

Families

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the accused by the lower court been upheld.

"This is an exemplary punishment. We're relieved," Mahbubey Alam said after the court upheld the capital punishment of 15 convicts and commuted death penalty of 11 others to life imprisonment.

However, the HC upheld jail sentences of the other accused.

On the death sentences of Rab officials, the attorney general said the Rapid Action Battalion is an elite and disciplined force. The entire law enforcement agency should not be blamed for criminal offences of some of its dishonest members, he added.

Responding to a query, he said he would think of an appeal seeking death of the 11 accused whose punishment had been commuted to life term after going through the full verdict.

Shamsunnahar Nupur, wife of victim Jahangir Alam, said, "I'm happy with the verdict. But why did the number of death convicts come down to 15 from 26?"

"The [death] convicts should be executed as soon as possible."

Selina Islam, wife of slain Narayanganj City Corporation panel mayor Nazrul Islam, also said she was happy.

However, her father Shahidul Islam said he had expected the HC to uphold the lower court's verdict fully.

"I am not so happy with the verdict. The accused whose sentences were commuted are Nur Hossain's cohorts and may continue their activities from jail through their accomplices," Shahidul said.

Shakhawat Hossain, a lawyer of the plaintiff at a Narayanganj court, said, "Not only me, the entire Narayanganj people would have been happier had the punishment given by the lower court been upheld."

"We have full faith in the court and we hope that the highest court would take steps to execute the verdict."

Public Prosecutor Wajed Ali of the Narayanganj court said the HC verdict should be executed immediately.

Munsurul Hoque Chowdhury, defence counsel for expelled Rab officials, Tareque Sayeed Mohammad and Masud Rana, said, "Family members of my clients expressed their desire to file appeals against the verdict with the SC."

He added that both his clients had not been directly involved and that they were still saying it was the superior authority who gave them the order to arrest Nazrul.

SRM Lutfor Rahman Akhand, a lawyer for Nur Hossain, said he and his client were aggrieved and so would file an appeal with the SC.

Prime accused Nur Hossain's younger brother Nur Uddin blamed the media for his brother's present situation, saying the case proceedings had been expedited due to media pressure.

His family and lawyers could not prepare well for the legal battle for lack of time, he told reporters.

VICTIMS OF THE GRISLY MURDER



Nazrul Islam



Chandan Sarker



Moniruzzaman



Tajul



Ibrahim



Liton



Jahangir

Death for 15, life term for 11

FROM PAGE 1

Except for Nur Hossain, sacked vice-president of Siddhirganj AL and also Narayanganj City Corporation (NCC) councillor, all 14 other condemned persons are former Rab members.

They include the then commanding officer of Rab-11 in Narayanganj Lt Col Tareque Sayeed Mohammad and the then company commanders Maj Arif Hossain and Lt Commander Masud Rana of the battalion.

Seven people, including NCC panel mayor Nazrul Islam and senior lawyer Chandan Sarker, were abducted from the Dhaka-Narayanganj link road on April 27, 2014.

Later, their bodies were found floating in the Shitalakkhya river.

Following the killings, Tareque, Arif and Masud were withdrawn from Rab and forced into retirement from the defence services. Tareque is son-in-law of Disaster Management and Relief Minister Mofazzal Hossain Chowdhury Maya.

In its judgment, the HC said it was a pre-planned killing and an outcome of a conspiracy financed by Nur Hossain. And the killing was carried out under the leadership of Tareque, Arif and Masud.

Talking to The Daily Star, Assistant Attorney General Bashir Ahmed said Nur Hossain was awarded death penalty for "masterminding" the abduction and killing, while 14 others got the capital punishment for their direct involvement in the offences.

The court commuted the death penalty of 11 convicted persons, considering the scale of their offences, Bashir said citing the verdict.

Of the 35 convicted persons, 30 are in jail and the rest are absconding, he said.

On January 16, Narayanganj District and Sessions Judge's Court found 35 people, including Nur Hossain and 25 ex-Rab officials, guilty of abduction and murder of the seven people and also destroying evidence.

Later, the convicted persons filed appeals with the HC, which fixed August 13 for delivering judgment upon completion of hearing. But the court deferred it to August 22 as the verdict was not ready.

Yesterday, the court stared delivering the judgment around 10:30am and completed it around 4:30pm with one-hour break.

As journalists were about to enter the

DEATH PENALTY

(For Abduction, Killing and Hiding Bodies)

(CIVILIAN)

Nur Hossain

(EX-RAB OFFICIALS AND MEMBERS)

Tareque Sayeed Mohammad, Arif Hossain, Masud Rana, Emdadul Haque, AB Md Arif Hossain, Hira Miah, Belal Hossain, Abu Toiyob Ali, Shihab Uddin, Purnendu Bala, Al Amin, Abdul Alim, Mohinuddin Munshi and Tajul Islam.

LIFE IMPRISONMENT

(CIVILIANS)

Mizanur Rahman Dipu, Selim, Sanaullah Sana, Shah Jahan, Jamal Uddin, Mortuja Jaman Churchill, Ali Mohammad, Abul Basher and Raham Ali.

(EX-RAB MEMBERS)

Asaduzzaman Nur, Enamul Kabir

IMPRISONMENT

(EX-RAB MEMBERS)

17-year jail (for abduction and destroying evidence) Habibur Rahman

10-year jail (for abduction) Mokhlesur Rahman, Ruhul Amin, Nuruzzaman, Abul Kalam Azad, Babul Hasan, and Kamal Hossain

Seven-year jail (destroying evidence) Bazlur Rahman and Nasir Uddin

courtroom, a court employee and police personnel barred them. Later, the court intervened and allowed them in.

The victims' family members, including Nazrul's wife Selina Islam and father-in-law Shahidul Islam, were sitting on the last bench. Abul Khayer, father of another victim Tajul Islam Russel, was also there.

As the court pronounced the sentences, Khayer asked one of our correspondents: "Can you tell me the death penalty of how many of them has been upheld?"

Shahidul asked a lawyer whether the court mentioned that Nur Hossain orchestrated the killings. His face turned pale as the lawyer said he couldn't hear it clearly.

Moments later, Shahidul looked relieved when the lawyer told him that death sentences of Nur and the three ex-Rab officials were upheld.

"I am very happy with the verdict," Nazrul's wife Selina Islam, one of the plaintiffs of the sensational case, told this newspaper while leaving the courtroom.

Prasanta Kumar Bonik, senior jail superintendent of Kashimpur Central Jail-2, told this correspondent that three of the condemned persons -- Nur Hossain, Tareque and Belal Hossain -- heard about the HC verdict on the radio at the prison.

"We informed them about the verdict around 5:30pm. They looked depressed."

The nation stood aghast at the extent of brutality carried out by the perpetrators.

Following the killings, the family members and relatives of the victims mobilised public support and waged a movement demanding justice. The HC intervened to ensure that an impartial probe is conducted into the killings and the perpetrators are brought to book.

After appearing before a Narayanganj court in a criminal case on April 27, 2014, Nazrul along with Moniruzzaman Swapan, Tajul Islam, Liton and his driver Jahangir Alam were coming to the capital by a microbus.

As they reached Khan Shaheb Osman Ali Stadium in Fatullah, another microbus intercepted them. And they were abducted.

Chandan, senior lawyer at Narayanganj District Judge's Court, and his driver Ibrahim were killed as they happened to witness the abduction of Nazrul and his associates.

The murderers cut open the victims' bellies and tied the bodies to sacks full of bricks before throwing them into water. They were blindfolded, and their hands and legs were tied, police said.

According to the charge sheet, Nur Hossain had enmity with Nazrul. As part of his well-orchestrated plan, he used the Rab officials in exchange of money to abduct Nazrul and his associates.

Being a commander of the force, Tareque ordered his subordinates to abduct, kill and hide the bodies with an intention to gain financial benefits by breaching the discipline of the force.

Arif and Masud directly took part in the crime, and the other members of the force participated in the offence at different stages, said the charge sheet.

The court also mentioned that Shahidul Islam, the father-in-law of Nazrul Islam, stated in the evidence that he, holding the feet of Tareque Sayeed, pleaded for the return of the victim, saying he would pay more money than what Nur Hossain had paid.

According to the HC judgment, Nur Hossain is the mastermind of the killings.

"It is also revealed that as a sequel to

TIMELINE: SEVEN-MURDER

2014

APRIL 27

Nazrul Islam and his four aides and Chandan Sarker and his driver are kidnapped separately around the same time and place.

Nazrul's wife Selina Islam claims that Nur Hossain and Mohammad Yasin are behind the abduction and that some Rab-11 men picked up Nazrul and others.

APRIL 28

Selina files an abduction case with Fatullah police.

APRIL 29

The home ministry recommends withdrawal of four law enforcers, including Rab-11 commanding officer.

APRIL 30

The bodies of Nazrul, Chandan and four others are found in the Shitalakkhya.

MAY 1

A seventh body is found floating in the same river.

MAY 3

Police raid Nur Hossain's house but do not find him.

MAY 4

Nazrul's father-in-law Shahidul Islam alleges that Rab personnel killed Nazrul getting Tk 6 crore from Nur and other accused.

AL lawmaker Shamim Osman claims Nur indeed committed the crimes.

Police seize a car of Nur's younger brother on suspicion, from a glass factory owned by a relative of Shamim Osman.

Locals observe a daylong hartal in Narayanganj demanding arrests of the accused.

The case is handed over to the DB.

MAY 5

Shahidul claims a son of an AL lawmaker brokered the Tk 6 crore deal with Rab personnel.

The High Court orders the govt to form a probe committee with no Rab men in it. The home ministry issues a red alert on the borders so that Nur cannot flee the country.

MAY 6

Shahidul and Selina give statements to police.

MAY 11

The High Court orders the arrest of sacked

Rab officials.

MAY 17

Law enforcers arrest sacked Rab officials Lt Col Tareque Sayeed and Maj Arif Hossain.

MAY 18

Law enforcers detain another sacked Rab official, MM Rana, from Dhaka Cantonment area and hand him over to Narayanganj police.

JUNE 14

Indian law enforcers arrest Nur in Kolkata.

AUGUST 29

Indian investigators press charges against Nur for intruding into the country.

2015

APRIL 8

Investigators in seven-murder cases submit charge-sheet against 35 people including Nur and the fired Rab officials.

JULY 8

A Narayanganj court issues arrest warrant against 13 fugitive accused, including eight Rab men.

NOVEMBER 12

Nur is brought back from India.

NOVEMBER 13

Nur is produced before a Narayanganj court and sent to jail.

DECEMBER 1

The High Court observes that the perpetrators may benefit if the trial proceedings were delayed for a long time.

2016

JANUARY 3

Tareque is moved to Dhaka Medical College Hospital from Dhaka Central Jail as he felt pain in the legs, waist, and spinal cord.

FEBRUARY 8

A Narayanganj court indicted 35 people including Nur and the three sacked Rab officials.

FEBRUARY 29

Recording of witness testimonies begins keeping journalists out of the courtroom.

MARCH 13

Nur file two petitions with the HC seeking scrapping of his trial.

MARCH 22

The High Court clears the way for a lower court to run trial proceedings of Tareque.

NOVEMBER 30

How cruel can man be

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Singha and Justice Mustafa Zaman Islam.

It is also required to be mentioned that, said the court, the accused Rab personnel were so unkind even to the bodies that they perforated the abdomens with dagger for easy drowning of the bodies in the river.

"The alleged occurrence sends a chill of panic down the spine to

human beings. In what agony the victim persons passed their time in the custody of the accused Rab personnel with death staring in their faces is beyond thinking," Justice Bhabani Prasad Singha said.

The judgment read that the incident was the outcome of the conspiracy and financial assistance of expelled local Awami League leader Nur Hossain and the crime was committed under the

leadership of three the then Rab officials -- Tareque Sayeed Mohammad, Arif Hossain and Masud Rana.

The HC, however, said for the despicable, abominable and horrendous act of some aberrant and unscrupulous Rab members, the glory and achievement of the elite force, which has been playing the pioneering role of maintaining law and order and countering terrorism, cannot be tarnished.

Toiling without pay, they live on tips

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declared illegal the policies and orders made by Ershad between March 24, 1982, and November 10, 1986.

Due to the court order, the promotion of existing employees has also remained suspended.

TRAPPED IN THE PAST

The government is yet to replace the policy in question, and all public hospitals, including the DMCH, are affected because of this as an increasing number of posts fall vacant every year through retirement and deaths.

To learn about the situation outside the capital, The Daily Star looked into two other medical college hospitals, two district hospitals and two upazila health complexes and got a similar impression.

A total of 46,000 posts of support staff are vacant at public hospitals across the country, estimated in accordance with the organograms drawn up during the founding of the hospitals in the 60's, 70's and in some cases updated years after the Liberation War.

The capacity of the hospitals has been increased on several occasions over the decades to accommodate more patients, but the number of posts of doctors, nurses and other staff remained the same.

"So, the quality of health services is in a mess," says Brig Gen Mizanur Rahman, director of the DMCH.

He elaborates the case of his hospital that had 800 beds in 1981. The hospital's

capacity has been increased three times, to 2,600 in the latest move in 2013. The organogram has never been updated.

But a proposal was put forward to create 2,500 new posts, including those of third- and fourth-grade support staff, when the hospital had an arrangement for 1,400 patients.

But the authorities only approved 803 new posts after the latest expansion.

The hospital that now serves at least 1,000 more patients every day beyond its capacity requires much more staff than the number of posts it has in its organogram to even ensure moderate quality services, Brig Gen Mizanur says.

What could happen in a situation when many of the sanctioned posts remain vacant? Doctors, nurses, ward boys, cleaners -- all struggle to keep the hospital running. And they are forced to get help from anywhere they can.

THE UNAUTHORISED, ESSENTIAL

Zillur, one of the six ward masters of the DMCH, says nearly 120 fourth-grade employees -- ward boys, hospital attendants and sweepers -- work under his supervision in 20 wards, but the manpower is far less than what is necessary to provide services round the clock in three shifts.

Some 20-22 "outside staff" join them, relieving the work pressure to some extent, he says, adding that he prepares the duty roster keeping in mind how the system can function at its best, including the outsiders.

But then a question arises as to why those outsiders work without any pay.

Pushing a wheelchair through the labyrinth of corridors, Aleya, who is blind in her left eye, says she is from a poor family and has long been left by her husband.

In exchange for her labour, she is allowed to stay in the hospital.

As she talks on her way to the women's psychiatric department, she offers serious patients, leaning on others' shoulders, a wheelchair ride to their destinations -- for Tk 20 to Tk 50 depending on what they can afford.

This is how she gets some cash for rainy days.

People like Aleya, who are available to patients for tips but are not on the government's payroll, help ease the hospital's huge workload.

"Without them, the service quality will deteriorate further.... So it is like having an alternative arrangement," the DMCH director says.

But not all public hospitals have this "alternative arrangement".

The 1,250-bed Rajshahi Medical College Hospital is outsourcing and it hires employees on daily basis. They get nominal pay, far less than what government staffers get, and are largely dependent on tips.

The 1,000-bed Barisal Sher-e-Bangla Medical College Hospital has 120 support staff employed through outsourcing. They get a salary of Tk 5,550 a month.

Similar alternative systems are in place at Tangail and Nilphamari district hospitals.

SKILLED BUT UNRECOGNISED

Some of the unauthorised staffers at the public hospitals have been working for as many as 20 years or more. They have gained skills required to provide health services.

Abdul Khaleq, president of the DMCH fourth-grade workers union, citing an example says the 300-bed burn unit itself has 60-70 such staffers who have been working since the inception of the unit 16-17 years ago.

"I know about them because the hospital authority itself engaged them promising that they would become permanent employees one day.

"They have gained skills on the job. Now without them, the unit cannot function at all," he says.

ANOMALIES

However, when this flawed system of unauthorised employees working for years goes on, it creates scope for anomalies, irresponsible behaviour and poor accountability.

Twenty-six-year-old Manik, who has been working in a ward of the DMCH medicine department, says one of the two ward boys designated to work in the ward does not work at all.

Some of the hospital's employees are unhappy as their promotion has remained suspended. To reduce the tension, they have been given bigger responsibilities, but that does not

previous enmity with victim Nazrul Islam, accused Nur Hossain got the victims kidnapped and got killed and made disappearance of the bodies of the victims in the estuary of two rivers by the accused Rab personnel in exchange of money," said the court.

The mobile phone call list of his conversation with Arif Hossain and his fleeing to India immediately after the occurrence show that he is the master-

mind and the linchpin of the alleged occurrence, read the verdict.

Though the investigating officer said he did not find documentary evidence of exchange of money between Nur Hossain and the accused Rab personnel, the HC said, "It is quite natural in view of the fact that exchange of money for an illegal act is not made through documentary evidence."

solve the problem fully since they are not getting better pay, said sources at the hospital administration.

In Barisal hospital, at least 10-15 fourth-grade employees get their work done by outsiders for money, apparently because they are not physically fit anymore to do laborious job.

Apart from all these factors, Abdul Khaleq says the accountability of government employee can be ensured, but that of the outsiders cannot.

To discipline the unauthorised workers, the DMCH authority warned them against malpractices and charging patients highly for services, said several staff members. On a number of occasions, people were handed over to police.

The "alternative arrangement" helps keep the hospital running, but services cannot be improved without more staff. This is the reason the DMCH proposed outsourcing support staff.

Khaleq says the workers' union is opposed to this recruitment procedure since contractors would be appointing people at their will and the outsourced employees do not get retirement benefits.

Union president Khaleq, who is to retire in 2018, adds that hospital employees' children can apply for jobs under a quota if the government directly hire employees.

However, the actual concern is that those who have been working for years, in cases decades, could possibly be not recruited by the winning bidder, says

DMCH Director Mizanur. And most of the unauthorised staffers are relatives of regular employees as they are the ones who helped these "so-called staff" find work at the hospital.

So, the hospital's administration has recently convinced the union members saying that those working for years and have no complaints against them would be considered for official recruitment.

As for the recruitment policy for support staff, Health and Family Welfare Minister Mohammad Nasim says he has been working on the formulation of a new policy for the last one year and expects that the whole process will be completed in a month or two.

The law ministry has been engaged to untie the legal tangles.

Regarding modification to the organograms, the minister says an effort is on to bring changes needed but that may take a couple of years.

While any change to overhaul the public health sector seems distant, Aleya keeps doing her job, serving patients for peanuts.

When asked what she will do on a July afternoon at the hospital, she says she will take a bath, pray and have lunch (with leftovers of patients). Asked where she would sleep at night, a surprised Aleya points to long corridors of the hospital.

Our correspondents in Rajshahi, Barisal, Tangail and Nilphamari contributed to this report.