

## High Court warning on custodial killings

All extra-judicial deaths must now be investigated

**W**E are heartened by the warning served on the government by the High Court on the matter of three recent deaths in police custody. Coming on the heels of an earlier HC directive on the issue, this warning should be an eye-opener for the authorities. It should alert it to the clear violation of the law and human rights that the law enforcers themselves have been indulging in of late. By taking up the matter in right earnest, the judiciary has given the nation to understand that not all is lost, that indeed it is possible for us to have the rule of law form the centerpiece of collective life in the future. In other words, there is reason to hope that decency and morality along with the law will eventually be the cornerstone of life in Bangladesh.

Hope apart, it must be said at this point that had the executive branch of government played its proper role in seeing to it that such violations of human rights did not occur, we would not have come to this pass today. It should have been the responsibility of the government, especially the home ministry and the police department, to ensure that the three men who ended up dead once they were in the hands of the police were safe. It is a cardinal rule of governance that a citizen, once he is in police custody or is wanted by the police, must be made to feel that his life is secure, that nothing can harm him even as his alleged illegal activities are under investigation. That rule has repeatedly been violated in Bangladesh through the killing of people in so-called crossfires. We feel that the latest High Court move is an opportunity for a redress of all the wrongs committed by the security forces in the name of tackling crime. Human rights organizations as well as individuals must now go into the task of asking for, and getting, judicial directives for a full and thorough investigation into all the extra-judicial deaths which have occurred in the last few years at the hands of the Rapid Action Battalion (RAB) and the police. A full inquiry and a calling to account of the RAB and police personnel responsible for all these deaths is a must if the bad record set by their actions is to be rolled back.

Such a move is dependent, however, on a universal denunciation of extra-judicial killings by politicians, academics, journalists and members of civil society across the spectrum. We must not lose sight of the fact that these deaths have not only led to fears amongst ourselves about our safety at the hands of the instruments of the state but have also given us a bad name abroad. In view of the latest HC directives, we expect the government not only to go after those responsible for the death of the three men in question but also reassure the nation that such deaths will be put to an end once and for all. Meanwhile, the higher judiciary could also take suo moto cognizance of all other cases of a violation of human rights and deaths at the hands of the security forces and forcefully intervene in the matter by asking for full and comprehensive explanations from the authorities.

## A tough telecom law

Sweeping powers to govt leave room for abuse

**D**ESPITE our entreaties to the contrary that the proposed amendment to Telecommunication Act, 2001 which appeared draconian to us should while being regulatory needn't be sweepingly stringent, the law as passed in parliament on Monday, has belied our expectations. One of the major drawbacks in the proposed amendment was complete absence of any provision for appeal. This to us appeared as an impingement on the natural right to remedy for an aggrieved party.

We observe that the House has accepted the recommendation of the parliamentary standing committee to form a three-member appeal board to be headed by a retired High Court judge. But the appeal provision thus granted, is a limited one, being confined to the imposition of Tk 300 crore fine. Appeal won't lie with other actions of the government or the telecom regulator BTRC against the allegedly offending telecommunication operators or ICT based company. So we reiterate our position on grant of right to appeal in all such cases involving investment and operational ethics of an important and highly modernised technological sector.

While the astronomical maximum fine of Tk 300 crore together with 10 year imprisonment as punishment have not been whittled down, sweeping powers have been vested in government to deal with the violators of telecom law specifying a number of offences. Granted, there should be stern measures in place against errant telecom or ICT operators and that provisions for swift and purposeful action must exist to deal with those committing serious offences including those subversive of national interest. But the whole approach would be such as would be cognizant of the need for an expanding sector that has been of immense value to our economic growth. The minister for post and telecommunication has claimed that the amended law would help build a digital Bangladesh. We can't see how such a stringent law can so positively impact on the making of a digital Bangladesh, unless while being cautious we also promote the growth of the sector with incentives.

## Politicians and generals ... a brief history



In a democracy, in proper governance, it is the primacy of civilian-elected government that matters. But then there are too the pseudo-democracies where all too often it is the generals who cheerfully chase elected leaders out of power and sometimes out of town.

SYED BADRUL AHSAN

**P**RESIDENT Obama's decision to sack General Stanley McChrystal reflects the triumph of democratic government over those who would undermine it or make a travesty of it. And that is the beauty of democracy. In the early 1950s, Harry Truman did a similar thing when he dismissed Douglas MacArthur and ordered him to return to Washington. In the Far East, a disbelieving MacArthur told his soldiers: "I shall return." He then went home to a hero's welcome. But he never made it back to his men.

In a democracy, in proper governance, it is the primacy of civilian-elected government that matters. But then there are too the pseudo-democracies where all too often it is the generals who cheerfully chase elected leaders out of power and sometimes out of town.

In October 1999, Pakistan's Nawaz Sharif issued orders of dismissal against General Pervez Musharraf, whose plain villainy in Kargil had nearly caused a new

war between Islamabad and Delhi. In the event, it was Musharraf who came down from the skies (he was on a flight home from Colombo) and sent Sharif packing.

It is typical Third World politics, you might be tempted to suggest. Perhaps you would be right. In Bangladesh, so the reports go, President Abdus Sattar was on the verge of dismissing General Ershad from his job as army chief in 1982. The ultimate deed could not be done because some smart bureaucrat (read that as "mole") alerted the general to the upcoming presidential move. It was then Ershad who turfed out the elected Sattar in a coup that was to leave Bangladesh even more wounded than before.

President Abdur Rahman Biswas, when it came his turn to deal with a belligerent general in 1996, was not willing to take any chances. He ordered the dismissal of General Mohammad Nasim. And that was only days before the general elections that brought the Awami League to power after a long gap of twenty-one years.

When you speak of the fraught, sometimes bizarre, relations politicians and generals have enjoyed with one another, you tend to go back to Pakistan. There are countries that have armies. The queer fact about Pakistan is that its army has always had a country, its own, to occupy at regular intervals.

General Ayub Khan first had the seeds of illegitimate ambition blossom in his dark soul in 1954. Four years later he was Pakistan's first military ruler and most of the country's politicians were in prison. In 1976, Zulfikar Ali Bhutto, looking for a pliant officer to appoint as army chief, promoted Ziaul Haque over six other generals. An initially sycophantic Zia soon found it opportune to oust Bhutto in a coup in July 1977. By April 1979, he had Bhutto sent to the gallows.

Contrast all that with India. It remains a tribute to Indian democracy that no soldier has ever attempted a military takeover in the country. When, after the Bangladesh war, Field Marshal S.H.E.J. Manekshaw suggested rather flippantly in a newspaper interview that he could have seized power any time he wanted, virtually the whole of India came down on him in justified fury. Manekshaw was left humbled.

But that is not what you see in Myanmar, yesterday's Burma. General Ne Win overthrew the civilian government of U Nu in 1962. And since that moment, Myanmar's army has treated the coun-

try's politicians with scant respect and absolute disdain. Aung San Suu Kyi should have become the nation's elected leader after the elections of 1990. She has been the prisoner of a brutal regime all this long while.

There are, yes, times when bad politicians only make their cases worse when they treat their generals badly. Sri Lanka Mahinda Rajapakse and Sarath Fonseka together engineered a decisive victory against the Tamil Tigers before they fell out with each other. Fonseka lost the presidential election to Rajapakse, who then lost little time in packing the general off to prison on dubious charges. These days, it is Rajapakse and his brothers who own Sri Lanka, or behave as if they do.

It was almost the same with General Aslam Beg when Benazir Bhutto won the 1988 post-Zia elections in Pakistan. He would not, in tandem with President Ghulam Ishaq Khan, let Bhutto take charge. By the time he relented, Z.A. Bhutto's daughter had been dumped with so many conditionalities by the army that hers turned out to be an emasculated administration. She was dismissed in 1990.

Any study of power politics can be an enlightening intellectual exercise. You think of Marshal Zhukov and his achievements in the Second World War. But by the end of the 1950s, Nikita Khrushchev would sack him and so silence him for good, metaphorically speaking.

For his part, Adolf Hitler could not stomach Erwin Rommel's battlefield misfortunes. He provoked the field marshal into taking his own life. And that is also what people say happened to Egypt's Field Marshal Abdel Hakim Amer in 1967. The rout of Egyptian, Jordanian and Syrian forces by Israel was to lead to calamity for him. He committed suicide.

Turkey's generals have by and large been a headache for the country's civilian governments. In Chile, the military led by Augusto Pinochet Ugarte murdered President Salvador Allende in September 1973 and then presided over a long reign of terror. General Suharto, through conspiracy with foreign powers in 1965, undermined President Sukarno's government in Indonesia and then supervised the killing of a million Indonesians known to be supporters of the Partai Komunis Indonesia (PKI).

But generals have sometimes saved democracy from rapacious elected leaders. Had Fidel Ramos not thrown his weight behind the upsurge against Ferdinand Marcos in 1986, the story of the Philippines would have turned into an incongruity. Conversely, had Konstantine Karamanlis not gone back home to Greece in 1974, the wicked colonels who had seized the state in 1967 might have gone on and on and on.

Interesting, all this, wouldn't you say?

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## Looking northeast

Once India takes non-reciprocal measures for access of Bangladeshi products to its market, I believe that the private sector in Bangladesh will be more easily swayed to enter into trade and investment in the northeastern region.

HARUN UR RASHID

**F**ORMER Indian union minister and Congress MP Mani Shankar Aiyar came for a four-day visit to Dhaka. He was accompanied by a 21-member delegation of industrial leaders from the northeast. He met Prime Minister Sheikh Hasina on July 13.

Aiyar is no stranger to Bangladesh as he was closely involved as a diplomat from the ministry of external affairs during the Bangladesh Liberation War and soon thereafter. Later, he joined politics, and when Prime Minister Rajiv Gandhi visited Bangladesh Aiyar came with him.

Aiyar was the union minister looking after the northeastern states. The region consists of seven adjacent states -- Tripura, Manipur, Nagaland, Mizoram, Arunachal, Meghalaya and Assam. Some areas -- Darjeeling, Jalpaiguri and Koch Bihar -- may also be considered as part of the group.

At a talk on "Bangladesh-India Relations" on July 11 at BEI auditorium, Aiyar spelt out the Indian government's plan for infrastructure development in the northeastern states, where 50 million people live.

Aiyar said that the government had allocated Rs.14 lakh crore under the Northeast Industrial and Promotion Policy 2007 for a period of 12 years. The amount is being spent for developing infrastructure and encouraging business communities to invest in the region. He invited Bangladeshi businesses to

invest in the region, saying that India had withdrawn all restrictions on Bangladeshi investments two years ago. The growth of the region would rise to 9%, from the current 4%, with huge Indian public investments.

According to the diplomat-turned politician, the prosperity of the northeast Indian region and Bangladesh is inter-linked. He said Bangladesh could reduce the widening trade gap that favours India through transit fees and remittance from northeast India. The trade gap was nearly \$3.5 billion in fiscal 2009-10.

He was an eloquent speaker, and sold very well the potential attractiveness of investment in the region by the Bangladesh private sector. It was a tantalising offer that no business person could ignore.

The growth of the economy of the region is half of the economic growth of mainland India. It seems that the purpose of such a plan is to develop the region into a hub of trade and commerce so as to eliminate the deprivation of basic needs and facilities of the people, arguably the main root cause of insurgency, in the region.

While there are merits in Aiyar's proposition, there are many ground realities that are obstacles in conducting business with northeastern states. Some of them are mentioned below:

- The northeastern region is a "problem child" of India. It has been the most enduring theatre of separatist guer-

rilla war, and the Bodos, the Karbis, the Dimasas and the Rabhas all joined the Assam movement to expel "foreigners" and "Bangladeshi infiltrators" to restore tribal rights.

- Given the scenario, Bangladeshi investment might be perceived as "economic exploitation" by tribal insurgents in the region.
- Bangladesh's main exportable products cannot get access to Indian market because they are included in India's sensitive list of 480 items, which include agricultural and textile products.
- Non-tariff barriers in India, such as testing and certification, technical standards and banking regulations are some of the identifiable non-tariff barriers. For example, quality standard certificate from Bangladesh is not accepted by India. Normally, Bangladeshis are not allowed to open bank accounts in the northeastern states of India, and import-export number is issued from Kolkata, which is at least 1,680 km from Agartala.
- Non-tariff measures are often turned into non-tariff barriers/technical barriers by India while complying with sanitary and phytosanitary measures.
- Poor logistics for land ports, restriction of commodities that can pass through land ports, cumbersome customs requirements, manual clearance, excessive inspection in the name of security, no customs cooperation or joint inspection, no harmonisation of standards, lack of warehouse facilities in land ports, and no testing facility in any land port, all act as hurdles in trading.
- Business people from Bangladesh complain of visa restrictions that make it difficult to travel to, and pro-

mote trade with India.

The visit of the Bangladesh prime minister to India in January this year ushered in a new era of opportunity in bilateral relations. The Joint Communiqué of 51 paragraphs released after the visit has put in place a comprehensive framework of cooperation in all possible areas.

Paragraph 33 of the Joint Communiqué states clearly: "With a view to encouraging imports from Bangladesh, both countries agreed to address removal of tariff and non-tariff barriers and port restrictions and facilitate movement of containerised cargo by rail and water." Paragraph 37 states that border hats shall be established in selected areas, including the Meghalaya border.

Bangladesh wanted to open the border hat on Bangladesh-Meghalaya border on April 14 (1st day of the Bengali year) but could not do so.

It seems that the implementation process of the areas agreed at the highest political level has been painfully slow, which is disappointing for the people of Bangladesh. The sooner the agreement is translated into concrete action, the better it will be for the economic ties on bilateral level for mutual benefit.

Once India takes non-reciprocal measures for access of Bangladeshi products to its market, I believe that the private sector in Bangladesh will be more easily swayed to enter into trade and investment in the northeastern region.

Finally, I would propose widening of Aiyar's offer to include Bangladesh, Bhutan, Nepal and northeastern states of India to create a common economic space. When the region is able to exploit fully its resource endowments, it will be the key to peace and prosperity.

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