

A Brief Report on the Jessore Prison Revolt of December 1996 The Revolt and an Observation

Introduction
THERE are a total of 76 prisoners in Bangladesh, and among them there are four central ones. Among the four, the Jessore Central prison is the one which has caught the headlines.

Cause of the Revolt
The revolt at Jessore prison was not much different from other prison revolts. The only difference being that there were more demands. We asked the Chief Reporter of Lok Shamaj, Mr Anwarul Kabir Nantu...

Mr Sharif Abdul Rakib, General Secretary of the Awami League; Advocate Enamul Huq General Secretary of NAP; Advocate Nazrul Islam, General Secretary of BNP; Mr Shamsul Huda, General Secretary of the Jatiya Party; Mr Abdus Salam, Vice President of JSD (Rab); Mr Hasinur Rahman, Coordinator of BSD; Mahmud Hasan Bulu of Workers Party; Mr Shahezzaman of the National Democratic Front were among the politicians asked.

Mr Anwarul Kabir Montu said that the unlimited and unchecked corruption of the jail authorities was one of the causes. He said that the prisoners are given beef three days a week. Subedar Ishak directed that the beef be divided according to the 'affordability' of the prisoners. Those who can afford to pay ten Taka are given good beef, while those who cannot are given either bones, old meat or very small amounts.

He further stated that there was only one Medical Officer in the jail, a Dr Shakhawat Hossain Rano, who is in-charge of the jail infirmary of 20 beds. Prisoners are admitted there and are charged 500-600 Taka. Sometimes they reside in the infirmary even if they are not unwell.

He informed us that iron fetters are used in the jail. From him, we learnt that these are of different classes, depending on weight - 5 kg, 3 kg and 2 kg. Again, those who can afford to pay, get of lighter. A price of one thousand Taka will 'buy' the lightest fetter of 2 kg, while the cost of the 3 kg fetter is 700 Taka. Those who cannot afford such luxury are put in the heaviest fetters. The 2 and 3 kg users must renew their subscription

(so to speak) every month by paying Taka 200 to the doctor. Furthermore, lemons are supposed to be distributed free to the inmates. However, each costs five Taka.

The jail authorities take bribes from the visitors. One guard opined that if one was to give the prisoner something worth 50 Taka, one had to give the officer fifty Taka too.

Abuse of power and negligence on the part of the jail administration are thus the most significant reasons for the revolt. Advocate Kashem and other human rights activists commented that the prisoners were cruelly punished, beaten and verbally abused by prison officials. One newsman said that preparations for the revolt were pre-planned. He elaborated by adding that two weeks prior to the incident, a prison security personnel informed the authorities of the impending revolt, but that the latter turned a deaf ear to it. As a result, the rebellion became stronger.

In 1991, the then Acting President, Mr Justice Shahabuddin Ahmed, ordered that prisoners should be released according to their age and the length of their prison term. As a result, some prisoners have been released already. There are incidences where the jail officers have changed the date of release according to that order. For example, Mr Mojibur Rahman, prisoner No. 8306, who was convicted on 4.12.1989 has had his date of release changed to 31.8.96, said his uncle.

On 19.11.1996, a report was published in the Daily Ittefaq which said that 10 thousand prisoners would be released on the forthcoming Victory Day. As a result, most of the prisoners who were serving long terms lost their relations that they would be released on 16.12.1996. The jail officials had also discussed this with the prisoners and also took some money from them, according to one such relative. Mr M A Majed Laskar said: 'My eldest son is in this prison. He was sentenced to 10 years. According to the jail, he was supposed to be released on 7.2.1996. However, he wrote that he would be released on 16.12.1997. Mr Sajjad Ali of Shariatgaj, Chuadanga, said, 'My brother had been convicted for life during Ehsad's regime. When I came to visit him last month, he asked me to come on 16.12.1996 with his relatives as he was going to be released.'

The fact that trial procedures are too long and kept pending is also a reason for this revolt. Prisoners under trial who are proven innocent find that they have spent months - even years - of their lives in jail for no reason at all.

We have come to know that on 16th December 1996 the prisoners were unlocked and they finished their formalities. Then they were given poor food, as on ordinary days. Seeing this, the prisoners became angry. By this time Subedar Ishak used a megaphone and ordered them to return to their cells. But the prisoners took the megaphone from him. National Awami Party leader Mr Enamul Huq said that 74 jail guards

by Shireen Sultana Md Asaduzzaman

were forcibly ousted. The Jail and Deputy Jailers retreated on seeing the situation. The prisoners then uttered the slogan, 'Kaedi Hajati Bhai Bhai, Eak Shathe Mukti Chat' (All prisoners are brothers and we want freedom together). They then organised a big procession within the prison. The prisoners barred the main gate using sand bags, soil, etc. They broke the blacksmith centre in the jail premises and took the sharp knives, swords, daa and other instruments there. Then they made strongholds in different corners of the jail. According to the Deputy Commissioner, the rebel prisoners took control over the prison by 9 am on 16th December.

Statements of Administrators
After the prison revolt, the Inspector General of Prisoners, higher prison officials, the Deputy Commissioner and other officials demanded that they were trying their best to make a peaceful settlement. In this respect they were working together with political parties, although they did not ask political parties for help during the first stage. The Deputy Commissioner said, 'I am always in contact with the superiors. I have been directed not to have any bloodshed. We are a democratic government and thus we are showing patience. We may crush down this revolt at any time. Our govt has a police force, BDR force and Armed forces. We don't want any bloodshed, so we are going to ask God for blessing today during Jumma. I have requested everybody to pray so that we can overcome this problem.'

He remarked that only 11/150 convicted/under-trial prisoners are liable for this situation. He thought there was political provocation in this revolt. However, he was hopeful that the problem would be resolved within a short time. The authority had assured that they would withdraw iron fetters, develop the quality of food and

to develop the quality of food;
to withdraw the iron fetters system;
to repeal the Special Powers Act;
to complete the whole proceedings of trial within 3 months;
to count 24 hours as 2 days;
to count 20 years as life imprisonment;
to develop the medical treatment system;
to stop the corruption carried out by the Jail Authority;
to push-back the convicted foreigners.

The rebel prisoners demanded that their demands be

abolish the corruption of the jail administration immediately. The rest of the demands, being a matter for the Cabinet and higher authorities, would be suggested to the government.

Position of Political Leaders
Immediately after the incident, leaders of different parties in Jessore sat together and tried to make a way to solve the revolt without bloodshed. They communicated with the administration on their own accord and had a dialogue with them to resolve it. At one stage on 19 December '96, a team of political leaders and activists went to the prison to compromise with the prisoners but they failed to come up with a solution. They said that the prisoners had been threatening to kill themselves by pouring fuel on their body. They also threatened to kill the foreign inmates. They had dug some bunkers within the prison. 'We are trying to resolve it without losing any life but we don't know what is going to happen. Still now we are trying,' said NAP leader Enamul Huq on behalf of other leaders. He also said, 'All the demands cannot be fulfilled at this moment as it is a matter of the Cabinet and the Parliament... they have been given the assurance that in the coming Shab-e-Barat, Eid and Independence Day some will be released, but they did not listen to us. We are very anxious with the situation. We don't know whether there is any provocation in it or not but this is happening with planned organisation.'

The supply water was stopped for one day during this time. The authority claimed that it was a mechanical disturbance. Though the prisoners wanted to talk with the Home Minister and Home Secretary, there were no steps from the side of the authorities.

Latest Situation
On 22 December 1996. Despite pleas from different quarters to the contrary, the authorities deployed the armed forces and police to use force and ammunition in order to quell the rioters. At least nine people, including a policeman, were reported killed and 400 injured.

The assumption of the authorities that the revolt was merely a law and order situation and their brutal method of dispute resolution has shocked the people of the country. This sort of barbaric attitude obscures the very basic question of fundamental rights. The main issues of corruption, the random use of fetters and the division of prisoners into powerful and rich like General Ershad and others and powerless and poor have to be addressed. The recommendations made by the caretaker government of Mr Justice Shahabuddin Ahmed for remedial measures and reforms in the jails were not heeded by the concerned authorities. If these recommendations had been followed, this sort of confrontation could have been well avoided.

Shireen Sultana is an officer in charge of Odhikar, a coalition for human rights. Md. Asaduzzaman is a member of Odhikar and Ain O Salish Kendra.

Interview

Abul Hasnat Monjurul Kabir, Law Page Incharge of The Daily Star talks to Salma Sobhan, Executive Director of Ain-O-Salish Kendra regarding the recent violence at Jessore Central Jail.

Daily Star (DS): What is your opinion on the way in which the riot was overcame by the authorities?

Salma Sobhan (SS): It is a great pity that the authorities had to resort to such extreme measures. We had all hoped that our various calls for restraint would have been heeded.

DS: Could the firing on the prisoners by the police have been prevented?

SS: This, of course, is something that will be addressed by the Enquiry Commission. We hope that the report of the commission will be shared with the concerned public.

DS: Is there any legal justification of the action by the police?

SS: This, again, must be left to the enquiry commission to find out.

DS: What legal remedy/remedies do the victims and their families have?

SS: Depending on what the outcome of the investigation will be, the victims and their families should have a variety of remedies at their disposal. For example, they can file criminal cases in the magistrate court.

DS: Will organisations, like Ain-O-Salish Kendra, respond to requests for legal aid for the victims and their families?

SS: I cannot speak for other organisations, but Ain-O-Salish Kendra is ready to respond to pleas for legal aid from the victims or/and their families. I have been informed that the Jatiya Ainjibi Parishad has also decided to provide legal aid and that Odhikar is documenting the incident.

Life For Elopement?

By Saira Rahman

The sort of judgments given by some judges' who misuse or misinterpret Islam and ignore the laws of the land - including the Constitution of Pakistan - are a cruel and dangerous finale to perfectly legal marriages. Such judges should not be allowed to decide the fate of innocent, abused women who come to seek justice in their courts, as the former might be sorely tempted to perform another act of abuse against women's human rights.

AYESHA Ijaz, Saaima Wahid, Shabina Zafar - young women who have probably never even met each other. They, however do have a few things in common. They are all Pakistani, all young and all have been made to come face to face with the evil Hudood (Zina) Ordinance for the simple reason that they had entered into marriage without the consent of their parent. There are probably more women like them who have been so victimized in Pakistan. The court in which cases against them had been filed was the High Court in Lahore.

According to the Muslim Family Laws Ordinance 1961, a Muslim woman or man who is sui juris (a legal adult) can voluntarily enter into a marriage. Parental consent is not required. A marriage of a Muslim who is of sound mind and who has attained puberty is void if it is brought about without her/his consent. Unfortunately, this essential part of the law was overlooked by the judges who heard the cases of the three young women, and who held that the marriages or guardian consent was given. The role of a parent or guardian legally plays in the marriage of two adult Muslim people is limited. This can be further proved in the case of the practice of Khair-ul-bulugh. Khair-ul-bulugh or the option of puberty is practiced by Muslim women who were contracted into marriage by their father or other male relation (if father is deceased) when they were minors. On attaining puberty, these women have the option to repudiate this marriage within a specific time limit. Thus, Muslim law not only allows sui juris women to marry of their own accord, but also allows them to repudiate marriages their parent or guardian had contracted for them during their minority.

In the case of Ayesha Ijaz V SHO (KLR 1996 Shariat Case 197) it was held, by Justice Abdul Hafeez Cheema on 24 September 1996, that the marriage was 'wholly void being without the consent of their walis'. As for the petitions filed by Ayesha and her husband in defence, he decided that 'there is no merit in the writ petitions which are hereby dismissed.' (para 43, P 223). In the matter of Saaima Wahid, who married Arshad Ahmed on 26 February 1996, her father forced her husband to sign a letter of divorce which he, the father had written. Desperate to flee the pressures of her father, Saaima had to seek refuge in a shelter home. Her husband was arrested on charges of falsifying the nikahnama, which was patently untrue, and imprisoned on 23 April. The case was heard in the Lahore

High Court by a full bench. However, the judgment remains pending for more than two months. Shabina Zafar is the latest victim to enter this farce. Married in June 1996 to Mohammad Iqbal, Shabina, too shares the same fate as the above. Opposed to the marriage, her parents registered a case against the couple under the Hudood Ordinance. Shabina, too, filed a petition against the case claiming she was sui juris and thus competent to enter into wedlock of her own accord, however, Justice Cheema again of the Lahore High Court ruled that a marriage without the consent of the guardian is void and allowed police to proceed with the zina case against the couple.

The Hudood (Zina) Ordinance is a notoriously discriminatory piece of legislation and is frequently misused in Pakistan by families and police to retain patriarchal control over women. The section usually used in such cases as the above is Section 11, which deals with 'kidnapping, abducting or inducing women to compel marriage, etc.' This is because the infuriated parent or guardian of the woman files the case against her husband. The Section reads: 'whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse or knowing it to be likely that she will be forced or seduced to illicit intercourse shall be punished with imprisonment

for life and with whipping not exceeding thirty stripes and shall also be liable to fine... If the woman declares that the marriage has been consummated, as in the case of Shabina, she falls in danger of being charged with fornication punishable by up to 80 lashes.

However, there are some happier and humane tales from the Lahore High Court. In May 1996, Justice Arif Iqbal Bhatti of the Lahore High Court gave judgment in the case of one Fehmida. A Hudood case had been filed against her as well. The Judge held that Islam permitted and adult Muslim woman to contract a marriage at her own will and that Fehmida's marriage was valid. The court also directed police not to misuse the Hudood laws. Again on 24 September 1996, Justice Khalid Paul Khwaja allowed two women to go free with their husbands on their statement that they had voluntarily contracted a valid marriage of their own choice.

The sort of judgments given by some judges' who misuse or misinterpret Islam and ignore the laws of the land - including the Constitution of Pakistan - are a cruel and dangerous finale to perfectly legal marriages. Such judges should not be allowed to decide the fate of innocent, abused women who come to seek justice in their courts, as the former might be sorely tempted to perform another act of abuse against women's human rights.

Saira Rahman, a freelance researcher is currently working on legal aspect of various women issues. She is an advocate of the Supreme Court of Bangladesh.

Law Scope Legal Aid

THE following statement has been issued jointly by Luthfur Rahman Shahjahan and Adilur Rahman Khan, the President and Secretary of the Jatiya Ainjibi-Parishad respectively, offering legal aid to the victims of the shooting which occurred in Jessore jail.

The Jatiya Ainjibi Parishad is aghast at the atrocities committed by the police and other law enforcing agencies at the Jessore Central Jail. This is an extremely sad commentary on the incapacity of the authorities in protecting human lives in prison. We condemn the excessive use of violence instead of negotiation and a peaceful solution of the grievances of the prison inmates.

However, at this violation of human rights, the Jatiya Ainjibi Parishad has decided to offer free legal aid to the victims, particularly to the families of the dead and injured ones and has instructed its members to offer free legal advice.

All the victims and their families are requested to get in touch with the local members of the Jatiya Ainjibi Parishad who will offer free legal aid.

The Jatiya Ainjibi Parishad also demands that the hearings of the Inquiry Commission initiated by the Government should be held in public, so that all the political and relevant parties and all concerned can give evidence openly and without the fear of victimisation. It also demands that the report of the findings be made public.

The Jatiya Ainjibi Parishad notes with concern that so much discrepancies exist in the number of inmates killed as published in various newspapers, that one does not even know the actual total number. It raises serious doubt on the credibility of the statement issued by the authorities.

The Daily Star Entertainment Guide

Sunday 29th December
(All programmes are in local time. There may be changes in the programmes).

BTV
3:00 Opening Announcement
Al-Quran Programme Summary
3:10 News in Bangla 3:15 Patriotic Songs
3:20 Recitation from the Bible
3:25 Reticelation of Drama
4:50 Marami
5:00 News in Bangla
5:25 Sports Programme
6:00pm Getmalhya
6:35 Mayeder Jannyc
6:50 Open University
7:00 The News
7:25 Documentary on Freedom Fighting
8:00 News in Bangla
8:25 Women in Freedom Fighting
9:00 Film Series: Akbar The Great
10:00 News in English
10:25 Those Days of Freedom Fighting
10:30 Shono Ahan
11:30 News in Bangla
11:35 Monday's programme
11:40 Close down

BBC
6:00 am 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
9:25 This Week
10:00 BBC World News
10:05 World Focus
Horizon
11:00 BBC World News
11:25 India Business Report
12:00noon BBC World News
12:20 Britain in View
1:00 BBC World News
1:20 Window On Europe
2:00 BBC World News
2:05 World Focus
TBA
3:00 BBC World News
3:30 Time Out
Tomorrow's World
4:00 BBC World Report
In World Business Report/24 Hours
5:00 BBC World Report
In World Business Report/24 Hours

CHANNEL V
6:00am Frame by Frame
7:00 Rewind
VJ Sophia
8:00 Channel Top 50
11:00 BPL Oye!
12:00 Sansa Mangla Hai
12:30 First Day First Show
1:00 Rewind
VJ Sophia
2:00 Speak Easy
2:30 Videon Flashback
3:00 Asian Top 20
VJ Jey
5:00 The Vibe Weekend
VJ Luke
6:00 The Vibe Weekend
VJ Luke
7:00pm Fashion Police
7:30 Soul Curry
8:00 The Indian
10:00 Launch Pad
VJ Samira
10:00 House of Noise
VJ Luke
11:00 Rewind
12:00am Big Bang
VJ Alessandra
1:00 The Ride (R/Comp)
2:00 The Hard Rock Featuring: Mr Big
3:00 Big Bang
VJ Alessandra
4:30 Launchpad
VJ Samira
5:30 VJ Alessandra

STAR PLUS
6:00am Nanny and the Professor
6:30 Voltron
7:00 Aerobics
Oz Style
7:30 Alaap
8:30 Tara Rum
Pum
9:30 Chandrakanta
10:30 Tu Tu Mam Mam
11:00 Kaleidoscope
11:30 Amul India Show
12:00noon The Road Show
12:30 Star Trek
2:30 Hindi Classic Film: Kaha
3:00pm Batman
6:00 Charles Angels
7:30 The Simpsons
8:00 The Addams Family
8:30 Lifetime
9:00 Reporter
9:30 V Count-down
Plus
10:30 STAR News
Sunday
11:00 Dynasty
12:30 India Business Week
1:30 Amul India Show
2:00 BBC Documentary: All Our Children
3:00 Movie Classic: 'Detour'
4:30 ETV
5:30 Backup
6:00 Home and Away
6:30 The Sullivan

Time Out Top Gear 12:00pm
BBC World News 12:20 Britain in View
1:00 BBC World News
1:20 Window On Europe
2:00 BBC World News
2:05 World Focus
TBA
3:00 BBC World News
3:30 Time Out
Tomorrow's World
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STAR SPORTS
6:30am Asia Sport Show
7:30 India Tour of South Africa
7:30 v S Africa Day 3 HL
8:30 World Wrestling Federation Blast Off
9:30 Futbol Mundial 10:00 NBA Game of the Week Orlando @ New York
12:00 India Tour of South Africa India v S Africa Day 3 HL
1:00 Live India Tour of South Africa India vs South Africa Day 4 From Durban, South Africa 1st Test Match
8:00 NBA Game Of The Week Orlando @ New York
10:00 Asia Sport Show
12:30 World M'cycle Championships 125cc & 250cc End of Season 11:30 World Cup of Golf Event 12:30 Sports India 1:00 India Tour of South Africa India v S Africa Day 3 HL
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