

# The Daily Star

FOUNDER EDITOR  
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## CJ's comments on the judiciary

Heed his views

THE various comments of the Hon'ble Chief Justice made recently on the judiciary are substantive and merits recognition on the part of the executive branch. We believe that the fundamental truth about the relationship between the three branches—legislature, executive and judiciary—cannot be overemphasised. An independent judiciary is crucial in the dispensation of justice without any interference from the executive or a political government. That is the sine-qua-non of good governance and rule of law.

However, we want to flag one of the several points that the Chief Justice had made. And that is on the separation of the judiciary and the immense power the executive has assumed over the years. Admittedly, immediately post-independence there was a degree of trial and error with the judiciary, and after 1975, the military rulers had tampered with it, which abridged its role, for the benefit of the military rulers.

Regrettably, this trend has continued in some form or the other even after the restoration of democracy in 1991 when we witnessed the emergence of a strong executive branch predominating the judiciary.

In recent times the hiatus seems to have been accentuated. The concept of separation of power has not been made operational because of this. Tactics such as delay in promotion, posting and transfer of district judges and not issuing the gazette on the rules of determining the discipline and conduct of lower judges are subverting the process of separation of the judiciary, which has compelled the Chief Justice's to remark that the judiciary has been held hostage. The CJ's remarks should be paid heed to, to make the judiciary truly independent. Unless separation becomes effective, the judiciary will not be able to play its due role.

## A roaring feat

Congratulations Bangladesh

BANGLADESH created history in their 100th Test by securing a four-wicket win to register their maiden victory over Sri Lanka and that too on Sri Lankan soil. Bangladesh is the fourth team to win their 100th Test after Australia, West Indies and Pakistan. On this occasion we congratulate all the members of the cricket team and Bangladesh Cricket Board. It was indeed a great team effort to turn in one of Bangladesh's best performances ever in international cricket.

In recent times, the Tigers have made considerable improvement in home condition which saw its peak when they beat test giant England by 108 runs last October. Naturally, there was an all-round expectation from the team to prove themselves in foreign grounds. The win over Sri Lanka in their country is a great way to fulfill that dream. Most importantly, they bounced back into this game after a timid performance in Galle and leveled the series.

In One day and T20 formats Bangladesh has already proven its mettle. The way Bangladeshi players showed their guts and heart in the longest version gives us hope for better performance in the future. It also strengthens Bangladesh's claim to be given opportunity to play more test matches. We hope the cricketing world and the ICC will pay due consideration to this.

# Hacking is serious business



NO FRILLS  
SYED MANSUR HASHIM

THE internet has become an indispensable part of our lives. It's not just about sending an email. We surf it for banking transactions, online shopping, booking accommodation, entertainment, sharing our holiday pictures on social media sites like Facebook, etc. While the problems of hacking have been brought to the spotlight in our country over high profile cases like the Bangladesh Bank incident, and ATM and credit card frauds, we would be greatly mistaken to think that it is only the domain of computers that is prone to hacking. Wikileaks has just dumped a big load of confidential documentation in early March in what it states is the first installment of the "largest intelligence publication in history". Little wonder the US intelligence establishment wants Assange's head on a platter, figuratively speaking, of course. If what has been described is even partly true, the Central Intelligence Agency (CIA) has taken advantage of new techniques now available that allow vulnerabilities in the system design of "smart" devices.

We learn from released documentation that the CIA now has tools at its disposal that allow it to snoop into people's homes via "smart" TVs. Design vulnerabilities in certain Samsung products apparently allow programmers and developers to catch conversations even when the phones are switched off (a claim denounced by Samsung which states its products are secure). As smart TVs proliferate with ever new features, computers (like laptops) hooked on to these devices via Bluetooth or other connectivity standards are also vulnerable. A recent article published in *The Financial Times* where anti-virus guru John McAfee, who founded the popular McAfee anti-virus software and is now the CEO of MGT Capital Investments, stated the following: "This is the most troubling Wikileaks ever. We've learned the CIA has all the tools to spy on American citizens." While Samsung insists it takes security seriously, it warned customers back in 2015 that "if your spoken words include personal or other sensitive information, that information will be among the data captured and

transmitted to a third party through your use of voice recognition."

It is not just a question of an intelligence agency using vulnerabilities inherent in the internet or other "smart" devices, cyber criminals too have picked up on these systemic flaws to exploit for profit. We learn from security experts and companies that these "holes" in the security of devices allow systems to be compromised and indeed controlled, whether they are cars, robots to lifestyle and household appliances including increasingly sophisticated cameras and even refrigerators. One incident that made the news in January was when hackers penetrated the security system of a 4-star hotel in Austria and effectively left locked guests and personnel inside in the hotel. The hackers' demanded and

law enforcement agencies worried is how little the general public and to a lesser extent the business establishment understand how serious the threat is. The lack of perception about the very real cyber threat permeates to device designers too, i.e. manufacturers. The problem today is that any consumer device whether it is a computer CPU, a monitor or a cell phone is not designed and manufactured by one company; rather the end product is put together from parts sourced from a variety of third parties in different countries.

Hence, the challenge is to get major producers of devices onboard to invest resources of their own to counter this very tangible threat. The general public too remains mostly in the dark. The

credit card and ATM forgery. However, without educating the public and developing comprehensive policies and security systems (not just for the financial sector that is increasingly online), our efforts to fend off scams are simply not going to be enough. And what about safeguarding our State and company secrets? While the military hopefully have their systems locked down, how aware are we about putting up server passwords with proper encryption that has been vetted by companies with a solid track record in cyber security in the public sector? Effecting information leaks through cyber attacks by foreign and local interest groups is a palpable threat. We are not talking simply about policy documents, but other sensitive data



got paid in Bitcoin, which is largely untraceable. The ransom was paid because management didn't want any bad press. Many hotels in the aftermath of this attack have opted to forget about hi-tech systems and are going back to the good old lock system.

There are loads of examples that actually defy imagination. One of the better known attacks was the one on Airbnb, an online service that is used by millions of people to book rooms in households in cities worldwide in what is called denial-of-service, which effectively took the internet site offline. As we get "connected" to the internet, and devices from phones to the refrigerator to the car become internet-enabled, the real cyber threat mushrooms exponentially. What has

more advanced economically a country is, the greater the threat. There are increasing calls to make manufacturers liable for insecurities or vulnerabilities in their devices. Indeed, Vizio, a manufacturer of smart TVs had to dish out USD 2.2million in February in a settlement with the US Federal Trade Commission. It is a start, but without bringing China on board, such efforts will be a spit in the ocean.

While most of the headlines concentrate on advanced nations of the West and East, it does not mean countries like Bangladesh are less susceptible to this online threat. The Bangladesh Bank was the first big scam to hit the headlines. Law enforcement agencies have had their share of success in nabbing some gangs involved in

too. For instance, tender plans for major acquisitions in whatever sector could be worth a lot of money for companies interested in biddings as we go increasingly "paperless". Is enough being done to stop cybercriminals from hacking into land deeds, banking records, utility billing, etc. as we go "digital" with our records? How "secure" are the servers in the corporate world? Everything from human resource records to financial information could literally be up for grabs given our general lack of understanding of the threat. These are current threats and we must wake up to them. A failure to do so is not really an option in the digital world.

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## INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION

# Reacting to the resurgence of racism



THE OVERTON WINDOW  
ERESH OMAR JAMAL

THE United Nations proclaimed March 21 as the International Day for the Elimination of Racial Discrimination in 1966, commemorating the Sharpeville massacre that occurred in apartheid South Africa, on that day, back in 1960. A few days earlier, South African anti-segregation activists informed the Sharpeville police that they would hold a series of peaceful rallies to protest against a new law that required black people to carry passes or face prison.

On that fateful day, about 20,000 people poured onto the streets to protest peacefully as promised, until suddenly, according to witnesses, screaming and panic broke out as police violently descended on them. Their screams were, within moments, stifled by heavy gunfire that killed 69 people and injured many more.

Humphrey Tyler, assistant editor of *Drum* magazine, who was there at the time, explained to *TeleSUR* — a multi-state funded pan-Latin American terrestrial and satellite television network — "People were running in all directions... some couldn't believe that people had been shot, they thought they had heard firecrackers. Only when they saw the blood and dead people, did they see that the police meant business" (The Roots of Racial Discrimination: The Sharpeville Massacre, March 20, 2015).

Although the Sharpeville massacre had a cascading effect that led to the fall of the apartheid state of South Africa, racism remains yet to be eradicated from our world - in fact, we are far from it. The (apartheid) state of Israel is a perfect example of that and how deadly and tragic state-sponsored racism can be. Ilan Pappé, historian and professor at the University of Exeter, who is of Israeli origin and is considered a world-renowned scholar on the Palestinian-Israeli conflict, said in an interview that "As any settler colonial movement, the Zionist movement is motivated by the logic of elimination of the native" (Ethnic Cleansing in Palestine, *Centre for Research on Globalisation*, September 16, 2016).

That is what the Israeli ethnic

cleansing operation of 1948 was based on according to the professor, ending with the "expulsion of nearly a million Palestinians and a Jewish takeover of 80 percent of the land". However, as 20 percent of the land remained out of Zionist control, the "ethnic cleansing of 1948 was not a complete project". That is why we see the state of Israel continuing to chip away at the rest of the Palestinian land, committing mass atrocities and denying all forms of human rights to Palestinians for decades, all the while the United Nations and the international community fails to condemn significantly or even pressurise the (apartheid) state of Israel to change its racist ways.

One of the main reasons for this lack



of effort is because world powers themselves have often "used racism to justify domination of other nations or groups", as explained by the former Chair of the Committee on the Elimination of Racial Discrimination (CERD) Jose Francisco Cali Tzay, the first indigenous person to be a member of the CERD (Racism Is Used By World Powers to Justify Domination, *TeleSUR*, March 21, 2015). And whereas European countries created this "justification of racism to dominate other nations, today this has shifted toward larger communities that attempt to dominate others, claiming superiority over others in order to justify their domination".

Evidence of this by some western governments can be seen quite clearly

when they intervene - almost always illegally under international law - in foreign countries to bring democracy there, to the 'less developed' people who are universally inadequate and incapable of 'freeing themselves' from their despotic rulers, or to even decide their own fate. Of course, the democracy that these western governments bring to those lands is frequently accompanied with bombs from the air that kills thousands if not millions of those native to that land. And while the 'imported democracy' is hailed as another sign of the great 'western values' that some western leaders insist on lecturing the rest of the world about, the 'bombs that kill millions' are almost never mentioned even in the western mainstream/fakestream media, perhaps,



because it too is bigoted enough to term the millions dead as 'collateral damage' - another Orwellian term used to justify some western governments' prejudiced attitude.

Closer to home, we see how the increased communal violence in India (especially the discrimination against Dalits) keeps throwing up one tragedy after another. The most recent being the suicide of a 28-year old Dalit student who was studying at the Jawaharal Nehru University. A similar upsurge in communal violence in Bangladesh has been seen recently which, one could argue, is to some extent racially motivated. Given that the majority of Bangladeshi citizens are homogenous in terms of their Bengali ethnicity and

religion - predominantly Muslim - violence of this nature has, historically, not been as big an issue here. Yet, the attacks on Hindu homes in Brahmanbaria (Brahmanbaria Burning, *The Daily Star*, November 7, 2016) and the terror unleashed on the Santals of Gaibandha (Violence spurred by greed for land, *The Daily Star*, November 24, 2016) last year are both cases in point showing an escalation of minority persecution.

One could argue, of course, that the main reason for these attacks (allegedly initiated by powerful quarters) was to drive the minority communities off their land and to illegally occupy them. But the reason the attackers so confidently went ahead with their plans was clearly because they felt that as their victims were mainly minorities and ethnic communities, chances of them being caught and punished were perhaps minimal. What this shows is that even if racism in individuals has not increased, the state is clearly failing to provide minority communities with the same security and services that it is giving to Bengalis. And this can only encourage the racist elements in society to become emboldened, try to cause further divisions and disrupt peace and harmony.

Given the totality of the situation, perhaps it is more important today than in any other time in the recent past, for us to pause and reflect on where the world and our own communities are headed in regards to how we are dealing with human beings that are a little different from us. To look at human history and understand where racism has led to in the past; to use a little bit of our own imagination to envision the end we are heading towards now. In that regard, one very prophetic quote of Martin Luther King Jr. comes to mind: "We must learn to live together as brothers or we will perish together as fools."

With that in mind, our opposition to racism must include rational actions rather than reactionary ones. It must also include 'learning' as Martin Luther King Jr. said. And a good point to start with that would be to recognise that the human race is one race and, thus, those who are racists are perhaps the biggest 'fools' of them all — suffering from stupidity and scientific, historical and biological illiteracy.

The writer is a member of the editorial team at *The Daily Star*.

## LETTERS TO THE EDITOR

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### Kudos to the Bangladesh Cricket Team!

We are euphoric and immensely proud of the Bangladesh cricket team for their victory on foreign soil against a strong home side, and that too in their 100th Test match. This is also Bangladesh's first Test win against Sri Lanka.

We hope Bangladesh will continue in their positive performance for the ensuing matches. We are a cricket loving nation, but we must also bear in mind to not get disheartened when the tigers get defeated. Lastly we express all our love and heartiest congratulations to Shakib Al Hasan for being selected as the Man of the Series. Rafik Alamgir Chittagong

### The rejuvenating 40s

Age has no impact on human productivity and aspirations, barring unfortunate illnesses or injury. I believe that linking age with productivity is a mental blockade that many of us need to overcome. Unless a person is rendered too weak at the age of 80 or 90, we should push ourselves to continue building our lives as well as the society.

Mental retirement from active work depends completely on each individual's life choices and aspirations. In today's active commercial world, 40 is indeed the starting point. The carload of lessons from past mistakes and experiences, both personally and professionally, allow us to build our lives anew from this age. So let's not allow the reality of advancing age intimidate us, and stop us from achieving more. Saikat Kumar Basu Canada