

## Need for a credible national election

*EU's sentiment resonate ours too*

THE opinion expressed by the visiting EU delegation regarding the next general election, that the mechanism and the process must be trusted by the people, echoes the general sentiments. And the basic prerequisite for this is that the elections would have to be free, transparent and fair.

The country has seen five national elections since 1991, three of which were held under a caretaker government while the one in January 1991 was held under a special dispensation under Justice Shahbuddin. And all these were not only nationally recognised as being free, fair and transparent those were also acknowledged to be so internationally. And out of those only the one in February 1996, organised by the BNP before the CTG system was instituted, was ultimately scrapped because it turned out to be neither participatory, free, fair nor transparent.

We believe that both the major parties want credible elections, the only point of divergence is the method of conducting the election. And in this regard we would hope that the lesson of the February 1996 election and its fate would not be lost on the party presently in power, the AL. It was the AL as the opposition then who boycotted the election, and agitated for its annulment.

We have said this in the past and repeat now that doing away with the CTG was wrong, and the fact that the AL did not consider the option offered by the High Court, of holding the next two elections under the present CTG system, opens to question its intentions. But even more so, given that the three elections held under the CTGs had been widely accepted, regardless of what the party that had lost the elections thought of it, doing away with the system has been injudicious.

The moot point is that the elections would have to be universally acceptable, whatever the mechanism of holding it might be. And it is our opinion, and we feel that a vast majority of the people would concur, that with the incumbent continuing in position of authority the elections might not be seen to be free fair or transparent. And whatever arrangement is evolved, those remain the criteria to fulfil.

## Unearthing journo couple's murder

*Procrastination can only breed speculations*

NEARLY two weeks have passed since the gruesome killing of the journalist couple. But we are dismayed to observe that no clear result has emerged from the investigation so far. Even after the submission of the finger and foot prints report by the DB, investigators are still in the dark about any clue to the killers' identity. The probe report should have been available by now.

The prime minister herself made it quite clear on several occasions that the case will be dealt with utmost seriousness. While this is a very good gesture from the top government authority, they were not helpful in accelerating the pace of the investigation which takes a lot of forensic skill and which we seem to be lacking.

Having said that, we'd like to stress that procrastination is hardly desirable. This is because it can only breed speculations and admits of a possibility for the recalcitrant to weaken the evidence and complicate matters for reaching definitive conclusion.

Already there are signs of lending political colour to the gory crime. A particular case in point is the comment passed by Shamsul Haque Tuku, the state minister for home affairs who has recently said that Jamaat-e-Islami may have had some involvement with the killings. We all are aware of the questionable role this religious party had played during our liberation war. But when the probe committee has yet to identify any suspect, the state minister's imputation may tend to influence the investigation which needs to be thoroughly professional and pointedly revealing.

We cannot conclude without a reference to the PM's latest comment on the case that the state cannot guard every bedroom. It is unfortunate, and makes a mockery of the demand of the journalists that investigation be expedited. Nobody has asked for police protection for every bedroom.

## THIS DAY IN HISTORY

- February 25
- 1921

Tbilisi, capital of the Democratic Republic of Georgia, is occupied by Bolshevik Russia.
- 1932

Adolf Hitler obtains German citizenship by naturalization, which allows him to run in the 1932 election for Reichspräsident.
- 1945

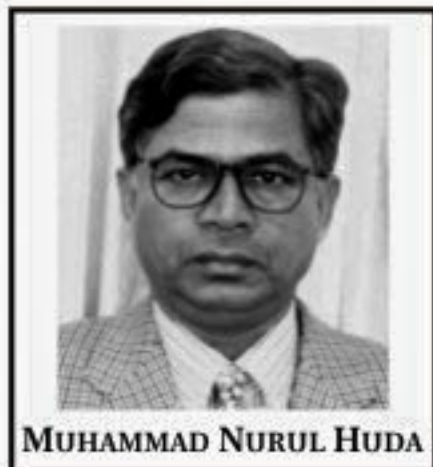
World War II: Turkey declares war on Germany.
- 1948

The Communist Party takes control of government in Czechoslovakia and the period of the Third Republic ends.
- 1964

North Korean Prime Minister Kim Il-sung calls for the removal of feudalistic land ownership aimed at turning all cooperative farms into state-run ones.
- 2009

BDR Mutiny: 57 Army Officers among 74 killed in BDR mutiny at Pikhana, Dhaka.

### STRAIGHT LINE



MUHAMMAD NURUL HUDA

CRIMINAL justice administration experts and jurists would always remind us of the time-tested dictum that "justice delayed is justice denied" and also that "justice hurried is justice buried." Many amongst us may not be aware that professionals tell us that the same dictum, particularly the latter portion, applies equally to the statutory function of criminal investigation.

The above observation assumes significance in the background of the sensational murder of two prominent television personalities on February 11, and the subsequent direction of nabbing the perpetrators within 48 hours of the incident. The wisdom of setting a definite time limit for arresting the culprits of a grisly murder could be open to question, notwithstanding the well-meaning urgency of the political executive.

It is heartening to note that in the rush to show result, some so-called smart investigators have not effected arrests within the stipulated time limit, on the basis of not-so-credible evidence. The murder of media personalities would be on focus and therefore, would call for steps with due diligence and circumspection.

It is worth remembering that investigation swayed by high emotion and the immediacy of the incident would not serve any interest; least of all that of the prosecution for which the state is responsible. One needs to know that in all criminal investigations the state is actually the complainant. The onerous responsibility cannot be

M. EMAMUL HAQUE

MY eyes would light up the minute he walked into the room, and that was not uncommon in my household. My brother Col. Mojib had that affect on a lot of people, and many of his young colleagues told me how profoundly they admired him. He had a special way of showing care and respect, which made everyone feel that she or he was a very special and an important person. I was always amazed to observe his oratory skills and love for the country. I learnt patriotism from him.

The last time I spoke to Col. Mojib was on February 24. I called to praise his command for the beautifully orchestrated parade. I never felt such a blow in my heart when I was told that my brother Col. Mojib was killed with his other fellows. When the news broke I rushed to BDR HQs but couldn't communicate with my brother. I called many other officers who I knew but that also went in vain.

I still give way to a flood of tears when thoughts of him rush in. I lost my mother in 2007 to cancer and my father earlier in 2001 but nothing has ever hurt like losing my brother, my guide and confidante. On that black day I lost everything that was my foundation and strength. I thought I was going to lose my mind or simply die from a broken heart, but I didn't. I managed to get through all the pain. I owe this endurance to my brother too, who was an example of strength. On the black days of February 25 and 26 in 2009, despite the cruelty and harsh actions of the scoundrels, they failed to beat our brothers' self-dignity and love for the motherland.

The whole nation felt the pain and cried together. We all were so sur-

prised by the incident and felt such a great loss that it spun our lives into other directions. With death, I believe many of us have to find something to replace that deep, dark void of heartache and loss but, this time, all the martyrs left behind the example of altruism and self-sacrifice for us to see and move on. From them we learned inspirational patriotism and a higher concept of honour and human dignity than anyone in recent time

discharged lightly because, in the ultimate analysis, the investigator will be all alone to withstand the test of rigorous scrutiny by the court wherein cold facts and hard evidence will matter in deciding the culpability. The most obvious function of the investigator is to locate the persons who have committed the crimes, by proper investigation, collect the evidence available against them, to arrest such persons and to bring them to the courts to be dealt with according to law. The powers of arrest, search, etc., granted to the investigators are for this purpose only and are regulated by law. Hurried actions, therefore, carry the risk of prejudicing

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the due diligence expected of the investigator.

Investigation of an offence is the field exclusively reserved for the executive through the police department, the superintendence over which vests in the government. When the police have located their man they put him before the court and the court adjudges the guilt of the man placed before it on the basis of evidence adduced. The whole process is regular and precludes any arbitrary action by the executive. Hurried investigation is likely to influence dispassionate collection of evidence, thereby vitiating the statutory process.

Knowledge of the important and relevant sections of current criminal law and procedure will be of great advantage and will enable the investi-

gators to avoid the many pitfalls that would affect the result of the investigation in courts of law. Proper application of mind, insofar as it relates to law and procedure becomes difficult when one has to hurry to satisfy considerations not purely judicial.

An investigator must have his own appreciation of men, and should know whom he has to respect and whom to detest, in whom to repose trust and whom to shun, whose words to take at a par value and what discount to give to others in their honesty and truthfulness. The investigator has to do everything with scrupulous care and absolute accuracy. In hurried investigation he is likely to falter, with

resultant adversity on the victim.

In close observation of facts, in searching for the remotest cause and motive for the crime, in tracing blood stains, fingerprints and footprints, in short in attempting to elucidate a problem, the investigating officer may come across new ideas spontaneously which, if found to be accurate and skillfully utilised, will lead to positive results. Hurried investigation by itself will preclude the benefits of reasoned observation and sustained actions.

The pressures consequent upon the murder of two media persons are enormous and it is highly likely in the charged situation that the investigator may start with a preconceived notion. The danger is that such notion may lead the investigator on a wrong track altogether. Additionally, often the

most zealous investigator, perhaps the most interested and honest in work, is most apt to be led by it.

Ideally, one must start the investigation with an open mind, study the situation for oneself and then after he has accosted the witnesses, seen things for himself, he can form an idea of the whole thing. Hurried investigation may influence one to start with a notion -- "so and so must have done it" -- and thus one is apt to goastray from the real mark.

Certainly, a mind revolves around many theories when one starts on the investigation, but one theory can be as good as the other. At the very outset a point may be ascertained on which one feels one can rely on. An opinion is formed which cannot be got rid of. It so happens then that after such formation the details of the case are no longer studied with freedom of mind. Avoidance of such study becomes strongly likely in hurried investigation.

The duty of the investigating officer is not merely to bolster up a prosecution case with such evidence as may enable the court to record a conviction but to bring out the real unvarnished truth. Last but not the least, it has to be borne in mind that while the judiciary may avoid uncritical overcredulity of the prosecution case, it is likely to entertain scepticism. In our law, the dice, from the very beginning is loaded against investigation effectiveness because the criminal jurisprudence is unequivocally in favour of the offenders. Those keen on hurried investigation have to keep the above in mind because the prevalent quest is to look for cent percent proof.

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The writer is a columnist of *The Daily Star*.

# February 25: Tribute to our stellar guide

special gift and he was a gift to many. It's hard to believe that it's been almost 3 years now. I had a chance to speak to the martyrs' loved ones; their wives, children, parents, brothers, sisters and friends. They all said the same things: "Our lives were changed forever on the day we lost our best sons of the soil." We will never forget what they meant to all of us but, deep down, we feel that we were lucky because we had been blessed to have

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could have ever taught us.

Col. Mojib felt a deep sympathy for the section of the population who remain half-fed, and for the youth. Once, after returning from a mission to capture a notorious criminal, he found that the man's poor children were not going to school due to poverty. The very next day he called the local commissioner and handed over education materials for the children and requested the commissioner to do his best so that they remained in school. His heart ached for not being able to help them adequately.

He had an extraordinary confidence in our youth, as they were the future of the country. As time goes on my respect for him enhances manifold. He was the one person that I knew would always be there by my side, giving me strength and courage to get through life. He didn't judge, he just listened with understanding and love, and always gave his honest opinion. Having someone like this in life is a

such wonderful persons around us.

My brother even today is constantly giving me strength to live a life for the country. The vigour I require to live far away from my motherland also comes from him. Someday soon, I will return where my brother is sleeping in peace with all his colleagues. Col. Mojib is responsible for making me the person I am today, and with that part of him still in me, I will never truly be alone. I knew that he would always be there for me no matter what. Its now my turn to prove whether I really have learnt anything from the life he lived.

Our brothers, martyred military officers, had proven time and time again that their courage and their characters were strong enough to withstand any challenge that came their way. Their strength and perseverance are an inspiration to everyone who knew them. In dedicated service to our motherland they sacrificed their lives. To show respect to our fallen heroes we will make sure the

culprits are brought to justice. We will march forward the way our heroes refused to give up. You all are in our hearts dear brothers; Col. Mojib Trust along with many others will remember you all today with special events. Far away from your motherland, in Canada, your friends and colleagues will hold special programmes to show their respect to all of you.

Our youths are blessed by what our martyred officers have left for them, the lesson of patriotism. I hope they (our youth) will always live their lives with the realisation that it is not only about them and what they may be able to do, but what they can do for the country.

We all, including our government and civil society, assured the nation that our fallen heroes will not be forgotten and we as a nation will keep getting inspiration from their life and works. It is time now to ask ourselves, what have we done so far to remember them? How are we showing respect to them? We often get so caught up in ourselves that we fail to see anyone else but ourselves. Let's not forget, we have a promise to fulfill, and we all know what promise we made to our fallen heroes.

Today, on Shaheed Shena Dibosh, let us send our gratitude, respect and remembrance to the fallen heroes. Dear brothers, you are for us the bright stars that show the way to travelers when the sky is dark and the ways unsure, and we will come back to you for strength and direction. Today, on February 25, with this piece we remember all the martyrs with tears in our eyes and gratitude in our hearts.

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