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## Withdrawal of criminal cases

*A setback to rule of law*

ONE of the first acts of the BNP government on assuming office was to start reviewing a large number of criminal cases, suspected to have been politically motivated, which were instituted during the immediately preceding Awami League government. Nineteen months on, the government has withdrawn cases against 53,408 persons on the ground that they were accused of criminal offences by the previous government under political consideration.

Committees headed by deputy commissioners reviewed as many as 4,200 cases acquitting 52,000 in the first phase. But at that stage, murder, rape, arson, arms and bombing-related cases were kept out of the review exercise. Subsequently, however, handpicked names would be delisted from the last-named category, so that in the end, the figure of the released persons reached a whopping 53,408.

A committee comprising joint secretary (police), a representative from the law ministry and law advisor to the home ministry made a separate review of 150 cases involving grave offences like murder, rape, arson, arms possession and use, and bombing. In the end, 1408 persons accused of having committed such crimes have also been exonerated.

A government reserves the right to withdraw a case, but the acceptability of its action will be dependent on how it is exercised. If the cases were politically motivated frame-ups, they had better be left to the courts to decide and acquit the accused of the charges. The judiciary's opinion had not been obtained on the subject to let go of the trials. Solely by a blanket executive action a point of law has been set aside. Such wholesale release of accused or under-trial prisoners by a political decision seems as questionable as the alleged politically motivated cases themselves will be.

Rule of law is the biggest casualty of this blanket annulment of criminal cases. The signal that goes out to those who may have committed the crimes they were charged with (whatever their number) is that they could always count on a change of government to get off the hook. So, it is always the criminals ruling the roost regardless of which government came to power. Besides, there is the chameleon character to the criminals that guarantees them the proverbial cat's nine lives. One law enforcement official has put it very aptly in a question form: what is left to the crime-control role of the police if the cases instituted during one government are withdrawn by another government? The criminals cease to take the police seriously while whatever is left to the latter's credibility is eroded in the eye of the public. The police would have reasons there to feel frustrated. Another way of looking at it would be: how vulnerable the police remain to be utilised by each government to serve its political purposes. Under the circumstances, police professionalism is hard to come by.

On the public level, it is highly important to note that those who were directly affected by the offences would feel they have been denied of justice because the real culprits may have slipped through the fingers. Furthermore, each time the law and order situation takes a vicious turn, the finger would get pointed to hardened among the accused criminals having been set free under 'political' considerations. Since the political parties are often blamed for taking criminals under their wings should not they strive to remove such negative impression about themselves by totally refraining from recommending names to be dropped from the criminal cases?

All we are saying is: if there was nothing in the cases, the courts would have pronounced it in their verdict as they have done in the past. If on the contrary, there was anything in them they would have said that, too. In the process, criminals would have been sifted from the rest with the society gaining immensely.

## The UN capitulates



HASNAT ABDUL HYE

Council appeared to wobble and waffle. Its resolve showed signs of weariness and it started to falter. The formal complaint lodged by the Iraqi Ambassador about aggression against his country went unheeded by the Security Council. No emergency meeting was called to discuss the war and the standard cease-fire. Obviously, such a move would have been vetoed by America, but it would have vindicated the UN's role. Just

UN had more to do with the nature and scope of 'regime change' in Iraq. This grand design did not involve only ouster of Saddam and his Baath party. More importantly, it is about introducing a comprehensive political, economic and security system that will guarantee protection and promotion of American interests permanently throughout the Middle East. The UN could be the fly in the ointment in such a sweeping and politically

change America's mind on this issue.

But the UN, particularly the countries who opposed the war against Iraq in the Security Council, had a great opportunity, almost a trump card, to press for and obtain a central role for the UN. America, with all its bluster against the UN, required the help of the UN to lift the sanction against Iraq. Without this America cannot start selling Iraqi oil to pay

Russia and France would balk at legitimising the war by lifting the sanction unconditionally. At the least, they demanded a central role for the UN. This involved return of the UN inspectors to complete the unfinished business since a declaration on absence or destruction of weapons of mass destruction (WMD) was a pre-condition for lifting of sanctions. Faced with the need to have the sanction lifted America seemed to be in a weak

into malleability, at least to a degree.

Given the strong bargaining position of members of the Security Council it is a mystery that at the final crunch almost an unconditional resolution was passed lifting the sanction and granting quite a few privileges to the occupation force in Iraq. Concessions made by America in the revised resolution are so minor and insignificant that these will not affect her grand design in Iraq in the least. According to the resolution the occupation force will remain in Iraq for one year which can be automatically extended for an indefinite period. During this period the occupation authority headed by America will control the fund built with oil revenue for 'reconstruction' of Iraq. The nature and scope of this reconstruction will be left to the occupation authority, as will be the right to give contracts and to engage in long-term agreements. In addition, America and Britain have been given the authority by the UN to run the country as they put together a new Iraqi government, but no timetable is given for this. The UN inspectors will be allowed to return after some time, to help the American team already looking for WMD and give post facto clearance for lifting of sanction.

The most crucial issue of UN role has been settled by changing the designation from 'Coordinator' to 'Special Representative' which is not even a cosmetic change as the Representative will play second fiddle to the American civil administrator, either acting at his bidding or merely reporting to the UN. In any case, his powers and functions have been kept conveniently vague. There is no definition of any UN role, most probably because the paramount role of American civil administrator makes this obvious.

What is intriguing is the question that given the strong bargaining chips at their disposal why did the members of the Security Council pass a resolution that

## IN MY VIEW

**The way the UN has been abused and misused recently gives urgency to the need for restructuring to make it more democratic. The General Assembly may not be empowered overnight, but nothing prevents it from discussing emergent issues of war and peace. It did so at the time of the Suez crisis and again during invasion of Hungary. If nothing else, opinions and views were articulated representing the whole spectrum of public opinion.**

as it cannot be accomplice in an illegal war, similarly it cannot condone one by remaining silent. The sudden paralysis of the hitherto active and conscientious crucial organ of the UN was an anti-climax. On the other hand, the emergency meeting of the Council authorising the UN to administer the oil-for-food programme, instead of Iraq, seemed to write off the Iraqi government even before it was toppled. The UN resolution was sought only as a fig leaf to hide sordid motives.

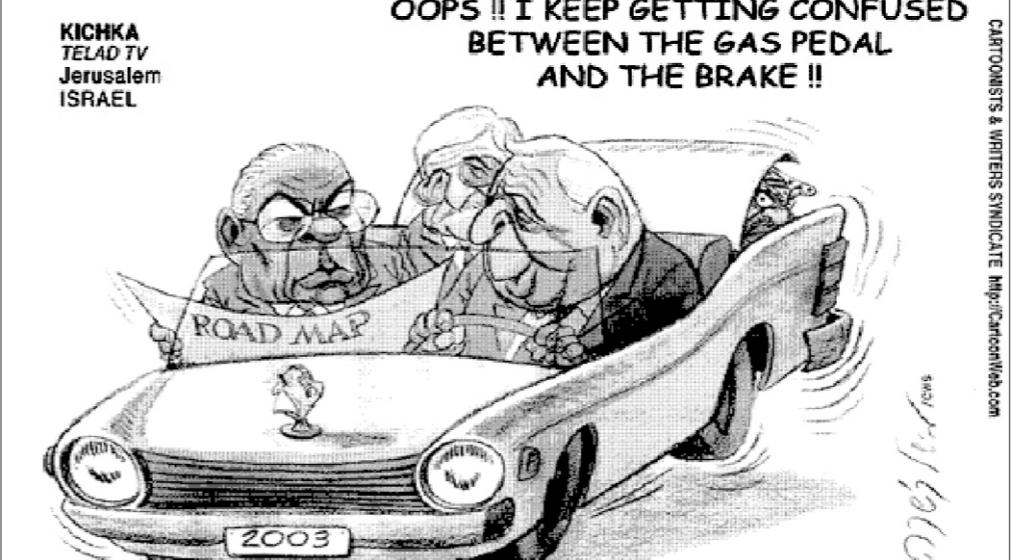
The stand taken by the members of the Security Council, excluding America and Britain, was historic. It was based on correct interpretation of Resolution 1141 and in accordance with international law. Most importantly, it upheld the cause of peace when war was avoidable and unnecessary. The worldwide demonstration on the streets resonated through the Security Council. At the end it could not prevent war, but nor did it authorise one that was palpably wrong and unjust. In its failure, in spite of itself, the UN came to enjoy prestige, confidence, good will and even credibility to a degree that was not seen before.

As the war in Iraq progressed the UN looked forlorn and shaky, as if mulling over the past. The Security

motivated restructuring. So keeping the UN out of Iraq is not just an act of retribution, but essential to the stratagem planned and the goal set by America. Frequent declarations by Rumsfeld that American troops will stay as long as necessary in Iraq leave no doubt about the long-term goal of America. Giving a central role to the UN could not be in America's real interest. Even her staunchest ally Britain failed to

for 'reconstruction' in Iraq, which will no doubt include all kinds of payments to its contractors and suppliers. Selling oil before the sanction was lifted would invite raft of litigation later, the very thought which could discourage potential buyers. That is why America was so eager to move the UN and frantically sought to win support from the Security Council members. For a while it looked as if

bargaining position in respect of both the issues. This fact could not be concealed, though in public she continued to insult and threaten countries, particularly France, for 'betrayal'. In true mafia style, America was bent on following a strategy of 'punish and reward' regarding its foes and enemies. But the issue of lifting of sanction became its Achilles' heel. From pugnacity it was forced to mellow



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## Raining in the sun



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HE stood in front of the window and looked outside where a pale gray dawn was breaking in the midst of the houses, drenched by rain throughout the night. A damp cold breeze entered the room and filled her bones with a vague yearning. She wished to become a bird and fly in the sky because the house suffocated her like a cage.

Between yawns she looked at her husband who was lying in bed like a bundle of clothes. He appeared dead to her if not for the rise and fall of his bloated belly, and it occurred to her that sleeping was almost like death. She wondered how she had been dying with him night after night but increasingly losing her wish to wake up in the morning. In that cold dawn, standing in front of the window, she realised that life was nothing but an acceleration of death.

She cast a tormented glance at her sleeping husband who was to blame for her unspeakable sorrow.

She examined the contour of his body like a surveyor studying a landscape. His hairs were frowsy like a battered broom, his face pale as tallow, his moustache messy like a sliver of hastily peeled dry coconut, and the waxin the corners of his eyes looked like stains of sorrow. This complete wretch of a man drank her youth and beauty like a vampire, and snored right after night with his belly up without showing any gratitude or remorse.

At the strike of eight, this appar-

sister and brother-in-law, followed by her mother who refused to let her daughter go out of sight. In the first few months, she missed her husband, and the hope that he might come one day to take her back lurched in her mind like the sun shining through a patch of cloud.

But then time healed her wound and she was able to take a job in a drug store, which was within walking distance from the house. An income gave her the freedom, lack

the body needed the soul, the night needed the day, the betel leaf needed the betel nut, and the new moon needed the full moon.

Inside her she knew her mother was right. She thought of a companion every now and then whenever she was happy or sad. The winter started in December and the snow came earlier than time. Snowflakes covered houses, fields and trees, and it was cold and white all about her. The thudding sound of snow banks sliding down the roof of

the world evolved, powered by the love of men and women, their hatred throwing it in chaos.

On a Sunday morning she had a long discussion with her brother-in-law at the breakfast table. He said that the conjugal life was a delicate balance between the fire of the body and the ice of the soul. She said man was obsessed with the fire while woman craved for the ice, that man was polygamous because it was in his nature to spread the fire, and woman, like ice, froze on

her worried that she was missing the colours of life.

Her mother and sister returned at the end of the summer, and the house suddenly slipped into silence. The two daughters wouldn't talk to each other and the brother-in-law talked to neither. The younger daughter stopped taking her meals, the elder daughter was distraught with anger, and the brother-in-law spent his time in the basement watching television until his eyes were ready to come out. The mother stayed in her room, lamenting that her misfortune was like a wicked witch, which set out to ransack her life as soon as she was comfortable with it.

The story came to an abrupt end when the younger daughter took her life with overdose of sleeping pills. It rained on that clear sunny day and the wailing mother thanked the nature for cleansing the air, laden with the shame and tears of her unfortunate daughter. At the funeral people asked why such a young girl would have committed suicide. The sister wept, and the brother-in-law was quiet. Only the mother told everyone that her ill-fated daughter had come from dust and to dust she had returned, dispersed by the wind of life that never blew in her favour.

Three days short of her 26th birthday and six months after her former husband had remarried, the younger daughter was buried at the Stafford Muslim Cemetery in Virginia, USA.

Mohammad Badrul Ahsan is a banker.

## CROSS TALK

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## OPINION

## Some thoughts on Saddam Hussein and Iraq

MUNIRA KHAN

I had the opportunity to visit Iraq in 1986 when Iran-Iraq war was going on. Some of us were invited to attend a Women's Conference where women leaders, politicians, parliamentarians, women activists, social workers from many countries including US, UK and Kuwait were present to discuss women's role for development and peace.

Inaugural ceremony was held at a very modern conference centre where President Saddam Hussein was supposed to come and address the audience (but he did not). We gathered from sources that usually he does not appear at the last moment and send someone to represent him. Anyway, I was impressed with the devotion of the Iraqi ladies who each and every time Saddam's name was pro-

nounced in the speeches cheered (by making a noise like ulu lu lu) from all over the hall. Most of the ladies I met were wearing lockets with Saddam's photo. I have seen the President's picture imprinted on most of the buses, trucks etc. In short Saddam Hussein was everywhere. We were taken to Karbala, Hajrat Ali's Mazaar, where we saw some bodies in coffins accompanied by relatives. We came to know that those were the bodies of soldiers who died in the war, brought here before burial. I also heard that relatives were not supposed to mourn for them for more than two days as the soldiers who died for the country would go to heaven; so the relatives should be happy rather than sad and mourn. The conference was held in a grand style at Al Rashid Hotel where we also stayed. Everybody including the delegates from the US and

Kuwait praised Saddam for his role as emancipator, as a liberal leader etc. etc. We were given a big reception at one of the palaces but again without the President. Frankly, I could not approve the way Saddam Hussein was governing, rather ruling the country as I am a believer in democracy. It was absolutely one man show through regimentation. Although he was supposed to be very popular he was not sure of his own security. We heard that there were many exits and entrances in his palaces and nobody was supposed to know through which gate he would enter or leave the palace -- that would be an instantaneous decision by him only.

Before going to Iraq I had ideas that Iraq was a rich country, culturally and economically. But after

staying for a few days we could notice the effect of war on Iran's economy. Life was not very easy. Although we saw many beer shops alongside the roads (a sign of liberal affluence) people did not seem to be very happy. Shopping centres were shabby and empty. Overall bad effect of war was visible and felt and then never again the people of Iraq saw good time.

Since 1991, after the sanction

were imposed following Iraq's invasion of Kuwait, people of Iraq have been struggling for their existence. About half a million children died due to effect of sanction. Hundreds of men, women and children have been killed in recent war on Iraq; many more others lost limbs and have been maimed in the bombings. But why? For whose fault and whose benefit? I never understood

why Saddam Hussein took such moves and decisions in the first place which harmed his country and caused suffering for the Iraqis. All the rich revenue from oil, all his bravery, his parley with different countries at different times could not bring prosperity and happiness for his fellow countrymen. I must agree that with strong hands he at least could rule a country against many odds but it seems everything was done at the cost of the people of Iraq. Saddam Hussein lived away from people in a grand style in grand palaces which we could see now after the war (much of those were bombed and destroyed, which was not necessary at all).

In my idle thoughts I try to find reasons why it has been so happening. Why the war? Why Saddam Hussein behaved like this (Kuwait invasion)? His actions more or less

were mostly in favour of the parties who sell arms and weapons and against his nation and ultimately caused invasion and occupation of his country. When coalition forces invaded Iraq, time to time we heard from Saddam (at least so made to believe) messages against coalition forces which ultimately would delay their departure from Iraq now for security reasons. Recently another headline in newspaper attracted our attention which seemed ominous to me: "Saddam urges Iraq to use mosques against occupation forces". We don't know whether it is Saddam or any one else exploiting the situation in his name. In my opinion it is very undiplomatic and unwise. Why mosque, where people go for solace, for prayer, for asking divine blessings from the Almighty Allah should be used for war purpose? Does the caller want mosques to be invaded or bombed in the name of security reasons? Does he want the innocent devotees to be harassed, searched, tortured while coming from or going to mosques? What is the motive behind this directive? All these questions puzzle me. Why powerful coalition forces could not find Saddam's whereabouts? Why it was so easy to send a tape to some journalist which was publicised through media all over the world? What Saddam Hussein actually wanted? Extended duration of occupation forces?

I could never understand why leaders all over the world cannot solve problems through negotiation. If North Korean WMD problem can be negotiated without having a war why not Iraq's? Why always innocent people of the world are to suffer? Isn't this because of ambitious desire and greed of some to grab power and

use wealth of others? Sometimes I blame Allah for giving wealth to people and countries who have no power and capacity to protect it as often it causes miseries and creates perennial problem for them. There should be an end of these conflicts which result in misery and death of innocent people. There must be some ways to solve the problems of the oppressed. For one Saddam, Bush or Blair why millions of Iraqis should suffer? Like many other free peoples in the world should not they have the right to make their own destiny choosing their own leader who would bring peace and prosperity for them?

Munira Khan is a social activist.