



Amir Khasru remanded

STAFF CORRESPONDENT, Ctg

A Chattogram court yesterday placed BNP leader Amir Khasru Mahmud Chowdhury on a one-day remand in a case filed under the ICT Act and Special Powers Act.

Chattogram Metropolitan Magistrate Safi Uddin passed the order after the BNP standing committee member was produced before the court with two days' remand prayer, said Kazi Shahabuddin Ahmed, assistant commissioner (prosecution) of Chattogram Metropolitan Police.

The court also ordered Sanjoy Guhu, investigation officer of the case, to submit the report by seven days, the police official said.

He added that Sanjoy, sub-inspector of CMP DB, had appealed

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A long tailback on the Dhaka-Aricha highway near Savar bus stand area yesterday. People suffered badly as traffic in the area almost came to a standstill due to an Awami League rally against terrorism, militancy and newly formed Jatiya Oikyafront's "conspiracies" held nearby. Inset, rally participants spill on to the road.



Govt promotes 256 senior assistant secys

More changes in key positions likely before polls

STAR REPORT

The government has promoted 256 senior assistant secretaries to deputy secretaries and 574 assistant professors to associate professors.

The ministries of public administration and education recently issued separate notifications in this regard.

UNB reports that those promoted in the civil administration are currently posted in different districts, ministries and organisations.

There will be more important transfers, appointments and promotions in key positions of the public administration before the announcement of polls schedule, highly placed official sources said.

They said the government had started rearranging local administrations a few months back, and has made changes in most district and upazila administrations by withdrawing and appointing DCs, UNOs and other officials.

The government has so far transferred

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The swing division

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That fuelled a street agitation resulting in a one-sided election in February 1996 and introduction of the non-partisan election-time caretaker government system. But the caretaker government system was scrapped in 2011, sparking off a yet-to-be-solved political crisis.

Currently, the political situation in the 10 districts of the division seems to be heavily in favour of the ruling Awami League. Its leaders and activists are vigorously campaigning for multiple potential party nominees while their archrivals, the BNP men, are mostly absent in the field.

In all the constituencies, multiple aspirants of the AL, including incumbent MPs, are projecting the successes of the government and seeking people's support for their bid for office.

Local AL leaders are hopeful of repeating the success they had in the 2008 and 2014 elections.

"We have good organisational strength in district and upazila levels. It will give us an extra punch for victory in the next election," said SM Kamal Hossain, a member of the AL central working committee who coordinates electoral activities of the AL in Khulna division.

AL nomination aspirant Panchanan Biswas, incumbent lawmaker of Khulna-1, said, "These days I am busy with the campaign. I hope I will get the party's nomination."

"I hope people will vote for us again because the present government has

carried out massive development activities across the country."

The BNP camp, meanwhile, has a different story. In most constituencies, the BNP's ticket seekers are quiet and not campaigning properly.

Some are getting in touch with constituents stealthily. Their absence in the areas might lead one to conclude that the BNP would not run from all the seats in Khulna.

Take Satkhira for an example. Not a single BNP nomination seeker is campaigning openly in the district, the second

in the cases here."

Asked about campaign activities, Barun Kumar Biswas, district BNP vice-chairperson, who aspires to run from Satkhira-3, said, "I distributed 1,200 posters."

Jhenidah has a similar picture. No BNP campaign rallies were seen in the town.

"I am running a door-to-door campaign," said former BNP MP Shahiduzzaman Beltu, who is preparing to contest the next polls from Jhenidah-4 constituency.

KHELNA DIVISION				
1991	1996	2001	2008	2014
AL-17 BNP-12	AL-22 BNP-12	AL-6 BNP-led alliance-31	AL-led alliance-33 BNP-led alliance-2	AL-led alliance-32
Jamaat-8	Jamaat-1			
	Independent-1		Independent-1	Independent-4

Khulna Division had 37 constituencies in the elections of 1991, 1996 and 2001. But the number of the constituencies became 36 in the 2008 and 2014 polls.

largest in the division with five seats.

Even this time last year, several names popped up as potential candidates but the field seems empty now.

Local BNP leader Abdur Rouf, who wants to run in Satkhira-2, said he has not held any campaign rallies yet.

"The atmosphere is not conducive to campaigning," he said, adding, "Every time we try to bring out a procession, the police come to arrest us. Even if we are not in the area, we are accused

Former Dhaka University senate member Gautam Biswas wants to run from Narail-1 but he does not dare to campaign.

"We are not being able to unify our men to launch the campaign. I was named in more than 10 cases. I don't live in Narail anymore," said Biswas.

He has been in Jessore for around four years.

Jamaat-e-Islami, a component of the BNP-led 20-party alliance, has

strong organisation strength in some areas of the region, particularly Satkhira and Khulna.

The party men, however, have gone into hiding following police crackdown in connection with violence in the areas before and after the last polls.

The crackdown seems to have driven them out of their localities or made them inactive. In the last one year, Jamaat's activities in the region were almost zero.

But locals believe Jamaat has gathered strength in different strategic areas of Khulna and Satkhira.

Jamaat's central Nayeb-e-Ameer Golam Parwar, also former MP of Khulna-5, said, "We are not conducting campaign publicly to avoid harassment by the police. But we have kept in touch with the constituents communicating with them personally."

Like elsewhere in the country, the AL and the BNP have multiple ticket seekers in the constituencies of Khulna division.

At least 80 candidates are in the race to get AL's nomination in 36 constituencies.

"There may be multiple candidates in different constituencies. But once the boat symbol is allocated to a candidate, all the party men will unitedly work for ensuring victory of the symbol," said AL leader SM Kamal Hossain.

The BNP has around 45 but the number may increase if it announces that it would be running in the polls.

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In Bagerhat-1, AL President Sheikh Hasina won in the last three elections. In Bagerhat-2, the AL has at least five prospective candidates, including Hasina's cousin Sheikh Helal Uddin. The BNP has only one candidate there.

Khulna Mayor Talukder Abdul Khalque's wife Habibun Nahar is the incumbent lawmaker of Bagerhat-3. There are four other MP hopefuls there. The BNP has at least four aspirants while Jamaat leader Sheikh Abdul Wadud is likely to run as an independent.

In Satkhira-3, former health minister AFM Ruhul Haque is a prospective candidate while there are three other AL aspirants. In the district, over a dozen AL leaders are trying to get party tickets.

Although no BNP aspirant is visibly campaigning in the district, party leaders claimed they have potential candidates.

In Jhenidah, AL hopefuls are campaigning in full-swing, while the BNP remains invisible in the field.

Conflict among AL men has reached alarming proportions in the district as rivaling groups have engaged in scuffles on multiple occasions recently. At least 18 candidates are competing for four party tickets.

The BNP tent is silent with seven aspirants. Two Jamaat men are preparing to run as well.

In two Narail constituencies, there are six AL and four BNP hopefuls. Bangladesh Jatiya Samaitantrik Dal President Sharif Nurul Ambia is cam-

paigning in Narail-2.

In Magura, over six AL leaders, including prime minister's Assistant Private Secretary Saifuzzaman Shekhor and State Minister Biren Sikder are trying to get party nominations. The BNP's two possible candidates are Khaleda Zia's Adviser Nitai Roy Chowdhury and former lawmaker Salimul Haq Kamal.

In Kushtia, Information Minister Hasanul Haq Inu and AL Joint General Secretary Mahbubul Alam Hanif are like to contest in Kushtia-2 and Kushtia-3. Besides, at least seven AL and six BNP men are in the race.

In Chuadanga, parliament Whip Solaiman Haq Jaoardar Selun, businessman Dilip Kumar Agarwal and two other AL men are trying to get party tickets in Chuadanga-1, while Khaleda Zia's adviser Shamsuzzaman Dudu and district BNP Convener Obidul Islam are also trying to get BNP tickets. At least three other AL and one BNP men are trying to run.

In Meherpur, at least five AL and four BNP leaders are campaigning in two constituencies.

Although Khulna has been swing division since 2001, the current political situation in the 10 districts seems to be heavily in favour of the ruling Awami League despite rivalries within the party.

The AL leaders and activists are vigorously campaigning for multiple potential party nominees while their arch-rivals, the BNP men, are mostly absent in the field.

Term over, not 'punishment'

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government should come forward and support him. He suffered so much... through no fault of his own," Sapon's widowed elder sister Ferdous said.

Sapon's case is not a solitary one.

At least four -- including Sapon -- of 69 murder accused listed by the Supreme Court Legal Aid (SCLA) office as being imprisoned for over a decade were acquitted by lower courts in 2016 and 2017.

The HC then examined lower court records and held hearings on cases -- which hadn't progressed for a long time -- in suo moto rules and finally granted bail to 18 prisoners. At the same time, the lower courts dealing with the murder cases were instructed to complete the trial within six months.

However, for many, reintegrating into society has become as difficult as serving the sentence.

WHY REHABILITATION IS NECESSARY

An HC order this April drew the gov-

ernment's attention to the need for rehabilitation of prisoners "who are being released from jail after long time, [and who then] find themselves in a dire situation".

Following a petition in a trafficking case, the HC bench of Justice M Enayetur Rahim and Justice Shahidul Karim granted bail to a petitioner, one Monowara Begum alias Motaahara Begum alias Khurshida Begum, almost two decades after she was taken into custody.

She could not file a bail appeal with the HC earlier due to lack of funds.

The grounds for the bail were that she had already served a substantial portion of her sentence and that there was "no legal evidence to sustain the conviction", as said in the order.

The deputy commissioner and the district social welfare officer of Cox's Bazar, where the trafficking case had been filed, were asked to provide Monowara with "all kinds of assistance" needed to reintegrate her into

society.

When contacted in the second week of May, both the DC office and the social welfare office claimed the court order hadn't reached them yet.

IS THE GOVT BOUND BY LAW?

The matter of rehabilitating prisoners after their release brings forth the question as to whether the authority is obliged to do so.

In this regard, the International Covenant on Civil and Political Rights, which Bangladesh is a party to but hasn't signed, says the country does not have any system in place to ensure social rehabilitation of prisoners "on account of financial constraints and for lack of proper logistics support."

The global treaty binds the signatory nations to provide compensation to "victims of miscarriage of justice", said Supreme Court lawyer Kawser Ahmed.

Bangladesh accepts the principle of compensation but "is not in a position to guarantee a comprehensive

implementation of the provision for the time being", as said in the documentation of the UN agreement.

However, those aggrieved have the right to realise compensation through separate proceedings, and in some cases, the court through suo moto ruling can grant compensations to victims, it added.

The amount of compensation is decided by the court.

In Sapon's case, the HC issued a suo moto rule in November 2016 granting him bail. In the order, it said, "failure to conduct the trial within 16 years is shameful for the State as well as [for] the judiciary."

During the trial, only two prosecution witnesses -- the murder victim's brother and the first investigation officer -- had been examined but nothing emerged from their statements linking Sapon to the murder.

THE COST OF FREEDOM

According to the law, Sapon was allowed to seek bail from the lower court, and if rejected, he could pray to the HC for bail. But as said in a suo

moto rule, he didn't have the financial means, just like Monowara Begum, to appoint a lawyer and had no communication with his parents and other relatives.

His sister Shakila said their mother Fazilatunnesa had once gone to meet Sapon in jail but "he didn't even recognise her". Afterwards, none of the family tried to visit him fearing that they would also be detained if he failed to recognise them.

The murder that Sapon was accused of is a non-bailable offence, said SC lawyer Kawser over the phone, but the possibility of getting bail increases if investigation fails to uncover any concrete findings.

The lower court rejects bail to an accused when it considers that the likelihood of his culpability is high. And the HC usually grants bail to the accused undergoing trial for more than four-five years.

But since the offence is non-bailable, the court is not supposed to

grant bail voluntarily; the accused or his family has to appeal for it and they have to appoint a lawyer for that, Kawser added.

On behalf of the accused Sapon, the legal aid office in Dhaka executed the bail bond as directed by the HC in 2016.

After his release, the Kashimpur jail authority made him take a bus and gave him Tk 200.

"He could remember the area but not the house. He wandered around the place until after midnight and then we found him [on being informed of his release]," Shakila says.

During this correspondent's meeting with Sapon, he sat quietly, staring out of a window.

Asked what he wanted to do now, he kept staring into the distance. His mother drew herself close to him, and rubbed his shoulders. "He hasn't long called me Ma [mother]," said Fazilatunnesa, Sapon's mother, as her eyes welled up.

Serving time even after amnesty

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sentenced him to life on March 8, 1989, documents show.

He appealed against his conviction before the High Court Division of the Supreme Court.

Meantime, while the appeal was still pending, he was freed, like many others, from jail in 1996 under the presidential amnesty.

The amnesty was granted in line with an order issued on January 14, 1991, in the name of the then acting president Justice Shahabuddin Ahmed. In this order, the life sentence was reduced to 20 years from 30 years. The order also allowed prisoners to walk out of jail upon serving half of their term.

court verdict and acquitted him of the murder charges on grounds that the prosecution failed to prove his involvement beyond reasonable doubt, documents show.

But his plight was far from over. In 2006, the government challenged the HC Division verdict with the Appellate Division of the SC, which ordered his arrest in 2008.

Ajmat's life as a prisoner began again in October 2009 after police arrested him and produced him before a Jamalpur court, which sent him to the same Jamalpur jail.

Court sources said that during the appeal hearings in the Appellate Division, there was no lawyer to represent Ajmat. So the apex court could not know that he was freed years ago under a general amnesty.

Division scrapped the HC judgment and upheld the lower court verdict, saying the HC was wrong in its decision.

WHO TO BLAME?

Ajmat's family refused to give up and chose to fight on. But what they experienced in the process once again exposed how justice-seekers can suffer even as their lives slip away.

They went to one lawyer after another, borrowing money from neighbours and relatives, taking loans and selling anything they could to pay for their pursuit of justice.

Finally, they managed to find one lawyer, Jayanta Kumar Dev, who made an unusual move. In January 2012, he wrote to the very District and Sessions Judge's court that had originally sentenced Ajmat to life.

since Ajmat first landed in jail -- his conviction, the presidential pardon and the verdicts by both the SC divisions. The lawyer also sought the district court's intervention to have Ajmat freed.

Judge Malik Abdullah Al-Amin then wrote to the Supreme Court Registrar on March 25 the same year, seeking advice.

More than a year later on March 31, 2013, the SC authorities responded, instructing the Jamalpur court to take steps in line with the Appellate Division judgment and other relevant rules.

Signed by the then SC Deputy Registrar Ishak Mia, the letter made no mention about the mercy granted to Ajmat, who is still in jail.

His family is now seeking support from the Supreme Court Legal Aid office, which is preparing to file a petition for review of the Appellate Division verdict.

Asked who is to blame for Ajmat's predicament, SC Registrar Md Golam Rabbani yesterday said he needed to see all the relevant papers before making any comment.

Three other officials at his office, all of whom spoke on condition of anonymity, said that in case of a general amnesty there was no bar for the apex court to go ahead with the appeal proceedings.

Such an amnesty would not even have any impact on the verdict of the High Court Division and the Appellate Division, they added.

About Ajmat's release, they said it was for the prison authorities to decide in line with the Jail Code.

Jamalpur Jail Superintendent Mokhlesur Rahman declined to comment.

Alam Khan agreed that there was no legal bar to proceed with the appeals in cases like Ajmat's. But the state had a responsibility to inform the apex court about the amnesty.

"Had the apex court known about this, it might have considered the matter before pronouncing the verdict," he added.

While officials are caught up in the legal tangle, Ajmat's family are going through the worst kind of emotional turmoil -- the kind where hope is given for a moment but is taken away again.

"I don't understand why he has been taken in again after the presidential mercy. We have spent our lives without him," said Beauty Akhter, Ajmat's eldest daughter.

[Our Jamalpur Correspondent ABM Aminul Islam contributed to this report]