

STRATEGICALLY SPEAKING

Human rights image

Time to reform RAB

THE Rapid Action Battalion (RAB), has now come under scathing scrutiny of a New York-based international human rights watch body for its records in extra-judicial killings. It has pointed to the government's failure to control it.

Such observation from an international body has brought ignominy not only for RAB, it has also tarnished the image of the government. Why does government allow itself to be so negatively portrayed in the eyes of the international community, when it is entirely avoidable?

While we are in part appreciative of RAB's role in fighting terrorism, in the same breath we have been decrying its part in extrajudicial killings through so-called 'cross-fires' and disappearances.

But far from taking cognizance of the outcries, the government's reaction to those has been one of denial. The international human rights body's report on RAB has again elicited identical reaction from the government.

Limon's case, for example, is the latest manifestation in the government's sticking to the denial mode. We think such an attitude is highly reprehensible and condemnable.

The government should face facts and immediately conduct enquiry into the accusations of extra-judicial murders and custodial tortures made against RAB and prosecute those found responsible for severe breach of law. The issue is very much RAB's accountability, which will have to be enforced from the top.

It is, therefore, time the government take concrete steps to reform RAB.

The government needs to remember that in their electoral manifesto they had committed to putting an end to extra judicial killings.

Saarc angle to food security

Bridge information gap

SOUTH Asian nations are faced with problems of rising population and declining farm land in the region. Information sharing on the successes and challenges of agriculture and food security among the Saarc countries can help reduce risks associated with population boom and receding arable lands in the region.

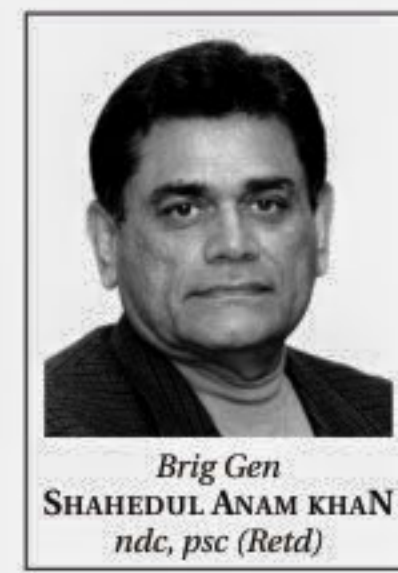
Experts at a regional workshop in Dhaka have observed that the countries in the region have individually succeeded in developing better varieties of crops and vegetables and adopting effective disaster management techniques. Now they need to share the respective experiences on the basis of complementarities.

The information sharing assumes a critical dimension with the threat of climate related challenges that call for adaptation measures. The countries in South Asia share common rivers and are also littoral states to the Indian Ocean. So far as floods and cyclones are concerned they can develop and share early warning systems.

Flow of information on methods of cultivation and crop safety procedures as well as sharing market information on prices, products and inputs among the farmers, consumers and businesses can be components of a very useful Saarc strategy on agriculture and food security.

Time has come to remove barriers to free-flow of information among Saarc countries. For this will not only keep the countries informed about ground-breaking developments of hybrid crops in the region it will also educate their farmers about the time and process of cultivation and harvest. The shared network should also encompass information on plant diseases and livestock treatment.

An information network with a data bank should be set up sooner rather than later on agriculture and food security including data sharing about disaster forecasting and management. In other words, we should move from deliberation to an institutional base for sharing information and experiences within the Saarc region.



Brig Gen SHAHEDUL ANAM KHAN, Retd.

WE have two very different verdicts on the same case from two divisions of the Supreme Court. While the High Court has opined that the

13th Amendment to the Constitution was valid, the Appellate Division has thought otherwise. In what, again, is landmark judgement, the Appellate Division has overturned the High Court verdict and declared the 13th Amendment through the Constitution Amendment Act 1996, prospectively void and ultra-vires of the constitution in other words, the said act is illegal.

And the reactions of the two political parties are both predictable and startling. More on this later, but let me first put some queries to the legal experts for clarification for laymen like me about law.

As for the SC judgment, firstly, since one doesn't have the full verdict of the SC at hand at this moment and neither the HC verdict declaring the 13th Amendment valid, one is not in a position to distinguish the points of difference between the two Benches that ordered their thoughts in differing in their conclusions on the caretaker system. We will only hope that the learned legal minds in the country will favour us by bringing out the finer points of difference in this regards to clarify the confusions, of which there are several.

I have a query about the SC declaring an act of parliament "illegal" and the matter of declaring anything void "prospectively." One has heard of bad

laws, or for that matter laws that do not conform to the principle of natural justice, but one has hardly come across an act of parliament being declared "illegal."

An act acquires legitimacy after having passed through the parliamentary procedures and by being voted as such by the elected representatives. However, there are chances that a law may be violative of the basic tenets of the constitution, and it is for the SC, as the defender of the constitution and interpreter of the laws, take suo moto cognizance of it

taker dispensation, "to avoid chaos." How can one predict, and what makes the SC feel certain, that there will be no further chaos after the 11th parliamentary election? Has not the SC taken too much for guaranteed in so far as the future political scenario is concerned? And how can the SC allow something, which it has itself declared illegal, to remain operative, even if for a limited period.

One can hardly disagree with the opinions that have emerged following the judgement terming it as self-contradictory. These are contradic-

nised both nationally and internationally. And that despite the aberration in the last dispensation where the CTG carried on for more than the ninety days stipulation by taking recourse to a provision of the Constitution that mandates the CTG to handover power to an elected government. And one had expected the SC to address lacunae such as this and plug the loopholes in order to obviate the repetition of the same.

Another feature of the CTG has been that whatever may have been the hostility displayed by the two parties towards each other, the period of the CTG came as a respite to the people, during which the political parties exercised a modicum of self-restraint by holding back from abrasive politics.

The caretaker system is a sad commentary on the state of our polity, on the deep distrust that commands the mutual relationship of the AL and BNP. It is shocking to see how the BNP who, when the idea was mooted by the AL, had said that only a mad person could be neutral while opposing the idea tooth and nail, now root for the CTG. Conversely, the AL, who resorted to "lagataar" hartal, and abstained from the parliament till their demand was met, is elated by the verdict now.

The current stance of the two parties on the issue only reconfirms the fact that it is not principle or political conviction or the welfare of the people or the interest of the nation but expediency and the urge for the perpetuation of political power that guide their policies.

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While one expected the court to resolve the confusions that had been created by various quarters on the pros and cons of the caretaker system, one cannot say that the SC judgement has not helped to confuse matters even further apart from adding a degree of uncertainty to the country's political future.

if need be, and point that out through appropriate rulings. It is a pity that the "violation" did not come to the notice of our apex court till only recently.

The said amendment has been declared prospectively void, that is illegal henceforth. And that has helped to confuse us even more. How can the question of legality of an issue antedate or predate particular events. And even more confusion has been added by that part of the judgment that leaves the option of holding the next two elections under the care-

tions that one finds difficult to reconcile with. While one expected the court to resolve the confusions that had been created by various quarters on the pros and cons of the caretaker system, one cannot say that the SC judgement has not helped to confuse matters even further apart from adding a degree of uncertainty to the country's political future.

Notwithstanding the continued debate on the CTG, one cannot deny its usefulness. It has delivered three good elections despite what the losers said, with credible outcomes recog-

| The New York Times EXCLUSIVE

Hurting moderates, helping militants

NATHAN THRALL

THE rival Palestinian groups Hamas and Fatah officially agreed this week to reconcile and form a unity government. In response, Israel has decided to punish the Palestinian Authority by withholding two-thirds of its annual revenues. It's a tactic Israel tried after Hamas won parliamentary elections in 2006 -- and it will probably have as little success now as it did then.

Blocking the funds that pay the salaries of civil servants would destroy the Fatah-dominated West Bank's relative prosperity, turning it into something resembling the Hamas-ruled Gaza Strip. There, several years of isolation have led not to the weakening of Hamas but to the strengthening of even more uncompromising enemies of the Jewish state.

In Gaza, the number of Salafi jihadis austere militants willing to kill those they don't consider true Muslims has grown significantly since 2006. Many of them are former Hamas and Islamic Jihad fighters who see Hamas as caving to Israel while getting only blockades, closed border crossings and military incursions in return.

Three weeks ago, a group of Salafi jihadis strangled Vittorio Arrigoni, a 33-year-old Italian activist who had advocated an end to the blockade of Gaza. Arrigoni's killers posted a video showing him bloodied and blindfolded while scrolling text denounced

Hamas for not instituting Islamic law in Gaza. It also demanded the release of all Salafi jihadi prisoners, especially Hisham Saidani, leader of a small group named Tawhid and Jihad. Earlier this year, he issued a religious ruling permitting the killing of Jewish and Christian civilians because they "are fundamentally not innocent."

Like other Salafi jihadi groups in Gaza, Tawhid and Jihad has few members, its organisation is poor, and its ability to threaten Gaza's government

bloodletting between two of the Jewish state's enemies will result in their mutual destruction, but such thinking has proven faulty before.

In the mid-1980s, members of the Israeli government sought to weaken the Palestinian Liberation Organization by strengthening Islamists who would go on to form Hamas, a strategy that leading Israeli defense officials have since acknowledged was a mistake.

So was the closing of Gaza's bor-

remain common, local leaders lack popular legitimacy, and tight security coordination with Israel is routinely denounced.

Instead, blockading Gaza and isolating Hamas have given rhetorical strength to militants who argue that the Islamist movement has erred by holding its fire against Israel and failing to impose Islamic law. As a result, Hamas is slowly losing members to more radical groups.

On Monday, Hamas self-defeatingly sought to bolster its flagging Islamist credentials by mourning the death of Osama bin Laden and praising him as an Arab holy warrior just days after Prime Minister Benjamin Netanyahu ominously warned that "Israel would not recognise any government in the world that included members from al-Qaeda."

In reality, the likelihood of such a government is slight, but if Israel continues to oppose Palestinian reconciliation, Netanyahu's nightmare may become less of a fantasy.

Repeating the mistakes of the past will only strengthen Hamas's Salafi jihadi challengers, who proliferated the last time Palestinians were penalised for their votes and could one day pose an even greater threat to Israel.

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is slight. Yet with a single rocket or a single murder, such groups can drastically change the fate of Gazans by scaring off their foreign supporters or provoking another war.

Embarrassed by Arrigoni's murder, Hamas held a state funeral for him, offered to name a street in his honour, and on April 19 sent snipers and security forces to confront his suspected executioners, two of whom were killed in the raid.

Five years of isolation have not dislodged Hamas, revived the peace process, strengthened Fatah or ensured Israel's security. Most of the Gaza Strip's imports now pass largely unimpeded through tunnels that are wide enough to carry cattle, cars, anti-tank missiles and foreign radicals.

Nor has isolating Hamas persuaded most Palestinians to embrace the alternative model in the West Bank, where undemocratic practices

THIS DAY IN HISTORY

May 12

922 After much hardship, Abbasid envoy Ahmad ibn Fadlan arrived in the lands of Volga Bulgars.

1821 The first big battle of the Greek War of Independence against the Turks occurs in Valtetsi.

1942 World War II: Second Battle of Kharkov: in eastern Ukraine, Red Army forces under Marshal Semyon Timoshenko launch a major offensive from the Iziur bridgehead, only to be encircled and destroyed by the troops of Army Group South two weeks later.

1942 Holocaust: 1,500 Jews are sent to gas chambers in Auschwitz.

1949 The Soviet Union lifts its blockade of Berlin.

1949 The western occupying powers approve the Basic Law for the new German state: the Federal Republic of Germany.

1968 North Vietnamese and Viet Cong forces attack Australian troops defending Fire Support Base Coral, east of Lai Khe in South Vietnam on the night of 12/13 May, beginning the Battle of Coral-Balmoral.

1975 Mayaguez incident: the Cambodian navy seizes the American merchant ship SS Mayaguez in international waters.