

‘July victims are entitled to truth and justice’

Barrister Sara Hossain, a Supreme Court lawyer and the honorary executive director of Bangladesh Legal Aid and Services Trust (BLAST,) talks to Tamanna Khan of The Daily Star about how justice can be served to the victims of the July uprising.

What is your take on the wave of murder cases being filed against Awami League leaders and activists for killing people during the uprising?

From July 15 onwards, a number of really serious human rights violations and crimes occurred. These included extrajudicial killings and indiscriminate use of force including live rounds resulting in the deaths and injuries of hundreds of largely peaceful protesters, including children; arbitrary arrests and detentions, many even from their homes; and torture and ill-treatment in custody. People across the country watched these horrific scenes on television or live on the streets. Under Bangladesh laws, these acts constitute serious crimes and rights violations. It is, therefore, imperative that those responsible for these crimes are held to account—either for their direct involvement in them, or for directing, planning or coordinating them.

That’s the context of the few weeks from July 15 onwards. But prior to that, for many years, we’ve seen other kinds of repression as well, including enforced disappearances. It’s good to see that one of the first acts of the interim government has been to set up a commission to inquire into the allegations of enforced disappearances over the last 15 years or so.

During this time, there have also been allegations of systemic judicial harassment of individuals exercising their right to freedom of expression through the arbitrary application of repressive laws such as the Digital Security Act (DSA). We have seen a trigger-happy approach to using all other criminal defamation laws. Alongside that, we have seen how the media engaged in orchestrated hate campaigns (sometimes with the complicity of civil society), including against human rights defenders, academics and others. There’s a wide range of issues to take on in seeking justice for the victims of the pervasive abuse of the legal process as well as abuse of power that have taken place in recent years.

Currently, we’re seeing a wave of cases, all related to the killings that took place since July 16. They all concern allegations of the murder of one or more individuals. Some seem to be framed in similar terms, and are being filed either before courts or the police by private individuals. According to media reports, the cases refer to the instigators of the killings and mention senior political figures and high officials of the previous government. While they characterise some of these persons as “instigators” and “abettors”, it’s not clear if they identify the person who directly caused

the killings and whose actions resulted in the death or injury of a person. In some instances, the media reported on the challenges victim families have faced to actually file a case. All the cases relate to allegations of murder, which is a cognisable offence, i.e. the police have powers to arrest without needing to get a warrant from a magistrate. There does not seem to be any guideline in place to limit the exercise of these powers.

What can the interim government do in this context?

The government may consider setting up one

into the terms of reference of the inquiry commission. We don’t yet know what will be the full scope of the United Nations investigations.

Would the victims and their families get justice from the plethora of murder cases police filed against AL members?

There are murder cases being filed all over the country. Whether cases framed in this way are really serving the needs of the victims is something we need to identify. Victims are entitled to truth, justice, and reparations for the loss of their family members. It will be a

Now what you’re describing, an FIR is written with one set of “cut and paste” sort of formula and it’s being applied in a completely different context where everything has changed, but people maybe are just filling in the blanks on what they wrote. That can’t be the way to reach a just outcome.

means of taking people into custody.

When General Ershad fell after a popular movement in the 1990s, many people, who were to be brought to account, were detained using the Special Powers Act of 1974, which allows for orders of preventive detention. In 2007-2008, the emergency powers rules were used.

We don’t have emergency powers rules now, as there’s no state of emergency, but we do have the Special Powers Act. Many of us have spoken for many years about the problems with the Special Powers Act. While we would not like to have it on the books, the Special



Sara Hossain

PHOTO: COURTESY

or more designated contact points for people who were victims of violations, or their family members, to seek assistance, information and advice. There have been very positive pronouncements about the formation of a foundation to assist people and the families of those who’ve been killed, but it may take time for that to be set up. Similarly, the government has announced a significant initiative to provide free medical assistance to those injured in the protests.

There’s a fact-finding mission which is starting its work. There’s a commission on enforced disappearances. These two bodies will be able to find and record information, produce documents and reports about what happened, and give us a direction on how people can seek protection going forward. But other contact points are needed because arrests, detentions, and torture won’t fall

great disservice to the victims if the manner of filing or investigating or conducting these cases results in a denial of justice. Under our law, anyone may file a case. However, there could be a process of scrutiny and assessment before further measures are taken.

In contrast, there are reports that some families of the victims of July killings have faced challenges at police stations. Some have had to wait for eight to ten hours at the police station before their cases were lodged. I’ve seen a recent government order instructing police stations to record people’s complaints and FIRs. It would be helpful if more public information is disseminated about the options available for people to seek justice.

What is your take on the police’s culture of implicating opposition members by

writing fictitious FIRs, as we have seen in connection to some of the cases?

I think the government should look into how these policing practices are being conducted.

After the fall of Sheikh Hasina’s government, there were no police on the ground for several days. There was a concern with security, and we all realised that a functional police force is essential. But police malpractices, unfortunately, are very well entrenched in the system. It’s not just about the last two months or the last 15 years. For 50 years, we have seen these practices of writing fictitious FIRs, prosecuting so-called *gayebi mamla*. Sometimes, 1,000 unknown names were put into an FIR.

Now what you’re describing, an FIR is written with one set of “cut and paste” sort of formula and it’s being applied in a completely different context where everything has changed, but people maybe are just filling in the blanks on what they wrote. That can’t be the way to reach a just outcome.

We have to investigate the facts as they are. We have to allow people to speak. With regard to the July killings, for the first time, we have a situation where we have extraordinary amounts of evidence available—huge numbers of eyewitnesses as well as huge quantities of open source material, including videos, captured in mobile phones, or uploaded online. Our laws were changed recently, and video content, if verified, is now admissible as evidence in courts to prove crimes. When we have so much evidence available, we need to gather and preserve it, instead of making up stories.

If the UN is going to investigate the killings of July and early August, then why are these murder cases going forward?

I presume one issue here is that people accused of violations need to be taken into custody, for investigations and inquiries. It’s important for the government to use lawful

With regard to the July killings, for the first time, we have a situation where we have extraordinary amounts of evidence available—huge numbers of eyewitnesses as well as huge quantities of open source material, including videos, captured in mobile phones, or uploaded online.

Powers Act does exist, and it does provide a lawful means of detaining a person. Although it can be challenged and the person will have recourse before the High Court, it gives you a lawful means of detaining somebody. Several lawyers have already commented on this.

There’s also Section 54 of the Code of Criminal Procedure that allows you to arrest someone on suspicion of committing an offence. There again, the Supreme Court has very strict guidelines on what needs to be done on making an arrest under Section 54, and those guidelines include informing the arrested person about the reason for their arrest, where they’re being taken, and who is arresting them. So long as those guidelines are strictly followed, then a Section 54 arrest could perhaps be made.

So the question is whether it would be better to detain somebody under Special Powers Act or under Section 54, or other available processes, or just following the current process. I think the last thing we want is for the process of justice to be derailed, or in some way tainted, because that would be the worst disservice we could do as a people to the victims of these violations: denying them the opportunity of getting justice.

It is time to reform the publishing sector



Mahrukh Mohiuddin is managing director of The University Press Limited (UPL).

MAHRUKH MOHIUDDIN

We have lost decades in our existential quest as a nation to build a knowledge-based society. Governments came and went, offering only lip-service and no unified vision or roadmap towards building a society where all everyday life decisions, whether personal or state-level, are based on some form of evidence-based knowledge. In other words, a society where expertise in any subject matter is valued, and where the creation and dissemination of local knowledge on a variety of subject matters is prioritised in the knowledge ecosystem.

The publishing industry is situated in the middle of making knowledge materials available to general readers, students, professionals, and public and private institutions alike. The publishing sector in any robust state plays a crucial role in reflecting the vibrancy of knowledge production and the creative output of a country. It mirrors the state of freedom of thought and expression

in the most professional and internationally accepted ways. Here is where the educational institutions and research organisations of the country also need to play a strong partnership role.

During the past regime, there was investment in books that only served a certain coterie, championing a certain narrative. Publications were part and parcel of the patronage system. Most government book acquisitions were primarily made to favour certain writers, bureaucrats and their family members who became best-selling writers overnight as their books were chosen for large government purchases. The merit of the books or the audience for whom the books were being purchased were hardly ever considered. There was no transparency in the process of project formulation, book selection and payments. We are aware of scams including the one about the Department of

misappropriation of government funds in the name of projects for purchasing low quality, inappropriate books, or materials that only portray biased narratives about the country.

Under the current circumstances, despite the unprecedented challenges ahead, we are hopeful that this sector will receive renewed priority in forming a long term unified and coordinated national vision. Therefore, I would like to place some recommendations that

plans for implementation. Moreover, most of its propositions are applicable even today. Just by reviewing the National Book Policy, it is possible to bring about some beneficial and necessary long-term reforms in the sector. In addition to what is covered in the policy, the interim government could consider immediate, medium-term and long-term reforms along with a crisis mitigation agenda for this sector.

for merit-based research and publications. We should create opportunities for international exposure to publishing practices elsewhere to improve our understanding and align our practices with international standards. Additionally, we should create opportunities for publishers to showcase their work at various international book fairs.

Furthermore, support should be provided for conducting reliable research and market analysis of the industry, enabling better decision-making at both the state and business levels. It is also important to support the creation of a strong sales and distribution network and to promote books throughout the country all year. Special provisions should be considered for promoting books through print, TV, and digital mediums.

Accompanying such reforms, existing copyright law should be reviewed and updated to better support the local publishing industry. Policies should be established to ensure fair and transparent purchasing by government and private institutions.

In the matter of immediate reforms and crisis mitigation efforts, we should turn our attention to the increased prices of paper and other input material following Covid. With the current economic downturn already impeding recovery, we may want to consider offering publishers loans to revitalise the sector.

Additionally, two or more separate pressure groups and trade bodies representing publishers and booksellers should be formed within a permissible legal framework. The existing trade body, i.e. the Bangladesh Pustok Prokashok O Bikreta Somiti (BAPUS) includes both booksellers and publishers. The result, is a latent and existential defect, as it is a mix of two separate interest groups that are supposed to be on negotiating terms with one another.

We hope that the current interim government will take the necessary steps towards rebuilding the foundation of a reformed state that will place excellence in knowledge production and dissemination at the centre of its state-reform agenda. The best way to attain this would be by reforming the publishing sector from the ground up. Rest assured, they can count on the youthful and patriotic energy of the well-intentioned and talented individuals in this trade to catalyse this essential and much-needed change.



VISUAL: ALIZA RAHMAN

have emerged from my study of the existing literature on the sectoral development of the publishing industry and recent consultations with young and promising publishers who aspire for an environment conducive to nurturing their potential.

It is a matter of great privilege that a well-drafted National Book Policy is already in existence, and it only requires updating and review given the current context. The policy was first drafted and adopted by the cabinet in 1994. A revised and expanded policy was brought to the table for review and discussion in 2011.

An updated version based on a series of consultations with sectoral experts was drafted and submitted again to the cabinet. This attempt failed, and it has never seen the light of day. However, the draft is well-prepared, forward-looking, with detailed

For the medium and long-term, one of the changes to consider would be placing the publishing sector under the purview of the Ministry of Commerce instead of the Ministry of Cultural Affairs. Strong interactivity with the education and cultural ministries could be maintained. The National Book Centre could be empowered as the apex body in charge of all matters relating to the knowledge sector; this can enable effective interministerial coordination. A detailed recommendation and implementation plan for transforming this institution into the National Book Development Council is provided in the draft National Book Policy.

In addition, we will require training facilities for enhancing the skills and building the capacities of aspiring publishing professionals. Grant programs may be created in all private and public universities

that prevails in the country.

It will not be an exaggeration to say that for the entire lifetime of the country, this sector has suffered negligence in terms of its development, and access to being able to construct policies. This is despite the fact that to compete in the global economy these days, knowledge is the most important asset and should receive due attention in terms of how best it can be produced and delivered

Primary Education’s expenditure of Tk 150 crores in 2020 to purchase books for setting up Bangabandhu Corners in 65,700 schools. Out of this amount, over Tk 20 crores went to buying copies of only three books by someone named Najmul Hossain. The books were published by two entities owned by him. This is just one example among many such projects. An investigation ought to be conducted to unearth the extent of corruption and