

BNP attack on the AL council

Does the BNP want an opposition-less democracy?

JUST the other day Prime Minister Khaleda Zia invited the opposition to work hand in hand with her party for the betterment of the country. And then day before yesterday her party men attacked AL workers and prevented the holding of the AL's triennial council meeting in Munshiganj district. The BNP's student wing timed a protest rally to coincide with the holding of the council which led to the violence leaving about 50 AL leaders and workers injured.

From the elaborate road blocks that were set up on the various routes around Munshiganj town and the meeting venue itself, it is clear that the main objective of the BNP men was to foil the holding of the AL district council. The AL central leaders were also prevented from reaching the meeting venue due to the barricades set up on their route from Dhaka.

Foiling opposition rallies or meetings is an old tradition in Bangladeshi politics. We recall how some notorious AL stalwarts tried to prevent the BNP chief's motorcade from reaching its destination by putting up barricade of abandoned trucks on the main roads. But that is precisely the type of politics we want to move away from.

What we find most disappointing and deplorable in the BNP politics of today is that they seem to have learnt nothing, absolutely nothing, from the politics of the past. In fact they have only repeated the most vicious aspects of old politics with more venom and violence.

Following the PM's offer of co-operation, the opposition leader Sheikh Hasina rejected it. We considered that rejection to be impetuous and ill thought out. But given what happened in Munshiganj we are forced to re-evaluate the sincerity of the PM's offer and feel less inclined to blame Sheikh Hasina for her stance.

Have we learnt nothing from the experience of politics of the last 13 years, following the restoration of democracy in December 1990? Haven't we seen over and over again that trying to suppress the opposition only weakens the government and not vice versa? How can the BNP forget the repression it suffered at the AL hands and how it grew in public support as a result? The same process is in operation now.

We have done it in the past and do so again -- vehemently condemn the nature of present day politics of fighting political opponents with violence and repression. The sad fact is that unless our political culture changes, little else can be expected to change.

Israel must also disarm

Is the US serious about ridding the Middle East of WMDs?

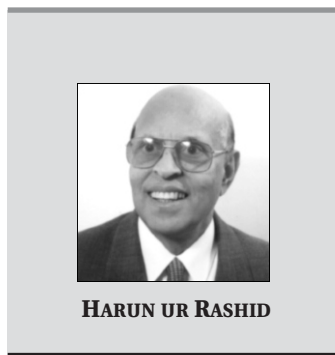
LIBYA'S decision to abandon its WMD programmes and to allow unconditional inspection of its weapons facilities comes as welcome news to those who would like to see peace and stability in the Middle East. But now that Arab governments in the region have begun abandoning their WMDs, the time has come for the US to put pressure on Israel to do the same.

Arab league Chief Amr Mussa points out that Libya's decision to disarm comes as "part of serious Arab efforts to make the Middle East a WMD-free zone" and now that Libya has pledged to disarm, we feel that it is only reasonable that Israel also ratify the Nuclear Non-Proliferation Treaty and pledge to eliminate its WMD programmes. Disarmament cannot be a one-way street. If the Arab states in the region are to disarm, then so should Israel.

Indeed, with its massive superiority over its neighbours in terms of conventional weaponry, Israel would have no need to continue harbouring WMDs in an otherwise WMD-free region. If Israel wishes for countries such as Syria to follow Libya's lead, then it, too, should be prepared to take similar steps itself. The Middle East is the world's most volatile region and if it were free of WMDs then that would be a great thing. But this will only happen if Israel agrees to eliminate its own WMD programmes.

This is a great opportunity for the US to show real global leadership. Let us see if its stated desire for a WMD-free Middle East is backed up by pressure on its closest ally to get with the programme. If the US truly wants to see a peaceful and stable Middle East, then it will put pressure on Israel to disarm. This will show the world that the US is committed to peace and stability in the region and serious about eliminating WMDs.

Trial of Saddam Hussein: Headache for Western powers



HARUN UR RASHID

AFTER the capture of Iraqi leader Saddam Hussein on 13th December, one issue that has dominated in recent days is: what type of tribunal will try Saddam Hussein? Much will depend first on the fundamental question as to whether the Bush administration considers him a prisoner of war or a terrorist.

It is reported that US Defence Secretary Rumsfeld has recently told the media that the Iraqi leader had not been as yet classified as a prisoner of war and the administration was waiting until it knew more about Saddam Hussein's role in the Iraqi insurgency since May.

If Saddam Hussein is held as a terrorist, he will be classified as an "enemy combatant" and his fate will be like that of other terrorist-captives who are now held in Guantanamo Bay in Cuba and in that case, the protection afforded in ordinary tribunals to an accused will not be available to the Iraqi leader and even an access to a lawyer could be denied to him.

His status will, however, change if he is declared as a prisoner of war because his rights will be governed in terms of the 1949 Geneva Convention Relating to Prisoners of War. The monitoring of compliance of provisions of the Convention is the responsibility of the Geneva-based International Committee of Red Cross (ICRC) and they will be involved and are good at it.

The question then will arise as to whether a national or an international tribunal will try Saddam Hussein. The bottom line is that trial of the Iraqi leader must not only be fair and impartial but also seem to be such by all people, both inside and outside Iraq. Justice dispensed by and under the occupying powers will be under strict scrutiny for its fairness and legitimacy.

Accountability of political leaders

In 1946, the judgment of the Nuremberg Tribunal established

the legal principle that individuals and not states were responsible for the international crimes. The Tribunal observed: "Crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced."

Following the Nuremberg judgment, the 1948 Genocide Convention was adopted by the UN. Furthermore the 1978 UN Resolution of the General Assembly makes crimes against humanity, genocide and war crimes punishable and all states are required to cooperate

escaped extradition to Spain because of poor mental and physical health. Former dictator of Yugoslavia Slobodan Milosevic is being tried in The Hague.

Three options for creation of tribunals

It seems that there are three options on the structure of tribunal to try Saddam Hussein.

A trial for Saddam Hussein must satisfy international law and recognised standards of competence and impartiality of judges. While he must be assured of a fair opportunity to defend at the tribunal, it

Britain's top representative in Iraq, Sir Jeremy Greenstock, reportedly said that his country would not participate in a tribunal or legal process that could lead to execution. Furthermore Spain and Italy which supported the US during the war do not support death penalty for the Iraqi leader. (Death penalty has been abolished within European Union).

With regard to the creation of proposed national tribunal, it has been argued in some Arab quarters that the US and Britain did not say that Serbs would try Milosevic in Belgrade, although the Serb government was democratically

could be the appropriate forum to try the Iraqi leader.

Trial may embarrass Western powers

The trial of Saddam Hussein will never be straightforward and it could become an embarrassment for the US, France, Britain, Germany and Russia that supplied weapons to his regime. During the trial, defence lawyer could raise the question as to why those who want to try him once supplied with weapons of mass destruction. The trial is likely to expose how the US supported Iraq in its war against

heads of state are "democratically" elected with 99 per cent of votes. There is a growing realisation in the Arab World that a friend can soon become a foe under a different strategic circumstance and the fate that has fallen to Saddam Hussein may also descend on them if they do not toe American line.

Double standard in putting leaders on trial

Another point that merits attention is that there should not be double standard in respect of trial of leaders. One should not pick and choose as to which leader is put on trial. Many former political leaders freely roam despite their blood on their hands." For instance, there appears to be a prima facie case for trial of former US Secretary of State Dr. Henry Kissinger for his direct involvement in the war in Indochina, mass murder in Bangladesh during the Liberation War, political assassinations in Chile, Cyprus and East Timor.

In April, 2002, a Spanish judge, Baltasar Garzon, who was responsible for the arrest of Pinochet in Britain told the Interpol authorities that he wanted to question Dr. Kissinger on allegations of gross abuse of human rights against him in Chile but he avoided such requests not only from Spain but also from France and Chile in the past year. Furthermore Christopher Hitchens wrote a book titled 'The Trial of Henry Kissinger' in 2001 (published by Verso Books in the US) in which he presented a devastating indictment of a man whose ambition and ruthlessness have directly resulted in both individual murders and widespread indiscriminate slaughter.

The double standard adopted by big powers brings to mind what ancient philosopher Anacharsis maintained that "laws are like cobwebs; strong enough to detain only the weak and too weak to hold the strong."

Conclusion

No one disagrees that the Iraqi leader should not be tried for the alleged atrocities committed over the years. However, the decision on the structure of the tribunal will be of fundamental importance to Iraq and international community. Holding of a trial will send a strong message to all political leaders across the world that they will not be able to evade accountability for their actions or decisions while they enjoy unfettered power.

Barrister Harun ur Rashid is a former Bangladesh Ambassador to the UN, Geneva.

BOTTOM LINE

The question will arise as to whether a national or an international tribunal will try Saddam Hussein. The bottom line is that trial of the Iraqi leader must not only be fair and impartial but also seem to be such by all people, both inside and outside Iraq. Justice dispensed by and under the occupying powers will be under strict scrutiny for its fairness and legitimacy.

with each other to bring guilty persons to justice.

At the beginning of the 21st century, the dominant motive in world affairs appears to be the quest -- almost a thirst -- for justice. The world is not ready to permit gross human rights abuses within a territory by an oppressive tyrant without accountability. There is a recognition that political leadership carries, concomitant with wielding power, an accountability for abusing it.

The Nuremberg legacy in turn inspired the establishment of UN Adhoc International Criminal Courts -- one in Arusha (Tanzania) in 1994 for Rwanda and the other in The Hague in 1993 for former Yugoslavia. Both the Courts have achieved successes by convicting and sentencing many persons found guilty for commission of crimes against humanity, genocide and war crimes.

The sovereign immunity of heads of state/government is no more a valid argument to escape trial if they have committed crimes against humanity, genocide and war crimes. In recent years, it can be said that on all fronts humanitarian law finally enjoys its day in the Sun. A few dictators could not escape from arrest and trial for their involvement in crimes under international law. For instance, former Chilean dictator Augusto Pinochet (83) was arrested in London in 1998 and was denied his immunity by the highest court in Britain (House of Lords). He

would be undesirable to become a forum for revenge.

First, a national tribunal may be created inside Iraq. In recent days the US-appointed Iraqi Governing Council proclaimed that a law had been enacted for establishment of a special tribunal to try Iraqi nationals who had committed crimes against humanity and war crimes during the Saddam Hussein regime from 1968-2003 inside or outside Iraq. The Council members want to put Saddam Hussein on trial before the special tribunal within months but the Bush administration appears not to be in a hurry to try him.

A national tribunal will probably have the power to impose death penalty, suspended now in Iraq by the Anglo-US occupied power. Governing Council President Abdul Aziz al-Hakim has warned that Saddam Hussein may be executed if convicted in an Iraqi tribunal.

On 17 December, President Bush reportedly backed death penalty in an interview with ABC in the TV. He said that "Let us just see what penalty he gets. But I think he ought to receive the ultimate penalty...for what he has done to his people." Some Arab journalists took the view that the President should not have expressed any opinion on Saddam Hussein's fate and it was wrong to prejudge the verdict.

The death penalty is also expected to become a divisive issue between the US and Britain as

elect, unlike the Iraqi Governing Council, Milosevic is being tried by an Adhoc International Criminal Court at The Hague. Likewise it is being argued that an Iraqi national tribunal is not an appropriate forum to try Saddam Hussein.

Second, there is also an external dimension to Saddam Hussein's alleged crimes. The Iraqi leader allegedly committed not only crimes against humanity and genocide against his people inside Iraq but also war crimes outside Iraq. There is a demand from Iran, Israel and Kuwait to try Saddam Hussein for war crimes. In the light of this situation, an international tribunal is being suggested for trial of Saddam Hussein as was done for the leaders of former Yugoslavia. Why should he be differently judged from the treatment of Milosevic? It is noted that the existing UN International Criminal Court (ICC) will not be of any use because it can only deal with crimes that have occurred since July 2002. Furthermore the US has been at odds with the establishment of the ICC and Iraq is not a party to the Rome Statute.

Third, a mixed criminal tribunal consisting of non-Iraqi and Iraqi judges may be constituted, similar to the tribunal recently established by the UN in Sierra Leone. Such tribunal is also proposed for Cambodia. The law applicable will be both Iraqi criminal law and international law. It appears that according to many legal experts, a mixed tribunal, based in Iraq,

Iran and stood mutedly by when Saddam Hussein used chemical weapons both against Iranian forces and against Kurdish people inside Iraq. Many legal experts say that the trial could eventually reflect badly on the US and some European countries including Britain.

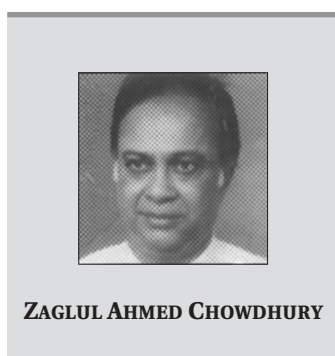
Although a French lawyer has reportedly offered his services and the leader's eldest daughter has said in Lebanon that her father would be strongly defended during the proposed trial, Saddam Hussein may not be willing to engage a lawyer and follow the strategy of former President of Yugoslavia Milosevic to defend himself.

In that scenario, Saddam Hussein will have opportunity to spend prolonged period in blasting anti-Western rhetoric, primarily for the ears of population of the Arab world. He may argue that his actions were supported by many Western leaders in the 80s and may likely to call as witnesses French President Jacques Chirac who met him as French Prime Minister in 1974 and US Defence Secretary Donald Rumsfeld. Rumsfeld met the Iraqi leader in 1983 in Baghdad and it is on record that Rumsfeld told him during the meeting:

"The US and Iraq share interests in preventing Iranian and Syrian expansion."

Furthermore, the trial may not sit well with the Arab world as out of 22 Arab countries only a few

Sri Lankan peace process suffers further setbacks



ZAGLUL AHMED CHOWDHURY

THE peace process in the South Asian island state of Sri Lanka has unfortunately suffered further setbacks due to failure of the two powerful persons in the country to resolve certain key issues to facilitate the functioning of the "co-habitation" government. The differences between president Chandrika Kumaratunga and prime minister Ranil Wickramasinghe are nothing new but came to a head sometime ago leading to a political crisis that effectively stalled the peace process with the Tamil militants. The process that was initiated after painstaking efforts made slow but meaningful progress but was put on a limbo following differences between the government and the militants on certain contentious matter. When things improved as two sides prepared to resume the complex but important dialogue, the crisis between the president and the prime minister blew out of proportion and the nation got embroiled in a power struggle between the key persons in the authority.

Hopes had arisen that the presi-

dent and the prime minister would settle their problems at least to an extent so that the peace process with the Tamil rebels could be resumed for larger interest of the country after both had agreed that the process must not be hampered. However, these hopes have been dashed as president and the prime minister remained stuck on the issue they considered crucial to maintain their ascendancy -- as to who would control the powerful military. Consequently, their differences remained basically unaltered even though were narrowed down

The president-prime minister struggle for more authority stems from the fact that they not only belong to rival political platforms but are also chief political opponents in a county where the power base seems to be revolving around these two persons for last few years. The situation has been further compounded by the fact that Sri Lanka has a strange constitution, which can neither be straightway described as presidential or parliamentary form of democracy. The government is run by the prime minister and cabinet having major-

the premier a softer one. Chandrika says Ranil's government is giving too much of concessions to the militants but the latter defends his strategy saying he won the last parliamentary elections on a pro-peace stance. True, most Lankans not only want cessation of the hostilities with the rebels lasting for nearly two decades as the small but prospective country was bleeding to white with no sign of a victor or vanquished. The president possibly cannot reconcile a situation where her rivals succeed in making peace whereas her party prime minister

defuse the tensions as far as possible through talks by their representatives and even at their own level. Some progress notwithstanding, the stand off largely continues and there is little prospect of a substantial thaw unless the intransigence is reversed.

The peace process has been the major casualty of the president-premier tussle as Norway government emphatically said it would not be involved in the matter unless the problems within the government die down facilitating the effort. The Tamil Tigers too are caught in an

responded positively by giving concessions, which the president opposes. However, permanent peace is still a long way. But much of the progress may now be neutralised if the stand off continues for too long robbing the nation of the opportunity of peace.

This has other dangerous prospects as well. Lull in the peace process is likely to create skepticism about the future of the government-Tamil rapprochement and the unfortunate fallout would be both sides taking fresh preparations for a likely resumption of the conflict in full fury pushing the good omens to the background. Things may go back to a "square one". Government spokesman G. L. Pieris has said that control of the military is important for the prime minister to continue the peace efforts. The president appears hell bent to keep it under her control. The divergent positions make things difficult. Furthermore, Tamil leader V. Prabhakaran may not hesitate to seize the squabbling within the government by taking a hard stance if the government's authority becomes weak. The hard work done by contending parties may come to a naught if the peace process is not revived and for this better understanding in the "co-habitation" government is essential. President-Premier rivalry can cause incalculable damage to the nation. Measures that help peace should follow. After all, people of the country are overwhelmingly for stopping the bloodshed. The President needs to take the initiative to break the deadlock.

Zaglul Ahmed Chowdhury is a senior journalist.

MATTERS AROUND US

Government spokesman G. L. Pieris has said that control of the military is important for the prime minister to continue the peace efforts. The president appears hell bent to keep it under her control. The divergent positions make things difficult. Furthermore, Tamil leader V. Prabhakaran may not hesitate to seize the squabbling within the government by taking a hard stance if the government's authority becomes weak.

on less important areas. The peace process brokered by Norway and backed by some foreign powerful nations like the United States and Japan had become uncertain when the mediators declined to continue their efforts unless the simmering differences within the government are resolved. Judging by latest indications, there is nothing to cheer about the Sri Lankan scene

as two powerful figures are showing more stubbornness than signs of accommodation on the vital matters. As a result, the fate of the gov't-rebel dialogue, which was assiduously built up in last more than a year, now sadly hangs in the balance.

ity support in parliament while the presidency is not a ceremonial one as much as in other south Asian parliamentary democracy. Interestingly, the president has the power to sack the government and even the parliament despite that the prime minister effectively governs the country.

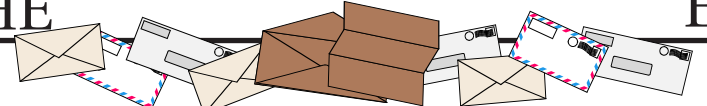
This somewhat contradictory power sharing arrangement did not pose much of a problem before when both came from same political party or alliance. But things got complicated as the rivals adorned the vital positions. Besides, they have different approach to the Tamil rebels as the president favours a relatively hard line while

failed before. She has, time and again, sought to discourage the reconciliation process by Ranil's government in various ways even though none possibly can afford to be seen as anti-peace.

The president unpredictably took a tough step when she sacked three key ministers including the one in charge of the defence when the prime minister was away to Washington on a visit. This triggered a crisis that posed to create serious political instability with the president enjoying enormous power and the prime minister commanding popular support. Things did not escalate too much as both agreed on the need to

awkward situation as to who they would negotiate -- the president or the prime minister! No doubt, the road to a permanent settlement of the vexed civil war issue in Sri Lanka is strewn with so many obstacles. But this is also no mean achievement that the cease fire is very much in force for a pretty long time and a conducive ground has been created for dialogue. Several rounds of talks that have taken place abroad have at least resulted in untangling some of the Gordian knots like the Tamils, in a significant climb down, gave up the demand of an independent homeland and now want to remain content with certain powers to govern themselves. The government too

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.

Iraqi leader

The humiliation of watching the offensive pictures of a former leader of an Arab country is wrecking my senses for the last few days. Hundreds of questions are disturbing my mind searching consolatory answers. Why a cruelty committed by the East becomes perturbing when the same type of cruelties, even more agonising ones, committed by the West are concealed in an enigmatic sense of goodness.

Mr. Saddam Hussein may have been a devil, a monster created by the West who flouted his own creators. But the Geneva Convention, if we are to believe in the words of US Defence Minister Mr. Rumsfeld, protects him from being what the champion journalist Christiana Amanpour termed on CNN as a "caged animal" on the television. If we are to believe in the justice and transparency of the West, why the Iraq Governing Council members, who later

ascribed him as tired and haggard, were allowed shedding their prickliness toward Mr. Hussein when he was under custody.

When the President of the occupying country says that Mr. Hussein should pay an 'ultimate penalty', we see no difference between the comment of the most powerful man on earth and that of a puppet member of the Governing Council who very mirthfully set a timeframe for the execution of Saddam Hussein. Please don't blame me if I lose faith in Western democracies seeing the rudimentary images of the Western democracy for the last couple of years. The countries fostering the seeds of democracy hoodwink us consistently heralding inconsistent purposes to wage a war to satisfy their abhorrence to the ruler of a particular country.

We came to know that in Iraq Saddam had stockpiled massive weapons of mass destruction that could be activated in just 45 minutes. That was the prime reason for

which the US and the UK attacked Iraq compelling (UN Chief Weapons Inspector) Mr. Hans Blix to sit idle after just three and a half month's search in Iraq only with a few hundred people. Now, the US and the UK have been lingering in Iraq for just over nine months with around two hundred thousand men and women finding Saddam, Qusay and Uday as well as 54 wanted men and one wanted woman, and not stumbling on any weapon of mass destruction. We have been hearing so much about the capture of Saddam Hussein, hundreds of *raison d'être* for the 'ultimate penalty' for Mr. Hussein, everyday reports and comments on BBC and CNN about his ample 'cruelty', we are kept in the murk of the desertion from the objectives of the 2nd full-fledged war in the three years of the new millennium.

When Mr. Bush says something, I believe we ought to keep that in our shadowy memory with reverence, since the most powerful man on earth has

proved himself to be a man of words, especially when he needs to go an extra mile in order to herald 'justice', no matter how violent and bloody that mile's journey may turn out to be. It is time Mr. Bush matches up his justices with his words that should never contain freedom.

We have seen his freedom in Samara, Ramadi, Fallujah, Tikrit, and in parts of Baghdad, where people have been facing justice for the sin of expressing support for their 'disoriented' president - a justice carried out by additional helicopters, tanks, fighting vehicles and hundreds of soldiers that have been deployed to quash protests by the supporters of Mr. Hussein.

Ahmed Mohiuddin Banani, Dhaka
Is the government scared?

It has been observed that the BNP

government is trying to put a lot more attention on Badruddoza Chowdhury's activities rather than doing its own business. I don't understand why they are sending intelligence agencies to see what Dr. B is doing and whom he is talking to. Is he doing anything against the country? So far I know, he is trying to bring a change in the prevailing rotten politics in Bangladesh. And sensing that, the government is trying hard to intimidate him in various ways.

People in Bangladesh are gradually learning to assess their leaders. These days, people understand the difference between what their leaders are doing after assuming power and what promise they made before coming to power. I am not saying that the government has done nothing so far, rather I should say, it is not doing what it should concentrate on. Experience shows that political parties make promise, only to break it after election is over. And this is the time when people are thinking of a change in

the whole political culture. Mr. Chowdhury is saying that only.

Therefore, I would like to appeal to the BNP to help introduce a true democratic practice. Let the people have their own judgement. If you are sure of getting people's support, then why bother so much about political rivals? Let Dr. B do his job smoothly. Try to curb crime, stop corruption and restore people's faith in the administration.

Concerned citizen
On e-mail

Relaxation of PSC age bar

The maximum age for entering into government service is 30 years as per existing regulations of the government. The PSC could not hold recruitment examinations for the last few years. Moreover, the finalisation of recruitment task involves a very lengthy process. At least two years are required to finish the process of recruitment from preliminary test to

issuance of appointment letters to qualified candidates. In the mean time, the unsuccessful candidates lose two years from their life before they get another chance for the next PSC examination.

The 24th BCS examinations which is yet to finish its written portion will take at least one more year to reach its final stage if everything goes smoothly. So a candidate who is sitting for the 24th BCS exams and who has been at his marginal point of age bar at the time of submission of entry form for the 24th BCS is sure to cross the age limit the moment his results are finally published. Not only that, a candidate who has submitted his entry form for the 24th BCS at the age of 28/29 is also sure to have exceeded the age bar. Those who would like to sit for the ensuing special BCS examination to be held by next June would definitely be seriously affected if the age limit of 30 years is not relaxed by the government. I would, therefore, like to offer the following suggestions for kind consideration of the Ministry of

Establishment in greater public interest.

1) To increase the age limit to 35 years for the children of freedom fighters.

2) To increase the age limit to 33 years for other candidates.

It may be noted here that the government allows extension of service of senior civil servants even after their normal tenure of service expires. The relaxation of entry age to government service deserves to be considered on the same ground. There are hundreds and thousands of unemployed graduates and post-graduates who should be given an opportunity for employment in the government service by relaxation of age bar as suggested above.

M Sadeq
Chairman, Department of Management
Tejgaon College, Dhaka