

Civil rights in digital age

Protecting them has acquired urgency

NEWSPAPERS from 32 countries, leading authors from 83 countries have joined voice in issuing an appeal against mass surveillance that has been hogging international headlines over the last couple of months. The fact that powerful spy agencies overseas have been snooping on individuals in leadership, business and others in public realm is now common knowledge. We understand the security concerns the government may have in the digital age. Granted some of these concerns cannot be brushed aside. We also understand the need for respecting privacy and the right of every individual to express his/her views freely. We endorse the global stand for democracy in digital age wholeheartedly.

In the Bangladeshi context, the amendments brought to the ICT Act 2006 in the year 2013 leave us with many concerns. More specifically, Section 57 of the Act can be used to stifle opposition to the State whereby writers can be subjected to prosecution for expressing their thoughts. Indeed, as pointed out by legal experts, such a section is in contravention with Article 39 of the constitution. Again the police have been given sweeping powers to arrest anyone for posting online material considered to be "subversive" under the provisions of the Act without requiring an arrest warrant signed by a magistrate. The amended Act, we believe is in contravention of basic human rights. Allowing for such sweeping surveillance without sufficient oversight and accountability to civilian authority sets the stage for abuse. A new law is needed that will address security needs without compromising privacy issues and civil rights.

Insecurity of ICT prosecution witnesses

Law necessary to protect them

KILLING of Mostafa Howlader, a witness against Delwar Hossain Sayeedee, by unknown assailants is a matter of serious concern. The victim's death after being attacked and injured while asleep in his own home has again brought to light how insecure the witnesses of the ICT-related cases are. It also exposes the government's failure to provide them with necessary protection.

And this is also not the first instance of witnesses and victims of war crimes committed in 1971 being attacked or intimidated with death threats and their houses bombed after they testified against the accused in the ICT. And, as in the present case, the police in most other instances could not identify, far less apprehend, the attackers or intimidators involved. This is despite the fact that the victims of such attacks as well as local people provided enough clues as to who might be the possible miscreants behind such incidents. This sends a very wrong signal to the witnesses of war crimes. It's hardly surprising that the number of such attacks have risen recently, while their victims are getting demoralised. One may recall that Sukhoranjan Bali, a witness in the trial of Sayeedee, was arrested by BSF while reportedly trying to cross into India on December 23 last year after he had mysteriously disappeared from the ICT premises on November 5 the same year.

The government must be able to protect prosecution witnesses as well as the victims in ICT-related crimes. It should also actively consider framing of a law to this end.

Our darkness at noon

GROUND REALITIES



SYED BADRUL AHSEN

POLITICS is in free fall. Governance is under siege. The country is in steep decline. Governments around the world are worried. The United Nations observes it all, sends its representative to speak to our politicians, to little avail. Diplomats from nations as diverse as India and the United States and China watch with consternation the dilemma we are up against. The European Union is in little mood to send observers to oversee our elections, for there is little sign of elections being conducted through a normal, peaceful process of voting.

We as a nation may not yet have turned into a laughing stock before the rest of the world. We may yet be at a remove from becoming a global backwater. But we cannot say for certain that we are not headed in that direction. If a sovereign nation needs, more than four decades after its liberation, the assistance of foreign governments and global organisations to find solutions to its indigenous political problems, you tend to ask yourself where it all began to go wrong and especially in these twenty years since the toppling of the last military regime in the country.

Sit back and reflect on what might have been had mistakes, huge ones, not been made after February 1991.

An embarrassment came through the systematic way in which a by-election in Magura was rigged in 1994 by the BNP government. After all the years spent in a struggle for a restoration of democracy, it was fair enough to suppose that Bangladesh was on a proper constitutional course, that elections in the country would be conducted fairly and freely with nary a thought to the manipulations such exercises could fall prey to.

The Magura by-election justifiably aroused the ire of the opposition Awami League, indeed of the nation by and large. It ignited new forest fires, particularly when the Awami League initiated a boycott of parliament. What followed was a protracted war of attrition, with the Awami League demanding a re-introduction of the caretaker system that had presided over the transition to democratic government in early 1991. Sir Ninian Stephen's entry into the Bangladeshi political arena was an early hint of the increasing role foreign governments and personalities would play should our politicians fail to get their act together.

In the event, the Commonwealth, whose representative Sir Ninian was, failed to convince Bangladeshi's politicians about a need to promote democracy in sustained, non-partisan manner. That failure led quickly to another, through the government of Prime Minister Khaleda Zia going ahead with a general election boycotted by all major opposition groups and parties in the country. Much as one might argue that the February 15, 1996, elections needed to be gone through in the larger interest of a sustained and strong parliamentary system, the fact remains it was an election that opened the door to future darkness. If a ruling party could go ahead with elections a major section of the parliamentary opposition stayed away from, it was a sign that the future was fraught with danger.

Other mistakes were made once the BNP, having become a bad loser at the election of June 1996, turned its back on parliament and gave every sign of its distinct discomfort in being on the opposition benches in the legislative body. It copied the Awami League when it began to stay away from sessions of parliament. The leader of the opposition was clearly unable to perform her role in the Jatiyo Sangsad, for she preferred not to be in the House much of the time. Within the House itself, recriminations, abusive language and walk-outs, in the brief periods when the opposition made its appearance, prevented the growth of a mature

democratic order in the country.

The mistakes were nurtured in the parliament that the BNP dominated once the October 2001 election returned it to power. Added to those blunders was the fury with which the party's activists began to persecute members of the Hindu community and Awami League activists in various parts of the country. For the Awami League, a boycott of the Jatiyo Sangsad was once again in order, a responsibility it did not shirk from. Come August 2004. The well-planned attack on an Awami League rally, leading to the death of as many as twenty two individuals and causing injuries to scores of others, was a crisis the BNP government failed to handle to public satisfaction. A destruction of evidence and a shocking inclination to blame everyone but itself for the security lapse eroded the Khaleda Zia government's credibility. A year later, the coordinated explosions in 63 of 64 districts by Islamic militants sullied the government's reputation further.

A huge mistake in the years between 2001 and 2006 was the growth of a Hawa Bhaban culture that effectively gave rise to a parallel centre of power run by the prime minister's elder child. Add to that the steady corruption which marred the country's image at home and abroad. Attempts to bring about changes in such historical documents as the Proclamation of Independence, to have a pliant Election Commission make voters out of dead people, to go into a state of denial on every instance of wrongdoing wrecked the government from within and without.

The Awami League, in those BNP years, made the mistake of carrying on a sustained campaign against Justice K.M.



Hasan's taking over as chief advisor of the government-to-be in October 2006. But the ammunition for such protests had come from the BNP administration when it raised the age of retirement for judges by two years, leading to suspicions of intended manipulation of election results.

A colossal blunder, one that led to a suspension of democracy and elected government for close to two years, was President Iajuddin Ahmed's assumption of office as Chief Advisor in October 2006 without going through the proper constitutional requirements necessary before he could take over. His eventual withdrawal from this office paved the way for the Fakhruddin Ahmed government to come in with aplomb.

Following the election of December 2008, change was in order. It did not happen. Hall-Mark and Destiny happened. The Padma Bridge saga shamed us. And then came the mistake which keeps a whole nation in its vise-like grip. The ruling Awami League cast the caretaker government idea into the sea. The BNP went to town with its apoplectic anger, through having its young people and its Jamaati ally run riot on the streets. Sheikh Hasina will not resign. Khaleda Zia will not rest until she does.

We are in a bit of a spot, aren't we? Ask Oscar Fernandez Taranco. He could be giving you a glimpse of the Kafkaesque being played out in this country.

It is our darkness at noon.

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Endgame for Congress?

SEEMA MUSTAFA

THE Assembly elections are over, the results are out, and the introspection and analysis is on. The first message from the polls in Delhi, Rajasthan, Madhya Pradesh and Chhattisgarh is that the Congress party is over and out. The anger and resentment of the people against the Congress is overwhelming, and expressed itself in a vote that decimated the party completely. The second message is that the people are looking for a credible alternative, and if given one as in Delhi, will reject the old hat for the new without hesitation. In other words, the Indian voter has recognised honesty, integrity and sincerity as a virtue and has embraced the Aam Aadmi Party (AAP) as a result in Delhi. The third message is that despite the efforts by industry and its media to establish a Narendra Modi wave in these state elections, the voters have shown no such desperation and have voted for what they felt was closest to their respective aspirations.

The wave in Delhi was actually for AAP, and became very visible the day before polling when the entire city was buzzing with stated preferences for the new party. The media, obsessed with manufactured exit polls, chose to ignore this and instead of relying on conventional reportage preferred to go with the supplied -- and dare one say created -- statistics. Arvind Kejriwal and his team won 28 seats in a debut that made it very clear that it was not AAP that had emerged as the spoiler but the Congress. In fact, if those who voted for the Congress had been a little more confident and a little less suspicious of the new party, AAP would have bridged the gap and crossed the half-way mark to form the government.

It must be remembered, although of course media memory is regrettably short, that Modi had targeted Delhi through huge public meetings in the run up to the polls. In what could be described as an attempt at carpet bombing, he addressed mega rallies through Delhi in the last days of the campaign to help BJP sweep the opposition, and come to power with a good majority. This has not happened, and the BJP march has been halted at 32 seats, four less than required to form the government. Clearly Delhi, a city that the BJP has always really regarded its own, was not mesmerised by Modi and decided not to give him a state government despite his fervent pleas for the same. In other words, Modi and his party were unable to create a wave, and Delhi with its urban middle class and poor voted AAP in what the BJP no doubt construes as alarming proportions.

In fact, Modi was unable to change the outcome of any state really. BJP's Vasundhara Raje had turned the tide in her favour in Rajasthan long before Modi began his campaign there. Complete disillusionment with the Congress government united the people behind the only other available option, Raje and the BJP. It was clear for several months that the party was facing a rout in the state, and Modi might have added to the numbers but certainly had little to do with the electorate's decision. Similarly in Madhya Pradesh, the reputation of BJP Chief Minister Shivraj Singh Chouhan was enhanced by the incompetence of the Congress party that

remained bitterly divided through the campaign. Modi might have helped increase the margin of victory, but certainly did not influence a foregone conclusion.

Chhattisgarh remains a state where both Modi and Sonia Gandhi can insist that they helped contain the other. But again the voting pattern really does not bear this out, as neither was Modi able to help decimate the Congress nor was Sonia Gandhi able to wrest the state from the BJP. Again no signs of a wave, with Chhattisgarh witnessing a hard political battle for the seats. It must be remembered that here too, like Rajasthan and Madhya Pradesh, the contest was between the BJP and the Congress with no other alternative in the picture. It is, thus, totally wrong to interpret the results as a victory for Narendra Modi. It is a victory, no doubt, for the BJP and its leaders in the state, aided by a totally ineffectual Congress and the absence of a third alternative.

Therefore, and rather ironically, it is Delhi that provides some very interesting political indicators that can be loosely translated as political messages for the national elections: One, in a straight contest between the BJP and the Congress, the former would have swept the polls. As is visible in the other states like Rajasthan and Madhya Pradesh.

Two, the Congress is history for not just now, but for a longer while given the beating it has got from an electorate that does not forgive easily. There is a pan-India anger against the party that is no longer seen by the voters as an answer to their aspirations.

Three, a credible alternative for change makes sense to the frustrated, angry, hapless and hopeless voter who is fed up with price rise, corruption, divisiveness, and is no longer shy of alternatives. This is reflected in the excellent performance of AAP in a city like Delhi that had always rejected other alternatives in the past.

In other words, there is space for emerging alternatives that carry levels of credibility. In Delhi the voters without prior consultation rushed to vote AAP, without bothering to check out its candidates, without any surety that the party would actually do so well and without any assurances about AAP's future course of action. This does indicate a level of desperation translated by the Delhi voter into a strong desire for change that, clearly, Narendra Modi's campaign was unable to address. The BJP has taken serious stock of this, the first sign being its reluctance to indulge in horse trading to get the three to four seats required to form government in Delhi. Despite being so close to power, the BJP is perhaps having to relinquish its ambitions and actually support president's rule until fresh elections can be held with the Lok Sabha elections in all probability, for a clearer mandate.

Interestingly, the Delhi voters seem to be quite satisfied with their verdict with no murmurings from any quarter about having to poll again. This is the same Delhi that does not like to vote once, let alone twice.

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LETTERS

TO THE EDITOR

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Can't they learn from Mandela?

"Wise words from Mandela" published in TDS on December 7 must be read by the leaders of all political parties in Bangladesh. Hope they can understand his ideas and act according to his wise advice.

Let the PM set an example by reinstating the CTG headed by a well-known and respected person. Let us for God's sake have peace.

Frustrated Bangali
On e-mail

Political hostilities take alarming turn

It is alarming that the political differences between the two parties are spreading hostility and hatred among people. If it is not stopped now, the time is not far away when all the potential of the country will be ruined. Taking advantage of the ongoing political crisis, some vested quarters are out to destroy our economy. For instance, the garment industry, our main foreign exchange earner, is now moving towards a total collapse. Before it's too late, our political leaders should put a brake on their unkind actions through holding talks and increasing respect for one another.

Professor M Zahidul Haque
Dean, Faculty of Agriculture
SAU, Dhaka

We are mere throwaways?

Arson attack is a terrible form of violence gifted to us by the politicians. A few days ago their agents torched a bus at Shahbag and in a few minutes, 19 lives were changed forever. They were ordinary people who probably were returning home after a hard day's work. When we are used as mere cannon fodder to achieve political agenda, where is democracy?

In all circumstances, it is the commoners who are the expendables, who will die and be burnt. It is our lives which are being sacrificed and used, while these politicians go on surviving and holding us hostages. It is an obvious truth that the political parties of Bangladesh do not think of our well-being. They have their personal and political agenda to fulfil and we are used as pawns.

Muaz Jalil
MPhil student
Development Studies
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Politicians lost the spirit of Liberation War

The endless cycle of violence continues throughout the country. In 1971, our dream was to form an independent and peaceful country. But is this the country we fought for? It seems to me that our politicians have forgotten the spirit of the War of Liberation. In fact, they are in a mission to destroy the country.

A citizen
On e-mail

Comments on news report, "Quitting 'by post,'" published on December 9, 2013

Deep purple blue

Ershad has not withdrawn his nominations from 3 constituencies. So wait for a few more days and it's very likely that the scenario will change.

Ash C.

Whether the PM acknowledges the JP ministers' resignation letters or not, as long as they have the postal receipts in their hands and as they no longer attend office, it should be good enough to show JP's 'no confidence' in AL's scheme for the one-sided election. Let's wait and see how the PM and her courtiers react. May be Hasina will send her police force to catch hold of the JP ministers for 'bunking off classes'!

"Death warrant for Mollah" (December 9, 2013)

Truthprevails53

Finally justice is being served.

Vikram Khan

Better late than never!

"Bureaucracy OSD-strung" (December 9, 2013)

Akhtar Shah

What a waste of public purse, talent and politicisation of bureaucracy!

Iftekhar Hassan

Very informative and interesting news. I wish every BCS officer were like MA Momen. However, we need to go deeper to discover this problem that rests with the core concept of BCS which is nothing but grandchild of ICS of the British Raj that was designed for bureaucracy to answer to the crown instead of people.

Rumee

People of Momen's stature usually migrate from the country. He did not. He wanted to serve the country. We are proud of him. And, we expect much more from him. The end of government job is nothing, Momen. You are meant for much bigger things.

Our present dilemma

ANONYMOUS

WITH our two main political parties at loggerheads, where does that leave us, the common people?

Schools are closed, our children are bewildered. Garment workers are agitating; factories are being torched; there is a huge backlog in production of garment goods; economy is reeling from punishing hartals and oborobads; transport sector is hard hit; buses are burning; trains are falling off their tracks; prices are spiraling due to short supply; the day labourers are moving around dazed, so many mouths to feed but no work to be found anywhere. Businesses are staring at losses, hospitals are filling up with the injured from violence in the streets. Jails are being filled with political prisoners, arrested on mostly concocted charges. Grave diggers are doing brisk business as more and more people die, for nothing.

How can our two lady leaders be so hard hearted? Don't they realise all this mess is because of their inordinate political stand. If only one of them would retract a little bit. We would be saved from this suicidal course that the country is taking. What is it? Ego? Petty jealousy? Outright hatred for each other? Lust for power? Don't they see that the whole population is undergoing unspeakable sufferings?

The international community is clamouring for dialogue. But all seems to be falling on deaf ears. Reminds us of Nero fiddling while Rome was burning. Today, Dhaka burns while Hasina and Khaleda are playing their games.

If Sheikh Hasina is really acting as the saviour of democracy,