Securing Return of the Killers of Bangabandhu from Abroad

SHAMSUDDIN CHOWDHURY

DUTCH jurist patriarch Hugo Grotius expressed more then there centuries ago that every state has the duty either to punish, or surrender to the prosecuting state, such individuals within it's boundaries as have committed a crime abroad."

Similar view was echoed by lord Russel in Re-Anton, towards the end of the nineteenth century when he said "the law of extradition was founded upon the broad principle that it is to the interest of civilised communities that crimes, acknowledged to be such, should not go unpunished, and it is part of the comity of nations that one state should afford to another every assistance towards bring person guilty of such crimes to justice."

The above quotation was reproduced with approval by the Indian Supreme Court in the case of 'the State of West Bengal-v-Jugalkishore More' in the year 1970. The House of Lords also approved of the same view in Zacharia-v-Republic of Cyprus. Such sermons by well meaning people squarely endorse the universally placated view that extradition is an indispensable means of international co-operation in containing crimes worldwide. In fact almost all modern extradition treaties take note of this concept and cite the same in the preamble of such treaties. In Lockerbie disaster case the International Court of Justice expressed disquiet at Libya's failure to surrender the accuseds to the United States.

Necessity of an international convention

Importance of extradition law has multiplied many times since the period of Hugo Grotius or even after Judge Lauterpacht of the International Court of Justice portrayed its necessity. It is, hence, generally believed that a United Nations Sponsored convention would dispense with the necessity of bilateral treaties. Unfortunately however, the hope for such a convention obfuscated with the negative pronouncement made by the League of Nations Committee of Experts in 1926, to the effect that a convention of this type was impracticable. This finding was, nevertheless, bluntly rejected by the authors of Harvard Research Draft Convention on Extradition.

Success achieved by regional Conventions like Montevideo Convention also lends weight to Harvard Research Draft in refuting the finding of the League Committee of Experts.

It is aspired that the Harvard Research Draft Convention may pave way for a possible United Nations initiated convention in future. Until then however, bilateral treaties shall rule the game.

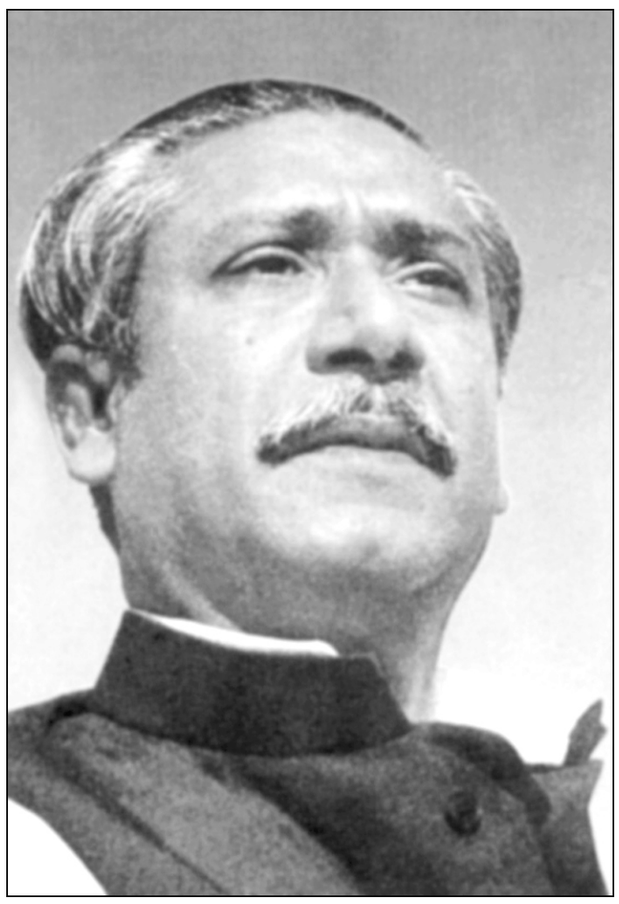
Are Bilateral Treaties Difficult to Procure?

The United States Supreme Court in Factor-v-Laubenheimer stated that "while a government may voluntarily exercise power to surrender a fugitive to the country whence he fled, and may be under a moral duty to do so, the legal right to demand his extradition and the correlative duty to surrender exists only when created by treaty. International law recognise no right to extradition apart from treaty." This judgment depicts necessity of treaties. The question is whether it is difficult to negotiate such treaties. My experience as a former legal Director of the United Kingdom Immigration Advisory Service suggest otherwise. My recent visit to the United State as one of the six members of a delegation which successfully negotiated US-Bangladesh Extradition Treaty, re-instates my belief. It was quite apparent during our discussion with the United States officials that no country cherishes any desire to harbour overseas criminals. What is required is to dispel from the mind of the host country the fear that the fled away criminals may be subjected to abusive process. This is particularly so when the country of offence is a developing one. During our marathon negotiation with our American counterparts, it became obvious that on being thoroughly briefed about the impeccable and highly developed nature of our legal and judicial institution, the members of the United State delegation entertained no hesitation whatsoever in signing an accord.

It is the general consensus that treaties with more countries can be arrived at with similar persuasion and briefing. It must not be forgotten that authorities in very few countries are conversant with the fact that we have inherited a fully baked legal and judicial system and do have a Constitution which has an in-built mechanism to enforce all the fundamental rights envisaged by the Universal Declaration of Human rights 1948.

It will be no exaggeration to assume that we can also have extradition treaties with many countries by thoroughly briefing the authorities in those countries about our laws and the judicial organ. Bearing in mind that our administration of criminal justice is in no way inferior to that of the United States or any other developed country, there exits no reason as to why we cannot conclude treaties with one hundred and sixteen countries as the United States has done. During our negotiation in Washington we had no difficulties in finding that the United States negotiators also subscribed to the view expressed by Prof. Oppenheim that "extradition serves common interest of all nations."

It is interesting to note that in the case of Jhirand-v-Ferrandina, India successfully claimed that she had, as a former British colony, succeeded to the Extradition treaty arrived at between the United Kingdom and the United States in 1931.



Attentat clause

Lengthy discussion in the second episode of this series on "offences of political character" left no room for any addendum on this doctrine. Clarity, however, demands some discussion on an "attentat clause" generally found in extradition treaties, which excludes from the list of "political offences" murder of, or an offence against the person of a head of state, or of government or any member of the respective family.

This is a significant clause, which brings about a very important exception to the rule that political offences are not extraditable. Such clause received international recognition following Belgium government's refusal to extradite one Jacquin in 1985, who was wanted by the French authorities to face trial for his attempt to kill Napoleon-III. Many modern treaties contain such a clause, which has also found a place in Montevideo Convention as well as in the Commonwealth Scheme for the Rendition of Fugitive Offenders.

Rule of specialty

A wanted fugitive may not be tried for an offence committed prior to his surrender other than the offence specified in the extradition request. Once he is liberated and has had an opportunity to leave the country, this rule becomes inoperative. The American Supreme Court quashed the conviction of an offender because the extradition request following which he was surrendered by Britain did not specify the offence he was tried and convicted of. (United States-v-Rauscher).

Federal States with varying laws

The doctrine of double criminality preempts that the offence specified in extradition request must also be an offence under the laws of the requested country. The question arose as to whether a fugitive can thwart extradition by taking sanctuary in such a confederating state in which the offence charged is not punishable, although it is punishable under the federal law. The United States Supreme Court in Factor-v-Laubenheimer, answered the question in the negative stating "once the contracting parties are satisfied that an identified offence is generally recognised as criminal in both countries, there is no occasion for stipulating that extradition shall fail merely because the fugitive may succeed in finding in the country of refuge some State, territory or district in which the offence charged is not punishable".

This decision means that a fugitive sentenced to death can not avoid surrender by moving to such a State of the United States which does not permit capital punishment.

Deportation as an alternative to extradition

Deportation procedure is governed by immigration law and, as such, is of a different breed from that of extradition law. Notwithstanding differences in nature and purport in other respects, immigration laws of all countries have a common feature in that the laws of all countries empower its executive authority to deport a person who is not a citizen of that country or, does not have right of abode therein. Although this process can be adhered to against illegal entrants and overstayers or those who have committed a general or immigration offence, like taking of unauthorised employment, it is always open to the authorities to curtail the period for which he was allowed to remain in the host country and thereby to initiate deportation process before originally granted leave to remain expires. Deportation can also be taken recourse to if the authorities deem such a move conducive to the interest of the host country.

Hence an alien who is wanted by the authorities in his own country to face criminal proceedings can be deported to his country of nationality like any other alien.

Deportation generally is a much easier alternative to extradition. Problems may, however, arise if the host country chooses to deport the alien to a country other then the one where he is required to face trial in.

Deportation being a unilateral action of the host country, she is under no obligation to remove the alien to a country which may have requested for his surrender. That said, however, it must not be forgotten that the host countries in most cases decide to deport the person to his county of nationality for the simple reason that no other country may accept such an alien.

A state party to the Convention Relating to the Status of the Refugees, can not ordinarily deport a person who has been able to satisfy that he would face persecution for his race, nationality, religion, political belief or social grouping if removed to the only country he can go to, although it is permissible to extradite him to a country where he may have committed a common crime.

Like decision to extradite, decision to deport may attract judicial attention, particularly if deportation violates compassionate circumstances. In some countries potential deportees have statutory rights of appeal. However in the case of ex-parte Soblen, where decision to deport an American charged in his country for helping Russian intelligence was challenged, Lord Denning rejected the plea that deportation was illegal in as much as it was an extradition in disguise, in a situation where extradition was not possible, spying not being an extraditable offence.

Deportation can be used to enable a country to secure the return of a fugitive where extradition is not possible either because of absence of treaty or for any other reason.

It is, however, generally held that, where possible, extradition is a better option when the person in question faces criminal prosecution or conviction for an extraditable, non-political offence.

Although deportation is a unilateral move, it is not uncommon for a country of fugitive's nationality to request the host country to deport him and there is nothing unfair in deporting an alien on such a request. This device is quite an effective alternative to extradition in the absence of treaty or if extradition is not possible for any other reason as was the case in ex-parte Soblen. Emilda, an American citizen who was sentenced to a long-term imprisonment was, in this way deported to the United States by Bangladesh.

Shamsuddin Chowdhury, a Barrister, is a Deputy Attorney General and was a member of the delegation, which successfully negotiated Extradition Treaty with the United States recently.

Three SAARC nations put on 'forbidden list'

JAY RAINA

IF you plan to convene a conference, seminar or a workshop with participants coming from India's five neighbouring countries, you have to suffer a close watch from India's intelligence agencies such as IB and RAW.

In its revised guidelines marked "secret," the Foreigners' Division of the Home Ministry has excluded Afghanistan, Bangladesh, Pakistan, Sri Lanka and China from the list of countries whose participants are free to enter India without the mandatory MHA clearance, though with valid travel papers. Organisers and sponsors of people-to-people interaction from the forbidden list of three SAARC nations besides China and Afghanistan have to seek MHA's prior approval necessitating detailed inquiries from India's intelligence agencies and queries from the missions. Several NGOs and eminent peace activists are aghast at the restrictive regime on people-to-people contact that not only goes against the citizen's right to free exchange of information but also against the very spirit of the SAARC.

Issued on behalf of the Foreigners' Division of the MHA, the classified Office Memorandum (OM) meant to liberalise the process of seeking Government's approval for international conferences, seminars and workshops excludes such get-togethers sponsored by either the Central or State Governments or its departments, PSUs, NGOs and the UN from the MHA's prior clearance clause. However, in case such conclaves have political ramifications impinging upon India's relations with other countries, the sponsors are bound to get clearance from the External Affairs Ministry besides the nodal Ministry depending upon the subject matter of a conference. The secret 'OM' notified in September last year supersedes MHA's two such directives issued earlier in May and November 1986 respectively. Section (B) of the OM clearly stipulates that conferences/workshops etc involving participants from the 'forbidden list' will have seek prior approval of the MHA. As regards the subject matter such as political, semi-political, communal/religious or related to human rights or the venue being at any of the restricted areas, besides clearance from the MEA and the nodal Ministry, the MHA will have the last word.

Source: Hindustan Times, April 24, 2001

Human rights NGOs in the dock

IN a development that may raise the hackles of the human rights bodies, the Minister of Home Affairs (MHA) has identified the Assam based Manab Adhikar Sangram Samiti (MASS) as among six Non-Government Organisations (NGOs) having links with the militant of outfits. The fall out of the move is that all the State Governments in the North Eastern Region have been alerted not to release any government funds to any NGO in the region without proper verification. It has been decided that the Central Government would release funds to NGOs in the region only after physical verifications are conducted by officials to ensure that Government funds are not siphoned off by the militant outfits, disclosed the Union Minister of State for Home Affairs, ID Swami here today. The issue figured during the Question Hour at the Lok Sabha, when several BJP members alleged misuse of funds sanctioned to the NGOs by the insurgent outfits in the region. The MPs cited the case of Tripura Development Board (TDP), which they alleged was taken over by sympathisers of NLFT.

The NGOs do not, directly engage themselves in activities supporting or promoting the militants outfits openly, the minister said. However, few NGOs have been seen to be championing the cause of self-determination for the indigenous people, organising protest actions to condemn the alleged harassment and atrocities on militants, the NGO activists and the public by the security forces, Sri Swami added. The minister then named the following organisations, the Naga People's Movement for Human Rights and Naga Students Federation in Nagaland, the MASS, North East Coordination Committee on Human Rights and North East Indigenous Tribal Peoples' Forum in Assam and All Manipur Students Union in Manipur as NGOs having close links with the underground organisations. A close watch is kept on the activities of these NGOs. The State Government of Manipur and Assam have registered case against the All Manipur Students Union and the MASS for their alleged links with the militant organisation, the minister asserted.

Source: Assam Tribune, April 25, 2001

Combating Acid Violence in Bangladesh

A K ROY

THE incidence of acid throwing seems to be highly prevalent among lower socio-economic groups, both in urban and rural areas. The perpetrators are mostly young men and adolescent boys. The targets are primarily females between 12 and 25 years of age though recent trends have shown that, older women, children and sometimes men are also being attacked. The reasons of such attacks are manifold ranging from rejection of sexual advances from men, refusal of marriage proposals, family or land disputes, vengeance and unmet dowry demands.

Consequences and needs

More often than not, families of survivors have little or no knowledge of the legal and judicial systems. Ignorance coupled with poverty and illiteracy, and the threat of further retribution, leaves them at the mercy of corrupt officials. Most people report that they have had to pay for lodging the First Information Report (FIR) and other legal services to which they are entitled free of cost. Past records have shown manipulation of the statements of the complainant by the recording officer at the police station, thereby leaving scope for future negotiations by vested quarters.

Since acid survivors can receive better medical treatment in Dhaka, it becomes crucial that they and their immediate family members have a safe place to stay in the capital. Only a few organizations offer lodging on a temporary basis and, till recently, survivors and their families had to find their own accommodation. Besides, the survivors need to rebuild their lives through rehabilitation programs and other forms of support.

To effectively address the problem of acid violence in Bangladesh, we also need to:

examine the issue of impunity,
ban or regulate the sale of acid
address the problem of substance abuse and its link to violence
raise awareness in community and society
sensitize media reporting and ensure protection of privacy of survivors
improve networking amongst agencies or bodies supporting rehabilitation of acid survivors
counseling potential attackers with special focus on adolescent boys.

How can one help?

If you are residing within Bangladesh, you can:

Donate blood
Donate medicines, medical equipment
Impart medical skills and training
Sponsor medical treatment at home/abroad
Support the expenses of a survivor and take care of medical needs
Create employment opportunities at private and government levels
Give vocational training
Donate household items, e.g. clothes, furniture, bedding, crockery etc
Raise awareness against acid throwing in your locality/area.

If you are residing outside Bangladesh, you can:

Donate medicines, medical equipment
Impart medical skills and training
Sponsor medical treatment at home and abroad
Support the expenses of a survivor and take care of medical/social needs
Raise awareness about all forms of violence against women and acid throwing.

Impact of acid attacks

The consequences of acid attacks are traumatic physically, psychologically and emotionally. The impact of acid on the skin, usually sulfuric or nitric, is catastrophic. It causes the skin tissues to melt, often leaving the bones underneath exposed. Permanent physical disfigurement is inescapable. Many survivors lose their sight in one or both eyes and sometimes even their hearing if the ears have been exposed to acid. For most survivors, the attack is followed by a dramatic change in their lifestyle. Most of them have to give up their education and/or previous work because of the time required for their recovery and the debilitating disfigurement that occurs. Social isolation and fear almost always follows the incident that further damages their self-esteem and confidence.

Lifelong disfigurement and disabilities result in severe emotional and psychological trauma for the survivor. Insensitivity to their condition from their families and community has damaging consequences. As such there is no formal institutionalized organization providing psychological counseling or emotional rehabilitation for the survivors. A formal body for vocational rehabilitation is also absent.

First aid and prompt medical attention is needed to lessen the pain and severity of the injury. Medical attention to burns within 48 hours show remarkable signs of recovery.

Incidence of acid attacks

It is difficult to get accurate statistics on acid violence in Bangladesh as, many of the cases are not reported. Although the actual figures might be considerably higher, the following data shows:

1996: 80 reported cases. {Source: Inspector General Office (IGO)}
1997: 117 cases (Source: IGO)
1998: 130 reported cases (Source: IGO)
1999: 168 reported cases (Institute for Democratic Right)

Here follows relevant portions pertaining to acid violence translated from the Nari O Shishu Nirjaton Domon Act, 2000 (Suppression of Violence Against Women and Children Act, 2000):

Section 4 provides, punishment for committing offences by inflammable substances which may in case of causing death of a woman or child be death or rigorous imprisonment for life and in addition, a fine not exceeding Taka one lac. The punishment remains same if by throwing inflammable substances any one impairs a woman or child's any hearing capacity, eyesight or face, breast or sex organ. And in cases of disfigurement of any other part or organ of the body the punishment may extend to 14 years of imprisonment but shall not be less than seven years and, in addition, a fine not exceeding Taka fifty-thousand (Taka 50,000). If any women or children is not even injured or affected by such inflammable substance, still that person, who threw or attempted to throw inflammable substance, can be punishable with rigorous imprisonment which may extend to seven years but not less than three years and a fine not exceeding taka fifty-thousand (taka 50,000). Section 4(4) provides that the amount of the fine shall be realized from the convicted person or from his wealth and assets. If the victim has died then the amount shall be given to the successor or otherwise to the victim herself.

Section 17 provides for punishment for lodging false cases and complaints which may be rigorous imprisonment for a term which may extend to seven years and in addition to a fine. The tribunal may take cognizance and continue trial upon written complaint by any person for such offence. Section 30 provides that a person shall be punished with the punishment specified for committing or attempting to commit that offence. With regard to boys over 14 years of age and men, Section 326 A of the Penal Code of 1860 is still effective. As stated under the Section. Section 326 A Whoever, except in cases of provocation as contained in Section 335, causes injuries on the head, face or eyes by means of corrosive substance shall be punished with death or imprisonment for life and shall also be liable to a fine.

What is being done

There has been a movement towards increased co-ordination between partners and development agencies in preventing violence against women and children, non-governmental organizations have been involved with the problem of acid throwing in Bangladesh for a long time. Naripokkho started working on acid violence in 1995. Apart from Naripokkho, Bangladesh National Women Lawyers Association (BNWLA), Odhikar, Bangladesh Society for the Enforcement of Human Rights (BSEHR), Ain O Salish Kendra, Jatiyo Mahila Sangstha have also extended their hands to the acid victims.

From November 1998 till May 1999, UNICEF implemented the 'Help Acid Survivors' Project, to set up the Acid Survivors Foundation, and also help victims with immediate medical support. This was done in close collaboration with the Canadian International Development Agency (CIDA).

The Acid Survivors Foundation was established on 12th May 1999 to counter acid violence in Bangladesh. Its aim is to provide comprehensive assistance in treatment, rehabilitation and reintegration into society of survivors of acid violence by identifying and improving existing services. It is also working to prevent further acid throwing attacks. The foundation is working with NGOs, the Government of Bangladesh and the international community.

Government run Women Support Programme is trying to facilitate the police case as well as the treatment of the survivor of acid attack. The Department of Women and Children Affairs also has shelter homes at the district level. Dhaka Medical College Hospital (DMCH) is the only Government hospital to have a Burn Unit. DMCH currently has eight beds reserved for all types of burn injuries. There is no special allocation for survivors of acid attacks. Proposals for setting up a 50-bed specialized Burns Hospital in Dhaka has already been approved by the Government.

Monowara Hospital, a private hospital in Dhaka, has an ongoing project for re-constructive surgery for acid burn survivors with technical help from a team of local plastic surgeons free of charge. International media attention to the growing menace of acid violence in Bangladesh has brought in proposals of help from international organizations.

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Extortion, corruption and enforcers of law

C R ABRAR

DECLINE in the law and order situation has increasingly become an area of major concern for the common citizens. The decline was reflected in the rise in the incidence of extortion and other criminal activities. In 2000, press reports were replete with stories about extortion by criminal gangs. One often encounters reports in which police officials vent their frustration, albeit with anonymity, about interference of political leaders and high officials that constrain them from taking appropriate action against the criminal elements. This may largely be true. However, a close examination of the news reports reveals that in quite a few cases it was the members of the law enforcing agencies themselves, who were involved in blatant criminal activities.

Extortion

Some of the most common forms extortion are through illegal detention, threat of detention or entanglement in false cases. There have been instances where police demanded money before a detainee was released on a court order. Unauthorised collection of toll from vehicle operators is another common form of extortion. In most cases it is the poor who suffer, though there have been instances when relatively well off members of the society were also affected by such actions.

On July 7, Jugantar reported that the Detective Branch of Chittagong picked up a businessman and demanded Tk.50,000 with the threat that otherwise he will be charged with trading in contraband goods. The victim alleged that after six hours of torture, followed by taking his signature in blank paper he was released. Another Bengali daily carried a news item that in Mariali village under Gazipur thana, a retired government officer Moslemuddin, complained that sub-inspector (SI) Jahangir Hossain of local police station demanded Tk 1 lac to be delivered in three days. Moslemuddin claimed that he had acceded to a similar demand of Tk.50,000 earlier. In yet another case Ashraf Hossain a SI Kotwali thana of Mymensingh demanded Tk. 2 lacs from a contractor Nazrul Islam with the threat that Hossain would be implicated in a case under complaint filed by one Moktar Hossain. Later under a sworn affidavit Moktar Hossain stated that he never filed any complaint against anyone and stated that two policemen took his thumb print a few days earlier.

In June, one Ibrahim Bhutto registered a complaint with the authorities, alleging that an SI of Mohammadpur thana illegally held his brother in custody and demanded Tk. 50,000 for his release. In another case, Haji Lutfar Rahman of Ahsan Manzil of old Dhaka alleged that police took away Tk. 10 lacs while conducting a search of his house without producing any document and arrested his son without a warrant on 10 April 1998. Subsequently, the police demanded Tk. 5 lacs from the Haji for the release of his son. Haji Rahman could pay Tk.2.68 lacs but even then his son was sent to jail. The Haji further alleged that in June 2000 one CID Inspector, Nasiruddin Paik forced him to sign a non-judicial stamp and some blank sheets of paper and demanded an additional Tk.2 lacs. The Haji stated that he was threatened that non-compliance would mean getting entangled in a false case.

Toll collection by petty functionaries has also been reported. In July, local Tahshil office of Ramganj upazilla filed a case against one Madan Ali for nonpayment of land tax. The matter was subsequently resolved as Ali cleared all his dues. When Tahshil office asked police authorities to withdraw the case, the investigating officer, Akhter Hossain was alleged to have demanded Tk. 20,000 from Ali. As this was refused, Hossain took a group of policemen to Ali's house, beat him up and destroyed household goods.

Several incidents of snatching by members of law enforcing agencies were also reported.

Corruption

The Bengali daily Jugantar in May reported that top terror of Khilgaon area of Dhaka city had informed the Special Branch that he regularly paid protection money to three officials of local police station including the Officer in Charge. The gang's leader claimed even ten days before he was apprehended he handed over Tk.1 lac to them. In return, it secured his immunity from arrest. The daily noted that the accused was wanted in 19 cases, including 6 murder cases. On 18 November, Jugantar published another report which alleged that an amount of Tk. 12 crore was shared by a section of police and several intelligence agencies. The amount was collected monthly from criminal gangs as protection money.

In several instances, although cases of impropriety were established against members of law enforcing agencies, disciplinary actions could not be taken for their links with the politically powerful. In May, two police functionaries were suspended after they were named by 3 arrested snatchers for patronising them. Following a departmental inquiry, the two were reinstated. Daily Prathom Alo cited a senior police official stating that soon after their suspension, pressure mounted for their release. It was further reported that the two accused shared their earnings with one deputy and one additional deputy commissioner, and one of the two was a former leader of the student wing of the ruling party. Corruption affects the efficiency of the force. In June, one Bengali daily reported that police sources (informants) felt insecure as policemen themselves exposed them for pecuniary interests. The report observed that local informants, vital sources for police, were no longer cooperative with the agency for fear of reprisal. The extent of corruption can be gauged from a report published by Jugantar on 28 August. The report stated that Anti-Corruption Bureau had established that 113 officials of the police force owned properties worth Tk. 500 crore. The inquiry was ordered following the death of Jalal, a detective branch informant.

Failure to Record Complaints

The right to seek the protection of the law is a fundamental right of any citizen of the country. But in recent years one witnesses an increasing trend of refusal of police to record certain cases when they were asked to do so.

In May, the local correspondent of the Prathom Alo was beaten up and his cellular phone set was snatched by a leader of the ruling party's student wing. This act was perpetrated in retaliation to a report that the journalist made regarding mass cheating in a public examination in Sonargaon Degree College. When the victim went to lodge a complaint, police refused to accept it and was alleged to have stated that the local Awami League President had asked them not to entertain such a complaint.

In June, when one Khailrul Alam went to file a complaint against a few miscreants who beat up his wife, he found the perpetrators of the crime engaged in a conversation with the police in the Sherpur Police station. The attending officer not only refused to accept Alam's complaint, but detained him for the night. Alam was severely beaten up by two SIs. Later he was released under threat of dire consequences if he divulged the truth.. The Officer in Charge denied the incident. In July, a female teacher of Joarkachar Primary School was abducted by armed men in Feni and exerted pressure on the family to agree to a marriage proposal. When the father of the victim, Principal Abdus Sattar of Parshuram College, sought police help he was advised to contact the local Student League leadership. The Deputy Commissioner's order to this effect was also ignored. On 27 August, twelve workers died following an outbreak of fire in a Banani knitting factory. When a staff lawyer of a women and child rights group went to file a case against the factory, local police officials asked her to submit the fire department report on the incident. Although the responsibility of collecting such report rested with the police, after a lot difficulties on 13 September, the lawyer managed a copy of the report and took it to the Ksmtul Idlsm, OC of Gulshan thana. The latter then raised a technical problem as to why he would accept the fire department's report as it was not sent directly to him. Until 14 September, that is 18 days after the outbreak of the fire, the Gulshan thana police refused accept a case on some pretext or the other

During the proceedings of the Tania rape case (that took place on 10 March 1998 at the office premises of the Chief Metropolitan Police Commissioner), it was revealed that officers of Kotwali thana refused to accept the case when in the original complaint it was alleged that a policeman had committed the crime. The General

Other Irregularities

A number of other irregularities of the members of the law enforcing agencies were reported during 2000. In August the Daily Star reported that a dozen complaints were lodged with the Chief Metropolitan Magistrate against some members of Dhaka Metropolitan Police force. The charges included killing, extortion, intimidation and misuse of power. The Court ordered a judicial inquiry in five case, the rest were left for the department to investigate. No report was submitted until filing of the Star report on 21 August.

Towards establishing accountability of Police

This article documented some incidents of misdemeanor of some members of law enforcing agencies during the year 2000. With concrete evidence it argues that the police force was involved in rampant extortion, corruption and other irregularities. These have contributed to a situation in which the force is commonly identified more as violators than enforcers of the law. In order to establish the accountability of the law enforcing agencies the sources for their arbitrary exercise of power should be drastically reduced. The process may begin by doing away with laws such as the Special Powers Act, Public Safety Act and Section 54, and enactment of laws that ensure severe punitive action against those who breach them. Accountability and neutrality of the force are also contingent upon two other factors: an unswerving respect for the rule of law by the political leadership, and, the presence of a principled and objective civil society that would be committed to expose, protest and seek redress of any violation of the law.

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