HUMAN RIGHTS *monitor*

Crimes against humanity: A UN tribunal prosecutor's quest to bring two of the world's worst criminals to justice

CHARLES M. MADIGAN

ON the street, no one would think to look more than once at Graham Blewitt treading down Churchillplein and heading to the office for another day's work. You might think "chartered accountant" or "real estate." Fifty-ish. Gray suit. A tad rumpled. He is a pleasant-looking man, and if he happened to say "good day," you might notice how softly he speaks.

It is what's inside his head that matters.

Ask him what he wants more than anything right now and two names roll out. He does not have to think. He does not have to go through the long laundry list of "I wants" that seems to clog the brains of most people. He does not want a new car. He does not want a house. There is no stuttering about this.

"Ratko Mladic and Radovan Karadzic."

Mladic was a general in command of the Bosnian Serb army from its inception in May 1992. Karadzic, as the first president of the Bosnian Serb administration, was Mladic's commander and because of his office, in charge of the army from May 1992 onward.

It is the burden of the deputy prosecutor for the war crimes tribunal that he must know more dark things about the way people behave than most people could ever imagine. He may never be able to use it in court because there are just too many awful stories.

So he gets to carry his thoughts in his head.

Two years ago, for example, he was pondering reports that combatants in the former Yugoslavia had dug up mass graves and destroyed the remains in acid pickling vats at smelters, which turned out to be the case. His suspicion was that they were worried about satellite photos of the graves.

Then there are all the cases he will never see prosecuted, because Yugoslavia was big and bitter and the conflict lasted so long. Even with its $100 million annual budget, the Tribunal is relatively small compared to the size of the offense. It includes the investigation of genocide in Rwanda too. That claimed half a million lives.

The record has shown, though, that what Graham Blewitt can use in many cases is quite enough. He and prosecutor Carla del Ponte have picked their shots, the top 200 cases. The Bosnian Serb politician and military leader are at the top of the list.

What he knows about Mladic and Karadzic is packed into a pair of vintage indictments that are now so old they were signed, for Blewitt, two bosses ago. Richard J. Goldstone, the South African judge tapped by the United Nations when it was hot on the trail of war crimes in the former Yugoslavia, issued the indictments in July and in November of 1995.

The charges include genocide and crimes against humanity.

Blewitt, an Australian attorney, had been in his job as deputy prosecutor for the war crimes tribunal at that point for about a year. He was with the first team of cops and lawyers who came on board after the United Nations set up what it called "The International Criminal Tribunal for the former Yugoslavia" under a Security Council resolution in 1993.

Why Mladic and Karadzic?

"We need them here. There is no question of that," Blewitt said in an interview in his office in the old, security dense insurance building that now houses the tribunal.

"I think that in a way, this tribunal could never regard its work as finished until that happens. If you look at what happened in the United States on Sept. 11, with all of those huge crimes, there is a demand that the people who committed such crimes be held accountable.

"What Karadzic and Mladic did in terms of Srebrenica was no less evil. Instead of a couple of airplanes destroying thousands of people in a couple of minutes, the actions of Karadzic and Mladic and the people under them in a period of three or four days killed upwards of 8,000 people.

"The crimes they are responsible for are just as enormous, and I don't think the world should rest until they are brought to justice."

One of the interesting aspects of the United Nations' tribunal here in the Netherlands is that its prosecutors are not beholden to the Security Council and they are not as stingy or formal with comments as are U.S. prosecutors. Part of the tribunal's mission is to tell as much of the story of the former Yugoslavia as it can tell, preferably in front of the three-judge panels that hear the cases.

Sometime in the middle of this year, former Yugoslav President Slobodan Milosevic will face his tribunal, charged with genocide and a host of other offenses that flowed from the violence in Yugoslavia that began in 1991 and seemed to flare with the intensity of fire for most of the decade.

One might think that in the world of realpolitik, where the historical record on war crimes of all kinds tends toward accommodation and eventual forgetfulness, that capturing the former president of the country and tossing him in the can and scheduling a trial would be enough.

But for Blewitt and the other prosecutors here, it is not.

Now that he is in jail, Milosevic is just another perp awaiting justice, although a very big perp. He is viewed here as the head of a criminal conspiracy that claimed countless thousands of lives until enough world pressure was focused on the situation to bump him out of office and into prison in The Hague. It was simply impossible for Yugoslavia to move one step forward as long as he was in charge. The locals in Belgrade realized that.

If you can catch the president, why can't you catch these other two suspects?

Under Yugoslav protection "Mladic is in Belgrade. There is no question of that. He is being protected. We know that the Yugoslav government is not prepared to release him. They are using the excuse of an absence of law (allowing cooperation with the Tribunal) to transmit him. Well, then, where is the law? There are obligations on them to pass the law to make it happen," Blewitt said.

Karadzic "is a harder nut to crack."

He is somewhere in Bosnia, Blewitt believes, and he, too, is somehow being protected. There have been lots of opportunities to arrest him, but it's not happening.

The Tribunal has cops, but they are investigators and have no powers of arrest. It literally must depend on the diligence and good intentions of police forces and military units in the areas where wanted suspects are located. If you are part of the United Nations and one of these suspects is in your territory, you are supposed to arrest him immediately and send him to The Hague.

However, put a real armyor one of the rent-a-thug armies that were so common during the Yugoslav conflictaround a suspect and it slows the process quite a bit. Peacekeepers don't make very good policemen. It's not their job. No commander wants to sacrifice his troops to an armed mob so they can deliver an arrest warrant.

The arrests, then, await a political solution.

What did they do?

The indictments issued by the war crimes tribunal don't get far into the heavy language of the law, the "so and so thus did violate this and that," which tends to make the nature of the act a little hard to understand.

The indictments

Here is what it says on the tops of the indictments of Karadzic and Mladic.

"Richard J. Goldstone, Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to his authority under Article 18 of the Statute of the International Criminal Tribunal for the former Yugoslavia ("The Statute of the Tribunal"), charges:

Ratko Mladic And Radovan Karadzic

With Genocide, Crimes against Humanity and Violations of the Laws Or Customs of War, as set below:"

Then there is a narrative, with the following story only one of several at the heart of the cases against the suspects, summarized here from the indictment. It takes some telling. The devil, unfortunately, is in the details.

Republic of Bosnia and Herzegovina, July 6, 1995.

The war had been raging across collapsing Yugoslavia since 1991. The United Nations had sent Dutch soldiers into what was known as a safe area in Srebrenica for Muslim men, women and children, the targets of "ethnic cleansing" campaigns that had been sweeping across the former Yugoslavia for years. There were Muslim combatants in the safe area, too, some of them soldiers and some of them armed civilians.

The Bosnian Serb Army, under the Mladic and Karadzic command structure, shelled Srebrenica and attacked the Dutch soldiers in their observation posts in a campaign that lasted until July 11.

There were two courses of action taken by the Muslim men, women and children in the area when the attack began.

Several thousand of them fled one "safe area" and sought cover at the United Nations compound in Potocari, where the Dutch battalion responsible for the safe area was housed. They stayed there until July 13, when they were prepared, after negotiations with the Bosnian Serbs, for an evacuation by buses and trucks controlled and operated by Bosnian Serb military personnel.

A second group of about 15,000 Bosnian Muslim men, along with some women and children, gathered at a place called Susnjari on the night of July 11, formed a huge column and fled through the woods toward a town called Tuzla. About 5,000 of this group were armed Bosnian Muslim soldiers and civilians. The rest were unarmed.

Even as these events were developing, according to the indictment, Mladic and members of his staff were meeting with Dutch military officers and representatives of the Muslim refugees. Mladic informed them that Bosnian Muslim soldiers who surrendered their weapons would be treated as prisoners of war according to the Geneva Conventions and that the refugees would not be hurt.

Burning and looting

A day later, Bosnian Serb military forces burned and looted Muslim homes in and around Potocari. On the same day, in the morning, Bosnian Serb military forces arrived at the UN compound at Potocari. At that point, the prosecution alleges, Mladic showed up with aides and a TV crew and "falsely and repeatedly told Bosnian Muslims in and around Potocari that they would not be harmed. . . ."

Some 50 to 60 buses showed up. The indictment says that under Mladic's direction, the men were separated from the women and children. The men were told they were being exchanged for Bosnian Serbs held in Tuzla.

"Most of the Muslim men who had been separated from the other refugees at Potocari were transported to Bratunac and then to the area of Karakaj, where they were massacred by Bosnian Serb military personnel.

"Between 12 July 1995 and 13 July 1995, Bosnian Serb military personnel summarily executed Bosnian Muslim men and women at diverse locations around the United Nations compound where they had taken refuge. The bodies of those summarily executed were left in fields and buildings in the immediate vicinity of the compound. Those arbitrary killings instilled such terror and panic amongst the Muslims remaining there that some of them committed suicide and others agreed to leave the enclave."

By the 13th of July, there were no more Muslims left in the area.

As these events were playing out at the UN compound, Bosnian Serb military units with armored personnel carriers, tanks, anti-aircraft guns and artillery blocked the road to interdict the column of 15,000 Muslims fleeing toward Tuzla. They attacked when the column came into Bosnian Serb territory, the indictment says.

Many were killed and wounded. About 5,000 made it to safety. Thousands more were captured by Bosnian Serb troops. They were assured that if they surrendered, they would be safe. Bosnian Serb soldiers in stolen United Nations uniforms accompanied the regular troops, encouraging the Muslims to tell their friends to come out of the woods, that it would be OK. That gave the scene a veneer of international authority. It made it feel safer.

Many of those who surrendered were summarily executed, the indictment says.

The indictment goes on, detailing more promises broken and more captives slain.

There are more details in the Karadzic and Mladic cases, but the one story seems sufficient in explaining why Blewitt is determined to bring them to The Hague.

Taking a measure of murder

From Coatia in 1991 on to Kosovo at the end, Blewitt and the war crimes prosecutors measure the conflict in terms of people killed, mass graves unearthed, evidence destroyed, bodies burned in steel mill furnaces, refrigerator trucks of remains found and chains of command and responsibility.

Who did the killing, who were the officers, to whom did they report?

Wading through the documents and thinking about the cases and what they representparticularly in light of the New York and Pentagon attacks, in which thousands of disinterested, disconnected people became instant victims of conflictraises an uncomfortable question: Do people ever learn?

There is a pause and a sigh.

"I don't think anything has changed since the dawn of man. As human beings have been involved in conflicts, they have always involved the commission of crimes. I can remember times previous when it was the right of the victor to plunder and rape the lands that they had conquered. It just went with the territory," he said.

What has changed, he said, are the terms of conflict.

Crossbows are no longer allowed. There are treaties about land mines.

Those things have changed about warfare, of course, along with the rule of law.

"If there was no law, there would be anarchy," Blewitt said.

"I think what we are seeing as a result of this tribunal is that different people are stopping to think, 'Well, am I going to get away with this or not?"

If they think they can get away with it, he said, they will do it.

Courtesy: Chicago Tribune 2002

Star LAW *report*

Family Courts Ordinance must be applied strictly

High Court Division (Civil Revisional Jurisdiction)
Supreme Court of Bangladesh
Saleha Begum .... Petitioner
Vs
Dilruba Begum .... Opposite Party
Civil Revision No. 2737 of 2000
Before: KM Hasan, J
Judgment: 14 December, 2000
Result : Rule absolute

K M Hasan, J: This Rule is directed against the order No. 8 dated 23.5.2000 passed by the Additional District Judge, Moulvibazar in Family Appeal No 13 of 2000 for examination of the witnesses and recording of their evidence.

The Fact

The facts for disposal of the Rule, in short, are that on 2.1.2000 the present opposite party No.1, as petitioner, filed an application in the Family Court, Kulaura, Moulvibazar against the present petitioner as opposite party, for appointment of the said petitioner as lawful guardian of the person and property of minor, Amena Akter Marry. On the basis of the said application, Family Case No. 1 of 2000, was started, in the Family Court, Kulaura, Moulvibazar.

It is stated that the present opposite party, Dilruba Begum, is an Assistant Teacher of Government Primary School at Kulaura. The minor Amena Aktar Marry, aged about 9 years, is her daughter by her first husband late Mahbubur Rahman, who died in June, 1992. Thereafter, she went to her father's house with her minor daughter and married a second time, Lutfar Rahman Chowdhury. Both the present opposite party Dilruba Begum and her second husband, got the minor girl admitted into KG School wherein she was pursuing her studies securing first place in the class.

Only paternal uncle of the minor girl is unemployed and uneducated. Among the three paternal aunts one is married, one is crippled, and the other is a widow. Paternal grand mother, the present petitioner, is old and sick. After the death of the minor's father, her uncle and aunts and the present petitioner, took no interest in the minor girl. The widow, aunt Habibunnessa, claiming her mother Saleha Begum, the present petitioner, as the lawful guardian of the said minor, took the custody of the minor from the custody of the petitioner through police by dint of a search warrant issued on an application under section 100 of the Code of Criminal Procedure in the Court of Magistrate, First Class, Moulvibazar.

The present petitioner also filed Title Suit No 170 of 2000 praying for permanent injunction so that the future life of the minor girl is not destroyed. The opposite party mother of the minor contested the application on the ground that the said aunt having her education up to Class VI or VII has been working in a shop namely, "Ladies Corner" while her own father and brothers are highly educated. She also expressed her readiness to give undertaking for the welfare of the minor. She claimed that being the mother, she was entitled to be the lawful guardian of the minor girl and prayed for appointment as the lawful guardian of the person and property of the minor girl and hence the case.

The deliberation

The present petitioner, Saleha Begum contested the Family Case No. 1 by filing written objection and denying the material allegations and contended that the case is not maintainable. The minor girl, Amena Akter Marry, was born on 14.9.90 out of wedlock of her son Mahbubur Rahman to the present opposite party, Dilruba. After the death of her son in June, 1992 the mother and the minor girl were taken by the father of the present opposite party to his house. The present petitioner and her family members used to enquire about them regularly. But after the second marriage of the present opposite party, the minor, Amena Akter Marry, had to reside at her maternal grand father's house while the mother Dilruba Begum started living with her second husband at Kulaura Town in a rented house. Since then the present petitioner and her family members were not allowed by the family members of the father of the present opposite party to see the minor girl. Further the present Opposite Party started to withdraw the money of her first husband. The present petitioner and her family members raised objection against her activities but without any effect. So the present petitioner filed Petition Case No 930 of 1999 in the Court of Magistrate, 1st Class, Moulvibazar and prayed for recovery of the minor girl, whereon by dint of a search warrant, issued from the Court, the police recovered the minor girl from the place as prayed for and then on 27.10.99 the minor girl was handed over to the custody of the present petitioner the paternal grandmother of the minor. Thereafter the minor girl was admitted to KG School wherein she has been pursuing her studies securing first place in examinations and happy living with the grandmother. The present petitioner, filed then Title Suit No 170 of 1999 for permanent injunction against the present opposite party who was threatening to take back the minor and an ad-interim injunction was granted.

The learned Judge of the Family Court allowed the Family Case No 1 of 2000, after hearing the parties and the minor, by order dated 26.4.2000 holding that in spite of second marriage of the mother, she is entitled to be appointed as lawful guardian and custodian of the minor daughter as desired by the minor. Accordingly, it appointed the present opposite party, the guardian of the minor and directed the present petitioner to hand over the minor girl to the mother within forty four hours.

Being aggrieved by the aforesaid summary order dated 26.4.2000 passed in Family Case No 1 of 2000 the present petitioner being appellant preferred Family Appeal No 13 of 2000 in the Court of District Judge, Moulvibazar on 27.4.2000 with a prayer for stay of operation of the aforesaid order. The learned District Judge admitted the appeal and stayed the operation of the aforesaid order and transferred the appeal to the Court of the learned Additional District Judge, Moulvibazar for hearing and disposal of the appeal expeditiously by order dated 10.5.2000. Thereafter, the learned Additional District Judge by order dated 23.5.2000 directed both the parties to adduce evidence in appeal. Accordingly the learned Additional District Judge examined two witnesses on behalf of the present opposite party respondent on 28.5.2000 and 29.05.2000. One witness on behalf of the appellant present petitioner was examined by the Advocate Commissioner appointed for that purpose. Meanwhile the present opposite party as petitioner filed Title Execution Case No 3 of 2000 in the Court of Family Judge, Moulvibazar but the same has neither been proceeded nor executed.

Being aggrieved by the impugned order dated 23.5.2000 the present petitioner moved this application and obtained the present Rule.

The learned Advocate for the petitioner submits that the impugned order in appeal is illegal, unlawful, without jurisdiction in as much as the law does not permit to pass such order for holding full scale trial of the Family Case in appeal by the Court of the learned Additional District Judge exercising powers as an appellate Court which has resulted in an error of law occasioning failure of justice. The procedure as laid down in sections 10, 11 and 12 of the Family Courts Ordinance for recording evidence have not been followed by the Family Court, instead the lower appellate Court recorded the evidence of two witnesses adduced on behalf of the respondent and one witness on behalf of the appellant, which is absolutely illegal, unlawful, without jurisdiction. The learned Additional District Judge exceeded his lawful jurisdiction in recording evidence of the witnesses for the first time while exercising jurisdiction as an appellate Court in Family Case No 1 of 2000 already disposed of by the learned Family Court. It is done in violation of the mandatory provisions of Family Court Ordinance, 1985 resulting in an error of law occasioning failure of justice. There is no provision in the whole of Family Court Ordinance, 1985 or in the Code of Civil Procedure, 1908 to hold trial of the case or to record full evidence of the witnesses by the appellate Court in appeal, which is being done in the instant appeal and that has resulted in error of law occasioning failure of justice. Order XLI Rule 27(1) (a) of the Code of Civil Procedure provides for taking additional evidence and not the entire evidence by the appellate Court. Order XLI, Rule 27 is not applicable to Family Court Case as section 20 of the Family Court Ordinance, 1985 bars the application of the Civil Procedure Code except sections 10 and 11 of the Code. The Family Courts Ordinance being a special law must be followed strictly.

The learned Advocate for the opposite party argued that this revisional application is under section 115 of the Code of Civil Procedure and since there is no failure of justice the Court should not interfere with the impugned order. In the instant case sections 20, 24 of the Family Courts Ordinance should be read with section 115 of the Code of Civil Procedure so that evidence taken by the appellate Court may be considered as evidence for ends of justice. Moreover the examination of the witnesses have almost closed. At this stage if the Court interferes there will be great hardship.

The decision

Having heard the submissions of the learned Advocate it appears that section 20 of the Family Courts Ordinance calls for consideration as the dispute revolves around this section. Section 20 of the Family Courts Ordinance is to the effect:

"Application and non-application of certain laws - Save as otherwise expressly provided by or under this Ordinance, the provisions of the Evidence Act, 1872 (1 of 1872), and of the Code except sections 10 and 11 shall not apply to proceedings, before the Family Court."

The learned Advocate for the opposite party relies on the cases reported in 2 BLT 31 and 14 BLD 291 to submit that the procedural bar is not an absolute bar. therefore no illegality has been committed by the learned Additional District Judge while taking evidence in appeal. Therefore, prays that the Rule may be discharged.

I have gone through the decisions given by the High Court Division referred to above which seem to be not in line with Appellate Division decision in the case of Azad Azam vs Zinnat Khanam reported in 1 BLC (AD) 24 wherein amendment of a plaint was not allowed on the ground that section 20 of the Family Courts Ordinance is a bar to the application of the Civil Procedure Code in Family Court proceeding with the exception of sections 10 & 11 under the Family Court Ordinance. That being the position the lower appellate Court cannot take evidence under Order XLI Rule 27 of the Code of Civil Procedure as the provisions of appeal in the Family Courts Ordinance does not provide for taking of evidence. Family Courts Ordinance being special law must be applied strictly. It further appears to me that the appellate court cannot also remand the case to the trial Court as the Family Court Ordinance does not provide for any such provision. One thing, I am sure that there is nothing on record to show that the Family Court Judge allowed the contesting parties opportunity for adducing evidence in support of their case. He has given judgment within 24 hours of filing of the case after sitting with the members of the contesting parties. The judgment appears to be based upon mere surmises and conjectures. This leaves this Court at a very difficult position as the paramount consideration in such a case is the welfare and interest of the minor which cannot be established without evidence being adduced by the concerned parties. Since the procedure under Order XLI Rule 27 is a bar under section 20 of the Family Courts Ordinance in a Family Court proceeding in my opinion only recourse left to the lower appellate Court is to fall upon section 24 of the Ordinance which is to the effect:

Section 24 of the Family Court Ordinance:-

"Family Court deemed to be a District Court for purposes of Act VIII of 1890.

A family Court shall be deemed to be a District Court for the purposes of the Guardians and Wards Act, 1890 (VIII of 1890), and notwithstanding anything contained in this Ordinance, shall, in dealing with matters specified in that Act, follow the procedure specified in that Act."

Under this section Family Courts have to follow the procedure laid down in Guardians and Wards Act, 1890 in a matter while deciding the question of guardianship and custody of a minor. This section is an exception to the procedure otherwise laid down in the Family Courts Ordinance to be followed in pending Family Court Cases. The main reason for adopting this procedure is that the Courts power and duties in the matter of guardianship is in the nature of loco parentis (parental jurisdiction). Its main concern is to consider the welfare of the minor. In passing an order the Court is required to consider not only the personal law to which the minor is subject but also the welfare and best interest of the minor before the Court. I have already stated that no case with regard to the guardianship of a minor can be decided without considering the evidence adduced by the contesting parties. The Court must hear such evidence as may be adduced in support of each party's case and record and consider them before passing any order. Since in this case no evidence is recorded by the Family Court the only way out in my opinion is to fall upon sections 12 and 13 of the Guardian and Wards Act, as provided by the Ordinance itself.

In the case of Yusuf Ali Mamoonji Vs. Alibhoy reported in AIR 1925 Lahore 567 where there was nothing on record to show that the party concerned was given any opportunity of producing evidence to show that an alleged will was not genuine the case was sent back to the lower Court for further inquiry.

In line with the aforementioned decision my considered opinion is that family Case No. 1 of 2000 should be sent back to the family Court, Kulaura, Moulvibazar for further inquiry under section 13 of the Guardian and Wards Act, 1890.

In the result, the Rule is made absolute. The impugned order dated 23.5.2000 passed by the Additional District Judge, Moulvibazar in Family Appeal No. 13 of 2000 is hereby set aside. The case is sent back to the Family Court, Kulaura, Moulvibazar for its disposal. The Court while taking evidence must remember that the paramount consideration in this case is the best interest and welfare of the minor and pass its judgment and order in live with the above observation after recording the evidence of the parties.

REVIEWING *the views*

Clash of Civilizations? No, of National Interests and Principles

AMITAV ACHARYA

The swift collapse of the Taliban regime in Afghanistan under the weight of American military power marks the defeat of one of the more prominent ideas to emerge from the ashes of the Cold War: Samuel Huntington's thesis about a "clash of civilizations." The Sept. 11 attacks on the United States were the first real test of the Huntington thesis. Amid the initial shock waves of the attacks, many saw its vindication. This view gained strength when George W. Bush used the world "crusade," with its connotations of a Christian holy war against Muslims. The attacks themselves were presented by the perpetrators as Islamic holy war against Christians and Jews. Yet the response of governments and peoples around the world has proved that this was no clash of civilizations. What emerged was an old-fashioned struggle over the interests and principles that have traditionally governed international relations. Civilizational affinities played only a secondary role. The world's Muslim nations condemned the terrorist attacks. Many recognized the U.S. right to retaliate against the Taliban for sheltering Qaida. Some offered material and logistical assistance. From Saudi Arabia to Pakistan, from Iran to Indonesia, Islamic nations denounced bin Laden. In Pakistan, President Pervez Musharraf and his associates denounced the terrorists for giving Islam a bad name. Reversing its long sponsorship of the Taliban and braving the wrath of Islamic extremists at home, Pakistan offered vital logistical support to U.S. forces.

Iran, which for decades had spearheaded Islamic revolutionaries' campaign against the United States, also made no secret of its disdain for the Taliban's Islamic credentials. Iran saw an opportunity to rid itself of an unfriendly regime in its neighborhood.

Each of these nations put national interest and modern principles of international conduct above primordial sentiment and transnational religious or cultural identity.

Pakistan, for example, got badly needed American aid and de facto recognition of its military regime. Indonesia, whose support as the world's most populous Islamic nation was crucial to the legitimacy of the U.S.-led anti-terrorist campaign, received American economic and political backing for its fledgling democracy.

In Indonesia and Malaysia, the war against terrorism presented an opportunity for governments to rein in domestic Islamic extremists who had challenged their authority and created public disorder.

Most nations accepted the U.S. counterstrike as an exercise in a nation's right of self-defense. None granted the same right to the Taliban.

Asked to chose between America and the terrorists, nations of the world closed ranks to an unprecedented degree and sided against the terrorists. They did so despite reservations about America's Middle East policy, concerns about civilian casualties in the Afghanistan war and misgivings about U.S. military and economic dominance of the world.

The "clash of civilizations" thesis fares no better in the domestic arena than on the international stage. Appalled by the terrorists' methods and the loss of so many innocent lives, most religious leaders in Islamic societies condemned the attacks as un-Islamic.

Dire predictions were made that countries which acquiesced in or backed the U.S. retaliation would be torn apart by ethnic and religious strife, but such predictions did not come true. In Pakistan, where the risk was most serious, General Musharraf was able to act more and more boldly against extremists as Islamic protests fizzled out. Hard-core Islamic elements in Indonesia failed in their attempt to rally widespread public support against the American action in Afghanistan. In Malaysia, Prime Minister Mahathir bin Mohamad set aside his rhetoric against American hegemony and made it difficult for Malaysian jihadists to travel to Afghanistan to fight alongside the Taliban. The international response to the Sept. 11 terrorist attacks shows that religion and civilization do not replace pragmatism, interest and principle as the guiding motives of international relations. In rejecting the call to jihad issued by the Taliban, Osama bin Laden and their supporters, some Islamic nations acted out of interest and others out of principle. Most were motivated by a combination of both.

The writer, deputy director of the Institute of Defence and Strategic Studies in Singapore, contributed this to the International Herald Tribune.