

# Kajol might not be able to speak out, BUT WE MUST

ALI RIAZ

Mysterious events surrounding the 'disappearance' and 'recovery' of photojournalist Shafiqul Islam Kajol are by now well known. Gone 'missing' from his office in Dhaka on March 10, Kajol was 'discovered' by the Bangladesh Border Guard (BGB) at the border with India in the early morning of May 3 while he was trying to 'trespass' into his homeland. His disappearance came soon after a case was filed against him and 31 others including an editor of a daily newspaper by a lawmaker of the ruling party. While his family was struggling to file a case of abduction and rejected by the police until a court order to this effect was issued, two other cases under the draconian Digital Security Act (DSA) were filed against him.

Interestingly, the police were more inclined to register a case against him than look for an abducted person whose family and friends were desperately requesting the police to look for. The reluctance was mindboggling to say the least, but unfortunately an all-too-familiar episode experienced by many families whose loved ones have gone missing or picked up by plain-clothed people. After being 'discovered' and arrested, Kajol was produced before a local court at Jashore - handcuffed behind his back - like a criminal, and in violation of the High Court's clear instructions in this regard. He was charged for violation of the passport act. While the court granted bail in that case, he was immediately arrested under Section 54. Authorities told the media that they will proceed with the three cases against him.

These we know, but little do we know what happened in the 53 days in between. The authorities seem to have no interest in finding out how he was abducted, who took him, where he was during the period and how he ended up in a place more than 228 km away from his office, that too at the borderland. Judging by previous incidents of enforced disappearances and those who were fortunate to be returned alive by their captors, we may never know from the victims what really happened. Like all previous incidents, the law enforcing agencies have expressed no intention in trying to find out.

Kajol was not the first to become a victim of enforced disappearance. In the past decade this has become the new normal. In 2019, according to the human rights organisation Odhikar, 34 persons were victims of enforced disappearance. Of them, 8 were found dead, 17 were released or produced before courts and 9 remained traceless. According to Ain O Salish Kendra (ASK), between 2014 and August 2018, of the 310 abductees, 33 persons returned. In some instances, those who were found dead, their families and friends claim that they were picked up by, allegedly, plain-clothed members of the law enforcing agencies. Some were shown arrested by police weeks and months



Lawmen escort handcuffed photojournalist Shafiqul Islam Kajol to a court in Jashore on May 4, 2020.

after they went missing, and others remain traceless. There are instances where the police stations have declined to register cases of a missing person, as was the case of Kajol.

Those who survive the ordeal to see their loved ones again have always chosen to remain silent. Whether Kajol, once an outspoken journalist, will have to tread the same path is yet to be seen. The deafening silence of those who return speaks volumes. It has a message none can ignore: that their captors, whoever they are, have the capacity to harm them and perhaps their loved ones even after they return home.

Human rights groups, including the Human Rights Watch, have alleged that law enforcement agencies are involved in the enforced disappearances, but the government has denied these allegations. In a meeting of the United Nations Committee against Torture in June 2019, where Bangladesh submitted its report for the first time since ratifying the Convention 20 years ago, there were calls for ending the practice. Bangladesh representatives, including the Law Minister, flatly denied any incidents of enforced disappearances. Anisul Huq said, "We do not agree to the proposition that enforced disappearances occur in Bangladesh frequently." This line of denial has been pursued by the government all along. For example, in the second half of 2017 when enforced disappearances had increased so precipitously that the head of the country's National Human

Rights Commission (NHRC) acknowledged that people were living in fear of becoming a victim at any time, the government doubled down on its claim. The Home Minister claimed that some people disappear willingly to embarrass law enforcers. The police chief insisted that disappearances have been taking place since the British colonial period. All these created a sense of impunity among those who are engaged in these acts. It has become normalised along with the growing numbers of extrajudicial killings.

If the government is correct that the state-actors are not involved, it only means that non-state actors have become so powerful in the country that they can abduct anyone, kill the abductees if they want or leave them on the roads when they are inclined to do so. This narrative can only be acceptable in a state where mafia and drug kingpins have established their complete control and have created a parallel state. In such instances, as has happened in some of the Latin American countries, these non-state actors are so powerful that they succeed in silencing the survivors and their families. This is a marker of the emergence of a parallel state. If such a parallel state has emerged, should it warrant the state to gather information from the survivors and act against these non-state actors? The instances where the people who went 'missing' or were picked up by plain-clothed people were produced before the court by the police after days

and weeks, raise serious questions. Often the narrative of the police defies simple logic as to how the missing persons were miraculously found on the street.

If the state agencies are not involved contrary to the claims of the relatives of the victims and the human rights groups, does it not fall upon the state to find the perpetrators and prove that the government was correct all along? Yet, there has been no urgency from the part of the government to do so. There is a simple way to address this: by allowing an independent inquiry into this alarming phenomenon. Bangladesh should sign the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), and immediately set up an independent commission which would work with the UN Working Group to find out who is responsible for the disappearances, and provide answers to the questions of families as to where their loved ones are located.

Kajol has survived, barely. Since these cases against him are about to initiate their proceedings, the second phase of his torment has begun. Kajol's 'disappearance' and 'discovery' have once again brought many questions to the fore. He might not be able to speak out, but we must.

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## Disappointment of a son

MONOROM POLOK

On 3rd May, after 12 am, I turned on my computer and began to write a short article regarding my missing father. I didn't know back then that I was about to get a call and would be able to talk to my father in two hours.

After speaking to my father, I confirmed with the police that he was indeed in Benapole police station, and that it was him that I talked to. Of course, I recognised the voice at the very first moment but after so many days of waiting and pain and drama, it was hard to believe that the ordeal was finally over. But I was soon going to find out it wasn't. Not even close.

I was on my way to Benapole when I was informed that my father was on his way to the court, and another case was filed against him (number 3). I waited in court and it felt like an eternity before he finally appeared. I saw him as the police were getting out of the auto-rickshaw. He was looking out from the inside to see if any familiar faces could be seen. I charged ahead and hugged him, told him I'm here. Seeing he wasn't wearing a mask, I gave it to the police officers who put it on. At the near end of the day, his bail was approved and the order to free him finally came. My lawyer ran to get the papers, and in that moment they took him out of the cell in court and put him in the prison van. But my father's bail was approved. I asked everyone there, "My father just got bail. Won't you let him go?" Only one officer replied in one word looking away from me: "No". I looked at my father's eyes as they were putting on his handcuffs. My father asked me, "Holo na?" I ensured him that he got bail for the BGB case, but they are holding him for something else. I told him not to worry, it's going to be over soon, unsure in my own heart. The lawyer came back and was in shock. He asked me what reason they gave me for taking him. His bail and order to be freed had been made. I looked around, wondering where they might have taken him.

Close to midnight, I got to know there was another case by another station, Number 4. The next day I somewhat understood what happened and got copies of the legal documents. Soon I found out we can't ask for bail before the court opens because we couldn't do it the day before in emergency court. I realised there's nothing more I could do. Considering my father's order to go home if nothing more could be done, I came back home. I entered our home the same way I left. Alone. A disappointment in the name of a son.

It is extremely difficult for my family and me to believe that even after struggling for 53 whole days, remaining in the dark about where my father Shafiqul Islam Kajol was, whether he was alive or dead, whether he will return or not, we still have to wait longer to be with him. What was the use of my mother filing a General Diary and me filing a case suspecting abduction?

The whole world is hostage to COVID-19. It is likely my father is exposed to the coronavirus due to the lack of preventive measures in jail. The jails are congested places. Even when my father is moved around by the police, they touch him, and do not maintain social distance. He is not a criminal. He is not a threat to anyone. People serving time have been allowed to go home due to coronavirus. My father still hasn't gotten the chance to present himself in front of a court due to courts being shut down.

We appeal to the Government of Bangladesh to consider my father's pre-existing health conditions and mental state and the mental trauma that we, his whole family, have been going through for the past 53 days. We appeal to the government to free my father and reunite him with us and drop all charges against him, out of humanity and out of kindness. We request everyone to come forward with their own efforts to help free my father, to Free Kajol. My mother, sister, and I are unable to eat, sleep or drink, as we are constantly worrying for my father's physical and mental health and exposure to coronavirus. Please help us.

Monorom Polok is the son of journalist Shafiqul Islam Kajol.

## 'LAST MAN STANDING'

DR HELENA ASHA KNOX

Some of us speak words and these words become weapons. Some of us use actions in our daily lives - gestures of kindness and compassion, anger and disagreement, change and hope - and these gestures evolve into weapons as well. Others create with different visual media and through them they speak without a word, they indicate without a finger pointing, they shake us without touching us physically. And they challenge, yes they challenge, without filtering the reality. Kajol is one of these kinds.

It is no surprise that those wanting to control our realities, bodies and activities do not appreciate such people with emancipatory approaches. They fear the speaking, the indicating and the shaking, because it reveals the illusion they wrapped us in.

Kajol shows through his images invisible narratives, situations of conflict and represents a reality. Police and governmental violence executed against protesters and the consequences of human conflict, oppression and the destruction of the environment

around us are just examples of those hidden realities, nobody wants us to see, but Kajol is turning his lens towards.

The online exhibition, created to present Kajol's work and raise voices questioning his disappearance, gives the audience a chance to access an experience, which reminds us of the reality we lived in before the global pandemic. These experiences are becoming crucial for every one of us in order to look beyond the walls of our locked down personal existence. The exhibition represents with its small space, just enough to turn around, the feeling of this constriction, but relates as well to the anxieties Kajol's disappearance creates and the content of the showcased pieces.

We need people such as Kajol to make us aware of the world and situations we live in and others are confronted with. People who are uncompromising, courageous and daring.

We demand the return of the last man standing.

Dr Helena Asha Knox is the co-founder of Kaalo 101.



Some of the photos taken by Shafiqul Islam Kajol were exhibited online under the title 'Last Man Standing'. The exhibition was organised by WhereisKajol.

PHOTOS: SHAFIQUUL ISLAM KAJOL