

**I**T is the season for political guessing game, bringing a bit of life and zest to otherwise cautious conversations at diplomatic receptions and to free wheeling discussions at the Jatiya Press Club. No one now starts a conversation with the naive question, 'What's happening?'. Instead, he straightaway goes to the heart of the matter, 'You surely know, what I told you a month ago, that Mizan Chowdhury may bring in Roushan Ershad at a dignified position at the Jatiya Party as a proxy for Hussain Mohammad Ershad.' When you hear something like this, you nod in agreement. This is part of the guessing game.

One of the basic rules in the game is that you must appear to be more knowledgeable than you really are. Then, you must circulate a couple of rumours yourself, without any respect for accuracy or truth. If any of these 'reports' you circulate at one party is repeated back to you at the third party, with a bit more colour added to it, you have certainly established yourself as a good player in the guessing game.

In this game, a few guesses must eventually come right. And they indeed have. After all, Kamal Hossain has floated a new political organisation: Shamsul Huda has split the Jatiya Party and, to all appearances, Abdus Salam Talukdar is staying put, at the time of this writing, as the Secretary General of the ruling Bangladesh Nationalist Party. His close associates have reportedly told him that, in some ways, he occupies the second most important position in the ruling structure. If the choice is left to yourself, they tell him, do not let yourself be eased out. Now, what happens next?

What fascinates me most is the reappearance of some old timers. They come in from the cold, emerging from the shadows and, perhaps only temporarily, ending their retirement. So, we glance through the names of leading personalities in Ganj Forum and in Jatiya Party (N), wondering who, from the past, has been left out, leaving him (or her) free to organise, lead or join the fourth or fifth party.

So, we even have a former Foreign Minister Humayun Rasheed Chowdhury getting some limelight among the supporters of Shamsul Huda's new party, not as a shining light but as a flickering star on the JP horizon. Like all other members of the Rasheed clan — the real bright ones are the two sisters, Zeba and Kohinoor — Humayun is a colourful figure — intelligent, shrewd and pretty calculating, but only within his limited frame of references. As a close member of his family once put it to me, 'The day Humayun announced his defection to Bangladesh, we knew that our new state would be a reality.'

The bravest and, indeed, the most humane act of Chowdhury was when, as the Bangladesh Ambassador to the Federal Republic of Germany in 1975, he looked after the two daughters of just assassinated Bangabandhu Sheikh Mujibur Rahman — Hasina and Rehana — as his house guests in Bonn, perhaps at a considerable risk. Indeed, it would have been perfectly natural for

# 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?*

**N**EW 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 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.

**E**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 Guhathakurta, 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 cooperation in South Asia. More power to the pen of Meghna Guhathakurta. God bless her.

**no cover overhead, along a highway that is now called 'the death road'. The Allied forces rained down tons of TNT. Later, military jeeps equipped with plowing apparatus mowed through the carnage, burying bodies in the sand. Some were buried alive.**

**T**HE 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.

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 conciliation... 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 'Liberation', 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 to 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 collegiately 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.

## 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.

**O**N 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 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 even take 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 Cuello, 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.

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. 'We're home,' 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 they 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

## 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.**

wasn't until I returned that I heard those popular lines: 'Rock Iraqi! 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.

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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



Operation Desert Storm in Iraq

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.

One of these old practices is that the bridegroom must keep away from his new bride on the night of their wedding. For, he has to play games with the sisters and friends of the girl at her house in the village.

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 *poores* 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.

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-

## Guns and Roses

by Arjuna