

The tragedy of American human rights abuse

PERSPECTIVES

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on the condition of reporting its findings only to the authorities holding the prisoners does not make any great sense. The UN investigators also demanded access to the secret black sites -- the detention centres for terrorism suspects that the US maintains in Eastern Europe. It is unlikely that the prisoners in those facilities ever received even a Red Cross visit, since Washington does not acknowledge that they exist.

The UN Human Rights Commission sought access to Guantanamo since soon after the US base in Cuba began receiving prisoners from the Afghan war in January 2002. The commission said it repeated its request earlier this year because it had some reliable reports that the prisoners had been tortured. Washington grudgingly responded that three UN investigations could come but they would not be permitted to meet privately with the prisoners. The investigators understandably refused to go through what would have been a sham exercise.

More than 500 detainees are still being held at Guantanamo. Just nine have been charged with any crime. In addition to suspicion about US treatment of the detainees, the Pentagon's stone-walling would only reinforce those suspicions, raising anxiety in concerned quarters. It would also erode Washington's ability in future to enlist the UN against other nations' human rights abuses. It is particularly disapp-

pointing that the US which has consistently declared its commitment to the principles of independence and objectivity of fact finding mechanisms, was not in a position to accept these terms when it itself was involved. Reaffirming those principles by giving the investigators full access would allow the US to begin moving back towards the moral high ground it has to so negligently abandoned.

In the meantime, even more disturbing are the reports that the CIA has run secret prisons in Eastern Europe to interrogate terrorist suspects in clandestine manner without disclosing their locations. The fact, when brought to light, produced outrage in the international community. The European Commission announced that it would investigate whether Poland and Rumania have allowed the CIA to run secret detention and interrogation centres on their soil. Europe's leading human rights organisation, the Council of Europe, said that it would open an investigation into the reports.

The UN Human Rights Commission and its special rapporteurs on torture have already been pressing the US government to disclose the existence of any secret detention center. The concern of the international community is obvious. The United States has for years promoted respect for due process and human rights in Eastern Europe,

yet more recently the US may have been taking shortcuts in precisely those areas as a matter of expediency.

Notwithstanding strong denials by East European countries, even CIA internment practices would also be considered illegal under the laws of all the new democracies in Eastern Europe. In every Eastern European democracy now the detainees have right to lawyer and to mount a defence against allegations of offence. Under the EU treaty the voting right of EU members could be suspended for the breach of fundamental principles such as respect for human rights.

In the first phase of post-communist era, new constitutions were passed outlawing secret detention and torture. In fact, it was at US urging that prisons in Eastern Europe have been made more human and livable, and it was again through US persuasion that the East Europeans signed the European Convention on Human Rights and other anti-torture conventions. Indeed, the US has spent millions to promote this kind of reform. For East Europeans, the value the US places on the individual freedom and human rights had been a beacon, which is however about to be extinguished after the scandals connected with denial of Geneva Convention rights.

It may be a complex business to apply Geneva Convention rights to al Qaeda and other ter-

rorist organisations as the conventions are predicated on wars between the nations. However it still does not justify illegal and groundless arrests and incarceration. Because the international covenants on human rights categorically forbid arbitrary arrest and detention without legal justification and declares in no uncertain terms that every individual is entitled to be accorded basic human rights. There is simply no excuse for concealing the very existence of prisoners.

Following the furore over prisoner abuse, the US Senate has passed anti-torture legislation that outlaws prisoner abuse and there is also a move towards investigating the issue of secret detention centres. The Bush administration has to decide quickly how it intends to treat the detainees legally. Further inaction on its part will seriously damage the principles of democracy that Americans have always taken pride in.

Even since the Iraq war the terrorist acts have now spread from Europe to Egypt to Indonesia to Jordan -- and have been taking complex dimension rendering them more difficult to fight. But no matter how tough it gets to fight terrorism, America does not have the option of pulling down the flag of freedom that it has been upholding since its creation. But by abusing fundamental human rights, the Bush administration is doing just that and courting defeat by yielding the moral high ground to its adversaries. How can the US preach democracy and human rights by trampling upon the human rights of its prisoners in the concentration camps of Guantanamo and other facilities secretly established in friendly countries?

The atrocities and inhuman physical abuse of helpless prison-



Military police train at Guantanamo Bay, Cuba, prior to the first Taliban and Al-Qaeda detainees arriving in 2002.

ers of Abu Ghraib have been vividly recorded in photographs and video tapes made by none other than the perpetrators of the crimes themselves. This tell-tale evidence of human right abuses has gone into the record of history as a black spot on the Bush administration.

At the time of invading Iraq, the US had accused Saddam Hussein, among other things, of using chemical weapons against the country's Kurdish civilians. Now it has come to light that the US troops used incendiary white phosphorus in their 2004 offensive against the insurgents in Fallujah -- a thickly-populated Iraqi town. An Italian documentary

titled "The Hidden Massacre" included gruesome images of the victims of the fierce fighting in the town in November 2004.

The Americans recaptured the town in fighting that destroyed the 60 per cent of the buildings and decimated its population with the inhuman use of white phosphorus against its civilians. White phosphorus use against civilians was banned by a protocol signed by the US in 1983. The film brought back to memory the Vietnam era spectacle of Napalm-hit women and children fleeing their burning villages. But the images of the white phosphorus victims were even more ghastly as the effects of white phosphorus are even

more terrible.

After an attempt of a cover-up of white phosphorus use in Fallujah, the Bush administration has recently made an embarrassing public reversal, pointing out, however, that the white phosphorus was used directly against Iraqi insurgents. Notwithstanding President Bush's staunch defence of US interrogation methods as "within the law," the reports as to the burning alive of two terror suspects in Afghanistan came in only recently. This no way to win hearts and minds or to wage a war for democracy and human rights.

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The Mughul Empire on the written page

TALKING BOOKS

In paving the way for British rule in India, the decline of the Mughul Empire also became the root of the myriad conflicts that continue to affect politics in the South Asian subcontinent to the present day. The ostensibly peaceful years of the Raj disguised the seething cauldron of nationalism which bubbled under the surface of Saheb-native relationships and the struggle for freedom was to reverberate through two centuries of South Asian history and culminate finally in the creation of Bangladesh.

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A few days ago I was asked to recommend a book which would provide a brief overview of Mughal history. The name that came instantly to mind was *The Mughul Empire* by John F. Richards (pub: Cambridge University Press 1993). There are other histories of the period of course, such as the superbly illustrated *The Great Mughals* by Bamber Gascoigne (pub: London, 1971). For many years particularly in the days of the Raj the popular history was the one edited by R. C. Majumdar, *The History and Culture of the Indian People, The Mughal Empire*. Although detailed, it had a decidedly anti-Muslim bias and a very prejudiced vision of the Mughals. Another popular narrative in the West was Waldemar Hansen's *The Peacock Throne* (pub: New York, 1972) but that too is a fairly biased account although quite readable because of its narrative style.

Richards' is a very good overview because he traces the history of the Mughals from Babar's earliest foray into India and the creation of the empire to its breakup in 1720. Richards stresses the dynamic quality of Mughal territorial expansion, their institutionalization of the system of land revenue collection, their coinage and military organization, ideological changes, and the relationship between the emperors and Islam. He analyzes institutions particular to the Mughal empire, such as the *Jagir* system, and explores Mughal India's links with the early modern world.

Another book that I found to be eminently readable is *The Last Spring: The Lives and*

Times of the Great Mughals (pub: Penguin Books 1997). This book was later revised and the edition available now is *Emperors Of The Peacock Throne* by Abraham Eraly (pub: Penguin India 2000). Easy to read, almost novel-like in its approach, it follows the style of the narrative in historical writing. Well researched and well written historical narratives such as *The White Mughals* by William Dalrymple and *A Prince Imposter* by Partha Chatterjee are just two examples of this comparatively recent genre which has brought historical perspectives into the popular realm and created bestsellers.

In a similar manner Eraly weaves together a tapestry of the events and personalities of the Mughal era into an engrossing narrative which is an important addition to the vast field of writing about the period. What an amazing tale it is -- an inconspicuous beginning in Central Asia with the new ruler of Ferghana, Zahiruddin Mohammad Babur, descended from Chengiz Khan and Timur the Lame, crossing the Indus into the Punjab. At Panipat, five months later, he laid the foundation of Mughal rule in India by defeating the much larger armies of Sultan Ibrahim Lodi, the Afghan ruler of Hindustan. The Mughals were to then rule India for over three centuries leaving behind a rich legacy of art and architecture, culture, language and music.

Abraham Eraly narrates the story as a chronicle of flesh-and-blood people, therefore serious historians have to take care not to be credulous enough to be caught up in the flow of the narrative at the cost of authenticity. This book is recom-

mended as an introduction to the period only for those seeking to familiarize themselves with the Mughal era and the names and actions of the major players of the time. Some extraordinary figures emerge and a picture forms of "the tumult of unending wars, the baffling opulence of the ruling elite and the desperate misery of the masses, the brutal feuds in the royal families and at the same time an amazing flowering of art and culture."

There are many, many books about the Mughal era and the visual appeal of Mughal gardens, painting and buildings has encouraged a large literature of handsomely produced volumes. *The Gardens of Mughal India* (New Delhi, 1972) by Sylvia Crowe, et al; *The Grand Mogul: Imperial Painting in India 1600-1660* (Williamstown, 1978) edited by Milo Beach; *Indian Paintings under the Mughals* by Percy Brown (pub: Cosmo Publications, 1981) and for a complete account of Mughal buildings, Catherine B. Asher's *Mughal Architecture in The New Cambridge History of India* can all be recommended. I have also enjoyed reading *The Lucknow Omnibus* by Abdul Halim Sharar, Rosie Llewellyn-Jones & Veena Talwar Oldenburg (pub: Oxford University Press, 2001) and for film fans, *Satyajit Ray's brilliant Shatranj ke Khelari (The Chess Players)* evoked the fading grandeur in all its tragic beauty and is still a classic on the subject. The new film, Akber Khan's *Taj Mahal* has also been well received by critics but the DVD has yet to arrive in the Dhaka market.

Admittedly, the story of the later Mughals is not a particularly edifying tale and even their early history is one of factional

intrigue, fratricide and even patricide, but that age was itself an intemperate and violent one. All over the world there were brutal and unrestrained dynasties and their bloodthirsty actions fill the pages of history books. The sixteenth and seventeenth centuries in Europe, for instance, were particularly so. While on the one hand there was immense expansion because of the voyages of discovery and contact with new worlds and its peoples as well as the flowering of art, culture, literature and philosophy; on the other hand the practice of statecraft was unrestrained and based on expediency, pragmatism and out and out self-aggrandizement.

I find the entire Mughal era fascinating for a number of reasons, not the least among them being the tragedy and pathos of the later years when the decline of the Mughal Empire led to unrestrained colonial expansion in South Asia. As the British red began to seep into the territory of the Mughals and the princely states under their hegemony, the dissolute princes and their courts were still caught up in their preoccupation with the good life, unaware that ignominy in the form of exile and lonely death was going to be the end of the once mighty Mughals.

Their spring was soon to turn into the bitter winter of a crumbling empire and their world was to end not with a bang but with a whimper (to quote T.S. Eliot's memorable line), in far off Rangoon with the last poet-emperor writing poignant lyrics to while away his exile.

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continue to affect politics in the South Asian subcontinent to the present day. The ostensibly peaceful years of the Raj disguised the seething cauldron of nationalism which bubbled under the surface of Saheb-native relationships and the struggle for freedom was to reverberate through two centuries of South Asian history and culminate finally in the creation of Bangladesh.

My readers may well consider my decided predilection for history as an unproductive pastime but I excuse myself on the grounds that the state of the world, in these early years of the twenty first century, is such that escape into the past is a welcome relief. In fact, increasingly, the study of history with its reflective perspective has become more attractive than newspapers and the grim reality of terrorism, war, and national catastrophes.

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The Mughal Empire by John F. Richards

Refusal of millennium aid to Bangladesh

Officials of foreign governments have now learned to treat this country with disdain and contempt in addition to denying aid. That does not seem to bother the people in power anymore. They seem to shrug it off as the price for their right and access to unbridled corruption. The good name or honour of the country be damned!

OMAR KHASRU

THE process of getting aid from international and polygonal agencies has become almost a ritual lately. The multilateral organizations, such as the IMF, World Bank, ADB, etc., set a series of incremental conditions for releasing the funds. The government claims it has done everything to meet the eligibility requirements. The Finance Minister goes into an emotional tantrum at the press briefing, sort of like an unrequited suitor. In an emotion-choked voice, he expresses his frustrations by stating that if these agencies still resort to vacillation, after all he and the government have done to satisfy the insatiable entitlement needs, Bangladesh does not want and will not accept the money.

Therein lies the rationale for government inaction and aversion to mitigate or alleviate the situation. It has to do with the total inability or sheer reluctance to control the level of corruption. The government that often walks the extra mile bends over backward and genuflects routinely and regularly to mollify and placate the donor countries and agencies to fingle the foreign aid is oddly and bafflingly mum about the denial of the Millennium funds.

The MCC administers the millennium challenge account (MCA), a program launched nearly two years ago to provide additional US aid to needy countries that make progress in three main areas: good governance, investing in people, and promoting economic freedom. The MCC considers 16 policy indicators in selecting countries that are fighting corruption, providing an environment for free and open exchange of ideas, creating a just and equitable legal system, and that invest in health and education. Any objective analysis of Bangladesh's adherence to any of the sensible and lofty criterion would indicate a dismal record and a sorry state of affairs.

Bangladesh has just been excluded again, for the second year in a row, from the list of countries selected for US assistance

through the Millennium Challenge Corporation (MCC). Twenty-three countries have been selected for targeted US assistance for 2006. The countries eligible for the assistance are Armenia, Benin, Bolivia, Burkina Faso, Cape Verde, East Timor, El Salvador, Gambia, Georgia, Ghana, Honduras, Lesotho, Madagascar, Mali, Mongolia, Morocco, Mozambique, Namibia, Nicaragua, Senegal, Sri Lanka, Tanzania, and Vanuatu. By any objective criteria, Bangladesh is poorer than almost all these countries. However, the MCC board has excluded Bangladesh from the list, citing corruption as the reason.

Bangladesh has been a record 5-time champion in corruption, according to the now famous and frequent Transparency International reckoning and ranking. Every year the TI report elicits and garners predictable responses from the ruling and the opposition parties. The party in power dismisses it as a mendacious and fabricated and contrived ranking and result of conspiracy hatched by an unfriendly alien organization with opposition party complicity. The opposition party gleefully terms it as a true and justified vilification of the party in power. After a series of charges and countercharges by the two parties, the brouhaha and the hullabaloo dies down until the next report. The banal and customary rites are then repeated again. But nothing substantive, effective or meaningful is ever done to control the escalating corruption. There are very rare, almost nonexistent, instances when any big fish, embroiled in big-time corruption, is ever held accountable and punished.

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