

# Living dangerously is not a choice

CHINTITO SINCE 1995



NIZAMUDDIN AHMED

ON the evening the Phoenix Garments factory building crashed at Dhaka's Tejgaon (February 25, 2006), a television channel (I forget which) took me to the site of crumpled bricks and concrete elements to record live my reflection on the tragedy; 21 people

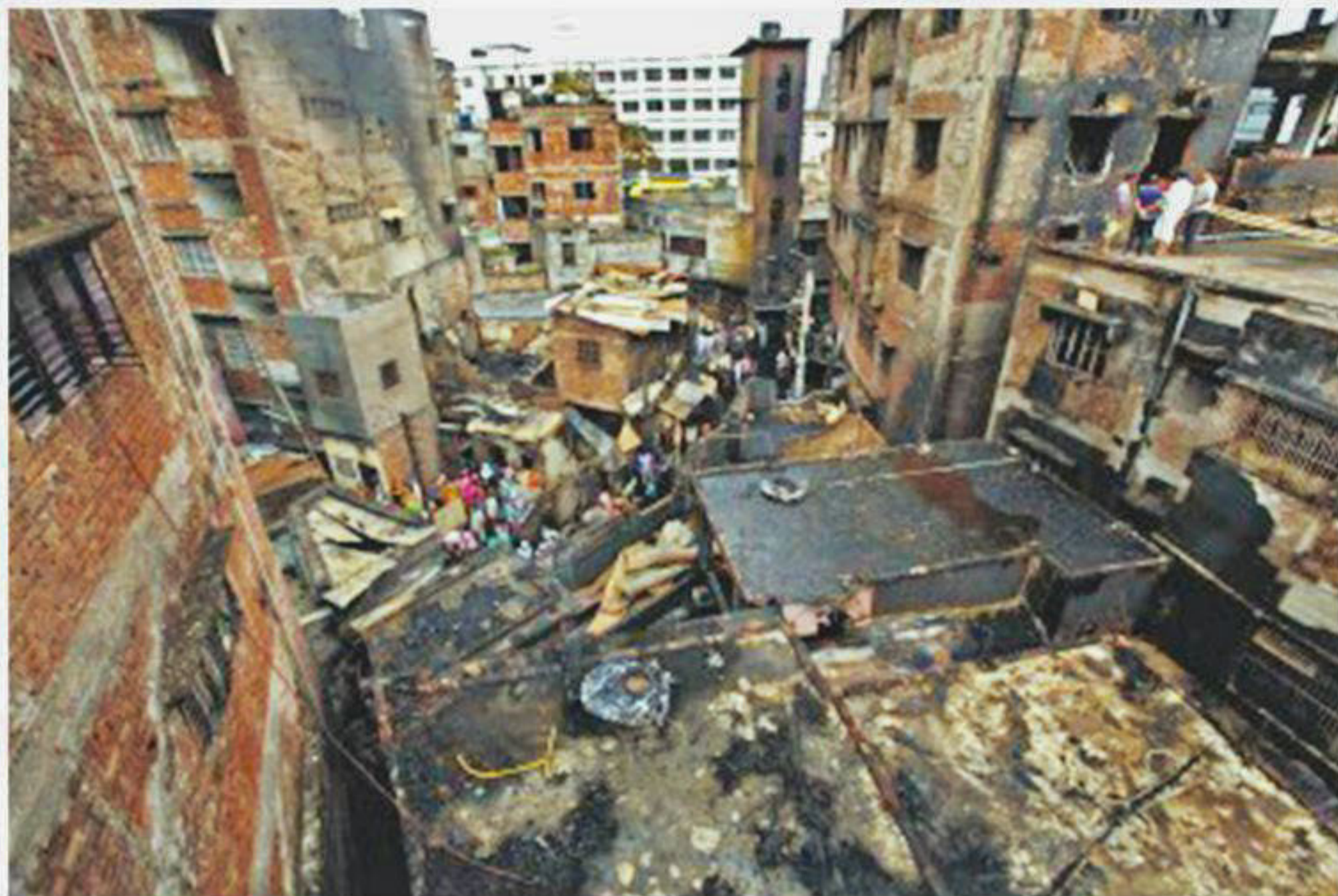
had died that morning.

Let us not be too concerned about this five-storied building (Phoenix) that has collapsed. The reasons could be any or all - perhaps unruly construction, bad workmanship, lack of supervision, poor building materials and/or under design, said I on camera. But, we should focus our attention on other buildings which might be in a likewise risky condition. Let us inspect our buildings voluntarily, I appealed, and see if we can identify similar cowboy activities in other buildings that may endanger the workers, the management, and people not remotely concerned; some passers-by died in the Phoenix tragedy. I do not call them accidents because the entire incident need not have happened.

No one really bothered and Phoenix was left off as just another bird in the sky. There have been smaller incidents of building collapse, but the big one came on April 24, 2013 when Rana Plaza in Savar crumpled. In perhaps the deadliest incidence of structural failure in recorded history, and the worst involving a garment factory, the official death toll was 1129 and the listed injured tallied to 2515; almost no one who was inside the building at the time was spared.

Unauthorized construction and rampant violation of code, yes, but have we tried to find other Rana Plasas in the country? I can assure you with authority that there are many more. Are those owners even concerned that hundreds if not thousands in their buildings may be in jeopardy? Deliberate homicide if you ask me.

Highly flammable chemicals were being stored illegally, so they say, in a congested, densely populated residential area in Dhaka's Nimtali. On the evening of June 3, 2010 at 10.30pm, a transformer burst and the entire area of several dozen houses was smouldered to charcoal in a flash of a few seconds. 117 people died on the spot, several more later. Most of the victims could hardly move; those



Nimtali after the chemical fire.

PHOTO: STAR

who could found their path blocked by grilled windows, and the lack of an alternate escape route did not help.

The night after one of the worst residential area fire incidents in modern history, while trying to find answers to who, why and what on Bangla Vision (TV), I took it on me to appeal rather fervently I thought to the people of Old Dhaka not to wait for the police or any court order, but to go out the next morning and weed out all illegally hoarded chemicals in their respective areas; after all, well over one hundred people had lost their lives and a comparable catastrophe could strike again. Did anyone listen? If my report is correct, Nimtali and the chemical business in Old Dhaka is thriving. The dead are forgotten soon enough, that is life, but let us not forget that come tomorrow, without lessons being learnt in earnest, we too could be the ones being forgotten.

Saraka Garments, Mirpur, Dhaka, 27 December 1990: 32 dead, Sanghai Fashion and Tamanna Garments, Mirpur, Dhaka, 30 July 1997: 27 dead; Chowdhury Knitwear, Narsinghdi BSCIC, 25 November 2000: 54 dead; Europa, Four Wings, Miko Garments, Mirpur, Dhaka, 8 August 2001: 26 dead; Shaan Knitting, Narayanganj, 6 January 2005: 23 dead; Spectrum factory, Savar, Dhaka, 11 April 2005: 64 dead; KTS Textile, Kalurghat BSCIC, Chittagong, 23 February 2006: 91 dead; Garib & Garib factory, Gazipur, 26 February 2010: 21 dead; Ha-Mim Group,

Ashulia, Dhaka, 14 December 2010: 26 dead; Tajreen Fashions, Ashulia, Dhaka, 24 November 2012: 124 dead and several other incidents have taken away hundreds of lives; some of the victims barely 14.

For our flourishing garment industry, the envy of a competitive world, every occurrence has been a reminder that we need to learn more. The lessons have been very hard and each death deeply painful, every injury a saga of untold misery.

For the very survival of their business, garment factory owners by and large have taken the matter of maintaining a sound track record in safety with all seriousness. To meet compliance requirements of their buyers, if not to provide a safe working environment for their employees, many garment factories have tidied up their house, but clearly more needs to be done, even if only to sustain what has been achieved.

The best practice garment factories are role models. Back-peddlers and those marking time need to emulate them urgently. Investments on workers are always repaid with interest by the workers in increased productivity; remembering only that much can make a gulf of a difference to both the business and the bread-earners.

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## Challenges for Bangladeshi peacekeepers - Darfur experience

LIEUTENANT COLONEL MD. KAMRUL HASSAN

BANGLADESH is recognized as one of the leading contributors to peacekeeping operations around the globe. The role of Bangladeshi peacekeepers in promoting peace has been recognized as a role model by the United Nations. But the experiences of Bangladeshi peacekeepers are a mixture of challenges and appreciations. In fact, peacekeeping in Sudan was as challenging and complicated as any other conflict prone area of the world.

Till 2014, Bangladesh Sector Reserve Infantry Company 5 (BANSRIC/5) was the only Bangladeshi military contingent performing peacekeeping role under UNAMID (African Union/UN Hybrid operation in Darfur) having strength of 175 only. Later, in August 2014, Force Reserve Infantry Company (BANFRIC) was inducted. Besides, there are fewer than 50 military observers, staff officers and civilian staff officers holding appointments at various levels. It is to be mentioned that this number is trivial in comparison to the total member of UNAMID (around 26,000) which is the largest in the history of its kind. Moreover, the overall security situation is not very favorable for UNAMID due to various reasons. Even with such meager strength Bangladeshi peacekeepers are performing their role with utmost dedication, hard work and sincerity. And this is appreciated by all UNAMID members. The local people also have very high impression though they blame UNAMID for not doing enough to establish and promote peace in Darfur. Due to this negative approach towards UNAMID, contributions of Bangladeshi peacekeepers are sometimes diluted as a whole.

Threat from militia group (Janjaweed) and various armed factions is another major challenge to the implementation of the peace process. Perpetrators of attack, ambush and other armed actions against UNAMID cannot be identified since they always act in disguise. Taking advantage of this, one faction always blames the other. Such blame game seems to be intentional as Government of Sudan (GoS) doesn't take any measure against these groups. Frequently, miscreant groups seek opportunity to commandeer arms, ammunition, vehicles and other military equipment by conducting harassing acts on UNAMID military forces to use those at opportune moments to fight each other. So far, almost all troop-



Bangladeshi peacekeepers in Darfur.

PHOTO: SUDANKRIBUNE

contributing countries have come under their deadly attacks except Bangladesh. The death of Tanzanian soldiers in July 2013 is the most recent example. In that incident, an unidentified armed group ambushed a Tanzanian patrol and brutally killed 7 soldiers while 17 others were critically injured. On 03 July 2013, a Nigerian patrol was attacked by an unidentified armed group and 3 soldiers received bullet injury. A robust patrol from BANSRIC/5 was sent to rescue and evacuate the Nigerian patrol. The patrol reached at the quickest possible time, reinforced the Nigerian patrol and evacuated the injured soldiers to hospital. Such quick and prompt actions were appreciated by all. BANSRIC/5 also took the leading role in evacuating UNAMID and other international staff during the sudden unrest in Nyala city. In April 2013 when a rebel group operating in KHOR-ABECHE (a UNAMID team site, 80 km east of Nyala), was desperate to capture UNAMID camp as well as GoS forces, BANSRIC went to augment them and displayed exemplary valour in saving the entire camp from an imminent disaster. Due to sheer confidence on them, higher headquarters prefer to send Bangladeshi peacekeepers to negotiate critical situations. Thus a very small contingent is performing its role over a vast area that is three times the area of Bangladesh.

The situation is often complicated by adverse weather condition, language barrier, rugged terrain, unpredictable security situation and fear of the unknown. These challenges are also worsened by denial of access and restriction of free movement by GoS. Sometimes verification patrols are forced to cease operational activities especially in those remote areas where it is speculated that the armed militia groups are conducting killing and other brutal crimes on opposition groups or their local sympathizers. Even flying of helicopter after dusk is put under restriction which causes severe difficulty in movement of emergency logistics, transportation of peacekeepers or even medical evacuation. These are clear violations of memorandum of understanding (MOU) and breach of the UN mandate.

Despite all the adverse conditions, Bangladeshi peacekeepers are fully committed to performing their designated tasks in Darfur.

The writer served as Operational Officer of Bangladeshi Contingent in Sector South, Darfur from 2013 to 2014.

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# Custodial torture and accountability

STRAIGHT LINE



MUHAMMAD NURUL HUDA

THE unspeakable violence perpetrated against a student in police custody and the subsequent punishment of a delinquent official caused by earnest efforts of civil rights bodies and proactive actions of regulatory organs once again

highlights a grossly illegal and immoral deed of our law enforcement culture. Although painfully repetitive, it needs to be impressed that the practice of third degree method by law enforcement officials not only tarnishes their image but also alienates them from the public. Consequently, most people do all they can to avoid any connection with a police investigation.

In fact, one could justifiably say that whatever the wrongs which an individual might have been accused of committing, it is not for the police to punish him, for law does not give him any such power.

On the contrary, the law condemns such actions as serious offences punishable under the Bangladesh Penal Code. Therefore, when a law enforcer indulges in third degree methods, he not only brutalises himself but also degrades himself to the level of a criminal and unfortunately compares even less favourably than the criminal in custody. The act of torture by law enforcers,

therefore, becomes more reprehensible than the misguided act of an ordinary criminal; and thus the commonplace pleas of expediency, protection of society or the imperative need to bring an offender to justice are but a poor argument in defense of an illegal and out-moded system. If indeed the establishment becomes the law-breaker, it breeds contempt for law and to even implicitly declare that the government may commit crime would bring terrible retribution.

Many amongst us wonder when the law itself punishes the practice of third degree torture with seven to 10 years imprisonment, why would law enforcers still take such a big risk by torturing convicts so cruelly.

Unfortunately, in Bangladesh, ill treatment and torture at times appear to be entrenched and when one is arrested, it is assumed that he or she will be subject to abuse. For some the culture of forcibly extorting confessions is considered a normal practice. However, we have the international obligation to ban torture in our domestic law. This provision is duplicated in Article 35 (5) of our Constitution which states: "No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment".

Bangladesh has also ratified the Convention against Torture and other Cruel, Inhuman, Degrading Treatment or Punishment (CAT) on 5 October 1998, which codifies an absolute prohibition of torture. Article 2 (2) of the CAT reads: "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any

other public emergency, may be invoked as a justification of torture".

On ground, some quarters are of the opinion that although the Constitution of Bangladesh expressly prohibits torture, the State fails to create a specific definition of torture and therefore allows impunity of law enforcement officials to engage in torture. There is a view that the Code of Criminal Procedure encourages a culture of impunity and protects the perpetrators of torture because no complaint can be lodged against any State official without prior approval from the government.

Article 13 of the CAT states "that any individual who alleges he has been subjected to torture in any territory under (the) jurisdiction (of a State party) has the right to complain and to have his case promptly and impartially examined by its competent authorities". However, Section 197 of the Code of Criminal Procedure prohibits prosecutions against public official without the government's prior sanction if the offence is committed in an official capacity.

The logic underlying Section 197 is to ensure that responsible public servants are protected from motivated, vexatious and frivolous criminal proceedings while discharging their official duties. Critics say that in practice this provision has served to obstruct access to justice rather than facilitate it. In other words, Section 197 of the Code risks denying victims the right to an effective legal remedy, central to CAT.

The salutary part is that we now have the Prevention of Torture and Custodial Death Act, 2013 that applies to all law

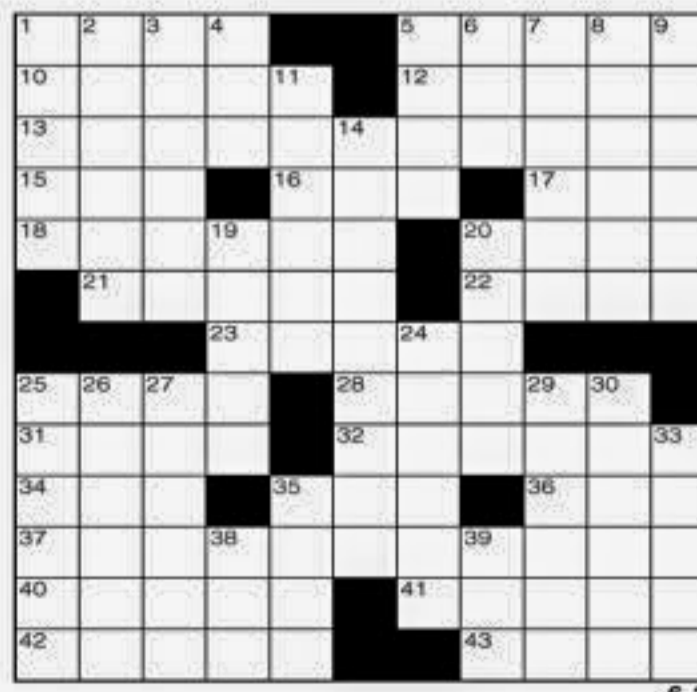
enforcement agencies and renders inadmissible various excuses for torture. So the plea of a superior's order or internal political unrest cannot be taken up by delinquent officials indulging in illegal investigation methods. The Act explicitly enables an aggrieved person to apply to the Court to contend that a fair investigation by the police is not possible. If satisfied, the Court may order a judicial investigation/enquiry. The Act has provisions of at least five years imprisonment and a Tk 25,000 fine while custodial death due to torture is punishable with life imprisonment and a fine of Tk 100,000.

There is a considered view that wherever necessary the law has to be amended appropriately so that errant enforcers who commit atrocities on people who are in their custody are not allowed to escape by reason of paucity or absence of evidence. The law as to burden of proof in such cases may have to re-examined by the legislature so that enforcers of law do not use their authority to oppress citizens.

The crux of the subject lies in effective civil rights advocacy coupled with proactive judicial activism and also on the imperative of cultivating a scientific culture in all enforcement activities, particularly the act of investigation. The desirable and legal approach is to proceed from evidence to the accused and not the other way round. The votaries of illegal methods across the broad spectrum of our society have to be sternly stalled in public interest.

### CROSSWORD BY THOMAS JOSEPH

- ACROSS**
- 1 Israel's Golda
  - 5 Title documents
  - 10 Happen
  - 12 Mayflower name
  - 13 Larry Hagman sitcom
  - 15 Ad -
  - 16 Relaxing resort
  - 17 Cruise setting
  - 18 Spooky gathering
  - 20 Small indentation
  - 21 Coffee stirrer
  - 22 Small workers
  - 23 Newsroom fixtures
  - 25 Surrender
  - 28 Big name in auto racing
  - 31 Regrets
  - 32 Disrobed
  - 34 Play division
  - 35 School org.
  - 36 Maiden name preceder
  - 37 Julianna Margulies series
  - 40 Made missteps
  - 41 More reasonable
  - 42 Takes it easy
  - 43 Clinton's veep
- DOWN**
- 1 Fluttery insects
  - 2 Cavern sounds
  - 3 Pole feature
  - 4 Floor cover
  - 5 Arp's art
  - 6 Building wing
  - 7 Prolific inventor
  - 8 Flaw
  - 9 Moves furtively
  - 11 Gangster's gun
  - 14 Shares one's feelings with
  - 19 Vertices
  - 20 Out of style
  - 24 Messages
  - 25 Moon feature
  - 26 Trick-taking card game
  - 27 Hinders
  - 29 Weather-influencing current
  - 30 Short jacket
  - 33 Plow pioneer John
  - 35 Cacao holders
  - 38 Acquire
  - 39 Funny fellow



Yesterday's answer



### BEETLE BAILEY

by Mort Walker



### HENRY

by Don Trachte



**QUOTABLE Quote**

**“ THE GREATEST GLORY IN LIVING LIES NOT IN NEVER FALLING, BUT IN RISING EVERY TIME WE FALL. ”**

**NELSON MANDELA**