

## The Rohingya concern

*Security dimension cannot be lost sight of*

THE repatriation of the remaining 20,000 or so Rohingya refugees languishing in the Cox's Bazar camps has become a matter of pressing urgency for Bangladesh. It appears to us that there are elements within the refugee community who have the potential to be a threat to our national security. That some of these refugees have been involved with anti-state elements is quite evident from recent press reports.

The conditions of a refugee make him vulnerable to all sorts of temptations, money being one of the tantalising motivations. Enticement of money has caused many to be sucked into the vortex of the radical extremist activities of the fundamentalist groups in the region; and the refugee camps have been a fertile recruitment ground for the extremists. Even though we do not have to foot the bill for upkeep of these refugees, the possible adverse impact on our security of an uncontrolled expatriate refugee camp cannot be made light of.

To add to the problem there are officially 6000 unregistered refugees, the unofficial figure may be triple that count, who are living on roadside slums, many of whom have merged with the local populace and the milieu.

Over the last several years this paper has been highlighting the potential of the Rohingya refugees to become a serious security hazard for Bangladesh, without being oblivious of the human dimension of the question. We exposed the way their frailties were exploited by some very dubious NGOs, both national and international. That Arab funds, and there was no dearth of sources of these, might have been used by the suspect NGOs to ideologically exploit the refugees, cannot be doubted.

While we had noticed with dismay the government's tendency to deny such linkages at that time, we are happy that the administration is now showing signs of comprehending some of the ground realities.

Much as we are sympathetic to the problem of the Rohingya refugees and the fate that might possibly await them on return, we cannot overlook the fact that several of them have become a grave peril to our safety.

The government must address the Rohingya repatriation issue with utmost promptitude, and, between itself and the government of Myanmar ensure the return home of the Rohingyas.

## The appalling tragedy in Pakistan

*Stepped up assistance needed*

THE enormity of the damages wrought by the earthquake in Pakistan exceeds the worst apprehensions expressed in the immediate aftermath of the tragedy striking the country. When we first wrote about the tragic event, the estimated death toll was 20 thousand or so. With the passing of just weeks it looks as though the death toll might hit the 100 thousand mark.

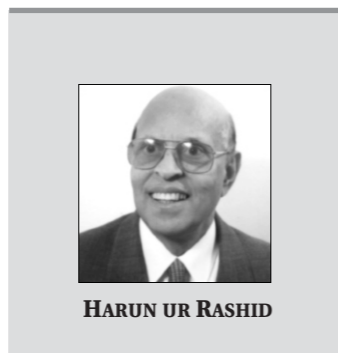
People are caught between the dead and the living, whether to look for the dead or tend to the living and the injured is the prime concern now. Several millions still continue to live in the open braving bitter cold and rains. With three weeks to go before snowing, time is running out to reach out to them.

The inaccessibility to the affected areas has made some experts view the tragedy as worse -- in a sense -- than the dreaded Tsunami that lashed out at six countries in three continents. We feel that the response of the international community to the quake aftermath could and should have been better than has been the case so far. In regard to the Tsunami situation, the media played a huge role in drawing the world attention to the tragic consequences of the catastrophe. Resultantly, the world community came in a very big way to assist the victims, and while the funds garnered reached a double-digit mark, much of this is yet to be spent.

Yes, in Pakistan, the work being carried out by the international NGO community and the UN Agencies deserves mention. We feel that the international media and the world community could do much more to help Pakistan out of the tragedy.

Bangladesh being a disaster-prone country is able to amply empathise with the tragedy in Pakistan. The concern for the quake victims resonates with us naturally. Our government has already despatched some relief materials, but perhaps we should seriously consider giving yet more to the victims. Specifically, Bangladesh government should think of sending emergency medical kits. Alongside, a team of personnel from the NGO community could be sent to Pakistan to provide assistance on the ground. Let's stand by the victims in their hour of the greatest need.

# Unfair trial could make Saddam a hero



HARUN UR RASHID

FORMER President Saddam Hussein al-Majid al-Tikriti (68) has been put on trial in Baghdad on 19th October before a court of five Iraqi judges, established by the US authorities. It may be recalled that Saddam Hussein appeared first before the Iraqi court in July, 2004 to face charges against him. At that time, he was not represented by a lawyer.

At the trial, Saddam Hussein was wearing a dark suit with an open-necked white shirt, carrying an old copy of the Holy Qu'ran and as he was being led in by two guards, he gestured with his hand to slow them down. He sat directly in front of the chief judge.

The trial is being held in a special court, built in the fortified green zone in Baghdad. The security is very tight.

According to media reports, the interim administration in Iraq believes that the trial will shore up support for the fragile government and will focus the attention of people to untold atrocities perpetrated by the Saddam Hussein regime.

### What are the charges?

Saddam Hussein has been charged with crimes against humanity over the deaths of 143 Shi'ite Muslim men and boys after a group of young Shi'ites tried in 1982 to assassinate him near Dujail, a town about 60

kilometres north of Baghdad.

As usual, Saddam Hussein remained defiant to the court. Asked his name by the judge, Saddam shot back "You know me. You are an Iraqi and you know who I am. I won't answer to this so-called court ... Who are you? What are you? The occupation is illegitimate."

The judge said: "You are Saddam Hussein, former President of Iraq", at which point Saddam raised his finger to interrupt, saying testily, "I

lost much of its meaning, because of the bloody insurgency that now kills Iraqis daily. The severity of insurgency has diminished the memory of past horrors. Egypt's state-owned media chose to mostly ignore the trial.

### Why high-profile crimes against humanity put aside?

Many observers have raised questions as to why other serious crimes,

Baghdad, drew for the Saddam regime detailed maps of Iranian trenches that let Saddam's Generals drench them in poison gas.

During his dictatorship, when chemical weapons were used in March 1988 against Kurds, the US Assistant Secretary Kelly reportedly visited Baghdad in 1989 and met with Saddam Hussein and praised him for his influence in the Middle East. The current Defence Secretary Donald Rumsfeld met twice Saddam

serious crimes against humanity and genocide.

### Defence lawyers' case

The defence team's first line of argument is that Saddam cannot be tried because of the sovereign immunity provisions of the Iraqi Constitution. Iraqi law before the occupation must apply because alleged crimes were committed during that time.

Furthermore they may argue whatever is built on illegality is

the Iraqi authorities and the Bush administration do not appear to be interested in a fair trial of Saddam Hussein because the procedure of finding the accused guilty is seriously flawed.

Another fact is judges' identity has been kept secret except the chief judge. Furthermore it is reported Iraq's current US-backed President has already declared him guilty and his defence team has been given neither all the necessary documents nor time to prepare his defence.

Human Rights groups have expressed unease about perceptions of "victor's justice", warning that the trial must be seen to be fair.

At present, since there are no independent judges of foreign nations, it looks not a fair trial but a revenge trial. A few noted lawyers from Britain have expressed serious reservations about the Iraqi trial and have suggested that he should be put on trial before the UN International Criminal Court at The Hague.

### Conclusion

It seems that trial will raise many questions if the procedure does not conform to international standard. Many will compare the procedures of the court in Baghdad with those of the International Criminal Tribunal, before which Slobodan Milosevic is being tried. Both were former Presidents of States.

For the Iraqi authorities and the US Administration, the trial will manifestly demonstrate their commitment to fairness and justice, which are part and parcel of democratic institutions and governments. If the trial is not seen to be fair, Saddam Hussein may become a hero to many Arabs.

Barister Harun ur Rashid is a former Bangladesh Ambassador to the UN, Geneva.

## BOTTOM LINE

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did not say former President".

He pleaded not guilty and said "I am innocent". On the request of the defence team for preparation, the trial has been adjourned for three weeks.

### Mixed reactions

The trial has received mixed reactions among Iraqis, depending on whom you talk to. The Sunnis are not happy that he has been put on trial by the Iraqi interim authorities when the country is virtually under the occupation of the US. Furthermore there are no independent judges of foreign nationals in the court and it looks as if the judgment is pre-determined.

However Shi'as and Kurds are very delighted that finally he faces his accusers. The mighty dictator is now before a court, looks emaciated and thin. He allegedly killed so many people and they think justice should be done to the victims by sentencing him to death.

The Arab world believe that the

such as, gassing Kurds in Haljia in March 1988, where about 5,000 were killed and massacring hundreds of Shi'ites in 1991 when they rebelled against him after the First Gulf War, have been put aside.

There is a view that if these charges were framed and brought against Saddam Hussein, invariably discussion of the US government's share of the responsibility for his atrocities will come up.

It is noted that it was the Reagan administration that stopped Congress from condemning Saddam's use of poison gas and that encouraged American firms and NATO allies to sell him the appropriate chemical feedstocks plus a wide variety of other weapons.

It was reported at the time the US intelligence photos from spy satellites and AWACS reconnaissance aircraft provided the Saddam regime the information about Iranian positions and US Air Force photo interpreters, seconded to

Hussein in Baghdad.

Other charges may raise embarrassment for the US government and especially for Donald Rumsfeld who might be called as a witness to be cross-examined by the defence team with regard to the purpose of his visit to Baghdad during the 80s.

It is believed by many observers that the US authorities asked the Iraqi prosecutors to search a case where awkward questions in respect of the US were not raised and the Iraqi prosecutors believe that they have found such a case against Saddam Hussein in Dujali massacre where the US would not be involved.

Once the court delivers judgment and if Saddam is found guilty, he faces death by hanging according to new Iraqi laws. Any death sentence will have to be carried out within 30 days of all appeals being exhausted. There is no provision for clemency under the new laws.

That means Saddam could be hanged before being tried for other

illegal. Iraq's invasion by the US-led coalition forces is considered illegal by the UN and therefore, all elections and the temporary government in Iraq are illegitimate.

It is reported that Saddam Hussein is carefully examining the documents in respect of the trial of former Yugoslav President Milosevic and the tactics, Milosevic used, to prolong trial for more than three years. Saddam's defence team has been marshalled by his eldest daughter, Ragdad, from her exile in Jordan.

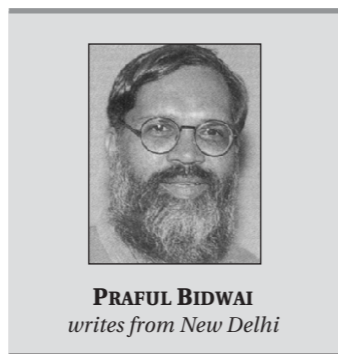
### Other legal procedural flaws

One of the main shortcomings of the procedure of the trial is that prosecutors do not have to prove the case "beyond reasonable doubt" as is required in criminal trial in almost all countries. If the requirement is less than the "beyond reasonable doubt", it is argued that there will be a gross miscarriage of justice.

The trial also indicates that both

# India, Pakistan fail the quake test

## Little relief, much politics



PRAFUL BIDWAI

writes from New Delhi

THE Muzaffarabad earthquake highlights a simple truth: India-Pakistan border is a politically determined entity. In contrast to it stand the lived experience of disaster-affected people, their common humanity and grief.

The earthquake's causes and effects cut across borders. This presented India and Pakistan a unique opportunity--to rise above petty politics and work jointly to help survivors. The least they could do is to open up the Line of Control so that relief could reach Pakistani Kashmir through Indian Kashmir, the quickest route.

Both states failed the test despite President Musharraf's promising October 18 statement, which is yet to be translated into action. Instead of demonstrating their concern for the Kashmiris, they showed they favour the status quo--despite the peace process.

Tragically, their only early collaborative effort was to rebuild Pakistani

bunkers damaged by the quake, so that their half-century-long hostility can continue amidst a calamity.

On October 8, India offered joint relief operations with Pakistan. It also said Pakistan could use Indian Kashmir as a base from which to transport relief supplies. Regrettably, Pakistan refused, citing "sensitivities".

India's offer would have sounded magnanimous and irresistible if it

opposition to the Comprehensive Test Ban Treaty, which will create a network of seismic stations. Another international network has been established by a university consortium to monitor earthquakes worldwide. Joining it would help India cut the response-time to earthquakes. But obsession with nuclear weapons distorts India's thinking.

Pakistan was wrong to reject India's offer and block direct people-

to the victims. "But our experience suggests that tents cannot withstand the elements in the mountains", says Dunu Roy of the People's Science Institute, with experience of building temporary shelters since the 1991 Uttarkashi earthquake. "A much better alternative is tin-sheds built with locally available wooden/bamboo poles. In Uttarkashi, we trained local communities to build such shelters".

However, the Indian relief effort is inadequate, say field reports. Thus, writes social activist Sonia Jabbar from Uri: "It has been pouring since the morning and I doubt anyone got any relief through... We had to turn back at about 3 p.m. It's freezing cold and even ...tents and temporary ...

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The involvement of civil society organisations (CSOs) will be crucial in rehabilitation. Here, Indian CSOs, and organisations like the Central Building Research Institute and IIT-Roorkee, have rich experience.

Fortunately, the principles of building earthquake-resistant houses are well understood. The additional expense involved is only 10 percent.

Earthquakes are a part of India's geological reality. The Indian tectonic plate is constantly thrusting under the Eurasian plate, causing enormous stresses in rocks. The stresses are periodically released through huge earthquakes. The Himalaya has witnessed four gigantic earthquakes in the past century.

Over one-half of India's land falls within the seismically most active Zones 3 to 5. Zone 5, the most hazardous, includes the Kashmir Valley, Himachal's Chamba and Kangra, and parts of the Northeast. Zone 4 includes Punjab, Himachal and Delhi.

We have to learn to live with earthquakes. How we cope with the present disaster will be a litmus test.

Praful Bidwai is an eminent Indian columnist.

hadn't been part of a diplomatic power projection offensive, like its response data with Pakistan. It feared this might be used to pinpoint the location of future nuclear experiments.

Underlying this fear is India's to-people contact. Its "sensitivities" speak of the paranoid fear that accepting Indian aid would indicate "weakness". This is a fraudulent notion of "national pride" and "prestige". For Pakistan's rulers, defending their "image" was more important than saving lives.

Pakistan needs all the help it can receive. This is its worst-ever disaster. Pakistan has little experience of large-scale relief or rehabilitation. Over 3.5 million Pakistanis have become homeless. They need over 6 lakh shelters immediately--before the winter sets in.

Ten days into the disaster, the government wasn't even able to provide 40,000 tents.

India has suffered much less from

shelters are proving ridiculously inadequate..."

The most pressing need is shelter which can withstand the elements. Says Jabbar: "Once winter sets in, high-altitude villages are cut off from Kashmir for 5-6 months. So, whatever needs to happen here must happen in the next couple of weeks on a war-footing".

The Jammu & Kashmir government has all but washed its hands of the imperative of providing temporary shelters. Instead, it has offered Rs 40,000 as the first instalment of assistance to each family to rebuild its home.

The money will be wasted. No construction can be done until the winter ends.

The government wants to supply

work professionalism, character and integrity, you are in the wrong place. They don't need you, they need stooges. Look around you will not see many in the upper strata who have been allowed to earn a place, they have all been rewarded for their complicity in the plunder. There are at least two crimes associated with most cases of extension of senior officials, one of undue favour to an undeserving, under-performing person in need of patronage and another of injustice to a person, senior or junior with whom the rulers are not comfortable.

Repeated assertion that corruption harms economic growth and elimination or reduction of corruption leads to higher growth overlooks the impact

of debauching of institutions, organisations, traditions and practices that could play an important role in stabilising the society. High level corruption divides subordinates on the basis of their ability to comply and participate, breeds organisational injustice, and gives rise to despondency and deprivation among those left out. Retaliation follows change of government and the cycle is repeated. Leadership can only be exercised by personal example. Corrupt leaders held in position by force of authority show wrong example.

Authority used with the intention to favour some and punish others smacks of corruption and cronyism. Such actions poison the workplace, destroy cohesion and camaraderie

and make public offices playgrounds of few opportunists in power. Corruption begets corruption pushing the system down a slippery slope. The perpetrators know the consequences well but do what they do because they must serve their own interests above everything else.

Thus, while the donor emphasis on economic impacts of corruption is justified, the impact of corruption on public organisations and institutions are more lasting and perhaps irreversible. In the long term, as we can see, people lose confidence in any kind of authority and the society tends to become lawless. A strong economy needs strong foundation of public and private institutions and corruption is a huge barrier to their healthy growth.

## OPINION

# Impacts of corruption

M. AHMED

WHILE studying impacts of corruption most emphasis is often given to the economic dimensions specially on growth prospects. That is understandable because most of those who raise voice on this issue are the donors giving aid and loans hoping to see some benefits in the form of improved indicator for economic growth. Among the citizens, however, there is inertia induced inaction that amounts to acceptance of this scourge as a way of life. Consider the period before TI published the corruption and bribery index. We knew that we were being sucked hollow of our life blood by the governing thugs but people had no

idea about its seriousness or that we were the world champions surpassing Indonesia and Nigeria who were then rumoured to be most corrupt (no offence meant). We should certainly be grateful to donor countries and the TI for raising the profile of the 'corruption issue' and its debilitating impact on governance.

For the bilateral and multilateral donors Bangladesh is one of the many destinations where their money may go and they want to see that a recipient country shows a reasonably good utilisation of their investment. Though aid and loans are not given for altruistic purposes a total waste of resources is unacceptable. Such a waste creates many unintended consequences for the donors. Within

the receiving countries they are accused of patronising the corrupt, inefficient and oppressive (all corrupt rulers in the long run are inefficient, oppressive and undemocratic vote manipulators) rulers for political ends. Internationally this is unjustifiable as going against the current global push for good governance. Within the donor countries citizens demand better utilisation of their tax money and want to see a close link between aid and its benefits.

Governments of poor developing countries tend to play down the corruption issue because big league corruption is mostly politically supported and sponsored. Political parties and politicians supported by bureaucrats do their utmost to keep

profile of this issue low and their earnings high. Over the years evil but effective arrangements have developed in these countries to ensure the safety, security and public standing of the corrupt, their ill gotten wealth and the channels of corruption. Judiciary, law enforcement agencies and other organs of the state to ensure the rights of citizens are deliberately made ineffective. Like marauding conquerors, governments hold people and organisations within their (governments') own domain as hostages denying any autonomy and demanding complicity in their corrupt ventures.

They also do not want to give any space to civil society organisations and block channels of protest to keep

their power to plunder safe. The "conqueror" attitude reveals itself dramatically in the immediate post election period when winning party people gobble up all appointments and positions of consequence which were held by others. Some even say that a new set of beggars and hawkers occupy foot paths and traffic junctions supported by new political leaderships and their musclemen.

When corruption becomes the main purpose and operating method of the powerful, serving the ends of corrupt power remains the only way for individuals to eke out a place for themselves. The honest and the well meaning have to let their conscience die. If you are a person with a dream, willing to make your way up with hard

work professionalism, character and integrity, you are in the wrong place. They don't need you, they need stooges. Look around you will not see many in the upper strata who have been allowed to earn a place, they have all been rewarded for their complicity in the plunder. There are at least two crimes associated with most cases of extension of senior officials, one of undue favour to an undeserving, under-performing person in need of patronage and another of injustice to a person, senior or junior with whom the rulers are not comfortable.

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