

RAINY SEASON



DRY SEASON



Pillars delineating the bank of the Turag river near Birulia bridge in Savar were set up along the lean flow during the dry season, excluding the foreshores. The photos on top, taken on October 29 and November 24, shows the land area lost in the faulty demarcation process.

Bottom left, even during the dry season, the river flows far wider than the demarcation pillars, set up haphazardly on the north of the bridge, suggest. Grabbers earth-fill the Turag on the south, bottom right, to make the river even narrower.

PHOTO: SK ENAMUL HAQ

Shajahan trouble for Dhaka rivers

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national taskforce for safeguarding rivers, was aware of it all along. But little did he do to correct this error, despite an outcry from different quarters during this whole time, said official sources.

And now, the minister is pressing the BIWTA to accept the erroneous demarcation.

"The BIWTA has to take over the responsibilities of the boundary pillars whether set up correctly or in a faulty way," said Shahjahan Khan when contacted over the phone recently.

"Why should the contractors suffer due to the wrongdoings of some government officials?" he said in a clear indication that he was more concerned about paying the contractors their dues than protecting the lifelines.

Was he then allowing the rivers to lose out to grabbers? When this correspondent asked him this, he replied, "It

would not be difficult to evict the river grabbers later."

He, however, did not detail how that could be done.

The project cost was Tk 20.5 crore and the contractors have already been paid Tk 19.3 crore.

'BEGINNING OF AN END'

The High Court in 2009 ordered the government to retain the eroded areas and formed land [shoals] as part of the Buriganga, the Shitalakkhya, the Turag, the Balu and the Dhaleshwari rivers.

Then the national taskforce was formed by the prime minister to save the country's rivers, particularly those around Dhaka city, from grabbers and polluters.

The district administrations of Dhaka, Narayanganj, Gazipur and Munshiganj in April 2011 embarked on setting up pillars along both banks of 110km-long stretch of the rivers. They,

however, ignored the very definition of a river in the port act and drew boundary lines along the lean water flow during the dry season, excluding the extensive foreshores, said officials.

Foreshore is the soil lying between the low-water mark during the dry season and the high-water mark of normal monsoon tides.

According to a BIWTA estimate, the Shitalakkhya alone has lost 1,860 acres of its land including 595 acres of foreshore to the faulty demarcation.

Unlike minister Shahjahan Khan, the BIWTA chairman realises the disastrous consequence the faulty demarcation pillars can bring about.

"The rivers would be lost if the demarcation excluding the foreshores is accepted," Md Samsuddoha Khondaker told The Daily Star. He voiced similar concerns at a meeting of the taskforce on November 12, according to a meet-

ing source.

"It would only justify grabbing and polluting the rivers and cause loss of several thousand acres of foreshore areas for good," he added.

WHAT OTHERS SAY

Though all that the shipping minister seems to care about is paying the contractors' dues, Environment and Forests Minister Anwar Hossain Manju, also a member of the taskforce, thinks it can never be a major issue.

"I would not have done it if I were in his [Shahjahan Khan's] position," he said.

Major (ret) Rafiqul Islam, chairman of the parliamentary standing committee on the shipping ministry, said paying the contractors' bills is not a must if the assigned work is not done properly.

"However, we will ask the shipping secretary for a summary of what deci-

sions the taskforce has so far taken and how many of them have been implemented," he said.

Hasan Mahmud, head of the parliamentary standing committee on the environment ministry, said the taskforce had earlier decided to rectify the demarcation errors before the pillars are taken over.

"I think the actual river boundary should be restored first as per the previous decision," he said.

Meanwhile, questions on the taskforce's activities have been raised from inside the body itself.

"The taskforce is mostly a forum for irrelevant and pointless discussions ... It is hardly doing anything for river conservation," said a member of the taskforce, wishing anonymity.

"The taskforce has too many cooks and they are spoiling the broth," he added.

WHAT IS BEING DONE

Kazi Wakil Nawaz, BIWTA joint director and port officer of Narayanganj, said they identified a total of 2,198 faulty pillars along the Shitalakkhya in 2011.

Md Saiful Islam, port officer of Dhaka, said, "Despite our objections, district authorities went ahead with the faulty installation of pillars."

Forty-one out of 92 pillars along the Buriganga in Kadamtali mouja alone were found to have been wrongly installed, he said, adding that many such boundary pillars were identified in Ramchandrapur and Mirpur moulas and along the Balu and the Turag rivers in Savar, Ichhapur and Tongi.

Asked what the BIWTA is doing about these, its chairman Samsuddoha Khondaker said they are now working to identify how many pillars have been wrongly set up.

Bergman guilty of contempt

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imprisonment till rising of the court and fined him Tk 5,000 under section 11(4) of International Crimes (Tribunals) Act, 1973.

However, instead of being sent to jail, Bergman had to stay at the court for the rest of the morning proceedings. He was allowed to leave seven minutes later when the session ended.

The tribunal asked Bergman, editor (special reports) of the daily New Age, to pay the fine within the next seven working days. Otherwise, he will have to spend seven days in jail.

The three-member tribunal led by Justice Obaidul Hassan found contempt elements in Bergman's blog posts on the war crimes verdict on Abul Kalam Azad, also known as Bachchu Razakar.

"We are of unanimous view that contemnor's intention was to scandalise the tribunal, by making unfounded and unfair criticism using scandalous 'words' and 'phrases' which have been admittedly deleted afterwards from the articles posted in his blog," said yesterday's judgment.

The panel, including Justice Md Mozibur Rahman Miah and Justice Md Shahinur Islam, warned the journalist not to repeat such "malicious and prejudicial" criticism of historically settled issues.

The Tribunal-2 noted that Bergman was earlier cautioned by the Tribunal-1 in another contempt proceeding for disparaging comments about judicial affairs.

Though the relevant law does not permit a convict of contempt case to appeal against the tribunal's ruling, the defence said they will decide on the next move after getting the verdict's certified copy.

The proceedings began in April after the court found "prima facie elements of contempt" in Bergman's three write-ups posted in his personal blog in November 2011 and January 2013.

SC lawyer Abul Kalam Azad filed the contempt petition, attaching copies of the three blog posts, in which he questioned the Liberation War death tolls.

One article was on the indictment order of Jamaat leader Delawar Hossain Sayedee and other two on the verdict on Bachchu Razakar.

Bergman, in his post on Sayedee's indictment, made "relentless efforts to justify that the tribunal was absolutely wrong to mention three million were killed and 2,00,000 women raped in the 1971 war," the petition said.

He made "unfair" and "scandalous" post-judgment criticism about the absentia trial of Bachchu intending to lower tribunal's authority by questioning the performance of its judicial duties, it added.

The defence, however, said Bergman's criticism fell under the "parameters of permissible fair criticism" and had been made "bona fide" and in good faith and public interest. Two portions of his two articles were deleted after getting con-

tempt notice, it mentioned.

But the tribunal yesterday said: "He [Bergman], as it appears, attempted to portray various conflicting information, citing sources, in respect of 'death figure in 1971' that creates a grave confusion on a sub-judice issue."

Bergman did not make any conclusion as to which information he considered accurate, the court said, adding, "Without going into accuracy of any of information why he opted to initiate a debate on a sensitive issue involving nation's emotion? Of course, his intention was not 'fair'."

"... the criticism made on 'death figure in 1971' does not seem to have been made as one of 'public interest'. Rather it has shaken and demeaned the emotion of the nation."

Bergman's lawyer Mustafizur Rahman Khan regretted hurting the emotion of the nation by making such criticism but the accused did not express any extent of remorse and repentance.

"... the contemnor either in his affidavit in opposition or in the written explanation submitted earlier did not prefer to express regret of any extent for hurting nation's emotion and aspiration. We too, being part of the nation, feel severe ache with this arrogant attitude of the contemnor."

"However," the court added, "It did not affect the merit of any of pending cases before the tribunals. Therefore, the criticism made on the issue of 'death figure in 1971' though does not consti-

tute any contempt."

The court said Bergman deliberately attempted to term it's observation on the issue of holding Azad's absentia trial "misleading" and it clearly intended to lower down and demean tribunal's authority.

As a journalist it was not his duties to design criticism questioning the authority and judicial ability of the tribunal, it added.

"Contemnor's attempt rather strikes a blow to the supremacy and authority of the tribunal and thus the effort he made was 'purposeful' that substantially endorsed the unholy campaign of some quarters to malign the judicial process of the tribunal."

The court also cited from a Bergman write-up published in International Justice Tribune, an independent fortnightly magazine, where he said the Liberation War was a war "between Pakistan army and Awami League supporters".

"We are surprised indeed how and on what basis David Bergman the contemnor who is a foreign national has been working in Bangladesh carrying such perverse mind set towards our War of Liberation and the trial process being held in the tribunals," it said.

"It is not yet clear to us. However, we are not concerned with this matter. Let the government's authorities concerned make a lawful scan on this matter."

Bergman was seated on the second

bench before the proceedings started at 11:15am but his lawyer was still absent. The court asked Bergman to move to the third bench and asked him not to write anything.

Bergman said he wanted to take notes as his lawyer was not present. At that, the court said, "It's your fault."

At 12:13pm, when Justice Hassan was going to pronounce the sentence, he asked Bergman to stand up. The accused complied with the order and kept standing until the court completed reading out the verdict at 12:14pm.

After dealing with another case, judges left the courtroom at 12:20pm. Bergman and his wife Sara Hossain then went out.

Later, petitioner's counsel Mizan Syeed said no one will now dare to raise any question about the Liberation War, 1971.

Bergman's lawyer Mustafizur Rahman Khan, who came to minutes after the delivery of the verdict, said, "We are shocked."

"We have to comply with the court order. However, we will decide on the next move after getting the certified copy of the verdict."

Sara Hossain, also an SC lawyer, said, "The judgement has curbed people's freedom of speech The verdict is a severe blow to the Liberation War spirit that endorses free thinking."

After the verdict, Bergman said he was "shocked" by the order.

"It is likely to make it increasingly difficult for journalists and others to

comment on judicial proceedings and judgments in Bangladesh, even when those proceedings are completed," he told The Independent.

"And this should be of great concern to those interested in freedom of speech and proper scrutiny of state institutions in Bangladesh."

The court in its ruling said the right to freedom of speech as guaranteed in the constitution is not absolutely unfettered and it is to be exercised with some restriction and caution.

But Bergman has deliberately disregarded this restriction and caution, in exercising his right to freedom of expression, it observed.

"An individual or a journalist cannot have unfettered right to vomit his ill intent, in the name of right to freedom of expression ... But contemnor's conduct exceeded the limit and norms of civility even."

Tureen Afroz, a prosecutor of war crimes tribunal and law affairs secretary of Ekatturer Ghatak Dalal Nirmul Committee, called for enacting a law which would consider the denial of settled issues of the Liberation War as an offence.

Denial of established facts of Holocaust is a crime in most European countries, including Germany, she noted.

Earlier on June 9 last year, the Tribunal-2 jailed three Jamaat-e-Islami leaders after they were found guilty of contempt of court for their speeches at a rally.

ISIS leader's

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conducted to verify it was Baghdadi's child, the official said.

Investigators were said to be questioning her at the headquarters of the Lebanese defence ministry.

ISIS has seized swathes of Iraq and Syria, Lebanon's neighbour to the east, declaring a caliphate over the territory it controls.

Lebanon has waged a crackdown on ISIS sympathisers. In recent months, they have arrested several Islamic militants suspected of staging attacks.

There was no immediate reaction from Islamic State websites to the arrest.

A CV of Baghdadi published on social media by ISIS sympathisers in July described him as married but gave no further details.

Child labour still there

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"The information that we have for Bangladesh is that the children that are likely working are working in informal garment production. Probably in unregistered production units, with small or temporary workshops rather than the big factories you normally associate with garment production in Bangladesh," Eugenia told reporters in a conference call.

U.S. officials say it's hard to know which products come from child and or forced labour and which do not.

But the labour ministry and industry insiders in Bangladesh rejected the US report.

"I got the report in my hand. I will strongly protest the claims in the US report as the ILO declared the garment sector of Bangladesh child-labour free in 1995," Mikail Shipar, labour secretary, told The Daily Star by phone.

"The US has released the report mainly to create imbalance in the garment sector and embarrass us," said Shipar. The US department made the survey by email and did not visit the factories, he said.

"If the US had asked us we could have arranged a visit for them to see the field level situation in factories."

Bangladesh labour laws permit

employment of children in any decent jobs having decent working hours between 14 and 18 olds, but not in any hazardous jobs in anyway.

"So, we cannot send any child below 18 years of old to the factories as it will be child labour. I will send the letter to the US protesting the claim as soon as possible," Shipar said.

Echoing the views of labour secretary, Syed Sultan Uddin Ahmmed, assistant executive director of Bangladesh Institute of Labour Studies also said very often the US DoL prepares such reports although there is no existence of child labour in the garment sector.

"So far, we know Bangladeshi garment sector is child labour free. The existence of child labour in the sector is not noticed by us," Ahmed said. "If there is any child labour, it is not at least in any hazardous work," he said.

Before declaring the garment sector of Bangladesh in 1995, the International Labour Organisation, UNICEF and Bangladesh Garment Manufacturers and Exporters Association (BGMEA), the garment makers' platform, signed a memorandum of understanding and eliminated the child labour in the sector.

Under the project they sent the

child workers to the schools under a project and declared the now \$25 billion worth garment sector as child labour free in 1995, he added.

"I do not believe that there is child labour in the garment sector anymore. I will protest the survey," said BGMEA President Atiqul Islam.

The US DoL released the sixth edition of the "List of Goods Produced by Child Labour or Forced Labour," Monday. The Bureau of International Labour Affairs (ILAB) also published an initial determination to add carpets from India to its "List of Products Produced by Forced or Indentured Child Labour."