

# Four (custodial) deaths and an alibi



C R ABRAR

FALLING to nab her husband, Yasmin Begum, a mother of two, was picked up by the Detective Branch of police in Gazipur in the evening of February 18. Within hours, the lady, in good health as she was, was dead. Her

family claims she was beaten up before she was taken into custody. Her 17-year-old son notes that he saw injury marks on her legs, arms and some other parts of the body. The police have denied any responsibility, claiming she "fell sick" and was transferred to the hospital. The hospital authorities have reported that there were no injury marks on her body and that she had probably died from a cardiac arrest.

Mozaffar Hossain, an autorickshaw driver, was detained by the police in Bhurungamari, Kurigram on February 2 on charges of carrying 3 kilograms of cannabis. Citing eyewitnesses, Mozaffar's father claimed that, after a police chase, a drug peddler jumped off the autorickshaw of his son, leaving behind a bag of cannabis. Mozaffar died in custody and his body was subsequently transferred to the Kurigram Sadar Hospital. The police claimed that Mozaffar died of breathing problems. His father, however, alleged that his son was the victim of police torture.

On January 19, Abu Bakar Siddique Babu, an employee of Bangladesh Film Development Corporation, was detained after a case was filed against him under the Digital Security Act. The police shifted him to Dhaka Medical College Hospital (DMCH) after his "attempted suicide". Later, the duty doctor pronounced him dead. His ex-wife, who identified the body, and son claimed that the body had numerous bruises. The family rejects the police version that the victim had committed suicide. The head of DMCH Forensic Department also confirmed that there were injury marks on Babu's neck, head and legs.

Alamgir Hossain, a businessman, was picked up by a police patrol of Uttara West police station in Dhaka on December 16, 2019 on charges of possession of yaba. He was sent to the prison the following day. Hossain was transferred to DMCH reportedly after he "fell sick". The family claims that he

was framed in the yaba case and alleges that he succumbed to injuries sustained during torture in the police station.

These four incidents of custodial deaths have occurred over the last three months and secured a degree of coverage in the national media. However, it will be erroneous to assume that these were one-off incidents involving errant functionaries of law enforcement agencies. In a report released earlier this month, rights body Odhikar informs that at least 60 persons died in custody in 2019. Between 2009 and 2019, the annual figure of victims of custodial deaths hovered within the 50 to 63 range. It registered a steep rise to 105 in 2011 and 81 in 2018. Ain o Salish Kendra notes that in 2020 (up to February 11), four deaths have occurred in jail custody, involving two under-trial and two convicted prisoners.

Press accounts on the above cases provide some important insights. Firstly, all four victims were ordinary people, trying to eke out a living. They were bereft of influential political and social contacts and, thus, were vulnerable.

Secondly, in none of the cases the police furnished any document informing the accused of the grounds of their detention.

Thirdly, all the victims were relatively young and of good health. If police accounts are to be believed, then for some mysterious reasons, within hours after they were apprehended and taken to custody, three of the four "fell sick" while the fourth was alleged to have committed suicide by hanging himself with a sheet of cloth on a grill. Isn't the onus on the police to explain what happened during those few hours? If indeed the victims endured cardiac arrest or committed suicide, then what could have triggered such conditions?

Fourthly, families of all four victims have brought the allegation of custodial torture against the law enforcement agency. At least in one instance, forensic evidence validated the claim.

And finally, in three cases the police authorities claimed that the victims were engaged in trade or in possession of contraband items, a fact that their families vociferously deny. The families made a counterclaim that none of the victims had any prior police record of such kind. In the alleged case of suicide, the victim's family accused the police of acting on behalf of a third party.

The alleged brutal treatment of lesser

mortals like Yasmin, Mozaffar, Babu and Alamgir has hardly triggered any public discussion. For long, such issues of public concern are not deemed worthy of parliamentary debate, nor do they instigate *suo moto* action on the part of the higher judiciary. Such issues may appear to be too sensitive to the much-fancied National Human Rights Commission. The rights and women's organisations have largely remained silent on the brutal death of Yasmin in custody. Custodial torture is yet to ruffle the conscience of those who claim

is far removed from the long-cherished principles of justice and the rule of law.

The police actions have raised the question if the law enforcement agency had acted as per the Supreme Court directives issued on May 24, 2016 pertaining to the treatment of detainees in custody. In fact, one would argue that there is no evidence to suggest that the directives are at all followed. Instead, the high-ups of the police administration have time and again asked the government to amend the Torture and Custodial Death (Prevention) Act, 2013 to make it less restrictive.

2003 HC verdict against the arbitrary exercise of power by law enforcers using several sections of the Code of Criminal Procedure (CrPC), including Section 54. In its verdict, the High Court asked the government to amend some provisions of the CrPC of 1898 that contradicted the constitution giving controversial powers to the police, and recommended some changes to the provision. In order to safeguard people's liberty and fundamental rights guaranteed by the constitution, it also advised amending the Penal Code of 1860, Police Act of 1861 and Evidence Act of 1872.

While lawyers rejecting the review petition demanded immediate and full implementation of the SC's directives against the police's arbitrary use of power to arrest, detain and remand, the Attorney General, representing the state, claimed that the SC's comments were not part of judicial proceedings and that Section 54 of the CrPC is necessary to take action against suspects, including militants, rapists and drug dealers.

In releasing the full text of its verdict on the appeal on November 10, 2016, the SC issued a 19-point guideline for police, magistrates and judges to stop arbitrary arrests on suspicion and torturing arrestees on remand. To deny citizens their rights guaranteed by the constitution is to disrespect the country's independence and what it stands for, the judges observed.

As the guardian of the country's constitution, the SC's 2016 judgment marked an important watershed in the judicial annals of the country. One wonders what prompted the Executive branch to challenge such an important verdict that essentially reminds the state functionaries of the limits of their authority, makes them accountable and reinforces the concepts of freedom and liberty as enshrined in the charter of Bangladesh's declaration of independence and the constitution of the republic that resonated so well with the common people.

The four deaths and the lame alibi offered by the law enforcement agencies are a sad and stark reminder of how vulnerable ordinary citizens have become. It is time to reject the "new normal" of unbridled power exercised by the state agencies and demand an end to all freedom-curtailing laws and practices including those of custodial torture and death.

C R Abrar is an academic and rights worker.



to be champions of the spirit of the War of Liberation and view themselves as guardians of the nation's conscience.

Perhaps all these are a reflection of a dispensation in which the mainstream intelligentsia, swayed by the mantra of development, conveniently prefers to look the other way. It is also the time when passive and intimidated citizens find little option but to resign to the dominance of all-powerful state institutions that refuse to go by the constitution and laws. It is a manifestation of their acquiescence to the new reality that

On the judicial front, there have been some new developments. On February 13, the Supreme Court expressed its disappointment that the High Court verdict directing police to refrain from making arbitrary arrests on suspicion and torturing people on remand has not been executed in 17 years. "What is the point of delivering verdicts if the directives are not followed," the Appellate Division of the apex court asked. The observation was made at a SC hearing of a review petition filed by the government against its 2016 judgment that upheld the

# Persecution of Assange is an assault on people's right to know the truth

**John Pilger has been a war correspondent, author and documentary filmmaker who has won British journalism's highest award twice. For his documentary films, he has won an American Television Academy Award, an Emmy, and a British Academy Award given by the British Academy of Television Arts. He has received the United Nations Association Peace Prize and Gold Medal. His 1979 documentary, Cambodia Year Zero, is ranked by the British Film Institute as one of the 10 most important documentaries of the 20th century. He is the author of numerous best-selling books, including Heroes, A Secret Country, The New Rulers of the World, and Hidden Agendas. In an exclusive (online) interview with Eresh Omar Jamal of The Daily Star, Pilger talks about the ongoing extradition hearings of WikiLeaks' founder Julian Assange from the UK to the US for publishing secret government materials documenting war crimes.**

In an interview last month, UN Special Rapporteur on Torture Nils Melzer said: "I speak fluent Swedish and was thus able to read all of the original documents [of the alleged rape case in Sweden involving Assange]. I could hardly believe my eyes: According to the testimony of the woman in question, a rape had never even taken place at all. And not only that: The woman's testimony was later changed by the Stockholm police without her involvement in order to somehow make it sound like a possible rape." How did the world's biggest media organisations miss this all these years, and incorrectly report that Assange had been "charged" with rape, when in fact he never was?

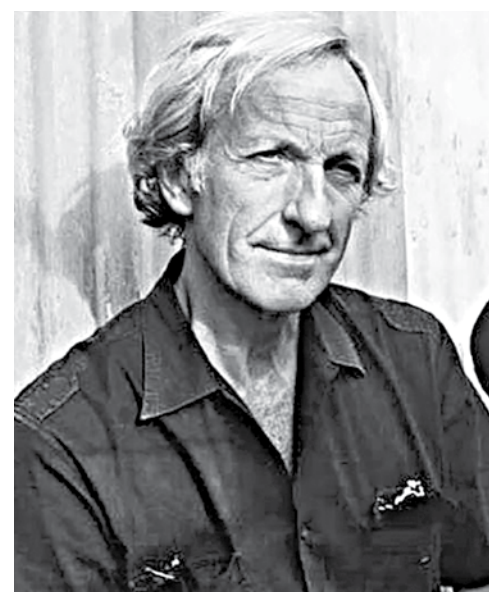
This is an important statement by Nils Melzer. I, too, have seen many of the documents in the Swedish case, which leave little doubt the whole affair has been, and always was, an invention. As Melzer says, there was never any rape, and the chief prosecutor in Stockholm, Eva Finne, said there was never a crime and dismissed it. Only when a powerful politician with close connections to a government that had allowed foreigners to be "rendered" to

the US by the CIA, stepped in, did everything change.

Assange was smeared in the Swedish press and then hunted in the UK, even though he had left Sweden with the permission of the prosecutor. In other words, he was set up—or as the Americans say, he was framed. Had he not sought refuge in the Ecuadorean embassy in London, he, too, would have been "rendered" to the US. In Britain as in the US, the media smear campaign against Assange was remarkable—in the *Guardian* and *New York Times* especially, which had published WikiLeaks revelations about Iraq and Afghanistan, then turned on him as their governments reacted.

Assange faces 17 charges under the Espionage Act in the US. What are the implications of this?

First, the very notion that the US can indict and demand the extradition of a foreign journalist is absurd. It means sovereignty has no value and that we are "all Americans". And under the extradition treaty between Britain and the US, no one can be extradited if the alleged offence is in any way political, which



John Pilger

it patently is. The British courts should have thrown this out right at the start, but they

have colluded, tragically.

What are the implications for Assange? If he is extradited, he will be subjected to a US prison regime called Special Administration Measures, which means he will be dropped into a dungeon and allowed no contact with the rest of humanity. Doctors have said he will find a way to suicide. And all this is the consequence of a publisher and journalist doing his job: he revealed corruption and war crimes and performed a great public service. Watch the video, "Collateral Murder", which WikiLeaks released and which shows a US Apache gunship murdering civilians in Baghdad, including newsmen, and you are watching the truth about lawless, rapacious power.

Assange's extradition hearing from the UK to the US began on February 24. What are the most significant revelations to have come out during the hearings so far?

The most significant revelation is that the US, in defiance of its own Constitution, now regards merely "obtaining" a government document as a high crime. The other

revelations include dramatic evidence that Assange is being violently intimidated in Belmarsh prison, which is connected to the court, his most basic human rights swept aside. We should all be very clear: the persecution of Julian Assange is an assault on freedom of speech, freedom of publication, freedom to dissent and the right of all peoples to be told the truth by their governments.

Assange's lawyers claimed that US President Donald Trump had offered to pardon Assange if he would agree to say that Russia was not the source of the Democratic Party emails that WikiLeaks published. Once the deal fell through, the Trump administration tried to extort Assange with a political prosecution. What do you make of this?

It's hard to know what to believe of anything to do with Trump. The point is that Russia was not the source; I know that for a fact. The rest is media speculation.

In your opinion, should Julian Assange be extradited to the US?

Of course not.

## QUOTABLE Quote



JULIAN ASSANGE (Born 1971)

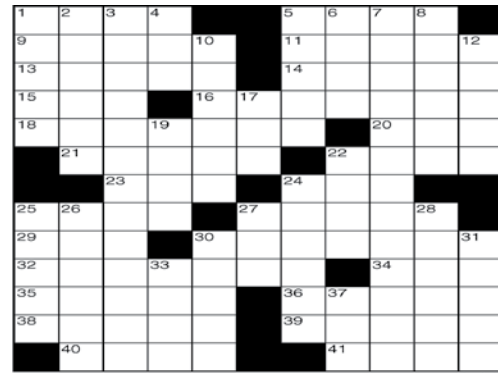
Australian computer programmer who founded the media organisation WikiLeaks.

Where they couldn't pick holes in our arguments they would drive horses and carriages through my character.

## CROSSWORD BY THOMAS JOSEPH

- |                      |                      |   |
|----------------------|----------------------|---|
| <b>ACROSS</b>        | 30 Guards' neighbors | 7 Police department's mug shot collection |
| 1 Boston symphony    | 32 Defensive wall    | 8 Gorillas                                |
| 5 Tarragon or thyme  | 34 Pet perch         | 10 Get snug                               |
| 9 Shark's home       | 35 Perfect           | 12 Entered a bee, once                    |
| 11 Scents            | 36 Gladiator's place | 17 Player's peg                           |
| 13 Play setting      | 38 Audacity          | 19 Russian refusal                        |
| 14 Uncover           | 39 Enticed           | 22 Salmon                                 |
| 15 Finger count      | 40 Salon jobs        | 24 Wolf's cousin                          |
| 16 Ordinance         | 41 Jane of fiction   | 25 Polio vaccine developer                |
| 18 Unnaturally small |                      | 26 Dodged groups                          |
| 20 Sushi choice      | <b>DOWN</b>          | 27 Lot sight                              |
| 21 Flair             | 1 Fence supports     | 28 Near-ringer                            |
| 22 "You there!"      | 2 Big singing        | 30 Yarns                                  |
| 23 "My word!"        | 3 Cheap seating area | 31 Digging tool                           |
| 24 Lively dance      | 4 Decline            | 33 Surfer's ride                          |
| 25 Pants part        | 5 Faux surfer        | 37 Wish undone                            |
| 27 Venice sight      | 6 Fix text           |   |
| 29 The whole amount  |                      |   |

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## YESTERDAY'S ANSWERS

S	A	N	D	S	H	O	R	E
C	R	O	N	E	P	H	E	R
R	E	L	A	X	A	L	T	A
A	N	A	P	A	N	D	O	R
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## BEEBLE BAILEY

by Mort Walker



## BABY BLUES

by Kirkman & Scott

