

Stimulus package disbursers demanding bribes

A leopard never changes its spots

IT is a pity that when the government is working under tremendous economic strain caused by the pandemic, with an economic downturn becoming an inevitability, its incentive programme—to rescue various business enterprises in the service and manufacturing sectors with loans on easy terms—is being hampered by the disbursers asking for bribes.

Apart from the serious impact of the pandemic on the health sector, it has had the most deleterious consequences on the county's economy. For its part, the government has taken up a scheme of Tk 1,28,000 crores worth of stimulus packages to salvage firms affected by the pandemic. But a survey of around 500 such firms has now revealed that a good percentage of those cannot obtain loan without greasing the palm of the people entrusted with distributing the loans. The survey, done by the South Asian Network on Economic Modeling (SANEM), shows that paying bribes (not "reports") has become like a precondition for getting the application processed and receiving the money. And this involves bank employees and various public agencies assigned with the task of processing and disbursing the loans.

The pandemic, unfortunately, has brought a windfall situation to certain people who are exploiting the situation to mint money. And that includes a section of corrupt local leaders who defalcated funds and misappropriated relief goods allotted by the government. The same culture we see now in case of providing relief in the form of monetary incentives, where 12 percent of firms surveyed complained of bribery and even 29 percent of firms who did not get the incentives complained of the same. It is a sad reflection of the character of the society, where the bribe culture induces certain people to exploit the plight of the public. The small and medium firms and non-exporting enterprises have no other alternatives but to succumb to the demands of the immoral public servants, to keep their nose above water.

The long and short of it is that, if the current trend continues, and the affected business enterprises have to cough up money to get a slice of the incentive package, a good part of the stimulus packages would go into the pockets of the corrupt officials. Consequently, not all those targeted for the package will get the funds, and a very well-intentioned programme of the government will be ultimately put paid to. SANEM research found that 67 percent of the firms had not received stimulus funds. A good many of them may have to close down if they don't receive the funds soon, which cannot be good at all for our economic recovery.

Here is a situation where an important government plan, to aid the floundering business enterprises, runs the risk of being scuttled by unscrupulous people. Only strict monitoring, transparency, and investigation and punishment for corrupt people associated with the process of disbursement, can see the programme through effectively.

Poor showing of a project on waterway accidents

Project managers, suppliers must be held accountable

IT is disappointing to know the dismal rate of progress of a Bangladesh Fire Service and Civil Defence project that, if implemented properly, would have expanded its diving unit. As per the findings of the Implementation Monitoring and Evaluation Division (IMED) of the ministry of planning, although the project deadline of three years has passed this year, it has seen only 15 percent progress since its initiation in 2018. The goal of the Tk 165.19 crore project was to equip and train divers with modern rescue equipment in a bid to reduce the country's high rate of deaths by drowning (around 18,000 per year). But not only have the majority of the equipment not been acquired, but those that are there are also sitting idle in the project director's office, with their warranties nearing expiration.

Moreover, due to the "availability" of some of the equipment (such as tugboats, jetties, and pontoons), 68 percent of the estimated Diving Project Proposal (DPP) was excluded while "only 19.97 percent of purchase packages were placed for tender" until June of this year. According to our report, there are only 50 divers countrywide. On top of that, the project director claims that the finance ministry refused their proposal to appoint six divers in each district, so they are planning on downsizing their ask to at least three divers per district and resubmitting the proposal. Reportedly, though the revised DPP stood at Tk 63.4 crore after the exclusions, and only 16 percent of the expected capital expenditure was fulfilled, the allocated budget for transportation and office equipment was already spent.

So, we are left to wonder why such major irregularities and delays of large-scale government projects are allowed, unopposed and unpunished. Frankly, the way this vital, life-saving project has been handled from the start leaves a lot to be desired. The excuse of pandemic-induced disruptions in regular activities is unacceptable when it comes to projects and initiatives that have a direct bearing on matters of life and death. The divers are a vital part of any rescue effort in case of waterway accidents, and the authorities must ensure there are enough of them in case of an accident and that they are equipped properly to do their job. Even this past Friday, at least 22 people (including nine children) died in a boat capsizing incident in Brahmanbaria's Laishka Beel, which shows, once again, the importance of reinforcing the diving unit.

If the proposal to extend the project duration by a year is approved by the planning ministry, we would urge the fire service and project managers to use the time effectively by not only recruiting and training an appropriate number of divers, but also to use any existing or to-be-acquired equipment to improve their response time when waterway accidents occur.

INTERNATIONAL DAY OF THE VICTIMS OF ENFORCED DISAPPEARANCES



On this day, scores of families of the victims of enforced disappearances get together to share their grief, but also their concerns at the indifference of the State.

PHOTO:
STAR

No flowers for the birthday boy

Obligations, indifference and accountability



C R ABRAR

DECEMBER 2, 2013 was the birthday of Mahfuzur Rahman's—al Chhatra Dal leader of Bangshal—son. Mahfuz promised his son that he would bring him flowers on the

occasion and went out to buy flowers in Shahbagh. Since then Mahfuz has not returned. Subsequently, his family learned that he was picked up from the floral market by a group of men in plain clothes. Mahfuz remains traceless to this day. Every year Mahfuz's two children join their mother Nilufa in commemoration of the International Day of the Victims of Enforced Disappearance on August 30.

On this day, scores of families of the victims of enforced disappearances get together to share their grief, but also their concerns at the indifference of the State. They exchange experiences of dealing with the state agencies. They raise their voice in unison demanding the return of their loved ones and for a credible investigation into every case of enforced disappearance, justice for the gross wrongdoings and punishment for the perpetrators. They draw support and strength from each other and from those who join them in solidarity.

The demands articulated by the families of the victims are not frivolous or outlandish. They should not be deemed as clamouring for favour or special treatment. The claims and assertions by the families are supported by the supreme law of the land—the Constitution—and by the plethora of international instruments that Bangladesh is a state party to.

The right to life and liberty tops the list of basic human rights. In addition, everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted by the Constitution or by law.

Article 31 of the Constitution unequivocally stipulates: "To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen". It states: "in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law" (emphasis added). This position is reinforced by Article 32: "No person shall be deprived of life or personal liberty save in accordance with law." Article 33 (1) specifies that no one shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest and nor shall he be denied access to legal counsel of his choice. The sub-para (2) further states that a person "arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest" and that "no person shall be detained in custody beyond the said period without the authority of a magistrate." These constitutional provisions ensuring protection of a person have been further augmented by Bangladesh ratifying a number of international instruments.

The right to life is often claimed to be the most important of all human rights because life is the precondition for the exercise of any other right. It is enshrined

in Article 3 of the Universal Declaration of Human Rights (1948) and in all major general human rights conventions. Article 6 of the International Covenant on Civil and Political Rights recognises the inherent right of every person to life, adding that this right "shall be protected by law" and that "no one shall be arbitrarily deprived of life".

Moreover, Bangladesh ratified the Convention Against Torture (CAT) over 20 years ago but it refrained from submitting yearly reports for 19 years without any explanation. Enforced disappearance coupled with torture have been a common feature in almost all cases. Physical and mental torture leaves an enduring effect on the victims for the rest of their lives and most who go through them never speak up and reveal what happened to them. A common story tied with ransom flies in the air.

A close scrutiny of the experiences of alleged enforced disappearances and state responses to those amply reveal that state authorities have time and again

Procedure amended by the High Court division in 2003, later affirmed by the Appellate Division in April 2016. Fifteen-point directives were issued by the apex court in that judgment, which are the most ignored provisions of the law as far as it relates to the personal liberty of a citizen. In addition, in some cases, family members of the victims have claimed they were arbitrarily arrested by some agencies which do not even have the authority to arrest a civilian in any circumstances.

In some cases, deeply distraught family members were assured that their loved ones were being taken for questioning only to be returned shortly. The promise remained unfulfilled and the families' wait became perennial. Some were even threatened with dire consequences if they speak to the press about it. In almost all cases, distressed families are shocked when local police stations plead ignorance of any such arrest and detention. Most fail to secure any information even after running from post to pillar.

disoriented conditions. In quite a few instances, they are shown arrested and produced before the court without anyone accounting for their whereabouts in the interim. A handful of those who are lucky to return maintain total silence about the experience they endured in captivity.

For more than a decade, the government of Bangladesh has been summarily dismissive of the claims of enforced disappearances made by the families, the media, rights groups and international organisations, and even by the National Human Rights Commission. In 2019 in a reaction to an OMCT-Odhakar report, the Home Minister claimed that "not even a single case" of enforced disappearance had occurred. Other senior functionaries viewed it as a "smear campaign" by vested quarters. The government says the so-called disappeared actually go into hiding of their own accord to "avoid arrest" or detection "after committing irregularities in business or engaging in extra-marital affairs". Thus, there is an absolute denial on the part of the Bangladeshi state.

The government argues that many of those who disappeared were later "shown arrested" or eventually "reappeared", claiming that these nullify the claims of enforced disappearance. However, the eventual release, "shown arrested" or reappearance of individuals in no way negate the fact that the period of their detention or abduction by the state or other actors constitutes enforced disappearance. There is no time limit, no matter how short, for an enforced disappearance to occur.

Enforced disappearance is an anathema to the rule of law. The Bangladesh state's position on enforced disappearance is belied by the lived experiences of hundreds of families of the disappeared. Such denial is an affront to the deceased whom the state had failed to protect as required under the law. If indeed the victims are hiding to cover their misdeeds, is it not incumbent on the state to trace them as per the law? Also, isn't the onus on the authorities to find out or explain where those individuals were during the period when they were reported involuntarily disappeared and their "re-appearance" or being "shown arrested" by the police?

The reticence of the authorities to register complaints and their dogged refusal to investigate only reinforce the perception in some quarters about the state's indifference to the practice. While it may be unfair to suggest enforced disappearance is state-sanctioned, denial and refusal to hold anyone to account only encourage the rogue elements to further perpetuate the practice, thereby corroding people's trust in law enforcement. Perhaps the time has come for the institutions to protect citizens' constitutionally guaranteed rights (such as the civil administration and the higher judiciary), robustly safeguard their mandated tasks and resist and rid extra-constitutional encroachment in their domains. The sooner that is done and the sooner the policymakers acknowledge this, the better it is for upholding the dignity of those institutions to ensure good governance and the rule of law and also for the much-touted image of the country.

CR Abrar is an academic. He acknowledges the insights gained from Barrister Jyotirmoy Barua and the support of Rezaur Rahman Lenin in writing this article.



not lived up to the above cited Articles of the Constitution. There is a great degree of commonality in the narratives of the families of victims. Most are relatively young active citizens with interest in politics, many belonged to opposition parties or their student, labour or youth wings, while others are trade unionists, journalists or social mobilisers and influencers. Most participated in political or civic actions and are committed to bringing about change as per their own ideological and political moorings.

Only a handful of them have prior police records; others are free from the "blemish". Most were picked up either from their homes (often in the wee hours of the day) or from public places by persons claiming to be members of law enforcement agencies. In some instances, they were in plainclothes; in others, they were in uniforms or donning jackets clearly identifying a particular branch of law enforcement, carrying walkie talkies. While some were taken in vehicles bearing the insignia of law enforcement agencies, in most cases, they were ferried away in white minibuses with tinted glasses. No single case was reported in which the captors produced any warrant of arrest.

It is presumed that if a law enforcing agency is making an arrest, then they would be doing it under the provisions of Section 54 of the Code of Criminal

They are surprised at the reticence of law enforcement officials to register a General Diary, an otherwise routine practice. Those with social capital also have little success. Their friends and family members with access to the corridors of power can bring them little help. Days, weeks, months, and years pass by, they receive no update on the complaints they had registered. In some instances, family members are discouraged, even threatened, for demanding updated information.

In the meantime, in the absence of the only earning member, some families plunge into deep poverty, more so as the sources of loans dry up. Their children's education suffers and girl children are married off early. Young wives pass months and years without the company of their partners and often have to live in hardship at the mercy of extended families. The absence of documentation about the status of the disappeared makes it difficult for them to claim dues and entitlements from employers, banks, and insurance companies and settle family property issues.

In a few instances, after days, weeks or months, they are either released or their corpses with marks of injury are found in ditches or by the roadside, floating in canals or rivers. In other cases, they are found wandering in unlikely places such as border areas in distraught or