missed it as something not sanc-

tioned by law and hence it is not

Speculations are now rife as to whether the report will at all be

published. Independent observers

strongly hold the view that the report

must be made public. An eminent

iournalist is of the view that the

report should be published for public

information in the interest of the

commission as well as in the interest

necessary to extend cooperation.

Will the report be made

public?

DHAKA WEDNESDAY OCTOBER 6, 2004

What happened to the Ctg arms haul case?

The government must get to the bottom of it

HAT we are at the receiving end of illegal weapons has been proved once again by the discovery of illegal arms and ammunition from a shanty in Dhaka. We are concerned, coming as it does in the wake of the recent attack on the AL rally and the earlier bomb blasts.

Regrettably, the largest and most recent arms haul at Chittagong, that had brought to focus the entire gamut of the issue of illegal weapons, remains unsolved. The report of the investigation led by the Home Secretary has not been made public. We are completely in the dark as to the 'who', 'where' and 'how' of the entire episode, and the public cannot be faulted for any speculation, of which there are many, that the hush hush treatment of the matter has

It is a fact that our territory is being used as a transit route of illegal weapons. However, a good portion of these has their consignees in Bangladesh too, but we have failed to anticipate the illegal transaction of these weapons.

The spate of violence and terror that we see today in Bangladesh are the direct consequences of unbridled diffusion of illegal weapons in our society.

It needs no mention that there are two sides of proliferation of illegal weapons like any other commodity. There is the demand side of illegal weapons, which is complemented by the supply side. It is important that the government delves deep into the demand side of the issue as well the foreign linkages of the local dealers, if the unabated spread of illegal weapons is to be stemmed. This calls for a rigorous and serious investigation of all the cases of arms haul so far in Bangladesh.

The government's failure to unravel the cases of arms haul in Bangladesh is a cause for our concern as well as

The only way to curb the spread of illegal weapons is to go to the bottom of all these cases without any political bias so that the merchants of death can be identified and brought to justice.

Our national security demands this be done, without

A victim's bold stance against *fatwa*

Punish the gangsters under religious garb

HAT KIND of fatwa or religious decree is this? The location is a Rangpur village. Efzalul, in a fit of temper, has a slip of tongue, utters 'talaq' (divorce) to his wife Anjuma, quickly forgets the tiff, and settles back on normal familial rhythm in character with their happy conjugal life. But the monster was waiting in the wings raring to pounce on the family, picking up on the smell of rural glib talk that he had mouthed 'talaq after all'. The so-called local religious leadership decreed that regardless of Efzalul's instant self-corrective retraction, he must make his wife perform 'hilla', meaning marry a stranger, before accepting her back as his wife. Both the husband and wife rejected the fatwa in a bold and exemplary stance against the obscurantism-fuelled antisocial malady.

Mind you, Efzalul is only a day labourer, and yet, his poor family's act of valour proclaims a social message that must inspire all future sufferers of extremist edict to protest and

The principled husband's rejection of the fatwa should have been the end of the matter. But that was not to be. The couple has since been persecuted from the village by those vicious abusers of religion. There is more -- this criminal act on top of the fatwa malignancy, both highly culpable offences; having repeatedly warned his parents. Alef Uddin and Razia Khatun of dire consequences if their son didn't comply with the fatwa, the religious fanatics attacked their house and seriously wounded his parents as nothing had

The local law enforcers are clearly under the microscope. They failed to prevent the brewing fatwa before the storm actually landed on the poor couple, and have not arrested anyone, even though Efzalul had filed a case with the police station and the culprits who are known figures, have been named.

If the police do not stand by a righteous cause associated with the much abused fatwa, how can they make friends among people? They must coalesce with the human rights groups coming in aid of fatwa victims in this case Bangladesh Legal Aid and Services Trust (Blast).

Commission of inquiry: What next?



NE-member commission of inquiry set up by the govreport. It got off to a controversial start following its rejection by the Awami League (AL) whose leading members including its chairperson was the aggrieved party. The presiding judge of the commission declined to disclose the details other than in general terms. He also regretted his inability to confirm whether the report would at all be published. This was not unexpected

Despite the fact that the judge was tight-lipped about the details, almost all newspapers published some major aspects centering on the findings and recommendations.

by the press

the press include (a) a foreign entity was involved, (b) the perpetrators of the heinous crime were present in the public meeting in the guise of party activists, (c) the objective was to create instability in the country, (d) intelligence agencies lack coordination, (e) there was complete failure on the part of police, (f) some party activists could be used, and (g) television channels could not show efficiency. An important findng as reported by the Bangladesh Sangbad Sangstha (BSS) relates to the fact that no shots were fired at Sheikh Hasina's vehicle, which

grenade attack. The bullet marks on the car were claimed to have been caused by grenade thrown from the ground. It is reported that the commission has got the proof in this regard. It has also been reportedly claimed by the inquiry report that none of the political parties like the AL, BNP or Jamaat are involved in the attack. The attack was spearheaded by foreign elements.

Considering the sensitivity of the issue relating to involvement of foreign elements, the said elements have not been specified. However, the specific interest of such elehinted that some party activists could be involved. It is not known why the commission was at pains to indulge in this aspect which essentially was and continuing to be an aspect of blame game that is part of our political culture.

With regard to the presence of the perpetrators of the heinous crime in the place of occurrence, the fact is all too evident to be a finding of any substance. Equally so is the finding relating to the objective of creating instability. Next is the issue of lack of coordination among the intelligence agencies. This issue

ment owned TV remained totally indifferent on the incident, only the private TV channels showed the picture of crime in graphic details which was highly appreciated by all independent observers. Why should the private TV channels, known for their independence of thought and action, indulge in such a course of action? This question remains unanswered

Recommendations

The recommendations made, as reported in the press, include (i) dismissal of police and intelligence personnel for their failure to act in tan police act is that, the police has the authority to prohibit holding of meetings in place that appear to them to be a threat to law and order More than legal requirement, it is perhaps a question of considerations by the political parties. Legal requirement does not work in part because respect for law is on the wane by all and sundry and in part because coercive powers of the state is often used to suppress voices of dissent.

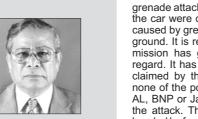
Immediately following the grenade attack of August 21, 2004, there was widespread skepticism regarding

Outlook for the future

of the government to gain credibility. He has also expressed doubt about whether the recommendations would be consistent with reality. He categorically stated that the report of the commission would be highly hypothetical (Sangbad, October 3, 2004). On the other hand, the aforesaid Bengali daily, citing past instances, hinted that it might not be made public at all. But at the same time, it stated that the members of the public were eagerly awaiting the report of SCBA

It is seen that while the credibility of the output of the commission was in question immediately following its birth, it is still more so now that the report is complete. On the other hand, the members of the SCBA committee already affirmed that it would provide public access to their findings and recommendations. Once this is made public, it is certain that the country will witness another round of debate on the issue. The crux of the issue is: should the debate be endless or will the state be able to bring all offenders to justice? The latter aspect must receive priority for the alliance government which is legally and morally responsible for prosecution of criminals in the name of the state This case should not be construed to be a case between ruling fourparty alliance and AL. It is essentially a case of the state versus the criminals responsible for the car-

A M M Shawkat Ali, PhD is an ex-Secretary



AMM SHAWKAT ALI

Has the commission said anything

The findings as reported

The major findings as reported in

WORTH A LOOK The crux of the issue is: should the debate be endless or will the state be able to bring all offenders to justice? The latter aspect must receive priority for the alliance government which is legally and morally responsible for prosecution of criminals in the name of the state. This case should not be construed to be a case between ruling four-party alliance and AL. It is essentially a case of the state versus the criminals responsible for the carnage.

ments has been identified to be to set up a puppet government. This appears to be a highly conjectural view in that to set up a puppet government, the foreign entity would need some local support, an issue that has not been mentioned. On the other hand, it is reported to have been mentioned that BNP and Jamaat cannot be involved because together they constitute two-thirds majority in the parliament. How can a puppet government be put in place when the ruling alliance has such a large following is a question that appears to have remained unanswered so far

Many discerning readers find it a strange coincidence that the commission's reference to a foreign power's involvement comes in the wake of Prime Minister's public statement that a particular party wishes to capture power with the assistance from abroad (Prothom Alo, October 29, 2004). It was also has been focused time and again even prior to the carnage of August 21, 2004. Almost on each prior incident of bomb or grenade blast, this issue has been raised by the media. What seems inexplicable is the lack of action by the concerned authorities? A stitch in time might well have saved nine. It is not known if this aspect has received due attention of the commission.

The finding related to the limitless failure of the police is also nothing new. It has been widely reported in the press earlier. What appears something new is the finding related to the probability of some party activists being used as agents for the crime. This is also highly subjective unless strong evidence is mentioned in the report. Finally, the finding with regard to lack of efficiency of television channels has been identified. Prior to the submission of the report, there was some news items indicting that footage lance, (iii) hold public meetings only in specified places, (iv) introduce compulsory system of video recording by the police in all public meetings, (v) upgrade efficiency and technological skill of the police and intelligence personnel and (vi) strengthen interrelationship among mainstream political parties. All of the above, in the view of

time. (ii) strenathen border surveil-

many, are nothing new. The media have been very vocal and raised earlier all or most of the issues. In respect of compulsory system of video recording by the police, what appears to be missing is whether the intelligence personnel some of whom are expected to be normally equipped to take photographs using concealed cameras have been active. Alternatively, whether such personnel are at all equipped with such gadgets.

As regards holding meetings only in specified places the legal require-

media. The major ground for such skepticism rested on the inability or unwillingness of the government to make public all previous inquiry commission reports. The widespread public skepticism also emanated from the government's continued practice of not acting on the recommendations of the report. It is largely due to the above two factors that public skepticism is too

deep-rooted to accord credibility to

any report of a commission of

inquiry. This skepticism has mani-

fested itself in the formation of a

separate inquiry committee under

the initiative of the supreme court

the commission as reported by the

bar association (SCBA). The committee consists of some eminent lawyers known for their independence of thought and legal acumen. It was widely reported in the press that this committee could not elicit. despite their best attempts, cooperation from the government. The law

Will Siachen become a 'no-war zone'?



7AGI UI AHMED CHOWDHURY

HE Indo-Pakistan summit level talks at the United Nations on the sidelines of the general assembly session seem to have gone off guite well. The dialogue between Indian prime minister Dr. Manmohan Singh and Musharraf -- first at the highest level since a new government took over in India -- expectedly produced reasonably tangible

results. Given the complexities involved in their bilateral ties, hopes for much progress in the form of resolution of the main problem should be a matter of height of folly. As such, whatever forward movements were achieved in Manmohan-Musharraf talks can be described as useful progress since it will further help create better understanding among two traditionally hostile south Asian neighbours and conditions are also increasingly discernible to address the core

Cynics may argue that this is another exercise of "so-called" confidence building measures (CBM's) between the two countries. Conversely, some people might have placed too much expectations on the New York talks of the two leaders. Both quarters must try to understand the dynamics of the Indo-Pak contentious ties which by themselves cannot offer anything very substantial in quick time and by the same token progress -- even if

scant -- cannot be seen as futile exercise. Those who expected a lot -- albeit unrealistically -- between India and Pakistan in the foreign ministers level talks in New Delhi some time ago were frustrated as their hopes had been belied. Consequently, they sought to describe the much awaited talks between Indian external affairs minister K. Natwar Singh and his Pakistani counterpart Kurshid Mahmud Kasuri as a "failure". These quarters kept a close watch on the talks between the heads of the government of India and Pakistan late last month during characterise the bilateral ties. The Manmohan-Musharraf dialogue has certainly taken the complex bilateral relations a step further towards their mprovement

Apart from pledges to further boost cooperation in different areas like trade and commerce, culture and no less important sports like cricket and hockey which are passions in South Asia and more particularly for India and Pakistan who have excelled in both the games on a global scale, the core issue "Kashmir" is also being addressed. This one of them is the possibility of India withdrawing its troops from Siachen glacier, the highest battlefield in the world and Pakistan making a pledge not to try to capture it when Indians withdraw from there. This may eventually lead to turning the Siachen a "no-war zone" which if finally occurs could be a great leap forward to reduce tensions

variety of issues directly or peripher-

ally linked with Kashmir situation and

As a result of the summit level talks, a meeting of the chiefs of the army of the two countries is on the

achievement. In fact, when president Musharraf and former Indian prime minister Atal Bihari Vajpayee were in Kathmandu and shared the same dais for the SAARC summit even though they did not have any bilateral meeting, the occasion helped tremendously to improve New Delhi-Islamabad ties, which were then on the brink of total collapse owing to severe tensions Manmohan-Musharraf meeting in

or for that matter any spectacular

New York has produced results on the expected lines since a conducive ground for success of the discus-

witnessed New Delhi's initiative to normalise the relations. The UPA government inherited a good environment and several meetings including that on nuclear-related matters between two countries in the last few months were not fruitless. The absence of any rancour in the parleys and the pledge to carry forward the discussion itself is a positive sign

ernment's time saw belligerence with

Pakistan although last few months

Indian contention of cross-border insurgency aided by Pakistan and Islamabad's assertion that talks must revolve around the wishes of the Kashmiri people and alleged human rights abuses by New Delhi are unlikely to find a common ground easily. But the yawning gap can be narrowed down and the Manmohan-Musharraf talks were definitely meaningful in that direction.

The positive signals need to be consolidated in the quest for lasting peace by eventually settling the main issue in a spirit of accommodation. Manmohan-Musharraf meeting has delivered reasonable degree of gains that will help further create a conducive atmosphere not only between the two principal players of the area but in the region as a whole. There is no denying that multi-faceted cooperative developments in the South Asia have been a hostage to Indo-Pak adversarial relations. Sooner this nature of their ties is changed for improvement, better is the political climate for the entire region and in the process the beneficial ventures will receive stimulation. It is expected that the recent Indo-Pak summit level talks mutates in substantive progress at bilateral level that automatically will have a sobering effect on the

main bone of contention is no longer card and their defence secretaries

MATTERS AROUND US

The positive signals need to be consolidated in the quest for lasting peace by eventually settling the main issue in a spirit of accommodation. Manmohan-Musharraf meeting has delivered reasonable degree of gains that will help further create a conducive atmosphere not only between the two principal players of the area but in the region as a whole.

United Nations General Assembly session (UNGA).It is possible that they pinned high hopes and are not upbeat on the Dr. Manmohan Singh-General Pervez Musharraf dialoque. Such aspirations may have once again been dashed because of the inflated nature of the expecta-Indo-Pak talks at any level -- no

matter the scale of the summit -- are constrained by colossal limitations. The New York talks were no exception. No government in either country can on its own take the task of making the dialogue a success since it has to take the entire nation along with it as too much of emotive issues are involved .Prudence and rationale assessment clearly suggest that any success in the talks between the two traditionally hostile neighbours can come through a long drawn process that has to proceed through a general ambience of goodwill devoid of mistrust and belligerence which generally

kept out of the purview of discussions despite the fact that two sides generally hold diametrically opposite positions on this thorny dispute. Indications are clear from the Manmohan-Musharraf talks that both sides are showing flexibility on "Kashmir" with a view to addressing it even though reaching a common ground for its settlement is indeed a difficult task.

Islamabad's position that progress on other issues is somewhat impossible without taking up the Kashmir tangle and New Delhi's perception that it cannot come under talks being an "integral part" of India need to be changed should they want any meaningful advancement in their bilateral ties. The New York dialogue has demonstrated the will from both sides that they are not unwilling to shift from the hitherto adopted positions. This by itself is a remarkable progress no matter how the cynics analyse the discussions. It is clear that two sides are discussing a are also likely to meet again. They met some time ago in the Indian capital after long seven years. All these are positive signals to address the Kashmir problem. The outcome of the Manmohan-Musharraf talks received a further impetus when Sonia Gandhi, chief of both Congress and ruling Congress-led United progressive alliance (UPA) during a visit to Kashmir region welcomed the outcome of the New York dialogue and said this healthy process to resolve the Kashmir problem will

The talks between the two heads of government were not exactly a "summit" as such because they met in a third country where they were present for multilateral purposes. However, bilateral meetings even on such occasions at times produce high results and there is no dearth of such instances in international diplomacy. But the current state of Indo-Pak relations is "normal" which does not warrant any "breakthrough"

sions was being created at various evels of talks including one between Indian national security adviser J. N Dixit and Pakistan president's political secretary Tareq Aziz. As such it had more to offer than setbacks since they were already on a path of reconciliation. If the current tone and spirit of the bilateral ties can be maintained, hopefully two sides will move further while no inflated hopes for an Indo-Pak relationship totally devoid of enmity and unfriendliness should be nurtured. The modest gains should be construed as substantial in the given circumstances especially taking into account the long hostility and sensitiveness attached to the main dispute Kashmir.

As it happened to be the first summit level talks since the new UPA government took over in India a few months ago, many eyes were fixed on how this new government in South Bloc views ties with Pakistan compared to the previous NDA authority of Vajpayee. Most part of NDA gov-

Zaglul Ahmed Chowdhury is a senior

Racial profiling?

RON CHEPESIUK

AMRAN Akhtar, a Pakistani national allegedly living arrested on July 20 while videotaping skyscrapers in Charlotte North Carolina. Akhtar still remains in Mecklenburg county jail in Charlotte waiting to see if he will arraigned on terrorism charges. Meanwhile, the case has raised concerns among Charlotte's Islamic population that Akhtar may be the object of racial profiling.

"I know we are living in tense times and the politicians can't be politically correct about everything that comes out of their mouths." said Jabril Hough, the Charlotte-based chairman of the Islamic Political Party of America. "But I thought they could have dealt with the Kamrar Akhtar situation a lot better." Akhtar has been charged on six counts Four relate to allegedly making false statements to police officers and two to alleged immigration viola-

According to Akhtar's lawyer, George N. Miller of the Charlotte law firm of Dozier, Miller, Pollard and Murphy, Akhtar is currently facing a maximum of 35 years in prison. "If

espionage and terrorism charges are added, Mr. Akhtar could potentially spend 55 years in prison. Miller said. "But the government has never mentioned terrorism and espionage, so I don't expect my client to be charged with any

According to Charlotte press

rorism offences."

reports, Akhtar caught the attention of the Charlotte-Mecklenburg police officer Danny Maglione who noticed Akhtar standing on the corner of Stonewall and South Tryon streets acting in a manner he thought to be suspicious. "When I slowed down he (Akhtar) would turn quickly and not try to make eye contact with me, Maglione told News 14 Carolina, a Charlotte TV channel. The office told the media that he had seen at least a dozen people videotaping buildings in uptown Charlotte Akhtar was suspicious, Maglione explained, because "Normal people don't just take pictures of buildings, see a police officers

and turn away quickly.'

Miller said his client's problems with the law began when he responded to the police officer's questions. He explained: " If a police officer comes up to you while you're videotaping a building and he asks



The local Islamic community has been critical of Charlotte political leaders, particularly Charlotte mayor Pat McCrory, whose recent political statements, they say, is helping to create a hostile environment for local Muslims. McCrory has asked the public to call police if they see someone wearing suspicious clothing, such as winter clothing in the summer, which, McCrory claims, could be a potential cover for weapons. "The mayor and the media has helped foster an atmosphere in which it's easy for Akhtar to be profiled as a terrorist."

you. 'What's your name?' You can sav. 'I don't want to tell you' and that would be the end of it. If the officer says, 'I want to see your video tape and you say, 'No

way!' That's the end of it. But if you talk to them and allow them to take a look at what you're carrying, you have a problem.

Akhtar went voluntarily to local FBI office where federal agents looked at the videotapes and found footage of the Bank of America building, the Texas governor's mansion and the public transit systems in Atlanta Houston, Dallas and New Orleans

According to Miller, Akhtar, aged 35 and a resident of Elmhurst, New

York is a video buff who enjoyed taking photos of tourist sites and buildings. Until his arrest, he had been traveling the country after he lost his job at a New York photo shop that closed. Miller said the Akhtar's case is a graphic example of how the Patriot Act is being used today. 'Mr. Akhtar was detained for two weeks without being charged criminally," Miller explained. "There was a time you couldn't do that in the U.S. That changed when the Bush administration iammed the Patriot Act legislation through Congress."

Chris Hansen, a lawyer with the ACLU in New York, said he didn't know under what authority Kamran Akhter was held for such a long

11. "the Bush administration has expanded the number of judicial ways it's used to justify detaining people without due process." The charges against Akhtar were brought after the FBI did a backaround check on him. Miller revealed. "They found that my client held passports in two different names-- his own and another in the name of Kamran Shaikh." he said. Soon after his arrest. Kamran's

period. But he added, that since 9-

brother Irfan Akhtar, who is a doctor living legally in the U.S.. told the press that his brother was innocent. Irfan said Kamran has three children, age one to five, and that his brother's wife is a permanent U.S.

resident working to become a US citizen. "Kamran's brother was talking too much to the press," Miller said "I was worried he would say something that would hurt my client's case, so I told him to stop it.' The authorities allege that Akhtar,

using the name of Kamran Shaikh. filed an application in New York for political asylum. Miller explained: They believe Akhtar went to hearing on Long Island in 1998, where he was denied political asylum. My client never filed the paper work that would have allowed him to remain in the country." According to Miller,

into an agreement with the immigration judge to voluntarily leave the

U.S., but the authorities are alleging that he remained in the country illegally after the voluntary departure date. "That's a felony offense," Miller said. Given the publicity surrounding the case, Miller is considering whether to ask the judge for a change of venue. " The story was splashed all over the media and the press labeled him a terrorist," Miller said. "I don't know if we can get a fair jury.

Meanwhile, the local Islamic community has been critical of Charlotte political leaders, particularly Charlotte mayor Pat McCrory whose recent political statements, they say, is helping to create a hostile environment for local Muslims. McCrory has asked the public to call police if they see someone wearing suspicious clothing, such as winter clothing in the summer, which, McCrory claims, could be a potential cover for weapons. "The mayor and the media has helped foster an atmosphere in which it's easy for Akhtar to be profiled as a terrorist," Hough said. "The mayor tried to say he didn't mean to send a profiling message, but I listened to the local

arrest and they ran with what the

talk radio shows after Kamran's

mayor said." To clear the air, the Islamic Party

of America sponsored a community meeting at a local mosque, which was attended by Mayor McCrory and the Charlotte Mecklenburg police chief Darrel Stephens. Particpants stressed that local residents shouldn't rush to judgement about Akhtar's guilt or innocence. "The media jumped to some

conclusions," Malik Rahman, a member of the Charlotte Islamic community, told the meeting. "They declared him guilty before law enforcement had a chance to investigate." Miller doesn't expect Akhtar's trial to begin until the end of this year. He concedes it's a tough case to win. "I don't expect my client to go to jail on a terrorism conviction, but the immigration charges he faces are going to make it difficult for him to stay in the country," Miller

Carolina journalist, a Visiting Professor at Chittagong University, and a Research Associate with National Defence College,

Ron Chepesiuk is a Rock Hill, South