

Every Life Matters

Nobody is beneath the law

NAJRUL KHASRU

NO man is above the law and no man is below it: nor do we ask any man's permission when we ask him to obey it." — Theodore Roosevelt

Donald Trump and Boris Johnson are two of the most powerful men on Earth. While the former is facing an impeachment hearing, the latter has recently been "admonished" by his country's Supreme Court for indulging in unlawful acts. If the citizens of the USA and UK had any doubts about whether the rule of law still proclaims in their respective countries, that nobody is above the law, then these events are likely to reassure them.

In Bangladesh the Constitution guarantees its citizens equality before the law. However, the general perception has always been that certain people are above the law. That their political and financial powers are so overwhelming that they comfortably remain beyond the reach of the law. Successive governments have found this challenge too insurmountable. Until now that is.

The government's recent anti-corruption drive has proved to be more than a mere gimmick. People who have hitherto been roaming around with impunity, have been jerked into the realisation that in spite of reaching dizzying heights, the law has suddenly overtaken them. Whether this drive runs out of steam or whether the legal system is able to deliver justice while ensuring the rights of the accused, remains to be seen. Nevertheless, Bangladesh may, probably for the first time in its history, claim with some justification that nobody is above the law. But this is only part of the story.

While the idea that the rule of law proclaims that nobody is higher than the law evolved from Aristotle through the Magna Carta and other historical milestones, it was professor Dicey who articulated that the rule of law also guarantees that nobody is so low that they are outside the protection of the law. This principle establishes that under the rule of law, a citizen, regardless of how harmful or despicable his behaviour is, still has rights under the law which includes right to life that no state apparatus can take away arbitrarily.

It is the police force which is entrusted with



apprehension of those suspected of crimes and safe delivery of them to the justice system. It is well recognised that on rare occasions a police officer, to save his own or others' lives, may need to neutralise a suspect by killing him. But if a government has no credible mechanism, whereby every such incident is independently investigated, then that government's credentials in upholding the rule of law is legitimately questioned.

In England the law requires that every death in police encounter is investigated and details published by a statutory body, called Independent Police Complaints Commission (IPCC). The information regarding deaths in fatal shootings shows that since 2007, such deaths have ranged from zero (in 2013 and 2014) to 6 (in 2016) with average of two deaths every year. If the IPCC finds that an officer has not used unlawful force then he is exonerated. In a minority of cases, recommendations are made for prosecution of the officer concerned.

In the USA the picture is more complex. A country with loose gun laws, on average 850 fatal shootings by police take place every year. A disproportionate number of victims are young black men. While investigations at various levels take place after each such incident and some officers are prosecuted, the objectivity of these investigations are widely questioned. The campaign "black lives matter" highlights these failures and demands corrective measures.

While figures for death by police shooting vary greatly from country to country (Iceland and Switzerland consistently score zero) while the figures for Venezuela and Brazil are usually above 5,000, most countries have investigating mechanisms in place, albeit some of dubious credibility, to reassure their citizens that the police are not a law unto themselves. It is a matter of great regret, that that there is irrefutable evidence that this is where Bangladesh scores abysmally.

The Constitution of Bangladesh proclaims

no person shall be deprived of life except in accordance with law. Bangladesh is also bound by its obligations under the Universal Declaration of Human Rights as well as several human rights treaties to protect the right to life. It is also obliged to bring to justice those responsible for unlawful killings. Human rights organisations have documented 466 deaths in 2018 as a result of "gunfights" with police (for the purpose of this article the term "police" includes rapid action battalions and border guards Bangladesh). The figure for this year thus far indicates that there has been no let up.

Carefully released information after each incident asserts that the police acted in self-defence, with no hint of an independent investigation to verify. Indeed, in many cases such investigations may exonerate the officer concerned, but lack of any investigation brings the government's commitment in upholding the rule of law into question and damages the reputation of the police.

The carefully released information further asserts that the person killed was either a drug dealer, or had numerous criminal cases pending or they are dangerous *dacoit*. The underlying message is that these people are evil, they are somewhat beneath the law and the elimination of such people should not concern the law-abiding citizens.

Such messages may be categorised as an assault on the rule of law. It challenges the truisms that a person is innocent until found guilty by a court of law, and that every life matters. A suspect, regardless of how sure the police are of his crimes, remains innocent until a court determines whether he is guilty following the due process of law.

Killing of a suspect deprives society its right to see that that perpetrator of an alleged crime faces the justice system and is dealt with in accordance with the law. Also, the victims of such acts are not only the persons killed but the families they leave behind. The state fails them by failing to protect their loved ones and to provide any remedy or redress. Indeed there is no closure to their sense of being at the receiving end of state injustice.

The world's understanding of Bangladesh's records in this regard, quite predictably, is not favourable. The World Justice Project's rule of law index for 2019 ranks Bangladesh at 112 out of 126 countries. Bangladesh's ranking almost touches the floor at 119 out of 126, in respect of fundamental rights including the right to life. The UN High Commissioner for Human Rights has spoken out against Bangladesh authorities: "total disregard for the rule of law". The recently published Amnesty International's report on Bangladesh entitled "Killed in Crossfire" makes grim reading.

The government of Bangladesh should be well advised to take immediate corrective measures to ensure that all citizens have equal rights to the protection of the law and nobody is beneath the law. It should establish an independent body to investigate all deaths in police confrontation with powers to exonerate or recommend prosecution as the case maybe. A people that sacrificed 3 million lives for democracy, justice, and the rule of law deserves no less!

Najrul Khasru is a British Bangladeshi barrister, and a part-time tribunal judge in England.

Lessons to still learn from the 'Meena' cartoon

HASAN AL-MAHMUD

THE generation of the 90s where I belong to has grown up with a very popular group of cartoon characters: Meena, Raju, and Mithu. It was a time when the social norms of the entire world were undergoing major changes. In that important era, this cartoon played an important role to expose many social problems through some dialogic animations, creating awareness, and giving solutions to those problems. I wonder why the current government is not taking such initiatives to solve many contemporary social issues.

Personally, I was very fond of this cartoon series and it has influenced me a lot. In my childhood, I had a belief that those characters were real. They were always in my mind even if I was sleeping or attending a class in school. I personally dreamed of growing up in the role of Raju, a loving brother of a caring sister.

At that time, thousands of superstitious beliefs, cultural orthodox, and shameful social customs were victimising people in the rural areas of South Asian countries. Even urban women were not free from those barriers of the twentieth century. In that circumstance, an animated cartoon character "Meena" was introduced with the help of UNICEF where the character "Meena" was completely different from the erstwhile girls because of her progressive thoughts and activities.

Through a long-term field research done by UNICEF Bangladesh, this "Meena" character, with all other supporting roles, created a meaningful story. At first, they came to Ram Mohan, one of the most

popular cartoon artists in South Asia, also known as the father of Indian animation. He was requested to create a face that could be acceptable to everyone. After hard work, Meena appeared in his painting. Hannah-Barbara's studio in Manila, Philippines, featured its several early-

not only every corner of the country, but other places around the world as this was translated into Bengali, English, Hindi, Nepali, Urdu, Pashto, Portuguese, etc. In a research of UNICEF, it was found that 95 percent of Bangladeshi people knew about "Meena" and her activities in the 90s.

learned from my father"—this is one of the dialogues that Meena uses in the cartoon. Raju's voice was given by Abrar Sajid when he was in class one, and Mr Kamal Ahsan, a performer on stage, radio and television, gave Mithu's voice which was quite popular among the audience. "My name is

when elders were talking was not seen positively—so children couldn't go into any conversation to express their thoughts. If it was about girls or even women, they were not allowed to talk about equal rights. It was challenging for them to go to school and to be educated. Somewhere it was prohibited! Through Meena's message it was possible to point these out and try to change the psychology of the society.

This is why children of that time grabbed it enthusiastically. They went into it deeply. I still remember how much I was worried when I saw "Meena" being stopped from going to school. Seeing "Meena" upset, many children of our time cried—even our uneducated village mothers thought Meena should go to school. This was the change created by a simple cartoon character, Meena.

She was a representative of those extremely brilliant rural girls who had merit but were stuck like caged birds. When "Meena" was barred from going to school, she sent Mithu secretly to learn school lessons so that she could learn from Mithu later. Mithu was a parrot who was intelligent, conscious and helpful, so "Meena" took Mithu wherever she went. Meena's passion for learning inspired many girls to go to school.

Mithu came back from school learning the counting table of 3 and taught Meena. While Meena was practicing, she realised that they had six hens altogether. She was so happy about it. One day she found that one hen was missing. Immediately she informed her family and her family was able to prevent the loss of one hen. Most people realised that sending a girl to school not only benefits her, but also her family, her society and her

country. This is why Napoleon said, "Give me an educated mother, I shall promise you the birth of a civilised, educated nation."

This is how the animated sequel, "Meena", changed the perception of the society. Equal rights, ensuring the health facilities for everyone, the importance of washing hands before meals and after using toilet, preventing dowry, sexual harassment in the streets, benefits of modern medical systems, HIV contagiousness, warning of traditional and domestic methods of ancient times, immunisation, children's sports, delivering babies right way, social superstitions, importance of breastfeeding, and what not, were highlighted for creating awareness through this cartoon sequel. This way, it was possible to make a better society.

This cartoon is still inspiring our children to go to school and get them interested in education. The lesson that parents take months to teach their children, this cartoon managed in only one episode. As this was quite popular not only at that time but also today, Google launched a game in their play-store named "Meena Game". Sometimes BBC also broadcasts some of its episodes to inspire school-going children.

However, if such a positive change could be made through a simple cartoon character in one of the underdeveloped regions of the world, why not create such a character to solve some social problems happening today? Rape, killing innocent people, misuse of student politics, etc., could also be solved this way, I believe. It is high time to think about it.

Hasan Al-Mahmud was a Fulbright Teaching Excellence and Achievement (TEA) Fellow, Fall 2018, Montana State University, USA.

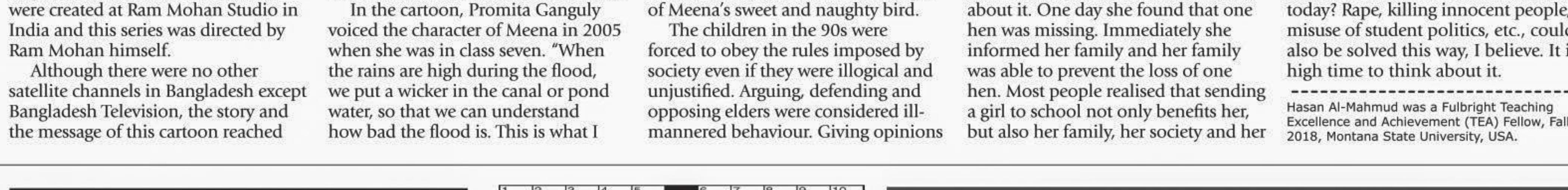


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Mithu," this was the famous dialogue of Meena's sweet and naughty bird.

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stage episodes. Rest of the episodes were created at Ram Mohan Studio in India and this series was directed by Ram Mohan himself.

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