

## The SC verdict

*A concern for fairplay addressed*

**I**n an ambience marked by a high degree of interest in legal circles topped off by public expectancy, the Supreme Court has upheld the High Court stay order on Ramna-Tejgaon parliamentary by-poll.

The immediate implications of the verdict are two-fold. First, the by-election will not be held on June 6 as scheduled previously keeping in view the 90-day time-limit. Secondly, with the rejection of the appeal for vacation of the stay order, the dispute over election symbol allocation goes back to the HC Division for adjudication. The hearing on the original rule of the HC Division on Mannan's writ petition begins on June 12.

There is a sense of relief over the Supreme Court verdict which has been reflective of a response to a public concern for adherence to electoral rules. *Kula* was allocated to Mahi Chowdhury, a Bikalpadhara by-election candidate for the Munshiganj seat, but not to Mannan, a candidate from the same party for the Dhaka-10 constituency.

Even though the SC orders relate to a matter of technicality i.e. allocation of symbols, deeper down is the concern for electoral fair-play which has been addressed to our relief. From this standpoint, the neutrality, credibility and public image of the judiciary have been enhanced.

We now await the full text of the SC judgement which, we hope, will elaborate on the 'flaws in the appeal' and reasons for its rejection. Mystery shrouds the question as to who filed the appeal -- the Election Commission or the returning officer? Hopefully, this will also be clarified for the sake of transparency on the part of EC.

While we are greatly heartened by the SC verdict, a natural question crops up: why the special bench had to refer the matter to a full bench? After all, it did not entail any fundamental question of Constitution that could not be addressed by the special bench itself.

One sad aspect of the episode had been the denial of access to newsmen into the court hearings, even for two days. But that this was set right by the Chief Justice's intervention is a good augury for sustaining the symbiotic relationship between the judiciary and the press.

## NCB scandal at airport

*Transfer of officials not enough*

**G**LARING instances have come to light of illegal transfer of money, indulged in by officials at the national commercial bank (NCB) branches, on the premises of Zia international airport.

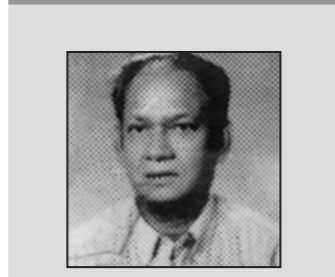
The authorities have reacted by transferring the entire lot of staff of the three bank branches situated at the hub of international travel. So, it was not a question of one or two persons; the whole set was allegedly involved in illegal transfer of money. The magnitude of the crime entailing flight of capital is appalling, and to think that all this was going on at the behest of senior officers of the bank branches is perplexing.

We cannot but also express our disapproval of the rather perfunctory action taken against the alleged culprits by merely transferring them out of their stations. We would like to see thorough investigations take place into the whole affair so that the guilty do not escape justice.

It needs no mention that every year we suffer loss of millions of taka through flight of capital. Apart from the loss in terms of potential forex reserve, it wreaks havoc on the national economy in many different ways.

As such we feel strongly considering the gravity of the situation that merely transferring these persons without ensuring that they account for the omissions and commissions could mean pardoning them. Such anti-economy and anti-national acts cannot be condoned; these must be subjected to legal actions with those proven guilty meted out deterrent punishment.

# Iraq: Withdrawal syndrome



ARSHAD-UZ ZAMAN

**C**IA seems to have the upperhand within the new arrangement for the new administration in Iraq. Iyad Allawi, a member of the current Iraqi Governing Council has been declared Prime Minister of Iraq. He is reported to have long time connection with the CIA.

The problem of picking up a Prime Minister of Iraq, due to ascend power on 1 July 2004, is that the person is picked up by the USA and therefore he would not be acceptable to the Iraqi public in general. Secondly if the person is a member of the Governing Council, he is doubly suspect since in the eyes of the Iraqis, he is bracketed with a stooge. The dilemma faced by the US rulers is that she (USA) will continue to have a massive presence in Iraq, even after the so called 'handing over of sovereignty' on 30 June. Right now within the Security Council of the UN the US is wrestling with a new draft resolution through which she would like to entice members like France, who continue to hold out in favour of transfer of real sovereignty to the people of Iraq. The bargaining inside the Security Council is not over yet.

And what do the people of Iraq want? Through their relentless fight against heavy odds, the Iraqis have established that they

want the departure of foreign -- troops, lock, stock and barrel. The Iraqi freedom fighters are giving lives daily and in increasing number. They have held at bay the huge coalition forces with all their sophisticated weapons. Coalition forces are paying dearly with their lives and for US President George Bush, the daily arrival of coffins draped in US flag, is not a pretty sight.

At the backdrop of all this manoeuvre there is one overriding consideration for President Bush and that is his REELECTION in November 2004. He really could not care less about anything else. This drama of handing over of sovereignty to the Iraqis that he is trying to enact is to camouflage his plan of reelection. It is by no means certain that he is succeeding in his design. His plan would appear to be that after ousting the 'hated dictator Saddam Hussein', he has given a new lease of life to the Iraqis.

The presence of 150,000, plus US soldiers on the soil of Iraq or in the neighbourhood will falsify this claim of handing over of sovereignty. In order to keep a stranglehold on Iraq, even after their so called withdrawal, the US wishes to keep all the cards. The loyal ally of the US Prime Minister Tony Blair of Britain has promised to increase her contribution

to the coalition forces. The calculation of Bush is that after 30 June, he would be in a position to appear before his public that he has removed the dictator Saddam and started a process of representative institutions in Iraq. Whether he succeeds in enticing the recalcitrants like France, the forthcoming Security Council vote will show. The truth, however, is that the crack created by President Bush within the Atlantic Alliance is unlikely to be healed anytime soon.

Election campaign for electing a new President of the US in November next has started. The democratic challenger John Kerry has reunited his Democrat party and has put in high gear campaign. From the tone and tenor of the campaign, it would appear that Iraq will occupy centre stage. Presidential candidate John Kerry's message seems to be that President Bush has horribly bungled the entire business and as a Vietnam veteran he has drawn attention to the militarily unprepared adventure failing to take allies on board. Of course as a Senator he had endorsed the Iraq war of President Bush!

Should Bush succeed in pulling himself out neatly from Iraq after 30 June, his campaign for reelection might lift from the morass in which it seems to have

fallen at present. All the information filtering in from Iraq suggest a bigger mess awaiting President Bush after 30 June. He started a terrible misadventure with his unilateral attack on Iraq on the pretext that Saddam was hiding weapons of mass destruction, a pretext which has been totally blown away. It has never been uttered in public, but it almost looks certain that President Bush was 'advised' by his friend Israeli Premier Ariel Sharon to finish Saddam. That would leave Israel as 'the policeman' of US in the Middle East. That the entire game has backfired is clear like daylight. That is how we witness today Sharon seeking help of Egyptian President Hosni Mubarak to extricate him from the 'hell that is Gaza'!

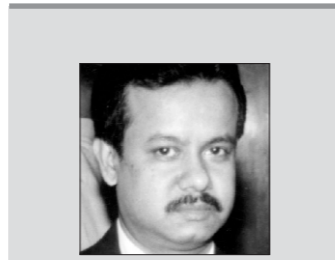
US President George W. Bush would want even dearly to close the Iraqi chapter on 30 June and concentrate on his reelection. That is unlikely to happen. Iraq will not go away. It seems impossible to predict what the turn of events is going to be in Iraq. At the present showing the reelection of President George W. Bush looks highly uncertain.

Arshad-uz-Zaman is a former Ambassador.

## THE HORIZON THIS WEEK

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# Gratification of cruelty



MOHAMMAD BADRUL AHSAN

**L**AST month, another launch sank in the river, and another load of human lives went to their watery graves. Bloating bodies floated in the water like votive candles from a festival of death. It looked like a sequel to some ride-and-sink show that tells you about the cruelty of men. The passengers were stuffed into the launch and then dumped into the middle of the river, as if those who were engaged in this business got the carrying contract for death.

Let us face it, this world is crueler than it was ever before. If you talk about the pre-historic world, when men preyed upon men in their fierce struggle to survive, life was at the centre of everything they did. People killed because they wanted to live, and that was the only way they could eliminate enemies who posed them a threat.

But you must give credit to them as well for in the midst of that struggle they pushed the world towards the light. Yes, people have fought wars and battles, and history is rife with examples of man slaughtering man. Yet you could not deny that they also created many institu-

tions, many values, to bring human civilization to newer heights. People were cruel in so much as it was necessary to be kind.

Now people are kind in so much as they need to be cruel. Take the example of launches. They convince people to board their vessels, which overturn in the mid-water and throw those people into the gorges of death. Look at the garment factories, where, every year, some employees are trampled to death. Then you have bus and train accidents, shipyard

targets of all destruction. Now we blow up men or cut them into pieces. Now we break them, bruise them, burn them, and even peel off their skins. If launch tragedies, deaths in garment factories or road accidents are death in its wholesale business, then you have also the retail side to it, the one or two killings, which are taking place in one neighborhood or another on a daily basis.

Cruelty is a lot like sex, which is healthy within a limit, after which it turns into perversion. "I must be cruel only to be kind," proclaimed Hamlet in Shakespeare's celebrated tragedy about a young prince who avenged the murder of

explosions, fires in the shanties. Or simply talk about those who sell adulterated food, spurious medicine, and artificially preserved fish and fruit.

our man, in the manner a revolution devours its own children. All the institutions and values, which were propped up to uphold human dignity, are either being deserted or demolished. This civilization was seeded in the unassuming progress made during the Renaissance and the Reformation, when the dignity of man and the beauty of his body were given increasing importance.

Now we are going in the opposite direction, making human dignity and the human body the

much righteous outrage.

C.S. Lewis, the Irish-born writer, tried to explain why that outrage could become dangerous. He said that people were much more likely to be cruel, not when they were doing something bad, but when they were convinced they were doing something good. The Americans are fighting terrorism because they believe it will save the world. The terrorists are fighting the Americans because they believe it will save their cause. Cruelty is exacerbated when people try to push their

beliefs to logical conclusions. That is why, cruelty is fermented most in the clash of convictions. After all, it originates in the thoughts before it is organized in the body, the beast crouches in the mind before it leaps forward to attack a victim. In most cases cruelty is pre-meditated, planned like a project and implemented on target. At times cruelty is cultivated in the character as impulses and instincts are conditioned, like Pavlov's dog, to respond to certain stimuli with inordinate atrocities.

Although you must not confuse cruelty with fits of anger any more than you confuse convulsions with fever. People often lose their

minds when they lose their temper, and do senseless things on the spur of their anger. That's cruelty in its natural form, which is expected to happen in the conflicts of life in so much as you are expected to sweat under the hot sun.

Going back to the sunken launch, I saw this picture on the front page of a newspaper, the folded body of a woman floating in the hands of a man whose face was distorted with the anguish of despair. The man had pulled his dead mother from the depth of the river, which had a twist of irony about the way it happened. This man once floated in the amniotic fluid of this woman, who was floating in the cradle of his hands immersed in the waters of a river.

On the face of it, it was a simple scene: a stream of life had poured into the river. But there was ecology of cruelty, which hovered in the air. The man standing waist-deep in the river was lifting the burden of grief imposed upon him by the cruelty of other men, who carried his mother to that gorge of death. As his tears rolled down to the waters of the river, the source of his birth dead in his hands, that confluence of lives was a stern reminder that albeit we lived to die, we also lived to kill each other.

The savage man killed if he was threatened, and never killed to make a living out of it. But we have professional killers in the civilized world, who get paid to do the job. Nobody told us why the owner of the launch should be any different. And what looks like the ultimate cruelty is that his victims had paid him to do the job.

Mohammad Badrul Ahsan is a banker.

## CROSS TALK

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then dissect him. That is when your cruelty runs an extra mile, which is a sign of disorder, the symptom of depravity.

British moral philosopher Jonathan Glover argues in his book *In Humanity: A Moral History of the 20th Century*, that the last century has been the bloodiest century ever, characterized by the Nazi Holocaust, the Soviet Gulag, Pol Pot's decimation of the Cambodian population, and tribal and ethnic violence. Why? Because, never before had mankind fought so much at the ideological level. Never before had man so many conflicting worldviews, which sparked so

beliefs to logical conclusions.

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# A touch of al Qaeda taints the image of Bangladesh in Japan

MONZURUL HUQ

**O**NE missing link that the investigators are trying to establish is that of Himu's connection with fundamentalist political parties back at home. Media in Japan suspect it is unlikely that Himu and Dumont would establish such a fine rapport just after meeting at a mosque for one day. Those who were already in touch with him must have briefed Dumont about the "political correctness" of Himu. The crucial link missing here are three Pakistanis, including the one in Gumma at whose apartment Dumont was taking shelter during his stay in Japan. All three fled Japan immediately after hearing the news that Dumont had been apprehended in Munich. It is likely that they sensed the possible danger of being caught and left the whole

operation in Japan under the supervision of Himu, their politically trusted partner from a country less tainted internationally as a harboring ground for international terrorism. The Pakistanis are said to have close connection with a fundamentalist party in their country that have historically maintained brotherly ties with Jamat-e-Islami in Bangladesh.

Jamat sympathizers in Japan are denying the possibility of Himu having any direct connection with the party. But it is a well-known fact that Himu contributed a huge amount to a fund that Jamat was raising in Japan in its drive to build mosques and purchase land for the purpose of building mosques. There is also widespread suspicion among many in Japan that part of al Qaeda money might have been used in mosque acquiring effort of Jamatees from Bangladesh and

The arrest of three Bangladeshis in Japan, allegedly having close links with the al Qaeda terrorist network has badly damaged the image of Bangladesh in Japan. In part one (published on June 2) of this two-part article, the author looked at the background of the arrest. In this concluding part, the author looks at the extent of involvement of the prime suspect in dubious activities that led to his eventual exposure.

Pakistan as a convenient covert way of liquidating the amount under strict international surveillance. Japan has always been criticized by the West for lax in control over money laundering efforts by individuals and groups, and during the last couple of years mosques and Muslim prayer halls have mushroomed throughout the country, most of those being operated by Jamat cadres from Bangladesh and Pakistan.

Japan's leading daily Yomiuri Shimibun in a front page article on Wednesday about the arrest of five foreign nationals has clearly mentioned Himu to be a leading

## CLOSUP JAPAN

figure of Jamat-e-Islami Bangladesh in Japan, and also hinted that the Jamat in Bangladesh and Pakistan usually maintain close ties and act in tandem particularly on issues they consider vital for the fundamentalist position that they subscribe. No wonder in Japan the rapport between the two Jamats went very smoothly thanks to the fund transferring

capabilities of an internationally wanted convicted murderer, Lionel Dumont.

Another serious accusation against Himu is centered on his mobile phone rental company in Yokosuka city, where the largest US naval base in Japan is located. Police in Japan revealed that they had been monitoring Himu because of suspicions that he was collecting infor-

mation about the US naval base in Yokosuka. Himu had also set up an office of his mobile phone rental company in a six-story building in front of the main gate of the Yokosuka base. Kanagawa prefecture police is now trying to find out if the office was set up to monitor US military activities.

Police said Himu used two floors of the building -- the first floor for his business and the fourth floor as a living space. The police department of Kanagawa has also said that the members of riot police squad, who keep regular surveillance over activities outside the base, had noticed him

frequently watching the military base through binoculars from a window on the fourth floor. When members of al Qaeda and other Islamic extremist groups have attacked American military facilities abroad in the past, members have examined those places prior to attacking. Because of this, police are investigating the role of Himu's cell phone office in Yokosuka and trying to analyze his strange behaviour.

All his dubious activities no doubt show multitude of implications for Japan as well as some other countries, and it will be on the Japanese court to decide the extent of his guilt, if there is any at all. But in one particular field where he has proved himself to be a destroyer with boundless mischief is shattering the image of our nation and its people to the core. He has single-handedly pulled down the image of Bangladesh in

Japan to such a low, that it would probably take another three decades for us to build it up again.

Many in Japan no longer believe what our official version says in its desperate attempt to portray the country as a moderate Islamic nation. Japanese remember vividly what has happened in Spain only a few months ago and they are concerned that a repetition of Madrid in Tokyo would have much more devastating impact. Hence, there is fear and suspicion surrounding anything resembling al Qaeda. Amid such a situation, Bangladeshis emerging as prime al Qaeda suspects also have shattered their trust for a country that many until recently considered as a harmless developing nation in need of economic assistance from Tokyo.