

Pinochet's Trial — a Great Victory for Human Rights Movement

Dr F H Chowdhury writes from UK

Whereas the crimes like murder and torture are no part of a sovereign head of government's duty and are therefore not covered by the immunity granted to the sovereign heads of state by the international law, people who have committed such heinous crimes should be subjected to the due process of law — international law has decreed that, too.

DICTATORS come and go. Some are forgotten within their lifetime and others leave a litany of their tyranny and a catalogue of sufferings for their victims. The atrocities of the modern dictators — Franco, Hitler, Pinochet and Milosevic, to name only a handful, have left permanent scars on the face of humanity and left an indelible mark in the annals of cruelty inflicted by men upon fellow men.

Year 1998 is the 50th anniversary of the Declaration of the Universal Human Rights and great has been the progress of the human rights movement in the recent years. In the post-Soviet era culminating in the end of the super power race and effectively the cold war, there has been increased awareness among the democratic fraternity of the concepts of liberty and equality and the inalienable need for its global application. The principle of equality before law has been established and this has carried the move-

ment forward inexorably, quite distinctly in this decade to this enviable stage.

Senator Pinochet's arrival in London in October, 1998, seeking medical treatment and his subsequent arrest there following an extradition warrant issued by a Spanish Judge, UK High Court's verdict on his sovereign immunity which was then rejected in the House of Lords by a majority verdict, and now for him to stand trial for extradition to Spain to face specific charges, has given the human rights movement a great boost. Law appears to have taken its course unhindered by political interference in this extraordinary Latin American saga transplanted on to the European Continent. It is too early yet to predict the outcome of this case as there is, still a lengthy legal process to go through before Pinochet himself is brought to justice for his alleged violation of human rights — multiple murders, torture, hostage taking and kidnapping of Chilean and foreign

nationals.

There are international laws codified by the UN and ratified by the member countries to bring the despotic rulers to justice, but prior to Pinochet there has been distinct lack of will on the part of the International Community to enforce these laws. The atrocities committed in Bosnia and Rwanda had lowered the esteem of the humankind to its fellow members. It is no exaggeration to say that during those shameful episodes in the last decade of the twentieth century, the sublimity of mankind was at its nadir and humanity was on the verge of death. Time had come for the Human Rights movement to be put in the forefront.

It is quite comprehensible, after the Pinochet episode that pressure will be brought to bear on the other living despots to face the trials as well. Whereas the crimes like murder and torture are no part of a sovereign head of government's duty and are therefore not covered by the immunity granted to

the sovereign heads of state by the international law, people who have committed such heinous crimes should be subjected to the due process of law — international law has decreed that, too. In the present atmosphere of a sense of triumph for the Human Rights activists and the Amnesty International, Pinochet case is a momentous triumphal development.

Yet the international community should also seek to guarantee the safety and the right to unhindered travel to all and sundry including the present and the past heads of government and underwrite that they are not harassed by and subjected to the whims and caprices of the overzealous human rights activists. The world should remain a free place for all to go about tending their legitimate businesses. In an attempt to universalise justice for all, the few should not be denied their inherent right to it. Justice should be accessible to all at all times.

Blind Lawyer Finds Her Way into Parliament

Josephine Odira Sinyo is one of only a handful of women ever to serve as a member of Kenya's Parliament, and she also happens to be blind. Gemini News Service reports on the newest role model for Kenyan women and disabled people. Robert Otani writes from Nairobi

JOSEPHINE Odira Sinyo has been blind since the age of four, but she has just become the first visually impaired person to be nominated to the Kenyan parliament. Her determination, strength and success are making her a role model to the 15 million women in Kenya and to the country's many blind and disabled persons.

Sinyo, 43, worked at the attorney-general's chambers as a state counsel since 1986, rising to the rank of senior state counsel. She was nominated MP by the opposition Safina party, beating 20 other contenders to replace "Mr Wildlife". Dr Richard Leakey, who has been reappointed Kenya Wildlife Service director.

The nomination "came to me as a total surprise", she told the Kenyan press. "I wasn't aware that I had been accepted by people across the board."

Her reaction when she learned of her nomination: "My mind went blank with a mixture of shock, joy and nerves. Then I cried tears of joy and thanked God."

Sinyo's source of satisfaction was to represent marginalised groups by taking up a national post. "It was at this moment that I realised I'd been given the chance to articulate the disabled issues," the lawyer recalls with pride.

She says discrimination against marginalised groups, including the physically disabled has much to do with Kenyan society's attitudes and culture.

Such discrimination jars my mind and whets my appetite

for issues that touch on the disabled. As a result, my life has been one constant struggle. My resolves is strengthened by unwarranted prejudices whereby I find myself unable to access many things. It's been one momentous struggle."

Sinyo comes from a tiny, traditional settlement on the shores of Lake Victoria, about 600-km west of Nairobi. Her latest achievement is just one of several feathers in her academic and professional cap. She attended a school for the blind in Thika, about 30-km northeast of Nairobi, before graduating in law from the University of Nairobi in 1979. Between 1980 and 1981, she took a legal education post-graduate course at the Kenya School of Law. He studied international business law and obtained a master's degree at the University of Hull in Britain.

In 1997, Sinyo underwent a course in international adaptive technology for the blind at the Carol Centre for the Blind in Boston, Massachusetts, USA, and obtained a diploma in computer studies.

She has attended many international forums, including the 1995 Women's Conference in Beijing, China. Locally, she has attended and participated in a number of workshops and seminars on the development of women at the grassroots, and various national and international talk-shows to sensitise the public on gender issues.

Sinyo is the fourth woman nominated MP since independence in 1963. Before her were Grace Mwewa and Zipporah Kit-



JOSEPHINE ODIRA SINYO
Kenya's first blind Member of Parliament

tony of the ruling Kanyu party and opposition National Development Party's Maryam Matano. Others have been elected rather than nominated, starting with Grace Onyango in 1999.

Women have been long on potential but short on actual representation in Kenya — there are currently only seven in parliament. Their clamour for greater representation in parliament has been smothered by the gender-insensitive, male-dominated Kenyan society.

Women had their first shot at the presidency during last December's general election. But Charity Kaluki Nguu of the Social Democratic Party came a disappointing fourth in the presidential poll which brought back President Daniel Arap Moi of Kanu.

Sinyo is married to Joseph Oicha, a hotelier in Nairobi, and has three children aged 16, 11 and two. She says her family is her major delight. "My busy schedule takes a heavy toll on the time I spend with my family. But I always make up for that whenever I'm in the country," she says.

Sinyo does not downplay the formidable challenges facing her now as the people's servant. She says: "I will not confront my colleagues in parliament. I will convince them that there are untapped talents among the marginalised groups. I will try to garner as much support as possible. I hope that one day, I'll be able to change some of the chauvinistic attitudes."

The writer is a freelance Kenyan journalist based in Nairobi.

Nepal's Cave People Reluctant to Join the Mainstream

Deepak Gajurel writes from Kathmandu

Dhane is a member of the Praja community that has always lived in caves and is reluctant to take up offers of land and houses from the government and voluntary agencies which are trying to integrate them with the mainstream.

DHANE Praja comes out of this cave every morning and makes his way to the nearby forest to pluck fruit and root vegetables to feed his family. He then returns to his quaint home.

The 72-year-old is not a character out of a book about the paleolithic period. He is part of the Himalayan kingdom of Nepal as it makes its way into the 21st century. Dhane Praja was born in a cave and has lived in it all his life, as have his children and grandchildren. His nine-member family eats wild fruit and vegetables and lives in the limestone cave that is 30 feet long and 18 feet wide. His home has some utensils, earthen pots, mats and a few other simple household materials, all reminiscent of ancient civilisations. Dhane is a member of the

Praja community that has always lived in caves and is reluctant to take up offers of land and houses from the government and voluntary agencies which are trying to integrate them with the mainstream.

The Prajas live in a cluster of caves in the hilly Makawanpur district at an altitude of 4,000 feet above sea level. A study by SEACOW, a non-governmental organisation working for the community's development, says about 1,000 Praja people live in that area and a few hundred in the neighbouring hills of Chitwan district.

Ghirang village, where the Prajas live, is some 150 kilometres south of Kathmandu. Getting there involves a four-hour drive followed by an arduous 12-hour uphill trek. The community has remained completely untouched by modern

living. Even money makes no sense to them as they still use the barter system, exchanging the day's pickings with others. Only recently have the Prajas been taught by voluntary agencies to grow maize, millet, mustard and leafy vegetables, extract oil from the Chhuri plant and use the Amriso grass for sweeping.

Shankare Praja, Dhane's neighbour, sees many benefits in living in their unusual homes. "In a cave house, incidents of fire are unknown, water does not leak from the roof, there is no need to repair the roof from time to time, and it is never damaged," he says. The Prajas have had free access to the nearby forest and its produce and have therefore been unwilling to shift to houses offered to them by the government under the Praja Development Programme.

But "the scene has been changing slowly," says SEACOW's Tika Bhattarai. "We have been educating Praja children. They are learning how to produce food and cash crops." The community speaks its own Praja language. Only after the informal education programme of the government and voluntary agencies have some of the children in the community begun to speak Nepali and English. Some adults too are learning Nepali.

"Our programmes are showing results. Prajas are becoming aware of education, agriculture and even business," says an official of the Development Ministry who looks after the Praja programme.

— India Abroad News Service

An Uncertain 21st Century

The Man-Machine Confrontation

by A M M Aabad

Technology, ruled and controlled by automatic machine processes, has taken over the options and the decision-making responsibility of running the world. Has Man surrendered his divine right to his own slave, the Machine?

TECHNOLOGY is democracy — mass production is the great leveller. Technology is communist, with the magic touch of conformity. What is the difference? The presence or absence of the competition of goods and values. If competition is the goal of life, what price the heterogeneous societies will be paying for it in the long run? The images of the societies in the first and the third worlds are becoming more clear, as this civilisations of ours awaits the next century in less than two years.

Nuclear armament has completely changed the structure of society. Man, now well-armed with nuclear weapons, has the instant capability of destroying civilisation within hours. In the process, he has lost control over the organic life as nature intended (can nature be outdated or modernised?). Technology, ruled and controlled by automatic machine processes, has taken over the options and the decision-making responsibility of running the world. Has Man surrendered his divine right to his own slave, the Machine?

Advertising breaks the good life (organic, natural) into artificial levels, creating competition. Competition relies on technology and the circulation of money, and infiltrates faster into other developing societies as the communication barriers melt away in this information age. Technology creates speed and efficiency. The by-product is dis-harmony and disorientation, upsetting the biological clock. Endless goals build up dissatisfaction and tension, with too much reliance on the minute-hand of the watch. The hypnotism of mass advertising create desires, which in turn create additional wants, many of them non-essential. The attention shifts from

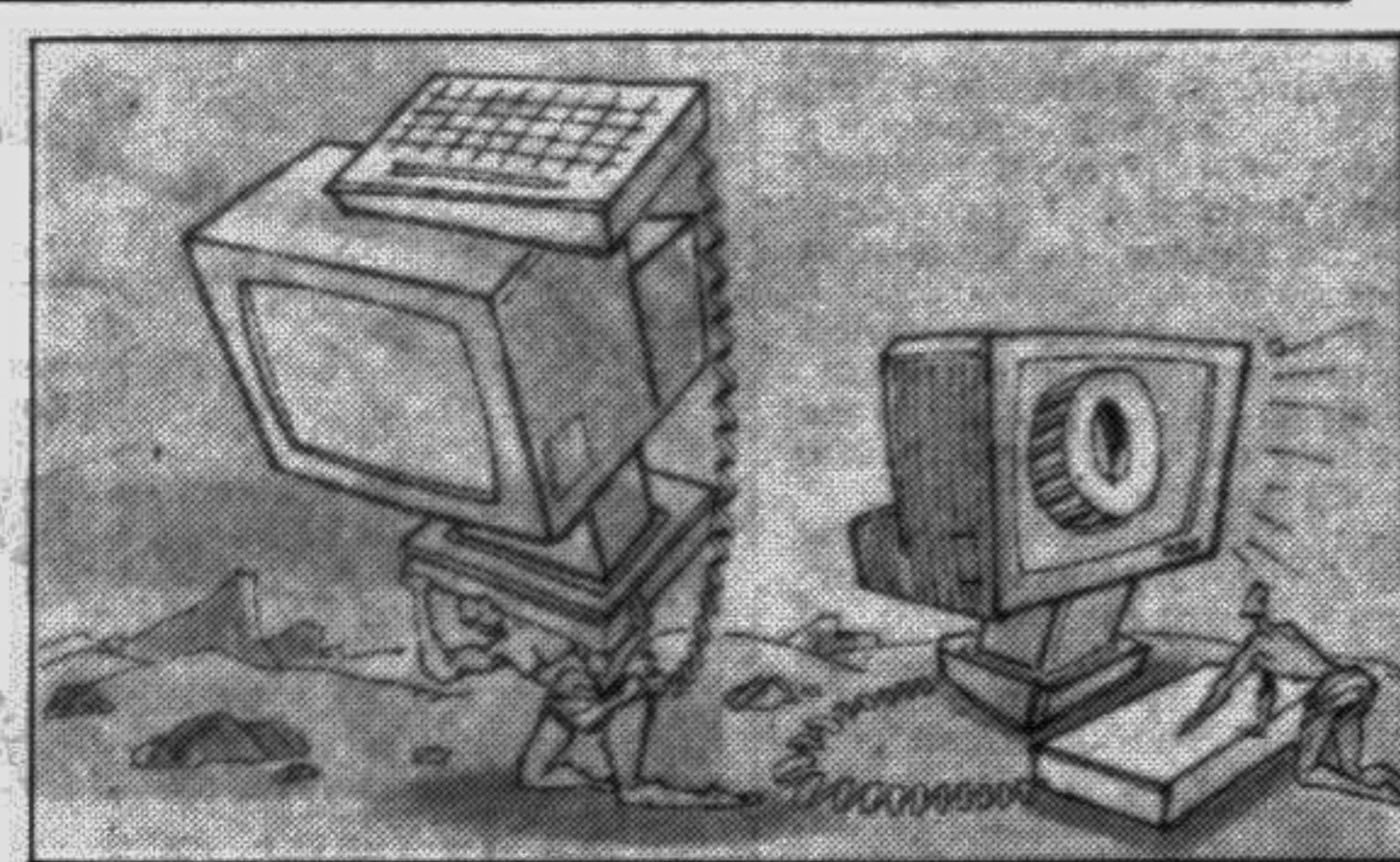
the basic objectives of good organic life to man-made fringe benefits. This, many believe, is the conception of the modern western society. The benefits of advertising will take its toll. The organic and original human being is out of date! More consumption means more production, dwindling the natural resources, and creating environmental pollution at a faster rate.

The adverse effects manifest many generations later, as now realised, when the situation threatens to go out of control, and calls for emergency task forces at global level. Hasty regulatory measures are introduced by the international bodies, and the developing countries suffer due to restraints which were not applied 200 years ago. Ignorance was a bliss, and will continue to be so, if technology and machines flout the immutable laws of nature. Today man is not in tune with the cosmic forces, and the partial realisation is mightily disturbing. Science has also taken over the moral control.

The later developers become the prisoners of circumstances, and face sanctions by arbitrary third parties. The haves and the have-nots of the first and the third worlds respectively are at loggerheads; the rich and the fulfilled chasing the poor and the unfilled.

The centuries of war between the machine world and the organic world is reaching a climax, with nature threatening dire consequences as revealed in the greenhouse studies. Machines also affect morals. Modern human rights armament are being flourished by one world before another, opening a second front of moral skirmishes.

The nineties appear to be a turning point in the history of



mankind. The options are known, but the choice may not be unanimous. Man has been converted into a statistical unit, an automation, not supposed to react and generate its own corrective solutions (as the organic world does). What we see today as the state of civilisation may be due to this artificial behaviour in an alien social atmosphere created by modern, developing man, now controlled by the machine.

What the philosophers, historians, and the social scientists have to say about the causes of wars and strife recorded for thousands of years, with no sign of non-violent peace reigning on earth?

According to Lewis Mumford (engaged in the Quixote mental exercises with a menace of technology and machines all his life), the germ originated during the reign of the Kings, who fought wars to preserve identities of their own worlds. Modern writers of history, it is alleged, have been ignoring the proper analysis of the role of the Kings and the kingdoms on future societies and forms of governing. Perhaps the battles

we see today in Bosnia, CIS, Africa, Middle East are based on information coded into the DNA cells of the present generations.

The effects of the "injection points" (by a powerful personality or group) can be detected only much later. Besides, the forecasting is unpredictable (the fluttering of the wings of a butterfly in the Malaysian forest might cause a storm in South America). According to the doctrine of emergence (of new organism or structure), life in the 21st century cannot be predicted scientifically.

Such limitation in extracting information about the future has been subsequently confirmed in studies on Chaos phenomenon carried out in the late 1970s and the '80s. In this part of the world, Sri Aurobindo's sermons hinted on the mind of the cells — each cell has consciousness and knowledge of what all the other cells in the whole universe are doing.

One of the functions of intelligence is to take account of the dangers that come from trusting solely to the intelligence (Mumford).

US-Iraq Confrontation

by Dr Jagdish P Sharma

Across the Arab world, from Egypt to the Arabian Peninsula, popular unease at the prospect of an attack was mounting along with anger at United States which is seen as arrogant and blindly loyal to Israel and possible US military strikes at Baghdad without the Security Council mandate as an act of naked aggression. Arab diplomats point that Iraq is not the only country in the world with weapons of mass destruction. According to military sources, some 10 countries including Israel in West Asia have more efficient biological and chemical weapons technology.

IT was with a collective sigh of relief that the Arab world, Russia, France, China and India greeted the Iraqi decision on the unconditional return of UN weapons inspectors in an apparent bid to avert an imminent US military strike on Baghdad.

The latest confrontation between Iraq and the US has come to an end with Baghdad responding positively to the letter of UN Secretary General Kofi Annan appealing to them to allow UN arms inspectors to resume work of eliminating Iraq's weapons of mass destruction.

The crisis in Iraq over the UN inspection of suspected weapons sites again escalated recently with the United States reported to be weighing the option of an air strike early in November, 1998. A similar crisis in the early part of 1998 which appeared more serious was resolved by the active intervention of Annan.

By preventing the outbreak of a dangerous war in the Gulf region, the UN Secretary General has again achieved a rare victory for peace.

Annan's latest deal with the Iraqi leadership certainly elicited an enormous sigh of relief from an anxious world. Three out of five UN Security Council permanent members — Russia, China and France — expressed support while the US and UK did not reject it.

However, it is unfortunate that the US leadership still thinks in terms of deposing Iraqi President Saddam Hussein by force. The presence of US soldiers, ships and war planes poses a serious threat to peace, stability and security of the Gulf region.

Besides, the US is still contemplating a more imaginative set of new options than simply threatening to bomb Iraq in a way that might not do so much good. No country except Kuwait sees real necessity for prolonged presence of massive US troops in the region.

The recent developments in the Gulf are a direct consequence of the US hardline stance demanding an unrestricted access for UNSCOM weapon inspectors to inspect all possible chemical and biological weapons storage sites in Iraq.

United States' desperate attempts to rally support among

its European and Arab allies for a possible military strike against Iraq over arms inspections had caused concern all over the world, with Russian President Boris Yeltsin even, warning that the use of force could trigger another 'world war' and do untold damage to the stability and security of Gulf region.

It was also a matter of anxiety as tension was created by the flexing of muscles by United States to launch what is termed a 'substantial' attack on Iraq. "We face a new cold war in the Gulf," said Middle East expert Anthony Cordesman. The US is in for a long stay in the Gulf. Neither the use of force against Iraq nor its search for a peaceful solution would make the US come out of the region. It could not ignore its economic and military strategic interests in the region.

In retrospect, Iraqi President Saddam Hussein's refusal to allow unfettered United Nations access to inspection sites within Iraq led to this situation which international experts said was unfortunate.

The United States and Britain have more fire power trained on Iraq than at any time since the 1991 Gulf war, and had been rallying support for military action.

Across the Arab world, from Egypt to the Arabian Peninsula, popular unease at the prospect of an attack was mounting along with anger at United States which is seen as arrogant and blindly loyal to Israel and possible US military strikes at Baghdad without the Security Council mandate as an act of naked aggression.

To many Arabs, Iraq is more an object of pity. While the west formulates the conflict as one with Saddam himself, Arabs tend to see it as bullying of a people made to suffer needlessly.

"The Arab leaders feel the opposition in their bones" said Michael Hudson, an expert on the Arab world at Georgetown University. "If that opposition were actually articulated in the

political process, I think many of these governments would be even more opposed."

The Arab states accuse Washington of double standards in its West Asia policy and felt that the West should exert the same pressure on Israel to respect international law as it

does on Baghdad.

President Bill Clinton's entanglement in Monicaagate affair prompted an opinion in Europe and Arab world that he is seeking to divert attention from his domestic troubles through a confrontation with President Saddam Hussein. Arab diplomats point that Iraq is not the only country in the world with weapons of mass destruction.

According to military sources, some 10 countries including Israel in West Asia have more efficient biological and chemical weapons technology.

The Arab League has warned the US against a military attack on Iraq saying that the use of force on an Arab state was unacceptable. The League cautioned the US against embarking on a new military attack on Baghdad and asked Washington to evolve diplomatic solutions to end the crisis.

Egyptian foreign minister Amre Moussa also came out against the military solution in Iraq and said the use of force will only add to the problems. He agreed with the Arab League that diplomacy and dialogue should be engaged to solve the Iraqi crisis.

Jordan along with Turkey, Algeria, Morocco and Tunisia also renewed its opposition to any military action against Iraq.

In an interesting reaction to possible punitive US military strike against Iraq, Iranian foreign minister Kamal Kharrazi said his country opposed any escalation of the present crisis and use of military forces as such a move would not only further increase the agony of the Iraqi people but also worsen regional situation.

The Times, London, citing western intelligence and security sources, said the security officials from Iran and Iraq had met secretly to forge an alliance in the face of growing US military build-up in Gulf.

The meeting, if confirmed, would provide evidence that the once bitter foes are developing new contacts and putting aside, for the time being at least, obstacles that have blocked normalisation of their ties after the 1980-88 war.

Russia and China, strongly backed by France, issued a stark ultimatum to the US, warning that they would do their utmost to block the

threatened Anglo-American attack on Iraq, including use of their vetoes in the UN Security Council.

However, Kuwait has said it will not oppose military option against Iraq if all peaceful efforts to solve the current imbroglio in the Middle East fail.

India, well known for its initiatives on peace, also raised a strong protest against America's muscle flexing over Iraq.

Kofi Annan has shared India's concern about the situation in Iraq and backed New Delhi's readiness "to contribute to the process of finding a peaceful and diplomatic solution to the present crisis."

Former Indian prime minister I K Gujral said India would not tolerate a military attack on Iraq as it would jeopardise peace in the entire west Asian region, where more than three million Indians live. Gujral further stated that disruption of peace and stability in the Gulf would have serious effect on India's economy and national welfare.

The Congress party said it was committed to the territorial integrity of Iraq and would like to see Iraq play its rightful role in regional and world affairs.

The central secretariat of the Communist Party of India also expressed deep concern over the continued threat of the US imperialism to attack Iraq in the name of forcing the UN Security Council resolutions about destroying weapons of mass destruction allegedly still in the possession of Iraq.

Since March 1991, Iraq has been living under UN resolutions and sanctions which stipulated conditions for ceasefire in the Gulf war and elimination of weapons of mass destruction in Iraq.

The economic and other sanctions imposed on Iraq have caused immense hardships to the 20 million Iraqi people, particularly the aged, women and children.

India's anxiety, shared by others, is to ensure against destabilisation of the sensitive but fragile Gulf region.

— APB/PTI Feature
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