

## Rape, death of 12-yr-old must be probed

### Money and influence cannot be allowed to win over justice

We are deeply disturbed by the report of the death – and possible rape – of a 12-year-old domestic worker in Rampura, Dhaka over a year ago, at the residence of lawyer couple Rajin Ahmed and Iflat Jahan Chowdhury (a flat owned by Rajin's father Kamal Uddin Ahmed, a retired bureaucrat). Although the girl's employers claim she committed suicide, her parents – with whom her last conversation had been that she was being tortured – believe that she was raped and murdered. For the poor family, it has been an uphill battle to convince the authorities to take their allegations seriously, despite clear evidence pointing to foul play.

According to a police inquest report, filed shortly after the incident, the victim's rectum was "abnormal," suggesting that she had been raped. The autopsy report, shared with the parents 10 long months later, stated that the "cause of death was asphyxia as a result of hanging, which is antemortem and suicidal in nature, but the sign of forceful sexual intercourse was present in the victim's body." We can't help but ask: why did the police file a case of unnatural death in the first place if there was suspicion of rape? Moreover, why did it take 10 months to file an autopsy report, which should take days, or at most weeks?

It is equally baffling that despite the crime having taken place in a flat – where entry and exit of outsiders is limited – the law enforcement officials seem to be at their wit's end to so much as file a probe report. After the victim's father filed a case with a Dhaka court accusing the lawyer couple of murder, the court first asked the Criminal Investigation Department (CID) to investigate the case. When the CID, after nine months, failed to produce a report, the court asked the Police Bureau of Investigation (PBI) to probe it, according to court documents. We can only hope that the PBI will do a better job of conducting a fair investigation and produce a credible report, considering the evidence of rape and based on who may have been present at the flat at the time of her death.

It is also worth asking whether DNA tests have been conducted on the male suspects in the building to match them with the DNA collected from the victim's body. We also wonder what happened to the victim's clothing, which would have contained the DNA of the possible culprit. If her clothes were destroyed before such an analysis could be made, police must explain why they did not collect the evidence. Given how crucial such evidence is for conviction, was failing to do so simply a matter of inefficiency or a result of the fact that the victim was poor and the perpetrator possibly someone powerful?

It is no secret that "justice" is an illusion for those from marginalised backgrounds. In a country where money and influence can buy everything, an overwhelming majority of cases of child domestic worker abuse fall through the cracks, with families eventually realising there is no prospect of justice and reaching a "compromise" for meagre amounts of compensation. We salute Ili Akter's parents for their unflinching quest for justice for their daughter, and demand a credible investigation into the untimely and unacceptable death of their child.

## Dirty business of medical waste management

### Govt action necessary to curb this epidemic

We are concerned by the haywire manner in which medical waste is handled in Bangladesh. A recent report by this daily highlights that half of the healthcare facilities in Khulna city lack their own waste disposal mechanisms and dump unsorted garbage in street bins, according to the city authorities and the DGHS. Of the 12 14 tonnes of clinical waste produced every day in Khulna city, two NGOs – Prodipan and Sadichha – collect only seven to eight tonnes from 172 out of the 406 hospitals and clinics regularly.

Medical waste includes amputated body parts, stool, urine, blood, phlegm, bandages, syringes, needles, etc. All this is discarded on the streetside or in regular garbage bins not just in Khulna, but across the country. A Brac study from 2020 found that around 93 percent of medical waste in Bangladesh was unmanaged.

Our concern regarding such mishandling of clinical waste is twofold. First, of course, is the danger that such disposal of clinical waste poses to public health. Not only HIV, and Hepatitis B and C, but antibiotic-resistant germs (superbugs) and other dangerous germs, too, can spread from medical waste and affect people through touch and inhalation. Second, many medical staffs have made a business out of reselling used medical equipment such as syringes to syndicates. This seems to be a part of the culture of our healthcare facilities as, even during the worst phases of the Covid pandemic, we witnessed the flagrant disregard with which medical waste (including PPE likely containing the deadly virus) was disposed of. In fact, a Transparency International Bangladesh (TIB) study last year found that around 60 percent of hospitals do not have bins to store medical waste, while 83 percent have no waste treatment system.

The same TIB study also pointed out the severe lack of accountability and rules to check the corruption and irregularities that plague medical waste management in the country. Clearly, this situation is deeper than just the carelessness of medical and city authorities.

We urge the medical facilities across the country to recognise this epidemic of haphazard medical waste management. For starters, they must set up adequate waste processing plants and not rely on a handful of NGOs to deal with hundreds of tonnes of medical waste. It is also crucial that the government wakes up to the dangers of this issue. The Medical Waste Management and Processing Rules, 2008 that we have is inadequate in its current form to hold the city authorities responsible for the rampant mishandling of medical waste. This must change. Not only should the disposal of medical waste be safer, but the syndicates that profit from mishandling waste (which includes corrupt officials) must be brought to book as well.

# Victimising Shams shows why DSA should go



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The timeline of arresting *Prothom Alo* journalist Samsuzzaman Shams is very telling. According to police documents, a case under the Digital Security Act against Shams was registered with Tejgaon police station at 2:15 am on Wednesday by Syed Md Golam Kibria, general secretary of Jubo League's Dhaka North Ward 11 unit. In less than two hours, members of the Criminal Investigation Department (CID) reached Shams' home in Savar, accompanied by a sub-inspector from the local police station. The speed of police response to this case indicates that the ruling party man did not bring it on a whim. Now, a case has been filed against the newspaper's editor-publisher, Matur Rahman.

Remember the announcement made by Law Minister Anisul Huq that the home ministry had instructed the police that journalists would no longer be arrested under the DSA until an investigation was complete? Why was that instruction not complied with by Tejgaon police? This incident is a clear proof that the pledge for the so-called exceptions for journalists has turned the DSA into a law subject to the whims of the powers that be, and works as the sword of Damocles hanging over the media. It is another proof that the DSA has become the government's preferred tool to suppress criticism and free thinking.

Any rational person following these developments is bound to ask: what prompted Tejgaon police to transfer the responsibility to arrest the accused to the CID? Why did Shams have to be picked up in the wee hours from his home? Was he a



PHOTO: PRABIR DAS

flight risk? More importantly, why did the CID not admit taking him into custody even after the confirmation by the accompanying sub-inspector of the local police station? The most disturbing part of the whole episode is the secrecy surrounding his whereabouts. He was produced before a Dhaka court implicated in a different case registered almost 24 hours later, leaving a mysterious gap of over 20 hours since he was picked up from his home by people who identified themselves as men from the CID. All these facts make us wonder whether he was subjected to a dreadful possibility of unlawful abduction or enforced disappearance.

What brought this ordeal to Shams was a simple report that told readers how our working class people viewed the 52nd anniversary of our independence. His report contained

nothing subversive, inflammatory or offensive, unless someone believes that everything in the country is hunky-dory and everyone is having a good life. The day he was picked up, a survey carried by the South Asian Network on Economic Modeling (Sanem) found that inflation has had a dramatic impact on the poor's access

journalism. As soon as *Prothom Alo* noticed the wider scope of ambiguity, it removed the story, amended the headline, dropped the graphic, and added an explanation.

Anyone who read the original report would have realised the fact that the view expressed in the headline or the quote was of the day labourer Zakir, and not of the child. Unfortunately, a politically motivated so-called investigative report aired on a TV channel attributed the quote to the child and claimed that the *Prothom Alo* reporter falsified Sabuj's identity as Zakir Hossain and paid him money to speak to him. The distortion in the TV story was akin to Fox News of the United States, which is known for its highly partisan stance and accused of spreading misinformation. Sadly, in a highly politicised and almost evenly divided nation, many viewers fell prey to the trick and didn't bother to check the original story.

Subsequent comments by ministers are quite intriguing as they clearly stated that they believed the distorted narrative, which was repeated by more than one channel known to be close to power. The essence of their argument is that the disputed story undermines the nation's independence – as if our national sovereignty is so fragile that it may collapse if one is reminded of the existence of poverty and hunger within our territory. What kind of a nation do we want to build that is unable to draw strength from reviewing its failures? Doesn't it expose the government's lack of self-confidence or low morale?

The Editors' Council, the top professional body providing editorial guidance to journalists in the country, as well as several other organisations representing editors and journalists, almost in unison, have protested the arrest of Shams and called for amending the DSA and withdrawal of the case. It's heartening to see the unity against the assault on press freedom.

## RAHUL GANDHI'S CONVICTION

# Another dent in India's declining democracy



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RAMISA ROB

A week after Rahul Gandhi – the most vocal opposition leader in India – was convicted in a defamation case and swiftly disqualified from parliament, political tensions in the country have soared to a new high. On Monday, the opposition parties staged a "black protest," and protesters including Congress leader Harish Rawat were detained by Delhi police. On Tuesday, more petty politics was displayed, when Gandhi was asked to leave his residence in a month.

Congress has accused PM Narendra Modi of trampling democracy, while BJP denies political intent and maintains that the disqualification – which happened less than 24 hours after the verdict – was per the law. The event has been termed as "unprecedented." Is it, though?

From Bangladesh's vantage point, the ruling BJP's move of opportunistically using the legal system to weaken the opposition ahead of elections does not seem too original. The same system that drags criminal cases for years starts to work on speed when power wants it to.

And the BJP has been somewhat predictable in terms of their antipathy towards political dissent. Take the crackdown on the BBC for example, which confirmed India's threatened state of press freedom. For almost a decade, Modi's India has been setting new precedence for introducing limits to democracy – in a way that has been far more blatant, than the 54-year-old

dynasty led by Gandhi's family.

But the implication of Gandhi's defamation case and disqualification – especially the pace at which it all occurred – surely exhibits another big step in India's authoritarian lurch. It raises questions about the independence of the legal system from the Central government, and makes one wonder if India has become a nation where "anything is possible."

Congress' response that the case is political isn't unpersuasive at all. The timeline and unfurling of the circumstances is unmistakably strange. Four years ago, Gandhi stood on a podium in Kolar, Karnataka where he named fugitive diamond tycoon Nirav Modi, banned IPL boss Lalit Modi, and Prime Minister Narendra Modi, and asked why all "thieves have the same last name of Modi."

A BJP legislator in Gujarat, Purnesh with the last name Modi, found the remarks offensive and filed a complaint against Gandhi for smearing "the Modi community," associated with the lower rungs of the Indian caste community. (To note, though, this doesn't apply to Nirav and Lalit Modi, who also didn't come from underprivileged backgrounds.)

Rather fascinatingly, the BJP legislator was not offended five years ago when Khushbu Sundar, the national spokesperson for Congress at the time, tweeted nearly identical remarks, "This Modi, that Modi, everywhere a Modi embroiled in

corruption... let's change the meaning of Modi to corruption." (If answers are needed for the selective outrage, Sundar has been a member of BJP since 2020).

Last year, Purnesh Modi, the complainant, strangely sought a stay from the High Court and delayed the trial proceedings. In between, Gandhi amplified his parroting against Adani after the Hindenburg scandal, appearing in Lok Sabha on February 8 with images of Narendra Modi and Gautam Adani on a private jet.

Subsequently, on February 16, Purnesh Modi found some new urgency on how offended he was by Gandhi's comments in 2019. He went back to court to vacate the stay, pleading that "sufficient evidence has come on record of the trial court and the pendency of the present matter delays the trial."

"The pendency of the present matter" remains unexplained as no new evidence has come on record. Still, the High Court lifted the stay, and the case went to trial court, where, interestingly, a new magistrate happened to be. A Supreme Court lawyer wrote in an op-ed that the case itself was a "frivolous complaint, which normally should have been thrown at the threshold." Instead, Gandhi received the harshest criminal sentence in a defamation case, which happens rarely, if at all.

Commentators have argued that the two-year sentence was given with the clear intent of disqualifying Gandhi from parliament. Per the law that governs elections in India, Section 8(3) of the Representation of the People Act, 1951, disqualification of any lawmaker is mandated when "convicted of any offence and sentenced to imprisonment for not less than two years." The math does add up.

Now, the question of the hour is: does this mean that the ruling BJP

is threatened by Rahul Gandhi, who they themselves have dismissed for years as an irrelevant, "nepo baby"? Beneath the pace and action, one can infer a need to undermine rivalry from somewhere in the trenches of BJP. But is Narendra Modi himself scared of Rahul Gandhi, a fading figure who has been trying to polish his party image with a 4,000-km trek?

It is hard to believe that the prime minister – who may be fierce, but nonetheless shrewd – would've personally orchestrated a move that risks galvanising unity in the disenfranchised opposition. Opposition parties that have long been antagonistic towards Congress are now coming together in condemnation of Gandhi's disqualification.

What is more plausible is that this attack on Rahul Gandhi was choreographed by officials in the BJP to charm the prime minister, which is even more concerning. It points to a full-blown tyrannical political system, where officials and lawmakers are out there engaging in strategic lawsuits and suppressive, anti-democratic ploys to prove their unwavering loyalty to the leader. And that kind of widespread institutional erosion renders a ruthless political arena where lust of power knows no boundaries, wherein anything is indeed possible.

Gandhi is set to appeal the verdict. Meanwhile, on Wednesday, Nationalist Congress Party lawmaker Mohammad Faizal PP had his Lok Sabha membership restored after appealing to the High Court of Kerala. Faizal was disqualified in January, following his conviction in an attempted murder case with a 10-year jail term. With this recent legal precedence, Gandhi should be able to return. If he doesn't, it will only confirm the political infestation of the legal system, and set the process of the ultimate demise of democracy in the so-called world's largest democracy. We hope not.