

# An appeal to the High Court

## Victims of hartal violence and killings must be compensated

As long as participating in hartals was voluntary, which it was during the anti-colonial, anti-Pakistani and anti-autocracy struggle days, we could accept it as a means of expressing no-confidence or non-cooperation against the government of the day. But now-a-days hartal is forced upon the citizens and is imposed through coercion and by terrorizing the people. We regularly see cars and buses being burnt on the evenings before and during hartals whose sole purpose is to drive fear among the citizens. This cannot be a part of democratic politics.

Therefore we appeal to the High Court to examine, suo moto, whether it can come to the aid of the citizens in protecting their fundamental rights. In May 1999 the High Court Division delivered a verdict declaring hartal to be a "political right" but adding that "violence and coercion" for or against hartal constituted a criminal offense and ordered law enforcers to take legal action. Hearing an appeal on this verdict the Appellate Division, in November 2007, overturned part of the judgment saying violence and coercion during hartal should be handled through the existing CRPC and the penal code, and not be termed as "criminal offense."

Till today citizens have not gotten any redress for the crimes committed during hartals, including loss of life. Therefore we think time has come to revisit this issue. Let the political parties enjoy their "rights" to call hartals. But let them compensate the people who suffer the violent consequences of such programmes through deaths, destruction to property and loss of personal freedom.

A core premise of dispensation of justice is that individuals or entities are held responsible for all the intended and unintended consequences of actions they take. Today political parties call hartals but nobody can be held accountable for the consequences of such a hartal. Ruling party activists also indulge in violence by attacking opposition activists which leads to injuries and deaths. In all cases political parties instigating such activities must be held responsible and accountable. Without accountability there cannot be any rule of law.

We had hoped that political parties -- especially the AL and BNP -- based on their own experiences, would reach a consensus about abolishing hartals. They have failed us on that score. Even our legislative branch, the Sangsad, has never taken any notice of the destructive consequences of hartal.

Today, we have no alternative but to turn to the judiciary again for the protection of the fundamental rights of the citizens.

## Setting train on fire

### It can't get any worse

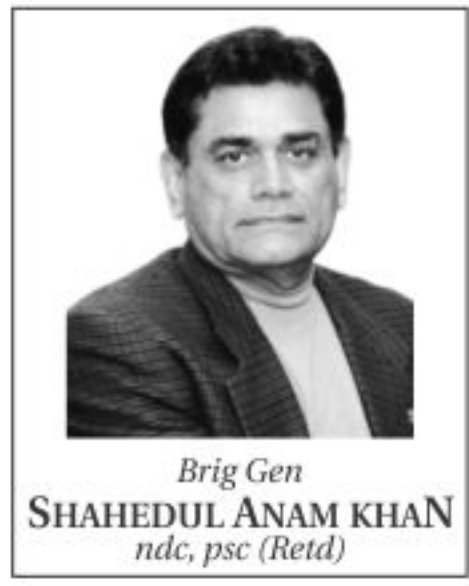
THE photo of the burning Subarna Express was in the front page of The Daily Star yesterday. Islami Chattra Shibir men purportedly torched five coaches of the Dhaka-bound train. Yet again, the pre-hartal vandalism leaves a scar.

Some may wonder where railway security was when the incident took place. The railway authorities suspended the station manager and other officials for negligence of duty. Railways Minister Md. Majbul Haque later visited Chittagong railway station and urged people to protect public property. However we wonder what will be the role of police and other authorities if the general people have to not only protect their own lives but also shine as heroes and protect public property. Interestingly, the minister did not comment on the railway authority's role on minimising or ending such incidents, when railway police and security have a major role to play here.

The bottom line is, this method of infecting Bangladeshis with fear during and around hartal has become a common practice. If you do not have stones flying at your car then you have your train compartment torched. One's right to live one's daily life and go about one's business is no longer an easy option. And worst of all, such fear tactics tend to work, as no one wants to risk their lives.

We do not know how many more of these incidents will take place, if the law and security system does not toughen itself and be on guard to cover a few extra miles. If our people will finally tire of being in fear and get out in their private and public transports and continue with their lives things will settle to normality. How much fire needs to burn before it loses its effect and how much fear needs to gather in order to draw ultimate courage, that's

## STRATEGICALLY SPEAKING



Hefajat-e-Islam's (HI) so called seige programme of Dhaka and the unscheduled rally at Shapla Chattar. The level of violence perpetrated by some elements of the Islamist group has been unsurpassed since the liberation of the country.

Some have described it as madness, but looking at things after several days of the violence one cannot help but notice a definite method in the so-called madness in the mayhem perpetrated by the Islamist group. And that is exactly what political observers and social scientists, dealing with violence, are grappling with.

For HI, which had staged a largely peaceful and huge rally on April 6, to reveal a totally different character a month later is hard to explain. It is difficult to rationalise what their action was supposed to achieve, and who was the target after all. If it is public support they were seeking they should be certain that public support for their cause, whatever it was worth, is the last thing they should expect in future.

A few of the readers have reacted to reports in this newspaper asking how we were so sure that all that destruction and violence were the work of HI

NOBODY was prepared fully prepared for what happened last Sunday and Monday in the capital, that was centered on the

alone.

We have all seen the clashes between the HI supporters and law enforcing agencies very soon after they started gravitating towards the rally venue. And admittedly, these took place in the periphery of a very large gathering. But if there were any infiltrators at all it was the responsibility of the organisers to detect and apprehend them. And, therefore, on HI must fall the responsibility of all the destruction that took place in Dhaka and other areas.

But was the violence foreseen? The

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government as well as many socio-cultural bodies had spoken of the likelihood of violence on May 6 and, given the type of destruction that has taken place, agent provocateurs may also have been active to exploit the presence of the mass of people and the fact that the law enforcing agencies were fairly thin on ground in comparative terms.

I feel that the government and the law enforcing agencies had fallen for the HI assurance and had not anticipated the violence and thus perhaps not adequately prepared to handle it initially. Otherwise, how can one explain the methodical manner in which trees on road dividers were cut

down, which was not possible without the help of a chainsaw? How could such contraptions be carried to the spot without anybody noticing that? The manner in which buildings were set alight, buses burnt and shops put on fire, it was not possible without the help of a huge quantity of incendiary device. And all these were transported into the area without being detected.

No elected government can countenance threats to either its existence or the safety of the state, and that is what was being spewed by HI leaders from

the stage at Shapla Chattar, demanding acceptance of their 13-point demand. By late evening the area took the character of a war zone representing something like Beirut of the eighties. And government action was inevitable. However, the timing of it has raised questions.

That the government had to wait till the middle of the night to move in when they should have done so sooner to stop the violence, has surprised many. And that too the midnight action was launched to disperse the HI rally, because all the burning and vandalism and violence had been perpetrated well before operation to clear Shapla Chattar was launched.

One may well ask why the violence was not tackled immediately it started. The act of arson continued for several hours, and no police action against the perpetrators was palpable. For the government it was a Catch 22 situation. Although a lot of private and public property had been destroyed by the time the forces moved in, taking precipitate action sooner might have caused even more deaths.

There is confusion too about the number of deaths. It is detestable the way the number game is being politically played. There were casualties, and it is for the government to explain that the force used that night was the minimum to disperse the gathering. Why do the public have to hear explanations from a party office bearer instead of a statement from the government immediately after the incident? Though one death is one too many, it is as loathsome to over-exaggerate the casualty figure as it is dubious to say that no weapon was used that night.

One is not sure whether the Catch 22 situation was the making of the government itself. Certainly, there was effort to appease but not to engage. Why should any government allow even the idea of cutting off the capital from the rest of the country to occur in anyone's mind?

It's time to engage HI with firmness but not with hostility. But the attitude of the government in this regard seems to be one of hostility as evident from statements of some AL leaders.

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# Italy and Bangladesh: The crisis of the political classes

MIZANUR RAHMAN SHELLEY

AS April ended something happened in Italy which might seem to hold out a beacon of hope for Bangladesh. One may ask what is common between the two? Italy has been riven by both economic and political crises. By contrast, Bangladesh, though currently suffering from painful political strife and conflicts, is yet to face the pangs of world-recession and all-enveloping economic crisis. There is something that the two countries share in full measure -- the lack of confidence the nations have developed in their political classes.

On Sunday, April 28, Italy ended its two months long political stalemate. Thanks to the active role played by the octogenarian President Giorgio Napolitano, something unprecedented happened. The centre-left took the initiative in coalescing with the centre-right. "Leftist political leader Enrico Letta forged a new Italian government Saturday in a coalition with former premier Silvia Berlusconi's conservatives, an unusual alliance of bitter rivals that broke a two month political stalemate from inconclusive elections in the recession mired country." This augured well for the distressed economy of the country. As Reuters reported on April 29, "investors welcomed on Monday the formation of a new government in Italy. Piling into the country's assets and brushing off a warning that it might still need international aid to weather a deep economic crisis."

Sovereign borrowing costs fell to their lowest since October, 2010 at a sale of €6 billion of five-year and 10-year bonds and blue chip shares rose 1.6% -- outperforming other European markets.

In the context of the fact that the economically challenged country has contracted a hefty €2 trillion debt the possibility that despite political bridge building and confidence building it "may still need to seek a bailout." There is still doubt about how long the government will endure and how strong is its commitment to solving the economic crisis.

The new prime minister, however, sent out assurance that his government would effect necessary economic reforms in Italy. The government

would do this despite demands from conservative rightist coalition partners for reducing austerity measures. On the other hand, the new premier is also wooing his rightist partners by going easy on property taxes. The point is that Italy cannot afford to go it alone and abandon Europe. Europe cannot also do without Italy as it is the third largest economy in the Euro zone.

The fact of the matter is that most Italians, like the struggling Greeks and Spaniards, are tired and angry with the foolish failures of the "political classes." They think that their present economic woes are products of the myopia and bickering and strife of the political parties. Leftist or rightist they are concerned, so the common people

**The Bangladeshi political classes have to be prepared to face the challenge of history at a turning point. Their Italian counterparts have shown that the seemingly impossible can be done. The liberals, centre-left and centre-right there have dared defend the bad against the worse. Can't our political classes take a lesson from them and meet the challenge of stormy time with skill and maturity?**

think, only with their struggles for political power and the fortune it would bring. They are not, according to the harassed people, concerned with welfare of the masses. The Italian civil society and assertive political groups like the "Seven Star Movement" are committed to resist what they call the "machination of the entire corrupt political class."

Bangladesh is no Italy. It does not display the same symptoms of economic misery and distress despite its poverty and backwardness. Its economy has by and large escaped the merciless beatings of lingering worldwide recession.

As a World Bank report on Bangladesh Economy-2013 states: "In real terms Bangladesh's economy has grown 5.8% a year since 1996 despite political instability, poor infrastructure, corruption, insufficient power supplies, and slow implementation of economic reforms. Bangladesh remains a poor, overpopulated, and inefficiently-governed nation. Although more than half of GDP is generated through the service sector, 45% of Bangladeshis are employed in the agriculture sector with rice as the

single-most-important product. Bangladesh's growth was resilient during the 2008-09 global financial crisis and recession. Garment exports, totaling \$12.3 billion in FY 2009 and remittances from overseas Bangladeshis, totaling \$11 billion in FY 2010, accounted for almost 12% of GDP.

In spite of this generally not very disappointing scenario, the evolving and existing political situation threatens the economic stability of the country and makes its future grim. The major political forces represented by ruling Bangladesh Awami League and its allies in the Mohajote (grand alliance) and the opposition Bangladesh Nationalist Party (BNP) and its 18-

party allies are locked in a struggle for power, or so the common people think. Gradually worsening inflation is sending the prices of daily essentials high. Increasing unemployment creates new challenges for millions of hapless youths. Energy crisis has resulted in the sky-rocketing of price of power. Electricity and gas are becoming scarce and beyond the reach of the common man because of what is perceived by people as utter mismanagement of the authorities concerned.

The banking sector has suffered repeated blows because of mismanagement, corruption and fraud. Share market faced a veritable avalanche. Share price fell to the lowest, making the stock market shaky. There have been allegations that crony capitalism and partisanship, and political patronage of henchman by powers that be are at the root of these unprecedented crisis.

The foreign aid situation became disappointing as charges of corruption by important donors as the World Bank reduced the flow of aid and loan in several important projects. The charges of corruption at high places

tarnish the image of the country in the world. In this condition of gathering economic gloom, political unrest and conflict have worsened matters. Investors' confidence in Bangladesh is eroding, making the economic future more uncertain.

Political settlement on the question of caretaker government during the forthcoming national election seems to have divided the nation further, already riven by political rivalry between two principal political forces. The ruling party and its allies are seemingly unflinching in their commitment to preside over the election as interim government. The opposition BNP and its allies resolutely stick to their demand for non-partisan and neutral caretaker government to oversee the election. Recently, Prime Minister Sheikh Hasina announced her desire to enter into a much awaited dialogue with the opposition on the question of "interim government," but doubt and uncertainties cloud the situation as the opposition rejected the offer for unconditional talks. The BNP is demanding more specific clarification and is unyielding in its demand.

Thus, the political scenario is complex and uncertain. It is complicated by rise of forces in the name of Islam insisting the government concede to their orthodox demands. Alongside, the unprecedented movement by avowedly non-political platform Hefajat-e-Islam, and the violent movement by the Jamaat-Shibir to resist the trial of its leaders for crimes against humanity have made the situation even more complex and dangerous.

In this scenario, the responsibility of the Bangladeshi political classes is unprecedentedly heavy. They have to be prepared to face the challenge of history at a turning point. Their Italian counterparts have shown that the seemingly impossible can be done. The liberals, centre-left and centre-right there have dared defend the bad against the worse. Can't our political classes take a lesson from them and meet the challenge of stormy time with skill and maturity?

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THIS DAY IN HISTORY

May 9

1945

World War II: Ratification in Berlin-Karlshorst of the German unconditional surrender of May 8 in Rheims, France, with the signatures of Marshal Georgy Zhukov for the Soviet Union, and for the Western Headquarters Sir Arthur Tedder, British Air Marshal and Eisenhower's deputy, and for the German side of Colonel-General Hans-Jürgen Stumpff as the representative of the Luftwaffe, Field Marshal Wilhelm Keitel as the Chief of Staff of OKW, and Admiral Hans-Georg von Friedeburg as Commander-in-Chief of the Kriegsmarine.

1974

Watergate Scandal: The United States House of Representatives Judiciary Committee opens formal and public impeachment hearings against President Richard Nixon.