

## Hospitals without drugs

*It sounds incredible, and inhuman too*

THE news that more than 4,000 hospitals in the country have been running without medicine for the last six months is extremely disturbing, to say the least. A technical hitch in floating tenders for medicines is reported to be the reason behind the crisis.

We are also told that remedial measures are well under way as the parliamentary standing committee on the health ministry is now looking into the matter. The ministry has been asked to ensure supply of medicines to the hospitals concerned.

The committee has decided to address a problem that should not have been allowed to linger on for long six months, in the first place. Patients seeking treatment in those hospitals usually belong to poorer sections of society who cannot always procure medicines on their own. And why should they? After all, the public sector hospitals are there to meet people's requirements.

The possibility of the medicine supply system collapsing cannot be ruled out, particularly because we do not yet have a very organised and efficient procurement and distribution network. That said, that a technical hitch has been allowed to create such a crisis sounds like total lack of sensitivity to a public cause.

The World Bank has been blamed for the hitch. We do not yet know how far that is true, but nothing can alter the plain truth that the health planners failed miserably to handle a matter that had such great bearing on public health. It's a failure that cannot be covered up, even when a highly plausible theory explaining its cause is available.

The planners have clearly failed to attach due importance to the issue. Else, they would have looked for other ways of resolving the crisis. That they have been waiting for things to take shape on their own is self-explanatory, though not acceptable.

We hope the men at the helm would realise that public health has been given a raw deal and the only option open to them is to restore supply of medicines to the hospitals immediately. Technical hitches and bureaucratic tangles are not the best of excuses when supply of medicines is stopped.

## Security agencies to check hoarders

*Positive move but should not be misused*

THE government's move to engage various intelligence agencies in order to contain price hike of essential commodities by the hoarders is undoubtedly a good and timely one. We welcome any such initiative that would protect the rights of the consumers. But at the same time, we would also like to be cautious about the effect of such a step. In the past, we have seen that the hoarders play a major role in manipulating the prices, piling up stock in the godowns. The relevant law categorically says that artificially raising prices of goods is a criminal offence punishable by prison sentence. We hope the power vested on the intelligence agencies to keep an eye on the hoarders will bring positive results.

Usually prices of commodities rise around or just before a special event or festival. The recent example being the abnormal price hike during last Ramadan. Sometimes hoarder try to put the blame on natural calamities, extortion on the highways, disparity in demand and supply etc. But it's been proven that those have very little to do with reality. A group of unscrupulous traders simply take advantage of the lack of regulation on the market. This got to be prevented. The authority must take precautionary measures before situation gets out of control.

However we had seen that the commerce ministry did make some initial suggestions to control the price hike of onions during the Ramadan crisis. But apparently the finance ministry's non-response precipitated the crisis. We don't want a repeat of that. There is only one government and it must get all its various ministries to act in harmony. What was encouraging, though, to learn from the Commerce Minister that the draft of the proposed Consumer Protection Act has been completed and it would be placed before the cabinet soon. Now the consumers of Bangladesh can hope to assert their rights.

## Harking back to dark age?



M ABDUL HAFIZ

THE free-fall we continue to experience -- whether in governance, economy, nation building or in routine maintenance of an internal order --, they all suggest that we are yet to hit the bottom of the abyss. Just how many more notches are we to go down for that and whether the final descent has indeed started are now the questions. While the establishment is dismissive of any such doomsday scenario the evidences abound that the nose-diving has already commenced. For the polity and society are retreating faster than they might have moved forward in the past. For the first time we seem to be harking back to dark age.

Notwithstanding a precipitation in our moral standard, rapid erosion

of our values and criminalisation of our society the semblance of an order still remained. The rule of the law of sorts was operative. The crimes continued to be committed. But then complaints were lodged with the law enforcing agencies, the courts functioned and the justices were dispensed even if they could

There was indeed a jungle law in the jungles where a mob justice was resorted to with the law enforcing agencies playing an ambivalent role. On one hand they decried one taking law in his own hand; on the other they aided the mob in awarding the bandit summary punishment.

people taking it in their hand is nothing new in this country when a double standard of law, its discriminate application and the dubious role of the law enforcing agencies made law a suspect in the eye of the public who out of desperation often took law in their own hand. In the process the

focus this is unthinkable, yet the elements pulling the society backward could gather courage to enact it in Bangladesh, the country known for its moderate image. That is where is the anxiety.

In the meantime the custodial deaths are on the rise. There have been as many 50 custodial deaths

the custodians has come under heavy criticisms. The reaction to the death of Sumon has exploded in the street. Both the deaths in custody and public reaction to them are building up a situation which is in no way desirable. It is only deflecting us from the main issues facing the nation.

Besides, the methods used in crimes are not only brutal, they are reminiscent of cruelties perpetrated in primitive society like hacking one to death, cutting one's jugular veins, dismembering the body of the victim or killing after raping. All these syndromes point to perversion and an aberration bordering on insanity. Bangladesh came into being to rid our people of a reactionary trend as well as obscurantism that were gripped with. It is an irony that after more than three decades of mixed experience we are thrown back to a dark age milieu we always dreaded. The reactionary politics, repression and chicanery were what we fought against only to witness them after their resurgence. Indeed the history is repeating in full fury with the reappearance of all that we discarded.

By (retired) Hafiz is former DG of BISS.

## PERSPECTIVES

**It is an irony that after more than three decades of mixed experience we are thrown back to a dark age milieu we always dreaded. The reactionary politics, repression and chicanery were what we fought against only to witness them after their resurgence. Indeed the history is repeating in full fury with the reappearance of all that we discarded.**

have been flawed. Our conscience and value system remained unassailable. The rampart of those tenets of a civilized society is now under assault. There is a mockery of law with people increasingly taking it in their hand. In an ominous development in the wilderness of the 'chairs' of Noakhali as many as 31 forest bandits were lynched to death.

Can human lives be dispensable that way in a civilized society -- let alone the question of bestiality involved in the macabre killings?

The bandits could have committed crimes, but they deserved to be brought under fair trial. Each one of them was innocent until proved guilty. Yet they were meted with a brutality not acceptable in any society under rule of law. The precedent set in the remote 'chairs' of Noakhali can level up to anarchy of unpredictable dimension and intensity. The carnage could take place when rule of jungle prevailed in primitive society.

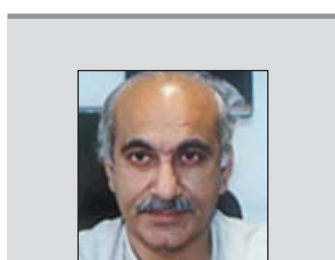
The flouting of law and the

innocents also were victimised because many used it as a cover to settle old score. However, the scale and intensity of the trend are indeed alarming pushing us all in a medieval mould.

In another grim development an entire family of 11 including women and children was burnt to death in Banskhal. It is a chilling reminder of medieval age where the feudal despots perpetrated such cruelties with impunity. Though in today's enlightenment, human rights alacrity and media

in last two months, as reported in the press. Every human life is accountable. It is not clear how the authority will account for, these deaths. There were custodial deaths also during Operation Clean Heart which drew flak from Amnesty International. Yet such mysterious deaths are steadily rising. Also thickening are the mystery around such deaths. In case of the death of Amar Das, a vital clue to the abduction of businessman politician Jamaluddin Chowdhury, the role of

## Option deleted



M.J. AKBAR

SADDAM Hussein succeeded when he survived. The safest place, and certainly one more comfortable than a "rat-hole", for Saddam Hussein after his defeat is a prison. A grave might have been safe, but not as comfortable. On the other hand, George Bush and Tony Blair might have been far comfortable if Saddam was in a grave instead of in their custody.

As reports of early interrogation indicate, Saddam was reduced to a hunted, dishevelled and lonely existence. The idea that he was in some kind of alternative headquarters, commanding a fine-tuned resistance is a myth put out partly to explain the high casualties that Americans have suffered ever since George Bush thought his mission had been accomplished with the fall of Saddam's statue on 9 April. The Iraqi fidiyean is a shadow army of the kind that has existed in other struggles against actual or perceived colonialism. It is a network of cells held together by conviction. Those who commit their lives in suicide missions do so for motives more substantial than Saddam Hussein.

Although Saddam Hussein was picked up on Saturday the 13th of December the story was missed by the Sunday papers because Washington held on to the news. The story was in fact broken by the official Iranian news agency, indicating, if nothing else, that Tehran knows as much about the neighbourhood as Baghdad. The Sunday Times, published from

London, did not have Saddam, but it had a pretty good alternative on the 14th: an interview with Saddam's second wife, Samira Shahbandar. The interview was done at a restaurant called La Cottage, in Ba'albeck, near Beirut. Samira provided some interesting details. Saddam visited her on 9 April, when he broke down while claiming that he had been betrayed. She last saw him at the Syrian border, when he said his farewells, and gave her a briefcase with \$5 million in cash and 10 kg of

certainly have been tapped, and by more than just the CIA. Every European power would have a vested interest in every scrap of information. This is inference, of course, not fact; but the CIA would have to be incompetent if it could not locate the precise whereabouts of Saddam Hussein through those telephone conversations with Samira. The question, after that, would be what to do with Saddam. It would make eminent sense to keep him under surveillance in order to trace through him all those

prisoner of war, Saddam can only be vilified, not arbitrarily eliminated. He is safe not only from American troops, but also from the thousands of Iraqis, particularly Shias, who have reasons for personal revenge. Some Washington voices are already hoping that he might be killed in prison by someone thirsting for personal revenge, but that would be an amateurish play. Saddam is not a conventional prisoner in an open, light-security rehabilitation centre.

circumstance. It would be dangerous for the Americans to permit one image to morph into the other.

Saddam will have enough opportunity to reposition himself during his trial, whenever that starts. Some very good legal minds will enjoy the opportunity of defending him, with fame as sufficient reward for their efforts. He is sharp enough to know how to handle his own space in the limelight. Saddam was forced to communicate with the world

Peoria, not after Howard Dean has made full use of it in a one-to-one debate with George Bush.

But the most important consequence of Saddam's capture is the shift in the political chessboard of Iraq. The Shias, so far, have been quiet, almost neutral, in the conflict between the Americans and the resistance, waiting for the antagonists of the first round to exhaust each other. They hated Saddam. The televised scenes of joy in Baghdad that were shown on Saddam's arrest did not mention that most of those rejoicing were Shias. That did not mean that they were celebrating the American presence.

George Bush has said that America wants to hand over power to Iraqis by 1 June and go home. Saddam Hussein's arrest should make this process easier, because he is definitely out of play. But which Iraqis will inherit and how will their legitimacy be defined? If the means is going to be popular will then the ends might suit Tehran better than Washington. Such an evolution could become troublesome in an election year. If the Americans stay, the body bags will mount; if they leave, the chant from Baghdad's streets will leave the American voter wondering what precisely George Bush achieved in Iraq.

The thought refuses to go away: has Saddam Hussein been caught too soon for Bush's electoral comfort? Has the applause come too early? The capture of Saddam next August or September would have given the defining bounce in opinion polls, without ebb-time.

There is another high-profile fugitive on the White House's wish list. Perhaps a quiet word to Kabul and Islamabad should be passed on is that the best time to get lucky is the middle of next year. George Bush once said, Texas-style, that he wanted Osama dead or alive. Would he now prefer to delete one of those options?

MJ Akbar is Chief Editor of the Asian Age.

## BYLINE

**The thought refuses to go away: has Saddam Hussein been caught too soon for Bush's electoral comfort? Has the applause come too early? The capture of Saddam next August or September would have given the defining bounce in opinion polls, without ebb-time. There is another high-profile fugitive on the White House's wish list. Perhaps a quiet word to Kabul and Islamabad should be passed on is that the best time to get lucky is the middle of next year.**

gold bars before she went across with her son, Ali. (She has got permission to live in France and is headed for Paris in January.) But the most significant revelation was elsewhere. Saddam, she said, was in regular touch with her, and either called her or wrote to her at least once a week.

The most elementary fact about modern telecommunications is that the location of any call can be traced. Samira did not reach Lebanon on a flying carpet. She was helped by Syrian and Lebanese intelligence agencies; so they knew where she was. The best intelligence in the Arab region is with the Egyptians; it is highly unlikely that they were unaware of Samira's whereabouts. It would be equally unlikely that CIA would not have sought such information, and got it as well. Samira's alias would not have fooled the junior-most operator. If the Sunday Times could locate Samira, surely it was not beyond the CIA's abilities to do so. It is common sense that the surest way to Saddam would be through his family, if he kept in touch with them. Her telephone would

who were in touch with him. This would be vital intelligence if Saddam did in fact control a network of fidiyean who were leading the deadly resistance against the American occupation.

The manner in which Saddam was picked up by a detachment of 600 troops indicates that those who gave the order for the mission knew exactly who the target was, and where the target was located. The decision to arrest Saddam was taken when his use as a trapped prisoner was over; and his use as a "coward" who did not have the decency to die fighting could begin. The decision might, of course, have also been prompted by fears that someone else in the know (Mossad? the Iranian intelligence agency?) was ready to leak the story.

Saddam could not have expected to survive capture, particularly after the way his sons, Uday and Qusay, were gunned down in July. At the very least he must have expected the Americans to treat him in the way he treated his own enemies. The security of a cell must seem like a miracle. As a

Nor can Saddam Hussein be sent to Guantanamo Bay. He is going to be the world's most famous prisoner as long as he lives, and he will now live longer than he might have expected on 9 April. He will be tried in Iraq; that is non-negotiable. His trial will be the biggest story of the coming year -- assuming it does begin next year. It will be covered in ways that may not entirely fit Tony Blair's vision of the future of the Muslim world. Most Arabic television channels will not be reporting the trial of Saddam the tyrant, but of Saddam the symbol of anti-Americanism. Saddam was not much of a fox during his eight months in the desert, but he could become one during the years ahead in prison.

Saddam in power was a tyrant; Saddam in jail will be a victim. The Americans did themselves little good by putting out pictures of Saddam's teeth being tested. Any suggestion of humiliation always invites sympathy, particularly on the Arab street. As we have learnt from other instances of history, the difference between tyrant and hero can sometimes be just a matter of

through amateurish audio or video tapes sent to media. He is an author of sorts, having inflicted bad fiction on Iraqis when in power. He could turn to non-fiction during the long hours of isolation.

The trial will be a formal opportunity for him to tell his side of the story, something that we have been denied. The great mystery of the weapons-of-mass-destruction could finally end, since there is no scientist now in Iraq who need fear Saddam's return to power. Saddam himself will doubtless say, if given a chance, that what he had was exhausted after the end of the first Gulf war. He will of course happily provide the names of the American and European companies who helped to equip him with such weapons during the days when it was intended for the Iraqis. There are other questions. Was there, for instance, a last-minute deal offered through a Lebanese businessman that could have averted war? We do not know what went on in the shadows, but it is a safe guess that some of the revelations might not play very well in an election year in

## Independent public prosecution service

M HAFIZUDDIN KHAN

IN a workshop on "Strengthening of the Criminal Justice System" held on December 19 our Minister for Law, Justice and Parliamentary Affairs, admitting the pitfalls of the present practice of appointment of Prosecutors, has proposed the formation of an independent public prosecution service. This is not the first time that he has floated this idea. We have heard him propagating the idea for quite a long period of time.

While he deserves commendation for making this proposal the country would like to know from him whether his ministry has taken any step towards establishing an independent public prosecution service or what deters him from implementing the idea. It is the function of his Ministry to constitute the service in question, his ministry has to initiate the process and hence he cannot find out any scapegoat for not doing it. In this connection we may request him to refer to the Legal Remembrancer's Manual, 1960, Clause 17 prescribing the procedures for appointment of Public Prosecutor? As far as we know the procedures contained in that clause and quoted below are still valid mutatis mutandis, but it is highly doubtful whether these procedures are at all adhered to while selecting and appointing Public Prosecutors:

17. Appointment of the Public Prosecutor

(i). Whenever the office of the Public Prosecutor becomes permanently vacant, the District Magistrate in consul-

tation with the Session Judge, shall inform the Legal Remembrancer whether sufficient suitable candidates are available locally or whether application of candidates from outside the district should also be called for.

(ii). If the Legal Remembrancer decides that no suitable candidate is available locally, he may, in consultation with the District Magistrate, recommend to the Governor to fill the vacancy by transferring any other public prosecutor who is willing to accept the post.

(iii). If the vacancy is not filled by transfer, the District Magistrate shall be asked to advertise the vacancy, either generally or locally as the case may be.

(iv). When the vacancy is advertised generally all applications shall be submitted to the District Magistrate of the district in which the applicant usually practises who shall forward them to the District Magistrate of the district where the vacancy occurs with his recommendations after consultation with the District Judge as to the fitness of the applicant for the post. Applications from the candidates practising on the appellate side of the High Court shall be submitted to the Deputy Superintendent and Remembrancer of the Legal Affairs, East Pakistan. All such applications shall be forwarded to the Magistrate of the district when the vacancy occurs with the recommendations of the respective officers.

(v). All applications in respect of such advertisement shall be received by the District Magistrate, who shall forward them through the Commissioner to the

Legal Remembrancer together with the recommendation of himself and the Sessions Judge.

(vi). After the Legal Remembrancer has considered all the applications he shall forward a list showing in order of preference the names of four most suitable candidates with his recommendations to the Government in the Judicial Department by whom the appointment shall be made.

(vii). All appointments made after the appointed day shall be for a period of three years and may be renewed for further period if the incumbents are found fit and efficient.

(viii). Incumbents will receive their letters of appointment through the Legal Remembrancer.

(ix). No person shall be deemed to be qualified for appointment as a Public Prosecutor until he has practised for five years as a pleader, advocate or a barrister. If the Law Ministry finds it difficult to introduce an Independent Public Prosecution Service as envisaged by the Law Minister himself what problem stands in the way of sticking to the existing procedure as prescribed by the Legal Remembrancer's Manual? A glance at the procedure will show that the existing system, if acted upon, will eliminate scope for political intervention to a great extent, which is now ruling such appointments as divulged, again, by the Law Minister, and ensure appointment of suitable candidates for these positions.

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## OPINION

## No more trading in deception

SHAMSHER CHOWDHURY

PROFESSOR Badruddoja now says he will not be floating a political party but would create a "platform". We have had enough of politicians by default. Nearly all of them step by step have pushed this country to ruin. For good or for worse we do not need any more of the same kind to join the ranks. Our problem is that we have totally lost our faith in our politicians and political activism. The deliberations made by Prof. Badruddoja over the past few weeks as covered by the media, if anything, have succeeded in creating further confusion amongst the people of the country. He occupied the most venerable seat of the Presidency of this country for a number of years. I am not a politician, hence, I would not know, but some say he was the key man in organising the Bangladesh Nationalist Party also. Some say he was a man of substance and a good president but the then government compelled him to "resign" rather unceremoniously and under questionable circumstances. I have good memories of Dr. Chowdhury as one of the ablest in the medical profession this country has ever known. The lapse of time since the day he left the coveted seat of the President and now coupled with the other controversies surrounding his son, an independent lawmaker, I believe that his sudden re-emergence in our political arena is driven by agenda all of which may not be in public interest.

No more trading in lies and deception. It took nearly ages for our

beloved opposition leader to sever links with a gangster and killer like Joyal Hazari and his goons. God alone knows how much time the ruling class will take in ridding itself of the religious fundamentalists who are slowly and surely creeping in and getting ready to eat into the vitals of our nation challenging its very foundation. The Kalashnikovs, small fire arms, the occasional murders here and there, every now and then, may one day come to a tolerable level and "stabilise", but this rising head of the serpent called religious fundamentalism must be crushed now. It is high time that the entire political hierarchy irrespective of their party affiliations must be united as one against this deadly scourge. Let no one use this as a tool for gaining political mileage over one another. Our leaders must shed off all personal jealousies and refrain from concentrating on the ways and means of being in the seat of power now or in the coming days, months or years, instead sincerely work towards containing any further rise of religious fundamentalism.

Needless to say that Bangladesh can ill afford a Bali style incident now or ever nor incidents of the kind which have become a regular feature involving the streets and the mosques in Karachi, Pakistan. Already the world's "godfather" is stretching his hands for providing intelligence services to help us arrest rising incidents of deteriorating law and order situations in the country. Of late I remain scared of his unsolicited love for us.

Irrespective of whatever I have said so far, I am also aware that given the

prevailing situation it is indeed a tall order. Yet we must make the beginning here and now. The civil society, the intellectuals, the professionals all must play their respective roles in real earnest without consideration for partisan interests and self-profiling. We must no longer have any hidden agenda rising above any form of temptation and rapprochement. I have always wondered if the fundamentalists, who are far lesser in number can work as a unified force why cant we! Surely we can, if we are able to rise above selfish interests. The fundamentalists also have an edge over other political parties, to the extent that they happen to be far more committed to their cause and certainly free from any material and moral corruption.

The nation's salvation today lies in working towards establishment and revitalising of key democratic institutions like the Judiciary, making it independent by separating it from the Executive, appointing the Ombudsman, revitalising and cleansing of the BAC, establishing an independent Human Rights Commission, ensuring the independence and working of a free and independent Election Commission so on and so forth. We do not need a "third force" or some revolutionary spirit to accomplish these tasks. All that is required is the motive and the good will on the part of the Government on one hand and an effective continued well-orchestrated political pressure brought about by the Opposition. How sad and unfortunate that even Pakistan whose political heritage we often tend to be

acutely critical about does have these democratic institutions in place. I know of my own knowledge Pakistan has a very strong and effective human rights commission which is routinely engaged in being extremely critical of General Musharraf's actions leading to human rights violations in that country.

In all this, both the electronic and the print media can play a very important role. I am afraid here both the government and the media have failed miserably. Government must stop intimidating the media particularly the print media while the media bosses must also refrain from indulging in partisan and yellow journalism. Any intelligent reader today can see that we now have two categories of newspapers, one which follows Awami League, the main opposition party and the other the ruling class. Here too I wish to cite the example of the Pakistani Media which operates in a much more freer environment and is comparatively more independent than many in the region. If the government has failed us in this regard so has the media bosses.

Concluding remarks: Our politicians whether of the ruling class or of the opposition must learn to behave and act in a more rational way. While the government must put an end to all its highhanded actions the opposition must also shun its path of indulgence in wily political maneuverings. The opposition must simply return to the Parliament and stop its so-called movement of toppling the government.