

Drug dealers waltz out of courts

Fix legal loopholes

DRUG dealing is serious business. Unfortunately, six out of 10 accused in drug-related cases got off scot-free in the first nine months of 2017. Obviously things are not right. The narcotics officials are saying that this ease of getting acquittals is actually encouraging first-time offenders to take up the profession more seriously, which is hardly helpful for law enforcers or society. The lack of professionalism whilst drafting cases against criminals and the lack of witnesses against the accused are other factors that lead to suspects getting acquitted.

The number of acquittals has hovered from 50 to 60 percent over a three-year period. The whole process of drawing up a charge sheet is, unfortunately, full of holes. The police apparently focus more on possession of certain types of drugs which, in the general absence of witnesses, opens up the whole question of the evidence of the case. The lack of use of forensic testing in charge sheets is one of the basic mistakes that end up making cases flimsy that defence lawyers can utilise to blow apart cases against the accused in a court of law.

We cannot overlook the fact that in Bangladesh, there are people in the law enforcement agencies who have been accused of taking bribes to weaken cases that go to the court system. All these issues that have not been addressed are serious systemic faults that are contributing to first-time and repeat offenders to get away with impunity. The fight against drugs is an uphill struggle in every country and Bangladesh is no exception. The least we could do is to try and make it a little more difficult for criminals to skirt the legal system.

Give him the punishment he deserves

Ex-BCL leader finally arrested for rape

WE are relieved to know that ex-Chittara League leader Anif Hossain Howlader has finally been arrested for allegedly raping six women. Anif, who was the general secretary of Narayanpur Union BCL under Bhedarganj upazila of Shariatpur, took footage of the heinous acts through hidden cameras, blackmailed the women, and later released the video clips online. While we laud the police for successfully apprehending the ex-BCL leader who evaded arrest for more than a month, we cannot help but wonder how such a person became general secretary of BCL and whether other members of the organisation who have committed similar crimes and are still at large, will face the punishment they deserve.

As we already know, cases of sexual harassment and assault carried out by men donning the BCL tag, who are hardly ever held accountable for their actions, are far too common. There is no doubt that Anif's audacity, too, grew out of the comfort of knowing that his political affiliation would shield him from any legal consequences. Due to victims' reluctance to file cases fearing stigma and ostracisation and the law enforcement's failure to follow through with the cases that have been filed, among other factors, men like Anif become further emboldened. Thanks to one of the six women who lodged a case against Anif under the Women and Children Repression Prevention Act, he is now in police custody.

Violence against women is pervasive in our society and perpetrators are rarely punished; but it is also true that being affiliated with the political elite provides an extra layer of protection to these criminals who are certain that they will get away with sexual assault on women. This cannot be the norm in any democratic society. Mere suspension or expulsion from an organisation is not enough punishment for someone who has committed a serious crime as rape and blackmail. We sincerely hope that Anif's case will be followed through, that he will get the punishment he deserves and that this will be an example for others that they cannot get away with such deplorable acts, no matter how well connected they are to the politically powerful.

LETTERS TO THE EDITOR

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Making sense of admission exams

An acquaintance of mine who passed all her public exams with a GPA 5 did not succeed when it came to the entrance tests of major universities. Whom should one blame? I cannot suggest that she resorted to ill means in all her public exams. So, why did she fail the admission exams?

She did not resort to cheating because it would be financially stressful for her family. But why should coaching be necessary for one to do well in entrance tests in the first place?

In my opinion, the entrance exams of universities should reflect the knowledge students are supposed to get from the SSC and HSC levels. Otherwise, there is a risk that one's years of hard work in school and college will be in vain.

Ashraf Hossain, By e-mail

Ensure safety for female expatriate workers

Both male and female populations of the country contribute to our economic growth. In rural areas, however, women lag behind men when it comes to economic empowerment. That is why many women go to the Middle East to earn money for a better future. But the reality is, according to numerous news reports, not only are they not paid sufficiently, they are also subjected to physical and sexual assaults. I believe that concerned authorities, from our country and the host country, should ensure that our female workers abroad can work in dignity and that their due wages are paid. If the host countries cannot ensure their safety, we should not risk the safety of these women.

Sumon Kumar Paul, By e-mail

Lifting the fog on disappearance



NAZMUL AHASAN

Iglesias' was disappeared," her family's writ of habeas corpus, filed on her behalf, was rejected by the courts."

The story was about people who had vanished after the Argentine military had detained them.

Our authorities have long insisted that "missing" should be used to describe someone who has been disappeared. When proven, the term can change to "abducted" but not "victims of enforced disappearance." However, there are some clearly defined distinctions between the two terms. While abduction can be used to describe an action to take someone away without their consent, "enforced disappearance" occurs when the abductors are state agents or a third party working on behalf of them.

The intent of the abductors is crucial in determining whether a case of abduction is also a case of disappearance. An abduction becomes an "enforced disappearance" when any such party secretly abducts, detains or

The police "cannot admit" being involved in such actions because they are illegal under Section 61 of the criminal procedure code that restricts the police to keep any person detained.

imprisons a person with an intent of stripping the victim of legal protections, and subsequently denies having any knowledge of his/her whereabouts and fate. That is why enforced disappearance is the more appropriate word to describe some incidents of abduction.

In a typical case of abduction, the abductors would want a ransom in exchange for the victim's release. In the previously known cases of enforced disappearance, the abductors did not



Journalist Utpal Das with his mother Bimala Rani Das at Bhulta Police Outpost in Narayanganj.

PHOTO: STAR

make any contact with the victim's family members. However, both journalist Utpal Das and researcher Mubashar Hasan, two recent abductees who have been fortunate enough to return alive, claimed that they had heard their captors discuss extorting money from their families. The actual motive behind their abduction remains a mystery, especially since these unknown abductors did not make any substantial effort to demand or collect money.

Furthermore, the fact that three or four recent victims of alleged enforced disappearance have returned home within a fairly short span of time, and in quite a similar fashion, raises eyebrows. Asaduzzaman Khan Kamal, the home minister, has credited the law enforcement agencies for the resurfacing of these missing individuals. We struggle to understand why though, especially since the law enforcement agencies did not make any visible attempts to rescue them. The home minister's comments also do not address why the police have not shown much interest in finding out who the abductors really are.

Although Bangladesh's law does not distinguish between enforced disappearance and abduction, international law clearly defines it as a "crime against humanity." Using the term "missing" is very convenient for the state to refer to enforced disappearances. It is also easy for one of the highest-ranking officials to claim that such incidents of people going missing often took place in the UK and the US, despite the fact that no family members of those individuals in those countries have

pointed the finger at law enforcement agencies.

The home minister has repeatedly claimed that many persons deliberately or voluntarily go missing to embarrass the government, to hide from their creditors, or to join a militant group. What he conveniently forgets is the fact that when RAB released the list of youths who had gone missing to join militant groups, almost no one disputed it. The families of the missing youths also seemed to have agreed with the statement, not simply because RAB claimed so, but because they probably suspected that this was the case. On the other hand, in many cases of alleged enforced disappearance, families of the victims have said that people claiming to be from law enforcement agencies had taken them away in the dead of night in front of their eyes, only to deny it later.

According to a media report, a deputy commissioner of police recently appeared to have admitted what we have long suspected. In a conference on militancy at Shaheed Suhrawardy Medical College & Hospital, the deputy commissioner in question cited a previous incident of arresting a medical intern from the very hospital, because the police suspected that he had sheltered two suspects of the Chittagong naval base bomb attacks. The victim was found unconscious 30 hours later.

"A year ago, you [fellow doctors] organised a human chain and blocked roads, in protest. We took him, but we cannot always admit it because we had to extract information from him. Not

always can we divulge everything," the police officer explained. The recording of these statements is publicly available.

The police "cannot admit" being involved in such actions because they are illegal under Section 61 of the criminal procedure code that restricts the police to keep any person detained without a warrant for more than 24 hours. This restriction may also explain why some victims, like AMM Amanur Rahman, the secretary general of Kalyan Party, reappear after weeks or months and then almost instantly are shown arrested. A sane mind would wonder why he was not arrested formally, and was instead detained secretly. Such practices also raise concerns about the actual purpose of the law enforcement agencies. The opposition parties have constantly alleged that the government used law enforcement to "disappear" their leaders and activists.

If in many cases the law enforcement agencies have resorted to such illegal means to detain real criminals, it also means that they can do so for illegitimate and illegal purposes. If the government really wants to make it convenient for the law enforcement to secure a court warrant quickly to arrest suspects, it can do so by setting up new exclusive courts and expanding the legal capabilities of law enforcement agencies. Evading a legal mechanism cannot be an excuse to detain real culprits, let alone innocent people.

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The power paradox

IN OTHER WORDS



AMITAVA KAR

WE gain power by doing good to others. The Machiavellian thesis that power is about force, intimidation and violence no longer passes muster. Instead, through

social practices that promote the interests of others such as empathy, equality, collaboration, open mindedness and generosity, we acquire power.

At school, we grow in the esteem of our peers if we are nice to them and build strong ties. If we are passionate and open to innovative ideas, we listen well, express gratitude and share resources, we rise in the ranks in just about every walk of life.

And yet, when we feel powerful, we lose these qualities that got us there in the first place. This irony is brought to light in the book *The Power Paradox: How We Gain and Lose Influence* (2016) by Dacher Keltner, best-selling author and professor of psychology at the University of California, Berkeley.

Keltner argues, as we experience elevated power or rise in the social status ladder, we are more likely to lie, cheat, steal, be disrespectful to others and violate traffic rules—acts that significantly reduce our capacity for influence. His argument is backed by facts.

In a series of studies, Keltner and his colleagues showed that those who drive pricey cars, BMWs, Mercedes and the like, are four times more likely to speed through crosswalks with pedestrians. Rich and powerful people are more likely to think that their time is more important than the safety of pedestrians. I am sure we all can relate to this strange phenomenon.

But why have aggression, coercion

and manipulation ceased to be effective tools in the pursuit of power? Why do we now have to do good to others instead? How has the mantra changed from "better to be feared than loved" to "better to be loved than feared"?

Professor Keltner opines that the world has come a long way from the days of Machiavelli. There was very little rule of law then. Real realism to hold people accountable had not taken

people to effective action."

People's perception of power has changed. Keltner says that 40 years ago people identified great leaders with qualities such as boldness and assertion. Today, people are much more likely to say, "It's the person who is listening well and integrating people's ideas and building ties."

One reason is that the nature of work has changed. Most jobs today are much

So what advice does he give people who want to gain power? Listen carefully, don't be arrogant, express gratitude, cultivate a culture of respect where everybody's opinion matter. Tell stories. Tell a remarkable story. A story that can stir enthusiasm in people. Ask questions. A question that brings out the most imaginative thinking in people. And to avoid the paradox in which the very skills we depend on to gain



root. There were oligarchs and the transfer of wealth to their relatives. And there was a general acceptance of violence. If you wanted to rise in power, you had people killed.

Those days are long gone. The shift has been away from violence to building community and, as influential political theorist Hannah Arendt noted, "stirring

more collaborative, interdisciplinary and complex than they were 50 years ago. Second, the emergence of multicultural societies has changed the face of power in many countries. And then there are more women in leadership positions and they have a different way of leading. These are the forces, in Keltner's opinion, that have reshaped the nature of power.

As we experience elevated power or rise in the social status ladder, we are more likely to lie, cheat, steal, be disrespectful to others and violate traffic rules—acts that significantly reduce our capacity for influence.

power vanishes in our own sense of superiority, we must give it away in small acts of open mindedness, praise and teamwork.

All things considered, we keep and grow power by giving it away. Power expands when we empower others.

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