

## Why the delay in drugs cases?

Authorities must step up to control crime and ensure justice

THE snail's pace at which the judicial system of Bangladesh operates, resulting in lower-than-expected rates of conviction, has been a huge cause of concern for a while now, especially with regard to gender-based violence. Recently, this issue has also been flagged in the Annual Drug Report 2021 of the Department of Narcotics Control (DNC), which found that conviction rates in narcotics cases have been consistently falling over the past eight years. From 64 percent in 2014, the rate came down to 40 percent in 2021.

On Monday, this daily also reported on a narcotics case that was stuck in the system for 18 years before the accused were finally acquitted, after the charges against them could not be proven. This, unfortunately, has become a norm rather than the exception. Despite the fact that the DNC appointed 68 prosecutors across the country in 2019 to improve the conviction rate and expedite disposal of long pending cases, the report found that a total of 73,312 cases are now pending with the court. According to DNC officials and lawyers, faulty case filings, weak investigation and case statements, and absence of credible witnesses are the main reasons behind this sorry state of affairs. Witness statements were particularly mentioned as a thorn on the side of the prosecution, since proof of seizure can only be given via statements and not video footage, which often exists from narcotics raids.

While the Evidence (Amendment) Act, 2022 will soon allow electronic records and digital data to be admissible in court, we find it difficult to understand how it is possible that witnesses for the prosecution – including the officers in charge of seizing narcotics – are failing to show up in court. For example, this daily found court documents of a case where the investigating officer himself did not appear before the court to testify, despite the court issuing several summonses.

This apathy on the part of the people responsible for narcotics control is wholly unacceptable, especially since DNC data suggests that narcotics smuggling, especially of yaba, increased in 2021 when compared with the previous year. Is this also the reason why a substantial portion of narcotics cases seems to be always against smugglers from the lowest levels of the organised groups responsible for drug trafficking? It is no secret that the vast amounts of drugs trafficked into the country require an organised criminal network. Yet, we rarely see high-profile arrests, let alone convictions, in this regard.

We must also remember that no one is guilty unless proven so in court. By delaying these cases, not only are the relevant authorities failing to deal with drugs and related crimes, they are also increasing the chances of innocent citizens becoming caught up in lengthy cases, with little possibility of receiving justice in the near future.

## Health ministry dogged by corruption

New audit findings put it on the spot again

FEW would contest the claim that the health sector has become a hotbed of corruption over the last few years. This became quite evident during the Covid-19 pandemic when multiple reports were published exposing the extent of corruption and collusion among health officials and politically connected businessmen. A new report now puts them on the spot again, as it reveals audit objections raised by the Comptroller and Auditor General claiming that financial irregularities worth Tk 193 crore were committed in the early stage of the pandemic. This was done through various purchases of the health directorate, including that of emergency protective equipment.

Reportedly, the directorate, with funds from World Bank, took up a three-year project of Tk 1,112 crore to deal with the pandemic in FY 2019-20. But, as per the audit report, it failed to give satisfactory answers to 12 of the objections raised in the first year of the project. Take the case where the directorate signed a contract with a firm to purchase 150,000 KN95 face masks, of which 24,000 were delivered in a soaked state and 2,000 were not delivered at all. Or the case where the directorate said it had bought 200,000 PPEs (personal protective equipment), 310,000 masks and 1,550 thermometers, although no receipt was found for the majority of them. There were also allegations of purchasing equipment from “incompetent” and “inexperienced” firms, purchasing at different or higher-than-agreed rates, unrealised fines for late delivery, etc.

These objections corroborate previous findings on corruption as revealed by the media and independent studies. These also show how embedded corruption is not just in the health sector but in all public sectors as well. It was only the other day that a survey by the Transparency International Bangladesh found that almost 71 percent of the households endured corruption while trying to get services last year. The survey covered at least 22 service sectors “riddled with petty corruption”, including bribery, extortion, embezzlement, deception, negligence of duty, nepotism, etc.

Incidentally, the latest audit objections against the health directorate follow two of our own reports on similar objections raised by the Comptroller and Auditor General about public expenditure by different departments and agencies. In one instance, the parliamentary standing committee on public undertakings even expressed “shock” at the huge extent of financial irregularities at the Bangladesh Petroleum Corporation.

Clearly, the rot didn't stop there – it has spread far and wide, and nothing short of an across-the-board reform drive will be enough to rein in this massive level of mismanagement in largely unaccountable public institutions. As for the allegations against the health directorate, we urge the higher authorities to immediately investigate whether unusable and insufficient masks were purchased and deals with incompetent firms were signed.

# ‘We need to resolve the Teesta issue’

**Dr Imtiaz Ahmed, professor of international relations at Dhaka University, talks about Prime Minister Sheikh Hasina's ongoing visit to India and what to expect in the future of Bangladesh-India relations in an interview with Shuprova Tasneem of The Daily Star.**

**Will importing fuel from Russia be a major talking point during the prime minister's trip, and can that affect our relationship with other nations?**

In light of the Covid pandemic and the Russia-Ukraine war, there will definitely be a focus on energy security. India still has a relationship with Russia and has not looked into sanctions the way the West wanted. Bangladesh would definitely want to learn how we can benefit from this relationship.

At the same time, one should know that any energy insecurity in Bangladesh would also become a problem for the West. Our main export markets for ready-made garment (RMG) products are in the US and Europe. If we suffer from energy insecurity and it costs us more to produce RMG products, it will also increase their



costs and reduce their profit margins. So I believe it will be a win-win situation for all if we can resolve our energy problems, either through a good relationship with Russia by purchasing directly, or through help from India, particularly when it comes to payment and other mechanisms.

**How important is Bangladesh in India's Look East Policy, especially given India's current relationship with China?**

The importance depends on how much honey there is in the pot. If there is more instability and less economic development, this interest will fizzle out. Ultimately, geopolitics does not create human beings – it's human beings who create geopolitics. Bangladesh's growth momentum over the last 15-20 years, despite the obstacles faced, is what makes other countries interested in us, including India.

Bangladesh has by now managed to convince the world that what we are interested in is economic development. It comes from our long-cherished goal of becoming a peaceful country – a goal that was set by the father of the nation. So whether we have ties with India, China, Japan, the US or Russia – all of it is based on an economic relationship, not security or military development. At the same time, Bangladesh guarantees



Dr Imtiaz Ahmed

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that we would not allow anyone to use our territory against anyone else. That's what leads to favourable ties with Dhaka regardless of who is in power in India, because the current regime has made good on this promise, especially in terms of dealing with insurgency coming from the northeast. So I don't think Delhi or Beijing have any worries over Bangladesh's ties with others, since a military alliance is never on the cards.

**There are some concerns that Bangladesh is too dependent on trade with India when it comes to essential goods. What is your view on this?**

No country would want to be dependent on one source. We've had hiccups in this regard, especially in terms of onion import, which forced us to look to Egypt and Pakistan. We have already opened a channel with Russia for wheat, so I don't think this is really an issue. The problem is that whenever we discuss trade or connectivity, we fall back on traditional linkages and use a piecemeal approach.

Political will is required to look at the bigger picture. To this date, we have not been able to mainstream technology and talk about creating new structures. For example, we are currently discussing updating railway structures from the British era. But with the existing technology, it's not difficult to think of a high-speed train between Dhaka and Delhi. There are countries that have changed their entire geographical composition like this, such as China. So why are we not thinking about this?

The first thing that needs to

change is our mindset. We are very conservative when it comes to planning and investing in long-term projects. The fact that India spends huge resources on the conflict with Pakistan could be part of this. There are an estimated half a million troops in Kashmir alone, it's unthinkable. But beyond the funding, there is also a lack of imagination. Technology has given us the opportunity to not be slaves to geography, and we should take advantage of that. The possibilities in this region are immense.

**While there are talks of other water-sharing treaties, we are still no closer to a resolution on the Teesta.**

I can't speak for the policymakers, but it's possible they think that if we go forward with other water-sharing agreements, we can tone down the issue of Teesta and return to it later. But if we fail to resolve the Teesta issue and go ahead with other agreements, then there will of course be criticism, and the government will have to deal with that. One estimate suggests that the livelihoods of 20 million people are impacted by the Teesta River. If we keep their concerns hanging for so long, despite there even being a draft agreement, and move on to other rivers that don't impact as many people, it will definitely become a political and a partisan issue.

So why is the Teesta issue not being resolved? We need to have frank discussions with Delhi on the factor that is Sikkim. There are 30-32 small and big dams for hydroelectric power that are estimated to be affecting around five percent of water flow in each of the dams, according to one

eminent Indian hydrologist, leading to a lean seasonal flow draining into Bangladesh. Mamata Banerjee's contention around Teesta is all about this – not considering Sikkim in the calculations.

Will they deconstruct the dams? Of course not. But Bangladesh can try to solve this by storing rain/floodwater from the rainy season and letting it flow during winter. There are environmental and monetary costs: one calculation suggests it will be around USD 1 billion. Although China showed some interest, India immediately became fearful of it. One way to resolve this is by creating a consortium where different stakeholders can provide the funding and expertise for this infrastructure. India must accept that Bangladesh will not wait forever to resolve this issue.

**Will Myanmar and the Rohingya refugees be a part of the discussions in Delhi?**

Definitely. The point that some of us are also raising is, now that there are talks about a tripartite engagement on the Rohingyas between China, Myanmar and Bangladesh, why can't Delhi organise the same? That is something I think our prime minister would flag this time, especially since we have not seen much progress on this issue. Given that India has good relationships with both Bangladesh and Myanmar, it can play a critical role. Take, for example, Turkey's involvement in talks between Russia and Ukraine to open a Black Sea corridor for the export of grains, which helped it become one of the big players when it comes to negotiations in this conflict. Playing a similar role in the Rohingya issue could also boost India's global status. This is especially pertinent now after the two ICJ judgments recognising the “Rohingya” identity and the US calling the Myanmar military actions against the Rohingyas a “genocide.”

**Why have we stopped talking about border killings?**

This is very unfortunate. If a smuggler is not armed, you can arrest him, but killing him is not permitted under the Indian Constitution or international law. And then there are the killings of civilians like 15-year-old Felani Khatun. Yet, during the Galwan dispute on the India-China border, not a single shot was fired. Why is that? Because of a 1996 agreement between China and India that stipulates no-one can carry firearms for two kilometres on each side of the border. So if this can be done there, why can't it be done on our borders?

## Excessive force against protesters can't be justified



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OVER the last few weeks, newspapers have been publishing two contrasting pictures. One shows the activists of the ruling Awami League carrying locally-made arms in a display of muscle power and dominance in the political sphere, and the other is of angry BNP supporters holding protests in larger numbers. In never-ending confrontational politics, such contrasting images are not unusual, but the difference in policing those public gatherings is quite shocking.

Though our police are supposed to be neutral and sincere in maintaining peace and order, their actions and inactions could not be more partisan. Reports suggest that, over the fortnight, there were clashes in more than 70 places across Bangladesh. In most cases, armed supporters of the ruling party attacked BNP activists where police remained mere spectators, but in other incidents, they too became involved in the violence – often with brutal and excessive force. The worst, however, is the shocking revelation that a member of the Detective Branch (DB) used an unauthorised rifle to open fire at a BNP crowd in Narayanganj. *Samakal* quoted an unnamed official who claimed that

the alleged offending DB official was not supposed to own this, since the force only gave him a pistol. Narayanganj ASP Tariqul Islam told the newspaper that police usually deploys shotguns for riot control, not rifles. Thereby, the picture showing the DB man firing a Chinese rifle raises many serious questions, and such grievous violation of rules needs to be investigated.

The brutal excess in policing is also cause for grave concern. The same *Samakal* report quoted another ASP, Amir Khasru, saying that police had used more than 700 rounds of bullets in Narayanganj, which resulted in the death of BNP activist Shaon and left more than 250 people injured, including 25 with gun wounds. The BNP rally was organised to celebrate their founding anniversary, and images published in newspapers show little signs of resistance from its participants, who seem largely unarmed, as police charge to disperse the crowd. It was quite a contrast to the images of armed ruling party supporters displaying their prowess on the streets and not giving an inch to the opposition.

A similar kind of policing happened in Bhola too, where sadly two people were killed. It happened in Narsingdi

and Chittagong as well, and all these incidents took place during the ongoing opposition campaign to protest against price hikes, energy crisis and economic woes. The trend that is emerging in policing protests clearly shows unwarranted and disproportionate use of force – deadly fire power, in particular.

Rules on regulating lawful and unlawful assemblies dictate that opening fire on demonstrators should be the last resort, used only when there is no other way to save lives and properties. None of the recent protests suggest any unruly behaviour, like wanton destruction of public property. There are stricter procedures for dispersing any authorised or pop-up protest, and if and when dispersal orders are not followed by protesters, there are ways to tackle the offenders, including suing them for violating lawful orders. Police are supposed to show maximum restraint even when they are provoked.

Chapter IX (Articles 127-132) of the Code of Criminal Procedure, 1898 clearly defines how to deal with unlawful assemblies, including the usage of civil and military powers, in which the principle is, even after issuance of an order, a law enforcement officer shall “obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.”

In addition, about the use of firearms to disperse an unlawful assembly, the Police Regulations, Bengal stipulates in Clause 153 (C) that “i) An order to fire

upon a crowd should be regarded as an extreme measure to which recourse should be had only in the last resort when it is absolutely necessary for the defence of life or property or when a magistrate, an officer-in-charge of a police station or (a) police officer superior in rank to such officer considers it impossible to disperse a mob by any other means; ii) Before an order is given to fire upon a crowd, the magistrate or, if no magistrate is present, the police officer in command shall give a lull and sufficient warning to the rioters that they will be fired upon if they do not disperse immediately; iii) All ranks engaged in the suppression of a riot or in the dispersal of a riotous assembly must await the orders of a magistrate, an officer-in-charge of a police station or a police officer superior in rank to such officer before firing.”

Human rights standards have led to forces in many democracies ditching even water cannons in dealing with violent crowds. Aggression in protests in many capitals are not softer by any definition. Imagine if police had opened fire during the January 6 storming of the Capitol in Washington, DC, which caused the deaths of two police officers.

In Bangladesh, law enforcement forces seem to be heading in the opposite direction and becoming more trigger happy. The government needs to act to reverse the trend promptly, as it has done in dealing with police excesses against a faction of Chhatra League in Barguna. Civic rights groups, too, should speak out against unwarranted use of disproportionate force to suppress protests.