

BNP's flexibility welcome

Govt. should reciprocate and start dialogue

WE hold the view that parliamentary election conducted by a party-led government cannot be neutral and fair, given our longstanding political culture. Congenial condition does not exist for such an election as yet.

The grounds that lay behind the introduction of the caretaker system of government in 1996 for holding the national elections are still in existence. In fact, party-led governments can hardly generate the confidence in public mind that is necessary for the acceptability of an electoral process and its outcome.

The instances to support this view abound. The main opposition in parliament, Bangladesh Nationalist Party (BNP), for example, has been denied its legitimate space, especially outside the parliament, to articulate and express its dissent and carry out its political programmes during three years of the AL incumbency. What is more, the government created newer issues ratcheting tension vis-à-vis the opposition in proportion to the BNP's raising of demands.

Against this backdrop of highly contentious political situation, we must commend the opposition leader Khaleda Zia's flexible stance not to insist on the copy-book version of caretaker government (CTG). She is open to any form of non-party interim government, which we regard as a positive development.

The issue here is of the substance of a system, not its label, or form. As long as the arrangement is neutral in composition and character, it should be acceptable to all the parties concerned. Let's not forget, generating public confidence is fundamentally important to ensure that all political parties as well as the entire electorate take part in the electoral process.

In the surveys conducted by some major newspapers, most respondents have favoured holding the next general election under an interim caretaker government.

The BNP has called for a dialogue. We hope that the government will reciprocate the spirit and immediately engage BNP in talks to hammer out a neutral non-party interim arrangement to conduct the next general election.

Proposed restriction on poster and graffiti

We welcome the move

INDISCRIMINATE use of wall spaces in the city for poster or etching graffiti has directly eroded the aesthetics of the city landscape. The situation is compounded by setting up huge billboards atop buildings or pitched at street corners without a bother for public safety.

For the present, however, we concern ourselves with poster and graffiti because a bill has just been placed in the parliament to impose ban on them. The illegality of such pernicious forms of advert lies in these being invasive on private and public buildings alike. Poster and graffiti are ubiquitous being actuated by a wide range of motives. This includes politics, seeking release of arrested persons or criminals and various other social, educational and commercial messages.

It is good to know that local bodies will allocate places for carrying out such advertising purposes thus freeing large parts of the Dhaka landscape of the tainted brushes. Penalties have been prescribed. The proposed law will give a timeframe to the scribblers of the graffiti and posters to remove these to designated locations.

The only waiver is contemplated during campaigning for polls when the barriers might get broken. Still, one good idea would be to set a maximum limit to the waiver.

In all, these conjure up the picture of greater law enforcement load on the shoulders of the agencies concerned. We wonder when most other bans flounder on the rock of non-enforcement or fragmented enforcement, how the additional responsibilities will be handled is to be seen to be believed!

You cannot legislate civic sense; it ought to emanate from within. For instance, in Hongkong the government at its own costs painted all buildings. And when the city dwellers woke up to see the clean look, a sense of cleanliness was automatically instilled in them. It's all a matter of

STRATEGICALLY SPEAKING

DGFI's Lakshman Rekha



Brig Gen SHAHEDUL ANAM KHAN ndc, psc (Retd)

THE JS Panel probe is perhaps the first "legislative enquiry," that went into the most unfortunate incident which originated from a fracas between some members of the army and some university students on August 21, 2007. The ensuing unrest continued into the next day till a curfew was clamped. The unfortunate incident had its knock-on effect on the other universities of the country outside Dhaka too. What followed was an outrage that should never have been allowed to happen at all.

We do not have the document in hand but only the reports based on media conferences by the chairman of the panel. The panel has put the blame on the DGFI for what occurred, and the then heads of the government and the army have been held responsible too. It has recommended legal action against the two as well as several other officers of the DGFI holding important positions during that time.

It is not the intention of this article to post-mortem the episode (that was done in the same column on August 29, 2007) or to dissect the report since one does not know the details as yet. The focus will be on one of the major recommendations of the panel concerning the role of the DGFI.

It should be made clear at this point that DGFI is not an army intelligence agency, as some in the media mistakenly refer to it. It is a joint service agency which was once under the ministry of defence, but presently under the PMO's office, the PM being the defence minister too. It provides operational intelligence to the three services as well as other intelligence backup.

It would be absurd to contradict the observation of the JS panel that the matter was compounded by the obduracy of the DGFI which at that

perhaps motivated by pictures of burning military vehicles, one of which happened to belong to a PSO of the AHQ, and people in military fatigue falling victims of students' wrath. And the consequence of that is in front of us.

Certainly the DGFI had transgressed its TOR and certainly those that were responsible for its tasking must take responsibility for the consequences of its action. And only after one has gone minutely into the details of the report, which we shall certainly do once it is in hand, can

remit, and some, particularly a few among the affected, had suggested that it be disbanded or put under the ministry of home.

We must admit unreservedly that the criticisms were perhaps justified but we assert equally forcefully that our decisions must not be constrained by our emotions while dealing with not only a very sensitive but a very vital issue also.

Just to put the matter in perspective, it is not as if this was the first instance where the DGFI had gone beyond its TOR. The military rulers found it convenient to use the DGFI for consolidating their regimes, for obvious reasons. But what one fails to understand is that the democratically elected governments too had gone about in the same vein. And one got the very distinct impression that the remit of the DGFI went much beyond the realms of the armed forces when one saw the DG, DGFI accompanying the prime minister in the same helicopter in his internal tours around the country in 1974-75.

The suggestion of the panel to keep the DGFI out of politics is something that is not very difficult to implement. It is a matter of political decision and political will. The Lakshman Rekha should be drawn but that can be drawn only by the political masters, and which, one is certain, the agency will be only too happy to remain within.

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Train the cops on crowd control

DEVYANI SRIVASTAVA

BANGLADESH police have once again found themselves the subject of legal scrutiny. Police firings across three districts this week resulted in the death of five people and left many more severely injured. Violent clashes between protestors and law enforcement officials have become somewhat of a norm in the country and reflect a lack of preparation and training of officers on public order management. But the police establishment alone can hardly be blamed for this when there is no will at the political level to invest in its reform.

Given the serious challenge of public protest in Bangladesh, the absence of specific legislation on public order management is glaring. Even in contemporary Bangladesh, these issues continue to be governed by guidelines laid down in the 1861 Police Act and the 1943 Police Regulations drafted for the colonial era and are far removed from modern day principles of policing. While managing violent protests cannot, and must not, have one simple method, there remains much to be gained in following and applying international standards and principles on public order policing.

The starting point for policing public protests is the presumption in favour of facilitating peaceful assembly (Article 21, ICCPR). Public dissent and right to assemble peacefully is the hallmark of a democratic society. Participation in political rallies inculcates a sense of ownership and involvement with the political process among the people. In light of this, the decision of the Bangladesh police to ban rallies subverts the constitutional guarantee of the right to assemble (Article 37). Bangladesh is also party to various international and regional instruments which enshrine the right to peaceful assembly and freedom of association, including the UDHR, the ICCPR, and the SAARC

Charter of Democracy.

Despite the typically violent nature of political rallies in the country, people still have a right to assemble and express their opinions. As Chirstof Heynes, the UN Special Rapporteur on extrajudicial, summary and arbitrary executions, notes: "it provides a platform to those who would otherwise not be able to make their point. It follows that it should not be regulated in a way that is biased in favour of those who happen to be in power." It is the duty of the police to facilitate peaceful and orderly conduct of rallies, not restrict or hinder peaceful assembly.

The high rate of casualties which result in public rallies in Bangladesh is rather alarming and reflects a tendency of the police to control crowds by inflicting harm. This is a

governing use of force remains constant: "Force should only be used when it is absolutely necessary, it should be minimum and proportional to the situation and its use should be discontinued as soon as the danger to life and property subsides." Whenever use of force is necessary, it is the duty of the police to provide assistance and aid to those injured, and ensure that a relative or close friend of the injured or affected person is notified at the earliest possible opportunity.

As Heynes further notes, the main purpose behind the recognition of the supremacy of the right to life is to protect people from being killed by the state, the entity that claims and, to a large extent, exercises monopoly on the use of force.

As is true in many other South Asian countries, a complete lack of

accountability, it is important for the police to follow certain best practices such as identify themselves as the police, give a clear warning of their intent to use of force, and allow enough time for the warning to be observed unless it places the police at risk or creates a risk of death or serious harm to others. The use of firearms instantly calls for additional safeguards such as submission of an incident report to the competent authorities (UN Code of Conduct for Law Enforcement Officials, Article 3). Moreover, to avoid arbitrary decisions or actions of officers while on duty, the decision to use force must be taken by senior office, adequately trained into making sound judgments which are later justifiable under both domestic and international laws.

Managing public protests requires the police to balance the competing rights of freedom of assembly and protest against the right to life and security. In order to avoid such loss of life, training of officers needs to be rooted in the idea that the respect for human life is fundamental.

Such incidents are a strong reminder that when the police respond in such a violent way to a call for duty, it is also a call for wider reforms in terms of increased professionalism and accountability. If the political stronghold over the police remains status quo then one can be assured that incidents like these will keep happening. As such, the development of a comprehensive system for managing public order that accords with international standards is a priority. Such incidents only remind us all that there is a dire need for legislation governing the management of public order by the police, along with a cooperative relationship between the police and the public.

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THIS DAY IN HISTORY

February 9

- 474** Zeno crowned as co-emperor of the Byzantine Empire.
- 1788** The Habsburg Empire joins the Russo-Turkish War in the Russian camp.
- 1849** New Roman Republic established.
- 1965** Vietnam War: The first United States combat troops are sent to South Vietnam.
- 1991** Voters in Lithuania vote for independence.
- 1996** The Provisional Irish Republican Army declares the end to its 18 month ceasefire and explodes a large bomb in London's Canary Wharf.