

Dissecting the extra-judicial scourge

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THE undesirable phenomenon of extra-judicial killing or deaths under inadequately explained circumstances that tend to create doubts about the credibility of such actions have once again attracted public attention. The honourable Minister for Home Affairs has assured that no extra-judicial killing has taken place during the tenure of the present government. However, reports by rights organizations contradict such claim.

Efforts to study the malady of extra-judicial killing would reveal that otherwise sensible public leaders have often appreciated the usefulness of such killings by decrying the failure of the criminal justice system to punish the inveterate criminals and bring relief to the suffering public.

The dilemma of our socio-political existence is brought home by the reality that while those wishing to see the effective writ of the rule of law are continuously pointing to the un-tenability of extra-judicial deaths as an acceptable socio-legal response, there is no dearth of supporters or admirers of such apparently abominable method. Random eliciting of opinions by newspapers has shown that a large majority of people entertain the view that the deplorable slide in crime and order situation can gradually be stalled by resorting to extra-judicial killings.

It is time, therefore, to do some serious introspection and find out as to how have we arrived at such a lugubrious scenario? The serious-

ness of the matter is warranted by the fact that if extra-judicial killings succeed in even implicitly acquiring the seal of approval then there remains no justification for maintaining and supporting a justice system at public expense. The question is how low shall we stoop and offend the democratic sensibilities?

Shall not our present predicament compel us to examine and find out if the working of various institutions in the criminal justice system were interfered with and not allowed to do their due? Such premonition cannot be summarily dismissed in our situation where crime, criminality and criminals could not be dealt with in an objective and professional manner.

It is not too late as yet if we decide to set our house in order and behave as a civilized society. For that to happen the responsible persons in the corridors of power have to exercise due diligence and act earnestly to uphold the rule of law. That is not a tall order.

The question is, do we want sustained laborious action under the law to strengthen our democratic foundation or do we need rash desperate action without the cover of law? The extra-judicial killings, undoubtedly, do not fit in with the first proposition. We need to be absolutely clear about that.

The ultimate punishment in the alleged 'extra-judicial' deaths about whose credibility many are not convinced, appear as summary response from desperate executive of law enforcement. The legality of actions leading to such extreme action apart, any responsible citizen might like to know if in our often over-zealous anti-crime operations,



PURE STOCK

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we are just treating the symptoms without venturing to study and assess the objective conditions promoting criminality. We do not need sociologists and criminologists to tell us that present-day crime is a complex social phenomenon caused by a multiplicity of factors and determining culpability is an extremely mind-exacting task. Everyday life experience tells us that quite often the fun-seeking

delinquent of yesteryears turn into uncontrollable don of the day due to the patronage of powerful quarters and the unexplained inaction of the enforcement outfit. Therefore, when extra-judicial deaths occur some myopic elements may be satisfied but a civilized society which wishes to live by the canons of law cannot but be concerned. Such deaths in an abnormal situation are forestalling the benefits of

thorough investigation wherefrom the citizens could have known the pathetic as yet compelling factors behind the growth and maturing of criminals, the shady role of the patrons and the alleged inertia of the regulatory units.

What we need is adequate provision of witness protection and victim support in the criminal justice administration. To make those effective we need large injection of governmental funds. Any further delay will only swell the ranks of summary-justice seekers and the admirers of vigilante action. The decapitating adversity of the victims of crime demand mainstream support of the system.

We need to be aware of the requirement that the right of private defence cannot be unqualified because that would lead to vendetta with resultant social disorder. Such right of private defence of the body extending to causing death is justifiable only upon the plea of necessity, and such necessity only arises in the prevention of forcible and atrocious crimes. The harm caused should be preventive and not punitive.

Some cardinal conditions as listed below have to be satisfied before the taking of the life of a person is justified on the plea of self-defence:

- the defender must be free from fault in bringing about the encounter;
- there must be present an impending peril to life or of great bodily harm either real or so apparent
- as to create honest belief of an existing necessity;
- there must be no safe or reasonable mode of escape by retreat;

and
• there must have been a necessity for taking life.

The person claiming the right of private defence extending to the causing of death must be under a bona fide apprehension or fear that death or grievous hurt would otherwise be the consequence of the assault on him if he does not defend himself.

The extra-judicial deaths along with the surrounding circumstances in our case need to be scrutinized in the light of the stipulations above to examine if such deaths actually resulted from acts of self-defence by security personnel.

The fact of the matter is that when investigative skills entailing unbiased efforts emerge consequent upon a strong political direction, there would not be any need to resort to extra-legal measures. In such an atmosphere, information and intelligence would come voluntarily to the benefit of victims of crime. We must, therefore, strive to create an environment where the blight of extra-judicial killings would be blissfully absent.

The rule of law and criminal jurisprudence may appear to be unequivocally in favour of the offenders, the criminals, the law-breakers, the accused persons. That does not automatically give a license to resort to illegal measures because a civilized government must earnestly strive to demonstrate that law-enforcement effectiveness and civil liberties can co-exist in a society governed by the rule of law

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Cuts in the Pentagon's budget?



COLIN ANDERSON

There is not a single adversary of the US which alone, or in combination with other adversaries or potential adversaries, comes anywhere near the US in terms of military spending, and in terms of the military technology developed towards protecting US supremacy.

PETER CUSTERS

ON the memorable day of January 6, US Defense Secretary Robert Gates and the Chair of the Joint Chiefs of Staff Mike Mullen held a press briefing about their budgetary plans for the coming year. The key message they conveyed is that the Pentagon is forced to limit its spending, and that the size of the budgetary "cuts" is pretty large, amounting to no less than \$70 billion.

It reportedly took the defense

secretary half an hour to explain the planned "reductions." Such detailed explanations were essential -- as is evident from Gates' words -- to allay the fears of Republican Congressmen. The Pentagon's newly found "modesty," after a decade of steady annual increases in allocations, immediately got the headlines worldwide.

If one were to stop halfway through the story circulated one would really think President Obama had cruelly put the thumbscrews on the fingers of his military chiefs.

Only in the later part of the story the truth comes out, to an extent. Here it is stated that the Pentagon plans, in fact, to spend a robust \$553 billion in the year 2011/2012, and that this represents no slimmed budget at all, but a \$13 billion increase, i.e. 3% growth after inflation, over the current military budget. And if one were careful enough to read till the end, one would mark that even this is far from the full story. For the \$553 billion do not yet include the yearly allocations for the US's wars in the Middle East.

Facts on the US's war expenditures alone provide a revealing picture of the state of affairs under Obama's presidency. Memories tend to be short, but many Americans will recall that Barack Obama gained much popularity when campaigning for presidency via his presumed "anti-war" stance. He was seen as a firmer opponent of the war in Iraq than his than adversary, Hillary Clinton.

Before his inauguration Obama promised he would wind down the war, would streamline the Pentagon's arms purchasing policies, and would promote more openness regarding governmental military spending. Outlays for the wars in Iraq and Afghanistan have meanwhile been incorporated into the official budget. Yet the overall level of spending on Middle Eastern wars has not changed. The allocations are \$158 billion in the Pentagon's 2011 "base budget," which puts the official total at over \$700 billion.

What Obama has done is not reduce the Pentagon's war budget, but shift resources towards the Afghanistan war! In a report drafted in 2007, Robert Pollin and Heidi Garret-Peltier, two economists of the renowned Massachusetts Institute of Technology (M.I.T.), offered calculations for the number of jobs the US would gain from a transfer in resources -- from the war in Iraq (then responsible for the bulk of war spending) -- to spending on education and energy conservation. The outcome of the exercise was that the US population stood to gain between 600 thousand and 1 million jobs!

Next, it is useful to put US military spending into a global perspective. Robert Gates and other Pentagon officials have sought to do it themselves. For they have repeatedly hammered on a presumed, and growing, "military threat" from China. One of the arguments they cite is that China's leadership displays little openness and hides the true size of its arms spending. This

is probably true but does not fundamentally affect comparisons between the overall size of US's and the total size of China's spending on its army.

In fact, the Pentagon's own budget hides crucial facts. US think tanks and academicians in recent years have become increasingly vocal regarding the underestimation implied by budget figures the Pentagon puts forward. Numerous allocations are included in the budgets of departments other than the Department of Defense. For instance, allocations for the treatment of soldiers wounded in the US's incessant wars, and the money for the retirement fund, i.e. the pensions of people who have served in the military.

These two allocations alone in 2009 amounted to about \$150 billion. Another figure some academicians add to the Pentagon's figures is one for interest payment on loans, since military spending frequently contributes to US budget deficits. This figure is likely to be over \$100 billion per year. In reality, the US, in all likelihood spends over \$1 trillion -- \$1,000 billion -- on maintaining its military might!

What, then, is the global perspective on the US's military spending? How to compare the US's military spending with military spending by the rest of the world? A relatively low estimate for the US's proportion is provided by the Stockholm based International Peace Research Institute. SIPRI believes the US spent 43% of the world total in 2009. These data can be further supplemented.

One US-based think tank, for instance, has compared the contemporary US share of the world total with the share the US spent during the Cold War, which was a reported 26%. Thus, the share has increased greatly during the last twenty years. In the past, the main rationale for wasteful spending put forward by the US military was the existence of a powerful adversary, i.e. the Soviet Union. And although

there existed a never ending controversy over the exact size of this adversary's arms spending, it was possible to speak of two superpowers possessing comparable military strength.

Yet today there simply exists no credible military adversary. There is not a single adversary of the US which alone, or in combination with other adversaries or potential adversaries, comes anywhere near the US in terms of military spending, and in terms of the military technology developed towards protecting US supremacy.

Clearly, it is not sufficient to question Gates' and McMullen's story regarding presumed budget "cuts." We also need to question the very rationale put forward by the Pentagon to justify its ever larger spending. US academicians rightly point out that spending levels, if calculated in constant dollar terms, tower at the very same level as during peak years of past wars, i.e. the wars fought in Korea and Vietnam. Yet the wars the US fights cannot explain even remotely why a trillion dollars are wasted on maintaining world hegemony.

For this, it is necessary to pinpoint the macro-economic significance of these expenditures, i.e. its significance for the US economy as a whole. To speak in the words of the leading 20th century economist John Maynard Keynes: when fighter planes, missiles and submarines are manufactured, these do generate "multiplier" effects.

And by keeping military spending at an artificially high level, the US government makes sure they extend to the whole \$15 trillion-size US economy. Keynes did not oppose this form of public policymaking, but in passing admitted it means one generates "waste." Isn't it high time -- and in the interest of humanity's survival -- that we question the Pentagon's extraordinary waste of natural and human resources on the given grounds?

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