

One Man's Freedom-fighter, Another Man's Terrorist

by Barrister Harun ur Rashid

Turkey is a respected and responsible member of the international community and it is expected that its would not wish to see unnecessary backlash there as a result of the trial of Ocalan.

KURDISH leader Abdullah Ocalan (49) was captured in an underground operation and was transported from Kenya to Turkey late at night (3 AM) on 16 February. Turkish Prime Minister Bülent Ecevit announced the news on the same day. The Kurdish rebel leader was desperately sought by Turkey on terrorism and treason charges in connection with the Kurdish Workers Party's (PKK) 15-year old armed struggle for Kurdish independence at Kurdish dominated south-east part of Turkey.

The Kurdish supporters of Ocalan in Europe were so enraged that they stormed Greek embassies/consulates in London, Vienna, Germany and Australia. Hostages were held in three embassies across Europe including a Greek ambassador and his wife in Vienna. Kenyan embassy in Vienna was also attacked. The Kurdish activists said that they would not leave the premises until the right to asylum for Ocalan was secured.

It is understood that Greece sheltered Ocalan at its ambassador's residence in Nairobi (Kenya) for the last 12 days. Greece claimed that Ocalan, against its advice, had left the premises on 15 February with the intention of going to Holland but vanished on the way to Nairobi airport. It is reported that the Nairobi police tricked Ocalan and handed him over to Turkish undercover agents.

It may be recalled that Ocalan had been on the run since October last year when he was forced out of Syria under Turkish pressure. He first attempted to take refuge in Russia, then Italy and finally

Holland but failed. No European country was willing to provide him refuge because of the Turkish pressure supported by the US. Another reason was the presence of Kurds refugees all over Europe and Ocalan's presence could ignite tensions between Turkish nationals and Kurdish living in that country of refuge.

It may be pointed out that the European Union (EU) was critical of Turkey's human rights record and the EU was known to be liberal in providing refugee status to Kurds on the pretext that the Kurds faced "persecution and military oppression" by the Turkish military authorities. Kurdish refugees are now scattered across Europe. About half a million Kurds live in Germany alone. Numerous Kurdish live in other European countries, namely, Italy, Holland and Austria.

The present crisis arises from the varying perceptions about the activities of Kurds rebel chief Ocalan. The Kurds consider him as their freedom-fighter while Turkey perceives him as a mass murderer and terrorist.

The irreconcilable differing opinions about Ocalan need to be tested against international morality and justice as well as to the international community's response to the call of humanity.

The pertinent questions that arise are: How do you define a terrorist? Is Ocalan a terrorist? Was Yasser Arafat or Yitzhak Shamir a terrorist? Who is a terrorist? There is a view that if any person has any political motive to advance the cause on behalf of a group of separate ethnic people and fails to resolve it peacefully with the authorities and turns to and

pursues armed action, does he become a terrorist? Then one may conclude that many of the former or present heads of state or government in the developing countries would likely fall in this category.

Another debatable issue is that if Idr Amin of Uganda or Papa Doc of Dominican Republic or Mengistu of Ethiopia or General Pinochet of Chile could not yet stand trial for the crimes against humanity, then one could argue that on what moral or legal rights Ocalan could be tried in Turkey by a Turkish domestic court headed by a military personnel? Does he stand on a different footing simply because he is a follower of Marxism? All are equal before law and there is no scope of "pick and choose" of accountability in crimes.

The episode discloses a further problem. Ordinarily no person is extradited because of "political" crimes. Why?

Because political crimes are allegedly committed to safeguard or advance the "superior interest" of a political organisation to attain political objectives, such as political independence or autonomy. These questions appear to be relevant in the case of Ocalan. Does Ocalan have political objectives?

One can argue that there is a merit in the assertion of Turkey that Ocalan is responsible for numerous terrorist activities and murders of innocent people and under his guidance his Marxists followers are estimated to have cost 30,000 precious lives. One may lend support that Ocalan may stand trial. The question is, to which court and under what laws?

One may not forget that Turkey retains capital punishment in its statute books.

Where to go from here? There could be two alternatives. One is to arrive at a political solution between the Kurds and Turkey. Ocalan's life-long imprisonment or death would not eliminate this political issue advanced by Kurds. He would be seen as a martyr by his supporters and the armed struggle by the Kurds against Turkey could go on for years. As a result there would be more bloodshed and the region will remain unstable.

The other course of action is Turkey's agreement to establish an international tribunal comprising of judges from neutral countries where Ocalan could face a public trial. He should be given the opportunity of engaging best lawyers to defend him at such a trial.

There are countless statements about the need to protect the human rights of a person. If there is anything that has the unanimous support of the international community it is need to ensure an impartial and public trial to be seen as fair by the international community.

Under Article 10 of the UN Universal Declaration of Human Rights, everyone "is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him" and so is Ocalan.

Turkey is a respected and responsible member of the international community and it is expected that it would not wish to see unnecessary backlash there as a result of the trial of Ocalan.

The writer is former Bangladesh Ambassador to the UN, Geneva.

Afghanistan turns Hot for Osama

Syed Talat Hussain writes from Islamabad

The Talibaan's dilemma over Osama seems to have been made more acute by a certain distancing Islamabad has introduced in its relations with them over the Osama bin Laden issue. The tone of Pakistan's advice to the Talibaan on Osama has surely changed.

THE announcement on Saturday (Feb 13) evening from the Mullah Umar government in Afghanistan that the Taliban have lost contact with Osama bin Laden and that he perhaps has gone out of their country has left a big question mark on the status of the topman on the US hitlist of global terrorists. Islamabad's diplomatic circles are full of speculation of all variety: could he still be in Afghanistan? Has he already moved out of the country, gone perhaps to Chechnya or to another refuge?

Is he dead, because the last time the Taliban feigned ignorance about the whereabouts of the Iranian diplomats, they were later discovered from the graves? The general perception is that Osama is in Afghanistan but planning to leave the country, and the Taliban have issued the statement to make sure that Washington does not launch another phase of decisive military strikes on the hideouts which are known to have been used by him. The threat of the American strikes on Afghanistan has been looming large for quite some time. Unconfirmed reports suggest that during his recently concluded talks with the Taliban and Pakistani officials, the US assistant secretary of state for South Asian Affairs, Karl Inderfurth, strongly made the

point to the Taliban to extradite Osama quickly to a country where he could be brought to justice.

Although he gave no specific deadline for Osama's extradition, but his formulation of the demand suggested that Washington was keeping all its options open, including the option of further strikes. Military observers in Islamabad believe that if the Taliban failed to meet Washington's demand of Osama's extradition, ground could be levelled for imminent strikes on Afghanistan, "far more decisive and deadly than the missile attack last year."

The possibility of the attacks gained more weight when Richard Clarke from the US National Security Council issued a widely-quoted statement that Washington would use force to take out terrorists even if they are hiding in other countries. This seemed to be a message meant for the Taliban on Osama bin Laden. The Taliban's response to this build up of pressure was to show flexibility. The Afghan Islamic Press on February 10 issued a statement saying that the Taliban had imposed fresh restrictions on Osama. "Osama bin Laden has been disallowed to meet any visitors or other people" the statement said. It also mentioned a decree by the supreme leader of the Taliban, Mullah Umar, which suggested

that all facilities including his telephone and radio had been withdrawn saying that "he has no facilities any longer with him to communicate with anyone."

The Taliban also said that a special team has been set up to keep a close watch at the Saudi millionaire and to monitor his activities. Taliban spokesman also said that Osama bin Laden was free to leave but he will not be forced out. But Washington termed this measure woefully inadequate. And it was obvious why: it fell short of the demand to extradite Osama bin Laden to another country.

This situation narrowed the options down for the Taliban to the following: a) to let Osama bin Laden stay in Afghanistan; b) to extradite him to another country; c) to wash their hands off him in such a way that do not appear to ditch him or seen to be his providers and protectors. They have opted for the third one, the best under the circumstances.

This means that the Taliban can take the position that since Osama bin Laden is not in Afghanistan there is no reason why Washington should launch strikes against him. Even if Washington does not buy what the Taliban are saying and insists that he is in Afghanistan, it will be a little hard for the US to pinpoint where he is, and even harder to launch militarily useful strikes. It gives Osama bin Laden options to consider other hide-outs and perhaps sneak out of Afghanistan whenever he has the opportunity. But he is clearly a man with decreasing options, fewer friends, and awesome odds to confront.

Is Another New World in the Offing?

by Ekram Kabir

US policy in Iraq has collapsed. Again it's in Serbia, where America is going to be challenged by the Russians. North Korea is still unmanageable. The Wye Accords between Israel and the Palestinians are coming apart at the seams. Whether Clinton survives "his" crisis is fairly irrelevant. What is apparently relevant is that the US is yet to create a foreign policy identity for itself, and has not planned for a 21st-century "world", which might be resistant to its policies.

WHAT if we enter into a world resistant to the "one" superpower? There is no second superpower, but many powers as such.

Indeed, international political scene implicitly indicates these powers are in the process of cobbling together an alliance that may not fully counterbalance America, but will limit its monopoly. Built around China and Russia, we can expect an increasing Asian economic integration, designed to limit effects of global economy on their isolated societies.

This reminds us of the last days of Weimar Germany. Unable to provide either prosperity or national security, it was replaced by a regime that used national security issues as a means to unite Germany and revive the economy through military spending. Russia seems to have lost all credibility, failing to provide either prosperity or national security.

So, while Germany focused on the Rhine, Sudetenland and the Danzig Corridor, Russia seems to be planning to focus on the Baltics, Ukraine and Central Asia. A massive increase in defence spending, intended both to multiply Russian power and stimulate its economy, is right.

It's a theory that at least on the surface flies in the face of reason. Kosovo is the original homeland of the Serbs. It is the seat of the Serbian Orthodox Church. But only 10 per cent of Kosovo's population is Serbian, and all of the Albanian majority wants independence. No Serb leader could dare to negotiate that away. By provoking a confrontation with NATO, and perhaps an eventual deployment of Western peace-keepers, Milosevic could claim that a hostile world forced him to surrender Kosovo.

If Milosevic really wants to shed Kosovo, he may well get his wish. Full independence for Kosovo would be risky. If the recent massacres of civilians by Serbs are any guide, the withdrawing would probably leave a trail of blood behind them. But perhaps, in Milosevic's tangled calculations, at least it wouldn't be his problem any longer.

Their misery in the hands of the Serbs may continue in the coming months. The only way to free them would be to give them a statehood where they could live in peace. It is sad that the violence in Kosovo has continued for so long and claimed so many innocent lives. It is, therefore, felt that given where we stand now, supporting the independence of Kosovo is the only way to send an unequivocal message to Milosevic that the massacre of the innocent won't be tolerated.

Though the UN Security Council has thrown its support behind a demand by the US and European allies for an autonomy settlement for ethnic Albanians in Kosovo, and adopted a consensus statement welcoming the call by contact group for Serbs to sit down with ethnic Albanians to end a year of violence, things didn't seem to be moving in that direction. The question is already being asked by some keen analysts: what is Milosevic's game? He wants to give Kosovo up," says a Western diplomat based in Yugoslavia, "it's an albatross. As long as he holds onto Kosovo he's going to be spending huge amounts of money keeping police and military there even though he'll never be able to have control. But he can't just give it up, it has to be taken away."

However conspiratorial, this

is a view popular now with everyone from foreign academics to Kosovo's Serbian minority — and even many of Walker's 800-strong verifiers, working for the Organisation for Security and Cooperation in Europe. "NATO airstrikes are oddly appealing to Milosevic," says one OSCE official. "The West is a way out of the crisis. He'll hang onto Kosovo as long as possible, and then leave when the timing is right."

It's a theory that at least on the surface flies in the face of reason. Kosovo is the original

homeland of the Serbs. It is the

seat of the Serbian Orthodox

Church. But only 10 per cent

of Kosovo's population is Serb

and all of the Albanian majori

ty wants independence. No Serb

leader could dare to negoti

ate that away. By provoking

a confrontation with NATO,

and perhaps an eventual dep

loyment of Western peace-ke

pers, Milosevic could claim

that a hostile world forced

him to surrender Kosovo.

It's a theory that at least on

the surface flies in the face

of reason. Kosovo is the origi

nal homeland of the Serbs. It

is the seat of the Serbian

Orthodox Church. But only

10 per cent of Kosovo's popu

lation is Serbian and all of

the Albanian majority wants

independence. No Serb lea

der could dare to negoti

ate that away. By provoking

a confrontation with NATO,

and perhaps an eventual dep

loyment of Western peace-ke

pers, Milosevic could claim

that a hostile world forced

him to surrender Kosovo.

It's a theory that at least on

the surface flies in the face

of reason. Kosovo is the origi

nal homeland of the Serbs. It

is the seat of the Serbian

Orthodox Church. But only

10 per cent of Kosovo's popu

lation is Serbian and all of

the Albanian majority wants

independence. No Serb lea

der could dare to negoti

ate that away. By provoking

a confrontation with NATO,

and perhaps an eventual dep

loyment of Western peace-ke

pers, Milosevic could claim

that a hostile world forced

him to surrender Kosovo.

It's a theory that at least on

the surface flies in the face

of reason. Kosovo is the origi

nal homeland of the Serbs. It

is the seat of the Serbian

Orthodox Church. But only

10 per cent of Kosovo's popu

lation is Serbian and all of

the Albanian majority wants

independence. No Serb lea

der could dare to negoti

ate that away. By provoking

a confrontation with NATO,

and perhaps an eventual dep

loyment of Western peace-ke

pers, Milosevic could claim

that a hostile world forced

him to surrender Kosovo.

It's a theory that at least on

the surface flies in the face

of reason. Kosovo is the origi