

HRW calls for ensuring free speech

STAFF CORRESPONDENT

Human Rights Watch (HRW) yesterday urged the Bangladesh government to declare its unequivocal commitment to free speech instead of proposing self-censorship.

In a statement, the New York-based global rights watchdog said the killing of secular blogger Niladri Chattopadhyay was a harrowing reminder of the need for the Bangladesh government to take immediate steps to protect the security of all and end attempts at muzzling independent voices.

Niladri, who used the pen name Niloy Neel, is the fourth blogger to be murdered in Bangladesh this year for advocating secularism.

Instead of addressing police failure to respond to threats against Niladri or to arrest those responsible for the earlier murders, Inspector General of Police AKM Shahidul Hoque warned that "hurting religious sentiments is a crime according to our law."

Shahidul recommended: "Those who are free thinkers and writers, I will request them, please make sure that we don't cross the line. Anything that may hurt anyone's religious sentiments or beliefs should not be written."

"It's shocking that Bangladesh authorities not only failed to protect the bloggers despite complaints to the police about threats against them, but instead are proposing self-censorship," the statement quoted Brad Adams, Asia Director at the HRW, as saying.

"The government should recall that its duty is to uphold the constitution and protect people's lives, as well as their religious freedom," he said.

Adams said, "The government can't afford to send mixed messages about these attacks on bloggers just for expressing their opinions about religion."



The colour red once again was visible inside the historical house on Dhanmondi Road-32, where Father of the Nation Bangabandhu Sheikh Mujibur Rahman had lived and was murdered on August 15, 1975. But yesterday the red was not of blood, rather of the images of Bangabandhu painted on canvases by more than 50 renowned artists of the country. "He has always been in our heart," said noted artist Mustafa Monwar as his brush strokes slowly brought out the image of the leader. The day-long painting event "Rongtuli te Shokgantha" (An elegy in paint brushes) from 10:00am to 5:00pm was organised by Bangladesh Awami League as part of the 40-day long commemoration of the 40th death anniversary of Bangabandhu. Both young and senior artists took part in the event.

PHOTO: RASHED SHUMON

2 formulas for next 2 polls

FROM PAGE 1

Cancellation of the caretaker government system in 2011 through a constitutional amendment by the then Awami League-led government prompted the BNP-led alliance to boycott the January 5 polls, which recorded an unprecedented number of MPs being elected uncontested.

The legality of the unopposed election was challenged with the HC in a writ petition filed by a Jatiya Party leader.

The HC Division bench of Justice Mirza Hussain Haider and Justice Muhammad Khurshid Alam Sarkar delivered the verdict on June 19, 2014, saying there is no scope to question the legality of those who were elected uncontested in the January 5 polls.

In his petition, JP leader Khondoker Abdus Salam prayed for the restoration of the caretaker government system or direction on an acceptable form of the election-time government.

FORMULA ONE

According to the first formula provided by the HC, a fresh cabinet consisting of 50 new ministers will be formed by the current prime minister ahead of the 11th parliamentary election.

MPs from political parties with

representation in the current parliament will be picked as ministers of the election-time cabinet. The ratio of representation of each party will be determined from the percentage of votes that a political party secured in the 10th parliamentary election.

However, the BNP and Jamaat-Islami will have no representation in this cabinet as the two parties along with others boycotted the polls.

To ensure their participation, the HC proposed inclusion of five technocrat ministers who will come from the parties that boycotted the last parliamentary election.

This cabinet may be formed 90 days before the completion of the five-year tenure of the current parliament or after dissolution of the parliament given it is dissolved suddenly, according to the formula.

The HC has also spoken about distribution of important portfolios - home affairs, public administration, finance, law, foreign affairs and defence.

It proposed distribution of these important portfolios among the parties with representation in parliament through lottery to avoid controversy.

The 12th parliamentary election can also be held under this formula, the HC said.

FORMULA TWO

The HC's second formula speaks about sharing of power between the ruling and main opposition parties in parliament.

The majority party, according to the second formula, would govern the country for the first four years, and then the main opposition would take over and run the country for the remaining one year.

The main opposition would be deemed qualified to run the country only if it secured at least half of the aggregated votes secured by the winning party in the last parliamentary election. Then the interim cabinet will be formed by the leader of the majority party in accordance with the first formula.

If the main opposition fails to secure the said amount of votes, the majority party shall govern the country for the full five-year tenure, according to the second formula.

The constitution needs to be amended for implementing the second formula. No amendment is required for the first formula however, said the HC.

OTHER SUGGESTIONS

Alongside the two formulas, the HC also suggested providing the EC with the power to overturn the orders or decisions of any minister and even of

the prime minister on a cogent reason with an explanation thereto, which has to be done through a public notice.

The HC stated, "Arranging a free, fair and impartial national election, be it before the completion of the five-year term or on completion of the tenure, is the most important Constitutional duty of the state, among all other Constitutional functions, as engraved in different provisions of our Constitution as without the national election, no one can conceive democracy or the operation of rule of law in the country."

"Therefore, it is the foremost duty of all the political parties of the country to maintain an election friendly atmosphere immediately before the national election and to continue the same till completion of the election so as to enable the Election Commission to perform its Constitutional duties."

For this, all the political parties are required to abstain from holding any agitation in the streets or from undertaking any violent political programme.

"The above formula may be a way out from the confrontational politics practiced by the political parties of Bangladesh and instead stepping forward towards the road of democracy," it added.

Stressing the need for making functional the various government divisions and departments with a patriotic zeal, the HC said the members of civil service, police, judiciary and the EC should be trained in a proper working environment throughout their service career.

This would urge them to carry out their respective functions and duties during the national elections without being influenced by any political ideology but instead, always being guided by the great spirit and the high ideals of our national independence, the HC continued.

"Otherwise, whatever the best formula for election time Government is devised and incorporated in our Constitution, it would still not work in our country because the interested quarters would eventually be seeking to make the system controversial and dysfunctional on this or that pleas as happened in the case of the Non-Political Caretaker Government, a formula which was invented by all the political parties of this country but failed to get a permanent place in our Constitution as its provisions were misused by the vested quarters and thus the Apex Court gave its consent to annul the system," the HC observed.

The HC has also explained the

rationale behind its formulas. It said the judges of this court, being the citizens of this land, cannot overlook the issue which attempts to jeopardise the lives of the public and the national interest in the course of adjudication upon the constitutional issues.

"We, the judges of this Court, are oath-bound to defend the Constitution, the sacred parchment which we have achieved through the great Liberation War," the court asserted.

Contacted, Law Minister Anisul Huq declined to make any comment about the HC formulas.

"I will not make any comment without going through the full judgment," he told The Daily Star.

A senior BNP leader, who is also a Supreme Court lawyer, also declined to comment on the formulas.

Hassan MS Azim, the writ petitioners' lawyer, told this paper that his client is yet to decide whether he will move an appeal before the Appellate Division of the SC against the HC verdict.

"We will go through the judgment of the High Court and analyse its findings and observations carefully and then we will decide whether we will file an appeal against the verdict or not," he said.

A regret for life



Mukuly Begum with her four sons at their home in Paikpara Govt Staff Quarters.

PHOTO: COLLECTED

FROM PAGE 1

University (BSMMU) Hospital, in the capital.

Twenty-Seven years later, as one of these correspondents visited Mukuly in a government staff quarters in the capital's Paikpara on Tuesday, she was still far from getting over the bereavement.

"I knew she wouldn't survive this ... All I wanted to do is to hold her in my arms for one last time. She looked so fragile," said Mukuly, now 45, sitting on the edge of a bed in her dimly lit dingy flat.

"I wouldn't have tried to take her on my lap had she grown up to the age of Shamim," she said.

Shamim was the second of Mukuly's six children. Shamim too had died from renal failure at Dhaka Shishu hospital, barely six months before Jasmine. He was six.

Both the siblings died after taking Paracetamol syrup for cold and fever. A doctor at the staff quarters of Bangabhaban, the office-slash-residence of the president, prescribed it for the kids.

Their father, Lalu Miah, was a grade-III government employee and lived at the Bangabhaban staff quarters back then. He had bought the syrup from the government dispensary there.

"Only if I could guess it even for once!"

murmured Mukuly. Her eyes, blank and still, were fixed on the floor as she sighed, a rather long and heavy one.

It was not just the burden of sorrow weighing heavily on her from the loss of two children within a span of six months; there was something else, something more to it.

"How could I even possibly imagine that what was meant for curing diseases was actually poison?" she said.

The question cast a spell of eerie silence in the tiny bed room, crammed with furniture and cookware.

"One after another, nine kids in our neighborhood died after taking that syrup

at the time," she recollected. "But nobody did anything about it."

Mukuly and other victims started to suspect something was wrong with the syrup after some government people visited their houses looking for the medicine.

But it was not until a brave doctor had the syrup tested at a laboratory in the USA and disclosed that the medicine contained lethal diethylene glycol.

The findings forced the government to test the drug in December 1992. It confirmed five companies used the cheap but lethal industrial chemical in Paracetamol syrups.

Subsequently, four of the companies were sued while the fifth manufacturer managed to go scot-free, thanks to their connections in the then BNP government.

Shamim and Jasmine were among the 2,700 children who, according to a BSMMU study, died across the country from renal failure after taking Paracetamol syrups between 1982 and 1992.

But the trials were stuck at the High Court until The Daily Star in 2009 revealed how manipulation and corruption secured a stay on the cases' proceedings in 1994. For 16 years, the stay remained in place and nobody even tried to vacate it.

The trials resumed following the newspaper reports and the Dhaka Drug Court last year sent two owners of Adflame to jail for 10 years. Owners of Rex Pharma were acquitted from the charges by a Mymensingh court after the prosecution allegedly lost the case deliberately by not presenting vital evidence during the proceedings.

The court is set to pass its judgment against six owners and employees of another company BCI (Bangladesh) Ltd today.

And Mukuly is happy to find that justice, though delayed, is not completely denied.

"They should be ordered to be hanged the moment their crime is proved," said the bereaved mother, clinching her jaws.

Trial proceedings against Polychem Laboratories Ltd, the other accused manufacturer of the toxic syrup, are still underway.

ROAD ACCIDENT 2 war crimes suspects, 4 cops hurt

OUR CORRESPONDENT, Gazipur

Two war crimes suspects and four policemen were injured when a prison van carrying them collided head-on with a bus near Bhawal National Park in Rajendrapur area yesterday.

The injured are Amjad Ali, 88, and Riaz Uddin Fakir, 65, two alleged war criminals from Phulbaria of Mymensingh. The policemen are constable Mehedi, driver of the prison van, Habildar Noor Uddin, Nayek Mustafiz and constable Wasim.

The accident took place around 8:30am on Dhaka-Mymensingh highway when a Netrakona-bound bus hit the prison van in front of the Bhawal National Park's second gate, leaving six people wounded, said Syed Azharul Islam, sub-inspector of Hotapara police outpost.

The two suspected war criminals were arrested from Phulbaria on Tuesday. They were being taken to the International Crimes Tribunal in Dhaka, according to police.

On information, highway police rescued the injured and sent them to Tongi Hospital. Of them, Amjad and Nayek Mustafiz were later referred to Dhaka Medical College Hospital as their condition deteriorated.



IN MEMORIAM

Today we remember Major General Anis Waiz MBBS, FRCP (UK), FRCPI (I) (1935-2003), physician and founding Principal of Bangladesh Medical College. After a distinguished career in the army medical corps as Consultant Physician, Dr. Anis followed his father's (the late Professor and Principal Abu Henia) footsteps and entered academia. During his tenure in the army he was a strong proponent of post-graduate training and mentoring for army physicians. He bought his passion for excellence and credentialing to his leadership of the first private medical school in Bangladesh, attaining significant growth in the infant institution's reputation and accreditation of its facilities and degree. His service to the community and the medical profession included leadership roles in establishing an essential drug list while serving on the National Drug Advisory Council, the Bangladesh Medical Research Council, and the National AIDS Committee. He passed away on the 13th of August 2003, following a brave battle with cancer. His memory is celebrated by his many students, family, friends and well-wishers.