

FOCUS

What was Shima's Crime?

by Shaheen Anam

What crime did Shima commit? What crime could a 17-year old, poor garment worker have committed to be first picked up by police, to be allegedly raped by police, kept in custody and then allowed to die? We question the validity of "judicial custody" because we know that often this is used as a pretext to pick up young girls to be abused as Shima had been.

THE "honourable discharge" on July 13 of four policemen charged with the rape of Shima Chowdhury came as a shock to us all. Does it validate the fact that seeking and getting justice for women, and especially women who are poor, difficult, or almost impossible? It also proves that the loopholes in our legal system often victimise the victim and permit the perpetrators to go free.

The chronology of events after Shima was picked up on August 7, 1996, is an unbelievable story of police brutality, negligence and lack of accountability in our entire legal and justice system.

Shima Chowdhury, a young garments worker was picked up by patrol policemen on August 7, 1996 along with a young man called Hafiz. She was taken to Mugdai police post and then transferred to Raazan police station the next day. We still do not know for what crime she was picked up and taken to the police station in the first place.

The law refers to this as "judicial custody". That night, in the name of "judicial custody" she was allegedly raped by four policemen in the OC's room. She was discovered by the OC the next day clothless, in a state of shock with evidence of abuse and assault on her body.

Suspecting the worse, the OC took her to the hospital immediately where the attending doctor confirmed that Shima had been raped. Later board of doctors disagreed with the first doctor's report and Shima could not identify the culprits as she had been heavily drugged. The OC filed charges against the four policemen who were "closed" and later charged. However, soon they were released on bail.

Shima was moved to Chittagong Jail on October 10 and was kept in judicial custody by court order supposedly for her safety. Meanwhile women's and other human rights organisations wanted to talk to Shima but they were all denied access. Unsuccessful attempts were made to take her out of the jail where she was being kept in "safe custody". Jail authorities claimed that she was needed to testify. On February 7, just after the Eid holidays, much to our great shock it was reported that Shima was dead. The official

statement was that she died of some sickness in jail. Not only that, her body had already been incarcerated.

The news was greeted with anger and outrage. The women's community felt that somehow they had let Shima down by not monitoring the case properly. However, they had believed the assurances given by the authorities that a fair trial would be conducted.

In the face of public outrage, the Chittagong Chief Metropolitan Magistrate set up a two-member enquiry team who accused the jail authorities of gross negligence. The Prime Minister herself ordered an enquiry, and vowed that appropriate measures would be taken against those charged with rape of Shima. Soon after, a five-member parliamentary sub-committee was formed to enquire into the death.

This gruesome story does not end here. On July 13, the four accused policemen were given an "honourable discharge" raising questions regarding our legal system. The judge while passing the judgement clearly said that he could not give any other verdict basing on the evidence presented by the public prosecutor.

We, from the women's community would like to raise some fundamental questions. These questions must be answered if we are to have any faith in our legal system. The most important one is, what crime did Shima commit? What crime could a 17-year old, poor garment worker have committed to be first picked up by police, kept in custody and then allowed to die? We question the validity of "judicial custody" because we know that often this is used as a pretext to pick up young girls to be abused as Shima had been.

The other questions we want to ask are — whose responsibility was it to take care of her in safe custody? Why was she not given proper medical attention? What monitoring mechanism was set in place to ensure that the trial was properly conducted? What steps did the Attorney General's office take to ensure that the Public Prosecutor would do his job well?

As for the Parliamentary Committee, we are extremely disappointed and shocked with

the report they have submitted at the recently concluded Parliament session. To term the entire episode as politically motivated makes a mockery of the torment that Shima underwent which ultimately resulted in her death. The recommendation that actions be taken against the examining doctor for reporting rape is the most blatant and shameless example of giving this tragic incident a political colour. We question this report and demand that a proper and fair trial be conducted to establish the truth about Shima's rape and murder.

In view of the general public outrage at the "honourable" discharge of the four police men, the Home Ministry has ordered a re-investigation. Women's groups including the Sammilto Nari Samaj have demanded stern action against those responsible for the rape and death of Shima and also those responsible for the inadequate preparation and presentation of the case at the trial. The Bangladesh Human Rights Committee has filed a case against the investigating officer for neglecting his duties.

We do not know what will be the outcome of a re-investigation or a retrial. However, we do know that some kind of mechanism has to be set in place whereby cases of rape and violence are monitored. Individuals and organizations in the women's movement could take on a monitoring role and form watchdog committees. Women's groups could provide professional, legal and counselling support to victims awaiting trial. The Home Ministry has already been approached with such a proposal and it is time some actions are taken on it.

The women's movement will have to become even more active and alert in the face of growing violence. Public opinion needs to be created on issues of patriarchy and our social system that constantly demands women through acts to violence — be it rape, assault or verbal abuse. Much more work on advocacy and changing of mindsets have to be undertaken by government, media, women's organizations and the NGOs. Violence against women is a social evil and must be resisted by every one who believes in human rights and human dignity.

REFERRING to Guner Myrdal's 'Asian Drama', economist Kaushik Basu once paraphrased in a book that South Asian social scientists do not do adequate research on corruption. The reason for this neglect is the belief that since corruption is so evident all around, to write about it would be banal. In fact corruption in the form of bribery, lobbying, theft, tax evasion, loan default, smuggling and black market is our day-to-day experience and the things are going in a way as if we are habituated with those.

According to a recent countrywide opinion poll conducted by Bangladesh Unnayan Parishad (BUP), it has been found that 95 per cent of the people consider the police department as the most corrupt organization, and 91 per cent.

There may be other types of corruption when, for example, custom officials allegedly let goods through the borders (as it is usual case in our country) for less than the official duty, but then give nothing at all to the government (corruption with theft). Corruption of this second type is obviously more attractive to the buyers who has no incentive to inform on the officer, for which the likelihood that corruption is detected is much smaller. This creates a further incentive for corruption of this type to rise and competition between buyers assure the spread of this cost-reducing (to buyers) corruption.

Corruption has been found widespread in countries where government interventions and more specially restrictions over economic activities are pervasive. Market failure may be a valid rationale for government intervention; but excessive government regulations that go beyond the limits defined by the minimal or protective state, become so important that political allocation takes place in the form of differentially advantageous position of some persons like government officials, bureaucrats, politicians and private agents close to different government agencies, who see valuable rights to have access to scarcity values.

If government is viewed as a provider of political favour to pressure group or an organizer of political support for staying in power, then such political allocation takes the lead over market allocation and for government this is a relatively costless way of acquiring political support.

In economic sense, government creates monopoly while providing public goods and services through regulations, rather than regulating monopoly that follows from the argument of market failure. This creates the basis of corruption.

For example, a government official is supposed to permit a license at an official price; but since he is like a monopolist, he creates an artificial shortage at the official price and charges a higher price and collects the difference of these two prices as bribe as a way to clear the

The Cost of Corruption

by Humayun Kabir

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market (corruption without theft). As for example in the context of our country, manpower export is a major source of foreign exchange earning; but due to regulatory and import duty the above situation is acute. But most importantly, the situation is even worse in case of direct taxes and, particularly, the income tax, which is very progressive in Bangladesh. A huge tax evasion and avoidance is assumed to be liable for this scenario.

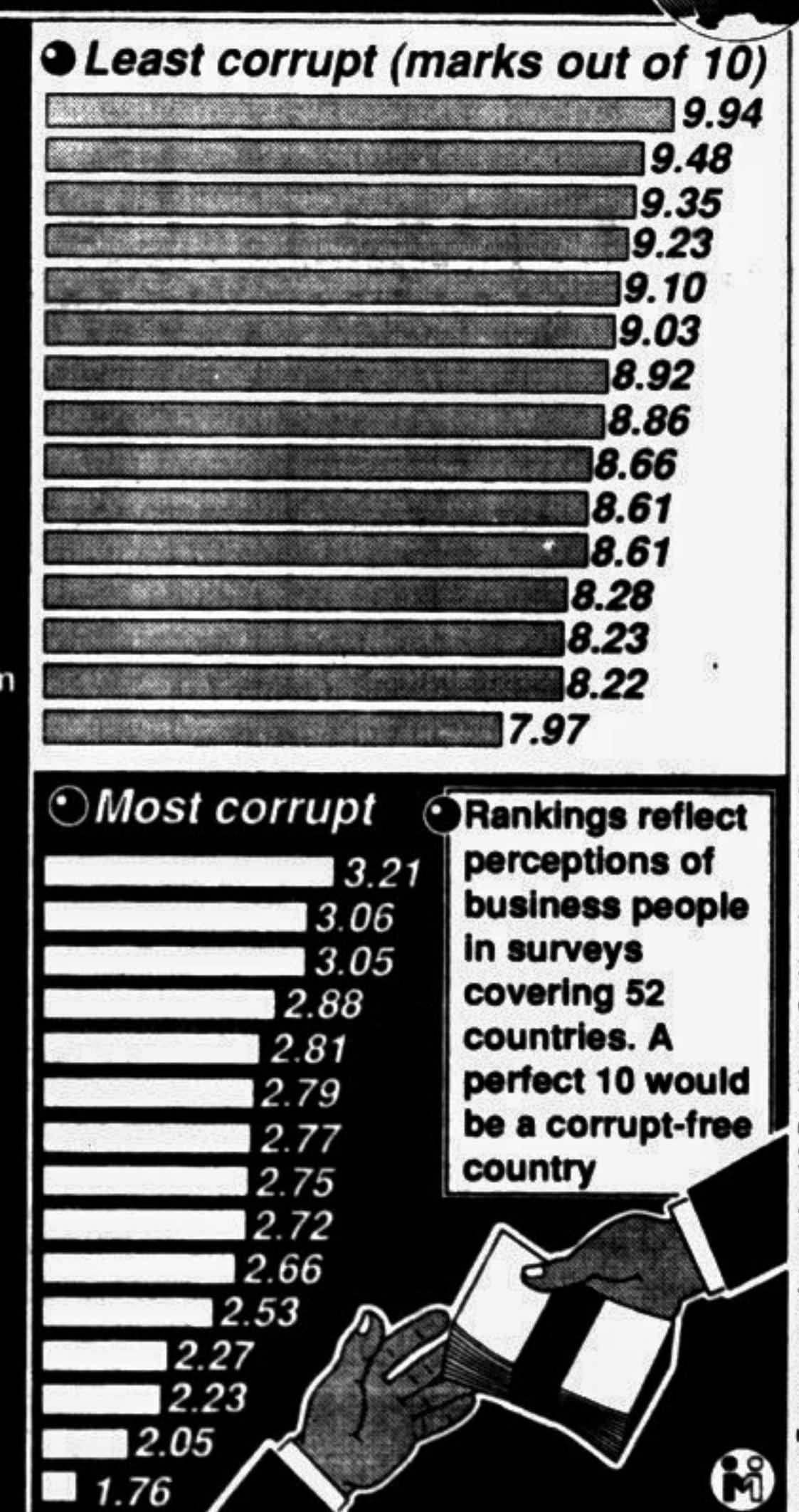
According to a recent study by M. Kabir Hasan, the economy crippled with corruption i.e., the 'underground economy' in Bangladesh consists of 23 per cent of formal GDP. And this unrecorded part of export and import sectors consists of 1.7 per cent and 9.1 per cent of formal GDP and 12 per cent and 34.9 per cent of formal export and import sectors respectively. From this statistics, it appears that an import-dependent country, import sector which faces numerous regulations and restrictions is major source of earning illegal money through corruption. In many cases, government officials allegedly use their powers to induce imports of goods on which bribes may be collected easily at an enormous rate. The preference of unnecessary advanced technology rather than appropriate technology may be the result of such efforts. As a consequence, the menu of both consumer and producer goods available in our country is determined by corruption opportunity rather than tastes or technological needs.

For an economy like ours, which seeks rapid and higher growth and higher per capita income with social justice in income distribution, the process of industrialization should be sped up. In fact, our government is in favour of such objective through implementing the policy of liberalization. Yet the situation is alleged to be such that bribes are necessary for loan from banks, new entrepreneurs are deterred from entering and innovating. As a result, capital is often used in trade, rather than being committed to long-run investments in innovative projects. This explains the slow pace of private sector industrial development in Bangladesh.

In the face of higher rate of unemployment in Bangladesh, the competition for government jobs is, in part, also alleged to be the competition for corruption.

Crusade against Corruption Takes on Religious Zeal

The sleaze league



Skate was first to sign Transparency International's national integrity action plan. The national chapter, which was formed earlier this year, has been described by one of the group's senior officials in Berlin as being "vibrant and innovative". — GEMINI NEWS

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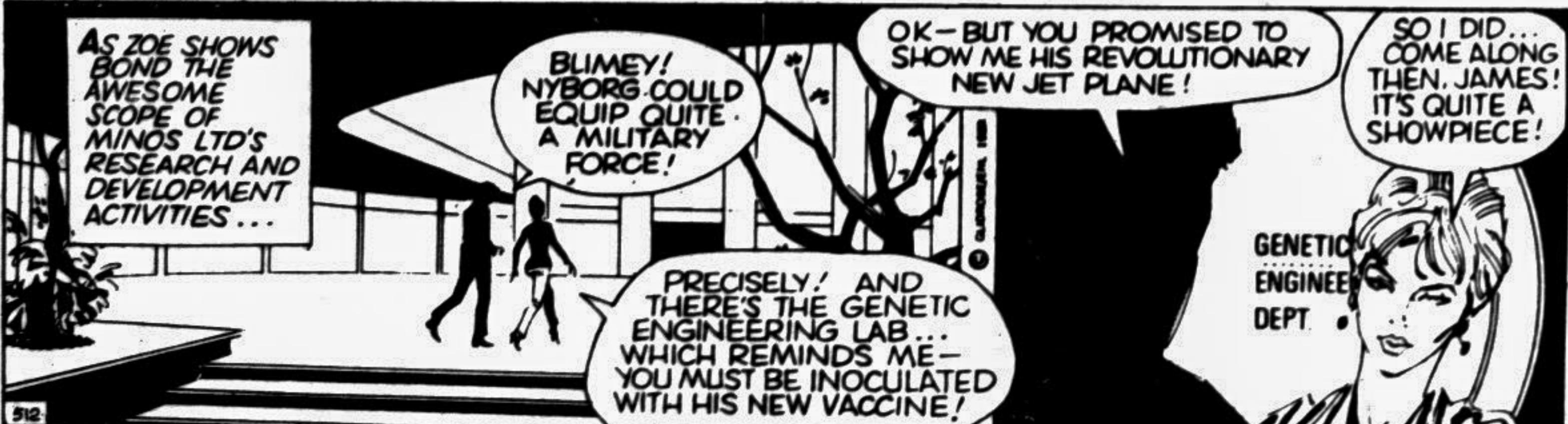


by Jim Davis



DRAWN BY JOHN MCCLUSKY

IAN FLEMING'S James Bond



DRAWN BY JOHN MCCLUSKY

Weather

Light rain forecast

Light to moderate rain or thundershower accompanied by temporary gusty wind is likely at a few places over Khulna, Chittagong, Rajshahi and Sylhet divisions and at one or two places over Barisal and Dhaka divisions in the next 12 hours till 6 pm today, reports UNB.

Met Office said no appreciable change in day temperature is expected across the country.

In its outlook for the subsequent two days, weathermen forecast little change and increase in rainfall activity in the following five days.

Meantime, Mymensingh experienced the highest 138 mm rain in the last 24 hours till 6 pm yesterday. Jessore had 120 mm rain. Rangpur 59, Barisal 38, Rajshahi 25 and Comilla 17 mm during the period.

The country's highest temperature 34.8 degree Celsius was recorded at Chittagong and the lowest 23.4 degrees at Mymensingh and Rangpur.

The sun sets today at 5.55 pm and rises tomorrow at 5.47 am.

Maximum and minimum temperatures and humidity recorded in some major cities and towns yesterday were:

Temperature in Celsius	Humidity in percentage
Max	Min
33.0	25.3
34.8	25.5
32.0	25.2
32.4	25.6
33.6	23.8
33.0	23.5
34.0	26.2

BFUJ, DUJ call to implement 5th Wage Board Award

Leaders of Bangladesh Federal Union of Journalists (BFUJ) and Dhaka Union of Journalists (DUJ) called upon the newspaper owners to immediately implement the fifth wage board award and decided to observe 'wage board award implementation day' on September 27, reports BSS.

In a joint statement, BFUJ president Iqbal Sobhan Chowdhury and secretary general Abul Kalam Azad, and DUJ acting president and general secretary Shuvra Rahman and Azzul Islam Bhuiyan said yesterday that it is mandatory to implement the fifth wage board award, various newspapers are yet to implement it.

Expressing deep concern and anguish, the journalist leaders said that the award of the fifth wage board was published in gazette notification in May last for the journalists and other employees of the newspaper industry under newspaper employees' condition of service act 1974.

They said most newspaper owners have been violating the law and depriving the newspaper employees of their dues.

'Hartal disastrous for economy' Prof Mozaffar suggests firing squad for terrorists

Workers Party (WP) condemned the police repression on the opposition to compel them to hold meeting in places selected unilaterally by the DCC Mayor, reports UNB.

In a statement yesterday, President and General Secretary of the party Amal Sen and Rashed Khan Menon blamed the government for its fresh move to obstruct political procession in the city although there was no restriction on bringing out such procession.

They said the problem can be resolved through discussion, but the authoritative attitude by the Awami League and the government has created confrontation-like situation in the national economy.

Prof Mozaffar Ahmad criticised the role of oppositions in parliament saying they had utterly failed to uphold the hopes and aspiration of the people.

BNP's role is unworthy because this party has failed to form shadow government. It has rather launched a movement for seizing power through staging walk-out from parliament and utilising religion as political slogan he observed.

The Workers Party leaders said the Dhaka city Mayor was not taking any initiative to hold fresh dialogue to discuss alternative proposals regarding meeting venues.

Moreover, Awami League executive council took a resolution to implement the Mayor's unilateral decision at any cost, they said.

WP slates police action on opposition

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The meeting was also addressed by Bangladesh Puja Ujjapan Parishad general secretary Subrata Chowdhury, Dhaka City Puja Ujjapan Committee president Chittaranjan Sarkar, Hindu-

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Bangladesh Puja Ujjapan Parishad general secretary Dr. Nil Chandra Bhounik and Prof Lalit Mohan Nag. said a PID handout.

Hill Women's Federation

Leaders of Hill Women's Federation (HWF) have said that movement would be launched if any agreement is signed compromising the interests of the people of Chittagong Hill Tracts (CHT).

This was said at the fourth council of Dhaka unit of HWF held at DUCSU cafeteria in the city yesterday.

Former president of Pahari Chhota Parishad, Sanjoh Chakma, current president Dipu Shankar Chakma, HWF president Kavita Chakma and other leaders spoke at the council, chaired by Rupu Chakma.

A 17-member committee of the HWF's Dhaka unit was formed at the council, with Shumita Chakma, Meki Khisha and Rupna Chakma as its president, general secretary and