

DSA cases kept in limbo

Unlawful detention without trial under the DSA is a breach of constitutional rights

FRIDAY, October 1, marked three years since the Digital Security Act (DSA) came into force in Bangladesh. From its very inception, we have warned against the indiscriminate use of this draconian law which, instead of protecting online spaces and making them safer, has been used to clamp down on freedom of speech and target independent journalism. Recent research from the Centre for Governance Studies (CGS) now verifies that our claims of the DSA being used as a tool to harass and silence certain individuals are not unjustified.

According to the think tank, which tracked details of 668 out of more than 1,500 cases filed under the Act in the last 20 months or so, only two cases have been disposed of so far. However, scores of DSA cases against journalists, teachers, politicians, students and others remain pending.

CGS data revealed that from 1,543 individuals accused, charges were pressed against only 1.17 percent, despite the fact that the law stipulates an investigation report must be submitted within 60 days of filing the case. This wanton disregard of the existing provisions of the law, which has led to the unlawful detention without trial of those accused under the DSA, is a serious breach of the fundamental rights that a Bangladeshi citizen is accorded under the country's Constitution. We cannot forget that writer Mushtaq Ahmed was locked up under the DSA for over nine months and denied bail six times before he died—receiving the worst punishment even before being given a trial. Yet, there has been no serious inquiry into why it took nine months to complete the investigation.

We are also gravely concerned to note that 13 children (under the age of 18) have been prosecuted under the DSA, including a ninth-grader who was sent to a juvenile correction centre for allegedly insulting the prime minister on Facebook. But an overwhelming majority of these cases are not filed by aggrieved persons—in 507 of the 577 cases logged by CGS, those filing the cases were not the direct victims of the incidents. Only 76 cases were filed by law enforcement; 85 percent of the accusers were ruling party activists. The sheer folly of being allowed to lodge a DSA case against just about anyone, without even being affected by their alleged “crime”, should not be lost on anyone, especially when it leads to situations like that of farmer Abu Zaman, who despite not even owning a smartphone or having internet access, was on the run in March this year after being accused under the DSA.

This reckless use of the controversial law has shrunk civic spaces and created a culture of fear in the country. We call upon the government to immediately remove this threat to freedom of expression and democracy, and rescind the DSA before more innocent citizens fall victim to it.

What are the authorities doing to save the Buriganga?

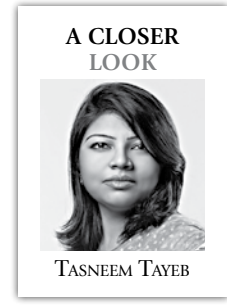
Stop illegal occupiers, excavate the riverbank to restore its natural flow

AS grabbing of our rivers goes on across the country without any break despite the High Court's order to save them at all costs and despite it terming them as “living” entities, we have come to know about yet another incident of encroachment of the riverbank of Buriganga. According to a report published by this newspaper on Saturday, in the capital's Kamrangirchar area, local syndicates are again encroaching upon the banks of the river setting up truck stands, businesses of construction materials, motor workshops, etc. While visiting the site recently, our reporter found dozens of trucks, pickups and small vehicles parked on the filled-up riverbank while trading of wood, sand, brick and stone was also going on at different spots. Moreover, household waste was also being dumped on the site.

What we do not understand is what the authorities responsible for looking after the river are doing when its banks are constantly being filled up and used for illegal purposes. Although the Bangladesh Inland Water Transport Authority (BIWTA) conducted some drives recently, they could not evict all the occupiers. And the BIWTA's plan to construct walkways and plant trees on the banks of the Buriganga may seem harmless, but it is, in fact, a violation of the High Court's directive, as the court strictly prohibited such initiatives. Moreover, according to Bangladesh Paribesh Andolon (BAPA), the way the demarcation pillars were set up on the banks of the Buriganga was faulty.

Therefore, what the authorities must do now to save the Buriganga, the lifeline of Dhaka, is re-demarcate the riverbank boundaries and excavate the filled-up stretches of the riverbank on an urgent basis. The BIWTA can build walkways later, after proper demarcation is done. The authorities should take whatever steps are necessary to ensure the natural flow of the river. In addition, all the illegal businesses set up there must be evicted without further delay. Action must also be taken against the river grabbers as per our laws. Needless to say, the National River Conservation Commission (NRCC), the guardian of the country's rivers, has an important role to play here. The government must strengthen the commission and give them enough power so it can really work to protect our rivers.

Who will speak for the Rohingya refugees now?



TASNEEM TAYEB

with the Tatmadaw unleashed their scorched-earth campaign to wipe out the existence of the Rohingya from Myanmar in 2017.

Once in Bangladesh, Mohib and his family might have heaved a sigh of relief at having escaped the Myanmar military crackdown. Unfortunately, the sense of relief was not meant to last long. Mohib was brutally murdered in the Rohingya camp in Kutupalong, Cox's Bazar, on the evening of September 29, 2021. Assassins shot at Mohib at close range as he spoke



Rohingya leader Mohibullah.

PHOTO: RAJIB RAIHAN

with people in front of his office.

Mohib's family suspect the Arakan Rohingya Salvation Army (ARSA) for his murder. Mohib's brother informed the media that he had received multiple death threats recently—from many unknown phone numbers—and he suspects that ARSA committed this atrocious act. But what made Mohib a target for ARSA?

Mohib was a leader who had played a proactive role to promote the cause of his community. Over the last few years, he emerged...one of the few from the Rohingya refugee community—to have boldly raised the concerns of the Rohingya community and worked towards ensuring a safer and respectable life for them. Mohib spoke on international platforms, including the UN Human Rights meeting in Geneva, and met the US president,

to highlight the cause of the Rohingya refugees.

Mohib also established the Arakan Rohingya Society for Peace and Human Rights (ARSPH), a rights group, which unearthed and documented the sufferings of the Rohingya refugees at the hands of the Myanmar military.

However, it was Mohib's unflinching commitment towards a peaceful resolution to the Rohingya refugee crisis that might have made him a potential target for the ARSA. The Arakan Rohingya Salvation Army is known for its ruthless terrorist activities. Fortify Rights earlier suspected the militant group to be behind the abduction and torture of at least five Rohingya refugees. And Mohib's resolve to take a peaceful path to promote the Rohingya cause angered the ARSA who threatened him even earlier this month. Nur Khan Liton, a Rohingya rights activist told the AFP, “His [Mohib's] peaceful activism angered ARSA.” ARSA might as well have acted on their threats.

trafficking that led to the killing of seven people and left many families without shelter. There are also speculations that people within Mohib's own organisation might have been behind this, due to differing opinions. Or even the other factions who felt threatened by Mohib's rising popularity and greater acceptability among the refugees.

Police have arrested a suspect—a man named Mohammad Selim alias Lomba Selim, was arrested from Ukhiya on October 2. “They fired five rounds of bullets and fled immediately. Our search mission is on to arrest the killers,” deputy police chief in Cox's Bazar, Rafiqul Islam, was quoted by Reuters. However, the killing of Mohib has raised multiple questions about the security situation in the Rohingya camps. If ARSA indeed has committed this crime, that too in full public view, then the possibility of their active presence and operations in the camps cannot be ruled out. If this turns out to be the case, then it is high time the government revisit its security strategy in the Rohingya camps in Cox's Bazar. ARSA's presence in the Rohingya camps is not just a threat to the security of the Rohingya, it is a security threat for the country and the region.

Even if any other quarter has carried out the assassination attack on Mohib, this incident has nonetheless exposed the security lapse in the camps. How can murderers just kill a man in public and get away with it?

As of writing this column, the police informed the media that they were investigating the murder. The bullet shells are being scrutinised to trace them back to the killers. Witnesses are being interviewed. The police initially suggested that the witnesses saw four to five men shooting at Mohib before fleeing the scene. Given the tight security that is supposed to be in place at the Rohingya camps, how could this have happened?

The current state of security affairs in the Rohingya camps reflects poorly on the living conditions in the camps. While human trafficking, drug trafficking and sex trafficking have remained constant threats in the Rohingya camps, the murders of various individuals at the camps over the years have exposed the security loopholes in the area. Unfortunately, not much has been done to rectify the situation. As a result, an honest man, a father of nine, an activist, died for supporting the right cause. According to a Reuters report, in view of the threats, Mohib had earlier sought security support from the Bangladesh authorities and the United Nations. But he was provided with none it seems. Why?

Rafiqul Islam suggested that Mohib did not file any official complaint. “If he did, we could have considered that,” Islam was quoted as saying by Reuters.

In the Rohingya refugee crisis,

Myanmar looks after its own interests and thus they are unwilling to take the refugees back. While Bangladesh is trying its best to accommodate the refugees, it cannot continue to host them in Cox's Bazar for long. And even if the refugees are shifted to Bhashan Char, this will not be a sustainable solution. Unfortunately, Bangladesh has not been able to secure international support to force Myanmar into taking back its people amidst peaceful conditions. And the international community—due to the various economic and political interests in Myanmar of many influential countries—are not helping the cause of the Rohingya refugees either. For them, economic and political gains perhaps come before human rights.

So, the refugees are caught in a limbo. They have nowhere to go, and they do not have a voice of their own. As Mohib was once quoted by *The Guardian* as saying, “Imagine you have no identity, no ethnicity, no country. Nobody wants you. How would you feel? This is how we feel today as Rohingya.” Today the Rohingya are an unwanted people, and their only voice was Mohib. And now that voice has been taken away from them.

Who will now speak for the Rohingya refugees? Who will be their voice?

Mohib was more than just another Rohingya refugee. Mohib was an influencer and he could have played a constructive role in aligning and promoting the concerns of the Rohingya in the coming years as well. He could have also played an instrumental role in the safe repatriation of the refugees.

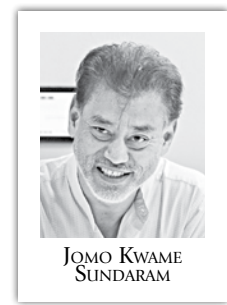
“For decades we faced a systematic genocide in Myanmar. They took our citizenship. They took our land. They destroyed our mosques. No travel, no higher education, no healthcare, no jobs... We are not stateless. Stop calling us that. We have a state. It is Myanmar,” Mohib had said. And at the end of the day he wanted to go back to his state, provided the conditions were right for his people.

The killing of Mohib is not just a major loss for the Rohingya community, but also for the Bangladesh government as it lost the one person who could have been helpful in mobilising support for safe Rohingya repatriation. While Mohib's assassination has left a void in the leadership space for the Rohingya, it has also sent...a very alarming message to those who are working to support the cause of the refugees through peaceful means.

While the void cannot be filled so easily, the killers of Mohib should be immediately apprehended and brought to justice. The security situation in the camps needs to be reassessed. Further bloodshed at the Rohingya camps must be avoided at all costs.

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Biden disappoints: Must do more, not less



JOMO KWAME SUNDARAM

US President Biden's earlier support for a vaccine patent waiver raised hopes for his summit more than a week ago. However, it proved disappointing, not only for efforts to end the pandemic, but also for US leadership in these challenging times.

Most rich countries have opposed most developing countries' request to temporarily suspend World Trade Organization (WTO) intellectual property (IP) rules to more quickly contain the Covid-19 pandemic. Expectations were high as Biden had supported a patent waiver, albeit only for vaccines.

With their IP, suppliers control production, supplies and prices. The industry claims it can meet all pandemic-related needs. But although it has no intention of meeting these needs, it insists the waiver is unnecessary. Hence, unless rich country governments stop opposing it, forthcoming WTO meetings will not achieve much.

Rich defend mRNA vaccine duopoly Covid-19 vaccine supplies and prices are controlled by a few companies. Although BioNTech developed one of the two approved mRNA vaccines, it is now largely manufactured and marketed by Pfizer outside Europe.

BioNTech's relationship to Pfizer is complementary, but not one between equals. By contrast, Moderna is a vaccine development start-up, with limited marketing and other capacities, especially outside the USA.

Meanwhile, able to pay more, rich countries have taken most vaccines, far, far more than enough. The duopoly initially sold more than 90 percent of their vaccines to rich countries, charging up to 24 times actual production costs.

Then, more vaccines started reaching MICs before recent efforts to push booster shots. Meanwhile, only 2.2 percent in low-income countries (LICs) have received at least one dose. Without drastic improvements, most in LICs will not be fully vaccinated by 2023.

Millions are dying as more dangerous variants emerge, confirming no one is safe

until everyone is. Meanwhile, the October 2020 WTO waiver request to temporarily suspend IP rights for Covid-19 tests, treatments, equipment and vaccines has garnered broad support.

Vaccine technology not for sharing

Most global initiatives to make vaccines less unaffordable to MICs, such as COVAX, do not address the massive supply shortfall and high prices. Meanwhile, vaccine suppliers jealously protect their monopolies, claiming nobody else can safely produce them.

While at least 80 developing countries have been producing generic

vaccine supplies to developing countries, they have only contracted to supply vaccine ingredients to companies in rich countries and China.

State-subsidised super-profits

Despite benefiting from taxpayer funds, legally enforced patent monopolies and low taxes, People's Vaccine Alliance research shows the three have used their mRNA vaccine duopoly to secure super profits. Their vaccines sell for USD 41 billion over production costs estimated at USD 1.20 per dose.

As a charity has noted, “Instead of partnering... to make sure that we have



US President Joe Biden speaks as US Ambassador to the UN Linda Thomas-Greenfield listens during a virtual Covid Summit of the United Nations General Assembly.

PHOTO: AFP

medicines and vaccines for decades, not all can produce the novel mRNA vaccines without access to new technical knowledge and materials. Yet, MSF has identified “mRNA vaccine-capable” manufacturers in developing countries, including four in Africa alone.

MSF estimates such manufacturers can establish the capacity to produce up to 100 million doses annually within ten months for between USD 127-270 million. But they would still need access to mRNA vaccine technology and reliable supplies.

But Pfizer and Moderna have both refused to share the needed. Now, instead of transferring technology or increasing

enough vaccine doses for everyone, these pharmaceutical companies prioritise their own profits by enforcing their monopolies and selling to the highest bidder.”

Moderna and Pfizer pay little in taxes despite making many times more than the pre-pandemic average profit rate of eight percent for Fortune 500 companies in 2019. In the first half of 2021, Moderna—which had never made a profit before—Paid a seven percent US tax rate while Pfizer paid 15 percent, still well under the US statutory rate of 21 percent.

Perverse incentives

This new situation has created various perverse incentives prolonging the

pandemic. Suppliers can make a great deal more in the medium term from tests, treatments, protective, other equipment and booster shots, supposedly for new, more dangerous variants.

Pfizer—already a large, diversified pharmaceutical conglomerate—has recently been growing by taking over businesses selling Covid-19 needs. With the prospect of more profitable booster sales, vaccine suppliers have little incentive to rapidly end the pandemic.

With Covid-19 now endemic, they continue to limit access to their vaccine technology to ensure scarcity and set prices to maximise profits. Hence, despite not having developed its own vaccine, Pfizer is now dominant.

What Biden must now do

Meanwhile, Biden has been under growing pressure to do much more. Probably more than anyone else, economist Dean Baker has long shown how the US can lead international cooperation to fight the Covid-19 pandemic, making the case for an inclusive international vaccine summit half a year ago.

Baker has argued how existing patent arrangements are not only inequitable, but also inefficient and wasteful. He has shown patent advocates as not only self-interested, but also dishonest. Instead, direct public funding would better incentivise new drug development.

US law—specifically Section 1498 of its commercial code—allows the government to require patent licensing in emergencies. Moderna, Pfizer and their scientific personnel can thus be induced to help rapidly scale up production internationally to vaccinate the world.

Also, the waiver proposal must be swiftly approved by the WTO to quickly enable more affordable access to tests, treatments, equipment and other materials urgently needed to better fight the pandemic until it can be ended altogether.

At his summit, Biden vowed to expand vaccine output in Africa and Asia. He can still do the right thing. This could well open a new era of multilateral cooperation instead of the dog-eat-dog new Cold War we are lurching towards. Perhaps there is still hope.

Jomo Kwame Sundaram, a former economics professor and United Nations Assistant Secretary-General for Economic Development, received the Wassily Leontief Prize for Advancing the Frontiers of Economic Thought in 2007.

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