

## Chief Justice speaks out, and how

*Will the govt. hear the CJ when it did not hear us?*

CHIEF Justice KM Hasan deserves all our praise for his recent plain speaking. On Thursday he informed us that justice was beyond the reach of the poor, which for us means by far the greater majority. As if that was not strong enough he came out with sterner stuff the following day. He said powerful economic interests are taking heavy toll on the citizens and that black money, in the hands of few is undermining the work of law enforcing agencies. He went further to state that the corrupt go unpunished, resulting in the loss of scarce resources.

Perhaps naturally, but nevertheless disappointingly, he avoided making any comments about the role of his own profession in all the above. Corruption could not have gone as far as it did without the involvement of the lower judiciary and in some case far beyond it. While we understand the sensitivities that prevented the Chief Justice from mentioning the weaknesses of the judiciary, still it cannot be stressed enough that without a radical change in that area we are unlikely to come out of the abyss that we are in.

The Chief Justice however kept his harshest comment for the issue of impunity. He correctly stated that "Impunity means lack of accountability for human rights violations committed or condoned by different agencies of the state." We in the media have been crying ourselves hoarse saying practically the same thing but to no avail. In addition to the 43 civilians being killed during the so-called Operation Clean Heart, a total of 73 people died in police custody from January to November this year. Who will account for these deaths? Can anybody feel certain of carriage of justice when deaths can so easily go unaccounted for?

Now that the Chief Justice himself pointed out the barbaric nature of impunity provisions and about the state of law and order in the country, will our government give it more attention and seriousness than it did when we in the media pointed out the same things.

## Anti-Ahmadiyya agitation

*Religious fanaticism must be countered effectively*

RELIGIOUS fanatics, who have long been fomenting anti-Ahmadiyya sentiments, have again threatened the government with 'dire consequences', should it fail to evict the Ahmadiyyas from their mosque at Nakhla para by January 3.

The threats are the words coming from a group of fanatics who do not represent the majority Muslims. But the very fact that the ultimatum has been issued, and the fanatics are making a determined bid to execute their plan of occupying the mosque, speak volumes for the inadequate government response to the movement being launched against the members of a small sect. The minister for religious affairs had assured us that the government would protect the religious rights of all citizens.

The latest ultimatum, however, gives us a different picture - the fanatics are ready to swoop on a small, vulnerable community, which has been identified as non-Muslims by the aggressors. Now the question is, who has given them the authority to decide who is a Muslim and who is not?

The government, we believe, has a lot to do to make sure that the religious rights of citizens are not encroached upon by any individual or group. The pure law and order approach is the solution here since the fanatics are threatening to resort to violence.

However, a peaceful settlement of the issue is what people would like to see. The government should talk to the agitators and convince them that their demand goes against the spirit of Islam, democracy and the basic principles that the country is committed to.

It is often said that our image abroad will be lowered if we allow activities that smack of religious extremism. Why can't the government realise that the international community will be greatly perturbed by what the fanatics are doing in the name of serving religion? If our international image has any place on its agenda, the government can ill afford to allow anybody to disrupt religious harmony.

## Post-Saddam Iraq

KAZI ANWARUL MASUD

P A U L Bremer's announcement to the world "ladies and gentlemen, we got him" had a tinge of triumphal arrogance. Saddam regime had effectively ended in April with the fall of Baghdad. Since then it was a manhunt for a dictator feared and despised by perhaps the majority of his countrymen but at the same time loved by those who benefited from his evil regime and admired by many in the Arab world as the man who dared to stand up to the mightiest power in the world. It was, therefore, necessary to show a "bedraggled and bearded" man who was "caught like a rat" presumably to provide Iraqis some relief from lingering fear that somehow he might return to exact revenge upon those collaborating with the Americans.

Another reason could be to discourage the on-going anti-American resistance by demonstrating that the casus belli of the resistance does not exist anymore. Yet President Bush was careful to say that the hostilities were not yet over. Russian *Izvestia*, British *Financial Times* and Senator Jay Rockefeller made the similar point. The war of attrition being waged was not to restore Saddam Hussein to power, though few diehard Bathists may have been fighting for him, but because the great majority of Iraqis consider the coalition forces as representing American occupation of Iraq.

Saddam Hussein's crimes were monstrous. Depravity reigned during his rule. Discovery of mass graves testify to many Srebrenica-style killings. Hundreds of thousands of people were tortured and/or murdered during his rule. Though Iraqi War Crimes Tribunal is reported to have been fashioned after the International Criminal Court suggestions have been made that he may be tried by an international tribunal at La Mlosevic or by the Iraqis on Iraqi soil or by an Iraqi tribunal assisted by internationally reputed jurists. Such assistance, if taken, would not reflect lack of confidence in the Iraqi judicial process but would assure the world at large that the entire trial has been open, public and transparent. Besides, since Saddam Hussein was captured by the Americans who for better or worse are now

occupying Iraq, Bush administration can not escape its responsibility in the process of final solution (not in Hitlerian sense) of the Saddam problem. Additionally the British are against capital punishment whereas President Bush would not be averse to see him hanged.

Given the monstrosity of his crimes which affected majority Shiites, minority Kurds, marsh Arabs and host of other people, Iraqis reared in tribal culture may be disposed towards dispensing quick justice to Saddam Hussein. A potential conflict is palpable in this case, a clash of civilisations between Western liberal judicial ethics and time worn harsh and quick tribal justice to which Iraqis, notwithstanding the barbaric aberrations of Saddam regime, have been accustomed to. It would be fallacious to

Recent comments by Donald Rumsfeld that interrogation of Saddam Hussein by CIA may even take years give rise to several questions. How long will the Bush administration take to hand over Saddam Hussein to the Iraqis or to an international tribunal for trial? If his transfer to the judicial authorities is contingent upon the US authorities' satisfaction of the information elicited from Saddam Hussein then the timing of his trial becomes uncertain, more so as Saddam Hussein is reported to be in an uncooperative mood by his interrogators. Another question that may be asked is about his status. Is he being regarded by his captors as a prisoner of war under the Geneva Convention or as an illegal combatant leading an anti-American insurgency? Third, Geneva Convention provides that prisoners must at all times be

most importantly a virulent opponent of Israeli aggression in the Middle East.

Insurgency against American occupation of Iraq has not abated after the capture of Saddam Hussein. Already questions are being raised whether Saddam Hussein was personally directing the resistance given the fact that his last hideout was not equipped to be a command and control centre. It is possible some Bathist elements were waging the war in his name or that the insurgents have become disoriented yet lethal like the Al-Qaida has become a protean enemy. Besides, not all insurgency was being carried out by Saddam loyalists. US intelligence believes that some of the insurgents are Iraqi nationalists fighting American occupation while some others are foreign terrorists who have joined hands in this anti-American

tribalism. Arab population may now demand greater degree of accountability from their rulers. Women in particular are likely to demand a say in the governance of the country. A research into present Saudi society, for example, revealed that 40 per cent of wealth in Saudi Arabia is in the hands of women. Women account for 53 per cent of the university graduates and 35 per cent of government employees. Women also hold 70 per cent of bank accounts.

One should not, however, underestimate the power of the conservative elements in the Middle East who are unlikely to give way to Western liberalism without a fight as there is an inverse relationship between expansion of liberal values and the power wielded by the conservatives. Late last year Egyptian Foreign Minister Ahmed Maher expressed his worry

dilemma: not to punish Saddam Hussein would be unthinkable; awarding death penalty may make him a martyr in the eyes of many Muslims; any trial flawed by international standard and not conducted strictly according to international law will not be acceptable to the people in the West who are being asked to foot the bill for Iraqi reconstruction; any trial solely by the Iranians, the primary victims of Saddam Hussein's dance of death, is likely to be biased against the accused who will most certainly be awarded death sentence.

Arabs, indeed the entire developing world have a keen sense of history. Often they are reminded of Samuel Huntington's words: "The West won the world not by superiority of its ideas or values or religion but rather by its superiority in applying organised violence. Westerners often forget this fact, non-Westerners never do". Bush administration would be well advised to consult apart from its allies, the Arabs and the Muslim world in order to gauge the possible effects of maltreating a fallen icon (to some) who may try to exact vengeance for his ignominious end. Besides, as already stated, passage from tribalism to democracy in the Middle East may not be easy where the role of an absolute ruler supersedes the role of political institutions and US attempt to impose a yet "alien" system may be viewed by local population as neo-imperialism. These are early days to make forecast about a post-Saddam Iraq; continuance or cessation of insurgency; length of US occupation and its effect on neighbouring Arab states; and effect of Saddam Hussein's final departure from the global scene. That his capture has been a turning point for Iraq is to state the obvious. What remains to be seen is whether Robert Kagan's proposed division of labour of the US "making the dinner" and the Europeans "doing the dishes" (extending the parable to the Middle East), or Samuel Huntington's thesis on Clash of Civilisations would prove to be right.

Kazi Anwarul Masud is a former Secretary and Ambassador.

**Here the West is caught in the horns of a dilemma: not to punish Saddam Hussein would be unthinkable; awarding death penalty may make him a martyr in the eyes of many Muslims; any trial flawed by international standard and not conducted strictly according to international law will not be acceptable to the people in the West who are being asked to foot the bill for Iraqi reconstruction; any trial solely by the Iranians, the primary victims of Saddam Hussein's dance of death, is likely to be biased against the accused who will most certainly be awarded death sentence.**

argue that the West and the East share the same values. Developing countries have a higher threshold of tolerance regarding kleptocracy of their rulers, whimsical judgement rendered by the powerful, denial of justice to the poor, enslavement by poverty, gluttony of the rich, and deprivation of the poor. Continuously widening poor-rich divide in developing countries is a fact of life. Scarred by these irreparable blemishes, a developing country like Iraq may find it difficult to hold a trial "above any suspicion that it merely is an exercise in retribution and propaganda" (NYT 15, 12, 2003). UNSG Kofi Annan noting that the former Iraqi leader has been accused of heinous crimes including gross and systematic violations of human rights and international humanitarian law called for his open trial in properly established courts of law which would respect basic international standards and norms including respect for international humanitarian law.

protected, particularly against acts of violence and intimidation and insults and public curiosity. But Rumsfeld's comments on the graphic video taped pictures of Saddam Hussein's medical examination and other pictures after his capture telecast through the world, explained as necessary to assure Iraqis of his capture and to desist them from resistance for greater good of the people, do not hold out much hope that Bush administration would be much bothered with the niceties of the provisions of law. An illegal combatant, however, is not guaranteed protection under the Geneva Convention.

Now that neither connection with Al-Qaida nor possession of WMD has been conclusively proved against Saddam Hussein the only rationale for the Iraq war now boils down to "regime change"; ousting of a dictator who waged a long war against Iran (with American help); a short lived occupation of Kuwait (which resulted in the first Gulf War); and perhaps

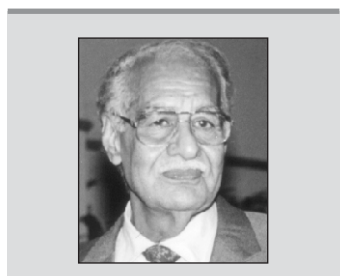
war. If the group consisting of Iraqi nationalists prove to be the larger component than Saddam loyalists then anti-American insurgency is likely to increase in the coming days because those who had no interest in the restoration of Saddam Hussein to power will now join the ranks in anti-American struggle. Results of such resistance are, however, foreordained. Unless body bag's number is unacceptably high to the American people, particularly in an election year, then the Iraqis' fight against the American war machine would prove to be Quixotic.

The way Saddam Hussein's detention and trial are handled can be of immense importance to the Muslim world, particularly to the Arabs. Arab world in general in varying degrees has traditionally suffered from "democracy deficit", tolerated by the US for oil supply and facilities for military bases, may now have to embrace certain facets of modernity which has a fundamental contradiction with

that in the current situation the US resolve to reform education in the region and teach Muslims about democracy might play into the hands of the radicals. Equally some western analysts worry that the circumstances that made Iran ripe for revolution may exist in Saudi Arabia today such as an economy heavily dependant on oil revenue, problematic demographic growth, disparate income distribution, non-representative government etc. Although Al-Saud dynasty is secure increasingly the Saudis, in particular the younger generation, are getting increasingly critical of the US' mono-centric policy on Palestine issue.

Unfair treatment of Saddam Hussein, regardless of the monstrosity of his rule, by Western powers could add fuel to the fire. Muslim discontent would not be from love for Saddam Hussein but what can be perceived as persecution of a Muslim icon by Judeo-Christian communities. Here the West is caught in the horns of a

## A region without borders



KULDEEP NAYAR  
writes from New Delhi

DOOM appears to stalk the footsteps of India and Pakistan. Whenever they journey towards peace, some incident is engineered to scare them not to go further. It is as if the confrontationist elements are determined to scotch even a limited settlement. Things have begun to look up. For the first time, democratic New Delhi has condemned the attack on President General Pervez Musharraf, who is also the Chief of the Army Staff. The two countries have more or less restored the status quo ante -- what was prevailing before the attack on India's Parliament House on December 13 two years ago. There are indications that more steps are in the offing for a closer understanding. Both have agreed to connect by bus the portions of Kashmir under their control.

In the face of improving relations, the attempt on the life of Musharraf is not difficult to comprehend. True, the Al-Qaida has felt left down because it has seen the Musharraf government changing sides on Afghanistan which the Taliban want back. But lately they are not too unhappy after the secret support they are getting despite Washington's harsh words to Islamabad. They could not have

gone to the extent of eliminating Musharraf. The blast, a minute after Musharraf's motorcade passed, is the handwork of such powerful forces that are opposed to the conciliation between New Delhi and Islamabad. They seem determined to sabotage the talks between Vajpayee and Musharraf even before the date is finalised.

Who are they? They may be the Pakistani Islamist militant groups or the disgruntled elements in different agencies, including the

efforts towards sorting out things.

This recognition must have irritated the anti-conciliation lobby. Some positive speeches made at a seminar in New Delhi a few days ago would have only unnerved it. Vajpayee outlined the contours of tomorrow's South Asia, with "open borders and even a single currency."

Conscious of the mischief the anti-India forces could create, Vajpayee said in the same speech

# BETWEEN THE LINES

**The region has been so riven with religious, social and economic differences that it has to rise above them to make the common man's life meaningful and secure. You may be anything -- Indian, Pakistani, Bangladeshi, Sri Lankan or Nepalese. You may be Hindu, Muslim, Christian or Buddhist. These are your own beliefs and they must be respected. But you have to imbibe a South Asian temperament and outlook.**

ISI and the army. Even some religious parties cannot be ruled out because they want to entrench themselves after they have come to occupy space in the absence of free political activity. They have their own agenda which does not tally with that of the forces wanting to move closer to India.

What has really upset the anti-India elements is the growing strength of people-to-people contacts. Road, air and other links are not just accidental. They are the result of relentless pressure by teams of parliamentarians, businessmen, artists, journalists and others. Even the two governments which want more and more links at popular level have acknowledged their contribution. In a way, the role of the people is seen integral to

as we develop greater economic stakes in each other, we can put aside distrust and dispel unwarranted suspicion."

It was a welcome development that Pakistan's Foreign Office reacted favourably. It did not take the suggestion as something amiss. Quite rightly, it pointed out how difficult was the path and how it "demanded hard work, firm resolve and sincerity." Nobody doubts that. What it means is that both New Delhi and Islamabad have to patiently and persistently find a solution to the problems confronting them. The dream of South Asia is dependent on how soon they shed their suspicion and distrust.

If South Asia is to become a reality, New Delhi should be willing

to make concessions unilaterally. It is bigger in size and larger in resources. Other countries in the region -- Pakistan, Bangladesh, Sri Lanka and Nepal -- are developing economies compared to India which is a developed country. Until they have a feeling of equality, they will not be forthcoming in cooperation -- whether in trade, travel or economy. European Union (EU) is an example. Both France and Germany, the two big economies in EU, had to bear greater burden so that smaller countries could feel

Shimla Agreement more than 30 years ago that the two sides would meet subsequently to take up the question of "a final settlement on Jammu and Kashmir" for durable peace and normalisation.

It has taken a long time for Pakistan to appreciate India's difficulties. Nawaz Sharif admitted before Inder Gujral at the Prime Ministers' summit in Male: "We cannot get Kashmir for you forcibly and you cannot give it to us on a platter." That was the reason why Sharif and

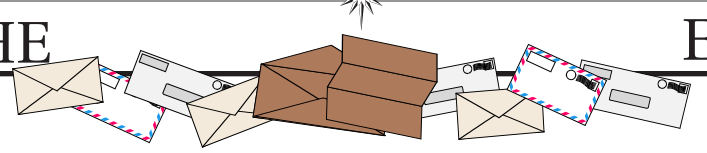
and the authorities checking their credentials all the time. Travelling freely, Benazir said, meant doing away with borders. This is true of the countries in EU. They have joined hands for economic development. Naturally, visas have to go first. From the meetings of industrialists and businessmen in the region I have attended, one thing that comes out loud and clear is that they want to work in tandem to develop and benefit. But all eyes are fixed on India.

South Asian Economic Union -- I shall include Afghanistan and Myanmar in it -- does not undo Pakistan, Bangladesh, Sri Lanka or Nepal. It strengthens their economy. After some time they themselves will come to develop a vested interest in the entire region. The subcontinent can find its own destiny according to its own genius if left alone. Together the countries can work for the welfare of all South Asians. But fanatics and extremists must be dealt with severely because they are pushing people in the wrong direction.

The region has been so riven with religious, social and economic differences that it has to rise above them to make the common man's life meaningful and secure. You may be anything -- Indian, Pakistani, Bangladeshi, Sri Lankan or Nepalese. You may be Hindu, Muslim, Christian or Buddhist. These are your own beliefs and they must be respected. But you have to imbibe a South Asian temperament and outlook. All dissensions and quarrels over territories -- be it Kashmir or northern Sri Lanka -- will dissolve in the togetherness of South Asian entity.

Kuldeep Nayar is an eminent Indian columnist.

# TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR



Letters will only be considered if they carry the writer's full name, address and telephone number (if any). The identity of the writers will be protected. Letters must be limited to 300 words. All letters will be subject to editing.

### Got him

Writers of the Pentagon had the role of filming a man demolisned, having lost his freedom, so that the evidence of its forfeiture is universally known. Yes, I am talking about Saddam Hussein. Saddam was not hidden in a fantastic underground city, in the midst of stockpiles of weapons of massive destruction and his treasures, but in a precarious burrow, with American tickets as old papers. This sequence was all the more cruel as Saddam looked more like a vagrant than a head of war and his hole did not look like a HQ of resistance. But, even after three wars, Saddam confirmed that he was not the suicidal kind. This time he preferred the humiliation of the American commercial, while waiting for the platform of its lawsuit. It may be the fact or may be fabricated by the American warfare psycholo-

gists. The fall of tyrants is never a neutral act nor indifferent. It is always a moment when the happiness of the history is tested collectively. Saddam in freedom, several months after the fall of the dictatorship, symbolised the American impotence to rejoin the complicity of the Iraqis. Even if the skin of Saddam Hussein were not explicitly one of the American goals of war, even if resistance continues at the same rate/rhythm, his capture constitutes a turning point of the war and post-war period. Actually, it's a psychological turning and a political turning too. Americans did not gain peace, far from it, they gained an undeniable victory in Iraq, which Mr Bush needed to contest the next presidential election. International diplomacy took a sharp turn immediately. The war could not be justified by the waving of a magic wand, but the

page of the intractable weapons of massive destruction was abruptly turned: the Saddam mortgage being raised, it may not be possible now anymore to put pressure on Bush for the American failure in Iraq. From now on, even the opponents like the EU leaders would like to take their share in rebuilding Iraq and restoration of sovereignty. The psychological impact of capturing Saddam could be great.

**Sirajul Islam**  
Social sciences researcher and consultant  
Pisciculture Housing Society, Shyamoli, Dhaka

### Reverie of Vajpayee

PM of India AB Vajpayee day-dreams nowadays. In a peace conference sponsored by The Hindustan Times in New Delhi, he delivered an ambitious speech. He

dreams of a single currency in South Asia. He wants to imitate EU. His brainchild apparently sounds impossible and it may be a pipe dream. SAPTA and SAFTA are in limbo. Only FTA is present between India and Sri Lanka and SAARC is moribund due to conflict between India and Pakistan.

Diplomatic ties fluctuate and political scenario is volatile in South Asia. Political landscape should be stabilised and functions of SAARC should be boosted for the welfare of South Asia. I hope South Asia will be a carbon copy of EU in future.

**Molla Mohammad Shaheen**  
Dept of English, Dhaka University

### Keep up the good work

Let me congratulate you on your valuable editorials which I read with all seriousness and delight.

Please keep it up and be bolder when you feel that it is necessary to admonish any organisation which acts against the interest of the country.

Ours is not a poor country in resources, it does not have to be oil rich to be rich. We have fertile lands, huge human resource, have plenty of water and plenty of rain every year (we need not be dependant on others for food and water). What we lack is our unflinching sense of love for our country and its independence, whatever we say every year in the month of December. Let us look forward as we cannot change the bygone. Let us march forward and in this respect, it is the media which may mould positive thinking and positive strength among the people to march forward.

Funny, that a foreign Ambassador, speaking as chief guest at a

meeting in Dhaka, had to point out that that we do not know what resources we have.

Looking forward to your bold and positive writings dedicated only, repeat only, to the best interest of the country -- for the welfare of all the sons of the soil -- Muslims, Hindus, Christians and Buddhists -- who live within this country, Bangladesh.

**P G Muhammad**  
Dubai

### Alternative power sources

Having come across reports of recent squabble between the DCC and the ministry of environment over "waste-to-power projects", one is reminded of the usual bickering in our government. Every department and ministry is keen on having a capital based imple-

mentation programme for reasons we all can understand -- the direct or indirect benefits for the fortunate few. I wonder why the power ministry is not involved, as they should be the concerned organisation for all power generation projects.

In this connection the undersigned had an informal and interesting discussion with our state minister of power at a private occasion. I believe that the minister may, in the interest of short term solution of power shortage in urban areas, particularly during maximum demand periods in the evenings, look into the following potential sources of power generation at comparatively lower cost options.

a) Utilising potential power available from existing stand-by generators and UPS sources at large public utility buildings to

start with.

b) Power generating from municipal waste.

c) Power generating from gas transmission pressure reducing stations.

All these options involve relatively smaller capital investment and comparatively lower operating costs, particularly the last one. There is no need for any fuel to be burnt. The process is based on converting available pressure energy to power through expansion turbines or expansion engines. All these are known and practised technologies in many countries. It is high time that we explore and utilise these advantageous options without further delay in the overall interest of Bangladesh.

**SA Mansoor**  
Gulshan, Dhaka