Can ICT prosecutors turn press questions into a crime against humanity?

The question arises as the trial of three accused journalists is yet to begin



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■ DAVID BERGMAN

Of the growing number of arrests at the International Crimes Tribunal (ICT) that look more like retribution than legitimate accountability, few seem as nakedly political as this one. Three journalists known for their sympathies towards the ousted ruling party—Mozammel Babu, Shyamal Dutta, and Farzana Rupa—are being held on crimes-against-humanity allegations over the questions and comments they had made at a press conference with Sheikh Hasina on July 14, 2024.

On Sunday, October 4, 2026, when asked why the three were implicated on such charges, ICT prosecutor Gazi Monawar Hossain Tamim said there were "specific allegations" against them. Earlier, on August 17, Tamim explained those in greater detail: "On July 14, 2024, at a press conference at Ganabhaban held by the then Prime Minister Sheikh Hasina, several journalists, in the name of asking her questions, made some statements aimed at instigating her. In response to those statements, Sheikh Hasina called the protesters Razakars, children of Razakars, and grandchildren and great-grandchildren of Razakars."

He added: "Holding press conferences, or asking questions at press conferences, is the duty of journalists. But during that period, we saw that certain journalists would attend the then prime minister's press conferences, and the statements they made were not actually questions at all. They were praise of the then prime minister, and a kind of provocative instigation aimed at getting her to say certain things. That is why these offences were committed."

The prosecution's written "preliminary allegation" provides a little more detail, suggesting that the journalists' alleged instigation of Hasina led to the deaths of seven people on August 5, 2024.

Before examining why the prosecutors got it so wrong, it is important to acknowledge that between July 16 and August 5, 2024, law enforcement agencies killed hundreds of protesters and others in deliberate or arbitrary shootings. There are legitimate crimes-against-humanity prosecutions to be brought against those who ordered or carried out those killings, provided they rest on substantive evidence.

But nothing that happened at the July 14 press conference—nothing said by those journalists—provides a credible basis for their arrests on such grounds. To claim otherwise is to misapply the law and misuse the criminal justice process. ICT prosecutors appear to believe that any act or statement made by journalists between July 14 and August 5, 2024 can be treated as evidence of a crime against humanity, regardless of whether it constitutes criminal conduct. In doing so, the prosecutors are clearly stretching the law beyond its intended scope.



VISUAL: **ANWAR SOHEL**

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So what did the journalists actually say?

Shyamal Dutta, then editor of Bhorer Kagoj, did not even ask a question. Why the prosecutors named him at all is a mystery.

Mozammel Babu, then managing director and editor-in-chief of Ekattor TV, made three comments rather than asking questions. Only the first concerned the protests; the others dealt with media coverage of agreements signed during Hasina's China visit and the teachers' pension strike.

He said the protesters were "anti-constitution" and were "directly or indirectly [attacking] the freedom fighters, or [creating] division among them," and that "they are making our impressionable young people anti-court, anti-Liberation War, anti-constitution." But he ended: "These [young people] are actually victims. We can't be angry with them... They are victims of the evil tactics of these pseudo-intellectuals. We have to free them."

Some may agree with that view, others will not, but it is still a permissible opinion, and one that casts young agitators as "victims".

Ekattor TV journalist Farzana Rupa, unlike Babu, did ask a question. She raised the plight of a 1971 freedom fighter who had given evidence at the tribunal: "His wife has cancer. His own health is very bad. But there is no money for treatment. This is the condition of our freedom fighters even now." She then asked, "Is there anything this state can do [for him]?" She ended: "Those who are running the anti-quota movement want the whole solution from you. They don't want to go the court route. And the solution—as head of the executive—whether Prime Minister Sheikh Hasina will keep the quota or not keep the quota?"

Some may dislike its premise, but again this is a question that can be asked at a press conference. It neither calls for nor instigates violence. If ICT prosecutors think otherwise, any journalist in Bangladesh who asks a question at a press conference could similarly risk arrest or prosecution.

As part of her long digressive response, Sheikh Hasina then made a remark that went on to define the press conference. Asking why there was "so much resentment against the freedom fighters," she answered: "The freedom fighters' grandchildren won't get anything. Then, will the Razakars' grandchildren get it? That is my question. A question to the people of the country. That the Razakars' grandchildren will get everything, and the freedom fighters won't. What is their crime?"

This was taken to mean that the protesters were themselves the grandchildren of Razakars, those who collaborated with the Pakistan army in 1971. It triggered much larger protests, with students turning the insult around: "Who are you? Who am I? Razakar, Razakar! Who said so? The autocrat!"

The remark was provocative and insulting, and proved to be a monumental political mistake, strengthening the protests and winning them wider public support. But even if Hasina had gone further and directly called for violence—for example, by calling for the "Razakars' grandchildren" to be attacked—the journalist whose question elicited it could not be held criminally responsible for the answer. A journalist is not responsible for how a politician chooses to answer.

That the prosecution still sought to detain these three journalists on such allegations raises serious questions about the direction that the ICT prosecutors are taking. They are trying to persuade a tribunal created to try the gravest of crimes known to law to treat questions asked at a press conference as one of them. This comes on top of the crimes-against-humanity charges already brought against two of the three journalists over the May 2013 Shapla Chattar killings, based on the claim that a documentary broadcast after the killings made them complicit in the killings themselves.

When reporting or even questions put to politicians are recast as atrocity crimes, the ICT is no longer simply prosecuting crimes against humanity. It risks becoming an instrument for prosecuting journalism and pursuing those whose politics the prosecutors oppose.

One law for the powerful, another for the rest?



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■ MIR AHMAD BIN QUASEM

As a member of parliament, I have spent this past week struggling to answer a question from the people of Dhaka-14: on what basis does this government decide whom to arrest, and how quickly?

On the night of September 24, more than 200 masked men, some carrying locally made weapons, entered the Radda MCH-FP Centre in Mirpur-1, in my constituency. They tied up the two security guards, looted equipment, medicines, vaccines and cash, and then brought in excavators to demolish the buildings. By morning, a shopkeepers' cooperative's signboard stood where the clinic had been. The centre was opened in 1974 at the initiative of Rädda Barnen, the Swedish section of Save the Children International, and for half a century it has served the poorest mothers and children of Mirpur with maternal care, immunisation and family planning. The centre says around 400 people came through its doors every day. A government-run measles-rubella vaccination campaign was due to begin there on September 26; health workers vaccinated children at a makeshift table beside the rubble.

The authorities did act. So far, 19 people have been arrested in connection with the attack. Meanwhile, the DMP commissioner ordered an inquiry into why police failed to respond despite a station being nearby, the OC of Shah Ali Police Station was withdrawn, and the home minister indicated last week that a local member of parliament in reserved seat was under investigation. But look at who is in custody: some of them are young men in their early 20s. An operation involving some 200 people and an excavator hired in advance was not planned by these men. Local residents and opposition leaders have been alleging the involvement of ruling party figures, including the above-mentioned lawmaker, who resigned from her post on October 1. Allegations are not proof, but allegations of this weight demand that a proper investigation travel upwards. More than a week on, those who planned, financed and stood to profit remain largely free.



The investigation into the Radda centre attack must be independent, time-bound and public, reaching beyond the hired hands to the planners and beneficiaries. FILE PHOTO: **PALASH KHAN**

The same weekend, an armed mob wrecked content creator Salman Muqtadir's studio near ECB Chattar. Salman alleged extortion; the home minister called it a land dispute. A case names 213 people, and eight people have been arrested so far. Yet, again, no one seems to ask who sent them in the first place.

Now consider the contrast. On October 1, umrah pilgrims arriving on a Biman flight from Medina waited at the baggage belt amid a shortage of trolleys and long delays for their luggage and Zamzam water. Among them was Major (retd) Akhtaruzzaman, a senior citizen, a freedom fighter and a two-time former MP. He lost his temper, and a video of the confrontation spread online.

A case was filed early the next morning under eight sections of the Penal Code, from obstructing public servants to criminal intimidation and assault. Detectives arrested Akhtaruzzaman at his home that same evening, and he has since been placed on remand. I will not pretend he behaved well. A man of his experience should have kept his composure, and losing his temper with officials, however exasperated he was, is open to fair criticism. But stretching an angry exchange over trolleys and luggage into a sweeping list of criminal charges looks less like law enforcement than a message to the opposition. For a senior citizen with a known address, the law offers summons and bail. Why did this case, of all cases, need the Detective Branch within a day and a half, and a remand?

What stirred so many who watched that video was not one man's outburst but its familiarity. What Akhtaruzzaman endured for a few hours is routine for migrant workers whose remittances have kept this economy afloat through every crisis. The airport's own lost and found records have shown an average of around three luggage thefts reported every day, and our social media feeds are full of returning workers weeping beside slit suitcases, years of savings gone. A government that aims to spend billions on aircraft purchase cannot keep enough trolleys at its own gateway. Most of these workers will never get anywhere near a policymaker. When did a baggage theft syndicate last face the Detective Branch within 36 hours? A state that can find a former MP at his home before nightfall is not short of capacity. It is short of will, and that will appears to be selective.

Put these cases side by side and a pattern emerges: the law moves swiftly against the opposition and the poor, and slowly, if at all, up the chain of political patronage. Land-grabbing, extortion and protection of criminals by the politically connected have become so ordinary that many young Bangladeshis now treat politics and crime as synonyms. That is the most dangerous lesson a generation can learn, because it tells them the only way to be safe is to be connected. This is precisely what the July uprising, the referendum and the constitutional reform were meant to end, through balance of power and institutional accountability. A two-thirds majority can use its strength to entrench those reforms, or it can bulldoze everything in its path, as majorities before it did.

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What is needed is not complicated. The Radda investigation must be independent, time-bound and public, reaching the planners and beneficiaries rather than stopping at the hired hands, and the centre must be restored at the expense of those responsible. Police inaction in politically linked crimes deserves independent scrutiny, so that response times do not depend on the party colour of a suspect. The airport needs a working grievance and compensation system, published data on baggage theft, enough trolleys for peak arrivals, and a dedicated desk for returning workers. And parliament should examine whether equal treatment under the law exists in practice; the opposition stands ready to work with the government on it.

This nation was given a rare chance at a new beginning; it would be a tragedy to waste it repeating the habits that brought us to the brink. Those who refuse to learn from history are condemned to repeat it. In Mirpur, the vaccines came back before the walls did, because ordinary people refused to abandon their community. The least the state can do is show that the law, too, is still standing, and that it stands equally for all.