

On human rights

Move to form national watchdog body is welcome

THE government's decision, in principle, to form a National Human Rights Commission ought to come as positive news for the country. And it does, owing to the growing concerns about, together with an awareness of, human rights issues in Bangladesh in recent times. The irony here is that a job that should have been accomplished by a political government has now been undertaken by a caretaker administration. Beyond the irony, though, lies a strong argument as to why there is today a fundamental need to ensure that institutional arrangements are in place for a safeguarding of rights.

What is now required is a framing of the rules upon which the proposed NHRC will function. Here the instance of the Anti-Corruption Commission becomes relevant in that the proposed human rights body needs to have a well-defined organogram that will enable it to be manned to public satisfaction. Briefly, idea must translate into action. The human rights question assumes critical importance considering the battering some very basic citizens' rights have received from time to time. The many deaths which have occurred in 'crossfire' have over a period of months agitated the public mind, given especially the fact that the actual circumstances behind such deaths have never been satisfactorily explained. Indeed, those under whose watch these tragic incidents occurred saw little reason to comprehend the truth that the deaths of citizens in such questionable conditions were a negation of fundamental rights. Add to that the frenzy with which mass arrests were resorted to in a trampling of political dissent, an act that clearly contravenes not merely the law but a whole principle of morality as well. In a society that calls itself democratic or aspires to democracy, any restrictions on the movements of people are a gross overturning of the ideas that go into constituting a decent social and political order. It is against this unhappy background that we welcome the move towards the formation of a national human rights body.

We understand that a committee will initially look into the details relating to the proposed commission. It will remain our expectation that this aspect of the human rights-related work of the caretaker administration will be accomplished without undue loss of time and that the real business of a setting up of the human rights commission will be set in motion. An essential underpinning for the proposed commission must be its absolute, guaranteed independence from the executive. Since the human rights commission may be perceived as another step toward a reform of the political process, it makes sense to inform the government that the commission must not come tied to the apron strings of any political authority. The nation will wait, to see if its understanding of a defence of human rights matches the plans the caretaker government has about the proposed commission.

Lessons galore four years into Iraq invasion

US occupation must end

AN opinion poll commissioned by BBC and ABC news of USA suggested that the Iraqis are more pessimistic about their future four years into US-led pre-emptive invasion of their country. An estimate put the figure of civilian casualties to 58,800. As many as over 3500, most whom American soldiers, have also lost their lives. Iraqis are fleeing their country in greater numbers than ever before.

At least 78 percent of the Iraqis oppose the presence of foreign forces on their soil. Iraq's sectarian conflict has also left nearly two million people displaced within the country with as high as 1.8 million refugees abroad.

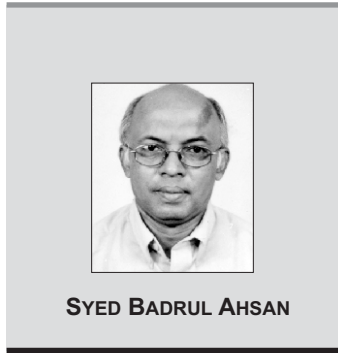
A dismal picture indeed. The invasion of Iraq led by US and so-called coalition forces of the willing over the past four years have created more problems than solved. Iraqis are bleeding, women and children are insecure, the economy is in shambles and the culture of an old civilisation left in ruins. To top it all, there has been a steady growth in the incidence of terrorism.

The unjust and the highly controversial invasion based on false premises has not only caused death and destruction for the Iraqis alone but also have laid the foundation of a long drawn turmoil and intense conflict in the region.

Even if the Iraq invasion were to come to an end now, the uncivilised precept of 'might is right' may take a long time living down in the conduct of international law. Internally, the USA has been the main architect of the sectarian divide in Iraq which is a sure recipe for destabilisation.

The American invasion of Iraq should come to an end with a clear-cut and time-bound exit strategy spelled out by the Bush administration.

Of bigotry, severed heads and writers' rights



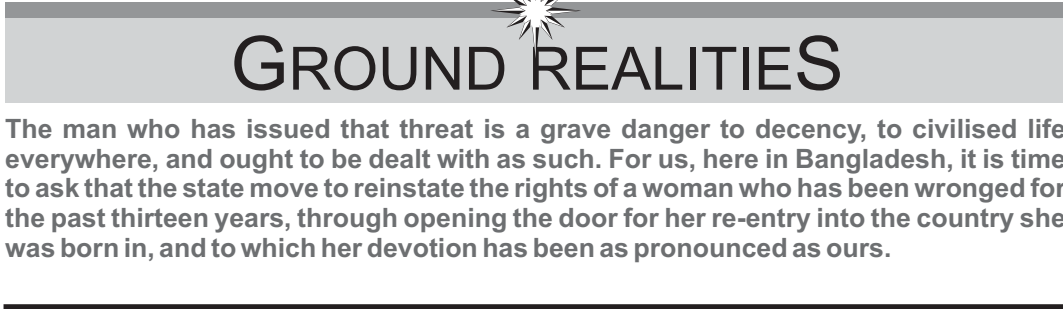
SYED BADRUL AHSAN

SOMEWHERE in India, a Muslim bigot has decreed that Taslima Nasrin be beheaded. The one who can accomplish the deed, or misdeed, will be rewarded with nothing less than a tidy sum of five hundred thousand rupees.

When you sit back and reflect on the edict, disturbing as it is, you cannot but wonder at the temerity with which the so-called defenders of the faith have regularly taken it upon themselves to define the course of life for people who happen to think of temporal existence in terms of the literary and the philosophical.

It is quite another point whether or not you agree with a writer. But it becomes a positive threat to decency and human dignity when an individual thinks nothing is remiss when he lets the world know that a writer who has aroused his ire must be dispatched with swiftness to the grave.

Such a threat was held out back in 1989 to Salman Rushdie when Ayatollah Khomeini, convinced



that he was the new guardian of Islamic religious thought, ordered a bounty on the writer's head. It was a bad move. It went against the principle of liberal thinking. It made Muslims everywhere shudder in unease.

History is, of course, replete with instances of individuals and groups and governments persuading themselves that they ought to be arbiters of the moral parameters which underpin, or should underpin, life. There is the story of Leni Riefenstahl, the German film-maker and admirer of Hitler (until the Third Reich collapsed in a heap), for whom life after 1945 was essentially a tale of unbridled vilification.

There has been nothing to suggest that she collaborated with the Fuhrer in the latter's nefarious attempts to reshape German society according to Aryan specifications. Not a shred of evidence has been found to implicate Riefenstahl in any of the crimes the Nazis committed in their twelve-year dominance of their country. But the film-maker continues to be reviled.

In our times, the Turkish writer Orhan Pamuk, whose Nobel certainly ought to have come later, is a man whose running battles with the state convince us that the historical image of the writer being at the receiving end of persecution is a reality that has acquired permanence of a definite kind.

Naguib Mahfouz was never in the good books of the regime, any regime, in his native Egypt. And if you remember the trauma that Boris Pasternak went through once the Nobel for literature came to him in 1960, you will have cause to comprehend anew the many shades of darkness courageous writers live under from day to day.

It is these shades of darkness Taslima Nasrin has been living through for the past thirteen years. There has been no official decree formalising her exile abroad; and yet no government in Bangladesh since 1994 has felt any compulsion of bringing her back home.

There are the bigots who man the ramparts, here in Bangladesh, intent on ensuring that Nasrin does not make her way back to her country. In the mid-1990s, with

the Awami League holding political authority in Bangladesh, the natural expectation arose that conditions would be facilitated for the writer to end her exile abroad and come home. The expectation turned out to have been misplaced, for the ruling classes were afraid of the consequences should Nasrin return to Bangladesh. The BNP-wallahs, of course, were never expected to warm to Nasrin. And they never did.

Today, it is our collective reputation as a nation proud of its democratic sensibilities that stands threatened through the hypocrisy defining our attitude toward Taslima Nasrin. By every measure, Nasrin is a good writer. In terms of social commitment, she remains one of the foremost defenders of courage as a weapon in the war against obscurantism.

Yes, to be sure, there are times when something of the worryingly judgmental comes into her analyses of conditions around her. But judgment ought never to be challenged through a brazen display

of ignorance. You do not finish off the idea that is Federico Garcia Lorca by pumping bullets into his head. You may find Ayaan Hirsi Ali's views on the faith she has deserted repugnant to the core, but when you decide that she should die for her heresy, it is your attitude which threatens to become a good deal more reprehensible than hers.

Taslima Nasrin's thoughts have never been repugnant. Writers, in the true spirit of a formulation and dissemination of ideas, are careful to state the truth. Any writer who believes that treading a fine line between truth and the lack of it is what the calling of writing should be is making a dreadful mistake.

You are not a writer if you cannot, or will not, write in all the boldness your heart can call forth. That is where the difference between politicians and writers lies. A politician, with his sights on gaining power over the state, will hedge his arguments; will compromise to reach the top of the mountain. A writer has no such compulsions, for it is not the peaks he aspires to.

He is content with the open valley before him, for in that valley he spots beauty he sings praises of, and notes cacti he thinks ought to be out of the way. There is Ahmad Faraz in Pakistan. Courage in the face of adversity has been his forte. In Bangladesh, Ahmad Sharif and Shaukat Osman, all these years after their passing, remain emblematic of the principles that once underlined, and continue to denote,

writing. Araj Ali Matubbor was an iconoclast all his life. In death, he remains an inspiration from whom men and women given to thoughts of life and nothingness draw a certain strength of will, a form of sustenance as it were.

The bizarre spectacle of the severed head of Taslima Nasrin on a platter is an image that should bring men and women of conscience in India together. The man who has issued that threat is a grave danger to decency, to civilised life everywhere, and ought to be dealt with as such.

For us, here in Bangladesh, it is time to ask that the state move to reinstate the rights of a woman who has been wronged for the past thirteen years, through opening the door for her re-entry into the country she was born in, and to which her devotion has been as pronounced as ours.

And much of the shame our impotence puts us to can be scratched away when, and only when, those who dominate Bangladesh's literary ambience in these times come together in a defence of Taslima Nasrin's unquestioned right to be back where she belongs. And she belongs here, whether or not you like it.

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March 25: National vigil night

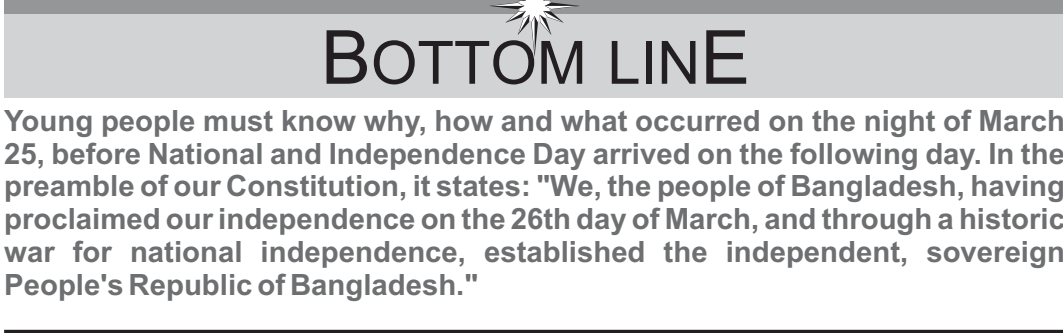


HARUN UR RASHID

EVERY nation has glorious and black, or dark, days in its history. For example, Londoners observe "Blitz Day," when German aircraft bombed London in September in 1940, in September every year. They also observe the surrender of Nazi Germany as "Victory Day" on May 7.

Jews in Israel observe "Black Night" on November 9-10 each year because, on this day in 1938, mobs attacked their synagogues, shops and homes. More than 100 Jews died on the spot, and about 30,000 Jews were arrested. Jews called it "Kristallnacht" (Crystal Night) because the glass windows of shops, synagogues and homes were smashed.

Although we observe March 26 as our Independence and



National Day each year, we don't observe the previous night, when Pakistani armed forces committed a brutal military crackdown on unarmed Bengalis.

Pakistani General Niazi, Commander Eastern Theatre (Commander of the Occupation Army), when asked by a journalist, admitted that at least 30,000 people had been killed (Perspectives of Pakistanis on 1971: 2004).

The story leading to this crackdown was told by a Pakistani public relations officer attached to the Pakistan military, Sadiq Salik. In his book "Witness to Surrender" (1997),

Salik writes: "Before giving the final order to General Tikka Khan, Pakistan's military president, General A.M. Yahya Khan, phoned him and said: "The bastard is not behaving. You get

ready"...Tikka Khan rang up the General Officer Commander (GOC) at 10 PM to say: "'Khadim, you can go ahead." The code-name for the military crackdown was "Operation Searchlight."

The massive military action on March 25 midnight onwards was on the scale of a war without warning against unarmed Bengalis, and the unprovoked military assault had very few parallels in history.

There was indiscriminate killing of people and burning of homes, and Dhaka city was filled with corpses. The military targeted students' dormitories and University teachers' quarters, and killed many students and teachers. When curfew was lifted, tens of thousands of people left the city for rural areas.

Many surviving victims have left their written records with

revealing details. One eye witness, late Professor Jahanara Imam, who lost her son left a graphic account of what occurred on the night of March 25 and afterwards. She writes: "Someone said that President Yahya quietly left for West Pakistan under strict security. I didn't understand why there should be soldiers on the streets... I was fast asleep. Suddenly I woke because of a very loud sound. Rumi and Jami came rushing to my room. The deafening sound of heavy guns, the intermittent sound of machine guns, the whistling sound of bullets filled the air. The tracer bullets brightened the sky. South of our house, across the playground, are the University students' dormitories - Iqbal Hall, Mohsin Hall, and a few other buildings of university staff quarters. All the noise came

from that direction."

The military crackdown sparked the determination of freedom fighters for independence. The dastardly crimes against our people led the youth and the ordinary, independent-spirited people of Bangladesh in the countryside to fight the oppressors and criminals of the Pakistani army.

The night of March 25 was the moment of truth when Bengalis faced the demonic power of the Pakistan military. It was that night when brave Bengalis decided to fight for independence. Their grim determination to fight emanated from the darkest hour of March 25 night.

On March 25, it seemed that the lamps had gone out all over Bangladesh, and on March 26 we saw the lamps being lit again. There is some dynamism about March 26, but the dynamism originated on the night of March 25.

Because of this night's horrors we saw new forces of hope, new aspirations for independence and emancipation, and a new, compelling urge that could mobilize tens of thousands men and women for liberation war.

Although it was the darkest hour for Bengalis, we felt not only powerful but also morally right-

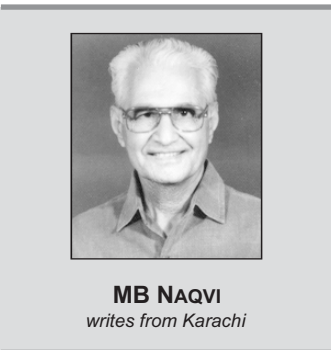
teous to fight against the oppressors. The international community supported our liberation movement. India and the European powers, including the Soviet Union, were sympathetic to us at this critical time in our history.

Young people must know why, how and what occurred on the night of March 25, before National and Independence Day arrived on the following day. In the preamble of our Constitution, it states: "We, the people of Bangladesh, having proclaimed our independence on the 26th day of March, and through a historic war for national independence, established the independent, sovereign People's Republic of Bangladesh."

Can we forget our darkest hour? In my view, on the night of March 25, what we could possibly do is observe a peaceful vigil night by candle-light, and pray for the eternal bliss of the departed souls. Let there be candles burning in every house to remember that night.

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Collateral of CJP case

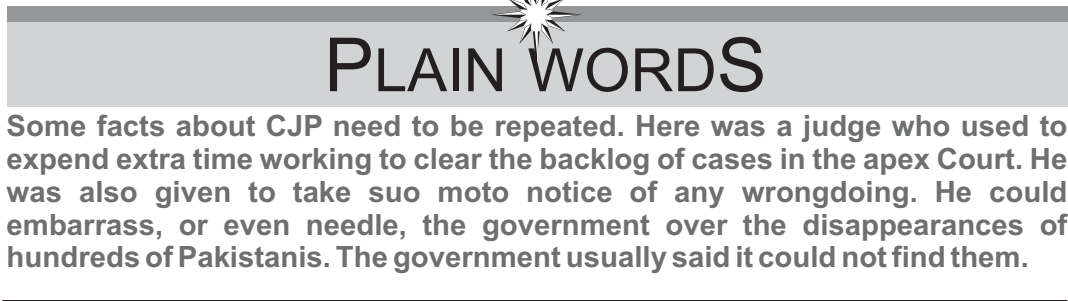


MB NAQVI

writes from Karachi

THE authority has put a blanket ban on media reports in the chief justice of Pakistan case; it is claimed to be sub judice, and commenting on it is punishable. The point can be theoretically conceded, although it is a citizen's right and duty to freely discuss the politics surrounding a case. That does not prejudice what a court is to determine, i.e. truthfulness or otherwise of supposed charges.

The supreme judicial council is certainly a constitutional organization, but is not a court. What it is doing is in the nature of an inquiry, the report of which is to go to the president who, then, may take action. Whether an inquiry can claim to have a court's privileges is moot.



Anyway, what can be prohibited is a discussion on the validity of the charges. The political circumstances in which charges are framed and heard can, and should, be discussed. What cannot be banned is enumeration of a case's circumstances, or the likely fallout from it -- without pre-judging the truth or otherwise of the charges.

In this case the government's treatment of the CJP can be freely faulted. Why was he arrested and kept under house arrest for several days? Why was he kept incommunicado? Why newspapers were denied him; why were TV and telephonic contact with others? Why were his lawyers not allowed to meet him?

These are conditions in which condemned criminals are kept. Didn't the government prejudice

the charges? Was it entitled to accept the charges as true? The government prevented him from walking to the apex court, he was man-handled. And very few persons are permitted to meet him.

Earlier, even his lawyers' team was not permitted to meet him despite explicit permission from the SJC itself. Obviously, these restrictions on CJP are not justified.

The government's actions in trying to force the Geo media to show this or not to show that footage is a fit subject for comment. Even more condemnable is the goonda action of the Punjab police in vandalizing the Geo, News and Jang offices and manhandling journalists.

One's comment on it is that it was an assault on the freedom of the media. Indications are

there that the government intends to restrict as much of the freedom of media and press as it can.

The government intentions in this regard cannot claim the benefit of doubt. Governments the world over are not entitled to any benefit of doubt: their behaviour should be transparent. The media commentators ought to be ruthless vis-à-vis the government.

Why? Because governments had too much power to act, rightly or wrongly. Its wrong actions can be contumely or harmful to the Pakistanis. Their image can become mud, such as has happened in these two cases.

The government claims of allowing a lot of channels and FM radio stations are not proof enough that it is comfortable

with the freedom of expression. It behaves strangely -- you can say what you like, as in a tower of Babel, and the regime will ignore it. But it belabours difficult journalists.

As for CJP's case, the government's politics can be discerned: such a treatment of the top judge, and the state's august officer, looks uncommonly like punishing a bold and upright judge with no hint of corruption. The charges are said to be based on Naaem Bokhari's open letter to CJP. That spoke of his excessive love of protocol and arrogance.

While one does not defend excessive arrogance or love of pomp, insistence on due protocol can also be a demand of the office he occupied. As for the question of CJP influencing other senior officers for his son's postings, if it was malfeasance, then all those who granted them should also be proceeded against.

The chief question that recurs is: why is the government prosecuting this CJP when his reputation had not been smeared by accusations of corruption or other delinquencies? He was bold, fair and always gave relief to the wronged, or took praise-

worthy action about disappeared citizens, or stopped the PSM's sale.

He certainly could be harsh on evasive officials. But this is open assault on the independence of the judiciary. It needs investigation by all responsible citizens who believe in transparent governance.

Could it be that the government intended to defame the CJP, destroy his reputation and prosecute him? Justice Chaudhry was, in fact, adjudged by the government as having committed unspecified offences, and punished before any inquiry or judicial processes took place. Who in the government has the authority to so punish a citizen, let alone the CJP?

Under the rule of law and supremacy of the Constitution, no government can presume a citizen guilty without due process. A person is to be treated as impugned whose malfeasance has to be adjudged by a properly constituted court. It is not for any government to become judge, prosecutor and executioner rolled into one. That is how dictatorships behave.

Some facts about CJP need to be repeated. Here was a judge who used to expend extra

time working to clear the backlog of cases in the apex Court. He was also given to take suo moto notice of any wrongdoing. He could embarrass, or even needle, the government over the disappearances of hundreds of Pakistanis.

The government usually said it could not find them. The aggrieved families say that they were picked up by intelligence agencies. Intelligence agencies remain mum. Even the Ministry of Defence said in open court that it does not have operational control over military intelligence agencies.

Such anomalies do not occur in a democracy. Can bureaucratic services become automatic without supervision of the people of the country? No one, including the army, can be above or beyond accountability. Who wants a state run by irresponsible tyrants?

It has to be noted that the CJP gave relief to opposition politicians. Opposing a government is the done thing in civilized societies; politics is the duty of citizenship; it is both the privilege and duty of citizens to hold the government to account and make it respect laws. Politics is vital to democracy. No government should be allowed to

hound a difficult CJP.

The political agenda of the government is known; the government is planning to re-elect the president from existing assemblies that are going home later this year. Could it be that the government foresaw that there would be writs in the supreme court against that re-election?

Anyone can visualize what would have been this CJP's line of thinking. The legality of re-election is sure to go up to the top court for pronouncement on the expected government steps. A bold and upright CJP would be a hindrance to a government wanting to jump over democratic norms.

An even more serious question is whether bureaucracies, civil and military, are planning to rob the media of their freedom to report and comment, thus subordinating two pillars -- judiciary and media. The country has to remain on guard, especially now. It is time for the journalists' own organization, the PFJJ, to agitate for freedom of the media and win as many supporters for the cause as possible.

MB Naqvi is a leading Pakistani columnist.