non-stop blockade for January 12 to 22 to the grand alliance liaison committee. The alliance will announce its next course of action after the current spat of the three-day blockade.

In wake of the prevailing political situation, the US, UK, EU and some other development partners kept expressing their concerns and urging for an amicable solution to the political impasse.

The apex body of businesses, the Federation of Bangladesh Chambers of Commerce and Industries (FBCCI) yesterday urged the president to resolve the political deadlock within 24 hours through negotiations with the two top rival leaders -- Sheikh Hasina and Khaleda Zia. If the negotiation fails, the FBCCI urged the president to declare an emergency and to save the country 'at any cost' from an impending political crisis.

Advisers to the caretaker government, who have been waiting to sit together to search for ways to resolve the crisis since the grand alliance's announcement on January 3 of boycotting and resisting the election, could not however meet as the CA had not convened a meeting of the council of advisers.

As the caretaker government did not initiate any step to resolve the political crisis, the Election Commission (EC) keeps preparing for holding of the parliamentary election on January 22 amid the boycott by AL-led grand alliance and some other allied political parties.

The EC has already asked the armed forces division to deploy the army, air force and the navy for election duties from January 10 to maintain law and order before, during and after the election.

Political analysts have repeatedly been warning both the caretaker government and the major political parties of a severe crisis if the political impasse is not solved through negotiations. They said a one sided election will not be acceptable either at home or abroad, rather such an election will pitch the politics into further turmoil.

SECURITY MEASURES
The home ministry yesterday put the law enforcement agencies on high alert across the country to tackle any untoward incident during the blockade.

Deployed on December 9 following a unilateral decision of the president and CA, the army will be on patrol in the capital and other parts of the country and will swing into action to disperse pickets if the situation demands, sources said.

The advisory committee to the caretaker government (CG) on law and order headed by the CA at a meeting last week decided to use the army to tackle political demonstrations if the police and paramilitary Bangladesh Rifles (BDR) personnel fail to do so.

UNB reported that the CG pulled its full weight to tackle any disruptive

political action, ordering army troops, BDR, Rapid Action Battalion (Rab) and the police to show zero tolerance in dealing with the blockade.

A home ministry official told UNB that the law enforcers, including army personnel, now on limited patrol, will be posted at different strategic points in the capital to ensure smooth vehicular traffic, and peace and safety of the public life.

Meanwhile, the grand alliance however urged the president not to use the armed forces to tackle political demonstrations.

Instructed by the home ministry, DMP initiated heavy security measures in the capital. So far 12,000 police, 1400 BDR, and a number of Rab personnel are ready to be deployed in the city to face the grand alliance's blockade.

On the eve of the blockade yesterday DMP also slapped an indefinite ban from early Sunday on rallies, processions and other demonstrations with arms, explosives, setting poles, oars, sickles and other harmful materials in the capital.

"Different political parties have announced various programmes including blockades for January 7 and 8. Information has it that leaders and activists of those political parties might participate in the programmes carrying sticks, setting poles, oars, and sickles, thus creating fear in the public mind. And it may hamper security in Dhaka city," said a DMP news release.

The order of embargo, signed by DMP Commissioner Bazlur Rahman, also noted that the restrictions were imposed under section 28 and 29 of the DMP Ordinance for the imperative of maintaining law and order, and public security, and for protecting government establishments.

GRAND ALLIANCE'S PREPARATION
The grand alliance took all out preparations to make the blockade a success. The activists of AL and its allies will take positions at 29 strategic points in the capital during their three-day countrywide blockade.

Gabtali Bus Stand, Mirpur 10, Russell Square, Mohakhali, Moghbazar, Jatrabari intersection, Moor Hossain Square, Shahbagh intersection, Farm Gate, Chawkbazar, Mailbag crossing and Shyamoli Cinema are among the spots.

The alliance's leaders yesterday at a meeting renewed their resolve to resist the polls slated for January 22 and said those who will go to the election and who will help it take place will be tried in a people's court.

Awami League Joint Secretary General Obaidul Quader said, "We don't want any guarantee of victory in the polls. We only want a guarantee of fair polls."

Mass arrest

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breadwinner of the family, her son Rustam Hawlader, were not released.

Khilgaon police held CNG-run auto rickshaw driver Rustam at around midnight Friday from his Ulan residence at Rampura without giving any explanation to the family members.

Rustam is one of over 700 ill-fated people who were detained by the police in the capital in a span of 12 hours ending 6:00am yesterday. The police clampdown began on Thursday night ahead of the Awami League (AL)-led grand alliance's countrywide blockade slated for today and tomorrow.

Fighting back tears, Saleha Begum said, "My son is innocent. He used to go out of home at 6:00am with the auto-rickshaw and returned home at midnight as he has to earn money for house rent and to buy food for himself, his two children and wife, me and a sister, a widow."

"I borrowed Tk 500 from three neighbours and handed it to a policeman for the release of my son, but he was not released," a helpmate Saleha Begum told The Daily Star after the CMM court where a few hundred relatives of mass arrest victims gathered with the same hope.

Many mass arrest victims and their relatives termed police "crazy muggers". "Once you are held, police will search your pockets and take away whatever cash and kinds they find," Abdus Sobhan, another mass arrest victim, told The Daily Star after he was released from the court.

He said Adabor police took away Tk 2400 from his pocket soon after they arrested him along with two others at Shekhetek on Friday night. The other two arrestees faced similar treatment from the police, he complained. Sobhan's mother Banu Begum said she also gave Tk 2000 to a policeman at the police station for her son's release. However, police did not implicate him in any non-bailable case.

A good number of relatives of the victims alleged that they had to pay Tk 2000 to the police to buy-off the release of each arrestee and they have to bribe the police further to ensure that they would not implicate their dear ones in non-bailable cases.

Till last evening, police arrested around 1500 people in the capital and 1785 others across the country since the frenzied arrests began on Thursday night. Among them, 1098 were detained without any criminal offences.

Most of the arrestees are either grassroots level organisers of the AL and its front organisations or low-income garment workers, drivers, vendors and rickshaw pullers. The AL last night claimed 3000 of the detained belong to their party.

Of the 698 arrestees produced before the court yesterday, over 355 were released on bail. The court sent the remaining others, implicated in regular cases, to the central jail and

fixed January 8 for their bail hearings.

Many relatives were seen bargaining with brokers on the premises of the CMM Court, Dhaka in a bid to obtain release order.

When contacted, 23 of the 33 police stations in the capital said they arrested 549 people from Friday night till last evening. Of them, 50 were arrested by Teigaon police, 49 by Mohammadpur police, 30 by Paltan, 34 each by Mirpur and Hazaribagh, 28 by Gulshan, 33 by Motijheel and 27 by Pallabi.

Giasuddin, 35, a pushcart man from Shewrapara, was not even fortunate enough to be released as police implicated him in six cases. Mirpur police had arrested him from Pirebagh area when he was on his way to Gabtoli to pick up sands.

"Hearing the news of arrest, Gias's wife and two children came to me and fell on my feet, begging for help," said Mostafa Kamal, landlord of Gias. "I have given Tk 500 to a lawyer, but he told me that there is little chance of Gias's release as he was implicated in six cases." He lamented the family will be in deep trouble as Gias is the sole earner for his family.

Rebels kill 48

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requesting anonymity, told Reuters.

The attacks forced the authorities to step up security across Assam.

"Anti-insurgency operations will be intensified," Assam chief minister Tarun Gogoi told Reuters.

Police said the violence was an attempt to create an atmosphere of fear after an independent opinion poll by a peace group in nine districts of the oil-and-tea rich state showed 90 percent of the people rejected the Ulf's separatist demands.