

Road crashes getting worse every day

Did the demands of the road safety movement fall on deaf ears?

FOUR years ago, the young citizens of this country came together to make a simple demand: no more deaths on our roads. We witnessed students, most of them not even old enough to vote, exercise their fundamental right to protest to hold power to account and make Bangladesh safer for its people. At the time, it seemed like their passionate stand would lead to real political change: The Road Transport Act was passed in parliament, the Prime Minister's Office (PMO) issued 17 directives, and a high powered task force headed by the home minister was created the following year to curb road crashes and deaths.

How disappointing to now look back and find that not only have things not changed for the better, but they have actually gotten worse. According to police records, the number of deaths from road crashes in 2021 was nearly twice that of 2018. At least one road crash is reported in the media every single day. Yet, road safety organisations believe the actual number could be far higher than the reported ones. Earlier this month, a pregnant woman was knocked down by a speeding truck and died in hospital right after giving birth. The newborn's father and sister also died in the crash, leaving it up to the district administration to find her a new home in a state orphanage. How many more will lose their loved ones this way? How many more deaths, how much more disabilities and trauma will people have to suffer through before we prioritise road crashes as an issue of national import?

Experts have pointed out that the state's current priority is infrastructure development, which means increasing speed without eliminating the factors that make the roads risky. According to them, the government has given greater emphasis to the II recommendations made by a committee led by a former minister and transport leaders than on the proper implementation of the Road Transport Act. This is reflected in the fact that unfit and illegal vehicles, and unlicensed drivers, continue to ply our roads. Road safety advocates have accused transport associations and their leaders of continuing to exert pressure on the relevant authorities to reduce their culpability for creating conditions that lead to reckless driving. Would the government have us believe, then, that the demands of a better life from the younger generation carry less importance for them than the pressure from these vested quarters?

One government official told this daily that it was not just the law that was important – people's habits also have to change. While the public of course must follow the rules, it is no use to try and completely shift the responsibility of a better state of affairs onto them. Ultimately, it is up to the authorities to implement the rules, and to ensure that the families of road crash victims finally receive some long-awaited justice.

Jinjira Palace: Our history in ruins

Conserve the past to educate the future

ACROSS Bangladesh, there are hundreds of historically important buildings, some as old as 400 years, crumbling under the weight of time. They are poised to return to dust, disappearing with their tales of affluence, grandeur and warfare from a time that saw the pinnacle of their rule. Most countries take great pains to recover, renovate and conserve these structures for future generations to learn from. And although we have a relevant department for this purpose, we see no attempts to recover and conserve our historically important buildings, such as the Jinjira Palace on the bank of the Buriganga River in Keraniganj.

History tells us that Mughal Subedar Ibrahim Khan II (1689-1697) built Jinjira Palace to be his pleasure resort, with rivers flowing on all sides, giving it the feel of an island. Originally, the complex consisted of the main palace, two-storey rectangular bath house, two-storey gateway with provision for guard rooms, and two octagonal side towers on the south. But today, this once magnificent building lies forgotten and in ruins. As the archaeological department failed to take possession of the structure soon after the creation of Bangladesh, the surrounding area has gone to grabbers. As a result, no one can find the building without their help. It is sad to learn that many have taken away bricks from the palace to construct houses as well. The situation is complicated by the fact that the British government is said to have sold some of the site to different people. Given that some of the encroachers of the land have been there since the time of their grandparents, and some 200 buildings have been constructed over the years, it also begs the question of where the residents will go if or when they are evicted.

However, it is apparent that the authorities have not thought that far ahead. The feeble presence of the upazila administration is announced only through two signboards seen hanging at the site. Reportedly, the local lawmaker wrote to the cultural ministry to take over the property for preservation, but the only response so far has been yet another signboard. We believe the government has a responsibility to recover and restore Jinjira Palace to preserve the stories that we read so ardently in history books. The complex, with its intriguing tales of treachery and tragedy embedded in every brick of its walls, would attract many tourists throughout the year. We have seen this happen in the case of Lalbagh Fort, which was in total ruins before renovation, but is now a thing of beauty. Similar efforts at conservation and maintenance could also give Jinjira Palace a new lifeline.

Death, disability, destitution

How long will we ignore what's happening in police custody?



ON THE SHORES OF (IN)JUSTICE

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“WE’RE still deprived of justice,” lamented Imtiaz Hossain Rocky, a victim of custodial torture, to a reporter of this daily about two weeks ago (*The Daily Star*, July 13, 2022). His brother Ishiaque Hossain Jonny, 28, was brutally tortured to death in police custody in 2014. Both the brothers were picked up from a wedding ceremony in Dhaka’s Pallabi area on February 8, 2014 after two police informants, Sumon and Russell, called police when Jonny slapped Sumon for harassing women guests at the event. At Pallabi police station, the siblings were subjected to intense torture. A day later, Jonny succumbed to the injuries in a city hospital. Rocky filed a case with the Metropolitan Session Judge’s Court on August 8, 2014. On September 9, 2020, the court sentenced three former officers of Pallabi police station to life imprisonment and Sumon and Russell to seven years’ imprisonment. In addition, the court asked each of the officers to pay Tk 2 lakh to the plaintiff as compensation.

This was the first conviction under the Torture and Custodial Death (Prevention) Act, 2013. Subsequently all three former police officers appealed against the verdict, and the High Court stayed the convictions and payments of compensation. In the meantime, fighting the legal battle, the family has become virtually destitute. The physically disabled (as a result of the torture) Rocky now works as a motor mechanic to maintain both his family and that of his brother's.

This is not an isolated incident. Over the years, national rights organisations have been documenting and expressing concern about the “systemic nature” of custodial torture and deaths in Bangladesh. High hopes that were pinned on the 2013 law for mitigating the problem turned out to be largely misplaced. Incidents of custodial torture of detainees continue to be reported in the national media. Human rights organisation Odhikar informs that, until May 2022, at least 90 people have lost their lives due to torture in custody since the enactment of the law in October 2013. Three cases of alleged custodial torture in Lalmonirhat, Dhaka and Bogura provide important insights on this



ILLUSTRATION: PRITHI KHALIQUE

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gruesome practice.

On April 14, 2022, a man named Rabiul Islam died in police custody in Lalmonirhat, which triggered protest by agitated locals who set up roadblocks on the highway. Family sources say Rabiul went to buy toys for his little daughter at a local fair and engaged in an altercation with the police on duty. He was subjected to a severe beating when he resisted being transferred to a police van. He died the next day. Contrary to this narrative, police claim that the victim was detained after a raid at a gambling den, suddenly fell sick while in custody, and subsequently died in

of May 19 and May 25 this year, the Police Headquarters is yet to respond to the NHRC query if any action has been taken against the errant police personnel (*Prothom Alo*, June 12, 2022).

In the third case, a 15-year-old boy states that he was blindfolded, taken to a field at night, and with a pistol pressed against his chest, he was threatened by the police to admit that he had stolen a motorbike on May 21, 2022. He had little choice but to admit to the crime he had not committed (*Prothom Alo*, June 18, 2022). On May 21, the family members of the Class 9 student alleged that local community leaders inflicted severe bodily harm to the child in front of a crowd of about 100 people alleging that he had stolen a motorbike. Subsequently, the perpetrators handed the child over to the police. Instead of extending protection, the boy was incarcerated in the police station for two days and three nights before he was presented to the court and charged for theft. The police authorities reject the torture claim and assert that the boy had admitted to stealing more than one motorbike. They, however, could not offer any explanation as to what grounds the victim was detained on for more than 24 hours, the maximum period permissible under the law. The child states that he was handcuffed and kept hanging from the window grills of the police station with an iron rod pressed against his fist. His mother states that during the whole period that the boy was in the police station, the family members were denied access to him, who now suffers from partial loss of hearing. The boy's family is under pressure to pay compensation to the motorbike owner. Curiously, the latter admitted that he did not register any complaint with the police about the stolen motorbike, and the authorities weren't able to recover the bike either.

The above cases reveal the dearth of legal protection that detainees often endure in police custody. In all cases, they were severely harmed physically and mentally when they stood up against the misdemeanour of the police or their informants, refused to give in to extortion demands or refused to confess to crimes they did not commit. In the case of Rajib Kor, not only valuables were looted from his house, but the family was subjected to extortion for his release. The child was illegally detained by the police for a period much longer than legally authorised. In at least one case, the victim became permanently disabled, and in another, hearing loss

may become permanent. In all cases, the victims and their families not only suffer from major financial hardship (and in one instance, illegal payment claims for the motorbike), but continue to endure intense mental trauma.

The families feel that the state agencies not only failed to protect the victims from the predators when they struck, but also after the commission of the acts as they did not ensure due investigation and redress. The authorities' inability to rein in the perpetrators is likely to swell the perception of other wayward members of such agencies that a uniform provides impunity. The lack of response of the police to the NHRC's rather innocuous bidding also reveals its disregard of the statutory institution, augmenting the view that the NHRC has to be revamped with greater autonomy along the lines of the Paris Principles.

The United Nations has condemned torture “as one of the vilest acts perpetrated by human beings on fellow human beings.” It is a crime under international law. Under all applicable international instruments, it is absolutely prohibited and cannot be justified under any circumstances. The UN reiterates that this prohibition forms part of customary international law, which makes it binding on every member of the international community, “regardless of whether a State has ratified international treaties in which tortures is expressly prohibited.” It goes on to state that “the systematic or widespread practice of torture constitutes a crime against humanity” (UN Statement on International Day in Support of the Victims of Torture, June 26, 2022).

It is unfortunate that the issue of torture has hardly been debated in the national parliament despite the fact that the Torture and the Custodial Death (Prevention) Act was legislated on its floor. Building on its significant contribution in issuing landmark directives on arrest and remand, citizens would find relief if the higher judiciary considered taking suo moto action against those who

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engage in gross violation of rights, such as committing custodial torture and death. There is a strong case that the Bangladesh Medical and Dental Council ensures that physicians and forensic experts adhere to the principles of medical ethics in dealing with cases of torture and inhuman and degrading treatment of prisoners and detainees. Needless to say, the silence of the intelligentsia and the mainstream civil society on this important human rights abuse has been deafening.

One wonders why the reputation of a law enforcement agency, which has the glorious track record of shedding first blood in the Liberation War while resisting the murderous Pakistani occupation forces, is put on stake to protect the offenders within its ranks. If the authorities fail to ensure credible and prompt investigation and prosecution of the perpetrators of torture belonging to law enforcement agencies, then it amounts to granting them impunity, while the victims feel betrayed by the state, and the ordinary citizens' trust on the institution erodes. Moreover, it also tarnishes the image of the concerned agencies and that of the state.