

Al Jazeera report speculative

Provocative and motivated as well

WE in The Daily Star are fully committed to freedom of the press and all sorts of opinion. We also fully accept any news organisation's freedom to report as they see professionally fit. Yet we can't but express our consternation over the Al Jazeera television channel broadcasting a report saying that the ongoing war crimes trial in Bangladesh will push the country into political instability. Focused on the trial of Jamaat chief Golam Azam, the report speculated 'dramatic consequences of whatever decision the court comes to'.

The channel report, quite clearly and irresponsibly at that, didn't feel the need to explain the basis for its coming to such an assessment. It therefore comes through as a deliberate and motivated attempt to put a spanner on the works of the trial on crimes against humanity in 1971 Liberation War with which Prof. Golam Azam is charged as one of the major accused, and creates a sense of uncertainty in the public mind.

The report is at best conjectural and at worst tantamount to playing into the hands of a campaign launched by the opponents of the trial to create confusion overseas. Coming from such a widely viewed television channel, Al Jazeera should have been cognizant of the implications of a broadcast like that. In the absence of such sensitivity on the part of the channel, the report exudes provocation and being helpful to those who do not want the trial held.

Actually, the essence of what the trial is all about is lost on the TV channel. It is about upholding the rule of law by bringing to justice the crimes committed against humanity some four decades ago. The sufferers of the heinous crimes have a right to justice. There are international regimes governing trials of similar crimes committed in other parts of the world by upholding the principles of justice and fair play. In Bangladesh, International Crimes Tribunal is operating as a domestic court trying only those accused of crimes defined as international crimes.

We expect all established international, regional and national news organizations to avoid unnecessary speculations and understand the fundamental purpose of international war crimes trial. Let's make it clear that this is not to take revenge or score political points but to establish justice.

Parks for children

A facility we can't do without

DHAKA city, once boastful of its many parks or breathing and recreational sites is fast running out of space for them. Apart from a handful of child recreational facility in some selected residential areas, city-dwellers in general are devoid of any open space to use for walking or other leisurely purposes. This is the denial of a standard civic amenity that most of the cities in the world have.

Parks are also important for maintaining environmental balance which is under constant threat of varied forms of surface and air pollutants. To add to the misfortune, we have deafening high decibel noises from which people seek relief for some moments.

While Dhakaites suffer through lack of breathing spaces, one can still hope to see parks at the district and upazila levels. But even these are threatened by intruding habitation and commercial pursuits. Lamentable as this is, what's disquieting is to learn that even existing children parks are becoming abandoned wilderness of sorts.

Chapainawabganj Shishu Park, a lone facility for children of its kind in the district has been in a dire strait. So neglected has this once richly endowed park has been that it has turned out to be a grazing field.

The park which is a mere shadow of its former self and a pasture for local unscrupulous elements is crying for a speedy restoration to its old glory. It must once again grow into a place where social skills, dexterity and physical, cognitive and emotional strengths of the children will develop towards their creative advancement to adulthood.

Mayor of Chapainawabganj municipality should energetically pursue the plan he has to repair and modernise the children park into a thriving rendezvous for children. Clearly, he needs funds which must be provided by the government, and if necessary, by private

STRAIGHT LINE



MUHAMMAD NURUL HUDA

HE Daily Star of February 14 takes editorial cognisance of the alleged master mentality of police and impresses upon the urgency of inculcating attitudinal change. The said editorial adds that the police "must understand that they are the servants of the people, not their masters, and behave accordingly." No well-meaning citizen would take issue with such reasoned observation.

The editorial in question has been occasioned by the reported assault by police of a young man who happens to be a grandson of the first prime minister of the country. There is nothing wrong in the more than usual media coverage of this indiscretion of police although many incidents of such excesses often do not get reported. However, the matter needs to be probed thoroughly to locate the culpability of the concerned individuals and to effectively punish the guilty.

From the reports gathered thus far, it appears quite unusual that the unfortunate young man incurred the wrath of so-called lawmen after he identified himself as the nephew of a former state minister for home. If that be true then our policemen are foolishly and impractically arrogant at their business. This does not fit in with the perceived toughness of our lawmen only when taking action against anti-establishment elements.

While we will wait for the probe report and the findings at the apex court insofar as the incident is concerned, we may have to admit that maintenance of law and order has increasingly been rendered more difficult in our society. Some would say

that the balance of power within our society has turned ominously against the forces of peace and order.

To compound matters, there is as yet no agreement among the different segments of our society as to what is expected or wanted from their police organisation. Additionally, our police are continually vulnerable to criticism for the manner in which they choose to exercise their discretion. Interestingly, police are subject to both ridicule, for not exercising discretion, and condemnation for making discretionary judgment when things do not work out.

A policeman of the present times

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finds himself squarely confronted with one of the major dilemmas of the day - he is damned if he does and damned if he does not. In our parlance, policemen who rough up my adversaries are efficient deliverers but are the crudest villains when they touch my relations and friends. The conspicuous double standard does not bother anyone. The lawmen of our times thus face challenges without precedent. And so does the contemporary police culture too.

Coming to the subject of the alleged police brutality, one considered view is that the essence of the issue lies in police use of physical force. This issue is complex because police are authorised to use reasonable and necessary force to take custody of a person, to defend themselves or others, and to maintain order. Just how much force is reasonable and is necessary depends upon the facts of the situation, and of course not all instances of use of police force are unreasonable and unnecessary.

Correct performance on the field in accordance with law demands rigorous training. Our policy-makers may have forgotten that in the context of constitutionally incorporated objectives the need of training for desirable attitudinal development necessitates sustained training. Time is important for the training process to become a facilitating and catalytic factor. Regular training has not been considered an investment in human resources.

As of now, the question that can be asked is, can the police of Bangladesh be turned into a symbol of human security without organisationally gear-

public service and partisan service has dangerously thinned.

There will be many grounds to grip about the performance of our police because, paradoxically, when extraneous interference grew, the exhortations for stricter police accountability became louder. Ironically, these calls for more accountability have been used to gain greater operational control over the police, thereby debilitating the internal command and control structures. The solution lay in allowing necessary operational autonomy to the police command and then holding it effectively accountable when things go wrong.

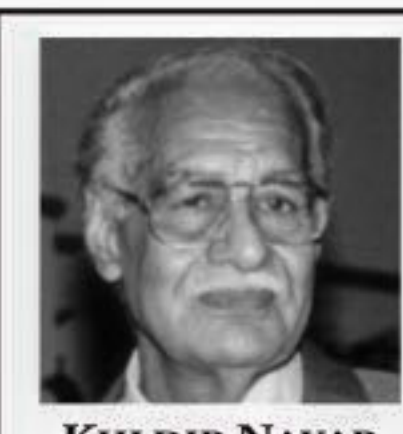
With regard to pay and perks, there were times when policemen were virtually expected to live on ground. The situation has not really changed much, and given the wide discretion and power and the strains of the job it is indeed difficult to attract desirable elements into the organisation. Add to that the oppressive work conditions and the absence of positive work ecology, and the scene becomes maddening.

To be brutally frank, the profession of policing has to be salvaged from the morass of a politically and managerially incapacitated scenario. The rank structure has to be rationally changed in a phased way to enable the organisation to do a discreet job. This would require substantial injection of resources which would only be possible with the support of a broad agreement across the political landscape on the future role and responsibilities of police. The police needs to be organisationally accountable, operationally autonomous and neutral and functionally responsive. The question is, do we have the will to accord police reform the desired priority?

The writer is a columnist of The Daily Star.

BETWEEN THE LINES

Strength to judiciary's elbow



KULDIP NAYAR

formation of Pakistan was the result of a peaceful agreement which it signed with India under the aegis of the British government.

The primacy of Pakistan's Supreme Court is because of that movement. There was a time when the Supreme Court would uphold the army coups, as it did in the cases of General Mohammad Ayub and General Zia-ul-Haq. A new interpretation of the constitution, the rule of "necessity," was provided to give legitimacy to the coups.

The court has now graduated to be a powerful enough entity to arraign even Prime Minister Yusuf Reza Gilani for contempt and indict him. He, in turn, has challenged the judgment and has decided to prove the charges wrong through evidence he will provide in the next few days.

The Supreme Court Chief Justice is the same Iftikhar Mohammad Chaudhry who suffered at the hands of the army because he dared to go against the wishes of then Chief of Army Staff General Pervez Musharraf. Justice Chaudhry was confined to one room, along with his family for months, and made to undergo more or less a solitary imprisonment. In a country where all other institutions are tottering, the emergence of the Supreme Court is indeed evoking hope for the future of democracy. After all, the judiciary is the bedrock in such a system.

Yet I have not been able to understand the logic of criticism that strengthening the judiciary will weaken the polity because such a process will be at the expense of the power that the executive and the parliament

enjoy. For instance, the institutions in India have gained because of a series of judgments. A recent one, which Gilani's lawyer Aitzaz Ahsan has quoted to defend the Pakistan prime minister, is the cancellation of 122 licences of allotment in the 2G spectrum (mobiles) scandal on the ground that Prime Minister Manmohan Singh did not know about the letters which his office (PMO) had received from the indicted former Telecom Minister A. Raja. The blame was put on the officials and advisers. So has been the tenor of Aitzaz Ahsan's arguments before the Pakistan Supreme Court.

In India, the judiciary has gone to the extent of laying down that parliament cannot change the basic structure of the constitution, meaning thereby, secularism, federalism and the parliamentary system. True, parlia-

He owes his office to him and therefore it was natural that he should take the responsibility of Zardari's acts of omission and commission.

Gilani's defence that Zardari enjoys immunity under the constitution may be all right for legal purposes, although the Supreme Court will probe whether immunity is absolute or whether it can be questioned in any way. At least the Supreme Court can order that the money stashed abroad be brought back to Pakistan even if it "remains" in Zardari's account. Immunity means that no action can be taken against Zardari since he is the president, who enjoys such powers under the constitution. Yet, immunity cannot be stretched to a point where Zardari is not directed to transfer back the stashed money to the Pakistani banks. Chief Justice Chaudhry was not

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ment represents the people but in the heat of the moment or any vociferous movement, parliament can be swayed by the mood prevailing in the country at a particular time. The same principle, that the basic structure constitution cannot be violated, holds good for Pakistan as well, even though its Supreme Court has not said so unequivocally.

By kicking up the dust, the real issue of corruption cannot be obscured. President Asif Ali Zardari is said to have laundered billions of dollars and stashed them in Swiss banks. The fact that then President General Musharraf condoned the crime through an ordinance (the National Accord and Reconciliation Act) does not mean that Zardari can appropriate the money which really belongs to the Pakistan exchequer. Gilani is only Zardari's face.

lessening the stature of the executive by asking Gilani to write to the Swiss authorities to reopen the case of Zardari's assets in banks in that country. That Gilani sat over the court's order for more than two years shows his disdain for the judiciary. And this also shows the arrogance of the executive. To characterise a case of corruption as an attack on government or, for that matter, parliament, is not to see the wood for the trees. The corrupt, however high in position, should be brought to book to revive people's faith in democracy. Too many instances of graft in South Asian countries involving top people have disfigured democracy in the region, and there is worthwhile legislation coming for combating graft.

It is difficult to guess about the fate of Gilani's trial for contempt. But it will

be an embarrassment for Pakistan. Already, the court has appointed Attorney General Anwar-ul-Haq as the prosecutor. This amounts to pitting the government's top legal adviser against the prime minister. The ruling Pakistan People's Party (PPP) has rightly said that it is a sad day in the history of Pakistan since the serving prime minister has been charged. If one were to look at the case from a different angle, the court's judgment could be described as a day when democracy touched the greatest height in Pakistan -- a country where the judiciary was a party to the rule of the armed forces. This is something rare in South Asian countries.

The black money stashed abroad is going to haunt the Manmohan Singh government because the director of Central Bureau of Investigation (CBI) has said at a public forum that Indians have unaccounted money, as much as Rs.24.5 lakh crore (about \$500 billion), in banks abroad. He has also been frank enough to say: "If the king is immoral, so will be the subjects."

The normal reaction after the disclosure would have been an all-out effort to get back the money. Yet there is no worthwhile action because many depositors belong to political parties, including the ruling Congress. The CBI director has himself admitted that it would be difficult to bring back the money: "The probe is complex, time consuming, costly and requires political will."

Now that the example of Pakistan's Supreme Court is before us, some individuals can approach our Supreme Court to direct the government to bring back the money to India. Here the hurdle of immunity does not come in. The committee which the Supreme Court appointed in an earlier case to look into the matter is too slow in processing. Some shock treatment to the government is needed.

The writer is an eminent Indian journalist.

THIS DAY IN HISTORY

February 18

1873 Bulgarian revolutionary leader Vasil Levski is executed by hanging in Sofia by the Ottoman authorities.

1946 Sailors of the Royal Indian Navy mutinied in Mumbai harbour, from where it would spread throughout British India and involve 78 ships, 20 shore establishments and 20,000 sailors.

1991 The IRA explodes bombs in the early morning at Paddington station and Victoria station in London.

2007 Terrorist bombs explode on the Samjhauta Express in Panipat, Haryana, India, killing 68 people.