

Do we need laws on public assembly?

NAHELA NOWSHIN

THE government is said to be considering banning hartal (shutdown) with the support of the people according to Law Minister Anisul Huq. Talks of drafting said law have emerged as non-stop hartals and blockades have paralysed the country. Hartals have rightly been termed "economic boycott" and "constitutionally sanctioned economic terrorism" as the transport, education, agriculture and business sectors continue to take a major hit incurring monumental financial losses.

The latest wave of blockades was triggered when Khaleda Zia's request to hold a public assembly at Suhrawardy Udyan on January 5 was denied by the police. Rejection of BNP's demands to hold public rallies due to security concerns paved the way for the current ongoing political violence. This prompts one to cast doubt on the effectiveness of banning hartal and prohibiting assemblies as what we really need is for the government to address chronic, underlying problems such as the lack of legal provisions delineating what constitutes lawful assembly. The government must take note of existing foreign and international guidelines in order to draft legislation ensuring Bangladeshis of their right to freedom of peaceful assembly.

Some noteworthy examples:

The Public Assembly Act 1985 of the Philippines is a good point of departure with regard to understanding the legality of regulating public assemblies. Although the Act



itself is called the Public Assembly Act, it proclaims to ensure the "free exercise by the people of their right peaceably to assemble" from the outset. Section 3(a) of the Act clearly defines "public assembly" while establishing therein the positive law of expressing, protesting or influencing "any state of affairs whether political, economic or social; or

petitioning the government for redress of grievances." Section 13 prohibits obstruction or denial of the right to peaceful assembly, and the unnecessary use and carrying of firearms within one hundred metres from the public assembly by members of law enforcement agencies. Section 15 of the Act requires every city in the country to designate a "free-

dom park" or mall where assemblies may be held at any time without the need of acquiring a permit.

Under its basic provisions, the Public Assembly Act 2005 of Montenegro similarly affirms that public assemblies must be understood in light of one's right to express political, social and other beliefs. Article 8 of the Act explicitly exempts registered political parties from obtaining authorisation in order to hold indoor assemblies.

The Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe's Commission for Democracy through Law (Venice Commission) constitute of legal experts responsible for providing member countries of the Organisation for Security and Co-operation in Europe (OSCE) with legal counsel regarding legislation on freedom of peaceful assembly. Guidelines on Freedom of Peaceful Assembly prepared and published by ODIHR in collaboration with the Venice Commission provides an excellent blueprint for lawmaking on the issue of public assembly.

Some of the most fundamental principles outlined include the presumption in favour of holding assemblies (enjoyment of the right to peaceful assembly without regulation as much as possible), legality (all restrictions must be legal), good administration (access to all relevant information to the general public regarding responsible authorities, etc.) and the liability of regulatory authority. Restrictions on freedom to assembly are outlined by the international human rights apparatus and no domestic legislation should add

to said restrictions. There needs to be a high threshold for restrictions based on time, place, manner or content. A human rights approach must be taken in regulating assemblies whereby international standards must be adhered to. The conditions of justifiable use of force and liability of law enforcement agencies must be stipulated in provisions that clearly frame the discretion awarded to these authorities. These guidelines offer a lot more based on which our lawmakers can engineer and draft a preliminary legislative act geared towards public assemblies.

The Police Act that we currently have in place awards the police and magistracy with undefined, substantial authority over regulation of public assemblies. In addition, Article 37 (that states free assembly is a fundamental right) of our Constitution consists of broad terms (such as "reasonable restrictions") that make encroachment upon our right to free assembly an inevitable reality as it is the law enforcement bodies who decide the lawfulness of an assembly in an arbitrary manner. Banning hartal seems like a convenient, quick fix to the political chaos plaguing Bangladesh. The government must first enact laws securing our fundamental right to peaceful assembly instead. Creating laws that clearly establish our right to free assembly and demarcate the boundaries within which authorities can wield power will reduce instances of hartal considerably, bringing some sense of harmony and peace to a country tormented by political anguish for far too long.

The writer is a graduate of University of California, Los Angeles.

Will the moderate Muslims stand up, please!

ISHEAQ ILAHI CHOUDHURY

THE year 2015 started badly for the Muslim community worldwide. On December 16, 2014, we had witnessed in Peshawar the brutal murder of 134 school children by Tehrik-e-Taliban, Pakistan (TTP). It was an incident of unparalleled brutality carried out by a terrorist group driven by a distorted ideology of Islam. Then on January 7-8, three French Muslim gunmen killed twenty people in two separate terrorist attacks before they were killed by the French anti-terrorist police. The Paris terrorist incidents sent shock waves across the western world that put the Muslim community in the West on the back foot.

Although, the mainstream western society continues to espouse the growth of a multi-religious, multi-cultural society in Europe, the terrorist attacks by the Muslim youths, born and brought up in European society, raised new question on whether the acculturation process was at all working. There was increasing anxiety in the society at large of the threat, as they saw it, of Islam pitted against western values. A western backlash against Muslims will eventually result in gradual reduction of Muslim immigration into Europe, Americas and Australia. We might witness silent discrimination against the

Muslims in sensitive job appointments, in admission into top rated universities and scientific research institutes and in defence or nuclear related industries. Unless the Muslim community realises the danger posed by the extremists, they will soon be ostracised and isolated from the rest of the world.

While the focus of the world was on Paris, the Boko Haram in Nigeria killed at least 2,000 people, mostly Christian women and children in their campaign of terror. Boko Haram, in their campaign for an Islamic state in Nigeria, has been burning down churches and schools, killing and abducting women and children. The world was shocked when they abducted nearly 200 girl students from a school in Northern Nigeria in April last year, converted them to Islam and then sold them into slavery. Most recently, Boko Haram have been using these girls, some as young as 9-10 years old, as suicide bombers. Beyond Nigeria, Boko Haram is expanding its terrorist operations into Niger, Mali and Cameroon. In Somalia, Al-Shabab, a terrorist organisation, has been fighting a brutal guerrilla war for the last two decades to establish an Islamic State in Somalia. In neighbouring Yemen, there is a civil war raging between Shia tribal militias and Sunni al-Qaeda. Deep inside the deserts of Algeria and Libya, Islamist

militias have set up parallel governments challenging the central authority. Although out of power in Egypt, Islamic Brotherhood continues to remain active in Egypt as elsewhere in the Islamic world. In Syria and Iraq, we have witnessed the rise of Islamic State of Iraq and Syria (ISIS), the most brutal of all terrorist organisations.

Born out of the Syrian civil war, ISIS aims to establish a Sunni Islamic Caliphate. For the first time a terrorist organisation was able to occupy and hold territories. ISIS had murdered thousands of dissidents, prisoners of war, even women and children. The Yazidis, who are followers of a pre-Islamic religion, have been subjected to most brutal pogrom by the ISIS. Their women and female children have been sold into slavery; some have been converted to Islam and sold in open auctions as wives and concubines of the ISIS fighters. ISIS has been able to attract a fairly large number of Muslim youths from Europe, USA and Canada. These "Home Grown Jihadists" emerged as a rude shock to the western world.

Meanwhile, Afghanistan-Pakistan border area has become a terrorist haven. When Taliban seized power in Afghanistan in 1997, they closed down modern institutions like schools, colleges and universities. They introduced cruel punishments such as beheading,

amputation and stoning to death. Women were barred from work and education. It was a return to the age of darkness that the world had not witnessed for centuries. Although pushed out of power, Taliban continue to remain active in the region. Meanwhile, many Jihadi organisations have come up in Pakistan, some with close links with the state apparatus. Terrorist organisations like Sipahi-e-Sahaba, Lashkar-e-Janghvi are involved in anti-Shia campaign; Lashkar-e-Taiba, Jaishe Muhammad are engaged in terrorist activities inside India, there are others who consider it their religious duty to kill the Ahmedis and other religious minorities. In Pakistani province of Baluchistan, the Baluchistan Liberation Army is fighting protracted guerilla warfare. Along the Iran-Pakistan border a hard-line Sunni guerilla group known as Jandullah is fighting against the Shia government of Iran. Beside these, there are smaller terrorist cells in Russia, China, India, and closer at home in Bangladesh, all aiming to establish a global Islamic Caliphate.

While the Muslim communities everywhere are faced with terrorist threat from within and discrimination and marginalisation from without, they continue to live in a state of denial, blaming it all on the Western powers. They do not realise that their isolation

is increasing and that that they are falling behind in the fields of science and technology, economic prosperity and overall human development compared to other religious communities. The prediction made in 1992 by Prof Samuel P. Huntington in his famous essay "The Clash of Civilizations," that, eventually, Islamic Civilisation will confront the Western and Oriental Civilisations in a cataclysmic contest is increasingly becoming real.

While terrorists are ripping apart states, societies and families, our usual reaction has been that "Islam is a religion of peace. The terrorists are not Muslims, because a true Muslim cannot do such inhuman acts." The terrorist organisations display their Islamic banner and symbols and quote frequently from the Holy Scriptures to justify their acts. They have even been able to garner some support, not only among the rural, uneducated, deprived communities, but among educated urban youth too. The majority of Muslims are unable to come up with a strong counter narrative. Time is running out for them to stand up to defend their faith. They cannot afford to let their religion get hijacked by few misguided fanatics. It's time to stand up and be counted.

The writer is Registrar, East-West University.

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QUOTABLE Quote

The real problem is not whether machines think but whether men do.

B. F. Skinner

BEETLE BAILEY by Mort Walker

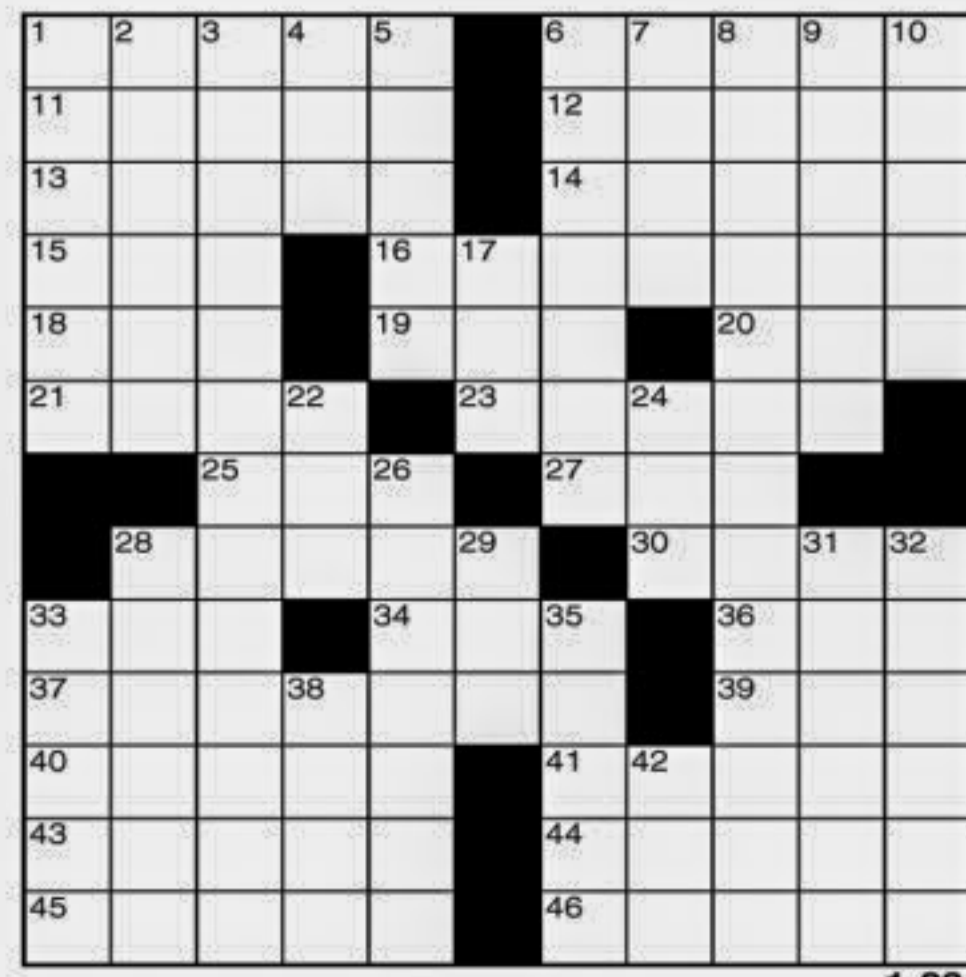


HENRY by Don Trachte



CROSSWORD BY THOMAS JOSEPH

- ACROSS**
- 1 South Seas monarchy
 - 6 Reading aids
 - 11 Shrimp's kin
 - 12 In the know
 - 13 Ticked off
 - 14 Game piece
 - 15 Even score
 - 16 Places for laces
 - 18 Longoria of TV
 - 19 Polite address
 - 20 Finished off
 - 21 Owed amount
 - 23 Abner's dad
 - 25 Nonsense
 - 27 Floral ring
 - 28 Evil spirit
 - 30 Proton's place
 - 33 Neptune's realm
 - 34 Favorite
 - 36 Greek letter
 - 37 Begins to like
 - 39 Producers' hope
 - 40 Michael Caine movie
 - 41 Fridays creator
 - 43 Director Sergio
 - 44 Cheering loudly
- DOWN**
- 1 Deliberately offended
 - 2 Show up
 - 3 Run toward
 - 4 Need to pay
 - 5 Peruvian peaks
 - 6 Sideways pass
 - 7 MP's quarry
 - 8 Try to sell
 - 9 Comely
 - 10 Good judgment
 - 17 Puppy sound
 - 22 Singer Waits
 - 24 Shooter ammo
 - 26 Tourney favorite
 - 28 Vegas worker
 - 29 Trawling need
 - 31 Buckeye
 - 32 Bishop's toppers
 - 33 Hackneyed
 - 35 Right now
 - 38 "___ Kleine Nachtmusik"
 - 42 Memorable time



Yesterday's answer

G	O	L	F	T	W	I	L	L			
O	P	A	L	S	O	I	R	E	E		
D	I	V	A	E	L	D	E	S	T		
S	E	A	T	B	E	L	T				
		C	A	M	S	H	A	F	T		
S	M	E	A	R	S	L	E	O			
H	O	A	R	D	C	A	S	E	S		
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				O	D	O	M	E	T	E	R
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I	N	S	E	C	T	R	A	I	D		
G	E	E	S	E				O	D	E	S

CRYPTOQUOTE 12-10
 QUS TYOQ FICYDQBKQ QUFKM FO QY QDA BKL
 FKOCFDS CSYCNS OY QUBQ QUSA JBK VS MDSBQ FK
 PUBQSWSD QUSA PBKQ QY LY. -- XYYS VDABKQ

Yesterday's CRYPTOQUOTE:
 AFFECTION IS RESPONSIBLE FOR NINE-TENTHS OF WHATEVER SOLID AND
 DURABLE HAPPINESS THERE IS IN OUR LIVES. -- CS LEWIS

A XYDLBAAXR IS LONGFELLOW
 One letter stands for another. In this sample, A is used for the three L's, X for the two O's, etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.

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