

# Bush administration challenged on detention abuses

# Response to fundamentalism

RON CHEPESIUK

DESPITE recent revelations about the torture and abuse of prisoners at Iraq's Abu Ghraib prison, lawyers representing detainees, both in Iraq and Guantanamo Bay in Cuba, have obtained disturbing new first-hand accounts that human rights abuses haven't ended. Detainees says they have been kicked, beaten, intimidated with dogs, urinated on, insulted about their religious practices, and denied medical treatment for their injuries.

Lawyers with the New York City-based Center for Constitutional Rights (CCR) have also collected accounts that Americans in Iraq engaged in looting money, jewellery and other valuables from people's houses during night time raids.

The accusations have led to a federal class action suit on behalf of the Iraqi detainees against the CACI and Titan corporations, two private contractors operating in Iraq. "We filed the suit because it doesn't look like Congress is going to do anything," says Jeffrey Fogel, legal director for CCR, one of several firms representing the plaintiffs. "We want to use the lawsuit to find out what's really going on at the US detention centres." CCR is at the forefront of challenges to the Bush administration's methods and tactics in the "war on terror." "In terms of militarism and the Constitution, we are living in perhaps the most dangerous period in American history," says CCR President Michael Ratner. "My friends who lived through the McCarthy period of the early 1950s say they have never seen anything like it. The Bush administration is using the war on terrorism to scare people and to make huge inroads on civil liberties."

Last June, CCR successfully represented Guantanamo detainees before the US Supreme Court. In a 6-3 ruling, the Court rejected the Bush administration's claim that it could hold foreign detainees at Guantanamo without judicial review and agreed that foreign terrorist suspects can use the US legal system to challenge their detention. "The Supreme Court rejected the Bush administration's position that it could maintain a law-free-zone in Guantanamo," explained Judge John Gibbons, who argued the case for CCR. "This means that our clients will finally be able to get their day in court. The president doesn't have absolute power in the war on terrorism." Gibbons is a former Chief Judge for the US Court of Appeals,

Third Circuit. The CCR and other critics of the Bush administration contend that the Bush administration is violating the Geneva Convention and the U.S. Constitution, but administration officials have said that the president, as commander in chief, has the exclusive authority to decide what to do with "enemy aliens" captured abroad during a war. At the same time, the administration says the war on terrorism is not a true war and, therefore, Bush's military commanders need not abide by the terms of the Geneva Convention and its rules for prisoners of war.

Brigadier General Thomas Hemingway, a senior U.S. military official, told reporters at the Pentagon on

founded it in 1966. Its client list has included the Black Panthers, the Puerto Rican Liberation Movement, prisoners involved in the 1970s Attica prison revolt, and defendants in the Chicago 7 trial of the late 1960s. "We believe in the creative use of the law to foster social change," Ratner explains. "We are unique in that respect. Historically, we have had strong ties to progressive political movements."

CCR has a staff of 20 lawyers, seven full-time, as well as several volunteer lawyers, interns, and foreign law fellows. Funding comes from private donors, foundation grants, and occasional attorney fees. "We have moved further into the area of civil liberty issues," Fogel says. "Prior to

law firms. "A lot of unofficial information coming from the military at Guantanamo indicates that many of the detainees have no value to the US government, but the Bush administration is embarrassed by what is happening there, and it won't let the detainees go," Ratner explains. "Our country says it believes in fair play and that everyone should have the right to a lawyer, a fair trial and the opportunity to appear before an impartial judge to prove they are not guilty," Fogel adds. "Yes, some of the prisoners should be detained, but that determination should be made in a court of law."

In early 2002, Bush declared that the Geneva Convention didn't apply to

INSIDE AMERICA

The case of Maher Arrar is a prime example. In December 2003, the US government arrested Arrar, a Canadian citizen, at JFK airport in New York and deported him to Syria. Arrar charged that the Syrians imprisoned and tortured him, accusing him of terrorist activity, before releasing him. Canada is investigating the incident, and Arrar is suing the US government. "What the US government did to Arrar was outrageous," Ratner says. "He shouldn't have been detained, but then the CIA let Syria, which the US government has identified as a human rights abuser, do its dirty work."

August 26 that the military commissions are "designed to expeditiously and fairly try people consistent with our national security concerns." Hemingway serves as legal adviser to the Appointing Authority for the Office of Military Commissions that is hearing the cases of prisoners at Guantanamo detained on charges that they committed war crimes by aiding Taliban or al-Qaeda members in fighting against coalition forces in Afghanistan.

In the past two months the Bush administration has done its best to ignore the Court's decision. "The Bush administration has dug in its heels and is fighting us every inch of the way," Ratner claims. "We represent more than 70 detainees at Guantanamo, but since the ruling, only one of our attorneys has gotten in to see our clients there. The Bush administration is trying to make the detainees go through what they call 'Combatant Status Review Tribunals.' It's treating the Supreme Court decision as if it was a suggestion rather than a ruling."

CCR has thrived on tough legal battles since the legendary William Kuntzler and three other attorneys

9/11, we represented people with whom we normally agreed. But we don't even know our Guantanamo clients. We have never met them, and I don't think we would agree with them even if we got to know them," Ratner adds. "Given what our government started doing after 9/11 in terms of the rule of law, it was important to move in a new direction. Besides, at that time, none of the traditional civil liberty organisations were willing to join us in representing the cause."

In the year after 9/11, the CRR was virtually alone in opposing administration policies. The office received hundreds of hate e-mails, saying things like: "I want the Taliban to go to your home and eat your children" and "Wouldn't it be nice to be a guard at Abu Ghraib." "We couldn't get another organisation to help us with the Guantanamo case," Ratner recalls. "We had to call upon death penalty lawyers because they are used to handling unpopular cases and aren't afraid of anything." Today, CCR is working on terrorism-related issues with more than 40 organisations, including some of the country's leading

Guantanamo, Fogel notes. "But he did so over the objections of Colin Powell and the Joint Chiefs of Staff. That's come out through the Bush administration memos that have been leaked to the press. Powell and the Generals were worried about what might happen in the future to our troops if we didn't abide by the Geneva Convention. They feared that enemy might abuse or torture our prisoners, if they were captured or detained." CCR also charges that the CIA is covertly playing a key role in interrogating prisoners detained around the world. "We know the CIA has a covert policy in which they send people for interrogation to third countries where interrogation techniques are used that the CIA can't legally employ," Ratner says.

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## Development Bangladeshi style

CHIEKO YASUDA

BANGLADESH is a village based country -- very few Bangladeshis would deny this statement. More than 80 per cent of the population lives in villages. Many people who live and work in cities such as Dhaka also have strong bonds with their villages. Even if there is no one in the village homestead, many Bangladeshis still think that they are somehow bonded to their original village. However, village development has not yet been achieved despite the efforts of thousands of institutions. In fact, institutions in this country often become barriers for development.

Humans establish institutions for the necessity of larger scale activities. It is obvious that there is a limit as to what one person can do by himself or herself. When it becomes two people, more tasks can be performed. Ten people can achieve still more. In this way, intuitions are created to achieve larger scale of works to meet larger requirements. However, institutions often become obstacles to better outcomes if the people working there are not conscious about their roles and responsibilities towards the society. Rather, institutions may provide anonymity for personal interest or selfishness when people inside forget their own mandate. Some government offices, political groups, and private organisations in Bangladesh demonstrate this type of trend.

Why does it happen? Are Bangladeshis people less

responsible than other nationals? Are Bangladeshis more self-oriented than others? Of course not. Many foreigners agree that people in this country, particularly in rural Bangladesh, are full of hospitality to others. They value social bonds and ties, and perform properly in their community. In village communities, everybody knows their own duties

"community" he/she is treated with full responsibility by the members of the "community." Such peoples' behavioral pattern does not fit in the current institutional system. It seems management does not exist in the institutions in this country.

During the past twenty years, many Bangladeshis left their country in search for better and

do not forget your bond with this country and try contributing or returning back someday when you settle your life.

Because of the absence of institutional management, the social system in this country does not serve its real purpose. Politicians cannot lead the country and its people. Postal services still

INSIDE AMERICA

Bangladesh cannot be developed or changed by outsiders. It is the people in this country who can change this moral inertia, political instability, lack of security, environment degradation, traffic indiscipline, corruption, and many other things. To tackle this task, one can go back to the village and remember the values that are shared among the people in the community for benefit for all. In creating Bangladeshi style development, such values should be incorporated institutionally.

and responsibilities. Most of the time, people behave according to the way other people with whom they interact in the community expect them to behave.

On the other hand, when one goes to a government office in Dhaka to ask for something, you cannot expect good performance from officials and employees. You have to be patient while waiting for long time. Your request is shelved, delayed, and sometimes not handled according to the normal procedure. However, the situation becomes almost opposite if you know someone in the office. You are treated as if you are visiting your friend's place. Your request is heard and fulfilled. In this sense, Bangladesh is a big village -- when one shows a certain tie to the

secure life, especially for their children. I believe that no one wants to abandon his/her homeland if there is a certain condition for better livelihood in the country. I have heard many people saying, "If Bangladesh were safe, clean, and disciplined like America or Japan, I could stay in my country with my children without worrying about their future." Also I have heard people saying, "If everyone thinks and behaves considering benefit for other people, Bangladesh would not have become such difficult place to live for ordinary people." It is understandable that everyone has the right to seek out a better and happier life with his/her own effort. To those people who left the country, I want to request that you

are not fully reliable. Sometimes people have to wait more than one year to get a new telephone line connection. A number of hospitals cannot provide enough medical facilities to patients. Many roads are piled with rubbish. The police service seems to have little interest in protecting the security of its nationals.

The institute system is not indigenous here. Frankly speaking, Bangladeshis seem as if they are not comfortable in working in "system." It might be because such modern institutional system had been brought by British administrators in British times in order to rule the people, not to serve the people. However, Bangladesh fought nine months of bloody war to protect its people and provide

necessary facilities for its nationals. In order to do so, modern institutions are necessary and institutional management that accelerates its function is inevitable.

Bangladesh has a rich culture and tradition. It has its own social tradition and values which originated from a mixture of Bengali tradition, Islam, Hinduism, Christianity, Buddhism, and other religions. All of those exogenous values are incorporated together and created the rich tradition and culture of this country. Considering such tradition and culture, institutional management that fits Bangladesh has yet to emerge. It might be neither Western management nor Japanese management style. It should be a Bangladeshi style.

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Chieko Yasuda is a rural development specialist and ex-JICA expert for PRDP.

SHAMSHER CHOWDHURY

RELIGIOUS fundamentalism is a global phenomenon which existed from the very dawn of civilisation. The Christians had it and continue to have it. It is highly pronounced in Judaism. Israel began as a struggle for a free homeland for Jews and slowly turned into a homeland only for Jews. Fundamentalism is there in India in its crudest form.

Fundamentalism in its current form is also a form of protest against the overall erosion of ethical and

safer place now, the incidence of terrorism is continually on the rise. Talk to anyone at the helm of affairs in Pakistan, the principal ally of America in its war on terrorism, and he or she will tell you, on conditions of anonymity, that setbacks are on the rise despite much propaganda to the contrary.

It is high time that every effort be made on an urgent basis to arrest the unbridled march of religious zealotry in the country. It appears that the incident of 8/21 has pushed back or undermined the doubly serious scourge of rising fundamentalism in Bangladesh -- otherwise

To begin with, we simply must separate religion from the state machinery. The government should seriously, diligently, and with all sincerity of purpose, monitor and oversee the operations of the madrassahs. The other day a madrassah teacher allegedly cut the ears of as many as 13 of his pupils. Most of the madrassahs around the country are slowly and surely turning into hot-beds of orthodoxy. The teachers, poorly trained in the teachings of Islam itself, often indulge in absolute narrow and wrong interpretations of the fundamentals of Islam.

INSIDE AMERICA

While we must strike hard at the Bangla Bhais, we also be prepared to call and invite some of the more vocal religious clerics to high-profile seminars and meetings and listen to their deliberations. I leave the matter for our leaders and our intelligentsia to think things further. I am certain that this posture of extreme confrontation will take us nowhere.

moral values throughout the world. It is also an expression of anger against the miscarriage of social justice. It is also, in a way, a protest by the few against the gross injustice by many. It is also a reply to the vilification and undue character assassination of the many against a few on account of religious considerations. It is also a protest against imperialistic designs of the powerful nations and vested interest groups. It is also a form of extreme protest to counter extreme measures.

To call it sheer religious fanaticism would not only be wrong, but misleading. Have the countries of the West and America in particular been any less cruel and high-handed in their approach in dealing with the Taliban in Afghanistan or dealing with the so-called terrorists in Iraq? No one country is being fair and honest enough in dealing with religious terrorism anywhere in the world. As long as the so-called global war on terrorism continues to be overshadowed by vested economics and the politics of power, fanaticism or fundamentalism will feature as a permanent element in human civilisation.

I believe that the rising incidence of terrorism -- religious or otherwise -- cannot be countered with military might alone. What is required is political will, collective wisdom, and the explicit desire with an open mind, to bring the so-called leaders of terrorist groups to the table for "discussions" in order to have an insight into their point of views, right or wrong. To be able to sit and talk to your "enemies" should not be viewed as a weakness but as a sign of strength. I am afraid we have no other option.

You have seen how the war against Taliban is going. If anything it has redoubled their will and determination. Despite President Bush's continued harping on his favourite tune that America is winning the war on terrorism and that the world is a

hitherto known for its secular traditions. The Bangla Bhais are resting somewhere and planning to go into action with renewed vigour. Governments may come and go, but trust me, once the seeds of fundamentalism are sown, they will continue to grow no matter what. It would be impossible to deal with the issue. This issue, with due respect to other points of view, is more important than removal of the present government as is the demand of the opposition and many other political parties.

It is evident that the ruling party has "decided" not to do anything about it. Once again death threats have been issued to some of most respected citizens of our country for their role in protesting the programmes of desecrating the places of worship of the Ahmadiyyas by a fanatic religious group known as Amra Dhakabashi. It is my firm conviction that this rise of the fanatic religious zealots is also directly related to failures of our politicians and the rising spate of miscarriages of justice. Moral and ethical erosions also have played their part. Bangladesh is listed as the number one corrupt country of the world. Corruption has also angered many and has contributed to the fundamentalist factor. To this day I have not heard of any high-profile religious cleric of Islam anywhere in the world being corrupt. Whereas look at politicians, bureaucrats, you name it, anywhere in the globe, corruption is the by-word.

Therefore there has to be an overall change in our strategy in dealing with all forms of terrorism, religious or otherwise. We simply must evolve a mechanism to deal with the problem at its grass-roots levels. It is my belief that it is still possible at least to deal with religious terrorism in Bangladesh in an effective way if we are prepared to tackle it at the grass-roots levels. The element of religious terrorism is still in its infancy in Bangladesh.

Most of them are unable to see beyond mosques and mazars.

Besides nearly all of those taught are tender in age, having highly impressionable minds. It is my strongest belief that the majority of the people of the country have never been to madrassahs, yet they happen to be just as much dedicated Muslims as anybody else, if not better. Of late there has been a mushroom growth of madrassahs. The sponsors of these madrassahs are carefully choosing locations of operations in order to avoid undue attention of the people. A friend of mine living in Uttara told me that one such area is Uttara. Most of these madrassahs are flourishing under private sponsorship and apparently follow their own curricula away from any form of governmental supervision. The position with these madrassahs therefore is that since they take no assistance from the government, the governmental authorities have no business either scrutinising or monitoring their activities. This is a dangerous trend. Education is the heart of a nation. It is thus high time that the government brought all such institutions under public scrutiny.

Bangladesh is Bangladesh. We do not wish to follow the path of Saudi Arabia, Pakistan, Indonesia or any other nation in this regard.

While we must strike hard at the Bangla Bhais, we also be prepared to call and invite some of the more vocal religious clerics to high-profile seminars and meetings and listen to their deliberations.

I leave the matter for our leaders and our intelligentsia to think things further. I am certain that this posture of extreme confrontation will take us nowhere.

Shamsher Chowdhury is a freelance contributor to The Daily Star.

### WORLD POVERTY DAY

## Time to tackle extreme poverty

HILARY BENN

TODAY is the UN's official World Poverty Day. But every day is poverty day for the two billion people worldwide who have less than two dollars a day to live on. Of those, just under one billion live on just one dollar a day.

In September 2000, 189 countries pledged to halve the number of those in poverty by 2015. When we look at the results so far, hope mixes with despair. Over 100 million children are still unable to go to school. Each year, 10 million children die before their fifth birthday. 40 million are living with HIV and AIDS, and 5 million die of it each year.

And yet ... progress is possible. China is reducing poverty, and India promises to do the same. More people have been lifted out of poverty in the last 50 years than in

the previous 500. In the same period, adult illiteracy rates have halved, and life expectancy in developing countries has increased from 46 in 1960 to 64 now. The fight against global poverty can and must be won.

Poverty affects us all. Our globalised world is increasingly inter-connected. Both the "good things" -- like trade, travel, culture -- and the "bad things" -- like crime, conflict, environmental pollution -- all cross borders. That's why World Poverty Day is important for us all -- richer countries and poorer countries alike.

In October 2005, the 189 countries will come together again at the UN and ask themselves how to make faster progress. We need to push on four fronts.

We need more financial assistance, and to improve its effectiveness. Aids is only part of the battle,

but there is a £6.6 billion Aids funding gap for this year alone. Early UN estimates suggest that overall aid may need to at least double if we are to achieve the targets for 2015. The UK proposal for an International Finance Facility seeks to deliver additional resources up front.

We need to create a global trading system that has clear rules and that is fair to all. That means markets which are not officially protected and goods which are sold at fair prices. The UK is pushing for greater progress on the WTO's Doha Development Round.

The burden of developing countries' debts stops them investing in poor people. In the last five years we have written off over \$70 billion for nearly 30 countries: we can and will do more. At the recent annual multilateral meetings of the World Bank and IMF, the UK launched a

new proposal to deliver debt relief to the poorest countries.

And there is the commitment of developing country governments themselves -- to develop their own strategies to beat poverty, as well as the fair, transparent, and efficient administrative systems that can bring that about.

Two things should drive us forward: the moral imperative to help our fellow human beings; and our understanding that the fight against poverty can be won. And if we do, then perhaps we can look forward to more days of prosperity in future.

Hilary Benn is UK Secretary of State for International Development.

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