

# Miscarried justice and wrongful convictions

Here comes the story of the Hurricane

– Bob Dylan



SHAMSAD MORTUZA

case with the sensational "Joj Mia," and "Jaha Alam" scandals. All three cases expose the underbelly of our criminal procedures that can be manipulated.

A classic example of miscarried justice of dystopian proportion involves a serial-killer. While tracking some looted jewellery, the police nabbed one Babu Sheikh from Natore last month. Upon quizzing, they realised that Babu Sheikh alias Kalu was more than a robber who would move in a gang that pretended to be fishermen. In the last six years, he has admittedly killed 10 individuals including nine women and one child. Five of the female victims were raped before the murder. If you think this is bad, wait till you listen to this.

Following most of the crimes that he had committed, police captured, jailed or punished someone else. The heinous acts of Babu Sheikh have left a trail of shattered lives of the people unjustly caught within the web of blind justice.

I read the story of Babu Sheikh with utter horror. I felt that the victims were lucky to be dead compared to the heart-wrenching stories of innocent victims who were wrongly convicted; the errors in the nation's justice

*Sometimes in our civilising and sanitising efforts, we tend to repress stories that trouble us. The news that I based my piece on rested in the national page as most of the victims belong to the downtrodden class. Their stories can be easily brushed off with a calculated sigh.*

Even the vengeful God of the Old Testament would have endorsed a similar action. The Renaissance man Hamlet had a lot to ponder. He knew he could not rush in his rendering of justice. The Danish Prince meditated, contemplated, conspired, consulted, plotted even feigned madness before going for his revenge.

Shakespeare's Hamlet was located at a transitional phase between revenge and justice where an impersonal judiciary system was assuming the agency to execute justice, moving beyond the creed of personal revenge of the medieval world. During Renaissance, the modern system was being institutionalised where the state was taking a non-partisan responsibility of establishing law and order by bringing an end to the vicious yo-yo of revenge and justice. The blindfolded lady justice epitomises this impersonal nature of the system. That, however, does not excuse the system to be literally blind. In recent years, there has been a number of news reports that proves the contrary.

We have read the news of a 55-year-old Babu Sheikh who was released after 17 years simply because his nickname matched with one Sri Babu (The Daily Star, Oct 19). The mistaken identity following a village feud got him arrested and made him stay imprisoned in place of the real accused from a different religious community. While releasing the innocent victim, the High Court rightly instructed the IGP to take action against the officers who framed the charge sheet and also advised the victim to demand compensation from the state. The court also compared the

system changed their lives forever. The first murder victim of this serial killer was a 45-year-old woman from Noldanga, Natore. Babu Sheikh broke into the house, raped and murdered the housewife and ran away with only Tk 150. The brother of the victim lodged a case, and the husband was arrested and tried for murdering his wife for dowry. The husband was later given a rigorous life-sentence and he had been in jail ever since.

The next victim was a 13-year-old girl, who was raped and choked to death by Babu Sheikh and his partner in crime—his own brother-in-law. Two young men are still in jail following the death of this class seven student, while Babu and his partner were at large. His next victims were a young mother and her disabled son who was thrown into the pond to die. A man was arrested and jailed after his statement under Section 164, which is now being contradicted by Babu Sheikh's confession. Then a 58-year-old



Babu Sheikh served 17 years in jail despite being innocent, simply because his nickname matched with one Sri Babu.

PHOTO: STAR

woman was tortured to death leading to two wrongful convictions of a trader and a merchant.

Babu came to visit a relative in Tangail where he killed two more. Instead of capturing the real culprit, once again police had two more innocent victims in their custody. According to him, he was once wrongfully framed by a local leader which made him run away from home. He became a gang member of "net" party where he got into the habit of looting, murdering and raping. There is even one instance where he killed for the second time in one night just for the thrill of it.

While criminal psychologists may have sympathies for the psychopath who had unleashed horror in the last six years in Natore and Tangail, it took me quite a while to recover from the shock of reading about the plights of so many innocent people who were erroneously jailed by our legal

and judicial system. Evidently, no proper investigation was done, and people were nabbed indiscriminately either to close the cases or to pursue vested interest. In the process, scores of innocent men are stripped of their lives and dignity and thrown into prison.

Instances like these give rise to lawlessness. In February, there was a spate of vigilante-style murders of rape suspects in Bangladesh. Some alleged "Hercules" killed at least three rape suspects and hung confessional notes around their necks. Surely, we do not want to go back to the primordial system where the failure of the government would trigger off an extra-judicial state.

Sometimes in our civilising and sanitising efforts, we tend to repress stories that trouble us. The news that I based my piece on rested in the national page as most of the victims belong to the downtrodden class. Their stories can be easily brushed off with a calculated sigh. But these lives matter. Those who died deserve justice; those who were wronged deserve exemplary compensation. No way we should think or posit them as powerless. They have become an unwilling part of the capillary nature of power where they are subject of and subjected to many social practices. Their stories must yield many stories. They need to produce discourses after discourses, which one day will give the powerless ones the voices they deserve.

Remember the case of the African American Boxer, Rubin Carter Hurricane. He was supposed to become the first black "middleweight" boxing champion. Yet he was framed for a murder that he never committed. A bunch of Canadian litigators relentlessly pursued for his release. The conviction was overturned 20-years after the arrest. It is these stories that made Hurricane the Champion of all innocent victims.

We need many to sing the story of the Hurricane! We need to create a discourse where the victims of Babu Sheikh find their deserved justice. And the power of discourse will make sure that the law stays in its course.

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## The journey to a sustainable RMG industry in Bangladesh



ANNE-LAURE HENRY-GRÉARD

LET me begin with a quote by Bengali poet and Nobel Prize Laureate Rabindranath Tagore. "You can't cross the sea merely by standing and staring at the water."

I want to use these words as an inspiration for the journey we have embarked upon across the Bangladesh garments industry. We all want to see a stronger, richer and developed Bangladesh

crossing Tagore's sea with wind in its sails. To do so, we cannot merely stare at the water but venture the high seas, using sustainability as our tailwind.

Our age requires businesses to be compliant, flexible and innovative to play at the global level. They need to prepare for the challenges of tomorrow. But manufacturers shouldn't be left alone. This effort must be a concerted one, involving all levels of the supply chain.

Experience from Better Work across nine countries shows that improved working conditions across the garments sector benefit workers and their families and drive higher profitability for manufacturers.

What about Bangladesh?

The garments sector has played a pivotal role in uplifting the country's economy, creating numerous jobs, pushing down the number of people living in poverty, and fostering female labour participation. The USD 34 billion a year garments export industry is today the third largest in the world.

Following the Rana Plaza tragedy in 2013, the industry has seen tremendous improvements. Efforts that brought these incredible results to life are highly commendable.

Still, the future is stubbornly tapping its feet, asking us to do more.

Bangladesh still has some of the lowest wages among RMG producer countries. Freedom of association faces challenges. Meanwhile, part of the industry's "race to the bottom" on price at the lower-end of the market places a pressure down the supply chain. This poses further hurdles to the implementation of sustainable compliance across the factory floor.

Bangladesh will graduate to middle-income country status in 2024, which means it could lose EU trade preferences if it does not continue on the path of legislative reforms in compliance with international standards.

In parallel, Bangladesh needs to ward off competition. As the garments industry keeps searching for competitive production hubs worldwide, countries like Cambodia, Vietnam, Myanmar and now Ethiopia present new challenges for the local industry.

Sustainability, innovation and expertise development are thus not an option but a must to move to the next level, generate decent employment and cement Bangladesh's position as a preferred outsourcing hub contributing to the country's sustainable growth.

We at Better Work Bangladesh (BWB) are eager to offer our contribution to reach these goals. Our core ambition is to promote sustainable mechanisms for compliance which have an impact on productivity and efficiency. And this outreach extends far beyond the programme itself.

All actors must play their part.

Governments, employers and workers are elements of the same structure that sustains and improves compliance with the Labour Law and core labour standards through enforcement and industrial relations. This process must be supported by responsible business practices across the whole supply chain.

Global brands and retailers are critical to the success of this mission. Through their concern for customers' values and preferences for ethically sourced fashion, they help drive improvements across factories.

BWB's sustainability strategy sees stakeholders fully

in the driver seat, equipped with the tools, framework and mind-set to ensure that good working conditions are standard in the industry. We see a role for BWB in forging a shared sense of purpose and implementing a joint roadmap to build a strong, self-reliant culture of compliance.

As part of the Sustainability Compact, which includes the European Union, the Government of Bangladesh, the United States, Canada and the ILO, alongside employers, trade unions and other key stakeholders, we aim to promote continuous improvements in labour rights and factory safety in the RMG industry.

We believe transparency is an essential requirement. The establishment of a platform for factories to exchange best practices is underway and will serve this purpose.

Five years into our existence, BWB's outreach spans more than 530,000 workers in 230 factories, working with 25 international brand partners. That is not yet enough.

We will expand to help drive lasting and sustainable change across the industry. Plans are in the pipeline to establish an office in Chittagong by 2020, where a growing number of BWB factories are located. We are

Though automation will not affect the whole industry equally, it is time to increase investment in training and education.

A vast portion of the workers in the clothing industry remains unskilled. Without targeted learning programmes, those workers, particularly women, will lose out.

If we work together and concentrate our efforts in expanding labour market skills to ensure job retention, we won't only have averted an unimaginable employment crisis. We will have also instigated the process of creating a higher value-added industry that will further fuel economic growth, job creation and social progress.

We also cannot forget the importance of gender equality.

While their proportion has significantly decreased, women still make up the majority of garment workers. Empowering and training them ensures their voices are heard, they can progress up the career ladder, and combat harassment and violence in the workplace. Those are key elements of the Better Work strategy at the global and local level.



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PHOTO: TASLIMA AKHTER

also exploring opportunities to dialogue with the Export Processing Zones Authority, to contribute to continuous improvement of working conditions in the garments sector while maintaining the improvements already implemented.

We can proudly say that the longer a factory is engaged with BWB, the more notable its increase in compliance is. We also know that factories that have completed most of the required fire, electrical and structural safety remediation can now direct more resources to social compliance, including the protection of workers' rights, the promotion of social dialogue and gender equity, and the improvement of occupational health and safety.

Automation is in progress and Bangladesh has no other option but to embrace it. An ILO report on the transformation of the textile and clothing sector across the Association of Southeast Asian Nations (ASEAN) states that the textile, clothing and footwear sector is at the highest risk of losing jobs in the fourth industrial revolution.

BWB partnered with IFC in the Gender Equality and Returns (Gear) programme to provide female factory operators with the necessary skills to become supervisors. We joined hands with UNICEF in the Mothers@Work initiative to promote maternity, breastfeeding and childcare protection in factories. This is an integral part of guaranteeing women's access to decent work and ensuring factories increase efficiency and productivity in their lines and keep skilled employees.

It is only through true sustainability and a compliant value chain that we can guarantee inclusion, growth and the retention of the industry's global heavyweight status in the decades to come. A sustainable garments industry will help shape up a sustainable society to be passed on to future generations.

So let's not just stand and stare at the water. Let's be bold, and make the journey together.

Anne-Laure Henry-Gréard is the Country Programme Manager for the Better Work Bangladesh Programme, a joint project of the International Labour Organization (ILO) and International Finance Corporation (IFC).

## ON THIS DAY IN HISTORY

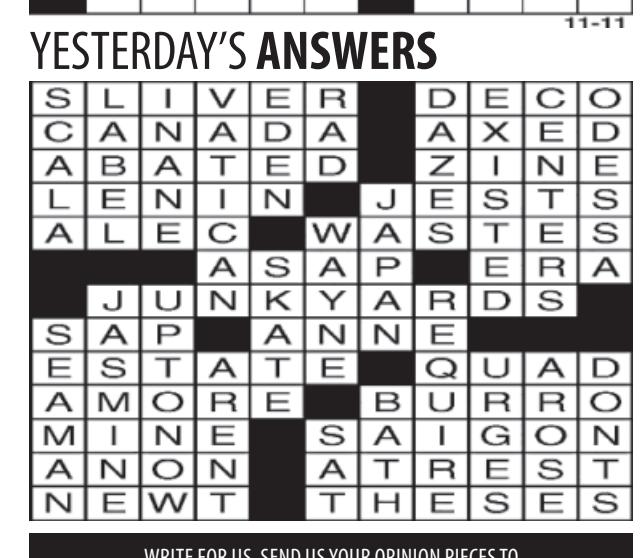


NOVEMBER 22, 1963  
US President John F. Kennedy assassinated

The most notorious political murder in recent American history occurred this day in 1963, when John F. Kennedy, the 35th US president (1961–63), was shot and killed in Dallas, Texas, while riding in an open car.

### CROSSWORD BY THOMAS JOSEPH

ACROSS	29 Army bigwig	6 Spin
1 Spanish aunts	33 Hawaii's Mauna	7 Columnist Landers
5 Philatelist's find	--	8 Bomb unit
10 Obsessed with	34 New software	9 Army rank
11 They have titles	version	12 Traps
13 Cain's brother	35 Release, as a	16 Persia, today
14 Welcome, as a	carabiner	21 November 11
new year	37 Cain's father	37 Cain's father
15 More prepared	38 Read	22 Close tightly
17 Director DuVer-	39 Spanish tot	23 Army rank
nay	40 Prying tool	24 43,560 square feet
18 Navy bigwig	41 Before long	25 Chime's kin
19 Paving goo	20 Have dinner	27 Jalapeno, for one
20 Have dinner	21 Cast a ballot	29 Appearance
21 Cast a ballot	22 Derision	30 Cber's need
22 Derision	25 Trait carriers	31 Hersey's "A Bell
25 Trait carriers	26 Really long times	for —"
26 Really long times	27 Poker prize	32 Sherbet flavor
27 Poker prize	28 Tavern drink	36 Affection,
28 Tavern drink	29 Angry with	informally
30 31 32	33 34	
31 32	35 36	
32 33	37 38	
33 34	39 40	
34 35	41	
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