

Beyond religion, for humanity

OSAMA RAHMAN, from Cox's Bazar

Mohammad Amin is one of the few people to afford a reception to the Rohingya refugees at Shah Porir Dwp. Instead of a red carpet and garlands, they come bearing cucumbers, water, biscuits and small sums of cash.

"We are here to help. These people have suffered a lot and we are welcoming them to our country," Amin, a member of Tablighi Jamaat said.

He informed that they have had members from their group here since the very first day of the ongoing Rohingya influx from Myanmar. Many of them hail from Chittagong and Cox's Bazar. People in their neighbourhoods gave them whatever they could to help.

"We had a man who sold his wife's gold jewellery and raised Tk 50,000. We are all doing our part."

A little further inland in Shah Porir Dwp, another group was distributing all kinds of things they deemed would be useful for the Rohingyas yesterday. The relief is handed out without any questions asked; there is a real sense of communal harmony, not just here, but in the entire region.

On Cox's Bazar-Teknaf highway in Hnila union, many refugees were climbing a Buddhist Zadi yesterday afternoon. They were trying to watch their villages burn from afar. No one bothered them or told them that they

did not belong here.

"We do not think about religion. We help anyone and anyone who wishes to help," says Sujon Sharma, a resident of Kutupalong. He said that he would accept donations, preferably in the form of food and that they would cook everything in Kutupalong Paschim Hindu Para, an area where 420 Hindu Rohingyas are taking shelter.

"Many of my friends helping me are Hindus and some are Muslims. But when we are feeding, we feed everyone, we do not decide on the basis of religion. It isn't important," he said.

Echoing his sentiments, Mufti Mustafa Kalam, leader of an Islami party, said, "Right now our religion is humanity. Islam means humanity."

Mustafa and Sujon were working together, arranging relief for the refugees. Mustafa said his group had been distributing relief since the Eid in Teknaf and Ukhia. They gave out 4kg of rice, onions, salt, puffed rice and potatoes yesterday.

Apart from the camps, well-meaning citizens were on the streets, going about offering help. Kazi Selim Sarwar, a businessman, had come to Cox's Bazar from Dhaka to aid the relief efforts.

"My friends and I collected money first and now we are giving out cash, clothes and food."

"We are seeing them as humans first,



Clockwise from left, the voting cards that Mohammad Alam used in 2010 elections. Alam (third from left) with his family members in a photo taken by immigration officials in January this year. The citizenship card of his father. The citizenship card of his grandmother. His temporary immigration card issued in 2015.

PHOTO: ANANTA YUSUF



Death, despair

FROM PAGE 1

She doesn't say this with tears in her eyes. She is all cried out. Her face is stony, shockingly impassive.

"When I saw this, I ran back and took Hizbullah. His mother went to get the body and they shot her. So we ran and came here. We arrived here today. We don't know anyone here," she says.

All Hizbullah is left with in this world is his grandmother.

While his grandmother was narrating the tale, Hizbullah looked up at her. His expression didn't change. He seemed almost irritated. From his expression, I could guess that he didn't believe what his grandmother was saying. He might have thought that his parents were still alive.

Hizbullah's father was a night guard. The military came for him at night when he was guarding the shops at the bazar. They slit his throat and left his body for all the village to see. A warning.

"He was bleeding from the throat. I saw it with my own eyes," Shiriluk said, repeating herself.

I asked if she wanted to go back for the body. She nods her head saying, "No. He is dead. But this one is alive. I have to protect him," she said, wrapping her wrinkled, weakened arms around Hizbullah.

We all think of the children and the women but those who have aged under the repressive regime are often an afterthought. For years, they have seen and lived what we are only now witnessing. They have hardened to a point of no return. They are stoic, statues of their former self, moulded by pain and suffering.

At Shah Porir Dwp in Cox's Bazar, I had met another such individual, 72-year-old Zafar. He came with his son Nazir Ahmed, his wife Rahima Khatun and his sister. For the first time, I had met an entire family that had made it safely to this side. But Zafar did not rejoice. Why would he?

Zafar was born and raised in a small village in the Rakhine State. He had two cows, five goats and two acres of land. But he had to leave those all behind. Today, he sat, dressed in a white Panjabi. His son informed me that they had travelled for seven days without eating.

Zafar sat, shaking uncontrollably. He was panting, non-stop. But it wasn't just fatigue. Zafar was angry. Someone gave him a loaf of bread and he slipped it inside his pocket. He was given water and he brushed it away, refusing to quench the thirst he was no doubt feeling.



Hizbullah

their hands. A week ago, they had food, a home and clothes. Today they have nothing.

Today, I leave Cox's Bazar. Unlike before, I do not leave with fond memories of a sandy beach or pictures of riding horses and luxurious comfort. I leave draped in an invisible garb embroidered with words of death, despair and destruction.

There are hundreds of stories of torture and persecution here in Cox's Bazar. All they need now is an outlet where they can be told. But is there a man or woman alive capable of this soul-crushing documentation?

I know now, I will never look at Cox's Bazar the same again. But the Rohingyas will never look at the world the same again. One of my friends remarked that those who made it here were the lucky ones. It really made me wonder: how unlucky is unlucky then?

The forgotten citizens of Rakhine State

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Talking to The Daily Star on September 7, Alam said he walked four days to reach Teknaf in Cox's Bazar from Maungdaw district of Rakhine.

Looking exhausted and distressed, he was reminiscing about his days in Rakhine. "We have proper land records. My grandparents and parents got Myanmar citizenship using their land deeds."

He has brought those papers with him to Bangladesh. He is hopeful about regaining his land on return to Myanmar someday.

Alam showed some citizenship documents to this correspondent. He was holding tight three cards registered in 1952. These are his precious treasure as he finds a glimpse of hope to become a rightful Myanmar citizen.

In fact, the Myanmar government previously had taken back only those Rohingyas who managed to bring documents with them to Bangladesh. The undocumented remained in different refugee camps in Cox's Bazar.

Refugees like Alam and Ali are still preserving the cards very carefully. The 65-year-old pieces of paper have become brown and somewhat tattered. Each of the documents has the cardholder's photograph, name, date and place of birth, father's name and address. All the information is written in Burmese.

At the bottom, there is the date of issuance in English. A fingerprint of the cardholder and the signature of the issuer government official are on the back of the card.

The then Myanmar government introduced a law, Union Citizenship Act 1948, under which members of only eight ethnic minority communities were considered citizens. The Rohingyas were taken off the list of the minority communities.

However, a few Rohingyas, including the forebears of Alam and Ali, got citizenship cards when the government distributed National Registration Cards (NRC) under the law in 1951.

The Myanmar government is now rejecting the NRCs.

Asked why the army was torching villages in Rakhine, Ali, aged about 60, said: "I believe the government inflicted torture on the Rohingyas in an attempt to destroy all the evidence of our citizenship."

After seizing power in a coup d'état in 1962, military ruler Ne Win started restricting movements of Rohingyas in the country. Before that, holders of NRC could receive good education, health service and other government facilities.

But things changed completely when the Citizenship Act, 1982, came into force. It limited participation of Rohingyas in politics.

Interestingly, according to article 6 of the act, those who had citizenship cards were to be recognised as Myanmar citizens. But the military junta overlooked the legal provision and claimed that Rohingyas were illegal migrants from Bangladesh and trying to get Myanmar citizenship hiding their Bengali identity.

Ali claimed that the government started torturing them after the

Citizenship Verification Campaign had begun in 1989. "At that time the government didn't upgrade our cards and even the citizenships of the descendants of lawful citizens were revoked."

He said his family had submitted all the necessary documents, including land records, but the government ignored those.

A new type of card, Citizenship Scrutiny Card, was distributed instead of the National Registration Cards in 1989 through the so called Citizenship Verification Campaign. The Rohingyas were not provided with the new cards. Instead, they were given a white card in 1995, and around 4,00,000 Rohingyas from 13 townships were registered under white cards.

Holders of white cards were merely considered as immigrants. Ali said this card was necessary for availing trade permission, education, healthcare facility and travel within the country. "You can't even get admitted to a hospital if you don't have a white card. Many people in our village remained out of the purview of the medical treatment as they had no cards."

"After 1995, government officials used to visit our home every year to take family photographs. The government considered us immigrants though our forebears were Myanmar citizens."

Another Rohingya refugee Shamsul Alam informed said a Rohingya without a white card could not even visit a bazar, let alone setting up a business. All the undocumented people have been living in camps in

Rakhine.

The Rohingyas even didn't get permission for getting married. Police would stop them verifying their cards at almost all locations.

"After 1995, many of our women came to Bangladesh to get married with Rohingyas living in camps here to avoid bribing the Myanmar army for marriage. Besides, there were many other hassles," said Shamsul from Maungdaw, now living in Kutupalong camp of Ukhia.

In 2015, the Myanmar immigration ministry abrogated the white cards and distributed green and blue cards among the Rohingyas. According to the ministry, holders of green cards would be able to apply for citizenship directly. The blue cards had a two-year tenure which could be extended upon expiry.

Not a single Rohingya has a green card in Myanmar. The new cards have curtailed more citizen facilities that they had enjoyed before. The helpless people have to take permission from the government and face a lot of hassles even for securing the most basic needs.

The discriminations against the Rohingya Muslims have been going on for decades. Their miseries have increased in the last three weeks as they are being evicted from their homes and killed, raped and looted.

The Rohingyas are simple people who want to live in peace and with dignity. Having a small shanty now seems to be a far cry for the Rohingyas -- the most persecuted ethnic minority community in the world.

Dhaka again

FROM PAGE 1

Dhaka, yesterday evening and handed over a protest note to him.

Referring to earlier instances of airspace violation since August 25, "Bangladesh expressed deep concern at the repetition of such acts of provocation and demanded that Myanmar takes immediate measures to ensure that such violation of sovereignty does not occur again," said a press release.

Earlier, in a diplomatic note sent to the embassy on September 1, the ministry protested the repeated instances of airspace violation by Myanmar helicopters on August 27 and 28 and September 1.

This is for the fifth time in three weeks Bangladesh summoned the Myanmar envoy and handed over a strongly worded protest note.

Govt plans big to ease plight

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All relief goods from NGOs, different organisations and individuals must be handed over to the DC and the district administration will make necessary arrangements for their proper distribution. NGOs must take permission from the NGO Affairs Bureau for relief works.

The Department of Public Health and Engineering will immediately build 500 temporary sanitary latrines while the UNHCR 8,000 more. The Local Government Division will deploy its officials and staffers in the area so that sanitation and water shortages can be addressed effectively.

The Power Division will immediately make a proper assessment for supplying electricity to the newly constructed shelters and the areas where the

refugees are temporarily staying.

The meeting decided that the refugees must immediately be transferred to the newly built with the help of law enforcers.

The Directorate General of the Department of Passports and Immigration will expedite the registration of the shelter seekers while the Department of Family Planning will immediately start working in the camp areas.

Besides, 20 additional medical camps will start working in the camp areas. Vaccination will also start. A special unit will be formed for lactating mothers and the Department of Social Services must enlist the orphans and come up with a plan to take necessary steps for their welfare.

The displaced Rohingya people from Myanmar in Bandarban must immediately be moved to Ukhia camp areas. The local government and armed forces divisions will take steps to repair and construct roads for better operation of the relief work.

Health Services Division and DG of the Directorate General of Health Services will provide cholera vaccines and oral saline. They should also be prepared to address any emergency medical need.

Apart from the high-level government officials, Robert D Watkins of UNRC in Bangladesh, Dipayan Bhattacharya of WFP, Peppi K Siddiq from IOM and Tayba Sharif from UNHCR in Bangladesh were present at the meeting.

An inconceivable resolution by JS

FROM PAGE 1

court's full verdict on the 16th amendment case early this August.

They accused the Chief Justice of "undermining" Bangabandhu Sheikh Mujibur Rahman's role during the country's Liberation War in 1971, an allegation that has no substance.

And finally on Wednesday in Parliament, more than a dozen ministers and MPs joined a marathon scheduled discussion. Some of them used abusive and indecent words to attack the Chief Justice.

In the past, the SC has declared unconstitutional and void four more constitutional amendments.

The present ruling Awami League

has never blasted the apex court for scrapping three previous amendments—the 5th, the 7th and the 13th—to the Constitution.

The nullification of the 5th amendment that validated the first martial law regime opened the window for the past AL-led government to bring major changes to the constitution in 2011.

Cancellation of the 13th amendment that had introduced the election time non-partisan caretaker government again provided the AL scope to abolish the caretaker government system in 2011 and to stay in power during the last election.

Twenty-seven years ago, in the fourth Parliament controlled by

Ershad-led autocratic government, MPs launched a broadside against the apex court and its judges for the verdict to partially scrap the 8th constitutional amendment. They had done this in an unscheduled discussion and the then House did not pass any resolution.

Therefore, the vehement reaction of the AL against the cancellation of the constitution's 16th amendment that had empowered the Parliament to remove a SC judge on grounds of misconduct and incapacity took observers by surprise.

The passage of the resolution by the JS also raised the question whether the Parliament can enact a law to nullify the SC verdict.

An example of Indian Supreme Court's verdict will make it clearer. In May 2014, in the verdict on inter state water dispute case, the Indian Supreme Court ruled parliament and state assemblies had no power to enact laws to nullify judicial verdicts based on facts and findings.

"Under the pretence of power, legislature cannot neutralize the effect of the judgment given after ascertainment of fact by means of evidence/materials placed by the parties to the dispute," said a constitution bench of Indian SC headed by then Chief Justice RM Lodha.

What does our government now want to do after the passage of the

resolution by the Parliament?

Filing a review petition with the apex court seeking cancellation of the verdict or expunction of those "objectionable, unconstitutional and irrelevant remarks" from the verdict is also a legal step.

Will the government file review petition or move to do something extraordinary like passage of a law to nullify the SC's verdict?

In a democracy, the legislature, the executive, and the judiciary must function well and independently. It has been recognized worldwide for long that an independent judiciary is the cornerstone of democracy. Any attack on the judiciary amounts to putting

the democracy, constitution, rule of law and citizens' rights at peril.

In recent years, the chief justices of Sri Lanka, Nepal, and Pakistan have faced the wrath of their governments for their strong, independent stances. This testifies that where democracy is fragile, the judiciary faces threat from the executive. The government attacks the courts when they question the government's arbitrary actions on legal grounds and declare them unlawful.

The continuous attack on the SC and CJ for the 16th amendment verdict may create the ground for Bangladesh to be put in the same bracket as Sri Lanka, Nepal and Pakistan.