

## 187 Tripura people flee their homes

*They must feel safe again*

THE news of 187 Bangladeshi indigenous people fleeing their homes and trying to cross over to India gives an indication of the desperate circumstances that led them to do this. The members of the Tripura community were compelled to leave Kalenga Reserve Forest in Habiganj due to alleged harassment and threats of eviction from forest officials, fleeing their country.

All 187 individuals have been subsequently brought back to Bangladesh by the BGB after they had been apprehended by BSF while trying to cross the border. The question is – what now? Have the conditions in the villages from where they fled changed in any way to make them feel safe again? Is there any guarantee that officials will not randomly evict them from their homes as they have done to several people?

According to a divisional forest official, a scuffle ensued after a forest officer had reprimanded some villagers for failing to do their duties related to guarding the forest which they are apparently obligated to do as per an agreement made in the early 70s. This argument sounds flimsy at best and incredible at worst. It is inconceivable that a small rift as this can lead to such a significant exodus.

It is a shame for any sovereign country to have its citizens fleeing their homeland because their physical security cannot be guaranteed. We expect the government to step in and take action against those officials who have led to this exodus and allay the fears of this community so that they can live in their own homes in peace.

## A humane example

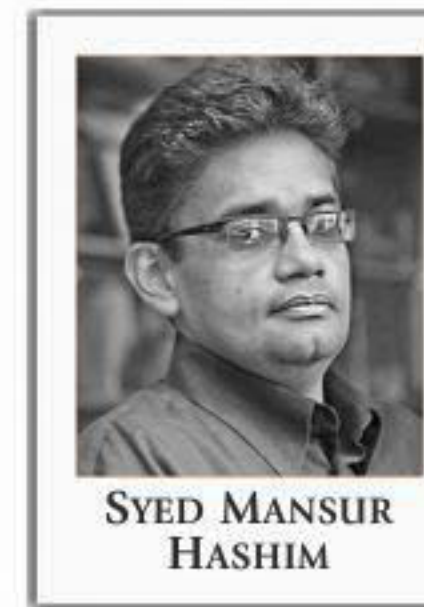
*Worth emulating*

THE pictures of two women published in this paper yesterday, before and after they were rescued in mentally decrepit condition from the streets and treated and reunited with their families, is heart warming. But for this act of compassion of Shamim Ahmed, a banker, and his Samaritan friend these two women might never have come back to normality, much less, restored to their families. In the absence of an active state-run social welfare service, it remains on the lone shoulders of people like Shamim to save the mentally ill living uncared for in the streets. His relentless effort coupled with his remarkable big heartedness has made him worthy of emulation.

Of the thousands of mentally ill in the country, the most hapless are those who live in the streets and have to fend for themselves. Out in this savage world, with no one to provide for them is brutal as it is, these victims of fate face daily humiliation and are ostracized by the society in general. It is even worse for mentally ill women, whose sufferings are manifold especially because of the social stigma associated with the disease. Homeless, they live off the dole and face torture, harassment and abuse.

We urge the government to extend a helping hand at the micro level, especially to people like Shamim and his friend. Assistance could be proffered in many ways including helping to rehabilitate such people after they have been cured, and rewarding such personal efforts by offering tax breaks.

# Another air cargo ban!



SYED MANSUR HASHIM

BACK in March, the United Kingdom slapped a ban on air cargo from Bangladesh citing security reasons. What followed was typical reaction, i.e. Tk. 900 million worth security equipment and a series of steps that would beef up security and training of personnel to international standards. This is June and Germany has just announced the imposition of a ban on direct cargo flights from Bangladesh to any airport in Germany citing the same security reasons as the UK. According to the notice published by the German authorities the ban has come into effect "because of information provided by our law enforcement authority and intelligence services" that state that cargo flying out of Bangladesh poses a security threat.

This is hardly good news for us. It sends a very wrong signal to other countries in the European Union and will undoubtedly add unnecessary costs to exporting sectors of the economy which must now reroute their cargo through other airports before reaching Germany. Lufthansa is probably the only carrier that has direct flights to Germany from Bangladesh and now with rescreening of all air cargo at a third country will significantly cut down on lead times for exporters and add costs, which in all probability would have to be borne by exporters themselves. A very sticky situation for local industry and for which they are not

responsible.

Germany represents the second largest readymade garments (RMG) destination in the common market for Bangladesh (approximately US\$4.75 billion). Hence a ban, as it happened with the UK ban means rerouting air cargo through Singapore, Hong Kong, Dubai and Thailand. That policymakers have not taken heed to

tion, fashion-related air shipments from Bangladesh forecasted for 2016 is 13,204,767 kilograms. And forecasts for 2017 – 2019 are 13,942,420 kgs; 14,646,801 kgs and 15,318,989 kgs respectively. Obviously the values of these air cargo shipments run into billions of dollars. Needless to say, we can expect a lot of commotion coming out of the various RMG bodies (both knit

time round, there really is no excuse and the claim that had been made after the UK ban that we had nearly met all criteria for meeting security measures now falls flat with the German ban. We have to ask ourselves then precisely what was the point of hiring a British security company (at considerable expense to the national exchequer) to oversee the security of the airport in Dhaka? And whatever happened to all that equipment bought or being bought and the retraining of security personnel on the ground? Are we then to assume that we have been twiddling our thumbs all this time and had hoped that the window dressing done in the name of security measures would not be noticed by foreign countries? All in all, a very dismal performance by us and we are going to pay the price for it.

The price of course will be more than cents-and-dollars; we pay a price in terms of credibility. Repeated bans by different countries, especially by major export destinations like Germany, is going to create skepticism to other countries in EU which have already been hit by terrorist attacks. While we may take our security lightly, countries in the EU certainly do not. As we had highlighted earlier, putting in effect a security regime is more than about procuring equipment. It requires adopting a different mindset to treat security as an integral part of doing business when running an airport that meets strict international guidelines. We unfortunately, have not been up to the mark in that game. Perhaps, the latest ban will serve as a wakeup call.

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*Are our authorities now going to state that this ban is "unexpected" as it had termed the UK ban three months ago "unexpected"? Unfortunately, this time round, there really is no excuse and the claim that had been made after the UK ban that we had nearly met all criteria for meeting security measures now falls flat with the German ban.*

the successive bans starting from Australia, the UK and now Germany shows serious apathy to safeguarding our number one export product, viz. garments. Although international studies and market research continue to portray Bangladesh as one of the top 20 fastest growing trade lanes, all that is now under threat. Going by data of four years up to 2014, we can see that retail and fashion will be the main affected areas because trade with Germany is 95 percent RMG-related. According to Seaburygroup's cargo and global trade database informa-

and woven) over this latest situation with the ban.

According to what has been published in this paper, the German civil authority has communicated with the Civil Aviation Authority of Bangladesh (CAAB) and basically informed us that all cargoes originating from Bangladesh are considered "high risk" and hence third country screening is now mandatory. Are our authorities now going to state that this ban is "unexpected" as it had termed the UK ban three months ago "unexpected"? Unfortunately, this

# The law of lawlessness

MEER AHSAN HABIB

WITH two recent deaths of suspected militants in crossfire, and 11,312 arrests in less than a week, the law enforcing agencies seem to have turned a blind eye to the Appellate Division's directive on Section 54 and 167 that upheld a 2003 judgment of the High Court (HC) on Sections 54 and 167 of the colonial era Code of Criminal Procedure (CrPc) with some changes. They have other instruments to continue such mass arrests without any specific charge. Only 194 (2 percent of the arrestees), according to police, are suspected to have militant connection. As per the directive, all of them were supposed to be arrested on specific charges and follow some specific procedures during and after arrest. In 2003, the HC, in a bid to safeguard people's liberty and fundamental rights guaranteed by the Constitution, gave 15-point directives and also proposed amendments to the Penal Code 1860, Police Act 1861 and Evidence Act 1872. It observed that the amendments were required to limit the arbitrary use of powers by the police and magistrates in relation to arrest and remand and to take necessary steps in case of custodial death. On May 24 this year, a bench of the Appellate Division consisting of four members led by Hon'ble Chief Justice Surendra Kumar Sinha observed that the application of Sections 54 and 167 were not in line with the Constitution, and thus reinforced and reinvigorated the values and principles of the Constitution of the People's Republic of Bangladesh.

The latest victim of crossfire is Shariful alias Sakib, a prime suspect (according to police) in the Avijit Roy



Victoria Government College, is yet another example of the abuse of power and misuse of laws by police. In July 2011, he was picked up by plain cloth policemen, tortured by the then Officer-in-Charge of the Khilgaon Police Station without any charge, and finally implicated in three false cases. Thanks to media outcry, followed by HC's order to the Inspector General of Police, to probe the incident. Kadar sued OC Helal Uddin for torturing and filing false cases against him after he was acquitted of all charges in 2012. However, he is still under pressure to withdraw the case.

When Rubel died, students and activists took to the streets to protest the murder and demanded justice; the media was flooded with reports that focused on the nature of abuse of power by a group of corrupt members of the police force and a woman allegedly affiliated with the then political party in power. Demands for legal reforms were also made by legal experts. But the path to justice was not smooth for Rubel and his family.

Starting from Rubel's case to the more recent reports, we get a stark picture of abuse of power and the successive government's unwillingness of successive governments to bring necessary reforms to the country's laws. It is a pity that the Bangladesh Nationalist Party that often complains about abuse of laws, opted to challenge the 2003 verdict by filing an appeal with the Appellate Division. Instead of reforms, governments have been very keen to enact laws and policies in the name of good governance that ultimately undermine the spirit of the constitution. One such Act is the Information and Communication Technology (Amendment) Act 2013. It was first enacted in 2006 during the BNP era and later amended by the present government in 2013. Both governments earned sharp criticism from human rights activists, civil society and media. They sought amendment of different Sections, including Sections 57 and 80, creating abundant scope of misuse by law enforcing agencies and empowering them to arrest anyone, anywhere without any warrant. Like in the case of many other recent laws, this time too indemnity was granted to public servants involved in applying the ICT Act (Section 86). Starting from 2013 to February 2016, a total of 520 cases have been filed under Section 57 of this Act. A good number of cases have been filed by law enforcing agencies and party loyalists for, among other reasons, 'hurting the image of the nation' or 'defaming individuals', such as the

Hon'ble Prime Minister or her family members. This once again highlights the same scenario as in Rubel's case – the abuse of power by law enforcing agencies in a nexus with over-enthusiastic party loyalists.

Successive governments and law enforcing agencies have bypassed the HC's directives and the earlier recommendations of the judicial investigation commission (JIC) to bring necessary amendments to laws and implementation guideline of Section 54. The JIC, led by Justice Habibur Rahman Khan, was formed to investigate the custodial death of Rubel. It made 11 specific recommendations, based on which a writ petition was filed by human rights organisations, including Bangladesh Legal Aid and Services Trust (BLAST), Ain-O-Salish Kendra (ASK) and the Joint Social Movement (Sommitito Samajik Andolon), alongside the wife of slain Arun Chakrabarty and others. The High Court issued a rule nisi on November 29, 1998, asking why law enforcing agencies should not be ordered to be restrained from arresting and torturing under suspicion in the name of investigation. Finally, on April 7, 2003, a High Court Bench, consisting Justice Hamidul Huq Chowdhury and Justice Salma Masud Chowdhury in a landmark judgment recommended amendments to Section 54 and 167 and gave 15-point directives. The government, instead of complying filed a petition for Leave to Appeal, which the Appellate Division accepted in 2003. Importantly, the highest court did not scrap or stay the HC order and finally, after 17 years, the matter came up for hearing in the cause list on November 23, 2015. Over these years, abuse of power by law enforcing agencies have tainted their credibility and resulted in loss and damage to many lives.

When the first Constitution of independent Bangladesh was adopted on December 16, 1972, it included two provisions - 7(2) and 26 (1) - that made it clear that all laws that are in conflict with the Constitution would be void. In view of the growing trends of misuse of law, this seems to have become a mere provision and laws meant to protect citizens are instead being used to hunt them down. With the Appellate Division's judgment, we can only hope that the law enforcing agencies will act as directed and restore their dignity and the government will initiate the legal reform as per the directives.

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## LETTERS TO THE EDITOR

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### EU exit of Britain

This refers to the report, "UK votes to quit EU" (June 25, 2016). The UK's decision to quit the European Union is akin to the dissolution of the erstwhile Soviet Union. It will have an effect on Scotland wanting to break away from the UK. History is repeating itself - the Great Britain broke the undivided India into India and Pakistan. Now, it is struggling to keep itself united. The cost of travel for the UK citizens will go up as they will have to spend on visas, because the UK would no longer be a part of the EU. One fails to understand the rationale behind such a referendum.

Deendayal M. Lulla  
On e-mail

Only time will tell what awaits Bangladesh regarding the business relation with the UK after the BREXIT. The division that the move has created within the British society apparently won't bring any good for anyone.

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and Niladri Chattopadhyay Niloy murders. Just days earlier, another teen militant Golam Faizullah Fahim also succumbed to crossfire under police custody. Such a culture of denial of justice is nothing new and there are ample examples including the case of Shamim Reza Rubel, the then student of the Independent University, Bangladesh, who was picked up by the police and later died in their custody in 1998. Not only Rubel, Shima Chowdhury and Arun Chakrabarty were among those who met tragic ends in police custody. Shima, a young woman aged 18, was raped at Raojan in Chittagong in police custody and Arun, a youth, lost his life in police custody at Malibagh Police Station in Dhaka. The curious case of Abdul Kadar, now a teacher at Comilla