



LAW campaign



MAY PEACE PREVAIL ON EARTH
International day of peace
September 21, 2006



United Nations Resolutions regarding peace day

The International Day of Peace, established by a United Nations resolution in 1981 to coincide with the opening of the General Assembly, was first inaugurated on the third Tuesday of September, 1982. Beginning on the 20th anniversary in 2002, the UN General Assembly set 21 September as the now permanent date for the International Day of Peace.

In establishing the International Day of Peace, the United Nations General Assembly decided that it would be appropriate "to devote a specific time to concentrate the efforts of the United Nations and its Member States, as well as of the whole of mankind, to promoting the ideals of peace and to giving positive evidence of their commitment to peace in all viable ways... (The International Day of Peace) should be devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples."

The Assembly's resolution declared that the International Day of Peace "will serve as a reminder to all peoples that our Organization, with all its limitations, is a living instrument in the service of peace and should serve all of us here within the Organization as a constantly pealing bell reminding us that our permanent commitment, above all interests or differences of any kind, is to peace. May this Peace Day indeed be a day of peace."

The amended Resolution adopted in 2001 permanently fixed the date of the International Day of Peace to September 21. "The Assembly, reaffirming the contribution that the observance and celebration of the International Day of Peace make in strengthening the ideals of peace and alleviating tensions and causes of conflict, (decided that) beginning with the fifty-seventh session, the Day should be observed on 21 September each year, with this date to be brought to the attention of all people for the celebration and observance of peace."

The new Resolution added the call for the International Day of Peace to be a Global Ceasefire: "Declares that the International Day of Peace shall henceforth be observed as a day of global ceasefire and non-violence, an invitation to all nations and people to honour a cessation of hostilities for the duration of the Day..."

(Quotes excerpted from the United Nations General Assembly Resolution UN/A/RES/36/67)

Source: UN Wire

LAW opinion

Our crime reporters may please rethink

Md Rizwanul Islam

ANYONE conversant with the prevalent politico-socio-economic scenario of Bangladesh would praise the positive role played by newspapers in the enforcement of people's right to justice. In many cases people go to the police station to lodge a complaint but fail to do so due to the fact that the person against whom the complaint would be lodged is an influential one. The report by a journalist regarding this kind of incident has aided innumerable helpless people across Bangladesh. In many occasions authentic, persuasive reports published in newspapers have forced law enforcing agencies to act where they might not have acted otherwise. A good investigative report can aid the law enforcing agencies. But perhaps any independent observer would agree that on the whole crime reporting in our newspapers has been up to expectation so far.

It is undeniable that the journalists have a very important role to play in securing people's right to information and in preparing and publishing their reports they should be free. This freedom has to be ensured not only for their sake but for the sake of the readers as well the people at large. If they transgress their limit and cause undue harm to anybody they are accountable to the Press Council (Under Section 12 of the Press Council Act, 1974 the Press Council is empowered to warn, admonish and censure a newspaper; news agency; editor; journalist if the Council, upon hearing the concerned newspaper; news agency; editor; journalist and holding an inquiry believes that the concerned entity has offended against the standard of journalistic ethic or public taste). In wider sense they are also directly accountable to their readers. If they do not maintain their quality, they would start to lose their readers. Of course losing their readers would mean loss of advertisements and ultimately the very subsistence of the newspaper would be threatened.

But journalists should not on any count appropriate the role of judiciary. Almost everyday crime reports are being published in our newspapers where there are vivid descriptions as to the commission of an offence. In few cases, without mentioning any source of information whatsoever, these reports go to the extent of narrating the conversations of the concerned persons as if the reporter himself was present there or he overheard them while they were talking to each other. Sometimes these reports pass conclusive comments as to the guilt of an accused and thereby may create public opinion. This is more so in a country like ours where rate of literacy is still too low and many people associate importance with printed materials irrespective of quality. This of course is a very alarming tendency.

The judges though are free in the performance of their judicial functions it must not be forgotten that they live within the society. Moreover they are human beings and it's not unlikely that everyone won't be able to go beyond public opinion. Even if judges be absolutely independent in many cases through pointless reporting (if any) an impression may be created among the members of the public that the verdict of a sensational case should be like this or that. If that popular expectation is not reflected in the actual verdict, integrity or quality of the concerned judge might unduly be questioned. Apart from this, reckless reporting (if any) may hamper an innocent person's hard earned reputation which cannot always properly be redressed



by any warning, admonition or censure.

Recently there has been a hue and cry, mainly from politicians belonging to the party in power, urging the newspapers to refrain from publishing so called "negative news" that may jeopardise the interest of the nation which, however, I feel is not justified at all. The duty of newspaper is to publish the truth objectively and not to think of enhancing or diminishing any entity's image. Instead of advising newspapers on positive journalism, our politicians should concentrate on performing their own functions properly and then positive news is bound to be there on a regular basis. There is also no necessity to pass any draconian laws to curb the freedom of press which is a sine qua non for any democratic society. But considering the wide impact of their reporting crime reporters should be more careful in their reports.

In their crime reports the reporters should mention the source of information properly. In order to ensure fairness, to the extent possible, the statement of the accused should also be presented in the report. The reporters should not (which many of them do not) pass any conclusive comment as to the guilt or otherwise of an accused. They should always bear in mind the oft quoted fundamental principle of criminal law (especially followed in common law countries) "everyone is presumed to be innocent until the contrary is proved." The reporters should play better role in presenting and analysing factual information and be just reluctant to pass any comment as to the guilt of an accused which might be passed only by any binding judgment.

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LAW week



Bail eludes most mass arrest victims

Hopes of the relatives of mass arrest victims to get them released were shattered as court granted bail only to a small number of them. The mass arrests were made prior to the grand rally of the opposition, which is being followed by its blockade programme. Sources said the Metropolitan Magistrate's (CMM) Court, Dhaka, granted bail to only few numbers of people. Besides, relatives alleged that many of the mass arrest victims were not released from jail although they were granted bail because they were shown arrested in other cases. "We are lucky to get bail order for my nephew," said Masudur Rahman. But he had to spend Tk 10,000 to get the bail order, he alleged. Masud said Ramna police arrested his nephew Nazmul Hossain from Segunbagicha and implicated him in a case for police assault at Bangla Motor. Nazmul, employee of a garment factory at Paltan, was in office at the time of the incident mentioned in the FIR (first information report) by police. He said he showed police a copy of the office records showing his nephew's presence but police ignored it. A couple of days before the grand rally of the Awami League-led 14-party opposition combine, police arrested around 1,400 people in the capital alone. This time most of them were implicated in cases filed earlier, increasing the sufferings of the victims and their relatives. -- *The Daily Star, September 20*

Ershad gets fourth acquittal in a month

Jatiya Party (JP) Chairman HM Ershad was acquitted of graft charges in yet another case filed against him during the previous BNP government in connection with allotment of plots of land violating government laws. The acquittal is also the fourth for him in a month. In its verdict, the First Additional Metropolitan Sessions Judge's Court that began the trial in 1998 observed that the former president has been harassed with the case for the last 14 years. "It has been proven that the case was filed on political grounds to harass the former president," Judge SM Mojibur Rahman said in the verdict referring to a petition filed by Ershad in 1999 claiming that the government filed the case on political grounds. Cheerful Ershad, who was acquitted of graft charges in cases one after another following the ruling BNP's move to have the deposed dictator on its side in the upcoming parliamentary election in exchange for gradually withdrawing pending cases against him, said he is getting justice. "Ershad did not allot any plot to any of his relatives. Those who were allotted plots were not accused in the case," the court observed. While the court was delivering the verdict Ershad was sitting in a sofa in the courtroom without taking permission from the court, instead of being in the dock. -- *The Daily Star, September 18*

Oriental Bank

Top brass fined for violating SEC rules

The Securities and Exchange Commission (SEC) fined 13 former directors, a former managing director and a company secretary of the Oriental Bank Ltd for breaching securities rules. The directors and the managing director were fined Tk 500,000 each while the incumbent company secretary Tk 100,000, sources said. The payments will have to be made to the stock market regulator by bank draft or pay order within the next 15 days. The former directors were disciplined for not furnishing the commission with uninterrupted audio-visual records of the 18th annual general meeting (AGM) held on October 16, 2005. The bank had submitted edited minutes of the AGM that was found to have lasted only for five or six minutes. The board of directors did not also place and discuss the agenda properly, said Mansur Alam, executive director of the SEC. "For the first time the SEC has taken disciplinary action against a bank for not providing a complete audio-visual record of an AGM. And it was done so that the listed companies follow the securities laws properly," observed Mansur. In August, the Bangladesh Bank had assigned its Executive Director Md Asaduzzaman Khan to take over the roles of the managing director and the board of directors of the Oriental Bank. -- *Prothom Alo, September 18*

ACC lacks transparency

Termining the Anti-Corruption Commission (ACC) a non-transparent institution, one of its commissioners Maniruzzaman Miah asked for an all-party parliamentary body to probe and find out its problems. "There is complete lack of transparency in the commission," said the commissioner at a roundtable. Citing non-cooperation among the ACC commissioners as the main cause for its ineffectiveness, the commissioner said, "I don't understand how this commission would work." The government established the commission in a hurry "to satisfy the donors", as well as to meet the party's election pledge, but also took all the measures to keep it under control and make it ineffective, said the speakers at the roundtable on "The ACC: How it can be made effective". Transparency International Bangladesh (TIB) and Reporters Against Corruption (RAC) jointly organised the roundtable at the Jatiya Press Club in the capital, where TIB's Executive Director Iftekharuzzaman read the keynote paper. Iftekharuzzaman in his paper identified lack of political commitment, visionary leadership, accountability mechanism and focus and priority, and government's control of its operational independence and non-cooperation of its commissioners as the reasons for its ineffectiveness. To make the commission effective and credible, he recommended a degree of overall independence of the commission, its control over its financial resources, authority in key operational and management decisions, leadership capacity of the commissioners, creating public trust in the commission, and making it accountable. -- *The Daily Star, September 18*

Election 2007

EU team seeks security for its observers

The visiting European Union (EU) mission sought security for its election observers who are likely to visit different polling centres across the country during the next parliamentary election.

Led by Andrew Bruce, the EU delegation met Home Secretary Safar Raj Hossain at the ministry in the morning and inquired whether there is any threat on holding the election, particularly from the militants. The home ministry, however, told them that there is no such threat adding that the government has successfully fought off militancy. "We've assured them that they will receive necessary security if the government allows them to observe the polls," Safar Raj told reporters after the meeting. Upon arrival, the EU observers should contact the home ministry and deputy commissioners concerned and collect pass and stickers while going to the polling centres, he added. The home secretary said, "We've told them that many foreign election observers, journalists and rights activists came earlier to observe the elections and got necessary security....Although there were movements, the parliamentary elections have been held smoothly since 1991." Safar Raj also briefed the EU team about the security on the election day saying that police and ansar will be deployed at each polling centre to maintain law and order, while the Armed Police Battalion and Bangladesh Rifles men will act as striking force as per requirement of the EC. -- *The Daily Star, September 19*

Judgement copy of death terms to 7 JMB men signed

Judges of the High Court (HC) death reference bench, which upheld the death sentences to seven militant leaders of Jama'atul Mujahideen Bangladesh (JMB) in the Jhalakathi judges murder case on August 31, signed the copy of the judgement. The verdict can be executed if the convicts do not appeal with the Appellate Division of the Supreme Court (SC) within 30 days from now, said legal experts. Senior assistant judges Jagannath Pandey and Sohail Ahmed were killed in a suicide bomb attack at Purba Chadkati in Jhalakathi town on November 14 last year in the wake of a series of violent militant attacks across the country. Additional District and Session's Judge of Jhalakathi Reza Tarik Ahmed, on May 29, ordered seven JMB men including its chief Abdur Rahman and his top aide Siddiqui Islam Bangla Bhai to be hanged until death and acquitted one in the sensational Jhalakathi judges killing case. The other convicts are JMB's Majlish-e-Shura members Ataur Rahman Sunny, Abdul Awal and Faruk Hossain Khan [also known as Khaled Saifullah], suicide bomber Iftekhar Hasan Al Mamun and Asadul Islam Arif, who is absconding. -- *The Daily Star, September 19*

Corresponding with the Law Desk

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HUMAN RIGHTS advocacy

17 September - Global day for Darfur crisis

ON 17 September 2006, thousands of Amnesty International members, along with other activist groups around the world took part in the Global Day for Darfur, led by a large partnership of organizations. Groups all over the world displayed support for the Darfuri people, helping place much needed pressure on governments and the UN to protect civilians. The unifying message is a call for the immediate deployment of a strong UN peace-keeping force to protect civilians in Darfur.

More killings as "peace-keeping gap" threatens in Darfur

"In the past few weeks, there has been an upsurge in violence in the region, mostly in North Darfur and areas near the Chad border, resulting in civilian deaths and displacement and jeopardizing the ability of humanitarian organizations to provide life-sustaining assistance to hundreds of thousands of war-affected people."

(UN Secretary-General Kofi

Annan, letter to the President of the UN Security Council, 10 August 2006)

Despite the signing of the Darfur Peace Agreement in May 2006, crimes against civilians are on the increase. In North Darfur, civilians have been targeted as factional fighting erupted between armed rebel groups who are split over the peace deal with the Sudanese government.

Peace signatories leading attacks

Between 4 and 8 July, villages

around Korma town were ravaged. Eleven pupils and a teacher were shot dead at a school in the village of Dalil. Seven women were killed and 39 were raped. There was extensive looting of livestock and possessions. Survivors dubbed their attackers "Janjawid 2", such was their ferocity.

But these attackers were not the infamous Janjawid that have killed, raped and driven some two million people in Darfur from their homes in the past three years. The forces that struck in Korma are supposed to be intent on peace, not on destroying it.

The attackers were reported to be members of the Minni Minawi faction of the Sudan Liberation Army (SLA), a signatory to the Darfur Peace Agreement. The SLA, who are the main opposition force to the Sudanese government and Janjawid in Darfur, is now fragmenting over disagreements on the peace deal.

In recent weeks the Minni Minawi faction has attacked the bases of other SLA factions who have not signed the peace deal. The Korma area was one such area. Those who refused to sign the peace agreement argue that it provides insufficient guarantees for the disarmament of the Janjawid and not enough compensation for victims of human rights violations. Villagers reported their attackers as saying that the Korma raids were carried out as punishment for opposition to the peace deal.

According to eyewitnesses, Sudanese government armed forces and the Janjawid accompanied Minni Minawi's group in their attacks in Korma.

Peacekeeping forces powerless

The killings in North Darfur highlight the powerlessness of the 7,000-strong African Union peace-keeping force in Darfur (African Union Mission in Sudan, AMIS). AMIS was not only unable to protect civilians in Korma, but has yet to investigate the killings thoroughly. Investigations of ceasefire and human rights violations by AMIS are being hampered by the rift between signatories and non-signatories of the Darfur Peace Agreement.

Due to its failure to protect civilians in Darfur, AMIS has lost the faith of many of the people in Darfur. Many of the displaced who do not support the Darfur Peace Agreement have become wary of the African Union which has brokered it. Civilians in Darfur, most Sudanese political parties, the different factions of the armed opposition in Darfur, and the African Union itself are all calling for AMIS to be replaced by a UN peacekeeping force. Yet Sudanese President Lieutenant-General Omar al-Bashir has fiercely opposed such a move, accusing the UN of seeking to send "colonial" forces into Sudan.

"We shall never hand Darfur over to international forces which will never enjoy being in the region that will become their graveyard," Sudanese President Omar al-Bashir, 28 July 2006, quoted by the Sudan News Agency. There is a serious risk that the Sudanese President will succeed in creating a peacekeeping "gap" by refusing a transfer to a UN force. AMIS peacekeepers are now

expected to stay in Darfur until the end of 2006, but in too few numbers to be effective.

Effective and resourced peacekeepers needed

Amnesty International is urging the Sudanese President to accept the deployment of a UN peacekeeping force in Darfur that is properly resourced and with a robust mandate to protect civilians. But it is also urging the international community to ensure that there is no break in peacekeeping. To bolster the capacity of the African Union peacekeepers currently on the ground, AMIS must be reinforced immediately with the training, equipment and means to be proactive and ready to protect civilians. This must include experts in human rights and civil affairs, to ensure AMIS restores relations with the people of Darfur.

In the meantime the UN Security Council must define the mandate of a UN peacekeeping force, to ensure it is prepared to rapidly take on the roles of protecting civilians, disarming the Janjawid, preventing cross-border incursions into Chad and monitoring the arms embargo on Darfur. The Sudanese government has shown only contempt for the civilians of Darfur that it is supposed to protect. It has bombed them, attacked them, and given support and impunity to the Janjawid who have wrecked Darfur. Failure to stand up to Sudan's recalcitrance and to insist on effective peacekeepers will condemn Darfur to a slow and painful death.

Source: Amnesty International

