

Law and Our Rights

The Police Laws and Their Encroachment

By Tareq Hasan Siddiqui

ACCORDING to article 152 of Bangladesh Constitution, the police force is one of the disciplined forces. Therefore the main duty of the police is to aid a person to obey the rules of law as well as to ensure the security of life and property of the citizens with might and main. To all intents and purposes, we all are interdependent in the society. So that the general people and the police have to treat as friends and to help one another to remove all traces of offenses as well as to extirpate them from the society. But it is possible in that society where police conduct is of contravention with the human rights? Certainly not.

We live in such a society where the police do not seem to spurn the humanity in the name of remand, to beat innocent students, to ravish the young girls, to bribe or to harass anyone in other ways.

Incidentally I want to mention a statement of a police officer written in the book named 'International Code of Enforcement Ethics'. In this book he said, 'As a law enforcement officer my fundamental duty is to service mankind, to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation and peace against violence and disorder and to respect constitutional right of all men to liberty, equality and justice'. Such feelings to duty is in all conscience to be extolled. But our police force has declined this feeling very before.

Torture and other departments by police. We shall see, however, how the modern civilization is trampled by police. Through a report of Bangladesh Human Rights Commission it is known that last year, at least 2810 persons were injured by police. Fourteen died in custody, 34 died by police and BDR firings and more than 30 women were raped. To harass people they sue them in false cases and compel them to acknowledge the false statements.

To pour hot water in nose and pungent water on face to provoke with rifle, to beat with rifle butt and to kick with boots, pluck the nails and to break the singers with pliers, to push hot egg in the rectum, to compel to drink urine etc. are the examples of diabolic police torture.

The jail conditions are so damnable that it may be deemed as a place to practice inhumanity or an institution for dehumanizing the prisoners. According to the report of State of Human Rights 1995, 'the current jail conditions in the country are beyond description. There are 77 jails in our country... The total capacity is 20,856, where as more than triple that number are now being kept in these jails. In the jails, there is no practice of the existing laws and regulations. Human rights are violated often.'

Now, I am giving a brief description of police irruption over the innoxious general people. On August 29, 1995 Mafizul Islam died from police torture in the village of Shastapur. There was no warrant against the deceased. Based on a conspiratorial and false CD, police from Kosiha Police Station attacked Mafizul's residence.

dence. They woke him from his sleep. When he asked why the police had come and were arresting him, the police verbally abused him. Mafizul walked away from his child and wife, along with a group of police. Around 150 yards away from his house, below a simal tree, police inhumanely tortured him. At one point his body became numb. He died a little later. He was returned home within 20 minutes but as a corpse. Eye-witnesses have said that there were injury marks on his abdomen. Although the first post mortem denied any torture marks, the second one confirmed instances of torture. It was later known that police had tried to falsify the first post mortem in return for Tk 1,00,000/-.

The second incident is almost similar to the first case. On 13th January, 1996, based on a conspiratorial and false CD TSI Khandakar Mijanur Rahman, with a group of police, raided the residence of Hiyat, a college student, to search for illegal arms, at right at 1.00 O'clock. They woke up him from his sleep and tortured him with brutality tying up his hands at his back. For one and half an hour they searched the whole of his residence making hellish situation. Being failure they returned back but with Hiyat and his elder brother Psyche, a university student, whom they beat at the same time with Hiyat. In the custody the police treat with Hiyat with infernal cruelty. They beat again Hiyat similarly and at once he was tortured by electric shock. On the following day a person went to the police station to request not to torture Hiyat. But T S I Mijan claimed Tk 25,000. After a conjuration, torture was stopped but for Tk 15,000/-.

Mr Mijan mentioned in the suit filed in Kotwali Police Station that he had recovered 29 illegal items from Hiyat, on the presence of civil commissioner Khandakar Rabul Alam. As a result, of such torture Hiyat's hands have become strengthless; probably his hands will be paralyzed for ever.

(On January 6, 1995, Tuhin, son of the owner of Noorjahan cloth store at Naogon, was arrested without any warrant. He was not involved in any crime. The OC of the police station (where Tuhin was tortured) admitted that Tuhin was not linked with any filed case and there were absolutely no complaints against him. But Tuhin had to die at the hands of the police.)

On January 4, 1995 political leader Shahidullah Shajup from Sirajganj was brutally tortured by police the torture had been so intense that at one point his right knee cap was broken into pieces. He was not tortured for any criminal or political reason but for protesting the selling of a adulterated soybean oil by some dishonest businessmen. Shahidullah was trying to create mass opinion about the crime.

On January 31, 1996, 150

students were injured and about ninety five arrested as police, backed by BDR, raided Jagannath Hall. They object was to recover arms to which they were totally failed. They had beaten the students, sleeping, eating or studying. They had snatched the books money and other essential things from the students. The question naturally arise, which authority has empowered them for this behaviour? Do they have any legal power to torture and harass the general students. Who are not concerned with violence?

The Dinajpur incident on 24th August, 1996 is well-known to all. The police raped and killed a girl Yasmin (14) and subsequently they killed another seven persons who set their faces against police. On Yasmin's death the police tried to falsify the post mortem report that she died for she jumped from the jeep.

According to the Amnesty International report, a street boy of 13 years named Mohammed Shaukat was raped by two police constables on 28 July, 1993. His rectum was injured and infected as a result of the assault.

Our safeguards in law: The above police demeanour are not permissible by law and these are penal offenses in the eye of law. However, we shall see in brief how law protects us from misconduct of the police. Any one may file a deposition against police torture to the OC of a particular area or directly to the Magistrate of that area.

If any citizen faces any loss by police he may file a civil suit against the police. In accordance with sec 52 of the Dhaka Metropolitan Police Ordinance, 1976, any police-officer who vexatiously or unnecessarily searches, detains or arrests any person or seizes the property of any person shall be punishable with imprisonment for a term which may extend to one year, or with five which may extend to two thousand taka, or with both.

For violation of duty or for illegal torture to the persons in police custody, the police may be punished with fine, the amount of which will be equal to the amount of his salaries of 3 months, or, the police may be punished with imprisonment of 3 months or, with both. The aggrieved person may file criminal suit under sections 315, 323, 302 and 342 of the Penal Code.

tory excuse willfully enters or remains in or upon any dwelling-house or premises or any land or ground attached there to etc be punishable with fine which may extend to one hundred taka.

According to article 33(1), the detainee is to be informed as soon as may be of the grounds for his being arrested. According to sec 56 of CrPc he is to be informed of the grounds for his being arrested. But our police force is not conscious enough to this matter.

According to article 33(2) every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest. According to sec 54 of the Dhaka Metropolitan Police Ordinance, 1976, any police-officer who unnecessarily delays forwarding any person arrested to a Magistrate shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand taka, or with both.

Whoever lies and indecently annoys any women by using indecent language or making indecent sounds, gestures, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand taka, or both.

In case of police remand an accused person will not be in remand for more than 15 days. This procedure makes mental and physical pressure over the accused which may be hindrance to get justice. To avoid this problem we have sections 25, 26 and 27 of the Evidence Act which are helpful to present the dependable evidences.

A person can be released through Habeas Corpus if he is arrested without in illegal way or in any way which, law does not recognize for arrest. The aggrieved person may sue under chapter XVII of the Penal Code. If he dies in police custody any one may sue on behalf of him.

However, we have to take attempt to save our society from the deleterious activities of this disciplined force otherwise it cannot be free from the offenses alluded to the above discussion.

To realize this object we have to be more conscious to our rights and we have to enforce the existing laws. And the inert laws are to be deducted as well. We are fighting with the weapon of yesterday to face the problems of today. Therefore problems exist. And the police must conduct according to law. They have to remove their inexorable mind. If they perform their duty within the ambit of law the four taints namely: excess, misuse, negligence and omission will not stain their norm.

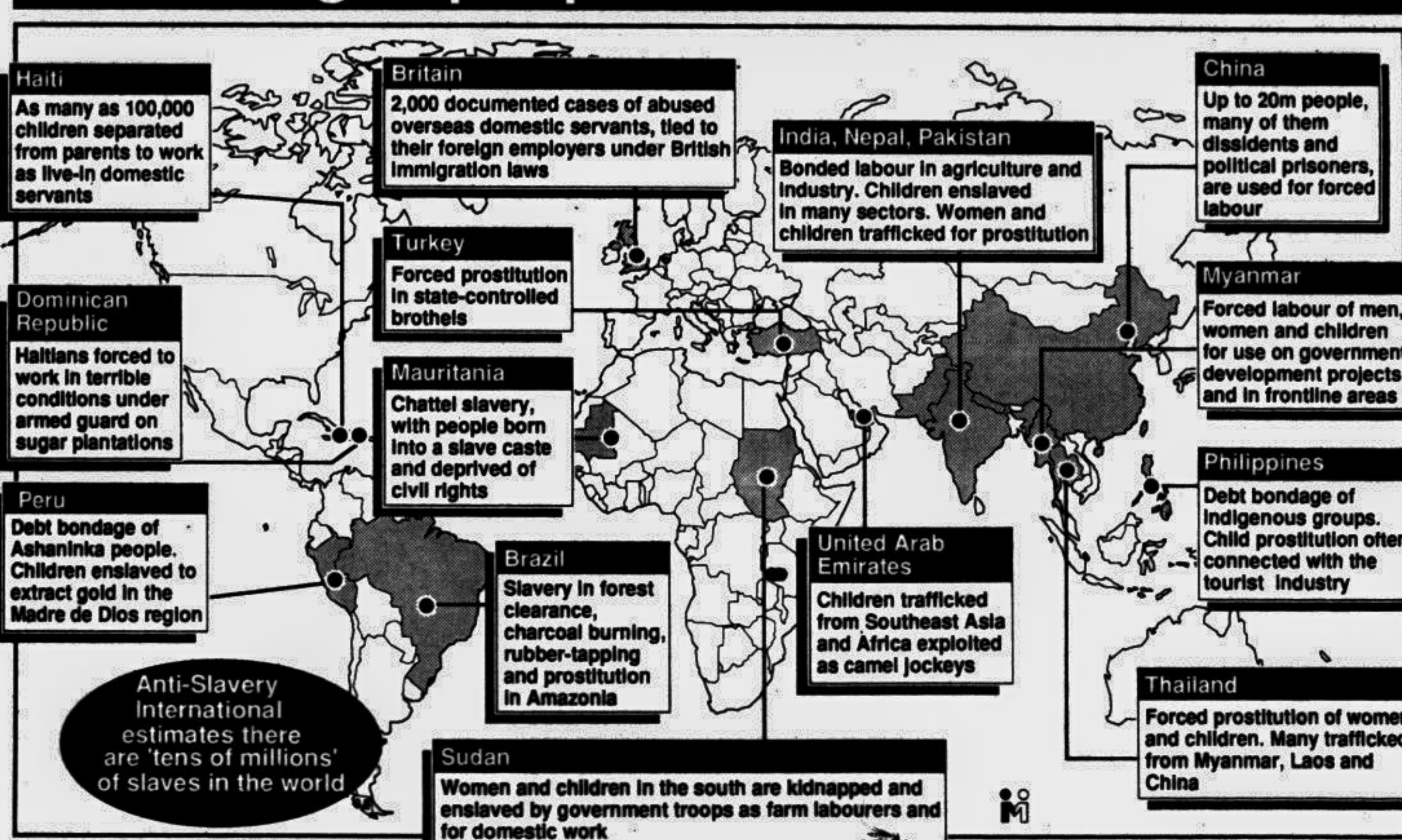
Tareq Hasan Siddiqui is a member of *Late Review*. This is the first article of a series based on 'Administration of Criminal Justice and Police Laws'.

Silent Slaves Delivered to Freedom — for a Price

By Andrew Boyd

Dinka villagers from southern Sudan have become victims of a slave trade linked to the civil war. Now, in a desperate attempt to free captured women and children, a human rights organisation is paying a middle-man to steal some of them back. A Gemini News Service correspondent was there to witness the handover.

Trafficking in people



Source: Anti-Slavery International

HUDDED around the twisted trunk of the spreading Ngap tree, the slaves of southern Sudan watch and wait for their redeemers.

The group of children and young women have the eyes of the hunted. They have learned the silence of fear — the knowledge that survival depends on remaining still, small and unnoticed.

They sit in quiet patience, glad of the tree's shelter, conserving energy in the intense heat.

It is market time in Manyel, in an area held by secessionist rebels, and these people are on sale. Arab traders are also peddling tea, salt and gaudy clothing. But one trader is conspicuous by his absence. His stock is here under the tree, but Ibrahim is unwilling to show his face to strangers.

He sends an agent to collect a million Sudanese pounds — cash in advance for 22 Dinka slaves. Ibrahim steals them to order from their captors in the predominantly Arab, Muslim north and sells them back to their families in the mainly African, Christian and animist south.

I am here to observe the transaction, the handing over of a straining carrier bag filled with cash donated by the human rights agency, Christian Solidarity International — a desperate measure to expose a desperate trade and return some women and children to their

villages. Some are here under the tree, along with a few whose families have scraped together the ransom for them. Others will be freed later.

The intermediary is gaunt and smiling in his white robe and skull cap. 'I am delighted to free slaves. These people are my brothers.' But the altruism vanishes when I inquire about this plans for his share of money: 'I will go with it and eat and drink from it,' he grins.

Beneath the tree, 13-year-old Bol Kuol squats down — a sadness in his eyes. His little brother, Mohammed, who apes his posture, was born in captivity. Relatives struggled to pay the five cows demanded for their return, but could not afford to free Bol's mother. She remains in slavery. His father was killed by the Arab raiders who captured them.

Aluat Majok was 12 when the horsemen rode in. 'There were so many,' she says.

Anyone who resisted was killed. Her master took her north into government territory and set her to work pounding grain. When his wife went to market, 'the master called me to his room and I conceived this child.' Eight-month-old Bikit Osman roots for his mother's breast.

Hostilities between Arab and Dinka have been fought out by spear for centuries. But the Kalashnikov is a sinister inno-

vation. Civil Commissioner Aleu Akechak Jok says the Government has been handing out assault rifles to Arabs and encouraging them to cross the front line to fight their 40-year-old civil war by proxy.

The spoils are theirs for the taking: Possessions, cattle — and human beings.

Eight miles from the market lies what remains of the Commissioner's village, Nyamille, near a bend in the river Lol, a tributary of the White Nile.

'Militia — Arabs — came in large numbers,' recalls Akechak Jok. 'They raided the village, looted all the properties, burned it down. They took children and women towards the north.'

Many villagers were killed. The Commissioner helped bury 30. Those who remain tend the wounded and wait for the Arabs to return. 'We are waiting under these trees to die,' says Adut Wol Ngor. When I ask how many militia came she shrugs. 'The one who wants to save his life cannot count all the horses.'

'The children who refuse to go with them, they kill them, and the children that accept, they tie them with rope and pull them behind their horses like cattle.'

Akuli Garang was caught in the side by a bullet. The raiders also stabbed her with a spear. Two of her children were burned to death in a hut. Her third, six-year-old Atong, was taken into slavery.

Her eyes light up: 'The one who is dealing said the boy is alive. He said to prepare money to redeem this child. I will get money.'

'Do you have any money?' I ask.

'I have nothing,' she replies. All these people are slaves. Those who were taken, and those who remain, have to begin again to get a life to survive and then more of life to pay off people such as Ibrahim.

Christian Solidarity has agonised about handing over money to those who deal in human livestock.

'We have no other option,' shrugs John Eibner, who flew out from the organisation's Zurich headquarters.

Another Christian Solidarity representative, Britain's Baroness Caroline Cox, turns my question back on me: 'What would you do if your child had been taken into slavery? Would you let them stay in slavery, or would you pay a price and buy back their freedom?'

Hands are shaken and Ibrahim's agent stalks off with his ransom. One by one those who are redeemed depart with their redeemers. — GEMINI NEWS

Exchange rate: \$1=145 Sudanese pounds (dinars)

ANDREW BOYD is a British author, broadcaster and freelance journalist specialising in human rights, religion and the media.

The Daily Star Entertainment Guide

Sunday 6th October

(All programmes are in local time. There may be changes in the programmes).

BTV

3:30 Opening Announcement Al-Quran Programme Summary 3:10 Recitation from the Bible 3:15 Cartoon: Woody Woodpecker 3:45 Rerelease of Weekly Drama 4:00 News in Bangla 4:45 Anu Parmanu 5:00 News in Bangla 5:25 Sports Programme 6:00pm News in Bangla 6:30 Jiboner Janyo 7:00 News in English 7:05 Open University 7:25 Tagore Songs 8:00 News in Bangla 8:25 Jarnathumi 8:30 Shilpa-Banjia-Artho 8:40 Film Series: Aadar The Great 10:00 News in English 10:30 Shasthatatha 10:35 Shantika 11:30 News in Bangla 11:35 Monday's programme 11:40 Close down

BBC

6:00am BBC World News 6:30 India Business Report 7:00 BBC World News 7:25 This Week 8:00 BBC World News 8:30 India Business Report 9:00 BBC World News 9:30 World Focus: Horizon 10:00 BBC World News 10:20 The Last Days of The Wall 11:00 BBC World News 11:25 India Business Report 12:00am BBC World News 12:20 This Week 1:00 BBC World News 1:05 Correspondent 2:00 BBC World News 2:30 Time Out: Film '96 3:00 BBC World News 3:30 Time Out: Floyd's American Pie 4:00 BBC World News 4:05 World Focus: Everyman 5:00 BBC World News 5:20 Britain in View 6:00pm BBC World News 6:05 World Focus: Earth Report 7:00 BBC World News 7:05 Breakfast With

Frost 8:00 BBC World News 8:30 Time Out: Travel Show 9:00 BBC World News 9:05 World Focus: Horizon

10:00 BBC World News 10:30 Time Out: Fat Man in France 11:00 BBC World News 11:20 The Last Days of The Wall 12:00am BBC World News 12:20 Window On Europe 1:00 BBC World News 1:05 Timestwatch 2:00 BBC World News 2:30 Time Out: One Foot In The Past 3:00 BBC World News 3:30 World Business Report 4:00 BBC World News 4:30 BBC World News 5:10 The Money Programme

CHANNEL V

6:00am Frame by Frame 7:00 Rewind VJ Sophia 8:00 Frame by Frame 10:30 Soul Curry 11:00 BPL Oye! 12:00 Sansui Mangta Hai 12:30 First Day First Show 1:00 Big Bang VJ Alessandra 2:00 Speak Easy 2:30 Videocon Flashback 3:00 Asian Top 20 VJ Tre 5:00 The Vibe Weekend VJ Luke 7:00 Palmolive Extra Time Pass 8:00 The Indian Top 10 9:00 Launch Pad VJ Sophia 10:00 Viewers Choice Awards 11:00 Rewind VJ Sophia 12:00 Big Bang VJ Alessandra 1:00 The Ride VJ Tre 2:00 Big Bang VJ Alessandra 4:30 Launchpad VJ Sophia 5:30 VJ Alessandra

STAR PLUS

6:30am Voltron 7:00 King Arthur 7:30 Classic Cartoons 8:00 Terry Toons 8:30 T-Bag 9:00 Eek! The Cat 9:30 India Business Week 10:30 The Road Show 11:00 Amul India Show 11:30 The Extraordinary 12:30 The Fall Guy 1:30 Vegas 2:30 Best Sellers: 'Seventy Avenue' 2:43:30 Swiss Family Robinson



The Power of One on Star Movies, Tonight at 9:30

5:00 Mysterious Places 6:00 The Road Show 6:30 Amul India Show 7:00 WWF-Action Zone 8:00 3rd Rock From The Sun 8:30 Beverly Hills 90210 9:30 Picket Fences 10:30 Burke's Law 11:00 21 Jump Street 12:30 Chicago Hope 1:30 India Business Week 2:30 Amul India Show 3:00 The Oprah Winfrey Show 4:00 Hooperman 4:30 Home and Away 5:00 The Sullivan 5:30 Gabrielle

STAR SPORTS

6:00am World Cup Classic 1996 Argentina v West Germany Final 8:00 BNA Fantastics 8:30 World Wrestling Federation Main Event 9:30 Futbol Mundial 10:00 Asia Sport Show 10:30 1996 Asian Under 16 Championships Final From Thailand 12:00 Live: Heineken Open 1996 Singapore Singles Finals 2:00 Spanish Phil League HL 2:30 SEA Touring Cars Rds 3:00 Omega Tour

STAR MOVIES

7:30am Thriller: When the Bough Breaks 15 (Hindi Subtitles) 9:30 Adventure: The Skateboard Kid 12 (Hindi Subtitles) 11:30 Sunday Matinee: Cathy's Child 15 (Hindi Subtitles) 1:30 Sunday Classic Western: Run Man Run (Hindi Subtitles) 3:30 Sunday Show Time: Pee-wee's Playhouse (PG) (Hindi Subtitles) 4:30 Sunday Show Time: The Directors: Sydney Pollack 5:30

Sunday Family Double Feature: Modesty Blaise 12 (Hindi Subtitles) 7:30 Sunday Family Double Feature: This is My Life 15 (Hindi Subtitles) 9:15 Film '96 9:30 Gold: The Power of One (Hindi Subtitles) 11:30 True Story: The O J Simpson Story 15 (Arabic Subtitles) 1:30 After Dark: Even Cowgirls Get The Blues 18 (Arabic Subtitles) 3:30 Thriller: Unlawful Entry 18 (Arabic Subtitles) 5:30 Horror: Doppelgänger 18 (Arabic Subtitles)

ZEE TV

5:30 Surtal 6:00 News 6:30 Jagran 7:00 Suno Bhai Sadho 7:30 Maa 8:00 Mythological Hindi Film 10:30 Aap Ki Adalat 11:30 yaram's: Circle Magic 11:30 yaram's: Circle Magic 11:30 Beegh Ke PG 12:30 Bourmivva Quiz Contest 1:00 Namaste India 1:30 Asian Star Shop 2:30 HFF 5:00 Dhak Ghar Apna Ghar 5:30 Insigni 6:00 Colgate Gel Yoodie Yo 6:30 Adarniya Pradhan Mantri 7:00 Game Arjuna 7:30 Ad Mad Show 8:00 Casper Kya Scene Hai 8:30 Suno Suno Tring Tring 9:00 Nirma Aahaa 9:30 Melebar Hill 10:00 The Zee Horror Show 10:35 News 11:00 Index 11:30 Philips Top Ten 12:30 Gopaljee 1:00 Mr Minto 1:30 Graviera Ki Umeed 2:00 Arabic Programme 2:30 TMM 3:00 Dastan 3:30 Goomta Aina 4:00 Jagran

EL TV

00:30pm Lata Mangeshkar Special 1:30 Haste Haste 2:30 Ajeeb Dastan 3:30 Sur Sargam 4:30 Pyar Hi Pyar 5:30 Lata Mangeshkar Special 6:30 Haste Haste 7:30 Ajeeb Dastan 8:30 Its My Choice 9:00 Alco Ru-Ba-Ru 9:30 Fit Or Fat 10:00 Siyaram Kamal Combination 10:30 Song Yatra 11:00 Sorry Mera Lorry 11:30 Liberty Public Demand 12:30 Casper Kya Scene Hai 1:00 Chehre 1:30 Moov Usha Uthup Show 2:00 Wonder Wings Arun Prem 2:30 Money Game 3:00 Indict Puroshcheta 4:00 Zandu Balm Dance Mania 4:30 Ortem Hit Thi Hit Hai 5:00 D'Signer Quartz Peoples Club 5:30 Hee Hee Hee Ha 6:00 Hafta Hafta 6:30 Dear EL 7:00 Yeh Duniya Gazabki 7:30 Kal Bhi Aaj Bhi 8:00 Abhinetri 8:20 Kinetic Haseen Pal 8:30 Emami The Real Count-

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