

A momentous High Court ruling

The guidelines need be strictly followed

IT'S common knowledge that allegations of torture in police custody, particularly true about the arrestees in certain sensitive cases, have caused a great deal of discomfiture to the human rights activists at home and abroad.

The High Court has passed a ruling, which, we believe, will go a long way in setting things right if it is followed in letter and spirit. The court has barred the government from detaining anybody under Special Powers Act following his or her arrest on suspicion under Section 54 of the CrPC.

The ruling comes against the backdrop of controversies over high incidence of arrests made under Section 54 and detentions sought under the SPA while torturous interrogations went on. The High Court has ordered that from now on interrogation of people arrested on suspicion must take place in prison, not at the police interrogation cells. This ought to be held in presence of relatives and lawyers. The ruling is clearly intended to relieve an arrested person of ruthless methods often adopted by police during interrogation to extract confessions.

The court order may also help us refurbish our image bruised by some cases of custodial torture, which the human rights organisations abroad viewed with great dismay. The abuse of Section 54 leading to that of the SPA has been proven by the fact that most of the victims get release orders from higher courts upon filing writs.

The judges of the High Court, who passed the ruling, seem to be convinced that the rule of law and draconian use of law cannot go together -- a point that successive governments failed to realise in our context. The court has issued a series of guidelines with the objective of safeguarding the rights of citizens and preventing excesses on the part of the law enforcers. It has also directed the government to amend Sections 54 and 167 of the CrPC. Obviously, the legal provisions, which are liable to be abused, should be amended or changed in order to ensure effective and neutral enforcement of law.

Medical facilities at ZIA

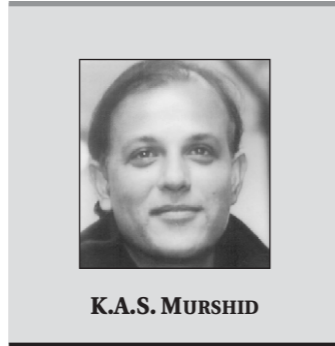
Special attention needed to keep the killer virus at bay

WE simply fail to understand how could a wing of the national airlines' engineering division take over the small but the only medical clinic at the airport? It's only natural for the chief health officer of Zia International Airport to honestly admit that he doesn't know where to keep any passenger who may have contracted the deadly killer virus that has infected thousands and killed almost a hundred people around the world. We were glad that the airport authority, though a tad late paid heed to our suggestion and realised the gravity of the situation and decided to open a detection counter at the airport. But what they seem to have forgotten is that the patients need post-detection care as well.

Let's begin from beginning. Firstly, according to reports, there are no full-fledged clinics or hospitals at the airport. And there are no facilities to quarantine patients either. No matter how hard the authorities try to claim otherwise, but the fact remains that having a clinic with just two beds and few doctors on duty can't be described as 'full-fledged' medical facility. It's more like not having a clinic at all. Secondly, the authorities have decided to shift the passengers to Infectious Disease Hospital at Mahakhali which is not only far from the airport but as the experts rightfully have opined, it is risky also since the hospital is situated at a densely populated area. We wonder whether such thoughts had crossed the authorities' mind or not.

And last but not the least -- we can't fathom the idea of an important facility like medical could be ignored like this by the airport authority, especially at a time when new diseases and mysterious viruses have been surfacing quite regularly. However we take hope from whatever little contingency planning the civil aviation authority has taken in case of emergency. We should be extremely careful simply because there are regular flights from Hong Kong where this highly contagious Severe Acute Respiratory Syndrome (SARS) has infected a large number of people. We hope the authorities would pay special attention to the implementation of the steps they have taken.

My crystal ball



K.A.S. MURSHID

THE Thais are a calm, unperturbed people. The War and the Virus however have cast a long shadow across their calm countenance, making them somewhat less inscrutable than usual, even if this is not immediately obvious. Western and Australian tourists have dwindled rapidly. Well-heeled Asian tourists from Japan, Hong Kong and Singapore too are increasingly staying put. For a country that depends so heavily on tourism, the War and then the virus have dealt the final insult to a series of injuries and grievances, starting from the recession, the events of 9/11 and the subsequent deepening of the recession, and the Bali bombings. Will things ever revert back to normal? This indeed is the question that is uppermost in the minds of not just the Thais but of people from all over the world. One thing that is now becoming absolutely clear however is that the world will never be the same again.

So what sort of a world is it that we will be starting at, say in a year or two? Hang on, let me go and get my favourite crystal ball. Now, we all know that there are crystal balls and *there are crystal balls*. You would expect that one belonging to an economist would be a little different; i.e. it would require a set of assumptions to really get going. Let us therefore assume that the Pentagon blue-print has been achieved: Baghdad has fallen quickly; a

thousands of Iraqis -- men and women. A huge service industry has developed as well in and around Basra, replete with all the usual comforts of life that GI Joe comes to expect while posted abroad: massage parlours, girlie bars, and so on. WE just cannot pack up and go -- what after all is going to happen to all those poor women in those bars?

There is of course another reason why WE Iraqis do not want GI Joe to

Ayatollahs on our borders we cannot permit Joe to go home.

Now it is clear that not all deserting countries are going to benefit from OUR model. For example, Afghanistan will remain wretched and torn well, forever. They have some strategic importance -- which is why we have bothered with them in the first place. Our interest in them, however, is strictly limited, and as long as we can get that oil-gas pipeline securely in

the hills and initiate a classic guerrilla war. Pressures however mount to form an Iraqi government so that a puppet regime is installed. This regime is of course completely inexperienced in the ways of the world, thus requiring a rather large number of (US/British) civilian and military advisors. The main focus of all OUR attention is the guerrilla war, that will neither be won nor lost but will provide the perfect excuse for being there forever (or until

of war gains by the Coalition the markets have remained decidedly undecided, with short-lived rallies followed quickly by prolonged declines.

From whatever perspective one looks at the Iraq War one comes away feeling disheartened and sad. The arrogance of a single man is enough to destroy a world order that has taken fifty years to evolve. World courts have no jurisdiction over Americans while the US can arrest and try with impunity anyone of any nationality in any kind of court. There are now two sets of laws: one for us and one for all others. And we are free to change these whenever we want to.

So what should we do? Much depends on whether a counter-coalition will emerge with Germany, France, Russia and China playing a vanguard role. In fact, it is imperative that such a force should emerge. It will then be the duty of every nation, and in particular the nations of the developing world to support this movement wholeheartedly. There is the distinct possibility however, that the anti-coalition coalition will fail to emerge, in which case there would not be much to look forward to. Under the circumstances, the only thing that poor countries can do is to smile a toothy smile and say 'Yes, Bwana' to whatever edict that emanates from Washington.

Doesn't the very thought make you want to kick Gorbachev in the pants?

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BETWEEN YOURSELF AND ME

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Governor-General (from the US Army) has taken over the controls; the contracts have been doled out to OUR friends and well-wishers at home and abroad; the oil wells are up and running at full capacity, and power has been transferred to a civilian government of our own choosing. The time has finally arrived for US to go home.

But lo and behold, what is this that I see? WE cannot go home? Oh, yes, I see: WE want to go home but the Iraqis are refusing to let us go. After all we have a massive base in Basra that employs

leave: We are deeply worried about the intentions of the Iranians, Turks, Syrians and Jordanians who do not look very favourably upon our cosy friendship with Israel. We are, after all, an independent nation and have the right to enter into friendship treaties with any one we choose. We strongly feel that the Iraqi model is the answer to world peace and fervently hope that Mr. Bush will be re-elected to office so that our neighbours at large can benefit from its replication. As long as we have these obnoxious oligarchies and

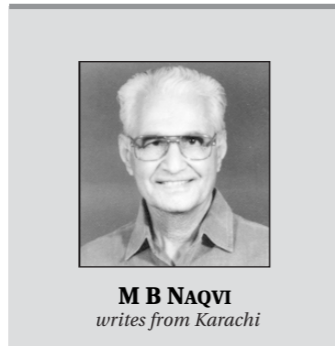
place, our military investment in the area will have been paid for. All other countries that wish to borrow our model must be able to offer something in return: oil is best, but gas will do; if you have nothing else then a nice, sexy, geo-strategic location would be useful (do feel free to contact any of our offices in the region for a no-obligation assessment).

Let us now shift some of our assumptions around a bit. The Iraqis remain belligerent even after the fall of Baghdad. Many armed units head for

such time as the oil runs out).

The main worry will be with regard to the impact of an unstable Iraq in the region. In particular, Turkey, Iran and Syria will be watching very carefully how, for example, the Kurds are handled. Continued upheaval in Palestine will not help matters much while the populations of all other Arab states may well decide to take matters in their own hands. Thus, while the short-term outlook may seem positive, the markets tell you that the longer-term outlook is bleak. Thus even in the face

A peep into post Iraq world



M B NAQVI
writes from Karachi

IT is only a matter of time before the American hardware prevails and an American General takes over Iraq. That will be a tremendous development; the world will be a different place afterwards. Among the many casualties will be the post-1945 world order, anyhow decrepit and dated. True, human blood is far more precious and should compel attention. But other things, like international law, the UN and the general notion that states exist to promote human welfare and freedoms, are also important and should receive adequate attention.

Few can forget the contempt Messrs Bush and Blair displayed toward the UN in the run up to the Iraq War; they tried their best to manipulate and use the UN for justifying the military attack they had already decided upon. The UN went a long way in meeting American requirements. But thanks to several emergent factors, it stopped short of passing the second Anglo-American resolution or meet the 24 hour deadline given by the Azores Four. That this happened is significant and has underlined two emergent factors that may in time evolve into countervailing force(s) to the apparently limitless American power. But more on that presently.

Insofar as Middle East is concerned the door is about to open on redrawing the political map as was designed by Britain and France in 1921 (Sykes-Picot pact); uncertainty prevails. It is possible to be sure of a few facts, however. Americans mean what they say: 'it is our war; Europe had opposed it and we have both spent money and shed (American) blood. Ergo, whatever

arrangements or rearrangements result from this War, the benefits from them will have to go to American corporations. French, German, Russian and other EU interests need to suffer'. It has been authoritatively said. That is about that.

The US war aims have already received enough attention. One can take the liberty to sum them up, despite the risk of appearing to be too opinionated and dogmatic: (i) It is to redraw the Middle East map as the first step in

cynically manipulating both India and Pakistan by giving a sop to one after the other was offered another while ago. Indian and Pakistani lines of action boil down to just one tactic: how to please the US enough so that it leans on the other to its own advantage. How pathetic?

As for anti-American forces, few have read too much into the so-called 'course correction' exercises by the German, Russian, French and other European governments when, during

now Ethiopia in 1935. Would UN also go the way the League went?

Politicians the world over are cautious and pragmatic people. They do not jump to conclusions merely on the basis of logic or theoretical analyses. The UN has far too many functions and absolutely irreplaceable agencies. Not even the war caucus around Bush can easily conceive international life without the UN; far too many American interests will suffer, if the UN were to disappear tomorrow. So, the politi-

concrete trend that needs to crystallise further: it is a new political alignment that may adhere around Schroeder-Chirac duo, the Old Europe. The issue actually is woven into the EU unity in the American-dominated Century: how many will want to stand up and be counted as different from America and its plans of revamping much of Asia. It is a startling new likelihood: few Europeans could think that they would be required one day to actively oppose America and so soon.

to visualise as it may involve Japan, China, Taiwan and several South East Asian states. However, no large-scale initiatives are to be expected from Russia, China, Japan and others. It is pertinent to hope that American ultra Right will not act as the bull in a China shop (Far East) and avoid an uncontrollable war.

To repeat, the UN having been severely wounded is central to the evolving situation. But even the US will occasionally need its fig leaf and for political convenience. The Europe, in order to preserve what international law has survived and for keeping a political balance between an America on the rampage and a Europe that feels obliged to maintain peace among nations and to keep wars outside Europe, will need an effective, may be new, international body. It is hard to conceive the US allowing a common world body that is not wholly under its thumb. Conversely, the Europeans can scarcely be content with a new world body that is even more of a hand-maiden to the US. These are contrary pulls and pushes. Pragmatic politicians will look for compromises to start with. But compromises or quick fixes over basic propositions are too hard to come by.

In the possibly chaotic seeming world -- bipolar still but seething with large second-rank powers' anger -- this rather hapless third world may have an interesting role of combining the two factors mentioned earlier. These over 150 small and usually weak states need a more effective peace keeping world today. These, as in cold war days, may be able to tilt the balance between the US and Old Europe -- if the latter can forge an effective alliance with this large mass of humanity on the basis of close economic cooperation, if Euro can give a visionary plan such as Willy Brandt was said to be toying with. Anyway the Europe is likely to be under so much political pressure while needing a rapid economic expansion abroad to keep its own men and machines employed. Any buyer for the idea -- or is it too premature?

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PLAIN WORDS

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reshaping the world to suit America. (ii) To get the ultimate control over Iraq's oil reserves, again as the first step on a long journey. (iii) Israel's security has to be further enhanced. (iv) The nearly stalling engines of American economy have to be kickstarted by standing JM Keynes on his head -- war spending and its profits will make for new investments. (v) And to anoint Mr. Bush in the 2004 election as a victorious Caesar.

The purpose of this summation was to give pointers toward what international life may soon be -- after the gory drama ends in Iraq. It is also meant for us in South Asia: may be devising an appropriate role in an altered world becomes easier. Today, this rich natural region is divided within itself and is gravely threatened by India-Pakistan cold war, involving as it does nuclear weapons and missile races. Neither the region nor Pakistan nor India count for much today in the outside world. Their servile policies are strengthening the American influence, on the one hand, and are intensifying social backwardness, unemployment and poverty at home, on the other. Foreigners are

Colin Powell's recent swing through Europe, they said that they did not want America to lose its Iraq War. Doubtless, these European governments emphasised trans-Atlantic unity (including NATO's) in order to ingratiate themselves with the Americans in the matter of lucrative contracts for rebuilding Iraq, especially of its oil industry. Their immediate motive could only be the promotion of their own economic interests. But far more is involved than mere contracts by General Tommy Franks' underestimates.

The US war on Iraq has already dealt a bodyblow to the UN. The question is, can the UN ever be effective again? Its prestige has been demonstratively destroyed. The UN never had military divisions to enforce its will; it depended on all states, pretending to be civilised, doing nothing that openly or formally defied it. It was a sovereign's club. Its limitations are now on display: one super sovereign member has kicked it in the ribs. Like virginity, an international organisation can lose its prestige and effectiveness only once. The League of Nations virtually died when Mussolini occupied what is

cians would necessarily take time to imbibe lessons from the War in Iraq and think of remedies at some leisure. That explains, among other reasons, the 'course correction' noises by Schroeder and other Europeans. Even so, UN's peacekeeping function is, or was, central to its life.

It is time to look at the factors that have become freshly important. These are two. One of them is upwelling of popular sentiment for peace throughout virtually the whole globe. Millions of men and women have taken to the streets against the American government's war scheming -- before the event. It is a bigger and more serious phenomenon than the 1960s' Vietnam protests. These protestors against the War of Mr. Bush are linking up with other causes resulting from what they see as the Bush Ideology: unemployment, poverty and shrinking welfare measures everywhere. This popular upsurge, though purely non-violent and non-militant, looks likely to emerge as a factor on the international stage.

The second is simultaneously a nebulous idea and an inference about a

OPINION

The way ahead

SYED FAIZUDDIN AHMAD

IN solidarity with the world conscience across all faiths and countries I had the opportunity to share a platform recently in a British City where sentiments and convictions for peace and against war were echoed by representatives of Sikhs, Hindus, Buddhists, Jain, Bahais, Christians, Jews and of course Muslims. Obviously this event was in connection with the invasion of Iraq by US and its allies. Everyone contributed in his or her own traditions but the essential message was only one; we all want peace and are against the aggression on Iraq.

Having tutored by many Muslim thinkers around the Muslim world that this is a war against Islam, I felt great that I, a Muslim was not alone and that too in the West and in a country whose Prime Minister is a trusted ally of the USA in this war against Iraq!

Immediately after the proceedings the print and the electronic media both were equally enthusiastic to get further elaborations from the contributors on what they had said from the joint platform. When a TV journalist asked me to comment on his question about the feeling of "siege" in which Muslims feel themselves after this invasion of Iraq, I replied that yes Muslims do feel that

they were under siege but I feel strengthened that all the right thinking and peace loving people of the world are with them in voicing their resentment on this ill-advised war. They also feel strong that not only they but also a much larger number of people, millions and millions of them across the globe sans any frontiers of countries or faith are under "siege" too. They all feel that this is an aggression and not war that is illegal and immoral and "lacks legitimacy" as Kofi Annan had rightly said when the war was launched. As for the people of Iraq who are being targeted all of them are not Muslims; there are more than 10 per cent Christians who are also under siege and with them are the millions of other Christians everywhere.

The Iraqi Deputy Prime Minister Tariq Aziz, a Catholic himself was the first victim of the Allies' lies that he had deserted! It is, therefore, rightly said that in a war the first casualty is TRUTH and Tariq Aziz was the first victim of this. It is also known that before the war Tariq Aziz went to the Vatican to receive blessings and support for peace from Pope Paul and to this day Pope Paul is against the war! And not only he, Jesse Jackson of USA, Desmond Tutu of South Africa, Arch Bishop of Canterbury and countless more religious leaders

throughout the world. The demand for peace is universal across the faith and is not what the ill advised political "thinkers" conclude by buying the theory Harvard political scientist Samuel Huntington is trying to sell since 1993, the much publicised and feared theory of the Clash of Civilisations. Unfortunately he was able to sell this theory to many Muslim activists who excel in responding to issues in a reactionary style and do not plan their strategies after looking at the present and past conflicts taking the whole world view.

A year earlier another US Professor Francis Fukuyama in his book, *The End of History and the Last Man* also tried to sell the idea of globalisation which in effect will be the Americanisation. And most probably the present administration is pursuing that philosophy of globalisation that is per se American domination or US imperialism Bush style backed by neo strategists, Rumsfeld-Wolfowitz and Perle.

As Muslims we all know that virtue is universal and the war between right and wrong is going on since time immemorial and the Quran asks the People of the Book to come and agree on the common values of humanity. This Quranic exhortation is not time-barred. It is valid and practicable even today and I feel it is the right time that the Muslims feel

tively demonstrate that they are not a group or a nation state or an ethnic or linguistic section of the world population rather they are an Ummah raised for the people: *Ukhrejal linnaas*.

We must, therefore come out of our shells and seize this opportunity of uniting all just minded people and should feel great and encouraged by the fact that 90 per cent or even more who are demonstrating and voicing a very vigorous protest against war are not Muslims!

Islam is the universal Truth and *Adl* or Justice is akin to *Taqwa* or God-consciousness. It is the Islamic belief that we must invite and share all the virtues with all the people. The world has shrunk to a village and we share the bounties of Allah with all the other inhabitants of this world; not only humankind but also other species and as a trustee and a good obedient servant (*Muslim*) we must discharge the real duties of the Ummah of the Middle Path (*Ummate Wasata*) and get out of our inwardly outlook.

In the light of the above observations our grief aggravates when we see that despite this huge distaste of war by men and women, young and old, people of all faiths those who occupy the world leadership did not give peace any further chance despite the fact that the

UN actions of disarming Iraq had by no means exhausted. It is further unfortunate that the unequivocal voices of reason and humanity from across the world could not soften the hearts of those whom God has given immense power which should have been used for peace and not war, a manifest violation of the United Nations Charter and thereby endangering the peace of the whole world.

It is, therefore, imperative that Muslims along with people of all other faiths should continue working for Peace and by doing so articulate forcefully and effectively the vision of a peaceful world where no nation, group of people or state is able to lord on others, and thus help build a world without tyrants and where we all enjoy the bounties of God's creations as members of a larger world family.

Our Lord! Impose not on us that, which we have not the strength to bear, grant us forgiveness and have mercy on us. You are our Protector. Help us against those who deny the truth. (The Quran-2:286)

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Protest of a pacifist kind?

ESAM SOHAIL

writes from Kansas, USA

GOOD ends must be achieved by good means or else they are compromised beyond recognition. Obviously Mahatma Gandhi was not on the minds of the mob that went on a rampage last Friday. The pretext was the genuine concern for the well being of the Iraqi people caught in the midst of an unfortunate war. The end result, not surprisingly, was exactly what happens in most political demonstrations in our nascent democracy: a free for all violence where the victims are innocent bystanders and the nation's wealth. For reasons that will be shrouded in mystery for generations to come, we Bangladeshis have a decided penchant for harming ourselves for any and all occasions of public debate.

This time around, to protest the foreign policy of the United States and the United Kingdom, our frenzied compatriots damaged the properties of the largely Swiss owned American Life Insurance Company (ALICO) and the German government owned DHL courier service. At the same time several kids who were caught in the

melee were simply run over. These images were shown across the globe. Only utter fools believe that such a wanton display of anger had an iota of effect in the prosecution of the war. Yet, it did have tremendous effects elsewhere.

If the violence leads ALICO, DHL, or other Western businesses to relocate to, say, Vietnam, the only job and revenue losses will be to Bangladesh. Those multi-billion dollar companies can as easily generate similar business elsewhere. After the images of last Friday, I doubt too many other Anglo-American companies will be lining up to risk capital and personnel. In the Congress of the United States there is already talk of denying government guarantees to companies that invest in countries that do not take measures to protect American corporate property. These guarantees, channelled through the Overseas Private Investment Corporation are often a *sine qua non* for US investment in most developing countries.

The displaced workers of relocating foreign companies will not be the only Bangladeshis hurt when the chips fall. The hundreds of thousands of Bangladeshis who live, study, and

work in the USA, UK, and Australia will face a tougher time. Whether we like it or not, the first group that feels the retribution for the violence on our streets are our expatriates in foreign lands.

And those expatriates, current or future, in Kuwait and Iraq might be feeling that pinch of retribution pretty soon. The Kuwaitis, for reasons well known, have fully supported the toppling of the Saddam Hussein regime. They will not look kindly on those who openly opposed them. Those who will be in charge of Iraq's re-construction too are likely to shut out individuals and companies from countries where the population showed marked hostility. The ethics of all this notwithstanding, it is simple, cold, geo-politics. It is a reality of our human world.

Vigorous, intellectual, and passionate opposition to this war, or any other for that matter, is in the proud tradition of dedicated pacifism that crosses generations, nationalities, and politics. A mob mentality destroying lives, livelihoods, property, and image is akin to participating in the violence of the worst class. We were guilty of that last Friday.