

# Infringement of legal process

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month detention. According to Article 33(2) of the Constitution, the authorities are bound to present any person before the nearest magistrate within 24 hours of arrest. But the government violated this article in this.

Enraged by this violation, Dhaka Bar lawyers met the Chief Metropolitan Magistrate Mohammad Ayub and informed him of the incident. Ayub himself admitted to the lawyers that the government has violated law by sending Mehedi directly to the jail.

Few days ago, writers Shahriar Kabir and Muntasir Mamun were arrested under Section 54, for 'suspicious activities', and were placed on a three-day police remand. When the matter was taken up with the High Court, it served a show cause notice on the government asking why their arrest and detention orders would not be considered illegal. The court felt that as they were arrested without any specific allegation, there was no basis for the authorities to ask them any question by remanding them.

Besides, the High Court yesterday issued a similar order regarding the arrest and remand order of Awami League (AL) leader Shafi Ahmed.

AL leader Saber Hossain Chowdhury and writer Shahriar Kabir were arrested recently on the same charges they had been arrested earlier. The government earlier had to free them when it failed to prove the allegations before the court.

Last Tuesday, the High Court ordered the government to send

Muntasir and Shahriar to jail by cancelling their remand. But the government has so far violated it on the pretext that till yesterday it had 'not received the court order'. Instead, police are questioning them in remand illegally.

AL leader Tofail Ahmed obtained a six-month ad interim bail from the High Court on September 5. But the police violated this order and arrested him on Sunday.

When Tofail brought the matter before the High Court, it granted him bail Tuesday.

Again, once receiving the bail order, the government used the SPA to detain him for one month. He was also shown arrested yesterday in a murder case.

Similarly, the High Court yesterday set AL leader Mukul Bose free on bail. But the government again used the SPA to detain him for a month.

In the last one year, the government repeatedly violated legal provisions in detaining, arresting and treating AL leaders Mohiuddin Khan Alamgir and Bahauddin Nasim, and Bangladesh Chhatra League leaders Liaquat Sikder, Nazrul Islam Babu and Rafiqul Islam Kotwal.

Under such a context, persons like Abed Khan, Kazi Faruk Ahmed, Mirza Azam and others appeared before the High Court recently to obtain ad interim bail.

The High Court yesterday directed the government not to arrest, harass or disturb Mirza Azam MP of Awami League and Kazi Faruk Ahmed of Proshika, an NGO.

Writer-Journalist Abed Khan obtained a six-month ad interim bail

yesterday barring his arrest without due legal process. The court also ordered that he could not be barred from travelling abroad during this time.

Saber Hossain Chowdhury was also granted ad interim bail and the High Court stayed the lower court order for remanding them. The court also served a show cause notice on the government asking it as to why the arrest of Saber without any specific case and his remand should not be declared illegal. A similar order was issued in favour of AL leader Mukul Bose.

On different occasions, various human rights activists, organisations and political parties have spoken out against the abuse of Sections 54 and 167 of the CrPC and the SPA. In this context, the present government has sought the Law Commission's suggestions to scrap or amend these laws. A few months ago the commission suggested 'humanising' these laws. But no government move is visible to implement the suggestion.

On November 29, 1998 following a writ the High Court asked the government to explain why arresting, and remanding and torturing people by abusing Section 54 and Section 167 of the CrPC respectively would not be declared ultra vires the Constitution.

However, the writ is yet to be disposed of.

## Saleem, Pricilla

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"Their cases are altogether different," State Minister for Foreign Affairs Reaz Rahman said yesterday at a press conference.

"The case of Saleem and Pricilla would be dealt with as per the law of the land," Political Secretary to the Prime Minister Haris Chowdhury, who also attended the press conference, told the newsmen.

Police arrested Malik and Sorrentino in Benapole, Jessore on November 25. Following their arrest, police also nabbed Samad and Pricilla.

The foreign journalists who came here to cover reported al-Qaeda network in Bangladesh were charged with sedition. Police also pressed same charges against the alleged associates.

The Chief Metropolitan Magistrate's Court yesterday granted the two foreign nationals bail after they were deported on government arrangements.

Earlier, the court rejected bail petitions filed by Saleem and Pricilla and placed them on a five-day police remand. Moving for Pricilla's bail petition, her lawyers said she worked merely as a translator for the two foreign journalists for two days. So, she has nothing to do with the charges.

On the same day, Pricilla appealed for retraction of her confessional statement she had given earlier on December 2. She claimed that the investigation officer of the case forced her into giving the confessional statement.

## Shaikh Siraj

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overt telephone last night.

Faruque was arrested from an aircraft at the Zia International Airport prior to leaving for Sweden. Police also detained another member of the team Nazrul Islam Qureshi, programme director of Channel i. Nazrul is currently in custody.

According to police, Faruque was shot in the leg as tried to escape while being taken to the Osmani hostel of the Textile College at Tejgaon on November 5. Injured, he was taken to the National Orthopedics (Pongu) Hospital where the on-duty doctors declared him dead.

We must mention here that Pricilla, in her statement to the court on last Monday said that police had administered electric shock to extract confessional statement from her. We have reported earlier that



Rajuk runs a cleanup drive in which about 500 illegal structures were razed to the ground behind the Local Government Engineering Department (LGED) building at Agargaon in the city yesterday.

# Maria murder: 5 accused placed on 2-day remand

BSS, Dhaka

Five people including Momin alias Mamun, the prime suspect in sensational Maria killing, were taken on a two-day remand yesterday.

Sutrapur police produced the accused, arrested on Wednesday, before the court of Metropolitan Magistrate Sirajul Haider yesterday noon with a prayer for a seven-day remand. But the court granted a two-day remand.

The four other accused in the Maria murder case are Mithu alias Sheikh Mohiuddin, Swapan, Rubel and Ziaur Rahman alias Zia.

Police arrested the accused in a 12-hour drive in Sutrapur, Keraniganj and Narayanganj areas. They also recovered a .22 bore revolver loaded with four bullets and three live bombs from their possession.

Maria, a three-year old daughter of Mohammad Faruk Hossain, was killed in her father's lap when a group of snatchers hurled bombs on November 27. Her father was buying 'iftar' from a makeshift stall in the old part of the city.

## 9 killed

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the Rangpur Medical College Hospital and Mithapukur health centre.

On Tuesday, five people were killed and 25 others injured in another road accident on Rangpur-Bogra highway at Bishmal under Pirganj upazila of the district.

# Bogra businessman

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Sattar's only son Asaduzzaman and his daughters - Mukta, Chanda, Muni, Sony and Ritka - held a press conference at their house and claimed that their father died due to physical and mental torture. A son-in-law of the deceased also made similar allegations.

The autopsy report said Sattar was suffering from heart diseases and that he died of heart attack.

But a medical certificate issued by the civil surgeon of Bogra about a week ago said he (Sattar) was in good health. The certificate was needed as he wanted to perform hajj.

Superintendent of Police Khan Said Hasan told The Daily Star they were yet to get any criminal allegation against Sattar but they were investigating the matter.

Meanwhile, the Bogra cantonment authorities have formed a three-member committee to investigate the death of Sattar.

In Chittagong, the joint forces arrested three alleged criminals and seized six firearms along with seven bullets and some other weapons from Fatkhkhari and Banskhalhi upazilas, our correspondent reports.

The arms and weapons include a revolver, a pipe gun, four Chinese axe, two 'ram da' and five knives.

ABSS report says a team led by army yesterday rescued a businessman who was kidnapped 15 days ago and arrested a tribal youth from Amtala bus terminal in Mankichhari in Khgrachhari district.

The arrested was identified as Shuchi Marma. Three Bengalee youths who were also involved in the abduction escaped arrest.

In Chandpur, members of the joint forces recovered 13 firearms from a pond at Paragaon village in Kochua upazila on Sunday, our correspondent reports.

Our Rajbari correspondent

reported that an army-led team arrested two listed criminals -- Awalad Hosain alias Tulu Dakat and Iqbal Majumder.

In Lalmonirhat, army personnel arrested Secretary of the district Awami League Nazrul Haque Patwari and former president of district Chhatra League Litu Patwari. They raided different parts of the district and held JCD activists Shanta, Nishat and Tapan, reports our correspondent.

Our Kushtia correspondent reports that despite previous criminal records, army released Reza Ahmed alias Bachchu Mollah, son of state minister for post and telecommunications Ahsanul Haq, after interrogation at the district army camp.

The army had made several attempts to nab Reza Ahmed immediately after the joint operation started but failed to do so. On Tuesday, Reza surrendered at the army camp at Taragonia and he was taken to the district army camp. He was released after five hours of interrogation.

Meanwhile, the army hauled up a total of 139 people, including 34 listed criminals, across the country during in 24 hours ending at 8:00 am yesterday.

They also seized 15 firearms including three pistols, three revolvers, two pipe-guns and three shot-guns along with 48 bullets.

The police headquarters in a press release said they have arrested 1,380 people, including seven listed criminals across the country in 24 hours till 6:00 am yesterday.

They also seized 11 firearms along with 190 bullets from different parts of the county and filed four cases under the arms act.

Besides, the Dhaka Metropolitan Police (DMP) in a press release said they have arrested 234 people from different parts of the city.

# Power trouble

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The machine can measure the percentage of carbon monoxide, nitrogen monoxide, sulphur dioxide, ozone, hydrocarbon, and methane gasses in the air.

Moreover, the station has machine that can measure particulate matter in the air within a range of 2.5 and 10 microns.

This winter particulate matter in the air is very high, an average of 140 microgram per cubic meter, rising at times to up to 300 microgram per cubic metre air in the Sangsad Bhaban area - the maximum level the machine can measure.

This ratio is much more than minimum US standards of particulate matter in the air.

The United States Environment Protection Agency (USEPA) has set an annual average limit of 15 microgram for pm2.5 and 65 microgram for pm10 per cubic metre of air.

There is no such limit for Bangladesh.

Rehana Akhtar, director of the AQMP, refused to comment on the data available from the station. "We are still learning. It is still not time to say anything about the project."

However, project coordinator Derek Langgongs said, "India and Sri Lanka started air quality monitoring eight or nine years back and had to spend at least three years to get

reliable data. Similarly, it would take some time before Bangladesh starts having reliable data on air quality."

DoE Director General Dr Hedayetul Islam Chowdhury told The Daily Star it should not take more than a month to import the UPS for the station.

He also informed that a training programme would be launched from next month for the staffs.

## Moudud

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and said it has advantages.

He suggested that the court system be reformed to make it more relevant and responsive to the present need.

Some of the rigid and cumbersome formal procedures of the ordinary courts should be reformed. The technicality-ridden system cannot yield a just result, he said.

People should be educated on the alternative dispute resolution that has added advantages, he said.

Mahbubur Rahman said his organisation was trying to set up an independent arbitration centre in Dhaka soon.

"We are working in close collaboration with leading chamber bodies...government permission has already been obtained for registration," he told the roundtable.

## PDB

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has impacted heavily on overall performance of the state-owned enterprises was not based on facts and in some cases was self-contradictory.

The statement further noted that the WB most probably wanted to hint at the performance of the PDB's distribution sector. In this respect, PDB likes to mention that it sells about 52 per cent of its total electricity to the Dhaka Electric Supply Authority (DESA) while the rest is distributed to the other consumers through the distribution network.

The statement added that the loss in the PDB distribution in FY 2002 was 17.20 per cent on import and the collection in distribution area was about 96.25 per cent of the billed amount. During FY 2002 the PDB's collection was Tk 437 crore, which is more than the previous year's.

The statement explained that the PDB could not collect a sizeable proportion of the amount billed during 2001-2 as DESA owed PDB Tk 4,450 crore including surcharge till January 2002 which the WB review admitted.

So, if DESA does not pay its electricity bill, how can the collection be improved when DESA purchases 52 per cent of PDB's electricity, the statement added.

The statement also mentioned that PDB's accounting system is not adequate as it is following the international accounting standard on the basis of the accrual system.

# A sensible move

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she has not been given access to a lawyer for days after arrest and even when the so-called 'confessional' statement was being recorded in front of a magistrate she was not allowed to see her lawyer. (Shouldn't the court have ensured that?) To take a woman into custody who has had no previous record of any crime or even any record of infringement of even a minor law, then keep her in police remand for days and then administer electric shock to extract a confessional statement. What are we doing to our tradition of respect for law? What sort of an international press do we think this will get us? On the al-Qaeda issue, we have proven our point. But the incidents in police custody and the recent custodial deaths definitely put us on the wrong side of upholding justice. There are unconfirmed reports that Saleem Samad has also been tortured in police remand. Will our courts - at any level - please issue a suo moto order for an investigation into this allegation? In fact, the PM should do so on her own because we are sure she wouldn't want to preside over a law enforcement system that so easily tortures people in custody, especially women in remand. Also, this must be investigated for the sake of the 'image' of the country, to protect which government appears to be so eager and for which it launched this whole action.

We strongly urge that following the release of Zaiba Naz Malik and Leopoldo Bruno Sorrentino and because of what has now come out of their visit there is absolutely no ground to hold Saleem Samad and Pricilla. Already these two individuals have been punished for no fault of theirs. As the assumptions of the government about the possible story of the Channel 4 journalists have proven to be wrong, actions emanating from such assumptions have also been revealed to be wrong. Therefore, it is only morally right that a wrong be set right and that also immediately.

We must mention here that Pricilla, in her statement to the court on last Monday said that police had administered electric shock to extract confessional statement from her. We have reported earlier that

she has not been given access to a lawyer for days after arrest and even when the so-called 'confessional' statement was being recorded in front of a magistrate she was not allowed to see her lawyer. (Shouldn't the court have ensured that?) To take a woman into custody who has had no previous record of any crime or even any record of infringement of even a minor law, then keep her in police remand for days and then administer electric shock to extract a confessional statement. What are we doing to our tradition of respect for law? What sort of an international press do we think this will get us? On the al-Qaeda issue, we have proven our point. But the incidents in police custody and the recent custodial deaths definitely put us on the wrong side of upholding justice. There are unconfirmed reports that Saleem Samad has also been tortured in police remand. Will our courts - at any level - please issue a suo moto order for an investigation into this allegation? In fact, the PM should do so on her own because we are sure she wouldn't want to preside over a law enforcement system that so easily tortures people in custody, especially women in remand. Also, this must be investigated for the sake of the 'image' of the country, to protect which government appears to be so eager and for which it launched this whole action.

# Foreign newsmen deported

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dence to support the allegations," Reaz said, referring to the statement given to the government by the two foreign journalists.

He also quoted the two as saying that they saw "clear evidence of religious tolerance and communal harmony in Bangladesh".

"Both journalists along with their employers, Channel 4 and Mentorn Production Company in the United Kingdom, gave a clear undertaking not to malign Bangladesh on false grounds," the state minister said.

"All my clients have given binding undertakings not to broadcast or use at any future time by anyone any of the materials collected in Bangladesh," said Ajmalul Hossain, lawyer of the two foreign journalists and the organisations they represented.

They also regretted the unfortunate situation that arose since their arrival in Bangladesh, he told the press conference.

Earlier on the day, Malik and Sorrentino were brought to the foreign ministry from the Dhaka Central Jail amidst tight police security. Journalists were barred from proceeding beyond the ground floor of the ministry where the hours-long negotiation took place.

Except those of the state-run Bangladesh Television, no journalists were allowed to talk to the Channel 4 journalists. However, photojournalists were permitted to

## Amartya Sen

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said yesterday. Lawmakers, academicians, policymakers, local business leaders, experts from regional and multilateral organisations will also attend the inaugural session.

The press release said the two-day meeting will essentially focus on finalising the draft of the Citizen's Social Charter for South Asia which is being prepared by a task force convened by the SAARCS, drawing upon inputs from citizen groups across the region.

The meeting is expected to concentrate on the implementation and institutional mechanisms needed to enforce the charter.

The eventual goal of this mobilisation of citizens will be to contribute to the preparation of the SAARC Social Charter and to ensure that the provisions are made enforceable to safeguard the social, economic and political rights of the deprived South Asia, the press release told.

## 30 children

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trafficked to India. But we have failed to do so as the board (Juvenile Justice Board) is yet to function here," a senior official said.

About the number of children usually trafficked across the border into West Bengal every year, Jahanara Siddiqui (counselor, political and cultural) said, "We cannot get an exact figure simply because we have to depend on the Indian home ministry and the NGOs for information on children trafficked across the border."

At present, 15 Bangladeshi children are staying at the Dhruvashram, 13 at the Kishalaya Home and a few others in a home at Liluah.

Meanwhile, Dhaka Ashania Mission, an NGO, had obtained clearance from the Bangladesh government to bring nine children back to Dhaka about six months ago. But it also failed to do so as the board here is not functioning.

# PM leaves today

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programme and an exhibition arranged by Thai Airways.

Khaleda will host a launch at the Naval Academy in honour of the Thai prime minister and his delegation which will include about a half dozen of ministers, Governor of Chiang Mai, MPs and chiefs of three services of Thailand.

The Bangladesh prime minister, accompanied by her Thai counterpart, will leave Chittagong for Chiang Mai at 2:00pm in a special aircraft. Chiang Mai is the constituency of the Thai prime minister.

Officials here said Khaleda will be given a rousing reception in Chiang Mai, where she will have an overnight stay.

On Friday, the two prime ministers will hold official talk at Thasathong in Chiang Mai.

The Thai prime minister will receive Khaleda Zia at Hueykaew waterfall.

She will also visit Sa Paper Community, a project under 'one village one product scheme', where paper is produced using indigenous technology.

Khaleda will leave Chiang Mai for Bangkok at 4:00pm on Friday and arrive at Air Terminal Headquarters of Royal Thai Airforce. She will attend a reception to be hosted by expatriate Bangladeshis in Thailand at Oriental Hotel in Bangkok in the evening.

On Saturday, Khaleda will be given a reception by the Joint Standing Committee on Commerce, Industry and Banking at Hotel Regent.

She will call on with King Bhumibol Aduladej at the Klai Kangwul Palace.

The Thai PM will host a private dinner in honour of Khaleda at his Hua-Hin residence.

She will return to Dhaka on Saturday night in a Biman flight. The prime minister's delegation includes Foreign Minister M Morshed Khan, Communications Minister Nazmul Huda, Commerce Minister Amir Khasru Mahmud Chowdhury, State Minister for Civil Aviation and Tourism Mir Mohammad Nasiruddin, Foreign Secretary Shamsur, Mobin Chowdhury, Principal Secretary to the PM Dr Kamal Uddin Siddiqui,

# Annan unhappy

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Annan denied charges that the UN was being pushed around by Washington.

"I will remind people to look back to the eight-week period when we were discussing this issue, when Washington was quite frustrated that things were not moving fast enough."

Other members of the Council are reported to be upset at the extent to which the US took charge of handing out copies to the permanent members.

Norway's Foreign Minister Jan Petersen objected to being treated as "a second-class country".

Reuters news agency quoted a diplomat as saying he believed the Iraqi declaration listed foreign suppliers which had dealt with Iraq, a potentially embarrassing revelation for Council members and other nations.

Syria's ambassador to the UN, Mikhail Wehbe, said the decision to allow the US principal access was "in contradiction to... every kind of logic in the Security Council".

In a BBC interview, Wehbe expressed fears that the five big powers might claim Iraq was in material breach of UN Resolution 1441 - triggering "serious consequences" - before non-permanent members of the Security Council had even seen the dossier.

Political Secretary to the PM Mosaddak Ali and BNP leader Shamsunnahar Ahsanullah.

A 13-member business delegation will accompany the prime minister. It includes Executive Chairman of Board of Investment Mahmudur Rahman, FBCCI President Yusuf Abdullah Harun, DCCI President, President of American Chamber of Commerce in Bangladesh Aftab-ul-Islam, BGMEA President Kutubuddin Ahmed and Managing Director of Pacific Bangladesh Telecom Faisal Morshed Khan.

An 11-member media team including Press Secretary to the PM Tajul Islam, Assistant Press Secretary M Mushfiqul Fazal, Editor of Daily Inqilab AMM Bahauddin and senior reporter of The Daily Star Rezaul Karim Lotus will accompany the prime minister.

## BCL procession

**FROM PAGE 1**  
Poddar, Hasibur Rahman Manik, Ashraf Ahmed, Kawser Hossain Shipu, Kamrul Hossain Ripon, Mohirul Islam, Shanto and Sentu.

The injured DCC commissioner is Shahida Tarek Dipti of Ward No. 4 in Mirpur.

A huge contingent of police blocked all roads leading to the Bangabandhu Avenue with barbed-wire fences and swooped on the BCL men when they tried to bring out a procession.

Policewomen attacked some women activists when they tried to bring out another procession.

Some plainclothes policemen equipped with firearms roamed the area, striking panic among the BCL activists.

Later, the BCL held a meeting inside its office, which was presided over by BCL President Liaquat Sikder.

At the meeting, BCL leaders protested the killing of innocents in a string of bomb blasts in Mymensingh.

They demanded immediate release of all AL leaders and urged the government to stop spreading

The dossier, which is supposed to give a complete account of Iraq's past and present weapons programs, was demanded by the Security Council as part of its tough Resolution 1441, requiring Iraq to disarm or face serious consequences.

The United States has built up forces in the region and held exercises in preparation for military action in case Iraq breaches the UN resolution.

The Baghdad press slammed Washington for acquiring a copy of the dossier before any of the other four permanent members of the Security Council and suggested a sinister US intent.

"We don't rule out that the United States will distort its contents in order to find an excuse for a new aggression on Iraq," the ruling Baath Party newspaper al-Thawra said.

"The way the United States seized the dossier shows how foolish and savage it is," it said in a front-page editorial.

## Mymensingh blast

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are expected to be released soon, sources at MMCH said when contacted yesterday.

Seventeen people died and about 200 were injured in powerful bomb explosions at Aloka and three other cinemas at Mymensingh.