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The wrong lessons

TRIALS of former dictators are not so much about the law as about politics. This is not to say they can't be useful. But they're not really designed to dispense justice; they're designed to drive home a point.

In Baghdad, legal proceedings against Saddam Hussein are just getting under way. At The Hague, the prosecution has at last rested its case against Slobodan Milosevic, more than two years after arguments began. The coincidence in timing is fortunate, because the Milosevic case offers an instructive example — of what can go wrong in a war crimes trial.

Here's the set-up at The Hague: The world community, in its majesty, calls the murderous Serbian dictator to account. This acts as a warning to other authoritarians who might be tempted to emulate him, and presumably provides some measure of solace to his victims (or their survivors). Both are important goals, but probably the most crucial objective of the trial is to demonstrate to Serbs themselves the actual nature of the regime that took them repeatedly to war in the 1990s, and of the dark acts committed in their name.

The point is to lay open the full sordid history of that decade, and thus to disinfect Serbia of the virulent, hate-filled nationalism that gripped it after the fall of Communism. In this, however, the trial of Milosevic has been close to a complete failure.

Serbia has not been shamed or sobered by the painfully deliberate prosecution case. The trial is too far away, the judges (more or less) represent the victors in the deeply resented Kosovo war, and Milosevic has refused both to recognize the court's legitimacy and to be cowed by its power over him. If anything, his standing among ordinary Serbs has improved since his overthrow in a bloodless coup more than three years ago. He is standing up for himself, and for Serbia, and who in Belgrade would fail to appreciate that?

—**Baltimore Sun**

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Enforcement, not more laws

THE cabinet has set up a 10-man committee to formulate recommendations to make anti-terror laws more effective and comprehensive. While no doubt that all laws need revisions and amendments to keep pace with change in society, what we need is more effective enforcement of the existing laws on terrorism. All acts of terrorism fall within the category of crime as defined by the Pakistan penal code. Murder by any means — by strangulation, by the use of arms or by explosions — is an offence under sections 300, 301, 302. Where a murder is committed through conspiracy involving many people, the charges against the suspects are extended to murder and conspiracy to murder, etc. There are also laws since the colonial days against sedition, treason and incitement to violence. To that extent the existing laws on the statute book should serve to deter criminals and conspirators provided the law enforcement agencies (LEAs) do their job efficiently, and the courts dispense justice without fear or favour.

Given the frightening rise in terrorism in Pakistan, there have been quite a few changes in the relevant laws, and quite a few new ones have been enacted to deal with the menace. In most cases, these laws have concentrated on speedy trials and convictions, the aim being to avoid terrorism cases falling victim to the delays and adjournments which are so characteristic of our judicial system. Often criminal cases, including those of murder, drag on for years without conviction or acquittal. The terrorism-specific laws have, thus, aimed at a quicker dispensation of justice without compromising the demands of the due process. The establishment of summary courts has reflected this thinking and has led to relatively speedy disposal of terrorism cases.

However, the monster that we have in the form of terrorism cannot be tackled by means of additions to the existing laws. We have enough of laws — passed by the legislatures or decreed through ordinances by military governments. What is lacking, however, is effective enforcement of these laws. If laws were sufficient deterrent themselves, we would have had no crime in the country. Instead, as events of the past few years show, acts of terrorism have been occurring in Pakistan with regular frequency. The crimes that come readily to mind are the suicide bombing of the US Consulate in Karachi, the murder of French and Chinese engineers, the attack on the Ashura procession in Quetta, and the bombing of mosques and imambargahs, besides frequent disruptions of gas pipelines. In all these cases, the intelligence agencies failed to prevent the crimes. An instance of the LEAs' failure is to be seen in the continued activism of the many elements of extremist militias that have been outlawed. Evidently, their organizational structures remain unimpaired and they continue to acquire money and arms through clandestine channels. What is needed is a more efficient system of law enforcement, backed by diligent intelligence work. This is not to underestimate the good work the LEAs have sometimes done — like the arrest of Khalid Sheikh Mohammad, the elimination of Nek Mohammad, and the arrest of several sectarian killers, some of whom were later sentenced to death. But a lot more needs to be done. The LEAs must become more modern — not only by having modern gadgetry but by updating intelligence-gathering and detection techniques in a manner consistent with the challenge Pakistan faces.