

# MY WORLD

S. M. Ali

Chowdhury to remain attached to Awami League and serve it in any capacity that suited him and the AL leadership. Unfortunately, as it happens with all our politicians, past and present, the lure of office — and power — always proves more demanding and attractive than all other considerations put together. So, he became the Foreign Minister in the regime of Hussain Mohammad Ershad.

Chowdhury is very much on my list of people — mostly former ministers of the Ershad government — whom we would like to ask to write on, here's the title, My Lost Years. However, there are quite a few, more than you would find in most other developing countries, who have served all the successive regimes in Bangladesh. What can any of them write on: All My Lost Years?

NEW heads of diplomatic missions, based in Dhaka, have started coming in, one by one, in place of several who have left this country for another round of postings, having served as the envoys of their nations to Bangladesh with distinction, commitment to development and sometimes with that no-nonsense approach to our national problems. In the process, they all became, virtually without any exception, good friends of *The Daily Star* and of many of its senior executives, including myself.

How are the new ones taking their posting in Dhaka? In candid conversations, many of them speak well of life in the Bangladesh capital, with its golf club, fashionable restaurants serving a variety of Asian cuisine — even dosa from South India has made its welcome debut — and well-stocked shops and supermarkets. By standards set by developing countries, dinners hosted by local entrepreneurs are almost embarrassingly lavish, sometimes outmatching parties held in capitals of developed countries or in cash-rich Gulf and Arab states.

There is one problem that bothers a new arrival. He tells me that he shares it with several of his colleagues.

What is your weekend? Thursday and Friday, as observed in the government offices of Bangladesh? Or is it Friday and Saturday, as followed by diplomatic missions, some business houses and the offices of the United Nations agencies? It is all utterly confusing and almost absurd.

To this diplomat, this weekend puzzle causes complications in his work plan, especially in his

mission's communication with his own foreign ministry back home or with companies which may be looking at prospects of investments in Bangladesh. If a foreign entrepreneur is all set to come to Dhaka late on Thursday hoping to see some high officials on Friday, his only free day, his country's mission here may just advise him

**A new arrival in a foreign mission here suggests what puzzles him most here is the timing of the weekly holiday, Friday rather than the internationally-observed Sunday. He is concerned that Bangladesh may well be losing much in trade, commerce and investment, in bad communication with the outside world, due to our confusing weekend syndrome. The diplomat was of course echoing the views once expressed by this paper.**

to delay his trip by a day or two. And he may never come. In such a situation, the loss for Bangladesh remains unpublicised and invisible. So, no one can quantify the loss.

To this diplomat, it will be a long time before he can adjust his reflexes to the weekend syndrome in Dhaka. I just can't get used to the idea that a new week here starts on Saturday in government offices and on Sunday in our diplomatic missions. So, when some one says, 'see you next week', I have to do a quick calculation about the start of the next week.

I nodded agreement, without any reservations. After all, a few months ago, I had made a strong plea for Bangladesh switching back to Sunday as a normal regular weekly holiday. Instead of giving this distinction to Friday. My signed article on the subject evoked some positive response, in the form of phone calls and letters, but hardly the mildest indication that the matter would be considered by the authorities in 'due course'.

Here's a footnote that may cause a few eyebrows to be raised.

During a meeting, a senior civil servant here once brought up the subject with the then president Hussain Mohammad Ershad, suggesting that to strengthen the country's economic ties with the outside world, Bangladesh would be better off in switching back to Sunday as a regular weekly holiday.

Ershad reportedly snapped back, 'Do not talk on a subject that you do not understand.'

During our flight back from Manila to Dhaka, from a presidential trip to the Philippines, in late 1989 as the then Editor of the Bangladesh Observer, when I had a short chat with Ershad, I had asked one of the senior presidential aides if I could bring up the subject with his 'chief'. 'No', the aide quickly replied, 'that's one subject you should never bring up with the President.'

Why is the subject such a taboo? Why should the BNP government of Begum Khaleda Zia apparently feel so strongly on an issue that Ershad did not even want to talk about? This does not make sense, not certainly to a simpleton from Maulvi Bazar.

VEN in recent past, we have had occasions to pay our tributes to Shaheed Jyotirmoy Guhathakurta, my former teacher of the university, a good friend and a scholar in a variety of subjects, including what we may call an alternative political philosophy, radical humanism.

Now, I have the sad duty of mourning the death of my late teacher's wife, Basanti, who passed away last week at a nursing home in Calcutta, at the age of 72, from a bad attack of liver ailment.

A much loved and admired member of the teaching community and a social activist, Basanti had acquired a distinguished place for herself in the intellectual life in Bangladesh. She did her own share of writing too. Not very long ago, I read a series of memoir-type articles in a local Bangla daily, in which she recalled in vivid, touching details the last days of her husband, Shaheed Jyotirmoy Guhathakurta. May Basanti rest in peace.

We are all delighted — me more than others — that the daughter of the Guhathakurtas, Meghna has kept up her parents' tradition in scholarship, teaching and social activism. Not surprisingly, a couple of times we met and chatted briefly — we must get together for a good conversation one of these days — were at seminars concerned with development.

Having earned her doctorate in International Relations from the University of York, the United Kingdom — she must be one of the youngest PhD holders in Dhaka University where she is now a teacher — Meghna manages to divide her time between her classroom lectures and writing and editing books, in Bangla and English, on issues ranging from the British aid policy towards Bangladesh to the role of SAARC in regional co-operation in South Asia. More power to the pen of Meghna Guhathakurta. God bless her.

## A Feared Judge, the Examining Magistrate

by Aurore Thierry

*The examining magistrate is often considered as the most powerful person in France and many people in legal and political circles describe his powers as being exorbitant. However, the recent reform in the Code of penal procedure limits his prerogatives while reinforcing the rights of the defence.*



Court de Cassation, the highest seat of justice in France.

THE 550 examining magistrates make both important personalities and modest citizens tremble. Yet they only deal with 10% of penal cases, with the others going directly from the police to the court. As they have the power to incarcerate before a trial is held (although this power is more controlled today), it is true that they play a key role in the judiciary mechanism. They are appointed by a decree of the President of the Republic, at the proposal of the Minister of Justice, and are all the more feared as they benefit from a status which makes them independent and irremovable.

How does the investigation take place? A victim institutes an action at law against another person or against 'X' (person or persons unknown), with the Public Prosecutor of the sector. Or the police have arrested someone owing to various pieces of evidence, kept him in custody (no longer than 48 hours) for questioning and then hand him over to a court. The Public Prosecutor then chooses an examining magistrate to carry out the investigation. The latter will establish the circumstances of the offence and will gather the evidence making it possible to identify the guilty person of persons who will be referred to the court.

In order to correctly carry out his mission (which can take a few days, several months or even years), the examining magistrate has quasi-discretionary powers. He summons and questions direct witnesses or any person whose testimony he considers useful. He verifies evidence, pays house-calls and reconstructs the facts, orders reports by experts and enquiries on personality. Through a 'rogatory commission', he appeals to the services of another magistrate or an officer of the Criminal Investigations Department to carry out various acts in his name (hearing a witness, or making a search or a seizure). He issues summons and enforceable orders to appear, and warrants for arrest. His final obligation, which was still in effect until the beginning of 1993 and is written in article 105 of the Code of penal procedure, is to 'charge' persons against whom 'serious and concordant evidence of guilt' exists, which did not mean that they were guilty. The 'person

charged' was then aided by the lawyer of his choice or one automatically appointed. The counsel for the defence, who has the file 48 hours before the examination of the defendant, can call for new witnesses to be heard or new reports by experts.

The person thus charged, who is, in principle, free to come and go as he pleases, must remain at the disposal of the court. The judge can impose various obligations on him: for instance to periodically report to the police, to pay bail, or not to issue any cheques. He may also ask for 'provisional detention' (4 months maximum, renewable for 2 months) to stop him from escaping, to avoid fraudulent concealment or to protect him. After his investigation, the examining magistrate decides on the matter himself and informs his hierarchy of the future action to be taken. If, by actual facts and in law, the charged person appears guilty to him, the magistrate refers him to the court corresponding to the offence. On the other hand, if, by actual facts, there does not appear to be sufficient evidence against the accused or if, in law, his act is not punishable, the judge issues an 'order of release' (a nonsuit).

In addition to the extent of the powers of this magistrate, two facts should be noted. First, the judge conducts an investigation for the prosecution and for the defence, seeking, at the same time, evidence of guilt and evidence of innocence. People who question the ambiguity of the French system of judicial enquiry, with a judge in charge of two contradictory functions, the investigation and the jurisdiction, say that it is an impossible mission. The second point is that the investigation is secret. The unfortunate side to this is that the secrecy is often violated, especially when important personalities are charged. The effects of this have proved devastating. As the barrister Jean-Denis Bredin pointed out in the newspaper 'Libération', it makes the accused 'presumed guilty'. He becomes 'suspect' in the eyes of his colleagues and his superiors, his neighbours and his family. His life can be shattered, especially for a modest, unknown person, without the power and resources which would enable him to resist disgrace. Yet, according to the law, any person charged is presumed innocent until his possible guilt is established. Thus, out of 73,649 charges made in 1990, more than 11% resulted in a nonsuit.

So, in December 1992, Parliament adopted a reform of the Code of penal procedure, proposed by the government. It modifies 150 articles of the existing text and will come into effect in stages in 1993 and 1994. The new code reinforces the rights of persons by strictly regulated remand in custody, and authorising the presence of a lawyer from the 20th hour in 1993, and, right from the start, in 1994 (except for persons implicated in affairs of terrorism or drug trafficking). Another innovation is the suppression of the defamatory 'charge' in order to guarantee the presumption of innocence. It is replaced by measures in two stages: an 'investigation' in the case of 'serious and concordant evidence', followed, if the judge has sufficient evidence, by a 'warrant of presumption of charges'. At the end of this procedure, the person in question could be incarcerated provisionally. This detention would have to be decided upon collegially by three other judges. The examining magistrate has only kept his power of remanding somebody in custody for a maximum period of four working days. Moreover, the barristers will have permanent access to the files. Examining magistrates will work in teams of two or three for serious or complex cases.

His mother and sisters they perform some more strange rituals. The actual wedding ceremony gets started with the bride's father announcing that he is donating his girl to the groom. All sorts of ritualistic activities follow that go on till late at night while the poor bride and groom sit through it all on empty stomachs.

Family priests from both sides lecture the couple on their moral duties — the groom is told not to disobey his wife or to beat her. After he makes a promise that he will never jilt her come what may, the bride is led to a specially-prepared room called the *kohbar*, where she will spend her wedding night.

Her fatigued husband, on the other hand, will be allowed to join her only if he can belt out a few songs or recite some couplets to the satisfaction of her sisters and friends. And here is something stranger still: sex is forbidden on the wedding night. The bride's friends make sure of that.

This is because back home, the newly-weds have to go through some more rituals. The groom, along with his sisters, is taken around the village by the priest in a ceremony called the *kakan*. It is only after two rounds of the *kakan* that the couple is finally allowed to consummate their marriage.

— Depthnews Asia

## Reliving the War on Iraq

by Kathy Kelly

*An American woman who personally witnessed the US-led war against Iraq reflects on the meaning of Operation Desert Storm and cautions against the belief that present US interventions in countries like Somalia are humanitarian.*

ON 17 January 1991, when the Gulf War began, I was one of 73 volunteers from 15 countries who had joined a 'peace camp' on the Iraq-Saudi border. Our witness for peace in the war zone lasted until the end of January, when Iraqi civilians evacuated us to the Al Rashid Hotel in Baghdad, the site from which Peter Amett broadcast CNN reports.

Four days later, after a bomb exploded in a lot adjacent to the hotel, Iraqi authorities again evacuated us — this to Amman, Jordan. On the road from Baghdad to Amman, we passed many mangled and charred passenger vehicles, including an ambulance and several buses. Some were still smoking. Our bus regularly swerved to avoid huge bomb craters.

In Amman, a large press conference had been arranged for us. I was to speak for US Gulf Peace Team participants, but I felt at a loss for words. 'How can I begin?' I asked George Rumens, a British journalist who was also a member of our team. 'Tell them,' he said, 'that when the war fever and hysteria subside, we believe the lasting and more appropriate responses to this war will be felt throughout the world: deepest remorse and regret for the suffering we've caused.'

Now, two years later, I see that George was right. Since my return to the United States in July 1991, I've had a chance to talk with more than 100 gatherings of people from many different walks of life. I've never yet encountered even one remark that indicated readiness to celebrate 'victory' in the Gulf War. Instead, people say again and again, when I tell them what we saw and heard, 'Oh, we didn't know...'

I tell them about a March 1991 visit to the neighbourhood of Ameriyah, Iraq, where, on 13 February 1991, US smart bombs were so smart that they were able to enter the ventilation shafts of a building that sheltered hundreds of Iraqi women and children. The exit doors were sealed shut and the temperature inside rose to 500 degrees centigrade. All save 17 survivors were melted.

I had begun to cry, staring at the scene, when I felt a tiny arm encircling my waist. An Iraqi child was smiling up at me. 'Wel-kom,' she said. Crossing the street were two women, draped in black. As they approached, I felt sure they were coming to withdraw the children who now surrounded us. I had learned just a few words of Arabic. 'Ana Amerikia, ana asafa,' I stammered. 'I'm American, and I'm sorry.'

'La, la, la,' said the young Iraqi mother. She was saying, 'No, no...' and then went on to tell us, 'We know that you are not your government and that your people would never do this to us.'

Perhaps it was for the best that without electricity these women and children couldn't know what was being said, just then, in the United States. It

wasn't until I returned that I heard those popular lines: 'Rock Iraq! Slam Saddam!' — shouted by college students as they hoisted another beer mug to cheer the war on. 'Say hello to Allah!' sung out by US soldiers when they blasted Iraqi targets, and the unforgettable words of General Colin Powell, when asked about the number of Iraqis who died in the war: 'Frankly, that number doesn't interest me.'

Now, listeners shake their heads and feel troubled. Another story needs to be told. When Gulf Peace Team members settled into Baghdad's Al Rashid hotel on 27 January 1991, we discovered that all but a handful of international journalists had left Iraq. One press crew had abandoned an old manual typewriter. We quickly appropriated it and began typing by candlelight, thinking we ought to produce a press release just in case Peter Amett ever took notice of us.

While I was pounding away on the typewriter, one of our Iraqi 'minders' shyly asked whether I would type something for them. I said I'd like to read it first.

He handed me a letter addressed to then Secretary-General of the United Nations, Javier Perez de Cuellar, to the International Committee of the Red Cross, and to various non-governmental organisations. The letter, signed by a cabinet-level official, begged the recipients to try to halt the indiscriminate bombing of civilians in Iraq and of the Baghdad-Amman road, the only escape route for refugees and the only passage for humanitarian relief

entering Iraq.

I quickly agreed to type the letter. The man handed me dog-eared stationery and carbon paper which had been used at

That anecdote helps me grasp another vast disproportion: the sinister contrast between US troops and the Iraqi soldiers who tried to flee out of

Kuwait, to Basra. Iraqi soldiers hopped buses, ran on foot, even tried to cram into old Toyotas. They believed a cease-fire had been declared. They raced, with



UN-US troops patrol in Mogadishu, Somalia

least 20 times.

I thought to myself, I'm from the country that is pounding these people back to the stone age. I'm typing official government correspondence, by candlelight, on an abandoned, antiquated typewriter, using wrinkled stationery and used carbon paper. And I thought of the Pentagon and the State Department, with their high-tech machinery, sophisticated software, and hordes of well-equipped workers, all in support of the war. Yet Americans had been persuaded to fear the Iraqi menace.

These fun and games go on till breakfast the next day when lavish courses are laid for young boys and girls of the entire village. The wedding breakfast usually consists of fried bread, called *poories* about the size of elephant ears, potato curries, fried rice called *pulao* and generous quantities of rice puddings. The breakfast costs thousands of rupees, apart from the wedding dinner which again is an expensive affair.

An upper class Bihari family spends almost Rs 500,000 (US\$16,000) at each wedding before a girl can be sent back to the bridegroom's house. Sometimes families have to sell their farms, bullocks, cows and other worldly possessions just to be able to afford one. In fact, I learned of one Thakur (high caste) family which spent more than half-a-million rupees and had to sell house and jewellery to marry off a son.

## Guns and Roses

by Arjuna

But what is perhaps the strangest custom is the habit of carrying loaded weapons and firing them to announce the start of a marriage ritual. It is called *Dwar Pooja*, or the worship at the door of the bride's house. It also marks the time when the heavily-veiled bride appears with a garland to present to the groom. At that very moment, guns are simultaneously fired in the air.

But sometimes, as it happened in Mura village, a stray bullet from the gun of a drunken relative of the bride killed the groom's father. The celebration quickly turned into a furious gun battle. The enraged guests of the groom fired at the bride's party and the open warfare that followed killed many. The marriage was called off.

State authorities refuse to ban such customs and the use of guns. They describe such accidents as usual and common. Village elders say that guns began to be part of any wedding rite for purely security reasons. Weapons were necessary to protect the bejewelled women as well as those wearing costly at-

tire or expensive gold ornaments.

Over the years, spears and swords were replaced by sophisticated guns and rifles, the latter later on signifying power and pelf for the participating families.

The wedding itself is as strange as it seems wacky to Western observers. Soon after the *Dwar Pooja*, a ceremony where the groom is first blessed by his future father-in-law, the bride is sent for a bath of water that had been stored in earthen pitchers for a week. It is supposed to make her pure for the marriage rites. Next, she has to nibble on a mango leaf given to her by one of her maternal uncles.

The bride's family members then proceed to the tent where the marriage party is resting. The groom's elder brother offers the bride gifts and touches her forehead while she sits swathed in several layers of silk. After this, he should never touch her in his entire life.

Then the groom is ushered into the tent by women of the bride's family. Amid naughty songs and obscene jokes about



Operation Desert Storm in Iraq