

## Human rights dishonoured

Investigate rising enforced disappearances

WE find it shocking and ironic that on International Human Rights Day yesterday, this paper has reported a total of the 154 incidents of enforced disappearances. According to the National Human Rights Commission (NHRC) document cited on the report, the commission is waiting for the probe reports on 154 incidents, which include 32 cases of custodial torture or death, 25 enforced disappearances and 12 extrajudicial killings as well as a number of incidents of harassment of civilians by law enforcers.

The Ain o Salish Kendra found that in 13 years since 2004, more than 1,900 people have become victims of extrajudicial killings involving police, RAB and joint forces. Reports of enforced disappearances are continually on the rise and the state continues to adopt a nonchalant stand in its response to the multiple inquiries sent by the NHRC. Of the 154 letters dispatched asking for probe reports, four were sent in 2012, 10 in 2013, 51 in 2014, 73 in 2015 and 16 in 2016.

In a democracy, the state has a responsibility to ensure that the law enforcement response does not violate human rights. Enforced disappearances are prohibited under both international human rights law and international humanitarian law. As such, prompt, impartial, and independent investigations must be immediately ordered to probe into these cases and solve them. In addition, law enforcement agencies should be made accountable and answerable to the NHRC.

The number of disappearances reported is staggering. In a democracy where ideally the state is a hundred percent accountable to its people, human rights must be honoured and there should be no room for such incidents.

## Rohingyas were targets of genocide

Even a CSGJ study agrees

DESPITE widespread international condemnation and an agreement between Myanmar and Bangladesh for Myanmar to stop the violence against its minorities, and to take back its nationals who have sought shelter in Bangladesh, nothing has changed as yet. Reports of Rohingya persecution in Myanmar continue to accumulate, leading to greater numbers of them fleeing here.

Given that the foremost clause of the agreement is for Myanmar to stop all violence against its minorities, these are clear indicators as to just how serious Myanmar is in adhering to its pledges. And if her actions are already indicative of an alternative motive, what hope is there going forward if Myanmar is unwilling to abide by the pact or even fulfil its very first obligation?

As experts, human rights organisations and activists have been saying the whole time, it is difficult to take Myanmar's promises seriously as it is, given the horrors it so extensively unleashed on the Rohingyas and for so long. Only this week, the UN Human Rights Chief said that what Myanmar has been doing could well amount to "genocide"—having already termed it "ethnic cleansing". Now, a report by the Centre for the Study of Genocide and Justice has concluded—based on testimonies from Rohingyas among other evidence—that the violence bears "clear elements of genocide", including mass killings, beheading, enforced disappearances of Rohingya activists, torture, rape and other forms of sexual violence.

In the face of all this evidence—mostly provided by international organisations—how long can the international community continue to sidestep the real issues and maintain its hands-off policy? That will determine how long the Rohingyas are made to suffer, which is why we urge the international community to pressurise the Myanmar authorities to end the violence and monitor the situation closely while helping to find a permanent solution for the Rohingyas.

## LETTERS TO THE EDITOR

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### The irony of Ershad's case

I still vividly remember the day Hussain Muhammad Ershad was forced to resign from the office of the president. The kind of joy, excitement and relief that was expressed by the people after his removal hadn't been seen since the independence of Bangladesh in 1971. And like our independence, it too gave people hope for something better in the future.

However, like millions of ordinary citizens, it was painful for me to see Ershad's gradual metamorphosis. In the past decades, he has managed to bury his crimes. Now, he goes around the country boasting of his legacy of nine years as a dictator and lecturing us on important national issues. He never forgets to remind us that he holds the "trump card" in determining which party goes to power. This is so pathetic and contradicts everything that we believe and hold dear as a nation.

Mohammad Ferdous Kabir, London

### Trump's Jerusalem decision might spark violence

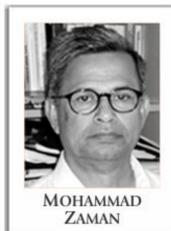
Recently, the US President Donald Trump announced that he would relocate the US embassy in Israel from Tel Aviv to Jerusalem. He also officially recognised Jerusalem as the capital of Israel. This irresponsible and provocative step by the US administration might escalate tensions and violence in an already volatile Middle East.

Firstly, such a decision deals a huge blow to the Two-State solution. It is likely to upend the current peace process. It also undermines the US administration's role as a neutral deal broker. The international community should outright condemn such a move and make it clear that the US' unilateral decision will not change the legal status of Jerusalem.

Fahim Imtiaz Chowdhury, By email

# ROHINGYA REFUGEES

## Repatriation or resettlement?



MOHAMMAD ZAMAN

IN the past weeks, three important developments related to the Rohingya issue took place. First was the agreement between the governments of Bangladesh and Myanmar on the refugee repatriation. Second, Pope Francis' visit to Myanmar and Bangladesh and the controversy generated by his absolute silence on the Rohingya issue while in

Myanmar, and his sudden revelation in Dhaka of the "presence of God" amidst the Rohingya, during his meeting with 16 refugees. Third, Bangladesh government's decision to resettle about 100,000 of the Rohingya refugee population to Bhasan Char, an off-shore island in Noakhali District. These developments represent the complexity of the Rohingya problem within and beyond the borders of Bangladesh and Myanmar.

In Bangladesh, there is clearly a sense of anxiety regarding the future options for refugee return and/or resettlement, as well as local and national stability and peace in the region. More than 600,000 Rohingyas fled Myanmar's violence-hit Rakhine State and crossed over into Bangladesh over the last several months. However, incidents of atrocities against the Rohingya Muslims are not new. The first wave of refugees, about half a million, fled to Bangladesh following brutal repressions of the Rohingyas in early 1990s. Around that time, about 14,000 went to Malaysia. Under UNHCR supervision, approximately 236,000 were repatriated from Bangladesh to Myanmar, but many eventually returned due to the continuing persecution in northern Rakhine State.

The current "ethnic cleansing" by the Myanmar military is backed by the resurgent ultra-nationalists, who think Myanmar belongs to the people officially recognised as indigenous (*taing-yin-tha*) "Rohingya"; others, such as those who came as traders, merchants, workers, and slaves during the British colonial and post-colonial periods, are "migrants." In their view, many in the northern Rakhine State, particularly Bengali Muslims, are recent illegal migrants from former East Pakistan, now Bangladesh. It is important to note that Rakhine—also known as Arakan—in the early 1400s was a cosmopolitan kingdom that stretched from present-day Chittagong to the Andaman Sea, consisting of people of various races, religions, and ethnic and linguistic backgrounds. The Burmese coming from Irrawaddy Valley later won over the Arakan kingdom in 1785.

During the colonial period, the British encouraged in-migrants for trade and business, and historical accounts suggest that a large number of Bengali Muslims from Chittagong settled in the Rakhine/Arakan region. These people from the British period and their descendants today are largely viewed as "migrants" and thus face everyday discrimination. The 1982 Citizenship Law of Myanmar stripped them of their nationality. In some cases, these immigrants and their children were recognised as "naturalised" or "associates" citizens with restricted political rights. Those allowed such types of citizenship are denied self-



Rohingya refugees set up camps after fleeing into Bangladesh from Myanmar.

PHOTO: ANISUR RAHMAN

identification as "Rohingya," making them "second-class" citizens in their own land. Furthermore, what we view as a human rights violation and tragedy in Myanmar, the Rakhine administration and the polity see this as invasion by illegal immigrants turned terrorists since the attacks on August 25, 2017 by the Arakan Rohingya Salvation Army, an outfit allegedly associated with al-Qaeda and the Islamic State group.

Within this backdrop, many doubt the fate of the recent repatriation agreement signed by the two governments in Naypyidaw, Myanmar's capital. Details are vague. In a brief remark, the Bangladeshi foreign minister said that the deal was a "primary step" to start the repatriation process with a joint working group within three weeks, for a "speedy" return of the refugees, starting within two months. The deal with Myanmar was based on the 1992 repatriation pact that followed the earlier spasm of violence. According to the agreement, the refugees are required to fill in forms with details (e.g., names of family members, previous address in Myanmar, birthdate, and a voluntary statement of return) for verification and scrutiny before being allowed to repatriate. The requirements for identification documents will virtually seal off re-entry for a large majority of these refugees, who have been stateless and targets of political and cultural violence in mainly Buddhist Myanmar.

It appears that the Myanmar regime has, for now, succeeded in tackling the growing international pressure by striking the deal with Bangladesh. The Myanmar government claims it as a "bilateral" issue to be resolved by the two countries. The tenor is suspicious, because the ethnic Rohingyas have lived for years under state-sponsored, institutionalised discrimination. The atrocities committed against them require involvement of the international bodies to stop this madness and engage with Myanmar to create the right social and political conditions for them and support systems for safe

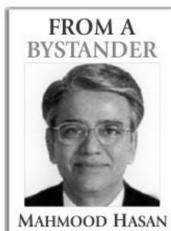
repatriation under UN supervision, and also to ensure protection of the ethnic minorities in Rakhine State. Only bilateralism won't work, and cannot solve this massive humanitarian crisis.

In reality, the repatriation of the refugees may take years, if not decades. It surely would be a long haul over the next decade, given the experience with refugee rehabilitation globally everywhere. Therefore, the Bangladesh government should look into various options beyond temporary camps in parallel with dealing with the Rohingya repatriation. The Bangladesh government, with UN support and assistance, should make sure that the Myanmar government is truly ready to receive the repatriated families. Currently, mistrust is a big issue. The experience of 1990s repatriation flight should not be repeated again. No premature repatriation should take place without first addressing the root causes of the crisis and proper and sustained human rights monitoring by the UN system.

Currently, over 600,000 refugees are more or less clustered in shady camps in Cox's Bazar area across the Naf River. The camps and shelters should be safe enough for the refugees, particularly women and children. Ideally, no refugee camps or shelters should be built outside the greater Chittagong area. I think the proposed relocation to a barren and uninhabited island in Bhasan Char would be a great mistake and prove a disaster for the refugees instead of any real solution. Finally, there should be both short- and medium-term plans for Rohingya resettlement in camps with basic amenities and services. There is a course of refugee life in camps—from shelter to sanitation, health, education, livelihood and community rebuilding. These will require long-term plans with multilateral help and assistance, including organising and delivery through the local NGOs and civil society organisations.

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# What's behind Trump's Jerusalem gambit?



MAHMOOD HASAN

DONALD Trump's recognition of Jerusalem as the capital of Israel has not only angered Palestinians but also outraged world leaders.

Jerusalem is not only significant politically but is also a rallying point for nationalistic reasons. It has immense religious significance for all the three revealed religions: Islam,

Christianity and Judaism. The eastern part of Jerusalem is particularly significant for Muslims because of Al-Aqsa Mosque and the gold-topped Dome of the Rock, Islam's third holiest site. It also has St James Church and the Church of the Holy Sepulchre (burial place of Christ)—the holiest sites for Christians. The Western Wall is sacred to Jews. So recognition of Jerusalem as Israel's capital has naturally angered the Holy See and Muslims around the world.

Jerusalem Embassy Act which required the US to recognise Jerusalem as the capital of Israel and establish the US embassy there. However, the president was given powers to waive the provisions of the Act. Over the past 22 years, all presidents—Bill Clinton, George W Bush and Barack Obama—waived the Act every six months.

Donald Trump also signed the waiver on December 6, but asked the State Department to prepare to move the US embassy to Jerusalem. White House officials however said that it would take three years to move the embassy there. Most countries do not recognise Israel's sovereignty over Jerusalem and there are no foreign embassies in Jerusalem, though Israeli government offices and the Knesset are located there.

By making this unilateral declaration Trump has breached international law. Fortunately, neither Trump nor Netanyahu can change the legal status of Jerusalem as an occupied city because of dozens of UNSC resolutions, including resolution 242/1967 which demands complete Israeli withdrawal from all occupied territories, including Jerusalem. Jerusalem has been a

foreign ministers' meeting of the Arab League on December 9. Turkey, which holds OIC Chairmanship, has called for an OIC summit on December 13 in Istanbul. Unfortunately, both the OIC and Arab League are divided. UN Secretary General Guterres emphasised that Jerusalem was a final-status issue to be resolved through direct talks. At the UN Security Council meeting on December 8, US Ambassador Nikki Haley was severely criticised by the other 14 members. Apart from enthusiastically denouncing Trump's obstinacy, these organisations have very little to offer the abandoned Palestinians.

Trump decided to make this arrogant move at a time when the Arab world is extremely divided and heavily involved in Shia-Sunni sectarian conflicts through proxy wars. What's worse is that the unity deal signed on October 12 between Hamas and Fatah has floundered. Without unity among different factions of the Palestinians it would be hard to mount an *intifada* (uprising), as called by Hamas leader Ismail Haniyeh.

One smells a deep conspiracy behind Trump's reckless gambit. The recent events happening in the region indicate that. Palestinian President Abbas was summoned to Riyadh on November 6, apparently being warned against unity with Hamas. Lebanese PM Saad Hariri was also summoned to Riyadh on November 12, where he announced his resignation but subsequently withdrew it. This was an attempt by Saudi Crown Prince Salman to curb the influence of Hezbollah based in southern Lebanon—a big threat to Israel. The GCC meeting on December 5 in Kuwait, instead of addressing Trump's decision, ended abruptly as several heads of states were absent. The assassination of Yemen's ex-president Ali Abdullah Saleh, Riyadh's nemesis; the blockade of Qatar by Saudi Arabia; and Riyadh's lukewarm criticism of Trump's decision all point towards a plan to contain the influence of Iran, a sworn enemy of Israel. Besides Crown Prince Salman's friendship with Jared Kushner, Donald Trump's son-in-law and special envoy to resolve the Israeli-Palestinian crisis, may have played a role in Trump's decision on Jerusalem.

Palestinian-Israeli negotiations have stalled since April 2014, essentially because of Netanyahu's obstinacy. One has to wait and see what Vice President Mike Pence says to President Abbas when he visits the region in late December. It is likely that Abbas will be invited to the White House and offered a deal. Clearly, Trump's decision was designed to force Abbas to make concessions. But it is unlikely that Abbas will make concessions that Israel demands. Trump is closer to Israel than any previous US president. But Trump's gambit may not succeed because he has created profound mistrust amongst the Palestinians.

There is strong suspicion that a conspiracy is afoot to humiliate and deny the Palestinians their rightful state. The coming days will most likely explode in bloody resistance in Palestine with Israeli military shooting down the stone-throwing Palestinian youths with impunity.

Mahmood Hasan is a former ambassador and secretary of the Bangladesh government.



At the emergency meeting of the UNSC on December 8, US stood alone as fellow UNSC members criticised its decision to recognise Jerusalem as Israel's capital.

PHOTO: AFP

On December 6, President Trump in a statement at the White House said, "I have determined that it is time to officially recognise Jerusalem as the capital of Israel." He gave two justifications: First, he was delivering on his campaign promise, clearly to appease Evangelical Christians, pro-Israeli Republicans and his raucous supporters. And secondly, waivers on the Jerusalem Embassy Act could not bring lasting peace between Israel and Palestinians. He said that repeating the waiver would not produce a better result. He, however, called on all parties to maintain the status quo of Jerusalem and said that the US would support the two-state solution.

divided city since 1948—the western side controlled by Israel and the eastern part by Palestinians. The eastern side is designated as the capital of future Palestine.

Soon after the announcement there were celebrations in Israel, while one of the stone-throwing Palestinians was killed on December 8, when they clashed with the Israeli military in the Gaza Strip and West Bank. Palestinian President Mahmoud Abbas declared, "Jerusalem is the eternal capital of Palestine." They have already pre-empted the outcome. He said the peace process is finished and America has ceased to be an honest peace mediator.

Jordan and Palestinians have called for an emergency