

Not the Best of Times : Pounding the Victim for Evasion of Guilt

by Dr M Zakir Husain

There are two ways to resolve disputes and conflict of interest. One is consensus through mutual dialogue; the other is by confrontation and war. While even consensus may not hold permanently, it keeps the communication on an even keel and the door open for future consensus.

THESE are not the best of times. More than international law, even remote regard for morality and decency in international conduct has been violated by powerful nations. The wanton bombing of Iraq is a sad spectacle — indeed a sordid spectacle of international order in disarray. Leaving not even an iota of redeeming result, all these clever and contrived manoeuvres did not save Bill Clinton from impeachment. He will be tried in the US Senate, for as per script of the now familiar Clintonesque he is not likely to resign from the Presidency but continue to manoeuvre and manipulate.

Hardly anyone in his own country thinks he is truthful (though a majority reportedly do not want to see him go), why then the rest of the world should believe when he said the US bombardment of Iraq was to save Iraqi people and the people of the world from Saddam Hussein.

The power of the media — the CNN and BBC in particular — is now legendary; the 'spin doctors' are adept at crafting images that bear little resemblance to reality. Yet, the confusion and contradictions in statements by the politicians and the military appear confusing if not utterly unconvincing.

Saddam Hussein is in a posture of virtue nor a devil incarnate.

Yet, unremitting media manipulation portrays Saddam as a 'monster' whom Bill and Blair have put in a 'cage'. The Generals are gleefully boasting their combined operation has destroyed all actual and potential weapons of mass destruction in Iraq. One wonders what the UNSCOM had been doing for the past seven years? If they have achieved what they presumably set out to do why there is still demand that UNSCOM returns to Iraq?

It is a macabre story right out of comic books; Saddam is an unmitigated evil, a hydra headed monster who sprouts a new head every time its head is chopped off. The removal of Saddam is professedly not the aim, destabilising the regime is also not on the cards. So then what is the aim? Diabolically, it seems that Bill and Blair are either utterly naive or are peddling untruths to hide behind their failures. Whichever be the case, raining bombs in the dark of night against virtually defenceless and destitute people of Iraq is immoral, indecent, and unconscionable.

Let men in power not abuse it

for personal convenience and drag nations into deadly conflict. Would Bill Clinton have taken on a more powerful adversary when he would have to be ready to receive body bags returning home? No, his Presidency would be in ruins even as the first consignment arrived.

History of human civilisation tells us that power is temporary; it should be wielded with restraint and uncommon wisdom; the greater the power or the perception of it, the greater is the need for prudence and far-sightedness. The people of Iraq with over five thousand years of civilisation cannot be bombed into accepting an imposed regime of puppets though conceivably a given regime like the present one might well be removed by subversion doubtful though that remains.

Is that the reason why certain rearmy eyed 'diplomats' in UK are toying with the clever idea of enacting a partition of Iraq? Diabolical thoughts have no limits. If sanctions will not do, if inspections will not do, if smart bombs will be futile, soon we may hear yet other 'senile'

strategists asking to 'nuke' (in plain language dropping nuclear bombs) on Iraq as a kind of 'final solution'. A macabre version of 'Empire Strikes Back'?

One is left in doubt if ordinary people on the streets are really taken in — even in the US and the UK. American public is patriotic; Congressmen dutifully rallying behind their sermons and women. But are they really convinced their pilots were in 'harm's way'? It was not a war of combatants; Iraq has virtually no air defence worth the name. Indeed all the Tornados, the B-52s with their brave pilots returned safely from their 4 day-rather night-piercing of fireworks. Who should get medals of honour for such disonourable acts? Yet, the world viewers are expected to be grateful for such thoughtless acts. The stark reality is different. If Bill Clinton did not find himself in such a predicament, he would have not have chosen this gamble; there would have been no air strikes in such hurry and indecent secrecy; the UNSCOM would still have been

in Iraq to finish their job. Surely, the US and UK leaders know very well that UNSCOM whatever its limitations is far more intrusive than even the best satellite intelligence.

Yet, history had to be invented to suit the convenience of a cornered (caged)? President Clinton, tragic above all, all these manoeuvres could not save his impeachment. What a waste, and to what end? CNN now tells viewers that the Iraq operation did not come cheap. It cost the US taxpayers more than a billion dollars, a fraction of which could eliminate several diseases of mass degradation of human potential in the world.

Indeed, these are bad times, with perplexing events for international law, justice and for the UN itself as a world body. It is sad enough that the post-Cold War period has made the UN General Assembly largely irrelevant and ineffective. The Security Council has managed to arrogate all real power and prerogatives. And now even within the Council there is subversion of its authority by the more than equal lone super power.

Bad precedent it is when the Chief of UNSCOM, an employee on the payroll of the UN, reports directly to the White House and not to the Secretary General of the UN. To add further insult, we hear in the media that the US would like the Secretary General to have nothing to do with the rest of the UN's dealing with Iraq except its humanitarian activities.

Should the UN Secretary General resign? Perhaps he should not because that alone will likely change nothing, though in many eyes that would have been an honourable thing to do. Indeed these are bad omens, for a world that desperately needs a just and peaceful world order.

There are two ways to resolve disputes and conflict of interest. One is consensus through mutual dialogue; the other is by confrontation and war. While even consensus may not hold permanently, it keeps the communication on an even keel and the door open for future consensus.

The second way is less likely to give durable results, for not only confrontation depletes assets but the victories of battles can be elusive and temporary. Permanent denial of justice and hope and heaping of ignominy on any people will only produce permanent hostility and irreconcilable divides among nations.

ing days when it had ample warning, the second argument has no leg to stand on.

CYNICS in West Asia, as elsewhere, call this operation the 'Monica Lewinsky War' and its timing was certainly of the utmost convenience to the US President. Clinton's riposte to this charge — that Secretary of Defence William Cohen, a Republican, and the Chairman of the Joint Chiefs of Staff Committee, Gen Henry Shelton, would not have played along in such a game — is essentially meaningless. After all, the Defence Department and the military have a vested stake in operations (especially operations where their losses would be minimal) since it provides them with the opportunity to battle-test new weapons technology and enhances the records of those who participate.

The other counter-argument is that the operation in all its dimensions could not have been built up within the timeframe in which the impeachment process came to a head. But the recent operations were initiated by the forces which the US has kept in the Gulf for a long period of time; the additional forces were the B-52s brought in from Diego Garcia on the second day.

Clinton's personal problems and needs, serious as they are, do not represent the centrality of the issue. An anti-Iraq policy would not have served Clinton's domestic purposes were there not an apparent consensus in mainstream US politics that the general good is served if Iraq is savaged time and again. Iraq has been so demonised and yet made so vulnerable to US long-range power projection that a decision to attack it will produce public support which is unlikely to diminish even if 'body bags' were seen to come home.

IN an interview he gave The Washington Post, US National Security Advisor Samuel Berger appears to have given away the real purpose behind Operation Desert Fox. 'For me the most important reason why we had to do this was that to have failed to do so not only would have lost UNSCOM but would have lost the credible threat of force.'

Berger suggested in the interview that US decision-makers wanted to remind Saddam Hussein that the threat of force had not been removed. But Saddam Hussein knows this very well. One interpretation is that his whole game plan has been to provoke the US to a point where it threatens military action before he whisks away the justification that the global policeman needs to actualise it. That was precisely what he did in November when he revoked his decision to stop cooperating with UNSCOM before the threatened military strikes could get under way. What Saddam Hussein achieves through this process is the repetitious raising of global concern so that the international community re-focuses its attention on the Iraq situation. The UN was close to a decision to hold a 'comprehensive review' of the Iraq-UNSCOM relationship. This could have perhaps led to an unravelling of the Butler-run exercise and the appearance of a silver of light at the end of the sanctions tunnel.

If the US intention was primarily to deliver the message to Saddam Hussein, it would appear that it was not intended for the Iraqi ruler alone. This was more or less admitted in a statement by British Prime Minister Tony Blair, who seems to perform the same function for Clinton that Berger does. 'It also sends a message to others in this dangerous world that the patience of the international community cannot be tried indefinitely and that when it is right and when the will of the international community is at stake we will act to enforce it before the stirring of a new global reality are upon us.'

Blair might have had to swallow his regret that pax-Britannica has given way to pax-Americana but he seems relieved that imperialism in all its brutal power is active and flourishing. By arrangement with the Frontline magazine of India.

Looking into 1999...

Hypocrisy? What Hypocrisy?

The supporters of General Pinochet, former Chilean dictator, alleged human rights abuser and test case in international law, rejoiced when Britain's Law Lords threw out a ruling by five of their number that he should be extradited to face trial in Spain.

Now, as a new hearing awaits in 1999, Gemini News Service's correspondent in Santiago reflects on the many contradictions inherent in the General's defence.

Luis Tricot writes from Santiago

Chile



It took only a few minutes for five Law Lords in London to overturn the 'house of lords' decision that General Augusto Pinochet was not immune from prosecution, and order the case to be re-heard.

The unanimous decision hardly came as a surprise for Chileans who, that early in the morning (7.30am local time), were more concerned with getting to work or school on time than with the intricacies of the British legal system. It was not a surprising decision because, for a long time now, Chileans have got used to the idea that anything may happen when the military's interests are at stake; that happiness is almost always short lived.

This new decision was based on the fact that Lord Hoffman, who voted against Pinochet in the original House of Lords' ruling of 25 November, has long standing links with Amnesty International, something he failed to disclose before the hearing took place. Does this mean that having links with human rights organisations disqualifies you from serving as a Law Lord? Or, put somewhat differently, does this mean that you must be indifferent or against human rights in order to be objective and impartial?

One dreads to think what the answer to this question might be. Maybe we will never know. What we do know is that the hypocrisy of Pinochet's lawyers has no limits. They appealed against the original ruling by stating that there was a clear conflict of interest in Lord Hoffman's case. But none of them has ever said anything about the systematic conflicts of interests and partiality that prevail within the Chilean judicial system — the very system that, according to the Chilean government, should take on the burden of trying the General once, as they have demanded, he is returned home.

The evident double standard in the realm of justice is shared by the current President of the Supreme Court, Roberto Davila. 'It was extremely serious that Lord Hoffman did not stand down before the hearing,' he commented.

It is sickening to hear men such as he pontificating about ethics while keeping silent about the immorality in their own country. It is well known that the Supreme Court lent legitimacy to the military dictatorship either by action or omission. Only two weeks after the coup in 1973, the Supreme Court expressed its satisfaction for the military coup and the change of government. This at a time when thousands of Chileans were being hunted down, tortured and killed by the armed forces.

During that time, it accepted only 10 out of 5400 'habeas corpus' petitions, all to no avail, because by the time these few were granted the prisoner had already been killed.

personnel.

During the dictatorship he was the relentless prosecutor of hundreds of opponents of the regime. His powers knew no limits, he detained whomever he wanted, he raided and ransacked places where his targets lived and worked, he tortured prisoners. Yet he has never stood down from a case, as it is claimed Lord Hoffman should have done.

No-one from the political rightwing or the armed forces has ever lifted a finger to disqualify Judge Sergio Valenzuela from serving in the judiciary either. He is currently investigating two cases involving the Chilean secret police (CNI). Somehow the small detail that his son was a member of the CNI seems to have been overlooked. If this is not a crystal clear conflict of interest, then what is?

It is not surprising, then, that after 15 long years of 'investigation', Valenzuela decided to acquit four secret police agents accused of the murder of Juan Alevia, a poor carpenter killed in 1983. Alevia's death is connected with the murder of trade union leader Tucapel Jimenez a year earlier.

Tucapel Jimenez was stabbed and shot to death the CNI members in February 1982 after he had made a public call for the Chilean people to unite against the military dictatorship.

When it became obvious that the secret police were involved in Jimenez's killing, they devised a plan to distract public opinion's attention from the dictatorship. A special death squad travelled to the port city of Valparaiso, selected a target — a poor alcoholic carpenter — and killed him.

Before so doing, they forced him to write a note stating that he was committing suicide out of remorse for having killed Tucapel Jimenez. His wrists were slashed and he bled to death. Every one knows who did it, except of course Valenzuela, who also decided to close the investigation on the murder of the trade union leader.

Three times the Jimenez family asked the Supreme Court to change the case's judge on the grounds that the magistrate was a prejudiced party, for remorse for having killed Tucapel Jimenez. His wrists were slashed and he bled to death. Every one knows who did it, except of course Valenzuela, who also decided to close the investigation on the murder of the trade union leader.

It should be noted that Alvaro Corbalan, former operations chief of the CNI, one of those accused of killing Juan Alevia, is among the 38 Chileans who cannot leave the country thanks to an international warrant for his arrest. His detention was ordered by Spanish judge Baltasar Garzon at the same time he ordered Pinochet's arrest.

The dictator's detention in London opened the possibility of doing partial justice for the first time in 25 years. Unlike thousands of his opponents, who were brutally murdered, he has enjoyed a due process of law. Many would argue that he does not deserve such treatment for remorse for having killed Tucapel Jimenez. He should become the ideal backdrop for the Lords hearing in January to throw Pinochet back into the harsh glare of the courtroom lights.

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Ways of Imperialism

The brazen military aggression by the United States and the United Kingdom against a sanctions-stricken Iraq is the latest manifestation of pax-Americana, which is impervious to international law and morality.

by Kesava Menon in Bahrain

it is clear that the US relies less on an inspection or monitoring mechanism than on the aggressive use of military force to ensure a 'weapons-free' Iraq.

THE framework of a policy to deal with Iraq, in which military force is the key element, has been outlined. This includes the exertion of diplomatic effort to keep Iraq isolated in the world; the tightening of economic sanctions and close supervision of its enforcement; the upgradation of long-range and aerial surveillance; and resort to force again if Iraq takes a significantly defiant step.

Overlooked is the fact that international and regional support for any resort to force will not be forthcoming in the absence of an entity which can certify that Iraq is not meeting its international obligations. It may well be that the US has no use for the United Nations Security Council or international opinion in general but its own vested interests will be adversely affected if public outrage against its actions leads to the destabilisation of friendly Arab governments. From the manner in which protests on the Arab street intensified during Operation Desert Fox, it is reasonably clear that any future resort to force by the US, on

the conclusion that the operation was not just a 'mistake' committed because it was hastily conceived on account of a sudden provocation. It was a crime perpetrated with ulterior intent. A case was made that Iraq had reneged on its international obligations and military preparations were carried forward as if the planners knew that they would use force at a particular point in time.

At a press conference on the first day after the attack, Iraq's Foreign Minister Mohammed Saeed al Sahaf provided details of his country's dealings with UNSCOM after cooperation had been resumed in November. Over this period, al Sahaf said, UNSCOM had visited 427 sites, of which 299 were already under monitoring, and UNSCOM's executive chairman, Richard Butler, recorded complaints in respect of merely five inspections.

In his presentation, al Sahaf said that a site visit which formed the first cause for complaint was not the Baath headquarters, as Butler had stated, but a relatively minor office of the political party. Another complaint pertained to a building that used to be the office of the deputy to the head of Military Intelligence but has since been converted into a

niceties would be gone through in this case would have expected Butler first to present his report to the UN Security Council, of which UNSCOM is an appendage, so that it could be discussed before any military action was unleashed. However, the British press has reported without contradiction that Clinton telephoned Tony Blair a few days before Butler presented his report, and told him that the report was going to be negative on Iraq compliance.

An exhaustive report in The Washington Post notes that Clinton and his advisors had Butler's report in their hands well before it was presented to the UN Secretary-General. More importantly, according to the newspaper report which has not been refuted, Clinton and his team 'reviewed the language' of the text of the report.

These several and separate reports indicate very strongly that the final report was doctored to provide a rationalisation for launching attacks on Iraq. But nothing was left to chance and even as the full Security Council met to consider Butler's report for the first time, it was informed that the US missiles were already in the air.

In justification of the refusal to let the UN Security Council debate Butler's report, the US has offered two argu-

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Iraqi President Saddam Hussein, centre, during a meeting with his ministers in Baghdad on December 22, 1998. —UNBAP photo

As for the second objective, it needs to be mentioned that most of Iraq's neighbours do not currently feel threatened by Baghdad's conventional forces. Even if Saddam Hussein does not consider the military forces of the neighbouring states to be a serious obstacle, he knows very well that the US will repeat 1991 for its own purposes and without waiting for an invitation from the regional states. Saddam Hussein has used chemical weapons before, and continued possession of a WMD arsenal could be a problem for the region. But the resort to military force to 'degrade the ability to threaten neighbours' does not make any sense because it has come close to destroying simultaneously the mechanism which was meant to dispossess Iraq of its hidden arsenal.

UNSCOM's conduct before and during the military operations has destroyed its credibility as an independent body answerable only to the UN Security Council.

That aside, the Iraqi Government has declared that it will never allow UNSCOM to re-enter the country. The US response to this is that Iraq was, in any case, not allowing UNSCOM to function freely and its utility has therefore become questionable. It is not very clear whether the US will firmly resist the Russian and French effort to remould or even replace the mechanism which is to discover and destroy Iraq's alleged hidden arsenal. From the current posture

the basis of its own judgment, will lead to even more vehement protests.

In the absence of a precise count of the number of Republican Guard personnel who were killed in the operation, it is difficult to ascertain the extent to which Saddam Hussein has been weakened. The damage to the command, control and communications network is likely to pose a problem but Saddam Hussein exercises control through a multi-layered network of tribal loyalties. Baath Party organisations and undercover operatives.

While Saddam Hussein's ability to control his country does not appear to have been undermined, his standing among the Arab masses has received a tremendous boost. The US plans to unify the dysfunctional Iraqi Opposition and build up its strength so that the Saddam Hussein regime can be replaced eventually have not progressed beyond the stage of conceptualisation. The US has not even appointed the co-ordinator (as it proposes to do under the blatantly illegal Iraq Liberation Act passed this year) to unify the dysfunctional Iraqi Opposition.

On balance, the contribution made by Operation Desert Fox to the accomplishment of the objectives ascribed to it was significantly outweighed by the damage it has caused to the other processes which could have weakened the Saddam regime.

INFORMATION originating from several directions points

guest house.

Iraqi officials had wanted to know what legitimate UNSCOM purpose would be served by a search of these buildings and the very fact that such questions were raised was, according to al Sahaf, made into a cause for complaint.

Butler's report is said to have recorded that on two occasions no Iraqi personnel were present when UNSCOM teams visited sites. According to al Sahaf, these visits had taken place on two Fridays and it had been explained to UNSCOM that the personnel were absent because it was the weekly holiday. In the last instance one of the inspectors had wanted to interview under-graduate students in Baghdad University, and questions by Iraqi officials about the relevance of the interviews were made a cause for complaint.

To date, there has been no refutation, even by UNSCOM, of al Sahaf's point-by-point expose.

Scott Ritter, a former US intelligence man who was a UNSCOM inspector until his resignation a few months ago, has revealed that the sites inspected in November were not connected with the WMD programme and that UNSCOM has known this for many months. These sites, according to Ritter, had been picked by UNSCOM with the knowledge that Iraq would be provoked into refusing access and would thus provide the excuse for a military strike.

Only those who were naive enough to believe that legal